

Matriarchy Confronts Patriarchy
An Addendum to the March 3, 1990 CJLS Paper on Including the Names of the Matriarchs
in the First Blessing of the *Amidah* and a new *Pesak Halakhah*

Approved on December 11, 2023, by a vote of 16 to four with one abstention (16-4-1). Voting in favor: Rabbis Aaron Alexander, Jaymee Alpert, Pamela Barmash, Emily Barton, Suzanne Brody, Nate Crane, Elliot Dorff, David J. Fine, Judith Hauptman, Barry Leff, Daniel Nevins, Tracee Rosen, Rachel Safman, Robert Scheinberg, Ariel Stofenmacher, Ellen S. Wolintz-Fields. Voting Against: Rabbis Adam Baldachin, Joshua Heller, Joel Pitkowsky, Miriam T. Spitzer. Abstaining: Rabbi Avram Reisner.¹

Preface

In February, 2007, Rabbi David Golinkin published a responsum (hereafter, the Responsum) containing a significant critique of the 1990 CJLS *teshuvah* in which I advocated adding the names of the Biblical Matriarchs to the first blessing of the *Amidah*.² During the past decade I have taught Rabbinical students studying at the Ziegler School of Rabbinic Studies in Los Angeles and the Zachariah Frankel College in Berlin, Germany, who read his Responsum, were impressed with his work, and challenged mine. In addition, colleagues who were considering whether or not to incorporate this liturgical change in their congregational services discussed with me the questions that Rabbi Golinkin raised in his paper. As a result, over time, in response to these critiques and questions, this Addendum evolved. Its original intent was to respond to Rabbi Golinkin.

Rabbi David Golinkin is a friend and a great halakhic scholar for whom I have the greatest respect. Under his leadership the Schechter Rabbinical Seminary for many years has ordained women rabbis, he has written many *teshuvot* that have enhanced the halakhic status of women, and has been a voice for the amelioration of the *Agunah* problem in Israel. His Responsum regarding the *Imahot* is a serious challenge to mine, and reflects a specific point of *halakhah* regarding which we disagree. In actuality, I owe Rabbi Golinkin a debt of gratitude for motivating me to explore matters and material that neither I nor my colleagues on the CJLS in 1990 considered. Hopefully, I will be able to use the fruits of my exploration to put my original

¹ The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

² To read the original paper and the Responsum, please use these links: Joel Rembaum: "Regarding the Inclusion of the Names of the Matriarchs in the First Blessing of the *Amidah*," https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19861990/rembaum_matriarchs.pdf; David Golinkin: "A Responsum Concerning the Addition of the Imahot (Matriarchs) to the Amidah (Silent Devotion)," <https://schechter.edu/a-responsum-concerning-the-addition-of-the-imahot-matriarchs-to-the-amidah-silent-devotion-1-responsa-in-a-moment-volume-1-number-6-february-2007/>.

pesak (ruling) on a more firm halakhic footing, to go beyond this by proposing an additional *pesak halakhah* relating to the blessing, and by promoting Jewish egalitarian values. It is with this הכרת הטוב that I respectfully respond to my friend's critique.³

A Brief Historical Introduction

In the mid-1990s the Rabbinical Assembly of America (RA) and the — then called — United Synagogue of America decided that a new siddur was in order. As in the past, the RA convened a Siddur Committee to oversee its production. Another arm of the RA, the Committee on Jewish Law and Standards (CJLS), however, was, for the first time, involved in the process. The CJLS had recommended to the RA Executive Council that, given that the CJLS was the “standard-bearer” of *halakhah* for the Conservative Movement, it was only proper that it be charged with the responsibility of ensuring that the siddur conformed to the liturgical halakhic standards of the movement. The Executive Council concurred. It was in the course of this process that the 1990 *teshuvah* regarding inclusion of the names of the Matriarchs in the first blessing of the *Amidah* was implemented for the first time. As a result, the new *Siddur Sim Shalom for Shabbat and Festivals*, published in 1998, incorporated the *Imahot* in the *Amidah* of all services as a page B alternative to the page A original text. This format was replicated in the *Siddur Sim Shalom for Weekdays*, 2002, and in the *Or Hadash Commentary, Sim Shalom for Shabbat and Festivals*, 2003. Also in 1998, with the approval of the *Va'ad Ha-halakhah* (Law Committee) of the Israel RA, *Siddur Va-Ani Tefilati*, for weekdays, Shabbat, and festivals was published, and it, too, incorporated the names of the Matriarchs in the *Amidah*'s first blessing. It used a double-column, same-page format, and the text with the *Imahot* had wording that differed slightly from that of the American version. In 2010, a new prayer book for the High Holidays was produced by the RA, *Mahzor Lev Shalem*. In this edition the double-column, same-page format was used. There was also a minor addition to the wording of the *Sim Shalom Imahot* version: The words *Ve'imoteinu* (“and our Matriarchs”) and *Ve'imahot* (“and Matriarchs”), in brackets, followed the original text *Avoteinu* (“our Patriarchs”) and *Avot* (“Patriarchs”), respectively. The use of brackets indicated that the recitation of these words was optional. This same format was incorporated into the *Siddur Lev Shalem for Shabbat and Festivals*, 2016. This version of the blessing — including *Ve'imoteinu* and *Ve'imahot*, but without the brackets — will be the basis for the *pesak* at the end of this paper. The reader should note the pluralistic perspective expressed in the various ways the *Imahot* addition has been managed. The *pesak* included in this Addendum will take this into consideration.

Making Changes in the Wording of the Amidah — Initial Considerations

(N. B.: Talmud quotations from the Sefaria/Steinsaltz text are noted as such. Please see note 4 below.)

Rabbi Golinkin's Responsum begins by pursuing a line of argumentation regarding my reference to Rambam's *Mishneh Torah* (hereafter *MT*), *Hikhot Berakhot*, 1:5-6 and the *Kesef Mishneh*'s attempt, *ad locum*, to clarify Rambam's complex ruling. This is the *MT* text:

³ Thank you also to Rabbis Jaymee Alpert, Pamela Barmash, Elliot Dorff, David Fine, Daniel Nevins, Avram Reisner, Robert Scheinberg, Mordecai Schwartz, and Ellen S. Wolintz-Fields for their supportive comments and helpful suggestions.

ה. ונסח כל הברכות עזרא ובית דינו תקנום. ואין ראוי לשנותם ולא להוסיף על אחת מהם ולא לגרע ממנה. וכל המשנה ממטבע שטבעו חכמים בברכות אינו אלא טועה. וכל ברכה שאין בה הזכרת השם ומלכות אינה ברכה אלא אם כן היתה סמוכה לחברתה:
ו. וכל הברכות כלן נאמרין בכל לשון והוא שיאמר כעין שתקנו חכמים. ואם שנה את המטבע הואיל והזכיר אזכרה ומלכות וענין הברכה אפילו בלשון חל יצא:

5. The written content of all the blessings was ordained by Ezra and his court. It is not fit to alter them, to add to them, or to detract from them. Anyone who alters the format of a blessing ordained by the Sages is making an error. A blessing that does not include the mention of God's name and sovereignty [over the world] is not considered a blessing, unless it is recited in proximity to a blessing [which meets these criteria].

6. All the blessings may be recited in any language, provided one recites them just as the Sages ordained. If a person changes the format, as long as he mentioned God's name, sovereignty, and the subject of the blessing — even if he did so in an ordinary language [i. e. other than Hebrew], he has fulfilled his obligation.

Rabbi Golinkin incorporates the great codifiers of Jewish law in his analysis and concludes that changes to blessings may be accepted if certain criteria are met, but only *bedi'avad* (*ex post*) and not *mi-lekhatehilah* (*ex ante*). From this he determines that the change in the first blessing of the *Amidah* brought about by adding the Matriarchs' names constitutes what would be, at best, an *ex post* change, but it is being presented as an *ex ante* change and is, therefore, unacceptable.

Included in this analysis is a citation of *Talmud Bavli* (hereafter *TB*) *Berakhot* 40b, where we learn that changes in blessings are acceptable, as long as they reflect the theme of the authorized blessing and incorporate God's name and a statement of God's kingship. It appears that the Sages had in mind new blessings people made on their own or their modifications of authorized blessings to simplify them. A concrete example is noted — the blessing of Benjamin the Shepherd:

בנימין רעי צאן ברוך ריפתא, ואמר: "ברוך מריה דהאי פיתא". אמר רב: יצא. והאמר רב: כל ברכה שאין בה הזכרת השם אינה ברכה! דאמר: "ברוך רחמנא מריה דהאי פיתא".

“Regarding blessings that do not conform to the formula instituted by the Sages, the Gemara relates that Binyamin the shepherd ate bread and afterward recited in Aramaic: ‘Blessed is the Master of this bread.’ Rav said, he thereby fulfilled his obligation to recite a blessing. The Gemara objects: But didn’t Rav himself say: Any blessing that does not contain mention of God’s name is not considered a

blessing? *The Gemara emends the formula of his blessing.* He said: ‘Blessed is the All-Merciful, Master of this bread.’”⁴

Benjamin the Shepherd⁵ appears to have been a simple person who lived in Babylonia and was Hebraically illiterate. He needed his own version of a blessing for thanking God. The other examples that are included in the Talmudic discussion are similar in the simplicity of their wording.

I agree with the point in the Responsum that the authors of the codes and the *poskim* viewed such differently worded personal blessings as acceptable only *bedi'avad*. This is an appropriate ruling, given that, as much as possible, we should have universally accepted liturgy. I disagree, however, on the following point: I view the addition of the names of the Matriarchs as being of a completely different genre of blessing from that of the modified personal blessings referred to in the Talmudic discussions noted above. This addition, in the same liturgical context in which the Patriarchs' names are found, is intended to be a communally expressed affirmation of the true essence of our unique relationship, as a people, with God. It asserts that women, as well as men, played a foundational role in the creation of that relationship. This leads us to a necessary and powerful statement: Women are the equals of men in the eyes of God, and their status, rights, responsibilities, and privileges are the same. Thus, reciting an *Avot/Imahot* blessing must be considered a *mitzvah* of the highest order. Furthermore, this affirmation of equality is a call for the excision of a principle that has no place in contemporary Jewish religious societal life — patriarchy. And, finally, we must note that this change was not made autonomously by an individual to meet a personal need; it was authorized by the Rabbinical Assembly Committee on Jewish Law and Standards and the *Va'ad Ha-halakhah* of the Israel Rabbinical Assembly to address a communal need of great consequence.

The prayer service has been, from its inception, a vehicle for expressing Jewish articles of faith and values and responding to Jewish real-life experiences. This will be discussed in the presentations below. As is noted in the Responsum: The first blessing of the *Amidah* is of great importance, because it expresses the belief on which our system of worship is based: The unique relationship between God and the Jewish people. *איך, הכי נמי* — yes, indeed. And, the presentation, in this most significant prayer, of Matriarchs and Patriarchs as partners in the establishment of this relationship serves as a paradigm for how this sacred bond should operate.

Retuning to the matter of the wording of blessings — in lieu of arguing against changes in an important blessing by drawing an analogy between it and personal prayers associated with *Birkat Ha-mazon*, a better parallel would be to learn from the debate between R. Sa'adia Ga'on and R. Sherirah Ga'on, ca. 900 and 1000 C.E., respectively. I referred to this in my 1990 responsum:

⁴ This is from the Sefaria/Steinsaltz text of the *TB*. The standard font wording is that of the Talmud, and the italicized words are Steinsaltz's explanatory comments. This format will be used for all Sefaria/Steinsaltz citations.

⁵ See: *The Jewish Encyclopedia*, Marcus Gastric, Louis Ginzberg, “Benjamin the Shepherd,” (New York: Funk & Wagnalls, 1901-1906) 3.34.

A good example of the impact on liturgy of a significant theological development is Rabbi Sa'adia's reaction to the reference to the “light that shines on Zion...” in the conclusion to the *Yotzer* prayer. Rabbi Sa'adia argued that since the prayer refers to the light of creation, and not the light of the Messianic age, such an allusion is unacceptable. Rabbi Sherirah, in his response to Rabbi Sa'adia's comment, noted that the reference has always been accepted in the academies and is appropriate for the prayer.⁶ It appears that [in Babylonia and many other communities] people's hopes for redemption overruled Rabbi Sa'adia's plea for ideological consistency. Rabbi Sa'adia's opinion did carry the day, however, in...Sephardic [and Mizrahi and *Nusah Ha-Ari*] communities where the phrase beginning *or hadash al tziyyon ta'ir* is still absent from the standard morning liturgy. This indicates that Jewish liturgical tradition can, indeed, tolerate variations in the basic structure of communal prayer.

Here, a major disagreement in ideological prioritizing resulted in a liturgical split between large segments of world Jewry, a split that continues today. It parallels the disagreement between the communities that either accepted or rejected a shift from an eighteen-blessing *Amidah* to a nineteen-blessing *Amidah*, to be discussed at length below. I suggest that the contemporary debate — whether or not the advancement of the principle of gender equality is worthy of inclusion in the first blessing of the *Amidah* — is of the same gravitas as the debates regarding the *Yotzer* blessing and the nineteenth blessing of the *Amidah*, noted above. Only time will tell how our current debate will play out. Hopefully, this paper will help shed new light on the matter.

Making Changes in the Wording of the *Amidah* — A Challenge from Within the *Amidah* Itself

A substantive issue that is raised in the Responsum is based on a reading of the ruling of the Rambam in *MT*, *Sefer Ahavah*, *Hilkhot Tefilah* (hereafter *HT*) 1:9:

תפלות אלו אין פוחתין מהן אבל מוסיפין עליהם. אם רצה אדם להתפלל כל היום כלו הרשות בידו.
 וכל אותן התפלות שיוסיף כמו מקריב נדבות. לפיכך צריך שיחדש דבר בכל ברכה וברכה מן
 האמצעיות מעין הברכות. ואם חדש אפלו בברכה אחת דיו כדי להודיע שהיא נדבה ולא חובה.
 ראשונות ושלש אחרונות לעולם אין מוסיפין בהן ולא פוחתין מהן ואין משנין בהן דבר:⁷

The number of these services may not be diminished but may be increased. If a person wishes to pray the whole day, he may do so. And the prayers he adds are accounted to him as if he brought free-will offerings. He must accordingly add in each of the middle blessings a matter appropriate to the particular blessing. If this addition is in one of the blessings only, that is sufficient, the object being to make it manifest that the prayer is voluntary and not obligatory. And, regarding the first

⁶ *Siddur R. Saadja Gaon*, I. Davidson, S. Assaf, and B. I. Joel, eds. (Jerusalem: Mekitzei Nirdamim, 1970), 37; and see note to line 6.

⁷ For convenience, chapter and halakhah citations are according to the order in the standard printed editions of the *MT*, rather than the presumably more accurate Yemenite manuscripts.

three and last three blessings, we never add anything or remove anything, and we do not change anything.

In the Responsum it is noted that this is a clear-cut prohibition of any change in the first and last blessings. At first glance, this appears to be a very conclusive challenge to an addition to the first blessing of the *Amidah*. And yet, there is ample evidence that, over the course of the centuries, authoritative halakhic opinions regarding the content of the *Amidah* blessings have not been so categorical in their interpretation of what can or cannot be added to these six blessings.

A careful reading of Rambam's complete statement regarding the development of the recitation of the various *Amidah* prayers in *HT* chapter 1 clarifies the context within which this particular citation must be considered. *HT* 1:9 addresses the issue of individuals who wish to recite the *Amidah* more frequently than the requisite number of daily recitations. Maimonides begins the *halakhah* by noting that we may not reduce the minimum number of times the *Amidah* must be recited each day, as established by Ezra and his *beit din* (*HT* 1:4-8). As noted above, we may add to the number of the daily recitations to the point where we pray all day. These recitations function as did freewill sacrifices in Temple times – individuals could bring them as often as they wished.⁸ It should be noted that Rambam clearly holds that the *Amidah* is a surrogate for Temple animal sacrifices — more on this below. Should an individual add such personal recitations he or she must also *meḥadesh davar* – add a reference to a new matter, assumed by commentators to be a petition regarding a private need – to the appropriate middle blessings of the *Amidah*. The idea of adding such petitions is presented by Rambam in *HT* 1:4 as having been one of Ezra's intentions when he created the *Amidah*. Rambam goes on to note that even if one added a single *davar ḥadash* to only one of the blessings, that addition suffices for the entire voluntary *Amidah* recitation. Having set down the requirement to add a new element to a blessing of a voluntary recitation of the *Amidah*, I suggest that Rambam concludes with a categorical summary statement that such personal prayers may be added only to the middle blessings, and, for emphasis adds that nothing may be added to or removed from the first and last three, where no such changes are permissible. As we shall immediately see, the context within which this limitation must be considered is only that of personal supplications.

This limitation is first articulated in *TB Berakhot* 34a:

אמר רב יהודה: לעולם אל ישאל אדם צרכיו לא בשלש ראשונות, ולא בשלש אחרונות, אלא באמצעיות.
דאמר רבי חנינא: ראשונות — דומה לעבד שמסדר שבת לפני רבו. אמצעיות — דומה לעבד שמבקש
פרס מרבו. אחרונות דומה לעבד שקבל פרס מרבו, ונפטר והולך לו:

Rav Yehudah said: *There is an additional distinction between the various sections of the Amidah prayer: One must never request his own needs in the first three or in the last three blessings; rather, he should do so in the middle blessings.* As Rabbi Ḥanina said: *During the first three blessings, he is like a servant who*

⁸ In *HT* 1:10 Rambam adds the ruling that these additional recitations of the *Amidah* may not be recited communally, since there were no communal free will offerings.

arranges praise before his master; *during the middle blessings*, he is like a servant who requests a reward from his master; *during the final three blessings*, one is like a servant who *already* received a reward from his master and is taking his leave and departing. (Sefaria/Steinsaltz)

This is the Talmudic principle that stands behind Rambam's statement, and the intent is clear: *personal* petitions may not be included in the first and last blessings of the Amidah.

The *Tosafot* on this passage in the *Bavli* explains Rav Yehudah's ruling thusly:

אל ישאל אדם צרכיו לא בג' ראשונות ולא בג' אחרונות — פי' ר"ח ורבינו האי דוקא ליחיד אבל צרכי צבור שואלין ולכך אנו אומרים זכרנו וקרובץ ויעלה ויבא בהם ותדע דדוקא יחיד קאמר שהרי עיקר ברכות אחרונות צרכי צבור הם:

“One must never request his own needs in the first three or in the last three *blessings*.” Rabbienū Hananel and Rabbeinu Hai explained that this [prohibition against petitioning God in the course of reciting the first and last three blessings] applies specifically to an individual; but as for the needs of the community – we may petition. And, therefore, we say *zokhreinu*, *krovetz* and *ya'aleh v'yavo* in them. And know that specifically an individual was referred to because, indeed, the essential element of the last blessings is that they deal with communal needs.

An unambiguous statement regarding the intent of the last clause of *HT* 1:9 is found in Mas'ud Hai Rakkach's⁹ *Ma'aseh Roke'ah*, *ad locum*, where the author comments:

ואין משנין בהם דבר. פירוש לצרכי יחיד דוקא דביה קעסיק רבינו, אבל לצרכי רבים שרי. ולכך מוסיפין זכרנו ומי כמוך בעשרת ימי תשובה וכמ"ש ז"ל סוף פ"ב....¹⁰

“...and we do not change anything.” Meaning — specifically for the needs of an individual; this is the matter that our teacher (Rambam) is addressing. Regarding the needs of the community, however, it is permitted. Thus, we add *zokhreinu* and *mi khamokha* during the Ten Days of Repentance. And this is as he, of blessed memory, wrote at the end of chapter two....

The underlined first words of this comment say it all. Rakkach correctly identifies the context in which Rambam's statement was made: Such private petitions have no place in the first three and last three blessings of the *Amidah*; the appropriate place is the intermediate blessings. So, when Rambam forbids any changes in these blessings, he is referring to changes that are made by

⁹ Mas'ud Hai Rakkach was an 18th century Sephardi *Hakham* and spiritual leader of the Jewish community in Tripoli, Libya. *Ma'aseh Roke'ah* was written in Tripoli. The first part was published by the author in Venice in 1742-1743. See: <https://www.sefaria.org/topics/masud-hai-rakkach?tab=sources>.

¹⁰ See https://www.sefaria.org/Mishneh_Torah_Prayer_and_the_Priestly_Blessing.1.9?lang=bi&with=Commentary&lang2=en, Commentary. Scroll down to *Ma'aseh Roke'ah*.

including private prayers. And, as noted above, *HT* 1:10 demonstrates that the issue of voluntary recitations of the *Amidah*, with their requisite private petitions, continues to be the focus of Rambam's thoughts. He rules that such voluntary prayers are not recited by the community: אין הציבור מתפללין תפלת נדבה לפי שאין הציבור מביאין קרבן נדבה; "The community does not pray a voluntary prayer, because the community does not bring a voluntary sacrifice." Rambam is not concerned here with the broader matter of whether or not making changes in the first and last blessings is permissible.

In their comments on *HT* 1:9 and 6:3 (the latter deals with the addition of private petitions to the intermediate blessings of the *Amidah*) R. Meir ha-Kohen of Rothenburg¹¹, in his *Haggahot Maimuniyyot*¹² and R. Shmuel Tanhum Rubinstein, in his modern commentary in the *Rambam La'am* series¹³ echo the *Tosafot* statement, noted above, that the various High Holiday insertions to the first and last blessings are considered to be communal petitions and, hence, appropriate for these blessings. R. Meir, in his long comment on *HT* 6:3, also notes that in his time there were differences of opinion regarding these insertions, but his opinion is that they should be said. R. Meir's comments and personal opinion reflect the rabbinic opinions presented in the 12th century French *Mahzor Vitry*.¹⁴

In *HT* 2:18 Rambam tacitly supports the above understanding of his intentions as stated in *HT* 1:9:

כל השנה כלה חותם בברכה שלישית האל הקדוש ובברכת עשתי עשרה מלה אוהב צדקה ומשפט
ובעשרת הימים שמראש השנה עד מוצאי יום הכפורים חותם בשלישית המלה הקדוש ובעשתי
עשרה המלה המשפט:

Throughout the year, one ends the third blessing with the words, "the holy God," and the eleventh blessing with the words, "the King who loves righteousness and justice." But during the Ten Days from the New Year to the close of the day of Atonement, the third blessing ends with the words, "the holy King" and the eleventh, with the words, "the King of Justice."

With these words he confirms the ruling in *TB Berakhot* 12b:

ואמר רבה בר חנינא סבא משמיה דרב כל השנה כולה אדם מתפלל "האל הקדוש", "מלה אוהב צדקה
ומשפט", חוץ. מעשרה ימים שבין ראש השנה ליום הכפורים, שמתפלל "המלה הקדוש", ו"המלה
המשפט".

¹¹ Late 13th century — a disciple of R. Meir b. Baruch of Rothenburg. See: https://en.wikipedia.org/wiki/Meir_HaKohen.

¹² *MT*, (Jerusalem: Makhon Hatam Sofer, 1964) 1.22, 36, *ad locum*.

¹³ (Jerusalem: Mossad Harav Kook, 1981), 3. *Sefer Ahavah*, 33 note 7, 64 note 4.

¹⁴ *Mahzor Vitry*, Shimon Horwitz ed. (Nuremberg: 1923), 362 ff.

And, Rabba bar Hinnana Sava said in the name of Rav: Throughout the year a person prays *and concludes the third blessing of the Amidah prayer with*: “The holy God,” *and concludes the blessing regarding the restoration of justice to Israel with*: “the King who loves righteousness and justice,” with the exception of the ten days between Rosh HaShana and Yom Kippur, *the Ten Days of Atonement. These days are comprised of Rosh HaShanah, Yom Kippur, and the seven days in between, when one emphasizes God’s sovereignty*, and so when he prays *he concludes these blessings with*: “the holy King” and “the King of justice,” i.e., *the King who reveals Himself through justice*. (Sefaria/Steinsaltz)

These constitute significant changes in the wording of the *hatimot* (the concluding blessings) of the third and eleventh blessings. Rambam himself tells us the *hatimot* are the determining elements of all blessings (see *MT Hilkhoh Keriat Shema*, end of 1:8 — שְׁכָל הַבְּרָכוֹת הַלְלוֹת אֶחָד — הַתְּיַמֵּן, “...for all the blessings conform to [the words of] the concluding blessing.”). In *HT* 2:18 Rambam asserts that this is the practice, without commenting on the fact that it represents a change in one of the first three blessings.

It should be noted that the Rabbinic tradition does not view this change as having been ordained by Ezra and his *beit din*. According to the *Bavli*, it is Amoraic in its origin, cited by Rabba bar Hinnana Sava in the name of Rav. The Babylonian *Geonim* and *Alfasi* maintain this wording, and Rambam follows their lead. One can understand why this change was made, given the emphasis on God’s Sovereignty during the High Holiday season. Clearly, this constitutes a significant shift in the essential meaning of the prayers. It is noteworthy, in this regard, that the recitation of *ha-melekh ha-kadosh* during the *Yamim Nora'im* (the Days of Awe) was not the tradition of *Eretz Yisrael*, where *ha-el ha-kadosh* was recited year round. This comports with an opposing opinion that emerges in the continuation of the *suggya* in *TB Berakhot* 12b.¹⁵

I would argue that this change from *ha-el ha-kadosh* to *ha-melekh ha-kadosh* results in a more significant change in the *inyan* (the theme, to use the language of Rambam) of the third blessing than does the insertion of the Matriarchs into the first blessing. The latter is part of a pervasive change in the liturgy of the *Yamim Nora'im*, with its emphasis on God as King, that is intended to impress upon the worshipper the seriousness of the Divine judgment that takes place during this season. It also subtly reinforces the theology of the High Holiday liturgy that emphasizes the universal notion of God as *melekh*, “King,” meaning Ruler, Judge, and Creator of the world. It is significant that this universal notion should be expressed in the *Amidah*, given that this seminal liturgical element focuses on the unique relationship between God and the Jewish people. Regarding this relationship, all versions of the *Amidah* diverge from the standard wording of blessings that specifically refers to God as *melekh ha-olam*, Ruler of the universe, in that it is not used in the *Avot-Imahot* blessing, which refers, instead, to the Patriarchs and Matriarchs who are the founders of *Am Yisrael*. Returning to the importance of the High Holidays, I would argue that the inclusion of the Matriarchs in the *Amidah* is as important to our

¹⁵ See Ismar Elbogen, *Jewish Liturgy, a Comprehensive Survey*, Raymond P. Scheindlin, tr. (Philadelphia, New York, Jerusalem: The Jewish Publication Society and The Jewish Theological Seminary Of America, 1993), 41.

generation of Conservative Jews as the *Yamim Nora'im* emphasis on Divine Kingship has been to generations of our people.

In *HT* 2:19, Rambam notes that there are communities that have made significant additions to the 1st, 2nd, 3rd, 18th, and 19th blessings:

יֵשׁ מְקוֹמוֹת שֶׁנֶּהְגּוּ לְהוֹסִיף בְּעֶשְׂרֵת יָמִים אֵלּוּ בְּבִרְכָּה רִאשׁוֹנָה וְזָכְרָנוּ לְחַיִּים כּו'. וּבִשְׁנֵי מֵי כְמוֹד אֵב הַרְחֵמִים וְכו' וּבְהוֹדָא זָכַר רַחֲמֶיךָ וְכו' וּמוֹסִיפִין בְּבִרְכָּה אַחֲרוֹנָה בְּסֶפֶר חַיִּים וְכו'. וְכֵן יֵשׁ מְקוֹמוֹת שֶׁנֶּהְגּוּ לְהוֹסִיף בְּעֶשְׂרֵת יָמִים אֵלּוּ בְּבִרְכָּה שְׁלִישִׁית וּבְכֵן תֵּן פְּחָדֶךָ וּבְכֵן וְכו' אֲבָל בְּרֹאשׁ הַשָּׁנָה וּבְיוֹם הַכְּפוּרִים מְנַהֵג פְּשׁוּט הוּא לְהוֹסִיף בְּשְׁלִישִׁית וּבְכֵן תֵּן פְּחָדֶךָ וְכו':

In some places it is customary, during these ten days, to add in the first blessing the petition, “Remember us unto life, ...”, in the second blessing, the sentence, “Who is like You, O merciful Father ...”, in the Thanksgiving blessing, “Remember Your mercies ...”, and in the last blessing, “In the book of life” So too, in some places they have the custom, during these ten days, to add in the third blessing the paragraphs, “And thus cause the fear of You, O Lord our God... and thus....” On the New Year and the Day of Atonement, however, the addition to the third blessing “And thus cause the fear of You....” is the general practice.

Rambam does not suggest that these additions constitute a violation of the principle of not making any changes in the first three and last three blessings of the *Amidah*. This would support our suggestion that Rambam’s emphasis on this principle in *HT* 1:9 relates to the specific halakhic context of individual petitions or innovations, and, therefore, we need not assume that it is an over-arching principle that precludes any changes in the wording of the blessings.¹⁶

In a similar vein, Rambam, in *She’eilah* #58 of his collected *She’eilot U-teshuvot*, clearly makes this point:

שאלה: ויורנו בדבר מה שהזכיר הדרתו בפרק ו' מהלכות תפלה אבל לא ישאל לא בשלש ראשונות ולא בשלוש אחרונות. ונהגו, שיחיד יוסיף כתפלת רשות בעבודה מאמר בזה הלשון בהר מרום ישראל שם נעבדך ושם נדרוש את כל אשר צויתנו בריח ניחוח תרצה אותנו תחזינה עינינו, האם זה מותר? אם לאו, כי הוא פוגע בזה התנאי?
התשובה: זו הלשון, שמוסיפין בעבודה, אינה מזיקה ואין בה רע, ואין זה שואל צרכיו, אלא זה ענין הברכה.¹⁷

Question: Instruct us regarding the matter “his gloriousness” noted in *Hilkhot Tefilah*, chapter 6: “But one should not supplicate God [for personal needs] in neither the first three nor the the last three [blessings of the *Amidah*].” They (the

¹⁶ And see *Sefer Mitzvot Gadol*, Positive Commandments 19:

אבל לא ישאל לא בשלש ראשונות ולא בשלש אחרונות ופיר' רבינו יעקב [בתו' פ' אין עומדין בד"ה אל השאל דף ל"ה] דווקא צרכי יחיד לא ישאל אבל צרכי רבים מותר ולכך נהגו העם לומר זכרינו וקרובי ב"ה בראשונות. (Sefaria)

¹⁷ See *She'eilot U-teshuvot Ha-Rambam* (Jerusalem: Machon Yerushalayim, 2016), 1: #58.

members to the community) have, however, the tradition, that an individual may add, as a voluntary prayer, a statement in these words: “‘On the high mountain of Israel, there we will worship You and there we will study all that You have commanded us. With [this] sweet aroma you will desire us.’ May our eyes....” Is this permissible? If not, is it because he is violating this condition [of not supplicating God for his needs]?

Answer: This wording, that they add to the *Avodah* (“worship” — the seventeenth blessing and one of the last three blessings of the *Amidah*) blessing, does no harm and has within it nothing bad. This is not “supplicating for his own needs;” rather this is the theme of the blessing [hence, most appropriate].

This additional wording is intended to be a voluntary personal expression, and yet Rambam approves the practice, even though one of the last three blessings is involved. And, like the *Imahot* inclusion, this is not a supplication, but a declarative statement that is a paean to God’s greatness.¹⁸

R. Yosef Caro, in the *Kesef Mishneh* on *HT* 1:9 and in his ruling on adding petitions in *Shulhan Arukh* (hereafter *SA*) *Orah Hayyim* (hereafter *OH*) 107 makes no reference to the matter of changing the first and last three blessings. Only in the *Beit Yosef* on *Tur OH* 107, where he quotes the *Tur* — and, thus Rambam — verbatim, does Caro include that clause in his acceptance of Rambam’s overall *pesak* regarding personal supplications. Given its absence in Caro’s other discussions — especially the *SA*, in which he gives his own *pesak* — one can conclude that, in the *Beit Yosef*, Caro simply quotes the *Tur* with its complete *HT* statement.

On a related matter, we should note that the traditional addition to the seventeenth blessing of the *Amidah* on festivals and *Rosh Hodesh*, *Ya’aleh Veyavo*, is Talmudic. It is mentioned in *TB Berakhot* 29b:

Berakhot 29b

אָמַר רַבִּי תַנְחֻם אָמַר רַב אָסִי אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: טַעַם וְלֹא הִזְכִּיר שָׁל רֹאשׁ הַדֵּשׁ בְּ"עֲבוּדָה" —
חֲזֹר לְ"עֲבוּדָה". נִזְכָּר בְּ"הוֹדָאָה" — חֲזֹר לְ"עֲבוּדָה". בְּ"שִׁים שְׁלוֹם" — חֲזֹר לְ"עֲבוּדָה".
וְאִם סִיִּים — חֲזֹר לְרֹאשׁ.¹⁹

“On a similar note, the Gemara cites an additional statement of Rabbi Tanḥum: Rabbi Tanḥum said that Rav Asi said that Rabbi Yehoshua ben Levi said: One who erred and did not mention the New Moon the addition: ‘May there rise and come [ya’aleh veyavo]’ in the blessing of Temple service, the seventeenth blessing in the Amidah prayer, he returns to the blessing of Temple service. So too, if he remembers during the blessing of thanksgiving, he returns to the blessing of Temple service. If he remembers in the blessing: Grant peace, he returns to the

¹⁸ Thank you R. Robert Scheinberg for calling my attention to this ruling by the Rambam.

¹⁹ This passage in *Berakhot* does not explicitly mention *Ya’aleh Veyavo*; it is clear, however, from context that this is the subject of the discussion. It is also clear from the rulings in the following: *Tosafot, ad locum*; *Sefer Mitzvot Gadol*, Positive Commandments 19; *Tur*, *OH* 422; *SA*, *OH* 422:1.

blessing of Temple service. *If he remembers after he completed the Amidah prayer, he returns to the beginning of the prayer.*” (Sefaria/Steinsaltz)

So, we again see that the principle cited in *HT* 1:9 regarding no change in the beginning and ending blessings was not applied when it came to appropriate additions to this blessing.

Yet another High Holiday variation — this, in the last *Amidah* blessing — is still present in our day and was already present in the 12th century *Mahzor Vitri*. In the Ashkenazic tradition the *hatimah* for the 19th blessing (*sim shalom/shalom rav*) during the *aseret yemei teshuvah* is *barukh...oseh ha-shalom*, “Blessed be...who creates peace” (*Mahzor Vitri*, Horwitz ed., p. 384). The Sephardic tradition is already evident in the *siddurim* of R. Amram, R. Saadia, and Rambam, all of whom maintain the regular year-round wording, *barukh...ha-mevareikh et amo yisrael ba-shalom*, “Blessed be...who blesses His people Israel with peace,” during the High Holiday season. The *oseh ha-shalom* wording that was incorporated into the Ashkenazic High Holiday version constitutes a substantial change in the thrust of the blessing. It diminishes the importance of God’s special gift of peace to God’s people and adds a more universal nuance to the prayer, again, emphasizing the *yamim nora'im* theme that God is Ruler and Judge of the universe. It also suggests that given that the fate of God’s chosen people is still undecided until after *Ne'ilah* on *Yom Kippur*, there is no guarantee that the Jewish people will be blessed with peace; so, the regular version, with its positive affirmation, is replaced. The *oseh ha-shalom* wording was the regular conclusion to the 18th – and final – blessing of the Palestinian version of the *Amidah*, as seen in published Cairo Genizah manuscripts.²⁰ It is also alluded to in *Midrash Va-yikra Rabbah*, *Tzav* 9:9 (end) and *Midrash Tehillim* on Psalm 29:11 (Buber ed., p. 232).

The above citations do not fully clarify how this particular form of the *hatimah* came to be used by the Northern European communities for the *Amidah* of the *yamim nora'im*. A possible explanation is that by the early Middle Ages Italy had become a repository of Palestinian rabbinic traditions. Palestinian liturgical traditions came into early medieval German and French Jewry via learned individuals (e.g. the Kalonymides) who moved north from Italy to take advantage of new economic opportunities. They were authors of Palestinian style *piyyutim*. Perhaps this was the conduit through which the *Eretz Yisrael—oseh ha-shalom* version arrived in

²⁰ See, Joseph Heinemann, *Prayer in the Period of the Tanna'im and the Amora'im* (Jerusalem: Magnes Press, 1966) (Hebrew), 24-25, note 15; and B. S. Jacobson, *The Weekly Siddur, Second Edition* (Tel Aviv: Sinai Publishing, 1978), 183-213. Heinemann and Jacobson use two different Genizah documents. Most of the blessings in both of these versions are significantly different in textual details from today’s standard versions. Heinemann’s text will be discussed at length below.

northern Europe, which then was adapted for the High Holiday liturgy for the reasons discussed above.²¹

We can conclude from all of the above that the “standard” versions of the Amidah evolved over time, as did the sensibilities and traditions of the various Jewish communities. To be sure, by the age of the *Geonim* the basic framework of the *Amidah* was fixed, but not absolutely. And so it is that for a number of centuries into the Middle Ages the Palestinian rabbinic authorities retained the normative Palestinian *eighteen* blessing format of the *Amidah*, as noted in *Mishnah Berakhot* 4:3, רָבֵן גַּמְלִיאֵל אוֹמֵר, בְּכָל יוֹם מְתַפְּלֵל אָדָם שְׁמֹנֶה עָשָׂרָה. They did not split the fourteenth blessing – combining the rebuilding of Jerusalem and the restoration of the Davidic monarchy – into two separate blessings, as did the *Bavli* rabbis, who thereby changed the number to nineteen. Interestingly, *Tosefta Berakhot* 3:25 *bedi'avad* does permit the separation of these and other dual-theme blessings, but it is clear in the *Tosefta* and *Talmud Yerushalmi* (hereafter *TY*), *Berakhot* 4:3 — both from the Land of Israel, that *mi-lekhatehilah* the combined recitation of the Jerusalem/David blessing was to remain intact and the eighteen blessing count was to be maintained. We will return to this matter below.²²

The Elbogen update also refers to *Ben Sira* 51 (ca. 200 BCE), where the Jerusalem and Davidic references are noted separately in a psalm-like poem that includes a few of the *Amidah* themes – proof of the antiquity of the use of these themes in what appears to be a liturgical framework. It must be noted, however, that in the *Ben-Sira* poem the three patriarchs are also referred to in separate phrases, yet in the *Amidah* they are combined. We cannot prove from the *TY*, the *Tosefta* and *Ben Sira* that a version of the *Amidah* with a formally structured blessing similar to the 15th blessing of the *Bavli* and a total of nineteen blessings was circulating in *Eretz Yisrael* and made its way to *Bavel*. At best we can suggest that the *Bavli* sages could have been aware of the possibility of splitting combined themes that was articulated earlier in Palestine. But then, would they not know that the Palestinian sources (*TY Berakhot* 4:3 and *Tosefta Berakhot* 3:25) were adamant about maintaining the number eighteen. I would suggest that since there were other dual-theme blessings that could have been split, including the one that incorporated the *Birkat Ha-minim*, we must conclude that internal *Bavli* factors were at work in the splitting off of the Davidic theme, thereby creating the nineteenth blessing.

²¹ In this regard, the brilliant and iconoclastic 18th century German rabbi, R. Yaacov Emden, dutifully includes *oseh ha-shalom* as the hatimah of the 19th blessing of the Amidah for *asseret yemei teshuvah* in his *Ashkenaz* version of the siddur. Given that he is an Ashkenazic rabbi, this would not be surprising. However, he adds the following note in the text of his siddur: “*Oseh* – this is the custom of the *Ashkenazim* for the ten days of penitence. But, the decisors of the law and the *AR”I, z”l*, are not pleased with it; and the principal way (*veha-ikar*) is according to the custom of the *Sepharadim* — *shehotmim le’olam ba-shaveh* — who at all times conclude the blessing the same way [i. e. during the year and *asseret yemei teshuvah*].” See *Siddur Beit Ya’acov* (*Ashkenaz* version) (Lemberg: 1904), 74.

²² See *TB Megillah* 17b-18a, where the notions of the rebuilding of Jerusalem and the reestablishment of the Davidic monarchy are noted as separate themes, as opposed to other themes that are conjoined, including *minim* and *zedim* (see Appendix below for the *TY*, and *TB* texts). See also Elbogen, 24-37, especially 35-37, the update with more recent information that includes the suggestion that the separate blessing for the Davidic monarchy in the *Bavli* version may be based on ancient Palestinian prayers; and see Elbogen, 47-49. The *Tosefta Berakhot* 3:25 text is available in the Conclusion below, in regard to the *pesak halakhah* at the end of this paper.

It appears that the adoption of a nineteen-blessing format that deviated from the Mishnaic tradition (*Berakhot* 4:3, above) was a change of such magnitude that the *Bavli* community felt the need to justify it by associating it with the liturgical work of Rabban Gamaliel and his *beit din* in the generation after the destruction of the Second Temple. We read in *TB Berakhot* 28b: תָּנוּ רַבָּנָן: שְׁמַעוֹן הַפְּקוּלִי הִסְדִּיר שְׁמוֹנֶה עָשָׂרָה בְּרָכוֹת לִפְנֵי רַבֵּן גַּמְלִיאֵל עַל הַסֹּדֶר בִּיבְנָה. אָמַר לָהֶם רַבֵּן גַּמְלִיאֵל לַחֲכָמִים: כָּלוּם יֵשׁ אָדָם שִׁידַע לְתַקֵּן בִּרְכַּת הַמִּינִים? עָמַד שְׁמוּאֵל הַקָּטָן וַתִּקְנָה. “These eighteen? They are nineteen. The “Blessing of the Sectarrians” was prepared at Yavneh.” Three midrashic explanations follow. Then the *Setam Gemara* cites this *baraita*, found only here in the Talmud:

תָּנוּ רַבָּנָן: שְׁמַעוֹן הַפְּקוּלִי הִסְדִּיר שְׁמוֹנֶה עָשָׂרָה בְּרָכוֹת לִפְנֵי רַבֵּן גַּמְלִיאֵל עַל הַסֹּדֶר בִּיבְנָה. אָמַר לָהֶם רַבֵּן גַּמְלִיאֵל לַחֲכָמִים: כָּלוּם יֵשׁ אָדָם שִׁידַע לְתַקֵּן בִּרְכַּת הַמִּינִים? עָמַד שְׁמוּאֵל הַקָּטָן וַתִּקְנָה.

Our rabbis taught [in a *baraita*]: Shimon Ha-pakuli arranged the eighteen blessings in an organized manner before Raban Gamliel in Yavneh. Raban Gamliel said to them: “Is there no one who can prepare the “Blessing of the Sectarrians?” Shmuel Ha-katan arose and prepared it.

It should be noted that, according to the *Mishnah* and the *Tosefta*, the *Amidah* was comprised of eighteen, not nineteen, blessings, and there was no discrete *Birkat Ha-minim*. And, note also, the latter term is found nowhere else in the *TB*²³. The fact that the *Bavli* community continued to use the term *shemoneh esrei*, “eighteen,” indicates that, even for them, this number had the power of tradition behind it. With the increase in the authority of the *Bavli* authorities during the Geonic period, however, many *Bavli* traditions overwhelmed those of *Eretz Yisrael*, even in the Holy Land. Thus, the nineteen-blessing format of the *Amidah* became the standard throughout the Jewish world, as it is today, and the *Bavli* High Holiday change of the *hatimah* of the third blessing of the *Amidah* to *ha-melekh ha-kadosh*, likewise, became universal practice.

Rambam, in *HT* 2:1, following the lead of the *Bavli*, also refers to Raban Gamaliel as the force behind the addition of the nineteenth blessing, *Birkat Ha-minim*, to the *Amidah*. He sees its addition as a response to sectarians leading the people astray. He knew, however, the *Mishnah* in which the eighteen blessing paradigm was explicitly stated, so, it appears that he also felt the need to justify the blessing, seeing as how its addition was a change. Rambam understands that *Birkat Ha-minim* was not a stand-alone additional blessing; it was combined with references to other evil people, as we see in his *Seder Tefilot*²⁴. Rambam, *TB Megillah* 17b-18a²⁵ and *TB Berakhot* 28b view the *Birkat Ha-minim* as the original blessing, to which other elements were added, thereby creating a nineteen blessing *Amidah*. In their eyes, the split Jerusalem/David blessing was part of the original eighteen blessings. But if *Birkat Ha-minim* is the essence of the

²³ *Birkat Ha-minim* is mentioned in *Midrash Tanhuma*, Buber ed., *Vayikra*, 3. Please see the Appendix.

²⁴ *MT*, *op.cit.*, 3, *Sefer Ahava*, 340, and see note 3.

²⁵ See note 22, above.

blessing, why did Rambam not include the term *Minim* in the *hatimah* of the blessing, which he considers a blessing's most significant element?²⁶

I would argue that adding the names of the Matriarchs to an existing blessing in the *Amidah* pales by comparison to the change of an addition of a nineteenth blessing to a structure that was originally intended to be eighteen. From all of the above we can conclude that adding four names is not a violation of a prohibition against changing a blessing. It is, rather a communal reinforcement of the praise of God that is the function of the first blessing and an affirmation of God's unique relationship with all the Jewish people.

At this point we will pause in our response and examine a Genizah *Amidah* text. Please refer to the Appendix, below. This is the text of the "Heinemann" manuscript noted above. It is one of dozens of *Eretz Yisrael Amidah* manuscripts and manuscript fragments found in the Cairo Genizah.²⁷ There are some variations among them, but they share major elements. The manuscripts have been dated as being from the tenth through the thirteenth centuries, indicating that these *Eretz Yisrael Amidah* versions continued to be in use well into the Middle Ages. For purposes of this paper, the complete Heinemann text will suffice.

We see that this text accords with the *TY* traditions cited above and Rabban Gamliel's statement in *Mishnah Berakhot* 4:3, that "every day a person²⁸ recites eighteen blessings": רַבִּין גַּמְלִיאֵל אוֹמֵר, בְּכָל יוֹם מְתַפֵּלֵל אָדָם שְׁמֹנֶה עָשָׂרָה. Upon a review of the first three blessings, we note that there are considerable differences in the wording of the blessings when compared with our standard texts. While the *hatimot* of these first blessings in the Genizah text are the same as ours, the intermediate blessings (numbers 4-15) contain a variety of variations in the *hatimot*, as well as in the bodies of the blessings. These do not change the themes of the blessings; they do have, however, nuances or specific details that differ from today's standard *Amidah*. For example, the Genizah version of the twelfth blessing, which contains the *Birkat Ha-minim*, includes *notzerim* — generally understood as referring to Christians — apostates, and generic sectarians, along with "the Evil Kingdom" and evil people in general. From the later Middle Ages the reference to Christians was removed by Church censorship, and references to slanderers and informers — Jews who spoke ill of other Jews or of their Jewish communities to Gentile overlords — were generally included. And, of course, here we find the double theme in blessing 14, in which the rebuilt Jerusalem and the Davidic dynasty are conjoined. As noted above, this was separated into two blessings in the *Bavli* liturgy. Most stunning are the last three blessings, each of which has differences from our standard version in both the body of the blessing and the *hatimah*.

²⁶ See page 9, above, regarding the significance of the *hatimah*. It is interesting that no version of the twelfth blessing of the *Amidah* includes the word *minim* in the *hatimah*. See Uri Ehrlich, Ruth Langer, "The Earliest Texts of the *Birkat Haminim*," *Hebrew Union College Annual* (Cincinnati: 2005), 76.72-73, 83.

²⁷ For recent research on the Genizah texts see: Yehezkel Luger, *The Weekday Amidah in the Cairo Genizah* (Jerusalem: Orhot Press, 2001) (Hebrew), and other subsequent studies by Uri Ehrlich and Ruth Langer, e. g. note 25 above.

²⁸ *Adam* here must be translated "person", and not "man," because in *Mishnah Berakhot* 3:3 we learn that women are obligated to recite the *Tefilah*, meaning the *Amidah*.

From this review of the Genizah *Amidah* text, our analysis of the ongoing differences in various versions of the *Amidah*, and our look at the two versions of the last part of the *Yotzer* blessing we learn that the coexistence of multiple liturgic traditions was not a rarity in the history of the evolution of Jewish liturgy. Further evidence of this is found in the works of R. David ben Yosef Abudarham (Spain, ca. 1340), a prominent medieval commentator on the *siddur*, who wrote in the introduction to his *magnum opus* commentary on the order of the prayers:

ומפני אורך הגלות וגודל הצרות נשתנו המנהגות בתפלות בכל המדינות. ורוב ההמון נושאים קולם בהתפללם לפני אלקי עולם והם מגששי' כעור באפלה ואינם מבינים דברי התפלה וגם אינם יודעים סדר המנהגות וטעמיהם ולהעמידם על אפניהם רק זה אומר בכה וזה אומר בכה וכולם ביער המנהגות נבוכו. סגר עליהם מדבר התפלה ושערו אין יוצא ואין בא אל תוך חדריו:²⁹

Because of the length of the exile and the enormity of the suffering the customs of the prayers changed in all the countries. The majority of the masses raise their voices in prayer to the Eternal God, and they grope like a blind person in darkness, and they do not understand the words of the prayers, and they do not know their customary order and their meaning so they can properly understand them. Rather, one says it this way and the other says it that way, and they are lost in the forest of custom. The wilderness of prayer has engulfed them — no one leaves its gates, and no one comes into its rooms.

This is reminiscent of the Rambam's introduction to the *Mishneh Torah*, as is Abudraham's declaration that this situation has moved him to write a book that will resolve the matter. It will:

...נותן אמרי שפר מתלמוד בבלי וירושלמי ודברי הגאונים והמפרשים ראשונים ואחרונים. ואעמיד אהל בביאור התפלות להסתופף בצלו יעפי הגלות ואהיה ממצידיקי הרבים במסלות, בהדריכי בדרך ישרה ההולכים ארחות³⁰...עקלקלות.

...offer goodly words from the Babylonian and Jerusalem Talmuds, the words of the Geonim and the early and late commentators. I will erect a tent with an explanation of the prayers that weary ones of the exile can frequently stand in its shade, and I will be among those who direct the many on correct roads, as I lead onto straight ways those who walk on paths...[that are] winding.

We see that for centuries variations — large and small — in Jewish liturgy have coexisted and have reflected the Jewish religious culture and the spiritual needs of Jews in different places at different times (and we did not even begin to explore the impact Lurianic Kabbalah and other rulings of Caro had on Middle Eastern and Eastern European worship). The 21st century is no exception — many variations in liturgy continue to co-exist. Some of these differences have faded away — witness the eighteen blessing *Amidah* — and some last “forever” — witness the

²⁹ *Abudarham Ha-shalem*, Shmuel Kroyzer, ed. (Jerusalem: Usha Pub., 1949), 5.

³⁰ *Ibid.*

ubiquitous prayers for the return to Zion. Today, the *Imahot* addition to Conservative liturgy is widely accepted in both print and practice. This indicates that, like meaningful liturgical changes that emerged in the past, this modest change resonates with a substantial percentage of the Conservative/Masorti community. It is responding to contemporary values and needs, and it reminds us that gender does not define our relationship with God. We are all equal in God's eyes. This is a principle that, *be'ezrat Hashem*, will remain eternally operative.

How the Rabbis Read History and the Biblical Text

Approaching the issue of inclusion of the *Imahot* in the *Amidah* from another point of view, it is argued in the Responsum that in the Biblical narrative God makes covenants with the Patriarchs, but not the Matriarchs, and that when the *Avot* blessing was composed the Sages had this tradition clearly in mind. The argument concludes with this statement: "The Sages did not include the Matriarchs — a concept which they themselves had created — because *Avot* deals with the plain meaning of the biblical text and they did not want to rewrite history." This, also, is too categorical a conclusion. The Sages routinely take liberties with the plain meaning of the text and "rewrite history" when they feel it is necessary. Two examples will suffice.

There is a disagreement in *Midrash Shir Ha-shirim Rabbah* 1:2 between the Sages and Rabbi Joshua ben Levi regarding how many of the Ten Commandments the Israelites actually heard directly from God. The Sages teach that the Children of Israel heard all ten of the commandments directly from God, while Rabbi Joshua ben Levi holds that they only heard the first two commandments, and the others came from the mouth of Moses. Focusing on Exodus 20:16, "...you speak to us and we will hear..." words spoken by the Israelites after God spoke all ten of the commandments, the Sages teach that only then did the Israelites ask Moses to listen to God's words and relay the words to them. This is, indeed, the plain meaning of the text — there is no reference to God speaking the first two commandments any differently from his speaking the last eight. Rabbi Joshua, however, notes that in Deuteronomy 4:9 Moses, in retelling the account of the giving of Torah, focused on the words "...lest you forget the words..." Rabbi Joshua interprets the term *ha-devarim*, "the words," to refer to the minimum plural of two commandments, since Moses does not explicitly refer to all ten of the commandments. Thus, Rabbi Joshua concludes that the people heard only the first two commandments directly from God.

It can be suggested that the Sages relied solely on the Exodus 20 account because it is clear on this most important matter. Rabbi Joshua, however, took under consideration the ambiguous account in Deuteronomy 5, in which Moses says that he was standing between God and the people even before God began to speak. He, then, tried to reconcile the Deuteronomy and Exodus narratives. While Rabbi Joshua's purpose was a noble one, he did, in fact, "rewrite history." This he did by employing the principle, *ein mukdam u-meuhar ba-torah*, "there is no early and late in the Torah," meaning that the sequence of events in the Torah does not necessarily indicate their real chronological order. Thus, according to him, the words that serve as the basis of the Sages *midrash* (20:16) were spoken by the people after the first two

commandments were uttered.³¹ This tenuous midrashic tool has allowed rabbis to “rewrite history” when there is a need to deal with a difficult passage in the Bible or when they feel there is an important principle to be taught. So, there is no sin in “rewriting history;” it is an intrinsic element of midrash, and it is a foundational principle of Rabbinic, as well as Biblical, historiography. I would prefer to call it “interpreting history.” It is a nuanced process, and interpreting history from a spiritual perspective has remained an effective hermeneutic tool in the evolution of religion down to our own day.

A second example of Rabbinic interpretation of history is the midrash in the *Haggadah shel Pesach* on the Exodus from Egypt. It has long been noted that Moses is conspicuous by his absence from the *Haggadah*, even though in the Biblical account he is ubiquitously instrumental in carrying out God’s plan to redeem the Israelites. In fact, the Torah’s narrative records many moments when the Israelites blame Moses, not God, for taking them out of Egypt. We cannot say for sure if this omission on the part of the Rabbinic compilers of the *Haggadah* text was a conscious effort to debunk any ascription of divine redemptive power to any human, or simply a result of their intention to emphasize that God was the prime mover of the redemption. In either case, “history was rewritten.” By comparison, regarding the subject of this paper, adding the names of the Matriarch and the term *v'imahot* to the *Amidah*’s first blessing, while being interpretive and not reflecting the narrow traditional liturgical reference to the Patriarchs, can be rationalized and understood as not contradicting but rather expanding and enhancing the intent of the original *Avot* version. And, as we shall demonstrate below, it actually more accurately reflects the Biblical accounts of God’s establishing the foundation of the covenant with God’s Chosen People.

As noted above, it is argued that including the *Imahot* in the *Avot* prayer would be a deviation from the plain meaning of the Biblical concept of God’s unique relationship with the *Avot*. However, deviating from the plain meaning of Biblical text for ideological and/or liturgical purposes is already embedded within the Rabbinic tradition. For example, in the Talmudic period the rabbis of *Erertz Yisrael*,³² defined God’s thirteen attributes of mercy by citing Exodus 34:6-7:

וַיַּעֲבֹר יְהוָה | עַל-פָּנָיו וַיִּקְרָא יְהוָה | יְהוָה אֱלֹהִים רַחוּם וְחַנּוּן אֶרֶךְ אַפַּיִם וְרַב-חֶסֶד וְאֱמֻנָה:

“Adonai passed before him and proclaimed: ‘Adonai, Adonai! a God compassionate and

³¹ This disputation is resurrected in the Middle Ages, with Judah Halevi (*Book of the Kozari*, 1:87) taking the position of the Rabbis, and Rambam, that of Rabbi Joshua ben Levi (*Guide of the Perplexed*, 2:33). See: Joel Rembaum, “Interpretation of Scripture in Judah Halevi’s *The Kozari*: A Study in Theological Exegesis,” in *Threescore and Ten: Essays in Honor of Rabbi Seymour J. Cohen on the Occasion of His Seventieth Birthday*, Abraham J. Karp, Louis Jacobs, and Haim Zalman Dimitrovsky eds. (Hoboken: Ktav, 1991), 158-160. See also *TB Makkot* 23b-23a: משה לנו משה (דברים לג) תורה צוה לנו משה. אמר רב המנונא מאי קרא (דברים לג) תורה צוה לנו משה. אמר רב המנונא מאי קרא (דברים לג) תורה צוה לנו משה. אמר רב המנונא מאי קרא (דברים לג) תורה צוה לנו משה. (Thank you R. Avram Reisner and R. Daniel Nevins.)

³² See: *Pesikta de-Rav Kahana* 6:1, Bernard Mandelbaum ed. (New York: The Jewish Theological Seminary, 1962), 1.109. In his EJ article, Mandelbaum informs us that “...on the basis of its language and of rabbis and place names mentioned, ...the *Pesikta* is a Palestinian text, probably of the fifth century.” See Bernard Mandelbaum, “*Pesikta de-Rav Kahana*,” *Encyclopaedia Judaica, Second Edition* (hereafter *EJ2*), Michael Berenbaum and Fred Skolnik eds. (Detroit: Macmillan Reference USA, 2007), 16.11-12.

gracious, slow to anger, abounding in kindness and faithfulness;

נָצַר חֶסֶד לְאֵלִים נֶשָׂא עֲוֹן וּפְשָׁע וְחַטָּאת וְנִקְמָה לֹא יִנָּקֶה פֶקֶד | עֲוֹן אָבוֹת עַל-בָּנִים וְעַל-בְּנֵי בָנִים
עַל-שְׁלֹשִׁים וְעַל-רִבְעִים:

extending kindness to the thousandth generation, forgiving iniquity, transgression, and sin, yet not remitting all punishment, but visiting the iniquity of parents upon children and children children, upon the third and fourth generations.”

In order to focus theologically on God’s compassion, the Sages used only the underlined Hebrew words for the statement of the thirteen attributes, thereby cutting off the balance of verse 7, which is underlined in the English. This is relevant to our discussion because this rendering of the verse makes its way into our liturgy in the *selihot* prayers and is found as early as the ninth century siddur of R. Amram Gaon: ויעבר ה' וגו' עד ונקמה, “‘Adonai passed,’ etc. through ‘and remitting.’”³³ This omission, however, violates the plain meaning of the Exodus 34:6-7 text, inasmuch as it removes from the text the notion of a limitation of Divine compassion and an affirmation of God’s justice that is expressed in the last part of the passage. The modified rendering has become the standard liturgical expression of the “thirteen attributes” in both the Ashkenazic and Sephardic rites. This is the case even though — as R. Adin Steinsaltz has shown in his edition of the *TB*³⁴ — scholars have, for centuries, argued over how to parse the verse into the attributes. Some even keep the ending that the standard version of the attributes omits. The inclusion of the *Imahot*, for the reasons to be noted below, is much more in tune with the plain meaning of Biblical narrative regarding the Matriarchs than is the Rabbinic rendering of the Exodus 34 passage. It expands the notion of God’s relationship and negates no elements of the Biblical traditions.

The Plain Meaning of Torah: Matriarchs Are Partners

The Matriarchs are presented in the *p’shat* (plain meaning) of the Torah as significant partners in the process of the fulfillment of the covenantal promises God made to their husbands, and in two instances they learn about their role in this drama from God. Both Sarah and Rebecca, who were barren, are told by God that they would have sons – Isaac in Sarah’s case, and Esau and Jacob in Rebecca’s. Rebecca was told that her younger son, Jacob, would be the dominant one, a significant piece of information that God did not share with her husband, Isaac (Genesis 18:9-14, 25:19-26). And, it is they, not their husbands, who were zealous in ensuring that the son who was to be link in the covenantal chain received the birthright, even though Isaac and Jacob were the younger brothers (Genesis 21:1-12; 27:1-18). Regarding the future of the covenant, when God instructs Abraham to offer Isaac as a sacrifice (Genesis 22), he does not raise the issue of the covenantal promise that God made to him and the necessary role that Isaac was to play in fulfilling that promise. This is the *p’shat* of the Torah’s account, and this oversight

³³ *Seder Rav Amram* (Jerusalem: Kiryah Ne’emanah, 1965) 19.

³⁴ *Talmud Bavli* (Jerusalem: Institute for Rabbinic Publications, 1989), 10. *Rosh Hashanah*, 72.

on Abraham's part stands in stark contrast to his argument in the matter of *Sedom* and *Amorah*: *השפט כל-הָאָרֶץ לֹא יַעֲשֶׂה מִשְׁפָּט*, "Shall not the Judge of the entire earth deal justly?" (Genesis 18:25).

Similarly, were it not for the *kin'ah* — jealousy — of Rachel and Leah, the foundation of the Israelite nation would not have been laid. In their respective attempts to overcome their feelings of inadequacy, they were driven to induce Jacob to impregnate them so they could gain or maintain status in his eyes by having children. With God's help they succeeded, and Jacob became the patriarch of a family of four women (including the concubines, Bilhah and Zilpah)³⁵ and thirteen children (a girl and twelve boys). The wives were, in large part, literally the driving force behind the creation of the "Children of Israel." This is the *p'shat*, the plain meaning of the Torah. Thus, Rachel's and Leah's inclusion in the first blessing of the *Amidah*, along with Sarah and Rebecca, is justified and does no violence to the plain meaning.

The Sages of the Talmudic era, for all of their operating within a framework of patriarchal norms, did have notions of a partnership of Patriarchs and Matriarchs in the development of the relationship between God and Israel. Two examples will suffice. We learn in *TB Berakhot* 16b:

תנו רבנן: אין קורין "אבות" אלא לשלשה, ואין קורין "אמהות" אלא לארבע. אבות מאי טעמא? אילימא משום דלא ידעינן אי מראובן קא אתינן אי משמעון קא אתינן. אי הכי אמהות נמי; לא ידעינן אי מרחל קאאתינן אי מלאה קא אתינן! אלא, עד הכא חשיבי, טפי לא חשיבי.

The Sages taught in a *baraita*: One may only call three people Patriarchs, *Abraham, Isaac, and Jacob, but not Jacob's children*. And one may only call four people Matriarchs, *Sarah, Rebecca, Rachel, and Leah*. *The Gemara asks*: What is the reason for this exclusivity with regard to the Patriarchs? If you say that it is because we do not know whether we descend from Reuben or from Simon, so we cannot accurately say our father Reuben, for example. If so, with regard to the Matriarchs as well, we do not know whether we descend from Rachel or from Leah, and we should not call Rachel and Leah matriarchs either. Instead, the reason the sons of Jacob are not called patriarchs is not for that reason, but because until here, Jacob, they are significant enough to be referred to as patriarchs, but beyond Jacob, they are not significant enough to be referred to as patriarchs.

And, since the Matriarchs are the contemporaries of the Patriarchs, they, too, are

³⁵ There is discussion today as to whether or not the names of Bilhah and Zilpah should also be included in the *Avot/Imahot* blessing. They were slaves owned by Rachel and Leah, given to them by their father, Laban (see Genesis 29:24, 29). As such, they had to fulfill the wishes of their mistresses. Rachel and Leah, when they were unable to conceive, gave them as concubines to Jacob so they — Rachel and Leah — could enhance their status in Jacob's eyes by giving him more children (see Genesis 30:3, 9; and see also Genesis 16:2-3 — regarding Sarah, Hagar, and Abram). So, while Bilhah and Zilpah did bear four sons, their children were credited to Jacob and his wives. Regarding this ancient notion, see Nahum M. Sarna, *The JPS Torah Commentary, Genesis* (Philadelphia, New York, Jerusalem: The Jewish Publication Society, 1989), 1.119, comment on Genesis 16:2; E. A. Speiser, *The Anchor Bible, Genesis* (Garden City, New York: Doubleday and Company, Inc., 1964), "Comment," 119-120.

significant, and the same exclusivity regarding the title of Matriarchs applies to them.

In a similar vein, we learn in *Beresheet Rabbah* (hereafter *BR*) 39:1, on Genesis 12:2:

וְאֶעֱשֶׂה לְגוֹי גָּדוֹל. רַבִּי לֵוִי בֶר חִיטָּה וְרַבִּי אֲבָא בְרִיה דְּרַבִּי חִיטָּה בְּרַבִּי אֲבָא אָמְרוּ שְׁלֹשָׁה גְּדֻלוֹת
וְאַרְבַּע בְּרָכוֹת כְּתִיב כָּאן; בִּשְׁמוֹ שֶׁהֵן שְׁלֹשָׁה אֲבוֹת וְאַרְבַּע אִמָּהוֹת.

“I will make of you a great nation.” Rabbi Levi son of Hivyat and Rabbi Abba son of Rabbi Hiyya said: “Three great things and four blessings are written here.” The message [to which they allude] is three Patriarchs and four Matriarchs.

There are also rabbinic sources that assert that a Matriarch has a spiritual status that is higher than that of a Patriarch. We read in *Shemot Rabbah* (*SR*) 1:1:

וַיֹּאמֶר אֱלֹהִים אֶל אַבְרָהָם אֵל יָרֵעַ בְּעֵינֶיךָ [עַל הַנֶּעֱרָר וְעַל אֲמִתְךָ כֹּל אֲשֶׁר תֹּאמַר אֵלַיךְ שְׂרָה
שִׁמְעָה בְּקוֹלָהּ] (שם /בראשית/ כא), מִכָּאֵן אַתָּה לִמַּד שֶׁהִיא אַבְרָהָם טָפַל לְשָׂרָה בְּנִיאוֹת.

But G-d said to Avraham, “Do not be distressed [over the boy or your slave; whatever Sarah tells you, do as she says.”] From here you can learn, that Avraham was secondary to Sarah in prophecy.³⁶

These *midrashim* from *TB*, *BR*, and *SR* — and many others — are testimony to the fact that there was a tradition in Rabbinic thinking that the three Patriarchs and the four Matriarchs, as partners, all laid the foundation of the Children of Israel and added to the greatness of the Jewish people.³⁷

I suggest that the addition of the Matriarchs at the very beginning of the *Amidah* does read the Bible’s “history” correctly. This recognition opens the door for the conclusion that, embedded within the ancient stories of our “Founding Families,” there is an empowerment of women that puts them on the same level as men. Instead of perpetuating the ancient notion that God’s relationship with God’s people began solely with the Patriarchs, the stories demonstrate that the Matriarchs and Patriarchs all played significant roles in establishing the continuity of the covenant between God and the Israelite nation. Would that all Jews, regardless of gender, throughout the generations similarly had been presented in Jewish traditional sources as standing in the same relationship with God, sharing the same obligations and privileges. The fact is, of course that they were not presented in this way because of ancient notions of differentiated social status. Indeed, we see that because of their subjugated status in the stories, the Matriarchs had to

³⁶ Thank you R. Daniel Nevins.

³⁷ Regarding the Matriarchs’ proactive role in the fulfillment of God’s covenantal promises as presented in the Biblical text and the Rabbis’ interpretation of this role, see: Jayne Katie Woolstenhulme, *The Role and Status of the Biblical Matriarchs in Genesis Rabbah* (Durham: Durham theses, Durham University, 2017), *passim*. This is available at Durham E-Theses Online: <http://etheses.dur.ac.uk/12197/>.

resort to drastic measures to accomplish their goals, because they had no other means — legal or otherwise — to ensure that God’s will would be fulfilled.

Despite these pro-Matriarchal rabbinic musings, the sages of ages past could not have included the Matriarchs in this blessing. Thinking is one thing; doing is another. Such inclusivity in *halakhah lema’aseh* (applied law) runs contrary to the Rabbis’ fundamental view of the societal role of women. In the Torah the covenants were made with the Patriarchs through verbal promises, animal sacrifices and the rite of circumcision, and the Matriarchs were neither the recipients of such promises nor were they instructed to observe covenanting rituals.³⁸ Indeed, the Biblical and Rabbinic traditions view the covenant between God and the Jewish people as a relationship between a God who is defined, principally, in male terms, and the male members of Israelite/Jewish society who were the ones who ruled that society (patriarchs, priests, kings, rabbis, elders). The Responsum does not address this reality of three thousand years of actual patriarchal Jewish society and religious culture. This is a significant factor in the evolution of the traditions of both the Biblical authors and the Rabbis. I suggest that not recognizing the impact of this patriarchy leads to a misreading of the Genesis accounts.

Nevertheless, the status of women did evolve from Biblical times until the modern era; the evolution, however, was painstakingly incremental. Until well into the twentieth century, women, in traditional Jewish law and society, were relegated to a status of domesticity and dependency. As a result, 1) they could not serve as witnesses (except in a very few situations where their competence was recognized and where they were present and men were not), 2) or sign contracts; 3) except for rare instances, their husbands and not they exercised control over property they owned; 4) they did not count in a minyan; 5) they could not serve as communal prayer leaders; 6) they did not lead armies (note that Deborah did not lead the troops into battle, Barak did); 7) they did not serve on town councils; 8) they were not ordained as rabbis; 9) there were sages who argued that they should not study Torah because they would misinterpret its meaning; and 10) women were defined, *ab initio*, as being home-bound and only allowed in public when there was a halakhically valid reason.

For example, item number ten, above, is clearly articulated in Rambam’s *MT, Ishut*, 13:11 —

כָּל אִשָּׁה יֵשׁ לָהּ לְצֵאת וּלְיֵלֵךְ לְבֵית אָבִיהָ לְבַקְרוֹ וּלְבֵית הָאָבֶל וּלְבֵית הַמִּשְׁתָּה לְגִמּוֹל חֶסֶד לְרַעוּתֶיהָ אוֹ לְקָרֹבֹתֶיהָ כְּדִי שְׂיָבֹאוּ הֵם לָהּ. שְׂאִינָה בְּבֵית הַסֵּהר עַד שֶׁלֹּא תֵצֵא וְלֹא תָבֹא. אָבֶל גָּנָאִי הוּא לְאִשָּׁה שֶׁתִּהְיֶה יוֹצֵאָה תָּמִיד פַּעַם בַּחוּץ פַּעַם בְּרַחוּבוֹת. וְיֵשׁ לַבַּעַל לְמַנַּע אִשְׁתּוֹ מִזֶּה וְלֹא יִנְיָחָהּ לְצֵאת אֶלָּא כְּמוֹ פַּעַם אַחַת בְּחֻדָּשׁ אוֹ כְּמוֹ פַּעַמִּים בְּחֻדָּשׁ לְפִי הַצָּרָה. שְׂאִין יָפִי לְאִשָּׁה אֶלָּא לִישָׁב. בְּזוּיוֹת בֵּיתָה שֶׁכָּךְ כְּתוּב (תהילים מה יד) “כָּל כְּבוֹדָה בֵּת מְלָךְ פְּנִימָה.”

“...every woman should go to her father’s house to visit him, or to a house of mourning or a wedding hall to do *hesed* to her friends and relatives so that they will respond in kind, for she is not in prison that she may not go out and in. However, it is degrading for a woman to be always going out, ‘one time outside and [another] time in the streets’ (*Mishlei* 7:12). A husband should prevent his

³⁸ The only woman in the Bible to circumcise a son is Moses’ wife, Tzipporah, and this in the face of impending death. See Exodus 4:23-26.

wife from doing so, and not let her go out more than once or twice a month, as needed. There is beauty in a woman only if she remains in the corner of her house, for it is so written, '*kol kevudah bat melekh penimah* [the honor of a princess is all inward]' (Psalms 45:14)."

The *Tur* cites Rambam's ruling almost verbatim in *Even Ha-ezer*, 73:

כל אשה יש לה לצאת לבית אביה לבקרם ולבית האבל ולבית המשתה לגמול חסד לריעותיה ולקרוביה כדי שיבאו גם הם לה שאינה כמי שהיא בבית הסוהר שלא תצא ולא תבא אבל גנאי לאשה שתהא יוצאת תמיד בחוץ פעם בחוץ פעם ברחובות ויש לבעל למנוע לאשתו מזה שלא יניחנה לצאת אלא כמו פעם בחדש או פעמים בחדש כפי הצורך שאין יופי לאשה אלא לישב בזוית ביתה שנאמר כל כבודה בת מלך פנימה.

And it reverberates in the Rama's (Rabbi Moses Isserles) comment on *SA*, *Even Ha-ezer*, 73:1:

ואשה לא תרגיל עצמה לצאת הרבה שאין יופי לאשה אלא לישב בזויות ביתה (טור).

A woman shall not accustom herself to going out frequently, because it is unseemly for her to do anything but sit in the corner of her house.

To be sure, many halakhic authorities, ancient and modern, effectively rendered this ruling a *halakhah ve'ein morin kein*, "a law by which we no longer rule."³⁹ Still, it has not been expunged from the corpus of Jewish law; and even in our own day there are extreme interpreters of Jewish law who continue to find it to be relevant.

Perhaps even more troubling for modern readers of Rambam is this statement in *MT*, *Ishut*, 21:10, regarding a disobedient wife:

כל אשה שתמנע מלעשות מלאכה מן המלאכות שהיא חייבת לעשותן כופין אותה ועושה אפלו בשוט. טען הוא שאינה עושה והיא אומרת שאינה נמנעת מלעשות מושיבין אשה ביניהן או שכנים. ודבר זה כפי מה שיראה הדין שאפשר בדבר:

"Whenever a woman refrains from performing any of the tasks that she is obligated to perform, she may be compelled to do so, even with a rod. When a husband complains that [his wife] does not perform [her required tasks], and [the wife] claims that she does, [the dispute should be clarified by having] a [neutral] woman dwell with them or [by asking] the neighbors. The judges should clarify the matter in the best way they see fit."

Beating a wife with a rod is very offensive to our modern sensibilities, and, it would appear, that the tendency in the legal discussions on this matter is to not follow Rambam on this point. The

³⁹ See: *Torah Musings*, "Leaving Home" (Legacy, July 17, 2012), posted by Gil Student (<https://www.torahmusings.com/2012/07/leaving-home/>).

Tur, for example, in *Even Ha-ezer*, 80, cites the Rambam but also is quick to add the Ra'avad's strong demurral:

כתב הרמב"ם כל אשה שתמנע מלעשות מלאכה שהיא חייבת לעשותה כופין אותה ועושה אפילו בשוטים והראב"ד השיג עליו ואומר מעולם לא שמעתי יסור שוטים לנשים אלא ממעט לה מזונותיה וצרכיה עד שתכנע:

The Rambam wrote: Every woman who withholds herself from doing the work that she is obligated to do — they force her to do it, even [by beating her] with rods. The Ra'avad demurred saying: I never heard of forcing women with sticks; rather one reduces her food and providing for her needs, until she yields.

Caro, in *SA*, *Even Ha-ezer*, 80:15, (and in the *Kesef Mishneh* on the Rambam above) avoids reference to the rod altogether. The Rama, *ad locum*, while fully citing the *Tur* with his reference to *shotim*, focuses more on other forms of punishment:

כל אשה שתמנע מלעשות מלאכה ממלאכות שהיא חייבת לעשותן כופין אותה לעשות: [הגה: ואינו זנה עד שתעשה וכן ב"ד משמתין אותה או מוכרין כתובתה לשכור עליה עבד או שפחה (המ"מ פכ"א בשם הרמב"ן והראב"א) וי"א דכופין אותה בשוטים (טור בשם הרמב"ם) וכל זה באומרת איני עושה וניזונית אבל אם אומרת איני ניזונית ואיני עושה הרשות בידה (ב"י הרמב"ם וכ"כ ר"ן) לדעת וכמו שנתבאר לעיל סי' ס"ט וי"א דאפילו באומרת איני ניזונית ואיני עושה צריכה לעשות צרכי הבית ולזה כופין אותה אע"פ שאינה ניזונית [...]

Any woman who refuses to do her required work is forced to do these tasks. [Hagah: and he does not have to feed her (buy her food) until she does these things. Bet din will put a ban on her or sell the rights of her ketubah (which is a commodity and subject to sale) in order to use the profits of the sale to hire a maid (*Maggid Mishneh* on *MT Ishut*, 21:10, citing Ramban and Rashba). Some people say that we force her with rods (*Tur*, citing Rambam). All this applies if she said expressed that she wants to be supported while doing no tasks. But, if she said that she will forgo her support from her husband in exchange for not doing her tasks, she is allowed to do so. This is similar to what we said before in *siman* 69. Some say, that even if she says she will forgo her support for her work, she still needs to do household work. and for these types of chores we force her, even if she says she will give up her husband's support (food)....

In the *Beit Yosef*, *Even Ha-ezer*, 80:23, however, Caro addresses the matter of the rod and cites various opinions regarding alternative solutions without coming to any clear ruling. Nevertheless, the final ruling regarding the use of a rod comes in *S.A.*, *Even Ha-ezer*, 80:15, noted above, is silence — there is no reference to the rod. Caro has taken it off the table. From reading what the husband can expect from his wife and what can be done to ensure that she meets these expectations, however, one is left with the impression that, at the end of the day, the wife gets “the short end of the stick.” Thus, the subordinate status of women in traditional Jewish

society remains enshrined in our halakhic *corpus* to this day. Thankfully, the CJLS has issued a number of rulings that serve to ameliorate this situation and equalize the status of women and men.⁴⁰

We should, therefore, not expect that the authors of both the written Torah and the oral Torah would have even given thought to the notion that God would make a covenant directly with a woman. And, when women are referred to in the context of national covenants, it is not specifically as equals in status with the men, but as one stratum of society: men, children, women, strangers, and those who do menial labor. An example of this is Deuteronomy. 29:9-10, where women are listed after children, perhaps because of the Deuteronomic emphasis on teaching the message of the covenant to children; on the list in 31:12, however, women are listed after men. And yet, the power of the Matriarchs presented in the Genesis stories cannot be denied, and the Rabbinic midrashic expression of the Matri-Patri partnership theme is not to be ignored.

The liturgical change discussed in this paper asserts that the central prayer of our people must no longer reflect an archaic vision of the founding of our people. It reflects how key elements of the Biblical narrative adumbrate what has now become the ideal and the reality for the present and the future: Like Sarah, Rebecca, Rachel and Leah, Jewish women have taken their place alongside men as independent members of the community who, like men, have communal/national roles to play, as well as having, like men, a domestic role to play in raising a family and creating a Jewish home. Does this change the ancient message of the *Avot* blessing? Yes. Does it contradict it? No; it enhances it and reifies the ideas that are both blatant and latent in the Biblical texts.

Other Matters to Consider

There are a few additional observations that are relevant to the above. First, the creation account of the first chapter of Genesis is unabashedly egalitarian. We read in Genesis 1:27 that God, in one miraculous act, created a male and a female human being in God's "image." That is what *ha-adam* means — "the human"; here *adam* is not the name of a man. God then commands both the man and the woman to reproduce — so their offspring will populate the world — and to rule (or dominate) the other creatures. Because the balance of the Written (Biblical) Law and the Oral (Rabbinic) Law establishes the subservient status of women, however, the rabbis, in their legislation, took away both the woman's obligation to reproduce and the woman's obligation to rule. Regarding procreation, see Rambam, *Sefer Ha-mitzvot*, Positive Commandment 212, and R. Aaron Halevi (?)⁴¹, *Sefer Ha-hinnukh*, Mitzvah 1, where the author clearly states: "This religious obligation is not imposed on women." And, regarding being a ruler of a Jewish community, see Rambam, *MT*, *Sefer Shofetim*, *Hilkhot Melakhim*, 1:5: "A woman is not to be elevated to kingship...nor to any position of authority in Israel — only a man." Given the social reality of

⁴⁰ Please see the Appendix below for a list of recent CJLS responsa on egalitarianism and *halakhah*.

⁴¹ The *Sefer Ha-hinnukh* has been ascribed to R. Aaron Ha-Levi of Barcelona, a late 13th century Talmud scholar. More recent research has shown that this ascription may be in error, and the author may actually be anonymous. See Charles Wengrov, ed. and tr., *Sefer ha-hinnuch* (Jerusalem/New York: Feldheim Publishers, 1978), 1.vii-viii.

antiquity, we can say that the social mythology of the second and third chapters of Genesis, in which woman is derivative of man and subservient to him, effectively “dominated” the mythology of the first chapter. I suggest that it is now time for the social mythology of the first chapter to supplant that of the second and third.

Second, from a technical linguistic perspective the *Avot* blessing does not actually refer to a covenant. As noted above, I agree that our standard text of the *Amidah* highlights the special relationship God had with the Patriarchs and has with their descendants, the Jewish People. That is why *v'Elohei avoteinu*, “and God of our fathers,” has been used in lieu of the normally mandated reference to God’s kingship, *Melekh ha-olam*, “King of the universe.” And I will agree that elsewhere in the Bible this special relationship is expressed in covenantal terms, with the term *berit* serving as the principal expression of that relationship. That term, however, does not appear anywhere in the weekday *Amidah*; and, likewise, there are no references or allusions in the weekday *Amidah* to covenanting or to any covenant symbols.

The only possible hint of covenant-like reciprocal interactivity between God and Hebrews/Israelites/Jews in the *Amidah*’s first blessing is God’s being presented as *gomel hasadim tovim*, “bestowing good acts of lovingkindness,” and *vezokher hasdei avot*, “and recalling the lovingkindness of the fathers.” This can be read as a recognition of covenantal reciprocity. The problem with this suggestion is that immediately following *gomel hasadim tovim* we find the term *vekoneh ha-kol*, “and creates all things,” which is a universal statement of God’s creative power and not focused on the Chosen People. This can lead to the conclusion that the reference here to God’s lovingkindness applies to God’s universal beneficence and not to God’s unique relationship with the Patriarchs. In fact, when the blessing refers to God’s remembering the Patriarch’s lovingkindness, this statement is more in line with the Rabbinic concept of *zekhut avot*, “the merit of the forefathers,” in return for which God will bring about the redemption of their descendants. Were this an allusion to a covenantal obligation on God’s part, one would expect a statement similar to the wording of the *Musaf Amidah* for *Rosh Hashanah*, *zokher ha-berit*, “remembers the covenant.” Furthermore, the old extant text of the first blessing of the *Amidah* in the Cairo Genizah version we reviewed (and, similarly, the text in Jacobson’s book noted above) refers neither to God’s lovingkindness nor to that of the *avot*, and there we do not find even a hint of reciprocity. Thus, the inclusion of even implicit expressions of covenant theology in the first blessing of the *Amidah* does not seem to have been universally accepted among early Jewish liturgists.

All of the above notwithstanding, the idea of God remembering God’s relationship with the Patriarchs did emerge as a theme and remains present in the current version the blessing. That being the case, the addition in the first blessing, of the Biblical term, *poked*, “remembering,” referring to God’s recalling the promise to Sarah (Genesis 21:1), is appropriate and serves as an example of God’s steadfastness in remembering and fulfilling promises to women. This is an affirmation of a principle that is of great significance in understanding God’s unique relationship with God’s Chosen People. Nevertheless, it is noted in the Responsum that *poked*, in the present tense, is used Biblically in reference to Divine punishment, and, therefore, would be inappropriate for use in this blessing. In fact, the verb *pqd*, has many meanings, of

which “punish” for sins is not necessarily primary.⁴² The use of *poked* in this blessing clearly is not intended to evoke associations with God’s punishment. It is, rather, intended to be linguistically consistent with the present tense form of the verbs *zokher*, *ozar*, *moshi’a* and *magen* (the latter is used in reference to Abraham, based on Genesis 15:1). Using the past tense conjugation of the verb *pqd* — *paqad* — as found in Genesis 21:1, would render the Hebrew clumsy and inappropriate for liturgical use. Worthy of note, in this regard, is Ramban’s comment on Ex 20:5, *poked avon*, “visiting the sin,” which offers clarification regarding the use of the verb *pqd*. He first cites Ibn Ezra, who noted that *poked* in Exodus 20:5 can be better understood by seeing how it is used in Gen 21:1 — *V’YHVH pakad et sarah*, “YHVH remembered Sarah.” This, says Ibn Ezra, indicates that the foundational meaning of *pqd* is “to remember,” as expressed in the Genesis 21 verse. Ramban, however, is not fully satisfied by this explanation, and he notes that when the verb *pqd* is used to denote punishment it is accompanied by the preposition ‘*al* (*ayin*, *lamed*), as found in Exodus 20:5, which is not the case when the verb is used to mean “to remember.” In either case, neither of the above commentators see any significance in how tenses are used; context and/or a preposition determine the meaning. I concur.

The Responsum reminds us that there is a difference between liturgy and prayer. Liturgy is intended to be associated with a specific act of worship of or service to God. I agree that the *Amidah* is, indeed, a foundational element of Jewish worship, and this vests it with special significance. In fact, the 1990 *teshuvah* begins with a recollection of why the question was brought to the CJLS in the first place: The *Avot* prayer is a key expression of one of the most basic concepts of our tradition — the founding of God’s unique relationship with the Jewish people. But, it is also true that liturgy, including the *Amidah*, always was a vehicle for expressing issues that were of concern to Jews at given times. The earliest example of a blessing in the *Amidah* responding to such an issue was the so-called *birkat ha-minim* included by Raban Gamliel in the *Amidah* at the end of the first century, CE, referred to above. This account sounds quite historical, because, at that time, Palestinian Jewry was emerging out of a period when it was riven by rampant sectarianism, as well as dealing with the loss of the Temple — the primary vehicle for worshipping God. It appears that Gamliel’s intent was to use a fixed prayer service as a means of establishing prayer as worship in lieu of sacrifices, and as a means for bringing the people together under a single religious umbrella. And yet, the *Mishnah* (*Ta’anit* 2:2-4) notes 6 extra blessings for fast days that were added to the *Amidah*, bringing the total to 24 blessings (see also *TY Berakhot* 4:3, 8a; *Ta’anit* 2:2, 65c, where a full text of the ancient *Aneinu* blessing is found). Apparently following the custom noted in *TB Ta’anit* 11b, which refers to *tefilat ta’anit*, “a prayer for the fast,” the addition of only a 20th blessing, *Aneinu*, became standard and was added to the service with a *b’rakhah/hatimah* for the reader to recite during the repetition of the

⁴² See Ludwig Koehler and Walter Baumgartner, *The Hebrew and Aramaic Lexicon of the Old Testament, Study Edition*, M.E.J. Richardson tr./ed. (Leiden, Boston, Koln: Brill, 2001), 2.955 ff.

Amidah on fast days at *Shaharit* and *Minhah*.⁴³ The regular fast days recall various historical moments (the destructions of the Temples and Jerusalem and Esther's fast in advance of the possible annihilation of Persian Jewry). Later on, special fast days were called by individual communities in the face of impending local crises. All of the above were intended to include in Judaism's most central liturgical element matters that were of deep concern to the community and that evoked feelings of deep sorrow and/or guilt that called for a special petition to God.

In this paper we are addressing a significant challenge that has faced today's Jewry: Achieving the fully egalitarian status of all Jews under Jewish law, regardless of gender. Yet, even as we are advocating for this principle, we are celebrating a major religious and social shift that is taken place in Jewish traditional life: The on-going equalization of the status and roles of women and men in Jewish social and religious life. Through the addition to the *Imahot* to the first blessing of the *Amidah*, we are declaring that this is an enhancement of God's relationship with *Am Yisrael*. This change falls into the same category as the *Al Ha-nisim* passages we add on *Purim*, *Hanukkah*, and *Yom Ha-atzmaut*, when we celebrate great moments of redemption. These passages are added to the eighteenth blessing and do not generate new blessings.⁴⁴ Similarly, this paper does not call for the addition of a new blessing of praise or thanksgiving, but adds wording to an existing blessing.

The Responsum also notes that the *Amidah* is a surrogate for the sacrifices and, as such, must not be altered, much as the details of the sacrifices did not change. The classical source for this surrogacy is *TB Berakhot* 26b:

איתמר, רבי יוסי ברבי חנינא אמר: תפלות אבות תקנום. רבי יהושע בן לוי אמר: תפלות כנגד תמידין תקנום.

It was stated: Rabbi Yosei, son of Rabbi Hanina, said: *The practice of praying three times daily is ancient, albeit not in its present form*; prayers were instituted by the Patriarchs. *However*, Rabbi Yehoshua ben Levi said *that* the prayers were instituted based on the daily offerings *sacrificed in the Holy Temple, and the prayers parallel the offerings, in terms of both time and characteristics*. (Sefaria/Steinsaltz)

Unlike the sacrificial laws of the Torah, however, the liturgy was never perceived as emanating from God. The prayers and the rules governing them were the products of human activity.

⁴³ See *Ohr Zarua*, 2.403:1; Elbogen, 43, 49, 107 and 397, n.21. Re *Ohr Zarua*: Author: Yitzchak ben Moshe of Vienna. Composed: c.1240-c.1280 CE. *Ohr Zarua* ("Light is Sown," a reference to Psalms 97:11) is a compilation tracing the development of laws from talmudic passages. It is an important source preserving early medieval legal opinions, particularly those of the Tosafists. It is also considered a valuable resource for the history of medieval European Jewish communities, since its legal questions often shed light on historical realities. Although it was not widely circulated and only began to be published in the 19th century, several legal authorities had access to the work, and its positions are quoted often in the *Beit Yosef* and *Darkei Moshe*. (Sefaria)

⁴⁴ The inclusion of texts that recall the miracles of Hanukkah and Purim in the eighteenth blessing are first referred to in tractate *Soferim* 20.

Seeking Biblical roots for the *Amidah*, *Haza'l* ascribe the *Amidah* to the Patriarchs (see above and *BR* 68) or to the 120 elders, understood to be Ezra and his court, the “Men of the Great Assembly” (*TB Megillah* 17b, and see Rambam, *HT* 1:4-8). This is done midrashically, as the Bible nowhere explicitly mentions the creation and the fixing of liturgy and times of prayer.

From a historical perspective, the association of the *Amidah* with Rabban Gamliel is, once again, more feasible, although even here one gets the impression that Gamliel was working with existing liturgical traditions. The Sages knew that readings from the Torah and the recitation of prayers were already incorporated into lay worship activity as supplements to the sacrificial cult during Second Temple times. From the *Mishnah* (*Ta'anit* 4:1-2) and the Dead Sea Scrolls (1QM 2:3-5) scholars learn that designated groups of lay people gathered in villages throughout the Land of Israel and read segments of the Genesis creation account and recited prayers in conjunction with the schedule of regular Temple sacrifices. At the same time, representatives of these groups would be in the Temple precincts observing the priests and Levites as they managed the actual sacrificing. Many scholars believe this to be one form of fixed non-sacrificial worship out of which later forms of liturgical worship evolved.⁴⁵

Most interesting in this brief survey of second Temple era liturgy is *Mishnah Tamid* 5:1:

אָמַר לָהֶם הַמַּמְנֶה, בָּרְכוּ בִּרְכָה אַחַת, וְהָן בָּרְכוּ. קָרְאוּ עֲשֶׂרֶת הַדְּבָרִים, שְׁמַע, וְהִנֵּה אָם שְׁמַע, וַיֹּאמֶר
בָּרְכוּ אֶת הָעָם שְׁלֹשׁ בִּרְכוֹת, אֶמֶת וְיִצִּיב, וְעֲבוּדָה, וּבִרְכַּת כֹּהֲנִים. וּבִשְׁפַת מוֹסִיפִין בִּרְכָה אַחַת לַמְשָׁמֵר
הַיּוֹצֵא:

After the priests completed laying the parts of the daily offering on the ramp, they went to the Chamber of Hewn Stone to recite Shema. The appointed priest who oversaw the lotteries in the Temple said to them [i.e.] the priests: Recite a single blessing of the blessings that accompany Shema. And the members of the priestly watch recited a blessing, and then they recited the Ten Commandments, Shame (see Deuteronomy 6:4–9), VeHaya im Shamo (see Deuteronomy 11:13–21), and VaYomer (see Numbers 15:37–41), the standard formula of Shema. Additionally, they blessed with the people three blessings. These blessings were: True and Firm, the blessing of redemption recited after Shema; and the blessing of the Temple service, which is also a blessing recited in the Amidah prayer; and the Priestly Benediction, recited in the form of a prayer, without the lifting of hands that usually accompanies that blessing (Tosafot). And on Shabbat, when the new priestly watch would begin its service, the priests would add one blessing recited by the outgoing priestly watch, that love, fraternity, peace, and friendship should exist among the priests of the incoming watch. (Sefaria/Steinsaltz)

We have here a prayer structure that is a foreshadowing of the central part of our present *Shaharit* service: A blessing, the three *Shema* paragraphs, a blessing that follows the *Shema* section, and two blessings that end up in the *Shemoneh Esrei*. It should be noted that there is no reference to an eighteen (or any large number) blessing prayer structure in this order of prayer.

⁴⁵ See “Mishmarot & Ma’amadot,” *EJ*2,14.317-319.

There are those who note that this is in the Mishnah that was compiled after 200 C.E., and, therefore, may not be an accurate source of Temple related information. On the other hand, it is known that, after 70 C.E., there were groups and individuals who knew and revered Temple traditions and could have been sources of such information. Temple-related Sadducees were one such group⁴⁶, and they had to be kept in check as the rabbinic sages began to address the traumatic void created by the Temple's destruction. The first-second century *Tanna*, Rabbi Tarfon, was a priest and a leader of the first post-70 C.E. generation group of sages. A number of his in-person reports on what he saw in the Temple can be found in Talmudic sources.⁴⁷ And, the *Benei Beteirah*, presumably a group of sages about whom little is known but whose history appears to have spanned a century, are noted twice as being involved in decisions that relate to two significant Temple worship traditions: The *Pesah* sacrifice and the sounding of the *shofar* when *Rosh Hashanah* falls on *Shabbat*.⁴⁸ The second matter took place after 70 C.E., so, again, we can suggest that information regarding Temple practices was available to the rabbis who compiled the Mishnah traditions.

It is plausible that the priests used a Temple room for a prayer service as if it were their *beit kenesset*. We also know from many other sources that synagogues had developed in the late Second Temple period.⁴⁹ While Torah study and the teaching of law appear to have constituted the primary synagogue religious experience back then, it is not unreasonable to presume that liturgical worship of some sort did exist in these synagogues.

We can reasonably suggest that a rudimentary system of prayer worship was developing along side the sacrificial system. It was defined as a supplement to Temple worship, not as an equivalency. When the Temple fell in 70 CE it was natural that the Sages would turn to this prayer system as a surrogate for the sacrifices, and that, as such, it would become more formalized with fixed prayers and times. It is reasonable to suggest that the rabbis made this decision because they sensed that the community had experience with this means of worshipping God. This evolved over a period of centuries, and even as it became established, it is clear from what we have noted in this paper, that the details of the system were not as rigidly fixed as was the overall structure. It is also clear that this *mi-derabanan* liturgical system was not seen as having the same theological gravitas as Temple sacrificial worship. Indeed, the prayers themselves contained supplications for the rebuilding of the Temple and the return to *mi-d'oraita*

⁴⁶ Sadducees were still on the rabbinic agenda in the late second century C.E. See Daniel Boyarin, "Justin Martyr Invents Judaism," *Church History* (Cambridge: Sept, 2001), 70, #3, 438-449.

⁴⁷ See the *EJ2* article on Rabbi Tarfon, "Tarfon," available on Virtual Jewish Library, <https://www.jewishvirtuallibrary.org/tarfon>.

⁴⁸ *Pesahim* 66a, *Rosh Hashana* 29b. In neither case are they presented as a distinguished group of scholars.

⁴⁹ See: Lee I. Levine, *The Ancient Synagogue: The First Thousand Years, Second Edition*, (New Haven, London: Yale University Press, 2005) 21-173, and regarding prayer prior to 70 CE, 161-173; Rachel Hachlili, "Synagogues: Before and After the Roman Destruction of the Temple," *Biblical Archaeology Review* 41:3, May/June 2015, <https://www.baslibrary.org/biblical-archaeology-review/41/3/2>; Andrew R. Krause, *Synagogues in the Works of Flavius Josephus: Rhetoric, Spatiality, and First-Century Jewish Institutions* (Leiden, Boston, Koln: Brill, 2017).

sacrificial cultic practices that were ordained by God.⁵⁰ In short, liturgy was a surrogate for sacrifice, not an “avatar.”

Conclusion

Implicitly, the 1990 responsum and this addendum argue that we must apply with full force the concept of *nishtanu ha-zemanim* (times have changed).⁵¹ This is, in essence, the “Jewish theory of evolution.” We recognize that we are now living in a time when the idea that one group of people should, in principle, have dominance over another group is no longer valid, and the notion that one gender should dominate another is untenable. Hence, we are nullifying the age-old Jewish principle of patriarchy, according to which men dominate women. We are replacing this with the principle of gender-neutral equality, according to which no gender dominates and all equally share responsibility and privilege.

How we pray is an important vehicle for expressing this new reality. While it always has been a means of affirming our fundamental beliefs and values, it also has responded to significant changes that touch our lives. To this end, we have made a liturgical change that is consistent with the halakhic traditions associated with modifying liturgy and, at the same time, conform to 21st century Jewish religious, ethical, and social values. By including the names of the *Imahot* along with those of the *Avot* in the first blessing of the *Amidah*, we are accepting the principle that all Jews (and by extension, all people), regardless of gender, are equal before God.

The 1990 paper brought with it a *pesak halakhah* that approved the inclusion of the names of the four Matriarchs, Sarah, Rebecca, Rachel, and Leah, at the beginning of the body and the name of Sarah in the *hatimah* of the first blessing of the *Amidah*. It also included the term *u-fokeid* (“and remembers”) at the end of the body and in the *hatimah*. There was, however, no clear statement regarding the binding nature of this wording. Thus, over the course of the ensuing decades, in different communities, “variations on a theme” with respect to the wording emerged. Changes can be found in the *Lev Shalem* series of *mahzorim* and *siddurim*. Some communities included only the names of the Matriarchs but not the word *u-fokeid*; others did not include the new wording in the *hatimah*; and still others changed the order of the names. And, there were communities that did not implement the *pesak* altogether.

As noted in the Preface, this paper’s original purpose was to respond to Rabbi Golinkin’s *teshuvah* and, in the process, to strengthen the halakhic foundation of the 1990 *pesak*. The introduction of a *pesak* was not in the agenda. Having read the first draft of this addendum, however, a number of the CJLS members noted that we need a *pesak halakhah* to formalize an appropriate *nussach* for reading and reciting the *Avot/Imahot* blessing. Thus, the egalitarian

⁵⁰ There actually was an abortive attempt to rebuild the Temple during the brief reign of Roman Emperor Julian (“the Apostate,” 361-63 CE); see *EJ2*, 19.573-4.

⁵¹ Re the concept of “changing times” see R. Pamela Barmash, “Women and Mitzvah,” Rabbinical Assembly Responsum, <https://www.ra.bbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/2011-2020/womenandhiyyuvfinal.pdf>, 26-29; and see “Halachic Responses To Sociological And Technological Change” by Rabbi Michael J. Broyde and Avi Wagner; *Journal of Halacha & Contemporary Society* 39, Spring 2000 - Pesach 5760, <https://www.daat.ac.il/daat/english/journal/broyde-wagner-1.htm>. For a contemporary academic view of liturgical change, see Daniel Sperber, *On Changes in Jewish Liturgy* (Jerusalem/New York: Urim Publications, 2010).

principle expressed therein would be affirmed, learned, and fully incorporated into a worshipper's and a community's prayer tradition. The *pesak halakhah* offered at the end of this paper is intended to meet this need. It is based on the egalitarian text of the first blessing of the *Amidah* in the *Siddur Lev Shalem for Shabbat and Festivals* (absent the bracket marks in the Hebrew version). A copy of the text is found below. (Please note that the *Lev Shalem* English translation uses the collective gender-neutral “ancestors” in lieu of the literal “Patriarchs and Matriarchs” rendering — the words I prefer — and translates *pqd* as “guard,” which I would prefer to translate “remember,” a la Ibn Ezra.)

Here is the Lev Shalem text:

ברוך אתה ה', אלהינו ואלהי אבותינו ואמותינו, אלהי אברהם, אלהי יצחק,
ואלהי יעקב, אלהי שרה, אלהי רבקה, אלהי רחל, ואלהי לאה. האל הגדול,
הגבור, והנורא, אל עליון, גומל חסדים טובים וקונה הכל, וזוכר חסדי אבות
ואמהות ומביא גואל לבני בניהם למען שמו באהבה. מלך עוזר, ופוקד, ומושיע,
ומגן. ברוך אתה ה', מגן אברהם ופוקד שרה.

Barukh atah ADONAI, our God and God of our ancestors, God of Abraham, God of Isaac, and God of Jacob, God of Sarah, God of Rebecca, God of Rachel, and God of Leah, great, mighty, awe-inspiring, transcendent God, who acts with kindness and love, and creates all, who remembers the loving deeds of our ancestors, and who will lovingly bring a redeemer to their children for the sake of divine honor. You are the sovereign who helps and guards, saves and shields.
Barukh atah ADONAI, Shield of Abraham and Guardian of Sarah.

This text contains three essential elements that create parallels between the female and male expressions in the blessing: 1. The word *Imahot* (Matriarchs) is twice included in the body of the blessing after the word *Avot* (Patriarchs), in matching grammatical forms. Both terms are found in Rabbinic sources, and are, therefore, links to our sacred tradition. 2. In the body of the blessing the names of the four Matriarchs are mentioned after the names of the Patriarchs, in the order found in the ancient Rabbinic sources, and Sarah is added after Abraham in the *hatimah*; 3. The word *u-fokeid* (“and remembers”) is added twice regarding Sarah — once in the body and once in the *hatimah* — in the same way that the word *magen* (“shield”) is used in reference to Abraham. Please note that the verb *pkd* is used in Genesis to express God's relationship with Sarah, just as the verb *mgn* is used in regard to God's relationship with Abraham. Thus, by creating a textual parallelism, the matriarchal element is woven seamlessly into the message of the blessing, and four Matriarchs and three Patriarchs are presented as the “Foreparents” of the Jewish people. Furthermore, keeping in mind Rambam's ruling⁵² that the *hatimah* establishes the basic theme of a blessing, it is important that the *hatimah* of the first blessing of the *Amidah* includes *magen* Avraham and *u-fokeid* Sarah, thus affirming that both “Foreparents” were equal partners in creating the relationship with God.

⁵² MT, *Hilkhot Keriat Shema*, end of 1:8; and see 8, above.

For the reasons detailed above, the *pesak* at the end of this paper will rule that the text of the *Siddur Lev Shalem* is the preferred *nussah* of the first blessing of the *Amidah*. This version shall be the principal text for current and future Conservative Movement printings of our liturgy.

The preferred wording of the blessing having been established, the matter of the “variations on a theme” noted above must be addressed. What is their status? In *Tosefta Berakhot* 3:25⁵³ and 3:23-24⁵⁴ we find paradigms that can be used to differentiate between preferred and acceptable religious practices. We begin with 3:25 because it deals with the *Amidah*, albeit from a different perspective:

שמונה עשרה שאמרו חכמים כנגד שמונה עשרה אזכרות שבהבו לה' בני אלים וכולל של
מינים בשל פרושין ושל גרים בשל זקנים ושל דוד בירושלים ואם אמר אלו לעצמן ואלו
לעצמן יצא.

The eighteen blessings of which the Sages spoke are aligned with the eighteen citations of YHVH in “Ascribe to YHVH, O divine beings” (Psalm 29), and they include that of the “sectarians” with that of the “excluders,” and that of the “converts” with that of the “elders,” and that of “David” with that of “Jerusalem.” But if one recited the above separately [so there are more than eighteen blessings] he/she fulfills the obligation.

This lays out an open-minded approach for fulfilling the *mitzvah* of reciting prayers for which there are different practices. This serves as a paradigm for a *pesak halakhah* regarding the proper wording of the *Avot/Imahot* blessing included below, which allows for preferred and variant versions.

3:23-24 deals with different *minhagim*, customs, regarding recitation of *birkat aveilim*, “blessing for the bereaved,” and explicitly uses the verb *nhg* (“act in a customary manner”). These *minhagim* appear to have taken on the status of regular practices:

מקום שנהגו לומר ברכת אבלים בשלש אומרי' בשלש בשתים אומרים בשתים אחת אומרים אחת.
מקום שנהגו לומר ברכת אבלים בשלש כולל את הראשונה בתחיית המתים וחותרם בה מחיה המתים
שניה בתנחומי אבלים וחותרם [בה] מנחם עמו בעירו שלישית בגמילות חסדים ואינו חותרם.⁵⁵

⁵³ See page 13, above, and note 22; and see *The Tosefta, Zera'im, Berakot*, Saul Lieberman ed. (New York: The Louis Rabinowitz Research Institute in Rabbinics, at the Jewish Theological Seminary, 1955, 17-18.

⁵⁴ Thank you R. Mordecai Schwartz for calling other elements of *Tosefta Berakhot*, chapter 3, to my attention. Thank you to R. Avram Reisner for suggesting that the notion of *minhag* be taken into consideration. Please see below.

⁵⁵ *Ibid.*, 17.

[In] a place where it is customary to say *Birkat Aveilim* (Blessing of the Mourners), [if the custom is to say] three [*Berakhhot* (blessings)], [then] they say three [*Berakhhot*]. [If the custom is to say] two [*Berakhhot*], [then] they say two [*Berakhhot*]. [If the custom is to say] one [*Berakhah*], [then] they say one [*Berakhah*]. [In] a place where it is customary to say *Birkat Aveilim* (Blessing of the Mourners), [if the custom is to say] three [*Berakhhot*] including the first one [on the subject of] *Tehiyat Hameitim* (Resurrection of the Dead) and he seals it off [by saying *Barukh Atah Hashem*] *Mehayeh Hermetic* (Blessed are You *Hashem* Who resurrects the dead). The second [*Berakhah* is on the subject of] *Tanhumei Aveilim* (Consolation of the Mourners), and he seals it off [by saying *Barukh Atah Hashem*] *Menahem Amo Ve'iro* (Blessed are You *Hashem* who consoles His nation in His city). The third [*Berakhah* is said on the subject of] *Gemilut Hasadim* (Deeds of Kindness), and he does not seal it off. (Translation, Sefaria — with some corrections.)

This is a very confusing passage.⁵⁶ It is not our job, however, to manage the confusion. For our purposes, we note that this ruling in the *Tosefta* recognizes, *ab initio*, that there are different *minhagim* that govern where in the liturgy these blessings are to be recited, and it validates all of them. We, thus, have here a second paradigm from our tradition, the *minhag*, that can serve us as a precedent for our ruling: The preferred version of the *Imahot/Avot* blessing — authorized as such by the CJLS — is the text found in the *Siddur Lev Shalem*. Variations on this that have the status of *minhagim* in Conservative communities, including the Masorti community in Israel that uses *Siddur Va'ani Tefilati*, are acceptable and, like the preferred version, fulfill the *mitzvah* of recitation of the blessing.

Like our liturgy, *Halakhah* — the all-encompassing legal foundation of our sacred tradition — has constantly evolved. This is because the force with which we associate the term *nishtanu ha-zemanim* (“times have changed”), has been operative in all facets of the Jewish historical experience since the Creation; indeed, it is an intrinsic element of how God designed the working of the universe. As such, this is the will of God with regard to the functioning of the natural world. And, it is also the will of God regarding the functioning of Jewish law, as Deuteronomy 17 makes clear with the mandate that the law must accord with the ruling of judges “who will be those times.” Thus, we believe we are fulfilling a Divine mandate by making this *Imahot* inclusion, and we believe that this effort has the blessing of the Almighty.

⁵⁶ See *Tosefta Ki-fshutah, Order Zera'im*, Part I, Saul Lieberman ed. (New York: The Louis Rabinowitz Research Institute in Rabbinics, at the Jewish Theological Seminary, 1955), 49-53 — five pages of commentary on three lines of text!

Ruling/פסק דיין

The text in *Siddur Lev Shalem for Shabbat and Festivals* (including the words in brackets in the Hebrew version, *sans* brackets) adds these three items to the traditional wording of the first blessing of the *Amidah*:

1. The names of the four Matriarchs — Sarah, Rebecca, Rachel and Leah — in the body of the blessing, and Sarah in the *hatimah* (concluding blessing).
2. The word *u-fokeid*, “and remembers,” in the body of the blessing and in the *hatimah*.
3. The use of *ve'imoteinu*, “and our Matriarchs,” and *ve'imahot*, “and Matriarchs” in the body of the blessing.

These additions present the Matriarchs as equal partners of the Patriarchs in the creation of the Children of Israel.

The CJLS rules that the *Lev Shalem nussah* is the preferred *nussah* for fulfilling the *mitzvah* of praying the first blessing of the *Amidah*. This version shall be the authorized text for current and future Conservative Movement printings of our liturgy.

The CJLS recognizes, however, that variations in the wording of this blessing have arisen over the past decades that do not incorporate all three of the essential elements enumerated above, or that modify them. And the CJLS recognizes that certain of these variant versions now have the status of *minhagim* in any number of Conservative communities, including the Masorti community in Israel that uses *Siddur Va'ani Tefilati*. The CJLS, therefore, rules that, as *minhagim*, they are acceptable and, like the preferred version, fulfill the *mitzvah* of recitation of the blessing. Future Rabbinical Assembly Siddur Committees, pending review by the CJLS, will determine if and how such variations will appear as alternate readings in future *siddurim*.

Rabbi Joel E. Rembaum, Los Angeles, CA
November 26, 2023; 14 Kislev, 5784

APPENDIX

A Cairo Genizah Eretz Yisrael Version of an Eighteen-Blessing *Amidah*

- א. ברוך אתה יי אלֵהֵינוּ ואלֵהֵי אֲבוֹתֵינוּ אֱלֹהֵי אֲבֹרָהֶם אֱלֹהֵי יִצְחָק ואלֵהֵי יַעֲקֹב הָאֵל הַגְּדוֹל הַגִּבּוֹר וְהַנּוֹרָא אֵל עֲלִיּוֹן קוֹנֵה שָׁמַיִם וָאָרֶץ מְגַבִּינֵנוּ וּמִגֵּן אֲבוֹתֵינוּ מִבְּטָחֵנוּ בְּכָל דּוֹר וָדוֹר בְּרוּךְ אַתָּה יי מִגֵּן אֲבֹרָהֶם.
- ב. אַתָּה גִּבּוֹר מִשְׁפִּיל גִּזְמִים חֹזֵק וּמְדִינָן עֲרִיצִים חַי עוֹלָמִים מְקִיִּם מְתִים מְשִׁיב הָרוּחַ וּמוֹרִיד הַטֵּל מְכַלְכֵּל חַיִּים מְחַיֶּה הַמֵּתִים כְּהֶרֶף עֵין יִשׁוּעָה לָנוּ תַצְמִיחַ בְּרוּךְ אַתָּה יי מְחַיֶּה הַמֵּתִים.
- ג. קְדוֹשׁ אַתָּה וְנוֹרָא שְׁמֶךָ וְאֵין אֱלֹהִים מִבְּלַעֲדֶיךָ בְּרוּךְ אַתָּה יי הָאֵל הַקְּדוֹשׁ.
- ד. חֲנִינֵנוּ אֲבִינוּ דִּיעָה מֵאַתָּךְ וּבִינָה וְהִשְׁכַּל מִתּוֹרָתְךָ בְּרוּךְ אַתָּה יי חוֹנֵן הַדַּעַת.
- ה. הַשִּׁיבֵנוּ יי אֱלֹהֵינוּ וְנִשְׁוֹבָה חֲדָשׁ יָמֵינוּ כְּקֵדֶם בְּרוּךְ אַתָּה יי הַרוֹצֵה בַתְּשׁוּבָה.
- ו. סֶלַח לָנוּ אֲבִינוּ כִּי חָטָאנוּ לָךְ מִחַה וְהַעֲבֵר פִּשְׁעֵינוּ מִנֶּגֶד עֵינֶיךָ כִּי רַבִּים רַחֲמֶיךָ בְּרוּךְ אַתָּה יי הַמְרַבֵּה לְסִלּוֹחַ.
- ז. רֵאֵה בְּעֵינֵינוּ וּרְיֵבָה רִיבָנוּ וּגְאֹלָנוּ לְמַעַן שְׁמֶךָ בְּרוּךְ אַתָּה יי גּוֹאֵל יִשְׂרָאֵל.
- ח. רַפְּאֵנוּ יי אֱלֹהֵינוּ מִמַּכְאוֹב לִבָּנוּ וּיְגוֹן וְאִנְחָה הַעֲבֵר מִמֶּנּוּ וְהַעֲלֵה רַפּוּאָה לְמַכּוֹתֵינוּ בְּרוּךְ אַתָּה [יי] רוֹפֵא חוֹלֵי עַמּוֹ יִשְׂרָאֵל.
- ט. בְּרַךְ עֲלֵינוּ יי אֱלֹהֵינוּ אֵת הַשָּׁנָה הַזֹּאת לְטוֹבָה בְּכָל מִינֵי תְבוּאָתָהּ וְקָרֵב מִהֲרָה שְׁנַת קָץ גְּאוּלְתֵּינוּ וְתֵן טַל וּמָטָר עַל פְּנֵי הָאָדָמָה וְשִׁבְעַת עוֹלָם מֵאֲוִצְרוֹת טוֹבָךְ וְתֵן בְּרִכָּה בְּמַעֲשֶׂה יְדֵינוּ בְּרוּךְ אַתָּה יי מְבָרֵךְ הַשָּׁנִים.
- י. תִּקַּע בְּשׁוֹפָר גָּדוֹל לְחִירוֹתֵינוּ וְשֵׂא גֵם לְקַבֵּץ גְּאוּלְתֵּינוּ בְּרוּךְ אַתָּה יי מְקַבֵּץ נִדְחֵי עַמּוֹ יִשְׂרָאֵל.
- יא. הַשִּׁיבָה שׁוֹפְטֵינוּ כְּבִרְאשׁוֹנָה וְיִוָּעֲצִינוּ כְּבִתְחִילָה וּמְלֹךְ עֲלֵינוּ אַתָּה לְבָדֶךָ בְּרוּךְ אַתָּה יי אוֹהֵב הַמִּשְׁפָּט.
- יב. לְמַשׁוּמְדִים אֵל תְּהִי תִקְוָה וּמַלְכוּת זִדּוֹן מִהֲרָה תַעֲקֹר בְּיָמֵינוּ וְהַנְּצִירִים וְהַמִּינִים כְּרַגַּע יֵאָבְדוּ יִמְחוּ מִסֵּפֶר הַחַיִּים וְעַם צַדִּיקִים אֵל יִכְתְּבוּ בְּרוּךְ אַתָּה יי מְכַנִּיעַ זֵדִים.
- יג. עַל גִּירֵי הַצִּדִּיק יִהְיוּ רַחֲמֶיךָ וְתֵן לָנוּ שֹׂכֵר טוֹב עִם עוֹשֵׁי רְצוֹנְךָ בְּרוּךְ אַתָּה יי מְבַטֵּחַ לְצַדִּיקִים.
- יד. רַחֵם יי אֱלֹהֵינוּ בְּרַחֲמֶיךָ הַרְבִּים עַל יִשְׂרָאֵל עַמְּךָ וְעַל יִירוּשָׁלַם עִירְךָ וְעַל צִיּוֹן מִשְׁכַּן כְּבוֹדְךָ וְעַל הַיַּכְלֶךָ וְעַל מַעֲוֹנֶךָ וְעַל מַלְכוּת בֵּית דָּוִיד מְשִׁיחַ צִדְקָךָ בְּרוּךְ אַתָּה יי אֱלֹהֵי דָוִיד בּוֹנֵה יִירוּשָׁלַם.
- טו. שְׁמַע יי אֱלֹהֵינוּ בְּקוֹל תְּפִלָּתֵנוּ וְרַחֵם עֲלֵינוּ כִּי אֵל חַנּוּן וְרַחוּם אַתָּה בְּרוּךְ אַתָּה יי שׁוֹמֵעַ תְּפִלָּה.
- טז. רַצָּה יי אֱלֹהֵינוּ וּשְׁכּוֹן בְּצִיּוֹן וְיַעֲבֹדוּךָ עַבְדֶּיךָ בִּירוּשָׁלַם בְּרוּךְ אַתָּה יי שְׂאוֹתָךְ בִּירָאָה בְּעַבְדּוֹ.
- יז. מוֹדִים אֲנַחְנוּ לָךְ אַתָּה הוּא יי אֱלֹהֵינוּ וְאֱלֹהֵי אֲבוֹתֵינוּ עַל כָּל הַטּוֹבוֹת הַחֲסֵד וְהַרְחֲמִים שֶׁגִּמְלָתָנוּ וְשַׁעֲשִׁיתָנוּ עִמָּנוּ וְעַם אֲבוֹתֵינוּ מִלְּפָנֵינוּ וְאֵם אֲמִרָנוּ מִטָּה רִגְלֵנוּ חֲסֵדְךָ יי יִסְעֵדֵנוּ בְּרוּךְ אַתָּה יי הַטּוֹב לָךְ לְהוֹדוֹת.
- יח. שִׁים שְׁלוֹמְךָ עַל יִשְׂרָאֵל עַמְּךָ וְעַל עִירְךָ וְעַל נַחֲלָתְךָ וּבְרַכְנוּ כּוֹלָנוּ כְּאֶחָד בְּרוּךְ אַתָּה יי עוֹשֵׂה הַשְּׁלוֹם.

Rabbinic Sources

TY Berakhot 4:3

וְלִמָּה שְׁמוֹנָה עָשָׂר... אָמַר רַבִּי לֹוי בְּנֵגֶד שְׁמוֹנָה עָשָׂר הַזְכָּרוֹת שֶׁכָּתוּב בָּהֶם לֵאמֹר בְּנֵי אֱלֹהִים. אָמַר רַבִּי חִינָּה אִם יֹאמַר לָךְ אָדָם שֶׁבַע עָשָׂר אֵינֶנּוּ. אָמַר לֹוי מִיָּנִין כְּבֶר קָבְעוּ חֲכָמִים בְּיָבֵנָה. הִתִּיב רַבִּי אֶלְעָזָר בִּי רַבִּי יוֹסִי קוֹמִי רַבִּי יוֹסִי וְהִכְתִּיב אֶל הַכְּבוֹד הָרָעִים. אָמַר לִיה וְהִתְנִי כּוֹלֵל שֶׁל מִיָּנִין וְשֶׁל פּוֹשְׁעִים בְּמִכְנִיעַ זֵדִים. וְשֶׁל זִקְנִים וְשֶׁל גֵּרִים בְּמִבְטָח לְצַדִּיקִים וְשֶׁל דָּוִד בְּבוֹנֵה יִירוּשָׁלַם אֵת לָךְ. מִסְפָּקָא לְכָל-חֵדָא וְחֵדָא מִיָּנֵהוּן אֲדִכְרָה.

TB Megillah, 17b-18a

The words and numbers in bold type in the *TB* segment below refer to the numbers of each of the blessings and highlight the blessings under discussion in this paper.

וכיון שנעשה דין מן הרשעים, **כלו המינים, וכולל זדים 12 עמהם**⁵⁷ שנאמר (ישעיהו א) ושבר פושעים וחטאים יחדיו <יכלו> וכיון שכלו <הפושעים> **[המינים]** מתרוממת קרן צדיקים דכתיב (תהילים עה) וכל קרני רשעים אגדע תרוממנה קרנות צדיק **וכולל גירי הצדק עם הצדיקים 13** שנאמר (ויקרא יט) מפני שיבה תקום והדרת פני זקן וסמיך ליה וכי יגור אתכם גר והיכן מתרוממת קרנם בירושלים שנאמר (תהילים קכב) שאלו שלום ירושלם ישליו אוהביך וכיון **שנבנית ירושלים 14** בא דוד שנאמר (הושע ג) אחר ישובו בני ישראל ובקשו את ה' אלהיהם ואת דוד מלכם וכיון **שבא דוד 15** באת התפלה שנאמר (ישעיהו נו) והביאותים אל הר קדשי ושמחתים בבית תפילתי וכיון שבאת **תפלה 16** באת עבודה שנאמר עולותיהם וזבחייהם לרצון על מזבחי וכיון שבאת עבודה באתה תודה שנאמר (תהילים נ) זובח תודה יכבדני ומה ראו לומר ברכת כהנים אחר הודאה דכתיב (ויקרא ט) וישא אהרן את ידיו אל העם ויברכם וירד מעשות החטאת והעולה והשלמים אימא קודם עבודה לא ס"ד דכתיב וירד מעשות החטאת וגו' מי כתיב לעשות מעשות כתיב ולימרה אחר העבודה לא ס"ד דכתיב זובח תודה מאי חזית דסמכת אהאי סמוך אהאי מסתברא **עבודה 17** **והודאה 18** חזא מילתא היא ומה ראו לומר **שים שלום 19** אחר ברכת כהנים דכתיב ושמו את שמי על בני ישראל ואני אברכם (תהילים כט) שנאמר ה' יברך את עמו בשלום (במדבר ו); ברכה דהקב"ה שלום.

Midrash Tanhuma Buber, Vayikra, 3

ילמדנו רבינו העובר לפני התבה וטעה [ולא אמר ברכת קללת המינין, מהו שמחזירין אותו, כך שנו רבותינו העובר לפני התבה וטעה] בכל הברכות כולן אין מחזירין אותו, בברכת המינין מחזירין אותו בעל כרחו, חיישינן שמא מין הוא....

Recent CJLS Responsa Regarding Egalitarianism and Halakhah

(Thank you R. Pamela Barmash and R. Ellen S. Wolintz-Fields for compiling this list.)

1. Pamela Barmash, "Women and Mitzvot" YD 246:6.2014a;
2. Jeremy Kalmanofsky, "An Egalitarian Abstention" YD 246:6.2014b;
3. Loel M. Weiss, "Dissent on Women's Hiyuvim" YD 246:6.2014c;
4. Reuven Hammer, "Concurrence on Women and Mitzvot" YD 246:6.2014d;
5. Daniel Nevins, "Concurring Opinion on Rabbi Barmash's Responsum on Women and Mitzvot" YD 246:6.2014e;
6. Avram Reisner, "Mikhal bat Kushi Wore Tefillin: A concurrence to Women and Mitzvot by Pamela Barmash" YD 246:6.2014f;
7. Elliot Dorff, "A Concurrence with Rabbi Pamela Barmash's Teshuvah: The Use of Principles in Jewish Law" YD 246:6.2014g;
8. Baruch Frydman-Kohl, "Women and Mitzvot: Abstention and Dissent" YD 246:6.2014h;
9. Joshua Heller, "Dissenting Opinion on Rabbi Barmash's Responsum on Women and Mitzvot" YD 246:6.2014;
10. Myron S. Geller, "Woman is Eligible to Testify" HM 35:14.2001a;
11. Susan Grossman, "Edut Nashim k'Edut Anashim: The Testimony of Women is as the Testimony of Men" HM 35:14.2001b;
12. Arnold M. Goodman, "Woman is Eligible to Testify: A Concurring Opinion" HM 35:14.2001c;
13. Aaron Mackler, "Edut Nashim k'Edut Anashim: The Testimony of Women is as the Testimony of Men: A Concurring Opinion" HM 35:14.2001d;

⁵⁷ *Minim* and *zedim* (#12) are conjoined (hence the word *kolel*—"including"), as are *gerei ha-tzedek* and *tzadikim* (#13). This is the same structure as the *TY* version of the *Amidah*, as found in the Genizah manuscripts. And see the *Toesfta* and *TY* passages above.

14. Gail Labovitz, "With Righteousness and With Justice, With Goodness and With Mercy: Options for Egalitarian Marriage Within Halakhah" EH 27:1.2020a;
15. Pamela Barmash, "A Dissent in Part, a Concurrence in Part to Rabbi Labovitz's Teshuvah on Egalitarian Marriage Within Halakhah" EH 27:1.2020b;
16. Pamela Barmash, "Egalitarian Kiddushin and Ketubbah" EH 27:6.2020a;
17. Gail Labovitz, "A Dissent to Egalitarian Kiddushin and Ketubbah" EH 27:6.2020b;
18. David J. Fine, "Women and the Minyan" OH 55:1.2002;
19. David J. Fine, "Kohenet Kirvi: Call a Bat Kohen a Kohenet" OH 135.3.2022a;
20. Avram Israel Reisner, "To Each Her Own: Kohenet Concurrence" OH 135.3.2022b;
21. Mayer Rabinowitz, "Women Raise Your Hands" OH 128:2.1994a;
22. Jane Kanarek, "Women and Headcovering" OH 91:3.2019;
23. Pamela Barmash, "Egalitarian Divorce and Gittin" EH:119.6.2022;
24. Shoshana Gelfand, "May Women Tie Tzitzit Knots?" OH 14:1.1997;
25. Miriam Berkowitz, "Tallit on the Bimah: Optional or Required?" OH 17:2.2018.

As background for the social milieu in which women's status in law evolved over time see Elliot Dorff, "The Role of Custom in Determining Women's Status in Biblical and Talmudic Times," in his *For the Love of God and People: A Philosophy of Jewish Law* (Philadelphia: Jewish Publication Society, 2007), 253-273. Thank you R. Elliot Dorff.