

**WOMEN AND THE STUDY OF TORAH IN REPRESENTATIVE
CONTEMPORARY RESPONSA AND EXTRA-HALACHIC LITERATURE**

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FOR YONI -

THE PROOF WE HAVE THAT
GOD THINKS WE ARE DOING SOMETHING RIGHT

WOMEN AND THE STUDY OF TORAH IN REPRESENTATIVE CONTEMPORARY RESPONSA AND EXTRA-HALACHIC LITERATURE

The modern world has witnessed considerable change in the attitudes many societies – including traditional ones – have taken towards the role of women in spheres that were classically the exclusive province of men. During the past two centuries, an ethos of gender equality in the West, as well as the rise of Jewish feminism in the last few decades, has led many Jewish women and men to seek, in the words of Susannah Heschel, an attainment “of complete religious involvement for Jewish women.”¹ One such area where such involvement has been sought has been the arena of Torah study.

Indeed, the halakhic system has taken note of this desire and a great deal of ferment has been witnessed in modern Jewish legal writings on this issue. As a result of the changes in gender attitudes noted in the preceding paragraph, “the inclusion of women as students and teachers” of Torah has now become, in the words of feminist scholar and halakhic historian Norma B. Joseph, “commonplace.”² As Joseph observes, “The rabbinic response to this transformation has varied from reluctant approval to routine endorsement.”³ Through an examination of selected modern responsa, this

¹ Susannah Heschel, “Feminism,” in Arthur A. Cohen and Paul Mendes-Flohr, eds., Contemporary Jewish Religious Thought (New York: Charles Scribner's Sons, 1987), p. 255.

² Norma Baumel Joseph, “Jewish Education for Women: Rabbi Moshe Feinstein's Map of America,” American Jewish History (1995), p. 206.

³ Ibid.

thesis will trace this trajectory in modern Orthodox legal writings on the issue of women and Torah study. In so doing, it will reflect on the halakhic reasoning that has supported this transformation in attitude as well as the modern context that has made such transformation possible. In this way, the thesis will not only make a contribution to our understanding of the role occupied by women in one area of Orthodox Jewish law. It may also possess wider implications for our understanding of the halakhic process itself and the way in which that process responds to cultural and social changes.

Of course, in surveying this issue in Jewish law, it must be observed that most rabbis throughout Jewish history prohibited women from studying Jewish law. The primary warrant for this position is taken from several places in the Talmud. In Berakhot 20b and Kiddushin 34a the Talmud teaches that women are under no obligation to study Torah. Furthermore, in Kiddushin 29b, the rabbis, basing themselves on the biblical verse, "And you shall teach them to your children – *l'va'nekha*," note that the last word in that verse should actually be rendered as "your sons, and not your daughters." Consequently, a father is responsible only for teaching Torah to his sons, not his daughters.

While these passages only appear to indicate that there is no obligation either for men to teach their daughters Torah or for women to

study it, other passages touch on the issue of "whether women were even allowed to study." ⁴ The most famous of them and the one that is most decisive for later Jewish law and custom in this arena is contained in Sotah 20a. There, Rabbi Eliezer states that "anyone who teaches his daughter Torah, it is as if he teaches her *tiflut* (sexual licentiousness or obscenity)." The text appears to provide an explicit prohibition that excludes women from Torah study, and it has been so understood by many in the Jewish legal tradition.

Yet, as in many other areas of Jewish law, the halakhah is far from univocal on this matter. In Deuteronomy 31:11-12, Moses speaks of a public reading of the Torah scroll that should take place every seven years and he states, "You shall read this Torah in the presence of all Israel before their ears. You must assemble (*hakhel*) for this purpose the people — the men and the women ... — so that they may hear and that they may learn and fear the Lord your God, so that they punctiliously carry out all the words of this Torah." This passage, referred to in Jewish tradition as *Hakhel*, explicitly commands men and women to gather together and study Torah so that both can obtain an informed relationship with God. Women, no less than men, must learn in order to do. The inclusion of women in this assembly has allowed a number of authorities over the centuries to argue

⁴ Ibid., p. 207.

that it is imperative that Jewish women receive a Torah education and it has served as a warrant for the notion that women are permitted to study the Written Law.

Furthermore, the Sotah passage referred to above, is hardly as unambiguous as first glance might suggest. Indeed, the *sugya* itself deals with the ordeal imposed upon the *sotah*, the woman accused of infidelity who is compelled, according to the Torah (Numbers 5:11ff.), to undergo the ordeal of "bitter waters – *mei ha-marim*" in order to determine whether she is guilty of having committed adultery. If she has been unfaithful, her stomach will, after having swallowed the waters, distend and she will die. On the other hand, if she is innocent of adultery, the waters will have no effect on her.⁵

The Talmud, in discussing this ordeal, provides a solution of sorts for the predicament of the *sotah*. The Talmud states:

If she has merit, her merit causes the water to suspend its effect on her. Some merit suspends the effect for one year, another for two years, and another for three years. Therefore, declared Ben Azzai, a man is under the obligation to teach his daughter Torah so that if she has to drink the bitter waters, she will know that merit [her merit] suspends the effect [it might have on her]. Rabbi Eliezer says, Whoever teaches his daughter Torah teaches her *tiflut*.⁶

As Ben Azzai sees it, if a woman is forced to drink the "bitter waters," the merit of her Torah study may indeed render the waters ineffective even

⁵ Again, see Numbers 5:11-31 for the *locus classicus* of the *sotah* and the test of the "bitter waters."

if she has committed adultery. It is in this context that we can understand Rabbi Eliezer's remarks. His opposition is not intended as an absolute prohibition that would proscribe the study of Torah for women at all times. Rather, his concern is a limited one. His fear is that Torah study, in this instance, might well lead to immoral sexual conduct. The ruling Rabbi Eliezer issues can be understood as far more circumscribed than one might imagine. It is limited to a specific discussion of the *sotah* and some rabbis, as we will see, suggest that it not be applied to all women at all times. Nonetheless, historical accuracy demands an acknowledgement that Rabbi Eliezer's ruling has been employed by many halakhic authorities throughout the ages as the talmudic justification for the position that women are prohibited from engaging in the study of Torah.

Maimonides, referred to in Jewish tradition as *Ha-ne'sher ha-ga'dol* (The Great Eagle) on account of his great halakhic erudition and creativity, reflected the ambivalences expressed in the tradition on this matter in his authoritative and magisterial legal code, the *Mishneh Torah*. In *Hilchot Talmud Torah* 1:13, he states:

A woman who studies Torah is rewarded, but not to the same degree as is a man, for she is not commanded and anyone who does that which he is not commanded to do, does not receive the same reward as one who is commanded but a lesser reward. However, even though she is rewarded, the sages commanded a man not to teach his daughter Torah. This is because women are not disposed to dedicate themselves to study and will turn the words of

⁶ *Sotah* 20a.

Torah into foolish words according to their limited understanding [due to their lack of interest]. Our sages said that anyone who teaches his daughter Torah is to be considered as if he has taught her *tiflut*. This refers to the Oral Law; he ought not teach her the Written Law in the first place, but if he has already taught her the Written Law, it is not as though he taught her *tiflut*.

In looking at this passage, it is clear that the Rambam, relying upon the Sotah passage, forbids women to study the Oral Law. At the same time, he does allow for the possibility that women can engage in the study of the Written Torah.

The *Tur*, Rabbi Jacob ben Asher (1270-1340), modifies the position of Rambam in his own great compendium of Jewish law, and writes:

Our sages have said that whoever teaches his daughter Torah, it is as if he taught her *tiflut*. This has reference to the Written Law. He should not teach her the Oral Law in the first place, but, if he did teach her the Oral Law already, it is not as if he taught her *tiflut*.⁷

The *Tur* thus expands the ruling of Maimonides and opens up the possibility that might permit women to study the Oral Torah.

Having briefly presented these representative sources that touch upon the question of women and Torah study, it is fair to say that Paula Hyman has deftly summarized the classical position of Jewish law concerning the formal religious education of Jewish women when she wrote, "According to halacha, women were exempt from the study of Torah, that is, the texts of the Hebrew Bible and of rabbinic learning."⁸

⁷ *Tur, Yoreh De'ah* 246.

⁸ Paula E. Hyman, Gender and Assimilation in Modern Jewish History: The Roles and Representation of Women (Seattle: University of Washington Press, 1995), p. 54.

This exemption, while in theory allowing women who would elect to engage in Torah study to do so, has, in practice, meant that the realm of Torah study within traditional Judaism has been the almost-exclusive province of men. While Ben Azzai contended (*Sotah* 20a), "A man is obligated to teach his daughter Torah," the attitude expressed by Rabbi Eliezer (*Sotah* 21b) — "Anyone who teaches his daughter Torah, it is as if he taught her *tiflut* (licentiousness)" — has been the dominant one in most Jewish communities through the centuries.⁹

Despite this, there have been women of great Jewish learning throughout Jewish history.¹⁰ Furthermore, the opportunity for women to participate actively in the realm of advanced text study has grown considerably.¹¹ A number of Jewish legal authorities have applauded these developments while others have opposed them.

In this thesis a sampling of the opinions of legal authorities on the question of women and the study of Torah will be presented. I will address those authorities who do not fully support women studying Torah and analyze the crux of their arguments. I will also present representative legal

⁹ For the meaning of these *Sotah* passages in their original context, see Judith Hauptman, Rereading the Rabbis: A Woman's Voice (Boulder Colorado: Westview Press, 1998), pp. 22-23 and 48; and Judith Romney Wegner, Chattel or Person? The Status of Women in the Mishnah (New York and Oxford: Oxford University Press, 1988), p. 161.

¹⁰ For further reference consult Judith R. Baskin, ed., Jewish Women in Historical Perspective (Detroit: Wayne State University Press, 1991). For analysis of the halachic literature on this subject, see Rabbi David Golinkin, "Women as Halachic Authorities," Responsa of the Va'ad Halakhah of the Rabbinical Assembly of Israel (Volume 4 — 1992) (Hebrew), pp. 107-117. In addition, see Joseph, "Jewish Education for Women," pp. 207-208.

modern responsa of authorities from the twentieth century who unequivocally support the venture of women and the study of Torah and analyze the important points of their positions. I will conclude by reflecting upon what such analysis has to say about the nature of the halachic system itself as well as the impact the social realities of the Jewish community have had upon halacha.

¹¹ See Joseph, "Jewish Education for Women," pp. 221-222.

MODERN HALAKHIC WRITINGS CONCERNING
WOMEN AND THE STUDY OF THE WRITTEN LAW

In the previous section, we saw that the *mitzva* of *Hakhel* and passages drawn from texts such as Maimonides's *Mishneh Torah* countenanced the possibility that women could study the Written Law. At the same time, we noted that this seldom actually occurred. With the advent of the Enlightenment political structures in the Occident and their attendant emphasis upon equality even in the realm of gender, this situation began to change. In light of this, it is small wonder that it was in Germany, the birthplace of modern Judaism, that a number of Orthodox rabbis began to issue legal rulings that relaxed the prohibitions that prevented women from engaging in the formal study of Torah. Foremost among these rabbis were Samson Raphael Hirsch (1808-1888) and Esriel Hildesheimer (1820-1899), the two architects of what is commonly labeled Neo-Orthodoxy, a form of Judaism that combines absolute fidelity to Jewish law and belief in its divine origins with an affirmation of western culture.

Hirsch, a prolific author and charismatic personality, served as the rabbi of the *Israelitische Religionsgesellschaft* in Frankfurt, a separatist Orthodox community, where he both built communal organizations based upon Orthodox principles and beliefs and waged constant attacks upon the

Reform movement. In his 1842 exposition of the *mitzvot*, Horev, Hirsch outlined his views concerning the issue of women and Torah study. Articulating a position that we will see is common among many modern Orthodox authorities, Hirsch put forth a utilitarian-pragmatic argument on behalf of the stance that women in the modern setting required formal Jewish education. Simply put, he maintained that in light of the assimilatory conditions that obtained in his day, Torah education for girls and women was a necessity. Without such education, women could not fulfill their crucial role as "virtuous saviors" of Jewish life. Furthermore, the Tradition itself legitimated this role. Relying upon Jewish history and lore as well as legal warrants drawn from Deuteronomy 31, Hirsch wrote:

Also daughters of Israel are required no less in the matter of studying the Written Torah and in the study of laws that pertain to them and (allow them) to sustain themselves as daughters and young women, as mother and housewife. Many times in our history Israel's daughters saved the purity of the Jewish life and spirit. The deliverance from Egypt itself was won by the women; and it is by the pious and virtuous women of Israel that the Jewish spirit and Jewish life can and will again be revived.¹²

Just as Israel was rescued in the past on account of the pious acts of its women, so Hirsch posits that the present and future revival of the Jewish people is and will be dependent upon the pure deeds of its women. Furthermore, Hirsch contends that Torah knowledge alone will enable women to accomplish such deeds. The redemption of Israel is contingent

upon the ability of women to acquire knowledge of Torah. Torah knowledge for women appears to be a necessity.

However, in his commentary on the *siddur*¹³, Hirsch defines his position more precisely and delimits the areas of Torah study open to women. The expansiveness implied in his previous writings on the topic in Horev is here circumscribed and confined to "non-specialized" areas of "Torah study." Commenting upon the first paragraph of the Sh'ma, he writes:

"And you should teach them to your sons" — and you will teach them. The term *limud* is more comprehensive than *shanun*. We believe that is its for this reason that the Halacha bases its statement "your sons" and not "your daughters" (Kiddushin 29b), limiting the commandment to teach the Torah to the instruction of our sons exclusive of our daughters, on the sentence "*ulmadelem otam et benaychem*" and not the sentence "*vshinanatan l'vanecha*". The fact is that while women are not to be exposed to specialized Torah study or theoretical knowledge of the Law, which are reserved for the Jewish man, such understanding, of our sacred literature as can teach the fear of the Lord and the conscientious fulfillment of our duty, and all such knowledge as is essential to the adequate execution of our tasks should indeed form part of the mental and spiritual training not only of our sons, but of our daughters as well. This is indicated also by the commandment pertaining to the Law of Assembly [Hakhel].¹⁴

Hirsch further elucidates his position in his halachic collection, *Shemesh Marpei*.¹⁵ Relying upon traditional warrants, Hirsch asserts that men are not required to teach their daughters Torah on the basis of the phrase in Deuteronomy 6:7 ("and you will teach them to your sons"). Nevertheless, he states that the father must be concerned that his daughter acquire a fear

¹³ Samson Raphael Hirsch, Horev: A Philosophy of Jewish Laws and Observances, trans. and intro. Dyan I. Grunfeld. (New York: Soncino Press, 1962) Section 75.

¹⁵ Samson Raphael Hirsch, The Hirsch Siddur, (New York: Feldheim, 1978).

¹⁴ Samson Raphael Hirsch, The Hirsch Siddur, p.122.

of God and she must be educated so that she can fulfill all the *mitzvot* of Torah. While one's daughter should not delve into the deeper more sophisticated points of Torah knowledge, she should learn the basic elements required for a life of Torah. Echoing his prayer book commentary, Hirsch contends that this obligation is derived from the mitzvah of *hakhel*, where, as we have seen, God requires that Moses "assemble... the people, the men and the women ... so that they may hear and that they may learn and fear the Lord your God" (Deuteronomy 31:12).

In keeping with traditional Jewish exegesis on this passage, Hirsch states that to "hear" in this verse applies to the women, and that it means that they should correctly "understand" the teachings of Torah that are relevant to their lives as Jewish women. This interpretation serves as a warrant for their study of Torah, as to "understand" is equated with the act of study. After all, the women will be unable to fulfill the *mitzvot* that pertain to them if they do not "hear," i.e., understand and study, them.

Hirsch further cites the Beit Yosef on Orah Hayyim, as a support for his position.¹⁶ Beit Yosef writes, "Women are required (to study) the Written Torah and the laws which apply to them." Hirsch remarks that, "This has always been the tradition of the people. We know this because there are several books in Yiddish that enable women to understand the

¹⁶ Hirsch, *Horev*, p. 158.

Torah and the prayers. [These writings] expose them to the essence of the halacha and the ethical laws [and teachings] of the learned Fathers."

In the end, Hirsch bases his position on women and Torah study on Deuteronomy 31:6. The mitzvah of *hakhel* requires women to study Torah. Women must become well versed in the laws and ethics of Torah, as such teachings will permit them to fulfill their roles as daughter, wife, and mother. She can become a valued asset to the community at large only if the community provides her with the requisite education that will allow her to accomplish these tasks. However, in order to do this, the woman need not be exposed to Jewish legal texts. Bible, traditional biblical commentaries, and Jewish ethical and midrashic teachings are sufficient to accomplish this goal.

Rabbi Esriel Hildesheimer (1820-1899), founder of the modern Orthodox Berlin Rabbinerseminar in 1873, adopted a stance on the matter of women and Torah study that was akin to the position advanced by R. Hirsch. Educated in the first co-educational Orthodox elementary school in Germany as well as later at the University of Halle where he received his Ph.D., Hildesheimer's background as well as his affirmative approach to secular knowledge allowed him to take what can be identified as a lenient and pragmatic position in regard to the issue of Torah education for girls.

¹⁰ *Shemesh Marpei*, End of section 47, p. 370.

David Ellenson has written the following summation of Hildesheimer's views on the topic. Ellenson writes:

More significantly, Hildesheimer pointed out the pragmatic advantages to be gained by Jewish men if women were educated. For example, in a pamphlet he wrote in 1871, *A few Words Regarding the Religious Instruction of Girls*, Hildesheimer argued that educating girls in Judaica would have a positive impact on Jewish family life and would enable these girls, upon their entry into adulthood, to aid in the Jewish education of their sons. It was a necessity, Hildesheimer claimed, to educate these girls in Bible and Hebrew, for "if it is true that knowledge is power, then the Jewish knowledge of our wives and young ladies will contribute to an invincible Jewish power — to a power in the home, in Jewish family life, and to a priceless influence in the area of the education of our sons." Thus Hildesheimer established a curriculum in his Berlin congregation in which young women were taught the Pentateuch, Prophets, Hebrew, liturgy, history, the grace after meals, the ethics of the fathers, and Maimonides' Thirteen Principles of Faith. Unlike the boys, however, they were not taught Talmud, Midrash, or codes.¹⁷

Seventeen years later Hildesheimer echoed this position in a missive he wrote to a Hungarian colleague. This colleague asked whether women, according to Jewish law, could study Jewish texts. Hildesheimer's response follows. He wrote:

In answer to your enquiry,

- (1) whether it is permitted within the meaning of the Talmud and the ritual codices to instruct Jewish girls from the age of seven years upwards in the original text of the Bible?
- (2) If it is permitted, whether it is recommended to do so from a religious and educational point of view?
- (3) Whether I know of instances where girls have in fact successfully been instructed in the original text of the Bible at a school?

I reply:

ad (1) The instruction of girls in the Bible (even under the age of seven, if the girl is likely to benefit from such instruction) is permitted both by the Talmud and the codices.

ad (2) This is recommended from a religious as well as from an educational point of view.

¹⁷ David Ellenson, *Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy* (Tuscaloosa: University of Alabama Press, 1990), p. 123.

ad (3) I am acquainted with many cases where such instruction was so eminently successful that the girls were able subsequently to instruct their sons in Biblical knowledge.

In our days — quite apart from point (3) which in any case is of the utmost importnace — it is most desirable both from a religious and an educational point of view...

In former times the parents could always be trusted to set an example of religious life, but unfortunately — as is well known — times have greatly changed. Even educationally a knowledge of the original text of the Bible is most desirable. The education of a child, and naturally of a girl, too, rests in the first place on an ethical consciousness and on the promotion of a sense of morality, which, however, can only be achieved by a knowledge of the original text, of the many passages not included in the Prayer Book. It has to be added to the first point that it is a disgrace and humiliation of our Holy faith if girls — and this does not only happed in the so-called upper classes — are taught Hungarian in German districts and German in Hungarian districts, as well as French and often English, also dancing and music, but are not given the slightest idea of the sources of their own religion.¹⁸

In these writings, Hildesheimer never countenanced the study of Talmud and Codes for Jewish women. Nor was the study of Torah deemed important for women as individuals in their own right. Rather, their study of Torah was proclaimed crucial for instrumental reasons. It would allow them to fulfill their helpmeet roles as the educators of "our sons." As wives and mothers, these girls would play the central role in ensuring a true Torah consciousness in their families.

To be fair, Hildesheimer also later expanded his position and recommended that the religious education of girls was desirable on ethical grounds as well. After all, "the promotion of a sense of morality ... can

¹⁸ Translated by Isi Jacob Eisner, "Reminiscences of the Berlin Rabbinical Seminary", in The Leo Baeck Institute Yearbook, (1967), pp. 39-40.

only be achieved by a knowledge of the original [biblical] text." ¹⁹ Religious education for girls was crucial for instilling a sense of morality in young women, and this morality was dependent upon exposure to the biblical text. Hildesheimer, like Hirsch, appears to have allowed for women to study the Written Law and non-legalistic texts on prudential grounds.

Israel ben Meir HaCohen (1838-1933), better known as the Hafetz Hayyim, was arguably the most outstanding moralist and Jewish legal authority of his day in Poland. His publications on the laws of slander and gossip, as well as his legal code, the *Mishnah Berurah*, have earned him enduring fame.

The Hafetz Hayyim's position on women and the study of Torah is found in his commentary on *Sotah* 20a, found there in his *Likkutei Halachot*.

There he writes the following:

One who teaches his daughter Torah... It seems that all this relates to a time in our past when our ancient traditions were so strong that every individual conducted himself just as his parents did, as the verse says, "Ask your father, he will inform you: your elders, they will tell you." We were then able to say that daughters should not study Torah, but should conduct themselves by emulating their righteous parents. But now, with our many sins, our ancient traditions have become much, much weaker. It is also common that they do not live with their parents at all. For those young women, especially those who study the language and literature of the nations, it is a particularly great mitzvah to teach them Humash, in addition to Prophets and Writings and the ethical principles of our rabbis, such as *Pirkei Avot* and *Sefer Menorat ha-Ma'or*, ²⁰ so that our holy practices will be authenticated in the minds of these young women. If we do not do so, they are liable to depart entirely from the way of God and violate all the basic tenets of the faith, God forbid!

¹⁹ Ibid, p. 123.

²⁰ Ethical teachings of Rabbi Isaac Aboab.

This position is noteworthy on several accounts. First, the Hafetz Hayyim pays a great deal of attention to historical and sociological context. At one time it was not culturally necessary for women to engage in the study of Torah. During past eras, one could be confident that girls received traditional educations in their homes. In this type of cultural situation, women did not need to engage in the formal study of Torah. Women imbibed the tradition through life itself.

By the early twentieth century, social reality in Poland had changed. No longer could one assume that the tradition would be transmitted to girls through their home. Consequently, new modes for educating girls had to be devised. This, in turn, meant that formal education had to be provided women. Mimesis was no longer available as a way to impart the tradition when observance was so lax. In fact, not to teach women the principles and practices of the tradition in a formal manner would have a devastating impact upon Judaism and its future. According to the Hafetz Hayyim, formal Torah education for women now constituted a *mitzvah*. In addition to study of the Written Law, women were to be exposed to the ethical teachings of the tradition, teachings that would complement their education.

As a result of these considerations, the Hafetz Hayyim became an enthusiastic proponent of the Bais Ya'akov network of schools for

Orthodox girls founded by Sarah Schenirer under the aegis of Agudath Yisrael. In the words of Joseph, the Hafetz Hayyim sanctioned these schools "in recognition of historical and sociological factors. The once forbidden or at least debatable education of Jewish females was now to be considered a mitzvah, a religious obligation, and made available to all girls, not just the exceptional ones."²¹ While he would not extend his permission on this matter to include study of the Oral Law for women, his response nonetheless represents an expansion in this area of Jewish law. It demonstrates that many of the same factors that led Hirsch and Hildesheimer to issue their rulings also influenced him and contributed to his decision.

Moshe Feinstein (1895-1986) was born in Russia and studied in yeshivot in Slutzk and Shklov. After serving as the Rabbi of Luban for sixteen years, Feinstein came to America in 1937 where he was appointed *rosh yeshivah* of *Mitivta Tifereth Jerusalem*. Feinstein became world famous for his extensive halachic writings, published under the title of *Iggerot Moshe*, and arguably became the leading *posek* for the Orthodox community worldwide. Numerous articles on his Jewish legal decisions have been written over the past several decades. However, it is particularly noteworthy that his writings on women have become the object of serious

²¹ Joseph, "Jewish Education for Women," p. 206.

study on the part of the Orthodox Jewish feminist Norma Baumel Joseph, and her essays on Feinstein constitute some of the most serious work completed to date on Feinstein and his *halakhic* corpus.²²

As Joseph has noted, Feinstein is often quite stringent in his *halakhic* rulings and he "is primarily opposed to change."²³ Yet, even though he has termed the formal education that girls receive in the contemporary era a "*hiddush* – an innovation,"²⁴ he seems to accept this new reality with almost complete equanimity. An analysis of two responsa he has written on this topic will indicate how this is so. In addition, the responsa themselves testify to how accepted the practice of providing formal education to women had become by the middle to late twentieth century in many modern Orthodox precincts in America.

Feinstein's responsum²⁵ on girls and the study of Mishnah, entitled "The Teaching of *Mishnayot* to Girls," explores the practice of studying the Oral Law in an all girls school like *Bays Yaakov*. In responding to the issue of educators and teachers in such schools who want to study Mishnah, Feinstein initially cites the position of the Rambam and his comment on

²² In addition to her previously-cited article, "Feinstein on Women's Education," see Norma Baumel Joseph, "The Traditional Denial of Change: Women's Place in the World of Rabbi Moshe Feinstein," *Journal of Religion and Culture* 2 (1987), pp. 190-201; and *idem.*, "*Mehitzah*: Halakhic Decisions and Political Consequences," in Susan Grossman and Rivka Haut, eds., *Daughters of the King: Women and the Synagogue* (Philadelphia: Jewish Publication Society, 1992), pp. 117-134.

²³ Joseph, "Jewish Education for Women," p. 219.

²⁴ Moshe Feinstein, *Iggerot Moshe, Yoreh Deah* 2:106.

²⁵ *Ibid.*, *Yoreh Deah* 3:87.

Sotah 20a. He points out that "one does not teach Torah to girls. He who does so, it is as if he teaches her *tiflut*. This is in reference to the Oral Torah."

Feinstein circumscribes this ruling only in respect to one tractate in the Mishnah. It is advisable that girls be taught *Pirkei Avot*, The Ethics of the Fathers, as it contains moral teachings that are appropriate for girls and women. In taking this stance on this particular tractate, Feinstein is in accord with the authorities cited above who also urged that Jewish girls and women receive some formal education in Torah. Like them, Feinstein asserted that this tractate would endear the Torah to women and inculcate proper moral attributes and attitudes in them. Nevertheless, study of the Oral Law should be restricted to this single text. As the remaining tractates are not relevant to girls, girls should study by them.

In another responsum, ²⁶ Feinstein addresses the appropriateness of women remaining in the presence of men during a society meeting in which, as part of the meeting, one oral law will be studied. The question is whether or not women have permission to remain there and hear the (*shiur*) lesson. As they are present at all other parts of the meeting, can they be present for this part? As Joseph comments, Feinstein, in general, is quite concerned to prevent male-female interaction. In general, he fears that

such interactions will lead to immorality. Hence, his response is usually to "create barriers that will prevent any form of male-female interaction."²⁷ Furthermore, as seen in the previous responsum, Feinstein generally forbids women access to the Oral Law. However, here he writes, "Behold, words of Torah do not detract from secular issues. Furthermore, if you follow the custom observed in this country and you are not so strict that you do not forbid women to attend the meeting altogether, just like (all women participate), then why should you be so strict in regard to the *shiur*? For women," he writes approvingly, "need to know the laws of the Torah and it is good for them to hear words of Torah."

Feinstein justifies this stance by reference to the *mitzvah* of *hakhel*, and the classical understanding, alluded to above, that asserts that women are permitted to hear words of Torah – even the Oral Law. At the conclusion of his *teshuvah*, he asserts, "When the time comes for *mincha* or *arvit* and (men) want to pray there, the women need to leave and go to another room. They cannot remain in a room where men are praying." There are limits concerning gender that must never be transgressed.

In looking at this responsum, it is obvious that Feinstein rules as he does in part precisely because he has observed the social practices that obtain in America. In this country, it is customary women be present for

²⁷ Ibid., *Yoreh Deah* 2:109.

community meetings and Feinstein has accepted such gatherings as normative. Undoubtedly, this factor, along with the proof-text from Deuteronomy 31, leads him to rule that it is appropriate for women to remain in the meeting during the time that instruction in the Oral Law is offered. For Feinstein, formal education for women on this level is perfectly acceptable and natural. However, he does not extend this ruling to embrace a notion of gender equality in anyway. This is underscored by his final warning that women and men must be separated during prayer and by his failure here, as in the previous responsum, to permit women to engage in anything other than this type of non-intensive study of the Oral Law.

Rabbi Zalman Sorotzkin (1881-1966) had been trained in the great Lithuanian yeshivot of Slobodka and Volozhin, and reorganized and administered the famed yeshivah of Telz during the first decade of 1900s. He held a number of prominent posts in various venues in Lithuania over the next thirty years. Ultimately, he moved to *Eretz Yisrael*, where he served on the *Mo'etzet Gedolei ha-Torah* of Agudat Yisrael. Sorotzkin also wrote a commentary on the Pentateuch, and published collections of sermons and responsa.²⁸ The responsum considered here was published in 1941, and appears in his *Moznayim la-Mishpat*, number 42. It both confirms

²⁸ Joseph, "Jewish Education for Women," p. 209.

and expands the approach displayed in the other responsa dealt with up to now in this thesis on this topic.

Sorotzkin's responsum bears careful detailed analysis for several reasons. First, the Sorotzkin responsum confronts the issue in a way that is representative of the approach taken by a number of modern poskim on this and related matters.²⁹ His was not an isolated viewpoint, and his stance both mirrored attitudes adopted by several rabbinic contemporaries on this issue and foreshadowed a position that would be expanded upon by other halachic authorities later in the century. As a result, his very lengthy responsum grants clear insight into how the twentieth century traditional rabbinate defined and contributed to the change in gender roles. Secondly, while the Sorotzkin responsum focuses practically on the matter of women and the study of the Written Law, it offers a significant and noteworthy theoretical discussion concerning the question of women and the study of the Oral Law. Thirdly, his ruling indicates that while rabbinic authorities may not recognize social reality as a formal element in the halachic process, the way in which an individual rabbi perceives societal conditions often plays a decisive role in informing the ruling a rabbi renders in a given instance. Indeed, Sorotzkin recognized that the religious crisis brought on

²⁸ *Encyclopaedia Judaica*, s.v., "Sorotzkin, Zalman ben Ben-Zion."

²⁹ For further reference to these authorities and approaches not covered in this section of this thesis refer to Golinkin, "Responsa Regarding the Ordination of Woman as Rabbis," pp. 46-48.

by secularization had led to widespread Jewish ignorance and non-observance. This recognition directly guided the holding of this responsum. Thus, a detailed analysis of the Sorotzkin responsum on this matter provides significant insight into the mechanisms that are operative in the process of Jewish law. Finally, by paying attention to the concept of gender in explicating this responsum, I will demonstrate how his view of gender played a role of special significance in this case. At the same time, we will see how the position Sorotzkin adopted entailed more implications for gender-change than he imagined.

On 14 *Iyaar*, 5601 (May 11, 1941), Rabbi Sorotzkin answered a query posed by an educator in Tel Aviv concerning the question of Torah study for women. His interrogator had asked Sorotzkin whether, "according to the spirit of the Torah," all girls should be eligible for instruction in the Written Torah. Furthermore, the questioner desired to know whether it was permissible to teach select girls of singular academic talents the Oral Law.

In response, Sorotzkin, at the very outset, declared that there was no doubt, especially in our generation, that all girls should receive instruction in the Written Law. Sorotzkin pointed out that the Taz (David ben Samuel Halevi, 1586-1667), in his commentary on Yoreh Deah 246:6, had already

ruled that it was permissible for women to study the Written Law.³⁰

Relying upon this precedent from the seventeenth century, Sorotzkin claimed that it would be unthinkable that this practice not be affirmed or continued in the 1900s. Later on in his responsum, Sorotzkin would indicate precisely why this was so.

However, at this point, Sorotzkin stated that the issue of whether women were permitted to study the Oral Law was distinct from the question of whether women could study the Written Law. Furthermore, he claimed that the former matter was not pressing. After all, girls were not taught Talmud in the *Bays Yaakov* network of Orthodox Jewish girls' schools. However, he did choose to address this question — at least theoretically. On the one hand, Sorotzkin stated, Jewish law seemingly prohibited women from engaging in an intensive dialectical study of Talmud. He noted that the Sotah 21b passage, "Anyone who teaches his daughter Torah, it is as if he taught her *tiflut*," was traditionally interpreted as meaning that women were forbidden to study the Oral Law. In addition, Yoreh Deah 246:6, clearly defined most women as too "feeble-minded" to engage in talmudic study. On the other hand, Sorotzkin immediately qualifies this proscription, for he stated that the *issur* was not absolute. He,

³⁰ In Deuteronomy 31:12, it is explicitly stated that women participate in the commandment of *hakhel*, the assembly the Jewish people held every seven years to hear the Torah. The Taz relied upon this passage in issuing his ruling on the matter.

siting a previous talk he had delivered, presents the idea that it was permitted women hear lessons in the Oral Law and referred to the commandment of *hakhel*. Otherwise, as Sorotzkin asks, how would it be possible for a Jewish woman to fulfill the Law, including the Oral Law, if she did not have any knowledge of what it contained. Consequently, it was not only permitted for women to know the teachings of the Oral Laws, it was necessary that women be informed of its contents. While this may not have been his intent, Sorotzkin constructed an argument that held out the possibility that women could study Talmud.

Sorotzkin mentions that many traditionalists opposed the notion that girls receive a formal Jewish education. He wrote, "The education of daughters in the spirit of the Torah through the study of Torah arouses concern and fear in the hearts of pious Jews." The fact that one might do something other than the accepted custom was enough of a reason to oppose extending formal education to contemporary Jewish women. However, Sorotzkin reminds his reader that any opposition of this type was not based on halacha or the Torah, it was, rather, based on the inhibitions of the community to change (ill-founded) tradition. Sorotzkin dismissed such objections to women studying Torah.

Expanding upon the statement he had made at the outset of the responsum, Sorotzkin asserted that the need to provide women with a

formal Jewish education was absolutely mandated by the conditions that marked the modern world. In earlier generations, Jewish homes were marked by fidelity to the Shulchan Aruch and its strictures. The Torah was absorbed experientially. There was no need, therefore, to teach Jewish girls formally from the book. As Sorotzkin explains, the modern situation is such that girls are not able to learn Torah values or a Torah way of life in their homes. It is not possible in Sorotzkin's time to depend upon the Jewish home to transmit Jewish life. Sorotzkin concludes, "A Jewish girl who comes from these homes to study in a religious school, is akin to a gentile girl who comes to convert. It is an absolute necessity to teach her Torah formally, so that she will know the way in which she should walk and the deeds that she should perform — so that she will be a Jew."

Sorotzkin strengthened his position by citing *Sanhedrin* 94b in support of his stance. The Gemara reads:

We find in the generation of Hezekia the King that women studied Torah. In *Sanhedrin* 94 where it says "he punched in a sword in the entrance of the *beit ha midrash* and said anyone who does not engage in the Torah will be stabbed by a sword", they checked from *Dan* to *Beer Sheva* and they didn't find a person who is not knowledgeable. They checked all over the land (*Gvat* to *Antiperes*) and they couldn't find a baby boy or girl, man or woman who was not well versed in the *halachot* of purity and uncleanness.

Furthermore, Sorotzkin — basing himself upon the commentary the Maharasha Samuel Eliezer Edels, (1555-1631) provided on this passage — claimed that the expertise of those women and girls was not confined to

matters of *taharah* and *tumah* alone. Instead, these women were also experts in matters of *heter* and *issur*, areas of Jewish law that were normally off-limits to women. How is it that they were able to study these texts? Sorotzkin's response was straightforward. He simply asserted, "The hour demanded it." After all, King Ahaz, the father of Hezekiah, "had caused the sacrificial service to cease, and sealed the Torah" (*Sanhedrin* 103b). By seizing synagogues and study houses, Ahaz had attempted to deny Jewish men and women access to the lifeline that preserved the Jewish people then and now — the study of Torah. Ahaz had attempted to uproot Jewish faith from the hearts of the Children of Israel, and, on account of him, "Torah was almost completely forgotten among them." His son Hezekiah, aware of this, knew that drastic steps were necessary to rectify the situation. He reversed his father's ways, and strengthened the bond between Israel and God through his insistence that all Israel study Torah - men and women (*Sanhedrin* 94b).

For Rabbi Sorotzkin, the situation that governed the era of Ahaz was identical to the situation that overcame his own generation. He complained that his was a time in which "faithless teachers" easily planted disbelief in the minds and hearts of innocent students. He wrote, "We hope for God and the fulfillment of His divine promise," that the Torah will not be forgotten from the seed of Israel. "In this hour, where the liberals perform

the deeds of Ahaz, we must," Rabbi Sorotzkin maintained, "walk in the footsteps of Hezekiah — to strengthen the bond between Israel and their Father in Heaven by means of Torah study, whether for men or women, boys or girls." Only the knowledge of Torah could overcome the bitterness of Exile. Only Jewish learning, for males and females, could assure the preservation of Jewish life and faith.

Sorotzkin buttressed his position by citing an additional rabbinic tradition concerning the patriarch Abraham. Genesis Rabbah 39:15, commenting on Genesis 12:8, quoted Rabbi Hanina as pointing out that the word pronounced as "*ahalo* - his tent," was actually written as, "*ahalah* — her tent," as the letter *hey*, denoting third person feminine singular possessive, is at the end of the word. The midrash explained this discrepancy between how the word was spoken and how it was written by stating that the word was intended to indicate that Abraham pitched two tents. As the midrash states, "After having pitched Sarah's tent (*ahalah*), Abraham pitched his own (*aholo*).\" Abraham, Sorotzkin explained, erected these two tents in order that two individual academies be established. An academy for men and one for women. Sarah taught the women in the first tent, while Abraham instructed the men in the second. Sorotzkin considered the order in which Abraham pitched these tents as instructive for his own generation. After all, "any pious individual, wise and

discerning, should be astonished by this arrangement. Why did Abraham erect Sarah's tent prior to his?" If one were to ask any man (of this day), "Which section of a synagogue ought to be constructed initially, that of the man or that of the women," all would answer, without hesitation, "The men's section." As men are required to pray three times a day, they are more in need of synagogue space than women, who rarely come and whose public prayer is optional.

Sorotzkin then offered an analogy between the issue of a prayer-section for women in the synagogue and the matter of education for women. If one were to ask, which should be built first, "a school for boys, or a *Bays Yaakov* for girls," all would give priority to a school for boys. This preference would be based on the Talmud, "And you shall teach your sons," (*Kiddushin* 29b) and, "One who teaches his daughter it is as if he teaches her *tiflut*" (*Sotah* 20a). However, Abraham reversed the order and first established an academy and house of worship for women and only afterwards did he create the same for men. Furthermore, Scripture made this point twice, to indicate that when "an era such as his own should arise," Abraham, "commanded his sons after him" to follow this example forever.³¹

³¹ Genesis 13:3, when the second appearance of "*ahalo/ah*" appears.

To further substantiate his position, Sorotzkin turned to Exodus 19:3. He pointed out that when God revealed the Torah through Moses to the people at Sinai, the verse read, "Thus you should say to the House of Jacob, and tell the Children of Israel." The rabbis, commenting upon these words, wrote, "'Thus you should say to the house of Jacob' — refers to the women. 'And tell the children of Israel' — this refers to the men" (*Shemot Rabbah* 28:2). Sorotzkin questioned, "Is this not an explicit warning to you that the education of women in matters of faith and religion should take precedence over the education of men?" Sorotzkin was now satisfied that he had marshaled sufficient textual precedents to support the position he was advancing in this responsum.

Sorotzkin then turned to issues of gender. He noted that humanity was distinguished by two characteristics. The first characteristic is intellect — "a brain that permits one to acquire wisdom." Sorotzkin argues that, in most cases, men displayed greater aptitude in this area than women did. Consequently, males were dominant in areas of study such as Torah, philosophy, and mathematics. Women did not generally receive instruction in either philosophy or mathematics, nor were they taught advanced Torah principles, as the intellectual demands of such disciplines were beyond the talents of most women. Sorotzkin based his position on the Shulchan

Aruch ³² where women are described as "intellectually impoverished (*'aniyut da'atan*).\" According to Sorotzkin, the failure of women to become great Torah scholars did not stem from a cultural construct that forbade women access to classical Jewish legal texts. Rather, the cultural arrangements that denied women the opportunity to study these texts simply emerged from and reflected the nature of reality itself.

On the other hand, Sorotzkin claimed that women were gifted in other ways, intellect not being the only attribute which distinguished humans. The souls of humans are distinguished by an affective element, "*ha-regesh she-ba-'lev v'ha-bi'nah ha-teluyah bo* — the feeling in the heart and the understanding that depends upon it.\" In this area, the woman is more advanced than the man, \"for the feelings of a women are much more developed than the feelings of a man.\" Therefore, the ancient rabbis wrote, \"Women are tender-hearted\" (*Megillah* 14b), and, \"The Holy One gave an additional measure of understanding (*binah yeteirah*) to women\" (*Niddah* 45b). As a result, women were responsible for their oaths at twelve, while men were not held accountable until they reached the age of thirteen. For nature graced women with an intuition that permitted them to \"recognize their Creator, the One before whom they swear an oath,\" at an earlier point in their lives than men.

³² Yoreh Deah 246:6

From his look at gender differences, Sorotzkin concluded that there were natural factors that led men and women to display their talents in distinct arenas. The refined analytic skills that marked men made them better suited than women for talmudic dialects and logic. The emotional sensibilities that characterized women made them better suited than men "to recognize the One Who Spoke and created the world, as well as to believe in Him with a simple faith, for faith depends upon the heart and its sentiments." Women, whose instincts and character caused them to appreciate the wonders of the natural world that God had created more fully than men, were therefore better suited to recognize the Creator. They were naturally inclined to recognize that God oversees the world with "His divine providence." Sorotzkin believed that God had assigned distinct roles and talents to each gender, and his views on this subject were highly traditional.

Throughout his responsum, there is not a hint that Sorotzkin entertained any modernist notion on gender equality. He actually supported the idea of separate spheres for men and women, and pointed out that males and females possessed distinct talents in very different areas. Towards the end of his responsum, he utilizes this position to construct an argument which would allow women to study Jewish texts at an advanced level. In doing so, he confirms the position he had taken at the outset of the

responsum. Sorotzkin additionally adopted a stance that allowed for innovation in Jewish life, while paradoxically defending the tradition and its notions of appropriate gender roles.

Sorotzkin stated that at the present time, when faith was weak, and the saving "remnants" of the Jewish people searched for ways to attract their fellow Jews to a proper devotion to God, those faithful remnants were compelled to favor the "heart" over the "brain". Jewish leaders had to concern themselves initially with the education of girls and women. Sorotzkin reasoned that if "wise and sensitive women" were taught "knowledge and fear of God," they would be the first "to cause the King to return." Were not women better suited than men to believe in God with a faith that emerged from the depths of the heart? Were they not more likely to recognize the reality of God than men who, whatever their intentions, were condemned by nature to be marked by the guile and guided by the criticism that stems from the side of cold logic? Such women would influence their husbands and their children and they would be capable of "warming the heart of man in the light of faith."

In every age where faith was weak and where rebellion against God and the divine will was commonplace, the leaders of the Jewish people had recognized that the education of girls had to take precedence over the education of boys. In prioritizing the education of women for his own

rebellious generation, intended to set an example for Jewish leaders in later ones. For all who lived in faithless times, "faith could be rooted in their hearts" only through the education of women. This was true during the time of Moses and during the time of Abraham. In this era which is marked by widespread non-observance and lack of faith, the Jewish people were required to follow the pattern established by these biblical founders of our faith.

In Sorotzkin's era, a time in which girls were being "educated in a spirit foreign to the Torah", these ill-educated girls were, in essence, victims of the traditional leanings of the community. Sorotzkin was astonished that fathers, who were very concerned with the religious education of their male children, overlooked the necessity that Jewish education be provided their daughters as well. Girls were sent to non-Jewish schools where they were taught "to profane the religion of Moses and Israel and all that is holy to us." These girls were "educated in a spirit foreign to the Torah." As a result they became ensnared in the web of the secular world which led to non-observance. These girls became women who had little respect for the beliefs of their husbands and they reared children who were non-observant and lawless. Sorotzkin was disturbed that these fathers failed to see the eventual descent of the Jewish people as a result of their careless actions. Sorotzkin wrote, "In our time, all of life is

secular, lacking all values and content in general, and Jewish values and content in particular." He charged that any father who neglected "to teach his daughter the proper knowledge of God and authentic Jewish values and content," was guilty, "on account of the influence of the larger world," of teaching her "*tiflut*." *Tiflut*, according to Sorotzkin stems from ignorance of Torah. Thus, he overrules the prohibition against formally instructing women in the sources of Jewish tradition since the prohibition was no longer relevant in this era. In doing this, of course, he echoes the positions taken by rabbis ranging from S.R. Hirsch to the Hafetz Hayyim.

Sorotzkin concludes with a clever twist on following the footsteps of our ancestors. He suggests that we should follow the tradition of educating girls in the ways of Torah and not follow the tradition of the ancestors which ignores the enterprise of women's education. He states, in conclusion:

It is not only permitted to teach Torah and fear of heaven to girls in our present generation. Rather there is an absolute obligation to do so, as we have explained. It is a great commandment to establish schools for girls and to plant pure faith and the knowledge of Torah and commandments in their hearts, and the reward for 'converting' the women in our generation is very great. For through the merit of the righteous women our ancestors were redeemed from Egypt.

Throughout this part of the thesis, we have seen that all these rabbis offer an alternative to the traditional halachic position that women should not be permitted to study Torah. All countenance and advocate the study

of the Written Law for women, and even permit women to engage in the Oral Law in specific circumstances and with specific texts. However, not one of these halachic figures advances an approach that fully embraces gender equality. Nor does any one of them state that women are just as capable as their male counterparts in the pursuit of the study of Torah. Their approaches never extend so far as to assert that women possess the requisite intellectual talents and attributes that are necessary for such advanced study. Consequently, these men never explicitly rule, nor do they regard it as desirable, that women be permitted to study the Oral Law. In the next section of the thesis, we will look at other rabbis who went further, and expanded the field of Torah study for women to include the Oral as well as the Written Law.

CONTEMPORARY HALAKHIC AUTHORITIES ON THE ISSUE OF WOMEN AND THE STUDY OF THE ORAL LAW

In the previous section of this thesis, we saw that despite the Sotah passage – "one who teaches his daughter Torah, it is as if he teaches her *tiflut*" –, a number of rabbinic authorities permitted and encouraged women to engage in the study of the Written Law as well as selected non-halakhic texts from the Jewish literary tradition. In this section, I will turn to a presentation and analysis of the views of additional modern halakhic authorities on this matter. I will show how these men have expanded the permission granted by men cited in the preceding part of this thesis to include the study of Oral as well as Written Law for women. In so doing, they have – despite the dictum enunciated in *Gittin* 36b that the only way to contravene a ruling made by earlier authorities is to convene an assembly of rabbis who are greater in number or greater in wisdom than the original assembly who instituted the ruling – introduced what has apparently become an acceptable change within the boundaries of the halakhic system. In response to the demands of the day, they have offered a comparatively radical answer to the question of women and the study of Torah.

Foremost among these rabbis is Rabbi Ben Tzion Fuerer, who served as a rabbi in Israel. In his responsum on the subject, he states that

in our time Torah study is essential for women. Unlike earlier authorities who justified this stance on either prudential or instrumental grounds, Fuerer contends that women need to study Torah and Talmud in order that they themselves become able to comprehend the detailed implications of the *mitzvot* incumbent upon them.

The question asked of Rabbi Fuerer is straightforward — "Is it acceptable that those who decide the course of religious study, permit girls to learn the Written and the Oral Torah?" Fuerer answers forthrightly by stating, "Women need to study the laws which pertain to them. It is not even a point of discussion that is open to dispute. It is clear". Continuing, he argues, "If she does not study, she will not know how to fulfill the *mitzvot* incumbent upon her. If the Torah commanded women [to observe] certain *mitzvot*, then it is certain that the Torah must also require women to possess knowledge (*y'di'at*) of the *mitzvot*." Furthermore, women not only must know how to perform the *mitzvot* that are incumbent upon them. They must also study the development and details of the halacha "through a rigorous analysis and a detailed understanding." If they are in a community that does not permit them to study Torah within the organized school curriculum, then they should be allowed this type of study beyond the confines of the classroom.

While *Hazal* may have felt that the study of Torah by women created a situation where "the loss exceeded the gain," this is no longer the case today. For, Fuerer observes, the question today is not whether women will learn Torah. In the modern situation, women will receive a formal education. This is unavoidable. The issue is its contents. Will girls engage in the study of Torah or will they be exposed to the enticements of secular studies?

Responding to this query, Rabbi Fuerer notes that the gemara quotes Rabbi Eliezer in *Sotah* as follows, "One who teaches his daughter Torah, it is *"k'ilu-* as if" he teaches her *tiflut*." Given the context of the discussion in the Gemara, we can understand why Rabbi Fuerer emphasizes this "as if." After all, in the *Sotah* passage, Torah study for women is advocated so that the women can avoid the consequences of her behavior as an adulteress woman. In that setting, Torah study, as it were, could be regarded as promoting immoral behavior. However, that context is not the contemporary one. In the modern setting, Fuerer points out that if women are not learning Torah, they will learn "real *tiflut*."

In the present generation, Fuerer believed that there was an obligation for women to study Torah. Indeed, the benefits of such study far outweighed any disadvantages. For, if women did not receive a Torah education, they would not gain the "pure faith" that emerges from a study

of Jewish texts. Instead, they would be fed with superstition, *tiflut*, as well as other lies that would emerge from the secular books that they would study. In a manner reminiscent of R. Sorotzkin, R. Fuerer sees the conditions of the contemporary era as creating conditions that mandate the formal teaching of Torah to women.

Fuerer also notes that in the present setting the *m'lamed* (male teacher) has been replaced by the *morah* (female teacher) in Israeli elementary schools, even in the religious sector. Female teachers instruct both boys and girls in Torah. If religious women are not themselves given formal instruction in Torah, the result will be that the *morah hofshit* (general/secular studies teacher) will take the place of the religious teacher. A secular Jew, this type of woman will teach the boys in elementary school a "counterfeit Torah – *torah mezuyefet*." Here, Fuerer argues for the formal education of women on pragmatic-spiritual grounds. The future of the Jewish people and their devotion to Torah is contingent on the instruction women will receive in Jewish religious subjects.

Finally, Fuerer remarks that the Sages never prohibited the study of Torah when the purpose of such study was "to perform the *mitzvot*." Torah study, as a form of religious instruction, must be connected to performance. "Knowing" Torah must be attached to "doing" torah. He notes, therefore, that when a teacher imparts knowledge of the Torah to

students, the students are dependent upon the knowledge of the teacher for their own knowledge as well as for their performance. As women teach boys, they are responsible for the religious life of these children. Fuerer consequently concludes that knowledge of all the laws are equally important for all women, whether they are "women's laws" or "men's laws," for they are both responsible for the performance of the former and must impart the latter. These factors, he is sure, are what prompted "noteworthy Torah scholars ... to create the requirement that women learn the Written and the Oral Torah. *Ha'levai* that all women of Israel would learn Torah. Then they would not open their hearts to the *tiflut* of this ruined generation."

In sum, R. Fuerer holds that women need to study all forms of Torah (Oral and Written) both for their own sake and, additionally, for the sake of the students they might one day have under their guidance in the school setting. Fuerer, like Sorotzkin, takes note of the contemporary situation and allows it to influence the positive stance he adopts concerning the Torah education of women. However, he goes beyond R. Sorotzkin as well. Not only does he explicitly favor the education of women in the Oral Law. He also believes that women need to benefit personally and individually from the study of Torah. He asserts that women must be conversant in the

teachings of both the Written and Oral Torahs for both instrumental reasons as well as the intrinsic merit inherent in Torah study for women.

Rabbi Hayyim David Halevi, who died in 1998, was the Chief Sephardic Rabbi of Tel Aviv-Jaffa and one of the most prolific halakhic authorities of contemporary times. In his *'Aseh l'kha rav*, he dealt with the question of Torah study for women. Specifically, the query posed Halevi was, "In our time, can we teach the Oral Torah to girls who have finished High School?" At the outset, he presents his own conclusion on the matter. He writes, "In this era, where the world is full of *tiflut*, it is important for women to learn Torah in depth, especially those who learn other (non-Jewish) subjects in higher levels."

Halevi justifies this approach with a discussion of the by-now familiar rabbinic sources that deal with the topic of women and Torah study. In his analysis of *Sotah* 20b-21a, he cites the views of both Ben Azzai and R. Eliezer. In dealing with the former, Halevi points out that when Ben Azzai says that one must teach his daughter, he uses the word "obligation-*hiyuv*," indicating that people are required to teach their daughters Torah. At the same time, Halevi deems it significant that R. Eliezer nowhere employs the word "*issur*" in relation to Torah study. Consequently, Halevi asserts that inasmuch as Eliezer does not forbid one to teach Torah to his daughter and

insofar as Ben Azzai does, then the *Sotah* text actually provides a warrant for teaching women Torah.

Halevi's now turns to the Rambam and the Tur. He argues that Maimonides forbade women from studying Torah on the grounds that the Sages of the Talmud believed that women did not possess the proper *kavannah*-intention concerning the study of Torah. Those women, even when they "spoke words of Torah," did not really comprehend it. Yet, even here, the Rambam asserted that if a man had instructed his daughter in the Written Torah, then it is not as if he had not taught her *tiflut*. Halevi further notes that the Tur extended this permission to the Oral Law.

Most importantly, Halevi points out that the tradition has approvingly recorded the names of many women who were learned in the Oral as well as the Written Law. There is a learned woman referred to in a *braita* (*Tosefta K'elim* 1, *Baba Metzia*,) who disagreed with the *tanaaim*. In citing this woman, we learn that women were, indeed, sufficiently learned to disagree with the *tanaaim*. Halevi also points to other instances where learned women were quoted as significant authoritative sources, and makes a point of mentioning several women who were capable of advanced Torah study, both Written and Oral. Thus, "accepted custom and usage" among the people Israel would seem to allow for the formal study of Oral and Written Law by women. From this, Halevi infers that many of these

women were studying Torah by themselves. Consequently, he draws the conclusion that there is never a prohibition-*issur* that forbids women to study Torah when they learn by themselves. Indeed, it is always acceptable for them to do so in such groups and the *issur*, if it exists at all, applies only to a father offering instruction to his daughter.

However, Halevi asks, "Why would there be an *issur* for the father if, at the same time, there is not an *issur* against women studying Torah? After all, the fear that they might regard the Torah as nonsense," as Maimonides feared, might be true "in either instance." Therefore, Halevi opines that even according to the Rambam the prohibition is not absolute. For even Maimonides himself states that it is the "majority" of women who are not able to engage in demanding halakhic analysis. From this, Halevi infers that even Maimonides believed that there were a minority of women who were capable of advanced Torah. As a result, even Maimonides, as interpreted here by Halevi, would extend the privilege of full Torah study to women. With these women, there was no fear that they would interpret the Torah as nonsense. Such women honestly desire to study Torah and their minds are fully suited to such study.

In summarizing all this, Halevi writes:

Now we can understand that this *issur* that prohibits the father from teaching his daughter Torah probably refers to his young daughters, as since no one can be certain as to the suitability of their minds. Consequently, there is no certainty that Torah education will not have a negative effect on them.

However, when this daughter is older and her mind is ready to learn Torah at an advanced and demanding level, [she can be permitted to study. The fact that this is so] constitutes proof that this girl is not among the majority of women whose minds are not desirous of learning Torah. In that era, women were confined to the domestic realm and there was a fear that Torah study would cause damage to those who were isolated from other wisdom. This is why they were instructed to learn only the laws which applied to their lives. In this era, when women learn everything eagerly, women should also learn Torah the same way. This is why we can teach Torah to girls who want to learn Oral Torah in High School. They have proven that they desire to learn and that they are capable. For Torah is the Source of Life for those who occupy themselves with its study. And we can teach them to fulfill the mitzvot, which is good for our people ...

Halevi's position is that it is beneficial for women and beneficial for the community at large to be involved in the study of Torah. He posits that women are capable of learning the Oral Torah and he provides a compelling argument as to why they should be permitted to do so. Like their male counterparts, not everyone is gifted with the attributes necessary to become great scholars of Judaism. The majority of women, and one could argue, the majority of men, are simply not devoted nor talented enough to master the complicated and more advanced principles of Torah and talmudic learning. Yet, Halevi believes that this lack of talent and motivation should not prevent potential scholars of suitable intellect and skills from engaging in Torah study at an advanced level. Such a pursuit can only redound with great credit to the individual and much reward for the community that will be enriched by such knowledge. His reading of the Tradition – the same Tradition employed by others to

proscribe female study of Torah – allows him to become an enthusiastic advocate of advanced Torah study for women.

Rabbi Moshe Malka, a Moroccan rabbi who served as the Sephardic chief rabbi the *Petach Tikvah* in Israel, also known as *Mikveh HaMayim* after the title of his responsa collection, reviews the same traditional sources on this topic that our previous respondents have. Like many of his peers, he observes that gender roles have been transformed in our day. Women are no longer confined as they were during the talmudic era to the domestic realm. In our era, women are engaged in many aspects of modern society. They are instructors at the university, they manage offices, they conduct financial affairs, and there are even women who serve in public office in the State of Israel.⁵⁵ Were Rabbi Eliezer alive today, he would surely countenance, according to R. Malka, the study of the Oral Law for women. Indeed, the only way to ensure the Torah way of life is for women to engage in such study. Echoing a well-worn refrain, he observes that women are responsible for the proper education of their children and husbands. Studying the Oral Law, he feels, is the only way to preserve the Torah way of life in our time. Malka states that women should be encouraged to abandon their secular pursuits, as they are trivial and have

⁵⁵ *Mikveh haMayim, Yoreh Deah 21.*

no worthy end. Rather, women should be encouraged to engage in serious Torah study. He concludes:

Modern woman plays an important role in society. They engage in scientific research, fill the universities, manage offices and businesses, and participate in government and political affairs. In fact, they are becoming smarter and more developed than men. Rabbi Eliezer would now surely nullify his ban on teaching women even the Oral Torah, so that they might carefully observe all the laws of the Torah that effect their activities and employment. Additionally, we should intensify their education so that the light of Torah may keep them in the path of the upright... Not only is it not forbidden in our day to teach girls Torah. Rather, it is incumbent upon us to teach them³⁴.

Malka here repeats and extends the arguments advanced by Rabbi Sorotzkin. He sees the classical position adopted by pre-modern *poskim* as counterproductive to the modern woman and fully out of step with modern social reality. While Malka argues that such education should therefore be offered to modern women, he does not charge his contemporaries with the responsibility for bringing about this change. Yet, his strong position allows other *poskim* to follow his lead and suggests that it is incumbent upon the community to fulfill this need and provide a Torah education for girls that is commensurate with the type of education traditionally offered to boys.

Rabbi Joseph Baer Soloveitchik (1903-1993), scion of a great Lithuanian talmudic dynasty and the undisputed leader of Modern American Orthodox Judaism during his lifetime, took up this challenge and was instrumental in providing such religious education for girls in the United States. Upon

opening the Maimonides Yeshiva-Day School in Brookline, Massachusetts, Soloveitchik made sure that equal Torah education was provided for both boys and girls. Soloveitchik's policy, as stated by his son-in-law Rabbi Aharon Lichtenstein, is as follows:

I have no objection to teaching girls Talmud. From a practical point of view it is somewhat difficult, as there is little motivation for this among girls...[and] I am not convinced that it is desirable to press girls to learn Talmud intensively. ...But if we speak of the ability to learn a page of Talmud, to understand it and enjoy it, then I see no reason not to educate girls to those goals. Indeed, there is a need to establish this as an integral part of the school curriculum, as an actual course. That is how I educated my daughter and that is how my wife was educated. And that seems to me to be the recommended road for our generation's girls.³⁵

Soloveitchik and Lichtenstein as well believe that while it would not be prudent to force women into Talmud study, there is still a need for it. Furthermore, they have no doubt that women are capable of such study. In R. Soloveitchik's own case, he even went so far as to educate his daughter in this way. Such a deed, performed as it was by such a powerful Torah personality, bespeaks the strength of his own commitment to this type of education for women and provided a powerful precedent for this activity throughout the Orthodox Jewish world. In this sense, its importance can hardly be exaggerated for bringing about a shift in Orthodox Jewish practice in this country on this matter.

³⁴ Ibid.

³⁵ Aharon Lichtenstein, "*Ba'ayot ha-Yesod be-Hinnukhat shel ha-Ishah*," in Ben-Zion Rosenfeld, ed., *Ha-Ishah ve-Hinnukhah*, (Kfar Saba: Emunah, Ulpanit Bnei Akiva, 1980), p. 159. As cited in Avraham Weiss,

In addition, it is clear that R. Soloveitchik, as well as R. Lichtenstein, believed that if the school curriculum offered advanced Judaic study to women, there was a strong possibility that Talmud would become a natural part of their studies. As contemporary women study with men at the highest levels of secular learning, they must be provided with equal opportunities for the study of Talmud and Torah. As one commentator has pointed out, Rabbi Soloveitchik "considers the constant study of Torah by a woman a prerequisite for eternal life... he would surely insist that Torat Hayim — Torah for the sake of living a value-filled, law-abiding Torah way of life, even including the acquisition of relevant talmudic textual knowledge — is very much in order. In light of this perception, Rabbi Soloveitchik may further demand that the woman bring her own unique approach to thought into her study of Talmud, thus opening new vistas from a woman's perspective." ³⁶ Furthermore, R. Soloveitchik, as well as R. Lichtenstein, contended that only women with an advanced Jewish education would be able, in the words of that same commentator, to "represent with wisdom, greatness, and dignity, the *Torat imekha* (the Torah of their mothers), and be eligible for membership in the entire

Women at Prayer: A Halachic Analysis of Women's Prayer Groups (Hoboken:KTAV Publishing House,1990).

³⁶ Shoshana Pantel Zolty, "And All Your Children Shall Be Learned": Women and the Study of Torah in Jewish Law and History (Northvale: Jason Aronson, Inc., 1993), p. 94-95.

community of women who have kept the Jewish tradition alive through centuries of challenge." ³⁷

R. Lichtenstein was well aware of the contradiction between the traditional halachic prohibition against women studying Oral Torah and the practices he advocated and implemented on this issue in a number of Orthodox schools where girls were educated. Yet, he remarked that this was surely justifiable. After all, it was traditional for girls to study the Bible with the commentary of Rashi. Indeed, no one objected to this, despite the fact, as he phrased it, that "Rashi cites sources from the *Torah she'b'al Peh*. It is impossible to decide to teach women Rashi but not Mishna when Rashi himself cites *mishnayot*. The fact that a particular Mishnah filters down to women via her studying Rashi does not change its status of being a Mishnah. It is impossible to teach 'at the tip of a fork.' Either the material is to be studied or it is not to be studied." ³⁸

Furthermore, in the same article, Lichtenstein states that "it is desirable and necessary, not only possible" for women to be engaged in the study of Oral Torah. Citing the Hafetz Hayyim and his rationale for supporting the establishment of the *Bays Yaakov* (See pages 20-22 above)

³⁷ Ibid., p. 95.

³⁸ R. Aharon Lichtenstein, "Torah Study for Women," *Ten Da'at* 3, no. 3 (Spring 1989), p. 8. Translated by R. Jack Beiler as "Fundamental Problems Regarding the Education of Women," in Ben-Zion Rosenfeld, ed., *Ha-Ishah ve-Hinnukha* (Kfar Saba: Emunah, 1980), as quoted in Joel B. Wolowelsky, *Women, Jewish Law, and Modernity: New Opportunities in a Post-Feminist Age* (Hoboken, KTAV Publishing House, Inc., 1997), pp. 114-5.

network of schools for girls, Lichtenstein observes, "If the Rambam can say that it is necessary to teach a convert the essentials of Judaism, an individual who grows up in a Jewish context should all the more so be afforded such an education."³⁹

The positions of Soloveitchik and Lichtenstein depart radically from the views of many their rabbinical peers. Yet, they are part of a growing group of rabbinic authorities, as this study indicates, that challenges the traditional prohibition against female study of Oral Law. They, like others, present an approach to women's study of Torah that places women on equal ground with their male counterparts.

Rabbi Menachem Mendel Schneerson, the late Lubavitcher Rebbe, attracted a worldwide group of followers virtually unparalleled in the modern world. Revered by thousands, Schneerson was acutely aware of past halachic decisions regarding the issue of women and the study of Torah. Yet, in an address he delivered on Lag ba-Omer 5750⁴⁰, he stated that it was necessary for women to study all of the Torah, both Written and Oral. Like R. Malka, he asserted that such knowledge was a necessity if women were to teach their children. In this same speech, the Rebbe said that women have the capacity to learn Oral Torah and further argued that

³⁹ Aaron Lichtenstein, in "Fundamental Problems Regarding the Education of the Woman," *Ten Da'at* 3:3 (Spring):7-8.

all women should be masters of Torah study. In addition, he contended that women should become proficient Torah study either through self-instruction groups or through study with their husbands. Indeed, women can and should study the same materials as their husbands. As the Rebbe put it:

Our analysis shows the following in regards to the study of the Oral Law. Woman and girls, without such vigorous Torah studies, would learn a variety of subjects through which "immoral subtlety" would possess them. Therefore, it is the case that it is permissible for women to study the Oral Law. More than this, according to the very reasoning of the halacha, it is really necessary to teach them the Oral Law. Women study the laws which apply to them, but additionally should not only study the laws without their reason, but also study the reasons for the laws. This study should eventually include the fine, dialectical arguments that are in the Torah. For it is in human nature, male and female, to delight in this kind of study. Through this there will develop in women the proper sensitivities and talents in the spirit of our Holy Torah.

Schneerson further stated that "this matter is in the mode of good innovations, like those of previous generations." Again, in a manner reminiscent of R. Malka, Schneerson observed that women should not participate in advanced Torah study only in order to facilitate their children and husbands in such study. Rather, they should do so in order to improve their own knowledge of the *mitzvot*. In adopting this stance, Schneerson made his followers aware that there was a need for the Halachah to reflect the context and situation of the society it serves.

Within the context of our society, women are required to function on a more sophisticated level than ever before, occupying professional positions that

⁴⁰ Menachem Mendel Schneerson, "Me-Sihat Shabbat Parshat Emor, Erev Lag ba-Omer 5750: *Al Devar Hiyuv Neshei Yisrael be-Hinukh u-ve-Limud ha-Torah*." *Likutei Sichot* 5750. (New York: Mercaz la-Inyanei Hinukh, 1990).

require higher knowledge. To prepare themselves for such activities, they should develop their thinking processes in Torah, training themselves to think on an advanced level within the framework of Torah. This will set the tone for their behavior in the world at large.

It will also set the tone for the Jewish community itself, a community where women are seen as being as capable and obligated as men are to engage in the study of Torah. When women are actively involved in the study of Torah, they serve as role models for their entire family and the community.

Schneerson conceded the following:

The Talmud relates that women should not study to Oral Law... However, the change in a woman's place in society necessitates a change in this perspective as well. Women who are exposed to the sophistication of contemporary society should prepare themselves for such involvement by developing their thinking processes within Torah, studying not only the practical applications, but also the motivating purposes, for mitzvot.

Schneerson, in this talk, made it clear that he saw Torah study as imperative for contemporary women. Society has undergone sociological changes and, in this instance, the Halachah must be stretched to accommodate them. Furthermore, an anticipated outcome this change would be that women themselves will become qualified to teach women. Thus, the prohibition that fathers not teach girls Oral or Written Torah would be circumvented in this way. Girls will one day have role models who display a mastery of advanced Torah study as well as involvement in the modern world. This will allow them to become as active in the Jewish world as their male counterparts.

The authorities covered in this section all address the traditional sources in some manner. The overarching message one can glean from their writings is that contemporary women occupy a different social reality than females did in previous generations. Therefore, the education provided women must reflect the position accorded women in today's world. The rabbis presented in this chapter expanded the parameters of Jewish law to accommodate a changed social and cultural reality – a reality where women would and could engage in the study of Talmud and Oral Law. Their position was a novel one, and they held that women were obligated and should be encouraged to learn Torah within the rubrics of what can be labeled as revised halachic parameters.

CONCLUSION

Most modern, liberal scholars of Talmud and the halachic system would find it difficult to identify the halachic system as one that affirms the equal rights of women. Some would attribute this dissonance to the perceived gap between a patriarchal Halachah and modern life itself. In fact, most modern scholars who are concerned with gender equality are often put in the position of choosing between affirming the equality of women and the validity of the Halachah itself.⁴¹

For many women, such a choice is excruciating. As Rabbi Susan Grossman writes in *Conservative Judaism*, "Judaism and feminism are two ethical systems which command my allegiance and guide my actions."⁴² How one calibrates between them is difficult for such people.

Joseph C. Kaplan, in an article that appeared in *Sh'ma* that discussed the issue of women's role in modern Judaism, stated the following:

...the impetus propelling the changes in the traditional women's role in Judaism does not flow from a charismatic and dynamic leadership. Rather, it is an expression of the *vox populi*, emanating from the rank and file of those women and men who seek more equality, more responsibility, and more involvement within and with a commitment to the halachic process. From these same grass roots has arisen the ceremony of *Simchat Bat* celebrating the birth of a daughter, a Torah-oriented rather than party-oriented *Bat Mitzva*, and women's Torah study groups, *yeshivot* and prayer services. Such a movement, a movement from within, with all its problems, has a certain innate

⁴¹ Works by Rachel Adler, Judith Plaskow, Judith Hauptman, Elizabeth Koltun, and other committed to the cause of women's issues struggle with their own allegiance to a system of halacha which often makes it categorically impossible for women to realize their proper and equal place in the Jewish community at large.

⁴² Susan Grossman, "Feminism, Midrash and Mikveh," *Conservative Judaism* 44:2 (Winter, 1992), p. 7.

strength and conviction that bodes well for the ultimate success of its admirable goals.⁴³

Yet, as this study has shown, the leadership has played a role in facilitating this change as well. Many rabbinic authorities, increasingly aware that women have occupied major public and professional roles in the secular world, have asserted that parallel opportunities must be provided women in the religious realm. They have acknowledged that denying women full access to and participation in the religious realm might undermine the gravity which women and men would assign Judaism. Indeed, it would weaken their attachment to a Jewish religious life.

As has been demonstrated in this study of representative responsa which deal with the issue of women and Torah study, the halachic system has therefore responded to the changed realities of a modern Jewish community. These rabbis have reflected the flexibility inherent in the halakhic system, as its masters attempt to grapple with a fidelity to Tradition as well as an awareness of contemporary gender realities.

The issue of Torah education for women has become one of the central issues in the present-day Jewish community. The authorities discussed in this thesis have found inspiration in the model provided in the talmudic passage where it states that in the era of Hezekiah a "search was made from Dan to Beer Sheva, and no ignoramous was found from Gabath

⁴³ Joseph C. Kaplan, "A Woman's Sefer Torah," *Sh'hu* 14: 274 (May 11, 1984), pp. 11f.

to Antipatris, and no boy or girl, man or woman was found who was not well versed in the laws." ⁴⁴ The changes unleashed by the developments these men have approved have yet to be fully realized. Yet, they indicate that Judaism, even within the halakhic precincts occupied by these rabbis, is not inured from the reality of a surrounding world. The halakhic system here, as elsewhere, displays its flexibility and its ability to respond in a Jewishly authentic way to the demands of a contemporaneous situation.

⁴⁴ *Sanhedrin* 94b.

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