

# DISPELLING MYTHS

OK, here's a response to all the sanctimonious crap you've been fed about how "ingenious" and "observant about human nature" this abusive practice is! Here's what's NOT TRUE!

## **YOU ALWAYS KNOW WHO A CHILD'S MOTHER IS**

NOT TRUE! Until the end of the nineteenth century, women gave birth privately, at home or in a field, perhaps with a midwife present. No records were kept of the birth and there was no such thing as a birth certificate. It is hard for us to imagine today, but think of a world where there were no fingerprints or forms of identification. That is in fact how it was. In the past, if a person stated a child was theirs, they were simply believed. There was no way to prove it. A woman who gave birth to a child that wasn't wanted for whatever reason, frequently would make an arrangement with a married woman who had just had a stillbirth or a baby die (children frequently died before the development of modern medicine) to take the baby and raise it as her own. Sadly, it is also an unfortunate female instinct to want a baby so badly that she is willing to actually steal another woman's baby. This is documented in KINGS 1:3:16-22:

“Later two prostitutes came to the king and stood before him. The first woman said, ‘Please, my lord! This woman and I live in the same house; and I gave birth to a child while she was in the house. On the third day after I was delivered, this woman also gave birth to a child. We were alone; there was no one else with us in the house, just the two of us in the house. During the night this woman’s child died, because she lay on it. She arose in the night and took my son from my side while your maidservant was asleep, and laid him in her bosom; and she laid her dead son in my bosom. When I arose in the morning to nurse my son, there he was, dead; but when I looked at him closely in the morning, it was not the son I had borne. The other woman spoke up, ‘No, the live one is my son, and the dead one is yours!’ But the first insisted, ‘No, the dead boy is yours; mine is the living one!’ And they went on arguing before the king.”

These situations continue to this day, as there are still cases of a woman taking another's baby and even cutting a baby out of a pregnant woman's womb. And this even given the fact that it is virtually impossible to get away with this crime today because of technological developments. So we can imagine how often it happened in the past when a person could get away with it. Of course, there are also sad cases of a baby being switched in the hospital. All of these situations are resolved only through DNA testing, the same as paternity cases. Before the invention of DNA testing, the true identity was never resolved, just the same as the question of paternity couldn't be. These are rare cases today, of course, but then so is it rare for someone to not know the

identity of the father, although it may be possible for that to happen.

Because of the social strictures that were placed on women until recently, it was virtually impossible for a woman to have sex with any man other than her husband or master, if she was a slave. The treatment of women that we still see today in the middle east was the same way that women lived all over the world until recently. Europe has always been somewhat less strict regarding it's treatment towards women, for whatever reason. But Jews, before they were dispersed into Europe followed these same guidelines. Women couldn't leave their houses without their husband's or master's permission. Also, the use of eunuchs, or castrated males as house-servants was for this same reason. Eunuchs were men who, due to their jobs, would have contact with women. In order to avoid the possibility of them having sex and impregnating any of the women, they were castrated. Eunuchs are mentioned many times in the Tanach and were definitely used by the Israelites. All cultures had ways of dealing with this. Europeans had their infamous chastity belts and Arabs and Africans have traditionally cut out the clitoris of women in order to avoid them being able to have an orgasm, thus lessening the chances of them looking for sexual pleasure with men other than their husband or master. Some African cultures even go so far as to sew a woman's vagina shut at all times except when their husband wants to have sex with them. All of these measures are taken in order to avoid women becoming impregnated by men other than their husband or master. Another precaution taken by all cultures was the period of engagement before a marriage. This had the purpose of verifying that the woman wasn't pregnant before the man took on the responsibility of the wife and ensured that he would not have to raise someone else's child. The punishment for adultery in the middle east was, and still is outside of Israel, death. In short, a woman was risking her life by having sex with any man other than her husband or master. Thus the chances of not knowing the identity of the father was next to zero and certainly not any greater than not knowing the identity of the mother. Jews had their own ways of dealing with this. The Talmud discusses a waiting period of 3 months before a man can have sex with a woman in various cases. These cases include before the consumation of a levirate marriage. In order to ensure that the man's brother hadn't died with his wife being pregnant, thus releasing the obligation of the levirate marriage, the couple should wait 3 months after which another woman is suppose to examine the breasts of the woman who is candidate for the levirate marriage for signs of swelling or tenderness, thus indicating the probability of a pregnancy. The same ritual is supposed to be carried out on widows and divorcées who are planning to remarry. Even married women who were taken captive and believed to have been raped were supposed to observe this waiting period and submit to examination before resuming a normal sexual relationship with their husbands. These methods were not as effective as the methods we have today, but they were nevertheless fairly effective and reduced the possibility of not knowing the father's identity to minimal.

## **THE MOTHER RAISES THE CHILD**

It is important to understand social history to fully understand the conclusions that someone could have come to in another era. A commonly held misconception many of us have is that it has always been the mother who spends most of the time with the child and provides it's "mental education." First, we must elaborate on the prior topic of medical practices. We have to understand that childbirth was a very dangerous thing before the end of the 19th century. There were no blood transfusions and medicine was essentially a joke. Both the mother and the child had a very high chance of dying during the process. Pregnant women were treated as someone who might be dying. So, right there we have to understand that there was a very large possibility of a person losing their mother during their childhood or never knowing them at all. So the notion that one's biological mother is assumed to be the overriding influence in a person's life is really a very modern concept. In actuality, men had a longer life expectancy than women because of the dangers of childbirth, the exact opposite of today's expectations. For this and other reasons it was considered to be much more important for a person to have a

father than a mother.

Additionally we have to look at the family and economic structures of the past. Today and for the last century it has been assumed that a man leaves the house every day to go to work. However, for most of history this has not been the case. While some men had jobs that took them out of their houses for large portions of the day, most men practiced their trade from their homes. If he was a tailor, he cut and measured and sold from his house and lived behind or above his work area. The same being true of any other trade, whether cobbler, baker, butcher, etc.... Only with industrialization and the rise of the corporation in the end of the 19th and throughout the 20th centuries did that change. Before, children began to work with their parents as soon as they were physically able. Boys would start to help their fathers when they were 5 or 6 years old. Girls likewise with their mothers. Women were not at home to nurture their children, as we perceive today. They were at home working. It literally took all day to wash clothes by hand, cook, clean, etc... Men had all legal authority over the children. All decisions were legally the father's to make and in the case of a divorce, custody by law always went to the father. Of course, as a practical matter, because the parents were living together, there would have been consultation between them for the sake of harmony and most men would not have wanted to take their children away from their mother. But if it came down to it, the father had the authority. And this was true in Jewish culture just the same as in other cultures. In the 20th century this came to change and it became the assumption that the mother was the overriding influence and ultimate authority on the children. Recently, this has begun to even out, as it should. And no one can predict the future course of social trends.

## **SO THEN, WHY?**

I have spent a lot of time explaining why commonly used rationales for the custom of matrilineal heritage do not hold up to scrutiny. So then what IS the reason? Well, we know from the Torah and other historical writings that for most of Jewish history this was not the custom. At some point this changed. There is no better reason to change than not having any choice. After the fall of the second temple Jews were dispersed, eventually becoming ghettoized. They were reviled by the Romans and later the Europeans. It became illegal for Jews and non-Jews to marry, not just under Jewish law but under the laws of the lands in which they lived. After Christianity spread through Europe, there was no such thing as a civil marriage and only co-religionists could marry, until the French Revolution gave rise to the secular state. Therefore, any half-Jewish child was the product of either an illicit affair or a rape and a bastard. Bastard children, for the most part, had very unfortunate lives. The mother or her family decided how to dispose of the child. She most certainly couldn't keep it. The best hope for the child was to have it sent to be raised by nuns in a convent. As I've stated before, sometimes arrangements would be made with another woman to pass it off as her own. If the mother did try to keep it, that child could expect to grow up to be either a prostitute, if it was a female, or belong to a den of thieves, in the case of a male. In very rare instances could a bastard live a normal life and grow up to marry. Those lucky few were usually the children of very wealthy or noble men who were willing to provide them with some financial security, which they had no legal obligation to do. In such a case, people would be willing to overlook their bastard status in order to have access to wealth or power. I would like to mention that it was common for men to acknowledge and financially support their bastard children. So the practice of bastards being outcasts from society was not because the men didn't want to care for them, as they frequently did, it was simply the societal structure. Men wrote the laws and wrote them in their favor. Requiring men to care for children they sired with their "bitches" would require them to do something they didn't want to do sometimes. So, by not recognizing the children legally, the men could choose to support them if they wanted to but didn't have to. Jewish "law" was no different than any other culture's laws regarding paternity. The Talmudic discussion on the subject always centers around the legal status of a child sired by a Jew with a gentile woman, not its religious status per se. That is, according to Jewish "law" the Jewish man is not the father of the child for any purpose. This means the child has no right of inheritance, the father cannot say kaddish for the child if it predeceases him, the child cannot say kaddish or participate in any mourning ceremonies for its father, if the father is a Cohen, he cannot attend his child's fu-

neral, as he is allowed to do, according to the Torah, for his immediate family members. The Talmud even goes so far as to say that a man is permitted to have sex with his paternal half-sister if her mother is not Jewish and it is not considered incest, because she is not legally his sister. Did Jews or would Jews have instituted these laws had they not been dispersed? Difficult to say.

I would like to take a moment here to talk about practice over theory. Just because something was written down at some point doesn't mean that it was followed by everyone or even a majority of people. The writer of this article belonged to a Reform synagogue in the 1970's that had no problem accepting patrilineal Jews, but supposedly the Reform movement didn't recognize patrilineal heritage until 1983. In the last twenty years, Israel or the "Jewish Vatican," as I like to call it, has come to define us. People always want to know if you're Jewish in Israel. But until Israel, no one was required to "prove" their Jewishness. There was no paperwork involved. There have always been a wide array of customs and beliefs within Judaism, and just as in the past some communities paid attention to kashrut and some didn't, so did some communities care about matrilineal descent and some didn't. I would like to note that a Rabbi is not needed to perform any ceremony in Judaism, whether a wedding, bar mitzvah, funeral, etc... Any Jew can do this. Rabbis are not priests and have no inherent power. Today people rely on Rabbis to do these things because most Jews don't know how to. So basically, in the past if someone thought it was OK to marry a patrilineal Jew, then they did. In regards to those who are Jewish matrilineally only, they were rarely raised Jewish in the past. It has always been the custom in all cultures, including Jewish, for the woman to take on their husband's identity and the children did as well. This, of course, is why women traditionally take their husband's name. Once civil marriage came about and Jews could marry non-Jews, Jewish women who married non-Jews for the most part followed this custom, just as everyone else did. In our own era, you couldn't find a person alive today who was born before 1965 to a Jewish mother and non-Jewish father who was raised Jewish, if the parents were married. The antiquated custom of Jewish families disowning and sitting shiva for a child that marries outside the faith was practiced for both male and female children. If their daughter intermarried, they disowned her regardless of the fact that her children would be halachically Jewish. So it would be a rare situation that she would raise her children Jewish. Societal changes which have nothing to do with Judaism have changed that. What has happened recently is that Rabbis have looked around and seen that the fight against intermarriage is hopeless, so if you can't beat 'em, join 'em. Now Jewish women are told that they're "supposed" to raise their children Jewish if they marry outside the faith. That's because the people saying that are desperate.

This brings us to the subject of conversion. Our societal attitudes towards conversion have changed dramatically over the last 20 years, largely due to the high rates of intermarriage. It used to be very rare for anyone to convert to Judaism and most Jewish families that were against their members intermarrying would not have viewed conversion as a way around that. Today many synagogues offer conversion classes, which you would never have seen 20 or thirty years ago. Necessity is the mother of invention. However, the vast majority of the people taking these classes are women. Would a 20 to 1 ratio be accurate, maybe? The reason for this is, of course, because the men they want to marry want their children to be recognized as Jewish. This has given rise to a phenomenon I like to call the "Jew-groupie." These are women who think that Jewish men make good husbands and so go through a conversion thinking this will make them able to find a Jewish mate. The fact of the matter is that most of these conversions are insincere and in the case of a divorce, these women rarely continue with Judaism. I believe that most Rabbis who perform these conversions know that they are insincere, but again desperation compels them. They need the children to be recognized. The reasoning behind these conversions is an attempt to comply with halacha, however these conversions are, for the most part, not halachic. A person seeking conversion is supposed to be turned away 3 times before they are even begun to be taught. Holding conversion classes and seeking them out violates this halachic principle.

As an aside, I'd like to recount an anecdote to illustrate the "Jew-groupie" phenomenon. I once was having problems with my mailbox lock and had to call a locksmith 3 times in one week about it. They sent me the same locksmith each time and so I got to talking to him a little. He was Israeli, as all locksmiths in Manhattan are, it

seems. I don't remember how we got on the subject, but he started to tell me about an American woman he had dated for 6 months that was a convert to Judaism. He told me that she had been obsessed with learning Hebrew and he realized finally that she had just made up her mind that Jewish men were "good for sex and good for raising children" and wasn't even thinking about him as a person. He finished the story by saying that those had been the worst 6 months of his life, and from the look on his face I believed him. Oh, how much easier it would be to just recognize the patrilineal Jews instead going through this charade of "conversion" that in reality chips away at Jewish culture.

I don't think that the influence of American culture can be overemphasized in regards to this attitude toward conversion. The largest Jewish community is in America and thus the most influential. America was founded by a bunch of freaky religious sects, tradition which is continued today. Almost anything is tolerated if it's done in the name of religion. The American landscape is dotted all over with religious groups who separate themselves from the rest of society and live in little enclaves, like Amish, Mennonites, fundamentalist Mormons, Hassidic Jews and whatever religion anyone can imagine. And Americans have no problem with it. American Jews have adopted this custom and set up every kind of religious group within the Jewish community. So, we don't just have the basic Orthodox, Conservative and Reform, but Reconstructionist, Renewal (I just heard about that one), all kinds of Hassidic or black hat groups (whatever they are), Humanistic and probably tons more I can't think of or don't even know about yet. Ethnicity, on the other hand, is a taboo subject in America. That is, people are not allowed to separate themselves based on ethnicity at all or even acknowledge that there exist differences in ethnicities which might be an impediment to compatibility. These religious sects that separate themselves would never be allowed to live in their enclaves if their basis for doing so was ethnicity. For example, if the Mennonites were a German group that said they only allow Germans to live in their midst, there would be a backlash, they would be perceived as a "hate group" and the authorities would find a way to shut them down. The reason for this attitude is due to our history. We have always had freedom of religion but what we perceive as the big "blot" on our record in terms of humanism is the treatment of the blacks, which was race-based. So anything that suggests a difference or separation of groups based on race or ethnicity gets people up in arms. American Jews have therefore come to identify themselves as strictly a religious group which anyone can belong to if they "convert," because that's the only way that they are allowed to maintain their identity. It is also the current trend, as far as I have seen, for Rabbis to try to insist that it has always been that way. This is a bit of revisionism, however., and denies the tribal nature of the Jewish religion. Genealogical evidence demonstrates that Jews do have a common ethnic heritage, albeit a mixed one. To be sure there has always been some mixing with local populations throughout Jewish history. This is inevitable. However, to suggest that Judaism has always been sustained by large amounts of conversion belies the scientific and historic evidence.

It is sometimes easier to change the facts than change your premise. I will recount here an anecdote which may seem like a digression but I think is an important example of revisionist history regarding conversion. I took a short class in "The Art of the Haggadah" taught by the curator of the rare book collection at the Jewish Theological Seminary in New York. He was showing us some Medieval Haggadot and came to one from Spain that had some gilded lettering in it. He proceeded to tell us that this haggadah had been made by a convert because it was illegal at that time in Spain to teach Jews how to work with gold leaf. OK, so he's decided a convert made this because that would be the only way it could have had gilded letters in it. Well, to accept this, one would first have to accept that people don't do things that are illegal, which we know is not true. To wit, it was illegal in the pre-civil war American South to teach slaves how to read. However, we know that some did learn how to read anyway. So the notion that it would have been impossible for a Jew to learn how to gild letters in medieval Spain is absurd. Firstly, it isn't that hard to do and is a common hobby today. All you need is to put down some adhesive gesso on the area being gilded, lay the gold leaf and burnish it in order to iron out any wrinkles. It takes a lot of practice to learn how to do it well, so that it looks good, but the actual process is quite simple. In any case, despite the government policies in medieval Spain, we know that Jews and Christians lived very harmoniously in many areas of Spain and at many times in history. Many villages, particularly in northern Spain, gave

refuge to the Jews during the Inquisition. Given the fact that gentiles risked their lives during the Holocaust to save some Jews, I think it would be perfectly plausible to say that some Spanish people could have taught a Jew how to gild letters. It's also perfectly plausible that Jews could have paid a gentile to gild the letters. After all, for the right price you can get someone to do almost anything, right? Another possible scenario could be that a Jew picked up how to gild letters by working around someone who did it. That is, if he was in a position to be able to watch someone do it repeatedly, he could have picked up the skill without having been specifically taught it. There are many ways this Haggadah could have gotten gilded letters, including the possibility that a convert made it. However, in the absence of any other evidence, the assertion this professor made that merely because it was illegal to teach Jews how to gild and it contained gilding, this Haggadah must have been made by a convert, is absurd. This is revisionist history.

Finally, I would just like to address briefly the often discussed laws of the Third Reich, which did not follow the custom of matrilineal heritage. We are all familiar with this, of course, but Europeans followed this practice long before the Third Reich. Jews were ghettoized and subject to all kinds of strictures on their movements throughout history. If the government considered a person to be Jewish, then it was so, as far as their treatment of them went. In terms of how other Jews accepted this, as I've said before, if it mattered to you, it did, and if it didn't, it didn't.

For those who want to believe that everything they do is based on knowledge bestowed by the divine, they cannot just come out and say that they are doing something or changing something because of terrestrial constraints. I have given my analysis of Torah and other Jewish texts, but people see what they want to see in those texts. I think it is often easier to see ourselves in others, so I will draw an analogy to this issue in another religion. The Mormon church used to practice polygamy, which they banned at the turn of the 20th century. A practicing Mormon will tell you how God revealed to them that they should end the practice. Now, everyone knows that when the Utah territories were negotiating entrance into the Union, a non-negotiable condition placed on them was that they ban polygamy, which was very convenient because God had just revealed to them that they should. HA, HA! The human mind convinces itself of whatever is easiest to absorb.