

Matrilineality and Patrilineality in Jewish Law and Community, Part 3¹

I. Framing the Conversation Going Forward

In analyzing the “matrilineal principle” we know, we have found a lot more complexity and nuance on both sides of the coin—Jewish mothers and Gentile fathers; Jewish fathers and Gentile mothers—in our sources.

I want to suggest that a look at the full picture of halakhic sources that we have seen should drive us away from the binary extremes when we think about matrilineals and patrilineals. Simple determinations of status in these cases—completely Gentile or completely Jewish—feel insufficient and inaccurate. When we think about how to frame this conversation moving forward, three principles are central, to my mind, and should guide our thinking and actions in this area.

A. Judaism is a Religion of the Body

First, Judaism is a religion of the body, not just the mind, and therefore questions of identity are wrapped up not just in questions of commitment and mission but also in descent and bloodline. Any approach to Jewish identity that ignores this—by, for instance, blindly accepting anyone who self-describes as a Jew irrespective of questions of descent—is not seriously engaging with an essential element of what it has always meant to be Jewish: belonging to the Jewish people.

Jewish practice is, and always has been, grounded in physical acts, concrete expressions of values that fill a Jew’s life. For all that faith and dogma has also been a part of Judaism, it is undeniable that one of the distinctive elements of Judaism—and one of the things that often attracts outsiders to it—is its earthy, physical quality. This is a religious system that features, among other things, leather boxes containing the words of the Torah to be strapped on the arm

¹ The most important scholarly books on this topic and the issues of identity and status that surround it are Shaye Cohen, *The Beginnings of Jewishness*, and Christine Hayes, *Gentile Impurities and Jewish Identities*. I want to express my indebtedness to my father and teacher, Rabbi Gordon Tucker, who first sketched out some of the ideas I will express here years ago in a paper titled, “Matrilineal and Patrilineal Principles.” I hope I have been faithful to some of the original ideas there even as I have added my own perspectives to both the textual analysis and the policy implications in our own time.

and the head, the consumption of a range of ritual foods on Shabbat and the holidays, the construction of a temporary home during Sukkot, and the deep valuing of marital intimacy as one of the holy expressions of our humanity.

It is therefore no surprise that conversion to Judaism requires a physical act. Could one imagine that Judaism would be a religion of the body everywhere but with respect to Jewish identity? Either a person is born with a Jewish body—by having Jewish parents—or the body must be made Jewish by immersing in water (and, in the case of men, through circumcision). Despite all the debates throughout Jewish history regarding conversion, no rabbinic source ever suffices with an oath of allegiance or the adoption of Jewish practices to turn someone of Gentile parentage into a Jew. Even a child adopted as a baby by two Jewish parents—a child who will never have a conscious Gentile moment in his or her life—undergoes immersion in a *mikveh* as a reflection of this emphasis on bodily Jewishness. Indeed, Paul's break from Judaism stemmed in part from his reimagining of a covenant with God that could be affirmed without a bodily component. Unlike Christianity, Islam and other religions that can suffice with a declaration of faith and commitment, conversion to Judaism requires not only verbally and emotionally signing onto the Jewish people and the Jewish mission, but also a physical act that concretizes this commitment.

Confronting this truth carries with it a corollary: The Jewish identity of those of one Jewish parent and one Gentile parent is bound to be complex. On the one hand, a person with one Jewish parent is of Jewish genetic stock and has a bloodline with Jewish roots. On the other hand, such a person is clearly not as unambiguously Jewish—on the bodily plane—as someone with two Jewish parents. The question of how to deal with someone of such mixed ancestry is complicated in any tradition that takes peoplehood seriously as a category above and beyond the category of religious faith.

Many today advocate the unambiguous affirmation of the Jewish identity of anyone with one Jewish parent, usually under the banner of inclusivity. One of the great deficiencies of this contemporary discourse is that it ignores the fact that in life, as in Judaism, parentage matters, and it therefore stands to reason that mixed parentage is a qualitatively different upbringing from one in which there are two Jewish parents, such that a thoughtful community cannot avoid engaging the question of how Jewish identity looks different depending on who one's parents are.

Even more powerfully: One of my former students, who is the daughter of a Gentile man and a Jewish woman, completely changed my perspective on this entire issue when she shared about how hard it was for her when the Jewish community unambiguously accepted her as Jewish. I had heard many times before about the ways in which matrilineal Jews were annoyed about their acceptance by the entire Jewish community, while their patrilineal colleagues felt dogged and excluded. But she—expressing that sentiment as well—said something even deeper: The Jewish community’s embrace of her actually dishonored and disrespected the very real and difficult choice it was for her to be Jewish. It had not been at all obvious that her life trajectory would culminate in an unambiguous Jewish identity. The fact that she chose to identify as a Jew, to take on traditions and practices, and to live an observant life was a momentous process for her, one that she wanted recognized by the Jewish community. It was a powerful lesson for me in how our discourse of “inclusivity” can actually at times disrespect the long distance many of those with one Jewish parent need—and want—to traverse in order to affirm their Jewishness. And any “inclusive” discourse that accepts all those of one Jewish parent as unambiguously Jewish ultimately does not take the Gentile parent seriously, and does not recognize that father or mother’s real and abiding claim on their child’s identity.

In keeping with all of this, I think that any approach that does not in some way acknowledge that having some Gentile parentage makes a difference—and I speak here both about the cases of patrilineal and matrilineal Jews—is problematic. We need to get to a point as a community where we can honor the complex journeys of those of complex descent and find ways to encourage them to take the non-trivial step of affirming an unambiguous Jewish identity. Again, self-declaration as a Jew was never a sufficient marker of Jewishness in Jewish communities; inversely, even today, every Jewish community takes for granted that one can be born into Jewishness without ever having signed on to a mission statement. Descent has always been an important component of determining Jewish identity, above and beyond the individual’s self-understanding of their Jewish identity. So our contemporary conversation—to the extent it presumes one can be born as a Jew at all—should continue to engage this point.

B. Engaging the Jewish discourse of the ages

We should be committed to engaging with the Jewish discourse of the ages and being in continuous conversation with that normative past. One can of course choose not to engage with prior sources and to come up with new definitions of Jewish identity without making an effort to tether them to earlier stages of the conversation. That, however, steps outside of the covenantal conversation of Torah, and is as such a deep breach of any serious religious connection to the past. And on a utilitarian plane, it deprives contemporary Jews of an authentic expression of Jewish identity that can connect them with their past rather than sever them from it.

I understand—and respect—that many contemporary Jews have chosen to abandon this ancient conversation. It is totally coherent to say that 21st-century commitments to a range of ideals—such as feminism and respect for diverse sexual identity, among others—sap one of any desire to engage deeply with Jewish texts that emerge from a very different time and place. The choice to restart a religious conversation and re-ground its foundations in the 21st century and its values is a choice with integrity.

I, and those I consider partners and allies, have made a different choice, the choice of a religious life that is historically transcendent, that carries with it thousands of years of history and practice. That stance includes a commitment to articulating today's conversation with yesterday's terminology. The Jewish rabbinic conversation on descent has taken specific turns along the way. Halakhic discourse has clearly gone in a direction that fundamentally treats matrilineal Jews as Jews and patrilineal Jews as Gentiles, even though there is much, much more ambiguity here than is typically acknowledged. Still, anyone committed to engaging Mishnah Kiddushin and all subsequent sources cannot simply outright claim—even if they were convinced this was a good idea—that someone born to a Jewish father and a Gentile mother is unambiguously a Jew. As we saw earlier, R. Uziel, among others, moves dramatically in that direction, but within the terms of discourse that help the current conversation mesh with the older one. Most important, no Jewish source, whether biblical or rabbinic, ever sufficed with the Jewishness of either parent in order to decree a child unambiguously Jewish without any lineal taint. In the Bible, it seems that Israelite identity was conferred patrilineally and not matrilineally, whereas the dominant voice in rabbinic tradition conferred Jewishness matrilineally and not patrilineally. One of the things most attractive about Judaism is its ability

to connect all of us to the deep past. Severing oneself from that past through the language of abrogation and rupture ultimately deprives today's Jews of the feeling of authenticity that so many are seeking in their Jewish lives. Anchoring individual struggles in the transcendent conversation will ultimately more firmly ensconce those seeking a strong Jewish identity in a life of enduring commitment. Any policy that would simply affirm anyone of one Jewish parent to be uncomplicatedly and unambiguously Jewish cannot be meshed with the halakhic legacy we have been bequeathed.

C. Honesty and transparency

A healthy Jewish discourse on descent should be honest and transparent. Further, one should be able to articulate it without either feeling embarrassed or resorting to authoritarian conversation-stoppers. It should make sense even to one who embraces a different vision of Jewish descent. Any approach to Jewish descent that claims that the matrilineal principle—as commonly understood today—has always been a unanimously held, fundamental truth of Jewish life is historically blind and halakhically inauthentic. And any statement that claims to sum up the facts of Jewish identity on the ground by saying that it tracks with one's mother is willfully ignorant of contemporary conditions.

A number of halakhic sources embrace duolineality, requiring two Jewish parents if one is to be born Jewish. Others suggest that matrilineal Jews are Jews, but not fully accepted within the Jewish community. Still others assert that patrilineal Jews, while still in need of a ritual to mark their embrace of Judaism, are not to be treated like standard converts to Judaism, in recognition of their partial Jewish descent. We should be deeply committed to breaking down simplifications and stereotypes on this issue and bringing a more nuanced conversation about descent to the Jewish community. This is not only, if at all, because contemporary pressures demand it, but because not to do so is to quash the full voice of Torah on this matter.

One must also be transparent about the relevance of both mothers and fathers for raising children, and be honest about the fact that a strictly matrilineal approach (in either direction) does not necessarily make much sense in a contemporary reality. In a patriarchal, land-based, sovereign Israelite society, there would almost be no case of a Gentile husband and a Jewish wife

finding their place within the clan structure of the Israelite nation. They would generally have gone off to live in Gentile territory and would be lost to the Jewish people. A society in which Israelite women were restricted from marrying men in other tribes lest this upset the balance of inheritance is not one with room for a Gentile man being treated as a member of society, even if his wife is an Israelite. What percentage of incidences of Gentile paternity were either cases of rape or clandestine sexual behavior? How can we simply transfer rulings from that context to one in which Gentile fathers are married partners, highly present parents, and part and parcel of a majority Gentile culture?

In an opposite vein, even if rabbinic Jews must be committed to some sort of conversion process for those of patrilineal Jewish descent, can one honestly claim that the religious nature of such a person is identical to that of a Gentile who expresses autonomous interest in Judaism later in life? And what if the person of patrilineal Jewish descent was raised as a Jew and is Jewishly knowledgeable? Can one possibly claim that it makes any sense to treat that person like a Gentile?

Again, it is ignorant and/or deceptive to claim either (1) that the presence of a Jewish parent is irrelevant for determining the identity of the child (as is asserted in many quarters with regard to patrilineal Jews); or (2) that the presence of a Gentile parent—along with the observance of non-Jewish holidays and practices that usually transpire in one of the grandparental homes—is irrelevant for determining the identity of the child (as is asserted in almost all Jewish quarters with respect to matrilineal Jews).

An honest approach to both halakhic sources and contemporary reality will acknowledge what ought to be a simple, straightforward fact: the Jewish identity of those with one Jewish parent is complex. Instead of thinking of Jewish descent in terms of binaries, we would be best served to acknowledge that while most people in the world fit neatly into a binary, others do not. If you have two Jewish parents, you are clearly Jewish by descent, and if you have two Gentile parents, you are clearly not. With one Jewish and Gentile parent, the honest answer is that you are somewhere in between. And even if those of us committed to *Hazal*'s language must acknowledge that, on aggregate, matrilineals are closer to the Jewish side of the lineage spectrum than are patrilineals, it would be more honest to describe that difference not as the difference between 1 and 0 but as the difference between 0.51 and 0.49. As a matter of principle, we must

sociologically and halakhically take much more seriously the notion of “half-Jews” than has been the case in recent Jewish discourse around this topic.

II. Practical suggestions

Guided by all of this, I want to propose that the most honest, transparent and halakhically authentic way of addressing lineality in the contemporary Jewish world is to embrace a modified form of the duolineal standard that appears in a number of key halakhic sources. This standard is duolineal in the sense of insisting that only two Jewish parents confer uncomplicated Jewish status by birth. It is “modified” in recognizing that those with one Gentile and one Jewish parent (irrespective of the genders) cannot—and should not—be simply grouped with Gentiles, but must be understood to be *partially Jewish*, in some sense of that term. Put another way, those of matrilineal and patrilineal descent are unambiguously part of contemporary Jewish civilization and must be engaged by all Jewish organizations aiming to build and strengthen that civilization. However, the mixed heritage of such individuals makes it critical that we recognize, honor, and meet the challenges of ambiguous identity presented to those with one Jewish and one Gentile parent. Current conditions on the ground render largely absurd the notion that flipping the gender of the Jewish parent can flip one’s Jewish identity from zero to one, even while leaving all other variables fixed.

Specifically, I think we should be doing two things:

1. We should dramatically streamline the process of conversion for those of patrilineal descent as they are welcomed to embrace their Jewish identity without ambivalence or ambiguity. Someone born to a Jewish father and a Gentile mother who affirms an unambiguous connection to Jewish life should be taken to the *mikveh* the next day, as an affirmation of Jewish roots and in a way that is presented as metaphysically totally different from the act of a Gentile converting to Judaism. This follows the lead of R. Kalischer, R. Uzziel, and others who advocated this approach. For anyone accountable to the rabbinic tradition, this immersion is non-negotiable in order to attain a fully

Jewish status. But we need not, in the process, negate this person's Jewish *identity* by treating this conversion as the journey from Gentile to Jew.²

2. We should demand, respect, and honor the need for those of matrilineal Jewish descent to do the same, to immerse in a *mikveh* as a way of proclaiming unambiguous, covenantal commitment to Judaism. This is in fact the only way to be honest about the real choices that confront a person who must confront the complexity of their own ethnic narrative and inherited faith traditions. Like those of patrilineal Jewish descent, matrilineals should have this immersion framed as very different from what is required of Gentiles who convert to Judaism, as R. Lorberbaum makes clear in his analysis (from last week).

How is the requirement for matrilineal conversion proposal articulated in halakhic language? As follows:

We first begin with the respected medieval and modern authorities who felt that the Talmud's ruling on this matter was that matrilineals are born Gentiles and must convert. This was the position of Tosafot, R. Ya'akov Lorberbaum, R. Shlomo Kluger, R. Hedaya, and perhaps many others whose simply pronounce a matrilineal to be *kasher* but do not clarify further. Perhaps these authorities are correct, and it certainly makes sense to be strict to account for their views, as R. Hedaya points out.

Even if we don't follow those authorities, preferring the view of Rambam and others, our contemporary situation is dealing with a case that is quite different than that dealt with in Talmudic and medieval sources. Those sources all speak about גוי הבא על בת ישראל, a Gentile who has a sexual encounter with a Jewish woman. Such encounters would overwhelmingly have happened (1) in the context of a Gentile community, (2) as a sexual indiscretion, or (3) in the context of a rape. Indeed, the first foundational case we saw in the Talmud ruling that a matrilineal is *kasher* was in the context of raped captives. The notion of a Jewish woman living with her Gentile husband in the presence of the Jewish community was unheard of. Only in our reality do we confront that possibility. It is far from obvious that Rambam and others would

² A number of important steps would reinforce that this is a different sort of process from a garden-variety conversion. When a patrilineal is shepherded through the conversion process, it does not make sense to ask them—as we do other converts—“Why have you decided to join the Jewish people?” Or to speak of Jewish history as if it is not their history as well. Following R. Uziel, it is quite plain that a patrilineal convert would use his Jewish father's name when called to the Torah, rather than describing himself as בן אברהם אבינו.

view as unproblematically Jewish the child of a Gentile father and Jewish mother who are publicly married and in no way cut off from the Jewish community.

A number of authorities make precisely this point. **Maharshal** (R. Shlomo Luria, Poland, 16th c.) on Tosafot Yevamot 16b states that the notion that Gentile paternity can be ignored is predicated on Gentile paternity in fact being irrelevant for the raising of the child: וממילא כשהוא "When the matrilineal does not himself behave like a Jew with his mother, then he is completely like a Gentile." This point is made clearer by **R. Yom Tov Algazi**:

מהרי"ט אלגאזי על הלכות בכורות להרמב"ן סימן סה ד"ה ועוד, ארץ ישראל, המאה הי"ח
...דמאי דאמרינן דלמ"ד כשר אפילו קודם שנתגייר כשר היינו בכותי שבא על בת ישראל בדרך זנות ונתעברה ממנו ושוב לא ידע הכותי מהולד כלל ואמו גדלו בתורה ובמצות כבן ישראל ממש דבכה"ג אמרינן דאיגלאי מילתא למפרע דהורתו ולידתו בקדושה ומתחלתו ישראל גמור היה ולא ככותי שנתגייר. אך אם היה הענין שהכותי לקח את בנו וגדלו הוא בעצמו כמשפט בני כותים ונתגדל בגיות, כה"ג אמרינן דאיגלאי מילתא למפרע דהורתו ולידתו בגיות וחשיב כאילו תחלתו כותי גמור ובאופן זה אינו מותר לבא בקהל עד שיתגייר גירות גמור...

R. Yom Tov Algazi on Ramban Hilkhos Bekhorot 65, Eretz Yisrael, 18th c.

...When we say that there is a view that [a matrilineal] is *kasher* even without conversion, that is only with respect to a Gentile who has intercourse with a Jewish woman outside of a committed sexual relationship, such that she gets pregnant and the Gentile then has nothing further to do with the child, and the mother raised him in Torah and *mitzvot* like a *bona fide* Jew. In that case, we say that it is retroactively clarified that this child was conceived and birthed in Jewishness and was always a *bona fide* Jew, not like a Gentile who converts. But if the Gentile took his son and raised him himself in the ways of the Gentiles, and he was raised in the Gentile world, then we say that it is retroactively clarified that his conception and birth were in a Gentile state and he is considered as if he was always a *bona fide* Gentile. In a case like that, he may not marry a Jew until he goes through a complete conversion...

This fascinating text suggests that any rulings affirming the Jewishness of matrilineals were all in the context of an absent Gentile father. In effect, this approach states that all post-Talmudic authorities agree that our approach to the matter of mixed heritage is fundamentally duolineal. In

the specific case of an absent Gentile father where paternity can be ignored, then there is the possibility of simply letting the child follow the mother. But none of those rulings ever contemplated arbitrarily favoring maternal status in the context of a functioning and fully present family with one Gentile and one Jewish parent.

In fact, I want to go further and suggest that contemporary intermarriages are best described as an act of “ethnic apostasy.” In a Judaism of the body, marriage and the intimacy and framework for reproduction that it sanctifies, is covenantal. This is a point lost in almost all conversations about intermarriage. Most arguments for or against intermarriage agree that the battleground we are fighting over is statistics and the utilitarian calculus for the most happiness for the greatest number of Jews. Endogamists argue against intermarriage based on its clear and overwhelming correlation with disaffiliation and apathy towards Jewish life. Those advocating the decriminalization of intermarriage in the Jewish community focus on the religious thirst of some intermarried Jews and of many of mixed heritage, arguing that rates of disaffiliation and apathy may be the effects of narrow Jewish thinking. Both, in my mind, miss the simple truth that guides all of rabbinic thinking on this topic, which is not actually focused on marriage or children at all, but on sex. Given that Judaism is a religion of the body and the Jewish covenant not only can be, but has mostly been, passed down by blood, acts of sex and physically intimate relationships are covenantal and must remain with the fold of those who are exclusively and uncomplicatedly Jewish. You could muster all the numbers in the world arguing for the benign effects of intermarriage, and you could demonstrate the existence of otherwise deeply observant and religious Jews married to Gentiles. None of it would ultimately succeed in rebutting the basic fact that with respect to the aspect of the Jewish covenant that is passed down by blood, when a Jew engages in an intimate relationship with a Gentile, that Jew is negating and rejecting a core aspect of the Judaism of the body. Perhaps one could avoid that implication in a society like the Bible that is rigorously patriarchal, or one that views Gentile identity and culture with contempt, such that Gentile women can be subsumed into a patriarchal Israelite or Jewish clan. But in a society like ours, which disavows such assumptions, there is no avoiding the fact that intimate relationships between Jews and Gentiles signify a disregard for the aspect of covenantal Jewish identity that has been passed down through family structures for millennia. Such Jews might be deeply committed to Judaism and the Jewish people, but one can hardly claim that they value that aspect of Judaism that is passed on by blood, given their life choices.

Though it is impossible to view intermarriage (or sexual relationships between Jews and Gentiles more broadly) with equanimity from the perspective of the rabbinic tradition, I don't even primarily intend this here as a pejorative assessment. As a simple point of fact, it is hard to claim that someone who willingly and publicly has children with a Gentile thinks that ethnic and bodily concerns control questions of life partnership and childbearing. Why then would it be obvious that a Jewish woman married to a Gentile in our contemporary environment automatically bequeaths Jewishness to her children through descent and bloodline? If we are honest about this, we have to take seriously the considerable body of opinion that does not believe that apostates transmit Jewish identity by heredity.³ The **Meiri** holds this view, as does **R. Ya'akov ibn Habib**, and contemporary authorities like **R. Ya'akov Halberstam** give these views great weight. But most important is **R. Sa'adiah Gaon**'s pathbreaking suggestion to split ethnic and religious identity when it comes to apostasy. We can recognize someone's deep religious commitments and connections while acknowledging that they have made choices to devalue Jewish ethnic identity. The litmus test of valuing that identity is how one chooses to structure one's family and with whom one will bear children. I think there is a solid argument that even many of the great authorities of the past who seem to treat Jewish maternity as determinative would concede that it is less so or not so at all in the type of "ethnic apostasy" I am describing here.

This approach, to my mind, maximizes honesty and transparency for all involved. Those of mixed heritage would be taken seriously as such, as they would be encouraged to embrace their Jewish roots unambiguously without doing so at the cost of ignoring the real effects of their Gentile roots as well. This "modified duolineality" is an honest response to the realities on the ground, while being an authentic continuation of the rabbinic and halakhic past. Only one final piece is needed. The most hurtful aspects of Jewish discussions and policies around lineality emerge when there is a conflict between status and identity. When the requirements for entry into (at least part of) the Jewish community conflict with a person's sense of who they are, the effort to bridge the gap, however well-intentioned, can often wound people in the process. Even if conversion is made transparent and accessible—which it is often not in observant communities—the act of asking one to deny one's life narrative is often off-putting at best, and soul-crushing at worst. Honesty and transparency means acknowledging that there is not

³ See my earlier series on apostasy for fuller analysis of these sources, "What is a Jew?", available in four parts [here](#).

unanimity around definitions of Jewishness in the Jewish world today. Even those of us with a clear sense of our standards of Jewish status cannot deny that there are many with a strong Jewish identity who think differently, or who don't even have any idea of why someone would consider them not to be Jewish.

For those sorts of cases, it is important to be able to play out parallel universes of Jewish status and identity, whereby a patrilineal or matrilineal Jew can simultaneously encounter all we have laid out here without necessarily needing to erase their prior story of themselves. Specifically, we need the “conversion” that patrilineals and matrilineals would go through to have the possibility of conditionality to it, the ability to frame the process as unnecessary according to one set of assumptions (perhaps the one that the child of mixed heritage grew up with) and vital and effective according to another set of assumptions (like those I have laid out here, grounded in halakhic sources). Is it possible for someone to go into the *mikveh* with the intention that the immersion count as a conversion only if that is in fact required? The answer is yes, and there is a wonderful example of this in the writings of **R. Eliezer Hayyim Deutsch**. He is asked about a matrilineal Jewish man who wants to marry a Jewish woman. The questioner asks: Should this man go through a process of conversion in order to be strict for the medieval and modern authorities who think this is necessary? At first, R. Deutsch states that he thinks requiring a conversion may be more trouble than it is worth and might lead to other complications. But in the end he suggests an immersion of an interesting character:

שו"ת משנת דר' אליעזר סימן ז, ר' אליעזר חיים דייטש, הוגריה, המאה ה"ט-כ'
...לזאת סגיא לרווחא דמילתא שיטבול בפני שלשה ויכוין שאם צריך טבילה לשם גירות שיעלה לו אותה טבילה לשם גירות ג"כ ושפיר יצאנו בזה לכל הפוסקים ובפרט דהעיקר היא כהפוסקים דא"צ גירות בן ישראלית הנולד מהעכו"ם...ופשוט ג"כ דא"צ קבלת מצות מחדש דקבלת מצות היא שאומרים לו כובד עול המצות אולי לא ירצה לגייר, וא"כ בנ"ד שע"כ חייב במצות כיון דלרוב הפוסקים הוי ישראל גמור א"כ איך נוכל לומר לו שיקבל עליו עכשיו עול מצות כאילו הוי תלוי בדידיה ובאמת מחויב הוא במצות מכבר, וכל זה פשוט.

Repsonsa Mishnat de-Rabbi Eliezer #7, R. Eliezer Hayyim Deutsch, Hungary, 19th-20th c.

...To cover all bases, it would seem sufficient for this man to immerse in the presence of [a court of] three, with the intention that if he needs this immersion for the purposes of

conversion, then the immersion should count for conversion as well. That way we can satisfy the opinions of all the *poskim*, especially given that the essential opinion is that of the *poskim* who say that a matrilineal does not require conversion... It is also obvious that he need not accept the *mitzvot* anew, because accepting the *mitzvot* is the process of informing him the weight of the *mitzvot* in case he does not want to convert. But in our case, he is in any event obligated in *mitzvot* because most of the *poskim* think he is a *bona fide* Jew. Given that, how could we tell him to accept the *mitzvot* upon himself now, as if that were dependent on him? He is in fact already obligated in *mitzvot*! All of this is straightforward.

R. Deutsch is unwilling to waive away entirely the medieval and modern positions that demand conversion in this case. But he is also unwilling to live entirely in that universe, along with its presumption that this person is a Gentile with the agency to decide whether they will observe the *mitzvot* or not. He wants a way for this man to both convert *and* not convert at the same time, and he does so by essentially recommending a conditional conversion. Perhaps the immersion is indeed required in order to change the man's status, in which case it can and should have that effect. On the other hand, perhaps the immersion would undermine Jewish status that this man already has, in which case it should just be a spiritual act of immersion with no effect on the man's status.

This sort of conditional conversion is a powerful tool beyond the specific case discussed here. I have personally been present for conversions of people with Jewish ancestry for whom it was very important (1) to resolve questions around their Jewish status, and (2) to maintain some continuity in their Jewish identity. This sort of framing makes it possible to do both of those at the same time. Even a patrilineal Jew raised with an exclusive Jewish identity could enter a *mikveh* with the statement, "If I in fact need to immerse in order to be considered Jewish, then let this immersion effect that conversion; if not, let this immersion be a meaningful spiritual moment that is an integral part of my Jewish journey until this moment." From the perspective of rabbinic sources and values, there is no question that, for a patrilineal Jew, the first clause here is true, unlike in R. Deutsch's matrilineal case, where the rabbinic record itself was unclear. As such, of course said immersion will have real effect on the person's status. And yet, this formulation honors and names that there is an entire world outside of the confines of rabbinic discourse in which this person experienced themselves—and was experienced by others—as a

Jew. That reality can be respected and embraced, even as its incongruity with a parallel reality—which also important to the person immersing—is not glossed over.

III. Conclusion

We live in a time of dramatic rethinking of accepted givens about Jewish identity. Intermarriage rates are high and show no signs of going down. Men and women increasingly share child-rearing, and old assumptions of patriarchy no longer hold as they once did. Jewish communities, irrespective of one's opinion about it, have an increasing number of Gentiles in their midst. And major movements and institutions of Jewish life have embraced ambilineality (either parent being a Jew is sufficient to make the children have Jewish status) as their standard for membership in the Jewish people.

In a sense, all of this forces us to embrace new ways of thinking about lineality and the boundaries of Jewish communities. In other ways, we don't need anything new at all. As I have tried to show throughout, our halakhic tradition is far more nuanced than may seem apparent at first. We can find many of our own instincts in those texts, instincts that parentage ought to matter, that gender distinctions in this arena ought not to be arbitrary and that Jewish notions of belonging have likely not always been stable over time and place. And those texts have much to teach us, about taking our embodied selves seriously, and about how to be stewards of a tradition and a community that is much older than our present moment.

We need to reframe the question of Jewish descent in a way that acknowledges the physical element of being a Jew, that honors the complex heritage of those with one Jewish parent, that engages deeply and authentically with our complex normative discourse on this topic, and that looks contemporary reality squarely in the eye. That is a tall order, but it is the only approach with the power to bridge the past to the present in a way that is authentically Jewish.