

# The Stubborn Subversiveness of Judaism's Matrilineal Principle

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Reut Yael Paz

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The recent [#patrilineal debate](#) about the matrilineal exclusiveness of being Jewish in Germany that started last July between several [writers/opinion makers](#) demonstrates perfectly just how difficult but also dangerous it is to speak of ethnicity, race, religion, gender but also blood particularly in their intersectional form. Although doing politics of identity “[correctly](#)” makes it very difficult to speak about anything that may be offensive, marginalizing or insulting to disadvantaged groups of people who are defined by ethnicity, sex, gender, and/or sexual orientation, it remains pertinent to unpack some of these issues.

The following contribution attempts to explicate the central challenge behind the ethnically based matrilineal principle in Judaism. I neither [recap the invasive and infuriating debate](#), nor do I attempt to answer the “Who’s a Jew” question in Germany. After all, being Jewish just like eating [Kosher or even “organic”, is a heterogeneous term “that means different things to different people.”](#) Instead, my intention here is to focus on the major blind-spot of this entire debate: The Jewish legal construct of motherhood. Not only much beauty and wisdom is lost when such a construct and the importance of the matrilineal ethnicity is overlooked; bringing the woman back into the debate is helpful in elucidating what, how and why Jewish law is so adamantly protective of its matrilineal principle. Importantly, such matrilineality urges us to examine the strengths and limits of the very foundation of “[secular](#)” liberal democracies, namely religious freedoms, legal pluralism but also gender equality.

## Historical Anomaly? From the Bible to Rabbinical Judaism

The matrilineal principle in Judaism does not mean Judaism is matriarchal, let alone feminist. Judaism is as patriarchal as all other monotheistic religions. [Genealogy, indeed, is determined by the father regarding all categories except the most important: Whether a child is Jewish in the first place.](#) Even if Jewish identity is constructed on the basis of a genealogical and biblical family—we are all descendants of the [3 patriarchs and 4 matriarchs](#)—the matrilineal principle is not biblical. The bible remains relatively silent on the issue of matrilineality (in the book of [Ezra 10 2-3](#) it is only mentioned that breaking with faith begins with marriages with foreign women). It remains equally silent on the question of conversion. The law of conversion (Gerut/Keritot 8b) opens Judaism’s matrilineal exclusiveness for men and women alike. Both the laws of conversion and the matrilineal principles were sharpened over time. From the second century of our era onwards a child of a Jewish mother and a gentile father is a Jew while a child of a Jewish father and

a gentile mother is not Jewish (see [Mishna Qiddusin 3: 12](#)). The extent to which the matrilineal principle is counterintuitive in the Halacha, the Jewish law, can be appreciated when we consider the historical gravitas of the “who’s a Jew?” question for all Jews, all over the world, for centuries. The “who’s a Jew” question was only intensified with the establishment of the Israeli state that incorporated rabbinical/orthodox Judaism over Judaism’s more recent and liberal [reform and conservative](#) movements.

## It’s all about Genealogy, not Theology

To speak of descent—matrilineal or patrilineal—contests the Christian assumption that religion is a matter of belief. Judaism, in contrast, is a genealogical ethnical and indeed blood-line-based religion. God, [it is argued](#), is bound to his monotheistic followers through familial kinship that essentializes both the physical and spiritual dimensions of our Jewish existence. It is only from our embodied humanity, upon all our physical needs and spiritual desires, that God may be worshiped. Be that as it may, it remains difficult to determine if it is Judaism’s particularistic genealogical principle—that contradicts Christianity’s theological understanding of religion—or its insistence on the matrilineal principle that comes under attack presently.

## Reasons for Matrilineality: [Possibly Maybe?](#)

There are numerous socio-biological-historical explanations for the birth of the matrilineal principle (pun intended). Starting with the argument that paternal identity is less certain than that of mothers, that mothers are responsible for the children’s upbringing, or the importance of the continuation of the Jewish birth even when and if Jewish fathers were away at war or entirely disinterested. Moreover, there are important similarities between the Jewish matrilineal principle and earlier [Roman laws](#) that deemed the children of Roman citizens and foreign mothers to follow the mother’s religion.

One of the more imaginative and moving readings into the matrilineal principle goes back to Adam, the first biblical man, whose name is *not* informative of being the forerunner of humanity. Antithetically, Eve (Hava), the first woman ([Genesis 3:20](#)), is “the mother of all living things” (“em kol hai”). Significantly, the Talmud and Midrash go on to secure the position of women of Israel as the saviours of the Jewish people. From Isaiah’s words “Can a woman forget her child, refrain from having mercy on the son of her womb?” ([Isaiah 49:15](#)), rabbinical Judaism reads that while God is both the mother and father of the Jewish people, it is because of God’s maternal relationship with Israel that the Jewish people will never be abandoned. In [Proverb 1:8](#): “Hear, my son, the instruction of thy father, and forsake not the Torah teaching of thy mother.” Here the mother is the Torah/the body/the flesh and the biological while the father is the Mosar/morality/Nomos/spiritual and faith. However historically contested the binary dualism between body-mind may be—binaries that kept philosophers, theologians and indeed jurists busy for centuries—it remains pivotal that rabbinical Judaism values (however unequally) the body *and* the mind.

By crowning the Jewish womb to be the source of it all, one can see how Judaism, almost accidentally, lands up bestowing some subjective legal personality onto the maternal body. After all, a child born to a Jewish mother will forever be a part of the Jewish family, no matter what that child's belief or practices are. Moreover, bearing in mind that there is no proof that the matrilineal principle was introduced due to any of these socio-biological-historical and even legal needs we are obliged to surrender our need for valid and flawless justifications. Instead, it needs to be accepted that there is more to Judaism's matrilineal principle which discloses the importance of motherhood, family and the nature of Judaism itself. It is not the first or last time that religious logic in general is impermeable. And the Halacha is notorious for its subversive inability to succumb to social trends.

## **On the Dangers, Beauty and Future Prospects of the Maternal legal Personality**

Whatever the real reasons for the matrilineal legal principle are, it is still something that Jews and gentiles alike need to reckon with. Ultimately, a constructive and analytical examination of this law, a law that kept the family of the Jewish people intact for centuries, is essential, even if speaking of blood, body and ethnicity has justifiably gotten more dangerous and complicated post WWII. The real challenge behind the matrilineal principle lies in the manner in which it contests our modern albeit still systematically [gender-biased society](#) upon its legal normative orders. For Jews (it is mostly men who wish to do away with Judaism's matrilineal principle) it remains disheartening that men's blood matters less than that of women. For gentiles it is outrageous that religion can "still" be determined by ethnic based genealogy, let alone the added gendered preference of the mother. While this mirrors the universality of patriarchy it also illuminates the anxieties around intersectionalities between religion, gender and ethnicity in our pseudo-pluralistic society. Opening up the "who's a Jew" question, in the name of (patriarchal) universality and equality gets precarious for Jewish women because it harms the little legal privilege it actually gives them. So before we trash the historical, sociological, legal and religious Halachic logic because it is conservative or too archaic to meet modern-life, we should pause with some humility: on the one hand it is futile to ignore the genealogical, ethnic and hence legal construct of the maternal in Judaism, because it remains the very basis of our individual and collective Jewish identity. While on the other hand, we ought to appreciate the potentiality it offers for religious/legal pluralism and also gender equality by and large.

