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The Patrilineality Debates: Arguments For and Against the 1983 CCAR Resolution

Emma Dubin

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Hebrew Union College–Jewish Institute of Religion  
School of Rabbinic Studies  
New York, NY

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Advisor: Rabbi Dr. Joseph Skloot

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## Table of Contents

<b>Acknowledgments .....</b>	<b>2</b>
<b>Introduction.....</b>	<b>4</b>
<b>    A Note on Sources .....</b>	<b>14</b>
<b>Chapter 1: Period of De Facto Patrilineality in Reform: 1844-1978.....</b>	<b>15</b>
<b>Chapter 3: Schindler’s Audacious Proposal: Arguments for Patrilineality.....</b>	<b>51</b>
<b>Chapter 4: Moses Cyrus Weiler and the Arguments Against Patrilineality .....</b>	<b>76</b>
<b>Chapter 5: Reconstructing the Vote.....</b>	<b>100</b>
<b>Chapter 6: Aftermath and Analysis .....</b>	<b>123</b>
<b>Bibliography .....</b>	<b>143</b>

## Introduction

There are few stances that the United States Reform Movement has taken as explosive as its decision to embrace patrilineality. Traditional *ishut*, the halacha governing matters of personal status, dictates that while children of Jewish women are automatically Jews, the offspring of a Jewish man and a non-Jewish woman are not. After the Central Conference of American Rabbis (“CCAR”, the North American Reform rabbinical association) issued its groundbreaking 1983 resolution declaring that Judaism passes equally through men as through women, worldwide Jewry lost its shared definition of who counts as a Jew. United States Reform synagogues, summer camps, and seminaries affirm the Jewishness of people whom Orthodox and Conservative Jews do not consider part of Am Yisrael, the Jewish people. (Reconstructionist Judaism affirmed patrilineal descent in a 1979 RRA [Reconstructionist Rabbinical Association] resolution, four years before the CCAR would publish a similar resolution.)

With this thesis I sought to understand why the CCAR endorsed patrilineality. Because it was the Reform rabbinic body that ratified the patrilineality resolution, my research focused on the arguments Reform rabbis made in what I call the patrilineality debates. What arguments did they employ for and against patrilineality? Ultimately, I found that the patrilineality debates were jurisdictional arguments fought on the battleground of sociology. An essential jurisdictional question undergirded the patrilineality debates—who had the right to define Jewishness?—and rabbis on both sides of the debates employed mostly sociological rhetoric.

This was not what I expected to find when I began this research. I anticipated a debate hinging on competing values: on one hand, a pro-patrilineality camp arguing for maximal inclusion; on the other, an anti-patrilineality camp arguing for tradition and halacha. What I found instead was a debate in which arguments for “tradition” and “halacha” played only minor

supporting roles. By and large, halacha was relevant for patrilineality opponents insofar that they feared splashy deviation from halacha might anger traditional co-religionists and the State of Israel and thereby challenge Jewish unity. The key value expressed time and again by patrilineality opponents was not Jewish tradition per se, but “Jewish unity,” “Jewish peoplehood,” and “*K’lal Yisrael*.” I will explore these terms at length.

The patrilineality debates grew out of decades of fierce debate about intermarriage. Intermarriage rates skyrocketed in the 20<sup>th</sup> century. Before 1930, 2–3% of Jews married non-Jews; by 1972, that number had risen to 32%.<sup>1</sup> A rash of studies in the 1960s and 1970s showing rising intermarriage rates led to breathless predictions about the future of Judaism.

Marshall Sklare, previously research director of the American Jewish Committee and at that time faculty member of Yeshiva University, wrote “Intermarriage and the Jewish Future” for the April 1964 issue of *Commentary* magazine.<sup>2</sup> The article decried Jewish agencies for not sponsoring adequate research on intermarriage. At that time, studies on intermarriage were mostly local. Citing recent studies of marriage licenses in Iowa, the Jewish community in Washington D.C., Jewish faculty members of the University of Illinois, and Jewish psychoanalysts in New Haven, CT, Sklare concluded that intermarriage was a significant and under-acknowledged threat to “Jewish survival.” Sklare called for “a new consciousness in the community” about the issue, as well as further research.<sup>3</sup> That same year, *Look Magazine*

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<sup>1</sup> Keren McGinty, “Jewish Women and Intermarriage in the United States,” *Jewish Women’s Archive*, June 8, 2022: <https://jwa.org/encyclopedia/article/jewish-women-and-intermarriage-in-the-united-states>

<sup>2</sup> Marshall Sklare, “Intermarriage and the Jewish Future,” *Commentary* 37, no. 4 (April 1964)

<sup>3</sup> At this time, Iowa and Indiana were the only two jurisdictions in the United States that asked marriage license applicants for their religious affiliation.

published a now-famous cover story by senior editor Thomas B. Morgan titled “The Vanishing American Jew.” The headline read: “Leaders fear threat to Jewish survival in today’s ‘crisis of freedom.’” In the piece, Morgan blamed United States Jewry’s “soaring rate of intermarriage.” Like Sklare, Morgan quoted local studies of intermarriage: data from San Francisco, midtown Manhattan, Washington, and Iowa. Morgan concluded that “Judaism may be losing 70 percent of children born to mixed couples.”<sup>4</sup>

The first national survey of United States Jews’ intermarriage rates would be published by the *American Jewish Year Book* in 1973. That year, the National Jewish Population Study found that 9.2% of married Jews were intermarried, but of Jews who married in the period 1966–1972, 31.7% were intermarried.<sup>5</sup> And in 1974, the Board of Jewish Education of Greater New York published a full-page ad in *the New York Times* warning: “If You’re Jewish, Chances Are Your Grandchildren Won’t Be.”<sup>6</sup>

Lila Corwin Berman demonstrates that United States Reform rabbis invoked the authority of demographic studies as early as the 1930s in discussions about intermarriage. Berman writes: “Particularly Reform rabbis, who were not in a position to convince their congregants that halakhah, or Jewish law, commanded endogamy, found sociological language compelling.” She continues:

As an intellectual explanation of Jewish identity in America, sociological language had much to recommend it. Unlike religious language, it did not require

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<sup>4</sup> Thomas B. Morgan, “The Vanishing American Jew: Leaders Fear Threat to Jewish Survival in Today’s ‘Crisis of Freedom,’” *Look* (May 5, 1964)

<sup>5</sup> Fred Massarik and Alvin Chenkin, “Demography: United States National Jewish Population Study: A First Report,” *American Jewish Year Book 1973* (The American Jewish Committee and the Jewish Publication Society of America, 1973), 292-306

<sup>6</sup> Lila Corwin Berman, “Sociology, Jews, and Intermarriage in Twentieth-Century America,” *Jewish Social Studies: History, Culture, Society* n.s. 14, no. 2 (Winter 2008), 49

particular belief or observance, and unlike racial language, it did not turn Jewish difference into a biological and immutable rule. Rather, it offered a respected American way for rabbis and other Jews to imagine the terms of Jewish survival.<sup>7</sup>

United States rabbis of liberal denominations invoked the authority of sociological and demographical research both to decry intermarriage (and decry colleagues who officiated intermarriages) and to justify embracing the intermarried. It is not surprising, then, that my research showed that the patrilineality debates—so interwoven with discussions about intermarriage—also occurred on a sociological field. Intermarriage numbers led to upheaval, despair, and doubling down on boundary-drawing in the Jewish community. They also led Alexander Schindler to rethink what exogamy might mean for the Jewish community—and, radically, to suggest that mixed marriage was not a death sentence for Jewish survival. Historian Jack Wertheimer writes that “it was in the context of mixed marriage that the CCAR voted . . . to redefine Jewish identity”; intermarriage statistics were front of mind for both patrilineality supporters and opponents.<sup>8</sup>

Demographic concern motivated both patrilineality advocates and opponents, leading the debates to play out on a sociological arena. Both camps were concerned with “Jewish survival”—a term each camp employed to mean different things. For patrilineality advocates, led by Alexander Schindler, “Jewish survival” required acknowledging the massive numbers of intermarried Jews in the United States and finding a way to claim the children of such unions as Jews, rather than letting intermarried Jews drift away from Judaism. For patrilineality opponents, less organized but with Moses Cyrus Weiler as their greatest spokesperson, “Jewish survival”

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<sup>7</sup> Lila Corwin Berman, “Sociology, Jews, and Intermarriage in Twentieth-Century America,” *Jewish Social Studies: History, Culture, Society* vol 14, no 2 (Winter 2008), 32-60

<sup>8</sup> Jack Wertheimer, *A People Divided* (Brandeis University Press, 1993), 108

required “Jewish unity.” They believed that Reform Jews must make compromises in order to stay united with international and cross-denominational Jewish bodies, which required United States Reform to stop insisting on the right to define matters of *ishut* for itself.

The patrilineality debates were also an argument about jurisdiction. The jurisdictional argument centered around the key question: who has the authority to define Jewishness? My research suggested that by the latter half of the 20<sup>th</sup> century, few Reform Jews took the stance that Jewish tradition/halacha determines Jewishness—i.e., that Jewish status is exclusively determined by maternal bloodline.<sup>9</sup> Could an individual Reform Jew, or an individual rabbi, create an independent standard for Jewish status? I found that while Reform Jewry did not defer to Jewish tradition on matters of *ishut*, they did seek ratification for the changing standard of Jewishness from the Reform institutions they saw as authoritative, particularly the CCAR. While the CCAR was not the single arbiter of Jewishness, in the eyes of the Reform laity, the resolutions that their rabbinate did or did not pass mattered. Moses Cyrus Weiler and other patrilineality opponents took the view that Jewry writ large (international, interdenominational) define Jewishness, such that deviation from the majority definition is an insurrection to the point of schism. By contrast, patrilineality supporters took the view that United States Reform could create its own definition of Jewish status. That United States Reform synagogues, religious schools, summer camps, leadership programs, and seminaries widely accept patrilineality today,

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<sup>9</sup> I use the term “Jewish status” throughout this thesis in the way my interlocutors did: “Jewish status” is what legitimizes someone as part of the transgenerational Jewish polity. “Jewish status” is a quasi-political term. As I will explain in the next chapter, the language of “status” reflects how for post-emancipation Jewry, Jewishness is not an inescapable fact of birth, but rather a group membership to be chosen, negotiated, and withheld. Modern “Jewish status” is more akin to citizenship—which one can be born into or choose, can receive without question or can be challenged—than the pre-emancipation understanding of Jewishness as an unchangeable fact of birth.

forty years after the CCAR resolution, still without other denominations and without international Reform bodies accepting patrilineality, is testament that the latter viewpoint won out. United States Reform insisted—and continues to insist—on its right to define Jewishness for itself.

The patrilineality debates involved jurisdictional debates within United States Reform, too: which body, specifically, had the right to define Jewishness? For a four-year period (1979–1983) the Reform lay organization, the Union of American Hebrew Congregations (UAHC), had formally accepted patrilineality, while the Reform rabbinical organization, the CCAR, had not. That Rabbi Alexander Schindler, president of the UAHC, sought a CCAR resolution on patrilineality suggests that he saw value in the rabbinate’s endorsement; despite the institutional and financial strength of the UAHC, on matters of *ishut*, Reform laity still viewed their rabbis as the authorities. Within the CCAR, different committees and task forces discussed patrilineality and recommended various proposals. (I will discuss this more fully in Chapter Five.) By and large, though, the rabbis assumed that their decision on patrilineality—whatever it might be—would be presented to the world in the form of a resolution, voted on by the CCAR body at a CCAR Convention. (This despite a minority voice—championed by Rabbi Walter Jacob, chair of the Responsa Committee—that a responsum was more appropriate than a resolution.) In other words, a decision as monumental as this was not going to be a directive from the CCAR president, or the CCAR Board: all the American Reform rabbis would vote.

In the first chapter I argue that the 1983 patrilineality resolution was the articulation of a policy *de jure* that had long existed *de facto* in Reform Judaism. Early Reformers redefined Jewishness in non-halachic ways. As early as the Brunswick Assembly in 1844 Germany, Reform rabbis held “being raised Jewish” as a necessary criterion for Jewishness, as opposed to

the halachic concept that maternal bloodline is the exclusive criterion for Jewishness. Comments made at CCAR Conventions in 1909 and 1947 reveal that the Reform rabbis operated under the informal principle that Jewishness could be passed to children by either a Jewish father or a Jewish mother. This informal principle was codified in the 1961 edition of the *Rabbi's Manual* (a ritual guidebook for Reform lifecycle ceremonies, published by the CCAR Press).

The first chapter also explores how Reform rabbis in the 19th and early 20th century understood their jurisdiction. They claimed the right to determine matters of *ishut* for themselves (e.g., removing requirements for circumcision and immersion for conversion; removing the requirement of a *get* for divorce). Debates at the 1909 and 1947 CCAR Conventions about intermarriage reveal a United States Reform rabbinate that insisted on its right to decide on matters of *ishut*—“liberalism” and “autonomy” were key words in these debates.

While Reform rabbis in the first half of the 20th century used rhetoric of religious integrity, in the second half of century—in the aftermath of the Holocaust and the establishment of the Jewish state—they increasingly spoke about “Jewish unity” and “Jewish survival” as essential values. In the second chapter, I trace the rise of the term “*K'lal Yisrael*,” arguing (following Rabbi Herman Schaalman) that the term became popular in Reform discourse *because* it lacked halachic meaning. “*K'lal Yisrael*” was and is a sociological term, not a religious one. Its popularity points to the reality that its users were debating on the field of sociology. By the 1970s, I argue, an ideological split in the Reform rabbinate emerged. One faction prioritized “*K'lal Yisrael*” and the other prioritized a rabbi’s “liberalism” and “autonomy.” This split revealed the argument about jurisdiction that undergirded the patrilineality debates: did “*K'lal Yisrael*” (that is to say, the cross-denominational Jewish whole),

an individual rabbi, or the United States Reform rabbinate have the right to decide matters of *ishut*?

In the third chapter I study the key arguments for patrilineality: equality for men, Reform integrity, empathy for the children with marginal status of Jewish men and non-Jewish women, and “Jewish survival.” I suggest that it was the final argument that most motivated Alexander Schindler: that without embracing patrilineality, the United States Jewish population would shrink into nonexistence. People who sought to enfranchise patrilineal Jews were primarily motivated by sociological conditions. In 1978, Schindler shared his now-famous plan for “Outreach” with the UAHC board, explaining explicitly that outreach was a response to demographic concerns. Patrilineality was one leg of Schindler’s broader outreach project. Schindler’s presentation of patrilineality arguments within his broader outreach campaign gave them further power and publicity.

The cross-border, cross-denominational influences in Rabbi Moses Cyrus Weiler’s life led him to become patrilineality’s greatest opponent within the Reform rabbinate in the 1970s and early 1980s. In the fourth chapter, I explore the two major arguments Weiler made against patrilineality. Weiler argued first that patrilineality would obstruct unity among Jews (i.e., inhibit *K’lal Yisrael*); and second, that Reform insistence on patrilineality would impede legal integration of the burgeoning Reform Movement in Israel. Both of Weiler’s arguments were sociological-political arguments, not religious ones. Other Reform rabbis opposed to patrilineality employed a “don’t rock the boat” argument: they felt that Reform had recognized patrilineality back in 1947 and saw no reason to publicize this divisive stance further. A final, notably marginal, argument among the Reform rabbinate was that patrilineality was inappropriate on grounds of halacha. But sociological arguments were much more popular.

After the UAHC endorsed patrilineality, the CCAR felt pressure to release its own statement—feeling that without one, it would seem to the world like the laity and not the rabbis called the shots in the Reform Movement. CCAR leadership felt institutional territorialism. Committees in the CCAR felt territorial, too, as each wanted to be the one to draft a statement on patrilineality. In the fifth chapter I trace the turf battles between CCAR committees—notably the Conversion Committee and the Responsa Committee—that led to the establishment of an entirely new committee, the Committee on Patrilineal Descent. The Committee’s first attempt at a resolution—the 1982 vague “derivability” resolution—fell flat: the majority of the CCAR rabbis wanted an unambiguous statement on patrilineality. The Committee proposed a revised resolution following year, which the CCAR voted overwhelmingly to accept. I analyze the heated debates about patrilineality at the 1983 Convention, finding that they centered around sociology.

How did the Reform Movement stay together after the explosiveness of the patrilineality debates? This is the question I ask in the final chapter. It was not obvious, during the heat of the debates, that unity would be possible after the debates, whatever their outcome. Looking at letters between Reform figureheads in the immediate aftermath of the debate, I find warmth between the quarrelling rabbis. Commitment to collegiality and strong personal friendships allowed for rapprochement between the anti- and pro-patrilineality camps following the passage of the resolution. So did CCAR leadership’s commitment to follow its own precedent. In the 1980s, CCAR had presidents who had, in their personal capacities, been opposed to patrilineality but nonetheless committed to holding by the 1983 decision (i.e., W. Gunther Plaut and Eugene Lipman). Although these leaders had dissenting personal convictions, they deferred to the majority will of the Conference.

The patrilineality debates—and United States Reform’s resounding support of patrilineality that has held for the past forty years—show two truths about Reform ideology. The first truth is that the arena of Reform debate is sociological in nature, not halachic. Both the change-making wing and the conservative wing of the Reform rabbinate primarily employed sociological arguments. Lila Corwin Berman demonstrated that this was true for the Reform intermarriage debates, and now I contend that it was true for the patrilineality debates as well.

The second truth: the United States Reform Movement sees itself as first and foremost beholden to the United States Reform Jewish community. What led the United States Reform rabbinate to pass the patrilineality resolution over their international colleagues’ objections? Some factors were the lingering long-time Reform discomfort with the idea of bloodline determining Jewishness and United States Reform’s continued insistence on its right to make decisions on matters of *ishut*. But the primary reason was demographic. Intermarriage, and thus the issue of status for the children of Jewish men and non-Jewish women, was mostly a United States phenomenon, and United States Reform laity (as represented by the UAHC) put heavy pressure on their rabbis to accept patrilineality. The Reform rabbis felt more beholden to their own congregants than they did to *K’lal Yisrael*, and certainly more responsible to their congregants than to Jewish tradition. The rabbis feared—maybe rightly, maybe wrongly—that without accepting patrilineality (and the principles of inclusion and gender equality that patrilineality represented to their congregants), the United States Reform community would shrink. The rabbis of the CCAR fundamentally viewed their responsibility to be the survival of *United States Reform Judaism*. United States Reform, by and large, was not willing to compromise its own survival for the sake of *K’lal Yisrael*.

### A Note on Sources

Most primary sources—papers, personal correspondences, committee minutes, and CCAR Convention transcripts—I quote in this thesis are from the Jacob Rader Marcus Center of the American Jewish Archives (AJA) in Cincinnati, OH. I found the papers of the CCAR, URJ (formerly UAHC), Moses Cyrus Weiler, Alexander Schindler, Jerome Malino, Eugene Mihaly, and Eugene Lipman particularly helpful. I also spent significant time studying CCAR Yearbooks, which record speakers, attendees, presentations, votes, and debates of the annual CCAR Conventions—a wonderful resource for historians of our Reform Movement.

When quoting English language primary sources, I left the authors' transliterations of Hebrew terminology. (With one exception: I modified transliterations in transcripts of oral arguments, e.g. CCAR Convention transcripts, for clarity.) For my own transliterations I followed the conventions of the CCAR Press Style Guide (February 2025).<sup>10</sup>

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<sup>10</sup> Central Conference of American Rabbis, “Style Sheet and Guidelines,” February 2025. Accessed online: [https://www.ccarpress.org/FileCache/2025/02\\_February/CCAR%20Press%20Style%20Guide\\_.pdf](https://www.ccarpress.org/FileCache/2025/02_February/CCAR%20Press%20Style%20Guide_.pdf)

## Chapter 1: Period of De Facto Patrilineality in Reform: 1844-1978

### The Brunswick Caveat: “Being Raised Jewish” as Determiner of Status in German Reform

In understanding the way early German Reform rabbis thought about Jewishness, we can see the seeds of 20<sup>th</sup>-century United States Reform thinking about Jewish status. This chapter explores how in seeking Jewish political emancipation, liberal-minded early Reform rabbis came to realize that automatic corporate membership based on blood was problematic. Thus this era sowed the seeds of a quiet discomfort with a bloodline (halachic) definition of Jewishness. The question of intermarriage—and with it, the question of the Jewish status of the children of intermarriages—is embedded in a historical context stretching back to the eighteenth century. It was then that Europe began the process of emancipation: a political upheaval that would result in Jews being granted individual citizenship rather than being treated as an autonomous ethnic corporation. As historians Pierre Birnbaum and Ira Katznelson write, “everything changed” with emancipation, “from communal social organization to religious practice to family life to migration patterns to employment to schooling to ideology to collective action. So, too, did the sheer range of Jewish orientations to the wider milieu.”<sup>11</sup> Among the “sheer range of Jewish orientations to the wider milieu” came the possibility, and then the reality, of intermarriage.

Intermarriage would lead to inevitable questions about the Jewishness of the children of such marriages. Therefore, emancipation had enormous consequences both for the make-up of Jewish communities and for the very question of what it meant to be Jewish. As the historian David Ellenson wrote, emancipation meant that defining who was a Jew would become a live

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<sup>11</sup> Pierre Birnbaum and Ira Katznelson, “Emancipation and the Liberal Offer,” *Paths of Emancipation: Jews, States, and Citizenship* (Princeton University Press, 1995)

issue: the modern period “transformed the matter of Jewishness from a question of status into one of identity.”<sup>12</sup> For the first time “affiliation” would be an open question.

“Emancipation” is, as Birnbaum and Katznelson put it, a “congested term,” simultaneously involving shifts in legal status (for the Jewish *kahal*, or collective, but also for individual Jews) and religious tolerance.<sup>13</sup> Admission to citizenship was a hallmark of emancipation, and one that French Jews received in 1791 in the aftermath of the French revolution. But in the following years, Napoleon Bonaparte’s government passed laws restricting Jews’ civil liberties. Formally Jews had citizenship, but clearly, questions about their place in society remained unsettled. It was in that context that, in 1807, Napoleon convened a court of French Jewish notables—who dubbed themselves the Grand Sanhedrin—to respond through responsa to twelve questions related to Jews’ role in France. The responsa would inform political deliberations vis-à-vis the possibility of Jews assimilating into French society. France was moving falteringly toward emancipation.

The emancipation situation was even more complicated in Germany. While the French empire under Napoleon had uniformity of governance, such that the empire could declare emancipation in one fell swoop (even if the journey toward becoming fully equal citizens took much longer), the German states did not have a centralized government. This led to a staggered,

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<sup>12</sup> David Ellenson. “Who Is a Jew: Issues of Jewish Status and Identity and Their Relationship to the Nature of Judaism in the Modern World,” in L. Barth (ed), *Berit Mila in the Reform Context* (Cincinnati: Hebrew Union College Press 1990), 70-72

<sup>13</sup> Pierre Birnbaum and Ira Katznelson, *Paths of Emancipation*, 4

complicated process of emancipation in Germany.<sup>14</sup> As historian Werner E. Mosse wrote: “The process of piecemeal emancipation, a consequence of the multiplicity of sovereignties, would extend for the better part of a century” in Germany.<sup>15</sup>

But after emancipation in France, Jews in German states were also interested in political enfranchisement. A wave of three German rabbinical conferences trying to work out specifics around Jewish citizenship (inspired by the Great Sanhedrin in France) came in the 1840s, a decade which historian Michael Meyer would call “the heady forties.”<sup>16</sup>

Germany’s first formal rabbinical assembly took place in 1844, when twenty-five Reform-minded rabbis assembled in Brunswick, Germany.<sup>17</sup> The Brunswick assembly came on the heels of lay-led Reform activity: lay-led congregations in Seesen (inaugurated 1810) and Hamburg (1817) proved there was lay appetite for Reform. Rabbis, fearing that their authority could be eclipsed, mobilized. Which religious reforms would preserve Judaism and which would lead to its demise? The rabbis wanted to be part of the conversation. Officially, the catalyst for

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<sup>14</sup> After the Congress of Vienna (1815), which brokered a treaty that redrew Europe’s map after the defeat of the Napoleonic empire, there were thirty-eight separate German principalities that operated independently of one another. There would not be a national state of Germany until 1871. The question of Jewish emancipation was discussed at the Congress of Vienna, but no legislation was passed: the German confederation merely agreed to continue discussing the issue with the goal of acting in a uniform manner. Emancipation proceeded at different timelines in the individual states and was not linear; in Prussia, for example, Jews won some rights that were later withdrawn. (Warner E. Mosse, “From ‘Schutzjuden’ to ‘Deutsche Staatsbürger Judischen Glaubens’: The Long and Bumpy Road of Jewish Emancipation in Germany” in *Paths of Emancipation: Jews, States, and Citizenship*, ed. Pierre Birnbaum and Ira Katznelson (Princeton University Press, 1995))

<sup>15</sup> Warner E. Mosse, “From ‘Schutzjuden’ to ‘Deutsche Staatsbürger Judischen Glaubens’: The Long and Bumpy Road of Jewish Emancipation in Germany,” 59

<sup>16</sup> Michel A Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (Wayne State University Press, 1995), 142

<sup>17</sup> A rabbinical assembly at Frankfurt-on-the-Main in 1845 and another in Breslau in 1846 would follow.

the Brunswick assembly was a sense among rabbis that the Jewish community was in decline and in need of a spiritual revival.<sup>18</sup> The group publicly identified the purpose for its gathering to be questions of spirituality. But one imagines that the rabbis had other motivations to assemble: concern about the lay Reform movement that was taking off without rabbinic control, and a desire to opine on the political questions of emancipation.

The attendees had no formal authority and recognized as much: they did not formally represent even their own communities, let alone the broader rabbinate or Jewish community. Unlike the attendees of the French Sanhedrin, the German rabbis did not profess to speak for the Jewish community beyond themselves.<sup>19</sup> But while the conferences had no formal power, they did garner substantial publicity among Jews across Europe. We can also find in the 1840 German Reform rabbinical conferences an early articulation of key beliefs that would later shape United States Reform Judaism: notably, a concern about intermarriage and a belief that *being raised Jewish*, not a maternal bloodline, was the determining factor for a child's Jewishness.

The Brunswick attendees were mostly young and liberal-minded; more traditional members of the rabbinate declined to attend.<sup>20</sup> Firebrands Samuel Holdheim, Samuel Hirsch, and Salomon Formstecher were among the participants. The attendees had no desire to present the resolutions of the conference as binding upon other rabbis, or even upon themselves. Meyer notes that during the eight-day conference "it soon became apparent that the rabbis were not at all eager to abdicate their own autonomy, choosing to declare only that the decisions of the

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<sup>18</sup> A.E. Kooij-Bas, *Nothing but Heretics: Torat ha-Qena'ot: A Study and Translation of Nineteenth Century Responsa against Religious Reform*. [s.n.]. (2006)

<sup>19</sup> Michael A. Meyer, *Response to Modernity*, 141

<sup>20</sup> Kooij-Bas, *Nothing but Heretics*, 31

conference would be ‘morally binding’ for those members who voted with the majority.” The assembly had no coercive authority, and, in a precursor to the sentiments of United States Reform rabbis some hundred years later, members of the assembly insisted upon the individual Reform rabbi’s right to choose the standards of religious practice for himself and his particular community.<sup>21</sup>

The Brunswick assembly structured its agenda after that of the French Sanhedrin. That meant that the Brunswick docket included topics such as liturgy, including the *Kol Nidrei* prayer, use of Hebrew, and language about the Messiah; circumcision; Sabbath and dietary laws; and requirements for divorce. Also on the docket was the question of mixed marriage, even though intermarriage was not legal in most of Germany (the one exception was in the state of Sachsen-Weimar, which required the children of intermarriages to be raised as Christians). At the time of the Brunswick assembly, intermarriage was on the minds of Reform leaders, but it was not a demographic reality. Intermarriage was “only a theoretical problem,” but one that had significant religious and political ramifications for the Jewish community.<sup>22</sup>

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<sup>21</sup> Liberalism and autonomy were significant concerns for early Reform rabbis in Germany, who found themselves responding to preeminent German philosopher Immanuel Kant’s charge that because morality requires free will and Jewish law is coercive, Judaism is an immoral religion. Michael Meyer writes that for most German Jews, “the Kantian rejection of Judaism was a challenge to show that Judaism was, in fact, a religion of morality,” which meant that they uplifted Judaism’s moral laws (as opposed to ritual laws) and emphasized that Jewish teachings allowed for autonomy. CCAR debates in the 20<sup>th</sup> century discussed later in this chapter suggest that “liberalism” and “autonomy” continued as prominent Reform values in the United States.

Michael Meyer, “Should and Can an ‘Antiquated’ Religion Become Modern?: The Jewish Reform Movement in Germany as Seen by Jews and Christians,” in *Judaism within Modernity: Essays on Jewish History and Religion* (Wayne State University Press, Detroit, 2001)

<sup>22</sup> Kooij-Bas, *Nothing but Heretics*, 115

Among the members of the Brunswick assembly, there was some discomfort about discussing intermarriage publicly. Several attendees felt that a resolution on intermarriage would be irrelevant given the stated goal of the conference, which was to revitalize religious spirit. Intermarriage, a heated issue, ran counter to that goal.<sup>23</sup> Moreover, given the environment of Christian animus toward Jews and their hope for Jewish emancipation in the German states, the rabbis of the Brunswick assembly—like their predecessors at the French Sanhedrin—needed to answer the question of intermarriage without impugning Christianity. Some rabbis were reluctant to comment on its permissibility given its undesirability: if intermarriage were permitted, the German states would surely require children of intermarriage to be raised as Christians, which would in turn lead to a diminished Jewish population. As Meyer writes: “Most of the participants were caught between their reluctance to give the impression that Christians were unworthy of marriage with Jews and their realization that the multiplication of such marriages would decimate the Jewish community.”<sup>24</sup>

However, the Brunswick assembly had committed to following the structure of the 1807 French Sanhedrin. Napoleon had asked the Sanhedrin to opine on twelve questions, among them the permissibility of intermarriage. Therefore, there was no way for its successor gathering in Brunswick to avoid the question altogether. Napoleon’s third question continued to ring out: “Can a Jewess marry a Christian and a Christian woman a Jew? Or does the law require the Jews to marry among themselves?”

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<sup>23</sup> Kooij-Bas, *Nothing but Heretics*, 116

<sup>24</sup> Meyer, *Response to Modernity*, 135

Ultimately, a majority of the rabbis at Brunswick voted to pass a resolution stating: “Members of monotheistic religions in general are not forbidden to marry if the parents are permitted by the laws of the state to bring up the children from such a wedlock in the Jewish religion.”<sup>25</sup> The Jewish legitimacy of a mixed marriage, therefore, would be contingent upon the state permitting the couple to raise their children as Jews.

The Brunswick statement on intermarriage was noteworthy for several reasons. First: the Brunswick assembly endorsed all the regulations written by the French Sanhedrin, except for its language on the issue of intermarriage.<sup>26</sup> The Sanhedrin wrote simply that “Marriage to Christians is not forbidden.” That the Brunswick assembly elected to add a caveat to this regulation and no others suggests that there was some dissent on this ruling. The Brunswick assembly’s caveat that “if the parents are permitted by the laws of the state to bring up the children from such a wedlock in the Jewish religion” reveals that the locus of the assembly’s concern was on Jewish continuity—the transmission of the Jewish religion to future generations. That the only German state permitting intermarriage (Sachsen-Weimar) required the children of such unions to be reared as Christians suggests that the rabbis’ fear was not unrealistic.

The Brunswick rabbis understood the possibility that, with emancipation, the Jewishness of future generations could be *lost*. Although intermarriage was not a current demographic reality, the reopening of the French Sanhedrin’s questions at Brunswick indicated that the concern was a live one: if Jews were equal citizens, free to live anywhere, no longer legally

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<sup>25</sup> Kooij-Bas, *Nothing but Heretics*, 117

<sup>26</sup> D. Philipson, K. Kohler, H. Pereira Mendes, Philipson, D., Kohler, K., Pereira Mendes, H. “Conferences, Rabbinical.” *JewishEncyclopedia.com*. Accessed online July 10, 2024: <https://www.jewishencyclopedia.com/articles/4592-conferences-rabbinical#anchor3>

restricted to marrying other Jews, they might well intermarry with Christians. Then the question became unavoidable: what might happen with future generations? Could Judaism be lost forever? The Brunswick assembly's concern about theoretical intermarriage was that the children of such marriages may not be Jewish. However, if intermarriage somehow—and at the time this was a flight of fancy—did *not* result in the loss of children to Christianity, then it could be allowed.

But Jews were a maligned minority; it was a legal and Christian theological impossibility that “Christian” children could be brought up as Jews. The notion that the state and a Christian polity might permit Christians to raise their children as Jews in 1844 was basically unfathomable. Therefore, with a stipulation that children of intermarriage must be raised as Jews,, the rabbis functionally prohibited intermarriage even while technically allowing for its possibility.

In redefining Jewishness as a matter of upbringing the rabbis of the Brunswick assembly imagined a post-emancipation world that did not yet exist: a world in which the state would allow children of intermarriages to be raised as Jews. At its time, the assembly's suggestion that children of intermarriages are not inevitably lost to the forces of Christianity or secularism was a starry-eyed theoretical. But the Brunswick caveat portended the demographic and political realities of America some hundred years later: an environment with widespread intermarriage, a state unconcerned with religious affiliation, and the reality that Christians could and would become Jews—and a corresponding decline in Jewish affiliation (or at least forecasts that said as much). 130 years after the Brunswick assembly, Alexander Schindler would put its starry-eyed theoretical into practice through his audacious outreach program that would redefine United States Reform.

When “Jew” was no longer a status set and enforced by the state—membership in a legally circumscribed ethnic corporation—it was up to Jewish communities to define who was a Jew. Judaism would no longer be a legally defined corporation whose borders the state enforced. The Brunswick caveat is the earliest example of Reform rabbis seeking to define the boundaries of Jewish in absence of state enforcement. Notably, the Brunswick assembly did not turn to halacha to answer the question of Jewish status in a post-emancipation world. They made no distinction between the children of Jewish mothers and Jewish fathers. This was a departure from the perspective of halacha, which had long differentiated between the two groups, holding that Jewish status was passed down through a Jewish mother but not through a Jewish father. Yet it appears that the Brunswick rabbis asserted that *being raised Jewish* was the operative criterion—not a maternal bloodline—that gave a child Jewish status. They did not care, it seemed, which parent was the Jew. This evinced both a flexible approach to halacha—or even a disinterest in halacha—and a certain imaginativeness in defining Jewish identity among Germany’s Reform rabbis in the mid-19<sup>th</sup> century. The Brunswick caveat radically redefined Judaism as a matter of upbringing and not lineage.

A world away, the 20th-century Reform Movement in the United States would carry this position forward, redefining Judaism as passing both matrilineally and patrilineally (“equilineally”) but with upbringing the determinative factor for Jewish status. The United States would be the fertile grounds for the Judaism that the 19th-century German Reformers were trying to will into existence: a post-emancipation Judaism in which all Jews are Jews by affiliation rather than birth status, a Jewishness that every person would be free to accept upon themselves or not, to pass on to their children or not.

### Early United States Reform: Rhetoric of Personal Conscience

Interfaith marriage was a reality in the United States from the earliest days of Jewish settlement. Ira Katznelson writes that “the United States presented Jews with the nearly total absence of formal barriers to choice about places of residence, occupations, and political participation.”<sup>27</sup> While prejudices against Jews limited intermarriage rates, Jews in the United States did not struggle for political equality (and with it, the legal freedom to intermarry) as did their counterparts in Europe. As mentioned in the introduction to this thesis, in the early 20th century, United States Jewish intermarriage rates were low but statistically meaningful, with 2–3% of Jews marrying non-Jews.

Intermarriage was of great concern to United States Reform rabbis in the 20th century, as evidenced by how frequently it came up in the annual CCAR Conventions. Other debates, including non-Jewish participation in the synagogue, burial in Jewish cemeteries, and standards for religious school enrollment, also made mention of the potential for and reality of interfaith marriage in the United States. In discussing whether or not to officiate at interfaith weddings, and whether or not to ban other CCAR members from doing so, Reform rabbis periodically raised the issue of what would happen to the offspring of such marriages: Would they be Jews or not? While interfaith marriage officiation was the larger and more explicit focus of Reform rabbis during this period, the question of patrilineal descent was a downstream concern.

Intermarriage came to the fore in a discussion at the 1908 CCAR Convention, which led some rabbis to seek to develop a policy about mixed marriages. At the Convention the following

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<sup>27</sup> Birnbaum and Katznelson, *Paths of Emancipation*, 159

year, Samuel Schulman presented a paper on the subject.<sup>28</sup> Schulman (born in Russia, educated in New York, and ordained in 1889 by the Hochschule für die Wissenschaft des Judentums, a Berlin seminary not affiliated with a denomination) was known as a great orator and was active in the United States Reform Movement in many ways—including, in 1909, on the CCAR executive committee and then, reflective of the high regard in which his colleagues held him, as president of the CCAR from 1911-1913. Schulman’s paper began with the declaration: “No question is so important for the Reform Synagogue as that of mixed marriage.”

Schulman went on to argue that a mixed marriage could not reach “the ideals of marriage taught by Judaism” and therefore rabbis ought to refuse to “consecrate such a union.” He was troubled by the notion—as the Brunswick assembly had once seemed to assert—that there was an equivalence between “monotheistic religions” which made it possible for Jews and other monotheists to marry. Schulman disagreed, arguing that rabbis performing intermarriages would “undermine Judaism” by “consent[ing] to the creation of a home in which it is silently assumed that theism is sufficient.”

It is worth paying attention to what Schulman did *not* say. He did not question what intermarriage would mean for the Jewish status of the children produced in such a marriage. He did not make the explicit claims about “Jewish survival” or “*K’lal Yisrael*” arguments against intermarriage that would become popular later in the 20th century. (I will explore these terms in future chapters.) Rather, Schulman made a *religious* case against intermarriage consisting of (a) a scriptural argument that biblical precedents require two Jewish partners in a Jewish marriage;

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<sup>28</sup> Samuel Schulman, “Mixed Marriages in Their Relation to the Jewish Religion” *1909 CCAR Yearbook* (Central Conference of American Rabbis, 1909), 308-335; “Report on the Committee on Resolutions”, *1909 CCAR Yearbook* (Central Conference of American Rabbis, 1909), 168-184

(b) a liturgical case, arguing that the Jewish wedding ceremony itself requires two Jewish partners; and (c) an appeal for rabbinic integrity. Furthermore, Schulman argued that a rabbi needs to know that he is neither a “theist” broadly nor a civil magistrate.<sup>29</sup> A rabbi can only officiate marriages as “a representative of his church,” and to step beyond “his church” (i.e., the Jewish community) to officiate intermarriages would be a breach both of his religious duty and of his agreement with the state.

Schulman urged the CCAR to pass a resolution discouraging Reform rabbis from officiating intermarriage. Ahead of the Convention, he had submitted a proposed resolution to the CCAR Resolutions Committee. Schulman’s proposed resolution read:

Resolved, That it is the sense of this Conference that a rabbi ought not to officiate at a marriage between a Jew or Jewess and a person professing a religion other than Judaism, inasmuch as such mixed marriage is prohibited by the Jewish religion and would tend to disintegrate the religion of Israel.

But during the same Convention, the Resolutions Committee proposed its own resolution on intermarriage, which had substantially softer language:

The Central Conference of American Rabbis declares that mixed marriages are contrary to the tradition of the Jewish religion and should therefore be discouraged by the American rabbinate.

The majority of the attendees felt that the notion that intermarriage “should be discouraged by the American rabbinate” was more appropriate than Schulman’s resolution that “a rabbi ought not to officiate,” reasoning that Schulman’s resolution posed too intense an attack on the rabbi’s autonomy. They voted in favor of the Resolutions Committee’s resolution, viewing it as a gentler, more liberal option that preserved a rabbi’s “liberty of conscience.”<sup>30</sup>

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<sup>29</sup> *CCAR Yearbook 1909*, 324

<sup>30</sup> A term employed by Isaac S. Moses. *CCAR Yearbook 1909*, 175

Schulman's resolution lost in a motion of 18 to 28 and the Committee's version was adopted by a vote of 42 to 8.

Since they encountered the Committee's proposed resolution at the same time as they heard Schulman's proposal for a categorical prohibition on intermarriage officiation, some of the rabbis at the 1909 Convention perceived a certain tolerance in the Committee's proposed resolution. Joseph Stolz (who had served as CCAR president from 1905-1907) offered that the Committee's resolution implied that "if a case came before a rabbi and he was assured in his own mind that the non-Jew would become a Jew, or the children be reared as Jews, in that case the rabbi may make a personal decision" about officiation.<sup>31</sup>

Stolz's comment reveals that *children being reared as Jews* was both (a) a precondition for intermarriage in his mind, and perhaps the minds of his colleagues as well, and (b) presumed to be adequate for the children *to be* Jews. We again see a glimpse of the notion among Reform rabbis that for children of intermarriages, *being raised Jewish* is the determining factor of their Jewish status.

Isaac S. Moses (a founding member of the CCAR who was considered a radical Reformer) levied the strongest rebuttal against Schulman's proposal on the grounds of rabbinic autonomy. He said that under certain circumstances he had officiated interfaith weddings and would be opposed to the CCAR banning its members from so officiating. "The rabbi's hand should not be tied," Moses argued. Later in the Convention, he would say that passing a

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<sup>31</sup> In the years to come, people would point to the "1909 resolution on intermarriage" as evidence of the Reform rabbinate's hostility to intermarriage. But the debates recorded in the *CCAR Yearbook* show that at the time of its ratification, and particularly compared against Schulman's more vociferous proposal, the rabbis viewed the resolution as a middle-of-the-road approach that navigated both the rabbis' distaste for intermarriage and their sense that their colleagues should not be outright banned from officiating at such weddings.

resolution forbidding rabbis from officiating intermarriages would amount to “religious tyranny.”<sup>32</sup>

Other rabbis, too, were uneasy with a blanket prohibition on a matter they felt was the prerogative of the individual rabbi. Many of the rabbis found Schulman’s proposed resolution too categorical an injunction for a Movement that had long prided itself on autonomy. It was too intense an injunction for their liberal Reform sensibilities.

### United States Reform Formalizes “Being Raised Jewish” Policy

The terms of the conversation around intermarriage shifted by the time of the next major CCAR debate on the issue. In 1909, the CCAR debate had focused on what intermarriage officiation would mean for Jewish religion—recall that Schulman insisted that such officiation would “undermine Judaism.” But when intermarriage debates re-emerged in 1947, the rabbis focused less on what intermarriage would mean for “Judaism” and more on what it would mean for Jewish community. Lila Corwin Berman writes that at the 1947 CCAR Convention, “Reform rabbis, consonant with their tradition of respecting individualism and not deferring to Jewish law, were reluctant to go on record with an authoritative statement prohibiting intermarriage. They were, however, perfectly comfortable relying on the authority of sociology to condemn intermarriage.”<sup>33</sup> Through the shift in discourse around intermarriage, we see a shift in the Reform rabbis’ focus in the first half of the 20<sup>th</sup> century from concern about Jewish religious

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<sup>32</sup> *CCAR Yearbook 1909*, 175

<sup>33</sup> Lila Corwin Berman, “Sociology, Jews, and Intermarriage in Twentieth-Century America,” *Jewish Social Studies: History, Culture, Society* n.s. 14, no 2 (Winter 2008), 32-60

principles to concern about Jewish population numbers—an unsurprising Jewish communal focus in the wake of the Holocaust.

In October 1946, after numerous CCAR discussions about intermarriage, the CCAR Executive Board appointed a new committee to investigate the subject and report back to the full CCAR. Thus, the Conference established the Special Committee on Intermarriage.<sup>34</sup> (Later, after it became a permanent committee, the committee would alternately be referred to as the Committee on Mixed Marriage.) The Executive Board appointed Solomon B. Freehof, a past president of the CCAR (1943-1945), prolific writer of responsa, and scholar with expertise in liturgy and the development of Jewish law, as chair of the Committee on Intermarriage.

Freehof presented on behalf of the Committee on Intermarriage at the June 1947 CCAR Convention. He recommended that the CCAR both “re-affirm the 1909 resolution and let it stand as the present and continued attitude of the Conference” and clarify the status of children of mixed marriages.<sup>35</sup> The Conference would ultimately vote to accept both of Freehof’s recommendations later that night.

Freehof began with a reminder of the general halachic principle of Jewish status, affirming that in mixed marriages, children of a Jewish woman are automatically Jewish, but the children of a Jewish man and non-Jewish mother must undergo a conversion in order to have Jewish status. Freehof then turned to the question of what is entailed in a Reform conversion of a

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<sup>34</sup> “Report on Mixed Marriage and Intermarriage,” *CCAR Yearbook 1947* (Central Conference of American Rabbis 1947), 158-184

<sup>35</sup> *CCAR Yearbook 1947*, 158-184; also MS-34 (CCAR papers): Box 38: 1947 CCAR Convention agenda and transcript

young child. A child's conversion presented challenges if one was to uphold the Reform principle privileging the "ethical and intellectual" aspects of Judaism over the ritual:

A young child can hardly be examined as to motives, nor can it be well instructed in the principles of Judaism. This posed no difficulty under the traditional procedure because the child could be circumcised and/or given ritual bath, but with us where not the ritual elements of conversion but only the ethical and intellectual are considered prerequisite, how are we able to convert young children or even infants?

In 1892 the CCAR had abolished the requirement of any ritual for Reform conversion, including *tevilah* (immersion) or circumcision.<sup>36</sup> So that a young child was not expected to undergo these rites was to be expected. The Reform rabbinate rather considered "only the ethical and intellectual" dimensions of a conversion. The question now came before the rabbis: given that Reform required conversion to be a freely-made choice made out of religious sincerity, was converting a young child even possible? Could a young child have the level of intellect and conviction necessary for a Reform conversion? With regard to these questions, Freehof, speaking on behalf of the Committee, made the following proposal, which the CCAR body voted to accept:

With regard to infants, the declaration of the parents to raise them as Jews shall be deemed as sufficient for conversion. . . . Children of religious school age should likewise not be required to undergo a special ceremony of conversion but should receive instruction as regular students in the school. The ceremony of Confirmation at the end of the school course shall be considered in lieu of a conversion ceremony.<sup>37</sup>

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<sup>36</sup>"Prospective Convert Who Fears Circumcision," American Reform Responsa, ed. Walter Jacob (CCAR 1983). Accessed online: <https://www.ccarnet.org/ccar-responsa/arr-238-239/>

"Conversion Without Formal Instruction," American Reform Responsa Vol. XCII, ed. Walter Jacob (CCAR 1982), 209-211. Accessed online: <https://www.ccarnet.org/ccar-responsa/arr-211-215/>

<sup>37</sup> *CCAR Yearbook 1947*, 169-171

In accepting Freehof's recommendation, the CCAR thus established a policy for conversions of children. In line with the Reform rabbis' long-held stance that the traditional Jewish rites of circumcision and mikveh (immersion) were unnecessary for adult converts, they did not require such rituals for children either. Rather, in the case of a pre-school-age child, the parents telling the rabbi that the child was to be raised Jewishly and enrolling the child in religious school would "count" as a conversion. For a school-age child, attending religious school and then completing the Confirmation ceremony was adequate for the purpose of conversion.

While not requiring circumcision and immersion for conversion was nothing new in United States Reform Judaism, this was still a departure from traditional definitions of conversion. One might have expected the rabbis to at least briefly discuss the radicalism of their ongoing choice to privilege the "ethical and intellectual" aspects of Judaism over the ritual, and the corresponding reality that they were defining Jewish status differently from their more traditionally observant co-religionists. And yet, this part of the resolution proposed by Freehof's Special Committee on Intermarriage was not subject to debate—or even passing discussion—by the assembled rabbis. The rabbis seem to have accepted unquestioningly this definition of childhood conversion: the notion that the offspring of a Jewish man, as long as they are raised Jewishly as evidenced by religious school enrollment or Confirmation, will become Jews without formal rites of conversion. Only now, by the 1940s, the Reform rabbinate was getting more specific about what *being raised Jewish* entailed: it required religious school attendance and Confirmation.

Freehof's recommendation about conversion of the children of intermarriage did not spark controversy or even debate. Rather, the conversation once again moved to vigorous debate on the issue of interfaith marriage officiation. When it was time to stop for mincha prayers, the

Conference did not have the 2/3 majority needed to close debate, and so the rabbis resumed the argument at 11:00pm that night, after the scheduled program for the day had concluded, arguing until 12:50am.<sup>38</sup>

Several rabbis were troubled that the CCAR might “forbid” a rabbi from acting according to his conscience, seeing it as an affront to the liberalism that undergirds Reform Judaism. Indeed, “liberal” and “autonomy” were key words in these debates. Abraham Feldman (vice president and incoming president of the Conference) commented that “under the very basic principles of autonomy which exist in this Conference we cannot say that this or that practice is forbidden to any individual member of the Conference.”<sup>39</sup> Julius Liebert concurred: “Let us not be illiberal,” he exhorted his fellow rabbis.<sup>40</sup> Jacob Rothschild<sup>41</sup> commented that “This body has always been a deliberative rather than a legislative body and it always avoided the passage of any measure which would restrict the activities or the autonomy of its members. . . . a question of this kind should be left to the intelligence and the integrity of the individual rabbi.”<sup>42</sup>

Others went even further, asserting that the 1909 resolution was unrealistic and should be abandoned. For this camp, even the milder language of “discouraging” intermarriage was

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<sup>38</sup> MS-34 (CCAR papers): Box 38: 1947 CCAR Convention agenda and transcript, 284

<sup>39</sup> *CCAR Yearbook 1947*, 174

<sup>40</sup> *CCAR Yearbook 1947*, 175

<sup>41</sup> Rothschild was known for his civil rights activism. He served The Temple in Atlanta, GA, a congregation that would come to terrible fame after being bombed in 1958, an attack presumed to be in response to Rothschild’s activism.

<sup>42</sup> *CCAR Yearbook 1947*, 181

problematic. This number included Ephraim Frisch<sup>43</sup>, who declared: “The love of people is supreme over every situation even the traditions of Israel . . . Leave us our freedom, do not embarrass us with resolutions of intolerance.”<sup>44</sup> Max Raisin, a prolific writer and active member of the CCAR, affirmed that human empathy sometimes took precedent over religious precepts: “If I had my way, I would do away with the 1909 resolution. Opposed as I am to mixed marriage, I do occasionally officiate at a mixed marriage. Why do I do it? There is something more than a religious side to it. There is a human side to it.”<sup>45</sup> (That same year, Raisin would serve as a rabbinical reference for a promising young undergraduate who sought admission to the Hebrew Union College: Alexander Schindler.<sup>46</sup>) Julian Morgenstern also spoke in favor of easing pressures against rabbis from officiating intermarriages, likely thinking of the diminished numbers of Jews after the Holocaust.<sup>47</sup> Morgenstern raised the issue of what would happen to the children of mixed marriages. He asked: “Shall we drive [the intermarried couple] away

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<sup>43</sup> Frisch was an outspoken leftist, which cost him job opportunities; his career in the congregational rabbinate had ended in 1942 when, with two years still left of his contract, the synagogue voted him into early retirement. (Encyclopedia of World Biography, “Frisch, Ephraim,” *Encyclopedia.com*. Accessed online July 20, 2024: <https://www.encyclopedia.com/religion/encyclopedias-almanacs-transcripts-and-maps/frisch-ephraim>)

<sup>44</sup> *CCAR Yearbook 1947*, 176

<sup>45</sup> *CCAR Yearbook 147*, 180

<sup>46</sup> Michael A. Meyer, *Above All, We Are Jews: A Biography of Rabbi Alexander Schindler* (Central Conference of American Rabbis 2025), 15

<sup>47</sup> Morgenstern was ordained by HUC in 1902 and returned to teach in 1907: he was the first American-born scholar on the faculty of the College. He served as president of HUC from 1922-1947 and was known for bringing refugee students and scholars over from Europe to study at HUC.

Michael A. Meyer, “Julian Morgenstern (1881-1976)” in *Hebrew Union College-Jewish Institute of Religion: A Centennial History 1875-1975* (Hebrew Union College Press, 1992). Accessed online: <https://www.americanjewisharchives.org/snapshots/julian-morgenstern-1881-1976/>

completely from the Jewish fold, or shall we seek to salvage what we can from this wreckage? . . . [We should] try to recover for Judaism and for the Jewish people the offspring of as many of these mixed marriages as possible.”<sup>48</sup>

An opposing minority of rabbis wanted to reopen and strengthen the 1909 resolution by changing the language from “discouraging” mixed marriage officiation to “forbidding” it.<sup>49</sup> Several, who were uneasy officiating intermarriages but under significant pressure from their congregants to do so, believed that their professional organization taking such a stance would give them license to decline to officiate. One rabbi made just this argument: “It is important for us as rabbis to have some action upon the part of this Conference that we can present to applicants for mixed marriages.”<sup>50</sup>

W. Gunther Plaut was among the minority who sought to strengthen the 1909 resolution’s vague “discouragement” of intermarriage into a sharper prohibition against Reform rabbis from officiating at such weddings. Plaut’s entreaty focused on the implications of Reform rabbis’ interfaith wedding officiation on the Jewish people more broadly:

We are in an age which calls for the strengthening of those forces that make for a particularist and very clear policy of survival for our people. [Applause] I for one am not ashamed to stand on that particular platform. I believe that we must, in deciding and cogitating on this policy, keep in mind the issue of Klal Yisroel. We cannot debate this only on our own feasibilities, [or] as sometimes, as has been

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<sup>48</sup> *CCAR Yearbook 1947*, 179

<sup>49</sup> *CCAR Yearbook 1947*, 174

<sup>50</sup> Rabbi Joshua L. Goldberg; *CCAR Yearbook 1947*, 176

suggested this morning, on expediencies. There are certain issues that confront Jewry today that we must consider on their larger implications.”<sup>51</sup>

Plaut’s plea that the CCAR prohibit its members from intermarriage officiation fell flat. Plaut would become a giant in Jewish scholarship—“one of the most prominent rabbis in the world” per his *New York Times* obituary—but at time he was a relative newcomer.<sup>52</sup> The “*K’lal Yisrael*” language that he employed would become hugely popular in Reform rabbinic discourse in the decades to come. But in 1947, Plaut was a lone voice calling for “the issue of *K’lal Yisrael*” as a “policy of survival.”

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<sup>51</sup> This is how the quote reads in the 1947 CCAR Convention transcript (253-254). There are variations between the transcript and the *Yearbook*. This is often the case: before publishing the minutes of the Convention proceedings in the *Yearbook*, the CCAR mailed sections of the transcript to the rabbis who had spoken, giving members the opportunity to edit and clarify their remarks before publication. The CCAR itself consolidated repetitive remarks and arguments. The version of Plaut’s quote published in the *Yearbook* reads:

We are in an age which calls for the strengthening of those forces which make for a policy of survival for our people. I am not ashamed to stand on that particularistic platform. There are certain issues that confront Jewry today that we must consider in their larger implications.

That is to say: although Plaut did use the phrase “*K’lal Yisrael*” in at the Convention, either he or the *Yearbook* editor(s) removed the term from his published remarks. While tightening the language is standard, this excision is noteworthy. Perhaps whoever removed it thought the term was not relevant or would not be widely understood.

<sup>52</sup> Margalit Fox, “W. Gunther Plaut, Defined Reform Judaism, Dies at 99,” *The New York Times*. Print February 11, 2012. Accessed online July 20, 2024: <https://www.nytimes.com/2012/02/12/world/americas/w-gunther-plaut-rabbi-and-scholar-dies-at-99.html>

Born in Munster, Germany, in 1912, Plaut was ordained by HUC in 1938. He became an American citizen in 1943 and the next day enlisted in the U.S. Army as a chaplain, his congregation (Washington Boulevard Temple in Chicago) granting him permission to take leave for three years. But Plaut’s first book would not be published until 1961. At the 1947 CCAR Convention his opinion did not carry the weight that it would in the decades to come. (“Finding Aid to the W. Gunther Plaut Papers,” Manuscript Collection No. 743, 1934-1994. AJA. Accessed online: <https://collections.americanjewisharchives.org/ms/ms0743/ms0743.html>)

Ultimately, late at night (or early in the morning), the rabbis voted to adopt Freehof's full proposal and recommendations made by the Special Committee on Intermarriage. The 1909 resolution on intermarriage was re-affirmed, neither strengthened nor softened.

Given the hours the rabbis devoted to debating interfaith marriage officiation, the absence of discussion of the Reform policy change vis-à-vis standards for childhood conversion is noteworthy. Likely the absence on debate on this question indicates that the principle that the resolution articulated for the first time—that is, that children of Jewish men and non-Jewish women be enrolled in religious school and have Confirmation ceremonies and henceforth be considered Jewish—was already the policy of many rabbis and congregations. In other words, the fact that this piece of the resolution (unlike intermarriage officiation) passed without comment might imply that it was not novel at all, merely the articulation of a policy *de jure* that had long existed *de facto*.

#### United States Reform Affirms “Being Raised Jewish” Policy

In 1961, the CCAR Press published a new edition of its *Rabbi's Manual*, a guide for lifecycle ceremonies with outlines, prayers, and rituals. The second half of this slim volume was a section titled “Historical and Explanatory Notes,” explaining the historical context and Reform interpretation of certain lifecycle traditions. Some of these notes quoted directly from Reform responsa and from resolutions passed by the CCAR; other statements were written by editors Joseph Klein and Abraham J. Feldman, presumably reflecting their religious philosophies. Joseph Klein was senior rabbi of Temple Emanuel in Worcester, MA, a sizeable congregation: immediately after his ordination in 1953, Alexander Schindler went to serve as assistant (then associate) rabbi at Temple Emanuel, working under Klein for six years.

Within Klein and Feldman's notes appeared a new statement titled "Status of Children of Mixed Marriage," based on the 1947 resolution:

Jewish law recognizes a person as Jewish if his mother was Jewish, even though the father was not a Jew. One born of such mixed parentage may be admitted to membership in the synagogue, provided he has not been reared in or formally admitted to some other faith. The child of a Jewish father and non-Jewish mother, according to traditional law, is a Gentile; such a person would have to be formally converted in order to marry a Jew or become a synagogue member.

Reform Judaism, however, accepts such a child as Jewish without a formal conversion, if he attends a Jewish school and follows a course of studies leading to confirmation. Such procedure is regarded as sufficient evidence that the parents and the child himself intend that he shall live as a Jew.<sup>53</sup>

This statement "Reform Judaism . . . accepts such a child as Jewish without a formal conversion" expressed directly what the lack of debates in 1947 on the statement of patrilineal descent had implied: that for some time Reform synagogues were operating under the (previously unspoken) presumption that children of a Jewish man or a Jewish woman were Jewish, as long as there were "sufficient evidence" that the children were being raised as Jews.

Joseph Klein, one of the editors of the 1961 edition of the *Rabbi's Manual* editors and the author of this particular explanatory note, confirmed as much. At the 1980 CCAR Convention, Klein commented that his 1961 statement "was nothing more than the reiteration of what had been in practice among our colleagues for many, many years. It was the standard policy of most Reform rabbis who had children of mixed marriages in their religious school or who had such parents as members of their congregation."<sup>54</sup> For Klein, the statement was a written articulation of what synagogues had already been doing.

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<sup>53</sup>Ed. Joseph Klein and Abraham J. Feldman, *Rabbi's Manual* (Central Conference of American Rabbis: New York, 1961), 112

<sup>54</sup> MS-34 (CCAR records): Box 49

Indeed, if one intended to change Reform Movement policy in defining the Jewish status of the children of mixed marriage, an explanatory note in a re-issue of the *Rabbi's Manual* would not have been the appropriate avenue for doing so. Still, the note became important. Later, people would point to the “1961 statement on patrilineality” as if it had the weight of formal CCAR policy.<sup>55</sup>

Perhaps the 1961 explanatory note was construed as a statement of CCAR policy because it was a shorter and more efficient formulation than the 1947 resolution. But perhaps there was another reason that this statement received such deference in the years that followed. Embedded within it was a hint at the “presumption of Jewish status” formulation that United States Reform would later embrace.

The 1947 resolution did not exclude the requirement of conversion for a patrilineal child but rather redefined what such a conversion would entail (i.e., the need for conversion would be satisfied by religious school enrollment and Confirmation). That meant that until the “conversion,” as it were, the child’s Jewish status was unclear. That led to certain confusions: according to this definition of child conversion, the child of a Jewish father was not *born* Jewish; he or she would become Jewish only after enrolling in religious school and completing Confirmation. Did the 1947 resolution really mean that a pre-school age child was not really Jewish? What did the resolution mean, for example, for the burial of babies and young children in Jewish cemeteries?

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<sup>55</sup> Including: Moses Cyrus Weiler at 1973 CCAR Convention (*CCAR Yearbook* 1973, 197, 174-186), and Joseph Edelheit at 1980 CCAR Convention (MS-34 (CCAR papers): Box 49: Materials from 1980 CCAR Convention. Transcript of 1980 CCAR Convention, 261)

The 1961 statement, however, implied that any conversion ritual was unnecessary with its clause “Reform Judaism . . . accepts such a child as Jewish without a formal conversion.” There was no need for infant conversion, as the child was always assumed to be Jewish. Confirmation was seen as just that—a confirmation of Jewish status rather than a conferral of Jewish status. While in 1961 the terminology “presumption of Jewish descent” was not yet common parlance, the *Rabbi’s Manual* statement can be seen as an ideological precursor to the notion that would arise in the early 1980s that a child could be under the *presumption* of Jewish status. Both the 1947 and 1961 statements testify to the fact that by 1961, for the Jews in the pews, Reform congregations in the United States broadly accepted patrilineal descent.

## Chapter 2: Postwar Rise of *K'lal Yisrael* Rhetoric

In the first part of the 20<sup>th</sup> century (as seen in the 1909 and, to a lesser degree, the 1947 debates) CCAR members who argued against intermarriage officiation grounded their arguments in the need for rabbinic integrity. For example, they argued that Reform rabbis ought not utter words of marriage liturgy that would be nonsensical for an interfaith couple (e.g. how can a non-Jew say “you are consecrated to me in accordance with the law of Moses and Israel”?), and ought not sanction a marriage that Jewish tradition could not sanctify. But by the 1970s, Reform rabbis began to place unity among “the עם, the people Israel” as a primary concern.<sup>56</sup>

Intermarriage officiation opponents perceived such marriages as a harm to that unity. The implications of a single interfaith marriage—which earlier anti-intermarriage rabbis like Samuel Schulman had previously understood as primarily impinging on the integrity of the rabbi and the couple—became global. There was a growing sense within the CCAR that if a Reform rabbi officiated an intermarriage, that would *mean something* not only for the conscience of the individual rabbi, the couple, and perhaps the couple’s family, but indeed would have an effect on the entire Jewish people.

In 1947, Gunther Plaut had been a lone voice invoking “*K'lal Yisrael*” as a reason to not officiate intermarriages. Perhaps Plaut’s personal experiences had made him unusually sensitive to the notion that Jews had some shared destiny. While serving in the U.S. Army he had helped liberate the Dora-Nordhausen concentration camp and had seen firsthand the devastation of the Holocaust. In any event, Plaut was an early advocate for the idea of Jewish common cause across borders and denominations. But in the decades that followed, the term *K'lal Yisrael* became used

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<sup>56</sup> Rabbi Murray Rothman; *CCAR Yearbook 1972*, 68

with much greater frequency among Reform rabbis speaking at the CCAR Convention. In the decades that followed the Holocaust and birth of Israel there was an increasing sensitivity to the notion that all Jews, in some sense, shared a common destiny.

Rabbi Mordecai Kaplan (1881-1983), a founder of Reconstructionist Judaism, is most often credited with coining the term “Jewish peoplehood.” It was through peoplehood, argued Kaplan, that non-religious Jews related to their Judaism; Judaism was not only about belief or practice, but about *belonging to the Jewish people* in a more abstracted—but real—way. Belonging to the community of Jews was what defined Judaism. Rabbi Dan Ehrenkrantz, former President of the Reconstructionist Rabbinical College, commented that Kaplan first used the term “peoplehood” in November 1942 and had fully developed the concept by 1948.<sup>57</sup> Kaplan’s attitude became increasingly popular among world Jews after the Holocaust and the establishment of the Jewish state of Israel. David Harman, writing for the Koppelman Institute on American Jewish-Israeli Relations of the American Jewish Committee, explained that these two major events of 20<sup>th</sup> century Jewish history “drove home the message of common Jewish fate and destiny.” Harman wrote that two decades after the Holocaust and the establishment of the Jewish state, “ties of peoplehood were further evoked by the month of May 1967, which eerily echoed the isolation and vulnerability of the Jews during the Holocaust, but this time culminated in victory in the Six-Day War of June 1967. . . . the Israeli victory constituted a bonding experience of Jews worldwide.” Thus, while Kaplan coined the language of

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<sup>57</sup> Dan Ehrenkrantz, “The Primacy of Peoplehood,” *Contact: The Journal of the Steinhardt Foundation for Jewish Life*, Vol 10, Num 3 (Spring 2008): 3

David Harman, “On Jewish Peoplehood,” Dorothy and Julius Koppelman Institute on American Jewish-Israeli Relations of the AJC (American Jewish Committee, 2008), accessed online: <https://www.policyarchive.org/download/13674>

“peoplehood” in the 1940s in the wake of the Holocaust and establishment of Israel, the term really took off after the Six-Day War. The phrase “*K’lal Yisrael*” was repurposed as the Hebrew language shorthand for Kaplan’s notion of “Jewish peoplehood”—a Hebrew phrase that, as we will see, existed, but in a marginal way, in traditional Jewish literature, and was ripe for reinterpretation and elevation.

The rising popularity of *K’lal Yisrael* was evident at the 1972 Convention, when intermarriage was again on the docket. The Committee on Mixed Marriage, now a standing committee chaired by Herman Schaalman, presented again.<sup>58</sup> The ten members of the committee held a range of views on the subject. Rather than issue a single Committee report, several of the members gave remarks invoking *K’lal Yisrael* to different ends—perhaps because the Committee could not come together to agree on a single report.<sup>59</sup> Herman Schaalman took up Gunther Plaut’s baton to argue that rabbis officiating intermarriages would affect the Jewish people more broadly. But while in 1947 Plaut had used the phrase “*K’lal Yisrael*” only in passing (and indeed removed it from the Yearbook), Schaalman delved into the phrase.

Schaalman opened his address to the Conference thusly:

No matter how often the claim is made that marriage inherently and well-nigh exclusively concerns only the two human partners, it is an inescapable truth that marriage involves the world beyond it as well. Legally, sociologically, psychologically, culturally, and spiritually, the marriage relationship between two individuals impinges upon the rest of society – and not incidentally, but essentially.<sup>60</sup>

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<sup>58</sup> Schaalman was born in Munich and was among the European students whom Julius Morgenstern offered scholarships to attend HUC. Schaalman came to the U.S. in 1935 and was ordained in 1941. He was a Reform leader for seven decades and would serve as the president of CCAR from 1981–1983.

<sup>59</sup> *CCAR Yearbook 1972*, 65–91

<sup>60</sup> *CCAR Yearbook 1972*, 85

Schaalman went on to analyze the term *K'lal Yisrael*, acknowledging its frequent invocation in current debates among the Reform rabbinate:

The phrase *kelal yisrael* is a shorthand way of expressing these truths for Jews. . . . It represents to us . . . our search for and insistence upon a common denominator identifying Jews as such . . . our determination to leave nothing undone to guarantee Jewish survival and continuity; and quite especially, our attachment to and concern and hope for our brothers in Israel.

Schaalman acknowledged that the phrase was invoked both by opponents and supporters of intermarriage officiation. He offered a historical argument: the term *K'lal Yisrael*, while found sporadically in traditional literature, was not widely used before emancipation, beginning in the 19th century. Schaalman's theory was that the term was needed to "establish a semblance of unity after the fragmentation caused by emancipation and its aftermath."

*K'lal Yisrael* came about because existing halachic phrases did not quite work for the modern context: "*Am Yisrael*" had "too emphatic national overtones"; "*Knesset Yisrael*," "*K'hilat Yisrael*," or "*Kahal Adonai*" had "obvious theological *halachic* connotations." The newer phrase *K'lal Yisrael*, on the other hand, had little historic or halachic past "to encumber it which would make it uncomfortable for either the ethnic, religious, or secular fragments" of worldwide Jewry.

Thus, Schaalman argued that it was precisely the lack of halachic meaning that made the phrase so appealing to modern liberal Jewish sensibilities. *K'lal Yisrael* could include people who were not halachically Jewish. The term was fitting for "the modern condition of the Jew in which there is, in truth, no consensus any longer that traditional *halachah* furnishes the sole criterion for Jewish identity—a fact amply attested to by the divergent religious practices and assumptions of Reform, Conservative, and secular Jews." For Schaalman, the vagueness of *K'lal Yisrael* was its appeal. It was an umbrella category that allowed maximum inclusion and minimal

boundary-drawing. In his remarks, Schaalman also argued that it was rabbis' responsibility to try to "convert *kelal yisrael* into *keneset yisrael*"—to formally convert people of marginal Jewish status and non-Jews involved in Jewish community in order to solidify their status as Jews and not merely members of *K'lal Yisrael*. (The issues raised by *K'lal Yisrael* rhetoric in Reform—notably, that Reform had long diverged from halacha on matters of personal status—will be explored further in Chapter Four.)

There was no resolution on the issue of intermarriage at the 1972 CCAR Convention. Rather, the Committee on Mixed Marriage was directed to return the following year with recommendations. Between 1972 and 1973, opponents to intermarriage officiation got organized, and were so successful that at the 1973 Convention they managed to repudiate the 1909 resolution ("The Central Conference of American Rabbis declares that mixed marriages are contrary to the tradition of the Jewish religion and should therefore be discouraged by the American rabbinate").

Ahead of the 1973 Convention, Ronald Gittelsohn led an unofficial group of rabbis who encouraged the other men (and now one woman!) of the CCAR to adopt a strong policy against intermarriage officiation. Gittelsohn reached out to his colleague Moses Cyrus Weiler for support.

Weiler, born in Latvia, had been ordained by HUC in 1933. Some two months after ordination, Weiler moved to Johannesburg with the mission to establish South Africa's first progressive synagogue. After twenty-five years establishing and serving South Africa's Reform community, he moved to Israel, where he worked as a nonprofit executive, including for the Jewish National Fund and the United Jewish Appeal, along with congregational work and

serving as a lecturer at HUC-JIR's Jerusalem campus.<sup>61</sup> Weiler was a passionate advocate for the State of Israel and for Reform Judaism within the State of Israel.

Weiler was part of the early movement to establish a Reform presence in Israel. In 1969 the board of HUC-JIR passed a resolution unanimously requiring rabbinical students to spend the first year of their seminary program in Jerusalem.<sup>62</sup> The Israel Movement for Reform and Progressive Judaism (IMPJ), the umbrella organization of Reform communities, synagogues, and institutions in Israel, was founded two years later. Further evidence of the international Reform support of Israel came in 1973 when the World Union for Progressive Judaism (WUPJ), the international umbrella organization of Reform communities, moved its headquarters to Jerusalem.<sup>63</sup> All of these initiatives are testament to the growth of a Reform presence in Israel—and particularly to an international Reform eagerness for such a Reform presence in Israel.

Weiler spoke often about the value of *K'lal Yisrael* and his fear that without a shared definition of Jewishness, Reform could neither coexist with other Jewish denominations nor be accepted by the State of Israel. Ultimately, Weiler would become the strongest opponent of patrilineal descent. In 1973, Gittelsohn wrote to Weiler asking him to attend the CCAR Convention, adding that if he were unable to do so, perhaps Weiler could send “a brief but potent

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<sup>61</sup> The Hebrew Union College (HUC) merged with the Jewish Institute of Religion (JIR) in 1950 to create the combined Hebrew Union College-Jewish Institute of Religion (HUC-JIR, or the College-Institute). When speaking of the school as it existed before the merger, I refer to it as HUC, and when discussing the school after the merger, as HUC-JIR.

<sup>62</sup> David Mendelsson, “HUC-JIR’s Decision to Mandate a Year of Study in Israel for Rabbinical Students,” *The American Jewish Archives Journal*, vol LXXV Num 1&2 (2023), 75–125

<sup>63</sup> “Israel,” *WUPJ.org*. Accessed online July 2024: <https://wupj.org/wupj-international/israel/>

statement to be read, if necessary, during the debate”—evidence of the high regard with which the members of the CCAR held Weiler.<sup>64</sup>

At the 1973 Convention, the Conference passed the following resolution, again invoking the language of *K'lal Yisrael*:

The Central Conference of American Rabbis, recalling its stand adopted in 1909 “that mixed marriage is contrary to the Jewish tradition and should be discouraged,” now declares its opposition to participation by its members in any ceremony which solemnizes a mixed marriage.

The Central Conference of American Rabbis recognizes that historically its members have held and continue to hold divergent interpretations of Jewish tradition.

In order to keep open every channel to Judaism and K'lal Yisrael for those who have already entered into mixed marriage, the CCAR calls upon its members:

1. to assist fully in educating children of such mixed marriage as Jews;
2. to provide the opportunity for conversion of the non-Jewish spouse;
3. to encourage a creative and consistent cultivation of involvement in the Jewish community and the synagogue.

In other words, nearly 60 years after the CCAR’s first statement on intermarriage, the CCAR voted for the resolution that intermarriage opponents had long sought: a categorical rejection of the practice of interfaith marriage officiation. While the earlier resolution spoke to Reform Jewry broadly, saying that the CCAR “discouraged” mixed marriage, now the CCAR was formally opposed to any of its members officiating such a wedding. To some rabbis this felt akin to a ban, and the resolution’s language about welcoming interfaith families was inadequate consolation. The 1973 resolution engendered opposition and hostility from CCAR members who supported Reform rabbis’ right to officiate. However, the resolution’s statement about the need

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<sup>64</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 3: “1972 correspondence between Weiler and Roland Gittelsohn”

to “encourage a creative and consistent cultivation of involvement in the Jewish community and synagogue” among intermarried families would recur in the principles of outreach Alexander Schindler would popularize five years later.

#### Pushback to *K'lal Yisrael*: *K'lal Yisrael* vs. Dictates of Conscience

Many rabbis were furious after the 1973 resolution opposing the officiation of intermarriages passed. While it was not technically a ban on their ability to officiate an intermarriage, they perceived it—not surprisingly—as an attack on rabbis’ rights to follow the dictates of their own conscience. The 1973 CCAR Convention was so divisive that a splinter group of Reform rabbis formed an alternative professional association in its aftermath: the Association for a Progressive Reform Judaism. Eugene Mihaly, a professor of rabbinic literature and homiletics at HUC-JIR Cincinnati (later executive dean and vice president of academic affairs), was elected president of the new group. *The New York Times* reported that the group was formed in response to what its members “consider[ed] a serious encroachment of legalism and traditionalism” in the CCAR, believing that the CCAR was trending “toward limiting their right to experiment and adapt to cultural changes.”<sup>65</sup>

References to *K'lal Yisrael* only further enraged Reform rabbis associated with the Association for a Progressive Reform Judaism. They perceived such invocations as a vestige of the coercive practices of the past that stifled autonomy, inhibited a rabbi’s duty to follow his individual conscience, and repressed principled disagreement among Jews.

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<sup>65</sup> “Progressive Group Formed as Protest By Reform Rabbis,” *The New York Times*. Published September 15, 1974. Accessed online July 2024: <https://www.nytimes.com/1974/09/15/archives/progressive-group-formed-as-protest-by-reform-rabbis.html>

Moses Cyrus Weiler served as a sort of ambassador for Israeli Reform to the Conference and as a spokesperson for the cause of *K'lal Yisrael*—and so he became target of some colleagues' ire. Weiler also said frequently that were Reform to sanction interfaith marriages, the Movement would alienate the government of Israel.

Herman Brichto, Professor of Bible at HUC-JIR's Cincinnati campus, delivered a passionate Sukkot morning address to the HUC-JIR community on October 1, 1974 deriding Weiler. Brichto recapped Weiler's pleas for *K'lal Yisrael*.<sup>66</sup> Weiler had recently made comments expressing fear that if Reform rabbis were to officiate interfaith weddings, the Israeli government would have fodder to further demean Reform. Brichto did not want to officiate intermarriages, he preached, but he really, *really* did not want to be banned from doing so, especially merely to remain in the good graces of the Israeli government. He declared:

My sense of Jewish peoplehood, my understanding of *kiddushin* and of the formula *kedat Moshe veYisrael* have never permitted me to officiate at a mixed marriage. (And how often have I been tried and tempted!) But to call on my colleague to yield his precious freedom to follow the dictates of his conscience? In the name of freeing myself from the importunities and pressures of laymen? Incredible. But wait—in the name of the unity of Klal Yisrael!

Brichto derided Weiler's caution. He continued:

From this pulpit I have the temerity to ask, 'Who gives a damn?' And should we even give a fig? . . . If you are inclined to view me now as a disruptor of the peace, an '*okher Yisrael*, a splintering and divisive factor disrupting the unity of Israel, think back to the time when the Chaldean siege rams were battering Jerusalem's walls: Which of us would be wearing Jeremiah's sandals and which the boots of the loyal Establishment. How can you ever throb again with sympathy to the words of that prophet?

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<sup>66</sup> MS-215 (Moses Cyrus Weiler records): Box 2 folder 1: Weiler's copy of 1974 address by Herbert Brichto

Thus for some Reform leaders, the established Reform principle that every person must be encouraged to follow the dictates of his own conscience trumped *K'lal Yisrael*.

Mihaly addressed his colleagues at the 1975 CCAR Convention. He acknowledged the pressure that some congregations put on their rabbis to officiate intermarriages and opposed such pressure. At the same time, Mihaly noted that if a rabbi believed that intermarriage officiation would be “serving the Jewish cause,” given demographic trends and the high likelihood that the offspring of an interfaith couple would be raised to be Jews, then that rabbi ought to be permitted to so officiate. Every rabbi “must act in accordance with the dictates of his conscience.” In other words, Mihaly articulated a liberal principle that no rabbi should be coerced in either direction, neither forced to officiate interfaith weddings nor penalized for doing so.<sup>67</sup>

Thus, by the mid-1970s there was a broad ideological split in the Reform rabbinate. One side, which included rabbis such as Moses Cyrus Weiler, Gunther Plaut, and Martin Ryback, stressed “*K'lal Yisrael*” as a paramount value. This group wanted the CCAR to stop taking stances that would divide Reform from other denominations on matters of personal status and to rescind earlier such stances. The other side, which included rabbis like Herman Brichto and Eugene Mihaly, stressed a rabbi’s right to follow the “dictates of his conscience.” This second group insisted that Reform rabbis ought only to be driven by intellectual and moral integrity, and that Reform leadership ought to resist any coercive threat from the Israeli government or by more traditionally observant Jews in the United States.

The issue of intermarriage officiation had made this ideological split and its far-reaching implications visible. The tension in the Reform rabbinate between prioritization of “*K'lal*

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<sup>67</sup> MS-34 (CCAR records): Box 47: 1975 CCAR Convention transcript

*Yisrael*” and “dictates of conscience” would remain and form the backdrop to discussions about patrilineal descent initiated by URJ President Alexander Schindler in 1978. The tension foreshadowed the camps that would emerge in the patrilineality debates: a debate between “*K’lal Yisrael*” (rabbis who did not want Reform to diverge on matters of *ishut*, including intermarriage and acceptance of patrilineality) and Reform Jewish survival in the United States (rabbis who believed that their primary obligation was to the demographic survival of their local communities, and who felt that they must follow their dictates of conscience even when doing so led to departure from their more traditional co-religionists).

When it came to patrilineality, a third group of Reform rabbis would emerge somewhere in the middle: rabbis who thought it was morally right that Reform had endorsed patrilineality in 1947 but also cared about Jewish unity and Reform’s place in Israel. They preferred not to draw attention to the fact that Reform had diverged from other denominations on the issue of patrilineality. This was a sort of “don’t rock the boat” attitude, more of which we will see in the chapters to come.

### Chapter 3: Schindler's Audacious Proposal: Arguments for Patrilineality

#### The Outreach Proposal

On December 2, 1978, UAHC President Rabbi Alexander Schindler told the UAHC Board of Trustees that he wanted the Reform Movement to affirm patrilineality. Schindler was no longer satisfied with Reform Judaism's de facto acceptance of patrilineal Jews: he wanted their de jure enfranchisement. The CCAR would adopt its groundbreaking resolution "The Status of Children of Mixed Marriages" on March 15, 1983. This chapter will explore what happened over the intervening four years and four months: how did Schindler convince his rabbinical colleagues to adopt the resolution? I will examine Schindler's and his allies' key arguments for patrilineality, submitting that the "demography" or "Jewish survival" argument was most convincing for Schindler's rabbinic colleagues.

To begin, a brief biographical sketch of Alexander Schindler, the powerhouse leader of 20th-century United States Reform Judaism. Schindler was born in 1925 in Munich, Germany. With the rise of Nazism, his nuclear family fled to the United States when he was twelve years old. Though he was born in Munich, he never identified as a German Jew. Rather, he called himself a "Galizianer" and spoke often of his small-town East European lineage. His paternal family were Hasids, followers of the Belzer Rebbe. Alexander Schindler spoke with a German accent but avoided speaking in German and preferred Yiddish. Historian Michael Meyer writes that "Everything associated with Germany remained distasteful to [Schindler]. . . . He loved Yiddish as the language of Hasidism, whose appeal to religious emotion he felt was lacking in Reform Judaism."<sup>68</sup>

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<sup>68</sup> Meyer, *Above All, We Are Jews*, 186

Schindler served in the U.S. military in World War II and received s'michah from HUC-JIR in 1953. He served as rabbi of Temple Emanuel in Worcester, MA for six years before moving (now with his wife Rhea) to Boston and then New York City, working for the national Reform Movement. Schindler became vice president of the UAHC in 1967, serving under president Maurice Eisendrath.<sup>69</sup> When time came for Eisendrath to retire, he recommended to the UAHC board that they elect “our high-minded, warm-spirited colleague” Schindler as his successor.<sup>70</sup> After some discussion, the board agreed.

The UAHC presidential handover was due to occur on January 1, 1974. But on November 9, 1973, Eisendrath had a fatal coronary attack on the opening day of the UAHC Biennial. Schindler stepped in. Schindler himself delivered Eisendrath’s speech, word for word: a fiery condemnation of President Nixon for covering up the Watergate scandal.<sup>71</sup> The moment marked Schindler’s sudden induction into his new role as UAHC president. He was consecrated as the new UAHC president at Temple Emanu-El in New York City (directly opposite the UAHC “House of Living Judaism” offices at 838 Fifth Avenue) three days later. Schindler would lead the Reform Movement for twenty-three years with passion, moral clarity, and fearlessness.

On December 2, 1978, Alexander Schindler presented an audacious “outreach” proposal to the UAHC Board of Trustees at a meeting held in Houston, Texas. Schindler’s address was

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<sup>69</sup> Encyclopedia of World Biography, “Alexander Schindler.” *Encyclopedia.com*. Accessed online July 14, 2024: <https://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/alexander-schindler>

<sup>70</sup> Meyer, *Above All, We Are Jews*, 50

<sup>71</sup> Union for Reform Judaism, “Rabbi Alexander M. Schindler,” *Urj.org*. Accessed online July 19, 2024: <https://urj.org/author/rabbi-alexander-m-schindler>

boldly titled “Outreach: The Case for a Missionary Judaism.”<sup>72</sup> It would become an guideline for how he, and by extension the UAHC, would think about and advocate for policies around embracing converts, encouraging would-be converts, welcoming interfaith couples, and insisting that the Reform Movement accept as Jews the children of interfaith couples, be it their mother or their father who is Jewish.

The main components of Schindler’s outreach plan can be summarized as follows:

First, embracing converts, particularly those married to Jews-by-birth. Schindler was troubled by the hostility converts often faced, as well as by the lack of ongoing educational offerings for new Jews. He proposed developing programs to welcome and support Jews-by-choice, along with educating UAHC communities on the imperative to treat the Jew-by-choice as absolutely equally Jewish to the Jew-by-birth.

Second, encouraging non-Jewish partners to choose Judaism, whether before or after marriage. “I believe that we must do everything possible to draw the Jewish spouse of mixed marriage into Jewish life,” Schindler told the UAHC board. He hoped that non-Jewish spouses would convert to Judaism. But even if spouses declined to do so, Schindler hoped that non-Jewish partners could be “brought more actively into Jewish life.” This could include non-Jews being invited to sing in synagogue choirs, recite blessings, handle the Torah, and even be buried in a Jewish cemetery (Schindler insisted that “there is no law which forbids a non-Jew to be buried in a Jewish cemetery”). All this was to be done with the hopes that eventually the non-Jewish spouse eventually choose to convert — but “at the very least, we will dramatically increase the probability that the children of such marriages will be raised as Jews.”

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<sup>72</sup> MS-630 (Alexander Schindler papers): Box 11, Folder 11: 1978 Schindler address to UAHC Board

Third, and the most relevant for our purposes: to formally recognize patrilineal Jews as Jews.

As for the children born of such a[n interfaith] marriage, if the mother is Jewish then the child is regarded as fully Jewish. But if she is not, even Orthodox Judaism, provided the consent of the mother is obtained, permits the circumcision of the boy, his enrollment in religious school and his right to be called to the Torah on the occasion of his bar mitzvah—and everlastingly thereafter, to be considered a full Jew.

We see here, as well as in Schindler's comment about non-Jewish parents choosing to raise their children as Jews, a continuation of Reform's "being raised Jewish" manner of conferring Jewish status. We will return to Schindler's dubious claim that "even Orthodox Judaism" would accept as Jewish the raised-as-Jewish child of a non-Jewish mother.

Finally, Schindler's most radical proposal:

The time has come for the Reform movement — and others, if they are so disposed — to launch a carefully conceived Outreach program aimed at all Americans who are unchurched and who are seeking religious meaning. . . . Unabashedly and urgently, I propose that we resume our vocation as champions of Judaism, that we move from passive acceptance to affirmative action.

In other words: to actively proselytize to non-Jews in a way that had not been done before in United States Jewish life.

This last point received the most immediate attention and backlash. But for those paying close attention, Schindler's call to enfranchise patrilineal Jews was radical, too. Schindler was no longer satisfied with Reform Judaism's de facto acceptance of patrilineal Jews. He wanted their de jure enfranchisement.

The UAHC responded positively to Schindler's address. That same day the board accepted a resolution calling for the development of Schindler's proposed outreach program. A year later, outreach (including Schindler's patrilineality pillar) was the key theme at the UAHC General Assembly Biennial, held in Toronto on December 7–11, 1979. The Reform laity, as

represented by the General Assembly, were enthusiastic. They expressed approval of all things outreach with another resolution and requested an outreach progress report be made at the next Biennial.<sup>73</sup>

And so by the end of 1979, Schindler would have felt confident that he had the weight of the UAHC—the organized Reform laity—behind him. But he knew that the imprimatur of the rabbis was essential, too. At that same Biennial Schindler called on the UAHC, HUC-JIR, and the CCAR to jointly “initiate a decision-making process” to enfranchise patrilineal Jews. The Task Force of Reform Judaism Outreach was formed: a joint venture between the UAHC and the CCAR. (HUC-JIR was not ultimately involved.)

The Task Force had twenty-nine members, twelve of whom were rabbis, and was co-chaired by Rabbi Max Shapiro and David Belin (a layperson from Des Moines who sat on the UAHC board). A full-time UAHC staff member, Rabbi Sanford Seltzer, was appointed Director of Research; Jerome Malino, Joe Glaser, and Alexander Schindler sat on the Task Force as ex-officio members. The Task Force was to recommend specific programs and develop educational materials that would encourage interfaith couples to embrace Judaism (including improving Intro to Judaism courses), with the hope that (a) non-Jewish partners would choose to convert, and (b) intermarried couples would commit to raising children as Jews. One of the charges of the Task Force was to come together on a Movement-wide policy about patrilineality. The UAHC was already on board, but the Task Force really wanted a CCAR resolution, authorization from the Reform rabbinic body that formally enfranchised patrilineal Jews. And so in the beginning of 1980, the UAHC had already endorsed patrilineality; the Task Force, serving as an ongoing

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<sup>73</sup> MS-72 (URJ papers): Box C4, Folder 4: Resolutions adopted at UAHC General Assembly December 1979

reminder of forceful lay desire for patrilineal enfranchisement, put pressure on the Reform rabbinate to do so as well.

The arguments Schindler employed for patrilineality that I will discuss in this chapter include: (1) equality for men; (2) Reform integrity; (3) empathy for the children of Jewish men and non-Jewish women, and (4) “Jewish survival,” or the demographic argument. I would posit that it was the demographic argument—which braided together all of Schindler’s outreach ideas—that ultimately convinced a majority of the CCAR membership. When Schindler conceptualized “outreach” he fit the issue of patrilineality into a greater project, a mission that had life-or-death ramifications for American Reform Jewry. He commented that “the patrilineal program was but one small element of a much vaster effort.”<sup>74</sup> As a leg of the “vaster effort” of outreach, the case for patrilineality was more compelling and widely disseminated than it could have been as a standalone issue.

### The Case for Men’s Equality

On several occasions Schindler said that the CCAR’s 1947 and 1961 statements on patrilineality were inadequate on the grounds of gender equality. The 1961 statement “received no special consideration” by the Conference; as articulated in Chapter One, this was merely a ritual guide and lacked the weight of formal CCAR policy. The 1947 resolution *was* formal policy, but, Schindler explained, the 1947 and 1961 statements both “maintain the invidious distinction. . . . They assert that in the case of minor children, Bar Mitzvah or Confirmation is the equivalent of conversion, but they require these ceremonies only when the father, and not when

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<sup>74</sup> MS-72 (URJ papers): Box A4, folder 2: Schindler to Barbara Solomon in Ormond Beach, Florida, November 17, 1983

the mother, of a mixed marriage is Jewish.”<sup>75</sup> Schindler was troubled by Reform policy that treated the children of Jewish women and Jewish men differently. This was not true egalitarianism; it was an “invidious distinction” between the sexes.

Joseph Edelheit made the same point at the 1982 CCAR Convention. Edelheit was representing the CCAR Committee on *Gerut*, which, he said, had been working on the question of patrilineality even before Schindler’s outreach plan. The status quo as of 1947, Edelheit declared, lacks “one essential element—equality among all children of mixed marriages”; to let that resolution stand would be “to dangerously distinguish between Jewish men and Jewish women.”<sup>76</sup> Richard Steinbrink, of the historic and influential Congregation Rodeph Shalom of Philadelphia, PA, felt similarly: “This Conference, which has spent more than ten years trumpeting the cause of the equality of women in our movement, now finds itself on the defending end for men’s lib, because what we have done now is to insist that the children of Jewish women are Jews, but the children of Jewish men are going to have to be subjected to various and sundry tests in order to prove that.”<sup>77</sup>

It seems possible that the broader United States cultural-legal context influenced these “men’s rights” arguments for patrilineality. In the 1970s there were a number of high-profile court cases in which male petitioners successfully argued against gender-based classifications. *Moritz v. Commissioner* (1972) held that the IRS denying a man a certain caregiver tax deduction that was granted to women was discrimination based on sex, a violation of the

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<sup>75</sup> MS-34 (CCAR papers): Box 48: Materials from the 1982 CCAR Convention. Report of Committee on Patrilineal Descent.

<sup>76</sup> *CCAR Yearbook 1982*, 74

<sup>77</sup> *CCAR Yearbook 1982*, 82

Fourteenth Amendment.<sup>78</sup> *Weinberger v. Wiesenfeld* (1975) enjoined as unconstitutional a section of the Social Security Act that granted certain childcare benefits to widows but not widowers.<sup>79</sup> *Craig v. Boren* (1976) invalidated an Oklahoma law that allowed women over the age of 18 to purchase a 3.2% beer but required men to be over the age of 21 to do so, finding it a violation of the Fourteenth Amendment's Equal Protection Clause.<sup>80</sup>

The plaintiffs in all three cases were represented by Ruth Bader Ginsburg. There was a reason that Ginsburg elected to target cases about “sex-role pigeon-holing”<sup>81</sup> and work with male plaintiffs during this period. She would write years later about her litigation strategy:

The litigation of the 1970s helped unsettle previously accepted conceptions of men's and women's separate spheres, and thereby added impetus to efforts ongoing in the political arena to advance women's opportunities and stature. An appeal to courts at that time could not have been expected to do much more. . . . The Supreme Court needed basic education before it was equipped to turn away from the precedents in place.<sup>82</sup>

Among people advocating for the equality of the sexes—led informally by Ginsburg—there was a perception that “men's rights” arguments would be more successful in the courts than explicit feminist arguments.

While we cannot be sure about the mechanism of influence, it seems likely that, given the prominence of Jews in the legal field and the attention Reform laity and clergy paid to legal

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<sup>78</sup> 469 F.2d 466 (10th Cir).

<sup>79</sup> 420 U.S. 636.

<sup>80</sup> 429 U.S. 190.

<sup>81</sup> Williams, Wendy Webster, “Ruth Bader Ginsburg's Equal Protection Clause: 1970-80,” *Georgetown Law Faculty Publications and Other Works* (2013). Accessed online: <https://scholarship.law.georgetown.edu/facpub/1243>

<sup>82</sup> Ruth Bader Ginsburg and Barbara Flagg, “Some Reflections on the Feminist Legal Thought of the 1970s,” *University of Chicago Legal Forum*: Vol. 1989, Article 3 (1989)

developments in the news, these cases may have influenced patrilineality advocates. It was in this context of “men’s rights” arguments successfully dismantling legally-codified sex discrimination that Alexander Schindler found another rhetorical foothold for patrilineality. “The rights of [Jewish] men to determine the religious character of their children must be secured,” Schindler declared at the 1979 UAHC Biennial: “We are trying to protect the rights of men.” The legal term “rights” is particular to American—and not Jewish—jurisprudence, and it seems likely that Schindler borrowed this “rights” language from United States jurisprudence.<sup>83</sup> Other Reform rabbis made the same basic “men’s rights” argument for patrilineality, whether or not they used the word “rights.” For instance, Joseph Edelheit remarked that “It is far more rational for our time to view the parents in a mixed marriage equally rather than unwittingly favoring a Jewish mother and unwittingly penalizing a Jewish father.”

A supplementary “men’s rights” argument for patrilineality was a practical consideration: an argument that Jewish men trying to raise their children as Jews were at a disadvantage when divorcing non-Jewish women. If religious policy did not state clearly that the children of Jewish men are Jews, what standing would men embroiled in acrimonious divorces have to insist that their children be raised as Jews? It’s unclear how many Reform Jewish fathers actually found themselves battling their non-Jewish ex-wives over the religious identity of their children. Still, on several occasions Schindler spoke both broadly about “protecting the rights of men” and specifically about giving Jewish fathers claim to their children’s Jewishness visible to the United States courts.<sup>84</sup> There was a sense, or at least a hope, that if Reform Judaism had an formal

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<sup>83</sup> Robert M. Cover, “Obligation: A Jewish Jurisprudence of the Social Order,” *Journal of Law and Religion*, Vol. 5, No. 1 (1987), 65–74

<sup>84</sup> Including at the 1982 CCAR Convention and the 1981 UAHC Biennial.

policy affirming patrilineality, Jewish fathers would have grounds on which to insist in custody battles that their children be raised Jewishly.

Sanford Seltzer (Director of Research on the joint UAHC/CCAR Task Force on Reform Jewish Outreach) wrote a report titled “Marriage, Divorce and the Jewish Status of Children” for the Horizon Institute (a research and policy center run by the UAHC) published in August 1981. The report examined several custody cases contesting children’s religious identity. One such case was *Lundeen v. Struminger* (1969), in which the Virginia Supreme Court rejected a provision in a divorce decree stipulating that the children of a now-divorced Jewish man and Roman Catholic woman attend Jewish religious school and synagogue services weekly.<sup>85</sup> Another was *Schwarzman v. Schwarzman* (1976), a New York Supreme Court case. In this case, a Roman Catholic woman converted to Judaism before marrying a Jewish man. The couple intended to raise their four children as Jews and named them in the synagogue. Then they divorced, and the woman—the custodial parent—reverted to Catholicism and expressed intention to raise the children as Catholics. The father brought a suit claiming that his ex-wife was violating a “prenuptial oral agreement” that their children would be Jews. The court denied his petition, ruling: “The court finds that . . . the four children are neither Jewish nor Roman Catholic, that the custodian mother is not engaged in changing the religion of the children.”<sup>86</sup> What was particularly troubling to Reform leadership about *Schwarzman v. Schwarzman* was that the court accepted testimony of an Orthodox rabbi stating that the father had no legitimate religious claim to the children being Jewish. (While the court accepted the testimony, the court

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<sup>85</sup> 20 Va. 548.

<sup>86</sup> *Schwarzman v. Schwarzman*, 388 N.Y.S.2d 993 (N.Y. Supreme Court 1976). Accessed online: <https://casetext.com/case/schwarzman-v-schwarzman>

opinion did not reference it.) Joseph B. Glaser wrote a piece in the *New York Law Journal*<sup>87</sup> condemning the decision and the judge for “arrogating to himself the right to declare Orthodoxy authentic and Reform not.”

### The Case for Reform Integrity

Reform integrity constituted another argument for a resolution embracing patrilineality. Given that Reform *did* treat patrilineal Jews as Jews, as articulated in the 1947 resolution and reiterated in the 1961 *Rabbi's Manual*, Schindler felt that patrilineality ought to be a formal Movement policy. Reform policy ought to align with Reform reality. As Schindler put it: “I think it is vital for us as Reform Jews always to say what we believe and to assert what we do—to be honest, never to pretend, to be always proud to proclaim what we in fact practice.”<sup>88</sup>

Schindler did not accept that his Reform colleagues truly believed in matrilineal descent. To him, Reform rabbis invoking halacha as rationale against enfranchising patrilineal Jews rang as insincere. He exhorted his colleagues at the 1982 CCAR Convention:

Is there really anyone in our midst who truly believes that there is a difference here? Is there anyone in our midst who believes with halacha, with the Tradition, that the paternal line is good enough to transmit the stages of kehuna but not sufficient to transmit the stages of Jewishness? Is there anyone here who believes that Khrushchev's grandchild is Jewish but Ben Gurion's is not and had to be converted?<sup>89</sup>

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<sup>87</sup> Joseph B. Glaser, “Reform Jewish View of a Court's Ruling,” *New York Law Journal* (December 2, 1977) Appendix VI, 26

<sup>88</sup> MS-215 (Moses Cyrus Weiler papers): Box 2, Folder 7: Report of the Committee on Patrilineal Descent on the Status of Children of Mixed Marriages in *CCAR Yearbook 1983*

<sup>89</sup> MS-34 (CCAR papers): Box 48: Materials from the 1982 CCAR Convention. Report of Committee on Patrilineal Descent.

On several occasions Schindler re-used the line pointing out that Nikita Khrushchev's grandchild was halachically Jewish while David Ben-Gurion's grandchild was not—a fact that to him revealed the absurdity of using maternal bloodline as sole determiner of Jewishness.<sup>90</sup>

Other rabbis shared Schindler's desire for the Reform Movement to stand by its convictions and make its de facto acceptance of patrilineality policy de jure. Eric Wisnia (serving Congregation Beth Chaim in West Windsor, NJ) commented that he was “surprised and slightly appalled” by attempts to “bury the entire issue” of patrilineality and “to hide it from reality.”<sup>91</sup> Jonathan Eichhorn (Temple Emanuel of Kingston, NY, and who for thirty-five years also served as a part-time New York State prison chaplain)<sup>92</sup> said that to come out in favor of patrilineality “is to put into concrete words what, in fact, we have been doing since 1947.”<sup>93</sup> Among proponents of the patrilineality resolution there was a sense that “to put into concrete words what we have been doing” was the morally right thing to do. Sheldon Zimmerman (then senior rabbi of Central Synagogue in New York City; later, president of HUC-JIR, before resigning after allegations of inappropriate sexual conduct) noted that patrilineality “is what we do now; and if

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<sup>90</sup> Many American Jews would have associated Nikita Khrushchev's, former premier of the Soviet Union, with religious persecution and the crackdown on Jewish life behind the Iron Curtain. For Schindler, there was a great irony to the fact that Khrushchev's son (Sergei Khrushchev) married a woman with Jewish ancestry (Galina Mikhailovna)—that Khrushchev could have a “Jewish” grandson demonstrated the absurdity of a maternal bloodline definition of Jewishness. It was similarly absurd that David Ben-Gurion, first prime minister of the state of Israel, could have a non-Jewish grandchild. (Ben-Gurion's son Amos married a woman, Mary Callow, who was not born Jewish; while she converted shortly after marriage, the Israeli rabbinate did not accept the validity of her conversion).

<sup>91</sup> *CCAR Yearbook* 1980

<sup>92</sup> Central Conference of American Rabbis, “Jonathan Eichhorn,” Convention 2012 website, accessed online July 2024: <http://boston.ccarnet.org/50th-year-members/jonathan-eichhorn/>

<sup>93</sup> MS-34 (CCAR papers): Box 49: Materials from 1980 CCAR Convention, Transcript of debate on Resolution 7, Identity of Children of Mixed Marriages

Alex Schindler is calling us to honesty, that's the honest stance of the Reform Movement today. . . . Let us be honest, let us be daring, let us be authentic to our call as Reform Jews.”<sup>94</sup>

Schindler, always a gifted orator, was perhaps at his most compelling when speaking about Reform moral convictions. He insisted that Reform should never “surrender” to Orthodoxy. At the 1982 CCAR Convention, Schindler declared:

Let us not become sycophants, truckling for favor by becoming what we are not. It will not avail us. We will only demean ourselves and lose our distinctive character. Our fathers and our mothers did not forge Reform Judaism to have us trade it in for a tinsel imitation of Orthodoxy. We owe Halacha a vote and not a veto and we ourselves that self-respect and integrity which holds fast to our finest values and our most cherished beliefs.<sup>95</sup>

Schindler would reuse several of these phrases, notably “tinsel imitation of Orthodoxy” and “we owe Halacha a vote and not a veto” (a phrase that Mordecai Kaplan, founder of the Reconstructionist Movement, had first coined). Schindler thought little of Reform—and Conservative—readiness to kowtow to the Orthodox (though he was not as outright contemptuous towards his pluralism-oriented colleagues as, for example, Herbert Brichto was).

### The Case for Empathy

In December 1981, the president of the Orthodox Rabbinical Council of America wrote to *The New York Times* criticizing the UAHC outreach program on the grounds of halacha, which included an attack on Reform's attempt to “reformulate” its definition of Jewish status

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<sup>94</sup> *CCAR Yearbook 1983*, 153

<sup>95</sup> *CCAR Yearbook 1982*, 71

through equilineal descent.<sup>96</sup> *The Times* published a response written by a woman named Adrienne Gorman a week later.<sup>97</sup> Gorman described herself as the daughter of a Jewish father and a formerly Catholic mother and explained her frustration with halachic bloodline being used as determiner of Jewish status: “Many of us have suffered the very same persecution and discrimination experienced by full-blooded Jews because we refuse to deny our fathers and their fathers' faith.”

Schindler loved Gorman's letter and her enthusiasm for the UAHC outreach program. They began a correspondence. She told him how she felt “all the deficits of being a member of an oppressed group with none of the benefits of community. Jews considered me a non-Jew, non-Jews considered me a Jew, and with a despair tinged with as much humor as I could muster, I began to consider myself nothing.”<sup>98</sup> Gorman told Schindler stories about other people with Jewish fathers and non-Jewish mothers who had gotten in touch with her after reading her *New York Times* letter to the editor. She cited the example of a woman who escaped the Nazis, moved to Israel, and even underwent an Orthodox conversion, but even so, felt that her in-laws never fully accepted her. As another example, she pointed to a man who was raised Orthodox but had

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<sup>96</sup> Sol Roth, “Opinion: Reform Judaism's Ill-Conceived Program to Win Converts,” *The New York Times*. Print December 17, 1981. Accessed online July 12, 2024: <https://www.nytimes.com/1981/12/17/opinion/1-reform-judaism-s-ill-conceived-program-to-win-converts-136186.html>

<sup>97</sup> Adrienne Gorman, “Opinion: Of Jewish Identity and Religious Law,” *The New York Times*. Print December 29, 1981. Accessed online July 12, 2024: <https://www.nytimes.com/1981/12/29/opinion/1-of-jewish-identity-and-religious-law-150333.html>

<sup>98</sup> MS-739 (Eugene Mihaly papers): Box 8, Folder 13: What is a Jew? Matrilineal/patrilineal status. 1982 letter from Adrienne Gorman to Alexander Schindler

“become so bitter that he cannot hear Yiddish spoken or Jewish music played without feeling violated and enraged—and, ultimately, lost.”

Schindler had tremendous empathy for Gorman and others in her situation. He spoke often of their plight: people who had been raised Jewish, loved Judaism, lived as Jews, considered themselves Jewish, but always with an asterisk. He quoted her letter at the CCAR Convention in 1982.<sup>99</sup> After Reform accepted patrilineality he was proud to have officially brought these patrilineal Jews into the fold, declaring at the 1993 Biennial: “We brought healing to many bruised hearts,” including “adult children of interfaith marriages who felt Jewish in every way yet were denied a place on the bima . . . These and more were the painful stories that we heard and spurred us on.”<sup>100</sup>

Schindler was a true believer in Judaism’s power to enrich lives: withholding Judaism from would-be Jews was a terrible transgression. While Reform could not convince more traditionalist Jews to embrace patrilineality, the Movement could give full-throated support to patrilineal Jews in its midst. Doing so was not just a strategic no-brainer for the cause of Jewish survival: it was a moral imperative.

### The Case for Jewish Survival: *K’lal Yisrael* Redefined

As Lila Corwin Berman writes, Jews in the 20th century often turned to sociologists and demographers as authorities. As Jewish concern post-Holocaust about “continuity” and “survival” grew, so did interest in data about intermarriage. (See introduction.) Schindler was no

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<sup>99</sup> MS-34 (CCAR papers): Box 48: Materials from the 1982 CCAR Convention. Transcript of Report of Committee on Patrilineal Descent.

<sup>100</sup> Presidential Address to the 62<sup>nd</sup> General Assembly of the UAHC, Oct 21, 1993

exception. Despite his commitment to welcoming intermarried couples and their children, Schindler “deplored” intermarriage.<sup>101</sup> He himself refused to officiate intermarriages. (When his daughter Debbie married a non-Jew in 1986, Schindler declined to officiate the wedding: the couple was married by a Justice of the Peace.<sup>102</sup>) Schindler was among the 100+ signatories of a privately-published statement disseminated to all CCAR members in 1984 articulating rabbis’ reasons for refusing to officiate interfaith weddings.<sup>103</sup> The statement noted:

Jews who marry non-Jews are not rejected from the Jewish people. They remain Jews and they and their families are always welcome in the synagogue. But the Jewish community depends upon its young people to rear the Jews of the future. Those Jews who marry outside of Judaism and who do not make special efforts to rear their children as Jews do not add to the strength of Judaism.

In other words, Schindler’s attitude was that intramarriage is best, but if an intermarriage has already occurred, the family should be welcomed into Jewish life and encouraged to make Jewish choices. Intermarriage *was* a problem; but haranguing intermarried couples was counterproductive. Making Judaism more appealing—outreach—is what would be most

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<sup>101</sup> MS-630 (Alexander Schindler papers): Box 11, Folder 11: 1978 Schindler address to UAHC Board

<sup>102</sup> MS-630 (Alexander Schindler papers): Box 10, Folder 11: Schindler to Carla J. Fachini, Temple Beth El, Fargo North Dakota, 11 March 1991

<sup>103</sup> MS-837 (Simeon J. Maslin papers): Box 1, Folder 2: Publications and Articles, pamphlet “Reform Rabbis and Mixed Marriages.”

Schindler’s comment in the pamphlet is interesting: not a ringing endorsement of the statement but a guarded statement of support, invoking the “dictates of conscience” line of thinking as explained in the prior chapter:

I am glad to add my Haskamah – my endorsement – to this statement on mixed marriage. In its essential thrust, though not in every detail, it accords with my own thinking and doing.

Needless to say, my endorsement is strictly personal and does not reflect the Union’s institutional consensus. Indeed, such a common view should never be sought, since the decision to officiate or not officiate at such marriages is the individual rabbi’s alone. The rabbi’s conscience must remain unfettered.

effective in encouraging intermarried couples to make Jewish choices. As Schindler put it to the UAHC board: “We are opposed to intermarriage, but we cannot reject the intermarried.”<sup>104</sup>

Therefore, Schindler’s primary motivation for outreach was the “demographic crisis”: a prediction that, given high intermarriage rates and low birth rates, liberal Judaism would soon fade out in the United States. Schindler said explicitly that demography was his primary motivator when creating his outreach program. When the UAHC Board approved the outreach program on that fateful December 1978 meeting, their resolution began:

Rapid demographic change is doing much to affect the future of American Jewry. Among the significant and critical demographic trends are: The growth of mixed marriage, the decline of the Jewish birth rate relative to the general population and increase in the numbers of non-Jews converting to Judaism. These trends require our profound, serious and continuing attention. They call for creative leadership so that we reach out to shape our future and do not become passive products of forces beyond our own control.

The resolution demonstrates how concern over demographics was what made Schindler’s outreach proposal so appealing to the UAHC leadership. It was a relief to hear their leader speak with such conviction that the rise of mixed marriage and decline of the Jewish birth rate did not inevitably spell doom for Judaism in the United States. Another path was possible: outreach, including patrilineality, was the solution for “Jewish survival.” David Belin, an attorney and chair of the joint UAHC/CCAR Task Force on Reform Jewish Outreach, explained: “When one reads statistics such as the recent survey in Denver, which disclosed an intermarriage rate of more than 60 percent and a ‘co-habitation’ rate of approximately 90 percent, it underscores the importance of committing the Reform Jewish Movement to programs of outreach.”<sup>105</sup>

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<sup>104</sup> MS-630 (Alexander Schindler papers): Box 11, Folder 11: 1978 Schindler address to UAHC Board

<sup>105</sup> *CCAR Yearbook 1983*, 69

For the rest of his life Schindler would speak proudly about the outreach that he had championed. He was proud of the Reform Movement response to the demographic crisis that he had led. “Intermarriage was thought to be striking a lethal blow to our collective continuity, but we refused to bow to the inevitable and thereby helped to transform the crisis into an opportunity for renewed growth,” he declared with pride in 1985. Outreach allowed Reform to “turn the tide of erosion into a current toward a significant renewal.”<sup>106</sup>

#### Schindler’s Response to Accusations of Divisiveness

Schindler would have to defend his argument for outreach as the solution to the demographic crisis both against other denominations in the United States and against skeptics in Israel.

In the United States, Schindler was not without allies across denominational lines, particularly in the earlier days of his campaign for patrilineality. Reconstructionism had formally embraced patrilineality in 1979. Before and after 1983, Schindler and his allies had reason for hope, too, that if Reform embraced patrilineality, the Conservative Movement would follow, just as Conservative would eventually follow Reform on women’s ordination (Reform in 1972 and Conservative in 1985) and the ordination of gay and lesbian rabbis (Reform in 1990 and Conservative in 2006).

At the outset of his outreach work, Schindler was optimistic that the Conservative and Reform Movements might be able to work together to enfranchise patrilineal Jews. He declared at the 1979 UAHC Biennial:

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<sup>106</sup> MS-72 (URJ papers): Box C4, Folder 6. Schindler presidential address, 1985 UAHC Convention

We must always be restrained by a reverence for the sensitivities of *K'lal Yisrael*, the Jewish people. That is why I recommend that we proceed not unilaterally but if at all possible in cooperation with the Conservative movement. By all means, let us join hands in this. And let us not forget that together we speak for the predominant plurality of diaspora Jewry. We are *K'lal Yisrael*.<sup>107</sup>

Of course, this was not to be. On the matter of patrilineality, unlike the matters of women's ordination and LGBT+ inclusion, the Conservative Movement would not follow Reform. As of 2025 they still have not budged.

But I believe Schindler spoke genuinely. His colleagues' vociferousness toward him over patrilineality surprised him. Schindler had built his rabbinate on love for the Jewish people in its totality; how could colleagues now accuse him of divisiveness?<sup>108</sup> Schindler prickled at accusations that in pushing for patrilineality he was acting counter to the interests of *K'lal Yisrael*. For him, enfranchising more Jews was the way to strengthen the Jewish people. Jewish survival required outreach.

Schindler also received widespread criticism from Israeli Jews. He bristled at Israelis who said that the golden era of United States Judaism had come to an end. Schindler was proudly American; he did not care for the "Jewish nationalists" who believed that Jews could only thrive in a Jewish state. He was irritated by what he perceived as Israeli smugness toward diaspora Jewry. He blamed negativity from Israel for influencing American Jewish sociologists and triggering a cascade of pessimism. In 1985 Schindler addressed the CCAR:

Not too long ago, there were many who laughed at the futility of all our striving and predicted our imminent demise. . . . Jewish nationalists were certain that the American diaspora will soon wither away along with all the other communities of

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<sup>107</sup> MS-72 (URJ papers): Box C4, Folder 4: 1979 Convention Summary by UAHC federation of Temple Sisterhoods

<sup>108</sup> Meyer, *Above All, We Are Jews*

our exile. American Jewish sociologists dolefully re-echoed their forewarnings and even the media took up this sad refrain.<sup>109</sup>

United States and Israeli Jewish life functioned very differently. Israelis did not understand the reality of intermarriage in the United States. To them, skyrocketing intermarriage rates were a sign that Jews in the United States did not care all that much about Judaism. American Reform leaders like Schindler, however, felt that intermarriage was an inevitability of the diversity and openness of American liberal society and widespread acceptance of Jews—qualities of his country that he cherished.

A broad view of Schindler's comments on intermarriage shows a tension between his personal aversion to intermarriage and his defensiveness that intermarriage was inevitable in the United States cultural context. This tension was particularly evident when he spoke to Israelis who, he felt, misunderstood (maybe even willfully or gleefully) that American cultural context.

Many non-Orthodox rabbis feared that if United States Reform kept rocking the boat, the Israeli government would retaliate. (This fear and the reasons behind it are explored in the next chapter.) Schindler addressed this concern at the 1981 UAHC Biennial. The right-wing Israeli government had recently threatened to exclude Reform converts from the Law of Return, which guaranteed all Jews the right to immigrate. Schindler despised this right-wing Israeli government, which, he insisted, lacked empathy for the Jewish people. How could the Jewish state turn away Jews, particularly in the wake of the Holocaust? It was they who had turned their backs on *K'lal Yisrael*.

How can any Jewish leader after Auschwitz permit the institution of a 'selection process' at Jerusalem's gates? That monster who stood at the gates of that infamous camp imposed the death sentence on our wretched brothers and sisters

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<sup>109</sup> MS-72 (URJ papers): Box C4, Folder 6. Schindler presidential address, 1985 UAHC Convention

as they came tumbling out of their squalid boxcars; he did not ask: is your mother Jewish? Your father? Who converted you? He killed us all and as we died together we mean to live together.

We must make our collective voice heard on this issue. We will not accept a secondary status in Jewish life! We refuse to be beggars at Jerusalem's gates! We mean to fight for our full and equal rights—as Jews!<sup>110</sup>

Schindler believed that what United States Reform did or did not do would have no bearing on Israeli policy. It was “the political balance of power in Israel,” not resolutions passed by the American Reform rabbis’ professional association, that would determine whether or not, for example, the Aguda party would be able to amend the Law of Return. However, pressure from the American right-wing orthodox groups also had an effect. As Schindler explained at the June 1982 CCAR Convention:

The law [amending the Law of Return] failed to win a majority. It failed because the political constellation did not allow for its passage. It failed because Begin kept his word to us and did not make this an issue subject to party discipline. . . . I cannot promise that this law will never be amended, but I can promise you this—what we’ll do or fail to do will scarcely be a determining factor in this process. And if this is so, then why should we not do what we believe and what is right?<sup>111</sup>

Schindler would continue to speak passionately against the proposed change to the Law of Return. He felt Reform’s desire to be accepted in Israel did not mean that the Movement could relinquish its specific commitments. He spoke frequently and fiercely about Israeli right-wing discrimination against Reform Judaism as evidence of their lack of pluralism and sense of *K’lal*

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<sup>110</sup> MS-72 (URJ papers): Box C4, Folder 5: Schindler presidential address to 1981 UAHC Biennial

<sup>111</sup> *CCAR Yearbook 1982*, 71

*Yisrael*. “If there is any obstacle to *K’lal Yisrael*,” he insisted, “it certainly is not coming from Reform.”<sup>112</sup>

Still, Schindler maintained that most Jews—maybe not the leadership, or the rabbis focused on matters of ideology and denominational identity, but most Jews in the pews—got along pretty well. Schindler saw the divisiveness within Judaism as mostly an issue among the leadership. “I don’t think that there is a substantial rift between Orthodox and Reform except on a professional level, rabbi vs. rabbi, and certainly not on a lay level where substantial harmony prevails,” he wrote in 1989. “Of course, I am not talking about extremes on either side but about the solid center and not about the Lubavitch or even the Satmar but rather about Yeshiva University, HUC-JIR and JTS and the congregations that relate to them.”<sup>113</sup>

#### A Note on Schindler and Halacha

Schindler’s assertion about the halachic legitimacy of patrilineal Jews needed further discussion. He had confidently told the UAHC Board in 1978 that “even Orthodox Judaism” would accept patrilineality, provided that the children had undergone certain lifecycle rituals. But this was, of course, not true—and Schindler knew it.

The evidence: Schindler had asked a colleague to research this very question, and the answer had come back: no.

In a note dated October 30, 1978, Schindler wrote to Rabbi Bernard Zlotowitz, who was then serving as the UAHC’s New Jersey regional director:

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<sup>112</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4. 1984 response from Samuel Weinstein (Reform) to Emanuel Feldman (Orthodox) with Schindler note.

<sup>113</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4: 1989 letter Schindler to publisher of the *Jewish Post and Opinion*

A favor please. Can you do some research for me on Halachah in regard to . . . children of non-converted mothers, etc. I plan to deal with this subject in my report to the Board at the December 1-3 meeting in Houston and would like to have some data.

Zlotowitz obliged. On November 18, 1978 he sent Schindler a four-page research memo summarizing the halachot related to marriage between a Jew and non-Jew. Zlotowitz's memo reads, in part:

A child born of a Jewish woman and a Gentile man is kosher, i.e. legitimate and Jewish (see b.Yevamoth 45a; Yad, Issur Biah XV:3 and Shulchan Aruch, Even ha Ezer 4:5). However the child born of a Jewish man and a Gentile woman is also legitimate but is not Jewish. The general rule is that the child follows the status of the mother [ . . . ]

Since it has been established that [in Reform Judaism] a non-Jew may be called to the Torah for an Aliyah (see immediately above s. aliyot), a boy of a non-Jewish mother who has been a student in the Religious School may also be called to the Torah for his Bar Mitzvah. The Bar Mitzvah ceremony then becomes also the ritual for conversion (if he had not been previously converted) and he would be recognized as a Jew in accordance with Reform Jewish Practise (so Freehof).

It strains credulity that Schindler would have read this memo and honestly understood Zlotowitz to be saying that traditional halacha considers the child of a Jewish father and a non-Jewish mother is a Jew, provided that child is circumcised, enrolled in religious school, and called to the Torah as he becomes a bar mitzvah. Zlotowitz's memo certainly never said such a thing; rather, he wrote that "the child born of a Jewish man and a Gentile woman . . . is not Jewish." This even though Zlotowitz, who was employed by the UAHC, by all indication shared Schindler's desire to include patrilineal Jews. Still, in the memo, Zlotowitz was meticulous in indicating when Reform practice diverges from traditional Jewish practice, citing the 1947 "Freehof" CCAR resolution. Zlotowitz's language was careful: "The Bar Mitzvah ceremony then becomes also the ritual for conversion (if he had not been previously converted) and he would be

recognized as a Jew **in accordance with Reform Jewish Practise** (so Freehof)” [Bolding my own].

And so when Schindler told the UAHC board that “even Orthodox Judaism, provided the consent of the [non-Jewish] mother is obtained, permits the circumcision of the boy, his enrollment in religious school and his right to be called to the Torah on the occasion of his bar mitzvah — and everlastingly thereafter, to be considered a full Jew,” he would have known perfectly well that this was not true.

Schindler was not a Jewish legal scholar at the level of some of his rabbinic colleagues. When he occasionally employed halachic arguments in the patrilineality debates, he invoked halacha as more of a post-hoc justification than as a guiding principle. On several occasions Schindler asked Zlotowitz, Philip Hiat, and other rabbis employed by the UAHC to help him with halachic research on issues related to outreach: the status and treatment of gerim, requirements for conversion, etc.<sup>114</sup> Schindler was on a defensive stance when it came to halacha.

Moreover, Schindler was not all that interested in halacha. He believed halacha had not driven Reform policy until now and saw no reason for halacha to guide Reform policy on patrilineality, either. He pointed out that the United States Reform Movement had long deviated from more traditional denominations on matters of *ishut*, including requirements for divorce and remarriage (see Chapter Four). Schindler wrote in 1989:

Patrilineality is not as consequential from a halachic point of view than is Reform’s decision made over a hundred years ago not to require religious divorce.

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<sup>114</sup> MS-630 (Schindler papers): Box 11, Folder 11

The former can be remedied through a halachic conversion, the latter is halachically irremediable since its consequence is bastardy.<sup>115</sup>

Schindler's point was that under halacha, mamzer status could never be removed from a person, whereas a patrilineal Jew who wanted orthodox acceptance could legitimate his or her Jewish status through an orthodox conversion. The personal status ship has sailed, Schindler felt: denominations no longer have shared definitions on matters of *ishut*. Therefore, Reform ought to define Jewishness as the Movement sees fit, unencumbered either by halacha or by the practices of other denominations. Schindler welcomed the rhetorical support of halacha but did not rely on it.

In this chapter, I have summarized Schindler's arguments for patrilineality. As we have seen repeatedly in Schindler's publications, letters, speeches, and other communications about patrilineality, he was frustrated by the hypocrisy of a Reform Movement that claimed equality between the sexes but treated the children of a Jewish woman and a Jewish man differently. He wanted Reform Judaism to be a proud and dignified religion, unapologetic about its beliefs in the face of Orthodox opposition. He felt great empathy for Jews of peripheral status. But most of all, he believed in Judaism and he wanted to see more Jews in the world. Those were the real concerns in which his passion for outreach was rooted.

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<sup>115</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4: 1989 letter Schindler to publisher of the *Jewish Post and Opinion*

## Chapter 4: Moses Cyrus Weiler and the Arguments Against Patrilineality

### Schindler v. Weiler

Rabbis Alexander Schindler and Moses Cyrus Weiler were in many ways the figureheads of the patrilineality debates, with Schindler the great advocate of patrilineality and Weiler its strongest opponent. Schindler was a passionate orator, rhetorically stylish, fond of certain powerful one-liners that he would repeat. His speeches were passionate and his demands radical, sometimes bombastic. He spoke quickly and often. His arguments were based in pleas for empathy, exhortations for Reform integrity, and his interpretations of sociology and United States Jewish demography. Though he made rhetorical nods to international Jewish unity, Schindler kept his focus on United States Jewry.

Weiler, on the other hand, gave rhetorical heft and personal story to the notion of *K'lal Yisrael*. Weiler was the figurehead of anti-patrilineality, but in many ways he also embodied, through personal sacrifice and a career devoted to worldwide Jewry, the concept of Jewish peoplehood united across borders and denominations. Weiler devoted his career to Jewish life outside of the United States. He was born in Latvia, educated in the United States, moved immediately after ordination to Johannesburg to found South Africa's first progressive Jewish community, and then, after twenty-four years in South Africa, moved to Israel in 1958, where he lived for the rest of his life. Schindler's outreach proposal was grounded in concern for United States Jewish survival; Weiler's criticisms of American Reform "excesses" were grounded in his concern for unity among Jews worldwide and the acceptance of Reform within Israel. He cared deeply about Israel and the religious rights of liberal Jews in Israel. When speaking about both, he frequently invoked the phrase *K'lal Yisrael*. Weiler feared that without a shared definition of Jewishness, Reform could not coexist with other Jewish denominations, in and out of Israel.

Weiler had an international bent and more pluralist leanings than many Reform rabbis. In Israel he helped form an independent congregation in Jerusalem, Mevakshei Derech, which was not affiliated with the Reform Movement.<sup>116</sup> (Other founders of Mevakshei Derech were affiliated with the United States Reconstructionist Movement. The congregation would join the Reform Movement in 1999.<sup>117</sup>) Weiler also prayed and read Torah at his local orthodox shul in Kibbutz Usha.<sup>118</sup> Still, he maintained his membership in the CCAR, was in the leadership of the World Union for Progressive Judaism (WUPJ), represented the Israel Council of Progressive Rabbis (MARAM) to the CCAR, and was a senior lecturer in Rabbinics at the HUC-JIR Jerusalem campus. He donated his full HUC-JIR teaching salary back to the college: after two of his sons were killed while serving in the Israeli army, Weiler established the Adam and Gideon Weiler Collection of Works of Halakhah and Rabbinic Responsa, with the hopes of dedicating a thousand volumes in the HUC-JIR Jerusalem library in memory of his sons.

The remainder of this chapter will examine Weiler's arguments against patrilineality. He invoked two arguments most frequently. The first was that patrilineality would obstruct unity among (non-Orthodox) Jewish denominations. The second was that patrilineality would make life more difficult for Reform Jews in Israel. These arguments were very much intertwined and both laced with the umbrella language of *K'lal Yisrael*.

### Early Concern Over *Ishut*

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<sup>116</sup> Irwin Manoim, "Rabbi Weiler and the founding of the Reform movement," Speech delivered to Limmud Johannesburg in August 2019, pub. *Mavericks inside the Tent*. Accessed online July 14, 2024: <https://www.progressivejews.co.za/rabbi-weiler>

<sup>117</sup> "אודות הקהילה," *Mevakshei.org*. Accessed online: <https://www.mevakshei.org/eng>

<sup>118</sup> Irwin Manoim, 2019

In the post-war period there was a rise of *K'lal Yisrael* rhetoric, as discussed in Chapter Two. But as worldwide Jewry increasingly embraced the notion of Jewish unity, the Reform rabbinate—in and out of the United States—was conscious that American Reform had long diverged from Jewish tradition on matters of personal status: divorce, marriage, conversion, and, of course, the de facto acceptance of patrilineality.

Regarding divorce: Reform had also long held that civil divorce was sufficient for dissolving a marriage, with no *get* (the traditional Jewish bill of divorce) required.<sup>119</sup> This position affected remarriages. If someone were divorced and then remarried, the second marriage was not Jewishly valid unless the divorce had been Jewishly valid. If the second marriage were not valid, any children from the union would be *mamzerim*, a significant halachic disability. And while Reform did not hold by the notion of *mamzerut*, this was a serious problem for people in more traditional Jewish spheres, and a serious roadblock for interdenominational relations.

Plus, through its relaxed requirements for conversion, United States Reform had for nearly a century been creating Jews whom traditional denominations did not recognize as Jewish. That is because in 1892, the CCAR abolished the requirement of any traditional ritual for conversion, including *tevilah* or circumcision.<sup>120</sup>

So on matters of *gittin* (divorce), *gerut* (conversion), and *mamzerut* (status of children of illicit unions), Reform policies were misaligned with those of traditional Judaism. And because of the 1947 resolution, Reform was not aligned with the traditional Jewish definition of birthright

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<sup>119</sup> “Divorce” by Israel Bettan (1946) and “Reform Judaism and Divorce” by Walter Jacob (1980) in *American Reform Responsa*, ed. Walter Jacob (CCAR 1983).

<sup>120</sup> “Prospective Convert Who Fears Circumcision” and “Conversion Without Formal Instruction”

Jewish status, either. The reality—though it appears that before the commotion over the patrilineality debates in the 1970s, the Reform rabbinate was more aware of this reality than either their non-Reform rabbinic colleagues or the Reform laity—was that, officially, there was no cross-denominational shared definition of Jewishness, and there had not been one for a long time. But as the notion of *K'lal Yisrael* took off, this divergence in matters of personal status was increasingly troublesome to some Reform rabbis.

In the early 1970s, some Reform rabbis wanted United States Reform to reconsider the ways in which the Movement had diverged from other movements on issues of personal status. Martin Ryback raised this issue in 1972 amidst a CCAR Convention discussion about intermarriage.<sup>121</sup> Ryback explained:

We all know that in Reform practice (*Halachah*)<sup>122</sup>, if either parent is Jewish, and the child is educated and confirmed as a Jew, he is considered Jewish. But in traditional Judaism, children of mixed marriages face enormous complications. . . . [T]he reality of our situation today is that even left-wing conservative rabbis take these matters of personal status very seriously. Accordingly, leaders of Conservative Judaism, very much involved in *Halachah*, tell us now that “After years of moving towards a rapprochement between our two movements, a definite schism is now possible between Conservatism and Reform.”

Reform’s acceptance of “being raised Jewish” as determiner of Jewish status troubled Ryback. It was another example of how Reform was unaligned with other Jews on matters of personal status. He wanted Reform to be connected with other denominations, particularly Conservative, and he feared that Schindler’s proposals would have the opposite effect.

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<sup>121</sup> *CCAR Yearbook 1972*, 65–91

<sup>122</sup> Ryback uses the term “halacha” to mean “Reform Jewish practice”—reflective of how the Reform rabbinate saw its own practice as equivalently meaningful and substantial as its Orthodox counterparts saw halacha.

Moses Cyrus Weiler was worried about this, too. Weiler was dedicated to Reform Judaism. But even before Schindler's controversial outreach program, Weiler was concerned by what he perceived as a growing rift between United States liberal Judaism and Israel. He addressed the CCAR at the 1973 Convention with a lengthy speech titled "Who Is a Jew?"<sup>123</sup> That speech reviewed how the State of Israel had attempted to define Jewishness—which was relevant both as Jewish status pertained to marriage, divorce, and conversion, which Israel required to be done halachically,<sup>124</sup> and as Jewish status pertained to the Law of Return, from which Israeli right-wing governments repeatedly tried to exclude Reform converts. It also summarized what traditional Jewish texts had to say about Jewish status, to conclude that Jewish status follows the mother, mixed marriage is objectionable, and converts are praiseworthy. Finally, the speech urged United States Reform to rethink its policies on matters of personal status that departed from Jewish tradition. Israeli Reform and Conservative rabbis will fight for the rights of liberal Judaism in Israel, Weiler told his colleagues, but "we can only succeed if our colleagues in the United States will back us by deeds which do not embarrass us." He asked United States Reform to make two changes. First: to insist upon *tevilah* and *b'rit milah* for conversion (recall that in 1892 the CCAR had removed such requirements). And second: to require infant conversion of children of Jewish men and non-Jewish women. "Being raised Jewish" as determiner of Jewish status had to go. In other words, it was time to get rid of United States Reform's de facto acceptance of patrilineality.

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<sup>123</sup> Moses Cyrus Weiler, "Who Is a Jew?" in *CCAR Yearbook 1973*, 174–186

<sup>124</sup> Rabbinical Courts Jurisdiction Law (Marriage and Divorce Law), 5713-1953, [https://main.knesset.gov.il/EN/about/history/documents/kns2\\_rabbiniccourts\\_eng.pdf](https://main.knesset.gov.il/EN/about/history/documents/kns2_rabbiniccourts_eng.pdf)

Overlapping with these two arguments was a “don’t rock the boat” attitude among many Reform rabbis. They knew that Reform had recognized patrilineality back in 1947 and were glad that it had, but saw no reason to publicize the stance more widely. In this respect, these middle-of-the-road, don’t-rock-the-boat types diverged from Weiler, who sought to have the Reform Movement disavow its earlier decision. A third (relatively minor) argument, not against patrilineality per se but against the framing that the 1983 resolution would ultimately adopt, was that a “being raised Jewish” requirement withheld Jewish status from people who were halachically Jewish, leading to confusion and pain. A final (again minor) argument, employed with relative infrequency within United States Reform, made the case for tradition/halacha: patrilineal Jews *simply were not Jews* according to the millennia-old definition; and it would be nonsensical and simply inaccurate to treat them as such.

### *K’lal Yisrael* Continued: Jewish Unity Across Denominations and Borders

The first *K’lal Yisrael* argument against patrilineality was that there needed to be a definition of Jewishness that Reform could share, if not with the Orthodox, at least with Reform outside of the United States and with Conservative Judaism. Weiler commented that his suggestions were “made in order to work towards the unification of our procedure and to strengthen the traditional element in our Movement . . . This would bring us closer to Jewish tradition and to *K’lal Yisrael*.”<sup>125</sup>

Reform rabbis who opposed patrilineality held no illusions that if Reform were to endorse the matrilineality principle, Orthodoxy would accept Reform Judaism. Weiler acknowledged that Orthodoxy would be unlikely to accept Reform even if Reform changed these

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<sup>125</sup> *CCAR Yearbook 1973*

policies. “I do not advocate the more traditional procedure in order to please the Orthodox,” he insisted. “The argument is always used that even if we adopt the traditional method, the Orthodox will not accept our converts. But what matters is that the common sense of the general Jewish community will prevail; they will sigh with relief and bless us for it.”<sup>126</sup> His comments evince a certain weariness about the argument that “is always used” by his more partisan Reform colleagues that the Orthodox would never accept Reform and therefore there is no point in making concessions for the sake of Jewish unity.

On many occasions during the 1970s, Weiler would express concern about how United States Reform was veering too far away from other denominations and from Reform counterparts abroad. In July 1978, months before Schindler’s audacious outreach proposal, thirty-one rabbis affiliated with the WUPJ met for a conference in Amsterdam. There were representatives from France, Germany, Holland, Israel, South Africa, the United Kingdom, and the United States; Joe Glaser (executive vice president of the CCAR) was a co-chair and Ely Pilchik (president of the CCAR) attended. The topic was “Matters of Personal Status,” or *ishut*. Glaser began by expressing his hope that the international “progressive” (note not only Reform) rabbinate might agree upon certain criteria for conversion so that all in the WUPJ would accept one another’s converts. Weiler expressed embarrassment about the “excesses” that Reform rabbis elsewhere (presumably the United States) had indulged in matters of personal status. He said that for Israel to accept the Reform rabbinate, the rabbis would have to commit to abide by halacha. Weiler sent mixed messages about his motivation, however, by insisting that “the desire

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<sup>126</sup> *CCAR Yearbook 1973*

to be halachic is not to please the Orthodox, however; it is a desire, from within, to unify *K'lal Yisrael*.” (per the minutes of the gathering).<sup>127</sup>

The second *K'lal Yisrael* argument for aligning Reform definition of Jewish status with the traditional criteria: doing so was essential for Reform to be recognized as legitimately Jewish in the State of Israel.

Particularly after Schindler’s outreach plan was publicized, there was widespread concern about how Israel would respond if American Reform redefined Jewish status. Israel’s tenth Knesset, assembled in the summer of 1981, was controlled by the right-wing Likud party, the increasingly right-wing settler National Religious Party (Mafdal), and the ultra-orthodox Agudat Yisrael party. In order to form a government, Likud had needed to make concessions to Agudat Yisrael. The coalition agreement included a pledge to amend the Law of Return, which allows every Jew the right of immigration, to exclude non-Orthodox converts.<sup>128</sup> Many liberal Jews felt frantic. There was a growing fear that if Reform took “radical” stances, Israel would doubt the Jewish status not just of Reform converts, but of any diaspora liberal Jew.

Weiler entreated the United States Reform rabbinate not to “place men and women who receive services, notably conversion, at the hands of official Reform rabbis in America in a predicament when they settle in Israel.” (That Weiler said “when” and not “if” Reform Jews from the United States moved to Israel is telling—perhaps revealing his skepticism about the

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<sup>127</sup> MS-862 (Eugene Lipman papers): Box 4, Folder 7, Central Conference of American Rabbis, 1956-1991. WUPJ Minutes of Rabbinic Kallah International Committee of Progressive Rabbis on Ishut: 11<sup>th</sup> July 1978, Amsterdam

<sup>128</sup> William E. Farrell, “Begin Announces New Coalition After Concessions to Minor Blocs,” *The New York Times*. Print August 5, 1981. Accessed online July 20, 2024: <https://www.nytimes.com/1981/08/05/world/begin-announces-new-coalition-after-concessions-to-minor-blocs.html>

long-term viability of American Judaism.) He continued: “The problem is becoming more and more intense as more and more Reform Jews come to stay in Israel and discover that they are not Jews from the Orthodox point of view.”<sup>129</sup> Weiler suggested that as greater numbers of Reform Jews moved to Israel, it was unkind to put them in a position in which the state would question their Jewishness.

Dow Marmur, a prominent British Reform rabbi, made a similar point at the 1979 CCAR Convention when telling his United States colleagues about the practices that the Reform Synagogues of Great Britain had established for its central *beit din*. The British Reform *beit din* accepted the halachic structure for matters of *ishut* and insisted on *gittin* for divorces and *b’rit milah* and *tevilah* for conversions. “Whether we play into the hands of Orthodoxy or not is not our real concern,” Marmur explained. “Our aim is to extend the visa of the convert who embraces Judaism under our auspices”—to facilitate the convert’s acceptance at least in Conservative circles, and hopefully in Israel and some liberal Orthodox circles in Europe. The goal of the British Reform *beit din* was to enable its converts “to belong to the vast majority of Jewry, not only to one sector of the community.”<sup>130</sup> This was the starting point of international Reform: that it would be terrible for a Reform Jew to not be considered Jewish by the wider Jewish community. This presumption led Reform rabbis outside of the United States like Marmur and Weiler to accept halachic criteria on matters of *ishut*, including matrilineal descent.

### Don’t Rock the Boat

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<sup>129</sup> *CCAR Yearbook 1973*

<sup>130</sup> *CCAR Yearbook 1979*, 148–155

In the early 1970s, Weiler and others had tried to get the CCAR to revoke the 1947 statement. But then in 1979, Schindler's outreach plan spread like wildfire across United States Reform. The laity was energized and excited. The UAHC had communicated to its congregations that it supported patrilineality and was waiting for the support of the CCAR to follow. To any Reform rabbi paying attention, it was obvious that revoking the 1947 statement was not realistically on the table. By 1980 the question (whether or Weiler accepted it) was no longer "will American Reform revoke its de facto patrilineality policy." Now it was "will the CCAR follow the UAHC to make patrilineality the policy de jure." Patrilineality opponents were playing on the defensive.

David Polish was a founder of the Association of Reform Zionists of America (ARZA) and felt invested in a strong relationship between United States Reform Jews and the Jewish state. (Polish was the lead organizer of the first CCAR Convention held in Jerusalem in 1970; he was elected CCAR president the following year.<sup>131</sup>) At the 1982 CCAR Convention, Polish was one of three planned speakers, along with Alexander Schindler and Joseph Edelheit, to address the Conference at a plenary devoted to discussing patrilineality. Polish spoke against patrilineality. "To present as new what we have accepted long ago, and have consistently abided by in our moods, could in the context of current conditions be needlessly provocative," Polish said. He, unlike Weiler just a few years back, did not want to get rid of the 1947 resolution. Polish understood that patrilineality, provided that the children were raised Jewish, was "the common law of our Conference. It has been our undeviating practice. It has been clear and

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<sup>131</sup> Wolfgang Saxon, "David Polish, 85, Rabbi and Leader of Reform Judaism," *The New York Times*. Printed April 18, 1995. Accessed online July 2024: <https://www.nytimes.com/1995/04/18/obituaries/david-polish-85-rabbi-and-leader-of-reform-judaism.html>

unambiguous.” So why draw attention to Reform’s embrace of patrilineality through another resolution? Like Weiler, Polish feared a hostile reaction in Israel if the CCAR were to release a new resolution.<sup>132</sup> Unlike Weiler, Polish did not believe it would be possible for the CCAR to rescind the 1947 resolution.

Polish worrying about what would happen if the CCAR were to “issue widely” a statement on patrilineality reveals the thinking of the “don’t rock the boat” camp: a statement on patrilineality was not worth the divisiveness it would cause. Interdenominational relations were hard enough; eking out rights for Reform Judaism in Israel was hard enough. Polish continued:

We are confronted with two major choices. The first is to advance the proposal before us vigorously, and with major publicity, knowing that it has been operative for a long time and our being ready for our two-front battle. The second choice is that in the interest of protecting *Chok Hashevet* [Israel’s Law of Return], we avoid providing our opponents with additional weapons. I know that having brought this issue to the floor of the conference, this second course will not be easy. Yet the cause of *Chok Hashevet* and religious pluralism is so critically important that we should avoid taking any measures that might conceivably further jeopardize it.<sup>133</sup>

Many rabbis were content with the 1947/1961 statements and saw no reason to publish another resolution on patrilineality. Bruce Goldwasser’s (a rabbi in Flushing, Queens, NY) comment “If it ain’t broke, don’t fix it”<sup>134</sup> encapsulated this attitude. Goldwasser quite liked the 1961 statement. “We can operate with it, we can function well, we’ve been using it for years and for decades.”<sup>135</sup> On another occasion he elaborated: “I am arguing in favor of the positive obfuscation that will allow individual Reform rabbis to function, as we have been for 74 years. I

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<sup>132</sup> *CCAR Yearbook 1982*, 71-73

<sup>133</sup> *CCAR Yearbook 1982*, 73

<sup>134</sup> *CCAR Yearbook 1983*, 151

<sup>135</sup> *CCAR Yearbook 1982*, 80

think that any substitution . . . [risks] our relationship with Kelal Yisrael and to our functioning as autonomous Reform rabbis.”<sup>136</sup> Goldwasser’s attitude demonstrates how “*K’lal Yisrael*” and the right to “function as autonomous Reform rabbis” were seen as opposing values. He thought that the vagueness of the existing policy gave rabbis cover—a certain plausible deniability. There was a “positive obfuscation” that meant Reform rabbis could do what they please. More traditionally leaning Reform rabbis like Weiler and Jakob Petuchowski (discussed later in this chapter), who did not accept the Jewishness of the children of non-Jewish women and Jewish men, required formal conversion. The more liberal-minded Reform rabbis—who seemed to be in the mainstream, though there had not been a vote to confirm that—quietly accepted patrilineal Jews as Jews. And as long as the parties did not push too hard on one another, Goldwasser seemed to suggest, that status quo worked pretty well. Why change things? Joseph Klein, who had authored the statement on the status of children of mixed marriages in the 1961 *Rabbi’s Manual*, felt similarly. “I do not see why it is necessary for us to alter that [1961] statement in any way,” Klein said. “It has served our purposes. . . . I do not see why we have to go beyond what is written in the statement found in the Rabbi’s Manual.”<sup>137</sup>

The American rabbis like Polish, Goldwasser, and Klein making “don’t rock the boat” arguments did not want to see the 1947 resolution overturned. They felt the status quo was working and there was no need for a CCAR resolution on patrilineality that would be in the headlines. Likely this camp did not feel the same pressure to make a statement as the CCAR leadership did.

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<sup>136</sup>CCAR *Yearbook* 1983, 151

<sup>137</sup> MS-34 (CCAR papers) Box 49: Materials from 1980 CCAR Convention. Transcript of debate on resolution 7

Weiler did not attend the 1982 CCAR Convention and his presence was missed. Polish wrote to Weiler shortly afterward to recap what had happened and expressing pride at his own role in deferring the resolution:

I participated formally in the discussion and I believe that I played a part in helping bring this about. . . . I also argued that any effort to raise this issue at this time would only result in opening up another front on which the Reform Movement in the United States would become embattled. The struggle over religious pluralism would be adversely affected. I don't know how many people were convinced by this argument, but in any event the Conference decided not to act at this time on the issue.<sup>138</sup>

Weiler did not like the 1947 resolution but by the 1980s seemed to realize it was better to let sleeping dogs lie. Letting the 1947 resolution (of which most people outside of the Reform Movement were unaware) stand quietly was better than the CCAR releasing a splashy new resolution about patrilineality. While in the 1970s Weiler had asked the CCAR to reconsider its stances on matters of personal status, after patrilineality advocates (led by the UAHC) began pushing the Conference to take a new pro-patrilineality stance, Weiler was playing on defense mode. The CCAR debates in 1980 and 1982 had made it clear that 1947 resolution was not going anywhere. The question was whether the Conference would publish another even more explicitly pro-patrilineal resolution.

### The Educational Requirement: Withholding Jewish Status from Halachic Jews

The 1947 resolution required an educational course for patrilineal Jews but not for matrilineal Jews: that inequality had led Schindler and his allies to seek to rework a gender-neutral policy. Schindler himself would say that he was primarily interested in patrilineality as it

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<sup>138</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 17: Letter 5742 from David Polish to Weiler

“provides for the full equality of men and women insofar as genealogy is a factor in determining Jewishness.”<sup>139</sup> In other words, he cared deeply about having an absolutely gender equal definition of Jewish status and was less concerned with the specifics in how the resolution was worded or what, if any, acts of Jewish identification would be required. Gender equality was also the rationale behind the Conversion Committee’s proposed 1980 resolution: “The committee concluded that it was very important to go beyond the [1947 resolution] in order to more fully and clearly equalize the status of the child of a mixed marriage regardless of which parent is Jewish,” Conversion Committee secretary Joseph Edelheit explained.<sup>140</sup>

Logically, the gendered mismatch in defining Jewish status could have been remedied in two ways: either (1) give Jewish status to children of Jewish women *and* Jewish men without regard to whether the children were raised Jewishly, or (2) require participation in Jewish life to confirm the Jewish status of the children of Jewish men *and* Jewish women. Either would be an egalitarian approach.

However, the former option—granting automatic Jewish status to the children of one Jewish parent, whether father or mother—was never seriously on the table. Reform, a non-halachic movement from its inception, was uncomfortable with the idea of bloodline being the determiner of Jewish status. This went back to the earliest days of Reform in Germany. Samuel Weinstein (then assistant rabbi of The Temple in Atlanta, GA) explained this Reform principle to an Orthodox colleague: “We are Jewish because of what we believe and what we do. While the accident of birth brings many into Judaism, it is not compelling enough to keep them there. In

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<sup>139</sup> *CCAR Yearbook 1983*, 149

<sup>140</sup> *CCAR Yearbook 1980*, 38

the final analysis, we are Jews simply because we choose to be Jewish.”<sup>141</sup> And as Eric Wisnia (West Windsor, NJ) put it: “I feel that there should be standards for being a Jew. I refuse to accept the premise that one born into the people Israel is a member of the people of Israel despite what one does.”<sup>142</sup> Wisnia would say on another occasion: “I will not accept the child as Jewish who does not profess Judaism.”<sup>143</sup>

Zionism and the Holocaust—the mass murder of Jews for no reason other than their Jewish blood—led some Reform Jews to reconsider their aversion to bloodline Jewishness. The rise of *K'lal Yisrael* rhetoric in Reform after the war evinced the growing feeling in Reform that there was something to be said about Judaism as a birth community—that Judaism is not only a community bound by shared religious beliefs, but that bloodline mattered in some sense too. If antisemites were going to kill people for their Jewish blood, it seemed people should get some benefit from Jewish blood, too: the benefit of being Jewish. But other Reform Jews went the opposite direction. That Nazi Germany obsessed over Jewish blood was reason for Reform to distance itself from any talk of bloodline Jewishness, they felt. Why should Nazi Germany be the authority defining Jewishness? Eric Wisnia argued that Reform should not suggest that “nothing is required of the child of a mixed marriage except the fact that he has Jewish blood. In my opinion, this is agreeing with Adolph Hitler that if one of your great grandparents is Jewish—as long as it is the right one—you are a Jew.”<sup>144</sup> Wisnia believed that Jewish status required some sort of Jewish commitment, not just Jewish blood. The overwhelming acceptance of the 1983

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<sup>141</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4: 1984 response from Samuel Weinstein to Emanuel Feldman

<sup>142</sup> *CCAR Yearbook 1982*, 77

<sup>143</sup> *CCAR Yearbook 1983*, 155

<sup>144</sup> *CCAR Yearbook 1983*, 155

resolution suggests that most Reform rabbis agreed with him. Making a bloodline definition of Jewishness gender-equal would not assuage that core discomfort with bloodline Jewishness. The CCAR Committee on Conversion had rejected an exclusive bloodline determiner of Jewishness well before the June 1980 CCAR Convention.<sup>145</sup> The gender-equal option of saying “the children of Jewish women and children of Jewish men are automatically Jewish” was uncomfortable to the Reform rabbinate.

But some Reform rabbis were uncomfortable with the second gender-equal option as well—requiring “being raised Jewish” as determiner of Jewish status of *any* child—on the grounds that it would deny Jewish status to some people who were halachically Jewish. This group (a minority of Reform rabbis) disliked the idea of denying absolute Jewish status to matrilineal Jews; that felt nonsensical or morally problematic or both. Rav Soloff (at that time rabbi in Johnston, PA and a chaplain in Pennsylvania’s mental health program), Jordan Pearlson (founding rabbi of Temple Sinai Congregation of Toronto), and Ari Mark Cartun (who, after ordination by HUC-JIR, declined to work with a Reform-affiliated congregation and instead served as a Hillel rabbi for over twenty years, though he maintained his membership in the CCAR) all made comments to this effect. Rav Soloff said at the 1982 CCAR Convention that he would find “offensive, totally unacceptable, any decision to deny automatic Jewish status to the child of a Jewish mother, to make of Judaism a creed dependent upon education and tests or other systems for determining the education of the child.”<sup>146</sup> Ari Mark Cartun commented that a patrilineality resolution requiring children’s participation in Jewish life in order to be considered

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<sup>145</sup> *CCAR Yearbook 1980*, 36

<sup>146</sup> *CCAR Yearbook 1982*, 77

Jewish “has the effect of disenfranchising the Jewish mother. Where traditional Jewish law recognizes the child of a Jewish mother as automatically Jewish, this new resolution makes such status dubious until the proper ceremonial participation of the child in Jewish life.”<sup>147</sup> Jordan Pearlson similarly expressed concern about “disenfranchising those who already have their Jewishness through Jewish mother [sic] but have not gone to religious school.”<sup>148</sup> Pearlson wanted a path for the children of Jewish men to be granted Jewish status—he wanted to “make certain, clear, and thoroughly acceptable the Jewishness of a child of a Jewish father”—but at the same time did not want to deny automatic Jewish status to children of Jewish women. That’s basically what the 1947 resolution had said: automatic Jewish status for children of Jewish women and negotiated Jewish status for children of Jewish men. Soloff, Pearlson, and Cartun liked that definition and saw no reason to change it.

Of course, for people truly committed to egalitarianism, automatic Jewish status for children of Jewish women and negotiated Jewish status for children of Jewish men was untenable. While non-egalitarianism was a price that some Reform rabbis (including the MARAM rabbis, led by Weiler, and Soloff, Cartun, and Pearlson) were willing to pay for the sake of tradition or Jewish unity, the majority of the CCAR was not willing to relinquish what they viewed as a core tenant of Reform Judaism.

### Argument for Tradition

There were not many true believers in matrilineality within the Reform rabbinate, but there were some. A handful of comments made in the patrilineality debates reveal that some

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<sup>147</sup> *CCAR Yearbook 1983*, 149

<sup>148</sup> *CCAR Yearbook 1982*, 80

Reform rabbis did value tradition, and tradition not insofar as it enabled Jewish unity, but tradition as an independent value.

Karen Soria, a United States-born rabbi working in Australia, argued that telling the children of Jewish fathers and non-Jewish mothers that they were Jewish would amount to a “deception.” “These children are told, ‘Don’t worry, you’re Jewish,’ and then they meet a nice Jewish boy or girl and they are told, ‘You are not Jewish.’ Let’s be honest with them. We are not being fair to them; we are deceiving those people; we are being cruelly unfair to them.”<sup>149</sup> Her comments came simultaneously from a place of empathy and from a place of certainty that such a child *is not actually Jewish*, no matter what the Reform Movement said. That Soria believed Reform embracing patrilineality would be a “deception” and not simply an alternative definition of Jewish status reveals that she personally did not consider patrilineal Jews to be Jews.

Another plea for tradition—specifically a plea for traditional Jewish scholarship—came from Lawrence Silverman (Plymouth, MA). He was uncomfortable with the patrilineality debates occurring on the field of “modern Jewish sociology” rather than Jewish tradition. His observation was correct. The debates did fall along “sociological” arguments, either demographic/Jewish continuity arguments for patrilineality or Jewish unity/acceptance arguments against patrilineality. “We’re dealing with a matter of Halacha and Jewish tradition, not merely a matter of modern Jewish sociology,” Silverman told the Conference. “I find a fault here, and I wish that this matter would be considered more in terms of Jewish sources.”<sup>150</sup> Silverman wanted Jewish scholarship to guide the CCAR’s decision-making, rather than the goal

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<sup>149</sup> *CCAR Yearbook 1983*, 156

<sup>150</sup> *CCAR Yearbook 1982*, 81

of Jewish unity or demographics. Ronald Brown agreed. “I think it is interesting that in a discussion among rabbis regarding patrilineal descent, notably absent is any reference to our tradition,”<sup>151</sup> he said, with perhaps a note of tartness.

A key traditionalist in the Reform Movement was Rabbi Jakob J. Petuchowski.

Petuchowski was born in Berlin and fled to England with his family before the beginning of the war. He studied under Leo Baeck in London before emigrating to the United States in 1948 and being ordained by HUC. He worked for the College for most of his life, serving as Professor of Rabbinics and Theology from 1956. Petuchowski was also the first HUC-JIR Jerusalem director of Jewish Studies for one year when the Jerusalem campus first opened in 1963.<sup>152</sup> But while he spent his professional life within the Reform Movement’s Cincinnati seminary, Petuchowski had significant critiques of Reform. While by and large the HUC-JIR Cincinnati faculty were politically and religiously liberal, Petuchowski was the one notably loud conservative voice. He resigned from the CCAR in 1976 in anger over rising dues<sup>153</sup> so he did not vote on the patrilineality resolutions, but Petuchowski was a strong opponent of patrilineality whose arguments are worthy of examination.

Like many opponents of patrilineality, Petuchowski frequently invoked the language of *K’lal Yisrael*. But his style of argumentation differed from many of the other patrilineality opponents within the Reform Movement. Perhaps because he had spent all but four years of his

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<sup>151</sup> *CCAR Yearbook 1982*, 81

<sup>152</sup> Encyclopedia of World Biography, “Petuchowski, Jakob Josef.” *Encyclopedia.com*. Accessed online July 14, 2024: <https://www.encyclopedia.com/religion/encyclopedias-almanacs-transcripts-and-maps/petuchowski-jakob-josef>

<sup>153</sup> MS-653 (Jakob Petuchowski papers): Box 1, Folder 13: 1975 letter from Petuchowski to Arthur Lelyveld resigning from CCAR

rabbinate teaching rather than doing congregational work, he seemed less afraid of offending the Reform laity than many of his colleagues. He never accepted the 1947 resolution on patrilineality and refused to recognize patrilineal Jews as Jews, e.g. refusing to officiate a marriage between a matrilineal and a patrilineal Jew.<sup>154</sup> And Petuchowski was a genuine conservative. Politically, yes, but also, he valued Jewish tradition for the sake of it being traditional, and he was not afraid to say so. He levied a more aggressive attack than many of his congregational colleagues were willing to make. It was not only because of a “don’t rock the boat” desire for unity that Petuchowski wanted United States Reform to get with the program. He believed in tradition. He believed in matrilineality.

Petuchowski made a historical argument to decry Reform’s divergence from tradition on matters of personal status, arguing that history showed that sectarianism resulted in the splinter groups no longer remaining Jewish. United States Reform’s rejection of the matrilineality principle would inevitably lead to the demise of the denomination. Jewish continuity—a phrase he also used frequently—required a greater commitment to tradition than American Reform had demonstrated. Petuchowski wrote in a letter:

I abide by the definitions of “personal status” as they have been accepted by Jews for the last two millennia. A scattered faith-community like the Jews, with no central religious authority, cannot afford to have individuals change the “entrance requirements” unilaterally. Those who have done so in the past have formed sects and new religions. There is a real danger that American Reform Judaism may move in the same direction.<sup>155</sup>

In another letter (1976), Petuchowski wrote:

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<sup>154</sup> MS-653 (Jakob Petuchowski papers): Box 1, Folder 23: 1976 letter Petuchowski on mikveh for conversion

<sup>155</sup> MS-653 (Jakob Petuchowski papers): Box 1, Folder 23: Letter and response Hartman to Petuchowski

For at least two thousand years, the Jewish people, scattered throughout the world, agreed upon certain requirements for admission to membership in God's Covenant People. . . . [I]f a group of Liberal or Reform Jews in any part of the world decides to alter or to abolish the "laws of personal status" or the traditional conversion requirements, it would either have to convince the whole of kelal yisrael to do likewise, or it will have to be satisfied to be relegated to sectarian status on the periphery, or even outside of kelal yisrael, making it impossible for the children of its members to marry other Jews or even to be considered as Jews at all.<sup>156</sup>

Petuchowski's perspective was that the United States Reform rabbinate did not have jurisdiction to alter the "entrance requirements" of Judaism. Such a change would require consensus from "the Jewish people, scattered throughout the world"—which is to say, *K'lal Yisrael* writ large had to agree on matters of *ishut*.

Like Weiler, Petuchowski wanted to see the CCAR's 1947 resolution overturned. He spoke often about these views before and after Schindler popularized the notion of outreach. Since Petuchowski was not a CCAR member, he did not participate in the patrilineality debates at the CCAR Conventions. But still, he was an important figure in the 1970s and surely influenced many rabbinical students' thinking, including on matters of personal status.

### Why Not Infant Conversion?

Weiler did not understand why Schindler insisted on patrilineality when the problem of Jewish status could be solved with infant conversion (*tevilah* and, if relevant, *b'rit milah*), a process that would satisfy, if not the Orthodox, at least the Conservative and international Reform community. Why not just give the baby a dunk? When the CCAR Committee on Patrilineal Descent solicited feedback from CCAR members on the topic of patrilineality, Weiler

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<sup>156</sup> MS-653 (Jakob Petuchowski papers): Box 1, Folder 23: 1976 letter Petuchowski on mikveh for conversion

wrote: “I do not understand why a sincere effort cannot be made, after a marriage between a Jew and an unconverted Gentile has been consummated, to convert the offspring when it is still a baby. There is ample precedent for it in the Talmud.” He cited several Talmudic and rabbinical teachings on infant conversion, then concluded: “Therefore – I repeat – everything possible should be done to convert the infant offspring of a mixed marriage.”<sup>157</sup>

Indeed, in his own rabbinate, Weiler advocated for infant and child conversions. He wrote in a letter to his MARAM colleagues about an incident that occurred when he served as chairman of the worship community of Mevakshei Derech, the nondenominational congregation Weiler founded in Jerusalem:

בא לפנינו מקרה שהביא רב רקונסטרוציוניסטי. הוא רצה שבן חבר קהילתנו יחוג את טקס הבר מצוה אצלנו. התברר שאימו לא התגיירה אבל משתייכת לקהילתו. אגב, בין 100 חברי קהילתו עשרה אחוז הם באותו מצב. אנו ביקשנו אותו לערוך גיור שקט טרם הגיעו ארצה.

A Reconstructionist rabbi brought us a case. He wanted a member of his congregation to celebrate his bar mitzvah with us. It turned out that his mother had not converted—but she belonged to his congregation. Incidentally, out of 100 members of his congregation, ten are in this same situation. We asked him to perform a quiet conversion ceremony before coming to Israel.<sup>158</sup> [Translation my own]

In this situation, an unnamed Reconstructionist rabbi sought to facilitate a bar mitzvah ceremony in Israel for a congregant. The young boy’s mother was not Jewish. Weiler seemed willing to officiate the bar mitzvah ceremony or to have another member of Mevakshei Derech officiate—but first, the issue of the boy’s Jewish status needed clearing up. Weiler proposed a “גיור שקט”, a “quiet conversion,” before the bar mitzvah ceremony. This would, presumably, be a halachic

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<sup>157</sup> MS-729 (Jerome Malino papers): Box 31, Folder 2: Patrilineal Committee, 1980–1984. Memo Aug 1982 from Schaalman to patrilineal working committee with 10 statements from different rabbis

<sup>158</sup> MS-215 (Moses Cyrus Weiler papers): Box 4, Folder 4

conversion to officially confer the boy Jewish status—but the conversion should be done discreetly, likely so as to not burden or embarrass the family before the *simchah*. To Weiler, the גיור שקט was an obvious solution. (Also notable is Weiler's note of surprise that a non-Jewish woman would belong to a synagogue—something to which rabbis in the United States would be accustomed.)

Infant conversion (and, if too late for that, a גיור שקט) seemed to Weiler to be an easy and halachically sound procedure to confirm the Jewish status of a child of Jewish men and non-Jewish women, and it baffled him that United States Reform rabbis resisted it. Many Conservative rabbis agreed with Weiler on this point. (Many Conservative Jews today still view infant conversion as a common-sense solution to the messiness of patrilineality.) Joseph Hirsch, a Conservative rabbi, wrote to Alexander Schindler in January 1980, just weeks after the UAHC had gone live with its outreach plan, saying: “I think that this insistence on Judaism through the father's line is a pointless meshugass. I don't think it is so terrible to ask the child of a Jewish father and non-Jewish mother to undergo a conversion ceremony.”<sup>159</sup>

Interestingly, there is little recorded response from the Reform patrilineality advocates to this point. It is possible that they felt their response was so obvious it did not warrant an explanation: it actually *was* offensive to ask couples to convert their children. I cannot know why patrilineality advocates did not discuss infant conversion, but can speculate. First: to insist upon infant conversion would undermine the Reform principle (per the 1947 resolution) that “being raised Jewish” was the determiner of Jewish status. Second: to insist on conversions for children of non-Jewish women but not non-Jewish men would be to undermine Reform's doctrine of

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<sup>159</sup> MS-630 (Alexander Schindler papers): Box 10, Folder 1: 1980 Letter from Joseph Hirsch to Schindler

egalitarianism. And third, and most importantly: to insist on “ceremonial” conversions of such children, a ceremony done not out of religious conviction but out of fear that, without it, other people might some day deny the child’s Jewishness—well, that would undermine Reform integrity completely. Alfred Gottschalk, president of HUC-JIR, made that point when an interviewer asked him if Reform rabbis would agree to require “symbolic conversion” of patrilineal Jews if doing so enabled compromise with Orthodoxy: “Symbolic conversion is like being a little bit pregnant. I don’t know what it is. You’re either converted or you’re not converted. You require it or you don’t require it.”<sup>160</sup> For United States Reform rabbis who still saw “duties of conscience” as a paramount requirement, the notion of rabbis officiating a “ceremonial conversion” not out of personal conviction but to gratify some other Jewish polity was nonsensical. For this camp, a גיור שקט was not on the table.

And so, while Weiler and his supporters saw conversion as a common-sense solution, Schindler and his supporters understood implicitly that infant conversion was a non-starter for United States Reform Jews. This was one of many ways in which Weiler did not understand the ideological foundations of the majority of his Reform rabbinical colleagues.

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<sup>160</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4. June 1989 interview with Alfred Gottschalk in *Jewish Post and Opinion*

## Chapter 5: Reconstructing the Vote

### 1979-1980: Turf Wars

Rabbis were champing at the bit to opine on the question of patrilineality in the aftermath of the UAHC outreach proposal. With so many opinions, jurisdictional battles emerged on multiple fronts.

The first level of jurisdictional battle was whether United States Reform had any right to diverge from halacha on matters of *ishut*. Traditionalists like Weiler and Petuchowski had said no. But by and large, the United States Reform Movement felt the answer was yes. Schindler had claimed the right of the UAHC (i.e., the organized American Reform laity) to define Jewish status; and so now it was up to the CCAR to affirm or reject this assertion.

Thus, the next level of jurisdictional battle was between Reform laity and Reform rabbis. With his widely discussed and splashy outreach plan, forceful rhetoric, and bold stances, Schindler made a name for himself as figurehead of Reform Judaism. There was frustration among some rabbis that Schindler had charged ahead with publicizing the UAHC's desire for patrilineality without having discussed first with the CCAR. Joseph Edelheit alluded to that frustration when addressing the rabbis at the 1982 CCAR Convention: "Our colleague, Rabbi Alex Schindler, knew what the CCAR was involved in when he brought his challenge on Patrilineal Descent to the UAHC," Edelheit insisted, "though some may have mistaken his charge as a preemption of this Conference."<sup>161</sup>

The UAHC was a powerhouse; and the CCAR feared that their authority was being eclipsed. The CCAR Committee on Patrilineal Descent therefore felt pressure to work quickly.

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<sup>161</sup> *CCAR Yearbook 1982*, 73

This is clear in a note Glaser wrote to Schaalman in November 1980, a month before the Committee on Patrilineal Descent would gather for the first time at Grossinger's Hotel in the Catskills:

It would be good if we could come out of the Grossinger meeting with a definite approach which could then be reported to the [UAHC] Boston Biennial *as the decision of the CCAR*. If we don't, it is possible that they could grab the ball away from us again.<sup>162</sup> [Emphasis Glaser's]

Gunther Plaut wrote in a memo to the Committee on Patrilineal Descent: "I believe it is agreed by all that if the question of patrilineal descent had not been raised by Alex Schindler, the practice as enunciated in the Rabbi's Manual would have been deemed satisfactory by the Conference."<sup>163</sup> Alfred Gottschalk felt similarly, telling the *Jewish Post and Opinion* in 1989 that patrilineality "surfaced because of lay pressure."<sup>164</sup> CCAR leadership felt strongly that they show the world that rabbis, and not the laity, define Jewish status. They wanted to retain rabbinic authority, and to do that, they knew they needed to make a decision.

The third level of jurisdictional battle was within the CCAR itself. In 1979 and 1980, various committees discussed patrilineality, including the Family Life Committee, Reform Practices Committee, Responsa Committee, and Conversion Committee, as well as the CCAR Board.<sup>165</sup> Each committee had a different angle on how to approach the issue—and each thought that it should be the group to write the resolution.

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<sup>162</sup> MS-729 (Jerome Malino papers): Box 31, Folder 2. Patrilineal Committee, 1980–1984. Nov 1980 letter Glaser to Schaalman

<sup>163</sup> MS-729 (Jerome Malino papers): Box 31, Folder 2: Aug 16, 1982 memo from Gunther Plaut to Committee on Patrilineal Descent

<sup>164</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4. June 1989 interview with Alfred Gottschalk in *Jewish Post and Opinion*

<sup>165</sup> MS-729 (Jerome Malino papers): Box 31, Folder 2. Patrilineal Committee, 1980–1984: Minutes CCAR Committee on Conversion meeting Feb 12–13, 1980

The Conversion Committee and the Responsa Committee both submitted resolutions on the topic for debate at the June 1980 CCAR Convention (Pittsburgh, PA). The Conversion Committee, favorably inclined toward Schindler's outreach program, proposed a resolution defining Jewishness as passing through both the father and the mother (Resolution 7A). The Responsa Committee countered with a resolution asking that it (the Responsa Committee) investigate and report on the issue of patrilineality (Resolution 7B): it wanted more time to discuss the matter.

Resolution 7A (proposed by the Conversion Committee) read:

The Central Conference of American Rabbis takes cognizance of the historic background that underlies the traditional position which holds that the maternal line determines the Jewishness of progeny. Nevertheless, since 1947 the Central Conference of American Rabbis has held that authentic Jewishness with regard to the identity of children of mixed marriages where the mother is not Jewish ultimately depends upon how the child of such a mixed marriage is reared and educated. This policy has been reflected in the Rabbi's Manual since 1961 (page 112).

Now, we further affirm that, in the case where the father is Jewish and the mother is not, or where the converse obtains – the mother being Jewish and the father not – the identity of the child will be determined by his or her participating in those educational activities and rites of Jewish life which lead to Bar/Bat Mitzvah and/or Confirmation. Such a child is Jewish by virtue of the family's intention to rear the child as a Jew.

And Resolution 7B (proposed by the Responsa Committee and backed by the Resolutions Committee) read:

Resolved, That the question of patrilineal descent be referred to the Responsa Committee of the CCAR for full study of the resolution's halachic background and other implications, with a mandate to report its recommendations to a future CCAR convention.

The Responsa Committee felt that it was the group best equipped to establish Reform policy on patrilineality—and unsurprisingly believed that a responsum would be a better approach than a resolution. Responsa Committee chair Walter Jacob wrote to the CCAR Board

urging the Conference to take time to study the halacha before making a decision on patrilineality.<sup>166</sup> Jacob then read the same letter aloud to the full Conference at the June 1980 CCAR Convention, when speaking in support of Resolution 7B:

The Responsa Committee spent several hours in debating the matter, and these lengthy discussions made it quite clear that there are numerous halachic issues which must be investigated in detail before the Conference is really making up its mind on this matter. . . . The question contains overtones for every aspect of Jewish law and, of course, touches upon our relationship not only with other groups, but also our relationships with other Reform Jewish groups. We have had a number of problems with the specific resolution as well.<sup>167</sup>

Striking here is that even the chair of the Responsa Committee, whom we might have thought would be preoccupied solely with arguments derived from halacha Jewish tradition, made a sociological argument: the question of patrilineality “touches upon our relationship not only with other groups, but also our relationships with other Reform Jewish groups.” The comment reveals that even the Responsa Committee was concerned not only with halacha but also with inter-communal Jewish politics.

Jacob went on to list two concerns that the Responsa Committee had with 7A, the patrilineality resolution proposed by the Conversion Committee. The first was that Resolution 7A redefined Judaism from a “religion of birth” to a “religion of faith” (several rabbis would disagree on this point during the ensuing debates: they had long held Judaism to be a religion of faith, not a religion of birth). The second: a “being raised as Jewish” requirement would withhold Jewish status from people who were halachically Jewish. Jacob went on to articulate the stakes

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<sup>166</sup> MS-630 (Alexander Schindler papers): Box 11, Folder 11. 5/7/80 memo from Theodore K. Broido to Schindler and others: report to Executive Committee of the CCAR

<sup>167</sup> MS-34 (Jerome Malino papers): Box 49: Materials from 1980 CCAR Convention. Transcript of 1980 CCAR Convention, 251–289

of a patrilineality resolution, contending that a resolution would affect not only the American Reform rabbinate, but “children and parents who will face us again and again in America and in Israel.” He suggested that a responsum, rather than a resolution, would be a more circumspect approach:

We may not wish to come to a decision to a resolution at all, but may seek to do so through a Responsa [sic], which would be a slightly different path, one that might not involve as many hostilities with other groups, both within the Reform Movement and with other groups in Judaism in general.

Jacob’s comments suggest that he maintained hope that the Responsa Committee could muster a sufficiently sound halachic argument so as to convince “other groups” (likely non-United States Reform and Conservative Judaism) about the merits of patrilineality—or, at the very least, muster a halachic argument persuasive enough to assuage the other groups’ perception that United States Reform was increasingly radical and disinterested in Jewish unity. A solid halachic argument would show other groups that Reform was not reckless, and not unduly influenced by sociology or demography, but rather, committed to Jewish tradition and merely viewed the traditional sources differently. Jacob just needed time to put together such an argument. Of course, Jacob’s very desire to make a halachic argument in order to prove Reform’s commitment to tradition to other denominations is itself a political motivation as much as a religious one.

Debate on the two resolutions opened after 11pm at the 1980 Convention.<sup>168</sup> Arguments were vigorous. In response to Walter Jacob’s insistence that the CCAR needed more time to study the halacha before making a decision on patrilineality, Joseph Edelheit, speaking on behalf of the Conversion Committee, retorted that the resolution had been on the Conversion

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<sup>168</sup> MS-34 (CCAR papers): Box 49: Materials from 1980 CCAR Convention. Transcript of debate on Resolution 7, Identity of Children of Mixed Marriages

Committee's agenda for over two years and had already "undergone a serious stack of deliberations." He claimed that the Conversion Committee had been drafting a resolution on patrilineality even before Schindler's call for outreach.

At one point, CCAR leadership had hoped that the Responsa Committee and Conversion Committee would write a patrilineality resolution jointly, but it became obvious that that would be untenable because the two committees' viewpoints diverged too drastically. Sheldon Zimmerman proposed that the president of the CCAR instead appoint a new committee "who will thoughtfully, carefully look at this issue from all perspectives—human, egalitarian, halachic, historical, with a concern for the Jewish people."

There seemed to be a sense of relief when Zimmerman suggested a new committee. Ultimately, neither 7A nor 7B would pass. The Conference was not ready to embrace 7A, but many rabbis seemed uncomfortable with the idea that the Responsa Committee would be the group drafting a policy on patrilineality—a committee which, I think it is fair to say, was more committed to halacha than the Reform rabbinate as a whole. Would the Responsa Committee take the social, moral, and demographic concerns of the pro-patrilineality camp into consideration? Was there a risk that the Responsa Committee might, after studying the halacha, come to the conclusion that patrilineality was *not* acceptable, throwing more fuel on the fire of the debate? For many Reform rabbis, and certainly for most Reform Jews, patrilineality was about more than halacha, because their Judaism was about more than halacha.

The Conference endorsed Zimmerman's suggestion that CCAR leadership create an entirely new committee, the Committee on Patrilineal Descent, to write a resolution on patrilineality that the majority of the Conference could get behind. The CCAR voted to establish a 20-person Committee on Patrilineal Descent with members appointed by Jerome Malino

(CCAR President 1979–1981) and chaired by Herman Schaalman (CCAR President 1981–1983). This was the committee that was to draft a statement of policy vis-à-vis patrilineality.

CCAR president Jerome Malino accepted the responsibility of appointing a Committee on Patrilineal Descent. But when doing so, he also made it clear that while he hoped that the new committee would “work with all deliberate speed,”<sup>169</sup> he recognized that it might not be ready to present at the following year’s Convention, which was to be held in Israel. “It is much too soon to be able to predict the tempo with which that special committee, which has not yet been appointed, will be able to deal with the subject,” he warned the Conference. “I don’t think we can count” on the Committee being ready with proposed language about patrilineality within a year.

Malino’s sense of the timeline was correct: patrilineality was not on the docket at the June 1981 CCAR Convention. Perhaps this was because the Committee on Patrilineal Descent was not yet ready to present a proposal. Or perhaps Malino declined to include the matter on the schedule out of deference to Israeli colleagues. The 1981 Convention was held in Jerusalem. Israeli colleagues were seemingly unanimously opposed to patrilineality and had made it known that United States Reform pushing the issue would make the work of Reform in Israel more difficult. The Committee may have felt that pushing the issue while gathering in Jerusalem would have been provocative or contemptuous toward Israeli colleagues. While the Conference

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<sup>169</sup> The phrase “with all deliberate speed” came from the Supreme Court’s follow-up a year after its groundbreaking *Brown v. Board of Education of Topeka* (1954) ruling that schools must desegregate. In “*Brown II*,” the Court delegated the methods and timeline of desegregation to district courts, ordering only that states act “with all deliberate speed.” “All deliberate speed” in that context came to mean “slowly, if at all.” Given that Malino was a supporter of patrilineality, it seems unlikely that he was making a direct reference. However, his use of the phrase reflects the Reform rabbinate’s familiarity with U.S. legal terminology. (347 U.S. 438; 349 U.S. 294)

discussed and passed five resolutions related to outreach at the 1981 Convention, none were about patrilineality.

After the March 1980 Convention, there was a scramble to put together the Committee on Patrilineal Descent. Jerome Malino (CCAR president), Herman Schaalman (incoming CCAR president), and Joseph Glaser (executive vice president of the CCAR, a staff position) approached the formation of the Committee with great care. Schaalman would serve as chair. The Committee's membership carefully reflected the ideological diversity of the Reform rabbinate on the matter. Its members were: Alfred Gottschalk<sup>170</sup>; Ben Zion Wacholder<sup>171</sup>; Leonard Kravitz<sup>172</sup> (all employed by HUC-JIR); Alexander Schindler (representing the UAHC); academic Robert Seltzer<sup>173</sup>; and congregational rabbis Walter Jacob<sup>174</sup>; Peter Knobel<sup>175</sup>; Julius

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<sup>170</sup> Gottschalk was born in Germany and came to the United States in 1939. He became president of HUC-JIR in 1971; in 2021, the Report of Investigations into Allegations of Misconduct at HUC-JIR, researched and written by law firm Morgan Lewis, named Gottschalk as a perpetrator of sexual misconduct. He was a patrilineality skeptic.

<sup>171</sup> A Holocaust survivor, Wacholder was at this time a professor of Talmud and Rabbinics and the Solomon B. Freehof Professor of Jewish Law and Practice at the Cincinnati campus of HUC-JIR.

<sup>172</sup> Leonard Kravitz was Professor of Midrash and Homiletics at HUC-JIR, with a specialty in Maimonides.

<sup>173</sup> Seltzer went into academia rather than congregational life after ordination by HUC-JIR in 1961. He became a historian of modern Jewry, serving as professor of Jewish History at Hunter College in New York City.

<sup>174</sup> As mentioned previously, Jacob was chair of the Responsa Committee and favored a deliberative process toward making a decision on patrilineality, with a decision that justified itself—if not grounded itself—in halacha. He served the Rodef Sholom Congregation in Pittsburgh, PA. CCAR president 1991-1993.

<sup>175</sup> Knobel was a congregational rabbi who had just begun his tenure as senior rabbi at Beth Emet The Free Synagogue in Evanston, IL (where he would serve for thirty years). CCAR president 2007-2009.

Kravetz<sup>176</sup>; Samuel Karff<sup>177</sup>; Albert Friedlander<sup>178</sup>; Jerome Folkman<sup>179</sup>; Stanley Dreyfus<sup>180</sup>; Max Shapiro<sup>181</sup>; W. Gunther Plaut<sup>182</sup>; Joshua Haberman<sup>183</sup>; Isaiah “Shy” Zeldin<sup>184</sup>; and Daniel

<sup>176</sup> Kravetz, HUC ordination class of 1934, was active in the CCAR (a member of the Responsa Committee) and had long had an interest in intermarriage; e.g. thirteen years earlier Kravetz had contributed a paper to Louis A. Berman’s book *Jews and Intermarriage: A Study in Personality and Culture* (New York: T. Yoseloff 1968).

<sup>177</sup> Karff was known as a civil rights advocate and a congregational rabbi who then served as senior rabbi of Congregation Beth Israel in Houston, TX. CCAR President 1989-1991.

<sup>178</sup> Friedlander was the only Committee member who did not live in the United States. He emigrated from Germany in 1939 and was ordained by HUC in 1952. In 1966 he moved to Britain where he spent the rest of his life, working at the Wembley Liberal Synagogue, Leo Baeck College, and the Westminster Synagogue.

Paul Oestreicher, “Obituary: Rabbi Albert Friedlander,” *The Guardian*. Published July 12, 2004. Accessed online March 2025:

<https://www.theguardian.com/news/2004/jul/13/guardianobituaries.germany>

<sup>179</sup> Folkman was an active CCAR volunteer and a congregational rabbi. Ordained by HUC in 1928, he worked at congregations in Michigan before becoming rabbi of Temple Israel in Columbus, OH in 1947, where he remained for the rest of his career.

“Finding Aid to the Jerome D. Folkman Papers,” Manuscript Collection No. 679, 1928-1993. AJA. Accessed online March 2025:

<https://collections.americanjewisharchives.org/ms/ms0679/ms0679.html>

<sup>180</sup> Dreyfus was ordained by HUC-JIR in 1946. After a career in congregational life, he served as CCAR director of rabbinic placement from 1980-1991. In the course of his career he sat on many CCAR committees, including the Responsa Committee, the Reform Jewish Practice Committee, the Committee on Homosexuality and the Rabbinates, among others, but was never CCAR President.

Encyclopaedia Judaica, “Stanley A. Dreyfus,” Encyclopedia.com. Published February 10, 2025. Accessed online March 2025: <https://www.encyclopedia.com/religion/encyclopedias-almanacs-transcripts-and-maps/dreyfus-stanley>

<sup>181</sup> Shapiro served Temple Israel in Minneapolis, MN immediately upon his ordination in 1955 until 1985.

Mordecai Specktor, “Remembrance: Rabbi Max A. Shapiro,” *A.J.W. News*. Published May 23, 2020. Accessed online March 2025: <https://www.ajwnews.com/remembrance-rabbi-max-a-shapiro-temple-israels-spiritual-leader-for-three-decades-and-a-force-for-social-uplift-and-interfaith-understanding/>

<sup>182</sup> For more on Plaut, see pages 34-35. CCAR President 1983-1985.

<sup>183</sup> Haberman was born in Vienna and attending Vienna’s rabbinical seminary in 1938 when Nazis annexed Austria and HUC-JIR invited him to finish his rabbinical studies in Cincinnati.

Silver<sup>185</sup>. Jerome Malino and Joseph Glaser also sat on the Committee in an ex officio capacity.<sup>186</sup> The committee was therefore diverse in geography, ideology, and backgrounds (including rabbis who served in both congregational and academic settings and who represented the three Reform Movement legacy organizations: HUC-JIR, CCAR, and the UAHC).

Schindler wrote to Malino suggesting that his UAHC colleague Bernard Zlotowitz (who was also, as mentioned in Chapter Three, Schindler's friend and researcher) be appointed to the Committee. Malino, after discussing with Schaalman, declined.<sup>187</sup> Perhaps Schaalman—who

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He was ordained in 1945. Haberman served congregations in Alabama, New York, and Trenton before becoming senior rabbi of Washington Hebrew Congregation in Washington, D.C., where he served from 1969-1986. He was a self-proclaimed “ardent Zionist” who held dual Israel-American citizenship and spent sabbaticals and long portions of time in Israel.

“Biographical Sketch: The Rabbi Joshua O. Haberman Digital Collection,” Manuscript Collection No. 915, 1926-2017. AJA. Accessed online March 2025:

<https://haberman.americanjewisharchives.org/haberman/biographical-sketch/>

<sup>184</sup> Zeldin was the founding rabbi of the significant Stephen Wise Temple in Los Angeles, CA.

Harvey Kubernik, “Reflections on a Life: Rabbi Isaiah Zeldin (1920-2018),” *Wisela.org*.

Published January 29, 2020. Accessed online March 2025: <https://wisela.org/reflections-on-a-life-rabbi-isaiah-zeldin-1920-2018/>

<sup>185</sup> Four years after his ordination from HUC in 1952, Silver began working for The Temple in Cleveland, OH, where he served as associate and then senior rabbi until his death in 1989. He published several books and served as editor of the *CCAR Journal* for ten years. His father, Abba Hillel Silver, was CCAR President 1945-1947.

“Daniel J. Silver, 61, Rabbi and an Author,” *The New York Times*. Published December 21, 1989. Accessed online March 2025: <https://www.nytimes.com/1989/12/21/obituaries/daniel-j-silver-61-rabbi-and-an-author.html>

<sup>186</sup> Joseph Edelheit, despite being an active member of the Conversion Committee, was not invited to sit on the Committee on Patrilineal Descent. Perhaps his colleagues found him difficult or ineffective in one way or another.

MS-729 (Jerome Malino papers): Box 31, Folder 2: Patrilineal Committee, 1980–1984. Sept 1980 memo from Herman Schaalman giving notice of first meeting of Patrilineal Committee

<sup>187</sup> A handwritten note on Schindler's memo in Malino's papers reads: “Schaalman says ‘No’!”—suggesting Schaalman vetoed the idea of appointing Zlotowitz to the Committee.

himself was a sort of centrist on the patrilineality issue—was uncomfortable with the idea that Schindler might influence the Committee, or be perceived as doing so.

Another reason to be careful about the make-up of the Committee was that it had a real and specific charge: to draft a resolution on patrilineality that the majority of the Conference could get behind, and to do so speedily. It was not because CCAR leadership had Schindler's level of passion for the issue of patrilineality (either positively or negatively) that they were so eager to have a resolution, but rather, that old matter of institutional territorialism.

Many United States Reform rabbis would have preferred not to have the Movement wade into the dangerous waters of the patrilineality debate at all. But Alexander Schindler had raised and publicized the issue, and if the CCAR did not publish a statement, it would seem to the world like it was the laity and not the rabbis who called the shots in the Reform Movement. The Committee on Patrilineal Descent recognized how fraught the issue was. On one hand, they disliked the idea of taking a loud anti-halachic stance that could create a schism from other denominations/*K'lal Yisrael*. That seemed unnecessarily combative, and it would put the burgeoning Reform Movement in Israel in a tough position. On the other hand, if the United States Reform rabbis went to the other extreme, as Weiler had asked the Movement do back in the early 1970s, and all of a sudden demanded conversions for offspring of intermarried Jewish men, that would hurt their congregants, who for forty years had heard their rabbis communicate, implicitly or explicitly, that United States Reform Judaism accepted patrilineality. The Committee was in a difficult position. Members of the Committee met with European Reform colleagues in Paris and with Israeli Reform colleagues in Jerusalem, as well as with the Law

Committee of the Conservative Rabbinical Assembly, to gauge what the reaction from different groups might be.<sup>188</sup> And then, forced to say *something*, the Committee crafted a carefully-worded statement on Jewish status with the hopes of offending as few people as possible.

#### 1982: The Derivability Resolution That Was Not to Be

The Committee on Patrilineal Descent presented the following resolution at the June 1982 CCAR Convention (New York, New York):

Where only one of the parents is Jewish, the Jewishness of a child is derivable from the Jewish parent, and is expressed by participation in Jewish life.

The Committee had arrived at the language of “derivability” after extensive discussion. A child’s Jewishness “is derivable from the Jewish parent,” the proposed resolution read: what did that mean? Schaalman explained that “the key word ‘derivable’ is permissive and not prescriptive; that it opens a possibility and does not have mandatory intent or language.”<sup>189</sup> The idea was that rabbinic discretion would be maintained. A Reform rabbi *could* accept but was *not required* to accept the Jewishness of the children of a Jewish man and gentile woman. When introducing the resolution at the CCAR Convention, Schaalman stressed that this statement would not be binding upon rabbis in any way.

Gunther Plaut, a member of the Committee on Patrilineal Descent, had championed the idea of a non-binding, not-saying-very-much-at-all statement.<sup>190</sup> Earlier he had suggested a similar formulation to the Committee:

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<sup>188</sup> *CCAR Yearbook 1982*, 67

<sup>189</sup> *CCAR Yearbook 1982*, 76

<sup>190</sup> MS-729 (Jerome Malino papers): Box 31, Folder 2: Patrilineal Committee, 1980–1984. Draft report of CCAR Committee on Patrilineal Descent dated Aug 7, 1981

In a mixed marriage, the child of either a Jewish father or a Jewish mother has claim on Jewish status.

Such a statement would not require Reform rabbis to accept the Jewish status of such a child (after all, the child “has a claim on Jewish status,” not “is Jewish”) but would allow them to do so. “Claim on Jewish status” or “derivability” was a way to cut the difference. Plaut was optimistic that such a formulation would be imprecise enough to please everyone in the CCAR, writing:

Such a statement is both distinctly Reform and yet open-ended enough so that no one can object—except those who want to say outright that the child of a Jewish father is a Jew. While no Orthodox halakhist could agree to this statement, every single member in our movement could. It is my proposal that we do *not* exemplify the statement further. [Emphasis Plaut’s]

Plaut offered that Schindler and his allies would accept this language for its gender equivalence; it could reasonably be read as saying that the children of Jewish men and Jewish women are to be treated exactly equally. Schindler was not pushing for a stance that automatically conferred Jewish status to every child born to a Jewish mother or father. He, like most Reform Jews, was comfortable with “being raised Jewish” as a necessary factor for Jewish status. He cared about absolute gender equality, which this resolution provided. And, Plaut continued, opponents to patrilineality would be assuaged by its nonbinding language; perhaps “claim on Jewish status” could even be understood to mean that such a claim would not be realized until a halachic conversion.

Our traditional colleagues would be satisfied because it does not spell out precisely how this status is to be realized. Some may still require conversion and others may accept the child of a Jewish father as a full Jew even without Jewish education. . . . In other words, the above formulation makes it possible to continue

our current practice and make a statement of principle which all of us would be prepared to endorse.<sup>191</sup>

The “derivability” or “claim on Jewish status” advocates did not want a controversial new statement on patrilineality. As Plaut’s comments reveal, they really would have preferred to stick with the “current practice”: de facto patrilineality as a Movement but with room for individual Reform rabbis to not accept patrilineal Jews as they saw fit.

Plaut was correct in predicting that the “derivability” resolution would satisfy Schindler. Schindler advocated for it enthusiastically at the 1982 Convention. Likely he was eager to take the win and felt confident in his ability to frame it to the Movement as a full-throated endorsement of patrilineality.

But other patrilineality supporters were concerned. “Derivability” was too abstract. Were these children Jews or not? Would the Reform Movement withhold Jewish status from children who hadn’t adequately proven to their rabbis that they were committed to “participation in Jewish life”?<sup>192</sup> Many rabbis were concerned that a vague educational requirement for Jewish status, seemingly up to the discretion of each rabbi, would unduly exclude people. This was a demographic issue but also a moral one.

Sheldon Zimmerman was among the rabbis who favored patrilineality but were skeptical about the 1982 resolution. Zimmerman wanted a precise resolution; this wishy-washy language served no purpose. The Reform Movement had reopened discussions on patrilineality as a part of outreach, Zimmerman argued, “to enlarge somehow that class which we call the Jewish people,

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<sup>191</sup> MS-729 (Jerome Malino papers): Box 31, Folder 2: Patrilineal Committee, 1980–1984: Aug 1982 memo Schaalman to Patrilineality Committee

<sup>192</sup> *CCAR Yearbook 1982*, 82

to reach out to children of mixed marriages, and to include as part of our people both the children of Jewish mothers and the children of Jewish fathers.” But with a vague educational requirement, “not only shall we not enlarge the group, we shall diminish it.” Zimmerman made a passionate appeal for a maximally expansive definition of Jewishness, invoking the Holocaust:

How can we as rabbis maintain such a position of exclusion when we talk about diminishing Jewish population? How can we maintain such a position of exclusion after Auschwitz? How can we in good conscience say to anyone who wants to be a Jew, ‘You are not a Jew because your parents did not give you a Jewish education’? This Conference must never, in principle or in name, never go on record with that kind of a statement.<sup>193</sup>

Other rabbis who supported the derivability motion tried to convince Zimmerman that it was maximally inclusive, but he was not persuaded. The vagueness troubled him as he felt it left the door theoretically open for Jews—matrilineal and patrilineal—to be denied Jewish status.

The derivability resolution ultimately fell flat. Perhaps the Committee had viewed it as a deft compromise statement that would satisfy the need for the CCAR to say something about patrilineality while offending as few people as possible. But it appears that’s not what the majority of the members of the Conference wanted. Both pro-patrilineality and anti-patrilineality members had significant concerns about the statement. They disliked its vagueness and besides, many people *wanted* to take a strong stance. The Conference voted to refer the motion back to the Committee by a narrow margin: 160 for reconsideration, 146 against reconsideration<sup>194</sup>.

### 1983: The Patrilineality Resolution That Succeeded

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<sup>193</sup> *CCAR Yearbook 1982*, 82

<sup>194</sup> MS-34 (CCAR papers): Box 48. Transcript of Report of Committee on Patrilineal Descent at 1982 CCAR Convention

The fiery debates about patrilineality at the March 1983 CCAR Convention (Los Angeles, CA) took place on a sociological field. Moses Cyrus Weiler, in arguing against patrilineality, urged for sensitivity to *K'lal Yisrael*. Alexander Schindler then took the stage to appeal to Reform integrity; argue for men's rights; plead for empathy for children for intermarriage; and decry an Israeli government that would put its hand on the scale of a decision that rightly belonged to the United States Reform Movement. Both parties' rhetoric was grounded in sociological and demographic concerns; both arguments were, at some level, jurisdictional arguments.

Ultimately, the CCAR voted to pass the Committee on Patrilineal Descent's revised resolution with overwhelming support. It read:

The Central Conference of American Rabbis declares that the child of one Jewish parent is under the presumption of Jewish descent. This presumption of the Jewish status of the offspring of any mixed marriage is to be established through appropriate and timely public and formal acts of identification with the Jewish faith and people. The performance of these *mitzvot* serves to commit those who participate in them, both parent and child, to Jewish life.

Depending on circumstances (1), *mitzvot* leading toward a positive and exclusive Jewish identity will include entry into the covenant, acquisition of a Hebrew name, Torah study, Bar/Bat Mitzvah, and *Kabbalat Torah* (Confirmation). (2) For those beyond childhood claiming Jewish identity, other public acts or declarations may be added or substituted after consultation with their rabbi.

The two footnotes read:

- (1) According to the age or setting, parents should consult a rabbi to determine the specific *mitzvot* which are necessary.
- (2) A full description of these and other *mitzvot* can be found in *Shaarei Mitzvah*.

The key change in the 1983 resolution over the 1982 version was the new language "presumption of Jewish status." David Belin, a layperson, lawyer, and chairman of the joint UAHCCAR Task Force on Reform Jewish Outreach, explained the "presumption" thusly: "If either one of your parents was Jewish, you are presumed to be a Jew, unless you affirmatively

identify with another religion. This has the virtue of certainty and simplicity as well as the virtue of not discriminating between those whose mother was Jewish and those whose father was Jewish.”<sup>195</sup> Rav Soloff would suggest that readers should understand the slightly clumsy English phrase “under the presumption of Jewish status” as a *hazakah*: a presumptive right. The child of a Jewish parent is *behazakah* Jewish. (A few months after the resolution passed, Soloff wrote to his colleagues urging the CCAR to make another statement: one clarifying the circumstances under which a person of Jewish descent could relinquish the *hazakah* and therefore lose his/her status as a Jew—e.g., Christian baptism.<sup>196</sup>)

The resolution began with a line clarifying for whom the CCAR felt it could reasonably speak: “The purpose of this document is to establish the Jewish status of the children of mixed marriages in the Reform Jewish community of North America.” The CCAR, and the UAHC, represented North American Reform Jewry, not international Reform (that would be the World Union for Progressive Judaism). Or at least technically, the CCAR represented Reform rabbis serving all of North America: it was, and remains, predominantly a United States group. At the time of the 1983 CCAR Convention, the Conference had 1,365 members.<sup>197</sup> Five lived in Brazil, 28 in Canada, and two in the U.S. Virgin Islands. Outside of North America, there were eight CCAR members in Australia, 12 in England, 35 in Israel, eight in South Africa, one in Switzerland, one in Taiwan, and three in West Germany.<sup>198</sup> That left 1,262 of 1,365 (92.5%) of CCAR members living in the United States. Rabbis from the United States vastly outnumbered

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<sup>195</sup> *CCAR Yearbook 1983*, 72

<sup>196</sup> MS-859 (Rav Soloff papers): Box 2, Folder “CCAR Responsa Committee” (3 such labeled folders). Soloff correspondence with Responsa Committee June 1983

<sup>197</sup> *CCAR Yearbook 1983*, 165

<sup>198</sup> *CCAR Yearbook 1983*, 455-458

their international colleagues in the rest of North America. Canadian Reform was and would continue to be opposed to patrilineality, but the rabbis from the United States easily outvoted the Canadians. Non-North American Reform rabbis were welcome to be CCAR members and often Israeli rabbis who belonged to MARAM—the Israeli Reform rabbis’ professional association—had a presence at CCAR Conventions. But the CCAR understood itself to be a North American body.

Further evidence that the CCAR saw its jurisdiction as United States Reform is found in minutes from a meeting of the Committee on Patrilineal Descent held in September 1983, a few months after the CCAR had passed the patrilineality resolution. The minutes note that the Committee agreed that “since the resolution was specific for North American Jewry we had no special obligation to answer any of the discomfort or attacks by non-North American colleagues at this time.”<sup>199</sup> The Committee members, and the CCAR as a whole, recognized that they could not speak for worldwide Reform. They also understood their mission as a Conference as to serve the needs of North American Reform Jewry—and really, the needs of United States Reform.

Peter Knobel opened discussions by presenting a report of the Committee on Patrilineal Descent. He commented that the proposed resolution came about because “since Emancipation, Jews have faced the problem of mixed marriage and the status of the offspring of mixed marriage. The Reform Movement responded to the issue.” Knobel explained the motivation for the resolution: historical, sociological, and demographical. He marshalled a few Jewish traditional sources—the Torah, Talmud, and *Shulchan Aruch*—to trace how early

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<sup>199</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4. CCAR Patrilineality Committee minutes 9.26.83

Israelite/Jewish tradition took the paternal line as decisive for tracing Jewish descent, which shifted to the maternal line.<sup>200</sup> And with that: the debates opened.

Moses Cyrus Weiler, who had traveled from Israel to participate in the debate, had fifteen minutes (by vote of the Conference) to read a statement on behalf of MARAM opposing the resolution. He began by questioning the resolution's insistence that it spoke only for the Reform Jewish community of North America: "the actions of the CCAR cannot be limited by geographical boundaries," Weiler contended. "In matters of *ishut*, the policies and acts of the American rabbinate affect not only American Reform Jews but World Jewry. . . . Even though the motivation is to resolve a pressing problem for our American movement, in effect we legislate for the entire Jewish people."<sup>201</sup>

Weiler's comment was therefore a statement about jurisdiction, which he believed the CCAR lacked. He insisted that the CCAR should recognize the import of this decision not only for United States Reform but for the entire Jewish community. He urged for sensitivity to *K'lal Yisrael*. He spoke at length about how Conservative and Reform Judaism had so far successfully prevented Israel's Law of Return from being amended to exclude non-Orthodox converts, but that the passage of this resolution would throw that project into peril, and indeed create a whole new class of people who understood themselves to be Jewish but whose Jewishness would not be accepted by the state of Israel. He also raised a factual concern he had with the document—the historical rationale it gave for matrilineality was inaccurate—and concerns about its "ambiguous and obfuscating" language.

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<sup>200</sup> CCAR Yearbook 1983, 157-160

<sup>201</sup> CCAR Yearbook 1983, 146-147

In a rhetorical question revealing how Weiler fundamentally did not grasp that Reform had long held a strand of discomfort with bloodline as determiner of Jewish status, he asked the Conference if the resolution intended “to declare that persons born of a Jewish mother who are recognized as Jews even by the ultra-Orthodox Aguda should now be considered non-Jews unless they have performed ‘appropriate and timely public and formal acts of identification with the Jewish faith and people’?”<sup>202</sup> Weiler was bewildered by a definition of Jewishness that threw the Jewish status of the children of Jewish women into question. He thought that was ludicrous—that the Reform Movement would have, in some sense, stricter requirements than the Orthodox. The answer to this rhetorical question, of course, from the most fervent patrilineality advocates would have been: how Orthodoxy defines Jewishness has no bearing on how Reform ought to define Jewishness. Besides, some Reform rabbis actively liked the notion that Reform had stricter standards than Orthodoxy. That was a plus in their book—not a reason to object to the resolution. “What are we uneasy about—being *machmirim*?” Jerome Malino asked. “We have been condemned over and over because we have taken the easy way out or have seemed to take the easy way out.”<sup>203</sup>

Schindler addressed the CCAR at the 1983 Convention as well. He had three minutes to speak immediately following Weiler’s fifteen-minute address. Schindler urged the passage of the resolution and reiterated some of the arguments explored in Chapter Three: an appeal for Reform integrity, a men’s rights argument, and a plea for empathy towards children of intermarriages. He finished his remarks by acknowledging Weiler’s fear that Israel might exclude Reform from its

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<sup>202</sup> *CCAR Yearbook 1983*, 148

<sup>203</sup> *CCAR Yearbook 1983*, 153–154

Law of Return. Schindler exhorted the CCAR to not let fear of Israeli government retaliation affect their consideration of patrilineality:

As for those who fear that the Law of Return will be changed because of what we propose—my friends, the Law of Return may indeed be changed, but those changes are due to political facts on the Israeli scene; they will never be affected by what we do or fail to do right here. The pressures for the law’s change come from the Lubavitcher, and the Lubavitcher will never accept us; he will accept only one thing—full surrender. We have a right to be accepted in Israel, fully and completely, but we have a right to be accepted for what we are and not for what we pretend to be or what others want us to be.<sup>204</sup>

Schindler’s remarks, short as they were, were passionate and persuasive: a clear and cogent distillation of the key arguments for patrilineality, arguments which surely the assembled rabbis had heard before, but now the full weight of Schindler’s rhetorical prowess was on display.

Weiler urged the CCAR to not rush into things.<sup>205</sup> Take more time: study how groups outside of United States Reform would respond to the resolution and do a “comprehensive sociological study of Jewish identity among the progeny of mixed marriage couples.”<sup>206</sup>

Interestingly, Weiler did not ask the CCAR to study the halacha further. Perhaps—at least by 1983—he figured that such a plea would fall on deaf ears and sociological arguments would be more compelling to his colleagues in the United States. Other patrilineality opponents

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<sup>204</sup> MS-215 (Moses Cyrus Weiler papers): Box 2, Folder 7: Report of the Committee on Patrilineal Descent on the Status of Children of Mixed Marriages in *CCAR Yearbook* 1983

<sup>205</sup> *CCAR Yearbook* 1983, 147

<sup>206</sup> On the latter point: Weiler was skeptical about the assumptions on which Schindler’s outreach plan lay. Weiler asked Schindler in a letter: “Has [this course] proved itself? Has it strengthened Jewish life, or has it been an escalating staircase out of Judaism? For example, have any Reform rabbinic students, and subsequently rabbis, emerged from such families?” MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 17. Letter 1982 from Weiler to Schaalman about patrilinealism

at the 1983 debate also requested more time to study the matter before taking a stance. “It is not true that a decision of this gravity has to be decided immediately. We have 4,000 years behind us,” Michael Stroh entreated. “This afternoon will not make or break the Jewish religion or people. We have time to consider this. I recommend to the Conference and to my colleagues that on an issue this divisive we pause. This is not the time to make any decision. We should remain with the status quo and continue to study it as long as we really feel is necessary.”<sup>207</sup>

But people inclined to accept patrilineality—which was the majority of the CCAR—felt they had already waited long enough. The rabbis had debated the issue at the 1980 and 1982 Conventions; the CCAR had discussed and carefully word-smithed resolutions for years. Further delays seemed more like an attempt to kick the can down the road than a principled belief that further study might lead to a different outcome. People who had expressed doubts about earlier formulations were satisfied with the 1983 resolution: for example, Sheldon Zimmerman, who in 1982 had been opposed to the “derivability” resolution (“the Jewishness of a child is derivable from the Jewish parent”), was gratified by the 1983 rewording (“the child of one Jewish parent is under the presumption of Jewish descent”). There was a difference, Zimmerman felt, between a child’s Jewishness being theoretically “derivable” and a child being granted “the presumption of Jewish status”; the latter satisfied him. That was what United States Reform had been doing in practice: assuming that children of Jewish parents were Jewish until given a reason to think otherwise.<sup>208</sup> The rewording of the resolution between the 1982 and 1983 Conventions satisfied people like Zimmerman—rabbis who were more attuned to the specificities of the resolution’s

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<sup>207</sup> *CCAR Yearbook* 1983, 153

<sup>208</sup> *CCAR Yearbook* 1983, 153

language than the most zealous patrilineality advocates like Schindler. The vote was done by show of hands, so exact numbers were not recorded, but news reports and rabbis' later comments suggest the vote passed with a large majority.<sup>209</sup>

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<sup>209</sup> AP, "Reform Rabbis Change Rule on Who Is a Jew," *The New York Times*. Printed March 17, 1983. Accessed online July 2024: <https://www.nytimes.com/1983/03/17/us/reform-rabbis-change-rule-on-who-is-a-jew.html>

## Chapter 6: Aftermath and Analysis

### The Backlash

There was immediate demand for retraction of the resolution: internally (the CCAR's Midwest Association called for a reassessment), from United States Reform Movement partners (HUC president Alfred Gottschalk quietly asked the CCAR to consider a retraction), from other Jewish denominations, and from international Reform bodies.<sup>210</sup> CCAR leadership and the Committee on Patrilineal Descent took a wait-and-see approach. Minutes of the September 1983 Committee meeting note that "after listening to some of the attacks made both from within and without and discussing them at some length, the consensus of the group was not to respond but rather to maintain a low profile with regard to them."<sup>211</sup> That continued to be the Committee's position, as well as the attitude of CCAR leadership as a whole: listen politely to opponents and stay quiet until the furor dies down. To this day, the CCAR has never seriously considered overturning the patrilineality resolution.

The CCAR's passage of the patrilineality resolution in 1983 complicated the relationship between the Reform and Conservative, which had been cordial to friendly for many years. A minority of Conservative voices attempted to follow Reform and Reconstructionist Judaism and encouraged Conservative Judaism to embrace patrilineality. Gerson Cohen, chancellor of the Jewish Theological Seminary, suggested to his denomination that it, too, embrace equilineality: "I am concerned that we not be deadwood and come 25 years from now and say 'me too.'"

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<sup>210</sup> MS-862 (Eugene Lipman papers): Box 4, Folder 16: CCAR Executive Board 1982–1996. Minutes from April 1986 CCAR Exec Board

<sup>211</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4. CCAR Patrilineality Committee minutes 9.26.83

Harold Schulweis, secretary of the Conservative Rabbinical Assembly, heartily endorsed Schindler's outreach plan, including patrilineality. Schulweis told reporters in 1979 (invoking the "men's rights" argument for patrilineality) that "limiting the child to the religion of the mother is in fact discriminatory against the father. A child who is raised by a Jewish father, who takes his or her father's name, who adopts the Jewish lifestyle and Jewish identity of the father—this child has a right to be considered Jewish."<sup>212</sup>

But Schulweis and Cohen turned out to be a minority voice within Conservative Judaism. In the aftermath of the 1983 CCAR vote, the majority of Conservative rabbis were staunchly opposed to patrilineality. A Conservative rabbinic resolution at the March 1985 Rabbinical Assembly convention reaffirmed that Conservative Judaism would maintain the matrilineal definition of Jewish status, in a vote of 49 to 21.<sup>213</sup> That following year the Rabbinical Assembly approved sanctions against Conservative rabbis who accepted patrilineality, in a vote of 235 to 92.<sup>214</sup> Rabbi Alexander Shapiro, president of the Conservative Rabbinical Assembly, invoked

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<sup>212</sup> MS-72 (URJ papers): Box C4, Folder 4: 1979 Convention Summary by UAHC federation of Temple Sisterhoods

<sup>213</sup> This was an unusually low turnout. Perhaps RA members were distracted by the discussion that had immediately preceded the matrilineality resolution: women's rabbinical ordination in the Conservative Movement and their entry into the RA. That vote had been conducted by mail-in ballot ahead of the convention: 636 to 267 in favor of soon-to-be-ordained Rabbi Amy Eilberg joining the assembly.

Ari Goldman, "Conservatives Reaffirm Rule on Determining Jewishness," *The New York Times*. March 12, 1985. Accessed online August 5, 2024:

<https://www.nytimes.com/1985/03/12/us/conservatives-reaffirm-rule-on-determining-jewishness.html>

<sup>214</sup> John Dart. "Reform Rabbis Reaffirm Stand on Patrilineal Descent Amid Protests," *Los Angeles Times*. July 5, 1986. Accessed online August 5, 2024:

<https://www.latimes.com/archives/la-xpm-1986-07-05-me-20250-story.html>

*K'lal Yisrael* in his reasoning. “Our path must remain that of matrilinealism,” Shapiro insisted, “motivated as we all are by our concern for *K'lal Yisrael*.”

At the 1985 CCAR Convention, Shapiro spoke to his Reform colleagues entreating them to revoke their patrilineality decision. But for most Reform rabbis retracting the patrilineality decision was a nonstarter. A *New York Times* journalist wrote of the 1985 CCAR Convention: “Rabbi Shapiro’s Reform audience here was polite but not overly receptive to the proposal. ‘It would be better for Rabbi Shapiro to lead his movement into the future than ours into the past,’ said Rabbi Alexander M. Schindler.”<sup>215</sup> (That Schindler was approached for comment and not CCAR leadership—at the CCAR’s own Convention—is reflective of how Schindler was widely viewed as figurehead of the Reform Movement.) When the president of the Conservative United Synagogues of America again, in 1991, asked Schindler to retract on patrilineality, Schindler responded similarly: “I will respond to your appeal by appealing to you to move your religious community in the direction which you urge us to reverse, and to do this for the sake of the greater good of the Jewish people as a whole.”<sup>216</sup> *K'lal Yisrael*, redefined.

The theme of the June 1986 CCAR Convention was “Reform Integrity Within Kelal Yisra-eil”<sup>217</sup>—a nod to the tension the Reform rabbinate clearly felt between its Movement-specific commitments and its desire to be part of a unified Jewish people. At that Convention,

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<sup>215</sup> Goldman, Ari, “Rabbinical Dialogue: 3 Branches of U.S. Judaism Talk of Differences,” *The New York Times*. Print July 12, 1985. Accessed online July 12, 2024: <https://www.nytimes.com/1985/07/02/us/rabbinical-dialogue-3-branches-of-us-judaism-talk-of-differences.html>

<sup>216</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4: Schindler to Alan J. Tichnor, President, United Synagogues of America, 6 December 1991

<sup>217</sup> MS-34 Box 53, Folder 6: 1986 Convention at Snowmass, Colorado: Program of 1986 Convention

CCAR leadership reaffirmed that there would be no turning back on patrilineality. In his presidential address, Jack Stern declared that rescinding patrilineality was “entirely beyond the realm of possibility” since retraction would “logically require a repudiation of the practice.”<sup>218</sup> The Reform Movement could not in practical terms reject patrilineal Jews after enfranchising them. A year later at the 1986 CCAR Convention, Schaalman gave a brief update on the Committee on Patrilineal Descent, now an ad hoc committee, which he still chaired: “The committee . . . felt that the hostility of forces outside of our own movement, while noticeable, would not be decisive in our own attitude toward the step we have taken.”<sup>219</sup>

While the CCAR remained committed to patrilineality, the Reform rabbinate was acutely aware that the decision came with significant cost to the place of Reform Judaism within the broader Jewish community. Some partner Jewish groups threatened to remove themselves from existing interdenominational partnerships if Reform did not rescind patrilineality. Several followed through. In 1983, the Orthodox clergy withdrew from Denver, CO’s interdenominational conversion board in anger over Reform’s embrace of patrilineality.<sup>220</sup> In 1986, the Orthodox Rabbinical Council of America (RCA) withdrew from the Commission on Jewish Chaplaincy (CJC)—an interdenominational Jewish commission working with the military to review and recommend Jewish chaplains—in anger after the CCAR bypassed the CJC to independently endorse the application of Rabbi Julie Schwartz (the RCA would not allow the CJC to endorse female chaplains). The next year, the RCA approached the CCAR to offer a compromise: it would allow female rabbis to serve as military chaplains if the CCAR would

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<sup>218</sup> Dart, 1986

<sup>219</sup> *CCAR Yearbook 1987*, 160

<sup>220</sup> Dart, 1986

commit not to endorse patrilineal Jews as chaplains. The CCAR Executive Board rejected the proposal.<sup>221</sup> By the end of the 1980s it was evident that, by and large, representatives of the United States Reform Movement were not willing or able to concede on the matter of equilineality for the sake of appeasing Orthodox partners on projects of cross-denominational Jewish interest. Equilineality was not on the negotiation table.

### A Win for Weiler

Schindler appeared to hold out hope—at least for a little while—that Israeli Reform might accept patrilineality. This, too, was not to happen. A revealing correspondence between Schindler and Weiler shortly after the CCAR resolution passed encapsulates the differences between the two men.<sup>222</sup> In a letter dated July 29, 1983, Schindler wrote to Weiler re-upping the argument, attempting to offer a halachic case for patrilineality (recall that neither man had really attempted a halachic argument during the 1983 CCAR Convention debates). Schindler enclosed brief excerpts from an Orthodox responsum that he claimed said that living Jewishly was sufficient for a halachic conversion.

Dear Moses,  
I enclose some paragraphs from a letter addressed to Moses Feinstein and other prominent leaders, from Israel's great posek.  
In effect it confirms the halachik propriety of our patrilineal decision and even adds that if a Jewish man and a non-Jewish woman live together for any length of time and she practices Judaism, this is to be considered a bona fide conversion if she does not undergo a ritual conversion.

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<sup>221</sup> MS-862 (Eugene Lipman papers): Box 4, Folder 16: CCAR Executive Board 1982–1996. Minutes from Dec 1987 CCAR Executive Board Meeting

<sup>222</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 6: 1983–1986 correspondence between Mihaly and Schindler

Why are we so “zitterdik”<sup>223</sup> and defensive?!  
 With warm wishes, I am  
 Sincerely,  
 Alexander M. Schindler

One wonders why Schindler would write such a letter, having already won the passage of the patrilineality resolution some months prior. Perhaps now that the United States Reform rabbinate had accepted patrilineality, Schindler wanted the Israeli Reform rabbinate to get on board, too, though if Schindler genuinely thought that was a possibility, that was optimistic to the point of absurdity. The correspondence reads to me as more personal. Schindler wanted to prove his case to Weiler.

Weiler responded to Schindler on October 7, 1983. He thanked Schindler for his letter but had questions about the responsum. “Who specifically wrote it?” Weiler asked. The excerpts were confusing and possibly inauthentic. And would Schindler send the full query and responsum?

Dear Alexander,  
 I acknowledge with thanks receipt of your letter of July 29<sup>th</sup>, which arrived recently and which I shared with my pupil Uri Regev, together with the extract you attached to your letter.  
 We took the letter and the enclosure to one of the greatest Talmudic authorities in Jerusalem who is well acquainted with American Jewish life, as he was for many years teaching at one of the leading Rabbinic Seminaries in the United States. After he read carefully the paragraphs you attached to your letter, he told us that the extract appears not to be authentic.  
 It would be very helpful to us, if you could send us the enquiry in its entirety and the complete t’shuvah.  
 Yours very sincerely,  
 Rabbi Moses Cyrus Weiler

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<sup>223</sup> Per *Weinrich Modern English-Yiddish Yiddish-English Dictionary* (1968), “zitterdik” – ציטערדיק – means “tremulous; anxious, apprehensive, tender” (445). Schindler was accusing Weiler of being soft and easily pressured by the Orthodox.

To which Schindler replied in a letter dated October 18, 1983: he had admittedly not seen the full responsum. He only had the excerpts; but he assured Weiler that a “profoundly religious Jew” had sent him the materials and they were surely authentic.

Dear Moshe:

It was good to hear from you and I trust all is well with you. By the time this letter reaches you it may well be that we will have seen each other in Jerusalem. I certainly hope so.

In regard to the extract which I shared with you, I did not receive the full responsum. I shared with you only the partial which was forwarded to me. This I regret.

You should know that judging by the character of the person who gave this to me — a profoundly religious Jew — I do not believe he would have sent anything that was not authentic. He is a most honorable and wonderful human being. In any event, the Ramo quote is interesting, is it not? That part is authentic, for sure!

With fondest regards and all good wishes, I am

Sincerely,

Alexander M. Schindler

After receiving Schindler’s letter of October 18, Weiler reached out to Eugene Mihaly, academic dean on HUC-JIR’s Cincinnati campus, for his help in deciphering the responsum. Mihaly conferred with his colleague Mark Washofsky<sup>224</sup> about the brief, confusing responsum excerpt, and there were a flurry of letters between Mihaly, Washofsky, and Weiler. By sending the mysterious responsum Schindler had (unintentionally?) caused a bit of a stir in the HUC-JIR academic circles, though Schindler did not appear to engage substantively with the academic discussion.

Mihaly found that the responsum had been written by a Rabbi Moreno (formerly of Lodz, now in New York), in response to a teshuva written by preeminent “fiercely conservative” Israeli

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<sup>224</sup> MS-739 (Eugene Mihaly papers): Box 5, Folder 6: Aug 9, 1983 letter from Washofsky to Mihaly

Rabbi Yosef Shalom Elyashiv.<sup>225</sup> The responsum was published—in excerpt, but a fuller excerpt—in the July 28, 1983 issue of the *Algemeiner Journal*, a Hasidic Yiddish-language weekly paper. Mihaly explained that the responsum was “a malicious diatribe against Reform typical of the fanatic extremists.”<sup>226</sup> In other words, Mihaly told Weiler that Schindler had at best totally misunderstood the responsum and at worst deliberately misconstrued it.

Weiler thanked Mihaly. Then, with his student Uri Regev, Weiler got to work studying Moreno’s responsum. Weiler sent Schindler his dense, three-page response on October 22, 1984.<sup>227</sup> The letter began: “the extract that you sent me is completely inadequate.” To properly understand the argument, it was necessary to look at the complete text both of the teshuva and the text (by the Orthodox Rabbi Elyashiv) it cited. Weiler wrote that the responsum misquotes Moses Isserles and misunderstands the Or Zarua. He also told Schindler that he had misread a rhetorical question—why do the Orthodox hate the Reform?—as an earnest one. The responsum,

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<sup>225</sup> Matti Friedman, “Rabbi Elyashiv, a relentless Torah scholar whose strict rulings sought to resist modernity,” *The Times of Israel*. Published July 18, 2012, accessed online February 20, 2025: <https://www.timesofisrael.com/rabbi-elyashiv-a-relentless-torah-scholar-whose-strict-rulings-sought-to-resist-modernity/>

<sup>226</sup> Moreno argued that paternity was halachically relevant as it could impose greater stringencies: e.g., if a Jewish man had a child with a non-Jewish woman and another child with a Jewish woman, the two children could not marry: the children are considered halachically siblings. But Moreno made it very clear that paternity was only relevant insofar as it imposed disabilities—certainly not to mean that the child of a Jewish father and non-Jewish mother had Jewish status. He wrote: “We show apprehension concerning paternity only for the sake of greater stringency (i.e., that such a child cannot marry a bastard or a sister), but not for permissiveness, as is self-evident” (Mihaly’s translation). Per Mihaly, Moreno’s responsum was meant to incite anger toward Reform Jews among the Orthodox: Reform Jews are *resha’im*, evil ones, who “destroy, spoil, tear up, and uproot the essentials of the Torah—every jot on the letter ‘yod’ is an essential principle of the Torah—in order to make everything permitted, and finally to remove from their necks the yoke of the sacred Torah, may the Merciful One save us” (Mihaly’s translation).

<sup>227</sup> Weiler’s response to Schindler was delayed for several months because in the spring of 1984 Weiler had significant health issues and was hospitalized twice.

Weiler argues, is both hateful toward Reform and uniformed on the traditional sources, and Schindler did not know enough to see either of those points.

Moreover, Weiler objected to Schindler's apparent willingness to cite an Orthodox rabbi who despised Reform as a convincing authority. Where was the Reform integrity in that? Weiler wrote: "In order to buttress the halakhik propriety of the patrilineal decision of the CCAR initiated by you, you are prepared to use a truncated statement which appeared in an extremely hostile journal from a most hostile individual who despises you and your colleagues and who heaps terribly insulting epithets upon all of us."

Weiler concludes:

You asked me in your original letter why I am so "zitterdik" and "defensive." My attitude is the result of at least fifty one years of experience and slavery in the vineyard of the Lord. I was sent to a distant land, from our standpoint a ארץ לא זרועה [unsown land] and after 25 years of hard labour came out unscathed and triumphant, because I upheld the great principle of Jewish survival — Klal Yisrael. My point of view and policy are not dictated by "*Ma yomru hakanaim*," [what the religious extremists say] but what the survivalists will say and feel.

Clearly Weiler felt that he had won this exchange, as evidenced by the fact that he distributed it widely. He promptly sent the correspondence off to Dr. Jacob Rader Marcus of the American Jewish Archives with a note asking that the exchange of letters be added to his (Weiler's) papers at the Archives, checking in several times for updates on its arrival status.<sup>228</sup> Weiler also sent a copy of his letter to Schindler to Mihaly, who responded: "I very much enjoyed reading it and give you a hearty yasher koah."<sup>229</sup> Mihaly was close with Schindler and a

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<sup>228</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 3; Box 3, Folder 13

<sup>229</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 10: 1984 correspondence between Mihaly and Weiler re: Schindler

supporter of patrilineality. But as a principled scholar, he seemed uneasy with the way Schindler had misrepresented Moreno's responsum, and duty-bound to help correct the record.

Several years later Weiler also sent the exchange to his friend Eugene Lipman after Lipman (then CCAR president) had given an interview expressing opposition to patrilineality. Weiler wrote that "You may get additional strength by reading the enclosed correspondence with my friend Schindler."<sup>230</sup> Schindler had won the passage of the CCAR patrilineality resolution, yes. But he was no match for Weiler when it came to interpreting responsa and traditional Jewish sources, and certainly no match for Weiler when he tapped Mihaly for assistance. Weiler was clearly proud of this win against the "mighty Schindler."<sup>231</sup> On the field of halachic inquiry, Weiler would be the victor.

The exchange further demonstrates how the United States Reform Movement's battle for equilineality was not grounded in halacha or Jewish textual tradition. The motivations were primarily demographic and secondarily moral. Schindler made no great attempts to argue otherwise—indeed, he could not. But the exchange also reveals that Weiler was motivated by demographic concern as much as Schindler was. Weiler said as much in his final letter of the exchange: it was not halacha or tradition that most inspired him, but rather "upholding Jewish survival"—which, of course, to him, meant commitment to *K'lal Yisrael*.

### The Reform Movement Stayed Together

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<sup>230</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 10: 1987 letter from Weiler to Eugene Lipman

<sup>231</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 7: 1983 letter from Weiler to Alfred Gottschalk

Alfred Gottschalk, president of the Hebrew Union College-Jewish Institute of Religion, wrote in a letter:

Unfortunately, there is no ‘establishment’ in Reform. Sometimes I wish there were. It is, perhaps, not a movement at all but an amalgam of associations, agencies and a seminary, all operating without a master plan for the development of the movement. When the Messiah comes, of course, all of these things will be reconciled.<sup>232</sup>

Gottschalk’s point about the lack of establishment and amalgam of institutions affiliated with Reform holds true. There is no central organizing schema for Reform. But the patrilineality debates, and the way various constituencies kept working together after the debates, do suggest that there is a Reform Movement of some sort—a movement not of formal institutional consensus but of shared commitment to United States Reform unity. The patrilineality debates were so passionate and intense that one might have thought that the issue would tear apart the Reform Movement. This did not happen. Reform Movement leadership remained committed to Reform unity across their significant disagreements. That Reform Movement institutions did not splinter testified to the strength of personal friendships among the fighting rabbis and leaders’ widespread commitment to defer to the majority will of the United States Reform laity and rabbis.

Despite the significant loss he felt over the passage of the resolution, Weiler remained involved with international Reform institutions. He continued working for HUC-JIR Jerusalem. CCAR leadership liked and respected Weiler, too, and he felt appreciated by United States Reform, despite his substantial critiques of the Movement. As Weiler would recount about his March 1983 trip to Los Angeles in a letter to Alfred Gottschalk:

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<sup>232</sup> MS-653 (Jakob Petuchowski papers): Box 1, Folder 25. 1982 letter Gottschalk to Petuchowski

The highlight of my visit was at the CCAR convention where you were witness to the affection shown me both when I received the honorary membership and when I was given by you the certificate of membership in the President's Alumni Circle. The only disappointment I had was in regard to the patrilineal discussion and decision. On that occasion I understood Max Nordau and his Paradoxes written over 90 years ago. On the one hand, I was given special treatment in the debate, the only one who was permitted to speak fifteen minutes, whereas the mighty Schindler and Gittelson were given only three minutes. Moreover, I received loud applause when I concluded reading MARAM's what I consider reasoned statement. However, as you know, the case I presented was overwhelmingly defeated.<sup>233</sup>

Weiler's address was received warmly by the CCAR. He told friends that he had received an ovation and loud applause.<sup>234</sup> At that very same Convention he received both membership in the HUC President's Alumni Circle and a scroll of honorary life membership in the Conference "in recognition of his fifty years of continuous membership in the CCAR and his valuable services rendered to our sacred cause,"<sup>235</sup> both honors that clearly touched him. Weiler wrote proudly to a friend in South Africa about the scroll and sent a copy of it.<sup>236</sup>

Joe Glaser (the executive vice president of the CCAR) and Weiler were close friends. On October 3<sup>rd</sup>, 1983, Glaser wrote to Weiler:

Dear Moe,  
 Maybe it's grandparenthood that's making me sentimental, but I was just thinking of you at breakfast this morning and I thought that it would be nice for me to tell you that you are almost constantly in my thoughts and in my heart, and in view of the fact that we are always in correspondence on matters of business, with me usually just responding, I ought to drop you a line just to tell you how much I love

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<sup>233</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 7: 1983 letter from Weiler to Alfred Gottschalk

<sup>234</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 10. 1987 letter from Weiler to Eugene Lipman; MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 7: 1983 letter from Weiler to Alfred Gottschalk

<sup>235</sup> MS-215 (Moses Cyrus Weiler papers): Box 2, Folder 7. Scan of Weiler's CCAR honorary life membership scroll

<sup>236</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 3. 1983 letter from Weiler to Leslie Bergman

and respect you and wish for you and Una and your family nothing but the best.  
 As always, Agathe joins me in this.  
 Shalom,  
 Joe<sup>237</sup>

Both on an interpersonal and institutional level, the CCAR was fond of Weiler and he was fond of his American colleagues and the organization. Even Schindler, as irritated as Weiler sometimes was by him, was a friend. (In the spring of 1986, a year and a half after their tense exchange, Schindler had a heart attack in Israel. Weiler visited him in the hospital and Schindler expressed gratitude in an exchange of warm letters.<sup>238</sup>) This mutual fondness would be necessary for the rapprochement between the anti-patrilineality and pro-patrilineality camps following the passage of the resolution. Weiler's continued support of the CCAR despite his frustrations with United States Reform "excesses" was an essential component of the international Reform Movement staying together, in some sense, as a denomination, after the explosiveness of the patrilineality debates.

Several presidents of the CCAR who followed Schaalman were rabbis who had opposed the resolution. Clearly, members of the Conference did not resent their colleagues' past opposition of patrilineality. The CCAR presidency turnover occurred every other year at Convention, each president serving a two-year term. The 1983 Convention marked the handover from Schaalman, who had led the patrilineality efforts first as chair of Committee on Patrilineal Descent and then as CCAR President, to W. Gunther Plaut, who had been opposed to the

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<sup>237</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 15: Letter October 1983 Glaser to Weiler

<sup>238</sup> MS-630 (Alexander Schindler papers): Box 29, Folder 7, Schindler's heart attack in spring 1986 & hospitalization in Israel; MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 6: 1983–1986 correspondence between Mihaly and Schindler

resolution. (“I thought then [and think now] that passing the resolution was an error,” Plaut would later write.<sup>239</sup>) Plaut served as CCAR president from 1983–1985.

Jack Stern was the next president, from 1985–1987. Eugene Lipman followed Stern as president from 1987–1989. Lipman was a friend of Weiler’s and also opposed patrilineality, though he did not participate vocally in the debates. During his tenure as CCAR president, Lipman wrote in a letter to Schindler: “I’ve known since 1979 that I did not agree with you on patrilineality. I decided then to play no role in the debate, and I didn’t.” Lipman explained that now, as CCAR president, he felt the need to give a good-faith explanation of CCAR policy positions, but as a private person, he had the right to a contrary opinion. This felt like no great contradiction to him. In an interview with *The Baltimore Times*, Lipman told Schindler, he had “differentiated between the CCAR position and my duty to explicate it wherever and whenever, and my right to a private opinion.” He implicitly assured his colleague that he would not attempt to overturn the patrilineality resolution—“I shall uphold CCAR policies for the next two years as faithfully as I know how to do”—but he would not lie about his own personal beliefs: “I have no intention of wasting time enhancing the institutional image of the CCAR at anyone’s expense—and certainly not my own image. CCAR presidents come and go too fast for that kind of timewasting.”<sup>240</sup>

As an institution, the CCAR was gracious toward the minority who had voted against patrilineality, including electing those colleagues for top leadership positions. As a whole,

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<sup>239</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4: Gunther Plaut responds to Joseph Klein in *Jewish Post & Opinion*

<sup>240</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4: 1987 correspondence Schindler and Eugene Lipman

patrilineality advocates were gracious toward their losing opponents after the debates— notwithstanding Schindler’s egging of Weiler privately. The CCAR had a liberal institutional sensibility that allowed for its leaders to disagree (hopefully quietly) with its policies. Although of course leaders had their personal convictions, CCAR presidents deferred to the majority will of the Conference. Despite disagreeing with the patrilineality resolution, Plaut and Lipman were not going to pull rank to try to overturn it. This was a mutually respectful attitude: a graciousness toward the patrilineality “losers” that affirmed their place in the Conference, including in its upper leadership, after the debates—and also patrilineality opponents’ willingness to accept the loss and defer to the clear majority will of the Reform Movement.

### Analysis

The 1983 resolution made two distinct changes to the traditional definition of Jewish status, both groundbreaking. The first change was its absolutely equal treatment of the offspring of Jewish women and Jewish men. While it has been widely called a “patrilineality” resolution, it could more accurately be dubbed an “equilineality” resolution. The 1947 CCAR resolution had created a double standard: children of Jewish women would be automatically granted Jewish status while children of Jewish men would be granted Jewish status if the children received an adequate Jewish education. The 1983 resolution remedied this double standard. The second groundbreaking change of the 1983 resolution was its rejection of bloodline Jewishness. Maternal bloodline was no longer sufficient for imparting Jewish status to a child. Bloodline, now viewed equilineally, would be but one factor in determining a person’s Jewish status: blood would give a person the *presumption* of Jewish status (a *hazakah*), but not confer Jewish status in and of itself.

What caused the CCAR to pass such an explosive resolution? There were factors both sociological and ideological.

A major factor—likely the greatest factor—was the demographic reality of United States Jewry. “We have tried to maintain a world-wide perspective,” Weiler implored at the 1983 debates.<sup>241</sup> But United States Reform *did not* have a world-wide perspective when it came to Jewish survival. The statistics about intermarriage were U.S.-specific statistics. The fear for Jewish survival that drove Schindler to develop his outreach proposal, a fear that so resonated with the UAHC and then with the CCAR, was really a fear about United States liberal Jewish survival. Weiler believed that *K’lal Yisrael*—Jewish unity—was the “great principle of Jewish survival.”<sup>242</sup> But for Schindler and his allies, creating and enfranchising more dedicated Jews was the great principle of *American* Jewish survival.

A second factor was the heavy pressure from laity. After Schindler raised the issue and the Reform laity embraced patrilineality, the CCAR felt pressure to make a statement, too. A CCAR statement was necessary to convey that this was an issue on which the rabbis had an opinion. There was a sense of institutional territorialism driving the rabbis to wrest control back from the laity—not dissimilar from the territorialism that pushed the early German Reform rabbis to convene the Brunswick, Frankfort-on-the-Main, and Breslau Assemblies. A CCAR statement was also necessary for Reform Movement unity. Schindler sought out the imprimatur of the Reform rabbinate, but it was clear that the UAHC was going to run with patrilineality with or without the CCAR’s support. If the CCAR stayed out of it, the avoidance could have built up

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<sup>241</sup> *CCAR Yearbook 1983*, 146

<sup>242</sup> MS-215 (Moses Cyrus Weiler papers): Box 3, Folder 6: 1983–1986 correspondence between Mihaly and Schindler on patrilinealism

tensions between the laity and rabbinate, leading to, perhaps, an erosion of trust in the rabbinate or even a schism within United States Reform.

A third factor, this one ideological, was that Reform had long been uncomfortable with the idea that blood determined Jewish status. A movement based on rationalism and individual agency should logically define Jewish status by a person's commitment to Jewish life—not belief per se (though certainly some beliefs were disqualifying for being Jewish), but “being raised Jewish” and living Jewishly would determine Jewish status. This was evident in the discussions in early 20th century United States Reform about “being raised Jewish” as the primary determiner of Jewish status, and even earlier within German Reform at the 1844 Brunswick assembly. From its early days Reform ideology conceived of Judaism as a community of faith as much as—or even more than—a community of birth.

A fourth factor for the resolution's passage was United States Reform's insistence on freedom to follow the dictates of individual conscience. From its earliest days United States Reform built itself on American liberalism: a non-coercive, voluntary religion, a covenant entered into not through the circumstances of birth but by personal conviction. United States Reform affirmed individual rights and deference to the majority will, as seen in the way that Plaut and Lipman, themselves opponents of patrilineality, would defer to the Reform majority will as CCAR presidents. Liberalism was at the very core of classical Reform Judaism, and that sensibility continued into the 1970s and 1980s, even with the counter-narrative of *K'lal Yisrael*. With liberalism came the right to follow one's individual conscience. Following the dictates of conscience had led Reform Judaism to egalitarianism long ago. At the end of the day, the Movement did not respond positively to pressure to put aside personal convictions for the sake of Jewish unity. Maybe Reform could give on issues that were not so central to their self-

understanding: “If I have to wear a yarmulke, I’ll do it” for the sake of a unified American Jewish community, Joseph Glaser told *The New York Times*. “If I have to give up lobster, I’ll do it, although that would hurt.”<sup>243</sup> But on matters like women’s ordination and patrilineal descent—battlegrounds for egalitarianism—the Reform Movement would not budge. The majority of the American Reform Movement resented being told that Jewish unity meant that “they”—the traditionalists—“have the right to shackle us.”<sup>244</sup>

Other ideological factors contributed to the passage of the resolution. Schindler’s arguments were well received by Reform laity and likely by the Reform rabbinate, too. The argument for men’s equality, the case for Reform integrity, and the pleas for empathy toward people committed to Judaism whose Jewish status had been denied to them—all of these arguments contributed to winning over the Reform rabbinate.

And the arguments of the anti-patrilineality camp were, ultimately, insufficiently persuasive. Israeli Reform colleagues misunderstood, or talked past, American Reform concerns. They did not understand American Reform’s aversion to bloodline Jewishness. They did not understand that American Reform fundamentally viewed its responsibility to be the survival of *American Reform* (though the CCAR and UAHC also paid lip service to Reform in other parts of North America). They did not understand American Reform’s aversion to feeling strong-armed and the Movement’s insistence on its right to define Judaism for itself. Maybe if patrilineality opponents like Weiler had understood these truths about American Reform, they would have

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<sup>243</sup> Ari Goldman, “Rabbinical Dialogue: 3 Branches of U.S. Judaism Talk of Differences,” *The New York Times*. July 2, 1985. Accessed online August 5, 2024: <https://www.nytimes.com/1985/07/02/us/rabbinical-dialogue-3-branches-of-us-judaism-talk-of-differences.html>

<sup>244</sup> *CCAR Yearbook 1983*, 155

mustered different arguments: maybe, for example, Weiler could have marshalled a sociological argument that patrilineality hurt long-term American Jewish demographics, which may have been more persuasive to his American colleagues than the *K'lal Yisrael* argument on which patrilineality opponents focused. But I believe this is unlikely. American Reform simply had different values than other American denominations and Israeli Reform. American Reform, by and large, took egalitarianism as an absolute value, not something that could be compromised. American Reform, by and large, was not willing to compromise its own survival for the sake of Jewish unity.

Modern Orthodox Rabbi Irving (Yitz) Greenberg partially understood the competing values that Reform was balancing with the resolution. At a January 1984 American Jewish Congress meeting of Reform, Conservative, and Orthodox representatives, Greenberg sharply criticized the resolution and said that it was a move to make Judaism “totally volitional.” Greenberg said that the resolution was a “triumph for ethics, feminism, sociology and Americanism” and a “defeat for Halacha and the totality of the Jewish people.”<sup>245</sup>

Greenberg got close to understanding the debate Reform had navigated over patrilineality. On one side, “ethics, feminism, sociology and Americanism”; on the other, “Halacha and the totality of the Jewish people.” The majority of the Reform Movement valued the former more greatly than the latter. It was not that Reform did not care at all about halacha or “the totality of the Jewish people.” But at the end of the day, if it were between halacha or feminism, pluralism or ethics, internationally shared definition of Jewish status or the success of

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<sup>245</sup> MS-630 (Alexander Schindler papers): Box 12, Folder 4: American Jewish Congress memo 1/16/84: Rabbis from Three Branches of Judaism Debate Patrilineal Issue at AJCongress Symposium

American liberal Judaism—American Reform would choose feminism, ethics, and the survival of American liberal Judaism. Greenberg and his allies were outraged that Reform appeared to value other principles above halacha, but American Reform Judaism really did value other principles above halacha. Saying so was not a smear that offended Reform Jews; it was a truth by which most Reform Jews stood proudly. As Schindler himself put it: “Either you accept halacha or you are outside halacha. We have chosen to be outside.”<sup>246</sup>

But what Greenberg missed is that Reform’s battle for halacha—if there ever were one—was lost well before the patrilineality debates. The truth about these debates is that Reform patrilineality opponents, too, dwelled outside of halacha. With a few exceptions, participants grounded their rhetoric in sociology and did not make appeals to Jewish textual tradition or halacha. The camps focused on different areas of demographic concern: international Jewish survival (implied by *K’lal Yisrael*) versus American Jewish survival. Even if the former had prevailed, the patrilineality debates still would have been sociological and non-halachic in nature.

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<sup>246</sup> Goldman, 1985

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