

דֶּרֶךְ-אֱמוּנָה בַּחֲרָתִי

*Derech Emunah Vacharti: The Right Path is the
One I have Chosen*

Choice Through Knowledge and American Reform
Judaism

Thesis submitted in partial fulfillment of the requirements for ordination

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Thesis Digest

On paper at least, our movement prides itself on the principle of *choice through knowledge*; essentially, the notion that religious decisions are made only after careful and complete inquiry into both traditional sources and their modern implications. Recent trends within Reform Judaism seem to indicate a more serious application of this principle to the religious lives of our laity and it has presumably long been upheld, even if informally, by our rabbis. My thesis, *Derech Emunah Vacharti: Choice Through Knowledge and American Reform Judaism*, examines the development of *choice through knowledge* within the history of Reform Judaism and attempts to explain how it differs from the broader notion of autonomy characteristic of our movement. I also seek to discover whether this type of inquiry into traditional sources is still dominant in the religious decision making process conducted among rabbis and laity today and whether and to what extent it applies or is modified in congregational decisions. I have chosen a narrow lens through which to view this question; an arena where final decisions are generally reached jointly by both rabbis and lay leaders and one which significantly affects the religious, emotional, and spiritual lives of our congregants; that of the role of the non-Jew in the synagogue.

In seven chapters, I analyze the specific points of interest regarding this topic. Chapter one explores the origins and development of *choice through knowledge* in the context of Reform Jewish history, while chapter two breaks down this principle of informed choice into its various complexities; including, for instance, the inherent limitations that *knowledge* places on *choice*. Chapter three seeks to establish the connection between *choice through knowledge* and the dilemma of the non-Jew in the

synagogue; the practical application so-to-speak. Chapter four provides an analysis of the traditional sources which might or ought to be considered when making choices over the role of non-Jews in the synagogue. I looked specifically at texts of halakhic import that create or presume either ethical or ritual distinctions between Jews and non-Jews. How might these texts be useful to us today and are there legitimate grounds upon which to reject them? In chapter five I explore a different path of *choice through knowledge*, looking specifically at how our own CCAR has navigated the course between tradition and modernity regarding the question of Gentiles in the synagogue. The awareness and use of traditional sources by the Responsa Committee stands out as a prime example of how *choice through knowledge* can be incorporated seriously into our religious lives. Chapter six returns to the question of practicality and *choice through knowledge*. In it I analyze the responses to a rabbinic survey which I sent out to forty of our movement's rabbis, looking at the various types of *knowledge* that factored into their decisions regarding the non-Jews in their congregations. Finally, in chapter seven I attempt to summarize the impact *choice through knowledge* has had on our movement as a whole. Specifically I point out the yawning gap between the recitation of *choice through knowledge* as an important maxim in Reform Judaism and its actual application by our rabbis and congregations. I propose that this should not be the case. *Choice through knowledge* is indeed an important feature of American Reform Judaism and it is one which differentiates us in significant ways from the other movements. However, it loses its validity and become difficult to uphold, though it is a worthy endeavor to do so, when it remains in the realm of theoretical tenet instead of applied axiom.

Derech Emunah Vacharti:

Choice Through Knowledge and American Reform Judaism

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***Derech Emunah Vacharti*¹: Choice Through Knowledge and American Reform Judaism**

Introduction:

Reform Judaism is undoubtedly one of the largest organized Jewish movements in the world today. Millions of people in every Diaspora community in the world as well as the State of Israel identify with the core tenets that this movement claims to uphold. More than any other branch of Judaism, it is the Reform Movement which has been the most aggressive in its efforts to reach a *modus vivendi* between the reality of modernity and the demands of our faith. It is this very struggle which indeed initially sparked the creation of our movement and has continued to fan the flames of its survival and relevance through today. As Michael Meyer writes in *Response to Modernity: A History of the Reform Movement in Judaism*, “[Reform] represent[s] that branch of Judaism which has been the most hospitable to the modern critical temper while still endeavoring to maintain continuity of faith and practice with Jewish religious tradition.”²

One of the areas in which this struggle is most apparent is in Reform attitudes towards religious practice and the process by which one arrives at a decision regarding his personal religiosity. Truly, even the notion that such a process does and should exist is, in and of itself, an innovation of Reform ideology – though the roots of such a concept can be traced back to before the official formation of our movement. The idea that one’s decisions about religious practice are left to his discretion and are not determined by

¹ Psalm 119:30

² Meyer, Michael A. *Response to Modernity: A History of the Reform Movement in Judaism*. Oxford University Press, New York, NY 1988. vii.

Torah or *halakhah*, even if one claims that his decisions are “influenced” by those external normative sources, is both a bold and revolutionary aspect of Reform thought. Clearly today, on paper at least, our movement prides itself on the principle of *choice through knowledge*; essentially the theory that religious decisions should ideally be made only after careful and complete inquiry into both traditional sources and their modern implications. Recent trends within Reform Judaism seem to indicate a more serious application of this principle to the religious lives of our *laity* and in looking at various examples from history, one might presume that *choice through knowledge* has long been upheld, even if informally, by our movement’s *rabbis*. As stated above, we could potentially trace the roots of this notion of religious autonomy back even further. Well before the formal organization of Reform Judaism in Europe, let alone in America, religious decisions were being reinterpreted as matters of individual conscience as opposed to matters of communal pressure or rabbinic enforcement. Mendelssohn specifically and the *haskalah* more generally are credited by the literature as having first conceptualized this.³ While the level to which individual autonomy was valued on the by nineteenth century Americans is debatable, the founders of American Reform, in their writings at least, appear attuned to the rights of individual congregations to decide for themselves matters of religious significance and not to be subjected to any sort of coercion by a rabbinic authority. Their careful exploration of the traditional sources and their application of those sources to the contemporary situation also indicate that *informed choice* as we have come to understand it is not a unique innovation of the late twentieth century. That said there is a reason that the phrases *choice through knowledge*, *religious autonomy*, and *informed choice* have come to be associated most closely with

³ Meyer, *Response*, 16.

the period of the 1960s and 70s through today. The relationship of these generations to Jewish tradition and Jewish texts and sources can be classified as fundamentally different than that of the founding generation, that of Isaac M. Wise for example. In order to gain a sense of the impact *choice through knowledge* has had and will have on American Reform Judaism, an understanding of these differences is crucial.

The questions related to the development and impact of *choice through knowledge* manifest themselves in various forms, and the attempt to gain insight and answer these questions is the underlying goal of this thesis. As I conceptualize it, there are really three major components related to the discussion of *choice through knowledge*.

First of all, what are the origins of this concept and how did it develop into one of the most-often quoted idioms of our movement? As Reform Judaism stands yet again on a sort of precipice between reclaiming elements of tradition and confronting the reality of our times, we must ask ourselves, was the conception of individual religious autonomy through informed choice *really* a value during the *founding* of Reform Judaism in the same way that it seems to be a value of our community today? How exactly did this value develop within our movement?

Secondly, how might the concept of *choice through knowledge* be relevant to an issue that is uniquely of contemporary import and significance? Can we, for instance, apply it to highly contested, hot button issue faced today by both Reform rabbis and Reform laity? Perhaps one of the greatest arenas in which this idea is apposite today is the challenge we face regarding the treatment of intermarried families within the congregation. How does a rabbi use this value to aid his or her decisions regarding this controversial, contemporary agenda? Is *choice through knowledge* applicable to the

question of the role non-Jewish spouses may play in Reform congregations? And more specifically, what comprises the body of “knowledge” available to support and assist these choices? In other words, what does our textual tradition say not only about the relationships between Jews and non-Jews but also the consequences of these relationships on ritual and communal Jewish life?

Thirdly, can we argue that *choice through knowledge* is, in fact, a *lived* value of our community today, or is it pure rhetoric that sounds profound and is often quoted to describe our relationship to Jewish law and tradition but in the end is of little use to categorize the contemporary religious lives of our rabbis and laity? How exactly is *choice through knowledge* employed, understood, and lived by modern Reform Jews? Are Reform rabbis, for instance, able to express this value in the choices they make for and with their congregations? Does it, in fact, influence the way in which we navigate the course between faith and religious practice on the one hand, and the realistic demography and sociology of the present Reform congregation on the other? In what ways is this concept used by individuals to create standards of practice for themselves and their congregations, especially, if those standards may directly conflict with the present reality of Reform Jewish life in America? More importantly does the textual tradition that comprises the “knowledge” part of the equation have a voice where the issue of non-Jewish spouses in the congregation is concerned and to what extent is that voice being heard or considered by rabbis in the position to make these decisions across the country?

Chapter One: The Origins and Development of *Choice Through Knowledge*

Jewish values and beliefs are inextricably linked to experiences in Jewish history. Even the Bible itself makes it clear that Jewish thinking essentially originates in the various personal and social encounters of the Jewish people and in their interactions with those different from them. The development of the theory of *choice through knowledge* is certainly no exception. The intellectual discoveries within the Jewish community of the last two hundred years, *choice through knowledge* among them, are indisputably connected to the fact that modernity presented an absolutely unprecedented challenge to Jews and their faith. As Eugene Borowitz acknowledges,

Other ages have, without a doubt, been intellectually troubled; [but] few have known the depth and range of the difficulties modern Jews confront. Large numbers in our community doubt God's existence, are skeptical about the revelation of the Torah, and cannot believe that the Jewish people has a unique role in human history. Not since Rabbinic Judaism became the accepted standard for Jewish living has so great a proportion of our community been unobservant of the law, ignorant of our heritage, and only mildly discontented with such minimal Jewishness.⁴

Jewish religious life in the Biblical period was defined by its emphasis on the intergenerational *brit* between God and Israel. Self, society, responsibility, election, promise, redemption and mission, all fundamental tenants of our people, were propagated by this historical experience. "Believing Jews live in the reality of the Covenant."⁵ In the land of Israel there was great political autonomy, military conquest, the Temple, prophecy, exile and return. "The Covenant was amplified by this historic experience and

⁴ Borowitz, Eugene B. *Choices in Modern Jewish Thought*. Second Edition. Berhman House Inc, Springfield, NJ 1995, ix.

⁵ Borowitz, *Choices*, 4

climaxed in the dream of a messianic day when history would be fulfilled in the universal, free service of God.”⁶ Following the destruction of the Second Temple, the early Rabbis were confronted with a series of challenges which would lead them to frame the Judaism that we know today. As modern Jews, we can only consider our practice in light of their innovations. “...the Rabbis, who interpreted the biblical text for us and who turned it quite literally into a Jewish book...expanded upon biblical tales, told stories about the Bible’s stories and created an inexhaustible treasury of literature that has served us ever since as material for thought, discussion, and debate over Jewish theology and religious values.”⁷ We read the Bible through *their* eyes. Our institutions and practices, the very elements which may influence our religious choices, are *their* inventions. The rabbinic period marks a significant turning point not only for the development of Reform Judaism in general but also the concept of *choice through knowledge*, since the latter is entirely entwined with the Jewish legal process. To an extent, it could be argued that Reform Judaism and its principles rest firmly on the example set by the Rabbis. This was certainly the precedent cited by the early Reformers and such citation remained a tactic throughout the development of the movement as each generation sought legitimacy in the interdenominational sphere. These Reformers tended to justify the liturgical and other changes they introduced into Jewish observance by citing halakhah and traditional sources. When contemplating the issue of instrumental music during the worship service for example, Rabbi Aaron Chorin of Arad, “perhaps the most learned halakhist among

⁶Borowitz, *Choices*, 4.

⁷ Washofsky, Mark. *Jewish Living: A Guide to Contemporary Reform Practice*, UAH Press, New York, NY 2001, xiv.

the early Reform rabbis,”⁸ advocated that musical accompaniment would benefit the mitzvah of worship, and on the basis of Isserles’ comment to Shulchan Aruch, Orach Chayim 560:3, such accompaniment should be permitted. In America, the Reformers also found support for their endeavors in Rabbinic precedent. Samuel Holdheim, for instance, identified readily his own concerns with those of Yochanan b. Zakkai and in a 1910 address to the Central Conference of American Rabbis, Rabbi Jacob Raisin makes the case that the term reform could indeed categorize several episodes in Jewish history.⁹ Needless to say, the Reform Movement was certainly not the first organized Jewish expression of change.

Yet, for all its significance, the Rabbinic period also represents a sort of paradox when contextualized by the history of *choice through knowledge*. The point to which the Rabbis were actually open to change is in fact limited and likewise there is little indication that their creativity included the element of the same individual autonomy so central to the principle of *choice through knowledge*. On the one hand, Jews of the pre-modern period understood their religion as “eternal and unchanging.”¹⁰ Torah, in its entirety, by which we mean both the written and oral law, was transmitted on Sinai and the idea that an individual Jew could actually consider adding or subtracting from that corpus was entirely foreign. In fact, the Talmud itself speaks directly against this possibility, “even what a veteran student will one day set forth before his teacher was already said to Moses at Sinai.”¹¹ There was no formal notion in the mindset of the Rabbis that the tenets of Judaism must be evaluated against contemporary concerns, that

⁸ Guttman, Alexander, *The Struggle over Reform in Rabbinic Literature*, published by the World Union for Progressive Judaism, New York, NY 1977, 25-26.

⁹ Meyer, *Response*, 3-4.

¹⁰ Meyer, *Response*, 5.

¹¹ Talmud Yerushalmi *Peah* Chapter 2 Halakha 4, as quoted in Meyer, *Response*, 5.

faith and the reality of the day should somehow both be considered, or that they might lead to contradictory conclusions.

Traditional Judaism did not weigh the claims of the law against the claims of the age. It could not consciously allow new external values to supersede those contained within. An important thrust of halakhic activity was to *conserve* tradition and to protect it from violation. The law was absolute and demanded complete allegiance; it could not in theory be compromised. Human beings had no right to tamper with it. It was, in the language of the Sages, „from heaven.“¹²

At the same time however, applying Jewish tradition and law to the changing contemporary situation was *entirely* the Rabbinic endeavor. In order for the law to be relevant and worth upholding by each generation, the Rabbis necessarily had to prove it was adjustable and extendable enough to cover any forthcoming circumstance. Thus they developed hermeneutical principles, methods of study, *takanot*, and other legal creative measures. The Rabbis widened legal categories and reinterpreted what could be considered the “spirit of the Torah,” or the real intentions of Torah as opposed to its literal meanings. We know that the legal tradition was influenced by Jewish relationships with the non-Jews that surrounded them by the number of legal decisions made in the name of *darchei shalom* (preserving the peace) and ensuring the survival of Jewish life in the Diaspora. More importantly, though we argued above that individual autonomy was in no way a factor of rabbinic ideology, perhaps this is not entirely the case. Through careful and narrow interpretation of the rabbinic process, some precedent for *choice through knowledge* may be found. Even the first and most famous expression of the oral law, the *Mishnah*, contains the semi-autonomous decisions of its editor, Rabbi Judah Ha-Nasi, or simply Rabbi. “Rabbi was quite selective in determining what went into his Mishnah. From all the texts created by the *tannaim* he *chose* but a small fraction, leaving

¹² Meyer, *Response*, 5.

the rest out. For this reason, his work appears to be a legal code of the Oral Torah, one which includes the teachings he favored while omitting those he regarded as incorrect.”¹³

It would seem then, that the great Judah Ha-Nasi, when faced with the gamut of rabbinic *knowledge* felt it entirely appropriate to choose; though whether these choices were made by individual conscious or some other criteria is anybody’s guess, since there is no record of his process. Similarly, this same text contains another element which may be seen as a precedent for *choice through knowledge*. As the Oral Torah became more and more the object of study in the rabbinic academies, debate and dispute known as *machloket* became part and parcel of the learning process. The sages not only felt free to disagree and express their individual opinions regarding a particular law or its nuances, but many of these autonomously derived minority viewpoints are recorded and maintained in the text and given an important status. In Rabbi’s opinion at least, these *too* constituted knowledge and they were preserved on the grounds that may someday be a factor in somebody else’s choice. As *Mishna Eduyot* 1:5 states, “why are the words of the individual sage mentioned along with those of the majority (who disagree with him)? After all, is not the halakha decided according to the majority opinion? Because a court may someday be persuaded that the opinion of the individual sage is the better one and declare the halakha in accordance with him.”¹⁴

The political reality of the rabbinic period is as much a factor in the eventual invention of *choice through knowledge* as the textual and ideological precedents, for it was precisely the changes in the Jewish political situation that can account for the rise of the Reform Movement itself. At the time of the Rabbis, the Jewish people were spread

¹³ Washofsky, *Jewish Living*, xv.

¹⁴ Mishna Eduyot 1:5 as quoted in Washofsky, *Jewish Living*, xv.

throughout the cultural centers of the civilized world. This Diaspora as it came to be called would characterize the Jewish experience for the next 1400 years and it had numerous consequences, some positive but many negative.¹⁵ Life under Muslim and Christian rule was difficult and oppressive to say the least. Yet it was precisely that environment which provided for a functioning Jewish legal system and the expression of Jewish juridical autonomy, despite the lack of political sovereignty.¹⁶ These circumstances forced Jews to both turn inward as a result of their segregation. The result was an internally disciplined Jewish society, “which, rooted in religious and national imperatives, felt bound to govern its everyday life by Jewish law.”¹⁷ At the same time, the Jewish community was in a position to be influenced by the more tolerant elements of the surrounding culture. Borowitz remarks, “Jews came to see themselves as God’s suffering servant in history, and they knew that their defamers, by their very persecution of others, could not be God’s chosen. [Simultaneously], Jews learned from those cultures that permitted their participation.”¹⁸

This acculturation provides the background for the rise of Reform. European cultural elements gradually penetrated the Jewish community at various levels – both the lowest and highest factions of society. Poverty became an increasing problem, so much so that Jews could no longer simply take care of their own, a long-held Jewish value. As a result, poor Jews had to look beyond the community for help, often running with non-Jewish criminal gangs or allowing themselves to be converted, perhaps even multiple

¹⁵ Borowitz, *Choices*, 4.

¹⁶ Elon, Menachem. *Jewish Law: History, Sources, Principles*. Vol. IV. Jewish Publication Society, Philadelphia PA, 1994. 1576.

¹⁷ Elon, *Jewish Law*, 1576

¹⁸ Borowitz, *Choices*, 4-5.

times, for monetary reward.¹⁹ Jews in the upper echelon were likewise finding themselves amongst the influence of non-Jewish society.

Each of the numerous absolutist states which emerged in Germany following the Thirty Years War sought to strengthen its economic position and extend its political influence. For the sake of amassing wealth, rulers of both large and small states were increasingly willing to rely on capable Jews to perform a variety of financial and commercial functions. Drawn into the spheres of power and influence, these Court Jews to varying degrees adopted the mores of the non-Jewish circles in which they moved. They dressed stylishly, invited the aristocracy to their lavish homes, and employed Christian tutors to teach their children. Some remained scrupulously observant, others did not.²⁰

Yet, these exceptions aside, it is the ghetto experience that more often than not classifies this period and which makes the eventual emancipation of the Jews stand out all the more.

Though this emancipation was not, in reality, a single, dramatic event, but rather a gradual process which slowly influenced the tides of Jewish thought, few other single *periods* had as much influence on the development of concepts such as *choice through knowledge*. The identity that was created during the period of segregation, the “inner certainty that gave Jewishness great worth and deep significance”²¹ which was a product of the ghetto itself, was completely undermined by the emancipation. Though this revolution in the political life of the Jew meant a theoretical end to his persecution, it also completely disrupted his sense of self; the security in tradition that was a necessary part of forced isolation. The emancipation opened the Jewish mind almost completely to the emerging ideas of the enlightenment. Political notions such as the rights of the individual directly influenced the traditional emphasis on Jewish community. Now that Jews could

¹⁹ Meyer, *Response*, 11.

²⁰ Meyer, *Response*, 11.

²¹ Borowitz, *Choices*, 6

be citizens of the state, participate fully in the secular national experience, there were far fewer compelling reasons to remain a member of the *Jewish* nation. Continued isolation was irrational now that most businesses, schools, residential opportunities, and general culture were open to the Jews.

The modern Jew, having been emancipated, could *not* now easily justify Jewishness on the grounds of the Gentiles inhumanity (see quote from footnote 14)...the *goyim* were not so bad as they once had seemed...overwhelmingly, Jews sensed that there was something sufficiently worthy about Western civilization to enable them to embrace it fully. Indeed, a new question was raised; If modern culture is so acceptable, why bother being Jewish? ...Asserting ones Jewishness...might be permitted, but it alienated one culturally and handicapped one personally. The Jewish religion seemed to smell of the ghetto. Christianity, however, was an active part of Western civilization, endemic to its art, its music, its architecture.²²

And yet, though conversion to Christianity was rampant in early nineteenth century, many of these new modern Jews were not able to simply abandon their Judaism. Jewish thinkers, confronted by this new reality and the desire to retain their cohorts, were forced to act; to somehow transform their religion, its traditions, and beliefs, on a practical level, incorporating some acknowledgement of the values of the general culture. It is in this new reality that *choice through knowledge* though far from developed, may have found its origins.

Choice through knowledge however, would never have come about without the circumstances and unique historical situation of the American Jewish experience, though perhaps this fact deserves some explanation. On the one hand, one might be led to believe that the conditions which gave rise to the success of Reform Judaism in America are the very same factors which contributed to the development of *choice through knowledge*. Scholarship has certainly directed our thinking in this manner. For instance,

²² Borowitz, *Choices*, 8-9.

in describing some of the reasons why the early Reformers found more potential for the triumph of the movement and its organizations, Meyer explains that the emphasis on rabbinic authority which German Reform sought unsuccessfully to challenge was relatively less difficult to overcome in America.

These European barriers to Reform were mostly absent in the United States...there was no government control over religion, no conservative established church to set the pattern of religious life...Until 1840 there was [not even an] ordained rabbi in America to lend the weight of his authority to traditional practice...There were no officially recognized communities, no effective means for enforcing religious conformity... Abroad, autocratic government had lent weight to similar authoritarianism in religion; individual freedom was circumscribed by laws and institutions which perpetuated traditional sources of power and influences. Personal interests were placed *after* those of the state and church. But *individual* authority in religious matters was the very hallmark of Reform, an ideal that could not flourish where it was thought suspect, if not dangerous. By contrast, individualism by the middle of the nineteenth century had become a fundamental component of Americanism. As propagated by Ralph Waldo Emerson, the doctrine meant a willingness to break sharply with the past, to rely on the sovereign self and almost never on tradition...²³

Could we not simply say then that *this is choice through knowledge* in a nutshell? Could it be that the American Reformers of the middle nineteenth century invented the concept even if they never coined the phrase? We can find evidence for this suggestion in the writings of some of the early American Reform rabbis. One of the most interesting of these writings, especially because it relates to our secondary topic of Jewish relationships to the non-Jews in their midst, is the submission by the legendary Rabbi Bernard Felsenthal, regarding *milat geirim*, the traditionally required circumcision of those males wishing to convert to Judaism. Felsenthal submitted his paper in response to this ongoing discussion amongst the rabbis of the Second Annual Convention of 1891 in Baltimore, MD. His opinion on this ritual question, which is actually quite scathing and intense in

²³ Meyer, *Response*, 226.

its language, is directed at Dr. (Rabbi) Henry Berkowitz of Kansas City. Surprisingly, it is difficult to say upon reading Felsenthal's letter, whether he is for or against the matter of circumcision of proselytes, because this simply is not the thrust of its text. Rather, he spends the majority of his letter discussing whether or not the use of rabbinic authority is in accordance with Reform Jewish beliefs, and we thought this was not an issue for American Reform! "Have you, Dr. Henry Berkowitz," writes Felsenthal, "have you or I, the writer of this letter, or has any other Reform rabbi, the right and authority of adopting „in the name of Judaism“ a proselyte who was not circumcised...when and where did „Judaism“ or the „Jewish Church“ (*k'nesset Yisrael*) give you or me or anyone else authorization so to do thus to proceed in her name?"²⁴ Felsenthal carries on in this manner, berating any attempt of Reform Judaism or its rabbis to religiously coerce others into following a particular religious path. He mocks rabbis who would see themselves as *poskim* for the Reform Movement and even goes so far as to scorn the institution of *smicha*. Modern rabbis, scoffs Felsenthal, are and should be no more authoritative on religious matters than the Torah itself which he and his contemporaries largely rejected as nothing more than good literature and a guide to ethical behavior.

I am sick of this eternal shrieking after authority...why, there is, or has been, an authority....there is the Pentateuch with its 613 laws; there is the Mishnah and Gemarra; there is the Rambam and the Shulchan Aruch; there are the other books containing the numerous traditional laws. Why did ye break loose from this authority, ye rebels? Ye rebels who prefer to be called by the more euphemistic name of Reformers? Yes, you broke loose long ago from the ancient authorities. But who gave you the right to do so...who permitted you to feast on oysters? Or to omit laying tephillin, or to perform marriage ceremonies on the middle days of Passover and of Sukkot? Or to willfully ignore the Ninth of Av? Or to raise hogs and deal in pork? And yet you did this and many things more without waiting for the decision of a synod or for temporary indulgences and dispensations

²⁴ Felsenthal, Bernard. *Response of Dr. B. Felsenthal*, CCAR Yearbook vol. II (5652—1891-92). Bloch Publishing and Printing Company, Cincinnati, OH, 1892. 87.

from some Rabbinical Executive Committee. Where was your authority then?²⁵

Furthermore, Felsenthal articulates first hand, precisely the points that Meyer made in his book. What is the alternative to rabbinic authority according the rabbis of this period? Certainly not Torah or Jewish sources, after all Felsenthal makes it clear that these should have no more of a vote than the modern rabbi does in the religious lives of Reform laity. Rather, he suggests, “in matters of religious principles and practices, of doctrines to believe in, of rituals to be guided by, etc., no one must be compelled to go by the opinions and dictates of others...in such matters the individual conscience is the highest authority – a higher authority than the one of a multitude of thousands.”²⁶

The opinions of Rabbi Felsenthal, who certainly was not alone in those beliefs, resemble the concept of *choice through knowledge* more closely than anything else we have encountered thus far. If only it were so easy to credit Felsenthal’s generation with inventing this concept. Unfortunately, we have no evidence that they ever coined the phrase or even that they truly believed in it. In taking a closer look at Felsenthal’s rebuttal, the fact that it may *not* be an endorsement of *choice through knowledge*, despite that it promotes reliance on the individual conscience, begins to emerge. He makes two points that stand out to reject that his statement is an actual approval or even awareness of *choice through knowledge*. First, throughout his paper, though he rejects the authority or religious coercion on the part of the rabbi, he never makes such a statement regarding the congregation itself. To the contrary, he acknowledges the rights of an individual congregation to either reject or accept an uncircumcised proselyte regardless of the rabbi’s personal opinion, although on whether they should do so on the basis of

²⁵Felsenthal, Bernard. *Response of Dr. B. Felsenthal*,92-93.

²⁶ Felsenthal, Bernard. *Response of Dr. B. Felsenthal*,91-92.

“knowledge” Felsenthal does not comment. When suggesting how a rabbi might handle such a situation, he offers the following as a possible rabbinic response. “What would *my* willingness to consider you a Jew avail you, if others will not consent with me? Nothing! I repeat therefore; apply to a congregation for membership, not to me...such a one can either elect you or reject you...a congregation may accept such a proselyte as one of its members because a congregation is sovereign in its own internal affairs.”²⁷ Essentially then, Felsenthal has simply replaced the authority of the rabbi with the authority of the congregation and its leadership. In what way then is the individual truly free to make his own religious decisions? In this situation, if one did not agree with the congregation’s decision either to elect or reject an uncircumcised proselyte what was he to do except leave the congregation? Secondly, in true conformity with his generation (although he would probably roll over if he knew we just called him a conformist!) Felsenthal makes no recognition of those who, after consulting their conscience, which he prizes so highly, choose authority after all and find solace and guidance in those very texts and sources which he was so quick to make fun of. Felsenthal and his rabbinic contemporaries may have been against religious coercion, but they were not in reality, in favor of *choice through knowledge*, for this value, at its very core, must anticipate both sides of the coin; the possibility that after seeking knowledge one will choose in favor of the tradition and with equal validity, one may choose to reject it, as well as every other possibility in between. The rabbis of Felsenthal’s generation were undoubtedly influenced, as Meyer suggested, by Emerson, Wendell Phillips, and other such promoters of individual authority in religious matters, but these were also the same individuals who simultaneously inscribed the infamous “we reject all such...” line of the 1885 Pittsburgh

²⁷ Felsenthal, Bernard. *Response of Dr. B. Felsenthal*, 88 and 94.

Platform. These rabbis, the founders of one of the most permissive Jewish movements, the promulgators of individual conscience, surprisingly make one of the most restrictive statements our movement has ever heard. Historically, this is not entirely contradictory. A belief in the writings of Emerson is not necessarily a vote for *choice through knowledge*. To the contrary, the fact that the enlightenment was irreverent of religious tradition is precisely what made it so liberating to the Jewish conscience. It was not necessarily that the Reformers believed that traditional Jewish practice was not an option for modern Jewry but rather that anyone who was truly enlightened would reject such behaviors as irrational. No Jewish follower of Emerson would ever choose to participate in such unreasonable traditions as kashrut, religious garb, or even the consultation and careful consideration of Jewish textual sources as a prerequisite to making a religious decision. This is indeed an exercise of autonomy but not necessarily a type intended by the motto of *choice through knowledge*. Therefore, while the beliefs and opinions articulated by early Reformers such as Felsenthal were creative, innovative, beyond a doubt important, and clearly related to *choice through knowledge* they do not really qualify as an invention of the concept.

In truth, it is hard to pinpoint exactly when the phrase *choice through knowledge* came to be used. As a note of personal contextualization, this expression was in wide circulation in the Movement during my high school and college years (late 1990's and early 2000's). It was quoted by NFTY presidential and Religious/Cultural vice presidential candidates year after year. It was the subject of UAHC Summer Camp *shiurim*, youth religious programming, and Hillel initiatives throughout my childhood

experience with Reform Judaism. It also dotted rabbinic sermons, CCAR documents, and speeches at biennial conferences during this same time period.²⁸

It remains difficult to determine when this axiom first came to be used with regularity to describe the relationships Jews were forging with their tradition. It seems that the terms “choice” and “knowledge” first appeared in juxtaposition in the Centenary Perspective, the statement of principles authored by a selected group of Reform rabbis in 1976, on celebration and reflection on the one hundred years of official Reform history in America. While this statement of the movement may have been the first to highlight these words and their combination, it was truly the modern Reform Jewish theologian Rabbi Eugene Borowitz, who really developed them into a concept. Two of his works in particular stand out as forerunners in this regard. The first was *Reform Judaism Today* a three volume series which he published as a commentary to the Centenary Perspective and *Liberal Judaism* which he published in 1984. Truly Borowitz is the first to attempt to write succinctly about the reclaiming of Jewish ritual and the exploration of Jewish sources and texts. He describes this as new phenomenon penetrating and changing Reform Jewish life. He also appears to be the first to describe *choice through knowledge* as a methodology, or really a prescription for confronting Jewish ritual and tradition in light of modern thinking. Borowitz explains that these new elements were direct consequences of the Jewish and general culture shift that occurred in the late 1960s and 1970s in America. My generation, as a contrast to this period, takes the experience of Jewish pride for granted. Never, in my entire life have I been a victim of *real* anti-Semitism and the majority of my contemporaries can probably make a similar claim –

²⁸ See Rabbi Eric Yoffie’s speech at 65th Biennial Convention, Orlando Florida, 1999. <http://uri.org/about/union/leadership/yoffie/archive/ysermon/>. Accessed January 14th, 2010.

geography aside. I have been fortunate to grow up in an America where ethnicity is trendy, where Madonna, sporting her red bracelet has influenced thousands to read about Kabbalah, where every major television sitcom has a Jewish character and a Hanukah episode, where young Jews identify themselves to the world with t-shirts that read *Gettin' Chai* and other such slogans. Indeed each of these examples carries its own baggage and elicits all sorts of commentary but they epitomize the radical change in attitude that began during my parents' generation and has had considerable impact on the development of *choice through knowledge*. "Significant was the new American attitude towards ethnicity [in the 60s and 70s]. With blacks showing the way, various American groups had begun vigorously asserting their democratic right to maintain and enhance group identity."²⁹ This was certainly the case with regard to the Jews and it was enhanced by particularly Jewish historical events of this era, including both the Six Day War and the international attention paid to the Eichmann trial which led to a newly celebrated Jewish pride.³⁰ At the same time, the failure in Vietnam and general American cynicism led young Jews to seek something deeper than the Americanism that had let them down. "...the possibility of a serious return to one's Jewish roots became more attractive...perhaps the subordination of one's Jewishness was wrong and being Jewish ought to play more of a role in one's life..."³¹ It is this shift back towards Jewishness, expressed through significant creative enterprises such as *havurot* and *The Jewish Catalogue*, that really accounts for the rise of *choice through knowledge*. After all, as Borowitz explains, this period was in part categorized by "the effort of some of these Jews to center their Jewishness on personal piety. Belief once more became a matter of Jewish concern.

²⁹ Borowitz, *Choices*, 13.

³⁰ Borowitz, *Choices*, 12-13.

³¹ Borowitz, *Choices*, 16.

That led a number of searchers to...a liberal if recognizably traditional way of living with their Jewish faith,”³² essential, Jewish people, by virtue of their contemporary situation and needs we led down the path we can now call *choice through knowledge*.

³² Borowitz, *Choices*, 16.

Chapter Two: The Complexities of *Choice Through Knowledge*

Knowing the historical placement and context of the value of *choice through knowledge* only gives us limited insight into the impact that it has had on Reform Judaism. We must also strive to understand the complexities of this concept; for it is, in fact, deceptively simple. Emphasizing autonomy in religious matters is not necessarily the end of the story. Rather, *choice through knowledge* is an incredibly composite notion, with a multitude of facets and applications, and, as we might expect, it was scrutinized and debated by the leaders of our movement well before it was ever cited as a maxim by modern liberal Jews. These complexities include: the inseparable connection between *choice through knowledge* and other ideological struggles faced by Reform Judaism (i.e. Jewish law, notions of obligation, the claims tradition may make upon one's life, accepting diversity, etc.), the degree of difficulty in applying *choice through knowledge* to religious decisions (i.e. some decisions, particularly those concerning Jewish ritual, lend themselves quite easily to this model, whereas others, like questions of sociology and ethics, such as our case study on the role of the non-Jew, tend to be slightly more challenging in this regard), and last but perhaps most important, the intricacies involved in *evaluating* a decision made via *choice through knowledge*, literally how does one assess the validity of his "choices," how do we determine that they were made "knowledgably," are there limitations to be made on our array of choices, etc? These and other related complexities of *choice through knowledge* will be examined in this chapter.

As was mentioned above, the first time the words "choice" and "knowledge" were ever used in combination to describe the attitude of Reform Jews towards their religious

practice was in the Centenary Perspective in 1976. "...Within each area of Jewish observance Reform Jews are called upon to confront the claims of Jewish tradition, however differently perceived, and to exercise their individual autonomy, **choosing** and creating on the basis of commitment and **knowledge**." ³³ It therefore seems that Borowitz's commentary on these principles would be a helpful place to start in our attempt to further understand the complexities of *choice through knowledge*. In the third volume of *Reform Judaism Today*, Borowitz focuses on the way the writers of the Centenary Perspective handled the question "what must a Reform Jew do?" ³⁴ Borowitz remembers that this very notion was by far the "most explosive" ³⁵ of any of the issues that the committee writing the Perspective had to confront. This was likely due to the fact that the concept of obligation has been so viciously debated by Reform Jews throughout the history of the movement. Some rabbis, particularly during this era of renewed interest in traditional Jewish practice, wanted to put an end to the disunity created by such varying practices from one Reform community to another or even within a single community; what Borowitz describes as "anarchy in the movement." ³⁶ The push in the 1970s to create manuals guiding Jewish observance for Reform Jews, which came to fruition with the publication of the CCAR *Shabbat Manual*, is an example of the increasing trend to restore liberal Jewish interest in some type of detailed instruction of obligations. On the other side of the debate were those who "made freedom of choice the only dogma of their faith" ³⁷. These individuals feared that this renewed interest would

³³ From the Centenary Perspective, Part IV, *Our Obligations: Religious Practice* (emphasis added).

³⁴ Borowitz, Eugene B. *Reform Judaism Today: Book Three: How We Live*, Behrman House Inc, Springfield, NJ, 3.

³⁵ Borowitz, *RJT: Book Three*, 6.

³⁶ Borowitz, *RJT: Book Three*, 6.

³⁷ Borowitz, *RJT: Book Three*, 6.

turn into a return to halakha, and by no means could Reform Judaism become a halakhic movement! “The notion that Reform Jews might somehow revive Halakha was particularly outrageous, for it suggested not only standards of action but sanctions against those who did not obey them.”³⁸ There was a deep seeded fear that *suggestions* and *guidance* for religious behavior, whether regarding Shabbat and Kashrut, or especially the question of intermarriage, would quickly turn into *prescribed norms* of religious behavior, overriding the privilege of individual autonomy which the movement held in such high regard. However, in the years leading up to the Centenary Perspective, it seems that both sides of this debate were able to come to some sort of common ground, that the *distinction* between guidance and prescription was accepted by all. Those who believed that the CCAR ought to take a stronger stand on issues of religious standards had finally learned to express this in a way that was more palatable to their colleagues who more concerned that the movement maintain the emphasis on autonomy. Perhaps too those who had rejected any sort of guide for religious practice came to realize that there was more to Reform Judaism than the freedom to desist, that there were indeed Reform Jews searching for direction in religious matters, who wanted to know what their leaders thought they should be doing.

In 1975, at the CCAR convention in Cincinnati OH, a public debate ensued which would pave the path for the eventual formulation of *choice through knowledge*. Rabbis Gunther Plaut and Eugene Mihaly, both incredibly respected by the entire rabbinic organization, if not the entire Jewish world, debated the theoretical question of Halakha

³⁸Borowitz, *RJT:Book Three*, 6.

versus individual freedom.³⁹ This disputation provides insight into one of the most significant complexities facing *choice through knowledge*, the relationship between Reform Judaism and the Jewish legal tradition. In the end, it became abundantly clear that both Plaut and Mihaly were more ideologically similar than perhaps they had imagined; a tremendous discovery since these very issues were threatening to split the entire movement. If Mihaly and Plaut could find common ground, then perhaps the entire conference could as well.⁴⁰

The protagonist of Halakha had no intention of suggesting that the right of individual decision be curtailed. He only called upon his colleagues, when thinking about issues of practice, to give full weight to the sensitiveness of the rest of the Jewish community and serious respect to the major thrusts of Jewish tradition. The advocate of personal autonomy made clear that he did not think Judaism could exist without structure. He conceded that Reform Jews needed some continuity with Jewish tradition and concern for the Jewish people but felt this must not override the voice of conscience.⁴¹

Indeed, each of these great Jewish thinkers hit the proverbial nail on the head in regards to Reform Judaism's relationship with Jewish law and its connection to *choice through knowledge*. Jewish law was not inherently bad, and few Reform Jews felt comfortable rejecting it out of hand. Indeed it does encourage commitment to the Jewish community at large, it is worthy of respect and consideration as part of Jewish tradition, and it certainly provides the often desperately needed semblance of structure. But how could all these things be reconciled with the concern for the individual conscience? Reform Judaism, as a movement, has *always* found itself in dialogue with traditional Jewish halakha. One of the earliest CCAR Yearbooks, for instance, records a letter

³⁹ CCAR Yearbook from the 86th Annual Convention, Vol. LXXXV, *Religious Discipline and Liberal Judaism*, published by the CCAR, New York, NY, 1975. 165-184.

⁴⁰ Borowitz, *RJT: Book Three*, 9

⁴¹ Borowitz, *RJT: Book Three*, 8-9

presented by Dr. M. Schlesinger at the second conference in which he undertakes to study the issue of cremation from a Jewish standpoint. In his letter, Schlesinger not only addresses the pros and cons of cremation from the perspective of contemporary social and cultural values but he also traces the question through its Jewish textual references, citing not surprisingly, the Bible, but also *Mishnah*, *Talmud Bavli*, and halakhic statements from Medieval commentators Rashi and Kimchi.⁴² Likewise, in the same issue, Isaac Mayer Wise responds to a question regarding *milat geirim* and cites halakhic material extensively⁴³. It seems evident, that even the rabbis of this generation, perhaps erroneously remembered for their radical thinking and rejection of halakhic inspiration, were not only well versed in traditional sources but they comfortably turned to them when confronting issues of religious choice. As noted in *Jewish Living: A Guide to Contemporary Reform Practice*, “this rejection [of halakhic literature] was never as drastic as it may have seemed. Reform Judaism may have indeed dispensed with the “rule of law,” the notion that every religious question must be submitted to rabbis for authoritative judgment, but it did not discard the law itself, the substance of halakhic observance as it has come down to us.”⁴⁴ The problem with halakha from the Reform perspective was and is that the borders it created, the lines of demarcation, the *issur* and the *heter*, and all of their various forms and clarifications, while intended to be a *siyag* whose goal is to protect, could and were/are just as easily perceived as a prison that stifled the progress of Jews and Judaism. As Dow Marmur, Rabbi Emeritus of Toronto’s Holy Blossom Temple writes,

⁴² Schlesinger, M. *Cremation From the Jewish Standpoint*. CCAR Yearbook, vol. II (5652—1891-92). Bloch Publishing and Printing Company, Cincinnati, OH, 1892. 27-33.

⁴³ Wise, Isaac M. *Response of Dr. Isaac M. Wise*. CCAR Yearbook vol. II (5652—1891-92). Bloch Publishing and Printing Company, Cincinnati, OH, 1892. 85.

⁴⁴ Washofsky, *Jewish Living*, xx

The Reform approach to halakha was [to some extent] to free its captives and, thus, release Jewish creativity...the question is now whether it can retain its gains, or if they will be squandered; whether the victory over what was perceived as halakhic tyranny may not deteriorate into liberal/libertine anarchy; whether the protest against unjust fences will become the tearing down of barriers altogether, thus making Judaism indistinguishable from other religions. Our opponents accuse of us precisely that, and they may have to be put in their place by way of apologetics. But that does not mean that their strictures should always be ignored, for they may not be totally unwarranted.⁴⁵

Rabbis Washofsky and Marmor in many ways encapsulate the Reform relationship with Jewish law and express the deep entanglement it shares with *choice through knowledge*. While the *authority* of halakha may have been downplayed by Reform Judaism then as it is now, it certainly cannot be shown that it was ever or should ever be dispensed of, or cease to be a source of inspiration for our religious choices.

Similar claims to the above may be made about the other complexities which factor into *choice through knowledge*. Our movement has historically vacillated not only in its relationship to Jewish law but also over notions of obligation generally and the acceptable level of claim tradition may make upon one's Jewish life. All of these things have likewise created a fourth area of concern in relation to *choice through knowledge*, that of our commitment to accept diversity. At times, these four elements can feel like competing forces, with Jewish law, obligation, and some level of desire to live in accordance with the tradition on one side, and our commitment to diversity on the other. How can we, through careful inquiry and employment of the *choice thorough knowledge* principle, through exercising our individual autonomy, choose to accept a certain religious behavior and not afford others the same right to reject it? Furthermore, Borowitz has described this tension between autonomy and tradition as "the Reform Jewish

⁴⁵ Marmor, Dow. On Being a Jew: A Reform Perspective. Holy Blossom Temple, Toronto, 1994, 56-57.

dialectic.”⁴⁶ For all that we believe in autonomy, we simultaneously believe that there is a God to whom we should listen and seek and a people of which we are a part. We may have the right to make our own choices, but we should do so as Jews. Is that challenging juxtaposition not implicit in the name Reform Judaism itself? Through the assertion of autonomy we are able to reform and yet we are also part of a larger Judaism which equally and deeply defines us as well. “...absolutizing either position [autonomy or Jewish law] is wrong...what makes Reform Judaism unique is our insistence upon both these premises at once. Balance, not which should dominate, has been our problem...”⁴⁷

Choice through knowledge implies a acknowledgement of obligation, even if just to Judaism at large, and that tradition has some claim to make upon our lives, but it simultaneously expresses a commitment to diversity. This may seem contradictory, and perhaps these values actually represent conflicting beliefs, but such is the experiment of *choice through knowledge* and this is precisely the challenge implied by the Centenary Perspective when it stated, “How we shall live with diversity without stifling dissent and without paralyzing our ability to take positive action will test our character and our principles.”⁴⁸

We have mentioned already several times that the concept of *choice through knowledge* has most intensely been embraced by Reform Judaism’s youngest decision makers – its youth. Indeed in February of 2008, the National Federation of Temple Youth passed a new constitution prefaced fittingly by a set of thirteen principles to serve as its preamble and guiding values, a sort of mission statement. Among these principles, not surprisingly, are many of the things we have already discussed; a commitment to

⁴⁶ Borowitz, *Reform Judaism Today: Book One: Reform in the Process of Change*, 131.

⁴⁷ Borowitz, *RJT: Book One*, 134.

⁴⁸ From the Centenary Perspective, Part IV, *Our Obligations: Religious Practice*.

Torah, the Jewish people, pluralism, and of course, what they refer to as *nilmad v'na'aseh*, *choice through knowledge* and which the constitution defines as; “The necessity of lifelong Jewish learning and teaching as a foundation for our observance through a life of continual discovery of Jewish **tradition, law and ethics**.”⁴⁹ Perhaps unknowingly, the young framers of these principles have outlined a further complexity of *choice through knowledge* in that they applied the value of autonomy to both ritual obligations (implied by the words “tradition” and “law”) as well as ethical ones. The juxtaposition of *choice through knowledge* and ethics will become even more relevant in a further section of this thesis, since I have chosen to look at the question of applying this concept in the case of the non-Jew in the synagogue. For all the ritual consequences implied in this scenario, it remains, at its core, an ethical issue, which lends to it a special set of considerations regarding *choice through knowledge*.

In truth, it is far easier to utilize *choice through knowledge* as a method though which to exercise our religious autonomy in *ritual* matters, rather than ethical ones. Choosing whether or not to light Shabbat candles, or to reclaim the laying of tefillin, or to begin keeping a kosher house are slightly different than the choices we make over matters of ethical behavior, perhaps because in few circumstances do our ritual choices affect anyone other than ourselves.⁵⁰ There is a subjective, personal quality to Jewish ritual, at least for the Reform Jew. Borowitz speaks of this extensively in his approach to ritual in *Liberal Judaism*. He explains that if we, as liberal Jews, believe that religion is equal parts human creation and God’s inspiration then ritual becomes more the array of behaviors and ceremonies that our people wants to do for God as opposed to behaviors

⁴⁹ NFTY statement of principles, adopted February 2008, <http://www.nfty.org/about/13principles/>. Accessed January 14th 2010 (emphasis added).

⁵⁰ Although my mother would probably beg to differ when I decided to keep kosher!

and ceremonies that God expects from our people. “The God-given authority of the commandments our Jewish forbears took literally has become figurative for us.

Understanding the essential humanity of Jewish ritual endows us with the right to decide which traditional acts we shall still do or not do.”⁵¹ And more importantly, it grants us the right to decide *why* we will participate or desist from a particular ritual. For some, God, traditional Jewish texts, and notions of obligation or a dedication to some sort of “halakhic” process may fuel their commitment to Jewish ritual. For others, it is the desire to be part of the larger community of *klal Yisrael*, an obligation to family, or history that inspires them to participate ritually. This is where *choice through knowledge* can help us. Only after acquiring knowledge; literally by reading the traditional sources discussing a particular ritual, learning not only how to perform that ritual correctly but also why tradition prescribes the ritual, and one’s personal reasons for its performance, “only then can [one] make a fair decision whether it can „work“ for [him].”⁵²

Ethical decisions, on the other hand, do not always lend themselves quite as easily to the process of *choice through knowledge*. While we often cite Jewish sources to justify our more universal, humanitarian emphases and actions, we don’t typically consult these same sources *before* making an ethical decision. The same subjectivity which categorizes ritual behavior in the liberal Jewish context does not apply in the same way to ethical obligations. No one asks himself, for instance, whether not murdering will “work” for him or whether we are religiously “put off” by the traditional Jewish observance of giving to the poor! We don’t look at our own potential for religious and spiritual growth when contemplating human rights in Darfur or whether our

⁵¹ Borowitz, Eugene. *Liberal Judaism*. Behrman House, Springfield, NJ, 1984, 411.

⁵² Borowitz, *Liberal Judaism*, 424.

congregations should be accessible to all people. Or do we? Certainly the founders of our movement, who emphasized the ethical requirements of Judaism well over those of a ritual nature, sought Jewish knowledge in order to help them make ethical choices, especially when it came to choices of more universal nature. Perhaps this is why they rejected the overwhelming attention their forefathers placed on halakha as the ultimate source for deciding what one ought to do. "...the law was mainly devoted to a Jew's obligations to other Jews, and its few mandates concerning duties to non-Jews were naturally based on a distinction between who stood within this legal community and those who were outside it."⁵³ Yet, just because ethics had not been highly elaborated by the *poskim* of previous generations did not mean it was absent from the entire body of traditional Jewish texts. Was not this also knowledge? *Mussar* books for instance went further than the general halakhic codes and spoke of spiritual and moral responsibility and not just to other Jews. "The founders of Reform had the intellectual task of drawing forth the general ethical assumptions of traditional Judaism and developing them so that they addressed a Jewry avidly participating in the full range of general social enterprises."⁵⁴ Is this not using the knowledge acquired as an aid in making a choice about behavior?

The Centenary Perspective in its endorsement of *choice through knowledge* urges Reform Jews to "confront the claims of Jewish tradition."⁵⁵ It can easily be seen that regarding a Jewish system of ethics, our leaders and thinkers throughout our history have done just that. They have attempted to demonstrate that ethical obligations have always been part of the essence of Judaism and Torah. "They transformed the Oral Law into

⁵³ Borowitz, *RJT: Book Three*, 19.

⁵⁴ Borowitz, *RJT: Book Three*, 19

⁵⁵ Borowitz, *RJT: Book Three*, 45.

moral law, but they remained believers in law.”⁵⁶ Making ethical decisions is perhaps qualitatively a different experience than making ritual ones, and yet the method of *choice through knowledge* is still applicable in these cases. Our tradition provides wonderful legal standards of ethical behavior through which we can guide the decisions we face today, if only we take the time to search and educate ourselves.

Finally, the last complexity which must be understood as an inextricable aspect of *choice through knowledge* is the inherent limitations to it, the methods by which we evaluate whether the choices we have made are actually legitimate. The Centenary Perspective, which makes these grand statements about a Reform Jew’s obligations ritually and ethically, simultaneously calls upon Reform Jews to exercise their individual autonomy. Here the Perspective has used the notion of religious autonomy in the classical Reform sense of the word, standing it up as the opposition to tradition, rather than the vehicle through which one may embrace tradition. In more recent years, autonomy has been cited for more than simply rationalizing why one may reject traditional Jewish obligations. To the contrary, it has been used as the justification to experiment with and accept these obligations upon oneself, either fully or in part, and it has been quoted to validate the creation of new definitions and forms of the same obligations. In “Borwitzian” terms (if one can use such a word!); this represents two distinct uses of freedom. The first is the notion of *negative* freedom. Reform Jews in the classical period and even to large extent today, exercise negative freedom when they express their right *not to do* what prior Jews had regarded as mandatory. The second type of freedom is that of *positive* freedom, or the use of religious autonomy to *add* to previous religious observance by re-adopting those traditions that had long been

⁵⁶ Borowitz, *RJT: Book Three*, 24.

abandoned by the previous generation and creating new ones so as to fit changing religious sensibilities.⁵⁷ This multifaceted use of religious autonomy has caused us to question certain aspects of *choice through knowledge*. Can this principle really be cited to justify every possible decision under the sun? Could a Reform Jew for instance decide that wearing tzitzit on his head is a valid decision, arrived at through the method of *choice through knowledge*, and therefore it is deserving of the same respect as any other ritual decision? The answer must be categorically no! By its very nature, *choice through knowledge* rejects the idea that every decision is a valid one. The Perspective itself sets five basic limits on this autonomy and identifies the necessary conditions for what could be considered “proper Reform Jewish use of personal freedom.”⁵⁸ The first limit is that there must be a balance between knowledge and choice. “One can spend so much time remaining open to diverse views or gathering data that one never does anything else. If Judaism is a religion of deed, that is sinful.”⁵⁹ We may be committed to diversity and hearing a plethora of views, and it is indeed important to explore all the possible claims of tradition and modernity on any given impending choice, however, at some point our obligation to act must override the desire to gain knowledge of every single reliable view. On the other hand, the need to gather knowledge before making a religious choice should not be downplayed. Herein lies the second limitation. A choice made uninformed cannot possibly be considered a valid choice.

On many matters requiring decision, there is a substantial body of learned opinion...One owes it to oneself and equally to one's community to know something of what has been said on a given topic and what data is relevant to it. Conscience is no excuse for ignorance or mental sloth. It does not excuse us from knowing something substantial about the Judaism over

⁵⁷ Borowitz, *Liberal Judaism*, 324.

⁵⁸ Borowitz, *RJT: Book One*, 123.

⁵⁹ Borowitz, *RJT: Book One*, 123.

which we are standing in judgment...the use of freedom to differ with others presumes that one will bring much learning and wisdom to bear on a matter...⁶⁰

In other words, just because a Jew feels that he is sincere in his decisions, does not mean that Reform Judaism is under any duress to accept them if they were in fact made mindlessly or willfully, without full consideration and inquiry, particularly into tradition, but also the entire gamut of sources of Jewish knowledge.

The third limitation expressed by the Centenary Perspective is that positions must be “conscientiously advocated.”⁶¹ When one exercises one’s autonomy and makes a choice that maybe considered unusual, we must be compelled to question whether that person genuinely believes in that choice or if he is simply being intentionally controversial in order to test the limits of *choice through knowledge*. In recent years, we have seen much of this dissent, particularly in what often feels like the science lab of the Hebrew Union College. I have personally, for instance, been present at a service in which an individual has made the religious decision to call upon the “God of renewable energy!” during worship, justifying this practice on the grounds of religious autonomy. Is this beyond the bounds of legitimate choice? “It is one thing to claim our attention to your conscience and another to say we must be open to your hostility or exhibitionism...and in religious matters [this distinction] is of special importance.”⁶²

Another limitation on *choice through knowledge* is quite a particular one. The Centenary Perspective states explicitly that the exercise of freedom is limited to those positions which are expressed in “the spirit of Reform Jewish beliefs.”⁶³ Some ideas,

⁶⁰ Borowitz, *RJT: Book One*, 125.

⁶¹ From the Centenary Perspective: *Diversity within Unity, The Hallmark of Reform*, 1976.

⁶² Borowitz, *RJT: Book Three*, 126.

⁶³ From the Centenary Perspective: *Diversity within Unity, The Hallmark of Reform*, 1976.

even if arrived at through the careful inquiry into all sorts of knowledge, are simply beyond our realm of faith. Despite the accusations of many, Reform Judaism does have certain standards; we are not “a cipher which one fills in as one pleases.”⁶⁴ As previously stated, our commitment to personal autonomy exists side by side with our commitment to the continuity of Jewish tradition. On a similar note, this limitation can extend to choices over certain ritual matters which may violate our Reform ethical beliefs. For instance, many Reform Jews tend to be unconcerned about the traditional rules that distinguish between kosher and unkosher wine. Others, perhaps, are offended by rituals like *chalitza*, considering it beyond the borders of what Reform Judaism can ethically tolerate. Naturally though, this will vary slightly from rabbi to rabbi and community to community. However, this limitation, that our choices must be in line with Reform Jewish standards of belief, directly affects our case study on the role of the non-Jew in the synagogue and may account for the variation in practice throughout the Reform Jewish world.

The fifth method of evaluating whether the choices we make are indeed valid ones is to ask whether our choices maintain the thread of unity within the movement and within Judaism at large, for this must ultimately be our goal. While we are indeed committed to diversity and we believe strongly in the right to exercise our religious autonomy, we must remember that there is a larger picture at stake each and every time we make a decision of a religious nature. “We are an identifiable movement. We may be fractious and idiosyncratic, but we hang together.”⁶⁵ It is imperative that *choice through knowledge* operate within the bonds that define us as a Jewish community.

⁶⁴ Borowitz, *RJT: Book Three*, 127.

⁶⁵ Borowitz, *RJT: Book Three*, 128.

Lastly, though it is not a limitation expressed by the Centenary Perspective, there is one further, somewhat controversial limitation that I would add to our list against which we can measure the validity of our choices. Previously, I cited Borowitz on the subject of ritual decisions. He mentioned that one must experiment and be open to a ritual long enough to be comfortable with it, to truly gain knowledge and insight into all of its facets, ““only then can [one] make a fair decision whether it can „work“ for [him].”⁶⁶ Similarly, in explaining the inherent subjectivity of Jewish ritual, Borowitz writes, “We need to keep this subjective factor in mind when we seek to determine what rituals we will practice. Some simply appeal to us and I believe we need have no more justification for them than that. A problem arises when we are put off by observances. Then we must inquire whether they do not „work“ for us or whether something in *us* prevents our religious growth.”⁶⁷ Borowitz has highlighted a problematic aspect of *choice through knowledge* in saying that a ritual decision must “work” for us. I’m not sure that because a ritual is simply appealing that this is enough to make our performing it a valid *choice* made through *knowledge*. Rejecting or accepting a ritual based on the fact that does or does not “work” for us may in fact be a slippery slope. I fear that without a more substantial justification, making a decision on these grounds represents a sort of cathartic and selfish Judaism. What does it even mean to say this “works” for me? Does this mean that I am spiritually fulfilled by a particular ritual? That it makes me feel good? Or, God-forbid, that the ritual is convenient for me? Judaism and Jewish ritual is not merely about feelings. Sometimes there is an element of sacrifice, of *inconvenience* to our rituals and this is precisely what makes them effective. On a similar note, this

⁶⁶ Borowitz, *Liberal Judaism*, 424.

⁶⁷ Borowitz, *Liberal Judaism*, 423.

notion of a ritual “working” for the individual perhaps creates an inappropriate expectation. If one attends a daily minyan because it makes him feel good, or he thinks it’s a great way to start his day, then what happens on the day these feelings stop coming? What happens on the morning he attends and the Shaliach Tzibur is new and service no longer creates in him the feelings he expects? Surely he will stop attending, for the ritual no longer “works” for him. Indeed our choices made through knowledge must be accompanied by some sort of larger sense of commitment and obligation. They cannot merely rest on a foundation of cathartic, subjective feelings. At some point in our religious lives we must move beyond notions of what “works” for us.

Chapter Three: *Choice Through Knowledge* and the Non-Jew in the Synagogue

Now that we have established *choice through knowledge* in its historical context and shed some light on the various intricacies and complexities of the concept, we find ourselves in the position to apply it to various situations of Jewish import. As mentioned previously, some religious quandaries lend themselves easily to the model of *choice through knowledge* whereas others pose certain challenges to it. A prime example of the latter is the case of the non-Jew in the Reform synagogue. Deciding the role that the non-Jew can and will play in our congregations is an intricate and thorny process. In practice, it is quite a different quandary then say, deciding whether or not to wear a tallit on Shabbat morning. A congregation cannot, for instance, simply follow Borowitz's suggestion and experiment with allowing non-Jews to say a blessing at a bar mitzvah; trying it long enough to answer whether or not it "works" for them. To the contrary, this decision is not a personal one; it will become an official policy, or at the very least a precedent. Once a congregation allows a certain option it will be very difficult to prohibit that same accommodation to others in the future. In some cases, these policy decisions may directly affect the religious lives of more than half the congregation and even those who are not of the intermarried demographic will be indirectly affected. It involves a plethora of ethical concerns, questions of Jewish rituals, notions of obligation, definitions of community and leadership, and ultimately it requires immense and particular knowledge, from a variety of sources, in order to make choices that are right and comfortable for the congregation. Additionally, there are larger questions that come into play when these decisions are reached. We must seek to understand what constitutes

membership and how Jewish ritual functions in the community. Simultaneously, we are confronted with deep sociological questions that go back centuries into the Jewish Diaspora/minority experience, questions of general relationships with and impressions of non-Jews, and questions of our universal responsibilities to a larger humanity beyond the Jewish community. KESHER, the Reform Movement's now defunct college division places these two seemingly disparate ideas; *choice through knowledge* on the one hand and Jewish/non-Jewish relations on the other, in a unique and profound juxtaposition. On its website, KESHER attempted to outline what it refers to as "the Reform mission," for its college aged leaders. Within the first few sentences, the website acknowledges both that "Ours [Reform Judaism's] is a heritage of affirming the inherent worth of all people, Jew and Gentile," and "The Reform Movement believes in the fundamental tenet of choice through knowledge: Each of us has chosen to embrace different elements of Judaism in our ritual, ethical, and political lifestyles. The beauty of Reform Judaism is its inclusivity, its pluralistic acceptance of all..."⁶⁸ In other words, it seems entirely appropriate to approach the issue of the non-Jew in our midst through the lens of *choice through knowledge*. While this issue may not quite fit the mold as other, more personal, decisions seem to do; no other model for religious autonomy can help congregations to make the right decisions.

And yet, as we have seen, no religious act, no matter how liberal, can truly be without limits. If we are willing to place boundaries on our personal autonomy when it comes to religious matters, we must be able to do the same with the other things that we value, among them inclusivity and pluralism. I once heard a rabbi express with sudden

⁶⁸ From *The Purpose of Making a Keshet*

<http://students.keshetcollege.org/makingakeshet/MakingPrologue.htm>. Accessed January 14, 2010.

surprise that he never imagined, when he entered rabbinical school, that he would ever inherit a Judaism that was comprised by over forty percent non-Jews. For this rabbi, the need to place boundaries on inclusivity was pressing, not because he was not sincerely committed to the value but because he recognized the shifting proportions of in-married and interfaith couples within his congregation. While he knew that these interfaith families had a growing and important role to play in ritual, governance, education, etc. and he was committed to their involvement, he understood that as a rabbi, he must simultaneously be committed to maintaining a Jewish authenticity, a spiritual life that was recognizably Jewish, a Jewish environment in feeling even if not in numbers. In this rabbi's own words, "there is outreach, and then there is *outreach!*"⁶⁹

In 1990 and then again in 2003, the Union for American Hebrew Congregations (UAHC) published a manual entitled *Defining the Role of the Non-Jew on the Synagogue: A Resource for Congregations*, in which the authors, from the Movement's "Commission on Outreach," introduced many of the same concerns that the rabbi above had expressed, although in a far more positive manner, and acknowledged the roots of these concerns as far back in Jewish history as Moses.

Interfaith couples and their families...are present, and they have the potential to greatly enhance the Jewish life of our congregations. As a Movement we are committed to realizing that potential. As we do so, what does that mean for synagogue membership, leadership, and public ritual roles for those who are not Jewish? Even in Biblical times, the mandate to love the stranger was not without limit. Yes, when Moses' father-in-law, Jethro, heard about what God had done for the Israelites in taking them out of Egypt, he brought a burnt-offering for God and Aaron came to partake of the meal before God with Jethro (Exodus 18:12). On the other hand, Moses, in God's Name, tells the Israelites: "You shall be free to set a king over yourself, one chosen by *ADONAI* your God. Be sure to set as king over yourself one of your own people; you must not set a foreigner over you, one who is not your kinsman (Deuteronomy 17:15).

⁶⁹ Interview with Rabbi Larwence Kotok, October 2009.

Similarly, some roles in the synagogue, the institution that provides the framework for Jewish life today, are not appropriate for a person who is not a Jew.⁷⁰

Likewise, in the article *On the Slope Toward Syncretism and Sectarianism*, published in the CCAR Journal, Michael Meyer wrote a provocative argument advocating for limitations on our autonomy when it comes to choices over the role non-Jews may play in our synagogues. “No issue has recently risen so steeply in the collective consciousness of Reform Judaism as has the role of non-Jews in the synagogue,” Meyer begins.⁷¹ Beyond a basic commitment to outreach there is no agreement in Reform congregations about the relationships between Jews and the Christians in their midst. At the same time, this is uniquely a Reform problem. Orthodox and (less so) Conservative congregations welcome Gentiles as guests, not unlike a church would welcome a Jew. Yet there is little beyond this; they do not make strides to extend membership, leadership roles or ritual opportunities to non-Jews, and they are quite justified in doing so; since after all they are a Jewish congregation defined by the strictest, narrowest sense of what it means to be Jewish. How can they be blamed for this, for following thousands of years of Jewish tradition, can a *synagogue* really be accused of religious intolerance of another faith as they seek to maintain their uniqueness as a community of Jews? Reform Judaism on the other hand, for a variety of motivations (desire to be welcoming, liberal, open minded, some sense of self-inferiority, awareness of changing demographics, etc.) has chosen to go a different route; taking in non-Jewish spouses and others, not simply as welcomed guests but as full members, ritual participants, religious school teachers, choir members

⁷⁰ Sacher, Angela Ed. Defining the Role of the Non-Jew in the Synagogue: A Resource for Congregations. UAHC Press, New York, 2003, 2.

⁷¹ Meyer, Michael A. *On the Slope Towards Syncretism and Sectarianism*. CCAR Journal: A Reform Jewish Quarterly. Published by the Central Conference of American Rabbis, New York, NY, Summer 1993, 41

(who often fulfill *our* liturgical responsibilities), and officers of the congregation.⁷² In contemplation of the demographical projections predicting the increasing rate of *involved* non-Jewish synagogue-goers, Meyer argues that we must be more thoughtful, more knowledgeable about the religious choices we make concerning non-Jews or we will indeed find ourselves on a sort of slippery slope.

Until now we have maintained that the synagogue is Jewish ground. Even in those congregations where non-Jews are given the most active role, the assumption as still been that in such instances the persons involved somehow transcend the Christian identity which they have not renounced and play the role of Jew within the sacred space of Judaism. But how long can that last? When will we begin to hear demands that not only should Christians be give full equality in the Reform temple but also – at least up to a point – so should Christianity? For the present, the idea still seems absurd. But then who, even twenty years ago, would have imagined that increasingly Gentile mothers of *binei Mitzvah* would light Sabbath candles, that Torah scrolls would be handed to Christian parents, and that men and women not committed to Judaism would recite portions of the liturgy? From here it is only a measured and perhaps inevitable step to the seemingly justified question posed by the non-Jew: „Is it fair that my religious life should take place entirely outside my own tradition because I have chosen to make my sole (or primary) religious affiliation that of my Jewish spouse? If I am not to go to church on Sunday, then let some recognition, at least, be given to my faith within the synagogue.“⁷³

The answer to the challenge posed by Meyer, I believe, lies in the knowledge side of the *choice through knowledge* equation. In order to make the most responsible choices, particularly when those choices directly affect the future of Judaism, we are best served by looking to our past. We must look back through our traditional sources, searching for reasons both to justify and reject prescribed intolerance of the non-Jew in both ethical and ritual situations. Only then will our choices be grounded in some sort of religious integrity, only then can we dispel the stereotype that Reform Jews are wishy-washy and do only what is convenient, only then can we continue to see ourselves as part of the

⁷² Meyer, *On the Slope*, 42.

⁷³ Meyer, *On the Slope*, 41-42.

larger Jewish community. Otherwise, we risk, as Dr. Meyer acknowledges, “ceasing to be a current or denomination within religious Judaism and becoming, instead, a sect.”⁷⁴

When we prioritize Jewish sources as part of our decision making, then, even if our choices differ from those of other Jews, we have, at least, been part of the same religious conversations that has defined our people for centuries, our choices are legitimated by an age-old process. To make these important decisions in the vacuum of modern Jewish concerns and demographics is religiously irresponsible. To argue that times have changed so radically that the wisdom of our sages is irrelevant to us is a religious cop-out. We must acquire the knowledge that our tradition supplies through the careful study of various texts which speak of Jewish relationships to non-Jews in matters of ethics and ritual. When applied to our current situation and either accepted or rejected, in whole or in part, on the basis of the shared value of autonomy, this knowledge then becomes an invaluable aid in allowing our communities to make these important choices.

⁷⁴ Meyer, *On the Slope*, 43.

Chapter Four: The “Knowledge” Side of the Equation: How Classical Jewish Texts Distinguish Between Jews and Non-Jews

Texts that Create or Assume Ethical Distinctions Between Jews and Non-Jews

Bava Kama 38a-b

Beginning on the previous daf, the Mishna brings up the famous case of a *shor sh’nagach*, a goring ox. There, on 37b, the Rabbis tackle a particular situation in which, one ox belongs to the Temple treasury and another belongs to an ordinary Jew. The Mishna is curious about the resulting compensation. Would the Jew need to repay the Temple for the damage or vice versa? Turning to Torah for the answer, the Mishna derives its ruling from Exodus 21:35... “When a man's ox injures his **neighbor's** ox and it dies, they shall sell the live ox and divide its price; they shall also divide the dead animal.”

וְכִי־יִגָּף שׁוֹר־אִישׁ אֶת־שׁוֹר רֵעֵהוּ וָמָת וּמָכְרוּ אֶת־הַשׁוֹר הַחַי
וְחָצוּ אֶת־כֶּסֶּפוֹ וְגַם אֶת־הַמֵּת יַחֲצִיּוּ

The verse clearly states *ri’eihu*, “his neighbor’s” ox. Since the Jew and Temple treasury are not in the type of relationship where one could be considered the neighbor of the other, it would seem then that the law does not apply; neither is responsible for compensating the other. Such is the Mishna’s ruling. However, the Mishna continues with a second law that would seem contradictory to its first opinion. The second law, which also happens to be far more pertinent to our questions of Jews and Gentiles, states: “If the ox of a Jew gores the ox of a Canaanite, the Jew is *mutar*, exempt. **BUT**, if the ox

of a Canaanite gores the ox of the Jew, whether the ox is *tam* or *muad*, the *Canaanite* must pay **full** damages⁷⁵. It should be understood that for our purposes *kenani*, or Canaanite, can likely be understood as referring to any non-Jew. Even some manuscripts may have read this way and the text was likely changed late due to censorship.⁷⁶ This ruling is curious for several reasons. For one thing, the traditional understanding of the goring ox is that a *tam* ox pays only half damages. Since the ox had never shown signs of his goring capabilities before, the owner would have no obvious reason to keep a close eye on the ox, thus rendering the situation more of an accident and making the owner responsible only for half damages. Why then here, in this case, must the non-Jewish owner pay *full* damages to the Jew, even if his ox is *tam*? Does this not seem a bit of a double standard? Secondly, how are we to understand the relationship between the non-Jewish owner and the Jewish one? This law immediately follows the first law regarding the ox of the Temple treasury, so here too, *ri'eihu* should be cited to solve the problem? If the non-Jewish party is *not* exempt however, then are we to assume that the text understands the Jew and the Canaanite to be neighbors? Yet we know that this is not the attitude of the classical sources. "Neighbors" is almost always understood as an exclusionary term, meaning literary "of the same kind."⁷⁷ While perhaps we or our Reform forefathers may have scrutinized the text, arguing that indeed the two are neighbors on the grounds that they share a common humanity, it is unlikely that the Talmud would regard the Jew and the non-Jew as being of the same kind. The Talmud

⁷⁵ A *tam* ox is one which had no previous record of violence, lit. "innocent" as opposed to the ox which is *muad* meaning it had a previous record of violence, lit. "testified."

⁷⁶ See Mishneh Torah Hilchot Nezikot Mamot 8:5, Shulchan Aruch Choshen Mishpat 406:1, and Talmud Bava Kama 13b on the Mishna Bava Kama 9b.

⁷⁷ Talmud Bavli, *Messechet Bava Kama*, Vol. II. Schottenstein Edition. Mesorah Publications, Brooklyn NY, 2001. 37b, footnote 15.

usually seeks to *create* distinctions wherever possible in the name of legal clarity. Even if we establish that the two owners are not neighbors, how then do we account for the gross disparity between them in terms of the liability? If *ri'eihu* is meant to be exclusionary, then it should exempt not only the Jew from paying the Canaanite, but also the Canaanite from paying the Jew.⁷⁸ Ultimately what can we say about the ethics being presented here by the text?

The Gemarra itself seems to be ethically disturbed by the Mishna's ruling. After all, it is well established in Jewish legal tradition that in matters of natural justice, all people are to be treated the same. For the Gemarra, *ri'eihu* is simply not a sufficient enough principle to account for the disparity in treatment between the owners of the oxen. Yet, the Gemarra is in a difficult place; in fact it relates this matter as *mimah nafshach*, very tricky. While it is troubled by the ruling, it also cannot overturn it. There is no Baraita which offers another opinion. This is clearly the *mishna stam* and the Gemarra must confront it head on. The Rabbis typically want to eliminate disagreement between the Mishna and the Gemarra. Since both are Torah sh"baal peh, and thus part of the Divine revelation, there cannot possibly be discord between them for God does not contradict Himself. The apparent disparity is just that...apparent. When we learn to read the texts correctly, following the rabbinic interpretation, the conflict will resolve itself. Therefore, according to the Rabbis, the Mishna was not wrong, ethically or otherwise, in creating distinctions between Jews and non-Jews, the Gemarra just has to reconstruct how and why the Mishna does so in this case. In other words, it argues that if the Mishna requires that Jews and non-Jews be treated differently in this specific case of natural

⁷⁸ *Bava Kama* 38a, footnote 2.

justice, which contradicts normal practice, then it must have had an important reason for doing so. It is hence the Gemarra's mission to decipher what that reason may have been.

One opinion offered to account for the difference in the treatment of Jews and non-Jews is that of R. Abahu. Abahu argues that the distinction is appropriate based on his interpretation of a verse in *Nevi'im*, Habakkuk 3:6. "He stood and measured the earth; He saw and released (*yeter/mutar*) the nations; then the eternal mountains were scattered, the everlasting hills sank low. His ways were as of old."

עמד וימדד ארץ ראה ויחר גוים ויתפצצו הררי-עד שחר
גבעות עולם הליכות עולם לו

What, according to Abahu, is meant by "He saw and released the nations?" God saw the seven commandments which the *binei noach* accepted upon themselves. But since they did not keep these Noahide laws He arose and released their money to Israel. Abahu is arguing that since the non-Jew does not keep the Noahide laws, one of which of course is to establish courts of justice, then we cannot assume that they would afford us equal treatment should the tables be turned. In his rejection of the Noahide laws, the non-Jew forfeits his claim to justice in *our* legal system, since to act justly towards them when they would not do so for us puts Israel at a disadvantage. Lest we think poorly of the ethics of the Talmud, it should be noted that Tosafot limits Abahu's understanding of this Divine financial punishment as *chutz m'davar zeh*, regarding only this issue in particular. A Jew cannot randomly allocate the money of the non-Jew in name of retribution for the latter's violation of the Noahide laws.

The Gemarra provides a second opinion which may account for the discrepancy in treatment between the Jew and the non-Jew. According to R. Yochanan, the penalty against the non-Jew can be understood from Deuteronomy 33:2 (note – this opinion

stems for Torah rather than Nevi'im giving a far greater status), "He said: The LORD came from Sinai; He shone upon them from Seir; He revealed from Mount Paran, And approached from Ribebboth-kodesh, Lightning flashing at them from His right."

וַיֹּאמֶר יְהוָה מִסִּינַי בָּא וְזָרַח מִשֵּׁעִיר לְמוֹ הוֹפִיעַ מִהָר פָּאָרָן
וְאַתָּה מִרִּבְבֹּת קֹדֶשׁ מִיְמִינוֹ (אַשְׁדָּת) [אַשׁ] [דָּת] לְמוֹ

The rabbinic interpretation of this verse follows a particular tradition which we will explore further on in this section. In short however, it refers to the notion that before God revealed His Torah to the Israelites at Sinai, He offered it to the other nations. Yet, one-by-one, they each rejected the Torah for one reason or another. As a result, God "revealed" their money from Mount Sinai. R. Yochanan's opinion goes one step beyond R. Abahu's. In the latter's case, the Canaanites rejected the Noahide laws, a mere seven laws incumbent upon humanity, and thus they sacrificed their claims to justice. In R. Yochanan's situation, they rejected the *Torah*, a far more substantial "crime." Had they accepted the Torah, then they certainly would have been entitled to equal treatment, for then they would have been included in the covenant.

While these justifications for inequitable treatment may not sit well with us, at the very least we can understand the rabbinic logic at play in regards to the question at hand. The Gemarra continues to make to firm up its argument and it ends with a point about non-Jewish participation in Jewish ritual, only enhancing its relevance to our situation. It first cites a Baraita which in essence repeats the original mishna word for word and also lists the proof texts provided by R. Abahu and R. Yochanan, although it does not cite their names. The Gemarra wonders why there must be two proof texts; "would not one have been sufficient?" it asks. The answer relies on a rabbinic hermeneutical principle that a proof text comes to teach a specific point and it cannot be re-supplied to serve

multiple lessons. Hence the Gemarra argues that the verse provided by R. Abahu in our case of the *shor sh'nagach* was actually used for a different purpose; namely to settle the dispute of R. Matnah and R. Yosef. According to the former, it was not that God released the Canaanites money to Israel as a result of their non-compliance with the Noahide laws, but rather that God exiled them on account of this sin, a nuance which R. Matnah proves through a *gizeira shava*. According to R. Yosef however, the sin of the Canaanites resulted in neither the release of their money nor in their being exiled but rather, *yeter* should be interpreted as a release from the obligation in the first place. In other words, R. Yosef theorizes, that when God realized that these laws were not going to be honored, He simply legalized the behavior that was already taking place. The Gemarra questions the validity of R. Yosef's teaching, again revealing its ethical sensitivity. How can it be, asks the text, that God released the *binei noach* from their obligations when they were transgressing? How can it be that a sinner should profit from his sin? Fortunately, Mar the son of Ravina comes to solve this ethical quandary. He argues that R. Yosef's statement did not imply that the sinner was profiting, rather, he simply meant that because the Noahide laws are no longer obligatory, the non-Jew no longer receives any reward for upholding them. At this point, the text becomes particularly interesting from the standpoint of our inquiry into the role of the non-Jew in the synagogue. If an individual is not obligated to a particular law, should he be allowed to perform it anyway and does he receive any benefit for doing so? R. Meir, in a Baraita, certainly seems to think so. For he says that even a non-Jew who engages in Torah is rewarded, let alone the Noahide laws. In fact, R. Meir argues, that a non-Jew who does Torah, *nochri sh'oseik b'Torah* (note the use of *nochri* here), is such a good thing that we

even afford him the status of the Kohen HaGadol. He proves this by a nuance in the verse from Leviticus 18:5. “You shall keep My laws and My rules, by the performance of which man shall live: I am the LORD.”

וְשִׁמְרֵתֶם אֶת-חֻקֹּתַי וְאֶת-מִצְוֹתַי אֲשֶׁר יַעֲשֶׂה אִתְּם
הָאָדָם וְחַי בָּהֶם אֲנִי יְהוָה

Indeed, points out R. Meir, the verse does not read “by the performance of which, only Kohanim, Leviim, and Yisraelim shall live, *elah adam*, that *man* shall perform them and “man” can refer to nothing other than all people, any human being, Jew or non-Jew. We can easily extend R. Meir’s use of the Leviticus verse to argue that ritual participation within the synagogue ought to be more widely accessible. But is the Gemarra really advocating for universal access to Jewish ritual obligations? Not necessarily, for the text quickly reminds us that the reward for one who performs a mitzvah without being commanded is, in fact, fundamentally different than the reward received by a commanded individual – there is a clear distinction between those who are “in” and those who are “out” and this is determined by whether or not one is *chiyuv*. R. Chaninah clarifies the difference by adding that the reward for one who is commanded and performs the mitzvah is actually greater than the one who is not commanded and performs the mitzvah.

The utility of the text thus far as knowledge to help us with our inquiry is actually fourfold. First, we can use the underlying supposition of the Gemarra to justify our exclusion of non-Jews in synagogue ritual. Participation in the synagogue after all is not a matter of natural justice. We are not depriving the non-Jewish spouse of anything to which he or she is entitled based on his or her humanity when we tell that individual that he or she cannot be called to the Torah. The non-Jewish spouse (or more typically the

Jewish spouse) may express outrage at this, he or she may even claim all sorts of emotional reactions, but, at the core, he or she cannot *really* say that we are not being *fair*. Secondly, we might turn to R. Yochanan's teaching that the non-Jew forfeited his claims on the Jewish legal system when he refused to buy into it by accepting the Torah. If a rabbi has done his or her due diligence with an interfaith couple, then he or she has likewise offered the non-Jew a way into the community, a share in Torah, a claim to equity, through the possibility of conversion. While there are a plethora of reasons to not to convert and we would be hard pressed not to understand or validate a person's reason for refusing, the fact remains that, while it sounds harsh, he or she has indeed rejected the Torah and with that they forfeit their claims on the Jewish community. Thirdly, R. Meir's argument is useful because it advocates the accessibility of synagogue participation to all those interested, particularly the *nochri*, and would justify the performance of a ritual even by one who is not obligated to so. Essentially, he makes the case the *patur* does not necessarily imply *assur*. Similar arguments have been used to allow Jewish women to more fully participate in ritual particularly in the donning of religious garb. However, R. Meir's statement from the Baraita cannot be taken without the Gemarra's follow up and the point articulated by R. Chanina. A non-Jew may have a variety of reasons for wanting to engage in Torah and many of the reasons may be good and well-intentioned. But in Jewish tradition, and this is counter-intuitive to our American, post-enlightenment sensibilities, the *best* reason to perform a Jewish ritual is because we are part of the covenant. We read from the Torah because it is a *mitzvah* which is the vehicle by which we define the covenant. This makes the Jew's performance of the ritual fundamentally different than the non-Jew's. To use an example

hotly debated in synagogues today; there may be many reasons for a non-Jewish mother to want to participate in the reading of Torah at her son's bar mitzvah. Most of these reasons are good and deserve recognition (i.e. the fact that she has been taking him to religious school for 10 years, sat through every family education program, supported her husband's desire to raise their children in a Jewish home, acquiesced her own religion, etc.) and yet, despite all of this, the best reason for her participation would be that she is commanded to do so as a member of the covenant community, and this simply is not the case. *Bava Kama* 38a and particularly this concluding *teirutz* between R. Meir and R. Chanina might be seen as a formula, helping us to determine where the line could and should be drawn; what constitutes as appropriate discrimination and what is unjustified. On the one hand, the good *ben noach* deserves equal treatment and compassion, the non-Jew who engages in Torah is to be applauded and recognized, but this does not necessarily require us to invite him or her to functionally participate in communal synagogue ritual.

For all the knowledge that *Bava Kama* 38a can constitute there is one fact that cannot be overlooked. This is not to downplay the value of the text or to undermine the importance of studying it, but we must acknowledge that its usefulness is limited by one huge underlying factor. As postmodern Jews, we simply do not share the Talmud's view of Gentiles. To the writers of Talmud, the non-Jew was synonymous with *avodah zarah*, the most atrocious of all possible transgressions against God. To the Rabbis, the Gentile was irredeemably evil and downright immoral to the very core (as we will see in the following section). For this reason, all sorts of harsh restrictions were instituted in order to prevent the spread of idolatrous practice. For example, a Jew was forbidden to do

business with a non-Jew on or near the latter's holy days for fear that the money would go towards some sort of idol worship or at the very least enable or encourage the non-Jew in this forbidden practice.⁷⁹ By the medieval period, even to a certain extent within the Talmud itself, and certainly today, this view of *goyim* is not expressed.⁸⁰ In contemporary American liberal Judaism, we do not associate non-Jews such as Christians and Muslims with *avodah zarah*. To the contrary we understand them as part of the monotheistic tradition, sharing much of Judaism's values, teaching a sense of morality, and its practitioners deserving of respect and veneration.

Bava Kama 88a

The issue presented in the Mishna from 38a, over whether or not a Non-Jew can be considered the neighbor of the Jew, is picked up again later in *Bava Kama* 88a. Here the Rabbis are discussing the various compensations that are due to categories of slaves upon injury. This Mishna relates that if a Jew wounds some other Jew's Hebrew slave he is responsible to pay all five categories of compensation: physical damage, pain, medical expenses, unemployment, and humiliation. When it comes to the compensation owed to a Canaanite slave however, there is a debate between the Tanna Kamma and R. Yehudah; the former say that the Jew is liable for all five categories of payment and R. Yehudah argues that the Canaanite slave is not due compensation for humiliation. The Gemarra, explains R. Yehuda's ruling, by offering a proof text from Deuteronomy 25:11, "If two men, [*a man and his brother*] get into a fight with each other, and the wife of one comes

⁷⁹ *Avodah Zarah* 6a-b

⁸⁰ See section *A Final Note* for references to Talmudic debate over the status of the non-Jew and see section *Reform Responsa* for references to medieval interpretations.

up to save her husband from his antagonist and puts out her hand and seizes him by his genitals...”

כִּי־יִנָּצוּ אָנָשִׁים יַחְדָּו אִישׁ וְאָחִיו וְקָרְבָּה אִשָּׁת הָאֶחָד לְהַצִּיל
אֶת־אִשְׁתָּה מִיַּד מַכְהוּ וְשִׁלְחָה יָדָהּ וְהִחְזִיקָהּ בְּמִבְשָׁיו

Curiously, most translations of this verse simply render it, “If two men get into a fight...” even though the text reads *ish v’achiv*, “a man and his brother.” This literal reading is what preoccupies the Gemarra in its attempt to understand R. Yehuda’s position on this matter. To Yehuda, the word “brother” indicates that a full compensation is due only, *b’mi sh’yeish lo achvah*, to the slave who has the potential to be the brother of a Jew. Since the Canaanite is a non-Jew and beyond that, he is a specific type of non-Jew, one who may not, under any circumstances, enter into a marriage with an Israelite, he has no potential for brotherhood, and this is R. Yehuda’s justification for ruling that the Jew who injures him owes him no compensation for humiliation. On the other side of the coin is the Tanna Kamma’s ruling. The Rabbis in the majority rule that the Jew does, in fact, owe the Canaanite compensation for humiliation and the Gemarra will prove that the same argument of brotherhood can be employed to legitimate the Rabbis’ opinion. The Rabbis believe, according to the Gemarra, that a slave is a brother with regards to the *mitzvot*. This is an interesting comment and it may have implications on our question of the role of the non-Jew in the synagogue. Rashi, in *Messechet Chagigah* 4a, explains through a *gizeira shava*, that a Canaanite slave is obligated to perform all the *mitzvot* incumbent upon a Jewish woman. “Thus, in the Tanna Kamma’s opinion, a slave can be

viewed as a brother, for he shares in common with other Jews an obligation to perform certain mitzvot.”⁸¹

Bava Kama 117a

Other sections of the Talmud create ethical distinctions between Jews and non-Jews but not to prove that we should treat non-Jews differently in terms of liability or that they do not deserve the same compensation as a Jew. These texts instead use non-Jews as examples of terrible people, citing them in stories of cruelty or moral reprehensibility, or declaring that they are spiritually inferior people as a result of their idolatry. Examples of this can be found further on in *Bava Kama*, in which the Gemarra is discussing the various laws concerning an informer. In many of the cases illustrated by the Gemarra, it is the Jew who is *forced* by the idolatrous non-Jew, to give up information which puts a fellow Jew at risk for being taken advantage of. For instance, when Rav Huna bar Yehuda was visiting Rava, the latter asked him about his most recent halakhic decisions. Rav Huna relates the case of a Jew who was forced by idolaters to show them his friend's money. When Rav Hanua states that he held the Jew liable for compensation to his fellow, Rava is astonished and tells him to reverse the decision, following the precedent of a Baraita which rules against Rav Huna. If, on the other hand, the Jew did more than merely show the money and actually gave it to the idolaters, then he is liable. According to Rashi, he would have to pay because he used somebody else's property to save his own life, and even though he is allowed to do this in the name of pikuach nefesh, he nevertheless must pay.⁸² The footnote citing Rashi's comment also describes a similar situation debated by various halakhic thinkers including Rashba, the Rama, Choshen

⁸¹ *Bava Kama* 88a, footnote 9.

⁸² *Bava Kama* 117a, footnote 16.

Mishpat, Shach, and Chazon Ish. This time however, the question is over whether a Jew “who is tortured by an idolater for [the latter’s own] amusement, without demanding money, and the Jew saves himself by showing the idolater the money of a fellow Jew...is he liable to repay his fellow[?]”⁸³

Avodah Zarah 25b, 22b, [17a-b], and Sefer HaAgadah

Similar accusations of violence and moral atrociousness of non-Jews are to be found throughout halakhic literature. Not surprisingly many such references can be seen in *Messechet Avodah Zarah*. On 25b, the Gemarra questions what it considers to be a superfluous ruling from the Mishna prohibiting the seclusion of a non-Jew with a Jewish woman. First the Gemarra establishes that this can only be referring to a case in which the non-Jew’s wife is also present. This is somewhat counterintuitive. Would the prohibition not make more sense in a case in which the non-Jew and the Jewish woman are alone? However, according to the Gemarra the wife of an idol worshipper will not watch him, whereas the wife of an Israelite will watch him. So presumably, a Jewish woman could be secluded with a Jewish man, even if he is known to be promiscuous, as long as his wife is also present. Yet, she could not be secluded with a non-Jew even if his wife was present, since “the presence of an idolater’s wife does not necessarily deter him from sin, for she may look away when he commits adultery, since she uses this as an excuse to do likewise.”⁸⁴ In prohibiting the seclusion of non-Jews with Jews, the text presumes that the non-Jew is morally reprehensible and predisposed to sin. This very fact is confirmed in the next section. The Gemarra wonders why the Mishna would have to resort to the inevitable sexual sin as its reason for the prohibition. Surely there were

⁸³ *Bava Kama* 117a, footnote 16.

⁸⁴ *Avodah Zarah*, 25b, footnote 8.

other reasons why the Rabbis would want to forbid seclusion between non-Jews and Jews, after all, a non-Jew would compromise his morals in all situations right? Not just sexual ones? Why not prohibit these interactions on account of *sh'fichut damim*, argues the Gemarra, because clearly a non-Jew is just as likely to murder the Jewish woman as he is to rape her. R. Yirmiyah counters that the concern for the woman's sexual safety should be sufficient because the woman in the scenario is a prominent woman and thus the idolater would be too afraid to murder her, but apparently not too afraid to seduce her. R. Idi suggests an alternative, but equally ridiculous answer as to why the suspicion of licentiousness is enough to bar these interactions; "a woman's weapons are with her," he argues. Women have a natural defense against murder, because the idolater would spare her life having fulfilled his sexual desires with her. While a Jewish man should avoid seclusion with a non-Jew out of concern for his life, a Jewish woman should not be secluded with him out of concern for her sexual integrity. Nevertheless, whichever way you look at it, the Gemarra presumes inferior morals, a propensity to seduction, rape, and murder on the part of the non-Jew.

A previous Mishna in Avodah Zarah is far less subtle in its accusations stating that a woman may not be secluded with idolaters because they are suspect in regards to licentious behavior. Nor may a person be secluded with them because they are suspect in regard to the murder of Jews. This Mishna even adds to the litany of immoral acts that non-Jews are likely to commit. For instance, it rules that a Jew may not stable an animal in the inn of an idolater because they are suspect of bestiality. This last accusation is questioned by the Gemarra on the grounds that Jews are permitted to buy an animal from a non-Jew, even to use that purchased animal for a sacrifice, and we do not worry that it

might be unfit because of bestiality, or because it was originally designated for non-Jewish worship, or because the animal itself was worshipped. The Gemarra then goes on for the whole of two pages discussing the propensity of idolaters to commit sexual acts with animals, finally concluding that the hachamim knew with certainty that the idolaters in their midst were so degenerate that would engage in bestiality even when women were available to them. They would not do so with their own animals, theorizes the Gemarra, because of the risk of damaging them or making them sterile and likewise they would not do so with the animals entrusted to them by their own kin out of fear of discovery. However, they would seize every opportunity to sodomize an animal entrusted to them by a Jew, with whom there was no fear of discovery. Mar Ukva bar Chama adds that they would even prefer the animal of an Israelite to their own wives. At the end of the daf, the Gemarra provides anecdotal evidence of the corrupted sexual morals of the non-Jew. R. Yehuda relates that he once saw an idol worshipper buy a goose at the market, then sodomize, strangle, roast, and eat it! Likewise R. Yirmiyah reports an even more outrageous story of an Arabian he once saw buy an animal thigh at the marketplace, carve a hole into it, sodomize the thigh, then roast it and eat it. I suppose if you have ever read Portnoy's Complaint, R. Yirmiyah's story might seem tame in comparison. In true rabbinic fashion, the Gemarra is hard pressed to find a reason behind what it perceives as intense immorality amongst non-Jews. R. Yochanan proposes that this phenomenon could be traced all the way back to humanity's origins. When the serpent seduced Eve he cast an impurity into her which future generations inherited from her. According to Rashi's elucidation, Yochanan's rationale is a linguistic one. When God interrogates Eve about the Tree of Knowledge she replies, הַנָּחָשׁ הִשְׁיֵאֵנִי וְאָכַל "the serpent deceived

me and I ate.”⁸⁵ *Hashiani*, he deceived me, contains the same root as *nisuin*, marriage, suggesting perhaps that when the serpent encouraged Eve to eat from the tree it was also intimate with her, thus casting impurity into her, “causing her and her offspring to lust after forbidden gratification. This impurity would provoke pagans to seek perverse pleasures even when women were available to them.”⁸⁶ Why then, are Jews not subject to the same inherited propensities? Are we not also descendants of Eve? The Gemarra answers with a traditional refrain, used often to separate Israel from the nations and highlight their uniqueness (both their moral superiority and their ritual distinctiveness). Israel, argues the Gemarra, stood at Mount Sinai and accepted the Torah. Their impurity, therefore, was removed and they were returned to a state of semi-perfection. Non-Jews however did not stand at Sinai and did not accept the Torah and hence their impurity was not removed.

A final source of *knowledge* relating to the ethical distinctions between Jews and non-Jews is an aggadic one as opposed to a halakhic one. Sefer HaAgadah, the Book of Legends, actually has an entire section devoted to Israel’s relationship with the nations of the world. While many of these rabbinic pithy statements reflect their interpretation of their current political situation, an overwhelming and likely accurate sense of oppression by foreign nations, some simply point out the less than desirable traits with which the Rabbis stereotyped non-Jews. For example, “Canaan enjoined five things upon his sons: love one another, love robbery, love lewdness, hate your masters, and do not tell the truth,”⁸⁷ or, “R. Meir said: Among cities, you have none as wicked as Sodom. When a man is wicked he is called a Sodomite. Among peoples, you have none as cruel as the

⁸⁵ Genesis 3:13.

⁸⁶ *Avodah Zarah* 22b, footnote 18.

⁸⁷ *Bavli Pessachim* 113b

Amorites. When a man is cruel, he is called an Amorite.”⁸⁸ Another statement even expresses the notion that God cares less about the other nations than He does for Israel. “Every distress in which Israel and the nations are partnered is distress indeed; but a distress that is Israel’s alone is no distress”⁸⁹ – since God will quickly respond only to *Israel’s* pleas for help. Other rabbinic statements collected here corroborate the halakhic accusations that non-Jews are not to be trusted and are prone to acts of violence.

“Our masters taught: if a Jew on the road happens to come upon a heathen (walking the same direction), he should keep him walking at his right. R. Ishmael bar R. Yochanan ben Beroka said: If the heather has a sword one should keep him walking at one’s right [since a sword is carried on the left side], if he has a stick, keep him walking at one’s left [since a stick is carried on the right]. If the Jew and the heathen are going up or down a hill, the Jew should make sure that he is not below and the heathen above. The Jew should also make sure not to bend down before him, lest the heathen smash his skull. If the heathen asks him where he is going, he should mention a place beyond his destination. This is what our father Jacob did with the wicked Esau, he said „Until I come to my lord in Seir“ (Genesis 33:14), while in fact Jacob journeyed to Sukkot (Genesis 33:17).”⁹⁰

A Final Note on Ethical Distinctions Created or Presumed in the Text

Lastly, it is important to note that the majority of these texts which create or presume ethical distinction between Jews and the other nations consistently refer to the latter in terms of their political/ethnic affiliations, such as Canaanite, Egyptian, Cuthean, Roman, etc. or in vague terms of religious affiliation; idolater, *akum*, pagan, nochri, notzri, goy, kuti etc. The Rabbis never use a single generic term to refer to non-Jews or Gentiles as we might think of them today, particularly in our case of the well-intentioned non-Jewish spouse who desires to be involved in synagogue life with his or her family.

⁸⁸ *Genesis Rabbah* 41:7

⁸⁹ *Deuteronomy Rabbah* 2:22

⁹⁰ *Bavli Avodah Zarah* 25b

All Sefer HaAgadah references can be cited as Bialik and Ravnitsky. Sefer HaAgadah, Pages 354-358.

This type of non-Jew is altogether foreign to the rabbinic mindset at least as it is expressed in the majority of their texts. At the same time however, it seems implausible that the Rabbis, despite their desires to maintain Jewish identity in the face of foreign oppression, felt that *all* non-Jews were of the immoral persuasions that they associate with idol worship throughout these texts. The Jewish communities, of which they were a part, particularly in the Diaspora, interacted with non-Jews in a variety of ways and thus they had practical considerations to keep in mind when speaking of the non-Jew in their texts. This is what accounts for the extreme censorship and manuscript variation throughout the Talmud in its references to non-Jews. All the more so is this true for us in our time. When we use these texts as *knowledge* to guide our choices about our religious behavior, we must keep in mind the sharp contrast between our contemporary understanding of the non-Jews amongst us and the classical association of Gentile with idolater. To some extent this is acknowledged even by the Rabbis of the early Diaspora. In Messechet Hulin 13b, for example, R. Yochanan makes a famous declaration that the Gentiles outside of the Land of Israel should not be considered actual idolaters. Rather, he argues, they are blind followers of ancestral customs, the ideology of which they are simply no longer aware of. Both the Talmud and Aggadic works also include disputes and anecdotes that redeem the character of the non-Jew, including references to the relationships between R. Meir and Avnimos ha-Gardi or Judah ha-Nasi and Antoninus.

However, there does remain a certain legal discrimination against non-Jews in rabbinic texts, we simply cannot ignore this. In many cases this discrimination, even if based on objective reasoning, has ethical consequences. For example, throughout *Bava Kama*, the Talmud reiterates that the non-Jew simply does not subscribe to the Jewish

social contract, he is not a member of the community plain and simple. This is not an issue of racial or even religious affiliation (since the Cutheans are put up as an example time after time), but rather of objective ethnic identifications. And yet, as a result, the Talmud rules that the commandment to restore lost property to its owner⁹¹ does not apply when a non-Jew is the owner because Gentiles would not act reciprocally in such cases⁹² – clearly an ethical consequence. Similarly, a Gentile cannot act as witness because (according to one opinion) he is dishonest and unreliable.⁹³ We would do well to remember however, that Jews suspected of the same faults, were subjected to identical discrimination. Furthermore, as we have seen, other discriminating rulings were intended to discourage intimacy with the non-Jew, such as the injunction against non-Jewish wines and cooked foods, perhaps to guard the Jews from the dangers of assimilation,

Largely though discrimination against non-Jews was frowned upon and even forbidden as it might jeopardize otherwise cordial relations between Jews and non-Jews. Avodah Zarah 26a for instance speaks of a dispute over whether a Jewish woman may deliver the child of a non-Jew, the concern being she was aiding in bringing a child into the world of idolatry. The Gemarra questions whether a Jewish woman may do this for pay even on Shabbat. R. Yosef replies that she may; *m'shum eivah*, because of the potential animosity and violence that could result should she refuse to do so. In other words, she may be delivering a child into the world of idolatry but she is simultaneously saving her own people in the process.⁹⁴ This argument of *m'shum eivah* was considered so important that the Talmud even “enjoins that Gentile poor be supported with charity

⁹¹ Deuteronomy 22:1-3

⁹² Bava Kama 113b

⁹³ Bava Kama 15a

⁹⁴ Avodah Zarah 26a, footnote 18.

like Jewish poor⁹⁵ and does not tolerate the charging of interest to Gentiles.⁹⁶ In these last cases, the objective reasoning has resulted in a positive ethical consequence. The knowledge of these cases may affect the religious choices we make vis-à-vis the non-Jews in our midst.

Texts Which Create or Presume Distinctions Between Jews and Non-Jews Regarding Religious Ritual

Gittin 45b

In *Messechet Gittin* we come across the dispute over a non-Jew's participation in the construction of a Torah scroll. This text has serious implications for contemporary rabbis whose liberal congregations have decided to commission a new scroll, and to pay for it, they begin a campaign where synagogue members can have the opportunity to write a letter. What is the rabbi to do when a non-Jewish spouse or other such member has expressed a wish to participate? The CCAR Responsa committee was asked this very question and they directed the shoel's attention to this text. The Gemarra on Gittin 45b discusses the status of Torah scroll crafted by a non-Jewish "sofer." R. Nachman holds the opinion there is a Jewish tradition that any sefer Torah written by a *min* (a stronger category than *akum*; usually indicating a person heavily involved in idolatrous practice, like a priest) is burned, and any scroll written by an idolater (here *oveid kochavim*) should be put away. According to R. Nachman then, a non-Jew is *ineligible* to write a Torah scroll and we learn this from the fact that any scroll he or she does write is not fit for use. Rashi further elucidates, regarding a scroll written by a *min*, that we can know with certainty that it was written with malicious intent, for the sake of idolatry, and therefore

⁹⁵ *Gittin* 61a and *Bava Metzia* 71a

⁹⁶ Freidman, Theodore. *Gentile* From *Encyclopedia Judaica* as quoted on www.jewishvirtuallibrary.org. Accessed January 14th 2010.

every mention of God was meant to refer only to pagan deities. Because there is no doubt as to the purpose of the scroll, it must be burned.⁹⁷ To us, this may sound strange especially since the image of a burning Torah scroll to any post-Holocaust Jewish community conjures all sorts of feelings; however, the text is clear that this was a tradition maintained by Jewish communities of this time period. Rashi continues to explain R. Nachman's comment saying that the second case, that of a Torah scroll written by a mere idolater, is a bit trickier. Here there is doubt as to the idolater's intentions. However, R. Nachman's statement is worded such so that it can fit either scenario. If in fact the idolater is ineligible to write the scroll regardless of his intent, the scroll is unfit for use because it was written by an ineligible sofer. If, on the other hand, the idolater could be considered eligible to write a scroll, we still cannot use it because there is a possibility he wrote it with idolatrous intent.⁹⁸ This is not unlike a Christian wanting to participate in a Passover Seder or these trendy interfaith Seders that inevitably occur with increasing frequency whenever Easter and Pesach are close to one another on the calendar. While it is conceivable that someone may make the argument that he is eligible to participate, even to lead the Seder, would not the subsequent Seder be unfit to fulfill our obligation? Might we doubt the Christian's intentions behind his desire to participate, perhaps he wants to do so because he (erroneously) believes this is how Jesus spent some of his final moments here on earth.

R. Nachman continues that a Torah scroll that is merely *found* in the possession of a *min* must be burned but that there is a dispute over whether one found in the possession of an idolater must be put away or whether it may be read from. The latter

⁹⁷ *Gittin* 45b, footnote 5.

⁹⁸ *Gittin* 45b, footnote 6.

opinion would suggest that a non-Jew *is* eligible to contribute towards the writing of a Torah scroll, provided that he or she does so without idolatrous intent. There are actually two doubts in this scenario which may account for the extra leniency; first there is doubt as to who actually wrote the scroll since all we know is that it is in the possession of a non-Jew, and second, even if it was written by the non-Jew, perhaps he did so without the intent to use it for idolatrous purposes.⁹⁹ The Gemarra then provides three baraitot that deal with this same question. One Baraita is more stringent even than R. Nachman, teaching that a Torah scroll written even by an idolater must be burned. A second follows that of R. Nachman, that a Torah scroll written by an idolater must be put away, and finally the third is more lenient, saying that a Torah scroll written by an idolater can be read from. How can the text possibly reconcile these three disparate baraitot? And yet, *la kashiyah*, reads the Gemarra, there is no difficulty here, the reason being is that the Gemarra can trace each of these baraitot back to a different Tanna, so it is simply a case of differing opinions, not irreconcilable texts. The first opinion is that of R. Eliezer; who taught in Hullin 38b that an animal slaughtered by an idolater is assumed to be intended for sacrifice to a foreign deity. By extension; a scroll written by an idolater can be presumed to be intended for idolatrous use, and it therefore must be burned. The second Baraita is traced back to R. Hamnun b. Rava who taught that a *sefer Torah* written by a *min*, a *masor* (literally an informant – a person who informs on his fellow Jew to idolaters – see above from *Bava Kama* 117a), an idolater, a Canaanite slave, a woman, a minor, a Cuthean, or a *yisrael mumar* (a non-believing or renegade/rebellious Jew), are all invalid. R. Hamnun justifies this on the grounds that those various groups are all exempt for one reason or another from the mitzvot of tefillin or mezuzah and thus by extension they are

⁹⁹ *Gittin* 45b, footnote 9.

also exempt from the mitzvah to write a Torah scroll. Here again we are faced with the issue over whether someone who is exempt is inherently forbidden from the mitzvah. Here it would seem so, since a Torah scroll written by someone who is exempt from the mitzvah, is invalid for use. In terms of our question about the role of non-Jews in the synagogue, if the law would even exempt certain *Jews* (minors, women, Cutheans – who converted) from participation in this mitzvah, then kal v’chomer how could non-Jews be granted access to it? Again we are being shown that in order to participate in the mitzvah one must be able to prove that he or she is somehow mitzuveh. The third Baraita, that the scroll may be used and read from, expresses the opinion of R. Shimon b. Gamliel (so it certainly carries some weight!). He also taught that it is not the sofer that matters, but whether the scroll (here he’s speaking of tefillin and mezuzot k’lafim) were written properly, according to all instructions. We may buy Torah scrolls from idolaters anywhere, argues Shimon b. Gamliel, as long as they were written according to halakha. He reports of a case in Tzidon where an idolater was writing Torah scrolls and where he himself ruled it was permissible to purchase from him. In permitting the Torah scroll written by a non-Jew, is it fair to say that Shimon b. Gamliel does not care about the intent behind the actions of the sofer? This, the Gemarra points out, is inconsistent with another ruling he once made in which “intent” determined whether tefillin were valid or invalid. However, the third Baraita does seem to advocate that Shimon b. Gamliel does not hold by the opinion that ritual access is open only to those who are obligated by traditional standards. This confuses our question tremendously. Without the standard of “a mitzvah is for the one who is mitzuveh,” how will we know where to draw the line?

Shulchan Aruch

This issue of who may perform a mitzvah is picked up again in various sections of the most widely accepted code of Jewish Law, Joseph Karo's the Shulchan Aruch. In *Orech Chayim, Hilchot Rosh HaShanah, Siman 5189*, Karo asks the question *mi hem haru'im l'tikiyat shofar?* Who is obligated in the blowing of the shofar? His answer, broken into nine categories, indirectly addresses the question of the non-Jew in the synagogue. Karo begins with the idea that the mitzvah is only for one who is mitzuveh¹⁰⁰ and then takes it one very significant step further. He argues that, in the case of a community who elects a single individual to lead them in a particular religious act, that single individual is in essence fulfilling a ritual obligation on behalf of the entire group. Therefore, one who is not himself obligated, **cannot** fulfill another's obligation for him. Thus in the case of the Shofar, or writing a Torah scroll (which each person is individually commanded to do), or leading the congregation in prayer or countless other mitzvot, a person must be among those who are obligated in order to be the proxy by which the community fulfils its obligation. This ruling is significant, even for us, whom, as we have seen, have a somewhat strained relationship with the traditional sense of obligation. It is true that the concept of mitzvah does not resonate with the majority of Reform Jews; they do not tend to think of their religious actions as fulfilling anything. Yet, Karo's ruling is still helpful. If our actions and rituals are what distinguish us as a Jewish community, then it makes sense to elect someone Jewish to represent our community in performing those actions. Can a non-Jew write a Torah scroll? Certainly they are physically capable of doing so and that Torah scroll will probably resemble any

¹⁰⁰ Terumot 81:42

other Torah scroll, and yet, there is just something different about it, something which prohibits it from being read publically in a Jewish congregation. It is not only our actions and rituals that distinguish us as a Jewish community, but also that our official representatives, so-to-speak, in those actions and rituals are part of the community. Perhaps this is better explained in the negative. In 1994, the CCAR Responsa Committee received a question from a then-rabbinic student on the Los Angeles campus. The student inquired as to whether a rabbi functioning as a hospital chaplain may perform a baptism on a child. It is not an implausible scenario. Hospital chaplains are, of course, there to serve all faiths and what if it is impossible to locate a priest? Not surprisingly the committee responds in the negative, despite the fact that the chaplain has an obligation to the family. “The argument can be raised, of course, that theology is irrelevant. The chaplain can assert that “what I dispense is comfort, not salvation. These people have asked me to conduct a ceremony from which they can derive spiritual strength, and as their pastor it is my duty to help them nurture that strength.” To this, the obvious response is that theology *does* matter...”¹⁰¹ Agreeing to perform this sacrament crosses a boundary for several reasons, which the responsum addresses in detail. One of those reasons, argues the committee, is that the family may be of a denomination that would recognize the baptism as a valid sacrament thus rendering it inappropriate for us as Jews to perform.

“A prime example is the Roman Catholic Church, which accepts baptisms performed by laypersons and non-Catholics. It does so because, in Catholic theology, the power of a sacrament is *ex opere operato*: its efficacy lies in the rite itself and not in the subjective disposition of the minister or of the person receiving it. The minister need not be righteous,

¹⁰¹ CCAR Responsum 5755.9. *May a Jewish Chaplain Perform a Baptism?* <http://data.ccarnet.org/cgi-bin/respdisp.pl?file=9&year=5755>. Accessed January 14th, 2010.

Catholic, nor even Christian; he need only have the intention of "doing what the Church does": *i.e.*, of administering a proper Christian sacrament."¹⁰²

This is precisely the opposite of what Karo is arguing for in his *hilchot shofar*. For us as Jews, the standard is reversed. Regardless of whether the rite is done properly, according to tradition, even with the correct intent, if it is not performed by one who is obligated to perform it, it simply does not count.

Avodah Zarah 2b and Mechilta “BaChodesh” 5

Finally, it may be worth taking a look at a rather controversial but important aggadic text, to help us move closer to making decisions about the non-Jews in our communities. We have seen that the Rabbis had rather strong opinions about the ethical nature of non-Jews. Even though their interaction with them was far less extensive and fundamentally different than our own (they never had to directly contemplate the issue of extending them membership (ritually and otherwise) in the community without requiring conversion), they were faced with questions about their status vis-à-vis Jews. For instance, the Rabbis had to confront why it was that we Jews had the Torah and no one else seemed to be part of the covenant. This is not simply a matter of proving that Jews are in any way special, but it is in fact a real question for the Rabbis. After all they have theological notions of a common humanity, that there are certain universal aspects even to Judaism, and yet, their community was bound by a certain set of laws, behaviors, and beliefs that no one else around them shared. This required explanation. As a result, there are many aggadic interpretations of the episode at Sinai, that can help us to decide whether a certain ritual act is appropriate for a non-Jew to perform, whether on our behalf

¹⁰² CCAR Responsum 5755.9, *May a Jewish Chaplain*

or not. These stories explain that God did not single the Jews out immediately but rather that we distinguished ourselves in His eyes. In truth, according to the Rabbis, God offering the Torah to all the nations of the world, in order that they should not question or denigrate God's reputation later. For various reasons however, some which further the notion that non-Jews are unethical and immoral, these nations rejected Torah, choosing against it often because it was prohibitive of certain things that they were unwilling to give up (incest, murder, etc.). In light of these texts, one might argue or a congregation may decide that ritual Jewish acts are off limits to non-Jews, because regardless of the fact that they have chosen a Jewish spouse, selected Judaism as the primary religious expression for their children and family, schlepped their child to Sunday School and Hebrew School and Bar mitzvah tutoring, prior to conversion, they are still amongst those who have rejected Torah. This is not about their commitment to their Jewish family, this *is* about the performance of ritual by which *Jews* have defined themselves for ages.

Chapter Five: The Jew, the Gentile and the Responsa of the CCAR

The opinions regarding the non-Jew as expressed by the Talmud and other classical rabbinic literature certainly supplement the knowledge aspect of *choice through knowledge*. To take this knowledge lightly, be compelled to ignore it, or make our decisions without confronting it, is simply allowing our conscience to be an excuse for ignorance, which is precisely what Borowitz has warned against. Authentic Jewish choices are contingent upon tackling these texts head on. If the Reform Jewish challenge is indeed to have one foot in modernity and the other in tradition, then we simply cannot pursue that mission by cutting off either limb. This does not imply however that every text, every aspect of tradition, must be deferred to, nor must we necessarily change in order to apply to our lives those aspects with which we disagree. We saw this before with the text from Bava Kama 38a. The question there was not how can we make this text applicable today, rather it was, how can this text, even, or perhaps especially if we reject it, serve to inform our religious choices? It is true that Bava Kama is only useful if we share *its* view of Gentiles and this simply is not the case. Even from early in Jewish history this harsh view of non-Jews had begun to soften and the boundaries relaxed. “While the restrictive laws may have fit the situation in the land of Israel during the era when the Jews constituted a majority of the population, in the Diaspora our people were a minority...they could not observe the limitations upon commerce...without severe economic hardship...or [fear] that a standoffish attitude toward their neighbor would provoke them to hostility and violence.”¹⁰³ Still, there was more reason to break with

¹⁰³ Washofsky, *Jewish Living*, 272-3.

tradition other than practical concerns for safety and welfare. The Gentiles amongst whom the Jews were living were, for all intents and purposes, different. They were not the murdering, raping, idolaters of Bava Kama; they were Muslims and Christians, promoters of monotheism and advocates of morality. Already, in the *Mishneh Torah*, Rambam declares that Muslims cannot be considered amongst those who commit avodah zarah¹⁰⁴ on the grounds that believe in God's unity.¹⁰⁵ This viewpoint however did not extend to Christianity for various reasons, including the fact that his exposure to them was more limited. Maimonides' statements relating Christianity to avodah zarah, however, were removed from most editions of the *Mishneh Torah* due to censorship practices.

Yet, fear not for the Christians in our midst since *their* association with idolatry was silenced by two distinct groups: the Tosafists of northern Europe and R. Menachem HaMeiri from Provence. HaMeiri was associated with a group of rationalists who exported the philosophical schools of Jewish thought from Spain to Provence in the fourteenth century. He was well known to have defended philosophical study during a time when others viewed it as controversial, banning and burning the works of the Rambam for the second time. HaMeiri's enlightened attitude towards other faiths was likely a result of his philosophical world view. Though he essentially followed the halakhic methods of his Ashkenazi Tosafist colleagues; namely seeking to harmonize halakhic standards with accepted minhag, he differs from them significantly in his evaluation of his Christians and Muslims contemporaries.¹⁰⁶ In his Talmudic commentary

¹⁰⁴ Rambam, *Mishneh Torah, Hilchot Ma'achalot Asurot* 11:7

¹⁰⁵ *Responsa Rambam* no. 448 (as quoted in Washofsky, *Jewish Living* 458).

¹⁰⁶ Katz, Jacob. *Exclusiveness and Tolerance: Jewish-Gentile Relations in Medieval and Modern Times*. Schocken Books, New York, NY 1961, 114.

Beit HaBechira, Meiri writes of Muslims and Christians as “peoples characterized by religious behavior”¹⁰⁷ and refers to these faith groups, particularly Christianity, as *ummot ha-gedurot b’darchei hadtot*, nations restricted by the ways of religion. These, he argues, are altogether different than the Gentiles of Talmudic times, who were “nations not delimited by the ways of religion.”¹⁰⁸ The Tosafists were satisfied simply by eliminating Christians from the category of *avodah zarah* in the negative; in other words they argued that Christians should not be categorized by the Talmudic restrictions in the grounds that they refrain from idolatry. In contrast, HaMeiri was willing to take this even further, granting Christianity a positive religious status and acknowledging that in addition to renouncing idolatrous practice, they also express monotheistic and ethical values, and in so doing “have attained an essential measure of religious truth.”¹⁰⁹ Lastly, HaMeiri’s methodology represents an important precedent which our own movement’s body of Jewish legal scholars have followed in their approach to this matter. While the Tosafists only disregarded the Talmudic restrictions out of practical concern and even then they did so somewhat reluctantly, HaMeiri is quick to point out the complete irrelevance of these prohibitions. “In our days,” he writes, “*nobody* heeds these things, neither *Ga’on*, Rabbi, Disciple, *Hasid*, nor would-be *Hasid*.”¹¹⁰ Thus, for instance, while the mishna we’ve already examined prohibiting a Jew from stabling his animals with a Gentile out of fear that the latter would defile it by some sexually immoral or idolatrous act, is discontinued

¹⁰⁷ R. Menachem HaMeiri, *Beit HaBechira* (Avodah Zarah 4, 39, 46, 59, as quoted in Washofsky, *Jewish Living* 458. See also on Avodah Zarah 2b, 22a, 2ba; Bava Kama 113b: Bava Metzia 27a, as quoted in *Orthodox Judaism and Jewish Christian Dialogue* by Rabbi David Rosen, Director of Interfaith Affairs for the American Jewish Committee, (www.bc.edu/research/cjl/meta-elements/texts/center/conferences/soloveitchik/sol_rosen.htm#_edn10), accessed January 16th 2010.

¹⁰⁸ Katz, *Exclusiveness and Tolerance* 115.

¹⁰⁹ Washofsky, *Jewish Living* 458.

¹¹⁰ *Beit HaBechira* on Avodah Zarah, 28. As quoted in Katz, *Exclusiveness and Tolerance* 116.

by the Tosafists as a concession to accepted norms of practice, HaMeiri justifies this rejection by his overarching principle of distinction saying “It has already been stated that these things were said concerning periods when there existed nations of idolaters, and they were contaminated in their deeds and tainted in their dispositions...but other nations, which are restricted by the ways of religion and which are free from such blemishes of character – on the contrary, they even punish such deeds – are, without a doubt, exempt from this prohibition.”¹¹¹ This approach is not so different than that of our own CCAR Responsa committee which likewise has always viewed the question of non-Jews in the synagogue from the perspective that the Talmudic passages which relate tales of immorality amongst Gentiles are no longer relevant or useful in determining our policies. Like HaMeiri, these scholars too have recognized that our contemporary Christian neighbors, in many cases our Christian husbands and wives are a different category of Gentile than those presented in the Talmud.

Finally, Rabbi Moses Rivkes makes mention of the biblical and theological commonalities between the Jewish and Christian communities in his work, a commentary on the *Shulchan Aruch* entitled *Be'er Ha-Golah*. The *Shulchan Aruch* contains a chapter regarding the right to self defense, permitting such defense (like its Talmudic antecedent) against anyone who threatened the individual or the community and also against certain categories of informers or peoples who represented potential danger. Those of bad reputation however were not to be aided nor defended in an attack.¹¹² Karo includes “*akum*” in this second category of those Jews should not be compelled to save from danger. In his commentary, Rivkes seeks to avoid any connection between these *akum*

¹¹¹ Beit HaBechira on Avodah Zarah 53. As quoted in Katz, *Exclusiveness and Tolerance* 117.

¹¹² Shulchan Aruch Orech Chayim 156.

and his Gentile contemporaries. “The Rabbis said this regarding the pagans only of their times, who worshipped stars and planets and did not believe in the Exodus or in creation *ex nihilo*...But the Gentiles, in whose shadow we live and under whose we dwell, believe in all these things, as I have written; therefore we stand to pray continually for the welfare and success of the kingdom and the ministers, for all the States and place over which they rule...”¹¹³ Rivkes concludes then that we are equally obligated to save the life of a Christian as that of a fellow Jew on the grounds that the blameworthy characteristics of the non-Jew which rendered him not worth saving to the Rabbis of the Talmud no longer characterize the Gentile of later days. The particular distinctions which led the Talmud to its various prohibitions, Rivkes and these others acknowledge, should not be cited to justify any sort of discrimination today.

It seems therefore that we have a rich history of respect and veneration for people of different faiths. The opinions expressed by Rambam, HaMeiri, Rivkes and others represent quite a turnaround from the position of Bava Kama. At the same time however, tolerance, even admiration for a different religious tradition does not necessarily lead to complete accessibility for other faiths within the synagogue. As Washofsky explains, “Our commitment to the proposition that the Jewish People (*Am Yisrael*) constitutes a unique and distinctive religious community is a fundamental belief. A non-Jew, therefore, no matter how exalted his or her religion, is not a member of this community.”¹¹⁴ Thus our movement finds itself in quite a predicament. On the one hand, we, like those who came before us, no longer take the Talmudic image of the non-Jew literally. Even the most charitable reading of those texts speak no more to *our* sense

¹¹³ Be'er HaGolah on Shulchan Aruch Orech Chayim 156.

¹¹⁴ Washofsky, *Jewish Living* 273.

of reality than they did to HaMeiri's. Also, as a liberal movement we believe in a universal equality. We could have simply solved this issue by acknowledging the famous teaching of our tradition, "My house shall be a house of prayer for all people."¹¹⁵ We could even claim that this is a choice made through knowledge. But this is not the choice most rabbis have made and it should be noted that the majority of Reform rabbis, even the most liberal among them, even the ones who have very little to say about text and tradition, are not looking to throw the distinction between Jews and non-Jews away. We are indeed committed to social justice and equality and our reality *is* undermined by the classical rabbinic sources. We do respect and revere other religious traditions and the rights of intermarried couples to be a part of our community, but even so our movement at large has simultaneously expressed a desire to maintain a sense of authentic "Jewishness."

This expression has largely come to us from a valuable source of Reform Jewish thought and precedent: the Responsa literature of the CCAR. These documents are integral to a complete understanding of *choice through knowledge* because while they use text and tradition as their starting point, they represent a type of knowledge different from that provided by the classical sources, particularly when it comes to the question of the non-Jew's ritual role in the synagogue. These responsa do not proceed on the basis of nasty stereotypes about the Gentile found in the Talmud, even though their authors are well versed in the Talmudic material. The acquisition of *knowledge* does not mean we must use the available data indiscriminately. To the contrary, it is imperative to interpret data through the lens of one's own experience. If, after serious study, we dismiss certain texts as irrelevant, this is important and worth examining. These responsa are examples

¹¹⁵ Isaiah 56:7

of such a process. They interpret the sources according to the needs and patterns of thinking of liberal Judaism and yet they still manage to find ways to maintain the distinction between Jews and non-Jews in the synagogue and justify that distinction in religious language. This application of *choice through knowledge* is, in theory if not in practice, more easily replicated by our congregations today and therefore serves as a better example of how knowledge could and should influence our choices over any religious behavior.

Of all the Reform responsa that discuss attitudes and policies towards Gentiles, and there are many, there are three that have stood out as paradigms of *choice through knowledge*. The first was in response to a *sh'eilah* in 1984 regarding whether a non-Jew may be permitted to light the candles in the synagogue on Erev Shabbat. The question, initiated by a situation at a synagogue in Little Rock Arkansas, is all too familiar. The mother of a bar mitzvah wants to light the candles on the evening before her son's ceremony as is customary in many of our communities. Should she, a non-Jew, be allowed to perform this act publically over which a blessing must be recited and through which she will fulfill the *mitzvah* of candle lighting for all others present? The answer may appear too simple; in fact it could probably be justified by a citation from Shulchan Aruch: Hilchot Shofar, which we already explored. Surprisingly, the responsum does not use this as a source but its reasoning is actually quite similar, with some nuance that makes it more useful to us. The authors of the responsum begin by acknowledging that tradition actually says very little on this issue because the public lighting of Shabbat candles is essentially a Reform innovation. This gives the reader two insights. First, it indicates that the authors have scanned the pages of tradition looking for a precedent for

this case. Their first inclination is to ask whether Judaism has already spoken about this. They begin not with a discussion of the contemporary concerns, the need for equality, how many intermarried families there are in congregations today, etc. rather their starting point is *knowledge* in its most classical sense. Second, the acknowledgement that public candle lighting is a Reform innovation tells the reader that these authors know something of their own history and that their interest in tradition is not meant to violate their loyalty to our movement and its *minhagim*. This sentiment is carried throughout the entire responsum. It goes on to make a distinction between public candle lighting and the same act performed in the home. In the latter, admits the responsum, the non-Jew's participation has "evolved naturally."¹¹⁶ It may still be a technical violation for the wife to recite *asher kidshanu* but we do not discourage her from doing so on the grounds that it is the indication of a Jewish home and her commitment as such and this is positive. However, due to the public nature of an Erev Shabbat service the authors are unable to extend this reasoning to candle lighting in the synagogue. They follow the precedent established by Walter Jacob in 1979 when he determined that essential parts of the service should not be performed by a non-Jew publically.¹¹⁷ Though neither Rabbi Jacob nor the authors of this responsum cite the passage from Shulchan Aruch suggesting that the criteria for leading public worship is shared *chiyuv*, both seem to understand that what is problematic here is the "*vanu*" even if not the "*vitzi*."

Only after dissecting the question from the standpoint of *knowledge* does the responsum address the contemporary factors at stake by suggesting possible resolutions

¹¹⁶ Contemporary American Reform Responsa, 165: *May a non-Jew Light the Shabbat Eve Candles*, 1984. <http://ccarnet.org/documentsandpositions/responsa/> accessed January 19th 2010

¹¹⁷ American Reform Responsa, 6: *Participation of Non-Jew in a Jewish Public Service*, 1979. <http://ccarnet.org/documentsandpositions/responsa/> accessed January 19th 2010

which would satisfy the understandable desire of the mother to participate, namely that an alternative blessing be provided which the mother could recite after someone else renders the traditional *bracha*. No one is questioning the mother's legitimate wish to be part of her son's bar mitzvah. To the contrary, there is such an overwhelming desire to accommodate families like this that a rabbi saw fit to submit the question in the first place, a fact which also indicates his commitment to *choice through knowledge*. The Jacob responsum likewise articulates that a compromise between tradition and modernity is necessary as are limitations imposed on religious autonomy. "We have, therefore, gone much further than any generation before our time by permitting non-Jews a larger role in our public services; this is part of a more open and friendly interreligious attitude which the Reform Movement has encouraged and led. Yet, these steps have remained within definite limits."¹¹⁸

The second responsum which stands out as knowledge different from that of the classical sources is a reply to an issue that may be less common than family participation at a bar/bat mitzvah. In 2004 the CCAR Responsa Committee was asked what should be done in the case of non-Jew who wishes to participate in the writing of the synagogue's new Torah scroll. This question is particularly interesting because tradition *does* speak directly about this issue as we have already seen in *Messechet Gitin*, a text which the authors of the responsum are well aware of. The questioner himself seems to have amassed quite a bit of knowledge already. He accompanies his question with four well-articulated reasons behind his inclination to allow the non-Jewish participation: *Shalom Bayit*, the non-Jew has already made a commitment to raising a Jewish family, ritual

¹¹⁸ American Reform Responsa *Participation of Non-Jew*

consistency, the congregation allows non-Jews to participate in other Torah related rituals, *Keiruv*, through his or her participation the non-Jew will be learning about Judaism and increasing his or her love for Torah, and shared religious tradition, namely the non-Jew who is of Christian denomination shares the belief in the holiness of the Five Books of Moses.¹¹⁹ While the *teshuvah* is perhaps predictable, its most interesting feature from our perspective is the way it makes use of *Gitin*. The responsum summarizes the same point that we learned at the beginning of the sugya from *Gitin*; “A Torah scroll written by a non-Jew is *pasul*, disqualified for the purpose of *keri'at hatorah*, the public reading of the Torah at worship services.”¹²⁰ The Talmud prohibits the scroll on the grounds that its *sofer* was an idolater and therefore his intentions in creating the scroll were likely idolatrous as well. The responsum, however, prohibits the scroll for an entirely different set of reasons. First it establishes the fact that the writing of a Torah scroll is indeed a mitzvah.¹²¹ Second, it reiterates the same point that has been made again and again regarding non-Jews and Jewish ritual; what defines a mitzvah is who is *mitzveh*. In other words, the fact that Gentiles do not participate, is what fundamentally makes a mitzvah a mitzvah. As the responsum itself explains,

The non-Jew cannot act as a *sofer* precisely because he does not partake of the covenant of Israel; he is not a member of the Jewish community, a people defined by its obligations to the *mitzvot*... The *sefer torah* is the most visible and powerful symbol of Israel's covenant with God. The writing of the scroll enables us to read it in public, an act by which we reenact the giving of the Torah at Sinai and rehearse our identity as a covenant people. A Gentile does not partake of Jewish identity. He or she bears no obligation under the *mitzvot*, the terms of the covenant, and therefore cannot perform this *mitzvah* for us¹²²

¹¹⁹ CCAR Responsa, 5765.1: *May a Non-Jew Participate in the Writing of a Torah Scroll*, 2004. <http://ccarnet.org/documentsandpositions/responsa/> accessed January 19th 2010

¹²⁰ CCAR Responsa, 5765.1 *Writing of a Torah Scroll*.

¹²¹ Rambam, *Hilchot Sefer Torah* 7:1. As quoted in CCAR Responsa, 5765.1 *Writing of a Torah Scroll*.

¹²² CCAR Responsa, 5765.1 *Writing of a Torah Scroll*.

Our rabbis then have taken a text that unfortunately no longer speaks to their existing reality, specifically in the notion that non-Jews are idolaters who will misuse our sacred scroll for idolatrous purposes, and they have reinterpreted it into useful knowledge that can actually impact the choices we make. This knowledge does not undermine our contemporary commitment to equality or our view of the non-Jews in our congregations. After all the responsum recognizes, “We deeply appreciate the love and devotion with which the non-Jewish parents in our midst help see to it that their children receive a Jewish upbringing and education.”¹²³ It does however provide acceptable reasons why distinctions between Jews and non-Jews are justified within the synagogue and it articulates those reasons in a religious language; ultimately demonstrating a method of decision making based on knowledge and rendering its final choices as authentic and legitimate.

By far the most comprehensive and extensive responsum about the role of Gentiles in synagogue ritual was authored in 1994 in response to a question submitted internally by the CCAR’s Committee on Reform Jewish Practice. The question was deceptively simple, “What are the traditional and Reform positions on the participation of non-Jews in synagogue services? We are especially interested in the area of ritual and prayer leadership.”¹²⁴ Even the formulation of the question suggests, by its request for a variety of positions, a sensitivity to the principle of *choice through knowledge*. The answer too is indicative of the same awareness and numbers over thirteen pages, reflecting a deep consideration of all the material available from every applicable source;

¹²³ CCAR Responsa, 5765.1 *Writing of a Torah Scroll*.

¹²⁴ CCAR Responsa, 5754.5 *Gentile Participation in Synagogue Ritual*. 1994.
<http://ccarnet.org/documentsandpositions/responsa/> accessed January 19th 2010

Mishna, Gemarra, various codes and commentaries including the Mishneh Torah, Alfasi, the Tur, Shulchan Aruch and Mishneh Berurah, contemporary sociological writings, historical analyses of Jewish –Gentile interaction, Kabbalistic works, ethical volumes such as the Hafetz Hayim, as well as previous Reform Responsa related to the subject.

With regards to *choice through knowledge*, perhaps it matters less what the responsum’s conclusions are than the methodology employed to arrive at those conclusions. In truth, the decisions of the Committee are somewhat predictable; non-Jews are deserving of respect and compassion as loving supporters of our community and as potential practitioners of monotheistic and ethical traditions of their own. While some participation is certainly plausible and permissible both within the tradition and our modern standards, and creativity should be exercised to inspire new opportunities for their involvement, some ritual acts are simply inappropriate for fulfillment by a non-Jew. Those of this latter category tend to be roles of ritual leadership, such as acting as Shaliach Tzibur, whether for the service, Torah reading, or even less illustrious prayer occasions (birkat ha’mazon for instance), by whose leadership the entire community fulfills its obligation. These conclusions are palatable and useful, we might even say quasi-authoritative, to us primarily because of the manner both by which they are derived and then articulated. The responsum itself makes mention of its process saying, “As is our custom, we divide our answer into two parts. We first ask what Jewish tradition, as reflected in many centuries of halakhic rulings and debates, has to say on the issue. If indeed there is a body of precedents we inquire whether there are any Reform principles that would lead us to suggest departing from Tradition, and if so, why and to what extent. We begin with Halakhah, and then look at it in the light of contemporary insights and

requirements.”¹²⁵ It even explains the necessity of couching one’s decisions in religious language, “Therefore, the fact that certain terms and categories of Jewish tradition are no longer familiar to most Reform Jews is a regrettable fact but in itself not decisive for the decisions we reach. It is the task of our Committee to make it clear whence we came, so that we may more securely decide where we should go.”¹²⁶ This responsum prominently emerges as a perfect illustration of *choice through knowledge*, understanding at its core, all of the limitations that are necessarily places on our autonomy as liberal Jews, but nevertheless preserving that autonomy as one of the highest values of Reform.

¹²⁵ CCAR Responsa, 5754.5 *Gentile Participation in Synagogue Ritual*.

¹²⁶ CCAR Responsa, 5754.5 *Gentile Participation in Synagogue Ritual*.

Chapter Six: The Practical Applications: What Decisions Are Being Made and How Do They Measure Up?

The resolutions to our quandary, whether found in the classical sources or in contemporary interpretations comprise two examples of *choice through knowledge* in action. Yet, these are solutions that exist purely on paper; one in the form of ancient discourse whose legal enforcement is hard to prove, and the other in the form of guidance and suggestion, whose enforcement is not necessarily expected. While entirely valid from the perspective of *choice through knowledge*, these opinions, particularly those expressed in the early rabbinic literature, are not often the most comfortable solutions for the overwhelming majority of our liberal rabbis and congregations. It seems unlikely that there are many Reform synagogue ritual committees that would evaluate the classical knowledge available to them and then decide that their non-Jewish affiliates are barred from ritual participation until the point of conversion on the grounds that they rejected the Torah out of hand. Our movement, stemming from our historical emphasis on universality and the desire to be a significant contributor to mainstream American society, and also the contemporary concerns over inclusivity, acceptance of diversity, changing notions of family, etc, has not chosen this path in deciding the role non-Jews will play within congregational life. To be religiously exclusive, particularly as a known liberal minority in democratic America, sounds counterintuitive, harsh, and somehow unsettling. This *is* an era of permissiveness; entire parenting manuals have been written about how to raise children without ever having to tell them “no!” We invest thousands of hours and thousands of dollars into making our institutions more accessible, more comfortable, and more welcoming. Rabbis have difficulty having to refuse the request of

a congregant, or perspective congregant, or the spouse or significant other of a congregant or perspective congregant. No one wants to be accused of intolerance or of turning people away, especially when population survey after population survey demonstrates that more and more people feel as though they have been rejected by their rabbi or community. It is extremely difficult in the cultural and religious climate in which we live to have to turn down someone's desire to be *close* to our tradition, to be involved.

Oddly enough however, I hypothesize that these concerns are primarily self-motivated and self-perpetuated. In many cases the decisions congregations make about the non-Jews among them have very *little* to do with the non-Jews themselves and far more to do with Jewish self-perception. In other words, religious, particularly ritual, exclusivity sounds harsh *to us*! These decisions over the role of the non-Jew in synagogue ritual have the potential to create great disunity within a congregation, even to cause irrevocable damage or split the congregation permanently, and yet these decisions are rarely initiated or fueled by the non-Jews in question. For example, the UAHC congregational resource book previously mentioned contains several anecdotal lessons about the need for congregations to create policies that everyone can feel comfortable with. One such story is actually a letter sent by an intermarried woman, Helen, to her rabbi. Helen complains that the reception she and her non-Jewish husband Jim have received by the rabbi and the community has been "uncomfortable and half-hearted."¹²⁷ She discusses Jim's inability to convert despite the fact that his commitment to his birth-religion is no longer present, she goes on at length about his continuous support of her

¹²⁷ Rips, Jane and Einstein, *Defining the Role*, 31.

Jewishness and that of their children, she claims to “know enough Jewish history to understand,”¹²⁸ and she expresses her *and Jim’s* wish that the congregation not compromise its values to accommodate her family. Lastly, Helen says, “Well, it feels self-centered to say, but I believe how congregations respond to the Jims in our midst will, in many ways determine our future...I know that Jim will hang in there no matter how temple policy gets worked out, but it is my own commitment I’m worried about...”¹²⁹ Helen is worried about her own commitment; the affect on Jim is almost not even a factor. Instead, the concern is over whether Helen can remain dedicated to a religion which she suddenly perceives as close minded and not accepting of her family. The choices we make about non-Jews in our congregations are often motivated by the concerns of people like Helen, people who are *already* members.

It is not, as we might have thought, that non-Jews are offended by the religious choices we make concerning them. After all, would *we* be offended if the coin was flipped? How many Jews are insulted when they are refused the opportunity to take Communion at Church? To that end, how many priests would fear such a reaction and adjust their religious policy to accommodate supportive Jewish spouses? And yet this seems to be the plight from which we suffer. Because religious exclusivity sounds harsh to our liberal Jewish ear, we have often taken a more permissive and accommodating route. Take for instance, the story of Jim Keen, a non-Jew married to Bonnie, and author of *Inside Intermarriage: A Christian Partner’s Perspective on Raising a Jewish Family*. Jim writes about the process of becoming increasingly more comfortable and interested in Jewish history, ritual, and holidays, as his relationship with Bonnie became more serious.

¹²⁸ Rips, Jane and Einsteien, *Defining the Role*, 31.

¹²⁹ Rips, Jane and Einsteien, *Defining the Role*, 31-32.

“As I got more comfortable with the Jewishness of Bonnie and her family and friends, I found myself being able to move in and out of that group, depending on the situation. Now, on the Jewish holiday of Sukkot, I can feel I’m part of the celebration. One day, I can build the *sukkah*, shake the *lulav* and *etrog*. The next day, I can turn around and go to church, feeling just as Protestant as ever...”¹³⁰ One might react to this quite strongly, wondering why Jim, a non-Jew committed to his church and Protestant beliefs is “allowed” to shake the lulav and etrog or build a sukkah. It is not as if he is talking about sitting at a Passover Seder or eating gefilte fish, he shaking the lulav and building a sukkah; more than mere rituals, these are mitzvot, accompanied with a bracha and the formulaic *asher kidshanu b’mitzvotav v’tzivanu*... It feels somewhat audacious for me to ask, but to a certain extent, is it not inappropriate for Jim to be able to “move in and out of [our] group depending on the situation?”¹³¹ To compound the issue, we have an unstable relationship with Jewish text and its traditional status as authoritative, as we have already seen. The priest from our above hypothetical scenario about Communion can comfortably refuse the Jewish spouse access to his rituals by citing the authority of the Church but how many Reform rabbis would do the same using *Messechet Avodah Zarah*?

How then are rabbis in our congregations handling this issue? If they are not citing Avodah Zarah what traditional sources, if any, have they found helpful in making these important decisions? What criteria, what knowledge, are they using to force synagogue policy in a certain direction? And, how can we evaluate the decisions they have made with regards to *choice through knowledge*. In an effort to gain some insight

¹³⁰ Keen, Jim. *Inside Intermarriage: A Christian Partner’s Perspective on Raising a Jewish Family*, URJ Press. New York, NY, 2006, 23.

¹³¹ Keen, *Inside Intermarriage*, 23.

into this decision making process endured by rabbis and congregations, I surveyed a variety of them. It must be understood that this was a completely unscientific endeavor and no actual statistical value can honestly be drawn from such a study. However, my goal was simply to uncover some anecdotal data of the process of creating congregational policy and then analyze that data for evidence of the value of *choice through knowledge*. Furthermore, I hoped to assess where particular rabbis and congregations drew knowledge from; were Jewish sources, for example, or CCAR responsa which utilize Jewish sources, valued, by those with the power to choose, as a helpful aide in determining their choice? Lastly I wanted to discover how these rabbis and congregations thought of the choices they made; did they consider them informed or well thought out, would they have categorized them as fitting with the principle of *choice through knowledge*? I hypothesized that the surveyed groups would answer positively to this last question despite the fact that textual analysis, consideration of the tradition, and use of CCAR resources would be barely traceable in their various decision making processes. As it turned out my hypothesis was more correct than incorrect although with some nuances that are significant.

Surveys were sent to forty different congregations across the United States and Eastern Canada. These congregations varied greatly in terms of size, length of establishment, geographical location, demographic composition, age and relative experience of clergy and leadership, and their expected relationship to Jewish tradition. Of the forty congregations nearly half returned the survey and three of those also made follow up phone calls to provide helpful information and stories that complemented their written forms. The survey which can found in the appendix to this thesis, consisted of

nine questions. It asked everything from brief statistical questions (name, location, number of intermarried families, etc.) to far more involved inquiries. In particular, it asked rabbis to recall their use of Jewish sources, to list and prioritize the criteria on which they based their decisions, and to describe in detail their congregational policy in terms non-Jewish participation in synagogue ritual. Overwhelmingly, the responses received discussed questions of non-Jewish ritual participation only in terms of major life cycle events, specifically bar and bat mitzvah celebrations. While, the rabbi in each survey was asked to “please describe the role of non-Jewish spouses/members in your congregation’s ritual life,”¹³² every single response limited itself to a discussion of the rituals surrounding the reading of Torah or the lighting of Shabbat candles related at a bar/bat mitzvah ceremony. Not one rabbi addressed broader questions of ritual such as the Sukkot example Jim Keen related in his book. In a phone interview, Rabbi Norman Cohen of Bet Shalom Congregation in Minnetonka, Minnesota, offered his opinion as to why these particular rituals seemed to dominate congregational policies regarding non-Jews. “It’s not that surprising,” he said, “these issues always spring up around bar and bat mitzvahs. Probably because it is by far the most important ritual an interfaith family can experience in the synagogue. For interfaith parents, it makes them feel as though their family has finally been validated by the congregation and for the Jewish grandparents, it proves that everything is going to be ok; that their kid didn’t entirely mess up by marrying outside the faith. It makes perfect sense then that congregational policies would revolve around this issue.”¹³³ Understandable as it may be, I found the phenomenon remarkable. Perhaps there are still larger issues with the implementation of

¹³² Survey to Rabbis on the issue of *Choice Through Knowledge and the Non-Jew in the Synagogue*.

¹³³ Interview with Rabbi Norman Cohen. October 2009.

choice through knowledge in our Movement if so many synagogue rabbis relate ritual primarily to life cycle events and not to day-to-day Jewish experience or holiday observance. This is reflective of the extremely fragmented religious life of the contemporary liberal Jewish community. We are synagogue centered, not home or personal-observance centered; the relevant theater for all these questions is the synagogue. Moreover, it demonstrates the outsized importance of Bar/Bat Mitzvah in the Jewish life of the average Jewish family. These questions never seem to arise regarding a regular Friday night or Shabbat morning service. The survey results would seem to endorse the supposition that those services are simply less critical to the consciousness of the average synagogue member. This is hugely problematic for the future of liberal Judaism but it can be corrected through emphasis and encouragement of *choice through knowledge*, and not the mere citation of the principle to justify the status quo.

The survey participants were also asked to rank various criteria in terms of its priority as a factor in their decision making process. The criteria included subjective feelings (i.e. we want to be perceived as a welcoming congregation, we have a sense of egalitarianism, this criteria is as close as I could approximate Borowitz's "it *works* for me" notion only for ritual decisions which are primarily ethical in character), demographics (i.e. how many non-Jews are there, who are they, how much their time/money will affect the congregation), viable competition (from neighboring congregations), traditional Jewish sources, and Reform Jewish precedent in the form of CCAR Responsa literature. As I had hypothesized, many of the returned surveys listed traditional Jewish sources and Reform Jewish precedent as either second or third in importance and downplayed the factors of demographics and viable competition. Yet,

when asked to expand on how Jewish sources and CCAR Responsa were specifically used to help create policy, most rabbis seemed to draw blank, unable to provide any sort of anecdotal evidence or recall their experience with these texts and sources. Likewise, when asked somewhat differently to explain the criteria on which rabbis and their congregations guide their decisions regarding the non-Jew, thirteen of the returned surveys made mention of the fact that understanding the “reality on the ground”¹³⁴ was a huge contributing factor to their final decisions. In other words, even though they officially and routinely ranked demographics fourth in terms of its priority, the reality of the number of intermarried families present in each congregation and the movement as a whole actually seems to carry quite a bit of weight in terms of the decisions rabbis and their congregations arrive at. While this trend was overwhelming, it was not reflected in every single survey. Of notable exception, for instance, was Rabbi David Sofian of Temple Israel in Dayton, Ohio. Rabbi Sofian’s survey responses point toward an understanding of Borowitz’s interpretation of autonomy and Reform Judaism. He indicated that ranking these priorities was not an easy task. “If we only considered the classical sources, that would not be us, that would not be our movement. We are Reform and therefore we *do* weigh factors such as demographics, viable competition, and subjective feelings. On the other hand, if we do not consider our heritage then what makes our decisions Jewish?”¹³⁵ His goal, like that of many of our colleagues, is balance between tradition and conscience. For the contemporary Reform rabbinate, both of these represent legitimate sources of knowledge and the challenge becomes not choosing between them, but rather ensuring that neither is disregarded.

¹³⁴ Response to Survey to Rabbis on the issue of *Choice Through Knowledge and the Non-Jew in the synagogue* – Rabbi Michael Berk

¹³⁵ Interview with Rabbi David Sofian, Dayton, OH. December 30th, 2009.

Another nuance of the survey responses which may be worthy of recognition was the potential correlation between the age and experience of the rabbi surveyed and his or her opinion on the priority of Jewish sources in the decision making process. Rabbi Daniel Septimus for example, a relatively young rabbi (ordained from HUC in 2006) in Seattle wrote at length about the necessity to consult rabbinic texts, halakhic sources, and current Responsa before a choice can be considered truly informed. When asked to what extent did he find texts and responsa to have helpful or influential on his decisions regarding the role of non-Jews in his congregation, he responded that they have “Play[ed] an important role. [It is] Always important for me as a rabbi to consider what Jewish tradition has said on these issues, or how it can “inform” our decisions. We can feel free as Reform Jews to move on and disagree, *but only after we consider it.*”¹³⁶ It is possible, although controversial and difficult to prove, that even though *choice through knowledge* is a product or creation of the Centenary Perspective generation of rabbis it is more formally embraced by their disciples so-to-speak; a newer generation of rabbis who were grew up with this principle dominating the Jewish programming scene. While this feature of the surveys seemed to stand out it cannot be said to be universal. There are certainly rabbis of all ages, genders, and other various characteristics who embrace Jewish tradition as the foundation of their rabbinates.

Lastly, it should be noted that of those same thirteen aforementioned surveys who listed the reality of the makeup of today’s Reform congregations as a primary factor in their decision making process, an overwhelming majority of them also listed two other criteria as having the same level of importance. These rabbis explained that their decisions regarding the non-Jews in their congregations are motivated by a dual desire to

¹³⁶ Survey Response -- Rabbi Daniel Septimus

present themselves as a welcoming congregation in one respect without ever compromising the Jewish familiarity of their synagogues. It cannot be overlooked that no rabbi that I surveyed, even the most liberal among them, ever suggested eliminating the distinction between Jews and non-Jews nor, as Meyer had threatened, acquiescing to the religious demands of another faith within the synagogue.

On the one hand it is true that these congregations, even those in which the rabbis may be more traditionally or textually inclined, are not utilizing the tradition to its fullest in order to guide and shape their religious decisions and policies. Not a single one could list a rabbinic text he or she consulted for guidance on how to deal with the non-Jews in the congregation. It is also true there is a tendency to rely far more heavily or perhaps prize more highly various contemporary concerns like demographics and this postmodern need to be accommodating, inclusive, egalitarian, non-offensive, non-judgmental, and welcoming. We could easily critique them for doing so and many of our colleagues from other denominations have done just that. However, the surveys also indicate something extremely significant that cannot be re-iterated enough. Almost every surveyed rabbi simultaneously expressed a need and desire to maintain their congregation as one which is recognizably Jewish in atmosphere and aesthetic even if not in accordance with Jewish law. Consequently, they have, even if to a very limited extent, preserved the ritual differences between Jews and non-Jews. No one; not one single rabbi surveyed, advocated dissolving the distinction entirely between Jews and non-Jews in ritual practice in the name of *choice thorough knowledge*. This is a both a major nod of the head towards the “authority” of tradition and an acknowledgement that autonomy cannot and should not exist without limitation.

Chapter Seven: Conclusions

From the early Reformers to Eugene Borowitz to NFTY and Kesher to the twenty some odd Reform rabbis who participated in my survey, it is clear that religious autonomy has always been a prized value of Reform Judaism. What is equally clear however is that it has changed significantly in the last one hundred and thirty-five years in terms of definition, nuance, and application. Where it was once employed almost without measure to justify Reform rejection of ritual and tradition and to tip the scale of priority in favor of universal concerns and social justice efforts, it later became the weapon of choice for liberal Jews who, both in belief and action, did not view tradition as mutually exclusive from the Reform mission or values. The dogma of religious autonomy, they claimed, justified a return to ritual and traditional Jewish elements long forgotten. However, it was not until the publication of the pivotal Centenary Perspective that religious autonomy truly became a recognizable hallmark of the Reform Movement. Now known by the term *choice through knowledge*, religious autonomy had developed into a more sophisticated notion, a methodology by which one could make and evaluate religious choices regarding behavior and belief. *Choice through knowledge* has quickly become a sort of motto of Reform Judaism, cited and taught extensively, particularly to young Jews in the informal setting of camp and youth group, where experimentation with ritual and belief is also highly encouraged. Yet, while it may be a tremendously important value, an extremely necessary motto, and one which distinguishes us importantly from our Orthodox brethren, a problem arises when *choice through knowledge* remains in the realm of the ideal, merely a maxim cited but rarely applied.

In many ways this is our own fault. Our movement has not taken the necessary steps to educate our congregants, our lay and youth leadership; to provide them with the knowledge required to make choices within the boundaries of this new form of religious autonomy. Neither have the majority of those individuals taken the initiative to educate themselves to the point of choice preparedness, and many of those who do, sadly, have gone to seek this deeper knowledge outside the movement. As a consequence, some of them leave us, having gotten a taste of the traditional world which eagerly satisfied their educational desires.

Some have criticized *choice through knowledge*, saying that it does not address the real goals of Reform Jewish education, that it does not produce Jews better able to make and articulate choices. Michael Meyer wrote the following critique in his article *Reflections on the “Educated Jew” from the Perspective of Reform Judaism*.

The goal of a liberal Jewish education is neither to make the child master over the tradition nor to make the child its servant. The common failure to articulate clearly an in-between position often leaves the learner unclear as to whether Judaism is a treasure trove of beliefs and customs from which to choose at will or a body of obligations that has a claim upon her or him. “Informed choice” as an educational goal is clearly not a resolution of the dilemma but a decision in favor of autonomy, which reduces the education enterprise to providing resources for individual decision.¹³⁷

Meyer’s point may be a legitimate one. *Choice through knowledge* cannot necessarily resolve the dissonance between tradition and modernity experienced by committed Reform Jews. But neither do I believe that true informed choice can be cheaply understood as the mere amassing of resources to support one’s individual decisions, as I hope has been made clear throughout this thesis. A choice made “at will” is not an

¹³⁷ Meyer, Michael. *Reflections on the “Educated Jew” from the Perspective of Reform Judaism* CCAR Journal: A Reform Jewish Quarterly. Published by the Central Conference of American Rabbis, New York, NY, Spring 1999, 7-21.

authentic choice. Genuine choices are cast only after a deep inquiry and connection with our Jewish heritage. Only when one accepts that his autonomy is limited by boundaries of both his faith and his conscience can that autonomy legitimately be upheld. If we are to take *choice through knowledge* seriously it cannot be an ex-post-facto realization of our already arrived-at decisions.

Others have argued that *choice through knowledge* has lost its validity because it never made the transition from lofty ideal to applied principle. It is often overused to defend and justify choices that were never made according to the criteria critical to *choice through knowledge* in the first place. An internet blog¹³⁸, committed to the serious application of the value of informed choice entitled *Nilmad v'Na'aseh We Will Study and We Will Do* reads,

For many years, the motto of the Reform movement has been *choice through knowledge*. In theory, this motto functions terrifically...Functioning as it should, this would mean that Reform Jews study, study, study, learning about all of the "options" for practice available, all about *halakha*, and then make informed decisions about what they feel is applicable to their lives, meaningful to their expression and practice of Judaism, and relevant in a modern world...*in theory*, this would happen. But it does not. Rather, in many, if not most, situations/synagogues/individual lives *choice through knowledge* becomes perverted into *choice through ignorance*. Due to the failing of our religious schools, the need to pander to the general laziness of many modern Reform Jews, and/or a desire to assimilate, we fail to properly educate Reform Jews, and Reform Jews fail to properly educate themselves.¹³⁹

¹³⁸ While this reference is clearly colloquial and therefore can hardly speak to the academic side of our topic, it does provide an important example of how *choice through knowledge* plays out in the arena of liberal Jewish culture.

¹³⁹ *Nilmad v'na'aseh* August 9th 2006, rachelgm.blogspot.com/2006/08/quatable-quotes-and-meaning-of-life.html

Accordingly, the choices made in this atmosphere, are largely based on convenience and subjective feelings rather than careful inquiry into our tradition and a concern for modern spiritual and ethical relevance and elevation.

The disparity between the enthusiasm with which we cite *choice through knowledge* and that with which we apply it and live it is also in part due to our vacillating views of Jewish sources of knowledge and their status as authoritative. In truth, this is a problem from which only *we* suffer. Our friends from other streams of Judaism have clearly defined parameters for engaging with texts like the Hebrew Bible and *Sifrut Chazal*. These range from a complete reliance on them as the sole authority and highest expression of the Jewish ideal, to the acknowledgement of their relative authority coupled only with the understanding that times change and humans must seek to apply these authoritative texts to their contemporary situations. In the book *One People Two Worlds* Reform rabbi Ammiel Hirsch and Orthodox rabbi Yosef Reinman agree to spend one year in correspondence with each other to discuss their religious differences. The book is a collection of their letters and it contains a record of how each community views the other, including on such issues as Jewish religious autonomy and the use of text and Jewish sources. As is to be expected, there is vehement disagreement between the two regarding whether Jewish texts and sources may be used to substantiate our religious choices. Rabbi Reinman, angered over what he perceives as a corruption of Jewish sources to legitimate choices that are not in line with religious or Toraitic norms writes,

You do this again and again. You bring quotations from the Talmud out of context and you distort them to support your abandonment of the Torah. You call it „reinterpretation“...I do understand where you are coming from. You have a serious problem. You need to find a precedent for your own innovations...The Jewish sources until the last misrepresent and distort them...Why do you insist on „standing on the shoulders“ of the

Talmud while you pull the rug out from under its feet? Quote from Isaiah Berlin. Quote from Victor Hugo. Quote from anyone you like. But give the Talmud a break. Please.¹⁴⁰

Unfortunately, Rabbi Reinman is not alone in his view. Along with his Orthodox colleagues there are more than a few Reform Jews who would agree that the time has come to “give the Talmud a break.” They derive their knowledge and inform their choices from sources other than Jewish tradition and texts. While one could argue that this is a valid approach, I do not believe it qualifies as *choice through knowledge*. In complying with the important limitations that Borowitz places on religious autonomy, there must be something recognizably Jewish about the choices we make in order to consider them legitimate. Easily, one of the best ways to secure this is to deeply engage, not merely amass and consult *Jewish* sources for knowledge before we make such choices. Additionally, who is to say that one’s reinterpretation is a “distortion” of the Talmud’s meaning? That, by definition, is *also* a question of interpretation. The distinction between objective fact and interpretation is often in the eye of the beholder, who is working on the basis of pre-existing interpretive norms that are rooted in his/her own community of interpretation.

There *is* a way to approach our relationship with text and tradition, a way which serves *choice through knowledge* without undermining Reform notions of authority. In his counter argument, Rabbi Hirsch articulates this method exactly. “I have said that I do not look at the Talmud *primarily* as a source of law. I read it as a source of Jewish values...”¹⁴¹ In this light, there is no issue too modern, no choice to be made that should not weighed against the Jewish sources of knowledge, be these classical sources or

¹⁴⁰ Hirsch, Ammiel and Reinman, Yosef. *One People Two Worlds*, Schocken Books, New York, NY, 2002 58.

¹⁴¹ Hirsch and Reinman, *One People Two Worlds*, 83. (Emphasis not in the original)

modern interpretations of such sources. Not even the choices and questions we have been exploring about the role of the non-Jew in our synagogues can be made “at will,” or answered by conscience or convenience alone. The rabbi’s decisions and policies, whether arrived at solely or collaboratively about non-Jews should be made against the backdrop of *choice through knowledge*. And yet, as we well know, while in theory this would happen, it does not. The knowledge too often providing the foundation for these choices is not Jewish in nature but demographic, subjective, cathartic, self-serving, or secular. The 2003 UAHC manual, for example, designed to aid congregations and lay people in their pursuit of informed choices about the non-Jews in their midst provides not a single textual citation other than the one previously quoted from Deuteronomy 17:15. While it does contain select CCAR responsa related to questions of non-Jewish ritual participation, it utilizes them mostly as examples of how an institution has dealt with this issue in a quasi-legislative way. There is no analysis of the material, no inquiry into any of the classical sources interpreted by the Responsa Committee, and no attempt to understand any contradiction between the two. Nor does it hold up the responsa as prime examples of how one might embark on making religious decisions generally. Instead of providing Jewish knowledge to make informed choices, the manual instead relies on case studies from various synagogues and letters and anecdotes about angry congregants. Are these really the sources by which we are supposed to inform our decisions? And yet thousands of congregations have. One rabbi whom I surveyed lauded this book as a perfect example of the intersection between *choice through knowledge* and the role of the non-Jew in the synagogue. Similarly, we might be inspired to turn to the chapter on the non-Jew in the synagogue Richard Levy included in his book [A Vision of Holiness: the](#)

Future of Reform Judaism. Anyone who is familiar with Rabbi Levy and his particular interests might expect to find at least an reference or two to traditional Jewish sources of knowledge. This however, is not the case. His chapter is quite vague, speaking mostly about the value and importance of outreach within the Jewish community; which he understands as the necessity to make Judaism accessible to Jews who have non-Jewish spouses in the hopes that the latter will eventually hear our message, see our light, and convert. This is meant in any way to denigrate the necessity of outreach or the importance of accessibility, but the lack of identifiable criteria makes it difficult to utilize as knowledge by which to evaluate our choices. He says nothing about appropriate limits on that accessibility or how those limits might be determined.¹⁴² Compare this, for example, to a comparable chapter from *Jewish Living* which includes an explanation of the relevant passages from Talmud and medieval codes as well their interpretation by modern liberal scholars. After such investigation, it stands knowledgeable enough to decide that while “the non-Jew is certainly welcome to worship in our synagogues and to take advantage of many of the programs offered by our congregations...until such time as he or she decides to become a Jew...he or she should not perform on our behalf those ritual acts by which we express our identity as the community of Israel.”¹⁴³ Regardless of whether we agree or disagree with the chapter’s conclusion, our choices can be informed by the knowledge it provides.

In the end, the fact remains that while we may be the only denomination which categorizes our choices into some sort of principled ideology, whether theoretical or applied, we are not the only ones making religious choices. Every Jew, from the secular

¹⁴² Levy, Richard. A Vision of Holiness: The Future of Reform Judaism. URJ Press, New York, NY, 2005 212-223.

¹⁴³ Washofsky, *Jewish Living* 273.

Israeli to *frumest* Satmar must make decisions about his or her religious behavior; ritually, ethically, and spiritually. The differences in these choices stem from the sources and criteria by which we make them. I believe that *choice through knowledge* is perhaps the best method by which to exercise our Reform interpretation of religious autonomy. Yet, if it remains in the world of the ideal, if it is never more than theoretically applicable, if we simply attempt to amass resources and consult them superficially, then it *choice through knowledge* truly will lose its value as one of our most often cited expressions. Likewise, if the knowledge by which we inform our choices is lacking in Jewish content or nature, then we will constantly find ourselves struggling to defend the authenticity of our choices, the legitimacy of our autonomy in the larger Jewish world. It is the presence of shared tradition, the existence and use of our mutual sources of knowledge that bind all Jews together. If we ignore our heritage may have something important to add, an opinion which could weigh heavily on our choices, then we deny our place as a legitimate Jewish denomination, we slide further down on the slippery slope towards sectarianism that Meyer previously related. At the same time, if we disregard the lens of relevancy through which modernity demands we view our tradition, we have abdicated the right to call ourselves Reform. We would be wise to take responsibility for our tradition, to learn it within our own liberal context and thereby live it in the religious choices we make within that same context. This is what grants us the opportunity to be involved in the continuing Jewish conversation and this is what will legitimate our choices and consequently our denomination. “I want to set the record straight,” writes Rabbi Hirsch to Rabbi Reinman, “You do not have exclusive ownership of Jewish sources. They are not – as you write – „the supreme expression of Orthodoxy.” They are

the creation, property, and legacy of the Jewish people. They are subject to interpretation and reinterpretation. The more learned one is, the better, but they are also open for anyone to study and understand.”¹⁴⁴ We Reform Jews not only have a right to those age-old sources of Jewish inspiration we also have a responsibility to consult them, to study them, and to consider them on more than just a surface level. This does not mean however that we necessarily have a responsibility to agree with them. Our movement also endows with the right to argue against the texts of our heritage and to be guided by other, more contemporary sources of knowledge. But to wrestle with the tradition pre-requires a familiarity with it, not a mere rejection of its value based on a hypothesis of its content. We are indeed a successful and illustrious movement, we pride ourselves on our innovativeness and creativity, our ability to originate resolutions to religious quandaries and formulate these resolutions into easily recognizable phrases which catch on with amazing popularity. *Choice through knowledge* is one such resolution; it has the potential to define and distinguish Reform Judaism in deeply significant ways. Since 1976 it has been cited as a motto by many of our movement’s giants. But we must do more than chant the slogan. For *choice through knowledge* to be meaningful, to achieve all that it is capable of promoting, we must be committed to living it. *Derech emunah vacharti*, “the right path is the one that I have chosen,” through the pursuit and application of Jewish knowledge.

¹⁴⁴ Hirsch and Reinman, *One People, Two Worlds*, 83.

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