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Halakhic Guidance for Jews of Blended Religious Backgrounds

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שאלה (Question)

“Rabbi, I’m part-Jewish. What does this mean?”

תשובה (Response)

Introduction

Conservative/Masorti Judaism maintains ancient Jewish norms regarding marriage between Jews and non-Jews based on biblical verses and rabbinic statements found in the Talmud and Halakhic codes. The CJLS position banning rabbis and cantors from officiating in interfaith wedding ceremonies is a Standard of Religious Practice that was clarified in 2017 to cover any form of officiation, at any type of marriage ceremony, for couples of any gender combination.²

Nevertheless, our movement has sought to support interfaith couples and those descendants of mixed religious heritage who wish to explore and embrace Judaism. Millions of people today are descended from parents and grandparents of different religions.³ For them, Jewish identity may be understood as “lost property” that should be restored with the help of rabbis and other Jewish educators.⁴ How may we best assist them if they desire to return to full Jewish faith, practice, and affiliation?

¹ *Standard CJLS disclaimer* (Max to add)

² As stated in the Rabbinical Assembly [Code of Ethics](#) (p. 3): “Clergy of the Conservative/Masorti movement may officiate at weddings only if both parties are Jewish. Officiation means signing documents or verbal participation of any kind. Attendance as a guest at a wedding where only one party is Jewish is not included in this Standard of Religious Practice.”

³ The Pew Research Center’s “[American Jews in 2020](#)” report finds that, “Fully 42% of all currently married Jewish respondents indicate they have a non-Jewish spouse. Among those who have gotten married since 2010, 61% are intermarried” (p.93). The numbers are even higher when excluding Orthodox Jews, who report low numbers of interfaith marriages. See below for current estimates of hybrid religious identities.

⁴ The claim that the Torah is the shared inheritance of the entire people of Israel is found in many Midrashim, often playing on *מורשה קהלת יעקב* in Deut. 33:4. See for example, Sifre Devarim, Piska 345.

Some people identify as Jewish or partially Jewish based on their religious beliefs, practices, and/or family ties, but do not meet the traditional criteria of birth to a Jewish woman or conversion before a Beit Din. Other people *do* satisfy rabbinic requirements to be defined as Jewish but themselves identify with no religion or with one or more different religious traditions. Some non-Jews adopt Jewish beliefs and practices without formally converting. And others learn from a genetic ancestry test that they may be of partially Jewish descent and are unsure what this means for them.

It is at times necessary for ritual purposes to sort people by the binary of *Jewish* and *non-Jewish*, but such sorting may fail to account for more complex blends of identity. Indeed, halakhic sources since antiquity have addressed “in-between” states of religious belonging in various contexts, as we shall see. The goal of this responsum is to investigate the complicated state of Jewish identity for many contemporary people, and to provide halakhic and pastoral guidance for them and the rabbis and other educators who would help guide them on their Jewish journey.

Debates about the nature of Jewish identity have occupied not only rabbis but also sociologists, with some arguing for an essentialist definition based on traditional norms and rituals, while others focus on a “constructivist, meaning-based definition of Jewish identity.”⁵ More recently, social scientists have problematized the very notion of religious identity as a stable status given many people’s blended family backgrounds and fluid experiences of religious and spiritual communities.⁶ But where researchers such as Samira Mehta⁷ explore people’s experiences as academic inquiry, rabbis and Jewish communities are challenged to respond to the complexities of religious identity with sensitive applications of traditional norms.

Janet Krasner Aronson and Matthew Brooker of The Cohen Center for Modern Jewish Studies at Brandeis University examined the data of the Pew Foundation’s report, “[Jewish Americans in 2020](#),” and estimated that there are 1.4 million American adults and children who may be identified as Jews of multiple religions.⁸ These people are not counted as Jewish

⁵ Bethamie Horowitz, “[Reframing the Study of Contemporary American Jewish Identity](#),” in *Cont Jewry* 23:14 (2002). See also her 2023 Sklare address, “Navigating The Contemporary Terrain: Studying Jews and Jewishness in Changing Circumstances,” *Cont Jewry* 44:7–17 (2024), <https://doi.org/10.1007/s12397-024-09556-8>. For a philosophical Israeli approach, see Avinoam Rosenak’s two-volume Hebrew study, *זהויות מתנגשות – גישוואי תערובת: ניתוח פילוסופי, תיאולוגי ומחשבת החינוך*, *Identities in Conflict: Philosophical, Theological and Educational Analysis of Inter-marriage* (Carmel Books, 2023).

⁶ *Beyond Jewish Identity: Rethinking Concepts and Imagining Alternatives*, edited by Ari Y. Kelman and Jon A. Levisohn (Boston: Academic Studies Press, 2019).

⁷ Samira K. Mehta, “You are Jewish if You Want to Be: The Limits of Identity in a World of Multiple Practices,” in *Beyond Jewish Identity*, p.34.

⁸ Personal email communication to Daniel Nevins, December 14, 2021. Dr. Aronson notes that Pew categorizes people as either Jewish by religion (JBR), Jews of no religion (JNR), or non-Jews; adults who claim both Jewish and other religious affiliation are categorized as non-Jews. In contrast, the [local community studies](#) conducted by the Cohen Center include an additional category, “Jews of multiple religions,” (JMR). Here the Cohen Center scholars are extrapolating from the Pew data to get a national total for JMR.

according to the rubrics of the Pew Foundation, and yet some of them do meet halakhic criteria, and many may wish to explore their Jewish identity and participate in Jewish life in some way.

Israel's Central Bureau of Statistics announced at the end of 2021 that roughly 5% (470,000) of its citizens were neither Jewish (74%) nor Arab (21%), but “other.” By the end of 2023, the category of “other” had risen to 5.7%.⁹ Many of these “others” (אחרים) are part of the over one million immigrants from the Former Soviet Union—people who are related to Jews and have therefore qualified for Israeli citizenship under the Law of Return, which requires at the very least one Jewish grandparent.

For many people subsumed under these categories, as for some Jews, their understanding of and identification with Judaism is context-dependent and evolves over time. Some people of blended religious belongings have practiced or currently practice one or more different religions; others do not. Some intend to make Judaism their exclusive or at least primary spiritual practice, while others seek insight into Judaism as a component of their personal history, or as a complement to their primary non-Jewish religious faith. Some of these people have Jewish partners or close relatives, and others do not.

Even when Judaism is the only religion that they have ever practiced, a person's hybrid religious heritage may remain confounding. Rabbis, cantors, and other Jewish leaders may encounter or trigger considerable pain when they raise the issue of halakhic boundaries that may arise where religious identity and religious status do not fully overlap. It is here that clergy and communities are called to act with greatest care and sensitivity, especially when offering affirmation rituals traditionally associated with conversion.

We use the word *conversion* to refer to a person who previously identified as non-Jewish and now joins the Jewish people under the instructions of a rabbinic court (Beit Din). When a person already identifies as Jewish, and this identity is anchored in Jewish ancestry, but does not have official halakhic Jewish status, then the same rituals are performed before a Beit Din, but as an *affirmation* of their Jewish identity and a confirmation of their halakhic status as a Jew. As halakhic acts, the rituals are identical, but the personal meaning may be quite different. For a person who was raised and always identified as Jewish, the educational component of conversion is often limited, marking *milah* and *tevilah* as ritual affirmations of an already established personal religious identity.

In this responsum we suggest that rabbis consider a person's spiritual and religious *past, present, and future* when determining the parameters for their ritual inclusion in the Jewish community. Our responsum is based on halakhic sources and offers halakhic guidance; it focuses

⁹ Israel's Central Bureau of Statistics, “[Population of Israel on the Eve of 2022](#).” On Dec. 28, 2023, Israel's Central Bureau of Statistics [announced](#) that of a total population of 9.842 million residents, 7.208M (73.2%) were Jewish, 2.080M were Arab (21.1%), and 554,000 were “other” (5.7%). See this Israeli government [resource](#) on halakhic concerns related to censuses.

equally on pastoral and educational approaches to support individuals, families, and communities for whom Jewish identity is complicated.

Much like contemporary understandings of gender, sexuality and race, religious identity is a dynamic component of selfhood that is performed. Rabbis act as spiritual guides in helping people perform Jewish belief, practice and belonging until these aspects of Judaism are integrated into their sense of self and ritually confirmed when appropriate. Indeed, the Torah emphasizes the importance of placing its words in one's mouth and upon their heart, and anticipates times when Israelites will drift away from their exclusive faith in Adonai, only later to return (e.g., Deut. Ch. 30). Returning to Jewish belief and practice, or *teshuvah*, is part of Jewish daily liturgy, and is the primary focus of our annual Days of Awe.

Within the Conservative/Masorti movement, rabbis have discussed the complexities of blended religious backgrounds for many years. In 1995 Rabbi Gerald Zelizer addressed the requirements for children of Jewish converts to another religion who wish to (re)turn to their Jewish identity.¹⁰ Rabbi Reuven Hammer ז"ל considered many sources relevant to the situation where an unfamiliar person presents themselves to a Jewish community in his 2011 responsum, "On Proving Jewish Identity."¹¹ In 2016 he surveyed the welter of admiring and contemptuous statements made about non-Jews in Jewish sources over the past three millennia, asking us to claim the more generous perspective as our own, and to regard the more strident statements in rabbinic literature as defensive vestiges of a world where Jews were regularly oppressed by their non-Jewish neighbors.¹² Essays by Rabbis David Fine, Jeremy Kalmanofsky, and Craig Scheff in the 2012 volume, *The Observant Life*, likewise address many of these questions.¹³

Rabbis in the centrist band¹⁴ of the Jewish religious community commonly express their intention to welcome people who present themselves as Jewish without question, and to greet non-Jewish people with friendship and respect. We do not always succeed in this regard, however, especially with people who are marginalized within our community, whether by race, ethnicity, class, education, sexuality, gender identity, or disability. We require clarity about halakhic boundaries if we are to become effective at welcoming people of complex religious backgrounds. In the following sections, we begin with a review of the classical sources about defining Jewish status, and then consider various modifications that have been made by rabbis over the centuries, before proposing a nuanced approach dependent on the particulars of a given person's heritage, belief, practice, and goals.

¹⁰ Rabbi Gerald Zelizer, "[The Return of Second-Generation Apostates](#)," (CJLS, 1995).

¹¹ Reuven Hammer, "[On Proving Jewish Identity](#)," (CJLS, 2011).

¹² Reuven Hammer, "[The Status of Non-Jews in Jewish Law and Lore Today](#)," (CJLS, 2016). See also Alan Brill, *Judaism and Other Religions: Models of Understanding* (Palgrave Macmillan, 2010).

¹³ *The Observant Life: The Wisdom of Conservative Judaism for Contemporary Jews*, eds. Martin S. Cohen and Michael Katz (The Rabbinical Assembly, 2012).

¹⁴ We refer here to Jews who identify with normative Jewish texts and practices within a generally egalitarian or inclusive perspective, regardless of denominational affiliation.

Classical Sources on Religious Mixing

Biblical Texts on Endogamy

Already in Genesis, the Torah promotes endogamy and expresses concern that those who marry outside of the extended family will not remain loyal to the God and people of Israel. Abraham seeks a cousin for Isaac to marry and forbids his servant from arranging a local Canaanite match (Gen. 24:3-4). Rebecca and Isaac are displeased by Esau's marriages to two Hittite women (Gen. 26:34-35) and she sends Jacob off to marry one of her kin, asking "why should I live?" (למה לי חיים) if Jacob were to marry a local woman (Gen. 27:46). Esau responds to this revelation of his parents' views by taking as a third wife the daughter of his father's half-brother Ishmael (Gen. 28:8-9), but this effort does not gain the narrator's approval. The later preference for matrilineal descent in establishing Israelite and then Jewish status may originate in these passages.

The Torah's rationale for endogamy is explained by the desire to establish a distinctive religious and tribal identity. This is apparent after the terrifying story of Dina's rape, when local Hittite chieftain Hamor proposes intermarriage between the men and women of the two peoples (Gen. 34:9-10), and Jacob's sons respond deceitfully that if the two groups are to become "one people" (עם אחד), then the local men must excise the "disgrace" of their foreskins. Ugly as this story is (as Jacob twice declares, in Gen. 34:30 and 49:6), it could be the background for Deuteronomy's prohibition of Israelites marrying Canaanites, as a comparison of verses suggests:

Genesis 34:9

והתחתנו אתנו בנותיכם תתנו לנו ואת בנותינו תקחו לכם:

Intermarry with us; give your daughters to us, and our daughters take for yourselves.

Deuteronomy 7:3

ולא תתחתן בהם בןך לא תתן לבנו ובתו לא תקח לבןך:

Do not intermarry with them; do not give your daughter to his son, nor take his daughter for your son.

Deuteronomy 7:4 adds a motive for this ban on intermarriage:

כי יסיר את בןך מאחרי ועבדו אלהים אחרים ותרה אפי יהוה בכם והשמידך מהר:

For he will turn your son away from Me, and they will serve other gods; then the anger of the Lord will blaze against you and swiftly destroy you.¹⁵

¹⁵ We are not making a source-critical claim here about the priority of Genesis; the texts share enough features for them to be received as an example of intra-biblical exegesis. At minimum, they are two important texts for the Torah's establishment of an endogamous ideal.

Exodus 34:14-17 contains an even more forceful denunciation of marriage between Israelites and other local peoples, explaining that these unions will lead to foreign sacrifice, causing your children to “lust after their gods”:

כִּי לֹא תִשְׁתַּחֲוֶה לְאֵל אֲחֵר כִּי ה' קַנָּא שְׁמוֹ אֵל קַנָּא הוּא: פְּוֹת־תְּכַרֵּת בְּרִית לְיֹשֵׁב הָאָרֶץ וְזָנוּ אֲחֵרֵי
 אֱלֹהֵיהֶם וְזָבְחוּ לְאֱלֹהֵיהֶם וְקָרָא לָהֶּם וְאָכְלָתָּ מִזִּבְחָם: וְלָקַחְתָּ מִבְּנֹתָיו לְבָנֶיךָ וְזָנוּ בְּנֹתָיו אֲחֵרֵי אֱלֹהֵיהֶם וְהִזְנוּ
 אֶת־בְּנֵיךָ אֲחֵרֵי אֱלֹהֵיהֶם: אֱלֹהֵי מִסְכָּה לֹא תַעֲשֶׂה־לָּךְ:

For you shall not bow down to another god, for the LORD, His name is Jealous, a jealous God is He. Lest you seal a covenant with the inhabitant of the land, and they whore after their gods and sacrifice to their gods, and he call you, and you eat of his sacrifice, and you take from his daughters for your sons, and his daughters whore after their gods, and make your sons whore after their gods. No molten gods shall you make for yourselves.¹⁶

Once again, the Torah’s ban on these marriages is explained as concern with maintaining fidelity to the God of Israel over the course of generations.

Deuteronomy 23 includes an opaque prohibition on allowing Ammonites and Moabites, and then Egyptians and Edomites, to “enter the Lord’s congregation.” This expression may refer to intermarriage, as Mishnah Kiddushin 4:3 and later rabbinic interpreters infer, but it could also refer to entering the Temple in Jerusalem, to joining Jews in worship, or even to converting. Shaye J.D. Cohen examines the reception history of these verses in Biblical, Second Temple era, Rabbinic, and in ancient Christian sources in his masterful volume, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties*, and we will return to his scholarship below.¹⁷

The Bible’s ongoing concern with marriage between Israelites and their neighbors is fear that the foreign family will *divert* (פִּי־יָסִיר) the children of Israel away from exclusive worship of Adonai, and towards other divinities. This concern is realized in the story of Solomon marrying the daughter of Pharaoh and other foreign women who, the narrator claims, “turned his heart after other gods, and his heart was not complete with the Lord his God as had been the heart of his father David” (I Kings 1:4).

In contrast, the Bible shares stories of male heroes who, when separated from their natal families, marry women who are not only foreign to the faith of Israel but are also the daughters of non-Israelite priests. Thus, Joseph married Osnath, daughter of Poti-phera, “a priest of On” (Gen. 41:45), and Moses married Zipporah, the daughter of Jethro, a “priest of Midian” (Exod. 3:1). The rabbis respond to these apparent departures from the Torah’s endogamous agenda,

¹⁶ Translation by Robert Alter, *The Five Books of Moses*, (New York: Norton, 2004) p.509f. Alter explains his choice of “jealous” for קַנָּא over JPS’s “impassioned” given the clearly sexual overtones of this passage.

¹⁷ Berkeley: University of California Press, 1999, cited from 2000 paperback edition, p. 248ff.

sometimes imagining that these isolated heroes did not, after all, intermarry, and at other times expressing concern with the compromising nature of the mingled faiths.¹⁸

A different approach appears in the story of King David's great-grandmother Ruth and its subsequent reception in rabbinic sources. While her Moabite origins ostensibly render her ineligible for marriage to an Israelite (e.g., Deut. 23:4), Ruth early on decides to become a full member of Naomi's people (Ruth 1:16), and, by marrying Boaz transforms herself from "Ruth the Moabite" to just "Ruth." In the absence of formal conversion in the biblical narrative, her story can be read as one of self-association by marriage, one that welcomes diversity and emphasizes belonging. The rabbis claim that the biblical prohibition on marrying Moabites applied only to their men, thus harmonizing this challenge.¹⁹

The Bible's preference for in-marriage runs from the Torah to the Prophets and on to the Writings. The book of Ezra closes with an announcement of the forcible separation of Israelite men from their non-Israelite wives and children before rebuilding the Temple in Jerusalem may commence (chapters 9-10), although the actual expulsion is not mentioned. Notably, the text does not polemicize against these wives, but only against their Israelite husbands. We have no way to reconstruct actual marriage practices in biblical times from these fragments. Indeed, the Bible never describes a wedding ceremony, nor a conversion ceremony, and it would be ahistorical to read later practices back into biblical texts.²⁰ It is evident that the Bible considers endogamy to be a strategy for maintaining loyalty to Israelite faith, whereas exogamy destabilizes and blends that faith with foreign traditions.²¹

¹⁸ See, for example, Pirke D'Rabbi Eliezer 38, where Osnat is identified as the child born to Dinah after she was raped by Shekhem. The angel Michael spirited her away to the home of Poti-phaera and his wife, who were infertile, to be raised to become Joseph's wife. According to Midrash Shemot Rabbah 1:32, Yitro had already converted his family to worship of Adonai when Moses arrived. In these midrashic imaginations, the Torah's heroes married inside the nascent Jewish faith. In contrast, there is a rabbinic tradition starting with Mekhilta D'Rabbi Yishmael (Yitro 1) that Moses swore to a still-pagan Yitro to allow his first child with Zipporah to follow her family's idolatrous faith. Medieval Jewish commentators struggle with this tradition and connect it to Judges 18:30 where a suspended *nun* in the name Menashe (מִנְשֵׁה) is understood to hint at the problematic aspect of the marriage of Moses and Zipporah. Thanks to Alan Cooper for sharing his scholarship on rabbinic views of the latter subject. As Joshua Heller reminds us, the Rabbis also create intermarriages where there need not be one. They claim (B. Megillah 14b) that Joshua married Rahab, and prophets including Jeremiah and Huldah descended from their union.

¹⁹ משנה מסכת יבמות פרק ה משנה ג. עמוני ומואבי אסורים ואיסורן איסור עולם אבל נקבותיהם מותרות מיד. רות רבה (לרנר) פרשה ב. [ט] וישאו להם נשים מואביות (רות א: ד) תני בשם ר' מאיר, לא גיירום ולא הטבילום ולא הניחו את ההלכה לחדש, לא נענשו עליה: עמוני (דברים כג: ד) - ולא עמונית, מואבי (שם/דברים כג: ד) - ולא מואבית.

²⁰ That does not stop the Rabbis from such eisegesis. For example, in B. *Megillah* 13a, the daughter of Pharaoh is renamed Bitya, and is understood to be converting when she goes down to the river (Exod. 2:5) "to wash away the idolatry." Rashi phrases this as, "to immerse for conversion." Rabbinic tradition claims that she later married Caleb, by which point she had become a full member of the Jewish people.

²¹ Michael Satlow examines these and many other materials from the Bible, Second Temple, and early Rabbinic literatures in "Endogamy and Exogamy," chapter six in his, *Jewish Marriage in Antiquity* (Princeton UP, 2001). He notes the tendency to apply restrictions initially intended just for the priesthood to the entire nation of Israel to consolidate group identity.

That said, it is striking that some of the greatest Biblical heroes—Joseph, Moses, David and Solomon—married non-Israelites, and that King David is identified as the descendant of a Moabite woman.²² The Bible demonstrates the complexities of intermarriage as both a challenge and an opportunity. This nuanced reality continued in the ancient, medieval and modern periods.

Rabbinic Sources on Endogamy

The Bible's endogamous ideal is continued by the rabbis, and yet like the Bible, rabbinic texts acknowledge the existence of blended religious backgrounds. Many rabbinic texts focus on banning, preventing, and even punishing interfaith marriage, but some sources are surprisingly ambivalent. Is the Torah's interfaith marriage ban limited to the seven Canaanite nations, who were no longer extant by rabbinic times, or might it apply to all non-Jews? Is the broader ban perhaps an innovation of the rabbis and thus of lesser authority? Is there a gender distinction? Shaye Cohen surmises that, in contrast to earlier periods, there was relatively little intermarriage during the rabbinic era, allowing such conversations to occupy a more marginal space in the discourse.

Nevertheless, rabbinic law came to follow the view of Rabbi Shimon bar Yohai, that any "foreign" marriage is biblically banned for its potential to divert children away from attachment to the faith and people of Israel, as cited in Bavli *Avodah Zarah* 36b:

בנותיהן - דאורייתא היא, דכתיב: לא תתחתן בם! דאורייתא ז' אומות, אבל שאר עובדי כוכבים לא, ואתו אינהו וגזור אפילו דשאר עובדי כוכבים. ולר"ש בן יוחי דאמר: כי יסיר את בנך מאחרי - לרבות כל המסירות, מאי איכא למימר? אלא דאורייתא אישות דרך התנות, ואתו אינהו גזור אפילו דרך זנות.

"*Their daughters*"— [the ban on Jewish men marrying any non-Jewish women]—this is biblical, as it says, "Do not intermarry with them"! Perhaps the biblical ban refers only to the seven nations, but not to other non-Jews, and then they [the rabbis] came and included other non-Jews. But Rabbi Shimon b. Yochai bases [the intermarriage ban] on "for they will turn your heart away from Me"—this would include turning aside with any other [religion in the Torah's ban]. What then can be said [to explain what the rabbis added]? Rather, [according to Rashb"i] the biblical ban refers to marital relations [with all non-Jews], and they [the rabbis] came and decreed also against non-marital relations [with non-Jews].

The argument that marriage between Jews and all non-Jews is biblically forbidden is based on Rabbi Shimon b. Yoḥai's explanation that the Torah's essential concern is the likely departure of intermarried Jews and their offspring from exclusively Jewish worship.

²² Jacob Milgrom argues in *JBL* 101 (1982): 173-174 that Deut. 23's marriage ban against Moabites reflects a Northern Kingdom critique of the Davidic dynasty of the south. Cited in "Excursus 21," Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy*, p.478.

This position banning any interfaith marriage is codified by Maimonides in his *Laws of Forbidden Relations*, 12:1, though his classification of this as a biblical level (rather than a rabbinic) ban is challenged by later authorities starting with Rabbi Yaakov b. Asher in Tur, *Even HaEzer*, 16. Rabbi Karo states that the ban on marriage between a Jew and a gentile is biblical (SA EH 16:1). These rabbinic sages agree that marriage between a Jew and a non-Jew is not recognized as a Jewishly sanctified union (*kiddushin*), and all share the Torah's concern that an interfaith marriage may lead to attenuated Jewish identity.

The Jewish Status of Children from Blended Religious Backgrounds

Mishnah *Kiddushin* 3:12 discusses the status of children born to parents of varied statuses, concluding:

וכל מי שאין לה לא עליו ולא על אחרים קדושין הולד כמותה ואיזה זה ולד שפחה ונכרית:

Any woman who cannot form a Jewishly sanctified marriage (*kiddushin*), not with [this Jewish man], nor with anyone else, her child is like her. To whom does this refer? To the child of a [female] slave or a gentile woman.

This Mishnah represents one half of Judaism's matrilineal principle, that the child of a Jewish man and a gentile woman is a gentile. The other half of the matrilineal principle, that the child of a Jewish woman and a gentile man is a Jew, is complicated in early rabbinic materials. This rule is embedded in discussions of *mamzer*, a class of people generally deemed ineligible to marry. The moral problems of this category and contemporary approaches have been discussed by the CJLS.²³

Mishnah *Yevamot* 7:5 indicates that if a Jewish woman bears a child with a gentile man, the offspring is a *mamzer*—Jewish, but ineligible to marry a Jew. Tosefta *Kiddushin* 4:16 contains the same ruling but also records a dissent:

גוי ועבד הבאו על בת ישראל והולידה בן הולד ממזר ר' שמעון בן יהודה אומ' משם ר' שמעון אין ממזר אלא מן האשה שאיסורה איסור ערוה וחייבין עליה כרת

A gentile or slave who had sex with a Jewish woman, who then gave birth to a son: the child is a *mamzer*. Rabbi Shimon b. Yehudah says in the name of Rabbi Shimon, there is no *mamzer* produced except from a woman whose prohibition to [the father] is *ervah* [one of the bans found in Leviticus 18] for which the penalty is excision [which is not the case with a gentile man].²⁴

²³ See Daniel Nevins, "[A Concurring Opinion Regarding Mamzerut](#)" EH 4.2000b, and the primary responsum by Elie Kaplan Spitz, [Mamzerut](#).

²⁴ These conditions do not apply to gentile men, meaning that the child of a Jewish woman and a gentile man would not be a *mamzer*. The source of the Tosefta's second teaching according to the Erfurt ms. in Lieberman's edition is Rabbi Shimon b. Elazar.

Rabbi Shimon's dissent here in T. *Kiddushin* 4:16 aligns with the opinion of Rabbi Shimon the Temanite in M. *Yevamot* 4:16, whereas the anonymous opening opinion in the Tosefta accords with Rabbi Akiva in that Mishnah. In the Bavli, Ravina (4th century Amora) states unambiguously that בן בתך הבא מן העובד כוכבים קרוי בנך, "the son of your daughter who was fathered by a gentile is called your [grand]son." This tradition is cited three times in the Talmud and is codified unambiguously in the Mishneh Torah and Shulḥan Arukh.²⁵ This clarifies the second half of the matrilineal position: a child born to a Jewish woman and a gentile man is Jewish.

Although the result is clear enough, the rabbinic pathway and purpose in establishing matrilineality is perplexing. It is worth reading Shaye Cohen's analysis in *The Beginnings of Jewishness*, Chapter 9, "The Matrilineal Principle." Cohen notes that biblical and Second Temple sources assume that the father's religion is conveyed to the children. This may be because in antiquity when a man "takes" a woman, the bonds to her family of origin are severed and she effectively converts to his identity. Indeed, this was the common assumption in most societies from antiquity until the seventeenth century.²⁶ Perhaps there was a pre-rabbinic conversion ceremony, but the record is silent.

This proclivity for patrilineality among ancient cultures makes the rabbinic policy of assigning the *mother's* religious identity to the child rather perplexing. To be clear, it is only when a Jewish woman conceives a child with a non-Jewish man that her religious status becomes primary. When she conceives with a Jewish man then the father's status (for example, in the priesthood, or for levirate marriage, or for inheritance, and in much later sources, for assignment to Ashkenazi or Sephardi custom) is primary. This fact undermines the most common explanation offered for Jewish matrilineality, that we can be certain of the identity of the mother, but not the father. If this were so, then the Mishnah would not accept an unmarried woman's testimony that her child's father was, for example, a kohen.²⁷

Shaye Cohen offers seven theories for the rabbinic shift to matrilineal identity to determine the Jewish status of a child. He finds the last two most convincing, and we agree. *Explanation Number 6: Roman Law*, is a theory first offered by Louis Epstein that Roman inheritance law influenced rabbinic law on religious identity, which is itself a form of inheritance. In Roman law, children inherit property from their fathers only if the father and mother are both Roman citizens and legally married. If a male Roman citizen has children with a female non-citizen, the offspring are non-citizens like their mother. The Roman concept of *justum matrimonium*, legal marriage, is very similar to the Mishnah's idea of *kiddushin*,

²⁵ B. *Yevamot* 17a, 23a, and *Kiddushin* 68b. MT *Issurei Biah* 15:3; SA EH 4:19.

²⁶ In 1662 the Burgess of Virginia shifted from established English law, which transferred the father's legal status to his offspring, instead invoking the ancient Roman principle of *partus sequitur ventrem*, "the offspring follows the belly." See discussion by Dorothy Roberts in Chapter 2, *The 1619 Project* (New York: One World, 2021).

²⁷ In M. *Ketubot* 1:9, the mother's assignment of paternity is accepted by Rabban Gamliel and Rabbi Eliezer. See also SA EH 4:35.

sanctified marriage. Because for the Talmud *kiddushin* applies only between a Jewish man and a Jewish woman, that is the only situation in which the father's religious status as a Jew, and ecclesiastic status as a Kohen or Levite, is conveyed to the offspring. Otherwise, the child follows the mother.²⁸

Shaye Cohen's seventh explanation comes from a subject that I (DN) have discussed elsewhere, the laws of *kilayim*, or mixed kinds.²⁹ Rabbinic law, again like Roman law, recognizes that the offspring of different animal species should be assigned the status of the mother. This law is stated in the name of Rabbi Yehudah in M. *Kilayim* 8:4:

רבי יהודה אומר כל הנולדים מן הסוס אף על פי שאביהן חמור מותרין זע"ז וכן הנולדים מן החמור אף על פי שאביהם סוס מותרין זה עם זה אבל הנולדים מן הסוס עם הנולדים מחמור אסורים זה עם זה:

Rabbi Judah says: all offspring born from horses, even though their sire is a donkey, are permitted one with another. Likewise, offspring born from a donkey, even though their sire is a horse, are permitted one with another. But offspring born from a horse with offspring born from donkeys are prohibited one with another.

From this Mishnah we see that matrilineality is a broad principle of rabbinic law, even outside of Jewish or indeed human contexts. Mothers determine the status of their descendants when fathers are from a different "kind." This comparison to other kinds of animals should not be understood to imply that the ancient rabbis considered Jews and gentiles to be different species. Indeed, they did not have a theory of race, and they readily accepted the possibility of religious category shifting among gentiles and Jews through the process of conversion.³⁰

As Cohen notes, it is not at all clear *why* the Rabbis would have followed this Roman understanding of matrimony and descendant status, especially if this was a shift from prior policy. What is clear is that Jewish law came to accept the power of mothers to convey Jewish identity to their children, a power denied to Jewish fathers until several liberal Jewish movements accepted patrilineal descent as sufficient for establishing Jewish identity in the late 20th century.³¹

²⁸ For discussion of the impact of Roman law on the Rabbis, see Seth Schwartz, *Were the Jews a Mediterranean Society? Reciprocity and Solidarity in Ancient Judaism* (Princeton UP, 2010) pp.118-129, esp.122.

²⁹ Daniel Nevins, "[Halakhic Perspectives on Genetically Engineered Organisms](#)" (CJLS, 2015), p.19.

³⁰ As David Fine noted (personal communication), Mishnah *Negaim* 2:1 discusses people of different complexions in the context of diagnosing skin afflictions, which may appear differently in darker and lighter-skinned people. Rabbi Yishmael there observes that the people of Israel have intermediate complexions, neither black nor white (אֵלֶּא בִּיגוּנִיִּים (שְׁחוּרִים וְלֹא לְבָנִים, אֶלֶּא בִּיגוּנִיִּים). Still, this is not a theory of race, and we may understand Rabbi Yishmael simply to be describing the appearance of Jews in his time and place.

³¹ For a survey of this shift and relevant sources see Samira K. Mehta and Brett Krutzsch, "The Changing Jewish Family: Jewish Communal Responses to Interfaith and Same-Sex Marriage," in *American Jewish History*, 104:4 (Oct 2020) 553-577. The CCAR decision is available [here](#). Jacob Staub discusses the Reconstructionist process [here](#).

The decisions by liberal movements in the United States to accept patrilineal descent as sufficient for establishing Jewish identity (Reconstructing Judaism in 1979, Reform Judaism in 1983) have been rejected by traditional communities that continue to require the established rabbinic criteria of either birth to a Jewish mother or conversion to establish Jewish status. Indeed, Reform Judaism in other countries does not necessarily accept patrilineal descent. Conservative/Masorti Judaism includes the traditional criteria of determining Jewish standing—birth to a Jewish mother, or conversion—among its Standards of Religious Practice.³²

The matrilineal norm is halakhically operative and important for ritual purposes, yet the internal reality for many people, their families, and communities, is more complicated. Some people meet the standard of birth to a Jewish mother, and yet identify with the religion of a different parent or relative, whether in part or in full. Others fully identify as Jewish even if they do not meet this standard. This phenomenon has intensified recently but it was hardly unknown to our ancestors.

Two challenges to the matrilineal principle have recently emerged, at least in non-Orthodox Jewish communities. The first comes from the gender-egalitarian principle. If women and men are equally obligated by the mitzvot, as we have indeed determined,³³ then why should gender differentiation continue in the transmission of Jewish identity? The second challenge comes from the growing number of Jews who have transitioned in their gender identity or come to understand themselves to be non-binary. Here too, we have recognized the halakhic validity of self-understanding in gender identity.³⁴ Why maintain the matrilineal principle in cases where gender and sex diverge? Would it not disrespect a parent who gestates and gives birth to a child, but who does not identify as a woman, to nevertheless consider them to be the child's mother?

A way to honor both traditional halakhic and contemporary understandings of gender would be to require rituals of either conversion or affirmation of Jewish identity for any person who has a non-Jewish parent, regardless of gender. While this would indeed be egalitarian, it would also introduce a new stringency to Jewish practice that would be difficult and potentially hurtful to implement. Before seeking to resolve this challenge, let us consider the example of our predecessors as they considered challenges to the religious binary.

Halakhic Sources Related to Blended Religious Belonging

³² Rabbinical Assembly, [Code of Ethics](#) (p. 3): “Clergy of the Conservative/Masorti Movement may grant formal Jewish status only to a person who is either born to a Jewish woman or converted with *tevilah* and (if male) *brit milah* as approved by a Beit Din, it being understood that any member of the Rabbinical Assembly shall continue to possess the right to petition the Committee on Jewish Law and Standards for an opinion on any case of extraordinary circumstances.”

³³ Pamela Barmash, [Women and Mitzvot](#) (CJLS, 2014).

³⁴ Leonard Sharzer, [Transgender and Judaism](#) (CJLS, 2017).

Medieval Jewish communities contended with cases of religious blending, often within the context of forced conversions in Christian and to a much lesser degree, Muslim lands. Jews often found themselves drawn or forced into confessing to the new faith.³⁵ Some such conversions were no doubt sincere, but many converts continued to practice aspects of Judaism secretly and to educate their descendants in the family's forbidden faith, sometimes coming out again as openly Jewish when safe conditions returned.

The Talmud's terse statement (playing on Joshua 7:11, חטא ישראל) that "an Israelite [=Jew] who has sinned [=converted] remains an Israelite"³⁶ was frequently cited by medieval rabbis with reference to Jews who had converted to Christianity or Islam.³⁷ Many converts continued to live in close proximity, and practical questions arose, such as whether a convert out of Judaism could inherit from Jewish parents, or could still perform Jewish ritual acts (such as providing a Jewish writ of divorce or discharging their levirate obligations) occupied Rashi (Troyes, 1040-1105), among others.³⁸ Shlomo b. Adret (Rashba, Barcelona, 1235-1310) argued in favor of expediting the return to Jewish status of *conversos* as well as their children who had been born Jewish but raised Christian. Such first-generation converts would not require ritual immersion to return to Jewish status, whereas later generations that were born into a different faith would require immersion to confirm their Jewish status.³⁹

Many medieval rabbis commented on the phenomenon of a person who had converted either under duress (אנוסים) or voluntarily (משומדים) and returned to Jewish practice, that they should be regarded as penitent Jews (ישראל בעל תשובה), not converts (גרים). Shlomo b. R' Shimon Duran (b. 1400, Algiers) extended this status to the next generation, saying that the child of two apostates who is circumcised and returns to Judaism is not considered a convert but a returning Jew.⁴⁰ Yitzhak ben Moshe (*Or Zarua*, Vienna, c.1180-1250) reported the position of his teacher

³⁵ See Paola Tartakoff, "Testing Boundaries: Jewish Conversion and Cultural Fluidity in Medieval Europe, c. 1200-1391" *Speculum* 90/3 (2015): 728-762.

³⁶ תלמוד בבלי מסכת סנהדרין דף מד עמוד א. חטא ישראל. אמר רבי אבא בר זבדא: אף על פי שחטא - ישראל הוא.

³⁷ The Bar Ilan responsa database (version 28) includes over 70 such medieval references. There is some disagreement on the subject between Rashi and his grandson, Rabbenu Tam, with the former treating a Jew who converts out (מומר/משומד) like a Jew under suspicion of ritual violation, and the latter viewing him as a gentile, for example by allowing Jews to charge him interest on loans.

³⁸ שו"ת רש"י סימן קעג. השיב רש"י: על היבמה שנפלה לפני יבם משומד צריכה חליצה. ואין חילוק בין שקדשה הבעל ואח"כ נשתמד בין שנשתמד לאחר [קודם] קידושין, שהמשומד הרי הוא כישראל חשוד לכל דבר שנאמר חטא ישראל אעפ"י שחטא ישראל הוא ואין להלקו מדת ישראל אלא שאין נאמן באיסורין, הואיל וחשוד הוא עליהן, ויינו יין נסך הואיל וחשוד הוא לע"ז, וקידושיו קידושין וחליצתו חליצה. כללא של דבר הרי הוא כישראל חשוד:

³⁹ שו"ת הרשב"א חלק ה סימן סו. וששאלתם מומר לעבודת כוכבים שחזר בו אם צריך טבילה או לא. תשובה כך ראינו דמלקות היה צריך (בזמן הסנהדרין) לפי שעבר על כמה עבירות עשה ולא תעשה וכריתות ומיתות ב"ד. וטבילה לא צריך דלאו גר הוא דצריך טבילה. דהתם להעלותו מגיותו/אולי גויותו/דהיתה הורתו ולידתו שלא בקדושה. והאי בר ישראל דאשתמד לעבודת כוכבים הורתו ולידתו היה בקדושה ולא צריך טבילה. דאפי' גר דמהיל טביל אי הדר לגיותו וחזר ונתייחד לא צריך טבילה.

⁴⁰ ספר כפתור ופרח פרק י, אמרתי להביא פה מה שקבלתי מטהור קדש מה"ר אליעזר דשינן זק"ל בשם רבי יצחק בר אברהם ז"ל במשומד דבר זה לשונו. משומד השב בתשובה, בדין הוא. שלא יצטרך שלשה לקבל לפנייהם, כיון שהניח כל תרבות אנושים חטאים ושב לבוראו, ודומה קצת לגר. שו"ת הרשב"ש סימן רכג. ומענין אבות לגוי הוא בגוים, אבל האנוסים והמשומדים שבאו על האנוסות או המשומדות דינם כישראל לענין הולדות. וכן משומד ומשומדת ששב בתשובה ונימול אינו נקרא גר אלא ישראל בעל תשובה.

Rabbenu Simḥah that all Jews who return in *teshuvah* should immerse in a *mikveh*. This practice has been established for Jews returning to Judaism after practicing different faiths.⁴¹

In the twentieth century, Israel's first Sephardic Chief Rabbi, Ben-Zion Meir Ḥai Uziel, restated the traditional view that a child born to a Jewish father and a gentile mother is "entirely gentile." Yet he takes a lenient line in encouraging the conversion of the gentile wife, rejecting traditional suspicions of her motivations, citing the reclamation of Jewish identity among those "of Jewish stock" (מזרע ישראל). Moreover, he argues that if a child born to a gentile mother and Jewish father converts to Judaism, they may reclaim their father's priestly status as, for example, a kohen, since the child is after all descended from Jews.⁴² In other words, he holds that the Jewish father does convey a limited measure of Jewish status to his child with a gentile woman, but this patrilineal legacy is activated only in the event that the child converts to Judaism.

A similar approach is found in Conservative movement responsa that state that the child of a Jewish man and a gentile woman who converts to Judaism may use their father's Hebrew name as a patronymic. See Avram Israel Reisner's 1988 CJLS responsum, "[On the Conversion of Adopted and Patrilineal Children](#)," and Barry Leff's 2010 CJLS responsum, "[May a Convert Use a Name Other Than Ploni Ben/Bat Avraham Avinu?](#)" Both authors follow the same line in accepting the father's religious identity as significant—if insufficient—for establishing the Jewish identity of their children. Rabbi Reisner cites a responsum by Isaac Klein as well as CJLS correspondence that confirms this as long-standing practice.

In recent decades increasing numbers of children are being born through artificial reproductive technologies, allowing same-sex couples, infertile couples, and single adults to become biological parents. The CJLS has established that the automatic transfer of Jewish identity is accomplished by the person who gives birth to the child, now known as the gestational carrier, though the Jewish status of a baby carried by a non-Jewish surrogate can be established by Jewish parents with clergy assistance.⁴³ These developments notwithstanding, two ancient

⁴¹ ספר אור זרוע חלק א - הלכות שליה ציבור סימן קיב. וכן קבלתי ממורי הרב רבינו שמחה זצ"ל שכל בעלי תשובה צריכין טבילה. דתני באבות דר' נתן פ"ג מעשה בריבה אחת שנשבית וכו' ולאחר שפדאוה הטבילוה. שכל אותם הימים שהיתה שרויה בין העכו"ם היתה אוכלת משלהם ועכשיו הטבילוה כדי שתטהר. אף על גב דגיעולי עכו"ם אינם מטמאים את הגוף אפילו הכי הטבילוה כדי לטהרה מן העבירה. ואף על פי שפירשתי שכל בעלי תשובה צריכין טבילה אעפ"כ הטבילה אינה מעכבת התשובה.

⁴² שו"ת משפטי עוזיאל כרך א - יורה דעה סימן יד. דון מינה בנדון דידן שגויה זו נשואה כבר לישראל ובהכנסה מעתה בברית היהדות תתקרב יותר ויותר אל משפחת בעלה ותורתו ועוד זאת שבניה הנולדים לה ואלה שיוולדו לה מעתה יהיו יהודים גמורים הרי זה דומה לאותו מעשה דהלל ורבי חייא שבטוח שסופם יהיו גרים גמורים ורשאים, או יותר נכון, מצוה עליהם לקרבתם ולהכניסם בברית תורת ישראל ולהוציא נגע התערובת שהוא נגע ממאיר בכרם בית ישראל. וע"ע שו"ת משפטי עוזיאל כרך ב - יורה דעה סימן נב (ליו"ד סימן רס"ז). בדין בן הבא מן הנכרית י"ג תשרי הת"ש. שכל זמן שהבן הבא מן הנכרית לא התגייר, הרי הוא כגוי גמור, אבל משהתגייר אהני לו זרע האב להיות נקרא מזרע ישראל לענין כהונה, דהלא גר שנתגייר מותר לבוא בקהל ישראל כאילו נולד מישראל, אבל הגיורת נאסרת לכהונה משום שאינה ישראלית גמורה, אבל כשהתגייר חוזר ונקרא מזרע ישראל, הואיל ונזרע מישראל, וזהו גם טעמא דרשב"י דמכשר בנזרעו בתוליה מישראל אעפ"י שאינה מזרע ישראל לגמרי, משום דקרא דבתולה מזרע ישראל בא להקל שכל שנזרע מישראל או בישראל כשרה לכהונה.

⁴³ See Elliot N. Dorff, "[Artificial Insemination, Egg Donation and Adoption](#)" (CJLS, 1994), and Susan Grossman, "[Choosing Parenthood: ART, Adoption and the Single Parent](#)" (CJLS, 2020). A contrary position written by Judith Hauptman, Suzanne Brody, and Jessica Rosenthal Chod was passed (9-12-2) in 2022. See, "[An Alternative to Maternal Identity and the Status of Children Born Using a Gestational Carrier](#)." I (DN) opposed this responsum.

truths remain evident: *The physical circumstances of one's birth are important inputs for Jewish identity, but so too are the social circumstances of a child's growth and development as a Jew.*

Anecdotally, a rabbinic colleague identifies as “both a patrilineal and a halakhic Jew.” She explains that since her mother is not Jewish, she underwent a halakhic conversion to establish her own halakhic status. Yet her father’s Jewish identity—his name, his family history, his Jewish belief and practice—all these were important in establishing his daughter’s Jewish identity both before and after her Beit Din. Indeed, this accords with the position of Rabbi Uziel described above.

Jewish and Gentile Blends

Our concern with blended religious identities is not new. Already in the Bible we read descriptions of non-Israelites who travel together with the people of Israel, starting with the “mixed multitude” (עֲרֵב רַב) who joined Israel in its Exodus from Egypt (Exod. 12:38) and continuing with the “many nations” who “accompany” (וּנְלוּ) Israel in the prophetic literature (Isaiah 14:1; 56:3, 6; Zechariah 2:15) and the gentiles who “Judaize” (מִתְיַהֲדִים) in Esther (8:17; 9:27). The book of Psalms refers to those who “revere the Lord” (יִרְאֵי ה') as apparently worshiping alongside Israelites in the Temple (Ps. 115:11; 118:4; 135:20). While there was no shortage of adversaries among the Bible’s list of other nations, there was also room for spiritual company with Israel’s neighbors who were explicitly invited to celebrate Sukkot (Zech. 14:16).

The rabbis take a dim view of the “mixed multitude,” blaming it for the golden calf incident and other spiritual errors of Israel in the wilderness, but the Torah itself offers no such judgment. It does, however, draw a ritual boundary between Israelites and others, referred to as foreigners (בְּנֵי נֹכַר/נֹכְרִים), strangers (זָרִים),⁴⁴ or the uncircumcised (עֲרֻלִים).

While rabbinic sources generally maintain a strict line of demarcation, some texts acknowledge in-between states, such as the gentile who has accepted the commandments but not completed all rituals of conversion. Rabbi Isserles states that, “there are those who are lenient,” (referring perhaps to Rosh or Rabbi Ḥananel) in recognizing their changed status for some food-related practices, and later commentators extend this to permit the burial of “almost converts” in Jewish cemeteries.⁴⁵

The Bible’s category of the “stranger” (גֵר) who dwells together with Israel splits into two categories in rabbinic literature—the “resident stranger” (גֵר תּוֹשֵׁב) and the “righteous stranger” (גֵר צַדִּיק). When the rabbis refer simply to a “ger” they intend the latter category, a born non-Jew who has converted and joined the people of Israel.

⁴⁴ This term may also refer to Israelites who are not from the priestly caste. They are “foreign” to the altar.

⁴⁵ See SA YD 124:2, comments of Shakh (#4) and Taz (#2) there, and discussion in *Kol Bo Al Aveilut*, p.190, para. 29 and n. 21. We thank Robert Scheinberg for the last source.

The first category, “resident stranger” (*ger toshav*), refers in rabbinic thought to a non-Jew who has accepted specific commandments. B. *Avodah Zarah* 64b records a debate about this category. Rabbi Meir applies it to a gentile who commits before a court of three Jews not to worship idols; the majority opinion identifies this category with any gentile who commits to the seven Noahide laws; others says that it refers to a person who keeps all commandments except for the ban on non-kosher meat.⁴⁶ Some of these discussions may have reflected the presence of the perhaps sizable Jewish-adjacent populations known as “God fearers” (Greek and Hebrew used a variety of terms for them), sympathizers who, perhaps for generations, lived in close proximity to and with both Jews and non-Jews.⁴⁷ Similarly, the relationship between Jews and Christians was also marked by close contacts, sharing and disputing beliefs and practices.⁴⁸

The halakhic codes, following the Talmud’s majority view, apply *ger toshav* to any person who has accepted the seven Noahide laws, rejecting foreign divinities, but has not converted before a rabbinic court. This category is considered by Maimonides to be operative only when the Jubilee year is in force (MT *Avodah Zarah* 10:6, *Milah* 1:6, *Issurei Biah* 14:8), which effectively renders it inoperative until messianic times (but see Raavad on the latter source, who explains that the reference to the Jubilee refers only to the special economic measures of that time). Maimonides and other authorities apply the category to Muslims, but medieval rabbis remained uncertain whether the category would include Christians given their use of images in worship and triune theology.

Twentieth-century rabbis as varied as Yosef Henkin, Mordecai Kaplan and Zalman Schachter-Shalomi sought to revive the *ger toshav* category and apply it broadly to people who identified as *allies* of the Jews.⁴⁹ Rabbi Schachter-Shalomi suggested that this category might be helpful for people who wish to embrace some Jewish practices, but who are not prepared to commit exclusively to Judaism.⁵⁰ Several of his followers called for even further expansion of this category to include people whose religious identity is “fluid” and wish to integrate Jewish beliefs and practices with those of other religions. This approach to *ger toshav* is far removed from the rabbinic category and is not useful within a halakhic framework. Yet even traditional Jewish communities must consider how to understand the place of people with hybrid religious heritage in their midst. In 2014, Israeli rabbi Chaim Amsellem proposed accepting Israelis who lack halakhic credentials, including many who came from the Former Soviet Union, based on

⁴⁶ The Noahide laws include six negative commands (not to worship foreign gods, not to curse God, not to murder, not to commit sexual crimes, not to steal, and not to eat flesh torn from a live animal) and one positive command, to establish courts of law. See T. AZ 8:4; B. *Sanhedrin* 56a; MT *Melakhim* 9:1.

⁴⁷ See the classic article by Louis H. Feldman. “[The Omnipresence of the God-Fearers](#),” *Biblical Archaeology Review* 12, 5 (1986) and the numerous rabbinic sources cited in notes 43-52.

⁴⁸ Adam H. Becker and Annette Yoshiko Reed (eds), *The ways that never parted; Jews and Christians in Late Antiquity and the Early Middle Ages* (New York: Fortress Press, 2007).

⁴⁹ Mordecai Kaplan, *Questions Jews Ask: Reconstructionist Answers* (Reconstructionist Press, 1956) pp.479-480; Yosef Henkin, קץ הימין “The End of Days,” [Hebrew] in *Hadarom: Journal of the Rabbinical Council of America*, 10 (Elul 1959), pp. 5–9 (esp. p.8).

⁵⁰ Zalman Schachter-Shalomi, “Ger Tzedek or Ger Toshav?” blog found at: <https://www.jewishrenewalhasidus.org/reb-zalman-on-conversion-and-renewal/>

their Jewish heritage and acceptance of the commandments.⁵¹ Recognizing their diverse identities, we should be ready to assist them to establish their own Jewish identity through knowledge, belief, affiliation, and religious practice, if that is what they wish to do, and let them reflect on how to show respect for the traditions of their non-Jewish relatives.

Dangers of Excessive Gatekeeping

The rabbis of antiquity were cautious about those who approached them to convert to Judaism. Citing the story of Ruth, whose Israelite mother-in-law Naomi tells her three times *שׁוּבָה*, “go back!” (Ch. 1, verses 8, 11, 12), the sages say in Midrash *Rut Rabbah* (2:16) that one should try to dissuade a potential convert three times, and accept them only if they persist. Yet, Rabbi Yitzhak states that one may push away with the left arm, but should pull them near with the [stronger] right arm.⁵²

The rabbis also recognize the danger of preventing sincere proselytes from joining the Jewish faith. An especially poignant example is found in Bavli *Sanhedrin* 99b, explaining an obscure verse in Genesis related to a woman named Timna, the mother of Israel’s arch-enemy Amalek:

תמנע בת מלכים הואי, דכתיב אלוף לוטן אלוף תמנע. וכל אלוף - מלכותא בלא תאגא היא. בעיא לאיגורי, באתה אצל אברהם יצחק ויעקב ולא קבלוה, הלכה והיתה פילגש לאליפז בן עשו. אמרה: מוטב תהא שפחה לאומה זו, ולא תהא גבירה לאומה אחרת. נפק מינה עמלק, דצערניהו לישראל. מאי טעמא - דלא איבעי להו לרחקה.

Timna was of royal descent, as it says, (Gen. 36:29, 40), “the chieftain Lotan... the chieftain Timna.” Chieftain [*aluf*] means an uncrowned royal. [Timna] wanted to convert [to Judaism]. She approached Abraham, Isaac and Jacob, but they would not accept her. So she went and became a concubine to Eliphaz, son of Esau (Gen. 36:12). She thought, it is better for me to be a concubine to these people than to be an aristocrat to other people. Amalek came from her, who tormented the people of Israel. Why? Because the [patriarchs] should not have pushed her away.

The moral of this rabbinic story is that when a person earnestly inquires about becoming Jewish, or about reclaiming their own Jewish heritage, this is a precious gift that should be cherished and encouraged. There is wisdom to the instinct to give the process time so that the candidate can fully understand the commitment that they are making. But to turn away sincere candidates is to cause harm, both to them, and potentially to the entire people of Israel.

⁵¹ Chaim Amsellem, “[Zera Yisrael: Acceptance of the Commandments for Conversion](#)” (2014).

⁵² רות רבה (וילנא) פרשה ב סימן טז. שבנה בנותי לכנה, ר' שמואל בר נחמני בש"ר יודן בר' חנינא בשלש מקומות כתיב כאן שבנה שבנה שבנה כנגד ג' פעמים שדוחין את הגר ואם הטריח יותר מכאן מקבלין אותו, א"ר יצחק (איוב ל"א) בחוץ לא ילין גר, לעולם יהא אדם דוחה בשמאל ומקרב בימין.

Paradigm for Determining of Jewish Identity: Past, Present, and Future

Our received halakhic heritage about Jewish religious status is clear, consistent, and normative for traditional Jewish communities: *People born to Jewish women are automatically entitled to practice Judaism and to be counted in the Jewish community, although some may wish a ceremony to mark this belonging. All others require entrance rituals.*

Nevertheless, not all others will follow this path towards establishing full normative status. Such people can benefit from the spiritual riches of Judaism, just as Jewish communities are strengthened by their contributions. The Torah's claim that humanity is fashioned in the divine image is a cornerstone of human rights. The wisdom found in Torah, the values of justice and kindness, the evil of slavery and virtue of freedom, and the awareness that the Creator is the source of life and blessing are all ideas that Jews proudly share with the world. For some people of blended religious identity, familiarity with Jewish ideas and enjoying periodic Jewish practices can be enhancements to their lives. And if they are part of an extended Jewish family, then their participation and support for Jewish education and practice can enhance the experience of others.

To be clear, like most religious traditions, Jewish law as understood by anyone committed to traditional texts and norms draws boundaries around certain rituals. *A person who maintains religious beliefs and practices from other faiths,⁵³ even though they were born to a Jewish woman, may not be invited to count in the minyan, lead worship, or marry within the framework of kiddushin. However, should they wish to adopt exclusive Jewish practice, they should be encouraged and welcomed as returning Jews (בעלי תשובה). As noted above, since the medieval period, such returning Jews were asked to immerse in a mikveh (without a Beit Din), as an expression of their identification with Judaism. A person who maintains exclusively Jewish religious beliefs and practices but is not born to a Jewish mother or converted before a Beit Din, must confirm their Jewish status with a Beit Din in order to participate fully in these and other Jewish rituals.*

There are many Jewish experiences that are accessible to all people, regardless of their background, belief, and personal practice. All people are welcome to attend Jewish worship, to participate in Shabbat and festival meals, to study Torah, to turn to Jewish ethical teachings and in the pursuit of justice and *hesed*/kindness, and to support Jewish institutions.

Some people of blended religious belonging will want more than informal and partial participation in Jewish life and move towards a full association with the Jewish people and its religious traditions. Rabbis and communities are obliged to support them in this quest. We think that such conversations should be guided by an exploration of a person's religious identity in the past, present, and future. A person's religious and spiritual biography shapes their familial,

⁵³ This category does not include Jews who participate in cultural experiences that are linked to other faiths, such as singing choral music associated with Christian worship, practicing yoga, or periodically attending a religious service as a guest if they remain committed to Jewish belief and practice.

spiritual, and halakhic relationship to Judaism. Moreover, an awareness of their current knowledge, belief, practice and affiliation with Judaism and other religions, and with it their developing sense of their future identity should inform the guidance given them by rabbis and other Jewish leaders.

The following paragraphs are framed as a conversation guide for rabbis and other teachers who encounter people of mixed religious heritage and seek to assist them in their spiritual search. These questions are not intended to be an interrogation, but rather an invitation for the person before us to examine their own goals, and then for the rabbi or other Jewish teacher to develop an appropriate course of study and practice:

PAST. What is your family's religious history? Are you descended from any Jews, and if so, who were they and how did they practice Judaism? Are you also descended from non-Jews? If so, who were they and how did they express their faith(s)? In your childhood, how were you exposed to these spiritual resources? Which of them played a positive role, and which a negative one? What is your knowledge of the texts, beliefs, practices, and culture of these traditions? Are your parents and other relatives invested in your own religious identity, and how do you feel about that? If you are charting a religious path different from your family of origin, how will you address potential challenges to your relationship with these important people in your life?

PRESENT. How do you identify religiously today? Would you say that you "are" Jewish, or a different religion, or no religion, or several? What religious beliefs and practices most resonate with you today? If you are exploring an inherited Jewish identity, or seeking to adopt one, which relatives, friends, and teachers can support your journey? What is your current knowledge base of Jewish beliefs, texts, practices, and vocabulary? Have you acquired any skills with Hebrew language? Have you traveled to Jewishly significant places and shared Jewish experiences, whether of prayer, holidays, culture, history? If you also identify with another religion, how does that identity interact with your Judaism? How do you handle potential conflicts of faith and practice?

FUTURE. What are your religious goals for yourself, for your family and descendants? What would you like to know and practice? Are you able to commit time and energy to learning such things? Are there constraints of location, profession or relationships that would prevent you from pursuing this? How would you like to interact with Jewish communities? Is it important to you to be recognized as a Jew, and if so, then by whom? By a local community? By a specific denomination? By the State of Israel?

Only once we know a person's self-understanding of their Jewish past, present and desired future can we provide them with appropriate rabbinic guidance.

Ethics of Encounter

When encountering people of diverse religious backgrounds to Jewish spaces, clergy and educators should keep core ethical obligations in mind:

- Judaism has differentiated itself from many other traditions in rejecting coercion to convert, and we ought not begin proselytizing now. We ought to offer all people kindness, hospitality, and information, to respect their identification, and not pressure them to conform to our own Jewish religious beliefs and practices if this is not their chosen path.
- Yet when people approach us to learn about their family's Jewish heritage, it is a sacred obligation of restoring lost property (השבת אבידה) to inform them about sacred Jewish ideas (*Torah*), practices (*mitzvot*), and beliefs (*emunot*). This includes people of patrilineal Jewish descent; while ritual is required to confirm their halakhic status, their family connection to the Jewish people should be recognized and respected, for example by encouraging them to integrate their father's Hebrew name.
- All religions and religious communities maintain a sense of boundaries, and this reality is not inherently unethical or destructive. For example, some Jewish rituals such as counting in the *minyan* and leading worship are limited to people who are members of the Jewish covenant. All people, of course, are welcome to attend Jewish worship.
- Meeting a rabbi or other Jewish authority figure can be intimidating to people seeking to explore their Jewish identity and associate with the Jewish community. Standard safeguards of professional ethics must be maintained, and seekers should be offered a transparent guide to the steps, timeline, and expenses involved in conversion or affirmation of Jewish status (such as tuition for classes, and fees for use of the mikveh). This may include *brit milah* or *hatafat dam*.
- Exploration of religious identity can enrich a person's life, but it can also accentuate complex and even painful psychological dynamics for that person and their family. Rabbis should be prepared to refer seekers to trained psychotherapists to address concerns for mental health and challenging relationships.
- Not all visitors are benevolent. Some people approach Jewish communities with their own agendas, perhaps to proselytize, or even to attack Jews. A welcoming community must still be prepared to identify hostile visitors and protect the spiritual and physical security of their own people.

Matrilineality, Gender Identity, and Egalitarianism

As mentioned above, there is tension between the traditional Jewish matrilineal principle and our contemporary commitments to gender egalitarianism, and freedom to understand one's gender identity and be recognized appropriately. Ancient Jewish sources included gender

categories that transcended the male/female binary, and yet as we have seen, the Jewish status of a child was made dependent on the religious status of their mother at the time of birth. Can we harmonize a 2,000-year norm with contemporary understandings of gender?

Liberal movements such as Reform and Reconstructing Judaism have addressed the egalitarian challenge by accepting patrilineal descent if the child's Jewish identity is confirmed by their education and practice. However, this shift runs counter to two millennia of rabbinic precedent and has created a deep fissure between Jewish denominations, and between diaspora communities and the State of Israel. An opposite resolution would be to require the confirmation of Jewish identity for any person born to both Jewish and non-Jewish parents, regardless of their gender. This resolution would have some halakhic precedent, would address both contemporary concerns that we have identified, and would not be divisive between denominations, since it would be an internal stringency. Yet many people with Jewish mothers and non-Jewish fathers who have long been recognized as fully Jewish would be upset to learn that they and their descendants now require a ritual akin to conversion. Singling out such children for ritual confirmation, when they had been previously accepted without question, could be deeply hurtful to them and their families.

A middle path, given the mass phenomenon of interfaith marriage over the past several generations, is to confirm the Jewish identity of *all* our children, regardless of the religious status of their parents (biological and social), through ritual immersion (*tevilah*). Ritual circumcisions would by default always be considered for the sake of confirming Jewish status (*l'sheim gerut*) as well as fulfilling the mitzvah of *brit milah*. Meanwhile, all people previously accepted as Jewish based on the established matrilineal principle would continue to be considered fully Jewish on that basis. Numerous congregations have experimented with such a practice, bringing all children prior to their b'nai mitzvah (or at an earlier age, before puberty) to the *mikveh* to learn about this important Jewish ritual, and to confirm their own commitment to the commandments. This is a sensitive and potentially effective resolution to the ambiguous status of children born to people of blended religious belongings. For children born to Jewish mothers this would be considered a pious practice (*middat hasidut*), an expression of social solidarity, not a halakhic requirement. Nevertheless, it would be problematic to require immersion for all children born to Jewish parents, some of whom would object on either practical, emotional or familial grounds.

It may not be possible at this time to reconcile our gender-egalitarian commitments with the gendered norms of Jewish identity transmission and conversion rituals. In truth, ancient Jewish texts related to Jewish status do not discuss *gender* in the modern sense as much as *sex*. A person who gives birth to a child conveys Jewish status, regardless of the gender identity of either parent or child. When a fetus gestates in the uterus of a Jewish person, regardless of their gender identity, it inherits Jewish status upon birth. Nevertheless, we acknowledge this tension regarding gender identity, and frame it within our broader commitments to *klal Yisrael*, the Jewish people across time and space, and our desire to protect future generations from unfair questioning of their Jewish identity.

Conclusion

Rabbinic Guidance for People of Blended Religious Heritage

When Jewish communities encounter people whose family or personal history involves more than one religion, they ought to respond with respect and kindness. Indeed, such newcomers may enhance the Jewish community with their own insights, creativity, and energy. Just as there are blessings available to those who have experienced more than one religious faith tradition, so too are blessings available when one's diverse experiences of faith, practice and belonging resolve into an unambiguous Jewish identity.

Fully Identified Jews

For people of blended religious heritage (such as patrilineal Jews) who already identify as exclusively Jewish, or wish to do so going forward, a ritual of immersion (*tevilah*) is appropriate to confirm their Jewish identity in the presence of a Beit Din of three qualified Jews. This step may feel unnecessary or even offensive to people whose Jewish identity has long been affirmed by their family and community, even if it does not meet traditional halakhic criteria. Whether through adoption, surrogacy, or patrilineal descent, their Jewish identity has been conveyed through the most powerful means possible: love. The required rituals used to confer Jewish identity should be understood and presented as a continuation and recognition of their familial bonds to Judaism, rather than as their replacement.

This ritual assistance may indeed fulfill the mitzvah of restoring lost property, השבת אבידה, which is the inheritance of all Jews, מורשה קהילת יעקב. In this case, the lost property is normative Jewish status, which the Beit Din is empowered to restore. While this ritual immersion to confirm Jewish identity matches one of the rites of conversion, it bears a different valence for the person, marking a transition in communal recognition of their already-established Jewish identification. Indeed, ritual immersion has come to be used to mark many transitions in a person's life, as a way of closing one chapter and opening another. For a person with one or more non-Jewish parents, immersion is a declaration of religious identification which when performed in the presence of witnesses amounts to a public affirmation of Jewish status. It is appropriate and important to integrate acknowledgement of their Jewish family heritage, and to recognize this by using the Hebrew name of the Jewish parent. We recommend an immersion of confirmation for all children of interfaith parentage, and as a pious practice, for all Jews prior to reaching the age of mitzvot. If this person had a *brit milah* in infancy, it can be assumed to have included the intention of establishing Jewish identity, even if the *mohel* did not explicitly note "for the sake of conversion" (לשם גרות) on the document. They would not require *hatafat dam brit* to affirm their Jewish identity. Otherwise, ritual circumcision or *hatafat dam brit* should precede the *tevilah*. Following this ritual, the person is to be considered fully Jewish.

Some people who identify fully as Jews, and have been recognized as such in liberal movements, may refuse to participate even in a ritual affirmation of their Jewish identity. It is

important to show respect for these convictions, and to honor their Jewish identification. While such people would not be counted in the minyan or invited to serve as prayer leader in a halakhic setting, the door to full participation through ritual affirmation should remain open.

Partially Identified Jews

People of blended religious heritage who identify partially as Jewish, in addition to other religious beliefs and practices, are already part of the extended Jewish community, both in Israel and in the diaspora. Rabbis should explain that Jewish theology and religious practice are distinct from the theology and practice of Christianity and other religions, and that these distinctions must be respected. People who identify as partially Jewish are welcome to attend Jewish worship, to study Torah, to perform acts of *hesed* (kindness) and more. However, they may not be counted in the minyan, serve as prayer leaders, or be called to the Torah unless they decide to make an exclusive commitment to Jewish belief and practice, and complete the ritual of immersion (and, if appropriate, *brit milah* or *hatafat dam brit*) before a Beit Din. Many synagogues have developed sensitive guidelines to clarify the ways that such people may and may not participate in Jewish rituals. We realize that there will be variation between communities on the specifics, and have focused here on giving broad guidance that can delimit the specific applications in each community.

פסקי דין (Rulings)

1. Traditional criteria for establishing Jewish status—maternal birth or conversion with *brit milah* and *tevilah* before a Beit Din—remain normative for purposes of ritual, marriage, and the transmission of Jewish status.
2. People of hybrid religious background who wish to establish halakhic Jewish status should be greeted with respect and kindness and should be educated about the pathways to conversion or affirmation of their Jewish identification.
3. People who have been raised to identify exclusively as Jewish—for example, by virtue of patrilineal descent or adoption—but who do not meet the traditional halakhic criteria to establish Jewish status, and who decline to participate in rituals of affirmation with a Beit Din should nevertheless be treated with respect and included as members of the extended Jewish family. If they decide to pursue halakhic recognition in order to participate fully in traditional Jewish ritual and family life, their process of affirming Jewish identity through *milah* and *tevilah* should be expedited by the Beit Din.
4. People who have been raised in or practiced religions other than Judaism, even if they are born to a Jewish mother, and who wish to adopt an exclusive Jewish identity should immerse in the *mikveh* as a demonstration of return (*teshuvah*). A Beit Din is not required for this immersion.

5. People who intend to continue to practice one or more religions in addition to Judaism should be treated as guests, but not granted ritual roles such as counting in minyan, leading worship, or being called to the Torah, until they commit to exclusively Jewish belief and practice, and if appropriate, complete a process of affirmation or conversion with a rabbinic Beit Din.
6. As for people who already identify as Jews and possess formal halakhic Jewish status, whether by birth or by conversion, they have an important role in greeting spiritual seekers and offering them support and guidance.

Appendix

Models of Responses to Blended Religious Belongings

#1: Jewish background, halakhic credentials, blended religious family

If a person meets the halakhic criteria to be considered Jewish —birth to a Jewish mother, or conversion before a Beit Din—and identifies exclusively as Jewish, but has non-Jewish relatives (a father, a spouse, children, etc.) then rabbis should encourage them to develop strategies for demonstrating respect for the non-Jews in their life while fully embracing their own Jewish identity. Jewish grandparents should endeavor to expose their interfaith grandchildren to positive Jewish experiences, for example, supporting Jewish education and travel, without disparaging other religious traditions in their extended family.

#2: Jewish background, no halakhic credentials, desiring exclusive Jewish identity

If a person has Jewish family history, such as a father or grandparent, and was raised Jewishly, but was born to a non-Jewish mother, they may be considered “*zera Yisrael*” (of Jewish descent) and encouraged to claim their Jewish identity through the rituals of *milah/tevilah* before a Beit Din. Given their Jewish upbringing, their ritual requirements are more an affirmation of Jewish identity than a full conversion, and can be expedited.

#3: Blended religious background, halakhic credentials, desiring exclusive Jewish identity

If a person possesses halakhic credentials but has practiced other religions in addition to Judaism, and now expresses their desire to live as a Jew, they should immerse in a *mikveh* as an act of return. No Beit Din is required.

#4: Blended religious background, halakhic credentials, desiring partial Jewish identity

If a person possesses halakhic credentials but has practiced other religions in addition to Judaism and is *not* ready to commit to exclusive Jewish identity, they should be welcomed to attend Jewish classes and religious services, encouraged to consider making Judaism their exclusive identity, but not counted in a minyan or offered ritual honors until they commit to exclusively Jewish religious identity, and immerse in the *mikveh* as an act of return.

#5: Blended religious background, no halakhic credentials, desiring exclusive Jewish identity

If a person’s family history includes Jewish and non-Jewish ancestry, faith and/or practice, and they are not born to a Jewish mother, but now want to belong exclusively to the Jewish religion, they should be welcomed to study and participate in Jewish life and prepare to convert with the rituals of *milah* and *tevilah* before a *beit din*, after which they may be fully included in Jewish ritual life. The old tradition of repeatedly rejecting converts should be replaced with an

encouraging process which nevertheless requires several stages of education, practice and ritual before the conversion is completed.

#6: Blended religious background, no halakhic credentials, desiring partial Jewish identity

If a person's family history includes Jewish and non-Jewish ancestry, faith and/or practice, and they are not born to a Jewish mother, and identify partially with Jewish belief and practice, alongside other religious beliefs and practices, they should be welcomed to study and observe Jewish life, educated about those rituals reserved for Jews, and informed that they are welcome with no compulsion to continue to explore Judaism, and to convert if they ever decide to pursue this path.

Additional Resources

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