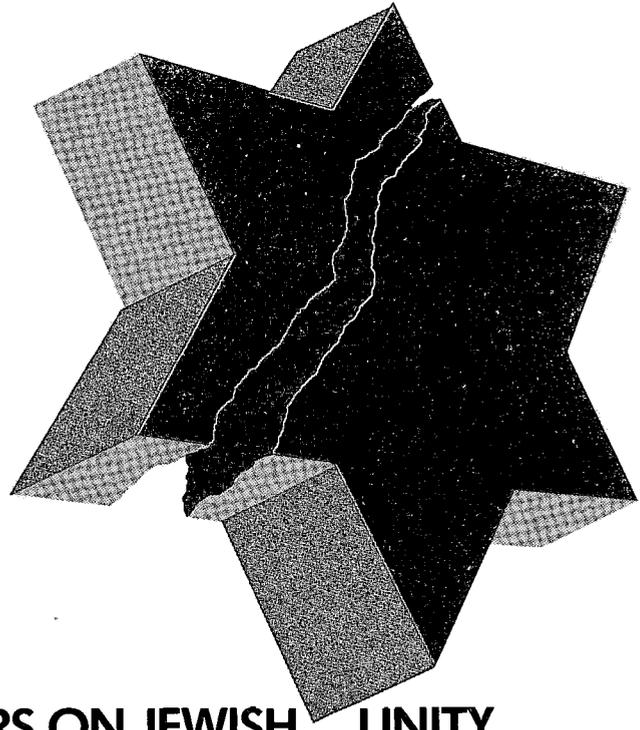


# CONFLICT OR COOPERATION?



PAPERS ON JEWISH UNITY



The American Jewish  
Committee

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## FOREWORD

Religious unity and polarization are controversial core issues among Jews today. The 1988 *American Jewish Year Book* identified Jewish internal religious conflict as "the issue that most worried American Jewish leaders." At stake are the future of relations among the movements, especially between Orthodox and non-Orthodox Jews, American Jewry-Israel relations, and the ability of the community to maintain a united front in its public advocacy efforts on behalf of Jewish domestic and foreign concerns.

To be sure, considerable disagreement persists concerning the gravity and degree of existing religious tensions. Some argue that we are facing an apocalyptic scenario in which a full-grown schism, analogous to that between Rabbinites and Karaites, will split the Jewish people in two. Others maintain that the degree of cooperation among the religious movements, particularly among members of the rabbinate, far outweighs in significance the discord and division that have captured so much in the way of public attention. Still others argue that some degree of ideological controversy is a positive sign in that it at least signals that people care about religious values as well as a commitment to wider religious creativity within each of the movements.

In recent months discussions on intra-Jewish and Israel-Diaspora relations have focused upon the much-debated proposed amendments to the Law of Return in Israel. Originally passed in 1950 as the centerpiece of the Zionist vision of a Jewish state, this act extended the benefits of immediate citizenship to Jews the world over who chose to settle in Israel. In turn, the benefits of the Law of Return were extended to ostensibly non-Jewish groups -- for example, Karaites and Samaritans, sects that split off from the Jewish people in ancient and medieval times. The law itself defines a Jew -- for these limited purposes of eligibility under the Law of Return -- as anyone born of a Jewish mother or who has converted to Judaism. The proposed amendment seeks to add a clause defining conversion as "in accordance with Jewish law." To be sure, the number of non-Orthodox converts who would be directly affected by the amendment probably amount to no more than a handful -- inasmuch as so few would opt to settle in Israel in any case. Symbolically, however, the amendment suggests that conversions performed by non-Orthodox rabbis are unauthentic. Thus the issue is perhaps more precisely defined as "who is a rabbi in America" rather than "who is a Jew in Israel." More tellingly, the debate over this issue signals the growing power of the Orthodox Right in public affairs with concomitant serious implications for the future of Israel-Diaspora relations.

On the American scene, the core issues that threaten to divide the community revolve

similarly around questions of personal status -- intermarriage, conversion, patrilineal descent, and divorce and remarriage. These questions have generally been addressed on an ad hoc basis and without recourse to secular courts or political arenas. Moreover, relations among the movements in America are also affected by the public and educational climate the movements develop within their own institutions. Prejudices and stereotypes of different Jews coexist with efforts to solve questions of personal status on an individual basis.

In December 1987, the American Jewish Committee, CLAL--the National Jewish Center for Learning and Leadership, and the City University of New York Graduate Center convened a conference of academics, rabbis, and communal leaders to explore the degree of schism, the relevance of earlier models and precedents, and possible directions for resolution. The conference featured sharp clashes and differences of opinion. A number of common themes, however, did emerge. First, conferees noted that press coverage had generally played a moderating influence upon the debate. Given the attention of the media, the primary actors became more inclined to avoid divisive rhetoric and seek areas of conflict reduction if not resolution.

Moreover, the conference identified marriageability as the key to avoiding communal schism. To the extent that Jews are still able to marry one another, a unified Jewish people can be maintained. This suggests pursuing policies that will facilitate Jewish marriage and remarriage among different groups of Jews.

Finally, the conference agreed on the need for further opportunities for activity across movement lines. This would include further dialogue, cooperative projects, and mutual study. The net effect of such endeavors should be to create a climate less conducive to public denunciations of one group against another.

The current publication does not profess to be a set of proceedings. Rather, it includes the major papers delivered at the conference concerning the current degree of conflict, historical precedents, and possible resolutions. Selected conference participants, in turn, were invited to comment upon the papers and the issues that they raised. This publication is jointly sponsored by the American Jewish Committee and CLAL. We are indebted to Arlene Agus, former assistant director, Jewish Communal Affairs Department, American Jewish Committee, for her efforts in coordinating this series of papers; to Eric Levine, associate director of CLAL's Am Echad Department, for his work in facilitating this joint project; and to Larry Grossman, director of publications, American Jewish Committee, for expertly editing the manuscripts.

Steven Bayme, *National Director*  
*Jewish Communal Affairs Department*  
*American Jewish Committee*

## WHY THERE WILL BE ONE JEWISH PEOPLE IN THE YEAR 2000 AND BEYOND

Steven M. Cohen

In March 1983, the Reform rabbinate publicly reaffirmed its long-established policy of tracing Jewish descent through a Jewish father rather than only through a Jewish mother, as has been the traditional Jewish practice for centuries. It was also during the mid-1980s that parliamentary disputes in Israel over who is a Jewish convert (or, perhaps, who is a rabbi), along with other clashes, intensified the historic tension between religious and secular elements in Israel's Jewish population. These events gave rise to considerable anxiety over interdenominational conflict in Jewish life. It was in this charged atmosphere that Rabbi Irving Yitz Greenberg, in 1985, published his thoughtful and provocative article "Will There Be One Jewish People by the Year 2000?"

The piece deservedly captured the attention of rabbis, scholars, lay leaders, and indeed the bulk of the Jewish policymaking community. The article -- reprinted or quoted in numerous Anglo-Jewish periodicals -- eloquently expressed the deepest fears of those who are generally anxious about Jewish survival and, in particular, those who worry that the Jewish people may be rent asunder by the impassioned rabbinic arguments over patrilineal descent, conversion, and divorce. Among its positive effects, the paper elevated issues of Jewish unity to a high place on the communal agenda. More importantly, it stimulated serious interdenominational dialogue on the issue of patrilineality and other questions of personal status.

Those of you who read our exchange in the March 1987 issue of *Moment*<sup>1</sup> know that, while recognizing the important work Yitz has been doing to foster Jewish unity, I took issue with his viewing the recent interdenominational strife as a possible precursor to the emergence of two Jewish peoples. Yitz thinks the two-people thesis is a rational basis on which to conduct serious deliberations and to formulate policy. I think it distracts us from serious problems that are both more immediate and more tractable. Yitz thinks the emergence of two Jewish peoples by the year 2000 -- or even 2050 -- is a plausible if not a probable outcome of current social and political processes, barring a dramatic turnabout in communal and rabbinic policies. I think that, even without significant policy intervention, the division of American Jewry into two peoples -- a proposition that I take Yitz to mean as a serious prediction and not a more rhetorical device -- is absurdly improbable. Let me state why.

As you may recall, at the heart of my critique is my belief that Yitz's original piece overestimated two critical figures: the number of what we may call "problematic" Jews in the coming years, as well as the number of so-called "rejectionist" Jews, that is, those who would in fact find the problematic Jews, well, problematic.

To elaborate, Yitz intimated that perhaps as much as half the Jewish population would refuse to marry the other half, for several related reasons: because of improper conversions of the others or their mothers, or because of the Reform rabbis' decision to accept as Jewish the Jewishly identifying children of a Jewish father and gentile mother, or because of problems of *mamzerut* arising from the failure of divorcing Jewish women to obtain *gittin* (Jewish divorces). My own admittedly speculative estimates are that the number of problematic Jews will amount to no more than 4-9 percent of the Jewish population by the year 2050 as against Yitz's original estimate of 15-20 percent by the year 2000 or 2050.

Moreover, not only will the number of problematic Jews be smaller than Yitz speculated, but so will the number of halakhically oriented rejectionists. My recent paper<sup>2</sup> on Jewish attitudes to issues of Jewish unity reports distributions of attitudes that lend some credibility to my earlier estimate. While the vast majority of American Jews have heard about rabbinic disputes over "who is a Jew?" only about a fifth of my 1986 sample of American Jews said they would be upset if their child married a patrilineal Jew and only a fifth were upset with the Reform rabbinate for advancing the patrilineal definition of a Jew. Only a tenth were both disturbed by the prospect of a patrilineal child-in-law and upset with the Reform rabbis.

Of course, much as one might expect, the vast majority of Orthodox Jews held these views, while hardly any Reform were opposed to their movement's stance on patrilineality. Somewhat surprising though -- at least to me -- is the position of the Conservative Jewish laity. Only a fifth of Conservative synagogue members (who are more traditional than nonmembers) were upset with the Reform rabbinate's patrilineality position. Only a tenth of Conservative Jews were both strongly opposed to their children marrying patrilineal Jews and upset with Reform rabbis for advancing the new view of "who is a Jew."

In short, only that tenth of American Jewry that is Orthodox or traditionalist Conservative are deeply perturbed by Reform's position on patrilineality. If the number of problematic Jews continues to grow, and I agree it will, then it seems to me that the maximum number of Jews who will retreat from interaction with the modernized majority will amount to no more than 10-15 percent of American Jewry. The public-opinion data also imply that the sharpest ambivalence and the deepest tensions over how to deal with issues like patrilineal Jews, nonhalakhic converts, and *mamzerim* reside primarily with two ideologically proximate groups: Modern Orthodox Jews and committed Conservative Jews. The others, to their left and right, have pretty much made up their minds about these issues. The most traditional already shun social intimacies with the non-Orthodox. The modernized majority accepts as Jewish almost all who say they are Jewish, even if their mothers were gentile or if they converted under Reform auspices.

Moreover, if it did develop that halakhic Jews were indeed confronted with large numbers of problematic Jews, they would have at their disposal numerous conflict-resolving mechanisms. Let us recall a situation roughly analogous to the one we now face, or may soon face, in the United States. Just a decade ago, the Israeli rabbinate managed to accept the Jewishness of tens of thousands of Soviets who had heavily intermarried and had been effectively cut off from rabbinic Judaism for over half a century.

Were American Orthodox rabbis faced with the necessity of rejecting and alienating large numbers of bona fide Jews for the sake of a few problematic ones, many could propose new halakhic mechanisms to cope with the very real difficulties posed primarily by the practices of today's Reform rabbinate. For example, to reduce the number of *mamzerim* borne by Jewish women in second marriages, some Orthodox rabbis have declared invalid prior marriages witnessed by non-Orthodox rabbis. Such actions may not make Conservative and Reform rabbis feel good, but it does address the human problem of *mamzerut* in the halakhic community. We could imagine other

innovations. To address the problem of patrilineal Jews, Orthodox rabbis could require a pro forma conversion of questionable Jews in the few marriages joining Orthodox and non-Orthodox spouses. Alternatively, so as not to offend any one individual, perhaps the Orthodox could even come to make premarital conversion a universal routine. Still others, such as Rabbi Eliezer Berkovitz, have advanced a more liberal approach, one that argues vigorously for accepting the personal-status practices of Conservative rabbis and, perhaps, in some instances, of Reform rabbis as well.

Lacking Talmudic training, I certainly cannot evaluate the relative merits of several proposed halakhic solutions to personal-status problems. But my sense is that the development of rabbinic innovations regarding problematic Jews -- whatever they may be -- is rendered more difficult in a politically charged atmosphere. None of us can be sure, but the public spotlight may have contributed to the initially hesitant acceptance of Ethiopian Jews by the Israeli rabbinate. Because of this consideration, I thought that, for all the good that Yitz's piece did, his article may actually have harmed the cause of Jewish unity that Yitz otherwise so effectively serves. It may have brought more troops -- particularly lay leaders -- to the denominational battle lines, and even created battle lines where none had existed before.

The problem, of course, is that the vision of two Jewish peoples is both very powerful and very dramatic. When I hear of two Jewish peoples, I think of the sorts of distinctions that separate French and Italians today, or Jews and Karaites, or Jews and Christians centuries ago. Two peoples means, among other things: two languages, two cultures, two lands, two religious systems, two sets of economic involvement, two sorts of political interests, and, not least, two conceptions of ancestry and destiny. Interestingly, there is indeed a plausible worst-case scenario for the emergence of two Jewish peoples. But it seems to me that the division -- if it ever occurs -- will separate mainstream Israeli Jews from mainstream Diaspora Jews, rather than American Orthodox with their halakhic fellow travelers from nonhalakhic American Jews.

The two-people thesis has about as much validity as several other seductive nightmares of the American Jewish future. I am thinking of such equally far-fetched notions as the idea that "it" -- meaning pogroms or worse -- can happen here; or the piece of social-science fiction that the number of Jews will dwindle to 600,000 or even 10,000 by the end of the next century. All of these ideas are certainly conceivable, all have a certain compelling logic to them, and they all play upon our fears for the disappearance of the Jewish people as we know it. But, I contend, they all obscure and distract us from the real dangers confronting American Jewry -- anti-Israel sentiment, cultural conformism, shallow Jewish culture, or, in our case, interdenominational conflict. The point is that while anything is possible, not everything is plausible, and not every conceivable Jewish tragedy demands our serious attention. A misplaced concern for the worst case -- if acted upon -- squanders moral, political, and financial capital.

To get down to specifics, instead of raising the specter of two Jewish peoples, why not speak about the more immediate dangers of denominational sectarianism, or of Orthodox insularity, or (in a phrase that Yitz himself employs) of the collapse of Modern Orthodoxy? To me, all such developments seem far more realistic and, as a result, far more dangerous, far more mobilizing, and, ultimately, far more worthy of the Jewish people's limited spiritual and capital resources than the remote possibility of two Jewish peoples. Moreover, a focus on these sorts of problems would generate far more helpful and practical steps than a fanciful speculation about the fracture of the Jews into two separate organisms.

As we all know, many Orthodox young people today, even some from Modern Orthodox homes, refuse to socialize intimately with non-Orthodox Jews. Many Orthodox Jews, even the Modern Orthodox, refrain from participating in nonsectarian charities such as the United Jewish Appeal. Many Orthodox rabbis refuse to sit with Conservative and Reform rabbis. Orthodox

congregations deny liturgical leadership and honors to non-Orthodox members of Orthodox congregations (of which there are many). American Orthodoxy, both right-wing and Modern, has developed a highly sectarian orientation with Israel by relating seriously only to Orthodox Israeli family, friends, neighborhoods, yeshivas, and political parties. In short, in part because of rising intermarriage, divorce, and the nonhalakhic practices regarding personal status undertaken principally by Reform rabbis, and in part because of factors internal to Orthodoxy operating forcefully since the mid-1960s, Modern Orthodox Jews have been "sliding right" -- that is, many Modern Orthodox Jews, or perhaps we should call them erstwhile Modern Orthodox, have come to act more and more like "right-wing" Orthodox Jews.

We all have personal anecdotes of this process. Mine is provided by an Orthodox mother I know who tells me that her daughter, a *shomer shabbes* student at Columbia University, found the insularity of the Orthodox *chevra* at Columbia so distasteful that she refused to eat with them, preferring to dine at the Jewish Theological Seminary. To me, as a Columbia alumnus, the story is particularly disheartening. As recently as the late 1960s I sat as the nonobservant member of the Yavneh board at Columbia. I can recall Orthodox youngsters joining in mixed Israeli dancing Monday evenings, their genuinely welcoming non-Orthodox students to the communal Sabbath meals, their teaching "liberated Talmud" classes on the lawns outside the occupied buildings, and in all manner taking the mitzvah of *kiruv* with utter seriousness.

In a situation of growing Orthodox sectarianism, one where Modern Orthodox Jews reject not only the lifestyle but the unquestioned claim to Jewish identity of non-Orthodox Jews, I imagine that most Conservative Jews will side with the majority who are Reform or nondenominational. What the more observant Conservatives will do is harder to predict, but my sense is that their rabbis will utilize some variant of the halakhic mechanisms I alluded to earlier. The movement whose rabbis have reinterpreted Jewish law for the sake of greater *shabbes* observance is not going to resist halakhic innovation for the sake of maximizing *klal Yisrael*.

Now does the alienation of Modern Orthodox from non-Orthodox (or the reverse) amount to the fracture of American Jewry into two separate peoples? I think not. At this moment, right-wing Orthodox Jews are about as likely to marry, dine, or pray with Reform Jews as they are with Southern Baptists. Yet the Satmar rebbe and Rabbi Alexander Schindler are still part of the same people.

Since its inception in the mid-nineteenth century, Orthodoxy has been split between segregationists and accommodationists. Historically, Orthodox Jews have been troubled if not often horrified by the institutional rejection of halakhah as they understand it by non-Orthodox rabbis and synagogues. The current fight over personal status is not the first battle over halakhic issues, nor will it be the last. But whatever the outcome of these contemporary struggles, too many elements continue to unite Jews for them to actually divide into two genuinely separate peoples. These include concern for Israel, for Soviet Jewry, and about their insecurity in Christian America. If all this is so, then instead of talking about two Jewish peoples, we should be focusing seriously on the growing insularity of the Modern Orthodox, the antihalakhic decisions of Reform rabbis that feed that insularity, and the role that committed Conservative and Modern Orthodox Jews can play in mitigating interdenominational conflict.

But having said that we shall remain one people, I must ask if Modern Orthodox sectarianism constitutes a serious danger. I think so. For the Modern Orthodox, sectarianism means the closure of one more window on the modern world, one less channel through which to absorb modernity and adapt its cultural elements to Jewish purpose within a halakhic framework. As Orthodox sectarianism broadens and deepens, what Rabbi Steven Riskin has labeled the "dark side" of Orthodoxy will grow more powerful, not only within Orthodoxy but within all of Jewry.

Those of us who are alternately mortified and horrified by Orthodox support for Meir Kahane and Jewish terrorists, or by assertions of a link between opening movie houses on *shabbes* and the deaths of Israeli children in a school-bus accident, or by American Orthodox opposition to legislating equal rights for women, also ought to be concerned about the drift of the Modern Orthodox into the tents of the right-wing Orthodox.

For committed Conservative Jews, the growing insularity of the Modern Orthodox means estrangement from many friends, neighbors, and even family members who share with them a serious and compelling commitment to ritual observance, communal involvement, and profound Jewish allegiance. In many community-wide forums, it would mean that serious Conservative Jews would become the traditionalist wing rather than the moderating center. And for all Jewry, a widening chasm between the most traditional and the most modern makes Jewish civilization that much poorer, Jewish political influence that much weaker, and the Jewish people that much more diminished.

By focusing on Orthodox sectarianism, we can begin to devote our attention to policies that will strengthen the seam in the fabric of Jewish life between most Modern Orthodox Jews and the non-Orthodox majority. The location of that seam is somewhere in the region inhabited by Modern Orthodox and committed Conservative Jews. To me, it is both sociologically predictable and politically opportune that each of the three panels today happens to pair a Modern Orthodox Jew with a committed Conservative counterpart. The issue of interdenominational harmony, I believe, can be most fruitfully pursued by just such individuals, those representing the two camps most ambivalent, most troubled, and most torn internally about how to respond to the recent actions of Reform rabbis, proposed legislation in the Knesset, and the Orthodox sectarianism of which I have been speaking.

Those to the right of the Modern Orthodox, on the one hand, as well as many Conservative and most Reform Jews, on the other hand, have already made up their minds about issues of patrilineality, related questions, and their implications for Jewish unity. As I just noted, the "right-wing" Orthodox are already unlikely to socialize with, let alone marry, non-Orthodox Jews; and most Conservative and Reform Jews already write off the "right-wing" Orthodox as beyond hope. The deepening of denominational fractures, then, particularly concerns Modern Orthodox and committed Conservative Jews because they are the ones with the most to lose -- namely, each other.

Fortunately, notwithstanding my earlier remarks about sectarian trends in Modern Orthodoxy, we need not despair, we need not conclude that their sectarianism will inevitably grow. In a quiet, unrecognized sort of way, Modern Orthodox and committed Conservative Jews already share much of their Jewish lives. Many Orthodox day and Hebrew schools enroll youngsters from less observant, Conservative families. And many Solomon Schechter schools attract a fraction of Orthodox families, including those who lack a local Orthodox alternative, as well as those who choose a Schechter school for its superior academic program in secular studies. Although they usually don't pray together (notwithstanding a small contingent of Conservative Jews in Orthodox shuls and an even smaller number of Orthodox in Conservative shuls), they do study together; and when they study -- even separately -- they utilize many of the same English-language translations and commentaries. In the policymaking councils of federations and other Jewish organizations, these two sorts of Jews often form a common front, fighting for more support for Jewish education, more sensitivity to traditional Jewish custom, and a greater Jewish ambiance to the agencies and functions of the Jewish community. They even tend to share neighborhoods. Committed Conservative Jews are attracted to residential areas with a serious Jewish population, one with *shomer shabbes* Jews to share their Sabbath table, or to be their friends or their children's friends; and often that mean, settling among Modern Orthodox neighbors. The two groups even share many of the same restaurants. And both camps feel they are minorities -- in terms of influence if not in terms of

numbers as well -- within their respective movements.

In short, there is much that unites these two camps, much common ground that makes the notion of two Jewish peoples an absurdity but that still makes Orthodox sectarianism a tragedy. If the avoidance of a worsening denominational conflict (rather than a split into two peoples) is our policy goal, then we can begin to think of all sorts of programs and policies to fortify the strong ties uniting Modern Orthodox and committed Conservative Jews.

(Dr. Jacob Ukeles has noted that many of the features shared by Modern Orthodox and committed Conservative Jews extend to committed Reform Jews as well. He may be right, and nothing here should be seen as suggesting that such Reform Jews be excluded from the centrist coalition I am advocating. However, the several social surveys I have analyzed indicate that the number of committed Reform Jews is far smaller than the number of committed Conservative Jews, especially if we take traditional observance as a key aspect of commitment which makes possible an alliance with Modern Orthodox and committed Conservative Jews. As a result, I am not convinced there is an adequate number of committed Reform Jews to make three-way coalition-building more productive than limiting such efforts to Orthodox and Conservative parties.)

Such coalition-building programs and policies ought to be guided by two somewhat conflicting principles. First, the shared features uniting the two camps ought to be recognized, applauded, and enhanced. Second, the issues of principle dividing the two camps ought to be respected.

The shared features uniting the camps, many of which I have already enumerated, boil down to two. Unlike most Jews to the right of these camps, Modern Orthodox and committed Conservative Jews view openness to modernity and maintaining ties with less traditional Jews in affirmative Jewish endeavors as an intrinsic and essential part of their Jewishness. And in contrast with most Reform and Conservative Jews, these two camps share a far greater commitment to traditional concepts of God, Torah, Israel, and the Jewish people.

The issues of principle dividing the two camps cannot so easily be reduced to abbreviated conceptualizations. Instead, some illustrations will have to do. Modern Orthodox Jews cannot be expected to say or do things which will place them in public violation of the leading rabbinic authorities of our day. Committed Conservative Jews, for their part, cannot be expected to engage in religious activities which violate their commitment to equal participation by men and women. In short, neither will be converted by or to the other camp. Conservative Jews will remain close to and loyal to their less-observant fellow Conservatives; and the Modern Orthodox will remain within the Orthodox fold.

Within these limits, there is a lot that can be done.

In one western city, rabbis from both camps gathered to explore their differences and were amazed to find how few there were. I know that CLAL and the AJC have been engaged in similarly fruitful exchanges. These can be replicated.

In New Haven, Conservative and Orthodox synagogues sponsor a joint afternoon school, another experience worthy of replication.

As outlandish as it may seem initially, with a commitment to denominational interchange, local NCSY and USY youth groups of compatible character could plan joint activities, even cosponsoring *shabbatonim*, albeit with separate *tfillah*.

Leading lay and rabbinic personalities from both camps can make it a practice to fashion joint public stands on important Jewish public issues, so as to reinforce the spirit of alliance uniting the two camps.

And both groups can work to improve the image of the other among members of their respective denominations. I, for one, would very much like more Orthodox Jews to understand that there are indeed many committed Jews in Conservative and Reform synagogues, in federation life, and in the political and intellectual spheres of Jewish endeavor, who pursue a passionate, informed, thoughtful, creative, viable, and significant Jewish life. I'm sure that Modern Orthodox Jews, for their part, feel unfairly maligned and misunderstood in the precincts of Conservatism and Reform. Who better can correct those unfortunate stereotypes than committed Conservative Jews, those who are most sympathetic to Modern Orthodoxy and who, it turns out, are among the most active members of Conservative synagogues and, to a lesser extent, of federation life as well?

I sense that both camps would also heartily welcome public critiques of excesses by each camp's respective extremes. Committed Conservative Jews would like Modern Orthodox spokespeople to vigorously take issue with attempts to delegitimize non-Orthodox rabbis. And I can well imagine that the Modern Orthodox would appreciate a more forceful critique of Reform practices on issues of personal status by committed Conservative Jews. Both eventualities are more likely to take place if they are developed as part of a "package deal," in an atmosphere of coalition politics where Modern Orthodox and committed Conservative Jews know that they can count on each other's support for issues of mutual interest, where they trade support for position on the most urgent issues on each camp's agenda.

To conclude: By identifying the potential for Orthodox sectarianism as the critical danger of Jewish unity, by placing the location of that potential schism in the region of the Jewish-identity spectrum embracing Modern Orthodoxy and committed Conservatism, we can think more easily about effective ways to enhance the unity of the Jewish people. By being realistic rather than fanciful, and cautionary rather than alarmist, we can present a more compelling depiction of the true nature of contemporary threats to Jewish unity. In so doing, we will generate a greater readiness for Modern Orthodox and committed Conservative Jews to undertake the type of actions that will not only reduce conflict but, paradoxically, will also thereby prevent a rupture of the Jewish people into two separate segments, as unlikely as that eventually may be.

#### *Notes*

1. Steven M. Cohen, "The One in 2000 Controversy," *Moment* 12 (March 1987): 11-17.
2. *Unity and Polarization in Judaism Today: The Attitudes of American and Israeli Jews* (New York: American Jewish Committee, 1988).

WILL THERE BE ONE JEWISH PEOPLE BY THE YEAR 2000?  
-- FURTHER REFLECTIONS

Irving Greenberg

My article "Will There Be One Jewish People in the Year 2000?" was published in 1985. Its theme was that two driving forces -- the rapid growth in the number of people whose personal status as Jews is problematic and, even more ominously, the dynamics of political and social interaction within and among the denominations -- were creating the basis of a split in the Jewish people over the next generation. Since publication of "Year 2000," the "demographics of separation" -- namely, the trends of increasing intermarriage, second marriages without *gittin* (which in turn produce *mamzerim*), and large-scale conversion to Judaism -- have not changed. No empirical study has suggested any reversal of these trends. Taken together, they constitute a powerful force for fission in the Jewish community.

The only argument here is Professor Steven M. Cohen's attempt to reduce the numbers of persons in the problematic categories. Cohen argues that Jews who are intermarried, improperly remarried, or improperly converted, together with their children, probably constitute 4-10 percent of the American Jewish population, whereas in "Year 2000" I maintained that within a generation or two as many as 15-20 percent might be involved.

Cohen's argument that the situation is 100 percent better ignores the fact that I offered percentages as outside possibilities (worst-case scenarios) and that I discounted by 50 percent in projecting actual numbers. In the end, his estimates of the actual numbers in each category are roughly equivalent to the numbers projected in "Year 2000."

While the demographics have not improved during the past three years, the dynamics of the interaction among the movements have proved to be worse than I ever imagined. Items:

(1) In Israel, we have witnessed a wave of bus-stop shelter burnings followed by the burning of a synagogue and holy books and the painting of swastikas in retaliation.

(2) The most recent Knesset attempts to redefine "Who is a Jew" evoked a far broader -- and angrier -- communal response than ever before. CJF and UJA leaders took the unprecedented step of going to Israel to try to forestall Knesset action. Their decision that such drastic action was necessary is, in itself, an indication of the disintegration of the relationships among the groups.

(3) Rabbi Yizchak Weiss, a leader of the Beth Din Zedek (*haredi*) in Jerusalem, and Rabbi Eliezer Waldenberg, a leading *posek* for Israel's Modern Orthodox, have both ruled that in principle it is forbidden to save the life of a Reform or Conservative Jew on Shabbat on the same basis that

one is not allowed to desecrate the Sabbath to save a gentile's life. However, they do permit such lifesaving for pragmatic reasons, *mipnei darkei shalom*. To quote Rabbi Weiss, "There is a danger that if we permit the blood of *their* people to be shed, their doctors will permit *our* blood to be shed. Only for this reason is it permitted. However, one is permitted [to save such an individual on Shabbat] if in so doing only rabbinic prohibitions would be violated. If biblical prohibitions would thereby be violated, such action is prohibited."

(4) Reflecting the secular backlash against Orthodoxy, the Israeli army publicly announced that it will not invite or permit Orthodox *haredi* rabbis to speak to its soldiers. A general who sent a letter on official army stationery with the initials *beis hay* at the top (*b'ezrat hashem*, with the help of God) was forced to remove them.

(5) In America, the Joint Chaplaincy Board, for generations one of the most respected institutions of American Jewry, in which each religious movement participated with equal representation and mutual respect, broke up as a result of the admission of women rabbis to the chaplaincy.

(6) The Reform rabbinate seriously considered and narrowly quashed a resolution declaring Lubavitch hasidism to be a cult, to be placed outside the pale of Jewish philanthropic giving.

(7) Rabbi Aaron Soloveitchik, a sainted figure and the presumed successor to Rabbi Joseph B. Soloveitchik as a spiritual leader of Modern Orthodoxy, has publicly ruled -- in a talk at a national convention of the Union of Orthodox Jewish Congregations of America -- that dialogue between Orthodox Jews and Conservative, Reform, and Reconstructionist Jews is *prohibited* by Jewish law, in the same way as is Jewish-Christian dialogue.

(8) Rabbi Aaron Soloveitchik repeated this ban at the Rabbinical Council of America, in effect declaring CLAL's policies to be illegitimate and forbidden. While Cohen continues to speak complacently of the danger and is confident that Modern Orthodoxy will be available as a partner in dialogue, one can guess whether he or Aaron Soloveitchik will carry greater weight, halakhically, in the Modern Orthodox community.

(9) J. David Bleich, an outstanding professor at Yeshiva University, a member of *Shma's* editorial board (hence, a "liberal" by the standards of the right-wing Orthodox community), has proposed to resolve the problem of "who is a Jew" by recognizing Reform converts in Israel the same way the law recognizes Moslem and Christian converts, that is, as members of a separate religion.

(10) Rabbi Moshe Feinstein *z.t.l.* ruled that "if a non-Orthodox rabbi is called upon to pronounce the blessing over the bread at a communal affair, such as the United Jewish Appeal and other joint activities" -- which Cohen argues now unite us -- "his blessing is counted as no blessing, even if he said it properly. The reason is that the one who says the blessing denies God and his Torah, like most of their 'rabbis' . . . . He considers the mention of the name of God as mere words, and has no intention of invoking God. Therefore, this is no blessing at all. Thus, it appears that it is forbidden to honor the heretical rabbis by inviting them to recite the blessing, since their blessing is not a blessing. One is not obligated to answer 'amen' after his blessing."

(11) The creation of parallel institutions, each of which breaks up existing links and areas of cooperation or shared value, proceeds apace. The spread of non-Orthodox day schools, the creation of denominational *mohelim* (circumcisors), and the beginnings of Conservative *kashrut* supervision are all part of this separationist trend -- however constructive they are as expressions of greater respect for tradition by liberal groups. Even as the Conservative Beth Din becomes active

in dealing with injustices to women in the *get* process, the Orthodox acceptance of Conservative *gittin* has declined to the point of disappearance. In short, when it comes to the dynamics of separation -- the driving force of social processes -- the momentum of schism is dominant.

Professor Cohen continues to ignore the dynamic of disintegration. However, he has offered a secondary argument: Studies of the basic attitudes of laypeople show that the fear of separation is exaggerated. Most laypeople do not take personal-status issues seriously. This is a faulty reading of the statistical evidence for the following reasons:

First, in religion, key decisions are made primarily by rabbis (or rabbinates), especially the defining of an individual's Jewish and marital status. Second, these statistics are not adjusted for trends, to give us a comparison of '88 to '83 or '87 to '86. In other words, Cohen has ignored the crux of the danger: that there is a *dynamic* of polarization operating that cannot be found in a statistical "snapshot." Third, there is no adjustment for survey respondents' desire to avoid being seen as prejudiced or antagonistic. Finally, there is no adjustment for the role of activists, who -- he himself points out -- are far more likely to take these issues seriously.

Professor Cyril Domb, formerly of England, once wrote about what he called the "law of the determined minority." He argued that in democracies as well as in religion, highly committed minorities, determined to achieve a certain policy, wield influence disproportionate to their numbers. This is particularly true in Diaspora Judaism, where, in fact, assimilation and a continuing dropout problem continue to give special weight to those who *do* stay in and who *do* make the decisions.

Dr. Cohen further argues that the divisiveness of patrilineal descent is overstated. The large number of those who criticize Reform rabbis for the patrilineal decision is not relevant. Only those who combine criticism of the rabbis with opposition to the possibility that their children might marry patrilineal children count. He estimates this number as roughly 10 percent of the Jewish population.

By Dr. Cohen's figures, 78 percent of the Orthodox, 33 percent of the Conservative, 11 percent of the Reform, and 11 percent of non-movement-affiliated Jews are concerned that their children would marry children of patrilineal descent. If one takes these percentages and applies them to the distribution of the population now (which I take to be 10 percent Orthodox, 27 percent Conservative, 30 percent Reform, and 33 percent non-movement-affiliated Jews, Reconstructionists being too few to measure properly), 23 percent of the total American Jewish population is distressed by the patrilineal problem.

Furthermore, by a 75-25 percent margin, Conservative rabbis have voted that they will not accept individuals of patrilineal descent as Jews. Indeed, that Rabbinical Assembly resolution threatened censure of those Conservative rabbis who accept children of patrilineal status as full Jews. What if the bulk of Conservative Jews, not merely those who are upset at the possibility of their own children marrying patrilineal children, decide to follow their rabbis' rulings?

Generally speaking, Professor Cohen continues to overstress numbers without giving due weight to the patterns and significance of the statistics. In *Moment* magazine, Cohen argued that patrilineality is half as divisive as I argued because, if an Orthodox girl marries a patrilineal boy, their children are Jewish anyway. Only patrilineal women are a problem, in his view. But consider: Is that what Orthodox parents are likely to say to their daughters? "It is okay to go out with this *goy* in Jewish clothing, because if worse come to worse, he'll convert. And even if he doesn't, your children will be Jewish anyway." Does anyone believe that is going to be the typical response of an Orthodox parent?

Is it not much more likely that the Orthodox parent will say, "I do not want you to associate with Reform Jews. I do not want you to mix with Conservative Jews. Their synagogues, their community centers, are vehicles of the most subversive assimilation of all -- patrilineality. A child from such families is like a *hazer* (pig) with a split hoof.<sup>1</sup> It comes with a Jewish *hekhsher* from the community center or from the Reform rabbinate, but it is a *goy*." One can easily imagine the emotional as well as the institutional and social impact of such attitudes.

Furthermore, the real measure of the divisiveness potential in the parental response is not found in attitudes toward patrilineality. The relevant statistic is the number of parents upset that their children might intermarry; this is ultimately the issue in marrying a patrilineal child. Intermarriage itself is the next frontier of Jewish denominational interaction. If patrilineality is here, intermarriage is not far behind. Already the needs that encouraged recognizing patrilineality are operating in the area of intermarriage. Cohen's statistics show that only 39 percent of Reform laity would be upset if their children intermarry. Presumably 60 percent have accepted intermarriage and now will pressure their rabbis to perform such marriages.

A hundred Reform rabbis have signed a statement that they will *not* officiate at intermarriages. But why did they need to announce that they would not perform an intermarriage? A leading Reform rabbi explained the situation as follows: Official CCAR policy prohibits congregations from asking rabbinic candidates if they perform intermarriages -- to avoid untoward pressure on this issue. However, the laypeople are well aware that their children's wedding plans depend on whether their rabbi performs intermarriages. Therefore, to get around the prohibition, they check with the synagogue that the rabbi is coming from to establish whether the rabbi performs intermarriages.

Couple this pressure with the Reform commitment to pluralism, to its respect for autonomy and freedom of the pulpit, and one can predict the not-remote possibility of Reform affirmation of the legitimacy of intermarriage. Already a significant number of Reform rabbis, the largest ever, have signed public statements to that effect.

Will this lead to social boycott or breakdown of contact between traditional and liberal Jews? How does opposition to intermarriage compare with opposition to the patrilineal ruling? In the Cohen study, the answer is 42 percent opposed to intermarriage compared to 21 percent opposed to patrilineality. A direct comparison by group in his study shows that 78 percent of the Orthodox are upset by patrilineality, 85 percent by intermarriage. Among Conservative Jews, 33 percent reject patrilineality but 68 percent oppose intermarriage. The Reform increase is from 11 percent to 39 percent. Opposition among non-movement-affiliated Jews goes from 11 percent to 38 percent; and among nonaffiliated Jews it goes from 7 percent to 22 percent. In short, two to three times as many Jews are opposed to intermarriage as are opposed to patrilineality -- and intermarriage will be the leading source of movement divisiveness within the decade.

Cohen offers another consolation to minimize the threat of polarization. Jews are already two peoples who, in fact, do not marry and do not socialize. But the two groups will not secede from each other. In any event, even if there is a fracture, it will not be a 50-50 split. (To clarify a misconception, I never said that American Jewry would split into equal-size groups or that 50 percent of American Jews would be problematic Jews. Rather, I said that up to 50 percent American Jews would probably be allied, by family or membership organizations, with problematic Jews.) Cohen believes that the maximum danger is that the 10 percent strictly observant Jews will cut loose from the 90 percent who do not take halakhah seriously.

Here again, the desire to minimize the danger leads Cohen to underestimate the problem. What percentage will stay with the traditional community if there is a fundamental split in the

Jewish people? The statistics suggest that 20-40 percent is the far more likely answer. Consider the number of Jews deeply opposed to intermarriage; consider the residual respect for Orthodoxy in nonaffiliated Jews; consider the backlash of Conservative Jews following their rabbis, even if they personally do not feel strongly opposed to patrilineality and intermarriage.

True, the most likely outcome is that a split in America would find the strong majority of Jews siding with the non-Orthodox. But in Israel the evidence is overwhelming that even nontraditional Jews will follow the Orthodox in this matter. There even Jews who are not observant, even Jews who are self-defined as *hiloni* (secularist) and antireligious, generally believe that the *shul* they do not *daven* in must be Orthodox (or the religion they hate must be Orthodox). That is indeed why Conservative and Reform Jews are discriminated against in Israel, why they have not been able to obtain a major shift in Knesset voting patterns on the "who is a Jew" question.

Therefore, the most plausible outcome of this ugly social and demographic crisis is a split in which the majority of Israeli Jews opt for the traditional position and the majority of American Jews opt for the nontraditional position. This leads to the frightening possibility of a critical rift between American Jewry and Israeli Jewry. Professor Cohen himself is deeply concerned about the danger of a split between American and Israeli Jewry, but he continues to downplay one of the major forces leading to that very outcome.

These are the demographic and social-structural dangers that American Jews are facing. This is not said to be alarmist nor to exploit the situation for institutional gain. CLAL's work in pluralism goes back to 1974. That commitment to work for pluralism has nothing to do with publicity or financial support.

The fundamental question is: Do we confront the truth that there is a dynamic operating here? Judgment and not just statistical description is needed to ascertain the level of danger.

Among the sociologists in American Jewish life, Steven M. Cohen is one of the best. I have learned much from him, and I continue to turn to his writing for insights into American Jewry. We are intellectually and ideologically at almost identical points on the spectrum. Why then are we so strongly and sharply divided on this question?

One fundamental difference between us is that, on this issue, I believe that the dynamics of political, attitudinal, cultural, and emotional forces are far more decisive than current statistics. Cohen projects current statistics as well-nigh determinative of the outcome.

A second difference is the gap in our perceptions as to what is the theological situation of Jewry. For sociologists, the ideological issues may be irrelevant to social policies. For theologians, the Jewish condition is of central significance for policy conclusions. To stop this divisive trend will take a major effort. In my case, the effort started with the recognition that we are living on the other side of a fundamental historical divide, the events of the Holocaust and the rebirth of Israel. The bulk of the Orthodox community, as well as the non-Orthodox community, has not yet recognized this turning point to the extent of being willing to draw new, fundamental conclusions and new, more unifying religious policies.

This is truly a regrettable situation. UJA was close to the theological truth when it recognized that, in light of the Holocaust, support for Israel must cross existing lines. However, the denominations still cling to their own sectarian divisiveness. They are fighting over the issues of modernity as if attitudes toward modernity are *the* touchstone of authentic Jewish life. In fact, modernity's authority has been overtaken and superseded by the historical transformation generated by the Holocaust, by Israel, and by the arrival of postmodernity. Unity is a theological, moral, and

historical necessity. But the four denominations have not yet confronted this truth. They continue their own divisive and mistaken judgments as to what the crucial issues are.

Third, the extent of the effort to prevent separation will make the difference between failure and success. Steven Cohen claims that publicity "has propelled the [polarization] issue to the top of the Jewish communal agenda." (This is another way of saying that hype has created a false sense of urgency.) In fact, what is the reality of the situation? One could almost say that intra-Jewish dialogue is like the weather; everyone talks about it but no one does anything about it.

Let us measure the effort made by the Jewish community on Jewish-Jewish dialogue in comparison to Jewish-Christian dialogue. (The exact figures are not made public, but one can estimate reasonably.) A former executive at the American Jewish Committee estimated that AJC spent approximately \$2 million annually on Jewish-Christian efforts. It would not be unreasonable to estimate that the ADL spends 20 to 25 percent of its budget on such dialogue. This would yield \$4 million roughly. The American Jewish Congress does not break down its expenditures in this category. An estimate of \$100,000 would not be excessive. The Synagogue Council of America spends approximately \$1 million in this area. The National Conference of Christians and Jews -- which draws significant Jewish support -- spends multimillions. In sum, on a national level alone, this adds up to \$10 million being spent annually on Jewish-Christian dialogue. This does not include all the JCRCs around the country spending money for daily events and special conferences; nor does it count the cost of chairs of Jewish studies set up at universities and colleges and even seminaries to make sure that Christians understand Jews and Judaism; nor does this figure include national workshops and activities. It is safe to say that considerably more than \$10 million is being spent annually on Jewish-Christian dialogue. The results reflect this extraordinary effort. Fifty years ago, Christians treated Judaism as a superseded religion; Jews were not worth speaking to in dialogic fashion. The tradition of Christian teaching of contempt went far beyond what the Orthodox attitudes toward Reform are at the present time. Yet, today, the pope himself has modified those views. What made the difference? Fifty years of serious intercommunal dialogues.

How much are Jews spending on Jewish-Jewish dialogue? CLAL spends somewhere between \$600,000 and \$700,000 a year on this dialogue. The American Jewish Committee engages in valuable intra-Jewish dialogue activities although it does not have a full-time employee working in this area. It follows that the moneys spent by the American Jewish community on Jewish-Christian dialogue are 10 to 20 times greater than those spent on Jewish-Jewish dialogue; yet the latter is far more crucial to the future of the Jewish people. American Jews are not threatened by pogroms. In a sense, the community can now afford to worry less about whether Christians love or accept Jews. It is far more urgent whether Jews love and accept each other. Yet the logic of the dialogue effort is: It is important what gentiles think of us; it is not important what other Jews think of us.

The continuing failure to take the need for intra-Jewish dialogue seriously, the continuing dismissal of the polarization issue by major religious figures, constitutes a continuation of past policies of Jewish assimilation. The cost of this ruinous low priority is a greater probability of schism in the Jewish community.

An historic multipronged effort was needed to overcome the wall of hostility erected between Jews and Christians over the centuries. It will take no less of an effort to overcome the forces of separation operating in the Jewish community now. Social and religious dynamics cannot be changed by quick decisions, or by occasional articles in *Moment*, or, for that matter, by publications and conferences sponsored by CLAL. Reversing the flow toward schism will demand a substantial long-term investment from every group in the community, including scholars.

There are serious halakhic issues dividing the denominations. Religious issues are notoriously

difficult to negotiate. The notion that issues of personal status can be resolved by benign neglect -- citing the precedent of the Israeli rabbinate's acceptance of the Russian Jewish aliyah -- is not credible because that situation will not recur. The Russian aliyah arrived at a moment of historic euphoria amid tremendous international attention, with enormous national pressure applied to the rabbinate and other groups to make it work. Even then, integration was barely accomplished. The split over "who is a Jew" started because the Modern Orthodox rabbinate in Israel accommodated the Russian Jews. The right-wing Orthodox charged that the easy conversion procedures (and discreet overlooking of problems of personal status) were not in accordance with halakhah. That pressure built, then was turned against Conservative and Reform conversions -- and divisive tendencies accelerated. By now, the right wing is far stronger and polarization has grown apace so that integration of problematic groups by indirection and looking away is unlikely. Indeed, in the case of Ethiopian Jewry, despite the exaltation and sense of history, and despite the Ethiopians' fundamental commitment to observance, full acceptance was not forthcoming. Controversy, rejection, demands for secondary conversion have marred the arrival of the Ethiopians. The possibility that a less-observant group whose status is less clear, one that would connect to non-Orthodox denominations, would be accepted without major conflict is almost nil.

We need studies of specific aspects of the dynamics of separation and then policy analyses and strategies to overcome tendencies to fission. An active social-contact policy between groups, comparable to living-room dialogues and other forms of interaction between Jews and Christians, is essential to arrest the growing alienation between the groups. Only strong social interaction can create alliances that will lead members of each denomination to pressure their leadership to seek unifying solutions. A major investment in bringing youth together is particularly vital for the future. CLAL hopes to start such a college program at Beit CLAL. There is a CLAL Yisrael college institute program at Brandeis-Bardin on the West Coast -- 180 students of every background come together for thirty days in two sessions every summer. There should be 18,000 annually, not 180.

The existing youth movements could meet together and be a major source of shared experiences and values. However, as Harold Schulweis has pointed out, right now the movements are practicing "apartheid" vis-a-vis each other. There are no regular joint activities going on. Last year, CLAL worked together with some of the leadership of the denominational college youth movements. One result was that an ad hoc group began joint behind-the-scenes conversations. But they have not received permission for a public meeting. The political dynamics of separation operate, and the national groups deny permission to meet. Changing those dynamics will take a major amount of energy and political pressure.

A continuing problem is the risk involved in working for unity. National Chevra conferences and the recent Critical Issues Conference II have gone on record in favor of exchange of pulpits between rabbis and a process of serious conversation and communication between rabbis and laypeople of the denominations. The last Orthodox rabbi who took these proposals seriously and exchanged pulpits lost his job three months later. Rabbi Jack Simcha Cohen of Los Angeles has made a very important proposal to reduce the patrilineal problem by a process of child conversion. The primary response to this outstanding proposal, which is well grounded in halakhic scholarship, has been defamation and ad hominem attacks in the Orthodox press with little substantive discussion anywhere else.

Many positive programs of institutional cooperation -- joint outreach, joint liturgy studies, joint Yom HaShoah programs, joint Yom Ha'Atsmaut celebrations, joint institutional operations -- are needed. In addition to making important contributions to Jewish vitality in their own right, each of these programs could build alliances and mutual respect between the denominations. But these areas of cooperation are not being pursued. A new, classic liturgical composition for Yom HaShoah, written by Elie Wiesel, is in jeopardy of nonacceptance by most Jews because it is

sponsored and published by the Reform movement exclusively. Apparently, joint publication was not even explored.

The issue of whether current trends will lead to a complete split is ultimately secondary. We must attend to the individual details of polarization and conflict as well as to the final, total picture. Steven Cohen continues to question the probability of a total split of the Jewish people, as if lesser breakdowns were unimportant. In fact, should a final split come, it will come as the result of all these details, of the breaking of all the connecting links along the way. Even if a total break is averted, segregation and separation will weaken the survival chances of the Jews who are left.

There are five specific areas which reveal troublesome trends, trends that must be reversed if we want to avoid short-term disruption and long-term risk of fundamental schism.

(1) The continuing radicalization growing out of freedom, both in Israel and in America. Jews are not afraid of gentiles anymore, which is why they allow themselves such open expressions of intracommunal hostility. At a conference in Jerusalem in November 1988, the chief rabbi of Tel Aviv said: The whole principle of *darkei shalom*, of allowing certain compromises out of a desire for peace with gentiles, should be nullified. The principle applies only when Jews are afraid, at the mercy or tolerance of gentiles. Said the chief rabbi: In Israel, *yadenu takeefa*, our hand is stronger; therefore, we can ignore any halakhic rulings which were motivated by respect for or fear of gentiles.

The radicalization of freedom is operating in all groups. The Reform movement's decision to accept gay synagogues showed its acceptance of freedom and its desire to connect to Jews who have taken up new options in Jewish self-definition. But that decision, which is well within the parameters of its autonomous moral judgment, has an extraordinarily inflammatory impact in Orthodox circles. Orthodox freedom is exercised when Rabbi Moshe Feinstein delegitimizes Reform marriages. In Europe, similar proposals were made in the nineteenth century. Fear that gentiles would exploit the divisiveness and recognition that the security of Jews was not to be taken for granted (and that all would be equally vulnerable) led the community to ignore those recommendations then. Rabbi Feinstein *z.t.l.* had every right to let his sense of security and freedom guide him to greater withdrawal from Reform now, but his decision is extraordinarily inflammatory in its impact on Reform laity. Conservative Jewry and Reconstructionists are also acting out their new sense of freedom in such issues as women's rights and liturgical and halakhic experimentation. All are within their rights; all are letting the centripetal forces of Jewish life win out.

It is possible to mishandle liberty. This is not the first time in history that people have committed excesses with newly won freedom, the final result being fundamental splits and social disintegration.

The challenge of freedom involves a choice. Are Jews prepared to take others into account or not? Are Jews prepared to create a voluntary community or not? The majority of the Reform rabbinate today would uphold autonomy more quickly than it would be prepared to bind itself for the sake of unity. The majority of the Orthodox rabbinate prefers the freedom to disown the Reform movement and to protect its children from contact with outside values that way, rather than to factor Reform's existence into its halakhic worldview and rulings. Unfortunately, this self-centeredness -- a direct product of freedom -- has the upper hand in all the denominations.

(2) The absolutization of women's rights. Women's rights, which I fully affirm and support, are nonnegotiable for Reform, Reconstructionist, and most Conservative Jews. The question remains whether advocates of this nonnegotiable ethical development will voluntarily hold back on some procedures such as *edus* (women serving as witnesses for halakhic purposes) in order to try

for some common ground. Will liberal Jews sit down in serious dialogue with the Orthodox on this issue and try to work things out before the legitimacy of *gittin* and remarriages (and subsequently the children of such marriages) is denied? Or will feminists and their supporters say the lines are drawn, nothing is to be done, and proceed without any dialogue with the Orthodox?

(3) The continuing growth of the right-wing Orthodox at the expense of Modern Orthodoxy. Two trends have come together. After decades of neglect and self-abnegation and turning over its educational institutions and youth to right-wing Orthodox spiritual hegemony, Modern Orthodoxy is close to collapse morally, intellectually, and philosophically. This trend has been compounded by the unprecedented level of funding for right-wing Orthodox communities and programs, primarily supplied by non-Orthodox Jews. In effect, non-Orthodox Jews have disrupted the balance of power within Orthodoxy by throwing large amounts of money at its right wing. Lubavitch and the *ba'al teshuvah* yeshivas together raise \$100-\$125 million a year in the United States. That kind of funding has created a powerful institutional base with patronage and other rewards for those who follow that line. It also has convinced many Modern Orthodox Jews that ultra-Orthodoxy is the wave of the future. In turn, its new-found strength has led the Right to assert its polarization agenda as against the moderate Orthodox policies of the past. In Los Angeles, Lubavitch's opposition led to the mikvah being closed to non-Orthodox Jews. In countless cities the sectarianism within Orthodoxy has led to secession and to more exclusionary day schools. There are two and three day schools in cities where there used to be one. This important unifying institution has become a source of divisiveness.

The single most important action which could stop this deterioration is to rebuild Modern Orthodoxy. In turn, this would demand a willingness on the part of Modern Orthodox rabbis, scholars, and laypeople to stand up to the Right and to renew their connections with the non-Orthodox at the same time. However, no one is going to risk his or her professional standing or personal reputation for issues that are perceived as overblown or unimportant. (Steven Cohen's calls for cooperation between Modern Orthodox and traditional Conservative Jews are undercut by his reduction of the importance of the issue of polarization and his dismissal of the possibility of schism.)

(4) Reform Judaism's assertion of its autonomy. Reform must make a choice. It can choose to be a movement for the North American Jewish community, in which case it can exercise absolute freedom and autonomy. This position is backed by leading and respected scholars and friends, like Rabbi Eugene Borowitz and Rabbi Jack Stern. They have said publicly and privately that they prefer Rabbi Moshe Feinstein's ruling invalidating all Reform marriages, because that frees Reform to follow any policy on marriages that it likes. A *klal Yisrael* approach would require some restrictions for the sake of unity. American Reform would have to put some limits on its policies. The Reform movements in Canada, England, and Israel have signaled their willingness to self-limit because they know they must live with the traditional majority.

American Reform must resolve this dilemma according to its own conscience. Its autonomy is not absolute, just as the Orthodox insistence on halakhic rigidity is not absolute. Halakhah has always been subject to the interplay of law and communal need. Autonomy, like halakhah, should be subject to the same responsible decision-making.

(5) Rabbinic education. Increasingly, each denomination is attracting rabbis from within its own group; in past decades, rabbinic students were often drawn from across denominational lines. Given the new social reality, the absence of common education and lack of social interaction means that sectarianism will sharpen and become more pervasive.

How then can we create settings for interdenominational learning? CLAL has started Chevra

and Student Chevra, bringing together rabbis and senior rabbinical students for learning and social interaction. CLAL would like to expand this to include all rabbis and to offer intensive and extensive joint study. CLAL has been unable to persuade the major foundations to finance much-needed programs. As of the moment, there is no widespread recognition of the urgency of the issue. Chevra is low on the priority list even of the rabbis who are active in it, because there are no denominational rewards for such activity.

Since 1985, we can claim one major accomplishment in the area of polarization: the community, by and large, does recognize that this is a real issue. That is the main gain. But unless the issue is seen in all its intensity and seriousness and addressed without delay, the momentum toward separation may become uncontrollable. The outcome is not yet certain. We have not yet lost the moment. But action is required. We must make a major commitment to each other now.

#### *Notes*

1. One Rabbinic tradition portrays Esau as a master hypocrite and dissimulator presenting himself as a legitimate child sharing Abraham's family values. Esau is compared to a pig who rolls on his back and holds up his split hooves (one of the signs of a kosher animal), hiding the absence of the other sign and the basic fact that he is a pig, and not kosher.

## JEWISH UNITY AND JEWISH PEOPLEHOOD: A REFORM POSITION

Lawrence A. Hoffman

I welcome the opportunity to respond to the two papers that have been submitted here. My role as moderator of the original debate prohibited my "entering the fray," so to speak, but now, in the written record of our deliberations, I am glad for the chance to append some of the thoughts I had at the time, as well as some that occurred to me later.

I write these words, obviously, in no official capacity; that is, I speak only for myself. No doubt, many Reform Jews who read my remarks will disagree with one thing or another, or wish that I had more aptly stated, weighted, or nuanced parts of my argument. On the other hand, I do not believe my view is in any way idiosyncratic. I have no doubt that if it were to go to a vote within the Central Conference of American Rabbis (CCAR), the substance of what I have to say would pass by a wide margin. I say that not only because I am in touch, I believe, with the majority of my colleagues, but because I have been present at most of our annual conventions over the last ten years and heard the papers on the subject of Jewish unity. I know the prevailing mood in the room as the papers were delivered, and, in fact, in preparation for this paper, I have reviewed the written record to refresh my memory.

### *Jewish Unity Issues and Reform Opinions*

I think the mood among Reform rabbis and laity can be summed up in a few paragraphs.

(1) The official rabbinic body is exceptionally preoccupied with Jewish unity. Year after year, the CCAR convention features major speakers and debates on the subject.

(2) Individual Reform rabbis vary in the extent of their concern, depending largely on the situation in their local synagogue and community. Often, their experience there is just the opposite of the worrisome prognostications of Rabbi Greenberg. Even when matters of personal status (*ishut*) -- such as conversion and outreach -- separate them from their Orthodox colleagues, they report harmonious cooperation across movement lines on so many other matters that they find it hard to believe that anyone will allow the matters on which we differ to drive a wedge between us. Others have a very different experience, often amounting to a total breakdown in communication between colleagues on the left and on the right. But here they almost invariably report that the vast majority of colleagues and laity side overwhelmingly with the cause of unity, so that they view the problem as a very minor matter awaiting only the passing of time, when the "difficult colleague"

leaves and is replaced by a more moderate rabbi who is in the mainstream of Jewish thought today.

(3) Average Reform lay people are almost totally unconcerned about the issue in its ideological aspects. This is not to say that they do not care about the Jewish people. Far from it. But they do not recognize any perceivable danger to the Jewish community. With the exception of a few leaders involved in federation or other communal pursuits, or synagogue leaders and regulars who hear the papers and speeches that rabbis give and who thereby find themselves "thinking like rabbis," Reform lay people find it hard to take seriously our claims that we may be confronting a global problem. They relate to it as a rabbinic concern, something akin, I suppose, to a theological debate on whether Maimonides really did believe in resurrection. They would not be surprised to hear us refer to that question in some adult-education lecture but would be astounded to hear us say they should worry about it. On the other hand, they bristle when some of their non-Reform friends and associates imply that their Reform identity is less than authentically Jewish. They know too that there are problems in Israel, where implications of Reform inauthenticity often become explicit charges and even official public policy, but they identify negative judgments there with a small right-wing minority whom they consider so fundamentalist in approach as to be morally and Jewishly bankrupt.

(4) Attitudes differ with geography. I think New York is unique. What strikes us as problematic in New York is often perceived elsewhere as remarkably parochial, and not at all typical of reality. Rabbis far from the New York metropolitan area frequently wonder aloud at a good number of things that the Reform leadership in New York presents for their consideration. The issue of Jewish unity is no different. Looking at their own region of the country, they often wonder what we are talking about.

(5) Still, the *official* agenda of our movement lists Jewish unity as a serious issue, particularly for rabbis who must pass judgment on halakhic matters like conversion, gender concerns, and patrilineality (itself a particular gender issue, but deserving separate mention). On conversion standards particularly, a full spectrum of opinion can be found among Reform rabbis; some would welcome a rapprochement with colleagues in all the movements, and a common *bet din* representative of all Jews; and some would not. Gender equality is by now a simple given in Reform circles. Women as rabbis, cantors, and witnesses are taken for granted as properly ethical and Jewish.

(6) Patrilineality differs somewhat, in that it is related to conversion (where Reform attitudes differ) but also to egalitarianism (where Reform consensus exists). There was a time when it was seen primarily as a question of outreach, that is to say, a subcategory of conversion, but as time has gone on, it has been redefined in people's minds as a gender issue. The question "As we reach out to children with only one Jewish parent, should we accept as Jews children of Jewish fathers?" receives a more ambivalent response than the question "Are Jewish men and Jewish women equal, so that children of one should be treated the same as children of the other?" The original discussion of patrilineality (1982) emphasized the former framework;<sup>1</sup> it was seen as a way to prevent erosion of Jews among children of one Jewish parent, not necessarily the mother. I rarely hear that now. In 1986, Rabbi David Ellenson presented the issue squarely in moral terms, by which he meant a matter of egalitarian principle: why should the children of Jewish men be denied the same privilege that is automatically bestowed upon the children of Jewish women?<sup>2</sup> Rabbi Samuel Stahl, who will address the 1989 CCAR convention on the subject, tells me he will reemphasize this moral reformulation, which flows logically from the gender issue and which he thinks is the properly relevant factor.

In other words, as long as the legitimation of patrilineal descent was defined as a pragmatic strategy designed to save Jews from being lost to our people, it could be juxtaposed with another

equally compelling concern working in the other direction: retaining the unity of our people as it now stands. In a sort of utilitarian calculus, rabbis were free to decide how much gain or loss would accrue either way. At first, it was decided that we would gain more from adopting the principle than we would by rejecting it. When that decision evoked massive criticism from non-Reform authorities, the balance was recalculated, and many decided that the Jewish people had more to lose thereby: that is, even if the Jewish people gained members by patrilineality, we would lose them by being split. Never was there anywhere near enough opposition seriously to challenge the patrilineality rule, but at least rabbis could argue the merits of their calculations. However, the redefinition of the issue as a question of moral principle, in which patrilineality flows necessarily from our commitment to gender equality, is not arguable in the same way.

### *Klal Yisrael as a "Reform" Issue*

Reform Jews have been taught to care deeply about the Jewish people. This is not to say that everyone who identifies as a Reform Jew does so; but then, not everyone who identifies as a Reform Jew is really Reform. More than 50 percent of American Jews are unaffiliated. They sometimes hang onto their Jewishness by the skin of their teeth, and ever since the dawn of the Enlightenment it has usually been Reform Judaism's destiny to be the first, and often the only, point of contact when they do give some thought to matters Jewish. Reform rabbis might prefer the luxury of a community of souls totally committed to the deepest levels of Jewish study and practice, just as thoughtful Reform lay leaders might yearn for communities where Jewish values were prominent in the lives of all their members. But the reality is otherwise. Unfortunately, *Reform Judaism is frequently held liable for the spiritual disease with which it contends rather than credited with the cures it has discovered.* If, for example, out of 100 marginal Jews nominally belonging to Reform synagogues, 50 find their way to a meaningful Jewish life in which *Klal Yisrael* ranks high as a value, we would prefer being held accountable for the 50 percent success story rather than for the other half of the sample who have yet to discover Jewish commitment.

I choose my example with care. Although I could marshal any number of instances in which Reform Judaism is thus incorrectly accused of the sins of people who do not represent Reform Judaism at all, the particular case in point here is commitment to *Klal Yisrael*. Somehow when Reform Jews opt for a principle like egalitarianism rather than a policy that others think would further the unity of Jews, it is imagined that we do not care for the Jews, else why would we pursue a course that only splits our people in two? But when Orthodoxy opts for a halakhic ruling that alienates Reform Jews, it is still we who are accused, this time of betraying Jewish tradition and, once again, splitting the Jewish people.

At issue are two related questions: (1) Is unity the issue, or should we be talking about commitment to the Jewish people? (2) Is the proper yardstick of either of these to be solely, or even primarily, halakhah?

Take the first question first. The whole point of Jewish unity is Jewish peoplehood, certainly. We believe that the destiny of the Jewish people under God will best be served if we are unified. But that is not always the case. Would a Jewish people unified in support of all-out war against Rome have served divine ends, or, in retrospect, are we not rather happy that some rabbis held out for peace? Would we have preferred a unified Jewry in the Prophetic period, or do we now thank God for the courageous voices of Amos, Jeremiah, and Isaiah? I do not mean seriously to question the preferability of Jewish unity in general, certainly, but I do mean to redefine the issue. It is not Jewish unity. It is the Jewish people. We have every right to demand of all Jews an impassioned championing of Jewish peoplehood. We believe the Jewish people has, as the *Alenu* puts it, a divine destiny of its own, on which the world itself depends. But whether our people's destiny and the

world's benefit accrue from unity depends on the principles of Judaism upon which that unity is erected.

Now the second question: Is the proper yardstick to be solely or even primarily halakhah? If Jewish unity is the prime desideratum, and if also a significant proportion of Jews will not or cannot compromise on halakhic principles, then it may be that Reform Jews ought to admit that the only possible principle around which unity is possible will be halakhah; and, since we would then value unity above all, we would measure all we do by halakhic considerations. That would be tantamount to saying that Jews are solely or primarily a halakhic species, so to speak, and that nonhalakhic decisions endanger the species. But if Jewish peoplehood, not Jewish unity, is the issue, then we have every right to question the essence of the people. It is precisely the nature of the Jewish species that is at issue here. We are involved in first principles of definition. No one seriously proposes a Jewish people without halakhah; but exactly what we mean by halakhah is a good question, which we are not the first nor the only Jews to raise. Only recently, I gave a lecture on the spectrum of Jewish thought today on halakhah and cited a recent and very respected source on the topic from the debate within the Conservative movement, only to have several knowledgeable students from the Jewish Theological Seminary take issue with me -- not on the grounds that I misquoted or misunderstood my source, but because they did not accept the source as speaking for their position.

How, after all, does one measure concern for the Jewish people? Only halakhically? To take but one counterinstance, consider Reform Judaism and the State of Israel. The Hebrew Union College-Jewish Institute of Religion has recently invested heavily both in capital and in time to demonstrate its commitment to having its center in Jerusalem. Even under its prior president, Nelson Glueck, it established whatever presence it could in that precious city, and under President Gottschalk that commitment has been enlarged a hundredfold. Not just rabbis, but cantors and educators too must now go to school there. We have Reform *kibbutzim*, a Reform *mitzpeh*, institutionalized *shelichut* to our movement, an Israel desk at the UAHC, regularly scheduled CCAR conventions in Israel, and so forth. Does our Israel-consciousness count for something, even if it is not, strictly speaking, measurable halakhically? Should we rather shut down the Hebrew Union College because it hosts services where women rabbis function? Moreover, to return to an earlier point, how should the extent of Reform Judaism's Israel-consciousness be measured? Should we take an average of the 50 percent of Reform Jews who have internalized Reform Judaism's message and the other 50 percent who may still be marginal in their identity? Or should we credit Reform Judaism for instilling positive Israel-oriented identity in the 50 percent whom Reform Jewish leaders themselves identify as the ideologically accurate sample of what we are about? I contend that only the latter is the appropriate measure, and that the growth in Israel-centeredness of our movement is but one of many signs that Jewish peoplehood is a prime concern among us.

My point thus far is simply this: The entire debate on Jewish unity is misdirected from the outset, because it conceals deeper issues that deserve a public hearing. A proper debate on Jewish peoplehood has been exchanged for an improper debate on Jewish unity, with the predictable result that only halakhically significant criteria have been presumed to be relevant. Reform Judaism, which does not identify the Jewish people as solely an halakhic species, which wishes to redefine the proper conceptualization of halakhah and the halakhic process, and which is widely misjudged by its critics who refer only to the basest examples of those who falsely profess to represent Reform, cannot possibly accept that statement of the problem. We need to refine the terms of the discussion.

### *Three Axes of Judgment*

There are three separate ways in which arguments develop. We confuse them at our peril.

I call them *measure*, *definition*, and *principle*. The position we take on any large question, including the one generally labeled "Jewish unity," depends on the claim we stake out on these three constitutive smaller ones. I want, then, to separate our discussion into three discrete axes of judgment which combine in the end to plot our final position.

The first, *measure*, is the extent to which we believe anything is the case. How much is Jewish unity really in jeopardy, for example? We are like two physicians observing a patient with a disease that everyone has in an incipient condition, so that we must now decide how advanced are its symptoms in the case before us. We agree that, at a given point, radical surgery is called for, but we disagree as to whether the patient has yet or ever will reach that point. We differ as to empirical evaluation only, not as to principle, and it is conceivable that one of us will convince the other by rational debate on the merits of one set of measurements over another. Measure, then, is not a question of principle but of evaluating the evidence on which the application of principle depends.

The second axis is *definition*. Before we measure the patient's symptoms, we must decide what we need to observe. Otherwise, we will be caught in the bind of arguing about the measure of two different things as if they were the same. Scientific medicine avoids this error by careful definition of terms, and so should we. It is unlikely that two doctors will engage in such fruitless debate, because when they look at any given symptom they share in advance a common definition of what it is. They never talk loosely about "laceration of the entrails," for example, since they know that "entrails" is too broad a term: one doctor might be observing the liver, while the other focuses on the spleen. By contrast, we regularly speak so broadly that it is hard to be sure we are discussing the same thing. If we disagree on my first issue, measure, it may be because we have failed to stipulate a clear definition of what we think we should be measuring. I have already referred to differences of definition with regard to the problem itself -- is it "Jewish unity" or "Jewish peoplehood" -- and I have questioned the definition of the Jewish people's essence -- is it just halakhah or other things too, and what exactly counts as halakhah? I have questioned also the definition of Reform Jewry -- is it all who pay dues to Reform temples, or just people who try, "to some degree," to live according to the dictates of Reform Judaism? and what degree is that? -- and I shall later question the definition even of *Klal Yisrael*, which, to revert to my medical analogy, is the patient under investigation at the moment. What we measure as a sign of its health depends on what "it" is taken to be.

Finally, there is the axis of *principle*, where we may indeed find bedrock differences. Even if we were to agree on the definition of what we are discussing, and then agree also on our respective measurements of the symptoms, we might still differ on what to do about it -- not because we are at odds on what the treatment in question would produce, but because we cannot agree on the principles which guide our thinking and determine what we want to bring about. The axis of principle is fraught with moral consequences. An extension of my medical analogy suggests the larger questions attendant on the field of medical and, therefore, of juridical ethics. I cite as my example a recent case reported in the press, which I shall alter slightly for illustrative purpose.

A judge is faced with an apparently irresponsible woman who has regularly abandoned her infant children for days on end, to the extent that the police have discovered them, this latest time, starving, dehydrated, and close to death. The judge rules that the woman must practice birth control from now on. Six months later, the defendant reappears before the court -- pregnant. Her attorney can hardly differ with the prosecution in terms of *definition*, since (1) pregnancy is a precise state beyond debate and (2) there is no debate also about the form of "birth control" which the judge had in mind and which the woman claims she used. They may differ on *measure* however, since it is an open question as to whether that form of birth control is 90 or 100 percent reliable, so the woman may be telling the truth about her precautionary device but still be pregnant; if that

is the case, the legal issue may come down to expert testimony on the *measure* of the birth-control device's reliability. So far, we have no question of *principle*. Now imagine, however, that the defense admits she did not practice birth control, but argues she was correct in disobeying the judge's orders, since her God-given right to procreate was abrogated by the court's ruling. Here at last we get a conflict of *principle*. Even given the fact that both parties care about the welfare of this woman's children, they may still arrive at different conclusions as they weigh one principle against another.

This is only one real-life analogy out of many. Most instances of serious disagreement involve two people arguing opposite sides of an issue, not because of logic but because they hold different principles, from which identical logic produces contradictory results. Moral dilemmas usually present two mutually incompatible principles, both of which we value, so that we must decide, however painfully, which one to honor.

Human nature is such that, when we argue, we usually try to avoid issues of principle so as to escape the frustration of arguing the unarguable. We prefer instead to iron out differences by discussing measure and definition. Our first tactic is to demonstrate some error in the other party's measurements, from which they will see that their conclusion is wrong. When that fails, we exert our right to define things differently, as if to say that our opponent's measure, though accurate, is irrelevant. But when all is said and done, both attempts to save the situation may fail. We may be in a moral bind, faced with making a choice based on nothing but our axiomatic adoption of one principle over another. Take a woman's claim to the right of abortion, for example, or a scientist's desire to design experiments using fetal tissue. Moral issues such as these often depend on axiomatic principles which lead us to define the case as one thing rather than another: abortion is a case of "murder" or it is not, depending on the principle whence we start. The present impasse between "right-to-life" and "prochoice" advocates demonstrates what can happen when people cannot abide each other's basic principles. But unless we abandon the argument, there may be no alternative to being forthright about what our principles are. We express them to our opponents in the hope that they will affirm our right to hold them, even though they do not agree with us.

Unlike measure and definition, principle is open neither to empirical nor to logical falsification. When it comes to principle, the only way to live together is to agree to disagree.

#### *A Case in Point*

The 1979 CCAR conference featured not one but two major presentations on Jewish unity: a plenum lecture by Rabbi Richard G. Hirsch, who spoke for the Reform movement in Israel,<sup>3</sup> and a debate the next night on whether Reform Judaism should adopt halakhic conversion requirements.<sup>4</sup> The address by Rabbi Hirsch illustrates how the three axes function together when we argue, and the remarks by Rabbi Samuel Karff, one of the debate participants, exemplify what happens when we address the principles that lie below the surface of measure and definition. At the same time, because of their subject matter, we will see firsthand some of the internal discussion that crystallized into Reform positions on Jewish unity.

Echoing the priorities of an Israeli constituency, Hirsch charged the Reform movement in America with insufficiently reversing the classical Reform stand that had elevated universalism above the values of peoplehood. First, he claimed, the movement still operates with a view of peoplehood as particularism and therefore inherently in opposition to universalism. Hirsch, who had served for several years as the director of the Reform movement's Religious Action Center in Washington, pointed to himself as living testimony to the fact that peoplehood and universal ethical values go hand in hand.

In Washington, I functioned ostensibly in the area of universalism . . . but I was always motivated by my Jewish particularism . . . . And now that I have been working in the State of Israel, supposedly the arena of Jewish particularism, I find manifold opportunities for the expression of the universalistic impulse, [for example] in serving on the board of an international center for youth which sponsors community centers for Jewish and Arab youth.<sup>5</sup>

Second, he advocated a return to halakhah with regard particularly to matters of *ishut* (personal status), not because of a desire for religious rapprochement with the Orthodox but because "we are agents of *Klal Yisrael* . . . . The question is not, will the Orthodox rabbinate recognize us, but will the rest of the Jewish world recognize us?"<sup>6</sup> On the other hand, he was careful to stipulate, "We are talking about a *halakhic orientation* rather than *halakhah*."<sup>7</sup> And finally, he urged a full return to Zionism, beyond what he called pro-Israelism. He called for encouragement of *aliyah* and cultivation of Hebrew as a second language among American Jews.

Now let us apply the three axes of judgment that I laid out above to unravel Hirsch's logic. Since, as I have said, most Reform Jews, and certainly the rabbis, claim absolute loyalty to the Jewish people and the highest concern for Israel, most of Hirsch's audience must have found the majority of his argument unassailable. And yet they would have stopped short of some of his conclusions. It is important for us to see how that is so.

His first point was the most successful of the three. When he was finished, he would unquestionably have found broad support for his position on universalism and particularism, primarily because he *redefined* the problem in such a way that Reform Jews who care about both can be saved from having to select one at the expense of the other. That is, he rescued Reform Jews from a dilemma of a conflict of principles. His third point too -- a call for more intense Zionism -- would have elicited broad-ranging support, at least in theory. But in practice, many Reform Jews would still stop short of the extent of *aliyah* and Hebrew consciousness that Hirsch proposed. Here we have a difference of *measure*. How much is enough?

But consider now Hirsch's argument for halakhah, on which most of his American colleagues would not have agreed. Why was he successful in his second plank? Hirsch himself did not propose a return to halakhah *per se*, remember. He redefined halakhah as a "halachic orientation." That in itself would command wide-ranging support, as Reform rabbis have no quarrel with taking halakhah seriously. That, they would maintain, is exactly what they do. The question becomes one of definition -- what counts as "seriously"? -- and also of measure -- how much loyalty to halakhah constitutes an "orientation"? Clearly, Reform rabbinic ranks are divided because at some point "too much halakhah" becomes a matter of principle in its own right and threatens to run counter to other principles that Reform Jews hold dear: the autonomy of individual conscience, for example, or egalitarianism. What happens if Reform Jews perceive halakhah as standing unalterably opposed to women serving as rabbis or witnesses? Conservative Judaism has adopted the tactic of successfully defining halakhah as a dynamic changeable entity that evolves with the times and escapes such conflicts of principles. In this case, for instance, though it once interpreted halakhah as opposing women in the *minyan* or women as rabbis, it now reads halakhah differently. But Reform Jews have found the Conservative redefinition unconvincing and have thus been left with a conflict of principles, in which we have opted for egalitarianism at the expense of halakhah.

The debate on standards of conversion illustrates what happens when the debate turns to principles. The case for a halakhic conversion was given by Rabbi Dow Marmor, then resident in England, who presented the reason behind the recent adoption of halakhic standards by the Reform Synagogues of Great Britain (RSGB). What matters here is his opening statement that "The primary impetus to our [the RSGB's] re-think comes from an article . . . by Eliezer Berkovitz

. . . who poses this vital question to all Reform Jews: 'How far will you go allowing your obligation to preserve unity and your commitment to a common destiny to control and modify your requirements for conversion?'"<sup>8</sup> At this point, I mean neither to agree nor to disagree with Marmur; but only to show that his -- or, rather, Berkovitz's -- definition of the terms of the argument already predetermined the conclusion. If the name of the game is halakhah, and if also the purpose is to retain Jewish unity, who wants to be found guilty of shirking in the game and foiling the success of all the other players! But as I have alluded, the game need not be so defined. And that is the position taken by Rabbi Marmur's discussion opponent, Rabbi Karff.

To be sure, Karff attacked Marmur's position on all three grounds for debate: measure, definition, and principle. Above all, he refused to define the game in terms of unity-halakhah; and when he was finished, he had reoriented his listeners to a different definition of what they were about, and a different set of principles underlying what they were doing.

He referred constantly to words like "legitimacy" and "authenticity." For example:

. . . What of our sense of legitimacy?

Dow Marmur and his colleagues have implied that what is at stake . . . is the authenticity of our Movement. Let me respectfully suggest that to make *milah* or *tevilah* [circumcision or ritual bath in a *mikvah*] for proselytes a test of our authenticity is a dangerous ploy. Why stop there? Could not one argue that any substantial deviation from the authoritative *halachah* as defined by a majority of recognized Orthodox scholars renders us inauthentic?

By this standard we must insist on the dietary laws, on a much more stringent observance of Sabbath rest, etc., etc. Let us not permit the strict *halachists* to provide the standards by which we judge our Jewish authenticity, in this matter or in others.<sup>9</sup>

It is important that we understand what he meant by "authenticity," because it is a key to the real issue underlying the debate between Reform spokespeople and our colleagues in other movements. Normally, we use the word "authentic" to speak about things like a Ming vase or a Rembrandt painting. There, the word has precise application. The vase is "authentic" if it meets the standards we have established elsewhere as characteristics of Ming pottery. Likewise, a painting is authentically Rembrandt's if it corresponds to the known facts about Rembrandt's work. Since Ming artists are anonymous, the criteria in the case of the vase are things like shape and color that we know to be true of Ming pottery and look for in any new sample that claims to belong to that category. With a known artist, the criteria are somewhat different -- we need proof that Rembrandt actually painted the work. In either case, authenticity presupposes a prior idea of what counts, a model against which the thing in question can be compared. Karff's objection to Marmur amounted to the claim that the issue of Jewish unity and the measuring rod of halakhah are not the only proper criteria for authenticating Judaism. In fact, they cannot be. The minute we accept them as such, the only way to rank as authentic is to fulfill the criteria that the authenticators demand. But those authenticators establish precisely the criteria that make the liberal Jew stop being liberal. Not that liberal Jews cannot keep the halakhah, but the halakhah functions differently for liberal Jews who have their own appropriately different standards for Jewish authenticity.

Thus Karff noted the need for a set of liberal Jewish principles to underlie what liberal Jews do with regard to Jewish unity. He redefined the issue, thus questioning the relevance of measuring halakhic propriety here. As he rephrased the matter, it was Jewish people, not Jewish unity, that mattered:

Must we grant that our present position in these matters is endangering Jewish survival in a post-Holocaust world?

That would indeed be a heavy burden, but I submit that quite the contrary is the case. Our prevailing American policy in dealing with matters of *Ishut* [personal status] is not thinning the ranks of Jewry, nor does it violate the imperative of Jewish survival . . . .

This is the hour to err on the side of inclusiveness. To the extent that Orthodoxy permits itself to be overly obsessed with the purity of our ranks and to act stringently in matter of *Ishut*, the burden of the question (Are you endangering Jewish survival?) falls more on them than on us.

In a positive vein, one can argue that the presence of a variety of options for potential converts does more to promote Jewish continuity than the presence of a single, very restrictive option.<sup>10</sup>

With Karff's concluding call for Reform Jews to define their own measure of authenticity based on a Reform redefinition of the issue, and rooted ultimately in Reform first principles, we have come to the point at which I can spell out a Reform position. It is not *the* Reform position, only *a* Reform position, but one which, I think, would probably find acceptance in an overwhelming percentage of thoughtful Reform Jews -- the thoughtful ones being, as I indicated, the only apt sample for measuring such things. Let us apply the three axes of judgment to the issue of Jewish unity, carefully untangling the places where we differ only on measure; where we define the problem in different ways; and where we have different underlying principles that lead Reform Jews to take stands consistent with their Jewish conscience elsewhere.

#### *A Reform Position*

I have already cited the record of the Reform rabbinate's discussions on conversion (1979) and on patrilineality (1982). One more meeting deserves mention. In 1986, the CCAR assembled in Snowmass, Colorado, under the presidency of Rabbi Jack Stern, who had declared Jewish unity to be a matter of exceptional importance and who dedicated much of the convention to reaching an understanding of what such unity might comprise. I shall return to his presidential remarks shortly, but in the meantime let us consider the keynote address by Rabbi David Ellenson, invited by Stern for the occasion to discuss "The Integrity of Reform within *Kelal Yisra'el*."<sup>11</sup> Ellenson is a respected faculty member at the Los Angeles school of the Hebrew Union College. His field includes considerable work in nineteenth-century responsa, and he is known for his sensitive, informed, and balanced views.

People familiar with Ellenson's work may have been prepared for what he would say. He had published a paper on conversion illustrating the fact that the Orthodox approach to conversion has within it not one but two strands of thought. His findings deserve extended citation.

The first attitude, a stringent one, which one of its [Orthodoxy's] own proponents, Jacob Ettlinger, described as being *lechumra* [stringent], marked the initial Orthodox response to the phenomenon of intermarriage and conversion in the modern world. Advocates of this view . . . were unyielding in their resolve not to admit such persons or their progeny into the Jewish world. Furthermore, they absolutely refused to recognize the right of non-Orthodox rabbis to admit such persons into the Jewish fold . . . .

On the other hand, another Orthodox attitude developed in the late 1800's and early 1900's. This attitude, marked by leniency and informed by the same halakhic process as the other one, indicates that this group of Orthodox leaders -- equally wedded to the halakhah -- felt that the halakhah contained other resources and precedents that were better suited to the realities the Jewish people confronted during this period of Jewish history.

The responsa of leading Orthodox halakhic authorities in the post-World War II

period reveal none of the "leniencies" and all, if not more, of the "stringencies" of the two attitudes.<sup>12</sup>

Not surprisingly, then, Ellenson's remarks to his colleagues at Snowmass presented a clear case for Reform Jewish redefinition of issues in terms of its own authentically Jewish principles, and a parallel call to non-Reform Jews to solve the problem of halakhah themselves, using the elasticity of the halakhah itself to do so. Rabbi Stern was later to agree, telling me, "I feel badly when we make principled decisions that cause the Orthodox difficulties; but those are not difficulties that we can solve for them. I believe that if they turn to halakhah creatively, they will find resources there that they can use to solve what, after all, are their problems." In the terms we have used here, we can say that the definition of the problem as halakhic is not a Reform definition; it is a definition laid down by Orthodoxy, and it must be solved by the Orthodox. To the claim that there is nothing that Orthodox Jews can do, Ellenson responds, in effect, like Stern, "But there is. Jewish law has more elasticity in it than we give it credit for."

At Snowmass, Ellenson turned in detail to the issue of Jewish unity in our time, but concluded in "a spirit of sadness":

My own family background, my own ties of friendship to many in the Orthodox community, my own sense of respect for the men whose writings I study -- all these factors combine to make me lament many of the directions I have mapped out today.<sup>13</sup>

What saddened him was the fact that, as a trained sociologist, he had discerned trends, already evident in his study on conversion, continuing in other areas as well. To begin with, the very term *klal Yisrael* in the intra-Jewish dialogue was being used not necessarily as an objectively evaluative, "broad-based term, an inclusionary one that emphasizes the shared sense of consciousness and relatedness that infuses all of Jewish life [in that it designates] the totality of the Jewish people"; rather, it showed up in a polemical way in that it was "invoked in order to allow one group of Jews to brand another as deviant and exclude them as sectarians."<sup>14</sup> By contrast, Ellenson called on Reform Jews to redefine the word *klal*, or "totality" of Jews, in the positive sense of, as much as possible, allowing everyone in -- much as Karff had emphasized the need in our time to be inclusive regarding the question of "who is a Jew."

Ellenson noted also that underlying the halakhic debate was a theological issue that would militate against Reform Judaism's acceptance even if Reform Jews were all to keep the halakhah with absolute precision. Even if Reform rabbis, for example, were to adopt *milah* and *tevilah* as necessary conversion requirements; even if they demanded a proper *get* for purposes of divorce; still, they would be unacceptable to growing numbers of Orthodox authorities since -- to cite but one responsum, by Rabbi David Bleich -- valid witnesses to such matters must "be committed to the acceptance of Torah -- both written and oral in its entirety. One who refuses to accept the divinity and binding authority of even the most minor detail of halakhah is, *ipso facto*, disqualified . . . . Ideological adherents of Reform and Conservative fall into this category."<sup>15</sup> In other words, the issue has been redefined even by growing numbers of Orthodox rabbis as a matter of belief, which, unlike practice, is beyond one's ability to control.

Thus the rabbis in Snowmass were advised to insist on their own definition of the problem. *Klal Yisrael* should be defined as broadly as possible; halakhah should not be accepted as the only valid measure; theological acceptance of a two-fold Torah -- both written and oral -- literally given at Sinai need not be regarded as necessary at all, and instead

[Reform Jews should] affirm the right and reality of pluralism. I do not mean that we, as Reform Jews, must retreat into a world of privacies where all meanings are assigned by

the individual. I do mean that we must live in mutual respect with one another, and that the integrity of Reform Judaism is dependent on the acknowledgement that Judaism can flourish only when it creates a culture in which many modes of discourse are developed and legitimated.

The ability to stand in relation with others is essential if true dialogue is to occur. Accordingly, we must cultivate the ability to listen and to empathize with the position of the other. If and when such affirmation of ourselves and others as fully equal partners will occur, we will not need to fear conflict or confrontation. Arguments need not be shunned; they are necessary for serious conversation.<sup>16</sup>

I cite Ellenson's address because it was received with what I thought was as close to universal acceptance as any paper delivered to a rabbinic convention can be. It forms the basis of my own position, which I can now summarize.

(1) As Ellenson put it very well, "Arguments need not be shunned, they are necessary for serious conversation." I prefer to converse with other Jews rather than to avoid issues that require clarity. Reform Jews, therefore, have the obligation to define the issue as they see it, to question the measure that others take of Reform Jewish commitment, and to stand by the ultimate principles that make Reform Judaism what it is.

(2) The most important matter of measure is the one discussed at the AJC conference: to what extent are we moving toward "two Jewish peoples" by the year 2000? Rabbi Greenberg adduces figures suggesting one answer, and Dr. Cohen produces statistics to prove the opposite. Reform Jews have to read both arguments carefully. If, in fact, Greenberg is right, then the practical consequences of my first point may require a softening of the Reform position, in the hope that eventually the "health" of the Jewish people will allow a more open dialogue than it now can bear. My own reading at the moment, however, is that Cohen's analysis is more convincing. Hence, I leave point one as it stands.

(3) Greenberg is entirely correct, however, to warn us against hasty reactions to extremism on both sides. Dialogue among moderates is essential, even if we doubt our own or the other's ability to change as much as we or they should like. We need to know where they stand, to take seriously their critiques, and to be aware of the consequence of our own position for them. When, in good conscience, we can alter positions in their favor, we should do so.

(4) The question of Jewish unity requires redefinition in the two ways I mentioned above. First, the issue is not unity so much as it is Jewish peoplehood. How, in this post-Holocaust era, can we assure a vibrant, creative, and healthy Jewish people, committed to the destiny we have called by many names: "chosenness," "the Jewish mission," and *tikkun olam*, to name but three. A restrictive definition based on halakhah alone is insufficient -- and to the extent that it does not do justice to what it intends to describe, it is wrong as well. There are many roads to Jewish commitment, some of them crystallized as movement identities and some of them not. Reform Judaism is one such road, equally as authentic as any other. Second, therefore, is our refusal to accept halakhah as the only appropriate aspect to be measured in determining who is a Jew, or how Jews ought to face the world. We define Judaism much more broadly than that.

(5) In speaking of Jewish peoplehood, we must also redefine the *klal*. When Reform Jews are told that our nonhalakhic stands put us outside the *klal*, we ought to ask what *klal* it puts us outside of. Actually, the vast majority of thoughtful Jews are either halakhic in the very sense that we are, or they are accepting of our right to be so. Here the calculus of Jewish peoplehood enters the picture. On the other hand, in the interest of widening the *klal* as much as possible, we may modify our stands to make it easier even for the few who object to our positions to accept us. But

on the other hand, we must measure the loss thereby entailed. If such decisions will shrink the ranks of the Jewish people in other ways -- or if they will conflict with other principles that we hold -- we will have to stand firm, in the hope that the others with whom we are in dialogue will understand, even as we understand their commitment to their own positions.

(6) Ultimately, Reform Jews have the right, even the obligation, to redefine the Jewish enterprise in accordance with the principles that make them the community they are. These principles are too many to note here, and in any case, to some extent, they change with time, for Judaism is nothing if not evolutionary. That is why we are still here after thousands of years of interaction in different cultures, not all of them nurturing. The principles are spelled out in various forms -- Reform Judaism's *Centenary Perspective*, for example.<sup>17</sup> Among the principles, however, are the following four.

(a) *Universalism within the context of particularism*, along the lines discussed by Hirsch. Attention to universalism goes back to the heritage of classical Reform, which traced its roots to Prophetic Judaism. Much as today we have transcended the limitations of that favored term, "ethical monotheism," we have not denied the centrality of what that term implies. At times, then, our stance on ethics may put us in conflict with other Jews -- even other Reform Jews -- mandating decisions that are dysfunctional for Jewish unity.

(b) *Autonomy of conscience*. Since ethical decisions are necessarily matters of conscience, I see no way out of entrusting Jewish decision-making to individual conscience. That is not to say that everything everyone decides is right; but everyone has the right to decide. With Ellenson, "I do not mean that we, as Reform Jews, must retreat into a world of privacies where all meanings are assigned by the individual. I do mean that we must live in mutual respect for one another."

(c) *Pluralism*. The decision to entrust decision-making to individuals acting in good faith according to their consciences implies that, within the broad scope of acceptability, different people will elect different paths to God and to God's service as members of the Jewish people.

(d) *Egalitarianism*. As a matter of ethics, Reform Judaism has adopted a principled stand insisting on equality of men and women. Patrilineality is an extension of that principle. Accepting women as rabbis, cantors, members of a *minyan*, or witnesses is an expression of it. To the extent that we are asked to contravene egalitarian principles, in the cause of Jewish unity, we will be unable to oblige. Again, if we define the issue as Jewish peoplehood, it will be seen that our egalitarian stand serves the best interests of the vast majority of the *klal* whom we serve, and at the same time, redounds to the best interest of the Jewish people as a whole.

(7) Reform Jews must insist that the proper measure of Reform Judaism is not the inactive, inattentive, or unlearned man or woman on the fringes who may claim affiliation with our institutions; instead, it is the learned and committed man or woman at our ideological and institutional core who has internalized our principles. Similarly, we do not identify as Orthodox, Conservative, or Reconstructionist just anyone who claims those labels. Spokespeople for "the core," however, have the obligation to identify for others where they see the center fading off into the fringes. Thus we must try to clarify what is acceptable and what is not within the parameters of Reform principles; and the extent that spokespeople emerge in our movement taking stands that we see as inappropriate, not conducive to Jewish peoplehood and the Jewish mission, we must openly express our positions to the contrary, going so far, if need be, as to repudiate what those others say. We ask that the other movements act similarly, so that all of us may know who our dialogue partners are and what they themselves take to be the proper range of opinion within their ranks.

This last point is very important! It may be difficult for moderates to disavow their own extremists, especially if they do not want to be disavowed themselves by those farther on the fringes of their own movement. But dialogue goes hand in hand with disavowal of those who make dialogue impossible. We cannot have one without the other.

### *Conclusion*

I referred above to the abiding concern for Jewish unity that Rabbi Jack Stern brought to his presidency of the Central Conference of American Rabbis. In his presidential address at the Showmass Convention, he turned to the theme immediately. In 1979, conversion had been the explosive issue around which matters of unity revolved. After 1982, patrilineality took its place as the lightning rod for conflict. Stern therefore focused on patrilineality, taking what might seem at first glance to be a hardened stand that prohibited the very dialogue he advocated. In fact, it was not that. As a matter of principle, he did deny the possibility of overturning the 1982 resolution. But he concluded with a call for Jewish unity within the context of peoplehood, a position with which I am in full agreement.

Recognizing the principled impossibility of sectors within the Jewish people to compromise on principles, he called for a redefinition of the issue of unity in practical terms. Unity should be measured not by uniformity in ultimate principles but by cooperative Jewish endeavor in the many arenas of pragmatic challenge that demand our attention. The survival of the Jewish people as an agent of *tikkun olam* requires that we work together regardless of differences on the many issues of moment that face us.

He concluded, as I do:

We should be done with rhetoric such as "the coming cataclysm." We should be done with talk of two Jewish peoples in the year 2000.

I align myself with those who prefer the road of peace . . . . I take my stand, and urge you to do the same, with those who are convinced that the road to peace is paved not only with ideology, but also with pragmatism, that the Jewish people have enough battles on enough fronts that it makes precious little sense to wage an internal one.<sup>18</sup>

### *Notes*

1. See "Report of the Committee on Patrilineal Descent," *Central Conference of American Rabbis Yearbook* [hereafter referred to as *CCARY*] 92 (1982): 67-84. The issue was debated within the context of a paper surveying the sorry state of religious nonaffiliation (Judith Lederer, "Special Presentation on the Results of the Survey on Non-affiliation," pp. 52-61) and an address by the president of the Union of American Hebrew Congregations (UAHC), Rabbi Alexander Schindler, who had first put forward the patrilineal proposal. Though Schindler did refer to the issue of egalitarianism ("Remarks," p. 63), the bulk of his report dealt with outreach, the context in which patrilineality was then conceived.
2. David Ellenson, "The Integrity of Reform within *Kelal Yisra'el*," *CCARY* 96 (1986): 29.
3. Richard G. Hirsch, "Jewish Peoplehood: Implications for Reform," *CCARY* 89 (1979): 164-173.
4. Dow Marmor and Samuel E. Karff, "The Question of *Ishut*: Should There Be Minimal Standards for Conversion in Reform?," *CCARY* 89 (1979): 148-160.
5. Hirsch, "Jewish Peoplehood," pp. 165-166.
6. *Ibid.*, p. 169.
7. *Ibid.*, p. 170.

8. Marmor and Karff, "Question of *Ishut*," p. 150; citing Eliezer Berkovitz, "Conversion according to *Halakhah* -- What Is It?," *Judaism* 23:4 (1974): 467ff.
9. *Ibid.*, p. 157.
10. *Ibid.*, p. 159.
11. Ellenson, "Integrity of Reform," pp. 21-32.
12. David Ellenson, "The Development of Orthodox Attitudes to Conversion in the Modern Period," *Conservative Judaism* 36 (1983): 70-71.
13. Ellenson, "Integrity of Reform," p. 30.
14. *Ibid.*, p. 21.
15. *Ibid.*, pp. 25-26.
16. *Ibid.*, pp. 29-30.
17. See Eugene B. Borowitz, *Reform Judaism Today*, vol. 1, *Reform in the Process of Change* (New York: Behrman House, 1978), "Introduction," pp. xix-xxv.
18. Jack Stern, "President's Message," *CCARY* 96 (1986): 4.

## SHIFTING BOUNDARIES BETWEEN JEWS AND GENTILES

Shaye J. D. Cohen

From ancient to modern times Jews have seen themselves as a distinct group. According to this perspective the humans of the world are of two types: Jews ("Israel") and gentiles ("the nations"). The Jews alone are God's chosen people and the bearers of the divine Torah. In the language of the liturgy, God has separated "sacred from profane, light from darkness, and Israel from the nations." In popular language God has separated "us" (the Jews) from "them" (the gentiles). In the language of sociologists and anthropologists, Jews separate themselves from gentiles by maintaining a "boundary." But the separation between Jew and gentile is not total; the boundary more resembles a semipermeable membrane (if I remember my high-school biology correctly) than a brick wall or an iron curtain. Ideas, practices, and people cross the boundary in both directions. The process by which ideas and practices cross the boundary is usually designated by the terms "influence," "assimilation," "acculturation," and the like. The process by which people cross the boundary is similarly designated by various terms. When a Jew leaves Judaism, crosses the boundary, and becomes (or attempts to become) a gentile, in the eyes of the Jewish community he or she is committing "apostasy" and is an "apostate" (a *meshumad* in Hebrew). When a gentile leaves his or her native group, crosses the boundary, and becomes (or attempts to become) a Jew, in the eyes of the Jewish community he or she is undergoing "conversion" and is a "convert" or a "proselyte" (a *ger* in Hebrew). In yet another process the boundary between Jew and gentile is not so much crossed as it is rendered indistinct: when a Jew marries a gentile, the Jewish community must determine whether the Jew is still a Jew, whether the gentile is still a gentile, and to which category the offspring of the intermarriage should be assigned.

The subject of this essay is conversion, apostasy, and intermarriage. All three of these processes raise difficult questions for the Jewish community because all three involve a denial of an important aspect of Jewish self-definition. In the Jewish conception of the cosmic order, a Jew is a Jew and a gentile is a gentile, but here is a gentile who has become a Jew, here is a Jew who has become a gentile, and here is a person whose parentage combines both Jew and gentile. In the language of the anthropologists, these three processes are "dangerous," because they threaten the natural order. The human beings involved are anomalous creatures who refuse to fit neatly in the Jewish classification system. As a result, proselytes, apostates, and intermarrieds have always posed status problems to the community. Rabbinic law (*halakhah*) defined the status of these anomalies, but the law developed greatly over the centuries and always contained internal ambiguities and contradictions. In the prerabbinic world of Greco-Roman antiquity, as in the postrabbinic world of modern times, the ambiguities and contradictions are even more pronounced, because the boundary is not drawn as clearly as it was by rabbinic law. Here I shall briefly illustrate the

diversity and nonrabbinic character of the boundary definitions used by the Jews of antiquity in cases of conversion, apostasy, and intermarriage. In my conclusion I shall discuss whether this material has any relevance to contemporary Judaism.

### *Proselytes*

What was the status of Herod the Great, king of Judaea from 37 to 4 B.C.E., extraordinary builder, and murderer of his wives and children? Antiquity gives us five different answers.

(1) For Josephus, Herod was an "Idumaeen," that is, a Jew from the district of Idumaea (south of Judaea). The Idumaeans converted to Judaism during the reign of the Hasmonean king John Hyrcanus, and Herod belonged to an aristocratic Idumaeen family. Although the Idumaeans were originally a foreign people, Josephus has no doubt that by Herod's time they were Jews, that is, worshippers of the God of Israel. For Josephus, Herod is a Jewish king.

(2) Herod's court apologist, in his officially authorized biography of the monarch, said that Herod was a scion of a family that returned from Babylonia in the time of the Persians. In American terms, Herod's family came over on the *Mayflower* and belonged to the blue bloods of society. Presumably Herod was self-conscious of his foreign and therefore ignoble stock, and suggested to his biographer that he discover a genealogy more befitting the grandeur of his employer.

(3) Herod faced much opposition during his tenure on the throne. Early in his reign his chief opponent was a descendant of the Maccabees, who claimed that Herod was an "Idumaeen, that is, a half-Jew." Whether this Maccabean pretender believed that all proselytes were really "half-Jews," or only that Idumaeen proselytes were half-Jews because of some irregularity in their conversion (it was widely believed that the Idumaeans were converted to Judaism against their will), is not clear. In any case, some opponents of the king regarded him as a half-Jew.

(4) Various church fathers report that Herod was the descendant not of Idumaeans but of some pagan Philistines enslaved by the Idumaeans. In other words, Herod was a gentile and a slave, not an Idumaeen Jew and an aristocrat. The church fathers probably derived this information from Jewish sources and thereby have preserved yet another expression of Jewish anti-Herodian polemic.

(5) The first four answers differ from each other, to be sure, but all of them share the assumption that Herod inherited his status from his father. However, according to rabbinic law as codified in the second century C.E., Herod's status ought to have followed that of his mother. Josephus reports that Herod's mother was a noble woman from Arabia. Josephus is unaware that this fact might have any impact on Herod's Jewishness, but according to rabbinic law a gentile woman bears a gentile child no matter whether its father is a Jew, a convert, or a gentile. Since there is no indication that Herod's Arabian mother was either a Jew or a convert, we may assume that she was a gentile. If so, Herod was a gentile too according to rabbinic law. The fact that no Jew of the first century came to this conclusion shows that the rabbinic matrilineal principle did not yet exist, or at least was not yet widely accepted.

What then was the status of Herod the Great? At one and the same time he was an Idumaeen Jew like his father, a Jewish blue blood like his father, an Idumaeen half-Jew like his father, a Philistine slave like his father, and a gentile like his mother. Since Herod was scarcely the average or typical convert (or Jew or gentile, whatever he was), the range of responses to the question of his status is unusually broad. Nevertheless, his case well illustrates the uncertainty of the contours of the boundary that separates Jews from gentiles.

I now turn from a specific case to the phenomenon of conversion in general. In the eyes of the gentiles whom he or she has left behind, a proselyte has "become a Jew." The boundary has been crossed and outsiders see the proselyte as a member of a new and distinct community. But in the eyes of the Jews in whose midst the proselyte has arrived, the matter is not so simple. Nominally, at least, the proselyte is no longer a gentile but a Jew. Rabbinic law declares that a proselyte, upon emerging from the ritual bath at the completion of the conversion ceremony, "is like a Jew in all respects." There are many exceptions to this declaration, however, because we cannot pretend that a naturalized Jew, who until recently has lived as a gentile and whose parents and blood relations are gentiles, is "just like" a native Jew. The Mishnah prohibits a convert from saying the phrase "our God and God of our fathers" in his prayers. It likewise prohibits him from reciting the formula "from the land you have sworn unto our fathers to give us" when bringing first fruits to the temple. After all, God spoke with our fathers, Abraham, Isaac, and Jacob, not with his fathers. The Mishnah is expressing an attitude based not on xenophobia or racism but on reality. The Palestinian Talmud reverses the Mishnah's stand and argues that all converts are the descendants of Abraham and therefore eligible to recite the phrase "our God and God of our fathers." In the Middle Ages, rabbinic authorities debated whether the law followed the Mishnah or the Talmud, and even though the ultimate decision was in the proselyte's favor (and this is the halakhah to this day: proselytes say "our God and God of our fathers"), the enduring debate shows that proselytes really are not "just like" the native born. In the eyes of gentiles, a convert is a Jew, but in the eyes of the Jews he or she is not simply a Jew but a proselyte, a special kind of Jew unlike the native born.

If there was some uncertainty about the degree to which a convert really crossed the boundary, there was also uncertainty about the precise location of the boundary. What did a gentile have to do or believe in order to become a convert? In their writings the rabbis gave a precise answer to this question. If a gentile believed exclusively in the God of Israel, accepted the yoke of the commandments, received circumcision (women converts were exempt from this requirement), and immersed in a ritual bath, and if all this took place according to proper legal form, the gentile was no longer a gentile but a Jew. This is the rabbinic system; other systems were possible too. A Roman historian of the early third century C.E., after mentioning the term "Jews" (*Ioudaioi* in Greek), writes: "whence this name came to be applied to them, I do not know, but it refers also to all those people, even those of other nations, who are devoted to their practices." In the eyes of this gentile, any non-Jew devoted to Jewish practices is called a Jew. "Conversion" is not the critical factor. The gentile historian does not even specify which Jewish practices have to be observed; apparently they are all the same. In one Josephan passage a gentile declares to a group of Jews threatening him that he is prepared "to Judaize as far as circumcision" if his life would be spared. In this conception "Judaizing" covers a broad range of meanings, from supporting the Jews in their political struggles to the adoption of circumcision. Once again, "conversion" is not a critical factor. In these perspectives, neither the boundary between Jew and gentile nor the means for crossing it was clearly marked. Whether any Jewish community in antiquity defined itself according to either of these perspectives is not known.

#### *Apostates*

A Jew who seeks to leave the Jewish fold crosses the same boundary that a proselyte does, but in the opposite direction. The same ambiguities obtain here as well. Precisely what must a Jew do or cease doing in order to become less a Jew and more a gentile? Can in fact a Jew become less a Jew and more a gentile? In the Middle Ages apostasy was a major problem for the Jewish community, and the rabbinic jurists discuss numerous legal questions involving apostates: Is the apostate still legally married to his or her former spouse? What are the apostate's rights of inheritance? What should be done if an apostate seeks to return to Judaism? In ancient times

apostasy was much less common than it would become in medieval times and therefore there is much less material for analysis.

Here are two ancient descriptions of apostates. The first is from the Third Book of Maccabees, written in the first century of our era but referring to events of the third century B.C.E. The author mentions one "Dositheus, known as the son of Drimylus, a Jew by birth who later changed his customs and became estranged from the ancestral traditions." The second description is Josephus's portrait of Tiberius Julius Alexander, a scion of a wealthy and important Jewish family in Alexandria and a nephew of the philosopher Philo. Tiberius had a resplendent career in the Roman civil service, filling one distinguished post after another. For many years he was the imperial administrator of the province of Egypt, and during the Jewish revolt against the Romans (66-70 C.E.) he served on the staff of the Roman general Titus. Josephus remarks about him that "he did not abide by the ancestral customs." Both Dositheus and Tiberius Alexander appear in other sources as well. In one document Dositheus appears as a priest of the cult of Alexander the Great. Several historians and official documents mention or quote Tiberius Alexander. It is striking that none of these other sources even hints at the Jewish origins of the two men. In their own eyes and in the eyes of the non-Jews around them, Dositheus and Tiberius Alexander were not Jews. If a Jew is someone who observes the Jewish laws (see above), then someone who does not observe the laws is not a Jew. How Dositheus and Tiberius Alexander were viewed by their Jewish contemporaries, and how exactly Jewish society distinguished "bad" or "nonobservant" Jews from "apostates," we do not know.

It was Rashi (R. Solomon ben Isaac of Troyes, 1040-1105) who gave legal consequences to the principle that a Jew, no matter how sinful he or she might be, remains a Jew. An apostate might regard himself as no longer a Jew, and might be so regarded by gentile society as well, but Jewish society will continue to regard the apostate as a wayward Jew. This principle was unknown in ancient times, and even in medieval times it was not universally accepted or consistently applied.

### *Intermarriage*

The status of the offspring of intermarriage has become a major issue in the contemporary Jewish community. This debate is the product of modern conditions, but antiquity too had its own debates and uncertainties. Here is a good example.

And he [Paul] came also to Derbe and to Lystra. A disciple was there, named Timothy, the son of a Jewish woman who was a believer; but his father was a Greek. He was well spoken of by the brethren at Lystra and Iconium. Paul wanted Timothy to accompany him; and he took him and circumcised him because of the Jews that were in those places, for they all knew that his father was a Greek. (Acts 16:1-3)

Timothy had a Jewish mother and a gentile father. Paul circumcised him "because of the Jews that were in those places." Was Paul circumcising a gentile, that is, converting him to Judaism, or was he circumcising an uncircumcised Jew? Was Timothy a gentile like his father or a Jew like his mother? Although the passage in Acts is ambiguous, the phrase "for they all knew that his father was a Greek" implies that Timothy's status followed that of his father. His father was a Greek, that is, a gentile, and Timothy was therefore a gentile as well. Since all the Jews of that district knew Timothy's lineage, Paul realized that he would have to circumcise him because a gentile would be an inappropriate traveling companion. This interpretation, which was adopted by numerous Christian writers in antiquity, probably reflects the simple meaning of the verse.

Not all Jews necessarily would have agreed that Timothy, before his circumcision, was a gentile.

I leave aside now the question of the significance of circumcision in order to focus specifically on the question of lineage. According to rabbinic law, referred to above in my discussion of Herod the Great, the offspring of a gentile father and a Jewish mother is a Jew, a view unknown to Paul, to the author of Acts, and to the Jews of Asia Minor. But the rabbis debated among themselves the marriageability of such a Jew. According to the Mishnah, the offspring of a Jewish mother and a gentile father is a *mamzer*, a Jew of impaired status (sometimes translated "bastard," but this translation is misleading). A *mamzer* is a Jew in all respects, but suffers one serious impairment: he or she may not marry a native Jew of unimpaired status. If a *mamzer* marries a native Jew (a prohibited union) or a convert (a permitted union), the offspring of the marriage is a *mamzer* as well, subject to the same disabilities as the parent. A product of the violation of a boundary, a *mamzer* is an anomalous creature, a Jew forbidden to marry other Jews. However, the rabbis of the Talmud debate whether in fact the offspring of a gentile father and a Jewish mother is a *mamzer*, and they conclude by reversing the Mishnah's ruling. The offspring is not a *mamzer*. The social factors that motivated this debate and reversal of anterior opinion are unknown.

### Conclusions

The boundary that separates Jews and Judaism from the rest of the world is essential to Jewish self-understanding, but the Jewish understanding of that border has varied greatly. In the rabbinic system, Judaism is both a religion (a set of beliefs and practices) and a nation (a group linked by birth). Insofar as Judaism was a religion, it permitted conversion and recognized the reality of apostasy. Insofar as Judaism was a nation, it did not allow the convert full equality with the native and claimed that a Jew always remained a Jew because birth is immutable. These principles exert pressure in different directions, and as a result of these contrasting forces the rabbinic system is filled with ambiguities.

From late antiquity through the Middle Ages the rabbis defined and defended this boundary by demanding adherence to rabbinic law and maintaining closed social structures that were designed to keep the Jews safely inside their own community. The gentile world cooperated in this endeavor; in both Muslim and Christian countries the state recognized the rabbinic movement as the leadership class of the Jews and segregated Jewish from general society. The Jews of every locale formed communities that were recognized by the state; all Jews were members of these corporate bodies. But in the nineteenth century traditional rabbinic Judaism lost its hold on large portions of European and American Jewry. The nineteenth century is the age of the demise of the *kehillah* (the state-recognized corporate community of the Jews), the emergence of the individual Jew into Western society, the reinterpretation of Judaism under the impact of the Enlightenment, the intense and sustained social and cultural interaction between Jews and gentiles, the tremendous decline in the power of the traditional rabbinate, and the rise of reform and secular movements. As a result of these developments, for many Jews there was no longer a boundary that separated the holy people from the nations of the world. For others the boundary still existed but it was no longer the barrier that it had been previously. Only a determined minority, led by the newly defined "orthodox" rabbinate, tried to maintain the old boundary markers; indeed, in reaction to the trends that disturbed them so, these Jews drew the boundary more sharply than ever and tried to make it more a barrier than ever.

The contemporary Jewish community is confronting the outcome of these developments. The vast majority of contemporary Jews live in a "postrabbinic" world. Their lives are governed neither by traditional rabbinic norms nor by traditional rabbis. Their cultural and social relations with the gentiles are much freer than traditional piety would allow. They have worked out new definitions of apostasy and conversion, and have elaborated new rules governing the status of the partners to, and the offspring of, intermarriages.

These developments of the nineteenth and twentieth centuries are indeed unprecedented in history, but they do have close analogues in the world of Jewish antiquity. If contemporary Judaism is "postrabbinic," the Judaism of Greco-Roman antiquity is "prerabbinic." A large and vibrant Jewish presence in the Diaspora complemented the Jewish community of the land of Israel and its institutions. Membership in the Jewish communities, especially in the Diaspora, was completely voluntary; it was easy for a Jew to "drop out" and remain "unaffiliated." In the last centuries B.C.E. and the first centuries C.E. the rabbinic movement was not yet fully formed. Outside of certain parts of the land of Israel and Babylonia its influence was meager. It did not yet have state recognition and could not yet impose its will on the Jewish community. Nor was there any other group or office to serve as the central religious authority. Consequently there was great diversity in theology and practice. The boundary between Jew and gentile was drawn in diverse ways by the diverse Jewish communities of antiquity. In this prerabbinic world there is no sign of the rabbinic definitions of either conversion or apostasy, and no sign of the rabbinic method for determining the status of the offspring of intermarriage. It is likely that one and the same person could be looked upon as a Jew by one group and as a gentile by another, or as a Jew of good standing by one group and as an unmarriageable Jew by another.

What is striking is the ability of ancient Judaism to tolerate so great diversity and uncertainty in matters of cardinal importance. But it did. There is no evidence of the acrimonious and strident debates that are so common today. The Jews of antiquity were regarded by outsiders as members of a single religious system, and we may be sure that the Jews too (aside from a few sectarian extremists) regarded themselves as members of a single religious system. Even if we do not fully understand the basis of their mutual tolerance, we would do well to attempt to emulate it.

Emulating the past, however, will not be easy. Contemporary Judaism is highly politicized in both America and Israel, and the debates among the organizations involve not only ideology and practice but also power and authority. The number of conversions and intermarriages in modern times far exceeds the number in antiquity or at any other point in Jewish history. The dimensions of the problem are much broader, and consequently a much greater degree of tolerance is needed. The past provides analogies to our contemporary situation; it does not, however, provide solutions to our problems.

## THE LIMITS OF TOLERANCE: HALAKHAH AND HISTORY

Lawrence H. Schiffman

The problem of Jewish unity is not a new one. In fact, it runs like a constant motif throughout the biblical period, the Hellenistic age, and medieval and modern times. As the Jewish community in America experiences the breakup of old alliances and faces new challenges, it is fitting that we follow the advice of the Book of Deuteronomy: "Go and inquire of days gone by" (Deut. 4:32). We shall therefore devote this study to accounts of various sectarian controversies of the past, specifically asking why some resulted in the total separation of a group from the Jewish people while others did not. The controversies are those involving the Samaritans, the sects of the Second Temple period, the early Jewish Christians, and the Karaites.

In each case, we will find that the litmus test of Jewish identity is the permissibility of marriage between mainstream Jews and the sectaries. Put simply: Whenever a group takes issue with the accepted criteria of Jewish identity, the mainstream of the Jewish people eventually responds by prohibiting marriage with members of that group. Once marriage is prohibited, there is little to prevent the eventual separation of that group from the Jewish people. They become a separate people, no longer considered Jews.

Before we examine these precedents, we must first demonstrate their relevance to contemporary Jews. After all, one can argue that these precedents are of questionable value since conditions today are so different from those of the distant past. But we would argue otherwise. The conditions in which Judaism finds itself today are analogous to those prevailing at the times of the controversies we will examine.

Today the Jewish community is living in the midst of radical changes wrought by the processes of modernization -- enlightenment, emancipation, secularization, and assimilation. Yet these same processes have occurred before in Jewish history. The first period in which they operated was that of the Judges and the monarchy, after the Israelites entered and conquered Canaan. The Bible describes at length the struggles for religious and group identity that took place. Just as in recent times, Jews then confronted a "modern" society. Canaanite society, archaeologists tell us, was far in advance of that of the primitive desert tribesmen who swept into the country. Israelites were faced with a variety of options, from that advocated by the Bible -- complete separation from the ways of the Canaanites -- to complete assimilation. The processes of modernization operated also in the Hellenistic era, and the same options were offered. After the Islamic conquest of the seventh century C.E. the Jews were again faced with similar possibilities,

although here assimilation was a much less practical option than in the biblical and Hellenistic periods, and certainly than in modern times.

The problems faced by Jews when confronted by "modern" societies whose cultures appear more advanced, attractive, and somehow more open have been similar throughout Jewish history. Certain elements in the Jewish tradition, along with the economic, political, and social role of the Jews, as well as the way in which the dominant cultures react to the Jews, all combine to create a history which, to use a cliché, repeats itself. To understand any one period, therefore, others must also be examined. To understand the contemporary Jewish condition, its problems and its glories, we must appeal to the experience of the past.

### *The Samaritan Schism*

There is considerable scholarly controversy regarding the date of the Samaritan schism. Although some seek to identify the origins of the Samaritans in the Hellenistic period, their beginnings should be traced back to the sixth century B.C.E. When the Assyrians destroyed the northern kingdom of Israel in 722 B.C.E., they exiled the upper crust of society in order to deprive the country of its leadership. At the same time, as they did elsewhere, they brought in foreign elements to create a mixed population unlikely to unite and revolt. These new elements eventually mixed with the native population and together they evolved a syncretistic form of Israelite worship.

When the Judaeans returned to rebuild the Temple about 520 B.C.E., the Samaritans, identifying with the Judaeans, offered to help in the endeavor. The Judaeans rejected the Samaritans because of their questionable Jewish descent and their syncretistic cult. As a result, long centuries of hostility began. The Samaritans constantly attempted to block the rebuilding of Jerusalem by appealing to the Persian authorities.

Following their rejection by the Judaeans, the Samaritans set up their own cult center at Mt. Gerizim near Shechem, modern Nablus. Yet the subsequent history of Jewish-Samaritan relations was one of continued hostility. In the Hellenistic period, the Samaritans often took stands against their Judaeans neighbors. The Samaritan temple was destroyed by the Hasmoneans. Nonetheless, throughout this period the Samaritans continued to have an ambiguous status as Jews. They were regarded as Jews who had somehow been corrupted in their religious practices. As we enter the Tannaitic period, we can trace, generation by generation, the process of final separation of the Samaritans from the Jews. Relationships deteriorated, especially when the Samaritans sided with the Romans, perhaps already in the Great Revolt (66-73 C.E.) but definitely in the Bar Kokhba revolt (132-135 C.E.). By the end of the Tannaitic period, the Samaritans were treated as non-Jews.<sup>1</sup> This view is enshrined in the post-Talmudic tractate *Kutim*, which simply appropriates laws regarding non-Jews and applies them to the Samaritans, substituting the word *kuti*, meaning Samaritan, for *goy*, non-Jew. In fact, *kuti* became practically synonymous with non-Jew, leading to its use by Christian censors as a substitute for *goy* in Hebrew printed texts.

In the case of the Samaritan schism, certainly by Tannaitic times Jews would not marry Samaritans, since they were of doubtful status. At some point, probably in the Middle Ages, Samaritans were forbidden to marry Jews. The two groups saw themselves as independent religious communities, acknowledging only their historic connections. The rise of the modern State of Israel has ameliorated the social aspects of this conflict, but Jews are still forbidden to marry Samaritans. Some Samaritans permit marriage to Jewish women, but this leniency came about only recently because the Samaritan population has shrunk to a level at which its survival is threatened. Clearly, Jews and Samaritans separated permanently, and the prohibition of marriage between these two communities was a natural result.

### *Sectarianism in the Second Temple Period*

The major sects of the Second Temple period first appear in our sources in the aftermath of the Maccabean revolt (168-164 B.C.E.).<sup>2</sup> Yet in truth the process of Hellenization began much earlier. The rise of the Maccabees (Hasmoneans) was occasioned by ferment in Jewish religious thought which led to a crisis regarding the extent and the manner in which the Jews were going to accommodate themselves to Hellenism. The Maccabees settled matters only partially, eliminating extreme Hellenization as a possibility. Yet their successful revolt left open a number of options regarding Hellenism, and also brought to the fore various other issues in Jewish religious thought and in the development of Jewish law. As a result, recognizable groups, known usually by the somewhat inaccurate term "sects," emerged. We will discuss here the major groups, yet it should be borne in mind that numerous smaller and even undocumented sects existed in this period. Further, most of the Jewish population in Palestine was only tangentially connected to the issues these sects debated.

Best known among these groups are the Pharisees and the Sadducees. The Pharisees represented a group of lay teachers of the Torah who, along with the Sadducees, formed a coalition in the *gerousia* ("council of elders") of the Hasmonean kings. The Pharisees were linked to the urban middle classes, and took their name from their life of separation from ritual impurity and untithed produce. The Sadducees, named for Zadok, the high priest under Solomon, were a priestly group. They were close to the aristocratic families who had intermarried with the high-priestly families. Whereas the Pharisees valued traditions that were passed on from generation to generation, the Sadducees claimed authority only for the written text of the Bible. For this reason, they have often been regarded as a literalist sect. Both sides claimed to possess the correct interpretation of the Torah. They disputed also regarding many issues of Jewish law that emerged from the interpretations they espoused.

From later sources, it appears that the Pharisees and Sadducees disagreed about fundamentals of Jewish belief. The Pharisees believed in the division of body and soul and in the resurrection, which the Sadducees rejected. The Pharisees believed in angels and the Sadducees did not. They had different views on the question of free will. The Sadducees lived a more Hellenized life, whereas the Pharisees attempted to limit Hellenistic influence to what is usually called material culture, such matters as vocabulary, technology, and architecture.

At the same time, other Jews, not involved in the mainstream of Hasmonean politics, organized groups of believers. Josephus and Philo describe at length the sect of the Essenes.<sup>3</sup> Many scholars have identified the Essenes with the sect that left its library in the caves of Qumran, usually termed the Dead Sea or Qumran sect.<sup>4</sup> Philo and Josephus, as well as the scrolls, describe groups that separated from the dominant trends of Judaism of their times and devoted themselves to the attainment and preservation of purity and holiness. These groups had complex systems of admission, and penalties for those who violated their regulations. They stressed immersion and prayer alongside study of the Torah. They looked forward to apocalyptic wars, from which they would emerge victorious and their enemies, the Jerusalem establishment, defeated.

The various groups we have surveyed and a number of other sects vied with one another for the allegiance of the Jewish populace in the last two centuries B.C.E. Much polemic and even invective passed among the groups. Yet it is important to note that at no time did any group assert the non-Jewishness or illegitimacy of the status of members of the other groups. No such issues were raised. Hence, these controversies did not lead to the separation of anyone from the Jewish people. Ultimately, the Pharisees would pass their traditions on to the Tannaim, the teachers of the Mishnah, and they would be molded into Rabbinic Judaism. Nonetheless, the disputes among the sects in many ways enriched Judaism, as can be seen from tracing the entry of some of these

ideas into the talmudic tradition. Yet in our haste to affirm the validity of Jewish religious pluralism, we should remember that the ultimate result of the disunity in Second Temple times was the inability of the Jewish people to join together in the face of Roman rule. Had a unified stand been taken, either to revolt in full force or to reach an accommodation with the Romans, the great disaster of the total destruction of the Temple, Jerusalem, and Judaea in the course of the Great Revolt might have been avoided.

### *The Jewish-Christian Schism*

It was not long, however, until a different schism was to have markedly different results. Among the sects of the Second Temple period, a major subject of controversy was the messianic idea.<sup>5</sup> Whereas many Jews saw the messianic age as coming in the distant future, others took a more apocalyptic view, expecting the end of days to arrive very soon out of the struggles and suffering of their own age. Such tendencies ultimately helped to foster the conditions necessary for the rise of Christianity.

Early in the first century C.E. there coalesced around Jesus a group of disciples attracted to his teachings and to his expectations of the dawn of a new age. His crucifixion at the hands of the Romans transformed him in the eyes of his disciples into a messianic figure, whose death in some way paved the way for redemption. As such, his followers, still living as Jews and basically following the mandates of Jewish law, were distinguished in their earliest stage of development only by their belief that the Messiah had come in the person of Jesus.

In the aftermath of the destruction of the Second Temple, the Tannaim attempted to draw Judaism together around a common tradition. They regarded Christianity as heretical, and branded the early Christians as *minim*, Jews holding incorrect beliefs. Although they regarded the Christians as Jews, since they were Jews according to halakhah, the Tannaim took a strong stand. They excluded Christians from serving as precentor in the synagogue, then declared their scriptures to have no sanctity, even if they contained the name of God, then prohibited certain forms of commercial and social contact with them. Yet throughout this first period, there was no challenge to their halakhic status as Jews and no decree that prohibited marriage with them.

All this was soon to change as a result of developments that took place within the nascent Christian church. Sometime in the mid-first century, the apostle Paul returned to Jerusalem from one of his journeys abroad with a new concept. He had found great interest in Christianity among gentiles. This was especially the case since many had already come into contact with Jewish ideas. Yet as can be seen from the phenomenon of semiproselytes, there was substantial hesitation to formally convert to Judaism in the Greco-Roman world. Full conversion involved the observance of Jewish law, including circumcision and dietary restrictions. Paul made it possible to become a Christian without first becoming a Jew. He himself would have preferred the abandonment of the law for all Christians, since he saw this as the natural result of the coming of Jesus, yet the proposal he made was a compromise with other Christians more attached to Jewish practices. Ultimately, Paul's approach was accepted and Christianity was opened to gentile believers, who streamed into the new faith and quickly spread it throughout the neighboring countries.

It was not long before the Tannaim reacted to the changed nature of the Christian community. Whereas the earlier Tannaim had faced Jews who believed that Jesus was the Messiah, the rabbis now confronted non-Jews (from the halakhic point of view) who constituted a separate religious community. These were not *minim*, Jews with heretical beliefs, but *noserim*, Christians. During the Bar Kokhba revolt, the Christians, unable to support the messianic pretensions of Bar Kokhba, sided with the Romans. By the end of the Bar Kokhba revolt, the rabbis regarded the

entire Christian community as non-Jewish. Even the bishop of Jerusalem was now gentile, since Jews (even Jewish Christians) were prohibited from living in the Holy City. It no longer mattered that a few of the Christians were technically Jewish. The lack of Jewish status of the group as a whole led the rabbis to disqualify them as whole. Henceforth, from the rabbinic perspective, the Christians were a separate people. Marriage with them was prohibited.<sup>6</sup>

It is possible to follow this process of separation from the perspectives of the Romans and the Christians. The Romans were outsiders who concluded that the schism was permanent at the end of the first century and, accordingly, began to regard the Christians as a separate religious community, excused from paying the *fiscus judaicus*, the Jewish poll tax. In Christian sources, the matter is somewhat more complex. We can trace the schism in the New Testament itself. In the earliest accounts in the Gospels, the Christians see their enemies as the Pharisees. After all, they themselves are Jews. By the time we get to the Gospel of John, the Jews as a whole are identified as the opponents of Jesus. Clearly, by the time the later book of the New Testament were written, the schism had become complete from the Christian point of view. Yet, of course, the Christians saw themselves as the true Israel and the Jews as having gone astray.

As we noted, from the point of view of the rabbis it was the abandonment of the traditional definitions of who is a Jew that led to the complete separation of Christianity from Judaism. Theological differences would not have been enough. The eventual result of this separation was a long history of hatred by the daughter for the mother who had begotten her and centuries of suffering for the Jewish people. Yet the rabbis stood firm. The Christians were not Jews according to halakhah, and marriage with them was forbidden.

### *The Karaites*

Although the rise of the movement we call Karaism took place after the Islamic conquest, it is clear that it has ancient roots. Karaism represents the coalescing of ancient sectarian trends, some of which survived underground in Talmudic times, with local traditions from Jewish communities north and east of the Babylonian Jewish centers. These trends came to the fore as an expression of opposition to the solidification of Babylonian Talmudic hegemony, which occurred in the aftermath of the Islamic conquest and the establishment of the caliphate at Baghdad.

The basic claim of Karaism was that the oral law had no validity. The Karaites argued for a different, much more literalist brand of biblical exegesis, similar to that of the ancient Sadducees. Such exegesis was seen by them as possessing greater authority than the rabbinic oral law, itself tied to the Pharisaic tradition. The Karaites, like all literalist sects in Judaism, simply proposed an alternative system of exegesis, drawing on traditions different from the authoritative rabbinic tradition that they opposed. Their exegetical differences, however, manifested themselves in an approach to Jewish law and ritual very different from that of the Rabbinites (Talmudic Jews).

From the ascerbic polemic we encounter in Geonic literature, it is certain that the Karaite threat was a real one. Whether it was the towering intellect of Saadyah Gaon (882-942) and his prodigious literary work, or the combined efforts of the Geonim, exilarchs, and their representatives that did it, the Karaite expansion was eventually checked. Yet Karaism had spread to Palestine, Egypt, North Africa, and especially Asisa Minor. By the thirteenth century, it had established itself as well in Eastern Europe, specifically in Lithuania and the Ukraine. By the sixteenth century the movement had begun to decline and sought accommodation with rabbinic Judaism. But, we shall see, these tendencies came too late to keep the Karaites within the normative scope of the Jewish people.

In the earliest stages of the schism there was no question for the Rabbinite Jews but that the Karaites were Jews with incorrect, even heretical, beliefs but Jews nonetheless. The issue of marriage was not raised initially. A number of marriage contracts survive from the Cairo *genizah* that include clauses defining the conditions under which the marriages of Karaites and Rabbinites could take place. These usually involve promises by the Karaite to the Rabbinite to fulfill certain religious obligations about which the two groups differ, and vice versa. These contracts and the social reality behind them reveal the Karaite movement as one within a unified people.

Maimonides (1135-1204) reflects this view indirectly in his *Mishneh Torah* (H. Mamrim 3:3) and in his responsa. He asserts not only that the Karaites are considered Jews who have gone astray but that, accordingly, they may be accepted when they repent. He says that the Karaites are to be rejected only when they purposely and publicly oppose the way of the Rabbinites. Nonetheless, in matters that they reject, like the ritual quorum of ten, they are not to be counted. From another responsum it is clear that Maimonides did not see the Karaites as *mamzerim*. (A *mamzer* is the child of an adulterous or consanguineous marriage. A full-fledged Israelite is forbidden according to halakhah to marry a *mamzer*.) By implication, it appears that he permitted Jews to marry Karaites if the Karaites agreed to follow traditional Rabbinite law. Essentially, then, Maimonides reflects a period in which the Karaites are still considered Jews and may marry Jews.

Yet it was not long before the issue of marriage with the Karaites was raised. The issue was never couched in terms of their Jewish status; that was never questioned. Instead, the question was that of their legitimacy in terms of the laws of *mamzerut*. Rabbi Moses Isserles (1555 or 1530-1572) declares the Karaites all to be suspect of being *mamzerim* since they did not practice rabbinic divorce law. They are not to be accepted even if they desire to repent. He explicitly prohibits their marriage with Jews ('Even Ha-'Ezer 4:37). What has happened here is that the Karaite schism had widened. As Karaites and Rabbinites saw themselves as parties in increased intercommunal strife, their positions hardened. With time, the growing suspicions of the Rabbinites took hold, and this blanket ruling against Karaites was issued. Since the ruling actually reflected attitudes on both sides, and since the social realities were those of complete separation and self-identification, this decision effectively sealed off the two communities from one another, with only a small number of exceptions. Thenceforth, Jews did not marry Karaites. Indeed, Radbaz (Rabbi David ben Solomon ibn Abi Zimra, 1479-1573) specifically points to this animosity as grounds for departing from the view of Maimonides and prohibiting marriage with Karaites in his own time.<sup>7</sup>

This ruling is reflected in present-day practice. Karaites today are of two types. The European variety, primarily in the Crimea and Lithuania, are of Turkic or Tatar origin. In response to the anti-Semitism of the czars, the Nazis, and the communist rulers of the Soviet Union, they have increasingly distanced themselves from the Jews. The story is told that the Nazis assembled a group of rabbis to rule on the Jewish status of the Karaites. Knowing that if they ruled them to be Jews the Karaites would go to the gas chambers, the rabbis ruled them to be non-Jews. For all intents and purposes, Karaites in Eastern Europe today are outside of and completely unrelated to the Jewish community.

The Middle Eastern Karaites, primarily from Egypt, are very different. Despite the fact that they ceased to marry with Rabbinites in the late Middle Ages, these Karaites still saw themselves as Jews and adhered to their interpretation of Jewish life. For this reason, some 10,000 came to Israel, where they established themselves in a variety of communities, Ashdod and Ramle among the most prominent. Yet despite the resurgence they are experiencing, they remain apart and do not marry with the Jewish community.

In the case of the Karaites, it was a series of differences in theology, ritual, and marriage law that eventually led to the formal, halakhically grounded split. In Eastern Europe complete

communal separation took place, whereas in Egypt the Karaites remained on the fringe of the Jewish community. Despite the *modus vivendi* achieved by the Middle Eastern Karaites in Israel, marriage with Jews is prohibited.

### *Contemporary Reflections*

A basic conclusion emerges from the study of the schisms discussed here. Judaism can and does tolerate well considerable diversity and debate in many areas of theology, halakhah, and custom. Such divergences need not lead any group to leave the Jewish people, or to be regarded by their fellow Jews as less than legitimate, full-fledged Jews. Yet sometimes tensions can escalate to the point at which the very definition of Jewishness, legal status, becomes a central issue. This may concern not only the question "Who is a Jew?" but also questions about the legality of marriage and divorce. When this happens, inevitably a complete schism develops. Prohibition of marriage with a group may be either a symptom or a cause of such a schism, but it is the true measure of whether a group, despite its doctrinal differences with the rest of the Jewish community, remains part of it or becomes a separate religious group. Whenever one segment of the Jewish people cannot marry with another, one group can be expected to leave the Jewish community.

Despite the rise of modern Jewish movements in the nineteenth century -- Reform, Conservatism, neo-(Modern) Orthodoxy, Zionism, even secular Yiddishism -- no formal challenges to the basic principles of Jewish identity and marriage law occurred. For this reason, despite the many differences of opinion and approaches to the question of how Judaism should adjust or react to the modern world, no group refused to marry with any other. Hence, the essential unity of the Jewish people prevailed. Yet even in the nineteenth century, this unity began slow, invisible erosion, as the Reform movement began to alter the requirements for conversion and to set aside the requirement of a *get*, a religious divorce.

Today we increasingly confront the issue of whether the Jewish people can remain unified in the face of these developments. The issue is not whether there will be one Jewish people or two. History has taught us otherwise. If there is indeed to be such a schism, the result will be that one group will continue to be identified as the Jewish people while the other will not. It will be up to history to determine who will be a Jew.

Further, the experience of thousands of years of Jewish history, in social and cultural situations substantially analogous to those of today, demonstrates that differences of opinion regarding Jewish status and the subsequent inability of groups of Jews to marry one another must inevitably be accompanied by such a schism. This is unavoidable. No communal strategy that we devise, no matter how clever or pluralistic, can stand up to the centripetal forces unleashed in the Jewish community when such developments take place. This, indeed, is the lesson of history.

### *A Theological Postscript*

Only one possible solution to this problem exists. It is to harness the great sense of common destiny that still exists in the Jewish community to bring together the diverse groups in support of a common approach to the issues of Jewish status. Only in this way can we prevent the tragic loss of so many from the Jewish people.

The stakes in the present conflict must be fully understood. Jewish unity is not simply a matter of communal strategy or policy. It is not only a question of Jewish survival. It constitutes a profound theological problem. The Jewish people represents the divine presence on earth. This

is why the Kabbalists called the *sefirah* (the divine aspect) of *malkhut*, "kingdom," *keneset yisrael*, "the community of Israel." To the extent that Israel is unified on earth, so there is unity in the divine world on high. When Israel's unity is complete, then "the Lord will be one and His name one" (Zech. 14:9) and the Jewish people can fulfill its historic mission and destiny of leading the world toward the ultimate perfection of the messianic era.

Let us conclude by paraphrasing a passage in the daily *Tahanun* prayer:

*shomer goy 'ehad*  
*shemor she'erit 'am 'ehad*

*we-'al yo'vad gov 'ehad*

*ha-meyahadim shimkha*  
*ha-shem 'elokenu ha-shem 'ehad*

He Who has kept us one people,  
may He keep us one people, we who  
are the remnants of the Holocaust.  
And let the nation of Israel not  
lose its sense of unity, we who have seen the  
deliverance of our people and the rise of the State  
of Israel,  
we who proclaim the unity of Your name.  
For just as You, O Lord, our God, are one,  
so may we, the Jewish people, be one.

#### Notes

1. For a detailed account, see L. H. Schiffman, "The Samaritans in Tannaitic Halakhah," *Jewish Quarterly Review* 75 (1985): 323-350.
2. See L. H. Schiffman, "Jewish Sectarianism in Second Temple Times," *Great Schisms in Jewish History*, ed. R. Jospe and S. M. Wagner (New York: Ktav, 1981), pp. 1-46.
3. See L. H. Schiffman, "Essenes," *Encyclopedia of Religion*, 5: 163-166.
4. See L. H. Schiffman, "Dead Sea Scrolls," *Encyclopedia of Religion*, 4: 248-251.
5. A thorough survey is found in L. H. Schiffman, "The Concept of the Messiah in Second Temple and Rabbinic Literature," *Review and Expositor* 84 (1987): 235-246.
6. These matters are the subject of L. H. Schiffman, *Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish Christian Schism* (Hoboken: Ktav, 1985).
7. Rabbi Yehezkel ben Yehudah Landau (1713-1793) considered marriage between Karaites and Rabbinites to be valid post facto on grounds that the Karaites cannot really be considered *manzerim*. They do not enter into marriage through the legal process of *qiddushin* and, hence, cannot be required to dissolve their marriages with *gittin*.

## RESPONSE TO SCHIFFMAN AND COHEN

Deborah Dash Moore

As an historian of twentieth-century American Jews, I find it difficult to accept the premise of Lawrence Schiffman's and Shaye Cohen's thoughtful papers. Perhaps because I use historical methods to analyze the relatively recent events of a young Jewish community, I am disturbed by the premise that American Jews in the last decades of the twentieth century sufficiently resemble other Jewries centuries ago to draw analogies regarding responses to schism or the establishment of boundaries between Jews and gentiles. Like Schiffman and Cohen, I appreciate the historical uniqueness of a particular time, place, and group. While I would not deny the continuities that link American Jews with their Jewish predecessors, I consider of questionable value the process of seeking historical lessons in the distant past.

Standing at the vantage point of 1988, I am struck more by the differences than by the similarities between our postindustrial American democratic capitalist society and the societies of ancient Babylonia and Palestine, the Hellenized countries of the Mediterranean world, or medieval Islam and Christendom. In fact, Schiffman and Cohen implicitly agree. When Cohen develops his analogies, he speaks specifically of the characteristics of contemporary America that can also be found in the prerabbinic world, namely, voluntarism, weak rabbinic influence, no central authority, theological and ritual diversity, and therefore diffuse and permeable boundaries between Jew and gentile. Yet I question how significant these characteristics were for the prerabbinic world. Cohen is starting from American assumptions and concerns and transporting them into another historical time and place. I fear that he distorts the experience of both America and the Hellenistic world. Were he to take the Second Commonwealth as his point of departure, would he necessarily come up with the same characteristics? Perhaps. I don't know, for I am not a scholar of the centuries before the common era. I do know that the significant characteristics Cohen lists do not include such standard, historically recognized attributes of American society as its individualism, experientialism, consumption capitalism, democratic politics, immigrant origins, and, on the negative side, its racism, competitiveness, violence, and anti-intellectualism. In truth, the problem lies not with Cohen but with the starting point: the assumption that disunity threatens American Jews and that we can learn lessons from history.

This problem also bedevils Schiffman's paper. Like Cohen, he begins his analysis with a metaphor drawn from modern science. Cohen refers to semipermeable membranes and Schiffman to a litmus test. Both metaphors testify to the primacy of contemporary thinking in the subsequent historical discussions. The ancient world knew neither litmus tests nor semipermeable membranes.

If we are to make that world intelligible to ourselves, we can use such metaphors but we must recognize that in so doing we are translating from one culture to another and that important nuances are lost in the translation. Indeed, more than nuances may be lost. Schiffman recognizes this problem when he encloses the adjective "modern" in quotation marks when it modifies Canaanite society. The Canaanites were not modern, just more technologically advanced than the desert tribesmen. Although historians may disagree over the content of modernity, they agree that modern societies share characteristics that are not merely relative. To return to Schiffman. Why a litmus test? Why one test of identity? Can membership in such a complex group as the Jews be refined to a single test? Why an individualistic test? I suspect that were there not a lot of intermarriages taking place among American Jews, Schiffman might not have come up with marriageability as the litmus test. But Schiffman like Cohen is too good a historian to stick with such a simple mechanism as a litmus test. Instead, he describes a fairly complex process of schism, of alienation, of separation, and even provides sufficient evidence to allow for a different reading. His conclusion also avoids a simple cause-and-effect interpretation. Differences of "opinion regarding Jewish status and the subsequent inability of groups of Jews to marry one another must," he writes, "inevitably be accompanied by" a schism. Ironically, Schiffman's emphasis here is not on the process leading to schism but on how ideological/theological disputes produce two separate groups of marriage partners. His interpretation avoids the political. I would argue that it is when theology becomes ideology -- that is, when it enters the realm of politics -- that defining marriage partners becomes a political tool, a means of exercising political power.

Indeed, I am disturbed at the political agenda that threatens to overwhelm the historian's skills. By turning to history for lessons even from fine historians, we risk engaging in polemic, lining up history on "our" side -- whichever side that is (both Schiffman and Cohen appear to favor unity). Since Schiffman and Cohen are accomplished scholars and neither stoops to polemic, the danger can be seen most clearly in the current popularity of comparisons of American Jewry with Babylonian Jewry. This favorite image of American Jewish speech-makers carries a clear political message vis-a-vis Israel as it asserts the religious and cultural creativity of American Jews. But it also alerts us to the real issue at stake: political power.

If my analysis is correct, then we are asking the wrong questions and starting from the wrong premises. The questions to be asked are: Why are we so concerned about disunity? Why do we fear schism and the threat of schism? Why has religion become the main arena of political debate among American Jews? What relationship do the previous four or five decades have with the current situation? Why do we want to learn from history? If there are lessons to be learned from history, why do we American Jews avoid our own history and seek analogies with the ancient and medieval past? Since these questions seem to me to be the relevant ones rather than those that Schiffman and Cohen were asked to address, I will try to answer them from my perspective as an historian of American Jews. Hopefully, my responses to these questions will prove more useful than any critique I could offer of Schiffman's and Cohen's contributions.

American Jews have put disunity on their communal agenda because there is relatively little of it. Were American Jews plagued by violent disputes, excommunications flying forth, bitter squabbling over scarce resources, political competition and vigorous ideological debate, they would undoubtedly have neither the time nor the consensus to make the subject of disunity a matter of reasoned public debate. The absence of deep, pressing disputes among American Jews allows us to contemplate unity vs. disunity, the sources, problems, and solutions. Those of us with historical memories can summon from the not-so-distant past (certainly not as far back as the first century of the common era) relevant examples of significant disunity -- for example, in the McCarthy period, when American Jews were deeply divided over Jewish communists. The sharp attack on Breira only a decade ago represented a reminder for those with short historical memories of the dangers of becoming political bedfellows with communists or fellow travelers. Zionism also stood, before the

establishment of Israel, for an ideology that divided American Jews across class, religious, and political lines. A prominent historian of American Zionism would not have titled his study of the postwar movement *We Are One!* were it not for the historical significance of this development.

But to say that the absence of communal chaos provides the basis for concern with disunity is not to explain the current interest in the subject. This interest is partially fueled by the researches of historians regarding American Jewry's response to the Holocaust. The lack of unity that characterized American Jews in those years contributed to their political ineffectiveness in saving European Jewry. A concern with disunity in 1988 can be read, then, as a concern for the political effectiveness of American Jews. Having achieved an unprecedented degree of consensus and a substantial measure of political influence, American Jews are worried lest they risk current gains in damaging intramural disputes.

Yet the interest in disunity focuses less on politics than on schism, or religious separatism. This emphasis echoes Israeli politics and may also mark the religious coming of age of American Jews. For the first time American Jews, or at least secular American Jewish communal organizations, appear concerned about religion. After decades of benign neglect, religious practices and theological questions are engaging more than a handful of rabbis, scholars, and devout Jews. The recognition and authority accorded religious leaders in Israel and their political influence undoubtedly have made Judaism a more attractive battleground for American Jews. The loss of other political battlegrounds, most notably the decline of the secular Jewish left, has contributed to the new interest in religious issues. With the entry of many observant Jews into secular Jewish organizational life has come an agenda that reflects some of their enduring personal concerns. Finally, the rising curve of fascination with schism may point to the real Americanization of Judaism. In the United States, religion has been characterized by ferment, schism, sectarianism, and political controversy. A strong link has always existed between religion and politics, from John Winthrop's Boston to Jerry Falwell's Moral Majority. The absence of substantial religious politicking by American Jews until recently suggests the salience of Jewish immigrant origins, especially the selective character of migration. That contemporary religious politics have been pursued by those who also appear to be furthest from the American mainstream, namely, the most Orthodox, should not obscure the authentic American dimensions of such behavior. If an earlier generation learned the lesson of religious pluralism from American religion, we may be learning a new lesson of religious schism, competition, and intolerance.

This is not necessarily the type of lesson we may want to learn, and so we turn to history for a different way of imagining the present situation. Since the interest in history indicates a concern for legitimation and authenticity, the oldest history undoubtedly is the best. The further back in time a historian goes to a period of unquestioned Jewish ancestors, the better. American Jews are often reminded of their short history, their upstart newness on the world Jewish historical stage. Some scholars even suggest that American Jews lack a collective history as they lack a Jewish literature. All they possess is journalism and autobiography. Given such strictures, we turn to the ancient past for analogies and lessons, simultaneously endowing our present with an authentic Jewish dimension. After all, if Jews in prerabbinic times struggled with similar boundary problems and medieval Jews faced the challenge of schism, then American Jews stand within a venerable Jewish tradition. Unfortunately, ignoring our own, albeit short, history limits possibilities for understanding our current predicament. Historians recognize that the present grows out of the immediate past. This is the past we should study lest, in Santayana's famous warning, we are condemned to repeat it. And for American Jews, their recent past contains two profound historical events that are not easily assimilated: the Holocaust and the establishment of Israel. These events exerted a palpable influence on American Jews, as the memory of the Holocaust and the present reality of Israel continue to do.

The last half century has witnessed a transformation of American Jews that we barely understand. The enormous diversity and genuine disunity of the immigrant era has yielded to decades of growing uniformity and consensus. But American Jews have purchased these changes at a price. The Jewish community has narrowed the range of its concerns and excluded dissident groups -- most notably the communists and anti-Zionists -- from its councils. The rewards for restriction have been substantial. Political effectiveness, cultural creativity, and religious innovation have soared as American Jews have turned away from internal dissent. If this is one of the lessons of our current history, then perhaps we should continue the exclusionary process, reading out of the Jewish community first those who intermarry, then those who divorce without a *get*, then those who convert along nonhalakhic lines, then all who are halakhically suspect. Do these new minorities threaten American Jews as the communists or anti-Zionists did? Here is the crux of the debate over disunity. Who defines the minority and who gains the political power to exclude that minority from the Jewish community?

The current controversy over disunity reflects a political struggle for leadership. Because American Jews have consolidated, the stakes appear higher, no less than schism. So the trend of the past decades is being resisted, often by those who previously supported exclusion. In 1976 the political scientist Daniel Elazar proposed a series of concentric circles as the model of the American Jewish community. An observant Jew himself, he placed in the inner circle the Jewish Jews, those whose lives were regulated by a Jewish rhythm. Indeed, Jewish Jews feel that they belong in the center and want to exercise the power that comes with centrality. But we know, or should recall, that there are other models. In capitalist America, wealth buys power, and the wealthy have often claimed for themselves the right to lead. In democratic America, votes control power, and American Jews fought bitterly (e.g., in the American Jewish Congress struggle) over how much influence the masses deserved by virtue of their numbers. Then there were the claims of the intellectuals, ideologues, creative artists, rabbinic elite. What we can learn from history, from our American Jewish history, is that individuals do exert influence, that change does occur, and that compromise is possible. But we should also remember that we live in a unique world, that analogies are limited, and that our biases shape our perceptions of reality.

## THE JEWS: SCHISM OR DIVISION

Samuel C. Heilman

Although the premise of the papers by Lawrence Schiffman and Shaye Cohen is that history is the great teacher and that an examination of it provides insight and instruction about possible future trends, a reading of both papers together makes it painfully clear that the lessons of history are not always unambiguously clear or monothematic. Indeed, while Schiffman's reading of the facts leads to the pessimistic conclusion that differences which lead to separate marriage patterns ultimately result in schism and the separation of the unmarriageable population from "the Jewish people at large," Cohen's analysis suggests that the membranes dividing Jews from gentiles have at times been at the very least "semipermeable," allowing people to cross back and forth under a variety of circumstances and conditions. His conclusion appears to be that assimilation is not forever. If the historians cannot agree on the lessons and implications of history, sociologists like myself would be foolhardy to try. What I can, or at least shall try to do, however, is briefly to suggest important ways in which contemporary life differs from the ancient or medieval worlds on which Schiffman and Cohen based their conclusions. Those differences are, I believe, crucial for evaluating the future of Jewish unity.

Schiffman opens his paper by arguing that "the conditions in which Judaism finds itself today are analogous to those in which it found itself" in earlier historical periods. He goes on to suggest that the essential elements of modernization, which he lists as "enlightenment, emancipation, secularization, and assimilation," have occurred "before in Jewish history." He contends that in the distant past "Jews, just as they did in recent times, confronted a 'modern' society." From this he goes on to note that, where the result was a division across which people did not intermarry, schism followed. Hence, his argument runs, if today's divisions result in some Jews categorically not marrying other Jews, a similar outcome can be expected. Division will lead to schism.

A response to this argument needs to focus on two questions: is the present age really analogous to the past, and do patterns of marriage still today (as apparently they once did) represent the *sine qua non* of religiocultural unity? These questions must be considered carefully, for they are critical if we are to consider the past as prologue to the present.

### *The Meaning of Contemporary Modernity*

Consider first the essentials of the present age. While it is certainly true that each epoch has its own definition of modernity, and today's traditions were most certainly yesterday's

innovations, there are particular features of contemporary modernity that distinguish it significantly from other "modernities" of the past. Modernity as we live and understand it today is far more than what Schiffman suggests. It is in fact, as a number of analysts of modernity have proposed, "a syndrome, or complex, of qualities rather than a single trait."<sup>1</sup> It is "a set of dispositions to act [and think] in certain ways."<sup>2</sup>

To begin with, no matter how modern the past may have been, it was essentially a world in which corporate, group, or tribal affiliations were paramount. Individual identity, except for the charismatic figures of history, is virtually unknown in the ancient or medieval worlds. In contrast, as sociologist Robert Park has argued: "In a complex modern society, . . . the tasks of life have become so completely individualized, [that] it is a question whether culture, in the sense in which anthropologists have conceived it, any longer exists."<sup>3</sup> As individualists, moderns are distinguished by diminished relations to extended family and local ties.

Furthermore, individualism and its correlate, personal autonomy, at once liberated persons from absolute submission to received authority and shifted responsibility for action from the group to the individual. "A 'modern' man is an activist; he attempts to shape his world instead of passively and fatalistically responding to it. He is an individualist."<sup>4</sup> People now believe that they can exert considerable control over their environment; they regard as matters of choice things that their forebears considered fated. Thus they believe that prevention of accidents is more a matter of carefulness than of luck, that medicine is more effective than prayer in curing the sick, that affairs can be planned in advance, and so on. And it is the individual who is responsible for taking care, taking medicine, and making plans.

Second, in these earlier epochs change -- as measured by today's standards -- was remarkably slow. The gap between what people actually did and what was expected of them -- what W. F. Ogburn has called "cultural lag" -- was far narrower than it is today. Stability rather than change was the order of the day. One could expect affiliations, domicile, occupation, and almost everything else that mattered to hardly change at all throughout the course of one's life. It was a time when, as Max Weber once put it, life was dominated by "the eternal yesterday." In contrast, the syndrome of modernity encompasses an ethos of change and flexibility, which is far more adaptable to the rapidly shifting conditions of contemporary life.

Third, in the past alternative ways of life were not available for the choosing; the circumstances into which one was born were the circumstances in which one would continue to live and die. It was, as Peter Berger has eloquently put it, a time when fate predominated over choice.<sup>5</sup> If alternatives were known at all -- and Schiffman suggests they were in the case of Hellenism and even earlier in the Canaanite period -- they were not commonly accessible. Personal status was ascribed rather than subject to individual initiatives and achievements. Pluralism was unheard of as an alternative to a single way of life. People might become something else, Hellenists or Canaanites, but in so doing they had to abandon for the most part what they had once been. They could not easily compartmentalize their existence.

In contrast, the modern world is one of mobility -- geographic, social, and intellectual. As people move about, often rubbing shoulders with diverse attitudes, opinions, and lifestyles, they become -- as moderns have -- disposed to pluralism. That is, by virtue of these contacts, moderns have become open to the idea that there is more than one way to live. Along with this realization, which is a part of modern consciousness, has come the development of newer, nonparochial loyalties coupled with the emergence of far more cosmopolitan attachments.

But pluralism has meant not only openness to other ways of life. Coupled with individualism and an ethos encouraging change, it has meant that any given person can and often

does choose to move among a variety of ways of life and to share many affiliations. Whereas in the past a person might have thought of himself as loyal to a single way of life and cultural or tribal ties, a modern person can conceive of himself in the more neutral category of citizen or individual whose ties to particular groups and locales are often partial. People who at one time might have thought of themselves as either Germans or Jews can now think of themselves as both. In the most extreme expression of this development, people can cultivate new, nonparochial loyalties coupled with the emergence of far more cosmopolitan attachments, finally defining themselves as no longer tied to any particular corporate identity -- even a hyphenate one -- but rather as universalists, whose home is the planet earth and whose people are all people. Moreover, as individualists and pluralists, moderns may choose to adopt all or some aspects of other lives, values, beliefs, and opinions according to their *personal* needs.

Modernity, however, has not affected only individuals; it has transformed society. Modern society reflects the compartmentalization of individual life by creating divisions in all sorts of domains and at the same time frequently effacing those divisions. Thus, while contemporary life is marked by division of labor, partial affiliations, social cleavages, ethnic diversity, and neighborhood partitions, none of these divisions are viewed as absolute or unbridgeable. Jobs may be and often are changed. People move from neighborhood to neighborhood and community to community. Individuals go into and out of relationships of all sorts -- including marriage. Precisely because they are partial rather than total, affiliations are often reshuffled. As already suggested, social status is not given at birth but subject to a variety of changes based upon achievements. Mobility is such a frequent feature of contemporary existence that few if any live in the same locality throughout their entire lives. (In America, people move on average every five years.) And as marriages proceed across ethnic lines, even ethnicity is no longer pure or unequivocal but at most symbolic.<sup>6</sup>

No single affiliation is definitive for moderns. People relate to groups and other individuals in a variety of modalities. If they are not related through marriage, they may be affiliated through some activity, political, social, or situational. In the modern world, people can be part-time in lots of ways. They can be part Scotch, part German, part Indian, and part Jew -- all at once and with different facets of being and involvement. To the modern, the thought that on Christmas he might be Christian, on Hanukkah Jewish, and on the Fourth of July all-American is easily conceivable.

#### *Modernity and Jewish Unity*

What does all this mean for Jewish unity? It means, first, that modern Jews can no longer be considered only in terms of their corporate identity. Insofar as they have entered the modern world, they have entered it as individuals and relate to one another as such. They are not only Jews; they are Jews and lots of other things. Sometimes they may choose to make their Jewishness primary, active, and salient; at other times it remains secondary, dormant, or irrelevant to their lives. For many, it is only one aspect of their identity.

Second, contemporary Jews, like other moderns, view themselves as autonomous, often only partially affiliated with their Jewishness and other Jews. In the worlds that Schiffman and Cohen describe, such a possibility was unthinkable. Yet in the modern world, partial affiliations and divided loyalties are perfectly normal and acceptable. The idea that one either is a Jew or one is not is replaced by the notion that in some circumstances and ways one may be Jewish while in others one may not be. Compartmentalization is a fact of modern existence. Moreover, what may be true of one Jew is not necessarily true of all others.

Furthermore, as an active shaper of his own destiny, the modern Jew is less likely to look to others to evaluate the quality of his personal Jewish identity or even to decide if he is a Jew or

not. While he may still feel the ancient tribal tie and sense of history that has stamped much of Jewish identity, as a modern he is less inclined to accept the ascribed definitions that say that birth or formal conversion defines precisely who and what he is. Rather, he will rely on his own decisions as well as the objective markers that social norms determine.

Daniel Bell once defined the *apikorus* as the one who in response to the question "Who are you?" does not provide the traditional response "I am the son of my father (Isaac *ben* Avraham)" but says instead, "I am I," meaning "I stand alone, I come out of myself, and, in choice and action, make myself."<sup>7</sup> In those terms, moderns are all *apikorsim*.

For the contemporary *apikorus*/Jew, corporate identity diminishes and ascription gives way to achievement and autonomy as the most powerful determinants of identity. Put more simply, who is a Jew may now be less a matter of immutable Jewish law and more a matter of shifting social and situation definitions. Whereas in the past people may have relied on formal definitions of identity based upon corporate and cultural affiliations, today they may choose instead to be far looser and individualistic in those identities.

Thus, whereas in the past intermarriage was rare and people found themselves locked in separate groups, in the modern world of fluid and changing attachments, where it's every man for himself, marriage with other Jews may not be the only criterion for determining affiliation. In fact, in the world as it is now constituted, the question of who is a Jew may increasingly be answered by different people in different ways at different times and different places.

Consider the following datum. Exploring the lines of fracture within the Jewish community, I asked a number of rabbinical students from each of the movements about their attitudes toward Jews from movements other than their own. In the course of my interviews, I asked questions about personal status, about converts, children of mixed marriages, offspring of second marriages who might be considered *mamzerim*, and in general about who was a Jew. One might expect rabbinical students to take a corporate, religiocultural point of view. But that was not the case. While each interviewee had a variety of responses to each of these questions of status, a common element that emerged in the answers of all my respondents -- from the Reform, Conservative, Orthodox, and even those affiliated with the most traditionalist wing of Orthodoxy -- was the principle that in determining matters of personal status *one had to go on a case-by-case basis*. The one lesson everyone (regardless of religious orientation) seemed to have learned from the nature of modernity was that wholesale corporate exclusion or inclusion was not desirable. While one might rhetorically say all sorts of things in a wholesale fashion about Jews from movements other than one's own, one had to be far more circumspect and individualized in the actual rendering of decisions on personal status.

Furthermore, decisions about how to characterize Jews required a sensitivity to shifting affiliations and perspectives. Thus, while some people were not necessarily ready to marry Jews from other movements -- and had not been ready to do so for a long time -- they were not prepared to say that there were absolutely no conditions under which they could carry on activities in common with those Jews they would not marry. In the words of Rabbi Aharon Lichtenstein: "Surely, we have many sharp differences with the Conservative and Reform movements, and these should not be sloughed over or blurred. However, we also share many values with them -- and this, too, should not be obscured."<sup>8</sup>

In fact, there was a whole array of activities which Jews of all movements whom I interviewed believed they could carry on as a unified people -- such as, for example, social-action endeavors, activities aimed at combatting discrimination against Jews, or campaigns seeking to strengthen the quality of Jewish life. Moreover, they could imagine individual situations where Jews

who were divided deeply in their communal orientation could nevertheless achieve personal rapprochement. Where communities or movements might be separate, individuals did not have to be. To be sure, the Orthodox envisioned such rapprochement as coming in the form of the non-Orthodox returning to the traditions, and the non-Orthodox viewed it as coming with acceptance by the Orthodox of the legitimacy of Jewish pluralism. Yet the idea that under certain conditions individuals could experience Jewish solidarity even if subcommunities could not suggests that Jewish unity in the future will be a de facto case-by-case compartmentalized reality rather than a de jure corporate one. In fact, Jews have been living this sort of reality for over two generations. In some ways they have been one and in others they have been divided.

Thus in the modern world it is possible to imagine a series of Jewish affiliations in one domain and disaffiliations in another. People may be part of the Jewish community when it comes to supporting Israel or combatting anti-Semitism;<sup>9</sup> they may experience Jewish solidarity as individuals even as they are divided communally. In short, they may be affiliated (and divided) in a whole variety of partial ways. Yet, whereas in the past such partial affiliations (and divisions) were neither possible nor desirable, in the segmented contemporary world they may be enough for considering people Jewish. The modern Jew is a relatively free-floating individualist. To define him in corporate terms, as Schiffman does, or to subject him to authoritative and absolute definitions that come down from some higher authority is to misconceive his essence.

Moreover, because change is a part of contemporary existence, what is or is not Jewish today may not be what it was yesterday or may be tomorrow. In the modern world, the lines of fracture could change and ties of individual affiliation could shift. Modernity as we know it has taught us that nothing any longer need be absolute. Insiders and outsiders can easily be redefined. Indeed, even the thorniest questions of who is a Jew or *mamzerut* have been handled by even the most stringent rabbinic authorities on a case-by-case basis. Often what seemed an intractable problem has been solved by ingenious solutions -- both halakhic and social.<sup>10</sup> The basic rule of order simply remains a focus on the individual case -- a rule perfectly at home with modernity.

The collision between tradition and modernity which has in effect emancipated the individual, who now floats from place to place and can sometimes be Jew and sometimes not, has of course had its disastrous consequences in some respects -- particularly in increasing the level of anomie and ideological anarchy in contemporary life. But it has been beneficial for situations which formerly were locked in either/or realities. Very simply, being a Jew is no longer an either/or proposition. It is now a both/and one. We may be *both* Jews *and* non-Jews -- as those who have accepted patrilineality have demonstrated. We may be *both* modern *and* Orthodox -- as the Modern Orthodox have demonstrated. We may be *both* parochial or ethnic *and* cosmopolitan or universal as many in the contemporary world have demonstrated. Schiffman speaks from the either/or perspective of another era.

Cohen argues that in the past there was far more "uncertainty about the precise location of the boundary" between Jew and non-Jew, insider and outsider. Today, there are far more boundaries and cleavages which makes uncertainty, partiality, and mobility abiding facts of life. If, as Cohen argues, "ancient Judaism [could] tolerate . . . great diversity and uncertainty" in matters of status, we today can echo his judgment and say that contemporary Judaism has no choice but to tolerate great diversity and uncertainty, for diversity and uncertainty, pluralism and a commitment to openness, are its substance.

#### *Conclusion*

Schiffman ends his paper with an eloquent call for unity quoted from the *Tahanun* prayer.

One is tempted to say that people pray for what they wish but are not certain they will otherwise have. If Jews have prayed for unity it is precisely because they have wished for that unity while knowing it has never been assured. If unity leads to the messianic era, division and diversity must be characteristic of Jewish life before redemption. We shall keep on praying while we await the Messiah's arrival. As we have for millennia survived even as we have been yearning for the Messiah, so I supposed we shall for millennia survive as a people even as we yearn for unity.

#### Notes

1. Alex Inkeles and D. H. Smith, *Becoming Modern* (Cambridge: Harvard University Press, 1974), p. 17.
2. *Ibid.*, p. 16; see also pp. 17-25.
3. Robert Park, "Assimilation," *Encyclopedia of the Social Sciences* (New York: Macmillan, 1980), 2:282.
4. Joseph Kahl, *The Measurement of Modernism: A Study of Values in Brazil and Mexico* (Austin: University of Texas Press, 1968), p. 37.
5. Peter Berger, *The Heretical Imperative* (New York: Doubleday, 1979).
6. Herbert Gans, "Symbolic Ethnicity: The Future of Ethnic Groups and Cultures in America," *Ethnic and Racial Studies* 2 (January 1979): 1-20
7. Daniel Bell, "Reflections on Jewish Identity," *Commentary* 31 (June 1961): 471.
8. Aharon Lichtenstein, "The State of Orthodoxy Symposium," *Tradition* 20 (Spring 1982): 49.
9. Indeed, it is in combatting the broad-brush definition of outsiders who are the enemy that Jews are most often one. Everyone whom I ever asked whether anti-Semitism fostered Jewish unity agreed that it did.
10. One thinks immediately on one extreme of Moshe Feinstein's brilliant halakhic solution to the potential problem of *mamzerut* among the non-Orthodox or, on the other extreme, of Reform and Reconstructionist patrilineal solutions to the high rates of intermarriage among their followers. While neither side accepts the solutions of the other, both are motivated by the goal of Jewish unity. As long as that motivation exists, there seems to me to be room for optimism.

## HISTORY, NOT HALAKHAH

Paula E. Hyman

I have entitled this paper "History, Not Halakhah" because I feel that the issues of personal status that lie at the heart of the "two peoples" thesis will be resolved not through the achievement of halakhic consensus (or compromise) among the denominations of American Jewry but through the operation of broad social (or historical) forces. Indeed, Jewish modernity has been characterized for more than a century and a half by the breakdown of the hegemony of halakhic Judaism, which occurred through the interplay of internal and external forces. For better or worse, we are living in a postrabbinic world. All of the varieties of Judaism that can be found in the contemporary world -- from the most stringent Orthodoxy on the right to militantly anticlerical secularism on the left -- are sectarian responses to the conditions of modernity. At the turn of the twentieth century Zionism, which passionately rejected traditional Judaism and was roundly condemned by all branches of religious Judaism, was also a sectarian response to modernity. Sectarianism, and sectarian conflict, are not necessarily dangerous for Jewish survival; on the contrary, they may be essential for it.

In social and ideological terms the Jewish people in modern times has never been united. The conflicts of Reform and Orthodox in the nineteenth century, of Zionist and anti-Zionist in Germany, of Bundists and Orthodox in the Polish *kehillas* were far more vicious than the sectarian conflicts that have emerged in our own community. Irving (Yitz) Greenberg would claim, though, that the ideological divisions of the past century, while bitter, did not create a situation in which part of the community could not marry other members of the community because their personal status as Jews was suspect. This is certainly true of the East European Jewish community and its immigrant offshoots. But in Central Europe and in the United States, where non-Orthodox forms of Judaism took root and flourished from the mid-nineteenth century, issues of personal status must have arisen. It is likely that they were resolved on an ad hoc basis; and, as Steven Cohen has suggested, the ad hoc resolution of these issues may remain the best strategy today. Resolutions that attempt to be more than ad hoc will of necessity reflect the biases of those defining the problem. Rabbi Moshe Feinstein's creative solution to the problem of Reform Judaism's abolition of the *get* -- that is, declaring Reform marriages not to have been marriages -- is entirely appropriate because the issue is a problem for Orthodox Jews, not for Reform Jews.

While early reformers in Germany often sought to secede from Jewish communities controlled by the Orthodox in order to be permitted to worship in their own way, sectarianism has been the *classic Orthodox response* to the breakdown of the hegemony of halakhic Judaism in the modern period. To the Orthodox the changes in style of worship and in ritual observance

legitimated by religious reformers from the second decade of the nineteenth century, as well as their later ideological assault on the divine origin and binding nature of the oral law, constituted a serious deviation from authentic Judaism (rather than a modernization of Judaism, as the reformers would have it). Because the Modern Orthodox (who emerged first in Germany) retained a commitment to traditional rabbinic concepts of revelation and practice, they adopted (in David Ellenson's words) "[an] increasingly sectarian stance vis-a-vis other religious groups in the Jewish community which did not share this commitment."<sup>1</sup>

Rabbi Azriel Hildesheimer makes an appropriate case study. Active in Germany and Hungary in the nineteenth century, he was a highly respected Modern Orthodox rabbi who endorsed the value of Western culture and presided over the Modern Orthodox Berlin Rabbinical Seminary, founded in 1873. His stance toward non-Orthodox Jews was typical of his Modern Orthodox colleagues; and he was severely attacked by his traditionalist peers on the right for his acceptance of modern culture and politics. Despite his adoption of Western aesthetic standards and elite culture, he responded as a separatist to the challenge of Reform Judaism. In an 1847 responsum he declared that male adherent of Reform could not be buried in a Jewish cemetery, be included in a *minyan*, be given an *aliya*, or recite the *kaddish* for a relative (except when there was no one else available). While he had labored to maintain a unified Jewish community (*gemeinde*) in German towns when the Orthodox were in the majority, by 1869, when Reform was in the ascendancy in the major German Jewish communities, he accepted the need for separatism and lent his support to Rabbi Samson Raphael Hirsch's campaign to have the Prussian parliament pass a law to enable Orthodox Jews to secede from the general Jewish community (and thereby pay no taxes to it). He condemned all non-Orthodox rabbinical seminaries and refused to recognize as a rabbi any graduate of the Jewish Theological Seminary of Breslau, no matter how personally observant. Despite his sympathy for the Hovevei Zion movement, Hildesheimer refused, too, to participate in its 1884 convention in Kattowitz (Austrian Poland) because the convention was cosponsored by the local B'nai B'rith lodge, whose members Hildesheimer found to be openly antireligious. Thus Hildesheimer, who accommodated in many ways with modern society, clearly demonstrates the difficulty confronting the Modern Orthodox in dealing with other Jewish groups.<sup>2</sup> As Charles Liebman has noted in his analysis of American Orthodoxy, such difficulty is inevitable, because "Orthodoxy perceives itself as the only legitimate bearer of the Jewish tradition . . . . The doctrines of Orthodoxy . . . are by definition beyond compromise or even the appearance of compromise."<sup>3</sup>

It is a basic disagreement about the sources of Jewish legitimacy that divides American Jewry. All of us agree that unnecessary sectarian conflict weakens the Jewish community both politically and socially. But we cannot agree -- no matter how tolerant and pluralist we may be -- as to what sectarian conflict is not only necessary and inevitable but perhaps even beneficial. In his reply to Cohen in *Moment* magazine, Greenberg included as signs of the growing sectarianism within the Jewish world the burning of bus shelters by the ultra-Orthodox in Israel and the writing by a Conservative and a Reconstructionist scholar of works suggesting that their movements' approach to halakhah is *the* right one.<sup>4</sup> These are hardly equivalent sectarian acts! It seems to me that those who accept the pluralism of modern Jewish life would expect each denomination to make claims for the authenticity, and even the correctness and preferability, of its own approach. Those claims will be tested in the cauldron of faith, rationality, and history.

More importantly, Greenberg's definition of the problem -- which may be the best possible one available from an Orthodox perspective -- presupposes a halakhic framework that most non-Orthodox Jews reject *on principle* (that is, they do not consider halakhah in its Orthodox interpretation essential to Judaism). Most Jews today do not order their lives according to halakhic criteria and do not want to. They do not see their position as deviant, and in sociological terms it is not. The decision of the Reform leadership to accept patrilineal descent was not just a sectarian act; it reflects the principled decision of the Reform movement, which has long rejected

halakhah as binding. Even within the Conservative movement only a minority would follow their traditionalist rabbis were they to insist, for example, on a "pure" Jewish genealogy of a prospective son- or daughter-in-law.<sup>5</sup> (Conservative rabbis do not inquire into the potential *mamzerut* of bride or groom.)

Moreover, there are aspect of halakhah that non-Orthodox Jews find offensive (or would, if they were aware of them). Take *mamzerut*, for example. From my perspective, we should be pressuring our Orthodox colleagues in both America and Israel to find a way within halakhah to disavow the very category of *mamzerut* (or at the very least nullify its practical effects through inattention). *Mamzerut* is a cultural construct, which punishes the offspring of women who have not adhered to halakhic definitions of licit sexuality. For most modern Jews the concept of *mamzerut* is repugnant, and for virtually all of them simply not an impediment to marriage. Those of us who find the very existence of the category of *mamzerut* ethically troubling can hardly be expected to see this issue as a central one in communal discussions about Jewish unity.

Besides those areas of marriage and divorce law where differing ethical concerns come into play, there are a number of other issues which divide the Jewish community -- to our benefit. The question of women's roles is probably the most obvious. The ordination of women as rabbis by the Reform, Reconstructionist, and Conservative movements, as well as the general concern of these movements with enhancing the status of women within the synagogue and the community, needs no apology. It has contributed to Jewish survival as well as to the quality of Jewish life. Only those who presume that innovation within Judaism ultimately requires Orthodox approval to become legitimate would suggest that steps reflecting growing ethical sensitivity to women should have been accompanied by statements or behavior designed to appease Orthodox sensibilities. Yet the advances in the status of women within the Jewish community came about through conflict, not through consensus. In fact, each step toward equality was met by vilification among all sectors of Orthodoxy (with the exception of a few individuals). To suggest that women defer their legitimate aspirations for full equality within Judaism in the name of Jewish unity is ethically abhorrent. Moreover, to those who are students of women's history, this call is all too familiar. Women have often been asked, by their purported allies, to sacrifice their own goals in the name of other more important causes -- be it the abolition of slavery or the achievement of a socialist revolution.

The call for unity also will not, and should not, stifle the debate about the disposition of Jewish funds and the general treatment of non-Orthodox Jewish denominations within Israel. The present status quo finds UJA funds, contributed by and large by non-Orthodox Jews, allocated overwhelmingly to Orthodox institutions in Israel, while Conservative and Reform institutions receive a disproportionately small share. Conservative and Reform rabbis and synagogues are also discriminated against by the Israeli government; Conservative and Reform converts are not accepted as Jews even when their conversions were performed according to halakhah. At the same time many Israelis are entirely alienated from Judaism, which they see as coercive and hostile to modernity. In such a situation, which is a political one, it is entirely appropriate, it seems to me, for non-Orthodox Jews to engage in politics -- to support their own candidates in elections to the World Zionist Organization and to channel at least some of their philanthropic donations to Israel through denominational organizations, or through funds which offer more direct control over the recipients of grants than does the UJA. A politically motivated oppressive situation calls for a political response; unity cannot be achieved through acquiescence to the repudiation of pluralism in Israel. Only through conflict will some form of religious pluralism for Jews be achieved in Israel, and that achievement will benefit world Jewry as well as the secular majority of Israeli Jews.

Given the respective ideological stances of Orthodox and non-Orthodox Jews throughout the modern period, any call for unity must be formulated to accommodate antithetical fundamental assumptions. Yet the call for the elimination of sectarian conflict today often seems to demand that

the principles of non-Orthodox Jews be subordinated to the very halakhah that they reject as binding (or, in the case of traditional Conservative Jews, whose Orthodox interpretation they reject). At the very least, this call presumes that the issues be framed in halakhic terms because Orthodox Jews cannot be expected to compromise on important halakhic matters. This asymmetric clash of halakhic commitment and nonhalakhic values is, as I have suggested, not likely to be amenable to compromise.

Should we then throw up our hands in dismay and resign ourselves to heightened communal conflict? While I do not share Greenberg's perception of a crisis situation, I do share his concern for keeping lines of communication open among all segments of the Jewish people. We may do that most effectively by working within our own groups, without the glare of publicity, on the issues of personal status. (In fact, dealing with these issues in nonpublic ways may be the best way to promote flexibility on all sides.) Doubtless this intramural consideration of the problems would yield several different approaches, which could be made available to the constituencies of the various movements and then discussed under "neutral" auspices, such as CLAL or the American Jewish Committee. Guest speakers from other Jewish denominations could also be welcomed on a regular basis to denominational conferences of either laity or rabbis, as they have been recently, to present their movements' approaches to those issues that affect the entire community.

Because these issues of personal status divide us and are, I think, not of major concern to most American Jews, we should identify areas where we can cooperate across denominational lines. In the political sphere such cooperation already occurs where Israel and Soviet Jewry are concerned. In the cultural and religious sphere such cooperation could be fostered in a number of different ways. We might raise within our communal agencies the issue of interdenominational socializing and encourage synagogues affiliated with different movements to cosponsor cultural events. (As an aside, I would note that such cosponsoring seems to occur frequently among Conservative and Reform congregations, rarely among the Orthodox.) We could encourage events like the small conference sponsored last year by the National Havurah Committee, which brought together rabbinical students from the three major rabbinical schools located in New York City to discuss their common concerns as religious professionals within the American Jewish community as well as similar events that have been hosted by Chevra, Student Chevra, and the American Jewish Committee. We might encourage our youth groups and our Jewish educational professionals to hold meetings across denominational lines to explore such issues as Jewish identity, Jewish approaches to adolescence, teaching about Israel, etc. There are many possible scenarios for such meeting across denominational boundaries. To be most effective, these "encounters" should be conducted on a small scale, under multiple or neutral auspices, and should involve ordinary Jews and not just Jewish professionals. Like all Jewish communal events, they should take into account the religious needs of the most traditional (e.g., *kashrut*) while acknowledging the commitment of the non-Orthodox to equal participation of women and men in study, discussion, and prayer.

The potential for meeting cross-denominationally depends upon the willingness of Jews of different backgrounds and commitments to sit together to discuss issues of mutual concern. Such a willingness implies a recognition of the de facto pluralism of modern Jewish life. Like the Jewish-Christian dialogue that Yitz Greenberg suggested as a model, such an interdenominational Jewish dialogue cannot achieve consensus on theological issues. Again, like the Jewish-Christian dialogue, the development of an interdenominational Jewish dialogue would be a mark of mutual respect among the parties, while requiring no acknowledgment of theological correctness. It is not clear to me, however, that the Orthodox Jewish community in this country is amenable to dialogue with non-Orthodox Jews, particularly on sensitive issues. Orthodox leaders seem to fear that entry into dialogue may be read as conferring legitimacy upon the non-Orthodox and upon the changes that the non-Orthodox have introduced into Jewish life. The growing assertiveness of the Orthodox Right has also worked against cooperation by the Modern Orthodox in multid denominational Jewish

enterprises and has fostered the expression of sectarian Orthodox positions on communal boards. I recently heard of two cases that illustrate the obstacles to interdenominational cooperation. In the first, an Orthodox member of a local federation's women's division vetoed the selection of a speaker for the group's major educational event in the spring on the grounds that the proposed speaker, a woman, was a non-Orthodox convert to Judaism and a rabbinical student to boot. In the second, which occurred in another community, an Orthodox rabbi threatened to call for a boycott of a communal Yom HaShoah commemoration because *kaddish* would be recited in a group with mixed seating (of men and women). Only the pressure exerted by another local Orthodox rabbi, who had been involved in the planning of the event, led to the withdrawal of the threatened boycott. (In this particular community, incidentally, at all communal events care is taken -- much to the consternation of Reform communal activists -- to ensure that women's voices are not heard in song, even secular song, so as to facilitate the comfortable participation of Orthodox residents.)

As a non-Orthodox Jew and a feminist, I am doubtless attuned to incidents of this sort. Orthodox Jews should alert us to similar incidents of sectarianism that have disturbed them. Through open discussion in the institutions we share we should be able to negotiate ground rules for cooperation in communal events.

Sociologically speaking, we are already more than one people. We look to different authorities, send our children to different schools and summer camps, socialize separately, and, when we marry endogamously, we generally do not cross the Orthodox/non-Orthodox boundary. Even though we constitute a number of relatively well-defined subcommunities, some of us in all denominations may be able to work together, not to resolve the thorny problems of personal status that impelled Yitz Greenberg to write his original challenge, but to achieve more modest goals: to embrace the diversity of modern Jewish life while asserting our own authenticity as Jews; to defuse the rhetoric of invective and disparagement that so often characterizes interdenominational exchanges; and to find modes of cooperation and alliance on political and cultural questions that will enhance the quality of Jewish life conceived in pluralistic terms. If we can find the mechanisms to achieve these goals -- and I think we can do so within our own denominations and with the communal institutions that currently exist -- we will have addressed some critical issues that are amenable to solution.

I welcome the call for interdenominational Jewish dialogue, despite my reservations about what such a dialogue can expect to accomplish. That dialogue will be richer and ultimately more productive if we respect and preserve our differences. To do so, we must see to it that the agenda for dialogue is set by all members of the community. Like Steve Cohen, I feel that Yitz Greenberg's definition of the coming communal crisis is essentially an Orthodox one, with little resonance in much of the American Jewish community. While I am not persuaded by his argument, I am happy to see communal discussion of the issue, with the hope that it will stimulate the creation of a broader agenda to address the pressing matters that concern American Jewry.

#### Notes

1. David Ellenson, "Church-Sect Theory, Religious Authority, and Modern Jewish Orthodoxy: A Case Study," in Marc Lee Raphael, ed., *Approaches to Modern Judaism*, Brown Judaic Studies 49, p. 69.
2. Information on Hildesheimer is drawn from *ibid.*, pp. 69-82, and David Ellenson, "Rabbi Esriel Hildesheimer and the Quest for Religious Authority: The Earliest Years," *Modern Judaism* 1 (1981): 279-297.
3. Charles Liebman, "Orthodoxy in American Jewish life," *American Jewish Year Book* 66 (1965): 38-39.

4. Irving Greenberg, "Reply to Steven M. Cohen," *Moment*, March 1987, p. 18.
5. A recent survey conducted by Steven M. Cohen indicates that only 33 percent of affiliated Conservative Jews would be upset if their child married a patrilineal Jew and 19 percent were upset with Reform rabbis for their decision. Steven M. Cohen, *Unity and Polarization in Judaism Today: The Attitudes of American and Israeli Jews* (New York: American Jewish Committee, 1988).

## PLURALISM: HALAKHIC OBSTACLES AND SOLUTIONS

Jack Simcha Cohen

One thing is clear. The current acerbic public controversy regarding personal-status issues has definitely affected the composure of American Jewish life: a visceral sense of unease permeates both religious and lay leadership. As the intensity of emotions heightens, so too does a concomitant apprehension over the possibility of Jewish polarization into fractious parts. This malaise is not assuaged by discounting such concerns as prophecies of doom not backed by objective data. What is needed is a viable apparatus to resolve the problems and decrease tensions.

It may be wise to heed the advice of Rav Yisrael Salanter, who contended that Jewish leaders must have three character traits: (1) they must not get angry; (2) they must not get tired (or "burned out"); and (3) most important, they must not always seek to win by being proven correct.<sup>1</sup> Such an approach would certainly ease the problem somewhat.

Of major concern is the halakhic approach to issues of diversity and personal status. The standards for marriage, divorce, conversion, and "mamzerism" were formulated by halakhah, not by history, sociology, or demography. Thus at the root of the controversy is halakhah itself. This suggests that an understanding of the halakhic process is a necessary first step toward a realistic assessment of the problem and potential rapprochement.

### *Diversity*

Does halakhah condone diversity? Yes. In fact, it is endemic to the system itself. Two examples:

The prophet Amos warns the Jewish people, "Behold, days are coming, says the L-rd, and I will send a famine in the land, not a hunger for bread nor a thirst for water, but to hear the word of G-d' . . . and they will run about to seek the word of the L-rd and shall not find it" (Amos, 8:11,12). Says Rav Shimon Bar Yohai, in the Talmud: "*Has v'shalom* -- Heaven forbid that Torah will ever be forgotten from Israel." If so, then what is the meaning of the above verse? It means that a time will come when Halakhah will not be monolithic. There will be no definitive Halakhah. There will be diversity.<sup>2</sup>

The Maharal of Prague makes the following incisive comment: "*Yisrael v'oraita had hu*," Israel and Torah are one. Each impacts the other. The status of Israel -- the Jewish people -- is

reflected in the status of Torah. Just as Jews are not physically united but dispersed throughout the world, so too is Torah not monolithic. It too is dispersed.<sup>3</sup> As such, *galut* -- the exile -- has a spiritual component. As long as Jews are not physically united in Israel, diversity is a normal feature of the halakhic process. As long as the *galut* exists, so too does diversity.

The Talmud records that Honi HaMagel was a Jewish Rip Van Winkle. After his legendary sleep, he visited the *beit hamidrash* and heard the scholars bemoan his death, contending that Honi had the ability to clearly resolve halakhic problems: "Ah, if only Honi were alive!" Honi approached them and revealed himself, but the rabbis disbelieved him and he departed dispirited.<sup>4</sup> Rav Hayyim Schmuelevitch, dean of the Mir Yeshiva in Jerusalem, made the following poignant remarks: What is a Torah sage? Is he not one who has mastered Torah knowledge? Accordingly, Honi should have requested the rabbis to pose halakhic questions to him. Honi's ability to resolve difficult Torah problems would have verified his status. Perhaps, suggests R. Hayyim, certain problems cannot be resolved by sages of previous generations. Each scholar, in each era, must rule on the problems of the day. There must be a charismatic relationship between master and disciple. For this reason *Pirke Avot* delineates the chain of tradition. Moshe, having received the Torah at Sinai, transferred it to Yehoshua, Yehoshua to the Elders, they to the Prophets, and they to the men of the Great Assembly. No era relied totally on the leadership of the previous generation. Each had its own leadership.<sup>5</sup>

Current Torah scholars, therefore, have authority to render proper halakhic judgments in the midst of diversity. Yet this simply has not taken place. Why? In this matter, the sociology of halakhah plays a major role. The great American decisors of halakhah have died or are too aged for active involvement. The current so-called halakhic experts generally rule on the basis of consensus, which inherently mitigates against liberal viewpoints. In addition, most are ideologically centered or aligned with the yeshiva and/or Hasidic spheres, which tend to favor extreme positions. There appears to be, moreover, a built-in negative response to any creative liberalism, even if such is halakhically correct. This generates public denunciation and scathing criticism of innovative halakhic rulings. Thus independent, objective halakhic inquiry is stifled by political pressure. Most scholars are simply not desirous of incurring criticism or controversy and generally favor discretion over valor.

But this too will change. There's an ever-growing reaction to this phenomenon. Yet change cannot be effected by a "Lone Ranger." No one scholar has such power. It requires numbers. It mandates the gathering of like-minded halakhic experts rooted in a "centrist" philosophy and guided by goals of unity and oneness of *klal Yisrael*. The formation of such a group must be encouraged by all sectors of Jewry. It must be granted a mandate to rule on the issues of the day. I know not in advance what decisions may emanate, but I strongly believe that it is in such a group that intrareligious disputes may be somewhat resolved.

#### *Halakhah and Deviance*

It should be noted that halakhic diversity is not synonymous with deviance. The latter is aberrant behavior outside the perimeter of halakhic guidelines. Of interest is the halakhic reaction to institutionalized deviant worship. The Talmud notes that in Alexandria, Egypt, contrary to halakhic rules prohibiting animal sacrifice outside the Temple in Jerusalem, the *kohanim* practiced this ritual. The Mishnah cites Scripture to prohibit those *kohanim* who ministered in the House of Onias from ministering in the Holy Temple,<sup>6</sup> the implication being that such *kohanim*, though deviant, were devout Jews otherwise qualified to minister in Jerusalem. The congregants, or worshipers in the House of Onias, were not ostracized or delegitimated. This position seems to be the model for traditional halakhic reactions to Reform and Conservative Jewry: their rabbis are

not deemed rabbinic leaders, their services are ruled deviant, but ordinary people are not judged at all.

As numerous cases of personal status came to the awareness of the halakhic community, it became evident that the problem was not deviant worship but a schismatic process portending a rupture in Jewish unity. The decision of the Reform movement to accept patrilineal descent forced the halakhic community to publicly study and analyze the practices of Reform Jewry. No longer could Torah leaders simply make believe that such a movement did not exist. Its position had to be countered. The very fact, moreover, that the Conservative movement even voted on the issue of patrilineal descent sent shock waves throughout Orthodoxy, for since when is halakhah determined by a vote in which nonhalakhic scholars participate? Accordingly, a hardening of position ensued wherein any opening to the left was viewed as suspect.

Aberrant religious behavior is tolerated as long as the halakhic system is accepted as the valid, authentic process for the establishment of religious mores. Rejection of the halakhic system sets up a unique framework wherein there is no common language for halakhic scholars to use. It's as if someone simply rejects the validity of the Constitution in dealing with legal problems in the United States.

Certain principles must be clearly understood. Any expectation that halakhah will accept de jure the Reform and Conservative movements is a pipe dream. This does not mean that de facto accommodations and adjustments cannot be developed.

#### *De Facto Accommodations: Marriage, Divorce, Mamzerim*

It is widely known that the sage Rav Moshe Feinstein delegitimated marriages performed by Reform and Conservative rabbis in order to mitigate problems of *mamzerim*. This means that according to Rav Feinstein no *get* is required in such marriages and the relationship is viewed as premarital sex. The ruling solves a major apprehension over *mamzerim* while simultaneously piercing the credibility of the Reform and Conservative rabbinates.

Of concern is the halakhic underpinning of such a ruling. Since when is a rabbi a necessary participant in a halakhic marriage? According to halakhah, the following are essential features: (1) a Jewish man and woman; (2) the transfer from the man to the woman of a personally owned object of value with the indication that such gift is for purposes of marriage; and (3) two witnesses who observe the process. Thus any Jewish man who gives a ring to a Jewish woman in the presence of two witnesses and recites the traditional "*Harei at mekudeshet li . . .*" is deemed halakhically married even if no rabbi is present. The solemnization of the marriage by a Reform or Conservative rabbi should have no impact upon its legitimacy. According to halakhah the presence of a rabbi is simply to ensure that the essential procedures are correctly observed, namely: both bride and bridegroom are Jewish; neither was previously married and in need of a *get*; neither is a *mamzer*; neither is the result of a questionable conversion or adoption; neither has problems marrying a *kohen*; the ring belongs to the groom; and most importantly, the witnesses are halakhically acceptable. Assuming that no halakhic obstacles exist, the marriage is valid, with or without the presence or involvement of a rabbi.

The major overt problem relates to the status of witnesses. Many non-Orthodox rabbis use women or blood relatives as witnesses. Neither are acceptable to halakhah. Rav Feinstein's ruling is, therefore, an assumption that a wedding performed by a Reform or Conservative rabbi most probably will not utilize kosher witnesses and therefore may be deemed invalid. To the extent that kosher witnesses must be observant Jews, there is a further assumption that such are not even

present in the assemblage of guests. This suggests a means by which marriages performed by Reform or Conservative rabbis may be accepted by the halakhic community -- namely, by upgrading the role of witnesses. Witnesses to a marriage are not simply agents providing evidence or corroboration. They are essential participants. Jewish law invalidates the entire group of witnesses in the event any one witness is disqualified.

For a variety of reasons many Jews may prefer a wedding ceremony structured and performed by Reform or Conservative rabbis. At the same time, they probably want their marriage to be accepted and legitimated by all segments of Jewry. To facilitate this, a formal cadre of kosher witnesses may be utilized. Provided there are not personal-status issues involved, the marriage has halakhic validity even if the rabbi is an atheist and performs a nontraditional ceremony. Though this device validates ceremonies of Reform and Conservative rabbis, it reopens the problem of *mamzerim* and the need for a *get*. Yet such a device would assure laymen that their marriages have universal Jewish acceptance. It would, moreover, focus the discussion on the set of witnesses rather than on the performance of the specific rabbi.

### *Intermarriage and Conversion*

No issue generates as much tension and divisiveness as intermarriage. Since most non-Jewish spouses do not convert or do so in a manner unacceptable to some segment of Jewry, the problem threatens the unity of the Jewish community. Despite such concerns, the rate of intermarriage is rising at alarming speed. A third of all Jewish marriages in America may be intermarriages. The halakhic community is thus faced with a major challenge -- namely, how to react to the personal-status questions made pressing by this phenomenon.

The Reform rabbinate legalized a long-standing informal practice of their movement by formally legitimating patrilineal descent. Thus, according to the Reform movement, intermarriage without conversion does not prevent a child from being considered a Jew even though the mother is a gentile. This practice has been denounced by halakhic scholars and rejected by the Orthodox and Conservative rabbinates. So what is the ultimate status of such children? Are they to be excluded from the Orthodox and Conservative communities, or may they be brought into the fold in some manner compatible with halakhah? The need for action becomes more pressing because the children of intermarriage are "passing as Jews" and being reared as if they are Jews. The problem cannot be ignored. Jewish law must respond to the crisis, for halakhah is not and cannot be a fortress impervious to change. Is there a halakhic instrumentality to resolve this issue? My position is that there is a legal precedent to lessen the tensions.

The Talmud<sup>7</sup> authorizes a *beit din* to convert minor or infant children. The rationale presented is that it is a *zekhut*, a privilege, to be a Jew, and a privilege may be conferred even without one's knowledge. Thus even though the child is but an infant and lacks awareness of the conversion process, the privilege principle confers legality to the conversion. The difficulty is that the consensus of contemporary scholars is that this concept is applicable only when the parents are ritually observant. For a child to grow up in a home that transgresses basic Jewish beliefs and observances is not a *zekhut* but rather a disadvantage and liability. This limiting guideline invalidates the legitimacy of any child conversion when the milieu of the parents is contrary to halakhah.<sup>8</sup>

I have argued elsewhere that this is an innovative and stringent interpretation not necessarily backed by the Talmudic text. Indeed, the codes and early scholars do not even mention this limitation.

*Kabbalat mitzvot*, the commitment to believe in monotheism and to observe *mitzvot*, is a necessary halakhic aspect of conversion. Should it be absent, the conversion has no halakhic standing. The issue, therefore, is the halakhic legitimacy of child conversions. Such converts certainly cannot (and do not) comprehend the meaning of *mitzvot*, the need and the ability to observe *mitzvot*. Thus the entire conversion could be deemed invalid. To resolve this dilemma, the Ritva, a medieval scholar, postulates a unique guideline for child conversion.<sup>9</sup> He contends that *kabbalat mitzvot* is a vital element of conversion only in cases in which such commitment is physically possible to ascertain -- that is, in cases in which the potential convert has the physical and intellectual capacity to be aware of *mitzvot* and the need for observance. Since *kabbalat mitzvot* is beyond a child's comprehension, this element is deemed nonessential to the child's conversion. In other words, any consideration of observance is not germane to the validity of child conversions. If so, then what is the Talmud dealing with?

My position is that the Talmud deals with the issue of consent, not observance. Conversion must be voluntary.<sup>10</sup> Rashi and the codes<sup>11</sup> specifically utilize the privilege factor only when a mother brings the child to *beit din* for conversion. The meaning seems as follows. A Jewish father has the right to convert his child to Judaism even without the privilege factor. That's the inherent right that a Jewish father has over his child. A gentile mother may also convert her child to Judaism, for it is a privilege to be a Jew. *Beit din*, therefore, provides consent to the action of the gentile mother and thereby considers the conversion a voluntary process. Accordingly, when a Jewish father brings his child to *beit din* for conversion, the conversion is valid even though the mother remains a gentile and the home is nonobservant of *mitzvot*. Rav Moshe Feinstein confirmed in writing that such a conversion has halakhic validity. A *beit din* may require a Jewish education to ensure that the child has some level of understanding of Jewish tradition.<sup>12</sup>

This concept has great pragmatic relevance. Most intermarried Jewish men want their children accepted as Jews. They would prefer that their children be legitimated by all segments of Jewry, which of course implies acceptance by the Orthodox. Yet the overwhelming number of such parents are reluctant to seek out a *beit din*, especially an Orthodox *beit din*. They assume that a conversion entails a commitment that they realistically cannot make. Most such parents refuse to falsify statements or misrepresent themselves. But if commitment is not essential, then the overriding impediment to a halakhic conversion is removed. By converting such children during their minority a major dilemma would be somewhat resolved. Indeed, the conversion has halakhic legitimacy, providing such children do not renounce their Jewishness prior to maturity.<sup>13</sup>

Many intermarried Jewish men do not wish to question, discuss, or impugn the integrity of their gentile wives. But, as mentioned, they do wish their children to be Jewish. To the extent that such a conversion would not entail a commitment to religious observance, I suggest that even the Reform and Conservative rabbinates might go along with the process. (At present, several leading Reform and Conservative rabbis have so indicated to me.) What is of great interest is that should a National Beit Din for the Conversion of Children be convened, then with or without the approval of the Conservative and Reform rabbinates a major schismatic problem could be alleviated. Yet even this simple suggestion requires a degree of consensus and a marketing approach for implementation. I do not deny that it has generated controversy.

The constraints of time preclude discussion of a number of other halakhic mechanisms to resolve the variety of personal-status issues presently dividing our people.

Suffice it to say that halakhah is an evolutionary process and contains within its system vehicles to offset schism. It requires, however, innovative research, creative thinking, and courage to stand by convictions in the face of personal attack and debilitating pressure. Hopefully, objective dialogue will finely hone the most practical suggestions.

*Notes*

1. See R. Yitzhak Hutner, *Pahad Yitzhak*, Iggerot 152.
2. Shabbat 138-139a.
3. *Tiferet Israel*, ch. 56. See also *Pahad Yitzhak*, Purim, no. 31.
4. *Ta'anit* 23a.
5. *Sihot Mussar*, 5731, 19.
6. *Menahot* 109a.
7. *Ketubot* 11a.
8. See *Seridei Aish*, part II, *Yoreh Deah*, Responsa 95, 96.
9. See Shita Mekubetzet, *Ketubot* 11a.
10. Bah, Tur, *Yoreh Deah* 268.
11. *Ketubot* 11a, *Yoreh Deah* 268:7.
12. See J. S. Cohen, *Intermarriage and Conversion: A Halakhic Solution* (New York: Ktav, 1987).
13. *Ibid.*

ON MARRIAGEABILITY, JEWISH IDENTITY,  
AND THE UNITY OF AMERICAN JEWRY

David Berger

The Jewish people faces a profoundly serious problem with highly problematic solutions. Before addressing the proposed cures, we need to take a brief look at the debate over the disease itself.

Steven Cohen dismisses the fear that we are moving toward "two Jewish peoples," but his analysis affords scant consolation. "When I hear of two Jewish peoples," he says, "I think of the sorts of distinctions that separate French and Italians today, or Jews and Karaites, or Jews and Christians centuries ago. Two peoples means, among other things, two languages, two cultures, two lands, two religious systems, two sets of economic involvement, two sorts of political interests, and, not least, two conceptions of ancestry and destiny."<sup>1</sup> Since a fundamental rift with respect to only one or two of these criteria would presumably not generate two peoples, Cohen has set a standard for separate peoples that Jews in the United States can indeed never meet. As long as American Jews are Americans, they will share with each other a language, a culture, a land, economic involvement, and political interests. It is no accident that one of Cohen's examples of separate peoples is "Christians and Jews *centuries ago*" (my emphasis) since the criteria that he proposes do not separate contemporary American Jews and Christians into two peoples. In the sense that most Jews in the United States are acculturated, patriotic Americans, Cohen is perfectly correct. In the sense of this symposium, however, such identity is of marginal relevance, and an analysis which tells us in effect that Jews will not become two peoples for the same reasons and in much the same way that American Jews and American Christians will not become two peoples provides us with little reassurance indeed.

Needless to say, Cohen's categories of "religious systems," "ancestry and destiny," and the Jewish dimension of "culture" might still serve as a basis for a distinctly Jewish peoplehood, but it is precisely with respect to these categories that Jewish unity is endangered. Cohen's preference for the term "sectarian schism" over "two peoples" may well be justified, but once marriageability and Jewish identity itself are called into question, the term "schism" needs to be understood in the strongest sense. The distinction between such a schism and "two Jewish peoples," almost becomes a matter of terminology rather than substance.

How serious are the implications of such a fissure? Paula Hyman notes that the problem created by "Reform Judaism's abolition of the *get* . . . is a problem for Orthodox Jews, not for Reform Jews," and she maintains that "Yitz Greenberg's definition of the coming communal crisis is essentially an Orthodox one."<sup>2</sup> Some of Steven Cohen's comments also tend to create the

impression that these are problems primarily for Modern Orthodox and traditional Conservative Jews, despite his assertion that "for all Jewry, a widening chasm between the most traditional and the most modern makes Jewish civilization that much poorer, Jewish political influence that much weaker, and the Jewish people that much diminished."<sup>3</sup>

In fact, non-Orthodox Jews who are concerned about the future of American Judaism should, I think, regard a major rupture with Orthodoxy with deep foreboding. Several decades ago, it was fashionable for Jewish intellectuals to predict the demise of Orthodoxy as an inevitable and rather welcome by-product of modernization. More recently, some Orthodox leaders have begun to anticipate the disappearance of Conservative and Reform Jewry in the maelstrom of intermarriage and assimilation. Many observers have deplored this Orthodox "triumphalism" and most Modern Orthodox thinkers, myself included, have rejected it as factually unfounded and religiously distasteful.<sup>4</sup> At the same time, non-Orthodox Jews must confront some hard questions. To what extent will the Judaism of their great-grandchildren exhibit genuine continuity with the classical Jewish tradition? How confident can the Reform movement be of retaining the loyalty of its future generations when so central a symbol of Jewishness as the State of Israel has already registered an alarming decline in the consciousness of the Reform laity?<sup>5</sup> Can non-Orthodox Judaism in the United States survive genuine adversity?

All these questions are critical, and the last one, which has been entirely ignored, deserves some brief elaboration. The United States, especially in the last several decades, has been tolerant of ethnic and religious diversity to a degree that is remarkable and unprecedented. Without worrying about whether "it" can happen here, prudent Jews must nonetheless consider the impact of a more moderate change of atmosphere, one in which Jewishness comes to be perceived with less warmth, with diminished tolerance, even with some disdain.<sup>6</sup>

In such circumstances, historical precedent is not encouraging. The Jewish experience in fifteenth-century Spain, contrasted with that of Ashkenazic Jewry during the Crusades, suggests that acculturated communities do not stand up well to pressure. Granted, the medieval pressures, even when they fell short of forcible conversion, were far greater than those that can reasonably be envisioned in the United States, but the commitment to Judaism of the medieval community was also far greater. In short, and not only because of the less than decisive historical argument, I am very much afraid that the Jewish loyalties of the masses of Reform and Conservative Jews could be swept away by the sound of a driven leaf. Should this danger materialize, the model of an Orthodox community retaining its commitment would be critically important to the survival of non-Orthodox Judaism -- but only if there were a sense of shared identity, of vibrant, ongoing communication. Even under current conditions, the retention of meaningful ties with the classical Jewish tradition depends in part on an ongoing connection with Orthodoxy. I do not present this image of Orthodoxy as an insurance policy for Jews with shallower commitments out of a sense of smug superiority; on the contrary, the medieval analogy also means that my own acculturated Modern Orthodox community is less likely to weather severe adversity than a right-wing Orthodoxy from which we have much to learn about intense religious commitment. Indeed, the inclination of some non-Orthodox Jews to support the most Orthodox *yeshivot* probably stems not only from nostalgia but from a powerful instinct about the most effective guarantee of Jewish survival.

From a global perspective, there is a more immediate sense in which the bifurcation of American Jewry poses a vexing problem for non-Orthodox Jews. For the time being, at least, marriage and divorce in the State of Israel remain in the hands of the Orthodox rabbinate, and the reason for this is precisely the need to avoid the problems of marriageability which are beginning to bedevil the American Jewish community. If this control is removed from the rabbinate, the American hornet's nest will be unloosed in Israel; if it is not removed, then a growing minority of Reform Jews will not be able to marry in the Jewish state. This issue, in fact, is far more acute

than it is in the United States, because here patrilineal Jews and nonhalakhic converts can marry Reform Jews with no impediment; in Israel, unless they were willing to undergo a genuine Orthodox conversion, it is difficult to see how they can.<sup>7</sup>

Moreover, the ideological basis for Orthodox hostility to Conservative and Reform Judaism, though clearly rooted in a multitude of classical texts, also requires at least partial reexamination. Orthodox Jews cannot assign fundamental religious legitimacy to movements that do not affirm the divine revelation of the Torah in the traditional sense, but there is room for rethinking the assumption that classical attitudes toward the heretics of Talmudic and medieval times should automatically be applied to Reform and Conservative leaders today. In premodern times, the likely alternative to heretical religious movements was normative Judaism; hence, the Sadducee or Karaite preacher -- and, in many cases, the nineteenth-century Reform rabbi as well -- was preventing his followers from adhering to rabbinic practices and beliefs. In contemporary America, the overwhelming likelihood is that a successful Reform or Conservative rabbi is not preventing his followers from embracing Orthodoxy, but is instead saving them from utter secularism and final estrangement from the Jewish people. A Jew who believes in God, observes some commandments, and cares about Jewish destiny is unambiguously superior by Orthodox criteria to the estranged secularist; indeed, contemporary Orthodox theology can plausibly assert that many such Jews will receive divine reward for their *mitzvot* without being held responsible for their heterodox beliefs.<sup>8</sup>

This argument cannot obscure the fact that the existence of the Reform and especially the Conservative movements impedes the acceptance of Orthodoxy by some Jews who would never choose the secularist option, and it no doubt prevents a few *ba'alei teshuvah* from the becoming fully Orthodox Jews.<sup>9</sup> For many Orthodox observers, this consideration alone outweighs all others, and it is important for non-Orthodox Jews to recognize that this reaction is neither frivolous nor mean-spirited nor self-serving. Orthodox Jews believe that the Creator of the universe has placed us here -- may, indeed, have placed the universe itself here -- so that we should observe the Torah as Orthodoxy understands it. The undermining of such observance can only be perceived as a communal, even a cosmic tragedy.

At the same time, non-Orthodox movements not only improve the religious lives of a majority of the adherents; by keeping the connection with Judaism alive, they preserve the possibility of increased observance by these Jews and their descendants. To Orthodox ears, "religiously beneficial heterodoxy" appears at first to be a blatant oxymoron, and the fact that many non-Orthodox leaders vigorously advocate violation of halakhah strengthens the Orthodox instinct to rebel against such a designation. Nonetheless, given the sociological realities of late-twentieth-century America, it is by no means unthinkable that Conservatism and Reform do more good than harm even from the most rigorous Orthodox perspective.

On more purely pragmatic grounds, it will not be easy to pursue goals of importance to almost all Jews -- the struggle against anti-Semitism, support for Israel and Soviet Jewry, and the like -- if the Jewish people are bifurcated. For Orthodoxy in particular, the association with the larger community on such issues has had mixed effects, but even if that association has sometimes served to mute the distinctive Orthodox voice, the fundamental impact has given Orthodox Jews a stature on the American scene that they could not have achieved alone. Extreme sectarian schism will have profoundly deleterious consequences for all Jews.

What, then, of the proposed solutions?

We begin with a paradox: The halakhic preservation of marriageability in the crucial context of *mamzerut* is attained through the delegitimation of Reform marriage, a step that follows from the delegitimation of Reform Judaism itself. Rabbi Moses Feinstein argued that since Reform Jews

are not halakhically observant, they cannot be valid witnesses to a marriage; because an invalid marriage requires no divorce, a second marriage would not be adulterous even if the first one was terminated without a *get*. Since only an adulterous or incestuous relationship can produce a *mamzer*, the absence of a religious divorce does not lead to illegitimacy as long as no Reform marriage is granted validity in the first place. In short, Jewish unity is preserved though radical delegitimation.

This paradox can be extended even further. Rabbi Feinstein's permissive ruling is not universally accepted and its ultimate fate remains to be determined; consequently, the specter of *mamzerut* continues to haunt us. In an ironic twist, the Reform decisions to seek converts and to endorse patrilineal descent can be of benefit to some *mamzerim* precisely because of the resulting influx of halakhic gentiles into the Reform populace. The first consideration is that if either partner in a first marriage is a gentile, the marriage is invalid even without Rabbi Feinstein's ruling. Moreover, the one way for a male *mamzer* to produce children who are not *mamzerim* is to marry a gentile. The offspring of such a marriage will be gentiles, and gentiles cannot be *mamzerim*. The children of a female *mamzeret* can never be legitimate, but if she should have only male children (a substantial possibility in an age of low birthrates), then her grandchildren could be non-*mamzerim* if those children should marry gentile women. The greater the number of gentiles in the Reform populace the lower the number of *mamzerim*. From the perspective of marriageability, it is far better to be a gentile than a *mamzer* since conversion "cures" the condition of non-Jewishness, while *mamzerut* is indelible. To put the point in its sharpest form: if marriageability is perceived as the central criterion of Jewish unity, the more gentiles there are among Reform Jews, the greater the unity of the Jewish people.

I cannot emphasize strongly enough that this observation does not constitute a solution to the central problem. All it means is that certain individuals whose lineage and family history are known might be helped by descent from an ancestor who is halakhically a gentile. The real nightmare is that Orthodox authorities sometime in the next century might declare Reform Jews as a group possible *mamzerim* (a condition that severely complicates the halakhic standing of Karaites) and place the burden of demonstrating an untainted lineage on every individual of Reform background who wishes to marry an Orthodox Jew. Despite its limited applicability, however, the paradox has significant practical consequences, and it raises difficult questions about the desirability of Jack Simcha Cohen's proposals. Providing a "cadre of kosher witnesses" for Reform marriages would, as Rabbi Cohen explicitly recognizes, validate those marriages and thus undermine Rabbi Feinstein's ruling. I would much rather see halakhically invalid marriages than adultery and *mamzerut* in second marriages, and I would therefore oppose this suggestion even if it were realistic.

The further proposal to convert the offspring of Reform Jewish fathers during childhood on the grounds that accepting the commandments is unnecessary in such a case raises a complex of halakhic, pragmatic, and theological questions. Assuming that the problem of *mamzerut* can be dealt with by means of Rabbi Feinstein's ruling, there is no question that great benefits would accrue to the Jewish community if Reform and Conservative converts of any age could be recognized by Orthodox Jews. From an Orthodox perspective, however, these communal benefits must be weighed against the spiritual consequences of such conversions.

Let us assume for argument's sake that a halakhically valid approach could be devised for the conversion of an adult with no intention of observing the Torah in the Orthodox sense, or of a child with little realistic prospect of doing so. Before the conversion, the adult was probably a righteous gentile with a portion in the world to come, while the child had every prospect of becoming one; now, he or she is (or is destined to be) a Jewish sinner. Even if we assume that a merciful God would not punish this well-intentioned innocent,<sup>10</sup> the proposal to engender large-scale sin for the sake of communal unity poses a theological dilemma of considerable dimensions.

The standard Talmudic category of a Jew who is not culpable for certain sins is "an infant who was taken captive among the gentiles."<sup>11</sup> Consider the irony. We will take gentile infants who will remain in a Reform environment and convert them to Judaism with the expectation that they will not incur divine punishment because they know not what they do. A new halakhic category will be born: "An infant who was taken captive among the Jews."

It is true that Orthodox rhetoric on this issue is not always congruent with the Orthodox practice. Though ringing denunciations of meaningless non-Orthodox conversions are not uncommon, neither are hypocritical Orthodox conversions. In a recent article in *Commentary*, an "Orthodox" convert who never intended to observe the Torah described the scrupulous avoidance of any revealing questions on the part of the rabbinic court and reported that his conversion has been fully recognized by the Israeli rabbinate because of its Orthodox auspices.<sup>12</sup> Conversions of this sort lend much credibility to non-Orthodox complaints that credentials rather than substance determine the acceptability of converts. Still, many Orthodox rabbis practice what they preach, and in the final analysis Orthodox resistance is based on genuine principle.

Rabbi Cohen's suggestion regarding conversion is not without halakhic difficulties, but an additional, critical consideration within Orthodoxy presents a major obstacle for all such proposals: in the realm of personal status, the group with the most stringent position is likely to exercise a veto over the remainder of the Orthodox community. Though the inclination toward stringency is an oft-discussed phenomenon in contemporary Orthodoxy across the entire spectrum of halakhah, it operates with particular vigor and effectiveness in this most sensitive of contexts. Whatever their views about a particular proposal, few Orthodox Jews are prepared to create problems of marriageability within the fold. Consequently, if a significant segment of the community regards a particular individual as a gentile or a *mamzer*, it would require an almost foolhardy level of courage to act on the lenient position. This is one reason why the strategy of inattention to problematic status suggested by both Steven Cohen and Paula Hyman could not work under present conditions even if we were to imagine that some Orthodox Jews would be inclined to adopt it. It is also for this reason that I am not yet certain that Rabbi Feinstein's ruling will prevail even though its author was the most respected decisor in the United States.

With respect to marriageability, the critical necessity is the use of an Orthodox *get* in every Jewish divorce. Minimally, every couple contemplating divorce should be informed of the potential consequences in Orthodox eyes, and at least one lawyer has spoken of suing for rabbinic malpractice because of a rabbi's failure to provide such information. Whatever the legal possibilities -- and one imagines that anything could happen in a society as litigious as ours -- this is a clear-cut ethical obligation. A recent resolution by the New York Board of Rabbis to encourage the use of *gittin* is the most important testimony yet to the value of interdenominational cooperation from an Orthodox standpoint. Rabbi Haskel Lookstein informs me that as a result of this initiative, he has been contacted by the Reconstructionist rabbinate for a list of rabbinic courts which prepare *gittin* and has been invited to address the Reform rabbinate on the subject. Movement in this direction requires ideological sacrifice on the part of some non-Orthodox leaders, and it is difficult to see how such sacrifice could be generated and sustained if all they will receive in return is a public barrage of vitriol and contempt unleavened by any friendly relations. Orthodox figures who oppose cooperation may therefore have to balance the admittedly weighty arguments for their position against the responsibility in the eyes of God and future generations for "multiplying *mamzerim* in Israel" and locking the door against repentance. For its part, the Orthodox community should publicize the importance of Jewish divorce through tasteful, respectful advertising in the Jewish media and should raise funds to make free *gittin* available for those couples to whom even the modest price of a *get* might serve as a deterrent.

In this and similar contexts, the issue of principle is occasionally raised as an argument against

accommodating Orthodox sensibilities. Paula Hyman, for example, asserts that "those of us who find the very category of *mamzerut* ethically troubling can hardly be expected to see this issue as a central one in communal discussions about Jewish unity."<sup>13</sup> The ancient rabbis themselves were troubled by *mamzerut*, and an oft-quoted midrash speaks with deep pathos about "the tears of the oppressed who have no one to console them" (Eccles. 4:1) as the tears of the innocent *mamzerim* suffering for the sins of their parents. In this world, says the midrash, they suffer from an impurity, but in the world to come, God himself will undertake the task of consoling and purifying them.<sup>14</sup> The responsa literature throughout the ages testifies to the anguish of sensitive rabbis facing the tragedy of *mamzerut*, and Rabbi Feinstein's ruling is itself a striking example of a halakhist's willingness to overcome weighty halakhic objections in the service of human needs when this can be accomplished honestly and responsibly.

This combination of sensitivity and responsibility can hardly be expressed better than it was by Rabbi Feinstein himself in a responsum reflecting the piety and humanity of its author. A rabbi from the Netherlands had asked him to rule on the status of a young woman with an adulterous mother, and he had declared her legitimate. The rabbi wrote back with additional, unsettling information, and wondered whether he was not allowing his sympathy for this woman to cloud his own judgment. Rabbi Feinstein replied that the original ruling stands, and ended his responsum with the following remarks: "As for your concern about your efforts to legitimate the daughter, who is a precious and unblemished soul -- on the contrary, it is a worthy, proper, and desirable thing in the eyes of God to make every effort for the sake of modest and precious women, just as we have been commanded to strive to permit abandoned women to remarry, provided that this effort is pursued in true accord with the laws of the Torah."<sup>15</sup>

For all the empathy resonating in this declaration, the last proviso means that, in certain circumstances, the hands of an Orthodox rabbi will be tied and a marital prohibition affirmed. It is patently unreasonable to expect anyone to endorse this prohibition without believing that it reflects the revealed will of God. At the same time, the principle that produces opposition to the category of *mamzerut* is a function of the general principle that human suffering should be avoided. A refusal on principle to take action that will prevent *mamzerut* is therefore a decision to generate human suffering in the name of avoiding it. I can see no reasonable principle -- including objections to the inegalitarian character of the *get* -- powerful enough to justify the willful creation of the communal tragedy produced by wholesale *mamzerut* and the wrenching personal tragedy for *mamzerim*, however few they may be, who become Orthodox Jews.<sup>16</sup>

With intense effort, then, and with interdenominational goodwill, the problem of marriageability can be solved, although it must be addressed urgently so that the number of *mamzerim* does not multiply beyond a critical mass. On the other hand, the problem of the Jewish identity of a growing number of Reform Jews is probably not susceptible to solution. Orthodox Jews cannot in good conscience recognize adult conversions that take place without acceptance of the commandments as understood by Orthodox Judaism. Rabbi Cohen's proposal regarding children is beset by sufficient difficulties to render its success improbable. As to patrilineality, even if the Reform movement were to rescind its decision -- and this is a utopian fantasy -- it would proceed to convert these children in a procedure that Orthodox Jews would not recognize. We are condemned to a future in which the Orthodox community (and perhaps some traditional Conservative Jews) will regard a significant minority of the Reform community (and a much smaller group of converts to mainstream Conservative Judaism) as non-Jews.<sup>17</sup>

I have already indicated that I regard such a development with grave concern. To cite but one further consequence, Orthodox Jews who favor interdenominational cooperation will be hard pressed to justify sitting on the Synagogue Council of America with gentile rabbis, and even more

neutral Jewish bodies could be subject to similar pressures. At the same time, we must be careful about using apocalyptic language to describe this prospect. With respect to *mamzerut*, such language is appropriate and desirable; indeed, it is an urgent necessity. With respect to Jewish identity, such language is intellectually defensible, but it is, I think, a mistake in policy. Precisely because this problem cannot be prevented, and precisely because it is fraught with much genuine danger, describing it as the end of a united Jewish people can help bring about the result that we want to avoid.

Instead, during the gradual transition to a Reform movement with a significant gentile minority, Orthodox Jews could be encouraged to think about this prospect from a somewhat different perspective: "This is a tragic development, but it is not the end of a single Jewish people. Marriage can take place across the communal divide after Orthodox conversion. (The difficulties of the Ethiopian experience are not fully applicable here.) The non-Jews in the Reform community are righteous gentiles who have been misled into thinking that they are Jews. It is entirely likely that many of their children and grandchildren will in fact be Jews. We may indeed be unable to engage in certain joint activities that would imply that we recognize their Jewishness; nevertheless, we retain a sense of kinship not only because, like 'God-fearing' semi-proselytes of late antiquity, they associate with the Jewish people but because their fate, through their offspring, will be linked to ours both physically and spiritually. In such a case, the inhibition against missionary work among gentiles may be ignored, and we should work to bring them closer to the Torah.<sup>18</sup> They certainly share our political destiny, and we may surely work with them to further the interests of Jews throughout the world."

Similarly, Reform Jews might be urged to pursue the same objective through a different line of reasoning: "The narrow perspectives of Orthodox Jews preclude them from accepting the Jewishness of many of the most dedicated and committed adherents of Reform Judaism. This is a tragic development, but it need not be the end of a united Jewish people. Our innovations have been necessary for the preservation and growth of a vigorous American Judaism, but the fact remains that this crisis has come about because of our own creative initiatives. However much we may deplore the intolerance and self-righteousness of the Orthodox definition of Jewishness, we must recognize that it reflects the views of our most revered forbears from Rabbi Akiva to Maimonides to the Gaon of Vilna. We should not be too harsh with our coreligionists simply because they cleave to ancestral tradition. Under such circumstances, the ultimate test of tolerance is the capacity to extend it to the intolerant. Modernity may one day work its magic even on the most recalcitrant of the Orthodox. Until that day, we will work together with those Orthodox Jews who are willing to cooperate in joint endeavors, and we will remain civil even toward those who repay our civility with aloofness and disdain."

There is no guarantee that such reactions can be successfully cultivated; if they cannot, then mutual hostility will indeed destroy the fabric of Jewish unity. At the same time, this is not an altogether unrealistic fantasy, at least within some segments of Orthodoxy and Reform. The nightmare we face will not be prevented either by denial or by solutions designed to prevent what cannot be prevented. We must instead look clearly at an unpalatable future and see if we can develop sufficient goodwill to retain our fundamental ties in the face of unprecedented challenge.

#### *Notes*

1. See above, p. 3.
2. Above, pp. 57, 61.
3. Above, p. 5.

4. See the Symposium in *Tradition* 20 (1982).
5. See Steven M. Cohen, "Are Reform Jews Abandoning Israel?" *Reform Judaism* 16:3 (Spring 1988): 4-5, 24.
6. Charles Silberman's *A Certain People: American Jews and Their Lives Today* (New York, 1985) contains an excellent characterization of the dramatic shift from a society in which Jewishness was cause for social embarrassment to one in which Jews are utterly at ease. I am concerned here about nothing more than the restoration of the atmosphere that prevailed in this country one generation ago.
7. The relative success of Lubavitch and other Orthodox groups under current conditions is no refutation of this observation. Orthodox "missionaries" today are sometimes welcomed in non-Orthodox environments, and even where they are not, they are dealing with Jews who begin with an existential sense of identity with all other Jews. The forthcoming uncertainties about Jewish identity will also lead to complications that are not without a touch of humor. One wonders whether representatives of Lubavitch will begin to add the same phrase to their standard opening question that they want to add to Israel's Law of Return: "Are you Jewish *according to the halakhah?*" Without a reliable answer to this question -- an answer dependent upon the dubious halakhic expertise of the passerby -- it would be impossible to know whether the potential *ba'al teshuvah* should be converted to Orthodox Judaism or to the Noahide covenant.
8. See notes 10 and 11 below. In light of the observation in note 11, Rabbi Feinstein's remark cited in note 10 can be applied not only to converts but to partially observant born Jews as well.
9. The movement of Orthodox Jews toward Conservatism and Reform has now slowed to an almost negligible trickle, but this possibility too continues to play some role in Orthodox thinking.
10. The issue of spiritual benefit to the prospective convert is central to the halakhic question of converting children. In his recent book, *Intermarriage and Conversion: A Halakhic Solution* (Hoboken, 1987), Rabbi Cohen notes the comment of R. Moses Feinstein that in such a case it may be deemed a privilege to become a nonobservant Jew rather than a gentile because the convert will receive credit for whatever commandments he observes while his transgressions will be considered inadvertent (p. 28). See *Iggerot Moseh, Even HaEzer* 4 (New York, 1985), responsum 26c, p. 54. R. Feinstein's assessment of benefit may be governed in part by the Maimonidean assumption that gentiles must believe in revelation in order to attain a portion in the world to come.
11. Many Orthodox Jews believe that in a secular age in which Jewish education is limited and the divine presence is not readily discernible, the vast majority of nonobservant Jews fall into this category rather than that of willful heretics. (Not everyone who uses the expression "captured infants" means it condescendingly; the language of Orthodox discourse is often determined by the categories bequeathed by the tradition.)
12. Roger Owen, "On Becoming a Jew," *Commentary* 84 (November 1987): 55-62. See also letters in *Commentary* 85 (March 1988): 2-6. The author's description of the human dimension of his experience was so charming that he was able to depict letter-writers concerned with such quaint values as honesty and religious sincerity as churlish and self-righteous.
13. Above, p. 59.
14. *Leviticus Rabbah*, end of ch. 32, and cf. *Ecclesiastes Rabbah* 4:1.
15. *Iggerot Moshe, Even HaEzer* 3, New York, 1973 responsum 10, p.432.
16. During the discussion following the delivery of her paper, Professor Hyman indicated that despite her fervent commitment to the equality of women in Judaism, she has refused to serve as a witness to a *get* out of concern for the possible consequences. Such restraint is genuinely admirable, and one wishes that it were universal.
17. This problem could be solved in an unpleasant and improbable way if a change in the atmosphere of American toleration should lead to gentile unwillingness to marry Jews, to convert to Judaism, or to allow their children to be brought up as Jews. If Reform Judaism could survive such a change in atmosphere, the gentiles within the movement would be transformed into Jews over the generations.

18. This sentence will strike a jarring note for some non-Orthodox readers, but there are Orthodox Jews for whom such a motivation would be crucial. This is, I suppose, another manifestation of the paradox in which delegitimation fosters communal unity.

## CLOSING REMARKS

David Elcott

We think and function in a divided world. The Jew who celebrates Shabbat, who lives and believes as a Jew, seldom meets in dialogue with the academic who scientifically studies Judaism or Jewish history or Jewish community. And the Jew in his synagogue or the professor in her classroom seldom sits down to talk with the pragmatist, the lay leader who serves on the committees and oversees the agencies that organize and direct American and Canadian Jewish communal life.

That's why planning this conference was great fun. We were able to locate the speakers whom you heard here, and we were able to invite you. But the greatest excitement came from our awareness of the need to bridge worlds -- to bring together in this room academics and rabbis, Jews who practice in all different fashions, and people who are, in fact, the movers and shakers and fundraisers of the Jewish community of North America. CLAL sponsors a range of interdenominational activities, including an annual conference of rabbis attended by over 150 rabbis from all parts of North America. In addition, we meet regularly with rabbinic students of the four denominations. All of these activities are important, as are our dialogue programs with lay people. But this conference was different in that it brought together a unique combination of significant leaders and thinkers to engage in dialogue.

I think there was also an awareness on our part that we are in an age of transformation, of great change in the Jewish world. The discussions of pluralism and sectarianism come from a realization that the world of our great-great-grandparents is not going to be the world of our great-great-grandchildren. With that awareness, we cannot simply be passive historians claiming that, in the end, all works out in history. We need to make choices. You heard the historians carefully state that case studies from the past may not be predictive of the future, but we need to be aware of that past and of the fact that great Jewish leaders chose one path over another. Some decisions led to division and destruction; others brought unity and strength. And in some cases, forcing some Jews out of the body of Israel was critical for survival. But all agreed that we need to act to protect the wholeness of our people, that we need to make decisions for the future.

Once we moved from academic discussions of historical models to real-world attempts to remedy the conflicts now dividing the Jewish community, the tone suddenly changed. Although we would have preferred to speak in quiet cadence without rancor, we could not because we are real people living real lives. The moments of anger and frustration in these discussions reflected the passion with which we all care about our people and its future. What I think we shared was the realization that we need each other as we confront a confusing and changing world, and that the

concrete decisions we must make should encourage inclusiveness and experimentation. If we are willing to address this new reality together, we will help to limit absolutist demands. Whether there will be one Jewish people or two, if that is the issue, or whether we are truly different wings of one people, the process of reconciliation remains the same for all of us. And that process was richly demonstrated here today.

Let me add one other thing. CLAL is delighted to be working with the American Jewish Committee, which has been involved for years in interdenominational activities, the City University of New York, the Synagogue Council, and the many Jewish federations that are involved in dialogue. It is a great joy to have been able to do this with a broad spectrum of colleagues, and I look forward to the opportunity for us to gather again. On behalf of CLAL and the AJC, I thank all of those involved -- both the speakers and the participants -- in this enterprise. It is a beginning, but a critical one, and one of which we should all be very proud.

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