

Congratulations to Mixed Marriage Families

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This responsum was adopted on March 30, 1989 by a vote of eight in favor and four opposed. Members voting in favor: Rabbis Elliot N. Dorff, Jerome Epstein, David H. Lincoln, Lionel E. Moses, Mayer E. Rabinowitz, Joel Roth, Steven Saltzman, Morris H. Shapiro. Members voting in opposition: Rabbis Ben Zion Bergman, Howard Handler, Avram I. Reisner, Gordon Tucker.

שאלה

Should synagogues congratulate members upon the marriage of their children to non-Jews? What is the propriety of congratulating the grandparents of a newborn when the child's parents are intermarried? Should congregations be permitted to willingly accept donations and provide concomitant public acknowledgment of such donations on the occasion of an intermarriage or on the birth of a child of an intermarriage?

תשובה

Early Precedents

In examining the question of congratulating members upon the marriage of their children to non-Jews, various issues must be considered, including the historical antecedents set by the Committee on Jewish Law and Standards, halakhah or standards, the implications of psychological and sociological thought and current practice. Since each of these aspects may have some bearing on the conclusion that we will ultimately reach, each aspect will be considered, albeit briefly.

Perhaps the earliest recorded decision that has relevance to this issue is cited in the following statement: "The Committee agreed that it would be highly improper for a synagogue to accept a Jew who married a Gentile

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

woman as a member of the congregation. Admission of such a person to membership involves tacit approval of his conduct. Marrying outside of the faith is considered tantamount to a rupture with the Jewish community, since the offspring of mixed marriages are usually weaned away from the Jewish religion.”¹

Boaz Cohen, writing for the Committee on Jewish Law postulated another reason for the same conclusion when he wrote, “the admission into membership of the congregation of a Jew living with a Gentile wife who refuses to embrace Judaism is a seeming sanction of a flagrant violation of Jewish Law and may encourage others who are so inclined, to intermarry in as much as they may do so with complete impunity.”²

Seeming to take a stronger stand, Dr. Cohen, writing for the Committee stated, “Regarding a member of the synagogue who married a Gentile woman who is unwilling to enter into the Jewish fold, it would be most proper to revoke his membership in the congregation.”³ The attitude indicated in both of the above pieces of correspondence was reflected in the adopted norm of the Rabbinical Assembly when, in 1947, a statement was adopted that “A Jew married outside the faith is not entitled to the privileges of a congregation, including membership and such honors as an aliyah, though he cannot be denied the opportunity to perform the Mitzvot.”⁴

Over the years, correspondence indicated a modification of the position regarding the admission of a Jew who intermarried into the congregation, even though the standards had not officially been changed.⁵ Yet, in 1954, the CJLS reaffirmed the Standard of 1947 prohibiting Jews who “married outside of the faith” from “privileges of the congregation, including membership and such honors as aliyot.”⁶

An official modification of the position of the CJLS is noted in 1959 when, in response to a question posed by the World Council of Synagogues, the CJLS responded that “the synagogue cannot deny any rights to a Jew who has married out of his faith. However, membership in a congregation is to be considered a privilege, and privileges need not be extended to such a Jew. Therefore, no membership is to be granted to a Jew or Jewess who has married outside the faith. If he already is a member at the time of such a marriage, such membership is not to be rescinded but he is not to occupy any office in the congregation.”⁷

Keeping the Family Linked to the Jewish Community

In 1963 the CJLS adopted a position drafted by Max J. Routtenberg in which the rabbi was mandated to “dissuade any Jew who is contemplating marriage with a non-Jew from this course. He shall further consider it his duty to cooperate with the family that seeks his

help in bringing all legitimate pressures and influences to bear upon the young man or woman in order to break up the proposed alliance. He must realize that this is not a matter of concern simply to a particular family, but is the concern of the Jewish people as a whole, and he is their representative.”⁸ But the position went further: if the marriage took place, the rabbi was to take steps to encourage conversion of the non-Jewish spouse. If conversion was not to take place, the status of the couple was to be as follows:

A. The Jewish party to the marriage may be accepted to membership in the congregation provided there is definite agreement that the children of this marriage shall be raised as Jews and converted to Judaism (where the mother is non-Jewish).

B. The privileges of membership do not extend to the non-Jewish spouse – seats on the High Holy Days, cemetery rights, voting, etc. It does not entitle the non-Jewish woman to membership in Sisterhood or the non-Jewish man to membership in the Men’s Club. The right of worship shall not be denied since this courtesy is extended to anyone who may desire to attend services in the synagogue.

C. The intermarried Jew, while admitted to membership in the congregation, shall not be entitled to hold any office or serve as chairman of any committee, nor singled out for any special honors.

D. One who intermarries after he has been admitted to membership shall not be deprived of his membership as a consequence of his act. His status and that of his non-Jewish spouse shall be the same as that described in paragraphs B and C. If he refuses to give his children a Jewish education and refuses to have them converted, he shall forfeit his membership.

E. All restrictions and limitations shall be lifted when the non-Jewish spouse accepts Judaism.”⁹

The position taken in 1964 was reflective of a stance which would help recognize the fact that while intermarriages were destructive to the Jewish community, every reasonable attempt should be made to keep the family, which the Jew was creating, linked to the Jewish community.

No Officiating at Mixed Marriages

In 1970 the CJLS considered the propriety of a rabbi officiating at an intermarriage. The response was unequivocal that “a member of the Rabbinical Assembly may under no circumstances officiate at the marriage of a Jew to a non-Jew who has not undergone any conversion process whatsoever and whose status as a non-Jew is not in question.”¹⁰ This position was clarified and ultimately strengthened by the Law Committee in December 1971 when, after extensive discussion, it was

resolved “that no member of the Rabbinical Assembly may officiate at the marriage between a Jew and a non-Jew.” This resolution was made “binding upon all members of the Rabbinical Assembly.”¹¹

Rabbis Not to Attend Mixed Marriages

In 1972, the CJLS, based upon a paper by Immanuel Lubliner, adopted a position that a “Conservative rabbi may not grace by his presence either during or immediately before, or immediately after, the ceremony or reception or any celebration of a marriage in which a partner is non-Jewish without any type of conversion.”¹² This basic premise upon which this decision was reached was that intermarriage was fundamentally injurious to the Jewish people and to Jewish survival. Broadening the position, the CJLS determined that the previous ruling (1/20/72) applied to rabbis participating in civil ceremonies and applied to cantors and that a Conservative synagogue could not be used for a marriage between a Jew and non-Jew.¹³ *This position was later made into a Standard of Rabbinic Practice.*¹⁴

Not to Congratulate when Mother is Non-Jewish

Without formal action by the Committee, the decisions taken above on 2/24/72 and 3/25/74 were utilized to conclude that “it would not be proper to put notes of congratulations in a synagogue bulletin when an intermarriage took place.”¹⁵ This was affirmed by the CJLS in 1976.¹⁶ When discussing the issue of extending congratulations in a synagogue bulletin to an intermarried couple on the birth of a child, the Committee equivocated, leaving this to the judgment of the rabbi.¹⁷ The Committee concluded that where the mother is Jewish, as long as the child will not be raised in another faith, even though the father is not Jewish, a congratulatory notice may appear in the synagogue bulletin. But, where the mother is not Jewish, the Committee was evenly split as to whether to permit a public acknowledgement in the synagogue bulletin.¹⁸

The question of public acknowledgment of an intermarriage was not considered in traditional sources because an intermarriage has no validity or basis in halakhah. Other disciplines or factors including history or precedent must be considered in order to determine the standard.

Commitment to Discourage Intermarriage

The Conservative movement has been committed to discouraging both the idea and the act of intermarriage. Beside the obvious commitment of the movement to halakhah, the other major reason that such a

commitment has stood is because tolerance might “encourage others who are so inclined to intermarry” without consequence.¹⁹ Traditionally, therefore, within the movement, there has been a rejection of intermarriage. Actions taken by the CJLS have prohibited the clergy and the synagogue from taking part in the intermarriage, either directly or indirectly.²⁰ In addition, such actions were seen as being “tantamount to a rupture within the Jewish community.”²¹

Norms and Sanctions

This has been a norm of the movement. In order for norms to be effective and meaningful, however, they have to be taken seriously, must be monitored and must be enforced. Thibaut and Kelly (1959) pointed out three processes in “norm sending” or norm enforcement:

1. The rule must be stated clearly, specifying the desired behavior and the consequences of adherence and non-adherence;
2. Surveillance must be maintained over the members of the group to determine whether or not they adhere to the rule;
3. Rewards must be administered for adherence and punishments for non-adherence to produce the desired consequences.

It is certainly important to understand that norms exist in cultures and societies for specific purposes. When these purposes are valued by members, those who are deviant can expect to be sanctioned. Within the Conservative movement, there has been and continues to exist a norm that states that Jews will marry Jews. As social psychologists relating to group behavior have noted, “if membership (within a group) is desired, and sanctions can be expected in response to deviants from norms, members will be more likely to conform to the pressure for uniformity.”²²

Although there are many who believe that it is inappropriate to discuss sanctions relating to intermarriage for numerous reasons, including the negative connotation of sanctions and because of the conviction that the use of sanctions will serve no purpose, there are significant segments of the Conservative Jewish community who believe that there is a value to the application of “sanction” to the sphere of intermarriage in that its application helps to maintain a climate of anxiety and tension. The anxiety and tension in connection with intermarriage *may* encourage parents and other concerned individuals to take stronger stands *before* an individual falls in love, selects a mate and presents a *fait accompli*.

Frequently, the term “sanction” is used with a negative connotation. Sanctions, however, can be used as positive reinforcements. Sanctions may also be the placement of a name on the honor roll, the “good citizen of the week” citation, a raise, a bonus, or a promotion.²³ One might thus

conclude that there is an incentive to those who do marry according to the standards and the norm within the Conservative movement in that the name would be placed within the bulletin. While this is, indeed, not a major incentive, congratulating the parents and the newly married couple is for some a sign of pride in this era, when the rate of intermarriage is significant.

The Need to Reinforce the Norm

Napier and Gershenfeld also point out that sanctions carry messages, not only about the present behavior of an individual but also about their future behavior, as well. “Sanctions can be expected to influence both present conformity and future conformity.” (*op. cit.*) Thus, in making a decision regarding the acknowledgement of an intermarriage, a decision-making body must consider the effect not only on the couple or their parents. Of equal – and perhaps of more – significance is the effect that this action will have on other individuals.

The stigma attached to intermarriage is weakened each time the deviation from the norm is tolerated.

Over the past three decades, the degree of acceptance of intermarriage within the Conservative movement has risen. Many Conservative Jews no longer exhibit embarrassment in acknowledging the intermarriage of a child or grandchild. The number of intermarried Jews in Conservative congregations has increased. Synagogue programs of *keruv* have dramatically increased. There is clearly more tolerance and more acceptance. Many of the sanctions of the past have been lifted – albeit not through formal action by the Conservative movement and the Jewish community in general. Over this same three decades, the attitude regarding intermarriage by the general Jewish community, as reflected in parents’ projections as to what they would do with an impending intermarriage, has changed dramatically. In 1965, 26% of the parents polled in a Boston demographic study indicated they would strongly oppose a child’s intermarriage. In 1985, the number that indicated that they would “strongly oppose” a child’s intermarriage dropped to 9%. In 1965, 44% indicated that they would “discourage” a child’s intermarriage. In 1985, that number had dropped to 22%. In 1965, 25% indicated that they would be neutral or would accept an intermarriage. In 1985, that number rose dramatically to 66%, indicating that they would either be neutral or accepting of an intermarriage.²⁴

The Conservative Movement, over the years, has taken a strong stand against intermarriage. The decisions of the Committee on Jewish Law and Standards on the matter of intermarriage, have always been strong and clear. Yet, in a survey of 130 congregations that are members of the

United Synagogue, it was determined that 94 had a policy of *not* announcing intermarriages or congratulating the couple or their parents in a synagogue bulletin. Approximately 28% state that they are currently utilizing a guideline and following a policy that is contrary to the official policy of the Committee on Jewish Law and Standards. Although this statistic is not scientifically derived because of questions that may be raised in terms of the sampling procedure, it still indicates the need to reinforce the standard of the Committee on Jewish Law and Standards.

No Public Acknowledgement

In 1976, the CJLS decided that while it was important to bring an intermarried couple closer to Judaism, there should be no public acknowledgment of the intermarriage. It further recommended that “this statement of policy should be publicized in congregational bulletins.”²⁵ Nothing, in recent years, has changed in the Conservative movement which would indicate a change in the position of relating to the intermarried couple, either in the attempt to “bring them closer” or to warrant public acknowledgment.

CONCLUSION

Since it is the official policy of the Conservative movement and its arms—including the Rabbinical Assembly and the United Synagogue of Conservative Judaism – to discourage intermarriage and to take steps to prevent it, it is important that no action, whatsoever, be initiated that would imply the removal of the sanction, a changing of the norm or a willingness to condone intermarriages.

No Congratulations on Intermarriage

1) The issue of intermarriage has affected most Conservative congregations. Rabbis and lay leadership must constantly weigh values and concerns in decision making in which congregational policy is determined. Sensitivity, sanction, compassion, synagogue affiliation, intermarriage prevention, and *keruv*, must all be weighed, evaluated and balanced. Any policy of the Conservative movement must also consider the issue of integrity. The Conservative movement has determined that intermarriage is destructive to the fabric of that which we hold dear, that which we value. Further, the movement has consistently reaffirmed that an intermarriage has no authenticity in Jewish law. Thus, although it may be painful for the Jewish family members of the intermarried Jew and, although it may even negatively affect synagogue membership,

intermarriages should not be publicly acknowledged in any recognized forum within the congregation.

No Congratulations on Birth of a Non-Jewish Child

2) When considering the question of congratulating the grandparents or intermarried parents on the birth of a child, if the child is Jewish, congratulations should be offered. Even though the child is the product of an intermarriage and we have determined that it is not consistent with our goals and standards to congratulate the couple, themselves, there is justification to offer congratulations on the birth of a Jewish child. Such acknowledgment may even have the effect of producing positive reinforcement. The question arises when the child is not Jewish. In this case the child's status may fall into one of three significant categories: (1) The child may be converted to Judaism by the parents in the "near future" based upon a commitment of the parents; (2) The child may not be raised according to any religious ideology, practice or lifestyle; (3) The child may be raised in another religion.

If both parents have committed themselves to the conversion of the child, and it is only a matter of weeks or months between the birth and the completion of the rites of conversion, there is no value in not offering congratulations immediately upon the birth of the child, based upon the assumption of the conversion. Since the child whose birth is being congratulated will be raised as a Jew, there is no lack of integrity on the part of the rabbi or synagogue, even though the parents are intermarried. In the case of a child of a non-Jewish mother who is not converted but who will not be raised in any religious framework, it is still the painful reality that the child is not Jewish. In this case, as in the case with a child who is being raised in a non-Jewish religion, it is difficult to share joy at this loss of an opportunity to further perpetuate Jewish values, lifestyle and life itself. Although it may be a natural response for individuals related to the child to extend congratulations based upon the joy they feel at the birth itself, it is incongruous for a Jewish institution to express such congratulations because the parents' actions of raising the child as a non-Jew are inconsistent with the values we maintain. Although the above instances relate, in the main, to the parents of the child, the same guidelines should govern congratulations and announcements of the birth of a grandchild when the grandparents are members of the congregation. It is acknowledged that the withholding of such acknowledgments and congratulations may provide pain to the grandparents who may perceive themselves as "innocent victims." The reality is that while this may be perceived as a punishment, the same incongruity and lack of integrity noted above would obtain if the standard were weakened.

No Accepting of Donations

3) The question of accepting donations and listing such donations on the occasion of an intermarriage or the birth that is the product of an intermarriage is a complicated one. While one does not wish to discourage individuals from the mitzvah of *tzedakah*, there must be concern about the propriety of מצווה הבאה בעבירה as well as the problem of acknowledging the intermarriage or the birth of a child of an intermarried couple. If we maintain that it is not desirable to publicly express congratulations on the occasion of an intermarriage or of the birth of a non-Jewish child, then it is not proper to acknowledge these occasions through the publication of the receipt of a donation, or worse, through the use of a plaque or similar permanent display. While it may be natural for parents or friends to feel some pleasure on these occasions, the Jewish community which treasures the continuity of its legacy and sense of peoplehood, cannot help but feel a sense of sorrow and pain at the loss of any opportunity to perpetuate a sense of Jewish family, as a result of intermarriage or the birth of a non-Jewish child to a Jewish parent. If the child from the intermarriage is Jewish there is no reason not to accept the donation or to publicize it.

In relating to this question one must consider that we may be “establishing a decree that the community cannot endure” because it is impossible that some donations may be received and, indeed, acknowledged which would be prohibited by this responsum. If the congregation is sensitive, however, these situations may be limited and be relegated to an exceptional status. If no stance is taken prohibiting a congregation from willingly accepting such donations, however we may be condoning a mechanism for providing congratulations on occasions for which no congratulations are due. Such donations and concomitant acknowledgments should, therefore, be prohibited.

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NOTES

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2. Letter from B. Cohen to H. Halperin, 6/12/41.
3. Letter from B. Cohen to H. Fisher, 11/20/44.
4. CJLS Report, *Rabbinical Assembly Proceedings, 1947*, p. 48.
5. Letter from S. Greenberg to S. Winer, 9/25/51 and M. Higger to H. Zwelling, 10/25/51.
6. CJLS Minutes, 3/23/54, p. 2.
7. CJLS Minutes 4/13/59 and 4/14/59, p. 3.
8. Max J. Routtenberg, *Rabbinical Assembly Proceedings, 1964*, p. 246.
9. *Ibid*, p. 247
10. CJLS Minutes 10/28/70, p. 2 and 12/2/70 p. 3.
11. CJLS Minutes 12/21/71, p. 2.
12. CJLS Minutes 1/20/73, p. 2.
13. CJLS Memorandum, 2/24/72.
14. CJLS Minutes, 3/25/74, p. 3.
15. Letter from M. Rabinowitz to J. Lebeau, 9/2/75.
16. CJLS Minutes, 8/31/76, p. 11.
17. CJLS Minutes, 11/5/75, p. 1.
18. CJLS Minutes, 8/31/76, p. 1.
19. Letter from B. Cohen to H. Halperin, 6/12/41.
20. *Rabbinical Assembly Proceedings, 1964*, p. 244.
21. *Rabbinical Assembly Proceedings, 1941-44*, pp. 142 – 143.
22. Napier and Gershenfeld, 1973, p. 89.
23. *Ibid*, p. 90.
24. Israel, S., 1987, p. 60.
25. CJLS Minutes, 8/13/76, p. 1.