

Concurring Opinion to Non-Jews Opening the Ark **Rabbi Aaron Alexander**

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

I want to start by thanking Rabbi Booth for his important contribution to synagogue life by providing rabbis with the option of this responsum. In the end, I agree with the thrust of his permissive conclusion, even while uncomfortable with much of what is in the paper. I do believe that rabbis and communities ought have the ability to decide what their policy is on this matter, especially when no prohibition is being violated. It certainly doesn't mean they must permit non-jews to open the ark--which I hope isn't the implication being drawn--but the option is a legitimate one from within the boundaries of a synagogue service.

One technical point, and then a larger consideration.

In footnote #4 Rabbi Booth suggests that the lifting of the Torah may fall into the category of honors for which one must be obligated. He deduces this from the fact that Rabbi Yosef Karo utilizes the word "mitzvah". In fact, Rabbi Karo is quoting from Massekhet Sofrim (13:12), "...and lift up the Torah to show the people--on the left, the right, in front and behind, its writing. For it is a *mitzvah* for all the people, men and women, to see the writing and bow...". The word *mitzvah* here, as it is often used in halakhic literature, does not imply an obligation for which one has to perform, like the Amidah. Rather, often times the word "mitzvah" is used rhetorically to show the import of an act. In this case, that *everyone* in the congregation should be able to see the Torah when it is raised. It is similar to Orakh Hayyim 625, where Rabbi Isserles adds to Rabbi Karo's law, citing the Maharil, that: "*mitzvah le-takein ha-Sukkah... It is a mitzvah to build the Sukkah immediately after Yom Kippur...*".

Two points from this source: 1) A non-jew can build a valid Sukkah for a Jew. 2) There is a Yerushalmi tradition that has never really caught on that

suggests building a Sukkah is a distinct commandment from the actual dwelling in a Sukkah. However, in this context, the language denotes the author's desire for Jews to begin this process as quickly as possible after the preceding holiday. Not because *it must be done* precisely at this time as a distinct obligated act, but because it is good religious and spiritual practice to shift focus and energy to what comes next - Sukkot. At least according to the Maharil and the Rema.

The essential discomfort I have to Rabbi Booth's argumentation is the consequentialist approach to sociological considerations outlined near his conclusion. Namely, that the opportunity for a non-Jew to open the ark may inspire them towards conversion, and/or feel more palpably the "majesty and sacredness of the Jewish service". While both of these aspirations are worthy, I see no reason to believe the ark-opening can do that in a more significant way than simply a) being in the service, b) being welcomed openly, warmly, and graciously, or c) acknowledged not simply as an afterthought, but as holy individuals in-and-of themselves.

I prefer a different approach to sociological decision-making for this practice. One that simultaneously thinks responsibly about how to include our non-Jewish community members into our service, without building a narrow, insular, and protective wall around the prayer space. For me, this means approaching the question with a metaphorical lens. It asks us to assess, quite subjectively, whether or not this practice fits into a tangible expression that realistically affirms *k'dov ha_tzibbur, the dignity of our community*.

A common tendency in Jewish religious life is to try and sterilize religious 'acts' from the real world. Create safe-havens, as it were. Out there is like that, but in here it is a objectively higher level of holy. But this attitude often does a disservice to a robust religious life. Prayer (individually and communally), to me, is most efficacious and profound precisely when it is imbued with the full complexity of our lives, which for so many of us include our essential and celebrated relationships with non-Jews.

I feel deep gratitude for the expansive access we Americans are given to the exploration of, life in, and experience with, Torah, in its widest

sense. That access is the historical result of many complicated factors, but one of the more prominent conditions is the stalwart support of our non-Jewish brethren. Which is to say, on a very literal level, non-Jews are consistently 'opening the doors' to our life in Torah. Our buildings--the houses of our holy spaces and objects--are built largely (if not solely) by non-Jews. Our doors are often unlocked in the morning by those who work with/for us, most often non-Jews. The policies that grant us freedom to practice our religion - are most often legislated on and expanded upon by non-Jews. The power in our buildings, our plumbers, etc. The list could go on and on.

Moreover, our communities are so often blessed with loving and supportive non-Jewish spouses and family members, from both Jews-by-Choice and inter-faith families--who do everything they can to give the Jewish children in their families a strong Jewish identity. In other words, *opening the doors to Torah for them*. They encourage holiday celebration, drive carpool to Hebrew School, pay for explicitly Jewish weddings, and so much more. Our Jewish communities are often sacredly textured to include a diversity that is sanctified, yet still distinctly Jewish in spirit.

It seems to me, then, that the Torah service--the very moments that elevate and bookend the act of celebrating Torah and revelation, ought not be completely sterilized and divorced from the reality in which we live. That well-intentioned dictotomy often leads to fractured religious lives. It makes sense to ask a non-Jew to open the ark for these moments. It may well be the optimal moment for participation since the particularist covenantal moment for the modern Jew, I contend, is not the opening of doors to the ark that holds the Torah, but rather an expression of the moment in which Jews grab hold of that Torah and incorporate it into their lives. *Eitz hayyim hi le-mahazikim bah. It is a Tree of life for those who grab onto it.* Isn't that, after all, what we want for our congregants? that even with lives overflowing with so many choices, we still deeply believe that a life lived inextricably entwined with Torah elevates and inspires.

This approach accentuates, though, that only a Jew may be the one grab hold of the Torah in the Ark and carry it during a prayer service. This

approach affirms that only a Jew may lead our liturgical expressions that are distinctly connected to the liturgy crafted over centuries for Jews to express themselves in praise and gratitude to God. Leaders of our liturgy, whether strictly obligated portions of the service or additions that encompass the obligated parts (pesukei d'zimra, kabbalat shabbat, etc) - *only Jews can lead*. Also, Aliyot ought be reserved for only Jews, both those reciting the blessings as well as those standing at the *amud* during the Torah reading. There should be no slippery slope here if we positively and proactively define and design a way to incorporate our extended community in way that is not only appropriate, but values driven.

This individual community-based approach naturally leads to a diversity of practice within the Conservative Movement. One community may decide that based on *k'vod ha-Tzibbur (dignity of the community)*, this is precisely the expression necessary to demonstrate its communal values and reality. They believe this act will both demonstrate the reality of their communal make-up *and* uplift their communal prayer space before the Torah is removed from the ark and read aloud.

At the same time, another community may make the opposite decision, validly. For them, the service space is uplifted by retaining distinct boundaries around any part of the service that bookends required liturgical actions. That too is a fair decision which I know many make. It doesn't necessarily reflect their overall attitude to non-Jews in the community (and nobody should assume it does), rather, they would just be drawing different lines as to how they would like to honor that communal support.

But I am happy to see both positions supported within the context of Conservative Judaism, and for that reason I voted 'yes'.