

BUILDING BRIDGES

The History of the 'Status Quo' Agreement

The campaign envisioned by the Moetzes Gedolei HaTorah of Agudas Yisrael of Eretz Yisrael to foster greater understanding of the situation in Eretz Yisrael in the various Jewish communities throughout the world is an ongoing mission for Torah-true Jewry. In an effort to build bridges between diverse communities, separated by geographic and/or ideological divisions, *Hamodia* presents the first of a series of articles.

This article, describing the background of the development of the Status Quo, provides historic perspective to the current situation.

BY RUTH LICHTENSTEIN

When World War II was over at last, the full dimensions of the horrors of the recent *churban* became known.

Polish Jewry, numbering more than 3.25 million before the War, had been slaughtered and gassed. Twenty thousand survivors came crawling out of forests and bunkers and death camps. It took another year for 250,000 refugees to return from the Siberian exile. All over Europe, sounds of weeping and mourning were heard for the destruction of Jewish communities and the murder of six million men, women and children, may Hashem avenge their blood.

Within the scope of European Jewry's annihilation, no Jewish political movement had been as mortally wounded as Agudas Israel. Most of its adherents had been concentrated in Poland, Lithuania, Germany, Slovakia and Austria, where the annihilation was most thorough, and only some of its leaders had managed to escape the jaws of the Nazi beast.

While the world at large was celebrating the end of the war, Europe was in utter chaos, millions of displaced people were trying to rebuild, Jews were shell-

shocked and heartbroken, overwhelmed by the trauma of adapting to the reality that the world they once knew was gone forever. Jewish survivors, one from a city, two from a family, tried to return to lands of their origin. They soon discovered that at best, they weren't welcome, and at worst, their lives were in danger, threatened by their one-time neighbors. Most survivors wanted to go to Palestine, but they were blocked by British immigration laws. Instead, many left for the United States, Australia, South America — anywhere they were allowed entry and an oppor-



Moetzes Gedolei HaTorah at the Third Knessiah Gedolah, Marienbad, 1937.

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tunity to re-build their shattered lives.

Broken in body and mind, the remnants who persisted in going to Israel had no choice but to immigrate illegally, aided by two underground organizations in Palestine, the Irgun and Lechi, who also carried out operations against the British that led to harsh recriminations against the entire Jewish community.

When the survivors finally arrived in Israel, they were shocked to confront the next

obstacle in their tortuous road: widespread discrimination by the Jewish Agency against those who didn't belong to Zionist groups.

Many letters from abroad had reached the offices of the Agudas Yisrael Executive Committee in Jerusalem, warning them of the unfairness, specifically in the withholding of funds as well as of the coveted certificates from Agudah constituents. They told of injustice, of the fraction of certificates given to the religious, of the Jewish Agency representatives ignoring them, and that the money from the Rescue Committee in which Agudas

Israel was participating never reached Agudah because it was considered exclusively "Zionist money."

Absorbing the waves of immigration required major financial resources that were not available in those days to the impoverished Orthodox movement, just to the various streams of the Zionist movement, including the Mizrachi and Hapoel Mizrachi movements.

In the winter of 1945 an Agudas Yisrael conference took place in London where survivors of the great inferno gathered and declared their allegiance to the Torah and to the *Ribono shel Olam* in the darkness that prevailed in the world at the time.

Those were difficult days. Having viewed the Churban of the Jewish world in Europe, they were now witnessing the empowerment of the Zionists with the Mizrachi as their loyal partners. This reality brought the leaders of Orthodox Jewry to decide to resolve to fight, build, and do everything possible on all fronts.

The immediate issue was the political future of Palestine. The

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bloody riots of the Arabs, and the British desire to please the Arab world, the "White Paper" that made drastic cuts in the number of immigrants allowed in, the injustice — and irony — of Holocaust survivors not allowed to come to Israel — all led to a response by the Jewish community.

The Zionists exploited the Holocaust to appeal to the world's conscience, and with the British Mandate coming to an end, they saw this as the perfect opportunity to demand the fulfillment of their old dream — nurtured from the early 20th century — establishment of a state.

But what character would this state have?

Two commissions of inquiry regarding the political future of Israel were sent to Israel to examine the issue. The first was the Anglo-American Committee in March-April, 1946, and the second was the United Nations Commission of Inquiry that visited the country in June-July, 1947.

The Jewish community related seriously to these commissions because it took place only a few months before the United Nations was convening to decide how to proceed when the thirty years of the British Mandate was set to expire on May 15, 1948. The United Nations assembly was planned for November 29, 1947.

The Jewish Agency believed that their hour had come and their greatest concern was that nobody "should spoil the show" for them.

The Agency worried that if the Agudah would resist the establishment of the state, it might leave the wrong impression on the UN Committee.

From Agudas Yisrael's perspective, the ideal solution would have been the "establishment of a political regime that would allow free immigration to all." The crucial question was what character

and content the new Jewish state would have.

The critical question for Agudas Yisrael was: could Orthodox Jews live in the country within the framework of this state?

At the meeting of Agudas Yisrael's Executive Committee on 27 Teves 5707/January 20, 1947, Harav Yitzchak Meir Levin, said:

"To say in all conscience that we are fully in favor of a state is difficult as long as there is no guarantee for matters of religion. A Jewish state in Israel which is not run according to the Torah is a *chillul Hashem* among Jews and gentiles, and a danger to religion.

"However, just as it is impossible to say with a full conscience

that we are for a state, we also cannot say that we are against it without causing a *chillul Hashem*. In this event, they will lay all the responsibility on us and blame the Orthodox Jews for upsetting it, and making it fail.

The view of Harav Dushinsky and Brisker Rav is also that one should not oppose it."



Moreinu Harav Yaakov (L.) Rosenheim and Harav Yitzchak Meir Levin (R.), at the Third Knessiah Gedolah.

His words were similar to the summary of Rabbi Yaakov Trokenheim *Hy"d*, the representative of Agudas Yisrael in the Polish Sejm, at the end of the third Knessiah Gedolah:

"The position of the Knessiah concerning the founding of a Jewish State is fundamentally positive on condition that it ensures conditions for fulfilling Torah and observing *mitzvos*." (*Davar*, August 27, 1937).

Agudas Yisrael therefore engaged in tense negotiations with the Jewish Agency to guarantee the basic conditions for Torah observance in the embryo state.

History has referred to this arrangement as the struggle over the status quo.



A group of the Tehran children smuggled out of Iran via India to Palestine in 1943.



A young refugee gazes at the ship bringing Jews denied entrance to Eretz Yisrael back to Hamburg, Germany. Inset: An infant (illegal immigrant) en route from Haifa to a detention camp.

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Jerusalem, Sunday 1 Tammuz 5707/June 19, 1947
In honor of the World Federation of Agudas Yisrael,
Ben Yehuda Street, Sirsur Building,
PO Box 326
Jerusalem

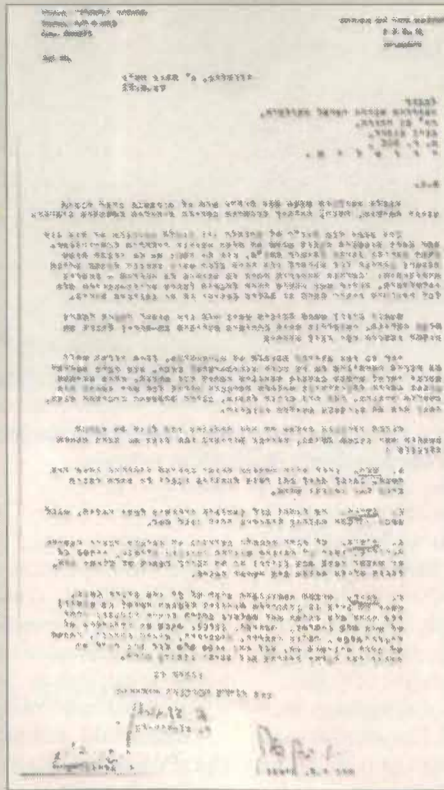
Dear Sirs,

The Agency administration heard from its chairman your request concerning guaranteeing matters of personal status, Shabbos, education and kashrus in the Jewish state which is now being established.

As the chairman of the agency's administration told you, the Jewish Agency or any other entity in the country do not have the jurisdiction to predetermine the constitution of the Jewish state until it will be founded. The country's establishment requires U.N. approval, which is not possible if freedom of conscience is not guaranteed for all its citizens and it is clear that there won't be a theocratic state. The Jewish state will also have non-Jewish citizens — Christians and Muslims — and it is obvious that, retroactively, equality of rights must be guaranteed for all citizens, and there must be no coercion or discrimination in matters of religion or any other matters.

We are pleased that you understand that there is no competent body to determine retrospectively the state constitution, and the country will be in certain areas free to determine its constitution and regime according to the will of its citizens.

However, the administration appreciates your requirements, and she knows that these things trouble not only members of Agudas Yisrael, but many pious Jews in Israel who are in the camps of the Zionists and not involved in any political party. It completely understands your demands that the Agency's admin-



Original letter sent from the Jewish Agency to the Executive Committee of Agudas Yisrael, later referred to as the Status Quo Agreement.

istration should inform you of its stand concerning the questions you presented, and what she is willing to do if she has the influence and ability to decide, to fulfill your above-mentioned requests.

The Agency's administration backs the undersigned to formulate its position on questions which you brought up in the discussion, and we hereby notify you of the Agency administration's stand: ...

1. Shabbos. It is clear that the legal day of rest in the Jewish state will be Shabbos, while of course allowing the members of other religions to rest on their weekly holiday.

2. Kashrus. All necessary measures should be taken to ensure that every government kitchen which is serving Jews should have kosher food.

3. Personal status (*Ishuf*). All members of the administration appreciate the seriousness of the problem and the major difficulties. From the point of view of all the entities that the Agency administration represents, everything possible will be done to provide the deep needs of the religious, to avoid, G-d forbid, dividing the house of Israel into two.

4. Education. Full autonomy of each educational system will be guaranteed and the government will not violate the religious status and religious conscience of any group of Jews. The State, of course, will determine the minimum obligatory courses, Hebrew language, history, science, etc., and will supervise compliance with this minimum, but it will give full freedom to every stream to manage education as it sees fit, and will stay away from encroaching on their religious conscience.

Yours truly,
On behalf of the Jewish Agency
D. Ben-Gurion
Rav J. L. Fishman
J. Greenbaum

Toward the Status Quo

The struggle for the spiritual character of Israel did not begin in 1947. Difficulties concerning the relationship between religion and the Mandatory government in Eretz Yisrael began in the 1920s, when waves of immigration brought Zionists (with favored status in the quest for "certificates of entry") to Palestine in greater numbers than any other group. The British considered the Zionists the representatives of all the Jews, viewing the Orthodox as a "tolerated entity" that deserved at most bare recognition.

The Zionists were fanatical in their opposition to religion, and especially to an Orthodox way of life, seeing it as an expression and continuation of the exile. They focused on building the "new Jew; they promulgated disdain — and even blame — for the "galus Jew," the weak, religious, nose-in-his-books Jew who went like "sheep to the slaughter." The "new Jew" would shed all vestiges of the galus Jew and his religion. The new trend was Zionism. Zionists idolized nonreligious Jewish nationalism.

The Mizrahi — the religious Zionists — who included in their ranks some respected *talmidei chachamim* — cooperated with the Zionists and signed a historical alliance; their settlements soon showed clearly that nationalism didn't jibe with *halachah*.

One of the main struggles between the Jewish groups was over education, the future of Jewry. In 1943, a group of about 700 orphaned children, Holocaust refugees who had escaped from Poland to the Soviet

Union, were collected by the Jewish Agency's emissaries and brought to Israel. They were put in a camp organized by the Tehran Jewish Agency, where they were poisoned against religion.

There was great excitement when the children arrived in Israel, the first large group of refugees to escape the Nazi inferno. A bitter fight erupted between the political parties over the fate of these children, who came to be known as *yaldei Teheran*, whose earlier trauma was compounded when they were forcibly denied receiving the Torah education to which they were entitled. Despite the heroic efforts by then-chief rabbi, Harav Isaac Herzog, to entrust these children to Agudas Yisrael where they naturally belonged, only a tiny minority were spared the fate of the others. The overwhelming majority were sent to secular institutions and the Mizrahi succeeded in ensnaring some 300 children who came from strictly Orthodox backgrounds. This misfortune remained a bleeding wound for Agudas Yisrael, a tragic chapter in the history of the Zionist takeover of Eretz Yisrael.

In Palestine, relations between the British and the Haganah deteriorated, resulting in growing political tension. The streets of Jerusalem were patrolled by British armored cars and had many roadblocks. The British feared Jewish undergrounds, and many Jews were arrested and either hanged or deported. Curfews were commonplace.

It was only a matter of time before the question of the estab-

lishment of a Jewish state would be brought before the United Nations General Assembly.

This was why the Zionists were determined to reach some sort of compromise with the Agudah, and this led to the "status quo" agreement reached in the summer of 1947, establishing a framework of coexistence that both camps would learn to accept.

The Jewish Agency wanted political unity but not a religious state. Agudas Yisrael insisted on a Jewish entity that would maintain a basic halachic framework for Jewish continuity.

The Mizrahi tried to straddle both worlds. That doesn't work.

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On Rosh Chodesh Kislev 5707/November 24, 1946, at a meeting between Harav Yitzhak Meir Levin of Agudas Yisrael and Moshe Sharett, head of the Political Department of the Jewish Agency, and Elazar Kaplan, a senior Agency official, Rav Levin asked that the new state follow Torah guidelines. The other two were not willing to guarantee more than educational autonomy and Saturday as the official day of rest.

It was clear to Rav Levin that the Agudah didn't have the power to force the Zionists to agree to its demands; but he couldn't take responsibility for breaking the wall of unity in the claims made against the British and the UN.

So when an invitation came from the United Nations Commission of Inquiry to Agudas Yisrael, *Gedolei Yisrael* ruled that they should appear — for the purpose of protecting the interests of the Jewish people (14 Iyar 5707,

May 4, 1947). In his historic speech, Rav Levin managed to articulate the line decided by Gedolei Yisroel.

On 21 Sivan 5707/June 9, 1947 Rav Levin and an Agudas Yisrael delegation met with Ben Gurion.

The Agudah's basic requirements to consent to the founding of a Jewish state were that marriage law, Shabbos observance, kashrus, and autonomy in education would be observed by the State.

Ben Gurion replied that the State constitution would be regulated by the Jewish State's Legislative Assembly, and he refused to give any guarantees even though he thought that there would be no problems with most of these requirements.

Rav Levin summarized the meeting as follows: "He spoke politely but did not promise a thing."

Only ten days later did the famous "status quo letter" reach the office of the Executive Committee of Agudas Yisrael. In it, Ben-Gurion, Yitzhak Greenbaum and Rabbi Yehuda Leib Fishman guaranteed that the future state would observe Shabbos as a day of rest, and that the demands concerning personal affairs, kashrus and education would also be accepted.

(See letter in the box)

Rav Levin nevertheless did not consider this letter a guarantee to fulfill Agudas Yisrael's demands.

In a World Executive Committee meeting dated Rosh Chodesh Tammuz 5707 (June 19/47), Rav Levin responded to

the letter: "This letter does not actually say anything and does not include any real commitment" ...

Rav Levin tried to get further commitments from Ben Gurion, but the latter refused any additional guarantees.

Even though Rav Levin and the Agudah communal leaders knew that the new state would be run by secular Jews, their goal was to try to achieve the maximum conditions to protect religious liberties and the Jewish character of the nation under the existing conditions. Since he was a pragmatic person, Rav Levin tried to prevent Jewry in this fledgling entity to endure spiritual dismemberment on the heels of the Holocaust our nation had endured.

Days passed, and after the Commission of Inquiry recommended dividing the country and establishing a Jewish state, a new era began.

That was the beginning. Orthodox Jewry had many struggles ahead of it in the ongoing fight for the preservation of Torah principles.

Today, sixty-seven years later, the fragile coexistence that has endured from the formation of that historic status quo agreement that makes Jewish life in the Holy Land possible is once again under threat.

Every Jew is heir to the Torah and has a portion in it. Religious Jewry will fight for the right of every Jew not to be denied that which is rightfully his.