

Toward a Reasonable Future for the Jewish People

JACK J. COHEN

HARRY A. WOLFSON CREDITS PHILO WITH having provided a new conception of Jewish nationality: the Jews constituted "a nation which transcends race and local citizenship."¹ By defining the Jewish people in terms of religion or culture, rather than "in terms of race or territory or political government," Philo thereby viewed native-born Jews as constituting a nation in both these senses, whereas proselytes would henceforth also be part of the Jewish nation but in the religious-cultural sense.

Philo sought an answer to the problem of national unity which had arisen two millenia ago as a result of the scattering of the Jews and of the addition of proselytes. He saw that unity in two factors: one, the "common racial origin" of the Jews which constituted their national base; and two, "their common religion,"² which made of them a "universal polity" or a "divine ecclesia." Thus, Jewish communities, however dispersed, were, in this conception, able to remain united by "a common law, a common form of organized life and a common way of living."

The problem of common racial origin among Jews has been difficult from the very outset of recorded Jewish history. Clearly, the discouragement of racial mixture, whenever it was felt necessary in biblical times, involved considerations of religious-cultural loyalty rather than concern about the biological purity of the Hebrews and Israelites. Apparently, the tendency toward racial isolation increased in intensity as the culture and religion of the Jews became more distinctive and as the sense of Jewish identity demanded a greater degree of conscious commitment to historically evolved group norms. Nonetheless, there was never a total absence of either defections from Jewish ranks or of absorption of outsiders. The biblical norm of absorption had, as Shaye Cohen has indicated, nothing to do with formal conversion. But, with the advent of Rabbinic Judaism, the question of the terms under which outsiders and the children of mixed unions were to be accepted into the Jewish people became a lively issue.

Prof. Cohen has put the problem in its proper light. By demonstra-

1. *Philo*, (Cambridge, Mass., Harvard University Press, 1948) vol. 2, p. 401.

2. *Ibid.*, p. 400.

JACK J. COHEN is the former director of the B'nai B'rith Hillel Foundation of The Hebrew University, Jerusalem.

ting not only the difficulty which scholars have in delineating the exact process which led the sages to decide on the matrilineal principle and the reasoning which led them to that conclusion, but, also, by indicating that even an accurate historical assessment of the emergence of the principle cannot, of itself, dictate the path we must follow today, Cohen forces us to answer anew the problem that bothered Philo and the Tannaim. I should like to take up the challenge, albeit in brief schematic form:

1. There are a number of propositions on which, I hope, traditional, halakhic-minded Jews and the proponents of equal acceptance of the matrilineal and patrilineal principles can agree.

a) *Intermarriage*³ is an inevitable concomitant of freedom and the open, pluralistic society. It cannot be prevented by legislation.

b) Excessive *mixed marriage*⁴ constitutes a danger to the quality of Jewish religion and culture, and its severity is matched only by increased internal deculturation. The latter is both a cause and a consequence of mixed marriage.

c) The main remedy to mixed marriage, as it is to deculturation among native-born Jews, is to improve the quality of Jewish education and of Jewish life in general.

d) Intermarriages, in which the non-Jewish partner converts to Judaism, are to be viewed as opening the possibility of adding strength to the Jewish people, and every step should be taken by both Jewish authorities and lay people to make such couples feel wanted as Jews.

e) In the case of a mixed marriage in which the Jewish partner indicates a desire to bring offspring into the Jewish fold, encouragement should be offered even when the offspring, as in the case of the child of a non-Jewish mother, might not be considered halakhically Jewish. From the standpoint of halakhic loyalists, the possibility is always present that, by presenting Judaism favorably and profoundly to the non-Jewish partner and to the children, they will opt for Judaism. It should be evident that the Jewish commitment even of the children of Jewish mothers married to non-Jews will be largely conditioned by the family and communal environment to which they are subjected, so that their identification by the halakhah as Jews is a formality which might have no relevance whatsoever for their involvement in the fate and faith of the Jewish people. On the other hand, where a Jewish father has a strong desire to raise his children as Jews and has the tacit or active approval of his non-Jewish wife, even halakhic-oriented Jews should wish to encourage the eventual agreement of the children (and possibly the wife, as well,) to undergo the formal process of conversion.

3. I use intermarriage in the sense of a union between a native Jew and a non-Jew, in which one of the parties converts to the religion of the other.

4. A mixed marriage is one in which both husband and wife retain their original allegiances, however strong or weak the case may be.

2. It seems evident that, for the foreseeable future, the Jewish people will continue to be divided on the most fundamental elements of Jewish identity. Despite the logic of Mordecai M. Kaplan's insistence on the necessity to formulate a revised covenant that would reckon with the need for Jewish unity in diversity, it is unlikely that agreement can be reached between those who adhere to halakhic methods of decision-making and those who prefer one or another form of the democratic process. Until the halakhists are prepared to reinterpret Jewish law to include compromise as an indispensable instrument of social engineering, and until secularist-minded Jews can be induced to appreciate the virtues of much of the content of the halakhic tradition, the gap between the two ends of the Jewish spectrum will remain unbridgeable.

3. Up to recent times, the majority of leaders in the non-Orthodox trends in Judaism have compromised on the subject of patrilineal/matrilineal descent, but their willingness to do so for the sake of preserving Jewish unity has failed to produce the hoped-for results — either the recognition of their status by the halakhic establishment or, more important, the prevention of mixed marriages. Evidently, the forces of active and passive assimilation and deculturation have weakened traditional Jewish law as an instrument for the preservation of Jewish continuity. In many instances, it has become a stumbling-block in the way of Jewish survival. That is the case when the halakhah, which, by its very nature, is voluntary, advances ideas and practices that violate the highest moral and intellectual convictions of a large — and, probably, a majority — section of the Jewish people. Only in Israel, where the halakhah is (improperly) propped up by the secular government, has it been possible to enforce halakhic standards of personal status, at the sacrifice of standards of probity and human decency and at the risk of alienating large sections of the coming generations.

4. The decisions of the Reform and Reconstructionist movements to recognize partilineal descent provide a proper internal Jewish response to the current reality of our people. The decisions were bound to elicit bitter responses, but all the bitterness in the world cannot set aside the basic correctness of the thought behind these decisions. It might be argued that the actions are improperly timed or that they should not have been made unilaterally. But those who criticize the two movements in these terms would be in a better position to do so if they were ready to engage in dialogue leading to some form of compromise agreement. In the absence of such a forum, we must expect that movements for Jewish survival will independently continue to act out their convictions as to how to insure Jewish continuity and creativity.

5. I touch on just two more of the many questions which remain to be considered. The first has to do with the seriousness with which the Reform and Reconstructionist movements treat the partners to mixed marriages and what they will try to demand of them and of their children.

Will they, for example, treat the children of a Jewish mother in a mixed marriage with the same insistence on an intensive Jewish education and experience as they should those of a Jewish father? What will they do about avoiding the hypocrisy that would inhere in accepting the unconverted non-Jewish partner into Jewish ranks and privileges, as if they had already undergone conversion? Will they insist on circumcision for the male children? Briefly, will their decisions in regard to patrilineal descent bring about a deepening of their own standards of Jewish behavior and commitment?

6. The second question relates to the reaction of halakhic Jewry to the situation that will arise if there is a proliferation of Jews whom the halakhah cannot recognize. Actually, in this regard little or nothing can be expected from halakhic Jewry in the way of compromise.⁵ The children of non-Jewish mothers will continue to be excluded from Jewish ranks: Orthodox and traditional rabbis, moreover, will become more exacting in their insistence on proper identification of candidates for marriage, and they are likely to be even more circumspect than they are now in their contacts with non-Orthodox Jews. That is unfortunate, but the trend in that direction has been pronounced ever since the establishment of the State of Israel and the consequent involvement of the Orthodox in the struggle for political power. Therefore, as far as halakhic Jews are concerned, the Reform and Reconstructionist moves have simply heightened their alertness to breaches in the wall of traditional Jewish identity which they will fill whenever they appear. The patrilineal recognition will apply only among those Jews who are convinced that the time has come to equalize the status of men and women within the Jewish people.

Thus, we are witnessing an historical struggle that has never ended, from the Bible until our own day. In the final analysis, the direction in which consensus will lead our people will determine who will, and who will not, be accorded recognition as Jews. Wolfson's Philo pointed up the dilemma of Jewish unity and continuity. Without family loyalty — which means a high degree of biological continuity through endogamous marriage — the Jewish people is likely to suffer many defections. Equally, unless our people is dedicated to the highest social, moral, esthetic and intellectual standards of which men and women are capable, it is questionable whether we can preserve ourselves as a people. And among those standards, surely one of them is the need to equalize the status of men and women in all that pertains to the preservation and quality of family life.

5. HaRav Avraham Isaac HaKohen Kook, for example, held to the view that only in exceptional cases could it be assumed that a non-Jewish female could want seriously to be a Jewess. His version of Jewishness was, of course, confined strictly to the halakhic view. He could not, with all his "liberalism," accept the legitimacy of a non-halakhic Judaism (cf. *Ezrat Kohen* [Jerusalem: Mosad HaRav Kook, 1969], R.68, pp. 281-2).