

Innovation Within Tradition: Halachic Egalitarianism and the Role of Independent
Minyanim

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A Note on Jewish Terms

There are many different ways to translate—and transliterate—Jewish religious terms into English. In Judaism, many words that deal with religious or ritual matters are rendered in *loshn-kodesh* (lit. Holy Tongue) of Hebrew, or they utilize the language of the Talmud, Aramaic. They are then also adapted into other Jewish languages such as Yiddish. These terms are particularly difficult to translate, let alone transliterate consistently, since there is no single official system of transliteration from *loshn-kodesh* into English, and often no available English referent for the ritual or practice in question.

In this thesis, I have chosen to italicize each word that comes from a language other than English, except for those which are of common usage such as Torah and Talmud. Additionally, words that form part of an institution's name, such as Shira Hadasha or Kehilat Hadar are not italicized. In the quotations I have selected, I have replicated the transliteration of the author or translator whenever possible (and noted when I changed or added any portions). Thus, there are certain words that appear in my writing in different form than when they are cited as part of a quotation, such as *halachah* and *halakhah*. However, the desire to maintain the transliteration choices of the various interpreters outweighs my desire for uniformity.

An appendix defining major terms, concepts, and historical figures appears at the end of the thesis for the benefit of the reader.

Introduction

“Tradition is the living faith of the dead; traditionalism is the dead faith of the living. Tradition lives in conversation with the past, while remembering we are where and when we are and that it is we who have to decide. Traditionalism supposes that nothing should ever be done for the first time, so all that is needed to solve any problem is to arrive at the supposedly unanimous testimony of this homogenized tradition.”¹

-Jaroslav Pelikan, 1989

While Jaroslav Pelikan, renowned scholar of Christian history, made this remark when commenting upon traditionalism within Christianity, it resonates more broadly with the struggle that every religion faces to remain true to its past while engaging with a changing contemporary world. Within Judaism, this tension has led to the emergence of distinct modern movements that either reimagine traditional practices or retain customs that have existed for centuries. One division among (and within) the movements has been the debate surrounding the desire for greater equality among the sexes in the leadership of public prayer. Within the more liberal branches of American Judaism, this issue was settled in the last forty years, while within Orthodoxy it remains a topic of contentious debate still today.

The Reform, Reconstructionist, and most recently, Conservative movements, believe that all adult members of their communities—men and women—should be counted in prayer, able to serve as Rabbis, and permitted to lead all segments of the prayer and Torah service. For those who put a premium on egalitarianism, various aspects of Jewish law must be adjusted or in some instances discarded entirely to meet this goal. While these movements comprise the majority of American Jewish communities, there are particular challenges confronted by Jews who identify as

¹ “Christianity as an Enfolding Circle: Conversation with Jaroslav Pelikan,” by Joseph

Orthodox regarding women's equality in the prayer service and their obligation in *mitzvot*.

For the individuals living within the framework of Jewish law (*halacha*), there is a struggle to confront modernity while remaining true to the tradition of their ancestors. A majority of the Orthodox (and ultra-Orthodox) world today remains static in its practices and beliefs about women's roles within religious tradition. Yet, a group of individuals who remain dedicated to *halacha* and to greater women's inclusiveness are challenging the status quo within Orthodox Judaism and finding support for such practices in Jewish law. These individuals come from the more liberal branches of Orthodoxy known as Modern Orthodoxy, and oftentimes also the Conservative movement, rather than ultra-Orthodoxy. It is within the context of this group of people dedicated to both women's rights and *halacha* that we begin our discussion of independent *minyanim*.

My first interaction with independent *minyanim*² occurred while living in Jerusalem during my junior year of college. Eager to experience the various communal prayer³ options in the city, I especially enjoyed the services at communities that met in non-normative locations, such as schools or even in bomb shelters. These Orthodox *minyanim*, whose services followed the liturgy of the Orthodox *siddur* (prayer book),

² A *minyan*, in its general translation, is the traditional prayer quorum of ten required for prayer. A *minyan* can also refer to prayer groups that meet on a regular basis, or that follow specific ideals set by a group of worshippers. *Minyanim* is the Hebrew plural for *minyan*.

³ Communal prayer in Judaism refers to any prayer community that prays in a *minyan*. There are certain prayers that can only be said in the presence of a *minyan*, a subject discussed throughout this work.

provided meaningful prayer services regardless of the physical space around them, and every attendee actively engaged with the melodies and tunes of the prayers. However, while I found the services at these spaces both moving and inspiring, I often felt excluded due to my status as a woman sitting on the ‘wrong’ side of the *mechitza* (the physical separation between men and women in Orthodox synagogues). At the urging of my roommate, therefore, I decided to attend services at the nearby ‘partnership *minyan*.’ The first Friday night services I attended were so engaging that I decided to learn more about the religious permissibility of this type of prayer service. Not only were women and men seamlessly switching between leadership roles (a complicated task, considering the *mechitza* was in the middle of the room), but also the women’s side was bigger and sometimes more engaged with the prayer service than the men’s.

After studying some of the sources that provided justification for this manner of Orthodox prayer, I learned more about other prayer communities that sought to approach *halacha* (Jewish law) with a lens toward greater inclusion of women’s prayer. The aforementioned *minyan* (and the others I will discuss in this thesis) is considered an ‘independent *minyan*’ because it lies outside the scope of the existing denominational structure in Jewish religious life while continuing to engage seriously with Jewish law.

Independent *minyanim*, while not specifically intended as such, are a challenge to the traditional movements that follow *halacha* as they often blur the lines between what was previously understood as Orthodox and what was seen as ‘beyond the pale’. For those who live within the *halachic* framework, attempting to step outside the community norms in order to create more inclusive prayer services may not have seemed feasible before independent *minyanim*. For others, entering into a community that self-identifies

as *halachic* seemed impossible, as they (erroneously) viewed *halacha* as archaic, unchanging, and ultimately unable to accommodate the greater inclusion of women in communal prayer services. Independent *minyanim* approach members from both sides of this spectrum, and provide these individuals and their families with meaningful prayer experience and a strong sense of community in ways that explore the limits of *halacha*.

The first chapter in this thesis will analyze the specific *halachot* and legal opinions that are often invoked when discussing women and prayer and explore the limitations and possibilities suggested by these sources. As Jewish tradition evolved over hundreds of years, Rabbinic authorities crafted specific laws or *halachot* related to women with regard to their eligibility for prayer, participation in public *Torah* reading, and status in a *minyan*. Within more modern communities in the *halachic* world, the influence of secular feminism and the egalitarianism of liberal movements of Judaism has inspired efforts among certain Orthodox communities towards greater inclusion of women while remaining within the bounds of *halacha*. These efforts continue today, and certain communities are now opening up more avenues for women's participation. This chapter reveals the innate flexibility and evolution of the *halachic* system by showing how these *halachic* communities find grounds within the relevant legal sources to authorize various changes they make in the roles women play in communal prayer.

The second chapter focuses on the background and history of independent *minyanim*. There have been many influences on the eventual founding of independent *minyanim*, including the changing Jewish demographics in late 20th and early 21st century America, as well as the legacy of women's prayer groups in Orthodox synagogues. The *havurah* movement, popular in the 1960's and 1970's, is also discussed as a potential

precursor to this new group of *minyanim*. In this chapter and the case studies that follow in Chapter 3, I examine two specific types of independent *minyanim* in-depth. The first type, ‘partnership *minyanim*’, provides a unique community to Orthodox individuals who believe there are many avenues for women’s leadership within the existing frameworks of the Orthodox movement, while remaining true to *halacha*. They have made a significant impact within Orthodoxy, as they show how a few dedicated individuals can influence an entire movement, even though their efforts have yet to be accepted by mainstream Orthodox communities. By contrast, ‘*halachic-egalitarian minyanim*’, which do not align with a particular movement, allow full equality for women within the prayer service (including mixed-gender seating) and attempt to provide *halachic* justification for this full-gender equality.

The third chapter offers two case studies of independent *minyanim* and their attempts to provide a more inclusive, egalitarian framework for women within a traditional prayer community. The first, Shira Hadasha, is a partnership *minyan* in Jerusalem, while the second, Kehilat Hadar, is a *halachic-egalitarian minyan* on New York’s Upper West Side. Each case study provides a brief ethnography of its members, as well as a discussion of the prayer experience of its participants. The *halachic* justification for the practice and prayer service of each *minyan* is considered, as is the influence each community has had on Modern Orthodoxy and the larger Jewish world.

In so doing, this thesis shows that independent *minyanim* within the traditional world are an important phenomenon that provides extensive insight into the continued dynamism of the *halachic* process. These *minyanim* engage the variety of opinions within *halachic* literature related to women and prayer, and argue that even the most negative

legal statements regarding women may be more limited in their *halachic* ramifications than many people realize. Furthermore, this thesis reveals that the Jewish legal tradition has developed over time in response to shifting communal needs and changing societal norms. Thus it demonstrates that contemporary efforts to create a more egalitarian prayer service while seeking to remain within the bounds of halacha are simply new instances of the ongoing task of continually applying and updating *halacha* to changing socio-historical circumstances.

Chapter 1 Halachot related to Women and Prayer

Within traditional Judaism, the idea of obligation is a very important concept, since those who observe *halacha* are bound by laws that govern every aspect of their lives, from the time of prayer to sexual relations between a man and his wife to the materials used in one's clothing.⁴ Women in traditional Judaism are in a different *halachic* category than men, and thus a central concern is the question of whether women can perform certain obligations that are incumbent only on men. The status of self-obligation, or the consequences of a woman taking on a *mitzvah* for which she is not obligated, is a subsequent consideration. In this chapter, I explore the question of whether or not a woman can publically perform certain halachic obligations that she willingly assumes in the presence of other women, or also for the benefit of men. Those living within the bounds of *halacha* view it as all-encompassing, and therefore any changes that are proposed to the status quo have a large impact on the community and the individuals who adhere to its standards.

I. Obligation in Mitzvot

The *Mishnah* (the earliest rabbinic legal compilation, ca. 200 CE) first articulated the different *mitzvot*-based obligations for men and women. Most Rabbinic authorities have taken a conditional stance towards women's obligation, stating that women are

⁴ Babylonian Talmud (Henceforth abbreviated as B.T.) *Berachot* 26b; Leviticus 18:19; Leviticus 19:19; Deuteronomy 22:11.

obligated in all *mitzvot* except for positive ‘time-bound’ (הזמן גרמה) *mitzvot*.⁵ Of the 613 *mitzvot* in the Torah, positive *mitzvot* comprise those which Jewish people are commanded to do, whereas negative *mitzvot* are those which they are commanded not to do. Examples of positive *mitzvot* include honoring one’s parents, giving charity and acknowledging only one God. Negative *mitzvot* include not worshipping idols, not committing adultery, and not stealing. Time-bound *mitzvot*, either negative or positive, are those that must be fulfilled during a certain window of time, including, for example, praying at certain times and hearing the *shofar* on the Jewish New Year. These *mitzvot* contrast with ones that should be followed in a general sense (non-time-bound positive *mitzvot*). The following *mishnah*⁶ describes the exemption of women from positive time-bound *mitzvot*:

Every positive mitzvah that is time-bound, men are obligated [to perform] and women are exempt. Every positive mitzvah that is not time-bound both men and women are obligated [to perform]. All negative mitzvot, time-bound or not, apply to both men and women except for [those which only pertain to men due to biological differences such as cutting one’s beard and the laws relating to Kohanim, or high priests].⁷

⁵ A better translation of the Hebrew would be time-caused, as there is a difference between those which must be completed within a specific amount of time (time-bound), and those that are caused by the normal progression of time, i.e. the laws of Shabbat—working for six days and resting on the seventh. But it is now conventional to speak of “time-bound” commandments—hence we use this language.

⁶ *Mishnah* can refer either to the entire work of Jewish law or to a specific quotation or section of the work, also called ‘a *mishnah*.’

⁷ *Mishnah Kiddushin* 1:7, translated by Isaac Sassoon in *The Status of Women in Jewish Tradition* (Cambridge: Cambridge University Press, 2011), 41. Laws pertaining specifically to men, such as the prohibition against shaving one’s beard, and a prohibition against using a razor, are both found in Leviticus 19:27: “You shall not round off the corners of your head, and you shall not destroy the edge of your beard.” The prohibitions directed towards *Kohanim* (Hebrew for priests) are due to the fact that *Kohanim* were

This quote distinguishes between men's and women's obligations, exempting women from positive time-bound *mitzvot*, but obligating them in positive *mitzvot* not caused by time (i.e. general *mitzvot* that govern life such as acknowledging the oneness of God, giving charity). Men and women are equally obligated in negative *mitzvot* (i.e. do not kill, do not commit adultery, do not worship idols), regardless of the time-bound status, except for those specifically pertaining to men. One of the early commentators to write a justification for women's overall obligation is the Avudraham, a scholar from 14th century Spain, who wrote the following about why women have fewer obligations:

The reason women were excused from time-bound mitzvot was because a woman is subject to her husband to attend to his needs. Were she under obligation to carry out the time-bound positive mitzvot, it might happen that while in the process of performing one of them, her husband orders her to do his bidding. Were she then to persist in doing the mitzvah of the Creator and neglect her husband, woe is she on account of her husband. Were she, on the other hand, to do his bidding and drop the mitzvah of the Creator, woe is she on account of her Maker. Therefore, the Creator excused her from his commandments in order that she will have peace with her husband.⁸

Avudraham provides context to the reason women were exempt from positive time-bound *mitzvot*: he believed that there would be an internal conflict within a woman's life if she were constantly forced to interrupt her duties towards her husband in order to honor God. Therefore, to prevent a woman from being forced to choose between pleasing her husband and honoring God, the Talmud⁹ exempted her from certain obligations.

priests in the temple in Jerusalem and had specific laws that governed their lives. To this day, Priests are males who are direct patrilineal descendants of Aaron, Moses' brother.

⁸ Avudraham, *Laws of Birkat ha-Mitzvot*, translated by Isaac Sassoon, *Women in Jewish Tradition*, 45.

⁹ The Talmud contains two components: the *Mishnah* (published ca. 200 CE) and the *Gemara* (published ca. 300-700 CE). Talmud and *Gemara* are often used interchangeably. There are two independent works of Talmud that were created due to the

It is relatively easy, however, to find positive time-bound *mitzvot* for which women are unequivocally obligated, such as keeping Shabbat and fasting on *Yom Kippur*. These instances provide the exception and not the rule, yet some scholars believe the notion of ‘time-bound’ *mitzvot* is irrelevant and inconsequential. Maimonides, the preeminent medieval legal scholar, philosopher, and author of the *Mishneh Torah*, refutes the assumption that “time-bound” categorization is the justification for exempting women from certain commandments. Rather, he believes that the distinction between positive commandments obligating women and those that do not “is a matter determined not by any rule but rather...transmitted orally [...and] handed down by tradition.”¹⁰ The majority of Jewish scholars do not agree with this assertion, choosing instead to follow the rule of time-bound *mitzvot* and the justification that women were originally exempted from these *mitzvot* due to their obligation to take care of the home and children.

The Talmud provides an additional explanation sometimes utilized by traditional Judaism for the different roles and obligations given to men and women, stating that women are “endowed with a greater degree of understanding than men”¹¹ and that they are closer to the divine. It additionally states “Israel was redeemed from Egypt because of

spread of Jewry at the time of writing. The Jerusalem Talmud (*Talmud Yerushalmi*), written in the Land of Israel, is the less accepted version than the Babylonian Talmud (*Talmud Bavli*), and it is the latter one that is viewed as normative. When Jewish works mention the Talmud without any additional clarifying information, it is understood to refer to the Babylonian Talmud.

¹⁰ Maimonides, Comment on *Kiddushin* 1:7, as found in Sassoon, *The Status of Women in Jewish Tradition*, 46.

¹¹ B.T. *Niddah* 45b.

its righteous women.”¹² Hence, since women are seen as innately more spiritual and holy than men, their *mitzvot* obligations are seen as less necessary to connect with God.

Regardless of the justification given for women’s obligation, it has become accepted that there are certain *mitzvot* women are required to follow and others they are not. The question of whether or not they can take on the *mitzvot* optionally is one that will be studied in the next section.

Self-Obligation

Many *halachic* sources have been utilized to show that women are exempt from certain *mitzvot*. However, this has not stopped historical and contemporary religious scholars from asking an important related question: even if a woman is not obligated in a specific *mitzvah*, is it permissible for her to carry it out? That is, can a woman assume the obligation of a *mitzvah* even if it is not incumbent upon her to do so? And if she decides to take on such a *mitzvah*, is she henceforth obligated in it to the same degree as men are, or is there flexibility in her observance, due to the nature of the obligation (i.e. she is electing to perform it out of her own free will)?

The following two Talmudic examples claim that women can indeed take on *mitzvot* for which they are not obligated:

An objection was raised: [it is written]: “Speak unto the sons of Israel, and he shall lay his hands [on the sacrifice]” (Leviticus 1). The *sons* of Israel {place their} hands on but the *daughters* of Israel {place their} hands on {the sacrifice}. R. Yose and R. Shimon say, the daughters {place} their hands optionally. R Yose said Abba Eleazar told me: Once we had a calf which was a peace-sacrifice, and we brought it to the Women’s Court and the women laid their hands on it. Not

¹² B.T. *Sotah* 11b.

that women are required to lay hands but in order to make *nahat ruah* for women.¹³

In this text, it is shown that the rabbis allowed women to participate in a ritual within the temple that was traditionally reserved for men. The explanation given for why the Rabbis sanctioned this act is for *nahat ruah*, or ‘peace of spirit’ in relation to the women. The notion of ‘peace of spirit’ becomes important in providing potential justification for further women’s participation in today’s synagogue service. Indeed, this example becomes the paradigm for all other cases in which a question is raised as to whether women can perform *mitzvot* and become self-obligated for commandments they are not obligated to fulfill. Since a woman receives ‘peace of spirit’ (derives some sort of enjoyment from the act), the Talmud allows her to lay hands on the sacrifice, and further examples show women in rabbinic literature that have taken on the obligation of certain *mitzvot* without the rabbis objecting.

Michal the daughter of Kushi would wear *tefillin* and the Rabbis did not prevent her. Yona’s wife would go up to the Temple on festivals and the Rabbis did not prevent her.¹⁴

These women were truly revolutionary for their time, as we know that women wearing *tefillin* today or entering a traditionally male-dominated space is seen as potentially wrong or immoral by many Jewish Orthodox groups, even if there is evidence of such activities in the rabbinic texts (for example, there was a women’s courtyard in the Temple). What has become the norm in observant communities is sometimes more a result of social expectations than based on textual evidence. Essentially, even if it is

¹³ B.T. *Hagigah* 16b, as translated by Rahel Berkovits in “Women and *Mitzvot*,” Pardes Institute of Jewish Studies, January 2012, 5. {Brackets} mine.

¹⁴ B.T. *Eruvin* 96a, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 5.

permissible for a woman to wear *tefillin*, it is considered unacceptable by many communities because it is seen as immodest and emasculating to the men. However, in communities that are willing to challenge the norm and move outside the status quo, the textual evidence provided here could potentially expand the roles of observant women in their communal religious lives.

II. Torah Reading

A central aspect of the Jewish prayer service is the Torah service, and it is read publicly in front of the congregation three times a week—every Monday, Thursday and Shabbat (Saturday). On Shabbat mornings, the Torah portion is separated into seven sections, or *aliyot*, and a person is called up to read each *aliyah*, literally ‘ascending’ to the Torah.¹⁵ On Monday and Thursday mornings, and Shabbat afternoons, the upcoming week’s portion is read and divided into three *aliyot*. Even if it is permissible for a woman to study the Torah privately, it is not necessarily permissible for her to read it aloud in front of the congregation. Three issues arise with her potentially reading in public: first, fulfilling an obligation for others when one is exempt, second, the prohibition against *kol isha* (‘a woman’s voice’), and third, the notion of *kevod ha-tzibbur* (‘honor of the congregation’), all discussed below.

The following Talmudic quotation describes women’s main exemption from Torah reading:

¹⁵ Before and after each *aliyah*, the reader or someone who has been asked to do so recites a blessing over the reading. The person who recites this blessing is considered to ‘have an *aliyah*’; whoever reads the Torah portion is the ‘reader’.

All go up to be counted among the seven [to receive an *aliyah* on Shabbat], even a minor and even a woman. But the sages said a woman should not read from the Torah because of *kevod ha-tzibbur*.¹⁶

This example removes women from an obligation in public Torah reading; therefore, they cannot fulfill it for others, as the following *mishnah* describes:

This is the general rule: anyone who is not obligated in the [mitzvah] cannot fulfill it *on behalf of the [congregation]*.¹⁷

Since women are not obligated to read aloud from the Torah, it would likewise be impermissible for them to fulfill the *mitzvah* of reading aloud from the Torah on behalf of the congregation when there are those present (men) who have the obligation. In this circumstance, women's desire (but not obligation) to read aloud from the Torah could be seen as denying a man the chance to fulfill a *mitzvah* in which he is obligated.

The second issue with women reading aloud in front of the congregation would be that of *kol isha*, translated literally as “a woman's voice.” The prohibition against hearing a woman sing arises from the following quote in the Song of Solomon: “let me hear your voice, for your voice is sweet and your face is beautiful” (Song of Solomon 2:14).

However, the Talmud reads the word sweet (in hebrew *arev*) as *ervah*, meaning nakedness, and forbids women from singing in the presence of men who are studying Torah or praying.¹⁸ Some Rabbis, however, claim that this prohibition only applies to women whose singing is for men's [sexual] pleasure, and it would not be relevant in

¹⁶ B.T. *Megillah* 23a, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 102.

¹⁷ Mishnah *Rosh Hashanah* 3:8, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 2. Emphasis and brackets mine.

¹⁸ B.T. *Berachot* 24a.

synagogue prayer or *zemirot* (Shabbat table songs).¹⁹ Regardless, one would think that this prohibition against hearing a woman's voice would be a justification for the exemption from Torah reading. However, neither inability to fulfill the *mitzvah* for another nor *kol isha* is the reason women are exempt from the obligation. Rather, the often misunderstood notion of *kevod ha-tzibbur*, or 'honor of the congregation,' provides the most relevant argument for the exclusion of women from communal Torah reading.

Although a definition of what exactly entails "honor" in a congregation is unclear, one can pinpoint that the honor of the congregation would be compromised when women read aloud from the Torah because it might suggest that the men in the congregation are unable to fulfill the obligation themselves, thus casting aspersions on their honor, education, religious commitment, or all of the above. Rabbi Yaakov Emden (also known as Yavetz), an 18th century German rabbi wrote:

"But the sages said that a woman should not [read Torah because of *kevod ha-tzibbur*]"': It seems that this means where possible, but the beginning [of the text, which stated that in principle women may read] is referring to when there are not seven who know how to read, but there is a woman who knows how, such that they can't suffice without her.²⁰

Emden states that only in the case where there are not enough men capable of reading the Torah should a woman read from it, since otherwise there would be no other way to complete the reading. He posits that the idea of the 'honor of the congregation' refers to a situation where there are enough men to recite all of the *aliyot* for the congregation, and

¹⁹ See appendix.

²⁰ Yavetz, *Glosses & Novellae, Megillah 23a*, as translated by Micha'el Rosenberg and Ethan Tucker, "Egalitarianism, Tefillah and Halakhah," (*Open Source: A Halakhah Think Tank and Mechon Hadar*, Advance Draft Copy, 2009, Accessed from www.halakhah.org).

therefore a reason has to be given for why women are not called up to read. Today, since congregations will not even read the Torah without at least ten men comprising the minimum requirements for a *minyan*, the need for women's reading would not arise due to men's ignorance. A further example states that even if there are not enough men, one man should read all of the portions rather than let a woman read:

And all go up to be counted among the seven, even a woman and a minor. But a woman is not brought forth to read in public. A synagogue that does not have someone to read for them except for one [person]—he should stand and read and sit and stand and read and sit and stand and read and sit even seven times.²¹

There are a few other examples, however, which show that in certain circumstances, a woman may 'go up' to be counted among the seven. The majority of Jewish legal scholars do not believe that women should be included in the *aliyot*, and that their 'obligation' as mentioned in the initial statement from the Talmud refers to an obligation to listen to the reading:

Translate [to Aramaic the Torah] so that the rest of the nation will understand, the women and the children, since the women are obligated to hear the reading of the Torah like men... it is therefore a logical deduction that every section of the Torah and the Prophets [prescribed for the readings {haftarah}] of the Shabbat should be translated for the people, the women, and the children after the reading of the Torah.²²

This quote clarifies the distinction in obligation between men and women, as it accepts the fact that women have an obligation to hear the Torah, but states that it is only in hearing the Torah translated into their native language, as opposed to reading it in Hebrew.

²¹ Tosefta *megillah* 3:1, as translated by Rahel Berkovits, "Women and *Mitzvot*," 102.

²² *Masechtot Ketanot Sofrim* 18:5, as translated by Rahel Berkovits, "Women and *Mitzvot*," 102. {Brackets} mine.

Tosafists (medieval commentators on the Talmud, authors of the *Tosafot*), on the other hand, claim that women can potentially go up in the middle of the seven *aliyot*, since at that time the blessings were made only before the first *aliya* and after the last one.²³ This statement suggests that the dispute over women and public Torah reading was perhaps not about the act of reading the Torah itself, but rather the blessing made over the reading. Meiri, a medieval Talmudic scholar from Spain, also makes an interesting point:

It is possible to complete the reading by a woman or a minor but not that a woman or a minor should do all of the reading.²⁴

Clearly, multiple scholars contemplated the topic, from as early as the codification of the Talmud continuing into the medieval period. Ran, a commentator from Spain in the 14th century, thought that women could potentially even go up and recite the blessing before the reading, going beyond the *Tosafot* and Meiri:

Now that the rabbis decreed that everyone should bless—a woman and a minor read even the first and the last and since they are reading surely they recite the blessing.²⁵

In his view, there was no difference between reading for the congregation and reciting a blessing for the congregation, and therefore he saw no objection in allowing women to have the ‘first’ and ‘last’ *aliyot*, for during that time the blessings over the *aliyot* were only said prior to the first *aliyah* and after the last one.

The fact that so many commentators discussed possible ways women could go up and read from the Torah, or potentially recite the blessing, shows the Talmud is clear in its authorization of women to read the Torah, and the only prohibition from doing so was

²³ *Tosafot Rosh Hashanah* 33a.

²⁴ Meiri *Megillah* 23a, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 105.

²⁵ Ran *Megillah* 23a, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 105.

the ‘honor of the congregation.’ Certain communities have decided that the ‘honor of the congregation’ today is very different from one at the time of the Talmud. Subsequent chapters in this thesis explore these communities, including their explanations for such decisions and practical applications.

III. Prayer

Women’s personal obligation in *mitzvot* (including, in some cases, prayer) has already been discussed in section I and therefore this section focuses primarily on public prayer—which exact prayers women are obligated to recite, whether or not women can fulfill this obligation for other women (or potentially even men), and what role the synagogue plays in relation to both of these subjects.

The *Mishnah* and the Jerusalem Talmud²⁶ are the earliest sources to discuss women’s specific obligations:

Women, slaves and minors are exempt from the recital of the *shema* and from *tefillin*, but are obligated in prayer [*tefillah*], mezuzah, and grace after meals.²⁷

When the *Mishnah* was written, “*tefillah*” referred only to the *shemonah esrei*, otherwise known as the *amidah*, or silent prayer. An obligation in reciting this specific prayer is not the same as an obligation (or even permission) to lead the prayer service.

The Talmud writes about women’s obligation in prayer as derived from a biblical source, quoting Psalms 55 “evening and morning and at noontime” as the justification for

²⁶ Jerusalem Talmud (Henceforth J.T.) *Berachot* 3:3.

²⁷ Mishnah *Berachot* 3:3, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 68.

creating thrice-daily prayer times.²⁸ Rashi, a medieval French Rabbi considered the ‘father’ of all other Talmudic and biblical commentaries, argues that the obligation in prayer is a Rabbinic commandment (originally decreed by the Sages) rather than biblical:

...and they are obligated in prayer” – because prayer is [a request for] mercy, and it is from the Rabbis, who established it even for women and for educating children.

There are many implications of asserting prayer is a Rabbinic obligation rather than biblical. The most important for this discussion is that it provides equal application to men and women in terms of obligation, regardless of the possibility for a “positive time-bound” argument against women. Another commentator (from the 11th century) attempts to clarify the issue:

Prayer, *mezuzah* and grace after meals are positive commandments which are not time caused and all positive commandments that are not time caused women are obligated [to fulfill].²⁹

A medieval Spanish commentator, Yonah Gerondi, also removes prayer from the ‘time-bound’ obligation:

And even though prayer has a fixed time, nevertheless, since they said “Ideally a person should pray all day long,” we judge it like a commandment that is not time caused.³⁰

These aforementioned sources all redefine the idea of “time-bound *mitzvot*” and also show the weakness of the time-bound argument with regards to creating categories for women’s obligation.

²⁸ BT Berachot 20b.

²⁹ Rif (Rabbi Isaac al-Fasi) on *Berachot* 20b, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 69. Brackets mine.

³⁰ Rabbeinu Yonah on Rif 11b, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 69.

As prayer evolved over time, *tefillah* (the original name for prayer in the talmud) began to include other prayers besides the *shemonah esrei*. Here we will examine women's exemption from the *shema* (the central Jewish statement of faith). The very first *mishnah* in this section stated, "women are exempt from *shema*." The *Gemara* further explains the exemption, claiming that the *shema* is an obvious time-bound commandment:

*[Women are exempt from reciting the] Shema: This is obvious! It is a positive commandment that is caused by time, and all positive commandments caused by time—women are exempt. What is it that you might have supposed? Since it contains [a brief statement about the yoke of the] kingship of heaven [you might have assumed women were obligated]. He [comes to] teach us [that they are exempt.]*³¹

This quote asserts that even though the *shema* contains a statement about the servitude and dedication to God and heaven (and therefore one might expect women would be obligated to recite it), women are actually not required to recite the *shema* due to its time-bound status. However, the *Shulchan Aruch*, the most influential work of Jewish law for *Ashkenazi* Jews since the Talmud (written late 16th century), resists this *mishnah* and argues that women *should* be taught to accept the 'yoke of the kingdom of heaven.' Furthermore, Moses Isserles, a 16th century Polish Rabbi known as the Rema, adds that women should "at least" read the first sentence of the *shema*.³² Therefore, as time has passed, women's exemption arising from the *Mishnah* has been altered, and eventually

³¹ B.T. *Berachot* 20b, as translated by Rahel Berkovits, "Women and *Mitzvot*," 69.

³² *Shulchan Aruch, Orach Hayyim, 70:1.*

the permission to read the first sentence has evolved into an obligation to recite the entire three paragraphs.³³

The situation around women reciting the *shema* demonstrates that even when the *Mishnah* appears to be very explicit about obligations and prohibitions, there is often interpretive disagreement and thus flexibility in the *halacha*. An explicit prohibition has now become part of the normal prayer service for all women and is met with little opposition. These facts are useful when attempting to argue for other changes in the liturgy and potentially bring about change in the structure of the prayer service.

Daily Prayer Obligation

Authorities disagree about how many times women should pray per day. Some believe that once a day is sufficient, while others hold that women should pray as often as men, three times a day. Rabbi Abraham Gombiner (The Magen Avraham), a leading Talmudic commentator in 17th century Poland, wrote that women need only pray once a day:

But from the Torah it is sufficient [for women] to pray but once a day and in any wording that one wishes. Therefore, most women have the custom to not pray regularly, since they utter [prayers] immediately upon arising in the morning, after washing their hands, some petition; and from the Torah this is enough.³⁴

In addition to stating that women do not have an obligation to pray more than once a day, this Rabbi asserts that the time of day does not matter, nor does the content of their

³³ See also Avraham Weiss, *Women at Prayer: A Halakhic Analysis of Women's Prayer Groups*, 3rd ed. (Hoboken: KTAV Publishing House, 2001), 23-24.

³⁴ Magen Avraham, Orach Hayyim 106:2, as translated by Rahel Berkovits, "Women and *Mitzvot*," 72. Brackets mine.

prayers. The *Shulchan Aruch* on the other hand believed that women should be obligated in the morning prayers (called *shacharit*) and afternoon prayers (*minchah*), but not the evening (*ma'ariv*) prayers, because the Talmud states that it was at one time optional even for men:³⁵

Nevertheless they obligated them in the morning and afternoon prayers, since prayer is designed to invoke mercy. And this is the essential *Halakha*. But the *Ma'ariv* [evening] prayer, which is optional even though now all of Israel has accepted it as mandatory, women did not accept it upon themselves and the majority did not pray *Ma'ariv*.³⁶

While men were not originally obligated in the evening prayers, eventually it became the custom for them to pray three times a day, and is now mandatory. This Talmudic exemption of men from *ma'ariv* (evening prayer) is one situation that was optional in the *Gemara* and eventually became required of all men, making it unique in its own way and worthy of a separate discussion about its ramifications. For women, the same logic concerning community practice influencing law did not seem to apply, and they are only obligated in “the essential *halacha*.” However, it is still important to note that the expectation for women’s prayer evolved from once a day to twice a day, marking a significant transition that is representative of the fluidity of the *halachic* process.

The *Aruch HaShulchan*, a later codification and redaction of the *Shulchan Aruch* (written late 19th century), asserts that women are obligated in prayer three times a day, just as men are:

And behold, this is certain – that according to Rashi, women are obligated to recite the three prayers a day, just as men are, since according to him there is no

³⁵ B.T. *Berachot* 27b.

³⁶ *Shulchan Aruch ha-rav, Orach Hayyim* 106:2, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 74.

distinction in rabbinic commandments, between time caused and not caused by time.³⁷

The *Aruch HaShulchan* agrees with Rashi's earlier argument about women's obligation as a Rabbinic commandment, and extends it to *all* prayers, including the *shema*, which women were reciting at the time of the *Aruch HaShulchan*'s publication.

Innate halachic flexibility is displayed in great detail when examining how women's obligation in prayer has evolved from no obligation (in just *shemonah esrei*) to three times a day (of many prayers, as the prayer book was codified). The fact that commentators and scholars noted how women were active participants in their communities, and adjusted their roles to fit the evolving needs of the community, demonstrates that the halachic system has not remained static over time. If one looks at contemporary issues facing women, it becomes apparent that the same sort of approach could be taken to solve many of the struggles communities have with accommodating the increasing demands of inclusivity and egalitarianism while remaining true to tradition.

IV. Minyan

Women's exemption from participation in communal prayer is never clearly stated in the Talmud. However, as later sections of this thesis explore, neither are men explicitly obligated in prayer in a *minyan* from the Talmud.

Regardless of an obligation to pray in a *minyan*, certain aspects of any prayer service require a *minyan* of ten adults. They are referred to as *devarim she-be-kedushah*:

MISHNAH: [without a minyan,] the introduction to the *Shema* is not repeated, nor does one pass [complete the repetition of the *Amidah*,] nor do priests raise

³⁷ *Aruch Hashulchan, Orach Hayyim*, 106:7, as translated by Rahel Berkovits, "Women and Mitzvot," 75.

their hands [to say the priest's blessing], nor is the Torah read [publicly], nor is the section from the Prophets read [the *haftarah*] ...

GEMARAH: Where is this deduced from? Said R. Hiyya b. Abba in the name of R. Yochanan: Because it is written [Lev. 22:32]: "I will be sanctified among the children of Israel." All things sanctified must not be with less than ten.³⁸

This conversation between the Rabbis shows that the notion of the *minyan* derives in part from the biblical quote that God "will be sanctified among the children of Israel" (Leviticus 22:32). Ten was chosen as the number required for sanctification of God and gave rise to the notion of the *minyan*. The elements in a prayer service that require a *minyan* are considered the most important parts of the service, and sanctify God to the highest degree in the congregation.

Over time, as *halacha* has been codified, a *minyan* has been assumed to include only men. There are a variety of reasons why this exclusion has arisen. The Talmudic consideration of women in a *minyan* begins by exploring a woman's obligation in *zimmun* (the grace said after meals):

MISHNAH: Three that ate as one are obligated to make a *zimmun*:

GEMARA: Come and hear: Women by themselves invite one another, and slaves by themselves invite one another, but women, slaves and children together even if they desire to invite one another, may not do so. Now a hundred women are comparable to two men, and yet it says, women by themselves invite one another and slaves by themselves invite one another? [... Why not together?] because it might lead to immorality.³⁹

Three adults are needed to say a *zimmun*; women can say it for themselves, but not in the company of slaves and children; in the case of children, it would not be honorable to

³⁸ B.T. *Megillah* 23b, as translated by Rahel Berkovits, "Women and *Mitzvot*," 84. The *devarim she-be-kedushah* included here are only those that must be done in a synagogue. There are others that require a *minyan* outside the synagogue; see appendix for full list.

³⁹ B.T. *Berachot* 45b, as translated by Rahel Berkovits, "Women and *Mitzvot*," 89.

God, but in the case of slaves, who existed within a different social category than the women, it could influence unnecessary—and disapproved—social interactions. Even though women can say the *zimmun* by themselves, if there were a hundred of them, it would still only equal the *halachic* weight of two men—not enough to fulfill the mitzvah of *zimmun*, which requires three to be completed.

The Tosafists expand the subject beyond *zimmun* to include all prayer that requires a *minyan*:

*And Behold a hundred women are comparable to two men—for the issue of gathering for prayer and anything that is done with ten.*⁴⁰

The context for this quotation clarifies that the comparison of women to men in this circumstance is only with regards to prayer and not on a larger scale of societal views of women’s importance. The following quotation from the *Aruch HaShulchan* contains another example that shows men comprising the ten in a *minyan*:

All ten must be men, and women cannot be part of the quorum because it says: And I will be sanctified in the midst of B’nei Israel [the sons of Israel] and not B’not Israel [the daughters of Israel].⁴¹

These classifications assert that women have less status and worth when it comes to participation, and value, in a *minyan*. Yet, it has been shown earlier that there are certain cases where women assuming obligation were accepted by the rabbis, and one can infer that if women took on the obligation, they would be counted in the same way as men. This definition depends on a community’s interpretation and understanding of women’s obligations. In certain communities, it opens up the avenues for women’s only prayer

⁴⁰ Tosafot *Berachot* 45b, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 88.

⁴¹ *Aruch HaShulchan, Orhot Hayyim, Hilchot Tefillah* 75, as translated by Rahel Berkovits, “Women and *Mitzvot*,” 91.

groups (as women share the same obligations), while in others it provides justification for participation in a gender-mixed *minyan* where women and men are viewed as equal citizens concerning *halacha*.

The aforementioned examples show some level of flexibility in the *halachic* system concerning women's participation in communal prayer services. Even if women cannot be part of a mixed *minyan* in traditional Orthodox Judaism, their participation in (and leadership of) elements that do not require a *minyan* could increase their feelings of relevance and responsibility within their community. There are also new, independent communities that count women as part of the *minyan*, while remaining committed to *halacha*, tradition and a serious prayer service. The following chapters explore all of these possibilities.

Conclusion

Each of the sections in this chapter touched on specific problems that prevented women in the past from taking on greater participatory roles within the synagogue. Specifically, there was a discussion about women's obligation in *mitzvot*, prayer, Torah reading and inclusion in the requisite ten for the *minyan*. Communal participation is important given that the synagogue represents the communal forum for the performance of Jewish prayer and study, and contemporary women are increasingly eager to enhance their participation in this central institution of Jewish communal life. This chapter has focused on what the *halacha* says about some of these questions to help the reader contextualize later arguments that will attempt to justify changes permitting increased participation of and leadership by women within the traditional synagogue service. In

order to accomplish these goals, contemporary *halachic* interpreters will engage with the traditional sources rather than attempt to sidestep them.

The following two chapters will examine the varying levels to which *halachically*-observant communities have attempted to increase women's participation, and allow them to be full members of the congregation. While some communities have adapted to the changing times and adjusted their attitudes towards women to reflect the demand for gender inclusivity and equality, others have been created anew to reinvigorate congregational worship beyond the watchful eye of more conservative forces. The texts discussed in this chapter will serve as the starting point for many of the justifications made by these new and innovative communities in creating their prayer spaces, and perhaps even an entirely new movement of Judaism.

Chapter 2 Independent *Minyanim* and a New Approach to *Halacha*

“From the days of the Talmudic academies to the recently created independent minyanim, the energy and passion of Jewish life is ultimately dependent on Jews actively building, from the ground up, self-sustaining models of Jewish life that have the potential to leave echoes for generations to come.”⁴²

This quote by Ethan Tucker, co-founder of one of the largest independent *minyanim*, summarizes the unique ability of Judaism to adapt to its members over many years. Today, there are scores of Jews, both those traditional and those more liberal in their practices, who are frustrated at the slow pace of egalitarian change, lack of community, and inability of synagogues to cater to the religious or spiritual needs of a new generation. In response to these concerns, a few dedicated individuals created the first independent *minyanim* around 2001. These spaces, generally independent of synagogue and other Jewish institutional affiliations, consider themselves dedicated to creating a community with intentionality and that provides a moving prayer experience for everyone present, regardless of the physical location of the *minyan* (they meet in a variety of places including churches, women’s centers, and Jewish Community Centers).

The *minyanim* are generally located in the major urban centers of the United States, however, there are also many in Israel and other cities with large Jewish populations around the world, and each *minyan* has a different community and target demographic. A majority of the *minyanim* define themselves as both *halachic* and egalitarian, though each interprets these terms in a variety of ways. Independent *minyanim* have worked creatively to redefine seating arrangements, liturgy, leadership,

⁴² Ethan Tucker, “What Independent Minyanim Teach Us About the Next Generation of Jewish Communities,” *Zeek: A Jewish Journal of Thought and Culture*, Spring 2007, www.zeek.net/801tucker.

and physical prayer space (among many other things) to intentionally establish spaces that balance the demands of *halacha* with the goal of traditional egalitarianism.

Rabbi Elie Kaunfer, co-founder of Kehilat Hadar, one of the first independent *minyanim*, discusses how he believes the growth of independent *minyanim* at the beginning of the 21st century represents what may be seen as a demographic shift occurring across the United States, where more and more Americans are delaying marriage and children until at least a decade after college graduation.⁴³ In his opinion, Jews in their twenties and thirties are a group that slowly became marginalized within the traditional synagogue and denominational structures, as many delayed marriage and remained single and childless much longer than in previous generations. The traditional synagogue structure, with children's services, Hebrew schools, *B'nai Mitzvah* and adult education classes offers little socially or educationally to the young, single Jew. Young families join synagogues for much more than just the prayer services, choosing to connect with the institution of the synagogue for the many services they provide (day care, Hebrew school, family holiday programs) and for the opportunity to meet other young families with shared interests. With so much of synagogue life organized around the family, single Jews may feel alienated or isolated from these institutions.

Recognizing that the younger demographic had largely been ignored, a few intuitive and innovative Jews decided to create entirely new Jewish spaces that challenged the traditional notions of prayer and lay-leadership in ways that could appeal to smart, eager and young professionals who did not yet need the full services of the traditional synagogue, and where the growing desire for a more substantive integration of

⁴³ Elie Kaunfer, *Empowered Judaism* (Woodstock: Jewish Lights Publishing, 2010), 63.

women into the service could be met. Additionally, a number of independent *minyanim* were created specifically to expand the opportunities for women within the traditional avenues of Orthodoxy, a goal that was no longer feasible in the home synagogues of the founding members of the *minyan*.

In 2001, there were five independent *minyanim* in the United States. As of 2009, there were over sixty.⁴⁴ This rapid growth of independent prayer communities shows how successful a few committed individuals were in answering the need of a specific demographic in their communities. The most recent study on the trends of these groups (conducted in 2007) shows that nearly 20,000 Jews attend independent *minyanim* every year, and wholly 80% of them are under the age of 40, as compared to a mere 29% of Jewish adult congregants in synagogues of the same age.⁴⁵ Around half of those who attend independent *minyanim* are married, and women comprise nearly two-thirds of the active participants.⁴⁶ Notwithstanding this fact, independent *minyanim* represent a small fraction of the Jewish population in the United States (much less than 1% currently),⁴⁷ but their influence is felt in cities as varied as New York and Kansas City, and they have members from every denominational upbringing. Although each *minyan* differs in its

⁴⁴ Kaunfer, *Empowered Judaism*, 62.

⁴⁵ Steven M. Cohen, J. Shawn Landres, Elie Kaunfer, and Michelle Shain, “Emergent Jewish Communities and Their Participants: Preliminary Findings from the 2007 National Spiritual Communities Survey,” *Synagogue 3k Synagogue Studies Institute and Mechon Hadar*, November 2007, www.mechonhadar.org/2007scstudy, 13.

⁴⁶ Kaunfer, *Empowered Judaism*, 62.

⁴⁷ Ira Sheskin and Arnold Dashefsky, “Jewish Population in the United States, 2012,” *Berman Institute—North American Jewish Data Bank*, 2013, http://www.jewishdatabank.org/Reports/Jewish_Population_in_the_United_States_2012.pdf.

approach to prayer and liturgy, they generally tend to favor a more traditional service, while remaining committed to egalitarianism in a variety of different ways. As Ben Harris writes, “[M]ost *minyanim* cluster around a point on the ideological spectrum between Orthodox and Conservative Judaism, finding a number of innovative ways to balance an egalitarian impulse with an otherwise traditional prayer service.”⁴⁸

The Havurah Movement and Independent *Minyanim*

Many individuals who have studied the different movements within Judaism, or were themselves part of the effort to provoke change in the Jewish denominations of the 1960’s and 1970’s may relate the *havurah* movement of that time to the recent popularity of independent *minyanim*. First founded in 1960, the “*havurah*” is a Jewish group that is “dedicated to Jewish studies, prayer and holiday celebrations outside the synagogue structure.”⁴⁹ Known for its countercultural views and opposition to “traditional” Judaism, the *havurah* movement sought to effect change on the status quo of Judaism at the time, and was influenced greatly by the social and cultural revolutions occurring across America, such as the Civil Rights Movement, the anti-Vietnam war movement, the sexual revolution, and even Hasidism in highlighting the importance of spirituality over

⁴⁸ Ben Harris, “Independent Minyanim Growing Rapidly, and the Jewish World is Noticing,” *Jewish Telegraphic Agency*, 13 November 2008. www.jta.org/news/article-ambush/2008/11/11/1000894/minyanim-growing.

⁴⁹ Rex Weiner. “Whittier Celebrates the Last Hurrah of America’s First Havurah.” *The Jewish Daily Forward*, 13 July 2011. <http://forward.com/articles/139829/whittier-celebrates-the-last-hurrah-of-america-s/>.

rote recitation of prayer.⁵⁰ Although there are still a few *havurot* (plural for *havurah*) in existence today, the movement has mostly waned, to be replaced by the growing popularity of the Reconstructionist and Jewish Renewal movements.

Indeed, the *havurah* movement and independent *minyanim* do share a few similarities, as Kaunfer describes in *Empowered Judaism*.

In many ways, the *havurah* movement normalized some of the core givens that the independent *minyanim* now have in their communities (egalitarianism in some form, participatory and engaged prayer, placing a strong value on Jewish education).⁵¹

Additionally, in a roundtable article with some of the founders of six independent *minyanim*, Ben Dreyfus, a leader of the independent *minyan* Kol Zimrah in New York, stated that he was not convinced there was a “clear distinction between communities identifying as ‘*minyanim*’ and as ‘*havurot*.’”⁵² Dreyfus’ opinion notwithstanding, there are a few immediate differences between the *havurah* movement and independent *minyanim* that lead one to believe they serve different purposes and goals. *Havurot* tended to make significant changes to the traditional prayer liturgy, removing many parts of the service that were deemed “objectionable.”⁵³ The majority of independent *minyanim*, on the other hand, embrace a return to the traditional prayer service in Hebrew amidst a critical examination of gender roles within the bounds of *halacha*.

⁵⁰ Hasidism is a branch of Orthodox Judaism that emphasizes spirituality and Jewish mysticism as a fundamental aspect of connecting with God.

⁵¹ Kaunfer, *Empowered Judaism*, 72.

⁵² Shifra Bronznick, “DIY Judaism: A Roundtable on the Independent Minyan Phenomenon.” *Zeek: A Jewish Journal of Thought and Culture*, January 2008. www.zeek.net/801roundtable.

⁵³ Such as the references to a personal messiah, resurrection and the *musaf* (additional) amidah said on Shabbat and Holidays.

An additional distinction lies in the social motivations of *havurot*. There was often a focus on a close, tight-knit community of individuals committed to sharing similar spiritual and perhaps political goals. These objectives led to exclusivity and stringent membership rules—almost the direct opposite of the ideals of independent *minyanim*. Indeed, the word *havurah*, which comes from the Hebrew root *haver* (Hebrew for ‘friend’), implies a community that is innately different than independent *minyanim* in its structure and function: *havurot* focus on creating relationships with other members rather than connecting to God through spirited prayer. Therefore, while it may have laid some of the groundwork for today’s independent *minyanim*, the *havurah* movement shares few connections to the independent *minyanim* of today, other than to show that Jews have a long-standing history of grassroots organizing, lay-led communities, and a cyclical tendency to resist the institutionalization of religion in the form of the synagogue.

The Influence of Women’s Prayer Groups

While the *havurah* movement arguably shares little in common with the independent *minyan* movement today, the phenomenon of women’s prayer groups (existing within Orthodox synagogues) is intrinsically linked with the advent of independent *minyanim*. These groups have particularly influenced ‘partnership *minyanim*’, thereby providing the framework for women’s increased participation in traditional services.

Popular primarily in the 1980’s and 1990’s (although some still exist today), women’s prayer groups exist within the standard Orthodox synagogue and provide alternative but traditional services that allow women to read Torah and lead the prayer

service. Although there was limited acceptance for these groups in their early years, today they have become normative in many Modern Orthodox synagogues, showing how potentially ‘radical’ ideas within Orthodoxy can eventually be accepted, assuming they are within the bounds of *halacha* as defined by each community.

When women’s prayer groups first began holding services, there was great tumult within the Orthodox world. As Rivka Haut writes (in 1992),

Women’s *tefillah* (prayer) groups, developed and organized by Orthodox women, have set the ‘Torah World’ in turmoil. They have been discussed, and denounced in virtually every major rabbinic journal and periodical, proclaimed by rabbinic responsa to be against Jewish law. Yet they grow, proliferate, and are thriving.⁵⁴

Even though scores of Rabbis proclaimed that “separate gatherings ‘*minyanim*’ of women for prayer, for reading of the Torah and for reading of the Megillah are prohibited according to Jewish law,”⁵⁵ other Rabbis, Shlomo Riskin included,⁵⁶ supported their existence. The debate surrounding these communities not only shows the marked distinction between *halacha* and community norms, but also how each can influence the other. In the introduction to his book on women’s prayer groups, Avraham Weiss asserts (in 1990), “if these services have halachic validity, the right of women to be part of such an experience becomes clear, as does the responsibility of rabbis to allow for this

⁵⁴ Rivka Haut, “Women’s Prayer Groups and the Orthodox Synagogue,” in *Daughters of the King: Women and the Synagogue*, eds. Susan Grossman and Rivka Haut, (Philadelphia: Jewish Publication Society, 1992), 135.

⁵⁵ Avraham Weiss, introduction to *Women at Prayer: A Halakhic Analysis of Women’s Prayer Groups*, 3rd ed. (Hoboken: KTAV Publishing House, 2001), xvi.

⁵⁶ While he supported the founding of the first Women’s Prayer Group in 1972, he is a major opponent to the current partnership *minyan* movement. See Shlomo Riskin, “Torah *Aliyyot* for Women,” *Meorot: A Forum for Modern Orthodox Discourse* 7, no. 1 (2008): 1-19.

option.”⁵⁷ As time allowed for an acknowledgment of the need and desire for women’s greater participation, these groups have grown in numbers and adjusted to the needs of their attendees.

Unlike independent *minyanim*, which generally provide prayer services independent of any synagogue or Jewish movement, women’s prayer groups have arisen out of Orthodox synagogues, and meet once or twice a month for Shabbat morning services, *Rosh Chodesh* (beginning of a new month) services, or Shabbat afternoon services.⁵⁸ Although these prayer groups allow women to read Torah, they sometimes alter the blessings said before and after reading the Torah because they view Torah reading as not a ‘public’ affair (requiring a *minyan*), but rather individuals gathered together to study.⁵⁹ They introduce entirely different texts as alternatives to the blessings to mark this *halachic* distinction.⁶⁰ Of the changes made to the blessings before the Torah, Weiss writes,

This suggestion . . . is in sync with sentiments I’ve heard from several women who are eager to shape women’s prayer groups with the uniqueness that reflects their particular form of spiritual striving.⁶¹

However, the general practice of these groups is to adhere to the standard structure of the prayer book as much as possible, while allowing women to take agency over their own services.

⁵⁷ Avraham Weiss, introduction to *Women at Prayer*, xvi.

⁵⁸ Haut, “Women’s Prayer Groups,” 135.

⁵⁹ Weiss, *Women at Prayer*, 81-82.

⁶⁰ Weiss, introduction to the expanded edition of *Women at Prayer*, xvii.

⁶¹ *Ibid.*

Even though the women participating in these groups consider themselves praying in a community, they generally do not constitute *minyanim* in their own right. There is much disagreement on this subject, and Haut writes (in 1992, when women's prayer groups were at the height of discussion), "[T]he issue is still unresolved."⁶² In order for a group of ten women praying together to be considered a *minyan*, they must accept themselves as constituting a *tzibbur*, or congregation. While later groups will discuss the possibility of including women in the *minyan*, the majority opinion at the time held that women did not constitute a quorum due to their unique religio-legal status and therefore could only recite the private prayers that an individual could say on his/her own.⁶³ However, these groups provided an essential first step in the process of achieving greater women's leadership within prayer.

The women who participate in women's prayer groups are not unlike many of the members of independent *minyanim*. They, like others committed to traditional Judaism within an increasingly modern and egalitarian world, wish to create more opportunities for women within the synagogue structure, but in this case believe that the *halacha* sanctions a women's only space for private prayer said together, and not a *minyan*. As Rivka Haut adds:

[W]hile maintaining their commitment to Orthodoxy, the dedicated women have created a halachically viable option for Orthodox women who want to draw nearer, to come closer, to experience communal prayer from the center and not the sidelines.⁶⁴

⁶² Ibid.

⁶³ According to Rabbi Moshe Feinstein, as cited in Haut, "Women's Prayer Groups," 141.

⁶⁴ Haut, "Women's Prayer Groups," 140.

Since women's prayer groups exist within the framework of the synagogue, the women who participate in these groups tend to be married, and often have children, a clear distinction from the majority of independent *minyanim*, which attract younger participants. Nevertheless, they celebrate and encourage women's participation in many realms of Jewish life, and provide support and community to the female members of a synagogue, too often ignored in the ritual aspects of their lives. Women's prayer groups have also played a unique role in acting as a precursor to mixed Torah reading (women reading in front of both men and women, albeit separated by a *mechitza*) and partnership *minyanim*. Without these groups, and the impact they had on Orthodoxy, partnership *minyanim* may not have ever been created.

Partnership *Minyanim* and Orthodox Feminism

The phenomenon of partnership *minyanim* began to take shape at the same time as many other independent *minyanim* were forming, although many of its objectives remain slightly different than other independent *minyanim*. Partnership *minyanim* define themselves as Orthodox, while increasing the roles of women within certain portions of the prayer services. Many participants in partnership *minyanim* have pointed out that their prayer communities would not have been possible without the existence of women's prayer groups, which represented the first sustained, communal effort to challenge thinking about women's leadership in prayer within the Modern Orthodox world. Rahel Berkovits, one of the founders of the first partnership *minyanim*, states, "I think ... partnership *minyanim* could happen because they [women's prayer groups] happened

first.”⁶⁵ Indeed, many of the motivations for creating partnership *minyanim*, namely, the desire to engage with the congregation rather than separate from it, arose as a result of, and in response to, the women’s prayer groups that were formed in many Orthodox synagogues. Many Rabbis (including the late Rav Aharon Soloveichik)⁶⁶ believed that women’s prayer groups were “[A] first step in moving toward egalitarian practices of non-Orthodox movements,”⁶⁷ but they have remained within the Orthodox synagogue, and only attract observant women. Therefore, just as the Modern Orthodox world needed assurance that these groups were not “[A] slippery slope leading to embrace of non-Orthodox practices,” the same could potentially be applied to partnership *minyanim* in the future; only with time could greater acceptance be hoped for once leaders within Orthodoxy realized that those attending partnership *minyanim* remained serious about *halacha*.

The founding of partnership *minyanim* arose when many women who defined themselves as Modern Orthodox were increasingly frustrated with their roles within the synagogue and the disparities between equality in their secular lives and inequality in their ritual practices. Tova Hartman, one of the founders of the first partnership *minyanim* writes:

Having spent years straddling a self-imposed wall between my Orthodox religious observance and my immersion in feminist theory... I needed my religious

⁶⁵ Rahel Berkovits in discussion with the author, March 2013.

⁶⁶ Brother of Joseph Soloveichik, “the Rav,” who was considered to be the father of Modern Orthodoxy in the United States. Aharon Soloveichik was an influential Torah scholar and *Rosh Yeshiva* (head of *Yeshiva*) for over fifty years.

⁶⁷ Weiss, introduction to the expanded edition of *Women at Prayer*, xviii.

environment to reflect the values that had brought such profound clarity and dignity to my personal experience and worldview.⁶⁸

Yet, as she fought with the ritual committee at her Orthodox synagogue to create small changes for women, such as putting the divider between men and women down the middle or allowing women to lead portions of the service, she realized that she was hitting a wall with leaders of the community and the existing synagogue models. Hartman notes,

“There was no shul [synagogue] that went out of its way to create increased opportunities for women’s public ritual participation while remaining within the parameters of Orthodox Jewish Law—all *within* the community, not in a separate women’s prayer group.”⁶⁹

Therefore in 2002, Hartman and other Jerusalem residents (Berkovits included) founded, the first partnership *minyan*, discussed in detail in the next chapter, never realizing the impact it would eventually have on the entire Orthodox world.

Conclusion

Independent *minyanim*, and their expansion across the United States and Israel, have been a remarkable phenomenon that filled a critical gap in Jewish life, whether by attracting young Jews back to traditional Judaism in a new and unique way, or enhancing and expanding the roles of Orthodox women not previously available in the standard Modern Orthodox synagogue. As more people challenge the status quo within traditional Judaism, an increasing number of Jews look to independent *minyanim* to provide an

⁶⁸ Tova Hartman, preface to *Feminism Encounters Traditional Judaism* (Hanover: Brandeis University Press, 2007), ix.

⁶⁹ Ibid.

engaging outlet for a Jewish experience not found in the standard synagogue. This combination of tradition and dedication to gender equality has enabled independent *minyanim* to become compelling and attractive options to Jews across the denominational spectrum.

It remains to be seen what will come of various independent *minyanim* and their unique approaches to equality, as well as how significant their impact on the Jewish world will be in the years to come. Many of the leaders of these *minyanim* do not know what their spaces will look like in ten years, but just as *halacha* has been shown to adjust to the constantly evolving nature of the world, surely these spaces will do the same

Chapter 3 Case Studies on two of the First Independent *Minyanim*

A. Shira Hadasha—The first Partnership *Minyan*

As the first partnership *minyan*, Shira Hadasha has become “a must-see tourist spot for Jews of all denominations visiting Jerusalem,”⁷⁰ as well as a model to the other partnership *minyanim* as to how a *minyan* can become much more than a weekly prayer service. Elana Maryles Sztokman, author of *The Men’s Section: Orthodox Jewish Men in an Egalitarian World*, describes the first Shabbat service at Shira Hadasha and how very few people could have predicted the effect it would have on Modern Orthodoxy: “this particular Shabbat was about to make history, not only for me, but also for the entire Orthodox world.”⁷¹ Even the founders could not have predicted at the time how Shira Hadasha would challenge the roles of women within the Orthodox synagogue and confront the status quo that appeared static and unmovable; many women never believed they could remain Orthodox but still be called up to lead the Torah service for both men and women.

History and Background of Shira Hadasha

The founding of Shira Hadasha arose as a result of many individuals who yearned for a change in the traditional Orthodox prayer service and believed there was *halachic* justification for greater women’s participation in it. Tova Hartman, along with Rahel Berkovits and others, each began their own prayer communities that mirrored the future

⁷⁰ Elana Maryles Sztokman, *The Men’s Section: Orthodox Jewish Men in an Egalitarian World* (Hanover: Brandeis University Press, 2011), 2.

⁷¹ *Ibid*, 1.

structure of Shira Hadasha (vis-à-vis women's Torah reading and separate seating), albeit on a more intimate scale, within homes or other temporary spaces. Eventually, they held a series of meetings to combine their efforts and found a new community, with the idea that there was *halachic* justification for women reading Torah in front of men, and that women could lead certain sections of the prayer service. Berkovits recalls:

There was a meeting in [Tova Hartman's] house... And it was all different people who from all different perspectives were interested in this idea [of women reading Torah in front of men and having greater leadership roles], and we [came] together to see if we could build something together.⁷²

While each individual at this meeting (and those that followed) came with their own ideas about what the community should look like, the majority remained committed to creating a space that defined itself as Orthodox while increasing the opportunities for women. The name of Shira Hadasha itself, a 'new song' in Hebrew, taken from Psalm 33:3, also invokes the notion that the founders retain a commitment to traditional texts and doctrine, albeit while redefining the roles of women within Orthodoxy. As the *minyán*'s website states,

Our members have been drawn together by a shared desire to create a synagogue where we could increase participation of congregants, and particularly maximize the involvement of women in our services and in the administration – all within the rules and rituals of Orthodox Judaism.⁷³

The members of Shira Hadasha represent innovation within tradition rather than innovation against tradition. They are not seeking to leave Orthodoxy, but instead struggling to strengthen it by challenging some of the more gender-exclusive principles

⁷² Rahel Berkovits in discussion with the author, March 2013.

⁷³ "Welcome to *Shira Hadasha*—A New Voice in Orthodox Judaism," *Kehillat Shira Hadasha, Jerusalem*, Accessed March 2013, <http://www.shirahadasha.org.il/english/index.php?page=25>.

so that their lives within the synagogue mirror women's greater equality and leadership opportunities in secular society today. In order to do so within an Orthodox framework, the founders of Shira Hadasha engaged with the *halachic* process in ways similar to preceding generations and created a community that they believed better represented the attitudes of all members. One member of the minyan echoes these sentiments felt by the founders:

In my experience, it seems that there is a real curiosity among Orthodox Jews in a more egalitarian Orthodox. But many feel the idea of a woman leading davening or reading from the Torah is just too uncomfortable. It is too different and strange. And maybe there are halachic problems. However, I think every person that steps a foot into the door [of Shira Hadasha] on Friday night is moved by the passion of the davening, surprised and pleased by the abilities of the female leaders, and by the end they are ready to defend the hashkafah [lit. "outlook"; a stance on halacha] of the place.⁷⁴

This individual shows that for many Orthodox people today, Shira Hadasha sparks a curiosity and offers a compelling option to negotiate the often opposing ideals of Orthodoxy and egalitarianism.

Prayer services at Shira Hadasha

The prayer services at Shira Hadasha offer a few significant changes to the physical structure of the Orthodox synagogue and an emphasis on melodious singing as a means of connecting with the prayer. There is a *mehitza*, or divider, in the middle of the room, and the leader faces the Ark (in which the Torah is housed) in the same direction as all members, two aspects that are the same as other Orthodox synagogues. However, the *bimah*, or pulpit from which the services are led, remains situated between the men's and women's sections, allowing for the prayer leader (of either gender) to access it easily.

⁷⁴ Ben Heligman (Jerusalem resident, 27) in discussion with the author, March 2013.

Women can lead all portions of the service that are not *devarim she-be-kedushah*, and therefore do not require a *minyan*. In reality, everything that a woman at Shira Hadasha can lead is similar to that which a boy *before* his *bar mitzvah* is also permitted to lead. These sections of the service are required in the same way *halachically* as other sections, and they include *Kabbalat Shabbat* (lit. “receiving Shabbat”, a series of psalms preceding the evening service on Friday night to welcome in Shabbat) and *Pzukei D’Zimra* (psalms said before the morning service), among others. Additionally, women can read from the Torah publicly, albeit on the women’s side of the congregation, and girls are encouraged to lead *An’im Zemirot* (a hymn sung at the end of Shabbat services) as well as boys. After thorough analysis of halacha, the community decided that women are still not permitted to lead each of the three daily services, (*shacharit*, *mincha*, and *ma’ariv*), as they include the portions of *devarim she-be-kedushah* that they believe women cannot lead. Nevertheless, these small but significant changes in the physical space of the prayer hall, and women’s increased leadership opportunities have contributed to Shira Hadasha’s unique character.

In terms of style, an important aspect of Shira Hadasha’s prayer experience is that it encourages “harmonious singing”⁷⁵ between men and women, rather than a service that rushes through the prayers in the shortest time possible. One of the greatest feelings of alienation felt by women in the Orthodox synagogue framework is that of being ignored in the prayer service, and also the difficulty in following the communal prayer leader when he is on the other side of a wall or beneath a balcony. Thus, the prayer spirit at Shira Hadasha, which involves careful choice in the tunes of each prayer, and ample time

⁷⁵ Rahel Berkovits in discussion with the author, March 2013.

for singing the melodies, provides a further avenue for women's inclusion in the community. Yet, even though all of the members of Shira Hadasha agree that women should have greater participation in the ritual aspects of the service, they are not monolithic in their opinions about the pace of the service and the melodies chosen. As Berkovits notes,

Every year when we have our general forum of members, this issue... about if prayers are too long or too short, if there should be more singing or less singing...comes up and there's vast disagreement about it.⁷⁶

Thus, while the community remains committed to certain inalienable rights for women within the ritual components of the service, there are other aspects that shape any traditional prayer service, and Shira Hadasha constantly faces tension among its members in reconciling differing opinions. The issues of prayer length and the amount of singing, as noted by Berkovits, impinge on the idea of *kavanah* (Hebrew for intention) or the mindset one must have while performing *mitzvot*, as written in the Talmud.⁷⁷ It is not enough to just recite the prayers without purpose; rather, one must have the *kavanah* while performing *mitzvot* for them to be worthy. One way that prayer services contribute to a higher *kavanah* is by creating environments that have lengthy harmonies and tunes that complement prayers. Some believe that lingering over prayer can create this intense spiritual experience while others find the slower pace exhausting and impeding to their *kavanah*.

One attendee, in support of the pace and harmonies at Shira Hadasha discusses how he has found a moving prayer experience at the *minyan*:

⁷⁶ Ibid.

⁷⁷ B.T. *Berachot* 31a, "When a man prays, he should direct his heart to heaven."

What I [seek] most in a service is one that is serious (meaning no talking) and that raises me up spiritually through song and joy. I've always appreciated the way our bodies, mind and soul react to music and song. I found through the beautiful davening at [...] Shira Hadasha in Jerusalem that I could connect to Hashem [God] in this way – through song.⁷⁸

He continues to explain how he was first motivated to attend Shira Hadasha out of a desire to include women at a greater extent but that he stayed because of the positive prayer experience:

It is vital for to me to pray in a space that is respectful towards woman and this is what sparked my interest to try out a Partnership Minyan, however, what has kept me is the davening [prayer style].⁷⁹

This individual exemplifies the success Shira Hadasha has in attracting members committed to greater women's participation and a meaningful prayer service. Yet it still struggles to accommodate those who disagree over this issue. As the first *minyán* of its kind, and one that still holds a distinctive place within the Jerusalem (and greater) Orthodox world, it remains to be seen how the debate will influence the future of the community and its members.

The prayer style and careful tune choice has helped Shira Hadasha in its ability to appeal to Jews spanning the denominational spectrum, unique for an Orthodox synagogue. While the community's membership is relatively equally divided between "anglos" (native English speakers who immigrated to Israel from the United States, Canada, Australia, and the U.K.) and native Israelis,⁸⁰ much of the visible synagogue leadership speaks English and attracts English speakers living in Jerusalem for short

⁷⁸ Ben Heligman in discussion with the author, March 2013. Brackets mine.

⁷⁹ Ibid.

⁸⁰ Rahel Berkovits in discussion with the author, March 2013.

periods of time. Thus, many people who would never feel comfortable at an Orthodox synagogue in their home country choose to attend Shira Hadasha for both its style of prayer (often easier to appreciate and understand than the rushed nature of other Orthodox synagogues) and the comfort that comes with attending a synagogue offering Hebrew/English prayer books and greeters speaking one's native language.

As the number of guests that attend Shira Hadasha varies each week, their presence also influences the overall atmosphere of the community and the difficulties in accurately measuring its membership. Berkovits adds:

On the one hand we don't want to turn visitors away, we'd like to be an example for people. On the other hand, it does affect the status of the community... it is a challenge that the community deals with.

The numerous visitors each week impact the environment of the community in many positive ways, but can also cause stress to those who consider Shira Hadasha their primary *minyan*. For a community such as Shira Hadasha, which was founded on certain principles similar to other independent *minyanim* (some of which avoid membership altogether), it becomes difficult when the community must fulfill both the roles of a standard synagogue, such as serving as a venue for life cycle events, and also remain the independent, innovative *minyan* that originally marked its distinctiveness.

Many of Shira Hadasha's members span the age demographic and have families of their own, unlike the majority of its independent *minyanim* counterparts. Berkovits notes, "It's a community mixed of all different ages and family statuses."⁸¹ There is no official Rabbi, and the prayer service leaders, members of the community, rotate on a regular basis. The physical space of Shira Hadasha, in addition to the many decisions

⁸¹ Ibid.

surrounding ritual leadership and prayer, contributes to it providing a “new voice in Orthodox Judaism”⁸² that the *minyan*, and the partnership *minyanim* that followed, has created. They have filled a void within Orthodoxy felt by many women, and furthermore, these spaces believe the *halacha* provides support for their liturgical decisions.

Halachic Justification for Shira Hadasha and Partnership *Minyanim*

Mendel Shapiro, a rabbi and lawyer in Jerusalem, wrote the first responsum⁸³ in 2001 that helped provide support for partnership *minyanim* at a time when many first formed.⁸⁴ He provided a fresh analysis of the sources never before discussed so explicitly by an Orthodox rabbi and claimed that, in certain Orthodox communities, it would be permissible for women to read Torah, or have *aliyot* (read the blessings before the Torah) in a *minyan* consisting of both men and women. Daniel Sperber, another Rabbi in Jerusalem, wrote an article a year later that also provided support for mixed Torah reading,⁸⁵ when “an inability to do so causes them [women] hardship.”⁸⁶ While Shapiro

⁸² “Welcome to *Shira Hadasha*—A New Voice in Orthodox Judaism.”

⁸³ Responsum, plural responsa, is “a written decision from a rabbinic authority in response to a submitted question or problem.” From *Merriam-Webster OnLine*, s.v. “responsum,” accessed March 20, 2013, <http://www.merriam-webster.com/dictionary/responsum>.

⁸⁴ Mendel Shapiro, “*Qeri’at ha-Torah* by Women: A Halakhic Analysis,” *The Edah Journal* 1, no. 2 (2001), 1-52.

⁸⁵ ‘Mixed [gender] *torah* reading’ refers to women and men reading torah in front of an audience of both genders, albeit separated by a *mechitza*, divider. As previously mentioned, the placement of the pulpit remains unique and is often encompassing both the men and women’s sides.

⁸⁶ Daniel Sperber, “Congregational Dignity and Human Dignity: Women and Public Torah Reading” *The Edah Journal* 3, no. 2 (2002): 1-14.

and Sperber by no means presented “new” sources (unsurprisingly inasmuch as halachic tradition contends that the oldest sources hold the most legitimacy), their responsa helped to give justification to the newly founded Shira Hadasha *minyán* and other similar partnership *minyanim*. Their responsa, however, did not lay the groundwork for partnership *minyanim*; instead, both events occurred somewhat simultaneously, as the founders of Shira Hadasha were well versed in the *halacha* and how it might provide support for their new *minyán*. Berkovits adds that the responsa “support what we do ... but neither of those things had been published when we first [started the *minyán*].”⁸⁷ She notes how in one of the first meetings that led to the establishment of the *minyán*, the founders did not discuss the *halacha*, rather assuming that all those in attendance knew the justification for greater women’s participation:

What was interesting about that first meeting is we didn’t discuss anything about the *Halacha* at all. It wasn’t like “what’s your reasoning for it, how do you decide it?” It was sort of taken as a given that we assumed that women could get aliyot, and that they could lead things like *Kabbalat Shabbat*, and we didn’t discuss the *halacha* at all.⁸⁸

Nonetheless, Shapiro and Sperber’s responsa helped spread the opinion held by those within Shira Hadasha of halachic openness, even permissibility towards mixed Torah reading to the greater Orthodox world. Although influential, these ideas are not widely accepted in Orthodoxy today. Even though Sperber and Shapiro, two prominent Rabbis in the Orthodox world, came out in support of the practice, scholars and Rabbis were watching closely to see how the rest of the Modern Orthodox movement would respond to their proclamations. When there were not numerous responsa in support of

⁸⁷ Ibid.

⁸⁸ Rahel Berkovits in discussion with the author, March 2013.

these decisions, many brushed off them as ‘beyond the pale’ of Orthodoxy, or at least believed the partnership *minyán* idea would not take hold.

While both Shapiro and Sperber deal with the issue of women’s Torah reading, where they see a potential halachic justification for change within certain communities, they do not ever attempt to discuss the notion of counting women in the *minyán* or mixed prayer communities.⁸⁹ As Shapiro writes, “by all Orthodox accounts, *halakhah* prohibits the inclusion of women in the requisite *minyán* of ten as well as the mingling of the sexes during the synagogue service.”⁹⁰ He does not provide sources that justify this opinion; rather, he recognizes his readership consists mostly of those within the Orthodox community (the *Edah Journal* where his article is published has as its tagline “the courage to be modern and *Orthodox*”), and therefore he does not feel a need to justify this assertion.⁹¹ Berkovits also discusses the notion of mixed seating, although not for the religio-legal reasons, but rather to ensure Shira Hadasha maintains its Orthodox character:

There was a group at the first meeting that very much wanted it to be mixed seating ... and they felt like you could easily justify that halachically as well. It was very clear that the rest of the group was not interested in that, not because they didn’t agree ... but [because] they felt it was very, very important that the *mehitza* identified us as Orthodox.

Shira Hadasha exists within the framework of the religious situation in Israel where there is a dichotomy between “religious” and “secular.” Thus, the *mehitza* was very important

⁸⁹ “Mixed prayer communities” refers to communities without a *mehitza*, or separation between men and women, and those which additionally count women in the requisite ten for a *minyán*.

⁹⁰ Shapiro, “*Qeri’at ha-Torah* by Women”, 2.

⁹¹ “Mission Statement,” *Edah Journal*, last modified 2001, www.edah.org.

to identify it as Orthodox, but perhaps one function of the *minyan* is forge a bridge over the dichotomy, as it appeal to individuals from all denominations. Since, as Berkovits notes, the non-Orthodox denominations in Israel do not have very good reputations or widespread popularity, it remained important that the *minyan* be seen as halachic, within the ‘religious’ world, even if the actual title of Orthodox, uniquely American, might be irrelevant.⁹²

In Israel the synagogue is but one of many outlets for one’s Jewish identity. Many of the founders of Shira Hadasha, regardless of designation of their synagogue as Orthodox, were already engaging with the larger movement though their children’s schools, the synagogues they left, and the youth movements in which they grew up. Therefore, even if mixed-gender seating could be justified (and many of the founders saw the possibility), there was the larger fear of being seen as not religious and existing within the marginalized *masorti* (Israeli version of Conservative Judaism) or Reform movements.

Returning to the sources, we see that Shapiro begins his justification for women’s Torah reading with the same Talmudic example discussed in the first chapter that is generally utilized to exclude women from public Torah reading:

Our Rabbis taught: All may be included among the seven [called to the Torah on *Shabbat*], even a minor and a woman, but the Sages said that a woman should not read in the Torah because of the dignity of the congregation (kevod ha-tsibbur).⁹³

From this quote, Shapiro concludes that the *only* issue preventing women from participating in public Torah reading is that of the ‘dignity’ or ‘honor’ of the

⁹² Rahel Berkovits in discussion with the author March 2013.

⁹³ B.T. *Megillah* 23a, as quoted in Mendel Shapiro, “*Qeri’at ha-Torah* by Women,” 3.

congregation. As discussed in chapter one, many who object to women's Torah reading utilize other arguments, such as the inability of one to perform a *mitzvah* for another when they are not obligated,⁹⁴ or the idea that women are not obligated in studying Torah and therefore could not possibly have an obligation in reading the Torah. In Shapiro's opinion, however, "these objections cannot withstand critical examination, and focusing on them distracts from the key issue of *kevod ha-tsibbur*."⁹⁵ As with Modern Orthodox Rabbis who precede him, Shapiro believes women are obligated to study Torah, and can read it for others (the basis for women's prayer groups), and therefore sees *kevod ha-tsibbur* as the only major obstacle to mixed Torah reading. Speaking to an audience that includes "Orthodox Jewish women [who] are emancipated from most social disabilities and biases,"⁹⁶ Shapiro does not see the legitimacy in arguments seemingly shored up only to further women's exclusion, preferring to focus on the only halachic issue at hand that prevents women from reading Torah.

As we learned in chapter 1 in our discussion of *kevod ha-tzibbur*, tradition has long held that women are permitted to read from the Torah, but that concerns about the "honor of the congregation" prevented them from doing so. These concerns eventually concretized into a social practice that determined that it simply was not permitted. A re-examination of what exactly constitutes the "*tzibbur*" (congregation) and its "*kevod*" (honor) allows for the possibility to expand the role of women, exactly what Shapiro and Sperber do in theory, and Shira Hadasha does in practice.

⁹⁴ *Mishnah Rosh Hashanah* 3:8.

⁹⁵ Shapiro, "*Qeri'at ha-Torah* by Women," 3.

⁹⁶ *Ibid.*

Shapiro mentions other times in the Talmud where the “honor of the congregation” is discussed, in order to fully understand the meaning of the term and the context in which it is used. Those that constitute violations of *kevod ha-tsibbur* include allowing a child in rags or one without clothes to read the Torah,⁹⁷ stripping the ark bare in the presence of the congregation,⁹⁸ rolling up the Torah in front of the congregation,⁹⁹ and reading the Torah portion from a *chumash*, a book that contains the Torah portions or anything else that is not the actual scroll.¹⁰⁰ Shapiro writes,

From these Talmudic cases, it appears that *kevod ha-tsibbur* generally covers a range of related but distinct concepts, whose common purpose is to prohibit conduct that imposes unnecessary bother on the congregation [...] or that disturbs the seriousness and propriety of the synagogue service.¹⁰¹

Each distinct concept must be further clarified in order to understand what exactly the Talmud is referencing as a ‘violation’ of the honor of the congregation. For example, stripping the ark bare and rolling the Torah scrolls in front of the congregation are not seen as offensive acts, but rather “inconveniencing the congregation by having it sit idly during the performance of ministerial tasks that should be done before or after the service.”¹⁰² As for women or ragged children reading the Torah, perhaps, suggests

⁹⁷ B.T. *Megillah* 24b.

⁹⁸ The ark is where the torah is held, it is traditionally an ornamental closet that invokes memory of the Ark of the Covenant, which was in the first temple; B.T. *Sotah* 39b.

⁹⁹ B.T. *Yoma* 70a.

¹⁰⁰ B.T. *Gittin* 60a.

¹⁰¹ Shapiro, “*Qeri’at ha-Torah* by Women,” 23.

¹⁰² *Ibid*, 26.

Shapiro, it is not an affront to the congregation but rather “the glory of heaven that is desecrated.”¹⁰³

Contemporary Talmudic scholars may never understand the exact meaning of the ‘honor’ of the congregation, and according to Shapiro, that is exactly why it may have become irrelevant:

Just asking the question—‘what is *kevod ha-tsibbur*?’—confirms that we have lost the immediate, intuitive understanding of why women may not read the Torah. *Kevod ha-tsibbur* is a social sensitivity, and the fact that it must be interpreted to us shows how far removed we are from the social culture of the Talmud.¹⁰⁴

Just as the Jewish tradition has evolved towards women’s greater obligation in private prayer,¹⁰⁵ perhaps a re-examination of the needs and desires of the community warrants adjustment in the *halacha* concerning women reading Torah in synagogue.

There have been a few notable sources, both historic and contemporary, which have claimed that the prohibition of “honor of the congregation” may be overruled in favor of allowing women to read from the Torah for a variety of different reasons. For example, Maharam of Rothenburg, a Jewish legal scholar from 13th century Germany, stated that in a town where all of the men are *Kohanim*, the men should go up and read the first two *aliyot* but the women should read the rest. Typical Torah reading practice dictates that the first *aliyah* is read by a *Kohen*, the second by a *Levite*, and the third through seventh by any qualified Jewish people who are not either a *Kohen* or a *Levite*. Therefore, the Maharam states that it is better for women to read the remaining five

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ See chapter 1.

aliyot, lest the community think the men who read the third through seventh *aliyot* were not genuine *Kohanim*.¹⁰⁶ Even more interestingly, another 14th century rabbinic sage (Rabbi David son of Shmuel Kochavi) wrote the following about women reading Torah:

One of the great teachers wrote that [with respect to] those who pray in their homes with [a *minyan* of] ten, a woman may read the Torah there, because [a *minyan*] is regarded as a congregation (*tzibbur*) only when they pray in the synagogue.¹⁰⁷

From this comment, we can conclude that the objection to women reading from Torah did not have to do with the act of reading Torah itself but rather (as was discussed earlier in this section) because women reading from the Torah would somehow imply that their male counterparts are unable to do so, or it would be seen as an embarrassment to the congregation that allows women to read for them. Shapiro therefore believes that in those communities where there is an agreement about women's Torah reading as not violating the dignity of the congregation,

[W]omen may be permitted to read the Torah (or at least portions of it); ... *kevod ha-tzibbur* should be regarded as a relative, waivable objection that is not universally applicable.¹⁰⁸

Sperber contributes to Shapiro's argument, noting that there are many times when *kevod-ha-tzibbur* is put aside:

The concept [of *kevod ha-tzibbur*] implies not an absolute legal prohibition as much as a sound policy recommendation calling for the community to avoid certain actions because they are inappropriate".¹⁰⁹

¹⁰⁶ For instance, they (or their fathers) had done something to lose their *Kohen* status (married a convert or a divorcee); see appendix for further definition of *Kohanim*.

¹⁰⁷ *Sefer HaBatim (Beit Tefillah Beit HaQuodesh*, Herschler ed., p. 236 #6), as translated by Shapiro in "Qeri'at ha-Torah by Women," 39.

¹⁰⁸ Shapiro, "Qeri'at ha-Torah by Women," 52.

¹⁰⁹ Sperber, "Women and Public Torah Reading," 4-5.

Sperber also believes that the idea of *kevod ha-beriyot*, or human dignity, overrides any supposed or real *kevod ha-tzibbur*. Sperber believes that it is possible “the congregation has waived its dignity, or that it senses no affront at all to its dignity in women being granted *aliyyot*.”¹¹⁰ Recognizing that women have a strong desire and “yearning”¹¹¹ to participate in communal Torah reader, Sperber remarks that

kevod ha-beriyot, individual dignity, must overcome *kevod ha-tsibur*, particularly when the concept of *kevod ha-tsibur* does not really pertain as it might have in ancient and medieval times.¹¹²

Conclusion

Shira Hadasha represents the dynamism of *halacha* and how the *halachic* process has progressed over time to include women at greater levels of participation. To the founders of Shira Hadasha, not only is there *halachic* justification for their *minyan*, but Jewish law must reflect the changing dynamics of the modern world. Rather than leave their communities to join *masorti* (conservative) or reform synagogues which grant full equality to women within the prayer service, the founders of Shira Hadasha engaged with the discourse of Orthodoxy to create an entirely new mode of prayer that exists within their accepted understanding of *halacha*.

Although the *minyan* represents another example of women achieving greater autonomy, on the heels of women’s prayer groups, various male figures remain a significant aspect of the *minyan*’s success. They include the rabbis who wrote responsa

¹¹⁰ Sperber, “Women and Public Torah Reading,” 10.

¹¹¹ Ibid.

¹¹² Sperber, “Women and Public Torah Reading,” 11.

in support of partnership *minyanim* and the husbands who agree that their wives deserve greater inclusion within the bounds of *halacha* and have been present since the first meeting to support such aspirations. To some critics, Shira Hadasha does not yet go far enough as the community still dictates that ten men (not ten congregants) be present in order to recite those prayers requiring a *minyan*, and because women are still not permitted to lead certain aspects of the service. Therefore, many individuals desiring full equality for women, and in opposition to the ongoing separation between men and women in Orthodox communities such as Shira Hadasha, look to communities such as Kehilat Hadar that offer a different approach to egalitarianism by defining themselves as *halachic* while rejecting an affiliation with Modern Orthodoxy.

B. Kehilat Hadar—A New Approach to *Halacha* and Egalitarianism

Founded in 2001, Kehilat Hadar (Hebrew for *Community of Glory*) is the prototypical example of an independent *minyan* that is committed to traditional prayer and equal opportunities for women, but that sees itself as transcending existing denominational labels. It has now expanded to include not only a vibrant weekly prayer space, but also an institute dedicated to the ideals of *halachic* egalitarianism.

The meeting of a few friends at a bar in New York City, reminiscing about an egalitarian college Hillel and inspired by the spirited services they encountered in Israel, led Elie Kaunfer, Ethan Tucker, and Mara Benjamin to found Kehilat Hadar (as it was later called) in April 2001. The first Shabbat services brought sixty people into Tucker's apartment and later grew over the course of a few years to weekly services with 180

people in attendance. There are many differences in the prayer services at Kehilat Hadar that distinguish it from denominational synagogues and other existing Jewish communal practices. The traditional structure of the Reform and Conservative synagogue has been removed in favor of greater inclusion and participation of all members. As opposed to a Rabbi standing at a pulpit in the front of the room facing the congregation, a community member (who has been chosen beforehand and generally rotates weekly) leads the prayer service from within the prayer space. This leader faces the same direction as the rest of the worshippers, looking towards the Ark, similar to Orthodox synagogues and *yeshivot*.¹¹³ Hadar defines itself as traditional and recites the entire prayer service generally only followed by Orthodox communities, but it differentiates itself from Orthodoxy by choosing to remove the *mechitza* between men and women in favor of one mixed-gender section. Women are also able to lead every aspect of the service, including those aspects requiring a *minyan*, a difference from the partnership *minyan* model of Shira Hadasha.

The knowledge and participation of the community during services at Hadar also distinguish it from many non-Orthodox Jewish communities. A majority of the participants are comfortable in Hebrew and well versed in the prayer book, and therefore feel comfortable harmonizing or suggesting different tunes to the prayer leader. As a self-selecting group that is generally more literate in Jewish matters than most Conservative or Reform Jews, the attendees at Hadar have already come to the determination that such practices are not only halachically permitted but desirable.

¹¹³ A *yeshiva* (pl. *yeshivot*) is a Jewish educational institution that focuses on the study of religious texts.

Many of the people who go to Hadar recognize that they are each contributing to the unique prayer experience that makes it significant. Yet, as Elie Kaunfer notes, Hadar did not set out to start a revolution. Rather,

The core reason Hadar succeeded is because it did not attempt a big picture reinvention of Jewish tradition or practice...[it] tackled a number of discrete issues with a larger vision toward excellence, inspirational davening, and rethinking some basic assumptions about how American egalitarian worship communities can be constituted.¹¹⁴

In addition to building a solid prayer community and acting as a guide for other independent *minyanim*, in 2006 Hadar expanded to form Mechon Hadar (Hadar Institute), which included Yeshivat Hadar, “the first full-time egalitarian *yeshiva* in North America,”¹¹⁵ and the *Minyan* Project, consulting and networking for the more than 70 independent *minyanim* worldwide.

Hadar encompasses a unique place in the Jewish world because its adherents are serious about *halacha*, but also serious about egalitarianism in every aspect of their lives. Through the *yeshiva*, it is training a new generation of traditional Jews who do not see these two systems in conflict with one another. Hadar also introduces *halacha* to those who were previously hesitant to consider it because of an assumption that the Jewish legal system is anti-egalitarian and anti-progressive. As Ethan Tucker explains,

[Jewish law] ought to be applicable to a vast range of possible Jewish communities - not just those conventionally referred to as “halachic” - ultimately

¹¹⁴ Elie Kaunfer, *Empowered Judaism*, 18.

¹¹⁵ “Mechon Hadar-About Us: Overview,” Mechon Hadar, last modified 2013, <http://www.mechonhadar.org/about-us1>.

including any community that wants to bring the discourse of *halacha* to bear on contemporary Jewish life.¹¹⁶

The multiple iterations of egalitarianism and *halacha* that Hadar provides, through its various programs, allow for this principle to shine forth.

Halachic Justification for Egalitarianism at Hadar

Mechon Hadar, in collaboration with The Halakhah Think Tank (an online forum founded in 2005 to brainstorm “approaches to some of the most pressing issues arising in Jewish law today”),¹¹⁷ published a 90-page article in 2009 which details the *halachic* justification for Kehilat Hadar’s prayer service.¹¹⁸ It included the acceptance of counting women in a traditional *minyan* and women acting as *shlichot tzibbur* (communal prayer leaders). Written by Rabbis Micha’el Rosenberg and Ethan Tucker, the article makes the argument that there is no basis for excluding women from equal leadership roles in the synagogue, and it provides various examples of this claim from rabbinic sources.

¹¹⁶ Ethan Tucker, “What Independent Minyanim Teach Us About the Next Generation of Jewish Communities,” *Zeek: A Jewish Journal of Thought and Culture*, Spring 2007, www.zeek.net/801tucker.

¹¹⁷ “Mission Statement,” *Halakhah Think Tank*, April 19, 2005, www.halakhah.org.

¹¹⁸ Ethan Tucker and Micha’el Rosenberg, “Egalitarianism, Tefillah and Halakhah,” (*Open Source: A Halakhah Think Tank and Mechon Hadar*, Advance Draft Copy, 2009, Accessed from www.halakhah.org).

Women as communal prayer leaders (shlichot tzibbur)

The main role of the communal prayer leader is to publically recite the repetition of the *amidah*¹¹⁹ (also known as the *shemonah esrei*; a silent prayer that is central to the Jewish prayer service and is said at each of the three daily services) for the gathered community during the morning and afternoon services. Additionally, the *shaliach tzibbur* completes *devarim she-be-kedushah* (literally translated as “holy things”; the portions of a prayer service that can only be said in the presence of a *minyan*). In the *Shulchan Aruch*, it is ruled that the communal prayer leader has an obligation to perform the repetition of the *amidah* for the community in case “there is someone who does not know how to pray” (for example, does not know Hebrew or does not have a prayer book in a language they can read).¹²⁰ Even if everyone praying in the synagogue is literate in Hebrew and the communal prayer leader’s repetition of the *amidah* appears to be unnecessary, he still must complete the repetition. Therefore, the question arises as to whether women are permitted to take on this role for the entire community. As my first chapter showed, women are indeed obligated in prayer and therefore some scholars argue that women could serve as the communal prayer leaders for their communities, as they too are obligated in the same manner as men.

Certain contemporary sources have claimed that while women are obligated in prayer, they are not obligated in the *mitzvah* of “public prayer” (or, in other words, praying in a *minyan*), and thus cannot fulfill it for others. This topic seems to be a

¹¹⁹ The *amidah* is one of the paramount prayers of the Jewish prayer service and is recited three times a day, at each daily prayer service. In the morning and afternoon services, the communal prayer leader repeats the entire prayer out loud for the community.

¹²⁰ *Shulchan Aruch, Orach Hayyim* 124:1, as translated by Tucker and Rosenberg, in “Egalitarianism, Tefillah and Halakhah,” 3.

uniquely recent phenomenon, taken on only to provide justification for women's continued exclusion from leadership roles. If one ignores the question of whether or not women count in a *minyan* (for which Hadar's explanation will be provided later in the chapter), the only question that remains is whether it is incumbent upon women, men, both genders, or neither to pray in a *minyan*.

Many scholars look to the following proof, where Rabbi Eliezer freed his slave so that he could provide the tenth person for the *minyan* for clarification on one's obligation in a *minyan*:

It happened that R. Eliezer entered the synagogue and did not find ten, so he freed his slave and rendered him the completion of the ten...How could he act thus? Did not R. Yehudah say "Anyone who frees his slave transgresses a positive commandment, as it said 'forever treat them as slaves' (Leviticus 25:46)"?! ... For a *mitzvah* it is different. [But] it is a *mitzvah* that is performed through a transgression! A communal *mitzvah* is different. And R. Yehoshua ben Levi said, "A person should always get up and go early to the synagogue in order to merit and be counted with the first ten..."¹²¹

This passage highlights the central importance of the *minyan*, as R. Eliezer transgresses a positive commandment in order to fulfill the *mitzvah* of the *minyan*. Yet, scholars remain divided as to under what category of *mitzvot* this specific "communal *mitzvah*" falls.

Tucker and Rosenberg claim that this "communal *mitzvah*"¹²² creates a different *mitzvah* that is indeed important but not incumbent on the individual. As they explain, "all individuals who count in a *minyan* are responsible to do what they can to make sure the community has a *minyan*, but there is no individual obligation"¹²³ and that "while it is

¹²¹ B.T. *Berachot* 47b, as translated by Tucker and Rosenberg, in "Egalitarianism, Tefillah and Halakhah," 20.

¹²² Tucker and Rosenberg, "Egalitarianism, Tefillah and Halakhah," 20.

¹²³ *Ibid.*

certainly praiseworthy, beneficial, and possibly even of deep importance to pray in a *minyan*, it is not a formal obligation like other *mitzvot*.”¹²⁴ The explanation given for this justification is that a single individual would be unable to fulfill this obligation on his or her own, and therefore it is not feasible to impose the obligation upon a single person. The *Gemara* also shows instances where certain commitments take precedent over prayer in a *minyan*, or when it would be “difficult”¹²⁵ to make it to the synagogue:

R Yitzhak asked R. Nahman: why didn't you come to synagogue to pray?
[Nahman] said to him: I couldn't.
[Yitzhak] said to him: then gather 10 and pray.
[Nahman] said to him: that would be difficult for me.
Then why not tell the *hazzan* [cantor] to inform you of when they are praying?
[Nahman] said to him: why should I go to such lengths?
[Yitzhak] said to him: because R. Yohanan said in the name of R. Shimon b. Yohai: what is the meaning of the verse “I am my prayer to you YHWH, at a time of goodwill (Psalms 69:14)? When is a time of goodwill? When the community is praying [...]

And Abaye said: Originally, I would study in the house and pray in the synagogue. When I heard that which R. Hiyya b. Ami said in the name of Ulla – “From the time the Temple was destroyed, the Holy, Blessed One has only the four cubits of Halakhah” – I would pray only where I studied. R. Ami and R. Asi, even though there were thirteen synagogues in Tiberias, would pray only between the columns where they studied.¹²⁶

In this passage there are two instances where the Rabbis in the Talmud do not see the necessity in praying with a *minyan*. In the first section, Rabbi Nahman speaks to Rabbi Yitzhak and states that it would be “difficult” to come to the synagogue, even though R. Yitzhak notes the importance of praying in a community, as stated by earlier sources.

¹²⁴ Ibid.

¹²⁵ Ibid, 22.

¹²⁶ Berakhot 8a, translated by Tucker and Rosenberg in “Egalitarianism, Tefillah and Halakhah,” 22-23.

This circumstance shows that R. Nahman does not see an innate obligation in going to the synagogue. In the second example, several Rabbinic sages concluded that it was more imperative for those engaged in Torah study to pray at the *Beit Midrash* (house of study) to optimize their studying time, rather than travel to the nearby synagogue.

Various commentators on the Talmud have debated the ramifications of the aforementioned opinions and weigh them differently. Maimonides for example, avoids any language mentioning a personal obligation in prayer, while stressing the “metaphysical benefits” of praying with the community.¹²⁷ 17th century Rabbi Yair Bacharach, who wrote (and was also known as) *The Havot Yair*, justifies his claim that there is no personal obligation in the *minyan*, drawing on the earlier Talmudic example of R. Eliezer freeing his slave to complete the *minyan*:

It seems to me that the intent is not that such a mitzvah [of praying in a *minyan*] is incumbent on every Israelite, rather it means to suggest that it is the sanctification of God’s name, and only among the many, and had he [R. Eliezer] not freed him, this mitzvah would have been unfulfilled by all of the people gathered together.¹²⁸

Rabbi Bacharach follows the dominant opinion that the obligation to pray in a *minyan* is communal and therefore not incumbent upon the individual. Additionally, by showing circumstances where the sages in the Talmud would choose not to pray in a *minyan*, one can see that the *mitzvah* is ideal rather than obligatory. One can surmise that if no individuals are obligated in public prayer, women can potentially serve at least one of the functions of the communal prayer leaders, that of reciting the repetition of the *amidah*.

¹²⁷ Rambam, *Laws of Prayer*, 8:1, 3, as translated by Tucker and Rosenberg, “Egalitarianism, Tefillah and Halakhah,” 23.

¹²⁸ *The Havot Yair*, as quoted in Tucker and Rosenberg, “Egalitarianism, Tefillah and Halakhah,” 24.

Since both men and women are equally obligated to pray, the only obligation women would theoretically fulfill for others is that of prayer, if perchance the congregants are not able to do it themselves. Women reciting *devarim-she-bekedusha*, on the other hand, provides additional complications.

The other function of the communal prayer leader is to recite *devarim she-be-kedusha*, (“holy things”) for the congregation, and they can only be said in the presence of a *minyan*.¹²⁹ Many wonder whether women can recite *devarim she-be-kedushah* for others, regardless of their inclusion in a *minyan*. As discussed earlier, one of the major *devarim she-be-kedushah* that has Talmudic justification for women’s participation is Torah reading. Women are seen to be able to fulfill the obligation for others, but they are advised not to do so because of the “honor of the congregation.” However, it was shown in my discussion on the partnership *minyan* Shira Hadasha that there are a few important commentators, both historic and contemporary, who have claimed, for a variety of reasons, that the issue of the “honor of the congregation” may be overruled in favor of allowing women to read from the Torah. Hadar goes further than women’s Torah reading to explore the additional *devarim she-be-kedushah* that women could lead as communal prayer leaders. These include the prayers *kaddish* (a hymn of praises in a few forms that sanctifies God’s names), *kedushah* (the third section of the *amidah*, which when recited in the repetition is longer than the silent version), and *barchu* (the call to the community to prayer). The only issue that arises with women leading each of these sections is again *kevod ha-tzibbur*, “honor of the congregation.”

¹²⁹ See also appendix for the list of *devarim she-be-kedushah*.

Rabbinic authorities disagree as to whether or not the individual is obligated in the sections of the prayer service that are *devarim she-be-kedushah* (excluding the Torah service, which is in a different category). Some scholars, such as Ramban and others, claim that there is not an individual obligation to say “amen” (as is done after the aforementioned prayers), while other authorities such as Ra’avad, Rashba, and Beit Yosef do not discuss any sort of personal obligation in these communal acts.¹³⁰ Regardless, authors Tucker and Rosenberg assert the following about women leading the community in *devarim she-be-kedushah*:

Even under the assumption that they do no count toward the *minyan*, [this question of women leading *devarim she-be-kedushah*] is nothing more and nothing less than the same question as that of their fitness to read Torah, that is, whether it brings honor or disgrace to the community.¹³¹

Once again, the question becomes: what is socially acceptable for the particular community, and what would be so drastic a step that a certain proportion of its members might be adversely alienated?

To demonstrate a community that adjusts to fit the needs of its members, Tucker and Rosenberg aptly cite 20th century American Rabbi Aharon Soloveichik and his decision to permit women to say mourner’s *kaddish*.¹³² He believed that women’s participation at the greatest extent possible (both at the time, in 1993, and as allowed by *halacha*) was the right way to combat the threat of greater assimilation among American Jewry; by permitting women to say the mourner’s *kaddish* for their loved ones, they

¹³⁰ See Tucker and Rosenberg, “Egalitarianism, Tefillah and Halakhah,” 48.

¹³¹ Ibid.

¹³² The mourner’s *kaddish* is the prayer said by mourners at each prayer service throughout the day, and must be recited in the presence of a *minyan*.

would feel greater ownership over their Judaism and role within the community. Today, it has become acceptable for women to say the *kaddish* in certain Modern Orthodox synagogues, although it is still far from normative in every community. It is not out of the realm of possibility for a man to leave the synagogue upon hearing a woman recite the mourner's *kaddish*, even if his exit impedes the existence of a *minyan* and thus the woman's ability to say the mourner's *kaddish*. On the other hand, in those communities that are committed to including women to even greater levels, and thus believe they should have as much participation as their male counterparts, the 'honor of the community' includes the 50% of the community (sometimes more, as is seen by the number of women who participate in independent *minyanim*) who would otherwise feel alienated and excluded.

While partnership *minyanim* view the "honor" of the community as being adjusted to allow women to read from Torah and lead the sections that do not require a *minyan*, most of them are still trying to exist within the Orthodox framework and achieve at least some acceptance from the Modern Orthodox world; too large a step would result in the loss of their standing as Orthodox. On the other hand, *halachic* egalitarian *minyanim*, Kehilat Hadar included, see themselves outside of the major denominations, or "post-denominational" as some have said, and therefore are not constrained to the same extent. As a result, they have decided to take the next logical step in women's participation, namely allowing women to lead all *devarim she-be-kedushah* and citing the relevant sources. They recognize that they will still be able to attract numerous attendees at their services who share their view of the *halacha*. In their case, the "honor of the community" is defined according to the dominant values of American society in which

the equality of women is a given, and men and women share equal roles in the prayer service.

Women and Minyan

One other key area that separates Hadar from its partnership *minyanim* counterparts is the question of who counts in the *minyan*. Earlier in this section, I discussed the lack of an individual obligation in public prayer, according to the leaders of Hadar (citing various Halachic sources), and therefore it cannot be used as a logical justification for not counting women in the *minyan*. This reasoning further shows the interpretive flexibility of the halachic system and how multiple different sources (both Talmudic and post-Talmudic) can justify various views along the *halachic* spectrum. On the specific topic of *minyan*, in addition to the idea of communal obligation, many rabbinic scholars have written specifically about women counting in a *minyan*, what exactly constitutes this prayer quorum, and the multiple reasons women remain excluded. A critical examination of these specific sources, as well as a new approach to what constitutes “citizenship” in the modern synagogue, would allow one to see the possibility for including women within a *minyan*, as Hadar and others have done.

Rabbeinu Tam, grandson of Rashi and one of the major authors of the *Tosafot* (12th century commentary on the Talmud), wrote that an infant in his cradle may be counted among the ten in a *minyan* in order to grant the honor to God given by a *minyan*. He draws the line on more than one infant, as it is “insufficient honor for heaven:”

And I add even an infant in his cradle, for God’s presence dwells among all groups of ten, for when they learn that matters of sanctity are done in a quorum of ten from the verse “I will be sanctified”, no distinction is made between minors and adults. But there must be nine adults, because more than one [minor] may not

be counted, as it is taught with respect to a slave, for [with more than one minor] *there is insufficient honor for heaven. . .*¹³³

While Rabbeinu Tam claims that one minor may help complete the *minyan*, Rabbi Mordechai ben Hillel, a leading *Ashkenazi* Rabbi in the 13th century and one of the sources for the *Shulchan Aruch*, wrote about another author of the *Tosafot* named Rabbeinu Simhah, who ruled that a woman may be counted in a *minyan*:

I found in the name of R. Simhah: A slave or a woman can join towards the 10 required for prayer and for mentioning the Name [of God] in *zimmun*.¹³⁴

While this quote provides justification for women’s inclusion within the *minyan*, it continues to state that, as Rabbeinu Tam said with regards to minors, only one woman could count towards the *minyan*, since there would be *insufficient honor for heaven*, likely coming from the original definition of a *minyan*—“And I shall be sanctified among the children of Israel” (Leviticus 22:32)—which would be tainted if too many women or children were counted among those in a *minyan*. The authors of these responsa draw parallels between the notion of the “honor of the community” (*kevod ha-tzibbur*), and the “dignity of heaven,” as Rabbeinu Tam (and others after him) coined the term for including more than one minor, slave, and woman in the *minyan*. The question then becomes, in the opinions of Tucker and Rosenberg, what exactly constitutes a violation of the “dignity of heaven.”

Several Rabbinic scholars writing after the publication of the *Shulchan Aruch* (post 16th century), have weighed in on the idea of women potentially forming a

¹³³ Tosafot R. Yehudah Sirleon on *Berakhot* 47b, translated by Tucker and Rosenberg, “Egalitarianism, Tefillah and Halakhah,” 60.

¹³⁴ Mordekhai *Berakhot* #173, translated by Tucker and Rosenberg, “Egalitarianism, Tefillah and Halakhah,” 61. *Zimmun*, as discussed in chapter 1, is the grace said after meals, and if ten are present an extra word with God’s name is added.

minyan,¹³⁵ but decided against it due to societal pressures, and the social roles of women during the time in which they were writing. Rabbi Yaakov Emden for example, states that women would count for the *minyan*, if it were not for the “honor of the community”:

A slave and a woman can count towards the 10 required for the Amidah and *Birkat haMazon*. R. Simhah’s position clearly has solid Kabbalistic, as well as halachic, grounding, because a woman clearly counts towards the quorum of 10 and towards the quorum of seven. Therefore, Hazal [the ancient rabbinic sages] explicitly said that a woman counts toward the seven who read from the Torah. But they nonetheless said that she may not read in public because of the honor of the community, and that is also the problem with counting women towards the quorum of 10. It is clearly the law that the only obstacle towards counting her is the issue of honor...¹³⁶

By combining the issue of Torah reading with being counted for the *minyan*, these rabbis have effectively paved the way for women eventually to be counted, as long as communities recognize what constitutes “honor” to them individually and are comfortable with including women in that group, similar to the earlier discussion of women leading *devarim she-be-kedushah*. Rabbi Natan Nata Landau states that women are not counted in the *minyan*, “because it is not the way of the world.”¹³⁷ Rabbi Landau was a Rabbi in 19th Eastern Europe, and therefore one can recognize how the “ways of the world” are drastically different in the two hundred years that have passed since he wrote his responsum.

The prohibition against minors partaking in *minyanim* has remained universally accepted today; as Tucker and Rosenberg write, “for a significant communal act such as

¹³⁵ Tucker and Rosenberg, “Egalitarianism, Tefillah and Halakhah,” 66-71.

¹³⁶ R. Yaakov Emden, *Mor Uketziah, Orach Hayyim* 55, translated by Tucker and Rosenberg, “Egalitarianism, Tefillah and Halakhah,” 68. Underlining and brackets mine.

¹³⁷ R. Natan Nata Landau, *Ura Shaha, Kedushah* (100:6), translated by Tucker and Rosenberg, “Egalitarianism, Tefillah and Halakhah,” 69.

public prayer, the community should bring out its finest, its full citizens, not its peripheral members.”¹³⁸ It is therefore understandable why minors would not constitute “full” citizens, but the status of women remains unclear. In those communities where women are not seen as the “finest and full citizens” in every way, it makes sense that they would also be excluded from participation in public prayer. However, in the modern but *halachically*-observant communities that Hadar strives to exemplify (and that it potentially believes would be possible in even liberal Orthodox circles), there seems to be no reason why women are naturally accepted as equal participants in secular society yet they remain unequal within the synagogue.

While God may tolerate and even, in certain cultural settings, endorse social arrangements that discriminate based on gender, once we see those arrangements as contextual and contingent, we cannot avoid the corollary idea that such distinctions are not, in and of themselves, divinely ordained.”¹³⁹

Conclusion

Kehilat Hadar was one of the first independent *minyanim* to re-envision prayer and community and the modern roles of women within traditional Judaism. While it did not arise from within Orthodox Judaism, as did its partnership *minyan* counterparts, it has challenged many of the preexisting ideals of *halacha* and the individuals who choose to observe it. More people are realizing that it is not oxymoronic to be a committed to traditional Judaism while remaining egalitarian, thus ensuring equal roles for men and

¹³⁸ Tucker and Rosenberg, “Egalitarianism, Tefillah and Halakhah,” 74.

¹³⁹ Ibid.

women within all realms of spiritual space. The leadership from Hadar notes the following:

The notion that gender might play a different role in different Jewish communities is effectively a claim that gender plays a much larger role in the human economy than in the divine one.¹⁴⁰

This statement sets up the entire justification for the community and its practices. The founders of Kehilat Hadar have recognized both the vibrancy and power that come with *halachic* debate and the change that can take place within Jewish tradition over many years, but also see how the *halachic* system has inexplicably remained stagnant on many issues in the most recent generations. Therefore, they see their adjustments to the status quo as being with the grain of the *halachic* process, rather than against it; they follow the needs of more and more Jewish people, and work to draw in more people who have become otherwise uninterested.

Both the prayer space known as Kehilat Hadar and the institute Mechon Hadar work tirelessly to promote equality that spans across all aspects of one's life and practices. It is the hope of these Jewish leaders, as well as many others who are forming *halachic* and egalitarian communities, that one day women will be seen as full and equal contributing members of Jewish society, in the wake of their advances in the secular world.

¹⁴⁰ Ibid.

Conclusion

The debate over women's equality within Orthodox Judaism remains far from over. As the previous chapters argue, there are innovative communities around the world that have attempted to re-imagine traditional Judaism and the roles women have historically held within its synagogue service. These communities also show that the *halachic* system, which those unfamiliar with it may find obsolete or too conservative to adapt to the desires of women for greater participation and leadership in communal prayer, has the innate flexibility to provide many possible avenues for greater participation. Through the various responsa supporting independent *minyanim*, one sees that even the most negative views concerning women found in *halacha*, while potentially problematic when read literally, are in fact more limited in their actual *halachic* ramifications than many people realize. These limitations can be noticed especially when separating specific passages from their larger context. As such, one can see that *halacha* can be used to further limit, exclude, and discriminate against women, or it can provide justification for greater inclusion in many aspects of Jewish communal life. As the Jewish legal system that traces itself back to the Torah, *halacha* has numerous opinions and commentaries that often offer contrasting views on an individual situation and thus provide the basis for great dialogue, debate, and interpretive flexibility. By turning to *halacha* to help guide the discussion around women's participation in the synagogue service, these communities attempt to remain within a traditional framework.

Independent *minyanim* represent an important paradigm for understanding the dynamism of the Jewish tradition and how a number of individuals have created prayer communities that reflect their belief systems and desire for greater women's autonomy.

They are this generation's most prominent example of engaging with the *halachic* debate to address pressing issues of concern to the community, an engagement that has existed since the advent of Rabbinic Judaism. Independent *minyanim* are constantly pushing the envelope on what exactly being "Orthodox" entails, and forcing the leadership of the Modern Orthodox community to confront a contemporary community that is distinctly different than that of former generations.

Despite the many strides of the *minyanim* and communities discussed above, they are still by no means the norm in Modern Orthodoxy. Recently, students at a Modern Orthodox high school in Riverdale, New York attempted to create a partnership *minyan* as an option for their daily prayer service.¹⁴¹ Many of these students, who live in one of the more liberal Orthodox Jewish communities in the United States, grew up seeing their sisters and mothers participate in women's prayer groups and partnership *minyanim* and the female students potentially even read Torah at their own *Bat Mitzvah* ceremonies. Thus, these students saw no logical prohibition in the formation of a partnership *minyan* at their school. However, even though some of the faculty at this school remain active in the first partnership *minyan* in the U.S., Darchei Noam, other faculty members threatened to leave the school over the issue. Eventually, the proposal was dropped and there is currently no partnership *minyan* at this school. It remains to be seen what impact this decision will have on the future of the school, and what amount of 'mainstream' acceptance partnership *minyanim* must receive in order to be permissible in an Orthodox school or community.

¹⁴¹ Rafi Bocarsly (Senior at SAR high school) in discussion with the author, January 2013.

The next issue that may logically arise after addressing the questions of this thesis (can women be counted in a *minyan*, can they read Torah only for other women or for the entire community, can they lead only parts of the service or all of it?) is likely to involve the permissibility of women as rabbis in traditional communities. It was in the same Jewish community as the aforementioned school that Rabbi Avi Weiss, a prominent Orthodox Rabbi who coined the term ‘open Orthodoxy’¹⁴² and has a history of activism and pushing the bounds of traditional Judaism,¹⁴³ conferred Rabbinic ordination to a woman in March 2009 and placed her on the Rabbinic staff at his synagogue, the Hebrew Institute of Riverdale. While everyone who knew Sara Hurwitz recognized that she had more than completed the course of study required of her male counterparts to become a Rabbi, there were many discussions over her title, and the potential impact it would have on the Orthodox world. Weiss first gave her the title *maharat*, an acronym for *manhiga* (leader) *hilkhatit* (halachic) *rukhanit* (spiritual) *toranit* (Torah), or “one who is teacher of Jewish law and spirituality,”¹⁴⁴ but then in January 2010, changed her title to Rabba, the feminized version of Rabbi, stating:

After consultation with Rabbi Daniel Sperber [Author of one of the justifications for women’s Torah reading discussed in chapter 3] ... we have decided that Sara Hurwitz’s title will now be Rabba. This will make it clear to everyone that Sara

¹⁴² Open Orthodoxy is a branch of Modern Orthodoxy considered more liberal than Modern Orthodoxy, “with its emphasis on halacha as well as a broad concern for all Jews, intellectual openness, a spiritual dimension and a more expansive role for women.” Gary Rosenblatt, “Between a Rav and a Hard Place,” *The Jewish Week*, June 26, 2009, http://www.thejewishweek.com/editorial_opinion/gary_rosenblatt/between_rav_and_hard_place.

¹⁴³ Weiss is also the author of *Women at Prayer: A Halakhic Analysis of Women’s Prayer Groups*, referenced in earlier chapters of this work.

¹⁴⁴ “Welcome.” *Yeshivat Maharat*, Last modified 2012, <http://yeshivatmaharat.org>.

Hurwitz is a full member of our rabbinic staff, a rabbi with the additional quality of a distinct woman's voice.¹⁴⁵

His decision caused a significant amount of disruption within the American Orthodox world, and the ultra-Orthodox (Haredi) organization Agudath Israel of America wrote the following:

These developments [of Avi Weiss ordaining a woman] represent a radical and dangerous departure from Jewish tradition and the *mesoras haTorah* [tradition of Torah], and must be condemned in the strongest terms. Any congregation with a woman in a Rabbinical position of any sort cannot be considered Orthodox.¹⁴⁶

Although living within a world very different from that of the members of Agudath Israel, Weiss nonetheless is an *Orthodox* Rabbi, ordained by Yeshiva University. As a result, even though he has taken many steps to separate himself from what he considers the more conservative elements of the ultra-Orthodox world and also from more centrist communities within his universe of Modern Orthodoxy, he and his decisions are still accountable to the greater Orthodox world.

Perhaps more surprising than the comments by Agudath Israel, which viewed Avi Weiss' decisions as pushing beyond Orthodoxy, were the remarks made by members of the Rabbinical Council of America (RCA), of which Weiss is a member and which acts as the Rabbinic body representing centrist Modern Orthodoxy. Steven Pruzansky, a former vice president of the RCA, wrote in his personal blog, that "the idea of 'female clergy' not only mimics Reform [Judaism], but in fact is a throwback to pagan ideologies

¹⁴⁵ Ben Harris, "Maharat becomes Rabbah," *Jewish Telegraphic Agency*, January 27, 2010, <http://blogs.jta.org/telegraph/article/2010/01/27/1010356/maharat-becomes-rabbah>. Brackets mine.

¹⁴⁶ "Recent Statements by Agudath Israel and the Rabbinical Council of America Regarding Women Rabbis," *Hakirah: The Flatbush Journal of Jewish Law and Thought* 11 (2011): 15-17. Brackets mine.

and a perennial challenge to religious establishments.”¹⁴⁷ The overarching theme of his article, aptly titled “Where does it say it?” involves Modern Orthodoxy’s obsession with the letter of the law (rather than the spirit of it) and whether women are explicitly prohibited from acting as Rabbinic authorities from the law.

What emerges is the rank hypocrisy of people who will embrace as permissible whatever is not explicitly prohibited in the books (or explicitly prohibited to their satisfaction) ... *That* approach of the leftist [Modern Orthodox] fringe makes up in legal creativity what it lacks in integrity, and is unworthy of and unbecoming a serious Jew.¹⁴⁸

In Pruzansky’s opinion, even though the law may not prohibit women from becoming clergy members, it is still a “deliberate departure from Jewish tradition.”¹⁴⁹

Pruzansky’s opinions about the ‘meta-*halachic*’¹⁵⁰ reasoning for excluding women from leadership positions were echoed by other prominent Rabbis¹⁵¹ and focused on the impact such monumental changes would have on Orthodox communities. As a result of the uproar within the Orthodox world, Avi Weiss wrote a letter to the RCA in which he stated he would not give the title Rabba to any other woman, although he has

¹⁴⁷ Steven Pruzansky, “Where does it say it?” *Rabbi Pruzansky’s Blog*, February 15, 2010, <http://rabbipruzansky.com/2010/02/15/where-does-it-say-it/>.

¹⁴⁸ Ibid

¹⁴⁹ Ibid.

¹⁵⁰ *Meta-halachic* arguments, as the title suggests, argue that certain practices within Judaism, although not explicitly permitted or prohibited in the letter of the law, are still part and parcel of the law due to tradition, and the history of the *halachic* process. Custom over time can acquire the force of law in Judaism, and thus arguments supporting them are often seen as *meta-halachic*.

¹⁵¹ Ben Harris, “Amid furor, Weiss backs away from ‘Rabba’ title for women”, *Jewish Telegraphic Agency*, March 9 2010, <http://www.jta.org/news/article/2010/03/09/1011006/weiss-backs-away-from-rabba-title-for-women>.

founded a *yeshiva* (Yeshivat Maharat) that trains women according to the same curriculum that earned Hurwitz her rabbinic ordination.

The recent uproar over attempts to introduce a partnership *minyan* in an Orthodox high school and the ordination of a woman as an Orthodox Rabba suggest that the battle for full women's equality within the Modern Orthodox world is far from over, and may never be possible even when there no explicit halachic opposition to it. At the same time, as a movement that is by no means monolithic—rather, of late it seems to be comprised of many different movements contained within the larger 'Modern Orthodox' authority—traditional Jews are confronting the reality that 'modern' and 'Orthodox' may very well be a challenge that each individual community needs to negotiate on its own.

As many independent *minyanim* retain at their core a 'post-denominational' outlook on Judaism and its practices, one may wonder how the struggles of Modern Orthodoxy relate to the attendees of communities such as Kehilat Hadar, where movement affiliation is of little importance. Yet, just as women strive for greater leadership roles in the Orthodox world, either through the avenues of partnership *minyanim* or through rabbinic ordination, those living in the *halachic*-egalitarian world will also strive to hold titles similar to their male Rabbi counterparts. The simple answer for many of these women is to suggest they attend the Jewish Theological Seminary, Conservative Judaism's flagship institution, and one that began ordaining women in 1985. However, one student at Yeshivat Hadar noted that she would feel a certain level of discomfort towards receiving ordination from a movement whose members do not all maintain the same level of commitment to *halacha* and whose Seminary imposes specific

guidelines on the women receiving ordination.¹⁵² She writes:

It has been my experience [...that] JTS and Hebrew College, for example, tend to interact primarily with communities that are not always relying on Halacha as the guiding force behind their Jewish lives and experiences. While this approach provides room and space for many expressions of Jewish life and practice, it can prove difficult for those seeking to be involved in community primarily guided by a halakhic discourse, framework and language.¹⁵³

At the same time, she does not fit the traditional style of an Orthodox woman in dress or movement affiliation, and thus would also feel out of place at an institution such as Avi Weiss's newly formed Yeshivat Maharat.

“[A]s a queer woman who is seeking to live with Halacha as the guiding force and framework in my life, ‘Orthodox’ solutions do not create room for women who prefer egalitarian davening spaces, and who feel that they are obligated in ritual mitzvot such as tefillin and tzitzit. Similarly, they have not yet begun to publicly address the issue of queer women who are seeking access to their Torah and learning.”¹⁵⁴

Her conflict is not unique, as many students at Yeshivat Hadar report similar feelings about ‘straddling’ the movements. When asked if Hadar would ever create an ordination program, a Talmud teacher at the Yeshiva remarked that the real issue with ordaining Rabbis would be about how many people could be reached, and how many Jewish communities could be impacted, rather than a concern with the idea of ordaining Rabbis and how the Jewish world would react to it. He returned to the mission of the Yeshiva, “to empower students to build and contribute to vibrant Jewish communities,”

¹⁵² At JTS, women are not understood as innately obligated in certain *mitzvot* (such as tefillin, etc) but if they choose to self-obligate, they are henceforth obligated in the same manner as men. This creates a dichotomy where individuals must ask each woman “are you obligated” in order to form a *minyan*, for example, and in which women who do choose to self-obligate are held to more stringent standards.

¹⁵³ Anonymous (Student at Yeshivat Hadar, 22) in discussion with the author, March 2013.

¹⁵⁴ Ibid.

stating that Hadar's main role is to provide the tools for Jewish leaders to influence change within existing community. Additionally, Hadar is not set up to deal with the 'pastoral care' component taught at Rabbinical school, and thus even if it could potentially provide the *halachic* component of a rabbinic education the students would have to go to a different Rabbinic school to receive instruction in those elements. For those women (and men) who look to Hadar as their main Jewish outlet, unfortunately, this decision forces them to remain in limbo, and to choose a different denomination should they wish to receive rabbinic ordination. The founders of Kehilat Hadar, and the numerous other independent *minyanim*, surely had no idea the influence their prayer spaces would have on every avenue of Judaism and the new challenges they would be confronting ten years later.

Through examination of the recent challenges facing the Orthodox and *halachic*-egalitarian world, one can easily see the impact independent *minyanim*, and the institutions they helped found, have had on the Jewish world. Independent *minyanim* have changed the way people view grassroots communities and the role they can have in redefining the Jewish tradition. By engaging with the *halacha*, these communities represent a modern approach to Judaism that has not previously been attempted from within the traditional community. Their existence will continue to affect how established Jewish communities address the growing desire among Orthodox Jews for a more egalitarian Judaism that still engages deeply with *halacha*.

The risk in ignoring the dynamism of independent *minyanim* or the desire of traditional women for a more prominent and respected role in the congregation is that groups will continue to break free from established Orthodox synagogues to create the

kind of communities and leaders they see as appropriate to responding to their spiritual needs. However, if Modern Orthodoxy (or at least some of the more liberal wings of it) recognizes the need to engage with these powerful egalitarian trends, the hope is that more people will be drawn to the unique and compelling experience of Jewish tradition that it offers.

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Appendix

Aliyah- Literally ‘ascent’, it is the act of calling up a member of the Jewish community to recite a blessing over the reading of the Torah. The individual will say a blessing before the reading, and another blessing at its conclusion. Generally the person receiving the honor of the aliyah will stand next to the Torah reader (if he is not also doing the reading) during the entirety of the aliyah. On Shabbat mornings, the Torah portion is separated into seven aliyot, and a person is called up to read each aliyah. Generally, the first aliyah is read by a *Kohen*, the second by a *Levite*, and the third by an *Israelite* (any Jew who is not a Levite or a Kohen). On Monday and Thursday mornings, and Sabbath afternoons, the upcoming week’s portion is read and divided into three aliyot. The Torah blessings practices have changed over time, as previous generations (stemming back to the medieval period) only made a blessing before the first *aliyah* and after the last one.

Amoraim- Jewish legal sages who came directly after the Tannaim, and whose views were codified in the Gemara, or Talmud. They lived between 200-500 CE in both Babylonia and Israel (their residence determined in which Talmud their opinions were redacted, the Babylonian Talmud or Jerusalem Talmud).

Amidah- See *Shemonah Esrei*.

Ashkenazi Jewry- An ethno-religious group that settled in France and Germany in the 10th and 11th centuries but later spread to Eastern Europe, including the eastern edges of the Austro-Hungarian Empire (Galicia) and the Polish-Lithuanian Commonwealth (later the Western regions of the Tsarist Empire that today includes Poland, the Baltics, Belarus, Ukraine, parts of Russia, and Hungary). With the holocaust and the emigration

of much of European Jewry, the United States today has the largest population of Ashkenazi Jews.

Baraita- A segment of Jewish oral law written at the time of the *Mishnah* (ca. 200 CE) but not incorporated into it. Sometimes it is called an ‘extra-*mishnaic*’ text. The authority of a *baraita* is less than that of a *mishnah*.

Barchu- The blessing that opens the prayer service with a call to prayer.

Bat/Bar Mitzvah- The *Bat Mitzvah*, for girls aged 12, and *Bar Mitzvah*, for boys aged 13, is the coming of age ceremony within Judaism. Although the rituals vary across the Jewish denominations, within Orthodoxy, the ceremonies for boys and girls have historically been very different, with the boy reading Torah and leading services for the first time in front of the entire community, and the girl potentially preparing a speech or having her brothers and father reading Torah in her honor. Certain Orthodox communities attempted to provide other avenues for girls to read Torah at their *Bat Mitzvah* ceremonies, including in women-only prayer groups and more recently, at a partnership *minyan*.

Bimah- The pulpit from which the prayer service is led; in independent minyanim it is often placed in creative locations.

Devarim she-be-kedushah- There are specific events mentioned in the *mishnah* that require a minyan, called *devarim she-be-kedushah*. They include: the introduction to the *shema*, the repetition of the *amidah*, the recitation of the priestly blessing by the priests, the [public] reading of the Torah, and the reading of the *haftarah*. Additionally, the seven blessings for the celebration of a marriage (*sheva brachot*) require a minyan, and the mention of God’s name in the invitation to the Grace after meals (*zimmun*). There are

also a few funeral practices no longer in use that are forbidden without a *minyan* (the standings and sittings, the blessings and condolences for mourners).

Gemara- See Talmud.

Haftarah- The weekly reading from the books of Prophets that corresponds to the Torah portion.

Halacha (pl. Halachot)- The legal code for Jews, including the 613 biblical commandments (mitzvot); later Rabbinic laws, and customs and traditions that have been codified over time into law. Although not an actual word in Hebrew, *halachic* is also utilized in English-language discussion of *halacha* as an the adjective version of the word; for example, ‘*halachic* framework’ or ‘*halachic* justification’.

Hasidism- Also known as Hasidic Judaism, founded in the 18th century by the Baal Shem Tov in an attempt to provide a more spiritual alternative to traditional Judaism’s focus on textual study. One of the other major differences from other groups is that proponents of Hasidism are extremely devoted to a *rebbe*, the spiritual leader of their community. Today, it is a branch of ultra-Orthodox Judaism.

Kabbalat Shabbat- The ‘optional’ service said to welcome in Shabbat, said before the evening service on Friday nights; it is generally comprised of psalms 95-99 and 29 followed by *Lecha Dodi* (written in the 16th century and based on words of the Talmudic sage Hanina) and Psalms 92 and 93.

Kaddish- a hymn of praise that sanctifies God’s names, it must be said in the presence of a *minyan*. There are a few forms of the kaddish, including the Mourner’s Kaddish, the Half Kaddish, the Full Kaddish, the Rabbi’s Kaddish, the Kaddish after a burial, and the Kaddish after the completion of a tractate (of talmud learning).

Kavanah- The mindset with which one should properly approach *mitzvot*. Sometimes referred to as intentionality.

Kedushah- The responsive section of the *shemonah esrei* that is led by the communal prayer leader during the repetition of the prayer.

Kohen (pl. Kohanim)- Hebrew for ‘priest’. During the time of the Temple in Jerusalem, the Kohanim performed the sacrificial offerings. They are considered to have direct patrilineal descent from Moses’ brother Aaron, and since the advent of Rabbinic Judaism have had specific roles within the synagogue that continue to this day, including the first aliyah in a Torah service and the priestly blessing bestowed upon the congregation. They are also bound by certain restrictions regarding their interactions with the dead (generally not allowed to attend funerals or enter cemeteries, unless there is a death of a close relative), and whom they are allowed to marry (they are not allowed to marry a divorced woman or a convert).

Kol Isha- Literally translated as “a woman’s voice”, it has been historically used to forbid women from singing in public because it is seen as ‘ervah’ or nakedness (BT Berachet 24a). Here are two of many examples of Rabbis who wrote that in prayer or other religious acts, it is okay for women to sing in public (from Rahel Berkovits, “Women and *Mitzvot*,” 112): “They said a woman’s singing voice is licentiousness; nevertheless, in a place where there is a fear of God, one doesn’t have to be sensitive to it.” (Responsa *Yehava Da’at* 15, Rabbi Ovadia Yosef, former chief *Sephardi* Rabbi of Israel).

“[Everything] that is not love songs and he does not intend to enjoy ... when she sings song and praise to God may he be blessed for a miracle or when she hums to put to sleep

a child or they wail for a deceased or anything which he does not intend to enjoy her voice [is permitted].” Stei Hemed “Kaf” 42 Women’s Voice, Rabbi Haim Hezkiyahu Medini, 19th century.

Levite- Members of the Hebrew tribe of Levi; also had specific roles in the Temple although only certain *Levites* became priests (*Kohanim*). Thus all *Kohanim* today are *Levites* but not vice versa. *Levites* are given the second aliyah in the Torah service today.

Ma’ariv- The evening prayer service, originally optional in the Talmud, although now required for all men. Authorities dispute as to whether women are obligated in it, and if so, some believe there is potential justification for them leading it.

Maharat- An acronym for *manhiga* (leader) *hilkhatit* (halachic) *rukhanit* (spiritual) *toranit* (Torah), or “one who is teacher of Jewish law and spirituality,” given to Orthodox women by Avi Weiss as “replacement” for the controversial Rabba term.

Mechitza- Barrier between men and women in Orthodox synagogues, it can take many forms. Sometimes it is a women’s section physically above the men’s, sometimes it separates the women’s section in the back of the synagogue behind the men’s section, and in the more “progressive” synagogues, it runs directly down the middle of the congregation, offering more opportunities for women to feel included in the service. The *mechitza* can be a removable or permanent structure, constructed of curtains, screens, walls, and many other materials.

Minchah- Afternoon daily service, one of three daily services.

Minyan- A *minyan* (pl. *minyanim*), in its general translation, is the traditional prayer quorum of ten adults required for prayer (whether or not that includes women is one of the subjects of this thesis). The specific events (within a synagogue and also outside it)

that require a minyan are called *devarim she-be-kedushah*; see that appendix entry for descriptions of those events. In reference to specific communities, a *minyan* can also refer to prayer groups that meet on a regular basis, or that follow specific ideals set by a group of worshipers.

Mishnah- The first major work of Jewish oral law, compiled around 220 CE by Yehuda HaNasi. The *Gemara* later comments on the *Mishnah* in what would become the Talmud (both the Jerusalem and Babylonian versions). A quote from the *Mishnah* is also called ‘a *mishnah*.’

Mitzvah (pl. mitzvot)- Generally refers to the 613 biblical commandments given to the Jews by God in the Torah. With the addition of seven rabbinic commandments, the total comes to 620 mitzvot. Observant Jews believe in an obligation to fulfill them, although there is disagreement over which *mitzvot* women are obligated to observe. The *mitzvot* are one component of *halacha*, as they provide the basis for all rabbinic law and traditions.

Mourner’s Kaddish- One of the six forms of the *kaddish*, said by mourners at each prayer service throughout the day, and must be recited in the presence of a *minyan*. Following the death of a parent, the child says the mourner’s *kaddish* every day for 11 months; for all other family members it is said for 30 days after their death; it is also said on the anniversary of their death. While the prayer often invokes intense emotion within the Jewish community for the meaning it holds, it is not literally a “mourner’s prayer”, but rather a prayer that continually praises God’s greatness.

Nahat Ruah- Hebrew for ‘peace of spirit’, discussed in reference to allowing women to take on greater obligations, as the Talmud notes times in the Temples when the Rabbis allowed the women to lay their hands on the sacrifice because it gave them ‘nahat ruah.’

Positive time-bound mitzvot- Time-bound *mitzvot*, either negative or positive, are those that must be fulfilled during a certain window of time, rather than followed in a general sense (including, for example, praying at certain times and hearing the *shofar*). A better translation of the Hebrew would be ‘time-caused’, as there is a difference between those which must be completed within a specific amount of time (time-bound), and those that are caused by the normal progression of time, i.e. the laws of Shabbat—working for six days and resting on the seventh.

Poskim (sing. Posek)- the legal deciders/scholars who make decisions in Judaism when the halacha is unclear. Generally the opinion of a posek ends the debate and his legal brief becomes law, although poskim often disagree with one another and certain communities will follow the opinion of one over the other.

Rabbinic Judaism- Judaism that arose after the destruction of the second Temple; once temple Judaism (sacrifices) was no longer feasible.

Responsum (pl. responsa)- Generally, the Rabbinic (or community leader) response to a question posed by a member.

Rishon (pl. Rishonim)- Leading rabbis and sages who lived between the 11th and 15th centuries, before the publication of the *Shulchan Aruch*, and commented on the Talmud. Exemplified the diaspora of Jews, living in Spain, North Africa, Germany, France, and other places.

Rosh Chodesh- Literally, the head of the month, it is the celebration of the new month and is generally considered a women's celebration.

Sefardic Jewry- Jewish ethno-religious group that settled in Southern Europe and the Middle East.

Shaharit- Morning Prayer service.

Shemonah Esrei- Also known as the *amidah* (literally standing) or simply as *ha-tefillah* (the Prayer), it is called *shemonah esrei* for the 18 benedictions offered during the prayer, although there are actually 19. The central series of prayers in Jewish liturgy.

Shofar- A horn, usually from a ram, used specifically on the holidays of Rosh Hashanah and Yom Kippur. In biblical times, it was used to announce the holiday and in battle, then later used in musical processions, and finally employed in the Temple. After the destruction of the Second Temple, the shofar was used much less, but it became a mitzvah to hear the shofar service on Rosh Hashanah, although women and minors are considered exempt (but still encouraged to attend).

Shulchan Aruch- See entry in commentaries, below.

Talmud- comprised of the oral law as it has been codified since the beginning of Rabbinic Judaism after the destruction of the second temple in Jerusalem (ca. 2nd -7th century CE). The Talmud contains two components: the *Mishnah* (published ca. 200 CE) and the *Gemara* (published ca. 300-700 CE). Talmud and *Gemara* are often used interchangeably. There are two independent works of Talmud that were created due to the spread of Jewry at the time of writing. The Jerusalem Talmud (*Talmud Yerushalmi*) was written by scholars based in the Land of Israel, while the the Babylonian Talmud (*Talmud Bavli*) is the product of rabbinic scholars based in the great academies of the

Babylonian Jewish community. The Babylonian Talmud is more extensive and more authoritative. When Jewish works mention the Talmud without any additional clarifying information, it is understood to refer to the Babylonian Talmud.

Tanna- (pl. tannaim)- Rabbinic sages whose views are recorded in the *Mishnah* (lived between 10-220 CE). They came directly before the Amoraim, and lived in Israel, either in Jerusalem or Yavneh (near modern-day Tel Aviv).

Tefillin- Also called phylacteries in English, small black leather boxes containing verses from the Torah (Exodus 13: 1-16, Deuteronomy 6: 4-9 [the *shema*], Deuteronomy 11:13-21), that are put on each weekday during the morning service. They are to serve as a reminder and “sign” of how God brought the Jews out of Egypt. Men are explicitly obligated, while women’s obligation is not. However, scholars disagree over whether or not they can take on the obligation for themselves.

Tiflut- Literally translated as obscenity; used as a source for prohibition of women learning Torah, as it is written in *Mishnah sotah* 3:4 “if any many teaches his daughter Torah, it is as if he taught her *tiflut*.” See discussion of Torah study in Chapter 1.

Torah- May refer to the Pentateuch, to the *Tanakh* in general (which contains the Torah, or five books of Moses, the *nevi'im* or Prophets, and the *Ketuvim* or Writings, or even to the entire corpus of religious texts. Jews believe that Revelation produced two Torahs, one in written form and the other passed down orally. See *aliyah* for explanation of Torah reading procedures.

Tosefta- literally ‘additions’, they are supplements to the *Mishnah* that were not part of the original text.

Tzedakah- Literally meaning justice (*tzedek*), it is used to imply acts of charity, for which all Jews have an obligation to take part in.

Yeshiva- Jewish educational institution that focuses on the study of religious texts, historically restricted to males only; in recent years, co-ed or egalitarian Yeshivot (pl.) have emerged such as Yeshivat Hadar.

Zimmun- The obligation by three adults to say the grace after meals. If there are ten adults, then an additional portion is said which mentions the name of God. Scholars disagree about women's obligation in *zimmun* (even though the Talmud clearly states it in *Berachot* 45b), and whether a *zimmun* comprised of both men and women could fulfill the *mitzvah*.

Commentators

Abaye- Rabbi of the Babylonian Talmud who lived in the third and fourth centuries and died around 339.

Aruch HaShulchan (by Yechiel Epstein)- A restatement of the *shulchan aruch* chapter by chapter, in a clearer, more organized way than the original. Published between 1884 and 1893.

Avraham (Avi) Weiss- Author of *Women at Prayer* (1990) and first Orthodox Rabbi to ordain a woman, in 2009.

Avudraham- 14th century Rishon from Spain.

Beit Yosef- Book by Joseph Caro, author of *Shulchan Aruch*.

Havot Yair (by Yair Bacharach)- 17th century German Rabbi and major *posek*

Hyrkanus- Also known as Eliezer ben Hyrcanus, a kohen and a prominent Tanna in the first and second centuries in Israel.

Kaunfer, Elie- One of the Rabbis who founded Hadar; author of *Empowered Judaism*.

Magen Avraham (Avraham Abele Gombiner)- 17th century Polish rabbi known for his commentary the *Magen Avraham* on the *orach hayyim* section of the *shulchan aruch*.

Maharam of Rothenburg (Rabbi Meir Ben Baruch)-13th century Rishon from Germany, one of the major authors of tosafot, commentaries on Rashi's writings.

Maimonides (also known as Rambam, Rabbi Moshe Ben Maimon)- 12th century philosopher, physician, rabbi, who was born in Spain, and lived most of his life in Morocco and Egypt, author of *Mishneh Torah*. He was one of the most important medieval Jewish legal scholars, and his writings are still followed with devotion today.

Meiri- 13th century *rishon* (early commentator on the Talmud) from Spain.

Mishnah Brurah (by Rabbi Yisrael Meir Kagan)- Written by 19th Polish Rabbi Yisrael Meir Kagan, it is a commentary on the first section of the Shulchan Aruch, the Orach Chayim or 'way of life'.

Ra'avad (Rabbi Avraham ben David)- A Provençal (Southern France) Rabbi who lived in the 12th century. He is considered a great Talmudic scholar and a father of the Kabbalist movement.

Rabbeinu Simhah- One of the authors of *Tosafot*.

Rabbeinu Yonah (Yonah Gerondi)- 13th century Rabbi and Talmudist from Spain.

Rabbi David son of Shmuel Kochavi- A 14th century Rabbinic Sage.

Rabbi Lezar- Also known as Elazar ben Azariah, he was a first century Tanna in Israel.

Rabbi Mordechai ben Hillel- 13th century German rabbi and one of the sources for the *Shulchan Aruch*.

Rabbi Natan Nata Landau- A 19th century Hungarian Rabbi.

Rambam- See Maimonides.

Ramban (Rabbi Moses ben Nahman Girondi)- Leading 12th century medieval Spanish Rabbi, Philosopher, Physician, and Biblical Commentator.

Ran (Rabbi Nissim ben Reuven)- Talmudic commentator from Spain in the 14th century.

Rashba (Rabbi Shlomo ben Aderet)- Medieval Spanish Rabbi, lived from 1235-1310.

Rashi (Rabbi Shlomo Yitzhaki)- a medieval French Rabbi who is considered the ‘father’ of all other Talmud and biblical commentaries.

Rema (Rabbi Moses Isserles)- 16th century Polish rabbi and Talmudist, known for his commentary on the *Shulchan Aruch*.

Rif (Rabbi Isaac al-Fasi)- 11th century Rishon from Morocco.

Shapiro, Mendel- Prominent Modern Orthodox Rabbi who wrote one of the major responsa that provided justification for partnership *minyanim*.

Shulchan Aruch (by Joseph Karo)- Easily the most influential work of Jewish law for Ashkenazi Jews since the Talmud. Written by Joseph Karo in 1563, it provides a guide for Jews as to how to live every minute detail of their life within Jewish law, without having to ‘refer’ back to the Talmud for each question.

Soloveichik, Aharon- Brother of Joseph Soloveichik who was considered the father of Modern Orthodox Judaism. Aharon Soloveichik was a renowned Torah scholar and Rosh *Yeshiva* (head of *Yeshiva*) in Chicago for over 50 years.

Sperber, Daniel- Prominent Modern Orthodox Rabbi based in Jerusalem; wrote one of the major responsa that provided justification for partnership *minyanim*.

Tosafot- Medieval commentaries on the Talmud, written by a number of authors, many of whom were the son-in-laws and grandsons of Rashi. On a page of Talmud today, the Tosafot are shown on the outer margin opposite Rashi's notes. As opposed to Rashi's notes which seem to simply define the text, the Tosafot break away from this trends and criticize the text/analyze it in a way that had previously not been done.

Tucker, Ethan- One of the founders of Kehilat Hadar, serves as the Rabbinic consult for the *minyan*. Son of influential Conservative Rabbi Gordon Tucker.

Yavetz (Rabbi Yaakov Emden)- A leading German rabbi and Talmudist of the 18th century, he championed Orthodoxy's response to the growing popularity of the Sabbatean movement.