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CONTEMPORARY ORTHODOX RABBINIC RESPONSES TO THE
ROLE OF WOMEN IN SYNAGOGUE LIFE

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Thesis Submitted in Partial Fulfillment of
Requirements for Ordination

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INTRODUCTION

Traditional Judaism faced a crisis in the modern world. Before the Emancipation, when Jews in Europe lived in a segregated, corporate Jewish community, they were by definition, bound to live their lives according to halakhah, Jewish law, for it, and by extension the rabbis who interpreted the Jewish legal tradition, were the final authorities on all matters. If one chose to ignore the voice of authority, it was tantamount to leaving the boundaries of Judaism. But the Emancipation and the advent of modernity shattered the walls which surrounded traditional Judaism. Since the end of the eighteenth century, Jews have traveled freely in the arenas of the secular world, and through their contact with and participation in Western, non-Jewish culture have had the fundamentals of their faith tested by the social, intellectual and spiritual challenges of the open society.

One such challenge to traditional Judaism has been the women's movement. Although seeds of feminism emerged a century ago, and issues of women's equal rights were raised at various junctions during the present century, it did not fully blossom as a powerful political movement until the last two decades. Moreover, just as women in the secular society (many of them Jewish) pointed out the injustices perpetrated upon them by men, so too Jewish women articulated their discontent with the role they had been assigned by men in their own culture.

But the progress women made toward equality in the

secular society was no guarantee for similar success in the traditional Jewish world. While women emerged as professionals, businesspeople, political leaders, and even Jewish communal leaders, their status as "second-class citizens" in traditional Jewish life has remained unchanged. This condition has, in the last decade, given birth to a Jewish women's movement. We have witnessed national conferences and organizations of Jewish women, the publication of hundreds of articles, books and journals by Jewish women about women and Judaism, women in the rabbinate for the first time in history, an evolving and creative feminist theology, and women in Jewish leadership positions. The movement is not the sole property of the "left-wing" of the Jewish religious spectrum, which took its stand vis-a-vis traditional Judaism and the authority of the halakhah one hundred and fifty years ago. On the contrary, the fact that "women and Judaism" is an issue at all is because the growing resistance to women's peripheral spiritual role is coming from within the Orthodox community. Orthodox Jewish women and men are struggling with the tradition and searching for sanctions within the boundaries of halakhah to raise the profile of women and bring them closer to the center of Jewish religious life.

For example, the two areas which are fundamental to Judaism and into which women have been gradually growing are prayer and study. However, these practices were classified by Jewish legal authorities as commandments to which women were not obligated. Indeed,

their participation in all of Jewish ritual life has always been extremely restricted. Women were not considered fit for classic Jewish studies, nor were men comfortable with their participation in public communal worship. For example, the Talmud offered a rationale to explain why women could not be called to the Torah. It is a classic passage in Tractate Megillah (23a): "All are included in the seven called to the Torah, even a minor, even a woman. But the Sages said, 'A woman should not read [the Torah] in public out of respect for the congregation' (k'vod ha-tzibbur)."

While the contemporary debate surrounding this passage is vast, most scholars agree that the Sages' dictum intimated their apprehension that if a woman read Torah, she would cast doubt on the male congregants' abilities to do so.

These restrictions, and others, have been called into question by modern Orthodox and non-Orthodox women and men. In today's world, they argue, when women are not bound by pre-modern notions of the Jewish wife-mother, they should therefore not be bound by ancient gender-related categories which may have been designed to insure that women remain at home as housekeeper and childbearer. This contention leads to various implications for women to increase their participation in traditional Jewish religious life. For example, the two spheres mentioned above, of study and prayer, are avenues which women are pursuing in all branches of Judaism, with varying degrees of intensity.

In the Orthodox community, the one branch of Judaism which identifies itself as deeply loyal to the halakhah, women's participation in synagogue life has been limited by rabbis whom the community recognizes as its final authorities (poskim acharonim) in matters of Jewish law. Nonetheless, we shall see that "official" attitudes about the woman's role in Judaism have evolved, and that they have done so as an identifiable response to the changing status of women in the secular world.

In order to discover what the official attitude on any subject of halakhah is, one must turn to the contemporary legal literature -- responsa. Responsa are opinions written by rabbis in response to questions about actual cases. When a responsum is issued by a recognized rabbinical authority it acquires the force of law. Thus when an Orthodox rabbi or layperson seeks the opinion of a rabbinical authority, the questioner becomes bound by that opinion, as long as the latter chooses to be so bound. (It is important to note that since the Jewish community is voluntaristic, the posek has very little means at his disposal to enforce his decision).

The seeds of the present investigation were planted a few years ago in a course entitled, "Social Reality and Halakhah," taught by Professor David Ellenson. What emerged from our inquiry into responsa literature was that despite the impression most Reform Jews have of the

halakhic process -- that it is a monolithic tradition -- the truth is, there exists a great degree of plurality within the halakhah, even as the decisors remain committed to the legal process. This fundamental truth held, I felt, critical implications and great promise for Reform Judaism. For despite Reform's refusal to accept the halakhah as legally binding, I have always been uncomfortable with such a radical rejectionist position, and have found the halakhah to contain deep truths for the life of a Reform Jew.

Professor Chernick's suggestion to explore the responsa on women's role in synagogue life was excellent, since this topic presented the opportunity to investigate the attitudes of the leaders of Orthodoxy on an issue which never appeared in the halakhic literature before the contemporary era. As I studied the responsa of such leading halakhic authorities as Rabbis Yechiel Yaacov Weinberg, Moshe Feinstein and Ovadia Yosef on the issues of prayer, ceremony -- specifically, the Bat Mitzvah -- and Talmud Torah, I contemplated several questions: In what specific areas of the halakhah was there leniency, and why? Did any one authority tend to be more lenient than the others? If so, what factors influenced his leniency that did not hold sway over the others? A related question, how did certain perceivable social realities affect the rabbis' decisions? To what degree were the authorities consistent or inconsistent in their responses to various questions --

put in another way, can patterns be detected either within individual authorities or within certain areas of the law? Where does the halakhah stand in relation to prevailing customs in the Orthodox community? Finally, and generally, if the halakhah is indeed multifarious, what does that say about the nature of the halakhic process?

This thesis analyzes the responsa of rabbinical authorities on the aforementioned issues of prayer, study and the Bat Mitzvah. It is my hope that it will contribute toward answers to the questions posed above, and, in this way illuminate a critical issue in modern Judaism -- that of increased participation for women in all aspects of synagogue life.

I am grateful to Rabbi Michael Chernick for his thought, guidance and good humor throughout the preparation of this work. His insights into the world of the halakhah, and his life as an Orthodox Jew, no less than his openmindedness about Reform Judaism have been a source of inspiration.

Rabbi David Ellenson, my teacher and friend, has been my guide since my first days at Hebrew Union College - Jewish Institute of Religion. He has given generously of his time since this project's inception. I thank him for the tools of learning he has imparted to me and for his love and care.

While she has been consumed with her own rabbinic thesis, my wife Elka Abrahamson has been a wellspring of spirit, joy and love. I thank her for her encouragement,

perspective, boundless energy, and ability to laugh and make me smile. We have both had our hands full during the past two months, and with much more than academics. We were blessed with a son, Elan Carmi on January 27. He has been a everpresent reminder of what is truly important and a promise for the future of Israel. I dedicate this work to him, in the hope that he will probe the tradition when searching for the paths of justice and shalom.

I thank, finally and ultimately, the Holy One of Being, who breathes into me the spirit to pursue the light of Torah.

CHAPTER ONE :

TALMUD TORAH FOR WOMEN

One area of Jewish tradition in which women, until very recent times, have been collectively excluded is the study of Torah. The Torah itself commanded that a father teach his sons, but it did not mention daughters.¹ Hence, the Talmud exempted women from the commandment to study Torah on the basis of that scriptural verse.² But did exemption necessarily imply prohibition? On this a disagreement arose in another place in the Talmud,³ a dispute which has blustered until now. Representing two extreme positions, Ben Azzai held that a man must teach his daughter Torah, implying that there was intrinsic value in such an endeavor, while Rabbi Eliezer argued that teaching a daughter Torah was as though one was teaching her nonsense or obscenity (tiflut).⁴ A centrist position already emerged in the Tosefta, one which maintained that while women were not legally bound to study Torah, they should not be excluded.⁵ Further evidence of an unfixed posture on women's study during the rabbinic period are the numerous examples in the Talmud of learned women.⁶ Thus the rabbis' concern for establishing steadfast boundaries for the status and role of women resonated in their treatment of Torah study for women, an issue which in the Talmud remained unresolved.

Despite this early fluidity, modifications of Rabbi Eliezer's restrictive policy prevailed and entered the codes of the Medieval period. Adopting Rabbi Eliezer's choice of language, "as if he teaches her tiflut," Moses Maimonides, Jacob ben Asher and Joseph Karo all accepted

Rabbi Eliezer's position, but reluctantly permitted women to study the Written Torah, the Pentateuch.⁷ The Rambam, perhaps revealing a degree of ambivalence on the issue, went even further, asking, "Why shouldn't a father be obligated to teach his daughter the positive commandments which are not time-bound?"⁸ He furthermore held that a woman who studied Torah would receive merit, though less than the merit awarded a man for the same activity, as he was commanded to study Torah and she was not. Karo's position is also puzzling. On the one hand, he suggested that women were obligated to learn the laws which pertained to them.⁹ On the other hand, he later opposed teaching Torah to women, doing so in the name of all the rabbis. His words, moreover, are identical to the Rambam's restrictive stance:

A woman who has studied Torah gains a reward, but not like the reward of a man, because she is not commanded to study but does it [of her own will]. Yet even though she does gain a reward, the sages have commanded that a man should not teach his daughter Torah, because most women do not have the intention of truly learning and they turn the teachings of the Torah into nonsense, in accordance with their limited understanding.

The sages have said, "Whoever teaches his daughter Torah teaches her tiflut." This they said about the Oral Law. As to the Written Torah, one should not teach it to her, but if he already has, it is not as if he teaches her tiflut.¹⁰

The Rama, picking up Karo's comment in the Tur, suggested that women should learn those laws which pertain to them.¹¹ The Taz disagreed, arguing that while it was permissible to teach women the simple text of the Written Torah, it was

forbidden to teach them its complexities.¹² Additionally, the P'risha, another commentary on the Tur, argued that women ought not even study the Torah on their own, for fear they might distort its true meaning.

An earlier Ashkenazic text, the Sefer Chasidim, advocated a functional halakhic education for women, but was careful to oppose any theoretical or philosophical knowledge for them.¹³ Moreover, Rabbi Shneur Zalman of Liadi, the founder of Chabad Chasidism, created a broad principle by which women were obligated to study all laws of the Torah, Biblical and Rabbinic, except those which they were not obligated to perform.¹⁴

Rabbi Jacob Ettlinger, leader of German neo-Orthodoxy in the nineteenth century, appreciated the role of women as full participants in spiritual, religious and educational life, and he found a basis for women's study of Torah in the tradition. In Minchat Ani he analyzed the obligation to study Torah as reflected in the laws regarding the reading of the Law. The Shulchan Arukh (Orach Chayim 137:2) stipulated that a minimum of three verses from Scripture must be read with each aliya to the Torah. This number, said the Sages, symbolized three personalities -- Abraham, Isaac and Jacob, or, according to another interpretation, Moses, Aaron and Miriam through whom the Torah was transmitted. Ettlinger understood the inclusion of Miriam as indicating her role in teaching women the laws of Torah. Just as it is found that Miriam led the women in

song following the crossing of the Red Sea, so, asserted Ettlinger, it may be assumed that Miriam expounded the Torah for the women.¹⁵

Rabbi Esriel Hildesheimer, a student of Ettlinger's and therefore not unfamiliar with Jewish education for women, legitimated his advocacy of the education of women by appealing both to the tradition and to pragmatism. He justified his stand on the basis of Ben Azzai's position in the Talmud and by pointing out the advantages to be gained by Jewish men if such education was to take place. For example, in 1871 he argued that Jewish family life would improve through Torah studies for women, and that educated Jewish women could help teach their Jewish sons.¹⁶ Thus, in his Berlin congregation in the early 1870s, Hildesheimer's curriculum for girls included the Pentateuch, Prophets, Hebrew, Liturgy, History, Birkat Hamazon (Grace After Meals), Pirke Avot (The Ethics of the Fathers), and Maimonides' Thirteen Principles of Faith. Though unlike the boys, they were not taught Talmud, Midrash or Codes.¹⁷ Rabbi Hildesheimer, who had a university education and who believed that Orthodoxy was compatible with scientific study of Jewish sources, was sympathetic to modern ideas and the positive impact they could have on the future of Judaism. Nonetheless, he was always cautious to reinforce his pragmatism with an appeal to the sources.

The Arukh HaShulchan, however, published during the last decade of the nineteenth century, was the most stringent

authority of all. He wrote that women may not be taught anything from a Hebrew book but each woman should teach her daughter the laws she knows.¹⁸

How could the law regarding such a sensitive issue as Torah study for girls keep changing? Could factors besides ambiguities within the law itself cause such fluctuation? Might forces outside the halakhah itself help mold the direction it would take? The answers to these and other questions will emerge with an examination of the texts. Suffice it to say, that as long as the law did remain somewhat ambiguous, the male authorities had the power to expand or limit women's access to the tradition. And limit they did. It was until the modern period that women were effectively excluded from the pursuit of Jewish studies. What had been a lack of unanimity in the law in theory, was in practice employed by the Orthodox leadership and interpreted as a prohibition against formal education for Jewish females. However, the Emancipation created new social realities which dramatically altered the law's development. As we shall see, for example, the attraction of formal education for women in the secular world brought unprecedented pressure upon Orthodox authorities to relax their proscription against education for women in the Jewish community.

Thus, in the early twentieth century, Rabbi Israel Meir HaCohen, the Chafetz Chayim, commenting on the tiflut passage in Mishnah Sota, the Mishneh Torah, the Tur, and the Shulchan Arukh, wrote:

The concern over "teaching one's daughter Torah is as though he is teaching her tiflut" was relevant in times gone by, when everyone lived close to their parents and the tradition was so strong that it motivated them to follow their parents' ways. As Scripture teaches, "Ask your father and he shall tell you." Under those circumstances we would say that Torah study would not be appropriate [for women] -- that she would learn how to conduct herself by emulating her father. However in these times, much to our dismay, when the tradition has grown very weak, and we know that children, generally speaking, do not live closely to their parents and their ways, and specifically, girls are growing accustomed to learning a secular language, it is certainly a great mitzvah to teach them Bible, the ethical literature of our sages, like Pirke Avot and Sefer Menorat Hamaor, and the like -- so that the our holy faith will be verified for them. If we do not teach them, they are, God forbid, liable to depart from the way of the Lord, and disobey the fundamentals of our religion. 19

Keenly aware of the realities of the open society in which Jews lived, the Chafetz Chayim was unwilling to be anchored to the literary cornerstones of Jewish legal tradition. He did not argue his point from an internal, objective legal standard. Had he, he would not have been able to take such a forthright position. Instead, he surmised that the danger to young Jewish girls of exposure to a modern, pluralistic society demanded a reasonable, but not purely halakhic response. On the other hand the Chafetz Chayim was careful to justify his support for the education of girls on the basis that such activity would save them from apostasy.

His encouraging stand on Jewish education for girls, became, coupled with a sanction received by the Belzer Rebbe, the authority upon which the network of Orthodox schools for girls, called Beit Yaacov, relied. These schools, begun by Sarah Schenerir in 1918 in Cracow, Poland,

were absorbed a few years later by the educational branch of the Agudat Israel movement, and by 1923, the Agudah established an educational fund to support the expansion of the Beit Yaacov schools. It should be noted that Polish women received political emancipation in 1919, and that the call for education for Jewish women and the favorable response to that call arose in part as a result of women's freedom to mingle with modern, secular culture. The schools enrolled about 27,000 students by 1937, and today there are more than one hundred and fifty Beit Yaacov institutions in Israel and the Diaspora.

The Chafetz Chayim was not the only legal authority in the modern period to view the question of education for Jewish women in its social and cultural contexts. Rabbi Abraham Neumark, recognizing that education could be a tool to combat the forces of assimilation and secularism, used powerful language to argue the case for Torah study for girls in his commentary on Tractate Sota. He wrote, "since the onset of that mischievous devil atheism and the enticing reign of materialism in the world, we can no longer send [into the world] the daughters of Jacob without nurturing them on the wellsprings of Torah and reverence."²⁰

While the authors of the Medieval codes argued that teaching women Torah might endanger Judaism, Rabbi Neumark adopted precisely the opposite viewpoint. He felt that once Jews encountered the modern world, it was inadequate Torah knowledge for women that might threaten the future of Judaism. Obviously missing from Neumark's argument was an

internal halakhic justification. Regardless, it was apparent to him that such justification seemed unnecessary next to the grave task of fending off the impact an open society was sure to have on Jews, especially Jewish women who received a superior secular education while their exposure to the Jewish legal tradition remained minimal. It must be added, moreover, that the authors of the codes offered no better halakhic substantiation for their views either.

Rabbi Neumark's stance was echoed in the responsum of another outstanding authority of the modern period, Rabbi Zalman Sorotzkin, an eminent Lithuanian rabbi and leader of Polish Jewry between World Wars I and II. He later became the chairman of Agudat Israel and served on the Moetzet G'dolei HaTorah in the State of Israel. A question came to Sorotzkin in 1941 from the chief rabbi of Tel Aviv, Rabbi Meir Schatzransky, concerning the permissibility of teaching the Oral Torah to girls. The rabbi evidently wanted to know if he could teach the Oral Tradition to a select group of excellent female students while teaching only the Written Torah to the rest.²¹

Rabbi Sorotzkin began his responsum with an honest remark acknowledging that the reason many feared the education of Jewish girls was that such practice was new, that it was not a custom of previous generations. He proceeded to assess the prevailing social reality in Israel, lamenting that unlike previous times, Jewish children, especially girls, were not raised in an atmosphere in which they

"lived" the Shulchan Arukh and where they would learn the entire Torah through experience. It had never been necessary to teach girls Judaism from a book. Thus Sorotzkin concluded his opening remarks,

Today, it is quite impossible to learn Torah in the houses of Israel, because there are homes in which there is no memory of many commandments and laws of Torah. A young Jewish woman who comes from such a house to study at an Orthodox school is almost like a gentile who comes to convert. It is a necessity to teach her Torah, so that she understands the path upon which she walks, and the deeds she will perform -- so that she will be a Jew.

Irrespective of the legal reasoning Sorotzkin would offer in his responsum, his predilection for leniency on this issue is clear. It is significant that Sorotzkin placed such 'fighting words' at the beginning of his responsum. Often we find such emotional or pragmatic justification for a position only after a legal bulwark has been secured. But the question of Talmud Torah for women was such an emotionally charged issue that Sorotzkin did not hesitate to make his personal feelings evident from the outset. It is important to recall that this question came to him at a time when the prevailing Jewish spirit in Palestine reflected the ideology and goals of Labor Zionism, which preached the "negation of the Diaspora" (sh'lilat haqola) and all that it represented -- including religious Judaism. Sorotzkin's disdain for that ideology, perhaps more than his own theology, or adherence to the legal tradition informed his advocacy of Jewish religious education for women.

Nonetheless, Sorotzkin was careful to present a legal justification for his lenience. Providing Biblical and Aggadic analogies as precedents for showing preference to girls over boys with regard to education, he concluded that anyone who did not teach his daughter Judaism was guilty of teaching her licentiousness (tiflut), as he was exposing her to gentile values -- the values of the marketplace and of secular schools. Rabbi Sorotzkin concluded by telling his colleague in Tel Aviv that not only was it permissible to teach girls both the Written and Oral Torah, but that it was absolutely obligatory (chayav gamur), and that more Orthodox schools for girls ought to be established toward such an end. Rabbi Sorotzkin's responsum, in theory if not in deed, raised the status of education for Jewish girls to an entirely new level. His support reflected his belief that regardless of what had been done in the past, current realities and the challenges of a secular world were too powerful to ignore. When the choice was either to send a daughter to a secular school or to provide a Jewish education for her, Rabbi Sorotzkin acknowledged that there was no choice -- Jewish girls would not be truly Jewish without a formal Jewish education.

The preponderance of lenient responsa during the last century regarding the issue of women's Torah study reflects the struggle of the Orthodox community and its leadership with a post-Emancipation society that opened its doors in every way to women. The reaction by rabbinical authorities to the push for equal education for Jewish women was different

than it has been with regard to other matters of Jewish law such as conversion and intermarriage. In these areas, rabbinical authorities have grown stricter in their interpretations, for, "in the modern period," wrote David Ellenson, "halakhic authorities have been relieved of the constraint of issuing legal decisions for non-observant Jews. As they are not responsible to the entire Jewish community, but only to the Orthodox segment of it, moderating influences which in the past led some Orthodox rabbis to take more lenient stances concerning certain issues have now virtually disappeared."²² Thus, in those matters, the authorities needed to rule more stringently because they wanted to clarify the differences between Orthodox Jewry and Judaism's liberal branches. However, with regard to secular education, rabbinical authorities felt increasingly anxious about its accessibility to all women -- including the Orthodox. Reflecting, this anxiety, their responsa grew lenient, designed to encourage Talmud Torah for women.

Meanwhile, as this theoretical debate over Torah study for girls was waged for seventy years from Ettlinger to Sorotzkin, Orthodox schools for girls began to appear on the map. In 1937, for example, there were 230 Beit Yaacov schools. Rabbi Sorotzkin's responsum was issued in 1941. Since then, there has been little formal opposition to Talmud Torah for women, despite the Codes' general disregard for it. Instead, the argument evolved from one over the propriety of formal religious education for girls to one

over the content of their Torah study. Yet despite this progress, discomfort still exists in the Orthodox community over teaching Torah to women. The publication of articles with titles such as "May Women Be Taught Bible, Mishnah and Talmud?" in Orthodox publications like Tradition,²³ irrespective of the halakhic stand their authors' may take, indicates a lingering ambivalence. Nonetheless, since Rabbi Sorotzkin's responsum, the major rabbinical authorities, such as Yechiel Yaacov Weinberg, Ovadia Yosef and Moshe Feinstein have moved to other, ancillary questions, indicating their acceptance in principle of the concept of Talmud Torah for girls and women.

Hence, in an undated responsum,²⁴ a question came to Rabbi Yechiel Yaacov Weinberg (1885-1966), who was one of the greatest rabbinic scholars of the modern period and the last rector of Berlin's Rabbiner Seminar Fuer Das Orthodoxe Judentum, founded by Rabbi Esriel Hildesheimer in 1873 and the center of modern Orthodoxy. The seminary was closed by the Nazis in 1938 shortly after Kristallnacht. Rabbi Weinberg held a Ph.D. from the University of Giessen, and through his life and work introduced German Orthodoxy to the viewpoints of the East European yeshivot. He managed to survive his internment in various concentration camps during the Holocaust, and, following the war, settled in Switzerland, from where he exercised considerable influence. The question was posed by a French rabbi who spoke on behalf of the rabbinic advisory committee of the Yeshurun organization. This Orthodox institution sponsored summer

and winter camp educational programs which included coeducational chanting of Biblical verses and singing of Shabbat and other sacred songs for several years.²⁵ The rabbi was evidently under pressure from a group of ultra-Orthodox rabbis to put a stop to the practice, although he did indicate that formal lessons were indeed segregated. The group of rabbis claimed that men and women should always be segregated, and that they certainly should not be singing sacred songs together. The rabbinic committee wanted to know if Weinberg agreed or not with the objecting rabbis.

Weinberg began his responsum by acknowledging that the tradition was clear in its opposition to mixed gatherings of men and women and to hearing the voice of a woman (kol isha ervah).²⁶ Nevertheless, he approved of Yeshurun's coeducational activities by reasoning that the organization had apparently modeled its program after the modern Orthodox in Germany. He cited the fact that Rabbi Esriel Hildesheimer, the leading German rabbi, lectured on Bible and the Shulchan Arukh to girls. He went on to indicate that the complaints originated with Polish, Hungarian and Lithuanian rabbis who arrived to France following the Holocaust and who were unfamiliar with such modern customs. He moreover asserted that they were unaware of the degenerate condition of Judaism in France, and accused them of endangering the status of an educational organization which had produced "entire generations" of enlightened religious Jews. In doing so, he identified the gulf between the worldviews of

the German and Polish communities. In the latter communities, the Enlightenment was not welcomed as it had been in Germany, and thus Jews in eastern Europe were not seriously exposed to the idea of a secular education, let alone to women in places of higher learning. The rabbis of Poland, Hungary and Lithuania brought their resistance to such modern influences with them to France following World War II.

In a most eloquent style, Weinberg described the painful realities of Jewish life in France. He observed the tolls taken by freedom, materialism, and the pressures of assimilation. Weinberg bewailed those young French Jews who would turn, due to loneliness, resentment for Judaism, attraction to the gentile world, or a simple lack of strong Jewish identity, to the secular world in search of self-fulfillment without an organization like Yeshurun. Weinberg described French Jewish youth as viewing the Judaism of the old school as a life of seclusion and isolation, Torah studies as painfully boring, and Jewishness as a spiritual ghetto of the Middle Ages from which one should escape. He furthermore maintained that because they had no common ideals, young French Jews, both male and female, were cut off from any relationship with the Jewish community and were therefore drawn in by the predominant gentile milieu. Weinberg argued that the Yeshurun organization attracted these young people, and that through its religious, coeducational programs, it instilled them with confidence in their Jewish identity. Finally, insisted Weinberg, Jewish leadership had to realize that in a post-Emancipation era,

it no longer held political sway over the Jewish individual, who was obviously free to leave the framework of Judaism.

In addition to his sociological argument, Weinberg supported his accommodationist position with an appeal to the sources. There had been two objections to the Yeshurun programs. The first was that males and females should not mingle, and the second was that they should not sing together. To refute the first objection Weinberg cited the Talmudic passages which related to the segregation of men and women in the Temple. He submitted that the restrictions were intended to keep men from having sexual thoughts (hirhur aveira), and that these rules of segregation only applied to the synagogue. Therefore, it was unnecessary to place such restrictions over a group of men and women who had gathered for other reasons.

The second objection was rooted in a very complex issue -- the Talmudic and codified prohibition against listening to the voice of a woman. The major sources were divided,²⁷ but the results of the argument appeared in the Shulchan Arukh. Among other restrictions on hearing a woman's voice, Joseph Karo ruled that one should avoid hearing a woman's singing voice while reciting the sh'ma.²⁸ Karo's restriction was expanded by Rabbi Abraham Gumbiner in the Magen Avraham: "The singing voice of a married woman is always forbidden to be heard, but her speaking voice is permitted."²⁹ One more proscriptive step was taken by

Rabbi Joseph Te'omim, author of the P'ri Megadim. He extended the ban on hearing a woman's singing voice to include unmarried women as well.

Rabbi Weinberg refuted this objection by citing both practical and theoretical precedents. He pointed out that Rabbis Hildesheimer and Samson Raphael Hirsch had permitted mixed singing in their German congregations. But that was not sufficient support, felt Weinberg. Ultimately, he relied upon two other sources. The first was a Sephardic ruling cited in S'dei Chemed, a nineteenth century halakhic encyclopedia, which employed the biblical verse (Shoftim 5:1) in which Deborah and Barak ben Avinoam sang together. This biblical passage led to the legal principle that "two voices are not heard" simultaneously (trei kalla la mishtamei). The second and more significant source was the thirteenth century author of Beit Hab'chirah, Rabbi Menahem Hameiri, who, relying on Maimonides, said that it was forbidden to listen to a woman's voice with the intention of enjoying it, for that would arouse sensuous thoughts. That being the case, concluded Weinberg, there was no reason to prohibit the young men and women from singing sacred songs together at Yeshurun, since those songs aroused religious feelings, not thoughts of sin..

The conclusion of his responsum is most significant, for Weinberg, as he did in his Bat Mitzvah responsum, went beyond the limited scope of the question to a consideration of the entire issue of women's participation in a traditionally male-dominated sphere. He demanded that

women, who in every aspect of their lives outside of Judaism were treated equally, not be barred by the Orthodox in the name of unbending adherence to a legal principle like kol isha, which R. Weinberg viewed as a "righteous custom and practice of modesty." Such actions were offensive to women and would only serve to drive them away from Judaism, something Weinberg made clear was the current dangerous trend in France. Before closing, he returned to his criticism of the ultra-Orthodox, saying that they "rely on themselves and do not worry about tomorrow, nor the religious future of their children." Weinberg recommended the creation of a coeducational religious youth movement which would capture the hearts and souls of the younger generation of French Jews. Weinberg's responsum reflects the important divergence between those who followed the tide of German Orthodoxy, which more or less embraced the modern world, and those who clung to eastern European customs and thereby resisted the forces of modernity with equal tenacity. Weinberg was clearly a great advocate of minor innovations, such as the Bat Mitzvah and coeducational singing, which he accepted as the most pragmatic means of combating the allurements of an open secular society.

While he championed a moderate posture on the aforementioned issue, Weinberg was careful to clarify that he did not advocate a coeducational classroom. Even at Yeshurun, which held an enlightened view with regard to the celebration of Shabbat through group singing, formal Torah lessons were

segregated. Rabbi Weinberg never broached this sensitive topic in this responsum or in any other, but one is moved to speculate, given Weinberg's rationale for his support of mixed singing, that he might have sanctioned a coeducational classroom if he believed it would contribute to saving the Jewish community from potentially destructive forces.

One rabbinic authority who faced and rebuffed those who sought a mixed classroom for their children was Rabbi Moshe Feinstein (1895-). Rabbi Feinstein, born in Uzda, near Minsk, Belorussia, is the leading Orthodox rabbinic authority in the United States. He emigrated to America in 1937, where he serves as Rosh Yeshiva of New York's Metivta Tiferet Yerushalayim. Feinstein is a prolific author of responsa, and his rulings are authoritative throughout the world. In his first responsum on the issue in 1954, he drew upon such authorities as the Magen Avraham and the Chafetz Chayim to support his contention that coeducation would teach boys that Judaism sanctions mixed gatherings.³⁰ Although Feinstein admitted that there was actually no prohibition against coeducation for children or for teenagers, he ruled that boys and girls must be taught to keep a distance from each other, so that when they develop an evil inclination (yeitzer ha-ra), they will be accustomed to the distance. There was one exception to the rule. If, in the event of an emergency (presumably economic) that a community could not maintain separate facilities for the sexes, it was better to place girls in classes with boys than to send them to public schools. Hence, Feinstein made clear his

position that universal Jewish education -- even if it meant a coeducational classroom -- was preferable to no formal Jewish education for girls.

Feinstein remained obstinately against coeducation for children, issuing several more responsa -- in 1960, 1969, 1971 and 1980³¹ -- which reiterated his position. In his 1960 responsum he added that any leniency in this matter would open perilous doors. For example, if young boys and girls were placed in the same classroom -- against which there was no explicit prohibition -- establishing an age limit for the status "child" (katan), would become arbitrary, and thus if boys reached the age of evil inclination when there were still girls in the classroom, they would lose their capacity to learn. He also interpreted at length a passage from Talmud (Chagiga 3), wherein the outcome, above all, was a father's obligation to teach his son Torah (chiyuv chinukh). The implication of this passage for Feinstein was that the presence of girls in the classroom would distract the boys and thus diminish the father's reward for educating his son.

In a similar vein, when Feinstein was asked about ten years later if it was permissible to build a Beit Yaacov school adjacent to an extant yeshiva, he responded with an unqualified "no."³² Interestingly, those who asked pointed out that it would be economical to do so. Nonetheless, relying on Maimonides, Feinstein asserted that although there were no explicit sources on this question, it was

preferable to restrain the yeshiva students' evil inclination by building the Beit Yaacov facility in a different locale. Thus, not only was Feinstein adamantly opposed to the coeducational classroom, but he also resisted building boys' and girls' schools in close proximity. It is difficult to draw conclusions about Feinstein's motivation to block the Beit Yaacov building, and about his attitude toward Beit Yaacov in general, from this responsum alone. Regardless, it was the prior existence and vitality of the Beit Yaacov enterprise which actually enabled Feinstein to be stringent. Had no Jewish girls' schools existed, and the Orthodox community was battling the tide of assimilation as it was in Rabbi Weinberg's description of France, perhaps Feinstein would have seen fit to support such an endeavor.

He was asked again in 1980 if he would support coeducation, and again, he issued a negative reply.³³ Feinstein reiterated his rationale, but this time added that under no circumstances were boys and girls in the seventh or eighth grades to be learning together, nor should they be allowed to mingle during their free time after school. Evidently, Feinstein felt that at this age, the father's obligation to educate his son was a higher priority than universal education. Although Feinstein never issued a formal responsum opposing Talmud Torah for girls, his position in this responsum reveals his limited support for the idea and its practical limitations. Hence, it will not be surprising to learn that when Feinstein was asked whether he supported the teaching of Mishnah to girls, he published a remarkably

brief responsum in which he drew upon the aforementioned Talmud and Codes passages on tiflut to bolster his opposition to such a suggestion, ignoring everything written about the question since the sixteenth century.³⁴

In view of these Feinstein responsa, it is difficult to explain how and why, in 1960, he took a permissive posture when an unusual question was posed to him.³⁵ The members of a secular organization, evidently Jewish men and women, decided to close their meetings with a short lecture on Jewish legal and moral subjects (d'var-Torah), and wanted to know if it was permissible for the women to remain for the lecture. Feinstein ruled that it was indeed permissible, and he did so on two levels. First, he complained that he did not understand how men and women could be so lax about holding mixed gatherings. But as long as they were already doing so, he did not see any reason why women should leave before the d'var-Torah. Second, relying on a passage in Tractate Chagiga, he maintained that from an halakhic standpoint also, it was "beneficial for women to learn words of Torah." His only stipulation was that if the hour arrived for the afternoon or evening prayers, and the men wished to pray, the women had to leave the room. Presumably, Feinstein judged leniently in this case because it was an Orthodox group which gathered for non-religious purposes. There was no doubt about their piety -- Feinstein was "preaching to the converted." He therefore found its members worthy of praise for their intention to learn Torah

before the end of their meetings.

Rabbi Feinstein's several responsa on the issue of coeducational studies shows his consistent and inflexible attitude toward any inclination in his community to be lenient. His rigidity demonstrated his unwillingness to yield to the pressures which obviously infiltrated and influenced a certain sector within the Orthodox community. As Feinstein perceived it, the identity and integrity of Orthodox Judaism relied in part on the maintenance of strict segregation between boys and girls in an educational setting. To relinquish such a tradition, in Feinstein's eyes, was tantamount to sacrificing the quality of education of Jewish boys, and besides, as long as he was interpreting the law, there was no justification for a mixed classroom in Jewish tradition. However, the pressures to acquiesce must have been substantial, for Feinstein wrote several responsa on the same issue over a thirty year period, and with each responsum he grew increasingly hostile to the idea of coeducation. Although he never mentioned the Reform or Conservative Movements in these responsa, Feinstein must have felt that one characteristic that would always distinguish the Orthodox from the liberal communities would be the segregation of the sexes. This observation helps explain Feinstein's obduracy as an attempt to establish and maintain visible distinctions between the Orthodox and the non-observant.³⁶

One other rabbinical authority in the modern period, Rabbi Ovadia Yosef (1920-), issued a responsum in 1964 on

the question of coeducation.³⁷ Rabbi Yosef was born in Baghdad, but was taken to Jerusalem when he was four years old. He served as Sephardi Chief Rabbi of the State of Israel from 1972 until 1983, and is a prolific author of halakhic works. The question posed to Yosef was similar to those which had faced Feinstein. In Yosef's instance, the case was of an Israeli settlement of Orthodox and non-observant families in which a secular school existed. The religious parents desired to build an Orthodox kindergarten and school for their children, but there were not enough children to warrant building separate facilities for the two sexes. Was it permissible, they wanted to know from Yosef, to teach the children in the same classrooms? Yosef began his responsum by citing many biblical and rabbinic sources which, in order to prevent the children from sinning, plainly denounced the mixing of sexes in many settings. For example, Yosef accepted the rabbinic interpretation of Zechariah's messianic vision of a Jerusalem in which children play in the squares to mean boys and girls separately, because the verse read, "boys and girls will play in the squares," and not, "boys with girls will play in the squares."³⁸ And, Yehuda He-chasid wrote, "Do not mix boys and girls together, lest they sin."³⁹ Yosef also brought numerous Talmudic references to bear on this classic opinion.

However, Yosef pointed out, this was a case involving young children who did not as yet have an evil inclination, and because it appeared unreasonable to build separate

facilities, he was disposed to flexibility. In his assessment of the situation, Yosef confessed that regardless of the reverent atmosphere in their homes, Orthodox children who attended school with non-observant children were likely to imitate their friends rather than their parents. Such an admission betrays his fear of secularism's appeal to observant Jews in a free market, and his response, that he preferred coeducation in a religious school over sending the children to a secular school, was pragmatic under the circumstances.

Rabbi Yosef himself suggested a possible objection to his own decision. That objection was that a coeducational classroom might indeed violate a father's obligation to educate his son. This was a serious concern, for if it was true, it might jeopardize not only the son's religious education, but also the father's reward for fulfilling the commandment. His lengthy exposition of the clashing rabbinic sources on this issue indicates Yosef's uncertainty over it. Thus he concluded that whenever possible, separate facilities should be arranged for even the youngest children, and certainly by age ten.

Because he was in Israel, and not in the Diaspora, Rabbi Yosef was not faced with the reality of Christianity in the public schools. Nevertheless, he foresaw similar dangers in the "free" schools in Israel that both Feinstein and Weinberg perceived in non-Jewish institutions in the Diaspora. All three rabbinical authorities acknowledged that the realities of an open society posed serious questions

for Orthodox Judaism which called for thoughtful and reasonable responses. The classroom, because of its fundamental role as a model for the community, was a natural, but of course controversial, testing ground for religious principles. Indeed, it was through formal education that Orthodoxy could hold on to its children. Thus, all three rabbis responded, each with his own degree of leniency, to pressures their predecessors in the pre-modern world never encountered. The impression they leave is that none of them was pleased with the choice he was forced to make, although Yechiel Weinberg appeared somewhat eager to encourage a degree of equality and participation for females. His reliance upon the German authorities supports this conclusion.

It remains to be seen whether decisors such as Feinstein, Yosef, or others will change their opinions in the future. But with the influence enjoyed by liberal Judaism in the Diaspora and secular Judaism in Israel, coupled with the recent popularity and strength of fundamentalist Judaism in both communities, any movement toward openness seems unlikely.

Yet a sector of the Orthodox community, the "modern Orthodox," have been open to advances in Talmud Torah for girls and women. A few examples will suffice to show the spectrum of views as they are reflected in various schools in the Jewish community. Yeshiva Flatbush teaches girls Bible, Mishnah and Talmud, but separately from boys. Ramaz, considered to be liberal in the Orthodox community, has coeducational Talmud classes, as well as a variety of

Jewish studies courses required of both boys and girls. In Yeshiva University High School for Girls, Bible and Mishnah are required courses of instruction while Talmud is an elective. In the Maimonides Yeshiva in Boston, which is under Rabbi Joseph Soloveitchik's direction, girls are taught the full range of Torah studies including Mishnah and Talmud, together with the boys. Beit Yaacov, however, teaches only Bible.

At Stern College for Women, which opened in 1954 under the auspices of Yeshiva University, the students have studied Gemara since 1978, when Rav Soloveitchik taught the first Talmud shiur to be offered there. It remains an elective, while a full range of Jewish studies courses, including halakhah, history, philosophy, and Hebrew language are required for graduation. Women may also study Talmud coeducationally at Yeshiva's Bernard Revel Graduate School. Dr. Leo Landman, dean of the school, says that there has "never been opposition to men and women studying together here." He feels that it has never been controversial because the courses at Bernard Revel are scientific, and not holy studies (limudei kodesh). Moreover, he feels that the evil inclination is not an issue because, generally speaking, the students are older, "many of them married." It is clear that American Orthodoxy has, in practice, moved far beyond the limits set by any earlier authority.

In Israel, the de-Rothschild school teaches its students Bible, Mishnah and Talmud. Michala requires Mishnah, while Talmud is optional. Beit Yaacov in Israel, established in

1933, like their sister schools in the United States, teach only Bible. Bible is also the only subject of Torah studies at the ultra-Orthodox B'not Yerushalayim, Beit B'rakha, and B'not Rachel schools in the Mea She'arim quarter of Jerusalem, but the language of instruction is Yiddish.⁴⁰

Finally, an example of an Orthodox institution where they do consider the studies to be limudei kodesh and where men and women study Talmud together is New York's Lincoln Square Synagogue. Rabbi Saul Berman asks, "If Torah study is to occupy such an important place in the life-style of Jewish men, how can we expect it to play no role whatsoever in the lives of Jewish women? The failure to educate women Jewishly deprives Jewish scholarship of most valuable resources which we cannot afford to lose."⁴¹

NOTES TO CHAPTER I: TALMUD TORAH FOR WOMEN

1. Deuteronomy 11:19
2. B. Talmud, Kiddushin 29a.
3. Mishnah Sota 3:4 (cf. B. Talmud, Sota 20a and 21b).
4. For a discussion on the dispute between Ben Azzai and Rabbi Eliezer, see, for example, Rachel Biale, Women and Jewish Law (New York, 1984), pp. 33-34, or, for a more conservative view see Moshe Meiselman, Jewish Woman in Jewish Law (New York, 1978), pp. 34-35.
5. Tosefta B'rakhot 2:12.
6. For examples of female sages in the Talmud, see C.P. Teschoversh, "Regarding the Education of Girls," (Hebrew), Noam 12 (1969), pp. 78-79, or Anne Goldfeld, "Women as sources of Torah in the Rabbinic Tradition," in Elizabeth Koltun, ed., The Jewish Woman: New Perspectives (New York, 1976), pp. 257-271.
7. Moses Maimonides, Mishneh Torah: Hilkhhot Talmud Torah 1:13; Jacob ben Asher, Tur, Yoreh De'ah 246; Joseph Karo, Shulchan Arukh, Yoreh De'ah 246:6.
8. M. Maimonides, Mishneh Torah: Hilkhhot Korban Pesach 2:8.
9. Joseph Karo, Beit Yosef to Tur, Orach Chayim 47.
10. Shulchan Arukh, Yoreh De'ah 246:6.
11. Moses Isserles, Rama, Shulchan Arukh, Yoreh De'ah 246:6.
12. David Halevi, Turei Zahav to Shulchan Arukh, Yoreh De'ah 246, comment 4.
13. Judah Hechasid, Sefer Chasidim, sec. 313.
14. Saul Berman, "The Status of Women in Halakhic Judaism," Tradition, 14:2 (Fall, 1973), p. 15 and note 44, p. 27 (Shulchan Arukh Harav, Laws of Talmud Torah 1:15).
15. Judith Bleich, Jacob Ettlinger: His Life and Works: The Emergence of Modern Orthodoxy in Germany, Doctoral Dissertation, 1974, pp. 266-267, Minchat Ani, Ki Tavo, p. 126b.

16. David Ellenson, Doctoral Dissertation, pp. 282-283, Esriel Hildesheimer, "A Few Words Regarding the Religious Instruction of Girls."
17. Ibid.
18. Yechiel Mikhal ben Aaron Isaac Epstein, Arukh Hashulchan, Yoreh De'ah 246:19. For a discussion on the early debate over women's Torah study, see Eliezer Waldenberg, Tzitz Eliezer, part 9, pp. 29-32.
19. Israel Meir Hacohen, (Chafetz Chayim), Likutei Halakhot, Sota 3:61.
20. Abraham Neumark, Eshel Avraham, commentary on Sota.
21. Zalman Sorotzkin, Moznaim Lemishpat, part 1, n. 41.
22. David Ellenson, "Representative Orthodox Responsa on Conversion and Intermarriage in the Contemporary Era: A Sociological Interpretation," Paper delivered at the Association for Jewish Studies, Boston, Dec. 18, 1973, pp. 3-4.
23. Arthur M. Silver, Tradition 17:3, Summer 1978, pp. 74-85; other articles include Saul Berman, op. cit., pp. 5-28, Reuven P. Bulka, "Woman's Role - Some Ultimate Concerns," Tradition, 17:4 (Summer 1979), pp. 27-40, and Rabbi Ben Zion Fehrer, "The Appropriateness of Teaching Torah and Talmud to Girls," (Hebrew) Noam 3 (1960), p. 131.
24. It was probably written during the 1950s.
25. Yechiel Yaacov Weinberg, S'ridei Eish, Orach Chayim II, n. 8.
26. See B. Talmud Sukkah 51a and 52a and on the separation of men and women, and B. Talmud B'rakhot 24a for attitudes on hearing a woman's voice (kol isha), as well as Mishneh Torah, Hilkhos Issurei Bi'ah 21.
27. For a thorough discussion of this issue, see Saul Berman, "Kol Isha," in Leo Landman, ed., Rabbi Joseph A. Lookstein Memorial Volume, (New York, 1980), pp. 45-66.
28. Shulchan Arukh, Orach Chayim, 75:3.
29. Magen Avraham to Shulchan Arukh, Orach Chayim 75:6.
30. Moshe Feinstein, Ig'rot Moshe, Yoreh De'ah I, n. 137.
31. Ibid., Yoreh De'ah II, n. 104, and III, nn. 73, 80, and 78.
32. Ibid., Yoreh De'ah III, n. 80.

33. Ibid., Yoreh De'ah III, n. 78.
34. Ibid., Yoreh De'ah III, n. 87.
35. Ibid., Yoreh De'ah II, n. 109.
36. I am indebted to Rabbi David Ellenson for this insight.
37. Ovadia Yosef, Yabiah Omer, Even Ha'ezer IV, n. 4.
38. Zechariah 8:5, See, for example, Psalms 148:12, wherein the preposition "in" is used to explicate "the elderly with the youth."
39. Judah Hechasid, Sefer Chasidim, para. 168.
40. Raphael Schneller, "Continuity and Change in Ultra-Orthodox Education," The Jewish Journal of Sociology, 22:1 (June 1980), pp. 39-45.
41. Saul Berman, "The Status of Women in Halakhic Judaism," op. cit.

CHAPTER TWO:

BAT MITZVAH

Celebrating the day a Jewish boy enters adulthood began in Medieval times.¹ Its purpose was to mark the day a boy became old enough to take responsibility for observing the commandments. Until that day, the boy's father was presumably responsible for his son's piety. The day was highlighted with a ritual feast - a se'udat mitzvah - and a special blessing recited by the boy's father ("baruch she-p'tarani mi'onsho shel zeh" - "Blessed is he who has freed me from responsibility for this boy's conduct").²

A new ceremony, one which celebrates a young Jewish girl's arrival to adulthood originated about sixty years ago, but has become widespread only in the last thirty years.³ The Bat Mitzvah celebration, though encouraged in the Reform and Conservative movements, became a controversial issue among the Orthodox. At issue is whether such a ceremony is appropriate for girls, whether the father should recite the "baruch she-p'tarani" blessing at such an event, and whether a feast in her honor should be considered a se'udat mitzvah, a festive meal, which accompanies the performance of certain commandments, like a brit milah, the finishing of a tractate of Talmud, or a Bar Mitzvah.

In a responsum issued in 1956, Rabbi Moshe Feinstein argued that the ceremony known as the Bat Mitzvah should not be held in the synagogue because such a ritual is not a mitzvah.⁴ Rabbi Feinstein considered the Bat Mitzvah a waste, and since it was an innovation of the Reform and Conservative movements, there was obviously no authority

for celebrating such an event in a young girl's life. Feinstein did however recognize a father's desire to hold some sort of celebration to honor his daughter on her 12th birthday, the day she reached the age of majority. Thus he permitted, albeit reluctantly, such a simcha to take place -- but only at home, and he would consider it nothing more than a normal birthday celebration.

It is interesting to note that in this responsum, Feinstein did not cite any legal authorities to anchor his position against the Bat Mitzvah. Moreover, he did not refrain from using his responsum on the Bat Mitzvah as a forum for his opinion of the Bar Mitzvah. If it were up to him, said Feinstein, he would do away with the Bar Mitzvah as well, because from his viewpoint, such a ceremony does not bring the boy any closer to the tradition. In fact, Feinstein continued, reflecting his perception of the lavish affairs often held to celebrate a Bar Mitzvah in this country, such ceremonies cause people to violate Shabbat and commit "other transgressions." Feinstein admitted, however, given that the Bar Mitzvah is in fact a mitzvah, that it would be difficult to put an end to such celebrations.

Answering what appears to have been a similar question to that which prompted the 1956 responsum, three years later Feinstein responded to Rabbi Meir Kahane of New York regarding the Bat Mitzvah issue.⁵ Feinstein reiterated his opposition to the whole idea and his stance that the girl's

12th year ought to be marked like any other year -- with a birthday party at home. This time though, Feinstein, reflecting some easing up of his previous position, permitted a kiddush and a few words of praise to be recited at the synagogue -- consistent with any simcha one might celebrate with a kiddush. Nothing, he made it clear, should be said from the pulpit. It should be noted that in this 1959 responsum, he repeated his general attitude about the Bar Mitzvah -- that despite what one might think, the celebration does not bring Jewish boys closer to the tradition and it causes people to profane Shabbat. Feinstein went on to warn Kahane that even if he thought he had some exceptional cases among the girls, the majority of cases would prove Feinstein was right. "Hence," he closed, "we must reject this new interest, the Bat Mitzvah, and not welcome it."

In 1963, Rabbi Feinstein issued a responsum to an observation made about his first responsum of 1956.⁶ The question, "why is a se'udah prepared for a Bat Mitzvah not a se'udat mitzvah?" was posed to Feinstein. As Feinstein reported it, the questioner objected on two fronts. The first was that a girl, at age twelve becomes obligated to perform the mitzvot, just as a boy does at age thirteen. The second was that whether or not she recited a d'rasha, the meal at the celebration ought to be considered a "se'udat mitzvah," just as it would under the same circumstances for a boy.⁷

Rabbi Feinstein responded in kind, on two fronts. His

first defense of his position was that no such ceremony is known in the tradition. Secondly, he cited Abraham Neumark's collection of responsa, Eshel Avraham,⁸ who objected to reciting the baruch she-p'tarani, and who supported the position against preparing a se'udah for a Bat Mitzvah. Thus far, we have Feinstein's legal viewpoint. But the second half of the responsum reveals Feinstein's actual opinion on women, their place in the community, and their obligations toward the mitzvot. He said that when a girl becomes an adult, her rights and responsibilities vis-a-vis the community do not really change -- as compared to a boy's when he becomes a Bar Mitzvah, at which time, for example, he would be included in a minyan. Such was not the case for women. Given all of the above reasons, Rabbi Feinstein saw no need for a ceremony for girls. While he admitted that the joy of a daughter's maturity was equal to that of a son's, this was no reason to mark the event with a feast. No mention of the girl's feelings was made by Feinstein, which will prove interesting in light of the discussion to follow on another legal authority's opinion of the Bat Mitzvah. Characteristic of Rabbi Feinstein's point of view was his lack of a sound legal buttress. Each of his responsa is as restrictive as the last (save his permitting the "birthday kiddush" at the synagogue), yet even when challenged, his final responsum in 1963 reflected more his personal feelings about the lack of virtue of the Bat Mitzvah, rather than a formal legal

presentation to support his position. To argue that no precedent for such a ritual existed in the tradition was Feinstein's utter dismissal of those both in and out of his community who were searching for a formal Jewish way to celebrate their daughters' reaching the age of majority and to motivate their daughters to embrace Jewish tradition. Moreover, Feinstein's rejection of the Bat Mitzvah because he viewed it as a Reform and Conservative innovation reflected his resistance to the growing influence of liberal Judaism in America in the 1950s and 1960s, and his need to set clear boundaries for the Orthodox community.

The same factors which caused Rabbi Feinstein to adopt his stance against the Bat Mitzvah caused another halakhic authority to rule in a radically different way. In a responsum published in 1963, Rabbi Yechiel Yaacov Weinberg wrote to the chief rabbi of a large city in France on the question of the legality of the Bat Mitzvah ceremony.⁹ The French rabbi's concern was centered on the legal prohibition against imitating one of the customs and beliefs of the gentiles (bechukotayhem lo telkhu),¹⁰ which was the reason the Lithuanian rabbi Aharon Walkin, considered a leading writer of responsa, forbade B'not Mitzvah celebrations in the 1930s.¹¹ He evidently felt that the Bat Mitzvah might be construed as a copy of the Christian confirmation ceremony. Rabbi Weinberg began his responsum with a lengthy discussion of the debate among the rishonim on this prohibition. The debate focused on two major issues. The first was the nature of the action being

imitated -- was that action, or was it not, idolatry? The second was the intent of the imitation -- was it, or was it not, imitation merely to copy? The Rambam's position was that it was forbidden to imitate gentiles regardless of the nature of the imitation or its intent.¹² Both the Tur and the Shulchan Arukh agreed with Maimonides' opinion,¹³ though all three recognized there were exceptions to the rule. Moses Isserles, in the name of Joseph Karo and Rabbeinu Nissim, limited the prohibition of "imitation of the gentiles" to two categories. The first was an action which might be suspect of idolatry, and the second was an action which might be defined as licentiousness. Of course both categories were quite flexible in their ability to embrace a wide spectrum of behaviors. The Rama added, however, that there was no reason to prohibit a gentile custom could be borrowed for a particular benefit. Weinberg summarized by saying that the general principle emerging from the discussion was that non-Jewish customs could be adopted, as long as the reason for adopting them was not specifically to imitate the gentiles. Even a few particularly gentile customs could be borrowed, as long as there was no suspicion that the custom might be idolatrous.

In light of his presentation of the debate over "bechukotayhem lo telkhu," Rabbi Weinberg went on to offer his opinion on the question of Bat Mitzvah. Weinberg argued that the only way the Bat Mitzvah might be construed as violating the prohibition against "imitating the

gentiles" was if the Christian confirmation ceremony for girls, which the Bat Mitzvah ceremony evidently resembled, could be interpreted to be idolatrous. If such a ceremony was indeed idolatrous, then the Bat Mitzvah should be prohibited. However, by the same token, reasoned Weinberg, we should also proscribe the Bar Mitzvah, which resembled the Christian confirmation ceremony for boys. Furthermore, he argued sarcastically, the same logic should instruct us to do away with prayer, because the gentiles' prayer is idolatrous. Such conclusions were clearly absurd, and thus Rabbi Weinberg disarmed the opposition.

Though Rabbi Feinstein opined that the Bar Mitzvah ceremony did nothing to bring Jewish boys closer to the tradition, Rabbi Weinberg argued that those who celebrated such events did so to guide their children into maturity. Even the Reformers did not hold such ceremonies to imitate the gentiles, but they did so to hold a family celebration of their child's arrival to adulthood. This view was in sharp contradistinction to Rabbi Aharon Walkin who warned against imitating the practices of the Reformers, whom he called, "the wicked ones of Israel."¹⁴ Rabbi Weinberg's attitude about the Bat Mitzvah was similarly polar to Rabbi Feinstein's. Weinberg wrote:

Those among our brethren who have initiated the Bat Mitzvah ceremony say that they do it to strengthen the feeling of love for Judaism and the commandments in the heart of the girl reaching the age of those commandments; to awaken a feeling of pride in her Jewishness and in her belonging to a great and holy people.

It is irrelevant, continued Weinberg, that gentiles hold a

confirmation ceremony for both boys and girls. They pray in their churches and we worship the Holy One Blessed be He. They have their confirmation, and we have Bar and Bat Mitzvah. Just that simply, the Bat Mitzvah evolved into being when it had never existed before.

Rabbi Weinberg cited a parallel case in a ruling by the fourteenth century rabbinic authority Rabbi Isaac ben Sheshet Perfet (the Ribash), who did not prohibit the practice of visiting the cemetery within the seven days of mourning as a forbidden imitation of a Moslem practice, just as he would not prohibit eulogies as an imitation of Moslem custom.¹⁵ Weinberg further cited the Ribash, who gave his correspondent a piece of political advice, revealing Weinberg's perception of the limits of a rabbi's ability to lead his community on matters of halakhah, his view of the impact social realities have on orthodox legal opinion, as well as a realistic response to liberal Jewish practices which may have been encroaching upon the French rabbi's community. Rabbi Weinberg endorsed the Ribash's view that one should not scrutinize such practices of his people if he wished to maintain a peaceful relationship with them, even if those practices were absolutely forbidden.

Believing in the efficacy of Bar and Bat Mitzvah ceremonies, as noted above, Rabbi Weinberg's view was diametrically opposed to Rabbi Feinstein's. He disregarded a second concern about the Bat Mitzvah -- that such functions might contradict the customs of earlier

generations. It was his perception of a set of social realities which influenced this liberal position. Weinberg lamented that in former generations (presumably prior to the Emancipation) there was no need to be concerned with a Jewish girl's education, as she breathed Judaism in the air and absorbed the spirit of Torah "with her mother's milk." But monumental changes have occurred since then, wrote Weinberg. "The influence of 'the street' extinguishes every spark of Judaism from the hearts of our youth. Jewish girls are educated in Christian or secular schools, which are not careful to implant a love for Torah and the sacred customs of true Judaism in the hearts of their students."

Hence Weinberg not only felt compelled by this reality to approve of the new ceremony, but he was also motivated to go beyond the specific question posed to him to a consideration of the broader issue of Jewish education for girls:

It is painful that in general education, the study of languages and secular literature, the sciences and humanities, we show the same concern for our daughters as we do for our sons. It is in religious education, in Bible study, in the ethical literature of the sages, and in educating our girls about the commandments for which women are responsible that we show utter neglect.

Weinberg furthermore felt that it was incumbent upon the community to "concentrate all their strength on the education of their girls." He went on to praise the advances of the Beit Yaacov schools in the field of Jewish education for girls, calling them "the most splendid

defense we have for this generation." Finally, revealing his sensitivity to and concern for the feelings of girls in the Jewish community, as well as his cognizance of liberalizing forces in the open society in which Jews lived, Rabbi Weinberg concluded his advocacy of the Bat Mitzvah with remarkable forthrightness. "Strict logic and pedagogic principle," he argued, "almost require us to celebrate a girl's entrance into the obligation of the commandments, for the discrimination we show between boys and girls when celebrating their adulthood offends the feelings of the maturing young girl who in every other way has benefited from the Emancipation."

In analyzing Weinberg's summary opinion on the subject, it is clear that he felt, unlike Feinstein who unequivocally rejected the concept of Bat Mitzvah, that the most judicious strategy the Orthodox could adopt to combat the forces of assimilation was one of accommodation, not unyielding resistance to a new ceremony. Rabbi Weinberg did however agree with Rabbi Feinstein on the correlated issue of where the Bat Mitzvah takes place. He stated that the function should not take place in the synagogue, but that it could take place in the hall adjacent or at a private home. He furthermore held that the rabbi should give an instructional d'rasha, admonishing the girl regarding her obligation to observe the principal commandments, such as Kashrut, Shabbat and family purity, her duty to educate her children and to encourage and

support her eventual husband in Torah study and ritual observance.

In his concluding editorial remarks, Weinberg unleashed an angry argument against more stringent rabbis, exposing the divisive power new, liberal ceremonies like the Bat Mitzvah can wield within what is often perceived by outsiders as a unified Orthodox camp. He wrote:

There are those among the God-fearing who forbid and are strict, who ignore questions of logical, reasonable Orthodox practices and who do not even offer halakhic explanations [for their positions]. Rather, they rule on these practices solely on the basis of their personal feelings, and the Jewish heart, holding fast to the tradition of parents and teachers, retreats from any change in Orthodox Jewish behavior... They should not forget that the hearts of those who are lenient about the new custom of Bat Mitzvah beat with reverence for strengthening the religious education of the daughters of Israel. Furthermore, under today's circumstances, our girls are in serious need of spiritual support and ethical encouragement when they attain the age of the commandments.

Understanding that most of the French rabbi's community wished to hold Bat Mitzvah ceremonies, Rabbi Weinberg instructed him not to cause a controversy over the issue, but to insure that the custom be used "to reinforce the spirit of Torah and the commandments in the hearts of the daughters of Israel."

To summarize, the same absence in the tradition of the Bat Mitzvah which informed Rabbi Moshe Feinstein's opposition to it, was exploited by Rabbi Yechiel Yaacov Weinberg as an opportunity to include young Jewish women in a ceremony roughly corresponding to the ritual which marked the coming of age of young Jewish men. Rabbi Weinberg's

responsum is significant in tracing the Orthodox attitude to obviously liberal influences on that community.

Revealing an admirable sense of fairness toward girls, he understood that to provide them with a Jewish education during their childhood, while balking at the Bat Mitzvah ceremony would alienate them. Although Rabbi Weinberg condoned the Bat Mitzvah, we still do not know precisely what the contents of such a ceremony were. That subject too, sparked debate, and for that we now turn to a responsum by another legal authority, Rabbi Ovadia Yosef.

Rabbi Yosef, who published his responsum in 1974, dealt with two questions related to the Bat Mitzvah issue.¹⁶ The first was whether or not a father should recite the baruch she-p'tarani blessing. Such a blessing, to be recited when a boy first read from a Sefer Torah, was first mentioned in the midrash,¹⁷ while no word of it is found in the Gemara. This led to a debate over the precise words of the blessing: should it be recited with or without mention of God's sovereignty? Yosef's responsum summarized the positions of the authorities who lined up on both sides of the debate.¹⁸ Yosef agreed with the majority, who felt that a father should recite the blessing when his son first reads from Torah, but without the contestable words; hence, "blessed is He who has freed me from responsibility for this boy's conduct." Thus far we know the content of the blessing. Now, can it be recited when a girl reaches the age of majority, i.e. at twelve years and one day? Again, the answer is wrapped in debate.

Here, the issue was whether or not a father is legally obligated to teach his daughter the commandments. If he is, then the blessing is proper, but if he is not, then there would be no need to recite a blessing thanking God for freeing him from responsibility for her transgressions, as he never would have been liable in the first place. After presenting the opposing opinions, Rabbi Yosef ultimately concurred with those who argued that a father is equally bound to instruct both his son and his daughter in Torah, and he should therefore recite "baruch she-p'tarani mi'onsha shel zu." This is especially significant, in that such a blessing, in the feminine form, never existed before.

The second question concerned the preparation of a feast to honor the celebrant Bat Mitzvah. Rabbi Yosef cited Rabbi Yosef Chayim Habavli, the Ben Ish Chai, who lived in the nineteenth century,¹⁹ who wrote that a girl should wear Shabbat or new clothing and recite the shehecheyanu blessing on the day she reached adulthood. Additionally, he stated that even though in his younger days, they did not celebrate the event with a feast, he felt that currently it was proper (biz'man hazeh she'osim se'udah le-bat mitzvah, yafeh osim). Rabbi Yosef also noted that Rabbi Ovadia Hadaya, a kabbalist and legal authority who died in 1969, approved of the se'udat mitzvah for a Bat Mitzvah on the grounds that such was the custom for any child who reaches majority age, the day a father should celebrate his release from legal responsibility over his

son or daughter.²⁰ In condoning the Bat Mitzvah and the se'udat mitzvah, Rabbi Yosef openly disagreed with Rabbi Feinstein. He wrote:

...he [Feinstein] does not clarify the question. Since [the girl] has 'entered' the commandments, and she is now in the category of those who are commanded and perform the commandments {greater is her reward}...certainly there is a mitzvah [in holding such a function].

In addition to the father's blessing, the ceremony should include words of Torah, supplications, songs, and praise to God, which were customary at any se'udat mitzvah.

The variety among the three opinions herein presented reveals dramatically different reactions to a new and popular celebration in the Orthodox community: the movement toward the Bat Mitzvah as a correspondent to the Bar Mitzvah. Rabbi Moshe Feinstein's stringent response reflects his resistance to anything new. If the Bat Mitzvah was not known to him in the tradition, then he would countenance no new ceremony, especially if its roots could be found in the liberal wings of the Jewish people. The absence of the Bat Mitzvah in Jewish history was precisely the reason Rabbi Yechiel Yaacov Weinberg saw fit to encourage it. As he perceived the social reality, Orthodox rabbis and educators were doing their female youth a disservice by excluding them from a ceremony which, through inclusion, might encourage them to grow into faithful and pious Jews. Communal realities did not explicitly influence Rabbi Yosef's reaction to the Bat Mitzvah, although it is evident that his awareness of its

popularity informed his choice to advocate them. What Rabbi Feinstein saw as a potentially destructive practice, Rabbis Weinberg and Yosef perceived to be a promising innovation in Jewish education and rites of passage.

The Bat Mitzvah is a perfect example of a custom, today almost universally observed in the Jewish community -- the Orthodox included -- which evolved despite obstacles by prominent authorities like Rabbi Feinstein. The variety in the form and content of Bat Mitzvah celebrations is as diverse as the community itself.

Indeed, in today's Orthodox communities, the Bat Mitzvah (or the Bat Torah as some call it) is widespread, although it appears in various guises. There are limits to the nature of the ceremony itself, since a woman cannot read from the Torah before a mixed congregation (see introduction and chapter on prayer). At one congregation in New York City, the Hebrew Institute of Riverdale, B'not Mitzvah are held at the Women's T'fillah Group. There is a mechitza, but behind it sit the men, who do not participate in the service, and who furthermore are expected to fulfill their prayer obligations elsewhere before arriving for the Torah reading. The ceremony for the Bat Mitzvah is exactly the same as it would be for a boy. On Shabbat morning, the young girl blesses the Torah²¹, chants the maftir and the haftarah. The cantor in Norwalk, Connecticut reported to me that when his congregation has a Bat Mitzvah, it is similar to those at the Hebrew Institute Of Riverdale, but, in addition, to prevent the men from participating in the

T'fillah led entirely by women, the prayerbooks are removed from the men's section behind the mechitza!

At Lincoln Square Synagogue in Manhattan, families celebrate their daughters' B'not Torah. The ceremony is called a Bat Torah to distinguish it from the Bar Mitzvah at Lincoln Square, and from the Bat Mitzvah in Reform and Conservative congregations. It occurs on a Sunday, in the sanctuary, and there is mixed seating. It is not part of a worship service; therefore, as is customary at that synagogue, the Bat Torah reads verses from Scripture -- not from a Sefer Torah. Usually she reads a passage about a woman, she then delivers a d'var Torah, and, finally, the rabbi addresses the young woman. Lincoln Square also has a variation on this theme, wherein the celebrant Bat Mitzvah leads a Havdalah ceremony in the sanctuary. Congregants are aware, though, that they were expected to have made Havdalah at home prior to coming to the synagogue.

At an Orthodox congregation in Brooklyn, New York, whose rabbi was ordained by Rabbi Moshe Feinstein and who is aware of Feinstein's position on the Bat Mitzvah, permits a Bat Mitzvah to deliver a d'var Torah from the bimah during Shabbat morning t'fillot. This rabbi also remarked that twenty years ago a Bat Mitzvah in his community would have been a rare event, but that today "even the Bait Yaacov girls have B'not Mitzvah ceremonies -- they are usually quasi-social events in a room other than the sanctuary in the synagogue."

This young rabbi attributed the evolution to the growing equality between the sexes at that age -- that is, to the fact that there is no difference between the educations of boys and girls. Moreover, as a supporter of the idea that women should be leaders and teachers, this rabbi encourages the Bat Mitzvah as an important event in their preparation for responsible Jewish adulthood. His view is not widely held in the Orthodox community. Generally, there is little recognition of the importance of the Bat Mitzvah, or of the need for an expanded role for women in Jewish life. He justifies his position by relying, predictably, on social realities. He submits that in an age of increasing alienation from Judaism, individual rabbis must do what is right for their community in order to bring Jews closer to the tradition, regardless of Rabbi Feinstein's opposition to the Bat Mitzvah innovation.

NOTES TO CHAPTER II: BAT MITZVAH

1. See B'reishit Rabba 63:12; Avot 5:21.
2. Joseph Karo, Shulchan Arukh, Orach Chayim 225:4. See also Shlomo Luria, Yam Shel Shlomo: Baba Kamma 7:37, wherein he states: "There is no greater se'udat mitzvah than the Ashkenazic custom of preparing a se'udat Bar Mitzvah." See Magen Avraham Orach Chayim 225:4: "It is a mitzvah to prepare a feast on the day a son becomes a Bar Mitzvah, just as it is on the day he gets married."
3. Actually, some type of ceremony to mark the occasion existed in the nineteenth century. Rabbi Jacob Ettlinger (1798-1871) leader of German neo-Orthodoxy sanctioned such observances in order to combat the growing influence of the Reform Movement and himself delivered d'rashot at them. cf. Hama'ayan, 12:2, Tevet, 1972, p. 61, note 25.
4. Moshe Feinstein, Iq'rot Moshe, Orach Chayim I, n. 104.
5. Ibid., Orach Chayim IV, n. 36.
6. Ibid., Orach Chayim II, n. 97.
7. See Magen Avraham to Shulchan Arukh, Orach Chayim 225:4. cf. Rabbi Yechezkiel Landau, Dagul Meraveva to Yoreh Deah 391:2, in the name of the Maharashal.
8. Eshel Avraham 43:5.
9. Yechiel Yaacov Weinberg, S'ridei Eish, Yoreh Deah III, n. 93.
10. cf. Moses Maimonides, Mishneh Torah, Hilkhot Avodah Zara 11:1, and Shulchan Arukh, and Tur, Yoreh Deah 178.
11. Aharon Walkin, Zekan Aharon, Orach Chayim 6.
12. Mishneh Torah op cit.
13. Shulchan Arukh and Tur, op cit.
14. Walkin, op cit.
15. Ribash 158.
16. Ovadia Yosef, Yabiah Omer VI Orach Chayim, n. 29.
17. B'reishit Rabba 63:10.

18. For those in favor of including God's name and sovereignty (shem u'malkhut) in the blessing, see, for example, Meir ben Baruch of Rothenberg (Maharam), Sefer Tashbetz 390, and Jacob ben Moses Moellin (Maharil), Hilkhos K'riyat Torah, p. 63a. For those against including it, see Moses Isserles (Rama), Orach Chayim 225:4 and B'reishit Rabba 63:10.
19. Yosef Chayim Habavli (Ben Ish Chai), Parshat Re'eh: 17.
20. Ovadia Hadaya, Yaskil Avdi V, Orach Chayim 25.
21. The blessing, however, does not include barechu, since this requires a minyan. The t'fillah groups do not consider themselves a minyan for the most part.

CHAPTER THREE:
WOMEN'S T'FILLAH

When one enters an Orthodox synagogue, the voices one hears are the voices of men, whether they rise from the bimah or from the congregation. True, women can be found in the women's section behind the mechitza or in the balcony, but centuries of exclusion of women from the main stage of the traditional synagogue service have, for the most part, drowned their voices and effectively eclipsed their sincere participation at the center of Jewish life -- that is, prayer. Susan Weidman Schneider, a Jewish feminist, wrote that near the close of the Yom Kippur service a few years ago, one Orthodox Manhattan rabbi announced to his congregation that the women "may want to leave early to prepare the meal to break the fast," but would they please be very quiet when coming down from the women's balcony "so as not to disturb the worshipers."¹ But in recent years, the Jewish community has had fewer of these experiences and has witnessed a tremendous increase in the number of women attending synagogue services, as well as a burgeoning of women's prayer groups. These groups have challenged the prevailing male-centered Jewish prayer customs, asking, "can women have a public role in worship?"

In order to treat the Orthodox response to women's participation in communal prayer, we must first briefly examine the sources on the obligation to pray, and on the traditional forum for prayer, the minyan. According to Maimonides, the obligation of prayer is derived from two biblical verses. The first verse is, "You shall serve the Lord your God" (Exodus 23:25). Tradition taught that the

word "serving" must be understood in the context of a second verse, "Loving the Lord your God and serving God with all your heart and with all your soul" (Deuteronomy 11:13). And what did Scripture mean by "serving God with all your heart?" -- prayer.² The Mishnah was clear regarding women's obligation to pray: "Women, slaves and children are exempt from reciting the Sh'ma and from wearing t'fillin, but are obligated in prayer (t'fillah -- generally accepted to be the eighteen benedictions), mezuzah and grace after meals."³ How was it, asked the Amoraim, that women were obligated to pray if prayer was a positive time-bound commandment, from which women were generally exempted? They answered their own question by pointing out that the essence of prayer was to ask for God's mercy, and women, too, need God's mercy. Therefore, the importance of prayer offset its definition as a time-bound positive commandment.⁴ Rashi⁵, the Tosafists⁶, Nachmanides, and most of the Medieval halakhists supported this view⁷.

Maimonides, on the other hand, understood that prayer was originally mandated in the Torah, not in the Mishnah. He therefore concluded that since the Torah fixed no special hours for prayer, the commandment to pray must not be considered time-limited, so women were indeed obligated.⁸ Moreover, he specified the requirements of daily prayer -- praise of God, followed by plea and request, and closing with praise and gratitude. But he did not discuss whether

women were obligated to pray in the rabbinic framework of a fixed text, twice daily. Regardless of whose views one accepted, women were obligated to pray, just as men were. Or were they?

The laws regarding women and daily prayer wound a circuitous path through the centuries, a path which has been well-documented in contemporary literature.⁹ Women were indeed obligated to pray by every authority, though because of the ambiguities left by previous decisors, questions arose regarding the type of prayer for which they were obligated. For example, in commenting on the verse, "and Hannah prayed" (I Samuel 1:10), Shimon Hadarshan, author of the thirteenth century midrashic anthology Yalkut Shimoni, wrote that the verse teaches us that women are obligated in prayer, because Hannah prayed the eighteen benedictions (ha-t'fillah).¹⁰ It should be noted that the Yalkut Shimoni was widely circulated not as an halakhic text, but as a sourcebook for itinerant preachers. Thus in Europe, where the Yalkut was most popular, women's obligation in prayer was an issue sensitive enough that it was addressed by darshanim in their sermons.

Another reflection of the ambiguity with regard to the specific obligations of women in prayer is revealed in the Shulchan Arukh. Although the Talmud had explicitly exempted women from reciting the sh'ma, in the sixteenth century, Joseph Karo ruled that "the proper thing is to teach [women and slaves to recite it] so that they accept upon themselves the reign of Heaven."¹¹ The Rama added that they should at

least recite the first line.¹² Though Karo was specific regarding the sh'ma, he did not specify what other prayers women must recite, only to say that they were obligated in t'fillah -- by which he probably intended the eighteen benedictions.

Then, in the seventeenth century, Rabbi Abraham Gumbiner, in his commentary on the Shulchan Arukh, opined that the obligations of men and women in prayer were identical, but noted that most women did not pray with any regularity, for they seemed to fulfill their obligation [to pray once daily as the Torah had commanded] by reciting a plea in the morning after saying the blessing over washing the hands. He expressed some confusion when he added that perhaps that was all the Talmudic rabbis had required, though Nachmanides and others viewed prayer as a rabbinic commandment with formal, fixed-time prayers for which women were nevertheless obligated.¹³ Rabbi Gumbiner's comment is fascinating, in that he described a reality in his community wherein people's behavior openly contradicted the simple understanding of the Talmudic texts, which unambiguously obligated women to pray. More importantly, Gumbiner noted a distinction between the ways men and women prayed. Women's prayers were private, domestic and individual, while their husbands' were the public and communal prayers of the synagogue.

Such was the reality which obtained until the turn of the twentieth century, when the Chafetz Chayim and Rabbi

Yechiel Mikhal Epstein both reflected on the status of women's prayer. The Chafetz Chayim prescribed that women were obligated to say the eighteen benedictions of the morning (shacharit) and afternoon (minchah) prayers, and that they should be admonished to recite the sh'ma.¹⁴ Equally suggestive was Rabbi Epstein, the Ba'al Arukh Hashulchan, when he admonished that "perforce, we must consider that our women are not careful in fulfilling all three daily t'fillot.¹⁵ Thus despite the law, the comments of the Chafetz Chayim and the Ba'al Arukh Hashulchan reveal that women generally did not fulfill their obligations in prayer. Though it seems that the obligations of men and women were identical, women never actually fulfilled the details of prayer as their husbands had. A number of explanations could be offered for this phenomenon, as the question of public prayer is complex. The most obvious is that women were not counted in a minyan, they could not serve as leaders in prayer (sh'lichei tzibbur), nor were they included in the various aspects of worship, like reading from the Torah. Or perhaps it is because women were relegated to small balconies in synagogues, from which they could barely hear or see the service below. A number of other explanations could be offered, not the least of which was that men were pleased that the shul was their domain, and that their wives' prayers remained at home. Moreover, they received passive approval for their attitude from their rabbis, who apparently did not press the issue. To sum up, it appears that women's prayer, although

halakhically not a time-bound positive commandment, assimilated those characteristics, and women simply did not attend synagogue services.

This truth prevailed until current times. Indeed, as recently as 1976, Rabbi Ovadia Yosef was asked if women were required to pray three times a day or if one recitation of the eighteen benedictions was sufficient.¹⁶ Hadn't this question been resolved? Evidently not. Yosef issued a lengthy responsum in which he ruled that women were not required to pray three times daily, and that one recitation of the eighteen benedictions was indeed sufficient to fulfill their obligation in prayer. He relied primarily on Maimonides and generations of rabbinic authorities who followed his ruling that daily prayer, unfixed both in time-restraints and text, was a commandment from Torah, for which both men and women were obligated. Men subsequently accepted the rabbinic obligation of a fixed text and fixed times for prayer, while women did not. As was mentioned above, Maimonides never discussed whether women were equally obligated in these rabbinic requirements for prayer. This gap in his ruling led to the majority interpretation, no less than the common practice, that women were not obligated beyond the loose requirements of one daily prayer. Yosef aligned himself with that interpretation, and cited a host of influential decisors and their responsa to undergird his position.

Less significant was his opinion than the fact that

the question was still being asked in 1976. Yosef, of course, did not reveal the motivation for the inquiry, nor its source. It could have come from a community in which women wanted to know if they could "get by" with the minimum in prayer. It also could have come from a rabbi who wanted support for his opposition to women who demanded more freedom to participate in communal worship. There is no way of knowing. Despite Yosef's opinion that women fulfilled their obligation through one t'fillah daily, he concluded that if they wanted to pray three times, they could do so without the risk of reciting unnecessary blessings ("ein bazeh chashash b'rakhah"). In fact, he encouraged it. This is a most interesting conclusion, for it brings the entire issue of women's prayer full circle, and reflects the disjunction between the ancient obligations of prayer, which devolved equally upon both men and women, and the divergent paths those obligations took in actuality.

There is another important aspect of prayer wherein there is a division between men and women, and that is the forum for prayer. It has been stated that while women's prayer remained essentially private and personal, men's prayer existed in codified formulas, and was said in a public setting at certain times of the day. The forum for that public setting was a prayer quorum, the minyan,¹⁷ a minimum of ten adult Jews (any Jewish male who has passed his thirteenth birthday)¹⁸, which was required for certain occasions and prayers, like the reading of the Torah and

haftarah, and prayers of sanctification -- the K'dushah, and the various k'deishim in the service, including the mourner's Kaddish. Recently, some have challenged the conventional wisdom regarding the male exclusivity of a prayer quorum of ten, arguing that neither the Talmud nor Maimonides specified men when the minimum of ten was sanctioned¹⁹, and that it was only Joseph Karo who stipulated that ten males were required²⁰. Rabbi Michael Chernick recently indicated that not only men, but women, children and slaves were also obligated in matters of God's sanctity.²¹ Moreover, in 1973, the Rabbinical Assembly, the Conservative Movement's rabbinic organization, voted to allow individual congregations to determine whether they would include women in a prayer quorum. All this, when the sources reveal only one authority, Rabbeinu Simcha, who actually counted a woman in a minyan, and even then he would count only one woman with nine men.²²

As stated above, a minyan is required for the recitation of the mourner's Kaddish. Although women were obligated, just as men were, to sanctify God's name (kiddush hashem), they did not in fact recite the mourner's Kaddish, nor did their rabbis obligate them to do so (just as rabbis did not actively promote women's prayer in general). But, especially in recent times, for those women who have wanted to recite Kaddish for a deceased relative, it is the synagogue experience that awakens women to their exclusion from an important aspect of synagogue life. Accounts of

women's unpleasant personal experiences have filled the pages of contemporary popular Jewish literature²³. But this has been more than just a popular issue, or a cause celebre for feminists. It is also an halakhic question: Can women recite Kaddish for a deceased parent?

Several authorities have responded to this general question. the first was the eminent seventeenth century German rabbi Ya'ir Bachrach, who in 1699 published a collection of responsa entitled Chavat Ya'ir. In his responsum on this issue, he reported that it was common in Amsterdam for a woman who had no brothers to recite Kaddish for her deceased parent.²⁴ Indeed, he acknowledged that there was no evidence with which to deny her right to do so. Nonetheless, he referred to the practice as "strange," and although the daughter might receive some peace of mind by reciting Kaddish, he condemned it. He opposed it not on halakhic grounds, but because such a practice might threaten prevailing Jewish customs which, he reminded his readers, were also Torah.

A contemporary of Bachrach's who lived in Amsterdam, Rabbi Shimon Frankfurter expressed his opposition to women saying Kaddish in his Sefer Hachayim, a manual for women on religious life and conduct.²⁵ Evidently, women in Amsterdam were joining minyanim (shetavo isha bein anashim) in order to recite Kaddish, and that they were enabling others to fulfill the commandment of sanctifying God's name (tiheyeh re'uyah l'hotsi'am kaddish). Frankfurter's objection was, like Bachrach's, based on prevailing custom,

and not on legal grounds.

It was not only in Amsterdam that the traditional customs surrounding the Kaddish were challenged. The Bavarian halakhic authority of the late seventeenth and early eighteenth centuries, Jacob Reischer, was asked by a dying man who had no sons to permit his daughter to recite Kaddish after he died. Reischer allowed the four-year old girl to do so at a minyan which gathered in her home.²⁶ She could not attend the synagogue to do so. Interestingly, in the same responsum, Reischer discussed whether this man's father could recite Kaddish in the synagogue and concluded, relying on the Rama,²⁷ that he could only do so where it was already customary. This is important to note, in that it shows that customs for the mourner's Kaddish were still in a state of flux in the seventeenth century. Thus Reischer, without strict halakhic precedents on cases of this sort, was free to rule leniently.

In a responsum published in 1815, Rabbi Eleazar Fleckeles of Prague complimented the custom in one synagogue in his city which held a special reading of Psalms after the morning service until noon, during which young girls would recite Kaddish for a deceased parent.²⁸ He did not present legal reasoning, except to cite Rabbi Bachrach's acknowledgement as a precedent.

The major twentieth century rabbinic authorities discussed in other parts of this paper have not treated the question of a daughter's recitation of Kaddish. But

several years ago, a debate on the matter appeared in the journal, Hapardes²⁹, in which these responsa were discussed. The debate began when Rabbi Joseph Henkin published an article in which he roundly approved of a woman reciting Kaddish in the women's balcony in harmony with the men below. Suffice it to say that those who entered the dispute each interpreted the responsa to reflect their own biases on the issue. Our purpose here is not to advocate any particular halakhic position. Instead, it is important to demonstrate what factors influenced the positions taken by major authorities of the late seventeenth through nineteenth centuries. There was essentially one simple reality that came into existence for the first time in the late seventeenth century which convinced the rabbis that they needed to at least address the issue: there were daughters who wished to recite Kaddish. Since none of the codes even tangentially treated such a question, it remained for these authorities to draw their own conclusions. Despite the fact that every rabbi who commented on the practice criticized it as strange or ugly, Rabbi Bachrach's sensitive observation that a woman's recitation of Kaddish might comfort her seemed to influence subsequent authorities. Those who clearly condoned the practice did so under limited circumstances -- young girls who had no brothers. Regardless, through their approval, an entirely new practice came into being where it had never existed before.

It should be noted that in the last installment of the

debate in Hapardes, Rabbi Shalom Rubin-Halberstam zealously condemned the custom of women reciting Kaddish on the premise that if the Orthodox approved, it would validate the practices of the "Assimilationists and the Progressives," who wanted to grant equal rights to women with regard to matters of sanctity. Thus, in his opinion, women should never be granted permission to recite Kaddish in the synagogue, nor to participate in any liturgy which requires a minyan (kol davar she'bikdusha).³⁰

There are many other issues which are related to the general subject of women's prayer. In the nineteenth century, when the Reform movement in Europe abandoned the partition which divided men and women in public worship (mechitza), it caused a great stir among the Orthodox and yielded a number of responsa which opposed the innovation. Great rabbinic authorities such as the Chatam Sofer (1855)³¹, Maharam Schick (1880)³², Chayim Halberstam (1875)³³, Hillel Lichtenstein (1908)³⁴, and Eliyahu Guttmacher (1933)³⁵ were severe in their repudiations. Their responsa are well-documented³⁶, and were, it should be noted for our purposes, emotional attacks upon those who wished to alter the traditional mode of synagogue worship more than they were rational, halakhic presentations.

On this issue, there has been little movement from the stringent stand of the nineteenth century among rabbinical authorities in the twentieth century. For example, Rabbi Moshe Feinstein first addressed the issue in 1949 in an

article in the journal Talpiot.³⁷ Feinstein's intention was to address Orthodox Jews whose synagogues had separate seating, but no mechitza. The ideal, in his opinion, was to have a balcony for women. If that ideal could not be realized, then a physical separation must be installed, "such as will rule out any possible frivolity." Feinstein offered that a mechitza reaching shoulder height was sufficient. In four responsa published in 1966, 1968 and 1976, he specified that it should be sixty inches high, although in the 1976 responsum he permitted a congregation to build a regulation-height mechitza with "aesthetic openings" in it.³⁸

Rabbi Feinstein's position was supported by Rabbi Yechiel Yaacov Weinberg in a responsum published in 1961, in which he relied upon Maimonides in stating that the purpose of the mechitza was to separate men and women so that they would not talk to each other and thereby become irreverent (lavoh lidei kalut rosh).³⁹ He openly disagreed with the Satmar Rebbe and other Hungarian rabbis, who argued that the mechitza had to reach above the heads of the congregants. Weinberg said, "with a mechitza of eighteen handbreaths [about sixty inches] it is impossible to become irreverent, and there is no reason to fear that when people come to pray, they will look at each other for enjoyment. It is clear that the Rambam forbade looking for enjoyment, but there is no prohibition against mere glances." These are Weinberg's thoughts on the law. More importantly, he offered an observation about current social

reality. He wrote that the Satmar Rebbe had good intentions in forbidding his followers from praying in a synagogue without a mechitza that extended over the heads of the pray-ers [indeed, the rebbe warned the women to stay home rather than pray in such a synagogue]. "Of course, their intentions are good, to guard the type of modesty which existed in previous generations. However, in our times, the situation has changed, and so have [people's] natures. If the women stay home, Judaism will be abandoned among them. Hence, we cannot dismiss our women, nor alienate them by being overly stringent when there is no solid foundation for it in the tradition." As we have seen with Rabbi Weinberg in the other subjects under consideration in this study, his sensitivity to current sociological realities and to the feelings of women, played considerable roles in the stands he took.

Another responsum by Weinberg and two others by Rabbi Feinstein on related issues are worth noting in this context. In the 1960s, Rabbi Weinberg issued a responsum to the Ashkenazi Chief Rabbi of Israel, Isser Yehudah Unterman, in which he identified with the rabbinical authorities -- mainly Rabbeinu Tam -- and ruled that it was permissible for a woman to fulfill a commandment for which she was not obligated, in this case, ritual circumcision. He cited a case in Abraham ben David of Posquieres' (d. 1198) commentary on the Sifra, in which a woman built a sukkah, though to build a sukkah was a time-bound positive

commandment. According to the Rabad's interpretation, she was exempt from the obligation to perform the commandment -- until she built the sukkah. Once she did, she became obligated in all aspects of the commandment. Hence, her sukkah was subject to the legal requirements for a sukkah's dimensions. This precedent enabled Rabbi Weinberg to rule that it was permissible for women to observe all time-bound positive commandments. Weinberg's fancy legal footwork aside, what is most impressive was his desire to prove by example how a woman might gain access to an aspect of Judaism which was previously the exclusive domain of the Jewish man. In this, as in other cases, Weinberg demonstrated his awareness of the potential benefits which could be reaped through the inclusion of women in areas of Jewish life which were traditionally, but not necessarily halakhically, male.

In 1976, Rabbi Feinstein issued a responsum on the subject of Orthodox Jewish feminists who evidently challenged certain aspects of Jewish law, and who sought a wider role in prayer.⁴⁰ Feinstein's responsum was predictably cool to any hint of an expanded role for women in public Jewish life. He assumed the "party line" -- that God created women to fill the role of childbearer and that women were better equipped than men to raise children. Hence they were released from the obligations of Talmud Torah and other positive commandments which were time-bound. Feinstein considered women who challenged halakhic authority -- who wanted to change certain customs -- to be

heretics. He moreover passed judgment on their motives, arguing that these feminists were fulfilling commandments for the sake of "grumbling" about God and God's Torah. Thus, there was no justification for any change in the law or in practice.

Yet, in 1982, Rabbi Mordecai Tendler, Rabbi Feinstein's son-in-law issued a responsum written on Rabbi Feinstein's stationery which granted permission for a group of women to pray together, as well as to read from the Torah.⁴¹ Tendler first quoted the section of the Feinstein responsum in which Feinstein accused the feminists of heretical intentions. But in an interesting twist, Tendler granted the group credibility by referring to them as a "women's minyan" (minyan nashim). He then stated that he could only offer his opinion that if in fact there was a group of righteous women (k'vutsat tzadkaniot) whose intentions were not to mock God or traditional Jewish customs, but were indeed for the sake of Heaven, Tendler saw no reason to keep them from praying together. With regard to the Torah reading, he warned them to be careful not to read it as though it was a communal reading of the Torah (which would require a minyan of ten adult males). That is, they could not recite the Torah blessings aloud.

Whether the marked difference in tone between these two responsa is indicative of a Feinstein tendenz toward leniency is difficult to say. The first responsum, written in 1976 when the feminist movement enjoyed widespread

popularity, reflected Rabbi Feinstein's fears of its infiltration into the Jewish community. His reaction, consistent with his responses to other challenges he felt threatened Orthodox Judaism, was to reject it as an undesirable innovation. But six years later, through the pen of his son-in-law, he initiated a retreat from his previous stringent position. By then, he evidently became aware of the true and holy intentions of the women who sought his sanction for their prayer group.

There are many other issues which fall under the general rubric of women's prayer which are beyond the scope of this inquiry and which have been treated in other places. On the subject of women and the Sefer Torah, for example, Rabbi Avraham Weiss published a well-documented paper in 1982 in which he showed that there are no "fundamental halakhic barriers that would prevent women from touching a Sefer Torah".⁴² Rabbi Weiss serves as the rabbinic decisor (posek) for at least two women's t'fillah groups. The dearth of responsa on this issue from twentieth century rabbinical authorities such as Weinberg and Feinstein (except for the Feinstein-Tendler responsum above) probably indicates that the question simply has not been raised yet in many corners of the Orthodox community.

Regardless, there are at least six women's t'fillah groups in the New York area alone which are sanctioned by Orthodox rabbis. These groups generally meet in private homes for one Shabbat service a month and often for holidays like Rosh Chodesh. They chant the entire Torah

portion, the haftarah, an individual delivers a d'rash, and they study together. The women began these groups because they were discontent with the "backseat" role to which they were limited in the synagogue. The women are not interested in "tearing down the mechitza," nor in changing the traditions of the synagogue. Hence, they established their own forums for prayer. The liturgy is traditional, and men are not invited except when a daughter is becoming a Bat Mitzvah, in which case less than ten men may sit behind the mechitza.

At New York City's Lincoln Square Synagogue, which serves as a model for other modern Orthodox synagogues, the mechitza divides the sanctuary in half, so that there is equal visual access to the bimah and the ark. Women participate in praying with the men (their voices mingle), and, under certain circumstances like following childbirth, they recite the blessing for having been saved from danger (birkat-ha-gomel). This is done during services, but from the women's side of the mechitza. Finally, women are encouraged to say Kaddish for a deceased parent.

On the other hand, women do not read from the Torah, have aliyot, or count in a minyan. While it may be true that rabbis like Saul Berman and Avraham Weiss, are relatively lenient with regard to women's t'fillah, they of course do not permit any practice that is halakhically specious. Despite their receptiveness, they are bound by Jewish law. As a final note it should be mentioned

that congregations like Lincoln Square Synagogue and The Hebrew Institute of Riverdale in New York, are among the most active, growing congregations in the country -- in any of the four movements. Their memberships are generally well-educated, financially comfortable young urban professionals who are choosing Orthodoxy. Thus we find that despite the perennial inequities toward women in Orthodoxy and the limited partnership they inherit, they nonetheless find meaning in the restricted roles they have been assigned.

NOTES TO CHAPTER III : WOMEN'S T'FILLAH

1. Susan Weidman Schneider, Jewish and Female (New York, 1984), pp. 60-61.
2. Moses Maimonides, Mishneh Torah, Hilkhos T'fillah, 1:1, based on B. Talmud Ta'anit 2a and Arakhin 11a.
3. Mishneh B'rakhot 3:3.
4. B. Talmud B'rakhot 20b.
5. Ibid.
6. Ibid.
7. Magen Avraham, Orach Chayim 106, comment 2.
8. M. Maimonides, Mishneh Torah, Hilkhos T'fillah 1:2.
9. See, for example, Moshe Meiselman, op. cit., Chapter 20, or Blu Greenberg, On Women and Judaism (Philadelphia, 1981), pp. 75-104.
10. Shimon Hadarshan, Yalkut Shimoni, vol. 2, para. 80.
11. Joseph Karo, Shulchan Arukh, Orach Chayim, 70:1.
12. Moses Isserles, Rama to Shulchan Arukh, Orach Chayim, 70:1.
13. Magen Avraham, op. cit.
14. Israel Meir Hachohen, Mishneh Brurah 106:4.
15. Arukh Hashulchan, Orach Chayim 106:7 (emphasis mine).
16. Ovadia Yosef, Yabia Omer, Orach Chayim VI, n. 17.
17. B. Talmud, Megillah, 23b.
18. Shulchan Arukh, Orach Chayim, 55:1
19. Mishneh Megillah 4:3, Mishneh Torah, Hilkhos T'fillah, 8:4,5,6.
20. Shulchan Arukh, Orach Chayim, 55:1.
21. See, for example, Michael Chernick, "The Congregation of Men and Women," (Hebrew), unpublished.
22. Mordecai to Brakhot 27b; Rabbeinu Simcha's ruling was not accepted by other authorities.

23. Deborah Lipstadt, "And Deborah Makes Ten," Moment 6:10, (November, 1981), pp. 20-21.
24. Yair Chayim Bachrach, Chavat Yair n. 222.
25. See Lekhem Hapanim on Tur, Yoreh Deah 376.
26. Jacob Reischer, Sh'vut Ya'acov, v. 1 (1710), Question 93.
27. Shulchan Arukh, Yoreh Deah 376.
28. Eleazer Fleckeles, T'shuva Me'ahavah, v. 2 (1810) Orach Chayim, n. 10.
29. Hapardes, (Adar, Nisan and Tishrei, 1963); Articles by Joseph Henkin, (Adar), pp.5-6, T. Preschel (Nisan), p.20, Shalom Rubin-Halberstam (Tishrei), pp. 14-16.
30. S. Rubin-Halberstam, op. cit.
31. Moses Schreiber (Chatam Sofer) Choshen Mishpat n. 190, Orach Chayim, n. 28.
32. Moses Schick (Maharam Schick), Orach Chayim, n.77.
33. Chayim Halberstam, Divrei Chayim, n.18.
34. Hillel Lichtenstein, T'shuvot Beit Hillel, n. 104.
35. Eliyahu Guttmacher, Zikhron Shlomo, pp. 70-72.
36. See Baruch Litvin, The Sanctity of the Synagogue, (New York, 1959).
37. Ibid., pp. 118-125.
38. Moshe Feinstein, Igrot Moshe, Orach Chayim III, nn. 29, 30, 31, 32.
39. Yechiel Yaacov Weinberg, S'ridei Eish, Orach Chayim II, supplement, n. 14.
40. Igrot Moshe, Orach Chayim IV, n. 49.
41. Mordecai Tendler, handwritten responsum.
42. Avraham Weiss, "Women and Sifrei Torah," Tradition 20:2, (Summer, 1982) pp. 106-118.

CONCLUSION

In 1948, Mordecai Kaplan wrote:

Few aspects of Jewish thought and life illustrate so strikingly the need of reconstructing Jewish law as the traditional status of the Jewish woman. In Jewish tradition, her status is unquestionably that of inferiority to the man. If the Jewish woman is to contribute her share to the regeneration of Jewish life, and if in turn Jewish life is to bring out the powers for good that are in her, this status must be changed. She must attain in Jewish law and practice a position of religious, civic, and juridical equality with the man, and this attainment must come about through her own efforts and initiative.

Rabbi Kaplan's words were prophetic, as the question of the woman's role in Judaism and her status in synagogue life is one of the most vital issues in the Jewish world today. Since the early 1970s, the women's movement has influenced all sectors of Judaism, and has spearheaded revolutionary developments in the spiritual, legal, ethical, and political spheres. Its power and energy have challenged almost every corner of the male-dominated Jewish communal structure.

Even Orthodox Judaism, which has always attempted to remain aloof from secular movements, has not been able to ignore the momentum of feminism, which flanks Orthodoxy both from within and without. Firstly, from without, the feminist objective of breaking down sex-role differentiation in the secular world presents an entirely new model for Western society, and has caused major upheavals in our culture. Such a revolution cannot pass unnoticed by Orthodox women who are exposed to intellectual

and professional leadership opportunities in the secular world, while their Jewish world offers no equivalent possibilities. The result is that often these women leave the boundaries of the Orthodox community in pursuit of self-actualization. Secondly, there is upheaval within the Orthodox community itself. Indeed the community has invited it upon itself, for it has provided the same Jewish education for both boys and girls. But the girls, upon reaching adulthood, are directed behind the mechitza, never to be heard from again. Many of these women are discontent with their status, but they wish to remain Orthodox. The most articulate become outspoken activists from within, and challenge the traditional and conventional wisdom of male authorities on issues such as those explored in this paper. Others simply join women's t'fillah groups, continue their Jewish studies on an adult level, and work toward expanding their roles as they acquire more knowledge.

The January 25-31, 1985 issue of the Long Island Jewish World contained an article entitled, "Women's Tefilah Group Finds Torah Connection Exhilarating." It was a story about women in Great Neck who join together monthly on Shabbat. They are drawn together because there is an "aura of excitement, growth and spiritual wonderment." The t'fillah group in Great Neck is not alone. The sounds of women's voices in prayer have grown stronger and stronger across North America, and they daven with the sanction of Orthodox rabbis in their communities.

But one week after that article appeared, the same newspaper carried a story about a responsum just issued by five of the rashei yeshiva of Yeshiva University which opposed women's prayer groups. The responsum, followed by seventeen pages of documentation by one of the responsum's signators, Rabbi Hershel Schachter, argues that if women wish to fulfill their prayer obligations, they should pray in a synagogue, with a mechitza, and where all of the prayers are recited. Their objection is that because the women's t'fillah groups leave out d'varim she-bikdusha, they do not completely fulfill their obligations in prayer. The poskim at Yeshiva University moreover object to the women's t'fillah groups because, they contend, such groups have never existed before.

Leaving the halakhic legality of the women's t'fillah groups aside, the debate between the rabbis who have condoned, and often championed women's prayer groups, many of them ordained at Yeshiva University, and the Yeshiva University rashei yeshiva who rejected them, suggests that there is plurality in the halakhah. It moreover reveals that the halakhic process depends upon more than theological or even cultural perspectives. What emerges is that the real questions are not halakhic, but have much more to do with general attitudes about women and their traditionally clear role in Judaism, the fear of female usurpation of male supremacy, and with male misperception of the feminists' motive.

We have explored modern responsa on this and other

issues regarding the woman's role in synagogue life. We have tried to ascertain what social realities inspire the formation of opinions on these matters of halakhah. Furthermore, we have explored whether a consistent "official" Orthodox attitude on this subject could be detected. The inquiry yields a number of conclusions regarding the nature of the halakhic process.

First, and foremost, certain social-political realities hover beneath the surface in every responsum, often emerging as the dominant factor in a decision. Among those factors, for example, is the growing influence of secular culture over the Orthodox Jewish community. Every posek recognizes the multiplying points of contact between the Jewish community and the world at large, and their responses reveal a sincere belief in preserving Judaism. Nonetheless, their common beliefs in that goal yield a remarkable diversity of prescriptions for Jewish preservation. The three different responses on the Bat Mitzvah is a case in point. While Rabbis Weinberg and Yosef saw the innovation as a positive educational tool, one that would inspire young girls to live good Jewish lives as women, it was of no consequence to Rabbi Feinstein. He was more concerned about blocking any innovation which originated in the Reform and Conservative Movements, and in repelling their quest for egalitarian Jewish practice.

With regard to Talmud Torah for women, this study shows that social realities shape the halakhah as much, if

not more than, the internal halakhic organism. When Rabbi Sorotzkin declared the necessity of teaching both the Written and Oral Torah to girls, he made it clear that he was battling the growth of secular education within the Orthodox Jewish community. Rabbi Feinstein, on the other hand, is evidently less concerned about the inroads being made by secular education than he is about maintaining an inflexible status quo in his community. Furthermore, his views reflect a traditionally defined attitude about what the role of women should be in Orthodox Judaism. The great gulf between the views of Sorotzkin and Feinstein, with a spectrum of opinions in between, is reflected in the state of education for girls and women in the Orthodox community in areas such as curriculum and methodology. This divergence bespeaks degrees of resistance and accommodation to the world in which the Jewish community finds itself. It moreover reflects the rabbinical authority's awareness, or ignorance, of the power of his message to affect the actions of the individuals in his community.

A second conclusion to draw is that the authorities' judgments on these issues often reflect no more than personal predilection toward inclusion or exclusion of women. Rabbi Weinberg's responsa reflected a consistently open-minded attitude toward welcoming women. Further evidence of his support for this idea was his reliance on the modern Orthodox German rabbis, who seemed to support a wider role for women in liturgy. His perception that women would leave Judaism if they were not included certainly helped

shape his lenient posture. But even underneath the danger of assimilation which influenced him, Rabbi Weinberg still seemed welcoming to women. He reached beyond the accepted strictures and norms of precedent halakhah and, cognizant of the disjunctures of modern Jewish life from the past, proclaimed, "It is time to act for the Lord: violate the (previous) Torah!" In contrast, Rabbi Feinstein, on this issue, reported the strictest precedents he could uncover to set up a smokescreen around his negative, at best skeptical, attitude about the women's movement.

The third inference to be made is that the stringent positions taken in these responsa are a direct function of the strength of the Orthodox community at any given time. For example, Rabbi Feinstein can only maintain his consistent opposition to coeducation as long as his followers will uphold such a philosophy. The moment enrollment in segregated schools decreases -- especially in the boys' division -- Rabbi Feinstein will be forced to reevaluate his opinion. Similarly, Rabbi Schachter's recent responsum opposing women's t'fillah groups seems to indicate what many have described as a shift to the right among a large sector of modern Orthodoxy in America.

Fourth, and finally, what characterizes many of the responsa on these subjects is a fear of things new, of the unknown. Rabbi Feinstein personifies this position: "If it did not exist in the past, it should not be brought into existence now." This has been a major school of thought in

responsa literature. But there is a second school of thought. It believes in looking out into the community, where the "new" custom may already be widespread, and asking what effect it is having on the Jews. In so doing, "newness" is not necessarily to be equated with wickedness.

These two schools, and many others characterize the response of Orthodoxy to the various problems posed by the openness, freedom, and pluralism of the modern world. Indeed, we have shown that in their struggle to save Judaism from the threat of modernity, Orthodox rabbinical authorities have created a spectrum of their own within the boundaries of halakhah. It is thus pluralism within the Orthodox intellectual community that characterizes it, not unity.

Such a reality is instructive for Reform Jewish leadership. Once we understand the nature of the halakhic process to be a synthesis of internal logic and external realities which produces manifold and complex solutions to real questions, then we can lead ourselves and our people to treat halakhah more seriously. In so doing, we can recover it, allow it to inform us, and let it shed the light of Torah as we struggle to be the best Jews we can be.

Many of the world's great ideas and movements have endowed and enriched Judaism, as Judaism has done for the cultures it has touched. As Jews, we are grateful for this cross-fertilization. Feminism is just such an idea and a movement. It is revolutionizing the world at large, and transforming large segments of the Jewish community.

Orthodox Judaism cannot ignore it, for if it does, it will plant the seeds of discord, and possibly disintegration. In a similar vein, we cannot ignore halakhah or Orthodoxy without facing the same possibilities. First, we must accept the legacy of the Jewish legal tradition and recognize its values and lessons. Its very nature of responsiveness and plurality reflects its vitality and potential to shape life and to be shaped by our experiences. We can make this tradition ours too if we refuse to allow others to unilaterally dictate what is right and wrong. Our educated interpretations will be equally valid. As we reach back into the wellspring of our tradition in search of help to face the challenges of a world in need of mending, we must attempt to engage the Orthodox in a partnership with us. For more than ever, the questions facing us need the shared experiences and perceptions of the entire community if we are to secure a Jewish future and succeed in the task of completing God's creation. Though our answers may differ, our need for one another is perhaps greater today than ever before.

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