

## **It Is Time to Act for the Lord: Redefining a Minyan for the Sake of Service to God**

Dear CSZ Family,

As of Shabbat on Friday night, May 8, 2020 corresponding to 15 Iyar 5780, Congregation Shaarey Zedek will affirm a minimum of ten Jewish adults who can be seen and heard, **either virtually or in-person**, as a *minyan* -- the gathering that constitutes a quorum for public prayer.

This decision comes in response to the global pandemic affecting every aspect of our society, and it supersedes previous *teshuvot* that I have issued regarding our community prayer services. While an in-person communal gathering of prayer is superior to a virtual one, this *teshuvah* is written with the goal of allowing members of Congregation Shaarey Zedek to more fully feel God's presence as well as the fellowship of community and, perhaps more importantly, to further strive to serve God with joy and with a sacred sense of purpose (i.e., commandedness).

Additionally, this *teshuvah* is in keeping with Congregation Shaarey Zedek's efforts toward inclusion by ensuring that those who are unable to attend the synagogue because of health complications or health vulnerabilities are equal to those who are able to attend the synagogue in-person.

### **What Is Conservative Judaism?**

"It is Conservative Judaism that most directly confronts the challenge to integrate tradition with modernity," wrote Robert Gordis in the Conservative movement's statement of principles, *Emet Ve-emunah*. "By retaining most of the tradition while yet being hospitable to the valuable aspects of modernity, it articulates a vital, meaningful vision of Judaism for our day."<sup>1</sup> One of the movement's leading *poskim* (*halakhic* deciders), David Golinkin believes that in order to achieve this vision for Conservative Judaism, the Committee on Jewish Law and Standards (CJLS) of the Conservative movement -- the official voice for Conservative *halakhah* -- employs six principles<sup>2</sup> when deciding matters of *halakhah*:

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<sup>1</sup> Robert Gordis, et al., *Emet Ve-Emunah: Statement of Principles of Conservative Judaism* (New York: The Jewish Theological Seminary of America, The Rabbinical Assembly, and the United Synagogue of America, 1988), p. 10.

<sup>2</sup> David Golinkin, *Halakhah for Our Time: A Conservative Approach to Jewish Law* (New York: United Synagogue of America, 1991), pp. 29-32. This description also appears with additional explanations in David Golinkin, *Responsa in a Moment: Halakhic Responses to Contemporary Issues* (Jerusalem: The Institute of Applied Halakhah at the Schechter Institute of Jewish Studies, 2000), pp. 17-21.

1. Changes are not made for their own sake;
2. A lenient ruling is preferable to a strict one;
3. Subjects are studied in a historic-scientific fashion;
4. The Shulchan Arukh<sup>3</sup> is not viewed as the ultimate authority;
5. A commitment to *halakhic* pluralism is maintained;
6. Significant emphasis is placed on the moral component of Judaism and of Jewish Law.

With this in mind, we come to see that Conservative Judaism is less about “product” and much more about “process.” That is to say, if one were to look at the practices of a Conservative synagogue in one location and compare those practices to a Conservative synagogue in another location, the practices might vary radically. However, what unites these two synagogues under the umbrella of Conservative Judaism is their shared commitment to a Jewish legal process of deciding matters of *halakhah* (the word indicating how we continually “walk” with God).

As such, Rabbi David Golinkin writes, “[T]he Conservative movement is following in the footsteps of Hillel and Rabban Gamliel, of Rabbis Modena and Emden, of Rabbis ben Shimon and Hazan. Unlike the Reform movement, it considers the halakhah binding and obligatory. Unlike Orthodoxy, it rejects the slogan that ‘anything new is forbidden by the Torah’ and allows the halakhah to change and develop in a natural, organic fashion.”<sup>4</sup> This natural, organic fashion is determined, first and foremost, by the will of the people: the practices and desires of a committed group of Conservative Jews that more than a century ago Solomon Schechter called “Catholic Israel.” Then, after a Conservative rabbi perceives the new moral or ritual demands of his or her congregation, the rabbi attempts to defend these demands through permissive leniencies garnered by a halakhic process that places great emphasis on the historical study of Judaism in conjunction with the use of as much contemporary scientific knowledge as possible. Finally, after recognizing and justifying the behavior of Catholic Israel, the rabbi puts clear limits on the extent to which Conservative Judaism may go to satisfy the demands of modernity. That is to say, Conservative *poskim* demonstrate a clear desire to give voice to the demands of modernity as expressed by contemporary Catholic Israel. Yet, through the authority invested in them by Catholic Israel, these

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<sup>3</sup> The Shulchan Arukh is the preeminent code of Jewish Law written in Safed in the 16th century by Rabbi Joseph Karo. Rabbi Moshe Isserles expounded on the Shulchan Arukh, identifying where the Ashkenazi and Sephardic communities differ with regard to Jewish Law. It serves essentially as the baseline of “traditional” Jewish law.

<sup>4</sup> David Golinkin, *Halakhah for Our Time: A Conservative Approach to Jewish Law* (New York: United Synagogue of America, 1991), p. 28.

*poskim* set some limits when the historical customs and traditional laws of the Jewish people -- along with concerns for Jewish continuity -- call back.<sup>5</sup>

### **Halakhah Can Change When Circumstances Change**

The Talmud teaches in Gittin 60a,

**Rabbi Yoḥanan and Rabbi Shimon ben Lakish used to read from a scroll of *aggada* (Oral Law) containing the words of the Sages on Shabbat (i.e., Oral Law was supposed to remain unwritten and, instead, transmitted from teacher to student. Here is an example of two rabbis who read from a scroll that was supposed to be transmitted orally). But such a scroll may not be written, for in principle, the statements of the Oral Law may not be committed to writing. Rather, since it is not possible to remember the Oral Law without writing it down, it is permitted to violate the *halakha*, as indicated by the verse: “It is time to act for the Lord; they have nullified your Torah” (Psalms 119:126).**

According to Jewish tradition, God gave to Moses on Sinai two sets of laws: that which became the Written Torah (i.e., the 5 Books of Moses) and the Oral Law, which was to be transmitted orally and only orally from teacher to student. At the time, it was forbidden from writing down the Oral Law. However, given the reality of the day nearly 2,000 years ago as it pertained to the accessibility of students to teachers and because of the heavy hand of Roman authorities, our sages feared that the Oral Law would be lost if not written down. They therefore declared that it was permissible to write down the Oral Law despite the previous prohibition against doing so. In this way they teach us that when circumstances change, *halakhah* can and should change too.

Because of the global pandemic threatening our lives and emotional well-being, we too are in such a time of changing circumstances. As such, *halakhah* as it pertains to defining a minyan must change too. Moreover, because of the great advances in modern technology, I believe that a virtual *minyān* -- while not equivalent to an in-person *minyān* -- will allow us to fulfill the wishes of our sages and the expressions of our Psalms, “It is time to act for the Lord.”

### **Defining a Minyan**

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<sup>5</sup> For a deeper discussion of the Conservative movement’s halakhic process, please see my article *Tradition vs. Modernity: The CJLS and Conservative Halakhah* in *Conservative Judaism* (Volume 58, Number 1, Fall 2005).

From the Rabbinical Assembly<sup>6</sup>:

The classic sources (Shulhan Arukh Orah Hayyim 55:13, and others cited by Rabbi Reisner) require that a minyan be located in one physical space. However, Shulhan Arukh Orah Hayyim 55:14 does open the possibility that there may be an exception by joining in to constitute a minyan if one can see the faces of the other participants: “One who is standing behind the synagogue, with a window between that person and the congregation, even if it is several stories up and less than four cubits wide, and who shows his face to them, may combine with them to form a minyan of ten.” The possibility of a minyan being constituted by people who are not physically near each other is further expanded by Rabbi Yitzhak Zilberstein in Hashukei Hemed on Berakhot 21b (p. 135), where he permits constituting a minyan for kaddish yatom (Mourner’s Kaddish) where people are scattered in a field but can see each other. Recently Rabbi Haim Ovadia called attention to this source, arguing in favor of constituting a minyan by means of real-time video and audio connection between ten Jews. Therefore, in this crisis situation, a number of us are of the opinion that a ruling relying on these precedents should be issued:

In this crisis situation in an area in which civil and/or medical authorities decree that it is unsafe for people to gather in person and recommend or order the closure of houses of worship, it is permitted to constitute a minyan whose constitutive participants (ten adult Jews) are not located in one physical place.

### **Conclusion**

One may pray to God anywhere and everywhere. Nevertheless, our sages established the concept of *minyan* in order to ensure a sense of fellowship and shared purpose in serving God. In this way, we find comfort and joy in being surrounded in prayer by fellow worshippers. In this way, too, we might be reinvigorated in our desire to serve God through learning and through acts of loving-kindness as well.

Therefore, as of Shabbat on Friday night, May 8, 2020 corresponding to 15 Iyar 5780, Congregation Shaarey Zedek will affirm a minimum of ten Jewish adults who can be seen and heard, **either virtually or in-person**, as a *minyan* -- the gathering that constitutes a quorum for public prayer.

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<sup>6</sup> <https://www.rabbinicalassembly.org/story/cjls-guidance-remote-minyanim-time-covid-19>

For some, this *teshuvah* will bring relief and perhaps even joy. For others, it will smack as a break from tradition. Such is the way, though, of the Jewish people in good times and bad throughout the ages. And in those good times and bad times, we see within Judaism a tremendous resilience and ability to adapt to change.

Indeed, this decision is not an easy one. Our synagogue family is one that finds meaning, identity, and beauty in the legal framework of Jewish life. Though this *teshuvah* may at first feel outside of our CSZ status quo, I firmly believe that this decision is in line with centuries of legal analysis and based on a precedent of innovation during times of exception. I also believe that this decision is in keeping with the halakhic precedent set forth by my predecessors and teachers of blessed memory, Rabbi Morris Adler and Rabbi Irwin Groner, along with the writings of my friend and colleague Rabbi Eric Yanoff in his *teshuvah* regarding instrumentation on Shabbat.

With regard to our own day, through these difficult times of global pandemic, I am reminded of the Talmudic story of Rabbi Akiva (Makkot 24b) who comforted his friends with laughter after the destruction of the Holy Temple in Jerusalem. When challenged as to how he could laugh in such a situation, Rabbi Akiva responded by reminding them that the prophecy for the coming of God's kingdom cannot be achieved while status quo exists: in other words, the challenges of "change" are often the birth pangs for a new and blessed beginning. Like Rabbi Akiva and also like Theodor Herzl before us, our hope is not lost and we believe in a bright future for our congregation, our people, and our world.

There is too much loss and sadness around us to laugh. But in Conservative Judaism and its commitment to the *halakhic* process as a dialogue between Jewish tradition and the committed Conservative Jewish community of today, my faith in God and my love of Jews and Judaism is deepened. I am grateful to the Officers, Board of Trustees, and to our Executive Director and professional staff, and especially to my Clergy brothers for their vision, hard work and support. May we all know good health and long life as we seek every day to serve God, to honor our ancestors, to perpetuate authentic Conservative Jewish living, and to lead lives of gratitude, obligation, and joy.

Respectfully,

Rabbi Aaron Starr

Congregation Shaarey Zedek

May 6, 2020 ~ 12 Iyar 5780