

The Mitzvah of *Keruv*

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Each period of history brings its own set of problems to Jewish life. Today we are faced with the problem of the intermarried Jewish family. What status shall we afford it in our branch of the Jewish community? Shall the doors of our institutions forever be closed to the non-Jewish member of this family? And what of the children? How shall we consider them?

In seeking answers to this modern dilemma, we find few guides from tradition. Ezra, we are told, was faced with a comparable phenomenon. His contemporaries had taken "foreign wives" and had not separated themselves from the

peoples of the lands with their abominations, from the Canaanites, the Hittites, the Peruzzites, the Jebusites, the Ammonites, the Moabites, the Egyptians and the Amorites...so that the holy race has mixed itself with the peoples of the land. And in this faithlessness the hand of the officials and chief men has been foremost (Ezra 9:1-3).

To Ezra, no answer presented itself. Admission into *kehal Hashem* did not extend to the native residents of Judah.

The matter had been brought to Ezra's attention by the *sarim*, and they informed him of the "transgression of the *kohanim*, *levi'im*, *sarim* and *seганim*." It had crossed all lines, and every segment of the population was affected. According to Yehezkel Kaufmann's interpretation of this text, Ezra considered this act to be tantamount to the undermining of the social fabric of the community. He considered this *het* to be historically responsible for the destruction. And Ezra justifies the *din* by saying that if Israel continues to intermarry among the natives, God will reject them *ad kalah le'ein she'eirit ufleifah*.

Kaufmann sees Ezra 9 as the first *midrash halakhah*. Its premise: non-Jewish natives can never be accepted into the Jewish fold. They are inherently *tamei*. He labels them *amei hato'evot*, and Eretz Yisrael -- because of their presence -- has become an *eretz niddah*. *Am Yisrael* had been appointed by God to cleanse the land and return it to its pristine state. By marrying Canaanites, Hittites, Peruzzites, Jebusites, Ammonites, Moabites, Egyptians and Amorites, *Am Yisrael* invalidated its mission. Shekhanyah ben Yehiel advises the separation of these women (113 all told).

Kaufmann considers the entire issue in terms of the early approach to

conversion. Ezra is opposed to the acceptance of non-Jewish spouses under any circumstance. These women are not cited for idol worship. They are considered *to'evot* by association; coming from the eight groups mentioned (especially Ammon, Moab, Mitzri, Amori), they are considered *benot to'evot*. It is inherent in their nature. Therefore, neither they nor their progeny can ever be accepted into *kehal Hashem*. They can never be considered as *mityahadim*, people who have rejected the *to'evot* mentioned in Leviticus 18 (*gillui arayot, akhilat shikutzim, peritzut, nisu'ei arayot, etc.*) "*Ki bekhoh eleh, nitmeu hagoyim asher ani meshaleah mipeneikhem.*" (Lev. 18:24) And as Kaufmann points out, Leviticus 20:23-24 and 18:24-28 state specifically that Israel will inherit the land since the nations have been cast out due to the *tumah* of their *to'evah*. Ezra extended the concept and forbade marriage with the rejected nations. The Torah does not forbid marriage. Since Israel is *zera kodesh*, they must forever be separate from the *amim teme'i'im*, "*lema'an yirshu et ha'aretz.*" In this concept, Ezra has brought together the *sefer haberit, sefer kohanim* and *sefer devarim*. In place of the initial prohibition to stay away from them lest they lead to idolatry, he sees them as a permanent source of *tumah* and *to'evah*. Therefore, they are forever barred from membership *bikehal Hashem*.

According to Kaufmann, these women were not idolators. No mention is made of idol worship, nor were they full Jews. They were *mityahadim*, people who had partially accepted a "Jewish way of life." None of them had participated in a conversion ceremony. Since the category of *ger* known in mishnaic times was unknown to Ezra, Ezra feared the lifestyle to which they might revert. He was concerned with their claims on the land, and sensed any proximity between them and the Jews would affect the lifestyle of *Am Yisrael*.

In later times, when, according to Kaufmann, an attempt was made by Jews to reach the wider mass of humanity, a ceremony of *gerut* was adopted, standards of membership evolved, and ultimately outsiders were welcomed into the fold.

What are we to do today, when the intermarriage rate has reached extremely high proportions? Many non-Jewish spouses study for conversion and are eventually accepted into the fold, but there are as many who do not. The Jewish spouse oftentimes seeks affiliation with our communities. Frequently, they seek our rabbinic service. Periodically, their children are enrolled in our schools. How shall we consider them? Shall we enroll them in our congregations? Or shall we say they are forever banned? What shall we do with the non-Jewish spouse when (s)he seeks to participate in his/her family's *semahot* in our congregations? We presently rule that the Jewish spouse be told he is a Jew and welcome in our midst. (Cf. RALA #092776; also Minority Opinion of 1956, "The desire of the intermarried Jew to join a synagogue is comparable to an act of

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of *teshuvah* and should be encouraged.")

Regarding the non-Jewish spouse, we must of course differentiate between those who retain membership in a faith community other than our own, and those who do not. In the former case, we cannot grant them any place within our community. In the latter, it depends on their orientation. If, for instance, they no longer worship the Christian Messiah or "any other god before me," and show sympathy to Jews and Judaism, we might see them as "friends of God," and perhaps find some place for them. To do so, we would require some attestation on their part.

An objection might be raised from rabbinic sources. On the verse *al tithaten bam*, the understanding in *Avodah Zarah, Perek Ein Ma'amidin* (ch. 2) seems to be that this verse refers to union with any non-Jew. Therefore, the non-Jew and the child of the non-Jewish mother can never be considered in any way as possible candidates for Jewish association. The Rambam actually states, "*Ehad shivah amamim ve'ehad kol umot be'issur zo.*" (Both the 'seven nations' and all other nations are included in this prohibition), thus closing the door to any act of leniency. From this point of view, one might also say the Jew who has married the non-Jew is banned from our midst. But might we not cite the text in *Hullin, "Umot shebehutz la'aretz lo ovdin akum hen, elah minhag avoteihem biyedeihem.*" (Nations outside of the land of Israel are not pagan; they have simply inherited the customs of their ancestors). And if the non-Jewish spouse is ready to shed *minhag avoteihem*, though he/she is not ready to formally convert, shall we say there is no place for this person in our faith community? Might we not cite another text, "*Im tarhik et harehokim, sofkha lerahek et hakerovim?*" (If you alienate the alienated, won't you end up also alienating the affiliated?)

An attempt had been made in previous years to soften our response to the non-Jewish spouse. In a letter dated May 11, 1956, Rabbi Arthur H. Neulander, speaking for the Law Committee, wrote to Rabbi Moses B. Sachs:

A non-Jewish spouse, though not formally converted, who had attended synagogue services, considered himself/herself as part of the Jewish community and has educated his/her children as Jews, may be buried in a Jewish cemetery, but a space of one grave should be left between the Gentile and the Jewish graves on either side.

This is a beginning. As for Sisterhood or Men's Club membership, we would refuse. We would welcome them as guests and accept their assistance in our programs, but membership should be withheld.

As for the children, we would welcome them into our religious schools, but would insist on a formal act of conversion for Bar/Bat Mitzvah, the

exception being the child on whom was performed a *brit milah leshem gerut* if the natural mother was not Jewish. We follow the ruling of Rabbi Kook that "the natural father acts for the welfare of this child."

As for the participation of the non-Jewish spouse in ceremonies, in the case of the naming of children, as well as weddings, they should be allowed on the pulpit. We would not permit participation in the Bar/Bat Mitzvah ceremony since it is an act of covenant and the non-Jewish spouse is not part of our covenant.

We would suggest another area of attention. The subjects of our concern have on the whole opted to leave whatever might be considered idolatrous practices. In addressing the question of the Gibonim and their status as members of *klal Yisrael*, we read "*Af al pi shegerim hem, lo amdu avoteihem al Har Sinai ki al shem kena'anim mithashvim.*" (*Shemot Rabbah* 8:2) It would seem that the objection to them stemmed from their not really accepting the covenant of Sinai; therefore, all the *to'evot* of *Kena'an* may be ascribed to them, and they could not be admitted into *kehal Hashem*.

The subjects of our concern cannot be accused of still retaining *minhag avoteihem* and therefore we need not suspect their morality. More often than not, they have accepted the standards of *mitzvot benei Noah*. Until they are ready to convert, we should strengthen their Noahide standards. As a guide, we would cite Elijah Benamozegh's advice to Aime Palliere (Cf. *The Unknown Sanctuary*, pp. 129-140). He suggested to him,

to be our brother as you would be, you need not embrace Judaism in the way you think of doing, I mean by submitting to the yoke of our law....the religion of humanity is no other than Noahism....It lies open to the efforts to anyone whosoever believes in Revelation without necessarily adhering to Mosaism.

We can say to those who come to us not ready to accept our Torah and mitzvot, but prepared to accept *mitzvot benei Noah*, that they, too, are under God's covenant. Perhaps from this road they will walk the full path and come to us in total being.

CONCLUSION

In summation:

- (1) We should strengthen the ties of the "friends of God" by urging them to be adherents of *mitzvot benei Noah*.
- (2) If they continue to associate with us and raise their children to be Jews, then when their days on earth end, we should permit their interment in our burial grounds.

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- (3) During their lifetime, we should welcome them, short of associating them with our institutions.
- (4) We should extend the privilege of association to their children, and educate them in our tradition.

We are living in dramatic times. The structure of Jewish family life is everchanging. We must always seek the means to rescue the remnant of our people for our people. The question of who is part of the Jewish community has been addressed by previous generations. We must do so again, thus continuing the life of our ancient people.

