

LIBERAL JUDAISM and JEWISH IDENTITY

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General Principles

Judaism is not transmitted genetically but culturally and within families through example and influence.

The process of transmission is one of education in the broadest sense, so that what is transmitted is not merely knowledge but beliefs and values, attitudes and ideals, and above all, a sense of identification and commitment.

The responsibility for transmitting Judaism derives from Sinai.

That is from the obligation our ancestors took upon themselves when, on behalf of themselves and their descendants, they pledged their commitment to their covenant with God saying "We will do and hear." (Exodus 24:7)

The transmission of Judaism is a task for each successive generation of Jews.

"God established a testimony in Jacob and appointed a law in Israel, and commanded our ancestors to teach their children, that the next generation might know them, even the children yet unborn, and arise and tell them to their children, so that they should set their hope in God and not forget the works of God, but keep God's commandments." (Psalm 78:5 ff)

Reality is one thing, law another.

The extent to which Judaism is actually transmitted varies infinitely. Therefore in reality, Judaism is a matter of degree. Law, however, cannot take account of all the variations and degrees. Therefore the question "Who is a Jew in law?" is not to be identified with the question "Who is a Jew in reality?" However, it is desirable that the legal definition should correspond as closely as possible to the real situation.

The traditional '*halachic*' definition of Jewish status is not the only possible one.

In at least one respect the earlier biblical understanding of Jewish identity differed from the later rabbinic one. In modern times there has been occasional conflict between the rabbinic definition and the common-sense view taken by the Israeli Supreme Court in interpreting the 'Law of Return'. Likewise, Liberal Judaism, while generally following the rabbinic tradition, has found it necessary to adopt a different policy in some respects.

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Where Both Parents are Jewish

The general rule is: where both parents are Jewish the child is Jewish.

It is based on the assumption that, where both parents are Jewish, they will fulfil their responsibility more or less adequately, and that the cultural process of the transmission of Judaism will therefore take place. Liberal Judaism too makes that general assumption. But we recognise that in some instances it is unfortunately belied by the facts. All the more do we stress the need to impress on Jewish parents their responsibility to ensure that their children receive the best possible Jewish education.

Child of Jewish parents adopted in infancy by non-Jewish parents.

Although we have no record of such a case, it is obvious that, were it to occur, no transmission of Judaism would take place. Liberal Judaism therefore takes the view that such a child, if raised in a religion other than Judaism, should be regarded as non-Jewish and able to become Jewish only by conversion, though we would naturally encourage and facilitate such conversion if the child, when grown up, should sincerely desire it.

Another possible exception: when Jewish parents raise their child as a non-Jew.

Although it would not be practicable, nor desirable, to investigate in each and every case the extent to which Jewish parents have fulfilled their responsibility, nevertheless, where it is known that, for whatever reason, they have neglected it completely, the rabbi to whom a person so brought up applies may, at his or her discretion, require a course of instruction in Judaism, followed by an affirmation of loyalty to Judaism, before acceding to the request.

A third exception: the apostate.

According to Rabbinic law a Jew who converts to another religion retains some but not all the privileges of Jewish status and if he or she wishes to become fully reidentified with the Jewish community, is required to undergo a ritual of reversion. Liberal Judaism takes a similar view. In appropriate cases the revert may be required to take a course of re-education in Judaism, and the act of reversion involves a formal renunciation of the apostasy and a declaration of loyalty to Judaism.

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The general rule is where both parents are non-Jewish, the child is non-Jewish and can only become Jewish by conversion.

It is based on the assumption that in such a case no transmission of Judaism will take place. Liberal Judaism too makes that assumption - unless the child is adopted in infancy by Jewish parents or converts to Judaism subsequently.

Where Both Parents are Non-Jewish

A child adopted in infancy by Jewish parents is Jewish.

Here Liberal Judaism differs from rabbinic law, which does not recognise adoption (as affecting status). Liberal Judaism takes the view that in such a case, even though both parents are non-Jewish, provided that the child is under seven years old at the time of the adoption, the cultural influence of the adoptive parents is the decisive one, and accordingly regard the child as Jewish without need of conversion. Liberal Judaism's Rabbinic Board does, however, issue a special certificate of Jewish status in such cases, and we urge the adoptive parents to apply for it as soon as possible after the adoption.

A non-Jew who converts to Judaism is Jewish for all purposes.

That has always been the view of Jewish tradition, which declares it unethical to remind a proselyte of his or her non-Jewish past (*Mishnah*, B.M. 4:10). There are only two cases in which Rabbinic law treats a proselyte differently from other Jews, in that a proselyte may marry a *mamzer* and a female proselyte may not marry a *kohen*. Neither of these exceptions applies in Liberal Judaism. We accept as Jewish for all purposes, without exception, any proselyte who can produce evidence of conversion by any competent Jewish authority, whether Progressive, Conservative or Orthodox.

Cases of Mixed Parentage

If only one parent is Jewish, Judaism may or may not be transmitted.

In the realm of reality, as distinct from law, this is not a matter of opinion but of fact. It can happen, and it does happen, regardless of whether the father or mother is the Jewish parent, that such a child is raised as a Jew, and it can happen, and does happen, that such a child is raised as a non-Jew. Therefore to make the status of such a child entirely dependent on that of one parent or the other involves a degree of

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arbitrariness and allows a gap to arise between reality and law.

In biblical times the father was the determining factor.

At least, such evidence as the Bible affords implies so. For instance, Rehoboam, son of King Solomon, was considered Jewish enough to sit on the throne of Judah even though his mother, Naamah, was a Moabitess (I Kings 14:21) and there is no indication that she converted to Judaism (as a matter of fact, formal conversion to Judaism did not exist in biblical times). Likewise, Ahaziah and Jehoram, sons of Ahab, became kings of Israel even though their mother was the notoriously pagan Phoenician Jezebel (I Kings 22:52, II Kings 3:1).

In Rabbinic times the mother became the determining factor.

This change from patrilineality to matrilineality is first mentioned in the *Mishnah* (*Kiddushin* 12:3) and 'justified' in the *Gemara* (*Kiddushin* 68b) by an artificial interpretation of a scriptural verse [Deuteronomy 7:3]. The reason for it is not clear. However, for some purposes, for example, the transmission of the status of a *kohen* or a *levite*, the patrilineal principle has always been the operative one in

Rabbinic Judaism, and remains so in Orthodox Judaism today.

The matrilineal principle is unsatisfactory for three reasons.

First, it is unreasonable and unjust that the child of a Jewish mother and a non-Jewish father should be treated as Jewish even if raised as a non-Jew and that in the converse case he or she should be treated as a non-Jew even if raised as a Jew. Secondly, it allows a Jewish woman who marries a non-Jew to believe that her children will be Jewish automatically and therefore fails to impress on her the need to make a special effort to ensure that her children, who have a non-Jewish father, receive an effective Jewish education. Thirdly, it tells a Jewish man who marries a non-Jewess that his children will never be Jewish unless they convert to Judaism when grown up (Orthodox Judaism generally disallows the conversion of minors) and therefore fails to encourage him to raise his children as Jews.

In view of the current high rate of mixed marriages these objections are grave.

In the United Kingdom the current rate for mixed marriages contracted by Jews is greater than one-in-three; in some countries it is even higher. In these

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circumstances it is a matter of utmost importance that everything possible be done to maximise the chances that the children of such marriages will identify with the Jewish community. Liberal Judaism has encouraged such a development for many years by making upbringing and identification, rather than paternity or maternity alone, the decisive factor in the determination of the status of children of mixed marriages. Accordingly the child of a Jewish father and a non-Jewish mother is regarded as Jewish, without need of conversion, if brought up as a Jew, whereas the child of a Jewish mother and a non-Jewish father, if brought up in another religion or identifying with a religion other than Judaism, is regarded as non-Jewish and able to become Jewish only by conversion.

The policy of Liberal Judaism is to give patrilineality the same weight as matrilineality in the determination of Jewish status.

In this it is at one with the Reform and Reconstructionist movements in the U.S.A.

For a child of mixed parentage the process of becoming Jewish involves three stages.

(a) At birth, the future status of the

child is in doubt (*safek*) since it may or may not be raised as a Jew.

(b) However, Liberal Judaism does everything in its power to encourage the parents to raise their child as a Jew, to give a formal undertaking to that effect and have a baby-naming ceremony in the synagogue. A declaration of intent on the part of the parents makes the child Jewish by presumption (*chazakah*) and entitles the child to be treated as Jewish in the same way as all other Jewish children. We hope that parents will carry out their undertaking by giving their child a good Jewish education, including *Bar Mitzvah* or *Bat Mitzvah* and *Kabbalat Torah* (Confirmation).

(c) At that stage, when the young person can confirm his or her own identification, Jewish status becomes definitive (*vaddai*); a certificate to that effect will be issued by our Rabbinic Board on request.

All cases are dealt with according to their individual circumstances.

For instance, an adult with one Jewish and one non-Jewish parent who has not gone through the process described

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in the preceding paragraph, but who has nevertheless identified with the Jewish community over a considerable period of time, may wish to formalise his or her Jewish status. Such a person would be invited to take whatever course of Jewish instruction was deemed necessary, and then to make an affirmation, in synagogue, of his or her identification with the Jewish faith and people. A certificate would then be issued if desired.

If the non-Jewish parent converts to Judaism during the child's infancy the child is considered Jewish thereafter.

For this purpose we mean by 'infancy' the period before the child has reached the age of education (*chinnuch*) which we define as seven. Since the child will have had, in effect, two Jewish parents from such an early age, we regard it as Jewish, regardless of whether the father or the mother was the Jewish parent at the time of its birth. In such a case the Rabbinic Board will, on request, issue a certificate of Jewish status on behalf of the child.

Summary

Liberal Judaism defines a Jew as a person who - in any one of three possible ways - has become heir to the Jewish heritage and the responsibility which that fact entails:

- (a) by having been born of two Jewish parents and therefore brought up as a Jew;
- (b) by having been born of only one Jewish parent, father or mother, but brought up as a Jew or having affirmed their Jewish status as above;
- (c) by having been admitted into membership of the Jewish community as a proselyte.

The detailed application of that general definition is determined from time to time by the Rabbinic Conference of Liberal Judaism, and any query should be addressed in the first instance to the rabbi of the nearest Liberal Judaism synagogue.

LIBERAL JUDAISM IN PRACTICE

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