

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What, then, of the proposed solutions?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes

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

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

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

CONFLICT OR COOPERATION?

PAPERS ON JEWISH UNITY
