

# The Mitzvah of *Keruv*

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In any discussion of religious statesmanship, it is important to bear in mind that Torah embraces in depth and scope far more than halakhah. The concept of Torah includes general principles as well as specific laws – such as the love of God, the love of man, the quest for holiness, walking in the way of the good, doing that which is right in the eyes of man and good in the sight of God, to keep the way of the Lord, to do justice and righteousness. In the last of the Amidah benedictions, we state that divine favor granted us "the Torah of life" and "the love of steadfast love".<sup>1</sup>

These principles are interpreted as general guidelines of action and feeling by the Sages of Talmud and Midrash, who added a realm of obligation beyond the boundaries of the Law -- namely, *lifnim meshurat hadin* (beyond the letter of the law), *ein ruah hakhamin nohah himenu* (the spirit of the wise is not pleased with him), *middat hasidut* (the virtue of piety), and the rules of *yosher* (equity).<sup>2</sup>

The collection of maxims in the *Ethics of the Fathers* is entirely devoted to the general principles that were formulated at various times by the leading Sages in response to contemporary challenges. The general principle provides the special perspective in which to view the concerns of the day and to design the right response to them. Evidently, it is not enough to simply determine what the halakhah is. At times, injunctions were promulgated in order to increase the isolation of the Jewish community. At other times, steps were taken to promote friendliness and brotherhood with the non-Jewish population. *Mipnei darkhei shalom* (because of the ways of peace) was a supreme governing principle. The maxim of Rabbi Judah the Patriarch states that "the right way which a person should choose is one that is good and beautiful (*tiferet*) to the doer and is also good and beautiful (*tiferet*) to others" (*Avot* 2:1). Howsoever we interpret the meaning of "the doer" (*le'oseha*), the term *tiferet* is obviously a Hebrew rendering of the Greek *kalos*, meaning "good and beautiful."<sup>3</sup> Rabbi Judah was interested in appearance as well as substance, since he was deeply concerned with promoting dialogue and mutual understanding between Jews and gentiles. Some Sages stressed the importance of *derekh eretz* (the ways of the decent in the land) (*Avot* 3:21), saying that Torah presupposes it. But other authorities in our long history interpreted the prohibition of accepting the "ways of the nations" very broadly, insisting at times on a "Jewish" color of shoe-strings (*arketa demesani*) to the point of martyrdom.<sup>4</sup>

My purpose is to provide a perspective for the development of policy in regard to intermarried couples and their children. The child of a Jewish mother is Jewish. But the majority of intermarried couples consist of Jewish fathers and non-Jewish mothers. In many cases, the latter are prepared to help raise their children as Jews. What parameters can we offer to our colleagues and congregants in their efforts to welcome such children and their parents?

In this essay, I should like to call attention to a general principle which has long been implicit in the policies of our movement. Articulated by Hillel, this rule states: "Be of the disciples of Aaron, a lover of peace and a pursuer of peace, a lover of people and one who brings them near to Torah" (*Avot* 1:12). This maxim echoes the description of the ideal priest offered by Malachi (2:6): "He walked with me in peace and uprightness, and he turned many from iniquity." Likewise in *Avot deRabbi Natan*, Aaron is portrayed as a person who did not hesitate to tell "white lies" for the sake of peace in a household, *shalom bayit*.

Since Hillel served as the leading spiritual statesman of his generation, we may interpret his policy more broadly: more important than ideological purity is peace within the nation. Hillel's attendance at the public baths, in spite of the statue of Aphrodite placed there, amounted to a rebuke of the Zealots who were prepared to sacrifice their lives in order to demolish pagan shrines in the land of Israel and particularly in Jerusalem (Josephus, *Antiquities* 17,6,22). Rabban Yohanan ben Zakkai, Hillel's "youngest" disciple, formulated such a warning explicitly:

Do not hurry to destroy the high places of the nations, lest you will have to build them with your hands; lest you destroy buildings of bricks and they tell you, "Build them out of stones."<sup>5</sup>

Hillel's general rule, "to love people and to bring them close to Torah," was applied by him to a class of dubious would-be converts. As described in *Shabbat* 31a, they were of three types: the one who sought the post of High Priesthood, the one who refused to accept the Oral Tradition, and the one who sought the essence of Torah, on one foot, as it were. In each case, Hillel "accepted" them and taught them, thus bringing them "nigh to Torah." The word used is actually *geirei*, converted them, because as the Tosafists put it, he was certain that in the end they would surrender their reservations and follow the Torah "for the sake of heaven" (*Tosafot*, s.v. *lo biyemei*, *Yevamot* 24b). The same *Tosafot* refers to the 150,000 converts at the time of King David "that without judicial approval they converted of their own account," becoming *gerim gerurim* (*Yevamot* 79a). Rashi, *ad loc.*, states that *gerim gerurim* are neither Israelites nor converts,

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but slaves -- a category that has disappeared. In *Avodah Zarah* 3b, Rashi does not mention the status of slaves, but comments, "they will convert of their own account, but we do not accept them."

It is noteworthy that Hillel was willing to accept at least for instruction converts of questionable intention, though there were still in his day remnants of the *netinnim*. Rabbi Judah the Patriarch wanted to accord the *netinnim* the status of full Israelites, but due to the involvement of a special obligation to "the altar," that is, the duty to serve in the Holy Temple, he was unable to convince his Beit Din (*Yevamot* 79a).

In the first centuries of our era, there were two categories of semi-converts: the "fearers of the Lord" (*yirei Hashem*), who were found chiefly in the Diaspora, and the *ger toshav* in Palestine. We do not know whether there was any action-symbol for the acceptance of "the fearers of the Lord." There may have been, as in the case of the *ger toshav* a formal declaration before three *haverim* not to worship idols, or to abide by the Seven Laws of Noah, or to abide by all the laws of Torah, save dietary laws. Some rabbis insisted that a semi-convert is in a transitory status. The *ger toshav* must undergo circumcision within a year, or else be declared a heretic (*Avodah Zarah* 65a -- this is the clear meaning of the *baraita*). The status of a semi-convert was according to this view, temporary and preparatory, a tactic of *keruv*, designed to bring people fully into the Torah community. Roman satirists like Juvenal refer to Judaism's method of attracting converts step by step. Josephus narrates how Izates, King of Adiabene, converted in two stages -- first in principle, probably as a "fearer of the Lord," then fully, by undergoing circumcision.<sup>6</sup>

The outpouring of the Holy Spirit was then deemed to be proof positive of acceptability in the sight of God. It is therefore noteworthy that Rabbi Nehemiah declared, "Whoever accepts one mitzvah faithfully (or in faith) is worthy of the Holy Spirit resting upon him" (*Mekhilta de R. Yishmael, Vayehi*).

This teaching was not an isolated maxim, but a mighty weapon in the armory of Jewish polemics. St. Paul's complaint that the Law could not be fully observed seemed incontrovertible at a time when the Temple lay in ruins and even Jerusalem was off-limits to Jewish people. Yet, some passages in the Torah state clearly that unless all mitzvot are observed, the Covenant is not kept. The answer which the Sages formulated was that even one mitzvah can earn the full favor of the Lord. This is why this principle is presented in dramatic form. Rabban Gamliel was found one day, lamenting, "How can one observe all the commandments?" Rabbi Akiba pointed out that even if one mitzvah is truly observed, God considers it as a fulfillment of the Covenant (*Sanhedrin* 81a, *Makkot* 24a, *Shohet Tov* 15:5).

Maimonides, keenly conscious of the critical condition of Jews forced to abandon Judaism, gave special emphasis to this principle in his commentary on the Mishnah:

It is the essence of faith in Torah that when a person observes one of the 613 mitzvot properly and fully, not adding to his intention worldly considerations of any kind, fulfilling it for its own sake in love, as I have explained it to you, he merits thereby life of the world to come. This is why Rabbi Hananya says that since there are many mitzvot, it is impossible for a person not to fulfill one of them in all its scope and perfection.

We may assume that the Babylonian Sages of the third century, Rav and Shmuel, who differed in regard to the advisability of attending the interfaith discussions at Abidon, were divided on the issue of *keruv*.<sup>7</sup>

In regard to the Karaites, the policy of the Geonim in Babylonia was harsh, calling for their insulation from the communal life of the Rabbanites. On the other hand, Maimonides, in one of his letters, counsels the faithful to befriend the Karaites, to do business with them, to attend their semahot and their occasions of mourning, and to circumcise their children, but not to admit them to services in the synagogue.<sup>8</sup> Judah Ibn Ezra and the leaders of Rabbanite Judaism in Spain pursued the restrictive policy of the Babylonian Geonim (*Sefer Hakabbalah by Ibn Daud*).

In regard to the Jews who were compelled to assume the Moslem faith and to participate in Islamic services, Maimonides' letter, *Iggeret Hashemad*, in which he encourages the *meshumadim* to remain faithful at heart to their ancestral faith, is conceived in the spirit of *keruv*. They should delight in the observance of any one mitzvah. No matter how far they might have strayed from Judaism, "he (the *meshumad*) should observe whatever he can."<sup>9</sup>

In his Code, Maimonides asserts that those born in a Karaite community are considered "involuntary" sinners. In general, he declares:

Also, it is not right to repel those who desecrate the Sabbath and to despise them. But, he should bring them near (to Torah), encouraging them to perform mitzvot. Our Sages have already explained that even a willful sinner should be received graciously when he enters the synagogue in order to pray, and one must not humiliate him....

Maimonides was guided by the precedent stated in the Talmud (*Eruvin* 69b): "We accept sacrifices from sinners in Israel in order to encourage them to repent."

In popular Judaism, this counsel is reflected in the introductory formula

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to *Kol Nidre*: "In behalf of God and of this community, we permit prayer together with transgressors."

Each branch of modern Judaism has adapted the principle of *keruv* to its own pattern of observance. Hasidic groups have developed "mitzvah tanks," "tefillin brigades," and institutes for *ba'alei teshuvah*. Modern Orthodox synagogues have accepted in fact, if not in theory, the judgment that people should attend Sabbath services, even if they come by car. The so-called "non-observant Orthodox" have become the mainstay of all their institutions. However, the modern Orthodox prefer to leave in limbo the scope and limits of *keruv*. So long as no official cognizance is taken of concessions, *keruv* and its polar opposite, extremist zealotry, can be treated alike; that is, if the question is put to a *beit din*, the parameters of the law must be followed. But if no question is asked officially, the local rabbi can use his own judgment and apply the general principle of *keruv*.

We of the Conservative movement are convinced that no faith ought to depend on a willful refusal to face facts and principles. To depend on a two-faced policy -- official and actual -- is to institutionalize hypocrisy. In temporary and marginal situations, inconsistencies may be tolerated, but they can hardly be maintained communally or permanently.

In the perspective of history, it is clear that whenever possible, rabbis and lay leaders acted in concert to meet the challenges of the day. Collective action may prove to be mistaken, after the lapse of some years or decades, but then that mistake can be corrected by similar collective action. So long as the spirit of anarchy is kept within bounds, legal adjustments, even if far-reaching in character, may be enacted, without damaging the structure of authority within the movement.

We live in a democratic age, where the supreme authority of a *mara d'atra* is likely to be disregarded, if not resented, while the collective authority of a national or world-wide body of representative rabbis, scholars and laymen is generally acceptable. A people, so religiously mature that it could glory in Rabbi Joshua's triumph over a mystical *bat kol* with the slogan, *lo bashamayim hi*, can certainly be trusted in our day to understand that laws can be divine, when they are man-made. But, they are not likely to tolerate the arbitrary tyranny of the resident rabbi or scholar, acting on his own judgment.

The application to *keruv* implies a core of firmness. Within our movement that core can only be the body of scholars, *hever hakhamim*. The concept of a Sages-centered society requires a series of concentric circles. The United Synagogue should form an outer circle of a national committee of learned laymen. The Rabbinical Assembly would be the next inner circle, the Committee on Jewish Law and Standards the next inner circle. Perhaps the Rabbinical Assembly should form an Academy of Fellows, consisting

of eminent scholars who would meet only in rare situations.

Of the many situations to which the principle of *keruv* is applicable, we should consider the status of children from mixed families in which the father is Jewish and the mother is Christian. By law, such children are not Jewish, but then the responsa literature is replete with efforts to save for Judaism even the marginal members of our people and their descendants -- *levilti yidah mimenu niddah*.

In this case, the rabbi with his *beit din* should confer with the parents and ascertain their wish to raise the children as Jews. A *brit* for a male infant can be held *al da'at b'beit din*. A "naming" ceremony in the synagogue for female babies should serve as an action-symbol of this resolution. Thereafter, the children and their parents should be eligible to participate in all synagogue activities. When the time of Bar/Bat Mitzvah arrives, the ceremony itself plus *tevilah* will mark their full acceptance within the congregation of Israel.

Much remains to be done for the practice of *keruv* toward intermarried couples, but the first steps should relate to the incorporation of their children within the Jewish community.

#### NOTES

1. *Sifrei, Devarim*, p. 32, *Shabbat* 31a. *Mekhilta de R. Yishmael, Masekhta Kesef*, p. 320. A. Urbach, *Hazal*, pp. 322-324. Proverbs 2:20. *Bava Metzia* 83a. Deuteronomy 12:28, and *Sifrei, ad loc.* Genesis 18:19 and *Yevamot* 79a. Micah 6:8 and Prayer Book.

2. See M. Zilberg's *Kakh Darko shel Talmud* (Jerusalem, 1964), Ch. VII, for a discussion of these principles.

3. In the *Theological Dictionary of the New Testament*, vol. III, p. 543, we read, "In the LXX, *Kalos* is mostly the rendering of (the Hebrew) *Yafeh*...and *tov*...more commonly, morally good, Proverbs 17:26; 18:5. On p. 545, the *Kala erga*, to which Jesus refers in Matthew 25: 35-45, are the Hebrew *ma'asim tovim*."

4. Leviticus 18:3 and comment of *Sanhedrin* 39b, *Sanhedrin* 74a.

5. *Midrash Tannaim*, edition Hoffman, p. 58. *Avot deRabbi Natan*, version two, 21. Philo, *Legatio ad Gaium*, 203. Josephus, *Contra Apionem* I, 192. The testimony of Hecateus is discussed by Joshua Gutmann in *Hasifrut Hayehudit HaHellenistit*, p. 60.

6. J. Derenburg noted that the different approaches of Hillel and Shammai in regard to would-be converts were shared respectively by Onaias and Elazar, teachers of Izates, *Essai sur l'histoire et la geographie de la Palestine*, 1867, Josephus, *Antiquities* XX, 37ff., Harvard Classics.

7. *Shabbat* 116a. Commentary of R. Hananel and Rashi. In *Aruk*

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*Hashaleim*, vol. II, p. 45, the meanings of *Bi Avidon* and *Bi Nazerufi* are discussed. Sh. Y. Rapoport maintained that certain Persian sects sponsored the interfaith colloquia. Maimonides, in his commentary on the Mishnah *Yadayim* 4:6, maintains that it was a meeting place of Greek philosophers, and the name Avidon was given to it by the Sages who hated those assemblies.

8. Sh. Dubnow, *Divrei Yemei Am Olam*, vol. IV, p. 285.
9. *Iggeret Hashemad*, in *Iggerot HaRambam*, ed. M.D. Rabinowitz (Tel Aviv, 1951), 63.

