



Non-Jew Membership in Shul

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I. Introduction, Facts, and Questions

A synagogue is preparing amendments to its bylaws to address the potential membership of certain families that are currently involved in the community. These families include individuals who are not Jewish, or not halakhically Jewish, including:

- The parent of a convert, who is being cared for in the home of their Jewish child and enjoys attending synagogue with their family;
- One who supports their Jewish spouse/family by attending synagogue with them, but is not otherwise involved in religion;
- One who occasionally attends church on Sunday, has no interest in converting, but enjoys volunteering at shul with their Jewish family member;
- A young adult who considers themselves Jewish, whose father is Jewish and whose mother was converted before their birth by a Reform rabbi;
- An adult who converted under the supervision of a non-Orthodox Rabbi, but is now considering an Orthodox conversion;
- One who is considering conversion from a different religion; and
- A non-Jewish benefactor.

The community already accepts and welcomes diverse families, recognizing in particular that a small percentage of our membership have an immediate relative who is not Jewish (including spouses). It is certainly not surprising to have non-Jews visit the synagogue for various occasions, but it is also assumed that some non-Jews, or non-halakhic Jews, will attend regularly. The synagogue values the contributions and presence of its non-Jewish participants, and has adopted sensitive practices and language in recognition of what might be a diverse crowd on any given Shabbat. For example, the synagogue has an open parking lot on Shabbat; ushers ensure everyone has a siddur/chumash; a page number stand is regularly updated; and prayers for the government in English are read aloud during the service, occasionally by non-Jews.

The Board of Directors has asked if these individuals (and others in similar situations) can become full-fledged members of the synagogue. If they can, the synagogue would like guidance on the appropriate roles that these individuals, who are not halakhically Jewish, can serve within the synagogue during a Shabbat morning service. In this teshuva, we address the first of these questions regarding membership. We hope to address the question of the roles that someone who is not halakhically Jewish can play during services in a future teshuva.

II. Affirmative Reasons for an Expansive Membership

This membership question may not have been so relevant years ago, as those who were not Jewish were not regular participants in our synagogues. But today's reality is different; for a variety of reasons, several families in the congregation include individuals who themselves are not Jewish, or were not born to halakhically Jewish mothers, but who consider the synagogue a spiritual and communal home. These include supportive spouses, parents, or grandparents of Jews, or even individuals who have been raised Jewish, but may not be of halakhic Jewish descent. Membership in the congregation is not intended, nor need it be construed, as a

statement of their halakhic status, but it does serve as an important gesture of welcoming and as an explicit statement about a culture of inclusion that is consistent with Jewish values and ideals, as we will explicate below.

As a Modern Orthodox synagogue, the congregation recognizes the religious tensions it faces living and working in an open society, and prides itself on its commitment to halakha as a way of distinguishing and celebrating the uniqueness of Jewish life. One could make the argument that the synagogue itself should avoid this tension and serve as a buffer for the community, protecting it from outside influences, culture, and people. However, a closed-door approach would be inconsistent with the everyday values espoused in the community, given its daily engagement with the outside world. Furthermore, such an approach would cause an uncomfortable dissonance for a community that already, intimately, welcomes a diverse population within their constituent nuclear families. Instead, a Modern Orthodox synagogue can be enriched by an inclusive membership, where the community celebrates to the fullest extent the *Tzelem Elohim* invested in all people, and recognizes the wisdom, warmth and contributions of those who are not Jewish.

More significantly, the community recognizes that for the most part, the non-Jews or non-halakhic Jews who choose to be a part of the community, are doing so because they are familially connected to Jewish members of the community. Although the community opposes intermarriage, the families that find themselves in such situations are counseled to maintain strong, loving, familial bonds, as are those who have extended family members living with them who are not Jewish. In this respect, we have a dual obligation to keep close our Jewish family, by embracing their families, as well as to bring into the fold those who are not Jewish, but who have already chosen to participate. This obligation is primarily why “membership” is an important option - more so than just a welcoming posture, as some of these individuals are part of the congregation’s core constituency.

The remainder of our response has the following structure: This section further notes three halachic models, each of which suggest that it is part of our religious mandate to welcome and include in our communities those who are not Jewish. First, we consider the Beit Ha’Mikdash, which welcomed non-Jews - even those who worshiped idols, to still bring sacrifices to G-d. Then, we consider the “ger toshav,” which biblically referred to those living in Israel and the Rabbis interpreted to refer to a non-Jew who accepts certain commandments. Such a non-Jew should be welcomed to live with us. Finally, we consider the non-Jew who is potentially interested in conversion. The Gemara suggests, and many halakhic authorities rule, that we must apply the principle of loving the convert to these individuals. Thus, this Section will highlight the halakhic underpinnings for ruling that we must be welcoming to non-Jews, whatever their background, when they come to our synagogues.

In Section III, we then consider the various cases listed in the question to determine whether any particular halakhic problems arise as a result of their inclusion. We will consider whether accepting these individuals as members could be considered as providing assistance to those who are sinning in a way that violates halakha. In Section IV, we consider potential policy

concerns that would justify exclusion and why in the setting of the Modern Orthodox synagogue involved in this case, those concerns either do not apply or would better be addressed through mechanisms other than exclusion.

In Section V, we offer some concluding thoughts and suggestions for future research. In particular, we hope to consider two areas. First, implementation of membership for non-Jews should be combined with education to explain the steps that the synagogue is taking and why. This education would help ameliorate any concerns that members may have regarding the Orthodox status of the synagogue. Second, we hope to consider potential roles that someone who is not halakhically Jewish could play during services on a Shabbat morning. In the meantime, we hope that this initial analysis will provide a useful starting point for future work in this area, whether by us or others.

Model #1 - Beit Ha'Mikdash - Welcoming Non-Jews Generally

As we considered the membership question, we found that the model of the Beit Ha'Mikdash provides a useful framework for us to consider. During his initial dedication of the Beit Ha'Mikdash, Shlomo HaMelekh asked God to accept the prayers of non-Jews who would come there from faraway places to pray.¹ Embracing the spiritual contributions of those who are not Jewish in our most sacred space is understood to have important value² - it is a blessing to God and a recognition of our shared, universal responsibility as a larger human family in God's Kingdom.

While the analogy is imperfect,³ the fact that the Beit Ha'Mikdash welcomed non-Jews to participate, while providing clear limitations on the spaces they could enter and the sacrifices they could offer,⁴ helps us think about these questions when it comes to our synagogues - our

¹ Melachim I 8:41-43. See also Yishayahu 56:7 (while Yishayahu envisions a more universalistic Judaism for messianic times than the focus of this teshuva, it still underscores the value of establishing a welcoming Judaism that recognizes that inviting those who are different into our Jewish spaces, does not necessarily take away from the Jewishness of those spaces).

² Rav Moshe (YD 2:7) notes that even today, non-Jews receive reward for the performance of certain mitzvot, such as those that are inherently meaningful, like prayer/tzedakah (see Mishna, Terumot 3:9). Rav Moshe is not concerned here about the ramifications of celebrating the spiritual contributions of non-Jews, and explains that such fears are primarily about non-Jews who are creating a new religion (see Rambam in Melachim 10:9), not where they are honoring the Jewish community as is. While the presence of non-Jews in the Beit Ha'Mikdash was not a problem for Jewish identity, as it might be in today's synagogues in primarily non-Jewish countries, Rav Moshe's comments here serve to allay fears that the occasional prayers of non-Jews would be inappropriate in our sacred spaces, just as they were not inappropriate in the Beit Ha'Mikdash.

³ For example, while our synagogues in the United States are in a primarily non-Jewish society, the Beit Ha'Mikdash was in a primarily Jewish country; and while we are dealing with a question of membership, there were no memberships available in the Beit Ha'Mikdash. Despite these distinctions, both our synagogues and the Beit Ha'Mikdash are spaces for interacting with G-d and involve communal worship. As a result, even if the analogy is imperfect, it can provide useful guidance for consideration of these issues.

⁴ See Mishneh Torah, Beit Ha'Bechira 7:16 (limitation on location of non-Jews) and Mishneh Torah, Ma'aseh Korbanot 3:2 (limitation on types of sacrifices).

mikdash me'at.⁵ Specifically, non-Jews were allowed into the same spaces of the Beit Ha'Mikdash as Jews who were subject to *tumat meit*.⁶ We see this permissive attitude as analogous to allowing synagogue membership, with the limitations on entry into certain spaces as suggestive that a non-Jew's participation in synagogue should also be limited.⁷ In this way, halakha welcomes with one hand, while insisting on distinctions with the other.⁸ We believe, for the reasons noted above, that we can permit non-Jews to become members and even take on certain roles. At the same time, we must limit those roles to preserve the distinction and avoid confusion between those who are halachically and non-halachically Jewish.

Similarly, our tradition is clear that non-Jews were welcome to offer sacrifices in the Beit HaMikdash, which we think highlights a welcoming attitude towards non-Jews in Jewish prayer spaces.⁹ The Gemara in Menachot (73b) records a dispute between Rabbi Yose Ha'G'lili, who would allow non-Jews to offer Olot, Sh'lamim, and Todah offerings, and Rabbi Akiva, who limits non-Jews to offering only Olot sacrifices. Rambam rules like Rabbi Akiva that we only accept from non-Jews the Olot sacrifices. While participation of non-Jews is more limited than the participation of Jews, the Aruch Ha'Shulchan Ha'Atid¹⁰ notes that there is a manner in which the Beit Ha'Mikdash was even more open to participation by non-Jews than by Jews. Specifically, the Beit Ha'Mikdash would not accept any offering from a Jew that engaged in heretical behavior, whether worshiping idols, violating the laws of Shabbat publicly, or purposefully violating a majority of the mitzvot. Even those Jews who intentionally violated other mitzvot on occasion might be appropriate to exclude.¹¹ However, a non-Jew who worshiped idols would still have their sacrifices accepted, irrespective of their future behavior. This highlights how the practice in the Beit Ha'Mikdash was welcoming, particularly towards those who are not Jewish, while also providing incentives for the Jewish community to remain unified in its observance of halakha. Specifically, welcoming preserves connection and provides the possibility of the threat of exclusion, while exclusion helps maintain identity for those who remain and provides the potential reward of inclusion for those who change inappropriate behavior.

⁵ Yechezkel 11:16.

⁶ This is consistent with Beit Hillel's treatment of a recent convert as someone who has become purified from being *tamei meit*. See Mishna Pesachim 8:8.

⁷ We prefer to analogize the permission given to a non-Jew to enter the Beit Ha'Mikdash to allowing a non-Jew to become a member of a synagogue than to use the space limitations faced by a non-Jew to suggest that membership should be prohibited. First, if prohibitions on entry were to translate to membership, then we would need to impose membership restrictions on a *zav*, *zava*, *niddah*, and a woman who gave birth, as each faces greater restrictions than a non-Jew on entering the Beit Ha'Mikdash. Second, a non-Jew is treated identically to one who is *tamei meit*, but no one would suggest that those who are *tamei meit* should be excluded from membership.

⁸ See Sotah 47a-b (noting that it was inappropriate both for Elisha to push away Gehazi with both hands and for Yeshoshua ben Perachya to do the same for Jesus of Nazarene).

⁹ Chazal understand this from the language of *אִשָּׁה שֶׁאֵין לָהּ זָרָה* in Vayikra 22:18 as seen in Temurah 2b (from Sifra, Emor 7:2), and codified by Rambam. See Mishneh Torah, Ma'aseh Korbanot 3:2.

¹⁰ Aruch Ha'Shulchan Ha'Atid, Hilkhos Ma'aseh ha'Korbanot 67:15-17, also citing Gemarah Chullin 5a.

¹¹ The Aruch Ha'Shulchan notes, however, the need to accept their sacrifices since they may eventually realize the error of their ways and engage in teshuva.

These rules of sacrifices also highlight how limitations on participation can allow involvement while maintaining important distinctions. For non-Jews, the limited range of sacrifices makes clear that they are not full participants in the community, and even with respect to the Olot offerings that they can bring, the non-Jews do not bring their own libations for these offerings, although they are welcome to contribute monetarily for them.¹²

Model #2 - Ger Toshav - Welcoming Non-Jews Who Want to Align with the Jewish Community

Even as the Beit Ha'Mikdash offers a compelling model for inclusive synagogue membership, this model is further supported by the biblical concept of "ger toshav - the dwelling stranger," i.e., someone who is not Jewish but lives in the land of Israel. For example, the Torah notes that the ger toshav may enjoy the produce of the shmitta year (Vayikra 25:6) and deserves the support of the community if poor (Vayikra 25:40). The fact that we welcome such individuals provides further support for our proposed approach, particularly for those non-Jews who want to align their lives with the Jewish community.¹³

Halacha expanded the concept of the ger toshav to beyond those non-Jews living in the land of Israel. The Gemara (Avoda Zara 64b) outlines three opinions regarding what makes one a ger toshav:

- Rabbi Meir - One who accepts not to worship idols before three people;
- Chachomim - One who accepts the seven Noahide laws;
- Others - One who converts to Judaism but still eats meat that was not slaughtered properly.

Rambam rules according to the Chachomim.¹⁴

The ger toshav is considered a sufficient member of the community that there is an obligation to support them, as reflected in Vayikra (25:35) and detailed in Pesachim (21b). The Torah says, "If your brother is poor and his hand sinks with you, then you shall support him, like a 'ger v'toshav' shall he live with you." Rambam rules accordingly.¹⁵ Similarly, when a non-Jew who observes the Noahide laws gives charity, he is considered a sufficient part of the community that we allow his charity to be given even to poor Jews, while charity from other non-Jews should be given to non-Jewish poor.¹⁶

The Torah itself offers an example of how the Jewish community can benefit from the presence of a ger toshav. In Bamidbar (10:29-32), Moshe asks Chovav to remain with the Jewish people and not to return to Midyan. The text is unclear, but Chovav is either Moshe's father-in-law or

¹² Aruch Ha'Shulchan Ha'Atid, Hilkhos Ma'aseh ha'Korbanot 67:20.

¹³ As we note below, despite the Torah's generally positive approach towards the ger toshav, it is worth noting that such an individual is not fully welcomed into the community.

¹⁴ Hilchos Issurei Bi'ah 14:7

¹⁵ Hilchos Z'chiya u'Matana 3:11.

¹⁶ Hilchos Melachim 10:10. Note that the Gemara in Bava Basra (10b) explains that charity from non-Jews is given to non-Jewish poor people so as to avoid giving non-Jews the extra merits associated with giving charity to Jewish poor. Thus, one could argue that allowing the ger toshav's charity to go to Jews is more about our attitude toward facilitating merits for the ger toshav than about a sense of community. Nonetheless, the friendlier attitude itself can be said to be the basis for community.

brother-in-law. Either way, he does not appear to be part of the Jewish community. Nonetheless, Moshe asks him to stay, noting that Chovav could serve as eyes for the Jewish people. While in that context, Moshe's words could be understood literally as suggesting that Chovav would help the Jewish people find their way in the wilderness, today, having people like Chovav as part of our community will provide us with better insight into who we are as a people.¹⁷

While the ger toshav is clearly welcome within the Jewish community, there remain certain limitations. For example, in the Torah, the first reference to a toshav within the Jewish people is the command that he not eat from the Korban Pesach (Shmot 12:45).¹⁸ The Torah also requires a ger toshav who purchases a Jewish slave to allow the slave to be redeemed (Vayikra 25:47). Later sources add further restrictions, with the Sifri (on Devarim 23:17) explaining that a ger toshav may not live in Yerushalayim or on Israel's border. We do not put the ger toshav into a position where the risk outweighs the benefit. Thus, while the ger toshav model suggests a welcoming attitude, this inclusion is not complete.

Model #3 - Loving the Convert - Welcoming Those Who Want to Join the Jewish Community

While the models of the Beit Ha'Mikdash and Ger Toshav support inclusion for those who are not Jewish, we are especially motivated to outline here an affirmative reason for membership for those who may be inclined to convert to Judaism. We would suggest that the dual commandment of loving and not oppressing the convert¹⁹ serves as the basis for a third model of welcoming that can be extended even to those who have not yet converted, but have demonstrated a desire to join or participate in our communities.

This argument for inclusion can be extrapolated from three significant discussions in the Bavli in regards to conversion. The first can be derived from Shabbat 31a, which describes the different approaches of Shammai and Hillel to embracing potential converts. In three cases, Shammai drives away the potential converts due to the demands they make, while Hillel accepts them. Importantly, the sugya offers a concluding analysis of their positions from the perspective of the converts who are reflecting upon their conversion experience:

קפדנותו של שמאי בקשה לטורדנו מן העולם, ענוותנותו של הלל קרבתנו תחת כנפי השכינה.

Shammai's impatience²⁰ sought to drive us from the world;

Hillel's patience brought us beneath the wings of the Divine Presence.

In this sentiment, the Talmud asserts not only that their conversions were successful, but that their success was predicated on Hillel's welcoming, non-judgmental attitude. In the end, the

¹⁷ Despite Shmot 18:27, where Moshe sends his father-in-law back to his own land, Shoftim 1:16 suggests that Chovav may have remained with the Jewish people, agreeing to Moshe's request.

¹⁸ The ger toshav is also considered like a non-Jew when it comes to certain halakhot, such as borrowing and lending on interest. See Rambam, Hilchot Malveh u'Loveh 5:1.

¹⁹ Devarim 10:19 and Shemot 22:20.

²⁰ The text uses two words in contrast that have layers of meaning. We used here a translation from the Koren Steinsaltz Talmud.

unreasonable demands of the prospective converts seem to evaporate, which Hillel was confident²¹ they would if only they were welcomed wholeheartedly and then educated properly.

Despite this oft-quoted selection from the Talmud, the posture towards prospective converts in many communities is more in line with a Midrash²² that describes a practice to rebuff a potential convert three times. This is unfortunate, especially as this idea is not referenced in the classic halakhic sources - not in the Talmud, nor in either the Mishneh Torah or Shulchan Aruch.

While the halakhic process of conversion that most of our communities adopt today appears to be far more rigorous than Hillel's open-door policy, this first Talmudic source from Shabbat suggests that our communities ought to have a more open orientation towards conversion (and possibly even a more aggressive approach as we will see below), trusting that while we may not be as competent as Hillel, we can certainly aspire to lead in his footsteps.

A second Talmudic framing central to the principle of inclusion is found in Sanhedrin 99b in regards to Timna, a concubine of Elifaz, the son of Esav, and the mother of Amalek. There the Talmud criticizes our forefathers and actually suggests that our suffering at the hands of Amalek can be traced back to the rejection of Timna as a prospective convert. Tosafot²³ understands from here that although it is not necessary to seek out converts, the community should certainly accept those who express a clear desire to join the community. In this case, Timna was family and wanted to stay in the family. One can easily understand how scorned family can lead to disastrous consequences.

A third important Talmudic framing emerges from the sugya in Yevamot 47a-b that describes a process of conversion in line with the lessons of the previous texts mentioned above. The Talmud asserts that after brief inquiry, prospective converts "should be accepted immediately (meyad)." This language is then repeated in the Talmud in regards to the circumcision and immersion required of the convert, concluding that both should be done "immediately" because "we do not delay a mitzvah."

The language of the text indicates that there is a special "*mitzvah ligayer*," meaning that it is incumbent upon the community to facilitate the conversion process without undue delay.²⁴ While the classic *Sifrei HaMitzvot*²⁵ do not list facilitating conversion as a separate mitzvah, the Rambam²⁶ describes the process of guiding converts through conversion as a "mitzvah," and

²¹ Rashi argues that Hillel was confident in his approach, because of his own strength as an educator: וסמך על חכמתו שסופו שירגילנו לקבל עליו

²² This is based on Ruth Rabba 2:16, and an interpretation of Naomi's apparent threefold rebuff of her daughters-in-law's request to journey with her back home.

²³ סנהדרין קט: תוספות ד"ה רעה אחר ראה

²⁴ זוהר הרקיע - פירוש הרשב"ץ על אזהרות רבינו שלמה בן גבירול, אזהרה מ - אהבת הגר

²⁵ including Rambam, Semag, and Semak.

²⁶ Hilkhhot Issurei Bi'ah 13:14

some Rishonim treat the mitzvah of facilitating conversion as part of the broader principle of “loving the convert.”²⁷

In an interesting twist, Rabbi Menashe Klein²⁸ argues that the *Mitzvah Ligayer* is actually a mitzvah incumbent upon the convert. In his formulation, the community or Beit Din only have a responsibility to assist the prospective convert towards the fulfillment of their own mitzvah. This perspective speaks to the lived reality of many individuals who are already living within the community, perhaps married to a Jew, or of patrilineal descent,²⁹ and feel a certain responsibility (and perhaps desire) to convert if only the conditions were welcoming to do so.

It is important to point out that the overwhelming majority of conversions today are motivated by marriage, or other familial connections. While we certainly discourage intermarriage in our education practice, the moment an individual walks through the door genuinely seeking conversion is an opportunity³⁰ not only to inspire a healthy, robust conversion process, but also a critical time to reach out to the Jewish partner or family to inspire their own spiritual growth. As such, one could also view the *Mitzvah Ligayer* as serving a dual purpose in strengthening our Jewish community when a conversion is deemed to be the appropriate path forward.

In summary, these three talmudic texts point to the need for (1) a more open conversion process; (2) a recognition of a broader responsibility to be welcoming to those within our family who would be inclined to convert with proper patience and love; and (3) an expeditious facilitation of the full participation in the community of these individuals. Overall, this third framework of Loving the Convert, taken together with the other two conceptual models related to the Beit HaMikdrash and the Ger Toshav, offer a strong argument for inclusion of those who are not Jewish in our communities.

III. Potential Halachic Violations and Arguments re: Encouraging/Supporting Inappropriate Behavior

Having detailed our motivations and outlined three models of welcoming that suggest a positive aspect to including people who are not Jewish in our communities, at least in certain circumstances, we must confirm that such inclusion would not directly violate a prohibition.

There are two categories of violations that we need to address:

1. Would participation in synagogue and involvement as a member directly violate a prohibition?
2. Even if no violation would occur directly, would such participation/involvement appear to support the violation of a prohibition in a manner that would encourage or otherwise support such inappropriate behavior?

²⁷ See, e.g., Rabbi Yitzchak of Barcelona (מובא באנציקלופדיה תלמודית, ח"א, ערך "אהבת הגר", עמ' צח).

²⁸ Mishneh Halakhot 16:92

²⁹ Due to time constraints, we have not discussed here the principle of זרע ישראל, and arguably, the responsibility there as well to lower the barrier of entry for conversion.

³⁰ See Sotah 47a - לעולם תהא שמאל דוחה וימין מקרבת.

With respect to the first of these questions, a non-Jew praying in synagogue, or being an official member, does not appear to directly violate any prohibition. One potential issue might arise with the Torah reading or the rabbi's sermon, as there is a prohibition for non-Jews to learn Torah.³¹ Rabbi Yechiel Yaakov Weinberg, in his *Seridei Eish*, however, suggests that the prohibition of non-Jews learning Torah does not apply to one who "studies [Torah] due to his love of wisdom and in order to familiarize himself with the Torah of Israel."³² This will generally apply to any non-Jew who wants to be a member of a synagogue. Similarly, Rabbi Rabinovitch, in his *Yad Peshuta*, cites a *Teshuva* from the Rambam, which explains that the issue with non-Jews learning Torah and performing mitzvot is their potential to develop a new religion and cause Jews to make mistakes in their performance.³³ Under this understanding, the learning of a non-Jew in the synagogue context would not present this issue. Indeed, by including the non-Jew as a member and by keeping the learning in that context, it is less likely that the non-Jew's learning will cause others to make a mistake.³⁴

There is also an argument that the type of learning that is done in a *derasha* on Shabbat is not of the type that would constitute a problem. For example, a discussion of biblical stories, as is often done on Shabbat, is unlikely to have any potential to result in someone leading another astray. Rabbi David Tzvi Hoffman ruled similarly in connection with educating the son of a Jewish man and non-Jewish woman.³⁵ Additionally, providing education will help the community preserve the distinction within the synagogue between those who are halachically Jewish and those who are not. Education also provides the non-Jews with the necessary detail to perform the Noahide laws, allowing them to perform them properly, recognizing them as mitzvot from G-d and not simply a good idea.³⁶ Indeed, the Gemara praises non-Jews who study Torah to learn about the Noahide laws by comparing them to the Kohen Gadol.³⁷

While the foregoing suggests that there is no rule that would explicitly prohibit allowing these individuals to continue attending synagogue, we need to confirm that allowing membership would not create the appearance of encouraging intermarriage or other inappropriate behavior, as reflected in the second question above. For many of the potential non-Jewish members, there is no issue whatsoever, as inviting the non-Jewish parent of a convert to attend synagogue involves no inappropriate behavior. The same can generally be said of someone considering conversion, or one who thinks that they are Jewish.

³¹ Rambam Hilchot Melachim u'Milchamot 10:9.

³² *Seridei Eish* 2:90 (Mosad HaRav Kook edition).

³³ *Yad Peshuta* on Rambam Hilchot Melachim u'Milchamot 10:9.

³⁴ One benefit of allowing and even encouraging non-Jewish family members to join the membership rolls is that it will help the synagogue identify regular participants who are not halachically Jewish and make this fact known to its entire membership. This will prevent confusion that could arise from seeing someone from the synagogue doing something halachically questionable outside of synagogue and presuming that it must be permitted.

³⁵ *Melamed Le'Ho'il* YD 2:77.

³⁶ Rambam Hilchot Melachim u'Milchamot 8:11. See also *Melamed Le'Ho'il* YD 2:77.

³⁷ Talmud Bavli, Masechet Avodah Zarah 3a.

Nonetheless, when it comes to intermarriage, we need to make sure that allowing membership does not violate the prohibition of either “lifnei iver” or “m’sayei’ah.” Rav Moshe’s ruling allowing a kosher catering hall (YD 1:72) to host weddings at which there will be mixed dancing demonstrates that neither concern would apply. Rav Moshe first notes that there is no concern of “lifnei iver” because there are plenty of other venues at which the potential customer could marry and have their mixed dancing, and “lifnei iver” applies only when one’s assistance is necessary for the sin to occur.³⁸ In our case, any sin of intermarriage has happened before the couple has come to the shul, and even if a couple that was planning to intermarry came to join the shul, the act of joining the synagogue does not itself relate to or affect the couple’s pre-existing and separate decision to marry.³⁹

Rav Moshe then turns to the question of the obligation not to facilitate sin and to prevent others from sinning. In the catering context, Rav Moshe makes two points that are particularly relevant to our question. First, he notes that these individuals are going to engage in their acts intentionally no matter what. The same certainly applies with respect to intermarriage. Second, Rav Moshe notes that having the wedding at a kosher wedding hall makes it more likely that the wedding will serve kosher food. Similarly, Rav Shlomo Zalman Auerbach rules that m’sayei’ah does not apply when Jews do what they are supposed to do. Thus, one who needs to go to a doctor on Shabbat for a non-life-threatening sickness may see a non-observant Jewish doctor, even if that doctor will write or violate another Sabbath prohibition.⁴⁰ In our case, creating a welcoming environment for Jews is a core role for a synagogue, and by welcoming the couple into an Orthodox shul, we can ensure that the Jewish member of an intermarried couple engages in prayer and mitzvot in an Orthodox context. If we fail to do so, the couple may choose to instead attend a non-Orthodox synagogue, potentially resulting in the Jewish partner’s departure from the Orthodox community and preventing the non-Jewish spouse from ever undertaking a halakhic conversion.

Even if there is no issue of “lifnei iver” or “m’sayei’ah” per se, we must also consider whether from a policy perspective there are reasons to prevent such participation. For example, if excluding such participation would prevent or reduce intermarriage, then there might be a reason to prohibit participation that would not violate halakha according to the strict letter of the law. We believe, however, that there are important reasons not to create an outright prohibition on membership and participation. Such a prohibition has effectively been in place since the 1960’s and yet rates of intermarriage have continued to rise. This is not surprising, as the short-term discomfort associated with exclusion is followed by being out-of-sight and out-of-mind. By instead allowing participation subject to certain limits, those who are intermarried are

³⁸ See Avoda Zara 6b (limiting “lifnei iver” to where the wine being given to a nazir is not otherwise reachable by the nazir since it is on the other side of a river).

³⁹ One area where the concern for facilitating intermarriage would potentially limit potential membership is where someone who is not halachically Jewish, lacks any Jewish family, and has no intention to become Jewish seeks membership in the synagogue. In that instance, we would not advocate welcoming that individual as a member.

⁴⁰ See Shmirat Shabbat K’Hilkhata 40:10, note 32 (3rd edition).

encouraged to continue their involvement with Judaism. At the same time, the limits provide a constant reminder that the relationship is not equal to a marriage involving two halakhic Jews.

Another important reason to allow membership for those who are not halakhically Jewish is because of the potential impact on Jewish family members. Some of these family members, such as children of a Jewish mother and non-Jewish father, have not engaged in any behavior that warrants sanction or punishment. Yet, if we exclude the non-Jewish family member, we increase the likelihood that the entire family departs, both the synagogue and Judaism. As noted above, Rabbi Yechiel Yaakov Weinberg recognized this risk in his teshuva regarding whether one could call a bar mitzvah boy to the Torah if his father violates Shabbat and refused to allow the boy to be circumcised.⁴¹ Specifically, he noted that if not calling the boy and the father to the Torah would cause the family to separate completely from the community, then they should be called to the Torah since it is technically permitted to do so. Rabbi Hoffman similarly recognized this risk in ruling that it would be possible to teach various aspects of Torah to the son of a Jewish man and non-Jewish woman if the boy's father refused to withdraw his son from the school.⁴²

IV. Potential Issues of Communal Definition

While there do not appear to be any legal bars to including people who are not halakhically Jewish as members, there are a number of potential concerns that involve policy questions. For example, would allowing non-Jews to become members threaten the Jewish identity of our synagogues? Would such action blur the distinction between Jew and non-Jew in a way that could lead to mistakes regarding the Jewish identity of someone attending our synagogues? This latter concern is one that halakha recognizes, as Rambam rules, for example, that one may not give teruma at the granary to the slave of a kohen out of concern that someone will see and think that the slave is a kohen.⁴³

In regards to the question whether membership in a synagogue might be confused with Jewish identity, Rav Moshe (OH 4:66) notes that our Judaism is defined by the fact that we are subject to Torah and mitzvot and is not defined by our external characteristics like clothing and names. We can say the same about membership in a synagogue. It is the performance of mitzvot in our synagogues that defines our Jewish affiliation, not our name on a membership roll. As a result, we believe that we should welcome the membership of those who are not halakhically Jewish in appropriate circumstances. At the same time, we need to address the concern that someone may be seen attending synagogue and people will conclude that the person is Jewish, much like seeing someone receiving teruma may cause people to presume that the recipient is a Kohen. To address this, any synagogue that allows non-Jews to join as members, and especially one that encourages those who are not halakhically Jewish to attend services, must clearly differentiate the way in which Jews and non-Jews participate in the synagogue service.

⁴¹ Seridei Eish 2:10 (Mosad HaRav Kook edition).

⁴² Melamed Le'Ho'il YD 2:77.

⁴³ Mishneh Torah, Hilchot Teruma 12:22.

Some people may feel that allowing non-Jews to be members of a synagogue undermines the status of the synagogue as an Orthodox institution, and to the extent that members tie their status as Orthodox Jews to the Orthodox nature of their synagogue, this could undermine the way these members view themselves. Even if this is the case, we believe that it would be appropriate to provide education to address these views directly, rather than exclude those who are not Jewish from synagogue membership. This education would highlight three points: First, unlike other signals of Orthodox practice, like having a mechtza, the language and ordering of the prayers, and the identity of who is leading, rules of synagogue membership are not visible to a visitor. Second, by directly addressing the participation of those who are not halachically Jewish, the synagogue can actually more explicitly highlight its Orthodox practices than shuls that lack such rules. Third, many of those who tie their Orthodox status to the status of their synagogue, are people who live less observant lifestyles, which makes it hard for them to tie their Orthodox status to their Orthodox practice. Helping these individuals revisit how they view their Orthodoxy may provide an opportunity to increase their Orthodox observance.

V. Conclusion and Areas for Future Research

The Gemara (Sota 47a-b) notes that one should always push away with the left (i.e., weaker) hand, while bringing close with the right hand. If we were to exclude the non-halachically Jewish member of a family completely, there would be less prospect for that individual to see the beauty of Jewish life and decide to become a full-member of the community. We would also risk the synagogue and Orthodox Jewish community losing the Jewish family members of those excluded by such a policy. By instead allowing those who are not Jewish to become full-fledged members of a synagogue, we convey the message that they and their Jewish family members are fully welcome.

Our determination that a policy of inclusion for non-Jews, that includes a membership model, is appropriate for a synagogue is based on our appreciation of how non-Jews were welcomed into the Beit HaMikdash, as a Ger Toshav in our cities, or as part our responsibility to love the convert. We did not find any particular prohibition that would be violated by participation of non-Jews in the synagogue, nor do we believe that such participation would be misleading or would lead others astray in their own observance or identity. In fact, we think that with proper education, the community can come to appreciate the benefit of welcoming those who are not Jewish.

While we are motivated by both maintaining the involvement of the Jewish family members of prospective non-Jewish members and the possibility of the conversion of the non-Jewish members, we acknowledge, as we noted above, the need for limitations on the participation of those who are not halakhically Jewish. We have also noted and outlined the specific education necessary to implement our conclusion that synagogue membership be opened to non-Jews. We hope to address these issues in a future teshuva.

As a final guiding framework for our thinking, it is noteworthy that the general principle of ⁴⁴וּבְחֻקֵּיהֶם לֹא תֵלְכוּ – the idea that we should distance ourselves from the teachings and practices of our non-Jewish neighbors, is read as the the final Torah reading of Yom Kippur. However, this Mincha reading is paired with the Haftorah of Sefer Yonah. As such, the teaching of not learning from non-Jews is immediately followed by a reading about the non-Jewish city of Ninveh that teaches us how to do teshuva⁴⁵! Perhaps this dual reading is an invitation to our communities for how we might better nuance our appreciation for those outside our community.

Naturally, we provide this teshuva specifically for the synagogue in question. Each situation is unique, and for synagogues that do not currently have families with non-halachically Jewish members that want to attend, we could very well have come to a different conclusion. In this regard, it bears mentioning that despite the fact that many consider the determination of a halakhic ruling as one in which only a single right answer exists, numerous authorities have shown that sometimes the outcome is far from automatic and may depend on the precise setting, as one weighs various factors. For example, Rabbi Yechiel Yaakov Weinberg notes the importance of evaluating the impact of any decision, choosing the option that will bring the community closer to Judaism and religious observance:⁴⁶

אם יודעים שעל ידי מניעת כבוד זה ... יחזירו למוטב, אז ירחיקו אותם.

ואם חלילה יגרמו בזה שיפרשו א"ע לגמרי מן הציבור, יקרבו אותם.

*"If we know that withholding honor will bring them back, then that is the better approach,
But if G-d forbid withholding honor will cause separation and departure from the community,
then it is important to bring them close."*

We believe that this is a time to bring people close in an effort to fulfill the prophetic dream that our synagogues become a place where all will feel welcome:

כִּי בֵּיתִי בֵּית־תְּפִלָּה יִקְרָא לְכָל־הָעַמִּים.⁴⁷

May our learning be a *zechut* for the speedy return of Israel's hostages
and for the safety of Israel's soldiers.

בעזר החונן דעת

אורי ודוד

ג' מנחם אב תשפ"ד

⁴⁴ Vayikra 18:3

⁴⁵ This point is made by many Rabbinic scholars, but see Rashi on Zephania 3:1 for one such example.

⁴⁶ Seridei Eish 2:10 (Mosad HaRav Kook edition) (Rabbi Weinberg rules that a bar mitzvah boy technically may be called to the Torah despite the fact that his father has refused to allow him to be circumcised, but a community could choose to implement a policy of excluding such a bar mitzvah). See also Melamed L'Ho'il YD 2:79 (Rabbi David Tzvi Hoffman acknowledges that someone who has refused to be circumcised could be called to the Torah according to the letter of the law, but a community could decide not to allow aliyot as part of an effort to discourage people from abandoning circumcision).

⁴⁷ Yishayahu 56:7