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REFORM JEWISH ATTITUDES REGARDING INTERMARRIAGE IN
THE LIGHT OF HALAKHIC AND HISTORIC ANTECEDENTS

by

RICHARD ZIONTS

Thesis submitted in partial fulfillment
of the requirements for the Degree of
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DIGEST

The title of this thesis is "Reform-Jewish Attitudes Regarding Intermarriage in the Light of Halakhic and Historic Antecedents." This requires some definition of terminology. First of all, Reform refers to that movement in the United States and Canada which is also known in various countries as "Liberal" or "Progressive" Judaism. It is the more liberal wing of the Reformist school in Judaism, represented in America by Isaac Mayer Wise and David Einhorn and in England by Claude G. Montefiore and Israel Mattuck. It bears some relationship to the Reform movement of England but is not identical.

Second, the word "attitudes" in the thesis title is used to indicate practices and tendencies as well as verbal pronouncements and statements. These practices and tendencies are gleaned from the responsa of various outstanding scholars and leaders in the Reform-Jewish movement in America such as Kaufmann Kohler, Jacob Z. Lauterbach, and Solomon B. Freehof, as well as the other rabbis in the Central Conference who may differ in their approach.

Third, the word "intermarriage" as employed here does not mean a marriage between a Jew and a non-Jew who has converted to Judaism. A non-Jew who has converted to Judaism is considered, halakhically and historically, to be a Jew in all respects. The word "intermarriage" here means a "mixed marriage," i.e., a marital union between a Jew and an unconverted non-Jew.

The object of this thesis will be to show that the dominant trend within mainstream Jewish life has been to reject intermarriages with non-Jews in order to preserve and perpetuate Judaism while accepting sincere

converts who desire to embrace Judaism. It will be seen that this is still the dominant trend in present-day Reform Judaism in America, although there are some rabbis within the movement who will sanctify a mixed marriage, departing from the accepted norm of Jewish life.

The thesis will first consider the area of intermarriage from the historic aspect. It will be pointed out in the investigation of historic antecedents that the Bible is replete with examples of intermarriage, including the Patriarchs and Moses. Later, however, there seems to occur a development of a distinct religious consciousness within Biblical-Jewish life, believed by some scholars to coincide with the Deuteronomic Reformation and by others to occur with the Babylonian Exile. According to one scholar, Louis M. Epstein, whose thesis I have followed in this chapter, attacks against intermarriage occur at four periods in Jewish life: the Deuteronomic Reformation, the Restoration under Ezra and Nehemiah, the Maccabean Period, and the period following the Fall of the Second Temple. At all four periods, Jewish life faced some threat or crisis that imperiled its survival. The reaction against intermarriages was part of the Jew's effort to maintain his separate identity. Although more lenient statements and opinions occur with regard to non-Jews, these references stem from more liberal periods in Talmudic and Medieval times and permit no relaxation of the intermarriage prohibition. During the Medieval times, the Jew formed an autonomous state within the state and was subject to Church regulations concerning intermarriage. These many Church laws covering a period from roughly 500 through 1300, give testimony to the fact that there must have been some amount of intermarriage between Jews and Christians with or without

conversion. Entering into the emancipated phase of Jewish life following the French Revolution and Age of the Enlightenment, Judaism now faced the challenge of continued existence in a liberal, secular society where the individual Jew was freely accepted. It is during this period, up to the present time, that Jewish life faces its greatest challenge of maintaining its separateness in a free society, where social and cultural life lead towards conditions favoring intermarriage. The Reform movement, while following the Napoleonic Sanhedrin in recognizing civil marriage, tries to discourage intermarriage while cognizant that the modern Jew lives in a free, mobile, secular society and is a participant within that society. It does nevertheless, recognize that high rates of intermarriage are a serious threat to the continued flourishing of Judaism and the Jewish people.

The section dealing with the Halakhic antecedents clearly indicates prohibitions against intermarriage in great number from the Biblical through the Talmudic Literature. Throughout the Book of Genesis, on into the Historical Books of Joshua, Judges, Samuel, Kings, and Chronicles, it is pointed out that marriage with "foreign wives" leads to idolatry and eventual extinction. This point of view becomes even stronger with the Tannaitic and Talmudic periods. Tractate Abodah Zarah, for example, is replete with prohibitions against anything that might even lead to innocent social contact which, in turn, might lead to marriage with the Gentiles. Later, the same prohibitions against intermarriage are found in Medieval-Jewish Halakhic Literature, including the Codes of Maimonides and Karo. In both the Talmudic and Medieval Literature, however, it is permissible for a convert to Judaism to marry a born-Jew

or Jewess. Despite the effects of the Emancipation, modern traditional Judaism still maintains the old Halakhic regulation prohibiting intermarriage. Some of its leading spokesmen are even against conversion for the sake of marriage, following a particular trend in Talmudic thought. Some go so far as to blame the laxity and acceptance of such converts for the rising trend in intermarriage throughout the western world. The Conservative-Jewish and Reconstructionist-Jewish movements are, on the whole, more accepting of converts who are interested in marriage than is the Orthodox-Jewish movement. All of the more traditionalist movements, nonetheless, are opposed to performance of a marriage between a mixed couple where the non-Jewish partner remains unconverted.

In the section dealing with Reform-Jewish attitudes, it is shown how the movement emerged out of its European background reflecting the two trends: permissive and non-permissive. Adherents of the more permissive 1844 Braunschweig Conference, however, were in the minority, in the American Reform movement. The 1909 and 1947 C.C.A.R. Conferences came out in favor of discouraging intermarriage. Such outstanding scholars of the Reform-Jewish movement as Kohler and Freehof have pronounced against intermarriage in their responsa. Nevertheless, there are those Reform rabbis who do officiate at mixed marriages. This figure was estimated at 35% according to a 1943 survey taken by Leo Stillpass. This trend within the movement was particularly evident at the 1962 C.C.A.R. Convention in Minneapolis-St. Paul, Minnesota where several members of the Conference stood up on the floor to defend their stands on performing mixed marriages. Of particular interest was the paper read by Professor Eugene Mihaly in consultation with the special

committee on mixed marriage appointed by Rabbi Minda the previous year. Dr. Mihaly's paper set forth current problems and challenges confronting the Reform rabbinate with regard to intermarriage. The first of two recommendations was adopted by the Conference calling for a special committee to study the problem from a deep and wide scope in order that the Reform rabbinate might formulate some plan of action in dealing with the increasing trend towards intermarriage within American Jewry. The discussion during and after the adoption of the report was indicative of the wide variation of practice and attitude regarding intermarriage in the present-day American Reform-Jewish movement. Although the majority was opposed to performing or even participating in mixed marriage ceremonies, there was a sizeable number who defended their point of view. The majority felt that performance of mixed marriages was detrimental both to the survival of the Jewish people and to the Jewish religion. They also felt it would have damaging effects on the standing of the Reform rabbinate within the community. The minority felt that since Reform Judaism rejected the authoritarian nature of the Halakha, it could no longer base its stand on the traditional law. The Gentile who rejects idolatry and follows ethical commandments is viewed as a semi-proselyte to Judaism, e.g., the modern Christian. In any case, rejection of the couple would, in their opinion, be detrimental both to the future welfare of the couple and to Judaism. To reject them would be to chase them away from Jewish life altogether.

Nevertheless, both sides seemed to feel that a new approach to the entire problem was necessary. Pronouncements were not enough. A

more realistic appraisal of the total picture regarding intermarriage was definitely necessary.

The final section, the Epilogue, is that section where I have chosen to present my own summary of the situation in the light of recent sociological findings and reports as well as present my own point of view and predictions. It is the opinion of this student that Rabbi Bernard Bamberger's point of view on the matter and his proposal for action is the most relevant and practical one in view of present circumstances. Religion and religious unity must be stressed to the perspective mixed couple. The rabbi can afford to make no compromise in this area. I have found Rabbi Bamberger's view to be sound not only with regard to present circumstances but it is in line, I believe, with the mainstream of Jewish tradition and history. This does not mean that the Rabbi, in the opinion of this student, should solemnize a mixed marriage. To do so would be to do great harm to the perpetuation of Judaism and further degrade the role of the Rabbi within Jewish and general community life. We demonstrate our own faith in the importance of religion and Jewish religion by making of conversion a meaningful and inspirational experience. Mixed marriages will prove destructive to the future of present-day Judaism and the Jewish people. We need no apologetics in order to remain a dynamic, separate religious group. Our own self-respect will engender a healthy, profound self-respect on the part of our neighbors. This, in itself, may hold a possible solution to the problem of mixed marriages.

CHAPTER ONE

PROLOGUE

Today, in most countries of the western world, the Jew has achieved his dream of equal rights. The Jew, in most places throughout the free world, has won freedom, security, and citizenship rights. But the blessing is also accompanied by a curse: intermarriage and the threatened extinction of Judaism and the Jewish people. Since the emancipation of the Jew from the isolation and security of the ghetto, this problem has plagued the leaders of the people of Israel.

As stated in the "Digest" of this thesis, "intermarriage" here does not mean a marriage between a converted non-Jew and a born-Jew. "Intermarriage" here means a "mixed marriage," i.e., a marriage between a born-Jew and a non-converted Gentile. In such marriages, Judaism faces a loss rather than a gain to the heritage of Israel. Statistics show that in most cases, the children usually received little or no Jewish education or religious upbringing.

According to Ruppin, in a work written in 1913, Jews intermarry most frequently in those countries where they have been settled for several generations and have also achieved a high measure of prosperity. Added to this is the fact that in these countries, Jews are small in population percentage and their appearance in high Christian circles is usually not resented. Ruppin gives as examples such countries as Denmark, Italy, and Australia.¹

But today it seems that intermarriage is also rising in such countries that have a high Jewish population, i.e., the United States of

America. The growing rate of intermarriage is of grave concern to Jewish leaders throughout the world, particularly in America. There are certainly many factors leading to this occurrence. They include the rise of modern science with the resulting empiricism and religious skepticism that permeate the age, as well as the change in social conditions that affect the life of the Jews. They also include the growing acculturation and "Americanization" of the Jew in the United State or his "Anglicization" in England, etc.

It is not the purpose of this thesis to investigate the causes of intermarriage but only to discuss them as they relate to the Reform practices regarding intermarriage. Rather, it will be of interest for us to see how Reform attempts to cope with this problem compared with traditional attempts in the light of previous Halakhic and historic antecedents.

One thing should be stated from the beginning --- intermarriage is not simply a question of physical Jewish survival important as it is. It is the question of Jewish religious survival and one that relates directly to it. Conversions are one thing --- intermarriages are another. A rise in intermarriage between Jews and non-Jews is usually the sign of a declining commitment to Jewish religion and culture as well as to its continued survival through the Jewish people. There is a definite need today, perhaps more than ever, to provide our youth with a living Judaism, something that will have meaning in their lives and serve not only as a set of vague, universal ideals that have no specific relevance as Jewish values.

The growing concern today is represented by such an opinion as that of Rabbi Frederick C. Schwartz who states that it is necessary to bring a sense of concrete awareness of Judaism to our youth, an awareness of who they are and what they are. As he writes:

We in short will have to, in a concrete, tangible age, give more of the intangibles of Judaism to our youngsters. We will have to show its impact, its problems, its relevancy in their lives. And what rabbis, teachers, and parents will have to stop doing, difficult as it may be, is stop talking about the Jewish heritage...We are going to have to spell it out in specifics within an expanded religious school program.²

This thesis represents another part of the growing concern with the problem of intermarriage. It is the hope of the student that this thesis may form another building-block in the search to cope with intermarriage and help clarify the issues involved.

CHAPTER TWO

HISTORIC ANTECEDENTS

A. The Pre-Exilic Period

A study of Reform-Jewish attitudes regarding intermarriage would be incomplete without first undertaking a thorough investigation of the historic antecedents within Jewish life that pertain to it. It would be best to start with the earliest source material available to us, i.e., the documents of the Bible. As a repository of human experience, the Bible is replete with manifold incidents of intermarriage between the Hebrews and the surrounding peoples.

As one turns the pages of Scripture, one soon discovers that some of the leading Biblical characters and heroes took non-Hebrew women as their wives. Abraham himself married Hagar, an Egyptian,¹ and Keturah, also a non-Hebrew woman.² Jacob married Bilhah and Zilpah, both non-Hebrew women from whom there came four of the twelve sons of Israel, the fathers of the Jewish people.³ Dinah, Jacob's only daughter, had an affair with a Hivvite lover.⁴ Reuben, Simeon, and Judah each married Canaanite women.⁵ The great hero and visionary of Genesis, Joseph, took Asenath as his wife, an Egyptian woman who was the daughter of a priest of the pagan god, On.⁶

It is certainly well-known that Moses himself, the great prophet and leader of Israel, took Zipporah as his wife, herself a Midianite and the daughter of Jethro, the high priest of his people.⁷ It is reported that Moses later married a Cushite or Ethiopian woman as well.⁸ Another well-known example of intermarriage is mentioned regarding the

son of an Israelite mother and an Egyptian father, part of the "mixed multitude" that came out of Egypt, who blasphemed God and was brought before Moses for judgment.⁹ Thus, as it would appear from such Biblical evidence available to us from the Pentateuch, inter-ethnic marriages were quite common.

This reflects an existing situation in which intermarriage was motivated chiefly through close social contacts and relationships that inevitably occurred with surrounding tribes and peoples. According to Rabbi Dr. Jacob Raisin the tendency to intermarry increased with the entrance of the Israelite tribal confederacy into the Promised Land.¹⁰ This was coupled with the fact that the change from the nomadic state to the agricultural state brought a steadily increasing infiltration of foreign merchants and adventurers.¹¹ Upon further examination of the historical material in Joshua, Judges, Samuel, Kings, and Chronicles, we continue to find additional evidence with regard to intermarriage between Israelites and their neighbors. A primary example of this would be Samson, the famous hero of Judges. Samson took a Philistine woman from Timnah as his wife and later had an affair with the Philistine woman, Delilah.¹² With the gradual development of the monarchy as an institution, we find that foreign soldiers were hired as mercenaries. Scriptural evidence shows that there were Amalekites who fought in the ranks of Saul's own Israelite forces. This is also pointed out in one account in Second Samuel where a son of an Amalekite is seen as a messenger in David's army.¹³ Again, we find an Ethiopian in the same capacity of messenger.¹⁴ David, himself, married Maacah, the daughter of the king of

Geshur, a non-Hebrew.¹⁵ It is not startling, either, to discover that David's love affair and eventual marriage to Bath-Sheba involved his deliberate elimination of Uriah, Bath-Sheba's Hittite husband and a mercenary in the armies of Israel.¹⁶

Further on, we read of Solomon's marriages with foreign women.¹⁷ There is also an account of one of David's sons who married with Gentile women.¹⁸ According to the account in the First Book of Kings, the mother of Rehoboam was an Ammonitess.¹⁹ Somewhat further on, we read about Asa's mother who was also a non-Hebrew woman.²⁰ Ahab's wife was Jezebel, a Phoenician woman, who was responsible for fostering idolatry and pagan practices in the Northern Kingdom of Israel.²¹ In the second chapter of First Chronicles, we read of a certain Sheshan, who was without any male heirs and so, gave his daughter to his male Egyptian servant, Jarcha.²² Further on in First Chronicles, we read of a certain Mered who took Bithiah, the daughter of Pharaoh, as his wife.²³

It is evident, therefore, that such casual and easy tolerance of intermarriage with neighboring kingdoms and tribes produced much assimilation and later, as in some cases, loss of identity as Israelites. The thoroughness of assimilation is seen in the names found in the historical documents of Scripture, especially in Kings and Chronicles. These names are often Baalistic ones such as Eshbaal or Belyada, side by side in easy syncretism with Yahwistic ones.²⁴

B. The Post-Exilic Period

In the period following the Babylonian Exile, there seems to be a change in the over-all mentality of the Hebrew people. This new era,

known as the Post-Exilic period, continues through the end of Persian rule into the conquest of the Near East by Alexander the Great and the subsequent division of his vast domain into the Seleucid and Ptolemaic kingdoms. This Post-Exilic period of Biblical thought marks the stage of the development of a deeper group consciousness on the part of the people of Israel. This is clearly reflected in the legislation invoked by Ezra and Nehemiah against the high amount of intermarriage that occurred at that time.

It would be well, at this point, to refer to the paper presented by Professor Ephraim Feldman at the Central Conference of American Rabbis convention held in New York in 1909 and included in the C.C.A.R. Yearbook of that same year. Professor Feldman takes up the question of intermarriage, one of the main subjects of discussion at the 1909 conference. According to Professor Feldman, the periods designated by the Rabbis as Qodem Matan Torah and L'Apar · Matan Torah represent two distinct historical periods in the life of the people of Israel regarding intermarriage.²⁵

As he states:

We find that, as respects intermarriage, Jewish history divides itself into two periods, the one stretching from the earliest beginnings to the publication of the Deuteronomic Code in 621 B.C.E. or perhaps, to be more rigorously exact, to the time of Ezra; the other from then till the nineteenth century.²⁶

Professor Feldman continues:

These two periods may be roughly characterized by the familiar rabbinic dichotomy of and terms representing a real historic fact, if we render them somewhat paraphrastically, as respectively before and after

the maturing of a clear religious consciousness, and date the turning point about a thousand years later than the rabbis do.²⁷

In his opinion:

We shall find the first of these periods characterized by as great a laxity with regard to intermarriage with the alien, as the second is by an uncompromising severity in opposition to it.²⁸

Similarly to Professor Feldman's approach is that of Louis M. Epstein, formerly Rabbi in Boston, Massachusetts. Epstein is also of the opinion that the attitude towards intermarriage in Biblical times falls into two main periods. According to Epstein, the mild attitude towards intermarriage was pre-Deuteronomic, differing here slightly from Feldman. As he states, with reference to the Book of Ruth:

Such a mild attitude to intermarriage was natural for the Jews during the early settlement in Palestine. The nation was just being formed out of tribal groups and the distance between a Hebrew and a heathen was merely an of that between a Hebrew of the tribe of Judah and one of the tribe of Benjamin. Religious formulation was still in process.²⁹

He goes on to say:

Political and social mingling between the Hebrews and their neighbors was inevitable; covenants of friendship and mutual assistance were necessary for political security and peace. Non-Jewish clients were joined to Hebrew households; foreign slaves and home-born slaves often attained their freedom and grew naturally into the Jewish population. It could not be otherwise but that intermarriage should take on large proportions. Innocent of political treachery and of cultural dangers, the Hebrews of that period saw little objection therein save breach of the general rule of endogamy.³⁰

This attitude soon shifted, however, with the Deuteronomic period. It was here that intermarriage entered into its second phase. No longer was intermarriage a matter of social standards only. Now it became a matter of legislation, prompted by political frictions with neighboring nations and by antagonism to the ethically degrading culture of the surrounding idolator nations.³¹ According to Epstein, there were four definite attacks against intermarriage in Jewish history, all of which came in the wake of a widespread reformation which in turn, was inspired by a national crisis. The first was the Deuteronomic Reformation, the second came with the Restoration under Ezra and Nehemiah, the third with the Maccabean victory in the War of Independence of 168 B.C.E., and the fourth with the final fall of the Second Jewish Commonwealth in the year 70 C.E.³²

Examining Epstein's thesis, one finds great merit in the idea that prohibitions against intermarriage become particularly adamant during times of national crisis, when the entire survival of the people is threatened, whether by reason of external oppression or inner assimilationist influences.

This is certainly evident with the second great crisis in Jewish life, which occurred during the time of Ezra, ca. 445 B.C.E. It was during this particular phase, however, that racial motives characterized the legislation against intermarriage. Ezra was able to ride the crest of the wave of the reformation psychology which was re-inspired with the restoration edict of Cyrus and the reawakening of optimistic national aspirations. A pure Jewish nation both in blood and culture was the aim of this new nationalism. People not of pure Jewish origin or children

of mixed marriages were separated from the community in Judah and their status was like that of the Ger.³³

Thus, Ezra together with the legislators of his time, emphasized the prohibition against intermarrying with Gentiles, although the aim of this second phase was primarily racial purity rather than preservation of the purity and high ethical standards of the religious community, as in the prophetically-motivated Deuteronomic Reformation of a few centuries before.

The third period is rich in spiritual development. This period falls between the restoration of Ezra and the Hasmonean victory. According to Epstein, the prohibition governing intermarriage with non-converted Gentiles was recognized and, in fact, established for all time. A great universalistic emphasis was able to effect a milder attitude towards intermarriage with proselytes than that held by Ezra and his legislators. Now that the doctrine of racialism was beginning to lose ground, there arose a new *raison d'etre* with the appearance of a third crisis in Jewish life. This crisis culminates with the Maccabean victory against the forces of Antiochus IV and is, of course, reflected in the legislative strata reaching us from that period found in the Apocrypha and in early Tannaitic literature. Just as intermarriage was the logical focal point of Hellenistic teaching, so was the prevention of intermarriage the goal and purpose of the separatist teaching of the Hasmoneans.³⁴ Evidence of this may be found in the Apocrypha, in First Maccabees, which reflects the philosophy of the assimilative Hellenistic element in Judea at the time:

In those days lawless men came forth from Israel, and misled many, saying, "Let us go and make a covenant with the Gentiles round about us, for since we separated from them many evils have come upon us."³⁵

This corrosive philosophy not only paved the way for the total penetration of Hellenism into Judea but also led to a reaction against the laws governing marriage covenants with the Gentiles. As it states:

So they built a *gymnasium* in Jerusalem according to Gentile custom, and removed the marks of circumcision, and abandoned the holy covenant. They joined with the Gentiles and sold themselves to do evil.³⁶

With the Maccabean victory against the forces within and without, true to pattern there arose a new reformation psychology to counteract the assimilationist teachings of the Hellenists.

A number of ordinances, therefore, arose at that time and have been ascribed to the 'legislative councils of the Hasmoneans' whose purpose was to discourage intermarriage. Among them are included prohibitions against feasting with Gentiles,³⁷ against using Gentile wine or oil,³⁸ and a special ordinance which probably existed prior to the Hasmonean period, that of sexual contact with Gentiles even though it may be only of a promiscuous, temporary nature.³⁹ In fact, the Book of Jubilees shows undue severity towards intermarriage in that it prescribes a death penalty for the person who does it.⁴⁰

C. The Talmudic Period

This separatist tendency dominated Jewish life up to the fall of the state and was carried over into Talmudic law. The years of struggle against Rome, the final collapse of the Judean State, and the required

adjustment of the Jewish people to an organized existence without statehood or a Temple cult made a brand-new orientation to the Jewish-Gentile relationship necessary as part of a real practical program of facing up to the crisis.⁴¹ One sees the gradual development of this program during the years between 66 and 135 C.E., years of crisis, turbulence, and upheaval. The real problem now facing the Jewish people was: How would they preserve their solidarity among the nations of the world? How would the Jew now continue his existence as a separate and distinct entity under the trying conditions of dispersion? This crisis period was weathered courageously and intelligently, however, through the rich and dedicated leadership of such great personalities as Akiba, Yohanan ben Zakkai, and others. It was they who forged that legislation which aided the future survival and development of the Jewish people.

Although the motive of national solidarity and racial purity may have had their attraction and motivation in earlier times, the Tannaim of this period now saw fit to emphasize the religious element above the national repeating the earlier emphasis of the Deuteronomic Reformation. Viewing paganism as a detriment to the future development and survival of Judaism and the Jewish people, the Tannaim of this period inaugurated the fourth phase, one which has held sway up to the present time and is reflected in Rabbinic Literature.

Much of their anti-intermarriage legislation is found in the Tractate Avodah Zarah, which is filled with laws designed to counter-act the spread of paganism. The idea of these Tannaitic teachers was that any service helpful to the spread of paganism or to its rooting itself in the world was strictly prohibited. This, of course, included inter-

marriage, which in itself might lead to gradual assimilation into pagan practices and then, eventual extinction of Judaism and the Jewish people. Thus, on purely religious grounds, a considerable wall of separation was set up between Jew and heathen by these Tannaitic ordinances. Since marriage with Gentiles was held to be most dangerous, the wall of separation was further consciously strengthened by them with the object of discouraging any social contact. It was they who established the prohibition of intermarriage for all time and prescribed the penalty of Makkoth for its violation.⁴²

The most significant ruling by far, however, was to declare marriage between Jew and heathen not only prohibited but legally invalid. (En Qiddushin Tofsin⁴³) An intermarriage is invalid not because it is prohibited but because the heathen, like the slave or the minor, is incapable of contracting marriage within Jewish law, comparable to the ruling concerning the barbarian and slave in Roman law. According to Epstein, the Tannaim probably learned this principle from Roman law since they utilize Roman logic within the Biblical exegetical derivation.⁴⁴

After the days of crisis passed with the end of the Hadrianic persecutions, it seems that the Rabbis became more lenient with respect to the Gentiles. This is seen in the strata dating from this more peaceful period. It is reported, for example, that Judah Ha-Nasi's grandson, Rabbi Judah Nesiah, abrogated the prohibition against Gentile oil and his grandfather protested the prohibition against Gentile bread, introducing various extenuations.⁴⁵ These leniencies toward Gentiles, however, did not alter the strong opposition of the later Tannaim and Amoraim towards intermarriage.

Nevertheless, although the prohibition against intermarriage was never relaxed according to all historical evidence available to us, the Gentile who converted to Judaism was accepted as a part of the Jewish people. Furthermore, as Lauterbach mentions in his essay in the 1921 C.C.A.R. Yearbook, "The Attitude of the Jew Towards the Non-Jew," most of the severe prohibitions against social contact with Gentiles found in Talmudic literature stem from periods of savage persecution and oppression, crisis periods when Jewish life had to arm itself against total inner and outer disintegration. As he states, with reference to a statement in Qiddushin 66b , made by Rabbi Simeon b. Jochai:

R. Simon B. Johai, the author of this saying, who witnessed the cruel persecutions of the Jews by the Romans under Hadrian and who personally suffered greatly from the Romans...could not entertain any friendly feelings towards them.⁴⁶

Lauterbach goes on to say:

For we of the present generation know very well to what exaggerated expressions of hatred even very good and kind-hearted people can be driven by the excitement during time of war.⁴⁷

Thus, such statements are only too reflective of a man's bitterness in having been witness to the savage cruelty and atrocities of the Hadrianic persecution. It is well-known that the Tannaim themselves always made a distinction between the Gentile who worshipped idols and the one who renounced idolatry and practiced the Seven Commandments of the Sons of Noah, known as the Noahite Laws. Such Gentiles are considered semi-proselytes and are considered to be in a special class by the Rabbis. Later, many Rabbinic opinions place Christians and Moslems in this category

since they followed the worship of the One God and accept ethical principles.⁴⁸ Thus, there is growing feeling that not every Gentile was a heathen nor that contact with him was to be avoided.

D. The Medieval Period

Nevertheless, the restrictions regarding intermarriage with Gentiles were never relaxed. The Gentile, no matter how elevated in ethical living or in acceptance of monotheism, was still a Gentile until formally converted. The principle that marriage between Jew and Gentile was invalid still held force and was never relaxed.

This position still held force throughout the medieval period and became the accepted way of life. As Epstein states:

For approximately eight centuries of fuller communal Jewish life in Europe, this attitude to intermarriage remained stable and unchallenged because it was consonant with the political and social position of the Jew.⁴⁹

The Jew was part of a 'nation within a nation' during the Medieval period, in both Christian and Islamic lands. As part of a fully autonomous state in exile, the Jew had to live among his own and conform to the standards of his community where intermarriage with Gentiles was condemned and prohibited by Jewish law.

Thus, in Medieval times, the state was a fully Christian state, governed by Church-inspired laws. Logically, the Jew or any other non-Christian in this type of society could never be a citizen. Marriage, considered a state sanction, was still in the hands of the Church. Thus, both practically and theoretically, the Jew could never marry a Gentile

since he would surely encounter severe laws prohibiting marriage between Christians and Jews or any non-Christian. This is evident from the historic sources of the times, especially in the laws of the early Byzantine Empire, regarding Jewish subjects.

According to Raisin, these historic Church laws give ample testimony to the fact that there was considerable social contact between Christians and Jews, especially in that early Medieval period within the early Byzantine Empire, as well as within the domains of the Western Roman Empire.⁵⁰ At any rate, they testify to the fact that there was always some social intercourse between Jew and Gentile. Even more than this, they offer ample testimony to the fact that the mere passage of legislative prohibitions did not curb intermarriages and conversions to Judaism in either Christian or Islamic lands. Despite the severe penalties which might be incurred from such action, it is evident that these laws did not prevent Jewish-Christian relationships from developing or keep non-Jews from embracing Judaism even in periods of dark persecution.

The earliest of these pieces of legislation that one finds is that decree of the early Byzantine emperor Constantius, issued in 339, which sets forth the death penalty as the punishment for intermarriage. As it states:

This pertains to women, who live in our weaving factories and whom Jews, in their foulness, take in marriage. It is decreed that these women are to be restored to the weaving factories.

This prohibition is to be preserved for the future lest the Jews induce Christian women to share their shameful lives. If they do this they will subject themselves to a sentence of death.⁵¹

This ruling is repeated in the Theodosian Code, published by the Byzantine emperor Theodosius II in 388, which states as follows:

No Jew shall receive a Christian woman in marriage, nor shall a Christian man contract a marriage with a Jewish woman. For if any person should commit an act of this kind, the crime of this misdeed shall be considered as the equivalent of adultery, and freedom to bring accusation shall be granted also to the voices of the public.⁵²

This law was again promulgated by the emperor Justinian at the Council of Aurelia in 533 and reads as follows:

Placuit ut nullus Christianus Judaeam neque Judaeus Christianam in matrimonio ducat uxorem, quia inter huiusmodi personas illicitas nuptias esse censemus. Qui si commoniti a consortio hoc se separare distulerint, a communione gratia sunt sine dubio submovendi.⁵³

Later Church councils set forth communication as the penalty for those Christians who dared to intermarry with Jews. The Council of Toledo in 589 held forth that the children of such intermarriages would be taken into the Church and baptized.⁵⁴

Another example of the hostility of the Medieval Christian state regarding intermarriage and social relationships with Jews is found in the well-known Las Siete Partidas. This code, drawn up in 1265 by King Alphonso X incorporated many laws which had originated in the early Byzantine and Western Latin Empires. It is interesting to note that The Seven Part Code of the enlightened Alphonso X retained the same harshness of the earlier legislation and was particularly strict in regard not only to marriage between Jews and Christians but also with regard to any sexual or social intimacy that might occur out of marriage. As it states:

We forbid any Jew to keep Christian men or women in his house, to be served by them; although he may have them to cultivate and take care of his lands, or protect him on the way when he is compelled to go to some dangerous place. Moreover, we forbid any Christian man or woman to invite a Jew or a Jewess, or to accept an invitation from them, to eat or drink together, or to drink any wine made by their hands. We also order that no Jews shall dare to bathe in company with Christians, and that no Christian shall take any medicine or cathartic made by a Jew; but he can take it by the advice of some intelligent person, only where it is made by a Christian, who knows and is familiar with its ingredients.⁵⁵

The new law following this one in its section, deals with the case of a Jew who has sexual intercourse with a Christian woman:

Jews who live with Christian women are guilty of great insolence and boldness, for which reason we decree that all Jews who, hereafter, may be convicted of having done such a thing shall be put to death...nor do we consider it proper that a Christian woman who commits an offense of this kind shall escape without punishment.⁵⁶

According to the historian Graetz, the yellow badge was introduced by a decree of the Fourth Lateran Council of 1215 to prevent intermarriages or any social contact between Jews and Christians by making Jews appear different and conspicuous in their dress, thus setting them off from other people.⁵⁷ According to Abrahams, the Jews of the Middle Ages were as strict in their relationships with Christians, men and women. When any offenses of a sexual nature did occur between Jews and Christians, the guilty Jewish parties were rigorously suppressed and punished by the Jewish authorities, who exercised their full powers to keep a high standard of purity and morality.⁵⁸ Although offenses of a sexual nature between Jewish masters and their female slaves did occur from time to

time, the penalty exacted by the Jewish authorities was a severe one.⁵⁹ According to the Responsa Literature on this subject, the slave was taken from her owner, sold, and her price was then distributed among the poor. The offender himself was to be flogged, his head was shaved, and he was put into a condition of excommunication for thirty days. The owner, as offender, could escape the penalty by giving his female slave her liberty and recognizing her son as his legitimate heir and offspring.⁶⁰

Nevertheless, despite all legislation, even in the darkest days of persecution during late Medieval times following the massacres and oppression of the Crusades and severe anti-Jewish laws enacted in Western and Central Europe, social contact and even marriage did not cease. According to a passage in the famous Sefer Hasidim 377 of Rabbi Judah the Pious, it may be deduced that some intermarriage did occur. The passage reads:⁶¹

כל שיש לו זה טוב ואזרח גיורת יש זה זה
טוב וצנועים וגומלי חסדים ונשיאים במשא ומתן
מוטב לעתידות הנצחיים מאשר חתן הנצח ישראלי
שאין בהם אצל פחדות ופי שפירא שגל יבין
צדיקים וטובים.

It should be noted, however, that the wife is referred to as a גיורת showing that intermarriage was not approved. In accordance with the traditional position, the union between Jewish and Gentile partner was recognized if the Gentile partner embraced Judaism.

E. The Modern Period

With the Age of Enlightenment and the French Revolution, however, the political and social situation of the Jew changed. The state became secular, divided from the control of the Church and the Jew became a

citizen in the full sense of the term. The ghetto walls fell and the Jew now began to mingle freely with his Gentile neighbor, especially in America and Western Europe. For over a thousand years, the Jew was a person apart, a member of a state within a state. The Jew made every attempt to enjoy his new environment and take full advantage of the liberal tendencies of the age. But now he faced a new challenge and difficult adjustment. For now that the state would permit and sanction civil marriage, the Jew now had to face the task of adjusting to this new and quite revolutionary reality in his long history.

Furthermore, not only would state sanctions permit intermarriage but the social contacts under the new spirit of liberty, equality, and fraternity would encourage it. The Jew now began to view the Christian as his friend and fellow-citizen. He saw him as his equal in secular knowledge, manners, and social customs. A third factor was that the authority and autonomy of the traditional Medieval Kehillah was becoming an entity of the past. The old Rabbinical power to enforce religious adherence in such matters as Shehitah, Kashruth, Sabbath and Festival observance, as well as marriage and divorce was now greatly weakened by the major changes and upheavals following in the wake of the Age of Enlightenment and the French Revolution.

The first attempts of the Jew to deal with the challenge of modernity and the secular age was undertaken by the Great Sanhedrin of 1807, convened by order of the Emperor Napoleon I at the Hotel des Invalides in Paris. Perhaps one of the most fundamental changes in Jewish life was that this assembly of prominent French rabbis and lay

leaders gave its assent to the validity of marriages between Jews and Christians contracted through civil authority. On the other hand, it expressed opposition to intermarriage in its basic sentiment as well as in practice by ruling that no rabbi should officiate at such intermarriages. Thus, while freeing Jewish religious leadership from the guilt of such a break with tradition, it opened the way and set the pace for modern Jewry in assenting to the validity of civil marriages, something quite revolutionary in Jewish life.

A further historical development is represented by the Braunschweig Conference held in that German city in 1844. The conference was dominated from all indications, by an assimilationist tendency within the Reformist ranks that consciously aimed at destroying the wall of separation between Jews and Christians. Of course, it must be remembered that this was the tendency of many of the early Reformists, particularly lay societies. At any rate, it was the majority consensus at that early Reform conference that intermarriage between Jews and Christians should not be forbidden provided that the parents were permitted by state to bring up the offspring of such marriage in the Jewish faith. It should also be noted that certain extremists at that conference wished to press the matter further and specify in the adopted resolution that the rabbi would be permitted to solemnize such intermarriages. The conference, however, refused to go that far in its resolutions.⁶²

Although certain individual members of the Reform rabbinate, such as Samuel Holdheim of Germany and Emil G. Hirsch of America, did adhere to the radical position of the Braunschweig Conference, the general tendency among Reform rabbis, in both Europe and America, was to recognize

such marriages from a civil standpoint (as did later Orthodoxy) but not to solemnize them religiously. As it happened some years later, the Braunschweig position was repudiated openly at the Augsburg Synod of 1871 and the author of the original resolution himself, Ludwig Phillipson, later modified his original views.

In the United States, pronouncements against intermarriages came in great abundance from such noted Reform leaders as Isaac M. Wise, David Einhorn, Kaufman Kohler, and Moses Mielziner. The Reform rabbinical conference of 1909 and 1947 both took strong stands against intermarriage and advocated their discouragement within the Jewish community. At present, the American Reform-Jewish movement is seriously concerned with the problem of intermarriage and its effect upon the future of Judaism and the Jewish people. A special committee was established following the discussion and resolutions adopted at the 1962 C.C.A.R. Conference. It was the purpose of this committee, headed by Professor Eugene Mihaly of the Hebrew Union College-Jewish Institute of Religion in Cincinnati, Ohio, to further investigate the matter of how best to deal with the rising rate of intermarriage within American Jewry and to formulate some basic approaches to the problem of handling such cases when they occur.

Historically, from all present indications in western society, it seems that intermarriage between Jew and Christian will continue, perhaps gradually increase over the years. Legislation is not sufficient to check it, as evidenced by the severe Nazi Nuremberg Laws of 1935. A throwback to the Medieval legislation of earlier times, the Nuremberg

Laws prohibited intermarriage between 'Aryans' and 'non-Aryans,' specifically Jews. After the eradication and final destruction of Nazi Germany in 1945, these laws had little after-effect since intermarriage is still quite common and high within Western European countries, including Germany.

A high rate of intermarriage is still considered by most as a threat to the continued development and existence of Judaism and the Jewish people. High rise in intermarriage is usually the indication of a lack of commitment to Jewish life or to the Jewish people. The high figure in such countries as Italy before the Second World War point to this. Thus, new measures and approaches in consonance with the modern age will have to be found in order to check the high climb in intermarriage which already appears looming on the horizon. Historically, we know that Judaism cannot exist without the Jewish people. This, in itself, is cause for concern.

SUMMARY

In summation, it is possible to see how the Jewish people, from earliest Biblical times to the present, gradually developed its attitude toward intermarriage. Judging from early Biblical source material, there seems to be an easy tolerance towards intermarriage. With the development of a distinct religious consciousness however, during the Deuteronomic Reformation and the Babylonia exile, this more permissive attitude changed. Subsequently, whenever confronted with a crisis that imperiled its survival, Judaism strengthened itself by prohibiting intermarriage, thereby seeking to maintain its separate identity. The reaction towards intermarriage finally crystallized during the Talmudic period and was carried on into the Medieval

period as well. With the emergence into the modern period of Jewish history, Jewish life has found it necessary to meet the challenge of existence in a liberal society, where intermarriage could easily occur. This tension between full social and cultural participation without complete assimilation and maintenance of separate identity without complete isolation is one of the most powerful challenges confronting the modern Jew.

CHAPTER THREE

HALAKHIC ANTECEDENTS

A. Biblical Legislation

The traditional Halakha has its roots in the Bible, the basic source of all Rabbinic thought. From earliest times, it seems that the leaders of the Jewish people felt concern about their sons and daughters taking wives from among their pagan neighbors. This aversion to intermarriage with alien peoples is definite enough in the pre-deuteronomic family records of Israel. One finds it in the case of Abraham who causes his trusted servant, Abimelekh, to go to Padan-Aram and there find a wife for Isaac among his own kin.¹ It is also seen in Rebecca's sending Jacob away from his parental home and in Isaac's exaction of the promise that he will not take a wife from among the women of Canaan.²

Further on, we see where Esau's marriage to Hittite women brought anguish to his parents³ and the sons of Jacob spoke truthfully that they considered a disgrace to their family to have their sister marry one who is not circumcised.⁴

There is also the strong Mosaic prohibition in Deuteronomy against intermarriage with the seven nations of the land of Canaan⁵ which is also found in the Book of Exodus. In both places, the explanation is given that intermarriage will cause the Israelites to follow the idolatrous practices of their Gentile neighbors and will be punished by Divine wrath.

Other interdictions against intermarriage continue throughout the rest of Scripture. We have, for example, in the Book of Joshua, a fierce pronouncement against making marriages with the Gentile nations of Canaan

after the conquest of the land.⁶ In the Book of Judges, the author attributes the punishment that befell the people of Israel to the fact that they began to intermarry with the surrounding peoples and follow their idolatrous ways.⁷

This is also the same opinion of the author of the other historical work of First Kings, where the author also attributes Solomon's foreign wives as the cause of his going astray and backsliding into idolatry.⁸ We also find two references in the Book of Malachi, attacking the practice of intermarriage, pointing out that because the people have taken Gentile wives they have been led astray into pagan, idolatrous practices.⁹

Perhaps the strongest interdictions against intermarriage found in Scripture, outside of Deuteronomy, are found in the Books of Ezra and Nehemiah. According to Mielziner, both were actuated by the desire to preserve the integrity of both the people and the religious heritage of the Jewish people, at a time of severe crisis.¹⁰ This is why they extended the Mosaic prohibition of intermarriage with the original seven Canaanite nations of the Land of Israel so as to include all the pagan nations of the country and compelled those who had entered into such marriages to separate from their Gentile wives.¹¹

Nevertheless, we do have the beautiful and idyllic Book of Ruth, which stands out in Scripture as the example of the ideal proselyte, i.e., the ideal Gentile women who can sincerely and profoundly become an integral member of the people of Israel. According to some scholars, this biblical book was written as a strong protest against the severe and harsh measures of Ezra and Nehemiah who compelled the people to divorce any Gentile wives.¹² It might be well to mention that Ruth's famous

pronouncement to her mother-in-law Naomi, has become part of the standard conversion ceremony for both the American Reform and Conservative-Jewish movements, found in the Rabbinic Manual of each group. It is also a part of the conversion ceremony of the Liberal-Jewish and Reform-Jewish movements of Great Britain.

In summation, then, we might say that the Biblical view towards mixed marriages is largely one of condemnation, with the exception of the sincere proselyte who joins the community as a whole-hearted Israelite. The predominant view is motivated by the fear that intermarriage will weaken the religious integrity of the people since increased intimacy with the Gentile neighbors might cause the Israelites to imitate and eventually assimilate the idolatrous and pagan practices, thus causing the extinction of Judaism after some time.

B. Talmudic Legislation

Entering into the Talmudic period we find the same view maintained with regard to intermarriage based on the predominant Scriptural attitude. The Halakha now assumes a wider range of instances in order to cope with changing need and conditions. As was pointed out in the previous chapter dealing with historic antecedents, the legislation against intermarriage arises from periods of crises and reform-revitalization movements when the entire existence of the Jewish people was threatened. The intermarriage legislation is only part of a wider picture of reform and revitalization needed in order to preserve and perpetuate both the Jewish people and its religion.

But, as Epstein points out, where it was once permissible for a man according to Biblical legislation to take a female war captive as his wife or concubine, this picture changes completely with the Talmudic period.¹³ As he explains, it was with the Maccabean victory that such legislation as that of Sanhedrin 82a was passed. This passage, based on the incident in the Book of Numbers with Phineas who slew the Midianite woman and her Israelite lover, arose at a time when it was absolutely essential to preserve the integrity of the Jewish people. Even illicit sexual contact between Jew and Gentile would lead to the moral disintegration of the people. Thus, not only intermarriage but any kind of sexual intimacy was prohibited during these times and the Halakha was held for all time. As Epstein states:

פקדונה היונית של ההיסטוריה היהודית
 פיו כנראה, פירושם המיידי, שהן יהודים זכרים אחרים.
 אולי עם נצחון פחאמוסאים... דבר ועיניו את
 פקדנה המינית זכרים.

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This Halakhic regulation was later re-iterated in Shabbath 17b and Abodah Zarah 36b and is dated to the time of the destruction of the Second Temple, the period of great crisis comparable to the threatened extinction of the Hellenistic period.¹⁵ It was also repeated in the Mishneh Torah of Maimonides in Hilkhos Isure Biah, with the same severe penalty for transgression.¹⁶

With regard to intermarriage, of course, the Tannaitic and Amoraic Halakha is strongly opposed. On the whole, the basic Biblical ground-rules are adhered to with little room for less stringent policies.

There is, for example, the source material in Tannaitic Literature which forms part of the early strata of Talmudic thought. In Mishnah Yebamoth, we come across the ruling that a Jew already living with a Gentile woman may not marry her even if she converts:

הנשואין ביהודה ובלבנה ובלבנה ובלבנה
 17 ונתת יורה - דברי חזקוני יבמות.

It should be mentioned that this Tannaitic principle has been used frequently by many traditional Rabbis as the basis for their rejection of accepting couples for conversion where the Gentile partner has either lived with the Jewish partner for some time or where they were married by a civil magistrate in countries where civil marriage is recognized.

Nevertheless, any individual with the requisite sincerity and knowledge and who is desirous of conversion to Judaism, may enter the community and once accepted, is considered a full Jew or Jewess in every respect. In Mishnah Qiddushin there is a table of permissible intermarriages that tells of the ten classes of Jews who returned from Babylonia and went to the Land of Israel to live. Among these are mentioned those classes with whom Israelites and Levites are permitted to intermarry:

עשרה יוחסין צאן מבעל: כהני, לוי, ישראל, חז"ל, גירי, וחרורי, ממזרי, נתיני, שפירי, ואמוסי.
 כהני, לוי, ישראל, חז"ל, גירי, וחרורי, ממזרי, נתיני, שפירי, ואמוסי.
 18 חז"ל, גירי, וחרורי, ממזרי, נתיני, שפירי, ואמוסי.

So far, there is no indication in Tannaitic Literature that a Gentile, once fully converted and accepted into the Jewish community, may not be considered a full Jew or Jewess in every respect, permitted to

marry with Israelites and with Levites but not with Priests. Though not opposed to full proselytes intermarrying with the majority of the community, the Tannaim stand definitely opposed to any form of intermarriage where the Gentile partner has not been converted.

Nevertheless, the offspring of a mixed marriage is not considered 'Illegitimate' in the eyes of the Mishnah. The principle, stated in Yebamoth, specifically applies the term mamzer to a) a child born out of an incestuous relationship, i.e., between a man and a married woman, or b) a child born out of an incestuous relationship, i.e., marriage between two parties whose sexual relation is forbidden by Biblical and later Rabbinic law. E.g., Nephew and aunt, niece and uncle, son and stepmother, etc. As the Mishnah states:

איננו מחזקין? כל שאר כשר שפוא ה"א יבא"
 דברי ר' עקיבא. שמעון פתיאני אומר: כל שחביב
 עליו כרת בידי שמים. והלכה כדבריו. 19

And, again, this principle is related in Tractate Qiddushin where it states:

כל מקום שיש קידושין ואין עברה - הולך פועל
 אחר פועלו...
 וכל מקום שיש קידושין ויש עברה - הולך פועל
 אחר פועלו...
 וכל מי שאין לו קידושין. אביו יש לו קידושין
 קידושין - הולך אחר אביו? לא, אלא אחר אמו
 פצויות שבתורה. וכל מי שאין לו קידושין וכו' 20

Here, the child follows the origin of the mother, in a case where

neither partner is married. Such a child of such a union is not considered a mamzer but, as in the case of any union between a Jew and Gentile woman, the child follows the mother's origin and is considered to be a Gentile.

In the Tosefta Qiddushin, there is a case in which the validity of the Biblical prohibition against Egyptians, Edomites, Moabites, and Ammonites is discussed. In a record of a debate between Rabbi Judah and Rabbi Akiba, Akiba goes on record as stating that since Sennacherib's time (i.e., the Assyrian Period), the nations of the Biblical period have been confused and scattered, so that the original Moabites or Ammonites prohibited in the Biblical are altogether different stock:

וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי
וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי
וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי
וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי וְהַיִּזְרְאֵלִי

This, in effect, is an annulment and departure from the original Scriptural prohibition against allowing the proselytes to 'enter the congregation of the Lord' until the third or fourth generation. Thus, we see a definite modification of Scriptural policy within the Mishnah, i.e., intermarriage with other Israelites.

The Talmud, in its discussions, continues with the same problems that the Mishnah and Bible dealt with. In Tractate Berakhoth 28a, there is another version of the preceding Tosefta selection from Qiddushin a certain Ammonite proselyte, Judah, came before Rabbi Gamliel and Rabbi Joshua while they were in the House of Study. According to the incident as related in the Talmud, the proselyte asked for official permission 'to enter the congregation' (of Israel). Whereas Rabban Gamliel refused

the Talmud relates how Rabbi Joshua argued for his acceptance, basing his argument, in the main, on the opinion given by Rabbi Akiba in the Tosefta material:

22 *הוּ הָיָה בֵּא יְהוֹדָה עַל שְׁמוֹנִי שְׁמִינִי
בְּבֵית שְׁמַרְטָל. אָמַר יְהוֹנָתָן: מִי שֶׁ
לֹא בָקָה וְכוּ*

Thus, as in the Tosefta incident, we see evidence of a gradual liberalization towards the acceptance of proselytes from the peoples forbidden by Scripture, and a lenient view towards contact with them.

The Talmud follows the Mishnah's policy of considering the offspring of a mixed marriage, i.e., union between Jew and unconverted Gentile, as following the origin of the mother. As it states in Qiddushin:

*הֵנָּה הִיא מִשְׁרָאִית קָרוֹי הֵנָּה, וְאִין הֵנָּה הִיא מִן
הַצִּוְּרִית דּוֹכָבִים קָרוֹי הֵנָּה אִילָן הִנֵּה. אָמַר רַבִּינָא:
שׁוֹמֵר הֵן בְּחֵץ הִיא מִן הַצִּוְּרִית דּוֹכָבִים קָרוֹי הֵנָּה.*

It is interesting to note that Rashi's comment to this is that if the Gentile partner converts, he is considered a full Jew and allowed to marry within the Jewish community. *(לֹא בָקָה)*

Due to the conditions of social upheaval and unrest which prevailed in Palestine during the Roman persecutions and occupation, there was probably frequent rape and defilement of Jewish girls, married and un-married. In Tractate Yebamoth, we have testimony of the fact that even if an un-married Jewish girl has co-habitation with a Gentile, her offspring is still considered kosher:

*עוֹרֵר דּוֹכָבִים וְעוֹרֵר הִיא מִן הַצִּוְּרִית דּוֹכָבִים
הוּא כֹּהֵן... 24*

Such a ruling added, no doubt, to the honor and protection of Jewish women during such troubled times and subsequent periods of upheaval and frequent violence.

Thus, we see that while intermarriage itself, while not encouraged and heavily disparaged, was considered kosher as long as the Gentile partner converted and did so beforehand. In the case of a mixed marriage, the child, while not considered illegitimate in the eyes of the Halakha, was not considered Jewish at all if the offspring between a Jew and an unconverted Gentile woman. The offspring of a Gentile man and a Jewish woman was considered kosher on the principle that Ha-W'lad K'motah, 'the child follows the mother.'

Nevertheless, there is a view in the Talmud that prohibits conversion of a Gentile to Judaism purely for the sake of marriage. According to this view, these are converts who do so not out of conviction but out of ulterior motives and should not be accepted. As it states in Yebamoth:

אחד איש אומר ואלו הן המעשרים ואחד אומר ואלו הן המעשרים
 ואחד אומר ואלו הן המעשרים ואחד אומר ואלו הן המעשרים
 ואחד אומר ואלו הן המעשרים ואחד אומר ואלו הן המעשרים
 25 ...

A number of passages occur in the Talmud that stand against intermarriage in general and advocate the prohibition of close contacts between Jewish men and Gentile women that might lead to such intimate relationships. Here, 'intermarriage' is probably meant in the sense of a 'mixed marriage' since it is taken for granted that intimacy precedes any conversion or thought of embracing Judaism.

One such passage is found in Tractate Shabbath where it states

that the purchasing of certain food made by Gentiles is forbidden, including even bread and oil. Mishum Benothem etc., that is to say, such activity might lead to the most intimate of relations and thus, provide the easy road toward intermarriage, or, in this case, mixed marriage.

... וְעַל יִינֵם מֵאִם בְּנוֹתֵיהֶן וְעַל בְּנוֹתֵיהֶן מֵאִם
דְּבַר אֲחֵר וְעַל דְּבַר אֲחֵר מֵאִם דְּ"ס בְּנוֹתֵיהֶן וְכו' 26

Another passage, found in Tractate Bezah follows the same point of view by prohibiting the purchase of certain foods cooked by Gentiles, in an effort to prevent over-familiarity or intimacy which might lead to mixed marriages. An exception is made, however, in the case of small varieties of salted fish:

אֲמַר רַב אִסֵּי אֲמַר רַב: דָּגִים קְטָנִים מְלֻחִים אֵין בָּהֶם מְלֻחַ
גָּדוֹל כְּכֵלִים" 27

Again, in Tractate Abodah Zarah, we read where the Sages prohibit drinking of wine with Gentiles since this might arouse the desire of the Jewish men towards their women. Here, as in the preceding citations, the expressed fear is that such unions might lead to mixed marriages where the Jewish party would be led into heathen idolatrous practices:

אֲמַר אֲבִימִי לְדָבָר מְלֻחִים דְּרַב: כֵּתָן, וְאֲמַר
וְיִינֵן וּבְנוֹתֵיהֶן כֵּן מְלֻחִים דְּבַר דְּבַר בְּנוֹתֵיהֶן
וְאִי כִּי אֵין רַב נִחָא בִּי צִחָק: גָּדוֹל בְּנוֹתֵיהֶן
נִידוֹת מְלֻחִים. וְהֵבִיאוּ מְלֻחִים דְּבַר אֲמַר: כֵּן
מֵאִם עֲבוֹדַת כּוֹכָבִים גָּדוֹל כֵּן 28

In the same place, we find further on that the Rabbis decree that the bread, oil, wine, and 'their daughters' (i.e., the daughters of the Gentiles) are all included in the eighteen forbidden matters with

Gentiles. The question is raised as to why the daughters are forbidden and the answer is given by Rav Naḥman Bar Yizḥak in the name of Rav who states that they are forbidden because of the principle not only of their not observing the rites of purification properly and regularly but also because of the possibility of their introducing Abodath Kokhavam, i.e., idolatrous practices into the home and bring the Jewish partner over into idolatry and heathen practices:

פית, וסוגן, "נ, אבותיבן כהן
בנותיל, לא, פיסא... חומ
וכ', 29

Likewise, the beer of heathens is also forbidden because it might lead to seductive practices and intimacy and thence, on to mixed marriage. Here, the Rabbis specifically state that such intimacy is prohibited 'Mishna Hathnuth':

prohibited 'Mishum Hathnuth': אִנְחֵי מַה שֶׁכָּל עוֹלָם חֲסִידֵי
 כֻּבְּרִים? רַמִּי בֶד חָטָא אִתּוֹ דִּבִּי³⁰. חֲסִידֵי חֲתָנוּת.

Likewise, the same feeling is expressed in another section with the prohibition of close social intercourse which might result in mixed marriages:

אמר רבי: כמה נאסר בת ^המלך? מה לא חכמים
לאסרה? מה לא חכמים? אמר דתנות. ³¹

C. Medieval Legislation

The opinion of the Medieval Rabbis was not so very different from the main ideas of the Talmudic period. Medieval Rabbinic thought, on the whole, substantiates the opinions of the Talmudic period.

enlarging and developing them. The Mishneh Torah, Yad Ha-Hazaqah of the Moses Maimonides, contains much of the same sentiment expressed in the Halakha of the Talmudic period.

Maimonides quotes the same source given in the earlier Tosefta concerning permission to intermarry with proselytes from these peoples:

כַּלְדָּאֵי סוּסֵי מִלְכָּא אִשְׁכּוּזֵי כַּלְדָּאֵי
 פֶּלִיטִים וְצִדְדִים וְכִנְיָא וְכִנְיָא אִשְׁכּוּזֵי מִלְכָּא
 32. וְכִנְיָא פֶּלִיטִים אִשְׁכּוּזֵי מִלְכָּא אִשְׁכּוּזֵי מִלְכָּא

The great codifier also emphasizes the fact that in a case of a mixed marriage or union between Jew and unconverted Gentile, the child, as stated in Yebamoth 45b, always follows the status of its mother:

עַל כֵּן וְצִדְדִים וְכִנְיָא אִשְׁכּוּזֵי מִלְכָּא
 33. כִּנְיָא כִּינְיָא אִשְׁכּוּזֵי מִלְכָּא אִשְׁכּוּזֵי מִלְכָּא

The same is however different for the child of a Jewess or Jew and a converted Gentile. According to Maimonides in the Yad, the child is to be considered a Jew in every respect:

עַל כֵּן וְצִדְדִים וְכִנְיָא אִשְׁכּוּזֵי מִלְכָּא
 34. כִּנְיָא אִשְׁכּוּזֵי מִלְכָּא אִשְׁכּוּזֵי מִלְכָּא

Rashi's commentary to the Talmud provides us with some interesting and enlightening insights in this problem area. In every instance where the preceding citations from the Talmud, particularly Abodah Zarah, prohibit close social contacts with the Gentiles, Rashi explains that the ruling was instituted specifically for the purpose of discouraging marrying Gentile women. This is also true of the Tosafoth, when commenting

on Shabbath 16b, where they state:

על כן נראה שכל מי שמתגייר
 35 אחריו נאמן וכו' אחר

The last official code of traditional Judaism, the Beit Yosef of R. Joseph Caro known in abridged form as the Shulhan Arukh, deals with the subject of intermarriage in the Even Ha-Ezer. According to Karo, he continues with the mainstream trend of Rabbinic Judaism, any proselyte from among the nations is welcome to marry any Jew, providing that they have converted. He goes further to say that now that the nations are mixed or 'confounded,' and the specific Biblical prohibitions are no longer in effect, concerning Moabite or Ammonite. Thus, continuing with the Rabbinic viewpoint, Karo again stressed the principle that proselytes to Judaism are full Jews in every respect and one may marry them:

שאר כל האומות זאמן וכו', פירי אדם בישראל חתן
 פאדיא נחבליה כל האומות. זכריה
 36 שנתגייר לו מתגייר וכו' אחר

In the same chapter, Karo also re-emphasizes the legitimacy of the offspring of a mixed marriage, without condoning it as real Qiddushin. As in Talmudic and Medieval thought, the offspring follows its mother, who, if a Gentile that is unconverted, then it, too, is considered a Gentile:

ישראל גבא ח אדחת אמה, פוטל רשותה;
 37 אומר אמה... גבא ח חת-ישראל, פוטל רשותה.

Karo does stress, as does the entire tradition of Rabbinic thought preceding him, that if a married or unmarried Jewess had sexual relationship with a Gentile, then the offspring of that union is not a mamzer but

kosher in every respect: (19)

על-פי דברי רמב"ם ורמ"א שם
הנולד ממנה ואם באו על בת ישראל בין פנויה
בין אשת איש, הולד כשר וטהור.³⁸

The Shulhan Arukh, in Even Ha-Ezer, also reiterates the fact that a manzer is one a.) born of an incestuous relation, or b.) born of an adulterous union. Thus, there is no manzeruth in a child born of a Jewish father and Gentile mother. The child is considered legitimate, as a Gentile, but not as a Jew:

פנויה שנתערבה וילדה, אם אינה זרנית
לעצמה... אם אשת איש, הולד כשר.³⁹

D. Modern Legislation

Modern American traditionalists hold to the mainstream view of Rabbinic thought. The modern American Orthodox and Conservative movements adhere to the basic policies of the Shulhan Arukh and other codes.

No Conservative or Orthodox Rabbi will perform a mixed marriage. Theoretically, they will, however, marry a couple when the Gentile partner is accepted as sincerely desirous of embracing Judaism. Even then, according to many Orthodox and Conservative spokesmen, the way should be made difficult for any Gentile who wishes to marry a Jew or Jewess because of marital reasons only. Such a person, in their opinion, is not a true convert, a Ger Zedek, who embraces Judaism out of a sincere and wholehearted acceptance of its tenets and entire way of life without the additional inducement of marriage.

Some of the recent traditionalist spokesmen have made official statements concerning intermarriage and mixed marriages. The late former Chief Rabbi of the British Commonwealth, Rabbi Dr. Joseph Hertz, in his commentary to the Humash known as The Pentateuch and Haftorahs stands solidly against intermarriage let alone mixed marriages. As he states in his commentary to Exodus 34:16, "... and thou shalt take of their daughters unto thy sons...":

The dangers of intermarriage from the spiritual point of view were recognized by the Patriarchs (Gen. XXIV and XXVIII). They are emphasized by Moses (Deut. VII, 3f) and by Joshua (Josh. XXIII, 12). The danger, though of a different character, is just as real to-day. The training of every Jewish child should be such that he remain part of Israel, that he continue the work of Israel, and that he make the building of a home in Israel the ambition of his youth and manhood. Intermarriage would then be out of the question for any son or daughter of Israel. Etc.⁴⁰

Hertz then finishes with a quote from Morris Joseph, an early leader of England's Reform movement, where he states the following:

Every Jew who contemplates marriage outside the pale must regard himself as paving the way to a disruption which would be the final, as it would be the culminating, disaster in the history of his people.⁴¹

Hertz makes a similar pronouncement in his commentary on Deuteronomy VII:3, on the verse "Neither shalt thou make marriages with them ..." where he states:

The evil results of such marriages were perceived by the Patriarchs...Moses had previously warned the people against allying themselves by marriage with their neighbors (Exod. XXXIV, 16), and the warning was repeated by his successor (Joshua XXIII, 12). In our

own days, in conditions that are worlds asunder from those in Canaan of old, intermarriage is no less fatal to the continued existence of Israel...⁴²

It is interesting to note that the United Synagogue of England, the largest Orthodox organization of synagogues in the United Kingdom, follows a highly strict policy on mixed marriage, as set forth in the preceding pronouncements.

America's contemporary leaders in traditional ranks find their opinions exemplified by Rabbi Dr. David De Sola Pool, minister to America's oldest Orthodox Synagogue, Congregation Shearith Israel of New York, the Spanish-Portuguese Synagogue. Rabbi De Sola Pool expressed the current traditionalist viewpoint, intelligently and in a straightforward manner. In his opinion, intermarriages and mixed marriages are to be completely discouraged:

Let each be loyal to his own traditions of birth, his own religion and God...for married union to be happy and permanent there must be the maximum of compatibility. This far less likely to exist and to develop where husband and wife bring to the union incompatible religious traditions. When religious associations and feelings (and they are among the deepest rooted and strongest feelings known to man) pull husband and wife in different directions, is it to be wondered at that demonstrably a mixed marriage between Jew and Gentile is more likely to turn out unhappily than a marriage between adherents of the same religious group?⁴³

Our recent work which has appeared is one entitled Mixed Marriage and the Jewish Future by Rabbi David Kirshenbaum of London, Ontario, Canada. Rabbi Kirshenbaum's view is typically representative of the view espoused by the majority of Orthodox rabbis in North America. Following the viewpoint expressed in B. Yebamoth 24b, that one who converts out of

personal reasons such as marriage should not be accepted as a proselyte.

Such a person is not a sincere Ger Zedek. As Kirshenbaum states:

There have been converts in all periods of history, but these were gere tzedek (righteous proselytes), men of deep character and of profound faith who were drawn to Judaism by the light of its Torah...Converts who have accepted Judaism for personal reasons, to improve their economic state, to marry a Jew or Jewess, or to attain some personal ambition, have never been accepted into the Jewish fold as true converts.⁴⁴

He goes on to say:

They have inspired no confidence, since they did not come to us out of love for the God of Israel and the community of Israel but out of self-interest. If later it should pay them to become something else they would not hesitate to change again. Converts of this type have never been an asset to us. Incountless cases, they have turned out unprincipled adventurers.⁴⁵

Kirshenbaum makes it a point to reprimand those rabbis whom he feels have "contributed to the spread of mixed marriages." As he states:

Recently Jewish life has seen an astonishing change in relation to proselytes. Instead of posing the traditional question, 'What hast thou seen that draws thee hither?' and dissuading him from the step, the convert is encouraged by rabbis (both Reform and others). A Jewish youth or girl falls in love with a non-Jew. They need only come to the rabbi and tell him they love each other and he will put himself completely at their disposal. If the Jewish parents are opposed, the rabbi will persuade them to agree to the match, providing the bride or groom is willing to be converted---despite the fact that according to the rule such are not accounted as proselytes--⁴⁶

Kirshenbaum's pronouncement for a solution to the problem of mixed marriages is set forth in his following statement:

These rabbis have contributed to the spread of mixed marriages. Because of their easy conversions, they have become common... If rabbis

- and rabbanim were to resolve firmly not to practise conversion for marriage purposes, this would have a great psychological effect on Jewish youth, and cause them to think twice before engaging in marital overtures to non-Jews.⁴⁷

He concludes his statements on the problem of mixed marriages by stating:

- The greatest and most important act of Ezra's day was his cleansing Jewish family life of mixed marriage. This act should be repeated today. Mixed marriages were always accounted the last stage towards apostasy. 'They turn no more to the ways of Jeshurun'. All the rabbis and rabbanim who practise conversion and help spread the evil of mixed marriage must confess their past sins against the Jewish people and against the God of Israel.⁴⁸

Thus, according to Kirshenbaum, proselytes out of personal reasons such as marriage are not to be accepted. Here, he follows the strict view expressed in B. Yebamoth 24b, and throughout the Rabbinic tradition that converts may be accepted but not out of personal reasons. It will be seen later on how Freehof, representing the liberal point of view, can produce sources equally valid to substantiate the modernist point of view that such proselytes, if sincere, may be accepted.

The Conservative point of view is represented by Rabbi Dr. Louis Finkelstein, the Chancellor of the Jewish Theological Seminary of America and Conservative Judaism's outstanding leader here in America. Finkelstein's viewpoint is the following:

Jews are hostile to intermarriage with people of another faith. This is not too well understood. Jews are not hostile to intermarriage with people of another race, if they are Jews. The basic doctrine here is that the home is a sanctuary. It cannot be measured be so maintained if either the

high priest or the high priestess, so to speak, belongs to another faith. That is something Jews do not like--marriage outside of their fold--because it means the children will not be Jews, or will be only half-Jews. Jews feel strongly about the importance of preserving Judaism because there are very few Jews.⁴⁹

Thus, we find a strong statement voiced by Conservative Judaism's leading spokesman with regard to intermarriage and mixed marriage. It would be worthwhile here to give an account of the Rabbinical Assembly of America's official pronouncements on the question of intermarriage. These views stand as the official views of the Committee on Jewish Law and Standards and are the majority view of the Conservative movement with regard to this problem area of Jewish life:

1. A Jew who has intermarried does not cease to be a Jew. He may continue to attend synagogue services and perform other commandments of Judaism although he has violated one of the most important of all Jewish prohibitions. (Exodus 34:16; Deut. 7:3)
2. It should be clearly understood that in frowning upon intermarriage and in voicing opposition to the choice of a non-Jewish mate, neither Judaism at large, nor Conservative Judaism in particular, expresses any judgment about the morality or character of these non-Jewish men and women.
3. These individuals may be fine, exceptional people. However, unless they are converted to Judaism they cannot wholeheartedly and sincerely help to preserve the Jewish religion, foster its development and raise their children to be Jews. Children of a non-Jewish mother are not Jews.
4. Judaism is not alone in objecting to intermarriage; so does Catholicism and Protestantism. It should be noted that we feel sympathy for those Christian families whose members have intermarried with Jews and whose family unity has, consequently, been disrupted and, often, destroyed.
5. A person who has married outside of the Jewish community should not be considered a candidate for membership in a Conservative congregation that is affiliated with the United Synagogue of America even though he applies for membership without his non-Jewish partner.

6. A congregation constitutes a community of Jews who band together to promote their interests and loyalties as Jews. The purposes of the congregation and these interests and loyalties are stated in its constitution, and must always be kept in mind.
7. By the very act of joining a congregation, a Jew agrees to live up to the purposes of the synagogue. He either tacitly, or, publicly declares his desire to follow the laws and regulations of the Jewish religion. Even if he does not adhere to all of the rules and traditions of our religion, by becoming a member, he, at least, recognizes their worthwhileness and importance, and wants them passed on to his children.
8. By joining a congregation, he expresses a desire to strengthen Jewish family life and to raise his children in accordance with Jewish teaching. His congregation membership helps to enrich his family life as the head of a Jewish household.
9. In Judaism, the synagogue always leads back to the home, the central institution of Judaism. Husband and wife strive to create the conditions for a beautiful and harmonious relationship based upon the time-honored principles of Jewish practices which they must try to live out together to the best of their ability.
10. Unless both husband and wife are Jewish the purposes of the synagogue, and the reasons for the existence of a congregation, are defeated and destroyed from the outset.
11. Therefore, a person who has intermarried should not be admitted to membership in a congregation, even if he applies for membership singly, without his non-Jewish mate. Husband and wife, since the very beginning of time, are considered "one flesh" and, therefore, "one member."
12. In refusing to accept such a person for membership, the synagogue can help him resolve the problem of his intermarriage by facing the issue squarely, and not avoiding it.
13. If the matter of affiliation is so urgent and important, the non-Jewish partner can convert to Judaism, and become an active and honored member of the congregation. The Rabbi is prepared to spend time with the non-Jewish person and convert him in accordance with the procedure laid down by the Conservative movement's Committee on Law.
50

Another noted Jewish thinker of American-Jewish life is Mordecai M. Kaplan, the founder and prime mover of the Reconstructionist-Jewish movement. As is well known, the Reconstructionists represent a 'fourth philosoph' in American-Jewish life and have had considerable impact on the

thinking of many Conservative and Reform Rabbis.

The Reconstructionists, modernists in many of the same areas as the Reform movement, are particularly adamant about the discouragement of intermarriage and mixed marriages. As he states:

Since Jews are a minority and Judaism is exposed to tremendous disintegrating forces from the non-Jewish environment...it cannot approve of uncontrolled intermarriage with non-Jews. If, however, a non-Jew who desires to marry a Jew, after studying what is involved in being a Jew and what are the principles and practices of Judaism is willing to undergo formal conversion to Judaism, he should be given every encouragement and should be welcomed into the Jewish community.⁵¹

He goes on to say:

Only in this way can we compensate for losses through intermarriage, where conversion to Judaism is not made a condition. It is unreasonable to expect that Jewish religion and culture will be perpetuated in homes resulting from mixed marriages where no such requirement is insisted upon...⁵²

He concludes by saying:

We cannot regard as proper marriage any union between a Jew and a non-Jew who has not been converted. Though that interdicts the officiation at such a marriage by a rabbi, or any other functionary of the Jewish community, it does not mean that we should regard the couple as living in an immoral relationship...⁵³

Thus, while opposing the performance of mixed marriages without question, Kaplan is, unlike the Orthodox, and similar to the Conservative, in favor of accepting a Gentile who is willing to undergo formal conversion and welcoming such an individual into the Jewish community.

E. Summary

In summation, it may be seen how the traditional Halakha, from the early Biblical legislation of Deuteronomy on through the Talmudic period and continuing into the Medieval and Modern periods, stands opposed to intermarriage. The main reason for the prohibition against matrimonial connections with Gentiles is the fear of extinction through assimilation which is the normal consequence of mass intermarriage. The prohibition of Tractate Abodah Zarah 31b, in the same spirit of Ezra and Nehemiah as well as Deuteronomy, interdicting matrimonial connections between Jews and Gentiles became the established law of the Talmud and the entire Halka.

A difference of opinion exists only as to whether the prohibition of intermarriage with any of the other nations besides those seven expressly mentioned in Deuteronomy 7:3 is to be regarded as Mosaic or only as Rabbinical. Although Christians and Moslems were not regarded as heathens they were still included in the general prohibition of intermarriage with the Gentiles. In any case, after having embraced Judaism, any person might be admitted into the Jewish fold.

This traditional Halakhic approach as defined in Talmudic and Medieval Halakhic Literature is still adhered to by the vast majority of traditional Rabbinic authorities. Despite the changes that have taken place since the Emancipation and the decisions of the Napoleonic Sanhedrin of 1807, traditional Judaism, although now prone to recognize civil marriage, will not accept such couples or at least, the non-Jewish unconverted partner into the Jewish community. The children, while not manzerim according to most traditional authorities, are only considered to be

Jewish if the mother is Jewish. This standpoint is upheld by traditional Rabbinic authorities throughout the world and remains constant to the present day.

Although the American Conservative-Jewish and Reconstructionist-Jewish movements may take a more lenient and liberal approach with regard to conversion they still refrain from performance of marriages between couples where the non-Jewish partner has not been converted to Judaism.

CHAPTER FOUR

REFORM-JEWISH PRACTICES

A. The European Background

Having reviewed the historic antecedents and the traditional Halakhic positions concerning intermarriage, it would now be feasible to investigate the Reform-Jewish practices and tendencies in this problem area. Before undertaking such a study, it is first necessary to review the European background from which Reform in America has emerged with regard to the problem of intermarriage.

The first post-emancipation event of European Jewry that comes to our attention is the special synod of French rabbis and laymen convened by Napoleon I in the year 1807, in the city of Paris, called the Great 'Sanhedrin.' Facing the problem of his Jewish subjects in an emancipated society, the Emperor Napoleon I called these seventy-one elders of Israel together and commanded them to answer a set of twelve questions. Among these questions was one that touched directly upon the problem of intermarriage looming on the horizon. It was the third question, as to whether a Jewess or a Jew could marry a Christian man or woman that was of deep concern for the Parisian Sanhedrin of 1807.

This special synod convened by Napoleon I opened on February 9, 1807 at the Hotel de Ville in Paris. By March 2, they presented their decisions consisting of a set of resolutions. Using the Talmudic principle of Samuel of Nehardea, Dina de'Malkhuta Dina, they declared that their resolutions were in accordance with Jewish tradition, thus enabling them to pass resolutions without conflict.

In answer to the third question dealing with intermarriage, the Sanhedrin answered that marriages between Jews and non-Jews were considered to be binding even though they could not be solemnized religiously. This answer, in effect, merely gave assent to an existing fact: that the civil government marriage between Jews and non-Jews was legal and binding, according to the government. The resolution did not state that the Jewish religious authorities recognized such marriages as legal in the sight of the Halakha. It merely withdrew the former right of the Rabbinical authorities and communal Beth Din to punish those intermarried as transgressors.

This important episode in Jewish life is reported in the Rabbi's Manual of the C.C.A.R., Newly Revised Version. It falls under the article entitled Mixed Marriages in Modern Times. Beginning with a selection from A. E. Halphen's work, printed in Paris in the year 1851, the account reads as follows:

In the year 1807, Napoleon I convened a Jewish synod (Sanhedrin) in the city of Paris, and among other questions to be answered was also that as to whether Jews were permitted to intermarry with Christians. The answer was: 'The Great Sanhedrin declares that marriage between Israelites and Christians contracted according to the laws of the 'Code Civil' are, from a civil standpoint, binding and valid, and although such marriages can not be invested with religious forms, they shall not entail any disciplinary punishment (anathema).¹

It should be noted that the original quotation reads '...from a civil standpoint...' and states absolutely nothing about being recognized by the Jewish ecclesiastical authorities or by Rabbinic law or the French Rabbinate.

The article in the C.C.A.R. Manual states:

The Sanhedrin's declaration in 1807 retained Talmudic principle that marriage between Jews and Gentiles cannot be invested with religious sanctions. The Sanhedrin of Napoleonic France did not say that intermarriages (i.e., mixed marriages) between Jews and Christians were permitted. It stated only that such a marriage, if contracted according to civil law, was binding civilly.²

The article goes on to state that the subject of mixed marriages was not the main concern but whether Halakhic disciplinary measures, namely, the punishment of the Herem, were still in effect. In any case, the Herem had by this time, fallen entirely into disuse in France and other Western European nations. Napoleon's main desire was confirmation by official Jewish lay and ecclesiastical leadership of such facts, all as part of his over-all scheme of centralizing both secular and religious power in the Empire, retaining control of Church and Synagogue together without state.

The next major Rabbinic confrontation of the problem of mixed marriage within the ranks of European Reform took place in the city of Braunschweig, Germany in 1844. This Synod of Braunschweig, as mentioned previously, holds an important place in the annals of European Reform. Originally intending merely to enforce the patent decision of the Napoleon Sanhedrin of 1807, the Braunschweig Conference of 1844 actually went further by resolving that:

...the intermarriage of Jews with the adherents of any of the monotheistic religions, is not forbidden, provided that the parents are permitted by the law of the State to bring up the offspring of such marriages in the Jewish faith.³

The article in the C.C.A.R. Manual discusses this decision and

in its discussion points out that the Braunschweig Conference decision has been strongly criticized ever since by both Conservatives and Reformists. Even the author of the original resolution, Dr. Ludwig Philipson, greatly modified his own views. As he stated:

Religion must pronounce against mixed marriages. It has been said that such marriages will contribute toward the promotion of tolerance and toward bringing the different religions nearer to each other. But, on the other hand, it must be conceded that they contribute as well toward the weakening of true religiousness and sincerity in matters of faith. It is certainly our duty to widen the sway of tolerance so that it may rule over all classes and individuals, however they may differ in regard to creed and religious life. But this duty is not done by merely levelling the religious ground in order to gain a little more space for the dominion of tolerance.⁴

Dr. Philipson concludes, by saying:

Therefore, little as any true friend of religion and humanity could wish that religion should stand between those who sincerely love and cling to each other, deeply as it must pain him to grieve such persons, still, from the standpoint of a sincere religious life, he can not but disapprove of mixed marriages.⁵

B. The Resolutions of the American Reform Rabbinate

The problem of intermarriage soon confronted the members of the American Reform Rabbinate. American Reform recognized early in its development, like the French Sanhedrin of 1807, the legality and binding nature of civil marriages contracted under the government. Nevertheless, the American Reform Rabbinate, at its 1909 Conference in New York, issued the following resolution:

The Central Conference of American Rabbis declares that mixed marriages are contrary to the tradition of the Jewish religion and should

therefore be discouraged by the American Rabbinate.⁶

The original resolution, much stronger in its expression, reads as follows:

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

(Signed) Samuel Schulman, William Rosenau.⁷

Once again, in 1947, the Central Conference of American Rabbis appointed a special committee to look into this area. The special Committee on Inter-marriage report was presented by Rabbi Solomon B. Freehof. This 1947 Central Conference, re-affirming its original 1909 stand, following Rabbi Freehof's report, adopted the following resolution:

The Central Conference of American Rabbis in convention assembled in Montreal in the year 1947, strongly re-affirms its stand on the subject of mixed marriages adopted in 1909, as follows:

'The Central Conference of American Rabbis declares that mixed marriages are contrary to the tradition of the Jewish religion and should therefore be discouraged by the American Rabbinate.'⁸

In an informative collection of Central Conference of American Rabbis Responsa, compiled by the late Rabbi Jacob D. Schwarz, all the leading questions of Jewish law discussed at C.C.A.R. Conferences and submitted by the Responsa Committee between the years 1890-1950 have been collected.

C. The Responsa of Kaufmann Kohler

Several Responsa dealing with the area of intermarriage, in general. The first, is a Responsum rendered in the year 1919 by the late revered Dr. Kaufmann Kohler, on the question of a Rabbi officiating at a mixed marriage:

Unless the person whom a Jew or a Jewess is to marry adopts in some form the Jewish religion, after having learned its tenets to know what the steps taken by such a one means, no Rabbi who wants to be true to the tradition of Judaism can perform the marriage ceremony...⁹

He goes on to say:

Certainly the Jewish home, which is the object of marriage, must be conducted according to the Jewish principles. A Christian minister cannot consecrate a Jewish home, nor can a Jewish minister consecrate a Christian home, and if man and wife belong to two different religions, it will be a house divided against itself. Without harmony of views in a matter so vital to the future there is no real unity. For those who think that the Jewish home needs no religious consecration the State law provides that they may apply to the civil magistrate to perform the marriage and have the sanction of the State for their union.¹⁰

Thus, in Kohler's opinion, it would be impossible and wrong from the standpoint of Jewish tradition to perform such a marriage.

In answer as to whether the children of such mixed marriages may be considered Jewish, Dr. Kohler bases his answer on the Talmud, B. Qiddushin 68b, Yebamoth 23a, and Shulhan Arukh, Even Ha-Ezer 4:5:

The Talmud (Qid. 68b; Yeb. 23) and the (ch. 44) you correctly refer to are certainly in force, and consequently the child of a non-Jew has its character determined by the mother. The Christian wife of your member should, therefore, be persuaded as far as possible, especially for the sake of the husband who wants to have a Jewish home, to become

a Jewess in order to have her expected child born as a Jew--
 The mode of her conversion and adoption into Judaism might in this case be facilitated. Of course, when raised as a Jew, the child could afterwards through Confirmation be adopted into the Jewish fold like any proselyte...¹¹

According to Kohler, the child of non-Jewish mother has its character determined by its mother and must convert to Judaism. He mentions afterwards, however, that such a child, when raised as a Jew, could through Confirmation ceremony be adopted into the Jewish fold like any other proselyte to Judaism. It is interesting to note that this proposal is a definite innovation in Jewish life, but, within the context of Reform Judaism, has force and relevance.

D. The Responsa of Solomon B. Freehof

Rabbi Dr. Solomon B. Freehof, present chairman of the C.C.A.R. Responsa Committee, has dealt in great detail with the problem of intermarriage, taking the traditional halakhic sources and seeking to interpret them from a liberal point of view. One of America's foremost rabbinic scholars and an acclaimed expert in the field of responsa, Freehof has utilized his broad rabbinic and secular knowledge to support the Reform position in this area as among others.

Rabbi Freehof's work, Reform-Jewish Practice and Its Rabbinic Background, contains most of his responsa on vital questions affecting American Reform-Jewish practice. In the section entitled, "Mixed Marriage and Intermarriage," Dr. Freehof states from the outset that Reform Judaism disapproves of mixed marriages but will accept marriage between a Jew and a Gentile convert to Judaism.

As in all Responsa, Rabbi Freehof first begins by tracing the

question at hand through the entire gamut of Jewish religious literature, beginning with the Scriptures, with reference here to the Biblical objection to intermarriage with the seven Canaanitish nations, in Deuteronomy 7:3,4. He then mentions the later prohibition of Ezra and Nehemiah, which extended the law of Deuteronomy to include all the nations of the land.

He goes on to say:

This was later extended still further and the present law is that no intermarriage is permitted with any unconverted non-Jews...However, if any non-Jew belonging to any nation or race converts to Judaism, he or she becomes a full Jew in every respect. The prohibition applies only to unconverted Gentiles.¹²

Thus, according to the traditional halakhic sources, marriage between a Jew or Jewess and an unconverted Gentile is prohibited. Furthermore, such a union is not recognized as valid marriage.

Freehof continues to explain that the reason for such prohibition has nothing to do with the question of race or racial purity. He quotes the Tosefta source of Qiddushin V:6, showing that the Tannaim were cognizant of the fact of the complete intermingling of various racial and ethnic strains throughout the turbulent history of the Near East. In this, he dismisses the argument, produced by many anti-Semites, that Jews wish to maintain so-called 'racial purity' and therefore, forbid any intermarriage for that reason. As Freehof points out, however, the main reason for prohibiting mixed marriage is purely to prevent the unconverted Gentile partner from leading the Jewish partner away from Judaism, contributing in this way to the gradual disappearance of the Jewish people.¹³

Freehof then reviews the Braunschweig Conference of 1844 and its

pronouncement that intermarriage is not forbidden so long as the parents are permitted by the state to rear the children of such marriages in the Jewish religion. In Freehof's opinion, this does not represent the official Reform view in this area. As he states:

This attitude was, however, not endorsed by later conferences and very soon the attitude of Reform Judaism clarified and became exactly the same as that of all of Judaism, namely, that while marriage of a Jew and a converted Gentile is considered a perfect Jewish marriage in every respect, marriage between a Jew and an unconverted Gentile cannot be considered Jewish marriage and a rabbi cannot officiate.¹⁴

Freehof continues to review the positions adopted by the various rabbinical conferences of the C.C.A.R. The first such official pronouncement of the C.C.A.R. was made, as had been mentioned, in 1909 in New York when mixed marriages were described as "contrary to the spirit of the Jewish religion" and rabbis were called upon to discourage them. This same position was reaffirmed by the 1947 C.C.A.R. Conference as well. As Freehof states:

The reasons given for the prohibition are varied. One is that Judaism, being the religion of the minority, must guard itself against disintegration. Another is that a marriage in which the parties are of two different religions could very easily become an unhappy marriage.¹⁵

Thus, according to Freehof, "it is impossible for Judaism to consider such a marriage as Jewish marriage. Such a couple is incapable of contracting Qiddushin." He does, however, go on to say: "But is their marriage any sort of marriage? Has it any status at all?" To this, he answers:

The only practical way to judge this question

is by considering what status Judaism gives to the offspring of a mixed marriage. Are the children legitimate from the point of view of Judaism?¹⁶

Freehof then points out that the child of a Jewess and an unconverted Gentile is fully Jewish, according to Halakhic sources. The child of a Jewish man and a Gentile woman is likewise legitimate, i.e., not a mamzer but he is Gentile and must convert to Judaism before being allowed to marry any Jew. In other words:

...while the traditional Jewish law could not recognize mixed marriage, it did not doubt the legitimacy of the offspring.¹⁷

Another problem area with which Freehof deals is that of the remarriage of a Jew and a non-Jew after having been married through civil authorities. This problem, like the area of the offspring of mixed marriages, is one which frequently confronts modern Reform Rabbis in America. As Freehof states:

If after a Jew and a Christian have been married by civil ceremony or Christian ceremony, they come to the Rabbi to be remarried in a Jewish ceremony, it is the Reform practice to accede to this request, provided the Gentile partner is converted to Judaism.¹⁸

Freehof answers this question in his responsum by first pointing out the objections found in traditional halakhic sources as to whether it is permissible to accept a non-Jew as a proselyte who is already living with a Jew. According to Freehof, there is considerable objection in traditional law to accepting as a proselyte a non-Jew already living in marriage with a Jew. As he points out, the objection is usually based upon the Mishnah, in Yebamoth II:8 which declares that a Jew who is heard to be living with a Gentile cannot marry her even if she converts.¹⁹ He

then proceeds to quote a number of recent traditional Rabbis who raise strong objection against this practice of remarriage by a Rabbi after civil marriage. One of these recent traditional opinions is that of Simon Greenfeld, in his work Responsa Maharshag, where he states, in Vol I Yoreh De'ah #34:

וכן בדמאי איתא דאין שנו אחריון זלמאין ואין שנו
 אחריון זלמאין שנו פאנידין פאנידין... דמחמת בישא
 פא אדער ע' לבר שמתויד ודא מוכרחת זלמאין כן
 מחמת אפדתה ד' ואין שנו ענין דא שוים כלל...

Thus, in line with other traditional scholars who raise objection to this practice of remarriage after civil marriage, Greenfeld questions the true sincerity and motivation of such a convert to Judaism.

On the other hand, Freehof also brings up other traditional scholars who raise no objection whatsoever toward the Gentile partner converting. Such a modern opinion is that of David Hoffman, former president of the Orthodox Rabbinical Seminary of Berlin, who, in his Melammed L'Hoil, 'Even Ha'Ezer' #10, states

כתב חו"ד שאלה קולאן זצ"ל, בעברו, וכתורה יצא
 דין נ"ל ע"א דאלי ין כי נשן פקישורין ער"י דין האלכות
 דא יוכל לכתב מוסדות פקישורין פא ערכאות אויז פא
 כמד לעינות ודא כדעבר וחתויל כדן דער וכן יקדש
 כדע"ל... ודא דעתי הקלטה נאלי.

He concludes his responsum by stating the policy of the C.C.A.R. in such matters, as adopted at the 1947 Conference in Montreal:

...we recognize the validity of civil marriage, but urge that they be sanctified by religious marriage ceremony, we surely would accept such a proselyte and officiate at the religious marriage. However, it should be clear that the fact that the couple is already married by civil law does not obviate the necessity of conversion of the Gentile party before the Jewish marriage services can take place.²²

The next case in this area with which Rabbi Freehof deals, is in his work Reform Responsa, Volume One, on the subject of a question submitted by Rabbi Herman Schaalman of Chicago as to whether or not the daughter of a Gentile father and a Jewish mother, who was converted to Christianity at time of extreme danger, must now be re-converted to Judaism before she marries a Jewish man.²³

According to Freehof, the natural status of the child is perfectly clear. As he states:

There is no question in the law that a child of Christian (Gentile) father and Jewish mother is Jewish.²⁴

Freehof does state that there are certain opinions in Jewish law that do mention some restrictions but do not doubt the general Jewish status of the child. One such minor restriction is found in the Shulchan Arukh, 'Even Ha-'Ezer IV:5, where it is mentioned that such an offspring cannot marry a Kohen:

וְהַיְתָּא שֶׁכֵּן הָיָה הַבֶּן הַזֶּה מִן הַיְּהוּדִים וְהָיָה הָאִמָּה הַזֹּאת מִן הַנִּשְׁתָּרֵם וְהָיָה הַבֶּן הַזֶּה מִן הַיְּהוּדִים וְהָיָה הָאִמָּה הַזֹּאת מִן הַנִּשְׁתָּרֵם וְהָיָה הַבֶּן הַזֶּה מִן הַיְּהוּדִים וְהָיָה הָאִמָּה הַזֹּאת מִן הַנִּשְׁתָּרֵם.

This, however, is a minority opinion and not accepted by later commentators and scholars. Most of the later opinions hold that if the child does marry a Kohen, the marriage is valid and we do not require them

to part. This, for example, is the opinion of Samuel ben Uri Pheobus of Furth in his Beis Shmuel to 'Even Ha-'Ezer IV:5 where he states:

...ולדקן חלכה נראה זכאורא בדיראד אין מוציאין
אם נאמת זכקן דבא וכו'

There is, however, a more serious objection and status restriction of such a child which goes back to Rashi. According to Rashi's commentary on Qiddushin 68b, the great scholar of Troyes implies that the child must still go through the process of conversion:

למא קסבר דבינא נכרי ואבד דבא זל בת ישראל פולד
למא קסבר דבא דאמא זלאמאעין דלא גדיין זל בת נכרי דבינא
נכרי פולד ואם נתקיי יבא אחר זבא לקהל. אמר בתר ישראלית
שדינן זל זכין אבדירא נחד פולד זל ישראל פולד פולד
נחדיס כמי שאין זליו קידושין וכו'

Rashi again states something similar in his commentary to Leviticus 24:10 where the text speaks of the son of an Israelite mother and an Egyptian father who went forth "in the midst of the children of Israel." Rashi here explains that his going forth into the midst of the Israelites means that he consciously entered the community through conversion. As he states:

"בתוך בני ישראל": אמר שנתקיי.

Nevertheless, according to Freehof, this opinion is confuted and explained away by almost all the authorities who deal with it.

He cites Nahmanides as an example. In his commentary to the same verse, Nahmanides states that all Rashi meant was that this child of an Egyptian father had joined the rest of Israel when they were all circumcised and bathed before the Revelation at Sinai. This was, indeed, similar

to the process of conversion, but all of Israel went through with it.

As Nahmanides' commentary states:

ואם לאמר דת"כ בדין קני ישראל - מלואו לו תגייר
אינו מוצאין בעירות אלא כל ישראל שנדמו בעיני המלך
והוציאם והרצות דא"י בעצת אהרן תורה.

Nahmanides then goes on to say that the French Rabbis explain Rashi's statement to mean that before the giving of the Torah, when this particular child was born, the offspring of such a union followed the status of his father. It was necessary, therefore, for such a child to be converted:

והצרכים שוארים כי לעצם בעירות אהרן שהיה
קודם אהרן תורה והיה משכילו שאלך אחר הדין.

The implication of this statement is, according to Freehof, that now, after the giving of the Torah, the child follows the status of the mother and does not need to be converted. The bulk of later scholarship also follows Nahmanides in that such a child needs no formal conversion in order to become part of the community of Israel or marry another Jew.³¹

Freehof then points out that the young woman was also converted to Christianity. Such a fact raises the question as to whether she should be required to follow some ritual of conversion. In dealing with this particular aspect of the case, Freehof cites Moses Isserles to Yoreh De'ah 268:12 who is of the opinion that by actual basic Biblical law such a revert is not required to take the ritual bath of conversion. Only by cautionary Rabbinical law should the person bathe and promise in the presence of three to be obedient to the law. As Isserles writes:

He concludes his responsum in this matter by stating:

Thus this young woman, being born a Jew, may be married to a Jew even if she has not formally reverted to Judaism. But this, of course, would be against public policy. Since, however, she declares her willingness to be Jewish, that is sufficient. She must be accepted as a Jewess without any ritual of conversion, and the marriage ceremony may be performed without any doubts.³⁷

E. The Proceedings of the 1962 C.C.A.R. Special Committee Report

The preceding approaches of the American Reform-Jewish movement have been based largely on Halakhic literature. As has been shown in the C.C.A.R. Responsa of Kohler and Freehof, the past school of thought on this subject has followed the main trends of the Halakha. This is seen in the area of prohibiting the solemnization of a mixed marriage by a rabbi or accepting a child as a full-fledged Jew if the mother were Jewish. Thus, Reform-Jewish tendencies seem to follow the traditional regulations of the Halakhic literature. This is not altogether correct even though most of the leading spokesmen of the movement in America stand completely opposed to performing such marriages.

It is, in all fairness, necessary to point out that there are those within the Reform-Jewish movement in America who take a different approach than that offered in the traditional Halakhic literature. This was particularly evident at the 1962 C.C.A.R. Convention held in Minneapolis-St. Paul, Minnesota. Of special interest is the report of the Special Committee on Mixed Marriage presented by Professor Eugene Mihaly in conjunction with Philip Bernstein, Morris Lieberman, Nathan Perilman, and Robert I. Kahn, all outstanding rabbis and spokesmen for Reform Judaism.

Professor Mihaly first began by defining the terminology of the report. He pointed out that in the previous 1947 report, the term 'mixed marriages' was defined as a marriage between a Jew and an unconverted Gentile and the term 'intermarriage' as a marriage between a Jew and a Gentile who has been converted to Judaism. The chairman, speaking for his committee, recommended that no special term for marriage between a Jew and a non-Jew who has converted since be used such a marriage in every sense a Jewish one. He went on to state that only the term 'mixed marriage' be used to designate a marriage between a Jew and a non-Jew.

Professor Mihaly went on to state the problem. From the point of view of statistics, available information on the incidence of mixed marriage among Jews in America is limited both in scope and depth. It is a field in its infancy and, as pointed out in the report, research justifies only the most tentative conclusions. The best studies of mixed marriage among Jews have been those undertaken by the individual community Welfare Federations. These reports indicate that mixed marriage is considerably more prevalent and represents a graver challenge than most realize or admit.

One of the most disturbing factors in the early part of the report was that of the Jewish population study of Greater Washington undertaken in 1956. The report stated:

The highest incidence of mixed marriage, the study indicates, is to be found among those who typify the ever growing majority of American Jews, among the more educated (beyond high school), professional men, native-born and children of native-born parents. Over 83% of the mixed families are not affiliated with a synagogue; close to half never

attend any kind of Jewish religious service (only Jewish member considered); approximately 70% had only a civil marriage; and, most distressing of all, 70% of the children were being raised as non-Jews.³⁸

The chairman went on to state:

Please note that these disturbing statistics reflect not a few isolated cases but four thousand mixed families and many more thousands of children.³⁹

Professor Mihaly pointed out that it was true that the Washington Jewish community was in many respects atypical. Nevertheless, the few available studies of mixed marriage in the small and middle-sized communities in the South, Midwest and the Pacific Coast together with the few available studies of the attitudes of Jewish university students justify a no more optimistic prognosis.

Mihaly went on to state that a calm appraisal of the available evidence leads to the conclusion that an ever increasing number of Jewish men and women are marrying and will continue to marry outside of the Jewish group, that the numbers are higher than generally assumed, and that mixed marriage represents the major cause of attrition of the Jewish community.⁴⁰ According to Professor Mihaly, the problem that the Reform Rabbinate must face is a twofold one. As he and the members of his committee see it, the Reform rabbis individually and as a group, working together with the other organizational arms of the movement, must try to stabilize the situation and reverse the trend, if possible. Second, the members of the Reform rabbinate must strive to keep a significant percentage or even the majority of mixed couples and their children within the Jewish community.

In the opinion of Professor Mihaly and his committee, the issue facing the Central Conference is not whether Reform rabbis should or should not discourage mixed marriage. But, as Professor Mihaly realistically points out in his committee's report:

...mixed marriage will not disappear merely because we reaffirm our belief that it should be discouraged. We have tried a number of times since 1909 with less than complete success.⁴¹

Nothing will be accomplished of any significance or to the solution of so complex an issue if the Reform rabbinate were to continue to focus on whether rabbis should or should not officiate at a mixed marriage. The chairmen showed that a survey once conducted by Rabbi Leo J. Stillpass in 1943 pointed out that, although practically all the rabbis who replied to the survey questionnaire were opposed to mixed marriage in principle, 35% still officiated at mixed marriages and that mixed marriages were increasing. The sum of the half century of learned papers, discussion and debate have not been as fruitful as they might. As Professor Mihaly points out:

We have been immobilized for decades by our refusal to acknowledge in our official pronouncements the obvious facts that a number of Reform rabbis have officiated and will continue to officiate at mixed marriages, that it is an alternative not inconsistent with a liberal approach to Judaism and that the rabbi's participation does not mean approval nor that he is any less determined to discourage mixed marriage.⁴²

Professor Mihaly goes on to state:

- It is natural and necessary that we as rabbis turn to Jewish tradition for guidance and inspiration in our efforts to cope with the many problems posed by the contemporary

scene. Mixed marriage is no exception. We have quite properly, therefore, searched the traditional Halakhic sources in attempting to define the official position of the Central Conference on this issue.⁴³

Although this approach yields valuable insights, it is not one that is consistent with Reform-Jewish ideology. As Dr. Mihaly states:

...we compromise whatever effectiveness our pronouncements may have when we, as Reform rabbis who have long denied the authority of the traditionally defined chain of Halakha, base our opposition to mixed marriage solely on the ground that it is "contrary to Jewish tradition."⁴⁴

This procedure, inconsistent with Reform-Jewish ideology, is especially inconsistent regarding mixed marriage. The Talmudic legislation regarding the status of the Gentile within a Jewish-Gentile marriage or the status of their offspring must be understood in terms of an older world-view and response to a particular set of social conditions.⁴⁵ As Professor Mihaly and his committee state in the report:

These laws and the impossible fictions on which they are based are completely and absolutely unacceptable and must be rejected. Responsible Halakhic authorities throughout the ages, Maimonides, Meiri, Caro, Lampronti, most of the Rishonim and Ahronim, repeatedly caution that the laws in the Talmud involving a non-Jew (goy, ovdei cochavim) apply only to ancient idolators. They are irrelevant to any discussion of Jewish-Gentile relations today. They must not inhibit, as they have in the past, an objective consideration of the problem in the light of contemporary realities.⁴⁶

He goes on to state:

We should be guided not by the detailed laws of the Talmud and Codes, products of a particular time-place, but by the broad principle expressed on the floor of this Conference

by the chairman of our Responsa Committee, Rabbi Solomon Freehof: 'Any Gentile who accepts the ethical commandments...is generally looked upon in Jewish law as a half-proselyte to Judaism...Lauterbach...says: In fact such a Gentile...is considered by Jewish religious teachings as being in a sense actually a proselyte.' (Reform Jewish Practice, p. 64)⁴⁷

The relevant criteria in determining a course of action for the Reform-Jewish movement, according to the chairman, are those very goals and principles to which the members of the C.C.A.R. are committed as Reform Jewish ideology, including "the dedication to the primacy of life over doctrine which impels us to enter the relative concrete situation even at the risk of being overwhelmed by it." As Dr. Mihaly stated, in direct, relevant fashion:

For us liberal Jews, guiding principles are not suspended, theoretical absolutes forged in a vacuum, to be imposed on a passive human society...Our goals emerge in the dialectical tension between the godly glimpsed by our fathers, the possibilities of the present, and our prayerful reach into the not-yet.⁴⁸

Professor Mihaly concludes his paper with a presentation of various solutions with regard to intermarriage. It is essential that the Conference establish programs that will inhibit Jewish-Gentile marriage in a free American society and still be consistent with Reform ideology and orientation. It is also important for rabbis to try to encourage mixed couples to identify with the synagogue and raise their children as Jews. According to Professor Mihaly and his committee, the most serious obstacle that must be overcome is that of obtaining reliable information in order to determine the exact dimensions of the problem. This would mean further and more intense research covering all areas of the problem

as it exists. It is also necessary to investigate the factors involved, family life in such mixed marriages, divorce rates, and acceptance into the Jewish and general community. It is also necessary to investigate the effect of the rabbi's refusal or consent to officiate on the couple and the larger Jewish community, whether the rabbi plays any important part in shaping the couple's future attitudes, does it inhibit the marriage of such a couple already committed, etc.

It is interesting to note that Professor Mihaly and his committee also feel that it would be beneficial to investigate the real effects of the rabbinate on the Reform constituency and on the community at large. As he states in the report:

What image do we project to a generation of Reform Jews whose integration and acculturation we have encouraged and whom we have repeatedly urged to accept all people on the basis of individual worth? We have not only consented to but we have eagerly welcomed and often initiated the intergroup social and cultural activities which have the latent function of encouraging mixed marriage.⁴⁹

Finally, Professor Mihaly and his committee feel that it is necessary to carefully examine the entire range of problems involved in conversion preceding the marriage as well as the problem of integrating the convert into the Jewish community. Professor Mihaly and his committee then put forth an interesting consideration regarding conversion. Granted that the rabbi's main consideration is the welfare of the couple and their children and that this concern for marital unity dictates the necessity of bringing the non-Jewish member of a mixed marriage into the Jewish community through a sincere conversion. The

problem enters in, however, when the conversion ceremony becomes meaningless and perfunctory in view of the entire situation. As he states:

...our zeal and our reluctance to officiate at mixed marriages unless there is a conversion may, at times, seriously compromise the very core of our religious beliefs. Conversion for marriage, especially if required by the rabbi as a conditio sine qua non, too easily becomes but an empty, meaningless rite which does harm to the individual and brings discredit to the Jewish cause.⁵⁰

Thus, according to Mihaly and his committee, there is an urgent need for studies on the effects of conversion, its long-range psychological impact, and the percentage of converts who remain within Judaism and raise their children as Jews. The report suggests the possibility that it might be best, in some instances, if prior to the marriage there were an extensive program of Jewish education and on a commitment regarding the children, home, synagogue affiliation and attendance, while postponing the conversion until after the marriage. Nevertheless, regardless of any personal attitudes regarding conversion or mixed marriages, it is the sacred obligation of the rabbi to do everything possible to make the newly married couple feel welcome within the Temple and the Jewish community, as well as offering sympathetic guidance to parents and families in overcoming a resistance or prejudice towards converts or the non-Jewish member of a mixed couple.⁵¹ Professor Mihaly then concludes his report with the suggestion that the entire Central Conference could help immeasurably by exploring a variety of methods and techniques which the rabbi could use in his efforts to integrate the convert or the mixed couple into the Jewish community. The entire

report culminates in the offering of two resolutions before the assembled body. The first, which was adopted by the Conference, recommends that the Conference establish a permanent committee whose sole concern would be with mixed marriage and the range of problems related to it. As the recommendation reads:

The Conference shall establish a permanent committee which would concern itself exclusively with mixed marriage and the range of problems related to it. This committee shall in conjunction with the other arms of the Reform Movement gather and evaluate available data, initiate new statistical and depth studies on the various aspects of mixed marriage, conversion, etc. (as outlined in the body of this report), and make its findings and recommendations available to the membership of the C.C.A.R. through periodic reports.⁵²

The second recommendation, which was tabled, was not subscribed to by the fifth member of the special committee, Robert I. Kahn, who felt that the third paragraph of Recommendation B contradicted the aims expressed in the first two paragraphs, i.e., would give way to couples who might promise lip support in raising their children as Jews in order to be married by a rabbi. As the Recommendation reads:

The C.C.A.R. shall adopt the following as its official statement on mixed marriage:

Our deep and abiding concern for the sanctity and the unity of the Jewish home, our profound commitment to the preservation of Judaism and the Jewish people, make it imperative that the Reform rabbinate do everything within its power consistent with the principles of liberal Judaism to discourage mixed marriage.

When called upon to officiate at a mixed marriage, the rabbi shall make every effort to bring the non-Jewish member into Judaism by way of a sincere conversion.²²

The Central Conference further declares that it is the sacred duty of the rabbi to insist that mixed couples receive thorough instruc-

tion in Judaism prior to their marriage and that they reach a firm pre-marital agreement on the religious climate of the home and the rearing of the children.⁵³

At the present time of the writing of this thesis, the special permanent C.C.A.R. Committee on Mixed Marriage is meeting periodically under the continued present chairmanship of Rabbi Hillel Fine. Nothing definite or final has evolved from the meetings as yet. Nevertheless, the committee is in the midst of conducting its studies in an effort to create a positive, realistic stand when confronting the rising problem of mixed marriage in America.

The discussion following the presentation of Professor Mihaly's report is extremely vital in that it provides an interesting cross-section of views currently held by Reform rabbis in America with regard to intermarriages. There is, for example, the view expressed by Rabbi Joseph Klein of Worcester, Massachusetts who went on record as saying that he believed much of the blame for the present situation lies with the C.C.A.R. Rabbi Klein believed that the very liberal attitude some of his colleagues held with respect to mixed marriage was responsible for the problem. As he stated in the discussion:

When thirty-five per cent of our colleagues are recorded, as they were some years ago, as being willing to officiate at a mixed marriage, then this constitutes a very serious situation. I believe, in most instances, they are the ones who have opened the floodgates for mixed marriage on so large a scale. On the other hand, those of us who have taken the position of refraining from officiating have, in numerous instances, prevented such marriages from taking place.⁵⁴

Rabbi Klein then stated, in conclusion, that the most correct position for the Conference would be to "adopt a resolution which declares that

it is not only the responsibility of members of this Conference to discourage mixed marriage, but to refrain altogether from officiating at such marriages."

Rabbi Roland B. Gittelsohn of Boston expressed a view similar to that of Rabbi Klein in his statement. It was his feeling that many such couples come to the rabbi only because they want to use the rabbi, in order "to make a marriage which otherwise would not be acceptable to their families, somehow acceptable." Second, he questioned the value of any promise or commitment one might elicit from a potential mixed couple, without a prior conversion.⁵⁵

A different view was that presented by Rabbi Nathan A. Perilman of New York who did perform mixed marriages, albeit reluctantly. He stated that he has never treated such matters lightly and regarded each instance as calling for an important decision. Speaking from his own experience, Rabbi Perilman pointed out that when a rabbi performs a mixed marriage, he often saves a Jewish family and makes a contribution. He then asked others who shared his liberal point of view to voice their opinions.⁵⁶

At this point, Rabbi Victor E. Reichert of Cincinnati arose and voiced his stand on the matter. Having officiated at mixed marriages for thirty-five years, Rabbi Reichert praised Professor Mihaly for his "creative and forward-looking position on this matter." Rabbi Reichert went on to say that "those who insist on conversion before marriage may be willing to settle for the shadow rather than the substance." It was now time for the Reform rabbis to demonstrate their feeling of the strength of the tradition of liberal Judaism and not retreat from so im-

portant a point, of refusing to officiate at mixed marriages.⁵⁷

Rabbi Ferdinand M. Isserman of St. Louis then gave his view, supporting that of Rabbis Perilman and Reichert. According to Rabbi Isserman, the vast majority of mixed marriages in his experience have kept their promises to establish a Jewish home and raise the children in the Jewish faith. He felt that the Conference was taking a much more rigid attitude than did Ezra who initiated the ban against mixed marriages. Rabbi Isserman went on to point out that Ezra asked only that foreign wives be divorced because of the threat of teaching idolatry to their children. One might imply from this statement that such a mentality has no relevance today because the Christians of the modern western world are no longer pagans, but follow ethical teachings and worship One God.⁵⁸

Further discussion followed in the matter of the performance of mixed marriages. Many of the speakers felt that more personal contact would help alleviate an unfortunate situation in such cases. Rabbi Samuel Glasner, who stated that he does officiate in mixed marriages, felt that the rabbi's primary responsibility was the individuals who were involved besides responsibility to Jewish tradition and the preservation of Judaism and the Jewish people. As Rabbi Glasner stated:

I feel that conversion comes from the heart; it must be sincere. And I am not willing to impugn the motives of those who convert. But I also do not believe that we have a right to pressure or urge conversion in these situations. We can be available. We should give counseling. And my own personal experience has been that, in a great many such cases, after the couple is married and after they have had a chance to go into this and study it, they do convert, and they make very, very good Jews.⁵⁹

A similar viewpoint was expressed by Rabbi Leonard Beerman. From his own experience in his community of Los Angeles, conversion and mixed marriage cases are handled in a cold, impersonal manner. The situation in Los Angeles was very little different from that of other large cities throughout the country, where an average of sixty or seventy persons meet weekly in a 'conversion factory' where an impersonal atmosphere exists and it is difficult to implant a sense of the meaning of Jewish religion. Rabbi Beerman felt that this problem had to be confronted honestly with its full implications, both theologically and sociologically.⁶⁰

Rabbi Meyer Abramowitz then expressed the opinion that the committee would not only serve as a fact-finding body but as a vehicle to produce practical steps that could be taken by Reform rabbis in order to help stabilize the situation or even possibly reverse the present trend. It was his feeling that the possible failure might be in not developing new approaches to the problem of Jewish education in Reform circles.⁶¹

Rabbi Yoel Y. Zion expressed his concern that those colleagues who do officiate at mixed marriages must give the community the impression that they officially sanction such marriages, even approving of mixed marriages. As Rabbi Zion states:

In evaluating the question of mixed marriages, we must consider that the rabbi who conducts a mixed marriage gives the community his personal sanction and opens the door to continual approval of this practice which concerns us very much. Those who suggest that the rabbi's participation does not mean approval, belittle the role of the rabbi as a community force. We are not

simply justices of the peace. The things we do in public have an enormous effect in sanctioning the things we speak of.⁶²

The views represented in the discussion recorded at the 1962 C.C.A.R. Conference are a realistic portrayal of the current trends and practices within the contemporary Reform-Jewish scene. There are those Reform rabbis who will perform mixed marriages. This figure was estimated at 35% according to the 1943 survey taken by Rabbi Leo Stillpass. The majority, as it appears, will not officiate or sanction such marriages. Nevertheless, both groups feel the need to further investigate the situation and come to honest terms with the rising problems of intermarriage within American Jewry.

It is sufficient to say that the traditional Halakhic position is not to marry a Jew and an unconverted Gentile. Those Reform rabbis who do officiate at such marriages depart completely from the accepted Halakhic position. Such a deviation from traditional practice would be unthinkable to any Orthodox or Conservative rabbi. Yet, these Reform rabbis who officiate and thereby, sanction such mixed marriages feel justified in their actions. As expressed by many speakers in the 1962 discussion, Reform Judaism has rejected the binding authority of the Halakha in its modification and rejection of many old traditional practices. Therefore, according to this position, it is inconsistent with Reform Judaism's practice in other areas to try and base its stands against intermarriage on the Halakhic prohibitions found in the Talmudic and Codes literature. In rejecting the binding, authoritarian force of the Halakha, such anti-intermarriage statements are meaningless within the Reform-Jewish context. Furthermore, the present-day Gentile, usually

a Christian in the United States and Canada, is not the same as the heathen Oved Kokhavim mentioned in the Talmudic literature. The modern Christian follows a monotheistic religion and has, in effect, renounced all idolatry. He or she also follows the ethical teachings that are present in Judaism. Therefore, another view must be taken for our own particular day and age. Finally, this faction feels that the rabbi does more of a disservice by rejecting the couple. Keeping close, personal contact with the couple will enable the non-Jewish partner to have more time to think over the situation without making conversion a mere mechanical, perfunctory act. Even if the Gentile partner is unwilling to convert, there is still the possibility that the children will be raised as Jews. These rabbis feel that, in most cases, the children will be raised as Jews and the partner will eventually convert if the rabbi maintains personal contact with the couple and makes every effort to insure their identification with the Temple and Jewish life.

The majority faction of Reform rabbis takes a far different approach. It is not only a question of Halakha but of Jewish survival that is at stake here, as well as the role of the rabbi. If the rabbi performs such marriages, then he himself helps to open the floodgates to rampant mixed marriage and eventual assimilation and extinction of the Jewish people as a distinct entity. These rabbis within the movement would maintain the traditional Halakhic position of refusing to marry a mixed couple but not so much out of fear of betraying the Halakha as such. Their main concern is Jewish survival. Furthermore, the rabbi's role is also damaged. By performing such marriages, the rabbi gives the impression that he favors such unions. He forgets the powerful influence he

still exerts as a religious and social force within the Jewish community as one of its religious leaders, its chief guide and teacher. A final factor in their consideration is the statistical situation. According to most available factual reports, the children of mixed marriages are not generally brought up within the Jewish religion. Of what avail, then, would be the rabbi's participation and sanction in such a situation? Many of these couples seek only to 'use' the rabbi in order to pacify the Jewish parents and family involved. It would be wiser to set the pace from the very beginning by refusing to solemnize or participate in such marriages. Certainly, the individuals must be considered in every situation. But much more is eventually brought into the total picture. One must remember that as a rabbi, one has an obligation to perpetuate and preserve Judaism and the Jewish people. Mixed marriages, regardless of promises made, generally are a detriment rather than a benefit to the Jewish people who are the bearers of Judaism to the world.

Nevertheless, regardless of point of view, both factions agree that steps must be taken to cope more successfully with the area of mixed marriage. Pronouncements are not enough, according to most of the participants in the 1962 discussion following the special committee report. Investigations, wide in scope and depth, must be undertaken. New approaches and practical steps must be developed and implemented by the Reform rabbis of America. Competent and intelligent surveys will help to provide the basis for practical steps needed in this important area.

E. Summary

It may be seen that the traditional Halakhic position is that a marriage between an unconverted Gentile and a Jew is not valid. The offspring of a Jewish mother and a Gentile father are considered Jewish. In the opposite case, that of a Jewish father and a Gentile mother who remains unconverted, the offsprings are legitimate but not considered Jewish unless converted. Within the context of the traditional Halakhic literature, marriage between an unconverted Gentile and a Jew is impossible and unthinkable. The primary reason for the prohibition of mixed marriage is the principle contained in Deuteronomy 7:3-4, where it is feared that the Gentile partner might lead the offspring astray into idolatry and paganism. Those Reform rabbis who refrain from performing or officiating at mixed marriages follow a somewhat different rationale than that contained in the traditional Halakha but follow its spirit. Also, from the historical perspective it may be seen that the fear of eventual assimilation and extinction was probably the main impetus for such Halakhic ruling, as well as the fear that the religion of Israel might be diluted.

Nevertheless, within the context of a liberal Jewish religious movement, wide freedom of interpretation is given to the individual rabbi to confront each case as he sees fit, and to utilize the entire past Halakhic and historic range of antecedents and sources in coping with the problem. No authoritarian ruling can be issued that obligates all Reform rabbis to follow its literal wording. This would be in direct contradiction to the principle of radical freedom implicit within the essence of Reform Judaism. The Central Conference of American Rabbis

can only suggest and recommend. Thus, it will be impossible for all Reform rabbis affiliated with the C.C.A.R. to follow such recommendations unanimously, even that of discouraging mixed marriages. According to Reform-Jewish principles, those rabbis who perform mixed marriages have the freedom to do so providing their actions bring no disgrace or harm upon Judaism or the Jewish people.

Yet, once again, regardless of other factors, both sides will agree that a deeper study of the entire problem is necessary. The work of the special committee, presently involved in active study of the problem, will be a major contribution in this area. Needless to say, the work of any individual survey or study serves as a valuable contribution in coming towards a realistic, relevant, and practical solution of the problem of intermarriage in its totality.

Any Reform rabbi, regardless of attitude towards performing mixed marriages, is aware of the rising percentage of mixed marriages. Pronouncements are not enough. Study, understanding, and a wide practical program that can be implemented is what is called for by the last C.C.A.R. consideration of the problem---and rightly so.

CHAPTER FIVE

EPILOGUE

It is time to face the situation courageously and realistically. The older traditionalist approach was to refuse to admit converts who wish to marry Jews. Present-day traditionalist rabbis still believe that this will help put a stop to the increase of mixed marriages. Refusal to officiate will close the flood-gates. According to their view, the Reformists have made conversion easy and some even go so far as to officiate at a mixed marriage ceremony. They are partly to blame for the increasing number of intermarriages and mixed marriages. It is necessary, they say, to take a strong immovable stand against all mixed marriages. Following the old Halakhic principle will serve to bolster the strict position.

But such is not the case. In an age of rising urbanization and the breakdown of old ethnic barriers, Jews and non-Jews will continue to maintain close contacts with each other in their various occupations and in their social life. In a secular age, where state has been divided from church, marriage is viewed more as a civil procedure than as a religious rite by both Jews and Christians. If Jews become more and more acculturated and "Americanized," the factor of ethnicity, i.e., Jewishness, seems to play less and less a significant factor in their choice of a mate.

This is the truth whether we like it or not. In an article entitled "Jews Who Intermarry" in the 1958-59 volume of the YIVO Annual of Jewish Social Science written by Maria and Daniel Levinson, such facts

were brought to light. The findings of this article seem to indicate that those who did intermarry fell into two categories. The first category included those who came from strongly ethnic East-European Jewish homes but who had unresolved neurotic conflicts towards their parents. These so-called "reluctant" intermarriers, as seen in the clinical material, all had emotional difficulties in their parental relationships that contributed significantly to their cross-ethnic and inter-religious marital choices. The second group were the so-called "emancipated" intermarriers. For them, intermarriage was a natural consequence of assimilation including the weakening of Jewish identity and loyalties.¹

As viewed by the authors, therefore, the phenomenon of intermarriage enters both the realms of psychology and sociology. Realistically confronting the situation, the authors of this article see the Jews in American society as wishing to participate fully in American life while wishing also to preserve certain elements of their heritage. While Jewish parents may wish to transmit certain concepts and meanings of Jewishness to their children, the institutions and social mechanisms that traditionally helped and reinforced them in this task are largely lacking or found to be uncongenial with today's situation.

As the authors state:

Whether the rate of intermarriage by Jews rises or falls in the future, will depend not on pronouncements for or against intermarriage as such, but on more fundamental social and psychological changes: in the secularization and urbanization of American society;

in the new bases that can be found for building a distinctive but not insular Jewish identity; in the emotional qualities of the Jewish family, and the like.²

In an article entitled "Intermarriage and Mixed Marriages" found in the collection of seminar papers presented at the C.C.A.R. Convention of 1960 at Detroit, Michigan, Rabbi Bernard Kligfeld presents his findings. After having reviewed all the pertinent literature on the subject, Kligfeld concludes that those Jews who intermarry are either unable to solve the problems of their relationship to their parents or they have given up Jewish self-identification. The crucial question is not how much Jewish education was involved or whether it was Orthodox, Conservative, or Reform but does Jewishness have significant value for the individual.³

Further sociological factors are pointed out by Barron in People Who Intermarry. According to his research findings, similarity in cultural background, residential propinquity, and economic propinquity all play an important part in intermarriage.⁴ Again, according to Bossard and Bell in One Marriage Two Faiths, it was found that the change in the religious control of marriage and its present-day civil nature, the increasing secularization of western life and culture, the high premium set upon romantic attraction while ignoring cultural backgrounds, the stress upon individual personality development as a basis for marriage, together with the air of experimentation concerning marriage have all served to break down the traditional concepts governing marriage, paving the way for increasing intermarriage and mixed marriage.⁵ The factors of mutual interests and daily social contact are also shown by Mayer in Jewish-Gentile Courtships to play a leading role in the rising incidence of Jewish-Christian intermarriages.⁶

This is again brought out in an article by Rabbi Bernard Bamberger entitled "Plain Talk About Intermarriage." In similar accord with Professor Mihaly's 1962 C.C.A.R. paper, Rabbi Bamberger states:

What is often overlooked is that we are busily engaged in creating conditions that favor intermarriage...most American Jews, far from advocating segregation, desire the exact opposite. If our children attend the same schools, join the same civic and recreational and political organizations, work in the same stores and offices as non-Jews, how can they escape the social contacts that sometimes lead to love and marriage?⁷

He goes on to state:

The first fact that we must recognize is this: whether we approve or not, no matter how strenuously we may object, marriages between young people of Jewish and non-Jewish birth will continue, probably with increasing frequency. The recognition of that reality is the first step in any sound approach to the problem.⁸

Thus, with greater acculturation, the American Jewish community may begin to accept more and more of the patterns and social mores of their Christian neighbors. This includes the weakening of family ties and the loss of Jewishness as a significant factor in their lives. As time passes, there may be greater similarity between many Jews and Christians from a cultural and socio-economic viewpoint. This, plus living a free life in a liberal, enlightened, secular society will contribute significantly to the rise in intermarriage. As mentioned previously, regardless of Halakhic statements, the Christian friend and neighbor is no longer an Oved Kokhavin, a heathen idol-worshipper. For many American Jews, the Christian is no longer a "Goy." A different mentality and point of view is being created today out of a far different

social and cultural environment than that of Talmudic or Medieval times. Is it any wonder, then, that a third or fourth-generation Jewish young man or woman, whose ethnic ties are minimal and who has lived in a free, accepting society all his or her life will not find common interests and cultural ties with another middle-class American, whose way of life is not so dissimilar?

This does not mean that we should acquiesce to the situation as it now stands. We are confronted not only by the Halakhic antecedents but by the historic antecedents as well. Those communities which were lax regarding intermarriage soon faced the threat of extinction. Despite the fact that historically and halakhically, Judaism has permitted a converted Gentile to marry a Jew (a convert is considered a full Jew in every respect) it has never acquiesced to a non-converted Gentile marrying a Jew, from a religious point of view.

With these considerations in mind, it is still possible to halt the rising trend in intermarriage. What is needed is a different approach.

Such an approach is that proposed by Rabbi Bernard Bamberger. According to Rabbi Bamberger, it must be pointed out that religion is not an elective or a pleasant but dispensable adornment. Just as a person cannot be patriotic in general but loyal to some particular country, so must a person give his religious impulses specific expression. Religion, then, is essential to a complete life. Above all, every child is entitled to a religious upbringing--to one religious upbringing, which will be a source of security and not an occasion of inner conflict.⁹ As Rabbi Bamberger points out, such considerations should be brought to the

attention of all who contemplate marriage. "A married couple need not agree about everything in life" states Rabbi Bamberger, "but if they do not share the same basic values, they are headed for trouble."¹⁰ Those who marry must find some common religious ground, especially if they stem from different religious traditions. To say that they are equally indifferent to their respective faiths. The common ground between a couple must be broader than an agreement as to the religion in which their children are to be reared. This must also be pointed out. No parent has the right to bring up a child in a religion to which he cannot honestly assent. If a parent wholehearted agrees that his child should be trained in a particular religion, then he or she should seriously consider adopting it for himself or herself. (Rabbi Bamberger points out that this applies equally to Jewish-born parents who first affirmative Jewish act is to send their children to a religious school.)

Rabbi Bamberger feels that unanimity is essential to any marriage, especially in the area of religion. The non-Jewish partner in a perspective marriage situation should, therefore, be encouraged to embrace Judaism. Rabbi Bamberger points out that the attitude of many parents and rabbis has not helped the situation. In many cases, the conversion takes on the character of appeasement, making it into a mere perfunctory thing, thereby diminishing its religious value. Often, the rabbi shows that he does not take the whole thing very seriously, either.

The wisest approach is to speak courteously and intelligently to such a couple, pointing out the various difficulties and problems involved in such a union clearly and vigorously, yet sympathetically. As Rabbi Bamberger stresses, "The young people should not be treated as criminals.

And it should be made plain to them, in the friendliest manner, why the rabbi cannot officiate at such a marriage."¹¹ (i.e., mixed)

As Rabbi Bamberger states:

Where, however, the Gentile is open-minded on the subject of Judaism, willing at least to learn, or even inclined to adopt our religion, every encouragement should be given him. He should not be made to feel that conversion is a kind of sugar coating to the bitter pill which the Jewish family must reluctantly swallow. If he decides to become a Jew, the Jewish family should make him feel that his decision is a real source of joy to them. Once has become a Jew by choice, his marriage to a born Jew is not an intermarriage at all.¹²

Thus, the religious approach is perhaps the most intelligent and relevant one for our present situation. It is the opinion of this student that a rabbi should never officiate at a mixed marriage, even where promises are made to rear the children as Jews, since he knows realistically that no person can be wholehearted about raising their children in a faith which they themselves cannot accept. To hope for this is both unrealistic and unsound from a religious and psychological point of view. Where the Gentile man or woman is interested in conversion, the entire process should be made exciting and valuable. From my own experience in London as student-rabbi at the Liberal-Jewish Synagogue of St. John's Wood Road, during the year 1963-64, the entire conversion experience of study and participation in worship and other activities can be both beautiful and rewarding. Of course, it all depends upon the attitude, conscious and unconscious, of the rabbi and teachers involved as well as the family of the Jewish partner. If the period of study is of reasonable duration, if everyone takes it sincerely and seriously, then the

perspective proselyte will find Judaism an inspiring and rewarding religion. If, on the other hand, it is handled as a perfunctory thing, farcical in both period of study and requirements of knowledge and sincerity, then we do ourselves and the proselyte and the future family great harm.

From the available findings, then, there are other constructive steps which can be taken in the direction of positive action. Rather than stress isolation and segregation in a free society, the Reform rabbinate, the individual congregation and family can strive to implant a healthy Jewish loyalty and pride within the youth of the Reform congregations. Courses for young people in religious school that openly confronts and discuss such problems as intermarriage and mixed marriage should be held. Parents must be reached and shown the necessity of building a healthy, mature atmosphere in the home and in this way, establish a healthy, conflict-free relationship with their children.

Youth groups, such as the National Federation of Temple Youth, should be given additional support and interest in order to provide young American Jews with a sense of pride and loyalty to their religion and their heritage. The especially crucial years on the university campus deserves special attention. The college and graduate school years, years of rebellion and search, are the years when social contacts leading to intermarriage most often occur. Greater interest and support towards the B'nai B'rith Hillel Foundation at the local college or university community is essential along with providing enough funds to hire sufficient personnel equipped to offer responsible guidance and leadership for young Jewish college and graduate school men and women.

This fact is amply pointed by Rabbi Robert P. Jacobs, director of

the B'nai B'rith Hillel Foundation at Washington University in St. Louis, Missouri who states:

The American Jewish family is about to become what we do to our college generation today. The new Jewish religious thought is about to become what we do to the Jewish student at college today. The problem of a creative Jewish life in America is solved by what we do the Jewish college student today.¹³

Thus, we must recognize that in our free, enlightened, liberal society intermarriage is here to stay. It will occur and vary in degree from place to place. There are factors beyond our immediate control that encourage intermarriage--trends that cannot be reversed or fought. Nevertheless, it is possible for us to cope with intermarriage in an effective manner. Neither narrow racism nor passive defeatism is the solution. Sincere converts will be welcomed as throughout the ages.

True, Reform Judaism no longer recognizes the strength of the Halakha as an absolute, binding authoritative divine word. But it can recognize value in it and re-interpret the spirit implicit within it. The spirit found within the Halakhic regulation prohibiting marriage between a Jew and an unconverted Gentile is based upon sound psychological and religious grounds. By consenting to perform mixed marriages, we deprecate our role as rabbis by becoming justices of the peace for couples who use us to pacify their families. In the words of Isaac M. Wise:

No rabbi has a right to act the part of an ordinary stage-actor; to go through a performance and pronounce formulas and benedictions to parties who believe in neither, and cannot consider themselves benefitted by either,

as the next justice of the peace can declare them man and wife without any performance or benediction.¹⁴

We also demonstrate our tacit understanding that religion is not really essential in the life of a married couple who wish to bring a family into the world. This makes it clear to us that the spirit within the Halakhic regulation is sounder than many of us would think. For any rabbi who performs a mixed marriage exhibits a poor opinion of himself and the religion he represents in the Jewish and the general community. We make comedians of ourselves taking words meaningful to a sincere, believing Jew, whether by birth or adoption, and reciting them before a party to marriage who neither believes nor accepts them.

Judaism historically has always endured the fine balance between universalism and particularism, taking the moderate path. It is again possible in the modern problem of intermarriage. We can accept sincere converts to Judaism; we cannot sanctify mixed marriages without serious damage to the integrity of the Jewish religion and to the heritage and people we represent. It is up to us to make conversion meaningful and richly rewarding experience by our own actions. Without high standards in this area we only show a poor opinion of our role as rabbis and the religion we profess.

If we feel that our heritage is worthwhile and that we still have something worthwhile to offer humanity, then we will also strive to maintain our separate identity without apologetics. Mixed marriages tend to weaken Jewish loyalties and eventually add to the disintegration of the Jewish people. We have a higher responsibility to be faithful watchmen of our people and our religion. We have the right to preserve our identity without apologizing to the world. Our Christian neighbors

will respect us when we respect ourselves. To insist upon prior conversion is a sign that we respect ourselves and our religion. Let self-respect be won through our own self-respect first.

FOOTNOTESChapter One - "Prologue"

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3. Genesis 35:25
4. Genesis 34:1
5. Genesis 38:1
6. Genesis 41:45
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8. Numbers 12:1
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11. ibid., p. 71
12. Judges 14:1; 16:4
13. II Samuel 1:13
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17. I Kings 11:1
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FOOTNOTESChapter Three - "Halakhic Antecedents"

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4. Genesis 34:14
5. Deuteronomy 7:3, 4
6. Joshua 23:12
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