

## Solemnizing a Marriage Between a כהן and a Convert

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*This paper was adopted by the CJLS on March 12, 1996 by a vote of fifteen in favor and three abstentions. Voting in favor: Rabbis Kassel Abelson, Ben Zion Bergman, Stephanie Dickstein, Elliot Dorff, Jerome Epstein, Shoshana Gelfand, Myron Geller, Arnold Goodman, Vernon Kurtz, Lionel Moses, Mayer Rabinowitz, Avram Reisner, Elie Spitz, Gordon Tucker and Gerald Zelizer. Abstaining: Rabbis Baruch Frydman-Kohl, Judah Kogen and Paul Plotkin.*

### שאלה

May a member of the RA officiate at the marriage between a כהן and a convert?

### תשובה

In 1967, the CJLS adopted a תשובה by Rabbi Isaac Klein permitting RA members to solemnize such marriages.<sup>1</sup> His paper, like Rabbi Bokser's on the marriage between a כהן and a divorcee, was written during a period in which the role of the כהן was, if not dismissed, then significantly reduced.<sup>2</sup>

While Rabbi Klein does not deal with the increasing irrelevance of כהונה, he concludes, "In these cases we should also take into consideration the opinion that the status of all Kohanim today is in doubt," which he supports with a brief quote from the Magen Avraham, "*she'ayn machzik oto k'kohen vadai.*"<sup>3</sup>

Rabbi Klein bases his approval of a Rabbi officiating at the marriage between a כהן and a convert on the grounds that Leviticus 21:7 does not specifically mention a convert but a זונה, a word which the Talmud expanded to include all women whose moral purity was impugned. This Rabbinic interpretation is reinforced by a verse in Ezekiel that limits a כהן to marry a woman *mizarah beit Yisrael.*<sup>4</sup>

Following a review of the later authorities, Rabbi Klein can only conclude, "the accepted law has been that a כהן may not marry a גיורת."<sup>5</sup>

Rabbi Klein then refutes the assumption that whoever is not a בן ישראל is בחזקת זונה. He reminds us that the proselyte is "...most worthy of love, appreciation and endearment. Again and again the Talmud stresses that the proselyte is equal in every respect to an Israelite from birth. The case of a כהן is practically the only exception."<sup>6</sup>

For him a new factor to be considered is חילול השם. Basing his argument on two responsa, the first by Rabbi David Hoffman<sup>7</sup> and the second by Rabbi Yehudah Leib Zirensen,<sup>8</sup> Rabbi Klein concluded, "...there could be no greater חילול השם than for us to declare that such a marriage is forbidden because female proselytes are considered as having the status of זונות because their people are *shtufim b'zimah.*"<sup>9</sup>

While Rabbi Klein does not refer to Rabbi Bokser's concern that upholding such prohibitions would present Judaism as being arbitrary and indifferent to human happiness, it is obvious that those who accept this caveat with regard to marriage with a divorcee would apply it also in the case of a convert. Rabbi Klein concludes, "in view of all the foregoing, it is our considered opinion that we permit a כהן to marry a גיורת."<sup>10</sup>

As noted above, prohibition of a כהן-convert marriage is rooted in the interpretation of the word זונה in Leviticus and in the verse in Ezekiel that the woman be of the seed of the house of Israel. While the Rabbinic interpretation of זונה is deemed to create a Biblical prohibition, the reality today is that a Gentile woman is not *ipso facto* a זונה. In fact to embrace this position can lead to a חילול השם, demeaning the Torah not only in the eyes of the Gentiles, but in the eyes of Jews who view the Gentile world differently than did our Talmudic ancestors and subsequent generations until this era.

Given the large number of Gentiles who have become Jews-by-choice, any ruling that even alludes to a non-Jewish woman as being a זונה would also make a mockery of the efforts of our colleagues to bring converts into our midst and to commit them to a life of מצוה. It would also convey a negative message to thousands upon thousands of the children of converts and their families.

The Torah does not explicitly prohibit a כהן from marrying a גיורת. The prohibition derives from the Rabbinic interpretation of the term “זונה” in Leviticus 21:7. By rejecting the Rabbinic principle that Gentile women are *b'chezkat z'nut*, there is no need to invoke the principle of “*la'akor davar min haTorah*.” It is not the Biblical prohibition which is the focus of our concern but its Rabbinic interpretation which does not conform either to our moral sense or to the sad reality that the sexual morality of Jewish women - and men - do not differ to any major degree with what prevails throughout our society. The high incidence of Jewish men and women living together prior to marriage concerns us, but this merely indicates that Jewish and Gentile women have embraced similar values when it comes to sexual behavior.

Since a convert is regarded as part of the House of Israel, Ezekiel's insistence that a כהן marry the seed of the House of Israel is realized. The Talmud instructs us that bringing up the ancestry of a גר violates the Biblical prescription of “*lo tonu*” you shall not oppress (with words). The view that a גר is to be wholeheartedly embraced as reflected in Maimonides' famous response to Obadiah, a convert, who queried whether he could recite the words, “Our God and God of our Fathers.”

Maimonides replied: “Abraham, our father, peace be with him, is the father of his pious posterity who keep his way and the father of his disciples and of all the proselytes who adopt Judaism. Therefore you shall pray, Our God and God of our fathers, because Abraham, peace be unto him, is your father.”<sup>11</sup>

## CONCLUSION

Given our ongoing commitment to accepting converts and the fact of modern life that Jews and non-Jews often develop relationships leading to marriage, we affirm Rabbi Klein's conclusion that - following conversion of the Gentile - a marriage between a כהן and a גיורת is not a prohibited marriage and may be solemnized by a member of the Rabbinical Assembly.

## NOTES

1. *Rabbinical Assembly Proceedings* (RAP), 1968. p. 219-223.
2. *RAP.*, 1954 p. 55-61.
3. *RAP.*, 1968, p. 223.
4. Ezekiel 44:22.
5. *RAP.*, 1968, p. 221.
6. *Ibid.*, p. 7.
7. Rabbi David Hoffman, *Melamed L'Ho'il*, Vol. 3, 8.
8. Ma'archay Leib #72.
9. *RAP.*, 1969, p. 222.
10. *Ibid* p. 223.
11. Franz Kobler, *A Treasury of Jewish Letters*, “Letter of Maimonides” p. 194ff.