Keruv and the Status of Intermarried Families

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The principle of *keruv*[1] is central to the ideals and aspirations of Judaism. We frequently cite as one of our most important goals the need to bring those who are only tangentially involved in things Jewish closer to the center of Jewish life and to make Judaism more central to their lives.

While the term *keruv* is most frequently invoked with regard to Jews, the same *attitude* might be of import with regard to non-Jews as well, provided that they indicate a desire to become part of the Jewish faith. The well-known aggadah about Hillel and the proselytes clearly deals with a case in which the non-Jews approached the Jewish community seeking conversion (*Shabbat* 31a). The Jewish community did not proselytize.

In our day, however, we confront a situation that requires active attempts to convert non-Jews to Judaism. The extraordinarily high rate of intermarriage among Jews (encompassing members of all movements, including ours) demands our attention. Having failed to prevent these marriages or to convert the non-Jewish spouses to Judaism before marriage (if we indeed had the chance), we must now seek to ensure that these families remain a part of the Jewish people. Therefore, we must actively seek to convert the non-Jewish spouse, and, if the wife is not Jewish, then to convert the children born before her conversion, as well.

It must be emphasized at the outset that this policy constitutes an undeniable and significant compromise of traditional halakhic standards, which consider conversions solely for the sake of marriage as undesirable.[2] Clearly, our deviation from the halakhic norm in this case stems not from disdain for it, but from an awareness of the urgency of the status quo in many communities. Needless to say, the standards for the actual conversion ceremony must remain unaffected. Our only departure from halakhah in this case involves the inclusion of an additional group of people as eligible for consideration as converts.[3] Yet, while conversion of the non-Jewish spouse in an intermarriage constitutes the ultimate goal, it must surely be recognized that the response will not be immediate in the vast majority of couples, and that it is therefore necessary to arrive at a set of policies for dealing with the intermarried family in the context of synagogue life. It is in this regard that *keruv* will apply more readily. To what extent are we prepared to go in order to include the Jewish members of these families in the synagogue? Related issues must be considered with regard

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to the non-Jewish spouse as well.

It must be stated at this juncture that, for several reasons, we oppose the creation of new half-way categories such as *yirei Hashem* and the like. We oppose these categories for three basic reasons. First, our openness to accepting non-Jewish spouses as full converts obviates the need for any other status. Second, because such categories have not really existed in halakhah for a long time, their resuscitation at this point would be counterproductive to our goal of establishing our tradition as a meaningful and serious set of social and religious precepts. Finally, even if we were willing to revive these classifications, most of the people under discussion would not qualify because all they have done is allow their children to be raised as Jews. They themselves have not adopted Jewish practices for themselves (or imposed them upon their children). They do not pray regularly, and do not observe kashrut or Shabbat. The few sources that exist about such half-way converts seem to indicate that their primary claim is their adoption of monotheism. In our day, when everyone is already a monotheist, monotheism alone does not qualify a person as a *yere Hashem.*

The intermarriage of the family notwithstanding, the halakhic definition of Jewishness clearly applies. The Jewish spouse retains his/her status as a Jew, and if the mother is Jewish, the children are also clearly Jewish. For these Jews, participation in the synagogue and its auxiliary functions should not be limited, for to so limit would be to act against the very intentions of the principle of *keruv*. The Jewish members of these families should not only be permitted, but even encouraged to attend services, enroll their Jewish children in the Hebrew or Day School, and participate in whatever aspects of the community they might choose, such as Men's Club or Sisterhood. One stipulation must be made, however. Because elected officials in synagogues and their various offshoots often serve as role models and/or spokesmen for the community, such positions should be withheld from Jews who are intermarried.[4] After all, 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. This may also serve as an impetus for them to put greater pressure on their spouses to convert. Yet, aside from our withholding elected positions from them, the Jewish members of these families should be encouraged to as great an extent as possible to participate in the activities of the synagogue.

Greater complexity arises concerning the status of the non-Jewish members of these families. There exists a tension in this regard between the objective fact that these people are not Jewish, and the sociological reality that they are less likely to convert, or even to take an interest in

Jewish life, if they feel shunned by the Jewish community and the synagogue.

Therefore, the non-Jewish spouse and/or children may be allowed to attend synagogue services. Permitting them to do so will allow for a familiarity which will hopefully lead to feelings of respect and admiration for the Jewish tradition. (However, non-Jewish men should *not* wear a tallit, since that is a traditionally Jewish garb).[5]

Allowing non-Jewish children to enroll in the Hebrew School until the age of Bar or Bat Mitzvah (after this point, we will clearly not permit it) presents great difficulties. This is unquestionably a potential Pandora's box. It allows children to socialize with peers whom we would ultimately not permit them to marry, and it might contribute to the weakening of the clear distinction we seek to draw between Jews and non-Jews in ritual and religious affairs. On the other hand, not to permit these children to attend Hebrew School might well lead to a reluctance on their part or the part of their parents to agree to conversion. Nonetheless, in our opinion, the risks involved in the weakening of these essential distinctions outweigh the possible advantages of allowing unconverted children to enroll in Hebrew School.

Children of non-Jewish mothers fall into one of four possible categories:

(A) Children who have been converted, even though the mother remains unconverted. There should be no discrimination whatsoever against such children.

(B) Children who have not been converted, and whose parents have made no statement at all about any intention on their part to convert them. Such children should not be allowed to enroll in the Hebrew School or to become members of any synagogue youth group or to participate in the activities of those groups even without membership.

(C) Children who are not converted, but whose parents have verbalized a commitment to think about converting them. If the parents convert these children, "A" applies. If they decide not to convert the child, "B" applies. If they make a commitment to convert him/her but have not yet done so, "D" (below) applies. The only question revolves around the status of the children while the parents are *thinking*. To this category, too, "D" applies.

(D) Children whose parents are committed to converting the child, but have not yet done so. We find this group somewhat problematic. Since the conversion of a child is so simple to accomplish in most cases, some doubt is cast as to the kind of commitment that really exists in the absence of actual conversion, except for the short span of time (measured in days, or at most, weeks) between reaching the decision and carrying it out.

On the one hand, an unfulfilled commitment is probably no worse than thinking about it, but on the other, an unfulfilled commitment is really no commitment at all. Therefore, these children who have not yet been converted should not be enrolled in the Hebrew School, though the parents should be encouraged to hire a tutor who would follow the curriculum of the Hebrew School in private sessions so that the child could fit in without difficulty upon actual conversion. Indeed, if there are sufficient children of this status in the congregation, the rabbi could even help to arrange a group tutorial session to take place in the home of one of the families. Obviously, these children and their parents would be welcome in the synagogue at all times for prayer services.

The seemingly harsh restrictions in this case are essential. Once the children are admitted to Hebrew School, they would become indistinguishable from Jewish children, and cutting them off at Bar/Bat Mitzvah would be difficult for the rabbi and even harder on them. The Hebrew School is both an educational and religious training ground for Jews. We place Hebrew School teachers in a difficult enough position by demanding of them to teach Judaism to children whose homes we know do not reinforce what we teach. It seems even more unfair (and unwise) to impose upon them an obligation to be ever-sensitive to the fact that their classes may not even be composed entirely of Jews.

In ritual areas, as well, a line must be drawn. We should allow the non-Jewish parent no more participation in any aspect of the synagogue functions than mere attendance. Membership in the synagogue, Men's Club or Sisterhood should not be extended. Membership in the synagogue should be solely in the name of the Jewish spouse. A non-Jewish father or mother should play no part in the rituals of the life cycle. A non-Jewish father should not hold his child or play any other role during a *brit milah* or *pidyon haben.*[6] Similarly, a non-Jewish father should surely not receive an *aliyyah* for the naming of his daughter, stand under the *ḥuppah* during a wedding or even recite *birkat hazeman* at a Bar/Bat Mitzvah. (The *sheheḥeyanu* is the Jewish formula for marking the significance of a given ceremony or time period.[7] A person reciting it identifies him/herself with the continuing train of Jewish ritual tradition, and this is an identification which we should be unwilling to extend until conversion has taken place.)[8] We do no favors either for ourselves or for non-Jewish members of intermarried families by drawing "fine" distinctions like allowing the non-Jewish father to present his son to the *mohel* for *milah* or to the *kohen* for *pidyon haben.* Acts like these lend an aura of authenticity to the marriages -- and even if we feel that we have made a distinction between "authenticity" and simple "recognition," that distinction is lost on most others. Most who witness a *brit* have no idea who is supposed to say the blessing. Most who witness a *pidyon haben* will have no idea whatsoever that this was not

"standard." Unless the rabbi is willing to stand up and say, "At most *brit* ceremonies the father recites a benediction, which, in this case, we are asking the Jewish grandfather to do, because the father is not Jewish," we are better advised to leave the non-Jewish father out completely. As intimated above, non-Jewish children should have no Bar/Bat Mitzvah or semblance thereof until they have been converted. In order to prevent the proliferation of the very marriages we are discussing, non-converted children should not be allowed to participate in USY or in a synagogue single's club.

Permission to be buried in a Jewish cemetery should not be granted; the potential complications must be avoided at all costs (cf. section on this subject in the paper by Rabbi Kassel Abelson, earlier in this volume).

These restrictions will undoubtedly appear harsh. They are intended to be so. As much as the principle of *keruv* is one which must be emphasized, it must never supersede the traditional distinction which halakhah makes between Jews and non-Jews, nor must it be allowed to make an already blurred distinction (that already exists in the intermarried family) even less noticeable. Jewish society and tradition look askance upon intermarriage, and our practices regarding these families should reflect that. We make a laughing stock of serious halakhah by seeking leniences in the law for those who don't care about the law at all. Intermarriages rarely, if ever, take place in ignorance of the fact that they are forbidden. The couples should know that we would welcome the non-Jewish spouse into our midst, but on our terms -- not by any diminution of our commitment to halakhah. When discussing the principle of *keruv,* we would do well to remember another rabbinic dictum, *le'olam tehi semol doḥah viyemin mekarevet* (*Sotah* 47a, *Sanhedrin* 107b). This dictum is often heard quoted in our circles in the discussion of intermarriage. Of course, reasonable people can disagree as to what constitutes *yemin mekarevet* or *semol doḥah,* but in our opinion, the open invitation we have extended to non-Jewish members of these marriages constitutes a strong *yemin mekarevet,* and the remainder of our efforts must be directed towards ensuring that until conversion, we have a *semol doḥah.*

Hillel's well-known description of Aaron calls him *ohev et haberiyyot umekarevan laTorah* (*Avot* 1:12). The restrictions we have outlined do not stem from a lack of *ahavat haberiyyot.* Rather, they stem from a desire to illustrate that the religion to which we seek to draw them is one based upon standards, with social and religious principles. We seek to explain through our actions that our tradition represents not an arbitrary set of social and religious distinctions, but a meaningful group of social and religious precepts which we will strive always to maintain for the sake of God and His Torah.

NOTES

1. We can find no talmudic source for the use of the noun *keruv* in this sense (cf. *Otzar Leshon HaTalmud,* vol. 34, pp. 627-657). The term *keruv basar* (*Shabbat* 13b; *Kiddushin* 81b) clearly has different implications, while *keruv panim* (J.T. *Kiddushin* 65b) may be somewhat closer.

2. While it is true that these conversions are considered undesirable, they are not halakhically invalid, at least after the fact. For the discussion of this issue, and Rav's statement that such conversions are ultimately to be considered valid, see J.T. *Kiddushin* 65b; *Yevamot* 24b; Mishneh Torah, *Hilkhot Issurei Bi'ah* 13:17; *Yoreh De'ah* 268:12.

3. Two other leniencies should also be made explicit: (1) Our concern for the urgency of the situation confronting us makes us willing to accept a non-Jew for instruction toward conversion also before marriage, though we must assure ourselves throughout the period of instruction that the person will become a reasonably committed Jew; and (2) We are clearly disregarding any norms that dictate reading an intermarried Jew out of the community.

4. Cf. Max J. Routtenberg, "The Jew Who Has Intermarried," *Proceedings of the Rabbinical Assembly* XXVIII (1964), pp. 247-248.

5. Clearly, since a non-Jew cannot recite a *berakhah* with the words *asher kiddeshanu bemitzvotav,* he cannot recite the blessing over the tallit. Indeed, we should also forbid non-Jews to wear the tallit even without the blessing, to make it clear that they are not Jews, even though strictly speaking, they might be allowed to wear one under the category of *eino metzuvveh ve'oseh.* However, we certainly see no objection to allowing a man who is in the process of converting as a *ger tzedek,* and who is adopting traditional Jewish behavior patterns as part of the instructional process, to wear a tallit, as long as he does not recite the benediction over it before his actual conversion.

6. In a case where the natural father does not take part in the *pidyon haben,* there is ample evidence that the child should not have a *pidyon haben,* until he attains majority and redeems himself. The mitzvah of redemption falls upon the father, in general, but, when the father is not Jewish it obviously cannot fall upon him. Furthermore, the non-Jewish father cannot appoint an agent to act on his behalf for redemption, since an agent cannot perform an act which the appointer cannot perform. Isserles (*Yoreh De'ah* 305:10) forbids redemptions by an agent or by the court even when the father is Jewish. The *Taz* (*ibid.*, par. 11) disagrees with Isserles and allows the grandfather to redeem (since *avi aviv harei hu ke'aviv)* and

permits the appointment of an agent for a live Jewish father. If, however, the father is dead, no redemption should take place until the child attains majority. A non-Jewish father fits into the latter category, legally speaking. Furthermore, the *Shakh* (*ibid.*, par. 22) also requires that the redemption of a first-born fathered by a non-Jew be postponed until the child attains majority.

The only time it would seem defensible to allow the Jewish mother to redeem her son is when she has accepted upon herself the obligation for all mitzvot from which women are legally exempt (see J. Roth, "On the Ordination of Women" in *The Ordination of Women,* edited by Simon Greenberg [Ktav: Hoboken, NJ] 1988), and view their non-compliance with those mitzvot as sinful. Obviously, the woman in this case who willfully violated a cardinal prohibition against intermarriage could hardly fit into this category.

7. This should not be construed as advocacy of the recitation of *sheheḥeyanu* by anyone at a Bar/Bat Mitzvah. The appropriate norms governing the recitation of the *berakhah* are a separate subject, requiring independent treatment.

8. It is now customary to recite *birkat hazeman* at the point of conversion. Clearly, the *berakhah* retains much greater significance when reserved for that particular occasion. *Teshuvot Radbaz,* Part I, no. 434, quoted in *Yoreh De'ah* 268:2, *Piṯḥei Teshuvah* 1.