

## **“WHO IS A JEW?” QUESTIONS OF ETHNICITY, RELIGION, AND IDENTITY**

**by Michael L. Brown, Ph.D.**

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The question of Jewish identity is not one of merely abstract or theoretical interest. To the contrary, at certain periods of Jewish history – such as the Holocaust – the question of “Who is a Jew?” was literally a matter of life and death. Thus, baptized Jews who were church members in good standing were still forced to wear the yellow star, still deported to the concentration camps, still slaughtered systematically – simply because “Jewish blood” flowed in their veins. There were even charts used by the Nazis to determine the degree of one’s Jewishness (from full Jews to one-quarter Jews), and Jewish ancestry on either parental or even grandparental side qualified one for the gas chambers. In fact, it is generally understood that the Law of Return, following on the heels of the birth of the modern State of Israel, was drafted by David Ben-Gurion “in the shadow of the Holocaust” in order that “whomever the Nazis called a Jew and sent to the death camps was to be offered refuge in the newly established State of Israel.”<sup>1</sup> Thus, Jews from around the world would automatically be granted Israeli citizenship should they wish to settle in their ancestral homeland.

For more than fifty years, however, this very law has been a major source of controversy and division in world Jewry, simply because it failed to define who, exactly, qualified as being a Jew.<sup>2</sup> Well known cases in the Israeli Supreme Court debating the question of “Who is a Jew?” include: the Brother Daniel Case, 1962; the Funk-Schlesinger Case, 1963; the Falasha Wedding Case, 1968; the Shalit Case, 1969 (also known as the “Who Is a Jew?” case); the I. Ben Menashe Case, 1970; the Zigi Staderman Case, 1970; the Langer Case, 1972; and, more recently, the Beresford Case, 1989. Indeed, Rabbi Dr.

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<sup>1</sup> Clayman, “The Law of Return Reconsidered,” *Jerusalem Letters of Lasting Interest*, No. 318 18 Tammuz 5755/16 July 1995, [www.jcpa.org/jl/hit01.htm](http://www.jcpa.org/jl/hit01.htm). Clayman states, “In the wake of the horror of the Holocaust, this law was meant to ensure the right of every Jew to find refuge and to build a new life in the Jewish homeland. Indeed, the Law of Return was the infant state’s conditioned response to the British White Paper of 1939, which slammed shut the gates of Palestine and doomed the Jews of Europe.”

<sup>2</sup> Clayman, *ibid.*, observes; “At that time, it seemed inconceivable that anyone but a Jew would claim to be a Jew.” Rabbi Joseph Telushkin commented, “How ironic that the Law of Return – a law that symbolizes to all Jews their personal stake in Israel’s existence – has led to bitter fighting and divisions within the Jewish community.” *Jewish Literacy* (New York: William Morrow, 1991), 335.

Meyer Minkowich claims that similar debates can be traced back two thousand years, stating that the question of who is a Jew “was a controversial issue in Judaism during the Second Commonwealth period, causing division and schism on a grand scale, much wider in scope than at present.”<sup>3</sup>

### A Complex and Volatile Issue

The *complexity* of the issue of Jewish identity is immediately apparent from a representative sampling of the titles of the many hundreds of books and articles that have been devoted to this subject over the last five decades. Thus, Oscar Raines entitled his 1976 study, *The Impossible Dilemma: Who Is a Jew in the State of Israel?*,<sup>4</sup> while Meryl Hyman’s 1998 compilation, “*Who Is a Jew?*”, consisting of insightful interviews with Jewish leaders from America, Israel, and England, is subtitled *Conversations, Not Conclusions*.<sup>5</sup> Thus it appears that only ambiguity is certain! Jack Segal raised the question “Is an Apostate a Jew?”<sup>6</sup> while I. M. Lask asked, “When Is a Jew Not a Jew?”<sup>7</sup> Other articles, reflecting similar difficulties, include, Benjamin Akzin, “Who Is a Jew? A Hard Case”;<sup>8</sup> Solomon J. Khan, “Israeli, Hebrew, Jew: The Semantic Problem”;<sup>9</sup> and Rabbi Shmuel Bloom, “A Societal Time Bomb in Israel.”<sup>10</sup> Citations of analogous studies could easily be multiplied, and it is not surprising that Raines concluded his study with a degree of pessimism, arguing that if the Conservative, Orthodox, and Reform denominations cannot accept each other’s members as “full-fledged Jews . . . then the dilemma of ‘Who Is A Jew?’ is indeed to be marked an eternal impossibility.”<sup>11</sup>

Commenting on the rulings of the some of the landmark cases before the Israeli Supreme Court, Barbara Weill observed:

In the [Brother Daniel] Rufeisen case, a man considered Jewish halachically [i.e., according to traditional Jewish law] is not accepted as Jewish under Israeli civil law. [His mother was Jewish

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<sup>3</sup> *The Issue of Who Is a Jew: In a Historical Legal Perspective* (Hebrew; New York: Sepher Hermon, 1975), ix (from the English Preface).

<sup>4</sup> New York: Bloch Publishing, 1976.

<sup>5</sup> Woodstock, Vermont: Jewish Lights Pub., 1998. This subtitle is actually taken from comments made by Jonathan Sacks, the Chief Rabbi of the United Kingdom, in his interview in this same volume, 129-138.

<sup>6</sup> *Reconstructionist* 29 (1964), 10-14.

<sup>7</sup> *American Zionist* 55 (1965), 13-14.

<sup>8</sup> *Israel Law Review* 5 (1970), 259-63.

<sup>9</sup> *Judaism* 19 (1970), 9-13

<sup>10</sup> *The Jewish Week*, Nov. 21, 2002.

<sup>11</sup> *The Impossible Dilemma*, 94.

but he converted to Catholicism.] On the other hand, the Shalit children are considered Jewish under civil law, but not by the Halacha. [Binyamin Shalit's wife – hence the mother of the children in question – was not Jewish, but the father was an Israeli who fought in the army and the family was not Christian.] The definition of Who is a Jew is thus very problematical and one of the basic bones of contention in the opposition between the religious and secular parties today.<sup>12</sup>

The *volatility* of the “Who Is a Jew” question is also readily apparent, as evidenced by these representative quotes:

. . . the issue of “Who Is a Jew?” emerged as the toughest problem Golda Meir faced in trying to form a coalition government in March, 1974; and it contributed to the fall of Premier Meir's Government the following month . . .<sup>13</sup>

In an effort to further divide and confuse the Jewish People, the Israeli establishment together with the reform and conservative organizations, have come up with the issue better known as: “*Who is a Jew?*”<sup>14</sup>

Indeed, it is still sometimes argued that “if someone was Jewish enough for Hitler, he should be Jewish enough for Israel.” The argument implies that Hitler should be the arbiter of Jewishness for Israel. Some of us, at least, are of a contrary view.<sup>15</sup>

According to the *halachic* conception [i.e., the conception of traditional Jewish law] . . . the head of Fatah in Jerusalem, the son of a Jewish mother, is deemed to be a Jew, while the son and daughter of a Jewish major [the aforementioned Binyamin Shalit, a Jew born in Haifa who married a Gentile wife], who has fought in defence of Israel, are deemed to be non-Jewish. The thought of this [is] enough to make one's flesh creep.<sup>16</sup>

Recent developments, beginning with the proposed Conversion Bill in 1998 in which Orthodox rabbis sought to increase their control over determining Jewish identity, have only heightened the tensions. In fact, Benjamin Netanyahu, the Israeli Prime Minister at the time this bill was introduced, commented, “It is easier to resolve the problem with the Palestinians than to resolve this.”<sup>17</sup>

What makes this such a difficult subject? It is simply that Jewish identity can be defined ethnically, religiously, and now, with the rebirth of the State of Israel, nationally. Thus, while it is fairly easy to answer questions such as, “Who is an Italian?” or “Who is a

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<sup>12</sup> “Summary of Definitions on Who is a Jew?”, WZO, Jerusalem, 1987, rev. 1997; [www.jajz-ed.org.il/actual/conv4.html](http://www.jajz-ed.org.il/actual/conv4.html).

<sup>13</sup> Raines, *The Impossible Dilemma*, viii.

<sup>14</sup> From an article from the Ahavat Israel website (specific author unattested), “Orthodox, Conservative, Reform,” [www.ahavat-israel.com/ahavat/protest/judaism.asp](http://www.ahavat-israel.com/ahavat/protest/judaism.asp).

<sup>15</sup> Bloom, “Societal Time Bomb.”

<sup>16</sup> Israeli Justice Berinson, opining on the Shalit Case of 1968, as summarized by the *Jerusalem Post* Law Editor Doris Lankin, reprinted from the *Jerusalem Post* (January 25, 1970), 18.

<sup>17</sup> Cited in Hyman, *Who Is a Jew?*, 97. For further discussion, see Rabbi Uri Regev, “The Truth About the Conversion Bill,” May 29, 1998, [http://www.irac.org/article\\_e.asp?artid=65](http://www.irac.org/article_e.asp?artid=65).

Buddhist?”, the question of “Who is a Jew?” is not so readily answered. Moreover, given the divisions that exist in Jewish denominations today, defining who is a Jew *on religious grounds alone* is fraught with difficulties, while recent decades have witnessed a vigorous debate concerning how even Jewish *ethnicity* should be determined. (I refer here to the issue of matrilineal descent vs. matrilineal *or* patrilineal descent.)<sup>18</sup>

### Historical Background to the Term “Jew”

The term Jew is derived from the Hebrew *yehûdî*, and while it is common to speak of Abraham, Isaac, Jacob, and Moses as Jews, this is historically anachronistic, since the first recorded occurrence of the word *yehûdî* is found in biblical books dating to the 8<sup>th</sup>-7<sup>th</sup> centuries BCE, roughly 500 years after the time of Moses and more than 1000 years after the time of Abraham.

The historical origin of the term *yehûdî* is as follows: The patriarch Jacob, whose name was later changed to Israel, had twelve sons, one of whom was named Judah (Hebrew *yehûdâ*). These sons then became the eponymous ancestors of the twelve tribes of Israel, and it was the tribe of Judah from which King David hailed. Thus, in its earliest form, a *yehûdî* (=Judahite; Judean) would have been a member of the tribe of *yehûdâ* (Judah), although to date, this usage is not attested. David, like Saul before him and Solomon after him, reigned over a united kingdom consisting of the twelve tribes of Israel. However, in the days of David’s grandson Rehoboam (approximately 931-914), the kingdom divided in two, with the northern kingdom, consisting of ten tribes, being called Israel, while the southern kingdom, consisting of the tribes of Judah and Benjamin, was called Judah.<sup>19</sup> The inhabitants of this southern kingdom became known as *yehûdîm*, Judeans, and this usage is attested in the Hebrew Scriptures (see, e.g., 2 Kings 16:6).

In the year 721 BCE, the northern kingdom of Israel was destroyed by the Assyrians, with the ten tribes greatly decimated, sent into exile, and, to a large extent, lost to history (hence the concept of the “Ten Lost Tribes”). Some of the Israelites, however, fled to the south, becoming part of the kingdom of Judah. In the year 586 BCE, the city of Jerusalem was destroyed by the Babylonians and many of the *yehûdîm* were exiled to Babylon. When the exiles returned to their homeland approximately 50 years later, it was now under Persian control and called the province of Judah and its inhabitants were identified

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<sup>18</sup> Orthodox Jews trace the Jewish blood line through the mother (matrilineal descent) while Reform Jews also accept Jewish parentage on the father’s side (patrilineal descent) as valid, so long as the child is “raised Jewish.” (We will return to the question of what it means to be “raised Jewish” below.) For the historical background (from an Orthodox perspective), cf. Lawrence H. Schiffman, *Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish-Christian Schism* (Hoboken, NJ: Ktav, 1985); for recent developments within Israel, cf. Haim Shapiro, “Israel Reform Movement Conference Debates Patrilineal Descent,” [http://www.irac.org/article\\_e.asp?artid=271](http://www.irac.org/article_e.asp?artid=271). Of course, one might still ask the question, “What makes one’s mother [or, father] Jewish?”, pointing again to the potential ambiguity of the issue.

<sup>19</sup> Cf. Tracy R. Rich, “Who Is a Jew?”, in *Judaism 101*, [www.jewfaq.org/whoisjew.htm](http://www.jewfaq.org/whoisjew.htm): “After that time, the word Yehudi could properly be used to describe anyone from the kingdom of Judah, which included the tribes of Judah, Benjamin and Levi, as well as scattered settlements from other tribes.”

as “Judeans,” although their heritage as “Israelites” was certainly not forgotten. It is this term, *yehûdîm*, Judeans, which ultimately became rendered “Jews” in common English usage.

At this point, two observations should be made: First, the term “Jew” comprehended the totality of the people, regardless of tribal origin. (In other words, an Israelite from one of the northern tribes who had become part of the kingdom or province of Judah was considered a Jew.) Second, “Jew” was primarily the ethnic designation of the chosen people, since it continued to describe this covenant people after many of them had forsaken the Sinai covenant, fallen into idolatry, and departed from the faith. Yet the people were still called Jews – unbelieving Jews, apostate Jews, faithless Jews, but still Jews.<sup>20</sup>

### **“Even if Israel sins, he is still Israel”**

An important text in this regard for traditional Jewish thought is found in the Babylonian Talmud, Sanhedrin 44a: “Even if [Israel] sins, he is still Israel.” This statement is based on a biblical passage found in Joshua 7:1 which reads, “But the children of Israel acted unfaithfully in regard to the devoted things . . . . So the LORD’s anger burned against Israel.” Thus, in a scriptural text speaking of the nation’s sin, the nation is still called Israel. In the Talmudic passage just cited, the rabbinic sage Rabbi Abba explained the concept with reference to a proverb, “Thus people say, A myrtle, though it stands among reeds, is still a myrtle, and it is so called.” Explaining this in practical terms, the respected Talmudic commentator Marharsha (an acronym for Rabbi Shmuel Edels) stated that this saying applies even when a Jew sins and transgresses against the entire Torah! This would mean that an atheistic Jew who ate pork all his life and never once kept the Sabbath would still be deemed a Jew, while a secular Israeli who was involved in alien healing clinics and attended rock concerts glorifying Hindu gods would still be classified as an Israeli Jew.<sup>21</sup> Similar thinking applies to a Jew who “changes religions,” reflected in the popular joke that asks, “What do you call a Jew who gets baptized and joins the Church? A baptized Jew!”<sup>22</sup>

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<sup>20</sup> Reflecting later Jewish thinking, Rich states, “It is important to note that being a Jew has nothing to do with what you believe or what you do.” See *Judaism 101*, [www.jewfaq.org/whosjew.htm](http://www.jewfaq.org/whosjew.htm)

<sup>21</sup> The first example of the pork-eating atheist is meant to be hypothetical albeit entirely feasible; the second example of the secular Israeli actually reflects current practices. For the rise of alien healing clinics in Israel, cf. Adrian Dvir, X3, *Healing Entities, and Aliens* (Israel: Gal Publishing, 2003); for the rock festivals in question (including Boombamela, Shantipi, and Bereshit), cf. Barry Davis, “Spiritual Yuppies find a home,” *Jerusalem Post*, April 13, 2003; idem, “Surrounded by war, young Israelis give peace a chance,” *Jerusalem Post*, July 6, 2002; idem, “Green, calm and collected,” *Jerusalem Post*, September 9, 2001 (Rosh Hashana).

<sup>22</sup> It was my own father who shared this with me – immediately after hearing it from his rabbi – early in 1972. Anecdotal support for this is found in the fact that groups such as Jews for Judaism and Outreach Judaism tacitly or explicitly recognize Jewish followers of Jesus as Jews by the very fact that they specially target them in their outreach efforts. They certainly aren’t investing this kind of time and effort in reaching *Gentile* Christians. Interestingly, when Rashi’s son-in-law, Rabbenu Tam, was asked about the status of Jewish children whose parents converted to Christianity and had them baptized, he asked, “for what does it

Jacob Katz provides striking historical evidence for this understanding dating to the tenth to fourteenth centuries, explaining:

The principle that the apostate [meaning a Jew who converted to Christianity] remained a Jew was upheld even in the case of one who persisted in his apostasy, although this led to grave consequences so far as his Jewish relatives were concerned. If the apostate was regarded as a Jew, his wife was still a married woman and could not remarry unless he consented to divorce her according to Jewish law. In such cases all possible means were used to bring pressure upon the apostate to divorce his wife. Very often this seems to have been achieved, though certainly not always. In the latter cases the apostate's wife was doomed to a perpetual state of unmarried life. In spite of this it was, apparently, never suggested that the apostate, by severing himself from the Jewish community and its religion, had become a Gentile and that his wife should therefore be able to remarry without divorce.<sup>23</sup>

When related legal questions were brought to Rashi, the foremost biblical and Talmudic commentator of that era (or any subsequent era), he ruled that the apostate Jew remained a Jew. As Katz notes,

It was in this connexion that Rashi quoted the maxim 'although he has sinned remains a Jew', which has, since then, become a standard ruling in connexion with the definition of the status of the apostate. . . . Behind this clear-cut statement lies an emphasis on the unchangeable character of the Jew, an emphasis that would contest any possible justification for obliterating Judaism by baptism.<sup>24</sup>

Rashi even applied this ruling when it touched on the very livelihood of the Jewish community, since Jewish law forbade the charging of interest on loans to fellow-Jews but permitted charging interest on loans to Gentiles. Was it lawful, then, to charge interest on loans to apostates? This was a question of real importance when it is remembered that "money-lending [had become] more and more the main basis of Jewish existence" and many "apostates continued to have economic relations with the members of their former community."<sup>25</sup> Rashi's ruling was the same: Even an apostate Jew is still a Jew and must be legally recognized as a Jew; therefore he could not be charged interest on loans.<sup>26</sup>

### **The Second Amendment to the Law of Return and Internal Jewish Controversies**

While still not answering with precision the question of who is a Jew, an important precedent was established in the Second Amendment to the Law of Return, adopted in

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matter if a minor was put into the water?" See Jacob Katz, *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times* (West Orange, New Jersey: Behrman House, 1961), 73.

<sup>23</sup> *Exclusiveness and Tolerance*, 70.

<sup>24</sup> *Ibid.*, 71.

<sup>25</sup> *Ibid.*, 71.

<sup>26</sup> *Ibid.*, 72. Katz notes that there was limited opposition to Rashi's rulings, but his views ultimately carried the day.

1970. It was stated there that “a person who has been a Jew and has voluntarily changed his religion” forfeits his rights as a Jew is therefore no longer entitled to receive citizenship in Israel as a Jew.<sup>27</sup> Thus, since the Right of Return is granted to all Jews, and since a Jew who “voluntarily changed his religion” is denied that right, that person, de facto, is no longer considered a Jew. (Notice also the expression, “a person who *has been* a Jew,” indicating a change of status.)

David Clayman, speaking of the landmark court decisions lying behind this amendment, noted correctly that, “By this ruling the law of the land contradicted Jewish law, since according to rabbinic halakhah, a Jew remains a Jew even if he is converted to another faith.”<sup>28</sup> The Second Amendment to the Law of Return, therefore, represented a significant shift in defining Jewish identity. Hence, in 1989, when Gary and Shirley Beresford, Messianic Jews from South Africa, were denied citizenship based on an alleged change of religion, other Messianic Jews wrote an open appeal to the Israeli Supreme Court. With evident passion, they asked:

Can the Supreme Court justly turn its back on such a large number of Jewish people, as so many nations in World War II did to our people fleeing Nazi concentration camps? The answer must be a resounding No. Israel is also our refuge and homeland. In the wake of the Holocaust, to refuse Messianic Jews, or ANY group of Jewish people, the right to immigrate as Jews under the Law of Return is unconscionable.

The Messianic Jewish Alliance of America rejects the 25 December 1989 Israeli Supreme Court decision [i.e., the Beresford decision] as diametrically opposite to the very reason for the existence of the State of Israel. As Jews who treasure our heritage and our tie with our homeland, Eretz Yisrael, we plead with the men of the Supreme Court not to issue a White Paper against us like the infamous one issued [by the British] in 1939, nor bar us from free immigration to our homeland. If the Modern Israeli nation is to fulfill the destiny her founding fathers envisioned for her - to be a refuge for the weary, returning exiles from all nations - how can she shut her doors to her own children and still retain that destiny?

The decision rendered by the Israeli Supreme Court on the case of Gary and Shirley Beresford contradicts the original intention of the Law of Return, which was to ensure the physical survival of the Jewish people. It was not intended to promote a particular religious persuasion within the framework of the Jewish nation.<sup>29</sup>

This appeal also underscores the fact that the Second Amendment did not address the question of what exactly was meant by a change of religion. In relation to the 1989 case

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<sup>27</sup> The entire paragraph in question reads: “The rights of a Jew under this Law and the rights of an *oleh* [immigrant] under the Nationality Law (5712—1952), as well as the rights of an *oleh* under any other enactment, are also vested in a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew, except for a person who has been a Jew and has voluntarily changed his religion.”

<sup>28</sup> Clayman, “The Law of Return Reconsidered.”

<sup>29</sup> “An Open Letter To the Supreme Court of Israel from the Executive Committee of the Messianic Jewish Alliance of America and the International Alliance of Messianic Congregations and Synagogues,” printed in the *Jerusalem Post*, May 5, 1990. See [www.mjaa.org/position/aliyah.html](http://www.mjaa.org/position/aliyah.html).

just cited, it could fairly be asked if Jews who observe the Sabbath, celebrate the Feasts, make aliyah to Israel, fight in the Israeli Defense Forces, and believe that Jesus (Yeshua) is the promised Jewish Messiah have changed religion. Does belief in Jesus, himself a Jew born of a Jewish mother, invalidate one's Jewishness? Did any of the Jewish contemporaries of the first century Jewish leader Saul of Tarsus (better known as the apostle Paul) claim that he was no longer Jewish because he followed Jesus as the Messiah? Apparently, Michael Shapiro, the author of *The Jewish 100: A Ranking of the Most Influential Jews of All Time* (Secaucus, NJ: Citadel, 1996), would argue that Paul/Saul still retains his identity as a Jew, ranking him sixth on the all time list. (He ranks Moses first and Jesus second, with Mary/Miriam, the mother of Jesus, ranked ninth.) And isn't it commonly stated that Jesus and all his first followers were Jews? What then constitutes a change of religion? By what definition?

According to some branches of Judaism, Reform Jews are not really Jews, since they deny a number of Maimonides' Thirteen Principles of the Faith, they reject the binding authority of the Orthodox rabbinate, they pick and choose which Torah commandments are relevant, and, in some cases, they even ordain homosexuals as rabbis. Have they changed religion?<sup>30</sup> According to a much-discussed statement of the (Orthodox) Aggudath Rabbonim issued in 1997, the Conservative and Reform movements are "outside of Torah and outside of Judaism," a statement causing outrage among those very Conservative and Reform Jews. Yet it has been argued that this pronouncement, "does *not* say that Reform and Conservative Jews are not Jews. [This] statement does not say anything about Jewish status. . . . status as a Jew has nothing to do with what you believe; it is simply a matter of who your parents are."<sup>31</sup> One could then conclude that a Jew can remain a Jew while being completely outside of Judaism. If so, what constitutes a change of religion? And, since Reform Jews recognize as Jewish the children of either a Jewish mother or father as long as that child was "raised Jewish" (see n. 18, above), we must ask, What does it mean to be raised Jewish?

What is the status of a Jew who abandons traditional Judaism, embraces New Age beliefs, and practices yoga? Has that Jew changed religion? Is he or she still a Jew? Or

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<sup>30</sup> Cf. the responses given to Patrick Harrington by Rabbi Beck, a leader of the ultra-Orthodox group Neturei Karta (the questions are in bold; see further, below, n. 43): "PH: **What for you then is the definition and essential nature of a Jew?** The definition of Judaism is that Jews have received the Torah from Mount Sinai. They handed over the Torah from one generation to the next. This is the only possible definition of Judaism. There is no other definition. PH: **So then, a Jew essentially is one who upholds the given Law? The Torah?** One hundred per cent! PH: **What is your attitude to the Reform Movement?**The Reform Movement has left Ultimate Truth. . . . PH: **What then is the Zionist opinion of what a Jew is if they have gone away from the definition of someone who accepts the Torah and practices its precepts?** The true definition of a Jew is faith and Torah. Zionism says it is nationalism." The interview was conducted in 1991 and was published by Third Way Publications, P.O. Box 1243, London, SW7 3PB, United Kingdom; it is reprinted on <http://www.nkusa.org/activities/Interviews/rabbiBeck.cfm>.

<sup>31</sup> Rich, *Judaism 101*, [www.jewfaq.org/whoisjew.htm](http://www.jewfaq.org/whoisjew.htm) This same article notes that, "the Rabbinical Council of America (the rabbinic arm of the Union of Orthodox Jewish Congregations of America) immediately issued a strong statement disassociating themselves from this 'hurtful public pronouncement [which] flies in the face of Jewish peoplehood.'"



what of Jews from the ultra-Orthodox Lubavitch sect who believe that their deceased leader, the Rebbe, Menachem Mendel Schneerson (1902-1994), is actually the divine Messiah who will rise from the dead (or, who has risen from the dead) and will come again? Have these deeply devoted Jews changed religion, as some Orthodox leaders have recently claimed? If so, then we must question the Jewish status of the head of the Rabbinical Court of Montreal, since he is a Lubavitcher who believes in the messiahship of the Rebbe.<sup>32</sup>

Is being a Jew simply a religious matter? If so, are Jewish polytheists still Jews? Is being a Jew simply a matter of ethics? If so, is an unethical, corrupt Orthodox rabbi still a Jew? Is being a Jew a matter of solidarity with the people of Israel? Then what of anti-Zionist Israelis? Are they still Jews? Is being a Jew simply a matter of ethnicity? If so, then one's religious beliefs can't change one's Jewishness.

### **Judaism, Christianity, and the Question of Conversion**

Within 100 years of the crucifixion of Jesus, there was a distinct, ever-widening gap between Church and Synagogue. What had begun as an entirely Jewish movement – Jewish men and women following a man they believed to be the Jewish Messiah – had become predominantly Gentile, due to two main factors: 1) The majority of Jewish leaders rejected Jesus as Messiah, and his followers were ultimately driven out of the synagogues; 2) An increasing number of Gentiles became followers of Jesus, quickly forgetting the Jewish roots of their faith. Ultimately, the schism between Church and Synagogue became so pronounced that a Jew had to completely renounce every form of Jewishness – both socially and religiously – in order to be baptized into the Church. A typical, medieval baptismal formula required the Jewish convert to say:

I renounce the whole worship of the Hebrews, circumcision, all its legalisms, unleavened bread, Passover, the sacrificing of lambs, the feast of Weeks, Jubilees, Trumpets, Atonement, Tabernacles, and all other Hebrew feasts, their sacrifices, prayers, aspersions, purifications, expiations, fasts, Sabbaths, new moons, foods and drinks. And I absolutely renounce every custom and institution of the Jewish laws . . . in one word, I renounce absolutely everything Jewish. . . .<sup>33</sup>

This, of course, represented a complete reversal of the initial historical realities, since the controversy among the first followers of Jesus was *not*, “Can a Jew become a follower of Jesus and still be Jewish?” (Such a question would have been as superfluous as asking, “Can a black man become a Black Muslim and still be black?”) Rather, the initial question was, “Can a Gentile become a follower of Jesus – the Jewish Messiah – without

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<sup>32</sup> See David Berger, *The Rebbe, the Messiah, and the Scandal of Orthodox Indifference* (Oxford: The Littman Library of Jewish Civilization, 2001); for specific reference to the Montreal rabbi, and see *ibid.*, 2, 56, 114, 118, 121, 143. For a Lubavitch response, see Chaim Dalfin, *Attack on Lubavitch: A Response* (Brooklyn: Jewish Enrichment Press, 2002).

<sup>33</sup> Cited in Michael L. Brown, *Our Hands Are Stained with Blood: The Tragic Story of the “Church” and the Jewish People* (Shippensburg, PA: Destiny Image, 1992), 96. See James Parkes, *The Conflict of the Church and the Synagogue: A Study in the Origins of Antisemitism* (New York: Atheneum, 1985), 394-398, for further references.

first becoming Jewish?” (See Acts 15 for documentation of this.) The answer was, “No, a Gentile need not become Jewish in order to follow Jesus, since he is the Savior of all mankind, not the Savior of Jews alone.” Unfortunately – and quite tragically – once these historical verities were forgotten, and once the Church came into political power in the fourth century, Church-sponsored anti-Semitism became more and more widespread, leading to the Crusades, Inquisitions, and, indirectly, even to the Holocaust.<sup>34</sup> And yet, despite this painful and disastrous separation, when a Jew did convert to Christianity, renouncing his ties with his people, he was still recognized as a Jew by the prevailing views of traditional Jewish law.

Over the course of the last century, however, as many Christian theologians have sought to recover the Jewish roots of their faith, many Jewish followers of Jesus have actively sought to retain their identity as Jews – not *in spite of* their faith in Jesus (often referred to by his Hebrew/Aramaic name Yeshua), but rather *because of* their faith in him.<sup>35</sup> In fact, many of these believers (variously called Hebrew Christians, Jewish Christians, or, more specifically, Messianic Jews) have argued that they were living secular lives with no real connection to their people (or the land of Israel) until they came to faith in Yeshua, as a result of which they began to follow the biblical, Jewish calendar, observe the Sabbath, and strongly support the modern State of Israel. Not only so, but in order to cultivate their Jewish identity, many of them left traditional churches and began to attend Messianic Synagogues. Today, there are Messianic Jews who can trace their spiritual lineage back for five generations, while many others have made aliyah to Israel, with their sons and daughters now fighting in the IDF. They would even object to being called “Christians,” insisting rather that they are Messianic Jews. This is also reflected in national Messianic Jewish conferences in which subjects for discussion range from, “The place of Jewish liturgy in a Messianic service,” to, “Where do Gentile Christians fit in a Messianic congregation?”

Of special interest are the recent proposals made by two respected Jewish scholars and leaders – Dan Cohn-Sherbok, a Reform rabbi, professor, and prolific author, and Dennis Prager, one of the best-known Jewish voices in America – to recognize Messianic Jews as holding to a valid expression of Judaism. For Prager, this could happen with some very significant modifications of theology and praxis on the part of Jewish believers in Jesus;<sup>36</sup>

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<sup>34</sup> For discussion and documentation, see Brown, *Our Hands Are Stained with Blood*.

<sup>35</sup> Coming from a somewhat different – albeit related – perspective, Jean Marie Cardinal Lustiger once commented, “I was born Jewish and so I remain, even if that’s unacceptable for many. . . . For me, the vocation of Israel is bringing light to the goyim. That’s my hope and I believe that Christianity is the means for achieving it.” This statement was made two years after he became archbishop; see John Vinocur “A Most Special Cardinal,” *NY Times*, March 20, 1983. In the same article, Lustiger made the striking comment, “For me, this nomination was as if all of a sudden the crucifix began to wear a yellow star.”

<sup>36</sup> As summarized by Berger, *The Rebbe*, 131, Prager (to Berger’s dismay) proposed that “Jews for Jesus be embraced by the Jewish community as long as they change their name, cease proselytizing, formally declare that they accept the messiahship of Jesus but not his divinity, and break off relations with those who reject these requirements.” See Dennis Prager, “A New Approach to Jews for Jesus,” *Moment* (June 2000), 28-29. For a Jew for Jesus to accept this proposal would be tantamount to spiritual suicide.

for Cohn-Sherbok, this recognition could happen right now, without any change required on their end.<sup>37</sup> Cohn-Sherbok has even edited a volume entitled, *Voices of Messianic Judaism: Confronting Critical Issues Facing a Maturing Movement*.<sup>38</sup> Reflecting the position of Jewish pluralists, he writes, “If non-theistic and non-halakhically observant forms of Judaism are acceptable, why, they ask, should Messianic Jews, who are observant believers, be denied recognition within the Jewish community?”<sup>39</sup> And, in light of “the vitality of Messianic Jewish conviction,” he goes so far as issuing a challenge: “The Jewish religious establishment would do well to reflect on the seriousness of this quest to revitalize Jewish life in a post-Holocaust age.”<sup>40</sup>

In stark contrast with this, as noted in the discussion above, there are prominent Orthodox Jewish leaders who not only deny Jewish status to Messianic Jews – as in the Beresford case of 1989 – but also deny Jewish status to Gentiles who converted to Judaism under the auspices of Reform or Conservative rabbis. (They also deny the validity of non-Orthodox Jewish marriages, hence obviating the need for a divorce if one of the parties becomes Orthodox, since the first marriage is not considered valid.) There are even cases in Israel today in which Orthodox rabbis have revoked the Jewish status of Gentiles who converted to Orthodox Judaism but subsequently failed to live fully Orthodox lives. Not surprisingly, this has resulted in an outcry from many sectors of Judaism.<sup>41</sup> In fact, Rabbi Dr. Ismar Schorsch, Chancellor of the Jewish Theological Seminary, the central institution for the training of Conservative Jewish rabbis worldwide, recently stated: “I believe that Israel needs to be a Jewish state,” but then explained, “It cannot be an Orthodox state and to make it an Orthodox state will *shrink it and render it insignificant* to the Jewish people.”<sup>42</sup>

What this means is that the already volatile question of “Who is a Jew?”, if answered by Orthodox Jewish voices, could well become increasingly volatile, with the means of determining Jewish identity becoming increasingly subjective and divisive.

### **Pragmatic Thoughts on Jewish Identity**

It should be readily apparent from this paper that the question of Jewish identity, defined on ethnic grounds alone, is not particularly complex or difficult. Thus, someone born of a Jewish mother (for the question of a Jewish father, see immediately below) could not

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<sup>37</sup> See his *Messianic Judaism: The First Study of Messianic Judaism by a Non-Adherent* (London/New York: Cassell, 2000).

<sup>38</sup> Baltimore, MD: Lederer Books, 2001.

<sup>39</sup> *Ibid.*, xiv.

<sup>40</sup> *Ibid.*, xx.

<sup>41</sup> Cf., e.g., the articles on the Israel Religious Action Center website ([www.irac.org](http://www.irac.org)).

<sup>42</sup> *Who Is a Jew?*, 193, my emphasis.

cease to be a Jew – regardless of belief or practice – anymore than a human could cease to be a human.<sup>43</sup> On the other hand, this does not guarantee endless generations of Jews who are Jews by bloodline only. To the contrary, once a Jew breaks ties with his people through assimilation and intermarriage, Jewish identity tends to be completely lost over the course of three or four generations. Thus, some degree of attachment to one’s Jewish identity is a *sine qua non* for the continuity of the Jewish people. It can therefore be argued on practical and historical grounds that any child born of a Jewish mother (or father, a position supported by scriptural precedent) who recognizes himself or herself to be Jewish and who affirms his or her connection to the Jewish people must be recognized as a Jew, while those Jews who reject such identification will soon sever themselves from their people over a process of time.

However, once specific questions of Jewish observance and beliefs, along with the question of “changing religion,” are brought to bear on the question of “Who is a Jew?” – ranging from ultra-Orthodox to Reconstructionist to Hasidic to Messianic perspectives – then a Pandora’s box is opened that cannot easily be closed. Thus, a Messianic Jew could theoretically question the Jewishness of an Orthodox rabbi – since the Messianic Jew would argue that true Jewishness requires faith in Yeshua as Messiah – while an Orthodox rabbi could question the Jewishness of some of the founders of the modern Jewish state, since many of these pioneers were non-religious at best and atheistic at worst. (In the words of the late Grand Rabbi of the Satmar Hasidim, Yoel Teitelbaum, Israeli Independence Day commemorates, “The day that the members of the conspiracy against G-d and His Messiah, established their Kingdom of Atheism over the Jewish People, by uprooting the Holy Torah and the Faith.”<sup>44</sup>)

In conclusion, then, we can safely say that if the Supreme Court of Israel – itself a rabbinical court – can hardly bear the burden of determining Jewish identity on religious grounds without sparking controversy among Jews worldwide, much less can the secular

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<sup>43</sup> As stated in the “Open Letter” from the Messianic Jewish Alliance (see above, n. 29), “Jewish national identity has never been, nor is at present, contingent upon the faith held by a person of blood-Jewish lineage. . . . a person who is born Jewish is Jewish, and their national identity cannot be affected by the content of their faith.”

<sup>44</sup> See [www.nkusa.org/Historical\\_Documents/disbrosKodesh.cfm](http://www.nkusa.org/Historical_Documents/disbrosKodesh.cfm). For similar statements from other ultra-Orthodox Jewish groups who vigorously reject the validity of modern Israel for these very reasons, see the articles posted on [www.netureikarta.org](http://www.netureikarta.org), the official website for “Jews United Against Zionism.” Rabbi Teitelbaum even argued that those celebrating the Israeli Independence Day sinned in a way that was “much worse than accepting idolatry, because they not only accept it [viz., Israel], but celebrate and rejoice in the terrible rebellion against G-d and His Holy Torah. There are many sinners and even deniers of the Faith, whose hearts trouble them, because they are not serving G-d, but they are unable to stand up against temptation and against deceitful ideologies that confuse them. However, those who rejoice in this sin, are guilty of much worse, blasphemy.” Telushkin notes that the Neturei Karta today consist of only several hundred families, arguing that, “pointing to the Neturei Karta to prove anything about Jewish life is pointless. This tiny group is as unrepresentative of Jewish views as the snake-handling sects of West Virginia . . . are of Christianity” (*Jewish Literacy*, 336). The Satmar Hasidim, however, represent a more prominent movement, numbering into the tens of thousands, while the late Rabbi Teitelbaum was himself a man of great influence.

courts of the world attempt to tackle this subject on those very same religious grounds.<sup>45</sup> However, once a primarily ethnic identification is accepted – in keeping with pre-1960 historic precedents – the controversy surrounding the question of Jewish identity, will, for all practical purposes, greatly diminish, both in scope and intensity.

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<sup>45</sup> Cf. the comments of Chief Rabbi Sacks in his book *One People? Tradition, Modernity, and Jewish Unity* (London, UK : Littman Library of Jewish Civilization, 1993), cited in Hyman, *Who Is a Jew?*, 133.