

ALAN DERSHOWITZ VS. THE JEWISH PEOPLE

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Professor Alan Dershowitz's book, *The Vanishing American Jew* (Little, Brown and Company, New York, 1997) is reviewed here at great length because it expresses a controversial position of a concerned Jew whose reputation as a very successful American defense lawyer has propelled him to address countless meetings of Jewish Federations and university students throughout the United States. The volume warrants serious analysis because it affects the future of Jewish peoplehood, and specifically Jewish education. *Avar ve'Atid* welcomes reactions to this critical evaluation.

Alan Dershowitz's latest book is both important and alarming. It is important because the author is an internationally renowned celebrity, Professor of Law at Harvard University, activist in freeing Russian Jews from the former communist regime, member of the power elite of the United States, and a personal friend of those who set policy for the American people (like President Clinton). Moreover, he is not ignorant of Jewish sources having benefited in his youth from a 12-year Orthodox day-school education. The chapters in which he analyzes external topics relevant to Jewry, such as Holocaust deniers, anti-Semitism and particularly Black Muslim bigotry, are especially well written and worthy of an articulate attorney.

The one basic stylistic flaw of the book is its repetitiveness. Its fundamental substantive failing is that it focuses on individual Jews, not on the Jewish people as an ongoing historic collective entity. Even in chapters on contemporary anti-Semitism, the author distinguishes only between institutional anti-Semitism, which he claims has all but disappeared, and individual Jew-hatred which still exists, but is on the wane. What he does not emphasize is that today's anti-Jewishness is directed against the Jewish people, the Jewish collective, including the State of Israel. In his chapter on Israel, he not only fails to place anti-Zionism within this framework of collective-hatred, but avoids recognizing Zionism as the national liberation movement of modern Jewish peoplehood. His treatment of Zionism is strictly personal. He does not recognize that Zionism has been a nationalist response to the Emancipation that gave

Western Jews *individual* civil rights but refused to grant any national rights to the Jewish *collective*. Zionism restored to the Jewish people the nationalism that was taken from them by the Emancipation.

Indeed, when Dershowitz discusses collective Jewish survival – and this is the ostensible reason for writing the book (page 1) – most knowledgeable Jews who are deeply concerned about the future of their historic people are bound to give this volume a decisively failing grade.

The book is alarming because the author advocates a new Jewish "state of mind" bereft of any practical *singular* commitment and obligations to the 3300-year-old heritage of Jewish peoplehood. This new mindset reflects (1) an individualistic, subjective brand of Judaism wholly detached from collective-historic norms; (2) a blatantly anti-religious and intellectually unconvincing distinctive, normative Jewish lifestyle; (3) a focus on the Jewish present without assuming any responsibility for our people's future; and, most importantly, (4) a condoning and accommodating attitude toward intermarriage.

Because of the author's celebrity status, it is tempting to challenge his lengthy brief page by page, item by item, but that would entail an extensive analysis beyond the purview of a single, even extended, article. Suffice it to say that Dershowitz's thesis is largely an attempt to rationalize the intermarriage of his son Jamin to a Catholic woman who refuses to convert to Judaism. As a result of his approval, albeit reluctant, of intermarriage, Dershowitz the father is now likely to become the international guru and comforter of troubled parents and grandparents whose children and grandchildren have intermarried. This is a humane contribution to their individual lives – but a serious blow to the continuity of the historic Jewish people. As the author puts it: "a *half*-Jewish grandchild who is proud of his or her Jewish heritage is preferable, from a Jewish perspective, to a grandchild who completely rejects it, or a son-in-law or daughter-in-law who loves Judaism and Jewish life is better than one who resents it" (323-4). What pride! What love! Pride in a historic people abandoned by their immediate forbears? Love for a Judaism that is not worthwhile adopting as one's own? One may add to the author's superlatives about Jewish pride and love Benjamin Disraeli's famous retort to the anti-Semitic taunts of a British M.P. Baptized at the age of 13 by a father who converted to Christianity, the famous statesman said: "Yes, I am a Jew, and when the ancestors of the Right Honorable Gentleman were brutal savages on an unknown island, mine were priests in the Temple of Solomon." But today, the chances of such an encounter are minimal. With the end of institutional anti-Semitism, and the decline of individual Jew-hatred, as the author assures us, bigotry will no longer make us, and specially our progeny, Jew-conscious, and even Disraeli's caustic remarks will not be necessary.

The author's mixed-marriage rationalization spells *the eclipse of the Jewish people*, perhaps not in his generation, but in the later ones of his grandchildren

and their offspring. His many popular appearances on college campuses can only accelerate the rate of intermarriage. Coming from such a well-known person, young, uncommitted Jews who are thinking about marrying non-Jews will find it easier to cross the line. For Dershowitz, individual love is the *only* consideration for marriage – regardless of loyalty to family, allegiances to peoplehood, attachments to "heritage" (which he repeatedly insists that his son's family will continue to "respect"), or to religion, which the author downgrades to a primary level of personal choice. No longer is Judaism the religious culture of a collective people; it is now the subjective "process" of individual Jews. For an ostensibly educated Jew to ignore the historic peoplehood framework and collective norms of Judaism so blatantly is as bizarre as it would be for lawyers to form their understanding of the American constitution solely on its human rights provisions.

In the name of an abstract universalism, Dershowitz refuses to combat the collective suicidal tendency of young Jews – while telling them, at the same time, how great the Jewish heritage is. Will the real Alan Dershowitz stand up! His admitted personal, understandable pain caused by his son's intermarriage cannot morally be alleviated by condoning intermarriage for other Jews!

Dershowitz's post-modern mindset places the individual above the interests of the group – of the collective Jewish society. During history's modern period, beginning with the French Revolution, there was at least an ongoing dialectical relationship between the individual and the collective into which every Jew was born and raised; but in today's post-modern era, personal autonomy alone is the socially correct pattern of thought and practice. A person has only individual rights and hardly any mandatory societal duties. Under such circumstances, it is doubtful that the historic Jewish people, already diminished by the Holocaust, a low birthrate, and the high percentage of intermarriage, can continue to exist in the future as a modern, distinctive, viable polity. There is little honesty or moral compunction in placing everyone into the category of Jewish peoplehood – especially if that person or family, even inadvertently, undermines the historic Jewish nation.

Dershowitz's Grand Illusion

While insisting that "there is no unique historical essence of Judaism" (259), Dershowitz is forced, against all logic and integrity, to rattle off several *universal* elements which to him constitute the Jewish mindset of the future. This, despite the fact that "they are compendiums of human virtues that any group of decent and intelligent people could compile" (257). These traits include "a commitment to education and learning; active participation in social and political causes; involvement in the arts; charitable giving, and compassion

towards others; close familial and community ties; a high level of creativity, energy, and adaptability; a drive toward success; disproportionate (achievement) in certain fields such as medicine, law, finance, academia and the media; and disproportionate influence in the world" (261). Elsewhere, he adds "justice": "The Jewish tradition demands that justice be pursued, but leaves it to each individual Jew to pursue it by his or her own lights" (276); "to repair the world"; and "perhaps the essence most characteristic of Judaism and found in no other religion, culture or civilization is its *argumentative nature*" (272). In short, "the essence of Judaism is not substantive so much as it is *procedural*, a process for arriving at changing truths for changing times" (284). Such are the distinctive values of Judaism – according to the Harvard professor.

Any serious student of Judaica can only be appalled at these "essences" of Judaism – "involvement in the arts," "a drive toward success," "each individual Jew [pursuing justice] by his or her own lights," Judaism's unique "argumentative nature," and Jewish culture's singular essence being "procedural," not "substantive." Only a successful criminal lawyer who gets his clients off on murder charges solely on the basis of flawed legal procedure could come up with the last characteristic. Only an author who called his previous book *Chutzpah* could make many of these distinguishing features the essences of historic Jewish culture.

"To repair the world" – *tikkun olam* – is a slogan, a favorite phrase of Dershowitz, not a daily practice. For any Jew or Jewish community to think that they are capable of changing world society as a result of pulpit exhortations, or *ad hoc*, unsystematic, impersonal acts of charity, is sheer wishful thinking. While indeed, such an eschatological goal is part of Jewish religious thought – "to repair the world within the moral kingdom of God" – the immediate, and practical, essence of Judaism is to repair one's own character – *tikkun atzmi*: "The mitzvot were given solely to refine human nature" (Midrash Rabbah, Genesis, 44:1). *Tikkun olam*, improving the world morally is hardly the role or within the possibility of individual Jews; only nation-states can possibly affect the moral condition of mankind. One of the principal value-ideals of Zionism – yet to be attained – is, for Israel, a member in the world family of sovereign nation-states, to be worthy of influencing other member states to infuse their respective societies with greater moral behavior. (Israel itself has a long way to go to warrant such an international role – but this subject is outside the purview of this essay.) This is the meaning of becoming "a light unto the nations" (Isaiah 49:6). Such is the gist of Zechariah's prophecy: "And the Lord shall be king over all the earth; in that day there shall be one Lord with one name" (14:9).

Though individual Jews and their organizations, both lay and religious, cannot repair the world, they are obliged to practice *tzedakah*, personal acts of righteousness toward other individuals in order to right social wrongs. This is both germane and feasible. The principal essence of Judaism is to treat every

person, in the language of Martin Buber, as a "thou," not as an "it." Why? Because every human being is born in the Divine image! That is why Jews are expected to respect and love others, to relate to them with mutual concern and responsibility – as part of a moral social contract. While Dershowitz explores (in chapter seven) many "essences" of Judaism to justify his right to choose or construct a personal Jewish core of values, he overlooks the dominant imperative in classical Jewish culture, probably because it is associated with God: "You shall be holy for I the Lord, your God, am holy" (Leviticus 19:12). Holiness is first and foremost expressed in I-thou interpersonal relationships – because all humans are created in the spiritual image of a moral and loving Deity.

(It is true, of course, that the Bible also projects the image of a jealous and relentless Jehovah. Dershowitz surely knows that every culture, religious or secular, includes two guiding strands – liberal and conservative, interpretive and literal, lenient and severe. Judaism is no exception. The harsh milieu of the ancient Near East was considerably less merciful than the humane Judaism that was developed over the centuries by the Oral Law and the commentaries on biblical scripture. The Jewish sages interpreted the name "Adonai" as God's attribute of mercy and love, which was to balance and serve as the dialectical rival of the name "Elohim," His attribute of law and order. In the Bible itself, the Deity of law is offset by the God of benevolence and compassion; to this day, this dialectical relationship continues: during the Seder, for example, Jews praise the God of freedom, while they invoke His wrath against the nations that refuse to acknowledge His universal laws of morality.)

Dershowitz and God

Dershowitz does not believe in God. Despite using His name and discussing Him throughout the book whenever it suits his purposes, "God is not central to my particular brand of Judaism" (180), but "I do not want to challenge God-centered Judaism" (187). The author and his son "are borderline agnostic(s), and we act as if there probably is no God" (35). Why? Because "there are simply too many Jews who cannot believe in the unprovable, no matter how comforting such belief may be" (179). Furthermore, Dershowitz asks: "Even if one believes in God" – though he himself has "never even heard of a compelling argument for why one God is empirically more likely than several Gods" (183) – "should [he] believe in the Jewish, . . . Christian, . . . or Muslim God . . . , [and] even if one could decide which approach was the true one, how does this all lead to the obscure rules and rituals of the major religions?" (185). Nonetheless, while one is bound to conclude that "since most Jews probably believe in God (as most non-Jews probably do)" (325), the author's new Jewish mindset hopes that they reconsider their monotheistic religion and its singular

values, rules, rituals and symbols, and join him in forging nothing less than "a new Jewish civilization" (336) – without God.

As the learned professor is undoubtedly aware, "provability" of God has not been a primary concern of mainstream Judaism. With the notable exception of medieval Jewish philosophers, the Jewish civilization has by and large taken God for granted, and its continual quest has not been to prove His existence but to grapple with the God concept to gain greater understanding of the Deity's anthropological humanistic traits – even to the extent of challenging and arguing with Him. Beginning with the Bible, God has been at the center of the Jewish heritage – which the author doesn't cease to extol. Indeed, Jewish tradition has understood Him as a Deity who relates to human beings, and especially to the covenantal nation of Israel. Jews have continually wrestled with the meaning of the Divine in their individual and collective lives – through the laws, practices, and questions of their culture. However, in keeping with his deviant Jewish perspective, Dershowitz chooses to focus on Judaism's "*argumentative nature*" (272) as being "the most characteristic [essence and] uniqueness of Judaism." This is about as accurate a description of the Jewish civilization as it is to choose "debating" as the most typical expression of college life. What Dershowitz fails to mention is that in every debate in Judaism, whether between man and God, or between one rabbinic sage and another, there was in most instances, an answer, a decision or occasionally a talmudic "*teku*" – an acronym for "we don't know the answer and must await the Messiah for an authoritative ruling." The decision of the sages was binding – just as is one of the United States Supreme Court, reached after judicial debate. The art of verbal exchange, argumentation, is hardly unique to Jewish culture, and one would have to look in vain for any scholarly support of Dershowitz's "argumentation" principle as being Judaism's most unique value – or, for that matter, many of his other Jewish essences.

Moreover, Dershowitz's demand for "provability" of the Divine sounds hollow when uttered by a lawyer who wins cases because the guilt of his client is "unprovable." He admits: "I have participated in several cases . . . over the past thirty years in which I have helped to free people believed to be guilty of horrendous crimes. In each case I felt terrible personally, though I believe that I performed an important professional duty" (304-5): Profession over conscience? Procedural "pilpulism" over substantive justice?

The author's borderline antipathy to God is of course a very personal matter. In all likelihood, one may surmise that the author is battling the God of his childhood, his baby-like comprehension of the Divine. In the meanwhile, Dershowitz has matured, sharpened his sensibilities and critical faculties and honed his sense of morality and responsibility. But his God remains static, childish, an atrophied museum piece. Understandably, he cannot believe any longer in such a Deity. The author doesn't seem to realize that in the

development of Judaism, the God concept has not only been pluralistic in nature but dynamic in character, especially in relation to a person's individual growth process. Like everything else in life, we tend to begin our use of the term "God" on the basis of home guidance, but just as our parents based their early relationship to Him on our grandparents' views, and slowly altered them in keeping with their own development, we too follow this pattern – and our children will do likewise. We commence our quest for the transcendental Deity with a childhood given – and adjust it to our own mature values, ideals, intellect and emotions. God thus becomes an "El chai" – a living entity.

At least nine classical subschools of Jewish thought have grappled with the meaning of the Divine, each of them different from, and often clashing with, the others – pentateuchal, prophetic, midrashic, talmudic, aggadic, philosophic, kabbalistic, hasidic and mitnagdic. What these variant philosophies had in common was not a monolithic perception of God, but a more-or-less shared halakhah based on the major collective norms that kept the Jewish people together. Dershowitz's "Jewish problem" is not only his closed-minded tendentious agnosticism but, as will be discussed later, his abandonment of the principal shared norms of Jewish law. Here is how the founder of hasidism, the Ba'al Shem Tov, dealt with the meaning of God:

We say [in our prayers]: *"the God of Abraham, the God of Isaac, and the God of Jacob,"* and not *the God of Abraham, Isaac and Jacob*. Why? Because Isaac and Jacob did not rely on Abraham's worship of the Deity; they themselves grappled with His unity and with ways of worshipping him.

Every generation, each person, must struggle with his or her God in keeping with that person's intellect, psyche, emotions, conscience, education, and highest values and ideals.

Dershowitz cops out of this natural, human route, but his greater intellectual omission lies in not grasping the historic-national understanding of *Elohei Yisrael*, the God of Israel, the collective Deity of the Jewish people. One of the author's genuine heroes is Ahad Ha'am (whom Dershowitz apparently likes so much that he even calls him "Ha'am," as though the first name of this pseudonym is "Ahad"). In his later years, this agnostic Zionist thinker, whom the author places in his elite category of skeptics and disbelievers, prayed every morning with talit and *tefillin*! Though he may not have accepted God as prescribed by Orthodoxy – just as Dershowitz doesn't – he believed in a Jewish national Deity who represented the supreme values, morals, ideals, and selective shared norms, of the Jewish people! Ahad Ha'am comprehended *Elohei Yisrael* as the God to whom the Jews pray collectively, and not individually. "He who creates does so in his own image," he proclaimed. Every religious culture expresses its approach to the Divine in keeping with its noblest ideals and supreme hopes. (That, Professor Dershowitz, is the major difference between one religion and

another!) "Though all the peoples walk each in the names of its gods, we will walk in the name of the Lord our God forever and ever" (Micah 4:5). The Jewish people's Deity, *inter alia*, represents the most exalted, sublime, unique values of our nation's culture; *vox populi – vox dei*. The collective cumulative historic voice of the people – of all generations – is the voice of God.

Dershowitz's Deity, in whom he doesn't believe, is essentially a personal God; Ahad Ha'am's Deity, *Elohei Yisrael*, is the national God of the historic Jewish people. Exclaimed the Zionist sage:

Even a heretic cannot say: I do not share in the "God of Israel" concept – that historic power which has kept our people alive, and influenced its spirit and way of life for thousands of years. He who truly has not a share in this God of Israel, who has no close feeling for this higher sphere in which our forefathers vested their hearts and minds, and from which they derived their moral strength – such a person can be a decent individual, but even if he resides in Eretz Yisrael and speaks Hebrew, he is not a national Jew.

Belief in God must be articulated in the context of a *particular* understanding of Him. Not only does this approach enable us to understand the differences between various religions, but it explains the possible gap between one's personal Deity and the God of Israel, *Elohei Yisrael*.

In the category of agnostics, Dershowitz includes Chaim Cohen, a former Israel Supreme Court justice, who, in a memorable TV interview, explained his disbelief in God because of His silence during the Holocaust period. While many intelligent Jews use the Shoah as the reason for their theological skepticism – as though other tragedies, large and small, personal and collective, are fully understood – they fail to recognize that in the Jewish constitution, the Torah, God explicitly gives humans and nations the prerogative of choosing between good and evil, between life and death. If a scientifically "enlightened" but morally callous world chose to give the Nazis the freedom to reign for twelve long years, and in the course of this nightmare to annihilate six million Jews and many millions of other human beings – why should God be blamed for this catastrophe? If everyday, humans freely hurt others deeply by lying, cheating, manipulating, conniving, undermining, and insulting – are these actions subject to God's intervention? One of the cardinal doctrines of Judaism is to "refine human nature," and the purpose of the mitzvot is to remind us to do exactly that! In this-worldly religious culture, human beings must be morally responsible for their actions, and cannot blame their choices and mistakes on others – or on God.

As taught by the renowned Bible scholar and insightful national philosopher Yehezkel Kaufmann (1889-1963), the national God of Israel, beginning with the Jewish prophets, also became the universal Divine of shared ethics and morals for all humankind. Proclaimed the God of Isaiah: "Blessed be My people

Egypt, the work of My hands Assyria, and My portion Israel" (19:25). Every nation, culture and civilization continued to worship its cultic Deity in accordance with its distinctive collective norms and values, but the humane laws of morality set forth in the name of the Jewish God became humanity's common inheritance. Thus, the concept of a global morality entered history and became one of ethical monotheism. When individuals or groups violated these universal standards – they were punished. The Jewish people, through its God, ceased being a self-centered, parochial nation, and became a decisive factor in human affairs. Could such a profound meaning of the Jewish understanding of God have escaped the Harvard professor?

Ignoring the Sinai Covenant . . .

Dershowitz deliberately disregards the parameters of Jewish civilization that relate to a collective people, its national-religious culture, and its historic home land. (See later, the author's Zionist stance.) His focus is on individuals who are Jews, though he occasionally cites tidbits of this collective culture when they tend to fit into his grand design. The author's new Jewish mindset is "now-ism," dedicated to today's generation of rootless Jews and to intermarried families. This new approach is totally outside the mainstream of Judaism, though the author keeps on insisting that anyone can be part of this distinctive culture – not only individuals who refuse to acknowledge its central religious component like himself, but even those who belong to other religions. He justifies his thesis by reiterating the self-evident truth that Jewish civilization is not only a religion. No one denies that it is also a nation and culture, but no serious student of Jewish thought would disclaim that its unique and distinctive feature is religion. Dershowitz evidently refuses to recognize that religion is a cardinal element in most every civilization. He personally may not practice the Jewish religion, but the Jewish people as a historic entity cannot possibly understand its own collective development without identifying with it. What other compelling, singular expressions of "Jewishness" does the author, or his son Jamin, relate to – other than religious ones? He himself admits that each year they attend High Holiday services, fast on Yom Kippur, and do not eat bread during Pesach. Dershowitz tries to downgrade these persistent religious observances by stressing his Jewishness in combating anti-Semitism, his activism on behalf of Soviet Jewry, and his "loving" Israel – but these clearly are not of the same caliber or consistency as are his regular yearly religious practices. He observes the latter not when he wants to, but in accordance with the religious-national calendar of the Jewish people. His non-religious Jewish activities are subjective, personal, and hardly ongoing; his religious expressions are historic, collective, and permanent. The fact that he ostensibly "chooses" the latter at

will does not depend on him but on their mandatory, historic-religious, *klal Yisrael* nature. The author is obviously free to ignore them, but once he decides to celebrate them, he does so because the historical Jewish people does so!

Whether in fact or in myth, the Jewish people began its collective history at Mt. Sinai some 3,300 years ago, when Hebrew families, clans and tribes adopted a shared constitution, the Torah – a corporate religious experience that made them a nation. This central Jewish document relates not only to a new national sociological entity, but defines its principal ideological goal and purpose – to be a "holy people," a *goy kadosh* (Exodus 19:6). "Goy" signifies nationhood; "kadosh" represent religion. It is a lack of intellectual integrity to ignore this biblical formula, for it permeates the mainstream development of the Jewish civilization.

This constitution, and subsequent interpretations and amendments of the "Oral Law," thus include two sets of laws and regulations – national and religious. The first set is sociological in nature, aimed at keeping the Jewish people intact. They include symbols and rituals of Shabbat and holidays, *kashrut*, circumcision, *mezuzah*, *talit*, collective worship, etc. These sancta have kept the Jews together throughout Jewish history as an extended family that mutually supports its members, and brings them joy and comfort, fellowship and solidarity, identity and meaning. As expressed by Ahad Ha'am: "More than the Jews observed the Sabbath – the Sabbath preserved them." This is the significance of the Jewish people's national practices and its relationship to the Jewish Deity. Contemporary Jews were born into this set of rituals; they did not create them. Practiced by Jews as part of their covenant with God, these rites and symbols take on a permanent character of sanctity – as though they were ordained by the Jewish Deity. (Orthodoxy, in fact, insists that Jews observe them because they were actually commanded by God!)

However, these practical mitzvot serve an even greater collective Jewish purpose: They act as constant reminders – *lema'an tizkeru* (Numbers 15:40) – to fulfill the ideological imperative to be a *holy* people by invoking a sense of holiness in interpersonal relations, because every human being is created in God's image, and must be treated accordingly. Such ideological commandments between person and person – *bein adam le'havero* – are essentially moral in character. They include, inter alia, love, compassion integrity, and social justice. The ideological purpose of the Jewish people is to become a collective moral "light unto the nations," and to spread human sanctity throughout the world.

Dershowitz would probably be prepared to accept this ideology – but without God and the Jewish people's mandatory societal-religious norms. However, without God, Judaism remains purposeless and unhistoric; without compelling national norms, it ceases to be the civilization of a collective people.

Moreover, however much the author may protest the historical union between peoplehood and religion, between *goy* and *kadosh*, most pages of the

Jewish civilization, which he exalts ad nauseam, will refute him. Religion is an indispensable component of Judaism, and his fellow American non-Jews – to whom he is justifiably grateful for enabling his co-religionists to live in freedom, equality, and material success – will continue to look upon him and other protesting Jews as members of a monotheistic faith. American remains a religious society despite it not having an established church or official religion. Dershowitz surely knows that "In God we trust" appears on every U.S. dollar bill, that no daily session of Congress is opened without a prayer, that the pledge of allegiance to the American flag includes the phrase "one nation under God," and that every U.S. President "proclaims his belief in God" (152). He himself admits that members of the powerful Christian Right are not "anti-Jewish, as they are pro-Christian" (148), though he alleges that their ultimate goal is "to turn the United States into a theocracy" (154).

Dershowitz is probably unaware of Yehezkel Kaufmann's insightful criticism of Ahad Ha'am's "cultural center" in the Land of Israel. The Zionist sage hoped that such a center would blunt the assimilationist trends of Diaspora Jews – first and foremost intermarriage – by exporting to them modern Hebrew culture from Israel that would counter their total acculturation into the societies in which they reside. Kaufmann replied that not only would such cultural export have little effect on the daily lives of Jews who are enmeshed in the cultures of their indigenous societies, but that no secular Hebrew culture can ever replace religion as the staying power of Jewish preservation: "Only the Jewish religious culture saved Diaspora Jews from [total] assimilation," asserted the biblical scholar. He continued:

Other ancient peoples also had "spiritual cultures" . . . some of them (like Egypt) much richer than the Jews. . . . It is tragic that those who once had religious faith . . . do not recognize that our nationalism came about only because of the faith in which we no longer believe. Because of this, we try to find an alternative basis for our nationalism, and invent [terms like] "natural nationalism," "spiritual nationalism," etc. . . . Can we avoid the evil decree by ignoring the truth?

The basic covenantal sociological and moral commandments that made us a Jewish people were incorporated into the collective consciousness of all generations. Nationally and religiously these imperatives became inviolable because they were attributed in Jewish culture to a Deity who not only was the guardian of the "saving remnant" (Isaiah 10:20-22) of Jewish nationhood, and who wanted this "brand plucked from the fire" (Zechariah 3:2) to persevere and flourish, but because *Elohai Israel* remained our people's epitome of holiness, perfection, and hope. While continuing to preserve their particular collective framework through ritual and symbol, Jews were expected to emulate the divine traits of love, compassion, and justice.

The Author's Questionable Pluralism

Dershowitz's negative attitude to religion parallels his views on God. Both represent his personal antipathy to Orthodoxy (and especially ultra-Orthodoxy). But aren't there other approaches to faith within the Jewish religion? Indeed, the author identifies himself with Reform Judaism – except for its God component. He hails its personal autonomy policy, its *tikkun olam* doctrine, and of course, its patrilineal basis for recognizing the "Jewishness" of newly born infants. Throughout the book, these Reform tenets are posited favorably against both Orthodoxy and Conservative Judaism which are generally presented as a single religious stance. Any serious student of modern Judaism is aware that such a presentation is patently false, but because the author cannot forgive Conservative rabbis for not officiating at intermarriages, he places them in the context of Orthodoxy. This is hardly scholarly behavior and disproves the author's claim to his objective "scrutiny" of religion (182).

Dershowitz complains bitterly that most rabbis will not officiate at intermarriages. He refuses to appreciate that a rabbi cannot and should not try to be all things to all people. Rabbis are not private persons but communal public figures who are expected to lead their congregates, not follow them. The very nature of their profession calls for them to stand for historic Jewish authenticity – of tradition and change – not for endless instability and the need "to change more quickly [in order] to adapt to the sea-changes" of contemporary life (217). Does the American Constitution – and the legal profession – change that quickly? Only relative legal constancy allows for Americans to see themselves as an enduring nation. Why shouldn't Jews feel the same? Rabbis who change Judaism drastically and often to meet local fads and pressures may be applauded by their congregates – but they can never be respected by Jewish history. Rabbis (and laymen) who condone intermarriage represent radical change and are guilty of undermining the very existence of mainstream Judaism. Just as a lawyer represents a disciplined legal code, and functions in accordance with it to assure the stability of society, so too does an authentic rabbi represent religious disciplines and basic *klal Yisrael* norms that contribute to ensuring the future of the historical Jewish people.

Regrettably, many rabbis of the Reform movement disregard some of the fundamental elementary disciplines of *klal Yisrael* Judaism, and practice their profession as each one sees fit. In the name of individual freedom and personal autonomy they unwittingly promote religious anarchy – not responsible religious pluralism; they undermine the most basic unifying historic norms of "catholic Israel." Other Reform rabbis in countries outside of the United States, including Israel, have not succumbed to such local lay coercion and refuse to officiate at intermarriages. However, the public image of this important Jewish religious

denomination remains historically tainted by those clergy who perform or participate in intermarriage ceremonies.

No modern Orthodox or Conservative rabbi will take part in such a religious ritual event not because most of them are less progressive and personal autonomy-minded than their Reform counterparts, but because they, along with a number of courageous Reform rabbis, represent *klal Yisrael*, not a secretarial Judaism that Dershowitz eschews in theory but follows in practice. For him to say that many intermarried American families "want to be part of our heritage" or "part of the Jewish civilization," is dubious, in the face of the objective findings cited by the author that only 28 percent of children of intermarried parents are "raised Jewish" – while 31 percent are brought up with no religion, and 41 percent are raised in a non-Jewish faith (348, n. 19). Nonetheless, Dershowitz asserts that Orthodoxy and Conservative Judaism do not have "the power to decide" whether the child of an intermarriage "is part of the Jewish civilization," for "one's Jewishness is a matter of self-definition, and any one who wants to be considered a Jew, or a half-Jew, or a partial Jew, or a person of Jewish heritage has a right to be so considered" (324). This is hardly an objective definition or a convincing argument for perpetuating a historic people. Just as Conservative or Orthodox rabbis don't have "the power" to determine whether patrilineal children are part of the "Jewish heritage" – neither do emotional, pained grandfathers! A detached appraisal of such a determination relates to the degree of Jewish practice in the home, the Jewish education experienced outside the family, the impact of maternal or paternal non-Jewish relatives, and is validated by the Jewish propensities of the maturing individual, whom that person marries, how they raise their own children, etc. Only such analysis can produce a sober judgment on the Jewishness of a person. What puzzles this reviewer is why the author, who says he really doesn't care about religion, insists that rabbis officiate at intermarriages. . . .

Particularly incredible to any objective critic is the way a distinguished professor of law deals with halakhah, Jewish law. No society can persist without laws – whether the framework be civic, national, academic, social, religious, mercantile, sports, medical, familial, etc. Laws keep communities together and one doesn't have to be a brilliant lawyer to know this; without laws shared by their members, societies disintegrate. If a social framework demands only taxes or dues, and nothing else, it can hardly be considered distinctive, intellectually challenging, or psychologically fulfilling. The author's assertion that halakhah is "a wonderful institution of which we should be very proud" (200) is almost, *lehavdil*, the equivalent of an anti-Semite saying that some of his best friends are Jews. For Dershowitz to acknowledge an "enormous debt to traditional rabbis . . . and their halakhah" only because it assured Jewish survival "in the face . . . of systematic persecution, discrimination, marginalization, hatred, forced conversions and mass murder" (210) is as

untrue a statement as any law professor can make. If Dershowitz would only deign to study again – we assume he has read it – the four-volume English edition of Professor Menahem Elon's *Jewish Law*, he would learn that the halakhah dealt mainly with *normal*, everyday Jewish existence within the framework of collective local Jewish autonomy – just as American law does under the rubric of national sovereignty. Jews continued to be a law-abiding distinctive people not because of severe external handicaps – which is the author's recurring thesis – but despite them! No, Professor Dershowitz, anti-Semitism and persecutions were not the principal reason for Jewish survival; Jews survived as a people because they lived a disciplined communal way of life. What kept them "Jewish" were *daily* mitzvot, practical expressions of sanctity, a feeling of affinity with a transcendental God, and a national sense of historic purpose and destiny. These mitzvot, both ethical and ritual, were incorporated in our people's memory. More than anything else, this national-historic mindset, and not the universal one recommended by the author, gave the Jewish people a reasonable assurance of group meaningfulness and collective continuity.

When Dershowitz speaks of halakhah as "an ever changing institution that must continue to change" (200) – does he mean that responsible changes by authoritative, halakhah-conscious rabbis will also be adopted by him? Or is he merely stating a commonplace platitude in order to portray himself as a moderate, pluralistic Jew? Every student of Jewish studies knows that until the abolition of Jewish communal autonomy as a result of the Emancipation era, changes were always prevalent in halakhah. For the author to tell us that "the Torah does not prohibit *all* intermarriage . . . , only intermarriage with the seven nations of Canaan" (204); or that "the Torah dictates patrilineal descent in all instances" (*ibid.*); and that the matrilineal doctrine stems from Roman sources – is blatantly disingenuous. He himself admits that biblical rules were changed by the Oral Law. So why cite the Bible in order to justify his son's marriage to a Catholic woman? The author's intentions are undisguised when he quotes the Talmud: "A restriction should not be imposed on a community if the majority is unable to stand it" (210). Can any fair-minded person imagine that such a dictum was ever applied to a majority that wanted to cease being Jewish? The talmudic adage, Professor Dershowitz, refers only to a halakhic community of Jews – not to individuals outside of it! Marriage law in *every* society, lay or religious, is not based on love, but on the laws of that society. To deny this prerogative to the historic-national Jewish society is perfidious. For the prophet Dershowitz to foresee the doom of the historic Jewish people unless it will include gentiles in its midst comes close to moral and historic intimidation. He is surprised that the 1990 Population Study by the Council of Jewish Federations revealed that only 52% of Jews were intermarrying; he expresses "amazement" that the remaining eligible Jews "*still* marry other Jews" (26).

Clearly, the author hasn't heard of the "saving remnant" vision of the biblical prophets – which fits today's reality of collective Jewish existence. Obviously, too, he rejects the notion that "small is beautiful."

While incessantly praising the "Jewish heritage," the author hardly relates to "tradition" as a compelling imperative. It is far more a "Fiddler on the Roof" set of occasional, voluntary folkways than a disciplined pattern of collective customs and *klal Yisrael* norms. To any objective student of Judaism – but not for the author, other than on infrequent occasions, such as a Passover Seder and Yom Kippur – the very essence of real respect for the Jewish "heritage" is *regular* practice and continuation of "tradition," not its diminution or transformation through coded words like "change" or "adaptability." Of course viable Judaism has changed over the centuries, but in a collective disciplined manner, in constant responsible dialectic with tradition – not as a result of individual preferences. ("A prayer should be written specifically for the non-Jewish family members of Jews who attend High Holiday services," p. 323.) All contemporary Jews are born into this *changed* religious culture; none of them created it *de novo*, and anyone who advocates sudden, extreme modifications must be highly suspect of undermining tradition, not of respecting it. Tradition represents the shared *stable klal Yisrael* manifestation of the Jewish heritage – not endless changes by individuals and groups.

Alan Dershowitz should study the philosophy of Conservative Judaism with greater openness instead of damning its rabbis for not participating in intermarriage ceremonies. If he is as persistent in his "respect" for tradition as is his call for alterations in Judaism, the basic principles of Conservative Judaism should meet with his approval – because they boldly express the formula of "tradition and change" with historic integrity. This doesn't mean that most of its congregational members follow the declared policies of the Conservative rabbinic leadership, but that rulings on halakhic questions, both moral and ritual, of the Rabbinical Assembly's Commission on Law indicate a deep respect for halakhah while they reflect halakhic changes in keeping with modern circumstances and moral sensibilities. *Vehai bahem* (Leviticus 18:5) – You shall *live* by these commandments. Isn't this what American courts occasionally do when attempting to make the Constitution and its amendments relevant to contemporary life?

While Orthodoxy essentially froze its progressive tendencies in the face of the dynamic and threatening challenges of the Enlightenment and Emancipation periods, and rationalized its position in the name of a one-time *Torah min hashamayim* Revelation at Sinai 3,300 years ago, Conservative Judaism – which broke with Reform in 19th-century Europe because of the latter's anti-halakhic and anti-Jewish-nationalist stance – maintains that Revelation is an ongoing process. The will of a living God is largely expressed in legal terms by *qualified* rabbis who interpret old laws and legislate new ones in keeping

with the social and moral conditions of modernity. Orthodoxy does not recognize the authority of Conservative rabbis to deal with halakhah, while Conservative leaders accuse the former of not relating sufficiently to the basic mores of contemporary times, including gender equality. This criticism is especially leveled against the Orthodox rabbinate in Israel that is most reluctant to accommodate itself to the responsibilities of a modern Jewish nation-state. What Dershowitz champions is the emasculation of tradition through radical change, less and less tradition. There is a vast difference between the elimination of animal sacrifices in Judaism, or the inclusion of the Kol Nidre prayer at the start of Yom Kippur – cited by the author as examples of changes in Jewish culture (201) – and intermarriage. One doesn't have to be a Harvard professor not to recognize this ludicrous parallel. Innovations in tradition and halakhah did not threaten the integrity of Jewish peoplehood, any more than infrequent amendments to the American constitution endangered the coherence of the American people. But intermarriage without conversion is an entirely different matter; history, if not common sense, has proven that such an act has always hammered another nail in the coffin of the Jewish nation.

Secularism and Jewish Education

Professor Dershowitz declares himself to be a "secular Jew," and his new Judaism is obviously geared to like-minded, non-theistic Jews. "If Israel can be *Jewish* without being *religious*, why can other secular Jews who share much of Israel's Jewish ideology not also be first-class Jews?" (181). He ignores the fact that no sensible Jew would view him other than as a full-fledged Jew. His typical red-herring arguments throughout the book do not add to his intellectual or moral credit, because he voices an undeserved portrait of Israeli reality as well as his own self-image. It may be true that a great many Israeli Jews call themselves "secular," but this label is personal, not national, and covers a wide spectrum of meanings, including their daily experiences as members of a Jewish nation whose shared language is Hebrew, and whose society – whether because of religious tradition or as a result of democratic Knesset legislation – practices, and is replete with, many elements of the Jewish religion as a matter of course. Country-wide 6 A.M. news broadcasts are preceded each morning by "Shma Yisrael"; on Shabbat, the national radio opens its programs with the *Adon Olam* hymn. Every weeknight, before the government TV channel signs off, viewers see a biblical passage or other classical Jewish religious text on the screen. Secular soldiers eat kosher food in the armed services, and smoking on the Sabbath is prohibited in their mess-halls. Secularists accept the fact that only kosher food is served in the cafeterias of hospitals and Histadrut institutions. Military funerals are conducted by Orthodox chaplains. Schools, stores, and

work places are closed on Shabbat and holidays, and public transportation in all cities but Haifa comes to a halt on those days. The national airline (El Al) does not fly on Shabbat, and all airports and radio and TV stations are shut down for twenty-four hours beginning with the afternoon preceding Yom Kippur. The Bible is taught throughout a child's school career, and mezuzot are found on every classroom door-post. Even secular Jews construct *sukkot* on their balconies for that festival, and many of them participate in Simhat Torah *hakkafo*t as well as "secular" *tikkun Shavuot* study sessions. Knesset law accorded the country's rabbinate exclusive jurisdiction over weddings, divorces, and conversion, and parliamentary legislation prohibits the breeding of pigs in Jewish settlements. The mere existence of religious political parties in Israel, with one or several of them being part of government coalitions since 1948, has made religion an integral element in the national polity. Nowhere in the Diaspora does any modern Jewish community experience such a natural, ongoing, Jewishly-religious ambiance as a permanent component of Jewish identity. Does Alan Dershowitz's secular life style in fact share much of Israel's Jewish ambience?

A second reason why secular Dershowitz cannot equate himself to Israeli secularists who do not practice religion – though he obviously does so very selectively, just as many secular Jews in Israel do – is that even were Israel to become a totally secular, non-religious society, its members would continue to participate in daily Jewish *culture*. For the author, Hebrew is not the daily language of Jewish national renaissance as it is in the Jewish homeland, but "primarily the language of prayer" (194). Despite *ad hoc* adult study groups in Diaspora communities, the relatively small number of Jewish learners do not comprise a viable, much less national, Jewish cultural society. This is the obvious answer to Dershowitz's secular quest for Jewish legitimacy in the Diaspora. Outside of Israel, secularism, as an expression of "Jewishness," can only lead to the end of any substantive link with the Jewish cultural heritage.

Though the author admits that the Society for Humanistic Judaism "has a presence" in relatively few places throughout the world, including Israel, he defines its members as Jews "who choose what is reasonable and useful" of their heritage (326). This approach is surely legitimate in an open society, but the small number of organized adherents of this mindset would seem to indicate that most "secularists" are not as non-religious as Dershowitz would hope. The clearest indication of this is the 1993 report of the Guttman Institute of Applied Social Research in Jerusalem. This respected organization concluded that the two extremes in Israeli society – the militant secularists and the rabid religionists – each constitute about 20 percent of the Jewish population. This would seem to indicate that the bulk of Israeli Jews are far removed from the country's perceived anti-religious image. (One reason for this erroneous perception is that Israeli media and culture are controlled largely by individuals close to the country's militant secularists.)

The problem with modern-day "Jewish secularists" is their refusal to acknowledge the incoherent relationship between two terms – "Jewish" and "secular." All Jews are "secular" – whether religious or not. The pattern of daily life – work, money, cars, videos and TV, newspapers, elections, etc. – is distinctly "secular" in nature. Modern Orthodoxy encourages university education, and even *haredi* women work at computers. At the same time, most Jews are "religious" – though not necessarily totally "observant" – if by that term they acknowledge a metaphysical factor beyond themselves, abide by several or many moral *mitzvot*, and even practice, as does Dershowitz, occasional ceremonial rituals. Such a mindset, of course, may not be the Orthodox understanding of religion, but the term is so entrenched in collective Jewish consciousness that to ignore it is to play the role of an ostrich.

"Secular Judaism" has very little to do with the distinctive term "Jewish." Abba Eban, the erudite and universally-respected Israeli statesman, pointed up this dichotomy when he responded to the invitation of the Israeli Society for Humanistic-Secular Judaism to send greetings to the organization's founding meeting:

The specter of a chasm between faith and humanism is a product of a selective attitude to religion. . . . While I sympathize with many of the activities of the International Institute for Secular Judaism, I do not honestly feel that I can give it my particular endorsement. . . . I cannot grasp what is meant by "secular Judaism" any more than I would be able to tell you what is meant by "secular Christianity," "secular Islam" or "secular Buddhism." While "Jewishness" . . . [is a] concept with a wider signification than is embraced by religion, it is impossible to deny that the concept of divinity lies at the very heart of what we call "Judaism," and that the ceremonies and traditions associated with religion form an inherent part of the term "Judaism." I have recently been broadcasting to tens of millions of people throughout the world a portrayal of our legacy, in which I state that the original and most revolutionary insight of the Jewish people's history was the concept of a single God, transcending nature and symbolizing the unity of the natural order. Would I not be intellectually inconsistent if I were suddenly to discover a Judaism that can honestly be described as predominantly or exclusively "secular"?

Dershowitz's problem is that he protests too much amidst numerous contradictions. As one who insists that "Judaism must become . . . less ethnocentric" (321), it is perplexing to read that he is a person who *thinks* Jewishly, *practices law* Jewishly, *conducts his business and professional life* Jewishly, whose *family life* is Jewish, who is surrounded with Jewish *music* and Jewish *art*, whose *politics* are Jewishly-inspired, and whose agnosticism relates to the Jewish God (304). The author would have to define for his readers the unique nature

of these distinctive ethnocentric Jewish expressions if he wishes them to be understood. Otherwise, they remain subjective, meaningless, clichés. But assuming that he, somehow, will succeed in performing this task – how do these Jewish criteria fit the lives of intermarried families whom the author wants to incorporate into his "new" Jewish people? No one doubts that father Dershowitz feels himself "a link in the 'sacred chain' [of Jewish Culture] that goes back thousands of years" (ibid.), and that he will continue to live his life "Jewishly," largely because of his childhood upbringing, respect for his Orthodox mother, and his having passed middle age. But he knows that these positive Jewish emotions cannot be transmitted to new generations bereft of his background. Will their family life – of his son and grandchildren – also motivate them to feel and think Jewishly?

Jewish Education and Zionism

How does one perpetuate Jewish culture and assure Jewish continuity for future generations? Quite logically, the author focuses on Jewish education, which in his view has been a total failure largely because it is in the hands of rabbis. The first thing to do, he claims, is to break this rabbinical monopoly, and hand Jewish education over to educators "who believe in education for education's sake, as an end, not only as a means toward returning Jews to God" (331). (This pesky God, who crops up in so many chapters of this book, continues to haunt the author to the very end.) Such educators are to deal with children who attend afternoon Hebrew school in preparation for their Bar/Bat Mitzvah, and who will make Jewish education "fun" (294). They will "reverse the trend toward Jewish ignorance" (293) by "competing" with monopolistic rabbis who "get lazy" [and] take the path of least resistance" (296). How these genius non-rabbis will stem the tide of Jewish ignorance in the course of a few weekly hours – and in the context of non-supportive Jewish homes – remains Dershowitz's undisclosed secret.

The clue to the author's revolutionary educational design is the ideal Jewish secondary school. "If the key to Jewish survival is 'learning, learning, learning,' then we must use that key to open up our minds . . . to the neglected wonder of Jewish learning" (333). What is the philosophical model of such a school? The Quakers! After Dershowitz attended one of their meetings, he concluded: "I could barely distinguish it from Conservative, Reform, or Reconstructionist Judaism – though I acknowledge it did not feel exactly the same. The words were similar, but the *music* was different" (258). Incredible! "The Quakers are less tribal than the Jews, less concerned about mixed marriages, more willing to share their message without conditions or conversions, more confident that they have something positive to offer in the marketplace of ideas" (323).

Dershowitz ignores the fact that Quakerism is not essentially a chain of liberal schools, but a doctrinal religious society whose tenets of faith, policies and missionaries often clash with Jewish peoplehood, and especially with Zionism. Nonetheless, like Quaker schools – "without necessarily accepting the theology" (332) – Jewish schools should be "open to all who wish to learn about the Jewish way of life" (332). Whose way of life? His? "If 3,500 years of Jewish learning have contributed something unique to offer to the world, why keep it to ourselves?" (333). Apparently, the proof of good Jewish education is whether or not it will appeal to gentiles. After all, both Jews and non-Jews "convert" to mainstream Americanism which is the American 'religion' closest to Judaism" (14). Judaism equals Americanism.

It is sad to read an ostensibly educated Jew's opinion that "the words" of Quaker education are the same as those of non-Orthodox Jewish religious schools. Perhaps that's the problem of such schools! Certainly Dershowitz has heard of a Jewish *people*, a Hebrew language and culture, and a historic homeland – what he repeatedly labels as a "civilization"? Just because Quakers are "less concerned about mixed marriages," does their educational philosophy, without "necessarily" accepting their theology, make them a model for his new Jewish educational mindset – or for Jewish historic survival?

But the author is not interested in historic Jewish collectivity or distinctive national purpose and continuity. His mindset is singularly individualistic. He wants "education for education's sake" – as though even the best of educators, whom the author claims to have in his corner, are far from agreement on what that means. Dershowitz complains bitterly that his own childhood Jewish education did not expose him "to the writings of the hasidic masters, the responsa, the early Zionists, the Yiddishists, the Jewish political pamphleteers, the kabbalists, the skeptics, or the Bundists. I was taught that the only way to lead a Jewish life was to obey the 613 commandments, wear a yarmulke, live in a Jewish neighborhood, have only Jewish friends, pray three times a day" (2995). (This reviewer has learned from fellow classmates of Avi Dershowitz that the Hebrew language and Jewish history . . . were also part of the curriculum at Yeshiva University High School. Why does the author not mention such specific non-religious Jewish subjects?) However, in view of the immense pressures by parents of modern day-school children – how much more so by families who send their offspring to afternoon or Sunday schools – to enlarge the scope of secular studies at the expense of Jewish subjects, how does Dershowitz expect any Jewish prep-school that is supported mainly by tuition fees, to have its youth learn the Hebrew language and the wide panorama of pluralistic Jewish culture? He himself recognizes that intermarriage is mainly the result of the fact that the Jewishness of young Jews "is not at all central to their identity" (42). How will studying fewer Jewish subjects enhance this centrality? Clearly, the author's new mindset, which is supposed to promote cultural Jewish

continuity, is neither very profound nor consistent with his own educational analysis.

The fundamental problem of Jewish education is not rabbis or "education-for-education's sake" educators. True, most of the former are ill-equipped professionally to teach in classrooms and the latter, even the best of them with a strong Jewish background and motivation, cannot buck the policies of the Jewish school committee or community that engages them. The difficulty lies in the lack of educational *ideologies* of unique Jewish meaning, purpose and commitment. This lacuna is precisely what Dershowitz ignores, claiming that there is no one true Judaism. He is right, of course, but his pluralism reflects only the realm of ideas and "values" he espouses, not ongoing behavior and commitment – whether ritual or moral. One of the author's favorite words is "must" – which is hardly a term connoting free choice – but does he not realize that none of his "musts" connote any practical, pragmatic, constant behavioral commitment? An educational ideology is not the same as a philosophy; the latter enlightens and clarifies, but it does not commit. It applies largely to individuals, not to collective societies. Ideologies demand commitment by their adherents.

Orthodoxy is the only ideology in contemporary Jewish life. Orthodox Jews perform mitzvot *regularly* because, to them, they are commanded to do so by a God in whom they believe, even when their performance calls for personal restrictions, inconveniences, and sacrifice. Such is the nature of an ideology that is geared to societal purpose. Judaism's non-Orthodox streams may be philosophies, but are not ideologies. Their very focus on individual autonomy belies their collective ideological sense of historic destiny. Very few non-Orthodox Jews sacrifice anything to belong to these denominations. What non-Orthodox Jewish education requires, therefore, are ideologies. Clearly, if such denominations emphasize personal autonomy – what is the need for organized non-Orthodox religious streams at all? Unless they forge ideologies of continual individual, family and communal commitment to a *purpose*, they remain organizations with a series of generalized, universal slogans with which their members may identify, but which do not require any ongoing obligations. Dershowitz insists that Judaism is not a *product* but an endless *process*. A process towards what? Process follows purpose, not vice versa.

The basic problem affecting new generations of Jews, and especially Jewish education, is the problem of *will*, not necessarily of ignorance. Unless Jewish education cultivates in Jews a will to be Jewish, to be part of historic Jewish peoplehood and culture, no fanciful slogans or fun-pedagogy are going to convince Jews to remain distinctively Jewish. Learning about Judaism does not automatically make one Jewish anymore than learning about Chinese culture inevitably makes a person Chinese. Without a will of *historic purpose* and collective destiny anchored in the heritage of shared rules, customs, and

traditions of mainstream Jewish culture, the ever-diminishing component of Jewish studies in today's day-schools, especially in non-Orthodox ones, will not inculcate meaningful commitment among young Jews. Ideologies represent the *will* of their adherents, not their knowledge. A desire for knowledge follows "will", not the reverse. "Will" promotes action and loyalty; declarations produce slogans.

Dershowitz faces a similar dilemma when he describes himself as a "committed Zionist [who believes] passionately in the Jewish state" (219). What does "passionate belief" in a state mean — especially from afar? As he himself fantasizes, "If I had several lives to live, one of them would be as an Israeli" (ibid). Though no reasonable Jew can morally challenge him or other Diaspora "Zionists" for not living in Israel, his chapter on Israel is bereft of any *will* to perpetuate and develop a distinctive Jewish civilization there. Hardly a sentence is found in his Zionism that views the Jewish homeland, or the State of Israel, as the potential primary source of Jewish *culture* — not because other oases don't exist elsewhere, but because only the ambience of Israel is permeated with distinctive public *Jewish* elements and unique nuances. Cambridge Massachusetts may not be Boro Park, but neither is it Jerusalem!

Dershowitz remains an individualistic, pro-Israel Diaspora Jew who does not incorporate the dimension of Jewish nationhood in his mindset — until he visits Israel. Only then does he encounter a viable, dynamic, natural Jewish people, a collective body of Jews he prefers to downplay in the Diaspora in favor of individualism and personal autonomy. Having rejected Herzl's "essentially negative" (246) Zionism because of the waning of Jew-hatred, the author calls for "a new, more positive Zionism, responsive... to the new realities of the (hopefully) post anti-Semitic era of Jewish life in the twenty-first century" (253). He does not even hint at what this *substantive* "positive Zionism" is to be — for indeed, his new Zionism is as empty a commitment as is his new Judaism. The only conceivable substantive Diaspora Zionism is to live a *cultural* Zionism in one's home life — giving children Hebrew first names; telling them meaningful legends and episodes of Jewish history and heroism, including those of Israel's rebirth; having them play games with Jewish and Zionist themes; giving them a qualitative, day-school education; encouraging them to read books and watch videos with Jewish and Zionist themes; using Hebrew words and expressions in daily home conversation, not only in prayer; displaying Jewish art and ceremonial objects as both religious and national symbols; building a home library that includes many books of Jewish and Zionist content; subscribing to, reading, and discussing publications relating to the Jewish people and Israel; listening to melodies and singing songs of Zion; celebrating Shabbat and religious festivals also as national holidays — not to speak of Israel's Memorial Day, Yom Ha-Atzma'ut, and Yom Hasho'ah; and of course, visiting the Jewish homeland. Such cultural Zionism, as against *political* Zionism, can

be realized in Jewish homes even in the United States – if Dershowitz and other Diaspora Zionists would only have the will to do so. The political Zionism with which he identifies – the Jewish state – is passé; this Zionism was achieved fifty years ago, and it is no longer the principal Zionist purpose as it was before 1948. It cannot serve as a genuine bridge between Diaspora Jews and the sovereign State of Israel. A state, as Dershowitz knows, is a legal-political framework that "belongs" only to its citizens. His relationship to Israel, as that of other Diaspora Jews, can only be expressed in terms of "homeland" – which is a value-concept that includes history, language, literature, song, values, ideals, religion and even myth – shared by all Jews the world over. Zionism is as much a movement of Jewish cultural renaissance as it has been the Jewish national liberation movement.

Still, the author continues to fantasize Zionism primarily in political terms. Supposedly no longer Herzlian, he entangles himself in one of his many contradictions: Dershowitz is a Zionist because "I always have that Israeli option available to me and my family – if the militia [organizations], the skinheads, of the Farrakhans were ever to come to power here" (219-20). His Zionism is essentially no different from that of Herzl or of victimized Jews during the last hundred years! In the meanwhile, this "safety-net Zionism" allows him and other Diaspora "Zionists" to acknowledge their "adopted homes [to be] our 'promised land[s]' " (250). While these lands may indeed be their fatherlands and motherlands – can a Jew be a Zionist today without recognizing Eretz Yisrael as his/her *homeland*, as well? Zionism is the equivalent of Jewish nationalism; do the author and his family admit that they too are Jewish nationalists? The Jewish historic mission of establishing a "holy people," "a (collective) light unto the nations," can never be realized in the *golah* because the Jewish people, everywhere a minority outside of Israel, neither controls nor directs Diaspora society. The relevance of Zionism today means seeking to establish such an exceptional national society in Eretz Yisrael with the help of the Jewish state's powers of sovereignty. Such powers are the only potential realistic means to implement the Sinai Covenant – which made us a Jewish nation with a sense of collective historic destiny.

Jew vs. Jewish

What might be added to Abba Eban's insightful observations, cited above, is the lack of intellectual distinction by secularists between the noun "Jew" and the adjective "Jewish." Anyone can call himself or anyone else a Jew. Such subjective use of the term is essentially emotional, not intellectual. The archbishop of Paris, Jean Marie Lustiger, born of a Jewish mother, incessantly proclaims his pride in being a Jew. So does Anglican Bishop Montefiore in

Birmingham, England. So do "Jews for Jesus." The Nuremberg Laws of 1935 imposed the noun "Jew" on thousands of individuals whose grandparents had already converted to Christianity. The name Jew, by itself, clearly says nothing objectively about the person so designated.

What determines a person's "Jewishness" impartially is the adjective "Jewish." Again, anyone can use the term at will, but only the objective definition of the noun "Jew" with the aid of the adjective "Jewish" can provide definitive characteristics of what is a "Jew" – for that is the descriptive role of an adjective. While religious criteria are not the only objective means to define the noun "Jew," they constitute the indispensable hard core of historic Jewish peoplehood and its unique culture.

Alan Dershowitz does not share this distinction between "Jew" and "Jewish" and espouses a vacuous Judaism devoid of any singular tangible commitments.

The Judaism I am trying to defend and enhance is a Judaism of ideas, of attitude, of skepticism, of justice, of compassion, of argumentation and of induciveness. . . . That kind of Judaism doesn't depend on . . . whether one's mother or father was a Jew or whether one is a "whole" Jew or a "half" Jew. That kind of Judaism depends on the power of Jewish ideas to educate, influence, and repair the world. . . . This new Judaism . . . will reflect the collective intelligence, experience, spirituality, wisdom, attitude, and determination of our remarkably diverse civilization. . . . If we cannot create such a Judaism, we will be unable to ensure the future of the Jewish people. (334-5)

The author's new Judaism spells the doom of our historic people – not immediately, but in the course of a few generations of intermarried families. While Dershowitz uses the word "collective," his book is anything but a collective portrayal of Jewish peoplehood – past, present or future. He himself admits that his "new mindset" will make the Jewish people "a less identifiable community. . . . It will be much harder to ensure our collective future under these changing conditions" (335). What he means by the term "collective" is the aggregate number of *individuals*, like himself, who either remain Jews during their lifetime, abandon the Jewish fold, or whose immediate descendants do so. He goes out of his way to offer an impressive list of individual Jews who have contributed to mankind, as proof of what he calls "trickle-down Judaism" – without blinking an eyelash that most of them or their scions (54) abandoned the Jewish people. When this reviewer asked a distinguished American Reform rabbi in a major city known for its strong Reform community, why the many generational intermarried descendants of prominent mercantile families, whose names are clearly Jewish, continue to be members of his Temple, he replied: "It is true that they never come to Services, even on Yom Kippur; neither do they contribute to Jewish causes. But they are princes of commerce and industry who sit at Board meetings of famous corporations with Christian peers. The

latter are affiliated with churches; so they too find it convenient to remain affiliated with our Temple."

Professor Dershowitz's individual Jews are prominently "Jewish" only when their contributions strengthen the Jewish people, its culture, and its homeland. Otherwise, they are merely Jews or ex-Jews whose personal talents contribute to human welfare. Major Jewish contributions to humanity are collective in nature, for they represent the *unique* group characteristics of Jewish culture, e.g., to further the sanctity of all humans because they are created in the image of God. The singular Jewish input to humanity is morality – not science, medicine, law, music, business or entertainment.

The use of the term "collective" is especially puzzling when the author applies it to "spirituality," "intelligence," and "determination." One can appreciate the spiritual quest of individuals, but what is "collective spirituality" as a normative reality? It is apparent that the term, like many other in the book, is merely a loose expression which Dershowitz does not bother to explain. Similarly, what does "collective intelligence" mean, and what is the "determination" of our "remarkably diverse civilization?" To produce "half Jews"? To continue the pattern of "trickle-down Judaism?" How do the author's ideas differ from those of Ethical Culturists or of any educated, liberal, religious or secular "decent" non-Jewish person? How will his ideas perpetuate the beleaguered and dwindling Jewish people – while they "educate, influence and repair the world?" (335).

Dershowitz clearly wants his grandchildren and greatgrandchildren to remain in the Jewish fold – "not because Jewish is better but because Jewish is what we have been for thousands of years" (38). When his intermarried son assures him that the author's grandchildren will be as Jewish as he is – "and their name will be Dershowitz which will guarantee they'll be Jewish, whether they want to or not" (34) – the father asks: "But what will they do in your home?" Answers Jamin honestly: "Barbara and I haven't really thought it through. . . . Maybe a tree and a menorah in December. We'll see how it feels to both of us" (*ibid.*). Testing – one, two. . . .

Senior Dershowitz's pain as a result of Jamin's intermarriage is quite evident, but as a good defense lawyer, he is loyal to his client-son. Such an attitude is truly touching, but the book is geared to other sons – to young Jews of this generation who "simply stop . . . being Jewish" (46). The author knows full well that the likelihood of Jewish survival of children in intermarried families is very limited. He himself reports that "no more than ten percent of the offspring of mixed marriages marry Jews, and one Philadelphia study found that *none* of the grandchildren of mixed marriages surveyed married Jews" (31). Dershowitz is rightly concerned that his grandchildren "may not be part of a tradition I love so much" (41), but to enable them to become "first links of a new and continuing chain" of Judaism (42), he and his wife will invite them to their

Passover Seder, Hanukkah party and other celebrations, "emphasizing the ecumenical aspects of the holidays" (41). When this reviewer resided in the States, prominent gentile guests were included in several of his Jewish home celebrations – but that didn't make them even partial Jews. Moreover, what they were interested in were not the "ecumenical aspects" of the holidays, but their particularism and uniqueness.

As stated above, what determines a person's "Jewishness" *objectively* is the adjective "Jewish" – not the noun "Jew." The role of an adjective is to describe or modify a noun. In a world seeking meaning and purpose in life, it would be very difficult for Dershowitz to come up with a better formula for the essence of Judaism than "you shall be holy" – when realized regularly through interpersonal "I-thou" relationships, and a historical sense of national destiny. Despite the author's antipathy to Jewish ethnocentricity, to be a collective moral "light unto the nations" is the historic purpose of the Jewish people. These, Professor Dershowitz, are the main "positive reasons for remaining Jewish" (45). Such a response to a young Jew's search for meaning is based not on amorphous humanism or on a wishful-thinking universalism, but on a shared set of national-religious sancta *practiced* by the mainstream Jewish people over the centuries – anchored in its relationship to the God of Israel. The author's "secular Judaism," bereft of such practices and of the Jews' historic-national pluralistic understanding of God sound the death knoll of Jewish continuity.

Like anyone else, the author is entitled to his new mindset. But to inferentially view himself as a modern-day Moses "creating a new civilization" (336), constitutes a gross affront to the 3300-year-old Jewish civilization – which Dershowitz doesn't cease to extol – and to the memory of hundreds of generations of Jews who struggled gallantly in the past, as well as to the tenacity of their descendants today who continue to preserve the historic Jewish people.

P.S. Alan Dershowitz remains a brilliant lawyer, a deeply concerned Jew and a vivid personality who enjoys the respect of many admirers, including the reviewer – but the book does not do him credit. □

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