

Reform Judaism: In 1000 Words

Jewish Status



Context

“Who is a Jew?” is both an interesting ‘academic’ question, and a fraught and painful personal issue for those whose status is in doubt: those who have mixed heritage, hidden heritage, or are affected by the negative decisions of some batei din (courts). Modern fertility treatments and the establishment of a Jewish Nation State have also led to divisive debates. Progressive Jewish movements around the world have responded in a variety of ways to the challenge modernity poses in this area.

*In this article, **Rabbi Josh Levy**, Rabbinic Partner at Alyth, traces the history of Jewish status and the extraordinary challenges that face us as modern Jews in this area.*

Content

It is in the nature of groups that they set boundaries of membership. They make decisions about who enjoys privileges and rights, and also bears the responsibilities and duties, of inclusion. These decisions can be made in a way which limits entry to the group, or with a view to inclusivity and welcome. These decisions can be behavioural - inclusion can be earned or acquired; often they are financial – paying membership fees, for example; sometimes rights are attributed to the individual for reasons beyond their control, such as inheritance. In the context of ~Judaism, the area of decision making about inclusion is normally referred to as Jewish status (as distinct from Jewish identity, which is the individual’s sense of their own relationship with Judaism), and its history is long and complex.

In biblical times, status was a straightforward affair. Israelite status belonged to Israelite men, or to those attached to the household of an Israelite man through birth or marriage. While a non-Israelite woman could join Israel through marriageⁱ, there was no mechanism by which a non-Israelite man could become Israelite. Such a person could live among the people, protected by Israelite law, but would always remain in a different category: *ger*, or stranger.

This model sufficed in the geographically and socially narrow context of the tribal life of Ancient Israel. However, by the period of the rabbis, when Israelite cultic life had transformed into a distinctive Judaism, existing beyond national borders, with significant interaction between Jews and non-Jews, new mechanisms were needed to answer new questions. What was the status of the child of a Jewish woman and a Roman man? What was the entitlement of the child of a Jewish householder and his gentile slave? What to do with those non-Jews who were attracted to (and probably being encouraged to joinⁱⁱ) the ritual and values of Jewish life?

In response to these new realities, the rabbis took Judaism through two radical shifts. The first was to introduce a mechanism by which a non-Jew could, independently, become Jewish – that which we now call conversion. They grounded this new process in their raw material - the Torah - transforming the biblical *ger* into the rabbinic proselyte, and prioritising three ritual requirements which they linked to the acceptance of Torah at Sinai: circumcision, ritual immersion and sacrificial offering, of which two remain central to modern conversion to Judaism.

The other radical shift was to introduce a simplifying principle for inherited status – the matrilineal principle. First found in the Mishnah, the compilation of early rabbinic law from c200CE, this new model asserted that while Jewish status would follow the male line in straightforward cases, where there was complexity, status would follow the mother. This was a radical subversion of the patrilineal model of Israelite status found in biblical texts, in which Israelite kings married foreign women with no demand for transformative ritual and no impact on the status of their children.ⁱⁱⁱ

In introducing this transformation, the rabbis were most heavily influenced by the models of status law that they saw around them. And so, it came to be the case that Jewish law contained a matrilineal principle taken directly from Roman status law^{iv}.

These new models sufficed for most of the period since. Judaism in the Middle Ages had only occasional reason to grapple with status law. In modernity, however, the question of status has once again become a live one, as our social realities and our Judaism have changed. The nature and extent of Jewish interaction within wider society, the greater diversity within the Jewish world, the new complexity of the family unit, the extraordinary ability of science to enable the creation of new life, the evolving roles of men and women in family and society, the existence of a Jewish state – these have all led to questions about how Jewish status is given, or earned; about who is considered ‘Jewish’ for the purpose of inclusion.

Meanwhile, the fundamental injustice of implementing a gendered status law has become a source of discomfort in those parts of the Jewish world that believe in equality as a fundamental religious principle.

These new complexities present us with questions about our approach to status today:

Do we believe that the context of our Judaism demands a different response to that which the rabbis developed 2000 years ago? If so, do we think that we have the right to transform that which came before, to draw on our own context and our own values as the rabbis once drew on theirs? Can we, as the rabbis did, create new mechanisms for our generation to allow people to be part of the peoplehood of Israel, or should we privilege the models of the past? Do we believe that status decisions can be made for our communities alone, or only if all parts of the Jewish world are willing to make them together (recognising that, if the latter, we allow power over status decisions to reside with those with very different values to ours, in order to preserve the sense of the whole)?

These are not questions that anyone takes lightly – change is never made in our Judaism for its own sake or without great consideration. Increasingly, however, we believe that in the area of status, as in much else, it is our right and our duty, to respond to the challenges of modernity.

What does this mean in practice? In the area of status in Reform communities, the most important principle is that we seek to help those whose Jewish life and Jewish identity is strong to be included in our communities. As rabbis, we do so in the most appropriate ways possible, seeking to create the best possible journey into Jewish communal life that we can. In many cases, this means using existing models – as in the case of conversion for someone with no Jewish lineage. But we recognise that there will be cases where the mechanisms of 2000 years ago no longer suffice: such as the child of a Jewish father raised exclusively as a Jew (and sometimes without knowledge that there are any questions about status), or the child of two parents of the same sex where one is Jewish and one is not. In these cases, we need new mechanisms and processes to respond to the reality of modern Jews.

Just as in the complex history of Jewish status, the early rabbis were willing to make radical shifts for their own time, so we must not be afraid to be bold, too.

Contemplation

In an ever shrinking community, does status really matter, or should we be finding every way possible to open up to all who genuinely wish to contribute to the future of Jewish life? Do there need to be processes for membership for this to have meaning, and if so, what should they look like?

ⁱ As did, for example, the biblical character Ruth who was attached to Israel through her first husband, was then separated from the people when she was widowed, and then became part once again through her relationship with Boaz. Though she would become a paradigm for conversion in rabbinic times, her story pre-dates any conversion ritual.

ⁱⁱ There is good evidence that early rabbinic Judaism was active in seeking to attract new members, and was certainly not as separate from the forthright proselytising activity of the period, for example by early Christians, as we might imagine.

ⁱⁱⁱ For more of the history, see Shaye J D Cohen *The Origins of the Matrilineal Principle in Rabbinic Law*, *AJS Review*, Vol. 10, No. 1 (Spring, 1985)

^{iv} See, for example, Gaius (130-180 CE), *Institutes of Roman Law*