



Yom Kippur 5784

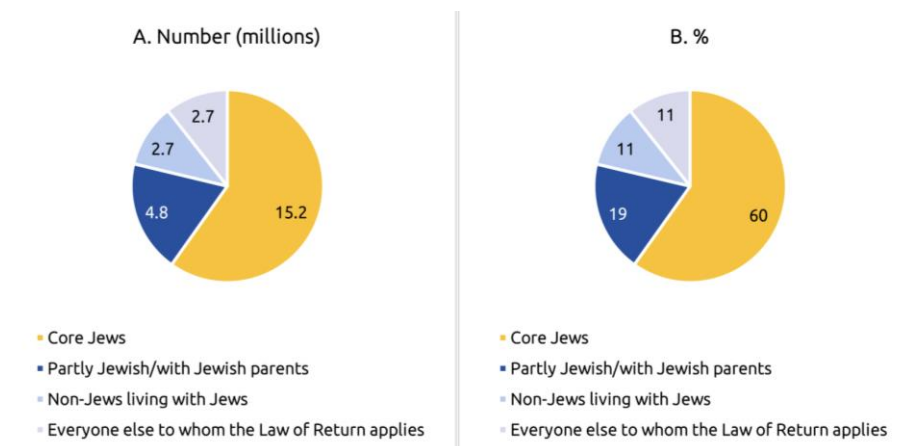
Who is a Jew? New questions for Progressive Judaism

Starting with some data:

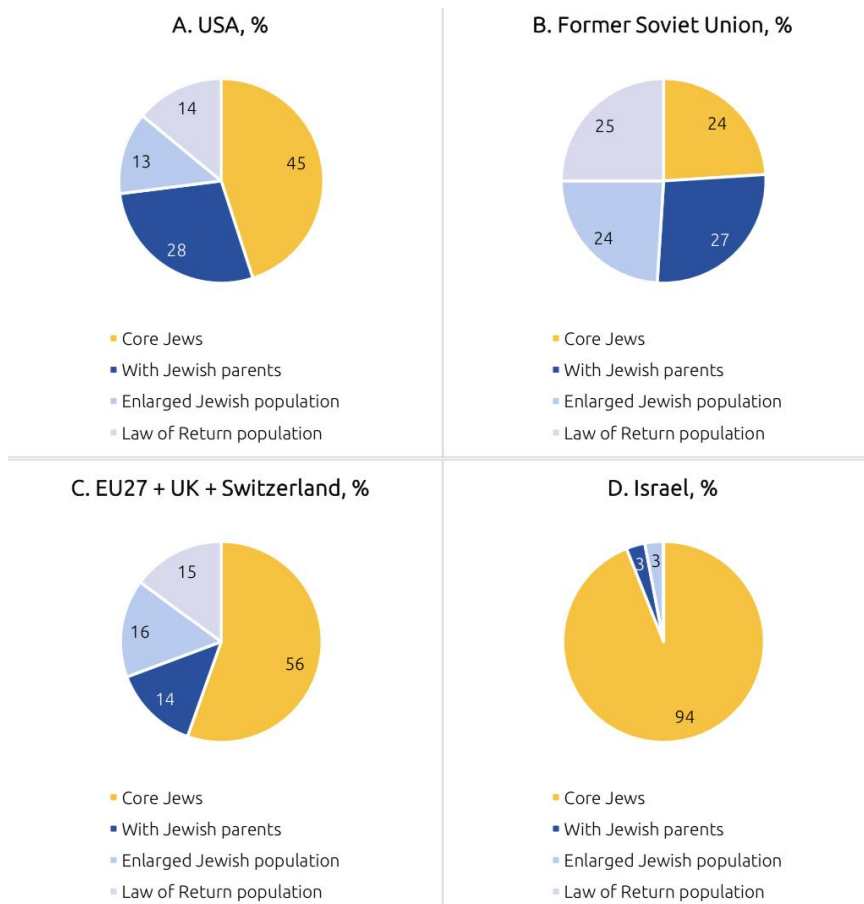
JEWISH AND 'JEWISHLY-CONNECTED' POPULATIONS, 1 JANUARY 2021

"Intermarriage of Jews and non-Jews: The global situation and its meaning", Dr Daniel Staetsky, JPR, August 2023
Based on tables appearing in DellaPergola, S. 'World Jewish Population 2021.' American Jewish Yearbook 2022.

Global



By region



DUAL HERITAGE HOUSEHOLDS IN THE UK

Census 2021: multi-person households with at least two different religions

Highest in London



Highest in England outside London



Highest in Wales



PA graphic. Source: ONS

“Jewishness, the conscious affirmations of qualities that make Jews Jews, presumes a contrast between Us and Them... Between Us and Them is a line, a boundary, drawn not in sand or stone but in the mind. The boundary between Us and Them is a mysterious and elusive combination of religion/culture, ethnicity/birth, and peoplehood/nationality.

Until recently the boundary between Us and Them was clear...

What is new in the late twentieth and early twenty first centuries is the complete attenuation of the boundary separating Us from Them. In contemporary [society], social and cultural mixing between Jews and Gentiles has reached levels unprecedented in Jewish history.”

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

More questions this raises for us as modern Progressive Jews.

- We have chosen to encourage those without Jewish status to be actively involved in their Jewish households and in our communities. This raises new questions:
What are the limits of their involvement?
How might we acknowledge their engagement and commitment, and give them further rights in community without asking them to convert if they do not wish to do so?
- We seek to create open, welcoming communities.
How do we respond to those who come into our communities with Jewish identity but unclear Jewish status? How ‘machmir’ should we be about status when people want to join us and be part of our praying community?
- We wish to encourage Jewish life in dual heritage households.
What about those including another faith tradition? Should this prevent people from full involvement in communal life? At what point do we demand that people choose one tradition or the other?
- We want to help people to reengage with their Jewish heritage. As increasing numbers find their Jewish lineage further back than one generation, and develop a strong sense of their own Jewish identity, how do we respond to these cases?

Radical possibilities with origins in our texts

1. IS IT TIME TO REMOVE THE BINARY NATURE OF STATUS

“The traditional Jewish community forces non-Jews to consider an all or nothing bargain -- either full-fledged Jewish identity by conversion, or rejection. An alternative approach that would emphasize the positive value of Jewish culture and tradition, and the joys of living in a Jewish home without insisting upon conversion has, until now, not been imaginable. What if we were to create such an approach that would in effect look upon [non-Jews in Jewish households] as potential *geri toshav*?”

Rabbi Steve Greenberg, “Between Intermarriage and Conversion: Finding a Middle Way,” 2001

Babylonian Talmud, Avodah Zarah 64b

איזהו גר תושב?
כל שקיבל עליו בפני ג' חברים שלא לעבוד עבודת כוכבים, דברי רבי מאיר
וחכ"א: כל שקיבל עליו שבע מצות שקבלו עליהם בני נח;
אחרים אומרים:
אלו לא באו לכלל גר תושב, אלא איזהו גר תושב?
זה גר אוכל נבילות שקבל עליו לקיים כל מצות האמורות בתורה חוץ מאיסור נבילות

Who is a *ger toshav*?

Anyone who accepts upon himself before three *haverim* not to worship idols –

The opinion of R. Meir

The sages say: Anyone who accepts upon himself the seven Noachide mitzvot.

Others say:

These do not come into the category of *ger toshav*. Rather, who is a *ger toshav*?

This is the *ger* who eats *n'veilot* but accepts upon himself to keep all the mitzvot in the Torah except for the prohibition of *n'veilot*.

Jerusalem Talmud, Yevamot 8.1.8.d

רבי שמואל בר חייה בר יהודה רבי חנינה בשם רבי
גר תושב צריך לקבל עליו על מנת שיהא אוכל נבילות

Rabbi Shmuel bar Hiyya bar Yehudah, Rabbi Hanina in the name of Rabbi:

A *ger toshav* is required to accept upon himself [the mitzvot] on condition that he may eat *n'veilot*.

Mechilta d'Rabbi Ishmael, Nezikin

וכן אתה מוצא בארבע כתות שהן עונות ואומרות לפני מי שאמר והיה העולם, ליי' אני
שנאמר זה יאמר ליי' אני וזה יקרא בשם יעקב, וזה יכתוב ידו ליי' ובשם ישראל יכנה;
ליי' אני, ואל יתערב בי חטא,
וזה יקרא בשם יעקב, אלו גרי צדק
וזה יכתוב ידו ליי', אלו בעלי תשובה,
ובשם ישראל יכנה, אלו יראי שמים.

You find of four groups that they answer and say before the One who Spoke and the world came into being: “I am the Eternal’s”.

As it is said: ONE SHALL SAY, I AM THE ETERNAL’S; ANOTHER WILL USE THE NAME OF JACOB; ANOTHER SHALL MARK HIS ARM, ‘THE ETERNAL’S’, AND DESIGNATE HIMSELF WITH THE NAME ISRAEL (Isaiah 44:5)

I AM THE ETERNAL’S – and let not sin be mixed with me.

ANOTHER WILL USE THE NAME OF JACOB – these are the righteous converts

ANOTHER SHALL MARK HIS ARM, ‘THE ETERNAL’S’ – these are the repentant

AND DESIGNATE HIMSELF WITH THE NAME ISRAEL – these are the fearers of heaven

"[Yirei shamayim] were gentiles who were conspicuously friendly to Jews, who practiced the rituals of the Jews, who venerated the God of the Jews, denying or ignoring all other gods -- were sometimes called 'Jews' by other gentiles, and may have even thought of themselves as 'Jews' to one degree or another."
Shaye J.D. Cohen, "Gentiles in our Midst: Antiquity and Today", 2016.

DOES IT HAVE TO BE ALL OR NOTHING?

Babylonian Talmud, Megillah 13a

כָּל הַכּוֹפֵר בְּעִבּוּדָה זָרָה נִקְרָא "יְהוּדִי"

Anyone who denies idol worship is called *Yehudi*.

Babylonian Talmud, Nedarim 25a

תִּנְיָא: חֲמוּרָה עִבּוּדָה זָרָה, שְׁכָל הַכּוֹפֵר בָּהּ — כְּאִילוּ מוֹדָה בַּתּוֹרָה כּוֹלָהּ.

Idol worship is so serious that anyone who denies it is considered as though he accepts the entire Torah.

Mechilta d'Rabbi Yishmael, Vayechi

ר' נַחֲמִיָּה אוֹמֵר כֹּל הַמִּקְבֵּל עָלָיו מִצְוָה אַחַת בְּאֵמֶנָה כִּדְאִי הוּא שֶׁתִּשְׁרֶה עָלָיו רוּחַ הַקֹּדֶשׁ

Rabbi Nechemiah says: If one takes upon himself a single mitzvah in faith, they are worthy of having the Holy Spirit rest upon them.

Babylonian Talmud, Sanhedrin 58b

אָמַר רַב חֲסִידָא עֶבֶד מוֹתֵר בְּאִמּוֹ וּמוֹתֵר בִּבְתּוֹ
יֵצֵא מִכִּלְל כּוֹתֵי וּלְכִלְל יִשְׂרָאֵל לֹא בֹא

Rav Chisda says: A slave is permitted [to marry] his mother and his daughter.

He has left the category of a gentile [by immersing for the purpose of becoming a slave to a Jew] but he has not entered into the category of Jew.

2. IS IT TIME TO CREATE A THIRD WAY TO ACQUIRE STATUS: BY JEWISH LIFE?

“There are people in our congregations, often but not always married to Jews, who have been living a Jewish life for countless years and who are functionally indistinguishable from our Jewish congregants, despite never having converted. Refusal to recognise these individuals’ Jewish status until they have gone through a ‘conversion’ process seems irrational and, potentially, objectionable.”

Rabbi Gabriel Kanter-Webber.

Babylonian Talmud, Yevamot 45b

עבדיה דרבי חייא בר אמי אטבלה לההיא גויה לשם אנתתא.
אמר רב יוסף: יכולנא לאכשורי בה ובברתה.
בה, כדרב אסי. דאמר רב אסי, מי לא טבלה לגדותה?
בברתה, גוי ועבד הבא על בת ישראל – הולד כשר.

The slave of Rabbi Chiyya bar Ami immersed a gentile woman for the sake of intimate relations. Rav Yosef said: I am able to declare her and her daughter fit [for marriage].

With regard to her, I can do so in accordance with the opinion of Rav Asi, for Rav Asi said, “Did she not immerse for the sake of [purification] from her niddah?”

And with regard to her daughter, “a non-Jew or slave who had sexual relations with a Jewish woman, the offspring is fit.”

Moshe Feinstein (1895-1986), Dibrot Moshe

When we see someone who was a non-Jew, and who behaves Jewishly, and in such a way that they would not behave if they had not converted, behold, this itself constitutes acceptance of the commandments [on their part]... It is not that we presume they already performed an act of conversion before a beit din. Rather, we know full well that they have never performed any act of conversion before a beit din. But our chazakah is itself an act of conversion, because we, by our knowledge that [the individual’s Jewishness] is for the sake of conversion, effectively become a beit din, and give our consent to their [entering the Jewish people].

Rabbi Harel Gordin “The conversion ceremony as a ritual framing Jewish identity: a study of the approach of Rav Moshe Feinstein”

We, the public, who have become aware of the convert’s lifestyle, and who have been impressed by their intentions and their Jewish behaviour, are considered to be – and thus become – a beit din, that hears and accepts the convert’s commitment to the commandments, and the episode thereby becomes considered a halachic conversion ... Even if no formal conversion has taken place, the convert’s Jewish behaviour – scrupulously observing the mitzvot in full view of the community, leaving the community with no doubt about their purity and intentions – there will be no need for a formal acceptance of the mitzvot, because the person concerned, through their halachic behaviour itself, has joined the Jewish people.

3. IS IT TIME TO RELAX ABOUT STATUS AND CARE MORE ABOUT COMMITMENT AND PRACTICE?

CCAR Responsum

We customarily do not ask newcomers to supply proof of their Jewishness before allowing them to join our communities. This custom is based upon the rule in Jewish law that when a person we do not know comes to us and claims, "I am a Jew," we accept that claim on his or her word alone.

Maimonides, Hilchot Issurei Biah, 13: 9-10

גִּירַת שְׂרָאִינוּה נִוְהֶגֶת בְּדַרְכֵי יִשְׂרָאֵל תָּמִיד כְּגֹן שֶׁתִּטָּבֵל לְנִדְתָּהּ וְתִפְרִישׁ תְּרוּמָה מֵעֶסֶתָּהּ וְכִיּוֹצֵא בָּזֶה. וְכֵן גֵּר שֶׁנִּוְהֶג בְּדַרְכֵי יִשְׂרָאֵל שְׂטוּבֵל לְקִרְיָו וְעוֹשֶׂה כָּל הַמִּצְוֹת. הָרִי אֵלּוּ בְּחֻזְקַת גְּרִי צָדֵק. וְאִם עַל פִּי שְׂאִין שֵׁם עֵדִים שֶׁמַּעֲיִדִין לִפְנֵי מִי שֶׁנִּתְגַּדְּרוּ.
וְאִם עַל פִּי כֵן אִם בָּאוּ לְהִתְעַרֵּב בְּיִשְׂרָאֵל אֵין מְשִׁיאִין אוֹתָם עַד שֶׁיָּבִיאוּ עֵדִים אוֹ עַד שֶׁיִּטָּבְלוּ בְּפָנֵינוּ:

A female convert who we see conduct herself according to the ways of Israel at all times, for example, she immerses herself for her *niddah*, she separates *terumah* from dough, or the like. And similarly a male convert who follows the paths of Israel, for example, he immerses himself after an emission, and performs all the mitzvot. These are *chezkat ger tzedek* – presumed righteous converts even though there are no witnesses to testify before whom they converted.

Even so, if they come to marry among the Jewish people, we do not marry them until they bring witnesses or they immerse themselves in our presence.

Numbers Rabbah 8:2

הה"ד ה' אוהב צדיקים וגו'
כך אמר הקב"ה אני אוהבי אהב וכה"א כי מכבדי אכבד הם אוהבים אותי ואף אני אוהב אותם
ולמה הקב"ה אוהב צדיקים שאינן נחלה אינם משפחה את מוצא הכהנים בית אב הם הלויים בית אב הם
שנאמר בית אהרן ברכו את ה' בית הלוי ברכו את ה'
אם מבקש אדם להיות כהן אינו יכול להיות לוי אינו יכול למה שלא היה אביו לא כהן ולא לוי
אבל אם מבקש אדם להיות צדיק אפילו גוי יכול הוא שאינו בית אב
לכך הוא אומר יראי ה' ברכו את ה' בית יראי ה' לא נאמר אלא יראי ה' אינו בית אב אלא מעצמם נתנדבו
ואהבו להקב"ה
לפיכך הקב"ה אוהבם לכך נאמר ה' אוהב צדיקים וגו'

THE ETERNAL LOVES THE RIGHTEOUS... THE ETERNAL WATCHES OVER THE STRANGER (Psalm 146:8-9)

The Holy One said 'I love those who love Me'

In confirmation of this it says, FOR THEM THAT HONOUR ME I WILL HONOUR (I Samuel 2:30)

They love Me and so I also love them.

Why does the Holy One love the righteous?

Because their worth is due neither to heritage nor to family

You find that the priests constitute a *father's house* and the Levites constitute a *father's house*; for it says, O HOUSE OF AARON, BLESS THE ETERNAL; O HOUSE OF LEVI, BLESS THE ETERNAL (Psalm 135:19).

If a man desires to be a priest, he cannot be one; a Levite, he cannot be one.

Why? Because his father was neither a priest nor a Levite

But if someone, even a non-Jew, desires to be righteous, they can be so, because the righteous do not constitute a father's house.

For this reason, it says, YOU WHO FEAR THE ETERNAL, BLESS THE ETERNAL (ibid).

It does not say: 'O house of those that fear the Eternal,' but 'You who fear the Eternal', for these do not constitute a father's house, but have voluntarily come forward and loved the Holy One.

The Holy One, therefore loves them, and for this reason it says, THE ETERNAL LOVES THE RIGHTEOUS... THE ETERNAL WATCHES OVER THE STRANGER (Psalm 146:8-9)