CAUSES AND EFFECTS OF THE REFORM MOVEMENT'S ADOPTION
OF PATRILINEAL DESCENT

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Introduction

Who is a Jew? This question seems deceptively simple, yet proves incredibly difficult to answer. We might start by looking at Judaism's oldest and most sacred text, the Torah. In it, there were no Jews, only their Israelite forbearers. An Israelite was a descendent of Israel, or Jacob. Also, it seems foreigners married Israelites, becoming tied to Israel. Their children were Israelites.

As Israelites became Jews—as Judaism became a religion—this understanding of identity shifted. While you could never "convert" to being an Israelite, but you could convert to being a Jew. Children of two Jews were always Jews, but if one parent was not Jewish—the mother—the child was no longer considered Jewish. He or she would have to convert to join the community.

With only minor caveats, this arrangement endured for centuries. Social norms helped keep the precedent firmly in place. For most of Jewish diaspora history, there was little opportunity or reason to consider marrying a Gentile. Only after Jewish Emancipation and acceptance in mainstream Gentile society would intermarriage—and these issues of Jewish identity and status—become a serious issue. How would Judaism respond to these new societal realities? How should it respond?

This thesis begins by examining the historical evolution of Jewish identity. Why did matrilineal descent become the norm and when? The thesis then explores the changing societal pressures that caused intermarriage to increase and ultimately led to the 1983 CCAR decision to forgo Jewish halachic precedent and accept as Jewish children born to a Jewish father and non-Jewish mother. Finally, the thesis concludes with an examination of the consequences of the decision, in terms of the Reform

movement itself, and its relations to the international Progressive community and other denominations within American Judaism.

There is no definitive answer for the question of who is a Jew. There are a variety of ways to answer, and each have consequences. The thesis presents several answers and examines the consequences of the 1983 Reform decision to adopt an answer significantly at odds with normative Jewish practice.

Chapter 1: Historical Background

Until 1983, matrilineal descent was a universal axiom of Jewish law. Whether they

agreed with it or not, most Jews knew that a person was "really" Jewish if his or her

mother was Jewish. This concept, named the "matrilineal principle" by Shaye Cohen,

existed for almost two thousand years. With such a long precedent, the principle

became a cornerstone of Jewish identity. Yet, Jewish religion is much older than two

thousand years. In reality, the matrilineal principle *developed* over time, and evolved just

as Judaism evolved. Acknowledging this fact—the invention of matrilineal descent—does

not invalidate it. Rather, it allows us to examine its evolution over time and acknowledge the

changes in status in identity through historical periods.

The Pre-exilic Period

We can define the pre-exilic period as the time before the destruction of the First

Temple, and subsequent exile of a portion of the Israelite community to Babylonia, in

586 BCE. There is no concept of matrilineal descent in the Torah and most of the

Hebrew bible. In Shaye Cohen's words, "The preexilic portions of the Tanakh are not

familiar with the matrilineal principle."[1] These texts offer no admonishments toward

children born to foreign wives. Not only are these offspring not ostracized, but the text

views them as fully legitimate members of the Israelite community. In Louis Epstein's

words, "In the patronymic family system, which was general throughout the biblical

period, the child of an intermarriage followed his father and was equal to his brothers

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[1] Shaye Cohen, *The Beginnings of Jewishness* (Berkeley: University of California Press, 1999), 264.

in all respects. We infer this not only from absence of any instructions to the contrary, but also from a number of family records in the Bible where children by heathen mothers rank as fully legitimate members of their fathers' families, without any discrimination whatever."[2] A child's status derived from the father, not the mother.

Prior to the Babylonian exile, Jewish tradition recognized the status of patrilineal offspring. Before examining the various traditional rationales and modern theories supporting matrilineal descent, some examples from the biblical period offered by Cohen, Epstein, and others illustrate the clearly patriarchal underpinnings of these early texts.

In the Hebrew Bible, Judah marries a Canaanite woman, Joseph an Egyptian, Moses a Midianite (and/or an Ethiopian), David a Philistine, and Solomon a number of foreign wives. In all these cases, the biblical text accepts the offspring of these marriages as legitimate members of the community.

While biblical texts accept offspring of non-Israelite mothers as member of the community, these texts also express a strong dislike for intermarriage. As Raphael Patai notes, "the foreign bride who upon marriage becomes incorporated into the extended family of her husband is felt by the latter as an intruder and as a disruptive force."[3] Patai offers several examples as evidence of prejudice against foreign wives. In Genesis 26, Isaac's son Esau marries two Hittite girls but, "they were a bitterness of spirit unto Isaac and to Rebecca." A chapter later, Rebekah says that if Jacob, her other son, also

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[2] Louis Epstein, *Marriage Laws in the Bible and the Talmud* (Cambridge: Harvard University Press, 1942), 183.
[3] Raphael Patai, *Sex and Family in the Bible and the Middle East* (Garden City: Doubleday & Company, 1959), 32.

takes Hittite wives, "what good shall my life do me?"[4] As a result, Isaac explicitly instructs Jacob not to take foreign wives, but instead to seek a wife from the family of his relative Laban.

Furthermore, Patai notes the unfortunate circumstances surrounding Judah's foreign wife. "No open criticism of this action is voiced in the narrative, but the story of the unfortunate fate of the issue of this union definitely contains a hidden or implied censure." Specifically, two of Judah's sons die, while the third remained childless.

Other examples from Torah also discourage exogamy, at least between Israelites and certain groups of people. In the book of Numbers, Miriam and Aaron both protest Moses marrying a Cushite woman.[5] In Deuteronomy, after listing the seven nations the Israelites are to conquer when entering the land of Israel, the text states, "and you shall not make marriages with them; your daughter shall not give to his son, nor his daughter shall you take to your son."[6] While the biblical text may prohibit such marriages, it says nothing of the status of the children of such unions; nor does it appear to differentiate between genders: exogamy is equally discouraged for both men and women.

While these texts do not explicitly name matrilineal descent, they do appear to condone endogamy as Patai argues. Judah's offspring may have been seen as Israelites, but they had tragic lives. Furthermore, while David traces his lineage to Judah's tribe, it was through Tamar, whose origins remain unclear, but later rabbinic sources claimed she was also an Israelite.[7]

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[4] Genesis 27:46
[5] Numbers 12:1
[6] Deuteronomy 7:3
[7] b. Sotah 10a

The biblical prohibitions against such marriages appeared to do little in terms of dissuasion. Judges 3 confirms that the Israelites lived among the seven nations in the land of Israel, and adds, "they took their daughters to be their wives, and gave their daughters to their sons, and served their gods."[8] Patai adds that gradually the practice of exogamy began to slowly gain favor, as there is no record of, "any deprecatory comment or active opposition recorded in the narratives which contain the accounts of these intermarriages."[9] We can trace this development to the historical context: the Israelites were an autonomous majority in their own land. Exogamy posed no obvious threat, but instead potentially swelled the Israelite community.

It is also important to remember that during biblical times, marriage was similar to a transfer of property rather than a religious rite. As Cohen says, "Marriage was the non-sacramental, private acquisition of a woman by a man, and the state had little legal standing in the matter."[10] Israelite society expected that a foreign woman would abandon her previous gods in favor of her husband's beliefs. Furthermore, "even if she did not [abandon her gods] it never occurred to anyone to argue that her children were not Israelites." In other words, as part of their father's literal and figurative house, they maintained his status.

Perhaps this is the greatest argument in the case against a biblical predisposition toward matrilineal descent. Men simply mattered more than women in Israelite society. A man acquired his wife and she became his, essentially assuming his identity.

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[8] Judges 3:6
[9] Patai, *Sex and Family,* 34.
[10] S. Cohen, *Beginnings of Jewishness,* 265.

Furthermore, any offspring produced in the marriage also became tied to the father. The lengthy genealogies in Genesis attest to this reality by following a patrilineal line.[11]

While these early biblical texts clearly discourage foreign marriages, as noted by Patai, ultimately—prior to the invention of the rabbinic marriage ceremony—the man had the freedom to take whatever woman he wanted as a wife. David Ellenson notes that during this time, "conversion in the Bible seems to be accomplished simply through marriage." It is worth noting that "conversion" in the pre-exilic period bears little resemblance to the rites and rituals later instituted by the rabbis. Ellenson and Gordis regard conversion more as a form of communal acceptance of a foreign member. [12]The resulting offspring may have suffered in social standing as a result of their lineage, but the text never questions their identity as Israelites. Epstein confirms this social norm by saying, "in the patronymic family system, which was general throughout the biblical period, the child of an intermarriage followed his father and was equal to his brothers in all respects."[13] He goes on to cite Rehoboam, Ahaziah, and Jehoram all as examples of societal acceptance.

The Post-Exilic Period

It is not until the time of Ezra in the fifth century BCE that we see a change in attitudes. The reforms of Ezra stress a race-based identity of the Jewish people as opposed to religious. In effect, Jewish purity came primarily from pure lineage, unpolluted by

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[11] See Genesis 5:4-32
[12] David Ellenson and Daniel Gordis, *Pledges of Jewish Allegiance,* (Stanford: Stanford University Press, 2012), 15.
[13] Epstein, *Marriage Laws,* 183.

foreign blood. In chapter nine of the Book of Ezra, he castigates the people after seeing

that, "they have taken of their [foreign] daughters for themselves, and for their sons; so

that the holy seed have mixed themselves with the people of those lands."[14]A chapter

later, Ezra adds, "And now make confession to God of your fathers, and do his will' and

separate yourselves from the people of the land, and from the foreign wives."[15] Several

verses earlier, the text states, "And now let us make a covenant with our God to put

away all such women, and those born of them...and let it be done according to the

Torah."[16]

The chapter's clear emphasis on foreign wives (rather than foreign husbands),

and the presumed "foreign" status of the children of such wives, offers the earliest

biblical example of matrilineal descent. While numerous other texts explicitly or

implicitly discourage exogamy, the offspring of such a marriage were always considered

part of the community. Ezra appears to make the first categorical shift in the status of

children based on the identity of their mothers.

As Cohen observes, the passage in Ezra provides some significant challenges for

those seeking a biblical basis for the matrilineal principle. Specifically, the casting out of

the children does not come from Ezra himself. Instead, those words come from

Shechaniah ben Jehiel. Ezra hears these words and merely asks those present to affirm

them. Later, when he assembles the entire community, Ezra requires husbands banish

their wives, but makes no mention of children. Ezra's initial silence after Shechaniah

ben Jahiel's statement might signify agreement. Yet, if Ezra truly believed the principle

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[14] Ezra 9:2
[15] Ezra 10:11
[16] Ezra 10:3

was a vital marker of Jewish identity—why did he not repeat it in front of the larger community? In Cohen's words, "If we insist on seeing the matrilineal principle in this story, we must ascribe its origin not to Ezra, but to an unheralded member of the clan of Elam."[17]

Scholars also note a parallel Athenian law passed in 451 BCE, concurrent with the Ezra Reforms. The law restricted citizenship to those born of both an Athenian mother and father. George Moore explains the motive of the law as, "to perpetuate a pure-bred race, especially to keep unmixed the blood of the citizen body; it is a measure of self-preservation, and nothing more."[18] He goes on to argue that the banishment of foreigners and their offspring in Ezra serves the same purpose of racial purity. Epstein supports this view, seeing Ezra as having, "intensified nationalism and zeal for racial purity," which ultimately led him to "raise this social standard [endogamy] to one of law."[19]

There is a major flaw in Moore's assessment. The Athenian law prohibited any intermarriage and nullified the citizenship of the offspring of intermarriages, whereas the law in Ezra specifically ties a child's status to the status of the mother. Cohen suggests the Ezra texts focuses on wives because of social structures of the time. An Israelite wife married to a foreign husband fell under his purview. Just as foreign women relinquished their traditions upon marrying Israelites, so too did the opposite apply: Israelite women married to foreign men relinquished their identities. Ezra, as an Israelite priest, had no jurisdiction over foreign men. It is also worth noting that the

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[17] S. Cohen, *Beginnings of Jewishness,* 268.
[18] George Foot Moore, *Judaism in the First Centuries of the Christian Era,* (Cambridge: Harvard University Press, 1962), 20.
[19] Epstein, *Marriage Laws,* 185.

children born to these marriages would not have been seen as Israelites by anyone at the time.

Ellenson offers an additional explanation for the expulsion: Ezra sought Jewish continuity and saw no other option. Conversion had yet to be introduced, casting these women as forever foreigners living among Israelites. Previously, it seems women assumed the identities of their husbands without much communal tension. We can only assume that the rising religious nationalism of the time made it impossible for Israelites to tolerate "foreigners" in their midst. "His decision to expel them without consideration of an alternative suggest that even if conversion as an institution had begun to emerge, it was still not fully accepted or developed at that point."[20] A foreigner simply could not fully shed her foreign identity during this time, socially and legally.

The evidence makes a clear case for Ezra's concern for endogamy, based both on biblical notions of purity, and more pragmatic concerns for continuity of the community following the Babylonian exile. Furthermore, the Ezra texts seem to single out foreign wives explicitly for banishment, because the ruling class lacked the power to nullify marriages with foreign men. Ezra's concern for racial purity should not be mistaken for his belief that Jewish identity passed only through a child's mother. Cohen ultimately concludes, "the matrilineal principle was not yet known in second-temple times."[21] Had the principle been widely known and observed, we would expect to find other references beyond the Ezra text. Additionally, texts from Josephus and others appear in contradiction of the matrilineal principle.

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[20] Ellenson and Gordis, *Pledges of Jewish Allegiance,* 19.
[21] S. Cohen, *Beginnings of Jewishness,* 27.

Ezra's reforms also introduced a racial component to Jewish identity. Blood mattered, in some ways more than ritual observance. This blood-based identity had traditions in the biblical period: certain classes (Kohanim, Levites) could only marry certain types of people in order for their children to remain eligible for priestly or levitical service and entitlements. In the Second Temple period, this purity became more of a concern as the priests formed an aristocratic class. Epstein identifies three race-based classes during this time period. At the top of the social hierarchy were the priests and aristocracy. These groups maintained detailed family histories "to prove the purity of their stock and thereby justify their position in the first group established by Ezra."[22] Members of this group, concerned with maintaining their status, married within their own class of "pure" Israelites, ensuring their children remained equally pure.

Below the priestly aristocracy were those Epstein describes as having "beclouded ancestry."[23] They formed a sort of middle class, with their numbers swelling both from below and above, as aristocrats with questionable history received a form of social demotion. From below, converts and freed slaves advanced upward by marrying into this group.

Finally, the lowest group consisted of the aforementioned freed slaves and converts, as well as children of mixed marriages. Epstein notes that, over time, "technically tainted" Jews such as *mamzerim,* found their way into this group. Members of this group were physically separated from the two higher classes, preventing the feared intermingling and dilution of Jewish purity.

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[22] Epstein, *Marriage Laws,* 186.
[23] Ibid., 187.

This class system slowly faded with the rise of the Pharisaic religious practice. Epstein states, "under pharisaic influence, the mind of the people was turned from racial to religious nationalism."[24] As a result, purity was also redefined away from racial to religious. This shift was partly a result of radical demographic changes. The Maccabean Era ushered in huge numbers of converts. Their inclusion in the community "diluted" the racial purity of almost everyone over generations. Finally, after the Temple fell, the aristocracy lost whatever power and influence it still had, along with its self-definition of racial purity.

The aristocracy played a significant role in the development of Jewish identity. A society always emulates the values of the elite, even if the majority cannot join its ranks. In the case of Second Temple Judaism, the elites obsessed over genetic purity, keeping detailed records and only marrying others of equally pure and unimpeachable lineage. The vast majority of society lacked such a perfect pedigree, but by watching the elites, they learned to value it. As a result, Jewish identity—even before the establishment of clear *halacha*—took on a *de facto* racial component in the eyes of the Jewish community.

The Formations of the Matrilineal Principle

The first textual evidence of the matrilineal principle comes from the Mishnah, redacted in the early third century of the Common Era. The principle most likely gained favor prior to the Mishnah's redaction, however no earlier records exist, aside from the aforementioned, problematic example from Ezra. The first textual record comes from

[24] Ibid., 188.

Tractate *Kiddushin* in the order of *Nashim.* The text describes cases in which the

offspring follow the status of either the father or mother, depending on circumstances.

The final example offered by the Mishnah states, "But any situation in which a woman

has no right to enter into betrothal with this man or with any other man—the offspring

is in her status." And what is such a situation? It is the offspring of a slave girl, or a

gentile girl."[25]

The Mishnaic text reflects a radical departure from the biblical period in several

ways. First, the woman has a status independent of her husband. Prior to this

development, a woman simply "absorbed" the status of her husband through marriage,

with her subsequent children also taking on the father's identity. Prior to the invention

of ritualized conversion, marriage served as a *de facto* conversion. The *Kiddushin* text

rejects this approach;, instead, it insists that a woman retains her status as a slave or a

non-Jew even after marriage to a free Jewish man. This being the case, the Mishnah

requires the mother to undergo conversion to Judaism in order for her and her children

to be considered Jewish.

The text also introduces the novel concept of valid and invalid marriages. In the

biblical period, any marriage was valid. As Cohen states, "The mishnah is based on two

assumptions which are unknown to the Bible; first some marriages are valid and some

invalid, second, the status of offspring is determined not by the marriage of the parents

but by the potential of the parents to contract a valid marriage with each other

(*kiddushin).*"[26] While this mishnah introduces new ideas, it lacks any indication as to

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[25] B. Kiddushin 3:12, Neusner Translation.
[26] Shaye Cohen, "The Origins of the Matrilineal Principle in Rabbinic Law," *AJS Review* 10 no. 1 (1985): 31.

where the ideas originated. Cohen notes that the anonymity of the mishnah provides evidence that the view was widely held and beyond doubt at the time of the Mishnah's redaction. This fact leaves us to wonder what changed; how did the patrilineal structure of the biblical period give way to the matrilineal principle, and for what reason? As discussed below, both the Jerusalem and Babylonian Talmuds sought to justify the mishnah's position based on Torah, despite the Torah not only not expressing a matrilineal principle, but providing numerous examples that seem to contract it.

Theories for the Matrilineal Principle

While most scholars agree the matrilineal principle emerged sometime between Ezra and the redaction of the Mishnah, there seems little consensus as to *why* the principle emerged. The Mishnah offers little explanation, and the anonymity of the texts, along with their lack of dissenting opinions, imply the principle was universally agreed upon from the first century onward.

Shaye Cohen offers seven possibilities that may have led to adoption of the principle. The first is scripture. For those of a traditional inclination, scriptural support offers the best— perhaps only—rationale for matrilineal descent. Both the Jerusalem and Babylonian Talmuds seek a scriptural basis for the Mishnaic position. Through a series of complex proofs, they find the matrilineal principle in Exodus 21:4, Deuteronomy 7:3-4, and 21:15. Cohen ultimately concludes, "…Exodus 21:4 and Deuteronomy 21:15 are excellent scriptural hooks upon which to hang the matrilineal principle after it exists…"[27] In other words, while they

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[27] S. Cohen, *Beginnings of Jewishness,* 289.

provide suitable justification, they provide no *prima facie* deduction for the principle and therefore cannot qualify as the original source.

Cohen suggests Ezra and his reforms as a second possibility. As noted above, he rejects Ezra as the original source, questioning if Ezra's actions reflected an intentional choice as much as the practical limits on his political power. He allows that perhaps the rabbis deduced the principle from Ezra and, because of their hesitation to base law on sources outside the Torah, obfuscated the original source.

Cohen suggests the challenge of paternal identity as the third possibility. According to this theory, the rabbis recognized paternal identity was always suspect to some degree, whereas maternal identity was easily established. Therefore, the rabbis tied a child's status to the mother, where there could be no doubt. Cohen rejects this theory for two reasons. First, the matrilineal principle applies only to intermarriages, despite the *universal* challenge of establishing patrilineal identity. Second, in certain cases where the father's identity was unknown, rabbinic law allowed that the child could still receive inheritance and status of the alleged father based on the mother's testimony. Therefore the rabbis seem willing to tolerate a certain degree of paternal uncertainty depending on the situation.

The fourth possibility relies on the "intimacy of motherhood." This possibility operates under the assumption that a mother creates a stronger bond with a child than a father. As a result, a child "inherits" more of its mother's qualities and identity. While the theory seems plausible, a cursory review of Jewish law reveals many examples where status and identity follow the father. Applying the "intimacy of motherhood" to only one principle seems to fail the plausibility test due to its arbitrary nature.

Cohen then examines what he calls "Primitive Matriarchy." According to this theory, advanced by Victor Aptowitzer, in some pre-historic epoch, Israelite kinship was matrilineal and Israelite society was matriarchal. The theory has the interesting consequence of predicating matrilineality throughout Israelite and Jewish history; therefore the rabbis of the Mishnah record the rule not because they invented it, but because they inherited it. Cohen's main issue with this theory is the complete lack of evidence for an ancient matriarchal society, although he allows it might be possible Israelite society was once organized matrilineally. Furthermore, any proponent of the theory must explain the patrilineal nature of the pre-exilic period.

As a sixth possibility, Cohen suggests the mishnah found its inspiration in Roman law.[28] Louis Epstein and Boaz Cohen also subscribe to this theory. Roman law stated that a child only qualifies as a legal heir if his parents joined in a legal marriage. "The capacity to contract a legal marriage was called *conubium*…and was possessed almost exclusively by Roman citizens."[29] A marriage was still valid if only one party had a *conubium*, however in that case the offspring followed the status of the mother. In such a system, the offspring could count as non-citizens, or even slaves, depending on the status of the mother.

Boaz Cohen notes that, "Anyone who studies the rules on this subject…will realize that the Roman legislation is infinitely more complicated than the comparatively simple formulation of the Mishnah of Kiddushin…"[30] Despite the difference in complexity, Cohen concludes the underlying principles regarding the status of children

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[28] S. Cohen, "Origins of the Matrilineal Principle," 42.
[29] Ibid.
[30] Boaz Cohen, *Jewish and Roman Law: A Comparative Study,* (New York: Jewish Theological Seminary, 1966), 136.

are "almost the same."[31] Yet still, there is no evidence the rabbis based their law on Roman law. Boaz Cohen may observe a "striking parallel" but cannot prove causation. Louis Jacobs asks why we would believe the rabbis based anything on Roman law. From a historical perspective, they largely hated Rome. We could just as easily imagine them going out of their way to distance themselves from Roman practices as adopting them.

The final possible source identified by Cohen comes from Scripture's concern with forbidden mixtures. Leviticus 19:19 forbids the breeding of animals of different species. However, given that people tend to break laws, the rabbis wrestled with how to categorize such forbidden species, the most common example being the mule: a mix between a horse and a donkey. Despite mules' sterility, the prohibition against yoking together different species required the rabbis to determine a mule's status.

The Tosefta identifies a mule as a unique species, thereby ignoring the genealogy of the parents.[32] The Mishnah, however, cites R. Judah who sees reason for distinction. He writes, "All those born from a (female) horse, although their father is a donkey, are permitted one with another. Thus too, those born from a (female) donkey although their father is a horse, are permitted one with another. But those born from a (female) horse with those born from a (female) donkey, they are prohibited one with the other.[33]

R. Judah seems to suggest the status of the animal is based exclusively on the mother; if the animal came from a female horse, it qualifies as a horse. This is true whether the father was a horse or a donkey. Cohen finds this theory particularly compelling: the rabbis knew the established laws of animal husbandry and made a similar analogy with humans. He

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[31] B. Cohen, *Jewish and Roman Law,* 136.
[32] Tosefta Kilayim 5:5
[33] Mishnah Kilayim 8:4

concludes, "In sum, in the rabbinic mind the sexual union of a Jew with a gentile was akin to the sexual union of a human with an animal, or of animals of diverse species. It was a union that violated the natural order established by God and the scriptural prohibition of mixing seed. Rabbinic law and lore…regarded the offspring of such forbidden unions, paradigmatically represented by the mule, as belonging to the class of its mother."[34]

Ultimately Cohen feels the forbidden mixture theory provides the best explanation for the matrilineal principle, along with parallels of Roman marriage law. Louis Jacobs, however, provides a serious critique of this theory. He acknowledges the creativity exhibited by Cohen, but ultimately finds his analogy between animal and human "pilpulistic." For him, the rabbis were concerned with a biological question when determining the constitution of the mule. "The legal definition depends on whether the mule is a horse or a donkey, not whether its descent from a horse or a donkey is determinative of its status."[35] He agrees with Cohen that the rabbis had a fascination with mixtures, but disagrees that they had any sort of unifying theory of them. Rather, they sought the specific legal distinctions various mixtures gave rise to.

Conclusions

The matrilineal principle appeared as a halachic concept at some point during the Second Temple Period. Pre-exilic biblical texts provide no convincing evidence to support the principle. Furthermore, they provide numerous examples of offspring from non-Jewish mothers accepted into the Israelite community without distinction. Later rabbis devoted much

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[34] S. Cohen, *Beginnings of Jewishness,* 303.
[35] Louis Jacobs, "There Is No Problem of Descent," *Judaism* 133 (1985): 55.

energy inventing elaborate explanations for these apparent inconsistencies. However, an objective study of the evidence reveals no convincing proof for the principle. Those who find such evidence, find it only because their ideology leads them.

While there is some evidence Ezra heralded the matrilineal principle with his reforms, the text only allows us to consider the principle as a *possibility* during Ezra's time. The first mention comes from Mishnah, which clearly states that in the case of a marriage between a Jewish man and a gentile woman, the child retains the status of the mother.

Numerous theories offer explanations for the principle, but ultimately all have problems. The mishnah offers no explicit rationale, ultimately leaving the source of the matrilineal principle a mystery. Regardless of its origin, it came into existence with the Mishnah without dissent, and was further upheld by both Talmuds, also without dissent. However it arose, the principle came to be an unquestioned axiom of halacha that remained in place for almost 2,000 years before its first major challenge.

Chapter 2: The CCAR Resolution on Patrilineal Descent

On March 15, 1983 at the CCAR Annual Convention in Los Angeles, CA, the leadership of the Reform movement adopted a resolution titled "The Status of Children of Mixed Marriages." A report in the secular press the next day summarized the resolution's passage as "a decision running counter to centuries-old Jewish law."[36] However shocking the action seemed at the time, the resolution was actually the result of a multi-year committee examination. The committee could trace its origins to a 1978 CCAR initiative as well as decades of evolving demographics and Reform ideology. Lastly, the decision came from factors that had roots in the Emancipation and Enlightenment in Continental Europe centuries earlier.

Historical Context

The widespread acceptance of the matrilineal principle went largely unchallenged until the modern period. This was partly due to practical considerations. Jews often lived in insolated communities, set apart from Gentiles. They lacked regular access to non-Jewish populations and, as a result, largely in-married. Furthermore, social distance made inter-marriage a moot point. On a basic level, Jewish populations often spoke a separate language, making socialization difficult. Additionally, animosity toward Jews made them undesirable as spouses. At the same time, it is doubtful that most Jews had much interest in pursuing integration with a culture that often lashed out violently against them.

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[36] "Reform Rabbis Change Rule of Who is a Jew," *The New York Times*, March 17, 1983.

While mixed marriages took place, they were uncommon. Regardless of whether the father or mother was the Jewish partner, the offspring risked social isolation and a lesser status within the Jewish community. The mishnaic definitions of Jewish status went largely unchallenged, as instances of intermarriage remained exceptionally rare until the advent of Jewish Emancipation in the modern period. Only then, when Jews found themselves invited into mainstream Christian society, did intermarriage become a serious option for Jews and Gentiles alike.

David Ellenson and Daniel Gordis trace the rise of intermarriage in Central Europe to the mid 19th Century and the introduction of "Legislation…enacted by various states in Germany in the late 1840s that facilitated intermarriage between Jews and Gentiles."[37] By 1843 Rabbi Hakham Isaac Bernays saw enough of a threat in intermarriage to issue a responsum condemning it. Despite the wholly-uncontested halachic position, he felt it necessary to reiterate "the children of a marriage between a Jewish man and a non-Jewish woman were unequivocally Gentiles."[38]

Yet despite condemnation from rabbinic leaders, intermarriage continued in post-emancipation Europe, as did the number of offspring from these unions. In general, rabbinic authorities continued ruling that the products of unions between a Jewish father and non-Jewish mother were gentiles. One notable exception was Zvi Hirsch Kalischer. While stopping well short of accepting patrilineal offspring as Jewish, Kalischer sought to encourage conversion and welcome them into the Jewish community. He designated children born to non-Jewish mothers as *zera kodesh*—holy offspring. He saw these children as "potential" Jews and encouraged the Jewish

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[37] Ellenson and Gordis, *Pledges of Jewish Allegiance*, 38.
[38] Ibid.

community to do everything to facilitate their formal conversion. While not outright accepting them as Jews, he wrote "on the possibility that 'great leaders of Israel would sprout from among them…How goodly and pleasant our portion will be' if such a child were to become Jewish."[39] For Kalischer, these offspring represented great Jewish potential that ought to be realized within the realms of traditional halacha (i.e., through conversion).

Kalischer's outreach had its limits. While encouraging conversion, he also described the Jewish father's interest in circumcising his child as "an act of *teshuvah.*"[40] Such a description indicates Kalischer saw intermarriage as shameful, and furthermore believed that the Jews engaged in it should as well. While encouraging a limited form of what could be called outreach, his negative framing clearly reflected the attitude of his rabbinic forebears.

CCAR Positions on Intermarriage, Conversion, and Descent

In America, the CCAR first officially responded to the increasing issue of intermarriage and offspring of unclear status in the late 1940s. At the 1947 CCAR convention, the Committee on Mixed Marriage and Intermarriage offered a proposal clarifying the status of these children. The report began by acknowledging that "In mixed marriages (i.e., marriage between a Jew and an unconverted Gentile) the child follows the status of the mother…If the mother is a Gentile, the child is non-Jewish and must be converted

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[39] Ibid., 50.
[40] Ibid.

before it can be married to a Jew by Jewish law."[41] In other words, the CCAR accepted the normative Jewish practice of the past millennia in terms of descent.

The committee then diverges from Jewish tradition with its description of what such conversion can look like. "With regards to infants, the declaration of the parent to raise them as Jews shall be deemed sufficient for conversion." For older children, they may attend religious school like their peers and "the ceremony of Confirmation at the end of the school course shall be considered in lieu of a conversion ceremony." Only in the case of children past the age of Confirmation is a "regular conversion ceremony" required.[42]

It is worth noting that the guidelines avoided the issue of patrilineal descent by framing the entire issue as a matter of non-Jewish children. This category broadly includes adopted children, children raised by other family members, and children whose entire families chose to convert to Judaism. By issuing guidelines geared toward the larger category of "non-Jewish children," the CCAR avoided controversy over patrilineal descent. While one could certainly apply the guidelines to a wide variety of special cases, they undoubtedly were geared toward children with a Jewish father and non-Jewish mother.

Upon approval, the above guidelines appeared in the CCAR Rabbi's Manual. While the 1947 position fell short of embracing patrilineal descent, it created a much lower threshold requirement for children with non-Jewish mothers. The recommendations referenced the Talmudic leniencies allowed for infants and expanded

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[41] Isaac E. Marcuson, ed., *Central Conference of American Rabbis Fifty-Eighth Annual Convention*, (Philadelphia: Jewish Publican Society, 1948), 170.
[42] Ibid., 171

them, both by negating the need for a *beit din* and extending the age where no formal conversion ceremony was required until well after puberty. The proposal also redefined the nature of conversion. Traditionally, only an infant conversion does not require the informed consent of the convert. While these guidelines do not *exclude* the consent and awareness of older children, they also do not require it, leaving the decision at the discretion of the rabbi.

From the language of the proposal it appears likely the school-aged children would be unaware their Confirmation ceremony also served as their conversion. The authors emphasized the children's rights to "receive instruction as regular students in the school."[43] In short, the spirit of the proposal was meant to make these children feel totally equal to their matrilineally-derived peers. It is quite likely rabbis operating under these guidelines would avoid discussing complicated and uncomfortable issues of status. However, by avoiding such a discussion prior to Confirmation (or equivalent), the young adult theoretically "converts" unknowingly to a religion of which he already believes he was a member.

The minutes recorded no objections to the resolution at the time of its adoption. This silence may indicate the non-controversial nature of the decision, or signal it was overshadowed by the much-discussed concern over officiating at interfaith marriages. In the same session the CCAR narrowly rejected (76-74) an outright ban on interfaith officiation, while unanimously reaffirming an earlier 1909 resolution "which declared that mixed marriages are contrary to the tradition of the Jewish religion and should,

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[43] Ibid.

therefore, be discouraged by the American rabbinate."[44] In the course of one plenary session the CCAR welcomed offspring of all backgrounds while explicitly condemning the unions responsible for them.

Changing Demographics

Despite rabbinic condemnation, Jewish trends embracing intermarriage continued to increase. In America, Jews found greater social acceptance throughout the 20th Century. Jack Wertheimer identified the 1950s as a key turning point, specifically when, "a *Time* magazine cover story about Louis Finkelstein, chancellor of the Jewish Theological Seminary of America, symbolized the new respectability of Judaism in America."[45] Jews were finally becoming a part of mainstream American society.

Along with the newfound respectability of American Judaism came a rise in the intermarriage rate. Nationwide surveys only became popular in the second half of the 20th Century, however some limited data exists for earlier decades. Studying the community of New Haven, CT, Ruby Jo Reeves Kennedy tracked intermarriage for 85 years between 1870 and 1955. He found an in-marriage rate of 100% in 1870, decreasing to a low of 93.7% in 1940, before increasing to 97.4 in the final year of his survey (1955).[46]

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[44] Ibid., 184.
[45] Jack Wertheimer, *A People Divided: Judaism in Contemporary America,* (Hanover: University Press of New England, 1993), 15.
[46] Ruby Jo Reeves Kennedy, "What Has Social Science to Say About Intermarriage?" in *Intermarriage and Jewish Life,* ed. Werner Cahnman, (New York: Jewish Reconstructionist Press, 1963), 29.

The 1950s also heralded the first wave of Jewish communal concern regarding the increased prevalence of intermarriage. In his book *Jews in Suburbia*, Albert Gordon cites survey data suggesting local intermarriage rates ranging from 7% (Los Angeles) to 34% (Virginia suburbs adjacent to Washington, DC).[47] His writing betrays a certain disdain for the phenomenon, warning the reader that "Indeed, there are several suburban congregations whose president and vice-president are married to non-Jews."[48] Gordon further warns that current trends may result in "an average rate of intermarriage for the nation to reach 10 per cent within the decade."[49]

Although intermarriage rates began increasing, conversion rates remained relatively low. David Max Eichhorn surveyed 785 Reform and Conservative Rabbis in 1953 regarding conversion. He found the two movements converted "between 1500 and 1750 non-Jews" per year.[50] Of those, approximately 95% "are motivated by an impending or existing marriage to a Jewish person."[51] He also noted that during this time period, "Reform Judaism attracts more such converts than does Conservative Judaism at the rate of about three to one."[52] He speculates that the Reform movement's success with conversion may be due in part to less stringent requirements, particularly regarding circumcision. Finally, Eichhorn concludes that, "A careful analysis of the statistics presented by [the rabbinic survey] indicates that the number of conversion is

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[47] Albert Gordon, *Jews in Suburbia*, (Boston: Beacon Press, 1959), 244.
[48] Ibid.
[49] Ibid., 244.
[50] David Max Eichhorn, "Conversion: Requirements and Results," in *Intermarriage and Jewish Life,* ed. Werner Cahnman, (New York: Jewish Reconstructionist Press, 1963), 117.
[51] Ibid., 118.
[52] Ibid.

increasing slowly but steadily year after year."[53] Eichhorn's findings—that conversions were both increasing and almost entirely done for the sake of marriage—support the conclusion that intermarriage between Jews and Christians-by-birth began rising during this time.

Jewish demographic studies increased in the second half of the 20th Century. The American Jewish Committee sponsored *"American Jewry, 1970: A Demographic Profile"* which contained extensive research on intermarriage rates. The report acknowledged a rise in intermarriages, but refrained from alarmist conclusions. The author cautioned that, "No simple answer…seems possible."[54] Although Goldstein predicted a rise in intermarriage, he also acknowledged mitigating factors, such as significant conversion rates of the non-Jewish spouse and high rates of Jewish affiliation among the offspring. Despite these promising observations, the report ultimately described intermarriage as a "problem" which "warrants considerable concern on both policy and research levels."[55]

In summation, by the 1970s the American Jewish community was beginning to see intermarriage as more than a concern about religious identity. For the first time the conversation focused on demographic fears relating to a shrinking Jewish population. At the same time, the number of offspring from these unions increased significantly, while their place in the Jewish community remained unclear. While the Reform movement appeared successful in encouraging conversion, the small overall numbers indicated most non-Jews remained as such after their wedding.

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[53] Ibid., 117.
[54] Sidney Goldstein, "American Jewry, 1970: A Demographic Profile," in *American Jewish Yearbook*, ed. Morris Fine et al. (Philadelphia: Jewish Publication Society, 1971) 33.
[55] Ibid., 34.

Reform Emphasis on Outreach

On December 2, 1978 Rabbi Alexander Schindler, then president of the Union of American Hebrew Congregations (UAHC), addressed the organization's Board of Trustees in Houston, Texas. Schindler's remarks heralded a vigorous debate in the larger Jewish community about the role of outreach in Judaism, and the ramifications continue to resonate decades later.

Addressing the UAHC Board of Trustees, Schindler suggested a radical change in Reform Judaism's relationship toward non-Jews. He began by offering a demographic reality; "The tide of intermarriage is running against us. The statistics on the subject confirm what our own experience teaches us: intermarriage is on the rise."[56] He insisted the Reform movement must respond to changing demographic realities, while rejecting the tacit assumption that increased emphasis on Jewish education or Jewish identity can stem "the tide of intermarriage." His address ended with the suggestion that, "the time has come for the Reform movement—and others, if they are so disposed—to a carefully conceived Outreach program aimed at all Americans who are unchurched and who are seeking religious meaning." Upon completion of his remarks, the UAHC Board of Trustees voted in favor of establishing an Outreach Initiative aimed at welcoming non-Jews into the Reform movement.

Schindler's outreach initiative stood in stark contrast to a perceived discomfort with proselytizing. Egon Mayer reflects on the radical nature of Schindler's initiative,

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[56] Alexander M. Schindler, last modified 2010, http://urj.org/about/union/history/schindler/?syspage=article&item_id=61140&printable=1.

writing, "those were remarkable words for a religious leader of a community that has

borne the reputation and practice, since the fall of the Roman Empire, of *not* seeking

converts."[57] Yet Schindler, by his own admission, felt compelled to action. He recognized

the rising share of intermarriages and the low likelihood of conversion without an

organized movement-wide outreach effort. While Schindler's initiative may have

represented a novelty unseen since Roman times, it responded to a level of

intermarriage unseen in as many years. Rather than a persecuted minority, Jews found

themselves enmeshed in society; conversion did not carry the risks it had in past

centuries.

In the middle of Schindler's remarks, he broached the topic of patrilineal

descent. For Schindler, the patrilineal question was closely tied to outreach. He saw his

outreach effort as extending not just to the non-Jewish spouse, but the entire family,

recognizing that these intermarried families might feel unwelcome in synagogues. In

the case of the child of a mixed marriage with a Jewish mother, Schindler relies on

tradition, stating simply, "if the mother is Jewish, than the child is regarded as fully

Jewish."[58] He then went further, suggesting patrilineal children be accepted as Jewish,

ostensibly on the grounds of gender equality. "As a case in point, why should a

movement which from its very birth-hour insisted on a full equality of men and women

in religious life unquestioningly accept the principle that Jewish lineage is valid through

the maternal line alone?"[59]

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[57] Egon Mayer, "The Outreach Movement: Making Judaism an Inclusive Religion," in *The Jewish Condition: Essays on Contemporary Religion Honoring Rabbi Alexander M. Schindler,* ed. Aron Hirt-Manheimer (New York: UAHC Press, 1995), 250.
[58] Schindler.
[59] Ibid.

Yet Schindler stopped short of full-throated support for patrilineal descent in 1978. He said only that "In fact, a case can be made that there is substantial support within our tradition for the validity of Jewish lineage through the paternal line, and it is this kind of possibility which we should begin energetically to explore."[60] Perhaps he recognized the movement was not ready for such a departure from traditional Jewish practice, or perhaps he still had reservations of his own at this time.

Regardless of Schindler's possible hesitations, a UAHC committee was soon formed to study the issue of patrilineal descent. For several years the committee followed Schindler's advice for "energetic exploration" before presenting its findings to a convention of the CCAR.

Resolution on Patrilineal Descent

On March 15, 1983 the CCAR approved the Report of the Committee on Patrilineal Descent at its 94th annual convention held in Los Angeles, California. A contemporary account of the meeting described, "a spirited hourlong (sic) debate" prior to the report's adoption.[61] While a clear majority of the 550 attending members voted in favor of the resolution, the nature of the vote (by acclamation) makes a firm number impossible to know. The text of the actual resolution reads as follows:

> The Central Conference of American Rabbis declares that the child of one
> Jewish parent is under the presumption of Jewish descent. This
> presumption of the Jewish status of the offspring of any mixed marriage is
> to be established through appropriate and timely public and formal acts
> of identification with the Jewish faith and people. The performance of

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[60] Ibid.
[61] "Reform Rabbis Change Rule of Who is a Jew," *The New York Times*, March 17, 1983.

these *mitzvot* serves to commit those who participate in them, both parent and child, to Jewish life.

Depending on circumstances, *mitzvot* leading toward a positive and exclusive Jewish identity will include entry into the covenant, acquisition of a Hebrew name, Torah study, Bar/Bar Mitzvah, and *Kabbalat Torah* (Confirmation). For those beyond childhood claiming Jewish identity, other public acts or declarations may be added or substituted after consultation with their rabbi.[62]

While relatively brief, the resolution came at the end of a 1400-word report presented by the committee. The report provided a rationale for the committee's position as stated in the opening paragraph: "The purpose of this document is to establish the Jewish status of the children of mixed marriages in the Reform Jewish community of North America."[63] This introduction itself acknowledged the controversy surrounding the adoption of the position; the change in status applied only to Reform Jews (and not their Conservative neighbors) and furthermore only to Jews in North America (and not Progressive Jews abroad). While the report claimed to encompass all of North America, in reality the decision was only adopted by the Reform community of the United States, an issue discussed in the following chapter.

The report began by framing the resolution as a response to rising intermarriage rates. Unlike previous resolutions and publications, the document referred to intermarriage as an "issue" rather than a problem. According to the report, the issue stems from the Enlightenment and Emancipation and the subsequent redefinition (and optional nature) of Jewish identity. The authors then provided a biblical case for patrilineal descent, noting "both the Biblical and Rabbinical traditions take for granted

[62] Elliot Stevens, ed., *Central Conference of American Rabbis* (New York: CCAR Press, 1984), 160.
[63] Ibid., 157.

that ordinarily the paternal line is decisive in the tracing of descent within the Jewish people."[64] The report then suggested a specific historical basis of the matrilineal principle, claiming, "The decision of our ancestors thus to link the child inseparably to the mother, which makes the child of a Jewish mother Jewish and the child of a non-Jewish mother non-Jewish, regardless of the father, was based upon the fact that the woman with her child had no recourse but to return to her own people."[65] The report does not explain the origins of this theory. Perhaps the authors referred to the unique case described in Ezra, in which the Israelites banished foreign wives (along with their children). Or perhaps the report described a possible rationale. Without offering a citation, it is impossible to assess the validity of the claim. Opponents of the decision would later note other possible theories, as discussed below.

The report then cited the aforementioned 1947 CCAR proposal regarding conversion for non-Jewish children and also the 1961 CCAR Rabbi's Manual, which reaffirmed the same position. Immediately before the resolution itself, the report offered its strongest rationale. Referencing the "tens of thousands of mixed marriages," the authors emphatically state, "It can no longer be assumed *a priori*, therefore, that the child of a Jewish mother will be Jewish any more than that the child of a non-Jewish mother will not be."[66]

The report appears to waiver between a practical and ideological rationale for the resolution. In practical terms, it recognized the thousands of offspring with an indeterminate status and the demographic shifts that will undoubtedly lead to more. In

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[64] Ibid., 158.
[65] Ibid.
[66] Ibid., 160.

this regard, the report echoed the concern of the 1947 proposal, which sought a quiet way to incorporate these offspring into the synagogue community, preferably by allowing universal school requirements to serve as *de facto* conversion. Yet the authors also went further than in 1947 by offering a historical, ideological basis for rejecting the matrilineal principle. They do this by first offering one explanation for its original adoption: namely that children physically followed their mothers, and in the event of a marriage termination, a mother in the ancient world had no choice but to return to her (Gentile) clan.

While the aforementioned theory is certainly plausible, it serves as one of many explanations for the matrilineal principle. A reader unfamiliar with the topic might read the report and believe there is scholarly consensus supporting the theory described. Given this lack of consensus, why offer the explanation at all? Perhaps the authors sought a basis for rejecting the *historical* case for matrilineal descent. The report ends by stating "*it can no longer be assumed*...the child of a Jewish mother will be Jewish any more than that the child of a non-Jewish mother will not be (emphasis added)." This statement rejects the historical basis described above. In short, the thrust of the argument (and therefore the resolution) is that the modern world no longer requires banishment of a single mother back to her family of origin and therefore Jewish legal tradition no longer applies.

The report is interesting for what it does not discuss. Nowhere in the 1,400 words do the authors acknowledge the historical precedent of 2,000 years of tradition, or the consequences of departing from the position of normative Jewish practice.

Instead, the report focuses on the pragmatic and ideological case for patrilineal descent, relying on previous positions of the CCAR.

Some of these omissions were addressed by the committee's chair, Rabbi Peter Knobel, in his remarks prior to the resolution's adoption. He emphasized the resolution dealt only "with a situation peculiar to our community, namely, to establish the Jewish status of the children of mixed marriage in the particular setting of the Reform Jewish community in North America."[67] He also stressed that this is not the first time the Reform movement has wrestled with issues of status.

While the most significant element of the report was the adoption of patrilineal descent, Knobel's remarks focused largely on the requirement for "performance of *mitzvot*" for children of mixed marriage. He stated that, as a result of intermarriage, "the continued presence of the non-Jewish family…requires that the additional step of the performance of appropriate and timely public and formal acts is necessary to affirm the intention of the parents and the child…"[68] It is worth noting the significant implications of this position, and its effects are discussed in the following chapter.

Immediately after the reading of the resolution, MARAM (Israel Council of Progressive Rabbis) read a statement opposing it, largely on the ground of its impact on *Klal Yisrael*. The statement argued, "If we affirm that we are an integral part of the Jewish people, we cannot limit our horizons to the Reform movement in North America alone."[69] The statement also questioned the historical validity of the report's reasons for matrilineal descent, questioning the committee's reliance on Second Temple-Period

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[67] Ibid., 144.
[68] Ibid., 145.
[69] Ibid., 146.

social norms as "the only rationale for matrimonial descent." Ultimately the statement ended requesting not outright rejection, but a "more thoroughgoing examination of the traditional sources, the sociological impact, and the internal and external consequences."[70]

The minutes then record Schindler's support of the resolution on grounds of gender equality, paternal rights, and empathy for children of unclear status. Comments continued for an hour, with a mixture of those in favor and those opposed. Of note, Bruce Goldwasser referenced the 1947 Rabbi's Manual (which he erroneously believes was written in 1909). He argued, "in favor of the positive obfuscation that will allow individual Reform rabbis to function as we have for 74 years."[71] Goldwasser recognized the 1947 guidelines allow for essentially the same level of rabbinic autonomy and discretion, but negated "doing the damage that we have not yet even imagined to our relationship with *klal Yisrael*…"[72] The minutes also recorded comments by Rabbi Eric Wisnia, in which he took responsibility for the very debate surrounding patrilineal descent, declaring, "I feel a little guilty in that I began much of these proceedings back in 1975 when I presented [the issue] to the CCAR committee…"[73] Immediately following the discussion period, a vote was taken and the measure passed, although the exact numbers remain unknown.

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[70] Ibid., 148.
[71] Ibid., 151.
[72] Ibid.
[73] Ibid.

CCAR Responsum on Patrilineal Descent

Several months later, in October 1983, the CCAR published an additional document on the topic of patrilineal descent in the form of a responsum. The responsum differed significantly from the report presented at the CCAR convention. At around 2,800 words, it was approximately twice the length. The first half described the transition from patrilineal to matrilineal descent some time between Ezra and the Mishnaic period. The authors offered several scholarly theories regarding the change in lineage. Interestingly, they do not directly mention the one explanation (women and their offspring returned to their original clans) offered by the earlier report.

The responsum stressed the fluid nature of Jewish law in regards to changing circumstances. In one instance it cited the adoption of matrilineal descent as a "decision represent[ing] rabbinic reaction to specific problems."[74] Further on it supported a view of halacha as serving contemporary needs by stating, "rabbinic tradition did not shift to the matrilineal line when conditions did not demand it."[75] Other examples in the responsum include "our tradition responded to particular needs" and "Mishnaic and Talmudic authorities changed Biblical laws of descent…when social or religious conditions warranted it." Finally, the authors explicitly link the CCAR resolution to the tradition of earlier rabbinic innovation by stating "we are dealing with clear Biblical injunctions which have been revised by the rabbinic tradition. *We have followed these examples in our own twentieth century revision* (emphasis added)."

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[74] "Patrilineal and Matrilineal Descent," in *Contemporary American Reform Responsa,* ed. Walter Jacob. (New York: CCAR Press, 1987), 63.
[75] Ibid.

The original report presented at the CCAR conference justified patrilineal descent on the ground of pragmatic concerns regarding children and the rejection of the (presumed) rationale behind the matrilineal principle. The responsum rather forcefully argued for the same stand on the grounds of the tradition of rabbinic innovation in response to changing societal needs.

The remainder of the responsum outlined the contemporary societal needs, and also discusses (at length) how the decision affects the Reform movement and the State of Israel. Finally, the responsum clarified the meaning of "appropriate and timely public and formal acts." The authors write, "The requirement has been worded to permit some flexibility for individual circumstances." In other words, the original ambiguity was intentional, allowing a similar degree of rabbinic discretion as in the 1947 CCAR guidelines.

Conclusions

The events of 1983 cannot be viewed in isolation. The resolution appeared as a result of Alexander Schindler's 1978 Outreach Initiative and the subsequent formation of the Committee on Patrilineal Descent. We can further trace a Reform position to the 1947 guidelines allowing *de facto* acceptance of patrilineally-derived children into the synagogue community without conversion. The CCAR adopted these guidelines in response to a prevalence of interfaith families, a trend that had increased since the Emancipation and Enlightenment, when Jews found themselves newly welcomed into mainstream society.

Despite the seemingly sudden nature of the CCAR resolution, the sentiment behind it had grown for decades, and rested on multiple Reform precedents, if not the *halachic* tradition. Nevertheless, the implications of the 1983 decision had far-ranging implications for the Reform movement, American Judaism, and the greater Jewish world.

Chapter 3: Aftermath of the Decision

Initial Responses

The first collection of responses came in the form of the 1985 winter edition of *Judaism*, published by the American Jewish Congress. The entire issue focused on patrilineal descent and included approximately two dozen articles on the topic. In the introduction to the issue, Robert Gordis acknowledged, "the decision aroused passionate controversy in many quarters" but "there has been relatively little serious discussion." The issue centered on an article by Shaye Cohen in which he questioned the time period for the introduction of the matrilineal principle. His conclusions were discussed in the first chapter of this thesis.

The collection of essays, ostensibly a "serious discussion" on the topic, reveal the passionate response the decision entailed. J David Bleich, Rosh Yeshiva of the rabbinic program of Yeshiva University, wrote "adoption of the patrilineal principle is an eloquent statement of disassociation [with the Jewish community]."[76] Similarly, Arnold Goodman, past president of the Rabbinical Assembly, concluded, "The Reform Movement, by its unfortunate resolution, has split off from normative Judaism."[77] While the journal represented all major denominations, the articles followed a predictable split between Reform/Reconstructionist and Conservative/Orthodox.

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[76] J. David Bleich, "The Patrilineal Principle: The Crucial Concern," *Judaism* 133 (1985): 19.
[77] Arnold Goodman, "Rationale for "Matrilineal" and the Failure of "Patrilineal," *Judaism* 133 (1985): 31.

Reconstructionist and Conservative Responses

In March, 1984 Richard Hirsch published an article in Reconstructionist titled "Jewish Identity and Patrilineal Descent: Some Second Thoughts." In the article, Hirsch reminds readers that the Reconstructionist Movement actually adopted the position *prior* to Reform. He quotes from the 1968 Reconstructionist Convention in which delegates resolved that patrilineal offspring (and their families) should be informed that, while the rest of the Jewish world does not consider them Jewish, "the Reconstructionist Movement and its affiliated institutions will consider these children Jews if the parents have committed themselves to rear their children as Jews by providing circumcision for boys, Jewish educations for boys and girls, and if the children fulfill the requirements of bar and bat mitzvah or confirmation."[78] The 1968 position closely aligned with the 1947 Reform position, albeit explicitly included patrilineal families rather than the larger category of "non-Jewish children." Hirsh raises several issues relating to patrilineal descent, although largely defines these issues—the issues of qualifications, effects on *klal Yisrael*—as challenges for both movements. Effectively, Hirsch considers the movements as having an identical position.

At their 1985 convention, the Rabbinical Assembly passed a resolution regarding patrilineal descent. The brief resolution stated "there is public confusion in the Jewish community about the position of Conservative Judaism on patrilineage." As a result, the RA reaffirmed their earlier position, simply stating "the Rabbinical Assembly reaffirms the position of the Committee on Jewish Law and Standards, affirming matrilineal

[78] Richard Hirsch, "Jewish Identity and Patrilineal Descent: Some Second Thoughts," *The Reconstructionist* 49 (1984): 26.

descent and rejecting patrilineage in all circumstances."[79] In trying to understand the zeitgeist of the times, it is worth noting that, at that same convention, Rabbi Gunther Plaut was invited to address the Assembly in his role as President of the CCAR. He presented a defense of patrilineal descent, while offering his hope that "the patrilineal decision not stand in the way" of cooperation between the movements.[80]

Reform Responses

At the 1986 CCAR Convention in Snowmass, Colorado, patrilineal descent featured prominently. In his opening address, President Jack Stern stated the 1983 resolution "continues to elicit strong negative reactions within both the Orthodox and Conservative communities. From both communities have come a call to rescind it."[81] Recalling the convention three years earlier, Stern writes "perhaps what was not anticipated during that debate was the intensity of negative reaction."[82] Despite this negative reaction from the Jewish world, particularly the Conservative and Orthodox movements, Stern emphatically states in his opening remarks that "any consideration of rescinding the Resolution on Patrilineality is entirely beyond the realm of possibility."[83]

During the same convention, David Ellenson presented a paper on the topic. He suggests the biggest challenge to the resolution is the effects on *klal Yisrael*. He

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[79] Jules Harlow, ed., *Proceedings of the Rabbinical Assembly* (New York: The Rabbinical Assembly, 1985), 185.
[80] Ibid., 51.
[81] Jack Stern, "President's Message," in *Central Conference of American Rabbis,* ed. Elliot Stevens. (New York: CCAR Press, 1987), 2.
[82] Ibid.
[83] Ibid.

contrasts it with Reform's decision to ordain women as rabbis, something which serves as "a moral imperative for [the movement]."[84] While he supports the position of the movement, he also suggests that "even among many who support the resolution there seems to be a sense of unease with it," perhaps because it does not have such a clear moral imperative.[85] Yet Ellenson also suggests a different understanding of *klal Yisrael*, one that "is an inclusive entity that seeks to embrace all children of Jewish parents as Jews."[86]

The Denver Experiment

The minutes of the CCAR meeting reflect a deep concern for what adoption of patrilineal descent would do to *klal Yisrael*. The case of the Denver Beit Din and its subsequent dissolution serves as a case study in itself, and also as a precedent for Jewish pluralism in the following decades.

In 1978, rabbis from across the denominational spectrum created a communal Beit Din in Denver, Colorado for the purposes of overseeing conversion. According to Jack Wertheimer, the Beit Din formed "to avoid a situation in which rabbis in Denver did not recognize each other's converts to Judaism."[87] In this regard, the so-called

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[84] David Ellenson, "The Integrity of Reform Within *Kelal Yisra-el*," in *Central Conference of American Rabbis,* ed. Elliot Stevens. (New York: CCAR Press, 1987), 29.
[85] Ibid.
[86] Ibid.
[87] Jack Wertheimer, "Religious Movements in Collision," in *Jews in America: A Contemporary Reader,* ed. Roberta Farber et al. (Hanover: Brandeis University Press, 1999), 378.

"Denver Experiment" became a significant test case for successful Jewish pluralism in America.

On a practical level, all members had to compromise for the Beit Din to function. Orthodox members "were prepared to say that even though we knew that all of the students coming out of the general conversion process would not be authentic Orthodox Jews, we were prepared to say as long as they were beginning an effort to learn Judaism and aspire to be committed Jews, we were prepared to offer our signatures."[88] Reform members also agreed to teach traditional Jewish practices such as kashrut, and agreed for converts to immerse in *mikveh* and undergo *hatafat dam brit.* All potential converts had to "subscribe to a list of duties pointedly called the Ten Commitments."[89] These commitments included fasting on Yom Kippur and lighting Shabbat candles, but intentionally left vague such instructions as how to keep Shabbat or observe dietary law.

While the more liberal movements saw the community Beit Din as a promising example of *klal Yisrael*, the Orthodox members were more hesitant. They sought to minimize the publicity. "As for the more traditional forces, particularly within Orthodoxy, from them it was supposed to be kept secret."[90]

During its brief history, the Denver Beit Din converted approximately 750 people into the Jewish community. Then, in 1983 the Beit Din abruptly disbanded. Wertheimer suggests "the move was precipitated by the resolution on patrilineality

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[88] Ibid.
[89] Samuel Freedman, *Jew vs. Jew* (New York: Touchstone, 2000), 93.
[90] Ibid., 88.

adopted that year by the Central Conference of American Rabbis."[91] Even though the

Reform rabbis of Denver "held varying views on the question of patrilineality," the

position of the CCAR made any relationship with Reform untenable for the Orthodox

and Conservative members. It made no difference that Denver rabbis "Herbert Rose and

Raymond Zwerin abstained from the vote."[92] Reaction outside of Denver was equally

heated. The Jewish Observer, a national Orthodox newspaper, stated "the Traditional

rabbis of Denver have been party to an outrageous fraud."[93] Rabbi Meir Kahane went

further, claiming the Orthodox rabbis "calmly and without 'furor', preside[d] over the

death of a community."[94]While the movements had various underlying theological

disagreements, in the case of Denver it was the question of patrilineality that ultimately

dissolved the community Beit Din. As a result, what had been a nascent model of

cooperation for the rest of the country served as the best example for how divisive the

CCAR resolution was.

Demographic Effects

One of the initial concerns about the Reform movement's decision was its effects on

demographic trends, particularly intermarriage. In the 1985 *Judaism* issue devoted to

the decision, Judith Hauptman theorized how Jewish women would suffer as a result of

patrilineal descent. She wrote, "…and probably most important, the adoption of the

patrilineal principle would confer acceptability upon inter-marriage…It would reduce

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[91] Wertheimer, "Religious Movements," 378.
[92] Freedman, *Jew vs. Jew*, 105.
[93] *The Jewish Observer,* January 1984, 32.
[94] Freedman, *Jew vs. Jew,* 110.

the pressure on Jewish men to seek a Jewish mate."[95] Hauptman's theory suggests

matrilineal lineage of offspring was an important consideration for Jewish men when

selecting a partner. With the Reform movement now accepting the status of their

children regardless of their wife's identity, men would have less reason to seek a Jewish

partner.

In a 2013 study on the demographic effects of patrilineal descent, Sylvia Barack

Fishman finds evidence for Hauptman's claim. She notes that "Jewish men, for decades

more prone than Jewish women to intermarriage, are now more liberated than ever to

do so."[96] Since 1983, there was been an increase in intermarriage rates for both Jewish

men *and* women. Fishman credits the rise in the Jewish female intermarriage rate as "a

response to marriage market forces."[97] The more men that marry out, the fewer

available for Jewish women seeking to marry in. As a result of this scarcity, Jewish

women ultimately marry non-Jews, raising their intermarriage rate. Fishman supports

this claim by noting "interview research reveals that Jewish women who marry non-

Jewish men often report that they would have preferred initially to marry a Jewish

man."[98]

Fishman provides convincing evidence that patrilineal families are a concern for

the American Jewish community. Unlike their matrilineal counterparts, patrilineal

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[95] Judith Hauptman, "Patrilineal Descent – An Examination of the Issue," in *Judaism* 133 (1985), 48.

[96] Sylvia Fishman, "Fathers of the Faith? Three Decades of Patrilineal Descent in American Reform Judaism," http://jppi.org.il/uploads/Fathers%20of%20the%20Faith-%20Three%20Decades%20of%20Patrilineal%20Descent%20in%20American%20Reform%20Judaism.pdf.
[97] Ibid.
[98] Ibid.

families "are among the least Jewishly-connected Jews in America today."[99] A 2005 Brandies study found that of intermarried families, 9 out of 10 matrilineal families intended to raise Jewish children, compared to approximately 50% of patrilineal families. [100]

While Fishman concludes the CCAR decision encouraged an increase in Jewish male exogamy, she never provides direct evidence to support this claim. Instead, her research merely demonstrates a rise in male (and female) out-marrying after 1983. However, as she herself notes, the intermarriage rate increased significantly in the decades prior to the decision. While the continued increase *may* be a result of the decision, this is not necessarily the case. Proof would come from survey research confirming Reform acceptance of patrilineal lineage played a role for Jewish men in selecting a partner.

Patrilineal Descent outside of the United States

As the CCAR resolution stated, the decision applied only to the American Reform Jewish community. Despite being the largest and most influential progressive Jewish community in the world, patrilineal descent for the most part did not spread beyond American borders. At a recent biennial convention of the World Union for Progressive Judaism (WUPJ), some liberal rabbis offered explanations as to why.

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[99] Ibid.
[100] Ibid.

According to Rabbi Robert Jacobs of South Africa, "The ability to acquire a passport for Israel resounds."[101] Given the politics associated with Jewish identity and Israel, adopting patrilineal descent could create unnecessary problems for members of the community hoping to make *aliyah*. Unfamiliarity with Reform may also play a role in certain cases. In France, where the movement is relatively unknown, such a radical departure from traditional Jewish practice may discourage affiliation. Jean-Francois Levy, a former president of the Liberal Jewish Movement of France, says, "We meet people sympathetic to us, and I'm afraid that those who might join us would not do so if we embrace patrilineality…They would say, 'look, they don't even know the most basic Jewish traditions."[102]

While the resolution was never intended to apply to international progressive communities, their failure to follow it has possibly isolated the American Reform community. Fishman concludes that this lack of adoption results in patrilineal descent being "a wedge issue not only separating Reform Judaism from Conservative and Orthodox Judaism but also from other international Reform communities."[103] Conversely, there is no direct evidence that the decision has strained ties within the WUPJ. Despite their reservations regarding patrilineal descent, the representatives expressed no concerns about attending their international biennial convention in the United States.

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[101] Sue Fishkoff, "Why is Patrilineal Descent Not Catching on in Reform Worldwide?" *Jewish Telegraphic Agency,* February 15, 2011.
[102] Ibid.
[103] Fishman, *Fathers of Faith.*

Conclusions

The 1983 decision had significant implications both within and beyond the American Reform movement. Despite the resolution having almost no discernable effect on Reform practice relating to children of interfaith families, its passage elicited significant response from the Jewish community, as evidenced by the amount of writings produced in the following years. One of the main concerns expressed by Reform Jews was the effect of the policy on *klal Yisrael*. Their fears proved justified, at least in regards to official condemnations. Every movement aside from Reconstructionism both emphasized their adherence to matrilineal descent and condemned the Reform movement for departing from precedent.

Demographic effects are more difficult to quantify. Logic tells us that the decision would either cause an increase in intermarriage or cause no effect. While the intermarriage rate has increased since 1983, without clear survey data proving that the decision influenced the behavior of Jewish men, we cannot draw any firm conclusions. However, survey data does support increasing outreach efforts to patrilineal families, who show far lower affiliation rates than any other cohort. It seems likely that the Reform and Reconstructionist movements' adoption of patrilineality allow them to better welcome these families compared to other movements.

Finally, the 1983 decision proves durable. Despite early calls to rescind the decision, the Reform movement never seriously considered a change in policy, even during the initial heightened criticism. Rather, the movement's leaders vigorously defended it. After more than 30 years, the principle remains firmly entrenched in the

Reform movement, with other movements remaining equally opposed. While the

decision remains no less controversial in the Jewish community, it has become an

undisputed reality unlikely to change in the future.

Conclusion

Despite being one of the most controversial issues of our time, much remains unknown about the evolution of Jewish identity. The Torah describes a decidedly patrilineal society in which identity followed the line of the father. Numerous accounts describe Israelite men marrying foreign wives and producing offspring fully embraced by the community.

At some point, matrilineal descent became the norm. Some date this change to the time of Ezra, in the 5th Century BCE, while others argue for a much later date. We do not know when the matrilineal principle became the norm, nor do we have proof for why. We do know that the Mishnah understands the matrilineal principle, as do later rabbinic sources. What happened in the interim remains a mystery.

However it came to be, the principle remained part of normative Jewish practice for thousands of years. Due to a range of factors, few Jews practiced exogamy. It was not until modernity that Jews began interacting with, and marrying Gentiles. As these marriages increased, so did pressure on rabbis to clarify the status of these marriages and the offspring they produced.

The Reform movement, which encouraged societal integration, grappled with these decisions. The first attempt came officially in 1947 when the CCAR ruled that any non-Jewish child could, in effect, "convert" merely by attending religious school along with his or her peers. This arrangement worked well for decades, integrating children of various backgrounds into the synagogue community.

As the 20th Century progressed, intermarriage rates continued to rise. The UAHC embarked on an outreach initiative primarily geared toward these families, encouraging them to explore Judaism. As part of these initiative, a committee formed to

examine the status of their children. In 1983, that committee presented its report, declaring that the child of one Jewish parent is Jewish, regardless of whether it is the mother or father.

Predictably, the Jewish world reacted by condemning the decision. In addition to these condemnations, the decision had very real consequences for Jewish pluralistic ventures, such as the community Beit Din in Denver. The decision also created a rift between the American Reform community and the greater international Progressive community.

Was the decision necessary? For decades, the Reform movement found a way to include patrilineal offspring seamlessly into their communities and without any noticeable objection from the greater Jewish world. As Bruce Goldwasser mentioned during the debate preceding the 1983 vote, "If it ain't broke, don't fix it." Was the system broke?

On the one hand, it quietly solved the problem of patrilineal offspring. On the other hand, it did so by quiet deception, "converting" Jewish children who saw themselves fully as Jews. There was a certain intellectual dishonesty to the compromise. The 1983 decision signaled, in the words of Alexander Schindler, (also during the discussion preceding the vote) "it is vital for us as Reform Jews always to say what we believe and to assert what we do—to be honest, never to pretend, to be always proud to proclaim what in fact practice."

The 1983 decision seems to have accomplished two main goals. First it signaled to interfaith families (and their children) that they were without a doubt fully welcome as part of the Reform community. Secondly, it sent a signal to the rest of the Jewish

world. For better or worse, it announced that the Reform movement was willing to break with a central tenant of normative Jewish practice, knowing full well that the decision would not be supported by other movements. In this sense, it displayed a resolute attitude of a movement willing to act unilaterally.

Unilateral action in itself is neither good nor bad. It is often risky. The Reform movement survived the initial criticism, and today rarely talks about the events of 1983. Patrilineal descent is a normative (Reform) Jewish practice. There are both positive and negative consequences of this reality. Regardless, the Jewish world is significantly different as a result of the 1983 decision.

Bleich, David J. "The Patrilineal Principle: The Crucial Concern." *Judaism* 133 (1985): 14-19.

Cohen, Boaz. *Jewish and Roman Law: A Comparative Study.* New York: Jewish Theological Seminary, 1966.

Cohen, Shaye. *The Beginnings of Jewishness.* Berkeley: University of California Press, 1999.

Cohen, Shaye. "The Origins of the Matrilineal Principle in Rabbinic Law." *AJS Review* 10 no. 1 (1985): 19-53.

Eichhorn, David Max. "Conversion: Requirements and Results." In *Intermarriage and Jewish Life,* edited by Werner Cahnman, 111-121. New York: Jewish Reconstructionist Press, 1963.

Ellenson, David, and Gordis, Daniel. *Pledges of Jewish Allegiance.* Stanford: Stanford University Press, 2012.

Ellenson, David. "The Integrity of Reform Within *Kelal Yisra-el.*" In *Central Conference of American Rabbis,* edited by Elliot Stevens, 21-32. New York: CCAR Press, 1987.

Epstein, Louis. *Marriage Laws in the Bible and the Talmud.* Cambridge: Harvard University Press, 1942.

Freedman, Samuel. *Jew vs. Jew.* New York: Touchstone, 2000.

Goldstein, Sidney. "American Jewry, 1970: A Demographic Profile." in *American Jewish Yearbook*, edited by Morris Fine, Milton Himmelfarb, and Martha Jelenko, 3-88. Philadelphia: Jewish Publication Society, 1971.

Goodman, Arnold. "Rationale for "Matrilineal" and the Failure of "Patrilineal." *Judaism* 133 (1985): 28-31.

Harlow, Jules ed., *Proceedings of the Rabbinical Assembly.* New York: The Rabbinical Assembly, 1985.

Hauptman, Judith. "Patrilineal Descent – An Examination of the Issue." *Judaism* 133 (1985): 46-49.

Hirsch, Richard. "Jewish Identity and Patrilineal Descent: Some Second Thoughts." *The Reconstructionist* 49 (1984): 25-28.

Jacob, Walter. ed., *Contemporary American Reform Responsa.* 61-68. New York: CCAR Press, 1987.

Jacobs, Louis. "There Is No Problem of Descent." *Judaism* 133 (1985): 55.

Kennedy, Ruby Jo Reeves. "What Has Social Science to Say About Intermarriage?" In *Intermarriage and Jewish Life,* edited by Werner Cahnman, 19-37. New York: Jewish Reconstructionist Press, 1963.

Marcuson, Isaac E, ed. *Central Conference of American Rabbis Fifty-Eighth Annual Convention*. Philadelphia: Jewish Publican Society, 1948.

Mayer, Egon. "The Outreach Movement: Making Judaism an Inclusive Religion." In *The Jewish Condition: Essays on Contemporary Religion Honoring Rabbi Alexander M. Schindler,* edited by Aron Hirt-Manheimer, 249-258. New York: UAHC Press, 1995.

Moore, George Foot. *Judaism in the First Centuries of the Christian Era.* Cambridge: Harvard University Press, 1962.

Patai, Raphael. *Sex and Family in the Bible and the Middle East.* Garden City: Doubleday & Company, 1959.

Schindler, Alexander M. last modified 2010. http://urj.org/about/union/history/schindler/?syspage=article&item_id=61140&printable=1.

Stern, Jack. "President's Message," in *Central Conference of American Rabbis,* edited by Elliot Stevens, 1-10. New York: CCAR Press, 1987.

Wertheimer, Jack. *A People Divided: Judaism in Contemporary America.* Hanover: University Press of New England, 1993.

Wertheimer, Jack. "Religious Movements in Collision." In *Jews in America: A Contemporary Reader,* edited by Roberta Farber and Chaim Waxman, 375-391. Hanover: Brandeis University Press, 1999.