

A Synagogue Becomes a Home:

Women’s Ritual Leadership in Public and Private Space

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Introduction

Orthodoxy, as seen through halakhic texts, has traditionally given women the opportunity to lead rituals in home settings, while limiting their leadership in synagogue settings. In fact, amongst halakhic authorities there is a key distinction between “*tzibbur, rabbim*” — public, mass gathering, where women are not allowed to lead, and “*bayit*” — personal, intimate gathering, where they can lead.

While in pre-modern times synagogues may have been considered merely a public gathering place for the *tzibbur*, the question arises about today’s privatized synagogues exemplified by the American model. Might not today’s synagogue be considered private, personal space, following the paradigm of a *bayit*, a home? In such a private space our tradition would welcome women to take the same leadership that they have traditionally had at home.

Part I — The Difference between Public Space and Private Space in Halakha

Hannah Arendt defines “the public” as a community of strangers similar to Walter Benjamin’s anonymous and noisy city, where being a member of

the crowd is an alienating experience.¹ This is the “*tzibbur*”, the public, of anonymous strangers, who come together to daven, but remain halakhically distinguished from the community where people aim to connect with each other, to form a common identity and to get to know one another. This community is termed a *bayit*, a home and a family of people, which is not about physical location, but rather about an attitude and relationship. Whereas our rabbis prohibited certain behavior, including women’s ritual leadership, in the community of strangers, they permitted — even encouraged — women’s ritual leadership in the community of a *bayit*.

Qiddush

Commenting on a Mishna that lists religious obligations from which women are exempt, the Babylonian Talmud writes (*Ber zob*):

אמר רב אדא בר אהבה: נשים חייבות בקדוש היום דבר תורה.	Rav Adda bar Ahava said: “Women are obligated to say the <i>Qiddush</i> according to Torah law.”
אמאי? מצות עשה שהזמן גרמא הוא, וכל מצות עשה שהזמן גרמא נשים פטורות! –	Why is that? It is an example of a law dependent upon time, and women are exempt from commandments dependent upon time!
אמר אביי: “מדרבנן.”	Abaye said: “According to Rabbinic law [then].”
אמר ליה רבא: “והא דבר תורה קאמר! ועוד, כל מצות עשה נחייבנהו מדרבנן!”	Rava responded to him: “But doesn’t [the above quote] say ‘Torah law’? Furthermore, [if this were possible], let us make them obligated in every positive commandment!”
אלא אמר רבא: “אמר קרא זכור ושמור – כל שישנו בשמירה ישנו בזכירה, והני נשי, הואיל ואיתנהו בשמירה – איתנהו בזכירה.”	Rather, Rava said: “Scripture states ‘remember’ as well as ‘keep’ — whoever must keep [the Sabbath] must remember it as well. These women, since they are included among the people who must keep [the Sabbath], must remember [it as well].”

1. See: Marie Fraser, “Community of strangers: the public space of speech in the work of Devora Neumark,” *Parachute: Contemporary Art Magazine* 101 (2001): 50–63.

Rabbi Jacob ben Asher records Rav Adda bar Ahava's statement as halakha in the *Tur* (OH 271):

ואחד אנשים ואחד נשים	Both men and women are obligated to say the
חייבים בקידוש היום	<i>Qiddush</i> .

Basing himself on a comment of Rabbi Shimshon of Sens (Rash), the author of the *Kol-Bo* (31) expands upon this halakha:

ואשה היודעת לקדש מקדשת ואם לאו מקדשין לה,	A woman who knows how to say the <i>Qiddush</i> should say it herself, but if she cannot someone may say it on her behalf.
וביאר הר"ש ז"ל: "ואפילו להוציא אחרים ידי חובתם שאינן יודעין לקדש."	Rash explained: "She may even say it on behalf of others who do not know how to say it [themselves]."

In his *Beit Yosef* (OH 271:2), Rabbi Yosef Karo quotes this *Kol-Bo* as authoritative, and seems to record this position as halakha in his *Shulḥan Arukh* (OH 271:2):

נשים חייבות בקידוש... ומוציאות את האנשים הואיל וחייבות מן התורה כמותם.	Women are obligated to say <i>Qiddush</i> ... and they can say it on behalf of men, since they are obligated according to Torah law just like men.
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Although clearly paraphrasing Rash, Rabbi Karo has modified the quote so that it explicitly states women can say *Qiddush* for men. Furthermore, Rabbi Karo has made it clear that the halakha is in accordance with Rava, not Abaye, and that women and men have the exact same obligation. In short, according to Rabbi Karo, there is no problem with women leading *Qiddush* in their homes.

However, Rabbi Shlomo Luria (Maharshal) and Rabbi Yoel Sirkis argue. For example, after referencing Rabbi Karo's position, Rabbi Sirkis writes in his *Bayit Ḥadash (Bah)*²:

2. glosses on the *Tur* (ad loc.)

... אבל גבי מגילה סימן תרפ"ט
 כתב בשלחן ערוך (ס"ב) יש
 אומרים שהנשים אינן מוציאות
 את האנשים וכת' על פי דברי
 בה"ג שהביא רבינו לשם החולק
 על פירוש רש"י שכתב שהנשים
 מוציאות את האנשים, ותימה
 שכאן פסק כפירוש רש"י
 שהביאו בספר כל בו והפסקים
 סותרין זה את זה דנראה דאין
 לחלק בין קידוש למגילה,
 ולפע"ד נראה עיקר להחמיר
 בקידוש כמו במגילה שאין
 הנשים מוציאות לאנשים וכן
 ראיתי שכתב מהרש"ל
 (בהגהותיו לטור ס"י תרפט):

However, with regard to the reading of the *Megilla*, the *Shulḥan Arukh* (OH 689:2) writes: "There are those who say that women cannot read on behalf of men." He is referring to the *Behag* whom our author quoted as disputing with Rashi, who wrote that women can read [the *Megilla*] on behalf of men. This is surprising, since here [by *Qiddush*], he is following Rashi's view... hence his positions are mutually contradictory! For it would appear that there is no reason to make a distinction between *Qiddush* and *Megilla*. Therefore, in my humble opinion, it seems correct to be strict by *Qiddush* just like we are by *Megilla*, i.e. that women may not [say *Qiddush*] on behalf of men. Additionally, I note that this is the opinion of Maharshal as well (glosses on the *Tur*, ad loc.)

Rabbi Yeḥiel Epstein, in his *Arukh ha-Shulḥan* (OH 271:5–6) defends Rabbi Karo.

ואינו עיקר דבשם כיון דברבים
 הוא זילא מילתא כמ"ש התוס'
 בסוכה [ל"ח] משא"כ בקידוש
 וכ"כ מפרשי הש"ע [הט"ז
 והמג"א סק"ב]:

But this (i.e. Rabbi Sirkis' critique) is unfounded, since in the case [of reading the *Megilla*] it is a public act and is therefore degrading, like the *Tosafot* wrote in *Sukkah* (38a). However, this is not so with regard to *Qiddush*, and this is the position taken by the commentaries on the *Shulḥan Arukh* as well (*Taz*, and *Magen Avraham*.)

Rabbi Epstein's point here is critical. He defends Rabbi Karo by making a distinction between two different types of activities: public and not-public. Since reading the *Megilla* is a public act, it would be disgraceful or embarrassing for a woman to read on a man's behalf. But this is not true of saying the *Qiddush*, since it is not a public act.

This understanding of public vs. non-public performance finds support in the writings of Rabbi Israel Meir Kagan. In his glosses on the *Shulḥan Arukh* (*Mishna B'rurah*), commenting on Rabbi Karo's ruling allowing women to say *Qiddush* on behalf of men, Rabbi Kagan writes:

ומי"מ יש להחמיר לכתחלה
שלא תוציא אשה אנשים
שאינם מבני ביתה דזילא
מילתא. [א"ר ודה"ח]

Nevertheless, one should be strict at least de jure,
that a woman should not say [Qiddush] on behalf of
men who are not of her household, since it would
be degrading. [Eliyah Rabba and Derekh ha-Ḥayyim]

According to Rabbi Kagan, the woman is only able to say *Qiddush* for “*b’nei beita*” — her family, those who are members of her home. In the case of *Qiddush*, the environment is the home; the focus is on an intimate meal — *Qiddush* can only be said around a meal³ — and we are not afraid of shame being caused.⁴

The *Arukh ha-Shulḥan* and *Mishnah B’rurah* are setting up the contrast between the public “*tzibbur*” of a Megilla reading and the private “*bayit*” of *Qiddush*.

Torah Reading — The First Aliyah

Rabbi Kagan, in his *Sha’ar HaTziun* (OH 135:12) mentions another distinction between *rabbim*⁵ and *bayit* regarding giving the first *aliyah* to a *kohen*. Commenting on the halakha that does not allow a *kohen* to defer to someone else during Torah reading, he writes:

הנה בגמרא נזכר "בבית
הכנסת", ומשמע לכאורה
דדוקא שם משום דשכיחי
רבים ואתי לאנצויי כדאיתא
שם, אבל כשמתפלל בעשרה
בביתו דלא שכיחי רבים כלל
— לא תקנו רבנן ויכול למחול,
דומיא דשני וחמישי דבזמן
הגמרא.

In the Talmud the term “synagogue” is used, and it would appear that the law is specific [to the synagogue], since the masses are generally found there, and it could lead to a quarrel, as it states there. However, when one is praying with a quorum in one’s place, where the masses generally do not frequent, the rabbis did not make any decree, and [the *kohen*] may defer, similar to the Monday and Thursday readings in Talmudic times.

Rabbi Kagan here distinguishes between Torah reading in the synagogue — a *rabbim* location — and someone having an intimate minyan in his home,

3. אין קידוש אלא במקום סעודה

4. i.e. by women being embarrassed or harmed by exposure to a mass of people including men (*rabbim*)

5. Synonymous with *tzibbur*; both describe the environments considered “degrading” for women’s ritual leadership.

where perhaps the first *aliyah* can be given to a *Yisrael* if the *Kohen* does not mind.

He uses the term “*lo shkhihei rabbim.*” This can be interpreted that many are not there, yet he doesn’t put a number on participants. The better interpretation would be that the anonymous, disconnected nature of the *rabbim* is absent in a home environment.

Part of a Tzibbur while Outside the Building

In his *Arukh ha-Shulhan* (OH 55:23), Rabbi Yeḥiel Epstein rules:

...כשיש מנין במקום אחד	...once there is a quorum present in one room,
יכולים העומדים במקומות	other people standing in other places (outside the
אחרים לענות אמן וקדיש	synagogue) can answer Amen, <i>Qaddish</i> , <i>Q’dusha</i>
וקדושה וברכו ואם מתפללין	and <i>Bar’khu</i> , and if they pray with them (at the
עמהם נחשבים כמתפללים	same time) they are considered praying <i>be-tzibbur</i>
בצבור.	(i.e. participating in public prayer).

This halakha tells us that “public prayer” is not necessarily an intimate experience. Once people have reached the level of quorum, basic public prayer (תפילה בצבור), does not require togetherness in space or relationship, only doing the same thing at the same time. The different people davening together as a *tzibbur* might not even be able to hear each other or see each other, as was the case in Alexandria in the time of the Talmud (*Sukkah* 51b). *Tzibbur* is public and not intimate, but a *bayit*, as the name suggests, is a place of intimate, private space and relationship.

Part 2 — Women in the Public Space

Having demonstrated that there is a halakhically recognized difference between public and private space, and that women’s participation in leadership roles has a different status in each, the question becomes why.

Both R. Zalman Nechemia Goldberg (*shli’ta*) and R. Hershel Shachter (*shli’ta*) have explained that prohibiting women from ritual leadership in public because of the congregation’s dignity (כבוד הצבור) and the claim that it would be degrading (זילא מילתא) is based on our valuing the modesty (צניעות) of

women. We are protecting women from being targets of attention from the impersonal, uncontrollable public.⁶

Similarly, R. Shachter writes:

In *Hilchos Krias HaTorah* the *Shulchan Aruch* quotes from the Talmud that although judging from the perspective of *Hilchos Krias HaTorah* alone a woman *may* receive an *aliyah*, from the perspective of *Hilchos Tznius* this is *not* permitted. All people were created *b'tzelem Elokim*, and the Torah has instructed each of us to preserve his *tzelem Elokim*. One aspect of *Elokim* is the fact that Hashem is a “*Keil Mistater*”. He always prefers to hide *b'tzinah*. Therefore we assume that part of our *mitzvah* of preserving our *tzelem Elokim* is for all of us to lead private lives. The prophet Micha (6:8) uses the verb “*leches*” in conjunction with *tznius*: “*vehatznea leches im Elokecha*.”⁷

Rav Shachter’s underline under the word “private” indicates where a woman can halakhically assume ritual leadership — in the private sphere (*bayit*) — and where she cannot halakhically assume ritual leadership — in the public sphere. This applies at the very least to women’s *aliyot*, women saying *Qiddush*, and women reading *Megilla*.

If the congregation felt that a woman was being exposed, a feeling of degradation and disrespect would permeate that very community. It would be a blemish on the honor of the community. The question is the halakhic status of today’s synagogues: are all of our synagogues public domains or are they private domains? Are they a place of intimacy or a “community of strangers”?

In the days of the Talmud and the *Rishonim*, the definitive place for davening and reading Torah was public — anyone from the town or the surrounding towns could go and even had a right to expect it to serve them as a place with a *minyan* and a service. There were private synagogues but these, too, had to be responsible to anyone — from anywhere (מכלמ) — to enable them to pray.⁸ However, especially in America, our synagogues have become privatized, intimate home-like environments, requiring membership and even tickets to

6. See Rabbi Shlomo Riskin’s article in *Techumin* 28 (5768), note 12, where he quotes Rav Goldberg in *HaMe’ir La’aretz* 60, published by the Lipshitz Institute.

7. Rav Hershel Shachter, “Can Women be Rabbis?”, TorahWeb Foundation, 2004. Italics and underlining are from the original.

8. See *Tosafot*, *Megilla*, 26b, s.v. “*Oogora*”, and *Sha’ar HaTziun*, OH 153:33.

enter on the High Holidays. They are places where a woman or man takes on religious leadership in a protected atmosphere of decorum rather than an environment of openness that improperly exposes their “divine images” to possible degradation.

Part 3 — Synagogues: Private Spaces or Public Spaces?

Coercive Public Support

R. Yosef Karo and R. Moshe Isserles (*Shulḥan Arukh*, OH 55:22) discuss forcing residents to support the local *minyan* and the *ḥazzan*.

אין כופין להשכיר להשלים
מנין, כי אם בימים הנוראים,
וכגון שאין חסדים כי אם אחד
או שנים, אלא אם כן מנהג
קבוע ומפורסם בעיר לכוף
להשכיר אפילו בחסרון ג' או ד'.
אם יש מנין מיושבי העיר, כופין
לשכור חזן.

[The community] may not force [its residents] to pay for the maintenance of a *minyan*, except on the high holidays, and only if there are only one or two men lacking, unless it is the set and known custom in a particular city to require [the residents] to pay [for a *minyan*] even if the town's *minyan* is short three or four men. If there are sufficient men for a *minyan* among the residents of the city, they are required to hire a *ḥazzan*.

הגה: וכן במקום שאין מנין
תמיד בבהכ"נ, כופין זה את זה
בקנסות שיבאו תמיד מנין
לבהכ"נ, שלא יתבטל התמיד.

A gloss: So too in a place that regularly is short men for a *minyan* in the synagogue, the residents force each other with penalty payments so that at all times there is a *minyan* in the synagogue, so that the consistency not lapse.

Although there is some question as to what the requirements are in various circumstances, it seems clear that both R. Karo and R. Isserles believe there are certain scenarios where the residents of a town would be required to fund the *minyan*.

R. Avraham Gombiner, in his glosses on this halakha (*Magen Avraham* 55:17), writes:

אין כופין – כתב מעגלי צדק:
 "השיב מהרי"ל על ישובים
 הצריכים לשכור מנין וחזן ויש
 סביבות שרגילין לבוא ג"כ שם
 עם בני ביתם א"צ ליתן כלום
 להשיב דאי בעי ישבו במקומן
 או ילכו לעיר אחרת." עכ"ל

[The community] may not force — The *Ma'agalei Tzeddeq* wrote: "Mahari"l discussed neighborhoods that need to fund a *minyān* and a *ḥazzan*, that if there are neighboring areas which are accustomed to attending [the synagogue] with their families, they do not need to contribute anything towards funding it, since, if they wished, they could stay where they are or go to another town." End quote.

According to this, the support requirements for a synagogue are limited to the inhabitants of the town or neighborhood in which they live. However, R. Yehiel Epstein argues (*Arukh ha-Shulḥan* OH 55:26). After quoting Maharil's responsum, R. Epstein writes:

ומ"מ נ"ל דלאו כללא הוא והכל
 לפי הענין ואצלינו המנהג
 הפשוט דכל בעלי הסביבה
 נושאים בעול ההוצאה.

Nevertheless, it seems to me that this is not a hard and fast rule, but rather everything needs to be taken in its context. For us it is understood that the custom is for all of the neighboring areas to take part in covering the expenses.

All this assumes as that this is the only synagogue in town, as R. Epstein notes in an earlier passage, discussing the right to coerce men of the town to attend the daily *minyān* (ad loc.):

אם יש בהכ"נ אחר בעיר אין
 יכולין לכופ לבא דוקא לבהכ"נ
 זה.

If there is another synagogue in this town, people cannot be forced to attend any particular one.

It would seem, therefore, that just like in the case of coerced attendance of the daily *minyān*, it is only when a given synagogue is the public synagogue that the entire public of the town or beyond is responsible for its upkeep. This passage in the *Arukh ha-Shulḥan* provides a halakhic distinction between a public synagogue — which belongs to everyone — and the potential for a more private place of worship, which is not under the ownership or the responsibility of anyone but a private group of people.

In Israel and in some parts of Europe (e.g. Switzerland) every city has a public synagogue that every registered Jew in that town has a right to. However, in America synagogues are private property, belonging to the individuals of that synagogue who pay membership. The synagogue has a right to limit

its services to members only, and some synagogues in America have closed membership because the members felt their place of worship was becoming too public and impersonal.

Even though synagogues in America usually have non-members praying in the synagogue on a typical Shabbat or during the week, on the High Holidays most synagogues require people to pay for tickets or membership in order to attend. Moreover, non-members do not have the same rights to control the synagogue that the members have — members even choose the rabbi. Therefore, the synagogue is not public space, and is much more analogous to a home where non-family members can eat or stay, but they do so at the invitation of the family. Even with many guests, the home remains private, just like even with many attendees, a synagogue in America is private.

Non-Ritual Use of the Synagogue

Another feature that distinguishes private space from public space is whether members choose to dwell in that space and build relationships in that space, or whether it is used merely for a purpose that brings anonymous strangers together, and when that purpose — learning, davening — is complete, they leave the space.

In b. *Megilla* 28b, Rava responds to a Tosefta that rules that we do not use synagogues for personal needs, like to get out of the rain or to eat and drink.

אמר רבא: "חכמים ותלמידיהם מותרין." דאמר רבי יהושע בן לוי: "מאי בי רבנן? ביתא דרבנן."	Rava said: "Torah scholars and their students may." For R. Yehoshua ben Levi, said: "What [is the meaning of] <i>'bei rabbanan'</i> ? It is a home (<i>beit</i>) for Torah scholars (<i>rabbanan</i>)."
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According to this text, the place where scholars study can attain the halakhic status of their home. In his gloss on this text (ad loc.), Rashi spells this out further.

מאי בי רבנן – למה קורין בת מדרשות בי רבנן – לפי שבתם הוא לכל דבר.	What is the meaning of <i>bei rabbanan</i> — why are houses of study called the home of Torah scholars? Because it is their home for everything.
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Rashi explains that the *beit midrash* is transformed into the scholars' "home for everything" and not necessarily because of the holiness of the Torah studied

there. R. Nissim ben Reuven (Ran) explains the reasoning behind this ruling (*Rif* 9a):

...because they linger there all day. לפי שעומדין שם כל היום.

Ran uses the term “linger”, not study — even though that is what they are doing — indicating that their mere presence makes it their home. Linger in a place turns holy public space into an intimate, relational environment akin to a private home.

Although Ran does not apply his reasoning to synagogues, Rabbi Jacob ben Asher in the *Tur* does (OH 151).

It is not permitted to behave in synagogues and study houses in a frivolous manner... but Torah scholars are permitted to eat and drink in them. בתי כנסיות ובתי מדרשות אין נוהגין בהן קלות ראש... ותלמידי חכמים מותרין לאכול ולשתות בהן.

R. Yehoshua Falk-Katz in his glosses on the *Tur* (*Prisha*, OH 151:3) explains:

Torah scholars that learn constantly in the synagogue... it is good and proper for them to eat and drink in the study house instead of going back to their homes, as they would be wasting study time by walking there and back. Hence, eating and drinking there is really part of their required activities for study... תלמידי חכמים הלומדים תמיד בבית הכנסת... נכון וטוב הוא שיאכלו וישתו שם בבית המדרש ממה שילכו לבתיהם ויתבטלו שעת ההילוך לכאן ולכאן מדברי תורה, נמצא שהאכילה והשתיה שם צורך הלימוד הוא...

Furthermore, one might claim that that which [R. Jacob ben Asher] wrote about it being permitted [for a Torah scholar] to eat in the synagogue, this is referring to the very synagogue in which he studies. Furthermore, the same permission would apply for going inside to get out of the heat or the rain, since it is his residence, which is why it is called “home of the Torah scholars” as was written above. Therefore, it is permitted, since he would be going in either way in order to study there. However, [to eat] in a synagogue where he does not study would be forbidden... ועוד יש לומר דהא דכתב רבינו דשרי לאכול בבית הכנסת? היינו דוקא באותה בית הכנסת שהוא לומד שם, והוא הדין דשרי ליה לילך שם מפני החמה ומפני הגשמים. כיון שהוא בית דירה שלו, שעל שם זה נקרא בי רבנן כמ”ש לעיל, לכך שרי. כיון דבלאו הכי ילך לתוכה כיון שהוא לומד בה, אבל לבית הכנסת אחרת שאינו לומד בה אסור...

9. This is the text as presented in the *Makhon Yerushalayim* edition. Nevertheless,

R. Falk uses the terms synagogue and study house interchangeably, expressing the reality that a synagogue can be a home just like a study house. His proof is from the Rashi that appears on the Rif (9a):

<p>לפי שהבתי מדרשות הם ביתם לכל דבר ובתי מדרשות עדיפי בקדושתן מבתי כנסיות, אם כן בתי כנסיות נמי מותר להשתמש בהן.</p>	<p>Since study houses are like [the scholar's] houses in all ways, and study houses are even holier than synagogues, therefore it should be permitted [for the scholars] to use synagogues as well.¹⁰</p>
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The interchangeability of the synagogue and the study hall in R. Falk's thinking can be seen as consonant with Ran's exclusion of the synagogue. One can argue that Ran excludes the synagogue from this ruling since people praying in a synagogue (the parallel to the scholars in the study house) did not linger. Hence, they are not really transforming it into a home, despite its lower level of sanctity. However, if people did linger in a synagogue and considered it their home, even he would agree that it, too, would be transformed.

In the *Shulhan Arukh* (OH 151:1) R. Yosef Karo and R. Moshe Isserles (Rama) debate the extent of transformation of the holy place:

<p>בתי כנסיות ובתי מדרשות, אין נוהגין בהם קלות ראש... ות"ח ותלמידיהם מותרים לאכול ולשתות בהם מדוחק,</p>	<p>It is not permitted to behave in synagogues and study houses in a frivolous manner... but Torah scholars and their students are permitted to eat and drink in them when it is pressing.</p>
<p>[רמ"א:] וי"א דבכה"מ אפי' שלא מדוחק שרי.</p>	<p>[Rama:] But there are those who say that in a study house, it is permissible even when it is not pressing.</p>

R. Karo prohibits personal benefit from the synagogue and the study house and allows scholars and their students to benefit — both in the synagogue and

considering the context, I cannot help but suspect that the original text may have said בית המדרש (study hall), and that the acronym ב"ה has been misinterpreted. Either way, the argument offered above still stands.

10. R. Falk's interchangeability of the synagogue and the study hall, based on Rashi in the Rif, can certainly fit into Ran's exclusion of the synagogue by explaining that Ran excludes the synagogue from this ruling since people praying in a synagogue (the parallel to the scholars in the study house) did not linger. Hence, they are not really transforming it into a home, despite its lower level of sanctity. However, if people did linger in a synagogue and considered it their home, then even Ran could agree that it, too, would be transformed.

study house only in a pressing situation. Rama, however, basing himself on Ran and Rashi, states that there is a total transformation: scholars and their students are allowed to derive benefit from the holy place even if it is not a pressing situation.¹¹

Elucidating Rama's comment, R. Yisrael Meir Kagan in the *Mishna B'rurah* (151:8) writes:

<p>אף דקדושת ביהמ"ד חמורה יותר מביהכ"נ... ס"ל דלענין חכמים ותלמידיהם שלומדים שם בקביעות התירו להם אפילו שלא מדוחק משום דביהמ"ד הוא ביתו ולא דוקא אכילה ושתייה דה"ה לכל תשמישיהם שרי.</p>	<p>Even though the sanctity of a study house is greater than that of a synagogue... nevertheless, [Rama] believes that when it comes to scholars and their students who study there consistently all day, they are permitted [to benefit from the study house] even when the situation is not pressing, because the study house is like their home for everything, and not only eating and drinking [in them] but using them for any other purpose is permissible as well.</p>
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R. Kagan rules on the expansive transformation of the study hall, based on Ran and Rama and consistent with R. Falk. Since the scholars spend all day in the study house, it is literally like their home and may be treated thusly by them. (ibid 9):

<p>וכן נראה שאין להחמיר לאנשים שלומדים שם כל היום.</p>	<p>[Rama's ruling] seems correct, since it would not be right to be strict with people who study there all day.</p>
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Bringing together the above sources, Rashi, who includes the synagogue, Ran and Rama, who allow for the expansive transformation, we get the halakhic picture that the more people "linger"¹² in the synagogue to learn, the more they make that space into their "home" in a halakhic sense. The synagogue becomes personal, intimate and private rather than merely public space.

11. Although it is true that Rama uses the term study hall and not synagogue, nevertheless, based on the Rashi in the Rif that Rav Falk quotes, and since Karo himself, who is stricter than Rama, applies this halakha to both, it is clear that there is no essential difference even for Rama between the transformation of a synagogue or a study house. It just happens that circumstantially, students, in general, learn in study houses and not synagogues.

12. To use Ran's words

In fact, the concept of the study house being private space vs. public space is what leads R. Falk to propose that scholars would only be allowed to eat in their own “home *beit midrash*” and not in someone else’s *beit midrash*. The actions of individuals in a study house or a synagogue determine the actual substance (אמצע) of that particular study house or synagogue, potentially turning it into a home intimately and privately associated with specific individuals.

While the Talmud, the Rishonim and the posqim only deal with the case of learning doing the transformation, it is clear from Rashi, Ran and R. Falk that they understood that it was not so much the *mitzvah* of learning per se that created the transformation, but, rather, the fact that the scholars were lingering and remaining in the study house, for the sake of learning.

Were it specifically the *mitzvah* of learning Torah alone that had the power to transform holy space into private, homey space, then Rashi could not have assumed that a synagogue would be transformed like a study hall, because the regular activity of a synagogue — praying — is different than the regular activity of a study hall — learning — and, therefore, it might be that each holy place is only transformed for its own emblematic *mitzvah*. Yet Rashi does connect the synagogue and the study hall because what they have in common is holy lingering, lingering for a *mitzvah*, and therefore even though these are different institutions, they can both be transformed into intimate, home space.

Part 4 — The Modern American Synagogue

How then should today’s nearly universal custom — in America — of lingering to talk, eating at the *qiddush*, and making new friends and acquaintances in the community be viewed within the context of the holiness of a synagogue and learning in a study house?

As a synagogue rabbi for 16 years, I have seen how all the talking, eating at *qiddush* and *seudah sh’lishit*, and even socializing, are valuable community building activities. Synagogues need to have these things in order to provide the strongest Jewish environment possible for their congregants. It might not be the equivalent of learning Torah, but this “holy lingering” provides the bricks and mortar for the continuity of the Jewish people, spreading the tradition from one generation to another, one individual to the next.

Whether in the Diaspora or in Israel, the shul needs to become an all

encompassing “home” which gives Jews a fighting chance to challenge the pull of the outside, public world. R. Adin Steinzaltz has been quoted that the *qiddush* after services was just as important Jewishly as the prayer.¹³ Whether or not someone values these activities, they clearly transform an impersonal, purpose driven public space of davening into a more home-like, clubby and private place where those who belong feel far more protected and shielded from the outside, anonymous world.

The “home-shul” is felt in different ways throughout the building at different times. What all the rooms, from the “holiest” (e.g. sanctuary) to the most informal (e.g. *qiddush* room), — have in common is a sense of safety, intimacy, and privacy, where things that would be embarrassing in an impersonal public surrounding become welcomed and even expected; such as a woman doing *Qiddush* or a woman reading Torah or getting an *aliyah*. The synagogue as a whole is a place where members want to linger, and it is “privatized” just as the synagogue is made to be like a private home; always maintaining dignity and respect, but in the context of an intimate environment rather than a public environment.

There is no diminution in sanctity by this transformation, and this would apply in Israel or the Diaspora if a synagogue is private and “homey” in all the ways discussed. In fact, the more private we can make things, according to R. Schachter, the more we are protecting the *tzelem elokim* in our men and women who choose to take on spiritual leadership.¹⁴ According to R. Schachter, and backed by the classic sources we have seen, only public religious leadership challenges our desire for keeping the *tzelem elokim* protected; private religious leadership — in a synagogue home or a residential home — respects that *tzelem elokim* to the fullest extent.

In American Judaism, the private and personal nature of the synagogue has made people feel comfortable celebrating many rituals that they would normally reserve for the home. People celebrate *britot*, *s'makhot bat*, *s'darim*, even birthdays — which in years past would have been celebrated at home.

13. When visiting Skokie, IL; personal communication

14. I consider it an elevation in the sanctity of the synagogue, for people to linger in the synagogue throughout Shabbat, as they do in my shul, wanting the door to always be open on Shabbat so that they can come in at will and see who else is there; the shul becomes more like people's home, and less like a place merely to “chap a *minyán*.”

Even large Shabbat *qiddushim*, which are far more common now than in years past, frequently substitute for Shabbat lunch at home.¹⁵

Some suggest that the inherent anti-family values of the American pioneering spirit — “Go West young man!” — and the dislocation of the family in the immigrations to America, forced the synagogue to take the place of the deteriorating home.¹⁶ Whatever the reason, the American synagogue has become a place where people feel comfortable and safe to develop and expand personal, even intimate relations, and to participate as members of a private, protected environment.

Conclusion

Our rabbis used concepts like “honor of the congregation” and “degradation” when prohibiting women’s ritual leadership, such as reading Megilla or Torah, in the public space. They believed that this open ritual leadership would leave women vulnerable to the insensitive and impersonal masses. However, this would only apply to an impersonal, public place of worship.

When the ritual environment is private and personal, such as in synagogues that have membership and where people linger for many other functions other than just prayer, it needs to be categorized halakhically as a place of privacy and intimacy, a personal home. The community (קהל) and the congregation (צבור) in this “home-shul”, rather than being the distant, anonymous public, are now “*b’nei bayit*” — members of an extended, religious family.

This personal, private home-shul, which today may be the vast majority of synagogues where people are members, is a place which the Sages would view a woman leading ritual as fully in keeping with the required modesty that our tradition envisioned for woman and which our rabbis preferred for men as well, in an ideal world, according to Rav Shachter, for men, also, were created in the divine image. In this private space of today’s membership-based synagogue, the intimate congregation of friends and family would be honored by the ritual leadership of both its men as well as its women.

15. In my shul we didn’t even have *qiddush* on a regular basis 40 years ago, according to David Passman, unofficial Anshe Sholom B’nai Israel Congregation historian.

16. Rabbi Dr. Solomon Rockove — personal communication