

## What Is a Synagogue? And Who Gets to Decide?

In the wake of the horrific murders at Pittsburgh's Tree of Life synagogue in 2018, Jews the world over were stunned to hear of the outright [refusal](#) of Israel's Ashkenazic Chief Rabbi David Lau to refer to the place as a *synagogue*. This, because Tree of Life defines itself as a Conservative congregation and because its building is home to several small, non-Orthodox congregations that worship there on Shabbat.

We will not bother here to excoriate the chief rabbi for his insensitivity and rank boorishness, his serving as yet another example of how some Jewish leaders prefer to fan the flames of divisiveness even at moments that so desperately call for unity. (For powerful expressions of condemnation see [here](#) and [here](#).) Instead, we think his remarks call for a brief and relatively uncomplicated *shiur* (lesson) in *halakhah*. The subject: what is a synagogue?

We begin with the *p'sak* (ruling) of Rambam in his *Mishneh Torah, Hilkhhot T'filah* 11:1:

כל מקום שיש בו עשרה מישראל צריך להכין לו בית שיכנסו בו לתפלה בכל עת תפלה ומקום זה נקרא בה"כ, וכופין בני העיר זה את זה לבנות להם בה"כ ולקנות להם ספר תורה נביאים וכתובים.

- 1) Any locale in which ten Jews reside must set aside a building or room (*bayit*) into which they may assemble (*yikansu*) to pray at the set times for prayer. This place is called a synagogue (*beit hak'nesset*).
- 2) The members of the community may coerce each other to build a synagogue and to purchase a Torah scroll and other Biblical texts.

Notice that Rambam speaks here of two distinct issues. Paragraph 2) describes the power of the community to levy taxes for the building of a synagogue and the acquisition of the necessary liturgical texts. This rule is not original to Rambam. The source is the Tosefta (Lieberman ed. *Bava Metzi'a* 11:23), and Rambam's great predecessor, R. Yitzhak Alfasi, has already cited it as authoritative *halakhah* (*Hilkhhot HaRif, Bava Batra*, fol. 5a). The first paragraph, on the other hand, is original with the *Mishneh Torah*, for nowhere in the Rabbinic and earlier halakhic sources do we find this definition for a "synagogue": a "synagogue" is any structure that a congregation of ten Jews designates as such. The *beit k'nesset* (literally, "place of assembly") acquires its status simply by the fact that the community *assembles* there to pray on a regular basis. Period; full stop; that's all it takes to create a "synagogue." Jews have been assembling to pray for many years at Congregation Tree of Life. Indeed, those who were gunned down on that awful Shabbat morning were among the most faithful members of its *minyan*. There can be no question, then, that Tree of Life where Jews is a *synagogue* according to *halakhah*.

This conclusion would presumably disturb the chief rabbi. He might respond that, even if Tree of Life were at one time a synagogue, it has lost that status due to the "sinful" activities conducted therein. After all, the congregation includes women in its *minyan* and acknowledges that their ritual status equals that of men. This, in the chief rabbi's eyes, invalidates the prayer services at Tree of Life; that is, one does not fulfill one's halakhic obligation to pray by *davening* there. We will not bother here to rehearse the halakhic arguments in favor of women's full and equal

participation in Jewish ritual life. Suffice it to say that, even if the chief rabbi does not find those arguments convincing, there exists a real dispute (*mahloket*) within the halakhic community over the question. Our point, though, is that even were we to grant the chief rabbi's assertion that the *t'filah* at Tree of Life is somehow a transgression and a sin – which we don't, of course – that still would not alter the status of the place *as* a synagogue. Our authority for this claim is none other than R. Moshe Feinstein, who famously ruled that once a synagogue has been established and has served as a place of communal prayer, it does not lose its sanctity even if “sinful and scandalous acts” have taken place on the premises (אלא ודאי דהקדושה שנעשה בביהכ"נ אינה יורדת ) שם עבירות ועניני קלון; *Resp. Ig'rot Moshe, Orah Hayyim* 1:46). It's clear from R. Moshe's discussion that the “scandalous acts” of which he speaks are a lot more scandalous than, say, a woman being called to the Torah – modesty, we suppose, prevents him from specifying the nature of the offense - and yet, he insists, the synagogue retains its status.

The message of the sources is clear. You may not approve of a particular synagogue's style of worship – Rabbi Lau, obviously, does not approve of the way they *daven* at Tree of Life - but so long as Jews assemble there on a regular basis to pray it is nonetheless a *synagogue*. It is the community, and *not* a government functionary called a “chief rabbi,” who gets to make that decision.