

David Brodsky, Brooklyn College

“Mishnah Gittin: Family Relations as Metaphor for National Relations”

While the rest of Mishnah Gittin lays out the laws of the commissioning, writing, and delivery of the bill of divorce in a fairly orderly manner, the beginning, middle, and end of the tractate stand out. I would argue that the three work together to point the reader to the central theme of the tractate, a theme that is simultaneously on the individual and the national level. By opening by marking the boundaries between that which is in and outside of the Land of Israel, I would suggest that the tractate is pointing to divorce as an act that is marking the same boundaries on the individual level. The middle section explains why these boundaries need to be established: originally [*ba-rishonah*] one ruling was made, but since then things have not turned out the way they were intended and a corrective must be instated. For the sake of the public welfare, indeed, for the sake of peace, things cannot always remain as they were originally established. Sometimes a corrective is necessary. Here, divorce is precisely that corrective for the marriage that is not working. The final mishnah clarifies that while divorce was permitted by the School of Shammai only in cases of adultery (reading the “unchaste matter [*‘ervat davar*] ” of Deut 24:1 as truly unchaste [*devar ‘ervah*]), the School of Hillel and, later, Rabbi Akiva offered their own correctives, permitting it ultimately any time that the two were not getting along.

This final mishnah of the tractate (9:10) points us even further to who would seem to be intended here, as it contains one of the only parallels in all of the Mishnah with the New Testament, with the school of Shammai’s position directly paralleling Jesus’s position in the Sermon on the Mount rather than in opposition to Deut 24:1. Thus, in this nascent period for both Christianity and rabbinic Judaism, the two may have converged more than they diverged, at least regarding the laws of divorce and their derivation from the Bible. Mishnah Gittin, I would propose, is attempting to declare that that was an earlier period [*ba-rishonah*], before the corrective was needed.

By using the national boundaries as a metaphor for individual boundaries vis-à-vis divorce, the redactor is reversing the prophetic use of divorce as a metaphor for the nation and its ruptured relationship with God (Isa 50:1, Jer 3:1–8, and Mal 2:13–16). By linking the two, the redactor opens up the possibility of reading in both directions—of national boundaries as metaphor for individual boundaries and as the marking of these personal boundaries as metaphor for the nation. In this paper, I will explore the implications of that connection.

Josh Brown, Rabbi, Temple Israel, Omaha

“Challah with Abba: What Happens When Jewish Mothers Become the Breadwinners and Jewish Fathers the Bread Makers?”

Since its birth, Judaism has been concerned with the effects of one generation’s actions upon another. The rabbis understand not only that every generation is different, but also that each generation is dependent upon the ones that came before it and those to come after it. We are currently at a crossroads in gender roles in America. As women increasingly move into being the dominant worker in the American workforce, men are being asked, or at times forced by their family situation, to become the primary parent. This is a role men have rarely played in the history of parenting, but one that Judaism knows well.

In this presentation I look at the modern father and the many challenges he faces both at home and in his career as he strives to be an active parent. In particular, I will focus on the challenges facing Jewish fathers in the twenty-first century as informed by modern psychology and the potential benefits Jewish tradition has to offer him, should he choose to accept the challenge.

Bernard Dov Cooperman, University of Maryland
“Family Fictions: How Jews Invent Themselves by Talking about Their Parents”

Jews have spent a great deal of their cultural capital idealizing the Jewish family as the bedrock upon which community, continuity, and even economic success have been built. Against that background, perhaps we can understand why novelists, dramatists, filmmakers, and comedians have often caricatured or attacked the Jewish family, using it as an easy stand-in for the larger issues of cultural and social change that they wish to represent. We can see the failures of the Jewish family examined and highlighted in popular film and television from the days of silent classics like “His People” (1925) or Fanny Hurst’s “The Younger Generation” (1929) to Larry David, “The Goldbergs,” and Woody Allen. We can see Jewish familial dysfunction at the root of novels by Shalom Asch and Michael Chabon, and in the short stories of Delmore Schwarz, Philip Roth, Shalom Auslander, Ethan Coen, or Michael Chabon.

But fictions are not the exclusive property of books and films. They are also at the heart of the normative writings of Jewish religious authorities who are asked on a host of levels to decide what is acceptable and what not in the shifting world of the immigrant family. By comparing the literary conventions of the family with those proposed by rabbinical writers, the last section of my paper tries to highlight the intricate dance of cultural reinterpretation that occurred in the world of Jewish tradition as American Jews re-invented themselves.

We shall see the real and fictional family as that marginal space that we paint with longing for what must have once been since it surely is no more. The family is the fault line on which we carefully construct the past in order to confront our chaotic present.

Joshua J. Furman, University of Maryland

“Parents of the Book: Identity Politics in American Jewish Baby Books after World War II”

During the post-World War II baby boom, Americans increasingly turned to childrearing authorities such as Benjamin Spock and Arnold Gesell for advice on how to raise happy, healthy sons and daughters. Jewish parents relied on these same volumes, but they also used and learned from Jewish baby books. These texts offered parents detailed information about the significance and performance of Jewish birth ritual, advised readers on the process of choosing meaningful English and Hebrew names for their newborn, and allowed them to record important milestones in their child’s physical and spiritual development.

Authors of these texts endeavored to teach mothers and fathers the knowledge and skills they would need to impart a strong sense of Jewish identity to their children. At the same time, the aesthetic and substantive resemblance of these sources to those authored for a broad American audience suggests an interest, on the part of both publishers and purchasers, to render and receive information about Jewish childrearing in a thoroughly contemporary format. This choice reflects a broader desire on the part of most American Jews to blend seamlessly into American life while simultaneously making some effort to maintain Jewish distinctiveness. This tension between modernity and tradition, between acculturation and preservation, flows through the heart of postwar American Jewish childrearing literature.

Sarah Imhoff, Indiana University, Bloomington, and Hillary Kaell, Concordia University
“Theological Families: Jews, Messianic Jews, and the Meaning of Lineage”

American Jews have embraced their family trees. With rapid advances in the accessibility of both genetic testing and internet-enabled ancestry tracking, the potential for “knowing” about oneself and one’s family has left the dusty archives and elite laboratories and come into living rooms.

But why and how do family lineage and popular DNA testing matter religiously?

Messianic Jewish congregations—conservative Christian congregations that retain some Jewish practices alongside belief in Jesus as the messiah—have about twice as many “gentile believers” as they do believers of Jewish descent. However, only “ethnic” Jews are considered directly descended of the tribes of Israel—and thus part of the lineage of Jesus himself. One result of this imbalance is an ongoing discussion among congregants about whether “gentile believers” do in fact have Jewish lineage. They interpret their own stories of self through “secular” websites, like [ancestry.com](https://www.ancestry.com), and through those targeted specifically at non-Jews seeking Jewish roots (e.g., offering lists of Jewish names).

Jews, more traditionally defined, also use ancestry websites and DNA testing to craft narratives for themselves and their families. These narratives, drawing on the cultural importance of *yichus* [family background], often make connections to Jewish peoplehood and even ancient Israelite priestly lineages. This research uses interviews, media analysis, and history to show the differences and unexpected overlaps in these two groups’ theologically freighted stories of family.

Charles D. Isbell, Louisiana State University
“Family Values and Biblical Marriage: Spanning the Time Barrier”

The importance of “family” within the broader community of Judaism has its roots in some of the most significant narratives in Genesis. From the outset, “marriage” has stood as the cornerstone of the biblical family. The politically motivated call for a return to “biblical marriage” in modern America appears to be grounded in non-Jewish ideas of marriage rather than in biblical narratives that actually describe the customs of our ancestors. As is often the case, we are compelled to span the difference between the Bible and the twenty-first century in this matter.

In the attempt to build a bridge from modernity back to the Bible, three questions arise, each one leading to a clearer understanding of the purpose(s) of family grounded in marriage: [1] When is a house a home? [2] When does “son” or “daughter” mean more than a biological offspring? [3] When are economic considerations important in biblical marriage?

Once these questions have been addressed, we will be prepared to discuss the ways in which marriage in the Bible might inform our modern *minhagim* [customs] and values. Our investigation will show that the external customs of biblical marriage and family life are not the crux of the matter, and frantic calls for a return to “biblical marriage” based upon the facile linkage of modern practices to a simplistic interpretation of the Bible merely obscure the real issues. Still, biblical narratives that underscore appropriate partnerships capable of contributing to familial and societal stability can guide us to embrace enduring values that are worth cherishing. We may find it necessary to modernize, redefine, and even reformulate the customs of marriage and the definition of “family,” and that is as it should be, for each generation should be granted and must accept the responsibility of such freedom of expression. But we need not abandon the goal of marriages and families that are formed to serve the moral values of the larger human community and built to endure because they consist of partners who share a system of values and ideals that has stood the test of time.

Gail Labovitz, American Jewish University
“It’s Complicated: Halachah and the Status of Relationships Outside Jewish Marriage”

According to Jewish law and practice since at least the time of the Mishnah, the legal basis for Jewish marriage is the act of *kiddushin*, in which a man “acquires” a woman. Once this act is performed, the relationship is binding and can be severed only by his giving her a divorce document. Yet even a cursory study of legal and other sources suggests that Jewish men and women have long engaged in relationships involving sexual relations and/or long-term commitments to one another outside the rubric of *kiddushin*. Examples include cohabitation outside marriage, concubinage, marriage by rites of other religions (where the participants might be forced converts to Christianity or Islam), and, in modernity, civil marriage.

Most recently, there have been some proposals toward new means of marriage beyond the gendered assumptions (and material harms for women) of *kiddushin* and the halachic divorce process. However, halachic decisors have not considered these relationships to be outside the purview of the Jewish legal system. This paper will trace this topic through Jewish legal literature, with an eye toward when, how, and why decisors have attempted to assimilate these relationships into Jewish marriages or to dismiss them as beyond the bounds of system.

Pamela Laufer-Ukeles, University of Dayton Law School
“The Legal and Ethical Dilemmas of Creating Jewish Families through Assisted Reproductive Technologies (ART)”

Jews are some of the most aggressive users of assisted reproductive technologies (ART). Having children is both a halachic [legal] obligation for observant Jews and a cultural tradition for many Jews who do not live halachically observant lives. The push to reproduce among Jewish families comes from biblical commandments, a desire to recreate a Jewish population decimated by the Holocaust, cultural traditions that surround family life, and demographic concerns about sustaining Jewish culture and cultural traditions. The use of ART to help couples who struggle to reproduce the Jewish family is therefore a natural integration of tradition and transition in the use of modern technology.

Jewish law has largely embraced ART with some reservations, particularly regarding artificial insemination by donor. Jewish families use ART in all its varieties with great and joyous success. But problems do arise for those who engage in the use of ART. In particular, controversies have arisen regarding: (1) when conversion is necessary to sustain the Jewishness of children born of ART; (2) when ART should be allowed, given the importance of biologically based legal parenthood in Jewish law as well as Jewish ethics that weigh against exploitation and commodification of surrogates and gametes; and (3) whether children born of ART could potentially have a compromised legal status [*mamzerut*] that could prevent them from marrying within the Jewish religion and thereby creating their own Jewish families. Some potential problems can be solved relatively easily; others cannot. This paper will discuss potential problems for those using ART in the context of surrogacy, artificial insemination by donor, and egg donation and consider what the Jewish community can and should do to support the use of ART in creating Jewish families while avoiding ethical or legal pitfalls that can hurt ART participants or children born of ART.

This paper has both theoretical and practical appeal, as many in the Jewish community are faced with these dilemmas or may be unaware of the potential consequences. Discussions of the meaning of the Jewish family and the use of fertility treatments can be beneficial to a wide potential audience of scholars and lay people alike.

John D. Loike, Columbia University, and Moshe Tendler, Yeshiva University
“Creating Human Embryos through Cloning: A Jewish Perspective”

Recent scientific discoveries have enhanced the capacity of scientists and clinicians to generate human pre-implanted embryos in the laboratory. These embryos can be transferred into a woman’s uterus to allow the development of a healthy child. In 2013, new technologies in the area of human cloning could also be applied to human reproduction. One such biotechnology, known as “somatic cell nuclear transfer” or SCNT, involves fusing a blood or skin cell that contains all 46 chromosomes of DNA into an egg whose nuclear DNA has been removed. This reconstituted egg can now be induced to divide and differentiate in the laboratory to generate a 4-6 day old human embryo that can be transplanted into a woman’s uterus to gestate.

One potential clinical advantage of SCNT is the capacity to use non-sperm cells of infertile men to generate a healthy embryo. Yet, from a Jewish legal perspective, this technology raises many issues such as: a) Is human cloning permissible according to Jewish law? b) What is the status of fatherhood in an embryo generated by “fertilizing” an egg without male sperm? and c) Is it permissible to use SCNT to clone a woman. In this presentation, we address these issues from a Jewish legal perspective.

Evyatar Marienberg, University of North Carolina at Chapel Hill
“Sexual Guidance in Contemporary Orthodox Communities”

Young women and men who are about to be married in Haredi [Ultra-Orthodox] communities and in some Modern/National Orthodox circles are encouraged to have a few meetings with a specialist on the matter, a person of the same sex, whose role is to instruct them about the marital act. In addition, a wide range of specialized books and booklets are available to them. In recent years, manuals were written also for, on the one hand, parents, to help them explain sexuality to their young children, and, on the other hand, to older adults, to help them solve problems in their own sexual life. Schools are also slowly starting to realize they need to deal with these issues as well, and a growing number of curricula target this market. My paper will examine several Jewish Orthodox works of these quite various kinds published in Israel and in the United States in the last few decades.

Often written for specific audiences—men, women, couples, ultra-orthodox, modern-orthodox, Chasidim, Sephardim, Ashkenazim, students, parents—these compositions present a broad view of the many ways sex is prescribed in today’s Jewish Orthodox world. Some of these differences are related to historical and ideological tendencies, and some to concepts about the “correct” structure of a good Jewish family. Where relevant, information gathered about oral guidance will be compared with the content of these books. Possible implications of these different prescriptions on the reality in bedrooms will be addressed as well.

Susan Marks, New College of Florida

“Uncovering the Ongoing Parental Role in Education in the Early Rabbinic Period”

My paper examines the family’s ongoing impact on the student of Torah in early rabbinic Judaism, and particularly the father-son relationship. In doing so, I push back against scholarly discussions emphasizing the significance of the disciple-mentor relationship and the Talmudic replacement of the father with the sage, which thereby creates a new way to trace lineage. While important, I argue against essentializing this aspect of rabbinic Judaism at the expense of understanding the continued role played by the disciple’s parents. I focus on the way Babylonian Talmud tractates Hullin and Berachot feature descriptions of an active role taken by the father in educating his son concerning meal practices, on the one hand, and the topic of sexual relations, on the other, with mixed reception.

My analysis attends to dynamics of ritual practice and lived religion (in light of work by Pierre Bourdieu and others) to suggest that the questions of the son’s relationship with the family in which he grew up is more complicated than previous scholarship acknowledges. In examining these fraught encounters, this study reveals the depth of ongoing engagement with family and the need to reexamine the nature of learning as rabbinic Judaism invents itself.

Jennifer Sartori, Northeastern University

“Modern Families: Multifaceted Identities in the Jewish Adoptive Family”

In discussions of changes in the American Jewish family, attention often focuses on the dramatic increase in the number of interfaith families. Yet American Jewish families, like American families more broadly, are becoming increasingly “multi” in other ways as well: multiracial, multicultural, multiethnic, multinational. Over the past several decades, Jewish adoptive families have been at the forefront of these changes. The general trend in adoption toward adopting across boundaries of identity has been even more pronounced in the American Jewish community, with disproportionately high rates of transracial, transnational, and transcultural adoption.

This paper explores the ways Jewish adoptive families negotiate their multiple identities. Although adoption experts today emphasize the need for adoptees and their families to engage actively with the adoptees’ birth heritage and/or families of origin, the Jewish community, concerned about continuity, often seems to be pulling in the opposite direction, emphasizing the importance of a strong and exclusive Jewish identity for children. Important aspects of Jewish identity—including ideas about race, ancestry, and genetics—may also complicate adoptees’ sense of belonging with the Jewish community. Despite these challenges, many Jewish adoptees and their families draw strength from their diverse identities. The experiences of these families can shed valuable light on the growing number of Jews and other Americans whose identities span religious, racial, and ethnic lines.

Cynthia Shafer-Elliott, William Jessup University
“All in the Family: Ancient Israelite Families in Context”

Historically Syro-Palestinian archaeology and Biblical Studies have focused on monumental places, people, material culture, and the texts that reflect them. Major urban settlements with palaces, temples, and fortifications, the elite men who lived and oversaw the administration of the settlement, and the artifacts and texts they left behind have no shortage of analysis. However, a shift of interest into the daily lives of the average ancient Israelite has occurred. This shift recognizes that in order to understand the daily life of ancient Israel and Judah, the focus needs to change from monumental to minor, from the macro to the micro. In other words, more attention needs to be given to the stage where daily life occurred—the home.

The home was (and indeed still is) the nucleus of the everyday. The home was where the average ancient Israelite *mishpachah* [or family] in both urban and rural environments lived out their lives. The purpose of this paper will be to illustrate how the average ancient Israelite family lived within its physical environment, the home, within the Iron Age. Utilizing household archaeology and textual evidence from the Hebrew Bible, this paper will examine the typical Israelite household including its dwelling, members, and their activities.

Haim Sperber, Western Galilee College
“‘Chained Women’ [*Agunot*] and the Modernization of the East European Jewish Family”

This paper will present the *agunot* phenomenon in the second half of the nineteenth century, especially in Eastern Europe.

The first part of the presentation will analyze the phenomenon and its main databases. In this part, the volume of the phenomenon and different variations of *agunot* will be discussed. We will also show that the main databases—the Jewish media and rabbinical sources—present two different narratives of the phenomenon, and we will attempt to explain this.

The second half of the presentation will analyze the phenomenon and its effect on the family institution in Jewish Eastern Europe. Relations between the *agunot* issue and immigration and changes in the role of rabbis in East European Jewish society will be discussed as well.