



Egalitarian minyanim? Not authentic. Not Orthodox

BY ALAN HABER

Last Wednesday, February 20, two side-by-side *Jerusalem Post* pieces – “First guide for inclusive prayer services is published” and “Ramat Gan chief rabbi slams ‘radical feminist’ egalitarian minyanim” – reported “a noticeable increase” in “prayer groups committed to maintaining halachic standards and practices while including women in ritual leadership roles to the fullest extent possible within the boundaries of Jewish law.”

Jerusalem’s Kehillat Shira Hadasha, the most well-known and probably the largest of these minyanim, variously known as “partnership,” “egalitarian” or “halachic,” has received much press attention in recent years and was specifically mentioned in one of the articles.

The particular impetus for last week’s discussion, though, was the publication in the United States of the *Guide for the Halachic Minyan* by Elitzur and Michal Bar-Asher.

Anyone who has participated in prayers at Shira Hadasha can attest to the vibrancy and sincerity of the service. One short visit there makes it abundantly clear that a large community of people (men as well as women) feel disenfranchised in today’s mainstream Orthodox communities. These people join Shira Hadasha because they are looking for a service that invites much more active participation on the part of women.

At the same time, they join specifically because they want a congregation that follows Halacha – after all, there are many non-Orthodox alternatives available which invite women’s equal participation to a much higher degree.

THE PROBLEM is that, for all it may be accomplishing, Shira Hadasha is not a halachic congregation. Similarly, the guide published by Michal and Elitzur Bar-Asher, while largely drawing on genuine halachic sources, is also not a work of Halacha. Despite their extensive research, the conclusions drawn by the Bar-Ashers cannot be properly called halachic decisions.

I make this claim not because of the fact that the Bar-Ashers and Shira Hadasha allow women’s participation in many parts of the service traditionally off-limits to them. It may very well be that there are halachically acceptable ways to do much of what they advocate. However, the process by which they

arrived at these conclusions is not a legitimate halachic process.

Halacha is a legal system which has existed for millennia. Although there are numerous approaches and methodologies within the halachic system, there are rules about how legitimate practical conclusions may be drawn. Decisions are generally based on majority opinion, and in any case precedent is considered binding.

Also, the relative weight assigned to a particular opinion is dependent on the scholar expressing it. Although there is no established procedure for determining exactly who has the power to render binding rulings, Halacha does insist that each generation has certain leaders whose authority derives from their widespread acceptance. Particularly when attempting to break with established practice, the approval of recognized authorities is essential.

The Bar-Ashers (who are described as “halachic consultants” and do not claim to possess authoritative status) employ a methodology of combing the corpus of halachic literature, looking for sources that can be interpreted to support the result they wish to arrive at. They then utilize these sources selectively and partially, without regard to majority opinion or precedent. At times they even issue rulings in express contradiction to the conclusion drawn by the authorities they cite as proof.

TO TAKE one example, on page 11 they rule definitively, and without clarification, that a woman may lead the *Havdala* service for the entire congregation. The footnote to that ruling references *Shulhan Aruch*, OH 296:8. That source does indeed record an opinion that could potentially (but by no means conclusively) support such a ruling.

But the *Shulhan Aruch*, in the very same paragraph, also mentions a dissenting opinion – leaving even its own final ruling unclear. The Bar-Ashers make no mention of this. They also ignore Rama (whose rulings are obligatory at least for Ashkenazim), and Kaf Ha-haim (which is considered authoritative in many Sephardi communities) there, who both decide against the lenient opinion.

An additional problem with the Bar-Ashers’ methodology is their openly-stated tendentiousness. They tell us explicitly that their objective is to find grounds to permit women’s participation to the greatest extent possible, and state in their introduction: “If we do not



GIRLS AT PRAYER. In Jewish law there are rules about how legitimate practical conclusions may be drawn. (Illustrative photo/Ariel Jerozolimski)

explicitly indicate that women may lead a certain part of the prayer service, this does not mean that we have concluded that they may not. Such silences should be seen as invitations to further study of the sources that may eventually lead to the discovery of new grounds for permission.”

This is not authentic halachic decision-making. Interpreters of Halacha, as of any other legal system, are duty-bound to objectively and honestly assess the sources and rule according to what they genuinely believe is the intent of the earlier authorities. They are to be commended for their intellectual honesty in admitting their agenda – but having this bias and acting upon it invalidates their conclusions.

THE ABOVE deficiencies, however, are merely symptoms of a much more fundamental problem. More than anything else, Halacha requires submission to the authority of *poskim* – halachic decisors. One is free to choose a halachic authority who shares one’s world view, and there is also room for debate about the exact scope and extent of the *posek’s* authority. But Halacha is a system of law based on commandments; it is not source material for independent decision-making.

Significantly, though, Shira Hadasha is a congregation without a rabbi. Their Web site explains that their halachic decisions are made by “an advisory team” of “members of Shira Hadasha who study and examine the halachic sources.” The *Post* article quotes Rachel Berger, a founder of a “partnership minyan” in New York, who cautions that the Bar-Ashers’ “standardized guide” may create the undesired result that

individual minyanim “may lose autonomy.”

Even the Bar-Ashers include the disclaimer that “the guide outlines the practices that we have deemed permissible; each congregation should come to its own conclusions according to its reasoning and circumstances.”

An environment in which everyone ultimately makes his own decisions and nobody has the power to say “no” may be democratic and tolerant. People may find it inclusive, welcoming and spiritually uplifting. But it is not halachic. Halacha recognizes a multiplicity of views, but it does not endorse all views as equally valid. It requires, at the end of the day, that its practitioners bow to its authority, even when they don’t understand or agree with the results.

I have no wish to impose my views, opinions or modes of worship on anyone. I ask only for honesty. Jews who would like to worship God but feel the Halacha does not obligate them have many non-halachic frameworks available to them. If the participants in “partnership minyanim” are interested in creating another non-halachic framework – one that perhaps bears a closer similarity to genuine halachic minyanim – then they should describe themselves as such. If they do, however, wish to be halachic, then they must bring their suggestions before a recognized *posek*, and be willing to accept his rulings as binding.

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The process by which these prayer groups arrived at their conclusions is not a legitimate halachic process

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