

This paper was submitted, in November 2013, as a dissent to “Non-Jews Opening the Ark” by Rabbi David Booth. Dissenting and concurring papers are not official positions of the CJLS.

The Dissonance of a Non-Jew Opening the Aron Kodesh/the Holy Ark

Rabbis Miriam Berkowitz, Baruch Frydman-Kohl, David Hoffman, Reuven Hammer, Jane Kanarek, Adam Kligfeld, Gail Labowitz, Joshua Heller, Amy Levin, Paul Plotkin, and Barry Starr

Opening the Aron Kodesh / The Holy Ark in Its Liturgical Setting

“Whenever the Ark was carried forward, Moses would say: ‘Arise, Adonai! May Your enemies be scattered; may Your foes be put to flight.’

Torah shall come from Zion, the word of Adonai from Jerusalem.

Praised [is God] who gave the Torah to Israel in holiness.”

(Siddur Sim Shalom for Shabbat and Festivals, 1998, page 139)

We recognize that there are non-Jews who are valued and welcome guests at our services, including, but not limited to, friends or family of Jews, coming to offer support to dear ones at a significant lifecycle moment, and prospective converts who are exploring a potential connection with our faith. It is indeed appropriate to acknowledge their presence and support, and it is also legitimate to set limits as to how they may serve an active function in the service. It is not appropriate for a person who is not Jewish to serve in the ritual role of opening the *אָרֹן קֹדֶשׁ* / *aron kodesh*/holy ark as part of a service. The consideration of this question must involve the examination of ritual, liturgical, and theological aspects of the act.

Our colleague, Rabbi David Booth, has reviewed the available halakhic literature on the subject of *האָרֹן קֹדֶשׁ* and has credibly established the absence of any explicitly stated prohibition against a non-Jew opening the ark, even during the course of Jewish communal prayer. The question simply did not occur to Jewish communities in previous generations. The closest example in the literature, which Rabbi Booth cites, is a teshuvah of R. Menashe Klein (Meshaneh Halakhot 11:119) regarding Jewish children opening the ark. Even in that case, Klein is opposed in principle.

As an approach to Jewish practice, some would say that in the absence of any previous prohibition, all is permitted, while others would say that in the absence of previous permission, all is prohibited. We feel that each new situation must be assessed on its own merits and implications.

Rabbi Booth has also established that opening the ark does not involve any technical concern of *hiyyuv*—there is no halakhic obligation fulfilled by opening the ark. However, *hiyyuv* is not the whole picture. As Rabbi Booth notes, there is no *hiyyuv* associated with introductory psalms of Kabbalat Shabbat, and yet it would be problematic to have a non-Jew lead that service, even though there is no blessing associated with it.

Our dissent, in the case of opening the ark, stems from the theological implications of a non-Jew participating in Jewish communal worship specifically by participating in the Torah service. Our contention is that considerations of liturgy and symbolism are as essential an element of halakhic discourse as the requisite review of the relevant halakhic literature on obligation and prohibition. Our communities regard opening the ark as a significant honor, one which enables the reading of the Torah, and which is perceived by the congregation as a public act on behalf of the congregation. A non-Jewish volunteer or member of the synagogue staff might open the ark at another time as part of their duties, and be appreciated for doing so with care, but carrying out the same action as part of the liturgy carries a very different valence.

This liturgy guides the Jewish community of worshippers through the affirmation of three key theological concepts: that we identify with the Israelites who followed the aron/ark bearing the words of the Sinai revelation through the wilderness; that the Torah represents the word of God; and that the Torah is a unique divine gift to Israel.

A closing parentheses of verses are recited as the aron kodesh / holy ark is closed after the reading from the scroll/s:

“Precious teaching do I give you: Never forsake My Torah.

It is a tree of life for those who grasp it, and all who uphold it are blessed.

Its ways are ways of pleasantness and all its paths are peace.

Help us to return to You, Adonai, and we shall return. Renew our lives as in days of old.”

(Siddur Sim Shalom for Shabbat and Festivals, 1998, page 154)

These verses (from Mishlei/Proverbs [4:2 and 3:18] and Eicha/Lamentations [5:21]) constitute a liturgical conversation in which God exhorts Israel to embrace this gift of Torah for all time. The congregation responds with a plea to God for return and renewal.

Each act of opening the ark, preparatory to removing the scroll/s and preparatory to returning the scroll/s, is imbued with symbolic meaning that affirms the eternal connection between the Jewish community of worshippers, the Torah and the brit/covenant forged in God’s bestowing and Israel’s accepting the gift of Torah.

The Significance of the Brit/Covenant for the Non-Jew

The liturgy of removing and returning the Torah scroll/s to the ark celebrates and affirms the covenant of Torah. A person who is not Jewish is not included in that covenant, and might have a wide range of potential relationships to it. A non-Jew attending the service might at best be a respectful or supportive outsider to that covenant, or might at worst hold religious views which are antagonistic towards Jewish belief. For example, a visitor might belong to any number of Christian groups which hold that their faith reflects a new covenant which supersedes the Jewish covenant, and would be doing so in a spirit actively antithetical to the intent of the ritual. In any case, one who is not Jewish is, by definition, not a part of the Jewish covenant, and it is inappropriate for him or her to represent the Jewish community in re-enacting and accepting it.

Keruv/Outreach

Rabbi Booth invokes the Biblical examples of the “Mixed Multitude” who were present at Sinai, and of Jethro, who was an important teacher and guide, and suggests that allowing non-Jews to open the ark would be an inducement for non-Jews to draw closer to the Torah, and perhaps would facilitate interest in conversion. In either case, the comparison is inappropriate. Jethro was not part of those who accepted the covenant and as for the mixed multitude, there is some question as to who they were and if they became part of the covenanted people or not. Some see them as a negative element altogether.

The concept of Keruv is indeed an important one in our communities. However, the essence of the concept of conversion is that becoming Jewish brings on rights and benefits, as well as responsibilities. If we do not reserve some level of ritual participation for those who have actively chosen to join Klal Israel, it diminishes the significance of that choice.

Conclusion

The act of opening and closing the aron kodesh / the holy ark during the course of Jewish communal worship must be reserved for Jews. Inviting a non-Jew to perform this ritual act is inappropriate because it drains the words of affirmation of Torah and covenant of their meaning.

For members of many other faith groups, the act of opening and/or closing the ark would be theologically untenable. To take an extreme example, some Christian groups hold a supersessionist view. How can one who believes the Torah and the covenant of Israel have been superseded play a key role in the affirmation of Torah and brit? This mocks both the Torah service and the Christian faith. Even those who may not hold specifically antagonistic views have still not accepted the Jewish covenant, and should not stand before the congregation as its representatives in re-enacting it.

Some congregations may seek ways to recognize or honor non-Jews who are present at a service, whether they be regular attendees, or family or friends visiting to celebrate a simcha. There are many potential ways of honoring them that do not pose a challenge to the premise of the service being held. The conclusion of the signatories to this document is that the fundamental meaning of the act of *גורא שדוק* / *תחיתפ* / opening the holy ark during the service precludes the involvement of non-Jews.