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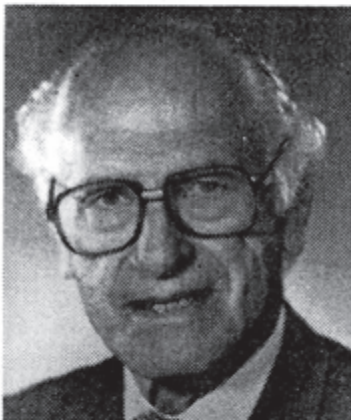
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Rabbi G. Plaut states views on Klein article

NMB

By RABBI W. GUNTHER PLAUT

Patrilineal
The Post and Opinion has asked a number of leading rabbis to comment on the article by Rabbi Joseph Klein in our issue of Jan. 7 headed, "Revoke patrilineal descent by adopting conversion and institute Jewish divorces, view of Reform Rabbi." Rabbi Plaut is the immediate past president of the Reform rabbis' organization, the Central Conference of American Rabbis, and is rabbi emeritus of Holy Blossom Congregation in Toronto.



W. Gunther Plaut

I am happy to comment on the article which my distinguished classmate has written. As always, he is forthright, courageous and clear.

First, divorce. Reform abandoned the need for a *get* because, as Rabbi Klein points out correctly, the inequities created by a male-oriented process were unacceptable. But this departure created problems of its own and the Reform rabbinate is now trying to deal with them. The new Rabbi's Manual which will be published in the near future will contain a ceremony of separation. This will not be a halachic *get*, but the very inclusion of the ceremony and, hopefully, its wide use by Reform rabbis, will re-introduce the need for a formal Jewish separation of divorcing couples.

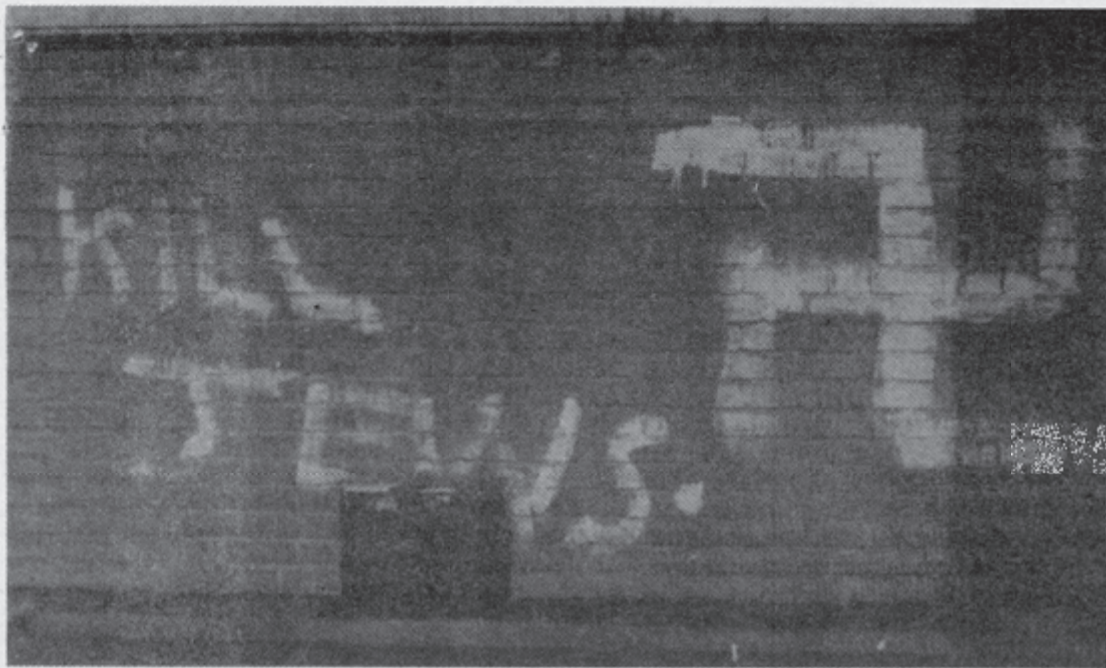
As Rabbi Klein suggests, here is an area in which thoughtful progress can be made. Certainly Conservative rabbis are not happy with present *get* procedures, and Orthodox scholars too would like to see some halachic development. It is time we sat down and spoke about it together. *Kinyan*, the legal acquisition of the woman by the man, is a concept which we have outgrown, and that has to be faced. Somehow the equality of the contracting partners needs to be expressed in both marriage and divorce. I agree with Rabbi Klein that simply abandoning the *get* without offering a Jewish substitute that would stand the test of time was an error. But neither can we simply go back to the *get* as the only way of separating couples. I have some ideas on the subject but their explanation would exceed the limits of these comments.

Second, patrilineal des-

cent. This was once the rule in Judaism and was in mishnaic times changed to matrilineal descent as the guiding rule, as Prof. Shaye Cohen of the Jewish Theological Seminary has pointed out. This rule now needs re-evaluation, for the realities of today are as different from yesterday's as mishnaic times were from the biblical age.

What the Reform rabbis voted in 1983 was motivated by high ideals rooted in their perception of the role of father and mother in the raising of their child, as well as the child's needs and its opportunities to lead a full and meaningful Jewish life. But while I fully supported (and support) these objectives I thought then (and think now) that passing the resolution was an error. I thought that we had not fully analyzed the consequences of our move and that, while the principle we pursued was right, the method by which we put it into practice was wrong.

At the last CCAR convention our president, Rabbi Jack Stern, Jr., called for ways of lessening the divisions within Judaism. I wholeheartedly agree. And one of the ways Reform should contemplate is the conversion of non-Jews by circumcision and immersion. Neither requirement violates a Reform principle and a return to traditional conversion procedures could create an atmosphere of accommodation which would be fruitful and advance the unity of *klal yisrael*.



— Jewish Chronicle of London photo

EVEN IN ENGLAND — The New London Synagogue in St. John's Wood, northwest of London, was desecrated as shown by unknown

vandals. Police who were called took possession of a can of paint found nearby.

Ticklish resolution passed on Israel and the intifada

CINCINNATI — The resolution on the intifada at the convention of the Reform rabbis here at one point in the debate called for Israel to negotiate with the PLO, but ended with negotiating with the freely-chosen representatives of the Palestinians. It condemned vio-

lence from whatever quarter, which of course included Israel, and it called for recognition of the legitimate rights of the Palestinians.

The resolution brought out the big guns of the CCAR before it was finally put into its final form.

Reform to observe holidays on dates

CINCINNATI — Perhaps as much as any other action, the decision to observe the Jewish holidays on the days

they occur rather than on the nearest Sabbath was another indication of Reform's return to ritual.

Barenboim cleared, everybody happy

JERUSALEM — When Maariv, the large afternoon daily, published a news item to the effect that Daniel Barenboim, the pianist and conductor, had said that he does not wish to return to Israel at present because of the way the intifada is being handled, a chain of events ensued. For one, Mayor Kollek wrote to Barenboim that he "deeply resented" the statement and called it "a disgrace and unworthy of an artist of your stature or a human being of your understanding." Maariv, which reported the remarks from an interview with Barenboim in The Times of London, also spoke out in an editorial headed, "A Conditional Israeli". Kollek had closed his letter

with "If you do not feel rooted here, it may be better if you do not come back."

It took only a day for Maariv to apologize and publish a correction when Barenboim denied having made the remark, at which point Teddy Kollek sent him a telegram expressing his "great sense of relief."

Camp survivor murdered in N.Y.

NEW YORK — A swastika painted on his door led to the death of Max Kowalski, a concentration camp survivor, who lost his parents and sister and brother at Auschwitz.

The culprit was Ruben Martinez-Zucarino, who was seen holding a blue felt-tip

Movie 'Shell Shock' metaphor for today

Shell Shock is the story of a career officer and a young soldier who share a hospital room, suffering the effect of the emotional traumas resulting from their battle experiences during the 1973 October War with the Arabs.

The film deals with each man's struggle to recover his shattered identity. In a society that for two generations has relied on military or "macho" values, each man tries to recover his former self, but now they must find new ways to cope. This story is, as director Sharon says, "a metaphor for Israel today."

Shell Shock is based on the personal experience of the film-maker, Yoel Sharon, during the 1973 October War. On the last day of the War, Sharon led his paratrooper platoon into the city of Suez, where an Egyptian ambush practically wiped it out and left Sharon disabled. Only three men survived.

pen with which the swastika had been drawn. When Kowalski grabbed at Martinez-Zucarino, he was stabbed repeatedly with a fork and scissors and beaten over the head with a religious statue. The assailant confessed to police that he had painted the swastika.

rabbis — Sam Silver — and Elaine, who we always think of as the assistant rabbi. All of us get older, but not Elaine.

A sideline at rabbinical and other conventions are the display rooms. Anyone who loves Jewish art ought to make it a point to visit them. We'll tell you about three of the exhibits in a later "chair."

Rabbi 'marries' gay men, not odd in S. Francisco

SAN FRANCISCO — The wedding cake bore two males and the chuppah consisted of a multicolored gay freedom flag, and other than the fact that the wedding united two men who had been living together in love for seven years, it was a Jewish simcha. Rabbi Allan Bennett, who himself is gay and who serves Congregation Ahavat Shalom, one of two of the city's synagogues with outreach to gay and lesbian Jews, omitted the phrase "according to the laws of Moses and Israel" from the ceremony. The rabbi explained to Winston Pickett of The Northern California Jewish Bulletin, that "It is not a Jewish ceremony. To call it such would be hypocritical. I call it Jewish-style."

The ceremony joined Jay Schnyder and Allan Grill. Schnyder is a 35-year-old Berkeley tax accountant whose family was Reform, while Grill spent eight years at an Orthodox day school in his native Brooklyn, but is now non-observant. Grill is a licensed marriage, child and family counselor. He told Pickett that Jewish culture still exerts a strong pull on his life.

Rabbi Bennett has performed a number of gay marriages, but only in private, while this one was at the Brazilian Room at Berkeley's Tilden Park.

The city's other gay rabbi is Yoel Kahn of Congregation Sha'ar Zahav who said that some gay couples in his congregation have lived to-

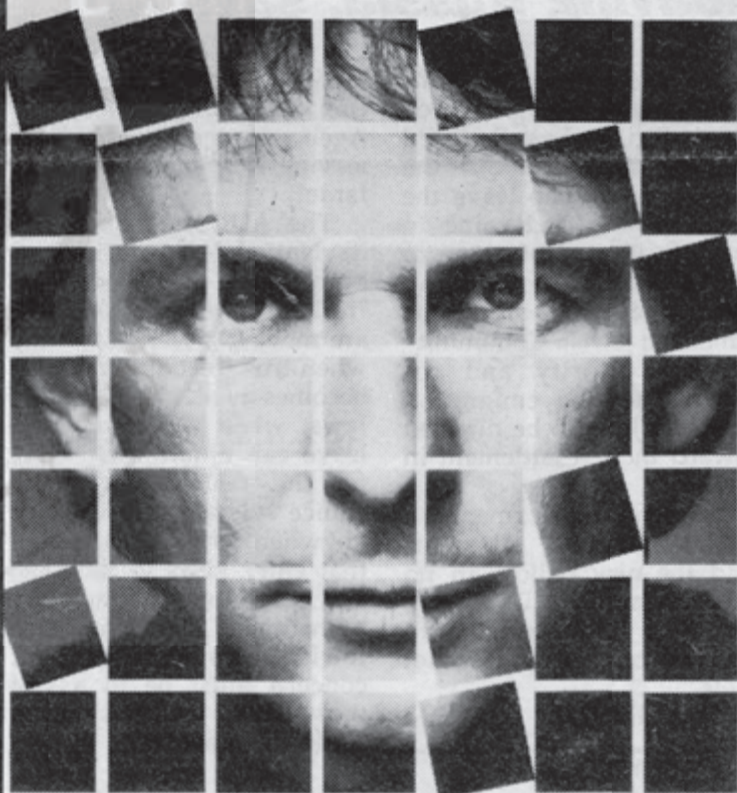
Continued on page 6

"'SHELL SHOCK,' A NEW ISRAELI FILM, IS VITAL, TIMELY AND ALIVE...FULL OF IMPORTANCE FOR ALL OF US."

—HOLLYWOOD REPORTER

"AN IMPRESSIVE ACHIEVEMENT."

—LOS ANGELES TIMES



When the war ended, his battle had just begun

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Editor's chair

Continued from previous page
you'll read elsewhere in this issue with Dr. Gottschalk.

If anyone were to inquire who is the most popular of all the professors at HUC-JIR, there would be no contest. He is Jacob Rader Marcus. Each time his name was mentioned, the round of applause was deafening.

We cannot overlook one of our favorite

Holocaust memorials mean different values everywhere

JERUSALEM — Holocaust memorials take their cue from the countries in which they are established and each represents the deaths of 6 million Jews and 9 million others with emphases that mean most to the host country, and that includes Israel too.

This was the gist of an article in The Jerusalem Post by S.T. Meravi, who interviewed James Young, whose book, "The Texture of Memory: Holocaust Memorials and Meaning in Europe, Israel and America", will be published in 1991 by Yale University Press. His "Writing and Rewriting the Holocaust" was published last year by the Indiana University Press.

Depending on the interests of the host country, that is what the Memorials represent. As good an example as any is the monument to the Warsaw Ghetto Memorial. "Consider the most famous of the memorials, Nathan Rapoport's monument to the Warsaw Ghetto Uprising. We're talking about a Jewish event, but the Jewish iconography of the sculpture is minimal. And that's in keeping with the fact that the Poles use that monument as a symbol of Polish national resistance during the war."

Continuing, he pointed out that "all sorts of events are staged there. When foreign dignitaries visit, they're taken to lay wreaths there. So what is Jimmy Carter commemorating when he's a guest of the Warsaw government and he's brought to place a wreath at the Ghetto memorial? What does it mean when

Yasir Arafat does the same? This is what I mean by the consequences of what we do with the Shoah.

"If Holocaust memorials in Poland signify resistance, in Germany they serve as rallying points for anti-war sentiments. And in the U.S. they underscore American values," he said.

The same goes for American memorials. "Nathan Rapoport's monument in Liberty Park, N.J., for example, shows a G.I. rescuing a concentration camp survivor. That in fact is how America sees its connection to the Shoah — as liberators...The memorial is about freedom and liberty, American values."

Continuing, he used the Wiesenthal memorial and even the Holocaust Museum in Washington, to buttress his theory. "Similarly the museum at the Wiesenthal Center in Los Angeles is called the Museum of Tolerance, another American value. And look what's happening with the proposed Holocaust museum and memorial in Washington. It's paralyzed by internal dissension because the planners can't agree on whose Holocaust they're supposed to commemorate."

"When Jimmy Carter established the commission to create the museum, he charged it with memorializing the '11 million victims' of the Nazi Holocaust. That was a signal, and a people picked up on it. Russian-Americans, Ukrainian-Americans and Polish-Americans want

their martyrs singled out. Armenian-Americans are lobbying for the museum to commemorate 'all Holocausts.' In the end the museum is going to be highly pluralistic, because pluralism is yet another sacred American value."

He then was asked about Israel Holocaust institutions.

"Well, not surprisingly, the emphasis here is on heroism and rebirth. Nowhere else do Holocaust museums go beyond the liberation of the camps. Here you see the continuum of persecution, resistance, liberation, rebirth in Israel. Yad Mordecai is a good example, with the Warsaw Ghetto tied right in to the defense of the kibbutz in the War of Independence. Look at their statue of Mordechai Anielewicz. It's Michelangelo's David, the heroic David of Israel."

"You get the same idea at the Kibbutz Lohamei Hagatot museum. I think two of the 12 sections of that museum deal with the persecution and the other 10 celebrate resistance. In the same ways, we don't have a 'Holocaust Day' in Israel, we have a day to commemorate the 'martyrs and heroes.' I'm not deriding this. I think it reflects the constructive Israel memory, and I certainly prefer it to European memorials that show only destruction, with nothing before or after. I'm just pointing out how all governments and institutions remember their own Shoah."

Israel priority for Jews leaving Russia, says ADL

NEW YORK — The Anti-Defamation League of B'nai B'rith has entered into the dispute about the Russian Jews who leave the Soviet Union and come to the U.S. instead of going to Israel, with a confusing move. The ADL is urging the American Jewish Community to give "priority and resources" for the emigration of Soviet Jews to be directed toward their resettlement in Israel.

Abraham H. Foxman, the ADL's national director, said the new policy "in no way contradicts ADL's long-standing commitment to freedom of choice for Soviet Jews."

The diaspora and the

Jewish Agency are split on the question, with the Agency contending that Jews leaving Russia should go to Israel.

The ADL's statement by its National Commission, according to Foxman, "reflects the fact that we are moving closer to the day when true freedom of choice becomes available for Soviet Jews, when those seeking leave can obtain exit visas for the country of their choice - Israel, the U.S., or anywhere else. Recognizing that entry visas to the U.S. and resettlement funds are both limited, the American Jewish Community's first concern must be to assist those Soviet Jews wishing to settle in Israel."

Rabbi Meyer Marx dies in Sarasota

SARASOTA, FL. — Rabbi Meyer H. Marx died here at the age of 77. He was the retired spiritual leader of Temple Emanu-El here. He had served on the faculty of the University of Tennessee and with the Chautauqua Society.

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Reform, Conservatism building in Russia

NEW YORK — Both the Reform and the Conservative Movements are setting up activities in the Soviet Union and establishing landmark organizations.

The Union of American Hebrew Congregations has just published a 16-page Russian-language pamphlet entitled, "What is Reform Judaism?". The pamphlet provides an elementary introduction to Reform Judaism.

At the same time, Franklin D. Kreutzer, international president of the United Synagogue (Conservative) is in Russia establishing a Conservative presence in both Moscow and Leningrad.

Negotiate with PLO, ad advises Israel

VANCOUVER — Seventy-five Jewish artists and cultural workers here have called on Israel to negotiate with the PLO and accept the possibility that "these negotiations might eventually lead to the creation of a Palestinian State."

The statement, which appeared in an advertisement in The Jewish Bulletin here, asserted that "The tragic situation in the West Bank and Gaza is tearing the hearts of Jews in Israel and the Diaspora. The time has come for Israel to face reality. The bloodshed must stop and the aspirations of the Palestinian people must be paid attention to."

What worries Jews most: will children be Jewish?

BOSTON — Intermarriage figures on the East Coast will skyrocket as they have on the West Coast once the single baby boomers reach marriage age, predicts social-researcher Gary Tobin of Brandeis University. Tobin made the statement as the final speaker in a three-year series that began with a collaborative effort between the Bureau of Jewish Education here and Brandeis. According to the Boston Jewish Advocate, Tobin's underlying message was that Jews were concerned mostly with their children and grandchildren remaining Jewish. In a report by Joyce Leffler Eldridge, the paper stated that when Jews state they want "a good Jewish education" for their children, they really mean they don't want them marrying non-Jews when they grow up.

Tobin said that the expenditure by the American Jewish community of \$500 million a year for Jewish education tells Jewish educators, "Make sure our children and grandchildren are not goyim."

Tobin has a solution:

Link synagogues, Jewish community centers and Jewish camps in an informal phase of Jewish education, including trips to Israel. Thus, major donors will begin to shift their funding radically toward informal education options, believing these are the best way to instill or reinforce Jewish identification.

Tobin urged more aggressive outreach to intermarried couples, pointing out that "most Jews do not convert out and the Jewish partner does not want his children to be raised Christian. He added that the fastest-growing part of the Jewish population is Jews married to non-Jews."

Tobin is not wedded to only one solution. He suggests a "user fee" as a possible alternative to synagogue and Jewish Center dues. He believes this approach fits the consumer mentality with which Jews regard their memberships today.

Referring to the fact that many families join congregations only to have their children bar or bat mitzvah, he said, "If we don't hook them, we'll lose them after six years."

Cartoon draws ire of editor

PHILADELPHIA — A cartoon in the Philadelphia Inquirer showing a woman reading a newspaper and saying to her husband, "Imagine...hundreds of people killed for demanding basic political rights" and he responding that "The

news from China is awful" bringing the answer, "I'm reading about the West Bank" has irked the editor of The Jewish Exponent. The paper called the cartoon "mean-spirited, unfair and unwarranted."



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Patrilineality on the bloc?

A proposal that could in time bridge the gap between Orthodoxy and Reform, and then of course Conservatism, has been made by Rabbi Alfred Gottschalk, the president of Hebrew Union College-Jewish Institute of Religion.

Until now, every occasion on which either unity among the various wings of Judaism was discussed or the schism which in some quarters has been voiced, everything was in generalities. Now we have a specific and by an, if not the, authority in Reform.

Rabbi Gottschalk in his taped interview in this issue of the P-O makes a precise and definitive offer to the Orthodox. Reform, as represented by him, is willing to discuss — forgo patrilineal descent if Orthodoxy is prepared to accept Reform.

It is as plain as that.

So we have a start.

There are other significant differences that divide Orthodoxy and Reform. Plus, one declaration doesn't make a peace agreement. There is the question of a Jewish divorce. But at least a significant start has been made.

Until now, there has been much bewailing of the differences but little action, with the irrevocable schism in Judaism predicted by some by the year 2000, only 11 years away. But with President Gottschalk's offer, we now have a basis for starting negotiations.

The assumption is that Conservatism and Reform have no unbridgeable differences between them, so that if Rabbi Gottschalk's concession leads to actual bargaining with centrist Orthodoxy, we have the makings of a united American Judaism. (The ultra-Orthodox cannot be expected to make even the least concession, but the centrists have indicated more than once a readiness to seek avenues for reconciliation in American Judaism)

A scenario such as presented in this editorial obviously will be challenged. But it cannot be gainsaid that a new ingredient has been thrown into the cauldron.

Gottschalk's statement, we hope, will engender a like response from his colleagues in Orthodoxy. The opportunity presented should not be rejected out of hand. That would be a terrible disservice.

Whether CLAL or even the American Jewish Committee or any national Jewish organization, or a coterie of them, now get involved in one way or another, the opportunity should not be lost.

Neusner pans museum for dropping exhibit

WASHINGTON — Jacob Neusner, a member of the National Council on Arts, last week denounced the decision of the Corcoran Gallery of Art to cancel a planned photographic exhibit: "Robert Mapplethorpe: The Perfect Moment."

The council is an advisory body to the National Endowment for the Arts.

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Corcoran director Christina Orr-Cahall, said the decision to cancel was mostly due to concern over public funds supporting controversial art. The exhibit contains sexually explicit photographs.

Neusner said that the museum, once it had decided the work artistically merited showing, should not have backed out.

An unfortunate issue has cast a cloud over our coverage of this year's convention of the Central Conference of American Rabbis. As is usually the case, dating back to the convention at Estes Park, Colo. perhaps 30 years ago, we were the only Jewish paper represented at Cincinnati except for the local American Israelite, and year after year we have personally represented the P-O at the CCAR conventions. And the expressions of confidence have been mutual.

But not this year.

There were 13 sessions scheduled for 7:30 a.m. Friday, and we marked the ones on cults and the task force on women in the rabbinate in our program as the two we would try to cover. There were several women rabbis in the Wolverine Room of the Hyatt Hotel when we sat down, and then Rabbi Mark L. Winer, who succeeded our Rabbi Maurice Davis at the White Plains (N.Y.) Jewish Community Center, entered. If he saw us, he said we would have to leave.

This was a shock.

It recalled the time some 25 years or so ago at the convention of the Rabbinical Assembly (Conservative) at the Park Synagogue in Cleveland when at one of the sessions a hastily-scribbled sign was attached to the door stating "executive session." Since nothing on the program indicated that it was other than a regular part of the program, we protested, but in vain. We left the convention and have never covered a convention of the Conservative rabbinate since then.

When Rabbi Winer told us to leave, we resisted, suggesting that we discuss the matter. He not only refused, but stated that the executive vice president, Rabbi Joseph Glaser, with whom we have up until now had such a good relationship, had confirmed that we were to be barred.

In cases like this, as an editor we could have made provision so that our report could have been viewed by Rabbi Winer and a discussion between us might have persuaded us to change some of the wording, and even delete portions that could have led readers to wrong conclusions. We do not permit that kind of "censorship" with any of our reporters but as the editor, we do make that concession occasionally when intricate matters are discussed.

So we left the room, but we could not contain ourself and blurted out to the few women rabbis in the room that this is the

kind of treatment that women rabbis are receiving.

We had an appointment with Rabbi Gottschalk at the HUC campus, but we checked out of the hotel, and after the interview, we headed for home.

There were some outstanding characteristics of this — the centennial of the CCAR — convention and one was that it lasted almost a full week. That gave the rabbis time to incorporate all the facets of their work and their interests without the rush that usually marks a Jewish convention. The convention opened Wednesday morning and closed at noon Monday. So from early morning to late at night, the rabbis met and talked and listened and argued and prayed and studied. Yes, they studied, for a full day was spent at HUC's campus where 22 different classes were held morning and afternoon, conducted by the faculty.

It was surprising, but we should have anticipated it, how few of the younger rabbis we know. The oldtimers are almost all our friends, since we run into them often from time to time, but still it was something of a shock to walk through the corridors or sit in a session and find that although we knew their predecessors, the newer rabbis are strangers to us as we were to them.

Few of the rabbis wore yarmulkes; and that has us confused. We know that Reform has almost institutionalized return to ritual, yet in past conventions we were able to note increasing numbers from year to year of yarmulkes.

Rabbi Glaser revealed a new aspect of his abilities when he recounted in a talk studded with humor the lives of each of the presidents of HUC, beginning, of course, with Rabbi Isaac Mayer Wise. He can count among his other achievements the ability to bring laughter to audiences. He didn't spare the presidents either, pointing up some of their idiosyncracies, but with a loving touch. When he reached Rabbi Julius Morgenstern, he might have included that he was the first to acknowledge the legitimacy of Zionism. We interviewed him at a time when Zionism was more or less verboten in Reform, and he came out in favor of Zionism. We copyrighted that interview and the New York Times reprinted it word for word, giving us credit. Now we are copyrighting the interview

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Teen tour

A teenage volunteer training program will be held from 9:15 a.m. to 3:15 p.m., Wednesday, July 5, at Jewish Center for Aged of Greater St. Louis. The JCA is a 276 bed geriatric facility located at 13190 South Outer 40 Road, in the city of Town and Country.

The training program will include a tour of the JCA, the opportunity to meet with JCA staff members, film, interaction with the Center's residents, a simulation program so that teenagers can experience firsthand how it feels to be "old for a day" and a free luncheon. Those teenagers who have previously been through the JCA's training program may call the Center

for immediate placement.

For information or to register, contact Dorothy Goldstein, volunteer coordinator, 434-3330, ext. 235.

Elderhostel

More than 40 senior adults from across the country got a taste of college life recently at Washington University in St. Louis. The seniors participated in an Elderhostel program that provides short-term college experiences for adults 60 and over. It is sponsored by Washington University, Jewish Community Centers Association (JCCA) and Elderhostel Inc., which is based in Boston.

The senior adults lived in a Washington University resi-

dence hall and attended classes on Judaism, which were taught by Washington University faculty. They also participated in a variety of extra-curricular activities.

The seniors in the program are an active and diverse group ranging from a retired nuclear engineer who now does maintenance work at his wife's nursery school, to a former Brentwood (Mo.) High School counselor who survived the Holocaust.

BBYO officers

Seventy-six youths from the B'nai B'rith Youth Organization (BBYO) in St. Louis traveled to Omaha, Nebraska, recently for a Mid-America

'Gatekeeper'

Continued from page 2
pate in the program.

"The Gatekeeper Program is a recent addition to Union Electric's 'Energy Plus,' a group of special community service programs we support to address individual needs and respond to the Company's shared responsibility for the customers and communities it serves," says Kim Homeyer, Union Electric's Gatekeeper Program Coordinator.

"There are many people we are not reaching," says Mary Schaefer, Mid-East's Director of Planning and Development. "This is one way to work with a local company to find people who might need and benefit from our services."

Directors

Continued from page 2
community's fastest growing population, the elderly.

Weintraub has a bachelor's degree in history from the State University of New York-Binghamton, and earned his MSW degree from the University of Pennsylvania. He is a member of the academy of certified social workers.

Expansion

Continued from page 2
400 nursing home beds, an increase of 124 from its present size. Also on the plan is a multi-purpose facility which would incorporate a synagogue, recreation therapy area, adult day services and extension to the service building to hold a new kitchen. The addition would add 69,800 square feet to the Center.

Regional convention. The delegates participated in elections, held services, and had an explosive time with a group from Chicago called the Explosive Rockers.

Newly-elected officers to the Regional Board from St. Louis include Lenny Minkovich, regional secretary and treasurer; Dan "Pooky"

Blacks, Jews

Continued from page 3
felt a sense of renewal. There were few illusions that the road ahead would be easy but realistic criteria for reenergizing the coalition were articulated.

Participants recognized that to successfully accomplish these goals requires two-way cooperation. This confer-

Ethnic

Continued from prev. page
questioned the family representatives about the worth of the forums, the effectiveness of the materials meant to aid them and their families, and the ways in which existing programs could be made more useful. Recommendations emerging from these investigations included these:

1) Printed and audio-visual material must reflect the cultural values and perspectives of the religious or ethnic group being addressed. Pre-packaged programs meant to disseminate information on caregiving must be adapted to the audience's cultural background.

2) Forums and similar programs designed to provide information to caregivers within ethnic and minority communities must be directed by a person who understands the needs of the participants, recognizes their cultural mores, and can translate information into terms they understand.

3) Before carrying out caregiver programs for ethnic and minority groups, group leaders must engage in extensive pre-planning, including: identifying the structures and systems within the community; getting the support of key community leaders; raising the consciousness of the community about caregiver issues in general; surveying the community to determine what needs exist, and, in cooperation with the community's leaders, developing educational goals that are reachable.

The study's findings, "in-

Loiterstein, regional reporter; Larry Weinberg, regional Judaic chairman; Jennifer Rothman, regional vice president; Joanna Sterneck, regional Judaic chairman; and Julie Pommerantz, Winter Regional coordinator.

All current BBYO members are encouraged to begin re-registering for the 1989-90 program year, at a cost of \$20.

ence — held on the campus of one of America's oldest and most respected predominantly black institutions of learning — was surely a step in the right direction.

(This article is reprinted from the May 1989 issue of the ADL Bulletin, national publication of the Anti-Defamation League of B'nai B'rith.)

dicating clearly that public and voluntary agencies must develop new marketing techniques if their important educational materials are to reach ethnically diverse people," Giordano said. "The voluntary and public sectors can learn from the success of the advertising industry, which is learning that products sell when negative stereotypes are transformed into relevant cultural images."

Similarly, Dobrof found that "the range of different ethnic groups portrayed in the video, 'In Care Of: Families and Their Elders,' attests to the universality of stress and satisfaction, as well as to the service needs of family caregivers. The caregiver study, which utilized our video, highlights the importance of ethnically sensitive communications strategies that enable us to reach those family caregivers."

"This study illustrates the critical need to increase awareness about caregiving in our ethnic and religious organizations," Hayes added. "The study establishes an understanding of how community organizations can play a role in supporting ethnic and minority caregivers who often do not have access to the aging network."

The American Jewish Committee is this country's pioneer human relations organization. Founded in 1906, it combats bigotry, protects the civil and religious rights of Jews here and abroad, and advances the cause of improved human relations for all people everywhere.

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Family policy

Continued from prev. page
tor to single-handedly take on the financial responsibilities for successful family programs.

"There needs to be a synergism of funds from both the public and private sector for considerations revolving around the family. We are on a desperate course and there is a very delicate balancing act that is needed."

E. Robert Goodkind of Westchester, former chairman of the Advisory Board of AJC's William Petschek National Jewish Family Center, AJC's Family Policy Task Force and its Jewish Communal Affairs Commission, chaired today's meeting.

"Our work in the AJC Task Force on Family Policy identified family as a bridge issue between liberals and conservatives," he said. "We need be concerned both with advocating new programs to strengthen families and with affirming family values. Partnerships between public and private sectors are essential to realizing those twin sets of goals."

At the meeting, Bubis was presented with the William Petschek National Jewish Family Center Award in recognition of his exceptional contributions to the strength and stability of the American family.

Judith E. Obermayer of Boston made the presentation.

Bubis, a leader in the area of Jewish social thought and family policy planning, has sought to shed light on the challenging issues facing the American family and the Jew-

ish community including intermarriage, divorce, single-parent families, the changing demographics of the Jewish population and the role of women in American Jewish life. His writings, research and teachings have served as invaluable resources for those involved in Jewish communal service.

The William Petschek National Jewish Family Center was created by the American Jewish Committee in 1979 as an expression of its commitment to the family as an indispensable social institution for maintaining and enhancing Jewish identity, communal stability and human fulfillment. Its goal is to promote research on family problems, help clarify family values and stimulate the development of innovative programs to help meet the needs of parents, would-be parents and their children. It also strives to encourage an awareness and responsiveness to those needs in the Jewish and general communities. Steven Bayme is director of the Center.

The American Jewish Committee protects the rights and freedoms of Jews the world over; combats bigotry and anti-Semitism; promotes human rights for all; works for the security of Israel and deepened understanding between Americans and Israelis; defends democratic values and seeks their realization in American public policy; enhances the creative vitality of the Jewish people. Founded in 1906, it is the pioneer human-relations agency in the U.S.

Are religions ever traditional? — part II

By JACOB NEUSNER

(Part two of a three-part series.)

I treated as an axiom the formal and putative autonomy of systemic thought,



which is so represented as if it begins *de novo* every morning, in the mind, imagination, and also conscience, of the system-builders. But what of what has gone before: other systems and their literary, as well as their social, detritus?

Let us turn to the relationships to prior writings exhibited by systematic and traditional authorships, respectively.

How do we know the difference between a system and a tradition in respect to the reception of received systems and their writings? The criteria of difference are characterized very simply. A systematic authorship will establish connections to received writings, always preserving its own autonomy of perspective. A traditional authorship will stand in a relationship of continuity, commonly formal, but always substantive and subordinate, with prior writings. The authorship of a document that stands in a relationship of connection to prior writings will make use of their materials essentially in its own way.

The authorship of a document that works in essential continuity with prior writings will cite and quote and refine those received writings but will ordinarily not undertake a fundamentally original statement of its own framed in terms of its own and on a set of issues defined separately from the received writings or formulations. The appeal of a systematic authorship is to the ineluctable verity of well-applied logic, practical reason tested and retested against the facts, whether deriving from prior authorities, or emerging from examples and decisions of leading contemporary authorities.

A traditional authorship accordingly will propose to obliterate lines between one document and another. A systematic authorship in the form of its writing ordinarily will not merge with prior documents. It cites the received writing as a distinct statement — a document "out there" — and does not merely allude to it as part of an internally cogent statement — a formulation of matters "in here." The systematic authorship begins by stating its interpretation of a received writing in words made up essentially independent of that writing, for example, different in language, formulation, syntax,

originality of authorships that pretend to receive and transmit, but in fact imagine and invent.

A traditional document (therefore the mind and the religious system that it represents) recapitulates the inherited texts; that defines the traditionality of such a writing. A systematic writing may allude to, or draw upon, received texts, but does not recapitulate them, except for its own purposes and within its idiom of thought. Traits of order, cogency, and unity derive from modes of thought and cannot be imposed upon an intellect that is, intrinsically, subordinated to receive truth. A tradi-

From the Pentateuch to the Bavli, Judaic authorships presented not stages or chapters in an unfolding tradition but closed systems, each one of them constituting a statement at the end of a sustained process of rigorous thought and logical inquiry, applied logic and practical reason.

and substance alike.

The marks of independent, post facto, autonomous interpretation are always vividly imprinted upon the systematic authorship's encounter with an inherited document. Such a writing never appears to be represented by internal evidence as the extension of the text, in formal terms the uncovering of the connective network of relations, as literature a part of the continuous revelation of the text itself, in its material condition as we know it "at bottom, another aspect of the text." Not only so, but a systematic statement will not undertake the sustained imitation of prior texts by earlier ones. And even when, in our coming survey, we find evidence that, superficially, points toward a traditional relationship between and among certain texts that present us with closed systems and completed, systematic statements, we should, indeed, be struck by the independence of mind and the

traditional writing refers back to, goes over the given.

The system for its part not only does not recapitulate its texts, it selects and orders them, imputes to them as a whole cogency that their original authorships have not expressed in and through the parts, expresses through them its deepest logic. The system — the final and complete statement — does not recapitulate the extant texts. The antecedent texts — when used at all — are so read as to recapitulate the system. The system comes before the texts and so in due course defines the canon. But in introducing the notion of canon, I have moved far beyond my story. At this point it suffices to claim that the thought processes of tradition and those of system building scarcely cohere. Where applied reason prevails, the one — tradition — feeds the other — the system — materials for sustained reconstruction.

The statement of a system

is worked out according to the choices dictated by that authorship's sense of order and proportion, priority and importance, and it is generated by the problematic found by that authorship to be acute and urgent and compelling. When confronting the task of exegesis of a received writing, the authorship of a systematic statement does not continue and complete the work of antecedent writings within a single line of continuity ("tradition"). Quite to the contrary, that authorship makes its statement essentially independent of its counterpart and earlier document. In a systematic writing, therefore, the system comes first. The logic and principles of orderly inquiry take precedence over the preservation and repetition of received materials, however holy. The mode of thought defined, the work of applied reason and practical rationality may get underway.

First in place is the system that the authorship through its considered, proportioned statement as a whole expresses and serves in stupefying detail to define. Only then comes that selection, out of the received materials of the past, of topics and even concrete judgments, facts that serve the system's authorship in the articulation of its system. Nothing out of the past can be shown to have dictated the systematic program, which is essentially the work of its authorship. The tradition is ongoing, and that by definition. Then, also by definition, the system begins exactly where and when it ends.

Where reason reigns, its inexorable logic and order, proportion, and syllogistic reasoning govern supreme and alone, revising the received materials and restating into a compelling statement, in reason's own encompassing, powerful, and rigorous logic, the entirety of the prior heritage of information and thought. From the Pentateuch to the Bavli, Judaic authorships presented not stages or chapters in an unfolding tradition but closed systems, each one of them constituting a statement at the end of a sustained process of rigorous thought and logical inquiry,

applied logic and practical reason. The only way to read a reasoned and systematic statement of a system is defined by the rules of general intelligibility, the laws of reasoned and syllogistic discourse about rules and principles.

And the correct logic for a systematic statement is philosophical and propositional, whether syllogistic or teleological. The way to read a traditional and sedimentary document by contrast lies through the *ad hoc* and episodic display of instances and examples, layers of meaning and eccentricities of confluence, intersection, and congruence. But I maintain that tradition and system cannot share a single throne, and a crown cannot set on two heads. Diverse statements of Judaisms upon examination will be seen to constitute not traditional but systemic religious documents, with a particular hermeneutics of order, proportion, above all, reasoned context, to tell us how to read each document. We cannot read these writings in accord with two incompatible hermeneutical programs, and, for reasons amply stated, I argue in favor of the philosophical and systemic, rather than the agglutinative and traditional, hermeneutics.

Whatever happens to thought, in the mind of the thinker ideas come to birth cogent, whole, complete — and on their own. Extrinsic considerations of context and circumstance play their role, but logic, cogent discoursed, rhetoric — these enjoy an existence, an integrity too. If sentences bear meaning on their own, then to insist that sentences bear meaning only in line with their associates, their friends, companions, partners in meaning, contradicts the inner logic of syntax that, on its own, imparts sense to sentences. These are the choices: everything imputed, as against an inner integrity of logic and the syntax of syllogistic thought. But there is no compromise.

As between the philosophical heritage of Athens and the hermeneutics of the Judaic tradition known from classic times forward, I main-

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An interview with Alfred Gottschalk

Hebrew Union College-Jewish Institute of Religion president talks about Jewish unity, offers to discuss patrilineality, tells of efforts of recruiting rabbinical students and his view of the intifada.

GABRIEL M. COHEN: If you were empowered to bring about a reconciliation between the four wings of Judaism, what would be the actions you would take?

A. Would you be willing to alter patrilineal descent if that became a stumbling block to a reconciliation?

B. Assuming that the Orthodox were willing to compromise, would Reform also be ready to make concessions?

GOTTSCHALK: You know, Gabe, I'm both a realist and an idealist and when I look at Jewish history and I wonder what Yochanan Ben Zaccai would have answered if you had asked him to reconcile the Pharisees, the Sadducees, the Essenes, and the Kach movement of its day, the Siccarees, the Qumran people. I think there is a diversity in Jewish life that's legitimate, that really doesn't need to be reconciled. We always have had in our tradition different readings of the nature of G-d, human destiny, politics, the view of the priest, the view of the Prophet. We've had the view of the sage, the chacham in the Bible. We've had the view of the rabbi from the rabbinic period, different kinds of approach of a scholar class, and this is just the nature of things. Therefore I think the differences in Jewish life reflect different readings of the will of G-d or the meaning of Torah.

GMC: Therefore you don't feel with, say Yitz Greenberg, that we're 11 years away from a big schism that'll split the Jewish community apart.

GOTTSCHALK: No, there are periods in Jewish history that were more schismatic than ours is. I think what holds us together here in this country is the framework of democracy, that we choose to be Jews on our own level of significance and meaning. No one tells you what it is to be a good Jew. There are people who say, this is the way to become a fulfilled Jew, this is the way you can do more mitzvahs, but there is no authority in a democracy because of the separation of church and state that can compel religious assent, and I think that's tremendous. That's the difference.

GMC: Have you participated, you must have, in any meetings over say the past 5 or 10 years with Conservative and Orthodox on this question?

GOTTSCHALK: Orthodox, I have received very few invitations, very very few.

GMC: I'm talking about meetings of all three.

GOTTSCHALK: The only meetings of all three that I was part of had to do with the problems that related to the Law of Return and its proposed amendment, and from time to time we would meet to discuss a common approach to a problem. For example, Norman Lamm, Ismar Schorsch, and before him Gerson Cohen and I, and Manny Rackman, we'd meet informally.

GMC: Do you still meet?

GOTTSCHALK: We talk—all the time. Sure. We talk to each other about what's real and what's not, yes.

GMC: So you really have never sat down with the other 3 wings of Judaism and discussed how, for instance, let's say the Denver Program of conversions worked.

GOTTSCHALK: Well people in the Union have and people in the Conference have, and there have been some professors of our faculty. There have been such discussions, yes.

GMC: In connection with the Denver program, the big concession it seems to me was made by Reform rabbis, because the actual Bet Din that accepted the converts was made up only of the Orthodox. That is doing exactly what yesterday both Rabbi Karpf and Joe Glazer were telling the reporters that Reform could not make any kind of concessions that would delegitimize Reform. It seems to me that that did delegitimize Reform, although to me, that's a minor concession—but I'm not a rabbi.

GOTTSCHALK: Well, it's also a local accommodation.

GMC: There has never been any criticism of it, never any public criticism, not by you, I'm sure.

GOTTSCHALK: No. I don't think it's to be criticized. Let's see what happens here for a while. I don't really, it doesn't matter to me, if the Bet Din works, we're working on a problem now where we hope to get a common denominator established for conversion for people who are considering aliyah. That started with Golda Meir in her day, when she sent around the world the Minister of Religion, Raphael. And we met with him in New York, and that was followed by discussions with Yitzhak Rabin and then with Menachem Begin, with Shimon Peres and with Shamir, with whom we met on several occasions on this

question. And the ball keeps bouncing back from Israel to the Diaspora, because it is essentially a Diaspora problem. But the legitimacy has to be recognized in Israel, and I'll put the legitimacy in quotes.

GMC: Is there a meeting of minds in the Diaspora?

GOTTSCHALK: There is a greater meeting of minds in the Diaspora than we have imagined possible. There is one question I think that is a very very serious obstacle. And that's the question of patrilineality, which I would not want to change. Because I think it's an authentic Jewish position, and I'd like to give you my reasons why I wouldn't want to change it. It's an authentic Jewish position because throughout the times of Biblical Judaism your lineage was determined according to bet avicha, your father's house. So it's bet avicha. When historic circumstances demanded, required for humane reasons, a change in that,

because Palestine was overrun by the Roman Empire, and one seized Jewish women and there were children brought into the world, one always knew who the mother was. One didn't always know who the father was. So matrilineality became Halachically the way to identify a child. I don't think they meant to do away with patrilineality. There was no abrogation of patrilineality. They just added matrilineality. Now, I think today where the circumstances require us because of the modern world in which we live where you do have Jewish fathers and you may have non-Jewish mothers, and the child may be reared by a Jewish father in the same conscientious way that a Jewish mother would rear a child in a family where there is a non-Jewish father, so patrilineality was a way of maintaining more Jews.

GMC: What about a little concession on patrilineality that's been discussed, which would be a symbolic conversion? If that concession were made, I think the Orthodox might yield.

GOTTSCHALK: Symbolic conversion is like being a little bit pregnant. I don't know what it is. You're either converted or you're not converted. You require it or you don't require it.

GMC: Has that been discussed in Reform circles?

GOTTSCHALK: No it's never been broached seriously. I had a long talk about matrilineality with a number of Orthodox rabbonim. And I was really surprised at the lack of hostile reaction. They objected to a number of things. They objected to the way we did it. There I agree with them. That we did not take the time to educate others to our point of view. We sprung it on the Jewish community. It wasn't meant to be that way, it just happened that way. Because there had been a committee at work for a couple of years before this surfaced, and it surfaced because of lay pressure primarily within congregations where this phenomenon is rampant. We didn't create the problem. This is another aspect that I try to tell my Orthodox friends—we didn't create the modern world. We're trying to live in it the way you are. We have a different way of living in it, but we're not permissive in our ways, we don't want our children to intermarry, we don't want to lose our future generations any more than any Jewish parent who is not Reform does. That's not the problem. The problem is how you accommodate with modernity.

GMC: Yes but when Israel made peace with Egypt, Israel had to make concessions. You remember the big fight when the colonies in the Sinai Peninsula refused to vacate!

GOTTSCHALK: Gabe, if the Orthodox would say to us, you give up patrilineality, and we'll accept your rabbis as authentic Jewish rabbis, we will accept Reform Judaism as an authentic Jewish Movement, which they didn't do before we had patrilineality, but if they were to make such a gesture, I would say sure. Let's talk.

GMC: There are, I presume, a number of pulpits that are not being filled because of the lack of Reform rabbis to fill them. That's been a continuing situation, I still presume, because you could probably tell me within almost five how many such pulpits there are. I know they are not the major pulpits. But that means not enough students are applying and being accepted in your rabbinical school. Are you working on that problem? I presume you are.

GOTTSCHALK: Yes, we have now established a Joint Commission with CCAR and with the Union on the question of how to replenish really in a way, the Jewish professions. We are not only talking about the rabbinate. We're going to have within the next decade 5,000 Jewish civil servants retiring. From Federations and Welfare Funds, and so on. Where are we, as communities, going to get the replacements for these?

GMC: Did you put Bubs to work?

GOTTSCHALK: Yes. When I was Dean of the L.A. school, at that time Bert Gold was still out there and Sandy Solender was still out there, and we and Dr. Karpf, Maurice Karpf, and Maurice bugged all of us, and said now is the time for another experiment. Now is the time for another school of Jewish communal service. And it's not New York, it's L.A. where it should be. And he persuaded me, and I went to work on it and persuaded Dr. Gleuck and Dr. Solender who was then the provost and they told me to bring it to the long-range planning committee of the college which was headed by the then-president of Federated, Fred Lazarus, Jr. And they said like you would in a business, do a feasibility study. So Burt Gold and Solender and some others did an independent feasibility study, and concluded

that indeed such a school would be needed and now is the time to build it, and the college gave me the authority to recruit a director. And Jerry Bubis who was Director of the Jewish Federation in Long Beach, he and I were at the first International Congress of Jewish Communal Service in Jerusalem. I had a list of guys I wanted to meet. And I'm in a gallery standing next to a guy looking at some pictures. I said I'm Fred Gottschalk. He said, I'm Jerry Bubis. I said we're looking for you. I never went down the list. You know, it was very unprofessional of me I guess, but I just thought after meeting him and talking to him for literally a day that he was the guy. And he did. Now we're looking for a successor. Jerry is retired. We had a beautiful day for him in L.A.

GMC: I ran into him a few months ago, I think it was in Tampa. Yes it was in Tampa. You know he was delivering the sermon that Friday night at the Reform temple. And I walked in and just sat down, but he recognized me. Meanwhile, let's go back to the subject.

GOTTSCHALK: So we also have to replace Jewish communal servants. So we have a school of Communal Service.

GMC: What are you doing that will bring, in view of your expertise, let's discuss it as the rabbinical end.

GOTTSCHALK: We're doing the same thing on all three levels: Jewish education, Jewish communal service, we have a full school of Jewish education to which the Wexner Foundation has just made a major grant because they think we're the best, not only the largest. So education, communal service, the rabbinate and our graduate school of Jewish studies all face the same challenge. But it's somewhat easier to recruit for communal service because there is a lot of local recruitment that goes on within the Federation network. They start young people out, they watch them, they encourage them,

GMC: They have programs for bringing in young people.

GOTTSCHALK: Right. And then when they are of the quality where they should be trained at the cost of the community, they are sent to one of the communal schools. There are five programs in the United States. For the recruitment of rabbis we have to depend largely on our alumni. Because invariably it's the role model of a rabbi that a young person identifies with who comes into the rabbinic school. And therefore you need the full-hearted appreciation and cooperation of the alumni, and that's why the Union, the Conference and the College have to work together in this recruitment effort.

GMC: That's not attacking the real problem. The real problem is why aren't more young Jewish people interested in the rabbinate?

GOTTSCHALK: Well they asked the same question a hundred years ago.

GMC: It's a very good profession, it pays well, and gives you status and so forth.

GOTTSCHALK: Reasonably well. It's also related to when I... I was in Stockholm about a month ago under the auspices of the Memorial Foundation of the Jewish Culture. The purpose of the meeting was finding Jewish personnel to be rabbis in Europe. So I met with the new Chief Rabbi of France, one student...

GMC: Did you say one student?

GOTTSCHALK: One student in France that he's cultivating.

GMC: Say it again.

GOTTSCHALK: One rabbinic student.

GMC: So what you're saying is that it's universal.

GOTTSCHALK: It's worse on the continent. When I came back from that trip I had a long-scheduled opening day lecture to our students at the New York school. There were 120 kids sitting there. And I said to myself, how lucky we are that we have, and by comparison, we're doing very well. Objectively we're not. We probably should be able to get another 100. We're working on it.

GMC: You're talking about another 100 Reform. Could you place that many rabbis? There are not that many pulpits.

GOTTSCHALK: Well you don't place them all at once, over time if you admit 100 and you stagger them over four or five years

GMC: Well then let's go back to the figures. How many pulpits would you say could be filled today if there were rabbis available?

GOTTSCHALK: 30. More.

GMC: Are they all small?

GOTTSCHALK: No, some are medium-sized. Some are even in large communities, in large areas. What I'm trying to tell you is that if we had the younger people—the congregations are hiring to meet the needs, some of the newly retired rabbis. At lunch today I'm going to meet with close to 80 of them. More than half of them are 65 and over, but every other way they are still functioning.

GMC: What are you going to meet with them for?

GOTTSCHALK: I want to talk to them about the needs of the school and how they can be helpful as mentors in the recruitment process. They still travel.

GMC: Well we're still back at the same question. Evidently the young Jewish people do not find this a career option.

GOTTSCHALK: I'm not going to dodge your question. I'm just going to put it into a context. I just rewrote a book that I wrote in '68. I entitled it then "Your Future As A Rabbi". It was reviewed in The Post and Opinion by one of your editors then. We just redid it and we retitled it "To Learn and To Teach." What was shocking to me was that between 1968 and 1988, there was no other book on the same subject. I'm trying to interest young people in the rabbinate, by anybody—Orthodox, Conservative, Reform. So the Chronicle of Higher Education did a survey on vocational preferences of young people. It's a very good publication. It covers what goes on in universities around the United States. And they did a survey on professional preferences of high school graduates. The last three out of ten categories were teaching, tenth; social worker, nine; clergy, eight. Investment banking, one; computer technology, two and medicine and law, somewhere in the middle. So that's the values of the society in terms of what it prizes that we're dealing with also. And therefore we have an education job to do. You know, we used to say at one time in Jewish life if your daughter could marry a rabbinical student, that was the greatest mitzvah. Today I don't think they do it that way.

GMC: The rich man always found the top student at the Yeshiva.

GOTTSCHALK: It was only in Eastern Europe.

GMC: Well I guess going back far enough it looks to me like it was just part of tradition. So then we can fairly well prognosticate that at least for the immediate future, this situation where pulpits remain unfilled will continue.

GOTTSCHALK: Yes the Conservative movement has a much more serious problem. It doesn't make us feel any better, because they are graduating fewer rabbis. And some of our guys are crossing over into the more traditional congregations.

GMC: You mean they are finishing here and then...

GOTTSCHALK: Well, yes, there are a number of rabbis who are members of the Conference, they are members of the CCAR who have pulpits that belong to the United Synagogue. Because they are more traditional.

GMC: Are the Reconstructionists having the same problem as far as you know?

GOTTSCHALK: Yes.

GMC: Really? But not the Orthodox.

GOTTSCHALK: With the Orthodox you have a different system entirely. So RIETS graduates more rabbis than we do, but they don't go into the pulpit.

GMC: Go into business.

GOTTSCHALK: They don't make the Torah a spade with which to dig. The most really revolutionary program in Reform Jewish life today is what we're doing in Israel. Despite all of the objective problems that exist, we're still sending the largest number of our young people to work, study and play in Israel. Because I'm firmly committed to the principle that Israel is a transforming experience for every Jew. I went to Israel for the first time when I was a college senior, just about ready to enter HUC. I went there for 6 months under a Jewish Agency grant, for Hebrew teachers. It changed my whole life, my perspective on Jewish life. And that's one of the major reasons why I'm so committed to the development of the Jerusalem campus.

GMC: Why is it news today?

GOTTSCHALK: Because there is new Jewish life in Israel, and more than ever before is there a blend of, I see a blend of religious Jewish modernity and Zionism. These youngsters who we are sending to Israel are religious Jews. Young religious Jews. From our temples and our camps. Many of them will be the leadership community of Reform Judaism tomorrow. Just as the number of women being ordained will change the rabbinate. Just change it, I'm not putting a qualitative value on it, just change it so a large number of people whom we have sent to Israel and who are coming back are going to change American Jewish life. They're going to keep going back and forth, back and forth. When I interview the entering class, I have a long lunch and one of the questions I ask is how many of you have been to Israel before? Most of them. How many of you have been to Israel more than once? Most of them. How many of you have been to Israel more than twice, three times, four times? Because the age of the group, they are 25, 26, 27, many have been there three, four times. So the cumulative buttressing back and forth has created a Jewish person who wants to devote themselves to Jewish life. And I think whether you become a rabbi or you remain a layman, become a religious leader within our movement, it's a new experience. The growth of ARZA is a phenomena that I couldn't have dreamt possible five years ago. Growth! It's a major religious political movement.

GMC: Zero in on the point you're making—I don't follow.

GOTTSCHALK: The Reform Movement is going through a real revolution.

GMC: For instance, sending over the rabbinical students for their first year is already what — 15, 20 years old.

GOTTSCHALK: 15 years old. But you see it's rabbinic students and cantorial students and communal service students and education students, all of them.

GMC: Are they obligated to spend a year too?

GOTTSCHALK: All of them, practically, yes.

GMC: You mean Bubis' people.

GOTTSCHALK: Bubis' people, Sarah Lee's people—she's the director of our School of Education in L.A. — our cantorial school, it's now in its second year. We have a program with the musical academy in Israel, the Rubin in Jerusalem, for voice training for the pure musical component. And we have a full time professor, who is professor also at Tel Aviv University, Jewish Liturgic Arts, who is our teacher in the cantorial department.

GMC: So the new thing is expanding it over and above just sending rabbis. So how long has that been in existence?

GOTTSCHALK: The cantorial school, the last two years, three years. We're now working on our graduate program. Here we have probably the largest graduate school of Judaic Studies in the United States, comprised of Jews and Christians. There were 68 Ph. D. candidates. And we want to integrate them in our archaeological program in Jerusalem.

GMC: How many of them are rabbis? What proportion?

GOTTSCHALK: Very few.

GMC: Many must not be Jewish.

GOTTSCHALK: Some are Christian scholars, as I said. It's an interfaith enterprise. A lot of the people who graduate from that school are today, Morgenstern started that, they are today people of great influence in Christian scholastic circles. Among them people who are at the Vatican today, teaching at Kodeao University and the Gregorians and the Biblical Pontifical Institute and other places.

GMC: What is your view about the intifada?

GOTTSCHALK: On the intifada when it first broke out and the direction began to provoke Israeli soldiers, and first incidents were reported with extreme harshness and retaliation, I was interviewed by The Jerusalem Post and I was asked whether I believed that the Israeli army was capable of doing the things they were accused of doing? I said, impossible, because of the doctrine of the maturity of arms had prevailed in Israel. And I held out hope, you know, that I was right about that. And over time was compelled to change my view. I think the situation now is much more severe, it's going to get I think much worse as both sides escalate, and I think that the only thing that can stop it is intervention by the United States, which I don't see happening. So I think that ultimately what we're faced with here is a potential civil war, and there are enough of those going on in the world that are so totally destructive to the spirit of their populace, never mind the physical murder.

GMC: Well Israel could do what China is doing and that would end the civil war.

GOTTSCHALK: That's not Jewish. We're caught between a Jewish problem and the practical necessity of doing things to solve it. There are more people killed in any one day in minor intifadas around the world than there were killed in a whole year in Israel. Because we're Jewish and we agonize over this. It relates to the future of Eretz Yisroel morally and spiritually, not just from the vantage point of security. It's less a problem of security at this point than it is a problem of morale.

GMC: The point about civil war seems not valid because at any one point Israel could end the intifada and certainly before civil war they would introduce measures that are not countenanced today. So therefore there would not be a civil war, but there would be insurrection.

Continued on next page

The Passover cruise

By RABBI SAMUEL SILVER

Passover on a ship! It was like a dream, a fantasy, we hear from Yosi Melamed, one of the four mashgichim who toiled for four days to



kasher a luxury ship which accommodated 300 guests during the week of Passover. The event was strictly kosher. The casino was closed. A women's shul was fashioned. Each family was able to conduct its own Seder, but there was a central one for those who wanted to attend. It was led by Cantor Martin Dudson.

The event was stage-managed by the owner of the Cheers kosher restaurant of Manhattan. Among the attendees were Malcolm Honlein, the exec of the presidents' conference and his family, and Zev Brenner, the popular host of the Jewish radio program, Talkline. From England to Fort Lauderdale, where the ship began its voyage, on a Concord plane, flew an Israeli millionaire, David Sofer and his fiancée, Cynthia.

It was a floating holiday, and the article is accompanied by photos of many of the smiling celebrants. (Algemeiner Journal)

Editor

Up in Boston nurses and doctors are getting orientation in Judaism at the Deaconess Hospital. The reason: the Algemeiner Journal's editor, Gershon Jacobson, is a patient there with a foot infection. Three times a day he davvens. Jewish books abound in his room. Curious

Gottschalk

Continued from previous page

GOTTSCHALK: Well I think you may have both, wherever the Arabs feel it's possible to wage a civil war, they'll wage a civil war. And if they can't, they'll do an insurrection. And if they can't do an

insurrection they'll murder him and ply him with questions, which he eagerly answers. Ill though he is, he writes his editorials and keeps his readers posted about his condition and his views of the world.

Yiddish in Russia

Two summer courses in Yiddish will take place in Russia, thanks to the Rena Costa School of Yiddish of Israel's Bar-Ilan University, we learn in a Forward article. At the same time, a number of Russians will attend classes at the Israeli school to receive training as instructors in mame lashon.

Dr. Marek Edelman

At its recent commencement, one of those receiving an honorary degree at Yale University was Dr. Marek Edelman, one of the heroic survivors of the Warsaw Ghetto uprising. He was saluted by Dr. Benno Schmidt, Yale's president, and shortly thereafter went back to Poland to campaign for a seat in the parliament as a representative of Solidarity. (The Forward)

Rabbi Schneier

Ubiquitous is the word for Rabbi Arthur Schneier of Manhattan's Park East Shul and president of the interfaith group called Appeal to Conscience. In one Forward photo he is seen in Havana bringing Judaism to Castroland. On the front page of the Algemeiner Journal he is seen davvening in a Moscow shul. In the same issue his photo appears again, in a story about the visit to his synagogue of a 50-man choir from Johannesburg, South Africa, for a Lag B'Omer concert.

Rabbi Samuel Silver may be reached at 2475 West Atlantic Ave., Delray Beach, Fla. 33445.

insurrection they'll murder wantonly and randomly the way this professor at the Hebrew University was just murdered. The tactics of terror are different. They differ with respect to their political needs.

LaRouche group a menace

By RABBI MAURICE DAVIS

The N.Y. Times book review of Dennis King's Lyndon LaRouche and the New American Fascism, brings to mind my own dealings with



LaRouche and his band of crazies.

Some years ago he began writing about me in his magazine. He kept referring to me as Rabbi Mau-Mau Davis but I never did understand what he was saying. It is almost impossible to read two paragraphs of his writing with a look of intelligent comprehension on your face.

I dismissed this nonsense until a few years ago when it all began to come home to me. I was in bed one night (actually I was ill with pneumonia) when the phone began to ring. When I answered the phone the caller said, "We know who you are." I did not think that was surprising, since he was the one who called me.

He then informed me that he knew where I lived. I tried to find out what he was talking about, to no avail. As soon as I hung up I received another call. This one told me that he knew what I was planning, but that I would not live long enough to do it.

Thus began a series of calls which I was finally able to decipher. They were representatives of the National Democratic Policy Committee, which was one of the fronts of Lyndon LaRouche, who was planning once again to run for the presidency of the United States.

They had received word from him, presumably by telegrams throughout the land, that when he came to New York for his convention Rabbi Davis planned to assassinate him!

I put on the answering machine and tried to get some sleep. In the morning Marion and I played back the tapes. These nuts had not only threatened my life — ON TAPE! — they had also identi-

fied themselves by name and address.

We called the police, and a detective came to the house to listen to the tape. That is when we learned that I was accused not only of planning LaRouche's assassination, but that I was also responsible for the attempted assassination of President Reagan. I was, also, behind the Son of Sam murders that had plagued New York a few years earlier.

This, of course, brought in the State Police, the FBI, and the Secret Service. After several meetings it was determined that I was probably in no immediate danger. It seems that LaRouche had demanded police protection for his trip to New York, and had been denied. This was his way of showing that he needed that protection.

The police decided that if nothing happened to LaRouche on his trip to New York, then nothing would happen to me.

Of course....if something did happen to him, then they would immediately cover me.

Not very reassuring.

My next brush with these nuts came when various newspapers called to ask me about the forthcoming news conference to be held at my Temple. When I told them I knew nothing about it, I was informed that it had been arranged by National Caucus of Labor Committees, another LaRouche front.

I asked my newspaper friends if there could be a news conference if no news people appeared. They understood what I meant, and no news people appeared.

How does halacha view sex-change?

LONDON — Miss Caroline Cossey became a news item in The Jewish Chronicle of London when she was married at St. John's Wood Liberal Synagogue to Elias Fattal because it was learned that 15 years ago she underwent a sex-change operation. Rabbi David Goldberg, who performed the ceremony, told The Jewish Chronicle that no one was aware of Miss Cossey's history and that "she appeared to all of us as a very beautiful woman. She studied diligently and sincerely to learn about Judaism and

I did, however, notify the police, and the president of my congregation. She appeared, along with my wife. So did a dozen policemen in various disguises, looking as if they had come directly from Miami Vice. The office staff was terrified.

At the appointed hour a small caravan of cars attempted to enter our parking lot. They were immediately intercepted by the police, and after some heated exchanges they left only to return a few minutes later. This was repeated several times, until they finally parked away from the temple, crossed the street, and stood there taking pictures.

A few minutes later one of them approached on foot with a sheaf of papers. "These are for Rabbi Davis," he told the policeman who stopped him.

"That's all right," said the cop. "I am Rabbi Davis' personal representative." He took the papers. The cars departed with two police cars following them very ostentatiously. Some 20 minutes later one of the police cars radioed back to us, "All clear. They are now in New Jersey."

The papers, needless to say contained the same garbage all over again.

The review in the Times about LaRouche was entitled, "A Menace or just a crank?"

It all depends. When he called the Queen of England a drug dealer, and Henry Kissinger a paid member of the KGB, the first inclination is to call him a crank, and laugh at him.

But when you are the target, it loses some of its humor.

in due course registered her marriage."

He added that he felt sorry for the couple and their families, but assured them that they will receive sympathy and support from the congregation.

Rabbi Berel Berkovits, registrar of the London Beth Din, said that there was no definitive ruling on whether marriage involving a sex-change partner was valid, but offered the opinion that the couple would not be accorded halachic recognition.

CCAR

MINUTES OF THE PATRILINEAL COMMITTEE MEETING
New York City, September 26

file

PRESENT: Joseph Glaser, Walter Jacob, Samuel Karff, Gunther Plaut,
Herman Schaalman (chair), Alexander Schindler, Daniel Silver

Schaalman proposed an agenda consisting of the following six items:

1. What's the meaning of the resolution as passed in Los Angeles
2. Response to attacks (a) from within the Movement; (b) from without
3. The problem of the status of children of mixed marriages by colleagues who dissent from our resolution
4. Our relation to Maram, our European colleagues, etc., with regards to this resolution
5. What are specific requirements to establish Jewish identity totally under the terms of the resolution
6. Is there a problem of retroactivity.

Concerning item #1, a lengthy discussion ensued which centered around a number of items chiefly among them the word "presumption." The group finally declared itself satisfied with a statement about "presumption" made by Schaalman for the CCAR JOURNAL, a copy of which is attached.

#2 - after listening to some of the attacks made both from within and without and discussing them at some length, the consensus of the group was not to respond but rather to maintain a low profile with regard to them. Perhaps at some future time if these attacks continue we might be willing to review this matter to adopt a different course.

#3 - the Committee felt that all items of this sort should be left to the disposition of the Responsa Committee to which, generally, most of the questions that are now in doubt or concerning which conflict may ensue, should be referred.

#4 - the Committee felt that since the resolution was specific for North American Jewry we had no special obligation to answer any of the discomfort or attacks by non-North American colleagues at this time.

#5 - after a lengthy discussion it was decided that we would put out a set of questions and answers (a copy of the questions is attached to these minutes), which might embody a consensus of the Committee's view on this as well as other related matters. Plaut was asked to draft the answers.

#6 - this item was likewise to be covered in the questions and answers to be prepared, which were to be mailed to the entire membership for their consent.

Generally speaking, it was the consensus of the Committee not to enter into controversy when at all avoidable, and to monitor the development of the consequences of our resolution over the next half year or so.

Respectfully submitted,

HES:sgk
10/17/83
Encl.

Herman E. Schaalman, Rabbi

The Patrilineal issue as resolved by the 1983 Los Angeles CCAR Convention was understood by everyone to be likely to elicit strong and varied responses. This expectation has not been disappointed. Reactions have ranged from outraged denunciation to thoughtful analyses leading both to approval and disapproval.

The paper by our colleague Block* is an example of the latter. In calmly reasoned tones he subjects both the content and process of our Patrilineal resolution to a searching examination, leading him to the conclusion that the 1983 Resolution contains a logical flaw. In his opinion the defect needs to be remedied by another resolution or by such a statement in the forthcoming revision of the Rabbi's Manual as would undo the damage.

Block's argument turns on his examination of the meaning and use of the key word "presumption" in the 1983 Resolution. Basing himself on the Oxford Dictionary he states: "in its simplest sense, a presumption is a belief that something is true deduced from fact and experience." He then concludes: "... a presumption is not a belief that requires proof to be established. It is a belief that is taken as true, without further evidence, until and unless the contrary is proved."

Citing various uses of the term "presumption" thus understood, Block concludes: "it was ... entirely illogical ... to assert that the child of one Jewish parent is presumed to be Jewish, that the truth of the presumption must be established ..." This point is reiterated later as: "... the logically inconsistent 'presumption'/'establishment' language ...".

This is a formidable attack on the resolution whose keywords "presumption" and "is established" are claimed to be logically contradictory thus flawing the entire statement. It all turns on the definition, use and understanding of the word "presumption."

The Oxford Dictionary, as Block avers, lists as possible uses of the word "presumption": "a belief deduced from fact and experience: and under the special rubric of 'use in law' lists: 'presumption of law: (a) the assumption of the truth of anything until the contrary is proven.'"

These uses are, however, neither its "simplest sense" nor is it accurate to claim that "by definition" a presumption is true until proven to the contrary. The latter is only one of several uses and definitions of the word, specifically used as a legal term: "presumption of law".

The Oxford Dictionary, in fact, lists such other definitions of "presumption" as "seizure and occupation without right;" "usurpation": "the taking upon oneself more than is warranted by one's position, right, or (formally) ability." "The assuming or taking of something for granted." All of these definitions precede "the belief deduced from facts and experience" and would thus be the "simpler" definitions. Moreover, each of them when listened to carefully allow for, if they do not actually demand the "establishment" of what is "presumed."

In the 1973 American Heritage Dictionary under "presumed" we find a usage: "to engage oneself in without authority or permission; venture; dare;". The listed synonyms contain the statement: "... signify the step and inferring certain things to be true as a probability, hypothesis or convenience sometimes without full justification." Need more to be said about the rightful use of "establishing" what is "presumed?" These words and concepts are not only not logically contradictory; they often are complementary surely compatible. The "presumption of Jewish descent" thus well, and logically consistently calls for "is established through ... "

Both the Oxford and American Dictionaries thus invalidate Block's analysis and argument. The 1983 Resolution is not flawed in this regard and need not therefore be replaced by another resolution or statement in the Rabbi's Manual.

This rejoinder does not preclude further commentary, examination of meaning and consequences. In fact, they may be both necessary and wholesome. It is true, as Block states, that the Convention hardly had time, and he might have added desire, to examine fully the amended version of the resolution as it rose from the floor, and was adopted within an arbitrary time limit. Discussion and analysis of our 1983 Resolution therefore is in order and welcome. And if past CCAR history is a guide it is not unlikely that the issue will be reopened in the future. This is true particularly when we keep in mind that we did not legislate in a prescriptive manner but rather developed an additional option in the continuous and painful struggle to cope with one of the major Jewish religious and human problems of our contemporary American experience.

The 1983 Resolution on Patrilineality invalidates, in my opinion, none of the other possible responses to the issue as lucidly delineated by our colleague. It goes beyond anything stated by us or anyone else hitherto, in that it equates the presumption of Jewish descent from a father with that of the mother, and imposes upon both of them the requirement to exceed the fact of birth by Jewish acts.

This position is thus responsive both to tradition and to our contemporary values and needs. At the same time, it stipulates that most Jewish of values and commands, to engage in Mitzvot. For that even those who cannot accept our reasoning ought to applaud us.

Rabbi Herman E. Schaalman

*We are not certain of the spelling of the author's name of the original essay.

6/9/83

COMMITTEE ON PATRILINEAL DESCENT

1. Is the resolution a legislative fiat, or is it merely advisory?
2. Where formerly Jewish identity was determined on an objective basis, is it now dependent on what an individual rabbi does?
3. Does the 1983 CCAR Resolution diminish the standing of the Jewish mother? Is it the intent of the resolution to make the establishment of Jewish identity more difficult, as in the case of a Jewish mother?
4. Does the 1983 CCAR Resolution treat the establishment of the Jewish identity of children of mixed marriages in exactly the same manner no matter which parent is Jewish?
5. Is there a contradiction between the purpose of the 1983 CCAR Resolution "to establish the Jewish status of the children of mixed marriages..." and the earlier Resolution of the CCAR in 1973 opposing rabbinic officiation at mixed marriages?
6. Are all or any of the Mitzvot mentioned in the 1983 CCAR Resolution to establish the presumed Jewish identity of children of mixed marriages mandatory?
7. Why was conversion not included in the mitzvot to be performed in establishing the Jewish identity of the children of mixed marriages?
8. What is the extent of the mitzvah of "Torah study?"
9. Is there sufficient traditional precedent in which to base the 1983 CCAR Resolution?
10. Why does the 1983 CCAR statement limit itself to the Reform Jewish community of North America?
11. How will the 1983 CCAR Resolution impinge upon Reform-Liberal communities in other parts of the world?

PATRILINEAL & MATRILINEAL DESCENT

QUESTION: What are the origins of matrilineal descent in the Jewish tradition; what halakhic justification is there for the recent Central Conference of American Rabbi's resolution on matrilineal and patrilineal descent which also adds various requirements for the establishment of Jewish status?

ANSWER: We shall deal first with the question of matrilineal and patrilineal descent. Subsequently we shall turn to the required positive "acts of identification."

It is clear that for the last two thousands years the Jewish identity of a child has been determined by matrilineal descent. In other words, the child of a Jewish mother was Jewish irrespective of the father (Deut 7.3,4; M. Kid 3.12; Kid 70a, 75b; Yeb 16b, 23a, 44a; 45b; A. Z. 59a; J. Yeb 5.15 (6c); 7.5 (8b) Kid 3.14 (64d); Yad Issurei Biah 15.3f; etc.). The Talmudic discussion and that of the later codes indicated the reasoning behind this rule.

The rabbinic decision that the child follow the religion of the mother solved the problem for offsprings from illicit intercourse of unions which were not recognized, or in which paternity could not be established, or in which the father disappeared. The union between a Jew and a non-Jew had no legal status (lo tafsei kidushin). At an earlier stage in the Talmudic discussions, some authorities considered children of all such unions as mamzerim. They felt that the danger lay with non-Jewish women who could not

Levite or an Israelite. Thus lineage was and continues to be determined by the male alone whenever the marriage is otherwise proper (M. Kid 3:12 ; Kid 29a; Shulhan Arukh Yoreh Deah 245.1).

If a marriage is valid but originally forbidden, (marriage with someone improperly divorced, etc.), then the tainted parent, whether mother or father, determines lineage (Kid 66b; Shulhan Arukh, Even Haezer 4.18). The same rule applies to children born out of wedlock if both parents are known.

Matrilineal descent although generally accepted by tradition continued to be questioned under special circumstances. For example, there was a question whether the offsprings of the Exilarch Bostonai (618-670) and a wife, who was the daughter of a Persian king, were to be considered as Jewish descendents on an equal level with those of his Jewish wives. A full discussion of this material can be found in V. Aptowitzer's "Spuren des Matriarchats im jüdischen Schrifttum", Hebrew Union College Annual, Vols. 4 & 5. The matter was debated for several generations as descendents from this line rose to power.

These discussion show us that our tradition responded to particular needs. It changed the laws of descent to meet the problems of a specific age and if those problems persisted, then the changes remained in effect.

The previous cited material has dealt with situations entirely different from those which have arisen in the last century and a half. Unions between Jews and non-Jews during

mix of destiny and choice" (Robert Seltzer, Jewish People, Jewish Thought, p 544). Since the Napoleonic Assembly of Notables of 1806, the modernity and Jewish community has struggled with the tension between modernity and tradition. This tension is now a major challenge, and it is within this specific context that the Reform Movement chooses to respond. Wherever there is ground to do so, our response seeks to establish Jewish identity of the children of mixed marriages."

We may elaborate further with the following statements which reflect the previously cited historical background as well as other concerns.

1. We shall turn first to the question of descent and then to the requirement of "acts of identification." Clearly in the Biblical period, patrilineal descent determined the status of a child, so the children of the kings of Israel married to non-Jewish wives were unquestionably Jewish. This was equally true of other figures. Furthermore, our tradition has generally determined lineage (yihus) through the father, i.e., in all valid but originally forbidden marriages. This was also true for priestly, Levitical and Israelite lineage which was and remains traced through the paternal line (Nu. 1.2, 18; Yad Hil. Issure: Biah 19.15; Shulhan Arukh, Even Haezer 8.1). If a marriage was valid, but originally forbidden, then the tainted parent (mother or father) determined status (Kid 66b; S. A., Even Haezer 4.18). The same rule applied to children born out of wedlock if both parents were known.

3. The Reform movement has espoused the equality of men and women, virtually since its inception (J. R. Marcus, Israel Jacobson, p. 146; W. G. Plaut, The Rise of Reform Judaism, pp. 252ff). As equality has been applied to every facet of Reform Jewish life, it should be applied in this instance.

4. We, and virtually all Jews, recognize a civil marriage between a Jew and a Gentile as a marriage although not giddushin, and have done so since the French Sanhedrin of 1807 (Tama, Transactions of the Parisian Sanhedrin - Tr. F. Kerwan, p. 155f; Plaut Op. Cit., p 219). We are morally obliged to make provisions for the offsprings of such a union when either the father or mother seek to have their children recognized and educated as a Jew.

5. We agree with the Israeli courts and their decisions on the matter of status for purposes of l'am, the registration of the nationality of immigrants and the right to immigrate under the Law of Return. In the Brother Daniel case of 1962, this apostate was not judged to be Jewish although he had a Jewish mother (1962-16-P.D.2428). The court decided that a Jew who practiced another religion would not be considered Jewish despite his descent from a Jewish mother. "Acts of religious identification" were determinative.

Earlier in March, 1985, the Minister of Interior, Israel Bar-Yehuda, issued a directive which stated that "any person declaring in good faith that he is a Jew, shall be registered as a Jew." No inquiry about parents was authorized. In the case of children "if both parents

remained operative for immigration into the State of Israel.

The decision of an Israeli Court is, of course, not determinative for us as American Reform Jews, but we should note that their line of reasoning is somewhat similar to ours.

For the reasons cited in the introduction to the Resolution, those stated above and others, we have equated matrilineal and patrilineal descent in the determination of Jewish identity of a child of a mixed marriage.

Now let us turn to the section of the resolution which deals with "positive acts of identification." There are both traditional and modern reasons for requiring such acts and not relying on birth alone.

Several Biblical commentaries to Lev 24.10 ("There came out among the Israelites one whose mother was Israelite and whose father was Egyptian") stated that this child should simply be considered as a Jew (Nahmanides, and later, Shulhan Arukh Even Haezer 41.9). This decision became normative. Rashi and others, however, felt that the child of such a union needed to "accept the religion of Israel" (Rashi and Sifra to Leviticus 24.10; see also Kid. 68b).

We must add some modern reasons for requiring "positive acts of identification":

1. We do not view birth as a determining factor in the religious identification of children of a mixed marriage.
2. We distinguish between descent and identification.
3. The mobility of the American Jews has diminished the influence of Jewish grandparents and other relatives upon

Patrilineal

May 7, 1991
23 Iyar 5751

Mr. Simcha Abeles Friedman
638 Montgomery Street
Brooklyn, NY 11225

Dear Mr. Friedman:

Thank you for your recent note commenting on interfaith marriages. I appreciate your having taken the time to share your concerns with me and I assure you that I, too, am very distressed by the growing number of interfaith marriages. I can hardly think of a family within my circle of friends and associates which does not have such a couple in their midst. And, of course, here I refer to marriages where there has been no conversion to Judaism.

You should know, however, that my call for acceptance of patrilineal descent came as the result of much discussion with respected colleagues and scholars, as well as personal soul-searching. While I do not officiate at interfaith marriages, I urge these couples to seek a Judge or J.P. to do a civil ceremony, I do not want Judaism to lose them, I want to keep them and their children in the circle of our people and our faith. But you should understand that in calling for acceptance of patrilineal descent, there is an urgent prerequisite that the children of interfaith marriages be reared and educated Jewishly, that the mere fact of a Jewish father will not suffice to recognize them as Jews. This is an important facet of patrilineality, alas, one that is sometimes neglected by reporters or those seeking to throw barbs at Reform Judaism for adopting this critical stance.

I do hope this information will serve to clarify your understanding of Reform acceptance of patrilineality.

Let me also react to your comments about Reform Jewish contact in small communities you visited en route to Florida. The major percentage of our member congregations are small, often rabbiess and found in communities which do not have large Jewish populations or are not near centers of Jewish learning. More often than not, these small congre-

Page -2-

gations are the sole survivors of major and flourishing Jewish communities, with histories going back to the early days of our nation. Today, they stand strong in the forefront of Jewish religious life with each and every member aware of their importance to the congregation and the Jewish community. They are devoted and dedicated men and women who manage to keep the flame of Jewish life and thought burning bright, even with meager Jewish resources at their command. We are very proud of these small congregations and communities, they are exemplary in their love of and allegiance to our faith and our people. You may be interested in the enclosed address which I delivered at the UAHC's Small Congregation's Department's first Conference of Small Congregations.

With every good wish, I am

Sincerely,

Alexander M. Schindler

Encl.



Patrilineal Descent and the Soviet Jewry Problem

by Alexander M. Schindler, President, Union of American Hebrew
Congregations

At the present rate, Israel will absorb one million new Soviet immigrants within the next few years. An estimated 30% of these olim are not considered Jews according to halachah, including the children of intermarried couples in which the mother is not Jewish. These children, numbering in the tens of thousands, will share the fate of the Jewish people -- speaking Hebrew, attending Israeli schools, participating in Jewish festivals, serving in the IDF -- but unless they yield to a stringent Orthodox conversion, they are prohibited by the rabbinical courts from marrying a Jew within the borders of Israel. Given the sheer numbers of Soviet immigrants in this predicament and their general estrangement from ritual observance, the conversion option is as unfair as it is impractical.

The Israeli government must find a realistic solution, and fast; otherwise a large minority will be consigned needlessly to the margins of society, constituting a caste of untouchables. Fortunately, the Reform rabbinate, in struggling with the dilemmas of intermarriage on the American scene, has passed a historic resolution on Jewish identity that is as relevant in Israel as it is in the diaspora. The "patrilineal descent" resolution states: "the child of either Jewish parent is under the presumption of Jewish descent. This presumption of the Jewish status of the offspring of any mixed marriage is to be

established through appropriate and timely public and formal acts of identification with the Jewish faith and people. The performance of these mitzvot serves to commit those who participate in them, both parent and child, to Jewish life...."

By adopting a similar resolution, the Knesset could guarantee that all children of intermarried olim admitted to the country under the Law of Return are presumed to be Jews, regardless of whether the Jewish parent is the mother or the father, so long as the children are raised as Jews. The Reform decision on patrilineal descent eliminates the distinction between men and women, between fathers and mothers. It holds that, insofar as genealogy is a factor in determining Jewishness, the maternal and the paternal lines should be given equal weight.

When first proposed, "patrilineal descent" was condemned in certain Jewish quarters as a radical departure from the path of Jewish law and tradition. Today, about 80% of the American Jewish laity, including some Orthodox, accept the principle. They recognize that Jewish survival depends on adaption to changing circumstances, no less today than in times past, and that this broadened definition of who is a Jew does not in fact represent a break with tradition.

True, for the past 1,500 years, Jewish identity has been determined by the maternal line alone. But in the early days of our history children were considered Jewish primarily because their fathers were Jewish, even though their mothers were not. However, in the Torah, genealogical tables are overwhelmingly

patrilineal; it is the male line that determined descent and status. In matters of inheritance the patrilineal line alone was followed. Perhaps even more to the point, the Jewishness of the children of non-Jewish mothers is never questioned. Moses, for example, married Zipporah, the daughter of a Midianite priest; yet her children were considered Jews, following the line of the father. And Joseph married Asenath, daughter of a priest of On; yet her children too were regarded as Jews. Indeed, to this day every male child of Israel receives the blessing that he be like Ephraim and Menasseh, the sons of a non-Jewish mother!

Significantly, both the Torah and rabbinic law hold the male line absolutely dominant in matters affecting the priesthood. Whether one is a kohen or a levi depends on the father's priestly claim, not the mother's. If the father is good enough to bequeath the priestly status, why isn't he good enough to bequeath Jewishness? Reform has concluded that he is; hence its old-new definition of who is a Jew.

The time has come for Israel's rabbinate to admit that Judaism allows for more than one interpretation of law and custom. The most authentic interpretation, I believe, reflects not only the wisdom of Torah but its heart, which is precisely why we must embrace all the children of the Soviet olim, matrilineal and patrilineal Jews alike.

Fax: 001 212 570 0895

May 29, 1991

To: Rabbi Alexander Schindler
From: Gershom Gorenberg

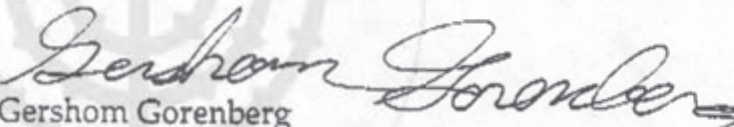
Dear Rabbi Schindler,

Thanks for sending your article. Following is an edited text.

Because of deadline pressure, I would be most appreciative if you could respond immediately with any comments or corrections. Also, please note that two questions that arose during the editing process are marked in the body of the text.

I look forward to hearing from you.

Warm regards,


Gershom Gorenberg
Deputy Comment and Opinion Editor

Keep them in the tribe

Alexander M. Schindler

At the present rate, Israel will absorb 1 million Soviet immigrants within a few years. An estimated 30 percent of these immigrants, including the children of intermarried couples in which the woman is not Jewish, are not considered Jews according to halakhah. These children, numbering in the tens of thousands, will share the fate of the Jewish people — speaking Hebrew, attending Israeli schools, celebrating Jewish festivals, serving in the army. But unless they yield to the stringent requirements of Orthodox conversion, the rabbinic courts will bar them from marrying Jews within the Israel's borders. Given the sheer numbers of Soviet immigrants in this

predicament and their estrangement from ritual observance, the conversion option is as unfair as it is impractical.

The Israeli government must find a realistic solution, and fast. Otherwise a large minority will be consigned needlessly to the margins of society, becoming a caste of untouchables. Fortunately, the Reform rabbinate, in struggling with the dilemmas of intermarriage in America, has passed a historic resolution on Jewish identity that is as relevant in Israel as it is in the Diaspora.

The "patrilineal descent" resolution states: "The child of either Jewish parent is under the presumption of Jewish descent. This presumption of the Jewish status of the offspring of any mixed marriage is to be established through appropriate and timely public and formal acts of identification with the Jewish faith and people. The performance of these *mitzvot* serves to commit those who participate in them, both parent and child, to Jewish life . . ."

The Reform decision on patrilineal descent eliminates the distinction between men and women, between fathers and mothers. It holds that, insofar as genealogy is a factor in determining Jewishness, the maternal and the paternal lines should be given equal weight. By adopting a similar resolution, the Knesset could guarantee that all children of intermarried immigrants admitted to the country under the Law of Return would be presumed to be Jews, regardless of whether the Jewish parent was the mother or the father, so long as the children were raised as Jews.

When first proposed, patrilineal descent was condemned in certain Jewish quarters as a radical departure from Jewish law and tradition. Today, about 80 percent of the American Jewish laity, including some Orthodox, accept the principle. ***[Is this the author's assessment, or is it based on a study or survey?]*** They recognize that Jewish survival depends on adaption to changing circumstances, no less today than in times past, and that this broadened definition of who is a Jew does not in fact represent a break with tradition.

True, for the past 1,500 years ***[shouldn't figure be higher, to push it back to pre-rabbinic period?]***, Jewish identity has been determined by the maternal line alone. But in the early days of our history, children were considered Jewish primarily because their fathers were Jewish, even if their mothers were not. In the Torah, genealogical tables are overwhelmingly patrilineal; it was the male line that determined descent and status. In matters of inheritance, the patrilineal line alone was followed. Perhaps more to the point, the Jewishness of the children of non-Jewish mothers is never questioned. Moses, for example, married Zipporah, the daughter of a Midianite priest; yet her children were considered Jews, following the line of the father. And Joseph married Asenath, daughter of a priest of On; her children too were regarded as Jews. To this day male Jewish children receive the blessing that they be like Ephraim and Menasseh, the sons of Joseph and a non-Jewish mother!

Significantly, both the Torah and rabbinic law hold the male line absolutely dominant in matters affecting the priesthood. Whether one is a cohen or a levi depends on the father's priestly claim, not the mother's. If the father is good enough to bequeath the priestly status, why isn't he good enough to bequeath Jewishness? Reform has concluded that he is; hence its old-new definition of who is a Jew.

The time has come for Israel's rabbinate to admit that Judaism allows for more than one interpretation of law and custom. The most authentic interpretation, I believe, reflects not only the wisdom of Torah but its heart, which is precisely why we must embrace all the children of the Soviet immigrants, matrilineal and patrilineal Jews alike.

Alexander M. Schindler is president of the Union of American Hebrew Congregations.

REFORM JUDAISM AND THE ISSUES OF JEWISH STATUS AND IDENTITY

by Rabbi Joseph Klein

In 1961 the Central Conference of American Rabbis published a revised edition of its Rabbi's Manual in which a statement appeared that had not been found in the previous edition of the Manual. Entitled "Status of Children of Mixed Marriage," the statement declared the following:

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

Reform Judaism, however, accepts such a child as Jewish without a formal conversion, if he attends a Jewish school and follows a course of studies leading to confirmation. Such procedure is regarded as sufficient evidence that the parents and the child himself intend that he shall live as a Jew." (Page 112 in the Manual.)

I wrote the above statement. I was then a member of the Liturgy Committee of the Central Conference of American Rabbis, and Rabbi Abraham J. Feldman and I were assigned the task of editing and revising a section of the Manual called "Historical and Explanatory Notes," a kind of compilation of rules to be followed by Reform rabbis in life-cycle events. The statement on "Status of Children of Mixed Marriage" was included in this section.

The statement merely put into writing a policy that members of the C.C.A.R. had been practicing for a long time, that of giving Jewish status to children in their congregations whose fathers were Jewish but whose non-Jewish mothers had not been converted to Judaism. This was the original written effort to claim such children as Jewish on the basis of patrilineal descent. The obvious intent was to establish the Jewishness of these children without their having to undergo conversion. I recall that in the original wording of the statement there was a phrase that said, "Bar Mitzvah, Bat Mitzvah and Confirmation are to be regarded as being in lieu of conversion," but in the final editing (probably by Rabbi Bernard J. Bamberger, then chairman of the Liturgy Committee) these words were deleted.

It occurred to me at a later time that there was something wrong with the statement on "Status of Children of Mixed Marriage" despite the fact that I had written it. What purpose was being served in trying to by-pass or circumvent conversion? The unconverted child of a non-Jewish mother is still a non-Jew and has no Jewish status anywhere in Jewish religious life outside the Reform movement. Without undergoing conversion, if he or she wanted to marry a Jew affiliated with another branch of Judaism, non-Reform rabbis would refuse to officiate at such a marriage as they would not consider it a valid Jewish marriage. At the same time, the position adopted by the Reform rabbinate on the status of children of mixed marriage becomes most unfair to the child of a non-Jewish mother. Such a child is led to believe that he or she has undisputed status as a full Jew only to find out later in life that such status does not exist for him or her in the broader Jewish community.

The more recent adoption by the Central Conference of American Rabbis of the resolution upholding the Jewishness of a child by reason of patrilineal descent, in effect, says almost exactly what the Rabbi's Manual states. It only complicates the issue and solves nothing. The child of a non-Jewish mother is still a non-Jew on the basis of historic tradition, unless he or she is formally converted to Judaism.

The position to which I now subscribe was very clearly stated in a letter by Rabbi Bernard Mandelbaum, published in the December 10 issue of the Jewish Post and Opinion. He wrote:

"Again, without going into the details of the halachah issue on patrilineal descent, how can one impress upon the Reform Movement that they are being cruel with this 'innovation'..."

Two-thirds of the Jewish religious community - Conservative as well as Orthodox - unqualifiedly reject patrilineal descent. ~~But it is not the Reform Movement...~~ A child of a Christian mother and Jewish father is brought up with a good Jewish education, committed. But now, he or she learns that he or she isn't Jewish. (This applies in the U.S. as well as in Israel.)

There is this solution: If such parents think well enough of Judaism to raise their child Jewishly, and the children's mother didn't convert - for many possible reasons, including a sensitivity to the feelings of her parents - what is so difficult about converting the child with a brith or mikvah at an early age?...

Why don't our brothers and sisters in the Reform Movement re-evaluate this? It is cruel to the young people who are being misled."

Still another reason for rescinding the statement on Status of Children of Mixed Marriage, and also the resolution on Patrilineal Descent, is the fact that they denigrate the whole concept of proselytism and conversion. To try to avoid or circumvent conversion has the implication of regarding conversion as something that is highly objectionable and, in some respects, even disgraceful - quite ^{the view of} different from/our forebears of Talmudic times who regarded the bringing in of a ger tzedek (proselyte) to Judaism as one of the noblest and most laudable of all mitzvot.

However, it must be pointed out that one of the great obstacles to conversion of male proselytes is the requirement of circumcision. While the Reform rabbinate takes a strong position in emphasizing that brith milah must be done on new-born infants, it is quite lenient about circumcision when the proselyte is not an infant, not requiring it at all, and this too has become a divisive factor that makes conversion under Reform auspices unacceptable to the more traditional branches of Judaism. Also absent from most Reform conversions is the requirement that the convert, male or female, undergo immersion in a mikvah and that the proselyte be accepted by a rabbinical court (Beth Din) of three rabbis. Usually, it is a single Reform rabbi who does the converting.

Thus, on the one hand, the Reform rabbinate, by using the argument of patrilineal descent, makes Jews out of people who are not Jews in the eyes of the rest of religious Jewry, and, on the other hand, when it does convert the non-Jew to Judaism, it does so in a manner so out of line with halachic requirements that the convert cannot be accepted as a Jew by the Orthodox and Conservative branches of Judaism.

Perhaps even more serious than the issues connected with conversion are those that arise out of Reform Judaism's radical departure from tradition in the matter of divorce. When a marriage is dissolved, according to traditional Jewish law, there must be a religious divorce (get) in addition to the civil divorce. Even if a civil

divorce is granted, and there is no religious divorce, traditional Jewish law still regards the couple as being in the state of matrimony. To marry another person without a get is adultery. Children born of such a marriage are mamzerim.

The Reform rabbinate, however, has dispensed with the requirement of a religious divorce; a civil divorce is considered sufficient. Reform rabbis, therefore, freely officiate at re-marriages of people separated by a civil decree, but whose marriages have not been terminated by a get.

The chief argument for taking this stand is the alleged unfairness of traditional Jewish divorce laws to women. A man may divorce his wife; a woman may not divorce her husband. Hence, instances arise in which a woman is not free from whom she is divorced by civil decree, to marry again because her ~~divorced~~ husband/refuses to give her a religious divorce. Without a get no Orthodox or Conservative rabbi or other officiant in traditional Judaism may officiate in a divorced person's re-marriage. This refusal puts pressure on the man to give his wife a get as he/^{himself} is put into the position of being denied the right to marry again until he gives his first wife a religious divorce.

The Reform position, however liberal and humanitarian it may at first appear to be, often undermines and thwarts the stand taken by Orthodox or Conservative rabbis. For example: A couple affiliated with an Orthodox synagogue are divorced in a civil suit. The man refuses to give his wife a get. He wishes to marry someone else. The Orthodox rabbi cannot, of course, officiate. The man learns that the Reform rabbi in the community does not require a religious divorce. He is married by him to goes to him and ~~marries~~ another woman. His former wife, if she continues to remain loyal to Orthodox principle, is thus put into the position of never being permitted to marry again. Whatever pressure might have been put upon the man to give his first wife a get is blocked and defeated because of the Reform rabbi's action. The consciousness that there was something morally wrong in conduct of this kind by Reform rabbis resulted in the inclusion of the following paragraph in the statement on "Dissolution of Marriage" in the Rabbi's Manual, (Page 139)

"Frequently a couple, one of whom has been divorced by civil decree without the issuance of a Get, may come to a Reform rabbi for a wedding ceremony. No problems arise when the parties belong to a Reform congregation. When this is not the case, especially if either bride or groom belongs to a non-Reform congregation, the rabbi should not agree to officiate without careful inquiry and consideration. If feasible, he should consult with the rabbi of the congregation where these persons usually worship."

As justification for their rejection of religious divorce Reform rabbis often cite the principle of Dina d'malchuta dina - "The law of the land is the law ." If the government enacts a law that in no way conflicts with Jewish religious principle or law, then it is the duty of Jews to abide by that law. But to make the claim that dina d'malchuta dina may be applied to Jewish divorce laws, justifying the elimination of the get, has been called spurious and wholly unfounded. We know of no other Jewish community in history that of its own free will did away with religious divorce on the basis of dina d'malchuta dina.

The upshot of all this is to point out that the differences between Reform Judaism and the traditional branches of Judaism are so great in principles of Jewish identity and personal status that to all intents and purposes they have become two separate religions. Personally, I find this very difficult to accept. Although I have been in the Reform rabbinate for nearly half a century I have never considered myself a "Reform Jew." I am simply a Jew. I reject the notion that there are Reform, Conservative, Reconstructionist and Orthodox Jews. We are all one people. I cannot consider myself to be a different species of Jew than my parents were; they were very pious practitioners of Orthodoxy. Nor can I separate myself from other members of my immediate family who belong to Orthodox and Conservative as well as Reform congregations.

I hear my colleagues in the Reform rabbinate constantly speak in favor of "Jewish unity" and K'lal Yisrael, but the Reform movement, as a whole, has done everything in its power to destroy any possibility of achieving Jewish unity, through its rejection of the laws that govern marriage, divorce and conversion. There is no area of Jewish life more hallowed than that of taharat hamishpaha, "family purity."

abolition

But this too has been sullied by our ~~abolition~~ of marriage and divorce laws that guard against producing ~~produce~~ what other Jews call adulterers and mamzerim.

If there is to be Jewish unity there can be only one set of rules governing personal status and Jewish identity. It is the Reform movement that has broken the historic rules. Therefore, it becomes its responsibility to try to repair the damage that has been done, by reversing itself in those areas in which it has departed so radically from historic tradition, in matters related to marriage, divorce and conversion. In other areas of Jewish life - in prayer, theology, education, social action - we can go in any direction desired and still maintain a relationship with other Jewish religious groups, no matter how much we differ from them. But if we persist in harboring the notion that we can discard and violate ~~any~~ the laws that govern personal status in Judaism, then it is inevitable that we will cut ourselves off from the main body of Jewry.

It is important that we in the Reform movement re-establish one of the basic institutions in Judaism, the Beth Din or rabbinic court of law and to ^{related} utilize this in matters/to divorce and conversion. There are precedents for this in the Reform movements of other countries.

Eventually, I hope, if we attempt to do things ka-din v'ka-halacha, "according to the strict letter of the law," our co-religionists in the Conservative and Reconstructionist movements will be willing to maintain jointly with us a Beth Din in every major Jewish community.

I do not anticipate that the Orthodox rabbinate will quickly accept our move back to traditional requirements in marriage, divorce and conversion. No matter what we do it will still hold off from giving its hechsher (approval). But it is not to appease or satisfy the Orthodox that these changes must be made, but rather to establish our own integrity as a legitimate branch of authentic Judaism. Eventually, perhaps, even the Orthodox will regard us as such.

I am not an opponent of Reform Judaism. I believe very ardently in the freedom it enjoys to be creative and innovative in worship, education, social action and a host of other areas of religious endeavor. Reform Judaism has had a decided impact upon the other branches of Judaism, including even Orthodoxy. Traditional congregations are far different from what they were a generation or two back because they have emulated many of the innovations of the Reform movement, and have profited richly in doing so.

There should be more interaction, especially in the realm of Jewish law. There has been too much insensitivity by Reform rabbis to the halachic or legalistic character of traditional Judaism largely because not enough training was given them in their seminary years in the legal codes such as Shulhan Aruch and Mishneh Torah. When the Central Conference of American Rabbis is grappling with a problem of Jewish law it should be willing to spend a great amount of time studying and considering the issue, and not hesitate calling on the experts and scholars in Jewish law for advice and guidance, even the scholars connected with the traditional branches of Judaism. And it should take seriously into account how a change in halachic principle will affect Jews belonging to other movements in the Jewish religion, and not just those affiliated with Reform. And, above all, if Jewish Unity and K'lal Yisrael are the desired end, the Central Conference of American Rabbis cannot go off on its own without consulting its counterparts in the Conservative, Reconstructionist and Orthodox movements in matters that effect interrelationship between one branch of Judaism and another.

The word "reform" in my understanding means to change for the better. It seems to me that the time for "reform" has come again to a movement that has drifted too far away from the disciplines that determine Jewish status and identity, and the way it must go is back to the moorings that bind it to the rest of world Jewry.

Patrilineal

April 29, 1986
20 Nisan 5746

Mr. Leonard Fein
MOMENT
462 Boylston Street
Boston, MA 02116

Dear Lenny:

I really have no innovative ideas as to how the pro-Patrilineal position can be articulated. All I can tell you is that when we have a chance to make our case the sheer logic of it all persuades the audience and especially if the audience is composed of those who are not institutionally committed. Interestingly enough, this applies to Israelis as well.

Maybe you should not present this as a Reform versus the rest of the world issue. You might invite a number of people across the line who are for it on an individual level, including Reform leaders such as me and then some Conservative leaders such as Kelman, Sakulweis, Gerson Goben (Kelman tells me he is for Patrilineal, although at the CLAL Conference he made sounds that were totally otherwise, but that may be his institutional voice rather than the voice of his conviction).

I think that a Panel idea is not bad, or a series of like questions addressed to three or four individuals.

You may recall the JUDAISM volume devoted to this issue. It will give you some ideas for participants but in all fairness, that issue, whatever it is, should not present a divided view since prior issues of MOMENT were devoted to the "yesh omrim" (from my perspective).

I hope you have been enjoying a sweet and Kosher Pesach.

Sincerely,

MOMENT MAGAZINE

April 20, 1986

Rabbi Alexander Schindler
UAHC
838 Fifth Avenue
New York, NY

Dear Alex:

In the May issue, we have an appeal from Bob Gordis to the Reform movement asking that patrilineal be rescinded. And in the June issue, we have Norman Lamm's speech from the Greenberg conference.

Which means that it's time for us to do something that comes out of the Reform movement. Not, I don't think, another speech. Perhaps a round-table with you and some of your pulpit colleagues that would make the motives for patrilineal more clear than they've been, and also get into other stuff?

Any ideas?

As to the confusion over your talk--understood, forgiven; sorry it didn't work out, but I'm confident there'll be other chances.

Chag kasher v'sameach.

Warmly,


Leonard Fein

Emanuel Congregation

5959 Sheridan Road
at Thorndale Avenue
Chicago 60660

Tell him ok

HERMAN E. SCHAALMAN
Rabbi

January 24, 1984

MEMORANDUM

TO: MEMBERS OF THE PATRILINEAL COMMITTEE

FROM: RABBI HERMAN E. SCHAALMAN

All the returns on the Questions and Answers are now in. Overwhelmingly, the members of the Committee endorsed the current wording preferring No. 5a to 5b, and 7a to 7b.

There were some suggestions about rewording and perhaps other minor changes which I have incorporated in the enclosed statement.

I'm sending it to you for your final approval after which it would be ready for distribution.

Unless I hear from you by February 15 I assume that you will allow the Committee to proceed with the statement as enclosed.

HES:sgk
Encl.

Question #1 - Is the CCAR resolution a form of legislation?

The resolution is, in its own words, a declaration. The CCAR has never seen itself as a body that legislates halachically. It interprets, it advises, it issues responsa, it declares -- by majority vote -- the opinion of its membership arrived at in an open convention or through a mail poll.

#2 - What is the role of the individual rabbi in using the resolution?

Ideally, all members should be guided by the will of the convention. In practice, this has not been the case. As in the past, some rabbis will construe the declaration differently than others. It is our experience that in time a body of acceptable practice will develop.

#3 - Is it the intent of the resolution to make the establishment of Jewish identity in the case of a mixed marriage dependent on more than descent from a Jewish parent?

Yes, Identity is seen as derivable from a Jewish parent, but finally determined in the life of the individual through public acts and the pattern of living.

#4 - Does the resolution consider the establishment of the Jewish identity of children of mixed marriages to be established in exactly the same manner no matter which parent is Jewish?

Yes.

#5 - Is there any contradiction between the purpose of this resolution and that of the CCAR resolution (1973) opposing rabbinic officiation at mixed marriages?

No. The 1973 resolution focused on the role of the rabbi as a mesader kiddushin. The 1983 resolution deals with the fact of

mixed marriages and the status of the children, which is the reality addressed by the 1973 resolution.

#6 - Are the mitzvot mentioned in the resolution as ways of establishing the Jewish identity of the children of mixed marriages mandatory?

The list given is intended to be descriptive and is neither mandatory nor complete. Not listed, but obviously relevant, would be such mitzvot as regular attendance at worship or a pattern of participation in Jewish causes.

#7 - Why was conversion not included among the Mitzvot which established the Jewish identity of the children of mixed marriages?

When the conversion of the child is advised by the rabbi or requested by the family or the child, the issue of the identity of the child is resolved. We are dealing here with non-conversion cases.

#8 - What is meant by the Mitzvah of "Torah study?"

Learning which assumes both commitment and knowledge as carried out under rabbinic supervision, preferably in a synagogue setting.

#9 - Are there traditional precedents for the 1983 resolution?

The historic grounds for the conclusion of this resolution which departs from long-standing halacha decisions was discussed in a recent responsum which may be obtained from the CCAR.

#10 - Why does the resolution limit itself to the Reform Jewish community of North America?

The CCAR addressed the social reality which its members face and did not wish to interfere in existing community patterns in Israel, Great Britain, South Africa, Australia, where conditions are different. Liberal Jews in each community will adopt the practice which is appropriate for their situation.

#11 - How will the CCAR resolution impinge on Reform-Liberal communities in other parts of the world?

There may be some difficulties when Jews move from these communities to North America or vice versa, but rabbinic patience and wisdom should be able to resolve them.

#12 - Will this resolution be cited in custody issues arising from divorces or mixed married couples?

Possibly. Generally, both in the United States and in Canada, courts have been hesitant to base their decisions on particular religious interpretations (especially when these are in dispute), and that practice is likely to continue. In view of the recent law passed in the State of New York, however, (which the Supreme Court of the United States has refused to review) a different pattern of judicial decisions may arise. This question cannot be answered now with assurance.

February 8, 1984

Rabbi Samuel R. Weinstein
Hebrew Benevolent Congregation
1589 Peachtree Street
Atlanta, GA 30367

Dear Sam:

Al Vorspan was kind enough to share with me your wonderful response to Rabbi Emanuel Feldman. I write to express my admiration of the superb response you provided to his condemnation of Reform Judaism on the patrilineal issue. You were great!

With thanks and with all good wishes, I am

Sincerely,

Alexander M. Schindler

In his article entitled "Orthodox Rabbi Appeals to CCAR to Reconsider," Rabbi Emanuel Feldman condemns Reform Judaism for its newest resolution on patrilineal descent. Attacking with a barrage of talmudic quotes, he criticizes Reform on the grounds that it arrives at its conclusions on the basis of shoddy scholarship and an "unfamiliarity with Jewish legal procedures and principles."

Naturally Rabbi Feldman believes his way to be correct, but one can disagree with a particular religious movement without misrepresenting it. Implicit in Orthodoxy is the belief that both the Written Law (the Torah) and the Oral Law (the explanation of the Torah) were given directly by God at Mount Sinai. However, Reform views the Torah to be mankind's response to God, the recorded collective yearnings of a spiritual nation in their quest to experience the awesome Infinite. Because Reform holds the sacred texts of our faith to be a human product, Judaism and Jewish law is understood to be evolutionary. Thus the Reform movement maintains that the halacha, the Jewish way, must continually be adapted by scholars to meet the needs of a new environment so that Judaism can always be pertinent and perpetuated.

This evolutionary process was always evident in Judaism, not a new development with the advent of Reform. First the various books of the Bible were written. Later came the Mishna, Gemara and the collections of Codes and Responsa to further expound upon the biblical verses. The intent of our sages was to reinterpret and update laws and practices which were dissonant with the tenor of the day. This is not to say that the old was randomly discarded, rather it was utilized in creating a Judaism that would meet the exigencies of that era. The liturgy replacing the sacrificial system of the Bible and the rabbinate replacing the priesthood is ample testimony to this process.

With this in mind, the early reformers, noting Orthodoxy's resistance to change, and believing the Torah to be inspired rather than divine, justifiably eliminated some elements of Judaism and rejuvenated other aspects of our faith. Their intent was not to find interpretations unassociated with Jewish practice or engage in intellectual acrobatics in order to discover facets of the law undetected by Akiva, Hillel, Maimonides or Vilna Gaon as Rabbi Feldman contends. Rather they viewed halacha as the vehicle by which mankind draws closer to God. They believed that the Torah was for mankind, not for God. Therefore, they insisted that each generation explore the religious texts with the divinely bestowed gifts of intellect and creativity in order to attain a unique relationship with God.

Consequently, Reform analyzes ancient religious books not to seek legal justification for its actions, but to capture the essence and evolutionary nature of the Jewish faith. Indeed it is impossible for Reform to violate a legal system which it does not accept as having binding authority. Since the Torah, particularly in the realm of ritual and observance is by the people and for the people, it is absurd to quote biblical verses to support a view that is not seeking approval by a higher authority. Biblical and talmudic passages are cited by Reform merely to demonstrate that an idea or concept was once prevalent in the life of our people, and as such, may still be valid today.

Reform, by its very nature cannot violate the Law as Rabbi Feldman's Supreme Court analogy suggests, since religious law, unlike the laws of a nation, is subject to voluntary acceptance by its adherents. While the citizens of a nation may appeal a law to the highest court if constitutionality is in question, the same is not possible in religious life. In our religion the Highest Authority does not answer religious questions. One can turn only to the rabbi and each rabbi, even among the Orthodox, has the right to interpret the same law in a different fashion.

Simply put, Reform labors to make Judaism relevant out of conscience and not convenience. In this particular instance, where the issue of patrilineal descent is under question, we could have decreed that the child of a Jewish father is Jewish, thus "increasing our ranks" as Rabbi Feldman says, but this sentiment is not reflected in the resolution if read carefully and correctly. Whether or not we agree with the resolution, Reform has remained true to its calling by courageously and thoroughly investigating the tradition in order to provide authentic alternatives to those involved in the dilemma of intermarriage.

If misrepresenting Reform were not enough, the article proceeds to attack Reform scholarship. There is obviously no attempt to understand or appreciate the legitimacy of the movement even if the author is in disagreement. This attitude leads the writer to make statements that are simply incongruous with that which we have historically observed in Judaism.

Does Jewish law begin at Sinai as Rabbi Feldman states? To a certain extent we must answer in the affirmative. But the author boldly affirms that "proof-texts from the narratives of the pre-Sinaitic personalities have no bearing whatsoever on halacha." If this is the case, why are verses dealing with the commandment to procreate, Abraham's circumcision of Isaac on the eighth day and the prohibition of eating the thigh muscle, all from Genesis and pre-Sinaitic, considered to be the proof-texts for specific religious practices? Furthermore, if God gave the Torah as the Orthodox contend, then who is to say what verses have a bearing on halacha?

Next Rabbi Feldman states that "once a legal ruling is established in Judaism, any deviant practice has no legitimate grounds." With this statement the author disfranchises all those, even in his movement, who approach halacha from a different perspective. Certainly Orthodox scholars and all scholars disagree about certain interpretations of the law. Literature as recent as the Shulhan Aruch is ambivalent about the observance of certain mitzvot. The very fact that valid religious practices do differ compelled Rabbi Moses Isserles to adapt the Shulhan Aruch for Ashkenazic Jewry.

Finally, on what basis does the author, quoting from Baba Kamma 82a say that had matrilineal descent been so major an "innovation," it would have been included in Ezra's Ten Major Enactments? Ezra as the High Priest of Israel did many profound things which were not included in these enactments and what is listed there is not necessarily his greatest contribution to Jewish life. Among his ten enactments Baba Kamma lists "that clothes be washed on Thursdays, that garlic be eaten on Fridays, that the housewife rise early to bake bread and that a woman must comb her hair before performing immersion." Surely Ezra's contribution was more significant than these "innovations."

Reform does not seek to deny the validity of the verses from the Talmud. These talmudic quotes clearly support matrilineal descent (when a marriage is not licit), but many biblical verses also justify patrilineal descent. Reform would violate its very mission if it did not consider the entire corpus of Jewish literature in rendering decisions.

To attack Reform so brutally and to warn parents about the purity of those Reform Jews whom their children date is reminiscent of the way we as a people have been treated by our oppressors. The very suggestion of purity in terms of "status" evokes the false conception that we are a people because of our genetic composition and not our spiritual outlook. Indeed if that were the case, one could never convert to Judaism. Ruth, the righteous proselyte and antecedent of King David would never have been welcomed into the Household of Israel.

We are Jewish because of what we believe and what we do. While the accident of birth brings many into Judaism, it is not compelling enough to keep them there. In the final analysis, we are Jews simply because we choose to be Jewish.

We accept and admire the Orthodox for their convictions and practices even if we do disagree with certain fundamental issues. Why cannot they accept us for our particular interpretation? If there is any obstacle to K'lal Yisrael, it certainly is not coming from Reform.

The Matrilineal Principle in Historical Perspective

SHAYE J. D. COHEN

ACCORDING TO RABBINIC LAW, FROM THE second century of our era to the present, the offspring of a gentile mother and a Jewish father is a gentile, while the offspring of a Jewish mother and a gentile father is a Jew. Each of these two rulings has its own history, but it is convenient to group them together under the general heading *the matrilineal principle*. What is their origin? This is an immensely difficult question which is further complicated by its contemporary relevance. The matrilineal principle is at the center of the perennial Israeli debate on the topic "Who is a Jew?" The reform movement has recently decided to adopt a "non-lineal" principle, according to which a child of a non-Jewish mother would be considered a Jew if raised as a Jew. In spite of the relevance of the topic, this essay focuses on history, not *halaka*. Whether or not the matrilineal principle should be retained I leave for others to determine; my goal here is to determine the origins of the law and to provide some historical background to the contemporary debate.¹

The Mishnah

The central rabbinic text bearing on the matrilineal principle is Mishnah Qiddusin 3:12 (an explanation of all the technical terms in this Mishnah would swell this brief essay beyond reasonable length):

(A) Wherever there is potential for a valid marriage and the marriage would not be sinful, the offspring follows the male. And what is this? This is the daughter of a priest, Levite, or Israelite who was married to a priest, Levite, or Israelite.

(B) Wherever there is potential for a valid marriage but the marriage would be sinful, the offspring follows the parent of lower status. And what is this? This is a widow with a high priest, a divorcee or a 'released woman' (*halusa*, see Deut. 25:5-10) with a regular priest, a *mamzeret* or a *netina* (see Ezra 2:43-58, etc.) with an Israelite, an Israelite woman with a *mamzer* or a *netin*.

(C) And any woman who does not have the potential for a valid marriage with this man but has the potential for a valid marriage with other men, the offspring is a *mamzer*. And what is this? This is he who has intercourse with any of the relations prohibited by the Torah.

(D) And any woman who does not have the potential for a valid mar-

1. This essay is a capsule version of a long and detailed paper scheduled to appear in a forthcoming issue of the *Review of the Association of Jewish Studies*.

SHAYE J. D. COHEN is associate professor of Jewish history and Jack and Miriam Shenkman associate professor of Post-Biblical Foundations of Western Civilization.

Thank the
Bible for giving
me his outline

2 : Judaism

riage either with this man or with other men, the offspring is like her. And what is this? This is the offspring of a slave woman or a gentile woman.

The Mishnah assumes that some marriages are valid and some invalid, and that the status of offspring is determined by the potential of the parents to contract a valid marriage with each other. Paragraph A treats unions which are permitted and potentially valid, B unions which are prohibited but potentially valid, and C and D unions which have no potential validity because they are prohibited. Legal paternity exists only if there exists the potential for a valid marriage between the father and mother. If the ~~man~~ ^{mother} is legally incapable of contracting a valid marriage, her offspring lacks a legal father and follows its mother. Consequently, the offspring of a Jewish father and a gentile mother follows the father (paragraph A, since legal paternity exists) while the offspring of a Jewish father and a slave or gentile mother follows the mother (paragraph D, since legal paternity does not exist). The logic of paragraphs B and C is somewhat different.

Mishnah Qiddusin 3:12 thus addresses one half of the matrilineal principle. In connection with a different issue Mishnah Yebamot 7:5 addresses the other half of the matrilineal principle and assumes that the child of a Jewish mother and a gentile or slave father is a *mamzer*.² It is unclear whether this ruling is to be connected with paragraph D of Mishnah Qiddusin 3:12 (since the father lacks the capacity to contract a legal marriage, there is no paternity and the offspring follows the mother), paragraph C (since the mother is capable of contracting a valid marriage with other men but not with this man, the offspring is a *mamzer*), or with some other principle entirely. In any case, the Mishnah penalizes both a man and a woman for straying from the fold. A Jewish man who marries a gentile fathers a gentile; a Jewish woman who is married to a gentile bears a *mamzer*.

Both Mishnah Qiddusin 3:12 and Mishnah Yebamot 7:5 are anonymous, but their literary contexts suggest that each mishnah reflects the thought of the Yavnean period (circa 80-120 CE). The fact that the texts are anonymous implies that their editor, at least, regarded their rulings as beyond dispute. In the case of Mishnah Qiddusin 3:12 he was correct; no rabbi ever disputed the fact that the offspring of a gentile mother and a Jewish father follows the mother. In the case of Mishnah Yebamot 7:5 he was not correct. After a vigorous debate the Talmud reverses this Mishnah, insisting that the offspring of a Jewish mother and a gentile father is not a *mamzer* but a legitimate Jew. What motivated the Talmud to adopt this position is now known, but the Talmudic modification was

2. A *mamzer* is a male or female Jew (the feminine form of the noun is *mamzeret*) who is the offspring of a forbidden union (for example, adultery or incest) and is therefore prohibited from marrying a native born Jew; if he or she does, the children are *mamzerim*. Since the English terms "illegitimate" and "bastard" derive from a completely different legal system they do not accurately reflect the meaning of the Hebrew.

accepted by subsequent codifiers of Jewish law and remains in force to the present day. This dispute aside, both the Mishnah and the Talmud agree that the offspring is Jewish. Rabbinic literature preserves traces of non-matrilineal views, but the traces are few and insignificant.

Now we turn to the crucial questions: what are the origins of the matrilineal principle? Is it a rabbinic innovation of the first or second century, or was it already centuries old by the time it was codified in the Mishnah? With few exceptions rabbinic family law is patrilineal. Status, kinship, and succession are determined through the father ("the family of the father is considered family, the family of the mother is not considered family"³). Why, then, did the rabbis adopt a matrilineal principle for the determination of the status of the offspring of mixed marriages?

It is not Biblical

In biblical times the offspring of intermarriage was judged patrilineally. Numerous Israelite heroes and kings married foreign women; for example, Judah married a Canaanite, Joseph an Egyptian, Moses a Midianite and an Ethiopian, David a Philistine, and Solomon women of every description. By her marriage with an Israelite man a foreign woman joined the clan, people, and religion of her husband. It never occurred to anyone in pre-exilic times to argue that such marriages were null and void, that the foreign women must "convert" to Judaism,⁴ or that the offspring of the marriage were not Israelite if the women did not convert. In some circumstances biblical law and society did pay attention to maternal identity — the children of concubines and female slaves sometimes rank lower than the children of wives — but it never occurred to anyone to impose any legal or social disabilities on the children of foreign women.

Similarly, if an Israelite woman was married to a non-Israelite husband, she thereby joined his family and his people and was lost to the people of Israel. The Bible pays scant attention to such marriages, since it pays scant attention to Israelite women generally, but clearly implies that the offspring of Israelite women and foreign men were judged matrilineally only if the marriage was matrilineal, that is, only if the foreign husband joined the wife's domicile or clan.⁵ If the marriage was not matrilineal, that is, if the Israelite woman joined the house of her foreign husband, I assume that the fellow nationals of both the husband and the wife would have considered the children to be of the same nationality as their father.⁶

3. Babylonian Talmud Baba Batra 109b.

4. Conversion to Judaism did not yet exist; see Shaye J.D. Cohen, "Conversion to Judaism in Historical Perspective: From Biblical Israel to Post-Biblical Judaism," *Conservative Judaism* 36.4 (Summer 1983) 31-45.

5. See Lev. 24:10; 1 Chron. 2:17 (contrast 2 Sam. 17:25); and 1 Chron. 2:34-35.

6. 1 Kings 7:13-14, cf. 2 Chron. 2:12-13.

The Talmud, of course, is unaware of these developments, and attempts to find a basis in scripture for the rulings of the Mishnah. Deuteronomy 7:3-4 ("You shall not intermarry with them [the Canaanites]: do not give your daughter to his son or take his daughter for your son. For he will turn your son away from me to worship other gods.") serves as the scriptural "hook" upon which to hang the matrilineal principle ("Your son from an Israelite [woman] is called 'your son,' but your son from a gentile woman is not called 'your son' but her son"). How the Talmud derives the matrilineal principle from these verses is not entirely clear,⁷ for the simple reason that the matrilineal principle is not to be found in these verses. It is not biblical.

It was not introduced by Ezra

After returning to Israel from Babylonia in 458 BCE (?), Ezra attempted to expel from the Jerusalem community approximately one hundred and thirteen foreign wives with their children (Ezra 9-10). Many scholars have argued that this episode proves that the matrilineal principle was introduced by Ezra. He attacked marriages between Israelite (at this period we can begin to say "Jewish") men and foreign women because their consequences were serious; like their mothers, the offspring are not Jewish. In contrast, he could ignore (at least temporarily) the marriages between Jewish women and foreign men because their consequences were relatively benign; like their mothers, the offspring are Jewish.

This view *may* be correct, but it is not necessarily so; other explanations are possible. Perhaps Ezra ignored the marriages between native women and foreign men because, as I have just mentioned, such marriages are generally ignored by biblical texts. Ezra's jurisdiction extended only to the members of his people, and he could do nothing to a foreign man who had married an Israelite woman. Even the attempted expulsion of the children of the foreign wives does not necessarily presume a matrilineal principle. Perhaps Ezra introduced a bi-lateral requirement for citizenship (Jewish identity requires two Jewish parents).

The likelihood that Ezra (or a contemporary) introduced the idea that the offspring of a Jewish father and a gentile mother is a gentile is further diminished by the fact that this half of the matrilineal principle is never attested explicitly, and is frequently contradicted implicitly, by the later literature of the second temple period. It is unknown to "the apocrypha," "the pseudepigrapha," the Qumran scrolls, Philo, Paul, Josephus, and the Acts of the Apostles. Some of these works are also unfamiliar with the other half of the matrilineal principle, the idea that the offspring of a Jewish mother and a gentile father is a Jew. Perhaps

7. See Rashi and Tosafot on Babylonian Talmud Qiddusin 68b; compare Palestinian Talmud Qiddusin 3:14 64d and Yebaot 2:6 4a.

later rabbis *deduced* the matrilineal principle from Ezra's actions, but that Ezra himself introduced the principle is unlikely.

It is not a relic of primitive times

Sixty years ago Victor Aptowitzer suggested that the matrilineal principle is a relic of primitive times when Israelite kinship was matrilineal and Israelite society was matriarchal. The thesis was supported by the discovery in both the Bible and the Talmud of numerous other such "relics" of primitive matriliney and matriarchy.⁸

This suggestion is not convincing because Aptowitzer confuses *matriliney* (determination of kinship through females) with *matriarchy* (rule by females), a social form which never existed. Whether ancient Israelite society was ever matrilineal, I leave for others to determine, but the alleged relics of that alleged society collected by Aptowitzer are, for the most part, trivial or debatable. Furthermore, relics which are nowhere attested in the Bible and post-Biblical Jewish literature but which surface miraculously in rabbinic texts a millenium or two after the period of their origins — these are remarkable relics indeed. Perhaps a methodologically sophisticated study of rabbinic family law and kinship patterns will reveal traces of a matrilineal society, but in the absence of such a study, Aptowitzer's suggestion is unconvincing.

Rape and Intermarriage

It has been suggested that many Jewish women were raped by Roman soldiers during the wars of 66-70 and 132-135, and that the rabbis, out of pity for their plight, declared the resulting offspring to be Jewish, not gentile. The quality of this suggestion befits the obscurity of its origins, because, according to the Mishnah (see above), the offspring of a Jewish mother and a gentile father is a *mamzer*, and telling an unfortunate woman who has been raped that she is about to bear a *mamzer* is only slightly more consolatory than telling her that she is about to bear a gentile. In some respects it is less consolatory: a gentile, at least, can convert to Judaism, but a *mamzer* can never be legitimated.

Further, why declare the offspring of a Jewish father and a gentile mother to be a gentile? If the point of this half of the matrilineal principle was to discourage intermarriage by Jewish men, there seems to have been little need for such legislation. Perhaps in first-century Rome and Alexandria intermarriage between Jews and gentiles was not uncommon, but it certainly was uncommon in first century Judea and in rabbinic society generally throughout the following centuries. And if the primary motivation was to restrain intermarriage, the rabbis should have intro-

8. Victor Aptowitzer, "Spuren des Matriarchats im juedischen Schrifttum," *Hebrew Union College Annual* 4 (1925): 207-240 and 5 (1926): 261-297.

duced a bi-lateral requirement for citizenship, just as Ezra did (perhaps) in Jerusalem (see above).

The Uncertainty of Paternity and the Intimacy of Motherhood

Some have suggested that the principle is based on the old idea *mater certa, pater incertus*. The identity of a mother is always knowable, but the identity of a father is never knowable; if a woman is married, the law presumes that her husband is the father of her child, but this presumption always lacks certainty. Perhaps the rabbis too believed that paternity was always unknowable and felt that a child's identity should be determined in the first instance by its mother and not by its putative father. Hence the matrilineal principle. This suggestion fails for two reasons. First, as I remarked above, the rabbis restricted the matrilineal principle for cases of intermarriage, but paternity is no more uncertain in those marriages than it is in unions between Jews. Second, the rabbis did not always require marriage between the father and the mother for the offspring to inherit the father or receive his status. If an unmarried woman is pregnant and declares that the father of her child is a priest, R. Gamaliel and R. Eliezer say that she is to be believed; if a woman becomes pregnant as the result of rape, the offspring is presumed to have the same status as the majority of the people where the rape occurred (Mishnah Ketubot 1:9-10). In these cases paternity is very uncertain, but the rabbis did not judge the offspring matrilineally.

Instead of emphasizing the uncertainty of paternity, some have suggested that the matrilineal principle is the result of the natural closeness between mother and child. The offspring of a gentile mother and a Jewish father is a gentile because the intimate connection between a mother and her child makes it certain that she will influence him and instruct him in the ways of the gentiles. This suggestion too is unconvincing. The ancients, both Jewish and gentile, recognized the intimacy of motherhood, but they did not draw any legal inferences from this intimacy. Indeed, it was not until the nineteenth century that the legal systems of Europe began to recognize the legal rights of a mother to her children. According to rabbinic law a child must honor both his mother and his father, but only the father is legally responsible for raising the children. A mother's obligation to tend to her children is reckoned as one of her obligations to her husband, since it is he who is responsible for their care.

Two proposed solutions

Although I have failed to discover a definitive solution to our question, I offer two suggestions which are more plausible than those so far considered. These two suggestions share two assumptions. First, the matrilineal principle is a legal innovation of the first or second century of

our era, i.e., that the origins of the principle are to be sought in the period roughly contemporary with its earliest attestation. Second, the principle was introduced not in response to societal need but as a consequence of the influx of new ideas into rabbinic Judaism.

Roman Law

According to Roman law, a child is the legal heir, and is in the custody, of his father only if his father and mother were joined in a legal marriage (*justum matrimonium*). The capacity to contract a legal marriage was called *conubium* (also spelled *connubium*), and was possessed almost exclusively by Roman citizens. Marriage between a person with *conubium* and a person without *conubium* was valid, but it was not a *justum matrimonium*; and without a *justum matrimonium*, the status of the child follows that of its mother. Consequently, if a Roman citizen marries a non-citizen woman, the children are non-citizens. If a Roman citizen has intercourse with a slave woman, the children are slaves. According to the legal theory, if a Roman matron marries a non-citizen, the children are citizens, except that the *Lex Minicia*, a law probably enacted during the first century BCE, declared that the children of such unions follow the parent with the lower status, that is, the children follow the father. Similarly, the children of a Roman matron by a slave ought to be, according to the theory, free citizens like their mother, except that a law, enacted under Claudius, declared that they are slaves.⁹

The conceptual similarity between the Roman and the rabbinic systems is striking. Marriages between citizens produce children whose status is determined patrilineally. Marriages between citizens and non-citizens produced children whose status, in theory at least, is determined matrilineally; but both legal systems tried to equalize the consequences for male and female citizens who stray from the fold. A Roman matron impregnated by a non-citizen or a slave bears a non-citizen or slave, not a citizen; a Jewish woman impregnated by a gentile or a slave bears a *mamzer*, a citizen of impaired status.

Although it is generally very difficult to prove the influence of one legal system upon another, here the evidence is rather strong. The Roman law, whose principles are clearly attested in republican times, antedates the earliest attestation of the rabbinic law. This suggestion accounts for the phraseology of the Mishnah as well as its dominant ideas. It takes seriously the Mishnah's explanation of itself, since the Mishnah's notion of "potential to contract a valid marriage" seems to reflect the Roman notion of *conubium*. It also is economical, since it accounts at once for both halves of the matrilineal principle. Perhaps, then, the matrilineal principle entered rabbinic Judaism from Roman law.¹⁰

9. For a readable introduction to the Roman legislation see John Crook, *Law and Life of Rome* (Ithaca: Cornell, 1967), pp. 36-68 ("The Law of Status"), esp. 40-41.

tion.¹³ The offspring of intermarriage was a conceptual problem which required a solution.

Conclusions

The transition from biblical patriliney to mishnaic matriliney cannot be dated before the period of the Mishnah itself. In all likelihood the transition was occasioned by the influx of Roman ideas and by the growth of the rabbinic interest in mixtures of all sorts. The transition was also facilitated by the emergence in the first century BCE and the first century CE of the idea that a gentile woman "converted" to Judaism not through marriage with a Jewish husband (as was the practice in biblical times) but through a separate ritual (immersion in water). The matrilineal principle presumes that the Jewishness of a woman born a gentile can be determined without reference to her Jewish husband. If she converts to Judaism, her children are Jewish; if she does not, they are gentiles. There is no evidence that the matrilineal principle was introduced in response to any particular social need.

Does this reconstruction have implications for contemporary practice? Does it strengthen the hand of those who wish to reject or reform the matrilineal principle of contemporary Halaka? I am not speaking to those fundamentalists who believe that all of rabbinic law was revealed to Moses at Mount Sinai, because they, in principle, oppose both historical scholarship and halakic reforms. I am speaking to those who accept, as I do, a modern, historical approach to Jewish tradition. Does my analysis have Halakic implications?

The answer is no. Jewish law, like other legal systems, is based on precedent, and what the historian can contribute to Halaka is the collection of precedents and the analysis of legal history. But history and Halaka are autonomous disciplines, each with its own methods, assumptions, and goals, and the historian cannot tell the jurist which precedent to follow or which decision to adopt. The modern jurist will, of course, consider the data provided by the historian, the sociologist, the economist, the politician, etc., but it is the jurist who makes the decision, and he makes his decision in accordance with his own legal philosophy. In its interpretation of the Constitution the Supreme Court considers, but is not bound by, the original meaning of the document in its 18th century context. The jurist seeks to determine the law, the historian seeks to determine the truth. The two need not coincide.

13. Jacob Neusner, *Judaism: the Evidence of the Mishnah* (Chicago: University of Chicago, 1981), pp. 236-270.

Orthodox rabbi appeals to CCAR to reconsider

by Rabbi Emanuel Feldman

The PR release from the Reform movement, which appeared in the Jan. 13 *Southern Israelite* attempts to justify its radical break from the laws of matrilineal descent by wrapping it in a mantle of biblical scholarship.

An unsuspecting reader could well assume that, after 3,500 years of Jewish law, in which the mother alone determines the child's religion, Reform has suddenly discovered that this has all been a mistake, and that the father is also the determiner. A new reading of Jewish law is now presented—one which apparently eluded such figures as Akiba, Hillel, Maimonides, Nachmanides, Rashi, the Vilna Gaon, the Baal Shem Tov; and escaped the minds of such pre-eminent contemporary authorities in Jewish law as Rav Moshe Feinstein and Rav Joseph B. Soloveitchik.

Not only are we now informed that these great scholars did not know elementary Bible translation, that they overlooked obvious small rabbinic source material; we also are told that the Talmudic sages themselves, in underscoring the matrilineal principle, "do not follow biblical practice or observance." Who does follow biblical practice and observance? Only the Reform movement, which claims that, in this break with classical Jewish practice, they are on "legitimate grounds."

Sadly, the article betrays an unfamiliarity with Jewish legal procedures and principles. Firstly, Jewish law is based on Sinai,

which occurred prior to Sinai is not a basis for Jewish law. Proof-texts from the narratives of pre-Sinaitic personalities have no bearing whatsoever on halachah. Secondly, once a legal ruling is established in Judaism, any deviant practice has no legitimate grounds at all—even if, by some tortuous reasoning, it might have some isolated pre-Sinaitic biblical basis. An American citizen who follows the minority view in a 5-4 Supreme Court decision may claim "legitimate grounds"—after all, four legal scholars agree with him—but he is nevertheless in violation of the law of the land.

Reform evidently has its own reasons for breaking once again with Jewish law. By admitting as Jews those whose mothers are not Jewish, Reform leadership, in one fell swoop, increases its ranks, so dangerously depleted by its self-engineered assimilationary and intermarriage processes.

But it was to be expected: the same philosophy which in the past declared that Berlin was Jerusalem, which gave up all hope of ever returning to a Jewish homeland, and which deleted all references to Zion from its prayerbook—that this same mindset now turns its back once again on Jewish law should come as no surprise.

What is most surprising, however, is the fact that the Reform movement now tries to justify its break with halachah by citing the very same classic halachic sources which they have historically disregarded, which

which they discarded long ago as being irrelevant. Now halachah is apotheosized—resurrected in order to justify their actions. They should have heeded Isaiah 1:2:

In all this there is one bit of macabre humor: if Jewish law had insisted that the religion of the child is determined by the father and not the mother, one can only imagine the hue and cry of the Reform movement for equality of the sexes, and their push for recognition of the mother and for matrilineal descent...Irony, is it not, that in the area where halachah gives predominance to the woman, Reform leaps in and tries to take her legal rights away from her.

The press is not the place to argue Jewish law, but in fairness to your readers, they should know that Jewish law is crystal clear on matrilineal descent. The Mishnah in Kiddushin 3:12 clearly states the fact that the child follows the religion of the mother; the Talmud in Kiddushin 68b cites Deuteronomy 7:3 as support for this law; Yebamot 45b similarly underscores the matrilineal law, as does Gittin 23b. And Maimonides in his monumental Law Code, *Isurei Biah*, 15:9, establishes the matrilineal idea clearly as a basic principle of Jewish law.

If, as the article's author would have us believe, the matrilineal descent began only in the times of Ezra, how is it that the Talmud in Baba Kamma 82a, when it lists the 10 major enactments of Ezra, fails to mention the matrilineal matter whatsoever. Surely such a major

Most tragic of all is the fact that, henceforth, Conservative and Orthodox Jews must be very wary when their youngsters date Reform Jewish youngsters—for perhaps the Reform youngster's mother is not a Jewess, and by Jewish law, neither is the child. Children brought up believing that they are full-fledged members of

the Jewish people will discover as they approach marriage that the bulk of the Jewish people does not recognize their Jewish status—with implications of tragedy and destructiveness which are beyond belief. In the past 2,000 years, no single act of any Jewish movement has had more potential for creating greater divisiveness among Jews. This is a devastating act of disunity which is being perpetrated by the Reform movement, a step which even the early radical reformers never took.

We can only pray that Reform will reconsider this hasty action, and will rejoin the two-thirds of the Jewish people who look on in horror as it moves to detach itself from *Am Yisroel*. I appeal to all of our brothers and sisters in the Reform movement to urge that this ill-advised, tragic step be rescinded in order to prevent irreparable harm, G-d forbid, to *K'lal Yisroel*.

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For Immediate Release

RABBIS FROM THREE BRANCHES OF JUDAISM DEBATE
PATRILINEAL ISSUE AT AJCONGRESS SYMPOSIUM

NEW YORK — Reform Jewry's decision last spring to give paternal descent equal weight with maternal lineage in determining Jewish identity was defended here by a leading Reform leader.

Rabbi Alexander Schindler, president of the Union of American Hebrew Congregations, told an American Jewish Congress symposium (Jan. 11) that the patrilineal decision attempts "to contain" the decline in Jewish numerical strength caused by the high rate of intermarriage "and, if possible, to convert that loss into a gain."

However, the patrilineal descent policy set forth last March in a resolution passed by the Central Conference of American Rabbis -- a Reform organization -- was sharply criticized by another speaker at the symposium, Rabbi Irving Greenberg, a well-known Orthodox rabbi who is president of the National Jewish Resource Center. He said the Reform movement's decision to reverse tradition by giving patrilineal and matrilineal descent equal weight was a "triumph for ethics, feminism, sociology and Americanism" but a "defeat for Halacha and the totality of the Jewish people."

Rabbi Greenberg called the patrilineal decision "a corruption, not a reform."

He said it was "a move to dismiss the significance of biology" in determining Jewishness and to make Jewishness "totally volitional." He termed it a "betrayal of ultimate Jewish values" and "enormously costly."

Rabbi Greenberg noted that a study of mixed marriage families by Brooklyn College sociologist Egon Mayer suggested that when a parental act of conversion to Judaism takes place, there is a 45 percent likelihood that a mixed marriage child will also intermarry -- a percentage about equal to that for children in families where both parents are Jewish by birth. But when the non-Jewish spouse in a mixed marriage does not convert, the likelihood that the children of such a union will intermarry jumps to 92 percent, Rabbi Greenberg said.

(more)

He charged that a patrilineal descent rule reduces the incentive for conversion among non-Jewish mothers by automatically granting Jewish status to their children through the Jewish spouse.

A third participant in the symposium was Rabbi Wolfe Kelman, executive vice-president of the Rabbinical Assembly, a Conservative body. He acknowledged his personal support for the extension of Jewish identity on a patrilineal basis but noted that his organization had defeated past efforts to introduce such a resolution. The reason, he noted, was Judaism's traditional "deep-seated repugnance to intermarriage" and the ensuing fear that intermarriages would be encouraged by a patrilineal rule.

The symposium, which was held at AJCongress' national headquarters, took place before an invited audience of some 50 rabbis, biblical scholars and Jewish leaders representing the various branches of Judaism.

In his presentation, Rabbi Schindler said that the matrilineal principle has not existed throughout Jewish history. "Quite the contrary, there was a time in Jewish life when the patrilineal principle was dominant, when children were considered Jewish primarily because their fathers were Jewish even though their mothers were not," he pointed out.

He said that while Jewishness automatically has been conferred through genealogy, under Reform Judaism's new guideline "genealogy is not enough." It specifies that Jewishness cannot only be presumed but "must be expressed in some concrete way through an involvement in Jewish life and the willingness to share the fate of the Jewish people."

Rabbi Schindler said that the patrilineal descent ruling does not alter Reform Judaism's opposition to intermarriage, but merely recognizes the reality of such unions. "Just because we oppose intermarriage does not import that we therefore have to reject those who intermarry," he said. Such a view sees Judaism as being "inclusive" rather than "exclusive," he added. "We will remove the 'not wanted' signs from our synagogues."

Rabbi Schindler also argued that the patrilineal resolution does not attempt to rule out the significance of biology in determining Jewishness but attempts to include the biology of the father as well. "Why should the biology of the mother be more important than the biology of the father?" he asked.

Rabbi Greenberg predicted that the patrilineal resolution would increase divisive tensions between the Orthodox and Reform branches. One solution, he said, is a "dialogue" between the various segments of Judaism to attempt to seek agreement on a common policy to govern conversions.

Rabbi Kelman said, "There is no reason or prospect to think that Conservative Judaism will change its view in favor of a patrilineal descent policy in the foreseeable future."

Chairman of the symposium was Rabbi William Berkowitz, chairman of AJCongress' Commission on Law and Social Action. The meeting was opened by AJCongress executive director Henry Siegman.

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Rabbi Schindler's sermon

Although it is treacherous to compose editorials based on news reports of speeches without having the full text available, yet from what we can read about the sermon of Rabbi Alexander Schindler at the Friday night services of the the Central Conference of American Rabbis in Cincinnati, he was issuing a warning over the seeming return of Reform to the center in American Judaism. That means, if we interpret Rabbi Schindler correctly, that he sees and issues a caution against, as would any acute observer of American Judaism, Reform beginning to institutionalize a return to greater observance of ritual. The pendulum has swung from the perimeter towards the center. One evidence of it at the centennial convention of the CCAR was the speech by the retiring president, Eugene Lipman, who happens to be opposed to patrilineal descent and would repeal it did he have such power, although as president he was obligated to support it.

It was only a few years ago that Rabbi Schindler in a major address to his own Union of American Hebrew Congregations called for a return to assumption by Reform of basics of Judaism. That cry came from his heart, but it did not lead to any abrupt action on the part of his constituents, although it most assuredly did add weight to the continuing accommodation to more ritual as attendance today at any Reform service almost anywhere in America will testify. In fact, Hebrew now occupies as much a role in the Reform service as its absence a few years ago revealed exactly the opposite. When Hebrew was almost non-existent in the Reform service, Reform had a need, which was to validate its position of modernizing Judaism. That need not only no longer exists, but the extremes to which Reform went — there were a few large temples which dropped Saturday services in favor of Sunday services — have long been recognized as inimical to Jewish continuity.

In Indianapolis, which is hardly atypical, any member of the city's Conservative-Reconstructionist congregation can feel very much at home at services at the Indianapolis Hebrew Congregation, which is Reform and which has, with only minimal criticism, introduced Hebrew throughout the service.

There are valid concerns about the future of Judaism in America, but there is hardly any problem with a return to observance. At one time, it was practically a crusade among the intelligentsia to divest Judaism of "superstitions" and outmoded beliefs. Today there is no place in American Jewish life where such a view has any currency and in fact it probably never occurs to present-day Reform Jews to challenge the reinstitution, if not the actual institutionalizing, of ritual.

Does that make Reform now Orthodox?

Of course not.

In fact, the Orthodox have not as yet recognized what is taking place in Reform and still harbor the bitterness against Reform as if we were still in the 1930s when God was being ridiculed everywhere and not only in Jewish circles.

But that is aside from the point.

There is a trend in Reform, and it is undeniable. It also is a sign of strength, not weakness.

We would be happy to consider publishing the full text of Rabbi Schindler's sermon, for it well could be that the reports of it do a disservice to both him and to the wing of Judaism he so ably represents.

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Open letter to David, my Orthodox friend

By Rabbi Harry Manhoff

As a close friend of my colleague, Rabbi David Eliezrie, I must respond to his commentary titled "We Are One People, but They Are Dividing Us."

Dear David:

The time has come for both the Reform and Orthodox, especially Chabad, to stop the public accusations and counter-accusations regarding who is or who is not splitting the Jewish people. What we may only be doing, Heaven forbid, is creating a self-fulfilling prophecy.

Neither the Orthodox nor the Reform will ever be willing to accept the other's interpretation of Judaism in its entirety, and now is the time to accept the differences and live with them.

I may be a Democrat and David, you may be a Republican, but we do not read each other out of American citizenship. To this day I can not understand why you, my good friend, are willing to accept a split in the Jewish people because the

"Reform Movement [will not] repudiate its decision."

In this case the decision to which you refer is the so-called Patrilineal Descent ruling. But it does not matter about which of the long list of differences between us that you are writing about today. In the end, Orthodox Judaism will only accept Reform Judaism when it becomes Orthodox Judaism (or when Reform Jews are willing to donate to Orthodox programs, ie. Chabad drug rehabilitation).

On the other hand, Reform Judaism is always on the defensive, because as liberals, we have been willing to accept other interpretations of Judaism as equally valid expressions of our faith. Simply stated, no Orthodox group can ever accept as valid any other interpretation, whereas any liberal group must accept the validity of other interpretations.

I intentionally refer to Orthodox and Reform Judaism as interpretations of our heritage. It may be very hard for the Orthodox to understand this, but their tradition is as much an interpretation as

is our Reform tradition.

As a case in point, David, you challenged Rabbi Schindler's use of Joseph's marriage to Asenath as an example of patrilineal descent in the Torah. Parenthetically you note that Asenath was Dinah's daughter and Jewish." Your information about Asenath comes from the *Pirke de Rebbe Eliezer* (Chapters 37 and 38) and certainly not from the Torah as God given, even if it was given in a series of inspirations instead of a single revelation, see the midrash as poetic interpretation.

In other words, the disagreement between Orthodox and non-Orthodox rabbis is not over "Who is a Jew," or which interpretation is correct. Rather, the disagreement is over the source of the interpretation of Torah.

No one can live by the agricultural social laws of 3,000 or 4,000 years ago. I do not "seethe the kid in its mother's milk," because I don't have goats or kids. Instead, I keep kosher, which is the rabbinic interpretation of the meaning of the threefold repetition of this Torah

prohibition.

David, if you want to accept the belief in the revelation of the Oral Law on Mt. Sinai, I think that it is fine for you. But I hope that you will think that it is equally fine for me to believe that the Oral Law was written by rabbis as inspired by God in various ages, with new and necessary changes in each age.

Don't agree with me, but allow me the right to my beliefs.

While "Ezra refused to bend to the winds of his time," scholars of the Bible believe that the book of Ruth was canonized as a counterbalance to Ezra's demand to divorce non-Jewish wives. The Bible does not know of Ruth's immersion in the mikvah to convert to Judaism according to the Halacha, before she gave birth to the ancestors of the messianic line. Rather, see the brilliant piece of inductive reasoning in the *Zohar Chadash Ruth*, 180-182.

David, your knowledge of the "determination of Jewish identity" is, as you wrote, "learned directly from," but by

Continued on Opinion D

Continued from Opinion A

way of an explanation, ie, an interpretation, of "a verse in the Torah," as the "Talmud, in the Tractate Kiddushin, . . . explains this in great detail."

Instead of attacking the Reform Movement with unfounded charges that Reform rabbis perform intermarriages due to pressure from their boards of director, David, please join the Board of Rabbis, sit down and listen to your non-Orthodox colleagues and work together to avoid the prophesied cataclysmic split.

Instead of attacking Rabbi Schindler's considerable and well-respected scholarship, let's come together once again as we once did, so we can give our children as many approaches to Judaism as they will need to that they will find one that keeps them in the Jewish fold.

Once, David, when you came to my home, your son saw me bare-headed as I returned from painting a neighbor's house. Your son said: "Abba, I thought you said he is a rabbi." You answered: "He is, but he is a rabbi for a different community of Jews."

I shall cherish that memory as a great sign of love that shall always bind us together, even if we don't always agree.

In the end, David, if your daughter falls in love with my son, somewhere they will find a rabbi who refuses to accept the division of the Jewish people, and they will get married. I hope that they will feel comfortable to come to either of us as rabbis, and more importantly, that we will accept their respective choices with love and pride.

Fondest regards to Stella and the children.

Harry A. Manhoff

□ Harry A. Manhoff is rabbi of Congregation Beth David in San Luis Obispo.

Excellent letter -
Thank you

members of the Patrilineal Committee

- ✓ Ben Zion Wacholder
- ✓ Walter Jacob
- ✓ Peter Knobel
- ~~Herman Schaalman~~
- ~~Alex Schindler~~
- ✓ Alfred Gottschalk
- ✓ Albert Friedlander
- ✓ Jerome Malino
- ✓ Joseph Glaser
- ✓ Robert Seltzer
- ✓ Leonard Kravitz
- ✓ Julius Kravetz
- ✓ Jerome Folkman
- ✓ Stanley Dreyfus
- ✓ Samuel Karff
- ✓ Max Shapiro
- ✓ Gunther Plaut
- ✓ Joshua Haberman
- ✓ Isaiah Zeldin
- ✓ Daniel Silver



April 10, 1984

Mrs. Agnes MacIntyre
700 East Buckeye Street
Deming, N.M. 88030

Dear Mrs. MacIntyre:

Rabbi Weiss of El Paso has forwarded to me your letter of April 2. It was good of you to write and share your thoughts and your background with me. I was deeply touched by your words.

You may be interested in reading my statement on Patrilineal Descent and I enclose herewith a copy of remarks I made in 1982. You should also know that in March of 1983 the Central Conference of American Rabbis (the membership body of American Reform rabbis) voted on the matter of Patrilineal Descent affirmatively. What has been accepted informally in the past has now been formalized by our community. Thus, my personal views are no longer merely that, they have been accepted by American Reform Judaism.

With repeated thanks to you for writing and with every good wish, I am

Sincerely,

Alexander M. Schindler

Encl.

April 2, 1984,
700 E. Buckeye St.,
Deming, N.M. 88030

Rabbi Alexander Schindler

Dear Sir:

All my life I've "felt" Jewish, and have never known anyone who accepted me as such, except Gentiles. My father was Jewish. At this late date it's hopeless to think I'm Jewish. Sir to 5.

Although I was explained the religion, I never followed it, nor did I raise my son in any.

He didn't keep a kosher house.

I am so glad to hear of your views, and, maybe, it will help the younger folk to feel part of a great people.

Yours very sincerely,

Agnus Mae Dityre

My grandparents and father were
born in "Bow Obodefska" a village
in Russia, rest of family in Phila, Pa.

Grandmother - Gittel Brayman (maiden
name)

Grandfather - Shia Milgram

Father - Lager Lieb - Lewis Leonard

Uncle Joseph - Yisreal - Jos. Milgram

Uncle David - David - David Milgram

Aunt Dorothy - Dubrick - Dorothy Milgram
Greenstein

Grandmother buried at
Mt. Sharon Cemetery, Phila

Grandfather - Har Jehudah - Phila - Pa.

Father - Mt. Lebanon - near Phila, Pa.

Emanuel Congregation

5959 Sheridan Road
at Thorndale Avenue
Chicago 60660

HERMAN E. SCHAAALMAN
Rabbi

(312) 561-5173
April 13, 1984

MEMORANDUM

TO: MEMBERS, PATRILINEAL COMMITTEE

FROM: RABBI HERMAN E. SCHAAALMAN

Just for your information, the enclosed Resolution will be proposed to the Resolutions Committee for submission to the Conference at its forthcoming Grossinger Convention.

If you have any comments, please let me have them.

A joyous Pesach to you.

HES:sgk
Encl.



April 19, 1984

Rabbi Herman E. Schaalman
Emanuel Congregation
5959 Sheridan Road
Chicago, Illinois 60660

Dear Herman:

Two comments regarding the resolution which you circulated:

- 1) Who authored this resolution? Who is submitting it? How did it get to you?
- 2) Our Committee, led by its chairman ought to oppose this resolution, both on the Resolutions Committee and on the floor, for the following reasons:
 - a) It is premature; the fuller impact of our decision on the Jewish world can scarcely yet be determined.
 - b) It is redundant. Our present Committee was constituted to do precisely what this resolution calls for.
 - c) Equally redundant is the granting of the right of each colleague to interpret this report as his conscience dictates. That is a given in our Conference.

Hope you had a pleasant Pesach.

Affectinnately,

Alexander M. Schindler

cc: Members, Patrilineal Committee

PATRILINEAL DESCENT

WHEREAS the 1983 Report of the Committee on Patrilineal Descent on the Status of Children of Mixed Marriages has been the cause of much controversy in the Jewish world and because it has been the occasion of the disruption of intra-communal relations in many places; and

WHEREAS the adoption of this Report has been subject to much misinterpretation and confusion due to inaccurate or misleading press coverage and perhaps to disputes as to the meaning and significance of the Report within the Conference

BE IT RESOLVED

THAT the Central Conference of American Rabbis requests of the President of the Conference

1. A report on the effect of the adoption of this Report on relations between the Reform movement and the rest of the organized Jewish world;
2. A report on the impact of this Report on Reform Jewry; and
3. A reconstitution of a committee to study
 - a. the impact of the Report
 - b. the possibility of modifications, clarifications, or rescission of the Report.

AND BE IT RESOLVED

THAT The Central Conference of American Rabbis affirms the right of each colleague to interpret this Report and to make rabbinic decisions in matters of personal status according to the knowledge, understanding and conscience of the individual rabbi.

PATRILINEAL & MATRILINEAL DESCENT

QUESTION: What are the origins of matrilineal descent in the Jewish tradition; what halakhic justification is there for the recent Central Conference of American Rabbi's resolution on matrilineal and patrilineal descent which also adds various requirements for the establishment of Jewish status?

ANSWER: We shall deal first with the question of matrilineal and patrilineal descent. Subsequently we shall turn to the required positive "acts of identification."

It is clear that for the last two thousands years the Jewish identity of a child has been determined by matrilineal descent. In other words, the child of a Jewish mother was Jewish irrespective of the father (Deut 7.3,4; M. Kid 3.12; Kid 70a, 75b; Yeb 16b, 23a, 44a; 45b; A. Z. 59a; J. Yeb 5.15 (6c); 7.5 (8b) J. Kid 3.12 (64d); Yad Issurei Biah 15.3f; etc.). The Talmudic discussion and that of the later codes indicated the reasoning behind this rule.

The rabbinic decision that the child follow the religion of the mother solved the problem for offsprings from illicit intercourse of unions which were not recognized, or in which paternity could not be established, or in which the father disappeared. This practice may have originated in the period of Ezra (Ezra 10 3: Neh 13.23ff) and may parallel that of Pericles of Athens who sought to limit citizenship to

a Jew and willingly changed his religion" (Law of Return Amendment #2, #4a, March, 1970). This meant that a dual definition (descendents from Jewish mothers or fathers) has remained operative for immigration into the State of Israel.

The decision of an Israeli Court is a secular decision. It is, of course, not determinative for us as American Reform Jews, but we should note that their line of reasoning is somewhat similar to ours. We also see flexibility to meet new problems expressed in these decisions.

For the reasons cited in the introduction to the Resolution, those stated above and others, we have equated matrilineal and patrilineal descent in the determination of Jewish identity of a child of a mixed marriage.

Now let us turn to the section of the resolution which deals with "positive acts of identification." There are both traditional and modern reasons for requiring such acts and not relying on birth alone as follows:

1. We do not view birth as a determining factor in the religious identification of children of a mixed marriage.
2. We distinguish between descent and identification.
3. The mobility of the American Jews has diminished the influence the extended family upon such a child. This means that a significant informal bond with Judaism which played a role in the past does not exist for our generation.

We should contrast the rabbinic position to the earlier Biblical and post-Biblical period. It is clear that patrilineal descent was the primary way of determining the status of children in this period. The Biblical traditions and their early rabbinic commentaries take it for granted that the paternal line was decisive in the tracing of descent, tribal identity, or priestly status. A glance at the Biblical genealogies makes this clear. In inter-tribal marriage paternal descent was likewise decisive (Nu. 1.2 l'mishpehotam l'veit avotam); the line of the father was recognized while the line of the mother was not (mishpahat av keruyah mishpahah, mishpahat em enah keruyah mishpahah B. B. 109b, Yeb. 54b; Yad, Nihalot 1:6; etc.).

We should also recognize that later rabbinic tradition did not shift to the matrilineal line when conditions did not demand it. Therefore, the rabbinic tradition remained patrilineal in the descent of the priesthood; it was and remains the male kohen who determines the status of his children. The child is a kohen even if the father married a Levite or an Israelite. Thus lineage was and continues to be determined by the male alone whenever the marriage is otherwise proper (M. Kid 3:12 ; Kid 29a; Shulhan Arukh Yoreh Deah 245.1).

If a marriage is valid but originally forbidden, (marriage with someone improperly divorced, etc.), then the tainted parent, whether mother or father, determines

lineage (Kid 66b; Shulhan Arukh, Even Haezer 4.18). The same rule applies to children born out of wedlock if both parents are known.

Matrilineal descent, although generally accepted for the union of a Jew and a non-Jew, has rested on an uncertain basis. Some have deduced it from Deut. 7.4, others from Ezra 9 and 10. Still others feel that the dominant influence of the mother during the formative years accounted for this principle. A few modern scholars felt that the rabbinic statement followed the Roman Paulus (Digest 2.4f), who stated that the maternity was always known while paternity was doubtful; this, however, could be extended to the offspring of any parents. Shaye Cohen has also suggested that the rabbis may have abhorred this type of mixture of people as they felt negatively toward mixtures of animals and materials. A full discussion of this and other material may be found in Aptowtizer's "Spuren des Matriarchats im jüdischen Schrifttum", Hebrew Union College Annual, vols. 4 & 5 and Shaye J. D. Cohen's "The Origin of the Matrilineal Principle in Rabbinic Law", Judaism, Winter 1984.

We should note that the Karaites considered the offspring of a Jewish father and a Gentile mother to be a Jew. It is, however, not clear from the sources available to me whether the conversion of the mother to Judaism may not

have been implied (B. Revel, "The Karaite Halkaba", Jewish Quarterly Review III, pp. 375f.) The matter continues to be debated.

These discussion show us that our tradition responded to particular needs. It changed the laws of descent to meet the problems of a specific age and if those problems persisted, then the changes remained in effect.

The previous cited material has dealt with situations entirely different from those which have arisen in the last century and a half. Unions between Jews and non-Jews during earlier times remained rare. Furthermore, the cultural and sociological relationship with the people among whom we lived did not approach the freedom and equality which most Jews in the Western World now enjoy.

We in the 20th century have been faced with an increasing number of mixed marriages, with changes in the structure of the family, and with the development of a new relationship between men and women. This has been reflected in the carefully worded statement by the Committee on Patrilineal Descent (Jacob, American Reform Responsa, Appendix).

We may elaborate further with the following statements which reflect the previously cited historical background, the introduction to the resolution as well as other concerns. We shall turn first to the question of descent and then to the requirement of "acts of identification."

1. In the Biblical period, till the time of Ezra or beyond, patrilineal descent determined the status of a child, so the children of the kings of Israel married to non-Jewish wives were unquestionably Jewish. This was equally true of other figures. Furthermore, our tradition has generally determined lineage (yihus) through the father, i.e., in all valid but originally forbidden marriages. This was also true for priestly, Levitical and Israelite lineage which was and remains traced through the paternal line (Nu. 1.2, 18; Yad Hil. Issure: Biah 19.15; Shulhan Arukh, Even Haezer 8.1). If a marriage was valid, but originally forbidden, then the tainted parent (mother or father) determined status (Kid 66b; S. A., Even Haezer 4.18). The same rule applied to children born out of wedlock if both parents were known.

Yihus was considered significant, especially in the Biblical period and long genealogical lines were recorded; an effort was made in the time of Ezra and, subsequently, to guarantee pure lines of descent and precise records were maintained (Ezra 2:59ff; genealogies of I, II Chronicles). An echo of that practice of recording genealogies remained in the Mishnah and Talmud despite the difficulties caused by the wars of the first and second century which led to the destruction of many records (M. Kid 4.1; Kid 28a; 70a ff). In the Biblical Period, and in some instances later, lineage, was determined by the father.

2. Mishnaic and Talmudic authorities changed the Biblical laws of descent, as shown earlier in this responsum, as well as many others when social or religious conditions warranted it. Family law was changed in many other ways as demonstrated by the laws of marriage. For example, the Talmudic authorities validated the marriage of Boaz to Ruth, the Moabites, despite the strict ruling against such marriages (Deut 23.4); they indicated that the Biblical rule applied only to males, not to females (Yeb 76b ff). Earlier, the Mishnah (Yadayim 4.4) claimed that the various ethnic groups had been so intermingled by the invasion of Sennacherib that none of the prohibitions against marriage with neighboring people remained valid. In this instance and others similar to them, we are dealing with clear Biblical injunctions which have been revised by the rabbinic tradition. We have followed these examples in our own revision.

3. The Reform movement has espoused the equality of men and women, virtually since its inception (J. R. Marcus, Israel Jacobson, p. 146; W. G. Plaut, The Rise of Reform Judaism, pp. 252ff). As equality has been applied to every facet of Reform Jewish life, it should be applied in this instance.

4. We, and virtually all Jews, recognize a civil marriage between a Jew and a Gentile as a marriage although

not qiddushin, and have done so since the French Sanhedrin of 1807 (Tama, Transactions of the Parisian Sanhedrin - Tr. F. Kerwan, p. 155f; Plaut Op. Cit., p 219). We are morally obliged to make provisions for the offsprings of such a union when either the father or mother seek to have their children recognized and educated as a Jew.

5. We agree with the Israeli courts and their decisions on the matter of status for purposes of l'am, the registration of the nationality of immigrants and the right to immigrate under the Law of Return. Such rulings are secular in nature and do not bind the Israeli rabbinic courts, or us, yet they have far reaching implications for all Jews. In the Brother Daniel case of 1962, this apostate was not judged to be Jewish although he had a Jewish mother (1962-16-P.D.2428). The court decided that a Jew who practiced another religion would not be considered Jewish despite his descent from a Jewish mother. "Acts of religious identification" were determinative for secular purposes of the State of Israel. The court recognized that this had no effect on the rabbinic courts; nonetheless, it marked a radical change which deals with new conditions.

Earlier in March, 1985, the Minister of Interior, Israel Bar-Yehuda, issued a directive which stated that "any person declaring in good faith that he is a Jew, shall be registered as a Jew." No inquiry about parents was authorized. In the case of children "if both parents

declare that the child is Jewish, the declaration shall be regarded as though it were legal declaration of the child itself" (S. Z. Abramov, *Perpetual Dilemma*, p. 290; Schlesinger v. Minister of Interior 1963 - I - 17 P.D. 225; Shalit v. Minister of Interior 1968 - II - 23 P.D. 477-608). This was for the purposes of immigration and Israeli registration. It represented the furthest stance away from halakhah which any official body the State of Israel has taken in this matter. It remained law until challenged and later legislation replaced it. There have been a number of other decisions which have dealt with this matter.

The current law passed in 1970 after a government crisis over the question of "Who is a Jew" reads "for the purpose of this law, Jew means a person born to a Jewish mother, or who has become converted to Judaism, and who is not a member of another religion" ("Law of Return - Amendment, March, 1970 #4b; M. D. Goldman, Israel Nationality Law, p. 142, Israel Law Journal, vol. 5, #2, p 264).

Orthodox efforts to change this to read "converted according to halakhah" have been defeated on various occasions. We should note that although the definition of a Jew was narrowed, another section of the law broadened the effect of the Law of Return and included "the child and grandchild of a Jew, the spouse of a Jew and the spouse of the child and grandchild of a Jew - with the exception of a person who was

4. Education has always been a strong factor in Jewish identity. In the most recent past, we could assume a minimal Jewish education for most children. In our time, almost half the American Jewish community remains unaffiliated, and their children receive no Jewish education.

For those reasons the Central Conference of American Rabbis has declared:

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

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

Walter Jacob, Chairman
Responsa Committee

October 1983

Depending on circumstances, mitzvot leading toward a positive and exclusive Jewish identity will include entry into the covenant, aquisition of a Hebrew name, Torah study, Bar/Bat Mitzvah, and childhood claiming Jewish identity, other public acts or declarations may be added or substituted after consultation with their rabbi."

Walter Jacob, Chairman
Responsa Committee

October 1983





RABBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS
PRESIDENT 838 FIFTH AVENUE NEW YORK, N.Y. 10021 (212) 249-0100

July 17, 1989
14 Tammuz 5749

Gabriel Cohen, Publisher
The Jewish Post and Opinion
2120 N. Meridian Street
P.O. Box 449097
Indianapolis, IN 46202

Dear Gabe:

I really don't want to engage in a public disputation with a colleague. It seems unseemly to me and I do hope that you understand my position and in understanding, forgive. But, on a personal level and not for publication but for your information, let me make the following points:

- A) Patrilineality is not as consequential from a halachic point of view than is Reform's decision made over a hundred years ago not to require religious divorce. The former can be remedied through a halachic conversion, the latter is halachically irremediable since its consequence is bastardy. In other words, patrilineality is only one of scores of changes that Reform made over the decades which we would have to change in order to be accepted by the Orthodox, not in the least among which is men and women sitting together at services, women reading from the Torah, which halacha can never countenance.
- B) The Conservative movement hasn't adopted Patrilineality, not yet anyway, then why isn't the Conservative movement accepted by the Orthodox?
- C) In a recent public statement, made after my CCAR Conference speech, Rabbi Moshe Sherer declared that even if we were to change our position on patrilineality we would never be accepted by the Orthodox.

To all of this I only want to add that according to Steve Cohen's studies some 85% of American Jews - lay leaders and many rabbis - are now accepting of the patrilineal principle and would not bar their children from marrying someone who is defined as a Jew through the paternal line providing he or she lived life as a Jew.

Gabriel Cohen
Page -2-
July 17, 1989

Lastly, I don't think that there is a substantial rift between Orthodox and Reform except on a professional level, rabbi vs. rabbi, and certainly not on a lay level where substantial harmony prevails. Ofcourse, I am not taking about extremes on either side but about the solid center and not about the Lubavitch or even the Satmer but rather about Yeshiva University, HUC-JIR and JTS and the congregations that relate to them. In fact, there is a good deal more disputation within the movements than there is between them, note if you will the Satmer and Lubavitch cutting off each other's beards.

~~In~~ the past it was infinitely worse, note, for example, the disputes between Hassidism and Misnagdism when the antagonists had each other put into jail, denounced each other to public authorities and what not and still the Jewosh world held.

The real problems of Jewish unity have their locus elsewhere and center about the steps that Israel must take to resolve its dilemma and the conflict in Israel has absolutely nothing to do with Orthodox and Reform.

Again, Gabe, all this is for your private information.

With warm personal regards, I am

Sincerely,

Alexander M. Schindler

cc: MM
RICHARD COHEN

The Graduate School and University Center
of The City University of New York

Center for Jewish Studies / Box 465
Graduate Center 33 West 42 Street, New York, N.Y. 10036-0099
212 642-2180

Editor
The Jewish Week
1501 Broadway
New York, N.Y. 10036

October 13, 1992

Dear Editor:

A letter last week (Oct. 9-15) from one of your readers (Matthew Persons "Patrilineality unacceptable"), masquerades personal opinions as though they were facts, and ridicules facts as if they were a matter of opinion. Mr. Persons chastises Rabbi Alexander Schindler for his reference to a survey finding that "85% of American Jews, including Orthodox Jews, accept patrilineality."

"I find this assertion utterly impossible to believe," he writes. "I have spoken to hundreds of Orthodox and Conservative Jews on this matter....I have never met a Jew who supported patrilineality and who was not part of the Reform movement. Not 85 percent, not 50 percent, not 10 percent. None."

As the author of the study referred to by Rabbi Schindler I feel obliged to set the record straight, at least for the benefit of those of your readers who might have a greater respect for the findings of social science research than Mr. Persons.

In the Spring of 1990 the Jewish Outreach Institute in cooperation with the Center for Jewish Studies at the CUNY Graduate School sent out a survey questionnaire to 9,000 American Jewish leaders, consisting of Orthodox, Conservative and Reform pulpit rabbis, synagogue presidents, executive directors and board chairmen of every federation in America and every major Jewish communal institution. It was by far the single largest survey of its kind. Over 2,000 people responded, proportionally representing all segments of American Jewish leadership as well as laity.

The survey addressed a series of questions dealing with the challenges of interfaith marriage. Included among the many questions was one that read as follows: "If your son was married to a non-Jewish woman and they were raising their children as Jewish even though the mother was not, would you consider your own grandchildren Jewish?" We did not ask people what their ideological position was on the issue of patrilineality. We asked them about their own grandchildren.

Sixty-seven percent of our respondents answered the question in the affirmative: yes, they would regard their own grandchildren as Jewish, even if the mother was not, so long as the children were raised Jewish. Forty percent of Conservative rabbis replied to this question in the affirmative and nearly 80 percent of Conservative lay people replied to the question in the affirmative. As one might expect, an affirmative response among Reform leaders and laity was nearly universal. Among the Orthodox just 7 percent of rabbis and 10 percent of the laity replied in the affirmative. It seems that as much as most American Jews want Judaism to survive they want even more to see their own families continue as Jewish.

Anyone is within his rights to assert, as does Mr. Persons, that "patrilineality is simply unacceptable," as a matter of religious principle. However, they should not delude themselves, much less others, that their opinions as are universally shared by their fellow Jews -- just because they themselves have not personally met anyone who disagrees with them -- even when well substantiated facts prove to the contrary. Indeed, the only point Mr. Persons seem to prove on the strength of his own words is that he speaks only to those people about the subject of "patrilineality" who share his opinion. Would we want to be led by rabbis who also only speak to those who agree with them?

I suppose the deeper and sadder question raised by Mr. Persons' letter is this: For someone who is so willing to write out of the Jewish fold so many of other people's grandchildren do facts matter at all? Or, does his own opinion reign supreme? How many Jews who do not share his views would Mr. Persons have to meet personally before recognizing their existence, much less the legitimacy of their views?

Egon Mayer, Ph.D.
Professor of Sociology
BROOKLYN COLLEGE &
Senior Research Fellow
Center for Jewish Studies
CUNY Graduate School

JUDAISM

A QUARTERLY JOURNAL

15 EAST 84th STREET • NEW YORK, N. Y. 10028 • TR 9-4500

DR. ROBERT GORDIS, Editor

DR. RUTH B. WAXMAN, Managing Editor

August 14, 1984

Dr. Alexander M. Schindler
Union of American Hebrew Congregations
838 Fifth Avenue
New York, N. Y. 10021

Dear Dr. Schindler:

Thank you very much for sending us your contribution to the symposium on patrilineal descent. Yours is a very impressive, indeed eloquent, presentation of the problem and the solution being advanced by Reform Judaism today. It will prove a most valuable contribution to the symposium which is shaping up beautifully and which bids fair to becoming the prime source for the intelligent discussion of the issue.

I am pleased that you have expressed an interest in making additional copies of the issue of JUDAISM available to members of the Board of Trustees of the UAHHC. Recently the Rabbinical Assembly ordered a special printing of a thousand copies of the issue containing the symposium on the ordination of women, which was distributed to the entire membership. Should you wish a substantial number of copies of the new symposium issue, it would be best for us to know this in advance, so that arrangements can be made with the printer.

I appreciate your offer to discuss with me the possibility of a promotion of JUDAISM among your leadership. I may add that a recent survey of the reading habits of American rabbis disclosed that JUDAISM ranks first among all periodicals including COMMENTARY, MOMENT, HARPERS, ATLANTIC and down the list. We would, of course, be delighted to broaden the base of our readership.

I am now preparing to go abroad, but will be returning before Rosh Hashanah. If you will be good enough to communicate with me any time subsequent to the holidays, it will be a pleasure to meet with you here in New York at a mutually convenient time.

May I add a personal note? As long ago as 1955, in my book, JUDAISM FOR THE MODERN AGE, I strongly endorsed the idea of an active campaign to win non-Jews for Judaism, though not precisely on the same terms as your own program. This was, of course, in the days before the term "outreach" had come into vogue.

For many reasons it will be a pleasure to meet with you. Have a pleasant summer.

Sincerely,

Robert Gordis

RG:brs

Redefining the boundaries of who is a Jew

IN 1983, the Central Conference of American Rabbis, the major organization of Reform rabbis, agreed in a declaration that "the child of one Jewish parent is under the presumption of Jewish descent. This presumption of the Jewish status of the offspring of any mixed marriage is to be established through appropriate and timely public and formal acts of identification with the Jewish faith and people."

In other words, the child of a Jewish father and a non-Jewish mother was to be accorded exactly the same status as the child of a Jewish mother — with the huge qualification that neither would be regarded as Jewish without evidence of active commitment to Judaism and the Jewish people.

The declaration sparked widespread concern in the Orthodox community across the globe. "The prospect was real of the greatest schism since Judaism and Christianity parted company," wrote Dr Jonathan Sacks, now British Chief Rabbi. "Will there be one Jewish people by the year 2000?" asked Rabbi Irving ("Yitz") Greenberg, of New York.

As far as the author of the declaration is concerned, it was never a question worth asking. Rabbi Alexander Schindler, the veteran president of the Union of American Hebrew Congregations, claims that acceptance today of the principle of patrilineality in the American Jewish community is very wide. Citing a 1991 study, it is, he says, over 85 per cent among the lay leadership, and as much as 25 per cent of the Orthodox rabbinate.

With all the variations of someone to whom the correctness of what he says is so self-evident that only a fool needs to hear it from him, Rabbi Schindler protests: "I didn't wake up in the middle of the night and say that we have got to pursue the patrilineal principle."

He had been speaking at a luncheon, "a fairly decent speech and reasonably well received." Then, in a question-and-answer session, someone asked him whether, in a case where a Jewish man married a non-Jew and they agreed to raise the children Jewishly, and there was a divorce in which custody of the children went to the mother, there should be safeguards for the right of the father to protect the religious education of the children.

"I said, 'Absolutely. We ought to provide legal counsel for that' — and I got a standing ovation, much better than I got for my set speech."

"On my way back, I began to think about it and I realised that what these people were concerned about was ensuring that their grandchildren were Jewish. That was their essential concern."

But another unanticipated problem emerged as he pushed forward his inquiries: the huge number of youngsters in religious schools, the products of mixed marriages where the parents had agreed to raise them Jewishly, only to be told that a real Jew was one whose mother was Jewish.

"I am also talking about hundreds of thousands of people in America today, the products of intermarriage, who having had it drummed into them that you can be a Jew only if your mother is Jewish, are bound to feel that somehow they are not quite Jewish."

This compelling, overriding interest, together with the more limited issue of divorce and custody, led me to push for the patrilineal declaration.

Rabbi Schindler is resentful that the conditional part of his patrilineal declaration is overlooked. "It is even more stringent than is Orthodox. Orthodox designates Jewishness automatically. If the mother is Jewish, the child is Jewish, no matter what happens later on."



Rabbi Schindler: history on his side?

"We say that this racial designation is insufficient. Insofar as genealogy is a factor, either parent will do. But there has to be something else."

"We insist on genealogy plus, in the case of a father or a mother. Jewishness has to be expressed in an overt way, through Jewish education, through a commitment to Jewish life, through brit milah, through — at the very least — a determination to share the destiny of the Jewish people, and that before marriage."

Schindler claims to have history on his side, if not the sages who compiled the Mishnah.

Jewishness in the days of the

Torah, he points out, was patrilineal. "Somewhere along the line, it switched to matrilineal. No one is in agreement as to when it took place. Some say as early as Ezra, some say later."

"The consensus of scholarship is that, at a time of travail when Jewish women were raped and the question was whether or not the father of the child was Jewish, a compassionate law ruled that, if the mother was Jewish, the child was Jewish."

"An outside factor determined a change in a law which was crystal clear from the Torah. We have outside factors today which are also important and which should allow us to evolve Judaism to meet the needs of the day."

Look at the Ethiopian Jews, he suggests. Because they are not bound by rabbinic Judaism and their roots are in the Torah, their descent is absolutely patrilineal.

Where there is any question about their Jewishness, the Jewish Agency accepts proof that the father was a Jew to establish their status, and with the acquiescence of the Orthodox rabbinate.

Schindler makes a prediction. "I am confident that the time will come, especially if there is electoral reform in Israel, when opposition will break and when, if not *de jure* — I am telling you they are not going to convert all those Russian Jews — they are, *de facto*, going to accept patrilineality."

Surprisingly, he does not have statistics to demonstrate the impact of the declaration on the size of Reform Jewry, which is, he claims, the largest synagogue movement in the US, having increased by 25 per cent since 1975.

"But don't believe for a moment that there is a triumphalism that fuels my attitude. I want all Jewish movements to grow. A Jew without religion is like a lifeless body."

A confession: "I will admit that when you bring the intermarried in, when you make them a part of the community, when you say, 'Let the non-Jewish partner come into the synagogue, there is the risk of making intermarriage more respectable and more acceptable."

"But that's a price I am willing to pay, because I know that the contrary price — one of exclusion — is infinitely greater. It will lead not to more Jewish marriages, but to more alienated intermarriages and a fracture in Jewish life, in Jewish families. Terrible! We start sitting shiva over our children — and then what?"

"Some among the Orthodox say they would rather have 500,000 perfect Jews. I would rather have six million in America some of whom, maybe, are not perfect."

"One thing I do know is that we have lost a big slice of the Jewish community. But you are not going to prevent intermarriage unless you are prepared to withdraw from the American way of life."

"We want Jews to marry Jews. We are not for intermarriage — that's a misconception on the part of the general Jewish community, particularly the traditional community."

"We do not want intermarriage on human grounds, because of divorce. We do not want intermarriage on Jewish grounds, because of the fierce attenuation of Jewish identity. And we do everything we can to have Jews marry Jews."

"We have two choices: we can include or exclude. We can sit shiva over our children, or we can reach out, try to bring their partners in, and hope that our grandchildren will be Jews."

"In the final analysis, that is the highest priority for American Jews who identify themselves as Jews."

GEORGE D. PAUL
US Affairs Editor, New York

London Jewish Chronicle May 20 1992

Fighting assimilation is no game but playing 'Target 613' may help

NEW YORK — "Today we have thousands of children who discard their Jewish identity," sadly observed Simcha Friedman, president of Friedman Enterprises. In a nationwide campaign to help fight assimilation through games, Friedman Enterprises has donated hundreds of its "Target 613" nationwide, (the game is about Jewish holidays and values) and its "Piece to Jerusalem," a puzzle of a map of modern-day Jerusalem with a vision of the future — the 3rd Holy Temple. Acclaimed by children, parents and educators, this game and puzzle provide fun while helping to teach Jewish values and thus promote Jewish identi-

ty. Recently Friedman Enterprises has established a special program in which donors designate specific organizations throughout the country to receive "Target 613" and "Piece to Jerusalem." Among the recipients in the program are: Central Queens YMHA which has an outreach program to Russian immigrants, the Jewish Education Program (JEP), Machne Israel Camps.

For more information and to become a recipient or join the program as a donor, write to Friedman Enterprises at Room 125, 254 Kingston Avenue, Brooklyn, New York 11213.

Emanuel Congregation

5959 Sheridan Road
at Thorndale Avenue
Chicago 60660

HERMAN E. SCHAALMAN
Rabbi

April 26, 1984

MEMORANDUM

TO:

PATRILINEAL COMMITTEE

FROM:

RABBI HERMAN E. SCHAALMAN

I made the mistake of not adding the name of the author of the recently proposed resolution. It is Philip Bentley.

Some of you have already indicated that you think this resolution is either premature or redundant or both. A recommendation will be made to have that resolution transferred to our Committee for disposition.

I will keep you informed of any developments.

HES:sgk



COPY

Salvatore

RABBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS
PRESIDENT 838 FIFTH AVENUE NEW YORK, NY 10021-7064 (212)249-0100

July 29, 1994
21 Av 5754

Rabbi Helen Freeman
The Liberal Jewish Synagogue
28 St. John's Wood Road
London NW8 7HA England

Dear Rabbi Freeman:

I received your letter in England just prior to my departure, and when I returned to the States, an avalanche of letters and other matters to be considered poured over me. Before long, I had to be off again on several shorter journeys.

I write you this note merely to assure you that your letter was not ignored. I read it with a good deal of care and I thank you for the information which it provides.

Hopefully, we will have a chance to meet with one another in the not too distant future.

Cordially,

Alexander M. Schindler



COPY

RABBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS
• PRESIDENT 838 FIFTH AVENUE NEW YORK, N.Y. 10021 (212) 249-0100

December 17, 1990
30 Kislev 5751

Bernard Chiert, Esq.
1090 Furth Road
Valley Stream, NY 11581

Dear Mr. Chiert:

It was good of you to write and share your thoughts
with me in regard to patrilineal descent.

I am grateful to you and know that you will be happy to
learn that the patrilineal principle has been well
accepted, not alone within the Reform Jewish community,
but among some sectors of Conservative Judaism and the
Reconstructionist community. Some very fine strides
have been made in regard to this matter.

With repeated thanks and every good wish, I am

Sincerely,

Alexander M. Schindler



RAVBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS
PRESIDENT 838 FIFTH AVENUE NEW YORK, N.Y. 10021 (212) 249 0100

Patricia

July 26, 1989
23 Tammuz 5749

Mr. Gabriel Cohen
Publisher
The Jewish Post and Opinion
2120 N. Meridian Street
P.O. Box 449097
Indianapolis, IN 46202

Dear Gabe:

By now you must have received a copy of my letter. I mailed it out by overnight mail when we talked last week.

I enclose of my original letter which you may publish in the manner you described without identifying my source. I think that points A,B,C and D are cogent, but choose whatever you will. If you want to make some editorial changes - I dictated it quickly, and the English is not as elegant as I might have wanted - feel free to do and you certainly don't have to check with me.

It occurs to me that you might never have seen my fuller statement on this whole issue which I delivered some years ago at a CLAL Conference. It is really not dated, though many events and waters have gone under the bridge since then. It might interest you and stimulate you thoughts in this sphere.

With warm good wishes, I am

Sincerely,

Alexander M. Schindler

enc.

FROM THE DESK OF
GABRIEL COHEN

July 20, 1989

Dear Alex,

Here's a suggestion.

You make some cogent points that should be said and recognized.

Consequently, since I'll be publishing the responses I've received, let me add yours without identifying it. In this way, certain ground will be covered that so far has not been recognized, since your presentation does so well.

I sent you the taped interview with Gottschalk, and you're sending me the text of your sermon.

Sorry, I won't be covering the CCAR conventions from now on.

Best regards

Gabriel

2
X X
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GABRIEL COHEN

July 20, 1989

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Best regards

Gabriel



RABBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS
PRESIDENT 838 FIFTH AVENUE NEW YORK, N.Y. 10021 (212) 249-0100

July 17, 1989
14 Tammuz 5749

Gabriel Cohen, Publisher
The Jewish Post and Opinion
2120 N. Meridian Street
P.O. Box 449097
Indianapolis, IN 46202

Dear Gabe:

I really don't want to engage in a public disputation with a colleague. It seems unseemly to me and I do hope that you understand my position and in understanding, forgive. But, on a personal level and not for publication but for your information, let me make the following points:

A ✓
A) Patrilineality is not as consequential from a halachic point of view than is Reform's decision made over a hundred years ago not to require religious divorce. The former can be remedied through a halachic conversion, the latter is halachically irremediable since its consequence is bastardy. In other words, patrilineality is only one of scores of changes that Reform made over the decades which we would have to change in order to be accepted by the Orthodox, not in the least among which is men and women sitting together at services, women reading from the Torah, which halacha can never countenance.

B ✓
B) The Conservative movement hasn't adopted Patrilineality, not yet anyway, then why isn't the Conservative movement accepted by the Orthodox?

C ✓
C) In a recent public statement, ~~made after my CCAR Conference speech~~, Rabbi Moshe Sherer declared that even if we were to change our position on patrilineality we would never be accepted by the Orthodox.

C ✓
~~To all of this I only want to add that~~ According to Steve Cohen's studies some 85% of American Jews - lay leaders and many rabbis - ~~are now accepting of the patrilineal principle and would not bar their children from marrying someone who is defined as a Jew through the paternal line providing he or she lived his/her life as a Jew.~~

Gabriel Cohen
Page -2-
July 17, 1989

9

Lastly, I don't think that there is ^{really} a substantial rift between Orthodox and Reform except on a professional level, rabbi vs. rabbi, and ~~certainly not on a lay level where substantial harmony prevails. Ofcourse, I am not taking about extremes on either side but about the solid center, and not about the Lubavitch or even the Satmar but rather about Yeshiva University, HUC-JIR and JTS and the congregations that relate to them.~~ In fact, there is a good deal more disputation within the movements than there is between them, note if you will the Satmar and Lubavitch cutting off each other's beards.

AMERICAN JEWISH

In the past it was infinitely worse; note, for example, the disputes between Hassidism and Misnagdism when the antagonists had each other put into jail, denounced each other to public authorities and what not and still the Jewish world held.

The real problems of Jewish unity have their locus elsewhere and center about the steps that Israel must take to resolve its dilemma, and the conflict in Israel has absolutely nothing to do with Orthodox and Reform.

Again, Gabe, all this is for your private information.

With warm personal regards, I am

Sincerely,



Alexander M. Schindler

July 5, 1989
2 Tammuz 5749

*Pick and send him
any
CAB
Speech*

Gabriel Cohen, Publisher
The Jewish Post & Opinion
2120 N. Meridian Street
P.O. Box 449097
Indianapolis, IN 46202

Dear Mr. Cohen:

Your letter of June 29 and the materials attached thereto reached our office during the absence of Rabbi Schindler. He's out-of-the-country and not expected back for another week or so. But, of course I will bring the interview with Rabbi Gottschalk and your editorial to his attention just as soon as he is back. I know Rabbi Schindler will be grateful to you for calling these items to his attention.

With all good wishes, I am

Sincerely,

Edith J. Miller
Assistant to the President

Rabbi Schindler's sermon

Although it is treacherous to compose editorials based on news reports of speeches without having the full text available, yet from what we can read about the sermon of Rabbi Alexander Schindler at the Friday night services of the the Central Conference of American Rabbis in Cincinnati, he was issuing a warning over the seeming return of Reform to the center in American Judaism. That means, if we interpret Rabbi Schindler correctly, that he sees and issues a caution against, as would any acute observer of American Judaism, Reform beginning to institutionalize a return to greater observance of ritual. The pendulum has swung from the perimeter towards the center. One evidence of it at the centennial convention of the CCAR was the speech by the retiring president, Eugene Lipman, who happens to be opposed to patrilineal descent and would repeal it did he have such power, although as president he was obligated to support it.

It was only a few years ago that Rabbi Schindler in a major address to his own Union of American Hebrew Congregations called for a return to assumption by Reform of basics of Judaism. That cry came from his heart, but it did not lead to any abrupt action on the part of his constituents, although it most assuredly did add weight to the continuing accommodation to more ritual as attendance today at any Reform service almost anywhere in America will testify. In fact, Hebrew now occupies as much a role in the Reform service as its absence a few years ago revealed exactly the opposite. When Hebrew was almost non-existent in the Reform service, Reform had a need, which was to validate its position of modernizing Judaism. That need not only no longer exists, but the extremes to which Reform went — there were a few large temples which dropped Saturday services in favor of Sunday services — have long been recognized as inimical to Jewish continuity.

In Indianapolis, which is hardly atypical, any member of the city's Conservative-Reconstructionist congregation can feel very much at home at services at the Indianapolis Hebrew Congregation, which is Reform and which has, with only minimal criticism, introduced Hebrew throughout the service.

There are valid concerns about the future of Judaism in America, but there is hardly any problem with a return to observance. At one time, it was practically a crusade among the intelligentsia to divest Judaism of "superstitions" and outmoded beliefs. Today there is no place in American Jewish life where such a view has any currency and in fact it probably never occurs to present-day Reform Jews to challenge the reinstitution, if not the actual institutionalizing, of ritual.

Does that make Reform now Orthodox?

Of course not.

In fact, the Orthodox have not as yet recognized what is taking place in Reform and still harbor the bitterness against Reform as if we were still in the 1930s when God was being ridiculed everywhere and not only in Jewish circles.

But that is aside from the point.

There is a trend in Reform, and it is undeniable. It also is a sign of strength, not weakness.

We would be happy to consider publishing the full text of Rabbi Schindler's sermon, for it well could be that the reports of it do a disservice to both him and to the wing of Judaism he so ably represents.

Robert Collier

2120 North Knicker

Indianapolis

46202



219 Lombardy
Sugar Land, TX, 77478
August 17, 1987

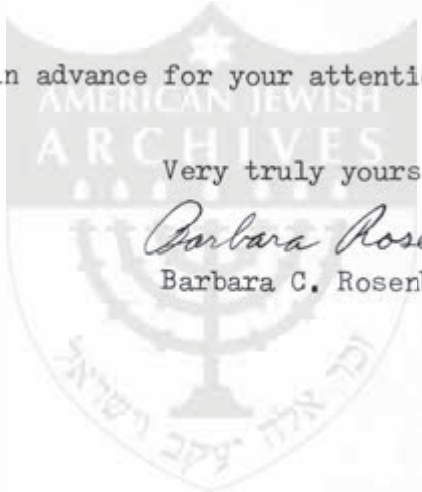
Rabbi Alexander Schindler
UAHC
838 5th Avenue
New York, New York 10021

Dear Rabbi Schindler,

Please send me a statement of the current position on patrilineal descent as adopted by the UAHC.

Thank you in advance for your attention to this matter.

Very truly yours,


Barbara Rosenberg
Barbara C. Rosenberg

Rabbi Alexander M. Schindler

January 22, 1987

Rabbi Bernard M. Zlotowitz ✓

PATRILINEAL

I have been asked to comment on the enclosed statement by Joe Klein, not too long a statement but a page or so, typewritten. Would you please share your thoughts on how you would respond.

Thanks.



Rabbi Alexander M. Schindler

January 12, 1987

Rabbi Philip Hiat ✓

PATRILINEAL

I have been asked to comment on the enclosed statement by Joe Klein, not too long a statement but a page or so typewritten. Would you please share your thoughts on how you would response.

Thanks.



Dear Alex:

I hope this finds you in good health.

The enclosed is self-explanatory.

We'd very much like to have a response from you for publication--not an article, but a page or so, typewritten, presenting your reaction. On the other hand, if you'd care to write an article, we'd be very happy to publish that.

Sincerely,

Sincerely,
Gabriel

Gabriel Cohen
Publisher

mm
encl.

call him -
Tell him I ~~totally~~ ^{totally} ~~Coort~~ ^{Coort} -
Am enroute to ~~Western~~ ^{Western} Coort -
Will have comments for him
in ~~two or three~~ ^{four} weeks - if
that's too late - pity!
(2) If he still wants it, send
cc of Joe Klein article to
Bernie + Phil - separately to
ask how they would
respond

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UNION OF AMERICAN HEBREW CONGREGATIONS A
SCHINDLER
838 FIFTH AVE
NEW YORK NY 10021

Schindler
THIS IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

TDMT WESTPORT CT 110/107 03-22 0810P EST
INT MR JOSEPH BRENDER
KATIES
10-14 WATERLOO ST
SURRY-HILLS
SYDNEY NSW (AUSTRALIA)

I FULLY SUPPORT RABBI FOX'S EFFORTS TO DRAW THE CHILDREN OF MIXED MARRAIGES INTO JEWISH LIFE EVEN IF ONLY THERE FATHER IS JEWISH. IN THIS MANNER, TENS OF THOUSANDS WHO WOULD OTHERWISE BE LOST TO OUR PEOPLE ARE RECLAIMED FOR US. IF THE FATHER IS GOOD ENOUGH TO TRANSMIT THE PRIESTLY STATUS OF COHEN OR LEVI, WHY IS HE NOT GOOD ENOUGH TO TRANSMIT JEWISHNESS. THE RIGHT OF JEWISH FATHERS TO DETERMINE THE JEWISH UPBRINGING OF THEIR CHILDREN MUST BE SAFEGUARDED. WE MUST REACH OUT, WE DARE NOT KEEP OUT, IF WE ARE TO PREVAIL.

RABBI ALEXANDER SCHINDLER

COL 10-14

20:12 EST

MGMCOMP

Salvatore

February 6, 1987
7 Shevat 5747

Dear Gene:

It was good of you to respond to the Schulweis paper so quickly. I appreciate that as well as the spirit of your letter. In all my doings I seek to do the same, there are certainly times when we cannot voice a private opinion in representing our constituencies.

All is well with the Schindler family -- spread out around the world as it is these days I can only assume 100% A.O.K. I had a visit with my cardiologist this week and have been given permission to resume tennis, that pleases me very much.

Muchlove to you and Essie, from Rhea, too.

Sincerely,

Alexander M. Schindler

Rabbi Eugene J. Lipman
3512 Woddbine Street
Chevy Chase, MD 20815

Dear Gene:

— Lynne

I just wanted you to
know that ~~I have been~~ I
was called by a reporter to
comment on your statements on
~~the~~ patrilineal descent & I
felt compelled to ~~say~~ disagree
with you. Needless to say,
the last thing I want is a

public passing match with
Gene Lipman. We
need to talk. No
doubt we have some
differences on this issue but
let's deal with them
directly and not through
media misfires. Please call &
let's make a date w/ me to Essie

Schindler

October 3, 1984

Rabbi Seth L. Bernstein
Congregation Rodeph Sholom
7 West 83rd Street
New York, New York 10024

Dear Seth:

In response to your request of October 1, I am pleased to enclose herewith information on Patrilineal Descent, including the report of the CCAR Committee which was adopted in March of 1983. I trust all of this data will be of assistance to you. I will be interested to know how the discussion goes when you meet with Rabbis Miller and Gillman.

With every good wish for a healthy, happy and fulfilling New Year,
I am

Sincerely,

Alexander M. Schindler

CONGREGATION RODEPH SHOLOM

SEVEN WEST EIGHTY-THIRD STREET
NEW YORK, N. Y. 10024

October 1, 1984

RABBI SETH L. BERNSTEIN

Rabbi Alexander M. Schindler,
President
Union of American Hebrew Congregations
838 Fifth Avenue
New York, New York 10021

Dear Rabbi Schindler,

On December 2nd I will be part of a discussion on "Patrilineal Descent" at the Society for the Advancement of Judaism, along with Rabbi Schachter of the Jewish Center, Rabbi Alan Miller of SAJ and Rabbi Neil Gillman of the Jewish Theological Seminary.

Could you please send me any information on this subject which you would be willing to share. I'm especially interested in what you spoke about at Rodeph Sholom last December.

I would be most appreciative of any help you could give me. Best wishes for the New Year.

Sincerely yours,



Seth L. Bernstein,
Associate Rabbi

Alexander M. Schindler

March 12, 1985

Dr. Ruth Waxman
Managing Editor
Judaism
15 East 84th Street
New York, NY 10028



Dear Dr. Waxman:

Thank you for sharing with me the letter to The Editor in response to my article in the Winter 1985 issue of Judaism.

I think it best that at this time I not make a commitment to respond to this letter. My schedule is exceedingly heavy with meetings and travel and I really would not have the proper time to give to responding to Ms. Schwartz's letter.

I do, however, thank you for providing the opportunity to respond. It was thoughtful of you.

With warmest regards, I am

Sincerely,

Alexander M. Schindler

DR. ROBERT GORDIS, EDITOR

DR. RUTH B. WAXMAN, MANAGING EDITOR

March 8, 1985

Rabbi Alex Schindler
Union of American Hebrew Congregations
838 5th Avenue
New York, New York 10021

Dear Rabbi Schindler:

We got the enclosed letter in response to your paper in our Winter 1985 issue. Space permitting, we might publish it in some forthcoming issue. Would you be interested in replying?

Sincerely,



Ruth Waxman
Managing Editor

RW:aw

*tell him -
not really -
no time -
let it go*

May 13, 1985

Mr. Joseph S. Noble
5180 Copperleaf Circle
Delray Beach, FL 33445

Dear Mr. Noble:

Thank you for sending me the comment by Rashi on the matter of
Patrilineal versus Matrilineal. I am grateful to you for bringing
this material to my attention. It was good of you to do so.

With thanks and warmest regards, I am

Sincerely,

Alexander M. Schindler