

PATRILINEAL DESCENT & THE SHAPING OF INTERMARRIAGE DISCOURSE IN AMERICAN JUDAISM¹

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In 1982, historian Jonathan Sarna issued a critique of the common acceptance of intermarriage in American Jewish life as a “disease” afflicting the Jewish community. The young professor argued that Jews ought to consider exogamy as an “unfortunate” and considerable “defect” in an otherwise unprecedentedly positive situation in the United States. To him, intermarriage

stems from our free, open and highly individualistic society. Intermarriage must be accepted as normative—an unfortunate but inescapable result of our voluntaristic democratic system.²

Much of the vociferous discussion about intermarriage was well within earshot of Sarna, whose intellectual home in those days was Hebrew Union College in Cincinnati. There, the faculty and students at the Reform rabbinical seminary were hardly of one mind on the matter. At this particular moment, the Reform Movement was embroiled in a fierce debate over how Jewish status could be altered to keep intermarried women and men in the religious fold. Sarna’s com-

¹ I have delivered various versions of this essay: once at the 2015 conference of the Association for Jewish Studies in Boston, and once at the 2018 Rabbinical Assembly convention held in Chicago. I am grateful for the thoughtful discussion and comments at those sessions and the helpful recommendations offered by the editors of *Zeremim*.

² Jonathan D. Sarna, “Coping with Intermarriage,” *Jewish Spectator* 47 (Summer 1982), p. 26.

ments reflected the need to get a better handle on the rhetoric and discourse that surrounded this crucial issue.

For many Jews, “intermarriage,” as Sarna made clear, was viewed as a contagion, the root of an American assimilation epidemic that threatened the continuity of the Jewish people in the United States. Since the 1960s, Jewish leaders had watched as coreligionists “vanished” amid romantic comingling with gentiles.³ Fair or not, lay-people and researchers singled out the Reform rabbinate for its inability to stymie the trend.⁴ For a long time, there had been much ado over Reform rabbis who had made it their policy to officiate at intermarriages. In 1973, the Central Conference of American Rabbis (CCAR) had forbidden its members from officiating at mixed marriages.⁵ In the subsequent decade, the volume of the outcry increased to a ferocious decibel. Much of this had to do with the decision of the Reform rabbinical group to accept “patrilineal descent” as a valid determinant of Jewish identity. That is, on the face of it, the Reform community agreed to accept the children of Jewish fathers and non-Jewish mothers into its ranks to increase the number of women and men who could conceivably identify as Jewish.

The CCAR’s decision represented a major shift in determining Jewish status. For almost two thousand years, matrilineal Jewishness was stated to be the essential factor to decide religious status.⁶ For many Reform rabbis, the change was motivated by an intermarriage rate that some claimed had climbed to about forty percent of Jewish

³ See Thomas B. Morgan, “The Vanishing American Jew,” *Look* 28 (May 5, 1964), pp. 42–46.

⁴ See, for example, Bernard J. Bamberger, “Mixed Marriages: Some Reflections on a Debate,” *CCAR Journal* 11 (April 1963), pp. 19–22.

⁵ See David Max Eichhorn, *Jewish Intermarriages: Fact and Fiction* (Satellite Beach: Satellite Books, 1974), pp. 127–35.

⁶ See Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999), 263–307. There are areas of intra-Jewish identity that are determined by patrilineal descent. For example, membership in the priestly group (*kehunah*) is determined based on the lineage of a Jew’s father. However, overall Jewish status, for the past millennia, has been a matter of matrilineal descent.

nuptials and an even larger swath of Jewish men.⁷ In these latter cases, traditional Jewish law considered the offspring of these unions non-Jews. The new method to accept a larger number of children of intermarriage was viewed as advantageous to mute the clamor over mixed marriages and Jewish continuity.

Yet, the architects of the patrilineal descent decision had more on their minds than intermarriage. Other scholars writing on the halakhic justifications and sociological underpinnings of the turn to patrilineality have overlooked a crucial point of this historical episode.⁸ In line with social commentators at that time, Reform Judaism's acknowledgement of patrilineal descent represented an acceptance of an American culture that allowed – or perhaps encouraged – women and men to “live in a world of choice.”⁹

The leaders who spearheaded the move toward patrilineal descent hoped to redefine the sometimes-interconnected notions of “status” and “identity” in American Jewish life – while also curtailing the religious and demographic attrition due to intermarriage.¹⁰ I write “sometimes” because, according to traditional Jewish law, an individual's personal religious identification has no bearing on her or his

⁷ See Erich Rosenthal, “Studies in Jewish Intermarriage in the United States,” *American Jewish Year Book* 64 (1963), pp. 3–53.

⁸ See, for example, Dana Evan Kaplan, *Contemporary American Judaism: Transformation and Renewal* (New York: Columbia University Press, 2009), pp. 161–205; Sylvia Fishman, “Fathers of the Faith? Three Decades of Patrilineal Descent in American Reform Judaism,” *The Jewish People Policy Institute* (May 2013), pp. 1–47; and Joan S. Friedman, “Guidance, Not Governance”: *Rabbi Solomon B. Freehof and Reform Responsa* (Cincinnati: Hebrew Union College Press, 2013), pp. 248–51. See also the many articles in a special issue on patrilineal descent in *Judaism* 34 (Winter 1985). For an exception to the aforementioned, see the terrific treatment of this issue in Samira K. Mehta, *Beyond Chrismukkah: The Christian-Jewish Interfaith Family in the United States* (Chapel Hill: University of North Carolina Press, 2018), pp. 78–111.

⁹ See Peter L. Berger, *The Heretical Imperative: Contemporary Possibilities of Religious Affirmation* (Garden City: Anchor Press, 1979), p. 18.

¹⁰ On these two terms, see David Ellenson and Daniel Gordis, *Pledges of Jewish Allegiance: Conversion, Law, and Policymaking in Nineteenth- and Twentieth-Century Orthodox Responsa* (Stanford: Stanford University Press, 2012), pp. 2–4.

status as a Jew. The traditional view of Halakhah requires matrilineal descent or the various ritual acts involved in formal conversion for entry into Jewish peoplehood. In fact, someone whose mother is Jewish but does not “identify” as Jewish is, in most cases, still very much a Jew in the traditional view of Halakhah.

For a growing number within the Reform community, this seemed unfair and unwise. Patrilineal descent, thus, was a means to synergize status and identity. Moving forward, neither a claim to a Jewish mother nor to a Jewish father would be sufficient to obtain status as a Jew. Instead, the patrilineal resolution determined that the “offspring of any mixed marriage is to be established through appropriate and timely public and formal acts of identification with the Jewish faith and people.”¹¹ Henceforth, affirmative Jewish identity emerged in Reform circles as the defining quality of Jewishness. Both status and identity were now understood as an individual’s choice. Patrilineal descent was therefore a uniquely American solution to the so-described “defect” within a pluralistic culture of “choice.”

The trouble for Reform leaders was in the messaging. The CCAR never countenanced intermarriage, nor did it allow its members to officiate at religiously mixed matrimonyes. Yet, this was not at all apparent to American Jews in the 1980s. There was a widespread perception in this period that patrilineal descent represented “some kind of a nefarious plot to compel rabbis to officiate at mixed marriages.”¹² For many observers, the patrilineal decision had far more to do with identifying an ‘easy way out’ of the intermarriage dilemma than it concerned a dynamic attempt to merge Jewish personal identity with legal and religious status. Of course, this reaction had a great deal to do with Conservative and Orthodox rabbis’ and laypeople’s firm opposition to the patrilineal decision.¹³ Contextualized more

¹¹ “Report of the Committee on Patrilineal Descent on the Status of Children of Mixed Marriages,” *CCAR Year Book* 93 (1983), p. 154.

¹² Alexander M. Schindler, “Remarks by the President of the Union of American Hebrew Congregations,” *CCAR Year Book* 93 (1983), p. 65.

¹³ See, for example, Ari L. Goldman, “Conservatives Reaffirm Rule on Determining Jewishness,” *New York Times* (March 12, 1985), p. A29; and Norman Lamm, “Seventy Faces,” *Moment* 11 (December 1986), pp. 26–27. The former source indicates that there were some within the Conservative camp who were willing to reconsider matrilineal descent.

broadly, it was also the result of a culture within the larger arena of American religion in the 1980s, marked by polarizing labels such as the “Christian Right” and “Liberals,” leaving little room for nuance and moderation.¹⁴ Both factors impelled one prominent Reform leader to admit in the mid-1980s:

For some reason, which I have never quite been able to fathom, the passage of the resolution... triggered an explosion which has led directly to the question of Jewish unity being raised in alarm.¹⁵

Ultimately, however, it was chiefly Reform Judaism’s inability to disentangle the discussion of personal status from intermarriage that hindered the movement’s attempt to stymie the concerns over religious exogamy. To the contrary, the patrilineal decision enhanced intermarriage anxieties and the general attention paid to it within and without Reform Judaism. Before long, it became an all-too-difficult task to persuade rabbinic and lay stakeholders to champion both components of the patrilineal descent decision and to telegraph a clear and persuasive message to American Jews.

The idea for patrilineal descent and its attachment to concerns over intermarriage emerged in the late-1970s. In December 1979, Rabbi Alexander Schindler, president of the Union of American Hebrew Congregations, called for a change in Reform policy at the biennial assembly in Toronto.¹⁶ Apart from Reconstructionist Judaism, the leading Jewish movements at that time all upheld matrilineal descent as the foundational marker of Jewish status.¹⁷ Schindler wished to

¹⁴ See David John Marley, “Ronald Reagan and the Splintering of the Christian Right,” *Journal of Church and State* 48 (Autumn 2006), pp. 851–68; and David Greenberg, “The Reorientation of Liberalism in the 1980s,” in *Living in the Eighties*, eds. Gil Troy and Vincent J. Cannato (Oxford: Oxford University Press, 2009), pp. 51–69.

¹⁵ Joseph B. Glaser, “Will There Be One Jewish People?” in *The Life of Covenant: The Challenge of Contemporary Judaism, Essays in Honor of Herman E. Schaalman*, ed. Joseph A. Edelman (Chicago: SCJ, 1986), p. 46.

¹⁶ See Marjorie Hyer, “Change Proposed in Parental Link to Jews’ Lineage,” *Washington Post* (December 8, 1979), p. A4.

¹⁷ See Richard A. Hirsh, “Jewish Identity and Patrilineal Descent: Some Second Thoughts,” *Reconstructionist* (March 1984), pp. 25–34.

change that. "The status of Jew," he declared, "should be conferred on any child, either of whose parents is Jewish, provided they both agree to raise their child Jewishly and do so."¹⁸ The Reform spokesman believed he had sufficiently emphasized both pillars that scaffolded his patrilineal campaign: the threat of intermarriage and Jewish status determined by pronounced and proactive Jewish identity. In the heat of the Cold War and amidst American Jewry's widespread support for the State of Israel, Schindler conjured up the following image to argue his point:

Let me give you a dramatic case in point: Traditional Judaism denies the Jewishness of Ben Gurion's grandson, because his mother was converted to Judaism by a Reform Rabbi. Yet it accords Jewishness to the grandchild of Khrushchev because the mother, Khrushchev's daughter-in-law, was a Jewess.¹⁹

This sort of dual-rhetoric was crucial in the broadcasting of the patrilineal decision. Owing to Schindler's prominent profile, the response to his call in Toronto was forceful and forthcoming. The Israel Movement for Progressive Judaism criticized Schindler for suggesting, as that organization interpreted it, "that a child also be considered Jewish if only his father is Jewish."²⁰ Schindler responded, claiming that he had been misunderstood. His plan was not solely predicated on the acceptance of patrilineal descent. Rather, stated Schindler, "I would like the child's rearing—and ultimately his or her self-definition—to be on a par with genealogical factors in determining Jewishness." But he did not consistently give equal weight to his own argument for the centrality of Jewish self-identification. This portion of the argument was lost in Schindler's many references to intermarriage and his concern "to make certain that our grandchildren will be

¹⁸ Hyer, "Change Proposed," p. A1.

¹⁹ Alexander M. Schindler, *Reform Innovations and their Impact on Jewish Unity* (Waltham: Brandeis University, 1988), pp. 12–13. See also Alexander M. Schindler, "Who is a Jew?" *Reform Judaism* 11 (Spring/Summer 1983), p. 2.

²⁰ "Reform Group Rejects Schindler Proposal," *Jerusalem Post* (December 11, 1979), p. 2.

Jews.”²¹ This latter sort of rhetoric was most appealing to rabbis and lay leaders hopeful to respond to the challenges of Jewish assimilation.

In 1982, the CCAR held its annual meeting in New York. There, at the behest of Schindler, Rabbi Herman Schaalman’s Committee on Patrilineal Descent finally put forward its resolution that stated: “Where only one of the parents is Jewish, the Jewishness of a child is derivable from the Jewish parent, and is expressed by participation in Jewish life.”²² The opposition was fierce, stoked by the committee’s insistence upon affirmative Jewish self-identification. Many members had planned to vote for patrilineal descent—but not under the proposed terms. One CCAR member opined that he “would find even more offensive, totally unacceptable, any decision to deny automatic Jewish status to the child of a Jewish mother.” Another pointed to Schaalman and declared that “this amendment is basically against the Jewish people, Mr. Chairman.”²³

A third rabbi made it clear that much of the CCAR delegation had arrived in New York to solve the “intermarriage problem” rather than to transform Reform Judaism’s conception of religious status and identity:

I hope everyone recognizes that the amendment we passed turned upside down the proposal that Rabbi Schindler had made, and we are now voting on disenfranchising the children of Jewish mothers.²⁴

The debated resolution had not at all betrayed Schindler’s earliest call for patrilineality or any subsequent statement. Nevertheless, advocates of the proposal had failed to articulate a coherent and encompassing message. Few understood what was meant by the resolution’s demand that Jewish status be determined by “expressed... participation in Jewish life.” In response to the uncertainty, the motion to

²¹ Alexander Schindler, “Status of Children,” *Jerusalem Post* (December 12, 1979), p. 8.

²² Herman E. Schaalman, “Report of the Committee on Patrilineal Descent,” *CCAR Year Book* 92 (1982), p. 76.

²³ *Ibid.*, pp. 77–82.

²⁴ *Ibid.*, p. 78.

adopt patrilineal descent was tabled and sent back to the committee for further review.

Some of the confusion was the fault of imprecise nomenclature. "Patrilineal descent" provoked an image of egalitarianism. Without putting too much stock in the more detailed discussions, the rank-and-file Reform rabbis and laypeople assumed that "patrilinealism" represented an effort to establish a gender-blind form of genealogical Jewishness. This, of course, undermined Schindler's attempt to reformulate the concepts of Jewish status and identity. For this very reason, Rabbi Joseph Edelheit eschewed the "patrilineal" designation. Instead, Edelheit was one of the first to introduce the phrase "non-linear descent" into Reform discourse. "Non-linear" bespoke a loosening from genealogical Jewish identity, the kind that Schindler and other Reform leaders had promoted. The majority, though, still referred to the matter in terms of "patrilineal" rather than "non-linear."

One year later, the CCAR approved patrilineal descent by better than a 3-1 margin. It is unclear what caused the shift, but it may have had to do with fatigue and few other solutions to consider. Before the vote, a number of opponents like Rabbi Moses Cyrus Weiler and Dr. Jakob Petuchowski voiced determined disagreement. On this occasion in Los Angeles in March 1983, though, the majority of the Reform rabbinate had come to terms with affirmative Jewish identity. To be sure, a few CCAR members remained cautious. Rabbi Rav Soloff feared that the patrilineal resolution represented a "move toward a confessional definition of Jewish identity."²⁵ Most, however, agreed with Rabbi Jerome Malino. Malino was unmoved by Soloff's warning, believing that a more proactive requirement for Jewish identity was a "stringency" that Reform should embrace. "What are we uneasy about – being *machmirim*?" chided Malino, seizing upon the Hebrew word for "stringent." "We have been condemned over and over again because we have taken the easy way out or have seemed to take the easy way out."²⁶

Accordingly, the conversation at the Los Angeles meeting and the final wording of the crucial section of the 1983 resolution were sufficient to placate the undecided members of the CCAR. The framers of

²⁵ "Report of the Committee on Patrilineal Descent on the Status of Children of Mixed Marriages," *CCAR Year Book* 93 (1983), p. 150.

²⁶ *Ibid.*, pp. 153–54.

the resolution made sure to state that a child of either a Jewish father or a Jewish mother was granted a “presumption of Jewish descent.”²⁷ This softened the force of the requirement for proactive religious identity and offered a genealogical foothold for all children of mixed marriages.

For many, the patrilineal issue was cause for celebration. Mrs. Agnus Macintyre of Deming, New Mexico, wrote to Schindler to inform the Reform leader, “[a]ll my life I’ve ‘felt’ Jewish, and have never known anyone who accepted me as such, except Gentiles.”²⁸ Yet, it displeased the sensibilities of others who had desired more from the patrilineal proposal than a ‘quick cure’ to intermarriage. This group worried that the introduction of patrilineal descent merely projected a message that Reform Judaism had surrendered to intermarriage. The discontent festered. Months after the Los Angeles meeting, the Committee on Patrilineal Descent still wrestled with the use of “presumption” in the text of the resolution which seemed to imply automatic entry into Judaism without affirmative acceptance of Jewish identity. Nevertheless, the committee decided to retain the wording.²⁹ This disappointed some, such as Rabbi David Polish, who complained that the non-linear aspect of the resolution was “minimal and superficial.”³⁰ Other prominent Reform rabbis also expressed reservations after the fact and acknowledged a willingness, under the appropriate circumstances, to reconsider the resolution.³¹

Commentators beyond the Reform enclave paid little attention to the “elective” and “religiously affirmative” aspects of the new conceptualization of Jewish identity. A clearer articulation may not have helped win over pundits, but it may well have improved the civility of the ensuing discourse. Reform leaders and their opponents regular-

²⁷ *Ibid.*, p. 160.

²⁸ Agnus Macintyre to Alexander Schindler, April 2, 1984, Box 12, Folder 4, MS-630, American Jewish Archives, Cincinnati, OH.

²⁹ Minutes of the Committee on Patrilineal Descent, October 17, 1983, MS-630.

³⁰ David Polish, “A Dissent on Patrilineal Descent,” in *Towards the Twenty-First Century: Judaism and the Jewish People in Israel and America: Essays in Honor of Rabbi Leon Kronish on the Occasion of His Seventieth Birthday*, ed. Ronald Kronish (Hoboken: Ktav, 1988), p. 229.

³¹ See Gabriel M. Cohen, “An Interview with Alfred Gottschalk,” *National Post and Opinion* (June 28, 1989), p. 8.

ly faced off in the press. Rabbi David Ellenson, then professor at HUC's Los Angeles campus, testified around this time that "barely a week passes that some major journal of Jewish life and thought fails to include an article or an address excoriating us for the passage of this resolution."³² The media reports often left Reform leaders feeling under siege. For instance, Rabbi Donald Tam of Atlanta and Rabbi Daniel Silver of Cleveland wrote with rather passionate rhetoric to their local Jewish weeklies to clarify that patrilineal descent was not tantamount to freewheeling permission for intermarriage. Both Tam and Silver emphasized that the new policy was intended to empower religious identity as the major determinant of Jewish status.³³ Yet, this was not how many synagogue boards viewed the "Patrilineal Moment." For instance, Rabbi Simeon Maslin published a pamphlet entitled, "Reform Rabbis and Mixed Marriage," believing it "scandalous that so many congregations were declining to interview rabbis who would not officiate at mixed marriages."³⁴

The Reform institutional engines also bellowed—rather than quieted—intermarriage discourse. In 1987, the Research Task Force for the Future of Reform Judaism published a report that found that a third of Reform leaders "oppose their [children] dating non-Jews" but "do not forbid it."³⁵ The same task force released another poll that pointed out that most Reform lay leaders "reported their strong opposition to their children's interdating" and a considerable divide on the issue of Reform rabbis officiating at intermarriages.³⁶ Of course, the

³² David Ellenson, "The Integrity of Reform within *Kelal Yisra-el*," *CCAR Year Book* 96 (1986), p. 22.

³³ See Donald A. Tam, "Patrilineal Debate Continues," *Southern Israelite* (February 3, 1984), p. 6; and Daniel Jeremy Silver, "A Changed Approach Needed for Legal Definition of Jew," *Cleveland Jewish News* (May 20, 1983), p. 12.

³⁴ Mark L. Winer, "Should Rabbis Perform Mixed Marriages?" *Reform Judaism* 13 (Summer 1985), p. 2.

³⁵ Mark L. Winer, "Mom, We're Just Dating," *Reform Judaism* 15 (Summer 1987), p. 7. See also "Questions of Balance Answered by Reform Jews," *Jewish World* (November 6, 1987), p. 10.

³⁶ See Mark L. Winer, "Reform Leadership Survey: The Intermarriage Dilemma," *Reform Judaism* 15 (Spring 1987), p. 18; and Mark L. Winer, "Should Rabbis Perform Intermarriages?" *Reform Judaism* 16 (Summer 1988), p. 21.

commotion over intermarriage had commenced long before patrilineal descent but the CCAR resolution fueled the discussion and motivated dialogue and research to help Reform and other Jewish groups gain a better grasp of the issues.³⁷ A good share of the discussion was constructive—while another part was stewarded by a group that wished patrilineal descent and intermarriage to simply go away. Time and again, sizable numbers of Reform rabbis pushed the CCAR to rescind the patrilineal platform. On each occasion, the rabbinic leadership turned down the calls for reconsideration.³⁸ Instead, the mounting concerns directed the Reform Movement and sociologists of American Judaism to conduct more surveys and more thoroughly research the causes and results of intermarriage like it was still a “disease” in Jewish life.

In all probability, May 1987—when Rabbi Eugene Lipman assumed the presidency of the CCAR—was a lost opportunity for patrilineal gainsayers. Lipman ranked among patrilineal descent’s leading antagonists: “I voted against it, I don’t believe in it, I don’t practice it, I didn’t, I don’t, and I won’t.”³⁹ He was also a more-than-formidable opponent. Alexander Schindler once admitted to Lipman that, “[n]eedless to say, the last thing I want is a public pissin’ match with Gene Lipman.”⁴⁰ Still, Lipman, for the sake of institutional unity, could not be convinced at the CCAR conference to revisit the matter and rescind patrilineality. The proponents had persevered. At the very same meeting in Cincinnati, Schindler defended the good that patrilineal descent had brought to the national Jewish conversation:

We have transformed American Jewry’s mindscape. The subject of intermarriage is no longer taboo, and the concept of outreach, even conversionary outreach, is no longer a heresy within the American Jewish community. We

³⁷ See Lila Corwin Berman, *Speaking of Jews: Rabbis, Intellectuals, and the Creation of an American Public Identity* (Berkeley: University of California Press, 2009), pp. 53–72.

³⁸ See, for example, Jack Stern, “President’s Message,” *CCAR Year Book* 96 (1986), p. 2.

³⁹ James David Besser, “Primal Debate,” *Baltimore Jewish Times* (January 30, 1987), p. 70.

⁴⁰ Alexander M. Schindler to Eugene J. Lipman, January 20, 1987, MS-630.

have taken the discussion of intermarriage out of the house of mourning and into the house of study—in indeed, into the sanctuary itself. Without condoning intermarriage, we have recognized its reality and have begun to grapple with it.⁴¹

Certainly, there were those in the Reform rabbinate who still grieved over patrilineal descent. A survey conducted around this time revealed that one third of the Reform rabbinate opposed it, and more than half concurred that the resolution was “one of the most divisive acts in contemporary Jewish life.”⁴² But most still stood by Reform’s revised definition of Jewishness. The majority claimed that patrilineal descent brought to Reform Judaism many people who otherwise probably would not have been so impelled to identify as Jewish. Still, the resolution fell well short of Schindler’s vision of both remedying intermarriage and assuaging fears of assimilation by redefining Jewish status in American Jewish life. Despite the CCAR’s debates to the contrary, Jews tended to understand the patrilineal decision as a means to keep more Jews in the fold amid rampant intermarriage—not as a revolutionary reconsideration of Jewish status and identity in the twentieth century. But, perhaps more importantly, the rhetoric that surrounded patrilineal descent disabused the concerted attempt to address intermarriage as something other than a “disease.” Henceforth and after so much debate and discussion, the American Jewish community still struggles to relate to intermarriage as a “defect” within a complex modern American culture.

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⁴¹ Alexander M. Schindler, “Centennial Shabbat Sermons,” *CCAR Year Book* 99 (1989), p. 109.

⁴² Samuel Heilman, *Jewish Unity and Diversity: A Survey of American Rabbis and Rabbinical Students* (New York: American Jewish Committee, 1991), p. 50.