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### Who is a Jew?

by Rebecca Weiner\*

Judaism is considered to be both a religion and a nation/culture. More than 13 million people are now identified as Jews, with roughly six million living in the United States and five million in Israel. \*\* Jews come in all shapes, sizes and nationalities. For example, there are black Jews from Ethiopia, Chinese Jews from Shanghai and Indian Jews from India. Practices and beliefs among Jews range from those who call themselves Jews but have nothing more to do with the religion or culture to rigidly Orthodox who strictly observe ancient Jewish precepts.

Today, Judaism is comprised of four major movements, Orthodox, Conservative, Reform and Reconstructionist. Reform is by far the largest today, but it has relatively few adherents in Israel where most Jews are either Orthodox (a minority) or do not affiliate with a particular movement. Most Israelis are often described as "secular," but most still observe Jewish holidays (many of which are national holidays in Israel) and are very knowledgeable about their history and culture (which is taught in public school). The Conservative movement is also very strong in the United States, but has yet to make significant inroads in Israel. Reconstructionism is the smallest, and newest movement and has virtually no presence in Israel. The Orthodox movement has grown in recent years in the United States and remains the strongest movement in Israel. The Orthodox, more so than the other movements, are also divided among different sects, such as Satmar and Chabad.

The Jewish movements have different interpretations of the Torah, which lead to different rituals, spiritual practices and beliefs. The diversity of beliefs and practices has led to different definitions of "Who is a Jew." This question is not just philosophical, it has political and legal ramifications. In Israel, questions of Jewishness have implications for immigration, conversion, marriage, divorce and the allocation of government money.

#### Origins of the Words "Jew" and "Judaism"

The original name for the people we now call Jews was Hebrews. The word "Hebrew" (in Hebrew, "Ivri") is first used in the Torah to describe Abraham (Gen. 14:13). The word is apparently derived from the name Eber, one of Abraham's ancestors. Another tradition teaches that the word comes from the word "eyver," which means "the other side," referring to the fact that Abraham came from the other side of the Euphrates, or referring to the fact Abraham was separated from the other nations morally and spiritually.

Another name used for the people is Children of Israel or Israelites, which refers to the fact that the people are descendants of Jacob, who was also called Israel.

The word "Jew" (in Hebrew, "Yehudi") is derived from the name Judah, which was the name of one of Jacob's twelve sons. Judah was the ancestor of one of the tribes of Israel, which was named after him. Likewise, the word Judaism literally means "Judah-ism," that is, the religion of the Yehudim.

Originally, the term Yehudi referred specifically to members of the tribe of Judah, as ~~distinguished from the other tribes of Israel. However, after the death of King Solomon, the~~ nation of Israel was split into two kingdoms: the kingdom of Judah and the kingdom of Israel (I Kings 12; II Chronicles 10). 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. The most obvious biblical example of this usage is in Esther 2:5, where Mordecai is referred to as both a Yehudi and a member of the tribe of Benjamin.

In the 6th century B.C.E., the kingdom of Israel was conquered by Assyria and the ten tribes were exiled from the land (II Kings 17), leaving only the tribes in the kingdom of Judah remaining to carry on Abraham's heritage. These people of the kingdom of Judah were generally known to themselves and to other nations as Yehudim (Jews), and that name continues to be used today.

In common speech, the word "Jew" is used to refer to all of the physical and spiritual descendants of Jacob/Israel, as well as to the patriarchs Abraham and Isaac and their wives, and the word "Judaism" is used to refer to their beliefs. Technically, this usage is inaccurate, just as it is technically inaccurate to use the word "Indian" to refer to the original inhabitants of the Americas. However, this technically inaccurate usage is common both within the Jewish community and outside of it, and is therefore used throughout this site.

### Who is a Jew according to Halacha (Jewish Law)?

According to Jewish law, a child born to a Jewish mother or an adult who has converted to Judaism is considered a Jew; one does not have to reaffirm their Jewishness or practice any of the laws of the Torah to be Jewish. According to Reform Judaism, a person is a Jew if they were born to either a Jewish mother or a Jewish father. Also, Reform Judaism stresses the importance of being raised Jewish; if a child is born to Jewish parents and was not raised Jewish then the child is not considered Jewish. According to the Orthodox movement, the father's religion and whether the person practices is immaterial. No affirmation or upbringing is needed, as long as the mother was Jewish.

Besides for differing opinions on patrilineal descent, the various streams also have different conversion practices. Conversion done under the auspices of an Orthodox rabbi, entails Jewish study, brit milah (for men), mikvah (for both men and women) and a stated commitment to follow the laws of the Torah. Conservative conversions use the same requirements as the Orthodox do; however, conversions by the Reform movement and other streams do not have the same requirements. Since the conversion practices are not uniform, many Orthodox Jews do not recognize Reform or Conservative conversions as valid and, hence, do not consider the converts Jews. Once a person has converted to Judaism, he is not referred to by any special term; he is as much a Jew as anyone born Jewish.

## About Matrilineal Descent

Many people have asked why traditional Judaism uses matrilineal descent to determine Jewish status, when in all other things (tribal affiliation, priestly status, royalty, etc.) patrilineal descent is used.

The Torah does not specifically state anywhere that matrilineal descent should be used; however, there are several passages in the Torah where it is understood that the child of a Jewish woman and a non-Jewish man is a Jew, and several other passages where it is understood that ~~the child of a non-Jewish woman and a Jewish man is not a Jew.~~

In Deuteronomy 7:1-5, in expressing the prohibition against intermarriage, G-d says "he [ie, the non-Jewish male spouse] will cause your child to turn away from Me and they will worship the gods of others." No such concern is expressed about the child of a non-Jewish female spouse. From this, we infer that the child of a non-Jewish male spouse is Jewish (and can therefore be turned away from Judaism), but the child of a non-Jewish female spouse is not Jewish (and therefore turning away is not an issue).

Leviticus 24:10 speaks of the son of an Israelite woman and an Egyptian man as being "among the community of Israel" (i.e., a Jew).

On the other hand, in Ezra 10:2-3, the Jews returning to Israel vowed to put aside their non-Jewish wives and the children born to those wives. They could not have put aside those children if those children were Jews.

Several people have asked how King David could be a Jew given that one of his female ancestors, Ruth, was not a Jew. This conclusion is based on two faulty premises: first of all, Ruth was a Jew, and even if she wasn't, that would not affect David's status as a Jew. Ruth converted to Judaism before marrying Boaz and bearing Obed. See Ruth 1:16, where Ruth states her intention to convert. After Ruth converted, she was a Jew, and all of her children born after the conversion were Jewish as well. But even if Ruth were not Jewish at the time Obed was born, that would not affect King David's status as a Jew, because Ruth is an ancestor of David's father, not of David's mother, and David's Jewish status is determined by his mother.

## Implications in Israeli Society

### *Immigration:*

In 1950, the Law of Return was passed in Israel stating that every Jew has the right to immigrate to Israel, and granting automatic citizenship and benefits to any Jew who makes aliyah. Jewish immigrants receive better benefits than non-Jewish immigrants, including guaranteed housing, ulpan (Hebrew language study), full tuition for graduate degrees, and other benefits including discounts on major purchases, such as cars and appliances. The absorption process is more arduous for non-Jews and may take many years, during which they might not have health insurance and other government services.

Three famous cases tested the Law of Return and a Jew's right to immediate citizenship. The first example involved Brother Daniel (born Oswald Rufeisen), a Jew who converted to Christianity during the Holocaust and had become a Carmelite Monk. During his youth,

Rufeisen was active in a Zionist youth movement and fled to Vilna, Lithuania at the start of World War II. There he worked as a slave laborer and escaped to Mir where he worked for the police as a translator. Rufeisen took advantage of his position and smuggled arms to his Jewish friends and helped drive the police out from Mir before it was liquidated, saving nearly 300 Jews. Rufeisen hid in the forest and later a convent, where he decided to convert to Christianity. In 1962, Rufeisen, now Brother Daniel, applied to immigrate to Israel and, after being denied, he appealed to the Supreme Court. The Supreme Court ruled that despite the fact he was born to a Jewish mother, he had since converted and should not be recognized as a Jew by the State of Israel.

Following the Brother Daniel case, a new regulation was adopted stating that individuals registered as Jews for the "nationality" and "religion" section of their identity cards must be Jews according to halacha and they must not practice another religion. The Shalit case challenged this new ruling. Benjamin Shalit married a non-Jewish Scottish woman. Since he was an Israeli, she and their children automatically received Israeli citizenship. The two considered themselves atheists, but part of a Jewish nation and wanted their children's identity cards to state Jewish for the nationality designation and to remain blank for religion. The Ministry of Interior wanted to keep both designations blank, so the case was appealed to the Supreme Court. The Supreme Court ruled in the Shalits' favor.

The decision sparked controversy and, in 1970, an amendment to the Law of Return passed stating that only persons born to a Jewish mother or who had converted to Judaism were allowed to immigrate to Israel under the Law of Return. This amendment did not specify what type of conversion is needed, thereby allowing different interpretations. Since the amendment was passed, religious parties in the Knesset have tried to change it to apply only to Orthodox conversions, a move that angered the Reform and Conservative movements in the United States, which felt that it was an attempt to delegitimize their movements.

The Shoshanna Miller Case in 1980 tested the new amendment. She applied for citizenship under the Law of Return as a Reform convert. Initially her petition was refused and she appealed to the Supreme Court, which ruled that she should be granted citizenship, in what became known as the Miller precedent.

### *Conversion*

Non-orthodox conversions done outside Israel are allowed; however, in Israel, only Orthodox conversions are accepted by the government and the Rabbinate. While the issue of conversion had sparked controversy in Israel for many years, the need for a comprehensive conversion policy was heightened after the arrival of 800,000 Russian immigrants in the late 1980's. They immigrated under the Law of Return, however, about 200,000 -300,000 were not Jewish according to halacha. To find a solution acceptable to Orthodox and non-Orthodox streams, the Neeman Committee was formed. In February 1998, Finance Minister Yaakov Neeman recommended that conversions should be done according to halacha through a special Conversion Court, and that a special institute would be created to prepare applicants for conversion, in which they could take courses offered by all streams of Judaism. The Neeman Committee's proposal was endorsed by the Cabinet and the Knesset, however it was not accepted by the Chief Rabbinate. Lacking the support of the Rabbinate, the Neeman Committee's proposals were never implemented.

In December 1998, Jerusalem District Court Judge Vardi Zeiler ruled that Conservative and

Reform converts are allowed to be registered at the Interior Ministry as Jews, regardless of where the conversion took place. Following this case, appeals were expected and legislation has been proposed to allow only Orthodox conversions. The conversion issue has yet to be resolved.

The issue of conversion also became controversial after the arrival of thousands of Jews from Ethiopia. Ethiopian Jews did not practice any rituals or laws pertaining to the Oral Torah and, instead, practice a purer form of Biblical Judaism, which is different than mainstream Ashkenazic and Sephardic Judaism. Because of these differences and for other ritual purposes, the Rabbinate proposed a symbolic conversion of all Ethiopian Jews to be done before they married. The Ethiopians refused stating that it delegitimized them as Jews. Eventually the issue was circumvented as a rabbi sympathetic to their cause was able to register their marriages. Ethiopian rabbis still have difficulty gaining legitimacy for their marriages and divorces performed in Israel.

### *Marriage and Divorce*

Marriage ceremonies and divorce proceedings are not allowed to be performed or issued by Conservative or Reform rabbis in Israel. In fact, only Orthodox rabbis are allowed to marry Jews and many secular Israelis travel to Cyprus and other foreign countries to have a civil ceremony, which they can not receive in Israel. Israel does recognize marriages performed abroad by the Conservative and Reform movements; however, divorces issued abroad by rabbis from these movements are not recognized by the Rabbinate in Israel.

One of the reasons why issues of conversion, marriage and divorce are so important to religious Jews is because of the possibility of *mamzerim* (illegitimates). In a Jewish divorce, a *get* must be signed by the husband. If he does not sign, then the divorce is not official and the couple is still legally married according to Jewish law. If the *get* is not issued, the woman is not free to remarry and have children, and if she does remarry and have children, then those children are considered to be bastards according to Jewish law. (There is no biblical injunction against multiple wives, however, it has been ruled illegal according to the Rabbis.) The bastard child cannot be issued a Jewish identity card and will not be permitted to marry another Jew in Israel. The illegitimate child is only permitted to marry other illegitimate children. Hence, many Orthodox Rabbis claim the reason they want to retain control over conversions, marriage and divorce is to avoid the problem of *mamzerim*.

### *Allocation of Funding*

In Israel, another political implication for the "Who is a Jew" question is the allocation of government funds. The government of Israel sets aside part of their annual budget for religious purposes, much of these funds are then distributed by the Ministry of Religious Affairs. In 1994, the High Court of Justice ordered the allocation of funds to non-Orthodox institutions in Israel. The Ministry of Religious Affairs agreed to abide by the ruling of the court, however, officials decided that they would not earmark funds for non-Orthodox supplementary religious education or for non-Orthodox Torah culture funds.

In 1995, the Ministry of Religious Affairs gave less than a half of a percent of the available funds to Hebrew Union College (HUC), the Reform Rabbinical Institute in Israel. Angered by the poor funding, petitions were sent to High Court to request increased funding for HUC and other Reform institutions.

Funding is also determined by local religious councils. Until recently, non-Orthodox rabbis were unable to sit in religious councils, which control funds to local institutions.

Alternative sources of funding have been found by the Conservative and Reform movements for their schools and programs. Funding for non-Orthodox schools, such as the Tali schools (run by the Masorti movement in Israel) has received funds from foundations, non-governmental organizations and the Jewish Agency.

Some of the inequalities in the Israeli political system against non-Orthodox movements in Judaism may be alleviated by the potential break-up of the Religious Ministry, proposed by Prime Minister Ehud Barak.

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\*The sections on the origins of the word "Jew" and matrilineal descent were written by Tracey Rich on her Judaism 101 site.

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