

ISSUES REGARDING EMPLOYMENT OF AN INTERMARRIED JEW BY A SYNAGOGUE OR SOLOMON SCHECHTER DAY SCHOOL

Rabbi Jerome M. Epstein

This paper was approved by the CCLS on September 17, 1997, by a vote of seventeen in favor and one abstaining (17-0-1). Voting in favor: Rabbis Kassel Abelson, Ben Zion Bergman, Elliot N. Dorff, Jerome M. Epstein, Samuel Fraint, Baruch Frydman-Kohl, Shoshana Gelfand, Nechama D. Goldberg, Judah Kogen, Vernon S. Kurtz, Aaron L. Mackler, Lionel E. Moses, Joel E. Rembaum, James S. Rosen, Joel Roth, Elie Kaplan Spitz and Gordon Tucker. Abstaining: Rabbi Avram Israel Reisner.

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.

שאלה

May an intermarried Jew who has the potential of being perceived as a Jewish role model be employed or engaged by a synagogue or a Solomon Schechter Day School?

תשובות

Judaism has, from its earliest roots, been concerned about the issue of intermarriage. Statements found in early sources were unequivocal in their prohibition of intermarriage. The rabbinic reading of the Book of Deuteronomy voiced this prohibition by interpreting the traditional text (Deut. 7:3-4) as follows: "You shall not marry with your non-Jewish neighbors; your daughters shall not be given to their sons, nor shall you take their daughters for your sons. For intermarriage will turn your children away from Judaism, and they will end up serving other religions."

Rabbinic leadership went to great lengths to establish boundaries in order to prevent intermarriage: drinking the wine of non-Jews was prohibited because of the possibility that it would lead to potential romance and ultimately intermarriage (Avodah Zarah 36b). Bread made by non-Jews was similarly prohibited as part of a social precaution because of concerns relating to intermarriage (S.A. Yoreh De'ah 112). There was a concern that an individual who bought bread baked non-commercially by non-Jews might share a meal with non-Jews, develop social relationships and ultimately intermarry with them – causing a rupture in Jewish living. Even though many of these

laws were designed to prevent marriage with idol worshipers, the value inherent in the law was that marriage outside of Judaism would break the chain of Jewish life.

Judaism and Jewish life have been linked to the family. Indeed, the home is considered a **מִקְדָּשׁ מַעַט** – a miniature sanctuary. It is in the family that the Jew celebrates most of Jewish living. Thus rabbinic leadership throughout the generations established clear laws and customs to foster intermarriage and thus, preserve the integrity of the Jewish family.

In considering the issues of employment of intermarried Jews, it is useful to review the literature and various historical precedents considered by the Committee on Jewish Law and Standards. While the sociological conditions may have changed from the time of the earlier statements, the values concerning intermarriage inherent in those statements and underlying them remain.

From early discussions of intermarriage, the Committee on Jewish Law and Standards understood the communal impact of intermarriage. It affected the individual, but it also affected the community. It was the position of the Committee “that it would be highly improper for a synagogue to accept a Jew who married a Gentile 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” (CJLS Report, *Proceedings of the Rabbinical Assembly* 8 [1941-1944]: 142-143). This particular statement was written at a time in which it was generally assumed that when intermarriage occurred, it was between a Jewish man and a non-Jewish woman. Certainly, today when intermarriages occur between Jewish women and non-Jewish men and Jewish men and non-Jewish women, the principle would apply to both men and women.

But, a break in the Jewish community was not the only reason for this widely held position. Arriving at the same conclusion previously expressed, Boaz Cohen, in the name of the Committee on Jewish Law and Standards, postulated another reason 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 inasmuch as they may do so with complete impunity” (letter from B. Cohen to H. Halperin, June 12, 1941).

In 1963, Max J. Routtenberg authored a paper adopted by the Committee as the “majority opinion” noting that “the intermarried Jew, while admitted to membership in the congregation, shall not be entitled to hold any office or to serve as chairman of any committee, nor shall he be singled out for any special honors” (Max J. Routtenberg, “The Jew Who Has Intermarried,” *Proceedings of the Rabbinical Assembly* 28 [1964]: 247).

The implications of intermarriage on the community were considered far more serious than the impact on the community of individuals ignoring other halakhot. The Committee on Jewish Law and Standards – reflecting values of the Conservative movement adopted in various responsa – utilized language that would clearly articulate its concern about the increasing prevalence of intermarriage. *As noted previously, intermarriage was considered an act that had communal ramifications.* If an individual intermarriage were ignored, there was a likelihood that it – consciously or unconsciously – would affect the attitudes and behaviors of the community.

As noted, the Committee on Jewish Law and Standards posited that there were congregational/communal “privileges” that should be denied to those Jews who chose to intermarry. When a question was raised by the World Council of Synagogues in 1959, the CJLS acknowledged 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" (CJLS Minutes, April 13 and 14, 1959, p. 3 [emphasis added]). This was merely a reflection of positions of the CJLS in 1947 and 1954 prohibiting Jews who "married outside of the faith" from "privileges of the congregation, including membership and such honors as aliyot" (CJLS Minutes, March 23, 1954, p. 2).

While the CJLS did not believe it was appropriate to "read Jews out" of the community, it was emphasized that the major issue regarding intermarriage was "a consideration of the best and highest interests of the Jewish people. We must clearly state our position on intermarriage in general. Our intentions should not be misunderstood. We affirm our unqualified opposition to the marriage of a Jew to a non-Jew, for a variety of reasons. We regard it as the sacred task of responsible Jewish leadership to combat intermarriage and to counteract forces and influences which lead to such marriages. Our communal agencies and institutions must help by every means at their command, educational, religious, social and recreational, to deepen Jewish loyalties, develop pride in Judaism, and provide the milieu in which young Jews, of both sexes, shall have opportunities for social intermingling" (Routtenberg, "The Jew Who Has Intermarried," *Proceedings of the Rabbinical Assembly* 28 [1964]: 245-246).

Accordingly, for the CJLS, intermarriage was viewed as an inevitable influence in modeling behavior and Jewish responses to various situations. Great strides were taken to make certain that intermarriage *would not* provide a negative model.

Concomitantly, the Law Committee regarded the potential modeling of synagogue leadership as significant. The rabbi was considered more than an officiant. The clergy is a source of significant influence and, therefore, based upon a paper by I. Lubliner, the CJLS adopted a position that a "Conservative rabbi may not embrace by his presence either during or immediately before, or immediately after, the ceremony or reception of any celebration of a marriage in which a partner is non-Jewish without any type of conversion" (CJLS Minutes, January 20, 1972, p. 2). Broadening that position, the CJLS determined that this decision applied to rabbis participating in civil ceremonies and applied to cantors as well (CJLS memorandum, February 24, 1972).

It is evident, then, that those who maintain professional roles in synagogues, are viewed, most frequently, as having responsibilities that go far beyond their particular assigned tasks. *Rabbis, cantors, educators, teachers of all age groups and subjects, youth workers and executive directors are among those viewed as Jewish models.* They assume positions of (and exercise) influence. And, they view themselves as individuals with influence. The Codes of Personnel Practices developed by The United Synagogue of Conservative Judaism, and the respective professional associations for each of the above mentioned categories, delineate the specific role for each position in a fashion that makes it clear that the professional is a model. Representing themselves to the community as a whole, professional organizations describe functions and roles in the realms of both the technical and the influential.

Indeed, the Conservative movement has specifically affirmed the responsibility of employees to model appropriate behavior and action whether or not the individual is directly "a contact person" with youngsters. In 1991, the United Synagogue Commission/Department of Education in guiding both the Solomon Schechter Day Schools and the synagogue schools of our Movement adopted a statement reflecting "that our schools are not permitted to employ individuals as educators *in either administrative or teaching positions* who are intermarried. While as a movement we are ready to reach out to the non-Jew who has married a Jew, we have never been prepared to accept intermarriage as desirable. We should not permit anyone who has intermarried to hold educational positions and thus serve as negative models for our children" (United Synagogue Commission on Jewish Education, Minutes, October 28, 1991).

Highlighting this point, Rabbis Joel Roth and Daniel Gordis (in one of a series of teshuvot on intermarriage and קרוּב) point out that intermarried Jews should not serve as

elected officials in synagogues because “they are more than passive members of a halakhically improper marriage – they made an active decision to enter into that relationship, a relationship which we consider of paramount danger to the Jewish community. That they should understand the fact that their marriage must affect their status in the Jewish community is not unfair or unethical; it is obligatory and desirable” (Roth and Gordis, “*קרוב* and the Status of Intermarried Families,” *Proceedings of the Committee on Jewish Law and Standards 1980-1985*, p. 152).

The basic concern of the previously cited material accentuates the potential consequences of contact between representatives of the congregation, and its congregants and families. Anyone who represents the congregation – on any level, coming into contact in a regular and significant fashion with a member – will inevitably impact on that individual. It is clearly assumed that the average member may not make “differentiations” between gradations of title or role. It is natural to assume that those who represent the congregation may be perceived as synonymous with the congregation.

The Talmud makes a point of noting that deference was to be given to an **אדם חשוב**, an important man. But, at the same time, the Talmud indicates that an **אדם חשוב** had to be stricter in his behavior because of his status or position in the community (see Shabbat 51a and Moed Katan 11b). That which might be ignored or overlooked in the behavior of most people could not be disregarded in an **אדם חשוב**. For, people might look to that individual as a “standard” of acceptable behavior. In our society most representatives of our congregations in professional and teaching roles should be considered “important people.” Thus, it is important that anyone – irrespective of role or title – who represents the congregation, serve as an exemplar of the congregational norms.

The issue of intermarriage increasingly affects Conservative congregations. Thus, there is a unique challenge in trying to determine an appropriate policy. As articulated in previous responsa of the Committee on Jewish Law and Standards, “sensitivity, sanction, compassion, synagogue affiliation, intermarriage prevention and *קרוב* 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” (Rabbi Jerome M. Epstein, 1989).

Ideally, congregations and day schools should only engage individuals for a position in which they will serve as role models if they reflect the institution’s value system. Mitzvot such as *צדקה, תפילה, כשרות, שבת* and personal ethics – as well as in marriage – are important as they are embraced by the value system. Yet, as indicated earlier, the Rabbinical Assembly (as well as other Jewish organizations in North America) has come to the conclusion that the issue of inmarriage is so vital for Jewish survival, that it must be given special emphasis. It is a unique value, for Jewish life is usually influenced to the greatest extent by the family. This in no way implies the slightest denigration or diminution of other mitzvot. Rather, it should be viewed as an opportunity to promote Jewish renaissance.

Conclusion

Congregations and Solomon Schechter Day Schools may not engage or employ any individual who is intermarried for a position in which he/she may serve as a Jewish role model. This specifically includes, but is not limited to, rabbis, cantors, educators, teachers of all age groups and subjects, youth workers and executive directors.