'Who Is A Jew?' Can Now Be Answered By Genetic Testing

Mass immigration of Jews from the FSU to Israel seen as welcome blessing, but many have experienced difficulty proving Jewish identity

JERUSALEM—A new ruling in Jewish law permitting a specific genetic test to be used as proof of Jewishness for certain Ashkenazi Jews is being promoted as a possible solution for potentially hundreds of thousands of people from the former Soviet Union (FSU) having difficulty proving their Jewish identity.

The ruling comes from Rabbi Yosef Carlebach, who is co-head of the Eretz Hemdah Institute for Advanced Jewish Studies and a senior rabbinical judge of the Ashkenazic Hemdah rabbinical court in south Jerusalem.

The massive immigration of Jews from the former Soviet Union (FSU) to Israel was widely seen as a welcome blessing for the country, but many of them have experienced difficulties proving their Jewish identity for marriage and other personal status requirements, due to the suppression of religious activity by the former Soviet regime.

This has caused, and continues to cause, severe problems for these immigrants and their descendents, and threatens to be compounded by a wider social problem if ever-greater numbers of such people have their Jewish status rejected by the rabbinical courts and the Chief Rabbinate, as has been happening of late.

A new volume of responses on matters of Jewish law, written at the Eretz Hemdah Institute under the direction and guidance of Carlebach and Rabbi Moshe Ehrenreich, who also co-heads the institute, deals with a case in Munich, Germany, several years ago in which a woman sought to join a Jewish community, but was refused.

She was asked for proof of her Jewish status, but much of her family had been murdered in the Holocaust and her living relatives would not help her, her mother, grandmother, great-grandmother had survived and vowed not to have any further connection to the Jewish people. With no other way of proving her Jewish lineage, she went to a mitochondria-DNA test and submitted it as evidence that she was indeed Jewish.

Carlebach explained in this report, the scientific rationale behind the claim.

Mitochondrial DNA, the genetic material present in all living cells, is inherited exclusively from a person's mother, and therefore genetic markers in this DNA can trace back many generations to determine a person's maternal ancestors with a high degree of certainty.

According to the rabbi, experts in Jewish genealogy and history have determined that fully 40 percent of all Ashkenazi Jews are descended from just four Jewish women who left the Middle East over 1,000 years ago and settled in Europe.

According to the scientific report commissioned by Eretz Hemdah for its ruling, there is a certainty of at least 90 percent and up to 99 percent of a person bearing specific genetic markers in their mitochondrial DNA is descended from one of these women.

The report was authored by Prof. Karl Skorecki, a prominent geneticist at the Technion Institute of Technology and Rambam Medical Center in Haifa, and Dr. Shai Tour, a fellow geneticist from Rambam.

Carlebach notes that the genetic test cannot be used to revoke someone's Jewish status—even if they were found not to have the relevant genetic markers—only 40 percent of Ashkenazi Jews have them, and someone without them likely comes from the other 60 percent of the extended Ashkenazi Jewish family. He also argues that there is "no such thing as a Jewish gene," explaining that the mitochondrial genetic test simply determines ancestry, not Jewishness.

But for the immigrants who belong to the 40 percent of Ashkenazi Jews descended from the four women, the test could be a breakthrough in their efforts to prove their Jewish status if they lack other forms of conventional proof, such as Soviet-era documentation and witness testimony.

Carlebach says that the test relates very specifically to one group of people descended from four individuals, it cannot be abused in the future as a prerequisite for determining Jewish status.

"There would be no point at all in trying to search for a Jewish gene because it doesn't exist," he said in response to the question of whether other genetic tests could be sought for Jewish-status affirmation in the future.

Carlebach and Ehrenreich have submitted their responses and the genetic study to Israel's Chief Rabbi Rabinovic in the hope that the test could be accepted as valid by the rabbinical courts as a way of proving the Jewish status of citizens who are otherwise unable to do so.

However, Rabbi Seth Farber, head of the ITIM religious services advisory organization, expressed concern that the test could constitute the beginning of a slippery slope to greater reliance on scientific methods to prove Jewishness, which he said runs counter to traditional Jewish law.

"In traditional Jewish communities, principles in Jewish law such as the presumption that a person born into a Jewish family is Jewish are what allowed Jews from the next neighborhood or shtetl to marry each other, and created a sense of community and kinship," Farber said.

He added that using scientific methods to determine Jewishness could lead rabbinical judges to reject less precise but totally valid evidence such as use of Jewish law to establish someone's Jewish status.

He pointed to a recent decision by the Supreme Rabbinical Court and its president, Shmueli Cohen, to reject the application of a lower court that had rejected a man's Jewish status following a Jewish-status clarification investigation.

"If ever, according to the principle of majority, that since from 75 percent to 90 percent of people undergoing such investigations are found to be Jewish, the man in question could also be presumed to be Jewish. Farber said that genetic tests could threaten the use of such decision-making tools by rabbinical judges.

Carlebach left in response to these issues that "While we appreciate Rabbi Farber's concerns, we believe that there are indeed many people who are truly unsure of their Jewish status and genetic tests could provide sufficient proof to be accepted by many rabbinical courts, and thus we would not want to deprive them of this opportunity to prove their Jewish identity. The concern of a slippery slope in this case seems less valid, because the mtDNA testing only applies to one segment of Ashkenazi Jews, and thus even if one does not turn up positive immediately, all other current paths of proving Jewish identity are still open before him or her."