

A Shul Becomes a Home: Halachik Ramifications for Women's Ritual Leadership

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Summary of article:

The halacha that a Beit Midrash takes on the halachic attributes of a home through students regularly lingering there tells us that a synagogue as well can become a home to the people who regularly linger there beyond set prayer times - such as staying around at kiddush or classes after kiddush on Saturdays or during the week. Since in a home and a family – synonymous in Hebrew – halacha establishes that it is not insulting for a woman to perform a ritual act for those present, even men, likewise, it stands to reason that in shul that has become a home for its members there is no halachic problem of women for women to take on leadership in the realm of ritual, such as saying kiddush for others, or receiving aliyot to the Torah, in all cases where the only halachik objection to such leadership stems from the woman acting publicly, in a “tzibur” – community – rather than in a home and family environment.

In R. Gidon Rothstein's gracious critique of R. Mendel Shapiro's article on women's aliyot and Torah reading (“Women's Aliyyot in Contemporary Synagogues”, Tradition, (Summer, 2005) he argues that any minyan – prayer quorum - constitutes a tzibbur – a community - wherever they meet, and however frequently they meet. This goes against Rav Heinkin's and Mendel Shapiro's argument in the Edah Journal (1:2, Sivan 5761) that Kavod Hatzibur – honoring or respecting the community - might not apply if the minyan is held outside of a synagogue.

In this article I would like to first show that there is a consensus amongst the poskim to allow women's leadership in ritual in a home environment. Then I would like to prove how a synagogue can become that home, where such egalitarian leadership is allowed. I hope to demonstrate that that a tzibbur is only the lowest form of minyan, the most basic form of communal gathering for prayer. Even though ten Jewish adult males always make up a tzibbur, they can go beyond merely making up a tzibbur, and create a communal entity of a higher level, a home-tzibur. Hence, while women getting aliyot or reading megilla or saying kiddush might be prohibited by Chazal and Rishonim in a mere “tzibbur”, if the tzibbur can transform itself into a more intimate, protective environment, resembling a family or a home, Chazal's prohibitions would not apply.

In Orach Chayim, Siman 271, the Aruch HaShulchan (se'if 5) quotes the Shulchan Aruch (the Mechaber) that women can say kiddush for “anashim” – men. He then quotes the Maharshal and the Bach who say that just as in the case of Megilla, women cannot say kiddush for men. The Aruch HaShulchan supports the Mechaber, using as proof Tosafot, Sukkah 38a, that the problem with women reading Megilla is that it is “b'rabim” – in its essence it is public – and therefore “zila milta” – it is a disgraceful, or embarrassing thing for a woman to read. (The Aruch HaShulchan, following Tosafot, does not bring in the

Ba'al Hilchot G'dolot's additional reason for women not being able to read Megilla for men.) He goes on to say "ma she'ein kein b'kiddush" – kiddush is different – kiddush a woman can say for the men. Why is kiddush different? Why isn't a woman saying kiddush for men "zila milta"? The Mishnah B'rurah (seif katan dalet) may have the answer: The woman is only able to say kiddush for "b'nei beita" – her family, those who are members of her home. In the case of kiddush, the environment is the home; the focus is on an intimate meal – ein kiddush ela b'makom se'uda – and we are not afraid of women being embarrassed or harmed by being exposed to a "rabim" – to a mass. The Aruch HaShulchan and Mishnah B'rurah are setting up the contrast between the "rabim" – the public "tzibur" – of Megilla and the private "bayit" of kiddush.

So far, I am just confirming that the major poskim of the 20th century, the Aruch HaShulchan and the Mishnah B'rurah confirm Rav Henkin's and Mendel Shapiro's arguments for allowing something – kiddush, Megilla, women's aliyot - in a home environment that would normally violate "kavod hatzibur" and be "ziluta" in the environment of a tzibur – a public, communal institution.

Both R. Rothstein and R. Shapiro tried to explain why Chazal felt that women taking religious roles of leadership in the tzibur would be a blow to the "honor" of the tzibur. These explanations are in the realm of drush and hashkafa, and are therefore both open to challenge, and also, immune from it. Moreover, in most cases, a rationalization cannot not change the p'sak halacha. However, Rav Herschel Schachter has deep and cogent explanation for the rationale of "kevod hatzibur" which was left out of R. Rothstein's article. I believe that this explanation, if not advancing a change in p'sak halacha or minhag, at least provides the framework and springboard for a more inclusive setting for women's religious leadership.

Rav Herschel Schachter's has explained that Chazal considered women taking religious roles in the public realm and act of "ziluta" – demeaning behavior- or a diminution in the "kevod hatzibur" – honor of the community - in order protect the intimacy, privacy and dignity of women; therefore Chazal kept them away from roles of religious leadership in the public sphere – in the "tzibur of rabim". In a sense, if the tzibur felt that a woman was being exposed, a feeling of degradation – "ziluta" – and disrespect would permeate that very community. However, both the Aruch HaShulchan and the Mishnah B'rurah hold in the case of kiddush, if a woman is in a protected environment, a home, a family, then there is no problem for her to assume a role of religious leadership, and even lechatchila she can lead for the men. Hence the language of the Mishnah B'rurah is that the woman can say kiddush for "bnei bayta" the members of her home, her family. Indeed, the Aruch HaShulchan makes it clear that permitting women to lead kiddush is not something inherent in Kiddush, but, rather, inherent in the environment where kiddush is said. Clearly the Rabbis wanted to protect women in a certain type of public environment, but were comfortable in a home environment that their dignity and honor would be safe.

Therefore, if the minyan is merely a tzibur, a public place for people to come and daven or hear a shiur, a place to "chap a minyan", then issues of "kevod hatzibur" apply.

However, if the tzibur, the rabbim, is transformed into an environment that resembles a home, that is supportive and nurturing and where the members feel like they are a bayit – one family – rather than just “rabim” – a mass of people – then Chazal would have no problem with women taking roles of religious leadership – beyond just saying kiddush – and their dignity would be protected and safe. The question becomes, then, when is a synagogue community just a tzibur, and when is that tzibur something very different – a real bayit, or a home-synagogue. I would argue that there are different kinds of shuls: Some shuls are just a tzibur – a community, mostly for davening and maybe learning as well. Other shuls are much tighter communities which act like families where everyone who davens there is part of the “b’nai bayit” – members of the household. These, shuls resemble far more the intimate, safe environment of the home than the vulnerable, public atmosphere of the “tzibur”, of the “rabim”. These home-synagogues – wherever they are, however large they are - do not have the same issues of “kavod hatzibur” that more diffuse synagogues have.

Can a holy place, like a synagogue, or a holy gathering, like a tzibur, be transformed into a home? Is there precedence for this, and is there an indication of the mechanism for this?

One needs to look no further than Hilchot Beit HaK’nesset for the precedence of this transformation. The origin of the possibility of transformation is in G’marra Megilla 28b. Responding to the Tosefta which the G’marra quotes to bolster the Mishna that we do not use Batei K’nesset – a synagogue - for our own personal needs – for example, to get out of the rain – Rava states that “Torah scholars and their students are allowed”. Why? Quoting Rabi Yeshoshua Ben Levi: Why is a study hall called “bei rabanan”? Because it is a home “beita” for Torah scholars.”

Thus we see that the laws of the Beit Midrash – a study hall - can change through a change in the identity and status of the Beit Midrash: from a mere “Beit Midrash” – literally a home of learning – to a home for scholars. Rashi explains that the Beit Midrash is considered for the scholars “their home for everything”. And what is the mechanism by which it becomes the home for the scholars? Not because of the holiness of the Torah studied there. Rather, Rabeinu Nissim states: “Because they linger there all day.” We see that the lingering in a place can turn it into a home. Moreover, this is not just scholars; the Shulchan Aruch says scholars and their students, which means anyone who lingers while doing the activities associated with a Beit Midrash. Even though the Ran excludes synagogues from this leniency allowed to the scholars, that is not because the synagogue itself cannot transform. In fact, the Prisha argues that it is easier for a synagogue to turn into a home with all those leniencies because it is less holy than a Beit Midrash. You sell a shul to build a Beit Midrash, and not vice versa. The Ran maintains that the lingering turns a public place into a home: the scholars and their students linger in the holy Beit Midrash, and turn that into a home, but they do not linger in the synagogue, so that cannot transform it into a home, despite its lower level of sanctity. However, it is clear that if people did linger in a synagogue, and made it their home, then the Ran would certainly agree that it, too, would be transformed.

The Rama maintains the Ran's interpretation, and is beautifully illustrated through the Mishna B'rurah's footnotes. . In Shulchan Aruch, #151, paragraph 1, the Mechaber (Rav Yosef Karo) quotes the Tosefta, prohibiting personal benefit from the synagogue and the Beit Midrash, but allows scholars and their students to benefit from them, "midochak" – in a pressing situation. The Mechaber does not distinguish between the synagogue and the Beit Midrash. However, the Rama, based on the Ran, states that in the Beit Midrash, the scholars and their students are allowed to benefit even if it is not a pressing situation. The Mishnah B'rurah is sensitive to this important distinction of the pressing situation. In footnotes 4 and 7, based on the ruling of the Mechaber, he uses emphasizes the leniency of "pressing situation" to allow many cases of eating, drinking and even sleeping both in the synagogue and the Beit Midrash. But all those are not because of a transformation of the place into a home, but, rather, merely because of special circumstances and pressing needs, including making sure the scholars do not have to waste time running home to eat.

However, in footnote 8, and in the Biur Halacha, when explaining the Rama, the Mishna B'rurah moves beyond the justification based on "pressing situation" and is clear that "regarding scholars and their students who learn there regularly, they were permitted [to benefit from the Beit Midrash] even not in a pressing situation, because the Beit Midrash is like his home for everything, and not only eating and drinking [in them] but any other purpose is permissible." The Mishna B'rura even adds in footnote 9 that the exemption of the scholars and their students extends to anyone who learns regularly in the Beit Midrash. In other words, at least in the Ashkenazic world of halacha, any holy place where people linger to do holy things – in keeping with the purpose of the establishment – becomes a home for those people allowing them to treat it like a home "for every matter."

Now, you may challenge whether this lingering to talk, eat kiddush, hang out, meet people, network, etc., is all in keeping with the holiness of a synagogue. Moreover, many of these non-davening, non-learning activities might be prohibited in the sanctuary because there is no reason to allow them in the place of davening if there is a social hall designated for that purpose. "Schmoozing" should be relegated to the hall our courtyard of the shul, not the sanctuary, the "makom t'filla." To answer this challenge we must explore, firstly, if these activities are in keeping with the purpose of a shul, and, second, if these activities belong outside of the sanctuary, how can we say that doing these activities can transform that "public shul" – and the sanctuary - into a "home shul?"

The first challenge disappears for two reasons. First, in the g'marra's discussion of the transformation of the Beit Midrash the language is merely about lingering, not the value of this lingering, or whether it is all learning. Rather, once people treat a place like a home, by lingering there, then for better or for worse, it becomes like a home, with all its ancillary characteristics, such as intimacy and a sense of protection and safety. According to the Magen Avraham, the excuse of using the Beit Midrash is solely that the students are learning there, and forcing them to leaving it to eat or do something else mundane would take away from Torah study. However, the Rama is following the Ran who talks of total transformation, and transformation because of lingering, not even

learning necessarily. What is significant is that they are people associated with the learning and since they treat the Beit Midrash like a home – lingering there – it becomes like a home. Likewise, synagogue worshippers, who linger in the shul, transform the synagogue into a home even if they are praying all the time.

Moreover, I believe strongly that all the talking, eating at kiddush and Shalosh Seudot, even networking and socializing, are valuable community building activities, which synagogues need to do in order to provide the strongest Jewish environment possible for their congregants. Whether in galut or Israel, the shul needs to become an all encompassing “home” which gives Jews a fighting chance to challenge the pull of the outside world. Rav Adin Steinzaltz was quoted to me as saying, when visiting Skokie, that the kiddush after shul was just as important Jewishly than the davening – clearly for different reasons, but each was non-dispensable. So both because this extra lingering transforms the shul regardless of its value, and, in fact, these lingering activities happen to be in keeping with the value of the synagogue, the fact that they do not belong in davening itself does not diminish their transformative impact.

The second challenge, that these lingering activities cannot transform the sanctuary activities – the t’filla or Torah reading – because they are meant to happen outside of the sanctuary, is addressed in the Be’ur Halacha of Rabbi Israel Meir Kagan (151a, opening words: Veyesh Omrim). The Beur Halacha states that “kalut rosh” – light headedness – is still not permitted in the Beit Midrash, even for the scholars. However, even though light headedness is not permitted in the Beit Midrash, this does not undermine the ruling which regards the Beit Hamidrash as a home for those who linger there. Regulating respect in a Beit Midrash or a synagogue is no different from doing so in our homes: Even in a home there are still standards of conduct – and, sometimes, even dress - in different rooms. Some rooms you would eat in, some you can kick up your feet in, and others require more respect. Just as a home has different rooms for different activities, so a “home-tzibur” has different spaces for different activities. The sanctuary might be analogous to the formal living room; the Beit Midrash to the home library; and the social halls or foyers of the shul are analogous to the family room or the breakfast room. Some people make sure not to have a television in the living room. It wouldn’t be appropriate there. However, even the most formal room in a home remains a room of the home: private, protected space, different from public space. Thus even if we avoid many synagogue activities – such as eating or drinking – in the sanctuary, it remains very much a home setting if the entire synagogue is treated as home by its congregants. All rooms in the home or the synagogue provide familiarity, safety and intimacy.

The home environment the “home-shul” is expressed in different ways throughout the building – at different times. What all the rooms – from the “holiest” to the most informal – have in common in the home and in the home synagogue, is a sense of safety, intimacy, where things that would be embarrassing in a public surrounding become welcomed and even expected - such as a woman doing kiddush for those in the home or a woman reading Torah or getting an aliya. The synagogue complex as whole is a place where people want to linger, and it is transformed just as the Beit Midrash is transformed

– always maintaining dignity and respect, but in the context of an intimate environment rather than a public environment.

So from Rava in the Talmud, to the Ran in the medieval period, to the Rama and finally to the Mishna B'rurah in the previous century, we are introduced to the paradigm of the Beit Midrash becoming a home because people treat it that way by lingering there. Likewise the contemporary synagogue has transformed in that way. Moreover, there is no diminution in sanctity by this transformation. The Beit Midrash might even become holier by having those who learn in it treating it as a home: after all, the idea of a live Beit Midrash, with regular attendees, is the ideal. The same is true for a synagogue, where the ideal is to have it as a full-time, full service building where people linger, feel welcome to stay far beyond the times of prayer. I consider it an elevation in the sanctity of the synagogue, for people to linger in the synagogue throughout Shabbat, as they do in my shul, wanting the door to always be open on Shabbat so that they can come in at will and see who else is there; the shul becomes more like people's home, and less like a place merely to "chap a minyan". Indeed, for the synagogue to be meaningful it needs to become a "Home Tzibur", second home, in the words of Professor Susan Shapiro, and a place of refuge and support, that grants dignity, inclusiveness and safety to its "family". A place where people can feel free from being judged – a home away from home. For the scholars and their students this is what the Beit Midrash is. They can behave in it as a home because doing so brings honor and holiness to the Beit Midrash. Likewise those who want to spend extra time, regularly, in a synagogue are adding to the synagogue's holiness and meaning

It might seem far fetched to say that a shul of 500 people can be seen as an intimate home. However, the model of kiddush is important. Forty years ago in my own shul, there was no regular Shabbat morning kiddush, but now, as it has transformed into a home model, kiddush is expected – and more than just cake and kichel! In the days of the Talmud, the days when the synagogue was a mere "tzibur", the minhag of saying Friday night kiddush in shul was only for guests: The general mitpallelim ate at home. The difference between a tzibur-shul and a home-synagogue might exposed with synagogue policy: If there is a special Bar Mitzvah kiddush at shul, is the whole shul invited to it – is the whole shul considered family? Or is there a separate, fancy kiddush, for invited guests? Most shuls have changed over the years, and now require the Bar Mitzvah family to invite everyone to the fancy kiddush since these shuls see themselves as one big family. Finally, at least on a d'raban level, carrying is prohibited on Shabbat in a community. It is only permitted in a home or through an eruv hatzerot, through shared food which, at least in theory, turns a communal area into a home. Tzibur, rabim, irbuvia are not acceptable realms for carrying on Shabbat; only the home is, and it takes food to make that transformation.

Sociologically, synagogues have taken on many aspects of the home. People celebrate many things at shul – a bris, a seder, birthdays – which in years past, and certainly in Europe, would have been celebrated at home. Even the large kiddushim can be seen as substituting for Shabbat lunch at home. In fact, in many communities closer to the earlier traditions of Europe, people go from home to home for kiddushes and l'chayims. Today,

even if there are multiple kiddushim – even the dreaded kiddush clubs – they take place in shul. Moreover, just by observing who comes to shul, we see a transformation. In earlier times young children were not welcome at shul, and certainly not in the sanctuary. Today, synagogues compete for the programs they provide for children and for how welcoming they are to kids, even in the sanctuary. Even Kehillath Jeshurun on New York's East Side, perhaps the highest church of all Orthodox synagogues, sent around a letter a few years ago telling people to bring their young kids right into the sanctuary to daven with them. Synagogue feel the need to become a home, to become family.

Some suggest that the inherent anti-family values of the American pioneering spirit – “Go West young man!” – and the dislocation of the family in the immigrations to American, forced the synagogue to take the place of the deteriorating home. One rabbi in my synagogue is against large kiddushim because he believes that it discourages people from eating in their own homes, and, thus, attacks the home. Whether good or bad, the synagogue has become a second home for many, and, for especially for newly religious Jews, it might be even a more important religious home than the house where they live.

On the other side, I recently met with a woman who worked with a large synagogue in Detroit to determine what their vision was. After months of hard thinking and numerous meetings, the synagogue came to the conclusion that they were indeed not a family, not a home but, rather, a large synagogue community that came together but did not see each other as “b’nai bayit” – members of the same household. They determined that they were a tzibur in the classic sense, not a “bayit”. That must have been a liberating moment for them, as it enabled all the members to focus on who and what they really cared for, and not feel that they needed to be supportive or nurturing to everyone in the shul. Certainly they had to respect each other, but as fellow Jews and fellow congregants, not in the unconditionally supportive way that family members are supposed to treat each other. So it is not a given that today's American synagogues are home-synagogues; it requires a type of behavior and even synagogue policies to effect that transformation.

Whether people stay after the davening to eat together, to learn together, to socialize, or to perform social action – hosting the poor or homeless – or all of these, they are becoming according to the G'marra and Rishonim, and according to sociologists and anthropologists, more than just a group of people or a synagogue: They are becoming a family and a home. As we see from the Talmudic model of the Beit Midrash, the holy institutions of ancient times were always ready for such a transformation. When Chazal, the Aruch Hashulchan and the Mishna B'rura return to see our shuls, I am confident they will call even our largest synagogues a family rather than a crowd, and will understand immediately the halachik implications of that difference regarding women's religious leadership.

One case may illustrate these two different synagogue paradigms. About four years ago, at an Orthodox Egalitarian minyan in Yerushalayim, a young woman was having her Bat Mitzvah, leining the whole parasha for the hundreds of men and women who are regulars at that minyan. Normally, the women and men at Shira Chadasha lein as well or better than at any shul in the world. But in this case, the Bat Mitzvah was not up to the regular

high standard, and needed to be corrected over and over again. The next day, a prominent rabbi complained bitterly that she should not have allowed to lein – it was an insult to the shul, to “kavod hatzibur.” But his daughter, who founded the minyan, said that on the contrary: it was important for the shul to encourage this Bat Mitzvah to lein because it was so meaningful for her personally. She had worked hard for her Bat Mitzvah, commuting weekly from Be’er Sheva! - without the support of her non-religious parents. Reading Torah at Shira Chadasha was a transformative experience for her. The rabbi who was critical had the basic model of synagogue as a mere “tzibur” of the “rabim”, which demands a certain amount of kavod, just as it demands that no one eat or drink in it. But the founder of the minyan understood that the minyan was more than just a tzibbur: It was as a supportive family that was there to nurture, encourage and protect its members, including that young woman on her Bat Mitzvah. It was a home, where the Bat Mitzvah along with everyone else needed to feel safe, supported and able to express themselves religiously, in a way they might not, and perhaps shouldn’t, were it public space.

In the concept of “kavod hatzibur” and “zila milta” our Rabbis felt that a woman should not be left vulnerable to a demanding, impersonal “tzibbur”. That only applies to such “tzibburim”. However, there is no longer an issue of “kavod hatzibur” or “zila milta” when the tzibbur has been transformed into a home, and the “kahal” are now “b’nai beita” – members of her extended, religious family. In the home-synagogue or family-tzibur, a woman can look around and feel that she is performing a ritual for loving, caring people, in a place she can call home, That, I believe, is a place Chazal would feel is appropriate for her to open herself up, to share her precious inner gift of her voice, because she can count on the support of those around her.

The question is: Are we content with having shuls that are merely a tzibbur, merely the rabim? Or do we demand that our tzibbur transform itself into b’nai beiteinu – members of our family, into a home-tzibur? The answer to that will clarify whether women can take on roles of religious leadership in our synagogues.

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