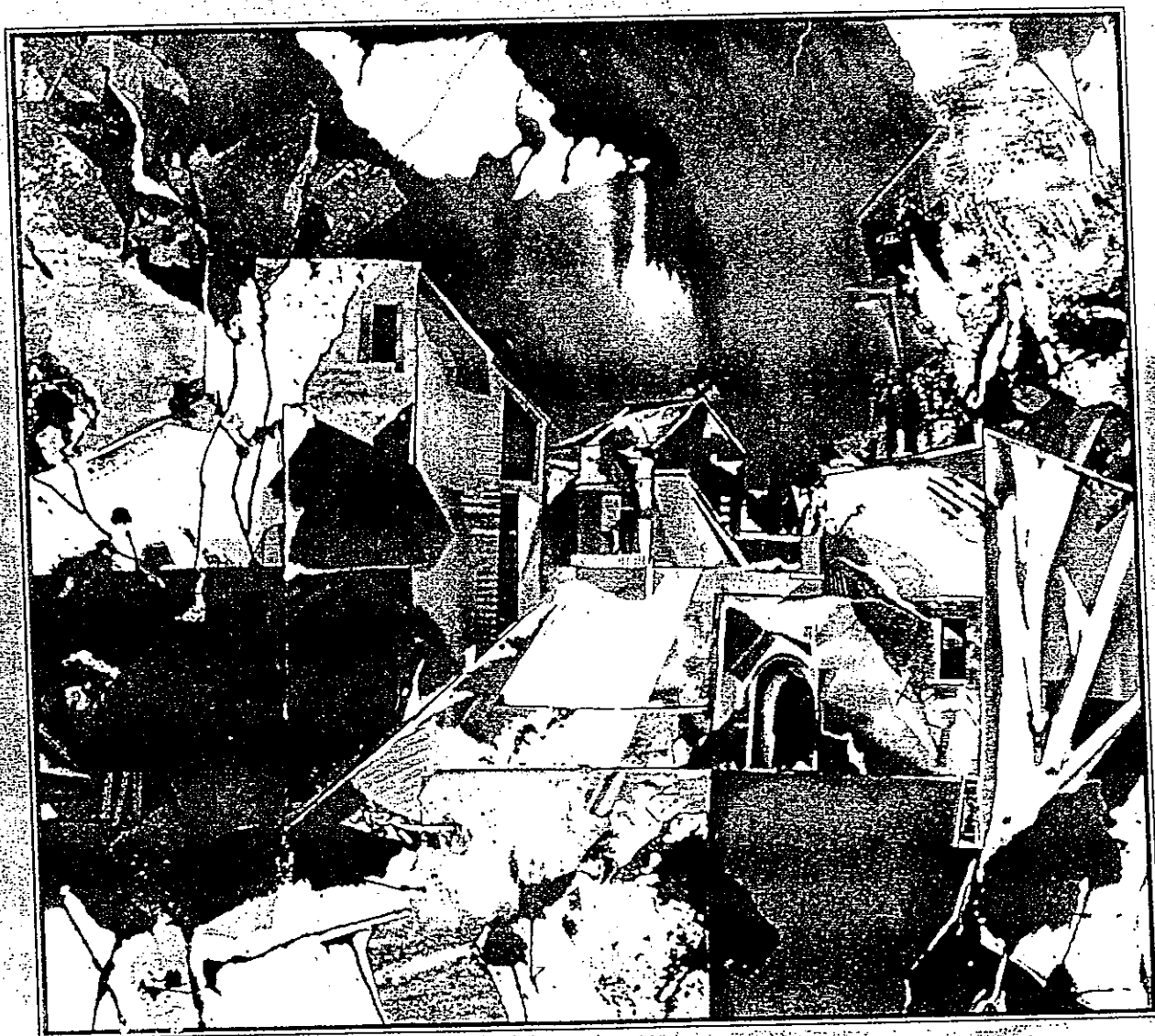


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"A WOMAN'S PLACE..."
Four Perspectives

JEWISH DIVORCE
The Crucial Role of Be'it Din

DNA: CHAIN of TRADITION
Discovering the Cohen Gene

“A Woman’s Place...” *Four Perspectives*

Towards a Constructive Dialogue

By Rabbi Adam Mintz

The role of women in Jewish religious practice has become one of the most bitterly contested issues in the Orthodox community today. Polemical articles have been written on the subject and adversarial speeches delivered, all advancing strongly-held opinions. Some would maintain the traditional private role for women within the Jewish community; others would enhance the opportunities for women to participate in religious life, especially in the synagogue ser-

vice; still others have adopted a variety of in-between positions. These approaches have analyzed the issues from numerous points of view, notably, the halachic, the spiritual and the psychological. Regrettably, the debate has not always been constructive. Rather, an emphasis has been placed on the personal at the expense of the principle and participants have often demonstrated less than open minds to opposing views.

I will limit my discussion to three subject areas, and offer some guidelines that, in my opinion, should inform the debate on this difficult and controversial topic. Hopefully, this will encourage more construc-

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The four articles in this section describe the concerns of individuals of differing opinions in the Orthodox community. They are presented with the trust that their diversity will be valued as a springboard for productive discussion. Opinions expressed do not necessarily reflect the policy or opinion of Jewish Action or the Orthodox Union.

tive exchanges which will enrich our understanding of the basic issues and help point to resolutions.

Role of Halachah

The place of women in Jewish religious life first and foremost involves halachic considerations. To resolve these issues, we must look to respected and responsible halachic authorities. In doing so, it is essential that we keep in mind that the halachic system is not monolithic and that legitimate differences of opinion often arise among these respected and responsible authorities as to what Jewish law prescribes regarding a particular issue. This is hardly surprising; such differences of opinion are intrinsic to the nature of Jewish law, indeed, any legal system. As new cases are never exactly the same as earlier ones, precedents do not precisely fit the new situation and disagreements occasionally arise.

It is therefore unfortunate that this basic principle has often been ignored by disputants who determine that those with opposing views are unqualified to express halachic opinions or that their opinions are outside the framework of *halachah*. Of course, there are people who are not qualified to offer views on this topic. However, too often those who reject others' opinions do so not on the basis of a fair and open-minded assessment, but solely on the fact that their opponents' views differ from their own. These arbitrary judgments scarcely serve the goal of an open and fair-minded exploration of the issues, nor do they promote sound relationships and solidarity within the Orthodox community.

Motivation

A major portion of the current debate has centered on the question of the motivation of women who seek fuller participation in Jewish religious life. The question is raised: Are their views influenced by values from within the Jewish tradition and by a quest for deeper religious experience, or is it driven by a desire to further the goals of "feminism"? We all have complex reasons for our actions: We can no more legitimately question the motivation of those who seek to further women's participation in religious practice than we can discern the motives of

those in the opposing camp who seek to circumscribe women's religious activities.

The current debate should have only one overriding interest: an objective examination of all the evidence to determine whether the proposed changes in practice are consistent with *halachah* and whether they have the potential of enriching and deepening the religious experiences of both the men and women in the Jewish community. This challenge is formidable, and we need not also seek to probe essentially unanswerable questions on human motivation.

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Historical Perspective

As has often been said, we ignore the lessons of history at our own peril. The difficulty is in determining what history actually teaches us; so it is with *halachah*. The expanding role of women in Jewish life may be a new phenomenon, but I hope that we can agree that it should not be rejected out-of-hand for that reason alone. The *halachah* is objective: it judges practices on their own merits, not on the basis of whether they are new or old. Much innovation has been introduced into Jewish life over the centuries and even the

Chatham Sofer, who adopted the phrase, "All that is new is forbidden by the Torah," was opposed only to innovation that ran counter to *halachah*.

When evaluating the acceptability of innovation in the halachic system, we must recognize the role of precedent. The history of responsa literature teaches us the

importance of precedent, but at the same time reminds us that each situation must be dealt with on its own merits. In addition, we must not lend substantial credence to anecdotal evidence or recollections of conversations of rabbinic authorities expressing views on a disputed issue. These recollections are inherently unreliable, and even where reliable are subject to varying interpretations. We can better serve both our contemporary community and the historical tradition by recognizing and responding to the unique challenges this debate presents.

The Orthodox community is confronted with a critical issue. Let us debate the subject fully. But in seeking to resolve this issue let us not lose sight of the ultimate goal of strengthening and unifying our community in the spirit of *halachah*. Constructive dialogue will take us a long way towards this goal. **IA**

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Orthodox Feminism and Feminist Orthodoxy

By Rabbi Emanuel Feldman

In a recent panel discussion about the Jewish feminist movement, a female Jewish academic, not observant but religiously sensitive, related that in her "egalitarian" congregation — a mixed *minyan* of men and women — she was told that if she learned to read the Hebrew from the *sefer Torah* for a certain *aliyah*, she would be called to the Torah and be invited to read aloud that portion. She practiced with a tutor for several months, and then was called to the Torah. She read her portion flawlessly. "It was a moment of supreme joy for me," she said. "I felt religiously happy." Turning to me, she added, "Why do the Orthodox deny such joy to their women?"

I quickly assured her that Orthodoxy is all in favor of joy. "But," I added, "joy is not the overarching criterion of Jewish religious life. There are many *mitzvot* we perform — such as fasting on Yom Kippur — that do not necessarily give us joy, and yet they help us make contact with our Creator. It is fine that you were happy, but that is not the touchstone of serving God."

I went on to suggest that one surely experiences a deep inner joy reaching out to God, but it is best not to confuse joy and religion, because, while in a profound sense, things that are deeply religious are deeply joyous, not everything that is joyous is religious.

She was unconvinced. From her standpoint, *halachah* would deprive her of the right to serve her Creator joyously. I tried to point out that certain *mitzvot* are gender-linked (mandatory *mikveh* immersion with a *brachah* for women but not men; *tefillin* for men but not women); certain others are status-linked (*Cohen*, but not *Levi*, *Levi* but not *Yisrael*, Jew but not non-Jew); others are time-linked (daytime and not nighttime); and that we may not at our own discretion cross over to perform *mitzvot* that are limited to one gender or one status, even if those crossovers make us happy.

But all this fell on deaf ears. Joy and personal fulfillment were the major criteria, and anything that

would deny them was by definition insensitive, unequalitarian, patriarchal, and therefore wrong.

This exchange highlighted much that is problematic in today's Jewish feminism, including the loose congeries of various women's groups that describes itself as Orthodox feminism. This article will attempt to show that Orthodox feminism has not been entirely unaffected by the tensions and consequent attitudes within feminism in general. Along the way, we will examine some of the forces that exert powerful influences on Jewish life in general, and to whose subtle overtures women's groups are not immune; and we will raise certain vexing issues that, unless they are recognized and addressed, have the potential of seriously undermining the halachic integrity of Orthodox feminism.

In so doing, the intent is not to be critical of women who seek a deeper attachment to the Creator. Every Jewish woman who views herself as part of the halachic community is a priceless asset to *Klal Yisrael*, all the more so when so many Jewish men and women have been lost to us through apathy, ignorance, assimilation and intermarriage. Learned, dedicated, and *mitzvah*-practicing women are the vital key to the future of *Am Yisrael*, and it is not to such women that these comments are directed. Rather, they are directed at certain perceived trends within the larger circles of Orthodox feminism.

The views of my academic acquaintance are endemic to contemporary times, and it would be surprising if they had no impact on contemporary Jewish movements across the board — even the Orthodox ones. Contemporary culture emphasizes the Me and not the You. The Me focuses attention on rights; the You focuses attention on obligations. That which makes the Me feel good is good; that which makes the Me feel not so good, is not so good.

When a society is based on Me-ness and on its corollary — "How much am I entitled to take?" — then it is reasonable and just that everyone should be able to take as much as possible. Since this is not feasible, society works out a system whereby

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everyone has equal rights to take. That everyone has the same rights that do, and I have the same rights as everyone else. The focus is on *le*.

The Torah is not a bill of rights, but a bill of obligations — to God and to other people. In Torah, there is no right to property; rather, there is an obligation not to steal or damage someone else's property. Torah does not mention the right to be treated decently; it stresses that we must treat others decently. In Torah we have no right to life, liberty and the pursuit of happiness; instead, we have the obligation not to diminish someone else's life, liberty or happiness. Torah is not designed to make us feel good; rather, it is designed to teach us how not to make others feel bad.

Thus, it is not an accident that in Biblical or Mishnaic Hebrew one is hard pressed to find a term for the Western concept of "rights." There is a classical Hebrew word for "obligation": *chov*. (In an effort to translate the Western concept of "rights," modern Hebrew has coined the term *zechuyot* — but *zechuyot* derives from *zechut*, meaning "merit," not "rights.")

Obviously, the end result of Torah is that it helps us achieve a close relationship with God, which in turn infuses life with meaning, fulfillment and a deep inner satisfaction that can be called joy. But even if, theoretically, Torah were not to lead to meaning and purpose, even if it were to make us miserable, a Jew would still be obligated to live by it.

But when one peruses Orthodox feminist literature, or listens to its conference speakers and panelists, one still hears persistent voices that express religious yearnings in the accents of contemporary society. An *aliyah* to the Torah is fulfilling, as is wearing a *tallit*. Having a separate women's *tefillah* group is self-actualizing. A woman reading the wedding *ketubah*, the bride breaking the glass — all are significant because they presumably enhance the status of the woman.

The halachic legitimacy of these examples is not crucial to this discussion (though many of them are being actively promoted among Orthodox women's groups, as will be noted below). But a highly visible thread weaves its way through Orthodox feminism's halachic innovations, and the thread invariably bears the imprint of self-absorption: How can my needs and requirements be expressed, and my status and prestige enhanced? Not what doth the Lord require of me, but what do I require of the Lord?

While self-concern is natural and often healthful, it is clear that in the context of serving God, the

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spiritually healthful way stresses the You and not the Me. A preoccupation with, say, what worship does for me, or whether it makes me feel good, is in full harmony with contemporary culture. It reflects today's penchant for the narcissistic pulse-taking that affects us all: am-I-happy-today-am-I-feeling-good-about-myself-do-I-still-love-him/her?

Within the context of *avodat Hashem*, however, it strikes a discordant note. Concerns like "How do I feel about this *mitzvah*? Is *halachah* being fair to me?" unwittingly tend to transform the Torah into an instrument for self-gratification and a tool for satisfying one's needs and for making one feel good.

No less than Jews of any gender or any group, the Orthodox feminist's desire to achieve a spiritual relationship with the Creator can only be met by striving for the highest standards of religious devotion. A program that carries the residue of the old shibboleths of autonomy and self-hood is incongruous with such high standards. Pristine faith demands that the will of the self be subordinate to the will of God.

A recent issue of an Orthodox feminist newsletter provides a vivid case in point (*JOFA Journal*, 1:3; Summer, 1999). This particular eight-page issue is devoted to Jewish marriage. With one exception, every single article is focused on ways to rectify the perceived inequality of the bride and to right the "imbalance." We are told about making "her voice heard on a par with that of the *chatan*," the need to demonstrate that "Jewish women are a vibrant and essential part of the greater Jewish community," and that the traditional wedding ceremony "silenced women's voices and excluded the participation of other women." The feature entitled, "Thirteen Ways to Enrich Your Wedding," suggests that a woman translate the *sheva brachot* under the *chupah*, or read the *ketubah*, or hold the poles to the canopy, or "preside under the *chupah*."

One article does deal thoughtfully with the *agunah* issue and the role of prenuptial agreements. The lead article stresses the importance of marriage, but the presentation is marred by what has become *de rigueur* in today's overheated Jewish climate: the inevitable out-of-context citation from Rav Soloveitchik, *z"l* — in which he refers to the "equal rights of both parties concerned with the covenant" — as an implied justification for the suggested innovations.

Clearly, a sense of having suffered from inept and unfair treatment prompts such proposals. When a group feels that in the broader areas of religious life it is not regarded with the requisite dignity and

respect, pain and resentment are aroused.

Such treatment is, of course, by no means universal, but even an occasional occurrence is inexcusable.

Contemporary women, for good or ill, are not our grandmothers of old.

They have contemporary sensibilities that need to be recognized and addressed. It should be possible, even within the framework of the strictest reading of halachic norms, to give women the sense that they are a vital and necessary part of Jewish religious life. This is not always conveyed effectively. To be sure, the lasting impress inadvertently made on some women that they are second-class Jews, disenfranchised and excluded from religious life, does not stem from the norms of Torah and *halachah* whose ways are ways of pleasantness; it stems, rather, from disregard of that "fifth" *Shulchan Aruch* that includes *sechel*, standards of *mentshlichkeit*, and old-fashioned sensitivity.

Nevertheless, the proper response to perceived wrongs does not lie in mounting an assault on the halachic ramparts. A deeply spiritual response is called for, one that would, for example, address the inchoate yearnings for closeness to God that apparently underlie the demands for activities like separate *minyanim* or dancing with the *sefer Torah*: how to approach God more closely, to serve the Creator with more fidelity. Instead, we read about ways to achieve parity with men. "Whatever can enhance equality," says the lead editorial of the above-mentioned newsletter, "should be instituted." Since this newsletter features several leading Orthodox feminist writers, it is fair to say that its tone is an accurate reflection of today's Orthodox feminist leadership.

One is in general hard-pressed to find Orthodox feminist studies and discourses that treat *halachah* as a means for reaching out to the Creator without the precondition that it must do something for the Me. To cite one notable example: In vain does one search Orthodox feminist literature or conclaves for an objective discussion of one crucial term: *tzniut*. This untranslatable word exemplifies another lexical void, this time a word that exists in Hebrew and has no English equivalent, for *tzniut* reflects a *Weltanschauung* that is foreign to contemporary society. To put it simply as "modesty" or to limit it only to sleeve lengths is to deprive it of texture and nuance. Orthodox feminists may cover their hair and wear modest clothing, but in the anxious rush to right perceived wrongs, that aspect of *tzniut* that transcends clothing but is concerned with matters

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Spiritual and intellectual *tzniut* is not for women only; it includes men. It calls for a certain attitude of mind that is cognate to humility. It shuns even the whiff of pride. It suggests a certain reticence and reverence towards classical elements of Judaism,

such as *halachah* — qualities not easily achieved by either gender. To demonstrate restraint, to be circumspect in attitude, to be guarded in language, to exercise discretion and not to seek to attract attention in dress, behavior or speech — this is classic *tzniut*. These are qualities not easily achieved by either gender in today's shrill and strident world.

A spiritually *tzanua* person will, for example, eschew the slogan-filled lexicon of a feminism that shoots from the hip at the Sages; a *tzanua* will refrain from discussing *halachah* in clichés that take the discredited paradigms of class struggle and apply them to gender; he or she will not discuss *halachah* in the tired slogans that echo the themes of male domination and redistribution of power and repression and hegemony and patriarchy and exclusion and control and oppression and victimization — for the *tzanua* will sense that the rhetoric of revolution is not only banal but is an incongruous intrusion into halachic discourse.

This is not to suggest that this alien vocabulary dominates the Orthodox feminist lexicon; it is to suggest that when it does occasionally surface, those who would employ the terminology should be sensitive to its origins in the past and to its destructive potential for the future.

It is indicative of how far Orthodox feminism tends to drift from these pristine concepts of *tzniut* that it is not uncommon to find within its discourse the astounding idea — accepted almost as a fact of halachic life — that *tzniut* is a rabbinic device whose purpose is to derogate women and keep them in their place. One rarely encounters a serious discussion by Orthodox feminists about the *kol kevudah bat melech penimah*, "the glory of the king's daughter is within" (Psalm 45), which is one of the underpinnings of classical *tzniut*. When an entire lecture was devoted to this verse at the International Conference on Feminism and Orthodoxy (February 1997), its use as a basis for *tzniut* was referred to as a "sound-byte" whose time had passed, and there was a call for newer sound-bytes. Apparently, the newer sound-bytes include terms like servitude, exploitation, deprivation and empowerment. It is unclear why those who seek objective truth would sweep a basic concept like

tzniut under the rug, there to be consigned to oblivion with other unsavory words.

And most puzzling: Surely Orthodox feminism does not deny that women have different roles from men, that they are different not only biologically but spiritually, and that as a consequence their approach to God is different. Somehow, however, Orthodox feminism presents an incoherent message in this area. It claims that women are not being given their due as full-fledged participants of the halachic community, and that, because they are women, they are being denied the opportunity to attain a state of closeness to their Creator. But instead of searching for ways by which women as women can effect this, Orthodox feminism proffers the concurrent claim that it is only in the emulation and adoption of male roles that women can find this closeness.

This is indeed wondrous strange, for what emerges is that a religious Jewish woman can serve her God only by being called to the Torah like a male, by being encircled by the groom at the *bedeken* just like the groom is encircled by the bride, by having an *aufruf* and reading the *haftarah* like a male, by celebrating "*shalom nekevo*" on Friday nights like a male, or by placing a *tallit* over the groom just like the groom places the veil over the bride.

Again, the halachic legitimacy of these "me-too" practices, most of which are advocated in the newsletter cited above, is not the issue here. Rather, it is the conscious mimicry of men. From one vantage point, such overt emulation of the male comes across as a serious denigration of women, for the inescapable message is that without these masculine accouterments a woman remains religiously inferior. It is hard to think of a more hurtful diminution of a bride than to advise her that the only form of self-respect available to her is to become a pseudo-groom.

Is it far-fetched to detect in this "groomification" of the bride a subliminal echo of the radical feminist assault on the fundamentals of male/female behavior that have been part of humanity since Creation? Has a whiff of some of these old notions unwittingly insinuated itself into the rhetoric of some Orthodox feminist circles? Perhaps it is a far-fetched analogy, but the thought does intrude — especially when it is recalled that radical feminism was in essence an attempt to remake the human past and to reconstitute the nature of men and women.

One also has the disconcerting sense that Orthodox feminists tend to push the halachic envelope very far. Somehow, their search engines seek out behaviors that, while not expressly forbidden,

are invariably marginal. In a particularly striking example of the rush to the edges, a recently published book, "Jewish Legal Writings by Women," (edited by Halperin and Safrai, Jerusalem, 1998, pp. 45-72 in the Hebrew section) contains a paper by a prominent Orthodox feminist that unconsciously resonates with the distant echo of the early radical feminist motto of "Who needs men?" In her paper, the author attempts to demonstrate halachically that, under certain circumstances, single Jewish women should be permitted to bear children through artificial insemination.

Such a discussion is rather poignant. It mirrors the reality of an Orthodox community where there are more single women than men, where many Orthodox single men are not ready to make life commitments, and where the Orthodox community has not addressed itself successfully to this issue.

Nevertheless, with all due awareness of the social realities that may impel it, the proposal reflects a mind-set in which things that are not explicitly forbidden are candidates for a seal of approval.

While this idea at least has the refreshing appeal of not miming masculinity, its destructive potential for the institutions of marriage and the Jewish family — over and above the issue of consciously creating fatherless children — should be self-evident. But an Orthodox feminism that does not want to appear judgmental apparently receives such proposals with equanimity.

An oddly shaped pattern emerges from all this. Orthodox feminism, despite its declared allegiance to the halachic process, gives the consistent impression that it has difficulty resisting both the anti-halachic winds that buffet it, and the anti-halachic models of contemporary society that tempt it.

Most confusing is the tableau of an halachically oriented group that seems to disregard classic halachic parameters in setting its priorities. *Halachah*, after all, is not a subjective matter reflecting the whims or prejudices of this or that *posek*. It contains its own objective methodology for arriving at halachic decisions. But it is difficult to reconcile a group's declared loyalty to a system of law with that same group's complaint that the system is male-dominated and therefore stacked against it. When universally recognized world-class *poskim* are by-passed for whatever reason — an assumption that they will not give women a fair hearing, or that they are men who have no sympathy for women — the fundamentals of halachic discourse are undercut. When end runs are made around the halachic judicial system, and calls are heard for female *poskot* who will be more sympa-

thetic to feminine causes, fealty to that system cannot be fairly claimed.

It is one thing to seek to redress perceived injustices against women. But it is quite another to view halachic history and its decisors from the times of the Talmud to the present as purveyors of female exploitation and of male empowerment.

The obvious — if naïve — question is: Orthodox feminists have certain serious halachic issues that require resolution. Do they discuss with universally recognized *poskim* their long-term priorities, or solicit their views about what practices are appropriate or inappropriate? It is important here to rise above the “my-posek-is-more-authentic-than-your-posek” syndrome. I refer to the towering, world-class figures in *halachah* who set the Jewish agenda, and about whose authority and eminence there is no disagreement. Until recently we had such *poskim* in Rav Moshe Feinstein, Rav Joseph B. Soloveitchik, Rav Shlomo Zalman Auerbach, Rav Shaul Yisraeli, *z”l*. We are bereft without them, but there are such figures today — Rav Yosef Eliashiv and his younger counterparts come to mind — who are rising to take their place and to become their spiritual heirs.

How is it that this integral element of the halachic process is consistently ignored? An intellectually honest search for Godliness must perforce involve the guidance of halachic specialists whose entire life span is devoted to full-time Jewish learning and service to *Klal Yisrael*. When such *poskim* are leapfrogged because of the pre-judgment that they will not listen, an essential element in *halachah* is overlooked. Of course it is more reassuring to allow the Orthodox feminist agenda to be approved by rabbis who are known in advance to be favorable, but this obviously devitalizes the objective nature of halachic decision-making. A wedding, for example, is an halachic event. But there is no evidence that any of the thirteen ways to enrich the wedding was ever submitted for adjudication to a world-class decisor — be he labeled centrist or rightist.

Thus it is that an observer finds Orthodox feminism to be internally conflicted. In its one hand it bears the exemplary desire of Jewish women to reach out for more connectedness to their Creator, and in its other hand it bears the deadening baggage of thinking and attitudes that stem from a world where God-connectedness has no currency.

This is not good for the Jews, because we desperately need the talents and insights of committed Jewish women. Who can quantify the positive results for the Jewish future if Jewish women were to use their considerable energies and talents in a

focused assault on those issues which threaten to undermine our people, and in which the organized community of men has failed so badly: Jewish ignorance, runaway intermarriage, the breakdown of the Jewish family, and — most importantly — the disappearing disciplines and sliding boundaries of contemporary Jewish life?

This is where the future lies and where the action is — not in who breaks what glass in what context. It would be a pity if this generation of Orthodox women — well educated, dedicated and committed to halachic living — were to be sidetracked from the opportunities to enhance the Jewish future, and instead were to focus on ways that might give them status or gratification.

There is work to be done, a generation to be rescued. Placing a *tallit* on the groom's head is clever and will achieve a certain notoriety, but so what? Outside the brightly lit wedding hall a generation is withering away, and precisely those women who have the ability to help are being urged to prove that they, too, can hold the poles to the *chupah* (suggestion #5 in “...Ways To Enrich Your Wedding”).

A delicate issue must be raised: If the halachic process is given little credence, and rabbinic authority is regularly being challenged or simply ignored, will Orthodox feminism remain a stream within Orthodox Judaism, or will it become the forerunner of a meandering tributary of non-Orthodox movements? They, too, began with efforts to save Judaism from what they called the halachic deep-freeze, made a powerful impact for a short while, but ultimately drained themselves as they eschewed classical halachic guidelines and fell under the thrall of contemporary intellectual fads. (It may or may not be significant, but a leading Orthodox feminist in Israel and a founder of the Israeli feminist network has followed her extreme views to their logical conclusion: She abandoned Orthodoxy and accepted the rectorship of the [Conservative] Schechter Institute in Jerusalem. And in what could be read as a further blurring of the lines, the religious feminist conference in Jerusalem this past July [which called itself “Kolech: the Religious Women's Forum/Forum *Nashim Datiot*”] featured a strong Conservative presence, with four of the presenters listing this same Institute as their affiliation. The absence of the word “Orthodox” in the title and in the abstracts of the conference, as well as in the section discussing the goals of the conference, is also worthy of note.)

In assessing its future direction, Orthodox feminism — which has not flinched from asking painful questions of the Orthodox community — would do well to ask a painful question of itself: Is sufficient

heed being given to ideas like *avodat Hashem* and *kedushah* and *tzniut* and *mesorah* and *ahavat Hashem* and *yirat Hashem*, or are these being devalued by the dross of more stylish concepts like empowerment, self-realization and the other rhetorical shards of the politics of resentment? A Jewish movement, after all, can preserve its integrity and become historically effective only when it is able to identify and fend off the subtle incursions of the dominant culture. This kind of serious self-assessment would sensitize Jewish women to these incursions that hover over all of us, Jewish women and men. More specifically, it could persuade Orthodox feminists to be more alert to the influences of feminist orthodoxy.

Afterword

Every sensitive Jew and Jewess strives constantly for enhanced spirituality. But the Jewish spiritual

tradition itself teaches that only within the parameters of halachic practice can true spirituality be realized. Amorphous spiritual hunger, unframed by *halachah*, leads nowhere.

Each Jew and Jewess is bidden to walk towards God in his or her own way, at his or her own pace, across an halachic bridge that is clearly marked with guardrails and directions. The bridges are not identical. Adjacent bridges may seem more inviting or may seem to offer faster or more secure passage, but this is an illusion. *Cohen, Levi, Yisrael*, male, female – each crosses a unique bridge that is prepared for him or her alone. The *Cohen* who jumps to the bridge of the *Levi* will only delay his passage, and vice versa. For every single bridge, as long as it is traversed in faith, in love and in discipline, leads inexorably to the other side – the side of the Other – where God waits patiently. **JA**

Yoatzot Halachah: Fortifying Tradition Through Innovation

By Chana Henkin

When my husband and I moved to Bet Shean 26 years ago, I discovered that an average of six women per night used the local *mikveh* — a startlingly low figure given the traditional orientation of the mostly Moroccan population of 13,000. I decided to act on three levels. I gave the members of the Religious Council no peace until the *mikveh* supervisor, an ignorant and disagreeable woman, was transferred to another line of work. I raised a modest sum of money to renovate the *mikveh* and add some touches of luxury. Finally, I persuaded two prominent women to join me, and for several years, we met with young mothers twice a week through the municipal kindergartens to educate them about the laws of *mikveh*. Based upon *mikveh* receipts which we counted numerous times, use of the local *mikveh* rose from six women a night to twenty-six.

I recently took a second, highly public action on behalf of *taharat hamishpachah*, Jewish family purity,

with the enthusiastic backing of prominent rabbis in Israel's Religious Zionist community. This past Chol Hamoed Sukkot, Nishmat graduated the world's first women halachic consultants [*Yoatzot Halachah*]. Eight women completed the first two-year course qualifying them to serve as halachic consultants to women, and 16 have begun the second class. The program combines more than 1,000 hours of the classic rabbinic curriculum of *hilchot niddah* (*Gemara, Rishonim, Tur/Beit Yosef, Shulchan Aruch* and *Nosei Kelim* through contemporary responsa) with supplementary training in women's medicine (gynecology, fertility and reproductive technology, sexuality, prenatal testing, etc.) and psychology. Written examinations were administered regularly, culminating in comprehensive, four-hour oral examinations by a board of *bochanim* [testers], all prominent halachic authorities and heads of *kollelim*.

The eight women were selected for our first class from among 40 applicants by a committee of four rabbis and myself. We looked for sincere religious commitment, Talmudic scholarship and leadership qualities. The average academic level of our fellows was midway between M.A. and Ph.D. One woman was a young pediatrician who had taught a *Daf Yomi* class as

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a medical student at Albert Einstein. Another woman teaches in the Talmud department at Bar Ilan University. All of the women were not merely devoted to *taharat hamishpachah*, but actively engaged in teaching others.

What prompted me to take this action? Years of work in *taharat hamishpachah* and communal leadership made me aware that many observant women will simply not consult a rabbi with an intimate question. In some cases, the husband asks on behalf of his wife. In most cases, the question is not asked at all. I have been informed even by rabbis' wives, both in Israel and in the United States, that they themselves would never bring an undergarment to a rabbinical expert with a question. Rabbis likewise have spoken to me of the paucity of *hilchot niddah* questions asked of them. All too many women decide the issues for themselves — some stringently, others leniently. Needless to say, unnecessary stringency at the expense of marital harmony, or unwarranted leniency not in accordance with *halachah*, are both terribly wrong.

What happens to a woman trying to conceive who is told by her gynecologist that her conception date falls before her *tevillah* [immersion] date? What happens to a woman in her 40s who stains repeatedly in mid-cycle and is too self-conscious to consult a rabbi? What happens when a woman wants to know whether her problem is typical and what others do about it? Until now, the answer for most women has been, bite your lip and suffer, or be lax about the *halachah*.

Dignified observance requires that a woman feel comfortable about the consultation, and that the *halachah* be explained patiently, clearly, competently and in detail — a procedure with which most women and, in fact, many rabbis, are not at ease because of their ingrained sense of modesty. Meticulous observance requires that a woman relate precisely what occurred. Many women have told me that when consulting a rabbi on these issues, their primary goal is to tell the minimum and try to exit as quickly as possible in order to end the embarrassing exchange. The cause of a proper ruling is better served by a comfortable consultation with a learned woman, who can then bring the question to a higher authority when necessary. My husband has pointed out, based on *Yoreh Deah* 242:11, that enabling such consultation by a woman with a woman often falls under the category of *l'afrushei m'isura*, preventing mistaken violations of *halachah*, which takes precedence over other considerations.

Our *Yoatzot Halachah* are not replacing rabbis nor do they aspire to be rabbis. They can, however, determine which questions require a ruling by a

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qualified *posek*. Halachically conversant, they are capable of dealing with unanticipated and highly specialized situations, conducting serious consultations with rabbis and winning their respect. This is already occurring in every community in Israel where our halachic consultants live. I am gratified, but not surprised, that all our graduates

have displayed sensitivity toward the authority of local rabbis, in addition to establishing working relationships with select rabbis who deal with highly specialized questions.

The assumption that a learned woman will attempt to flex her Talmudic muscles and rule on her own, instead of turning to a higher authority when warranted, could not be more mistaken. Our graduates have told me that the more they learn, the more they appreciate the richness of the tapestry of the *halachah* and its vast complexity, and the necessity to consult *poskim*.

Word of mouth has already carried the news of our graduates' availability to scores of women who have begun to consult them on a range of issues. The women coming for consultation are primarily well-educated, modern, Orthodox women; and *Chareidi* women have come as well. Some rabbis have begun referring women to our graduates.

Women halachic consultants are an evolution, not a revolution. The phenomenon has emerged within the halachic community, and, in fact, its emergence demonstrates the vitality of *halachah* and the halachic community. The problem of women's discomfort with bringing highly personal questions to a rabbi is not a new problem, but the solution is a breathtakingly new solution, made possible by the emergence within the last five years of a dazzling new resource in *Klal Yisrael* of Talmudically-learned women.

The debate about restricting access to Torah knowledge versus opening the gates is an old one. Rav Kook comments (*Ein Ayah*, vol. 1, *Brachot* 28a) that Rabban Gamliel, in insisting that only a student who was thoroughly worthy could enter the *beit midrash*, was basically pessimistic about human nature. He assumed knowledge would be abused by all but a select few. Rabbi Eliezer ben Azaria and the rabbis who opened the gates and added hundreds of benches to the *beit midrash*, on the other hand, were optimists who believed the force of learning Torah would lead students to grow in Torah and contribute to Jewish life. The emergence of women halachic consultants validates the faith of those who opened the gates of learning to them. It is testimony to the vitality of Torah and the devotion of the best of our women to our Torah future. **IA**

Dancing on the Edge

By Batya Gold

The room is packed to capacity. The noise is deafening. Working my way past the onlookers near the entrance, I manage to reach the outermost circle of dancing women. Someone notices me, takes my hand and happily welcomes me into the crowd. The singing is unbelievably joyous as I add my voice to the countless others. I look around. Like every year, I wonder if I stand out, with my complete head-covering, high neckline, below-the-elbow sleeves and stockings. On the other side of the shoulder-high *mechitzah*, I see the men's colorful "*kippot serugot*," their shoulders bearing little boys waving flags. I love watching them, and wish my own black-*yarmulkahed* husband and sons were among them. Yet while the men's energy is wonderful, the spirit among the women is still higher. For there are few places like this in Jerusalem where a woman can celebrate Simchas Torah.

Simchas Torah is the time when I, a *Chareidi* woman living in Jerusalem, leave my community to seek religious expression elsewhere. It reflects my struggle to find an outlet for a spiritual need unrecognized by the *Chareidi* world, while still maintaining my affiliation with that world.

My feelings about Simchas Torah have moved through different phases. Twenty years ago, coming to Judaism from a society which extolled androgyny, I was taken with the Torah's affirmation of women's right to be women and of a distinctly feminine spiritual path. On my first Simchas Torah, I repressed the resentment I felt at being unable to participate by reminding myself that I didn't have to do what men do to achieve equal closeness to Hashem. By the time I was married and the mother of two small children, I had succeeded in blocking out most negative feelings. Standing outside a window of the *beis midrash* with my youngest in my arms, watching my husband dance with our *bechor* on his shoulders, the fullness of wifehood and motherhood made it difficult to feel anything but joy.

But as the years passed and the level of my Torah study reached new depths, my feelings began to shift. I was still a spiritually-centered *Chareidi* woman. I wanted neither to be a man nor to be Modern Orthodox. And perhaps, as apologists claimed, I had no "need" to celebrate as men do in order to feel love for Hashem's Torah. But still...

how I longed to. It felt increasingly wrong that while I was actively learning Torah, I was expected to be a passive bystander to its celebration. And even were I not studying Torah, I was living it. My soul, which had received the Torah with the rest of *Klal Yisrael* at Sinai, was thirsting for a more direct experience.

I decided to go to a well-respected rabbi affiliated with a number of *Chareidi* institutions, who I sensed might be sympathetic. I asked my *sheilah*: May women celebrate as men do on Simchas Torah, and dance with a *sefer Torah*? His answer was negative.

I shared this disappointing, but somewhat expected, response with my friend Shoshanah — a brilliant woman who spends most of her waking hours learning Torah and whose desire to celebrate Simchas Torah was even more burning than mine. She felt that had I preceded my question with a clear explanation of my motivation, the answer might have been different. On behalf of both of us, she drafted a new *sheilah*.

"Dear Rabbi," it read, "Simchas Torah has always been a complicated day for me, and for most women I know. I have wandered from *shul* to *shul*, trying to find a way of celebrating that feels right.

"Women are supposed to feel vicarious participation by watching the men dance and sing. Yet as women enter into a more direct relationship with Torah study, indirect participation on Simchas Torah no longer works for many of them. Instead of reinforcing one's bond to Torah, it creates alienation. Instead of *simchah*, it creates pain.

"I love Torah and spend my days immersed in its study. I want to celebrate that on the day designated for celebration. For the past several years, I just sang and danced alone in my study, because it felt more real than anything else I could do.

"There is an Orthodox learning center in Jerusalem called Yakar where women also dance with the Torah on their side of the *mechitzah*. This is not politically motivated. The *kehillah* has a *rav* who studied the question and ruled that it was permissible. Many of the most serious and respected women teachers in Jerusalem attend. They are not making a feminist statement. They are just expressing their love of Torah. This, too, is my motivation. Batya Gold shares my feelings exactly.

"In light of the above, we would like to raise the question again of women dancing with a *sefer Torah*

in the hope that you might reconsider your answer. We thank you for your time, patience and sensitivity."

A few days later, the *rav* spoke to Shoshanah. He had read her letter. And he had changed his mind. At the same time, he uncharacteristically requested that we not tell anyone from whom we had received our *psak*. "I'm afraid it will be misinterpreted," he said sadly. "The practice of women dancing with a *sefer Torah* has come to be associated with those whose ideology is against normative Judaism. Still, your reasons are valid, and *emes* is *emes* [truth is truth]. You can go."

So the next year I found myself, accompanied by my two little daughters (and with my husband's support), in a neighborhood far from my own, celebrating Simchas Torah at Yakar.

For five years now, I've gone. And it's always special — particularly because of the interesting mix of women. The majority are young and single: American Modern Orthodox transplants, Israeli *dati leumi* girls on break from their national service, and in-process *baalos teshuvah* from anywhere and everywhere. But there are also older women, married and unmarried, mothers and children, and even grandmothers — as well as a number of prominent Jerusalem educators.

As usual, I gradually work my way into the inner circle of dancers. Seeing the eagerness on my face, someone signals that I be given a turn to hold the *sefer Torah*. My turn comes, and I take it carefully in my arms. I am always nervous at first — what if, God forbid, I drop it? But my fear subsides, and holding it close to me, I circle with it, almost shyly, in the midst of the singing and dancing women, feeling an indescribable happiness.

Perhaps even greater is the joy and awe I feel watching other women hold the *sefer Torah* — some of them, like myself five years ago, for the first time. A young woman receives it with a huge smile and dances with it joyfully and freely. She gives it to a woman in her 50s who, accepting it graciously, bears it with queenly dignity and pride. It next passes to Shoshanah, who hugs it tightly for several moments, eyes shut in deep concentration; then she suddenly raises it above the heads of the crowd, up and down, in all directions, with an intense exuberance. But the woman who always brings tears to my eyes is Dina. A deeply spiritual mother of six and a teacher, her face constantly radiates the joy of living, learning and breathing Torah. She takes the *sefer Torah* in her arms and cradles it with the tenderness of a mother toward her newborn. Her cheek pressed softly against its velvet cover, she

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rocks gently to and fro, eyes closed, oblivious to the commotion around her, a look of pure bliss on her face.

One year, after the Yom Tov day meal, Dina and I meet to take our children out to a park. Dina is intrigued by the contradiction

between my presence at Yakar and my membership in the *Chareidi* community. I

admit that celebrating Simchas Torah at Yakar answers to a spiritual need that would otherwise be left unfulfilled.

Sensing my openness, Dina decides to be direct. She does not attack, just honestly questions. "Why do you identify with the *Chareidim*?" she wants to know. "Spiritually, they have no positive outlook on change, no creativity, no ability to meet challenges other than by just pulling in. What do you see in that world?"

Rather than debate the accuracy of her statement, I go to the heart of the issue for me. "There's a kind of purity there that's hard to find," I answer. "A different quality of *tznius*, of *mesiras nefesh* [dedication]. A more intense *yiras Shamayim* [awe of God]."

I sense that Dina understands, but she isn't ready to concede. "There are different kinds of *yirat Shamayim*," she points out. "Maybe you know how to recognize only one."

Maybe, I think to myself. But that kind stirs something so deep in me...

Later, I ask Shoshanah, who herself tends toward the religious left wing, whether she feels as negatively as Dina about the *Chareidi* world. "No," she answers soberly, "I don't." Shaking her head slowly, she says quietly, "There's definitely something there."

Yes. There's definitely something there. And how I wish I could celebrate Simchas Torah as I do at Yakar with the women of my own neighborhood. Several respected women have privately confessed that they would love to. It would solve the problem for a well-known *rebbetzin* who has refrained from going to Yakar only due to her concern that people will draw the wrong conclusions about her *hashkafah*. But that which seems so normal and legitimate to some of us is still feared as dangerously radical by many others. And I am the only one with strong enough feelings to actually step out. Clearly, I am a misfit. And while I believe that, someday, things will change, it's so hard to wait.

I voice my frustration to the *rav* and ask what can be done to make the change happen more quickly. "A bold change isn't *tzanua*," he says. "Change in the Jewish world has to happen slowly, organically." I repeat this statement to Shoshanah. "No

change initially happens 'organically,'" she says. "It happens because some group of people takes the 'bold' step of breaking with established practice. From that point, others start following them, and gradually more and more do, until the change becomes 'organically' accepted. But there's always an initial break." Shoshanah sighs. "I'm not brave enough to be in that group of leaders, but I thank God for them."

With two of my daughters now in the *Chareidi* school system, I wonder how long I'll be brave enough to be even a follower. I live in one world yet have a foot in another. I want the traditional *tznius*, the *taharah*, the *temimus* [dignity, purity and simplicity] that are such rare and precious commodities and so hard to find outside the Jerusalem *Chareidi* community (and, increasingly, even within it) — yet I also want to actively celebrate my connection to and love of Torah. And while I don't know how much longer I'll be able to bring my daughters to Yakar — or go myself — I want this for them too. It may be an impossible dream, but I pray that one day they will be able to have it all, while living in one world, without the conflict I find so painful.

Once, just once, did I experience the absence

of that conflict. It lasted only briefly, but it was a precious, glorious moment I'll never forget.

It was on my first Simchas Torah at Yakar. Shoshanah was holding my three-year-old daughter Tehillah and another woman had taken one-year-old Esther so I could hold the *sefer Torah* in the midst of the joyfully celebrating crowd of women. Although thrilled, I felt somewhat unnatural in this new role. Suddenly I saw that Esther was crying for me. Quickly and automatically, I shifted the full weight of the *sefer Torah* onto my right arm, reached out for her and took her with my left. She immediately stopped crying and snuggled close against me.

There I stood, with a *sefer Torah* on one arm and my precious baby daughter on the other. All feeling of conflict evaporated as both sides of me felt simultaneously confirmed. Torah study and celebration alongside motherhood. Change alongside tradition. A warm feeling of peace washed over me, the deepest peace I had experienced for a long time. I can only pray it will someday settle over my whole life. **JA**

All names of individuals, including the author, have been changed at her request.



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