

# JOY

## A PROPOSAL

Rabbi Amichai Lau-Lavie  
Shavuot 5777/June 2017

אֲזַ נְדַבְרוּ יִרְאֵי ה', אִישׁ אֶל-רֵעֵהוּ; וַיִּקְשֹׁב ה',  
וַיִּשְׁמַע, וַיִּכְתֹּב סֵפֶר זִכְרוֹן לִפְנֵי לִירְאֵי ה',  
וַיִּלְחָטְשִׁי שְׁמוֹ

And then, those who revere the  
Almighty will talk with each other,  
and the Almighty will listen in and  
hear. A scroll of remembrance will  
be then written in the presence of  
the Divine, recounting all those who  
revere the Almighty and esteem  
our Sacred Source.

Malachi 3:16

אז נִדְבְּרוּ יִרְאֵי ה', אִישׁ אֶל-רֵעֵהוּ; וַיִּקְשֹׁב ה', וַיִּשְׁמַע, וַיִּכְתֹּב  
סֵפֶר זִכְרוֹן לְפָנָיו לְיִרְאֵי ה', וְלַחֲשָׁבֵי שְׁמוֹ.

***And then, those who revere the Almighty will talk with  
each other, and the Almighty will listen in and hear.  
A scroll of remembrance will then be written in the  
presence of the Divine, recounting all those who revere  
the Almighty and esteem our Sacred Source.***

*Malachi 3:16*

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# FORWARD

*Jews have been wrestling with the pressures of assimilation for centuries. Biblical and rabbinic texts depict concerns about maintaining the stability and integrity of the Jewish people, and Jews in the contemporary United States have continued to debate this topic, wrestling with the tensions among their group loyalties, identification, and obligations and their desire to enjoy the broad opportunities of an open society.<sup>1</sup>*

*We affirm that the halachic process has striven to embody the highest moral principles. Where changing conditions produce what seem to be immoral consequences and human anguish, varying approaches exist within our community to rectify the situation.<sup>2</sup>*

“Rabbi, we’re getting married, will you officiate at our wedding?”

How has this invitation of such great joy come to provoke anxiety for increasing numbers of modern rabbis, myself included?

The answer is love. In rising numbers, modern Jews prioritize love over tribal obligation when choosing a life partner. These priorities and choices do not always conflict. In recent years, more people of other heritages choose to join their Jewish partners and their community, participating to various extents in Jewish life, but rarely converting to Judaism. While most Reform and Reconstructionist rabbis nowadays officiate at weddings between Jews and those of another heritage, this sacred act remains prohibited for Conservative and Orthodox rabbis.

Torn between traditional fidelity and responsibility to real people, family and friends, in a fast shifting reality, more Conservative rabbis are searching for solutions that will honor, celebrate, and perpetuate Judaism, while opening our doors and hearts with love to the people whose paths consciously intertwine with ours.

I was ordained by the Jewish Theological Seminary of America in 2016. During the decade prior to my rabbinical studies, I officiated at over 25 weddings, some of them between Jews and people of other heritages. A few converted to Judaism, most did not, but through a process of learning that led to their wedding and beyond, many couples found ways to embrace and stay connected

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1 Jennifer Thompson, *Jewish on Their Own Terms: How Intermarried Couples Are Changing American Judaism*, (Rutgers University Press: 2013), p. 4.

2 Emet V’Emanah, *Statement of Principles of Conservative Judaism*, The Jewish Theological Seminary of America, 1988, p. 22

to Jewish life, values, and traditions. Many with growing families are core members of the Lab/Shul community that we co-created in NYC.

Upon ordination<sup>3</sup>, and as a member of the Rabbinical Assembly of Conservative Rabbis, I now faced the dilemma of officiation at intermarriages. I started to receive more requests for wedding officiations, many from people in my community, many between Jews and people of other heritages or faiths seeking a Jewish wedding, life, and community. Each story was unique. I couldn't bear saying no. The firsthand encounter with the pain of rejection and its consequences to the couple, to me, and to our community convinced me of the need for an urgent solution. It has become not just a practical issue but also one of deeply personal, ethical, and theological dimensions.

I welcome and encourage conversion as a spiritually meaningful journey, yet recognize that it is not the path for all who choose to love and marry Jews, and who may identify as cultural or secular. While some choose to convert and deepen their religious and communal bonds, others find alternative ways to become welcomed and valued members of the tribe.

Like others, I, too, realized that in these times, personal choice is often prioritized over communal obligation. The map of affiliations had drastically shifted and continues to do so, as Darren Kleinberg recently wrote in *Hybrid Judaism*:

*... it is fair to state that the binary distinction between Jew and non-Jew is an increasingly ineffective way to describe those people found in and outside of the American Jewish community.<sup>4</sup>*

In June 2016, determined to hone in on this critical issue and explore solutions, I began a year-long research project. At the same time, I announced to my community that I would not be officiating any interfaith weddings until I am able to be at more of them, and upon completion of the research project.

My project's focus is the study of historical models that point at a more fluid approach to Jewish identity and affiliation, with possible applications and halachic relevance to our time. I had a hunch, assembled an excellent team, started reading a lot, and sat for many cups of coffee with many fascinating and smart people, looking at recent sociological data and medieval rabbinic commentaries.

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3 Prior to enrollment at the Rabbinical School at JTS I decided, in accord with the movement's policy, not to continue officiating at interfaith wedding. I was determined to explore the issue further during my years of study and grateful for my teachers and colleagues for the the depth of learning and respectful debate.

4 Darren Kleinberg, *Hybrid Judaism: Irving Greenberg, Encounter, and the Changing Nature of American Jewish Identity*, Academic Studies Press (2016), p. 47.

While the rates of American Jews who choose partners of another heritage are without historical precedent, the tendency is neither new nor unique. Likewise, previous generations have sought solutions to address the practical realities that emerge when Jews choose to include people of other backgrounds in their families. In recent decades, numerous religious leaders and scholars have offered more nuanced approaches to defining Jewish communal boundaries that are grounded in biblical, rabbinic, historical, and sociological sources. Sitting on their shoulders, and privileged to be in conversation with many teachers and scholars, I spent this past year gaining precious access to the wisdom transmitted through generations, and placed in our respectful hands to pass on down, sometimes with necessary revisions.

A year later, I am honored to present, with joy and trembling, the results of this research, to offer a proposal, and my position as an invitation for continued communal conversation and exploration.

This proposal is framed as a halachic and historical inquiry and not as a *teshuva* or responsum. While I am not a *posek*, jurist, or halachic expert, I am convinced the proposal I offer is the right one for my community, and my rabbinate at this time. I hope it will be of interest and benefit others.

Though there are implications to my decision that involve some affiliations, I trust that in the spirit of debate for the sake of the sacred *מחלוקת לשם שמים*, continued friendships and collaborations will deepen and flourish.

If the choice of love over tribe is the source of our anxiety as we grapple with this issue, it will be the choice of addressing our concerns with more love, and less fear, that will help us overcome these challenges and flourish as a community.

I am deeply grateful to the many friends and teachers who have facilitated this research and journey, among them many in Lab/Shul community, loyal, generous, and patient. Many have entrusted me with personal stories and aspirations that are the soul of this sometimes dry and didactic data.

Special thanks to the incredible research team: Avital Morris, Maya Rosen, and Dvir Hadad, and to Joyce Gottlieb, Ezra Bookman and Rachelle Vagy who helped edit, refine, and design the proposal.

Concluded on the eve of Shavuot, this proposal is my rabbinic first-fruit, a harvest of voices, with hope for less anxiety and more love, a humble offering of joy.

Amichai Lau-Lavie  
Shavuot 5777, June 2017  
New York City

# SUMMARY

The dynamic formation of identity and the increasing fluidity of religio-ethnic boundaries are defining factors of contemporary life, challenging traditional tribal norms. This is the reality of the North American Jewish community, in which identification is increasingly dictated by consent rather than descent, by belief rather than blood. Ever growing numbers of twenty-first Century American Jews are choosing to marry or partner with people of different heritages and faith backgrounds. The most recent research conducted by The Pew Research Center in 2013, found that 71% of non-Orthodox American Jews prioritize love over tribal loyalty, although the two values do not always conflict. Historian Shaye J.D. Cohen (noted this reality *"has reached levels unprecedented in Jewish history"* (p.11). The numbers of gentile partners who do not formally convert to Judaism, but actively choose to embrace Jewish life is also unprecedented. Darren Kleinberg (2016) writes: *"It is fair to state that the binary distinction between Jew and non-Jew is an increasingly ineffective way to describe those people found in and outside of the American Jewish community"* (p. 5).

The majority of North American Reform and Reconstructionist rabbis nowadays officiate at weddings between Jews and those of another heritage, as well as with Jews of patrilineal descent, but this sacred act remains prohibited for Conservative and Orthodox rabbis. Torn between traditional fidelity and responsibility to real people, family and friends, in a fast shifting reality, more Conservative rabbis are searching for solutions that will enable them to honor, celebrate, and perpetuate Judaism, while opening doors and hearts with love to the people whose paths intertwine with ours. For many, this has become not just a practical issue, but also one of deeply personal, ethical, and theological dimensions.

Upon my ordination from the Jewish Theological Seminary of America in 2016, and as a member of the Rabbinical Assembly of Conservative Rabbis, I now faced the dilemma of officiation at intermarriages. I started to receive more requests for wedding officiations, from people in my community, many between Jews and people of other heritage or faith seeking a Jewish wedding, life, and community. Agreeing to officiate would violate halachic ruling as it currently stands, and will result in my dismissal from the Rabbinical Assembly. Refusing to officiate, no matter how sensitively handled, often results in the couple's resistance to further engagement with the Jewish community. The firsthand encounter with the pain of rejection and its consequences to the couple, to me, and to our community convinced me of the need for an urgent and more nuanced solution that will transcend the existing binaries. It has become not just a practical issue, but also one of deeply personal, ethical, and theological dimensions.

This proposal is the product of my year-long research into possible solutions, initiated in June 2016 by assembling a research team, along with rabbinic and academic advisors. The research focused on the exploration of historical and halachic models that point at a more fluid approach to Jewish identity and affiliation, with possible applications and halachic relevance to our time.

While the numbers of Jews who choose gentile partners is without historical precedent, the tendency is neither new nor unique. Likewise, previous generations have sought solutions to address the practical realities that emerge when Jews include people of other backgrounds in their families. Numerous religious leaders and scholars have offered more nuanced approaches to defining Jewish communal boundaries that are grounded in biblical, rabbinic, historical and sociological sources.

One approach, raised in recent years by various rabbis and scholars, stands out as particularly pertinent. Based on the rabbinic category of *ger toshav*, or ‘resident alien’ and the historical model of *Yirei HaShem* or ‘the pious ones’, as well as other examples of fluid identities in the Jewish communities throughout history, this approach suggests exploring revisions of this model for our times. These categories were created by the early rabbis and adapted by later generations of leaders in response to evolving societal conditions, but have been largely forgotten and disregarded in recent centuries. The sources studied, including classical and contemporary halachic writings as well as sociological and historical scholarship, present positions that grapple with the option of these categories, and seek to retain and honor the exclusivity of traditional Jewish obligation, while also addressing the necessity of greater inclusivity. Traditional Jewish sources clearly do not condone intermarriage, but they leave the conversation more varied and open to nuance than contemporary communal discourse might lead one to believe.

One passage from the Babylonian Talmud describes the rabbinic response to specific challenging cultural boundaries. The Talmudic dictum (p. 40) resonates for us as it has for previous generations struggling with gaps between halachic aspirations and societal norms: *“We make no decree upon the community unless the majority are able to abide by it.”* Today’s categorical prohibition on intermarriage with no nuanced way to distinguish between varying degrees of affiliation with the Jewish community is seen increasingly as an unsustainable and unrealistic decree for the majority of liberal American Jews.

An additional source cited in the proposal is the 2006 Responsum written by Rabbi Gordon Tucker on Homosexuality and Halacha, in which he argues for *“a different overall halakhic methodology”* that will better serve, at times, our evolving realities. Tucker suggests that some cases will call on rabbinic leaders not to offer *“a reprise of past decisions and interpretations, but rather an enterprise, at least on occasions that call for it, in improvising on established themes.”*

Citing several arguments, and motivated by halachic approaches such as the one suggested by Tucker, this proposal calls for the restoration of the *ger toshav* category, with necessary revisions, for the American Jewish community of the 21st Century. Not without considerable challenges and application issues both theoretical and practical, the recognition of a renewed *ger toshav* category may enable clergy to welcome gentile partners who do not, or do not yet, formally convert but are members of the community, and to officiate at their weddings with a Jewish partner. Such steps will have implications for the evolving Jewish community that far exceed the roles of rabbis at weddings and at other lifecycle milestones.

The honorific 'Joy' is proposed (p. 42) as one possible way to name the modern *ger toshav*.

The proposal outlines the possible ramifications of activating this category and concludes with my recommendation to do so. While I am not a *posek*, jurist, or halachic expert, I am convinced the proposal I offer is the right one for my community, and my rabbinate at this time. I hope it will interest and benefit others.

In order to further explore the practical aspects of this proposal and honestly evaluate its implications, this research will continue for the next five years (2017-2022) and will include continued learning, sociological research, and communal conversations.

Though there are implications to my decision that involve some affiliations, I trust that in the spirit of debate for the sake of the sacred לשם שמים, continued friendships and collaborations will deepen and flourish.

If the choice of love over tribe is the source of our anxiety as we grapple with this issue, it will be the choice of addressing our concerns with more love, and less fear, that will help us overcome these challenges and flourish as a community.

The Torah reminds us, again and again, to love. We are taught to love God, to love each other, to love the other within our gates. The Torah passage we recite each day and nail to our doorpost include the words 'And you shall love ואהבת.' That extra vav, this 'and' calls on us, to expand our doorways, and expand our love to all those we love, who love us back, and are part of our evolving story.

The collective wisdom that has enabled Judaism to flourish, transform and persist through the ages will continue doing so, deeply attuned to the truths and changing needs of each generation. Judaism, in many forms for many different people, continues to offer an extraordinary set of values, practices, tales, and tools that bring more meaning to our private lives and connect us to each other, to a community that binds us, and to a world that needs our caring, courage, love, and joy.

# 1. INTRODUCTION

For Jews, like all people, the dynamic formation of identity and the increasing fluidity of religio-ethnic boundaries are a major defining factor of contemporary life. Identification is increasingly fluid, dictated by consent rather than descent, by belief rather than blood. Ever-growing numbers of twenty-first century American Jews are choosing to marry or partner with people of different heritages and religious backgrounds. Data from The Pew Research Center in 2013<sup>5</sup> found that 71% of non-Orthodox American Jews choose non-Jewish life partners. While many may view this as a crisis, it is important to note that unprecedented numbers of these partners of another heritage actively choose to embrace Jewish life.<sup>6</sup>

Intermarriage often provokes controversy and conflict in Jewish life. For all of us living and breathing the blessings of modernity and inclusivity, the challenges of a changing culture offer precious opportunity for deeper reflection of values and a wider expansion of our affiliations. It is also an opportunity for creativity.

Among contemporary responses to the reality of intermarriage, one approach, in particular, caught my attention. Raised in recent years by various rabbis and scholars, this approach focuses on halachic solutions that will enable clergy to welcome gentile partners who do not formally convert. Based on the biblical and rabbinic concepts of *ger toshav*, or ‘resident alien’ and *Yirei HaShem* - ‘the pious ones’ – the individuals who fall under this legal-sociological definition are described positively and with respect in many early Jewish sources. This position provided a way to retain and honor the exclusivity of traditional Jewish obligation while also addressing the necessity of greater inclusivity. Though this status was honored by our ancestors, it has been largely forgotten and disregarded for many generations.

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5 “What happens when Jews intermarry?” The Pew Research Center, 2013.  
<http://www.pewresearch.org/fact-tank/2013/11/12/what-happens-when-jews-intermarry/>.

6 Shaye J.D. Cohen, *Gentiles in our Midst: Antiquity and Today*, American Jewish Committee Report, 2016, 72.

In a recent article, Shaul Magid gives voice to this option by suggesting that we:

*respond to the reality of intermarriage by making space; physically, liturgically, and ritualistically, for the new ger toshav, God fearer, or psycho-semitite. There are many non-Jews in our midst, in our schools and in our beds, who want to partake of our tradition as non-Jews with deep conviction (kavvanah) and a whole heart (lev shalem). To do that we would need to think creatively about liturgy and ritual inclusion, about ways these individuals could feel integrally a part of the Jewish spiritual community while retaining a status that is not fully 'Jewish.'*<sup>7</sup>

Magid's approach is to be read in the context of what he and others have identified as the paradigm shift that modern, and particularly American Jews are experiencing, as it related to the larger picture of post-ethnicity. In 1995, Berkeley historian David Hollinger introduced the concept that has for many come to describe our current and continued moment:

*A postethnic perspective favors voluntary over involuntary affiliations, balances an appreciation for communities of descent with a determination to make room for new communities, and promotes solidarities of wide scope that incorporate people with different ethnic and racial backgrounds. A postethnic perspective resists the grounding of knowledge and moral values in blood and history, but works within the last generation's recognition that many of the ideas and values once taken to be universal are specific to certain cultures.*<sup>8</sup>

Motivated by Magid, Rabbi Zalman Schachter Shalomi, Steven M. Cohen, and others, the initial stage of the research focused on the categories of *ger toshav* and *Yirei HaShem* as well as other examples of fluid identities in the Jewish communities throughout history. Further inquiry led to the origin, meaning and nuances of the ban on intermarriage, with implications for today. While traditional Jewish sources clearly do not condone intermarriage, they leave the conversation more varied and open than contemporary communal discourse might lead one to believe. The conclusion of this proposal is grounded in these sources, and the possible precedents they present.

The time for conversations and innovations that will continue to celebrate Judaism while honoring human dignity and diversity is now. One such critical conversation opened up a decade ago.

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7 Shaul Magid, "Should Rabbis Proselytize Non-Jewish Spouses? A Response to JTSA Chancellor Arnold Eisen," ZEEK, 2014, <http://zeek.forward.com/articles/118323/>.

8 David A. Hollinger, *Postethnic America: Beyond Multiculturalism*, (Basic Books: 1995), 15.

In 2006, the Committee on Jewish Law and Standards of the Conservative Rabbinical Assembly opened the door to the ordination of gay men and lesbians, and to same-sex commitment ceremonies. Committed to the values of human dignity and progress, the movement leaders offered creative halachic solutions that honor both tradition and modernity. In his teshuva on the topic,<sup>9</sup> Rabbi Gordon Tucker argued for *“a different overall halakhic methodology”* that will better serve, at times, our evolving realities. He suggests that some cases will call on us not to offer *“a reprise of past decisions and interpretations, but rather an enterprise, at least on occasions that call for it, in improvising on established themes.”*<sup>10</sup>

Is this crucial moment such an occasion?

This proposal offers resources and an evolving model that may enable more rabbis to welcome more people into our community with open arms. It is an invitation for continued conversation, and a call for collective enterprise.

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9 Several teshuvot were presented as part of this process. Rabbi Tucker’s teshuva was not approved by the CJLS.

10 Rabbi Gordon Tucker, “דרוש וקבל שכר: Halakhic and Metahalakhic Arguments Concerning Judaism and Homosexuality,” CJLS Responsa, 2006, p. 5.

# 2. "YOU SHALL NOT MARRY": BIBLICAL INTERMARRIAGE AND ITS RABBINIC INTERPRETATION

The Jewish textual conversation around intermarriage begins with the following verses from Deuteronomy, and the debate over the status of the prohibition against intermarriage stems from the interpretive approaches to this passage:

## Deuteronomy 7: 2-5

When the Lord your God shall bring you into the land where you go to possess it, and shall cast out many nations before you, the Hittite, and the Girgashite, and the Amorite, and the Canaanite, and the Perizzite, and the Hivite, and the Jebusite, seven nations greater and mightier than you; and when the Lord your God shall deliver them up before you, and you shall smite them; then you shall utterly destroy them; you shall make no covenant with them, nor show mercy unto them; **neither shall you make marriages with them: your daughter you shall not give unto his son, nor his daughter shall you take unto your son.** For he will turn away your son from following Me, that they may serve other gods..

דברים ז: ב-ה  
כִּי יְבִיאֲךָ, ה' אֱלֹקֶיךָ, אֶל-הָאָרֶץ,  
אֲשֶׁר-אַתָּה בָּא-שָׁמָּה לְרִשְׁתָּהּ;  
וְנָשַׁל גּוֹיִם-רַבִּים מִפְּנֶיךָ הַחַתִּי  
וְהַגִּרְגָּשִׁי וְהָאֹמֹרִי וְהַכְּנַעֲנִי  
וְהַפְּרִזִּי, וְהַחִוִּי וְהַיְבוּסִי--שְׁבָעָה  
גּוֹיִם, רַבִּים וְעֲצוּמִים מִמֶּךָ. וְנָתַנְם  
ה' אֱלֹקֶיךָ, לְפָנֶיךָ--וְהִכִּיתָם:  
הַחֲרָם תַּחְרִים אֹתָם, לֹא-תִכְרֹת  
לָהֶם בְּרִית וְלֹא תִחָנֵם. וְלֹא  
תִתַּחַתּוּ, בָּם: בָּתֵּךְ לֹא-תִתֵּן לְבָנוֹ,  
וּבִתּוֹ לֹא-תִקַּח לְבָנֶךָ. כִּי-יָסִיר  
אֶת-בְּנֶךָ מֵאַחֲרַי, וְעָבְדוּ אֱלֹהִים  
אַחֲרֵים..

These verses clearly indicate *some* biblical prohibition involving marriage between Jews and people of another heritage, but this prohibition does not necessarily cover all marriages between them. This passage describes the relationship the Israelites should have to the indigenous people they encounter during their conquest of Canaan. These exclusionary restrictions are understood in the context of God's demands for complete annihilation of the local culture, resisting a model of peaceful coexistence in a shared society, symbolized by marriage across tribal and ethnic lines. The concern is explicitly that any shared

society will lead to idolatry, and loss of religious identity. The fear of religious assimilation is clearly indicated here as the source of social separation.

Some rabbinic sources interpret this passage to mean that Jews are biblically forbidden from marrying people not identified as Jewish. Like many questions of Jewish law, the discussion of intermarriage contains a variety of voices, including some claiming that marriage between Jews and those who are not Jewish is biblically forbidden. Rabbi Simeon Bar Yochai's sweeping Talmudic statement<sup>11</sup> that "*the prohibition against an Israelite having intercourse with a heathen woman is a law of Moses from Sinai*" and Maimonides's subsequent ruling<sup>12</sup> maintain and affirm this central position. Those voices have been very prominent in contemporary halachic discourse, and will not be discussed in detail here.

However, the reading that intermarriage between Jews and all other people is biblically forbidden is neither a necessary conclusion from the verses nor a universal consensus within the rabbinic tradition. Even on a cursory reading, there are several differences between the world described by these verses and the contemporary reality experienced by many subsequent generations including ours. First, in their context, these verses apply only to the specific set of seven nations living in Canaan prior to its conquest by the Israelites: the text lists them by name, and gives no indication that the prohibition applies to those whose heritage is not Israelite. Second, even if extended beyond this limited meaning, it is not obvious that it would include everyone who is not a member of the Jewish people. The prohibition is directly linked to the concern for idolatry, so it might be reasonable to extend it to include all idol-worshippers, but not others, including those who are not Jewish, who would not promote idolatry and cause Jews to discard or diminish their religious and ethnic identity.

Deuteronomy's anxious and reasonable assumption that marriage laws are linked to a concern for idolatry is carried forward into rabbinic sources. According to the categories laid out in many classical Jewish sources, contemporary intermarriage is *assur d'rabbanan* (a rabbinic prohibition), meaning that it is forbidden, but not from a core principle found within the Torah - *d'oraita*. In rabbinic discourse, this prohibition is called a *gezeirah*, or '*derived ruling*'. It is not a core prohibition in and of itself, but represents a rabbinic "buffer zone" with additional prohibitions to keep people farther away from a true biblical violation. The rabbinic concerns exemplified by the view of Rabbi Bar Yochai are that intermarriage might lead the Jewish partner to perform idolatry, and diminish the Jewish tradition for him/herself and future generations. Therefore, the rabbis prohibit intermarriage entirely.

The debate between voices calling for inclusion versus exclusion of other people

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11 Babylonian Talmud, Tractate Avodah Zarah 36b.

12 Maimonides, Mishneh Torah, Hilkhoh Issurei Biah 12:1-2.

and foreign influences within the boundaries of Jewish communal contexts is at the core of some of Judaism's most central and, at times, most divisive texts. Tractate Avodah Zarah describes the contentious process by which sweeping prohibitions against active appreciation of, among others, the wine, oil, bread, and women of gentile origin were enacted. Some opinions mentioned in this and other Talmudic texts lean towards more lenient measures, and greater acceptance of interaction with foreign factors. One rabbinic position is that none of these are core biblical prohibitions, and all of them, including intermarriage, are rabbinic prohibitions instituted to keep Jews away from idolatry.<sup>13</sup> As is alluded to in several rabbinic sources, these opinions were challenged by stricter rabbinic views that determined the law based on a more rigid ruling that has become the halachic norm. According to several rabbinical traditions, the ruling on bread, oil, wine, marriage, and thirteen other contentious topics was only enabled that day by the threat or possible use of physical force.<sup>14</sup>

The rabbinic concern for the preservation of Judaic norms prevailed and resulted in the restrictions on forms of social interaction creating a more insular societal structure deemed essential for survival. For example, Avot D'Rabbi Natan states, *"a person should not live among gentiles, lest one be led to idolatry."*<sup>15</sup> This source clearly shows the extent to which concerns about interacting with gentiles were grounded in deeper concerns about assimilation and idolatry. Even the Talmudic opinion in Avodah Zarah 36b states there is a *d'oraita*, or core biblical prohibition against intermarriage, and explains this is because the gentile *משכה בתריה*, that is, the foreign partner "pulls" the Jewish partner into idolatry.

While it is often assumed that this approach -- citing intermarriage as the worst possible violation -- is the central or only approach found in rabbinic sources, it is important to note that other important and more lenient rabbinic voices exist, and many do not view intermarriage as a biblical prohibition.

The Mishnah describes a potential interpretation of the prohibition found in Leviticus 18:21, *"You shall not give of your children to pass through the fire to Molech"* (i.e., do not sacrifice your children to foreign gods).

13 See also Jerusalem Talmud Shabbat 1:4, which similarly formulates the prohibition on intermarriage as a rabbinic decree instituted to prevent idolatry:

תני שמונה עשרה דבר גזרו ובשמונה עשרה רבו. ובשמונה עשרה נחלקו. ואילו הן שגזרו על פיתן של עכו"ם ועל גבינתן ועל שמנן ועל בנותיהן.

14 Jerusalem Talmud Shabbat, 1:34

15 Avot D'Rabbi Natan, Version B, Chapter 33.

**Mishnah Megillah 4:9**

If someone interprets, “You shall not give of your children to pass through the fire to Molech” (Leviticus 18:21) to mean “do not let your seed be given to an Aramean (gentile) woman” that person should be silenced angrily.

**משנה מגילה ד:ט**

האומר מזרעך לא תתן  
להעביר למוֹלֵךְ (ויקרא י"ח)  
ומזרעך לא תתן לאַעֲבָרָא  
באַרְמִיּוֹתָא מִשְׁתַּקִּין אוֹתָהּ  
בְּנִזְיָפָה

This Mishnah rails against conflating intermarriage and idolatry. It would seem that the rabbis are concerned that someone might believe that intermarriage is the Bible's worst violation. Instead, this Mishnah encourages a sense of perspective: Child sacrifice is a truly horrific violation of Judaism's most important values. Intermarriage, on the other hand, is, according to most opinions, a rabbinic prohibition intended to create a buffer zone around idolatry. The fact that it is a rabbinic prohibition does not mean it should not be taken seriously, but the mere suggestion that the two actions are parallel in their motivations or implications is strongly silenced here. The views expressed in this text echo other rabbinic voices that offer a sense of higher esteem, tolerance for and acceptance of other people and their faiths. Such for instance is this teaching of Rabbi Meir, who celebrates the sanctity and worth of human life regardless of religious and ethnic markers: *“Thus you learn that even a gentile who engages with the Torah is as the high priest.”*<sup>16</sup>

The worlds inhabited by the biblical authors and those of the early rabbis include different and often conflicting views concerning the relationship of Jews to the people and cultures they interacted with. The Book of Ruth includes the narrative of welcoming, as Ruth the Moabite chooses to embrace her mother-in-law's people and God. The Book of Ezra ends with the description of the enforced divorce and deportation of foreign wives. Over the centuries, Jews have developed different models to understand and design the places that gentiles have held in, or alongside, the Jewish community.

The early rabbis, responding to their Greco-Roman reality created the category of ‘goy’ by redefining the biblical word for ‘nation’ as alluding to gentiles. They also created another category, ‘ger toshav’ or ‘resident alien to address the growing needs for more nuanced forms of identity. The next section will address this model in relation to our contemporary context.

16 Babylonian Talmud, Tractate Sanhedrin 59a.

### 3. GER TOSHAV: THE RABBINIC RESIDENT ALIEN

In September 2014, mere weeks before the start of the new Jewish year and the Sabbatical- Shmita year that would start with it, Israel's Chief Rabbis announced the restoration of a halachic status that has been dormant for 2,500 years - *ger toshav*, or 'Resident Alien.'<sup>17</sup>

*The activation of this status is another complicated maneuver in an already elaborate system that over centuries has sought ways to reconcile the challenging biblical Shmita laws with modern economic and social realities. The status of ger toshav enables a person who is not Jewish, but also not exactly a gentile, to purchase the Land of Israel for the duration of the Sabbatical year and thus solve the biblical prohibition that prevents Jews from working their own land. In recent Shmita years, the Israeli rabbis sold the land to gentiles. But this time, for various reasons, they chose to reactivate the long- lost status of the resident alien instead. George Shtreikman, Israel's owner for the duration of that one year, is an Israeli citizen of Ukrainian origin and a Jewish grandfather, who was described by the rabbis as a 'Son of Noah'; in reference to the Talmudic title for gentiles who are committed to the original seven human laws.<sup>18</sup>*

While rare and largely symbolic, the rabbis' decision to activate this status in order to solve a contemporary challenge represents one more example of halachic creativity and resourceful restoration of traditional options and opportunities when needs call for them.

*Ger toshav* is a rabbinic category that describes a gentile who lives among Jews and in some ways interacts with their communities. The *ger toshav* is an important model for us, because it demonstrates how the rabbis innovated a new category that made space for those of other heritages and faiths within the evolving Jewish community.

As discussed, the biblical demands against which the rabbis were working were very harsh. According to Deuteronomy, most people who are not Jewish may not live in the Land of Israel. In the more extreme of rabbinic interpretation, Jews and the Jewish community have very few obligations towards them. However, the Torah also mentions a "*stranger who lives within your gates*" to whom we have obligations:

17 Mendy Gruzman, "אחרי 2,500 שנה: הרבנות העניקה מעמד "גר תושב" YNET 21/9/2014

18 See Babylonian Talmud, Sanhedrin 56a, Tosefta Avodah Zarah 8:4, Genesis Rabbah 34:8

<p><b>Leviticus 19:32-33</b></p> <p>And when a ger (other) lives with you in your land, do not oppress him. The ger who lives with you should be like one of your citizens, and you should love him as yourself-- for you were gerim in the land of Egypt.</p>	<p>ויקרא יט:לב-לג</p> <p>וְכִי-יָגוּר אִתְּךָ גֵּר, בְּאֶרֶץְכֶּם--לֹא תוֹנוּ, אֹתוֹ. בְּאֶזְרַח מִכֶּם יִהְיֶה לָכֶם הַגֵּר הַגֵּר אִתְּכֶם, וְאָהַבְתָּ לוֹ כְּמוֹךָ--כִּי-גֵרִים הֵייתֶם, בְּאֶרֶץ מִצְרָיִם</p>
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The rabbis transform the category of a “stranger who lives within your gates” into the category of *ger toshav*.

<p><b>Babylonian Talmud, Avodah Zara 64b</b></p> <p>Who is a ger toshav? Anyone who has accepted upon themselves in front of three judges not to worship idols, according to Rabbi Meir. The Sages say: anyone who has accepted upon themselves the seven Noahide commandments.</p>	<p>תלמוד בבלי עבודה זרה סד ע"ב</p> <p>איזהו גר תושב? כל שקיבל עליו בפני ג' חברים שלא לעבוד עבודת כוכבים, דברי ר' מ'. וחכ"א כל שקיבל עליו שבע מצות שקבלו עליהם בני נח</p>
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As demonstrated, the rabbis take a naturally occurring social category recognized in the Torah (an other, stranger, or *ger*, who, for various reasons, lives among us) and create a legal category that can be used to organize our communal structures. They delineate a process for how a gentile can become a *ger toshav*, and acquire some of the rights and responsibilities of membership in the Jewish community. The rabbinic creation of the Noahide laws as a construct that frames the basic universal human values is seen as a parallel move to the creation of the *ger toshav* status, and an attempt to normalize the increased social interactions between communities. However, it is important to note that in rabbinic sources and the subsequent halachic norms, Jews are not permitted to marry a *ger toshav*. Some cases discussed further are indications of situations whereby such marriages occurred and required rabbinic response and communal reaction.

The key prohibition from which a *ger toshav* must refrain is idolatry. Thus, even though the category of *ger toshav* does not formally exist today, the general concept of a gentile who does not worship idols is important. Many sources apply the same law concerning the *ger toshav* to any gentile who does not engage in idolatry. Thus, for example, Maimonides writes:

<p><b>Maimonides, Mishneh Torah, Forbidden Foods 11:7</b></p> <p>A <i>ger toshav</i> is one who accepted upon oneself the seven Noahide commandments as we have explained. His wine is forbidden to drink but permitted to derive benefit from, and we do not leave wine alone with him. <b>And the same applies to all gentiles who are not idolaters, such as Muslims.</b></p>	<p>רמב"ם מאכלות אסורות יא:ז גר תושב והוא שקיבל עליו שבע מצות כמו שביארנו יינו אסור בשתייה ומותר בהנייה, ומייחדין אצלו יין ואין מפקדין אצלו יין, וכן כל עכו"ם שאינו עובד עכו"ם כגון אלו הישמעאלים.</p>
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Since the *ger toshav* is not only a legal category but also a rabbinic idiom for saying, “a gentile who is not an idolater,” the concept has implications in our model today.

The Medieval period brought new realities and challenges for Jewish communities and jurists, who interacted on multiple levels within Christian and Muslim cultures. The Ramban, or Nachmanides, lived in Muslim Spain in the thirteenth century, and famously challenged the prior list of commandments created by Maimonides a century earlier, by adding one more commandment to his own list, “Save the life of a *ger toshav*.”<sup>19</sup>

Rabbi Menachem ben Solomon Meiri, a thirteenth-century scholar in Christian Provence, identified idolatry with immorality. He further extended the definition of a *ger toshav*, more recognized by his time as Noahides, to many people his community came in close contact with:

*Anyone who belongs to those people that are bound by proper customs and serve God in some way, even if their faith is distant from ours...are to be considered in exactly the same way as Jews with regard to these things...With no differentiation at all.*<sup>20</sup>

<sup>19</sup> Ramban, Supplement to the Mandatory Commandments 16. The context is the debate over saving lives on the Sabbath and the halachic norms that prioritize whose life is to be saved.

<sup>20</sup> Meiri, Beit Ha'Behira, Schlesinger Ed. 1940, BK. p. 320.

In the modern age, the concept of a *ger toshav* as a largely theoretical framework was proposed once again to rechart the increasingly fluid borders between Jews and their neighbors. In a collection of contemporary Jewish thought, Joseph Levi writes:

*The exegetes of the period of the emancipation unhesitatingly read into the biblical laws concerning the ger toshav the complexities they faced with regard to their own political and religious identity... Both traditional commentators such as Samuel David Luzzatto and Elijah Benamozegh in Italy and Samson R. Hirsch in Germany and those of them all philosophical bent such as Hermann Cohen, Martin Buber, and Leo Baeck, discerned a similar message of civil egalitarianism in the attitude of the laws of the Torah regarding the ger. At times to even expressed a startlingly new understanding of the concept of the ger toshav.<sup>21</sup>*

Rabbi Joseph Henkin, a twentieth-century leader of Orthodox Jewry, was among the first to address the *ger toshav* concept to the new American reality:

*Certainly the people of the world in our time are not idol worshippers, and with the passage of the generations, idolatry has been progressively uprooted from their hearts . . . and even if there are some who worship idols, in my opinion, the overwhelming majority are in the category of Ger Toshav.<sup>22</sup>*

The *ger toshav* concept began gaining interest in the liberal Jewish community starting mid-20th century. In his 1956 book, *Questions Jews Ask*, Rabbi Mordechai Kaplan proposes that the status of *ger toshav* be reapplied:

*It might be well to reinstate an idea which is found in traditional Jewish codes, but which has received theoretic formulation rather than practical application. I refer to the idea of the ger toshav. Jewish codes recognize two kinds of proselytes, the ger tzedek, who seeks complete identification with the Jewish People, and who undertakes to abide by all the requirements of Jewish law, and the ger toshav, who rejects idolatry, and abides by the other six moral laws that Judaism regards as mandatory for all mankind.<sup>23</sup>*

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21 Arthur Allen Cohen and Paul Mendes-Flohr, 20th-century Jewish Religious Thought: Original Essays on Critical Concepts, (Jewish Publication Society: 2009), 922-92.

22 Rabbi Yosef Henkin, Hadarom: Journal of the Rabbinical Council of America, 10 (Elul 1959), 5–9.

23 Mordecai Kaplan, Questions Jews Ask: Reconstructionist Answers, (Reconstructionist Press: 1956), 479.

In the 1980's, Reform Rabbi Myron Kinberg, following Kaplan, suggested the revival of the *ger toshav* concept, and began officiating at weddings that included both partners' "*commitment to a Jewish home life, participation in Jewish life and tradition, and raising future children as Jews.*"<sup>24</sup> Kinberg's proposed 'Ger Toshav Covenant' inspired several other rabbis in the Reform, Reconstructionist and Renewal movements.<sup>25</sup> In 1992, Rabbi Geela Rayzel Raphael published *Ger Toshav: A Proposal for Intermarried and Other Allies in Our Midst*,<sup>26</sup> in which she proposed an approach to "fellow travelers," and included another version of the *ger toshav* certificate.<sup>27</sup>

Some Orthodox rabbis have also expressed renewed interest in the *ger toshav* concept. In 2001, Rabbi Steve Greenberg published an essay proposing a similar model:

*The traditional Jewish community forces the non-Jewish spouse to consider an all or nothing bargain -- either full-fledged Jewish identity by conversion, or rejection. An alternative approach that would emphasize the positive value of Jewish culture and tradition, and the joys of living in a Jewish home without insisting upon conversion has, until now, not been imaginable. What if we were to create such an approach that would in effect look upon non-Jewish spouses as potential gerei toshav? Rabbis would then be able to offer to gentiles wishing to marry a Jewish spouse the opportunity to become not converts, but committed fans of the Jewish people.*<sup>28</sup>

Rabbi Zalman Schachter-Shalomi, the founder and leader of the Jewish Renewal movement, dedicated considerable thought to the *ger toshav* proposal that he described as "*dormant in Jewish life for nearly two millennia.*" His teachings are preserved in a recent book published by his close associate, and one of his spiritual heirs, Rabbi Daniel Siegel:

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24 Ruth Abrams and Molly Parr, "Welcoming The Stranger Or Just Welcoming", InterfaithFamily.com. July 10, 2011.

25 Myron Kinberg, "Brit Ger Toshav (Covenant of a Resident Stranger) and Brit Nisuin (Covenant of Marriage)," <https://ritualwell.org/ritual/brit-ger-toshav-covenant-resident-stranger-and-brit-nisuin-covenant-marriage>

26 Rabbi Geela Rayzel Raphael, "Ger Toshav - Sources for Contemporary Application: A Proposal for Intermarried and other Allies in our Midst," 1992.

27 Rabbi Geela Rayzel Raphael, "Ger Toshav Certificate," <https://ritualwell.org/ritual/ger-toshav-certificate>

28 Rabbi Steve Greenberg, "Between Inter marriage and Conversion: Finding a Middle Way," CLAL, August, 2001.

*Reb Zalman suggested that by renewing the category of ger toshav, something like a “resident alien” (in the U.S.) or “permanent resident”(in Canada), which classical halachic literature limited to the Land of Israel and therefore effectively discontinued, might serve as an appropriate intermediate status... this is a possibility dependent on the understanding that we are living in a time of a paradigm shift so significant that only by adding a new category to the halachic process can we acknowledge the changed reality of the relationship between Jews and others and respond accordingly.*

Siegel is careful to point out that:

*while. . .Reb Zalman himself proposed the renewal of the ger toshav, he specifically excluded marriage. Many of the contributors, myself included, support sanctifying marriages between Jews and Gerei Toshav through some form of chuppah and kiddushin.*<sup>29</sup>

As cited earlier, in *American Post-Judaism: Identity and Renewal in a Postethnic Society*, Shaul Magid also proposes the *ger toshav* idea. Elsewhere, he elaborates on why this concept is so appealing, and why, in some cases, it is a better current model than conversion:

*Schachter-Shalomi calls these modern-day “God fearers” “psycho-semitic gentiles,” individuals who feel close to Judaism but for a variety of reasons do not want to become Jews, at least not yet. Many want to retain dual membership in numerous faith communities (like many Jews) that formal conversion would preclude. There is exclusivity in conversion that many spiritual seekers today feel uncomfortable embracing. In time, some of these psycho-semites may choose conversion. Some will not. But those who do convert will do so from a deep internal commitment of their own making and not as a solution to the problem of collective Jewish guilt.*<sup>30</sup>

As noted, according to classical rabbinic sources and the halachic norms that follow them, Jews are not permitted to marry a *ger toshav*. Furthermore, although some rabbis have explored the possibility, most halachic authorities think it is not possible to create new *gerim toshavim* when the Jubilee is not celebrated (i.e., not permitted in our days).

Therefore, despite its appeal, the category of *ger toshav* has limitations for its application to the contemporary reality of intermarriage, according to halachic norms. However, it is still a useful precedent and model for thinking about how rabbinic leaders can create formal status and membership for gentiles who have made commitments to Jews and the Jewish community. *Yirei HaShem*, a similar category to the rabbinic *ger toshav*, was also recognized at the time, as examined through the Jewish literature of late antiquity.

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29 Rabbi Daniel Siegel, with contributing authors; “Renewing Ger Toshav: Opening The Gates That More May Enter to Praise God” Integral Halacha Institute, (Aleph Canada: 2017), 7-15.

30 Shaul Magid, “Should Rabbis Proselytize Non-Jewish Spouses?”

## 4. YIREI HASHEM: THE PIOUS ONES

in Jewish communities of late antiquity under Roman rule (first through third centuries CE), gentiles who participated in Jewish communal life were sometimes called *Yirei HaShem*, literally “the pious ones.” I examine this concept as an example of creative communal response and historical solutions that recognized and worked with blurred boundaries between various individuals and groups.

The extent of this group’s size, importance, and actual existence is subject to great debate in the research literature<sup>31</sup> with significant and at times contested implications to contemporary politics of identities in Jewish, Christian and Messianic contexts.

Harvard historian Shaye J.D. Cohen writes about *Yirei HaShem*:

*...they were gentiles who were conspicuously friendly to Jews, who practiced the rituals of the Jews, who venerated the God of the Jews, denying or ignoring all other gods -- were sometimes called ‘Jews’ by other gentiles, and may have even thought of themselves as ‘Jews’ to one degree or another.*<sup>32</sup>

*Yirei HaShem* is not a halachic category. There is nothing one can do, believe, or perform in order to become a *Yire HaShem*, and becoming a *Yire HaShem* does not confer any privileges or obligations. Nonetheless, this category can also provide useful precedent for thinking about the valued place of people who are members of Jewish communities, despite being unambiguously not Jewish, and not converting to Judaism.

Several sources written by Jews from this period describe *Yirei HaShem* as important members of the Jewish community, and express pride in the fact that

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31 Thomas M. Finn, “The God Fearers Reconsidered”: Herman L. Starck and Paul Billberbeck, “Kommentar zum neuen Testament aus Talmud und Midrasch”, vol. 2, pg.715-723 :Kirsopp Lake, “Proselytes and God Fearers” : Alf Thomas Kraabel, “The Disappearance of the ‘God Fearers’” :Max Wilcox, “The ‘God Fearers’ in Acts – A Reconsideration” : John J. Collins, “A Symbol of Otherness: Circumcision and Salvation in the First Century” 179-185 : John G. Gager, “Jews, Gentiles, and Synagogues in the Book of Acts” : Fergus Miller, “Gentiles and Judaism: ‘God Fearers’ and Proselytes”, pg. 164-172 : Robert S. Macleannan and Alf Thomas Kraabel, “The ‘God Fearers – A Literary and Theological Invention” : Robert E. Tannenbaum, “Jews and God Fearers in the Holy City of Aphrodite”

Shaye J. D. Cohen, “Respect for Judaism by Gentiles according to Josephus”: M. R. Diffenderfer, “Conditions of Membership in the People of God: A Study Based on Acts 15 and Other Relevant Passages in Acts” pg. 291-308:

Joyce M. Reynolds and Robert Tannenbaum, Jews and God Fearers at Aphrodisias:Greek Inscriptions with Commentary: J. Andrew Overman, “The God Fearers: Some Neglected Features”: Shaye J.D. Cohen, “Crossing the Boundary and Becoming a Jew” pg. 31-33.

32 Shaye J.D. Cohen, “Gentiles in our Midst: Antiquity and Today”, AJC Report, 2016.

our tradition attracts outsiders. *Yirei HaShem* participated in Jewish political life, and supported a major Jewish rebellion in the second century CE.<sup>33</sup> Further, archeological findings in synagogues from the same era in locations such as Aphrodisias in modern-day Turkey show that *Yirei HaShem* were involved in ritual and communal life as well: the term is inscribed on walls and pillars, indicating the generous participation of a long list of *Yirei HaShem* in congregational life.<sup>34</sup>

A similar picture emerges from the writings of Josephus, a first-century Jewish historian and scholar, who traveled between Roman and Jewish worlds, and describes *Yirei HaShem* on several occasions. For example, he writes:

*[The Antiochian Jews] were constantly attracting to their religious ceremonies multitudes of Greeks, and these they had in some measure incorporated with themselves. But no one need wonder that there was so much wealth in our Temple, for all the Jews throughout the habitable world, and Yirei HaShem, even those from Asia and Europe, had been contributing to it for a very long time.*<sup>35</sup>

Josephus refers to *Yirei HaShem* multiple times across his writings, indicating the broadness and fluidity of the lines of communal affiliation. Philo of Alexandria, a Hellenistic Jewish philosopher and a contemporary of Josephus, also refers to *Yirei HaShem*. For Philo, it is “wonderful” that these gentiles “embrace and honor” Jewish law, and he even describes them keeping Shabbat along with the Jewish communities of which they are a part.<sup>36</sup>

Like the *ger toshav* category, *Yirei HaShem* may have been the category applied in response to specific social realities that blurred the traditional tribal bounds. *Yirei HaShem* and *gerim toshavim* were familiar to the Jewish communities of the first through fourth centuries CE. Yet few direct references and halachic considerations in regard to both groups are found in literature dating later than the fifth century CE, primarily in regard to *Yirei HaShem*, whose eventual fate, like their origin, is lost in the fogs of history.

There are multiple references to the term *Yirei HaShem* in biblical sources. Often times, the phrase refers to indicate a pious person of any background. However, there are examples in which *Yirei HaShem* seem to be a clearly distinct group. For example, several Psalms allude to different groups of worshippers, including the Priestly Class, the House of Israel, and *Yirei HaShem*:

33 יחסי ישראל והאומות לאחר החורבן, ד"ר שמואל ספראן, מחניים ע"ה, תשכ"ג

34 Grant R. Osborne, Scot McKnight, "Theosebeis in the Aphrodisias Inscription" in *The face of New Testament studies: a survey of recent research 2004 RB 2* [1992]: 418–24).

35 Jewish War 2.454, 2.463, Ant 14.110, 20.17-96, 20.41, 20.39, 20.43, Against Apion 1.166-67, 2.282, 3.318.

36 De Vita Mosis, 2.4.

Psalms 115:9-13	תהלים קטו:ט-יג
<p>All you Israelites, trust in God— God is their help and shield. House of Aaron, trust in God— God is their help and shield. <b>You who revere God [Yirei HaShem],</b> trust in God— God is their help and shield</p> <p>God remembers us and will bless us: God will bless God's people Israel, God will bless the house of Aaron, God will bless those who revere God—small and great alike.</p>	<p>יִשְׂרָאֵל, בְּטַח בָּהּ; עֲזָרָם [...] וּמִגָּנָם הוּא</p> <p>בֵּית אַהֲרֹן, בְּטַחוּ בָהּ; עֲזָרָם וּמִגָּנָם הוּא</p> <p>יִרְאֵי ה', בְּטַחוּ בָהּ; עֲזָרָם וּמִגָּנָם הוּא</p> <p>ה', זְכַרְנוּ יְבָרֶךְ: יְבָרֶךְ, אֶת-בֵּית יִשְׂרָאֵל; יְבָרֶךְ, אֶת-בֵּית אַהֲרֹן</p> <p>יְבָרֶךְ, יִרְאֵי ה' -- הַקְטָנִים, עַם-הַגְּדֹלִים</p>

In 1921, Vienna's Chief Rabbi Zvi Perez Chayes researched Yirei HaShem with an eye towards the evolving realities of his own community. In his analysis of Psalm 115, he writes:

<p>This is a clear proof, supporting what we know from Jewish-Hellenistic literature, that these Partial-Gentiles had a reserved section in the temple, apart from the sections for Israelites, Levites and Priests. This is a clear proof that they are not part of Israel but are foreigners, partial converts, who are Jewish according to the essence of their faith, and therefore present for Jewish worship.<sup>37</sup></p>	<p>מכאן ראייה ברורה, ואילולא עדותו של כתוב זה, הרי יודעים היינו מתוך הספרות היהודית-יוונית, כי נכרים-למחצה אלה נועד להם מקום מיוחד במקדש, נפרד משאר כל המקומות של בית-ישראל, הכוהנים והלויים. במקום האחרון ובנפרד עמדו יראי-ה'. מכאן ראייה ברורה, כי המדובר הוא לא בחלק מעם ישראל, אלא בנכרים, בגרים למחצה, שהם יהודים לפי עיקר-האמונה, ולפיכך הם נמצאים בעבודת-האלוהים של ישראל</p>
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37 [http://benyehuda.org/xayut/beneinu\\_Q25.html#\\_ftn1](http://benyehuda.org/xayut/beneinu_Q25.html#_ftn1), תויוח קרפ יבצ, ס"כעקע ןיב ׳ה יארי

Chayes' definitive claim that Yirei HaShem are not part of the Community of Israel though are welcomed may reflect his stand towards the shifts that had begun to shape his own community. And while this stand reflects the normative and majority opinion found in Jewish sources, there are several classical rabbinic sources that offer more nuanced and ambivalent attitudes towards the others who choose to dwell among us.

There are several allusions to Yirei HaShem in rabbinic sources. The Mechilta D'Rabbi Yishmael, for example, in a second-century halachic midrash, makes Yirei HaShem into an explicit category, interpreting the verse from Isaiah **ובשם ישראל יכנה** ("*and be known by the name of Israel*") to refer to the category of *Yirei HaShem*.<sup>38</sup> That is, even though these people are not in fact Israelites, they attain the name, and thus the social status, of being part of the Israelite community.

In a similar demonstration of affinity, the Pesikta Rabbati, a Midrash collection composed in the ninth century, states that all converts and also all *Yirei HaShem* nursed from the matriarch Sarah.

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38 Mehilta D'Rabbi Yishmael, Ex.22:20.

When Sarah gave birth to Isaac the nations of the world mocked her saying 'He is the son of a servant and she pretends to be nursing him. At that time Abraham told Sarah 'this is not a time for modesty. Present yourself for the sanctification of God's name. Sarah exposed her breasts and milk came pouring out like springs of water as it is written there (Gen. 21) 'Who would have told Abraham, Sarah would suckle sons.'.. The nations of the world brought their children to Sarah for breastfeeding...All converts in the world who join the Jewish community and all those who are *Yirei HaShem* in the world are from those who sucked from Sarah's milk, hence it is written 'The mother of the children is joyful.' (Psalm 113) - this is Sarah.<sup>39</sup>

בשעה שילדה שרה את יצחק  
היו אומות העולם אומרים בנה  
של שפחה הוא ועושה היא  
עצמה כאילו היא מניקה אותו  
באותה השעה אמר לה שרה מה  
את עומדת אין השעה הזו של  
צניעות אלא עמדי והפריע עצמך  
בשביל קדושת השם עמדה שרה  
והפריעה עצמה והיו שני דדיה  
מוריקים חלב כשני זינוקים של  
מים כמה שכתב ותאמר מי מלל  
לאברהם היניקה בנים שרה (שם  
שם ז') .. והיו אומות העולם  
מביאים את בניהם אצל שרה  
שתניק אותם לקיים מה שנאמר  
הניקה בנים שרה... וכל גרים  
המתגירים בעולם וכל יראי  
שמים שיש בעולם מן אותם  
שינקו מן חלב של שרה הוי אם  
הבנים שמחה זו שרה .

In this surprising Midrash, the maternal lineage unites all at a primal moment of connection: Jews, converts and *Yirei HaShem* alike. This image of generous nourishment suggests a radically different model of ancestral bonding.

*The ongoing, developing religious life of a community includes not only the work of its legalists, but also its experiences, its intuitions, and the ways in which its stories move it..." wrote Rabbi Gordon Tucker in 2006. He highlights the importance of inclusion of all materials in determination of new norms: "These aggadot, and others...must be called together to provide an authentic reading of the Torah and our tradition that will enable us to approximate even more closely the will and the image of our compassionate God."<sup>40</sup>*

39 For the use of *Yirei Shamayim* vs. *Yirei HaShem* see Louis H. Feldman, *Jew and Gentile in the Ancient World*, 353.

40 Tucker, "Halakhic and Metahalakhic Arguments," 14.

No halachic norms have been established regarding marriage or other ritual matters with *Yirei HaShem*, but the sources that inform us of their existence support the view that in different societal contexts, several simultaneous models for communal affiliations flourished in co-existence.

In his analysis of *Yirei HaShem* and their relevance to today's realities, Shaye J.D. Cohen powerfully connects our history to our contemporary reality:

*Intermarriage between Jews and Gentiles did occur from time to time in antiquity, but it was not common - it was certainly far less common than it is today. The phenomenon of gentiles in our midst through intermarriage is modern, not ancient. But the pre-rabbinic world of antiquity provides a parallel to the post rabbinical world of today in that in antiquity rabbinic norms did not yet define, and today they no longer define, the boundaries of the Jewish community... According to rabbinic law there is no such thing as a 'half Jew', but in American society there is a growing category of people who regards themselves as 'Half-Jews'. Our post rabbinic world mirrors the pre rabbinic world of antiquity.<sup>41</sup>*

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41 Cohen, *Gentiles in Our Midst*, 76.

## 5."LIKE RUTH": MODERN MANIFESTATIONS

In the modern period, the recognition of the evolving relationships of Jewish communities to the other people and cultures around them led some rabbinic decisors to reconsider the category of *goy* and the prohibitions around social interaction with gentiles. As in the *ger toshav* sources, in many of these rabbinic opinions, the operative distinction is between idolaters and gentiles who are monotheists. For example, the twentieth-century halachic authority Rabbi Ovadia Yosef wrote:

### Responsa Yechaveh Da'at 4:55

The sages forbade eating the bread of gentiles and idolaters. It seems that the gentiles in our lands who are Muslims and do not worship idols, it is permitted to eat their cooked foods and their bread, and so it seems from the words of the Sheikh, who noted what it says in Section 124:12, that Muslims render wine forbidden only for drinking, not for deriving benefit. What he means to say is that wine used for libations by idolaters is forbidden for drinking and deriving benefit, so the wine of Muslims is one level lower. If so, with their bread and cooked foods, which would ordinarily be forbidden only for eating, if they are not idolaters it is completely permitted.

שו"ת יחווה דעת חלק ה סימן נד  
ד"ה ונראה ללמד  
אסרו חכמים לאכול פת של  
גוים עובדי עבודה זרה, היה  
נראה שהגוים שבארצותינו שהם  
ישמעאלים ואינם עובדי עבודה  
זרה מותר לאכול מבישוליהם  
ומפתם, וכן נראה מדברי הש"ך,  
שציין למה שכתב בסימן קכד  
ס"ק יב, שהישמעאלים אינם  
אוסרים היין אלא בשתיה ולא  
בהנאה כיון שאינם עובדים  
עבודה זרה. ור"ל שהיין נסך של  
עובדי עבודה זרה אסור בשתיה  
ובהנאה, ושל ישמעאלים חות  
ביה דרגא שאסור רק בשתיה,  
ואם כן בבישול ובפת שלהם  
שאינן בהם איסור אלא באכילה,  
כשאינם עובדי עבודה זרה מותר  
לגמרי

Rabbi Yosef's words here are important for conveying that there is a precedent for distinguishing between different types of gentiles (i.e., those who worship idols and those who do not). Although he later acknowledges that many halachic authorities do not put this logic into practice, Rabbi Yosef lays out a path of halachic reasoning toward distinguishing between the gentile idolaters

described in many classical sources, and the Muslims who live in his society. The vast majority of people of other heritage who join our communities today are similar in this way to the Muslims Rav Ovadia discusses: they are clearly gentiles but also very different from the kind of idolatrous gentiles who are described in many earlier rabbinic sources.<sup>42</sup>

In another responsum, Rabbi Yosef continues this line of thinking, noting that all rabbinic prohibitions around separation from gentiles are intended to keep Jews away from idolatry, so the prohibition against eating their bread does not apply if they are Muslims.

<p><b>Responsa Yabia Omer 5:10</b></p> <p>The entirety of the prohibition against eating gentile bread is because of a concern about seclusion with a gentile woman, and [the concern about] seclusion with a gentile woman is in order to distance oneself from her idolatry. If this is so, it is clear that the decree [about bread] refers specifically to gentiles who perform idolatry, and not regarding gentiles who do not perform idolatry. If so, we have no reason to forbid the bread of Muslims, who disavow idolatry and hate idol-worshippers, and there is no decree about them.</p>	<p>שו"ת יביע אומר חלק ה -          יורה דעה סימן י          כל גזרת פתן משום חששת          יחוד הגויה, ויחוד הגויה          כדי להתרחק מע"ז שלה,          א"כ משמע דדוקא בגוים          שע"ז הם גזרו, אבל לא          בגוים שאינם ע"ז, וא"כ          ישמעאלים שכופרים בע"ז          ושונאים את עובדי ע"ז אין          לנו לאסור פתן, כי לא גזרו          בהן</p>
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Although Rabbi Yosef does not say that "*seclusion with a gentile woman*" is permitted in the case of these Muslims, his logic suggests this. The bread is prohibited because it might lead to seclusion with a gentile, which is forbidden, because it might lead to idolatry. If the bread were permitted when there is no concern for idolatry, it should follow that "*seclusion*," the intervening step, would also be permitted in that case.

<sup>42</sup> The idea that not all gentiles are considered idolaters but should rather be judged based on whether they perform idolatrous actions is found in many Jewish legal sources. See, for example, Shulchan Aruch Orach Chayim 156 and Shulchan Aruch Yoreh Deah 148. Similarly, other sources refer to a different status for gentiles who know Jews well and are their friends or neighbors. See Tosefta Avodah Zarah 3:5.

Some halachic authorities have already started to think in this direction more explicitly, and we could extend the logical argument they use to apply to the different situations we live in. For example, Rabbi Yosef's son, Rabbi Yitzhak Yosef, Israel's current Chief Sephardi Rabbi, in his work *Shulkhan Hama'arechet*, argues that the laws about marriage with gentiles do not apply in the same way to a *ger toshav*, who has committed to not worshipping other gods, despite not having converted to Judaism.

<p><b>“Uriah the Hittite,” Shulkhan HaMa’arechet</b></p> <p>Kiddushin are not effective with a non-Jewish woman, because it is written “do not make marriages with them [for doing so will turn away you son from following Me, that they may serve other gods].” But with a <i>ger toshav</i> woman, since there is no prohibition of “do not make marriages with them” [because they do not serve other gods], kiddushin are effective.</p>	<p><b>“אוריה החתי,” שולחן המערכת</b></p> <p>דאין קידושין תפסין בנכרית משום דכתיב לא תתחתן. אם כן, בבת גר תושב, דליכא לא תתחתן במ, תפסי קידושין</p>
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That is, Rabbi Yosef argues, that לא תתחתן (the prohibition against intermarriage) applies differently to a *ger toshav*. This is precisely because a *ger toshav* is not a standard gentile, assumed by the rabbis to be an idolater, but rather, someone who has committed to certain core principles of Jewish peoplehood. Moving outside the limited framework of *ger toshav*, we can apply a similar logic: the prohibition against intermarriage should apply differently when the person of another heritage is not an idolater. It’s important to note that Rabbi Yosef is most likely dealing with a retroactive situation (בדיעבד), and does not suggest that this is an approach that should be initiated (לכתחילה). Similarly, another contemporary Israeli decisor, Rabbi Avigdor Nebenzahl, connects non-idolatry with the permissibility of marriage:

### B'Yitzhak YiKare 74

We find (Ruth 4:10) that the biblical Ruth, the wife of Mahlon, even when she was with him still had not converted. And it seems that she was a *ger toshav*, and so the law of marriage from “and he shall cling to his wife” applies, and so she was not included in the category of those who tempt [towards idolatry], even though the hold of Jewish *kiddushin* did not apply to her.

ביצחק יקרא סימן ע"ד  
והנה מצינו (רות ד, י) דרות  
מיקריא אשת מחלון אף  
דבהיותה תחתיו עדיין לא  
נתגיירה. ונראה דהיתה גר  
תושב, ובזה שייכא אישות  
מדין ודבק באשתו, הואיל  
ואינה בכלל המסירים, אף  
דאינה בכלל תפיסת קדושין  
דישראל.

Because Ruth lived in Moab (outside the Land of Israel), there is no reason to think that she had become a halachic *ger toshav* via a Jewish court. Rather, it seems that Rabbi Nebenzahl, as is perhaps Rabbi Henkin in the source cited earlier, is using the term *ger toshav*, in a less technical sense, as Maimonides did, to refer to people who reliably do not perform idolatry. While *kiddushin* is not efficacious with a gentile, Rabbi Nebenzahl posits that other forms of marriage exist, and doesn't seem to find Mahlon's union with Ruth, at the time of marriage still a gentile, problematic.

## 6. "MIDDLE GROUND": LIMINAL CATEGORIES OF JEWISHNESS

As should be clear by now, there are tremendous differences between the ways ancient texts describe Jewish relationships with gentiles, and how those relationships play out in the world today. In particular, because the vast majority of gentiles married to Jews are not idol worshippers, the biblical and rabbinic concern that intermarriage will lead the Jewish partner to the idolatrous practices of the non-Jewish partner is hardly an issue today. Furthermore, the entire picture painted by the Bible and much rabbinic literature is very different from the hyphenated world we live in. Intermarriage in the Bible and rabbinic literature is only one piece of a broader social policy of isolation, not a unique redline.

People of other heritage who choose to live with and marry Jews today could instead be thought of as belonging to an intermediate category. Like Ruth, who had some elements of Jewish membership even before her so-called conversion, other people described in rabbinic literature occupy a type of liminal status. For example, the Talmud says that a non-Jewish slave in a Jewish home “*has left the category of non-Jew but is not in the category of Jewish*” (יצא מכלל) (נכרי ולכלל ישראל לא בא (Sanhedrin 58b).

This status is often particularly applicable to those who have affiliated themselves with a Jewish community but have not officially converted. For example, Rabbi Shlomo ben Aderet, known as the Rashba, who lived in thirteenth-century Spain, describes someone who became involved in Judaism without fully converting as “*someone who began and slightly entered into the Jewish religion*” התחיל ונכנס קצת בדת.<sup>43</sup> The Rashba believes that it is possible to have “*entered slightly into the Jewish religion*,” even without a full conversion. In his view, conversion (or lack thereof) need not always be as binary as it is often portrayed in contemporary discourse.

In the same way that the Talmud and the Rashba talk about Jewishness as gradations rather than a binary, so too does R. Yosef Engel, who lived in Poland in the late 19th century, and proposed (based on Maimonides) that conversion is a two-part process: the removal of non-Jewishness, and the taking on of Jewishness.

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43 Chiddushei Rashba, Yevamot 71a.

Conversion necessitates two processes - the removal of *kutiut* (non-Jewishness) and the acceptance of *yisraelut* (Jewishness) - since **there is a middle-ground between these two poles.**<sup>42</sup>

הרי צריך בגירות ב' פעולות -  
הסרת הכותיות וקבלת הישראליות  
- כיון דיש מיצוע לב' הדברים  
האלו. וע"י שנעשה אינו כותי  
עדיין לא נעשה עי"ז ישראל

The existence of these sources tells us that, at least in some ways, the contemporary reality of Jewish identity as a spectrum may not be as new as one might think. Of course, none of the sources so far is a perfect analogue to the status of a contemporary person who is married to a Jew. The status of a slave is far from our current reality. Rashba and Maimonides are discussing people who are planning to convert, not partners who have not yet converted. Yet, these sources certainly describe people who are not Jews, but nonetheless have strong elements of membership in a Jewish community.

44 Rabbi Yosef Engel, *גליוני הש"ס יבמות* מו ע"ב, 34

## 7. "OPEN GATES": A CONTEXT FOR LENIENCY

Thus far, I have demonstrated that the complex textual tradition around this question and the serious strand of rabbinic thought that does not believe that contemporary intermarriage is a core *d'oraita* biblical prohibition. While these sources would still say that it is prohibited rabbinically, the lack of a biblical prohibition does not mean that it is permitted. However, within rabbinic tradition, there is a longstanding practice of flexible leniency on rabbinic prohibitions, when other pressing concerns are involved.

Understanding the trend of intermarriage in the Jewish community ought to lead us to propose novel and concrete solutions. Indeed, there is a strong rabbinic tradition of leniency and creativity in cases involving intermarriage, where there is a concern that excessive stringency might push Jews away from the Jewish community. Rabbi Benzion Uziel, Israel's first Sephardi Chief Rabbi, was well aware of the shifting trends of marriage and identity in the North African Jewish communities of the twentieth century, and is known for his lenient approach to conversion, seeking to welcome as many gentile partners into the Jewish family. In one of his responses, he accurately describes the outcome of rabbinic rejection of requests for more lenient conversions:

*In our generation, closing the door in the face of converts is a harshly difficult responsibility as it opens gates wider and pushes women and men away from Judaism, to replace their faith and further assimilate.*<sup>45</sup>

While a lenient stance such as the one proposed by Rabbi Uziel is central to our proposal, it is critical that he does not frame it in the context of the concept of idolatry, which is core to the prohibition on intermarriage. The resistance to idolatry, pivotal in the formation of Jewish identity in biblical and early rabbinic pagan contexts, remained solid during subsequent centuries in monotheistic cultures. The sources cited earlier demonstrate that rabbis reinterpreted the meaning of idolatry in their Muslim and Christian contexts, and often negated the term's relevance while holding onto the prohibition on intermarriage for fears similar to those of the earlier generations. For Jews, the threat of idolatry has represented and continues to represent the validated fear that competing religious and cultural identities will replace Jewish affinities.

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45 הרב בן ציון מאיר חי עוזיאל, שאלות ותשובות 'פסקי עוזיאל בשאלות הזמן', סימן סה

*The concept of idolatry and its meanings for modernity remains a contested topic, not just in religious circles but also in philosophical ones, with important contributions by Nietzsche, Marx and Rosenzweig. In her book on Rosenzweig's perspective on idolatry, Leora Batnitzky notes that modern notions of idolatry are often used to describe precisely what is wrong with religion itself.<sup>46</sup>*

The classical sense of idolatry may not be of issue in the twenty-first century, but modern anti-religious sentiments and resistance to identification with religio-ethnic groups could be, as Batnitzky suggests, one of the contemporary manifestations of idolatry and its threats to the continuity of tribal norms. While halachic perspectives regarding idolatry may not shift so radically, perhaps it is prudent for contemporary generations to reconsider the meaning of idolatry, and its implications to our lives. Moshe Halbertal and Avishai Margalit propose that

*What will stand in opposition to idolatry will not be any sense of absolute but the freedom from absolutes and the denial of ultimates.<sup>47</sup>*

Maimonides, in a responsum about a halachically problematic marriage, invokes a rarely used halachic principle of "עַתָּ לַעֲשׂוֹת לָהּ" (an 'emergency' principle, whereby a typical halachic understanding can be abrogated because of an extreme reality). Maimonides notes that even though the union in question is not allowed and is clearly not an ideal situation, the consequences of not permitting it would be so harmful that we allow it anyway.<sup>48</sup>

Repeatedly, the Torah reminds us to love. We are taught to love God, to love each other, and to love the other within our gates. The Torah passage we recite daily and nail to our doorpost includes the words 'And you shall love רְאוּבֵהָב.' That extra vav, this 'and' is calling on us, at this time, to expand our doorways, and expand our love to all those we love, who love us back, and are part of our evolving story.

46 Leora Batnitzky, *Idolatry and Representation: The Philosophy of Franz Rosenzweig Reconsidered*. (Princeton University Press: 2009), 7.

47 Moshe Halbertal, Avishai Margalit, *Idolatry*, Harvard University Press, 1994, p. 94.

48 Teshuvot HaRambam 211.

## 8. JOY: RECLAIMING THE GER TOSHAV MODEL

Rabbi Gordon Tucker noted, “*There is little point in trying to create large, inevitably artificial categories out of human beings.*”<sup>49</sup> With trepidation, I propose doing something along those lines. The proposal for the restoration of a renewed *ger toshav* category is a call for continuity. Yet, in halachic terms, it presents a discontinuity with prevailing norms.

Nevertheless, the sources cited present us with compelling precedents, and the realities reflected in our communities are irrefutable and demand a response. The American Jewish home of the twenty-first century is, increasingly, home to many people of other heritages and faiths who sometimes convert, and often do not. As noted earlier, historians point at the unprecedented numbers of Jews who choose partners of other faiths or heritages, and also at the unprecedented numbers of those partners who choose to be part of the Jewish family and community. As part of the globalization and hybridity that defines much of twenty-first century life, a category of people has emerged who are not Jewish according to Jewish law, but as a result of their family relationships with Jews and their involvement in communal life, are distinguished from other gentiles, and embraced by the Jewish collective. This is true for my family and my community, as it is, increasingly, for most of us.

Intermarriage, both cause and marker of our reality, is a “done deal” and of limited concern to many in our community. But it is a topic of great concern and much debate among Jewish leaders and organizations. The dire demographics continue to motivate a variety of strategies, based on different ideologies, in response to the undeniable communal shifts. Steven M. Cohen, a leading scholar in the field, recently wrote:

*No American ethnic group has successfully persisted in the face of mounting inter-group marriage, a phenomenon that is self-generating. American Jews are trying to overcome overwhelming odds. We do ourselves no favors by minimizing, if not denying, the indisputable adverse impact of intermarriage on the demographic future of Jewry outside of Orthodoxy. In addition to welcoming and engaging the intermarried, we need to keep our eye on the many programs and policies that produce higher rates of in-marriage, as well as extending opportunities for non-Jews who are members of our Jewish families to become members of the Jewish people.*<sup>50</sup>

49 Tucker “Halakhic and Metahalakhic Arguments.”

50 Steven M. Cohen, Which of Our Grandchildren Will Be Jewish in This Age of Intermarriage? The Forward, October 2016.

*“Precedent can never be dismissed,” Tucker suggests. “Sometimes it will be a reference point from which innovation will proceed, because careful and respectful innovation is what is demanded.”* Both precedent and the lack of precedent combined are at the core of this proposal to revise an approach inspired by the ger toshav model that may make it possible for rabbis to welcome individuals and couples, officiate at weddings, and engage more people within the radically shifting North American Jewish community.

The sources cited offer compelling precedents and creative halachic possibilities. *Ger toshav* is a category that offers a prior model that has been created and adjusted over generations, and in specific societal contexts somewhat similar to ours. The historical *Gerei Toshav* lived with Jews, shared privileges and responsibilities, and, according to some sources, married Jews. Although there is no explicit ruling in favor of initiating such weddings, there are sources that point at legitimating such weddings *de facto*. While the status has not been sociologically or halachically active since late antiquity, several rabbinic opinions, both historical and contemporary, suggest its possible application, if only *b’dieved* בדיעבד, in response to existing reality. In the context of our sociological reality, I believe there is enough of a case to further examine the restoration of the status, with some revisions, for the American Jewish community of the 21st Century.

Yirei HaShem, while not halachically cited, but like some of the other liminal identities discussed in the sources, also present prior models of communal creativity and continuity across a spectrum of affiliations.

At its core, the rabbinic prohibition on intermarriage is rooted in the aversion to idolatry as a threat to Jewish identity. While the challenge of assimilation remains daunting and the continued fears of diminished numbers and diluted affiliation are valid, from multiple halachic perspectives, the worship of idols is not a feature of our modern society. As seen, when the stakes are high, rabbinic voices for halachic flexibility and leniency similarly point at the need for more inventive solutions.

The passage in Avodah Zara 36b cited earlier describes the rabbinic authorities response to their specific challenging cultural boundaries. The Talmudic dictum resonates for us as it has for previous generations struggling with gaps between halachic aspirations and societal norms: *“We make no decree upon the community unless the majority are able to abide by it.”*

Is today’s lingering prohibition on intermarriage with no nuanced way to distinguish between varying degrees of affiliation with the Jewish community an unsustainable and unrealistic decree for the majority of liberal Jews? It would seem so.

As Tucker suggests, labels are messy affairs, and many of us bristle at their

use. For halachic purposes, the use of the label, when applicable, will make it possible for more rabbis, operating within halachic frameworks, to wholeheartedly welcome the new ger toshav into the community, and under the chuppah. Beyond halachic needs, the exploration of questions of identity, affiliation, values, and intentions would ideally benefit individuals, families, and communities as they embark on this journey towards profound ceremonial milestones, and shared lives of continued connection and meaning.

In 2006, E. Robert Goodkind, outgoing president of the American Jewish Committee, proposed the concept of “*citizenship in the Jewish people*” to those who choose to live with the Jewish community without conversion. “*While I use the word “citizenship,” he said, “I am not wedded to it, as there may well be another term more suitable to this concept.”*<sup>51</sup> As seen earlier, other suggestions have been proposed in recent years. Some Conservative rabbis and congregations have begun using the term ‘K’rovei Yisrael’ - a word that connotes a deeper sense of kinship. In March 2017, in response to a rising number of interfaith families, United Synagogue of Conservative Judaism’s Standards for Congregational Practice were amended to include congregational memberships for gentile spouses and family members.<sup>52</sup>

I would like to add the honorific ‘Joy’ to the list of suggestions.

‘Joy’ is the self-proclaimed title chosen by a dear friend and revered teacher, who invited me to officiate at his Jewish wedding to his Jewish born partner of seventeen years. “*I’m a Jew who’s also a Goy*” he proclaimed. This wedding invitation finally convinced me to delve into this research and propose solutions that will equally honor both past and present with integrity and love.

Like Goodkind, I am not wedded to using ‘Joy,’ but have found resonance for it among people who appreciate the word for its freshness, honesty, and humor. Some found it trite and juvenile. I like it for its source, and because it’s another reminder to embrace our world, new friends and family, with less fear, and more love, trust, and joy.

How would one (should one choose) become a ‘Joy?’ What would a wedding between Jews and ‘Joys’ look like? What would these implications carry for the present and future greater Jewish community? These questions, along with the invitation for further conversations and explorations, frame the conclusion of the proposal.

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51 Steven M. Cohen, “Non-Jews in Jewish Families: The Context and Background of Communal Decision-Making”, American Jewish Committee Report, 2016, 72.p. 21

52 “Conservative synagogues pass resolution allowing non-Jews as members,” JTA, March 5, 2017.

## 9. REMAINING QUESTIONS

What would a Jewish marriage ceremony between Jew & Joy and officiated by a rabbi look like?

Anita Diamant's best selling guide book on Jewish weddings published in 1986 was revised in 2017 and titled, *Jewish Weddings Now* in response to:

*a shift away from the hyphenated Judaism of past generations; as boundaries between denominations are less distinct and affiliation rates are lower... Jews of the twenty-first century cannot marry the same way their parents did, much less their grandparents.*<sup>53</sup>

In his 2001 article, Rabbi Steve Greenberg, inspired by the recent wave of creative exploration of Jewish wedding ceremonies for LGBTQ couples, sets the stage for further exploration of creative wedding ceremonies within halachic norms:

*New rituals for such marriages, rituals that partake of Jewish resources and speak honestly about what is actually happening, are needed. Exactly what such marriages could mean for the Jewish community, how they ought to be formally enjoined, or how they should be terminated when they end are all questions that call for the exercise of cultural creativity.*<sup>54</sup>

The classical halachic mode for marriage in the Jewish tradition is *Kiddushin*, or betrothal, based on 'Kinyan' - acquisition. This rabbinic concept, true to its time, assumed a transactional model whereby the husband acquires his wife from her father. In recent years, thanks to feminist and progressive critique, more voices within liberal and modern Orthodox circles view the halachic model as inherently non-egalitarian and problematic.

In 1998, Rabbi Rachel Adler created an alternative model called *Brit Ahuvim* - A Lovers' Covenant, replacing the Talmudic *Kiddushin* as acquisition model with the Talmudic *Shutafut* procedure, for the initiation of a non-hierarchical partnership.<sup>55</sup> Adler's model inspired many couples and rabbis to create thoughtful, halachic, and personally meaningful wedding ceremonies. Her son and daughter-in-law, both rabbis, elaborated on the model, including adding considerations for the possible ritual solutions in the case of the marriage's dissolution. In their comprehensive essay outlining the method's benefits,

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53 Anita Diamant, *The Jewish Wedding Now*, (Scribner, 2017), 8.

54 Greenberg, "Between Intermarriage and Conversion."

55 Rabbi Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics*, (Philadelphia: 1998).

Rabbis Julie Pelc Adler and Amitai Adler also address the need for creative halachic approaches:

*To be a halachic community requires not only commitment to halachah and the halachic process, but a willingness to use the array of tools in the halachist's toolbox creatively and skillfully.<sup>56</sup>*

There are several benefits to reframing the classical *Kiddushin* model by using the *Shutafut* model to create a union/partnership in cases that defy the classical halachic norms, but still offer meaningful and halachic alternatives. Once explained and framed, this model is the preferred option for many couples that have recently married in our community, or are preparing to be married soon. It would be the preferred model for all weddings between Jews and 'Joys.'

These wedding ceremonies, once grounded in the frameworks of *Shutafut*, will include other elements from the Jewish wedding, from the use of a Chuppah, or wedding canopy, to the breaking of a glass, with appropriate adaptations of liturgy and custom, per case and per preference of all involved in the ritual.

Like other big moments during the cycle of our lives, weddings offer an opportunity to reflect, refine and define our values, choices and priorities. The weddings I choose to officiate at include a learning process, during which the couple is engaged in designing and preparing their weddings and life together. Likewise, the weddings of Jews and 'Joys' would include a series of conversations, questions and decisions, both before and following the wedding ritual, that will, hopefully, enrich the experience of both partners, and enable them to build a home, guided by their deepest values and commitments within the Jewish community.

In honoring the prominent, if not exclusive, role of Jewish values in the couple's lifestyle choices and wedding ritual, I choose not to, at present, co-officiate wedding ceremonies with clergy of other faiths.

**Would there be any kinds of study, ceremony, or commitment expected of 'Joys?'**

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<sup>56</sup> Rabbi Julie Pelc Adler, Rabbi Amitai Adler, "Brit Ahuvim 2.0: The New Standard Halachic Alternative to Kiddushin Marriage," [therabbisadler.blogspot.com](http://therabbisadler.blogspot.com).

In response to Goodkind's proposal, Steven M. Cohen summarizes his compelling essay on the topic with the following call:

*Who would qualify for inclusion as a "citizen of the Jewish People" or some other comparable status? Some may propose that individuals qualify for the new status simply upon the basis of self-declaration. Yet if declared interest in being recognized as a citizen—or ally or friend—of the Jewish People is seen as insufficient for this new status, then what criteria indicating genuine attachment to the Jewish People would qualify someone for such recognition? Conversely, on what basis, if any, would we want to reject potentially qualified incumbents of this status?<sup>57</sup>*

These important questions presently have no definite answers. I plan to spend the next five years (2017-2022) continuing this research and focusing on these questions, options, and further explorations. It is safe to assume we will not produce a 'one size fits all' model, but rather be able to further articulate a spectrum of identity choices and ritual responses.

Conversion to Judaism, as cited earlier, remains a cherished and valued choice, including for the children of Jews and their 'Joy' partners when required by halachic norms and desired by the family.

A key factor that will drive this sensitive research is a creative exploration of the halachic rule known as *davar hama'amid*<sup>58</sup> or 'fortifying element'. Derived from the dietary laws of Kashrut, this rule comes to determine the kosher status of certain foods based on the types and amounts of their ingredients. The use of a container or the presence of a non-kosher element in a kosher food or liquid can be negated if the ratio between the two is 1:60 or greater. Otherwise, the non-kosher ingredient is seen as a 'fortifying element.'

Conversely, the question at stake for this research is what will be the fortifying and personally significant Jewish points of entry and continuity that will be deemed 'sufficiently joy-ish'? What will enable families comprised of people of different heritage, faith, and culture to maintain meaningful Jewish lives robust enough to be handed down as legacy?

How do rabbis and communal leaders not become 'bouncers' and arbiters of people's Jewish or 'Joy-ish' status? Conversion is already a contested issue between the various Jewish denominations these days, with a range of acceptable positions on length of preparatory study, and level of observance of Jewish law.

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57 Steven M. Cohen, "Non-Jews in Jewish Families: The Context and Background of Communal Decision-Making," 23.

58 Shulchan Aruch, Yoreh Deah 87.

Rabbis should not be the ones deciding for those seeking their guidance whether they ‘qualify’ as Jews, ‘Joys,’ or others. Rather, this should be a delicate process involving all engaged in the conversation, with the person whose identity this is of primary importance in addressing, articulating, and ultimately deciding what values, practices and symbols, if at all, are meaningful enough to render their identity one that is invested in some significant way in the Jewish experience. At this stage, and perhaps by their nature, these are subjective and inherently non-binary lenses through which to view and celebrate identity. In many ways, this is a formidable challenge for Judaism’s long cherished ways of distinction. As hopefully shown here, it is not an entirely new challenge. Magid frames both contemporary blessings and challenges:

*Ironically, America, which provided the most tolerant and embracing society in the Jewish diaspora, has presented Jews with perhaps the most serious challenge they have faced in their long history: how to reconfigure Jewishness beyond ethnicity. ...Coupled with the individualistic spirit of American religion, Jewishness and Judaism have become liquid categories.<sup>59</sup>*

This research process will include conversations with people who are in the ‘liquid categories,’ and will, perhaps, choose to self-identify as ‘Joys,’ as well as with their partners and families. Guided by curiosity, respect, and honesty, we look forward to many fruitful conversations that will enable us to know more about possible benefits and challenges, personal needs, and communal aspirations.

Further, I will engage in continued collaboration with scholars, clergy, and communal leaders who have already started exploring possible suggestions. A recent sample of a *ger toshav* conversion certificate was cited earlier, as one of several interesting new attempts by rabbis across the United States to chart this new territory. I hope for meaningful exchange and learning with leaders and thinkers of other faiths and cultures.

For those of us who cherish what Judaism and Jewishness have to offer present and future generations living in a complex, digital, and consumerism-driven world, these questions are key, and their exploration is vital. The collective wisdom that has enabled Judaism to flourish, transform, and persist throughout the ages will continue doing so, deeply attuned to the truths and changing needs of each generation. In many forms, and for many different kinds of people, Judaism continues to offer an extraordinary set of values, practices, tales and tools that bring more meaning to our private lives and connect us to each other, to a community that binds us, and to a world that needs our caring, courage, and love.

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59 Shaul Magid, *American Post-Judaism*, 24.

## 10. CONCLUSION

*"I am blessed to be a voyager on an ancient pathway,"*<sup>60</sup> writes Rabbi Rachel Cowan of her journey to Judaism in the book that had become a cultural milestone, co-authored in 1988 with her late husband, Paul Cowan.

All pathways need some renovation, especially the ancient ones, to make more room for fellow travelers and new blessings. Halacha, more than law, is the ancient and living path that guides our safe and responsible traveling. What was once a path for few has become a freeway for many more. Is it possible to add a lane?

I have traveled my path, in ancestral footsteps, with twists and turns, leaving Orthodoxy, literally 'The Right Path,' on a search for living a Jewish life of integrity, meaning, and purpose. In Conservative Judaism, I found rigorous and respectful debate between obligation to the past and responsibility for the present. The creative and compassionate courage exhibited by the movement in 2006<sup>61</sup>, alongside the profound display of a pluralistic attitude committed to the rabbinic value that *'Both these and those are the words of a Living God'*<sup>62</sup> are testament to the agility of halachic thought in the face of fluidity and evolving norms. As an openly gay man, I am grateful for this historic change. The lanes that were opened with that decision welcomed me and many others to relinquish shame and join our community, as leaders and as congregants, with dignity and pride. The privilege of inclusivity for many of us have fought for and continue to do, is a charge for a continued collective voice to widen our doors and broaden our paths.

Love is what brought upon our modern realities of intermarriage. More love and less fear will serve us best as we respond to the challenges and blessings ahead of us.

*"Rabbi Judah taught in the name of Rav: Hospitality toward guests is greater than receiving the Divine Presence."*<sup>63</sup>

Rabbi Judah Loew, known as the Maharal of Prague who lived in the 16th century, comments on this passage, on the brink of the modern era:

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60 Rabbi Rachel and Paul Cowan, *Mixed Blessings: Overcoming the Stumbling Blocks in an Interfaith Marriage*, (Penguin Books: 1988), 112.

61 RABBI ELLIOT N. DORFF, DANIEL S. NEVINS & AVRAM I. REISNER, *HOMOSEXUALITY, HUMAN DIGNITY & HALAKHAH: A COMBINED RESPONSUM FOR THE COMMITTEE ON JEWISH LAW AND STANDARDS*, CJLS, 2006

62 Babylonian Talmud, Eruvin 13b. הן ואלו דברי אלהים חיים הן

63 Babylonian Talmud, Shabbat 127a. אמר רב יהודה אמר רב גדולה הכנסת אורחין מהקבלת פני שכינה

*Rav's statement is consistent, for none can encounter the face of God directly as it is written, "No human may see My face and live" (Exodus 32:20). So, indirect contact cannot be compared to what happens when one welcomes and honors a guest who appears as a new face and the host attaches oneself completely to this image of God. Take these words in deeply.<sup>64</sup>*

May our generation's new understanding and realizations help build a better world, grounded in the sacred, celebrating human connection and dignity, standing for equality and justice, building bridges of peace and sanctuaries filled with truth, love, and joy.

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64 Maharal, Pathways of the World, Chapter 4.

## 11. JOY: A PROPOSAL

### 2017-2022

For the next five years, I intend to try out the Joy proposal. Along with colleagues in my community and others, and in partnership with a research team headed by Tobin Belzer, PhD, we'll continue to explore the meaning and application of 'Joy' to our private and public lives.

I will officiate weddings of Jews and 'Joys,' as part of our shared commitment to a learning series leading to and following the wedding ritual.

I will not co-officiate weddings with clergy of other faiths.

I will engage with individuals, couples and families self-identified as 'Joys' to explore what purpose and meaning may the use of this 'status' inform and inspire.

I invite continued learning and exploration of this model with other leaders and communities.

By the end of five years, I hope to have learned much, opened many doors, and present more solid data on the Joy proposal towards continued conversation, and even more open doors. I am sure the process and model offered here will be improved by refinement and revisions, and by paying closer attention to the many questions already in place, and others that will arise. The ultimate success of this approach will depend upon communal participation, and the will by more of us to try this path with honesty, transparency, love, and trust.

כל הדרכים בחזקת סכנה. אין לך דרך שאין בה כמנות או עקמימיות. יש אומר: "מה לי ולצרה הזאת? אשמור רגלי ולא אחטא, ואת נפשי הצלתי." ברם חכמינו דרשו: "ושם דרך אראנו בישע אלהים" (תהלים נ':כ"ג) – "אילו שמדליקין נרות לרבים."

*All paths should be presumed to carry danger. There is no path forward that is without crookedness or ambushes. Some say: "What do I need this trouble for? I will watch my step and not sin, and I will have saved my soul." But the Sages have expounded: 'and to him who blazes a path I will show the salvation of God' (Psalm 50:23) – "This refers to those who light lamps for the multitude."<sup>65</sup>*

May this proposal be a lamp of light for many.

Rabbi Amichai Lau-Lavie,  
Shavuot 5777, June 2017  
New York City

<sup>65</sup> Heschel, Abraham Joshua, *הדורות של באספקלריא השמים מן תורה*, vol. III, Jerusalem: Jewish Theological Seminary, 1990, pp. 102-103; English in *Heavenly Torah: As Refracted through the Generations* (trans. Gordon Tucker), New York: Continuum, 2005, pp. 717-719.

## **Redefining Jewishness in America: Now and Next**

Exploratory Research Scope of Work/2017-2022

Tobin Belzer PhD

In the 21st Century, the majority of American Jews choose to partner with and marry people of other faith backgrounds. These couples and families are designing Jewish lives that are unique to this cultural-historical moment. This research, in conjunction with Rabbi Lau-Lavie's Joy Proposal, will contribute to the growing body of qualitative research that seeks to understand the implications of, correct common misconceptions about, the changing nature of American Jewish life.

### **Research Design**

This research will explore the perspectives of individuals from three populations: 1) couples who sought to be married by Conservative rabbis, but were declined because one partner is of another faith background; 2) Conservatively ordained rabbis who have opted into this experiment: those who choose to marry Jews to "Joys": partners of other faiths who choose to live Jewish lives and 3) couples who are married by those rabbis. Hour-long interviews will be conducted to learn about these individuals' experiences in their own words. Participants will be located through referrals within existing social and organizational networks. This research will be guided by the sociological literatures on intermarriage and identity, and will be overseen by an advisory committee of leading scholars. The research will unfold in two phases.

### **Phase One: NOW**

This component of the research will focus on understanding the choices and paths of couples who initially hoped to be married by a Conservative rabbi, but were compelled to choose other paths. In-depth interviews with 25-30 couples will explore the practical, intellectual, and emotional impact of this experience on their weddings, marriages, families, and sense of connection to Jewish life. This sample will include couples who were recently married, as well as those who have been married for five-ten years.

## **Phase Two: NEXT**

For this longitudinal component of the study, Conservatively ordained rabbis who opt in to this project will invite the couples they marry to participate in a research project that will be conducted over the course of five years. The sample will include 25-30 newly married or soon-to-be married couples who will be interviewed at least once a year, and additionally at relevant moments of significance in their lives. Participants will be asked about their actual and aspirational involvement in ritualistic, social, cultural, educational, familial, ideological, and gastronomic aspects of Jewish life over time. Their motivations for initial and continued involvement in Jewish life will also be examined along with their attitudes toward conversion and their decision to engage Jewishly without converting. The rabbis who marry them will also be interviewed to explore their perspectives over time.

## **Principal Investigator**

**Tobin Belzer PhD** is an applied sociologist whose research and program evaluations have focused on young adults and teens, experiential education, leadership training, organizational culture, congregational studies, Jewish identity, character development, gender, inclusion, media and technology, arts and culture, and education. Belzer is a Contributing Fellow at the Center for Religion and Civic Culture (CRCC) at the University of Southern California, where she has been affiliated since 2003. She was a Visiting Scholar at the Taube Center for Jewish Studies at Stanford University (2014, 2015-2016).

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Rabbi Amichai Lau-Lavie is the founding spiritual leader of Lab/Shul NYC and the creator of StorahTelling, Inc. An Israeli-born Jewish educator, writer, and performance artist, he received his rabbinical ordination from the Jewish Theological Seminary of America in 2016.

Rabbi Amichai is a member of the Global Justice Fellowship of the American Jewish World Service, a founding member of the Jewish Emergent Network, a consultant to the Reboot Network, a member of the URJ Faculty Team and the Advisory Council of ORAM, an LGBT focused organization for refugees, asylum and migration. He was a Jerusalem Fellow at the Mandel Leadership Institute in Israel (2008-2009) and serves on the advisory committee of Faith House Manhattan.

Rabbi Amichai has been hailed as “an iconoclastic mystic” by Time Out New York, a “rock star” by the New York Times, a “Judaic Pied Piper” by the Denver Westword, a “maverick spiritual leader” by The Times of Israel and “one of the most interesting thinkers in the Jewish world” by the Jewish Week. In 2016 The Forward named him one of the thirty-two “Most Inspiring Rabbis” in America.

Rabbi Amichai is the proud Abba of Alice, Ezra, and Charlotte-Hallel.

In minor ways we differ,  
in major we're the same.

I note the obvious differences  
between each sort and type,  
but we are more alike, my friends,  
than we are unlike.

We are more alike, my friends,  
than we are unlike.

We are more alike, my friends,  
than we are unlike.

Maya Angelou