

Keren

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YESHIVAT MAHARAT

Where dedicated learners become dynamic leaders

ישיבת מהר"ת

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About Yeshivat Maharat

Yeshivat Maharat is the first institution to train Orthodox women as Spiritual Leaders and Halakhic authorities. Although there are many institutions that provide a place for women to engage in serious Torah study, our institution has taken an important step further. Through a rigorous curriculum of Talmud, halakhic decision-making (*pesaq*), pastoral counseling, and leadership development, our graduates will assume the responsibility and authority to be *poskot* (legal arbiters) for the community. Maharat is a Hebrew acronym for *Manhiga Hilkhaitit Rukhanit Toranit*, one who is teacher of Jewish law and spirituality.

The founding of Yeshivat Maharat represents a natural evolution, ensuring that women and men from every denomination are given an equal voice at the table. Orthodox communities have already begun to recognize the necessity and the benefits of knowledgeable and sensitive female spiritual leaders. Yeshivat Maharat's mission is to actualize the potential of Orthodox women as Jewish leaders to enrich the entire Jewish community.

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Introduction

RABBI JEFFREY FOX AND
RABBA SARA HURWITZ

Rabbi Fox is the Rosh Yeshiva of Yeshivat Maharat.

He was in the first graduating class of YCT.

Rabba Hurwitz is the dean of Yeshivat Maharat and
serves as a member of the clergy team at
the Hebrew Institute of Riverdale-The Bayit

Any analysis of the *berakha* of *she-lo asani isha*, שלא עשני אשה, must begin with those people who are made to feel pain, exclusion, or embarrassment by its recitation. As Rabbi Avi Weiss, Rabbi Zev Farber, Dr. Erica Brown, and Mrs. Belda Lindenbaum all note, it is not our place to judge people's feelings. Feelings are not right or wrong — they just are. The first step is to acknowledge the pain that has been created by this *berakha*. There is no doubt that men have used this *berakha* as a sledgehammer in casual conversation. Although it seems certain that the Rabbis who authored it did not intend to hurt the women in their lives, the reality is that there are women who have been marginalized and made to feel small from the words of this *berakha*.

It is also true that many of the men who recite this *berakha* do not feel that it expresses their own worldview. Part of the power of prayer is its ability to help us articulate with clarity our own values. In fact, the siddur is meant to teach us Jewish theology and philosophy. However, when the words of the siddur clash with our worldview we are faced with a classic halakhic problem. This is exemplified beautifully by the Rabbis in the Gemara in *Yoma* (69b), who questioned the wording of the first *berakha* in the *Amidah*:

יומא דף סט עמוד ב

אמר רבי יהושע בן לוי: למה
נקרא שמן אנשי כנסת הגדולה?
שהחזירו עטרה ליושנה. אתא
משה אמר האל הגדל הגבר
והנורא: אתא ירמיה ואמר:
נכרים מקרקרין בהיכלו, איה
נוראותיו? לא אמר נורא. אתא
דניאל, אמר: נכרים
משתעבדים בבנין, איה
גבורותיו? לא אמר גבור.

אתא אינהו ואמרו: אדרבה, זו
היא גבורת גבורתו שכובש את
יצרו, שנותן ארך אפים
לרשעים. ואלו הן נוראותיו
— שאלמלא מוראו של הקדוש
ברוך הוא היאך אומה אחת
יכולה להתקיים בין האומות?

ורבנן היכי עבדי הכי ועקרי
תקנתא דתקין משה? אמר רבי
אלעזר: מתוך שידועין בהקדוש
ברוך הוא שאמתי הוא, לפיכך
לא כיזבו בו.

Bavli, Masekhet Yoma page 69b:

Rebbi Yehoshua ben Levi said: Why were they called the Men of the **Great** assembly? Because they restored The Crown to its original greatness. Moshe came and said, “*The Lord, the great, the mighty, and the awesome...*” (Deuteronomy 10:17). Yirmiyahu came and said, “Non-Jews are dancing in the Temple, where is God’s awe?” He did not say *awesome* (Jeremiah 32:18). Daniel came and said, “Non-Jews are persecuting His children, where is God’s might?” He did not say *mighty* (Daniel 9:4).

They (The men of the great assembly) came and said, “You should view it from the opposite direction. This is the might-of-His-might, for He conquers His desire by granting forgiveness to the evil-ones. And this is the source of His awe — were it not for the awesome nature of the Holy Blessed One, how could the one tiny nation survive among all the nations?”

And [as for] these Rabbis (Yirmiyahu and Daniel), how could they have done this and uprooted an enactment of Moshe? Rabbi Elazar said, “Because they knew that the Holy Blessed One is a God of truth; they could not lie to Him.”

The Rabbis in this majestic passage describe Yirmiyahu and Daniel as changing the words of the first *berakha* of the *Amidah* because the theological reality of God’s presence in the universe appeared to have changed. Truth is such a central value within the world of prayer that these great human beings could not bring themselves to utter words that appeared to contradict their worldview. Certainly none of us are as great as Yirmiyahu or Daniel, but the Rabbis set them up as models. For us, the value of truth in prayer remains central.

Elie Weisel wrote:

Each of us may encounter similar inner opposition when saying any prayer. The inhibitions are the same; so are the doubts. Between the words we may try to articulate and their content, there exists a wall or an abyss. Either we lie or the words lie ...Remember the *anshei kenesset ha-gedolah*, the men of the Great Synagogue who refused

to say *Ha-el ha-gadol ha-gibbor ve-ha-nora*, that God is great and mighty and awesome? Today, too, one can choose rebellion and remain within Judaism. But one's rebellion must be constant; meaning, it must be renewed, reexamined, reaffirmed day after day, night after night.¹

The challenge that the Gemara in *Yoma* places before us is to close the gap between our experience of the Divine and the words of the liturgy. Yirmiyahu and Daniel demand that we bring our own inner *avoda she-ba-lev*, service within the heart, to the siddur. Elie Weisel reminds us that this process must happen in every generation and that we have a responsibility to renew, maintain, and reaffirm our commitment to the world of Jewish prayer.

The step that Yirmiyahu and Daniel took is actually much more radical than anything that we might even consider today. They wanted to change the core meaning of the opening *berakha* of the *Amidah* based on their subjective theological reality. By comparison, Rabbi Yosef Kanefsky points out, the words of the *berakha she-lo asani isha* simply do not align with the Modern Orthodox understanding of the role of women in society.

Rabbi Francis Nataf makes it clear that sometimes the authority of the *poseq* is even more important than the truth of the *pesaq*. There is no doubt that there are no *poseqim* alive today who have the authority of Yirmiyahu or Daniel. However, the stakes are much lower when attempting to change one of the *birkot ha-shaḥar* as opposed to the first *berakha* of the *Amidah*.

The Rabbis in this Gemara in *Yoma* remind us that the words that we speak in prayer actually matter. When I say something about God's greatness, it is meant to reflect a reality about the way God functions in the world. One could perhaps go further and say that the brilliance of the Men of the Great Assembly was to show us how God is in fact awesome even after the destruction of the Temple. The Rabbis who lived in the first two centuries CE were struggling to reconstruct a covenantal relationship with God that they feared may have been severed with the destruction of the Second Temple. No longer benefitting from the prophetic voice, the Rabbis of the Mishna were forced to find new paths of connection.

One of the core modes of feeling the divine presence became prayer with

1. See Weisel, Elie in *Prayer in Judaism: Continuity and Change*, ed. Cohn and Fisch, Aronson (1996), 4–9.

kavana. As Erica Brown points out, if we train our young people to really mean the words that they are saying, then we should not be surprised if they come away with ideas about women that are troubling based on this *berakha*. Because prayer matters in a deep way, and because the words of the siddur help to create our theology, Dr. Giti Bendheim also supports Rabbi Farber's offering. Rabbi Weiss also shares with us the ways in which this *berakha* can negatively impact the spiritual path of young women.

Rabbi Farber originally began the research for his article as a result of the response to a blog post by Rabbi Kanefsky. In this entry Rabbi Kanefsky explained why he felt that he could no longer recite the *berakha* of שלא עשתי אשה. The original post was modified and somewhat softened as a result of some of the critical comments he received. The second post is reproduced in the beginning of this volume, as it is from this starting point that this journal was created.

Rabbi Farber's essay was then shared with a select group of scholars and thinkers, who were asked to respond to the content of the essay as well as to express their own approach to this challenging *berakha*. Our main goal in publishing this material is to move the communal conversation one step further. Blog posts are not the place of thoughtful reflective scholarship. People need to sit with ideas and respond in due time.

We also felt that it was important to share different approaches from within our own Modern Orthodox community. Rabbi Aryeh Klapper makes the very important point that expressing different views should be viewed as reflective of the strength of a community. In his piece, Rabbi Klapper takes a close look at the way Rabbi Farber has read some of the core sources and offers alternative readings. It is our belief that both approaches represent a valid attempt to deal with a complex topic.

One recommendation for Day Schools who introduce these *berakhot* to our children might be to wait until our young people are close to *gil mitzvot* (12 and 13). At that age, they are more mature, and it is only at that point that the boys become formally obligated in those mitzvot that set them apart from the girls. Perhaps by introducing the *berakha* at an older age, we can afford the opportunity to teach children about differences between the genders and also share some of the nuances that would be lost on children in kindergarten.

We are living in a world in which boundaries are constantly being blurred. The three *berakhot* of self-identity point us toward the most essential communal boundaries. The question of who is a Jew is constantly being revisited. The

challenge of true freedom in a world in which real slavery still exists in sweatshops the world over is not simple. Given the recent disaster in Bangladesh and the death of over 1,000 workers, one has to wonder where the Jewish communal response is on this issue today. Even the boundaries of gender are being crossed and complicated. The Rabbis understood that in order to build a community there must in fact be boundaries. It is our hope and prayer that we can build boundaries for our communities that are based on love and respect for one another.

This compilation of articles represents the work of experienced rabbis and *poseqim* alongside the input of thoughtful lay leaders. We recognize that communal change comes from two directions simultaneously. The first step is a deep engagement with the halakhic system followed by a communal conversation. We invite you to be part of the discussion.

Follow-Up to the Blog Post: Adieu to “Thou Hast Not Made Me a Woman”

Y O S E F K A N E F S K Y

Rabbi Yosef Kanefsky received semikha and a Master’s degree in Jewish history from Yeshiva University in 1989. He has served as the spiritual leader of Congregation B’nai David Judea in Los Angeles since 1996.

In August of 2011, I posted a blog entitled “Adieu to ‘Thou hast not made me a woman.’” In the very first line of the post I announced that I had stopped blessing God every morning for not having made me a woman. I was promptly raked over the coals in many Orthodox quarters for, among other things, failing to offer much in the way of halakhic scholarship to substantiate my decision, and I am therefore grateful that Rabbi Farber and many others have stepped in to fill this void. Halakhic scholarship is the necessary and only Orthodox way.

In the end though, the halakhic scholarship simply paints a bull’s eye around the target that I — and many others before me — had already identified. Rabbi Farber’s presentation of his preferred halakhic approach begins with the premise that “there is no way of making a successful blessing over gender distinctions” in our day and age. Many Orthodox Jews would disagree with this assertion, and it is their right to do so. But for those of us who embrace it, a technical halakhic justification for eliminating the blessing simply had to be found, one way or another. This is true for at least three reasons, and in the final analysis, it is these reasons that provide the ultimate justification

for altering or omitting the *berakha*, and in fact establish a halakhic necessity to do so.

1. We Are Very Cautious About Not Speaking Untruth in Prayer.

The blessing's underlying premise, that one is better off being a man than a woman, and that God both agrees with this assertion and desires to be praised for it, are things that many of us no longer hold to be true. We certainly don't hold men's superiority to be true in an essentialist way. And the Tosefta's explanation of the blessing that "women are not commanded to perform mitzvot" is barely detectable in the reality that we have constructed our communities. Out of deep religious conviction we have vastly narrowed the differences between men and women in terms of their participation in mitzvot. From Sukkah and Lulav to Torah Study and davening, women in our community can and do partake fully. A blessing noting the dramatic difference between the religious lives of men and women is, at this juncture, working off a false premise.

The Talmud rules that we do not recite *aneinu* on the mornings of fast days, lest we wind up needing to break our fasts, retroactively rendering false our claim to be fasting today. If we omit a prayer out of the mere chance that it might result in our having uttered a falsehood, than we should certainly find an alternative to a prayer in which we are quite certain that we'd be doing so.

2. We Religiously Avoid Publicly Humiliating Others

In more than 20 years as a synagogue rabbi (and I fully recognize that there are synagogues unlike mine), I have heard the accounts of humiliation over and over again. Not from women who hold Orthodoxy in disdain. To the contrary, from women whose commitment to observance is complete, women who are accomplished in and devoted to Torah study, who have given their blood, sweat, and tears to the Orthodox institutions in which they serve as leaders. They express that this *berakha* makes them feel dismissed as lesser people and lesser Jews by the very community to which they have shown nothing but devotion and love. It is searingly hurtful, and profoundly humiliating. And in response to the apologists: The right to determine humiliation is the sole province of the humiliated. It is not the place of anyone else to say whether the humiliated ought to feel so or not.

3. This is a “Time to Do”

There are issues at the heart of this discussion that are much larger and of much greater consequence than whether we do or do not say any one particular *berakha*. It is, to use talmudic categories, a “time to do” — a time when Torah is in trouble, and it is necessary to find a way around a practice that is contributing to the trouble. There are two issues at stake here: One is that many of our own young women — and young men — correctly regard egalitarianism in the areas of educational, professional, and communal opportunities as an ethical imperative. Halakhic gender-role distinctions are puzzling and somewhat disturbing to them, raising questions, in their minds, as to the ethical integrity of the whole system. Education as to how and why halakha’s gender distinctions exist is certainly in order. But it is equally important for us to ensure that the areas of halakhic practice that need not be discriminatory — with this part of our liturgy being just one example — are in fact not.

This is why the issues of gender-blind Jewish education, the recital of mourner’s Kaddish by women, women’s access to the physical Sefer Torah, provision of equal — or at least equally dignified — space in shul, and equal opportunities at community leadership are vitally important ones. In addition to possessing intrinsic religious value, they bolster the case for halakha’s ethical stature in the minds of so many. A blessing in which the community’s men continue to praise God for having made them superior to women is, among so many other things, a terrible strategic liability.

The second factor that makes this a “time to do” is even more dire than the first. In the year since I posted my original blog on this topic, we have all been witness to the effort to suppress women’s presence in the public arena in Israel, the emergence of more *agunah* cases, including a very high profile one, and the persistence of the practice in which many (not all!) Batei Din allow husbands to utilize a *get* as a lever with which to extort their ex-wives. We have all become unwitting minor accomplices in these abuses when we affirm that women are lesser in the eyes of God. We will not solve these problems simply by devising a halakhic strategy for omitting or changing this *berakha*. We will, however, deprive the abusers of Jewish women of one of their planks of support.

One could also argue that we are religiously compelled to eliminate or adjust the *berakha* because it is a source of *Hilul Hashem*. Without in any way being critical of our Sages (who, like all of us, lived inside a set of contemporary

intellectual and cultural assumptions), the *berakha* is a vestige of an understanding of women that is less morally developed than today's understanding. We would all recognize the *Hilul Hashem* of a blessing (not entirely impossible given rabbinic views of earlier times) in which we thanked God for not having been born a *Cushi* (of African origin). The same would be true if we had adopted the Jerusalem Talmud's *berakha* praising God for "not having made me a Gentile, for the nations are nothing. They are all as naught before Him." One way or another, we would employ a halakhic mechanism to eliminate or alter these blessings not out of physical fear of others, but because we have a fundamental responsibility to God to see to it that we are not perceived as being immoral. This is the standard understanding of *Hilul Hashem*. If we are not already at this point, the point at which "you have not made me a woman" similarly compromises our moral standing is near at hand.

Over the past year, I have come to understand and respect the sincerity and piety of those who come to the defense of this *berakha*. I appreciate their concerns for tradition and their worry that tampering with the *berakha* in any way would signal an open season on our liturgy. But I maintain that the issues at stake here are serious, and that in this case, liturgical change is a religious obligation.

A Calmer and Fuller Articulation

Friends have correctly pointed out to me over the last few days that my post of last Thursday was too strident in tone, and too light in halachik discussion and sourcing. I am again reminded why our Sages advised us to acquire friends, and why God blesses us with them.

For the stridency of the tone, I sincerely apologize. I can and should do better.

With regard to the substance, I share two points. The first concerns the proper halachik execution for the omission of the blessing “for You have not made me a woman”. Rabbi Lopatin articulated it well, and I will here summarize his argument for it is indispensable to this change in practice.

(1) We are familiar from our siddur with the blessing “For You have not made me a non-Jew”. In our printed versions of the Talmud however, (see Menachot 43b) the blessing appears not in the negative formulation, rather in the positive language “for You have made me an Israelite” (שעשאתני ישראל). While the majority of Talmudic commentaries and Codes nonetheless maintained that the correct version is the one we have in our siddur, two prominent Sages demurred. Both Rosh (Brachot 9:24) and the Vilna Gaon prescribe the recitation of “for You have made me an Israelite”, in accordance with our version of the Talmud.

(2) Bach (O.C 46) , while aligning himself with the majority position, rules that if in error you said “for You have made me an Israelite”, then you should OMIT THE TWO BLESSING THAT FOLLOW, including “for You have not made me a woman”. (Mishnah Brurah 46:15 cites this position as well.) This is because the expression of gratitude for being a (male) Jew already includes the sentiments of the subsequent blessings within it.

(3) The argument now proceeds with the assertion that we ought to DELIBERATELY recite “for you have made me an Israelite” (for women, the

* Editor's Note: This originally appeared as a blog post on the Morethodoxy Blog on August 8th, 2011: <http://morethodoxy.org/?s=fuller>

feminine version (שעשאתי ישראלית) IN ORDER TO CREATE THE GROUNDS FOR OMITTING “for You have not made me a woman”.

This is an unusual halachik maneuver to be sure, one which requires justification. And this brings me to my second point. We don’t re-explore our halachik options with an eye toward change, absent a compelling reason to do so. By the same token though, to resist re-examination when such is needed, is to abdicate our responsibility to ensure that we’re always practicing halacha at its very best.

As I wrote in my original post, I believe fervently that Orthodoxy has yet to grapple fully or satisfactorily with the dignity of womankind. We know and understand, like no generation before us has known and understood, that women are men’s intellectual and spiritual equals. Our society has accordingly decided to treat both genders with equal dignity, and has opened all professional, political and communal endeavors to both genders equally. I believe that our community however, falls short of this goal in many ways. We are, of course, committed to operating within the framework and rules of halacha. But it is not hard to construct a halachik universe in which women’s physical space in shul and intellectual space in day schools and Study Halls are not lesser, but equal. It is not hard to imagine a halachik universe in which virtually all positions of leadership are available to all. And we must create a halachik universe in which the extortion of women by their ex-husbands as the Bet Din stands helplessly by, is simply unfathomable. It’s not halacha’s fault that we are lagging. It’s our fault.

I know of course, that “You have not made me a woman” can be understood in many different ways. But by its plain meaning, and by the simple smell test, it has the effect today of justifying our lack of progress, and of affirming for us that women do not possess the spiritual dignity than men do. In OUR specific time, given OUR specific challenges, the blessing hurts us. We thus find ourselves today in an halachik “*sha’at hadchak*”, an “urgent circumstance”. The sort of circumstance that justifies utilizing an ingenious halachik strata-gem to effectively drop this blessing from our liturgy.

I know there are many who will disagree with me on one or all of the points I’ve made. I am hopeful that stripped of their stridency, they will be easier to consider on their merits. May our disagreements be for the sake of Heaven.

The Creation Blessings and the Morning Blessings: A Case Study in the Fluidity of Liturgy and its Practical Applications

ZEV FARBER

Rabbi Zev Farber was ordained (yoreh yoreh and yadin yadin) by Yeshivat Chovevei Torah Rabbinical School. He is the founder of Atlanta Institute of Torah and Zionism (AITZIM), an adult education initiative. Rabbi Farber serves on the board of the International Rabbinic Fellowship (IRF) where he is the coordinator of its Va`ad Giyyur (conversion committee). He is a PhD candidate at Emory University's Graduate Division of Religion.

Abstract

This article analyzes the halakhic issues regarding changing the *nussah* for the three daily blessings about not being created as a Gentile, a slave, or a woman (“the Creation Blessings”) in light of the current controversy about

* Editor's Note: Rabbi Farber and Rabbi Klapper carried on an extended exchange regarding the broad contours of this article as well as detailed questions regarding how to properly understand some of the key sources of this article. Rabbi Farber accepted some of Rabbi Klapper's critique and reformulated certain sections. The *shakla v'tarya* between these two scholars is what gives depth to both pieces.

them. That these blessings are *in fact* causing controversy is this analysis' point of departure, and there is no attempt to evaluate whether or not they *should be* causing controversy. Because the issue of changing the *nussah* of the Creation Blessings is tied up with the larger issue of changing any *birkat ha-shevah* (blessing of praise), the nature of this category of blessings and the various positions with regard to their fluidity of *nussah* or lack thereof is discussed. The article takes the *birkot ha-shahar* ("the Morning Blessings") as a comparative model and moves into a survey of how fluid or static the Morning Blessings and the Creation Blessings have been over the centuries. The article tries to design a working paradigm for halakhically acceptable fluidity of *nussah* for *birkot ha-shevah* based on the median position of the *Rishonim* and *Aḥaronim* and formulated in line with R. David b. Shmuel Halevi ("Ṭur ei Zahav" or Ṭa"Z). Having established the parameters of what may and may not be done according to this median position, and after surveyed what have in fact been the *nusha'ot* said over the past two millennia, the article concludes by surveying possible solutions to the contemporary sociological problem that have been suggested in halakhic literature over the past few decades. Finally, I suggest an alternative *nussah* that seems both halakhically defensible and solves the sociological problem in the various Modern Orthodox communities where these blessings cause controversy.

Preface

In a number of Modern Orthodox communities it is clear that women are offended by the recitation of the blessing "Who has not made me a woman." Some men have also begun to feel that this blessing denigrates women and that reciting it feels false and not reflective of their views of women or the place of women in their society.

Additionally, there are many in these communities who feel that the blessing "Who has not made me a Gentile" is offensive to Gentiles and is not consistent with the more circumspect way of expressing differences customary in progressive communities. Moreover, in these same communities, the fear has been expressed that the negative valence of this set of blessings (i.e. who has *not* made me...) may have a deleterious effect on the reciter and reinforce negative attitudes toward women and Gentiles. For all these reasons,

a good number of Torah-observant Jews in Modern Orthodox communities have of late expressed serious emotional and philosophical conflicts over these blessings.

Considering this sociological reality, it is important to ask whether there is any halakhically valid precedent for liturgical change with regard to these blessings. This article is an attempt to answer this question.

Part I — Liturgical Change

There is a discussion in the Talmud (b. Ber. 40b) about changing blessings:

<p>“ראה תאנה ואמר: ‘כמה נאה תאנה זו ברוך המקום שבראה’ – יצא” – דברי רבי מאיר. רבי יוסי אומר: “כל המשנה ממטבע שטבעו חכמים בברכות – לא יצא ידי חובתו.”</p>	<p>“If one saw a fig and said: ‘How lovely is this fig, blessed is God who created it’,¹ he has fulfilled his obligation” — these are the words of R. Meir. R. Yossi says: “Anyone who changes the text of a blessing from that which the Sages ordained has not fulfilled his obligation.”</p>
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According to R. Meir, the phrasing of a blessing is inconsequential, as long as the point is made properly, whereas R. Yossi believes it to be essential. R. Yossi’s position was codified by Rambam (*Mishneh Torah*, Blessings, 1:5).

<p>ונוסח כל הברכות עזרא ובית דינו תקנום, ואין ראוי לשנותם ולא להוסיף על אחת מהם ולא לגרוע ממנה, וכל המשנה ממטבע שטבעו חכמים בברכות אינו אלא טועה.</p>	<p>The text of every blessing was set by Ezra and his court, and it is not proper to change any of them or to add or subtract any of them, and anyone who changes the form of the text that the Sages estab- lished is making an error.</p>
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What exactly counts as changing the text is discussed by R. Shimon ben Tzemaḥ Duran (*Tashbetz* 3:247). In this responsum, R. Duran is discussing the variants in the blessing about thanking God for roosters and their ability to wake people up at the crack of dawn. R. Duran points out that some texts have “*le-havin bein yom u-bein layla*” (להבין בין יום ובין לילה), to understand the difference between night and day, and others have “*le-havḥin bein yom u-bein layla*”

1. Ostensibly he then ate the fig.

(להבחין בין יום ובין לילה), to distinguish between night and day. After explaining the conceptual distinction between these formulations, R. Duran takes up the question of changing the text of a blessing.

ואין בזה משום שנוי מטבע.
שאין שנוי מטבע אוסר בברכו.
אלא כשהוא משנה הפתיחו'
לפתוח בברוך שלא לפתוח
כנגד המטבע שטבעו חז"ל או
לשנות בחתימה לחתום בברוך
או שלא לחתום. או במה שהוא
עיקר הברכ' כגון בהזכרת טל
וגשם או בשאל'. אבל בנוסח
הברכה בדבר שאין בו קפידא
כגון להבין ולהבחין אין כאן
שנוי מטבע.

This does not constitute changing the form of the blessing, since changing the form of a blessing is only forbidden when one changes the introduction, i.e. if he is supposed to begin with a “*barukh*” opening but he does not, against what the Sages established, or changing the conclusion, i.e. that he is either supposed to end with a “*barukh*” or he is not. Additionally, [if he changes] the main point of the blessing, like mentioning dew and rain, or requesting it.² However, with the particular text of a blessing where the specifics don’t really matter, like *lehavin* or *lehavhin* — this does not constitute changing the form.

This interpretation seems to have been accepted as halakha by the later authorities.³ Nevertheless, one could make a claim that this interpretation does not seem to fit with Rambam’s formulation. One could also legitimately express the fear that R. Duran’s principle opens a Pandora’s Box, where everybody could adjust the text of any blessing to his or her liking. Finally, this principle will not help those who wish to either stop saying a blessing or write a new blessing, something that, as will be shown, occurred in the Middle Ages more than once.

Therefore, although the *Tashbetz* will factor into the discussion at the end, this essay will take a somewhat different, if related, approach.⁴

2. I.e., in the second and ninth blessings of the *Amidah*, respectively.

3. *Bah' OH* 68, *Magen Avraham OH* 114:9, *Teshuvah me-Ahavah* 1:90; most of the discussion around this text has focused around the issue of whether it is permitted to add *piyutim* (poems) in the middle of certain prayers; see R. Shlomo Wasner’s *Shevet ha-Levi* (8:16), where he applies this principle to a man leading the prayer service who (accidentally) skips words.

4. As will be seen in a later section, R. David Yerechmiel Tzevi Rabinovits uses this *Tashbetz* as the basis for the liturgical change he was defending. See: D. Y. Tzevi Rabinovits, “The *Nussah* of the Blessing: ‘Who Has Not Made Me a Gentile,’” in *Torat Emet* 2 (Bnei Brak: Mosdot Shtefenesht, 5770), 111–124 [Hebrew].

Part 2 — Birkot ha-Shevaḥ

Birkot ha-Shevaḥ as a Unique Category

When discussing liturgical change in a blessing, one must make a clear distinction between *birkot ha-shevaḥ* (ברכות השבח), general praises, and all other blessings. Although there has been some liturgical change even with other categories of blessings, liturgical consistency has been historically much more lax with this category of blessing.⁵

The reason for this may be related to one of the core objectives behind the canonization of these blessings: The talmudic Sages wanted to permeate a person's life with recognitions of God's beneficence. The creation of this category of blessing was indispensable since in it they found many opportunities to do so; creating numerous blessings over benefits that humanity receives in this world.

The 100 Blessings

There is one rabbinic tradition that attempts to quantify this “fullness.” The earliest version of this appears in the Tosefta, Babylonian tractate *Berakhot* (6:24), in an aggadic context.

<p>היה ר' מאיר אוי: "אין לך אדם מישראל שאין עושה מאה מצות בכל יום; קורא את שמע ומברך לפניו ולאחריו, אוכל פתו ומברך לפניו ולאחריו, ומתפלל שלשה פעמים של שמונה עשרה, ועושה שאר כל מצות ומברך עליהן."</p>	<p>R. Meir used to say: "There is no person in Israel who does not perform 100 mitzvot every day; he recites the <i>Shema</i> and says blessing before and after it, he eats bread and recites blessings before and after it, he prays, reciting the 18 blessings, and he does various other mitzvot and says blessings before and after them."⁶</p>
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Although technically, R. Meir is claiming that the average Israelite performs one hundred mitzvot every day, from the list it seems that he has the recitation

5. The discussion in this section will only touch upon this subset of blessings.

6. This source is referenced in the Jerusalem Talmud (*Ber.* 9:5).

of blessings on the forefront of his mind. This same tradition appears in a different form in the Babylonian Talmud.⁷

היה ר' מאיר אר: "חייב אדם לברך מאה ברכות בכל יום, שנ': 'ועתה ישראל מה י' אלהיך שואל מעמך'."	R. Meir would say: "A person must recite 100 (<i>me'ah</i>) blessings every day, as it says: 'and now, what (<i>mah</i>) is it that God your Lord is asking of you?' (Deut. 10:12)" ⁸
רב חייא בריה דרב אויא בשבת ובימים טובים טרח וממלי להו באספרמק' ומגד'.	Rav Hiyya son of Rav Avya would make an effort on Shabbat and festivals to fill this quota with [blessings on] spices and other dainties.

From this short pericope one can learn two things. First, R. Meir considers it to be very important to fill one's days with blessings. Second, although this is not an absolute obligation, it is important to make an effort to do so. This second point can be deduced from the story of Rav Hiyya son of Rav Avya. The Talmud is impressed that he would go out of his way to say blessings on spices and other such things to fill the quota. It does not say that one must do this, but that this is the proper attitude.

This is why one will find that many of the early works of halakha, especially those focused around prayer or daily ritual, would begin with the halakha of the 100 blessings and attempt to count up the daily blessings to show a person how this could be accomplished.

Going one step further, it would seem that the morning blessings and the creation blessings in particular were considered to be an integral part of this push to say 100 blessings a day, at least from the time of the Geonim (600–1000 CE) and on. Both sets are clearly designed to make a person more sensitive to the little or obvious things in life by creating blessings about them. This point is made explicitly by R. Avraham ben ha-Rambam (Ravam) in his discussion of the morning blessings:

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7. B. Men. 43b (all quotes from the Babylonian Talmud follow the Munich manuscript); this is the *beraita* quoted immediately before the one listing the three creation blessings.
 8. The *derashah* here is a play on words: *me'ah* (100)/*mah* (what); R. Meir is rereading the verse to say: "100 (blessings) is what God your Lord is asking of you." This interpretation is referenced as part of the text of the *derasha* in *Seder Rav Amram*.

וברכות אלו הן הידועות כ"מאה
ברכות", לא משום שמספרן
מאה, אלא משום שהן
משלימות מספר מאה הברכות
המחויבות על-פי דבריהם.

These blessings are known as the "100 blessings," not because there are 100 of them, but because they complete the set of one hundred blessings required according to the Sages...⁹

To make this point clearer, as well as to demonstrate the halakhic ramifications of this argument, it would be worthwhile to take a look at the development of the morning blessings as a paradigm.

Part 3 — The Morning Blessings

The Talmudic Passage

The Babylonian Talmud (*Ber. 60b*) offers the following list of blessings:¹⁰

- | | |
|--|---|
| הנכנס לישן על מיטתו...
או: "ברוך המפיל חבלי
שינה..." | 1 One who gets into bed to go to sleep says:
"Praised is he who lays the sleep..." |
| כי איתער לימא הכי:
"אלהי נשמת..." | 2 When he awakens he should say: "My God, the
soul..." |
| כי שמע קל תרנוגלא או:
"ברוך שנתן לסכוי
בינה..." | 3 When he hears the rooster crow, he says: "Praised
is he who gave wisdom to the rooster..." |
| כי פתח עיניה או: "פוקח
עורים" | 4 When he opens his eyes, he says: "Who gives
sight to the blind." |
| כי הואי זקיף או: "זוקף
כפופים" | 5 When he rises, he says: "Who straightens the
crooked." |
| כי לביש או: "מלביש
ערומים" | 6 When he gets dressed, he says: "Who clothes the
naked." |
| כי אסר המייניה או: "אזור
ישראל בגבורה" | 7 When he ties his belt, he says: "Who girds Israel
with strength." |

9. Avraham ben ha-Rambam, *Ha-Maspiq le-ovdei Ha-Shem* (Trans. Nissim Dana; Ramat Gan: Bar Ilan University Press, 1989) ch. 30 "Other Blessings," p. 247.

10. The text follows the Munich manuscript, which differs significantly from the Vilna edition.

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|---|----|--|
| כי מכסי גלימא או': "בא"י
אל' מ"ה אקב"ו להתעטף
בציצית" | 8 | When he covers himself with his cloak, he says:
"Praised are you Lord, our God, king of the
universe, who sanctified us in his commandments
and commanded us to wrap ourselves in <i>tzitzit</i> ." |
| כי פריס סודריה אומר:
"ברוך עוטה אור כשלמה" | 9 | When he spreads out his hood, he says: "Praised
is he who spreads light like a shawl." |
| כי פשיט כרעיה לסגויי או':
"ברוך רוקע הארץ על
המים" | 10 | When he spreads out his legs to walk, he says:
"Praised is he who spreads the land as firmament
upon the waters." |
| כי מהלך או': "המכין
מצעדי גבר" | 11 | When he walks, he says: "Who prepares the steps
of man." |
| כי מסיים מסאניה או':
"שעשית לי כל צרכי" | 12 | When he puts on his shoes, he says: "That you
made for me all of my needs." |
| כי משי ידיה ואפיה או':
"אקב"ו על נטילת ידיים" | 13 | When he washes his hands and face, he says:
"Who sanctified us in his commandments and
commanded us about lifting the hands." |
| כי משי אפיה או': "המעביר
שינה..." | 14 | When he washes his face he says: "Who removes
the sleep..." |

The basic theme of this set of blessings is clear. From the moment the person gets into bed to the time he or she is fully ready to begin the day, he or she needs to say a blessing for every part of the preparation.

There is something unusual about these blessings. In general, a person's daily life is not flooded with the requirement to say blessings the way the waking up experience is. Even granted the rabbis' desire to make a person appreciative, just looking at the many blessings, one gets the feeling that there is a good deal of superfluity here. There is a blessing for waking up, a blessing for hearing the rooster crow, and a blessing for opening one's eyes. There is a blessing for standing, a blessing for placing one's feet on the ground, and a blessing for walking. There is a blessing for getting dressed, a blessing for putting on one's cloak, and a blessing for covering one's head, not to mention one for wearing a belt and another for putting on shoes.

Another element that stands out about these blessings is their poetic nature.¹¹ One doesn't say "Who gave me sight" but "Who gives sight to the blind." One doesn't say: "Who gave me the ability to stand" but "Who spreads

11. Except for the shoe blessing.

the earth like firmament over the waters.” These phrases are not just poetic, but they are based upon verses in the bible.

Why this unusual set up? It seems that the rabbis took the experience of sleeping and waking as a time where they would strengthen a person’s appreciation for life and God’s gifts. Perhaps in order to avoid making the process seem mundane, they decided to include poetic formulations instead of prosaic ones.

What is important for the purposes of this article is that the unusual nature of these blessings appears to have been instrumental for the production of a dizzying array of variant blessings that were created. One can suggest a number of proximate causes for this. First, since the blessings seem to be attached to arbitrary points in the process of preparing for the day, it is easy to get confused about which points exactly one is supposed to say a blessing. Second, the fact that the actual blessings are so poetic makes it unclear what action each blessing is specifically attached to. Third, since the blessings are based on biblical phrases about God’s power or beneficence, it became tempting to add blessings based on similar phrases, or, at least, to substitute one biblical phrase for another. Fourth, since there seems to be an impetus to artificially pile on blessings here, it was tempting to add more of the same, as all one needed to do was to find a part of the process that was not dealt with specifically in the Talmud and to find a fitting biblical verse to attach to it.

For these reasons a number of variants quickly crept up. We will look at one test case in depth.

Zoqef Kefufim (“Who Straightens the Bent”) and Its Variants

The most complex example of this phenomenon occurs with the variants for the blessing *zoqef kefufim*. Three variants or “inspired expansions” were created in different liturgies for this blessing, “Who releases the bound” (*matir assurim*), “Who raises the lowly” (*magbihah shefalim*), and “Who supports the falling” (*somekh noflim*). All of these variants, like the original *zoqef kefufim*, are based on biblical verses.

In the Geonic period, there was an attempt to isolate an extra step or extra steps in the waking up process in order to have a spot for the extra blessing(s) to be affixed. The most common extra step was sitting up in bed, but other options were explored as well.

The various Geonim were not in agreement about which of the new

blessings should be said. For example, R. Natronai Gaon and R. Amram Gaon list *magbihah shefalim* as the proper blessing. Conversely, R. Amram Gaon specifically objects to *matir assurim*:

ולא אמרין מתיר אסורים,	One should not say “Who frees the bound” since
דבזוקף כפופים סגי ליה	this is covered by “Who straightens the bent,” and
דקיימא לן כל המברך ברכה	we have established the principle that anyone who
שאינה צריכה מוציא שם שמים	says a blessing for no reason is taking the name of
לבטלה.	heaven in vain.

Having already included *magbihah shefalim*, Rav Amram Gaon sees no place to put *matir assurim*, and is unwilling to have the person make two blessings about the same thing.¹² This problem was solved by R. Saadia Gaon, who includes all three, by creating yet another niche. He writes that *matir assurim* should be said when a person first moves his arms.¹³

The third variant is mentioned by the *Halakhot Gedolot* (*Behag*).¹⁴

כד יתיב אומר ברוך מגביה	When one sits up he should say: “Praised is He
שפלים, אינמי סומך נופלים,	Who raises the lowly” or, alternatively, “Who
	supports the falling.”

The Behag has the same extra category but is unsure which blessing should be placed there, and mentions the two options with which he is familiar.¹⁵

The accidents of history being what they are, the blessing *matir assurim* received the greatest acceptance. In fact, even in the Geonic period this

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12. This is the original meaning of R. Amram’s objection to this blessing. However, since later authorities did not realize that this blessing was post-talmudic, they reasoned that R. Amram could not possibly have objected to the saying of this blessing, but assumed that his point was that if one had already said “Who straightens the bent” one could not then say “Who frees the bound,” as the latter is included automatically in the former.
13. Although he does not include *magbihah shefalim*, calling it a mistake (*Responsa* 83), R. Avraham ben ha-Rambam offers a similar explanation of *matir assurim* to Sa’adiah, or more accurately, a hybrid explanation: “when he sits up on his bed he should say ‘*matir assurim*’ because his movements had been impossible when he was sleeping, as if he were tied up” (*Ha-Maspiq*, 245).
14. Ninth century; it is not known who the author was, but is often attributed to R. Simon Kayyara.
15. Or at least the two options of which he approves.

blessing seems to have been added into several texts of the Talmud, and the objection to it seems inexplicable to certain authorities.

For example, in one Geonic responsum, the questioner incurs rebuke for quoting the above referenced position of Rav Amram Gaon:¹⁶

ושאלת: רב עמרם הגאון הסיר
מתיר אסורים ולמה לא הסיר
מגביה שפלים שהרי שתיהם
אין במטבע.

תשובה, רב עמרם למה יסיר
מתיר אסורים והנה היא כתובה
בדברי חכמים ובמטבע היא מפי
[הגבורים] שכן אמרו כי פשיט
כרעיה אומי ברוך מתיר
אסורים, ויש נסחאות שכת' בהן
כי מהפך גיסיה אומי ברוך מתיר
אסורים, ולדברי אלו ואלו ברכה
קבועה היא מימות רבותינו, ומי
[הוא] שהיה בו כח להסירה.
אבל באמת מגביה שפלים
הסיר שאינה מן המטבע שטבעו
חכמים, ועוד שהרי בזוקף
כפופים רב לו שהיא מענין
מגביה שפלים, ועל מתיר
אסורים לא דבר כלום.

You asked: Rav Amram Gaon removed *matir assurim*, but why did he not remove *magbihah shefalim* as well, since neither of them was coined [by the talmudic Sages?]

Answer: Why would Rav Amram remove “frees the bound,” since it is written in the words of the Sages and the coining of it was done by the great ones, as it says “when he spreads out his legs he should say: ‘praised is he who frees the bound,’ some texts read ‘when he turns to his side he should say ‘praised is he who frees the bound.’” According to either text this is a blessing fixed from the days of the rabbis. Who has the power to remove such a thing?

However, really he removed “Who raises the lowly” since it was not coined by the Sages, and furthermore, it is really covered by “Who straightens the bent,” which has the same basic point as “raises the lowly,” but he said nothing about “frees the bound.”

The questioner in this source is familiar with a talmudic text that does not have any of the variants and does not understand why Rav Amram reacts so strongly against *matir assurim* when he accepts *magbihah shefalim*. If the issue is reciting non-talmudic blessings, the two should be considered as having the same status. The responder, on the other hand, has the blessing *matir assurim* in his Talmudic text. He therefore cannot accept that Rav Amram attacked the blessing, and is certain that the questioner actually has it backward.

One can see from the back and forth what was at stake. It was simply impossible for the responder to accept that Geonim would actually advocate for non-talmudic blessings. Having said all this, perhaps the reader will not be overly surprised to find out that in the Oxford manuscript of this responsum,

16. *New Geonic Responsa* — Emmanuel edition (Ofef), 30.

the blessings are reversed: It is the questioner who asks why Rav Amram erased *magbihah shefalim* and the responder who says that this is impossible and that it must have been *matir assurim* that he erased. Most probably each text represents the version of the blessing that the copyist had in his liturgy or Talmud.

It is clear that non-talmudic blessings were being added, even into manuscripts of the Talmud, but with the caveat that a place was being found for them, i.e., that each *berakha* was being tied to a specific action or good for which the reciter of the blessing could thank God. The somewhat artificial attempt to find these niches can be seen even in the texts quoted by the responder above. He has seen two different versions of the Talmud explaining the action over which *matir assurim* should be recited. He says that it is either when the person places his feet on the ground, or when he bends to the side. The Behag suggests that this niche (which he fills with one of the two other options) is for when the person sits up in bed. Clearly, it isn't the specific action that matters, but that there is a new occasion such that two blessings do not occupy the same niche.¹⁷

This same strategy is continued in the medieval Ashkenazi tradition, where *magbihah shefalim* remains popular. For example in the *Agudah*, R. Alexandar Zusslein ha-Kohen writes:

... כי יתיב אומר מתיר אסורים	When he sits up he should say “frees the bound...”
... כי זקיק אומר זוקף כפופים	When he stands he should say “straightens the bent...”
כדמגבה רישיה אומר מגביה שפלים	When he lifts his head he should say: “raises the lowly...”

R. Zusslein has two out of the three variants as well as the original. To make sure there is no overlap, he claims that one should say *magbihah shefalim* when one lifts one's head; yet another new niche in the process of getting up.

Out of the three variants, it is *somekh noflim* that takes the hardest beating. Despite the fact that it is suggested by the Behag as a possible variant for

17. Perhaps the most extreme iteration of this rule can be found in R. Manoah's glosses on the *Mishneh Torah* (*Tefillah* 7:4), where he claims that saying *magbihah shefalim* would be a violation of taking God's name in vain (*lo tissa*), since it occupies the same niche as *zoqef kefufim*.

magbihah shefalim, to be said when sitting up in bed, this fact was apparently not widely known, and it remained unclear to many to what this blessing was supposed to refer. Furthermore, many of the variants had already begun to creep into the texts of the Talmud, so they were not understood to be variants at all.¹⁸ Hence, R. Zusslein writes in the same passage of the *Agudah* quoted above:

ולעולם אין מברכין סומך נופלים ונותן ליעף כח, דאין נזכרין בתלמוד ...	However, one should never recite “Who supports the falling” or “Who gives strength to the weary” because they are not mentioned in the Talmud.
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R. Zusslein writes that *somekh noflim* and *ha-noten la-yaef koah* should not be said because they are not talmudic, without realizing that *matir assurim* and *magbihah shefalim* were not original to the Talmud either. This is a good example of how the constantly shifting *nussah* and adjusted talmudic manuscripts became a serious source of confusion for rabbis attempting to determine policy on the morning blessings.

R. Yitzḥaq ben Abba Mari is also wary of *somekh noflim*:

...מתיר אסורים. מגביה שפלים. זוקף כפופים. והאומר סומך נופלים. טעות היא ולפי שמצאנו סומך ה' לכל הנופלים וזוקף לכל הכפופים. הרגילו בכך. ואינו בספרים ...	[One should say...] “frees the bound,” “raises the lowly,” [and] “straightens the bent,” but one who says “supports the falling” is making a mistake. Since we found [in a verse:] “God supports all who fall and straightens all who are bent,” people began to say this, but it does not appear in any text. (<i>Sefer ha-Ittur, Tzitzit</i>)
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R. Yitzḥaq’s Talmud seems to have had only the first two variants but not the third. Most interesting is his speculation on where this variant comes from, i.e. people were inspired to write it because of the proximity of this biblical phrase to that of *zoqef kefufim*. This is, of course, exactly what happened.

Despite the protests of these rabbis and others, all three variants were said by a number of Ashkenazi communities. For example, all three are listed in the *Maḥzor Vitri* as well as in the *Minhag Marseilles*.

18. Our own Vilna printing has *matir assurim*, for example.

Other Examples

The above is just one example of the phenomenon of non-talmudic blessings in the morning blessings. Other examples of new blessings or variants on talmudic ones could be added:

- הנותן ליעף כח (*ha-noten la-ya'ef koah*) — Who gives strength to the weary; a blessing that is almost universal in the Ashkenazic world with no precedent either in the Talmud or the Geonim¹⁹
- רופא חולים (*rofeh holim*) — Who heals the sick; listed in the *Seder Rav Amram* as well as in a medieval Italian siddur (Parma 581)
- שלא חסר מצרכי כלום (*she-lo hassar mi-tzarkhai klum*) — Who left none of my needs unmet; a variant of *she-asa li kol tzarki*, the blessing on shoes²⁰
- עוטר ישראל בתפארה (*oter yisrael be-tifarah*) — Who crowns Israel with glory; the now universally accepted alternative text to *oteh ohr ke-salma*, the blessing for head covering
- מוחל לפושעים (*moheh la-posh'im*) — Who forgives the sinners, found in Parma 581
- אשר קרבנו לעבודתו (*asher qaravnu la-avodato*) — Who has brought us close to his service (Paris 633)
- המאריך ימי להודות לך (*ha-ma'arikh yamai le-hodot lekha*) — who has extended my years to praise you (Paris 633)²¹

This phenomenon of adding new blessings was so popular in certain communities, that it prompted R. Jacob Landau to take note of this in his halakhic work, *Agur* (87).

19. Moshe Halamish, in a series of articles, attempts to explain why this blessing became so popular, whereas *magbihah shefalim* and *somekh noflim* fell out of favor. He argues that *ha-noten la-yaef koah* received the support of the world of Lurianic *qabbalah*, thereby giving it significance and combating the general trend of the rabbis to stop saying the non-talmudic blessings. See: Moshe Halamish, *Kabbalah: In Liturgy, Halakhah and Customs* (Israel: Bar Ilan University Press, 2000), 446–473.

20. Parma 581 has both versions one after the other. It would seem that not all traditions were worried about saying more than one blessing on the same action.

21. Wieder points out that these last two are unusual as they do not seem to be based on a biblical verse (Wieder, “Blessings,” 108 n. 51).

<p>אכן ראיתי בסדורי טלייני וקטאלני"י וספרדים הרבה ברכות שלא הוזכרו לא בגמרא ולא בפוסקים ואין להם ראיה ומנין.</p>	<p>In truth, I have seen that in the Italian, Catalanian and Sephardic prayer-books there are many blessings that were not mentioned in the Gemara or in the <i>poseqim</i>. These have no basis, and they are countless.²²</p>
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As a newcomer to Italy,²³ R. Landau seems somewhat taken aback by this custom. However, the seeds of this practice were actually in his own liturgy as well, as he well knows, since he makes this comment at the end of a discussion about whether one should say “Who gives strength to the weary,” noting that it is not Talmudic and considered illegitimate by a number of authorities. Nevertheless, as R. Landau notes, it has become the custom of Ashkenazim to say it.

Part 4 — Non-Talmudic Blessings in Birkot ha-Shevaḥ

Two Competing Values

Thinking carefully about the above phenomenon of non-talmudic blessings, the acceptance of it on the one hand and the objections on the other, one can see an inherent tension between two competing concepts in halakha.

Certainly, the rabbis were wary of people writing their own blessings, or making superfluous blessings, as this could lead people to treat them with less gravity than they deserve. This is why halakha has a problem with making unauthorized blessings (*berakhah le-vatalah*) and superfluous blessings (*berakha she-eina tzerikha*).

Conversely, it is difficult to fill one’s day with blessings, especially if one wants to say a minimum of 100. A certain amount of creativity in the liturgy was a desideratum to solve this, especially for the category of *birkot ha-shevaḥ*,

22. Editor’s Note: Since submitting the article, Rabbi Farber has accepted the critique of his translation of this phrase offered by Rabbi Klapper and accepts Rabbi Klapper’s translation, which is “...,” as the more plausible meaning of the acronym. Nevertheless, R. Farber does not believe this affects his overall argument either from the Agur or in this section overall.

23. He immigrated from Germany to Italy ca. 1480.

which was designed for just this purpose.²⁴ Much of the debate about the morning blessings and, as we will see later, the creation blessings, can be explained by the tension between these two core values.

Three Models

Although there is almost infinite nuance in this debate, there appears to have been three core models from which the various authorities were working.

Model 1 — Strict Construction

According to this approach, these blessings function like any other *berakha*. Each blessing was written by the Sages with a specific *nussah* and is related to a specific action. They cannot be added to or changed. This seems to be the position of many authorities and was expressed clearly by R. Zusslein above.

If one were to take this model in its strictest iteration, one should not say any of the questionable blessings, including *matir assurim* or *ha-noten la-yaef koah*, despite their popularity nowadays.²⁵

Model 2 — Loose Construction

According to this model, since the blessings are essentially an attempt by the rabbis to fill one's day with blessing, choosing the morning preparations as its focal point, it would be legitimate for each community to use a slightly different version, adding poetic blessings of its own, based on verses and tied to specific actions along the lines of the original.

24. According to a number of authorities, the *Ein ke-elo-heinu* prayer, with its “*amen — barukh attah*” acrostic was meant to count as quasi-extra *berakhot* to fill the 100. See *Maḥzor Vitri* (1), *Sefer ha-Manhig* (Tefillah p. 30), *Shibbolei ha-Leqet* (Tefillah 1), and *Orhot Ḥayyim* (Shabbat, Mussaf Service).

25. Although it is true that a number of *Rishonim* believed that these blessings were in the Talmud, when comparing manuscripts and early traditions, it is clear that these were both later additions.

The clearest articulation of this position is in the *Sefer ha-Pardes*:²⁶

<p>ברכות השחרית הן יותר מעשרים לפי שבני אדם הוסיפו לברך על כל צורך וצורך להם. ומן הדין לא היו ראויים אלא תמני סרי, ואין לחוש אם הוסיפו שלא נאמר אלא שלא לפחות אבל להוסיף יש לו רשות ולברך על כל חביב לו...</p>	<p>The morning blessings are more than 20 since people have added more, and are reciting blessings on every little necessity. Technically, there are only supposed to be 18. But one should not be concerned if people are adding, for it only says that one should not do less, but to do more, a person is permitted to make blessings on whatever strikes his fancy...</p>
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According to the *Sefer ha-Pardes*, the morning blessings that were canonized by the Sages are simply examples or guideposts for the process of praising God in the morning. Since the goal is to fill one's day with *berakhot*, one should not dip below the minimum, however additions and, ostensibly, modifications are not problematic.

According to this position, there would be no problem adding all of the variants described above, and, of course, this is what many of the Ashkenazi communities in fact did.

Model 3 — Technically *Birkot ha-Shevaḥ* Are Not *Berakhot*

According to this model, none of the *birkot ha-shevaḥ* was actually meant to be said with God's name. These blessings are just short praises. Hence the problem of unauthorized blessings or superfluous blessings is not really operative in this category. R. Avraham ben David (Ravad) of Posquieres adopted this position.²⁷

26. In the section titled: R. Shlomo's Commentary on the Prayer Service (p. 319); the book is of unknown authorship, but was put together in the generation after Rashi's death (early twelfth century) by his students who combined their teacher's comments with pieces of the (late eleventh century) compendium of German-Jewish practice, *Ma'aseh ha-Makhiri*.

27. *Katuv Sham*, *Berakhot* ch. 9; I thank my teacher Rabbi Dov Linzer for pointing me to this source.

גם באלו הברכות שתפס עליהם
וכן בכל הב[ר]כות שבמשנה
אומר אני שהם רשות ולא
חובה... תדע דהא אין בהם לא
הזכרה ולא מלכות, ומי שאמר
שיש בהם הזכרה ומלכות [לא
הסכים אל העיקר]. וכלל הדבר
כל ברכה שאינה קבועה והיא
נעקרת לפרקים אינה טעונה
הזכרה... מ"מ על כלן אם אמר
הזכרה ומלכות לא הפסיד.

All of the above mentioned blessings,²⁸ and actually this is true for all of the blessings mentioned in this Mishna, I say they are optional, not obligatory... note that that they do not include either God's name or a reference to his kingship. Whoever says that they need to include God's name and kingship [does not understand their nature]. The general principle is that any blessing which is not fixed, and can be skipped occasionally, does not require God's name.... [N]evertheless, for any of them, if one used God's name and kingship, this would not be a problem.

According to this position, all *birkot ha-shevaḥ* are optional by definition. *Birkot ha-shevaḥ* is, in fact, not a genuine category of *berakhot* at all. Presumably, the reason one can turn any one of these into an actual blessing with God's name is because they are true and count as praise, but none of this fits into the technical category of *berakhot*.

If one looks back at the talmudic text on the morning blessings, one can see the textual inspiration for this theory. None of the blessings in the list actually includes God's name or His kingship. There are only two exceptions: the blessing over hand-washing and the blessing on *tzitzit* — and both are classic *birkot ha-mitzvot*!²⁹

Aharonim

Aspects of this debate continue into the period of the *Aḥaronim* as well. For example, whether to say any of the non-Talmudic blessings is debated in the *Shulḥan Arukh*, with R. Yosef Karo generally taking the strict-construction

28. He is referring to blessings that R. Zeraḥiah ha-Levi lists in his *Ma'or* that Rif left out, the last of which is *oter yisrael be-tifarah* (the blessing over head-covering).

29. Rava's radical position is discussed by R. Menachem ha-Meiri in his glosses to the ninth chapter of *Berakhot*. Although he treats this position as a serious possibility, Meiri ultimately rejects it:

ברכות אלו עם שאר ברכות
הנתקנות בפרק זה כבר ביארנו
שיש מי שמצריך בהן הזכרה
ומלכות וכן אנו נוהגים אלא
שיש בדבר חולקים

Now for the blessings referenced in this chapter there are those who require that they be said with God's name and His kingship as was discussed above, and we are accustomed to do so, but there are those who debate this.

approach and R. Moshe Isserles, (Rama), taking the *minhag yisrael* (popular custom) approach.³⁰

Among the *Aḥaronim*, the strongest advocate for the strict position may be R. Hezekiah da Silwa, who writes in his glosses on the *Shulḥan Arukh* (*Pri Hadash*, OH 46):

<p>סוף דבר, כל שמתקן נוסח ברכה שלא הוזכרה בתלמוד, או מברך ברכה שלא נזכרה בש"ס, כגון מגביה שפלים או סומך נופלים וביצא, גוערין בו עד הכאה...</p>	<p>The bottom line is that anyone who writes a blessing that is not mentioned in the Talmud, or who recites a blessing that is not mentioned in the Talmud, such as "Who raises the lowly" or "Who supports the falling," etc., one must stop him even with physical violence...</p>
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If R. Hezekiah is willing to advocate corporal punishment for people who say these blessings, he must be convinced of their forbidden nature.

On the other hand, although neither specifically endorsing either the second or third model, R. Jacob Lorberbaum of Lissa explains why it should be permitted for people to recite blessings that are neither required nor even mentioned in the Talmud. In his *Ḥavat Da'at* (YD 110, *Beit ha-Safeq* 20), he writes in reference to why one may recite an extra *Amidah* prayer as a *nedavah* (voluntary prayer) but may not recite an *Amidah* prayer as a way to fulfill one's obligation in a case of doubt when one does not remember if one has already prayed:

<p>וכן הוא בכל הברכות דאדעתא דנדבה מותר לברך ולהודות אפילו בהזכרת שמו ית', כמו שמותר ב"ח ברכות להתפלל בתורת נדבה ואדעתא דחוב אסור אפילו בלא הזכרת שמו.</p> <p>דהא אם בירך על הפת "ברוך רחמנא מלכא דעלמא וכו'" יצא, ובספק אסור לברך אפי' בכה"ג.</p>	<p>...So too with any blessing it is permitted to say it as a <i>nedavah</i>, to recite the blessing and thank God, even using God's name, just like it is permitted with the 18 blessings to pray as a <i>nedavah</i>, but to do so as a fulfillment of a [possible] obligation would be forbidden, even without mentioning God's name.</p> <p>For if a person said [in Aramaic] 'Praised be the merciful one, king of the world...' on bread, this would satisfy the obligation, and if he were in doubt [whether he said a blessing], he would be forbidden to say one, even in this form.</p>
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30. *Shulḥan Arukh* OH 46. All references to the *Tur*, *Shulḥan Arukh*, or any of these books' respective commentaries come from this chapter.

ומטעם זה נ"ל לדון זכות על
האומרים במעמדות ובקשות
"ברוך אתה ה'", דדוקא דרך חוב
אסור, דהא חזינן דהרבה
פיוטים וזמירות נתייסדו
ונתקנו בלשון ברכה והודאה
בהזכרת שמו, ומה הפרש יש
בין "ברוך ה'", ובין "ברוך אתה
ה'?"

For this reason it would appear to me to judge favorably those who say the *ma'amadot* and other like prayers, using the 'praised are you God' format. For doing so is only forbidden if one treats it as an obligation. In fact, we see that there are many *piyyutim* and songs that were written and established in a blessing and praise format, using God's name, and what difference should it make if it says 'praised be God' or 'praised are you God'?

According to R. Lorberbaum, it is always permitted for a person to say a blessing, even with God's name, as long as the person is not trying to accomplish a technical obligation by doing so. This idea would fit in with either of the two latter models.

A rather creative explanation for the use of the extra blessings was offered by R. Hanoth Teitelbaum (*Yad Hanokh* 1):

ובזה יאירו עינינו להבין מה
שמצינו בימי הגאונים ז"ל היו
מוסיפין קצת ברכות, כגון
ברכת רופ"א חולי"ם שנמצא
בסידור רב עמרם גאון ז"ל. וכן
ברכת סומ"ך נופלי"ם, וברכת
מגבי"ה שפלי"ם, שנמצאו
בהלכות גדולות (ברכות פ"ט),
כי יתכן שהיו משלימים בזה
המאה ברכות, אם לא חזו
באותו יום עבד או עכר"ם
וכדומה, או דלא שמעו קול
תרנגולא, ולא היו מברכין
ברכות ההם, והיה חסר להם
מתשלום מאה ברכות, וע"י כן
היו מברכין ברכות הנ"ל.

With this we can clarify for ourselves that which we have found that in the time of the Geonim. They would add some blessings such as "Who heals the sick," which is found in the siddur of R. Amram Gaon, and also "supports the falling" and "raises the lowly" that are found in the *Halakhot Gedolot*, since one may assume that they were using these to fill their 100 blessing quota, if that day they didn't see a slave, or a Gentile, etc.,³¹ or they didn't hear the call of the rooster, then they wouldn't say these blessings, and they would be missing some of the 100, and for this reason they would say these.

R. Teitelbaum argues that the new blessings discussed above were used as spares. Since the rule is, at least according to some authorities, that one cannot say a blessing over something that one did not experience, new blessings were

31. This interpretation of the slave/Gentile/woman blessing will be discussed later.

written regarding some more common experiences (moving one's arms, being healthy, etc.) so that a person would not come into trouble filling his quota if he did not do some of the actions listed in the Talmud.

In truth, many authorities can arguably be said to fall out somewhere in the middle on the question of saying non-talmudic blessings of praise. On the one hand, many authorities seem to take the strict approach seriously — hence the removal of *somekh noflim* and *magbihah shefalim* from most liturgies. On the other hand, there is some grudging acceptance of certain customs, which developed over time, hence the acceptance of *ha-noten la-yaef koah*, one of the most problematic of the extras, since it is not even Geonic.³²

Summary

The more seriously one takes the status of these blessings as actually related to actions, and, in that sense, real solid blessings whose obligations are created by certain activities, just like blessings over food and spices, the more one will be inclined not to say them in cases of doubt. This is because the general principle by most blessings is when in doubt not to say them (*safeq berakhot le-haqel*), so as not to invoke God's name for no reason.

Alternatively, the more one sees the creation of these *berakhot* as an attempt to fill one's day with praise of God and bring one to the required 100, thereby making the person supremely aware of God's beneficence in his life, the more halakha will be lax on the usual rules about when to say them and when not, assuming that it is always better to do so.

Part 5 — The Creation Blessings

Origin

The earliest reference to these blessings is in Tosefta *Berakhot* 6:18.

32. This middle position is not as analytically neat as the models outlined above, but it does seem to represent where a number of authorities fall out on this question, and does seem to explain popular practice. I thank my colleague R. Dr. Don Seeman for pointing this out to me.

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| ר' יהודה א': "שלוש ברכות חייב
אדם לברך בכל יום:
א. ברוך שלא עשני גוי
ב. ברוך שלא עשאני בור
ג. ברוך שלא עשאני אשה." | R. Yehudah says: "A person must say three blessings daily:
a. Praised [is God] for not making me a Gentile.
b. Praised [is God] for not making me a boor. ³³
c. Praised [is God] for not making me a woman." |
|--|--|

The same series of three blessings appears in the Jerusalem Talmud (*Ber.* 9:1) as well as in the Babylonian Talmud (*Men.* 43b-44a). This latter source quotes a further discussion of the text, which includes an important change.³⁴

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|---|--|
| היה ר' מאיר א': "חייב אדם
לברך שלוש בכל יום:
א. שלא עשני גוי
ב. שלא עשני בור
ג. שלא עשני אשה."

רב אחא בר יעקב [ב] שמעיה
לבריה דקמברך 'שלא עשני
בור' א"ל: "מאי כולי האי?"
א"ל: מאי אברך? 'שלא עשני
עבד?' אשה היינו עבד?" "אשה
זילא טפי." | R. Meir used to say: "A person must make three blessings every day:
a. Who has not made me a Gentile ³⁵
b. Who has not made me a boor
c. Who has not made me a woman

Rav Aḥa bar Yaakov heard his son making the blessing "Who has not made me a boor." He said to him: "What is all this?" [His son] replied: "Then what blessing should I recite? 'Who has not made me a slave'? A woman is a slave!" [His father replied]: "A woman is lower." ³⁶ |
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The text in the Babylonian Talmud seems to suggest replacing the blessing about not being a boor with one about not being a slave.³⁷

33. Although this term usually refers to a crass individual, I am using it here in its more general sense of low-class and uneducated, a parallel to *ignoramus*.

34. The manuscript tradition is very problematic here; I quote from the Munich manuscript.

35. This was changed by the censors to "Who has made me an Israelite" — but no manuscript has that text.

36. This is the reading of the Munich manuscript and also one of the readings of Vatican 118 (there are two). The standard Vilna text and that of the first printing reads "a slave is lower." Vatican 120 and Paris have no antecedent, and could mean "[he] is lower" or it could mean "go ahead and make an extra one," which is the other possible reading in Vatican 118 as well. Most commentators accept the former.

37. For an extremely idiosyncratic reading of this text, attempting to argue that both father and son were in fact attempting to avoid offending women by replacing the "Who has not made me a woman" blessing with something else, see: R. Chaim Hirschensohn, *Malki ba-Qodesh* 4, #34.5, pp. 207–209.

Between these three texts, four different possible blessings are referenced, but this list turns out to be far from exhaustive. When looking at what blessings have *actually* been said as a part of this series, one sees that there was great diversity.

Below are five examples of this series from ancient and medieval siddurim.³⁸

בא"י אמ"ה	Praised are you Lord our God, King of the Universe,
• אשר בראת אותי:	• Who created me:
• אדם ולא בהמה	• Human and not beast
• איש ולא אשה	• Man and not woman
• (זכר ולא נקבה)	• (Male and not female)
• ישראל ולא גוי	• Israelite and not Gentile
• מל ולא ערל	• Circumcised and not uncircumcised
• חפשי ולא עבד	• Free and not slave
• (טהור ולא טמא) ³⁹	• (Pure and not impure)
שעשיתני	...Who made me
• איש ולא אשה,	• Man and not woman
• אדם [ולא בהמה]	• Human and not beast
• ישראל [ולא ישמעאלי] ⁴⁰	• Israelite and not Ishmaelite

38. See: Jacob Mann, "Genizah Fragments of the Palestinian Order of Service," *HUCA* 2 (1925): 269–338 (reprinted: Jacob Mann, *Collected Articles* 3, Gedera: 1971, 352–421); Naftali Wieder, "About the Blessings Goy, Slave-Woman, Brute, and Boor," *Sinai*, 85 (1979), 97–115; Joseph Tabory, "The Benedictions of Self-Identity and the Changing Status of Women and of Orthodoxy," *Kenishta* 1, 107–138. <http://www.jofa.org/pdf/uploaded/517-DJMB5131.pdf>. For the most recent treatment, see Yoel Kahn, *The Three Blessings: Boundaries, Censorship, and Identity in Jewish Liturgy*, (Oxford, 2010). For a short summary of the books findings, see Yehudah Mirsky's review: <http://www.jewishideasdaily.com/content/module/2011/3/23/main-feature/1/three-blessings/r>; also Tamar Jacobowitz's review in *Meorot*: http://www.yctora.org/component/option,com_docman/task,doc_download/gid,1776/. An earlier and much shorter version of Kahn's work on this can be found in volume 5 of *My People's Prayer*.

39. Manuscript Antonin B993 1b; this set is recorded in a number of other prayer books as well, but the two blessings in parentheses are not in all of them.

40. Parma 887.

שעשיתני	...Who made me
• איש ולא אשה	• Man and not woman
• אדם ולא בה[מה]	• Human and not beast
• מל ולא ערל	• Circumcised and not uncircumcised
• שלא שמתני עבד ⁴¹	• Who has not placed me as a slave
• שלא עשיתני עבד	• Who has not made me a slave
• שלא עשיתני בלתי מדבר	• Who has not made me a dumb brute ⁴³
• שעשיתני איש ולא אשה ⁴²	• Who made me a man and not a woman
• שלא עשיתני גוי (עובד ע"ז)	• Who has not made me a Gentile (idolater) like
• כגוי הארצות	the nations of the world
• מל ולא ערל	• [Who has commanded me to be] circumcised and
	[forbidden me to be] uncircumcised
• שלא עשיתני עבד לבריות	• Who has not made me a slave to other beings
• שלא עשיתני אשה	• Who has not made me a woman
• שלא עשיתני בהמה ⁴⁴	• Who has not made me an animal

Despite the extreme diversity here, all of the above blessings are variations on four themes: Human and not animal, Jew and not Gentile, free and not slave, man and not woman. Ignoring the variation of *nussah* for a moment, if this list is combined with the Palestinian tradition represented in the Tosefta and the Jerusalem Talmud, which includes the blessing about the boor, there seems to be five basic categories of Creation Blessing.

Understanding the Nature of the Creation Blessings — Two Models

One of the difficulties in attempting to understand the nature of these blessings as they relate to this larger category of *birkot ha-shevaḥ* is the fact that they aren't related to a specific action. Taking the Morning Blessings as a paradigm, each one was built upon a specific action. The various creation blessings seem to lack that "reality hook." Nevertheless, these blessings do fit into the same

41. Parma 67.

42. British Museum 619; Montefiore 217 has the same three blessings but in a different order, British Museum 626 has "Who has not made me a woman" in place of the third, and is also in a different order

43. Literally, as in "non-speaking creature."

44. Turin.

general idea of the rabbis that inspired the morning blessings, i.e., to fill one's day with *berakhot*.

The unusual nature of these three blessings in comparison to the others was noted and expressed by R. Yitshaq ben Abba Mari in his *Sefer ha-Ittur* (*Tzitzit*, 77a):

<p>וג' ברכות שבכל יום שאמר רי"א אינו בכלל ק' שאמר רב מאיר ובתרי' הוא דגרסינן אמר רב יהודה חייב אדם ג' ברכות דרב מאיר לא אמר לברך אלא ברכות שהגוף נהנה מהן ור"י מוסיף אעפ"י שאין הגוף נהנה מהן.</p>	<p>The three blessings that R. Yehudah said⁴⁵ to say daily are not part of what R. Meir intended with his statement about 100 blessings, and is referenced afterward... For R. Meir only meant that one should say blessings about things from which one receives physical benefit, but R. Yehudah adds that one should make blessings even over things from which one does not receive physical benefit.</p>
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This passage suggests that both R. Meir and R. Yehudah intend to fill one's day with blessings. However, R. Meir cannot envision saying a blessing of thanks over something that does not give one immediate benefit. In general, blessings are recited over food, good smelling spices and the like, even over waking up in the morning and putting on one's shoes, but how can one say a *berakha* over one's constant state of being? Nevertheless, R. Yehudah believed that doing so would be legitimate and advocated the saying of the three creation blessings to express just this. Both of these rabbis are primarily interested in filling one's day with blessings.

Although R. Yitshaq's analysis seems rather straightforward, the existence of these "floating" blessings was a real problem for the more strict-construction types like Ravam. After discussing the requirement for each blessing to be said at the proper time, i.e., right after the action over which it was designed to be recited, Ravam deals with what appears to be the one exception to this in his father's writings (*Ha-Maspiq* 246–247):

45. R. Yitshaq ben Abba Mari's text of the Talmud clearly had R. Yehudah not R. Meir stating the text of the three blessings. This is what we have in the Tosefta as well.

... מתברר מדבריו ז"ל ששלוש
מהברכות [האלה], והן שלא
עשני גוי ועבד ואשה, [מברכים]
אותן [ב]כל מצב, בין שראה גוי
ועבד ואשה בין שלא ראה
אותם וכ"נ מהלכות הר"ר יצחק
ז"ל בעל ההלכות ...

ואמר לי מי שראה נוסחא ישנה
מהתלמוד והיה כתוב בה כד
חזי אנש גוי מברך וכן בעבד
ואשה, ונראה שזו הנסחא
מדויקת שהקש יאמת אותה
וכן נמצא בסדור לרבינו עמרם
בן ששנא ז"ל

... it seems from his (Rambam's) words that these three blessings, "Who has not made me a Gentile, slave and woman," [should be recited] no matter the circumstance, whether the person saw a Gentile, slave or woman, or whether he did not see one of them. And the same appears to be the case from the *halakhot* of R. Yitshaq ...

However, someone told me that he saw an ancient manuscript of the Talmud, and that it read: "When a person sees a Gentile, he should make a blessing," and the same for a slave or a woman. It appears that this textual variant is correct, since logic demands it, and the same is found in the Siddur of R. Amram ben Sasna.

Ravam is bothered that his father was unable to fit these three blessings into his overall paradigm. However Ravam, having heard about this alternate text, feels that he can finally do this, and he does. Following the paradigm of the old manuscript, Ravam actually codifies the blessings in this form (*Ha-Maspiq*, 246):

- בראותו אישה מברך
'שלא עשאני אשה',
• When he sees a woman he should say:
"Who has not made me a woman."
- ובראיתו עבד מברך
'שלא עשאני עבד',
• When he sees a slave, he should say:
"Who has not made me a slave."
- ובראיתו גוי מברך
'שלא עשאני גוי' ...
• When he sees a Gentile, he should say:
"Who has not made me a Gentile."

Even the order of the blessings as recorded by Ravam is telling. Clearly, the average person would first see his wife, then his house-slave, and finally a Gentile neighbor or coworker.

Although this paradigm is used by no other halakhic work of which I am aware, it points to the unusual nature of the blessings and the significance of the point made in the *Sefer ha-Ittur*. With this in mind, and using the various models of fluidity (or lack thereof) of the morning blessings as a model, the following section will take up some of the fluidity of *nussah* problems relevant to the five creation blessings.

Part 6 — The Five Morning Blessings and their Variants

I. Who has not Made Me a Boor

Considering the ambiguity in the Bavli about whether to say “Who has not made me a boor” or “Who has not made me a slave,” it is not surprising that the practice on this question differs during the medieval period.

One solution was to say both. This practice was put forward in the relatively obscure work called *Pirquei de-Rabbi* (or *Pirquei de-Rabbeinu ha-Qadosh*), a work organized around lists.⁴⁶

ד' דברים חייב אדם לומר בכל יום ואילו הן:	A man must say four things daily and these are they:
א. ברוך שלא עשאתי בור...	a. Praised [is God] for not making me a boor...
ב. ברוך שלא עשאתי עבד...	b. Praised [is God] for not making me a slave...
ג. ברוך שלא עשאתי אשה...	c. Praised [is God] for not making me a woman...
ד. ברוך שלא עשאתי גוי...	d. Praised [is God] for not making me a Gentile... ⁴⁷

Another example of this form of the Creation Blessings can be found in manuscript Oxford 2700 (Heb. g. 2).

אשר לא שמתני גוי	• Who has not placed me as a Gentile
אשר לא שמתני עבד	• Who has not placed me as a slave
אשר לא שמתני אשה	• Who has not placed me as a woman
אשר לא שמתני בור	• Who has not placed me as a boor
אשר לא חסרתני כלום	• Who has not made me lack anything ⁴⁸

46. (Author, Dates?) Each chapter has a number theme, 3, 4, 5, etc.

47. This text appears as an addendum to the *Menorat ha-Me'or* of R. Yisrael al-Naqqawah. The addendum states that it was copied from the *Mahzor Vitri*. Since neither of these authorities said all four blessings (they both only said the slave blessing), it would appear that it was a common scribal practice to copy the *Pirquei de-Rabbi* at the end of certain works without any attempt to match the views of the addendum to the views of the larger work to which it was being appended.

48. This last blessing is a variation of the shoe blessing “*she-asa li kol tsarki*,” and similar to one of the variants discussed above. This particular series highlights the complication with this blessing, as it is the only one of the morning blessings that is not a poetic use of a verse, and that refers to the reciter in the first person. This brings up the interesting possibility that the blessing may not have originally been about shoes or even a natural part of the morning blessings. Perhaps it was

According to this solution, we should say all four of the blessings. This fits with the paradigm that the more blessings that can be added the better. This point is made unambiguously by R. Menachem ha-Meiri (*Beit ha-Beḥirah*, *Ber.* 60a), who also advocates the four-blessing paradigm. After discussing the text in *Berakhot* about the Morning Blessings, he then turns to the Creation Blessings.

ובתלמוד מנחות התבאר שחייב
אדם לברך בכל יום ג' ברכות שלא
עשאי גוי שלא עשאי עבד שלא
עשאי אשה והתבאר שם ג' כ שחייב
אדם לברך ק' ברכות בכל יום
ובשבת וי"ט שאדם מקצר בברכות
תפלה צריך למלאות חסרון בפירות
ודברים שמברך עליהן ובתוספתא
יצא עבד ונכנס בור והוא שאמרו שם
שלא עשאי גוי שנאמר כל הגוים
כאין נגדו בור שאין בור ירא חטא
אשה שאין אשה חייבת בכל המצות
ומתוך כך נהגו רבים בארבעתן.

In the Talmud of *Menahot* it is explained that a person must recite three blessings every day: “Who has not made me a Gentile, who has not made me a slave, who has not made me a woman.” It was also explained there that a person must recite 100 blessings daily, and on Shabbat and festivals, where a person has fewer blessings in the prayer service, he should fill this up with fruit and other things upon which one says blessings. In the Tosefta, instead of slave there is boor... and for this reason the custom is to say all four.

Meiri argues that since we are trying to fill the day with 100 blessings, we stretch, adding everything available. However, to avoid the possibility of a free-for-all, he does not suggest that people simply write new blessings. Instead, Meiri advocates saying every possible option already suggested by the Talmud. The objection of R. Aḥa to his son does not receive a normative interpretation according to this understanding.⁴⁹

R. Amram Gaon, however, followed by Rashi and his school, believes

original to the creation series, or a general ending to an older form of the Morning Blessings — a speculative suggestion.

49. We know from another statement of the Meiri that he said this blessing. In his *Magen Avot* (1), in his best rhetorical form, Meiri states that perhaps his interlocutors will ask him how he could possibly say “Who has not made me a boor” daily, and yet have such questionable practices that make him a boor. Other examples of people who may have said this blessing, albeit as one of three not one of four, are: R. Makhir ben Abba Mari (*Yalqut ha-Mekhiri* on Isaiah 40:21), and R. Hai Gaon (*Sha’arei Teshuvah* 327). Nevertheless, it is unclear if either of these authorities meant this as practical halakha since both of these sources are simply quoting the Jerusalem Talmud and offer no comments. The Jerusalem Talmud passage is also quoted by Raviah (1:146) after the Bavli, again with no comment.

that the objection of R. Aḥa preempts anyone's attempt to say it nowadays, and should be understood as the Babylonian Talmud rejecting this blessing.⁵⁰

ומאן דמברך שלא עשאני בוור, One who says "Who has not made me a boor" is not
לא עבד כהלכתא. practicing according to halakha.

According to R. Amram Gaon and Rashi's school, R. Aḥa's comment to his son should be seen as an official repudiation of the blessing. This latter interpretation explains the common practice not to say this blessing.⁵¹

It would seem that this blessing was controversial even in Provence, where it was commonly said. R. David Kokhavi, in his glosses on the *Mishneh Torah* (*Sefer ha-Batim*, *Beit ha-Tefillah* 10) writes:

יש נהגו לברך שלא עשני בוור, There are those who have the practice to recite
ונראה לי שטעות הוא בידם, "Who has not made me a boor," but it appears to
שאין מברכין ברכה זו. me that this is an error and that this blessing should
not be recited.

Despite the fact that this blessing was the least popular of the five and had the least variation in *nussah*, there were still variants. Most interesting is a Genizah fragment published by Solomon Schechter⁵² that read:

שלא שמתני עם הארץ Who has not placed me as an ignoramus

The term *ignoramus* is the parallel term to *boor* in *Mishna Avot*, which is almost certainly the inspiration for this variant.

2. Who Has Not Made Me a Beast

Although this blessing does not appear anywhere in talmudic literature, it remained a popular option during much of Jewish history. Whether one should say this blessing or not became a point of contention in the medieval period;

50. *Seder Rav Amram* 5, *Siddur Rashi* 2, *Maḥzor Vitri* 1.

51. Note that this blessing does not appear in the ancient and medieval versions referenced above.

52. *Kaufman Jubilee Volume*, Hebrew section, 53.

it even became the basis for a number of qabbalistic and homiletic exegeses of the Bible.

For example, in his *Sefer ha-Minhagot*, R. Asher of Lunel discusses the question of why one should not say this blessing.

ויש ששואל למה אין אנו
מברכין שלא עשאני בהמה,
מפני שכבר הודה על זה בברכת
אלהי נשמה שנתת בי טהורה,
וכן אשר יצר את האדם בחכמה,
מפני שבשעה שנבראו הנשמות
לא נבראו רוחות הבהמות
ובהמה אין לה נשמה.

Some have asked why we do not say “Who has not made me a beast.” [The answer is] because he already gave thanks for this in the blessing of “my God, the soul you gave me is pure” as well as in “Who formed man with wisdom.” For at the time when the souls were created, the spirits of the beasts were not created, for a beast has no soul.

R. Asher suggests that one does not need to give thanks for being created a human and not a beast in the creation series, since this was covered by the blessings thanking God for granting us a soul. That having been covered, the rest of the series is thanking God for having placed one’s soul in the best possible human body.

R. Asher’s argument has a certain weakness to it, since although the creation of the soul is touched upon in “*elo-hai neshamah*,” the main thrust of this blessing is thanking God for returning his soul, i.e., for not letting him die in his sleep. So too, the blessing of “*asher yatzar*” is thanking God for forming his or her body correctly, not for giving the person a soul. Nevertheless, R. Asher allows himself a certain amount of interpretive license when explaining a custom that already exists.

A similar explanation was offered by R. Yehoshua ibn Shu'ib in his homily on *parshiot Tazria-Metzorah*:

ולכן אין אנו מברכין שלא
עשאני בהמה שאין לה נשמה.

The reason why we do not recite the blessing “Who has not made me a beast” is because [the beast] has no soul.

A more unusual reference to this blessing can be found in R. Menaḥem Reqanati’s commentary on Torah (Ex. 22:18), where he makes a surprising comment. R. Reqanati is discussing the prohibition of bestiality:

כל שוכב עם בהמה מות יומת
 — ... רמז לנו ענין גדול באיסור
 רביעות בהמה, שהכניס הברית
 בכחות הטומאה הנקראת
 בהמה, ומשנה סדרי בראשית.
 ויש מחכמי הקבלה שאמרו
 בסוד [ויקרא כ', ט"ו] ואת
 הבהמה תהרוגו, כי היא היתה
 ראויה לכך בעוברת על אחת מן
 העריות, וזהו שכתוב בעריות
 ונכרתה מעמיה, כי אין לה
 הכירא יותר בעמיה רק בבהמה,
 לפיכך ואת הבהמה תהרוגו, כי
 כל דרכיו משפט. ועוד אמרו
 בעונש הבא על הבהמה כי סופו
 לעטלף, כי נתעטף בעבירות,
 ודוקא כשלא עשה תשובה, ואם
 קבלה נקבל. ושמה כי בזה
 נחלקו רבותינו ז"ל במנחות
 [מ"ג ע"ב] אם יש לברך שלא
 עשני בהמה, והבן זה..

Anyone who sleeps with an animal shall surely be executed — ... this hints to us an important issue with regard to bestiality, since the man has placed the “covenant”⁵³ inside the powers of impurity which is called “beast” and has undone the ways of creation. And there are certain qabbalists who have explained the secret of (Lev. 20:15) “you shall kill the beast as well,” that [the beast] is worthy of this since it violated one of the sexual prohibitions [in a past life], and this is why it states as a consequence of sexual violations that the person will be cut off from his people, since he will no longer recognize his own kind, but only animals — for all of [God’s] ways are righteous. They also said with regard to the punishment for bestiality that he will end “as a bat”⁵⁴ (*atalef*) because he is “covered” (*nitatef*)⁵⁵ with sins, and this is assuming that he has not repented — if this is tradition we will accept it. Perhaps this is what our rabbis are debating in *Menaḥot* whether or not a person should make the blessing “Who has not made me a beast” (*she-lo asani beheima*) — think about this.

The overall point of R. Reqanati’s piece seems to be that since according to *qabbalah* an animal may very well be a reincarnated person atoning for a carnal sin in a past life, it may be inappropriate to make the blessing thanking God for not making him an animal. Whether a person ends up as an animal or not, according to this, may be up to him or her. This represents a very different take on animal souls than that of R. Asher of Lunel and R. Yehoshua ibn Shuib, bringing with it a very different reason for not saying the blessing.

In a narrow sense, the most surprising part of R. Reqanati’s piece is his reference to a debate in *Menaḥot* about whether one should say this blessing. Where is this debate? Since no such debate is recorded in the Talmud, R. Teitelbaum (*Yad Hānokh* 1) suggested that instead of “Who has not made me a boor,” R. Reqanati must have had “Who has not made me a beast” in his

53. This is obviously a euphemism for the male’s circumcised member.

54. This is the last animal mentioned in the list.

55. A play on words.

text. If so, then the debate to which he refers is the debate between R. Aha and his son.

We know that this blessing did exist in a number of siddurim in the Genizah fragments, whether in this form, or as “Who made me a human and not a beast” or even “Who has not made me a dumb brute.” Additionally, this blessing was said in a number of European Jewish communities as well. In fact, one can see a graphic example of the debate referenced above in an ancient siddur.⁵⁶ The original version read:

- | | |
|------------------------------|--|
| שלא שמתני גוי | • Who has not placed me as a Gentile |
| שלא שמתני עבד | • Who has not placed me as a slave |
| שלא שמתני אשה | • Who has not placed me as a woman |
| שלא שמתני בהמה | • Who has not placed me as a beast |
| שלא שמתני מאומות העולם | • Who has not placed me as one of the nations of |
| אלא מעמך ישראל ⁵⁷ | the world, but rather from your nation, Israel ⁵⁸ |

This siddur eventually found itself with a new owner, as can be seen by the later pointing of the text in a different hand.⁵⁹ This same new owner seemed unsure what to do about the final blessing in the series, which he circled and did not point. However, the fourth blessing, “Who has not placed me as a beast,” was circled and crossed out. A more graphic depiction of this debate could not have been wished.

Considering the above evidence, as well as the parallels to certain Hellenistic blessings that generally thanked God for making one a human and not a beast, it is not surprising that the rabbinic and academic scholar Louis Ginzberg argued in his commentary on the *Yerushalmi* that “Who has not made me a beast” was actually the original third blessing, with “Who has not made me a boor” and “Who has not made me a slave” in equal competition as the replacement blessing.⁶⁰

Finally, this blessing appears in certain medieval prayer books and liturgies

56. Manuscript Halper 172.

57. All of the blessings begin with the usual “praised are You...,” omitted here to save space.

58. This exact set also appears in Manuscript Taylor-Schechter NS 230:11.

59. The vowels were clearly added later.

60. Louis Ginzberg, *Commentary on the Yerushalmi* (vol. 3, p. 229); see also *Encyclopedia Talmudit* (4:371, notes) as well as R. Saul Lieberman’s argument against this

for secondary reasons as well. As will be discussed later, the blessing was used as a substitute for other problematic blessings. For example, it was said by women in medieval times as an alternative to “Who has not made me a woman” and it was sometimes substituted for “Who has not made me a Gentile,” when this blessing was removed by the censors.

One clear example of this appears in manuscript British Library (Add 18681, 4r). The text originally read:

- | | | |
|---------------------|---|-----------------------------------|
| שלא עשיתני עבד | • | Who has not made me a slave |
| שלא עשיתני גוי | • | Who has not made me a Gentile |
| שעשיתני איש ולא אשה | • | Who made me a man and not a woman |

However, the word Gentile was erased, and the phrase *bilti medaber* (dumb brute) was substituted in a less elegant hand, and with this longer phrase sticking out into the margin.⁶¹ Also in the margin is what appears to be the signature of the censor. Other siddurim used the more classic term *beheimah* (beast) as a substitute.⁶² Ironically, this particular substitution may have had a hidden meaning, clear to the Jews but unknown to the censors. It is very possible that the term was meant to refer to Gentiles, i.e., the Gentile is the beast.

The many forms and uses of this blessing, and the theological controversy it brought out over the years is a testimony to the poignancy and staying power of ancient blessings, even one that (apparently) never made it into the text of the Talmud.

3. Who Has Not Made Me a Gentile

Before analyzing the liturgical history of this blessing, it should be noted that of all the five blessings, this one has the most variation. In fact, in a recent article on this blessing, the Hassidic scholar, R. David Yerachmiel Tzevi Rabinovits listed at least 12 variations of this blessing recorded in the sources,⁶³ and, in

approach in his *Tosefta ke-Peshuta* ad loc. See also Kahn, *Three Blessings*, 21 for a longer discussion of the Ginzberg-Lieberman dispute.

61. Two other examples of this exact switch are Montefiore 217 and British Library Add 19944.

62. Parma 3518, for instance.

63. D. Y. Tzevi Rabinovits, “The *Nussah* of the Blessing: ‘Who Has Not Made Me

truth, he missed a few. Three different factors seem to have caused the massive variety in the phrasing and recitation of this blessing.

Accuracy

The first factor is rather prosaic. There was some concern about whether the blessing as phrased in the Talmud accurately conveys the point of the blessing. The point, of course, was to thank God for having been made a Jew and not a Gentile. However, the term “goy,” at least in biblical Hebrew, could properly refer to Jews as well.

One solution was to exchange the term “goy” for a semantic equivalent with less ambiguity, namely *nokhri* (נכרי), literally, foreigner. In the early medieval period, this text is found in certain printings of the *Mahzor Vitri* (89)⁶⁴ as well as in the *Mishmeret ha-Bayit* (6:5) of R. Shlomo ibn Aderet (Rashba). In the post-Enlightenment period, this *nussah* resurfaces and actually became very popular for a while, since R. Seligman Isaac Baer, the editor of the pre-eminent Ashkenazic siddur at the time — the *Seder Avodat Yisrael* (Rödelheim 1868) — preferred this *nussah* for reasons of accuracy.

Perhaps the most aggressive attack against the term *goy* as being inaccurate was by R. Aaron Wormish of Worms in his *Meorei Or* 4 (*Bin Nun*, OH 46, 146a):

... עמ"ש בב"ש טעות של"ע גוי,
שגם ישראל נקראו סתם גוי,
ובחיבור מאיר נתיב תמצא יותר
משלשים מקומות, וא"כ ברכה
לבטלה ממש, שהוא בכלל דובר
שקרים לא יכון ופגול הוא לא
ירצה, ח"ו.

See what I wrote in *Be'er Sheva* about the mistaken nature of the [*nussah*] “Who has not made me a *goy*.” For Israelites are also referred to by the term *goy*; in the *Meir Netiv* more than 30 examples of this are listed. If so, this is a truly a wasted blessing, and could be included in the verse “a speaker of falsehood may not stand...” (Ps. 101:7) and “it is offensive and will not be accepted” (Lev. 19:7), heaven forefend!

a Gentile’,” in *Torat Emet* 2 (Bnei Brak: Mosdot Shtefenesht, 5770), 111–124 [Hebrew].

64. This may well have been due to censorship, since the Goldschmidt edition has “goy.”

ובלי ספק אותם רבנים חריפים
בשמעתא ולא הורגלו נפסוקים
ושבשתא דעל, ורבנים
שהרגישו לא בקשו לנבל
כבודם בלא הועיל, שההרגל
נעשה טיבע כמצולת רפש
המעוות. ומי שבידו למחות לא
ידום כי נטל עליו להציל
נפשו...

Without a doubt, those rabbis [who support it] are masters of rabbinic texts but are not overly familiar with biblical texts, and "once a mistake comes, it stays." Those rabbis who did take notice did not wish to sully their honor with a hopeless cause, since habituation sinks one into the error-causing mire. Whoever does have it in his power to stop this should not be silent, as he has taken upon himself to save his soul...

This attack was seconded by R. Joseph Zechariah Stern in his *Zekher Yehosef* (1:13).⁶⁵

והרחבתי הדברים קצת בפרטי
ענין השאלה באשר ידעתי כי
קשה להעולם לשנות מהרגילו
במה שרואה שרבים נכשלים בו
מבלי משים על לב, והמונע
באמירת הנוסח "של[א] ע[שני]
גוי" יתברך בברכת אברהם
ויצחק להשים אותו לגוי גדול
ועצום, ואם נקיים הנוסחא
שלא עשני גוי, היה ראוי להיות
כמו בעלינו לשבח "שלא עשנו
כגויי הארצות וכו'", ולא בסתם
גוי שמורה אדרבא על הקבוצ
מהאומה, ושגם לפי הנהוג
במטבע ברכה זו לומר בלשון
שלילה, עכ"פ ראוי שלא לומר
רק "שלא עשני נכרי" או "עובד
גלולים" או "עובד אלילים",
היינו עובדי ככבים הקדמונים
וכדומה.

I have written somewhat extensively on the details of this question since I know that it is difficult for most people to change their habits, seeing that many people make the same error without noticing. However, one who stops himself from saying "*she-lo asani goy*" will be blessed with the blessing of Abraham and Isaac, and become a great and powerful nation.⁶⁶ But if we are to keep the text of "Who has not made me a *goy*," it would be best for it to be phrased as it is in the *Aleinu* prayer "Who has not made us like the nations of the world," but not just to use the word *goy*, which implies the opposite, the gathering of the people. Also, if one is to use the customary negative formulation, at least one should say "Who has not made me a *nokhri*" or "idol worshiper" or "worshiper of false gods," referring to the idolaters of old and the like.

65. It is worth noting that R. Stern believes that the original text was actually "Who made me an Israelite" and that the negative was a latter adjustment to make this blessing fit with the negative form of the other two. One wonders if he would have been so strongly opposed to the "*goy*" language if he was aware that it was the original text of the Talmud.

66. A play on the fact that R. Stern argued that the term *goy* can refer to Jews as well.

R. Hayyim Hezekiah Midini, in his *Sedei Hemed* quotes this responsum of R. Stern and strongly advocates for it.⁶⁷

אלה הדברים אשר בספר היקר זכר יהוסף וקניתי אותם בקנין אגב למזכרת, כי הדברים הם נכונים להלכה ולמעשה, וכן אנכי נוהג לומר "שלא עשני גוי כגויי הארצות.	These are the words as written in the precious work <i>Zekher Yehosef</i> , and I have bought them as an ancillary purchase, as a reminder, for the words are correct as a matter of halakha as well as for practical application. My practice is to say "Who has not made me a Gentile like the nations of the lands."
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This argument, however, was totally discounted by R. Shlomo Kluger (*Ha-Elef Lekha Shlomo*, OH 34). He argues that context determines meaning for this term and that sometimes in the Bible the word *goy* does, in fact, refer only to Gentiles. Therefore, he sees no reason to change the blessing for the sake of perceived accuracy since it is clear from context what the blessing means.

R. Aryeh Leib Gordon, in his commentary on the siddur, *Tiqqun Tefillot*, makes a related point, stating that the terms *goy* and *nokhri* are synonymous, hence changing from one to the other is of no use.

ובעל ויעתר יצחק והרוו"ה והרב יעקב צבי מעקלענברג הגיהו נכרי, וגם זה שליחות יד שלא לצרך, כי גוי בתלמוד ענינו נכרי...	The author of <i>Va-Ye' ater Yitzhaq</i> , ⁶⁸ and the Ravva, ⁶⁹ and R. Jacob Tsvi Mecklenburg ⁷⁰ changed the text to "foreigner" [<i>nokhri</i>], but this was a pointless gesture, since in the Talmud "goy" means "foreigner."
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R. Moshe Sternbach also makes a version of this argument (*Teshuvot*

67. *Tseirufin*, 5, s.v. *u-midi; ha-bayit, shiurei peah* 2.

68. R. Isaac Satanow:

וצריך לומר נכרי במקום גוי, כי
נכרי משמש באחד הפנים "עם"
זר... מה שאינו כן גוי, שבכל
המקרא הוראתו "עם", מה שאין
כן כוונת הברכה, כי נהפוך הוא,
וקללה תחשב... אך רז"ל שמשו
בו עצה "ש על איש נכרי... אולם
אין לנו בהגה תפלה אלא לשון
המבורך...

One must say *nokhri* instead of *goy*, since *nokhri* can mean
"foreign nation"... which is not true of *goy*, since in the
Bible this term always means nation. This is certainly not
the intention of the blessing, and [this term] may actually
have the opposite effect and be understood as a curse...
Although the Rabbis used [the term *goy*] in general to mean
Gentile... nevertheless, when it comes to prayers we must
use only the clearest of language...

69. R. Wolf Heidenheim; this is the *nussah* he used in his *Siddur Safah B'rurah*.

70. This does not seem to be accurate, as the text in R. Mecklenburg's *Siddur Derekh ha-Hayyim* is "Who has not made me an idolater" (שלא עשני עובד כוכבים ומזלות).

ve-Hanhagot 1:6). He explains that the term *goy* in reference to an individual only refers to a Gentile; it is only when the term is used as a collective that it can be understood to refer to Israel as well. Accordingly, he argues, there would seem no reason to change a text that is “customary throughout all Jewry” (המנהג בכל בית ישראל).

R. Kluger ends his short responsum by taking a firm stand:

<p>ולכן צריך לברך רק שלא עשני גוי והמשנה מזה עתיד ליתן את הדין.</p>	<p>Therefore, one must only use the text of “Who has not made me a Gentile” for this blessing, and anyone who changes it will be liable to future punishment.</p>
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A similar objection, specifically aimed at R. Medini’s approach, was voiced by R. Menachem Natan Aurbach (*Orah Ne’eman* 2, OH 46:17):

<p>לענ”ד יש לעיין דהוי בכלל משנה ממטבע שטבעו חכמים. וגם כי כל אדם ואדם יהא תורת הברכות בידו לשנות ולגרוע. על כן נראה לי דיותר נכון שיכין במחשבתו “כגויי הארצות”, וכגון זה הרהור כדבור דמי.</p>	<p>In my humble opinion, this bears further scrutiny, since it would seem to be a violation of the prohibition to change the text set by the Sages. Additionally, this would give every person the ability to change or take away parts of the blessings. Therefore, it would seem to me that it would be better to have in mind the meaning “like the nations of the world,” and in this case his thoughts would count as the speech itself.</p>
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Although phrased in a significantly less aggressive way than that of R. Kluger, R. Aurbach takes the same basic position and suggests that one be conservative in one’s approach to textual emendation of a blessing, and that proper intention would be good enough in this case.

It appears, at first glance, that there is no way to win in this debate.⁷¹ Nonetheless, at the opening of his responsum, R. Kluger does allow for a compromise, despite his harsh rhetoric in the closing.

71. In fact, it seems that it is inevitable that the reciter of the blessing will be cursed no matter what *nussah* he or she uses. One can only hope that these rabbis meant their threatening statements rhetorically.

ואם רצה לשנות נוסחת השם
מכח דאף ישראל נקראים כן
הול"ל שלא עשני נכרי.

If one feels obligated to change the text because
Jews are also referred to by this term (*goy*), then one
should use the text "Who has not made me a
nokhri."

Despite his own discounting of the opposition, R. Kluger admits that one could use a compromise *nussah* if one felt it was absolutely necessary.⁷² Actually, as will be seen shortly, it is really one particular locution that raised R. Kluger's ire.

Finally, there were those who objected to the term *nokhri*, thinking that it was inaccurate. For example, R. Abraham Berliner, in his *Notes on the Siddur* (p. 21) writes:

הנוסח המתוקן, מטעמים
שבצנזורה, המציע "נכרי"
במקום גוי אינו נכון בהחלט.
מאחר שבלשון התלמוד
והמדרש פירוש המלה "נכרי"
הוא בן חוץ לארץ, ואפילו יהודי
שאינו בן אותו המקום אפשר
לקרוא נכרי. מטעם זה התחילו
באמצע המאה השמונה-עשרה
לקרוא "שלא עשני עכ"ם."

The corrected version, due to censorship, which suggests "foreigner" in place of "Gentile," is certainly incorrect. Since in the Talmud and *midrash* the meaning of the word "foreigner" is someone from outside of one's land, even a Jew who is from outside one's land can be referred to as "foreigner." For this reason people began, sometime in the mid-eighteenth century, to recite "Who has not made me an idolater."

R. Berliner argues, in a totally opposite vein to R. Wermish, that *nokhri* is such a misleading term that it must have been used due to censorship. *Goy*, he believes, is not misleading at all (although it will not be his optimum choice). In fact, Berliner argues, if one is trying to avoid saying *goy*, the better way would be to switch to *idolater*, which is what many did starting in the eighteenth century.

It would seem that, insofar as accuracy is concerned, there is no easy solution to the *goy* vs. *nokhri* debate.

Muslim vs. Christian

Another reason for liturgical change, almost the converse of the above, was

72. R. Aurbach mentions this possibility as well and is somewhat unclear about whether he would permit it.

that in certain communities, *goy* had become an overly specific term, referring to Muslims.

One solution in these communities was doubling up on this blessing, i.e., making two separate blessings with two separate terms, one that would essentially mean “Who has not made me a Muslim” and one that would mean “Who has not made me a Christian.” Examples of this *nussah* are Antonin Bo993 1b and Turin, quoted above, where there are two blessings; “Who has made me an Israelite and not a Gentile,” and “Who has made me circumcised and not uncircumcised.”⁷³ The former was meant to refer to Muslims, the latter to refer to Christians.⁷⁴

Offense and Censorship

Probably the main reason for changing the *nussah* was censorship and the fear/concern not to offend one’s Gentile neighbors. This blessing did, in fact, offend the local Christian population and there was pressure on the Jews to change their prayer service and prayer books. Fortunately or unfortunately, the censors in different areas had different standards, which brought about a wide variety of options.

Since the censors were Christian, it was not offensive to them for the Jews to insult a third party. Hence one popular strategy was to invent circumlocutions that referred to “other Gentiles” who were not Christian.

Who Did Not Make Me an Idolater

One tactic, and one that happens to solve R. Stern’s problem as well, was to make the blessing refer to idolaters. This is, in fact, how our text of the *Shulḥan Arukh* reads, where the blessing is quoted as “Who has not made me an idolator” — *she-lo asani oved kokhavim* (R. Karo) or *she-lo asani akum* (R. Isserles).⁷⁵ This was also, apparently, the text of R. Isaiah Horowitz and his father R. Abraham Sheftel, who reference the blessing as “*she-lo asani akumaz*.”⁷⁶

73. Another example is manuscript Taylor-Schechter NS 230:11, also quoted above, where the first blessing is “Who has not made me a Gentile” and the fifth blessing is “Who has not made me of the nations of the world but from your people Israel.”

74. Muslims are, of course, circumcised.

75. Although this is clearly not the blessing either said, as will be pointed out in a later footnote.

76. *Emeq Berakhah*, Part 2, *Seder Ha-Berakhot* 9, p. 29a.

One vocal advocate for this text was R. Barukh Epstein in his commentary on the prayer book.⁷⁷

וכה, היותר נכון בענין הברכה שלפנינו לקרוא "שלא עשני עכו"ם", והורתו [ומשמעו] ודאית וברורה להיותו ראשי תיבות עובדי כוכבים ומזלות, הם העמים הקדמונים.	Thus, what seems most proper for this blessing before us is to say "Who has not made me an <i>akum</i> ," and its meaning [and implication] is certain and clear, as it is an acronym for "worshippers of stars and constellations" — referring to the ancient peoples.
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Like R. Stern, R. Epstein prefers to have the blessing explicitly reference pagans as opposed to Gentiles in general.⁷⁸ However, this particular variant and meaning came under the heaviest of criticism from R. Shlomo Kluger.⁷⁹

הנה נוסחא זו ודאי הוי צד אפיקורסת דהרי עכו"ם הוי ר"ת של עובדי כוכבים ומזלות ואם אומר כן משמע דנכריס דאינן עובדים כו"מ עליהם אינו מברך והוא צד אפיקורסת.	This text is certainly reflective of some sort of heresy, since <i>akum</i> is an acrostic for worshiper of stars and constellations, and if a person says the blessing this way, it implies that he is not praising [God] for not making him a Gentile that does not worship stars and constellations, and this is a form of heresy.
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R. Moshe Sternbach (*Teshuvot ve-Hanhagot* 1:6) has a similar assessment to that of R. Kluger, albeit without calling the opposition heretics. He believes that the blessing is meant specifically to refer to all Gentiles, not just idolaters.

From R. Kluger's strong language (as well as R. Sternbach's), one can't help but feel stuck, especially since what is exactly the intent of the blessing according to one group of rabbis (R. Stern and R. Epstein) is the entirely wrong message according to another (R. Kluger and R. Sternbach). However, what one can learn from this piece is that many of the other variants, especially the positive ones that will be discussed below, R. Kluger would grudgingly accept.

77. Barukh She-Amar, p. 29 (quoted in Rabinovits).

78. According to R. Shalom Bloch, this was the *nussah* that R. Israel Meir Kagan would say. See *Ha-Tsaddiq Rabbi Shlomo ve-Rabbotai*, p. 41. Despite this tradition, R. Moshe Sternbach (*Teshuvot ve-Hanhagot* 1:6) points out that R. Kagan says nothing about this in the *Mishna Berurah*.

79. *Ha-Elef Lekhah Shlomo*, OH 34, cited above.

His main problem is that the reciter of this version is implying that he would be fine as a Gentile, just not *any* Gentile.

Other Negative Circumlocutions

Another popular circumlocution was “Who has not made me a Samaritan (*kuti*).”⁸⁰ Although less popular, some others were, “Who has not made me uncircumcised (*arel*),” “Who has not made me an Aramean (*Arami*),”⁸¹ and “Who has not made me an Ishmaelite (*Yishmaeli*).”⁸²

A great example of this latter blessing functioning as a solution for the censor is from manuscript Parma 1765.⁸³ The blessings in this book originally read:

- | | |
|----------------------------|--|
| שעשיתני איש ולא אשה[ה] | • Who made me a man and not a woman |
| שעשיתני אדם[ם] ולא בהמה[ה] | • Who made me a human and not a beast |
| שעשיתני ישראל ולא גוי | • Who made me an Israelite and not a Gentile |

Eventually, the word *goy* was erased and in its place the word *Yishmaeli* was written. However, since there was no room for such a long word, it was written from bottom to top instead of horizontally, forming a peculiar looking right angle.

Skiping the Blessing

Some copyists left a line entirely blank.⁸⁴ Whether the point was to leave it

80. Some examples of sources that record this text are the *Agudah* (Men. 4:27), the *Orhot Haim* (One Hundred Blessings, 6:8), the *Alfasi Zuta* (Ber. 9), and British Museum Add 27029. In my opinion, of all the options for alternative formulations, this is the worst one. Samaritans keep Torah, if somewhat differently, and are the closest religion to Judaism that exists. They are the absolute last people we should be insulting.

81. As far as I know, this *nussah* was unique to R. Abraham Farissol, the fifteenth-century Italian scholar and copyist. In his day, Farissol copied out at least 11 prayer books with this set of blessings, containing 10 different variations. It would seem that even in one Italian community there was great variety with regard to these blessings. Kahn, *Blessings*, 54.

82. This seems to be the text of R. Yosef Yuzpa Koshman in his *Noheg KaTzon Yosef* (Laws of Daily Practice 15, pp. 20–21)

83. For a facsimile, see Kahn, *Blessings*, 54.

84. For example, London Valmadonna 10 and manuscript Modena Estense 8.F.7.14;

out or was meant as a code to the Jewish owner that this is the spot to say the “blessing we cannot talk about” is unknown. Other copyists left out the blessing, but without leaving a blank line;⁸⁵ apparently in these communities the blessing was skipped entirely.

Substitution

Another tactic, discussed in a previous section, was to substitute one of the versions of the made me a human blessing, either “Who has not made me a beast” or “Who has not made me a dumb brute.”

Again, as pointed out in the section on the blessing “Who has not made me a beast,” although this *may* have been an “innocent” substitution, switching an offensive blessing with an inoffensive one, it was more probably intended as code. Yoel Kahn makes this point eloquently:

If the effect of censorship and expurgation was to muzzle Jewish religious speech, this blessing was an act of spiritual resistance and identity formation that reasserted the superiority of the Jews over the gentile oppressors, who could be considered less than human. (59)

According to this approach, the beast, or dumb brute, was a dysphemism for Gentile; the irony being that the censor would actually sign off on a much more offensive term than the one he was censoring.⁸⁶

The Positive Formulation

A totally different approach to liturgical change was the flipping of the blessing from the negative formulation to the positive. For example, R. Mordechai Jaffe writes (*Levush*, *OH* 46:5):

for a facsimile of the latter, see Kahn, *Blessings*, 55.

85. Examples are JTS A8257, Parma 1744, Parma 2891, and British Museum Add. 27029.

86. This would be a classic example of the phenomenon of “hidden transcripts.” See James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (Ann Arbor: Yale University Press, 1990).

ייש נוסחאות שכתוב בהן בברכה ראשונה מאלו השלש שעשאני יהודי או ישראל.	There are <i>nussahs</i> that have the first blessing of the series as “Who has made me a Jew” or “an Israelite.” ⁸⁷
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R. Jaffe seems to see these variants as non-problematic. Although this solution was originally inspired by the censors, it took root in a number of communities and was actually advocated by no less a halakhic authority than R. Elijah Kramer, the Vilna Gaon.⁸⁸

87. Although the latter was more common, the former is referenced by R. Yoel Sirkis (*Bah* OH 46), R. Avraham Gombiner (*Magen Avraham*, OH 46:9), and R. Eliyahu Israel (*Qol Eliyahu* 2, OH 18) as well as R. Jaffe. Additionally, this must have been R. Moshe Isserles’s text as well. Despite the fact that in our printing of the *Shulhan Arukh* it has the text “Who has not made me an idolater,” this cannot be the text R. Isserles had in his *Shulhan Arukh*. This is because his comments that the convert should say “this” but not say “Who has not made me a Gentile” can refer to nothing else but a blessing in the positive “Who has made me a Jew” or “Who has made me an Israelite.” Otherwise, his gloss makes no sense at all. This point was referenced in the name of Yishai Rosen-Zvi in Gili Zivan, “The Blessings of *Shelo Asani Isha* and *She’asani Kirtzono*,” in *Jewish Legal Writings by Women*, ed. Micah D. Halpern and Chana Safrai (Jerusalem: Urim, 1998), 5–25 [21] (Hebrew Section). The point has recently been reiterated by R. Michael Broyde in an upcoming article (personal communication). As a support, see R. Sirkis’s comment in the *Bah* where he critiques R. Isserles for allowing a convert to say “Who has made me a Jew.”

For a (weak) attempt to interpret Rama differently, by assuming a textual corruption, see R. Isaiah Horowitz, *Shenei Luhot ha-brit* (*Shelah*), Tractate *Hullin*, *Tokhaḥat Mussar*, 231, and again in *Emeq Berakhah*, Part 2, *Seder Ha-Berakhot* 9, p. 29a (coauthored with his father R. Abraham Sheftel), where he offer a similar reason to that of R. Sirkis to prove that R. Isserles could not have said this text. See also Aaron Feldman, “Halakhic Feminism or Feminist Halakha,” *Tradition* 33:2 (1999), 61–79, who also argues against this interpretation (endnote 12). Finally, see Gili Zivan (n. 48), who quotes R. Yosef Koshman (*Noheg KaTson Yosef Laws of Daily Practice* 15, pp. 20–21) as being virulently against this *nussah*. Although it is true that R. Koshman explains the problem with “Who has made me a Jew,” arguing (bizarrely) that he is not a Jew until he is circumcised so the blessing is not true, this argument is simply a defense of Horowitz and Sheftel’s dislike of this text. The section Zivan quotes as Koshman is just a paraphrase of Horowitz and Sheftel.

88. This *nussah* was recorded as being the custom of Worms by R. Juda Loew Kirchheim (seventeenth century), in his *Customs of Worms*. Nevertheless, Kirchheim notes that when R. Petahiah became the rabbi, he insisted on changing the entire set of morning blessings to what would be considered, nowadays, the standard, including reciting the blessing “Who has not made me a Gentile” instead of “Who has made

Perhaps the most adamant defender of this version of the blessing was R. Abraham Berliner in his *Notes on the Siddur* (p. 22):

<p>יש להמליץ בכל לשון של המלצה להנהיג בכל הסידורים את הנוסח "שעשני ישראל" כפי שהוא כבר נדפס בסידורים דפוס מנטובה ש"ח, טיהינגן ש"כ, פראג ש"ו, ויניציאה שכ"ו ושל"ב, וכן דיהרנפורט תנ"ד, בנבנישתי בכנסת הגדולה..., הגאון מווילנה... והרב יעקב מקלנבורג בסידורו — כולם דורשים ככל לשון של דרישה לקבל נוסח זה.</p>	<p>One must advocate in as forceful a manner as possible for all of the prayer-books to use the <i>nussah</i> "Who has made me an Israelite," as it appears in Mantua (1518), Tihingin (1560), Prague (1566), Venice (1566 & 1572), Dyhrenfurth (1694), Benvenisti's <i>Kneset ha-Gedolah</i>...⁸⁹ The Gaon of Vilna... and R. Jacob Mecklenberg⁹⁰ — all of whom require in forceful terms that this be the accepted <i>nussah</i>.⁹¹</p>
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me an Israelite." (Not surprisingly, he also removed the "Who raises the lowly" blessing.) Kirchheim is very bothered by how this rabbi feels entitled to change the *nussah*, and ends the note with an ambiguous "but what can one say?" This shift in custom in sixteenth- to seventeenth-century Worms can be seen in the work of R. Yuspe Schammes, *Customs of the Holy Congregation of Worms*, where, like R. Perahiah, he specifically advocates saying "Who has not made me a Gentile" instead of "Who has made me an Israelite."

89. I do not understand this reference. The only mention of a positive formulation in the *Kneset ha-Gedolah* is R. Benvenisti's comment, echoing Rama, that a convert could say "Who has made me a Jew." Presumably, R. Berliner is referring to Benvenisti's *Shayarei Kneset ha-Gedolah*. If so, Berliner would seem to be mistaken. R. Benvenisti's comment in this work is that although his version of the *Tur* has "Who has made me an Israelite," the version in Benvenisti's prayer-book is "Who has not made me a Gentile," and this latter *nussah* is the one Benvenisti feels is correct.
90. This does not seem to be accurate either. As pointed out in an earlier section, R. Mecklenburg's preferred text for this blessing was "Who has not made me an idolater."
91. Another (actual) example of a strong advocate for this *nussah* is R. Joseph Zechariah Stern (*Zekher Yehosef* 1:13), who believes this to be the original text; much like the Vilna Gaon seems to.

הנוסח המוצע, המודה להשגחה האלהית על ששם חלקי בין בני ישראל, שנבחרו למלא תפקיד נעלה בעולם, נוסח זה מביע הרבה יותר מאשר נוסח המקור בצורתו השלילית. גם בלא זה, עלולה אותה ברכה, בעבר ובהווה, להביא לידי דעות מוטעות על עם ישראל ואף לגרום להגשי שנאה מצד העמים עלינו.

This suggested *nussah*, which gives thanks to the divine providence for placing my lot with the children of Israel, who were chosen to fulfill a lofty mission in the world — this *nussah* expresses much more than the original negative formulation. Even without this, the blessing [in its negative formulation], in the past and the present, is likely to bring about false opinions with regard to the Jewish people and even to cause feelings of hatred on behalf of the Gentile nations toward us.

The simple understanding of the origin of this variant, despite its appeal to many authorities, is censorship. Nevertheless, a totally novel understanding of the function and creation of this variant was offered by R. Hanokh Teitelbaum, based on the variant text quoted by Ravam above. Discussing Ravam's position that the creation blessings must be said upon seeing the person one is thankful not to be, R. Teitelbaum writes:

והנה השיטה קדמונית זו נמצא שאם התפלל בגעוהטא ולא ראה עדיין עכ"ם, או אם התפלל בהשכמה ולא ראה עדיין עבד, או במדינות שאין בנמצא כלל עבדים מטעם גזירת המלכות וחוק הממשלה, א"כ לא היה אפשר להם לברך ברכת שלא עשני גוי וברכת שלא עשני עבד, דהרי לא חזא אותם דלברך עליהו, ואי מברך הוי לשיטתם ברכה לבטלה וברכה שאינה צריכה, על כן היו בהכרח מברכין בחיוב ולא בשלילה, דהיינו שעשני ישראל שזה מותר לברך כיון שהברכה קאי על ישראל.

According to this ancient conception, it would turn out that if one is praying in the ghetto and has not seen a Gentile, or if one is praying early and has not seen a slave, or in countries where there are no slaves since slavery is against the law there — in such cases the person could not have recited the blessings “Who has not made me a Gentile” and “Who has not made me a slave,” since he hadn't seen them such that he could say these blessings, and if he would say the blessings it would be, according to this position, an unauthorized blessing or a superfluous one. Therefore, they needed to say the blessing in the positive and not the negative, i.e., “Who has made me an Israelite,” for then it would be permitted to recite the blessing, since the blessing relates to an Israelite.

R. Teitelbaum believes that the positively phrased alternative may have been written to solve the “ghetto” problem, i.e., the lack of Gentiles over which to say the blessing. The problem again is that if one wants to fill one's

day with blessings, one does not want to skip any and risk dropping below 100.

Although R. Teitelbaum's solution is rather creative, it does not seem to be correct historically speaking. There are a number of siddurim where one can see the eraser marks and the new, positive, version written in its place in a different hand, sometimes even with the signature of a Christian censor. One particularly interesting example of this is Montefiore 214 78r. This text originally read:

- | | |
|-----------------------------|---|
| שעשיתני איש ולא אשה | • Who made me a man and not a woman |
| שעשיתני אדם ולא בהמה | • Who made me a human and not a beast |
| שעשיתני מל ולא ערל | • Who made me circumcised and not uncircumcised |
| שעשיתני ישראל ולא גוי | • Who made me an Israelite and not a Gentile |
| שלא שמתני עבד ⁹² | • Who did not place me as a slave |

This *nussah* is altogether interesting as it combines three unusual characteristics, it has the double formulation (except for the slave blessing), it has the blessing about being made a human and not a beast, and it has the double blessing about not being a Gentile, probably meant as neither Christian nor Muslim. Even though this latter blessing was probably meant to refer to Muslims (as the uncircumcised is the Christian), the Christian censor took offense at the term *goy*, which was subsequently erased, leaving the positive formulation "Who has made me an Israelite."⁹³ The censor, Marchion, then signed his name on the side, indicating official approval of the change.⁹⁴

Outright substitution of positive for negative is documented as well. For example, in HUC 336 2v, originally there was the modern series (who has not made me a Gentile, slave, woman.) However, the phrase "Who has not made me a Gentile" was erased and in its place was written "Who made me a Jew."⁹⁵

92. From the fact that this last blessing is written only in the negative and it uses a different verb, one can assume that this was added at some point from a different liturgical tradition, cf. Parma 67 (ref. above).

93. This is identical to what occurred in HUC 442, which has the same blessings but in a different order.

94. For a facsimile, see Kahn, *Blessings*, 50.

95. For a facsimile, see Kahn, *Blessings*, 51.

Issues with the Positive Formulation

However one understands the creation of this alternative text, the positive formulation brought up a new problem. There were those who argued that if one said this version of the blessing, it would automatically include the fact that one was free and a man, and therefore, one could not then say one or both of the other two blessings.

For example, commenting on the *Levush* (cited above), R. Yom Tov Lipman Heller (*Malbushei Yom Tov* ad loc.) writes:

<p>ולי נראה שהישמעלים הם שינו כך, ואין לברך כן, דאם כן לא יברך שלא עשני עבד.</p>	<p>It would appear to me that the Ishmaelites made this change, and one should not recite the blessing this way, because if one did one could not then recite “Who has not made me a slave.”</p>
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This same point was argued more forcefully by R. Yoel Sirkis in his *Bayit Hadash* (*Bah*).

<p>אם היה מברך שעשני ישראל שוב לא היה יכול לברך שעשני בן חורין ושעשני איש דלשון שעשני ישראל שכבר בירך משמעו בן חורין ומשמעו נמי איש ישראל ולא אשה דאשה נקראת ישראלית וא"כ לא היה מברך שלש ברכות אלא ברכה אחת ואין זה כוונתינו לקצר אלא להאריך בהודאות ולברך על כל חסד וחסד ברכה בפני עצמה.</p>	<p>If one were to make the blessing “Who has made me an Israelite” he could not then make the blessings “Who made me free” or “Who made me a man” since the wording of “<i>she-asani Yisrael</i>,” which he already said, implies free and implies that he is an Israelite man and not a woman, for a woman would say “<i>she-asani Yisraelit</i>.” If so, he could no longer say three blessings but only one. And it is not our intention to say fewer [blessings], but to add praises and to praise [God] for each and every good on its own.</p>
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Although he sympathizes with the purpose of adding blessings, R. Sirkis does not believe that this would give the reciter the right to make superfluous ones. Therefore, he argues, the text we use for the blessings needs to take into consideration what else the person is going to say so that a later point is not covered by an earlier blessing, thereby making the later blessing superfluous and halakhically problematic.

This idea is disputed by a number of authorities, most notably by R. Avraham Gombiner in his glosses on the *Shulḥan Arukh*, OH (Magen Avraham 46:9).

ול"נ דאע"ג שאמר ישראל או
יהודי אשה בכלל דכל התורה
נאמרה בלשון זכר ואפ"ה אשה
בכלל.

It seems to me that even if he said "Who has made me an Israelite" or "Who has made me a Jew," women would be included, since the entire Torah is written in masculine language — but women are meant to be included.

Although no fan of the positive formulation, seeing it as an inauthentic and later emendation by printers, nevertheless, R. Gombiner disputes R. Sirkis on a technical point. He argues, correctly, that throughout the Torah the word "Israelite" is used in its masculine form, but there is no question that women are included in this grouping.⁹⁶ R. Gombiner is no doubt correct, however he does not address why it would be permitted to recite the slave blessing. In fact, R. Shimon Ḥariri argues (*Yismah Libeinu OH* 33, p. 229) that this middle position is exactly what was intended by R. Heller in the above quoted passage.

96. Most revealing is that throughout this debate, the problem that bothers the detractors most is *not* the fact that the blessing was written after the time of the Talmud. One can see this most clearly from the debate about what a convert should say. R. Moshe Isserles has two suggestions. In his *Darkhei Moshe*, he suggests that the convert say "Who has made me a convert" (*she-asani ger*). This is certainly not a talmudic blessing, but was written as a replacement for the born-Jew's blessing. A similar strategy is suggested by R. Ḥayyim Benvenisti in his *Shayarei Kneset ha-Gedolah*. After arguing that, in Benvenisti's opinion, the convert could even say "Who has not made me a Gentile," nevertheless, he claims, it would be best if the convert would say "*she-hikhnisani taḥat kanfei ha-shekhinah*" (שהכניסני תחת כנפי השכינה), who brought me under the wings of the divine presence; an entirely new blessing, apparently made to order, just like Rama's!

In his glosses on the *Shulḥan Arukh*, R. Isserles implies that the convert can say "Who has made me a Jew," the version of the blessing R. Isserles himself probably said (see above). R. Sirkis argues with this suggestion, saying that the convert cannot say this because he wasn't actually created as a Jew but became one on his own initiative. Yet again, R. Sirkis objects to this blessing without mentioning the issue that it is not talmudic. This does not seem to have posed a serious problem. R. Yisrael Meir Kagan takes the same approach in his *Mishna Berurah* ad loc.

ולולא שאיני כדאי היתי אומר
 שאין שום קשר בין שעשני
 ישראל לשלא עשני אשה, כי
 הגם שישראל לשון זכר הוא לא
 שולל את האשה... ואם כן,
 בצדק כתב מלבושי יום טוב
 שלא יברך שעשני עבד, ולא
 כלל שלא עשני אשה, כי זה
 יכול לברך.

If I were worthy, I would suggest that there is no connection whatsoever between [the blessings] “Who has made me an Israelite” and “Who has not made me a woman.” Since even though the word “Israelite” is masculine it does not exclude women... If this is correct, then the *Malbushei Yom Tov* was correct when he wrote that one would be unable to say “Who has not made me a slave.” He did not mention “Who has not made me a woman” since the person could still say this blessing.

Despite this astute compromise, it would seem that the simple reading of halakha would be that there would be no problem even saying the slave blessing. I would argue that the simplest reading of halakha is that the order does not really matter, and this is strongly supported by the variants found in medieval prayer books, where there seems to be no set order. R. Jacob Mecklenburg states this rule explicitly in his *Siddur Derekh ha-Hayyim*, arguing that one can say the blessings in any order, without worrying about R. Sirkis’s problem, and quotes this in the name of the *Aḥaronim* and “reason” (וכן מסתבר).⁹⁷

The reason order does not matter, as demonstrated in the section on the Morning Blessings, is that halakha has no problem with overlapping blessings as long as each one has a specific referent.

4. Who Has Not Made Me a Slave

Although there have been limited changes to this blessing, nevertheless, it did not remain steady throughout time either. Firstly, like all the other blessings (other than who has not made me a boor), it came in a double form “Who has made me free and not a slave,” as well as a negative form “Who has not made me a slave.”

Other than this standard variation, there are two more worth noting. First, in a number of places the blessing seems to have been left out altogether.⁹⁸ Naphtali Wieder offers two explanations for why this blessing would have been

97. Oddly enough, R. Mecklenburg does not allow a person to say “Who frees the bound” if he or she already said “Who straightens the crooked”; this would seem to contradict the logic of his previous position.

98. Parma 887, Parma 429, Parma 1789 and two manuscripts of the *Sefer ha-Manhig*.

left out. First, he suggests that it may reflect a society without slaves; hence the blessing became irrelevant.⁹⁹ Second, he suggests that the Jews may have felt that the blessing was not really true, since, as surfs, the Jews of Medieval Europe effectively were slaves.

To buttress the latter interpretation, Wieder references the other popular liturgical change, which was to say “*she-lo asani eved la-briot*” (who has not made me a slave to people). He argues that this could be meant to indicate that they were not slaves to ordinary people but they were slaves to the king (Wieder, *Blessings*, 112–113).

Yoel Kahn offers two different possible explanations for the latter change. First, he says that it may be nothing more than a stylistic change. Second, he argues that if it was an intentional theological change, it may have been meant to indicate that Jews were happy to be slaves to the Almighty, just that they were thankful not to be slaves to other mortals (Kahn, *Blessings*, 64–66).

Whatever the reason for the variations, it is clear that even this relatively uncontroversial blessing received its share of *nussah* change and manipulation.

5. Who Has Not Made Me a Woman

Insofar as the blessing about women, the obvious problem that occurred to many authorities in the medieval period was that women could not say it. Many authorities and communities felt that this problem was of sufficient gravity to require the writing of a new blessing.

1) Who Has Made Me According to His Will

The most popular of these new blessings — one still said today — was “Who has made me according to his will” (*she-asani kirtzono*). This is analogized by many as being along the lines of the blessing over the death of a relative — “the true judge” (*dayan ha-emet*) — a sort of resignation to fate.¹⁰⁰

99. He analogizes this to the cancellation of the blessing *oter yisrael be-tifarah/otek ohr ke-salmah* by authorities in communities where people did not wear turbans or keffiyehs.

100. See for example, *Sefer Abudarham* (Morning Blessings) and *Tur* (OH 46). It is particularly important to note that this blessing was codified by R. Karo in the *Shulhan Arukh*. Despite the fact that he was generally averse to including non-talmudic blessings, he made an exception in this case.

2) Who Has Not Made Me a Beast

As seen above with regard to the controversial blessing about Gentiles, another strategy was substituting a different blessing for the one the woman could not say. Again, the people turned to “Who has not made me a beast,” although presumably this time there was no hidden meaning to it.

In the fifteenth-century compendium of Ashkenazic tradition by R. Joseph ben Moshe, the *Leqet Yosher*, this alternative is recorded and compared to the previous one.

<p>אשה אומרת במקום שלא עשאני אשה שלא עשאני בהמה, אבל שמעתי מאשה שאומרת במקום שלא עשאני אשה שעשאני כרצוני, וכמדומה לי שלא הודה לה הגאון זצ"ל כי אמו של הגאון זצ"ל הקדושה בגזרת אושטריך הי"ד, היתה אומרת שלא עשאני בהמה.</p>	<p>A woman, instead of saying “Who has not made me a woman” should say “Who has not made me a beast.” However, I heard one woman say that she says “Who made me according to his will” — but I think that the master did not accept this,¹⁰¹ since the master’s mother, who was martyred in the Austrian pogrom, would say “Who has not made me a beast.”</p>
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Although there is no explanation why R. Isserlein preferred “Who has not made me a beast” to “Who made me according to his will,” one can postulate a number of explanations. First, whereas “Who has not made me a beast” seems to have an ancient pedigree to it for men as well as women, “Who made me according to his will” was a new blessing written expressly as a replacement for “Who has not made me a woman.” Second, one can imagine that not all women would love the implication of resignation to fate that “Who has made me according to his will” is designed to articulate.

3) Who Has Made Me a Woman (and Not a Man)

Some prayer books from the fourteenth and fifteenth centuries actually include either “Who has made me a woman” or “Who has made me a woman and not a man.” Interestingly, some of the prayer books that contained this text have the entire series rewritten in the feminine.¹⁰²

101. I.e., R. Israel Isserlein, the author’s teacher.

102. Some prayer books that have the blessing “Who has made me according to his

Here are three examples:

- | | |
|---------------------------------|--|
| שעשיתני אשה ולא איש | • Who made me a woman and not a man |
| שלא עשיתני אמה ושפחה | • Who did not make me a maidservant or slave-woman |
| שלא עשיתני נכרית ¹⁰³ | • Who did not make me a foreign woman (<i>nokhrit</i>) |
| שלא עשיתני אמה | • Who did not make me a maidservant |
| שעשיתני אשה ולא איש | • Who made me a woman and not a man |
| שלא עשיתני גויה ¹⁰⁴ | • Who did not make me a Gentile (<i>goya</i>) |
| קינן פיש מי שווינטא | • Who did not make me a servant woman |
| קינן פיש מי גויה | • Who did not make me a Gentile |
| קי פיש מי פינה ¹⁰⁵ | • Who made me a woman |

This version of the male/female blessing seems to indicate a desire both for parity and, to some extent, a desire to neutralize the offensive sounding male blessing.

Caveat: Non-Geonic Blessings

It is important to note that this blessing and the blessing of “Who made me according to his will” were written after the period of the Geonim. This is important because even if one wanted to follow R. Tam’s principle that it was

will” for women still redo the first two blessings in feminine form. For example, Parma 1743 has:

- | | |
|---------------|-------------------------------------|
| שעשני ישראלית | • Who made me an Israelite woman |
| שלא עשני שפחה | • Who did not make me a maidservant |
| שעשני כרצוני | • Who made me according to his will |

Similarly, in HUC 436, the main siddur has a blessing phrased for men, in the standard modern order. On the side of each of the blessings is written an alternative for women, “Gentile,” “maidservant,” and “according to his will” respectively. For facsimiles of both of these texts, see Kahn, *Blessings*, 74–75.

103. JTS A8255; for a facsimile see Kahn, *Blessings*, 72.

104. Manuscript Jerusalem 8°5492; perhaps not surprisingly, the word *goya* was erased by the censor

105. Roth manuscript 32; the blessings are pronounced: *ke non fis mi serventa*, *ke non fis mi goya*, *ke fis mi fena*; the language is Shuadit (Judeo-Provençal) and each blessing begins with the usual “praised are you...,” also in Shuadit. For more on this prayer book, including a facsimile of this section of the prayer book, see George Jochnowitz, “Who Made Me a Woman,” *Commentary* 71.4 (1981): 63–64. <http://www.jochnowitz.net/Essays/WhoMadeMeAWoman.html>.

permitted for the Geonim to write new blessings,¹⁰⁶ these would not fit into that paradigm.¹⁰⁷ Hence, one who advocates for “Who has made me according to his will” or for “Who has made me a woman” would have no choice but to accept that, to some extent, the loose-construction model suggested above is operative here.

Part 7 — New Blessings and Revised Blessings

Restating the Problem

It is clear that new non-talmudic blessings were written even after the time of the Geonim. Assuming one does not take an extreme strict-constructionist approach and claim that anyone who ever said any of these alternative blessings were sinners, how is one to understand this process? It seems to open up a Pandora’s Box of possibilities. Are we supposed to adopt the *Sefer ha-Pardes*’s approach and say that everything goes? If not, what is the best way to approach changing a blessing or saying an alternative formulation when a community feels that doing so is necessary?

The Ṭa”Z’s Paradigm

An excellent paradigm is suggested by R. David ha-Levi in his glosses on the *Shulḥan Arukh*, the *Ṭurei Zahav* (Ṭa”Z, OH 46:4), in his noteworthy defense of women reciting the non-Talmudic blessing “Who made me according to His will.”

106. See R. Tam’s critique of R. Meshulam, who canceled the recitation of the blessing over Sabbath candles in his community, ostensibly because the blessing is non-Talmudic (*Sefer ha-Yashar*, Responsa, 45d). I thank R. Dov Linzer for reminding me of this source and pointing out its relevance to this argument.

107. Neither would “Who gives strength to the weary” from the Morning Blessings.

ונראה לי עוד מה שהנשי
מברכות שעשני כרצוני דברכה
זו אינה בגמ' ולמ"ש ניהא דהא
חזי אפי' בברכת האיש שיש
מעלה בבריאת האשה ע"כ
שפיר חייבת היא לברך על
מעלה שלה כנ"ל נכון.

Furthermore, it seems to me that the reason women may recite the blessing of "Who has made me according to his will," even though this blessing is not in the Gemara — based on what I wrote earlier it is permissible since it can be deduced from the man's blessing that there is some benefit in being a woman, therefore she should offer thanks for her own good qualities — this seems to me a correct explanation.

The basic paradigm in the *Ṭa"Z* is that new versions of blessings should convey the same concept as the talmudic versions, but in the way necessary to the reciter of the blessing, in this case, women.

R. Rabinovits and the Tashbetz

A similar paradigm was put forward in modern times by Rabbi D. Y. Tsevi Rabinovits, in an attempt to explain why his grandfather (R. Yeḥiel Yehoshua Rabinovics),¹⁰⁸ the previous leader of the Biala Hassidic sect, would say "Who has not made me an idolater and a Gentile" (*she-lo asani akum ve-goy*).¹⁰⁹

R. Rabinovits first details the extraordinary variety of *nusha'ot* for the blessing of "Who has not made me a Gentile," listing 12 different versions that he found in the literature. His goal is to demonstrate that these variations do not constitute a violation of the rule that saying the blessing in the way the Sages wrote it is the only way to fulfill the obligation to say that blessing. To do this, he quotes the principle of R. Shimon ben Tzemaḥ Duran (*Tashbetz*), referenced in part one of this essay. He says, simply, that small changes, which use the proper opening as well as maintain the essential point of the blessing, are not at all a halakhic problem or a violation of the principle not to change the *nussah* of a blessing.

Although one could argue that the halakha is actually even more permissive than this in the case of *birkot ha-shevaḥ*, nevertheless, following this

108. The spelling of the last name in English seems to be inconsistent between the family members.

109. Much of the responsum deals with why it would be permissible to use the word *akum* altogether, since it is not actually a Hebrew word but an acronym, an issue not directly relevant to this essay.

paradigm is useful as it sets some basic limits and avoids the Pandora's Box problem.

Part 8 — Possible Solutions

Parameters of an Acceptable Solution

Based on the parameters set out in the above analysis, a good halakhic solution will follow a number of guidelines.

1. The blessings need not be talmudic, but they should already be in existence as part of the Jewish liturgy writ large.¹¹⁰
2. The text of the blessing should have the same basic meaning as the blessing on which it is based.¹¹¹
3. The number of blessings in the series should remain as high as possible.¹¹²

With this in mind, and with the goal of making the blessings feel as meaningful and inoffensive as possible in the communities that have expressed concern with the current *nussah*, I will begin by surveying some solutions that have been offered already, pointing out where I feel their weaknesses lie, and end by suggesting my own solution.

Model I — Interpretation

Some have suggested that the blessing can be interpreted so as to make it sound inoffensive. One can explain that “Gentile” refers to pagans, and that the blessing about women refers purely to their position as being obligated in fewer mitzvot.

This essay is not the place to survey the many interpretations that have

110. This is a sort of compromise solution between the author of the *Sefer ha-Pardes* who believes that we can write our own blessings and the strict constructionists who believe that it never was legitimate to do so, even for the Geonim and Medieval authorities.

111. The *Ṭa”Z*’s principle.

112. In keeping with the attempt to use the category of *Birkot ha-Shevaḥ* as a way of increasing the amount of a person’s daily blessings, as well as assisting with the specific requirement to say 100 blessings a day.

been offered for this set of blessings.¹¹³ Nevertheless, from the controversy and strong emotional responses to these blessings current in a number of Modern Orthodox synagogues and schools, suffice it to say that this approach has been less than adequately effective.

Model 2 — Silent Prayer

This model seems to have been first suggested by R. Aaron Wormish (*Me'orei Or* 2: *Be'er Sheva*, 20a).

אכן נר' ש[אין]¹¹⁴ אומרים
ברבים הברכות של"ע גוי, ושיש
לחוש מאוד משום איבה, וגם
של"ע אשה – האיך מלבין
פניהם ברבים!?

In truth, it would seem that one should [not] say the blessing “Who has not made me a Gentile” in public, for there is ample reason to worry about causing hatred. Also, the same is true for “Who has not made me a woman” — for how can we embarrass [women] in public?!¹¹⁵

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113. One surprising example of someone utilizing this approach is Tamar Ross’s rather creative reinterpretation of the blessing “Who has made me according to his image.” See: Tamar Ross, “The Status of Woman in Judaism — Several Reflections on Leibowitz’s Conception of the Mechanism by which Halakha Adjusts to Reality” (Hebrew), in *Yeshayahu Leibowitz — His World and Philosophy* (ed. Avi Sagi; Jerusalem: Keter, 1995), 148–162 [156].
114. This emendation is suggested by Wieder and Zivan and seems necessary, since otherwise the paragraph makes no sense.
115. For the record, it should be noted that R. Menaḥem Natan Aurbach argues with R. Wormish, and claims that the blessing should not be considered offensive since it is the man thanking God that he has not been changed into a woman during his lifetime (*Orah Ne’eman* 3, 124:18, pp. 141–142), which would be very embarrassing. R. Aurbach deduces from his reading of a passage in *Shnei luḥot ha-berit* that this is “medically” possible, although the reverse is not. Hence there should be nothing offensive to women here, since it is a risk only men have, but nothing in this blessing should be understood as derogatory to born women. This is admittedly an extremely idiosyncratic claim. See R. Shimon Harari’s *Yismah Libeinu* 33 (pp. 231–232) who disputes R. Aurbach’s reading of the sources on this issue. Oddly enough, it would seem that, medically speaking, ignoring the realities of elective surgery, the opposite is actually the case, at least for those suffering from 5-alpha-reductase Type 2 Deficiency (5-ARD), a condition where the genetically male individual is born with ambiguous, mostly feminine, genitalia and experience some level of virilization (i.e. becoming masculine) during puberty.

R. Wermish's argument is accepted by R. Shimon Harari (*Yismah Libeinu* 33, pp. 233–234):

<p>נראה... כדאי שלא לברך בקול רם, כשנמצאים נשים במקום, דאולי ככל זאת יש להם צער... כי גברא רבא אמר מילתא, ומי יערב לו שלא לחוש.</p>	<p>It appears... that it would be best not to say the blessing out loud when women are present, for it may be true that they are hurt by this... for a great man (R. Wermish) has made this claim, and who can guarantee that that this is not so?!</p>
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R. Harari proceeds to defend the significance of R. Aaron's ruling by pointing to a number of statements in the Talmud about the greatness of the sin of embarrassing someone publicly, citing that it would be better to go to Gehennem than to do so (b. *Sotah* 10b), and that a person who does so will never leave Gehennem (b. *Baba Metzia* 58b). He further buttresses this with the position of R. Yonah in the *Sha'arei Teshuva* (3:139) that embarrassing a person in public is actually a low-grade form of murder, making it something that one must choose death before doing.

Having made this argument forcefully, R. Harari concludes:

<p>ואם כן, בודאי שב ואל תעשה עדיף, ולא יאמר בקול רם.</p>	<p>If so, then it is certain that acting passively is preferable, and one should not say the blessing out loud.</p>
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The idea of reciting the blessing about women silently in the synagogue was brought up again by R. Joel Wolowelsky about 10 years ago in an article in *Tradition*, although it was disputed in the same issue by R. Emmanuel Feldman.¹¹⁶ Most recently, this solution was taken up by R. Haskel Lookstein, who quotes it in the name of R. Shlomo Riskin.¹¹⁷ R. Lookstein writes that synagogues should begin their service with the R. Yishmael paragraph, effectively making the morning blessings silent. If they are silent, R. Lookstein believes, they are not in the women's faces; they are less jarring.

116. Joel Wolowelsky, "Who has not Made Me a Woman': A Quiet Berakha" *Tradition* 29:4 (1995): 61–88; Emmanuel Feldman, "An Articulate Berakha," *Tradition* 29:4 (1995): 69–81; R. Wolowelsky reiterated his position in his book *Women, Jewish Law and Modernity: New Opportunities in a Post-Feminist Age* (New York: Ktav, 1997) 74–84.

117. <http://www.jewishideas.org/blog/shelo-asani-isha-critique-contemporary-blogger-discour#comment-257>.

This is true, of course, although I imagine that this solution will hardly be sufficient. The blessing exists. It is in our prayer books and it is in our liturgy. Men will say it every day and women will skip it every day. Gentiles can read it. This is not a stable solution if the goal is to avoid offense.

Model 3 — Creating Parity

A) Who Has Made Me a Woman

Another solution is to use the parity *nussah* described above. Men would thank God for making them men and not women, and women would thank God for making them women and not men.¹¹⁸

As was seen above, this was one of the solutions in Italy and Provence in the Middle Ages and has recently been advocated by Rachel Finegold in a blog post, and supported by R. Daniel Sperber in his new book (although this is not his only or even preferred solution).¹¹⁹

Nevertheless, to me this solution seems problematic. The Creation Blessings seem to be about thanking God for creating a person as something better than what he or she could have been created as. If there is parity, the blessing, to my mind, loses all sense.

B) “Who Made Me According to His Will” — For Men and Women

Gili Zivan offers a different parity model. Although not her preferred solution,

118. In his review of *Jewish Legal Writings by Women*, Moshe Benovitz suggested that this practice could be defended by assuming that the requirement to say these blessings was meant to apply to both men and women, each in gender-specific language. Moshe Benovitz, “Jewish Legal Writings by Women — A Response by Moshe Benovitz,” *Nashim* 2 (1999): 146–160. This was, in fact, the practice represented in a number of medieval women’s prayer books. Nevertheless, although an interesting suggestion, suffice it to say that if one accepts the interpretation offered by the Tosefta and rabbinic literature as a whole that the blessing is about men being thankful for having more commandments, this argument becomes impossible.

119. <http://morethodoxy.org/2011/08/11/a-story-from-the-front-lines-special-guest-post-by-rachel-kohl-finegold-education-and-ritual-director-anshe-sholom/>; Daniel Sperber, *On Changes in Jewish Liturgy: Options and Limitations* (Jerusalem: Urim Publications, 2010), 112.

she suggests that both men and women can say “Who has made me according to his will.”

In my opinion, the problem with this solution is that once both men and women say this blessing, it loses any relationship to the original blessing about being a man and not a woman, thereby violating the *Ta”Z*’s principle.

C) Who Made Me an Israelite Man/Woman

A third suggestion was offered by Hagai ben Arzi.¹²⁰ He suggests that the third blessing in the series be switched with “*she-asani ben Yisraeli*” (who made me an Israelite man) and “*she-asani bat Yisraeli*” (who has made me an Israelite woman) for men and women respectively.

Other than the awkwardness of having this blessing as the third in a series that begins with “Who has made me an Israelite” or “Who has not made me a Gentile,” it suffers from the same parity problem I discuss in the first suggestion: If there is no benefit to being either a man or a woman, what sense does this blessing make?¹²¹

Model 4 — Re-Understanding and Re-Writing

In a short note in *Sinai*,¹²² R. Yishai Chasida offers the creative suggestion that this set of blessings has been understood wrong from the beginning. Instead

120. See: Hagai ben-Artzi, “The Blessing ‘Who Has Not Made Me a Woman’ — Is There an Alternative?” *Akdamut* 4 (5758): 129–130, <http://www.bmj.org.il/files/1881294583118.pdf>

121. Gili Zivan (23 n. 55) attacks Ben-Artzi for a number of reasons. She claims that Ben-Artzi seems unaware that “Who made me an Israelite” is in the Bavli because of censorship. This does seem to be the case. Second, she says that Ben-Artzi puts too much emphasis on the fact that the Bavli reports this set of blessings in the name of R. Yehudah, since some texts quote it in the name of R. Meir. This too is a real, if not an overly serious, problem with Ben-Artzi’s essay. Finally, she attacks him for not taking into account R. Sirkis’s point that if one says “Who has made me an Israelite” one cannot say any other blessings in the set, since everything is covered by this statement. Here I think she is being unfair. Ben-Artzi has every right to rely on R. Gombiner and the centuries-old tradition of saying all three even with the first blessing phrased in the positive. Of course, this goes doubly if one believes, as I have argued, that R. Sirkis is mistaken in this principle.

122. Yishai Chasida, “Who has not made me a Gentile... slave... woman,” *Sinai* 59 (5746): 95–96 [Hebrew].

of seeing this set of blessings as a unique set of negatively formed blessings, he instead suggests that they be seen as identical in structure to the morning blessings. As such, he comments that they must really have been written in the positive and must be based on biblical verses.

Chasida suggests the following as the original form of the blessings:

- שְׁלוֹ עֲשֵׂנִי גוֹי • Who made me His nation
- שְׁלוֹ עֲשֵׂנִי עֶבֶד • Who made me His servant
- שְׁלוֹ עֲשֵׂנִי אִשָּׁה • Who made me His wife

All three blessings would then be about Israel's relationship to God. As the word "His" and the word "not" are pronounced identically, one could understand where the confusion would have arose.¹²³ Furthermore, Chasida believes that he can identify upon which verses these blessings were based.

- | | |
|---|---|
| וְאַתָּם תִּהְיוּ לִי מְמַלְכֵת כְּהֹנִים
וְגוֹי קָדוֹשׁ | And you shall be for me a kingdom of priests and a
holy nation (Ex. 19:6) |
| כִּי לִי בְנֵי יִשְׂרָאֵל עֲבָדִים עֲבָדֵי
הֵם | For the children of Israel are servants to me, they
are my servants (Lev. 25:55) |
| תִּקְרָאֵנִי אִישִׁי | You will call me husband (Hos. 2:18) ¹²⁴ |

123. Actually, Chasida tries to have his cake and eat it too. He posits that the blessing was written with an *alef* but said as if it had a *vav*, a usage he finds precedent for in Psalms 100:3. This suggestion is very hard to accept, as that verse is a rather unique case and it is hard to believe the Sages of the Great Assembly would use it as a precedent for writing blessings that would most likely be misunderstood. Moshe Benovitz further points out that this reading strategy would not work at all with the blessing about the "boor," and I would add that it does not work with the "beast" blessing either. Additionally, as was pointed out by many authors (including myself in a different venue), this set of blessings parallels a similar set found among Greeks, Romans, and Zoroastrians, a parallel that would have to be dropped if Chasida were correct. Finally, it is worth noting that Chasida's entire assumption that the blessings predate the rabbis and go back to the Great Assembly is pure speculation. It is necessary speculation for Chasida, for if the Rabbis wrote the blessings, then one would have to accept their official interpretation — as suggested in the Tosefta — that they are negative in formulation, as correct.

124. For this one he also suggests Isaiah 54:5–6.

Although this is an extremely creative and even attractive interpretation,¹²⁵ I believe it is impossible to accept for two reasons. First, it is clearly not the intention of the Sages in the Talmud, who understand the blessings as negative. R. Chasida's claim that the traditional understanding of the blessings makes them different than the morning blessings is hardly a problem since the Sages never claimed that they were part of this series.¹²⁶ Second, even if one were to say that it is fine to reinterpret a series of existing blessings, this particular approach would seem to be out of bounds, since it doesn't just tweak the meaning, but, in essence, substitutes an entirely different meaning by claiming that one of the words is really just a homophone. For this reason, this suggestion does not follow the *Ṭa"Z*'s principle and should, in my opinion, not be relied upon in practice.¹²⁷

Model 5 — Drop the Blessing

As was seen above, a number of prayer books simply left out the blessing "Who has not made me a Gentile." In the past century, this solution has been suggested for the blessing of "Who has not made me a woman" as well. For example, R. Tzuriel Admonit writes:

<p>בחברה שלנו נעמוד לפני הברירה: או שנאמר אותה בסילוף תוכנה, או שלא נאמר אותה כלל. אני מעדיף את הדרך השנייה.¹²⁸</p>	<p>In our society, we stand with two options: Either say [the blessing] with distorted meaning or don't say it at all. I prefer the second option.</p>
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Most recently, R. Prof. Daniel Sperber has suggested that perhaps the best

125. Benovitz calls this reading "deeply religious" and "beautiful."

126. This is reminiscent of Ravam's attempt to fit this series in with the Morning Blessings, albeit in a totally different way.

127. Oddly enough, Benovitz claims that this suggestion is not controversial as the blessings would require no change in pronunciation. I fail to see how this is an adequate halakhic defense for what can only be described as reciting an entirely new set of blessings that happen to sound like the ones written by the Sages.

128. Tzuriel Admanit, "The Status of Women in Halakha and in our Society," in *Ha-Zerem u-Kenegdo* (Tel Aviv: Hakibbutz Hadati, 5737), 99–106 [105]. http://www.kdati.org.il/info/dor_tzair/maamarim/100811_tzuriel_admanit.pdf.

thing would be to drop the blessing.¹²⁹ He analogizes this approach to the reality that a number of other blessings have been dropped from the liturgy over time. Although this solution would solve the problem, in my opinion it is not optimal as it would be best to keep some form of the blessing, given that it is talmudic in origin and that our goal is to increase not decrease the number of blessings.

Furthermore, R. Sperber's analogies are not fully persuasive. His examples are either from non-talmudic blessings or the blessing of "Who has not made me a boor," which seems to have been rejected by the Talmud itself, at least according to the interpretation of a number of authorities.¹³⁰

Model 6 — Making Only One Blessing

In the next line of the above quoted piece, Tzuriel Admonit makes clear that he has a further practical suggestion. He does not really advocate simply dropping the blessing.¹³¹ Instead, he offers the creative solution of changing the blessing about Gentiles into the positive formulation and accepting the consequences of this as outlined by R. Sirkis, namely that one would not then be allowed to make the other blessings as they would all be covered by "Who has made me an Israelite."

Although arrived at independently, this suggestion seems to have been first advocated by R. Abraham Berliner in his *Notes on the Siddur* (21–22). After describing his strong advocacy of the *nussah* "Who has made me an Israelite," described above, he writes:

129. Daniel Sperber, *On Changes in Jewish Liturgy: Options and Limitations* (Jerusalem: Urim Publications, 2010), 33–46, 112.

130. For a critique of Sperber's argument see R. Aryeh Frimer's review essay: Aryeh Frimer, "Feminism and Changes in Jewish Liturgy," *Hakirah* 12 (2011) 65–87 [82–86].

131. In his review of *Jewish Legal Writings by Women*, Moshe Benovitz takes Gili Zivan to task for not mentioning that Admonit's "original suggestion" was to just drop the blessing. To be fair to Zivan, since Admanit's next words (literally) after the above quote are to suggest saying "Who has made me an Israelite," and this remains the thrust of his discussion (only one paragraph in total), it would seem that the first passage was meant as a rhetorical introduction and not a practical suggestion.

<p>אם נוסח המוצע בזה יתקבל ויתפשט ככל תפוצות ישראל, הרי בטלות מאליהן שתי ברכות האחרות, "שלא עשני אשה" ו"שלא עשני עבד", וכך פטורין אנו מלהשתדל להצדיק – באיזה אופן שהוא – שתי ברכות אלו.</p>	<p>If the <i>nussah</i> suggested above is accepted and becomes the standard throughout all of Israel, the two other blessings "Who has not made me a woman" and "Who has not made me a slave" will become obsolete automatically. This will exempt us from having to defend — in one way or another — these two blessings.</p>
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R. Berliner seems excited that, with his suggestion, he has killed two birds with one stone. He has solved the problem of offending Gentiles and women at one fell swoop. This solution has also been advocated by Gili Zivan¹³² and, most recently, by R. Asher Lopatin in a series of blog posts.¹³³

Although I applaud the technical facility of this argument, I cannot personally advocate it. As I wrote earlier, it seems clear to me that R. Sirkis is, with all due respect, mistaken about this point and that overlapping blessings are not really a problem. The fact that "*she-asani yisrael*" has been said for hundreds of years as part of the series proves this. Additionally, as R. Sirkis himself says, our goal is to add blessings, not subtract them.

Model 7 — A Revised Series

I agree with the previous suggestion in one respect: It would seem that the solution to the blessing "Who has not made me a Gentile" has already been in vogue for over a thousand years. This blessing should be made in the positive. However, as it appears that the halakha does not follow R. Sirkis with regard to overlapping blessings, it would be best if the series were continued and more creation blessings were said.

The blessing over freedom and slavery can be preserved in our liturgy without difficulty. The blessing over gender distinction, however, poses a formidable problem. It seems to me that there is no way of making a successful

132. Benovitz criticizes Zivan for this suggestion and claims that she does not sufficiently take into consideration the fact that adding new blessings violates halakha and that we must say the exact blessing suggested by R. Meir. With all due respect to Benovitz, I must disagree. If anything, Zivan takes this consideration too seriously, which is why she works with an accepted *nussah*.

133. <http://morethodoxy.org/tag/shelo-asani-isha/>, <http://morethodoxy.org/2011/08/25/breaking-news-soloveichik-agrees-with-lopatin-accr/>.

blessing over gender distinctions in a society that promotes gender equality. This is because the nature of this series is precisely the opposite: to thank God for something that one has that is *better* than the alternative.

Therefore, I suggest removing this blessing from the series altogether and replacing it with one of the medieval alternatives, specifically with a version of *she-lo asani beheimah*, “Who has not made me a beast,” the blessing over being human. Doing so has ample precedent, as it was this very blessing that was used as a substitute both for the “Gentile” blessing and the “woman” blessing when this was necessary in the past. Additionally, this blessing was said in a great number of Jewish communities as part of an extended series, even though it is not talmudic. This blessing would be the first of the series instead of the last. Finally, I further advocate changing all three blessings in this series from negative to positive. This would give the entire series a unified feel and would in no way violate the *Ṭa”Z*’s principle.¹³⁴ Here is my suggested revised series:

- | | | |
|--------------|---|---------------------------|
| שעשאני אדם | • | Who has made me human |
| שעשאני חפשי | • | Who has made me free |
| שעשאני ישראל | • | Who has made me Israelite |

There is, in fact, no word in this series that was not included in previous iterations of these blessings.

Conclusion

Discussing the blessing “Who has not made me a woman” a number of years ago, R. Marc Angel suggested taking a similar approach to that advocated in this article.

Trying to explain this blessing to daughters, to girls in religious school and day school, is not the easiest of tasks. In spite of all our apologetics, girls and women — if they are encouraged to think independently

134. Conceptually speaking, this is the solution the Conservative movement advocated for as well. The only difference is that I would prefer to stay with *nusha’ot* that have been used in the past instead of writing my own. Nevertheless, it is hard to say that there is anything halakhically problematic with the Conservative *nussah*. Despite its innovative nature, it still fits the *Ṭa”Z*’s principle once one accepts *she-lo asani beheimah* as the first of the series.

— resent the formulation of the blessing.¹³⁵ Moreover, boys and men who recite the text may absorb, consciously or unconsciously, anti-female attitudes.¹³⁶

...A true modern Orthodox position would be to change the blessing to a more suitable formula, one that does not cast negative aspersion on women.¹³⁷

Although R. Angel does not offer a specific solution, I have tried to take up that challenge here, as the issue has only become that much more pressing.

Throughout our history there has been a tension between filling our day with blessings, on the one hand, tailor-making them to our experiences, and maintaining reverence and strict adherence to the classical formulation of the blessings on the other. In various situations the Jewish community has adapted as best as it can while trying to strike a balance between these two values.

Sometimes the issues were as mundane as the desire to add more poetic blessings to the popular series of morning blessings. Other times the issues were more challenging. Some early medieval Jews had to redo one of the blessings so as not to offend Gentiles; others had to write an entirely new blessing when the women of their generation were feeling left out of the prayer service.

In our times, the burning issues have been feminism and Jew-Gentile relations. The treatment of women in our community and the new reality of women's social and educational equality with men has made the sound of the "Who has not made me a woman" blessing painful to the women in our community. The mutually cooperative relationship Jews have with their Gentile neighbors has made the phrasing of the *goy* blessing distasteful to many.

I have suggested above that we meet the challenge the way our ancestors did. There is a way to adjust the Creation Blessings to reflect the core values of the Modern Orthodox community while keeping them in line with traditional texts as much as possible. This was the way of the great medieval sages; it can be our way as well.

135. See my blog-post on Jewish Ideas where I discuss this issue: <http://www.jewishideas.org/blog/shelo-asani-isha-critique-contemporary-blog-gic-discour>. See also R. Yosef Kanefsky's post on this same issue: <http://morethodoxy.org/2011/08/08/a-clamer-and-fuller-articulation-r-yosef-kanefsky/>

136. See Rachel Finegold's blog post referenced above for discussion of this problem.

137. Marc Angel, "Modern Orthodoxy and Halacha: An Inquiry," *Journal of Jewish Thought* (Jerusalem: 5745), 102–116 [115].

The Benedictions of Self-Identity and the Changing Status of Women and of Orthodoxy

JOSEPH TABORY

Introduction

For many generations Jewish liturgy has included three benedictions or blessings that may be described as an attempt to create an awareness of self and one's position in the world. These blessings are an expression of gratitude to God for not having been created as a Gentile,¹ as a slave, or as a woman. These

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1. The Hebrew word used in this context, *am*, is used in biblical Hebrew in the sense of "nation" or a member of a nation. The Jewish people are also called *am*, and Abraham was promised that he would be a great *am*. It is only in rabbinic Hebrew that the word is used in opposition to the Children of Israel, in the sense of a non-Jew (cf. *Tosefta Peah* 2:9, p. 47). A similar development occurred in the Latin "*gens*," which originally meant people who were connected to each other by birth, but eventually was used by Romans to mean non-Romans and by Christians to mean pagans (cf. C.T. Lewis & C. Short, *A Latin Dictionary*, Oxford: Clarendon Press 1969, pp. 808–809; Elieser Ben Jehuda, *Thesaurus Totius Hebraeitis*,

three blessings are commonly referred to as the blessings of “non-Jew, slave, and woman” by their collective content, but they have also been called “the negative blessings,”² based on the fact that they are all phrased in a negative fashion. One thanks God not for being what one is but rather for what one isn’t. One may describe this, in a certain sense, as being a form of “there, but for the grace of God, go I.”³ However, these statements, implying that it is unfortunate to be a non-Jew, a slave, or a woman, have also been considered as being negative blessings in the sense that their content implies disdainfulness and haughtiness toward other groups. Especially in modern times, both the expression of gratitude at not having been created a non-Jew and the expression of gratitude at not having been created a woman have served as a source for the claim that traditional Judaism considers Gentiles and women as inferior beings.⁴ There is a fine line to be drawn between statements about pride in belonging to a particular group, meant to encourage esprit de corps, such as “thank God that I’m an American” [or English or French or Chinese], which many consider legitimate, and statements that encourage pride by denigration of other groups, which are considered illegitimate.⁵ Thus, many modern

Jerusalem, 2:718–719). Some later scholars objected to the use of this term in the blessing, claiming that it was ambiguous as Jews were also numbered among the גוים. One solution offered was to add to the blessing כגווי הארצות (Hizkiyahu Medini, *Sedeh Hemed, Aseifat ha-dinim, Ma’arekhet kherufin*, he; New York: Abraham Isaac Friedman, n.d., p. 174).

2. *Encyclopedia Talmudit*, Vol. 4, Jerusalem 1956, p. 371.
3. The son of Maimonides maintained that these blessings were to be recited only when one saw the people mentioned in the blessing (Rabbi Abraham Ben Moshe ben Maimon, *Sefer Ha-maspik le’ovdey Hashem / Kitab Kifayat al-‘abidin* (Part Two, Volume Two; ed. and translated by Nissim Dana), Ramat Gan 1989, p. 247; cf. Mordechai A. Friedman, “Notes by a Disciple in Maimonide’s Academy Pertaining to Beliefs and Concepts and Halakha” [Hebrew], *Tarbiz*, 62 (1993), pp. 563–569. Alex Haley, in his portrayal of the difficult conditions of enslaved Africans in the eighteenth century, mentions that when they saw the poor whites, they would say “Not po’ white, please, O Lawd, fer I’d ruther be a nigger” (*Roots: The Saga of an American Family*, New York: Dell Publishing Co., 1977, p. 316).
4. Although there may seem to be a basic difference between the way of relating to a more dominant group (non-Jews) and the way of relating to a subordinate group, this was not considered a material difference.
5. It is instructive to note here that Jesus denigrated the Pharisee who prayed while standing next to a publican (tax collector): “God, I thank thee, that I am not as other men are, extortioners, unjust, adulterers, or even as this publican” (Luke

women substitute an expression of gratitude to God for having created them as women, without considering this denigrating to men.⁶ It is for this reason, perhaps, that no umbrage has ever been taken at the priests who thank God “Who has sanctified me with the sanctity of Aaron.” According to rabbinic tradition, this phrase was included by the priests in any blessing made before fulfilling a priestly function. One may wonder how non-priests would have felt if the formulation of the priestly blessing took the form of thanking God for not being ordinary Jews.⁷ The intent of this paper is to show how the changing status of women within traditional Judaism is reflected in the halakhic discussions about this blessing and the changing methods of “Orthodoxy” in relating to change. The parameters suggested by the discussions about these blessings lead us to divide our own discussion into three periods: antiquity, medieval times, and the modern era.

The Blessings in Antiquity

When we turn to antiquity, we find that the tradition of men thanking God for not having been created Gentiles, slaves, or women goes back to the time of R. Judah,⁸ who is reported as having stated that one is required to recite

18:11). The implication is that this prayer was obnoxious only because the prayer was standing next to the publican.

6. In a review of “The Last Gold,” Amalia Ziv writes that many gays thank God daily “that He has not made me straight” (*Maariv*; *Tarbut*, p.11). This was written in an attempt to explain that many gays are happy about being gay. I am not aware that anyone has complained about her denigration of “straights.”
7. This fact was brought up in the context of the morning blessings by Joseph H. Hertz, as part of his apologetic defense of these blessings (see below, n. 27). Hertz did not dwell on the difference between the priest’s positive blessing and the male’s negative formulation.
8. The printed editions of the Babylonian Talmud report this in the name of R. Meir, but the Vatican ms. has R. Judah. From a philological standpoint, R. Judah is probably the correct version. The talmudic text was probably corrupted to R. Meir as a statement about blessings attributed to R. Meir appears immediately before it. It is also true that R. Judah may have been more receptive to Hellenistic influence (see W. Bacher, *Agada der Tanaiten*, 2, p. 202, n. 2; Kauffmann [note 39], p. 18, n. 1; רר [below, n. 34]. The Hellenistic origin of these blessings will be discussed further on). The statement of R. Judah is presented in the BT (*Menahot* 43 b) as being in

these three blessings daily,⁹ and who may be presumed to have been the one who promulgated this series of blessings. In reality, the earliest form of this tradition, as reported in the *Tosefta* (*Berakhot*, 6:16, Lieberman, p. 38), in the Palestinian Talmud (*Berakhot* 9:1, 63b) and in the Babylonian Talmud (*Menahot* 43b-44a),¹⁰ does not include thanks for not having been created a

apparent contradiction with the statement of R. Meir, which immediately follows it, according to which one is required to recite 100 blessings daily.

9. The use of three as a natural grouping is well known. It is a cliché in the Israeli army that everything can be divided into three parts. For the use of threes in antiquity see Shama Friedman, "Some Structural Patterns of Talmudic *Sugiot*" [Hebrew], *Proceedings of the Sixth World Congress of Jewish Studies*, 3, Jerusalem 1977, pp. 391, notes 7-12.
10. The printed editions of the Babylonian Talmud have "Who has made me an Israelite" rather than "Who has not made me a non-Jew." According to Rabinovitz (R. N. N. Rabinovitz, *Dikdukei Soferim* [Munich 1881, photographic reprint in 1960], p. 108), this change was first introduced in the Basel edition of the Talmud, in which many changes were made under the supervision of Marco Marino Fabrix (R.N.N. Rabinovitz, *Ma'amar 'al Hadpasat ha-Talmud*, Jerusalem 1952, pp. 74-79). However, tractate *Menahot* of this edition was printed in 1570 (Rabinovitz, *op. cit.*, p. 74) and we find evidence of changes in the version of this blessing in prayer books that were printed earlier than this in Italy. In the copy of the Italian rite printed in Fano in 1504 found in the JNUL, the word *goy* has been replaced by *yehudi*, and the word *she-lo* has been replaced by the letter *shin*. In the copy of the fourth edition of this rite (Soncino 1521; see Y.Y. Cohen) found in the JNUL, we find that this blessing, together with some surrounding text, has been cut(!) out of the siddur. On a paste-in, in handwriting, has been added בא"ה אמי"ה כותי (י). Although these changes cannot be accurately dated, they show the activity of the Italian censorship, which flourished after the burning of the Talmud in 1559. However, Jewish sensitivity to this issue was apparently earlier than this. The earliest printed evidence of the changed version is apparently that of the Italian rite printed in Rimini in 1521, which reads "that You(!) have made me an Israelite" (see M. Benayahu, *Copyright, Authorization and Imprimatur for Hebrew Books Printed in Venice* [Hebrew], Jerusalem 1971, p. 170). The use of the second person in referring to the Deity may show that they adopted an ancient Palestinian form, which may still have been known in Italy (see below, note 19). However, later editions amended the changed form to the third person so that it was stylistically in line with the other benedictions. After this time, the use of the twice amended form became common. Evidence of Italian influence in this change is shown by the fact that the Ashkenazic *maḥzor* printed in Salonika in 1548 retains the *she-lo asani goy*, while the edition of this *maḥzor* printed in Savionetta-Cremona in 1558(?), which was copied from the Salonika edition (see M. Benayahu, *Hebrew Printing at Cremona: Its History and Bibliography*, Jerusalem 1971, pp. 139-178, and especially

slave. The three blessings for which gratitude is expressed are for not having been created a “Gentile, boor, or woman.” The *Tosefta* explains that the satisfaction in being neither “Gentile, boor, or woman” is that a man bears the full load of God’s commandments and, presumably, is equipped to fulfill them. The proof-text used to explain the advantage in not being a Gentile is Isaiah 40:17, which states “All nations are naught in his sight.” Continuing this line of thinking, it follows that women are also inferior to men as far as their relationship to God is concerned, since women have not been commanded to bear the full load of commandments. They do not have to keep those commandments whose fulfillment is prescribed at a specific time. The disadvantage in being a boor is that a boor does not fear sin. The *Tosefta* adds a parable to explain the relevance of this statement. The situation of a boor is comparable to that of a servant who is asked to prepare a meal for his master, but who doesn’t know how to cook. The implication is that the boor should have prepared himself for the task that he had reason to assume would be demanded from him. It is important to note that the status of the boor is significantly different than that of the Gentile or woman. The boor’s status is not innate. One might think that the perception of ancient times was that a boor is born — not made. But the parable of the servant implies that the boor had the opportunity to learn what was required of him. He had the choice not to be a boor, but, through his laziness or apathy to learning, he chose to be a boor. Thus, the real impact of this blessing, according to the *Tosefta*, is not so much one of thanksgiving as of self-education to the importance of the study of Torah.¹¹

Although scholarship often looks askance at reasons for laws given in the sources, frequently considering these reasons as having been created after the fact and not really reflecting the rationale of the early law, it is clear that these reasons were accepted by the amoraim and served as a basis for their

p. 168), has the newer form of this benediction. It is of interest to note that the 1541 Bologna edition of the Italian rite contains the newest form, but the commentary attached to this edition, by Yohanan Trevits, reflects the original version. In the copy found in the JNUL, the three appearances of the word *goy* in this commentary have been cut out of the text, leaving little holes.

11. Yonah Frankel, *Darkhei ha-aggadah*, p. 361. In a similar vein, Judith Hauptman has suggested that the thanksgiving for not being a woman may have been meant to strengthen male ego, “to comfort the men... for the large number of ritual demands placed upon them” (*Rereading the Rabbis: A Woman’s Voice*, Boulder, CO: Westview Press, 1998, p. 237).

discussions. The point in question is a story told in the Babylonian Talmud (*Menahot* 43b-44a) of R. Aḥa bar Yaakov, who heard his son reciting these blessings and objected to his son's thanking God for not being a boor. The reason for his objection is not entirely clear. He may have been objecting to his son's assumption that he was not a boor. On the other hand, he may have felt that there was no reason to give thanks for not being a boor as a boor is obligated to keep all the commandments.¹² Be that as it may, the important point is his son's reaction. His son asked his father what blessing he should recite instead. From this question we may learn that, at this point of tradition, it was accepted that one should recite a threefold blessing, but, if the text was not appropriate, it could be changed — provided that one kept to the threefold division. The conclusion of the Talmud was that gratitude for not being a boor should be replaced by gratitude for not being a slave. This conclusion was

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12. The rationale for the rejection of the statement about not being a boor is not clear. The two explanations that I have mentioned in the text have been offered by Rashi and Tosafot to this passage. The Maharsha thought that there was nothing wrong with the blessing itself, and the objection relates to the order of the blessings. According to him, there is no point in reciting the blessing for not being a woman after one had already expressed his gratitude that he was not a boor, as being a boor is worse than being a woman. A woman will not be punished for not fulfilling positive commandments — as she is not commanded to fulfill them. A boor, on the other hand, will be punished because he is commanded to fulfill these obligations, but he does not know how to do so. An alternative possibility is that R. Aḥa bar Yaakov's objection to giving thanks for not being a boor is that not being a boor is not a gift of God but is due to human activity. People are born "boors," in the sense of the Hebrew word בור, which comes from a root describing an uncultivated field. It is possible that in the time of the Mishna the term "boor" was used to describe a person who was felt to be natively uncultured, with no possibility of change — very much as the Greeks thought of barbarians. This word appears twice in the Mishna: *Abot* (2:8) and *Mikvaot* (9:6). In the second case the reference is clearly to an uncultured person who does not take care of his clothes (see S. Lieberman, "Perushim bemishnayot," *Tarbiz*, repr. in *Studies in Palestinian Literature*, Jerusalem 1991, pp. 7-8). The first case states that a boor does not fear sin, and it is not clear whether being a boor is an innate quality or if it reflects a lack of education. However, in the *Tosefta* it appears a number of times as an epithet for one who recites blessings in forms which have been rejected by the rabbis (*Berakhot* 1:6, 6:20). Here it is clear that the boor is an uneducated person and this meaning is very obviously the one thought of by the Babylonian amoraim in b. *Sotah* 22a. It may be that R. Aḥa bar Yaakov's objection is based on a changed meaning of the term "boor."

objected to since the status of women and slaves (non-Jewish slaves; Jewish slaves were not considered as slaves) was considered equal. However, the frame of reference for their equality is not clear. Rashi gives two explanations. One explanation is that women are subservient to their husbands, as slaves are subservient to their masters. Thus, once one has praised God for not being placed in a subservient situation, there is no place for a second blessing of this type. The response to this is that one should nevertheless recite this blessing, apparently just to retain the number of three blessings.¹³ Rashi's second explanation is more consistent with the context.

This explanation assumes that the frame of reference is the relationship to God's commandments. Since the status of a woman and a slave were equal as far as the commandments were considered, both being free of time-linked commandments, once a man had expressed his gratitude for being commanded to observe the time-linked commandments (not being a slave), there would be no point in reciting a blessing for not being a woman since there was no difference between a slave and a woman in this matter.¹⁴ Rashi explained that this objection was rejected based on the consideration that women were of a higher social status than slaves, and it was thus appropriate to give separate thanks for not being a slave and for not being a woman.¹⁵ It is appropriate

13. The commentary of R. Gershom to this passage adds that reciting an additional blessing is an insignificant matter.

14. This is according to the second explanation given by Rashi to this passage. According to his first explanation, the status of a woman vis-a-vis her husband is no different than that of a slave to his master. Thus, a man who had already thanked God for not being a slave could not add thanks for not being a woman, as a woman is also a slave. The response to this is that one must keep the traditional number of blessings even though only one of them is necessary. This is the explanation of the passage given in the commentary of R. Gershom in the BT, loc. cit.

15. An assumption of this passage is that the blessings were arranged in a hierarchy: non-Jew, boor or slave, woman. R. Abraham Gombiner ruled that if one had inadvertently recited the blessing about not being a woman before the blessing about not being a slave, one should not recite the blessing about not being a slave since one had already expressed gratitude for not being in a higher status — that of a woman (*Magen Avraham*, OH, 46:9). However, the printed editions of the Rambam stated that the order of the blessings was: non-Jew, woman, slave (*Laws of Prayer*, 7:6; for the correct reading see Joseph Kafah's edition of the *Yad Ha-hazakah*). Since it was obvious that women were of a higher social status than slaves, the only recourse was to go back to the original concept, that the blessings referred to the status concerning commandments, and find a commandment which

to point out in this context that the blessings now changed their point of reference. Although the early tradition looked at all the blessings from one perspective — the relationship to God — the new statement about not being a slave was not based on the slave's inferior status in relation to the commandments, but rather on his inferior social status.

In discussing the history of tradition, it is appropriate to speculate here about the attitude of R. Aḥa bar Yaakov himself. The three blessings were of tannaitic origin, and we find no tanna who disagreed with them. Why did R. Aḥa bar Yaakov express his objection only in response to hearing his son? Was he himself not accustomed to reciting these blessings? Or did he, perhaps, recite another form of these three blessings that had already been accepted in his milieu?¹⁶ Had his son been studying the tradition with a teacher who was heir to the tannaitic tradition of R. Judah, as opposed to a different tradition that was common in Babylon? These questions cannot be answered, but they should be asked, and this may help us to be aware of the limitations of our knowledge. We may sum up this section with the conclusion that the threefold blessing was well-founded in Babylon, but this did not prevent scholars from reformulating these blessings in accordance with their conceptions.¹⁷

Palestinian tradition would have had no problem finding an alternate blessing — if they had decided to replace one of the original three. Many early *siddurim* and Genizah fragments, presumably of Palestinian origin, contain an expanded series of blessings that express the pride of the blesser in the status which had been granted to him by God.¹⁸ A number of manuscripts include

woman were not commanded to fulfill while slaves were. Such a commandment was that of circumcision (see R. Yaakov Kaminetzky, "About the Blessing Who Has Not Made Me a Non-Jew" [Hebrew], *Yeshurun*, i [1996], pp. 96–100), and thus the earlier understanding of the significance of these blessings was restored, that they were all based on the relative obligation to keep the commandments, despite the fact that the Talmud seemed to reject this understanding.

16. This question has been raised by I. Lévy, who thought that R. Aḥa bar Yaakov's suggestion was based on a Hellenistic prototype (Isidore Lévy, *La Légende du Pythagore de Grèce en Palestine*, Paris 1927, p. 262, note 3).
17. Kaufmann has suggested that the blessing about not being a slave belonged to the earliest tradition of these blessings. According to him, it was R. Judah who substituted the boor for the slave and R. Aḥa bar Yaakov was only reinstituting the original form which had been retained in Babylonia (Kaufmann, *op. cit.*, p. 15).
18. According to the Meiri, in his commentary to the Babylonian Talmud (*Berakhot* 60b), in Provence they used to recite all four blessings in his time. See Groner

gratitude to God for not having been created an animal. Two manuscripts from the Cairo Genizah, published by J. Mann and S. Asaf, thank God for having created the blesser “man and not brute, male and not female, Israelite and not Gentile, circumcised and not uncircumcised, freeman and not slave.” Similar blessings are found in two manuscripts, one found in Parma and one found in Turin, both well known representatives of the Palestinian ritual tradition.¹⁹

Nineteenth-century scholars were the first to point out that these blessings were found not only in Jewish sources, but they, or similar concepts, were found also in Greek and Iranian sources. Plutarch reports that Plato, before his death, thanked the Fates that he had been born a human being rather than an animal,²⁰ Greek rather than barbarian, and that he lived in the time of Socrates.²¹ We may doubt the historical accuracy of the attribution to Plato,²² which would place these themes several hundred years before R. Judah, but Plutarch himself was contemporaneous with R. Aqiva, an important teacher of R. Judah, and thus presents an earlier source for these themes than is found in Jewish sources. It is of interest to note that Plutarch’s tradition does not include thanks for not having been created a woman. This lack is made up for in a report of a variant tradition by a later scholar, Diogenes Laertius, who lived in the first half of the third century. He was thus presumably somewhat

(below, n. 55). For additional references to siddurim that included this blessing, see Moshe Hallamish, “Rare Blessings Included in the Morning Blessings” [Hebrew], *Yeda’-‘am*, 26 [59–60] (1995), p. 11.

19. מאן, עמ' 277, אסף, ספר דינבורג, עמ' 121) בא"ה אמ"ה אשר בראת אותי אדם ולא בהמה איש ולא אשה (זכר ולא נקבה) ישראל ולא גוי מל ולא ערל חפשי ולא עבד (טהור ולא טמא) המוסגר נמצא אצל אסף בלבד; ר' עוד ש' ליברמן, תוספתא כפשוטה, ח"א, עמ' 120); (כ"י פרמה 887) שעשיתני איש ולא אשה, אד' ולא בהמ', ישר' ולא ישמעאל; (כ"י פרמה 67) שעשיתני איש ולא אשה, אדם ולא בה'; מל ולא ערל; שלא עשיתני עבד לבריות; שלא עשיתני אשה; שלא עשיתני בהמה. (See Naftali Wieder, “About the Blessings Goy, Slave-Woman, Brute, and Boor,” *Sinai*, 85 [1979], pp. 97–115.) David M. Goldenberg (below, n. 26, Appendix III, pp. 100–101) has pointed out that the existence of the circumcised/uncircumcised dichotomy in early Christian sources shows that this item in these versions may not be late — as assumed by Mann, Assaf, Lieberman, and Wieder.
20. The possibility of having been created an animal may be connected to the theory of reincarnation or metempsychosis. In later Jewish literature a similar theory was used to justify the everyday recital of thanks for not having been created a Gentile. It was thought that when the soul returns to the body after sleep, there was a chance that it would enter the body of a Gentile.
21. *The Life of Gaius Marcius*, LCL, Vol. 9, p. 595.
22. Prof. Hallamish has pointed out that gratitude for not having been created as an animal is consistent with Plato’s belief in metempsychosis.

younger than the redactor of the Mishna, R. Judah the Prince, who was a student, inter alia, of R. Judah. Although later than Plutarch, his report claims to present an earlier tradition. He was apparently aware of a tradition that reputed the thanksgiving motif to Socrates himself, who lived in the fifth century BCE, although he remarks that Hermippus attributed this motif to Thales, who lived some hundred years earlier. Whoever it was, he was reputed to have said that “there were three blessings for which he was grateful to Fortune: ‘first, that I was born a human being and not one of the brutes; next that I was born a man and not a woman; thirdly a Greek and not a Barbarian’.” In the vein of tradition history, we might assume that the ancients connected with either Thales or Socrates a trifold²³ thanksgiving that was reworked by Plato. Plato wished to express his gratitude to the Fates for being born in the time of Socrates but, in order to retain the trifold formula, he eliminated the reference to not being a woman. It is instructive of the nature of tradition that Lactantius, a North African Christian writer who lived at the beginning of the fourth century CE, gives a conflated version of this thanksgiving. According to him, Plato was grateful that he was a human rather than an animal, a man rather than a woman, a Greek rather than a barbarian. He was additionally grateful that he was an Athenian and that he lived in the time of Socrates.²⁴ The structure of his report would seem to verify our conjecture about the identity of the original triad — human, male, and Greek — with the reference to Socrates and another motif, that of being an Athenian, being considered as later additions.

A triad of a similar division of society appears in Christian sources. Paul, in his letter to the Galatians (3:28), declares that under Christ, “There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female.”²⁵ Although the general structure of the division is similar to that

23. Note the trifold structure of the Pharisaic prayer in Luke (above note 5), with the addition of the publican. This does not imply that he thought that men and women were actually equal. For a discussion of this see: Kathleen O'Brien Wicker, “First Century Marriage Ethics: A Comparative Study of the Household Codes and Plutarch's Conjugal Precepts,” *No Famine in the Land: Studies in Honor of John L. McKenzie* (eds. J.W. Flanagan and A.W. Robinson), Missoula, MT.: Scholars Press, 1975, pp. 141–153 and especially p. 149.

24. *Divine Institutes*, 3:19:17.

25. Paul's attitude toward women is complex. Although he seems to call for equality between men and women, in his liturgical instructions to the Corinthians he calls

found in the Greek sources, it is noteworthy that animals are not included in the frame of reference, and they are replaced by slaves. One wonders whether this difference reflects a variant tradition, or whether perhaps Paul changed another tradition because the possibility of being an animal was not relevant to the subject under discussion: the nature of Christian society. We may once again notice that the division implicit in Paul's writings follows the one adopted in the Babylonian Talmud rather than the division presented by the Palestinian tannaim, returning us to our speculation about the origins of the Babylonian pattern.²⁶ An interesting parallel to Paul's theme is found in *Seder Eliyahu*, which states, in connection with the judgeship of Deborah, that "I call heaven and earth to witness that whether it be a heathen or a Jew, whether it be a man or a woman, a manservant or a maidservant, the holy spirit will suffuse each of them in keeping with the deeds he or she performs."²⁷ Scholarly discussion of the relationship of the Jewish blessings

upon women to be silent in church (1 Corinthians 14:33–36). For a discussion on this point see Peter J. Tomson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles*, *Compendium Rerum Iudicarum ad Novum Testamentum*, 1990, iii/1 pp. 131–139. See also Shaye J. D. Cohen, "Why Aren't Jewish Women Circumcised?," *Gender and History*, 9 (Nov. 1997), pp. 566–567.

26. In a similar vein he writes to the Colossians (3:11) that "there is neither Greek nor Jew, circumcised nor uncircumcised, Barbarian, Scythian, bond nor free." The categories of Barbarian and Scythian are a merism that includes the whole non-Jewish world. Cf. David M. Goldenberg, "Scythian-Barbarian: The Permutations of a Classical Topos in Jewish and Christian Texts of Late Antiquity," *Journal of Jewish Studies* (Oxford) 49/1 (Spring, 1998), pp. 87–102, esp. pp. 96–97. Thus, these terms would seem to be an expansion of the term "uncircumcised" — which would mean that this statement also has the threefold form. In a similar passage Paul declares that all were baptized into one body "Jews or Greeks, bond or free" (1 Corinthians 12:13). Only in his letter to the Galatians does he refer to the equality of men and women and this may be considered "a rhetorical outburst" (see Shaye J. D. Cohen [above, n. 25], p. 567). In the "mail-Jewish" list discussion on the internet, it has been suggested that the pattern adopted in the Babylonian Talmud is actually a reaction to Paul's statement. Chronologically, this is possible but it does not seem likely for two reasons. One is that the Babylonian Talmud presents the critical reason for adopting this pattern and it has nothing to do with theology. Secondly, although Paul's statement was made to a non-Palestinian community, Christianity was not a major concern of the Jews in Babylon, and there is very little reaction to Christianity, if any, to be found in this Talmud.
27. *Tana Debe Eliyyahu*, translated by William G. Braude and Israel J. Kapstein, Philadelphia 1982, pp. 152–153. This passage is quoted, in a slightly different

to other traditions tended not to be judgmental but, rather, was interested in the question of cross-cultural influences. The first scholar to notice the correlation between the Greek and Jewish sources was, apparently, the philosopher Arthur Schopenhauer. He maintained that “theism” was introduced into Greek philosophy by Jewish influence. The earlier Iranic philosophy was not “theistic.” In the third edition of his work, published in 1859, he brought a “remarkable corroboration” (“*sonderbare Bestätigung*”) of his thesis. He mentioned Plutarch’s report that Plato had thanked the Fates for being born a human being rather than an animal, Greek rather than barbarian, and that he lived in the time of Socrates.²⁸ Schopenhauer found three similar blessings in a German translation of the Jewish prayer book²⁹ and found in this evidence that Plato had been influenced by Judaism.³⁰ Schopenhauer was not really interested in the attitude toward women displayed in these blessings; considering his own attitude to women, he would indeed have considered it a great misfortune had he been created a woman.³¹ His interest was limited to showing the direction of cultural influence.

Schopenhauer’s theme was further developed by other nineteenth-century scholars — although in the other direction. In 1880, Manuel Joël published

translation, by Joseph H. Hertz, *The Authorized Daily Prayer Book*, New York 1965 (12th printing), p. 21, in connection with the morning blessings. This list appears in two other passages in *Tana Debe Eliyyahu*. One passage states that anyone — whether Gentile or Israel, whether man or woman, whether slave or maidservant — who reads a certain verse connected with sacrifices, will remind God of the binding of Isaac (*Tana Debe Eliyyahu*, p. 124; this passage also appears in *Midrash Vayikra Rabbah* 2:11 [p. 51], where it seems to have been added from *Tana Debe Eliyyahu* [see Margoliot’s note in his edition of *Vayikra Rabbah*, p. 46]). The other passage cites this list in emphasizing that all who fulfill divine commands will be rewarded by God (p. 188; the passage does not appear in the mss. of *Tana Debe Eliyyahu* but it has been added by Ish-Shalom to his edition from the *Yalkut Shimoni, Lekh Lekha* 76). Note the use in these passages of two types of servants, both male and female.

28. *The Life of Gaius Marcius*, Loeb Classical Library, Vol. 9, p. 595.

29. Euchel’s *Gebeten der Juden*, Second edition, 1799, p. 7.

30. Arthur Schopenhauer, *Die Welt als Wille und Vorstellung*, Leipzig: Brockhaus, 1859, I, pp. 577–588 (I wish to thank Dr. Stefan Reif for sending me a facsimile of these pages); München: Georg Müller, 1912, I, pp. 559–560, 709–710.

31. See his essay “On Women,” which appeared in *Parerga and Paralipomena*. An English translation appeared in *Schopenhauer: Selections* (ed. DeWitt H. Parker), The Modern Student’s Library: Scribner’s 1928, pp. 434–447.

an extensive work on the influence of Greek language and culture on Judaism at the beginning of the second century CE. The main thrust of his argument about these blessings, which he considered incidental to his main theme on the influence of Platonic-Pythagorean ideas on tannaitic Judaism, was that the negative attitude toward women expressed in these blessings originated in Greek sources rather than being of Semitic origin. He considers this point rather insignificant and his main interest in referring to it is to point out how unfounded it is to make generalizations about what is to be considered as truly Semitic.³²

At about the same time that Joël was working on his thesis, we find Isaac Hirsch Weiss (1815–1905) addressing the same issue. In the second volume of his well-known history of the oral law, *Dor Dor ve-Dorshav*, first published in 1876, Weiss referred to Socrates' custom of giving thanks that he was created man and not animal, male and not female, Greek and not barbarian, in a list of items in which he tried to show the depth of Greek influence on Judaism.³³ He repeated this idea in his discussion of the life of R. Meir. Here he pointed out that R. Meir was the student of R. Aqiva, who gave his life in devotion to the study of Torah. Nevertheless, R. Meir "was a true scholar" who tried to learn everything from everyone. The institution of these three blessings is cited as an example of R. Meir's openness to non-Jewish sources and his willingness to adopt into Judaism customs found in other cultures.³⁴ Weiss' agenda is clear at this point, and he does not discuss whether this adoption was wise or not.

A further parallel to these blessings in antiquity was found by James Darmestedter, who, in the 1880s, reported that these expressions of

32. Blicke in *Der Religions-Geschichte zu anfang des zweiten christlichen Jahrhunderts*, Amsterdam: Philo Press, 1971 [photographic repr. of the 1880 edition published in Breslau], pp. 119–120.

33. Isaac Hirsch Weiss, *Dor Dor ve-Dorshav*, 2, Vienna 1876, p. 19, cf. p. 147; Ziv: Jerusalem — Tel Aviv [no date, reprint of 1903 edition], vol. 2, p. 27.

34. *Ibid.*, p. 132. M. D. Herr accepted the attribution of this statement to R. Judah, as reported in the *Tosefta*, mentioning that R. Judah had a positive attitude to the Roman government "השפעות חיצוניות בעולםם של חכמים בארץ-ישראל – קליטה ודחייה", התבוללות וטמיעה – המשכיות ותמורה בתרבות העמים ובישראל (בעריכת י' קפלן ומ' שטרן), ירושלים, תשמ"ט, עמ' 86–87. On the other hand, it has been suggested that R. Meir was a first-generation descendant of converts from Phrygia. See חג הפורים ועל מקצת ממנהגי בצלאל בר-כוכבא, "על חג הפורים ועל מקצת ממנהגי", עמ' 399–400 (תשנ"ז), ציון סב (תשנ"ז), עמ' 399–400. Naomi G. Cohen, "Rabbi Meir, a Descendant of Anatolian Proselytes: New Light on His Name and the Historic Kernel of the Nero Legend in *Gittin* 56a," *JJS*, 23 (1972), pp. 51–59.

thanksgiving were found in Iranian sources.³⁵ An Iranian prayer in second- or third-century sources expressed gratitude to Hormiz: "O Creator, I thank Thee for that Thou has made me an Iranian, and of the true religion....., Thanks to Thee, O Creator, for this, that Thou has made me of the race of men; ... for this, that Thou has created me free and not a slave; for this, that Thou has created me a man and not a woman."³⁶ Darmestedter wished to show that the Iranian prayer had been influenced by Jewish sources, just as, in his opinion, there were other Jewish influences on Iranian religion.³⁷ It is significant to note here that the Iranian content of the three questions was identical (*mutis mutandis*) with the one that appeared in Babylonian sources, rather than with the tannaitic form. Darmestedter's publication aroused controversy among scholars who suggested that the Iranian position had been influenced by Greek sources rather than by Jewish ones.³⁸ The discussion of the relationship of the Jewish blessings to Greek sources was taken up, following Darmestedter's publication, by David Kaufmann, in an article published in 1893. Kaufmann accepted the idea that the Jewish tradition was influenced by Greek mores.³⁹

If we turn now to the major theme of our study, the status of women as reflected in these blessings, we may notice that, although it was recognized that there had to be [a minimum of] three blessings, no discussion is found of what women should say in place of the blessing "Who has not made me a woman." It is simplistic to say that women did not pray, for tannaitic sources consider women obligated to pray the *Amidah* (*Mishna Berakhot* 3:3), and it is reasonable to assume that they did indeed recite this prayer. We find that

35. James Darmesteter, *Une prière judéo-persane*, Paris: Cerf, 1891. I have not been able to find a copy of the original publication. Its contents were summarized in "Philology Notes," *The Academy*, 40 [1021] (Nov. 28, 1891), p. 483 (I wish to express my thanks to my colleague, Dr. Stefan Reif, who provided me with a copy of this publication).

36. This quotation is taken from "Philology Notes" (see above).

37. See the discussion of this point by J. Murray Mitchell, op. cit., 41 [1051] (June 25, 1892), pp. 616–617; T.K. Cheyne, op. cit., 42 [1052] (July 2, 1892), p. 14.

38. See prior note.

39. David Kaufmann, "Das Alter der drei Benedictionen von Israel, vom Freien, und vom Mann," *MGWJ*, 37 (1893), pp. 14–18. Greek influence has also been accepted by M. D. Herr [above, n. 34]. It is of interest to note that Louis Feldman, in his comprehensive study entitled *Jew and Gentile in the Ancient World* (Princeton, NJ: Princeton University Press, 1993) does not mention this example of Greek or Hellenistic influence on Judaism.

a Babylonian amora rejects a Palestinian tradition about the blessing to be recited over the New Moon with the statement that that blessing is said by our women — with the implication that men would say something more sophisticated (*Sanhedrin* 42a). So women did pray, but they did not recite all the prayers offered by men. One could only say that women were not of equal obligation in other liturgical acts, such as the obligation to recite these three blessings.⁴⁰ Nobody, apparently, was concerned over the fact that women could not recite one of these blessings, and it would thus seem that they did not recite any of them.

Women's Response in Medieval Times

We may now turn to the medieval period or, to be more exact, to the evidence of the twelfth to fifteenth centuries. In different areas of the world we now find women who recited these blessings and found substitutes for the blessing: "Who has not made me a woman." The best known is the one testified to by R. Jacob ben Asher (Spain, 1270?-1340).⁴¹ He reports that women were accustomed to saying a blessing "Who has made me according to his will."⁴²

40. This point has already been made by I. Singer, in the *Authorized Prayer Book*. For a discussion of the history of women's obligation to pray see Judith Hauptman, "Women and Prayer: An Attempt to Dispel Some Fallacies," *Judaism*, 42 (1993), pp. 94-103; Michael J. Broyde, Joel B. Wolowelsky, *ibid.*, pp. 387-395; J. Hauptman, *ibid.*, pp. 396-413. It may be significant that the obligation of women to pray refers to the *Amidah*, which was considered public prayer. The benedictions of self-identity were not part of the public prayer. It is somewhat contradictory to the presumed status of women that they were required to pray the *Amidah* while being exempt from the private blessings.

41. Ephraim Kupfer, "Jacob ben Asher," *Encyclopaedia Judaica*, Jerusalem 1972, Vol. 9, pp. 1214-1215.

42. Tur, *Orah Hayyim* 46. The source of this blessing is unknown. Israel Abrahams (*Annotated edition of the authorised daily prayer book with historical and explanatory notes, and additional matter, compiled in accordance with the plans of the Rev. S. Singer*, by Israel Abrahams, London, 1914, pp. xvi-xvii) has pointed out that there is a similar phrase in Ben Sira, who says that God has made man "according to his will" (50:22, ed. M. Z. Segal, Jerusalem 1959, p. 342. Segal also points out the similarity of Ben Sira to this blessing), but it would seem highly unlikely to find influence of the Hebrew Ben Sira in medieval Spain.

This is presented as a female custom, and R. Jacob does not claim that this was a rabbinical suggestion. He explains that this blessing does not express pride but is rather an expression of resignation to their lot, similar to the praise of God expressed by someone who has borne the loss of a close relative.⁴³ This report is also found in the work of David Abudarham, a younger contemporary.⁴⁴ Their testimony about the form of the blessing is supported

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43. It is worthwhile noting that a contemporary of R. Jacob, Kalonymus ben Kalonymus (1286-?), used the same idea in connection with the male blessing. After extolling the situation of women in his time, he laments the fact that he was created a man and had not been fortunate enough to be like Dinah, the daughter of Leah, who had been turned into a female in the womb — although originally conceived as a male. He ends his lament with the statement that he recites the blessing for not having been made a woman in a low voice, accepting it as an articulation of his acceptance of his unhappy lot. This lament appears in his satirical-humoristic work, *Even Bohan*, and has been reprinted in H. Schirmann, *Ha-shirah ha-ivrit bisfarad uviprovan* (Jerusalem-Tel-Aviv 1972, 2/2, pp. 504–505). This passage has also been used by Yael Levin-Katz as a preface to her book *Tehinat ha-nashim levin-yan ha-miqdash* (Eked: Jerusalem 1996). Cf. Tova Rosen, “Circumcised Cinderella: The Fantasies of a Fourteenth-Century Jewish Author,” *Prooftexts*, 20/1–2 (Winter/Spring 2000), pp. 87–110.
44. *Abudarham Ha-Shalem*, Jerusalem 1963, pp. 39–40. There is some doubt about the proper pronunciation of this name and I follow the use of the *Encyclopaedia Judaica*. For his dates see Zvi Avneri, “Abudarham, David ben Joseph,” *EJ*, Jerusalem 1972, Vol. 2, pp. 181–182. Abudarham appends to this that women are comparable to a person who cultivates another’s fields without the knowledge of the owner. According to Jewish law, such a person is entitled to reward for the work that he did — although his reward is not equal to that of the person who cultivated another’s field at the request of the owner. Thus, women are entitled to reward if they fulfill the commandments that they are not required to fulfill. The history of this parable is informative. We find it first in the commentary of Menahem Meiri (Provence, 1249–1361) to a passage in BT (*Avodah Zarah* 3a), which states that Gentiles who study Torah (voluntarily) are not entitled to the same reward as Jews who study Torah because they are commanded to do so, but they are, nevertheless, entitled to some reward. Meiri reports that the Palestinian Talmud uses the analogy to a person who cultivates another’s field without his knowledge (*Beth ha-Behira al Masechet Avodah Zarah* [ed. A. Sofer], Jerusalem 1965, p. 5; Sofer mentions that he could not find this source). This analogy appears in the context of the morning blessings in the work of Abraham Ha-Yarchi (*Sefer Hamanig: Rulings and Customs of R. Abraham ben Nathan of Lunel* [ed. Yitzchak Raphael], Jerusalem 1978, p. 38). Ha-Yarchi applies the analogy both to slaves and women, and he does not mention any specific blessing for women. His use of the analogy shows that he did not intend to provide an explanation for the special blessing of women, but rather as

by manuscript evidence. A siddur written in Ladino presents this blessing in Hebrew characters, here transcribed into Latin characters: “*que me fizo como su voluntad*,”⁴⁵ and a similar version, “*que fizi me comy la volintady sua*,” also in Hebrew characters, is found in a prayer book for a woman written according to the Italian rite.⁴⁶ These manuscripts also show adaptation to feminine characteristics in the other blessings by using the feminine form “maid servant” (*servanta*), rather than male slave, and “*goya*”(!).⁴⁷

A second region in which we find a special blessing for women is in Provence. Here we find a prayer book written for a woman in the fourteenth or fifteenth centuries. The book was written in Shuadit, the Jewish-French patois of the area, in Hebrew letters. As we shall see, the contents of the prayer book show that it was meant for a woman, but this is also superficially evident. The first page of the book is decorated with the phrase “my sister, be the mother of

an attempt to clarify their status vis-a-vis the commandments. I tend to think that this was what was meant by Abudarham, and his quoting the analogy would seem to show that he felt that some explanation was necessary for the fact that women were excluded from some of the mitzvot.

45. Moshe Lazar, *Siddur Tefillot: A Woman's Ladino Prayer Book* [Paris B.N., Esp. 668; 15th C.], Labyrinthos: Lancaster, CA, 1995, pp. 4–5. Lazar states that the manuscript is in pocket format (11×8.7 cm). The scribe changed verbs from masculine form to feminine and from plural to singular. According to Lazar, there was no traditional translation of the prayers, but the prayers were translated by the scribe for a particular woman (Introduction, pp. xx-xxi). Lazar enumerates 11 manuscripts of prayer books translated into Romance languages: seven in Judeo-Italian (in Hebrew letters), two in Catalan (in Latin letters), one in Shuadit (Judeo-Provençal), and one in Ladino. I wish to thank Mr. Joel Kahn for bringing Lazar's publications to my attention. Mr. Kahn has also kindly informed me that this version also appears in early printed siddurim in Ladino: *Siddur Tefillot* [Ladino siddur in Hebrew characters, for a woman, pre-1492] fol. 3v: and in two Latin-character Ladino siddurim published in Ferrara for the use of repentant apostates: *Libro de Oracyones* [1552] and a *Ladino mahzor* [1553]. The text of the second publication reads: “*Benedich tu Adonay nuestro Dio, Rey del mundo, que no me hizo gentio ... que no me hizo sieruo ... que no me hizo muger. Y siendo muger, dira: ... que me fizo como su voluntad.*”

46. Ms. of The Jewish Theological Seminary, Mic. 4076; Acc. 01207. The text in Hebrew characters reads קי פיצ מי קומי לבוליטנדי סוואה.

47. Instead of the male form *eved*, basing himself on his understanding of the Talmud (see above, n. 14) that women are maid-servants to their husbands (*Siddur... Shabtai Ha-sofer* [ed. Yitzchak Satz and David Yitzchaki], Baltimore 1994, p. 16).

thousands of ten thousands.”⁴⁸ The three blessings that are the subject of our discussion all have a special form. The first two follow the pattern of feminizing their forms, which we have found in Spain, using “goya” and maid-servant. However, the third blessing is entirely different: “Who has made me a woman” (קִי פִיס מִי פִנָּה)! Here we find a positive expression of pride in being a woman, and this blessing appears also in Hebrew, in at least two prayer books copied by Abraham Farisol, between 1470 and 1480, according to the Italian rite.⁴⁹ In both of these manuscripts, the form is actually “who has made me a woman and not a man”! However, one may question whether this form of the blessing was actually adopted out of a sense of pride in being a woman. It may well be that this was just a mechanical adjustment. The masculine form in the Italian rite was “who has made me a man and not a woman” and the form adopted by women, or for women, was simply the reverse image of this blessing.

The third region where a special blessing for women has been found is in Germany. R. Joseph b. Moshe, the student of R. Israel Isserlein (1390–1460), collected his master’s customs in the work known as “*Leqet Yosher*.” He reported that R. Isserlein said that women say “Who has not made me a brute” instead of “Who has not made me a woman.” R. Joseph himself reported that he had heard from a woman(!) that she said “Who has made me according to his will,” which, as we have seen, was the form used in Spain. However, R. Joseph

48. The verse is taken from Genesis 24:60, but the plural of the Bible has been changed into singular. My attention was first drawn to this siddur by the article of George Jochnowitz, “... Who Made Me a Woman,” *Commentary*, 71/4 (1981), pp. 63–64. A seventeenth-century traveler reported that in Avignon there was a separate service conducted for women, in Hebrew mixed with the vernacular, conducted by a blind rabbi (see Carol Herselle Krinsky, *Synagogues of Europe*, Cambridge, MA: The MIT Press, 1985, p. 239).

49. JTS ms. MIC 8255, copied by Abraham Farisol in 1471 (comp. David Ruderman, *The World of a Renaissance Jew: The Life and Thought of Abraham ben Mordecai Farisol*, Cincinnati: Hebrew Union College, 1981, p. 158, # 13; my thanks to Dr. Joel Kahn who brought this manuscript to my attention and to Dr. Ruth Langer who showed it to me in the JTS library); Jerusalem, JNUL, Ms. Heb 8° 5492, written in Mantua in 1480 (this ms. was mentioned by Shalom Sabar, “Bride, Heroine ...,” *Proceedings of the 10th World Congress of Jewish Studies*, D/2, Jerusalem, 1990, p. 68). One wonders whether Farisol had not carried this version with him from his home town in Provence, Avignon. For the general relationship of women to prayer in Italy at this time see Howard Adelman, “Rabbis and Reality: Public Activities of Jewish Women in Italy During the Renaissance and Catholic Restoration,” *Jewish History*, 5/1 (Spring 1991), pp. 30–32.

adds that the mother of R. Isserlein, who had given up her life as a martyr in Austria,⁵⁰ had been accustomed to saying “Who has not made me an animal.”⁵¹ The choice of this blessing as a substitute for the blessing “Who has not made me a woman” is particularly edifying. We have seen that gratitude for not being an animal had already been expressed in the classical tradition but the assumption that the mother of R. Isserlein was influenced by classical literature is unlikely. However, we have already seen that this blessing has been found in early Italian manuscripts and it is likely that the tradition of this blessing was known also in Germany — even if it was not actually used. R. Asher ben Shaul, who lived in Lunel in the late twelfth and the early thirteenth centuries, reports that some people ask why they do not thank God for not having been created animals. His answer is that thanks for this has already been given in the *asher yatzar* blessing.⁵² Thus, when women looked for a third blessing to complete the triad, gratitude for not having been created an animal was a likely choice.⁵³

Thus, the second period in the history of these blessings, as far as women are concerned, shows that women took upon themselves greater liturgical obligations than they had been accustomed to in the past, and they found their own methods by which they amended the liturgy to their needs. This is definitely true of the Spanish blessing as it is presented by the *Ṭur* as the custom of women. It is less obvious for the German version, but it is instructive to note that the rabbinical discussion of this point refers back to the custom of a famous woman for its authority. As far as the Provençal version is concerned,

50. It would seem reasonable to assume that the reference is to the pogroms of 1420. However, it seems strange that R. Isserlein, who was accustomed to talking about these pogroms on Tish’a be’Ab, did not seem to mention that his mother had given up her life at that time (see Shlomo Eidelberg, *Jewish Life in Austria in the XVth Century*, Philadelphia 1962, p. 18, n. 18).

51. Joseph b. Mose, *Leket Joscher* (ed. J. Freimann), Berlin 1903, p. 7.

52. *Sefer ha-Minhagot*, p. 141 (published by Simha Asaf, *Mitoratam shel Rishonim*).

53. A similar renaissance, in Provence, of the blessing about not being a boor has been postulated. See Zvi Groner, “A Blessing That was Forgotten and Revived” [Hebrew], *Bar-Ilan*, 14/15 (1974), pp. 94–97. Taylor, in a summary of the classical sources, suggested that the original thanksgiving for not having been created a boor was possibly a replacement for the classical thanksgiving at not having been created an animal. He refers to the parallelism of boor and beast in Psalms 73:22 (Charles Taylor, *Sayings of the Jewish Fathers Comprising Pirke Aboth in Hebrew and English*, Cambridge 1897 [photographic reprint Ktav, New York 1969], p. 139f.).

there is no real evidence that their solution was devised by women, but we do not find any mention of this solution in the works of any rabbinic authority. The uniqueness of women's prayers is also evidenced by the fact that many of these women prayed in the vernacular, while men were expected to pray in Hebrew. It is of interest to note that women had a knowledge of Hebrew letters, although they did not necessarily understand the language. It would also be reasonable to presume, based on the fact that their vernacular was written in Hebrew letters rather than in the local written language, that they could not read the local written language.⁵⁴

Into Modernity and the Response of Men

We may now turn to the third period in the history of these blessings, which is exemplified by a growing awareness of men to the problems involved in the blessings for women. The sensitivity to this blessing was of two types. On the one hand, there were those who felt that there was something inherently wrong in the blessing because it implied that women were inferior beings. On the other hand, there were those who felt that the statement of the blessing was actually true, but that the fact that women feel insulted by this has to be taken into consideration. There were two methods for dealing with this: either by advocating a change in the liturgy; or by explaining these blessings in a way that would reduce the problem. Rather than present the material chronologically, we will discuss first the limited attempts to change the liturgy and then turn to the more predominant use of exegesis as a method of dealing with this problem.

It was the Reform movement and its adherents who attempted to change the liturgy of these three blessings. We will just point out that A. Geiger, in the siddur that he published in 1854, substituted for these three blessings "Who has created me to worship him." In the modern American Conservative movement we find that the blessing about women has been replaced by "Who has created me in His image."⁵⁵ This prayer book also uses positive forms for

54. I leave to social historians the question of the spirit of the times that caused women to undertake additional religious obligations to which they had not been accustomed in earlier periods.

55. See, for example, *Sabbath and Festival Prayer Book with a new translation*, The

the other two blessings: “Who has made me an Israelite,” rather than the negative “Who has not made me a Gentile”; “Who has made me free” rather than “Who has not made me a slave.” Although the expression of gratitude for having been created an Israelite would seem to obviate the other two blessings (see the statement of A. Berliner below), the desire to retain the trifold structure was more important. In order to retain a logical structure, the order of the blessings was reversed: first thanking God for being created in His image; then thanking Him for being created a free person; and finally thanking Him for having been created an Israelite.

However, Orthodox Judaism found only one proponent for a change in the liturgy, Abraham Berliner (1833–1915).⁵⁶ The main thrust of his argument was connected with the blessing of not being a Gentile. Berliner discussed the variant version of “Who has not made me a Gentile,” — “Who has made me an Israelite (or a Jew),” which is found in many manuscripts of the siddur and in printed editions of the Talmud. Berliner was a philologist, and he well knew that the positive form of this blessing was instituted as a result of Christian censorship. However, he thought that it was a good idea anyway, and he also thought, apparently, that since this change had been in existence for hundreds of years,⁵⁷ it had some claim to being traditional. He invoked also the authority of the Vilna Gaon, who seems to have thought that the texts with this version were valid textual traditions. Berliner stated that if his suggestion was adopted, there would be a welcome by-product in that the blessings “Who has not made me a woman” and “Who has not made me a

Rabbinical Assembly of America and the United Synagogue of America, 1953 (reprint of 1946 copyright), pp. 45–46. Cf. Robert Gordis, “‘In His Image’: A New Blessing, an Old Truth,” *Conservative Judaism*, 40/1 (1987), pp. 81–85.

56. Alexander Carlebach, “Berliner, Abraham,” *Encyclopaedia Judaica*, CDRom Edition.

57. He mentioned that it was found in the siddurim printed in Mantua 1548, Tübingen 1560, Prague 1566, Venice 1566 and 1572, Dührenfort 1694. We may add that it is also found in mss. siddurim, such as the Parma ms. written for a woman. Here, the words “not a Gentile” have been heavily crossed out and “Jewess” has been added to the text. The fact that this version was a result of censorship was already pointed out by R. Yom Tov Lipman Heller in his *Malbushei Yom Tov* (see Shimon Hirari [below, n. 63], p. 229). An interesting sidelight on this censorship is that the *Malbushei Yom Tov* refers it to the “*Yishmae’lim*” and it seems obvious that he really meant the Christians. It is unclear whether the use of “*Yishmae’lim*” for “Christians” is in itself a result of censorship or whether it is a case of internal censorship.

slave” would automatically be eliminated from the siddur as there would no longer be any point to them. Thus, he said, we would no longer be required to justify these blessings in any way.⁵⁸

A more limited attempt to change the liturgy in order to take into consideration the feelings of women was that of R. Aaron Worms, the head of a yeshiva in Metz in the late eighteenth century and a member of the Napoleonic Sanhedrin.⁵⁹ Rabbi Aaron ruled that the three blessings should be said silently, in order not to insult those who were sensitive to the contents of the blessings. It would seem that his main concern was with the Gentiles and not with the women. It has been said of him that he ruled in a speech that the laws applying to heathens do not apply to French Christians. In his commentary to tractate *Sanhedrin* he explained that R. Yohanan’s injunction against Gentiles learning Torah only prohibits their dealing in *pilpul*, but learning Torah according to the *peshat* is permissible.⁶⁰ As far as women are concerned, several lines before the above ruling, in his explanation of the blessing “Who has made me according to His will,” he states that it was the will of God that women should be subservient to their husbands so that the male might devote himself to the worship of his creator and his work.

There is no evidence that the ruling of R. Aaron Worms was ever accepted in any synagogue. J. Wolowelsky, in a journal of Modern Orthodoxy, attempted to revive this ruling out of consideration for the feelings of women,⁶¹ whose

58. Abraham Berliner, *Ketavim Nivharim* (translated from German), Jerusalem: Mosad ha-Rav Kuk, 1969, Vol. 1, pp. 21–22. This suggestion was again raised in an article written for a volume on halakhic feminism (הערה) "שלא עשני אשה" ו"שעשני כרצוני: הצעה) גילי זיוון, לברכה אחת," נשים בדיון ההלכתי (בעריכת מיכה ד' הלפרן, וחנה ספראי), ירושלים: אורים תשנ"ח, עמ' ה-כה, and it was scathingly criticized as “antagonistic” to “the integrity of the rabbinic spirit” (Aharon Feldman, *Tradition*, 33/2 [Winter 1999], pp. 66). For a discussion of whether the positive blessing would obviate the others, see Shimon Hirary, *Yismah Libenu* (below, n. 63), p. 227–229.

59. On this personality see Moses Qatan, “Rabbi Aaron Worms and his Disciple Eliakim Carmoly” [Hebrew], *Areshet*, 2 (1960), pp. 190–193; Jay R. Berkovitz, “Rabbinic Scholarship in Revolutionary France: Rabbi Aaron Worms’ *Me’orei Or*,” *Tenth World Congress of Jewish Studies*, B/II, Jerusalem 1990, pp. 251–258.

60. The passage is cited by M. Yashar, “Birkat ‘she-lo asani goy,” *Sinai*, 51 (1962), pp. 50–59.

61. Joel Wolowelsky, “‘Who Has Not Made Me A Woman’: A Quiet Berakha,” *Tradition*, 29/4 (1995), pp. 61–68.

attendance rate at synagogues is today greater than ever — and still growing.⁶² However, his attempt was rejected by the editor of the journal in an article published in the same issue.⁶³ We may now turn to the exegetic attempts to deal with these blessings. In spite of the fact that Orthodox Jewry did not feel itself competent to effect changes in the liturgy, many of its adherents felt uncomfortable with the idea that this blessing implied that women were inferior to men, and they tried to solve this problem with exegesis.

It would seem that the first attempt to deal with this problem exegetically was that of R. Shmuel Edels (Maharsha; Krakow, 1555-1631) in his commentary to the Talmud. He explains that men and women each have relative advantages. While men may receive additional rewards for doing those things that they are obligated to do, they will receive more severe punishment if

62. David Casutto, renowned as a synagogue architect, informed me that when he was younger the rule of thumb was that one place should be assigned to the women's section of the synagogue for every three places in the men's section. However, today, in planning a synagogue for a Modern Orthodox community, he finds it necessary to assign the seats equally between the men's and women's sections.
63. Emanuel Feldman, "An Articulate Berakha," op. cit., pp. 69–74; see also Marcy Serkin and others, op. cit., 31:3 (1997), p. 111 ff. The idea that this blessing should be said silently, at least when women are present, was independently suggested by a Sephardic rabbi in Israel, who actually insisted on it in order to refrain from the serious issue of embarrassing the women (Shimon Hirary, *Responsa Yismah Libenu*, Tel Aviv 1993, no. 33, p. 231. I am grateful to Dr. Aharon Arend who brought this responsum to my attention). I am told that an Orthodox school in Cleveland adopted a different solution. After the male precentor said the blessings, he paused for a moment and one of the girls recited the feminine blessing out loud. It is instructive to note that the idea of reciting a blessing silently in order not to slight the feelings of others is also found in Hareidi circles — but in another context. Some people did not make a blessing on tefillin during the intermediary days of the holiday (for a discussion of this see חילוקי דעות ומחלוקות – תפילין בחול המועד – יעקב כץ, *ציבוריות בהשפעת הקבלה*, "קעמ"ז, כרך ג, עמ' 213–191 [הנ"ל, הלכה וקבלה: מחקרים בתולדות דת ישראל על ציבוריות בהשפעת הקבלה", קעמ"ז, כרך ג, עמ' 213–191]). In order not to set them apart, those who did say the blessing were required to recite the blessing silently (see ישראל טויסיג, *דינים ומנהגים וסיפורי צדיקים, ירושלים תשמ"א*). An opposite example of vocalizing a prayer as a sign of emphasis was reported by Prof. Dan Mechman. He was told that the ultra-Orthodox council (*moezet gedolei ha-torah*) ruled, after the Holocaust, that the phrases referring to those who had been burned and slaughtered for the sanctity of God's name in the ancient *avinu malkeinu* prayer should be recited out loud. See Dan Mechman, in J. Guttman (ed.), *Temurot yesod ba-am ha-yehudi be'ikvot ha-shoah*, Jerusalem 1996, p. 630. I am grateful to Mr. Mordechai Meir who brought this source to my attention.

they do not do what they are required to do. Although women do not have the same obligations as men, this is compensated for by the fact that they do not bear such severe responsibility. The boor, on the other hand, bore the full responsibility for keeping the commandments, but was not capable of fulfilling his duties. Thus, he would carry the full burden of punishment. The context of this statement was his attempt to explain the talmudic argument that there was no place to offer thanksgiving for not being a boor. Since one had already thanked God for not being a woman, one could not offer an additional thanksgiving for not being a boor — less than a woman. In the context of this explanation, it was not necessary to give women any sort of equality to men. On the contrary, his explanation of women's status tended to weaken the force of the thanksgiving for not having been created a woman — the status of men was not that much better! Therefore, I tend to see his explanation as an expression of his own discomfort with the relegation of women to an inferior status. It might be relevant to note here that the Maharsha and his numerous disciples were supported by his mother-in-law from 1585 until her death 20 years later. In fact, his very name, Edels, is a reference to his mother-in-law, Edel — as if to say he is Rabbi Shmuel who belongs to Edel.

One of the more remarkable exegetical efforts⁶⁴ was that of R. Yaakov Meshulam Orenstein, Rabbi of Lemberg in the early eighteenth century. He did not discuss these blessings themselves, but he offered a novel interpretation of the woman's blessing. In his commentary on the *Shulḥan Arukh*, R. Orenstein construes the blessing "Who has made me according to his will" to mean that women were actually superior to men. Man had been created by God only after He had conferred with the angels, whereas woman was created according to God's will alone.⁶⁵

64. Exegesis is an ancient device used to reconcile old texts with new ideas, and it may be found also in other contexts. In modern times we may include in this category those statements appended to many editions of halakhic works that the references to nations of the world refer only to ancient nations who had not seen the light of monotheism and modern culture. One may quote, in this context, Jacob Tugenhold, who used this method in his work as censor. Thus, for example, among the notes he added to a haggadah printed in 1820 he stated that the statement "now we are slaves" means that we are slaves of material possessions and the prayer that we shall be free means that we hope to be free from subjugation to the frivolities of this world (see Chaim Lieberman, *Ohel Rahel*, 3, 1984, pp. 642–646).

65. The passage is cited in G. Ellinson, *Ha-isha ve-ha-mitzvot*, Jerusalem 1977, p. 110.

Of anecdotal quality is the response attributed to R. J. L. Diskin, who lived in Jerusalem at the end of the nineteenth century. It is reported that his wife complained that men who were much inferior to her would thank God that they were not made a woman and she would have to answer amen to their blessing! Her husband replied that the man's blessing did not apply to women as a category, but only to his own wife — that he was glad that their positions were not reversed. R. Baruch Epstein, who reported this story, did not think that this explanation had any validity but it was given only to appease his wife's anger.⁶⁶

However, most exegetical efforts were turned to explanations of the men's blessings. R. Ze'ev Yavetz (1847–1924),⁶⁷ a scholar who wrote an "Orthodox" history of the Jews, also published a siddur with a commentary. In his commentary, he quoted biblical passages in explication of these blessings and he totally ignored the talmudic reasonings for these blessings. The blessing about not being a Gentile was elucidated, not by a passage which denigrates Gentiles, but by a passage from Deuteronomy (4:19–20) that says that God has taken the Jews to be his nation. Even the blessing about not being a slave had its meaning changed by quoting the passage from Leviticus (26:3) that refers to the redemption of Israel from slavery in Egypt. Most instructive is his commentary to the blessing about women. Here he points out that women are more susceptible to suffering than men, and he quotes God's state-

There have been further modern attempts to explain that these blessings actually imply the superiority of women. For an example I cite the following exchange which appeared in the mail-Jewish discussion list. "For that matter, how come we don't all say, *she-asani kirtzono*, since all of us, and all our souls, are different, and some men's souls are better than some women's and the other way round as well, and this would cover everyone. A man cannot say 'he made me according to his will,' because when a Jewish boy is born, he is 'unfinished' until the *bris milah*. But a girl is complete at birth, already made according to Ha-Shem's will" (Neil Parks <nparks@torah.org>; Date: Tue, 10 Nov 98 13:13:41 EDT). A similar thought is found in the writings of R. Z.Y. Kuk. He wrote that women are more divine than men and thus more like the will of God. Thus, it is appropriate for them to say that they were created according to His will (Z.Y. Kuk, *Sihot Harav Zvi Yehudah Kuk... Shemot*, ed. Shlomo Hayyim Aviner, Jerusalem: Sifriyat Havah, Bet El, 1998, p. 380).

66. B. Epstein, *Maqor Baruch*, New York: H"IL, 1954, 3, p. 981.

67. Ben Zion Dinur, "Jawitz, Ze'ev," *Encyclopaedia Judaica*, Jerusalem 1972, Vol. 9, pp. 1303–1304.

ment to Eve: "I will make most severe your pangs in childbearing" (Genesis 3:16).⁶⁸

In more modern terms we might say that this blessing is meant to recognize that women are discriminated against, whether by God or by man. Thus, this blessing might be considered the beginning of a search for equality for women, since the first step in that search is the recognition that there is discrimination. Note that Yavetz has totally abandoned the talmudic rationale for these blessings in his attempt to retain these blessings in a spirit conformable to modernity. A different approach was taken by Elie Munk, scion of a family of German Orthodox rabbis, who served as a rabbi both in Germany and in Paris.⁶⁹ He wrote a commentary to the prayer book, first published in German (1938), which became very popular and was translated into French, English, and Hebrew. In his attempt to reconcile these blessings with the intellectual demands of modernity, he addressed the underlying theology rather than the text of the blessings. He justified the blessing about not being a Gentile by remarking that Jews had always suffered and been downtrodden among the Gentiles and that this blessing was necessary to strengthen the Jewish self-image. Although he did not draw this parallel, one is reminded of the *Kuzari* of R. Judah Halevi, which was written in an attempt to encourage an oppressed people. Munk realized that although his apologetics might justify the idea of the blessing, it did not justify a negative form of the blessing. He therefore pointed out that many halakhic authorities had approved the positive form of the blessing.

Turning to the blessing about not being a woman, Munk had a more difficult task. Again, he did not discuss the form of the blessing but the underlying idea — the inferiority of women implied by the fact that they were not required to keep as many of the commandments as men were. Here he suggested that women should see their release from many of the obligations as a sign of the trust that God had in them that they would fulfill their divine

68. Ze'ev Yawitz, *Siddur Avodat ha-levavot*, Jerusalem 1966 (repr. of Berlin 1922), pp. 8–9.

Similar in intent is the remark of the HID Azulai that the blessing refers to men's gratitude at not having to suffer the menstrual cycle — although he gives this cycle a kabbalistic explanation based on the fact that menstrual blood is a sign of a high degree of impurity (*Petah Eynayim* on *Sotah* 11b; quoted by Shimon Hirari [below n. 63], pp. 234–235).

69. [Editor], "Munk," *Encyclopaedia Judaica*, Jerusalem 1972, Vol. 12, p. 524.

mission on the basis of their own internal inclinations and understanding — without its being necessary to impose upon them the severe regime imposed upon men! Munk castigated the Reform movement for eliminating these blessings from the prayer book since, according to Munk, these blessings had never caused the Jews to denigrate women. On the contrary, their unique status as the mistress of the home was the basis for the strength of Jewish family life throughout the generations. Munk was a commentator and not one to introduce change to the prayer book. His explanation of the superior spiritual status of women in Judaism follows that of R. Samson Raphael Hirsch in his commentary to Leviticus (23:43) with which, it is reasonable to assume, Munk was familiar.⁷⁰ Munk did not take into consideration the fact that if one followed his conclusions to their logical end, women would be required to thank God for not having been created men, and men should rather be jealous of women who were created at a higher level of spirituality. In true role reversal, men should be the ones to thank God for having created them according to his will — even though they were not as spiritually elevated as women.

Joseph H. Hertz, the Chief Rabbi of the British Empire during the first half of this century, also turned his hand to apologetics in his commentary to the siddur. He stresses that “there is no derogation of women implied in the Benediction.” He is aware of the Greek parallels and tries to show how different the true Jewish attitude toward women and strangers is than that expressed in the Platonic thanksgivings. He refers to Berliner’s urging the reintroduction of the positive wording, which he seems to favor, but he does not go so far as to urge this change on his own behalf. Something of his true attitude is to be found in his explanation of the women’s blessing. Here he quotes a poem by Mendes: “Who has made me a woman, to win hearts for Thee by motherly

70. This idea has already been mentioned by the Maharal of Prague. In his *Derush 'al Hatorah* to Exodus 19:3 he explains that women were mentioned first because they are more easily able to reach those heights of spirituality which a man is able to reach only through intense study of Torah, and that woman will also receive a greater reward than men. The relationship of this idea to that of R. Hirsch has been pointed out by Isachar Yaakovson, *Netiv Binah*, Vol. 1, Tel Aviv: Sinai, 1964, p. 166. Yaakovson gives credit to Yonah Emanuel for mentioning this to him. Hirsch, in his own commentary to the prayer book, one of his last works, was less drastic. Here he states that although women are not required to keep all the commandments, they know that their task is no less important to God than the task of their brothers (*Siddur Tefillot Yisrael 'im peirush...Hirsch* Jerusalem: Mosad Harav Kook, 1992, p. 11).

love or wifely devotion; and to lead souls to Thee, by daughter's care or sisterly tenderness and loyalty." He does not seem to feel any need to explain this blessing for women who think that there is something else in life, and even in the worship of God, other than being a mother or wife, daughter, or sister.⁷¹

Moshe Spero has attempted to give these blessings psychological meaning.⁷² He asserts that the blessings referring to non-Jew and slave represent two sociopsychological aspects of the human personality. The non-Jew represents a person who has no obligations at all, while the slave represents a person who is totally obligated, with no freedom of choice at all. These two blessings, taken together, express the idea that we wish to be people who have accepted obligations out of free will. His explanation of the third blessing is based on the fact that human embryos contain the elements for developing into both sexes. In their development, each loses some of its potential. It is thus necessary, he states, that "both [men and women — JT] must recite some blessing that impresses upon the self a satisfaction with the eventual delimited yet balanced sex-appropriate identification."⁷³

This explanation is, of course, anachronistic, as the blessing of the women was not created at the same time as the men's blessing, and it was not instituted by the rabbis. His explanation, which does not take into consideration the fact that the wording of the blessing is so different, would be more convincing if the wording of the women's blessing was "Who has not made me a man."

One of the more creative efforts to refine these blessings was that of Israel Isaac Hasida. In an article published in the popular Orthodox journal *Sinai*, he suggested that these blessings were originally based on Psalms 100:3: "He made us and we are His," reading *לו אמתו*, and not the written version *לא אמתנו*, which would be translated "He made us and not we ourselves." Therefore, he maintained that these blessings should also be read *שלו* and not *שלא*. They should then be translated as thanks to God for having made us his nation, for having made us his servant and, finally, for having made us his wife — following the

71. See above, n. 27. A similar approach was taken by Phillip Birnbaum, *Ha-siddur ha-shalem*, New York: Hebrew Publishing Co. 1949, p. 17. See Annette Daum, "Language and Liturgy," *Daughters of the King / Women and the Synagogue* (ed. S. Grossman and R. Haut), Philadelphia: The Jewish Publication Society, 1992, p. 189.

72. Moshe Halevi Spero, "The Didactic-Psychological Function of Three Rabbinic Blessings," *PAOJS*, 8-9 (1987), pp. 111-146.

73. Op. cit., p. 131.

common marital analogy of the special relationship between God and the Jewish people.⁷⁴

The attempts of Modern Orthodoxy to use exegesis in order to retain these blessings in spite of modern criticism show both a growing awareness of the problem involved in the status of women in Orthodox Judaism and the limitations of Modern Orthodoxy in dealing with this problem. The limitations are especially apparent when we compare the ability of R. Aḥa bar Yaakov, in talmudic times, to change a blessing that he felt was not suitable and the inability of Modern Orthodoxy to effect any change in the liturgy. The difficulties faced by Modern Orthodoxy in instituting any change is due, in no small part, to its position between the ultra-Orthodox community or yeshiva circles on the one hand, and the Reform movement on the other hand. There is a fear that any change will challenge the limited consensus that there is on religious matters between the Modern Orthodox community and the ultra-Orthodox community. But there is also a fear that change fits into the “slippery slope” theory as formulated by Wolowelsky.⁷⁵ Once change is permitted, you never know where it will stop. Thus, change itself takes place mainly in exegesis and in small, incremental steps.

The reaction of the Oriental tradition to the changing status of women is different. Although the blessing instituted by women was accepted by R. Joseph Karo in his *Shulḥan Arukh* (OH 46:4), later Sephardic halakhic authorities introduced limitations. R. Hezekiah da Silva (1659–1695) ruled that women should not recite this blessing since it was not mentioned in the Talmud. If the rabbis of the Talmud had wanted woman to say this blessing, they should have said so.⁷⁶ This decision is also found in the work of R.

74. I. Hasida, “Toward an Understanding of the Three Blessings ...” [Hebrew], *Sinai*, 99 (1986), pp. 95–96. Hasida could have found support for his reading in the BT *Sotah* 31a. The Talmud declares that the reading “lamed-alef” may have the same meaning as the reading “lamed-vav.”

75. See above, n. 61.

76. *Peri Hadash*, OH 46:4. The most comprehensive limitation was suggested by an Ashkenazic scholar, R. Yaakov Emden (1697–1776), who refused to permit women to say any of the three blessings in their traditional form. He presented his reasoning in a section of his siddur entitled “the women’s section” (*Ezrat Nashim*), in which he included all the laws of the morning blessings pertaining to women and children! His reasoning was that since, for grammatical reasons, a woman would have to say “Who has not made me a non-Jewess...maidservant,” and since the blessing mentioned in the Talmud included only the masculine forms, women’s

Hayyim Yosef David Azulai (Hida, 1724–1806), *Qesher Godel*, no. 22. The Hida mentions a compromise. He states that women recite this blessing without mentioning the name of God and his Kingdom: “Blessed [is He] Who has made me in accordance with his will.”⁷⁷ The Hida was considered one of the greatest Sephardic scholars, if not the greatest, after R. Joseph Caro. His decision was accepted by R. Yosef Hayyim (1834–1904), who was Chief Rabbi of Baghdad for 50 years, but he advised the women to think of God’s name and Kingdom while reciting the blessing.⁷⁸ The Hida’s position was adopted also by the late Chief Sephardic Rabbi of Tel Aviv, R. Hayyim David Halevy (1924–1998), who felt it necessary to add that one who recites this blessing should be aware that women are exactly as worthy as he is, but that she is not obligated to keep all the commandments.⁷⁹ Nevertheless, it is not clear how influential his decision was on the practice of women. In the very popular *Siddur Tefilat ha-hodesh*, published in 40 editions between 1810 and 1975,⁸⁰ the instructions of the Hida were published as an introduction to the morning blessings, but the women’s blessing was printed as if it was no different than any of the other morning blessings.⁸¹

Only in modern Sephardic siddurim do we find the blessing printed specially without the name of God.⁸² It is significant to note that people who

blessings should be considered as blessings not included in the Talmud and should not be recited — at least in the traditional form, which included the mentioning of the name of God and His Kingdom. However, I have not found any acceptance of his far-reaching conclusions.

77. *Qesher Godel*, no. 22.

78. *Ben Ish Hai*, first year, Vayeshev, 10, Jerusalem 1985, I, p. 59. His decision was quoted by R. Yaakov Hayim Sofer, *Kaf ha-hayim*, 46:41, in apparent concurrence.

79. *Meqor Hayyim*, I, Jerusalem 1986, p. 68.

80. For a list of the editions see Raphael Turgeman, “The Editions of the *Siddur Tefillat ha-hodesh* and Its Dissemination among Jewish Communities” [Hebrew], *Morashenu*, 10 (1997), pp. 227–229. Forty editions of this prayer book were published between 1801 and 1975 in Leghorn, Salonika, Vienna, Venice, Bombay, Jerusalem, and Tel Aviv. It was used in North Africa, Egypt, Iraq, and Yemen.

81. The same is true of the text of the Sephardic *Seder Tefillah mikol ha-shanah*, Vienna: Anton Schmid, 1838. This siddur does not even contain the instructions of the Hida.

82. Unique in this context is the *Seder Avodat Yisrael* of Seligmann Baer who followed the Hida and printed this blessing without the name of God (Roedelheim 1868; repr. Tel Aviv 1957). R. Y. M. Epstein thought that women no longer used this

belong to the circles of R. Ovadia Yosef have published a special edition of the prayer book, designed specifically for women.⁸³ Although the recognition of women's need for a full-text prayer book would seem to imply awareness of the changed status of women, this siddur not only continues to adopt traditional attitudes toward the status of woman — it actually presents a strengthening of the limitations of women in prayer. R. Yosef has followed the ancient Sephardic tradition, which limits recitation of blessings to those required by the Talmud and severely forbids the use of blessings in contexts in which they are not required by the Talmud.⁸⁴ This principle has also been extended to other blessings, notably the blessings before the reading of Shema'. Since these are considered time-oriented, women are not required to say them — and are thus forbidden to say them — at least they may not use the traditional blessing formula. We find here an interesting paradox. On the one hand, it would seem that modernity demands change in tradition. Publication of a siddur for women would seem to show a response to modernity and to the changing needs of women. On the other hand, the traditional practice of women for several hundreds of years, reciting the blessing using the name of God, has been rejected, in order to follow an ancient rule that had been neglected. It is somewhat ironic that Sephardic Jewry has been able to change the tradition and, in so doing, has widened the gap between it and modern ideas, while Ashkenazic Jewry, although recognizing the validity of modern ideas and the

blessing, although he himself did not seem to reject it (*Arukh ha-Shulhan*, OH 46:11; cf. Ruth Langer, *To Worship God Properly: Tensions Between Liturgical Custom and Halakhah in Judaism*, Cincinnati: Hebrew Union College Press, 1998, p. 106), while his son thought that it should be said without the name of God as it was not mentioned in the Talmud (B. Epstein, *Baruch Sheamar*, Tel Aviv 1968, p. 30). There is no evidence that this opinion had any influence on Ashkenazic Jewry.

83. סידור בת ציון, הוצאת בצלאל, רח' יואל 22, עם הסכמות של הרב עובדיה יוסף. It is somewhat ironic that although R. Ovadiah Yosef limited the obligation of women to pray, he included the morning blessing as part of the women's obligation (*Yalkut Yosef*, I, p. 185; see Judith Hauptman, op. cit., note 14). We may point out that siddurim published mainly for women were existent among Ashkenazic Jewry in the seventeenth and eighteenth centuries. The only difference between these siddurim and "regular" siddurim were that these were published with a Yiddish translation. They were also suitable for men and the title page of one them declares that it is for women and "for men who are like women" in that they do not understand Hebrew.

84. For a discussion of the principles which guide R. Yosef in his decisions see בנימין לאו, "להחזיר עטרה ליושנה: מאבקי חוץ ופנים של הרב עובדיה יוסף", אקדמות, ח (כסלו תש"ס), עמ' 23-9.

dissonance between them and the liturgy, is unable to change the liturgy and is only capable of using exegesis — at times very creatively — to reconcile this aspect of the liturgy with modern ideas.⁸⁵

85. I have been informed by several people that a new suggestion has been offered in the interests of equality — that men should also say שְׁעֲשֵׂי כְרָצוֹנוֹ and that women should add שְׁלֹא עֲשֵׂי אִישׁ. One of my informants told me that R. Shlomo Riskin was the author of this idea. This idea seems to reflect the feeling that the talmudic tradition of three blessings is more sacred than the halakhic problem of reciting an unnecessary blessing. It does not seem to take into consideration the problem of instituting a blessing that has not been mentioned in the Talmud. It would seem more in line with halakhic principle to suggest that women could eliminate the blessing שְׁעֲשֵׂי כְרָצוֹנוֹ and replace it with their thanks to God שְׁלֹא עֲשֵׂי אִישׁ. As the women's blessing is not mentioned in the Talmud, and as its present form was the suggestion of women, it does not seem to me to be a violation of any principle for women to change this blessing to a form that is compatible with their feelings — for those who feel that the present form is unsuitable. However, even men who feel that it is not “right” to thank God for not having been made a woman may, nevertheless, feel grateful that they are men. A point in case is the message of Allen Scult, in an e-mail letter sent to H-Judaic on Sun, 21 Nov 1999 14:42:06. He writes that, although he has substituted non-sexist liturgy for this blessing, he realized that he could not do the type of work that he does were he a woman, and he is grateful that he can do this type of work.

Personally, in an era where we are becoming increasingly aware of the fact that society treats women unfairly, when we have just heard (Dec. 2000) that women who live in the coastal areas of Israel have been advised to lock themselves in their homes because of fear of a serial rapist, when we hear so much of men brutalizing women and men's violence toward women, besides “minor” difficulties such as lack of parity between men and women in the work environment and in governmental positions, I am thankful to God that he has not made me a woman. My awareness of this situation, and my recognition of the injustice in it, force me to do what I can to change this situation and work to change the world in such a way that men will have a problem with this blessing — feeling that it no longer has a basis in reality.

A Rejoinder to Rabbi Farber: The Limitations of Creativity, the Power of Organic Change and the Need for Thoughtful Education

ARYEH KLAPPER

This is the fifth iteration of my response to Rabbi Farber's article. The previous drafts failed to satisfy me¹ because they lacked context. First, they failed to place my strong disagreements with Rabbi Farber here in the context of my general appreciation of his Torah scholarship, and second, they failed to place my dissatisfaction with his halakhic arguments here in the context of my own and Modern Orthodoxy's general engagement with issues of ideology and liturgy, especially on the axis of gender. I had also been insufficiently aware of the extent to which the specific issue of *shelo asani islah* had been playing out in the public political context of Modern Orthodoxy — perhaps I don't read enough blogs with enough care.

Nonetheless, it seems to me essential that Modern Orthodoxy find a way to have spirited *halakhic* discussions of crucial issues without being paralyzed by

1. My deep thanks are owed to Rabbi David Wolkenfeld, Mrs. Deborah Klapper, Mr. Dov Weinstein, Rabbi Zev Farber, and the members of the 2012 Summer Beit Midrash for their extremely helpful and productive comments on the previous versions.

the fear that each time we criticize each other we hand ammunition to those who would delegitimize us all — we need to run full-bore primary campaigns without excessive concern for the general election. So my hope is that the implicit disclaimers above will serve in and of themselves as the necessary context, and I can only pray, along the lines of Rabbi Nechunya ben Hakanah, that nothing I write contributes either to intellectual error or to exercising or exacerbating the flaws of character or judgment of those engaged in Torah conversation.

Here is an element of personal context as well. Twenty three years ago, an Israeli yeshiva student asked me — in some sense as a *sh'eilah*, I think, although I certainly was not fit to give *psak* — whether he was obligated to recite *shelo asani islah* despite being in profound religious disagreement with it. My answer then was not substantially different than what I say below — whether this reflects an admirable or rather foolish consistency I leave to others.

And now on to the Torah conversation.

Rabbi Farber suggests that the three “Creation Blessings”, namely “Who has not made me a non Jew”, “Who has not made me a Slave”, “Who has not made me a woman/Who made me as He willed”, be replaced with “Who has made me human”, “Who has made me free”, “Who has made me a Jew”. He recognizes three potential halakhic problems with this suggestion:

- a) Failing to fulfill an obligation to recite the existing blessings
- b) Reciting a blessing which constitutes an unacceptable alteration of an established blessing (*shinuy matbeia*)
- c) Reciting a blessing with insufficient reason (*berakhah levattalah*)

He responds as follows:

- 1) According to Tashbetz and/or Taz, the suggested replacements resemble the originals closely enough that they fulfill any obligation associated with them, and do not unacceptably alter them.
- 2) According to Raavad, there is no obligation to recite the originals, and therefore no issue of failing to fulfill that obligation.
- 3) According to Agur and HaPardes, there is no objection to adding praise-blessings, and therefore no question of *berakhah levattalah*.

Let's read these sources together.

Tashbetz —

Here is Tashbetz's wording, with my translation:

ואין בזה משום שנוי מטבע.
שאין שנוי מטבע אוסר בברכו'
אלא כשהוא משנה הפתיחו' לפתוח בברוך שלא לפתוח כנגד המטבע שטבעו חז"ל
או לשנות בחתימה לחתום בברוך או שלא לחתום,
או במה שהוא עיקר הברכ'
כגון בהזכרת טל וגשם או בשאל',
אבל בנוסח הברכה בדבר שאין בו קפידא,
כגון להבין ולהבחין,
אין כאן שנוי מטבע

There is no alteration-of-the-design here,
as alteration of the design only forbids regarding blessings
when he changes the openings, to open with *barukh* or not to open, against the
design Chazal designed,
or to change the endings, to end with *barukh* or not to,
or if they involve the essence of the blessing,
such as the mention of wind-and-rain = משיב הרוח ומוריד הגשם or asking =
ותן טל ומטר לברכה,
but the language of the blessing in a matter about which there is no insistence,
such as “*lehavin*” vs. “*lehavchin*” —
there is no “prohibited-alteration-of-the-design” here.

Tashbetz clearly states that there is no halakhic problem with changes of
language that do not change the meaning of the blessing.

His example of a legitimate change is between

“להבין בין יום ובין לילה” = to discern between day and night”
and

“להבחין בין יום ובין לילה” = to distinguish between day and night”.

His example of an illegitimate change is adding the prayers for rain into the
amidah at an inappropriate season of the year.

Now there is a great deal of daylight between those examples, and the
question is whether Tashbetz's position is intended to include changes such
as those Rabbi Farber proposes.

I see two ways of understanding Tashbetz's standard for evaluating changes:

- a) changes are halakhically problematic only if they involve substantive
changes relevant to the theme of the blessing;

- b) changes are halakhically problematic only if they involve changes to parts of the blessing which are halakhically required.

Each of these explains why the difference between *lehavin* and *lehavchin* is trivial — the theme of the blessing is unaltered, and the blessing may require only that day and night be mentioned, without regard as to how — for example, Tashbetz might also approve “Who gave us both day and night”. However, b) seems to me a better explanation of why the mention or lack of mention of rain in the second *amidah* blessing matters, as the theme of G-d’s power over life and death remains unaltered.

It seems to me that at least some of Rabbi Farber’s changes are too significant to be justified according to either understanding. They certainly involve substantive change to the theme of the blessing, and they affect every word of the specific content of the blessings. Leaving aside the question of whether negative and positive formulations are substantively identical, thanking G-d for making us human is not the same as thanking Him for (not) making us one human gender rather than the other.

Furthermore, Rabbi Farber’s suggested changes are pointless if there is no substantive difference between the negative and positive formulations. It seems inconsistent to first argue for the necessity of change on substantive grounds, and then argue for specific changes on the ground that they are halakhically permitted because they are merely semantic and have no substantive impact.

2. Taz —

ונראה לי עוד מה שהנשים
מברכות שעשני כרצוני דברכה
זו אינה בגמ' ולמ"ש נחא דהא
חז"ל אפי' בברכת האיש שיש
מעלה בבריאת האשה ע"כ
שפיר חייבת היא לברך על
מעלה שלה כנ"ל נכון.

Furthermore, it seems to me that the reason women may recite the blessing of “who has made me according to his will”, even though this blessing is not in the *gemara* — based on what I wrote earlier it is permissible since it can be deduced from the man’s blessing that there is some benefit in being a woman, therefore she should offer thanks for her own good qualities — this seems to me a correct explanation.

Taz is bothered by the phenomenon of women reciting the blessing “Who made me in accordance with His will” when that blessing is not mentioned in

the Talmud. He responds that the blessing made by men, “Who did not make me a woman”, implies that femaleness is also an elevated form of Creation, and therefore “שפיר חייבת היא לברך על מעלה שלה.” Rabbi Farber translates this last phrase as “therefore she should offer thanks for her own good qualities”.

It is not clear, on this translation, how Taz resolves the problem of the blessing’s extra-Talmudicness. Rabbi Farber’s explanation is that according to Taz, new versions of blessings are legitimate if they convey the same concept as the Talmudic versions, but in the way necessary to the reciter of the blessing, in this case, women. In other words, שעשני כרצוני is legitimate because it conveys the same concept as שלא עשני אשה, just from the woman’s perspective. By the same token, he argues, שעשני אדם conveys the same concept as שלא עשני אשה and שעשני כרצוני, just from a modern perspective.

I disagree with Rabbi Farber’s explanation and conclusion in the following ways:

- a) Here too, it seems inconsistent to argue for the necessity of change on substantive grounds, and then seek to justify that change halakhically on the ground that it is merely semantic.
- b) Taz does not address the case of people who alter a blessing that they are already obligated to recite. If women had been saying שלא עשני אשה, then shifted to שעשני כרצוני, the analogy would be valid, but obviously women were not saying שלא עשני אשה. So Taz provides no precedent for us modifying an existing obligation to recite שלא עשני אשה. If we assume that שעשני כרצוני is voluntary, however, this argument would be relevant for women who wished to recite שעשני אדם instead.
- c) Taz does not argue that שעשני כרצוני conveys the *same* concept as שלא עשני אשה. Rather, he argues that from שלא עשני אשה we can derive that being a woman is a condition objectively worthy of a blessing such as שעשני כרצוני. Taz does not relate to any question of perspective or subjectivity, or to the issue of whether existing *berakhot* can be altered.
- d) I think the three arguments above are sufficient to demonstrate that Taz cannot support Rabbi Farber’s changes. For the record, however, I suggest that Taz should be read entirely differently. Taz writes that we can derive from שלא עשני אשה that womanhood is an elevated characteristic and that accordingly women are חייבות to bless regarding it. חייבות generally means obligated, and Taz therefore is making an argument that שעשני כרצוני is **justified because it is obligatory**, not because it is a

good idea. I contend — but I recognize that this is a leap — that Taz actually argues that we can derive from שלא עשני אשה that there must have been a blessing for womanhood in Talmudic times, and it seems simpler to assume that the blessing women are currently making is the one they made back then as well. He therefore explains that שעשני כרצוני is justified because it is actually of Talmudic vintage, just that the Talmud happens not to mention it. On this reading, of course, Taz has no relevance at all to our discussion.

Bottom Line: Rabbi Farber cites one *rishon* who allows minor semantic shifts in blessings, and one *acharon* who maximally permit the creation of new blessings to fill religious gaps that are implied by existing blessings. Neither of these offers support for the changes he advocates.

Addendum: When I sent Rabbi Farber these critiques, he noted correctly that I had misunderstood his argument in one important respect. I wrote as if he intends “Who has made me human” to replace “Who has not made me a Woman/Who made me according to His will”, when actually he intends it to replace “Who has not made me a בהמה = cattle”. It is true that “Who has made me human” can plausibly be seen as thematically equivalent to “Who has not made me cattle”, although I think that the difference between the positive and negative formulations is either significant, in which case Taz cannot justify it, or else insignificant, in which case it cannot solve the substantive issue at hand.

The obvious question, though, is on what basis Rabbi Farber makes “Who has not made me cattle” the “base” blessing. His argument is that this blessing appears in several siddur manuscripts, and furthermore is explicitly rejected in various *rishonim*. Rekanati refers to a dispute about whether to say it in Menachot. I agree with Rabbi Farber that where our edition of the Talmud has a dispute in which R. Acha bar Yaakov objects to his son reciting שלא עשני בור, Rekanati substituted שלא עשני בהמה. It further seems likely that the other *rishonim* who feel compelled to explain why we don’t say שלא עשני בהמה have the same variant.

Now on the surface it would seem that a blessing rejected by the Talmud would be halakhically worse, not better, than one not mentioned in the Talmud. However, Rabbi Farber correctly notes that Meiri ultimately permits reciting שלא עשני בור in addition to שלא עשני אשה, meaning that he does not take R. Acha bar Yaakov as dispositive. Perhaps we can therefore adopt the variant

which had שלא עשני בהמה, and follow Meiri's understanding that the dialogue rejecting it is not halakhically dispositive. This may be particularly viable in Rekanati, who reports it as a subject of dispute. On the other hand, Meiri's *ground* for permitting שלא עשני בור is that the Tosefta maintains it, and Rabbi Farber does not provide a version of the Tosefta which endorses שלא עשני בהמה,

Leaving that aside, Rabbi Farber's argument appears to be that

- a) שעשני אדם is close enough to שלא עשני בהמה to be justified by Taz, and that
- b) שלא עשני בהמה can replace שלא עשני אשה because some rishonim had it in their text in place of שלא עשני בור, and that
- c) one *rishon* read that text as a less than complete rejection of שלא עשני בור, and some *siddur* manuscripts suggest that שלא עשני בור was actually said, albeit generally in addition to rather than instead of שלא עשני אשה.

On purely abstract analysis, this seems to me an awfully slender halakhic reed. Furthermore, seeing as the universal current practice is שלא עשני אשה, in practice Rabbi Farber's alternative will be experienced as replacing שלא עשני אשה. This may have concrete halakhic repercussions in terms of Taz.²

Raavad —

Rabbi Farber cites Raavad as saying that the morning blessings are not obligatory, so that replacing or altering them does not run the risk of failing to fulfill an obligation. He derives this from his understanding of Raavad as taking the radical position that *all* blessings of praise are not liturgically fixed, and really have no halakhic status at all; they are merely true statements about G-d. "According to this position, *all birkot ha-shevah* are optional by definition. *Birkot ha-shevah* is, in fact, not a genuine category of berakhot at all. Presumably, the reason one can turn any one of these into an actual blessing with God's name is because they are true and count as praise, but none of this fits into the technical category of berakhot."

Here is Raavad, with Rabbi Farber's translation.

2. Deborah Klapper argues that it also carries the implication that the existing nusach does not regard women as human.

גם באלו הברכות שתפס עליהם
וכן בכל הברכות שבמשנה
אומר אני שהם רשות ולא
חובה... תדע דהא אין בהם לא
הזכרה ולא מלכות, ומי שאמר
שיש בהם הזכרה ומלכות [לא
הסכים אל העיקר]. וכלל הדבר
כל ברכה שאינה קבועה והיא
נעקרת לפרקים אינה טעונה
הזכרה... מ"מ על כלן אם אמר
הזכרה ומלכות לא הפסיד.

All of the above mentioned blessings,³ and actually this is true for all of the blessings mentioned in this Mishna, I say they are optional, not obligatory... note that that they do not include either God's name or a reference to his kingship. Whoever says that they need to include God's name and kingship [does not understand their nature]. The general principle is that any blessing which is not fixed, and can be skipped occasionally, does not require God's name... nevertheless, for any of them, if one used God's name and kingship, this would not be a problem.

The first interpretive question here is whether Raavad's statement of general principle that "any blessing which is not fixed, and can be skipped occasionally, does not require G-d's Name" is intended as a *description* of all praise-blessings, including the morning liturgy. I think it much more likely that Raavad is claiming that a subset of praise blessings, *namely* those which are neither fixed (in the liturgy) nor relate to inevitable events, can be recited without mentioning God's Name and Kingship. However, Raavad would certainly require the Name and Kingship as part of the morning blessings, as they are fixed in the liturgy and relate to inevitable events.

I note in passing that Rabbi Farber translates הזכרה ומלכות "ומי שאמר שיש בהם הזכרה ומלכות" as "whoever says these need to include God's Name and kingship *has not understood their nature*". I suggest that it is more properly translated "*is not in agreement with the authoritative Halakhah*". This translation I think makes it clearer that Raavad is not providing a general definition of praise-blessings, but rather a legal ruling regarding some praise-blessings.

Which blessings specifically? Raavad's comments are a direct response to Baal HaMaor, who notes critically that RIF left out of his halakhic digest several laws related to blessings discussed in this chapter of Talmud (Berakhot 9), such as which blessings scholars should say when meeting each other on the road. Raavad responds for RIF that those blessings are optional, *as are all the blessings in this chapter of Mishnah*, and therefore RIF did not need not to cite details regarding them. As proof that those blessings are optional, Raavad

3. He is referring to blessings that R. Zerahiah ha-Levi lists in his *Ma'or* that Rif left out, the last of which is *oter yisrael be-tifarah* (the blessing over head-covering).

notes that they do not require שם ומלכות, mention of the Name and kingship, and that anyone saying otherwise “*lo hiskim el haikkar*”.

Raavad then states that the reason these blessings *and others like them* do not require שם ומלכות is that they are not קבועים = fixed (in the liturgy) and sometimes are completely uprooted (as for example: one need not see the sites or sights that generate blessings, and men need not eat as part of a group of three). As a contrast to “blessings that sometimes are completely uprooted”, he cites blessings over *obligatory* mitzvot, which therefore require שם ומלכות. The same is presumably true of blessings that are “fixed” in the liturgy, such as the *amidah* or the **morning liturgy**, or that relate to unavoidable events, such as eating **and the morning liturgy**.

Bottom line: Raavad’s position does not protect Rabbi Farber’s suggestion against the charge of *berakhah levattalah*⁴.

Agur —

אכן ראיתי בסדורי טליני וקטאלני וספרדים הרבה ברכות שלא הוזכרו לא בגמרא ולא בפוסקים ואין להם ראיה ומנין.	In truth, I have seen that in the Italian, Catalanian and Sephardic prayer-books, there are many blessings that were not mentioned in the <i>gemara</i> or in the <i>poseqim</i> , and they have no basis and they are countless.
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Rabbi Farber cites Agur as countenancing the creation of new blessings: This reading of Agur seems to me an instance of what Chazal called a “שגגה היוצא” “an obvious error coming from the mouth of one with authority”, and Rabbi Farber has conceded via email that the ending of Agur should be translated “they have no evidence, and where do they get this from?!” rather than “they have no evidence and are numberless”. To my mind this eliminates Agur as precedent, and likely puts him in the opposition camp.⁵

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4. I understood Rabbi Farber’s article to be citing Meiri as well as justifying the transformation of existing blessings or the addition of new blessings. However, he assured me by email that this is not the case, and that he agrees that Meir provides no precedent for adding non-Talmudic blessings, or altering Talmudic blessings. On that basis I will not discuss Meiri’s position here.
 5. For the record, however — Rabbi Farber cites states that “among the *Aharonim*, the strongest advocate for the strict position may be R. Hezekiah da Silwa, who writes in his glosses on the *Shulhan Arukh* (*Pri Hadash*, OH 46):

HaPardes —

<p>...ברכות השחרית הן יותר מעשרים לפי שבני אדם הוסיפו לברך על כל צורך וצורך להם. ומן הדין לא היו ראויים אלא תמני סרי, ואין לחוש אם הוסיפו שלא נאמר אלא שלא לפחות אבל להוסיף יש לו רשות ולברך על כל חביב לו...</p>	<p>The morning blessings are more than twenty since people have added more, and are reciting blessings on every little necessity⁶. Technically, there are only supposed to be eighteen. But one should not be concerned if people are adding, for it only says that one should not do less, but to do more, a person is permitted to make blessings on whatever strikes his fancy⁷...</p>
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HaPardes does legitimate adding blessings in the morning “on anything a person finds dear”. This leaves the question of how much weight a comment in HaPardes carries in halakhic discussion, especially as a minority of one.

Regardless, HaPardes speaks only about adding blessings, not about replacing or altering them. HaPardes therefore cannot legitimate any alterations or replacements. Rabbi Farber may be correct, however, that HaPardes can be used to defend a *berakhah* intended as alteration or replacement against the charge that it constitutes a *berakhah levatalah*.

Bottom line: Rabbi Farber has found one medieval who celebrated liturgical creativity, and therefore would not have a per se objection to the creation of new blessings today. HaPardes’ position does not relate to the question of whether one may alter existing blessings. However, it may provide a way to

<p>סוף דבר, כל שמתקן נוסח ברכה שלא הוזכרה בתלמוד, או מברך ברכה שלא נזכרה בש"ס, כגון מגביה שפלים או סומך נופלים וביוצא, גוערין בו עד הכאה...</p>	<p>The bottom line is that anyone who writes a blessing which is not mentioned in the Talmud, or who recites a blessing which is not mentioned in the Talmud, like ‘who raises the lowly’ or ‘who supports the falling’, etc., one must stop him even with physical violence...</p>
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If R. Hezekiah is willing to advocate corporal punishment for people who say these blessings, he must be convinced of their forbidden nature.

Yehudah Gale (2012 SBM Associate) noted that גוערין בו עד הכאה is most likely a reference to the disputes on Talmud Arkakhin 16b as to how far one must go when rebuking someone, with one option being “עד הכאה” = “until he responds by hitting you”. In other words, the proper translation here is “one must angrily rebuke him up until the point that he responds with violence”, and no one advocated corporal punishment.

6. I prefer “each and every necessity”
7. I prefer “on everything dear to him”

argue post-facto, where appropriate⁸, that those who follow Rabbi Farber's suggestions will not be making *berakhot levatalah*.

Conclusion

On the basis of the above, I do not think Rabbi Farber provides sufficient halakhic evidence for permitting the deliberate alterations he suggests and I think that a very strong case can be made that someone adopting them wholesale would both be making *berakhot levatalah* and failing to fulfill their liturgical obligations.

However, Rabbi Farber certainly provides compelling evidence that such alterations and recreations have occurred in the past. Here he brings us to the persistently vexing questions of whether we can change consciously what has in the past changed unconsciously, and conversely, whether it is necessary to reject what has been changed unconsciously once we become conscious that it has changed. My sense is that the answer to both questions is generally “no” — we can believe that our duty is to strive for continuity and fidelity, and yet acknowledge that the Divine Hand sometimes guides history in such a way that we fail. Or more pragmatically, we can say that conscious adaptation destabilizes authority in ways that unconscious evolution does not. But that leaves open the possibility that sometimes the fact of change becomes so blatant and disturbing that it needs to be undone, and conversely, that some changes may be so necessary that they must be openly enacted.

Is what we are discussing such a case? Here I think we need to consider first whether it is necessary for us to agree with everything we say liturgically, and second, how we determine the canonical meaning of liturgy.

With regard to the first, I think the answer is clearly no — the liturgy is no more univocal than the halakhic tradition, and therefore contains multiple, sometimes minority and rejected, opinions. I therefore think it is plausible to say that one must continue reciting a halakhically obligatory text even if one disagrees with its philosophic underpinnings.

However, I resist saying that one must recite texts that one finds profoundly offensive. Yeshayah Leibowitz argued that if G-d commanded us to

8. This is not the place for an extended discursus on when such post fact arguments are appropriate and when not.

recite it, the telephone book should be as religiously meaningful as the *siddur*, but even he did not explicitly extend the argument to morally troubling, rather than morally neutral texts. Someone who cannot say these *berakhot* without feeling deeply insulted, or insulting, should in my opinion avoid doing so — and my opinion on this has not changed over the past 23 years. If a deeply observant and committed community develops in which most men and women cannot say these *berakhot* without feeling deeply insulted, or insulting, *poseqim* would act properly in seeking *limmudei zekhut* for the *minhagim* they consequently and organically develop.

Nonetheless, it seems to me that the recognition that liturgy is canonized by committees and communities, rather than by individual authors, opens up space for interpretation. For example — even if one assumes that many or most of those who began saying “*shelo asani ishah*” thought that men were wholly superior, so long as there was one person then who understood it in a way we find more acceptable — e.g., as a reference to the pain of childbirth, or as part of a recognition that each gender has advantages — what prevents us from making this our interpretation, individually and communally?

One principle that I think deserves more attention in discussions such as these is our obligation not to dismiss the religious experiences of our ancestors, women as well as men. I prefer not to assume that my grandfather intended to lord it over my grandmother when he recited *shelo asani ishah*, and I prefer not to assume that my grandmother blithely accepted her inferiority; such was not the way they lived their lives. And I see no reason to assume that they were modern innovators in that regard.

Finally, we need to pay attention to the religious intuitions of all our contemporaries. Here, for example, are two responses that I have received when asking whether we should remove *shelo asani ishah* from the liturgy: the first is from my wife, Deborah Klapper, and the second from a transgendered person.

- a) I could guess as to why and how the *berakhot* about gender were conceived and composed, but I think that how we understand the *berakhot* when we say them matters a lot more than their history. Gender identity seems to be real. Being a man or a woman, a boy or a girl, seems to be a very deep and important part of how we understand ourselves. Whatever our gender means to us, we must imbue the *berakhot* about gender with gratitude for that meaning, just as we must imbue *shelo asani goi(ah)* with gratitude for whatever meaning our Judaism has for

us. It doesn't matter if I have the same sense of gender identity as the author of the berakhah — this is *my* relationship with my creator, not his.

- b) But this is the most meaningful *tefillah* — everyone should thank G-d every day that what happened to me didn't happen to them.

I would be religiously poorer without those words of Torah; and our community should think long and hard about how to properly honor gender and sexual dimorphism as Divine gifts.

Now the argument I have made thus far is in a sense wholly theoretical — what if

- a) the women in a community find *shelo asani ishah* insulting (even though the men don't intend it that way), or if
- b) some women find *she'asani kirtzono* demeaning, even if others don't, or if
- c) many men and women take the traditional forms as legitimating and mandating male control of society, or the relative or even absolute insignificance of non-Jewish human beings (even if I believe they do not, or at least, that they can and should reasonably be interpreted as not)?

Rabbi Farber argues that the standard blessings “may have a deleterious effect on the reciter and reinforce negative attitudes towards women and Gentiles”, and my students and experience confirm that “*shelo asani ishah*” is used by young men as a chant expressing their superiority over women. This is a serious pedagogic and moral issue.

My sense is that we have not yet met the core theological challenge set out by Lord Rabbi Sacks in *Dignity of Difference* of celebrating our uniqueness without devaluing others. Until we do, all statements of difference will come across as invidious; but if we abolish statements of difference here and now, the result will be an unrealistic society and an implausible understanding of Torah. We will not convince boys and girls that there are no differences between them; we will not convince Orthodox boys and girls that the real differences between them find no expression in Judaism; and we will not properly educate about those differences by eliminating their liturgical expression.

Nonetheless, I always cite with approval Rabbi Saul Berman's comment “עלינו להזיק טובה לצנזורים” = “we must feel gratitude toward the censors” for

removing the line “for they bow to nothingness and emptiness” from the *Aleynu* prayer. It is simply not true that all non Jews bow to nothingness, and I do not find it satisfying to intend the clause as referring only to Canaanite idolaters of the distant past. Sometimes history gives you not only lemons, but sugar, water, and a juicer as well.

This is not yet the case with regard to *shelo asani ishah*, or *shelo asani* non-Jew. But Rabbi Farber’s article should encourage us to keep looking.

For example, there seems to be a much more straightforward halakhic argument to permit women to recite “*shelo asani ish*” rather than “*she-asani kirtzono*”, and thus create a parallelism that emphasizes the blessing-worthiness of either standard form of genderedness. Rabbi Farber dismisses this solution, but I don’t find his grounds compelling. I wonder also whether the *Ben Noach* communities under halakhic guidance have developed morning liturgies that might serve as useful models of organic development and help us better understand “*shelo asani* non-Jew”.

The gates of response remain open.

How Halakha Might Change

RABBI FRANCIS NATAF

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Not that long ago, one would have been hard-pressed to find a middle ground between feminist dilettantes and an Orthodox rabbinate that made little effort to truly understand — let alone, address — feminist concerns. Neither side was to blame; it takes time for sophistication concerning any phenomena to develop. Rabbi Zev Farber’s finely researched and thought-out suggestion as to what can be done to change the wording of the “Creation Blessings”¹ relieve the possible dissonance between the traditional liturgy and the actual views and opinions of many in the Modern Orthodox community. This is an indication of how far we have come from such a situation. Farber shows respect for the system and understanding of its limits, while still trying to promote a progressive agenda. Indeed, his appreciation of nuance on the one hand and his creativity on the other distinguish him as someone fit for such a task.

Yet, as much as I am in admiration of the article and its sensitivity to the halakhic process,² I am afraid that he will not get very far. I am reminded of Rabbi Mendel Shapiro’s famous article about women’s *aliyyot* in the *Edah*

*. Editor's Note: Rabbi Nataf’s response to Rabbi Farber’s piece was written before the summer of 2013.

1. That is, the blessings “Who has not made be a Gentile,” “Who has not made me a slave,” and “Who has not made me a woman.”
2. Particularly impressive is his halakhic intuition which, while ostensibly based in the *Taz*, is really a keen observation of what these blessings are trying to accomplish and which pieces can be used to more fully reach these ends. In line with that, I found the criteria that he sets up in coming up with his solution to be very insightful.

Journal not so long ago.³ It drew a lot of attention and was used as a platform by a handful of Orthodox institutions to allow women's *aliyot* to the Torah. All in all, however, it is hard to say that this caused monumental change in Modern Orthodox practice. This was neither due to the weakness of his article nor to the strength of the counter-arguments that followed.⁴ To the contrary, Shapiro made a strong and appropriately dispassionate argument for the permissibility of women's *aliyot* that was far from completely refuted by his opponents. Rather, the bulk of the Modern Orthodox world did not accept Shapiro's position normatively because most of its constituents did not accept his authority. It is not that they reject the rabbinic credentials of scholars such as Shapiro; rather, it is that they are apprehensive about following rabbis who are not well-known to them in such controversial matters. In other words, the problem is not in the *pesaq*, but in the *poseq*. This is not to demean Shapiro or Farber. It is simply to say that the first requirements for the acceptance of a *pesaq* are the author's reputation and following. In a *New York Times* interview, Rabbi Moshe Feinstein once candidly recounted how he became a recognized *poseq*: "If people see that one answer is good and another answer is good, gradually you will be accepted."⁵ If Farber continues to write and to serve the community with sensitivity and *yir'at shamayim*, he may one day achieve this. In the meantime, he cannot realistically expect to be followed.

As an important aside, it should be noted that the stature of a *poseq* doesn't make the *pesaq* any more valid. But what articles like Farber's seem to miss is that truth is not the central issue, authority is. Since there is no formal leadership structure in contemporary Judaism, authority is actually given to those to whom we choose to give it. That being the case, such articles can only be the first step in the actual implementation of halakhic change.

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3. Shapiro, Mendel, "Qeriat ha-Torah by Women: A Halakhic Analysis," *Edah Journal* 1:2 June 2001.
 4. See R. Yehudah Herzl Henkin's "Qeriat ha-Torah by Women: Where We Stand Today," *Edah Journal* 1:2 June 2001 and R. Gidon Rothstein's "Women's Aliyot in Contemporary Synagogues," *Tradition* 39:2 Summer 2005, 36–58.
 5. Shenker, Israel L. "Responsa: The Law as Seen by Rabbis for 1,000 Years," *New York Times*, May 5, 1975, p. 33, 61.

I.

In truth, however, the significance of Farber's article goes well beyond whether his *pesaq* is accepted or not — what is most important about the article is the meta-arguments that Farber makes along the way. Actually, one has to read to the very end of the article to find his most important statement; “that we meet the challenge the way our ancestors did.” He continues,

There is a way to adjust the Creation Blessings to reflect the core values of the Modern Orthodox community while keeping them in line with traditional texts as much as possible. This was the way of the great medieval sages; it can be our way as well. (Farber x-ref)

Indeed it can. Regardless of our feeling about the issue at hand, I believe this call is fundamental. Far more important than adjusting *this particular* halakha to contemporary circumstances is the general mandate for contemporary *pose-qim* to use the same tools that the *Rishonim* (as well as many great *Aḥaronim*) used to adapt halakha to changing circumstances.⁶

Yet for many, it would seem that this very point is the problem. A sort of “*ḥadash asur min ha-Torah*” approach to halakha⁷ has crept into even the Modern Orthodox world. The irony is that the latter approach is in itself a novelty and — more than anything else — simply a sociologically driven “circling of the wagons” response to the emergence of heterodox movements. In response to Reform's use of changing conditions as a premise to change just about anything, the Orthodox responded by becoming much more hesitant about changing any halakha. If this unusual approach to halakha may have had some benefits in the short term, it cannot be viewed as a long-term solution and, by now, seems to have outlived its usefulness.

In the meantime, however, as reflected in the much more sober and somber conclusions of Joseph Tabory, “the way of the great medieval sages” is not ours. And until it becomes ours, even a well-known *poseq* will be suspect if he takes a position like Farber's.

6. The interested reader is directed to my lectures on this topic entitled *Criteria and Parameters for the Legal Interpretation of Halakha* archived at <http://www.cardozo-school.org/audio.asp>

7. The famous Mishnaic phrase (*Orlah* 3:9) adopted by the Chatam Sofer and others as somewhat of a slogan against anything that smacked of change.

II.

There is another meta-argument that I think is worthy of our attention — this time not for what it says but for what it misses. Farber writes that “it seems to me that there is no way of making a successful blessing over gender distinctions in a society that promotes gender equality” (Farber x-ref). This statement is likely a casual observation and not meant to be a grand position statement. Nonetheless, it cannot go unchallenged.

Taking the rationale for the blessings from the most straightforward reading of the original sources, the Tosefta *Berakhot* 6:23 and TB *Menahot* 43b-44a⁸ — that it is based on rather incontrovertible distinctions between men and women in halakha (i.e., the dispensation of women from keeping positive time-bound laws) — one must confront the fact that Orthodox Judaism will not likely be able to do away with all such distinctions. That being the case, we must come to the conclusion that classical Judaism *endorses* at least a minimal level of gender distinction. In fact, it would be hard to envision a classical religious tradition saying otherwise.

Humanism and a basic sense of human equality are certainly to be found in major Jewish sources, and I have no doubt that classical Judaism ultimately supported the dignity of all those created in the Divine image. That does not, however, translate into a Liberal conception of human rights. If Farber is saying that we can no longer accept the very notion of gender distinctions, the problem is much bigger than the article — and puts the entire endeavor of Modern Orthodoxy in question. For when “society promotes gender *equality*,” that doesn’t mean that we should have to agree with it. There are many reasons why one might advance gender equality within Orthodoxy. The fact that Western society is doing so, to my way of thinking, is not one of them. Indeed, to take this line of reason to a place that I’m sure the author had not intended, if Judaism must always be in agreement with current ideology, Judaism would ultimately be redundant.

8. See Tabory 110–113 (x-ref) and also below in this essay.

III.

Finally, Farber states in his abstract that he is not addressing whether the blessing should be controversial but is rather merely reflecting on what can be done, *assuming* the need to do something. However, this assumption must be questioned. I realize that this is a topic that has already been discussed extensively by others,⁹ but I would feel remiss if I did not offer what I believe to be a few important observations.

Farber is undoubtedly correct that the blessing irks many in some Modern Orthodox circles. I admit to being uncomfortable with it myself. But when all is said and done, I wonder whether the source of our discomfort is reading into the blessing much more than is actually there.

Since the blessing was instituted by the rabbis, we should turn to them to understand what they had in mind.¹⁰ Returning once more to the first recorded rabbinic source, the Tosefta clearly explains that the reason a man is thankful for not being a woman is because she is not obligated to do (time-bound positive) commandments. The subsequent discussion in *Menahot* that questions whether women and slaves are not the same is also most easily understood as relating to the number of mitzvot they are commanded to perform.¹¹ Thus, the most basic understanding of the rabbinic position is that men are simply thanking God for that advantage.¹²

Blessings of praise (*birkot ha-shevah*) generally respond to a reality, not to what we would like that reality to be. As such, the compatibility with our views should revolve around the question of what we actually see, not what

9. Besides the other entries in this volume, the reader is directed to JOFA's bibliography on the topic archived at <http://www.jofa.org/social.php/ritual/prayer/exclusionary>

10. I am not opposed to digging for implicit meaning in a text, and there is certainly a rich literature explaining this blessing in ways both more and less likely to reflect our sensibilities. However, the blessing's opponents may be creating a tempest in a teapot by giving *authoritative* status to a more negative interpretation than what we can know was intended.

11. Granted, this is only one of two explanations given by Rashi (and others) but in view of the Tosefta, I see this explanation to be much more likely.

12. Although Tabory notes this, he then makes an unnecessary inference that since a man is commanded to do more mitzvot, that it must be because, "presumably, he is able to fulfill them [as opposed to a woman]" (Tabory, x-ref).

we would like to see. These blessings describe; they do not prescribe. And given the reality of inequality of religious obligation, should the beneficiary of unequal circumstances not praise God for this advantage? I think that there is wisdom in the rabbis' decision that one should.

Would a basketball player not want to thank God for *not* making him short?¹³ Or to take a more emotionally laden example, if I didn't go to my job at the World Trade Center on September 11, 2001, my natural feeling will be thanks that I *didn't* go there that day, even if I am embarrassed to admit that to the family that lost a relative there.¹⁴ That feeling of thanks is not agreement that others should have died and certainly not a prescriptive statement that, in the future, I will only care about myself and my family. It is an expression of what I feel right now in response to a reality that I have experienced (and in the case of blessings, also about what I expect to experience based on the current reality).

Political correctness notwithstanding, it is natural to be thankful for any advantage we are given. To deny this is to deny our natural gratitude and to leave it devoid of religious meaning. Perhaps part of the messianic agenda is to eliminate the selfishness that such emotions represent, but so long as these emotions are part of our make-up, using them as a tool to appreciate God seems to me a legitimate strategy.

13. As astutely pointed out by Tabory, flaunting this advantage by making the blessing in front of the disadvantaged is an entirely different question. But it appears that this is not Farber's main concern.

14. I have highlighted the negative formulation in my examples to show that such a formulation need not be seen as illegitimate, as suggested by Tabory (x-ref).

She-Lo Asani Isha: An Orthodox Rabbi Reflects on Integrity, Continuity, and Inclusivity

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There is a well-known anecdote about the rabbi who carefully prepared a sermon. In its margins were brief notes on how it should be delivered. On the side of one paragraph it read — “weak point, speak loud.” As the argument progressed, the rabbi, in the margins of the next paragraph, jotted down — “weaker still, speak even louder.”

Looking back over my years in the rabbinate, that is how I feel about the way I taught the three negative blessings recited every morning: “Blessed are You, Lord our God, Ruler of the Universe....Who has not made me a gentile (*goy*)...a slave (*eved*)...a woman (*isha*).” In countless classes, most often when I taught prayer at Yeshiva University’s Stern College for Women, I did somersaults to explain this phraseology, especially the last one — “Who has not made me a woman — *she-lo asani isha*.”

Conceptual Analysis

The challenge was obvious. If the goal of the liturgy was to thank God for who we are, why do so by declaring who we are not? Granted, these blessings have a powerful source, as they are found in the Talmud.¹ Notwithstanding this authoritative source, the language has grated on the moral conscience of many people, especially women living in contemporary times. And so, I struggled to explain these blessings, sometimes spending several full sessions on their meaning.

My teachings varied. They began with the most commonly given explanation: Men are obligated in more affirmative commandments than women — specifically some of the affirmative mitzvot fixed by time.² Hence, when men bless God for “not making me a woman,” they are expressing gratitude for being obligated to perform more mitzvot — which are, as Rabbi Jonathan Sacks notes, “not a burden but a cherished vocation.”³

But if this is the reasoning, why not recite the blessing in the positive and state, “Blessed are You, Lord our God... for making me a man”? For this response, I culled from the thoughts of some of my own teachers. Men, they argued, are by nature more aggressive; in contrast, women are more passive, kinder, more compassionate.⁴ Hence, men establish who they are by brazenly proclaiming who they are not. This line of reasoning also explains why women, unlike men, employ a softer language, blessing God for making them

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1. *Menahot* 43b, Jerusalem Talmud *Berakhot* 9:1. See also *Tosefta Berakhot* 6:18.
 2. Although the Talmud declares that women are exempt from affirmative commandments fixed by time (*Kiddushin* 29a), Rabbi Saul Berman points out that there are more exceptions to this rule than the rule itself. The rule that women are exempt from affirmative commandments fixed by time is descriptive rather than predictive. See Rabbi Saul Berman, “The Status of Women in Halakhic Judaism.” *Tradition* 14, no. 2 (Fall 1973: 5–28).
 3. See Koren Siddur, Commentary by Rabbi Jonathan Sacks (Jerusalem: Koren Publishing. 2009), in his explanation of *she-lo asani isha*.
 4. See, for example, Rabbi Ahron Soloveichik, “The Attitude of Judaism Toward the Woman” *Major Addresses Delivered at Mid-Continent Conclave and National Leadership Conference, Union of Orthodox Jewish Congregations*, (November 27–November 30, 1969), pp. 29–30 (New York: UOJC, 1970).

“according to His will,” *she-asani kirtzono*.⁵ Although less obligated in mitzvot, women declare their willing acceptance to perform *ratzon Hashem* — the will of God.⁶

Another justification for *she-lo asani isha* is that the primary obligation of women to be homemakers is seen as more onerous, requiring a higher level of commitment and spiritual sensitivity. Men, therefore, offer thanks that they are not women encumbered by this more difficult, taxing role. Women, however, say *she-asni kirtzono* — although their obligations are more difficult, they accept them willingly.

There were other interpretations I presented as well. Yaavetz argues that the blessing relates to women being more susceptible to physical danger during pregnancy and childbirth. By reciting the blessing *she-lo asani isha*, men offer thanksgiving that they were not placed in such danger.⁷

Other approaches are even more farfetched. One of them points out that after conception, an embryo initially develops into a female. To become a male, the embryo must receive a genetic signal to turn away from its original form. *She-lo asani isha* reflects this “biological process.” *She-asani kirtzono*, recited by women, traces their evolution. From the moment of conception they were women.

Another explanation relates to the conclusion reached by the Talmud that it would have been best for the human being not to have been born at all. Once born, however, we are asked to do the best we can to lead meaningful lives.⁸ As we only recite blessings for our benefit, and it is not optimal for humans to have been created, the blessing is formulated in the negative.⁹

Still others insist that the negative blessings can be understood in their

5. See *Shulhan Arukh*, OH 46:4 quoting David Ben Joseph Abudraham of the fourteenth century.

6. While Rav Ahron outlines the character difference between men and women, its application to *she-lo asani isha* and *she-asani kirtzono* was my own.

7. See *The Weekly Siddur*, B.S. Jacobson (Tel Aviv: Sinai), 1978, p. 42. See also *Meshekh Hokhmah*, Commentary to Genesis 9:1, s.v. *pru u’r’vu*, where he suggests that women are exempt from the mitzvah of being fruitful and multiplying as they cannot be commanded to perform a mitzvah that may be physically dangerous, even life-threatening.

8. *Eruvin* 13b. In the words of the Talmud, “Now that he has been created, let him investigate his past deeds, or, others say, let him examine his future actions.”

9. See *Taz* to *Shulhan Arukh*, OH 46:4.

historical context. These blessings were first introduced by Greek philosophers and Zoroastrian scholars.¹⁰ Hundreds of years later the rabbis incorporated them into the liturgy as a way of rejecting the rise of Roman culture. The blessing “Who has not made me a Gentile” specifically referred to the Romans, who were loathed by the Jewish community for their glorification of slavery and treatment of women. “Who has not made me a slave” and “Who has not made me a woman” were blessings through which Jewish men expressed gratitude for not having been victimized as were slaves and women were during that period.¹¹

So I taught for many years. In my courses on *parshanut ha-tefillah*, I would go over these arguments meticulously, trying to convince my students, and myself, that these ideas were sound.

Then something happened. One of my earlier students, one of my finest, suddenly left the school. Try as I did, I could not find her. Having come from a non-ritually observant background, she had become ritually observant. Then, as quickly as she became more committed, she disappeared.

Years later, walking along the streets of New York, I saw her. We engaged warmly in conversation, like two close friends who had not seen each other in years but could pick up their friendship in an instant. She shared with me that she had left ritual observance. I haltingly asked why. Was it something I said, something I taught? Over the years I’ve come to understand that teachers must be wary of every word; you never know which one could make the whole difference. She then told me it was a composite of reasons, but one that stands out were those classes I gave on *she-lo asani isha*. I know, she went on respectfully, that this was your understanding but, for me, it was pure rationalization. Yes, she continued, I found those classes dishonest.

10. See Yoel Kahn, *The Three Blessings: Boundaries, Censorship and Identity in Jewish Liturgy* (Oxford University Press, 2011) pp. 10–11. There, he argues that the rabbis reformulated these negative blessings that were originally introduced by Socrates. See also Tamar Jakobowitz’s review of Kahn’s book in “*Meorot: A Forum of Modern Orthodox Discussion*,” Tishrei 5772/2011, published by Yeshivat Chovevei Torah Rabbinical School.

11. Note that unlike the other morning blessings, which are discussed in *Berakhot* 60b, the negative blessings are found in *Menaḥot* 43b. As the negative blessings are quoted in the name of Rabbi Meir or Rabbi Yehuda depending on one’s *girsā*, it would appear that they came about in the second century c.e., after Rome’s destruction of the Second Temple. There is a possibility that Rabbi Meir or Rabbi Yehuda is quoting preexisting blessings.

I was shattered — shattered that my words, my teachings had contributed to her turning away. It was then, right then for the first time, that something hit me. My heart dropped as I, in that instant, realized that not only did she reject those teachings as poor rationalizations, but so did I. All those classes, which I had carefully crafted, carefully organized, quickly became a maze of apologetics and excuses that ran contrary to the very core of my moral sensibilities.¹² It felt like the moment in the folktale when the child calls out, “The emperor has no clothes.” Of course, *she-lo asani isha* is only a blessing, mere words. However, words are important, as they translate into deeds; they shape a psyche; they reflect a mission — certainly when they are words that define our attitudes toward those who, too often, are cast aside and suffer discrimination. Furthermore, these words constitute a blessing. In no small measure, words of blessing define our perspectives on life itself.

This encounter with my former student took place many years ago. Simultaneously something else occurred. As I encouraged women mourners to recite *Kaddish*, some began coming to daily services.¹³ Arriving early for the first *Kaddish*, they would hear the leader of the service recite the blessing, *she-lo asani isha*. I could see the pain on some of their faces. Several women told me that when they hear those words, they feel violated, as if they do not count. One said, “What do you mean when you say, ‘Thank you that I am not a woman’? But that’s who I am.”

It was then that I was faced with a dilemma. How could I reconcile moral sensibilities with the serious halakhic matter of *matbei’ah shel tefillah* — the sacredness of the original text of the liturgy? Looking deeply into the halakhic issues, it became clear to me that there were legitimate options — options that allowed the halakha to be true to the words we sing out when returning the Torah to the Ark, *derakheha darkhei no’am veKhol neti’voteha shalom* — “Its ways are ways of pleasantness and all its paths are peace” (Proverbs 3:17).¹⁴

12. Often, the existence of many explanations for an idea does not speak to the idea’s strength, but to its weakness.

13. See Rabbi Ahron Soloveichik, *Od Yisrael Yosef Beni Hai* (Yeshivas Brisk, 1993), no. 32, p. 100, who says that it is forbidden to prevent women from reciting the Mourner’s *Kaddish*.

14. See Maharsha’s final commentary to *Yebamot*, s.v. *ve’amar*.

Halakhic Reflections

The *birkhot ha-shaḥar* in which the three negative blessings appear are codified as part of our obligation to recite 100 blessings daily.¹⁵ It can be suggested that even if one does not recite the three negative blessings, there are certainly ample opportunities during the course of the day to achieve this number.

In the end, the three negative blessings are *birkot shevaḥ ve-hoda'ah*, blessings of praise and thanksgiving. There may be room to suggest that not all *birkot shevaḥ ve-hoda'ah* are obligatory in the strict sense of the word. An example of this can be found in Magen Avraham's comment that women do not have a custom to recite *birkat hoda'ah* after going on a trip overseas or through a desert because these blessings are "*reshut*."¹⁶ One can logically extend this argument to other *birkot hoda'ah* as well.

Still, while these blessings may be non-obligatory, they are part and parcel of the liturgy. They take their place in the larger framework of *birkhot ha-shaḥar*, wherein we express gratitude for everything God has given us. It is then that we take a moment to offer thanksgiving for our identity as men and women who are free and part of the Jewish covenantal community. Thus, expression of that identity should be articulated.¹⁷

She-lo asani isha touches directly on the tension between fidelity to traditional formulations rooted in talmudic directives and other Torah values, such as *kavod ha-beriyot*, human dignity, not causing pain to others, and affirming the *tzelem Elohim* in every person. For many people in the community the recitation of *she-lo asani isha* creates a deep and profound *tza'ar nafshi* — personal, soulful hurt. One should therefore bear in mind that there are alternative texts to *she-lo asani isha*, specifically, *she-asani Yisrael*, "Who has made me a Jew." This text is quoted in the Talmud as an alternative view.¹⁸ No lesser giants in halakha than Rosh and Vilna Gaon prefer this language.¹⁹

15. See *Menaḥot* 43b; *Tur* OH 46; *Shulḥan Arukh* OH 46:1–4.

16. See Magen Avraham to *Shulḥan Arukh* OH Introduction to n. 219.

17. Halakha is a system that recognizes that although the roles of men and women overlap in the vast majority of areas, there are clear distinctions. There are things a woman can do that a man cannot, and vice versa.

18. *Menaḥot* 43b.

19. See Rosh to *Berakhot* 9:24 and Vilna Gaon in his *Bi'ur HaGra* to *Shulḥan Arukh* OH 46, s.v. *she-lo asani*. *She-asani Yisrael* as it appears in the Talmud may be a corrupted

Much has been written about the role of minority opinions in deciding Jewish Law.²⁰ There is ample evidence that, when a minority opinion is supported by accepted luminaries in halakha, their views can be followed *be-sha'at ha-dehak*, in times of pressing need.²¹ The *tza'ar nafshi*, the soulful pain that these blessings cause is such a *sha'at ha-dehak*.²² Following this approach, we can rely on those Gedolim and *she-asani Yisrael* can be said.²³

Once *she-asani Yisrael* is said, as noted by Baḥ and Arukh Hashulḥan, the other blessings, “Who has not made me a gentile,” and “Who has not made me a slave” should be omitted.²⁴ After all, if I am a Yisrael, a Jewish man, I am not a Yisraelit, a Jewish woman. Nor am I a slave or a gentile.²⁵

Rabbi Nati Helfgot has tentatively suggested exploring an alternative approach. In prayer we have a concept that one should not “express falsehoods before God,” *dover shekarim lifnei Hashem*. In practical terms, this has ramifications during *Neilah* of Yom Kippur when — if the *sheliah tsibbur* is reciting *haYom yifneh*, *haShemesh yavoh veYifneh*: “the day is passing, the sun will soon set and be gone” — it is already after sunset. In this case, the *Mishnah Berurah*, citing Magen Avraham, writes that one should change the *nussach* to *ha-yom panah*, *ha-shemesh bah u-panah*; “the day has passed, the sun has already

text, introduced by the censor as there was fear that *she-lo asani goy*, “Who has not made me a gentile,” would provoke the ire of non-Jews. For an analysis of this censorship see Rabbi Zev Farber, “Creation and Morning Blessings.”

It is unclear whether Vilna Gaon believes *she-asani Yisrael* was a corrupted text or not. Still, the fact that Vilna Gaon cites in his gloss on the *Shulḥan Arukh* that our texts follow Rosh, indicates that he proactively preferred the *she-asani Yisrael* language.

20. For an analysis of this issue, see Rabbi Nati Helfgot, “Minority Opinions and Their Role in Hora’ah” in *Mishpetei Shalom: A Jubilee Volume in Honor of Rabbi Saul (Shalom) Berman*, edited by Rabbi Yamin Levy. (Jersey City: KTAV Publishing), 2009, pp. 257–288.
21. *Berakhot* 9a “Rabbi Shimon is a great enough authority to rely upon in cases of emergency/pressing need, *sha'at ha'dhak*.” See also *Tosefta Eduyot* 1:15.
22. For some examples of *tza'ar nafshi* interfacing with halakha see *Rosh HaShanah* 33a, *Responsa Mase'it Binyamin* 62 and *Responsa Maharshal* n. 46.
23. This is the position I have followed for many years.
24. See Baḥ to *Shulḥan Arukh* OH 46 s.v. *ve'yesh od* and *Arukḥ HaShulḥan* OH 46:10.
25. *Mishnah Berurah* to OH 46:15 exhorts one to avoid reciting *she-asani Yisrael* as this would preclude the saying of the two other negative blessings.

set and gone.”²⁶ Rabbi Aharon Lichtenstein offers a similar approach to the *Nahem* blessing recited on Tisha B’Av in our day and age. He suggests that the words in the blessing *ha-shomeimah ha-aveilah mi’bli baneha* — “[the city] that is desolate, that grieves for the loss of its children” be left out, as it is no longer true today.²⁷

Theoretically, one could make a case that if one feels deeply that this idea is untrue and not reflective of what one believes, nor reflective of society, it would make *she-lo asani isha* a declaration of a personal falsehood. It can thus be another *snif le-hakel*, another factor coupled with others, that may lead one to look for other *nussḥaot* that one can say with honesty and integrity before God. Rav Nati has suggested that although the cases are obviously not analogous in every sense, it is a framework that might be explored.

My position relative to *she-lo asani isha* is part of a more general approach to halakha. Halakha is not a computer system of physics or chemistry that operates irrespective of the individual and his or her circumstances. Like Torah from which it emerges, halakha is an *eitḥ ḥayyim*, a tree of life, a living organism, synergizing halakhic decisions transmitted verbally and orally through the generations with the needs of the day. From this perspective, halakha functions within parameters, outside of which the answer to a question may be an emphatic “no.” But within those parameters there is significant latitude and flexibility, allowing the *poseq* — the decisor of Jewish Law — to take into account the sentiments and feelings of the questioner.²⁸ Halakha is, therefore,

26. See *Mishnah Berurah* to OH 623:2 and *Sha’ar Hatsiyun* n.6.

27. Cited by Rabbi Lichtenstein’s close student Rabbi Chaim Navon at the close of his essay, *Nusach Ha-tefilah Be-Mitziut Mishtaneh*, *Tzohar* 32. It seems to me that the same reasoning would apply to some of the words found in the *Mi Shebeirakh* after *Yakum Purkan* said during *Mussaf* on *Shabbat*. There the text reads *Mi she-beirakh avoteinu Avraham, Yitzhak v’Yaakov, Hu yeVarekh et kol haKahal haKadosh haZeh...hem u’nesheihem u’ve’neihem u’ve’no’teihem...* — “May He who blessed our fathers, Abraham, Isaac and Jacob, bless all this holy congregation...them, their wives, their sons and daughters...”. Reciting the words *hem u’nesheihem u’ve’neihem u’ve’no’teihem* — “them, their wives, their sons and daughters,” would be saying that wives and children are not part of the holy congregation.

28. Examples of such matters that have become part and parcel of the halakhic decision-making process include *hefsed merubah* (extensive financial loss), *beMakom tsa’ar lo gazru rabbanan* (the rabbis did not intend their decrees for cases of great distress), *leTsorekh holeh/ holah* (for the sake of the sick), *ahnus* (matters involving physical or psychological coercion).

not an unyielding system, but one in which there may be more than one answer to a question — and given the situation, both may be correct.

Relative to the issue of *she-lo asani isha*, and for that matter the larger issue of women and halakha, I have been influenced by different women whom I respect and admire.²⁹ On the one hand, my wife Toby — a person of profound religious commitment and depth — is comfortable with the traditional role of women in synagogue and is more accepting of the *she-lo asani isha* text.

On the other hand, I have been impacted by my mother of blessed memory, a woman of valor, who never quite understood why she was so limited in what she could do in traditional Jewish ritual circles. To this day I see her tears as she, for the first time, came to the Torah to recite blessings at our women's prayer group. If this group was established just for that moment alone — *dayenu*. And then there is my older sister, one of the great influences in my life who, as a feminist and renowned novelist, grew up attending yeshivot that taught Judaism in a manner she felt was discriminatory against women.

My personal lenses on *she-lo asani isha* are more in line with the spirit of my mother and sister. Within my heart and soul I find the negative blessing formulation discordant, out of sync with the message of Jewish ethics.³⁰ Also, as one whose rabbinate seeks to embrace all Jews, I have come to recognize that the *she-lo asani isha* blessing has become a barrier to the many people who otherwise might be attracted to what Judaism has to offer. The blessing sends the message that women are inferior. Even if this is not its intention, that is the

29. It too often occurs that rabbis make decisions pertaining to women without any understanding or input from them; they are unfortunately, quite simply, left out of the discussion.

30. As a youngster I attended Hareidi yeshivot. While there was one rabbi, Rabbi Moshe Wolfson, who deeply impacted my spiritual growth, most others did not. I can recall how, too often, my rebbes denigrated gentiles, especially African Americans using the "S" word over and over to describe who they were. There was also a clear culture of viewing women as less than men. When a student would offer an analysis (*sevara*) to explain a Gemara that fell short, the rebbe would often say that's a *veibishe sevara*, that's the way women think. (At times when a student's *sevara* was subpar, rebbeim would react by saying "you are thinking with a *goyishe kup* — a gentile's head.") I feel emotional upset when recalling those moments. For me reciting or hearing the three negative blessings reverberates with the teaching that gentiles and women are of less importance.

perception it leaves. And the only difference between perception and reality is that it is more difficult to change perception.

And yet, I fully appreciate the posture of those who, like my wife, do not understand the blessing as denigrating women and wish to maintain the text used by their fathers and mothers and grandparents all the way back. Wanting to be sensitive to both positions, I opted early on to instruct the leader of the service in at our *shul* (the Bayit) to begin with the *Rabbi Yishmael* prayer, leaving it up to the individual to decide whether to recite these blessings or not.³¹ Concomitantly, this approach does not force anyone to hear a blessing they find inwardly painful and unacceptable.

The Berakha in Context: Women in Synagogue

It is my sense that in general, Orthodox synagogues that do not audibly and publicly recite *she-lo asani isha* are more welcoming to women in a whole variety of other areas. The most obvious relates to the structure and placement of the *mehitza*. A *mehitza* is meant to separate women and men. This doesn't mean that women should see or hear less. For me, the test of a fully welcoming *mehitza* is the following: When no one is in the sanctuary, one should be unable to know on which side the men or women sit.³²

31. See Dr. Joel Wolowelsky, "A Quiet Berakha." *Tradition* 29:4, 1995. It is not uncommon in yeshivot for the leader of the service to begin with the *Rabbi Yishmael* prayer.

32. The *mehitza* in our *shul* in Riverdale (the Bayit) bisects the sanctuary, merging into the walls that surround an elevated *bimah* in the center of the *shul*, and an elevated *Aron Kodesh* against the eastern wall. Both the *bimah* and *Aron* are therefore equally placed within the mens' and womens' sections; in fact, that space can be considered a third section, a neutral section. When men are there, women are not, and vice versa. Not only is the sanctuary perfectly divided, but both men and women have equal access to the *bimah* and *aron kodesh*.

Yet another measure of welcome related to *mehitza* is whether the women's section of the sanctuary is sacrosanct, that is whether their place of prayer is reserved for them alone. In too many synagogues, when women are not in *shul*, men sit in their section. Over the years, I have seen women forced to sit in the lobby when seeing their section occupied by men. This especially happens in daily *tefillah*, Kabbalat Shabbat, and Shabbat Minḥa. It sends the negative message that women are not welcome. An equal place for women should not only be available on

The term used for public *tefillah* also makes a difference. Although the word *minyan* is commonly used to refer to a prayer service, my preference is to use *tefillah*. *Minyan*, in Orthodoxy, includes men but does not count women. *Tefillah* transcends gender. Women are not part of the quorum of ten, but *tefillah* describes an experience in which both are critical participants.

A further test of welcome to women is whether they are encouraged to recite *Kaddish*, even if they are the sole “*Kaddish*-sayer.”³³ Additionally, do women carry the Torah around their section?³⁴ Are they welcome to give *divrei Torah* in synagogue?³⁵ Most important for an inclusive atmosphere, is to create a safe space in the synagogue where open and honest discussion on such issues as *she-lo asani isha* can be conducted respectfully.³⁶

That is no simple challenge. When my dear colleague Rabbi Yosef Kanefsky wrote in his blog that he no longer says *she-lo asani isha*, the pushback was shameful — not because people disagreed, but in the way people disagreed. Some went as far as to say that Rav Yosef — a man of profound religious commitment and impeccable integrity — could no longer be considered part of the Orthodox community.³⁷

Shabbat morning, but for daily *tefillot*, thus welcoming women to attend at all times.

33. At the Bayit, *Kaddish* is introduced with these words: Let us rise and listen closely as women and men recite the Mourner’s *Kaddish*.

34. See Avraham Weiss, “Women and Sifrei Torah.” *Tradition* 20, no. 2 (Summer 1982): 106–118.

35. At the Bayit, women speak from the *Bimah*, which, as pointed out, is in a third, neutral section.

Rabbis should also be conscious that women and men are in the synagogue. Care must therefore be taken to use gender-friendly language that is inclusive of both men and women. The rabbi must also be careful to turn to both sides of the *meḥitza* when speaking.

In a similar vein, when a child is named, care should be taken to mention both the father’s and mother’s names. In recent years, I have asked that when coming to the Torah for an *aliya*, I be called as the son of my father *and* mother.

36. There are many other areas where women can feel more welcome in synagogue. Some of the possibilities — many of which have already been adopted in some Orthodox congregations — include women announcing the *molad*, a woman *gab-bait*, women opening and closing the Ark, women *makriyot*, women reciting the *mi shebeirakhs*, and women leading the *tefillah le’shlom haMedinah*.

37. See Rabbi Avi Shafran, “The “O”-Word.” *Ami Magazine*, August 23, 2011.

In speaking to many colleagues during this controversy, some told me that they, too, no longer say *she-lo asani isha*, but were fearful of making this public.³⁸ Today there is fear, amongst even the most seasoned rabbis, to say what is on their minds. There is concern of being ostracized and cast out of the Orthodox community. This resonates personally. How I remember during the Rabba controversy, colleagues calling to express support for my decision to ordain Rabba Sara Hurwitz and designate her title Rabba, but were afraid to speak their minds and hearts on the issue.

The time has come to stop looking over our shoulders seeking authenticity from the right. We ought to recognize that there are many, many who are proudly Orthodox, but open — open to honest discussion, honest debate, honest struggle with issues of heightened ethical and moral sensibilities. We should not be looking toward others for approval, but toward ourselves and, of course, toward God, Torah, and halakha itself.

The issue of the negative blessings is no small matter. In many ways, these blessings represent three areas that distinguish Open Orthodoxy — our attitude toward the gentile (*goy*), the most vulnerable (*eved*), and women (*isha*). For many people, articulating them in the negative sends a wrong message — that we care less about these people.

Thus, the significance of these blessings goes far beyond their narrow formula. They reveal much about ourselves and our relationship to others. Invoking God's name in these blessings also reveals how we believe that God

38. Some colleagues told me that they recite *she-asani Yisrael*. Several others told me they omit these blessings entirely. See, however, Rabbi Marc Angel, in an article that originally appeared in a volume published by the Rabbinical Council of America (RCA), "Modern Orthodoxy and Halacha: An Enquiry," *Journal of Jewish Thought, Jubilee Issue* (Jerusalem), 1985, pp. 115–116. There, almost 30 years ago, Rabbi Angel forthrightly writes:

A true Modern Orthodox position would be to change the blessing [*she-lo asani isha*] to a more suitable formula, one that does not cast negative aspersions on women. Making such a change does not imply that we are more sensitive or more intelligent than our predecessors; it only reflects the fact that we are living in a different world-time and that we are responding to the needs of our generation.

This comment evoked little reaction. What could be said 30 years ago in a spirit of respectful, open discourse can no longer be said without rancor and personal, often brutal criticism — symptomatic of our community's pull to the right. A few years after writing these words, Rabbi Angel became national president of the RCA.

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wishes for us to interact with the world. The language we use in these blessings goes a long way in defining who we are as individuals and as part of a sacred community, an *am kadosh*.³⁹

39. Many thanks to my dear colleague and treasured friend, Rabbi Aaron Frank, with whom I reviewed this essay. I am deeply grateful for his editing and general insights.

Many thanks also to my wonderful congregant Gabriella de Beer for her editorial review.

Rabbi Nati Helfgot, Rabbi Yaakov Love, and Rabbi Zev Farber offered comments on parts of the Halakhic Reflections section of this article. While acknowledging their input, I bear full responsibility for what is written here.

According To His Will: The View From A Pew

ERICA BROWN

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Rabbi Zev Farber opens his very scholarly and comprehensive article on the blessing “Who has not made me a woman” with the observation that some women and even some men are offended by the language of this blessing. I could not help but wonder, as I read these words: Who would *not* be offended by this language? As a woman, unless you cannot translate from Hebrew into English or are filled with self-hatred, it is hard to imagine anyone who would find solace or comfort in these words or find any way to understand the blessing as non-offensive. As a man, the very uttering of these words confirms a posture of negation, a verbal spurning raised to spiritual invalidation. It cannot be other if we take the language of prayer seriously.

Naturally, there are apologetic commentaries and historical/contextual understandings that try to soften the blow. But these do something to the nature of prayer when we read the blessing through the lens of exculpation or sociological limitation; prayer inadvertently becomes a nod to a more primitive past without carrying contemporary relevance. We say something that has meaning only when layered with conditions and clauses, not changing the words for fear of playing with halakha — but also not making the words relevant or meaningful in any substantive way.

For a time, I searched for sympathetic commentaries on this blessing and other “offensive” gender statements, such as talmudic concepts or expressions that suggest women are light-minded or would rather marry anyone than not be married. I was temporarily relieved when an enlightened rabbi or scholar reinterpreted the phraseology to suggest something more neutral or

even positive. My favorite explanation for a time was the fact that women are not bound by time-bound commandments because they do not need them. Women are inherently more spiritual. But then I took a step back from this odd-reverse-psychology-minimize-the-actual-mitzvot approach and saw it for what it was: a sham. Today, I am not satisfied with these mental gymnastics or what I call gender-*pilpul*. Whatever temporary salve they once provided no longer works. And it is no solution for a man to say this blessing *be-lahash*, quietly. It merely reinforces stereotypes and makes the delicious secret more potent since the male who utters it is now trying to make sure a woman does not notice, thereby paying enhanced attention to its meaning himself.

And this small sentence symbolically represents another feature of the separate but inherently unequal way that synagogue life continues without advancing. If men thank God for not making them women, then this statement is confirmed by other experiences in the course of synagogue services. During one holiday week I listened to four different sermons where the speaker did not look over the *mehitza* once, making the experience of listening difficult physically and existentially. A woman whispered to me upon the completion of one such sermon, “I just felt invisible. What about you?” I told her that years ago, I had the unfortunate experience of speaking in a synagogue where the *mehitza* was constructed of one-way glass and on the other side, within reach of my hearing, two men were discussing the speaker: me. Although they said nothing negative (that I heard), I had to restrain every urge to knock on the glass and wave. I have often thought that the *mehitza*, instead of dividing the congregation, actually partitions it into two psychic spaces, so much so that men will often congregate in the back of “their” synagogue to chat, not realizing that it is the front of ours and that their talking minimizes our prayer experience.

In discussing the interchange with my friend, she later wrote, “I do not think that most of the men really understand how ‘hurtful’ this is, even when I am willing to admit there is NO INTENTION to be hurtful.” One need not mean to offend when one offends. And then she shared with me a list of ten “unintentional” hurts committed in many Orthodox congregations to women who attend/daven on weekdays that she devised during her year of saying *Kaddish*. I asked her permission to share them:

1. Not changing light bulbs when they burn out in the women’s section.
A subset of this: not turning on the lights in the women’s section at all, on the assumption that women never come to services.

Keren II

2. Using the women's section for storage, which degrades the davening atmosphere.
3. Using the women's section as the place for unaccompanied toddlers and young children to hang out while the father is davening, despite the presence of other women davening.
4. Not collecting *tzedakah* from the women if there is a *gabbai tzedakah* (charity collector) who walks around; and if there is not such person, then not having a mechanism for women to give *tzedakah* without entering the men's side.
5. Not saying the *Kaddish* "together" as one voice. In some synagogues, it is "each man for himself," which makes it difficult for a woman to feel a part of the prayer.
6. Not having any space at all set aside for women to daven in the space used for weekday prayer. A subset of this is having a women's section that is kept locked during the week, so that a woman must seek out someone to open the door.
7. *Ba'alei Tefillah* (prayer leaders) not saying the prayers loudly enough to be heard in the women's section, making it difficult just to follow the service.
8. Not providing a dignified way for a woman to add a name for a *mi-sheberakh* for *ḥolim* or *kel malei* for a *yahrtzeit* (prayers for the sick or the dead).
9. Having weekday women's sections that men apologize for: If someone has to apologize for the size (not enough room for even two chairs) or other design aspects of the women's section, then they also realize something is wrong. Why not find a solution?
10. Just treating woman as though they are invisible. I received no questions or greetings, for example, when I came to services with crutches or if I wasn't in minyan for a week. I attended the same minyan every weekday morning for 11 months!!

Relatively insignificant prayer offenses accumulate and, in the aggregate they add up to a portrait of Orthodox congregational life that has not made its peace with the presence of women in a genuine and inclusive way. These missteps and inadvertent insensitivities all start with the morning blessings.

* * *

For most of my adult life, I have approached *she-lo asani isha* and the other blessings associated with it with willful ignorance. I am not prepared to redeem it, nor am I an advocate of changing prayer. I am not a rabbi, and I do not involve myself in legal matters. Some would say this is cowardly. I have heard that said, but my approach is to get on with the serious business of learning, teaching, and writing and have found that this generally advances the cause in its own way. And I happen to love reciting *birkot ha-shahar* daily and take particular comfort in the expression “*she-asani kirzono*.” If there is a more beautiful blessing that embodies God’s love for the individual, then I do not know of it. I find the blessing stunning. And, for this reason, I feel sorry for men who do not recite it. I do not view this blessing as a consolation prize. I view it as a first prize, a gold medal. Rather than an inherently negative statement of what a person is not, it is an affirmation of what every single person is, a unique and special creation and manifestation of God’s will. And I believe that all men and women should say it and put to bed a blessing that does the very opposite of what a blessing should accomplish; it diminishes rather than multiplies.

Rabbi Farber devotes many pages to the talmudic mandate to recite 100 blessings a day and the role that the morning blessings play in getting us to this significant round numerical achievement. I suppose that praying three times daily, reciting grace after meals at least once, and reciting blessings on food and other sensory experiences might easily take us over that number. I confess that I have never done the spiritual math myself. Perhaps I should so that I could understand if subtracting a blessing or two from a prayer book would make a meaningful difference in the overall observance of this recommendation. But I, for one, do not believe that the rabbis took this number literally. The Talmud is replete with *guzma*, exaggeration, particularly when it comes to numbers. The Gemara [BT *Hagiga* 9b] that says that one who reviews learning 100 times is not like one who reviews it 101 times — but most would not view this as a literal recommendation but a way of suggesting the importance of every act of study and review. Perhaps when the rabbis suggested 100 blessings, they were after something else entirely: They were advising us to immerse ourselves in this world with appropriate wonder and enduring gratitude. They were not trying to make words into swords or bruises. They wanted us to feel the vitality of religion, not the negativity of it. If one uses this as a justification for maintaining this blessing, then I believe we have

missed the point, not only the advice to say 100 blessings, but what blessings fundamentally are designed to achieve.

My husband and sons all serve as *gabba'im*, and I had the recent occasion of hearing them on consecutive days rise to the *amud* — the prayer podium — to lead services on behalf of the community. Although I pray three times a day, I do not go to daily minyan and rarely hear *she-lo asani isha* recited unless I get to *shul* particularly early on a Shabbat morning. When I have heard the words “Who has not made me a woman” recited by others in the mumble and warble of an early morning, I let it wash over me as a small and irritating feature of a wonderful package that I love. But when I heard my own sons say these blessings aloud in *shul*, I felt startled and unnerved. Even in the mouth of my husband I had felt a pang of anxiety but it was not as acute as hearing my own children — the next generation — use this language. In my own Jewish life there is nothing more important to me than the concept of *mesorah* — Jewish continuity. What we do with passion and authenticity will hopefully make it through to the ritual lives of our children. But hearing my own sons say these words made me wonder at what we do not wish to pass down in this religious bundle of love that we offer. And so, in response, I intensified my whisper: “Who has made me according to His will,” and I concentrated hard, willing the words onto them with the hope that one day we will all say this blessing instead and mean it.

Thoughts On The *She-Lo Asani Berakhot*

GITI BENDHEIM

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I believe that the *she-lo asani berakhot* raise serious religious and ethical problems for the Modern Orthodox Jew in the twenty-first century. I would like to use Rabbi Zev Farber's important piece as a springboard for exploring my own thoughts about this difficult issue. I do this in the spirit of the lively and often controversial conversation that has characterized our tradition throughout the ages, a tradition that has always included communal voices. I believe these voices are vital to a serious halakhic process grounded in a particular religious, social, and cultural reality — and that they bring important professional and personal perspectives to thorny issues facing our community.

Rabbi Farber's thoughtful article establishes that a major goal of the morning *berakhot* was to create a context for a Jew's daily life. The formulators of these blessings sought to create multiple opportunities to bless God by putting routine activities into a wide framework that located a person ever more firmly in his physical, experiential, and existential position. Who am I? What do I do? Who makes me see? Whom do I serve? In short, what is my exact place in the world, presided over by God, into which I am awakening this morning?

The answers to these questions serve as guides throughout the day to orient and direct a person in his or her work and strivings. The *she-lo asani berakhot* shape this day in very particular and significant ways, as, unlike the other blessings, they praise God for not making us someone else. By noting the alternative "other," we can extract the special value of having been created as we were. For example, having not been created a non-Jew, one can relish one's Judaism throughout the day, appreciating the special obligations to serve God that this status carries. As a person who is not a slave, one can relish one's liberty throughout the day, receiving payment for work performed. Because he

is not a woman, a man can relish his maleness throughout the day, performing both time-bound and non-time-bound mitzvot.

There is no such *berakha* for a woman, who is instead presented with a blessing that thanks God, with a humble hint of resignation, for making her according to His will. In its abstract vagueness, this *berakha* defines the female as an expression of the Divine, rather than as an actor in the world. Unlike man, who is defined implicitly by what he can do, woman is defined solely by the will of her Maker. Although this may afford her spiritual elevation, the *berakha* does not locate a Jewish woman in a matrix of privileges and responsibilities that define her daily life. She is not expected to fit into a routine framework, and she is certainly not expected in *shul*. Saying the *she-lo asani berakhot* may thus not have raised many hackles throughout history, because women probably heard them very rarely. That's simply not the case today.

These days, in services in schools and *shuls* across the world, women are hit full-on with the experience of hearing half of their community thanking God for not having made them women. What can this possibly mean to young girls just learning to pray, to adolescent girls grappling with their developing sexuality, to young women emerging into intellectual and sexual maturity, to mothers teaching their daughters how much they love being a Jewish woman? What compelling explanation can serve to ensure healthy self-esteem in a girl who hears how happy her male equivalent is to not be what she is? And where is her *berakha* to match? No matter how one seeks to explain it away or to rationalize it, the plain sense — the “*peshat*” — of the *berakha* is clear: It's good to be a man, and it's bad to be a woman.

Sometimes it seems there is an assumption in our community — disrespectful at best — that although women now routinely attend prayer services, they aren't actually paying attention to those prayers, or they don't understand them, or they aren't really saying them, or — worst of all — that it doesn't really matter. It is otherwise hard to comprehend why no one has acted to make a change until now. The recital of “*Ba-meh madlikin*” between Qabbalat Shabbat and Ma'ariv underscores this reality. Although this Mishnaic selection reminds men that they have to check their pockets before Shabbat, women are reminded that there are three reasons they could die in childbirth, one of them being not lighting Shabbat candles. This is insulting, scary, and hurtful. Is this how we, as a community, want to frame a woman's entry into Shabbat? Perhaps when this chapter was recited by men only, it could be thought about

differently, but now there are women in *shul* on Friday nights, and they need to be kept in mind.

This matter of keeping the “other” in mind forms the crux of the issue of the *she-lo asani* prayers. No man who is truly keeping women in mind as part of his prayer community should be able to comfortably say this *berakha*. His worry about *kevod ha-beriyot* should be interfering with his *kavvana*. Keeping women in mind acknowledges the respect one owes to other members of the community who are created in God’s image and who are present and praying along with him. Although this line of reasoning supports Dr. Joel Wolowelsky’s sensitive suggestion to say the *berakha* quietly, this creative solution feels, unfortunately, very much like a way of maintaining a family secret. It feels tantamount to saying, “Judaism has a blessing that demeans women, and everyone knows it, but since we don’t want to insult women to their faces, we’ll just whisper it, and maybe we can all pretend it’s not true.” The very whispering itself, meant in an empathic way, becomes offensive.

Beyond the emotional toll this *berakha* takes on the women in the community, there is the serious question about the toll it takes on the men. Because the language of the *berakha* implicitly privileges being a male through explicitly disparaging being a female, we have to ask what this language is teaching our sons as they encounter their mothers, sisters, colleagues, wives, and daughters. From an early age, and on a daily basis, our sons use sanctioned language that conveys to them, and to whoever else is listening, that valuing their gender is predicated on devaluing the opposite gender. This may have felt true centuries ago, but it would be hard to claim today that this kind of thinking encourages the respect and relatedness that we want to engender in our children.

This brings us to the question of whether the *she-lo asani berakhot* in general express Modern Orthodox values. This question is more one of style than of content: In what way does vaunting one way of being through the implied denigration of another reflect our way of thinking and being today? Clearly, relishing a set of entitlements in contrast to another person’s unchosenness, servitude, and femaleness is different from reveling affirmatively in one’s Jewishness, freedom, and maleness. The person saying these *berakhot* is expressing thanks to God for not having made him inferior — like someone else.

Because of these implied asymmetries, the *she-lo asani berakhot* invoke a hierarchical and competitive — some might say discriminatory — paradigm in the face of the “other.” Whether these blessings are said in the presence of

that “inferior” being or not, they express a way of thinking that is inconsistent with modern, more pluralistic sensibilities — inconsistent, in fact, with how we try to think our disciplined way through the average day. Most thoughtful Modern Orthodox people don’t live their lives thinking about superiority, and may even struggle with how to understand the notion of chosenness, even as they appreciate their religious status. These are not actual questions of faith, but rather ways of thinking about one’s faith that can vary with historical and even cultural circumstance. These formulations thus strike a jarring note for modern-day Jews of both genders, who are uncomfortable highlighting these distinctions, and are apt to love their Judaism, not fundamentally because it’s not something else, but primarily because it is itself.

How can prayer be meaningful if it flies in the face of what the praying person thinks and feels? Praying is an intimate act that, while mediated by an objective text, moves from the inside out. Sometimes a text succeeds in expressing an inner thought in poetic language that we may not have construed for ourselves, but this is so only when the language resonates with us and expands how we feel within. If the language and construction of prayer clash with, contradict, or contract our inner feelings, they create inauthenticity at the very core of our most spiritual relationship. Rationalizing or excusing this profound dissonance with a new meaning simply dresses up the *berakha* in an ill-fitting coat.

I come to this question with respect for the concept of “*matbei’a shel tefillah*,” and fully cognizant of the magnitude of a decision to change the text of a blessing. But I also come to it steeped in the story of Hannah, who felt her way to a changed mode of prayer when the formal, normative way of praying failed her. The formal, normative way of praying does not afford us an opportunity to express in a direct and assertive way — without comparison and without evasion — our thanks to God for having created us as He did. In this sense, it feels like these *berakhot* fail both genders.

This is a particularly pressing issue because, as Rabbi Farber’s article makes clear, we don’t necessarily have to settle for such a compromising state of affairs. Unlike other situations in Modern Orthodox life where we struggle mightily with difficult realities that are hard to change, there seems to be some inherent halakhic flexibility in the creation of these prayers. If, as Rabbi Farber argues, the existence of post-Geonic alternatives to these *berakhot* opens the door to the loose construction model, why would we not try as hard as we could to adjust them both to fit modern realities and to be faithful to ancient

source and purpose? We need to marshal a combination of respect, knowledge, creativity, and self-confidence in order to bring our fullest selves to our *avodat Hashem*. I will leave the details of such possible change to the rabbis, but Rabbi Farber's model, which maintains fidelity to the sense and even to the language of the *berakhot*, while expressing their content proudly, affirmatively, and non-hierarchically, seems like an excellent start.

Halakhically “Acceptable” Discrimination

RONDA ANGEL ARKING

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I will never forget that moment, at age seven, when I felt like Judaism spit in my face. I was in the second grade, and I had the great honor of being the classroom *hazzanit*, the leader of the morning prayers. And for the first time, I actually noticed that the boys were saying a different blessing than the girls. They chanted, in a glazed-eyed sing-song rote: “Thank you, God, for not making me a woman.”

After our services, I went to the teacher and asked why I wasn’t thanking God for not making me a man. She hemmed and hawed, finally opting to bring me to the long-bearded principal, who explained that boys say that blessing because they *need* extra mitzvot to reach the spiritual level of women. “Yes,” I answered, “But that doesn’t explain why the girls don’t say “Thank you for not making me a man.” After all, if we’re so special and spiritual, then we should be grateful not to be men. The principal offered a drawn-out, wordy series of apologetics, which my seven-year-old brain tried to accept — but I ultimately left the office crying inside, feeling like I had just been bullied.

From then on, I silently said “*she-lo asani ish*” in place of “*she-asani kirtzono*” every morning, feeling like a subversive superhero for wronged girls and women everywhere.

By the time high school rolled around, *tefillah* was so alienating that I avoided it as much as possible (leading to several suspensions for skipping davening). The boys led; the girls observed. And every morning, the boys

said proudly, “*she-lo asani isha*.” Cutting words. And not just for the girls. The *berakhot* — and the attitudes toward women that they embody — are hurtful to the sayers as well. This goes for “*she-lo asani goy*” as well. One afternoon, hanging out with a group of Orthodox peers, I noticed a person who had dropped a bag full of groceries. I ran across the street to help the man gather his goods, and returned to my peers. I was greeted with “Why would you help that man? He’s a goy.” After all, we thank God for not making us a goy; we must be existentially superior.

When you thank God for whom you are not, essentially you are saying that you are in the higher position. Throughout the talmudic discussions of the *she-lo asani berakhot*, it is even more apparent that what we are is superior to what we are not.

Some of the versions of the *lo-asani berakhot* are:

- *She-lo asani boor*: I am a dignified and educated person. I am better than a boor.
- *She-lo asani am ha-aretz*: I am sophisticated and intelligent. I am better than a simple “person of the land.”
- *She-lo asani beheimah*: I am a human being — the highest of all creations. I am better than a beast.

In that context, then, we can see that the actual blessings included in the traditional liturgy, particularly *she-lo asani isha* and *she-lo asani goy*, imply that being a man and being a Jew are *inherently* preferable than being, respectively, a woman and a non-Jew. Regardless of apologetics and excuses, and of the socio-political context of the original authors, these blessings are, in our day and time, acceptable and accepted forms of sexism and discrimination. Saying these blessings — even having them in the siddur — is a painful indication of where Orthodoxy and ethics collide and conflict.

I am not a rabbi, nor am I a halakhist. I am a simple Jew, trying to lead an Orthodox life, trying to raise my sons with the beauty of the Torah and its explicit blueprint for how we are to structure our time and create and sustain meaningful relationships with God and humanity. So how could I teach my sons to say *she-lo asani isha*, which had broken my heart (and continues to break my heart) and *she-lo asani goy*, because quite frankly: chosenness does not equal superiority. Chosenness means we have a mission; we have rights and responsibilities to God and the world. It does not imply that others with different missions are somehow on a lower rung of humanity.

So what to do? I believe that the Conservative movement has this right. The three negative morning blessings have been rephrased as

- *She-asani ben/bat ḥorin*, Who has made me free
- *She-asani yisrael*, Who has made me a Jew¹
- *She-asani be-tzalmō*, Who has made me in God's image

After consulting with my Orthodox rabbi, who approved these substitutions given my ethical concerns, I pasted these blessings in my children's siddurim, and taught them to recite them. When my oldest son brought his amended siddur to his Orthodox Day School, where most of the Judaics teachers were Hareidi, I was nervous. I didn't want him to be discouraged or disparaged for using a different set of *berakhot*; so I met with his Hareidi teachers (both female), and respectfully explained that my son would not be reciting the standard *she-lo asani berakhot*. Here I showed them my son's doctored siddur, and to my surprise, both teachers read the replacement *berakhot* with wide eyes, and were enthusiastic about supporting this choice for my son. They had never seen these *berakhot*, and it was apparent that they were pleased by the text — one said under her breath, "These are nice!"

Interestingly, the next year, the male teacher was not so pleased with my request. The teacher did, however, allow my son to say the adapted *berakhot* silently, positing that if he was the class *ḥazan*, he would have to say the standard *she-lo asani berakhot*, "because this is the *real* tradition."

It's not the "tradition" to change the phrasing of the *berakhot*. True. But it is also not the tradition to accept discrimination. It is not tradition to hurt others' feelings. It is not tradition to make statements that lead to internalized (and sometimes not-so-internalized) feelings of superiority. To me, those are reasons enough to adapt this particular language.

1. This formulation has a long history, appearing in siddur manuscripts in Mantua (1518), Tihingin (1560), Prague (1566), Venice (1566 and 1572), Dyhrenfurth (1694), and in the writings of Benvenisti, the Gaon of Vilna, and R. Jacob Mecklenberg, as catalogued by Rabbi Farber in this volume, x-ref.

Personal Reflections: Zeh Pogea Bi

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Even before reading the very learned, very long responsum to the *shelo asani isha* issue, I knew that I could not compete with the rabbis in explicating this issue. My response is more personal, visceral and from the heart. As a woman, weather *davening* alone or in a *minyan*, I have experienced the shock, the almost physical pain that this phrase produces in me....and it has never ceased to do so. I once described it to a rabbi as “*zeh pogea bi*.”

Many years ago my family was invited to Friday night dinner at Rabbi Riskin's home in New York. It was his custom to have young men from his Yeshiva, perhaps they were *ba'alei teshuvah*, join him after dinner. I recall that one of them asked him a question about *shelo asani isha*. He gave the traditional answer that as women are not commanded in many of the *mitzvot*, the men were thanking God for their additional and welcome obligations. My daughter, who was then about ten, contributed this, “Then why,” she said, “is our *bracha* in smaller letters and in parenthesis?” In those days that is how it appeared in many siddurim. The point is clear. She was to see herself as smaller, less meaningful part of the community.

If “*mitzvah goreret mitzvah*”, one *mitzva* leads to another, then conversely, I believe, the view that women are given of themselves in Jewish text and Jewish communal life, leads them in many cases, to see themselves as irrelevant and not true spiritual beings. Having said that, is it not true that today, though fathers are very active in their children's' upbringing, it is the mother who for the most part does the parenting? Does she cede all religious training to the father or is she a model for the children, sons and daughters? What kind of model can she be if in all the meaningful elements of Jewish Orthodox life she is marginalized and trivialized? Some will argue with this characterization, but I have lived it and am here to stand witness for it. In addition to this argument, what does one say to young women who have achieved intellectually in

the secular world and are told that this is forbidden to them in their religious life?

Even worse, being told that their brains are not suited to Talmud and religious discourse. Can there be meaningful change in Orthodox life and halachic movement? I would argue yes. I would say it is not an issue of halacha that holds us back today, but rather social policy, and the fear of the rabbis. I have often said in recent years that the rabbis fear each other much more than they fear God. When I look at issues like *aguna*, *akara hilchatit*, issues which deeply affect women's ability for an active and productive life, I wonder at the rabbis inability to end them. Halacha must translate into suffering? And when some rabbis do tackle and respond to these issues, they must do so quietly, partially, so as not to offend their fellows and be marginalized as well....religion as politics and the women are the pawns.

I know that I paint a very dark picture of our community. Perhaps my expectation of justice and equity and *chesed* which I learned from my religious upbringing have now, more than ever, gone awry. We live in a punitive time of Orthodoxy, with fundamentalist tendencies....never good for women. We need brave hearts, brave souls and brave people...men and women to face these issues and make needed change.