

Ohr Torah Stone
Midreshet Lindenbaum

Matmidot Scholars

Torah Journal

5780

Introduction

We are incredibly proud to present the inaugural volume of Midreshet Lindenbaum's Matmidot Torah Journal. The Matmidot Scholars Program is an innovative Ohr Torah Stone initiative aimed at enhancing the learning, writing, and leadership skills of a carefully selected group of students. Every Monday night, the Matmidot travel as a group to the home of a different figure who has made an impact in some significant manner. The Matmidot of 5780 had the privilege to learn and meet in a personal way with a wide variety of scholars and leaders, including Rabbi Dr. Kenneth Brander, Dr. Yael Ziegler, Rav David Stav, Rabbanit Michelle Cohen Farber, and many more. In addition, a key feature of the program is training this exceptional group of students to research and produce high-quality Torah articles. Each Matmida is paired with a faculty mentor who aids and guides her throughout her research and writing. This Journal is the product of a year-long rigorous learning process on the part of the Matmidot.

The Matmidot of 2019-2020/5780 had a particularly unusual experience. The Covid-19 pandemic led them and all their fellow students to abruptly return to their homes overseas mid-year. A tremendous **יישר כחן** to all the Matmidot who successfully completed their articles, despite the unexpected circumstances.

At Midreshet Lindenbaum, we believe in encouraging our students to think critically and independently. As such, they occasionally follow paths of thought or reach conclusions that are not in line with our own. We continue to embrace them, to be proud of them, and even to publish their work in the hope that it will spark further thought, research, and discussion **להגדיל תורה ולהאדירה**.

With gratitude to Hashem,

Rabbanit Sally Mayer
Rosh Midrasha

Rabbanit Nomi Berman
Rosh Beit Midrash

Rabbanit Dena Rock
Matmidot Coordinator

Contents

BRIT BEIN HABETARIM.....	5
Penina Waghalter	
BY WHOM SHALL GOD BE SANCTIFIED? ומי יתקדש את ה' בתוך בני ישראל?	16
Joy Goldkrand Cheskin	
EXPLORING THE BALANCE BETWEEN <i>TALMUD TORAH</i> AND PERFORMING <i>MITZVOT</i> THROUGH THE LENS OF <i>AGGADIC</i> INTERPRETATION	56
Michal Katz	
WATER WORKS	77
Leah Goykadosh	
REFLECTIONS ON FEMALE EDUCATORS FOR BOTH GENDERS.....	89
Clara Sandler	
DO THEY ALL REALLY HATE US?	93
Danielle Shapiro	

BRIT BEIN HABETARIM

Penina Waghalter

The stench of decaying animal carcasses permeates the air. As you admire the thousands of stars sparkling across the ink black night sky, a deep sleep threatens to overcome you. As you finally succumb and lose consciousness, you hear the following words from none other than God Himself:

“You shall surely know that your seed will be strangers in a land that is not theirs, and they will enslave them and oppress them for four hundred years. And also the nation that they will serve will I judge, and afterwards they will go forth with great possessions.”¹

What you don't know, what you can't possibly know, is that this prophecy is not just referring to one exile. Rather it is indicative of the cyclic fate of the nation God has promised will emerge from your bloodline.

This paper will demonstrate that the past several thousand years of Jewish History have followed the cycle of *Brit Bein HaBetarim*. At least nine separate times, God has put His people through a trial that fits the parameters of a *Brit Bein HaBetarim* event. It is not novel to suggest that *Brit Bein HaBetarim* seems to have set the blueprint for much of Jewish history.² What this paper will do that is unique is to

¹ *Bereishit* 15:13-14.

² For example, “והיא שעמדה” at the Pesach *Seder* describes how in each generation the Jewish people have faced hardship and persecution, and yet been saved, exactly as foretold in *Brit Bein HaBetarim*. Many

rigorously measure each historical event against the yardstick of each of *Brit Beit HaBetarim's* clauses. Only those events that match all four clauses will be deemed a bona fide *Brit Bein HaBetarim* episode. Those four clauses are:

- 1) יָדַעַ תְּדַע כִּי־גֵר | יְהִיֶה זְרַעְךָ בְּאֶרֶץ לֹא לָהֶם
You shall surely know that your seed will be strangers in a land that is not theirs - the event must take place in exile, outside the Land of Israel;
- 2) וְעַבְדוּם וְעָנּוּ אֹתָם אַרְבַּע מֵאוֹת שָׁנָה
They will enslave them and oppress them for four hundred years - there must be persecution in that exile;
- 3) וְגַם אֶת־הַגּוֹי אֲשֶׁר יַעֲבֹדוּ בְּן אֹנְכִי
And also the nation that they will serve will I judge - the oppressing nation must suffer some retribution;
- 4) וְאַחֲרֵי־כֵן יֵצְאוּ בְּרִכְשׁ גָּדוֹל
*And afterwards they will go forth with great possessions*³ - *Am Yisrael* must emerge from the event laden with some form of riches they did not possess before.

Utilizing this yardstick, I determined that the following nine historical events are authentic *Brit Bein HaBetarim* occurrences: Yaakov's descent to Charan; Egyptian Slavery; Exile of the Northern Kingdoms; Exile of Judah; Haman's Persecution in Persia; Destruction of the Second *Beit HaMikdash*; the Crusades; the Spanish Inquisition; and, most recently, the Holocaust.

interpret "והיא שעמדה"- IT has stood by us, as referring specifically to *Brit Bein HaBetarim*.

³ *Bereishit* 15:13-14.

Several historical events were eliminated from the list due to their lacking one of the four clauses. For example, Chanukah, which initially seems like a perfect example of *Brit Bein HaBetarim* playing out in later times, can be eliminated because it does not meet the first requirement - namely, taking place outside of Israel.

Let's analyze each of the nine events to appreciate why each one has been determined to be a legitimate *Brit Bein HaBetarim* occurrence:

The first historical incident that I label a *Brit Bein HaBetarim* unit is Yaakov's flight to Charan. Although most people believe that the Egyptian Slavery is clearly what *Brit Bein HaBetarim* is referring to, it is possible that when Yaakov escapes to Charan, he believes he is fulfilling *Brit Bein HaBetarim*; after all, he does not know that the Egyptian Slavery will ever happen. He leaves Canaan for Charan, fleeing his brother under the guise of searching for a wife from his mother's family (Clause #1).⁴ He then serves Lavan for fourteen years,⁵ working tirelessly for both of his wives, after being tricked into marrying the wrong daughter (Clause #2). Finally, God blesses him with great wealth (Clause #4),⁶ whereas Lavan is left empty handed (Clause #3).⁷

The next event that is part of the cycle of *Brit Bein HaBetarim* is the most clear-cut: the Egyptian Slavery. It follows the script exactly: It takes place in a foreign country (Clause #1),⁸ the people are enslaved

⁴ Bereishit 28:1-2.

⁵ Bereishit 29:18, 30.

⁶ Bereishit 30:43.

⁷ Bereishit 31:1.

⁸ Shemot 1:1.

there for hundreds of years (Clause #2),⁹ the *makkot* and *Kriyat Yam Suf* result in great suffering among the Egyptians (Clause #3),¹⁰ and the people quite literally leave with great wealth (Clause #4).¹¹

After these two events, the timeline becomes more murky. The Jewish people experiment with different structures of government, shifting from tribal leadership to a nation-wide monarchy.¹² The kingdom splits into Yisrael and Yehudah,¹³ and we are led to the exile of the Northern kingdom, the next event that meets the four criteria. The people are dispersed throughout the Assyrian empire (Clause #1), where they face religious oppression and physical hardship (Clause #2), and, eventually, the Assyrians are conquered by the Babylonians at the Battle of Nineveh (Clause #3).¹⁴ The difficulty lies in finding a way to explain this as meeting the final test: leaving with great wealth. Beginning with the exile of the Northern kingdom and continuing until this very day, there are a number of events that perfectly match the first three clauses of *Brit Bein HaBetarim*, but then fail to pass the final test of *Am Yisrael* emerging from the experience with רכוש גדול, laden with riches. What I would like to suggest is that beginning with *Galut Aseret HaShevatim*, and - despite the period of *Shivat Tzion* - continuing until the present day, the entirety of Jewish history has been one long cyclic turn of *Brit Bein HaBetarim*, which has finally begun its conclusion with the establishment of the State of Israel.

⁹ *Shemot* 12:40.

¹⁰ *Shemot* 14:28.

¹¹ *Shemot* 12:35.

¹² *Shmuel I* 8:5.

¹³ *Melachim I* 12:20.

¹⁴ Kerrigan, Michael. "Battle of Nineveh." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., 24 Mar. 2017, www.britannica.com/event/Battle-of-Nineveh.

The expulsion of Yehudah from Israel marks the beginning of the end of Jewish sovereignty in Israel until modern times. As the Jews are forced into exile in Bavel or to flee to Egypt, they face incredible hardship and loss of life, culture, and religion as they know it with the destruction of the first *Beit HaMikdash*.¹⁵ As with the previous expulsion, the persecuting nation is eventually overtaken, this time by the Persians.¹⁶ This leads to the Cyrus Declaration,¹⁷ and consequent commencement of *Shivat Tzion*.¹⁸ This is the last time that we find anything even remotely close to “spoils of war”; after the expulsion, there are no events that meet the expectations of the final clause of *Brit Bein HaBetarim*.

The next *Brit Bein HaBetarim* event is the Purim story, which admittedly takes place during *Shivat Tzion*, but follows the Jews who remained in Persia - not those who returned to Israel (hence meeting the condition of Clause #1). A date is set on which slaughtering the Jews will be fair game (Clause #2),¹⁹ and it is only with the intervention of Esther and Mordechai that the people are allowed to fight back,²⁰ resulting in the death of those who sought to destroy them (Clause #3). However, we see here again that there are no clear “spoils of war” - the Jewish people remain in exile, failing to recognize the call of God back to Israel. In fact, this is one of the suggested reasons as to why

¹⁵ *Melachim* II 25.

¹⁶ “The Babylonians: Unifiers of Mesopotamia.” Ancient History Encyclopedia, Ancient History Encyclopedia, 29 Apr. 2020, www.ancient.eu/article/69/the-babylonians-unifiers-of-mesopotamia/.

¹⁷ *Ibid*.

¹⁸ *Ezra* 2.

¹⁹ *Esther* 3:7.

²⁰ *Esther* 8:9.

we refrain from saying *Hallel* on Purim - because the miraculous salvation takes place outside the Land of Israel and even at the conclusion of the Purim story, the people remain in exile.²¹

With the destruction of the second *Beit HaMikdash*, the Jewish people are forced out of the land of Israel until modern times (although a small contingent did remain in the land throughout the exile). The hardships endured in exile are manifold: religious oppression, extreme poverty, and persecution follow us for the next several thousand years. There are no immediate rewards gleaned from these hardships, which include the Crusades, the Spanish Inquisition, and, more recently, the Holocaust. All three of these events fit the model of *Brit Bein HaBetarim*, except for the final clause of emerging with great wealth, which all of the relatively modern events in Jewish History seem to lack.

What we have established thus far is the beginning of a pattern of persecution and redemption based on a promise made thousands of years ago to our forefather, Avraham. As time progresses, it becomes more difficult to outline the redemption promised along with the persecution. In order to resolve this troubling difficulty, it is necessary to analyze the first events in the cycle to gain insights from how the redemption played out there.

In the first event, Yaakov is subjected to ongoing hardship both in Charan itself, and even during his journey back to Israel, during which his beloved wife Rachel tragically dies in childbirth. By no means do his hardships end there, as the dramatic story of his sons selling Yosef²² is

²¹ BT *Megilla* 14a.

²² There is an important distinction between the hardships in Charan and those in Israel. In Charan, other people directly cause his distress. (cont.)

yet to unfold. However, the very fact that he makes it back to Israel marks the end of his exile in Charan, and definitively closes that challenging chapter of his life. Perhaps his return to Israel is the “great wealth” promised in *Brit Bein HaBetarim*, not the cattle and sheep he amassed while in Lavan’s employ.

In Egypt, the Jews are persecuted by the Egyptians and forced into slavery, but they eventually reach Israel (albeit after forty years of difficult travel through the desert). At first, it seems obvious that the “great wealth” with which *Bnei Yisrael* leave Egypt is the literal wealth that they obtain from the Egyptians. But what if this is not actually what the *Brit* is referring to? What if, instead, this event follows the pattern of the first event of the cycle, and the “great wealth” is really referring specifically to their eventual entry into the Land of Israel?

This novel interpretation of the last clause of the *Brit* solves the problem that we stumbled into earlier, namely, the fact that none of the more recent *Brit Bein HaBetarim* events (the Crusades, Spanish Inquisition, and Holocaust) seem to meet the final criteria of us emerging from the travail with great wealth. If the final clause refers specifically to the Land of Israel, then we have indeed seen this fulfilled for more recent turns of the cycle. The moment that Israel was declared a Jewish state by the United Nations in 1948 was the moment that the final clause of *Brit Bein HaBetarim* was fulfilled once and for all. The message is a powerful one: Am Yisrael’s ultimate redemption

Lavan deceives him and forces him into an extra seven years of labor to earn his marriages. Yaakov's troubles in Israel, however, are largely his own fault. His favoring of Yosef is a direct cause of the brothers selling Yosef.

is not found in wealth and possessions, but rather in a return to the Land of Israel.

* * *

The *Brit Bein HaBetarim* pattern of Jewish history begs the following question: WHY would God choose to persecute His Chosen People over and over again throughout their history?

There are several different approaches to this question. The first school of thought assumes that *Brit Bein HaBetarim*, with its promise of exile and persecution, must be a punishment for some sin. The Gemara²³ adopts the position that the sinner must be Avraham²⁴ since he is the one to whom God reveals this *Brit*. The Abravanel²⁵ suggests that the sin is that of Yosef's brothers who plot to kill him and then sell him instead. This is the event that directly leads to *Bnei Yisrael's* descent to Egypt, one of the first and most obvious examples of the *Brit* cycle.

This approach raises the troubling issue of punishing sons for the sins of their father, since it is Avraham's and the *Shvatim's* descendants who suffer persecution in exile, not Avraham or the Brothers themselves. This can be solved by the concept of *Zechut Avot*, the merit of our ancestors. This system must work both ways - it would not be fair to only benefit from the good deeds of our

²³ BT Nedarim 23a.

²⁴ For example, the Gemara suggests his sin might have been questioning God by asking, "How shall I know that I will inherit it (the Land that God has promised him)?" (*Bereishit* 15:8).

²⁵ In his commentary to *Bereishit* 15.

forefathers; if we profit from the effects of their good deeds, then we must also suffer the repercussions of their negative ones.

There are two problems with this approach of assuming that *Brit Bein HaBetarim* is a punishment for sin. The first issue is that it seems that if, in fact, this covenant is a punishment for a sin, the sin should have been explicitly stated, following the format that we see in Gan Eden²⁶ and the generation of Noach,²⁷ two instances of sin and punishment that occurred prior to this *Brit*. The second issue is that God Himself assures us that although we may be the recipients of our forefathers' merits for thousands of years, we will only be punished for their sins for up to four generations.²⁸ Since the *Avot* are not our great-great-grandparents, too much time has elapsed for God to continue to punish His people for their sins.

Another explanation for why God would bequeath His Chosen Nation a promise of repetitive cycles of exile and persecution is that in order to spread monotheism, God must ensure that we do not simply reside in Israel, where we would make less of an impact on other nations. However, this is also an unsatisfactory answer. God could simply have designed us to be a nomadic nation, without the element of persecution. This explanation also does not hold up well in the modern day when, despite the majority of the world believing in monotheism, we were still devastated by the Holocaust.

A third approach, which is convincing for the second cycle - the Egyptian Slavery - is that this had to happen in order to establish a

²⁶ *Bereishit* 3:14,16,17.

²⁷ *Bereishit* 6:5.

²⁸ *Shemot* 20:5-6.

peoplehood. However, once that peoplehood was established through the Exodus, there appears to be no reason for the cycle to continue.

An answer that I found on a *Parshat Hashavua* forum²⁹ is as follows: When God promises to persecute and save His nation, He is not actually making a promise to Avraham - He is making a promise to Himself. This approach seemed promising, so I decided to explore it further and expand upon it myself.

Humans cause persecution, not God. It seems to be an inevitable aspect of human nature that people choose to discriminate against and oppress those weaker than themselves. If we examine human history, we see that at every point in time there has been a downtrodden, persecuted nation. This is bound to be the Jews eventually, and thus God creates *Brit Bein HaBetarim*. The promise that God is making to Avraham is not that his descendants will be persecuted; it is that when they are persecuted, God will always save them. Examining the language of the *Brit* more carefully supports the above conclusion.

“You shall surely know that your seed will be strangers in a land that is not theirs, and they will enslave them and oppress them for four hundred years. And also the nation that they will serve will I judge, and afterwards they will go forth with great possessions.”

The first sentence of this proclamation is not formulated as a promise - it is merely stated as fact: your descendants will be persecuted. It is only in the second sentence of redemption that God plays an active role. *Bnei Yisrael* will be strangers and they will be oppressed, but this will not be directly from the hand of God; it will be

²⁹ Posted not by the author, but by a reader.

a result of human actions exercised against them by their oppressors' free will. When this happens, however, God will break the laws of nature and intervene in order to save His people. God is not promising oppression - what He is promising is redemption.

* * *

Between analyzing the way that the *Brit* has played out throughout history and its rationale, we have come to an interesting conclusion: God is promising redemption, and we have effectively defined that redemption as the State of Israel.

As someone who learns Gemara, my natural next question is: What's the *nafka mina*? In other words, why does this matter?

As Jews in the twenty-first century, we are privileged to witness the fulfillment of a promise that is thousands of years old with the establishment of the modern State of Israel. We are part of a much bigger picture; all of Jewish history, from Yaakov's descent to Charan right up until today, has brought us to this moment: The fulfillment of *Brit Bein HaBetarim*. We must carry this with us wherever we go - for some unknown reason, we are the ones who get to take part in this final redemption, and this must be the guiding principle in all of our actions. Although it does not always seem so, we are living in a miraculous time. When we are surrounded by tragedy, whether that be a pandemic so widespread that we Midrasha students were forced out of the Promised Land, riots so near to our homes that they shake with the force of the conflict, political divide so deep that it seems there is no cure, or religious dissention so extreme that it seems we will never unite, we must remember that no matter what else is happening, we are the fortunate ones chosen to live in this miraculous time of redemption, and that must inspire our lives and choices.

BY WHOM SHALL GOD BE SANCTIFIED?

ומי י/תקדש את ה' בתוך בני ישראל?

An Exploration of Women as *Shlichot Tzibbur*

Joy Goldkrand Cheskin

Minyanim are primary conduits of a community's public religious life. They offer opportunities for significant religious and communal leadership and gathering. Several decades ago, the exclusive male leadership of *minyanim* began to come under scrutiny.¹ Since then, various streams of the Jewish world have engaged in a *halakhic* and social conversation to reexamine or reaffirm women's roles in such spaces. Because of *minyanim's* prominent role in Jewish communal and religious life, whether and how women may lead in them bears tremendous weight on their personal experiences in religion, their position in society, and the trajectory of the associated religious community in a gender-liberated world.

The complexity and significance of prayer spaces lead many to contend with the merits, draw-backs, and pain-points of each community. While some reap religious fulfillment in a particular prayer community, others find and seek religious meaning by engaging in a

¹ Pamela Barmash, "Women and *Mitzvot*," Committee on Jewish Law and Standards Yoreh Deah, no. 246:6 (April 29, 2014): pp. 23, <https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/2011-2020/womenandhiyyuvfinal.pdf> .

variety of ritual spaces founded on different *halakhic* ideologies. This paper, speaking to both those grappling with and those confident in their religious practice and community, aims to uncover the *halakhically* and sociologically motivated *nekudot hamachloket* (points of disagreement) that distinguish each ritual community.

Central Questions and Definition of Terms

This paper examines the approaches of representatives of the Conservative Movement, Hadar, Partnership *Minyanim* Orthodoxy,² and Orthodoxy to the right of Partnership *Minyanim* to the following question: In what situations may a woman serve as a *shlichat tzibbur*³ for a mixed-gender congregation? Using these conclusions, this paper further examines the key differences in sources, interpretations of sources, terms of exploration, and extra-legal religious and social principles that lead each of their analyses and conclusions to diverge and converge.

The Conservative Movement will be represented by *teshuvot*⁴ of the movement's official *halakhic* governing bodies: Rabbi David

² Titles for this movement are in flux, even among its leaders. Rabbi Sperber considers these *minyanim* to be part of the Orthodox community. Judy Maltz, "Just Don't Call the Rabbi 'Feminist'," Haaretz.com (Haaretz Daily Newspaper, April 10, 2018), <https://www.haaretz.com/jewish/.premium-just-dont-call-the-rabbi-a-feminist-1.5343659>.

³ This paper uses *shlichat tzibbur* to refer to the leader of prayer service, and not necessarily the actual agent of the community. This question is discussed later in the paper.

⁴ Responsa

Golinken's *teshuva*⁵ for the *Va'ad Halakha* in Israel⁶ and Rabbi Pamela Barmash's *teshuva*⁷ for the Committee on Jewish Law and Standards ("CJLS") in America.⁸ Hadar, an educational institution committed to *Halakha* and gender equality, will be represented by Rabbi Ethan Tucker's and Rabbi Micha'el Rosenberg's Gender Equality and Prayer in Jewish Law, the flagship literature which serves as the basis for the organization's practice.⁹ Unlike the Conservative Movement and Hadar, Partnership *Minyanim* and Orthodoxy to the right of such *minyanim* organize under less central leadership. Partnership *Minyanim* will be represented by those who have emerged as its thought leaders, such as Rabbi Daniel Sperber.¹⁰ For lack of an official

⁵ David Golinken, "Women in the *Minyan* and as *Shelihot Tzibbur*," *Teshuvot Va'ad Halakha* 6, (1997): 59-79. Accessed June 14, 2020. www.responsafortoday.com/wp-content/uploads/2018/05/vol6_4.pdf.

⁶ The *Vaad Halakha* no longer exists. When it was active, its rulings were subordinate to the acceptance of the CJLS. David Booth, email message to Joy Cheskin, June 8, 2020.

⁷ Pamela Barmash, "Women and *Mitzvot*," *Committee on Jewish Law and Standards* Yoreh Deah, no. 246:6 (April 29, 2014): pp. 1-32, <https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakha/teshuvot/2011-2020/womenandhiyyuvfinal.pdf>.

⁸ The purpose of the CJLS is to produce *teshuvot* which "create options for the movement." As its decisions are "more educational than directive," thus not requiring synagogues to adopt any particular *teshuva*, a plethora of *teshuvot* exist in the movement that argue for gender equality. Cheskin, Joy, and David Booth. Research Question. Personal, May 8, 2020.

⁹ Ethan Tucker and Micha'el Rosenberg, *Gender Equality and Prayer in Jewish Law* (Brooklyn, NY: KTAV Publishing, 2017).

¹⁰ Maltz, "Just Don't Call the Rabbi 'Feminist.'"

analytical position, Orthodoxy to the right of Partnership *Minyanim*¹¹ will be represented by the work of Rabbi Michael Broyde, Rabbi Moshe Meiselman, and Rabbis Dov and Aryeh Frimer, prominent Rabbis in such communities who have all written on the topic.¹²

History of Topic in Each Movement

In 1955, the CJLS ruled that women may receive *aliyot*, launching the movement's exploration of opportunities to advance ritual gender equality.¹³ In 1973, after the circulation of several papers which argued for and against women counting in a *minyan*, and by extension serving

¹¹ Clearly, this category encompasses a wide range of ideologies and communities. Broadly, it includes responsa literature by those who allow women no form of prayer leadership in synagogue worship. Some in this category allow women to recite *tefilla l'shlom hamedina* and the like, but leadership of such *tefillot* are outside the bounds of this conversation.

¹² Broyde: Michael J. Broyde, "Further on Women as Prayer Leaders and their Role in Communal Prayer," *Judaism: A Quarterly Journal of Jewish Life and Thought* 42, no. 4 (1993): 387+. *Gale Academic OneFile* (accessed June 14, 2020); Meiselman: Moshe Meiselman, "Women and Prayer," in *Jewish Woman in Jewish Law* (Ktav Pub. House, 1978), pp. 130-142; Frimer: Aryeh A. Frimer, "Women and *Minyan*," *Tradition: A Journal of Orthodox Jewish Thought* 23, no. 4 (1988): 54-77. Accessed June 14, 2020. www.jstor.org/stable/23260941, Aryeh A. and Dov Frimer, "Women, Keri'at Ha-Torah, and Aliyyot." *Tradition: A Journal of Orthodox Jewish Thought* 46, no. 4 (2013): 67-238. Accessed June 14, 2020. www.jstor.org/stable/43832687.

Because no movement is a monolithic body with an absolute standard, the collection of *teshuvot* cited is not a perfect representation of the positions of each movement.

¹³ Barmash, "Women and *Mitzvot*," 23.

as *shlichot tzibbur*,¹⁴ the Conservative Movement permitted such advancements through the establishment of a *takkanah* stating that “men and women should be counted equally for a *minyan*.”¹⁵ By establishing a *takkanah* rather than publishing the details of their *halakhic* analysis, the Movement avoided adopting the disputed reasoning of prior *teshuvot* written.¹⁶ In the late 1970s and early 1980s, driven by the belief that eligibility to be *shlichot tzibbur* was a determinant in Conservative rabbinical ordination, representatives of the Movement engaged with women’s prayer leadership largely in the context of its rabbinical school’s exploration of whether to admit women.¹⁷ In 1983, the Movement decided to admit women to its rabbinical school without the formal adoption of any particular *teshuva*.¹⁸ By not declaring official reasoning for its decision, the Movement left the door open for further internal conversation on how

¹⁴ If women can constitute a group assembled for public prayer, they may lead such prayer and fulfill the obligations of the community. See Broyde’s and Meiselman’s arguments in the “*Devarim Shebikdusha* and Public Prayer” section of this paper for more detail and to understand the converse of this argument.

¹⁵ David J. Fine, “Women and the *Minyan*,” *Committee on Jewish Law and Standards* Orah Hayyim, no. 55:1 (June 12, 2002): 5. https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakha/teshuvot/19912000/oh_55_1_2002.pdf.

¹⁶ While the Conservative movement prefers to make *halakhic* rulings through “existing *halakhic* norms,” it empowers its Rabbis to, where they deem necessary, “amend the existing law by means of a formal procedure of legislation (*takkanah*).” “*Emet Ve-Emunah: Statement of Principles of Conservative Judaism*,” Rabbinical Assembly of America, Jewish Theological Seminary of America. January 1, 1988. www.bjpa.org/search-results/publication/18660.

¹⁷ Fine, “Women and the *Minyan*,” 6-10.

¹⁸ *Ibid.*, 10.

and why women are permitted to be *shlichot tzibbur*. In the following decades, several rabbis of the CJLS and its counterpart in Israel, the *Va'ad Halakha*, published additional *teshuvot* reiterating and reframing women's ability to be *shlichot tzibbur*.¹⁹ Rabbi David Fine explains: "the issue has continued to engender debate and *halakhic* positions have continued to crystallize... as the Conservative Movement has become more and more egalitarian in its profile."²⁰ In 2014, seeking to end equivocation on this question, Rabbi Pamela Barmash published a new *teshuva* declaring all²¹ religious obligations and opportunities of men and women to be equal.²² Currently, adherents of the Conservative Movement may rely on the reasoning of a variety of *teshuvot* to support women as *shlichot tzibbur*.²³

Prior to publishing *Gender Equality and Prayer in Jewish Law* in 2017 under the auspices of Hadar, Rabbis Tucker and Rosenberg taught and implemented its source material in university campus communities and independent *minyanim* for over a decade.²⁴ Driven by a desire to enable a broader audience of Jews to gain a "thorough

¹⁹ Barmash, "Women and *Mitzvot*," 24-26.

²⁰ Fine, "Women and the *Minyan*," 1.

²¹ All, "with the exception of those *mitzvot* that are determined by sexual anatomy." Barmash, "Women and *Mitzvot*," 32.

²² Barmash's *teshuva* was approved by the CJLS with fifteen voting in favor, three voting against, and three abstaining. Though this *teshuva* earned a majority of votes, it was not made into a standard which all communities have to adopt, meaning that some communities maintain non-egalitarian practice. Barmash, "Women and *Mitzvot*," 1; Cheskin, Joy, and David Booth. Research Question. Personal, May 8, 2020.

²³ See Barmash, "Women and *Mitzvot*," 23-26 for cited examples.

²⁴ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 7.

personal understanding of their Jewish lives in their *halakhic* expression,” they published their *teshuva* with the stated goals of:

...clarify[ing] misconceptions and dismiss[ing] red herrings...provid[ing] a sound basis for understanding the *halakhic* consequences of various positions related to gender and prayer...[and] provid[ing] a unifying discourse that can make sense of both egalitarian and non-egalitarian practices in Jewish prayer...²⁵

In 2002, proponents of expanded roles for women in religious life founded the first Partnership *Minyanim*, Shira Hadasha in Jerusalem and Darkhei Noam in New York.²⁶ These independent *minyanim* aimed to advance women’s “ritual leadership roles to the fullest extent possible within the boundaries of Jewish Law.”²⁷ Though practices vary across Partnership *Minyanim*, most involve women equally in Torah reading and *aliyot*²⁸ and permit women to serve as *shlichot tzibbur* for

²⁵ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 12-14.

²⁶ “About Darkhei Noam,” Darkhei Noam, accessed June 14, 2020, www.dnoam.org/about; Jacob Solomon, “Feminism and Mixed *Minyans* at Shira Hadasha Synagogue, Jerusalem,” Haaretz.com (Haaretz Daily Newspaper, April 10, 2018), www.haaretz.com/israel-news/travel/.premium-mixed-minyans-at-shira-hadasha-shul-1.5375736.

²⁷ Jewish Orthodox Feminist Alliance. Accessed June 14, 2020. <https://www.jofa.org/partnership-minyans>.

²⁸ For a full treatment of this issue, see Mendel Shapiro, “Qeri’at ha-Torah by Women: A *Halakhic* Analysis,” *Edah* 1, no 2, (2001): 51-52. Accessed June 14, 2020. http://www.edah.org/backend/JournalArticle/1_2_shapiro.pdf, and Daniel Sperber, “Congregational Dignity and Human Dignity: Women

“those portions of the service that are not *halakhically* defined as prayer,”²⁹ such as *Pesukei De’zimra* and *Kabbalat Shabbat*. Innovations in women’s leadership of such *tefillot* were based on the analysis of *Halakha* committees and other organic leaders of the growing movement.³⁰ Though no formal *teshuva* was published with a comprehensive analysis of women’s prayer leadership outside the context of Torah reading and *aliyot*, a variety of articles express parts of the *halakhic* reasoning as well as practical ritual conclusions.³¹

Mainstream Orthodox literature addressing women as *shlichot tzibbur* functions to support the historical status quo rather than derive *halakhic* basis for a change in practice. Thus, analytical attempts at its defense exist sporadically, largely triggered by perceived or direct challenges to traditional Orthodox practice. Responding to the momentum of the global feminist movement in the 1970s³², Rabbi Moshe Meiselman published *Jewish Woman in Jewish Law* to iterate his understanding of the role of women in Jewish life. Later, Rabbi Michael Broyde published “Further on Women as Prayer Leaders and their Role in Communal Prayer” in response to Rabbi Judith

and Public Torah Reading,” *Edah* 3, no. 2 (2003).

http://www.edah.org/backend/JournalArticle/3_2_Sperber.pdf

²⁹ Tamar Ross, “Does Positivism Work?,” in *Expanding the Palace of Torah: Orthodoxy and Feminism* (Waltham, MA: Brandeis University Press, published by University Press of New England, 2004), pp. 97.

³⁰ Zev Farber, “Partnership *Minyanim*: A Defense and Encomium,” *Morethodoxy* (blog) (International Rabbinic Fellowship, January 25, 2013), <https://morethodoxy.org/2013/01/25/partnership-minyanim-a-defense-and-encomium/>.

³¹ See, for example, Farber, “Partnership *Minyanim*: A Defense and Encomium” and Michal and Elitzur A. Bar-Asher Siegal, “Guide for the ‘*Halachic Minyan*,’” among others.

³² Meiselman, *Jewish Woman in Jewish Law*, back cover.

Hauptman's argument for the permissibility of women as *shlichot tzibbur* in her 1993 *teshuva*.³³ The advent of Partnership *Minyanim* Orthodoxy inspired a more concerted effort to defend prior Orthodox practice. Because of Partnership *Minyanim*'s proximity to the broader Orthodox community to its right, Partnership *Minyanim*'s establishment posed a more direct and urgent challenge to the status quo. This development led to a wellspring of new literature defending and expanding upon traditional Orthodoxy's own standard of practice.

DISCUSSION

A *sha"tz*³⁴, literally meaning the agent of the collective, leads the congregation in prayer to fulfill the obligations of the community through his or her blessings, to enable recitation of texts which require the presence of a *minyan*, to set the pace of communal *tefilla*, and to fulfill a variety of additional communal responsibilities.³⁵ Given these essential roles, in order to serve as *shlichot tzibbur*, women must, at minimum, be able to fulfill the congregation's obligations in the

³³ Judith Hauptman, "Women and Prayer: an Attempt to Dispel Some Fallacies." *Judaism: A Quarterly Journal of Jewish Life and Thought* 42, no. 1 (1993): 94+. *Gale Literature Resource Center* (accessed July 17, 2020).

³⁴ From this point, individuals functioning as *shlichei tzibbur* will be referred to by the acronym '*sha"tz*' to avoid unnecessarily gendered language.

³⁵ Farber, "Partnership *Minyanim*: A Defense and Encomium."

Amidah and recite *devarim shebikdusha*,³⁶ sections of the service which comprise the essence of *tefilla b'tzibbur*.³⁷

All opinions cited in this paper recognize women's obligation in private prayer. Golinken and Tucker and Rosenberg couple this obligation with women's obligation in recitation of *devarim shebikdusha* to permit women to be *shlichot tzibbur* for all *tefillot*. However, Broyde and Meiselman, crafting their arguments under different parameters, understand this obligation as irrelevant in the face of women's exemption from public prayer, which prohibits them from being *shlichot tzibbur*. Partnership *Minyanim* accept Broyde's and Meiselman's initial ruling, but by investigating technical solutions, allow women to lead particular *tefillot* and sections within the service. Still, Broyde and his colleagues reject Partnership *Minyanim* due to social and communal concerns. Each approach reflects not only a unique *halakhic* methodology, but also different priorities and underlying values which motivate and shape the approach.

Private Prayer

To satisfy the first criterion of eligibility for serving as *sha"tz*, women must at least hold an equal individual obligation to recite the *Amidah*.³⁸ Despite their divergence on subsequent topics and conclusions, the *teshuvot* analyzed in this study address women's obligations in private prayer through a similar line of reasoning. This paper addresses only *teshuvot* which view women as equally obligated

³⁶ *Tefillot* which may only be said in a *minyan*. See Mishna Megilla 4:3.

³⁷ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 17.

³⁸ See Mishna Rosh Hashanah 3:8. Only a person of equal or greater obligation in a *mitzva* can fulfill the obligations of others.

in the *Amidah* of *shacharit* and *mincha*, if not more.³⁹ However, it would be remiss not to acknowledge the existence of prominent authorities who believe that women hold only an obligation in a more limited practice of *tefilla* than the traditional Rabbinic parameters of prayer indicate.⁴⁰ Because exempting women from personal duty to regularly pray the *Amidah* automatically disqualifies women from serving as *shlichot tzibbur* without need for further discussion or exploration, these arguments are not relevant for this comparative analysis and will therefore not be included.⁴¹ What follows is a summary of the largely shared approach of Golinken, Tucker and Rosenberg, Brojde,⁴² and Meiselman to women's personal obligation to pray.

³⁹ Opinions diverge on women's obligation in reciting the prayers and psalms surrounding the essential *tefilla* of the *Amidah*. However, obligation in the *Amidah* (or lack thereof) more significantly impacts their eligibility to serve as *shlichot tzibbur*. Some exempt women from the *Amidah* of *Maariv* based on the argument that it is a voluntary prayer which was never accepted by women as an obligation. Even those who make this claim, however, do not present this exemption as an obstacle to women as *shlichot tzibbur* largely because there is no communal repetition of the *Amidah* in *Maariv*. See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 34, n32.

⁴⁰ See *Peninei Halakha Laws of Women's Prayer* 3-4 for examples. Most who view women's obligation in this way base themselves on debatable readings of the Magen Avraham and the Rambam.

⁴¹ See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 18-22 for an argument that could justify women's service as *shlichot tzibbur* even if they do not hold an equal obligation in prayer. However, Tucker and Rosenberg describe this as a weak argument.

⁴² Brojde's *teshuva* presents only the conclusion that women are obligated in private prayer, not the detailed analysis included in this section. Brojde appears to favor Rashi's approach to prayer.

These *teshuvot* begin their analysis by discussing Mishna Berachot 3:3 and its associated Gemara, Berachot 20b, primary texts which explicitly obligate women in “*tefilla*,” but do not further detail the particulars of this obligation.⁴³ *Rishonim* split on how to understand this obligation. Rambam views prayer as a positive non-time-bound Biblical obligation, confined neither by fixed texts nor times for its practice, in which women are explicitly obligated.⁴⁴ Some authorities interpret Rambam as seeking to limit women’s obligation in prayer to a minimal and loosely structured Biblical model of daily supplication.⁴⁵ However, a close reading of Rambam’s language and discussion in surrounding passages, which Golinken, Tucker and Rosenberg, and Meiselman all conduct to varying extents, can yield a more expansive conclusion.⁴⁶ They concur that Rambam obligated women equally not only in *tefilla*’s Biblical core, but also in its Rabbinic extensions. This obligation applies even though these Rabbinic extensions make *tefilla* time-bound.⁴⁷ Though Meiselman presents this interpretation as less absolute than do Golinken and Tucker and

⁴³ In these texts, “*tefilla*” refers to the *Amidah*. Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 22, n12.

⁴⁴ Rambam *Hilkhot Tefilla* 1:1-2

⁴⁵ See footnote 41.

⁴⁶ See Rambam *Hilkhot Tefilla* 1:3-7, 6:10 and Rambam, *Commentary on Mishna Kiddushin* 1:7. See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 23-28 and Golinken, “Women in the *Minyan* and as *Shelihot Tzibbur*” for a detailed exploration of the Rambam’s approach.

⁴⁷ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 23-28; Golinken, “Women in the *Minyan* and as *Shelihot Tzibbur*,” 59-79; Meiselman, *Jewish Woman in Jewish Law*, 131-132.

According to Mishna *Kiddushin* 1:7, women are exempt from most positive time-bound commandments.

Rosenberg, they all conclude that the Rambam supports women's equal obligation in *tefilla*.

As opposed to Rambam's "two-tiered model," Ramban and Rashi understand prayer as a uniquely and originally Rabbinic *mitzva* in which women are equally obligated.⁴⁸ Women are obligated either because prayer's status as a request for mercy overrides its positive time-bound nature⁴⁹ or because, as an ideal, prayer is a non-time-bound *mitzva* in which people should engage all day.

Contemporary authorities who maintain that women are not obligated in regular recitation of the *Amidah* find support in their debatable reading of the Magen Avraham, who mentions that "most women have the practice of not praying regularly, because immediately after washing their hands in the morning they say some request, and this is Biblically sufficient."⁵⁰ He raises but dismisses the possibility that "the Sages did not extend their obligation any further."⁵¹ Golinken, Tucker and Rosenberg, and Meiselman agree that because of the nuances of his language and arguments in the cited and surrounding passages,⁵² joined with the historical and societal context of his statements, the Magen Avraham seeks not to offer a *halakhic* ruling undermining women's obligation in *tefilla*, but to justify an existing practice of large numbers of women who do not pray the

⁴⁸ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 33; Ramban's Challenges to Sefer HaMitzvot, Positive Commandment #5; Rashi Berachot 20b.

⁴⁹ See footnote 48, part two.

⁵⁰ Magen Avraham 106:2.

⁵¹ *Ibid*.

⁵² Magen Avraham 299:16, as Tucker and Rosenberg discuss.

Amidah.⁵³ Rabbis Tucker and Rosenberg summarize: “While it is not our place to judge women who rely on Magen Avraham to justify their own practice, it is important to avoid allowing the justification of pious women who do not pray the *Amidah* regularly to undermine their fundamental obligation in prayer across time and space.”⁵⁴

None of the *teshuvot* included in this paper believe that the Magen Avraham intended his remarks as a challenge. They agree that regardless of which *Rishon’s* school of thought an authority adopts, women are equally obligated in the *Amidah* prayer of at least *Shacharit* and *Mincha*.⁵⁵

Golinken, Tucker and Rosenberg, Meiselman, and Broyde agree that a lack of equal obligation in private prayer cannot be maintained as an objection to women serving as *shlichot tzibbur*.⁵⁶ Though this principle contributes significantly to Golinken and Tucker’s and Rosenberg’s conclusion that women may serve as *shlichot tzibbur*, Broyde and Meiselman ultimately consider this obligation irrelevant in

⁵³ For detailed treatment of this issue, see: Tucker and Rosenber, *Gender Equality and Prayer in Jewish Law*, 31-40; Golinken, “Women in the *Minyan* and as *Shelihot Tzibbur*,” 57-59; Meiselman, *Jewish Woman in Jewish Law*, 132-133.

⁵⁴ Tucker and Rosenber, *Gender Equality and Prayer in Jewish Law*, 40.

⁵⁵ Broyde, “Further on Women as Prayer Leaders”; Meiselman, *Jewish Woman in Jewish Law*, 133; Golinken, “Women in the *Minyan* and as *Shelihot Tzibbur*,” 57-59; See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 34, n32.

⁵⁶ Broyde, “Further on Women as Prayer Leaders”; Meiselman, *Jewish Woman in Jewish Law*, 133-134; Golinken, “Women in the *Minyan* and as *Shelihot Tzibbur*,” 57-59; Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 39-41.

the face of overriding factors which disqualify women from service as *shlichot tzibbur*.⁵⁷

Devarim Shebikdusha and Public Prayer

In addressing the second role of a *sha"tz*, these *teshuvot* diverge significantly in their conclusions and in the parameters in which they frame their analysis. Golinken and Tucker and Rosenberg address women's ability to recite *devarim shebikdusha* by exploring the particular composition and nature of these *tefillot*. Broyde and Meiselman investigate women's ability to recite *devarim shebikdusha*, and even the *hazarat hasha"tz*,⁵⁸ by evaluating the issue within its larger context and framework of public prayer.

Golinken states that if women are equally obligated in *devarim shebikdusha*, then they may lead their recitation. In a significant break from the standard Orthodox line of reasoning, he asserts that an obligation in *Kedusha*, *Kaddish*, and *Barekhu* derives from the *mitzva* of *kiddush HaShem*, "And I will be sanctified amidst the Children of Israel (*B'nei Yisrael*)."⁵⁹ He argues that this *mitzva* manifests in two

⁵⁷ Broyde, "Further on Women as Prayer Leaders"; Meiselman, *Jewish Woman in Jewish Law*, 133-136.

⁵⁸ According to Broyde, because the presence of a *minyan* is required for the *hazarat hasha"tz*, even though women are obligated in the *Amidah*, this additional criterion makes them unable to fulfill the congregation's obligations in the *Amidah*. Broyde, "Further on Women as Prayer Leaders."

⁵⁹ Golinken sees martyrdom and *devarim shebikdusha* as two sides of the same coin given that they are derived from the same verse, Leviticus 22:32. However, Rabbi Aryeh Frimer, a prominent Orthodox participant in this discussion, asserts that while both martyrdom and *devarim shebikdusha* appear to be derived from the same verse, the verse is the actual derivation for martyrdom, but only an *asmachta*

ways: martyrdom and recitation of *devarim shebikdusha* during communal prayer, both of which require a quorum of ten to be practiced.⁶⁰ The Talmudic discussion of martyrdom indicates that women share equally in this obligation and therefore count in its quorum.⁶¹ Golinken's argument is twofold. First, the obligations of martyrdom and *devarim shebikdusha* are derived from the same Biblical verse. Second, the Talmudic discussion of both obligations include identical analysis of the derivation of their quorum. Therefore, details of one can be extrapolated to the other. Accordingly, because women are obligated equally in the *kiddush HaShem* of martyrdom, they are equally obligated in the *kiddush HaShem* of *devarim shebikdusha*.⁶²

Many reject the premise of connecting the Biblical and Talmudic origins of the obligations of martyrdom and *devarim shebikdusha*. Additionally, they oppose the application of such an obligation in *devarim shebikdusha* to women by focusing on the relevant Biblical verse's language of "*B'nei Yisrael*."⁶³ They claim that only "*B'nei Yisrael v'lo B'not Yisrael*" (men and not women) are included in the obligation

for *devarim shebikdusha*. Therefore, though women are obligated in martyrdom, this obligation cannot be extrapolated to public prayer. Aryeh A. Frimer, "Women and *Minyan*," *Tradition: A Journal of Orthodox Jewish Thought* 23, no. 4 (1988): 54-77. Accessed June 14, 2020. www.jstor.org/stable/23260941.

⁶⁰ Martyrom: Sanhedrin 74b; *Devarim Shebikdusha*: Megilla 23b, Berachot 21b; Quorum: Mishna Megilla 4:3.

⁶¹ See Sanhedrin 74b, which assumes Esther was obligated in martyrdom.

⁶² Ascribing an obligation in recitation of *devarim shebikdusha* to any gender is, in itself, a significant *chiddush*.

⁶³ Leviticus 22:32.

to fulfill *kiddush HaShem* through public prayer.⁶⁴ Golinken dismisses these challenges as untenable given that the entire Torah is written in masculine language⁶⁵ and as a non-conclusive *asmachta b'alma*.⁶⁶

Golinken concludes that because women are obligated in the *kiddush HaShem* of *devarim shebikdusha*, they count towards the quorum required for its recitation, and may recite them on behalf of the community as *shlichot tzibbur*.⁶⁷

While Golinken's argument presupposes an individual obligation in *devarim shebikdusha* fulfilled by the *sha"tz* and instead focuses on the gender blind nature of this *mitzva*, Tucker and Rosenberg evaluate women's fitness to recite *devarim shebikdusha* by challenging whether and in what form this obligation exists before discussing its gender blind character. They present three questions on the nature of these *tefillot*. Is there an individual obligation in *devarim shebikdusha*? If so, is this obligation fulfilled by the *sha"tz*? If it is, is this obligation gendered? To exclude women from leading as *shlichot tzibbur*, all three questions would have to be answered affirmatively. Such conclusions would effectively argue that there is an individual

⁶⁴ See Golinken, "Women in the *Minyan* and as *Shelihat Tzibbur*," 57-59, n25 for examples of such authorities.

⁶⁵ Tosafot Arachin 2b, *dibur hamatchil "lerabot."*

⁶⁶ The textual derivation is merely a support for the idea, but is not an authoritative source for it.

⁶⁷ Golinken, "Women in the *Minyan* and as *Shelihat Tzibbur*," 57-59. Given that he does not see an absolute obligation in attendance of *minyan*, he likely views obligation in *devarim shebikdusha* as devolving on individuals only when they are in a group with ten others.

obligation in *devarim shebikdusha*, held only by men, that is fulfilled through the agency of the *sha"tz*.⁶⁸

To the contrary, according to many sources and the codification of the Shulchan Aruch and Magen Avraham, it is possible to maintain that there is no individual obligation to recite *devarim shebikdusha*, rendering the obligation level of the potential *sha"tz* irrelevant.⁶⁹ Still, according to Rashi and Tosafot, an individual or communal obligation in the recitation of *devarim shebikdusha* exists, prompting exploration of the second question.⁷⁰ According to Rav Ovadiah, the Shibbolei Haleket, Rav Uzziel, and the Aruch HaShulchan, obligations in *devarim shebikdusha* are not fulfilled by the *sha"tz*, but through the responses of each individual congregant, again rendering the obligation level of the *sha"tz* irrelevant.⁷¹ However, the Shulchan Aruch HaRav and Sefer HaMahkim maintain that the *sha"tz* fulfills each congregant's obligations through the agency of his or her leadership, requiring exploration of the third question.⁷² Is this obligation, fulfilled vicariously through the *sha"tz*, gendered? Tucker and Rosenberg,

⁶⁸ See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 79-99 for a complete analysis of this subject.

⁶⁹ Shulchan Aruch OH 53:10 and Magen Avraham 53:12. See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 80-85 for further citations.

⁷⁰ Rashi Berachot 47b and Tosafot Megilla 24a. See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 87-89 for further citations.

⁷¹ Responsa Yabia Omer VIII OH 14:3-4, Shibbolei Haleket Tefilla #20, Responsa Mishpetei Uzziel III, Milluim 2, and Aruch Hashulchan OH 581:5. See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 89-92 for further citations.

⁷² Shulchan Aruch HaRav OH 53:13 and Sefer Hamahkim s.v. hakorei. See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 89-92 for further citations.

mirroring the innovative reasoning of Golinken, understand *Kedusha*, *Kaddish*, and *Barekhu* as “located under the rubric of the controlling *mitzva* of *kiddush HaShem*.”⁷³ They argue that women are obligated in the *kiddush HaShem*⁷⁴ of not only martyrdom, but also *devarim shebikdusha*. The Responsa Havvot Yair and Responsa Mishpetei Uzziel, among others, affirm the gender blind nature of an obligation in recitation of *devarim shebikdusha*.⁷⁵ As Tucker and Rosenberg explain, “no one prior to contemporary opponents of egalitarian *minyanim* suggests that women are ‘exempt’ from *Kedusha*, *Kaddish*, and *Barekhu*.”⁷⁶ Even if the *sha”tz* fulfills an individual obligation in *devarim shebikdusha*, this obligation applies equally to all genders. Consequently, obligation gaps cannot justify excluding women from leading the recitation of *devarim shebikdusha*.

Broyde and Meiselman bypass discussion of the origin and particulars of an individual obligation in *devarim shebikdusha* by evaluating who is fit to lead *devarim shebikdusha* within the larger context of public prayer. In other words, instead of directly examining women’s obligation to recite the prayers said in a *minyan*, they examine women’s general obligation, or lack thereof, to attend a *minyan*. Though these two lines of investigation are connected and both reflect exploration of an underlying obligation in or exemption

⁷³ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 94.

⁷⁴ See footnote 62.

⁷⁵ Responsa Havvot Yair #222 and Responsa Mishpetei Uzziel III, Milluim 2. See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 93-96 for further citations.

⁷⁶ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 94 n148.

from *devarim shebikdusha*, each involves a meaningfully different set of sources and language.

Broyde and Meiselman view public prayer as a unit from which women are categorically exempt and thus disqualified from leading.⁷⁷ Broyde supports his claims of women's exemption using the *teshuva* of the Shevut Yaakov, the Teshuvot Me'ahava, and the Margaliot Hayam, as well as the codification of Tefilah Kehilkhata and modern *teshuvot*.⁷⁸ He contends that women's general exemption from positive time-bound commandments generates their exemption from public prayer.⁷⁹ Meiselman, supporting his claims with the modern *teshuvot* of Rabbis David Feldman and Saul Berman, argues a similar conclusion.⁸⁰ However, he reasons instead that women's assigned charge to develop the private rather than public sphere of religious life leads to their exemption from public prayer.⁸¹

Both Broyde and Meiselman connect their discussion of women's exemption from public prayer with their analysis of women's inability to count in a *minyan*, the conduit of public prayer. They argue that because women are exempt from public prayer, they cannot count in a *minyan* assembled for its purpose, and therefore cannot be its

⁷⁷ Broyde, "Further on Women as Prayer Leaders"; Meiselman, *Jewish Woman in Jewish Law*, 133-136. Again, see Mishna Rosh Hashanah 3:8, which states that only someone with an equal or greater obligation can discharge the obligations of others.

⁷⁸ Shevut Yaakov OH 3, Teshuva Me'ahavah 2:229, Margaliot Hayam Sanhedrin 74b, and Tefilla Kehilkhata 8:4.

⁷⁹ Broyde, "Further on Women as Prayer Leaders."

⁸⁰ David Feldman, "Woman's Role and Jewish Law," *Conservative Judaism* 26, no. 4 (Summer 1972): 35-36; Saul Berman, "The Status of Women in Halakhic Judaism," *Tradition* 14, no. 2 (Fall 1973).

⁸¹ Meiselman, *Jewish Woman in Jewish Law*, 135.

leaders.⁸² Though the first claim logically gives rise to the subsequent two, sources which establish women's inability to count in a *minyan* appear earlier than sources which discuss whether or not women are obligated in attending public prayer.⁸³ Thus, Broyde and Meiselman may have, on a theoretical level, worked backwards to derive women's exemption in public prayer from the Shulchan Aruch's earlier and clearer statement that women do not count in a *minyan*.⁸⁴ With history and existing practice largely on their side, reimagining the conversation surrounding these texts is unnecessary. However, their lack of explicit support from traditional sources in claiming women's exemption from public prayer leaves their opponents significant room to dismantle their arguments.

Countering the implied claim of Broyde's and Meiselman's arguments that women are exempt from reciting *devarim shebikdusha*, Golinken and Tucker and Rosenberg provide direct arguments for women's eligibility to lead the recitation of these *tefillot*. They also dismiss their opponents' explicit claims of a gendered obligation gap in attendance of public prayer.

⁸² Supported by Margaliot Hayam Sanhedrin 74b, Broyde explains that a person only counts in a quorum assembled to perform an activity in which he or she is obligated. Broyde explains: "[in contrast,] in situations where women do count in the *minyan*/quorum [such as for martyrdom], they should be able to fulfill the obligation for others as a leader."

⁸³ The Shulchan Aruch, recording that women do not count in a *minyan*, was published in the 16th century. The Shevut Yaakov, suggesting that women are not obligated in public prayer, was published in the 18th century.

⁸⁴ Theoretical, given that at the time of writing, sources for both were already in existence and at their disposal.

Golinken notices that the same authorities, including Meiselman, who argue that women's exemption from praying with a *minyan* precludes them from leading as *shlichot tzibbur* also claim that men's obligation to pray with a *minyan* is not absolute.⁸⁵ If men are not uncompromisingly obligated in public prayer, then women's potential exemption should not bear on their ability to serve as *shlichot tzibbur*.⁸⁶ Broyde and Meiselman would likely counter this challenge by arguing that because a man counts towards a *minyan* and is obligated to ensure the presence of a *minyan* in his community, his incomplete obligation is greater than that of a woman. Golinken and Tucker and Rosenberg would likely respond that women do count in a *minyan* and are thus included in this obligation and communal imperative. Consequently, the disagreement on obligation in public prayer would need to be further explored through discussion of who is eligible to count in a *minyan*.⁸⁷

Tucker and Rosenberg challenge Meiselman's and Broyde's arguments and assumptions about the nature of public prayer by presenting two alternative models: public prayer either as important and spiritually beneficial but not an obligation or as a communal responsibility.

Tucker and Rosenberg explain that public prayer can be conceived of as a "spiritual means rather than a personal or communal

⁸⁵ Commenting on the nature of a man's obligation in *minyan*, Meiselman states that "there is a crucial and critical difference, however, between the urgently preferable and the obligatory." Meiselman, *Jewish Woman in Jewish Law*, 134.

⁸⁶ Golinken, "Women in the *Minyan* and as *Shelihat Tzibbur*," 57-59.

⁸⁷ See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 103-152 and Aryeh A. Frimer, "Women and *Minyan*," 54-77 for detailed arguments for and against women counting in a *minyan*.

end.”⁸⁸ Berachot 7b-8a and Rambam *Hilkhot Tefilla* 8:1 both emphasize the “metaphysical efficacy” of public prayer, asserting that God favors and looks more generously upon prayers said in community.⁸⁹ Other sources emphasize that one should go to great lengths to attend public prayer, yet do not express its importance as an obligation.⁹⁰ Viewed in either of these lights, public prayer is not an obligation, but an opportunity to pray in a more optimal atmosphere. Because women are obligated in private prayer, women and men would share an equal imperative to pray in a *minyan* to receive its personal and spiritual benefits.⁹¹ Further, when public prayer is removed from the sphere of obligation and exemption, whether or not women are obligated in it becomes irrelevant to whether they may be *shlichot tzibbur*. If no one is obligated in attending public prayer, it is untenable to claim that women’s potential exemption from it makes them unfit for service as *shlichot tzibbur*.

Tucker and Rosenberg also acknowledge and address the view that there is a communal obligation and responsibility devolving on the individual to help make a *minyan*.⁹² In response to this position, they argue that women count in a *minyan* and therefore would share the social responsibility of public prayer equally with men.⁹³

When public prayer is characterized as an obligation, counting women in a *minyan* would counter claims of their assumed exemption

⁸⁸ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 159.

⁸⁹ Berachot 7b-8a and Rambam *Hilkhot Tefilla* 8:1,3

⁹⁰ Berachot 7b-8a and Shulchan Aruch OH 90:9.

⁹¹ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 171.

⁹² Berachot 8a, Responsa Tashbetz 1:90, Responsa Havvot Yair #115. See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 157-164 for further detail.

⁹³ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 171.

from attending it. However, many who exclude women from service as *shlichot tzibbur* do not accept a redefinition of *minyan* eligibility. Still, even if women are not counted in a *minyan*, claiming that this disqualifies them from leading as *shlichot tzibbur* is difficult.⁹⁴

To do so, one would have to prove all three of the following claims.⁹⁵ First, individuals are obligated to pray with a *minyan*, an idea disputed by many *Rishonim*.⁹⁶ If no such obligation exists for any gender, women's obligation or exemption status is irrelevant to their ability to be *shlichot tzibbur*. Second, if there is such an obligation, it is gendered, an idea not supported by *Rishonim* and challenged by some *Achronim*.⁹⁷ If such an obligation applies equally to all genders, an obligation gap between men and women cannot disqualify women from service as *shlichot tzibbur*. Third, if there is a gendered obligation, this gender gap makes women ineligible to serve as *shlichot tzibbur*, a counterintuitive claim supported only by contemporary sources "given that an individual obligation in public prayer seems to be about attending public prayer, not leading it."⁹⁸ Because not all of the three prerequisite claims can be proven, Tucker and Rosenberg argue that using an exemption from public prayer to disqualify women from serving as *shlichot tzibbur* is untenable and "far from self-evident in

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ See footnotes 89 and 90.

⁹⁷ Responsa Be-Aholah shel Torah 2:27 and Yad Eliyahu, Pesakim 1:7. See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 168-170 for further detail and explanation.

⁹⁸ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 171.

the sources.”⁹⁹ Broyde and Meiselman would likely respond by insisting that contemporary sources which exempt women from public prayer must be understood as conclusive and taken at face value.

Broyde and Meiselman channel the bulk of their opposition to women as *shlichot tzibbur* through the claim that women are exempt from public prayer and thus cannot fulfill the obligations of the community as leaders of a *minyan*.¹⁰⁰ However, Golinken and Tucker and Rosenberg, viewing this channel of exploration as flawed and irrelevant, do not consider women’s ability to be *shlichot tzibbur* through the lens of public prayer except to address and reject their counterargument. Tucker and Rosenberg relegate their discussion of public prayer to their appendices, communicating that their arguments stand independently of this defense. Further conversation with Tucker reveals that because of public prayer’s prominence in the claims of traditional Orthodoxy, he addressed the argument seriously. Concluding that this opposition functions as weak and non-substantive, especially given its late appearance in the *halakhic* dialogue, he determined that it was peripheral to his argument.¹⁰¹ Evidently, opposing sides of the debate on women as *shlichot tzibbur*, more than disagreeing on fundamental sources, conduct their conversation through different terms and axes of argument.

⁹⁹ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 171.

While Tucker and Rosenberg dismiss the face value claim of the Shevut Yaakov, for example, Broyde explicitly accepts it.

¹⁰⁰ Broyde, “Further on Women as Prayer Leaders”; Meiselman, *Jewish Woman in Jewish Law*, 135-136.

¹⁰¹ Cheskin, Joy, and Ethan Tucker. Questions on Your Book. Personal, May 15, 2020.

Kevod HaTzibbur

Though Golinken and Tucker and Rosenberg all reject Meiselman's and Broyde's main premise of opposition, Tucker and Rosenberg recognize that a legitimate, albeit objectionable, challenge to women's leadership of those parts of the service that require a *minyan* may be made through the prism of *kevod hatzibbur*, impact on communal dignity.¹⁰² According to the Beit Yosef, a community can waive its *kavod* in the face of other priorities.¹⁰³ The Bach implies that it may reassess the meaning of *kevod hatzibbur* in light of changed circumstances.¹⁰⁴

Tucker and Rosenberg, echoing Broyde, understand that *kevod hatzibbur* only impacts the conversation when no mitigating obligation gaps exist.¹⁰⁵ Having proven women's equal obligation in *tefillot* recited privately and publicly, a woman's ability to serve as *sha"tz* rests on whether, in her community, women's ritual leadership elevates or diminishes the communal experience of a religious space.¹⁰⁶ Given their belief that it does increase the dignity of a religious space in today's increasingly egalitarian world, Tucker and Rosenberg assert that *kevod hatzibbur* can be waived or reassessed to permit women to lead as *shlichot tzibbur*.¹⁰⁷

¹⁰² Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 65.

¹⁰³ Beit Yosef OH 143.

¹⁰⁴ Bah OH 53.

¹⁰⁵ See Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 55-74 for a detailed exploration of *kevod hatzibbur*; Broyde, "Further on Women as Prayer Leaders."

¹⁰⁶ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 72-74, 99.

¹⁰⁷ *Ibid.*, 72-74, 102.

They concede that those who believe women's leadership still injures communal dignity would stand on firm *halakhic* ground in invoking *kevod hatzibbur* to maintain non-egalitarian prayer leadership. This claim, Tucker and Rosenberg assert, is one of the only "intelligible (aside from whether it is plausible or objectionable)" challenges to egalitarian prayer.¹⁰⁸

However, because Broyde and Meiselman assert the existence of a gendered obligation gap in public prayer, they do not pursue Tucker's and Rosenberg's recommended path of opposition. Broyde insists that *kevod hatzibbur* "plays no role in the reason why women cannot be leaders in community prayer."¹⁰⁹ To this type of claim, Tucker and Rosenberg respond: "there is no need to run away from that conversation [*kevod hatzibbur*] by forcing the creation of gender obligation gaps in *devarim shebikdusha* that are not clearly supported by traditional sources."¹¹⁰

Though Broyde and Meiselman do not engage *kevod hatzibbur* in the primary *teshuvot* studied in this paper, they and their colleagues discuss the matter in the context of Partnership *Minyanim*, a unique hybrid of the different ideological camps and movements studied above.

Partnership *Minyanim*¹¹¹

Not all who abide by Broyde's and Meiselman's *halakhic* reasoning cease their exploration within the limits of Broyde's and

¹⁰⁸ Ibid., 98.

¹⁰⁹ Broyde, "Further on Women as Prayer Leaders."

¹¹⁰ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 98.

¹¹¹ Though a major innovation and defining characteristic of Partnership *Minyanim* is allowing women to receive *Aliyot* and read Torah, these

Meiselman's conclusions. Advocates of Partnership *Minyanim* largely accept Brojde's and Meiselman's assessment that women are exempt from public prayer and thus cannot fulfill the obligations of the congregation in *devarim shebikdusha*. However, by broadening their definition of a *sha"tz*, they still forge a path for women's prayer leadership.¹¹²

Partnership *Minyanim* explain that although one of the roles of a *sha"tz* is to fulfill obligations of the congregation, another function is to set the pace of *tefilla* and "enhance the collective prayer experience."¹¹³ They argue that women's exemption from public prayer only excludes them from serving as *shlichot tzibbur* for *tefillot* that involve fulfilling the congregation's obligations in sections of the service considered *tefilla b'tzibbur*.¹¹⁴ Therefore, they assert that

practices will not be discussed here. The following section will focus only on the practice of Partnership *Minyanim* to allow women to lead certain parts of the service. For discussion of Torah reading and *aliyyot*, see the seminal works of Rabbi Sperber and Rabbi Shapiro, as cited in footnote 29, for arguments in favor. For arguments against, see Aryeh A. and Dov Frimer, "Women, Keri'at Ha-Torah, and Aliyyot." *Tradition: A Journal of Orthodox Jewish Thought* 46, no. 4 (2013): 67-238. Accessed June 14, 2020. www.jstor.org/stable/43832687.

¹¹² Zev Farber, "Morethodoxy," *Morethodoxy* (blog) (International Rabbinic Fellowship, January 25, 2013), <https://morethodoxy.org/2013/01/25/partnership-minyanim-a-defense-and-encomium/>.

¹¹³ Zev Farber, "Morethodoxy."

¹¹⁴ It is important to note that the creators of "Guide for the 'Halachic Minyan'," which many Partnership *Minyanim* use as a practical guide to what women may lead in a service, stated that "it is not our intention to claim that communities in which women lead these parts [*devarim shebikdusha*] of the prayer are not *Halachically* justifiable." Michal and Elitzur A. Bar-Asher Siegal, "Guide for the 'Halachic

women may lead *tefillot* in which either no fulfillment of obligation is involved or women share an equal obligation.¹¹⁵

However, opponents of Partnership *Minyanim* challenge their practices by claiming that even if a *tefilla* cannot formally be categorized as *tefilla b'tzibbur*, other factors still prohibit women's leadership of such *tefillot*.¹¹⁶ Rabbis Aryeh and Dov Frimer, who represent a similar community to that of Broyde, argue that women's leadership of a service which they are not obligated to attend, regardless of whether or not their role is to fulfill obligations of the congregation, affronts *kevod hatzibbur*. They explain: women's

Minyan." Jewish Orthodox Feminist Alliance. Last modified 2008. Accessed June 14, 2020. <https://www.jofa.org/partnership-minyans>.

While this opinion does not represent all leaders and scholars of Partnership *Minyanim*, its existence is significant.

¹¹⁵ This can be because there is no obligation in the given section of the service (such as *Kabbalat Shabbat* and *Pesukei Dezimra*), for a particular *tefilla*, congregants, not the *sha"tz* on their behalf, fulfill their own obligations, or because women are equally obligated in the *tefilla*. First, *Hallel* on the last six days of Pesach is customary and not obligatory, and thus, given that there is no obligation, women may lead it. Second, though *Hallel* on the first day of Passover is a positive time-bound commandment from which women are exempt, women may still lead this *Hallel* if each male congregant simultaneously says all the words of *Hallel* to himself. Third, women are equally obligated in *Hallel* on the first night of Pesach and thus she can fulfill the obligations of the entire congregation through her leadership. See "Guide for the '*Halachic Minyan*,'" as cited in footnote 114, for more information.

¹¹⁶ Aryeh and Dov Frimer, "Women, *Keri'at Ha-Torah*, and *Aliyyot*," 165-174, 188-193; Michael Broyde, "Women Leading *Kabbalat Shabbat*: Some Thoughts," *Torah Musings*, August 20, 2010, <https://www.torahmusings.com/2010/08/women-leading-kabbalat-shabbat-some-thoughts/>.

leadership suggests that “the men-folk do not value their *halakhic* responsibilities and obligations,” causing *zilzul hamitzva*.¹¹⁷ Additionally, they posit that positioning women at the center of a communal religious ritual may lead to sexual distraction, raising issues of *tzniut*, including *kol isha*.¹¹⁸ Further, they argue that instituting women’s ritual leadership where it has not previously existed in Orthodox communities would violate “long standing communal *minhagim*.”¹¹⁹

Broyde, in a *teshuva* separate from the one studied through the majority of this paper, recognizes the technical permissibility of some of these innovations in women’s ritual leadership, but echoes the Frimers’ objection to violation of *minhag* and categorizes such practices as a slippery slope to further unacceptable change.¹²⁰ Commenting specifically on women’s leadership of *Kabbalat Shabbat*, Broyde writes: “even though technical Jewish law permits this conduct as a matter of *hilchot tefilla*...we are worried that people will grow confused as to what only men can lead...”¹²¹ He continues:

Changing the custom so as to allow women to lead *Kabbalat Shabbat* as a *chazan* seems to me to be a practice that badly obfuscates between situations where a proper *shaliach tzibur*

¹¹⁷ Aryeh and Dov Frimer, “Women, Keri’at Ha-Torah, and Aliyyot,” 189.

¹¹⁸ Aryeh and Dov Frimer, “Women, Keri’at Ha-Torah, and Aliyyot,” 189.

See Rabbi Shapiro’s article, cited in footnote 29, for an argument of why *kol isha* does not apply in the context of *minyán*.

¹¹⁹ Aryeh and Dov Frimer, “Women, Keri’at Ha-Torah, and Aliyyot,” 189.

¹²⁰ Michael Broyde, “Women Leading Kabbalat Shabbat: Some Thoughts.”

¹²¹ *Ibid.*

is needed and where one is not, and thus a bad innovation, likely to lead people astray.¹²²

Broyde concludes that, for these reasons, women may not lead even “those parts of *davening* that technical *Halacha* does not formally prohibit them from leading.”¹²³

Broyde’s belief that prohibitions on women’s ritual leadership extend beyond the technical boundaries of *hilkhot tefilla* directly counters Rabbi Daniel Sperber’s modus operandi and philosophy of *Halakha*. Sperber explains: “when things are permitted, they should be encouraged.”¹²⁴ In addition to having ruled that *kevod habriyot* overrides *kevod hatzibbur*,¹²⁵ countering one of the Frimers’ major objections, Sperber justifies Partnership *Minyanim* with the following *halakhic* principles:¹²⁶

...in the same way it is forbidden to permit that which is forbidden, it’s also forbidden to forbid that which is permitted...it is not forbidden to permit that which is permitted, even if it wasn’t practiced in the past, because *Halakha* is dynamic and when cultural circumstances change, one has to face up to these changes and accommodate them...if you can find a position of leniency, you should do so.

By addressing technical solutions and embracing a new social reality, even those who accept women’s inability to lead parts of the

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Judy Maltz, “Just Don’t Call the Rabbi ‘Feminist.’”

¹²⁵ Daniel Sperber, “Congregational Dignity and Human Dignity: Women and Public Torah Reading”

¹²⁶ Judy Maltz, “Just Don’t Call the Rabbi ‘Feminist.’”

service that require a *minyan* can justify alternative opportunities for women's ritual leadership.

At this point, the discussion returns to Broyde's and Meiselman's approaches to women as *shlichot tzibbur* for parts of *tefilla* which require a *minyan*. They determined that an obligation gap in public prayer conclusively prohibits women's leadership of such prayers. *Kevod hatzibbur*, *minhag*, and *tzniut* only become relevant when no technical prohibitions on a matter exist, allowing Broyde and Meiselman to close their argument without needing to defend their case through these mechanisms. However, because Broyde and similar authorities determined that technical prohibitions in the realm of *hilkhot tefilla* cannot disqualify women from serving as *shlichot tzibbur* in the limited capacity in which they do in Partnership *Minyanim*, they employed concerns of *kevod hatzibbur*, *minhag*, and *tzniut* to defend their prohibition.¹²⁷ It can be inferred that even if Broyde and Meiselman were convinced by Golinken and Tucker and Rosenberg that no meaningful obligation gap exists in public prayer and *devarim shebikdusha*, they would still prohibit women from being *shlichot tzibbur* for *hazarat hasha"tz*¹²⁸ and *devarim shebikdusha* on the basis of their objections to Partnership *Minyanim*. Beyond analysis of her obligations, a woman's ability to be *sha"tz* depends largely on her community's understanding of the social and religious implications of women's ritual leadership.

¹²⁷ Aryeh and Dov Frimer, "Women, *Keri'at Ha-Torah*, and *Aliyyot*," 165-174, 188-193; Michael Broyde, "Women Leading Kabbalat Shabbat: Some Thoughts," *Torah Musings*, August 20, 2010, <https://www.torahmusings.com/2010/08/women-leading-kabbalat-shabbat-some-thoughts/>.

¹²⁸ See footnote 59.

Category Shifts

Recognizing that today's social reality is radically different from that of the past, some redefine the parameters and assumptions of the discussion on whether or not women may be *shlichot tzibbur*. Arguments which more fundamentally reimagine the role of women in Jewish law and life make it possible to declare broader religious gender equality separate from the details of women's ability to lead particular *tefillot*.

In 2014, following decades of *halakhic* exchange in the Conservative Movement on whether women may serve as *shlichot tzibbur* and on their broader equality in *halakhic* life, Rabbi Pamela Barmash decided to concretize the Movement's commitment to robust and complete gender equality. In her *teshuva*, Barmash argues that women's exemption from positive time-bound commandments, a major manifestation of their inequality in religious life, was due to women's historically inferior and subordinate social status, not to their classification as positive time-bound *mitzvot*.¹²⁹ Now that women are, in theory if not in practice, social equals to their male counterparts, this exemption no longer applies.¹³⁰ Thus, Barmash rules that contemporary women are equally obligated in all *mitzvot*, except those determined anatomically.¹³¹ Though the Movement permitted women to function as *shlichot tzibbur* prior to this *teshuva*, Barmash's argument for overarching gender equality removes doubt,¹³² among

¹²⁹ Pamela Barmash, "Women and *Mitzvot*," 4-22, 32.

¹³⁰ *Ibid.*, 32.

¹³¹ *Ibid.*

¹³² Some Conservative communities who adopt this ruling still struggle to implement fully in practice, even if they accept it in theory. Rabbi

those who accept her reasoning, about women's equality in any area of religious life.

Tucker and Rosenberg, too, craft a similar statement of sweeping gender equality.¹³³ After constructing a robust case for women's ability to serve as *shlichot tzibbur* by examining different details and facets of the issue, they close their *teshuva* by introducing a category shift. If accepted absolutely, this shift would render superfluous all preceding material in their *teshuva*.

Tucker and Rosenberg explain that the categories of "*nashim*" and "*isha*," as used by *Hazal*, can be understood not as "applying across history to all those who are biologically female," but as referring to a particular subservient social category occupied by women in the time of *Hazal*.¹³⁴ They argue that contemporary women constitute a category and group separate from a historical conception of "*nashim*."

Using the logic of Rav Yoel Bin-Nun, Tucker and Rosenberg explain that, given the expectations and norms of today's society, contemporary women are considered *b'not horin* (liberated women) and are therefore equally obligated in the religious obligations from which they were traditionally exempt.¹³⁵ Accepting this paradigm shift,

David Booth, "International Seminar for *Halakhic* Study." Lecture, Congregation Kol Emeth, Palo Alto, December 2019.

¹³³ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 144. See Ethan Tucker, "Category Shifts in Jewish Law and Practice," *Hadar* (Hadar Institute, October 2015), <https://www.hadar.org/torah-resource/category-shifts-jewish-law-and-practice> for more information.

¹³⁴ Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 144.

¹³⁵ י. בן-נון, תגובה ל"ברכת חתנים: האם מניין גברים הוא הכרחי?", גרנות 3 (תשסג): 172-173.

which confers upon women complete equality of ritual obligation and removes from them adjunct status in religious life, grants women automatic eligibility to serve as *shlichot tzibbur*.

In the face of these broad and comprehensive arguments, all prior analysis in the Conservative Movement and in Tucker's and Rosenberg's *teshuvah* seems gratuitous. However, these overarching arguments could not stand without all their preceding material, whether within the same book or within a movement's cumulative historical literature. Tucker explains that a category shift redefining women's obligations may seem too drastic independent of claims that women's ability to be *shlichot tzibbur* can be addressed through other technical mechanisms of *Halakha*. These technical arguments narrow the gap between the historical reality of women's ritual leadership and the gender equal standard the category shift would establish. Thus, after understanding these arguments, accepting a category shift is reasonable and manageable, if not natural.¹³⁶ Likely, the decades of discourse in the Conservative Movement prior to Barmash's *teshuvah* served a similar function by preparing the community to accept her larger statement of women's complete equality.

Just as a category shift appears untenable without prior *halakhic* discourse, the reverse may also apply. Tucker suggests that if proponents of increased women's ritual leadership do not foresee a broader statement of *halakhic* gender equality, then technical *halakhic* arguments or workarounds to advance women's leadership opportunities are questionable. Elevating women as leaders where *halakhically* possible while maintaining their status as adjunct

¹³⁶ Cheskin, Joy, and Ethan Tucker. Questions on Your Book. Personal, May 15, 2020.

participants in religious life, may, in essence, cheapen and devalue the seriousness of the religious rituals which they lead.¹³⁷

Conclusion

Each movement's approach to women as *shlichot tzibbur*, as a function of their specific *halakhic* analysis, the way they conduct their analysis, and the goals of such analysis, seems to reflect their answers to the following 'questions behind the question': Is gender equality a supreme value in public religious life? Will matching the egalitarian nature of broader society in the synagogue strengthen or weaken communal religious commitment? Who is fit to represent the community before itself and before God? Those motivated by a belief that greater women's involvement is essential to creating a dignified and committed religious community are driven to engage the complexities of *halakhic* sources with an eye towards innovation.¹³⁸ Those who believe that changed social norms represent external influences likely to undermine the religious and *halakhic* system are driven by a desire to maintain and defend the traditional status quo.

When responsibly choosing between religious communities, it is worthwhile to evaluate not only the practical characteristics of a religious space and the unique *halakhic* reasoning that creates them, but also the underlying value statements which guide these choices and outcomes.

¹³⁷ Ibid.

¹³⁸ "Our own sense is that, in many communities, the exclusion of women from public roles poses a great risk to the ongoing stability and vitality of Torah in an increasingly egalitarian world." Tucker and Rosenberg, *Gender Equality and Prayer in Jewish Law*, 102.

So, by whom shall God be publicly sanctified? The *halakhic* system's commitment to uphold *machloket* means that the dialogue on women as *shlichot tzibbur* and as broader equals in religious life is always evolving. Exploration concerning the dignity and equality of half the population is certainly a *machloket l'shem shamayim*. It merits continued search for understanding by all members of the Jewish community seeking Truth and the Will of God.

Bibliography

Bar-Asher Siegal, Michal. Email to Joy Cheskin. Question from Midreshet Lindenbaum Student, May 15, 2020.

Bar-Asher Siegal, Michal, and Elitzur A. Bar-Asher Siegal. "Guide for the '*Halachic Minyan*.'" Jewish Orthodox Feminist Alliance. Last modified 2008. Accessed June 14, 2020.

<https://www.jofa.org/partnership-minyans>.

Barmash, Pamela. "Women and *Mitzvot*." Committee on Jewish Law and Standards Yoreh Deah, no. 246:6 (April 29, 2014): 1–32.

<https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/2011-2020/womenandhiyyuvfinal.pdf>.

Booth, David. Email to Joy Cheskin. Question on the CJLS and Vaad Halakha, May 15, 2020.

Broyde, Michael J. "Further on women as prayer leaders and their role in communal prayer: an exchange, communal prayer and women." *Judaism: A Quarterly Journal of Jewish Life and Thought* 42, no. 4 (1993): 387+. Gale Academic OneFile (accessed June 14, 2020). <https://link.gale.com/apps/doc/A14873597/AONE?u=azstatelibdev&sid=AONE&xid=f7a5476d>.

Broyde, Michael J. "Women Leading Kabbalat Shabbat: Some Thoughts." *Torah Musings*, August 20, 2010.

<https://www.torahmusings.com/2010/08/women-leading-kabbalat-shabbat-some-thoughts/>.

Cheskin, Joy, and David Booth. Research Question. Personal, May 8, 2020.

Cheskin, Joy, and Ethan Tucker. Questions on Your Book. Personal, May 15, 2020.

Farber, Zev. "Partnership *Minyanim*: A Defense and Encomium." Morethodoxy (blog). International Rabbinic Fellowship, January 25, 2013. <https://morethodoxy.org/2013/01/25/partnership-minyanim-a-defense-and-encomium/>.

Frimer, Aryeh A. "WOMEN AND *MINYAN*." Tradition: A Journal of Orthodox Jewish Thought 23, no. 4 (1988): 54-77. Accessed June 14, 2020. www.jstor.org/stable/23260941.

Frimer, Aryeh, and Dov Frimer. "Women, Keri'at Ha-Torah, and Aliyyot." Tradition: A Journal of Orthodox Jewish Thought 46, no. 4 (2013): 67-238. Accessed June 14, 2020. www.jstor.org/stable/43832687.

Golinken, David. "Women in the *Minyan* and as *Shelihot Tzibbur*." *Teshuvot Va'ad Halakha* 6, (1997): 59-79. Accessed June 14, 2020. www.responsafortoday.com/wp-content/uploads/2018/05/vol6_4.pdf.

Maltz, Judy. "Just Don't Call the Rabbi 'Feminist'." Haaretz.com. Haaretz Daily Newspaper, April 10, 2018. <https://www.haaretz.com/jewish/.premium-just-dont-call-the-rabbi-a-feminist-1.5343659>.

Meiselman, Moshe, and Moshe Meiselman. "Women and Prayer." Essay. In *Jewish Woman in Jewish Law*, 130–42. Ktav Pub. House, 1978.

Ross, Tamar. "Does Positivism Work?" Essay. In *Expanding the Palace of Torah: Orthodoxy and Feminism*, 97. Waltham, MA: Brandeis University Press, published by University Press of New England, 2004.

Tucker, Ethan, and Micha'el Rosenberg. *Gender Equality and Prayer in Jewish Law*. Brooklyn, NY: KTAV Publishing, 2017.

EXPLORING THE BALANCE BETWEEN *TALMUD TORAH* AND PERFORMING *MITZVOT* THROUGH THE LENS OF *AGGADIC* INTERPRETATION

Michal Katz

שמעון הצדיק היה משיירי כנסת הגדולה. הוא היה אומר, על שלשה דברים העולם עומד, על התורה ועל העבודה ועל גמילות חסדים

Shimon the Righteous was one of the remnants of the Great Assembly. He would say: The world stands on three things: Torah, service of HaShem, and acts of chessed (Avot 1:2).

Introduction

Gemara is a compilation of statements, arguments, stories, and proofs that shape the *Halachic* process, and determine how I should live my life as a young Jewish woman. The Gemara is divided into two genres: *Halachic* debate and *Aggadic* stories. The *Halachic* sections delve into the nuances of Jewish law, while the *Aggadic* ones focus on moral and ethical behavior. Naturally, *Halacha* and *Aggada* overlap because often a story is cited to illustrate a *Halachic* point.

I have always been interested in the logical flow of the Gemara and I enjoy wrapping my head around an intricate *Halachic* debate in which each and every detail must be carefully analyzed. Looking at later sources and commentaries broadens and deepens the picture

and is critical for figuring out how the specific issue at hand manifests itself in modern *Halachic* life. This type of learning takes immense concentration. It is like a puzzle, and in order to complete it you must first go on a scavenger hunt to find all the pieces, and then wrack your brain to figure out the correct way to fit them all together.

Yet, there is something about the peculiarity of *Aggadot* that also draws me. After reading some of the more bizarre *Aggadot*, I think about something I learned in my English Language: Rhetoric and Composition course: the reader needs to decide how to go about the interpretation and see what speaks to him/her. Personally, I think the stories are aimed at uncovering the ‘Secret of Living a Jewish Life.’

To me, one of the biggest questions related to living a Torah life is how should one best spend his/her time. The eighth *pasuk* in Yehoshua, just eight verses after the completion of the Torah says:

לא ימוש סֵפֶר התורה הזֶה מפִּיךָ וְהָגִיתָ בּוֹ יוֹמָם וּלְיָלֵה לְמַעַן תִּשְׁמֶר
לַעֲשׂוֹת כְּכֹל הַכְּתוּב בּוֹ כִּי אֶזְרְךָ וְתִצְלַח אֶת דְּרָכְךָ וְאָז תִּשְׁכִּיל:

This Torah should never cease from your mouth; rather ponder it day and night, so that you may faithfully observe all that is written in it. Only then will all your undertakings be successful and then you will be wise.

This *pasuk* instructs us to learn Torah 24/7 in order to properly keep it and to achieve success. It seems to indicate that there is a constant *mitzva* of *Talmud Torah*.

Though learning Torah is a deep Jewish value, we will explore how this value can come into conflict with other important Torah values, such as *chessed*, maintaining a livelihood, and performing other *mitzvot*. Is there an exact formula that prescribes the right balance? I would like to explore this question through the analysis of

various *Aggadot* in the Gemara, and to use this as an avenue to appreciate the value of *Aggadic* interpretation in general.

Chessed

I would like to use two Gemaras to define the kinds of behaviors that are viewed as *chessed*, and to demonstrate the supreme importance that the Torah grants *chessed*.

Sota 14a:

מאי דכתיב "אחרי ה' אלקיכם תלכו"? וכי אפשר לו לאדם להלך אחר שכינה! והלא כבר נאמר "כי ה' אלקיך אש אוכלה הוא!" אלא להלך אחר מידותיו של הקב"ה.

What does the pasuk mean, "You should walk after God?" This clearly cannot be taken literally because God is a devouring fire! Rather, it means that we should imitate His attributes.

Rabbi Chama b'Rabbi Chanina then lists four examples of actions God performed that we ought to imitate: clothing the naked, visiting the sick, comforting mourners, and burying the dead. We see that *HaShem* clothed Adam and Eve, visited Avraham after his *Brit Milah*, comforted Yitzchak after the death of Avraham, and buried Moshe.

The Chida broadens these four specific examples to include all of the *Yud Gimmel Midot HaRachamim*, the Thirteen Attributes of Mercy ascribed to God.

He writes:

א"ר חמא בר חנינא מאי דכתיב אחרי ה' אלקיכם תלכו וכי אפשר וכו': הרב כתנות אור פ' הברכה כתב דמזה יש הכרח דמ"ש בי"ג מדות כל זמן שבני עשו כסדר הזה אין הפי' להזכיר ולומר י"ג מדות אלא להיות רחום וחונן כביכול כמוהו

The power of the Thirteen Attributes to vouchsafe for us forgiveness lies not in our reciting them like a magic formula. Rather, the idea is that if we imitate the behavior of God as outlined in the *Yud Gimmel Midot*, that is how we will achieve forgiveness.

These four instances are singled out by the Gemara because they are quintessential examples of *chessed*; one of them, burying the dead, is a *Chessed Shel Emet*, kindness without the expectation of receiving anything in return, actions done solely out of the goodness of one's heart.

The *Aggada* continues:

תורה תחלתה גמילות חסדים וסופה גמילות חסדים תחילתה גמילות חסדים דכתיב ויעש ה' אלקים לאדם ולאשתו כתנות עור וילבישם וסופה גמילות חסדים דכתיב ויקבר אותו בגיא

The Torah begins and ends with chessed. It opens with HaShem clothing Adam and Chava, and ends with Him burying Moshe.

This implies that *chessed* precedes and follows Torah; kindness is required during the entire process of Torah.

The second Gemara, *Nedarim* 40a, elaborates on the nature of *chessed*.

רב חלבו חלש נפק אכריז רב כהנא רב חלבו באיש לא איכא דקא אתי אמר להו לא כך היה מעשה בתלמיד אחד מתלמידי ר' עקיבא שחלה לא נכנסו חכמים לבקרו ונכנס ר' עקיבא לבקרו ובשביל שכיבדו וריבצו לפניו חיה א"ל רבי החייתני יצא ר' עקיבא ודרש כל מי שאין מבקר חולים כאילו שופך דמים

Rav Kahana was giving *mussar* saying: Rabbi Chelbo was sick, no one went to visit him!? He gave an example that when one of Rabbi

Avika's student was ill, since no other students went to visit, Rabbi Akiva himself went, and the student healed. Rabbi Akiva began preaching that whoever does not visit the sick is a shedder of blood.

Like many *Aggadic* statements, Rabbi Avika's declaration that someone who does not visit the sick is considered a murderer should not be taken literally. Rather, Rabbi Akiva is emphasizing that the *chessed* of visiting the sick should not be viewed as an optional, righteous act of magnanimity, but rather as an obligatory, bare-basic requirement incumbent on every person. Rabbi Akiva highlights that *chessed* is not a discretionary act, but a necessity.

Maintaining a Livelihood

Brachot 35b analyzes the *pasuk* from Yehoshua 1:8 (לא ימוש ספר (התורה הזו מפיד), and its discussion is an excellent lens through which to view the conflict between learning Torah and having an occupation.

ר' חנינא בר פפא רמי כתיב ולקחתי דגני בעתו וגו' וכתוב ואספת דגנך וגו' ל"ק כאן בזמן שישראל עושין רצונו של מקום כאן בזמן שאין ישראל עושין רצונו של מקום ת"ר ואספת דגנך מה ת"ל לפי שנה לא ימוש ספר התורה הזו מפיד יכול דברים ככתבן ת"ל ואספת דגנך הנהג בהן מנהג דרך ארץ דברי ר' שמעאל ר"ש בן יוחי אומר אפשר אדם חורש בשעת חרישה וזרע בשעת זריעה וקוצר בשעת קצירה ודש בשעת דישה וזורה בשעת הרוח תורה מה תהא עליה אלא בזמן שישראל עושין רצונו של מקום מלאכתו נעשית ע"י אחרים שנה ועמדו זרים ורעו צאנכם וגו' ובזמן שאין ישראל עושין רצונו של מקום מלאכתו נעשית ע"י עצמן שנה ואספת דגנך ולא עוד אלא שמלאכת אחרים נעשית על ידן שנה ועבדת את אויביך וגו' אמר אביי הרבה עשו כרבי שמעאל ועלתה בידן כר' שמעון בן יוחי ולא עלתה בידן

To summarize: Rabbi Yishmael and Rabbi Shimon Bar Yochai argue whether to prioritize *Talmud Torah* or working the land. According to Rabbi Yishmael, one must engage in earning a livelihood, and he must

do so according to *Halacha* and with proper *middot* while engaged in his profession. In response, Rabbi Shimon Bar Yochai asserts that one should not devote any time to an occupation whatsoever. The time required to properly attend to one's financial needs is so immense that *תורה מה תהא עליה*, what will become of Torah? Rather, one must completely immerse himself in Torah, and as long as *Bnei Yisrael* are behaving in accordance with God's will, his financial needs will be taken care of by others.

Abaye then announces that those who followed Rabbi Yishmael were successful while those who followed Rabbi Shimon Bar Yochai were not.

What emerges from this Gemara is that we ought to follow Rabbi Yishmael and engage in work to earn a livelihood while making sure that Torah governs our behavior 24/7, including while at work.

However, there is a Gemara in Menachot (32b) in which Rabbi Yishmael and Rabbi Shimon Bar Yochai reverse positions on this issue!

אמר רבי יוחנן משום ר"ש בן יוחי אפי" לא קרא אדם אלא קרית שמע
 שחרית וערבית קיים לא ימוש וידבר זה אסור לאומרו בפני עמי הארץ
 ורבא אמר מצנה לאומרו בפני עמי הארץ שאל בן דמה בן אחותו של
 ר' ישמעאל את ר' ישמעאל כגון אני שלמדתי כל התורה כולה מהו
 ללמוד חקמת יונת קרא עליו המקרא הזה לא ימוש ספר התורה הזה
 מפי' והגית בו יומם ולילה צא ובדוק שעה שאינה לא מן היום ולא מן
 הלילה ולמוד בה חקמת יונת

In this Gemara, Rabbi Shimon Bar Yochai asserts that even if the only Torah learning one does all day is to recite *Shema* in the morning and night, he has fulfilled his obligation of *ימוש*. Yet, in the *Brachot*

Gemara, he maintains that one has to be constantly engrossed in Torah! Similarly, when Rabbi Yishmael's nephew asks him here in the *Menachot* Gemara whether he can please study some Greek wisdom since he has already devoted so much time to learning Torah, Rabbi Yishmael gets angry and responds **לֹא יִמּוּשׁ סֵפֶר הַתּוֹרָה הַזֶּה מִפִּיךָ וְהִגִּיתָ בּוֹ יוֹמָם וְלַיְלָה** - the Torah is not meant to leave your mouth during the day or night; go find a time that is not day or night and that's when you can learn Greek! Yet in the *Brachot* Gemara, Rabbi Yishmael is the one who encourages sacrificing time from Torah study in order to earn a profession!

יורה דעה סימן רמו ס"ק א ד"ה וקשיא דרבי שמעין בר (ברכי יוסף) suggests two solutions to resolve each rabbi's internal contradiction.

First the ברכי יוסף explains Rabbi Yishmael's position: Perhaps Rabbi Yishmael believes that learning Greek is, in fact, permitted, but he wants to motivate his nephew to continue learning Torah. His general approach is that Torah is the priority, but he still makes room for other activities. Alternatively, maybe the situations in *Brachot* and *Menachot* are not comparable. Perhaps Rabbi Yishmael believes that one is only allowed to neglect Torah while making a living, but any other distractions, such as to study Greek wisdom, are unacceptable.

Then, the ברכי יוסף reconciles Rabbi Shimon Bar Yochai's seemingly contradictory positions. His first explanation is not particularly satisfying, but it is used in many instances throughout *Shas*. He writes that there could have been an editing issue in the Gemara in *Menachot*. When one of the versions shortened Rabbi Shimon Bar Yehotzadak to רשב"י, it was mixed up with Rabbi Shimon Bar Yochai. There is no contradiction because they are two different people. The ברכי יוסף's second resolution is more satisfying. If one

studies the opinion of Rabbi Shimon Bar Yochai in *Brachot*, s/he will notice that he is not making a *drasha* based on the *pasuk* of **לֹא יִמּוּשׁוּ**. He says **תּוֹרָה מֵהַ תְּהֵא עָלֶיךָ** - if we devote time to other things, what is to become of Torah?! This is not a *Halachic* obligation, but a recommended pursuit. In other words, in the realm of technical, bottom-line *Halachic* psak, Rashbi believes one fulfills one's Torah learning obligation by saying *Shema* in the morning and evening. However, the lifestyle he passionately encourages is to be engaged in Torah 24/7 without sacrificing time to anything else, even earning a livelihood.

Notably, Rabbi Shimon bar Yochai was a man of his word. Arguably, one of the most famous stories in *Aggadic* literature is a very long and detailed story found in *Shabbat* 33b attesting to Rabbi Shimon Bar Yochai's unwavering dedication to learning.

דִּיתְבִּי רַבִּי יְהוּדָה וְרַבִּי יוֹסֵי וְרַבִּי שְׁמַעוֹן וְיִתְבִּי יְהוּדָה בֶּן גְּרִימָא גְבִייהוּ פְתַח ר' יְהוּדָה וְאָמַר כַּמָּה נְאִים מַעֲשִׂיהֶן שֶׁל אֹמְרֵי זֶה תִּקְנוּ שׁוּקִים תִּקְנוּ גְּשָׁרִים תִּקְנוּ מִרְחָצוֹת ר' יוֹסֵי שֶׁתֵּק נַעֲנָה רַשְׁבִּי וְאָמַר כֹּל מַה שֶׁתִּקְנוּ לֹא תִקְנוּ אֶלָּא לְצוֹרֵךְ עֲצֻמָּן תִּקְנוּ שׁוּקִין לְהוֹשִׁיב בְּהֵן זֹנוֹת מִרְחָצוֹת לְעֵדָן בְּהֵן עֲצֻמָּן גְּשָׁרִים לְיִטּוֹל מֵהֵן מַכֵּס הַלֶּךְ יְהוּדָה בֶּן גְּרִימָא וְסִפֵּר דְּבֵרֵיהֶם וְנִשְׁמַעוּ לְמַלְכוּת אִמְרוּ יְהוּדָה שְׁעִילָה יִתְעַלָּה יוֹסֵי שֶׁשֶׁתֵּק יִגְלָה לְצִיפּוֹרִי שְׁמַעוֹן שֶׁגִּינָה יִהְרַג אֲזַל הוּא וְבֵרִיָּה טָשׁוּ בִּי מִדְּרָשָׁא כֹּל יוֹמָא הוּא מִיִּתִּי לְהוּ דְּבִיתָהּ רִפְתָּהּ וְכּוֹזָא דְּמִיָּא וְכִרְכִּי כִּי תִקְיָף גְּזִירְתָּא א"ל לְבֵרִיָּה נְשִׁים דַּעֲתָן קֵלָה עֲלֵיהֶן דִּילְמָא מְצַעְרִי לָהּ וּמַגְלִיא לָן אֲזַלו טָשׁוּ בְּמַעֲרַתָּא אִיתְרַחֲשִׁי נִיסָא אִיבְרִי לְהוּ חֲרוּבָא וְעִינָא דְּמִיָּא וְהוּוּ מִשְׁלַחִי מְנִיָּהּ וְהוּוּ יִתְבִּי עַד צוֹאֲרֵיָּהּ בְּחֵלָא כּוֹלִי יוֹמָא גְרַסִּי בְּעֵידָן צִלְיִי לְבָשׁוּ מִיכּוֹס וּמְצִלוּ וְהָדָר מִשְׁלַחִי מְנִיָּהּ כִּי הִיכִי דְּלָא לִיבְלוּ אִיתְבוּ תְרִיסָר שְׁנֵי בְּמַעֲרַתָּא אִתָּא אֵלֶיהוּ וְקָם אִפִּיתַחַח דְּמַעֲרַתָּא אִמְרָא מֵאֵן לֹודְעִיָּה לְבָר יוֹחִי דְּמִית קִיסָר וּבִטִּיל גְּזִירְתֵּיהּ נִפְקוּ חֲזוּ אִינְשֵׁי דְּקָא כְּרַבִּי זְרַעִי אִמְרָא מְנִיָּחִין חִי עוֹלָם וְעוֹסְקִין בְּחִי שַׁעָה כֹּל מִקּוֹם שְׁנוֹתֵינוּ עֵינֵינוּ מִיָּד נִשְׁרָף יִצְתָה בֵּת קוֹל וְאִמְרָה לְהֵם לְהַחְרִיב עוֹלָמִי יִצְתָּם חִזְרוּ לְמַעֲרַתְכֶם הַדּוֹר אֲזַל אִיתְבוּ תְרִיסָר יְרִיחֵי שְׁתָּא אִמְרֵי מִשְׁפֵּט רַשְׁעִים בְּגִיהֶנּוּ י"ב חֲדָשׁ יִצְתָה בֵּת קוֹל וְאִמְרָה צֹאוּ מִמַּעֲרַתְכֶם נִפְקוּ כֹּל הִיכָא דְּהוּא מְחִי ר' אֶלְעָזָר הוּא מְסִי ר"ש אִמְרָא לֹו בְּנֵי דִּי לְעוֹלָם אֲנִי

ואתה בהדי פניא דמעלי שבתא חזו ההוא סבא דהוה נקיט תרי מדאני
אסא ורהיט בין השמשות אמרו ליה הני למה לך אמר להו לכבוד שבת
ותיסגי לך בחד חד כנגד זכור וחד כנגד שמור א"ל לבריה חזי כמה
חביבין מצות על ישראל יתיב דעתייהו

In summary, three Rabbis, Rabbi Yehuda, Rabbi Yosi, and Rabbi Shimon bar Yochai, are sitting next to Yehuda ben Geirim. Rabbi Yehuda opens the conversation by describing how wonderful the deeds of the Romans are for they build markets, bridges, and bathhouses. Rabbi Yosi does not comment. Rabbi Shimon Bar Yochai rebuts and says that these are not admirable deeds because the Romans created them for the wrong reasons. Yehuda ben Geirim then relays this conversation to others until word of it reaches the Roman government. The government decrees that Rabbi Yehuda should be praised, Rabbi Yosi, having said nothing, should be exiled to Tzipori, and Rabbi Shimon bar Yochai is to be executed for his rebellious comments.

Upon hearing this, Rabbi Shimon bar Yochai and his son go to hide in the *beit midrash*, and each day his wife brings them food and water. When the decree becomes more harsh, Rabbi Shimon Bar Yochai says that he no longer wants to depend on his wife, so he takes his son to live in a cave. A miracle occurs and a spring of water and a carob tree appear. They spend their entire day buried in the sand learning Torah and only emerge and dress themselves to *daven* three times a day. They dwell in this cave for twelve years until Eliyahu HaNavi reveals to him that the Caesar has died.

When they leave the cave, they see a man planting. This angers Rabbi Shimon bar Yochai and he exclaims, "They abandon the work of eternal life to engage in temporary life?" Everywhere the two of them look immediately burns. A Heavenly voice calls out, "Did you come out

to destroy My world? Go back to your cave!” They return for an additional year until a Heavenly voice calls to them to emerge from the cave. Rabbi Shimon bar Yoachi’s son’s eyes still set the world on fire, but Rabbi Shimon bar Yoachai’s gaze extinguishes the flames. Rabbi Shimon bar Yochai says to his son, “My son, you and I are enough for this world.” (The fact that the two of us are constantly engaged in Torah is enough to sustain the world.)

On Erev Shabbat of that week they see an old man running with two bundles of *hadassim* right before Shabbat. They ask him what their purpose is. He responds, “They are to honor the Shabbat.” They respond, “What is the need for two?” He says, “One is for *shamor* and one is for *zachor*.” Rabbi Shimon Bar Yochai says to his son, “Look how precious the *mitzvot* are to the Jewish nation!” Both of them calm down after this.

***Aggadic* Analysis of the Rashbi in the Cave Story**

Since this *Aggada* is an archetype, I would like to digress from the main discussion to analyze this story. When reading an *Aggada*, there are a few key elements to examine, including important details, references to other stories or Jewish concepts, and the lesson or message *Chazal* are trying to convey. In this instance, what emerges from these findings will also provide further insight to our larger topic.

Rabbi Yosi’s involvement in the story is seemingly irrelevant. He is completely passive; in fact, he is noted for his lack of speech. This element of the story is overshadowed by the crux of the *Aggada*, but it, too, holds an important message: When someone is saying or doing something wrong, remaining silent is not sufficient; one must take action.

Additionally, I think it is important to take note of the fact that Rashbi and his son are in the cave for twelve years, the same amount of time that Yosef HaTzadik is in jail (according to the 39th perek of the *Pirkei DeRabbi Eliezer*). He was placed in jail by a foreign power because of a false accusation, but instead of rotting in his cell, Yosef maintains his faith in *HaShem* and constantly attributes all his strength to Him. The twelve years of Rashbi play out in much the same way. Even while hiding in a cave, he devotes his entire strength to learning. Both Yosef and Rashbi thrive and sustain their faith in God, even while living under very difficult conditions.

The third and perhaps most telling detail is Eliyahu HaNavi and the fire. It alludes to a story from *Melachim Aleph Perek 19*. The previous chapter tells the glorious story of Eliyahu on Har HaCarmel. In brief, Eliyahu sets up a showdown between himself and the prophets of Ba'al. All morning the prophets of Ba'al try to get Ba'al to accept their sacrifice, but to no avail. In contrast, Eliyahu calls out to *HaShem* and God immediately sends down a fire to consume Eliyahu's *korban*. The whole nation exclaims, "ה' הוא האלוקים!" They all seem ready to return to *HaShem*, and Eliyahu kills those serving *avodah zara*. Achav, the wicked king at the time, is ready to give up and return to the ways of *HaShem*. His wife, Izevel, notices that he is very discouraged and tells him that the nation's enthusiasm for serving God is bound to fade by the following day. She is unfortunately correct. Eliyahu gives up on his mission in despair, and flees for his life. He pleads with *HaShem* to take his life - וַיִּשְׁאַל אֶת־נַפְשׁוֹ לָמוּת וַיֹּאמֶר | - רַב עֲתָה ה' קָח נַפְשִׁי כִּי־לֹא־טוֹב אֲנִי מֵאֲבֹתַי. He wakes up to an angel telling him to eat, and he suddenly notices cake and water beside him. This happens again, and this time the angel instructs him to fill himself because there is a long journey ahead. He wanders for forty days and forty nights until his strength from the food is finally depleted. He rests

in a cave where *HaShem* called out to him “מַה־לָּךְ פֶּה אֲלֵיָהוּ” - What are you doing here, Eliyahu?” He responds that he alone has been left to take vengeance for *HaShem* for everyone else has gone astray. *HaShem* responds by sending a strong wind, an earthquake, and fire, but informs Eliyahu that He is not to be found in any of these powerful phenomena. Then, finally, God sends a קוֹל דְּמַמָּה וְדָקָה, a soft murmuring sound. Again *HaShem* asks מַה־לָּךְ פֶּה אֲלֵיָהוּ, and Eliyahu gives the identical response he gave the first time - that he alone remains to take vengeance for God since everyone else has abandoned God. *HaShem* tells him to return and anoint two kings who will help eliminate the sinners of the nation, and a successor for himself because he is no longer capable of helping the people.

Alongside Eliyahu HaNavi’s appearance in the Rashbi *Aggada*, there are many similarities between the two stories that call out for the lesson from *Melachim* to be applied to our narrative. Both stories involve a death order, food miraculously appearing, a cave, a Heavenly messenger, fire, and anger at the status of the world. When Rabbi Shimon Bar Yochai leaves the cave for the first time, he is so angry that humanity is taking a break from their *avodat HaShem* that he starts to burn the world on behalf of God. Not pleased with this behavior, *HaShem* sends Rashbi and his son back into the cave. Rabbi Shimon Bar Yochai’s zealotry is not ideal. Rather he must learn to embrace the קוֹל דְּמַמָּה וְדָקָה attitude, the ability to silently and patiently wait while man evaluates his behavior and slowly, gradually corrects it. Without this attitude, Rashbi is not fit to rejoin the world, just as Eliyahu is no longer fit to lead the people. However, unlike Eliyahu who is whisked away to Heaven in a chariot of fire, Rabbi Shimon Bar Yochai and his son learn to calm their fiery intensity and rejoin humanity. They learn to accept that taking time from Torah study in order to earn a livelihood, perform *mitzvot*, and be engaged in the

world is acceptable, and even necessary, for humanity to function in this world.

The Sdei Chemed utilizes this very point to answer our previous contradiction. Before Rabbi Shimon bar Yochai hears the *Bat Kol* (Heavenly voice), he believes that constant *Talmud Torah* is a necessity, but after the *Bat Kol*, he declares that *Kriyat Shema* is sufficient to fulfill one's minimum requirement.

Additionally, the *haddasim* allude to the *arba minim* that we shake on Sukkot, and to the famous idea that each one represents a different type of Jew. The *haddasim*, with their pleasant fragrance but poor taste, represent a person who practices the *mitzvot*, but is not involved in Torah. This is a perfect symbol for the old man in the story who has a deep appreciation for the *mitzvot*, even if he is not learned (see Jeffrey Rubenstein, *Talmudic Stories*, p. 337). This imagery allows Rabbi Shimon Bar Yochai to recognize the value in different types of Jews, and to be content with his and his son's Torah sustaining the world while others go about other activities.

Performing *Mitzvot*

Returning to our main topic, it is clear that learning Torah is an incredibly noble way to spend time. It even seems to possibly be ideal to spend ALL of one's time engaged in *Talmud Torah*, as indicated by Yehoshua 1:8, וְהָיְתָה בּוֹ יוֹמָם וְלַיְלָה לֹא יָמוּשׁ סֵפֶר הַתּוֹרָה - הַזֶּה מִפִּיךָ. This in fact is exactly what Rashbi and his son did; it is simply an unachievable ideal for most people. However, the Torah itself instructs us to fulfill *mitzvot*, and that obviously takes time. How do these other

612 commandments fit into the picture of how we are ideally supposed to allocate our time?

On Kiddushin 40b there is a discussion that evaluates the importance of *Talmud Torah* in comparison to *ma'aseh*, actions.

כָּבֵר הָיָה רַבִּי טַרְפוֹן וְזִקְנִים מְסֻבִּין בְּעֵלֵית בֵּית נִתְזָה בְּלֹד נִשְׁאַלָה שְׂאִילָה זוּ בְּפִינֵיהֶם תִּלְמוּד גְּדוֹל אוֹ מַעֲשֵׂה גְדוֹל נִעְנָה רַבִּי טַרְפוֹן וְאָמַר מַעֲשֵׂה גְדוֹל נִעְנָה רִ"ע וְאָמַר תִּלְמוּד גְּדוֹל נִעְנָה כּוֹלֵם וְאָמְרוּ תִלְמוּד גְּדוֹל שֶׁהַתִּלְמוּד מְבִיא לְיַדֵּי מַעֲשֵׂה תִנְיָא רַבִּי יוֹסִי אוֹמֵר גְּדוֹל תִּלְמוּד שֶׁקֹּדֵם לַחֲלָה אַרְבָּעִים שָׁנָה לַתְּרוּמוֹת וְלַמַּעֲשָׂוֹת חֲמִשִּׁים וְאַרְבַּע לְשִׁמְיִטִּים שְׁשִׁים וְאַחַת לַיּוֹבְלוֹת מָאָה וְשָׁלֹשׁ מָאָה וְשָׁלֹשׁ מָאָה וְאַרְבַּע הַוַּיִן קֶסֶבֶר יוֹבֵל מִתְחִילָתוֹ הוּא מְשַׁמֵּט וְכִשְׁם שֶׁהַלִּימוּד קוֹדֵם לַמַּעֲשֵׂה כִּי דִינָה קוֹדֵם לַמַּעֲשֵׂה כַּדָּרְבַּ הַמְּנוֹנָא דְאָמַר רַב הַמְּנוֹנָא אֵין תְּחִילַת דִּינָה שֶׁל אָדָם אֵלָא עַל דְּבָרֵי תוֹרָה שֶׁנֶּאֱמַר פּוֹטֵר מִיָּמִים רִאשִׁית מְדוּן

Rabbi Tarfon and the Zekanim are in the attic of Nitza's house in Lod and ask: Which is greater - learning or performing mitzvot? Rabbi Tarfon answers: Performing mitzvot is greater. Rabbi Akiva answers: Study is greater. The Rabbis respond: Learning is greater, because it causes one to do mitzvot. There is a proof from a Baraisa and then the Gemara concludes: Just as learning precedes the performance of mitzvot (because one must first learn what to do), so too, when man is judged by HaShem, he is first judged according to the Torah he has learned.

Here, the majority opinion favors learning. It is confusing, however, because their reason for preferring learning is that it leads one to perform the right actions, which implies that performing the right actions is the ultimate goal. Regardless, the unequivocal majority position is that *תלמוד גדול* - learning is greater.

There is, however, an opposing Gemara in *Bava Kama* 17a:

אלא שהניחו ס"ת על מטתו ואמרו קיים זה מה שכתוב בזה ... אמר
רבה בר בר חנה הנה אזילנא בהדיה דר' יוחנן למשאל שמעתא כי
הנה עייל לבית הכסא והנה בעינא מיניה מלתא לא פשיט לן עד דמשי
ידיה ומנח תפילין ומברך והדר אמר לן אפילו קיים אמרינן לימד לא
אמרינן והאמר מר גדול למוד תורה שהלמוד מביא לידי מעשה ל"ק
הא למיגמר הא לאגמורי

The Gemara relates that when Chizkiya died, to accord him special honor, they laid a Torah scroll on his bier and declared that he fulfilled all that was written in the Torah. The Gemara raises the question, "But this is done for all Torah scholars! How did they uniquely honor Chizkiya?" The last answer the Gemara cites begins with a seeming parenthetical about Rabbah bar Bar Chana walking with Rabbi Yochanan, and asking him this question about how they honored Chizkiya. Before answering, Rabbi Yochanan goes to the bathroom, washes his hands, puts his tefillin back on, and says the *bracha* on them. He then answers that Chizkiya was unique because they declared about him that he taught Torah, not just fulfilled it. The Gemara then questions, "Why is saying that Chizkiya was involved in *Talmud Torah* a greater honor than saying that he fulfilled the *mitzvot* in the Torah (which is what was declared about everyone else)? Don't we say *גדול למוד תורה שהלמוד מביא לידי מעשה* and wouldn't fulfillment be the greater praise? The answer given is *הא למיגמר הא לאגמורי* - relative to one's own learning, fulfillment is greater, but teaching is the highest level of all.

The phrase *גדול למוד תורה שהלמוד מביא לידי מעשה* is understood differently in the two Gemaras. In Kiddushin, the line is understood to mean that learning is greater than observing *mitzvot*. In Bava Kama, the phrase is understood as meaning the exact opposite - that fulfillment of *mitzvot* is greater since that's the goal of the learning!

Rashi, Rabbeinu Tam, and the She'iltot all resolve this contradiction differently. Rashi explains that *מעשה* (performance of *mitzvot*) is preferable to one's own learning, since it's the end goal of learning. (The unique praise of Chizkiya was that he taught others, which is better even than performing *mitzvot*.) Tosafot cite Rabbeinu Tam in hopes of reconciling the two Gemaras. According to Rabbeinu Tam, in contrast to Rashi, learning is better than *mitzva* performance. When the Gemara in Bava Kama challenges the suggestion that Chizkiya's unique praise was his involvement in *Talmud Torah* with the line of *והאמר מר גדול למוד תורה שהלמוד מביא לידי מעשה*, it does NOT mean that *מעשה* is preferable. Rather, since learning is what brings to *מעשה*, and it is impossible to know how to properly perform *mitzvot* without learning about them first, by praising others that they fulfilled *mitzvot*, ipso facto it means that they must ALSO have learned. Thus, even though learning is better than *מעשה*, praising someone for *מעשה* is a greater praise since if he performed *mitzvot*, he must also have learned. (Like Rashi, Rabbeinu Tam agrees that the Gemara's conclusion is that the unique praise of Chizkiya was that he *taught* Torah, which is greater than both one's own learning and *mitzva* performance, since it enables *many* people to perform more *mitzvot*.)

The She'iltot has a different version of the text and views the Rabbah bar Bar Chana and Rabbi Yochanan story as an independent narrative, not connected to the question of Chizkiya's praise. Rabbi Yochanan performed the *mitzva* of donning his *tefillin* before he continued his involvement in *Talmud Torah* by answering Rabbah bar Bar Chana's question (which according to the She'iltot had nothing to do with Chizkiya). When the Gemara raises the challenge of *והאמר מר גדול למוד תורה שהלמוד מביא לידי מעשה*, it is asking how Rabbi Yochanan could have chosen to don *tefillin* prior to re-engaging

in *Talmud Torah* since גדול לימוד - learning is greater. In other words, in the She'iltot's version, the Gemara in *Bava Kama* agrees completely with the *sugya* in *Kiddushin* that learning is more vital than *mitzvot*. The Gemara concludes by explaining that Rabbi Yochanan put on his *tefillin* first because even though one's own learning takes precedence over performing *mitzvot*, teaching others does not since it will not enhance one's own *mitzva* performance. (Interestingly, both Rashi and Tosafot understand the Gemara to be placing teaching others at the top of the totem pole of values, in comparison with one's own learning and performing *mitzvot*, whereas the She'iltot puts it at the bottom.)

The central importance of this *sugya* for our purposes is that the Gemara itself explicitly addresses the question of which takes precedence, learning Torah or performing *mitzvot*, and seems to come to a clear, firm conclusion - גדול לימוד תורה שהלמוד מביא לידי מעשה. Yet this critical line is completely unclear since on the one hand, it seems to definitively declare that גדול לימוד - learning is greater, yet on the other hand, the reason it gives for learning's greatness is that it brings one to מעשה, which seems to indicate that the ultimate goal is *mitzva* performance! This leads two different *sugyot* (*Kiddushin* 40b and *Bava Kama* 17a) to seem to understand the Gemara's conclusion in opposite ways, which in turn leads the *Geonim* and *Rishonim* to interpret the Gemara's conclusion differently. According to Rashi, the Gemara's conclusion is that מעשה is preferable to לימוד, whereas both Rabbeinu Tam and the She'iltot interpret the Gemara's conclusion to be the opposite - that learning takes precedence over *mitzva* performance. Thus, we see that the Gemara does indeed address this central question, yet the conclusion remains elusive and subject to debate.

Halachic Ramifications

In fact, there are actually a few *mitzvot* that the Gemara in Megilla 29a explicitly says one must stop his learning to perform.

מבטלין ת"ת להוצאת המת ולהכנסת הכלה

One must neglect his learning to help bury a body or help bring a bride to her chuppah.

A Gemara in Ketubot 17a puts limitations on these *mitzvot*.

אמרו עליו על רבי יהודה ברבי אלעאי שהיה מבטל תלמוד תורה להוצאת המת ולהכנסת כלה במה דברים אמורים כשאין עמו כל צרכו אבל יש עמו כל צרכו אין מבטלין

It mentions that if there are a certain number of people at a funeral then one does not have to attend, but when it comes to bringing in a bride, there is no limitation on the number of people. These specific *mitzvot* trump the obligation of *Talmud Torah*. One can argue that the nature of these, being at two opposite ends of the life cycle, award them this unique status. A wedding is a symbol of a new life and potential new family that are beginning, while a funeral represents man's mortality. Appreciating how beautiful and full of potential, yet overwhelming and uncertain, life can be is important enough to stop learning. It allows for a short break to perform a *mitzva*, and reflect upon and reevaluate the purpose of learning by instilling fear and joy into the beauty of life.

Moed Katan 9a/b talks about two different sets of contradictory *pesukim* that weigh in on our topic.

כְּתִיב פֶּלֶס מַעֲגַל רַגְלֶךָ וְכָל דְרָכֶיךָ יִכְוֶנוּ וְכִתִּיב אֹרַח חַיִּים פֶּן תִּפְלֹס לֹא
קִשִּׁיא כָּאן בְּמִצְוָה שְׂאֵפְשֶׁר לַעֲשׂוֹתָהּ ע"י אֲחֵרִים כָּאן בְּמִצְוָה שֶׁא"א
לַעֲשׂוֹתָהּ ע"י אֲחֵרִים

One *pasuk* (Mishlei 4:26) says “פֶּלֶס מַעֲגַל רַגְלֶךָ וְכָל דְרָכֶיךָ יִכְוֶנוּ” – *make level the path of your feet, and let your ways be established*, which implies that when one has the opportunity to perform more than one *mitzva*, he should evaluate which is more important. Yet another *pasuk* (Mishlei 5:6) says, “אֹרַח חַיִּים פֶּן תִּפְלֹס” – *Lest you level out the path of your life*, which implies that one should do each *mitzva* as the opportunity presents itself, without evaluating its importance. The Gemara resolves this contradiction by stating that when the *mitzva* at hand can be performed by others, one should evaluate the situation and choose whether to delegate it to someone else, but when s/he is the only one who can possibly perform the *mitzva*, s/he should fulfill it right away, without considering its relative importance.

The second set of *pesukim* raised by the Gemara in Moed Katan is:

הָדָר יִתְבִּי וְקָא מַבְעֵי לְהוּ כְּתִיב יְקָרָה הִיא מִפְּנִינִים וְכָל חִפְצֶיךָ לֹא יִשׁוּוּ
בָּהּ הָא חִפְצֵי שָׁמַיִם יִשׁוּוּ בָּהּ וְכִתִּיב כָּל חִפְצִים לֹא יִשׁוּוּ בָּהּ דְּאָפִילוּ
חִפְצֵי שָׁמַיִם לֹא יִשׁוּוּ בָּהּ כָּאן בְּמִצְוָה שְׂאֵפְשֶׁר לַעֲשׂוֹתָהּ ע"י אֲחֵרִים כָּאן
בְּמִצְוָה שֶׁאֵי אֵפְשֶׁר לַעֲשׂוֹתָהּ ע"י אֲחֵרִים

One *pasuk* (Mishlei 3:15) says “יְקָרָה הִיא מִפְּנִינִים וְכָל חִפְצֶיךָ לֹא יִשׁוּוּ בָּהּ” – *Torah is more precious than pearls and all of your desires are not comparable to her*, which implies that one’s own desires cannot compete with learning Torah, but God’s desires, i.e. *mitzvot*, can. However, another *pasuk* (Mishlei 8:11) states, “כָּל חִפְצִים לֹא יִשׁוּוּ בָּהּ” – *All desirable things are not comparable to the Torah*, which indicates that learning Torah takes supremacy over everything, even God’s *mitzvot*. The Gemara reconciles these two *pesukim* in a similar manner as it did the first contradictory set. The first *pasuk* is talking about a *mitzva* that cannot be passed on to others; therefore one must even

stop his Torah learning in order to go perform it. The second *pasuk* is referring to a *mitzva* that can be performed by others; then one should delegate it to others and continue his Torah learning.

This seems to imply that one can only discontinue his Torah study when there is a competing *mitzva* that only he can perform. Otherwise, he should continue his learning and entrust the *mitzva* to others. Since one's Torah learning cannot be accomplished by anyone other than the person himself, and any moment he is not learning, the opportunity to fulfill his unique *Talmud Torah* is lost, it is generally the most noble pursuit.

Balance of All

One can confidently declare that learning Torah is a supreme value. However, as shown above, being a Jew involves much more than that. This concept is apparent from Avoda Zara 17b:

ת"ר כשנתפסו רבי אלעזר בן פרטא ורבי חנינא בן תרדיון א"ל ר' אלעזר בן פרטא לרבי חנינא בן תרדיון אשריך שנתפסת על דבר אחד או לי שנתפסתי על חמשה דברים א"ל רבי חנינא אשריך שנתפסת על חמשה דברים ואתה ניצול או לי שנתפסתי על דבר אחד ואיני ניצול שאת עסקת בתורה ובגמילות חסדים ואני לא עסקתי אלא בתורה [בלבד] וכדבר הונא דאמר רב הונא כל העוסק בתורה בלבד דומה כמי שאין לו אלוה שפאמר וימים רבים לישראל ללא אלקי אמת [וגו'] מאי ללא אלקי אמת שכל העוסק בתורה בלבד דומה כמי שאין לו אלוה

When Rabbi Elazar ben Parta and Rabbi Chanina ben Teradion were arrested, Rabbi Elazar ben Parta said to Rabbi Chanina ben Teradion: You are very fortunate to only be guilty of one crime. I am guilty of five crimes. Rabbi Chanina responded: No, you are lucky because you were arrested for five charges and yet you will be saved from all of them

because you are involved in learning and chessed. Even though I only have one charge against me, I will not be saved because I only learn Torah. According to Rav Huna: One who only learns Torah acts as if he has no God because in order to follow the word of HaShem one must not only learn his Torah, but also act in His ways.

What emerges from all of the above is that no exact mathematical formula lays out exactly how much time should be spent on *Talmud Torah* or *mitzva* performance. There is a *Halachic* obligation to learn Torah every single day, and going beyond in this obligation is extremely praiseworthy. However, it does not seem to me that one is meant to separate himself from the world as a result of his learning. The debates in the Gemara constantly preach the need for exemplary behavior together with learning. It seems the Torah's ideal is to spend one's entire life acting as a *ben/bat Torah*. There is an additional concept of emulating *HaShem*. While this is not a direct requirement, part of living as a *ben/bat Torah* involves following in *HaShem's* footsteps and imitating His behavior. This is not limited to those actions people generally refer to as *chessed*. It is also a level of sensitivity, honesty, compassion, forgiveness, and kindness that one must strive to always live by. These attributes are not performed instead or outside of Torah, but are also how one has to act while learning, as well as while earning a livelihood and performing *mitzvot*. *Bnei Torah* seek to merge these foundational components of Judaism and conduct all their actions through this combination and balance.

WATER WORKS

Leah Goykadosh

*“The day when rain falls is as great as the day on which heaven and earth were created.”
(Masechet Taanit 8b)*

“Rain, rain, go away, come again another day,” is the popular rhyme many of us in the Diaspora sang throughout our childhood rainy days. The song, while cute and cheery, reflects the notion that rain is inherently a negative phenomenon that we wish to see delayed for as long as possible. Many iterations of the song even end with the implication that the rain will lead to long term injuries and ruin the day.

In contrast, Israel has a deeply rooted connection to rain since time immemorial. Surrounded by two different forms of undrinkable saltwater and lacking sufficient fresh water to easily sustain itself, we have always been dependent upon rainfall in order to live in Israel. This dependency is evident in specific prayers and various holidays, as well as the communal fasts that were declared when there was not enough rain. Having recently rebuilt Israel in the same desert conditions, Israelis understand the value of proper rainfall. Rain is not something we take for granted.

In addition to giving life to the land in a literal sense, rain also gives life to our spiritual connection to *HaShem*. Functioning as a shared language between the common man and God, rain enables us to understand *HaShem* and see Him in our everyday lives. The rain forms a bridge between the spiritual and physical worlds in a way that one doesn't have to be a *Navi* to see.

In *Masechet Taanit*, Rabbi Yochanan discusses the three keys of the world that only God controls: the keys of Life, Death, and Rainfall. To prove *HaShem's* superiority over the power of rain, he cites the following *pasuk* in *Devarim*:

יִפְתַּח ה' לְךָ אֶת־אוֹצְרוֹ הַטּוֹב אֶת־הַשָּׁמַיִם לְתֵת מִטְּר־אֲרָצְךָ בְּעֵתוֹ
וּלְבָרֵךְ אֶת כָּל־מַעֲשֵׂה יָדְךָ

HaShem will open for you His treasury of the sky to give the rain of the land in its season and to bless the works of your hands...

The language of opening and treasury are indicative of God's ownership and full control over the rainfall. Man is wholly and unquestionably reliant upon God for every drop of rain that waters this planet, and our attention is drawn to it for a reason. In the second recounting of Biblical Creation, the world is described as barren, for no rain had fallen, as there was no man yet to appreciate the rain and learn to pray for it. God wants mankind to appreciate the gift He gives to us, and to learn from its existence.

HaShem often utilizes rainfall as a means of communicating with the people, or to offer a commentary on *Bnei Yisrael's* behavior. In perhaps our most iconic prayer, this is clearly outlined:

וְהָיָה אִם־שָׁמַעַתְּ שִׁמְעוֹ אֶל־מִצְוֹתַי אֲשֶׁר אֲנִי מְצַוֶּה אֶתְכֶם הַיּוֹם
לְאַהֲבָה אֶת־ה' אֱלֹהֵיכֶם וּלְעָבְדוֹ בְּכָל־לִבְבְּכֶם וּבְכָל־נַפְשְׁכֶם: וְנָתַתִּי
מִטְּר־אֲרָצְכֶם בְּעֵתוֹ יוֹרֵה וּמִלְקוֹשׁ וְאִסְפֹת דְגָנְךָ וְתִירֹשֶׁךָ וְיִצְהַרְךָ :

If you obey the commandments that I enjoin upon you this day, loving the Lord your God and serving Him with all your heart and soul, I will grant the rain for your land in season, the early rain and the late.

HaShem outright declares that *Bnei Yisrael's* behavior will directly impact the seasonal rain. When we fulfill our end of the deal - perform *mitzvot* and love and serve God - *HaShem* will gift us rain. Otherwise, rain will be withheld. This idea is further supported by the use of the word *Matar* in the declaration.

The three most common words for rain used in the Torah are *Tal*, *Matar*, and *Geshem*. The following conclusions emerge after comparing every usage of these three words within the Torah. *Tal* is dew, the unconditional rain which always benefits the world. Frequently it is used in the phrase “מִטַּל הַשָּׁמַיִם” - *the Tal of the Heavens*, and is the phrase most commonly used in blessings - both in the metaphorical and literal sense - such as by Yitzchak when he blesses his sons, and in relation to the *manna*. The only usage of *Tal* in *Nach* is in Hoshea. With the nation choosing to collectively repent and praise God, *Bnei Yisrael* relate that *HaShem* will join the nation as surely as the rain [*Geshem*]. In response, *HaShem* declares that unlike most rain, which can be beneficial or destructive, *HaShem* will be as unquestionably good for the people as “*Tal*.” The message *Tal* carries is in its consistency. *Tal* is the relationship we know ourselves to have with God; regardless of all else, it is a constant.

On the other hand, *Matar* and *Geshem* are more volatile. They are dependent on man's behavior, which is imperfect. *Matar* is the rain of reward or punishment, beneficial or destructive. It is a direct response from *HaShem* to our behavior. *Matar* teaches us that our actions make a difference. If we walk in the path of *HaShem*, the rain will fall at the proper time. It will enable the growth of our harvest and we shall flourish along with the land. When we grow spiritually, so shall our produce. The emphasis is that it is conditional. This type of rain is

an indication of how we are doing spiritually and can be a sign of God's kindness or conversely, His wrath.

God's actions themselves are even referred to as both *Tal* and *Matar*.

יְעַרְף כַּמָּטָר לְקַחֵי תֶזֶל כִּטְל אִמְרָתִי כִשְׂעִירִם עַל־דָּשָׁא וְכַרְבִּיבִים עַל־
עֵשֶׂב

My doctrine shall drop as the rain [Matar]. My speech shall condense as the dew [Tal], as the small rain on the tender grass, as the showers on the herb.

Much like rainwater, our connection to *HaShem* is essential for our survival. Like *Matar*, God's words allow the world to flourish and are necessary for its survival. Like *Tal*, it is a benefit to all. Regardless of the type of rain, God's words should enter the hearts of the people in the same manner rainwater does with earth.

Throughout *Tanach*, receiving proper rain, therefore, means that *Bnei Yisrael* are following the laws and statutes. This "proper rain" would fall in the correct seasons, and in perfect quantities. Even the specific timing of the rainfall every week would be so generous that it would fall at convenient times for the people when they would be less likely to travel. As the Torah states, the "Land yield[ing] its increase, and the trees of the field... yield[ing] their fruit," which means not that *Bnei Yisrael* are farming properly, but that *HaShem* is in full support of their actions. How inspiring it is to see rain in its season, and know *HaShem* is watching over you; that you are doing the right thing. *Parshat Bechukotai* proceeds to list additional manners of peace and blessing *Bnei Yisrael* will receive if they keep the *mitzvot*. This list needs to begin with proper rain, for without a promise of water, the people cannot survive.

Just as we have seen beneficial rain as a sign of *HaShem's* kindness toward and joy in *Bnei Yisrael*, destructive rain is a sign of His displeasure. Rain is only a blessing when it falls properly; otherwise, it wreaks havoc upon the land. This treaty of rain is dependent on *Bnei Yisrael* upholding their end - studying the Torah and following the *mitzvot* out of love. Therefore if *Bnei Yisrael* do not walk in the proper path, rain is utilized in the punishment and becomes destructive in its nature. As we know, *Shema* continues:

וְקָרָה אֲרָפָהּ בְּכֶם וְעָצַר אֶת־הַשָּׁמַיִם וְלֹא־יִהְיֶה מָטָר וְהִאֲדָמָה לֹא תִתֵּן
אֶת־יְבוּלָהּ....

And the anger of HaShem will be kindled against you, and He will lock up the Heavens, and there will not be rain and the land will not yield its produce...

This *pasuk* hearkens back to the conditional aspect of the rain with the use of the word *Matar*. *HaShem* is holding back the rain in response to *Bnei Yisrael's* actions. As their behavior alters, the weather will invert; Man did not give forth, and so neither will God. Not a drop of rain will fall so long as God wills it, and none of man's efforts will be enough to yield a harvest. For if you do not keep the *mitzvot*, you will not last days on Earth.

This idea is taught by the experience of Shimon Ben Shetach, in the early Mishnaic period during whose life there was always perfect rainfall. The people were righteous and so they were blessed with proper rain. The land flourished, and produced in excess; the wheat grew to the size of kidneys, and the lentils like gold coins. They stored some of this grain for future generations to see just how much damage their sins caused, how much better the people and the land could be. When the earth lies barren, look sinners, upon all that your misdeeds have caused you to lose, and weep.

Choni Hame'agel, another sage from the time of the Mishna, stood in a circle during a time of drought and prayed, refusing to leave until it rained. However, Choni was forced to readjust his prayers multiple times, as the rain that followed alternated between falling too lightly, falling too harshly, and being too abundant. Not every rainfall is beneficial, and having improper rain can be just as detrimental as having none at all. Excessive rains ruin the soil, leaving the land as mud, and the plants drowned and barren. Rain at the wrong time can stunt plant growth, and rain that falls too harshly crushes plants. Or perhaps, there will be just enough rain to allow the dust blown by the wind to settle upon the land and vegetation, leaving the earth to rot.

Matar reminds us here too that it is all from *HaShem*. In the *Navi*, Shmuel reinforces this idea when he uses the rain to show *HaShem's* displeasure after the nation asks for a king, bringing the rain during the wheat harvest, which would destroy the crops. We see this as well in *Parshat Noach's* flood, the destruction of *Sedom*, and *makkat barad*, in which the people are defying God, either outright or by acting in a manner not befitting mankind, and thus the rain is used as a means of punishment. Rainbows are reminders that God wanted to wash out the Earth but held back because of a promise.

Rain is also used as a method of building a relationship with *HaShem*. When one sees outright his dependence upon God through seeing the clear connection between *HaShem's* kindness and the rainfall, it encourages seeing Him in everyday life, thereby building a connection to Him. On the other hand, nations that are not directly dependent on rain become disconnected from God and arrogant, thinking themselves in total control.

We are frequently warned against this type of behavior. Reminders of rain being conditional are frequently tied to *pesukim*

telling us not to worship idolatry. For in serenity and affluence, when one feels content and in control, is when one is most likely to turn away from *HaShem*. This behavioral cycle is demonstrated by *Sedom* and Egypt. Both are lands known for their bounty and reliable water supply, and known as well for their destruction, because their lifestyles stood as an affront to God. I would like to argue that God gives these lands a source of water apart from rain, to allow them to distance themselves from Him.

When given instructions on how to live in the land of Israel, *Bnei Yisrael* are told to follow the *mitzvot*, for “this land is not like Egypt, where you watered it with your foot.” Surprisingly enough, Egyptian farming methods actually included this step. Ancient Egypt did not have rainy seasons; rather it had the Nile which flooded regularly and an irrigation schedule. With small canals built to extend the reach of the Nile to farmland, Egyptians would quite literally use their feet to kick open a gate and let the Nile irrigate their land. Having a consistent water supply meant Egypt did not rely upon rain in the same manner that Israel did, and rain is once again used to teach *Bnei Yisrael* a critical difference between their history and their future. In Egypt, all men, wicked or moral, were dependent upon their own effort and farmwork. God did not interfere with their fields or their water supply. In Israel, where they are to be a holy nation representing *HaShem*, He shall not remain impartial.

The message continues: “For the land you are about to inherit is not like Egypt... [Israel] soaks up the water from the rain [*Matar*] of the Heavens...it is a land that *HaShem* always watches.” This land shall be better for the righteous, as they need not put in the fieldwork, for *HaShem* will water the land for them. Unlike Egypt, God cares for this land and keeps Israel close. *HaShem*’s active relationship with Israel is

contrasted here with the absence of a relationship with Egypt, which needs no rain and therefore no connection with *HaShem*.

The blessing that *HaShem* controls the rain is twofold as it reaffirms the message that *HaShem* is watching over His people. To change the rain based on their every action means that *HaShem* cares enough about *Bnei Yisrael* to observe their every action. One can infer, therefore, that God does not care for Egypt and its behavior, and that that is the reason they don't receive rain. God provides the Nile to grant Egypt water without His constant intervention not because they sinned and have not fulfilled the conditional *Matar*, but because the Egyptians are a nation that *HaShem* does not want to keep an eye on. *HaShem* does not want to hear from Egypt, and thereby enables them a means to cut Him out of their lives. Without a need for rain, Egypt thinks itself perfect, and falters, thinking they have no need for God or His messages in their lives at all. Egypt is the model nation that sits content and in control, due to having sufficient water, that proceeds to turn straight to idol worship and cruelty. Egypt enslaves *HaShem's* people, fails to recognize His existence, and is wiped off the map in a series of events that include the word *Matar* in its destruction. How fitting for a nation that thinks its river holy to be devastated by a rainstorm of fiery hail.

The same applies to *Sedom*. Lot chooses to move to *Sedom* because of how "well-watered" the land is, "like the land of Egypt" in its water and harvests. *Sedom* is reliant upon the Jordan River for its water, and the city is full of sin against God. Much like Egypt, rainfall is unimportant to the people of *Sedom* for they have a river from which they can water their land. *Sedom* functions on the same negative feedback system as Egypt. *HaShem* provides them an alternative water source to enable distance, they choose to use it as a means of

establishing control, and their behavior deteriorates. They too are eventually punished via sulfur and salt raining down on them.

HaShem has no qualms with the distance *Sedom* and Egypt choose to claim, for their behavior is a violation of everything *HaShem* stands for and wishes to instill in *Bnei Yisrael*. *Sedom's* sins lie in not taking care of their people. The city was bountiful and yet arrogant and greedy, not helping their poor and needy. *Sedom* was so narcissistic and corrupt that its citizens established a plan to harass all visitors, with the goal that outsiders stop entering their city and benefitting from their land. They were so selfish that even while keeping outsiders at bay, they did not take care of the poor within their own walls. These are the very reasons *Bnei Yisrael* are told centuries later that *Churban Bayit Rishon* is coming: arrogance, not aiding those in need, selfishness. The destruction is not just because of sins against God, but sins against mankind.

When society's concept of success is founded on effort and immediate results, as in *Sedom* and Egypt, there is no drive to be charitable. These cultures see their harvests as direct products of only their work, so when the land flourishes, they grow arrogant. They don't see a need for God and become uncaring nations who have no regard for charity, as needing help is a declaration that you didn't work hard enough. Needing assistance is a personal failure, why should people feel obligated to help you?

We are reminded of Egypt every time we are given a law pertaining to social justice. "Do not own improper weights," "Take care of the poor, the orphan, and the widow," and "Preach *tzedek* and *mishpat*" -- for "Remember you were a slave in Egypt." *Bnei Yisrael* are taught to build their culture and society to be just and charitable, in a way that Egypt and *Sedom* were not.

Blessedly, unlike *Sedom* and Egypt, *Bnei Yisrael* do not have an easy way out of their relationship with *HaShem*. Being reliant on the rain forces the acceptance that successes are not theirs alone. By living in Israel, *Bnei Yisrael* are compelled to relinquish all notions of control, and build a spiritual connection with *HaShem*. Receiving beneficial rain means that as a nation they're doing the right thing; there is no room for arrogance because personal efforts in the field are not enough to guarantee success. It's a communal reward to have a good harvest, leading towards a culture-based trait of generosity, for the success is dependent on the group in the first place.

“Do what is right and good in the eyes of God” means more than abiding by the laws laid before the nation. It's a request to be excessively good, moral beyond the letter of the law. Do what is right, for that is what's good in the eyes of *HaShem*. Be charitable, honest, just, and treat others with dignity. Our commandments express compassion for all people, and yet we are still guided to be better. Taught to act in a manner befitting *HaShem*, *Bnei Yisrael* grow this relationship daily through their actions. With rain as a constant reminder of their reliance on *HaShem* - and that they don't truly control anything - humility and generosity are instilled in the nation.

Rain is a system in which the output only contributes to growing the input. Functioning as a positive feedback system, it reminds *Bnei Yisrael* why they should abide by the *mitzvot*, as well as instructing them how they should be acting. Pray for the rain, start communications from your end, and *HaShem* will respond with the rain. Be charitable with what the rain grows, continue to display traits befitting *HaShem's* Nation, and the rain will continue to be a blessing. Remember *Sedom* and Egypt, who didn't have this daily reminder of

HaShem's presence, who turned to selfishness and cultural corruption, and pledge to be better.

Today, it's not quite so easy to understand the rain patterns in Israel. This year alone (5780) saw discussions early in the season about establishing a fast for the lack of rain, but by the end boasted record-breaking rain levels and questions about opening the Daganya Dam. The Kineret has risen over 3M this year, a clear reason to be joyous, but cities were flooded as well, and we mourn the loss of lives. With desalination plants and water recycling plants, Israel has become less reliant upon rain, making use of previously untouchable water sources. Our ability to better utilize the resources available can be seen as a clear blessing from *HaShem*. We can live and flourish in Israel, we're doing well. But it can also be viewed as *HaShem* giving us the wiggle room Egypt and *Sedom* had, or worse, a punishment for our misdeeds.

Though I cannot give a definitive explanation for our current water situation, I believe that we are being given the opportunity to make a choice. We can choose to see it as an act of God, a reminder that no matter the method or the reason, God is showing us His favor by giving us water. Or we can choose to see it as nature running its course and be proud of the scientific advancements that make us less reliant. Regardless, the messages of rain stand true: Maintain and develop your relationship with and sense of dependence upon God. Remember the promises the rain is bound to. Be warned - do not become satiated and arrogant. Take the opportunity granted and be unabashedly good.

And Israel is rising to the challenge. Israel is sharing its achievements with the world. With programs like InnovateAfrica, which utilizes Israeli solar and water technology to bring clean water

to Africa, and sharing hydroponic research with California, Israel is becoming known for sharing its successes with other countries in need. Instead of standing idle, Israel is frequently the first on the scene with relief after natural disasters around the world and has always been on the frontlines of international aid.

We have been blessed enough to be given the opportunity to build this country, and we have been given water resources. As we walk as a nation before God, what matters now is what we do with these blessings.

REFLECTIONS ON FEMALE EDUCATORS FOR BOTH GENDERS

Clara Sandler

וְדְבוֹרָה אִשָּׁה נְבִיאָה אֲשֶׁת לְפִי־דוֹת הִיא שִׁפְטָה אֶת־יִשְׂרָאֵל בְּעַת הַהִיא:
וְהִיא יוֹשֶׁבֶת תְּחִת־תְּמָר דְּבוֹרָה בֵּין הַרְמָה וּבֵין בְּיַת־אֵל בְּהַר אֶפְרָיִם
וַיַּעֲלֶה אֱלֹהֶיהָ בְּנֵי יִשְׂרָאֵל לַמִּשְׁפָּט: (שופטים ד:ד-ה)

These pesukim in Shoftim talk about Devorah, the Judge, who was the leader of the Jewish people for a time. She used her power of *nevua* (prophecy) and strong leadership skills to bring peace and success to the Jewish people. No one cared that she was female; everyone cared that she was good at her job. People listened to her. People believed in her. She was one of the – if not *the* – best, most effective *Shoftim*.

In 1977, Rav Soloveitchik opened up a new world for women's learning. By not merely endorsing, but teaching, the first women's Gemara shiur at Stern College, the Rav was sending a very clear message: women deserve to have access to high-levels of Torah learning, including in the realm of Gemara, something previously seen as a men-only endeavor.

Sixty years before the Rav helped women break that barrier, Sara Schenirer founded Bais Yaakov, the first institution to formally educate women religiously. Although Ms. Schenirer did not identify with the Modern Orthodox/Dati Leumi world, she is the reason I was able to spend seven months studying at Midreshet Lindenbaum, why I was able to attend Jewish school my whole life, and why I was able to learn

from both men and women across my educational career. I am grateful that I learned Judaic Studies from both perspectives. Whenever I have had a teacher, his/her gender has been irrelevant. What mattered was simply what I could learn from him or her. And the diversity bred diverse perspectives, something I value tremendously.

In the 21st century, there is a plethora of Jewish learning institutions catered specifically towards women's learning across the religious spectrum. This year I went to the women's *Siyum HaShas* in Jerusalem and witnessed a room full of educated women celebrating how far we have come, thanks to the efforts of Devorah, the Rav, Sara Scheniner and many others who facilitated these learning opportunities.

And what do women do with the Torah learning in which they engage? They become pillars of their communities in official and unofficial ways. They become *Yoatzot Halacha* or master the material required for *semicha*; they become lawyers or doctors. They become leaders within their communities – whether that just be within their nuclear family or their larger *shul* and school community.

Thank God these opportunities exist. Thank God we are learning.

But how can we still be uncomfortable with having female teachers?

In a world where women can learn and be whatever they want, why are women still not recognized for their intellectual capabilities and employed in all-male institutions? I am specifically addressing the lack of female faculty members at *Yeshivot* across Israel within the Dati Leumi world.

Students who attend these *Yeshivot* are either coming from single-gender or co-educational environments. Most co-ed schools hire women to teach courses in the Judaic realm. That means that a significant number of students at *Yeshivot* already have experience learning from a woman, and would not find it unusual. I am very proud that my alma mater, Shalhevet High School in Los Angeles, prioritized having female teachers because they see a value in having all students see and learn from intelligent, knowledgeable women. In fact, they have recently hired more. Male students who come from a background like mine, from a coed school, can lead the example for those who have never learned from women before. And while many all-male schools do not have female faculty members teaching Judaic subjects, there are some who do, such as Yeshivat Ohr Chaim in Toronto, where women teach Hebrew and *Tanakh*. Furthermore, even most all-male schools employ women to teach secular subjects, so even students coming from such schools will not find the mere presence of a woman at the front of the classroom unusual or uncomfortable.

I understand the argument for not having female *Ramot* in Yeshivot because of the relationship between a *Ram* and his or her students. Yet even all-female schools employ men to serve as *Ramim*. I know that I personally benefited from having a female *Ram* because I was able to develop a relationship by being able to ask questions and engage in conversations with someone who really understands my perspective. But I would be losing out tremendously if I only had female teachers. I have equally worthwhile, absolutely different but nonetheless invaluable, relationships with male teachers.

Men and women need to learn from each other. Exposure to diversity in faculty creates students who are well-rounded. Women

like Drs. Avivah Zornberg, Yael Ziegler and Judy Klitzner are experts in their fields. It would be remiss if only women learned from these women. I would not just want female teachers. A truly intellectually curious person of any gender should agree with that.

Some *Yeshivot* will make the argument that they will decline in enrollment if they hire a woman. Why would Modern Orthodox parents and sons, who generally value women's learning, not want to learn from the most effective educators and experts, regardless of gender? How can one claim to be a champion of women's learning and yet not support female educators?

They say that teaching is the ultimate form of mastery. I used to study for tests by teaching a friend the material. If we have masterful women, they should be teaching. I am not even sure that women would be interested in teaching at *yeshivot*. But they should have the option, just like they have the option, thanks to Devorah, Rav Soloveitchik, Sara Schniner and others, to open up the *sefer* in the first place.

DO THEY ALL REALLY HATE US?

Danielle Shapiro

In his convoluted and often misunderstood bestseller, Ecclesiastes, King Solomon writes *מה-שֶׁהָיָה, הוּא שֶׁיְהִיָּה, וּמֵה-שֶׁנַּעֲשָׂה, הוּא שֶׁיַּעֲשֶׂה; וְאִין כָּל-חֲדָשׁ תַּחַת הַשָּׁמַשׁ* - *That which has been is that which shall be, and that which has been done is that which shall be done; and there is nothing new under the sun* (1:9). His work explores life and its purposes (or lack thereof), but the message is nonetheless applicable in other realms.

The Jewish people are not strangers to antisemitism. Though we often associate antisemitism with relatively modern movements, such as White Nationalism and Islamic extremism, antisemitism began the moment the Israelites were identified as a nation, and persists from Biblical times through every era that followed. On closer reflection of the Biblical sources, it seems as though Adolf Hitler’s ideology was really “nothing new under the sun.”

After careful analysis and deliberation, I do not believe that every case appearing as antisemitic in the Bible can accurately be categorized as such. Looking through a modern lens, people forget that the geopolitical norms of today are not the same as those of the Biblical era, and much of what people consider antisemitic is just imperialism and empires at work. Understanding the sociological and historical systems (or lack thereof) in place during the Biblical era will reshape many of the conclusions we are quick to draw through a modern lens.

According to the Anti-Defamation League (ADL), the definition of antisemitism is: “Belief or behavior hostile toward Jews just because they are Jewish.” Many times people are hasty to assume that an act against a Jew is antisemitic because the victim is a Jew. However, labeling every act of evil that occurs to a Jewish person as antisemitic delegitimizes antisemitism as a whole. Someone can be evil to a Jew, even a group of Jews, without being antisemitic. There needs to exist anti-Jewish intent. While the reasons certainly differ from generation to generation, one thing is clear: Whether it be a Blood Libel, the Purim story, or the Holocaust: all those antisemitic acts were perpetrated against the Jewish people because they were Jewish.

Before delving into specific accounts of possible Biblical antisemitism, it is important to note when the Jewish people officially became a nation. If this occurred only at Mount Sinai, that would by definition eliminate even the possibility of antisemitism existing beforehand, most notably that of Egypt. I assert that the Jewish people transitioned from family to nation at the moment Pharaoh declares them as such in the first chapter of Exodus. There Pharaoh declares to his people, "הִנֵּה עַם בְּנֵי יִשְׂרָאֵל רַב וְעַצוֹם מִמֶּנּוּ" – “Behold, the nation of the Children of Israel are too many and too mighty for us” (1:9). Though he likely employs this word choice merely as a strategic maneuver intended to arouse fear and panic among the Egyptians (as a nation is far more threatening than a family), Pharaoh’s words facilitate a historic shift in the lens through which the Jewish people are perceived by others.

Exodus

Though Exodus opens with the Israelites suffering from arduous slavery at the hands of the Egyptians, there is no indication that any of

Pharaoh's horrific decrees are enacted against the Israelites because they are Jewish. On the contrary, from the very verse in Exodus that introduces the slavery, it explains the militaristic motivation for the enslavement:

הָבָה נִתְחַכְמָה לּוֹ פְּנֵי-יְרֵבָהּ, וְהִיא כִּי-תִקְרָאנָה מִלְחָמָה וְנוֹסֶף גַּם-הוּא
עַל-שְׂנְאֵינֵינוּ וְנִלְחַם-בָּנוּ וְעָלָה מִן-הָאָרֶץ:

Come, let us deal wisely with them, lest they multiply, and it come to pass, that, when there befalls us any war, they also join themselves unto our enemies, and fight against us, and get them up out of the land (1:10).

Pharaoh, who is possibly new on the job, is likely paranoid about being overthrown by the strangers residing in his land. Fearing for the lives of his people, Exodus describes him taking precautionary measures to ensure the survival of his nation.

While I am not attempting to defend Pharaoh's act of enslaving the Israelites in any capacity, I am pointing out the historical time in which he lived. The Israelites are slaves in Egypt at approximately 1200 BCE. 1200 BCE is not like 2020, when stable, democratic governments prevail over those without a moral base. Those who can physically defeat the other take over, and this is exactly what Pharaoh fears. He is intimidated by a growing minority living in his territory with complete autonomy to make unpredictable and possibly dangerous decisions. He is motivated by glory no doubt, but that haughtiness is predicated on deeper care to his citizens as a whole, regardless of who the affected nation is.

Amalek

The first time Amalek is mentioned in the Bible is in Exodus: וַיָּבֹא עַמְלֵק וַיִּלָּחֶם עִם-יִשְׂרָאֵל בְּרֶפְדִּים - *Then came Amalek, and fought with Israel in Rephidim (17:8)*. In *Devarim*, God mentions Amalek again with the instruction for the Israelites to remember and destroy Amalek for the unacceptable crime of attacking the Israelites from the back.

Amalek attacks the Israelites in an unprecedented way. The battle is unprovoked and targeted at the weaklings in the back of the camp. At the same time, it is important to remember that the Israelites are coming off of an unprecedented military victory against perhaps the largest empire of that time.

The Israelites are a threat, even if they are not attacking Amalek directly. Additionally, the Biblical era lacked the kind of formal legislative treaties between nations that exist today. There was less certainty when it came to security, and nations acted abruptly when they felt their safety was at risk.

Furthermore, in the book of *Yehoshua*, God specifically instructs Yehoshua to use the same tactic, and surprise the nation of Ai from the back. We see this in the text when it says: יֵצֵאוּ אִתְּכֶם לְאֹמֶר, רְאוּ אֵתֶם - אֲרֻבִּים לְעִיר מֵאַחֲרֵי הָעִיר--אֶל-תִּרְחִיקוּ מִן-הָעִיר מְאֹד; וְהָיִיתֶם כְּלֶכֶם גְּלוּבִים - *And he commanded them, saying: 'Behold, you shall lie in ambush against the city, behind the city; go not very far from the city, but be you all ready' (8:4)*. Surely if God commands Israel to attack in such a way, Amalek doing the same cannot be considered antisemitic.

Taking into account the general military atmosphere of that time, as well as the fact that the Israelites mimic the battle tactics of Amalek, it is inaccurate to categorize Amalek's actions as ones rooted in antisemitism.

Bilaam

The book of *Bamidbar* teaches the Israelites how to properly act as God's people in preparation for them entering the Promised Land. The book features a battle between the Israelites and the Amorite people (a nation near the Mediterrean Sea). After decimating the Amorites, the Torah introduces two new characters: Balak, the King of the Moabite people, and Bilaam, a prophet hailing from Pethor (North of the Moabite and Israelite territories).

This battle is not a surprise, as the Israelites set up camp adjacent to the Moabites and the Amorites prior to the battle occurring. The Torah recounts this in Numbers 21:13: מִשָּׁם נָסְעוּ וַיַּחֲנוּ מֵעֵבֶר אֲרֹנוֹן אֲשֶׁר - *From there they journeyed, and pitched on the other side of the Arnon, which is in the wilderness, that comes out of the border of the Amorites -- For Arnon is the border of Moab, between Moab and the Amorites.* The Torah even repeats that the Israelites camped near Moab in chapter 22: וַיֵּצֵאוּ בְּנֵי יִשְׂרָאֵל וַיַּחֲנוּ בְּעֵרְבוֹת מוֹאָב מֵעֵבֶר לְיַרְדֵּן יְרֵחוֹ - *And the Children of Israel journeyed, and pitched in the plains of Moab beyond the Jordan at Jericho (22:1).*

Following the Israelites' victory and land capture against the Amorites, Balak is justifiably nervous for his nation and his people's land. This is reflected in 22:2-3, where it says: וַיְרֵא בָלַק בֶּן-צִפּוֹר אֶת כָּל- אֲשֶׁר-עָשָׂה יִשְׂרָאֵל לְאֶמְרֵי וַיִּגַּר מוֹאָב מִפְּנֵי הָעָם מְאֹד--כִּי רַב-הוּא; וַיִּקֶּץ מוֹאָב אֶת-בָּנֵי יִשְׂרָאֵל כִּי רַב־מִנֵּם וַיִּפְּדוּ מוֹאָב מִפְּנֵי יִשְׂרָאֵל - *And Balak the son of Zippor saw all that Israel had done to the Amorites. And Moab was very afraid of the people, because they were many; and Moab was overcome with dread because of the Children of Israel.*

Because of God's constant aid to the Israelites, as well as the geopolitical climate at that time, the Moabite people understand the possibility of total obliteration at the hands of the Israelites. When Balak decides to hire a prophet to curse the Israelites, it is not an act of antisemitism. It is a decision he makes to ensure the safety of his people. Additionally, this decision is not made to target the Israelites. Had the Moabites annihilated the Israelites in the aforementioned battle with God on their side, Balak likely would have made the same request, instead asking for the Moabite people to be cursed.

In short, Balak's action is motivated by a desire to keep his people safe, and protect his nation's territory. There is no indication that his act is malicious, or targeted at the Israelites specifically, which thereby disqualifies it from being considered antisemitic.



Nevi'im Rishonim

After skimming *Nevi'im Rishonim*, the sheer number of military encounters misled me into assuming that antisemitism is pervasive throughout the book. Upon closer examination, however, I noticed the lack of antisemitic intent. While the books of *Yehoshua* and *Melachim* are filled with examples of quarrels between the Israelites and other nations, they can all be boiled down to prototypical imperialism. The wars that occur are territorial and unexceptional for that time. An example of this is in *Yehoshua* chapter 10 when Adoni-Zedek becomes fearful of the Israelites' power following a military victory in the region. וַיִּירָאוּ מְאֹד--כִּי עִיר גְּדוֹלָה גְּבֻעוֹן כְּאַחַת עָרֵי הַמְּמַלְכָּה וְכִי הִיא גְּדוֹלָה מִן-הָעִיר וְכִי-אֵנְשֵׁיהָ גִבּוֹרִים - *They feared greatly, because Givon was a great city, as one of the royal cities, and because it was greater than Ai, and all the men thereof were mighty* (10: 2). This example (and many others from *Nevi'im Rishonim*) illustrates that the Israelites' adversaries do not intend to be malicious and antisemitic. The Israelites are an extremely powerful nation and a threat to all nations residing in the Biblical Land of Israel.

Daniel

Daniel, taking place around 600 BCE, is a story that involves King Nebuchadnezzar hiring Daniel and a few friends to serve in the royal palace. While working there, Nebuchadnezzar uses Daniel's intelligence to interpret dreams. Later on in the story, Nebuchadnezzar hosts a party where every guest is instructed to worship a new large gold idol. Sticking to their values, the Jews promptly refuse, causing Nebuchadnezzar to ultimately throw them into a fiery furnace (from which they eventually survive).

Nebuchadnezzar, while perhaps a ruthless leader, is not inherently antisemitic. Though he threw Shadrach, Meshach, and Abed-nego into a fiery furnace, he also decreed the same to all those who could not guess his dream: *כָּל-קְבֵל דְּנָה--מֶלֶךָ בָּנָס וְקִצְפָּ שְׂגִיָּא וְאָמַר לְהוֹבְדָה לְכָל חֲכִימֵי בָבֶל - For this cause the king was angry and very furious, and commanded to destroy all the wise men of Babylon (2:12).* Nebuchadnezzar does not discriminate on behalf of or against the Jews in his palace. If someone displeases him in any way, whether it be militarily, religiously, or emotionally, they are killed. His purpose is not to throw the men into the furnace because they are Jewish, or likely even because they are monotheistic. It is only because they disobey an order of the king that happens to have a religious element.

Furthermore, from a militaristic standpoint, we also see that Nebuchadnezzar does discriminate when it comes to imperialistic pursuits. Though he conquers the territory of the Jewish people - *בָּא נְבוּכַדְנֶאצַּר מֶלֶךְ-בָּבֶל יְרוּשָׁלַם וַיִּצַר עָלֶיהָ - came Nebuchadnezzar king of Babylon unto Jerusalem, and besieged it (1:1)*, he also conquered the Assyrians and the Egyptians. Nebuchadnezzar is the longest-reigning and most powerful king of the Neo-Babylonian empire. When someone disobeys an order, religious, cultural or anything else, that person pays the price of disobedience. Therefore, the example of Daniel cannot be categorized as an instance of antisemitism in the Bible.

Esther

The book of Esther tells the story of Persian Jewry at around 357 BCE and its near annihilation. Haman, King Achashverosh's right hand man, is characterized by many as the quintessential antisemite in the Bible. In the third chapter of the book of Esther, it says:

וַיֵּזֶבְעֵינֵינוּ לְשַׁלַּח יָד בְּמֹרְדֵכַי לְבַדּוֹ--כִּי-הִגִּידוּ לוֹ אֶת-עַם מֹרְדֵכַי; וַיִּבְקֹשׁ
הַמֶּן לְהַשְׁמִיד אֶת-כָּל-הַיְהוּדִים אֲשֶׁר בְּכָל-מְלָכוֹת אַחַשְׁוֵרוֹשׁ-עַם מֹרְדֵכַי

It seemed contemptible in his eyes to lay hands on Mordechai alone, for they had made known to him the people of Mordechai; wherefore Haman sought to destroy all the Jews that were throughout the whole kingdom of Achashverosh - the nation of Mordechai (3:6).

The verse explicitly teaches us that it is precisely because Haman finds out that Mordechai is a Jew that he wishes to take such an extreme measure against the entirety of the Jewish people. Haman's decision to not only punish the accused, but to include all those who shared his religion, is completely unprecedented and unnecessary.

Additionally, the Jewish people are hardly a threat to the vast Persian empire. From a numerical standpoint, they boasted a far smaller minority than other periods in Jewish history (note Exodus), and there is absolutely no evidence to suggest that the Jews are not loyal subjects to Achashverosh. On the contrary, despite the direct Biblical prohibition to bow to people like Haman, all Jews barring Mordechai do so willingly to please the government in which they reside.

Most significantly, Haman does not try to claim that the Jews pose any kind of military or imperialist threat. He expresses from the outset that his goal is total eradication for no reason other than the Jews being Jewish:

וַיֹּאמֶר הַמֶּן לְמַלְךְ אַחַשְׁוֵרוֹשׁ--יִשְׁנוּ עִם-אֶחָד מִפְּזָר וּמִפְּרֵד בֵּין הָעַמִּים
בְּכָל מְדִינֹת מְלָכוֹתָךְ וְדַתֵּיהֶם שְׁנוֹת מִכָּל-עַם וְאֶת-דַּתִּי הַמְּלַךְ אֵינָם
עֹשִׂים וְלְמַלְךְ אֵין-שׁוֹהָ לְהַנִּיחֵם:

And Haman said to King Achashverosh: 'There is a certain people scattered abroad and dispersed among the peoples in all the provinces of your kingdom; their laws are diverse from those of every people; neither keep they the king's laws; therefore it profits not the king to suffer them' (3:8).

This is further shown in the next verse when Haman is eager to personally contribute to the eradication efforts: **וְעִשָּׂרַת אֲלָפִים כֶּכֶר - וְעִשָּׂרַת אֲלָפִים כֶּכֶר - and I will pay ten thousand talents of silver into the hands of those that have the charge of the king's business, to bring it into the king's treasuries (3:9).**

As seen above, Haman's problem with the Jewish people extends far beyond the imperialism of 357 BCE. His actions are completely unjustified and can only be described as "behavior hostile toward Jews just because they are Jewish... political efforts to isolate, oppress, or otherwise injure them. It may also include prejudiced or stereotyped views about Jews." Thus it would appear that Haman is the first real antisemite in the Bible.

Conclusion

Learning a new perspective on *Tanakh* can be jarring. Many of the seemingly antisemitic events in the Bible are directly correlated with holidays and days of worship in our tradition. From Exodus we observe the holiday of Passover and are commanded specifically to remember the story of the Exodus and God's role in saving us from Egyptian servitude. From Amalek we are given a Biblical commandment to read out loud the story of Amalek and to destroy them completely if given the opportunity.

These commandments were initially intelligible through my understanding of the Torah. It made sense that if someone attempted to obliterate us because of our faith, we ought to commemorate our salvation. However, once I realized that many of these episodes were simply part of the regular political and military events of the time, it raised the question: Why do we have holidays and specific commandments commemorating events that were nothing out of the ordinary? This question can have many answers, but two resonate with me. First, the holidays and commandments that recollect these events draw our attention to God's role in everything that occurs to us. The threats to us may not have been unique, but God's miraculous salvation of us time after time has no parallel in history. Second, as stated earlier, just because the threats against us were not necessarily motivated by antisemitism does not mean they were not horrific. Therefore, we can mourn and reflect on events where the Jewish people were treated unjustly, and hopefully increase our sensitivity, empathy, and impetus to act on behalf of others who are persecuted, regardless of the reason.