

To be a Jew?

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On Christmas Day, 1989, Israel's Supreme Court passed down a landmark ruling denying automatic Israeli citizenship to "Messianic Jews" (i.e., Jews who believe in Jesus) under the state's 1950 Law of Return. This law, with its subsequent amendments, defines a Jew as a person born to a Jewish mother or who converts to Judaism and professes no other faith. A South African couple, Gary and Shirley Beresford, both born Jewish, but subsequently having come to believe in Jesus as the Messiah, had been denied Israeli citizenship as Jews by the Interior Ministry. The recent Supreme Court ruling resulted from Beresford's legal challenge of this decision.¹

This latest attempt to define "who is a Jew" in the context of the modern State of Israel highlights a whole set of fascinating problems regarding religion and ethnicity.

The most celebrated case of this type was a 1962 High Court ruling that "Brother Daniel" Rufeisen, who was born a Jew but had become a Carmelite monk, be denied automatic citizenship as a Jew under the Law of Return. The court made it clear that even though according to halakhah (Jewish law), one born of a Jewish mother remained Jewish, even as an apostate to another faith, their decision rested on broader considerations. They pointed to the long history of Christian persecution and forced conversion of Jews, arguing that one who wore the brown robes of a Catholic order, with a cross around his neck, could hardly be called a "Jew" by any definition the "man on the street" could accept.²

The recent wave of Soviet immigration has raised some related problems in defining "who is a Jew." Under existing regulations immigrants claiming to be Jewish must present a birth certificate or identity papers from the Soviet Union stating that their nationality is Jewish. Many lack such documentation, and in some cases these very papers were lost or destroyed in pogroms against

Jews. To further complicate matters, large numbers of Soviet Jews have married non-Jews over the past decades and many of the immigrants have little or no religious identity as Jews. In such cases it becomes difficult, if not ludicrous, to adhere to the traditional definition of "one born of a Jewish mother."

The key issue and conflict in the present interpretation of the Law of Return is that it tries to combine the distinct areas of national or ethnic identity and faith identity in a most confusing way. The Beresford case makes this clear. A growing number of so-called "Messianic Jews," who believe that Jesus (or Yeshua as they prefer to call him) is the Messiah, would deny that they are "Christians" or that they have joined another faith. Most are quite critical of the historic Gentile Christian Church in both its doctrines and attitudes towards Jews. Many have no affiliation with any normative Christian denomination. Though not all accept orthodox Rabbinic authority, many keep Shabbat, observe the holydays, kashrut, and other basic Jewish practices. Unlike "Brother Daniel," to the "man on the street," they certainly do appear to be "more Jewish" than the secular Jews who reject all religious observances.³ Apparently, judging from polls, the Israeli public agrees. According to the 1988 Dahaf Poll published in the Jerusalem Post, 78 percent favored Messianic Jews coming into Israel under the Law of Return, provided that they were truly of Jewish lineage, held to their historic heritage, and served in the Israeli Defense Force when called upon to do so. Still, for reasons that are historically understandable, it seems like the issue of "Jews for Jesus" is the stickler. After all, there must be thousands of Israeli Jewish citizens who hold any number of religious beliefs (Zen, New Age, Hindu reincarnation, etc.) which are in conflict with Jewish orthodoxy. Yet we do not see High Court investigations of such personal matters of faith, with judgments passed on which involve "leaving

10 Excursus

the Jewish faith" and which would be allowed by Jewish law.

There is another aspect of this issue of "who is a Jew" that reminds one of the utter seriousness of this definitional enterprise. The Law of Return was formulated in the wake of the European holocaust. Essentially, the intent was that Jews worldwide would never again be denied a place to flee, given conditions of persecution. Adolf Hitler and the Nazis considered a person Jewish with even one great-grandparent who was a Jew, regardless of "apostasy" or conversion to another religious faith. Many in Israel today wonder whether the state should formulate a definition more restrictive than the Nazis. Perhaps it is not trivializing the issue to remember the adage of Golda Meir that a Jew is one who sincerely claims to be a Jew. If criteria of race and religious faith prove to be inadequate, and

ethnic identity melts away as Jews return to Israel from over 100 nations, what else is left?

As an historian of Judaism and Christianity in antiquity this discussion of Jewish identity in the State of Israel is particularly intriguing. It is as though all the issues present in the Land of Israel in the second Temple period are finding expression today in new forms.⁴ Once again we see a complex mix of Jewish life and expression with every other possible non-Jewish influence, concentrated in this tiny geographic area. And in my own area of specialty, we see Jews in the Land of Israel once again disputing over matters of Torah, in the context of every conceivable vision of things—Messianic or otherwise. Certainly in this small laboratory of human experience and expression, sorting out the issues of religion and ethnicity will occupy us until the World to Come.

1. New York Times, December 27, p. A2.

2. See article "Apostasy," Encyclopedia Judaica, 3:202-14.

3. See the full page ad placed by these "Messianic Jews" in the Jerusalem Post International Edition, May 5, 1990, p. 4. They set out their arguments for being accepted as Jewish on the basis of separating the issues of "national identity" and "faith identity."

4. Several recent studies have concentrated on these questions of religious self-definition among Jews and Christians in antiquity. See especially, To See Ourselves as Others See Us: Christians, Jews, "Others" in Late Antiquity, eds. Jacob Neusner and Ernest Frerichs (Chico, CA: Scholars Press, 1985), and Jewish and Christian Self-Definition: Volume 2: Aspects of Judaism in the Graeco-Roman Period, ed. E. P. Sanders (Philadelphia: Fortress Press, 1981).