German-Jewishness
and Difference
Halakhah—the Jewish walk of life—is probably one of the most distinguishing features of Judaism. It is a feature that connects the past with the present and the future. Like other legal systems, it is precedent-based and future oriented at the same time. From the first revelation of laws at Mount Sinai that constituted the Jewish people to the formation of Rabbinic Judaism and the compilation of the masterpieces of legal Jewish literature until today, Halakhah, or rather the discussion about it, has been unquestionably a guiding force to define Judaism. Halakhic rulings are debates about the future of Jewish life. This is true for the early decisions of the Zugot and Tannaim (the first rabbis to define the law), for the Amoraim and Geonim who developed and expanded Talmudic law, as well as for the medieval rabbis who advanced the halakhic system further (like prominent commentators such as Rashi or the Rambam—Rabbi Moses ben Maimon, also called Maimonides), and also for the decisions of such religious ruling bodies as the Committee on Jewish Law and Standards (CJLS).

Today, however, especially outside Israel, Halakhah has no day-to-day or practical relevance for most Jews. Laws are enforced by civil courts and decisions as to what to eat and when to rest are strictly personal. “Thus, Halakha as a legal system that was all-encompassing within a closed Jewish world has become limited in its scope and virtually without sanctions.”

Yet, there is one area where Halakhah is of importance and claims relevance: in the definition of Jewish status. In present-day Germany, Halakhah can also become a decisive factor in the rejection of a person’s Jewishness, regardless of the person’s own conception of his or her status, subsequently leading to a clash between the notion of
“identity” and “status.” This clash painstakingly reminds us of German-Jewish history and the rift that developed between the different denominations in Judaism originating in nineteenth-century Germany.⁴

HISTORICAL DEVELOPMENTS AND THEIR REPERCUSSIONS FOR JEWISH IDENTITY

A three-step transformation was triggered in the late eighteenth century and continued throughout the nineteenth century. With the Haskalah, the Jewish Enlightenment movement, questions were raised about “personal autonomy, the theological origins of Jewish law and the authority of the Jewish community.”⁵ Following this intellectual earthquake and the process of political emancipation, Jews in Germany started to enjoy equal rights as citizens and integrated themselves increasingly into secular society. This resulted in greater freedom for the individual and less power for the Jewish community over its members, which also meant that the rabbis’ influence over their constituencies was weakened. Questions of Jewish status were transformed into questions about identity. Identity is a mixture of self-identification and acknowledgment by others, a play of actions and reactions, of revealing and hiding. One could be regarded as a Jew by one group and denied that acknowledgment by another.

All these questions of status and identity became complicated further in the course of history and taken to an extreme by the National Socialists and their racist definition of who was a Jew. The German scholar Barbara Steiner writes about the difficult legacy of the Nazi past: “The years during which racial origin ideas became intertwined with religious affiliation, forming the basis for the systematic persecution of Jews, created an uncertainty around the German-Jewish identity after 1945.”⁶ The aftermaths are more than palpable today and demonstrate how the German-Jewish past has a tight grip on the future of Jews in Germany.

The Shoah left the European continent depleted of Jews. In many countries, the Jewish population had diminished by 90 percent. In Germany, where displaced persons poured into the zones of the Western Allies, numbers grew shortly after the war to almost 250,000—half its prewar size. But the overwhelming number of these survivors were quick to leave “the bloodstained soil” for Israel or the United States. Those left behind were isolated by world Jewry, as shown by the discussion led in 1948 by the World Jewish Congress about Jews residing permanently in Germany.⁷ In its Declaration of Montreux, the congress put “a moral stigma on those Jews who, despite the warning, remained on the ‘bloodstained territory.’” Chaim Yachil (Hoffmann), the first Israeli consul in Munich, declared in 1948: “All Jews must leave Germany.” He regarded those who stayed “a source of danger for the entire Jewish people.”⁸ Hence, a
unique Jewish community developed in the sealed lands of West Germany (in the East there were even fewer Jews left; official numbers cite approximately 370 members in the late 1980s in the GDR). The survivors stayed away from the gentiles and sought company mainly among fellow survivors and refugees, Jews who had shared similar traumatic experiences. Outside these circles, Germany was regarded as enemy territory and contact with Germans was limited to the bare minimum. At the same time, because so few Jews remained, relationships between Jews and non-Jews were inevitable. “More than two-thirds of the members of the Berlin-Jewish community of 1946 were intermarried or children of mixed marriages. In some smaller communities, all the members were either married to non-Jews or were Jews only according to Nazi definition.”

It seems to me that intermarriage increased the moral obligation to remain linked to Jewish roots and heritage. Merely having survived did not permit the Jewish partner to let Judaism perish in the family. These families created their own form of Judaism based on distant memories of how the Jewish partner thought things were done or newly invented traditions that suited the couple’s needs.

The establishment of the State of Israel complicated status questions even further. The rise from a persecuted minority in Europe to Jewish sovereignty in the State of Israel caused religious and secular legal opinions to clash, as demonstrated by debates around the question “Who is a Jew?” in cases of conversions and the Law of Return. Children and grandchildren of Jewish descent are entitled to citizenship in Israel even without acceptance as Jews by Halakhah. Although citizens, these people are not allowed to marry in Israel as they are not regarded as Jewish by the Chief Rabbinate, which controls all matters of personal status for its Jewish citizenry.

Half a century after the end of the Second World War and the founding of the State of Israel, the first free elected government in the German Democratic Republic of 1990 decided to grant Jews from the former Soviet Union asylum in Germany. The country thus miraculously transformed itself from a place Jews were supposed to quickly leave to a haven for many Jews. But the influx of Russian-speaking Jews brought with them the challenging question of Jewish status definition.

CREATING POST-SHOAH JEWISH LIFE IN GERMANY

Journalists, educators, and politicians as well as historians and sociologists found the 200,000 people from the former Soviet Union who had emigrated to Germany, purporting to be Jewish, a fascinating object for observation and study. Numbers alone would not ensure the revitalization of Jewish life in Germany. Having been cut off from the religion of their forefathers, these new immigrants needed to be taught and
to acculturate. Thus, in the wake of this wave of immigration, educational institutions were founded to provide the immigrants with basic knowledge of Jewish religion and tradition, history and culture. The establishment of educational institutions was often supported and facilitated by money and personnel from outside Germany—namely the United States and, to a lesser degree, Israel. That is also true for the “Jüdische Lehrhaus,” a Jewish House of Learning founded in 1999 by the Ronald S. Lauder Foundation, an American-based Jewish philanthropy foundation. The first director of the Lehrhaus, an American named Joel Levy, explained: “We think those people should receive a Jewish identity, that they must be provided with a Jewish education and thus get a chance to lead a regular Jewish life here in Germany.” The Lehrhaus was established at the site of the former institution, which had been forced by the National Socialists to close in 1941. It stood in a building adjacent to the synagogue on Rykestraße, located in Prenzlauer Berg, a neighborhood that flourished after the Berlin Wall fell.

As always on such occasions, the opening ceremony was attended by high-ranking Jewish and non-Jewish officials, in this case the former mayor of Berlin, Eberhardt Diepgen, who called the establishment of the Jewish House of Learning “a historical moment for Jewish life in Germany.” Paul Spiegel, a past president of the Central Council of Jews in Germany, and Andreas Nachama, then president of the Jewish Community of Berlin, as well as Ronald Lauder, participated in the inauguration of the Lehrhaus. Spiegel stressed that for most of the immigrants, “Judaism is new if not foreign.” Lauder concluded: “We are rebuilding a world. Some call it a miracle. We call it the future.” The Lehrhaus provided classes for young Jews to learn about Judaism. They were expected to return later to their communities and to teach the people there what they had learned. It also offered a Beit Midrash Program. Students would live and learn together: yeshiva with a dormitory.

THE CASE OF JONATHAN M.

Soon after the opening the institution began to determine who was eligible to study or, in other words, who was defined as a Jew and thereby qualified to rebuild a Jewish life and future in Germany. A young Berlin Jew named Jonathan, born in 1980, knocked at the door of the Lauder Lehrhaus in 2000. He had attended all the Jewish educational institutions in the city. As a toddler, he was sent to the Jewish kindergarten. Later, he became a student at the Jewish Primary School and continued his education at the Jewish High School, which had opened in 1993. He spent his afternoons in the Jewish community’s youth center and the school breaks at Jewish summer camp. In the summer of 2000, Jonathan received his high school diploma as a graduate of the first class of students to attend a Jewish high school in postwar
Germany. The young man was eager to continue his Jewish education. The Jüdische Lehrhaus had opened its doors the year before he received his diploma. This, he thought, was the perfect opportunity to keep on learning, to live with Jewish peers, and to study from rabbis. The young man was interested in the Beit Midrash Program. He wanted to widen and deepen his knowledge and his understanding of the holy text and its interpretations.

The application material included a section called “Proof of Jewishness.” He attached his membership document from the Jewish community in Berlin and sent it off. But instead of receiving the letter of admittance, he was asked further questions. According to Jonathan’s mother, Mirjam, Joshua Spinner, Joel Levy’s successor as rabbi and director of the Lehrhaus, had adopted the World Jewish Congress’s dictum following the Second World War. She recalled him saying that all that had happened here after the Shoah happened outside the Jewish world because Germany was cut off from Jewish life and therefore everything that happened here must be considered dubious. The implication was that claims to be Jewish needed careful scrutiny and nothing could be taken for granted.

Jonathan’s maternal grandmother was of non-Jewish origin; his maternal grandfather was a Polish Jew who had survived the Shoah in Russia. In his search for family members whom he hoped might have survived, he landed in Berlin in 1945–1946. While riding the tram he met a Polish-speaking woman. They started to chat and he discovered that she rented out rooms. This seemed much more comfortable than the UNRRA refugee camp where he was staying. So, he rented a room from her and soon became acquainted with her daughter with whom he shared the Polish language. They became a couple.

The grandfather had the status of a refugee. He had no citizenship. When his girlfriend was expecting his child, they wanted to marry. But this would have turned the grandmother, as well as the unborn child, into refugees. Thus, the local municipality recommended that they not marry. Jonathan’s mother was born in 1953 but her legal status was not resolved until the early sixties. Finally, in 1962, the couple had a civil wedding, followed by the conversion of the bride and their child Mirjam to Judaism before a Beit Din—a Jewish religious court. They later had a Chuppa, a Jewish wedding ceremony.

The bone of contention serves as a perfect example to demonstrate how complicated German-Jewish history had become. The Beit Din put together by the renowned Rabbi Isaak Emil Lichtigfeld (1894–1967) had been chaired by Rabbi Cuno Chanan Lehrmann (1905–1977). Lehrmann originally came from Galica and had survived the Shoah in Switzerland. From 1960 until 1970 he served as the rabbi of the Jewish community of Berlin and as a board member of the Conference of Rabbis in Germany founded in 1957. The problem was that Lehrmann had left Orthodoxy and
officiated at the synagogue in Pestalozzistraße, a lavishly decorated temple in Berlin Charlottenburg, built in 1912 and rededicated in 1947, which is known for its musical tradition influenced by the composer of synagogue music, Louis Lewandowski. Services were accompanied by an organ and a choir. Lehmann officiating at the synagogue on Pestalozzistraße was enough evidence to declare the conversion unhalakhic (illicit according to the Halakhah).

Because Jonathan’s grandmother was not regarded as Jewish, his mother’s and eventually his own Jewish status were also questionable in the eyes of the Lehrhaus director. In an attempt to find a solution, Rabbi Joshua Spinner suggested that the young man undergo a so-called *Giyur Lechumra*, a pro forma conversion to erase all doubts regarding his Jewish status. The ensuing tug-of-war for acceptance reveals a struggle with two historical burdens. One is related to the power games between the different denominations that emerged in the mid-nineteenth century. The other concerns the insular situation of Jewish communities in the two German postwar states.

The different attitudes toward conversions that originated within the three main denominations of Judaism—Reform, Conservative, and Orthodox—shed a light on their approach toward assimilation and acculturation. “Since Christian-Jewish intermarriages and conversions had increased considerably in Germany from the 19th century onwards, this was not the first time that a rabbi’s view on this ‘Gerut question’ had led to a hotly debated controversy, which came to represent the view that the individual rabbi stood for with regard to the future of the Jewish people and its opening to, or isolation from, the non-Jewish community.”

When civil weddings became more common, there was no need to convert to the religion of the partner. Thus people converting to Judaism did so in most cases simply because they wanted to. Steiner observes that for most converts, as well as rabbis, family is the most common motive for conversion, that is, to marry a Jewish spouse or to have Jewish children. In the eyes of many rabbis, to convert for the sake of marriage was regarded as an inappropriate motivation and not valid. Conversions had to be “free of any ulterior motive or they are null and void.” The halakhic rulings on conversion must be seen as protecting the interests of the Jewish community. What these interests were, however, was interpreted differently by the various halakhic authorities. I will not now go into detail about numerous responsa from all strands of Judaism. But as a general rule, one can say that Orthodox responsa were motivated by fear and ambivalence toward the growing Reform movement. First it aimed to close the ranks among Orthodoxy and adopt a very strict anticonversion policy in order to prevent people from marrying non-Jewish people. Ellenson and Gordis assess that “the German Orthodox rabbinate had transformed conversion in cases of intermarriage into a boundary issue in their attempt to rescue Judaism from the threat of dissolution created by the events of Emancipation and Enlightenment.” A different attitude, marked by leniency, was
applied by Orthodox rabbis who feared that if people were not allowed to convert they would abscond to Betei Din (halakhic courts) run by Reform rabbis. A prominent example for a rejecting attitude toward converts was Esriel Hildesheimer (1820–1899), founder and head of the Orthodox Rabbinerseminar in Berlin. This is of particular interest in our case as Jonathan was excluded from the Jüdische Lehrhaus on the basis of Hildesheimer’s spirit, which denies the validity of a conversion performed by non-Orthodox rabbis.\(^{25}\)

Jonathan’s mother commented bitterly on the proposed *Giyur Lechumra* by saying: “You offer a medicine, that is the *Giyur Lechumra*. This is supposed to bring cure. But first you invent the illness and with the remedy, with the proposed medicine, you create new problems.”\(^{26}\) She was concerned about the Jewish status of her other children if her second-born son, Jonathan, was to convert again and particularly about the status of her daughter. The mother asked what would happen if her daughter wanted to marry a man of the status of Cohen (priest), as Jews of priestly descent are not allowed to marry converts.\(^{27}\) When she asked that question the rabbis sent by the Lauder Foundation to mediate the case were clueless. This fact angered the family even more. They felt that if they agreed to Jonathan undergoing another conversion, it would be an admission of doubt regarding his legitimate Jewish status. This is reminiscent of Julia Bernstein’s finding in her study of children of mixed Jewish/non-Jewish origin where she observes: “A *giyur*, too, is seen by many interviewees as an insulting demonstration that they were not Jews previously, even though they felt Jewish”\(^{28}\) (emphasis in original). In Joshua Spinner’s opinion, Jonathan’s case was “a flare-up of the re-integration process” into a cohesive Jewish community defined by halakhic standards as opposed to an individually defined Judaism that had developed in a bubble of postwar Germany.\(^{29}\)

Eventually, the Lehrhaus asked Dayan Chanoch Ehrentreu, head of the European Beit Din, for advice.\(^{30}\) This too was commented on bitterly by the family. “They gave a rabbi from England the power to determine who in Germany is regarded to be Jewish.”\(^{31}\) Dayan Ehrentreu had been born in Frankfurt and had taken refuge in England where he became a Talmud scholar and head of a yeshiva.\(^{32}\) He supported Rabbi Spinner’s judgment and resolutely declared that the young man had to convert again in order to be accepted as a Jew and granted the right to participate in the Beit Midrash program. Jonathan interpreted the rabbi’s severity as revealing his negative attitude toward Jews in Germany. Much like the World Jewish Congress in the early years after the war and similar to Rabbi Spinner’s prevalence of qualms concerning Jewish life in postwar Germany, Dayan Ehrentreu had maintained his doubts about, and dislike of, rabbis who had served the Jewish communities in Germany in the years following the Shoah. Jonathan took the rabbi’s strictness in refusing to accept his Jewishness as a way to prove his own superiority. He assumed that the stricter the rabbi handled such cases,
the less his authority in legal matters would be questioned by other (Orthodox) rabbis. Jonathan called this approach the “Jew-by-me” method. It justifies overturning the conversion, questioning the convert’s Jewishness along with everyone else’s. It requires the convert to reconvert without giving him the assurance that the conversion would be accepted by other rabbis in the world. It thus places doubt on the offspring of such converts and in doing so gives the phrase “L’Dor vaDor” (For all generations) a completely new meaning.

Jonathan’s case also demonstrates how isolated Germany’s Jewry remained for decades. Detached from the rest of the Jewish world community, it first had to prove worthy of recognition in the Jewish world after the Berlin Wall fell and the two German states were united. It is an ironic note to the story that Ronald S. Lauder not only established the Lauder Foundation in Germany and with it the Lehrhaus but, since June 2007, he has also served as the president of the World Jewish Congress, the very same organization that imposed “a spell” over Germany in the late 1940s. It is also remarkable that the Jewish establishment in Germany did not interfere and help the family. It is fair to assume that the Jewish leadership in Germany had internalized the notion of inferiority associated with all things Jewish in Germany and preferred to delegate decision-making power overseas.

In March 2018, Dayan Chanoch Ehrentreu was awarded the Order of Merit of the Federal Republic of Germany by Sigmar Gabriel, a German politician and, at the time, foreign minister. Gabriel opened his speech by saying: “We are gathered here today to honour a man who has brought light into the lives of so many people. This man is not only one of the most eminent rabbis in the United Kingdom, he is also the undisputed senior authority on Jewish law in Europe.” Ehrentreu, who is the head of the European-Jewish Court of Law of the Conference of European Rabbis, was appointed rector of the Rabbinerseminar, the Orthodox Rabbinical College, established in 2009 in Berlin. By making Ehrentreu the founding father and director of the Hildesheimer-Rabbinerseminar, the Lauder Foundation acknowledged his previous ruling to exclude Jonathan. As Gabriel said in his speech, he might have opened many doors but he certainly closed one for Jonathan.

Jonathan remained faithful to his religion and his heritage. Much like his mother, he championed many Jewish initiatives. He became president of Limmud Germany, originally a British-Jewish initiative dedicated to Jewish learning in all its variety. It was another ironic turn in relation to Dayan Ehrentreu, who in 2013 had “issued an opinion that United Synagogue rabbis should not attend Limmud” because “spokesmen of the Reform and Conservative movements will also be present.” In an official letter signed by various Orthodox authorities, the rabbis state: “Participating in their conferences, events and educational endeavours blurs the distinction between authentic Judaism and pseudo-Judaism.”
CONCLUSION

Museums operate on a different rationale than Halakhah does but they share the same past-present-future relation. In displaying what was, they define how people will interpret the present and think about the past in the future. It so happened that the Jewish Museum Berlin acquired fifteen 8 mm films and twenty videotapes portraying Jonathan’s family, starting with his mother’s bat mitzvah. Tamar Lewinsky, curator for contemporary history at the museum and one of the authors of a volume on the history of Jews in Germany from 1945 to the present, has not yet decided whether to include the footage in the museum’s new permanent exhibition, but she leaves no doubt about the historic significance of the material.18 Furthermore, Mirjam has found entrance into the museum by way of her former position as a board member and head of the educational department of the Jewish Community of Berlin, where she served from January 2008 until February 2012. In this capacity she was portrayed by the museum as a representative of the community and of Jewish life in the city.19

Identity continues to be shaped by interaction. How Jews are perceived backlashes and influences their self-perception. We assume that being part of the Jewish Museum Berlin’s collection on contemporary Jewish life in Germany, and being displayed as such in the future, reinforces the family’s Jewish identity. It does not, however, alter their status in the eyes of the rabbis representing the Lauder Foundation.

In conclusion one must agree with Ellenson’s and Gordis’s statement that “debates about conversion are never simply about conversion, but rather about Jewish identity.”40 To broaden the scope, I dare to add that halakhic rulings (of which conversions are a part) are always debates about the future of Jewish life.

NOTES

4. Matters of determining Jewish status and identity have become complicated not only in Germany but worldwide. See Reuven Hammer’s CJLS paper on the topic: https://


16. Mirjam, interview by Sandra Anusiewicz-Baer, July 2, 2018, audio, 00:09:43.


19. The irony is that Lehrmann was ordained at the Orthodox Rabbinerseminar in Berlin in 1933, which is the predecessor of today’s Orthodox Rabbinical Seminary, run by the Lauder Foundation and founded in 2009, Strätz, *Biographisches Handbuch*, 338.


22. Steiner, *Die Inszenierung*, 144.


24. Ibid., 41–42.
25. For Esriel Hildesheimer’s stance on intermarriage and conversion, see Ellenson and Gordis, *Pledges of Jewish Allegiance*, 46.


27. See Maimonides, *Mishne Torah*, 5th Book (Kedushah), Issurei Biah: forbidden sexual relations 18:3.


33. Jonathan, interview by Sandra Anusiewicz-Baer, June 29, 2018, audio, 00:03:44 and 00:07:38.


