



# A Jewish registry?

Although anchored in history, such a catalogue would divide Jews, not unite them

**THIS PAST** March, at a conference sponsored by the European Conference of Rabbis, a representative of Israel’s Ministry of Religious Services made a startling announcement. The Ministry, he said, is planning to create an international registry of Jews: All those who were married according to Orthodox *halakha*, and all those who can produce a certified Orthodox *ketuba*, he proclaimed, will have the opportunity to join the registry. Though light on details, the announcement implied that the data would be fed into the database without the permission of the couples.

Apparently, the majority of the Jewish people – those not married by Orthodox rabbis – would be left out.

Incredibly, there is a historical basis for a registry of Jews. The book of the Torah that begins this week, Numbers (in Hebrew, *Bamidbar* – “in the desert”) tells of the first census that Moses was commanded to take as the Israelites began their journey towards Israel.

The text states, “[Moses] gathered the entire community, who were registered by the clans of their ancestral homes, the names of those aged twenty years and over, listed head by head.” The Hebrew word for “registered” is *vayityaldu*, a rarely found expression, which baffled the leading medieval commentators. While Ibn Ezra understands this to mean that Moses asked the Israelites their birthdays (to determine who was over twenty), Rashi notes that the Israelites “brought their documents of birth, and witnesses who could testify to their status.”

Despite the fact that the Jews had undergone a traumatic year together, Rashi’s reading is that there was still suspicion regarding the Israelites’ bona fides, and they had to prove their status. Imagine a young man saying to Moses, “I don’t have the documents. We ran away in the middle of the night. We didn’t even have enough time to bake bread!”

Are Israel’s religious authorities simply following a grand Jewish tradition? Or



have they lost all sense of normalcy and proportion?

As an Orthodox rabbi who lives in and loves the State of Israel, I unfortunately have to side with the latter position. These rabbis and officials have simply lost their minds.

Despite the midrashic reading suggested by Rashi of what took place in the desert census, the rich halachic tradition that developed regarding “Who is a Jew?” is significantly more inclusive than the narrow Orthodox reading adopted by the Ministry of Religious Services. The Talmud and the Shulchan Arukh, the central code of Jewish law, both note that if someone comes forward and says he or she is Jewish, the assumption is that that person is telling the truth. In fact, the Shulchan Arukh makes clear that the only people whom we suspect of not being Jewish are rabble rousers who question someone’s status and those who fight one with another.

Nachmanides, the 13th century Spanish commentator, rejects Rashi’s interpretation, noting that with the shared experiences that the Israelite community had experienced, everyone knew that everyone else could be trusted. This has to be the lodestar for our generation as well.

In Israel every year, more than five thousand young couples are subjected to hearings in rabbinical courts where they are forced to

produce their documents testifying to their Jewish birth and witnesses who can testify to their status. The State of Israel – founded according to its Declaration of Independence as a home for the Jewish people – is now placing thousands of Jews in the anomalous state of being Jewish under the Law of Return (and listed as Jewish in the Population Registry) and yet not Jewish enough for the marriage laws of Israel. They join another 364,000 or so individuals (some 5.8 percent of Israel’s Jewish population) who are patrilineal Jews and who also cannot be married in Israel.

Is this a reason to despair? How can it be that Israel, the homeland of the Jewish people, will actually create lists of those in the Diaspora who are “real” Jews and those who are not? In the name of *halakha*, are Israel’s religious authorities alienating most of our people?

There is no reason to despair about Israel. But there needs to be a renewed sense of purpose on the part of Jews everywhere. We live in a generation, not unlike that of our ancestors, who left Egypt to search for the Promised Land. As Jews from diverse backgrounds and traditions, we cannot let one narrow-minded group create registries that leave most of us out. Rather, we need to remind Israel’s leaders how committed we are to its future as a home for all Jews, and to insist that ideas like a Jewish registry will divide the Jewish people, not unite it.

Perhaps, in Moses’s time, there was reason to ask people to bring documentation. But today, we must protest when the very core that brings our people together is challenged by a group of narrow-minded rabbis, whose agenda is to exclude Jews from our midst. For the sake of those who seek the Promised Land, the cataloging of Jews must cease. ■

*Rabbi Dr. Seth Farber is the director of ITIM: The Jewish Advocacy Center in Israel. He serves as the rabbi of Kehilat Netivot in Ra’anana where he lives with his wife, Michelle, and their five children*