

Fact & Opinion

JEWS—RELIGION OR RACE?—A NON-ISSUE?

In the course of defending the Orthodox contention that the chief source of current divisiveness in Judaism is the Conservative and Reform departure from Halacha, one of Israel's chief rabbis (the other concurring) declared recently: "The Jewish people is not a race, it is a religion."

The quotation is from the transcript of an interview at the Israeli consulate in New York last April with Israel's Chief Rabbis Avraham Shapira (Ashkenazic) and Mordechai Eliyahu (Sephardic). It was the latter who uttered the words.

By a coincidence of timing, the statement had relevance to a ruling by a U.S. Court of Appeals a few weeks earlier, a ruling from which a congregation in suburban Washington, D.C., was considering an appeal at the very moment that the rabbi was speaking.

The court ruling stemmed from a criminal charge and a subsequent suit for damages initiated by Congregation Sha'are Tefila of Silver Springs in Maryland, following defacement of the synagogue's exterior by swastikas, Ku Klux Klan symbols and anti-Semitic slogans. The criminal case resulted in the conviction of one of eight defendants.

But what is relevant to the present account are the grounds on which the civil suit for damages were based. The suit cited two post-Civil War federal statutes. One prohibits attempts to interfere with lawful activities of another person on account of race. The other guarantees protection of property rights "as is enjoyed by white citizens." The synagogue's attorneys, in a brief prepared with the assistance of

the Jewish Advocacy Center, whose purpose is to support cases involving anti-Semitic acts, argued that the test of the laws' applicability to the instant case was whether the perpetrators of the acts were motivated by racial prejudice.

The court demurred, reasoning that acceptance of the synagogue's interpretation would allow "charges of racial discrimination to arise out of nothing more than the subjective, irrational perceptions of defendants."

Should the congregation appeal—which was not known to this writer at the time of writing—it is unlikely that the Israeli rabbis will be summoned to testify or that their statement will be submitted in evidence. The question raised by their statement, anyway, goes deep to the nature of Jewish peoplehood and is far more important than the relevance of a centuries-old law to an act of anti-Jewish vandalism. But it is important chiefly because raising it intensifies destructive intramural conflict. Pragmatically, in the contemporary world, it is a non-issue. Except in Israel, where the idiosyncracies of politics endow the Orthodox views with great influence on public policy, most Jewish communities recognize as part of the community all who identify themselves as Jews by whatever actions, asseverations or acknowledgments. And any effort to impose other criteria can only cause divisiveness and dilution of unity.

ABOUT THE POPE'S VISIT TO THE SYNAGOGUE

Members of the Conference of Jewish Communal Service—of all people—surely need no augmentation in these columns

of the singularity and significance of the Pope's visit to the Rome Synagogue last April. The shortest of his many voyages since his installation, it was amongst his most widely publicized and analyzed. Your editor ventures here only a few subsidiary observations.

One, An interesting exchange in the Letters-to-the-Editor columns of *The New York Times*:

A Christian divinity scholar, Professor Aldan Kavanagh, suggested that the uniqueness of the visit might have been exaggerated, since in the late Middle Ages it was the custom rather than the exception for Popes, upon assuming office, to go forth for the purpose of showing themselves to the people and, in the course thereof, greeting members of the Jewish community and even, at times, paying respect to the holy scrolls, which were ceremoniously brought forth from the synagogue for the occasion.

This evoked a response from Rabbi Gilbert Rosenthal of Cedarhurst, Long Island, who pointed out that, while the Pope on such occasions blessed the Jews (as he did others who greeted him, it must be supposed), he also exploited the opportunity to admonish the Jews that, while paying due reverence to the Torah, the church deplored the persistent blindness of the Jews to the truth of the Gospels. "Sometimes," wrote Rabbi Rosenthal, "the popes would drop scrolls to the ground to emphasize their point, much to the horror and consternation of the Roman Jews." He appraised John Paul II's visit as historic and significant, hopefully a harbinger of "an end to a long night of hatred and horror," but "nineteen centuries overdue." (We are a stiff-necked people, we Jews.)

Two: One of the more enthusiastic appraisals of the significance of the papal visit was that given at a press luncheon in New York by the Catholic convert from Judaism who rose in the church to become Roman Catholic Archbishop of Paris—

Cardinal Jean-Marie Lustiger. By a coincidence (that some might regard as due to extra-terrestrial intervention) the Jewish Mayor of New York, Ed Koch, was involved in a vehicular collision on his way to the luncheon. (He was shaken but unhurt.)

THE YARMULKE QUESTION IN THE SUPREME COURT

A nationally known manufacturer of kosher frankfurters built a publicity program several years ago about an acknowledgment that other hot dogs (as did his own) conformed to U.S. federally mandated standards; but that he had to go beyond that for, being ruled by the standards of Kashruth,—and here the radio voice intoning the message took on a portentous tone—"we answer to a higher authority."

The claim may have sold hot dogs, but as an argument against a U.S. Air Force order to an Orthodox officer to remove his yarmulke while on duty it failed to move a majority of the justices of the U.S. Supreme Court.

The officer involved, Captain S. Simcha Goldman (an ordained rabbi), is an Air Force psychologist. The Air Force regulation on the strength of which he was ordered to remove the skull cap—which he testified without refutation he had worn for many years while on duty—prescribes that "headgear will not be worn . . . while indoors."

The Court decided the issue by the narrowest of margins, 5-4. The minority scoffed at the argument of the Air Force that Captain Goldman's yarmulke, setting him off from other military personnel who went bare-headed indoors in conformity with regulations, somehow threatened Air Force discipline and *esprit de corps*.

But the majority ruled on a much narrower issue. In effect, what the majority opinion says is that making of military dress regulations is the province of the military and that the courts have no

business trying to second-guess the military authorities in that matter. It did not say the Air Force was right, wise, sensible, reasonable; only that, in Justice Rehnquist's words for the majority, the appropriate military officials who make the regulations "are under no constitutional mandate to abandon their considered professional judgment."

Incidentally, Rabbi Emanuel Rackman (in *The Jewish Week*, May 16, 1986), while suggesting that anti-Semitic prejudices in the Air Force may have had some part in raising the issue of Captain Goldman's yarmulke, observes that "neither biblical nor rabbinic law requires a Jew to cover his head, not even in prayer. The time-honored practice developed as a matter of custom, and, for Jews, a custom often has the status of law."

OF THIS AND THAT, FROM ISRAEL

- Israeli laws tend to provide for all contingencies, however remote. The National Social Insurance regulations provide grants to women giving birth to a first child. They also stipulate that this grant will not be forfeited by a woman just because she is eligible for the automatic grant to the elderly, entitlement to which occurs at age sixty.

- Kashruth, as is to be expected, is strictly supervised in Israel. In Ramallah and Nablus, various meat products are produced by Arab entrepreneurs. Recently, some of them asked the rabbinate to certify their products as kosher, so they could market them to Jews in Israel as well as abroad. The rabbis were hesitant but, after reflection, decided to comply with the request, reasoning (among other considerations) that the Arabs were not likely to be inhibited from marketing their products in any case; and discretion therefore would counsel making certain that the stuff really is kosher.

- Meanwhile, back at the ranch: in Kfar Shmaryahu, Hecht's butcher shop, which specializes in pork products, advertised specials for the High Holy Days. Well, business is business. Hecht is a good Jew. He closes early on Friday and stays closed Saturday.

- A rabbinical court has ruled that observant Jews should not ride in automobiles with drivers who disobey traffic rules. And a rabbinic group has drawn up a guide for yeshiva students condemning jaywalking and parking where parking is forbidden as violations of Torah. Also, an Orthodox Jew in a spaceship will not be required to place a mezzuzah on whatever corresponds to doorposts on a spaceship, a rabbi ruled, because a spaceship is no more the astronaut's home than an airplane or an auto.

- What prompted his research is not known—possibly it was the eight cases of tourists in Jerusalem who were hospitalized after insisting that they were John the Baptist—but the head of the psychiatric hospital at Kfar Shaul collected data on nervous breakdowns among tourists in Rome, Athens, Paris and London, as well as Jerusalem. You guessed it—Jerusalem led all the rest. So far as is known, the researcher has no theory to explain it.

CATHOLIC-JEWISH COOPERATION TO DEVELOP HOLOCAUST CURRICULA

A joint Catholic-Jewish program has been established to develop and provide teaching material about the Holocaust for all levels of the Catholic educational system—parochial schools, colleges and universities, parish education and seminary training.

Co-directors of the program are Dr. Eugene J. Fisher, Executive Secretary of the Secretariat for Catholic-Jewish Relations of the National Conference of Catholic Bishops, and Rabbi A. James

Rudin, national director of interreligious affairs of the American Jewish Committee.

Rabbi Rudin called "This pioneering effort . . . potentially one of the most important projects we have ever undertaken." The Holocaust, he said "raises the most profound moral and theological as well as historical and cultural questions."

Coordinating the project will be Sister (Dr.) Carol Rittner, R.S.M., of Mercy College of Detroit, where she is Associate Professor of Interdisciplinary Studies. She also is a consultant to the United States Holocaust Memorial Council. Members of the steering committee are Sister Rose Thering, Seton Hall education professor; Judith H. Banki, Rabbi Rudin's associate director at AJC; and Rabbi Alan Mittleman, AJC's interreligious program associate.

The program is expected to be completed within three years.

FROM MARRANO TO YESHIVAH BOCHER TO MELAMUD

No, not a triple play; the saga of Yehudah ben Avraham, age 20, formerly (prior to undergoing conversion to Judaism in Israel last year) Alfredo Diaz Perez of Vera Cruz, Mexico.

Yehudah was born into a Marrano family, one of about 80 in Vera Cruz. He was in the final semester of high school when he decided he had a mission—to restore his people fully to Judaism (or Judaism in its fullness to his people). So, he dropped out of school, borrowed the price of a bus ticket, and migrated to Brooklyn. There he took a job in a restaurant to earn money for plane fare to Israel, managing somehow to find time to study Hebrew and Talmud and English. Once in Israel, he joined a kibbutz, tramped around the country finding odd jobs and studied at a succession of yeshivas. After much pleading, he succeeded in convincing the Orthodox rabbinic authorities that he was worthy of conversion according to

Halachah so that he would be an authentic Jew. He submitted to ritual circumcision and mikveh, and took his new name.

Last spring he went back to Mexico City to enroll in a yeshivah because he felt he needed to learn more Torah. Then back to Vera Cruz to finish high school and get his diploma. And then—with the aid of some 50 Hebrew-Spanish *haggadahs* (wheedled out of a Brooklyn rabbi) 100 bilingual prayer books (also donated), six pairs of *tefillin* and 60 sets of *tzitzit* (which he bought with his own money)—to fulfill his mission of teaching his people authentic Jewish practices, persuading them to undergo conversion and to make *aliyah*.

He thinks of himself, he said, as a *shaliach* to his community, the members of which, he asserts, want to be more Jewish but don't know how. He expected to encounter resistance, he told Steve Lipman, who interviewed him in Brooklyn for an article in *The Jewish Week*, because back home his Marrano family and the others regard the practices and observances that are parts of their tradition as authentic.

His mission once accomplished—his optimism no less firm than his zeal—he plans to return to Israel to continue his Jewish studies. Ultimately, he wants to be a rabbi.

. . . AND ALSO, THERE WAS THAT INDIAN BOY

Israel Oren, who practices accounting in Kiryat Malachi in the northern Negev, is a *chasid* of the Lubavitcher movement, whose conversational Hebrew draws occasionally on Talmud, the Bible and writings of the sages for phrases to buttress his thoughts.

Yet (believe it or not!) he did not know that Jews still lived in the contemporary world until, as a teenager, he heard on television about the Arab-Israel war and he met his first Jew after joining the U.S. Navy at age 17.

Ethnically, Oren is an American Indian, a full-blooded Cherokee, born James Ray Faddis. With his family he fled the Arkansas dust bowl to settle in northern California, where his introduction to Christianity at the local Sunday school left him skeptical. It was there that he learned about the Jews of biblical times and was fascinated by the stories of their experiences. While in the Navy, stationed at Stockton, he occasionally visited a Conservative synagogue and was attracted to Judaism. When the Yom Kippur War broke out, he felt sufficiently identified and moved to volunteer for service in the Israeli army. Afterward he joined kibbutzim, learned Hebrew, experienced what he took to be a revelation in a dream, entered upon a period of intensive study and eventually underwent full *Halachic* conversion.

ANTI-SEMITISM REVISITED

Diverse appraisals by Jews of the nature and extent of anti-Semitism in contemporary America were mirrored in comments by three authoritative speakers at a symposium in New York last spring. The

participants—Milton Himmelfarb, recently retired editor of the *American Jewish Year Book*, Charles Silverman, author of (among other works) *A Certain People: American Jews and their Lives Today*, and Marvin Schick, professor of political science at City University of New York—agreed that America is far more open to and accepting of Jews than ever before, Mr. Himmelfarb went so far as to suggest that Jews (two-thirds of whom, in a 1984 survey, disagreed with the statement that virtually all positions of influence in American society are open to Jews) are so inured to the idea that anti-Semitism is inherent in the social order that they distrust the observable absence of anti-Semitism as “unnatural.” Mr. Schick, for his part, mistrusted surveys and statistical analyses of trends in anti-Semitism. Jews had full acceptance in Weimar-era Germany, he noted. It is true, he responded to Mr. Himmelfarb, that Jews are “potentially paranoid at any time . . . a mutation of our psyche . . . a result of odious treatment.” Moreover, he said, historical experience teaches that anti-Semitism can erupt during periods of economic or political stress.

EDITOR'S MEMO

The magnificent new look of this issue of the Journal is the fruit of Joel Ollander's initiative; the designer's craft of The Bookmakers, Incorporated—through which production house this and subsequent Journal issues will be printed; the approval of the Publications and then the Executive Committees of the Conference; and, of course, the Conference membership's dues which paid for it. We hope you enjoy it. Let us know if you like (or don't like) it.



We have a new Book Review Editor! Louis Levitt, after over two years in the position, had to resign because of demands made on him by a new post at Wurzweiler School of Social Work. We welcome Leivy Smolar to the job to replace Levitt. Dr. Smolar is President of the Baltimore Hebrew College. He is a past contributor to this Journal. His other credentials? They are many, but it suffices merely to refer the reader to his book review (signed by his initials) in this issue to reveal his felicity of thought and word!!!