Correspondence

A Constitution for Israel

To the Editors:

Daniel Polisar's editorial, "Israel's Constitutional Moment" (Azure 20, Spring 2005), dealt at length with the Israel Democracy Institute's draft proposal for an Israeli constitution. First and foremost, the article established that Israel circa 2005 is indeed in need of a constitution. In this, the author is of the same mind as those who drafted the IDI's proposal: They, too, believe that there is an urgent need to create, once and for all, a founding document that would define the basic principles of the state's character, establish agreed-upon norms and rules for Israeli society, and lend stability to the Israeli political and governmental systems.

At the heart of the Institute's constitutional initiative is the assumption that a constitution for the State of Israel could never be accepted, nor certainly be effective, unless it was approved by all the major groups that make up Israeli society. For this reason, the need for compromise is vital to the constitution's acceptance. According to this approach, it follows that the advantages of having a broad consensus among the various factions outweigh the disadvantages that each group may see in the concessions or compromises it had to make. While of course no faction will feel completely satisfied by the proposal, every citizen and every faction will find in it the protection of those things that are of fundamental importance to them. Most important, however, is the creation of a common ground, based on consent, will contribute, in the long run, a great deal to the strength of Israeli society and its sense of internal unity. As such, it is one of the IDI's goals to prove to the Israeli public that it is indeed possible to craft a constitutional document that will prove acceptable to the different segments of society, even if adopting it would require more than a majority of 51 percent, but rather would have to earn much wider public approval.

And although critique of the Institute's proposal is welcome—certainly the act of formulating and assembling a constitution provides an important opportunity for clarifying those issues at the top of the Israeli agenda, and as such invites critical discussion—in order to relate to said criticism, it is important to understand the Institute's proposal correctly. It is therefore my wish to elucidate several points in the proposed constitution that Polisar either misunderstood or ignored.

Polisar was correct when he pointed out that the Institute's draft leaves intact the current parliamentary legislative system and the system of proportional election to the Knesset. It should be noted, however, that the proposal intentionally leaves out the definition "national," which currently appears in Section 4 of the Basic Law: The Knesset. The purpose of this omission is to allow a future change in the electoral procedure in which, for example, a portion of the MKs would be elected regionally, while still maintaining the proportional principle. (This is akin to the German system, which Polisar's article speaks of favorably.) While this reform is optional, the omission of the word "national" in the draft would nonetheless allow the political apparatus to proceed with such a reform, without requiring the complicated procedure of a constitutional change; only a legislative adjustment would be necessary. Thus the constitution provides a certain, albeit limited, amount of flexibility in the matter of establishing the election system.

Polisar is also mistaken on the place of judicial review as it appears in the IDI draft. The proposal does establish that the Supreme Court would have the power of judicial review over legislative affairs, and even specifies precisely the suggested implementation thereof. However, despite Polisar's concerns, the provisions suggested by our draft are in fact poised to solve many of the problems that arise today with regard to judicial review. First of all, on the formalistic plane, the constitution establishes that only the Supreme Court (and not every court) "is authorized to rule that a law is invalid due to illegality." Moreover, such a ruling could be handed down only by a panel consisting of two-thirds of the tenured judges on the court (and not by a mere constellation of three or five judges), and this only after an initial stage in which three Supreme Court judges have established that there is in fact a basis for determining the illegality of said legislation.

Even beyond these important formalistic provisions, the proposed constitution makes important revisions in the crucial realm of judicial review. The draft establishes that there are four topics—those sensitive areas dealing with the intersection of religion and state, and with the conflict surrounding the Jewish character of the state—in relation to which the court's ability to veto legislation will be stripped, as will its authority to interpret the following types of laws in an enforceable manner: Being of and/or joining a religion; personal status; the Sabbath and Jewish holidays; and *kashrut*. IDI's proposal recognizes that on these matters, it is important to allow the political system to reach

its own agreements and compromises, and not to give the court system veto power in the form of judicial review of these laws.

In this context, it is important to mention that the Institute recommends accepting, together with the proposed constitution, two other laws that would regulate issues surrounding the Sabbath and formalize the status of civil unions. This "constitutional non-judicability" of those matters central to the "religion and state debate" is one of the basic tenets of the IDI's proposal, but Polisar does not discuss this at all. In fact, by overlooking this portion of our proposal, Polisar disallows the possibility of a genuine discussion of the comprehensive nature of the Israel Democracy Institute's draft constitution.

Polisar also finds fault with the fact that the proposed constitution does not assert one of the IDF's functions to be the protector of Jewish national interests worldwide. Yet the definition of detailed objectives such as this one would be atypical of any constitution in the democratic world; in fact, many countries do not make mention of the military in their constitutions at all. The main objective of including a special section on the IDF in the proposed Israeli constitution is, on the one hand, to limit its power and its force (by having it be subject to an elected government), and on the other, to prevent the ruling government from manipulating the military's power.

The IDI's proposal preserves the conditions defined in the Basic Law: The Army from the perspective of their being subject to civilian authority. The proposal's section on objectives (regarding the IDF) allows the army to operate towards non-military or non-security-related ends, such as saving lives; this is a clause that also exists in other constitutions, such as Portugal's, Germany's, and South Africa's. As opposed to what Polisar believes, the allowance for the military to act to "save lives" outside the borders of the state includes, obviously, the assisting of Jews under duress throughout the world. This type of operation, as established in the draft, would require a government decision, since it is inconceivable that an army should be able to act on its own accord on matters as sensitive as these.

The only unusual element in this section, as compared to similar sections in other states' constitutions, is the clause that allows for "the attainment of essential national/state objectives" via the IDF. And yet, this clause confirms the existing situation, anchored in the current Security Services Law, which establishes the various areas, such as education, health, and agriculture, in which the state can mobilize the IDF in the

context of non-military activities. These types of activities, called "Recognized Service" in the law, even now require the approval of those who carry them out. As such, it is unclear what the author's grievance is here.

Finally, Polisar maintains that the principle of equality is the central and primary value driving the proposal. This observation is the author's analysis alone, and cannot be derived from the text itself. The section dealing with equality in the proposal's chapter on rights is phrased in an abbreviated, concentrated style, much as it is in other constitutions or in international treaties, and it appears in the context of an entire chapter that deals with human and citizens' rights. The principle of equality is preceded by the rights to life and freedom, and the restricting clause that appears at the end of the chapter, phrased similarly to the clause in today's Basic Laws, likewise limits *all* of the rights appearing therein. Moreover, the first chapter of the proposal also describes the principle of civic equality as an extension of the clause in which the Jewish and democratic character of the state are established. It is important to read all of these principles set forth as a unit, and to consider their relative, comparative significance as a result of this comprehensive reading.

In short, an incisive and critical discussion of the Israel Democracy Institute's "Constitution by Consensus" project is most welcome. This proposal, by its very nature a document born of compromise, invites public discourse and disagreement on various matters of values and ethics. And yet, this type of discussion must take place against the backdrop of a full, detailed knowledge of the proposal, with attention paid to all its points.

Adar Cohen
Israel Democracy Institute
Jerusalem

Daniel Polisar responds:

Like my colleagues at the Israel Democracy Institute, I favor the idea of Israel's adopting a constitution and welcome robust debate over its contents. In that spirit, I appreciate the effort made by Adar Cohen to critique my analysis of the draft IDI constitution.

Cohen's critique highlights a few points on which my position is apparently in need of clarification, and one point on which his clarification has been helpful. Overall, however, he is incorrect in claiming that my criticism of the IDI draft stems from a failure to understand it. Indeed, the points he raises highlight why adopting the constitution proposed by the IDI would weaken rather than strengthen

Israeli democracy, and would lead to the erosion of Israel's character as the state of the Jewish people.

The central premise of my editorial is that Israel's democracy suffers from a growing imbalance of power between the judicial and legislative branches. The Knesset is hamstrung by a pure system of proportional representation, which leads to a plethora of small parties and prevents the putative "major parties" from governing effectively. The Supreme Court, for its part, is driven by an activist philosophy that has led it to encroach on areas normally reserved for the nation's elected representatives, a problem made especially severe by the fact that the court's justices effectively choose their own successors, instead of these appointments being made by the people's elected representatives.

Cohen indeed acknowledges that Israel's extreme system of proportional representation is left untouched by the IDI draft, but seeks to console readers by arguing that the omission of the word "national" from the description of legislative elections as "general, direct, equal, secret, and proportional" would make possible a change to a different system, without need for the cumbersome process of constitutional amendment. This claim, though true, is beside the point, because the IDI draft would in fact preclude precisely those kinds of fundamental reform that Israel most needs, and which I advocated in my editorial: The adoption of a majority-producing system, such as the first-past-the-post system of district elections used in countries such as Great Britain and the United States. Instead, Israel would be able to shift from one kind of proportional representation to another (including, for example, the German system, which I understood would be precluded, although I accept Cohen's clarification of this matter). Anything more far-reaching would require a constitutional amendment, which would be virtually impossible to secure within a legislature dominated by small parties.

Moreover, the claim that the IDI constitution leaves room for a change via regular legislation constitutes an odd line of defense, as an essential purpose of drafting a constitution is to consider alternatives to the status quo and choose the best option. If, instead, the decision to reform Israel's electoral system is deferred indefinitely, the best opportunity for reform will have been missed, probably forever; once a constitution has been passed by the legislature and ratified in a national referendum, it is unlikely that the Knesset will decide to pass a law fundamentally altering the electoral system by which its members are chosen.

In response to my claim that the IDI constitution would grant the power of judicial review to the Supreme Court without putting in place a more democratic system of judicial appointments, Cohen makes a series of rejoinders that are largely irrelevant. He notes that IDI's draft would limit judicial review of laws to the Supreme Court alone, and would require that a panel consisting of two-thirds of the court's justices sit on any case in which the constitutionality of a statute is being considered. Neither limitation is of real value, however, as the method of selecting justices in Israel has made the Supreme Court's membership ideologically homogeneous in the extreme, which in turn renders insignificant the question of whether the number of like-minded justices sitting on a particular case is three, five, or eleven. Precluding judicial review by district courts or by small panels of justices will make the judicial wielding of power neater and more centralized, but will hardly protect against the danger of judicial encroachment on legislative prerogatives; on the contrary, it would only exacerbate it by concentrating power in the Supreme Court's hands.

Likewise, it is hardly a defense to argue that the IDI draft limits the court's power of judicial review by designating four areas of religion and state that will be outside its purview: Conversion to Judaism, the Orthodox monopoly over marriage and divorce, the public character of the Sabbath, and the requirement that Israel's public institutions (such as the IDF) serve kosher food. First of all, these subjects represent only a small fraction of the cases in which Supreme Court activism has encroached on legislative prerogatives, and is likely to do so in the future; the court's decision making has been far more problematic in areas of *nation* and state, such as the Katzir decision prohibiting the government from establishing Jewish towns in border areas, and in matters of defense and economic policy. Second, Cohen seems to assume that I have an objection to judicial review in principle, and that arguing that its scope will be somewhat limited is therefore a response to my argument. In fact, I do not have a problem with judicial review, if exercised by a judiciary whose members are chosen by the people's representatives. In the absence of reform to the judicial appointments process, however, leaving a few areas outside the purview of judicial review seems indicative of a political deal aimed at garnering the religious parties' support for the constitution, rather than a genuine effort to grapple with the profound issues of democracy that are at stake.

With regard to another of Cohen's criticisms, I argued in my editorial

that the historic role of Israel's security forces in helping Jewish communities abroad—as was done, for example, in airlifting Ethiopian Jews in the 1980s and thereafter—should be given constitutional sanction, and not relegated to separate legislation or subsumed in a general clause on the humanitarian functions the IDF is allowed to perform. To this, Cohen responds—once again, correctly but irrelevantly—that the IDI draft would allow Israel's armed forces to save Jews abroad within the rubric of international efforts to save lives or respond to natural disasters. My point, however, is that Israel was founded to be the state of the Jewish people, and as such its security forces should be able to assist Jewish communities abroad even in circumstances in which there is not an immediate threat to life. Moreover, a constitution is meant to reflect the nation's values, and protecting Jews around the world is part of the Jewish state's *raison d'être*—and therefore, worthy of being expressed. Although it is a fine technical solution to say that Jewish communities in danger are in the same category as residents of Rwanda (and indeed, it is only fitting and proper that the IDI constitution allow Israel's armed forces to render assistance in such cases), this does not take away from the fact that the Jewish state has a special obligation towards members of the Jewish people.

Finally, Cohen takes exception to my claim that equality is given privileged status in IDI's draft constitution over and above other pillars of democracy, such as life, liberty, and dignity. His main argument is that equality is included as only one among the two-dozen rights listed in the second chapter of the constitution, which addresses "Basic Human Rights," and that it does not even appear at the beginning of that chapter. However, the core of my claim is that equality, alone among these 24 rights, is included in the *first* chapter of the constitution, "Principles," which presumably sets out the most fundamental values guiding the State of Israel. Cohen's counterclaim, that including in that opening chapter the declaration that Israel is a "Jewish and democratic state" somehow lessens the emphasis on equality, is unpersuasive, since it hardly explains the absence of all the other important rights and values that could have been included there. Moreover, in the second chapter, when equality is discussed, the language used is extremely broad and the concomitant prohibition of discrimination is even more so, while the "limitations clause" that ostensibly limits it is vague in the extreme. Thus, the combination of placement and wording accords

equality a centrality within the IDI constitution well beyond that given to the principles that typically balance it within a democracy.

I would be happy if the deficiencies of IDI's draft constitution were to disappear the moment that one examines the text more carefully. However, they are quite real, and for this reason it is necessary for Israelis to draft and pass a very different constitution—one that strengthens the country's character as a Jewish state and as a democracy.

Matrilineal Descent

To the Editors:

If Meir Soloveichik's article "The Jewish Mother: A Theology" (Azure 20, Spring 2005) were a sermon delivered in a synagogue, I would be pleased. Here is a rabbi who takes a bit of halacha and, in a manner reminiscent of R. Samson Raphael Hirsch, through symbols, allegory, and moralizing exegesis, manages to extract a lesson that will please his audience. Do not think, the good rabbi is saying, that our halachic tradition devalues women and motherhood. The fact that the Bible's genealogies as a rule omit mothers, as if fathers beget sons without female assistance; the fact that even today, in traditional Judaism, a man is identified by his name and his father's name, as if he were born without a mother; the fact that a wife/mother does not inherit under rabbinic law; the fact that polygamy is permitted under Tora law and, at least in theory, under rabbinic law; the fact that a woman is not even obligated under rabbinic law to marry and bear children; the fact that the children that a mother bears are deemed by rabbinic law to belong to the father, not to her—none of these facts, Soloveichik is saying, should prevent us from seeing that the Jewish mother is central to the definition of the Jewish family, and that a mother's love for her children is a model for our understanding of God's love for us.

However, an article published in a journal of ideas is not the same as a sermon delivered in a synagogue. Labeling an article "A Theology" does not free its author from a responsibility to present all the relevant information, and this Soloveichik has not done. I am delighted that he found reason to cite my book, *The Beginnings of Jewishness*, in which I discuss at some length the historical origins of the rabbinic matrilineal principle, but I am distressed that he ignores my main thesis. I argue that the matrilineal principle is not attested to in any Jewish source before the Mishna. It is not in the Tora (in spite of the exertions of the Talmudim to

find it there) or anywhere else in the Bible; nor is it found in the abundant writings of the Second Temple period (Qumran texts, Apocrypha, Pseudepigrapha, Philo, Josephus, etc.). After making this observation, I argue that the mishnaic rabbis themselves created the matrilineal principle, and I attempt to find within rabbinic culture an explanation for this innovation. I am under no illusion that I have solved the problem of the origins of the rabbinic matrilineal principle—indeed, I state this explicitly in my book—but I believe that I have placed the discussion of the subject on a sound historical footing. Soloveichik, however, ignores my thesis because he ignores history. He seems to believe that the matrilineal principle teaches us something about the "essence" of Judaism, an essence which is beyond time and beyond history. Soloveichik discusses the matrilineal principle as if it were always and everywhere part of Judaism, as if all Jewish texts of all times and places form a single, timeless continuum, any part of which can be cited to illuminate any other. Thus, to extract "a theology" of motherhood, Soloveichik jumps from the Bible to the Talmud to Rabbi J.B. Soloveitchik, ignoring the centuries that separate them, the discrete contexts in which they took shape, and the numerous texts and tendencies that contradict this "theology." Soloveichik ignores the fact that the rabbinic matrilineal principle is a historical artifact of a specific time and place.

Rashi believes that "*Ein mukdam ume'uhar batora*" (There is no before or after in the Tora). He lived in the eleventh century in a traditional society, and thus we are not surprised that Rashi was anti-historical and ahistorical. But Meir Soloveichik? What is his excuse?

Shaye J.D. Cohen
Harvard University

To the Editors:

Meir Soloveichik's recent essay presents an illuminating and inspiring defense of the matrilineal principle. His biblical and rabbinic exegesis is both sophisticated and rigorous, and his theological thesis is sound and persuasive.

I do take issue, however, with Soloveichik's representation of Shaye J.D. Cohen's views on this issue. Soloveichik writes that Cohen believes that one "cannot explain matrilineal descent by appealing to any ordinary historical or social factors." In fact, in "The Matrilineal Principle in Historical Perspective" (*Judaism*, vol. 34, no. 1, Winter 1985) Cohen does exactly that.

Cohen proposes two possibilities for the historical circumstances that

prompted a change from patrilineal to matrilineal descent in Judaism. First he points to Roman law, which asserts that a child is the legal heir of his father only if his father and mother were joined in a legal marriage. If there was no legal marriage contract (or "conubium" in Roman legal terminology), the status of the child followed the mother. And while the status of the offspring of two Roman citizens is determined patrilineally, the offspring of a citizen and a non-citizen is determined matrilineally. Cohen writes that the similarity between this formula and the halacha is so compelling that it suggests the possibility of cross-cultural influence—that matrilineal descent entered halacha from Roman law.

The second possible explanation offered by Cohen arises from within the sacred canon itself. It is conceivable that the rabbis juxtaposed Jewish status with the laws forbidding mixed breeding in the animal world. Cohen first refers to the biblical prohibition against mixed breeding in Leviticus 19:19. But what if this prohibition is violated? A mishnaic source (Mishna Kilayim 8:4) attributed to R. Yehuda declares that in this case, the offspring belongs to the species of the mother. Cohen suggests that an analogy can be drawn between this affirmation of matrilineality among animals in the face of an opposition to mixed breeding and the rabbis' opposition to intermarriage while also affirming matrilineal descent for the determination of Jewish status. Cohen thus writes that the two possible stimuli within halacha for the development of matrilineal descent were the influence of Roman law, the explanation Cohen personally prefers, and the aversion to mixed breeding.

As a Reform rabbi who favors expanding the determination of Jewishness to include both patrilineal and matrilineal descent, I find Cohen's thesis convincing. The rabbis of the Roman era responded to a social and cultural factor external to the halacha by changing the law in response to it. I believe that the contemporary social reality requires no less of us, if we are to ensure the continued vitality and vibrancy of the Jewish people.

Rabbi Michael A. White
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Meir Soloveichik responds:

Professor Shaye J.D. Cohen's letter seems to make two assertions. First, that the rabbis devalue "women and motherhood," and that to insist otherwise, as I did in "The Jewish Mother," is mere homiletics. Second, that the matrilineal principle is in no way based on the Bible, and was rather invented by the mishnaic Sages.

Let us begin by examining Cohen's indictment of the rabbis. It is true that, as he notes, one's familial ancestry, as listed in rabbinic documents, is largely limited to the paternal; it is also true that the Talmud insists that only men are obligated to have children. Cohen fails to mention, however, that the very rabbis he cites made some remarkable statements about motherhood. For example, the Talmud describes the Tanna R. Tarfon, who asked his mother to walk on his hands after her sandal strap broke in the street. His colleagues commented on R. Tarfon's actions by noting that even if he "did so a thousand times, he has still not come halfway to showing the full honor commanded by the Tora." Cohen also makes no mention of R. Yosef, who, according to Kidushin, whenever he "heard the footsteps of his mother, would say: Let me rise because the Divine Presence is coming." Contrary to what Cohen's letter may lead one to believe, the picture of parenthood painted by rabbinic literature is far closer to that described in my essay. The Talmud indicates that the father's role as educator and transmitter of tradition means that he determines the primary tribal affiliation. At the same time, however, the rabbis recognized again and again the intimacy established between mother and child through the physical act of birth, and compared it frequently to the maternal relationship between the Almighty and Israel. Therefore, while the father determines most familial considerations, rabbinic law nevertheless allows the mother to define the most important familial status: The very Jewishness of a child.

In his book, Cohen briefly considers a possible link between the intimacy of the mother-child relationship and the matrilineal principle, then summarily rejects it, asserting that while "the ancients, both Jewish and Gentile, recognized the intimacy of motherhood," they nonetheless "drew no legal inferences from this intimacy." Yet in my essay, I note two important halachic implications, set out in the Talmud, of the intimacy of the mother-child relationship *aside* from the matrilineal principle. First, certain Sages insist that according to the Noahide laws, a brother and sister who share only the same mother are considered siblings as far as the prohibition of incest is concerned, while a brother and sister who share only the same father are not. Second, and most strikingly, Yevamot states that a child born to a woman who converted midpregnancy is considered Jewish—that is, the child of a Jewish mother—despite the fact that the baby was conceived when his mother was a Gentile. This, as I noted, indicates that "the doctrine of matrilineal descent

does not imply that the mother's genetic contribution to the child at the moment of conception is more important than that of the father; it insists, rather, that the bond forged by childbearing and birth is stronger than any other familial attachment."

This important talmudic ruling has great implications for Cohen's own suggestions, cited by Rabbi Michael White's letter, for the historical source of the matrilineal principle, although Cohen himself is rather less certain about these suggestions than White is. If Roman marriage law is the source of the matrilineal principle, the rabbis should have insisted that if a Jewish man engaged in a sexual relationship with a non-Jewish woman, and the latter converted to Judaism while pregnant, that child, conceived and born out of wedlock, be considered a non-Jew. But that is not at all what the Talmud insists. Furthermore, if the matrilineal principle was deduced by laws determining the species identity of animals, then it should be the genetic contribution of the mother that matters, rather than the act of childbirth. Only my own explanation—that the intimacy of childbearing establishes the familial identity of the child—explains Yevamot's ruling.

The rabbis' recognition of the mother's natural inclination for bearing and loving children also explains the law, cited by Cohen in his letter, according to which only men are obligated to have children. Rather than indicating that the rabbis did not value motherhood, this ruling indicates the contrary. Leon Kass, for example, has noted that the covenantal rite of circumcision was restricted to males, without any parallel ritual designed for women, and suggested that this was because "males especially need extra inducement to undertake the parental role… probably both less fitted and less interested by nature than women for the work of nurture and rearing, men need to be acculturated to the work of transmission." Similarly, women are not obligated to have children because they do not need to be obligated; motherhood is, it would seem, something they *want* to experience.

Cohen argues in his letter that no hint of the matrilineal principle appears anywhere in the Bible. Yet, as he discusses in his book, the book of Ezra describes how "Ezra attempted to expel from the community approximately 113 foreign wives with their children," even as Ezra seemed to ignore "the marriages between Israelite women and foreign men" that were taking place as well. Cohen writes that the notion that Ezra was articulating the matrilineal principle "*may* be correct, but it is not necessarily so." Cohen notes that the suggestion of expelling the children of the

foreign women was not put forward by Ezra himself; rather, Cohen suggests, "the attempted expulsion of the children was an act of supererogation by one Shechaniah ben Yehiel." But Cohen does not make mention of the fact that when Shechaniah suggests to Ezra that the community expel the children, he asks that it be done "in accordance with the Tora." The clear implication is that Shechaniah was suggesting not a supererogatory act, but rather a mandatory one whose biblical basis was already known to Ezra. It is with this in mind that one can examine the Bible prior to the book of Ezra, and find therein the foundation for the matrilineal principle. It is the Bible that stresses the natural inclination of woman to bear and love her children; it is the Bible that stresses that the mother is the foundation of a family; and it is the Bible that stresses that Judaism is not only a spiritual, but also a familial status. The conclusion to be drawn, as I suggested, is that drawn by Jewish law: The status of Jewishness is determined by the mother.

I thank Rabbi Michael White for his kind comments. But I disagree with the notion that doing away with the matrilineal principle would "ensure the continued vitality and vibrancy of the Jewish people." Leaving aside the theological basis for matrilineal descent, history indicates that doing away with this rule would harm, rather than help, the vibrancy of Judaism. In America, the religions that have succeeded in passing their beliefs on to the next generation, such as Orthodox Judaism, Roman Catholicism, and Mormonism, are all faiths that have stressed the importance of tradition. It is natural for a rabbi to seek to ensure the "continued vitality and vibrancy" of his faith, but if, as White indicates, he seeks to learn from history, he should know that no religion grows more vibrant by capitulating to the zeitgeist.

Defensible Borders

To the Editors:

Curiously, notwithstanding his insightful analysis of the implicit abandonment of the defensible-borders doctrine that underpinned the Oslo accords, and its explicit jettisoning by Ehud Barak in his last-gasp attempt to salvage that misconceived "peace process," Dan Diker, in his essay "A Return to Defensible Borders" (Azure 21, Summer 2005), does not address the construction of Israel's security fence, which mostly hugs the pre-Six Day War armistice lines.

It seems to me that this security fence must have diplomatic implications for any recommended return

to the defensible-borders doctrine. Are we to infer from Diker's silence on the subject that he believes that the path of the security fence is consonant with defensible-borders requirements? And if it is not, does this mean that the security fence itself may undermine implementation of his proposed return to the doctrine of defensible borders?

David Schimel
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The Plot Against America

To the Editors:

In Samuel G. Freedman's essay, "Philip Roth and the Great American Nightmare" (Azure 20, Spring 2005), he lumps together "the so-called 'defense organizations' for American Jewry," and then proceeds to accuse them all of a litany of misdeeds, worst among them "the fetishizing of anti-Semitism." In essence, he charges these organizations with an inability to accept the good news of a country that has marginalized anti-Semitism, and worse, with peddling fear and preying on the latent anxieties of American Jews. This is, he asserts, "a self-indulgent, self-aggrandizing exaggeration of risk."

To begin with, I am surprised that a respected observer of the American Jewish scene would make the mistake of talking about the various Jewish communal organizations as if they were indistinguishable from one another. In reality, they are very much distinguishable, just as universities, though all committed to the common goal of education, are hardly identical to each other as well. In any case, I can only speak for my own organization, the American Jewish Committee. The AJC is not in the fear-mongering business. Our domestic agenda is comprised of three goals, and "fetishizing" anti-Semitism does not figure in any of them.

First, we believe that the biggest danger to American Jewry today is posed not by external threats, but rather by internal challenges. As a people, we are hemorrhaging: Our numbers, in both absolute and proportional terms, are static at best and declining at worst. Ignorance and indifference about the richness and contemporary relevance of our heritage abound. And while there is also good news, such as thriving synagogues, oversubscribed day schools, and vibrant adult education programs, this cannot mask the difficulties we face in large segments of the community. This is why the AJC established a Jewish Communal Affairs Department more than four

decades ago. The goals of the department have remained constant: To study trends in American Jewish life, enhance appreciation of the joys of being Jewish, and encourage a greater sense of connection among Jews in the United States and between them and Jews worldwide.

Second, much of our work is focused on interfaith relations. This has always been a priority for us, but all the more so with the accelerating pace of socio-demographic change in the United States. We want to be certain that the glue of American democratic pluralism holds strong for the benefit of all; that mutual respect, not mutual rancor, prevails; and that the American Jewish community has potential coalition partners on issues of consequence. This requires the constant give-and-take of interfaith and interethnic diplomacy.

And third, yes, we keep an eye on potential external threats to the security and well-being of American Jewry, and make no apology for it.

Yet we also fully recognize the coming of age of American Jewry, including the nomination of Senator Joseph Lieberman in 2000, the electoral successes of (Jewish) candidates in states with few, if any, Jews, and the shattering of the glass ceiling in *Fortune* 500 companies and top-notch universities. Indeed, both we and our sister agencies have devoted much of our effort over the decades to helping foster just such a climate of acceptance. But we cannot simply declare anti-Semitism dead, for it is not. Being alert does not mean being alarmist; rather, it means being attuned to currents at hand, continuing our many programs in prejudice reduction, conducting research, and always bearing in mind that things can change—for better or for worse.

Freedman would do well to keep in mind that just a few years ago, French Jews felt fully integrated and at home in France, despite an occasional preoccupation with the extreme right-wing National Front Party. Now, as another article in the same issue of Azure reports, after a four-year spate of hundreds of documented attacks, there is a sense of anxiety about the future. Could it happen in the United States? Hopefully not. But surely we cannot allow for complacency either.

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American Jewish Committee
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Uri Tzvi Greenberg's Legacy

To the Editors:

I am writing in praise of Tsur Ehrlich's erudite and incisive review of Hanan Hever's book, *Beautiful Motherland of Death*, on the poetry of

Uri Tzvi Greenberg, my late husband ("Poetically Incorrect," Azure 20, Spring 2005). In order to establish the existence of fascist underpinnings in Greenberg's work, Hever points to its strong aesthetic quality, a quality that has come to be identified with fascist art. On these grounds, Hever insinuates that Greenberg was not a moral person.

However, Hever purposefully refrains from mentioning the ever-present theme of the intense yearning for redemption that runs through Greenberg's poetry, a yearning that expresses his work's religious essence. Religion was a well from which Greenberg drew deeply, and for which aesthetics were merely a vehicle of expression.

Aliza Greenberg
Ramat Gan

Correction: Richard L. Rubenstein was incompletely identified in a letter that appeared in our Autumn 2005 issue. He is also President Emeritus and Distinguished Professor of Religion at the University of Bridgeport. We apologize for the error.

Azure welcomes letters from its readers. Letters should be sent to: Azure, *13 Yehoshua Bin-Nun Street, Jerusalem, Israel. Fax: 972-2-560-5560; E-mail: letters@azure.org.il. Letters may be edited for length and clarity.*