

HEBREW UNION COLLEGE - JEWISH INSTITUTE OF RELIGION
NEW YORK SCHOOL

FINAL THESIS APPROVAL FORM

AUTHOR: HEATHER ELLEN MILLER

TITLE: EVERY LAYMAN IS ASKING US, "WHAT ARE YOU DOING?":
THE CONTROVERSY OVER INTERMARRIAGE AT THE 1844 BRUNSWICK
RABBINICAL CONFERENCE

Carole B. Balin 1-31-08
SIGNATURE OF ADVISOR(S) Date

Dina Lurie 2/4/08
SIGNATURE OF REGISTRAR Date

.....
ALL SIGNATURES MUST BE OBTAINED BEFORE YOUR THESIS WILL BE
CONSIDERED ACCEPTED.

PLEASE TYPE OR PRINT ALL INFORMATION ON THIS FORM.

**EVERY LAYMAN IS ASKING US:
*"WHAT ARE YOU DOING?"***

**THE CONTROVERSY OVER INTERMARRIAGE AT
THE 1844 BRUNSWICK RABBINICAL CONFERENCE**

HEATHER ELLEN MILLER

Thesis Submitted in Partial Fulfillment of the Requirements for Ordination

Hebrew Union College-Jewish Institute of Religion
Graduate Rabbinical Program
New York, New York

February 1, 2008

Rabbi Carole B. Balin, Ph.D.

SUMMARY

Jews of the modern era were confronted with questions of identity and community affiliation in ways that they were not during the Middle Ages. Jews had been organized in autonomous collective communities, but the modern phenomenon of emancipation freed individuals from these structured groupings. Suddenly, Jewish men, as individuals, were allowed the possibility of identifying themselves solely on basis of state allegiance, as “citizen.” In France, Napoleon used the question of intermarriage as a litmus test to determine the Jews’ willingness to integrate into the larger nation-state. In response, the Jews of the Parisian Sanhedrin of 1807 answered by straddling a line between outright acceptance and prohibition. They asserted that Jewish law does not prohibit Judeo-Christian marriage, nor does it require that Jews only marry among themselves.¹ Thirty-four years later, twenty-five rabbis congregated in Brunswick, Germany to revisit Napoleon’s question for themselves and their Jewish communities. Their resolution provoked a barrage of criticism from an international group of rabbis.

Besides exploring the historical climate that led to the resolution on intermarriage promulgated at the 1844 Rabbinical Conference, I will translate and analyze the relevant minutes of the Conference. I will also provide an overview of the criticism that followed from the Conference, and examine rebuttals to that criticism. The larger purpose of this thesis is to contemplate how the provocative resolution on intermarriage in Brunswick, Germany in 1844 illuminates our understanding of intermarriage today.

¹ For the full answer, please see the Appendix of this thesis which is from Paul R. Mendes-Flohr and Jehuda Reinharz, eds., *The Jew in the Modern World: A Documentary History* (New York: Oxford University Press, 1980), 126.

TABLE OF CONTENTS

SUMMARY	2
TABLE OF CONTENTS	3
ACKNOWLEDGEMENTS	4
INTRODUCTION	5
CHAPTER ONE: THE POLITICS OF LANGUAGE	9
CHAPTER TWO: HISTORICAL BACKGROUND	22
CHAPTER THREE: THE GROWTH OF LIBERAL JUDAISM IN GERMANY (1780s-1840s)	38
CHAPTER FOUR: THE 1844 CONFERENCE AND ITS DISCUSSION ON INTERMARRIAGE	44
CONCLUSIONS	77
APPENDIX	81
BIBLIOGRAPHY	82

ACKNOWLEDGEMENTS

I am deeply indebted to many people who helped transform this thesis into what it is today.

Dr. Carole Balin, my dedicated thesis advisor, not only offered me very useful practical advice, but also engaged my questions, thoughts and heartfelt opinions in a supportive and challenging manner. During our regular meetings, Dr. Balin would pore over texts with me, push my critical thinking over issues relevant to the thesis, and serve as mentor to my process. As a boxer relies on her sparring partner, I have depended on Dr. Balin to train me through the engagement of ideas and perspectives.

Dr. David Ellenson, foremost scholar on nineteenth century German Jewry and president of Hebrew Union College-Jewish Institute of Religion, has always remained available to me as a sounding board for ideas. Dr. Ellenson directed my attention to useful texts, including, especially, one relevant work that he procured while in Europe. Moreover, he has modeled for me the sacred relationship between the scholar and the text.

Dr. Alyssa Gray and Dr. Martin Cohen have each provided me with much needed feedback and assistance throughout this process, recommending works, or particular language. They have been reliable aides to my understanding of their respective fields, and the topic at hand.

Dr. Norman Cohen and Dr. Wendy Zierler have been true mentors. Their guidance consistently and effectively aided my performance in all areas during my time at Hebrew Union College-Jewish Institute of Religion.

Dr. Els Kooij-Bas, and her dissertation advisor, Dr. Judith Frishman of Tilburg University in the Netherlands, have shared their passion for the topic of the 1844 Rabbinical Conference, and thus, have provided me with inspiration from across the Atlantic.

My teachers, throughout the years, have provided me with the skills and tools necessary to take on an ambitious endeavor such as this work. Additionally, my friends and family have fueled my heart with encouragement along the way.

To all of these bright lights in my life, I am grateful.

INTRODUCTION

*Only that shall happen, which has happened,
Only that occur, which has occurred,
There is nothing new beneath the sun. –Ecclesiastes 1:9²*

Intermarriage peppers Jewish history. Indeed, some of our most revered heroes intermarried, according to sources as sacred as the Torah. Moses marries Tzipporah, the daughter of Laban, a Midianite priest; Joseph marries Asnath; and Mahlon and Chilion marry Moabite women. However, negative responses against intermarriage are practically as old as intermarriage itself. Deuteronomy relates,

You shall not intermarry with them: do not give your daughters to their sons or take their daughters for your sons. 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. (Deuteronomy 7:3-4)

Here, God warns against intermarriage, threatening even obliteration. These ominous projections can also be found famously in the Book of Nehemiah, and elsewhere in the *Tanakh*.

Today, demographers estimate Jewish intermarriage rates in the United States at approximately fifty-percent. Vehement responses against it are equally prevalent. Much ink is spilled over the threat of intermarriage to Jewish survival. Intermarriage is frequently called a crisis; its effects are alleged to threaten the very existence of the Jewish people.

This thesis concerns itself with a controversy over intermarriage that flared up in Europe

² This translation as well as all translations of the *Tanakh* are from the *JPS Hebrew-English Tanakh* (Philadelphia: The Jewish Publication Society, 2000).

in the mid-nineteenth century. In 1844, twenty-five rabbis discussed the issue at a rabbinical conference in Brunswick, and produced a resolution on intermarriage so accepting of intermarriage that it provoked a reactionary outcry. Within a year's time, a petition against the conference, along with a commentary entitled *Treu Glaubige Israels* (*True Faithful of Israel*), was signed by 77 rabbis from across Europe and Palestine.

What is it about intermarriage that produces such impassioned responses? While every generation faces unique circumstances, there are certain critical questions that intermarriage forces communities to consider, such as: What is the community's orientation to the outside world? What characterizes members of the community, and what characterizes those who are not members of the community? How will the intermarried be regarded by their respective communities? What will the status of the offspring of these marriages be? What kind of home will the couple make? Who has the authority to decide the answers to these questions? And, how will the ruling government regard such marriages?

These are difficult questions, and the different socio-political circumstances of various Jewish communities have resulted in disparate answers. I will argue that a community's approach to intermarriage is emblematic of its relationship to the outside world beyond the Jewish community. A community's particular orientation towards intermarriage represents its understanding of itself *vis-à-vis* the Other.

As a student of history, I will argue that it is necessary to explore the social, political and

cultural climate of the early-nineteenth century German Confederation (established in 1815) to understand the conference attendees' orientation to the subject of intermarriage.

It is my hope that today's Reform Jewish community will consider its approach toward intermarriage in light of the exploration of questions provided by this paper: How do we understand the role of intermarriage at the inception of our movement? What compelled the liberal rabbis of the German Confederation to take up this issue at its first rabbinical conference? How did they express their viewpoints? And, what reactionary storm did they weather as a result?

Various topics related to intermarriage in the early modern era deserve our attention. Undeniably, the social-, political-, and legal autonomy that Jewish communities had experienced in the middle ages, was dismantled. Simultaneously, governments were assuming more responsibility for social services. As a result, the mandate of authority that rabbinic leaders had previously enjoyed was removed. The rabbis, interested in reasserting their power, began a scramble for authority. However, individuals were gaining status as "citizens" via the government, and outside of their Jewish communal structures. The barriers that had previously segregated the Jewish community began to erode, and the importance of Jewish tradition came into question. Already adjusting to their diminished roles, the rabbis were faced with the dilemma of responding to these forces. Some rabbis responded with interest in adapting and reforming Judaism to meet the new demands of society. Others held tight to the practices that they had relied on in the past.

The topic of intermarriage got caught in the crossfire of these modern phenomena. As Jews began to emerge from isolation, they mingled with non-Jews, and many even desired to intermarry. This challenged many rabbis who recognized the ancient rabbinic conception of marriage as a ritual that exclusively sanctified the union of Jews, which had, since the third century allowed the Rabbis to sharpen identity division between Jews and non-Jews.³ At the same time, the secular governments were subsuming the responsibility of recognizing marriages, which diminished rabbinic authority in this realm. Two primary rabbinic responses began to emerge in this environment. The reformers moved to permit intermarriage provided the government allow the parents to raise the children of such marriages also as Jews. The orthodox and traditionalists sought to flatly refuse intermarriage, in order to uphold the dividing line between Jews and non-Jews, and to reassert their authority over the institution of marriage.

Jews have been grappling with intermarriage for centuries. Indeed, Ecclesiastes accurately claims, “There is nothing new under the sun.” Today, we still grapple with questions of rabbinic authority, insulation of our communities, the role of Jewish identity in a secular state, ritual changes, and the separation of church and state. These issues and questions may be recycled from generation to generation, but a community’s response to intermarriage illuminates its unique socio-political orientation to these factors. These complex questions first emerged for the Jews of the nineteenth-century German Confederation, and thus render their example a particularly fascinating case to consider.

³ Michael L. Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001), 262-264.

CHAPTER ONE: THE POLITICS OF LANGUAGE:

Language is a powerful force. And it is even more powerful for a people whose God, according to tradition, spoke the world into being. Language both creates and destroys. To a large extent, language manifests reality, therefore, it is imperative for me, from the outset, to define an array of terms that will be used with regularity in these pages. In that way, author and reader will be on the same page, so to speak, sharing vocabulary across the languages of German, Hebrew, English, Yiddish and Aramaic. To aid us, author and reader, in the successful navigation of this lingual minefield, I have created below a glossary of terms and concepts relevant to this study.

MARRIAGE AND RELATED TERMS:

For the sake of consistency across many scholarly disciplines on this subject, this thesis will regard intermarriage as a marriage between two people, one who is Jewish and one who is not Jewish at the time of the ceremony.⁴ However, it should be noted that marriages between non-Jews and those who are born Jewish but convert out of Judaism for the sake of the union were not included in demographic statistics. Marriage between where partners began with different faiths, but then one converted for the sake of the union, in this paper, will be considered “mixed marriages.”

⁴ Historian Alan T. Levenson notes, “In sociological parlance, intermarriage signifies a marriage when one person converts to the religion of the second. Mixed marriage signifies a marriage between two persons of different faith, and outmarriage (or exogamy) signifies either phenomena.” Alan T. Levenson, *Jewish Reactions to Intermarriage in Nineteenth Century Germany* (Ph.D. diss., University of Michigan, 1990), 8.

The anthropological term for intermarriage is exogamy. Antonyms for intermarriage and exogamy are in-marriage and endogamy.

Marriage: Prior to the proto-Rabbinic and Rabbinic eras, Jewish marriage did not legally differ much from other types of marriage. However, during the proto-Rabbinic and Rabbinic eras, the Rabbis enacted laws that would serve to distinguish Jewish marriage from others. Biblically, betrothal served to dedicate a woman to a man. And, in antiquity, this ceremony was cast in the light of the popular culture of Hellenism. By the time of the Rabbinic era, however, marriages became defined more precisely. This was motivated by the Rabbinic legal system which needed to define who a “married woman” was, in order to respond to important legal questions around adultery.⁵ They established a detailed program of marriage, briefly defined by the ceremonies of betrothal and wedding.

Betrothal: A practice perceived as having been derived from biblical custom, it renders the woman to be considered married for sexual and economic purposes. Biblically, “*erusin*” is used to define “betrothal,” though later, the Rabbis more frequently employ the term “*qiddushin*” to describe it.

Wedding: A ceremony that marked a legal change in status for both the bride and groom. Through the wedding, the groom entered into respectability and the body politic, whereas

⁵ Michael L. Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001), 75.

the bride entered into sexual initiation.⁶ The wedding set the groundwork for the creation of a “legitimate family,” and also valid legal claim such as the “woman’s monetary entitlements on the dissolution of the marriage.”⁷

Civil Marriage: A civil institution whereby a government recognizes the status of couples as “married.” This concept arises with the emergence of nation-states founded on the principle of a firm separation between church and state.

The concept of “civil marriage” had not existed before the Enlightenment. As it emerged, it paved the way for the legally-recognizable institution of intermarriage which, when performed in a civil ceremony, did not require the sanctification of clergy who might have rejected such a union out of hand.

Religious Marriage: The religious institution whereby clergy and religious institutions recognize the status of couples as “married.” Religious institutions generally sanctified unions between men and women, the political rulers abdicating that responsibility to them, until the rise of nation-states beginning at the end of the eighteenth century.

THE SPECTRUM OF JEWISH IDENTITY IN NINETEENTH CENTURY

EUROPE:

In response to modernity, various types of Jewish religious identities emerged among the Jews of the post-1815 German Confederation. We can loosely group these Jews and

⁶ Ibid., 168.

⁷ Ibid., 180.

delineate their shared beliefs and practices. Bear in mind, however, that none was monolithic; each group had its own range of practice, belief and custom. For the sake of this paper, I will define these various categories of Jews with the caveat that the reader understand that each group was not yet well-defined.

There was a broad spectrum of those who could be classified as “modernists” (*die Neuen/* the New Ones) in contrast to the “traditionalists” (*die Alten/* the Old Ones).⁸ Generally speaking, modernists trusted the government to uphold and apply the ideals of the modern era, with the possibility of granting full citizenship to Jews, and also allowing them to overlay that national identity with a Jewish religious one.

Modernists attempted to clothe their Jewish moral and ethical value in German aesthetics. They wished to retain Jewish practice that conformed to their newly-acquired modern aesthetic. At the same time, they sought to shed those observances that were perceived as cumbersome, obsolete, and even an impediment to a vivacious Jewish life. They employed a system of critical analysis of Jewish texts to determine what was worthy of saving and what was in need of change.

Traditionalists, for the most part, were suspicious of the changes that would be required of Jewish life should citizenship be granted to Jews. They preferred the perpetuation of Jewish autonomy, living as a separate “nation,” even if it meant forfeiting civil rights. Moreover, they were unwilling to subject Jewish texts that they held sacred to the same

⁸ Michael Meyer, *German-Jewish History in Modern Times: Volume 2 Emancipation and Acculturation 1780-1871* (New York: Columbia University Press, 1997), 120.

scrutiny as non-sacred texts. In fact, they regarded this behavior as sacrilege. To them, the written Torah (*Tanakh*) and Oral Torah (Rabbinic literature) were equally binding and sacred. Thus, they disdained and rejected the modernist's critical approach to texts.

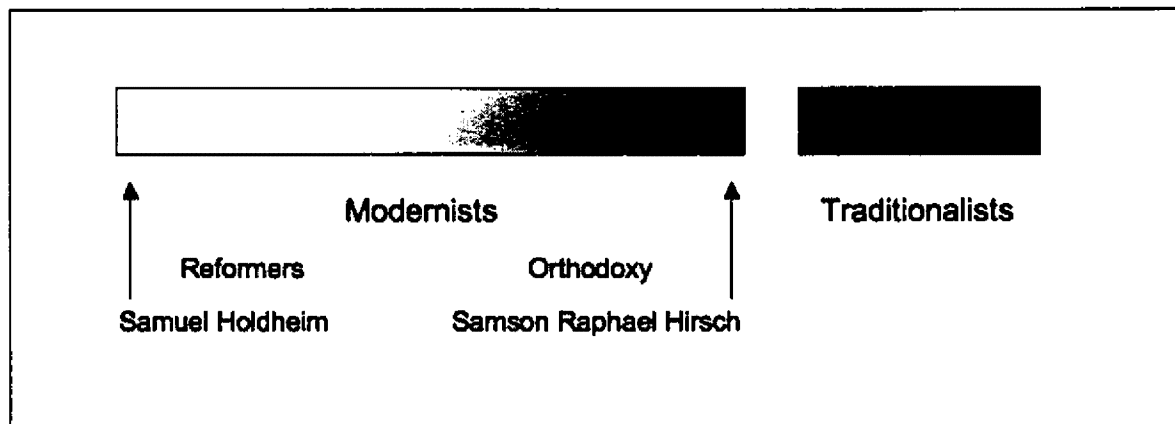
Traditionalists sought to clamp down on the Jewish trend toward acculturation with more and more restrictive measures. As the historian Michael Meyer writes,

These premodern rabbis believed themselves the chief guardians of Jewish tradition and generally rejected any changes in Jewish education or religious practice, whether proposed by Gentiles or by reform-minded Jews.⁹

These rabbis insisted that secular life was in conflict with Jewish life. Traditionalists branded the modernists as heretics, and modernists thought of traditionalists as marginalizing Judaism into irrelevance. Each group saw the other as a threat to Jewish survival.

Over decades, the descriptive terms “modernist” and “traditionalist” would give way to more nuanced terminology. “Traditionalists” continued to describe those who denied application of critical analysis to Jewish tradition. But, those who identified as “modernist,” and affirmed analysis through the scientific study of Judaism, began to take different approaches to this endeavor. At one end of the modernist perspective were “reformers,” and at the other end were the “orthodox.”

⁹ Ibid., 98.



Reformers were willing to evaluate Rabbinic texts and traditions in light of historical phenomena. They took a critical approach to both Biblical and Rabbinic texts. Their radical end of the spectrum can best be personified by Samuel Holdheim (1806-1860).¹⁰ Because of his critical approach, he recognized that Rabbinic texts were admittedly written by men whose word, he regarded, as no more legally binding than his own. In fact, Samuel Holdheim asserted, “The Talmud speaks out of the consciousness of its age and for that time it was right; I speak out of the higher consciousness of my age, and for this age I am right.”¹¹

At the other end of the spectrum were those who can be identified as “orthodox.” They refrained from critically analyzing Jewish texts which they viewed as sacred—both Written Law (*Tanakh*) and Oral Law (Rabbinic Law). They would, however, employ the use of critical analysis to champion Jewish tradition. Samson Raphael Hirsch (1808-

¹⁰ A more detailed biography of Samuel Holdheim can be found in Chapter Four.

¹¹ Michael Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York: Oxford University Press, 1998), 83.

1889)¹² most famously personifies this side of the spectrum. He believed that, “The Law, both Written and Oral, was closed with Moses at Sinai.”¹³ He, therefore, insisted that Jewish tradition could be studied and analyzed critically, but that such analysis would not carry with it the imperative to change tradition, especially written and oral law.

Modernists embraced the critical analysis of Jewish texts. Reformers drew from it empowerment to change and continue the evolution of Jewish tradition. The orthodoxy drew from it the affirmation of the customs and traditions to which they already subscribed. Traditionalists, in a different camp altogether, flatly refused the modern technique of critical analysis of Jewish tradition, and would have preferred the authority they had enjoyed formerly during the Medieval period.

The inherent problems of identifying these groups by certain designations should be noted. As crystallized movements had not yet emerged, each of these terms will appear as adjectives and in lower-case. In addition, the terms are limited and imply that groups were mutually exclusive. That was not the case. Modernists remained under the influence of tradition, and traditionalists were affected by modernity. Each newly-forming movement was touched by the forces of change and reaction afoot at the time. Likewise, it must be said that traditionalists reformed Jewish life at the same time that modernists preserved certain aspects of Jewish tradition. It is far more accurate to

¹² A more detailed biography of Samson Raphael Hirsch can be found in Chapter Four.

¹³ David Harry Ellenson, *After Emancipation: Jewish Religious Responses to Modernity* (New York: Hebrew Union College Press, 2004), 170.

envision these groups along a spectrum, thereby acknowledging that individuals in one group could exhibit behavior of the other.

CULTURAL TERMS:

The process of Jewish Emancipation was complex, and varied greatly across the German Confederation. Unlike France, where emancipation occurred evenly for all Jews in two swift legislative acts (there was a 21-month gap between the emancipation of Sephardim and the emancipation of Ashkenazim), citizenship was granted to populations of Jews in Germany incrementally and gradually. The process was lengthy and emancipation was at times even stripped away after granted. There are various aspects of this process that ought to be defined including:

Acculturation: The process by which one individual or cultural group adopts culture from another group.¹⁴ In this context, it describes the process by which Jews would adapt to the modern world around them, either by way of external forces or internal motivations. Adaptation might take place along lines of religious practice, language, sartorial changes, outlook, or other signs of culture. Acculturation was most readily apparent in liturgical use of the German language, use of the organ on the Sabbath, among others.

¹⁴ Britannica Online Encyclopedia "The processes of change in artifacts, customs, and beliefs that result from the contact of societies with different cultural traditions. The term is also used to refer to the results of such changes." "Acculturation," *Britannica Encyclopaedia*, <http://www.britannica.com/eb/article-9003494/acculturation>.

Assimilation: A more intense manifestation of acculturation, whereby complete or almost complete identification with the new cultural group is apparent and the loss of Jewish particularities.¹⁵ Nineteenth-century German Jewish assimilation led to fears of the Jewish people disappearing altogether.

Assimilation was originally a term that described a biological process, especially that of digestion. In digestion, food particles are said to undergo a process of assimilation whereby they transform from identification as “food” and henceforth are identified as part of the body of the host. In this way, cultural assimilation occurs when cultural identity is broken down and can no longer be identified itself, but rather becomes one in the same as the host culture. Acculturation was a process that Jews from all spectrums of the nineteenth-century German Jewish community engaged in, and was acknowledged as such, even if reluctantly.

Assimilation was often perceived as a more active and destructive force among the Jewish population, while acculturation was perceived as a more passive and neutral reality of Jewish life in the German Confederation.

Conversion: The process by which an individual changes his/her religious identity; one method by which complete religious assimilation could take place. It was the ultimate

¹⁵ Britannica Encyclopaedia notes, “The process whereby individuals or groups of differing ethnic heritage are absorbed into the dominant culture of a society.” From “Assimilation,” in *Britannica Encyclopaedia*, <http://www.britannica.com/eb/article-9003494/assimilation>.

active process by which Jews who desired radical incorporation into the majority culture (non-Jewish German cultural world) could assimilate.

Culture: A term that describes all the symbols, rituals, languages, objects, and patterns that differentiate one group of people from another.¹⁶

Sub-Culture: A term used to identify a culture that was separate from the majority culture.¹⁷ In the nineteenth-century German Confederation, sub-culture was identified as cultures that were not socially preferred or officially recognized, such as Jews or Catholics. Often those who identified with these sub-cultures formed community organizations called *Gemeindes* to promote their distinguishable identities. Once these official Jewish institutions (*Gemeindes*) were established, "every Jew was legally required to belong."¹⁸

Reform: The process by which Jews would adapt Jewish life to modernity (including especially religion and education). "Reform" had a positive connotation during the Enlightenment era that praised progress as propitious.

¹⁶ "Behavior peculiar to *Homo sapiens*, together with material objects used as an integral part of this behavior. Thus, culture includes language, ideas, beliefs, customs, codes, institutions, tools, techniques, works of art, rituals, and ceremonies, among other elements." From "Culture," in *Britannica Encyclopaedia*, <http://www.britannica.com/eb/article-9109857/culture>).

¹⁷ "An ethnic, regional, economic, or social group exhibiting characteristic patterns of behavior sufficient to distinguish it from others within an embracing culture or society." From "Sub-Culture," in *Merriam-Webster's Online Dictionary*, <http://www.merriam-webster.com/dictionary/subculture>.

¹⁸ David Sorkin, *The Transformation of German Jewry, 1780-1840* (New York: Oxford University Press, 1987), 124.

CIVIL IDENTIFICATIONS:

Aufklärung: European Enlightenment Movement. This movement and its frameworks and principles began to influence Jewish leaders in the eighteenth century in Germany, leading to the emergence of the *Haskalah* (Jewish Enlightenment Movement).

Bildung: The process of acquiring education and culture; identification with this term afforded social caché.¹⁹ Jewish individuals of the generation interested in obtaining political rights enthusiastically engaged in this process.

Bürger: A citizen. A political status that Jews (and other individuals from disenfranchised groups) worked to obtain.

Gebelten: “Self-formation.”²⁰ Connotes working towards perfection, in a theological and religious sense; it is connected to the idea that one is coming closer to the image of God. Interest in working towards *Gebelten* was common in the nineteenth-century German Confederation, not only among Jews, but also among other Germans.

¹⁹ As the historian Michael Meyer relates, “it was often made requisite for the attainment of political and social equality but in part also because of its intrinsic attraction.” From Michael Meyer, *German-Jewish History in Modern Times: Volume 2 Emancipation and Acculturation 1780-1871* (New York: Columbia University Press, 1997), 201.

²⁰ Sociologist David Sorkin describes, “While ‘self-cultivation,’ the usual translation, conveys the general meaning, the less felicitous ‘self-formation’ points to the central idea: a notion of the integral development of personality through a concept of form.” From David Sorkin, *The Transformation of German Jewry, 1780-1840* (New York: Oxford University Press, 1987), 15.

Landrabbiner: The governmentally-recognized chief rabbi of the Jewish community in a particular locale, responsible for instituting reforms. Usually part of a government committee consisting of two governmental officials and five representatives of the community.²¹ Several of the participants of the first rabbinical conference held these posts throughout the German Confederation.

Volk: term used to describe peoplehood.²² This was the popular German notion of unity accepted by those who share territory. Identifying with the *Volk* of the nation, and being recognized as part of the *Volk*, connoted acceptance of equal status not only politically, but in social terms as well.

German Confederation: A political territory in Western Europe created by the Federal Act of June 8, 1815, which remained relevant until German unification in 1871. The area of the German Confederation includes various states, principalities, kingdoms, duchies and free cities. See map (Figure I).

²¹ The Jewish Encyclopedia additionally describes the charge of this post as, “required to have academic training, [and] was to raise the intellectual standard of the congregation and introduce certain reforms.” Isidore Singer, ed., “Mecklenburg,” *The Jewish Encyclopedia* (New York: Funk and Wagnalis, 1906), The Jewish Encyclopedia Online, <http://www.jewishencyclopedia.com/view.jsp?letter=M&artid=319>.

²² Martin Kitchen notes that during the early nineteenth century, “the nation was not based on ethnicity, but was defined by the acceptance of the obligations and the rights of citizenship, and on the collective will to be a nation.” Martin Kitchen, *A History of Modern Germany 1800-2000* (Massachusetts: Blackwell Publishing, 2006), 27-8.

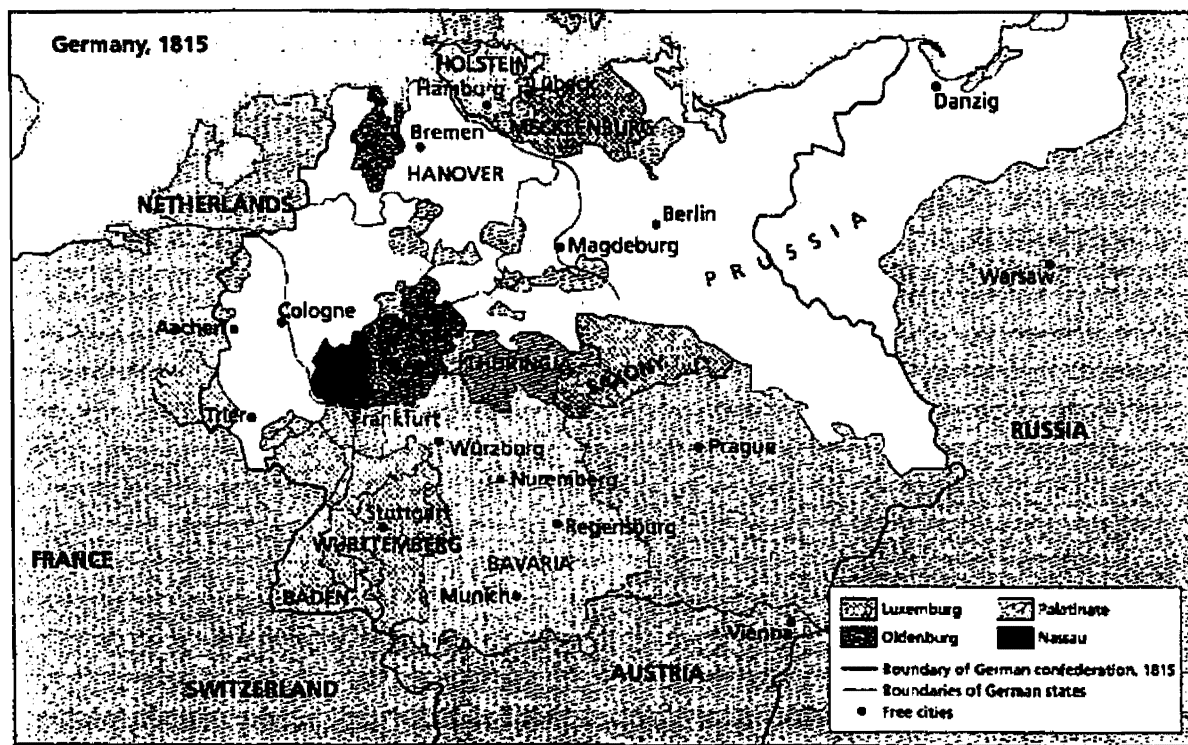


Figure 1 The German Confederation, 1815²³

A FINAL NOTE:

Finally, before turning to our larger story, it is important to note that the primary documents available to piece together the historical backdrop for this thesis, were largely produced, preserved and relevant to upper middle-class men.

²³ <http://www.rootsweb.com/~wggerman/map/images/germanconf1815.jpg>.

CHAPTER TWO: HISTORICAL BACKGROUND

Jews have never lived in complete isolation. Like all peoples, they are influenced by the culture and environment around them. In this section, I will discuss the milieu of those Jews living in the German Confederation in the early nineteenth century, so as to understand how those circumstances affected their attitudes toward intermarriage.

Before turning to German history, it is necessary to consider the political situation in France, which came to influence German Jewry. Jews were emancipated in France amid radical political upheaval. After the French Revolution of 1789, the French National Assembly adopted a document called the *Declaration of the Rights of Man and of the Citizen*. This declaration was a statement of principles drafted primarily by Marquis de Lafayette that, among other things, affirmed the creation of a secular state. This idea represented a break from the previously religiously-, ethnically- and culturally-based polity. In this way, the government of France now afforded men the freedom and opportunity to identify as “citizen” and claim the rights and responsibilities thereof. Immediately, debate ensued over the question of what that would mean for Jews, who had heretofore been perceived as “a nation” of their own.

In 1790, a body called the Constituent Assembly passed a decree that afforded Sephardic Jewish men rights, and, in 1791, the Assembly published the *Admission of Jews to Rights of Citizenship*, which extended the rights of emancipation to Ashkenazi Jewish men as

well.²⁴ These documents abolished the autonomous corporate Jewish community. At the same time, the Assembly granted Jews as individuals the same rights as other French citizens.

Not more than a decade passed when Napoleon invaded France in 1799. Seizing power, he crowned himself emperor in 1804 and subsequently marched across Europe to expand his empire. While Napoleon was committed to Jewish emancipation, he was also eager to obtain Jewish allegiance to affirm his power. In a clever and strategic move, he created an Assembly of Jewish Notables made up of rabbis and other recognized Jewish authority figures, and then posed 13 questions for their considered response. In this context, the members of the Assembly of Jewish Notables had the authority to speak for the entire Jewish French community.

Napoleon's "test" of the Jewish community was an ingenious method by which Jews could prove their loyalty to their new nation. This idea was made explicit in a letter to the Assembly of Jewish Notables saying,

The wish of His Majesty [i.e. Napoleon] is, that you should be Frenchmen; it remains with you to accept the proffered title, without forgetting that, to prove unworthy of it, would be renouncing it altogether.²⁵

Napoleon insisted that the Assembly answer his questions truthfully, believing as he did in an absolute "Truth." To this end, he asked for written responses divulged frankly. Of course, the stakes were high and the Assembly understood that it needed to win favor

²⁴ Paula E. Hyman, *The Jews of Modern France* (California: University of California Press, 1998), 29.

²⁵ Paul R. Mendes-Flohr and Jehuda Reinharz, eds., *The Jew in the Modern World: A Documentary History* (New York: Oxford University Press, 1980), 125.

with Napoleon. They needed to respond with what Napoleon wanted to hear. They had to render an authentic yet politic response. It was a task fraught with many risks.

Officially, on July 26, 1806, Napoleon's "informal adviser on Jewish affairs,"²⁶ Count Louis Mathieu Mole (1781-1855) submitted Napoleon's questions to the Assembly.

There were 13 sets of questions, and the third set, concerning intermarriage, read:

Can a Jewess marry a Christian, or a Jew a Christian woman? Or has the law ordered that the Jews should only intermarry among themselves?²⁷

No satisfactory answer seemed apparent. To answer in the affirmative, that Jews are permitted to marry Christians, would mean playing into fears that the Jews might infiltrate the ranks of the Christian elite. An affirmative response also meant contravening standard interpretations of *halakhah*, which for the most part explicitly forbade intermarriage.²⁸

Yet, to answer in the negative, that Jewish law forbids intermarriage, would signal to Napoleon that no matter what the state does *vis-à-vis* Jews, they would remain an impenetrable insular community, even when given the opportunity to become full French citizens.

In a clever response revealing their political savvy, the Notables responded,

The law does not say that a Jewess cannot marry a Christian, nor a Jew a Christian woman; nor does it state that the Jews can only marry among

²⁶ Ibid., 126.

²⁷ Ibid., 126.

²⁸ Michael L. Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001), 161.

themselves...yet, as marriage, according to the Talmud, requires religious ceremonies called *Kiduschin* [sic], with the benediction used in such cases, no marriage can be religiously valid unless these ceremonies have been performed. This could not be done towards persons who would not both of them consider these ceremonies as sacred; and in that case the married couple could separate without the religious divorce; they would then be considered as married civilly but not religiously... Such is the opinion of the Rabbis, members of this assembly. In general they would be no more inclined to bless the union of Jewess with a Christian, or of a Jew with a Christian woman, than Catholic priests themselves would be disposed to sanction unions of this kind..²⁹

This was a politically sensible navigation around such a delicate subject. The Assembly avoided stating that intermarriage was forbidden by implying that it was not prohibited. At the same time, the Assembly was also able to express guarded disapproval of such marriages, noting that they would only be recognized as civil rather than religious marriages due to technicalities in Jewish law. This also served to recognize the government's jurisdiction over civil marriages. Moreover, the Assembly linked its answer to that presumably of Catholic priests who likewise found intermarriage problematic. In this way, they shifted the focus from themselves and their specific community to the larger, more universal issue of religious groups' relationship to the secular state.

A year later, in 1807, Napoleon convened a group of 70 Jewish leaders, called the "Great Sanhedrin," to affirm the response of the Assembly of Jewish Notables.

²⁹ Paul R. Mendes-Flohr and Jehuda Reinharz, eds., *The Jew in the Modern World: A Documentary History* (New York: Oxford University Press, 1980), 129. For their full response, please see the Appendix.

In contrast to France, no recognized Jewish communal assembly, elected or appointed, ever spoke on behalf of the entire Jewish German community. Nor was there a clear government figurehead who could simultaneously emancipate all Jewish communities across the German Confederation.

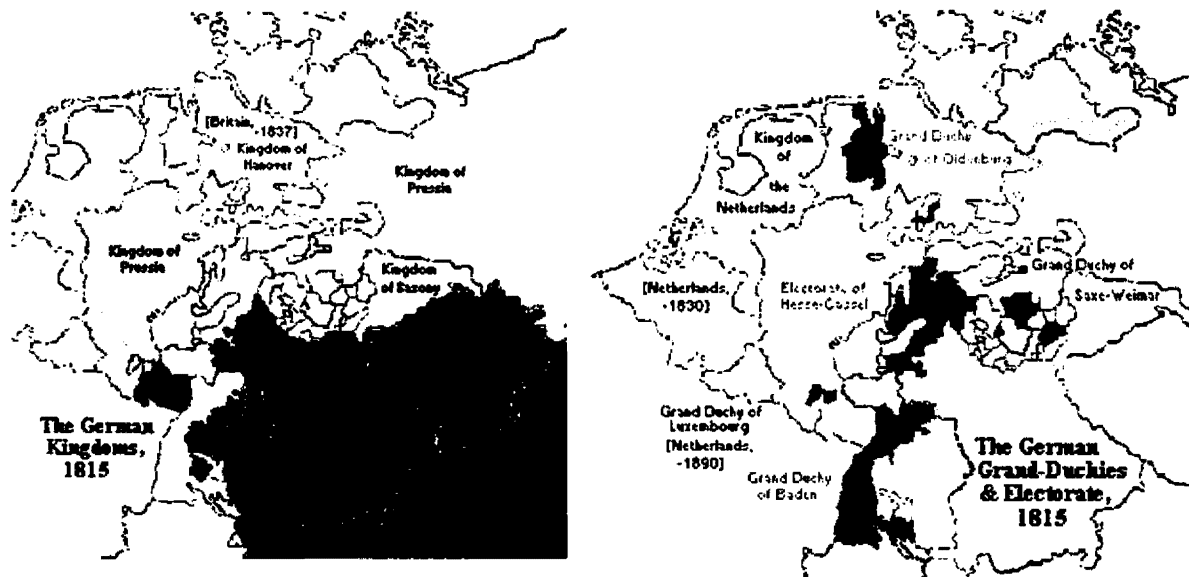


Figure 2 German Kingdoms (left) Grand Duchies & Electorate (right), 1815³⁰

³⁰ Figures 2 and 3 from Kelley L. Ross, "The German Confederation, 1815-1866," *Francia Orientalis, Germany*, <http://www.friesian.com/deutsch.htm>.

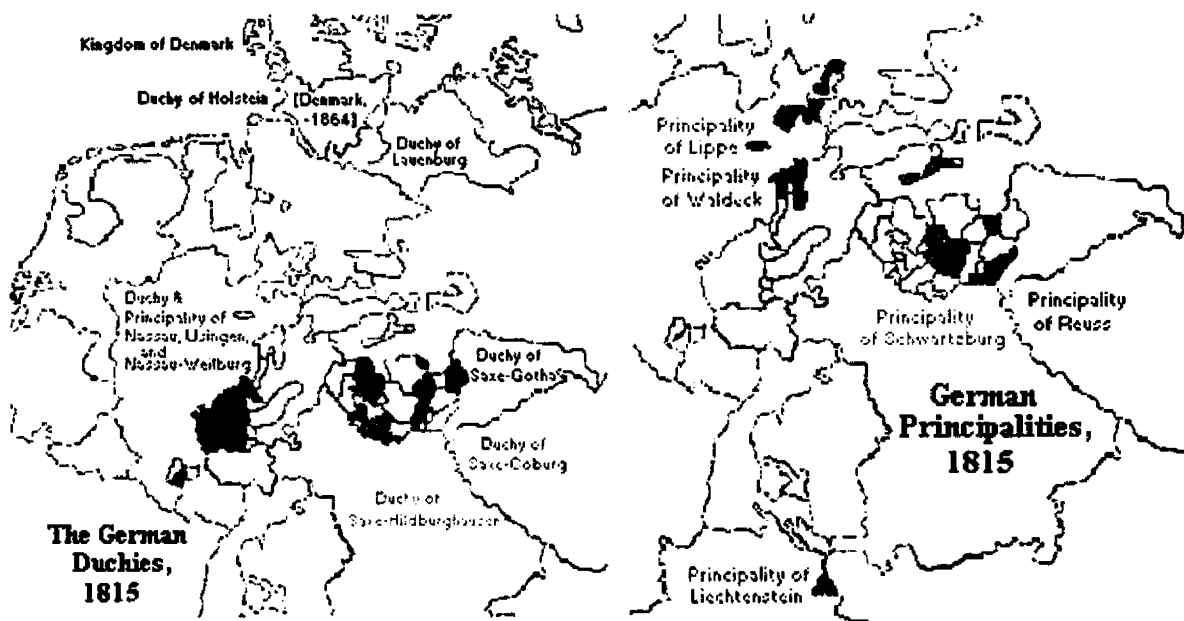


Figure 3 German Duchies (left), Principalities (right), and Free Cities (below), 1815



In stark contrast to Napoleon's France, the German Empire was a loosely-affiliated conglomeration of political factions including kingdoms, grand duchies, duchies, principalities, and free cities. The Congress of Vienna (1814-5), "created a confederation of states rather than a federal state."³¹

This led to disparate and fragile German governments, with only a semblance of unity across the German Confederation. Although, they did manage to stave off a political war, the local governments of the German Confederation remained irregular and relatively weak. In the words of the historian Martin Kitchen, "Germany was a patchwork of small states with striking

³¹ Martin Kitchen, *A History of Modern Germany 1800-2000* (Massachusetts: Blackwell Publishing, 2006), 27.

regional differences and was divided along religious lines.”³² Thus, the governments affiliated under the name “German Confederation,” and functioned essentially as friendly independent polities more than a singular unified group. While this was beneficial to political leaders who enjoyed preserving their independent control over their own territory, this created a very tenuous situation for the Jews.

During this period, individual local governments would independently confront the question of the Jews. Each had to decide to what extent Jews could become citizens. In response, each government took a different approach. In this regard, as the historian David Sorkin writes, “The Jews served as the testing ground for [the government’s] Enlightenment ideals.”

Rulers interacted with Jews in various ways. Jews living along the northern perimeter of the German Confederation (particularly in the state of Mecklenburg-Schweren) experienced the least favorable conditions,³³ as French influence was minimal and so too the hope of emancipation.

The most favorable environment for Jews was found in the Kingdom of Westphalia which was created just years before the establishment of the German Confederation. The Kingdom of Westphalia existed from 1807-1813 and was heavily influenced by its French neighbor. In fact, Napoleon’s brother, Jerome, served as king of this region.

³² Ibid., 46.

³³ Michael Meyer, *German-Jewish History in Modern Times: Volume 2 Emancipation and Acculturation 1780-1871* (New York: Columbia University Press, 1997), 24.

In the Kingdom of Westphalia, Jerome created a Jewish consistory, or hierarchy of authority, parallel to Christian structures.³⁴ In fact, over time, Jews would even enjoy the rights of citizens. However, this situation changed in 1813, when such rights were stripped away. This fact underscores the Jews' tenuous situation. Emancipation could be, and was, revoked for any number of reasons.

In general, the governments of the German Confederation favored the idea of Jews reforming their "peculiar" behavior and used the promise of emancipation as an incentive for them to do so. However, emancipation was rarely, if ever, actually granted. These were nearly-impossible situations for the Jews of these regions.

In the few but increasing areas where reform was rewarded with emancipation, individual Jews had a lot to gain if they would honor the *quid-pro-quo*. Theoretically and practically speaking, in many cases, acculturation would open doors for Jews who accepted it.

However, even in areas with stable governments, the laws could be conditional. In some cases, following the Enlightenment's focus on the individual, governments might reward individual behavior rather than bestow rights upon an entire Jewish population. In this way, governments were asserting the Enlightenment ideal that, "Nation was not based on

³⁴ Ibid., 107.

ethnicity, but was defined by the acceptance of the obligations and the rights of citizenship.”³⁵

This type of legislation, which presupposed Jewish reformation, was increasingly popular. For instance, in Baden, laws for Jews were predicated on each individual’s attempt at “political and moral formation.”³⁶ Similarly, rights for Jews in southern Germany required them to reform, but even that proved impossible because the Prussian state intentionally restricted the very behaviors it required.³⁷ In this way, Jews were teased by the prospect of emancipation, and those who reformed were often met with disappointment.

Still, in other areas, governments passed legislation that was not enforced.³⁸ Depending on where one lived, Jewish emancipation was either granted, then revoked, promised but not delivered, conditional, or otherwise impossible to achieve. Only rarely were individual Jews able to secure full rights as citizens. This difference between theory and practice represented the conflict between the goals of liberal revolutionaries interested in instituting enlightenment ideals and those of the elite aristocracy who were loathe to cede political power.

³⁵ Martin Kitchen, *A History of Modern Germany 1800-2000* (Massachusetts: Blackwell Publishing, 2006), 27.

³⁶ David Sorkin, *The Transformation of German Jewry, 1780-1840* (New York: Oxford University Press, 1987), 29-30.

³⁷ *Ibid.*, 36.

³⁸ *Ibid.*, 35.

CHANGES IN THE JEWISH COMMUNAL STRUCTURE:

Prior to modernity, the government regarded the Jewish community as a single corporate entity. As such, they were governed as one population. For instance, Jews were barred from many areas of civic life as one community, and in some places, Jews, as a community, were even subjected to, “a degrading transit tax (*Leibzoll*) otherwise applicable only to cattle.”³⁹

However, the Jewish community in this pre-modern time enjoyed an enormous degree of autonomy. Rabbis represented and led the Jewish community as a whole.

Emancipation necessarily dismantled this corporate structure for Jews and all people. Individuals now had a one-on-one relationship with the government, and Jewish collective autonomy became an unnecessary and unwanted evil. If Jews were to function in this new nation, they were to do so as individuals—avoiding the situation of being a “nation within a nation.”

At the same time, of course, the power of Jewish communal leaders was in jeopardy. Generally, this varied widely across the German Confederation. Some leaders possessed great power and influence, while others remained seemingly insignificant.

In the case of the Jews, since the vast majority of civil service positions were restricted, the possibility of rabbis exercising political authority in the general governmental sphere

³⁹ Ibid., 20.

was out of the question. Not only was rabbinic authority undermined in the secular governmental sphere, but the power of rabbinic authority was also now challenged within the Jewish community, as Jews were no longer forced to recognize rabbis as the head of a Jewish corporate polity. In other words, as expressed by the historian David Sorkin, “The ideology of emancipation was intended to deny, rather than sustain, social and political bonds like those of a subculture.”⁴⁰ Jews who welcomed emancipation understood that religious identification would be subsumed to that of German nationality. Jewishness and its way of life would necessarily shrink to a “sub-culture.”

INTERMARRIAGE IN THE 1800s:

Emancipation held much promise; emancipated individuals could potentially secure all sorts of rights. In fact, prominent Jews were able, in some cases, to become part of the economic elite.

One avenue to prominence was through socializing with elites through the attendance at and hosting of salons.⁴¹ Salons were house parties attended by Jews and non-Jews, sometimes very prominent non-Jews, in the spirit of reinforcing enlightenment ideals of equality and citizenship. Activities focused on discussing philosophy, language, literature, and art. It is worth noting that it would have been more socially daring and counter-cultural, had members of the German elite hosted Jews in their own homes. That

⁴⁰ Ibid., 123.

⁴¹ Hertz, Deborah, *How Jews Became Germans: The History of Conversion and Assimilation in Berlin* (New Haven: Yale University Press, 2007), 196.

would have indicated a higher level of acceptance on the part of non-Jews *vis-à-vis* Jews.⁴²

Nevertheless, the attendance of non-Jews at salon parties hosted by Jews was a manifestation of Jewish upward mobility. And, as these upwardly mobile Jews mingled, inter-social contacts became established leading at times to mixed marriages.⁴³ Since the state had not legalized intermarriage between Jews and Christians, one partner had to convert. Often, it was the Jewish partner who converted. Indeed, conversion to Christianity offered Jews all sorts of advantages. Historian Alan T. Levenson notes,

Intermarriage did not proceed from willful and stiff-necked rebellion against the Law, but from the social situation of German Jewry.⁴⁴

To be sure, many Jews interested in marrying Gentiles were not necessarily desirous of conversion, but it became a necessary byproduct of a nation where intermarriage was illegal.

Intermarriage challenged all sorts of assumptions, such as cultural distinctions, religious affiliations, class structure, authority, political diversity, and individual freedom. While in theory German citizenry, which included some Jews, shared a so-called homogenous

⁴² Michael Meyer, *German-Jewish History in Modern Times: Volume 2 Emancipation and Acculturation 1780-1871* (New York: Columbia University Press, 1997), 193.

⁴³ Historian Christopher Griffin notes, that in fact, intermarriage became a noticeable trend by the early-nineteenth century in the German Confederation—particularly in cities and among the elite. From 1831 to 1840, there were approximately 200 mixed marriages in the area that later would comprise the political borders of 1933 Germany. In the earliest stages, it was most often the Jewish partner who converted out of Judaism. Christopher W. Griffin, “The Evolution of German-Jewish Intermarriage Laws and Practices in Germany to 1900,” *Thesis* (Florida State University, 2005), 29.

⁴⁴ Alan T. Levenson, *Jewish Reactions to Intermarriage in Nineteenth Century Germany* (Ph.D. diss., University of Michigan, 1990), 43.

German identity—that of citizen (*Burger*)—intermarriage exposed the persistence of pre-modern biases.

Specifically, intermarriage forced religious groups to yield jurisdiction over marriage to secular governments. At the same time, intermarriage forced secular governments to recognize specific religious affiliations. Both were faced with questions of authority—who had the right to ask these questions? Whose answer would prevail? Would the answers be binding for all, or just for specific locales?

INTERMARRIAGE FROM THE PERSPECTIVE OF RABBINIC JUDAISM:

The Rabbis of old regarded marriage as “a vehicle for establishing identity.”⁴⁵ In contrast, the Greeks, “married through a series of social acts... [and] later [could] draw up a legal contract,” and the Romans regarded marriage as, “largely family affairs,” which necessitated “little effort to define marriage objectively.”⁴⁶ In other words, the Rabbinic rituals of betrothal and marriage were meant to perpetuate a Jewish identity separate from the society around them. The Jewish marital contract, for instance, reinforces the “myths of shared descent.”⁴⁷ Michael Satlow, a scholar of early Judaism, stresses that the function of Jewish marriage as conceived by the Rabbis was to reinforce Jewish identity. He relates,

⁴⁵ Michael L. Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001), 68.

⁴⁶ *Ibid.*, 74.

⁴⁷ *Ibid.*, 88.

Expectedly, the [early] rabbis attempted to transform the jumbled and 'secular' marriage contract into a uniform document that affirmed the Jewishness of marriage.⁴⁸

Jewish marriage also was a means by which a man and a woman received a new legal status within the Jewish community. The Jewishness of the ritual was inextricably tied to Jewish identity amid a non-Jewish world.

Intermarriage clearly challenged this paradigm. What could possibly be the nature of the union between a Jew and a non-Jew? Could it be sacred? And, if so, could it be sanctified by a rabbi? What liturgical changes were necessary to reflect an authentic marriage ceremony, and did the rabbis have the right to modify the ceremony in the first place?

INTERMARRIAGE FROM THE PERSPECTIVE OF THE GOVERNMENT:

Theoretically, intermarriage was impossible to execute early on in the modern era since it was illegal, and the concept of secular or civil marriages did not exist. The government, at this time, questioned the manner in which it could separate Church and State with regard to marriage. Could the creation of civil (secular) marriage resolve this dilemma? Or, was sanctification essential to marriages, requiring the imprimatur of religious authorities?

INTERMARRIAGE FROM THE PERSPECTIVE OF CATHOLICS:

Early on, Catholic authorities were concerned about marriages between their adherents

⁴⁸ Ibid., 87.

and Protestants. Such “intermarriages” were sanctioned, but,

according to Tridentine practice [Western Catholic practice as dictated by the Council of Trent, 1545-1563], children of marriages between Catholics and Protestants had to be brought up as Catholics.⁴⁹

Thus, when the Prussian government in 1803, “required that east of the river Elbe children of [intermarriages] should be brought up in the religion of the father [who may not have been Catholic, of course]...” and, “...in 1825 this requirement was extended to all of Prussia, including the predominantly Catholic Rhineland,” Catholics protested.

Though children born into Catholic-Protestant marriages, where the father was Catholic and the mother was Protestant would be brought up as Catholics, in cases where the father was Protestant and the mother was Catholic, the child would be brought up as Protestants. This angered Catholics as it offended their religious doctrine, and also because it revealed that the state would now begin to claim jurisdiction over the religious life of at least some part of the community. These concerns reflected the growing pains of Emancipation as the churches and states would now need to re-negotiate jurisdiction over various societal institutions. This Catholic opposition to the government’s policy on marriage was widely publicized. So, by 1840, Frederick William IV rose to power and quickly lifted the policy.

The Catholics had thus successfully organized a political movement of resistance against a governmental policy dictating grounds of intermarriage. This act was monumental in the modern era as it demonstrated a sub-culture’s interest in asserting its right to self-

⁴⁹ Martin Kitchen, *A History of Modern Germany 1800-2000* (Massachusetts: Blackwell Publishing, 2006), 67.

determination, and successfully organizing to exercise that right through the assertion of political pressure on the government. As we shall see, this act served as a prototype for future Jewish leaders. But the questions persisted for Catholics: What is the nature of intermarriage and what stake does the Catholic Church have in intermarriage—is it solely concerned with the offspring of such unions? Should the Church be concerned with other practicalities of intermarriage?

INTERMARRIAGE FROM THE PERSPECTIVE OF THE SECULARISTS:

Those who advocated a separation between church and state paved the way to acceptance of intermarriage unintentionally, through their support of civil marriage. As enlightened individuals who were casting off their particularistic religious and ethnic identities in favor of the universal political identity of “citizen,” they understood marriage as an institution conferred upon two of its citizens by a secular government. Religious institutions, they hoped, would not factor into this secular affair. Their efforts to usurp the Catholic Church’s authority over marriage in general worked to bring intermarriage that much closer to legality.⁵⁰

Again, the questions surfaced: What would the nature of a secular civil marriage be, both theoretically and practically speaking? Would religious sanctification of a couple nullify, support, or have no affect on civil marriages? Could clergy function as state representatives with regard to civil marriages? What, in general, would the relationship between church and state be in this new modern era?

⁵⁰ Christopher W. Griffin, “The Evolution of German-Jewish Intermarriage Laws and Practices in Germany to 1900,” *Thesis* (Florida State University, 2005), 25.

CHAPTER THREE: THE GROWTH OF LIBERAL JUDAISM IN GERMANY (1780s-1840s)

In this chapter, I will track the growth of liberal Judaism in the German Confederation prior to the 1844 Rabbinical Conference.

The Enlightenment era is marked by a new way of thinking that reverberated throughout many West European communities in the late-eighteenth and early-nineteenth centuries.⁵¹ The Enlightenment popularized ideas about the equality of mankind. No longer were people limited to identities bestowed at birth— now, people were regarded as individuals with the possibility of releasing their unlimited potential to become useful citizens to the state. This era marked an interest in rationalism and scientific discovery where methods could be proven and repeated. As such, faith and religion in general were subjected to a critical eye. Religious faith was replaced by faith in the ever-improving state of the world, faith in the progress of humanity.

These fundamental ideas undermined the notion of revealed truths; reason became the standard by which life and one's relationship to the world could be understood. Faith was at odds with these new ways of thinking. As such, the power that religious institutions had commanded was undermined. The superiority of ethical behavior,

⁵¹ While the Enlightenment ultimately affected Eastern Europeans, this paper discusses only Western Europe.

especially universal ethical “truths,” was touted and given greater importance than specific religious practices. And, finally, the field of aesthetics—a concept created in 1735 whereby knowledge is understood by the senses⁵²—led to a re-examination of religious practice to make it comport with modern sensibilities.

These shifts in ideology affected almost every area of European life, and, consequently, this ideology affected Jews. As the corporate identity of Jews began to erode around 1750, guilds started to disappear and a semi-neutral society developed. In this environment, the secular scientific philosophies and the Jewish philosophies met.



Figure 4 Moses Mendelssohn (left)⁵³

Moses Mendelssohn (1729-1786) personified the modern Jewish man. He attempted to defend Judaism as a legitimate modern religion on the basis of rational logic. In 1783, he published *Jerusalem, or on Religious Power and Judaism*, where he argued that religious belief could not be coerced; the state could only enforce laws that

affected the common welfare of society. In this way, Moses Mendelssohn began a conversation between Judaism and theories of the Enlightenment.

⁵² Heather Miller, Class Notes from History of Reform Judaism instructed by Dr. Carole B. Balin (Hebrew Union College-Jewish Institute of Religion), August 31, 2006.

⁵³ <http://cache.eb.com/eb/image?id=10022&rendTypeId=4>.

A renaissance of Jewish culture swept across Europe. This movement became known as the *Haskalah*. The word “*Haskalah*” stems from the Hebrew word “*sechel*” which means “intellect.” The term *Haskalah* refers to the Jewish Enlightenment, spurred by the modern thought of Moses Mendelssohn. *Maskilim* (proponents of the *Haskalah*) sought to understand traditional Judaism by employing the critical apparatus of modern study. At the same time, they hoped to assert the virtues of the Jewish past and place it within the pantheon of modern cultures. During this time, there was a proliferation of published sources (papers, journals, books, etc.) examining Judaism through these new critical lenses.



Figure 5 Leopold Zunz⁵⁴ (left)

By 1819, Leopold Zunz (1794-1886) extended Moses Mendelssohn’s ideas by helping to establish *Wissenschaft des Judentums* (the Scientific Study of Judaism) which aimed to examine the Jewish past through the critical lens of modern scholarship. In this way, the Jews and their past could become legitimate subjects of study, thus affording Jews respect and respectability.

⁵⁴ <http://www.ucalgary.ca/~elsegal/RelS369/Pics/zunz.jpg>.



Figure 6 Israel Jacobson⁵⁵

Israel Jacobson (1768-1828) played an important role in implementing religious reforms. Jacobson was a privileged Jew, having been naturalized in 1804. He was a wealthy man who considered becoming a rabbi, but instead worked to improve the political and educational situation of Jews through his powerful influence. He lived in Westphalia,

which, as described above, was ruled by Jerome Bonaparte, Napoleon's brother, who emancipated 15,000 Jews in 1807. In this environment, Jacobson founded a school in Seesen for indigent boys, and in 1810, built a sanctuary to support its activities. This sanctuary became a laboratory for liturgical reforms, including, at its opening ceremony, the attendance of non-Jews, a sermon on interfaith relations, the wearing of liturgical robes, decorum in the service, and the ringing of bells. For a brief period, Jews tasted political freedom and applied pragmatic changes, based on Enlightenment standards, to their worship. However, by the end of Jerome's reign, Jewish rights declined, and Jacobson moved to Berlin where better opportunities allowed him to continue reforming Jewish ritual there.

Jacobson was not alone in his zeal to reform Jewish practice. Slowly but surely, reforms to Jewish life permeated the German Confederation. Angelology was excised. Sermons focused on universal ethical standards were delivered in the vernacular and became a

⁵⁵ <http://www.ucalgary.ca/~elsegal/RelS369/Pics/Jacobson.gif>.

regular part of the service. The practice of altering or omitting passages that dealt with a return to the land of Israel became standard, and, the concept of a personal messianic Redeemer was replaced with that of an impersonal “redemption.”⁵⁶ Reforming ritual became the means by which liberally educated rabbis would ensure that Jewish practice would remain relevant in the new era.



Figure 7 Abraham Geiger⁵⁷ (left)

Abraham Geiger (1810-1874) supplied this otherwise unguided, disjointed group of individual reformers, with ideology to imbue their actions with purpose and lasting value. Geiger taught liberal-minded Jews that precedents existed for their actions. He pointed out that Judaism had continually developed and adapted to surrounding

environments. Geiger insisted that this progressive approach to Jewish law was crucial for the preservation of the spirit of Judaism.⁵⁸ Geiger unified liberals under an ideology that buttressed their actions.

As this ideology gained popularity, two questions naturally emerged:

- 1) How far could reform be taken before transgressing a border of acceptability?

⁵⁶ Michael Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York: Oxford University Press, 1998), 49.

⁵⁷ <http://www.ucalgary.ca/~elsegal/RelS369/Pics/geiger.jpg>.

⁵⁸ Michael Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York: Oxford University Press, 1998), 141-2.

2) Were these reforms legitimate in the first place?

It was out of this milieu that many of the attendees of the 1844 Rabbinical Conference emerged. Many attended university and subscribed to Geiger's liberal ideology that affirmed the critical analysis of Jewish texts. In fact, over time, gaining a university degree became a prerequisite for the rabbinate.

At the same time, respondents on both sides of these questions sought governmental support for their positions. For example, several traditionalists complained to the government about the government's official recognition of liberals and their reforms, including the publication of a liberal prayer book. To defend their liberalism, the modernists employed a Hungarian named Eliezer Lieberman⁵⁹ to solicit and publish two collections of responsa explaining and justifying their reforms. Thus, *Nogah Ha-Tzedek* (Radiance of Justice) and *Or Nogah* (Radiant Light) were born—treatises, responsa-like in form, that adjudicated for reform.

Unintentionally, Lieberman's works encouraged three rabbinical judges to solicit opinions to the contrary. They gathered "no less than 22 opinions signed by 40 rabbis, which they published in Altona in 1819 as *Eleh Divre ha-B'rit* (*These Are the Words of the Covenant*)."⁶⁰ This pattern of modernists justifying their reforms and traditionalists soliciting and publishing tracts of responsa against them would be repeated in the 1840s.

⁵⁹ Michael Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York: Oxford University Press, 1998), 50.

⁶⁰ *Ibid.*, 58.

CHAPTER FOUR: THE 1844 RABBINICAL CONFERENCE AND ITS DISCUSSION ON INTERMARRIAGE

In the context of the modern era, intermarriage posed a serious and thorny philosophical dilemma for the Jews. The dizzying changes resulting from modernity—including the emergence of secular governments, the rise of individualism, the decline in rabbinic authority, the quest for political empowerment, the dangers of communal isolation, the reverence for Jewish texts, and the desire to remain relevant—coalesced around the issue of intermarriage. And, now various leaders began organizing to claim authority with great passion and resolve. Conflict was in the air.

In this chapter, after providing a historical backdrop explaining what led to the convening of a rabbinical conference in Brunswick in 1844, I will provide an English translation and thorough analysis of the discussion on intermarriage that ensued. At the end of the chapter, I will consider the reactions against the conference's resolution on intermarriage.

Leaders of all stripes feared the waning of religious adherence and practice among the Jewish masses. In response, Abraham Geiger called for a meeting of liberally-minded rabbis in 1837 to, “be a beginning towards a resuscitation of the wellnigh vanished spirit of Judaism.”⁶¹ He managed to assemble a group of 12 rabbis who met in Weisbaden for several days. They pinned their hopes on liturgical reforms, and decided to publish

⁶¹ David Philipson, “The Rabbinical Conferences, 1844-6,” *The Jewish Quarterly Review*, Vol. 17, No., (Jul. 1905), 657.

rabbinic views on the subject through, “the appointment of a commission... to prepare a manual for domestic devotion.”⁶² This early assembly blazed a path in two main directions: 1) in the deployment of newspapers, journals and other publications to assert their ideas and claim authority, and 2) in the recognition that, in the modern era, rabbinic leaders would attempt to wield authority through assemblies.

In 1844, Ludwig Philippson (1811-1889), building upon the precedent set by the Weisbaden assembly, called yet another conference of rabbis. A rabbinically-trained *maskil*, Philippson wanted to revive the Jewish spirit that had been flagging since the dawn of modernity. Philippson published an invitation to the conference in *Allgemeine Zeitung des Judenthums*, a paper he edited and which was the most widely circulated Jewish publication of the time. He wrote:

Let us speak plainly. The issue is no longer the permissibility or non-permissibility of this or that synagogal institution, of this or that alleviation for civil and social life; the issue before us is concerned with the entire content of our religion, which we must present and strengthen in its purity and divinity in order to rescue it from deadening rigidity on the one hand and from benumbing unbelief on the other. Judaism is weakening its hold upon its followers day by day, and every layman is asking us, ‘What are you doing?’⁶³

Thus, the primary function of the conference was to address the challenges facing ordinary Jews in the modern era, and not to establish a Reform movement *per se*.

⁶² Ibid., 658.

⁶³ Ibid., 660.

In his invitation, not only did Philippson identify the challenges facing Jewish life, but he also continued by outlining a list of goals that the conference would work towards. He wrote:

The objects of the conference shall be (1) to bring rabbis into closer relation and acquaintanceship; (2) to promote unanimity in the conduct of the rabbinical office; (3) to further the founding of communal institutions; and (4) to take counsel together on all Jewish affairs.⁶⁴

Interestingly, here, Philippson's goals display a great concern for establishing an authoritative liberal rabbinic institution. It seems that he hoped to unify liberal rabbis and consolidate their power so that approved reforms and ideologies would be considered authoritative. Thus, Philippson's vision of the conference primarily addressed the issue of rabbinic authority, though he also articulated the loftier goal of modernizing Judaism to keep it relevant to ordinary Jews.

As the governmentally-recognized head of German Jewry in Brunswick, *Landrabbiner* Levy Herzfeld offered to host the conference. The conference would meet from June 12-19, 1844. While forty-one rabbis accepted the invitation to the conference, in the end, 25 rabbis were able to attend.⁶⁵ Several rabbis sent regrets about their inability to attend. Some, caught in a political turf dispute, were refused visas allowing them to travel to Brunswick. All told, the conference attendees included:

Dr. J. von Maier (Stuttgart)
Dr. S Holdheim (Schwerin)
Dr. G. Salomon (Hamburg)

⁶⁴ Ibid., 660.

⁶⁵ Aaltje Elisa Kooij-Bas, *Nothing but Heretics: Torat ha-Qena'ot: A Study and Translation of Nineteenth Century Responsa Against Religious Reform in Judaism* (Amsterdam, Netherlands: 2006), 29.

Dr. M. Hess (Stadtlengsfeld)
Dr. L. Philippson (Magdeburg)
L. Schott (Randegg)
Dr. N. Frankfurter (Hamburg)
Dr. S. Adler (Alzey)
P. Heidenheim (Sondershausen)
Dr. L. Herzfeld (Braunschweig)
J. Kahn (Trier)
Dr. J. Klein (Stolp)
Dr. I. Sobernheim (Bingen)
Dr. H. Jolowcz (Marienwerder/Kulm/Koslin)
Ph. Goldmann (Eschwege)
Ben Israel (Koblenz)
Dr. S. Formstecher (Offenbach)
Dr. S. Herzheimer (Bernburg)
Dr. A. Adler (Worms)
J. Hoffmann (Walldorf)
L. Bodenheimer (Hildesheim)
Dr. S. Hirsch (Luxembourg)
Edler (Minden)
Dr. A. Geiger (Breslau)
Dr. B. Wechsler (Oldenburg)⁶⁶

All shared a concern with the state of Jewish life in Germany. They wanted to assist Jews in navigating between two threatening states of existence: 1) “deadening rigidity,”⁶⁷ which led some to reject the rights afforded by citizenship due to a strict interpretation of Jewish law, and 2) “benumbing unbelief,”⁶⁸ which attracted some to the dominant cultural world, leading them away from Jewish heritage through radical assimilation, namely conversion. It is likely as well that participants embraced being part of the group which could help to consolidate individual power through the establishment of one authoritative institution.

⁶⁶ Ibid., 29.

⁶⁷ David Philipson, “The Rabbinical Conferences, 1844-6,” *The Jewish Quarterly Review*, Vol. 17, No., (Jul. 1905), 660.

⁶⁸ Ibid.

The conference attracted rabbis from across the liberal spectrum. Most were young (the mean age was between 36 and 37)⁶⁹, and most of them received a classic rabbinic training as well as a university education. As such, most attendees were motivated to reform; they focused on the need to change the religious requirements in order to more faithfully serve the true essence of the religion. Three men whom historian David Philipson designated as from the “orthodox-reform party”⁷⁰ attended as well. They sought only minimal reform. Still, others attempted to strike a compromise between these orthodox attendees and the radical reformers present.

Dr. Joseph von Maier (1797-1873), forty-seven at the time of the conference, was elected president. Maier’s impressive background included gaining the favor of the King of Wurttemberg who had ennobled him. He was thus the first noble rabbi,⁷¹ and this status lent credence to the conference. As president, Maier was charged with ensuring that the conference’s purpose was fulfilled, namely:

...that the members shall take counsel together in order to determine by what means the preservation and development of Judaism and the enlivening of the religious consciousness can be accomplished.⁷²

Most participants were intent on justifying their liberal approach to the tradition—that is the right to bring critical lenses to classic Jewish texts, including especially the Talmud

⁶⁹ Steven M. Lowenstein, “The 1840s and the Creation of a German-Jewish Religious Reform Movement,” in *Revolution and Evolution: 1848 in German-Jewish History*, edited by Werner Eugen Mosse (Germany: Mohr Siebeck, 1981), 266.

⁷⁰ David Philipson, “The Rabbinical Conferences, 1844-6,” *The Jewish Quarterly Review*, Vol. 17, No., (Jul. 1905), 664.

⁷¹ Isidore Singer, ed., “Joseph von Maier,” *The Jewish Encyclopedia* (New York: Funk and Wagnalis, 1906), The Jewish Encyclopedia Online, <http://www.jewishencyclopedia.com/view.jsp?artid=78&letter=M>.

⁷² David Philipson, “The Rabbinical Conferences, 1844-6,” *The Jewish Quarterly Review*, Vol. 17, No., (Jul. 1905), 662.

and other legal sources. The assertion of their right to do just that is best articulated by

Samuel Adler who explained,

What right we have to reform! The traditional right to modify the Biblical ceremonial according to the temporal and local conditions. The question was asked often whence we obtained that right. From the people. The free will of the people recognized the Talmudists, the free will of the people will recognize us also. We too are Talmudists. Hence we can insist on this same right.⁷³

The participants had much to discuss. Even fundamental questions, with regard to the nature of the conference, remained: Were the decisions of the conference going to be binding for all who attended? To their constituents as well? Were the participants speaking on behalf of their respective communities, or each on the basis of his own moral compass? Was the function of the rabbi to take an “active role” in instituting reforms, or should reform “originate from the collective will of the people”?⁷⁴

Eventually, the conference attendees took up the issue of intermarriage. Unlike France’s Assembly of Notables, no official or institution posed the question of intermarriage to the participants of the 1844 Rabbinical Conference. The conference attendees chose to meet, and then decided to refer to the Napoleonic question and the Assembly’s response to it, as a means of formulating their own resolution on the issue.

So, we might ask, what was the purpose of stating in writing such an opinion on

⁷³ Ibid., 665.

⁷⁴ Aaltje Elisa Kooij-Bas, *Nothing but Heretics: Torat ha-Qena’ot: A Study and Translation of Nineteenth Century Responsa Against Religious Reform in Judaism* (Amsterdam, Netherlands: 2006), 44-5.

intermarriage? Did they intend on sharing their “answer” with governmental officials, thereby pushing for political influence?

It seems that they took up the question of intermarriage for several reasons. First, they recognized that it had been determined a litmus test for integration in France under Napoleon, and in the absence of a centralized federal government, they knew that they would never be asked this question outright. So, they wanted to show the government that they were worthy of emancipation. Second, they decided to tackle the question together, as one group, so as to establish themselves as authoritative and centralized a Jewish body in Germany as the Napoleonic Sanhedrin had been in France. Third, they were interested in ensuring the continued relevance of Judaism. So, they sought to address a modern issue that was at the forefront of contemporary Jewish thought. Fourth, they published their meeting minutes in German and appointed Maier as their president so as to attract the attention of the German government. This would serve to assert their authority vis-à-vis the German government. Finally, the subject of intermarriage would allow them to highlight their ideological differences from the traditionalists.

Philippson insists that, when considering intermarriage, the conference participants look to the Parisian Sanhedrin as precedent for their actions. He suggested,

...[let] the conference approve the attitude taken by the (Parisian) Sanhedrin for two reasons; first, to give assurance to the various governments of the patriotic attachment of the Jews, and to show that

there is nothing in Judaism at variance with the best and highest interests of the state; and, secondly, to evince by this approval that the conference was the successor in spirit of that notable assembly.⁷⁵

A committee was then appointed and charged with the task of examining the Parisian Sanhedrin's response to Napoleon's question of intermarriage. This committee consisted of Samuel Holdheim, Gotthold Salomon, and Naphtali Frankfurter. The biographies of each will illuminate their credentials and demonstrate how each occupied ideological space toward the left or far left of the modernist spectrum of Jewish identity.



Figure 8 Samuel Holdheim⁷⁶

Samuel Holdheim (1806-1860), 38 years of age at the time of the conference, was born at Kempen, a town in the eastern Prussian province of Posen. He, like many of the conference participants, attended several yeshivas in his youth. He quickly excelled in this environment. Later, he attended university in Prague and Berlin, where, he "saw himself above all as a teacher and a truth-seeker."⁷⁷

During these years, Holdheim became a passionate reformer.

⁷⁵ David Philipson, "The Rabbinical Conferences, 1844-6," *The Jewish Quarterly Review*, Vol. 17, No., (Jul. 1905), 669-70.

⁷⁶ Michael Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York: Oxford University Press, 1998), 80.

⁷⁷ *Ibid.*, 81.

Gotthold Salomon (1784-1862), 60 years old at the conference, was born in Anhalt. At the age of 16, he moved to Dessau and came under the influence of liberal ideology there. He later preached at the Beer Temple, and served as Rabbi of the Hamburg Temple where he wrote highly controversial prayer books that he vociferously defended.⁷⁸



Figure 9 Dr. Gotthold Salomon and Dr. Naftali Frankfurter⁷⁹

Naphtali Frankfurter (1810-1866), 34 years of age at the time of the conference, studied at the universities of Heidelberg and Tübingen, graduating (with a Ph.D.) in 1833. For a time, he served

as acting rabbi at Lehensteinfels, then, he was called as rabbi to Braunsbach in Württemberg, and in 1840 he was called as preacher to the temple in Hamburg. He was also very active in educational matters.⁸⁰

This committee was asked to recommend a resolution on intermarriage to the conference members on June 18. In the pages that follow, I have provided an English translation—

⁷⁸ Adapted from "Gotthold Salomon," in *Encyclopedia Judaica*, CD-Rom Edition Version 1.0 (Israel: Keter Publishing House, Judaica Multimedia, Ltd., 1997).

⁷⁹ <http://www1.uni-hamburg.de/rz3a035/brunnenstrasse.html>.

⁸⁰ Adapted from "Naftali Frankfurter," *Encyclopedia Judaica*, CD-Rom Edition Version 1.0 (Israel: Keter Publishing House, Judaica Multimedia, Ltd., 1997).

along with copious annotation and commentary—of the minutes of the Rabbinical Conference of 1844 on the question of intermarriage. The minutes were originally published in 1844 in German in *Protocolle der ersten Rabbiner Versammlung*, and then translated into Hebrew by Z. Jacobson in *Ve'idot ha-Rabanim be-Germanyah bi-Shenot 1844-1846/ The German Rabbinical Conferences, 1844-1846*, in 1986. I relied on the latter in composing my English translation.

1844 Rabbinical Conference

Page 1

FAST OF CHARACTERS

Dr. Samuel Adler (Alzey) (1809-1891) 35, proponent of education, liturgical decorum, and the moving of barriers to women in the synagogue

Isaiah Frankfurter (Hamburg) (1810-1866) 34, favored much reform, proponent of Jewish education in the modern era, and preacher at the Hamburg Temple

Isaiah Heidenheim (Sondershausen) (1814-) 30, a passionate teacher at the "Realschule" where he taught math, geography, German, Latin, and history

Dr. Levi Herzfeld (Braunschweig) (1810-1884) 34, would later collaborate with Philippson to form Institut zur Förderung der Israelitischen Literatur (1860-73), writer of Jewish history

Dr. Mendel Hess (Stadtlengsfeld) (1807-1871) 37, had (in 1823) carried out a governmental decree which required all services in synagogue to be conducted in German, he also officiated at marriages between Jews and Christians, and from 1839-1848, he edited *Der Israelit des neunzehnten Jahrhunderts*

Dr. Samuel Holdheim (Schwerin) (1806-1860) 38, had advocated for extreme liturgical changes including the moving of the Sabbath from Saturday to Sunday

Joseph Kahn (Trier) (1809-1875) 35, studied under the orthodox Rabbi Jacob Ettlinger, appointed Chief Rabbi of Treves in 1841

Dr. Joseph Von Maier (Stuttgart) (1797-1873) 47, elected president of the conference, ennobled by the King of Württemberg

Dr. Ludwig Philippson (Magdeburg) (1811-1889) 33, organized the conference, publisher of *Allgemeine Zeitung des Judenthums*

Dr. Gotthold Salomon (Hamburg) (1784-1862). 60, one of the older participants of the conference, early reform rabbi associated with both the Beer and the Hamburg Temples

Leopold Schott (Randegg) (1807-1869) 37, would abandon the conferences altogether in 1845 because of their liberalism

Translation

Intermarriage

Ninth Assembly

Question Three: Is it permissible for a Jewish woman to marry a Christian man, or for a Jewish man to marry a Christian woman? Or does the law require that Jews can only marry among themselves?

The answer of the (Napoleonic) Sanhedrin: "Intermarriage [NISUEI TAAROVET] with Christians is not forbidden." The proposal of the committee: "Marriage between Jews and Christians, and all marriages among monotheists, are not forbidden."

Notes

Intermarriage: Originally, this work was published in German as *Protocole der ersten Rabbiner Versammlung*, pages 70-73.

In Hebrew, NISUEI TAAROVET, NISUEI meaning "marriages" and TAAROVET meaning "mixed."

Ninth Assembly: This refers to the number of discussions the conference participants had prior to discussing intermarriage.

Question...themselves?: This language is lifted from Napoleon's third question to the Assembly of Jewish Notables posed in Paris on July 29, 1806. Historians Reinhartz and Mendes-Flohr relate it as: "Can a Jewess marry a Christian, or a Jew a Christian woman? Or has the law ordered that the Jews should only intermarry among themselves?" (p.114)

Intermarriage...forbidden: This is Holdheim, Salomon and Frankfurter's summary of the resolution of the Parisian Sanhedrin.

Committee: Refers to the committee comprised of Holdheim, Salomon, and Frankfurter; this is their proposal to the attendees of the conference.

Marriage...forbidden. Note how the new proposal expands France's concern with marriages between Jews and Christians to a more "universal" sanctioning of marriages between all monotheists. This demonstrates Salomon, Holdheim and Frankfurter's more lenient approach to intermarriage, as it expands acceptability of marriages between not only to Jews and Christians, but Jews and all monotheists. They proposed that the conference attendees expand the permissibility of intermarriage.

1844 Rabbinical Conference

Page 2

CAST OF CHARACTERS

Dr. Samuel Adler (Alzey) (1809-1891) 35, proponent of education, liturgical decorum, and the removing of barriers to women in the synagogue
Naftali Frankfurter (Hamburg) (1810-1866) 34, favored much reform, proponent of Jewish education in the modern era, and preacher at the Hamburg Temple
Philip Heidenheim (Sondershausen) (1814-) 30, a passionate teacher at the "Realschule" where he taught math, geography, German, Latin, and history
Dr. Levi Herzfeld (Braunschweig) (1810-1884) 34, would later collaborate with Philippson to form Institut zur Foerderung der Israelitischen Literatur (1860-73), writer of Jewish history
Dr. Mendel Hess (Stadtlengsfeld) (1807-1871) 37, had (in 1823) carried out a governmental decree which required all services in synagogue to be conducted in German, he also officiated at marriages between Jews and Christians, and from 1839-1848, he edited *Der Israelit des neunzehnten Jahrhunderts*
Dr. Samuel Holdheim (Schwerin) (1806-1860) 38, had advocated for extreme liturgical changes including the moving of the Sabbath from Saturday to Sunday
Joseph Kahn (Trier) (1809-1875) 35, studied under the orthodox Rabbi Jacob Ettlinger, appointed Chief Rabbi of Treves in 1841
Dr. Joseph Von Maier (Stuttgart) (1797-1873) 47, elected president of the conference, ennobled by the King of Wurttemberg
Dr. Ludwig Philippson (Magdeburg) (1811-1889) 33, organized the conference, publisher of *Allgemeine Zeitung des Judenthums*
Dr. Gotthold Salomon (Hamburg) (1784-1862). 60, one of the older participants of the conference, early reform rabbi associated with both the Beer and the Hamburg Temples
Leopold Schott (Randegg) (1807-1869) 37, would abandon the conferences altogether in 1845 because of their liberalism

Translation

Hess: I agree and I propose this addendum: "These marriages [NISUIN] are not forbidden, and a rabbi is permitted to officiate at marriages like them."

Salomon: According to what he recalls, the text of the Sanhedrin had an additional clause: "However, not to compel the religious clergyman, whether Christian or Jew, to officiate at marriages like these."

Holdheim: It seems to me that the addendum should [read] thus: "With regard to the objection about the performance of officiating marriage [QIDDUSHIN]," especially in relation to Dr. Hess' proposal. Behold, each one [rabbi] is permitted to make his own conditions [regarding the officiation of marriage].

Notes

Hess: Here, Hess is suggesting that, from a Jewish legal perspective, rabbis have the authority to perform intermarriages. He fails to mention the fact that the State had not, at this time, granted rabbis the authority to officiate at intermarriages. Thus, he is saying that officiation would be allowed from a Jewish legal perspective if it were legal from the government's perspective. This fact allows readers to notice that the Rabbinical Conference's discussion of intermarriage was only hypothetical, their decision could not be binding as they had no purview over such marriages.

Salomon: Here, Salomon clarifies

Hess' assertion that rabbis may officiate at intermarriages, but are also free to abstain from performing them. Salomon expands the freedom of rabbis not to be compelled to perform them.

He: This refers to Gotthold Salomon himself. Several times the participants at the conference refer to themselves in the third person.

Holdheim: Holdheim emphasizes his interest in preserving the permissibility of rabbinic officiation of intermarriages in contrast to Salomon's suggestion by reiterating that indeed, rabbis are free to abstain from performing them, but each rabbi is permitted to perform them.

1844 Rabbinical Conference

Page 3

CAST OF CHARACTERS

Dr. Samuel Adler (Alzey) (1809-1891) 35, proponent of education, liturgical decorum, and the removing of barriers to women in the synagogue
Naftali Frankfurter (Hamburg) (1810-1866) 34, favored much reform, proponent of Jewish education in the modern era, and preacher at the Hamburg Temple
Philip Heidenheim (Sondershausen) (1814-) 30, a passionate teacher at the "Realschule" where he taught math, geography, German, Latin, and history
Dr. Levi Herzfeld (Braunschweig) (1810-1884) 34, would later collaborate with Philippson to form Institut zur Foerderung der Israelitischen Literatur (1860-73), writer of Jewish history
Dr. Mendel Hess (Stadtlengsfeld) (1807-1871) 37, had (in 1823) carried out a governmental decree which required all services in synagogue to be conducted in German, he also officiated at marriages between Jews and Christians, and from 1839-1848, he edited *Der Israelit des neunzehnten Jahrhunderts*
Dr. Samuel Holdheim (Schwerin) (1806-1860) 38, had advocated for extreme liturgical changes including the moving of the Sabbath from Saturday to Sunday
Joseph Kahn (Trier) (1809-1875) 35, studied under the orthodox Rabbi Jacob Ettlinger, appointed Chief Rabbi of Treves in 1841
Dr. Joseph Von Maier (Stuttgart) (1797-1873) 47, elected president of the conference, ennobled by the King of Wurttemberg
Dr. Ludwig Philippson (Magdeburg) (1811-1889) 33, organized the conference, publisher of *Allgemeine Zeitung des Judenthums*
Dr. Gotthold Salomon (Hamburg) (1784-1862). 60, one of the older participants of the conference, early reform rabbi associated with both the Beer and the Hamburg Temples
Leopold Schott (Randegg) (1807-1869) 37, would abandon the conferences altogether in 1845 because of their liberalism

Translation

Schott: Also, the formulation of this response proves the (Napoleonic) Sanhedrin's intention. They said: "Marriages between Jews and Christians are not forbidden" and not—"permitted." And this is a significant difference. Surely, marriages are "not forbidden" but the performance [of them] is rife with difficulty. For example, in the case of the ceremony of marriage [QIDDUSHIN], in the case of the ceremony of engagement [ERUSIN], or in the event of divorce [GERUSIN]. Since these questions are so much bound up in practical realities, I suggest we keep this question open for the time being.

Notes

Schott: Schott expresses here a pair of strong reservations: 1) he reads the precise wording of the Napoleonic Sanhedrin as not permitting intermarriages, and 2) he complicates the idea of intermarriage with the Jewish liturgical challenges of marriage, engagement, and divorce. This sentiment likely

reflects a deeper pre-existing anxiety about liturgical change, as Reformers had already instituted a number of liturgical changes. Here, he reveals his reluctance towards such reforms. (Napoleonic): This reminder clarifies that it refers to the Napoleonic Sanhedrin in Paris, 1807.

1844 Rabbinical Conference

Page 4

CAST OF CHARACTERS

Dr. Samuel Adler (Alzey) (1809-1891) 35, proponent of education, liturgical decorum, and the removing of barriers to women in the synagogue

Naftali Frankfurter (Hamburg) (1810-1866) 34, favored much reform, proponent of Jewish education in the modern era, and preacher at the Hamburg Temple

Philip Heidenheim (Sondershausen) (1814-) 30, a passionate teacher at the "Realschule" where he taught math, geography, German, Latin, and history

Dr. Levi Herzfeld (Braunschweig) (1810-1884) 34, would later collaborate with Philippson to form Institut zur Foerderung der Israelitischen Literatur (1860-73), writer of Jewish history

Dr. Mendel Hess (Stadtlengsfeld) (1807-1871) 37, had (in 1823) carried out a governmental decree which required all services in synagogue to be conducted in German, he also officiated at marriages between Jews and Christians, and from 1839-1848, he edited *Der Israelit des neunzehnten Jahrhunderts*

Dr. Samuel Holdheim (Schwerin) (1806-1860) 38, had advocated for extreme liturgical changes including the moving of the Sabbath from Saturday to Sunday

Joseph Kahn (Trier) (1809-1875) 35, studied under the orthodox Rabbi Jacob Ettlinger, appointed Chief Rabbi of Treves in 1841

Dr. Joseph Von Maier (Stuttgart) (1797-1873) 47, elected president of the conference, ennobled by the King of Wurttemberg

Dr. Ludwig Philippson (Magdeburg) (1811-1889) 33, organized the conference, publisher of *Allgemeine Zeitung des Judenthums*

Dr. Gotthold Salomon (Hamburg) (1784-1862) 60, one of the older participants of the conference, early reform rabbi associated with both the Beer and the Hamburg Temples

Leopold Schott (Randegg) (1807-1869) 37, would abandon the conferences altogether in 1845 because of their liberalism

Translation

Maier: The representatives of the [Napoleonic] Sanhedrin expressed themselves carefully, and their words are fully consistent with the words of the Talmud. In a place where there are civil marriages, the position of the orthodox rabbinate cannot be against the matter, "a civil marriage is a valid marriage." Rather, [civil marriage] is not a religious marriage, [after all] "chuppah and marriage [QIDDUSHIN] are not part of them."

The Chair: Let us reject [the examination of] the distinction between "not forbidden" and "permitted."

Notes

Maier: Here Maier radically interprets the Talmud regarding intermarriages—namely that the Napoleonic Sanhedrin correctly stated that they are not forbidden. He further acknowledges limitations to rabbinic authority by plainly stating the idea that if and when the government asserts their authority over marriages, the orthodox rabbinate must accept it.

Sanhedrin: This refers to the Napoleonic Sanhedrin in Paris, 1807.

Orthodox: Note that this term is descriptive, but that no formal "Orthodox" movement existed yet. It is also noteworthy that here, Maier, identifies this "Other" group of rabbis, thus demonstrating the pre-existing battle between the reformers and the orthodox. Here, Maier deprecates the orthodoxy, belittling their authority by asserting their lack of power, and the absurdity of the idea that they would try to exercise authority over the government.

A... marriage: The original German

minutes retain Hebrew: *Be'ulat Ba'al Yesh Lahen*, and does not translate it; however, we know that this refers to the proto-Sinaitic understanding of marriage (Genesis 20:3), or in the modern era, civil marriage.

Chuppah...them: The original German minutes retain the following Hebrew: *Chuppah v'qiddushin ain lahen*: this refers to the specific Jewish marriage practices of *chuppah* and *qiddushin*, and, therefore, in this context refers to religious marriage. By juxtaposing these ideas, he is illuminating the distinction between Jewish marriage and proto-Sinaitic (civil) marriage.

Them: This refers to civil marriages, **The Chair:** Is expressed as an acronym, which stands for *Ha Yoshev Rosh*, meaning "The Chair."

Let...permitted: Presumably, this was Maier who served as president of the conference. Here, he tables a *halakhic makhloket* (dispute) in an attempt to keep the discussion on task.

1844 Rabbinical Conference

Page 5

CAST OF CHARACTERS

Dr. Samuel Adler (Alzey) (1809-1891) 35, proponent of education, liturgical decorum, and the removing of barriers to women in the synagogue
Naftali Frankfurter (Hamburg) (1810-1866) 34, favored much reform, proponent of Jewish education in the modern era, and preacher at the Hamburg Temple
Philip Heidenheim (Sondershausen) (1814-) 30, a passionate teacher at the "Realschule" where he taught math, geography, German, Latin, and history
Dr. Levi Herzfeld (Braunschweig) (1810-1884) 34, would later collaborate with Philippson to form Institut zur Foerderung der Israelitischen Literatur (1860-73), writer of Jewish history
Dr. Mendel Hess (Stadtlengsfeld) (1807-1871) 37, had (in 1823) carried out a governmental decree which required all services in synagogue to be conducted in German, he also officiated at marriages between Jews and Christians, and from 1839-1848, he edited *Der Israelit des neunzehnten Jahrhunderts*
Dr. Samuel Holdheim (Schwerin) (1806-1860) 38, had advocated for extreme liturgical changes including the moving of the Sabbath from Saturday to Sunday
Joseph Kahn (Trier) (1809-1875) 35, studied under the orthodox Rabbi Jacob Ettlinger, appointed Chief Rabbi of Treves in 1841
Dr. Joseph Von Maier (Stuttgart) (1797-1873) 47, elected president of the conference, ennobled by the King of Wurttemberg
Dr. Ludwig Philippson (Magdeburg) (1811-1889) 33, organized the conference, publisher of *Allgemeine Zeitung des Judenthums*
Dr. Gotthold Salomon (Hamburg) (1784-1862) 60, one of the older participants of the conference, early reform rabbi associated with both the Beer and the Hamburg Temples
Leopold Schott (Randegg) (1807-1869) 37, would abandon the conferences altogether in 1845 because of their liberalism

Translation

Holdheim: He agrees with Maier's opinion, but he does not see the necessity of the religious marriage ceremony of *qiddushin* in the situation before us, regarding the rule of Jewish religious marriage. They [rabbis] conduct the ceremony out of the necessity to give religious approval to the marriage [NISUIN]. It engenders in all of us the internal feeling to give them [religious marriage ceremonies] the strength of a legal requirement. But, in reality, it is not a legal matter! Let us be responsible in the retainment of our laws of religious tradition, and let us proclaim simply with the [Napoleonic] Sanhedrin: the marriage of Jews with monotheists are not forbidden, but we have no choice but to give support to anyone [any rabbi] who refrains from performing intermarriages as long as there isn't granted to them the right to educate the children in Judaism.

Notes

Holdheim: Here, Holdheim agrees with Maier who states that according to Jewish law, intermarriages are not forbidden, and that the orthodoxy (and anyone else) cannot refuse the government the right to legalize them. In such cases, rabbis must recognize the validity of the marriages. At the same time, Holdheim adds that he and other rabbis are interested in sanctifying marriages generally speaking, thus strengthening the relevance of Jewish ritual. However, legally, it is not necessary from a Jewish perspective. He suggests that any rabbi interested in sanctifying intermarriage may do so from a Jewish religious perspective, but that it is ultimately not necessary with regard to the

validation of the marriage. At the same time, interested in continually affirming the worthiness of Jewish tradition, Holdheim vows to support rabbis who refuse to perform intermarriages in situations where parents are not given the right to educate their children in Judaism. In this way, he positively affirms the importance of Jewish education. This statement both positions him as someone who cares deeply about the continuity of the Jewish people, and who at the same time is interested in upholding Jewish law (which he here interprets as not forbidding intermarriage). Simultaneously, he presents a conditional statement that encourages the government to recognize Jewish education as valid.

1844 Rabbinical Conference

Page 6

CAST OF CHARACTERS

Dr. Samuel Adler (Alzey) (1809-1891) 35, proponent of education, liturgical decorum, and the removing of barriers to women in the synagogue
Naftali Frankfurter (Hamburg) (1810-1866) 34, favored much reform, proponent of Jewish education in the modern era, and preacher at the Hamburg Temple
Philip Heidenheim (Sondershausen) (1814-) 30, a passionate teacher at the "Realschule" where he taught math, geography, German, Latin, and history
Dr. Levi Herzfeld (Braunschweig) (1810-1884) 34, would later collaborate with Philippson to form Institut zur Forderung der Israelitischen Literatur (1860-73), writer of Jewish history
Dr. Mendel Hess (Stadtlengsfeld) (1807-1871) 37, had (in 1823) carried out a governmental decree which required all services in synagogue to be conducted in German, he also officiated at marriages between Jews and Christians, and from 1839-1848, he edited *Der Israelit des neunzehnten Jahrhunderts*
Dr. Samuel Holdheim (Schwerin) (1806-1860) 38, had advocated for extreme liturgical changes including the moving of the Sabbath from Saturday to Sunday
Joseph Kahn (Trier) (1809-1875) 35, studied under the orthodox Rabbi Jacob Ettlinger, appointed Chief Rabbi of Treves in 1841
Dr. Joseph Von Maier (Stuttgart) (1797-1873) 47, elected president of the conference, ennobled by the King of Wurttemberg
Dr. Ludwig Philippson (Magdeburg) (1811-1889) 33, organized the conference, publisher of *Allgemeine Zeitung des Judenthums*
Dr. Gotthold Salomon (Hamburg) (1784-1862). 60, one of the older participants of the conference, early reform rabbi associated with both the Beer and the Hamburg Temples
Leopold Schott (Randegg) (1807-1869) 37, would abandon the conferences altogether in 1845 because of their liberalism

Translation

Heidenheim: I suggest that we eliminate this question [about the education of the children of intermarriages] from this part [of the conference's deliberations]; in the absence of the freedom to choose religious education [for the offspring of such intermarriages] we are not able to permit them [intermarriages] and [even if we did have] freedom, the government in our days does not permit them [intermarriages].

Philippson: I agree with Holdheim's opinion, and I rely upon the manner of his stated suggestion—to safeguard our prerogative to bestow a Jewish religious education upon children who are born of intermarriages such as these.

Notes

Heidenheim: Here, Heidenheim illuminates the practical realities that prevent Holdheim's vision from being achieved: 1) Jews do not have the right to educate the offspring of intermarriages in Judaism, and 2) the government has not legalized intermarriage.

Philippson: Philippson boldly articulates the sentiment behind Holdheim's statement—he intends to

secure the authority of rabbis vis-à-vis the government, and the Jewish community's right to educate the offspring of intermarriages vis-à-vis other religious groups. This suggests the deeper issues at stake—the authority of Jewish leadership with respect to the government, and also the worthiness of Judaism in the pantheon of acceptable religions.

1844 Rabbinical Conference

Page 7

CAST OF CHARACTERS

Dr. Samuel Adler (Alzey) (1809-1891) 35, proponent of education, liturgical decorum, and the removing of barriers to women in the synagogue
Naftali Frankfurter (Hamburg) (1810-1866) 34, favored much reform, proponent of Jewish education in the modern era, and preacher at the Hamburg Temple
Philip Heidenheim (Sondershausen) (1814-) 30, a passionate teacher at the "Realschule" where he taught math, geography, German, Latin, and history
Dr. Levi Herzfeld (Braunschweig) (1810-1884) 34, would later collaborate with Philippson to form Institut zur Foerderung der Israelitischen Literatur (1860-73), writer of Jewish history
Dr. Mendel Hess (Stadtlengsfeld) (1807-1871) 37, had (in 1823) carried out a governmental decree which required all services in synagogue to be conducted in German, he also officiated at marriages between Jews and Christians, and from 1839-1848, he edited *Der Israelit des neunzehnten Jahrhunderts*
Dr. Samuel Holdheim (Schwerin) (1806-1860) 38, had advocated for extreme liturgical changes including the moving of the Sabbath from Saturday to Sunday
Joseph Kahn (Trier) (1809-1875) 35, studied under the orthodox Rabbi Jacob Ettlinger, appointed Chief Rabbi of Treves in 1841
Dr. Joseph Von Maier (Stuttgart) (1797-1873) 47, elected president of the conference, ennobled by the King of Wurttemberg
Dr. Ludwig Philippson (Magdeburg) (1811-1889) 33, organized the conference, publisher of *Allgemeine Zeitung des Judenthums*
Dr. Gotthold Salomon (Hamburg) (1784-1862). 60, one of the older participants of the conference, early reform rabbi associated with both the Beer and the Hamburg Temples
Leopold Schott (Randegg) (1807-1869) 37, would abandon the conferences altogether in 1845 because of their liberalism

Translation

Frankfurter: We would not have entertained this part of this question [regarding the education of the children of intermarriages and Philippson's interest in working for the right of rabbis to educate them] because we know the problems that it gives rise to; and not only that we know well that marriages like these are not desired from a practical religious point of view. But, also, we are not confident that if we respond to this theoretical religious point of view, according to its spirit and the language of the (Napoleonic) Sanhedrin, the issue will be settled from the side of the government. But because the question stands before us, it is incumbent upon us to answer it in full; demurring from the answer is not possible. I agree completely with the opinions of those who condition [acceptance of] intermarriages [NISSUEI TAAROVET] with this surety of freedom for the religious education of the children who will be born of marriages [NISUIN] such as these. But for that, one has to make addenda separate from the answer [that has been proposed by the committee].

Notes

Frankfurter: Frankfurter first questions the hinging of the acceptance of intermarriage on the Jewish education of the children, on the grounds of: 1) it is not currently recognized as a right from the government's perspective, and 2) the marriages are not desired from a practical religious point of view. However, he then passionately argues that the conference must take a position, even if only theoretical, because the question is relevant. And, finally, Frankfurter emphatically agrees with Holdheim and Philippson who are interested in working toward the right to educate the children in

Judaism—it seems that the impetus behind this passion is interest in establishing Judaism as a full and equal member of the religious pantheon. Furthermore, governmental sanction of Jewish education in the case of children of intermarriages, would also, to an extent, recognize the authority of Jewish clergy equal to that enjoyed by non-Jewish clergy. Accordingly, he suggests that Holdheim, Frankfurter and Salomon's initial proposal be accepted with the addendum insisting on the right to educate the children in Jewish religious education.

1844 Rabbinical Conference

Page 8

CAST OF CHARACTERS

Dr. Samuel Adler (Alzey) (1809-1891) 35, proponent of education, liturgical decorum, and the removing of barriers to women in the synagogue

Naftali Frankfurter (Hamburg) (1810-1866) 34, favored much reform, proponent of Jewish education in the modern era, and preacher at the Hamburg Temple

Phillip Heldenheim (Sondershausen) (1814-) 30, a passionate teacher at the "Realschule" where he taught math, geography, German, Latin, and history

Dr. Levi Hertzfeld (Braunschweig) (1810-1884) 34, would later collaborate with Philippson to form Institut zur Foerderung der Israelitischen Literatur (1860-73), writer of Jewish history

Dr. Mendel Hess (Stadtlengsfeld) (1807-1871) 37, had (in 1823) carried out a governmental decree which required all services in synagogue to be conducted in German, he also officiated at marriages between Jews and Christians, and from 1839-1848, he edited *Der Israelit des neunzehnten Jahrhunderts*

Dr. Samuel Holdheim (Schwerin) (1806-1860) 38, had advocated for extreme liturgical changes including the moving of the Sabbath from Saturday to Sunday

Joseph Kahn (Trier) (1809-1875) 35, studied under the orthodox Rabbi Jacob Ettlinger, appointed Chief Rabbi of Treves in 1841

Dr. Joseph Von Maier (Stuttgart) (1797-1873) 47, elected president of the conference, ennobled by the King of Wurtemberg

Dr. Ludwig Philippson (Magdeburg) (1811-1889) 33, organized the conference, publisher of *Allgemeine Zeitung des Judenthums*

Dr. Gotthold Salomon (Hamburg) (1784-1862). 60, one of the older participants of the conference, early reform rabbi associated with both the Beer and the Hamburg Temples

Leopold Schott (Randegg) (1807-1869) 37, would abandon the conferences altogether in 1845 because of their liberalism

Translation

Maier: The question is simple: whether intermarriages such as these are permitted. Now is not the time to impose limitations.

Hertzfeld: In principle, I agree with the answer of the (Napoleonic) Sanhedrin [that intermarriages are not forbidden], but upon ruminating about the reality, I would prefer to sidestep this clause [about the education of the children] because surely we are hoping that our decisions will be acceptable to the people, and in essence, with the positing of this question, we are compromising this expression [the possibility of Jewishly educating the children]. Moreover, the appreciation of Christians for Jews has never thus reached a degree such as that in the schools. (And, in contrast to these words, many voices of protest are heard from the community [the Jewish community].)

Hess: What is the reason for all of our judgments and decisions in this regard? Everything is in vain if we don't additionally include, as I already suggested, "The men of the religion of the Jews will be allowed to arrange marriages [NISUIN] such as these [intermarriages]."

Notes

Maier:

As president, Maier re-focuses the group on the question at hand: "whether intermarriages such as these are permitted."

Hertzfeld: Here, Hertzfeld agrees that intermarriages are not forbidden, and prefers not to discuss the Jewish education of children of intermarriages because he notes that Jews are already relatively well received in the schools, and he is not

interested in challenging the status quo. He also hopes that the position is acceptable to the people, and estimates the slim chance of that happening if the interest in educating children of intermarriages in Judaism is explicitly expressed.

Hess: Here, Hess reasserts his interest in acknowledging the Jewish legal right of rabbis to perform intermarriages.

1844 Rabbinical Conference

Page 9

CAST OF CHARACTERS

Dr. Samuel Adler (Alzey) (1809-1891) 35, proponent of education, liturgical decorum, and the removing of barriers to women in the synagogue
Naftali Frankfurter (Hamburg) (1810-1866) 34, favored much reform, proponent of Jewish education in the modern era, and preacher at the Hamburg Temple
Philip Heldenheim (Sondershausen) (1814-) 30, a passionate teacher at the "Realschule" where he taught math, geography, German, Latin, and history
Dr. Levi Herzfeld (Braunschweig) (1810-1884) 34, would later collaborate with Philippson to form Institut zur Foerderung der Israelitischen Literatur (1860-73), writer of Jewish history
Dr. Mendel Hess (Stadtlengsfeld) (1807-1871) 37, had (in 1823) carried out a governmental decree which required all services in synagogue to be conducted in German, he also officiated at marriages between Jews and Christians, and from 1839-1848, he edited *Der Israelit des neunzehnten Jahrhunderts*
Dr. Samuel Holdheim (Schwerin) (1806-1860) 38, had advocated for extreme liturgical changes including the moving of the Sabbath from Saturday to Sunday
Joseph Kahn (Trier) (1809-1875) 35, studied under the orthodox Rabbi Jacob Ettlinger, appointed Chief Rabbi of Treves in 1841
Dr. Joseph Von Maier (Stuttgart) (1797-1873) 47, elected president of the conference, ennobled by the King of Wurttemberg
Dr. Ludwig Philippson (Magdeburg) (1811-1889) 33, organized the conference, publisher of *Allgemeine Zeitung des Judenthums*
Dr. Gotthold Salomon (Hamburg) (1784-1862) 60, one of the older participants of the conference, early reform rabbi associated with both the Beer and the Hamburg Temples
Leopold Schott (Randegg) (1807-1869) 37, would abandon the conferences altogether in 1845 because of their liberalism

Translation

S. Adler: Opposes this clause [Hess' insistence on the Jewish legal right of rabbis to conduct intermarriages], which deviates in his [Adler's] opinion from the function of this assembly of rabbis—because what good will be derived from the [granting of] permission for [the rabbis to perform] intermarriages for the [goal of] enlivening of the religious spirit? If, in general, there is anything to be said on this matter, one must not make distinctions in contrast to the opinion of Holdheim—that the validity of the marriages [NISUIN] requires a presupposition of the possibility of educating the children in the Jewish religion, and hence [the validity] is serving to substantiate this opinion.

Kahn: Expresses agreement with the words of Adler on this issue.

Schott: (In opposition to Holdheim's opinion.) Even if we allow the removal of the [that part of the] ceremony of marriage [QIDDUSHIN] we will not omit the phrase of "Behold you are sanctified" which expresses the holiness in the marriage.

Notes

S. Adler: Here, Adler opposes positively affirming a statement about the interpretation of Jewish law in a way that it gives credence to the permissibility of rabbis to perform intermarriages, as he reminds the conference participants about their primary purpose: to re-enliven the religious spirit of Jews. At the same time, he affirms Holdheim's proposal to advocate for the right to educate children of intermarriages in Judaism.
Kahn: Seconded Adler without much fanfare.

Schott: Again expresses concern about liturgical change. And, he affirms that the function of a rabbi's performance of the marriage

ceremony is to sanctify it.

Therefore, rabbis performing marriages cannot omit the phrase "Behold you are sanctified," for to do so would defeat the purpose of having a rabbi officiate.

Behold...sanctified: The original German notes contain the following Hebrew: *Harei at mekudeshet li*. With this statement, Schott is also referencing the completion of this phrase which states, "in accordance with the law of Moses and Israel" [*Kedat Moshe v'Yisrael*]. This phrase would be problematic in ceremonies of intermarriage as one of the partners is not an adherent of the community of Moses and Israel.

1844 Rabbinical Conference

Page 10

CAST OF CHARACTERS

Dr. Samuel Adler (Alzey) (1809-1891) 35, proponent of education, liturgical decorum, and the removing of barriers to women in the synagogue
Naftali Frankfurter (Hamburg) (1810-1866) 34, favored much reform, proponent of Jewish education in the modern era, and preacher at the Hamburg Temple
Philip Heidenheim (Sondershausen) (1814-) 30, a passionate teacher at the "Realschule" where he taught math, geography, German, Latin, and history
Dr. Levi Herzfeld (Braunschweig) (1810-1884) 34, would later collaborate with Philippson to form Institut zur Förderung der Israelitischen Literatur (1860-73), writer of Jewish history
Dr. Mendel Hess (Stadtlengsfeld) (1807-1871) 37, had (in 1823) carried out a governmental decree which required all services in synagogue to be conducted in German, he also officiated at marriages between Jews and Christians, and from 1839-1848, he edited *Der Israelit des neunzehnten Jahrhunderts*
Dr. Samuel Holdheim (Schwerin) (1806-1860) 38, had advocated for extreme liturgical changes including the moving of the Sabbath from Saturday to Sunday
Joseph Kahn (Trier) (1809-1875) 35, studied under the orthodox Rabbi Jacob Ettlinger, appointed Chief Rabbi of Treves in 1841
Dr. Joseph Von Maler (Stuttgart) (1797-1873) 47, elected president of the conference, ennobled by the King of Wurttemberg
Dr. Ludwig Philippson (Magdeburg) (1811-1889) 33, organized the conference, publisher of *Allgemeine Zeitung des Judenthums*
Dr. Gotthold Salomon (Hamburg) (1784-1862). 60, one of the older participants of the conference, early reform rabbi associated with both the Beer and the Hamburg Temples
Leopold Schott (Randegg) (1807-1869) 37, would abandon the conferences altogether in 1845 because of their liberalism

Translation

The Chair: Do we accept the suggestion of the committee [of Salomon, Holdheim and Frankfurter] in this language: "Marriages [NISUIN] between Jews and Christians, and generally between monotheists, are not forbidden"?

The Majority [it is unclear if it was the majority of only the 11 who spoke, or the larger pool of conference attendees which was twenty-five]: No! Now Philippson moves the proposal in this language: "Marriage [NISUIN] of a Jewish man with a Christian woman, and generally marriages between people of monotheist religions, are not forbidden if the laws of the state permit the parents to educate the children who are born from these marriages also in the Jewish religion." The majority accepted this version.

Notes

The Chair: Restates the proposal offered by Holdheim, Salomon, and Frankfurter.

The Majority: Rejects the proposal offered by Holdheim, Salomon, and Frankfurter. Consequently, Philippson proposes that the conference attendees adopt a different resolution on intermarriage incorporating the interest in the education of the children of intermarriages. This is accepted by the majority. It is interesting to note that the interest of the conference participants in the education of

products of intermarriage to be educated "also" in Judaism, and not "only" in Judaism, reflects their rational orientation towards religious education. As products of the enlightenment, they had no qualms about educating the children of intermarriage in Judaism and the other monotheistic religion at the same time as they believed in Judaism's ability to hold its own against other religions. Finally, it is interesting that this debate completely ignored the Napoleonic gender specificity.

In sum, the Conference discussion on intermarriage:

- 1) posed Napoleon's question to the Assembly of Jewish Notables,
- 2) re-stated and re-visited the Parisian Sanhedrin's answer,
- 3) recorded the suggested answer of the conference's appointed committee on intermarriage,
- 4) provided time for debate over issues related to intermarriage, and
- 5) issued a resolution on intermarriage.

The resolution that the attendees declared expanded the pool of permissible non-Jewish mates for Jews (from Christians specifically to monotheists generally), while it also narrowed the terms under which this resolution could apply (namely, only in cases where the government allowed the offspring of such marriages to also be educated in Judaism, rather than in all cases).

It is curious that the resolution seemed to have no practical application, given the fact that throughout the German Confederation, intermarriage was illegal. Nevertheless, intermarriage was discussed so that the conference attendees could simultaneously address the internal Jewish community and the external governmental authority. The internal community was faced with questions about intermarriage, and addressing this contemporary issue with a unified voice bolstered the internal authority of not only the Conference as a whole, but of each of the rabbis who attended it. At the same time, the resolution conveyed to the external authorities that intermarriage was permissible for Jews only under certain conditions (i.e. it would apply only if the government allowed the offspring of marriages such as these to be educated in Judaism). This sent a powerful

collective message to the governments ruling over Jews at the time.

Besides their resolutions, and their consequences both internally and externally, the conference attendees' discussions were notable for the following reasons:

(1) The method by which the liberal rabbis who attended the conference discussed intermarriage reflects their commitment to *Wissenschaft des Judentums*. These rabbis explored the theme of intermarriage from a historical perspective—referring both to Talmudic thought, and especially to the modern thoughts of the rabbis of the French Sanhedrin of 1807. Moreover, the final resolution on intermarriage notes the condition upon which recognition of intermarriages would be made: that offspring of these marriages would also be educated in Judaism. Like the Catholics who successfully organized for the right to educate the offspring of intermarriages (with Protestants) in Catholicism, the Rabbis exhibited interest in the education of the offspring of Jewish intermarriages. However, the idea that the rabbis did not require that the offspring exclusively be educated in Judaism reflects their rational confidence in educating Jews beyond the Jewish purview. This signaled to Jew and non-Jew alike that Judaism held equal status with other monotheistic religions. They were comfortable with the idea that children who were born of intermarried couples would be exposed to other monotheistic religions. Jews were no longer an insular group, apart from the larger society, and they had no qualms about exposing Jews to other religious traditions across society, or even within one family unit. As rabbis, they valued Jewish tradition, as moderns, they were rationally confident in the value of the Jewish tradition alongside other traditions.

(2) The conference attendees, having traveled to Brunswick from across Western Europe, showed that Jewish identity was not confined by geographic or political lines. Their standing within the Jewish community was legitimated by learning and status as “rabbi,” rather than upon nation-state dicta. In this way, the liberal rabbis of the 1844 Rabbinical Conference asserted freedom from geographic boundaries, and political identity.

(3) The conference participants were rabbis who concentrated, throughout the eight days, on the role of the rabbi. Of course, the question of rabbinic authority emerged during the discussion of intermarriage. Rabbis confronted this question not only by turning to Jewish law, but also with regard to practical allowances for the rabbi—was the rabbi permitted by Jewish law and secular law to perform such unions? Or would someone else need to perform these marriages? And, if the rabbi was allowed, would he be compelled to do so, or would he be free to decide for himself? Individual autonomy had reared its head, along with questions of authority.

(4) The attendees’ discussion revealed discomfort with liturgical reform. Leopold Schott, for example, raised serious concerns about the practical performance of, not only intermarriages, but also of engagement and divorce rituals relating to inter-religious couples. This anxiety echoes the increasing concern among traditionalist and orthodox rabbis of the day with regard to the liturgical changes that Reformers were making, in general. In the eyes of the traditionalists and orthodoxy, liturgical and ritualistic changes challenged the sanctity of the Oral Torah. If rabbis began to be divided over questions of

law, declaring only some laws as sacred and sacrosanct, that might divide the Jewish community. The Orthodox might regard the reformers as deniers of the divinity of Oral Law—and therefore heretical.⁸¹ The discussion on intermarriage demonstrates deeper issues at work, namely the unity of the Jewish people and the overarching authority (or not) of the law.

Finally, the rabbis of the 1844 Rabbinical Conference in Brunswick were interested in addressing the relevant issues that their communities faced due to modernity.

Frankfurter, in touch with the issues of the era in which he lived, acknowledged the practical irrelevance of a rabbinic resolution on intermarriages (because the rabbis had no authority to enforce it). But at the same time, he stressed that this issue was before them, and they must not avoid an answer. The rabbis assembled at the Conference were interested in the continued relevance of Jewish thought to Jews in Germany in the nineteenth-century. Therefore, they were interested in providing the masses with guidance on the issues of their time.

Clearly, the rabbis of the 1844 Rabbinical Conference in Brunswick, were not responding to intermarriage in a vacuum. In fact, their discussion on intermarriage was informed by various controversies of the day including:

- 1) the application of rational, critical analysis to the Jewish tradition
- 2) the shift in the nature Jewish identity in a world of secular nation-states

⁸¹ David Harry Ellenson, *After Emancipation: Jewish Religious Responses to Modernity* (New York: Hebrew Union College Press, 2004), 157-158.

- 3) the unclear role of the rabbi and rabbinic authority in this new world
- 4) the reform of Jewish liturgy
- 5) the interest in remaining relevant to contemporary Jewish life.

In the end, the conference participants raised at least as many questions as they resolved. Thus, they decided to meet again the next year, July 15, 1845 in Frankfurt am Main.

REACTION TO THE BRUNSWICK RABBINICAL CONFERENCE OF 1844

The reactions to the conference included everything from brazen support to fierce critique. Perhaps the most surprising reaction to the Conference came from the man who organized it in the first place—Ludwig Philippson. As is apparent from Philippson's stated purpose of the conference, he originally envisioned a gathering of various liberal rabbis who were concerned about the challenges that Jews faced, and who wanted to establish an institution to address these challenges. However, the rabbis who actually attended the Conference were mostly from the new generation of liberal rabbis. From his reaction to the Conference, it seems that Philippson was unhappy with the participation and assertiveness of so many Reformers. It was not the broad-based rabbinic representation that he had hoped to convene.

Critical of the conference were those in the newly-forming conservative camp were also Leopold Schott attended the first and then the second conference. Zacharias Frankel would only attend the second conference. Together, they would leave the second conference early as a form of protest against the decisions made there. Frankel

crystallized his critique of the conferences, taking issue with the authority of the assembly. He felt that, "a rabbinical conference cannot pass resolutions, only a synod can do this; a conference can only discuss and deliberate."⁸²

Additionally, Frankel reprimanded the conference's re-statement of the Parisian Sanhedrin's resolution on intermarriage. He pointed out that the Sanhedrin did not state that "the marriage of a Jew with a Christian is not forbidden," as was originally reported by the Committee on Intermarriage; rather, the Parisian Sanhedrin stated that,

the marriages between Jews and Christians which had been performed in accordance with the laws of the civil code are binding civilly, and although they cannot be solemnized religiously, they are not anathema.⁸³

As such, Frankel nuanced the answer provided by the Napoleonic Sanhedrin, by insisting that they would only reluctantly condone the government's authority to perform such unions. (Note: his recollection of the wording of the Parisian Sanhedrin was also a redaction, see appendix for the full text).

Finally, he re-iterated that the Parisian Sanhedrin had specifically stated that, "they cannot be solemnized religiously."⁸⁴ In this way, Frankel directly challenged the Conference attendee's resolution of 1844 that allowed rabbis to perform intermarriages provided the government allowed the offspring of such marriages to be educated also in the Jewish faith.

⁸² David Philipson, "The Rabbinical Conferences, 1844-6," *The Jewish Quarterly Review*, Vol. 17, No., (Jul. 1905), 680.

⁸³ Ibid.

⁸⁴ Ibid.

But this critique of the Brunswick conference was not the most severe. In 1844, two leaders collected critiques of the conference. One was Rabbi Zevi Hirsch Lehren, the Chief Rabbi of Amsterdam. He had many strong international connections due to his administration of a foundation that donated money to Ashkenazi Jews in Palestine. The second was Abraham Prins, fellow orthodox rabbi and board member of the Amsterdam Seminary. Lehren and Prins released a petition to be signed, and called for submissions of responses to the Rabbinical Conference in Brunswick.

The petition and collected responses, entitled *Treu Glaubige Israels (The True Faithful of Israel)*, was then published in German with a Hebrew translation (*Shelomei Emunei Yisrael*). At final tally, 77 rabbis from Palestine to Europe who fiercely opposed the Conference signed the petition.⁸⁵ The responses from the rabbis of Palestine were published separately in *Qin'at Zion*. The responses from the rabbis of Europe were published in their own volume entitled *Torat ha-Qena'ot* meaning, "Law of Jealousy." This term is taken from Numbers 5:29 which prescribes the test of a wife suspected of adultery.⁸⁶ This volume alone contained 37 responses signed by 44 rabbis.⁸⁷ They included,

such paladins of orthodoxy as N.M. Adler of Hanover, B. Auerbach of Darmstadt, Jacob Bamberger of Worms, Seligman Bar Bamberger of Wurzburg, Jacob Aaron Ettlinger of Altona, Samuel Freund of Prague,

⁸⁵ Aaltje Elisa Kooij-Bas, *Nothing but Heretics: Torat ha-Qena'ot: A Study and Translation of Nineteenth Century Responsa Against Religious Reform in Judaism* (Amsterdam, Netherlands: 2006), 47.

⁸⁶ Ibid., 49.

⁸⁷ Ibid., 49.

Samson Raphael Hirsch of Emden, E.L. Teweles of Prague, G. Tiktin of Breslau, and S.A. Trier of Frankfort (sic).⁸⁸

The document's far-reaching geographic scope and prominent list of respondents seemed to buttress its authority. While these documents protested the Rabbinical Conference in general, several targeted the Conference's resolution on intermarriage, in particular.

The petition they signed opened with the words of Ezekiel 33:6-7 which states:

But if the watchman sees the sword advancing and does not blow the horn, so that the people are not warned, and the sword comes and destroys one of them, that person was destroyed for his own sins; however, I will demand a reckoning for his blood from the watchman. Now, O mortal, I have appointed you a watchman for the House of Israel; and whenever you hear a message from My mouth, you must transmit My warning to them.

The petition then continues,

After carefully conducted written negotiation and conscientious probing of all the proceedings of said conference, we, the undersigned, have united to inform you, the faithful in Israel, that all the resolutions of the so-called Brunswick Rabbinical Conference—with the sole exception of the one that defines the political attitude of the Israelites towards the state, in which is to be included also the resolution declaring for the sacred inviolability of the oath—are opposed to true Judaism, and are therefore false and condemnable for the believing Israelite; that a destructive spirit of revolution and sectarianism breathes through the proceedings; that the work which has been projected for a future conference is of the same condemnable character; and that we regard it therefore as the duty of every truly believing Israelite not only not to take part in such proceedings, but also to oppose such novelty-seeking efforts by every legally permitted means.⁸⁹

This petition, condemning the Conferences is alarmist in tone.

⁸⁸ David Philipson, "The Rabbinical Conferences, 1844-6," *The Jewish Quarterly Review*, Vol. 17, No., (Jul. 1905), 686.

⁸⁹ *Ibid.*, 684.



Figure 10 Samson Raphael Hirsch⁹⁰ (left)

Among those most vociferously opposing the

Conference's resolutions was Samson

Raphael Hirsh. Samson Raphael Hirsh

(1808-1889), was born in Hamburg and

became, arguably, the most iconic figure of

Modern Orthodoxy. At the time of the 1844

Rabbinical Conference, he had already been

educated by two pre-modern titans, Hakam

Bernays and Jacob Ettlinger. Additionally, he

had attended the University of Bonn. In

1830, he was elected chief rabbi of Oldenburg, when, in 1841, he was elected Chief

Rabbi of two Hanoverian districts. By 1837, he wrote a well-circulated publication on

"Neo-Orthodoxy," and later, an accompanying textbook for Jewish youth.⁹¹ These items

outlined his vision for an orthodoxy that would flourish in the modern era.

Hirsh admonished those who attended the 1844 Rabbinical Conference. He opposed the

Conference on several grounds. He was against their claim to authority, noting,

This assembly and everything resembling it has no power or authority to abolish even one custom of the holy customs of Israel which does not follow the law of the Gemara and [adjudicators] in truth, let alone to permit a thing prohibited by the Gemara and [adjudicators]. There is no

⁹⁰<http://www.friends-partners.org/partners/beyond-the-pale/images/27-2.jpg>.

⁹¹ Adapted from "Samson Raphael Hirsch," in *Encyclopedia Judaica*, CD-Rom Edition Version 1.0 (Israel: Keter Publishing House, Judaica Multimedia, Ltd., 1997), and Isidore Singer, ed., "Samson Raphael Hirsch," *The Jewish Encyclopedia* (New York: Funk and Wagnalis, 1906), The Jewish Encyclopedia Online, <http://www.jewishencyclopedia.com/view.jsp?artid=773&letter=H>.

substance whatsoever in what the participants of this assembly and the like have done and will do.⁹²

Samson Raphael Hirsch also regarded the Conference's resolution on intermarriage as

halakhically unsound. As, he wrote,

... the head of their meeting quoted a saying of the Sages of blessed memory to permit the marriage of an Israelite with a gentile, 'they have a legal union, but not a union by *chuppah* and *qiddushin*, not realizing or knowing that this is said merely of gentile [marriages] (BT Sanhedrin 57). Therefore, an Israelite and a gentile do not even have a legal union. And, the child of an Israelite and a gentile woman is not even considered his son or relation; he is a gentile, not an Israelite (Yebamot 22[a]; Qiddushin 66[b]). Sexual intercourse between those two is even worse than the severest kinds of incestuous intercourse.⁹³

These vehement responses against intermarriage reveal his underlying frustration with the unclear nature of rabbinic authority in his day, and also with the application of

Wissenschaft des Judentums to the Talmud. Although, he permits a limited critical approach to the Talmud, here, he is quick to distinguish between those who have a right to apply such a hermeneutic and those who don't.

Other responsa in *Torat ha-Qena'ot* critiqued the underlying issues that the Conference raised. First, though they were interested in claiming the rights of German citizens, the traditionalists were reluctant to identify with non-Jewish Germans in any cultural manner. Unlike their modernist brethren, who embrace the German aesthetic, the traditionalists refused to acculturate on any level, fearing annihilation of their Jewish identity by assimilation.

⁹² Aaltje Elisa Kooij-Bas, *Nothing but Heretics: Torat ha-Qena'ot: A Study and Translation of Nineteenth Century Responsa Against Religious Reform in Judaism* (Amsterdam, Netherlands: 2006), 213.

⁹³ *Ibid.*, 205-6.

Some of the rabbis were disappointed that the local disputes about intermarriage were brought up in an international forum. The orthodoxy also disagreed with the idea that core Jewish values could be identified and preserved. Rather, they insisted that the *halakha*, the Jewish law as it stood, was sacred, and they believed that it would provide them with a program for living their lives ethically. They were therefore opposed to any *halakhic* changes, including changes in liturgy, rituals, or specifically, marriage vows. Moreover, they felt that the suggestions that the reformers were making regarding changing liturgy denied the Divine nature of the Oral Law. On all of these fronts, the Rabbinical Conference of 1844, specifically, the conference's resolution on intermarriage, offended the traditionalists and modernist respondents, who vigorously asserted their position.

IN DEFENSE OF THE CONFERENCE

Reformers boldly stood up to the criticism, even praising the outcome of the conference. Many, "acclaimed it for having given voice bravely to the true spirit of Judaism."⁹⁴

Four attendees of the conference wrote compelling defenses of it, including Samuel Hirsch who wrote *Erwiderung auf Herrn Dr. Frankel's Angriff gegen die Rabbinerversammlung* in 1844, Joseph von Maier who wrote *Die erste Rabbinerversammlung und ihre Genger* in 1845, Samuel Holdheim who wrote *Die erste Rabbinerversammlung und Herr Dr. Frankel* also in 1845, and Gotthold Salomon who

⁹⁴ David Philipson, "The Rabbinical Conferences, 1844-6," *The Jewish Quarterly Review*, Vol. 17, No., (Jul. 1905), 678.

wrote *Die Rabbinerversammlung und ihre Tnedenz. Eine Beleuchtung fur Freunde und Feinde* in 1845.⁹⁵ Jews across Europe defended the conference. Addresses came from Mannheim, Geissen, Karlsruhe, Worms, Heidelberg, and many other communities.⁹⁶ The nature of these responses can be summarized by the 60 Jews of Worms who signed a statement called *Israelit des Neunzehnten Jahrhunderts, VI*, which asserted,

In the present critical phase of Judaism we await only beneficial results from the efforts of the rabbinical conference; its published proceedings enlist our full sympathy, and we look forward with the greatest confidence to its future transactions which we expect will free our sublime religion from the excrescences of past ages, and set forth its truths in a manner suited to the time wherein we are now living.⁹⁷

Here, the Jews of Worms state their interest in freeing Judaism from the shackles of the past. As such, they argue for the legitimacy of applying the Enlightenment's critical analysis to Jewish life, thereby making it relevant to Jews of the modern era. The defenses of the conference, provided by these four reformers and various communities of liberal-minded Jews, crystallized the reform endeavor. In this way, the Reform movement was born.

LONG-TERM EFFECTS OF THE CONFERENCE

Whether or not the work of the Conference encouraged or discouraged acceptance of intermarriage among Jews, the German government eventually legalized intermarriage. Historian Michael Meyer notes that after the Conference, a law was passed that permitted intermarriages, and civilian registry offices began to recognize civil marriages.⁹⁸

Historian Alan Levenson reports that after 1848, intermarriages gradually gained wider

⁹⁵ Ibid., 680-1.

⁹⁶ Ibid., 687.

⁹⁷ Ibid., 687-8.

⁹⁸ Michael Meyer, *German-Jewish History in Modern Times: Volume 2 Emancipation and Acculturation 1780-1871* (New York: Columbia University Press, 1997), 311.

legality. The governments of Brunswick and Hesse-Kassel legalized intermarriage in 1848, and Hamburg, Saxony and Baden did as well in 1851.⁹⁹ A few of the Reform rabbis decided to officiate at these ceremonies, including Samuel Holdheim who, “devised a nondenominational set of vows, which referred only to the universal God ‘whom I recognize in my heart.’”¹⁰⁰ In this way, the Reform movement was the first to adapt liturgy appropriate to intermarriage ceremonies, and accept them. Since Holdheim’s time, the Reform movement has oscillated between confident acceptance of intermarriages and anxious denial of them. This trend continues today.¹⁰¹

⁹⁹ Alan T. Levenson, *Jewish Reactions to Intermarriage in Nineteenth Century Germany* (Ph.D. diss., University of Michigan, 1990), 18.

¹⁰⁰ Michael Meyer, *German-Jewish History in Modern Times: Volume 2 Emancipation and Acculturation 1780-1871* (New York: Columbia University Press, 1997), 197.

¹⁰¹ Indeed, this topic is vast and deserves its own study. For an outline of various Reform positions on intermarriage, please see CCAR (Central Conference of American Rabbis) platforms, principles, and resolutions.

CONCLUSIONS

Ludwig Philippson described the challenge of modern Jewry: to strike a balance between “benumbing unbelief” and “deadening rigidity.” Like him, we, too, struggle to negotiate a Jewish identity that is both nimble and relevant.

A teacher once explained this idea to me as a navigation between “death by fire” and “death by ice.” “Death by fire” is the annihilation of Jewish identity resulting from extreme assimilation by conversion out of Judaism, or otherwise forsaking one’s Jewish identity; that is, “vaporizing out of existence.” “Death by ice” occurs when one insulates oneself from the rest of society so as to become irrelevant; that is, “freezing” oneself out of encountering the world at large.

The earliest Reformers sought to ensure that Judaism in the modern era would live in-between these two extremes. They found ways to claim the rights of modern citizens, while remaining unabashedly Jewish. These early pioneers sought to reform Jewish life to meet the demands of the modern era.

As social walls crumbled and Jews began to interact freely with gentiles, coupling of Jew and gentile became a more visible and more highly politicized occurrence. Interested in envisioning Jewish policies regarding modern phenomena, the reformers met in 1844 and took on the thorny issue of intermarriage. The initial draft of the resolution on intermarriage, as written up by the Committee of Three, proposed a resolution that read, “Marriage between Jews and Christians, and all marriages among monotheists, are not

forbidden.” But, as discussed at the Conference, this would not send a strong enough message to the government about the abiding value of Jewish tradition. So, the Conference participants asserted, as the Catholics had argued for Catholicism before them, the right of Jews to educate the offspring born of such unions in Judaism.

The attendees of the 1844 Rabbinical Conference in Brunswick resolved: “Marriage [NISUIN] of a Jewish man with a Christian woman, and generally marriages between people of monotheist religions, are not forbidden if the laws of the state permit the parents to educate the children who are born from these marriages *also* in the Jewish religion.” In so doing, they claimed equal rights to the children of intermarried couples, not exclusive rights. Their resolution sent a strong message to Jews who would take an insular approach to the modern era (namely the traditionalists) that rabbis were not required to officiate at such couplings, but intermarriage was not forbidden. The reformers simultaneously sent a strong message to the government advocating for official recognition of Jewish education.

How do we interpret this resolution today? Had the earliest reformers not regarded intermarriage as antagonistic to the perpetuation of a strong and committed Jewish identity?

I am a rabbinical student and the product of an intermarriage. I, like the earliest reformers, do not regard intermarriage as the death and doom of the Jewish people. And, I, like the earliest reformers, have faced harsh critique—though the critique I have

received has not only been ideological, it has also been personal. Indeed, the harsh criticism of intermarried couples in general can and will turn many Jews in intermarriages, as well as those who are products of intermarried couples, away from Judaism. Unable to envision a viable future for themselves in the Jewish community due to such harsh critique, many Jews in intermarriages, as well as those who are products of intermarried couples, do assimilate out of the Jewish community and suffer a “death by fire.” In this way, the arguments against intermarriage encourage assimilation, and therefore they become self-fulfilling prophecies. For instance, some of those who intermarry from within Orthodox communities are considered “dead” to their families. In this way, they are forced to dispense of their Jewish identity. The Orthodoxy thus loses both them and any future children.

But, I believe the Reform movement can offer another fate for Jews in intermarriages, and products of intermarried couples. With a little support, not only from individual Reformers, but from Reform Jewish institutions as well, Jews in intermarriages, as well as those who are products of intermarried couples, can successfully be incorporated into Jewish communal life. Jews in intermarriages, as well as those who are products of intermarried couples, need to be affirmed in their Jewish identity. They need to trust that Jewish communal life will recognize their equal place in the Jewish community. Then, they will trust in their own future in the Jewish community. They will no longer fear a future where they have to spin their wheels by constantly verifying their Jewish existence. Instead, they will freely be able to simply add of their talents, and skills, to the Jewish endeavor. Affirmation of their equal status in the Jewish community will

encourage them to make Jewish choices, and will reinforce their commitment to thoughtful Jewish lives.

Many Jews in intermarriages, as well as those who are products of intermarried couples, are, by necessity, extremely thoughtful about the ritual practices they choose to perform; many are comfortable with and used to talking about God and theology; many take a general interest in and sturdily respect others' religious beliefs. These gifts, and more, will continue to enhance the Jewish community and facilitate its negotiation of an existence between "death by fire" and "death by ice" in the contemporary era.

We, contemporary Reformers, should work to affirm the idea that Jews in intermarriages, as well as those who are products of intermarried couples, should not be forsaken. We may strive to respectfully understand the unique circumstances in which they live, and bring them to the table to share their ideas and understandings of Jewish life.

Ecclesiastes insists, "there is nothing new under the sun," so we may again need to face harsh critique from the right wings of our faith, as had the early reformers. But, if we remain steadfast in the conviction that Jews in intermarriages, as well as those who are products of intermarried couples, have much to offer to the Jewish community, we will empower them to bring themselves and their gifts to the table; in this way we will secure and enhance the future of the Jewish community.

APPENDIX

The Napoleonic Question of the Assembly of Jewish Notables in 1806:

Can a Jewess marry a Christian, or a Jew a Christian woman? Or has the law ordered that the Jews should only intermarry among themselves?¹⁰²

The Response of the Assembly of Jewish Notables, approved by the "Great Sanhedrin":

The law does not say that a Jewess cannot marry a Christian, nor a Jew a Christian woman; nor does it state that the Jews can only marry among themselves. 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 is absolute concerning the seven Canaanite nations: with regard to Amon and Moab, it is limited, according to many Talmudists, to the men of those nations, and does not extend to the women; it is even thought that these last would have embraced the Jewish religion. As to Egyptians, the prohibition is limited to the third generation. 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 in France, in Spain, and in Germany: these marriages were sometimes tolerated, and sometimes forbidden by the laws of those sovereigns, who had received Jews into their dominions. 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 *Kiduschin* [sic], with the benediction used in such cases, no marriage can be religiously valid unless these ceremonies have been performed. This could not be done towards persons who would not both of them consider these ceremonies as sacred; and in that case the married couple could separate without the religious divorce; they would then be considered as married civilly but not religiously. Such is the opinion of the Rabbis, members of this assembly. In general they would be no more inclined to bless the union of Jewess with a Christian, or of a Jew with a Christian woman, than Catholic priests themselves would be disposed to sanction unions of this kind. The Rabbis acknowledge, however, that a Jew, who marries a Christian woman, does not cease on that account, to be considered as a Jew by his brethren, any more than if he had married a Jewess civilly and not religiously.¹⁰³

¹⁰² Paul R. Mendes-Flohr and Jehuda Reinharz, eds., *The Jew in the Modern World: A Documentary History* (New York: Oxford University Press, 1980), 126.

¹⁰³ *Ibid.*, 126.

BIBLIOGRAPHY

- , *JPS Hebrew-English Tanakh*. Philadelphia: The Jewish Publication Society, 2000.
- , *Encyclopaedia Britannica*. Encyclopaedia Britannica Online.
<http://www.britannica.com/eb/article-9003494/> (accessed December 28, 2007).
- , *Merriam-Webster's Dictionary*. Merriam-Webster's Online Dictionary.
<http://www.merriam-webster.com/dictionary/subculture> (accessed December 28, 2008).
- , *Protocolle der ersten Rabbiner Versammlung*. Brunswick: Vieweg and Son, 1844.
- Hertz, Deborah. "Emancipation through Intermarriage? Wealthy Jewish Salon Women in Old Berlin." In *Jewish Women in Historical Perspective*, edited by Judith R. Baskin. Michigan: Wayne State University Press, 1998.
- Bleich, J. David. "The Prohibition Against Intermarriage." *Journal of Halacha and Contemporary Society* (1, 1), 1981: 5-27.
- Davis, Moshe. "Mixed Marriage in Western Jewry: Historical Background to the Jewish Response." London: *European Judaism*, Volume III, No. 1, (June 1968): 177-220.
- Ellenson, David Harry. *After Emancipation: Jewish Religious Responses to Modernity*. New York: Hebrew Union College Press, 2004.
- Ellenson, David Harry. "Representative Orthodox Responsa on Conversion, and Intermarriage in the Contemporary Era." *Jewish Social Studies* (Summer-Fall 1985): 209-220.
- Ellenson, David Harry. "Samuel Holdheim on the Legal Character of Jewish Marriage. Marriage and Its Obstacles in Jewish Law." In *Marriage and Its Obstacles in Jewish Law* edited by Walter Jacobs and Moshe Zemer, (1999): 1-26.
- Ellenson, David Harry and Robert Levine. "Jewish Tradition, Contemporary Sensibilities and Halakha: a Responsum by Rabbi David Zvi Hoffman." *Journal of Reform Judaism*, Winter, (1983): 49-56.
- Encyclopedia Judaica*. CD-Rom Edition Version 1.0. Israel: Keter Publishing House, Judaica Multimedia, Ltd., 1997.
- Frishman, Judith. "True Mosaic Religion: Samuel Hirsch, Samuel Holdheim and the Reform of Judaism." In *Religious Identity and the Problem of Historical Foundation*, edited by J. Frishman, W. Otten, and G. Rouwhorst (2004) 195-222.

- Graetz, Michael. "The History of an Estrangement Between Two Jewish Communities: German and French Jewry During the Nineteenth Century." *Toward Modernity*, (1987): 159-170.
- Griffin, Christopher W. "The Evolution of German-Jewish Intermarriage Laws and Practices in Germany to 1900." Thesis, Florida State University, 2005.
- Hertz, Deborah. *How Jews Became Germans : The History of Conversion and Assimilation in Berlin*. New Haven : Yale University Press, 2007.
- Hyman, Paula E. *The Jews of Modern France*. California: University of California Press, 1998.
- Jacobson, Z., trans., and Michael Meyer, ed. *Ve'idot ha-Rabanim be-Germanyah bi-Shenot 1844-1846/ The German Rabbinical Conferences, 1844-1846*. Jerusalem: The Dinur Center, 1986.
- Kaplan, Marion. "Tradition and Transition: The Acculturation, Assimilation and Integration of Jews in Imperial Germany." In *Leo Baeck Institute Year Book*, XXVII (1982): 3-36.
- Kitchen Martin. *A History of Modern Germany 1800-2000*. Massachusetts: Blackwell Publishing, 2006.
- Kooij-Bas, Aaltje Elisa. *Nothing but Heretics: Torat ha-Qena'ot: A Study and Translation of Nineteenth Century Responsa Against Religious Reform in Judaism*. Amsterdam, Netherlands: 2006.
- Lehren, Zvi Hirsch and Abraham Prins, eds. *Torat ha-Qena'ot*. Amsterdam: Bi-defus David Props kats, 1845.
- Levenson, Alan T. "Jewish Reactions to Intermarriage in Nineteenth Century Germany." Ph.D. diss., University of Michigan, 1990.
- Lowenstein, Steven M. "Jewish Intermarriage and Conversion in Germany and Austria." *Modern Judaism*, 25, 1 (2005): 23-61.
- Lowenstein, Steven M. "The 1840s and the Creation of a German-Jewish Religious Reform Movement." In *Revolution and Evolution: 1848 in German-Jewish History*, edited by Werner Eugen Mosse, 255-298. Germany: Mohr Siebeck, 1981.
- Malino, Frances. "Jewish Enlightenment in Berlin and Paris." In *Jewish Emancipation Reconsidered*, edited by Michael Brenner, Vicki Caron and Uri R. Kaufmann, 213-248. London: Leo Baeck Institute, 2003.

- Miller, Heather. "Class Notes from History of Reform Judaism." Instructed by: Dr. Carole B. Balin. New York: Hebrew Union College-Jewish Institute of Religion, 2006.
- Mendes-Flohr, Paul R. and Jehuda Reinharz, eds. *The Jew in the Modern World: A Documentary History*. New York: Oxford University Press, 1980.
- Meyer, Michael A. "'Most of My Brethren Find Me Unacceptable': The Controversial Career of Rabbi Samuel Holdheim." *Jewish Social Studies*, 9, 3, (2003): 1-19.
- Meyer, Michael, ed. *German-Jewish History in Modern Times: Volume 2 Emancipation and Acculturation 1780-1871*. New York: Columbia University Press, 1997.
- Meyer, Michael. *Response to Modernity: A History of the Reform Movement in Judaism*. New York: Oxford University Press 1988.
- Petuchowski, Jakob Josef. "Abraham Geiger and Samuel Holdheim: Their Differences in Germany and Repercussions in America." *Leo Baeck Institute Year Book*, 22, (1977): 139-159.
- Philipson, David. "The Rabbinical Conferences, 1844-6." *The Jewish Quarterly Review*, Vol. 17, No. 4, (Jul. 1905): 656-689.
- Poppel, Stephen M. "Rabbinical Status and Religious Authority in Imperial Germany The German Rabbinical Association." *Association for Jewish Studies Review*, 3, 2 (1984) 185-213.
- Ross, Kelley L. "The German Confederation, 1815-1866," *Francia Orientalis, Germany*, <http://www.friesian.com/deutsch.htm> (accessed December 28, 2007).
- Sarna, Jonathan Daniel. "Jewish Identity in the Changing World of American Religion." In *Jewish Identity in America*, edited by David M. Gordis and Yoav Ben-Horin, 91-103. Los Angeles: University of Judaism, 1991.
- Satlow, Michael L. *Jewish Marriage in Antiquity*. Princeton: Princeton University Press, 2001.
- Schorsch, Ismar. "Emancipation and the Crisis of Religious Authority—The Emergence of the Modern Rabbinate." In *Revolution and Evolution, 1848 in German-Jewish History* edited by Werner Eugen Mosse, 205-248. Germany: Mohr Siebeck, 1981.
- Singer, Isidore, ed. *The Jewish Encyclopedia*. New York: Funk and Wagnalis, 1906, accessed through The Jewish Encyclopedia Online, <http://www.jewishencyclopedia.com/view.jsp?letter=M&artid=319>.

Sorkin, David. *The Transformation of German Jewry, 1780-1840*. New York: Oxford University Press, 1987.