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As the mother so the child?

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One would think that women played a significant role in Judaism, because the Jewish status is traditionally passed through mothers to their children. But this was not always so. So it could be possible that this argument to underline the importance of women in Judaism may not stand, even though the vast majority of Jewish denominations today define Jewish identity through the birth by a Jewish mother [on the Anglo-American situation see the additional note below after the article text]. This halakhic rule that the status of a child follows that of the mother is an old tradition which dates back to the Mishna (2nd cent. CE). It is most surprising inasmuch as the female egg and thus the contribution of women to the development of new life was something unknown in the ancient world but was only discovered less than 200 years ago in the 19th Century C.E. Determining identity through the paternal line would therefore have been the biologically obvious solution in past times.

The Greek philosopher Aeschylus (525-456 BCE) brings the ancient biological knowledge to the point as follows: "The woman who is called the child's mother is not its parent; she is only the nurse for the seed that was placed into her. The man who made her fruitful is the producer and parent, she just a stranger who protects the young seed "(Eumenides 658-661). Against this background we may understand the huge problem that the medieval Jewish commentators had with the beginning of the weekly portion *Tazria* (Lev 12:1) as the word literally means "She (!?) brings forth seed"; they therefore had to find creative ways to understand this then biological false statement.

In the Torah - as in all other parts of the Tanakh as well as in writings till the 2nd Century C.E. – belonging to the people of Israel is defined via the *paternal* lineage. For a long time it therefore did not bother anyone that Moses married a Midianite woman, Joseph an Egyptian, King David a Philistine, just to name a few, and in biblical genealogies (for example Genesis 5 and 10) individuals always appear as sons or daughters of their father. Only the rabbis hundreds of years later explain in midrashim that all these women had converted to Judaism before marriage. The Torah itself knows nothing about this.

The principle that a group defines itself through the maternal lineage is called "matrilineal". The word comes from the Latin word for "mother" *mater* and the Latin word for "thread" or "line": *linea*. (The opposite is "patrilineal", from Latin "pater" = "father".) When and why did Judaism become matrilineal – a completely surprising departure from the tradition of the Torah?

It is often said that the system was changed because Jewish women were raped by victorious Roman soldiers at the times of the Roman-Jewish wars of 66-70 and 132-135 C.E. and one could not

determine the paternity of children. But this widespread opinion does not comply with academic knowledge and is wrong. The oldest source of Jewish matrilineality, the Mishnah (c. 200 C.E.) claims children of a non-Jewish father and a Jewish mother to be *Mamzerim* "children of illegal relationships" (mYebamot 7.5). Although such *Mamzerim* were considered Jewish, they were not allowed to marry any Jew with the exception of other Mamzerim. This was certainly no comfort to mothers after a rape. Moreover, the question remains as to why the whole system has been changed and also the paternal line was generally abolished, which would not have been necessary.

Another popular opinion holds that matrilineality had been introduced because the relationship between mother and child is emotionally closer than that between father and child and thus the child is more likely to take over the religion of the mother. But this is scientifically untenable, because in ancient times neither Jews nor non-Jews drew any legal conclusions from the intimacy of motherhood [which is a prejudice anyway, too, as fathers can have a similar very intimate relationship]. In divorce cases in the past, for example, the children were automatically given into the care of their father, only modern law started to differentiate here.

Some claim that Ezra (5th century BCE) introduced Matrilineality. But if one reads the biblical accounts in the books of Ezra and Nehemiah closely one can only find that Ezra expelled non-Jewish women and children out of the country, but not that he set up a new scheme of identity (Ezra 9:12; 10:2-3).

The first source for a matrilineal Judaism is Mishnah Kiddushin 3:12. The context deals with the legal validity of marriages, comparable to similar arrangements in Roman law of the time in regard of marriages between persons with Roman citizenship and those without. The Mishnah says about the Jewish legal solutions:

"In every case where a marriage (*Kiddushin*) is legally possible and no offense was committed, the child follows the man. And when is that? If a priestess (*Kohenet*), a female Levite (*Leviyah*) or a female Israelite are married to a priest, a Levite or an Israelite. In any case where a marriage is legally possible, but a sin was committed, the child follows the parent with a conviction. (For example, if a *Mamseret* - that is a girl from an illegal relationship - is married to a Jew with the status of "Israel".) ... In every case where their marriage is impossible with this one, but would have been allowed with a different one, the child is a *Mamzer*. (For example in the case of incest.) ... In any case where the marriage is legally impossible with this one and would also be impossible with any other one, the child follows her. This is the case with the child of a slave women (*schifcha*) or a non-Jewish women (*nochrit*)."

The Mishnah here introduces a new principle foreign to the Torah based on the issue that a marriage can be legally valid or not and that the offspring can be defined by the maternal line. The Talmud later tried to understand the Mishnah and, as typical for the Talmud, to link the rulings of the Mishnah to the Torah. This was done by using specific ways of interpreting Scripture. The matrilineal principle was thought to the found in Genesis 7:4, as the following text shows:

"... We now know that *kiddushin* (marriage) is invalid with her, but from where do we know that the child follows her? Rabbi Yochanan said in the name of Rabbi Shimon ben Yochai: Scripture says: "because it would lead away thy son away from me" (Genesis 7:4); your son from an Israelite is called 'your son', your son of a non-Jew is not called 'your son' [as the text does not mention that

case], so apparently this child would not count as her son" (bKidduschin 68b). Because of the fact that the Torah called the child of Jewish women explicitly "your son", although the father is a Canaanite, scripture points out especially to this fact but is silent on the reverse case of a Jewish man and a Canaanite woman - and from this silence the talmudic rabbis drew their conclusions. Once the matrilineal principle existed, it could be read *into* the Torah but the literal meaning of the Biblical text describes only the danger of idolatry in the case of a mixed marriages with Canaanites.

No source explains why the principle was ever changed. One can therefore only speculate. Maybe it had to do with the emerging possibility of conversion to Judaism in the Hellenistic-Roman period. Up to the time of the Maccabees (2nd century BCE) conversions as we understand them were not possible because identity was defined by ethnic affiliation: a person was Judean or Egyptian or any other ethnic affiliation and remained so as long as he/she lived in a specific geographic area.

Only the Greeks changed this. For the first time in history affiliation to a people was no longer defined by biological descent only but also –even more important - by a common language, a common religion and a common lifestyle. Each "*barbaros*" (non-Greek) could now become "Greek" when he [at first it was just men] adopted Greek culture and religion. This enabled the spreading of the Hellenistic-Roman culture throughout the Ancient Near East. As it was now possible that Jews could become "Greeks", why should it not vice versa also be possible that "Greeks" (and others) could choose to become "Jews". This became possible first for men only. The condition for such a conversion to Judaism was circumcision. Jewish women still automatically changed their status through marriage by legally becoming part of the family of the Jewish husband. Gradually, however, also the conversion of women was introduced. Their condition was the immersion in a ritual bath (*Tevillah*). This could now create the very new situation that a Jewish man would marry a non-Jewish woman without that this automatically would alter the status of that woman. But if a Jewish woman got married to a non-Jewish man the children of such a relationship were not Jewish according to the torah's patrilineal regulation unless the man converted, that is was circumcised. How much easier was it to determine the status of the child through the mother, because the condition for conversion to Judaism for women was indeed only the ritual bath! In the interest to keep as many people within Judaism the rules needed to be changed.

What a problem the issue of circumcision had been in Hellenistic-Roman times is demonstrated by the "New Testament". The first followers of Christianity were mostly non-Jewish regular visitors of synagogues who did not want to be circumcised - and so it was convenient that Paul said, you do not need to anyway. The rabbis responded to the then new cultural and social situation differently by changing the basic principle of Jewish identity. Since the Roman period, that is since the Mishnah, we now define Jewishness by the mother - to the present day.

In the English speaking world this is slightly different. The matrilineal way of defining Judaism was revised in some Jewish denominations in the US and the UK and this time we even know exactly why, when and how this came to happen, as the debates were documented.

In modern times –different from the past - mixed marriages became quite common and with it the question whom to regard as Jewish. The traditional approach could lead to the absurd situation that a child by a Jewish mother and a Christian father that was brought up deeply in the Christian faith would have not problems in joining a synagogue later in life, as it would be regarded as Jewish

because of its Jewish mother, whereas a child from a Jewish father and a non-Jewish mother, which grew up Jewish, would be regarded as non-Jewish. If this child would ever decide to join a synagogue, he/she would have to undergo the usual formal conversion process as any non-Jew. This was regarded as strange and for the children in question is was often very hurtful. Therefore the system was debated.

In 1909 the Central Conference of American Rabbis (CCAR) adopted the new policy that the child of a Jewish father and a non-Jewish mother shall be accepted "as Jewish without a formal conversion, if he attends a Jewish school and follows a course of studies leading to Confirmation" (Rabbi's Manual p. 112). In 1912 the American Reform Rabbi Israel Mattuck came to England and became influential in formulating Liberal Judaism's points of view. He introduced the same status policy in British Liberal Judaism. In American Reform Judaism and British Liberal Judaism therefore the status of a child depends not on which of their parents is Jewish but on how they have been brought up. Other progressive denominations, as British Reform Judaism and most of the European Progressive Movements keep the matrilineal line for the sake of *klal Israel* but make the "formal conversion" for any patrilineal Jews who grew up Jewish to be only a bureaucratic act. All progressive movements today found ways to accept each other and deal with this difference in a non-hurtful, loving manner.

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