

# Matrilineality in Judaism

Wikipedia

Shaye J. D. Cohen of Harvard University and formerly a Dean at the Jewish Theological Seminary in New York City, in *The Origins of the Matrilineal Principle in Rabbinic Law*, *AJS Review*, V. 10.1, 1985, 19-53:

The preexilic portions of the Hebrew Bible are not familiar with the matrilineal principle. Numerous Israelite heroes and kings married foreign women; for example, Judah married a Canaanite, Joseph an Egyptian, Moses a Midianite and an Ethiopian, David a Philistine, and Solomon women of every description. Although Exod. 34:16 and Deut. 7:1-3 prohibit intermarriage only with the Canaanites, a prohibition that was supposed to have originated with the patriarchs Abraham (Gen. 24:3) and Isaac (Gen. 27:46-28:1), some Israelites extended the prohibition to include all foreigners (Judg. 14:3). But it never occurred to anyone in preexilic times to argue that such marriages were null and void. Marriage was the non-sacramental, private acquisition of a woman by a man, and the state had little or no legal standing in the matter. The foreign woman who married an Israelite husband was supposed to leave her gods in her father's house, but even if she did not, it never occurred to anyone to argue that her children were not Israelites. Since the idea of conversion to Judaism did not yet exist, it never occurred to anyone to demand that the foreign woman undergo some ritual to indicate her acceptance of the religion of Israel. The woman was joined to the house of Israel by being joined to her Israelite husband; the act of marriage was functionally equivalent to the later idea of conversion. In some circumstances biblical law and society did pay attention to maternal identity—the children of concubines and female slaves sometimes rank lower than the children of wives—but it never occurred to anyone to impose any legal or social disabilities on the children of foreign women.

According to historian Shaye J. D. Cohen, in the Bible, the status of the offspring of mixed marriages was determined patrilineally. He brings two likely explanations for the change in Mishnaic times: first, the Mishnah may have been applying the same logic to mixed marriages as it had applied to other mixtures (*kilayim*). Thus, a mixed marriage is forbidden as is the union of a horse and a donkey, and in both unions the offspring are judged matrilineally. Second, the Tannaim may have been influenced by Roman law, which dictated that when a parent could not contract a legal marriage, offspring would follow the mother.

In his review of Cohen's article, Rabbi Jacobs accepts that the law may have changed in the early Tannaitic period (circa 10-70 CE): "From the historical evidence marshalled

by Professor Cohen it would appear that the change from the patrilineal to the matrilineal principle for the offspring of mixed unions of Jew and gentile took place in the early Tannaitic period.”

Rabbi Jacobs offers a different explanation:

The child of a Jewish father and a gentile mother is not a gentile because of the application of any matrilineal principle...He is a child without Jewish parentage since the patrilineal principle cannot operate for a union carried out beyond the limits of the clan. The child is not a gentile because his mother is a gentile but because the only way a child can be born as a Jew is for him to have the Jewishness of his father transmitted to him and this cannot happen where the union is outside of the clan limits. Thus, for the Rabbis there is no switch here from a patrilineal to a matrilineal principle. The patrilineal principle still stands, only it cannot operate in this instance.