

The JFS

by: Rabbi Jeremy Rosen

“The Law is an Ass,” said Mr. Bumble in [Oliver Twist](#). And if that is so, then some rabbis are even bigger asses.

[The English courts have decided](#) that the rabbis who determined the entrance policy of the JFS ([the Jews Free School](#), a large state-supported Jewish day school in London) have contravened the [Race Relations Act](#). It refuses to admit children where the mother’s conversion to Judaism is suspect according to their criteria.

Unlike other community Jewish schools throughout the world, the JFS’s religious position is controlled by the established Church of Anglo Jewry, the [United Synagogue](#) and its ecclesiastical authorities. So that if elsewhere children recognized as Jewish by other denominations and other ecclesiastical authorities are allowed to attend community Jewish schools, in England they are not.

The usual pathetic argument is that if you have children of doubtful Jewish identity mixing with those who are definitely Jewish this encourages intermarriage and will lead to confusion. It is so myopic, it leads inevitably to saying a Jewish child should never mix with any other Jew of different religious background or any non-Jew for fear of ending up falling in love and marrying out. It implies that reasonable adults are incapable of making choices. If ever there was an example of religious insecurity this must be it. And sadly it abounds.

It was my policy when principal of Carmel to accept children from homes where one parent was not Jewish, if I was convinced the parents and child really wanted a Jewish education and would be prepared to rectify the status issue at a later date, and so long as everyone was aware of the present status. Most of such pupils eventually did rectify their Jewish status in a committed way. So I regret nothing because frankly Judaism has been enriched by them.

The Charedi world doesn’t have a problem because its schools really do apply only religious criteria. However technically Jewish a person may be, if he or his parents do not come up to their religious standards they don’t get in. Got a TV at home? You’re out! Now if a private school wants to apply religious or academic criteria, whether one agrees or not, it can. And this would of course exclude many Jews who are not religious, just as it might exclude many who are not so bright (and yes there really are stupid Jews).

But petty Anglo Jewish Orthodoxy has created this absurd situation where children who might be religious but whose parents are not considered Jewish because their conversions are challenged cannot get in. But most pupils in the JFS are not at all religious. They might meet the criteria of identity through maternal birthline, what exactly, ask the Judges are these criteria? They cannot be religious because non religious kids attend. So they must be

something else. And why aren't the current nominally Orthodox parents worried that their offspring will sit next to bacon-fressing Jews and then marry into a family where religious practice is reviled? If that is acceptable why not have children of Reform conversions who only eat kosher? Clearly it is not a matter of religion but something more insidious. But ethnic identity is not necessarily racial. That's where the law is an ass.

According to English law, the JFS has contravened the race laws and stands accused of racial discrimination! That Judaism is a race is, of course, absurd and only used by anti-Semites as a false argument to berate us with. [All criteria of race are genetic](#) and Judaism has no hint of racial discrimination in its laws.

"Jews", [the appeals court has determined](#) (or rather, confirmed), "constitute a racial group defined principally by ethnic origin and additionally by conversion." Well blow me down with a [left-handed goose quill](#). That is like saying "The big toe, as defined by digits on the right hand." Are Jews a race, based on genetic make-up? No, because anyone of any race may become a Jew. Are Jews all members of a religion? No because many self-proclaimed Jews refuse to have anything to do with religion. The Torah has no word for "religion", only "people".

What is Judaism? Most Jews cannot agree on [who is a Jew](#). Israel cannot agree. But the English judges know! They have simply exchanged one [ambiguous term](#) for another. Ethnic origin? Pray, tell me what that is? Are Muslims a religion, a race, an ethnic group, or a football team? The fact is that definitions are usually dangerous, misleading, and ultimately wrong. We are humans and we need to treat each other the way we ourselves would like to be treated. (Where have I heard that before?)

That means that the law's job, in a democratic society, is not to define but to protect citizens of a state and treat them equally. It means that any state-funded religion, or ethnic group, or golf club should not be allowed to discriminate on any grounds other than preventing others interfering with or degrading the life and amenities of members.

If you allow religions to function, then they must be allowed to function within their own parameters so long as they do not damage or injure other citizens. Religions, like clubs, are voluntary. The French system makes more sense. In the Public Sphere there is [no room for religion](#). Religions fund themselves. Similarly, in the USA, where government may not encroach on religion, denominational schools can apply for government aid to be used [for purposes other than religious instruction](#). Once again I repeat, where religions are freed from state involvement and bureaucracy they flourish.

The British problem is, as always, fudging boundaries. If it supports a Jewish or a Catholic or a Muslim school, it is doing so for anyone who wishes to live or be educated that specific religious way. Therefore the courts were right to say anyone who wants a Jewish religious education should be allowed to receive one. But that is on the basis of equity and fairness, nothing at all to do with race or how you define religious identity.

Had the JFS not been under the dead hand of ecclesiastical authorities, it could, as most community schools around the world do, say that whoever wants to benefit from its kind of education and will participate positively is welcome. Had that been the case Anglo Jewry would not have needed to stump up more millions for yet another school, the [Jewish Community Secondary School](#), to provide just that. Let alone fritter away sparse money defending an indefensible position. But no, once you let clerics get involved they invariably screw things up.

Amazingly this mess is more Anglo Jewry's own fault because in addition to the pettiness of its ecclesiastical authorities, those who claim to represent Anglo Jews decided to agree and push to have Jews classified as a race to benefit from the Race Relations Act!! I ask you.

Those who sow the petty wind, reap the vindictive whirlwind.