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OFFICIATION AT INTERFAITH MARRIAGES: A RESOURCE FOR REFORM CLERGY

Goal and Contribution: The goal of this thesis was to research the complex issues that rabbis and cantors should consider when forming their personal policy regarding officiation at marriages between Jews and non-Jews. The resulting document is intended to serve as a resource for current and future rabbis and cantors who are creating or reevaluating their personal policies regarding officiation at intermarriages.

Chapters and Sources:

This thesis is composed of four chapters-

1) TRADITIONAL SOURCES

This chapter presents relevant primary sources in Hebrew and English from the Bible, Talmud, midrashim, the Mishneh Torah and the Shulhan Arukh. Some passages record ancient prohibitions on intermarriages while others offer examples of intermarriages. All primary sources are followed by brief commentary intended to elucidate the traditional understanding of the passage.

2) REFORM RABBINICAL ATTITUDES TOWARD INTERFAITH MARRIAGE

This chapter presents the history of the Reform movement's positions on officiation at intermarriages. The chapter begins with the Assembly of Jewish Notables and the Parisian Sanhedrin in the early nineteenth century. The chapter then follows the developments within the emerging Reform community, from the radical ideas of Samuel Holdheim, to the conservative principles of the 1909 CCAR resolution, to the ceaseless debates of the twentieth century. It also includes a brief description of a draft resolution that some rabbis hope to introduce to the CCAR in the near future.

3) VOICES FROM THE MOVEMENT- A SURVEY OF CURRENT RABBINICAL APPROACHES TO INTERMARRIAGE

This chapter offers a series of anonymous portraits of modern rabbis in which their individual approaches to officiation at intermarriage are outlined. These case studies provide examples of how rabbis out in the field have crafted, (and at times adjusted), their policies regarding officiation to honor the Jewish tradition and their role as rabbis, while also addressing the realities of the Jewish community. Among the profiles are examples of rabbis who never officiate at intermarriages, others who officiate only when various prerequisites are met, and one who will officiate for virtually any couple and is even open to co-officiation with non-Jewish clergy.

4) PUTTING IT ALL TOGETHER

The final chapter of presents as a series of key questions and answers in an attempt to synthesize the material covered in earlier chapters. It also poses questions that seem to be on the mind of many rabbis and cantors as they struggle with their own officiation policies. Some of the answers introduce relevant information that does not appear in the earlier parts of the thesis.

OFFICIATION AT INTERFAITH MARRIAGES:
A RESOURCE FOR REFORM CLERGY

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INTRODUCTION

This thesis emerged in response to the seriousness with which I take the responsibility of deciding whether I, as a Reform rabbi, will officiate at weddings between a Jew and a non-Jew. (In this thesis, the term "intermarriage" will be used to describe such couples and weddings.¹) I have given this issue much thought over my years as a rabbinical student. By the time I reached my fourth year of rabbinical school, I had arrived at a preliminary position of not officiating at any weddings between a Jew and a non-Jew. Although I had given the decision serious thought and was able to articulate the reasons why I held my belief, I was aware that there were certain reasonable challenges that one could pose to my conclusions. Knowing that my personal stance would profoundly affect the lives of many other people, I concluded that I had to engage in another round of investigation.

My second round of inquiry included speaking with rabbis and lay people and reading others' ideas on this issue. Having sought out a diverse group of opinions, I was struck by the relative silence that *all* parties exhibited with regard the textual tradition as it relates to intermarriage. It seemed to me that both those who would not officiate and those who would, agreed that according to the inherited Jewish tradition, intermarriage is forbidden. For rabbis who chose to officiate, all explanations and justifications related to sociological issues. By and large they entirely ignored any ambiguities and openings for intermarriage that might

¹ The meaning of the term intermarriage has evolved over time and continues to mean different things to different individuals. In this thesis, *intermarriage* does not apply to couples where one person is a born Jew and the other has converted. Jews by choice are as Jewish as Jews by birth and therefore such weddings are Jewish-Jewish weddings. For the sake of scope, this thesis focuses exclusively on the issue of intermarriage between a man and a woman, but I hope the lessons learned through the study of this material will also be applicable to future discussions of standards for officiation at same-faith and interfaith weddings of gays as well. Other topics excluded from this thesis are any discussion of the causes of and ways to prevent intermarriage. This thesis is written from the perspective that people are intermarrying and will continue to do so whether or not they can find Jewish clergy who will participate in the ceremony. Therefore, the key question is whether we can and should participate, and in which cases we would or would not be comfortable doing so.

exist in traditional texts. Personally, I felt many of the sociologically based arguments for officiating were compelling, yet I felt my hands were tied by the bounds of tradition. On the other hand, having studied Jewish texts for a number of years, I knew that the tradition is almost never univocal on any significant topic. Further, I have found it very meaningful and informative to wrestle with text when coming to other ritual decisions such as whether and how to keep a form of *kashrut*.

It did not take long to find some of the most obvious examples that people could point to as muddling the traditionally understood ban on intermarriage. Why, for example, had none of the rabbis in favor of officiating at intermarriages mentioned that the Torah and Bible record intermarriages between leaders such as Moses, King Solomon and the Priests? Further, I knew of principles in the Talmud that could challenge some of the justifications rabbis give for their decision not to officiate at intermarriages. For example, some rabbis believe a Jewish legal construct such as *kiddushin* cannot be applied to non-Jews as they are outside the Jewish legal tradition. I wondered if perhaps the concepts of exceptions *mipnei darchei shalom* or *mipnei tikkun haolam* might be applicable to modern day situations in which a non-Jewish person is asking to be considered as if they have standing in the Jewish legal system. To be sure, these argument would be complex, and I was not clear what my own conclusions might be, but for that very reason I knew I needed to study further before arriving at a decision on whether or not I would officiate at intermarriages.

My focus on engagement with texts and then applying them to modern circumstances is a reflection of my personal approach to Jewish decision-making. I have also shaped this thesis in a way that I hope will enable it to serve as an example and a tool to encourage others to elevate the voice of *halakhah* in our discussion of officiating at intermarriages.

The opening chapter of the thesis presents a survey of the major traditional texts cited in regard to the prohibition against intermarriage. This selection includes passages from the Torah, Bible, classical midrashim and Talmud as well as traditional commentaries and legal writings based upon them (e.g., Rashi, Shulhan Aruk, Mishneh Torah). Where applicable, I will also note the opinions of modern commentaries such as the Reform and Conservative movement's Torah commentaries. Sources will be presented in their original and in translation and analysis will be offered to articulate the traditional understanding of messages to be derived from these sources.

The second chapter of the thesis presents historical and current policies and attitudes in the Reform rabbinate regarding officiating at interfaith marriages.² This section briefly highlights major positions in the Reform movement over time regarding this issue. Rather than rearticulating such developments, it points the reader to other helpful documents that have already undertaken this task. The chapter also includes commentary and analysis highlighting the key issues raised and (or neglected) in different articulations of a Reform response.

The third chapter of this thesis presents the findings that emerged from a series of one-on-one interviews conducted with rabbis in the field regarding their personal policies on the issue of intermarriage. These profiles are intended to give the reader a range of examples of how individual rabbis have balanced the competing issues and concerns inherent in officiation policies. These interviews are in no way intended to present a statistically accurate sample of the Reform rabbinate. Rather, they represent a range of perspectives and

² Earlier discussions of intermarriage and interfaith marriage often included couplings that would not fit the category of intermarriage as the term is being used in this thesis. For that reason, discussions of officiation at such marriages will be excluded from the thesis. For example, there will be no discussion of marriage between a Jew and another Jew who converted to Judaism.

experiences, voiced by rabbis who were selected for participation on the basis of their thoughtfulness and integrity as Reform rabbis.

The fourth chapter of this thesis takes the form of questions and answers. Having laid a basic foundation for understanding the mainstream historical approach of the tradition toward intermarriage, this final chapter raises and answers key questions that individuals may wish to consider when forming their own policy regarding officiation. (e.g., Do children of intermarried couples go on to lead Jewish lives and identify themselves as Jews?) Whenever possible, the answers articulate arguments on either side of the debate at hand. In many cases the answers refer the reader to material previously covered in the thesis. Where appropriate, this chapter also introduces a few sources new sources that could contribute to a decision-making process on whether to officiate at such marriages. These sources include traditional texts as well as more modern "text" such as sociological studies. Following the fourth chapter, there is a brief concluding section that contains a synthesis of the earlier chapters and final remarks.

CHAPTER ONE: TRADITIONAL SOURCES

INTRODUCTION

In 1980 the Central Conference of American Rabbis issued a responsum articulating its stance against intermarriage and against officiation by Reform rabbis at such ceremonies.³ The responsum is largely a reaffirmation and reiteration of a series of earlier versions of CCAR statements and policies regarding intermarriage. The questions posed at the outset of this responsum are, "May a Reform rabbi officiate at a marriage between a Jew and a non-Jew? What is the attitude of Reform Judaism generally to such a marriage?" The answer portion of the responsum begins with the statement, "Reform Judaism has been firmly opposed to mixed marriages. This was true in the last century and in this century."

One of the key phrases used for summarizing many of the arguments of the text is a direct quote from the 1909 CCAR resolution on intermarriage. This same quote was also cited and reiterated in a 1947 version of the same policy statement. The statement is as follows:

There has been a proliferation of intermarriage related writings from rabbis both over the last century and particularly in the last 30 or so years. Even as the motivation and conclusions of these rabbis vary widely, there is a consistency in their silent complicity that the revered ancient sources of our tradition speak in one voice against intermarriage.

Silent complicity has never been a hallmark of the Reform movement and speaking in one voice has never been the hallmark of our tradition. This chapter marks an effort to break

³ Responsa 146. Reform Judaism and Mixed Marriage (Vol. XC, 1980, 86-102). Available online at <http://data.ccarnet.org/cgi-bin/respdisp.pl?file=146&year=arr>

this pattern of oversimplification and silence with regard to ancient sources and their place in Reform discussions of intermarriage.

In this chapter I will present the classical texts most often cited as the sources for the prohibition against intermarriage. I will also present classical texts from within the standard cannon that to varying degrees challenge the widely held belief that intermarriage had no place in early Jewish history. Where possible I will also present traditional commentaries on these verses and will position that commentary alongside the original texts. (For example, a passage from Genesis may be followed by the commentary of Rashi and a related midrash from Genesis Rabbah.) My commentary will attempt to clarify the context of the verses presented and will illustrate how these texts have been traditionally understood. When possible I will also note whether a given text is heavily cited and relied upon in discussions of intermarriage or whether it is a more peripheral text. I will refrain from offering unorthodox readings of traditional texts here, but may do so in chapter three. The organization of the texts in this chapter is an attempt to format them in a way that will maximize their accessibility for readers committed to seriously engaging these texts in their own decision making process. The first section, Biblical Sources and Commentaries, is ordered according to the books of the Bible. Most sources are directly followed by commentary, but in a few cases I will present a series of quotations together (e.g., excerpts from Proverbs) and comment on the whole group as one unit. The second section, Mishnaic Sources, presents the mishnayot in the order they appear in the orders of the Mishnah. The third section, Talmudic Sources, groups the sources based on the primary concern addressed in the text. These are imperfect groupings but hopefully help the reader to compare passages that address similar themes. The final section, Codes, presents the sources in chronological

order. This chapter concludes with a metacommentary reflecting on the themes and developments seen in the text over time.

BIBLICAL SOURCES AND COMMENTARIES

Genesis 24:1-4⁴

¹Abraham was now old, advanced in years, and the LORD had blessed Abraham in all things.

² And Abraham said to the senior servant of his household, who had charge of all that he owned, "Put your hand under my thigh

³ and I will make you swear by the LORD, the God of heaven and the God of the earth, that you will not take a wife for my son from the daughters of the Canaanites among whom I dwell,

⁴ but will go to the land of my birth and get a wife for my son Isaac."

בראשית פרק כד

(א) ואברהם זקן בא בימים וידוד ברך את אברהם בכל:

(ב) ויאמר אברהם אל עבדו זקן ביתו המשל בכל אשר לו שים נא ידך תחת ירכי:

(ג) ואשביעך בידוד אלהי השמים ואלהי הארץ אשר לא תקח אשה לבני מכנות הכנעני אשר אנכי יושב בקרבו:

(ד) כי אל ארצי ואל מולדתי תלך ולקחת אשה לבני ליצחק:

אבן עזרא בראשית פרק כד פסוק ג (Ibn Ezra on Genesis 24:3)

(ג) והכנעני. כלל לעשתי עשר גוים

3) *Canaanites*- including the twelve nations

חזקוני על בראשית פרק כד פסוק ג (Chezkuni on Genesis 24:3)

(ג) מכנות הכנעני - פן יאמרו עלי ע"י ירושה ומתנה נכנס הוא לארץ לפיכך איני רוצה אלא ע"י הקב"ה שיתננה לי בהז

3) *From the daughters of the Canaanites*- Lest they say of me, "He came to our land for the sake of property and gifts." Therefore, I would want only that which God will give me.

⁴ All Hebrew texts are copied from the Bar Ilan Responsa project, version 12 plus. Its biblical texts are based on the Leningrad manuscript. All English translations of the biblical text are from *The Jewish Publication Society Tanakh* (1985) as featured on Bible Works CD-ROM, version 6. English translations of the commentaries are the work of this thesis' author unless otherwise noted.

Commentary

This text, in which Abraham sends his servant to find a wife for Isaac from his birth land, is generally cited as the earliest statement against intermarriage. What begins here as a policy against intermarriage with the Canaanites is extended later in the Bible to include other natives of the region. Interestingly, it is only Abraham, and not the fellow people of his birth land, who has entered into covenant with God. Presumably any of the permitted women this servant may find would be from families that still found idol worship acceptable.

Ibn Ezra,⁵ perhaps writing based on his knowledge of more expansive prohibitions found later in the Bible, comments that "Canaanite" here is being used in a general sense and includes 11 non-Israelite nations. Chezkuni⁶ focuses on articulating a reason to explain the prohibition against the daughters of the Canaanites. He writes that Abraham is concerned lest the Canaanites perceive him as arranging a marriage with one of their women for the ulterior motive of acquiring wealth through inheritance and gifts. Chezkuni notes that the only upstanding way to receive such things is through God's help.

The Conservative movement, in its Torah commentary *The Etz Hayim Torah* commentary, which was written by the Conservative movement's rabbinical body, cites this verse as well as Genesis 26:35, 28:1 and Deuteronomy 7:3 as the Torah sources that lay the foundation for later Jewish laws declaring that Jews must marry Jews.⁷

Genesis 26:34-35⁸

³⁴ When Esau was forty years old, he took to wife Judith daughter of Beeri the Hittite, and Basemath daughter of Elon the Hittite;

⁵ Abraham ibn Ezra lived in Spain in the years 1089-1164.

⁶ Rabbi Chizkiyah Chezkuni was born in Provence *circa* 1250. His exact year of death is unknown.

⁷ David L. Lieber and Jules Harlow, eds. *Etz Hayim: Torah and Commentary* (New York: Jewish Publication Society, 2001), 131.

⁸ See also Genesis 36:1-2 which lists Esau's foreign wives.

³⁵ and they were a source of bitterness to Isaac and Rebekah.

בראשית פרק כו

(לד) ויהי עשו בן ארבעים שנה ויקח אשה את יהודית בת בארי החתי ואת בשמת בת אילן החתי:
(לה) ותהיין מרת רוח ליצחק ולרבקה:

רש"י בראשית פרק כו פסוק לה (Rashi on Genesis 26:35)

ליצחק ולרבקה - שהיו עובדות עבודה זרה:

To Isaac and to Rebekkah- That they were engaged in foreign worship

רד"ק בראשית פרק כו פסוק לה (Radak on Genesis 26:35)

ותהיין מרת רוח- מכעיסות וממררות רוחן במעשיהן הרעים, וגם בעסק הבית היו עושות הפך רצונם להכעיסם
And they were a source of bitterness- They angered and caused bitterness in [Isaac and Rebekkah's] spirits with their evil deeds, and also in dealings within the home they would do the opposite of what [Rebekkah and Isaac] wanted to make them angry.

Commentary

The content of these two verses is unrelated to the verses preceding it, but is perhaps a setup for the following story of Jacob (with the help of Rebekah) taking his brother's blessing. The exogenous, and perhaps devious nature of this marriage is emphasized by its departure from the preceding nuptial story in which Abraham specifically declares that he must find a woman from his homeland to become Isaac's wife. Esau's behavior stands in stark contrast to this story both because of whom he is marrying and because he has taken it upon himself to arrange a marriage rather than following the social convention of allowing his parents to initiate the match.⁹ All of these behaviors, it seems, are intended to reinforce the idea that Esau is unfit to be the patriarch of his generation.¹⁰

⁹ Nahum M. Sarna, *The JPS Torah Commentary: Genesis* (Philadelphia: The Jewish Publication Society, 1989), 189.

¹⁰ Adele Berlin and Marc Zvi Brettler, eds., *The Jewish Study Bible* (New York: Oxford University Press, Inc., 2004), 55.

Rashi,¹¹ drawing upon Genesis Rabbah 65:4 suggests that Isaac and Rebekkah's displeasure is due to the fact that these women were engaged in foreign worship.¹²

Radak¹³ embellished, saying these women always did the very opposite of the will of Isaac and Rebekkah, thus drawing their ire. He saw this line as a cautionary tale to future generations who might consider marrying a foreign woman.

Genesis 27:46-28:9

⁴⁶ Rebekah said to Isaac, "I am disgusted with my life because of the Hittite women. If Jacob marries a Hittite woman like these, from among the native women, what good will life be to me?"

¹ So Isaac sent for Jacob and blessed him. He instructed him, saying, "You shall not take a wife from among the Canaanite women.

² Up, go to Paddan-aram, to the house of Bethuel, your mother's father, and take a wife there from among the daughters of Laban, your mother's brother,

³ May El Shaddai bless you, make you fertile and numerous, so that you become an assembly of peoples.

⁴ May He grant the blessing of Abraham to you and your offspring, that you may possess the land where you are sojourning, which God assigned to Abraham."

⁵ Then Isaac sent Jacob off, and he went to Paddan-aram, to Laban the son of Bethuel the Aramean, the brother of Rebekah, mother of Jacob and Esau.

⁶ When Esau saw that Isaac had blessed Jacob and sent him off to Paddan-aram to take a wife from there, charging him, as he blessed him, "You shall not take a wife from among the Canaanite women,"

⁷ and that Jacob had obeyed his father and mother and gone to Paddan-aram,

⁸ Esau realized that the Canaanite women displeased his father Isaac.

⁹ So Esau went to Ishmael and took to wife, in addition to the wives he had, Mahalath the daughter of Ishmael son of Abraham, sister of Nebaioth.

¹¹ Rabbi Shlomo Yitzchaki, better known as Rashi, was born in France and lived in the years 1040-1105.

¹² Jewish literature includes a number different terms to refer to non-Jews. In some instances the particular words used may have been selected with thoughtfulness about the particular nuance of that term. At other times it seems authors have considered the terms interchangeable. For the sake of simplicity this thesis will translate *oved kokhavim*, and *min* as idolatry, idolater or heretic, where appropriate. The word *avodah zara* will be translated as foreign worship. *Goyim* will be translated as nations or non-Jew and *nochri* will be translated as foreigner. In most cases, the reader will have access to the Hebrew and can therefore check the translations against the word used in the original. The exception to these translation policies will be translations of biblical text taken directly from the Jewish Publishing Society's 1985 translation of the Bible. For those passages, the translations will remain as JPS has seen fit to render them.

¹³ Rabbi David Kimchi, known as Radak, lived in Provence, France in the years 1160-1235.

(מ) ותאמר רבקה אל יצחק קצתי בחיי מפני בנות חת אם לקח יעקב אשה מבנות חת כאלה מבנות הארץ למה לי חיים:

- (א) ויקרא יצחק אל יעקב ויברך אתו ויצוהו ויאמר לו לא תקח אשה מבנות כנען:
(ב) קום לך פדנה ארם ביתה בתואל אבי אמך וקח לך משם אשה מבנות לבן אחי אמך:
(ג) ואל שדי יברך אתך ויפרך וירבך והיית לקהל עמים:
(ד) ויתן לך את ברכת אברהם לך ולזרעך אתך לרשתך את ארץ מגריך אשר נתן אלהים לאברהם:
(ה) וישלח יצחק את יעקב וילך פדנה ארם אל לבן בן בתואל הארמי אחי רבקה אם יעקב ועשו:
(ו) וירא עשו כי ברך יצחק את יעקב ושלח אתו פדנה ארם לקחת לו משם אשה בברכו אתו ויצו עליו לאמר לא תקח אשה מבנות כנען:
(ז) וישמע יעקב אל אביו ואל אמו וילך פדנה ארם:
(ח) וירא עשו כי רעות בנות כנען בעיני יצחק אביו:
(ט) וילך עשו אל ישמעאל ויקח את מהלת בת ישמעאל בן אברהם אחות נביות על נשיו לו לאשה:

Commentary

Through this story we learn that the commitment Abraham makes in Genesis 24 to help his son marry within the clan is not a random occurrence. Rather, this is a custom that is to be passed from generation to generation. . Many commentators including Rashi, Chezkuni, Rashbam and Radak note that this episode between Isaac and Jacob repeats the tradition begun with Isaac and his father Abraham. In both cases, the son is given these instructions on who he should marry and it is his upholding of this inmarrying tradition that causes him to be chosen over his brother as the one to carry on the intergenerational blessing first bestowed by God on Abraham. The biblical text does not explicitly explain why the Hititie woman is displeasing to Rebekkah, but the context instructs the reader that her reaction relates to lineage. The taking of foreign wives would bring peoples into this covenantal blessing not intended by God to be included in it. Therefore, Esau's act of taking two foreign wives becomes the reason and the proof that it is his brother Jacob and not he who is to be the inheritor of Abraham's blessing.

Genesis 34

¹ Now Dinah, the daughter whom Leah had borne to Jacob, went out to visit the daughters of the land.

² Shechem son of Hamor the Hivite, chief of the country, saw her, and took her and lay with her by force.

³ Being strongly drawn to Dinah daughter of Jacob, and in love with the maiden, he spoke to the maiden tenderly.

⁴ So Shechem said to his father Hamor, "Get me this girl as a wife."

⁵ Jacob heard that he had defiled his daughter Dinah; but since his sons were in the field with his cattle, Jacob kept silent until they came home.

⁶ Then Shechem's father Hamor came out to Jacob to speak to him.

⁷ Meanwhile Jacob's sons, having heard the news, came in from the field. The men were distressed and very angry, because he had committed an outrage in Israel by lying with Jacob's daughter -- a thing not to be done.

⁸ And Hamor spoke with them, saying, "My son Shechem longs for your daughter. Please give her to him in marriage.

⁹ Intermarry with us: give your daughters to us, and take our daughters for yourselves:

¹⁰ You will dwell among us, and the land will be open before you; settle, move about, and acquire holdings in it."

¹¹ Then Shechem said to her father and brothers, "Do me this favor, and I will pay whatever you tell me.

¹² Ask of me a bride-price ever so high, as well as gifts, and I will pay what you tell me; only give me the maiden for a wife."

¹³ Jacob's sons answered Shechem and his father Hamor -- speaking with guile because he had defiled their sister Dinah --

¹⁴ and said to them, "We cannot do this thing, to give our sister to a man who is uncircumcised, for that is a disgrace among us.

¹⁵ Only on this condition will we agree with you; that you will become like us in that every male among you is circumcised.

¹⁶ Then we will give our daughters to you and take your daughters to ourselves; and we will dwell among you and become as one kindred.

¹⁷ But if you will not listen to us and become circumcised, we will take our daughter and go."

בראשית פרק לד

(א) ותצא דינה בת לאה אשר ילדה ליעקב לראות בבנות הארץ:

(ב) וירא אתה שכם בן חמור החוי נשיא הארץ ויקח אתה וישכב אתה ויענה:

(ג) ותדבק נפשו בדינה בת יעקב ויאהב את הנער וידבר על לב הנער:

(ד) ויאמר שכם אל חמור אביו לאמר קח לי את הילדה הזאת לאשה:

(ה) ויעקב שמע כי טמא את דינה בתו ובניו היו את מקנהו בשדה והחרש יעקב עד באם:

(ו) ויצא חמור אבי שכם אל יעקב לדבר אתו:

- (ז) ובני יעקב באו מן השדה כשמעם ויתעצבו האנשים ויהר להם מאד כי נבלה עשה בישראל לשכב את בת יעקב וכן לא יעשה:
- (ח) וידבר חמור אתם לאמר שכם בני השקה נפשו בבתכם תנו נא אתה לו לאשה:
- (ט) והתחתנו אתנו בנתיכם תתנו לנו ואת בנתינו תקחו לכם:
- (י) ואתנו תשבו והארץ תהיה לפניכם שבו וסחרו והאחזו בה:
- (יא) ויאמר שכם אל אביו ואל אחיה אמצא חן בעיניכם ואשר תאמרו אלי אתן:
- (יב) הרבו עלי מאד מהר ומתן ואתנה כאשר תאמרו אלי ותנו לי את הנער לאשה:
- (יג) ויענו בני יעקב את שכם ואת חמור אביו במרמה וידברו אשר טמא את דינה אחתם:
- (יד) ויאמרו אליהם לא נוכל לעשות הדבר הזה לתת את אחתנו לאיש אשר לו ערלה כי הרפה הוא לנו:
- (טו) אך בזאת נאות לכם אם תהיו כמנו להמל לכם כל זכר:
- (טז) ונתנו את בנתינו לכם ואת בנתיכם נקה לנו וישבנו אתכם והיינו לעם אחד:
- (יז) ואם לא תשמעו אלינו להמול ולקהנו את בתנו והלכנו:

Commentary

This episode is well known to modern readers because of Anita Diamant's wildly popular 1997 midrashic novel, *The Red Tent*. Diamant's novel centers on the possibility that Dinah was not raped but rather was in love with Shchem. It is important for the modern reader to recognize that while Diamant's creation is an artful midrash, it does not reflect the straightforward meaning of the story that emerges from a close critical reading. According to the literary hints embedded in the biblical version of the story, this episode is primarily about a family's reaction to the rape of the unbetrothed virgin, Dinah, and the shame such a crime would have brought onto her family.

This text is relevant to the topic of intermarriage because as the story unfolds, the family is presented with the possibility of widespread intermarriages with the forbidden Hivites.¹⁴ Deuteronomy 7:4 states that Hivites are forbidden as marriage partners because they will, "turn your children away from Me to worship other gods..." Do Dina's brothers see circumcision as a means of conversion and thus a way to transcend a cultural identity that

¹⁴ See Deuteronomy 7:1-5 for the full prohibition against marriage to Hivites.

forbids one from marriage with an Israelite? Or, is tribalism an insurmountable and unchangeable characteristic that precludes one from ever marrying a Jew? In verses 15-16, it seems that Jacob's sons will acquiesce to Hamor's request that they allow intermarriages, provided the men of Sechem agree to circumcise themselves first. However, as the modern scholar Nahum Sarna demonstrates, the context of the story reveals that this offer on the part of Jacob's sons is not genuine. Rather, the mass circumcision of males is a war tactic that will enable Jacob's few sons to overpower the men of Shchem. According to Sarna, the whole episode functions primarily as an example of the sexual depravity of the inhabitants of the land, a recurring characterization throughout the stories in Genesis (e.g., Lot, the men of Sodom and threats to Sara and Rebekkah because of their beauty).¹⁵ For this reason, this story is not generally among the sources referenced in discussions of the prohibition against intermarriage.

Genesis 41:45

⁴⁵ Pharaoh then gave Joseph the name Zaphenath-paneah; and he gave him for a wife Asenath daughter of Poti-phera, priest of On. Thus Joseph emerged in charge of the land of Egypt. --

בראשית פרק מא פסוק מה

ויקרא פרעה שם יוסף צפנת פענח ויתן לו את אסנת בת פוטי פרע כהן אן לאשה ויצא יוסף על ארץ מצרים

Commentary

This verse has triggered much interest and commentary with regard to the identities of the people mentioned in it. Many commentators as well as the Babylonian Talmud (BT) (Sotah 13b) hold that Poti-phera is in fact the same person as Potiphar, in whose house

¹⁵ Sarna, *The JPS Torah Commentary: Genesis*, 233-236.

Joseph has served. By this reading Joseph has married a foreign woman who will go on to bear his children Manasseh and Ephriam (Genesis 41:50). Many midrashim record stories which attempt to “sanitize” the lineage of the Jewish people by removing this gentile mother. They do so by suggesting that Asenath is actually the daughter born to Dinah after she is raped in Sechem. Some of the stories, such as the one found in a manuscript published by Solomon Buber in 1894 entitled *Midrash Aggadah*, embellish the story farther by explaining how Asenath ends up in Potiphar’s care.¹⁶ The pseudopigraphic novella *Joseph and Asenath* takes a different approach to sanitizing Joseph’s line. It does so by proposing that Asenath converts to Judaism.¹⁷ In summary, the tradition is clearly uncomfortable with the possibility that Joseph would have intermarried and that Joseph’s sons may have been born to a gentile mother, and goes to great lengths to explain these two seeming facts away.

Exodus 34:11-16

¹¹ Mark well what I command you this day. I will drive out before you the Amorites, the Canaanites, the Hittites, the Perizzites, the Hivites, and the Jebusites.

¹² Beware of making a covenant with the inhabitants of the land against which you are advancing, lest they be a snare in your midst.

¹³ No, you must tear down their altars, smash their pillars, and cut down their sacred posts;

¹⁴ for you must not worship any other god, because the LORD, whose name is Impassioned, is an impassioned God.

¹⁵ You must not make a covenant with the inhabitants of the land, for they will lust after their gods and sacrifice to their gods and invite you, and you will eat of their sacrifices.

¹⁶ And when you take wives from among their daughters for your sons, their daughters will lust after their gods and will cause your sons to lust after their gods.

שמות פרק לד

(יא) שמר לך את אשר אנכי מצוך היום הנני גרש מפניך את האמרי והכנעני והחתי והפרזי והחוי והיבوسی:

(יב) השמר לך פן תכרת ברית ליושב הארץ אשר אתה בא עליה פן יהיה למוקש בקרבך:

¹⁶ The date of authorship of this collection is unknown with estimates ranging from as early as the Tannaitic period to as late as the Medieval period.

¹⁷ Mark Philonenko, “Joseph and Asenath.” *EJ* 10:223-224.

- (יג) כי את מזבחתם תתצון ואת מצבתם תשברון ואת אשריו תכרתון:
 (יד) כי לא תשתחוה לאל אחר כי יקוק קנא שמו אל קנא הוא:
 (טו) פן תכרת ברית ליושב הארץ וזנו אחרי אלהיהם וזבחו לאלהיהם וקרא לך ואכלת מזבחו:
 (טז) ולקחת מבנותיו לבניך וזנו בנותיו אחרי אלהיהן והזנו את בניך אחרי אלהיהן:

כתר יונתן שמות פרק לד פסוק טו (Keter Yonetan on Exodus 34:15)

(טו) שמא תיכרות ברית ליושב הארץ ויטעו אחרי אליליהם ויזבחו לאליליהם ויקראו לך ותאכל מן זבחי אליליהם:
 15) Lest you make a covenant with the inhabitants of the land and turn to follow their gods and sacrifice to their gods and they entice you and you eat of the sacrifices of their gods.

רש"י שמות פרק לד פסוק טו (Rashi on Exodus 34:15)

ואכלת מזבחו - כסבור אתה שאין עונש באכילתו. ואני מעלה עליך כמודה בעבודתם. שמתוך כך אתה בא ולוקח מבנותיו לבניך:

And you eat of their sacrifice- for you might reason that there is no punishment for eating them, but I charge you as though you confessed to their idolatry, for through this you will come and take of their daughters for your sons.¹⁸

רמב"ן שמות פרק לד (Ramban on Exodus 34:11)

(יא) שמר לך את אשר אנכי מצוך היום - לא אמר בכל המצות שעברו אנכי מצוך, ועל כן נפרש שיאמר, שמור המצות שאנכי מצוך היום, ולא תעשה בהן כאשר עשית במה שצויתך תחלה שעברת על הכל לעבוד ע"ז. והבטיח לגרש העמים והזהיר על ע"ז שלהם ועל ברייתם. כאשר עשה בפרשה הנה אנכי שולח מלאך לפניך (לעיל כג כ - לג). שיהזרו אל התנאים הראשונים. והוסיף בכאן (פסוק יז) אלהי מסכה לא תעשה לך, שלא יעשו כאשר עשו בעגל אפילו במחשבת השמים לעשות אותו תייר לפנייהם. והחזיר ענין שלש הרגלים לראות בהן את פני האדון ה' אלהי ישראל (פסוק כג). כאשר עשה שם, והטעם ידוע, כי בא אחר אזהרת עבודה זרה, וכבר פירשתיו בסוף וישמע יתרו (לעיל כ כב):

11) *Observe thou that which I am commanding thee this day-* Of all the commandments mentioned previously He did not say *I am commanding thee*. Therefore we must explain the meaning of His words as follows: "Observe the commandments which I command you today, and do not treat them as you have treated those which I commanded you at first, when you violated everything by worshipping the idols." Now He promised here to drive out from before them the peoples [of the Land], and He warned them against their idols and against making a covenant with them, just as He had done in the section of *Behold, I send an angel before thee*, thus going over the first conditions again. However, He added here, *Thou shalt make thee no molten gods*, meaning that they should not do as they had done with the calf, even if their thoughts are directed to Heaven, to make themselves a guide. He restated here the subject of the three festivals, that they *appear before the Eternal God, the God of Israel*, as He had mentioned it there. The reason [for the restatement] is known, since it comes after the admonition against idolatry. I have already explained it at the end of *Yayishma Yithro*.¹⁹

¹⁸ Translation adapted from Abraham ben Isaiah and Benjamin Sharfman, *The Pentateuch and Rashi's Commentary* (New York: S.S. & R. Publishing. 1977) Exodus 430.

¹⁹ Translation from Charles B Chavel, *Ramban Commentary on the Torah* (New York: Shilo Publishing House, 1973) Exodus 587-588.

רמב"ן שמות פרק לד פסוק טו (Ramban on Exodus 34:15)

(טו) ואכלת מזבחיו - כסבור אתה שאין עונש באכילתו. ואני מעלה עליך כמדה בעבודתה. לשון רש"י. ואני אומר על דעת רבותינו (ב"ק ע"א ב. חולין מ ב) שזו אזהרה באוכל תקרובת ע"ז. שהם אמרו שאסור הוא מן התורה, ולא מצינו בו אלא זה. וכן משמעו. פן תכרות ברית ליושב הארץ וזנו אחרי אלהיהם כי יזבחו להם תמיד. ופן יקרא לך ואכלת מזבחו אשר יזבח לאלהיו בזנותו אחריו. ופן תקח מבנותיו לבניך. והנה כלן אזהרות נמשכות בלאו הראשון שאמר פן תכרות ברית:

15) *And Thou eat of their sacrifice*- "You might think that there is no punishment for eating thereof, but I will account it to you as if you agreed to its idolatrous worship." This is Rashi's language. But I say in accordance with the opinion of our Rabbis that this constitutes an admonition against eating of the sacrifices to idols, which they said is forbidden by law of the Torah, and we find no verse concerning it except this one. And the following is the meaning of the verse: "*Lest thou make a covenant with the inhabitants of the land, and they go astray after their gods, for they will always be sacrificing to them, and lest they call thee and thou eat of their sacrifice, which he will sacrifice to his gods in his going astray after them, and lest thou take of their daughters unto thy sons.*" Thus they are all admonitions following the first prohibition, concerning which He said, *lest thou make a covenant*.²⁰

Commentary

This text, coming on the heels of the incident of the golden calf, emphasizes the seductive power of native cultures surrounding the Israelites. As Ramban notes in his commentary on verse 11, God is now reemphasizing that the people must be vigilant to keep the commandments God has given and not to transgress them as they have recently done by engaging in idol worship. Rashi, noting the sequencing of a prohibition on sharing food being followed by a prohibition against intermarriages, reiterates the point made in BT Avodah Zarah 8a and in Targum Yonatan that mingling over food can eventually lead to other improprieties.²¹ Similarly Ramban sees each of the specific prohibitions in verses 15 and 16 as elaborations on the initial point not to enter into covenants with these people lest the Israelites be led into idol worship. By the accounts of all commentaries the main concern

²⁰ *Ibid.* Exodus 588-589.

²¹ *Keter Yonatan* is a Hebrew translation by Rabbi Jacob Menachem Wertheimer of *Targum Yonatan*. *Targum Yonatan* is also known as *Targum Yerushalmi*. This work is sometimes attributed to the Tanna Jonathan ben Uziel, a student of Hillel, but modern scholars concur that this is an erroneous attribution. Its true authorship remains a mystery. *Targum Yonatan*, like *Targum Onkelos* is in Hebrew-Aramaic. However, unlike *Targum Onkelos*, which offers a close and generally faithful translation of the text, *Targum Yonatan* often intersperses aggadic and halachic material in the translations. (Source: The Bar Ilan Responsa Project, version 12 plus)

with these foreign peoples is that they will lead the Israelites astray to worship foreign gods.

In the context of a prohibition on intermarriage, this text is a basis for the commonly cited concern that a non-Jewish spouse may lead the Jew into idolatrous behavior.

Leviticus 24:10-11

¹⁰ There came out among the Israelites one whose mother was Israelite and whose father was Egyptian. And a fight broke out in the camp between that half-Israelite and a certain Israelite.

¹¹ The son of the Israelite woman pronounced the Name in blasphemy, and he was brought to Moses -- now his mother's name was Shelomith daughter of Dibri of the tribe of Dan...

ויקרא פרק כד

(י) ויצא בן אשה ישראלית והוא בן איש מצרי בתוך בני ישראל וינצו במחנה בן הישראלית ואיש הישראלי:

(יא) ויקב בן האשה הישראלית את השם ויקלל ויביאו אתו אל משה ושם אמו שלמית בת דבר

ויקרא רבה (וילנא) פרשה לב (Leviticus Rabbah 32:3)

...כדאיתא בתנחומא תני ר' חייא מפרשת יוהסין יצא שבא ליטע אהלו במחנה דן אמרו לו מה לך ליטע אהלך במחנה דן אמר להם מבנות דן אני אמרו לו כתיב (במדבר ב) איש על דגלו באותות לבית אבותם ולא לבית אמותם נכנס לבית דינו של משה ויצא מחוייב עמד וגדף.

...as it is written in *Tanchuma*, Rabbi Hiyah taught, from the section on relationships, it came out that he came to plant his tent in the camp of Dan. They said to him: What is with you that you are setting up your tent in this area assigned to Dan? He said to them, "I am from the sons of Dan, as it is written, "Each man shall camp with his standard, under the banner of his ancestral house...." (Numbers 2:2) According to his *father's* ancestral house and not his *mother's*.

Commentary

This text is not one of the primary texts cited in discussions of intermarriage yet it is worth studying. One learns from this story both that Israelites were marrying (or at least having sexual relations with) Egyptians and that the Torah chose to preserve a story in which the child of such a union becomes a blasphemer. In its original context, the main issue of this passage is that somebody has just committed blasphemy and will now be punished. It is however quite curious that the notoriously terse Torah would dedicate many words to

describing that this person is the child of an Israelite woman and an Egyptian man. The reader is left to imagine the significance of this detail.

Plaut's commentary on the Torah notes that the Rabbis interpret these details as pointing to the fact that the blasphemy is a result of the child's frustration over his ambiguous status in the community.²² A midrash in *Leviticus Rabbah* teaches that the child wishes to join the camp of Dan, his mother's tribe, but the community will not recognize him as being part of Dan because tribal lineage is to be passed through the father.²³

Baruch Levine, in *The JPS Torah Commentary*, does not comment on the fact that the blasphemer's father was an Egyptian. Rather, he believes the man's lineage is included in this story as a critique of his mother's lineage. Levine writes, "His mother came from the tribe of Dan, associated with the northern cult at the temple of Dan, which the Jerusalemite priesthood considered illegitimate."²⁴

Etz Hayim, the Conservative movement's Torah commentary, explains the significance of the mixed lineage as follows, "The Torah emphasizes that the blasphemer's parents were of different ethnic and religious origins. Might this have been a home where no religious values were taught, because there was no religion shared by all members of the family?"²⁵ This commentary is clearly taking the liberty of applying a modern idea to a text written in a different time, and therefore is more an indicator of the Conservative movement's outlook and a modern *derash*, than it is a scholarly piece of Torah commentary.

²² . Gunther Plaut et al., *The Torah: A Modern Commentary* (New York: The Union of American Hebrew Congregations, 1981), 732.

²³ Plaut et al., *The Torah: A Modern Commentary*, 939; *Leviticus Rabbah* 32:3.

²⁴ Levine, *The JPS Torah Commentary: Leviticus*, 166.

²⁵ David L. Lieber and Jules Harlow, eds. *Etz Hayim: Torah and Commentary* (New York: Jewish Publication Society, 2001), 732.

Ramban takes this text as an opportunity to discuss issues of Jewish identity as related to parental identity. He understands the passage to be saying that this child is not Jewish because the lineage followed the father in biblical times. Nonetheless, Ramban notes that according to Jewish law, a child born of an Israelite woman and a non-Jew is considered to be a Jew.²⁶

Numbers 12:1

¹ Miriam and Aaron spoke against Moses because of the Cushite woman he had married: "He married a Cushite woman!"

במדבר פרק יב פסוק א

ותדבר מרים ואהרן במשה על אדות האשה הכשית אשר לקח כי אשה כשית לקח:

רש"י במדבר פרק יב פסוק א (Rashi on Numbers 12:1)

האשה הכשית - מגיד שהכל מודים ביפיה, כשם שהכל מודים בשחרותו של כושי:
The Cushite woman-This informs us that everyone admitted her beauty, just as everyone admits the blackness of an Ethiopian.

כושית - בגימטריא יפת מראה:

Cushite- By gematria "beautiful in appearance"

על אדות האשה - על אדות גירושיה:

Because of the woman- Because of her divorce

כי אשה כשית לקח - מה תלמוד לומר, אלא יש לך אשה נאה ביפיה ואינה נאה במעשיה, במעשיה ולא ביפיה, אבל זאת נאה בכל:

For he had married a Cushite woman- What does scripture teach (by this repetition)? [That] there are women becoming in their beauty, but not becoming in their deeds, but she was becoming in every respect.

האשה הכשית - על שם נזיה נקראת כושית כאדם הקורא את בנו נאה כושי, כדי שלא תשלוט בו עין רעה:
כי אשה כשית לקח - ועתה גרשה:

The Cushite woman- Because of her beauty she is called Cushite, as one calls his handsome son "Cushite"

²⁶ See BT Yebamot 45a. The ruling that Jewish identity officially goes according to matrilineal descent continues to be the normative halakhic opinion in the Conservative and Orthodox movements today. The American Reform movement and the Reconstructionist movement (which together represent nearly 50% of all affiliated Jews) are the only two groups that recognize patrilineal descent in addition to matrilineal descent. The issue of descent is relevant to the discussion of intermarriage and will be revisited in the fourth chapter of this thesis.

רשב"ם במדבר פרק יב פסוק א (Rashbam on Numbers 12:1)

(א) [ה] כושית - שהיא ממשפחת חם:

Cushite- From the family of Ham

כי אשה כושית לקח - כדכת' בדברי הימים דמשה רבנו שמלך בארץ כוש ארבעים שנה ולקח מלכה אחת ולא שכב עמה כמו שכתוב שם. והם לא ידעו כשדיברו בו שלא נזקק לה. זהו עיקר פשוטו. שאם בשביל צפורה דיברו. מה צורך לפרש כי אשה כושית לקח?

For he took a Cushite woman- As it is written in Chronicles that our teacher Moses ruled the land of Cush for forty years and took one queen [from there], but he did not lay with her, as it is written there. But they (Aaron and Miriam) did not know when they spoke that he was not bound to her [in marriage]. This is the central message of the text. For, if they were speaking of Tziporah, what would be the need to explain *for he took a Cushite woman*.

אבן עזרא במדבר פרק יב פסוק א (Ibn Ezra on Numbers 12:1)

כושית היא צפורה...

Cushite- She is Tziporah

תלמוד בבלי מסכת מועד קטן דף טז עמוד ב (BT Moed Katan 16b)

על אדות האשה הכשית אשר לקח, וכי כושית שמה? והלא ציפורה שמה! אלא: מה כושית משונה בעורה - אף ציפורה משונה במעשיה

On account of the Cushite he took- Could this be a Cushite? Is this not Tziporah! Rather, just as a Cushite is distinctive because of her skin, so Tziporah is distinctive because of her deeds.

Commentary

The straightforward reading of this passage suggests that Moses has taken an additional wife from the land of Cush. Biblical scholars believe this area corresponds to the modern regions of Ethiopia and Sudan²⁷ and to the region of Nubia, an area that was part of the Egyptian empire.²⁸

The biblical text makes it clear that Miriam and Aaron have some problem with Moses having taken this wife, but it stops short of explaining what it is about the situation that irks them. Jewish texts from as early as the Tannaitic period through the Medieval period similarly express a discomfort with the possibility that Moses took a Cushite wife. The commentators are so uncomfortable that they go as far as offering very creative

²⁷ Plaut et al., *The Torah: A Modern Commentary*, 1099.

²⁸ Berlin and Brettler, *The Jewish Study Bible*, 308.

midrashim on the verse to explain why the apparent straightforward meaning of the verse is not correct. Ibn Ezra, for example, suggests that this “Cushite” woman is in fact the wife we already know of, Zipporah the Midianite. This creative reading is the one favored by the Talmud (BT *Moed Katan* 16b). *Sifrei* to Numbers, a collection of exegetical *midrashim* from the Tannaitic period, also contains many variations of this claim.²⁹ Most of the *midrashim* on this theme explain that the word *Cushite* is being used as an adjective in the sense of beauty or good deeds rather than as a proper noun. Rashbam³⁰ offers one of the only dissenting opinions, offering a convincing argument that text must be referring to a heretofore unintroduced additional wife from the land of Cush.

The plain reading of the biblical texts informs us not only of the fact that Moses took a wife from Cush, but also that Miriam and Aaron were in some way unhappy about this situation. Commentators show similar discontent via the farfetched interpretations they suggest as ways of sanitizing the story. However, neither the biblical text nor the commentaries on the story ever explicitly state what the problem is with Moses having taken the Cushite wife. Modern readers may be tempted to hypothesize that the discomfort of Aaron and Miriam, as well as that of the later commentators, was driven by their aversion to intermarriage, but this speculation at best. At worst, this may be an anachronistic application of modern values to the time of the Torah. After all, there is no indication within the Torah that foreign peoples well beyond the boundaries of the land of Canaan were perceived by Israelites as banned by God.³¹

²⁹ *Sifrei Bamidbar*, psika 99.

³⁰ Rabbi Shmuel ben Meir, known as Rashbam, lived in France in the years 1083-1174.

³¹ We will see later in this chapter that there was an aversion to such women by the later books in the Bible, but nowhere are they characterized as prohibited for marriage with Israelites.

Deuteronomy 7:1-4

When the LORD your God brings you to the land that you are about to enter and possess, and He dislodges many nations before you -- the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites, seven nations much larger than you --

² and the LORD your God delivers them to you and you defeat them, you must doom them to destruction: grant them no terms and give them no quarter.

³ You shall not intermarry with them: do not give your daughters to their sons or take their daughters for your sons.

⁴ For they will turn your children away from Me to worship other gods, and the LORD's anger will blaze forth against you and He will promptly wipe you out.

⁵ Instead, this is what you shall do to them: you shall tear down their altars, smash their pillars, cut down their sacred posts, and consign their images to the fire.

⁶ For you are a people consecrated to the LORD your God: of all the peoples on earth the LORD your God chose you to be His treasured people.

דברים פרק ז

- (א) כי יביאך יקוק אלהיך אל הארץ אשר אתה בא שמה לרשתה ונשל גוים רבים מפניך החתי והגרגשי והאמרי והכנעני והפרזי והחוי והיבوسی שבעה גוים רבים ועצומים ממך:
(ב) ונתנם יקוק אלהיך לפניך והכיתם החרם תחרים אתם לא תכרת להם ברית ולא תחנם:
(ג) ולא תתחתן בם בתך לא תתן לבנו ובתו לא תקח לבנך:
(ד) כי יסיר את בנך מאחרי ועבדו אלהים אחרים וחרה אף יקוק בכם והשמידך מהר:

Commentary

These verses (and verse 3 in particular) are among those most frequently cited as forming the basis of the prohibition on intermarriage. The text clearly states that both men and women are forbidden to intermarry with the seven nations residing in the Promised Land. It is equally clear that the basis for this prohibition is a concern that the people may be led astray to worship foreign gods, thereby breaking some of the key principles and commandments given in the two preceding chapters.³²

Though the prohibition against intermarriage occurs in many places in the Bible, this is only source in which these seven nations are mentioned. At other times many more tribes are named (e.g., Genesis 15:19) and frequently six or fewer are named (e.g., Exodus 13:5,

³² See Deuteronomy 5:6-9, 6:4-15.

Deuteronomy 20:17).³³ Further complicating the matter of exactly who is to be included in the ban on intermarriage is the fact that the terms Canaanite and Amorite are at times used to denote specific tribes and at other times are a blanket term for all non-Israelites living in the land of Canaan.³⁴ These inconsistencies and ambiguities are noteworthy to those who wish to draw concrete conclusion regarding sanctioned and forbidden marriages. The reader is left to decipher whether the intent of the biblical passages is to single out particular tribes or to forbid the Israelites from mingling with any and all foreigners. Some would also debate whether this prohibition should be applied only to the area of Canaan or whether it should be applied to Jews and their surrounding cultures in the rest of the world.

Overall, the message is so clear that the traditional commentators feel no need to explain it. Intermarriage with the peoples of the land of Canaan is forbidden out of fear that Israelites will be led into idolatrous behaviors.

The Talmud, in BT *Kiddushin* 66b-68b, points to Deuteronomy 7:3 as the basis for the Rabbinic policy that *kiddushin* is ineffectual when attempted between a Jew and any non-Jew. This same passage uses Deuteronomy 7:4 as the basis for arguing that the prohibition is not limited to the seven nations but rather applies to any foreign person because they might turn the progeny of the relationship away from the Jewish religion.

Deuteronomy 21:10-13

¹⁰ When you take the field against your enemies, and the LORD your God delivers them into your power and you take some of them captive,

¹¹ and you see among the captives a beautiful woman and you desire her and would take her to wife,

¹² you shall bring her into your house, and she shall trim her hair, pare her nails,

³³ Tigay, *The JPS Torah Commentary, Deuteronomy*, 84. Plaut et al., *The Torah: A Modern Commentary*, 1377. Berlin and Brettler, *The Jewish Study Bible*, 382.

³⁴ Oded Bustanay, "Canaan, Land of." EJ 5:100.

¹³ and discard her captive's garb. She shall spend a month's time in your house lamenting her father and mother; after that you may come to her and possess her, and she shall be your wife.

דברים פרק כא

(י) כי תצא למלחמה על איביך ונתנו יקוק אלהיך בידך ושבת שביו:
(יא) וראית בשביה אשת יפת תאר וחשקת בה ולקחת לך לאשה:
(יב) והבאתה אל תוך ביתך וגלחה את ראשה ועשתה את צפרניה:
(יג) והסירה את שמלת שביה מעליה ויטבה בביתך ובכתה את אביה ואת אמה ירח ימים ואחר כן תבוא אליה ובעלתה והיתה לך לאשה:

רש"י דברים פרק כא פסוק י (Rashi on Deuteronomy 21:10)

כי תצא למלחמה - במלחמת הרשות הכתוב מדבר, שבמלחמת ארץ ישראל אין לומר ושבת שביו, שהרי כבר נאמר (לעיל כ טז) לא תחיה כל נשמה:
When you go forth to battle- The scripture speaks concerning an optional war, for regarding the war for the land of Israel it cannot be said, "and you carry them away captive," because it has already been stated (Deuteronomy 20:16), "You shall not let a soul remain alive."
ושבת שביו - לרבות כנענים שבתוכה ואף על פי שהם משבעה אומות:
And you take some of them captive- (This comes) to include the Canaanites who are in it, although they are of the seven nations.³⁵

רש"י דברים פרק כא פסוק יא (Rashi on Deuteronomy 21:11)

(יא) אשת - אפילו אשת איש:
A woman of- even a married woman
ולקחת לך לאשה - לא דברה תורה אלא כנגד יצר הרע. שאם אין הקב"ה מתירה ישאנה באיסור. אבל אם נשאה. סופו להיות שונאה. שנאמר אחריו (פסוק טו) כי תהיין לאיש וגו' וסופו להוליד ממנה בן סורר ומורה, לכך נסמכו פרשיות הללו:
And you take her to you as a wife- The Torah speaks only in opposition to the evil inclination, for if the Holy One, blessed be God, does not make her permitted, he will marry her illicitly. However, if he does marry her, eventually he will hate her, for it is stated after this, (in verse 15), "If a man has two wives....," and eventually he will beget from her a stubborn and rebellious son. Therefore these sections are adjoined.

Commentary

This passage is rarely cited in discussion of intermarriage but is fascinating and relevant as it seemingly provides an exception to the ban on intermarriage in the case of

³⁵ Translations adapted from Abraham ben Isaiah and Benjamin Sharfman, *The Pentateuch and Rashi's Commentary* (New York: S.S. & R. Publishing, 1977) Deuteronomy 193-194.

female prisoners of war. Further, the wording in verse 13, that this woman will become a wife (*isha*) confirms that intermarriages are seen as valid in the Bible. The Talmudic concept of a marriage that does not actually take effect is not introduced as a concept in this or other biblical stories.

Rashi's commentary seems a bit contradictory. First, in verse 10 he comments that the text must be speaking only of wars fought outside the land of Israel. Then in verse 11 he says that the rules of taking foreign women captive (and eventually marrying them) also apply to the Canaanites, even though they are among the seven forbidden peoples. Rashi goes on to explain even as this passage permits Israelite men to take these wives, it also creates rules intended to dissuade the men from marrying them. In particular, Rashi notes that the rules outlined in verses 12-14 are intended to minimize the likelihood that the man will turn his initial superficial attraction toward a foreign woman into a long term marital bond by forcing her to appear unattractive. Both Plaut's Torah commentary and the *Etz Hayim* Torah commentary contradict Rashi's assertion that Canaanite women are permitted for marriage, stating simply that this allowance for captive women must exclude Canaanite women based on the prohibition as stated in Deuteronomy 7:3.³⁶

The JPS Torah Commentary focuses on the ethical underpinnings of the rules related to captive women, arguing that they protect the women and their rights by insisting that these women cannot be kept as slaves but rather must be elevated to the status of wives. Another issue raised in this commentary but nowhere else is that of idolatry. In general, a key concern related to intermarriage is that idolatrous spouses will lead Israelites astray. One possibility for the silence of most commentators on this issue is that they might not have considered foreign women from far off lands capable of spreading their culture to Israelites.

³⁶ Plaut et al., *The Torah: A Modern Commentary*, 1483. Lieber and Harlow, *Etz Hayim*, 1112.

Having been so dominated and stripped of their former identity by the acts described in Deuteronomy 12-13, she would have lost her own ties to her old ways and would have very little power left to influence a man to follow any remaining idolatrous practices. The *JPS Torah Commentary*, the only one to raise the issue of idolatry, cites this very argument as the justification for permitting foreign women to Israelite men.³⁷

Deuteronomy 23:4-5

⁴ No Ammonite or Moabite shall be admitted into the congregation of the LORD; none of their descendants, even in the tenth generation, shall ever be admitted into the congregation of the LORD,

⁵ because they did not meet you with food and water on your journey after you left Egypt, and because they hired Balaam son of Beor, from Pethor of Aram-naharaim, to curse you.

דברים פרק כג

(ד) לא יבא עמוני ומואבי בקהל יקוק גם דור עשירי לא יבא להם בקהל יקוק עד עולם:
(ה) על דבר אשר לא קדמו אתכם בלחם ובמים בדרך בצאתכם ממצרים ואשר שכר עליך את בלעם בן בעור מפתור ארם נהרים לקללך:

Commentary

These verses are not directly relevant to the discussion of intermarriage in that they have come to be understood as discussing something more akin to conversion. They are included here because of relevant discussions based upon them that appear in the Mishnah and in codes literature.³⁸ Another noteworthy feature of this text is that it bans the Moabite to the 10th generation, yet in the book of Ruth, a Moabite joins the Jews and becomes the progenitor of the Davidic line.

³⁷ Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: The Jewish Publication Society, 1996), 193-195.

³⁸ See discussion on Mishnah *Yadayim* 4:4 and Mishneh Torah, *Hilkhot Issurei Biah* 12:25.

PROPHETS AND WRITINGS

Joshua 23:12-13

¹² For should you turn away and attach yourselves to the remnant of those nations -- to those that are left among you -- and intermarry with them, you joining them and they joining you,

¹³ know for certain that the LORD your God will not continue to drive these nations out before you; they shall become a snare and a trap for you, a scourge to your sides and thorns in your eyes, until you perish from this good land that the LORD your God has given you.

יהושע פרק כג

(יב) כי אם שוב תשובו ודבקתם ביתר הגוים האלה הנשארים האלה אתכם והתחתנתם בהם ובאתם בהם והם בככם:

(יג) ידוע תדעו כי לא יוסיף יקוק אלהיכם להוריש את הגוים האלה מלפניכם והיו לכם לפח ולמוקש ולשטט בצדיכם ולצננים בעיניכם עד אבדכם מעל האדמה הטובה הזאת אשר נתן לכם יקוק אלהיכם:

Commentary

Though this passage is not often cited as a source for the ban on intermarriage, it serves as a strong reiteration of the prohibition on taking foreign wives. Here Joshua takes on the role previously filled by Moses in reminding the people of their covenantal promise to be true to the one and only God. In this case the warning includes both male and female foreigners and warns against marrying them or even forming close relationships with them. Both are seen as opening oneself up to the temptation of idolatry.

Judges 14:1-4

¹ Once Samson went down to Timnah; and while in Timnah, he noticed a girl among the Philistine women. ² On his return, he told his father and mother, "I noticed one of the Philistine women in Timnah; please get her for me as a wife." ³ His father and mother said to him, "Is there no one among the daughters of your own kinsmen and among all our people, that you must go and take a wife from the uncircumcised Philistines?" But Samson answered his father, "Get me that one, for she is the one that pleases me." ⁴ His father and mother did not realize that this was the LORD's doing: He was seeking a pretext against the Philistines, for the Philistines were ruling over Israel at that time.

שופטים פרק יד

(א) וירד שמשון תמנתה וירא אשה בתמנתה מבנות פלשתים:
 (ב) ויעל ויגד לאביו ולאמו ויאמר אשה ראיתי בתמנתה מבנות פלשתים ועתה קחו אותה לי לאשה:
 (ג) ויאמר לו אביו ואמו האין בבנות אחיך ובכל עמי אשה כי אתה הולך לקחת אשה מפלשתים
 הערלים ויאמר שמשון אל אביו אותה קח לי כי היא ישרה בעיני:
 (ד) ואביו ואמו לא ידעו כי מיקוק היא כי תאנה הוא מבקש מפלשתים ובעת ההיא פלשתים משלים
 בישראל: פ

Commentary

This excerpt, in which Sampson expresses his desire and plan to take a Philistine wife, is not generally cited in discussions of intermarriage. The text is noteworthy in that it adds a new theologically inclined explanation to the phenomenon of intermarriage, at least for this particular occurrence. The narrator reveals in verse 4 that though Sampson and his parents believe his attraction to this foreign woman is his own doing, in reality it is God at work behind the scene. While Sampson seems to be acting against the will of God by taking a foreign wife, the narrator assures us that this is part of God's plan to set a proper pretext for future harm that will be inflicted upon the Philistines. This carefully constructed narrative allows for God to utilize the possibility of intermarriage without necessarily approving of it in other contexts.

1 Kings 3:1-3; 1 Kings 9:16; 1 Kings 11:1-11

The following three texts from 1 Kings are presented and analyzed as a group because together they document the story of King Solomon and the many foreign wives he married.

The commentary appears after the third quotation.

1 Kings 3:1-3

¹ Solomon allied himself by marriage with Pharaoh king of Egypt. He married Pharaoh's daughter and brought her to the City of David [to live there] until he had finished building his palace, and the House of the LORD, and the walls around Jerusalem.

² The people, however, continued to offer sacrifices at the open shrines, because up to that time no house had been built for the name of the LORD.

³ And Solomon, though he loved the LORD and followed the practices of his father David, also sacrificed and offered at the shrines.

מלכים א פרק ג

(א) ויתחתן שלמה את פרעה מלך מצרים ויקח את בת פרעה ויביאה אל עיר דוד עד כלתו לבנות את ביתו ואת בית יקוק ואת חומת ירושלם סביב:

(ב) רק העם מזבחים בבמות כי לא נבנה בית לשם יקוק עד הימים ההם: פ

(ג) ויאהב שלמה את יקוק ללכת בחקות דוד אביו רק בבמות הוא מזבח ומקטיר:

1 Kings 9:16

¹⁶ Pharaoh king of Egypt had come up and captured Gezer; he destroyed it by fire, killed the Canaanites who dwelt in the town, and gave it as dowry to his daughter, Solomon's wife.)

מלכים א פרק ט פסוק טז

פרעה מלך מצרים עלה וילכד את גזר וישרפה באש ואת הכנעני הישב בעיר הרג ויתנה שלחים לבתו אשת שלמה:

1 Kings 11:1-11

¹ King Solomon loved many foreign women in addition to Pharaoh's daughter -- Moabite, Ammonite, Edomite, Phoenician, and Hittite women,

² from the nations of which the LORD had said to the Israelites, "None of you shall join them and none of them shall join you, lest they turn your heart away to follow their gods." Such Solomon clung to and loved.

³ He had seven hundred royal wives and three hundred concubines; and his wives turned his heart away.

⁴ In his old age, his wives turned away Solomon's heart after other gods, and he was not as wholeheartedly devoted to the LORD his God as his father David had been.

⁵ Solomon followed Ashtoreth the goddess of the Phoenicians, and Milcom the abomination of the Ammonites.

⁶ Solomon did what was displeasing to the LORD and did not remain loyal to the LORD like his father David.

⁷ At that time, Solomon built a shrine for Chemosh the abomination of Moab on the hill near Jerusalem, and one for Molech the abomination of the Ammonites.

⁸ And he did the same for all his foreign wives who offered and sacrificed to their gods.

⁹ The LORD was angry with Solomon, because his heart turned away from the LORD, the God of Israel, who had appeared to him twice

¹⁰ and had commanded him about this matter, not to follow other gods; he did not obey what the LORD had commanded.

¹¹ And the LORD said to Solomon, "Because you are guilty of this -- you have not kept My covenant and the laws which I enjoined upon you -- I will tear the kingdom away from you and give it to one of your servants.

- (א) והמלך שלמה אהב נשים נכריות רבות ואת בת פרעה מואביות עמניות אדמית צדנית חתית:
 (ב) מן הגוים אשר אמר יקוק אל בני ישראל לא תבאו בהם והם לא יבאו בכם אכן יטו את לבבכם
 אחרי אלהיהם בהם דבק שלמה לאהבה:
 (ג) ויהי לו נשים שרות שבע מאות ופלגשים שלש מאות ויטו נשיו את לבו:
 (ד) ויהי לעת זקנת שלמה נשיו הטו את לבבו אחרי אלהים אחרים ולא היה לבבו שלם עם יקוק
 אלהיו כלבב דויד אביו:
 (ה) וילך שלמה אחרי עשתרת אלהי צדנים ואחרי מלכם שקץ עמנים:
 (ו) ויעש שלמה הרע בעיני יקוק ולא מלא אחרי יקוק כדוד אביו:
 (ז) אז יבנה שלמה במה לכמוש שקץ מואב בהר אשר על פני ירושלם ולמלך שקץ בני עמון:
 (ח) וכן עשה לכל נשיו הנכריות מקטירות ומזבחות לאלהיהן:
 (ט) ויתאנף יקוק בשלמה כי נטה לבבו מעם יקוק אלהי ישראל הנראה אליו פעמים:
 (י) וצוה אליו על הדבר הזה לבלתי לכת אחרי אלהים אחרים ולא שמר את אשר צוה יקוק:
 (יא) ויאמר יקוק לשלמה יען אשר היתה זאת עמך ולא שמרת בריתי והקתי אשר צויתי עליך קרע
 אקרע את הממלכה מעליך ונתתיה לעבדך:

רלב"ג מלכים א פרק יא פסוק א (Ralbag on 1 Kings 11:1)

(א) והמלך שלמה אהב נשים וגו' - הנה גנה אותו משני צדדין האחד שהוא לקח נשים מן הגוים אשר הזהירה
 התורה שלא נתחתן בהם כדי שלא יטו את לבבינו אחרי אלהיהם. והצד השני מפני שהרבה לו נשים אשר הזהירה
 התורה אותו מזה בפרשת שופטים ואם אמר אומ' שכבר ראוי שנהשוב שנתגיירו כבר קודם שלקחתם שלמה הנה
 עם כל זה לא היה נמלט מהגנות כי בת פרעה היתה אסור לבא בקהל ה' גם אחר שנתגיירה כי דור שלישי לבד
 מותר להם לבא בקהל ה' והעמונית ומואבית הם גם כן מעם שאינו ראוי לבא בקהל שנאמר לא יבא עמוני ומואבי
 בקהל ה'...

King Solomon loved many foreign women- Behold he should have been censured on two
 accounts. The first is that he took wives from the nations from which the Torah warned
 against [taking wives] in order that they not turn our hearts after their gods. And the second
 is that [he should be censured] because he took many wives, and the Torah had warned
 against this in *parshat Shoftim*. And, if one were to say it was already apparent that they had
 the intention to convert prior to Solomon's marrying them, even with all this he would not be
 saved from censure because the daughter of Pharaoh was forbidden from entering the
 community of God even after she converted. Only in the third generation would they have
 been permitted to join the community of God. And, the Ammonites and Moabites were also
 among the peoples who were not permitted to join the community, as it says, "The
 Ammonite and the Moabite may not enter the community of God..."

Commentary

The passages listed above, 1 Kings 3:1-3; 9:16; and 11:1-11, record that King
 Solomon married an Egyptian daughter of Pharaoh and many foreign women of the tribes

explicitly prohibited in the Torah. Historians and political scientists might posit that he entered these unions for political gains, but the text insists that the motive is love by using that word in both verse 1 and verse 2.³⁹

Reading on in chapter 11, one quickly learns that all of these unions lead to the very evil warned against in the Torah, namely idolatry.⁴⁰ One might argue, based on its catastrophic end, that the case of Solomon supports the ban on intermarriage. On the other hand, his bevy of foreign wives attests to the fact that, though God may have objected, intermarriages were considered valid by the people in his day. Further, if the king himself intermarried it must surely have sent a message to the people that this was an acceptable practice. In this light, the end of 1 Kings 11 comes to sound like a campaign aimed at dissuading its audience from following the well known practice of King Solomon. In particular, the reader is left with the message that though large harems were generally a source of pride to rulers in this time, this practice would prove to be a source of weakness for Solomon because it seduced him from his loyalty to his God.⁴¹ Commentators such as Ralbag⁴² add to this message by insisting that there is no explanation that justifies King Solomon's behavior. Ralbag also dismisses any attempt to rewrite the history of King Solomon's courtships, noting that even if the women had converted before marrying Solomon he would still have violated many Toraitic prohibitions.

Ezra/Nehemiah offers its own commentary on the events described here. Recording a speech that was given to the people against intermarriage, Nehemiah 13:26-27 states:

³⁹ The commentary on these verses in *The Jewish Study Bible* reads, "After consolidating authority among his own people, Solomon turned to establishing strategic political alliances with neighboring kingdoms through diplomatic marriages." (Berlin and Brettler, *The Jewish Study Bible*, 677.)

⁴⁰ See Deuteronomy 7:3

⁴¹ J. Robinson, *The First Book of Kings*. (Cambridge: The University Press, 1972), 138.

⁴² R. Levi ben Gershon, also known as Gersonides and as Ralbag lived in Provence in the years 1288-1344.

It was just in such things that King Solomon of Israel sinned! Among the many nations there was not a king like him, and so well loved was he by his God that God made him king of all Israel, yet foreign wives caused even him to sin. How, then, can we acquiesce in your doing this great wrong, breaking faith with our God by marrying foreign women?

Some rabbis in the Talmud find the possibility that Solomon has married an Egyptian woman very troubling because it appears to go directly against biblical commandments to refrain from just such behavior. In BT *Yevamot* 76a-b, the Rabbis debate whether the passage from I Kings 11 describes an actual marriage or just something akin to it. Rava proposes that Solomon could not have married a non-Jew because there is no institution of marriage with non-Jews. In his mind, the prohibition is articulating a post-conversion ban on marrying those not born Jewish. Rav Yosef challenges this by bringing the text of I Kings 3:1, which uses the word for marriage. Rav Papa tries to bolster Rava's side of the argument by suggesting that Solomon "clung with love" to an extent that was similar but not equal to an actual marriage. The Stam acknowledges that a simple reading of the biblical text continues to suggest that there was an actual marriage but it nonetheless allows Rav Papa's solution (i.e., that it was not actual marriage but rather something akin to marriage) to stand.

1 Kings 16:29-33

²⁹ Ahab son of Omri became king over Israel in the thirty-eighth year of King Asa of Judah, and Ahab son of Omri reigned over Israel in Samaria for twenty-two years.

³⁰ Ahab son of Omri did what was displeasing to the LORD, more than all who preceded him.

³¹ Not content to follow the sins of Jeroboam son of Nebat, he took as wife Jezebel daughter of King Ethbaal of the Phoenicians, and he went and served Baal and worshiped him.

³² He erected an altar to Baal in the temple of Baal which he built in Samaria.

³³ Ahab also made a sacred post. Ahab did more to vex the LORD, the God of Israel, than all the kings of Israel who preceded him.

(כט) ואחאב בן עמרי מלך על ישראל בשנת שלשים ושמונה שנה לאסא מלך יהודה וימלך אחאב בן עמרי על ישראל בשמרון עשרים ושתים שנה:
(ל) ויעש אחאב בן עמרי הרע בעיני יקוק מכל אשר לפניו:
(לא) ויהי הנקל לכתו בהטאות ירבעם בן נבט ויקח אשה את איזבל בת אתבעל מלך צידנים וילך ויעבד את הבעל וישתחו לו:
(לב) ויקם מזבח לבעל בית הבעל אשר בנה בשמרון:
(לג) ויעש אחאב את האשרה ויוסף אחאב לעשות להכעיס את יקוק אלהי ישראל מכל מלכי ישראל אשר היו לפניו:

Commentary

This entry provides yet another example of a king taking a foreign wife. Whereas Solomon seems to have strayed in his faith later in life,⁴³ Ahab's idolatry apparently begins as soon as he takes this foreign wife. This example also differs from Solomon's in that Solomon is known to be wise and is generally revered whereas King Ahab is described as the most displeasing of all the Kings in the eyes of God.

Malachi 2:10-12

¹⁰ Have we not all one Father? Did not one God create us? Why do we break faith with one another, profaning the covenant of our ancestors?

¹¹ Judah has broken faith; abhorrent things have been done in Israel and in Jerusalem. For Judah has profaned what is holy to the LORD -- what He desires -- and espoused daughters of alien gods.

¹² May the LORD leave to him who does this no descendants dwelling in the tents of Jacob and presenting offerings to the LORD of Hosts.

מלאכי פרק ב

(י) הלוא אב אחד לכלנו הלוא אל אחד בראנו מדוע נבגד איש באחיו לחלל ברית אבותינו:
(יא) בגדה יהודה ותועבה נעשתה בישראל ובירושלם כי חלל יהודה קדש יקוק אשר אהב ובעל בת אל נכר:
(יב) יכרת יקוק לאיש אשר יעשנה ער וענה מאהלי יעקב ומגיש מנחה ליקוק צבאות:

⁴³ See 1 Kings 11:4

רש"י מלאכי פרק ב פסוק יא (Rashi on Malachi 2:11)

ובעל בת אל נכר - שנשאו נשים נכריות בבבל ואפילו הכהנים כמו שמפורש בספר (עזרא ט) ורבותינו אמרו מלאכי זה עזר':

And has espoused daughters of alien Gods- That they married alien women from Babylonia and even the priests [did this], as is explained in Ezra 9. (And our sages say that Malachi is Ezra.)

Commentary

The issue of intermarriage with foreign women is one of many brought up by the prophet Malachi as examples of transgressions against God. Chapter 2 of Malachi begins with the words, "And now, O priests, this charge is for you..." Verse 11 seems to be addressing the behavior of the people as a whole and one might assume that the priests were not among those committing these transgressions. However, the prevailing opinion of the commentators, including Rashi, confirms the statements in Ezra 9 that implicate the priests as among those transgressing the prohibition on intermarriage. This interpretation, along with the passage from Ezra, reiterates the point made in 1 Kings that even the leaders of the people are breaking the prohibition on intermarriage. And again, like the other sources, this one argues that God is angry and will inflict severe consequences on those who commit this act. *The Jewish Study Bible* adds another dimension to the transgression by focusing on the meaning of verse 10. It offers the alternative to the JPS translation *break faith with one another*, and offers instead *act treacherously; a man to his brother*. From there the commentary concludes that intermarriage is violation not only of the covenant between man and God but also of the covenant among all Jews.⁴⁴

⁴⁴ Berlin and Brettler, *The Jewish Study Bible*, 1272.

Proverbs 2:16-19; 5:3-8, 20; 7:4-5, 22-27

The following three excerpts from Proverbs are presented and analyzed as a group because they share the same core message about the danger of alien women. The commentary appears after the third quotation.

Proverbs 2:16-19

¹⁶ [Wisdom] will save you from the forbidden woman, from the alien woman whose talk is smooth,

¹⁷ Who forsakes the companion of her youth, and disregards the covenant of her God.

¹⁸ Her house sinks down to death, and her course leads to the shades.

¹⁹ All who go to her cannot return and find again the paths of life.

משלי פרק ב

(טז) להצילך מאשה זרה מנכריה אמריה החליקה:

(יז) העזבת אלופך נעוריה ואת ברית אלהיה שכחה:

(יח) כי שחה אל מות ביתה ואל רפאים מעגלתיה:

(יט) כל באיה לא ישובון ולא ישיגו ארחות חיים:

Proverbs 5:3-8, 20

³ For the lips of a forbidden woman drip honey; her mouth is smoother than oil;

⁴ But in the end she is as bitter as wormwood, sharp as a two-edged sword.

⁵ Her feet go down to Death; her steps take hold of Sheol.

⁶ She does not chart a path of life; her course meanders for lack of knowledge.

⁷ So now, sons, pay heed to me, and do not swerve from the words of my mouth.

⁸ Keep yourself far away from her; do not come near the doorway of her house...

²⁰ Why be infatuated, my son, with a forbidden woman? Why clasp the bosom of an alien woman?

משלי פרק ה

(ג) כי נפת תטפנה שפתי זרה וחלק משמן חכה:

(ד) ואחריתה מרה כלענה חדה כחרב פיות:

(ה) רגליה ירדות מות שאול צעדיה יתמכו:

(ו) ארח חיים פן תפלס נעו מעגלתיה לא תדע:

(ז) ועתה בנים שמעו לי ואל תסורו מאמרי פי:

(ח) הרחק מעליה דרכך ואל תקרב אל פתח ביתה:

(כ) ולמה תשגה בני בורה ותחבק חק נכריה:

Proverbs 7:4-5, 22-27

⁴ Say to Wisdom, "You are my sister," and call Understanding a kinswoman.

⁵ She will guard you from a forbidden woman; from an alien woman whose talk is smooth...

²¹ She sways him with her eloquence, turns him aside with her smooth talk.

²² Thoughtlessly he follows her, like an ox going to the slaughter, like a fool to the stocks for punishment --

²³ Until the arrow pierces his liver. He is like a bird rushing into a trap, not knowing his life is at stake.

²⁴ Now, sons, listen to me; pay attention to my words;

²⁵ Let your mind not wander down her ways; do not stray onto her paths.

²⁶ For many are those she has struck dead, and numerous are her victims.

²⁷ Her house is a highway to Sheol, leading down to Death's inner chambers.

משלי פרק ז

(ד) אמר לחכמה אחתי את ומדע לבינה תקרא:

(ה) לשמרך מאשה זרה מנכריה אמריה החליקה:

(כב) הולך אהריה פתאם כשור אל טבח יבוא וכעכס אל מוסר אויל:

(כג) עד יפלה חץ כבדו כמהר צפור אל פח ולא ידע כי בנפשו הוא:

(כד) ועתה בנים שמעו לי והקשיבו לאמרי פי:

(כה) אל ישט אל דרכיה לבך אל תתע בנתיבותיה:

(כו) כי רבים חללים הפילה ועצמים כל הרגיה:

(כז) דרכי שאול ביתה ירדות אל חדרי מות:

Commentary

These excerpts from Proverbs are rarely referenced in discussions of the prohibition on intermarriage but are useful records of the prevailing attitudes towards foreign women. In each of these examples the reader hears the familiar refrain of the foreign woman as a temptress who leads men down a devious path. The individual who might be at risk of straying is warned that giving in to this momentary temptation will lead to an unending path of negative consequences. Wisdom (presumably in the form of Torah study) and a strong will are highlighted as the best ways to safeguard oneself from the danger presented by foreign women.

Ruth 4:9-10

⁹ And Boaz said to the elders and to the rest of the people, "You are witnesses today that I am acquiring from Naomi all that belonged to Elimelech and all that belonged to Chilion and Mahlon. ¹⁰ I am also acquiring Ruth the Moabite, the wife of Mahlon, as my wife, so as to perpetuate the name of the deceased upon his estate, that the name of the deceased may not disappear from among his kinsmen and from the gate of his home town. You are witnesses today."

רות פרק ד

(ט) ויאמר בעז לזקנים וכל העם עדים אתם היום כי קניתי את כל אשר לאלימלך ואת כל אשר לכליון ומחלון מיד נעמי:
(י) וגם את רות המאביה אשת מחלון קניתי לי לאשה להקים שם המת על נחלתו ולא יכרת שם המת מעם אהיו ומשער מקומו עדים אתם היום:

Commentary

This source has been included because the on occasion the case of Ruth is invoked in discussions of intermarriage. In such settings it is described as a tale of a Moabite woman who marries an Israelite man and whose progeny includes King David and ultimately the messiah. Ruth is therefore seen as an example of a positive biblical account of the limitless holiness that can come even from intermarried couples. However, as has been noted earlier in this paper, marriages between a convert and a born Jew are not considered intermarriages by this author. Though there was no formal conversion ceremony in biblical times, Ruth having declared her allegiance to Naomi's people and to Naomi's God is understood as the equivalent of a modern conversion (Ruth 1:16).⁴⁵

The entire story of Ruth and in particular the teaching that she is part of the Davidic line stands in complete opposition to Deuteronomy 23:4-5 which states:

No Ammonite or Moabite shall be admitted into the congregation of the LORD; none of their descendants, even in the tenth generation, shall ever be admitted into the

⁴⁵ See BT Yevamot 47b for the rabbinic account of Ruth's conversion.

congregation of the LORD because they did not meet you with food and water on your journey after you left Egypt, and because they hired Balaam son of Beor, from Pethor of Aram-naharaim, to curse you.

This contradiction is taken up in a lengthy discussion in Yevamot 76b-77a. The Mishnah quotes Deuteronomy 23:4-5 which says, "No Ammonite or Moabite shall be admitted into the congregation of the LORD; none of their descendants, even in the tenth generation, shall ever be admitted into the congregation of the LORD...." and clarifies that this prohibition is against the males but not the females. The Gemara recounts a long discussion in which an Edomite named Doeg challenges the logic of the argument that David is of acceptable lineage because Ruth is a female Moabite. The main challenge, which the Gemara has great difficulty solving, is why this distinction of men being prohibited but women being accepted is read into the case of Moabites and Edomites but not into all other cases of forbidden peoples (e.g., Egyptians and *mamzerim*). The Gemara acknowledges that this ruling regarding Moabite women seems to be an exception to the rule and can only reinforce the validity of this ruling on the basis of it being tradition passed down as Oral Torah in the house of study.

Ezra-Nehemiah

In the books of Ezra and Nehemiah, intermarriage is represented as one of the key transgressions committed by the people. Now that they have returned to the land, Ezra and Nehemiah are committed to repurifying the people, preventing any additional intermarriages, and dissolving any interfaith unions that exist. These two books also mark some of the earliest attempts at creating legal frameworks through interpretation and synthesis of Toraitic

statements. Below are some of the key texts but a reader would be well served by reading at least all of Ezra 9-10 as well as Nechemia 13.

Ezra 9:1-3

¹ When this was over, the officers approached me, saying, "The people of Israel and the priests and Levites have not separated themselves from the peoples of the land whose abhorrent practices are like those of the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites.

² They have taken their daughters as wives for themselves and for their sons, so that the holy seed has become intermingled with the peoples of the land; and it is the officers and prefects who have taken the lead in this trespass."

³ When I heard this, I rent my garment and robe, I tore hair out of my head and beard, and I sat desolate.

עזרא פרק ט

- (א) וככלות אלה נגשו אלי השרים לאמר לא נבדלו העם ישראל והכהנים והלויים מעמי הארצות כתועבתיהם לכנעני החתי הפרזי היבוסי העמני המאבי המצרי והאמרי:
(ב) כי נשאו מבנותיהם להם ולבניהם והתערבו זרע הקדש בעמי הארצות ויד השרים והסגנים היתה במעל הזה ראשונה:
(ג) וכשמעי את הדבר הזה קרעתי את בגדי ומעילי ואמרטה משער ראשי וזקני ואשבה משומם:

Commentary

This text expands on the prohibition against intermarriage as it is articulated in the Torah. Whereas it had previously been stated that Canaanites and members of certain tribes local to Canaan were prohibited, now Ezra suggests even those in other lands who are simply like the seven forbidden peoples (and by this he means that they are idolaters), are also forbidden.

Ezra 9:12

¹² Now then, do not give your daughters in marriage to their sons or let their daughters marry your sons; do nothing for their well-being or advantage, then you will be strong and enjoy the bounty of the land and bequeath it to your children forever.'

(יב) ועתה בנותיכם אל תתנו לבניהם ובנותיהם אל תשאו לבניכם ולא תדרשו שלמם וטובתם עד עולם למען תחזקו ואכלתם את טוב הארץ והורשתם לבניכם עד עולם:

Commentary

This reiteration of the prohibition is noteworthy because it takes the time to express the prohibition on intermarriage in terms of both daughters and sons. In most instances in the Torah the prohibitions speak of male Israelites being led astray by foreign women. Here there is no doubt that intermarriages between an Israelite woman and a foreign man are also unacceptable.

Ezra 10:1-5

¹ While Ezra was praying and making confession, weeping and prostrating himself before the House of God, a very great crowd of Israelites gathered about him, men, women, and children; the people were weeping bitterly.

² Then Shecaniah son of Jehiel of the family of Elam spoke up and said to Ezra, "We have trespassed against our God by bringing into our homes foreign women from the peoples of the land; but there is still hope for Israel despite this.

³ Now then, let us make a covenant with our God to expel all these women and those who have been born to them, in accordance with the bidding of the LORD and of all who are concerned over the commandment of our God, and let the Teaching be obeyed.

⁴ Take action, for the responsibility is yours and we are with you. Act with resolve!"

⁵ So Ezra at once put the officers of the priests and the Levites and all Israel under oath to act accordingly, and they took the oath.

עזרא פרק י

(א) וכהתפלל עזרא וכהתודתו בכה ומתנפל לפני בית האלהים נקבצו אליו מישראל קהל רב מאד אנשים ונשים וילדים כי בכו העם הרבה בכה: ס

(ב) ויען שכניה בן יהיאל מבני <עולם> עילם ויאמר לעזרא אנחנו מעלנו באלהינו ונשב נשים נכריות מעמי הארץ ועתה יש מקוה לישראל על זאת:

(ג) ועתה נכרת ברית לאלהינו להוציא כל נשים והנולד מהם בעצת אדני והחרדים במצות אלהינו וכתורה יעשה:

(ד) קום כי עליך הדבר ואנחנו עמך חזק ועשה:

(ה) ויקם עזרא וישבע את שרי הכהנים הלויים וכל ישראל לעשות כדבר הזה וישבעו:

Commentary

Chapter 10 in its entirety depicts a scene in which the community rallies around Ezra as he leads them in acknowledging the grave sin they have committed against God by intermarrying. The whole community has sinned and now the whole community has committed itself to seeking God's forgiveness. One new aspect of intermarriage raised here is the idea that one can and should repent by separating from a non-Jewish spouse.

Ezra 10:10-12

¹⁰ Then Ezra the priest got up and said to them, "You have trespassed by bringing home foreign women, thus aggravating the guilt of Israel.

¹¹ So now, make confession to the LORD, God of your fathers, and do His will, and separate yourselves from the peoples of the land and from the foreign women."

¹² The entire congregation responded in a loud voice, "We must surely do just as you say.

עזרא פרק י

(י) ויקם עזרא הכהן ויאמר אלהם אתם מעלתם ותשיבו נשים נכריות להוסיף על אשמת ישראל:

(יא) ועתה תנו תודה ליקוק אלהי אבותיכם ועשו רצונו והבדלו מעמי הארץ ומן הנשים הנכריות:

(יב) ויענו כל הקהל ויאמרו קול גדול כן כדברך עלינו לעשות:

Commentary

Now that Ezra has a renewed sense of authority he makes a proclamation against intermarriage. The community then affirms the validity of his proclamation and their intention to follow through on his call. The Hebrew of verse 12 emphasizes the entire community's wholehearted acceptance of the proclamation through its description that the people spoke in unison and in a loud voice.

Ezra 10:18-44⁴⁶

¹⁸ Among the priestly families who were found to have brought foreign women were Jeshua son of Jozadak and his brothers Maaseiah, Eliezer, Jarib, and Gedaliah.

⁴⁶ Verses 21-44 are composed of a list of names of those who have intermarried.

¹⁹ They gave their word to expel their wives and, acknowledging their guilt, offered a ram from the flock to expiate it.

²⁰ Of the sons of Immer: Hanani and Zebadiah;

²¹ of the sons...

עזרא פרק י

(יה) וימצא מבני הכהנים אשר השיבו נשים נכריות מבני ישוע בן יוצדק ואחיו מעשיה ואליעזר ויריב וגדליה:

(יט) ויתנו ידם להוציא נשיהם ואשמים איל צאן על אשמתם:

(כ) ומבני אמר הנני וזבדיה:

(כא) ומבני...

Commentary

This portion of the chapter is noteworthy because of the content of the list of people who have engaged in intermarriage. Perhaps most striking in this account is that even the priests were intermarrying.⁴⁷ Yet, even as the priests acknowledge that they intermarried, they accept Ezra's command that they step forward to lead the people in repentance.⁴⁸

Another noteworthy feature of this text (and of the chapter as a whole) is its treatment of the offspring of these marriages. If the foreign wives are being expelled, the logical implication is that the children of these unions will leave with them. For many readers this outcome seems incongruous with Judaism's general position of treasuring children and celebrating the continuity of Judaism from generation to generation.

Nehemiah 10:29-31

²⁹ "And the rest of the people, the priests, the Levites, the gatekeepers, the singers, the temple servants, and all who separated themselves from the peoples of the lands to *follow* the Teaching of God, their wives, sons and daughters, all who know enough to understand,
³⁰ join with their noble brothers, and take an oath with sanctions to follow the Teaching of God, given through Moses the servant of God, and to observe carefully all the commandments of the LORD our Lord, His rules and laws.

⁴⁷ By the count of *CCAR Responsa 146: Reform Judaism and Mixed Marriage*, these verses name eighty-six Judeans, ten Levites, many members of the High Priest's family and 13 other priests.

⁴⁸ See Ezra 10:16 which states that the priest joined Ezra in forming a committee to study the matter and produce a list of all the offending Israelites.

³¹ "Namely: We will not give our daughters in marriage to the peoples of the land, or take their daughters for our sons."

נחמיה פרק י

(כט) ושאר העם הכהנים הלויים השוערים המשררים הנתינים וכל הנבדל מעמי הארצות אל תורת האלהים נשיהם בניהם ובנותיהם כל יודע מבין:
(ל) מחזיקים על אחיהם אדיריהם ובאים באלה ובשבועה ללכת בתורת האלהים אשר נתנה ביד משה עבד האלהים ולשמור ולעשות את כל מצות יקוק אדנינו ומשפטיו וחקיו:
(לא) ואשר לא נתן בנתינו לעמי הארץ ואת בנותיהם לא נקה לבנינו:

Commentary

This selection contains the opening portion of a pledge that has been made by all the people. That the very first pledge is for future adherence to the ban on intermarriage demonstrates that it was one of the preeminent issues for the people of Nehemiah's day.⁴⁹

Nehemiah 13:23-27

²³ Also at that time, I saw that Jews had married Ashdodite, Ammonite, and Moabite women;

²⁴ a good number of their children spoke the language of Ashdod and the language of those various peoples, and did not know how to speak Judean.

²⁵ I censured them, cursed them, flogged them, tore out their hair, and adjured them by God, saying, "You shall not give your daughters in marriage to their sons, or take any of their daughters for your sons or yourselves.

²⁶ It was just in such things that King Solomon of Israel sinned! Among the many nations there was not a king like him, and so well loved was he by his God that God made him king of all Israel, yet foreign wives caused even him to sin.

²⁷ How, then, can we acquiesce in your doing this great wrong, breaking faith with our God by marrying foreign women?"

נחמיה פרק יג

(כג) גם בימים ההם ראיתי את היהודים השיבו נשים <אשדודיות> אשדדיות <עמוניות> עמוניות מואביות:

(כד) ובניהם חצי מדבר אשדודית ואינם מכירים לדבר יהודית וכלשון עם ועם:
(כה) ואריב עמם ואקללם ואכה מהם אנשים ואמרטם ואשביעם באלהים אם תתנו בנתיכם לבניהם ואם תשאו מבנותיהם לבניכם ולכם:

(כו) הלוא על אלה חטא שלמה מלך ישראל ובגוים הרבים לא היה מלך כמוהו ואהוב לאלהיו היה ויתנהו אלהים מלך על כל ישראל גם אותו החטיאו הנשים הנכריות:

⁴⁹ Berlin and Brettler, *The Jewish Study Bible*, 1704.

(כו) ולכם הנשמע לעשת את כל הרעה הגדולה הזאת למעל באלהינו להשיב נשים נכריות:

Commentary

As was previously noted in the commentary on 1 Kings 11, Nechemia utilizes the story of King Solomon intermarrying to teach the people of his day of its dangers. If even the wise King Solomon can be led into idol worship by foreign wives, surely everybody else should fear the dangers of intermarriage.

1 Chronicles 2:1-3

¹These are the sons of Israel: Reuben, Simeon, Levi, Judah, Issachar, Zebulun,

² Dan, Joseph, Benjamin, Naphtali, Gad, and Asher.

³ The sons of Judah: Er, Onan, and Shelah; these three, Bath-shua the Canaanite woman bore to him. But Er, Judah's first-born, was displeasing to the LORD, and He took his life.

דברי הימים א פרק ב

(א) אלה בני ישראל ראובן שמעון לוי ויהודה יששכר וזבלון:

(ב) דן יוסף ובנימין נפתלי גד ואשר:

(ג) בני יהודה ער ואונן ושלה שלושה נולד לו מבת שוע הכנענית ויהי ער בכור יהודה רע בעיני יקוק ומיתתו:

Commentary

This is yet another example of intermarriage with a Canaanite. In this case none of the standard Medieval commentators try to take on the statement by either condemning Judah or justifying the relationships. The most remarkable thing about this passage documenting a forbidden intermarriage is that others have found it unremarkable.

1 Chronicles 2:34-35

³⁴ Now Sheshan had no sons, but daughters. And Sheshan had a servant, an Egyptian, whose name was Jarha.

³⁵ So Sheshan gave his daughter to Jarha his servant to wife; and she bore him Attai.

דברי הימים א פרק ב

(לד) ולא היה לששן בנים כי אם בנות ולששן עבד מצרי ושמו ירחע:
(לה) ויתן ששן את בתו לירחע עבדו לאשה ותלד לו את עתי:

רד"ק דברי הימים א פרק ב פסוק לד 2:34 Radak on 1 Chronicles

ולששן עבד מצרי ושמו ירחע - שגדל עמו והיה בן ביתו כמו אליעזר עבד אברהם ונתן לו את בתו אחר ששהררו ...

And Sheshan had a servant, an Egyptian whose name was Jarha- She was raised with him and was a part of the household, like Abraham's servant Eliezar, and he gave him his daughter after he freed him.

Commentary

This seemingly forbidden marriage is commented upon in an attempt to minimize the transgression. Radak proposes that this slave was a lifelong servant of the home in the same way that Eliezer was Abraham's servant. Further, Radak says the daughter was only given in marriage after the slave had been set free.

2 Chronicles 12:13-16

¹³ King Rehoboam grew strong in Jerusalem and exercised kingship. Rehoboam was forty-one years old when he became king, and he reigned seventeen years in Jerusalem -- the city the LORD had chosen out of all the tribes of Israel to establish His name there. His mother's name was Naamah the Ammonitess.

¹⁴ He did what was wrong, for he had not set his heart to seek the LORD.

¹⁵ The deeds of Rehoboam, early and late, are recorded in the chronicles of the prophet Shemaiah and Iddo the seer, in the manner of genealogy. There was continuous war between Rehoboam and Jeroboam.

¹⁶ Rehoboam slept with his fathers and was buried in the City of David. His son Abijah succeeded him as king.

דברי הימים ב פרק יב

(יג) ויתחזק המלך רחבעם בירושלם וימלך כי בן ארבעים ואחת שנה רחבעם במלכו ושבע עשרה שנה מלך בירושלם העיר אשר בחר יקוק לשום את שמו שם מכל שבטי ישראל ושם אמו נעמה העמנית:

(יד) ויעש הרע כי לא הכין לבו לדרוש את יקוק:

(טו) ודברי רחבעם הראשנים והאחרונים הלא הם כתובים בדברי שמעיה הנביא ועדו החזה להתיחש ומלחמות רחבעם וירבעם כל הימים:

(טז) וישכב רחבעם עם אבתיו ויקבר בעיר דויד וימלך אביה בנו תחתיו:

Commentary

It is fascinating that on one hand we have here an example of a man who became king in spite of being the offspring of an intermarriage (between King Solomon and an Ammonite) and on the other hand the text tells us that he was a disaster because he did not depend upon God.

MISHNAIC SOURCES

Mishnah Yevamot 4:13⁵⁰

Who is deemed to be a *mamzer*⁵¹? [The offspring of a union with] any consanguineous relative with whom cohabitation is forbidden; this is the ruling of R. Akiba. Simeon the Temanite said: [The offspring of any union] the penalty for which is kareth at the hands of heaven; and the halachah is in agreement with his view, and R. Joshua said: [The offspring of any union] the penalty for which is death at the hands of beth din.

משנה מסכת יבמות פרק ד משנה יג

[יג] איזהו ממזר כל שאר בשר שהוא בלא יבא דברי רבי עקיבא שמעון התימני אומר כל שהיבים עליו כרת ביד שמים והלכה כדבריו רבי יהושע אומר כל שהיבים עליו מיתת בית דין אמר רבי שמעון בן עזאי מצאתי מגילת יוחסין בירושלם וכתוב בה איש פלוני ממזר מאשת איש לקיים דברי רבי יהושע [יד] אשתו שמתה מותר באחותה גרשה ומתה מותר באחותה נשאת לאחר ומתה מותר באחותה יבמתו שמתה מותר באחותה חלץ לה ומתה מותר באחותה:

Commentary

The issue of *mamzerut* was one which the Rabbis took very seriously. Throughout Jewish history policy makers of the day have stretched the limits of halakhah to minimize the number of people who would be categorized as *mamzerim*.⁵² The Mishnah states, in the name of Rabbi Akiba, that the status of *mamzer* is applied to children of forbidden intrafamilial relationships such as those listed in Leviticus 18.⁵³ The criteria are then broadened by Shimon HaTemani to include any child born of a relationship for which the

⁵⁰ The Hebrew versions of the Mishnayot are from the Bar Ilan Responsa Project: Version 12 plus. English translations are adaptations of the Soncino translation, as found in Judaica Classics Library II.

⁵¹ This word appears as *bastard* in the Soncino translation and has been altered here for clarity.

⁵² For an example, see *Kiddushin* 68b.

⁵³ For example, Leviticus 18:12 which states, "Do not uncover the nakedness of your father's sister; she is your flesh."

punishment is *karet* as a *mamzer*. The Mishnah also states that the halakhah is according to his opinion. However, it is debatable whether Maimonides, who codified this issue in Mishneh Torah, *Hilkhot Issurei Biah* 1:1, intended to include only the sort of relationships forbidden in Leviticus 18 or also all others punishable by *karet*, such as intermarriage.⁵⁴ Similarly, the Shulchan Arukh, in *Even Haezer* 4:19 declares that the offspring of an intermarriage are only *mamzerim* if the Jewish parent is a *mamzer*.

In modern times halakhic authorities have continued to do all within their power to minimize the number of people burdened with the status of being a *mamzer*. The Reform movement does not enforce any of the historic legal limitations on individuals who might be considered *mamzerim* such as forbidding marriages between a *mamzer* and Jew in good standing. Conservative and some Orthodox authorities try to minimize the issue of *mamzerim* by avoiding investigative behavior that would determine that a person is a *mamzer*. In cases where one clearly is a *mamzer*, Orthodox rabbis and the State of Israel do enforce the restrictions on marriage. Thus, the only reason a Reform rabbi might consider the issue of children of a forbidden marriage becoming *mamzerim* is in the context of *Klal Yisrael*, that is, a concern for the repercussions this child may face when interfacing with some parts of Orthodox society.

Mishnah Yadayim 4.4

On that same day came Judah, an Ammonite proselyte, and stood before the house of study, and said to them [namely, the Sages], "What is my status on entering the congregation?" Rabban Gamaliel said to him, "You are forbidden." R. Joshua said to him, "You are permitted." Rabban Gamaliel said to him [namely, R. Joshua], "Scripture says, 'An Ammonite or a Moabite shall not enter into the assembly of the Eternal, even to the tenth generation, etc.'" (Deuteronomy 23:4-5) R. Joshua said to him [namely, Rabban Gamaliel], "But are [the] Ammonites and [the] Moabites still in their own territory? Sennacherib, the King of Assyria, has long since come up and mingled all the nations, as it is said, 'I have

⁵⁴ See Mishneh Torah *Hilchot Issurei Biah* 1:1 footnote 1 in Touger English-Hebrew edition of Mishneh Torah.

erased the borders of peoples; I have plundered their treasures, and exiled their vast populations.” (Isaiah 10:13) Rabban Gamaliel replied to him, “Scripture says, ‘But afterward I will bring again the captivity of the children of Ammon,’ (Jeremiah 49:6) and so they have already returned. R. Joshua answered him, “Scripture says, ‘I will turn the captivity of my people Israel and Judah,’ but they have not yet returned.” (Jeremiah 30:3) So they permitted him to enter the assembly.⁵⁵

משנה מסכת ידים פרק ד משנה ד

[ד] בו ביום בא יהודה גר עמוני ועמד לפניו בבית המדרש אמר להם מה אני לבא בקהל אמר לו ר"ג אסור אתה אמר לו ר' יהושע מותר אתה א"ל ר"ג הכתוב אומר (דברים כג) לא יבא עמוני ומואבי בקהל ה' גם דור עשירי וגו' אמר לו רבי יהושע וכי עמונים ומואבים במקומן הן כבר עלה סנחריב מלך אשור ובלבל את כל האומות שנאמר (ישעיה י) ואסיר גבולות עמים ועתידותיהם שוסתי ואוריד כביר יושבים א"ל ר"ג הכתוב אומר (ירמיה מט) ואחרי כן אשיב את שבות בני עמון וכבר חזרו א"ל ר' יהושע הכתוב אומר (עמוס ט') ושבותי את שבות עמי ישראל ויהודה ועדיין לא שבו התירוהו לבא בקהל:

Commentary

This Mishnah tells the story of an Ammonite who has already converted to Judaism. He comes to the house of study and now asks the rabbis whether he can enter the assembly, which is to say, can he marry other Jews.⁵⁶ Rabban Gamaliel says no, citing the prohibition from Deuteronomy 23:4 which declares that even after an Ammonite has converted, he is not welcome to become an unrestricted member the community. Rabbi Joshua counters by arguing that long ago Sennacherib, the king of Assyria so mixed up the nations that the true identity of the seven prohibited peoples has been lost. On this basis, the Ammonite is not linked with the prohibited group of Amonites and is welcome to become a full member of the community.⁵⁷

This Mishnah, in declaring that the true identities of the seven prohibited peoples has been lost, can be relevant to discussions of intermarriage today. There are those who argue that the Bible intentionally excludes particular foreign nations rather than *all* foreign nations. If Jewish tradition has declared that the communal membership restrictions are now outdated,

⁵⁵ This translation combines translations from Philip Blackman. *Mishnayot*, 769-770; *The Jewish Publication Society Tanakh*, and the Soncino translation of the Mishnah as found on Judaica Classics CD-ROM.

⁵⁶ See Soncino translation of the Mishnah, footnote 26.

⁵⁷ See also Mishneh Torah *Hilkhot Issurei Biah* 12:25, where this opinion is codified.

one could argue that perhaps it is also time to set aside restrictions against marrying with other groups, particularly in light of the fact that most non-Jews are no longer considered by Jews to be idolaters.

TALMUDIC SOURCES

The Talmudic sources that follow are grouped thematically according to the main issue they address with regard to intermarriage. Most of the passages touch on multiple issues and provide various viewpoints on the different sides of the argument. The commentary provided here is intended to educate the reader on the location of key texts and to elucidate the message of the Gemara. Readers are urged to study the full sources in their original and with appropriate traditional commentary.

DOES *KIDDUSHIN* TAKE EFFECT

The following texts all relate to the question of whether *kiddushin* can take effect in a situation where one party is not Jewish. At their core, the struggles in these passages are attempting to address the conflict between Torah verses that explicitly forbid such unions and a documented history of Jews pursuing such unions nonetheless.

BT Kiddushin 68b Commentary

Kiddushin 68b is one of the most commonly referenced Talmudic sources in discussions of the prohibition on intermarriage, primarily because it introduces the concept of ineffectual kiddushin. The Gemara offers Deuteronomy 7:3 as a textual proof for the position that *kiddushin* does not take effect (*lo tafsei bah kiddushin*) in attempted marriages between a Jew and a non-Jew. The argument, as is so often the case in the Gemara, is

implied and seems to be based on the straightforward notion that if the Torah explicitly prohibits a certain union, it must not be sanctioned by Jewish legal practices. The Gemara then addresses the question of whether this concept of ineffectual *kiddushin* applies only to the seven nations mentioned in Deuteronomy 7:1 or whether this rule applies to all non-Jews. According to the Gemara this rule applies to all non-Jews because, as is stated in Deuteronomy 7:4, the concern being addressed in the original prohibition is that Jews not have children with people who will turn their offspring from the Jewish religion toward idolatry.

A second area of interest for this Gemara is determining the status of offspring from such couples. After some debate, it is agreed that the status of the children follows the status of the mother. If the mother is the non-Jew, the children are deemed non-Jews but are not deemed *mamzerim*. If the father is the non-Jew, the children are considered Jewish like their mother. Though they are not considered *mamzerim*, the children are given a less severe label that connotes some degradation of their status such that they will be excluded from certain rights permitted to Jews in good standing. In this way, the rabbis have avoided ever having *mamzerim* come out of relationships between Jews and non-Jews. As such, the singular remaining concern for such unions is the possibility that a non-Jewish parent, and in particular a non-Jewish mother, will cause the children to turn from Judaism toward foreign worship. For the rabbis, this issue is articulated as a concern over idolatry. Jews analyzing this same scenario today might apply the modern terminology of their concern over Jewish continuity.

BT Yevamot 16b-17a
Commentary

BT Yevamot 16b-17a raises the question of whether intermarriages between a Jew and a non-Jew are valid. The discussion is driven in part by a concern over *mamzerut*, but for the purpose of this thesis, the heart of the discussion is the debate over the status of these marriages.⁵⁸ Rav Yehuda starts things off, declaring in the name of Rav Assi that in light of the historical circumstances of the exile of the ten tribes and their subsequent commingling with their non-Israelite neighbors, we now [i.e., in his day] assume that even people who appear to be non-Jewish idolaters may in fact be of Jewish lineage. As such, if a Jew marries an idolater we assume the marriage is valid on the possibility that the idolater is in fact a Jew and thus able to contract a valid Jewish marriage.

The Stam of the Gemara challenges Rav Assi's ruling by suggesting that the person whose status is in doubt, but who is likely a non-Jewish idolater, should be treated as just that. The Gemara makes this claim on the basis of the halakhic rule that in cases where a person's identity is unknown, the person is presumed to match the identity of the majority in that place. This argument is apparently accepted as the Gemara goes on to clarify that Rav Assi's ruling (of treating marriages as valid) only applies to places where dispersed members of the ten tribes settled and came to be a large portion of the population of a given area. The discussion then takes a slight topical turn with Rav Yehuda contributing some information on the rules of Jewish lineage. He says that according to Shmuel, children born to a Jewish mother are considered Jewish but children born to a Jewish father and a non-Jewish mother

⁵⁸ The issue of *mamzerut* comes into play when determining whether or not a marriage is valid because if the mother was validly married and then had a child with a man other than her husband, the child would be a *mamzer*. If, on the other hand, the marriage was invalid, the child would not be a *mamzer*.

are not considered Jewish, but rather take on the identity of their birthmother. Thus, if a Jewish man marries an idolatrous woman, the offspring are not considered Jewish at all.

A legend is then introduced to tie the discussion of matrilineal descent to the earlier discussion of the validity of marriages between Jews and apparent idolaters. The Stam says there is a traditional teaching that that at the time the ten tribes were exiled, no Jewish women had children with the idolatrous neighbors because all the Jewish women of the generation that were exiled were barren. Therefore, if there were any offspring from relationships between the exiled Jews and their idolatrous neighbors, they were the result of relations between Jewish men and idolatrous women. If this legend is accepted as fact, it effectively cancels the rule that marriages between Jews and non-Jews should be treated as binding because now there is no way the offspring living as idolaters would have had matrilineal Jewish roots. In summary, those who accept the legend of the barren women would say that weddings between Jews and idolaters are invalid. Those who do not accept the legend would say that weddings between Jews and idolaters should be treated as valid based on the possibility that the idolaters do have Jewish roots.

BT Yevamot 76a-77a
Commentary

In this passage the Rabbis address two seeming exceptions to the rules against intermarriage: Solomon and his Egyptian wife and Ruth the Moabite who marries Boaz. See the discussions on 1 Kings and on Ruth for detailed analysis.

MAMZERUT

The following passages all relate to the issue of *mamzerim*. This issue was very important to the Rabbis but is less relevant for modern Jews as halakhah has developed over time in such a way that very few people are classified and treated as *mamzerim*.

BT Kiddushin 75b

Commentary

This passage is one of many documenting the rabbinic debates as to which unions create *mamzerim* and which do not. In this case R. Ishmael and R. Eleazar agree with R. Akiva who states that if an idolater has intercourse with a Jewish woman, the child is a *mamzer*. In contrast, the Stam notes that Beit Shammai and Beit Hillel agreed that the status of *mamzer* only applies to children of forbidden unions involving consanguinity that is punishable by *karet*.⁵⁹

BT Kiddushin 77a

Commentary

This passage is only minimally relevant to the discussion of intermarriage in a Reform context. The Gemara is part of a long discussion on prohibitions related to family purity, especially within the priesthood. As such it is not specifically related to intermarriage, but does reinforce the notion that one of the biggest concerns for the rabbis is the status of children in illicit marriages.

BT Avodah Zarah 59a

Commentary

⁵⁹ See Leviticus 18 and discussion of Mishna Yedayim 4:4. *Karet* can be translated as *excommunication* or more literally as *cutting off*.

The Gemara records an incident in which R. Hiyya bar Abba observed Jewish women in the town of Gavla who were pregnant by idolaters who had undergone circumcision but not immersion. According to R. Yochanan, the children will be considered *mamzerim* because the men are not considered converted until they have undergone both circumcision and immersion. In contrast to other sources that discuss a category of *ger toshav*, here the Gemara concludes by saying that these men are considered idolaters. The final statement of the Gemara depicts Rabbah bar bar Chanah saying in the name of R. Yochanan that the children are considered *mamzerim*. However, the halakhah does not accord with this Talmudic statement. Instead, only children who are the product of an incestuous relationship are considered *mamzerim*. The child of a Jewish mother whose father is not Jewish is not considered a *mamzer* unless the mother herself is a *mamzer*.⁶⁰

AVOIDING IDOLATRY

In the Bible, the most common explanation for the prohibition on intermarriage is the fear that foreign spouses would influence Jews to become idolaters. This passage reflects that strong biblical theme.

BT *Avodah Zarah* 36b Commentary

This Gemara presents a lengthy debate about the origins of prohibitions against various permutations of relationships between a Jew and an idolater. It is agreed that Deuteronomy 7:3 is the basis for the prohibition against marriage with the female idolaters of the seven nations, though Rabbi Shimon ben Yochai suggest that it actually extends beyond the seven nations to all idolaters. The discussion also reconfirms the perspective that the

⁶⁰ See Shulhan Arukh *Even Ha'ezer* 4:19

prohibition against marriage with the daughters of idolaters is motivated by concern that Jews would be led into idolatry. The Gemara also states that both public and private relationships are forbidden both within and outside of marriage.

OTHER

BT *Sanhedrin* 81b-82a Commentary

The Mishnah states that zealots are permitted to kill any man who has sexual relations with an Aramean. If they do not kill him, his punishment is that he will not have children who follow after his ways. For example, if he is a great Torah scholar, he will not have a child who is also a great Torah scholar. Rashi interprets the term "Aramean" broadly, meaning "any woman who worships idols." He also notes that though one is permitted to kill a person in the midst of committing a sin, the person is forbidden from killing the sinner after the sin has been committed, as codified in Mishneh Torah *Issurei Biah* 12:5-6.

Though Rashi does not use these words himself, he is drawing a distinction between the stated consequences before an act has been completed, known as *lekhatkhilah*, and the approach to one who has already committed the act, known as *bedeiavad*. In so doing he follows the traditional pattern of there being a harsher stance taken out the outset but a more lenient approach taken when the action can no longer be prevented. This concept will be discussed in greater detail in later chapters of this thesis.

CODES

Mishneh Torah, Hilchot Issurei Biah 1:1

רמב"ם הלכות איסורי ביאה פרק א הלכה א

הבא על אחת מכל העריות האמורות בתורה במזיד חייב כרת שנאמר כי כל אשר יעשה מכל התועבות האלה ונכרתו הנפשות וגו' שניהם הכועל והנבעלת. ואם היו שוגגין חייבין חטאת קבועה. ויש מן העריות שהוא במיתת בית דין יתר על הכרת השוה בכולן.

1) When a person voluntarily engages in sexual relations with one of the *arayot* mentioned in the Torah, he is liable for *karet*, as [Leviticus 18:29] states: "Whenever anyone performs any of these abominations, the souls will be cut off...." [The plural is used, referring to] the man and the woman. If they transgressed unknowingly, they are liable to bring a fixed sin offering. There are some *arayot* with whom relations are punishable by execution in addition to *karet* which is applicable in all cases.⁶¹

Commentary

According to this halakhah, any person who knowingly and voluntarily engages in sexual relations with someone forbidden to him as one of the *arayot* is liable for the punishment of *karet*. As noted in the commentary to Mishna Yevamot 4:13, it is unclear whether Maimonides intended for this statement to apply only to the cases of sexual impropriety listed in Leviticus 18 or whether he would have also included those who transgress the commandment to avoid sexual and marital relations with non-Israelites.

Mishneh Torah, Hilchot Issurei Biah 12:4-7

רמב"ם הלכות איסורי ביאה פרק יב הלכה ד

כל הכועל כותית בין דרך התנות בין דרך זנות אם בעלה בפרהסיא והוא שיבעול לעיני עשרה מישראל או יתר אם פגעו בו קנאין והרגוהו הרי אלו משובחין וררין, ודבר זה הל"מ הוא ראיה לדבר זה מעשה פנחס בזמרי.

4) Whenever a man has relations with a gentile woman in public, i.e., the relationships are carried out in the presence of ten or more Jews, if a zealous person strikes him and kills him, he is considered praiseworthy and ardent. [This applies whether the relations were] in the context of marriage or licentious in nature. This matter is a halakhah conveyed to Moshe at Sinai. Support for this can be derived from Pinchas' slaying of Zimri.

⁶¹ All English translations of text from the Mishneh Torah are borrowed from Moses Maimonides, *Mishneh Torah*. (trans. E. Touger; NY: Moznaim Publishing Corporation, 2002).

רמב"ם הלכות איסורי ביאה פרק יב הלכה ה

ואין הקנאי רשאי לפגוע בהן אלא בשעת מעשה כזמרי שנאמר ואת האשה אל קבתה אבל אם פירש אין הורגין אותו. ואם הרגו נהרג עליו. ואם בא הקנאי ליטול רשות מב"ד להרגו אין מורין לו ואע"פ שהוא בשעת מעשה. ולא עוד אלא אם בא הקנאי להרוג את הבועל ונשמש הבועל והרג הקנאי כדי להציל עצמו מידו אין הבועל נהרג עליו. והבא על בת גר תושב אין הקנאין פוגעים בו אבל מכין אותו מכת מרדות.

5) The zealous person can strike [the fornicators] only at the time of relations, as was the case with regard to Zimri, as [Numbers 25:8] states: "[He pierced]... the woman into her stomach." If, however, [the transgressor] withdraws, he should not be slain. Indeed if [the zealous person] slays him, he may be executed [as a murderer]. If the zealous person comes to ask permission from the court to slay him, they do not instruct him [to do so], even if this takes place at the time [of relations]. Not only that, if the zealous person comes to kill the transgressor and he withdraws and kills the zealous person in order to save himself, the transgressor is not executed for killing him. When a Jew has relations with the daughter of a resident alien, the zealous may not strike him. [The transgressor] should, however, be given stripes for rebellious conduct.

רמב"ם הלכות איסורי ביאה פרק יב הלכה ו

לא פגעו בו קנאים ולא הלקוהו ב"ד הרי עונשו מפורש בדברי קבלה שהוא בכרת שנאמר כי חלל יהודה קדש י"י אשר אהב ובעל בת אל נכר יכרת י"י לאיש אשר יעשנה ער ועונה, אם ישראל הוא לא יהיה לו ער בחכמים ולא עונה בתלמידים ואם כהן הוא לא יהיה לו מגיש מנחה ל"י צבאות. הנה למדת שהבועל כותית כאילו נתחתן לעכו"ם שנאמר ובעל בת אל נכר ונקרא מחלל קדש ה'.

6) If a zealous person did not strike him, nor did he receive stripes from the court, his punishment is explicitly stated in the words of the prophetic tradition. He is liable for *karet*, as [Malachi 2:11-12] states: "Judah desecrated that which is sacred to God, [by] loving and engaging in relations with the daughter of a foreign god. May God cut off from a man who does this any progeny and descendant." [Implied is] that if he is an Israelite, he will not have progeny among the wise who will raise issues, nor a descendant among the scholars who will respond. If he is a priest, he will not have [a descendant] who "presents an offering to the Lord of Hosts." Thus you have learned that a person who shares intimacy with a gentile woman is considered as if he married a false deity, as the verse states: "engaging in relations with the daughter of a foreign god." And he is called one who "desecrated that which is sacred to God."

רמב"ם הלכות איסורי ביאה פרק יב הלכה ז

עון זה אע"פ שאין בו מיתת ב"ד אל יהי קל בעיניך. אלא יש בו הפסד שאין בכל העריות כמותו שהבן מן הערוה בנו הוא לכל דבר ובכלל ישראל נחשב אע"פ שהוא ממזר והבן מן הכותית אינו בנו שנאמר כי יסיר את בנך מאחרי מסיר אותו מלהיות אחרי י"י.

7) Although this transgression is not punishable by execution by the court, it should not be regarded lightly, for it leads to a detriment that has no parallel among all the other forbidden sexual relations. For a child conceived from any other forbidden sexual union is [the father's] son with regard to all matters and is considered a member of the Jewish people, even if he is a *mamzer*. A son conceived by a gentile woman, by contrast, is not considered his son. [This is derived from Deuteronomy 7:4] "For he shall sway your son away from following me." She turns him away from being one of the those who follow God.

Commentary

This series of halakhot reinforces the teaching of BT Sanhedrin 81b. Together they communicate to a reader the intense commitment on the part of the tradition to prevent offspring that would be considered *mamzerim*. Halakhah 12:4 states that when a man has sexual relations with a gentile woman in public, even if it is his wife, a zealot may kill the man and will be praised for doing so. However, halakhah 12:5 states that though you may kill somebody if you catch them in the act of this transgression, you are not permitted to kill the transgressor after the act has been completed. Halakhah 12:6 explains that for a transgressor who is not killed in the midst of it, the appropriate punishment is *karet*, as stated in Malachi 2:11-12. Halakhah 12:7 goes on to explain that the unparalleled severity of this transgression is due to the fact that the child of a relationship between a Jewish man and a gentile woman leads to a child who is not considered part of the Jewish people.

Mishneh Torah, Hilkhoh Issurei Biah 12:25

רמב"ם הלכות איסורי ביאה פרק יב הלכה כה

כשעלה סנחריב מלך אשור בבל כל האומות ועירבם זה בזה והגלה אותם ממקומם. ואלו המצרים שבארץ מצרים עתה אנשים אחרים הם. וכן האדומים שבשדה אדום. והואיל ונתערבו ד' אומות האסורים בכל אומות העולם שהן מותרים הותר הכל. שכל הפורש מהן להתגייר חזקתו שפירש מן הרוב לפיכך כשיתגייר הגר בזמן הזה בכל מקום בין אדומי בין * מצרי בין עמוני בין מואבי בין כושי בין שאר האומות אחד הזכרים ואחד הנקבות מותרין לבא בקהל מיד.

25) When Sannecherib, King of Assyria, arose, he confused the identity of all the nations, mixing them together, and exiling them from their place. The Egyptians that live in the land of Egypt at present are of other nationalities. This also applies with regard to the Edomites in the field of Edom. Since these four forbidden nations became intermingled with all the nations of the world [with] whom it is permitted [to marry once they convert], all [converts] are permitted. For when anyone of them separates himself [from them by] converting, we operate under the presumption that he became separate from the majority. Therefore in the present age, in all places, whenever a convert converts, whether he be an Edomite, an Egyptian, an Ammonite, a Moabite, a Kushite, or from any of the other nations, whether male or female, he or she is permitted to marry among the Jewish people immediately.

Commentary

This halakhah codifies the opinion found in Mishnah Yadayim 4:4 that the descendants of the seven forbidden foreign nations can no longer be properly identified. The practical implication of this statement is that all converts to Judaism are to be treated as full members of the community. Whereas the Bible seems to have had reservations and fears about the inclusion of certain peoples within the Jewish community (e.g., Ammonites, Hittites, etc.), later Jewish scholars have chosen to reconsider the stringency in light of modern circumstances. As was noted in the commentary on Mishnah Yadayim 4:4, this relaxing of a stringent policy could be used by some as a model for other adjustments to modern day policies about who should be permitted full membership in the Jewish community.

Mishneh Torah, Hilkhoh Ishut 4:15

רמב"ם הלכות אישות פרק ד הלכה טו

המקדש גויה או שפחה אינן קידושין אלא הרי היא אחר קידושין כמו שהיתה קודם הקידושין. וכן גוי ועבד שקדשו בת ישראל אין קידושיהן קידושין, ישראל משומד שקידש אע"פ שהוא עובד ע"ז ברצונו הרי אלו קידושין גמורין וצריכה ממנו גט.

15) [When] a man consecrates a gentile woman or a [Canaanite] maidservant, the *kiddushin* are of no consequence; the woman's status is the same after receiving the *kiddushin* as beforehand. Similarly, when a gentile or a [Canaanite] servant consecrates a Jewish woman, the *kiddushin* are of no consequence.

Commentary

The commentary on *Kiddushin* 68b points to this text as a codification of points raised in the Gemara. This halakhah addresses three different scenarios in which there may be doubt as to whether *kiddushin* has taken effect. Maimonides first declares that an Israelite

man cannot enact *kiddushin* with a foreign woman or a handmaid. Even if he tries, his and her status will be as it was before the attempt at *kiddushin*. Maimonides' second declaration is that the same is true in cases where a male foreigner tries to enact *kiddushin* with a female Jew. The third scenario relates to a Jew who is practicing a foreign religion by his own will. If such a man attempts to enact *kiddushin* with a Jewish woman, the *kiddushin* does take effect and a *get* is required in the event of divorce.

Shulhan Arukh, Even Ha'ezzer 4:19

שולחן ערוך אבן העזר סימן ד סעף יט

עובדי כוכבים ועבד שבאו על הממזרת. הולד ממזר. ואם באו על בת ישראל, בין פנויה בין אשת איש, הולד כשר, ופגום לכהונה.

[When] idolaters or a slave have sexual relations with a female *mamzer*, the resulting offspring is considered a *mamzer*. And if [a male idolater or slave] has sexual relations with a female Israelite, whether she is single or married, the child is *kosher* but is [of inferior status and therefore] unfit to marry a *kohen*.

Commentary

As was noted in the commentary on Avodah Zarah Mishnah Yevamot 4:13, the Shulhan Arukh declares that the child of a relationship between an idolater and a Jew is only considered a *mamzer* if the Jewish parent was already considered a *mamzer*. This opinion contradicts the opinions found in BT Avodah Zarah 59a and in Mishnah Yevamot 4:13. One can infer a willingness on the part of halachic authorities to liberally interpret law for the sake of the well-being of individuals in the community.

Shulhan Arukh, Even Ha'ezzer 44:5

שולחן ערוך אבן העזר סימן מד סעף ח

המקדש עכו"ם או שפחה אינו כלום. שאינן בני קדושין. וכן עכו"ם ועבד שקידשו ישראלית, אינו כלום.

A [male Jew] who betroths an idolater or a slave, it is of no consequence, for they are not people [eligible for] *kiddushin*. And similarly if a male idolater or slave attempts *kiddushin* with a female Jew, it is of no consequence.

Commentary

Much like the law outlined in *Hilchot Ishut* 4:15, this statement declares that certain attempts at *kiddushin* will not lead to an actual change of legal circumstances. In the Talmud, this sort of ineffectual *kiddushin* is referred to as *lo tafsei bah kiddushin* (BT Kiddushin 68b). Here the Shulhan Arukh states that if a man attempts *kiddushin* with an idolater or with a handmaiden, the *kiddushin* will not take effect. The explanation offered is that this is so because such women are not children who are eligible for *kiddushin* (*bnei kiddushin*), which is to say that they are not part of the covenantal system (or at least, not eligible to be wed according to Jewish law). The text also states that if a man in the same categories of idolater tries to enact *kiddushin* with an Israelite woman, the *kiddushin* will not take effect.

CONCLUSION

It is my hope that this chapter has opened the reader's eyes to the falsity of any claim one would advance that the Jewish tradition and ancient sources speak with one clear voice against intermarriage. It is clear that, on the whole, Jewish tradition is opposed to intermarriage and views it unfavorably. But it is also the case that intermarriage has been a part of our people's story from its very inception.

This chapter began with an exploration of the sources in the Torah and Bible related to intermarriage. The Torah documented a fairly consistent general discomfort with marriages between Israelites and foreigners and also articulated explicit prohibitions against

intermarriage. Though specific, these prohibitive statements still left some room for interpretation of who was to have been prohibited from marrying into the Israelite community in the days of the Bible and who should be prohibited from marrying into the Jewish community today. Another complicating factor within the Bible was that it documented many examples of prominent leaders intermarrying with outsiders. And, contrary to later writings, the Bible showed absolutely no inclination to say that marriages between Israelites and forbidden peoples would be void. In fact, the first text to show that these marriages would not be tolerated did not appear until Ezra's exhortation that the priests and leaders separate from their foreign wives. Even there, one could argue that until Ezra made his proclamation, the societal norm had been to treat these marriages as valid, even as they were contrary to the official religious dictum. Overall, the greatest concern of the Bible with regard to intermarriage seemed to be that Israelites (particularly male Israelites) would be tempted by their idolatrous spouses to pursue idolatry. This transgression would cause the offending Israelites to suffer the wrath of God and by extension would negate the possibility of their children carrying on the tradition of faithful obedience to the one true God.

Traditional commentators, post biblical, Rabbinic and Medieval, did their best to sanitize examples of intermarriages in the Bible. They also made a habit of amplifying biblical passages that warned of the ill fate that would befall all who intermarried. A major innovation introduced in the Talmud was the notion that *kiddushin* might be ineffective in certain situations where the couple attempting it was forbidden from marrying one another. The Talmud also attested to intense debates among the rabbis regarding the status of offspring from forbidden marriages. Whereas the Bible stressed the status of progeny of intermarriages in terms of their likelihood to become idolaters, the Talmud focused on

properly categorizing those children who should be labeled as *mamzerim*. Yet another area of intense deliberations among the Rabbis was the interpretation and application of ancient categories of prohibition as articulated in the Torah to their contemporary situation. In particular, opinions varied about who in their day should be considered part of the prohibited seven foreign nations. Similarly, the Rabbis debated the merits of nullifying the biblical proclamation that certain peoples could never be fully admitted to the congregation, even generations after somebody from these tribes had converted to the Jewish religion.

By the time intermarriage laws were codified in the Mishneh Torah and Shulhan Aruk, it is clear that the Rabbinic expansions on the original biblical prohibitions against intermarriage have become the normative position of the Jewish community, at least on paper. However, the halakhah did develop in such a way that the urgent Rabbinic concern over *mamzerim* was diffused by legal leniencies. Additionally, the Torah-based notion that some people, by virtue of their lineage, could never be accepted as full members of the Jewish community, was removed from the active legal codes.

Above all else, these sources remind us that the Jewish approach to intermarriage has evolved and matured at the hands of countless generations of thoughtful and compassionate Jewish leaders. It would be a disservice to ourselves and to our congregants to ignore this rich history as we chart our own paths through this complex issue.

CHAPTER TWO: REFORM RABBINICAL ATTITUDES TOWARD INTERFAITH MARRAIGE

INTRODUCTION

Intermarriage between Jews and their non-Jewish neighbors has been a concern and a reality ever since the inception of the Jewish people. For most of Jewish history, prohibitions on intermarriage were enforced not only from within Judaism, but also from outside authorities such as the governments of the regions in which Jews lived. This chapter is primarily concerned with policies on intermarriage articulated by the American Reform rabbinate, but begins tracing such policies at the onset of the modern era in order help the reader understand the context out of which the Reform policies developed.

EARLY MODERN PERIOD

THE ASSEMBLY OF JEWISH NOTABLES AND THE PARISIAN SANHEDRIN (1806-1807)

In 1806 Napoleon Bonaparte convened a group of Jewish notables for the purpose of clarifying the balance between Jewish law and the law of the land. As an emancipated group, the Jews were expected to follow the law of the land, yet Napoleon knew that Jews, more so than other religious groups, had their own set of laws that at times conflicted with laws of the state. Napoleon convened this group of Jewish leaders so that they could speak as the voice of the Jewish community. The group was asked to address a series of questions, including some related to matrimony. One such question was, "Can a Jewess marry a Christian, and a Jew a Christian woman? Or does the law allow the Jews to marry only among themselves?" Those charged with issuing an answer knew they were dealing with a politically charged

issue. It was no secret that Napoleon was interested in reining in the various religious groups and ensuring that all citizens of the state showed complete obedience to the laws of the state. It was for all these reasons that the assembly crafted a nuanced and arguably religiously liberal response. A representative excerpt from the assembly's answer, ratified just one year later by the Parisian Sanhedrin, follows:

The only marriages expressly forbidden by the law, are those with the seven Canaanite nations, with Amon and Moab, and with the Egyptians...The prohibition in general applies only to nations in idolatry. The Talmud declares formally that modern nations are not to be considered as such, since they worship, like us, the God of heaven and earth. And, accordingly, there have been, at several periods, intermarriages between Jews and Christians... Unions of this kind are still found in France but we cannot deny that the opinion of the Rabbis is against these marriages. According to their doctrine, although the religion of Moses has not forbidden the Jews from intermarrying with nations not of their religion, yet, as marriage, according to the Talmud, requires religious ceremonies called Kiddushin, with the benediction used in such cases, no marriage can be religiously valid unless these ceremonies have been performed.⁶²

The assembly managed to craft a response that successfully balanced the competing interests of politics and religion. Specifically, the document concluded by saying that the Jewish community would recognize weddings between a Jew and a non-Jew as valid civilly but not religiously.⁶³ It also stated that those Jews who nonetheless intermarried would not be disowned by the Jewish people. In spite of the immense pressure to give the "right" answer in the eyes of the state, the Assembly of Jewish Notables found a way to appease Napoleon while also maintaining its integrity by holding the traditional. They accomplished

⁶² Paul Mendes-Flohr and Jehuda Reinharz, eds. *The Jew in the Modern World* (New York: Oxford University Press, 1995), 129. Cites M. Diogene Tama, *Transactions of the Parisian Sanhedrin*, trans. F. D. Kirwan (London, 1807) 149-56, 176-95, 201-7.

⁶³ If one were to phrase this policy in terms of Jewish halakhic principles, it would represent an application of *dina demalkhuta dina*.

this by stressing that Jews would follow the law of the land and by spinning the traditional prohibitions in a way that minimized Jewish particularism.

SAMUEL HOLDHEIM'S *AUTONOMIE DER RABBINEN*

In 1807 the Jewish community officially spoke with one voice declaring that, though intermarriages were not consistently forbidden in Jewish tradition, the practice of Jewish authorities would be to recognize civil intermarriages after the fact, but not to officiate at such weddings. In spite of this declaration, the Jewish community continued to wrestle with the challenging intersection of modernity (specifically of emancipation), and the inherited insular traditions of Judaism. By the mid-1800's the unanimous voice of Jewish leaders had splintered into two distinct camps. The majority of rabbinical authorities held the line as drawn by the Assembly of Jewish Notables and the Parisian Sanhedrin, but a small group of reformers began to advance the position that intermarriage between Jews and non-Jews was permissible in certain circumstances.

Samuel Holdheim (1806-1860), often labeled as a "radical" reformer, drew widespread attention for the position he articulated in his work of 1843, *Über die Autonomie der Rabbinen und das Princip der jüdischen Ehe*. His main thesis was that intermarriages of a Jew to a non-Jew were no less valid than any transaction of *kinyan* between a Jew and a non-Jew. He advanced this argument by undertaking a serious study of the halakhic parameters of various forms of *kinyan*. Whereas the rabbis who wrote the opinion expressed in 1807 drew a distinction between civil unions and Jewish weddings, Holdheim insisted that *kinyan* in the context of marriage did not differ in ways significant enough from all other acts of *kinyan* to justify a recategorization of this instance of *kinyan* into the realm of the

religious. Put simply, he viewed *kinyan* for marriage as a civil act, even when done as part of a Jewish ceremony. Holdheim concluded that marriage was a matter of civil business law, *dinei mammonot*, and not a Jewish religious law. Therefore, the principle of *dina demalkhuta dina* should include matrimonial law and thus the state law should be accorded sovereignty over Jewish law for this civil matter.⁶⁴

Though Holdheim's position may appear to be consonant with the policy articulated by the Parisian Sanhedrin, it was in fact a major philosophical departure with significant practical implications. By placing Jewish weddings within the category of standard civil transactions, Holdheim took the radical step of implicitly rejecting the Talmudic concept of *kiddushin lo tofsin* (i.e., the inability of a non-Jew to partake in a Jewish legal arrangement).⁶⁵ Further, Holdheim's logical reasoning forced him to promote the assertion that the union of a man and a woman in matrimony was no more sacred or religious an occasion than the acquisition of land, livestock, or any other property. Holdheim acknowledged that *kiddushin* implied the presence of love and trust between the two parties, but insisted that such details had no legal bearing on the effectuation or nullification of *kinyan* for marriage. For him, Jewish weddings, whether between two Jews or a Jew and a non-Jew, were always civil acts. As such, he and adherents of his views would accept Jewish weddings between a Jew and a non-Jew as no less legally binding than the wedding of two Jews.

⁶⁴ Ellenson, "Samuel Holdheim on the Legal Character of Jewish Marriage," in *Marriage and its Obstacles in Jewish Law* (Pittsburg: Rodef Shalom Press, 1999) 2-6.

⁶⁵ See discussion of *Kiddushin* 68b in Chapter One of this thesis.

THE BRUNSWICK RABBINICAL CONFERENCE OF 1844 AND RESPONSES

One year after Holdheim recorded his personal stance toward intermarriage, the Brunswick Rabbinical Conference of 1844 passed a resolution rescinding the traditional blanket prohibition against intermarriage. Their proclamation stated that, "In situations where the state allowed children of such unions to be raised as Jews, this conference declared that Judaism sanctioned unions between a Jew and a monotheist, even of another faith."⁶⁶ This policy was notable, not only for its boldness, but also for its introduction of a new criterion by which to judge the potential validity of an intermarriage. Specifically, its inclusion of a condition that the children must be reared as Jews demonstrated the participants' concern over the potential detrimental impact of intermarriage on Jewish continuity.⁶⁷ In a strange twist, historian Michael Meyer points out that this resolution was self-nullifying in that none of the German states of the period allowed the children of interfaith marriages to be raised as Jews.⁶⁸

The writings of Holdheim and the Brunswick Rabbinical Conference did not go unnoticed. Spurred by the arguments put forth by these reformers and by the increasingly frequent incident of intermarriage in the community, a number of rabbis published pieces reiterating the stance that all intermarriages between Jews and non-Jews were unacceptable by Jewish norms. Sampson Raphael Hirsch was one of the first to criticize Holdheim. Hirsch contended that Holdheim's arguments were faulty because they represented an unnecessary invocation of *dina demalkhuta dina*. But it was Zacharias Frankel who, fifteen

⁶⁶ David Ellenson, *Tradition in Transition: Orthodoxy, Halakhah, and the Boundaries of Modern Jewish Identity* (Lanham: University Press of America, 1989), 66-67, citing Gunther Plaut, *The Rise of Reform Judaism* (New York: 1963), 222.

⁶⁷ Michael A. Meyer, *Response to Modernity* (Detroit: Wayne State University Press, 1988), 135-136.

⁶⁸ Meyer, *Response to Modernity*, 135 as noted in Sussman, Lance J. "A 'Delicate Balance': Interfaith Marriage, Rabbinic Officiation, and Reform Judaism in America 1870-2005," *CCAR Journal* Spring (2006): 42.

years later, produced the chief legal argument refuting Holdheim's conclusions in *Autonomie der Rabbinen* regarding *kinyan* in the situation of *kiddushin*. Frankel argued that *kinyan* in the context of marriage was not exclusively civil, as Holdheim had contended. In particular, Frankel pointed to the context of the acquisition, vis-à-vis the language *mikuddeshet* as proof that *kinyan* in the context of marriage was transformed into a sacred action. As such, it would be inappropriate to subjugate Jewish religious laws to the norms of the state. In other words, he sided with Hirsch in contending that Holdheim's application of *dina demalkhuta dina* to the regulation of marriages was an inappropriate application of the principle.⁶⁹

TWENTIETH CENTURY REFORM

THE FIRST CCAR RESOLUTION ON INTERMARRIAGE (1909)

Intermarriage in the American Jewish community dates all the way back to the community's arrival in the country, but the debate on rabbinic officiation did not heat up until the mid to late 1800's. In 1885 the Pittsburgh Conference produced what later became known as the Pittsburgh Platform. This document outlined many key positions of the Reform movement but was silent on the issue of intermarriage. The question of intermarriage remained at the forefront of many rabbis' minds, as attested by numerous documents and formal discussions that took place in the late nineteenth and early twentieth centuries.⁷⁰ By 1909 the Central Conference of American Rabbis was eager to establish a policy on intermarriage. It therefore devoted a major portion of that year's conference to the issue. After much study and analysis, a resolution passed that read, "The Central Conference

⁶⁹ Ellenson, "Holdheim," 6-10.

⁷⁰ For the sake of brevity, this thesis will not offer in depth analysis of each phase of development in the debate on intermarriage in America and will instead focus on major milestones. Those readers who wish to pursue this topic in greater depth should refer to Sussman, "A 'Delicate Balance,'" CCAR Journal Spring (2006).

of America Rabbis declares that mixed marriages are contrary to the tradition of the Jewish religion and should, therefore, be discouraged by the American rabbinate."⁷¹ While this resolution was firm and clear in establishing opposition of the Conference to intermarriage, it stopped short of forbidding individual rabbis from officiating at intermarriages. Additionally, by virtue of its silence on the issue of validity, the resolution implied that the members of the CCAR would treat intermarriages as valid unions.

THE 1947 SPECIAL REPORT ON INTERMARRIAGE

The rabbinic debate on intermarriage continued throughout the first part of the twentieth century, but it was not until 1947 that the issue was again raised as a focal point of a CCAR conference. That year a special committee, under the leadership of renowned halakhist Solomon B. Freehof, presented the membership with a rigorous report on intermarriage. Ultimately the Conference reaffirmed the 1909 CCAR resolution and also adopted a set of detailed recommendations presented by Freehof's committee.

The recommendations, which after extensive debate were adopted, addressed two key concerns; reiterating a strong anti-intermarriage stance and simultaneously laying the foundations for a preliminary outreach strategy targeted at those who had already gone down the path of intermarriage. One of the innovations of these recommendations was the extensive referencing of conversion. The committee wanted to make it very clear that the movement would welcome all who wished to convert, including those who may have been motivated by an impending marriage. To that end, one of its resolutions read, "The CCAR considers all sincere applicants for proselytizing as acceptable whether or not it is the

⁷¹ CCAR Responsa 146. Reform Judaism and Mixed Marriage (Vol. XC. 1980, 86-102). It references the 1909 responsa: CCAR *Yearbook*, vol. 19, 170.

intention of the candidate to marry a Jew.” Additional new territory covered in this document was its reference to co-officiation. The recommendation read, “On the basis of the unanimous attitude of traditional law, it would be improper for a rabbi to participate with a Christian minister [at an intermarriage].” The recommendation upheld the historic policy of treating intermarriages as valid civil unions, but was more explicit than previous positions in stating that civil marriages lacked a critical element of sanctity that could only be bestowed by a religious ceremony. Finally, the recommendations closed with a set of suggestions regarding the conversion of children of intermarriages to Judaism.⁷² Overall, while the Conference chose to uphold the exact resolution of thirty-eight years prior, its inclusion of the committee’s recommendations reflected the changing sociological reality of American Jews, namely the ever-rising rate of intermarriage.

THE 1973 (ATLANTA) CCAR RESOLUTION

Two decades after the CCAR revisited and then reaffirmed the 1909 resolution, the Reform rabbinic community once again felt an urgent need for a formal reevaluation of its policy on intermarriage. An *ad hoc* committee was formed at the St. Louis Convention of 1971. In 1973, after two years of intensive study, they presented their findings and proposed a resolution to CCAR at its Atlanta convention.

The committee’s report cited four major developments that contributed to the rabbinate’s sense that it was time to revisit intermarriage policies. Foremost among them was the ambiguous and permissive nature of the anti-intermarriage statement recorded in 1909. In the words of the report, “while the 1909 declaration had given the CCAR a

⁷² CCAR Responsa 146. Reform Judaism and Mixed Marriage (Vol. XC, 1980, 86-102) Available online at: <http://data.ccarnet.org/cgi-bin/respdisp.pl?file=146&year=arr>

quotable public statement, it had, in fact, become a screen behind which one could do, and did, as one pleased." In particular, the committee was troubled by the wording that intermarriages should be *discouraged* because it allowed rabbis across the whole spectrum of personal practice with regard to officiation to claim that their behavior was endorsed by the CCAR. The three additional factors cited by the committee were the increasing orientation of modern society toward individual freedom and choice, the emerging awareness of the impact and meaning of the Holocaust, and the emergence of a Jewish state as a revolutionary force in Jewish identity.⁷³ Historian Michael Meyer would add to their articulated factors the additional factor of increasing congregational pressure on rabbis to officiate at intermarriages.⁷⁴

The committee, whose ten members themselves represented the whole spectrum of opinions on officiation at intermarriage, nonetheless decided it was time to articulate a more prescriptive policy for rabbis than that recorded in the 1909 resolution. With that goal in mind, it proposed the following statement, which was adopted in its entirety by the CCAR:

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.⁷⁵

Following this initial paragraph, the resolution continued with a statement acknowledging that some members of the CCAR would find their personal beliefs and inclinations to be in conflict with the formal policy of the CCAR. This second section of the proposed resolution asked four things of rabbis who found themselves in this position. First

⁷³ Jacob K. Shankman, "Report of the *Ad Hoc* Committee on Mixed Marriage," CCAR: Eighty-Fourth Annual Convention (1973): 59.

⁷⁴ Meyer, *Response to Modernity*, 372 as cited by Sussman, "A 'Delicate Balance,'" 54.

⁷⁵ Shankman, "Report of the *Ad Hoc* Committee," 63.

of all, they were asked to refrain from officiating at any intermarriage unless the couple agreed to engage in an intensive course of Judaic studies prior to their wedding. Even when couples met this first criterion, rabbis were called upon to refrain from officiating at marriages of Jews who were members of another Reform congregation (unless they first consulted with the rabbi of said congregations). They were also called upon to refrain from co-officiating with non-Jewish clergy and from officiating on Shabbat or *Yom Tov*. The proposed resolution, like the report of 1947, also included a segment on outreach. Its third and final section charged all members of the CCAR to reach out to and support intermarried couples by educating their children, offering conversion for non-Jewish spouses and generally encouraging such families to get involved in Jewish communal life.⁷⁶

When the proposed resolution was presented at the CCAR conference, it sparked an impassioned debate. Some rabbis spoke in favor of the resolution in its totality while others explained that they passionately rejected or endorsed only one or two of its three sections. The diversity in rabbinic opinions spanned not only absolute opinions (i.e., in favor or opposed to the resolution) but also included a huge range of justifications underlying each rabbis conclusions on the issues. Just one example of the range of responses is the fact that many rabbis welcomed the decisive wording of the resolution as a defense for rabbis whose congregations were pressuring them to officiate at intermarriages while other rabbis were horrified that the Reform movement would attempt to stifle the element personal choice in a Reform rabbi's rabbinate. One of the only near universal refrains was the recognition that all rabbis in the CCAR, regardless of their position, were motivated out of a love for Judaism and a concern for its survival.⁷⁷

⁷⁶ Shankman, "Report of the *Ad Hoc* Committee," 63-64.

⁷⁷ Shankman, "Report of the *Ad Hoc* Committee," 70-94.

As the debates progressed, it became clear that part two, the section that called upon dissenting rabbis to refrain from officiating at certain intermarriages was more divisive than parts one and three. In response to serious concerns that this issue could ultimately divide the entire rabbinic body, a motion was suggested to vote on parts one and three but send part two back to committees for additional review. Rabbi Herman E. Schaalman, who had served as Chairman of the *ad hoc* committee, attempted to sway the vote toward endorsing part two by explaining that in his eyes it was a means of securing the unity and future viability of the CCAR.⁷⁸ Soon thereafter the matter was put to vote and it became clear that the majority did not concur with his assessment. By the conclusion of these debates, the first and third portions of the proposed resolution were adopted. Part two, the section that called upon dissenting rabbis to refrain from officiating at certain intermarriages, was sent back to committee for further discussion. In its own day, as is still the case today, this resolution was seen as a major step forward in *terms* of the CCAR articulating a clear and unambiguous policy with regard to intermarriage and outreach. There has been additional writing on the topic of officiation at intermarriages within the CCAR and in other Reform venues, but the 1973 resolution remains the most current officially endorsed policy of the CCAR.⁷⁹

⁷⁸ Shankman, "Report of the *Ad Hoc* Committee," 94-95.

⁷⁹ In 1980 the CCAR issued a responsum addressing the question of whether a Reform rabbi may officiate at the marriage between a Jew and a non-Jew. It also responded to the query of what the general attitude of Reform Judaism was toward intermarriages. The responsum and the 1973 CCAR resolution are cited in the CCAR's *Rabbi's Manual* as the sources for today's Reform policy against officiating at intermarriages. In reality, the 1980 responsum does not offer new thoughts on the issue. Rather, it recounts the history of the Reform movement's positions on this issue and then reaffirms the policy articulated in the 1973 resolution. CCAR Responsa 146. Reform Judaism and Mixed Marriage, Vol. XC, 1980, 86-102. Available online at: <http://data.ccar.net/cgi-bin/respdisp.pl?file=146&year=arr>

POST 1973 RESPONSA⁸⁰

In 1980 the CCAR wrote a responsum to the questions, "May a Reform rabbi officiate at a marriage between a Jew and a non-Jew? What is the attitude of Reform Judaism generally to such a marriage?" The committee used this set of questions as an opportunity to document the historical evolution of the Reform movement's position on intermarriage. The responsum pointed the reader to the resolutions of 1909 and 1973 the major moments of policy development within the Reform movement. It also took this responsum as an opportunity to document more broadly the historic attitudes of Judaism toward intermarriage from the time of the Bible until today. Given the scope of the topic, the responsum is quite brief, but it does offer readers a broad view of the historical developments with regard to Judaism and intermarriage. In the end, as a direct response to the questions posed at the outset of the responsum, it simply states support for the Reform position as articulate in the CCAR's 1973 responsum.

The second noteworthy responsum on this topic came in 1982. In this case the question was posed as follows, "Would there be any halachic justification for a rabbi officiating at an intermarriage? What reasons halachic and non-halachic, for resula can be cited?" The responsum began by succinctly stating that the 1980 responsum and the 1973 resolution had already clarified that there was in fact no halachic basis for an intermarriage. It went on to offer responses to the second question, which it interpreted as a request for contemporary arguments against officiation. The fifteen distinct responses spanned a vast spectrum of concerns including but not limited to *klal Yisrael*, the incoherence and

⁸⁰ This section is entitled Post 1973 Responsa because there have been no CCAR resolutions since the one adopted at the 1973 Atlanta convention. Instead, the public side of the CCAR's official relationship to intermarriage has been chronicled in the form of responsa issued over the years. There are many responsa that one could argue bear some relationship with the issue at hand, but for the purpose of remaining focused, this section will discussion only the two most relevant responsa.

impotence of a non-Jew reciting the words of *kiddushin*, the reduced likelihood of future offspring remaining Jewish, the possibility that officiation by a rabbi would signal to others that intermarriage not a concern for rabbis, and the possibility that officiation might discourage potential converts in relationships with Jews from going forward with conversion. The concluding line of this portion of the responsum read, "It is far more important to have a strong commitment from a smaller group than a vague commitment from a large number who are at the very periphery."⁸¹

From the way this responsum's questions were posed, to the black and white nature of the response, to the searing elaborations that sometimes involved assigning fault and blame, this responsum seems to embody a far more radical and absolute rejection of intermarriage than any other official CCAR material. Interestingly, though this responsum is the most recent CCAR publication on intermarriage, it is not referenced as one of the two sources in the Reform movement's Rabbi's Manual.⁸²

TWENTY-FIRST CENTURY DEVELOPMENTS

A NEW CCAR RESOLUTION

Reform rabbis have continued to discuss intermarriage policies since the passage of the 1972 resolution. These discussions have taken place in informal peer groups, among synagogue clergy, and even at regional events. Yet, in the thirty-six years since the most recent resolution was passed, there has not been a formal proposal of a new CCAR resolution on this topic. At the writing of this thesis, an *ad hoc* committee of the CCAR, convened

⁸¹ CCAR Responsa 149. Rabbi Officiating at a Mixed Marriage (Vol. XCII, 1982, 213-215. Available online at <http://data.ccarnet.org/cgi-bin/respdisp.pl?file=149&year=arr>

⁸² The two sources cited are the 1973 CCAR resolution and Responsum #146, the 1980 document.

roughly one decade ago by Rabbi Alexander M. Schindler, is preparing a draft resolution it hopes to introduce at the next meeting of the CCAR.

According to the committee's near final draft of its proposed resolution, the members were inspired to revisit the Conference's intermarriage policy to ensure it properly reflected three key developments over the past three decade: the initiation of an effective outreach program by the URJ, the changing realities of the American Jewish community (e.g., intermarriage rates, and new data on Jewish identity formation), and an evolution in the thinking of many individual members of the Conference. The preamble to the resolution discusses the historic precedent of a non-Jew living a Jewish life, points to the statistic that two out of every three Jews who marry are marrying somebody who is not Jewish, and highlights the emerging reality of intermarried families becoming integral and valued contributors to Reform communal life. Ultimately the document focuses on the scenario of whether rabbis should officiate at marriages between a Jew and a non-Jew who has agreed establish a Jewish life and may one day even convert. The formal resolution then opens with an affirmation that marriage between two Jews is the most effective in supporting Jewish continuity. After stating other observations, the resolution eventually makes its big departure from the 1973 resolution by supporting, "in both their practice and their resolve, rabbis who choose to officiate only at marriage ceremonies where both parties are Jewish, AND those who are prepared to officiate at marriages between a Jew and a non-Jew who is not an adherent of another faith." The final section of the resolution includes a suggested guideline of behaviors and prerequisites that rabbis enforce among those for whom they would consider officiating. At this time it is unclear whether the resolution will be accepted onto

the agenda of the Conference and it is equally unclear whether the resolution would be likely to pass or be defeated.

CONCLUSION

The modern era has forced Judaism to renegotiate, or at least reconsider, its stance on intermarriage. This process began with Napoleon and his charge to the Jewish community in 1806, but continues with the same intensity today. Over time the focus of the discussion has shifted. What initially began as a question of whether Jews could ever legitimately marry non-Jews, has transformed into a debate on the most effective way to encourage Jewish continuity while upholding the integrity of Jewish law and identity. Throughout the years there have been proponents of radical reforms but for the most part the American Reform rabbinate has generally been reluctant to deviate from a position of discouraging officiation by its members at intermarriages. It remains to be seen whether the developments of the last thirty years, which included a spike in frequency of intermarriages, the emergence of a strong outreach program and the affirmation of patrilineal descent, will have a strong impact on the Reform movement's official policies regarding intermarriage.

CHAPTER THREE: VOICES FROM THE MOVEMENT- A SURVEY OF CURRENT RABBINICAL APPROACHES TO INTERMARRIAGE

INTRODUCTION

The preceding two chapters of this thesis have shown that the dominant voices of the Jewish textual tradition and Jewish practice, including Reform, have been against intermarriage and against officiation by rabbis at intermarriages. Even today, as more and more Reform rabbis are beginning to officiate at some intermarriages, they continue to advocate for in-marriage as the ideal and the best hope for the Jewish future. Nevertheless, intermarriage is a persistent if not growing phenomenon, with nearly half of all Jews now marrying non-Jews.⁸³

The last official word of policy from the rabbinical association of the Reform movement is the CCAR's 1973 resolution. In the thirty-three years since that resolution passed, the issue of rabbinic officiation at intermarriages has continued to be high on the agenda of rabbis, congregations and individual Jewish families. For laypeople their concern is understandably most acute when they or a loved one are planning to marry a non-Jew. For clergy this issue generally becomes an acute concern in any of the three following circumstances: when first entering the field after ordination, when searching for a congregational position (or assuming a new title within a synagogue), and when close friends or family ask them to officiate at their weddings. In light of modern circumstances there is hardly a single rabbi left who has not been faced with a heart-wrenching scenario that has tested the fortitude of their position.

⁸³ Findings on exact intermarriage rates vary depending on the particular parameters used and the particular years studied. The NJPS of 2000-2001 reported an intermarriage rate of 47% for marriages that began in the years 1996-2001, and 43% for marriages that began in the years 1985-1995.

Laurence Kotler-Berkowitz *et al.*, *The National Jewish Population Survey 2000-01* (New York: UJC, 2003), 16.

Today, most Reform rabbis agree that there are at least some merits to having responsible Reform rabbis involved in the weddings of some intermarrying couples.⁸⁴ Their challenge, then, is to weigh the many competing claims in order to craft a personal policy on officiation that they believe will be best for the Jewish people and the Jewish future and that also enables them to stay within their perception of the boundary of authenticity. The movement recognizes the difficulty of this task and has taken steps in recent years to assist rabbis and future rabbis in this endeavor. Just this year, the Hebrew Union College initiated a coordinated effort across its three stateside campuses to support rabbinical and cantorial students as they try to form their policies on this matter. Rabbis in the field have had similar opportunities to dialogue and study with peers on this issue at closed door sessions during regional biennial meetings of the Union for Reform Judaism. Additionally, the CCAR Journal devoted its Spring 2006 volume to issues of outreach and intermarriage, offering rabbis still more opportunities to hear from colleagues who have given serious thought to their own officiation policies.

This chapter of this thesis is an attempt to build on all of these other efforts by offering the reader exposure to a spectrum of different rabbis. This chapter, with its seven anonymous profiles of individual rabbis' policies on intermarriage, is an attempt to help the reader see how other rabbis have struggled with this complex issue and come to some resolution.⁸⁵ Given that most rabbis believe there are compelling arguments on each side of the officiation debate, the real challenge seems to be helping rabbis. Now that these

⁸⁴ One form of evidence is the fact that many Reform rabbis who will not themselves officiate at an intermarriage are willing to refer compelling couples to other rabbis who will officiate. Irwin H. Fishbein, *Rabbinic Participation in Intermarriage Ceremonies* (New Jersey: Rabbinic Center for Research and Counseling, 2003) table 1.

Available online at: <http://www.rcrconline.org/research.htm#RABBINIC03>

⁸⁵ For additional profiles, see Stein, "Interfaith Marriage: A View of the North American Reform Rabbinate," *CCAR Journal Spring* (2006), 7-27.

conversations have begun, it is clear that most rabbis believe there are compelling arguments on each side of the officiation debate. The real challenge for these rabbis is to find a way to fit all the competing claims together and come to some formal policy regarding officiation. It is for this reason that the thoughts of the rabbis interviewed for this chapter have been retained as individual anonymous profiles (rather than as a catalogue of the pros and cons of officiating). In this way the reader can see how each rabbi identifies, weighs and ultimately prioritizes a series of arguments and how they translate these arguments into a formal policy for officiation.

The case studies that follow are not intended as a scientific, statistically accurate representation of the range of practices in the Reform rabbinate. At best, they show a series of points along a wide spectrum of practice and experience. The reader may notice that some of the profiles include comments on outreach and gay marriage. These comments, though ultimately beyond the scope of this thesis, were retained because they accurately represent the complexities of interwoven issues that rabbis must consider when forming their policies on intermarriage.

CASE STUDIES

CASE STUDY #1

Personal Profile:

This rabbi was ordained by HUC over twenty-five years ago. He is the senior rabbi of a large congregation in a metropolitan area with a large Jewish population.

Officiation Policy: *Does not officiate at intermarriages*

The rabbi does not officiate at any intermarriages and requires the rest of the clergy at the congregation to uphold the same policy.

Key Issue: *Jewish Continuity*

The rabbi's policy is motivated by his concern for the Jewish future and a belief that intermarriage is a negative force with impact upon the Jewish future. This rabbi is resolute in his position that intermarriage has a negative impact on the Jewish future, as evidenced by the statistic that Jewish couples are far more likely than intermarried couples to raise Jewish children and to have Jewish grandchildren. He believes it would be inconsistent with his duties as a rabbi to endorse a practice that has a negative impact on the Jewish future.

Though some argue that saying no to intermarrying couples pushes them away from Judaism, this rabbi asserts that a rabbi who takes his or her positions with care and integrity will not lose people (i.e., turn them off from Judaism or cause them to withdraw from the Jewish community). He cites as proof the fact that there are many intermarried families that have chosen to join his congregation even though all of them know that the policy of the rabbis at the synagogue is not to officiate at intermarriages.

Other Factors:

This rabbi admits that if he were to evaluate and try to come to a conclusion of whether to officiate one couple at a time, he would be inclined to say yes to nearly every couple that comes to him. However, as a rabbi he understands it as his duty keep in mind the broader goal of the overall good of the Jewish people. He believes intermarriage is a

negative force in relation to the Jewish future and this *communal* good, for him, outweighs the potential *individual* good for one couple. Though he acknowledges that rabbis' words are not always heeded, their voices of leadership are given special weight. If rabbis are not willing to take a stand and say, "Intermarriage is not a positive force," then he believes parents and others who wish to dissuade people from heading toward intermarriage will have no ground on which to stand. A child, he proposes, might challenge the parent who shuns intermarriage saying, "The rabbi thinks it is okay. What are you, holier than the rabbi?"

Practical Application:

In the case of couples that are in some way tied to the congregation (i.e., as members or referred by members), the rabbi is very happy to meet with them, explain the policy and help them find a good rabbi or justice of the peace to officiate at the wedding. He is particularly diligent in his efforts to reassure couples that he is not sitting in judgment of whether they as an individual couple should marry. As part of that effort, he will mention that he has seen many Jewish-Jewish marriages that have not worked out and many intermarriages that have worked out. He explains to the couple that his decision is entirely based on the general, not the specific case. The rabbi believes his blanket policy helps couples internalize this message. "People get black and white," he explains. Couples can understand and accept that you will not officiate at any marriage. They do not understand when you will officiate for another couple and not for them.

Additional Notes:

This rabbi believes there are some rabbis who officiate with great integrity, but he rejects the model of congregations in which some members of the clergy team will officiate and others will not. Even in the case of rabbis who have thoughtfully decided to officiate under certain circumstances, he worries that on a practical level they will have difficulty upholding a strong set of standards. In his opinion this sort of policy creates a very slippery slope and people come to learn what they need to say and do in order to

CASE STUDY #2**Personal Profile:**

This rabbi was ordained by HUC roughly fifteen years ago. He spent some time as an assistant rabbi in a major metropolitan area with a large Jewish population but has served most of his rabbinate as an educator and administrator in Jewish higher education.

Officiation Policy: *Does not officiate at intermarriages*

The rabbi does not officiate at any intermarriages.

Key Issue: *Ritual integrity of a Jewish wedding with a non-Jewish participant*

This rabbi finds it incomprehensible to stand under the chuppah with a couple that includes one non-Jewish person and have them say, "*Harei at mkudshet li betaba'at zo kedat Moshe v'Yisrael.*" One reason for this is that the non-Jewish party could not be expected to fulfill the requirements that come with *kiddushin* as the person would not even be aware of

what they are.⁸⁶ In his eyes, the kind of agreement being made would not be comprehensible for the non-Jewish party. Another major concern for this rabbi is that there is no truth in the language of *kiddushin* when it is applied to an intermarriage. The Talmud, he points out, explicitly labels such unions "unkosher." As such, weddings between a Jew and a non-Jew are not in accord with *dat Moshe v'Yisrael*. As a rabbi, he is not comfortable officiating at a ritual that has become nonsensical. He rejects the suggested solution of some to change the words because even with new words, the idea of a covenant of a husband and wife in a Jewish setting would have to be somehow governed by Jewish thought and law.

Other Factors:

This rabbi is concerned for the Jewish future and sees intermarriage as a negative thing. Though there are many different statistics floating around, he adheres to the claim of recent studies showing that only slightly more than 25% of intermarried couples raise their children as Jews. He believes that if he were to officiate at intermarriages, he would be validating something that seems likely to impact negatively upon the size of the next generation of Jews. Further, this rabbi believes that his willingness to officiate would obviate the potential for other forces to slow intermarriage rates. For example, if he officiated at intermarriages, he would have little clout when telling his students that they should strive for in-marriage. Additionally, parents who were themselves trying to instill such a value would be faced with children pointing to the rabbi's acceptance of intermarriage as proof that in-marriage is not necessary.

⁸⁶ For example, in Jewish marriage the husband has an obligation to provide his wife with clothing, food and sexual relations, all to the degree dictated by the Rabbis.

Practical Application:

This rabbi feels strongly that while it is important for each rabbi to privately consider the issues and come to a principled decision, it is generally not helpful to share these details with couples looking for a rabbi to officiate at their wedding. He believes that lecturing a couple on why you will not do what they want you to do is not constructive. Rather than focusing on reasons, he tries to steer the discussion toward how he may be able to be helpful to the couple. For example, he always tries to get the couple in touch with a rabbi or congregation that may be able to work with them. He believes one key role of the rabbi is to wake people up to what they should be thinking about spiritually at important stages of life. In so far as he can help any couple do this, he is happy to serve in that rabbinic capacity.

Although this rabbi has a blanket policy of not officiating, he does believe there are many rabbis who officiate at intermarriages from a strong ethical view. He believes that all who officiate should have certain standards and requirements, including some commitments from the couple regarding their future. He is not comfortable with rabbis officiating at weddings with clergy from other faiths, nor is he comfortable with rabbis officiating for couples in which the non-Jewish partner is active in another faith.

Additional Notes:

The same week that interview took place, results of study of Boston area Jewish families were released. Those results gained widespread attention for the finding that the slight majority of intermarried couples are going on to raise Jewish children. This rabbi had already taken note of the study and is eager to hear more about it and factor it into his decision-making process.

CASE STUDY #3

Personal Profile:

This rabbi was ordained by HUC three years ago. She serves as an associate rabbi at a large congregation in a metropolitan area with a sizable Jewish population.

Officiation Policy: *Does not officiate at intermarriages*

The rabbi does not officiate at any intermarriages. This is her personal position and it is also the policy of the synagogue at which she works.

Key Issue: *Ritual integrity of a Jewish wedding with a non-Jewish participant*

This rabbi understands herself to be empowered as a rabbi to officiate at Jewish weddings and in her understanding, Jewish weddings require two Jews. She is aware that rabbis who have been out in the field for 20+ years have encountered many more situations that fall in the "gray zone" than she has. For that reason, she makes no promises what the future will hold and whether she may one day reevaluate her position. Nonetheless, she feels very secure in her position at the moment.

Other Factors:

This rabbi prefers to have a blanket policy rather than one that involves evaluating each couple because she does not want to be in a position of having to judge how Jewish a couple's life is and will be. All that she can judge is whether the couple standing before her is composed of two Jews at this point in time. Similarly, she believes it is problematic for

rabbi to weigh heavily promises that couple may make about the Jewish future of their family. There is no way to know what the future holds and given that there are many Jewish-Jewish couples who do not foster a strong Jewish identity in their children, it is all the more uncertain that an interfaith couple, in spite of their best intentions, may not follow through on their promise to raise Jewish children.

This rabbi is hopeful that the couples she turns down will nonetheless make their home in the Jewish community, but she rejects the policy of mixing outreach with the difficult conversations over officiation. In particular, she finds the policy of not officiating but then saying, "We will welcome you with open arms the next day," a bit hollow and she believes couples perceive it that way as well. Generally she tries not to bring this up at the moment of inquiry over a rabbi for the intermarriage. This is a tension, as outreach is something she values, but it is one she is willing to live with.

Practical Application:

This rabbi is rarely asked to officiate at intermarriages. She believes this is due to the fact that those who might otherwise approach her refrain from doing so because they are aware of her policy and that of her synagogue. When calls do come in, she is comfortable with the protocol of having the administrative assistant explain that she does not officiate at intermarriages. It is her belief that when a couple is looking for a rabbi to officiate at their wedding, that is really what they are looking for. This is not the moment to try to sneak in counseling before sharing with them that you will not officiate. She has worked with interfaith couples on "couples issues," but usually this has not been in the context of

marriage. Rather, congregants in such relationships seek her out expressly for the purpose of counseling, and generally do this prior to any engagement.

In line with her synagogue's policy, she does on occasion offer an intermarrying couple an opportunity for an *auftruf* at services. This usually happens on a Friday night and entails reading the blessing from the Rabbi's Manual.

Additional Notes:

This rabbi has been challenged by congregants who find it inconsistent that she will not officiate at intermarriages but will officiate at same-sex marriages. In particular, people point out that in both cases there is a need to break with standard Jewish tradition. This rabbi rejects any paralleling of these two cases, arguing that very little of substance needs to be changed for a same-sex wedding and, more importantly, that the issues are qualitatively different.

CASE STUDY #4

Personal Profile:

This rabbi was ordained by HUC over twenty-five years ago. He has served for many years as the senior rabbi of a large congregation in a suburban community with a sizable Jewish population.

Officiation Policy: *Officiates at some intermarriages*

This rabbi did not officiate at intermarriages for the majority of his rabbinate. Roughly ten years ago he changed his position. He now officiates at some marriages when

the couple consists of one Jew and one non-Jew who is not active in another religion. As such, he rejects the term *intermarriage* (i.e., because there is only one active faith between the two parties that are marrying). He does not enforce a unitary synagogue policy on officiation and currently some members of the clergy team will only officiate for in-marriage couples.

Key Issue: *Jewish Continuity through the Creation of Jewish Families*

Throughout his rabbinate, the primary force driving this rabbi's officiation policy has been his desire to do what is best for the continuity of Jewish life and the Jewish community. For nearly 40 years this concern led him to a policy of not officiating. In particular, he chose not to officiate for three reasons. First, he worried that if he did officiate, it would encourage people to go through with intermarriages, whereas his unwillingness to officiate would be a discouraging signal and force. Second, he felt that most of the Jews coming to him to officiate were not really committed at all to Jewish family. Rather, it seemed to him that most couples were seeking rabbinic participation for cosmetic reasons (i.e., to make somebody in the family happy). Third, though there were always a handful of couples whose profile he found compelling, he rejected the possibility of selecting out those few couples and officiating just for them.

Roughly ten years ago, driven by the same desire to secure the future of the Jewish community, the rabbi reevaluated his position on intermarriage. At that time he rejected each of his three previous arguments against officiation. Looking around at the changing landscape of his congregation and the broader Jewish community, he realized that his refusal to officiate had no impact on who a person marries. Secondly, he no longer felt that couples

approaching him in the most recent years were asking him to officiate for cosmetic reasons. Finally, he came to feel that he can and should make judgment calls on each individual couple based on their circumstances and their own comfort fulfilling his requirements. This rabbi rejects the argument of many that such a system creates a slippery slope. Rather, he believes that a clearly articulated and firm set of expectations enables both the couple and him to judge meaningfully whether a Jewish wedding is appropriate for the couple.

Above all else, the most significant factor contributing to this rabbi's new stance on officiation has been his observation that intermarriage is not an unmitigated negative for the Jewish people. Roughly ten years ago, he heeded the words of *Eruvin* 14b to "Go out and see what the people are doing," and thus came to the realization that there are countless couples in his congregation and in congregations who have not converted but are living a *de facto* Jewish life and raising Jewish children. And, these families are becoming the backbone of our congregations and are producing leaders... sometimes even future rabbis and cantors. Given that half of the core Jewish population now marrying is marrying non-Jews, and given that many of these unions are creating vibrant Jewish families, this rabbi believes the time has come for the Reform rabbinate to reevaluate its historic stance against any and all intermarriages.

Other Factors:

This rabbi's opinions have been significantly shaped by his in-depth study of the historic role of the non-Jew in Jewish community. Through his own study of primary sources including the Bible and the Talmud and through his study of modern Reform literature on the topic, this rabbi now feels it is entirely authentic and within the spirit of

tradition to create roles that enable some non-Jews to become integral members of the Jewish community. In his eyes, non-Jews who are coming to him to officiate and who are agreeing to create a Jewish home and raise Jewish children qualify as modern day equivalents of the *ger toshav*.⁸⁷

This rabbi is also influenced by the findings of studies on intermarried couples. He considers it to be of great significance that currently roughly two out of every three weddings involving a Jew are intermarriages.⁸⁸ The rabbi is also quite intrigued by the new study coming out of Boston that shows the majority of intermarried couples in that area are now proactively raising Jewish children. He wishes there were more current and reliable studies of intermarried couples. For example, he would like to know whether there is in fact any correlation between the presence or absence of a rabbi at the wedding and the long term outcome of the couple's religious affiliation. In the absence of such data he relies on his own observations and gut instincts. He finds it intuitive that a rabbi should be with couples as they begin their marriage because it offers a sense of welcome and encouragement that cannot be denied. Anecdotally, he has had many couples express their gratitude to him for this very reason.

This rabbi cites the writings of sociologist Bethany Horowitz as another significant factor contributing to his current policy of officiation. By his account, Horowitz argues that Jewish identity is built through experiences and intimate relationships. In other words, one's sense of Jewish identity is not derived through study or certificates at the end of a course.

⁸⁷ Among the sources cited by this rabbi are Rabbi Eric Yoffie's keynote address at the URJ Outreach Anniversary Symposium of April 19, 1999 (Available at <http://urj.org/yoffie/archive/outreach>) and an unpublished paper by Rabbi Myron Kinsberg entitled "The Ger Toshav and Mixed Marriage."

⁸⁸ This is based on the statistics coming out of the 1990 and 2000 National Jewish Population Surveys which found that roughly 50% of today's Jews are intermarrying. Given that a Jewish-Jewish wedding accounts for two marrying Jews, the result is that two out of every three weddings are between a Jew and a non-Jew.

For this rabbi it is clear that a person's own wedding and the intimate relationship inherent in marriage perfectly fit Horowitz's criteria for Jewish identity formation. Therefore, he believes it is critically important for rabbis to be there from the start to help couples actualize the potential for Jewish identity-building inherent these events and relationships. He rejects the approach by some (and the one he formerly followed) of saying, "I will warmly and enthusiastically welcome you after the wedding even though I am not going to take you in now," as ultimately a hollow and contradictory statement.

Practical Application:

This rabbi only officiates at the weddings of couples with a relationship to the synagogue because he sees their wedding day as just the beginning of the long journey of marriage and he plans to be there for them throughout that journey. When he officiates at intermarriages, he does not change the wording of the ceremony, but he does briefly reference the fact that they have made these particular commitments even as one person is not currently Jewish.

He currently employs the following six criteria for reaching a decision on officiating at any interfaith wedding:

- 1) The non-Jew cannot be an adherent to another faith (including practicing another faith even without adherence to all of its dogma)
- 2) They and their Jewish spouse must create an exclusively Jewish home
- 3) The couple must commit to raise the children exclusively as Jews

- 4) The couple must take part in Jewish life and observe Jewish rituals such as Shabbat and Holiday and if possible affiliate with a synagogue (affiliation is not an absolute requirement)
- 5) They must study Judaism in some form leading up to the wedding and commit to ongoing Jewish learning after the wedding. This can be accomplished through a formal course or by reading books and talking with the rabbi
- 6) They must not be closed to the possibility of converting at a later date. (The rabbi reserves the right to assess this for himself.)

Additional Notes:

This rabbi challenges those Reform rabbis who would say they do not officiate on the basis that the Jewish tradition does not support it. They are correct that intermarriages are viewed negatively by tradition, but these rabbis must somehow acknowledge and account for the fact that as Reform rabbis they are being selective about what they follow and do not follow from Jewish tradition. In some cases he feels rabbis are going as far as to be what he would call "selectively fundamentalist."

This rabbi is part of the Ad Hoc Committee on Intermarriage Officiation established by the CCAR one decade ago. After much study and debate, the committee has created a near final draft resolution that closely resembles this rabbi's personal stance on intermarriage. He and the rest of his committee feel strongly that the 1973 CCAR resolution on intermarriage is now thoroughly outdated and must be replaced by a new resolution that, if not encouraging officiation, at least acknowledges the legitimacy of the decision made by some rabbis to officiate for couples who fit a certain criteria.

CASE STUDY #5

Personal Profile:

This rabbi was ordained by HUC roughly 10 years ago. He has spent his entire rabbinate in congregation life. As an assistant rabbi he worked with three different senior rabbis, all of whom did not officiate at intermarriages. He now works as the solo rabbi in an area with a sizeable Jewish population.

Officiation Policy: *Does not officiate at intermarriages*

The rabbi does not officiate at any intermarriages, but in recent years has begun to seriously question whether he might change this policy.

Key Issue: *Ritual integrity of a Jewish wedding with a non-Jewish participant*

This rabbi likes to clarify that the issue is not that he *will not* officiate at interfaith weddings, but rather that he *cannot* officiate at such weddings. He is not a justice of the peace. Rather, as a rabbi he is ordained and empowered to officiate only at Jewish ceremonies. His understanding of a Jewish wedding is that at a minimum it requires two Jewish people.

When discussing his officiation policy, this rabbi likes to use the illustration of kosher versus kosher-style. Some congregants will reply to this, "Rabbi, I don't keep kosher so it doesn't matter to me." The rabbi tries to help congregants see that asking him to officiate puts him in a position in which he would either have to pretend that one party is Jewish who in fact is not. Or, he would have to pretend that he is standing with the couple as a justice of

the peace and not as a rabbi. Both scenarios are unacceptable as far as this rabbi is concerned.

Other Factors:

One of the many reasons this rabbi is now reconsidering his stance on officiation at intermarriages is that in all of his years as a rabbi, he has never even had the occasion to say no to a couple in person. Most people know of his policy against officiation and therefore never even ask. (He also believes one of the reasons he is not being approached is that the rabbi emeritus of his current congregation continues to officiate at intermarriages.) Those who do ask call on the phone and never take him up on the offer to come in to discuss the matter in person. On one occasion, a couple asked for a blessing in the synagogue but they never asked him to officiate, presumably already knowing his answer would be no.

A second concern for this rabbi is that he has begun to feel that it is hypocritical and ineffective to say, "I cannot be there for you at your wedding but we would welcome you warmly to the synagogue the following day." He believes it is nearly impossible to say "no" in a way that they can still hear the rest of what you would like to communicate. He likens it to a patient going to a doctor's office; once they say, "You have cancer," the rest is not heard.

Ultimately this rabbi says the only reason he would officiate (if he were to do so at a later date) is not simply to make people happy, but rather as a means to secure the Jewish future. He has not yet changed his policy because he is torn between what he sees as his traditional role as an ordained rabbi and what he feels he should do in response to happenings on the ground. At this moment he continues to feel that he is ordained and empowered only to officiate at Jewish weddings (i.e., between two Jews), but he now recognizes that at this

moment in history his stance may not be serving the community in the best possible way. While he is holding true to his personal understanding of a narrow Jewish principle, he fears he may be neglecting the larger rabbinic imperative of creating Jewish homes and securing the Jewish future.

This rabbi traces the evolution of his opinions to his experiences in congregation life as opposed to his philosophical thoughts from his time as a rabbinical student. Specifically, he formed his policy of non-officiation from a personal perspective- *his* rabbinate, *his* principles, *his* Judaism. Now he believes his role as a rabbi is to serve the Jewish community. He has been deeply affected by the many interfaith families in his congregation who are clearly committed to synagogue life and to raising Jewish families. Seeing how much they contribute to and gain from Judaism, he finds it increasingly difficult to turn down interfaith couples because he fears that he is destroying the potential for them to become this sort of Jewish family in the future.

In the future this rabbi would like to be able to say to couples, "Here is how I could do it..." Among the requirements he is considering are extensive premarital counseling, openness on the part of the non-Jewish partner to convert at some point, a formal educational experience such as Introduction to Judaism, journaling, a commitment to support Jewish charities and enact Jewish values such as *tikkun ha-olam*, and the creation of an exclusively Jewish home. He sees it as a major positive that such an approach would put the couples in the position to say "no" or "yes" based on whether they feel they can or cannot in good faith accept these commitments. If they decide they cannot do it, then it will have been their own choice and the hope is that they would not leave with the feeling of being rejected by Jewish

community or the rabbi. In summary, the rabbi describes his ideal as creating a synagogue with high standards and low fences.

Practical Application:

When approached by a couple the rabbi says, "I cannot do your wedding but I would like to be there for your marriage." He offers to be the one providing premarital counseling and to guide the couple through some of the steps toward creating a Jewish home. He also offers to help them find a rabbi or justice of the peace to officiate. The rabbi will not invite the couple for an *aufiruf* (he retains that ceremonial title exclusively for in-marrying couples) but will offer them a pre-wedding blessing. The practical difference is that he will not offer them an *aliyah* to the Torah and will recite a non-formulaic, spontaneous blessing rather than the priestly blessing. The rabbi concedes that this is an emotion-driven issue for him and he simply feels emotionally more comfortable in this situation reciting a general blessing than doing a formulaic Jewish blessing. Even with his attempt to create a boundary between outreach and officiation, some congregants see this as him sanctioning the marriage and therefore ask why he will not go one step further and actually officiate at the weddings. His response is that it is now customary to bless non-Jews on the bimah in many circumstances and this is distinct from actually participating in and enabling the wedding of a Jew to a non-Jew. One offer he is comfortable extending to couples is that if they would like, he will attend the wedding reception and toast the bride and groom at that time. Such a toast would not be made to sound like a blessing but would rather be a congratulatory statement and something to the effect of that he is looking forward to being the couple's rabbi as they build their Jewish home.

Additional Notes:

This rabbi is very keen to have an opportunity to study Jewish texts and historical precedents. His hope is to find sources that may help him ground a future policy more firmly within the Jewish tradition, even as he is likely to begin officiating at intermarriages.

CASE STUDY #6**Personal Profile:**

This rabbi was ordained by HUC roughly five years ago. She works in an educational and programmatic capacity at a large congregation in a major metropolitan area with a large Jewish population.

Officiation Policy: *Does not officiate at intermarriages*

This rabbi has so far declined to officiate at any intermarriages. At this point, she considers herself very much at a fork in the road and remains undecided as to her long term officiation policy.

Key Issue: *Ritual integrity of a Jewish wedding with a non-Jewish participant. Negative impact of non-officiation on potential for Jewish continuity.*

This rabbi is currently struggling with a group of spiritual and religious principles that compel her not to officiate at intermarriages and mounting anecdotal evidence from personal encounters that compel her to officiate at intermarriages. As a rabbi and a *misaderet kiddushin*, she feels she is empowered only to do Jewish weddings and Jewish weddings require two Jews. While still in rabbinical school she came to the conclusion that that the

traditional Hebrew words associated with kiddushin (i.e., *Harei at...*) are clearly nonsensical outside the context of a Jewish-Jewish wedding. She realizes that many intermarrying couples would be satisfied with a "Jew-ish" wedding (e.g., breaking the glass, chuppah, etc) but this rabbi refrains from being part of such ceremonies as she considers such activities beyond the pale of rabbinic authenticity and integrity. On the other hand, she often finds that when she is asked to explain the logic of her position, she herself is troubled by what seems to be a somewhat arbitrary drawing of a line in the sand when there are many other traditions and rituals which she is perfectly comfortable adapting as a Reform Jew and rabbi. She worries that she may be holding on to a flawed principle at the cost of alienating many intermarrying couples from the Jewish community.

Other Factors:

As a rabbi who has spent over five years struggling with her position on this issue, this rabbi has a great number of factors she is taking into consideration as part of her deliberations. Most recently, she was inspired by another rabbi's articulation of his belief that something mystical transpires in the moment of *kiddushin* during a Jewish wedding. This mystical act relates in some way to the covenant between the people Israel and God and therefore cannot occur when one person under the chuppah is not part of the covenant. These ideas were not new to this rabbi, but hearing another rabbi put words to this phenomenon helped her articulate something she had already believed in her gut.

This rabbi also finds statistical arguments against intermarriage compelling. For example, she is alarmed that intermarried couples are half as likely to raise Jewish children

and that the grandchildren of intermarried couples are even less likely to identify as Jews than their parents.

One of this rabbi's greatest struggles relates to communicating a non-officiation policy in a way that does not push people away from Judaism. As someone who spends much of her rabbinate working with conversion students, she finds herself in conversations on this issue frequently. Back when she was a student at HUC she predicted that she would have little trouble drawing a line. However, she is now having great difficulty justifying her current unwillingness to officiate under certain circumstances. In particular, she has been moved by frequent encounters with couples that include a passionate student of Judaism who, for compelling reasons, cannot convert at this time (e.g., for the sake of *shalom bayit*), but who are nonetheless committed to raising Jewish children. She is especially alarmed by personal experiences in which members of an intermarrying couple (including the Jewish partner) have been so turned off by what they perceive as a cold and off-putting experience that they have now expressed reservations about committing to the creation of a Jewish home and raising exclusively Jewish children. With practice, this rabbi has developed an approach that she hopes will minimize the likelihood of such an experience. She now explicitly states at all preliminary discussions on officiation that she knows her position does not feel warm or inviting to the couple and she stresses that it says nothing about the Jewish community's desire to help their family explore Judaism.

Practical Application:

This rabbi has put off formalizing her officiation policy on the basis of her sense that she needed time in the field to gain experience before coming to a decision. Over

the past five years she has continued to wrestle with this issue, often seeking out the counsel of other rabbis. During this time she has refrained from officiating at intermarriages because of her belief that it will be far easier to move from not officiating to officiating than to do the reverse. In particular she feels it would be especially painful for couples if she were to officiate at some weddings and then suddenly reverse that policy and say no to other couples. In the most compelling of cases, this rabbi will refer couples to one rabbi she greatly respects who officiates at intermarriages under certain circumstances.

This rabbi feels it is almost always difficult to say "no" to couples who ask her to officiate, but she finds it even more challenging to say "no" to friends and family. In situations where she has a personal bond with the couple she tries to minimize their disappointment by explaining that on a personal level, as "Sarah," she is very sad that she cannot officiate at their wedding, but as "Rabbi Sarah" she is comfortable with her decision not to officiate.⁸⁹

Additional Notes:

This rabbi is satisfied with her initial decision to spend some time in the field gaining experience before coming to a position, but now feels that her window of time for exploration is drawing to a close. She feels she has a responsibility to come to a more concrete position on officiation but, to date, has not reached that final stage of decision-making.

⁸⁹ This is not the rabbi's actual name.

CASE STUDY #7

Personal Profile:

This rabbi was ordained by HUC over twenty-five years ago. He has always worked in major metropolitan area with a large Jewish population. He is currently the senior rabbi of a large congregation.

Officiation Policy: *Officiates at intermarriages with no particular requirements*

This rabbi has always officiated at intermarriages. In recent years he has begun co-officiating at intermarriages with non-Jewish clergy.

Key Issue: *Opening a door to Judaism by "making it easy"*

This rabbi prides himself on having a policy geared toward making it easy for the Jews he encounters to embrace their Judaism. He sees his willingness to officiate as the opening of a door to Judaism. If a rabbi says "no" and a priest says "yes," he believes we run the risk of losing the couple to Judaism forever. Though he has no statistical proof, he likes to believe that the presence of a rabbi at a couple's wedding has a positive impact on the likelihood that they will lead a Jewish life and raise Jewish children.

Other Factors:

This rabbi rejects the boundaries created by other Reform rabbis with regard to officiation because he sees such boundaries as an inconsistent application of stringent standards. Reform Judaism is not a halakhic movement and he argues that it therefore should be *guided*, but not *bound*, by the halakhah. In particular he finds it problematic that rabbis

who do not keep Shabbat according to traditional halakhic standards would turn around and impose strictures on their congregants. For example, he thinks others should share in his willingness to officiate before sundown on Saturday.

A second practical reflection of this rabbi's beliefs is that he maintains the traditional Hebrew for the wedding ceremony but alters the translation (even in Jewish-Jewish weddings). Rather than have them recite, "Behold, you are consecrated to me with this ring according to the laws of Moses and the Jewish people," he replaces the final portion of the sentence with, "according to the customs of the children of Israel."

This rabbi also rejects, on principle, the idea of standing in judgment of other Jews with regard to how they choose to live their life and enact their Judaism. An interfaith family may not be creating a "traditional" Jewish home, or even the kind of Jewish home that he personally would create, but to them this is a Jewish home. It is not for an outsider (even if he is a rabbi) to judge them. The crux of his argument is that God is the ultimate judge, not man. If he, as a rabbi, has made the wrong choice with adopting these lenient policies, it will be God who will make that determination and judge him accordingly.

Practical Application:

A few years ago this rabbi moved from the position of Associate to Senior rabbi. At that time (and largely because of the freedom afforded by that new title) he began co-officiating with non-Jewish clergy. Initially he asked couples not to submit such weddings for announcement in the New York Times Style section, but he has changed his perspective and now encourages couples to publicize his willingness to be a part of such ceremonies. In his opinion it is hypocritical for rabbis to engage in interfaith work and say they love and

respect non-Jewish clergy, but then promote a policy of not tolerating their presence at weddings involving their own parishioners.

Additional Notes:

This is the only rabbi among all those interviewed for this thesis who holds the same policy for unaffiliated Jews as for his own congregants. He will marry any couple that asks him to officiate at their wedding. Knowing that some might assume he does this for personal financial gain, he is quick to clarify that he never charges for weddings and instead directs couples to make a discretionary donation to his congregation.

Another practice that sets this rabbi apart from most of his current peers is that he only meets with couples once or twice prior to the wedding. He does so because it is his belief that premarital counseling is not within the realm of rabbinic responsibilities. As such his one or two meetings focus on the wedding ceremony and not on the building blocks for a successful marriage.

FINDINGS

As was stated in the introduction to this chapter, these case studies are not necessarily reflective of the entire range of opinions within the Reform rabbinate. It is possible that geography, congregational size and other variables not covered in this sample all have an impact on attitudes toward officiation. Nonetheless, they indicate some of the breadth of responses to intermarriage while also capturing some of the themes that resonate across this diversity.

One division among the cases is that some rabbis are very confident and comfortable with their position on officiation while others acknowledge discomfort and uncertainty. One might have expected that the rabbis with more experience would be the ones more confident in their position, but in reality this expectation proves untrue. Tenure also seems to have no correlation with whether a given rabbi has recently or will soon change his or her policy on officiation. There are however some signs that the rabbis with more experience are more confident in their ability to alter their position without sacrificing credibility among their congregants. Many of the less tenured rabbis mentioned the fact that they expect their field experience over a great many years will have an impact upon their stance on this issue in the future.

Nearly all of the rabbis commented on the challenge of fulfilling the Reform policy of outreach to a couple after intermarriages take place, while at the same time saying "no" to officiating for that couple. Some rabbis live with the tension and uphold both practices. Among the rabbis who have decided that the mixed message is intolerable, some alleviate the tension by minimizing their outreach message while others take the route of saying "yes" to officiating.

Synagogue policy on officiation is another area in which the rabbis are divided. In some congregations with multiple clergy there is an official policy against officiating. This generally means that the senior rabbi does not officiate and all other clergy are expected to follow this policy regardless of their individual stance on officiation at intermarriages. There were no instances reported where the senior officiated and clergy were forced to officiate against their wishes. This is easily explained by the fact that rabbis tend to inquire about the intermarriage policy of a synagogue before accepting a job. Only one rabbi raised the issue

of employability as it related to one's position on officiation at intermarriages. There is a general sense in the field that though the CCAR has worked to keep willingness to officiate from being a litmus test at job interviews, it is sometimes the case that congregations will choose to hire only rabbis willing to officiate at intermarriages.

Whereas some assistant and associate rabbis describe the senior rabbi as the policy-maker, a couple of senior rabbis suggested in their comments that the laity (perhaps the board in particular) and the history of the institution have a strong hand in determining the intermarriage policy of a given institution. Other rabbis, when questioned about this potential conflict of opinions, expressed the view that it is highly problematic and inappropriate for the laity of the congregation to hold sway over the rabbi's rabbinic decisions. One rabbi suggested that it is more difficult to follow a senior rabbi who officiated and uphold a personal policy of not officiating than it is to begin officiating at a congregation where senior rabbis have historically not officiated. Similarly, many rabbis noted that they initially chose a position against officiating because they felt it would be easier to switch to officiating than to shift their policy in the other direction.

Most of the rabbis who already officiate or are considering officiating at intermarriages will do so only when a series of criteria are satisfied. Though there are some variations, there are many common demands such as that the couple commit to Jewish study, to creating an exclusively Jewish home, to engaging itself in the Jewish community through such acts as affiliation with a synagogue or supporting Jewish causes, and to raising any future children as Jews. In addition, rabbis required that the non-Jew be open to the possibility of conversion at a late date. Many of the rabbis who do not officiate are concerned over the "slippery slope" created by rabbis having to decide on a case-by-case basis whether

to officiate. Still others find the very idea of sitting in judgment over a couple problematic and potentially very off-putting for interfaith couples.

One troubling observation is that in many cases there seems to be a disconnect between what the rabbi would do in principle and what their practice has become in light of practical circumstances. For example, while all the rabbis speak of their concern for the broad Jewish community, all but one of the congregational rabbis turn away couples who inquire about intermarriages but have no link to the institution they are contacting. Similarly, many rabbis express a willingness to sit down with couples in an effort to ensure that the couple leaves the experience with a sense of warmth and caring even though the rabbi cannot officiate. Yet, these same rabbis acknowledge that they rarely, if ever, have a chance for face-to-face communications with couples. This lack of personal contact stems from the common policy of having the administrative assistant serve as the first point of contact for people inquiring about rabbinic officiation. In most cases, this person shares over the phone the fact that the rabbi does not officiate at intermarriages. The other reason rabbis infrequently encounter intermarrying couples is that many couples never approach the rabbi because they are already aware of the policy against officiation.

CONCLUSION

Today's Reform rabbis see that nearly all the families of their congregations are in some way touched by the issue of intermarriage. For this reason alone, it is fair to assume that most rabbis in the field today feel compelled to give time and thought to their policies on officiation at intermarriages. There are no reliable statistics on the number of Reform rabbis

currently officiating at intermarriages, but anecdotal evidence suggests that whatever the number is, it is on the rise.

The small sample of current rabbis' policies on officiation presented in this chapter demonstrates the great complexities inherent in this issue. The case studies also show that across the spectrum of practice, Reform rabbis are taking this decision seriously and giving it the thought and care it deserves. Rabbis realize that what is at stake in their officiation policy is nothing less than their own authenticity as rabbis and the welfare of the Jewish people today and in the future. In order to respond to all of these responsibilities, rabbis are working hard to craft policies with great integrity, balancing the voice of tradition with the realities of the present day. Rabbis are also coming to realize that regardless of their final stance on the matter, they must take time to prepare an artful and sensitive articulation of their stance that has a good chance of being properly understood by laypeople. It is this author's hope that this chapter and the overall thesis will help clergy come to a responsible stance while also helping them ensure that Jews will have a positive experience as they come into contact with organized Judaism at this vital lifecycle moment.

CHAPTER FOUR: PUTTING IT ALL TOGETHER

INTRODUCTION

The preceding chapters of this thesis have highlighted the primary textual sources related to intermarriage, provided an historical overview of the Reform rabbinate's relationship with officiation at intermarriages, and offered a range of examples of personal rabbinic policies regarding officiation at intermarriages. While the three preceding chapters offered a range of voices, the concerns and arguments put forth are in fact quite repetitive. This chapter will attempt to catalogue all the key issues raised by the various sources in this thesis in the form of questions. The hope is that those in a position of officiating will be able to use this chapter as a resource for exploring and contemplating the topics and perspectives they might otherwise not have considered while forming a personal policy on officiation at intermarriages. To that end, the answers to the questions in this chapter attempt to represent opinions on both sides of the debate on officiation.

KEY QUESTIONS

What are the repercussions for an interfaith couple of declining to officiate at their wedding? Does the absence or presence of a rabbi for a wedding between a Jew and a non-Jew have any impact on the likelihood that this couple will go on to lead a Jewish life together?

In this day, unlike most of Jewish history, Jews have the option of being married in a civil ceremony as well as in a religious ceremony. Given this option, couples need never call off a wedding simply because they cannot find a clergy person to officiate at it. Therefore, it is assumed that couples go on to marry even when turned down by rabbis. What is less clear is whether most couples go on to find another rabbi, seek out a religious figure from the other partner's faith, or have a civil ceremony.

A small scale study by Egon Mayer in 1989 found that when couples were initially rebuffed by a rabbi 31% went on to find another rabbi, 28% were married by non-Jewish clergy and 41% had civil ceremonies.⁹⁰ (Those who were married by non-Jewish clergy include couples whose original plans called for a co-officiated ceremony.) Common sense dictates that in the eighteen years since Mayer's study was conducted these numbers will have been impacted by the rise of the internet and the increasing numbers of rabbis willing to officiate at intermarriages. Specifically, rabbis today know that a rabbi who will say yes is only a "google search" away. Faced with the prospect of a couple ending up in the hands of a "marrying Sam" and armed with a list of reputable colleagues who would officiate with integrity, rabbis are presumably more likely to refer couples to a rabbi who will officiate today than they would have been in 1989. Further, those couples who are not referred to another specific rabbi always have the option of finding a rabbi via the internet. For all these reasons one can hypothesize that more than 31% of couples turned down by a first rabbi go on to find another rabbi to officiate at their wedding.

Rabbis' interests go beyond the question of who will ultimately officiate if they turn away a couple. They also want to know whether their officiation has any impact on the likelihood that a given couple will establish a Jewish home, engage with the Jewish community (e.g., through synagogue membership) or raise their children as Jews. Such data is very difficult to ascertain and would only be meaningful if researchers could find a way to control for all the other variables impacting Jewish identity development. For example, how would a study control for the intensity of the Jewish partner's Jewish identity prior to marriage or the level of resources available in a given community where an intermarried

⁹⁰ Egon Mayer, *Intermarriage and Rabbinic Officiation* (New York: The American Jewish Committee, 1989), 5.

family settled. Another area likely to have an impact upon the outcomes of intermarried families is whether the rabbi who officiated met the couple only to officiate at the wedding or whether the couple created a relationship with a local rabbi and engaged in premarital counseling and Jewish study under that rabbi's supervision. An additional factor complicating such research would be the need to study these families over a very long period of time. Tracking the adult identity patterns of children of such marriages, for example, would take many decades. Intermarriage officiation policies and outreach efforts continue to change and their long-term impact can only be properly recorded many years down the line. Thus a study such as Mayer's from 1989, which interviewed people who had on average been married for a decade, was a reflection of the policies of the 1970's and 1980's, now thirty years in the past.

Though Mayer's statistics have some obvious limitations, (i.e., they are very old and are based on a small sample), some rabbis may be interested in his findings. Overall Mayer concluded, "Analysis of the data presented in this report suggests that rabbinic officiation at mixed marriages has relatively little, if any, connection to the expressed Jewishness in the family lives of non-Jews married to Jews. Similarly, rabbinic refusal to officiate at mixed marriages seems to have relatively little, if any, connection with large-scale alienation from Jewish attachments."⁹¹ In other words, Mayer concluded that rabbinical officiation has no strong positive impact on a family's Jewish identity and refusal to officiate has no strong negative impact on a family in terms of feeling alienated or rejected from Judaism.

The statistics generated in Mayer's study speak not only to his direct inquiry on officiation but also offer a number of other insights. One interesting fact comes from his statistics on self-reported rates of religious activities (e.g., attending seder, lighting Hanukkah

⁹¹ Mayer, *Intermarriage and Rabbinic Officiation*, 7-8.

candles, and attending services on Shabbat and High Holidays), cultural activities (e.g., read Jewish publications) and communal activities (e.g., membership to a synagogue or other Jewish organization). In nearly every category, the couples married by rabbis were more active than those who were turned down by rabbis, but in many cases the difference in behavior was small. One should also note that Mayer's statistics do not control for pre-marital differences in the profile of the couples that may have led certain rabbis to officiate or decline to officiate. (For example, an interfaith couple that showed a strong Jewish affiliation might have had an easier time finding a rabbi who would agree to officiate than a couple already less inclined to participate in Jewish life after their wedding.) One final noteworthy data point from this study is its finding that 48% of the couples who were refused by rabbis felt that the rabbi failed to explain the reason for doing so with any sensitivity.⁹²

If rabbis are going to base their policy decision on statistics, it is essential that a new study be undertaken to update and refine findings on the impact of rabbinical officiation or refusal to officiate at interfaith weddings. In the absence of objective data, rabbis are left to form policies based on their own observations from within the context of their personal experiences. This is dangerous because rabbis are not equipped to make deep and exhaustive inquiries in to the long term impact of all couples in which they come in contact. Rather, rabbis must make do with subjective observations of the limited population that has chosen to remain involved in their congregation's life in some way.

During interviews conducted for this thesis, some rabbis who do not officiate pointed to the large number of interfaith families in their congregations as proof that a congregational policy against officiation does not turn off most congregants. Other rabbis offered contradictory anecdotes in which a couple was so turned off by what they perceived as a

⁹² Mayer, *Intermarriage and Rabbinic Officiation*, 5.

cold, irrational rejection from the organized Jewish community, that they chose to distance themselves from the Jewish community. Still others countered such anecdotes with the assertion that if a couple's expressed desire to build a Jewish home had been sincere, surely that desire should not have been suddenly uprooted by one rabbi's thoughtfully articulated and principled decision not to officiate.

Will the marriage of a Jew to a non-Jew be considered valid by the rest of the Jewish community? Is *mamzerut* an issue for intermarried couples and their children?

In America all couples who have a religious ceremony must also file for civil marriage. The entire Jewish community would therefore recognize any couple as civilly wed, but some authorities, (e.g., many, if not most, Orthodox rabbis), would not consider a wedding of a Jew and a non-Jew to be a binding religious wedding. Religious intermarriages between Jews and non-Jews are recognized as valid Jewish ceremonies by the Reform and Reconstructionist communities.⁹³

The validity of marriages is often raised as a question because people have a vague sense that "non-kosher" marriages could result in *mamzerim*. The issue of *mamzerut* has already been addressed in the commentary on Mishnah Yevamot 4:13 and on Shulkhan Arukh, *Even Haezer* 4:19, located in the first chapter of this thesis. As was noted there, the Reform movement does not enforce any of the historic legal limitations on individuals who might be considered *mamzerim* by others in the Jewish community. Further, nearly all Jewish communities today, including most Orthodox, follow the longstanding tradition of being as flexible as possible to minimize the circumstances in which a person is deemed a *mamzer*. The Mishnah does suggest that Jews who intermarry could be considered

⁹³ The only practical implication of this relates to *gittin* (gets) and remarriages. Only some rabbis in these communities require *gittin*.

mamzerim, but by the time of the Shulchan Arukh the halakhah is that children of intermarriages are only considered *mamzerim* if their parents are *mamzerim*.⁹⁴

If the Jewish parent is not already a *mamzer*, there is no risk that such unions would lead to the children being declared *mamzerim*. This is so because a person must be married and then have a child outside of marriage for the child to be a *mamzer*. It is really the adulterous nature of the intercourse that leads to *mamserut* and, therefore, it is not directly or immediately applicable to the straightforward intermarriage situation. Further, in these cases of intermarriage, any rabbi who might label a child a *mamzer* would not consider these marriages binding to begin with, and the women therefore would not have had children outside of their marriage. In fact, many Orthodox rabbis do not require a get for any marriage officiated at by a Reform rabbi because, for a variety of reasons, they do not recognize most Reform weddings as valid (i.e., including in-marriages).⁹⁵

Are the children of intermarriages considered Jewish?

According to Jewish tradition, Jewish parentage is the sole determinant of Jewish identity and marital status is essentially irrelevant to the discussion. Officially, the Orthodox and Conservative movement follow matrilineal descent, which is to say that any child born to a Jewish mother is Jewish. By extension, children born to a Jewish father and a non-Jewish mother are considered non-Jews. Intermarriage is therefore particularly alarming to Conservative and Orthodox Jews because, in their eyes, all intermarriages involving a non-Jewish mother are unions in which the next generation will not be Jewish (unless the children convert).

⁹⁴ Those interested in a more detailed explanation should see the commentary on these sources in Chapter One of this thesis.

⁹⁵ For example, a rabbi might declare that a Reform wedding was not valid because the witnesses were not kosher, either because they were not *Shomer Shabbat* or because they were women.

In 1983, the CCAR adopted a resolution endorsing both matrilineal and patrilineal descent.⁹⁶ According to this resolution, the Reform movement will recognize as Jewish any child who has at least one Jewish parent and who has taken positive steps to identify as a Jew (e.g., enrolled in religious school, been confirmed, etc.) The text of the resolution reports that this new policy was created as a direct response to the reality of intermarriage.⁹⁷ The practical implication of this resolution is that all children of intermarried couples are considered Jewish by the Reform community if they and their families choose to identify them as Jewish. Nonetheless, rabbis ought to inform intermarrying couples in which the wife is the non-Jew that their children will likely not be considered officially Jewish by Conservative, Orthodox, and non-American Progressive/Reform Jews. With this knowledge, parents can choose whether to have their children converted at a young age to reduce the possibility of questions of status arising in the future.

Do children of intermarried couples go on to lead Jewish lives and identify themselves as Jews?

The obvious answer to this question is *yes...* and *no*. Some children of intermarried couples go on to lead Jewish lives and others do not. The real question most people intend to ask in this area is whether intermarriage has a negative impact on Jewish continuity. For many people, the key statistic is whether children in intermarried families are less likely to identify themselves as Jews than are the children of in-married Jews. According to the National Jewish Population Survey (NJPS) of 2000-2001, only 33% of children in intermarried homes were being raised as exclusively Jewish while 96% of children with in-

⁹⁶ CCAR. *Report of the Committee on Patrilineal Descent: The Status of Children of Mixed Marriages*. 1983. Available online at <http://www.jewishvirtuallibrary.org/jsource/Judaism/patrilineal1.html>

⁹⁷ The resolution also notes that patrilineal descent has a strong precedent in biblical texts and continues to be represented in certain parts of Judaism (e.g., the inheritance of the status of Kohen or Levi).

married parents were being raised as Jews. In other words, children from in-married families were almost three times as likely as children from intermarriages to be raised as Jews.⁹⁸ The NJPS 2000-2001 also reported that 22% of children from in-married homes went on to intermarry whereas 77% of children from intermarried homes later intermarried themselves. While the overall intermarriage rate for children of intermarriages was 77%, further segmentation of the data revealed that among children of intermarriages who received a Jewish upbringing, the rate of intermarriage dropped to 60%. In contrast, children of intermarriages who did not receive a Jewish upbringing intermarried at a rate of 86%.⁹⁹

A recent study of the Boston community has garnered much attention for its finding that today 60% of children in intermarried households are being raised as Jews.¹⁰⁰ If true, this would mean that intermarriage has a net positive effect on the size of the Jewish population in Boston. This statistic has met with some resistance. Sociologist Steven Cohen and others critiqued the methodology, arguing that it likely resulted in many children being categorized as raised Jewish when in fact that are being raised with Judaism and another religion. Others believe that even if these statistics are true for the Boston community, they

⁹⁸ The NJPS 1990 survey, which broke down the categories a bit differently, found that 28% of children in intermarried homes were being raised as exclusively Jewish, 31% were being raised with no religion and 41% were being raised with another religion.⁹⁸ All of these statistics refer to the children's upbringing while under age 18 and therefore do not reveal the long-term, adult religious identities of the subjects. Laurence Kotler-Berkowitz *et al.*, *The National Jewish Population Survey 2000-01* (New York: UJC, 2003), 18; Barry Kosmin *et al.*, *Highlights of the CJP 1990 National Jewish Population Survey* (New York [?]: CJF, 1991), 16.

⁹⁹ Kotler-Berkowitz *et al.*, *NJPS 2000-01*, 17.

¹⁰⁰ The study also found that these children were as likely as children of in-marriages to receive a formal Jewish education.

"The 2005 Boston Community Survey: Preliminary Findings," (A report by the Steinhardt Social Research Institute, Brandeis University for Combined Jewish Philanthropies of Boston, 2006), 5.

are unlikely to be true for the greater Jewish community, which does not match Boston in terms of Jewish resources and overall engagement in Jewish life.¹⁰¹

Does a “Jewish wedding” require two Jews? Can there be *kiddushin* between a Jew and a non-Jew?

It is clear that the prevailing voice of Jewish tradition, from the time of Abraham to the Talmud to the codes and through today understands Jewish marriage through *kiddushin* as an act to be shared by two Jews. Even rabbis who would make a case for officiating at intermarriages concede that this is the traditional Jewish perspective. Most official statements of the Reform movement have reinforced this perspective.¹⁰²

One of the only historic exceptions to this norm is the 19th century German rabbi, Samuel Holdheim, who made a case within an halakhic framework for *kiddushin* as an act in which non-Jews can participate. Holdheim’s argument was reviewed in some detail in chapter two of this thesis.¹⁰³ In short, his position began with the argument that *kiddushin* is a form of *kinyan* (acquisition). As such, he proposed that the intermarriage of a Jew to a non-Jew is no less valid than any transaction of *kinyan* between a Jew and a non-Jew.

Many Reform rabbis struggling with the decision of whether to officiate at intermarriages grapple with the question of the applicability of *kiddushin* to a non-Jew. For them, the essence of the Jewish wedding seems to be the act of *kiddushin*, which is carried out through the recitation of the words, “*Harei at mekudshet li btaba’at zu k’dat Moshe v’yisrael.*” English translations of this statement, particularly of the last few words, vary and in so doing reveal the range of understandings of these words. The Rabbis’ Manual issued

¹⁰¹ Steven Cohen et. al., “Read Boston Study on Intermarriage With Caution.” Forward [New York] 08 Dec 2006; Nathaniel Popper, “Boston Study Shows 60% of Interfaith Kids Raised Jewish.” Forward [New York] 08 Dec 2006.

¹⁰² For example, the 1909 and 1947 CCAR resolutions on intermarriage.

¹⁰³ See the subsection of chapter two entitled *Samuel Holdheim’s Autonomie Der Rabbinen*

by the CCAR offers two options: 1) *Be consecrated to me with this ring as my wife in keeping with the heritage of Moses and Israel* or 2) *Be wedded to me with this ring as my wife in keeping with the religion of the Jewish people.*¹⁰⁴ In contrast, an Orthodox manual by Hyman Goldin translates the ending as, "...in accordance with the Law of Moses and Israel."¹⁰⁵

There are many Reform rabbis who feel discomfort with having intermarrying couples exchange these words. Some rabbis who officiate at intermarriages resolve this issue by slightly altering the words used in intermarriage ceremonies. Other rabbis conclude that a "Jewish" wedding without these words is a farce. Because they believe the words of *kiddushin* cannot be said with authenticity and sincerity by an interfaith couple, these rabbis will not officiate at intermarriages. For them, the over two thousand year old tradition of Jews marrying Jews is the only authentic form of Jewish marriage and they cannot with integrity sanction a wedding that does not conform to these standards. This is a line they will not cross.

Ironically, the greatest critique directed at the rabbis described above is that their selective stringency is hypocritical and deleterious to their own rabbinic integrity. A primary criticism is that the Reform movement unapologetically declared long ago that it is not a halakhicly bound movement and rabbis therefore have no basis for saying their hands are tied in this matter. Another common question is how one could justify turning away a knowledgeable and engaged interfaith couple that would be likely to uphold Jewish traditions (i.e., *dat moshe v'yisrael*) while agreeing to officiate for Jewish in-marrying couples that sometimes have neither the knowledge nor the interest in creating a vibrant Jewish home

¹⁰⁴ Gunther W. Plaut, *Rabbi's Manual* (ed. David Polish; New York: CCAR, 1988.), 54.

¹⁰⁵ Hyman E. Goldin, *Hamadrakh* (New York, 1939[?]), 17.

after marriage. Still others question how some of the very rabbis who will not break with the tradition of *kiddushin* being reserved for two Jews are willing to break the tradition of it being exclusively between heterosexual couples.¹⁰⁶

Most of the rabbis interviewed for this thesis who officiate at intermarriages justified their liberal use of the tradition words of *kiddushin* on the basis that they are indeed creating Jewish homes and Jewish marriages through these weddings. These rabbis point to their requirements of intensive study and extensive commitments to a Jewish future as their mechanisms for ensuring that couples for whom they officiate are both capable and motivated to create a Jewish family, home and marriage that honor and embody the heritage of the Jewish people. In fact, if they had the time, most rabbis said they would be far more comfortable if they could offer the same background counseling to those in-marrying couples that have a weak background in (or commitment to) Judaism. Overall, rabbis who officiate at intermarriages see this open approach to tradition as consistent with the overall approach of Reform and as no more a deviation from halakhah than Reform interpretations of such core Jewish practices as Shabbat, *kashrut*, and *tfillot*.

Should the will of the people have a role in determining a rabbi's officiation policy?

One of the key factors that drove the CCAR to issue its 1973 resolution on intermarriage was the pressure congregations were exerting on members of the CCAR to officiate at interfaith weddings of their congregants.¹⁰⁷ An official policy statement by the CCAR was seen as a way for those rabbis who did not officiate to defend their stance. Most

¹⁰⁶ In interviews with rabbis, some who do not officiate at interfaith weddings reported that they have (or would if the occasion arose) officiate at same-gender marriages and retain the tradition words of *kiddushin*, adjusting only for gender, while others have (or would) altered the whole statement. For information on the Reform movement's position see the "Resolution on Same Gender Officiation," adopted in 2000 and available online at www.ccarnet.org.

¹⁰⁷ Meyer, *Response to Modernity*, 372 as noted in Sussman, "A 'Delicate Balance,'" 53.

rabbis interviewed for this thesis agreed that congregations should not have a say in the officiation policy of their rabbis. However, many sources also concede that congregations wish to have a say in this matter and often screen applicants during the hiring process to ensure they will have a rabbi whose practice conforms to their needs. On the whole, rabbis agree that they and not their congregants should be the ones to determine their personal policy regarding officiation at intermarriages.¹⁰⁸

Even as rabbis agree that congregants should not dictate officiation policy, many simultaneously argue that it is important, and even Jewishly mandated, that rabbis take into account the opinions and practices of their congregants when forming such key policies. One commonly cited text on this issue is the Talmudic advice to, "Go out and see what the people are doing."¹⁰⁹ If Reform rabbis were to follow this advice, to look out at the marrying patterns of their congregants and other progressive Jews in their community, the average rabbi would find that roughly half of them are intermarrying. For this reason, some would invoke a second Talmudic statement, "You cannot enact a decree by which the majority cannot abide."¹¹⁰

The statement that one cannot enact a decree by which the majority cannot abide appears in at least two different contexts in the Talmud. In Bava Batra 60b the context is a discussion of degrees of mourning. It is determined that at a certain point the strictures of mourning could become unreasonably burdensome to the point that most people would find themselves unable to fulfill the prescribed practices. A rabbi today who will officiate when

¹⁰⁸ Some rabbis interviewed for this thesis felt that while rabbis should be allowed to form their own personal policy, there is a value to the senior rabbi setting a policy that is then followed by other members of the clergy of a given congregation. Those rabbis who might not be comfortable with the policy set by the senior rabbi are encouraged to identify that discord prior to accepting a position at the congregation.

¹⁰⁹ BT Brakhot 45a. In a halakhic context the practice is suggested for cases where there is no clear-cut halakhic ruling. In those cases, the popular practice may serve as the basis for arriving at the decision.

¹¹⁰ BT Bava Batra 60b, BT Avodah Zarah 36a.

certain conditions are met by an interfaith couple might argue that he or she is following the model put forth by this passage in which a reasonable set of expectations were favored over ones by which the majority could not abide. Other rabbis might protest saying that the appropriate path for a person who has fallen in love with a Jew and wants to marry them under Jewish auspices, is to convert to Judaism. This solution also requires a break with traditional halakhah because it requires welcoming converts whose primary motivation is to marry a Jew.¹¹¹ (However, there are many opinions that contradict the original prohibition on such conversions.)

A second instance of the Talmudic teaching that you cannot enact a decree by which the majority cannot abide has ever more direct relevance to the discussion of intermarriage than the one just cited. In Avodah Zara 36a the sages rely on Rabban Simeon b. Gamaliel and R. Eliezer b. Zadok who invoked this same statement with regard to a discussion of prohibiting bread, wine, oil and daughters of certain heathens. The prohibition on that particular oil never caught on and because the majority did not abide by it, the sages ruled that the prohibition was null and void. As Roy Rosenberg, a rabbi willing to officiate at intermarriages wrote, one can only wonder what the sages of the Talmud would have declared if the prohibition on intermarriage had not been followed by the majority of the people in their day.¹¹²

¹¹¹ Geirim 1:3 and Yoreh Deah 268:12 as cited in Isaac Klein, *A Guide to Jewish Religious Practice* (New York: Jewish Theological Seminary of America, 1992), 442.

¹¹² Roy A. Rosenberg, *On Mixed Marriage*, (unpublished) 1-2.

Should decisions be made on the basis of what is best for the whole Jewish community or what is best for the individual couple? Do Jewish ethics and norms dictate whether the individual or the community takes greater precedent?

In the second half of the 20th century, perhaps as a result of the loss of millions of Jews in the Holocaust, there was an intense focus on Jewish continuity. Intermarriage by this time was not seen as a personal issue, but rather as a threat to the entire Jewish community. Whereas a biblical story might focus on the negative impact of intermarriage on an individual who intermarries, now the focus was on whether there would even be a Jewish people in the future if intermarriage persisted.

Many Reform rabbis who do not officiate take this stance, at least in part, out of a concern for the future and a perspective that the future must be safeguarded based on policies that are best for the *whole* community. They consider intermarriage to be negative force in the Jewish community because intermarried couples are less like to establish a Jewish home and less likely to successfully transmit Judaism to their children than are their in-married counterparts. Left unchecked, ever increasing rates of intermarriage would rapidly deplete the Jewish population so that in just a few generations there would be very few Jews left at all. With this imminent threat in mind, rabbis conclude that to uphold their responsibility to do what is best for the Jewish people, they must oppose intermarriage. As was explained in chapter three of this thesis, these rabbis recognize that once an interfaith couple has decided to marry they will do so whether or not a specific rabbi agrees to officiate. Nonetheless, these rabbis maintain blanket policies against intermarriage in the hopes that their unequivocal stand will lend support to those among their congregants working to encourage their children to in-marry and that they will lend the rabbis themselves the credibility to encourage the youth in their congregation to in-marry.

Rabbis who do officiate at intermarriages are equally concerned about the Jewish future, but feel for a variety of reasons that they are obligated to evaluate what is best for a given intermarrying couple on an individual basis rather than applying a blanket policy that serves the Jewish people on the whole. Some frame it in terms of the halakhic concepts of ideal scenarios *likhatkilah* versus *bidiavad* realities. These rabbis agree that in-marriage is a better option and do all they feel they can to promote in-marriage *likhatkilah*, from the start. But, once a couple has met, fallen in love and decided to marry, these rabbis adjust their standard to be able to embrace couples that have, *bidiavad*, taken this route.¹¹³ Rabbis who do not officiate might counter by arguing that the shift in approach to a *bidiavad* situation should take place in the form of outreach after a marriage, not as a newfound willingness to bless and facilitate the wedding itself. Rabbi Eric Yoffie, President of the URJ recently wrote that outreach is the way for the Reform community to demonstrate that it does not endorse intermarriage but also refuses to reject the intermarried.¹¹⁴ Ultimately, rabbis who do officiate find this policy of declining to officiate while attempting to welcome couples the next day hollow, hypocritical and somewhat self-defeating.¹¹⁵

Many rabbis who have shifted from a policy against officiating to officiating have done so after a profound encounter with a particular individual or couple. In some cases they determined at that moment that they could not turn away this couple and therefore changed their policy. In other cases the rabbi declined to officiate and later found out that the couple had distanced themselves from Judaism as a result of the interaction and their perception of rejection. Faced with the reality of potentially having "lost" somebody to Judaism, these rabbis become more willing to accept the risk that a new lenient policy will result in saying

¹¹³ Sherry Israel, "When the Personal and the Communal Intersect," *CCAR Journ Spring* (2006): 89.

¹¹⁴ Eric Yoffie, "Outreach and the Intermarried," *CCAR Journal Spring* (2006): 28.

¹¹⁵ For just one example see Jonathan Stein, "Interfaith Marriage," *CCAR Journal Spring* (2006): 8.

“yes” to some couples that may not go on to lead rich Jewish lives. For them, the potential to keep one family in the fold is worth the cost of lowering the barriers to a Jewish wedding.

There are a number of ways to understand the range of rabbinic opinions within the context of Jewish ethics. Those rabbis who do not officiate are essentially following the logic and ethics represented in the Jewish policies on the redemption of captives. In Gittin 45a, the rabbis face a similar dilemma to the rabbis today (with the obvious exception that the Talmudic passage involves a case where life is literally at stake while intermarriage involves only the potential loss of Jewish identity and continuity). In both cases they are faced with a dilemma of how to balance the value of an individual life against the more abstract threat to the welfare of the community. Then, as today, the rabbis were compassionate human beings whose first impulse must have been to go to extremes to save each individual. However, they understood that the fate of the entire community depended on their ability to chart a sustainable path through a menacing new reality. In light of their obligation to protect the entire community, including both current and future generations, the rabbis ultimately ruled that the community had to show restraint in redeeming its captives.¹¹⁶

Rabbis who do officiate believe they are doing what is best for the Jewish people by nurturing the potential of each individual in the community. One commonly cited text that arguably supports such an outlook is the Mishnaic statement that saving a single life is tantamount to saving an entire world.¹¹⁷ (As with the previous textual example, this text is only relevant if one is willing to read it on the level of *drash*, as there is no actual life at stake in the case of intermarriage.)

¹¹⁶ BT Gittin 45a and *Hiddushei HaRaN* on Gittin 45a. The term used within the Talmudic passage to summarize the ethic involved is *tikkun haolam*. The meaning of the term in this context is, “for the sake of general social welfare.” The words *tikkun haolam* were omitted from the discussion lest they raise confusion for those accustomed to alternative appropriations of this Hebrew term.

¹¹⁷ Mishnah Sanhedrin 4:5.

Another source, not cited by any of the rabbis who participated in this thesis, but nonetheless helpful for understanding the general approach of officiating rabbis, is the responsa literature of a group of prominent nineteenth century German Orthodox rabbis. This group was very concerned with the rising rate of intermarriage. Unlike other Orthodox rabbis, who essentially cut off people who deviated from their halakhic expectations, this group felt the best way to decelerate the defection of persons from Judaism was to pursue a more lenient posture to the issues of intermarriage and conversion.

Rabbi Zvi Hirsch Kalisher (1795-1874), one of Europe's most recognized halakhic authorities, for example, wrote that a Jewish man who has intermarried and then wants his infant son circumcised should be embraced and aided to go forward in that pursuit. Though the child was not Jewish by halakhic standards, Kalisher gave him (and all other children born to a Jewish father) the designation of *zarah kodesh*, holy offspring, and noted, "with children such as these, there is sometimes the possibility that great leaders of Israel will arise from among them."¹¹⁸ Kalisher also acknowledged that while the future Jewish practice of that family may not be up to ideal standards, there were plenty of others already fully part of the Jewish community whose behavior was no better and they should therefore treat this family's participation in the community as a joyous occasion.

Rabbi Kalisher's opinions are noteworthy for showing concern for both the parent who had intermarried and for the child, insisting that the worst thing they could do would be to, "push [them] away with both hands from the community of Israel." Overall Kalisher interpreted the father's interest in having the child circumcised as an act of *teshuvah* and therefore saw it as the Jewish community's duty to enable him to continue on a path toward mitzvot rather than to push him away for choices he made that they were powerless to

¹¹⁸ HUC-JIR, for example, trains many rabbis and cantors who come from intermarried families.

prevent.¹¹⁹ For similar ideological reasons, Rabbi David Hoffman (1843-1921), another Orthodox rabbi, allowed a non-Jew to convert who intended to marry a Kohen.¹²⁰ Though this scenario would have led to violations of many halakhic principles, Hoffman justified his ruling saying, "Certainly it is better that she should convert so that her offspring will not be lost from Israel..."¹²¹

Returning to the issue of Reform rabbis who are willing to officiate at intermarriages, one could make the case that a couple's commitment to a Jewish wedding, even in many cases after years of a "dormant" Jewish identity on the part of the Jew in the couple, could be the beginning of an adult blossoming of interest in and commitment to Judaism. There is no guarantee that a Jewish wedding would lead to a Jewish future, but welcoming the couple and enabling them to partake in the *mitzvot* and *semahot* of *huppah* and *kiddushin*, would likely be experienced by the couple as being drawn nearer to Judaism rather than pushed away.

Is Reform officiation at intermarriages driving a wedge between the Reform movement and other Jewish communities? Does officiation at intermarriages threaten the legitimacy of the Reform rabbinate in the eyes of the Conservative and Orthodox rabbinate?

Rabbinic officiation at intermarriages is just one of many areas in which large portions of the Reform rabbinate engage in practices that are counter to the halakhic sensibilities of the Conservative and Orthodox rabbinates. For example, Reform rabbis on the whole do not uphold rules of *kashrut* or Shabbat in a way that would comply with Conservative and Orthodox halakhic standards. Some would argue that officiation at

¹¹⁹ Ellenson, *Tradition in Transition*, 71-72, 118-119.

¹²⁰ Kohanim are traditionally forbidden from marrying converts and according to BT Berachot 30b, one cannot accept a convert who rejects even a single item of rabbinic law.

¹²¹ David Hoffman, *Melammed Lehoil* (New York: 1954), Even HaaEzer, no. 8., as cited in Ellenson, *Tradition in Transition*, 76.

intermarriage is particularly detrimental to relations between the denominations and that for reasons of *klal Yisrael* rabbis should not officiate at these weddings. However, such a claim would be very difficult to substantiate.¹²² As Rabbi David Eichhorn passionately argues in *Jewish Intermarriage: Fact and Fiction*, Reform rabbinical officiation at intermarriages is certainly not the only issue holding back Reform Jews and Reform rabbis from universal recognition by the Jewish community and the Israeli courts. Conservative rabbis, he points out, do not officiate at intermarriages (and generally live a lifestyle somewhat more in concert with Orthodox halakhic sensibilities), yet they too have their legitimacy and authenticity questioned by the Orthodox community and the Israeli courts.¹²³

What percentage of Reform rabbis currently officiate at intermarriages? Do most of these rabbis co-officiate with Christian clergy? What are their standards?

In the course of researching this thesis I found no compelling, reliable source for the true current rate of officiation at intermarriages by Reform rabbis. Many people are of the opinion that roughly 50% of the Reform rabbinate is open to officiating at some intermarriages, yet no one was able to point to a satisfactory source of proof for this number. There is also general agreement that the number of rabbis now officiating at intermarriages is on the rise. A third commonly asserted belief is that the number of rabbis willing to co-officiate with clergy of other faiths is far smaller than the number willing to act as solo officiants.¹²⁴

¹²² Surely Reform policies on such issues as patrilineal descent and conversion requirements are more relevant to discussions of *klal yisrael* because they have an impact upon Jewish identity. Problems could arise, for example, if the child of a Jew who has converted under Reform auspices, or who has a Jewish father and non-Jewish mother, wants to marry a Conservative or Orthodox Jew because these people might not be considered Jewish in the other denominations. On the other hand, they can always rectify this situation by converting with an appropriate authority.

¹²³ David Max Eichhorn, *Jewish Intermarriage* (Satellite Beach: Satellite Books, 1974), 159-160.

¹²⁴ Anecdotal evidence supports the claims of increasing participation and low rates of co-officiation. Many rabbis interviewed for this thesis reported that they or clergy to whom they refer couples will officiate at some

One of the more reliable sources of research on the rate of overall officiation by Reform rabbis is a study that culminated in the Lenn Report. This study, commissioned by the CCAR in 1969-1972, found that at that time 41% of Reform pulpit rabbis (i.e., active congregational rabbis) officiated at intermarriages. Further, more than half of the active congregational rabbis who did not personally officiate referred couples to rabbis who would officiate. Thus, 71% of active congregational rabbis at that time either personally officiated at intermarriages or referred couples to other rabbis who would officiate.¹²⁵

A study by the Rabbinic Center for Research and Counseling offers far more recent findings but the credibility of its statistics is less than ideal due to the low (and potentially selective) response rate. The Center based its 2003 Survey of Rabbinic Participation in Intermarriage Ceremonies on a survey sent to 1842 rabbinic members of the CCAR. The response rate was 39%. Of the 39% who responded, 50% reported that they officiate at intermarriages under certain circumstances. An additional 38% of respondents said they do not officiate but are willing to make referrals to rabbis who will officiate. Previous surveys undertaken by the Center in 1982, 1986, 1990 and 1995 show a fluctuating range of 43%-50% of respondents reporting that they officiate at intermarriages.¹²⁶

CONCLUSION

This chapter is by no means an exhaustive list of all the factors a rabbi may consider when crafting a personal policy on officiation at intermarriage. Nor are the responses

intermarriages but will not co-officiate with clergy from other faiths. Rabbis also spoke of working in congregations where they now officiate at intermarriages but where the predecessor who has since retired did not officiate at such weddings. Additionally, some rabbis reported having already switched from a policy of non-officiation to officiating at intermarriages and others spoke of considering such a shift, but only one rabbi reported shifting from officiating to not officiating.

¹²⁵ *The Lenn Report* 128, figures 22 and 132 as cited by Eichhorn, *Jewish Intermarriage*, 98-101.

¹²⁶ Fishbein, *Rabbinic Participation in Intermarriages*, table 2.

Available online at: <http://www.rcrconline.org/research.htm#RABBINIC03>

provided the only possible approaches for answering the questions. Readers are strongly encouraged to add to this list and to use the earlier portions of this thesis as a reference for crafting their own answers to these and other questions. At best, the hope is that this chapter has sensitized the reader to the true complexity of this issue and that the reader will have been motivated by surprising and even controversial points raised by this author to craft his or her own unique response to the challenge of intermarriage and rabbinic officiation.

CONCLUSION

This thesis emerged out of a hypothesis that the Jewish tradition and Jewish texts do not, as is widely believed, speak univocally on the issue of intermarriage. The thesis was also driven by a desire to provide a resource that would encourage rabbis and cantors to engage with the tradition as they form (and reform) their personal positions on officiating at interfaith weddings. The three initial chapters, which cover ancient and more modern texts, Reform history, and modern learned perspectives, were assembled with the goal of facilitating a course upon which individual readers could embark.

The first chapter of this thesis included biblical texts with rabbinic and medieval commentaries, Mishnaic and Talmudic passages, and legal statements from the Mishneh Torah and Shulhan Arukh. On the whole, these passages showed that the formal Jewish tradition was opposed to intermarriage and viewed it unfavorably. At the same time, the sources (particularly the Torah) showed that intermarriage has been a part of the Jewish people's story from its very inception.

The Bible fairly clearly forbade unions between Israelite men and foreign women from certain nations. It was also consistent in explaining that such unions were forbidden out of a fear that they would lead to idolatry and would compromise the Jewish destiny of becoming a great and numerous people. In the instances where the Bible was less clear about the reasons for certain prohibitions, the Rabbis and medieval commentators filled the silences with their own interpretations, often reinforcing the warnings laid out in similar passages from the Bible. Additionally, these commentators showed a propensity to sanitize biblical stories depicting intermarriages. Their preferred method was to insist that the non-Israelite

had converted or to turn the story into a cautionary tale of what befalls those who transgress the prohibition on intermarriage (e.g., Ruth and King Solomon respectively).

The passages cited from the Mishnah and Talmud focused on legal issues related to the prohibitions outlined in the Torah. In particular, they focused on exactly which nations in the post-biblical world were among the biblically prohibited peoples, the status of offspring of intermarriages, and whether Jews could ever have *kiddushin* with non-Jews. This final topic was picked up by the Mishneh Torah and Shulhan Arukh, both of which re-emphasized the term coined in the Talmud, "*lo tafsei bah kiddushin*," which translates as, "*kiddushin* did not take effect."

The second chapter of this thesis presented the history of the Reform movement's positions on officiation at intermarriages. The discussion began with the Assembly of Jewish Notables and the Parisian Sanhedrin, two related historic developments that arguably marked the onset of the modern era for Jews. At that time the Jewish leadership was asked whether Jews could marry Christians. The remainder of the chapter followed developments within the emerging Reform community, from the radical ideas of Samuel Holdheim, to the conservative principles of the 1909 CCAR resolution, to the ceaseless debates of the twentieth century. One trend that emerged was an increasing emphasis on the value of outreach to intermarrying and intermarried families.

The second chapter concluded with a brief discussion of a new resolution that, if it makes it to the floor and is passed, would mark a significant shift in the official policy of the CCAR. Whereas the default position of the CCAR has been to condemn intermarriages and merely tolerate those rabbis who officiate at interfaith weddings, the new resolution would affirm that rabbis can officiate at intermarriages with integrity.

Chapter three of this thesis offered a series of portraits of modern rabbis in which their individual approaches to officiation at intermarriage were outlined. The goal was to provide readers with examples of how rabbis out in the field have crafted, (and at times adjusted), their policies regarding officiation to honor the Jewish tradition and their role as rabbis, while also addressing the realities of the Jewish community. Among the profiles were examples of rabbis who never officiate at intermarriages, others who officiate only when various prerequisites are met, and one who makes it a policy never to say no to a Jew. Some rabbis reported that they are very comfortable with their current position while others expressed great discomfort with some aspects of their current policies. Many reported that they felt compelled to challenge and revisit their initial ideas and theories as a result of time spent in the field interacting with intermarrying and intermarried couples and families.

The final chapter of this thesis was presented as a series of key questions and answers in an attempt to synthesize the material covered in earlier chapters. An effort was also made to introduce relevant information that had not made it into the earlier parts of the thesis and to pose questions that seem to be on the mind of many rabbis and cantors as they struggle with their own officiation policies. While the fourth chapter is intended as a tool for readers who are working on defining their own officiation policies, it is not intended as a "cheat sheet" for those who feel they cannot spare the time to read through the whole thesis. Readers are strongly discouraged from using it as such.

If this thesis has been at all successful, those who have read or even skimmed through it should know that there are no simple answers when it comes to the topic of officiation at intermarriages. Any rabbi or cantor who takes seriously their responsibility to serve God and the Jewish people should make it a priority to devote the required time to engaging with the

issue of intermarriage and specifically with issue of officiation at intermarriages. It is only through serious study that we can offer a dignified and responsible Reform response.

Today roughly two out of every three weddings involving a Jew are intermarriages. When these couples and their extended families approach Reform rabbis and cantors, asking us to be with them as they mark this special moment in their life, we must be able to respond with compassion and integrity.

זיל גמור!
Go and learn!

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