

BOOK REVIEW

Sefer Nishmat Ha-Bayit: Responsa on Pregnancy, Birth and Family Planning

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Normally, a collection of responsa on technical issues regarding *nidda* would not merit the attention of the general public. Questions like what type of bleeding induces *nidda*, counting seven clean days following D&C, *mikveh* immersion with a hormonal patch, seeing a spot on a tampon, or blood found on a diaphragm –all among the issues discussed here– are crucial questions for a couple observing *tabarat ha-mishpaha*. But, as Jerusalem Chief Rabbi Aryeh Stern mentions in his approbation to this volume, these sorts of responsa are published to be studied by professionals who have to provide halakhic answers to individuals, not laymen.

Nevertheless, publication of *Sefer Nishmat Ha-Bayit* –a volume of 63 responsa and five medical appendices– is an important event worthy of note by both the lay and rabbinic Orthodox community. Yet, that is not because it breaks new halakhic ground; indeed, it is mainstream in every way. Rather, it is important because it marks the latest stage in Rabbanit Chana Henkin’s creative and important Nishmat *Yoetzet Halacha* Program.

Some two decades ago, Henkin responded to the confluence of a number of sociological themes. Women were entering the world of serious Torah learning and gaining access to newly created opportunities for advanced study in Talmud and Halakha. Women were also gaining a voice, asking questions themselves instead of sending their husbands to pose the question.¹ In addition, a sense of *tsni’ut* made women reluctant

¹ A charming anecdote for rabbinic encouragement of this attitude is presented by Dov Frimer (*A Life Steady and Whole: Recollections and Appreciations of Rabbi Aharon Lichtenstein zt”l*. Edited by Elka Weber and Joel B. Wolowelsky (Ktav 2018)):

[My son-in-law] Ori called Rebbe [Rav Aharon Lichtenstein] and proceeded to present the *shailah* [regarding when his wife had to cover her hair] . . . Rebbe, instead of addressing the question, surprisingly asked Ori why he was calling him – Rebbe – rather than Ori’s Rosh Yeshiva, HaRav Chaim Drukman? Ori

to pose *nidda* questions to a male rabbi. (The latter was mirrored in the secular community with women increasingly preferring a female OBGYN physician over a male one.)

While Henkin maintained that “Nowhere within the Rishonim and Achronim is there an opinion that the Halakha prohibits in principle the issuing of a halakhic ruling by a woman,”² she proceeded to create a program to prepare a sort of para-rabbi who would function in a capacity similar to nurse practitioners and physician assistants who work along physicians in treating patients and answering their questions. Most *nidda* questions today require knowledge of the sources but rarely a need for *pesika*, just as most of what is done during a standard doctor’s office visit can be handled by a nurse practitioner who is trained to work alongside a supervising physician. Henkin chose the title “*Yoetzet Halacha*” to emphasize the “para” status. “I turn to the rabbis and to the women who are using the term [*posek*] and I beg them to stop,” she wrote. “It is not accurate, not constructive and will not result in *poskot*. *Ein habraklha metzuya ela bedavar hasamuy min ha’ayin*, constructive change will not be made in the glare of spotlights.”³

All yoatzot halakha learn the *sugyot* of *hilkhot nidda* as well as mastering the aharonim. The exams are on the gemara *sugyot* as well as Beit Yosef, Shulhan Arukh, and aharonim. But what is important is not what they know, but that they know what they don’t know. All yoatzot halakha have been trained to distinguish between applying existing halakhic rulings and knowing when their knowledge is limited and they need to refer to a Rabbi for *pesika*. More than 100 yoatzot have been trained over the years, some seventy-five are active. In North America, 19 yoatzot serve in 52 institutions in 21 communities.

The Program maintains a hotline and internet site served by the yoatzot and supervised by two *posekim*: Rabbi Yehuda Henkin (author of the four-volume *Responsa Benai Banim*) and Rabbi Yaakov Wahrhaftig, the

respectfully explained that the *shailah* is Yoni’s *shailah* and that Rebbe is the *posek* for the Frimer Family. “If the *shailah* is Yoni’s *shailah*,” inquired Rebbe, “why are *you* calling me and not Yoni?” Totally flustered, Ori quickly hung up the phone. A few moments later, the phone rang again in the Lichtenstein home. This time it was Yoni calling, asking to speak with Rebbe. Yoni repeated the *shailah* and Rebbe then told her that she should cover her hair in her in-laws home but that she could be *meikil* - lenient - in our home (150).

² Chana Henkin, “Women and the Issuing of Halakhic Rulings,” in *Jewish Legal Writings by Women*, ed. Micah D. Halpern and Chana Safrai (Jerusalem: Urim, 1998), 284.

³ Henkin, 285.

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Director of the Program. To date, the yoatzot have responded to more than a quarter of a million questions; sixty-three of the responses are included in this volume.

In structure, the educational program for the publication of the volume followed that of the late Rabbi Shaul Yisraeli in publishing Responsa *Be-Mareh Ha-Bazak*.⁴ R. Yisraeli recognized the need for an address for those who wanted an authoritative halakhic discussion but, for one reason or another, did not have a local rabbi to which they could turn. Kollel members prepared the responses which were reviewed by R. Yisraeli and signed by him. Thus, kollel members had real *shimush* in responding to questions, growing as they learned. (Now Rabbis Zalman Nechemia Goldberg and Nachum Rabinovitch review the *teshuvot* before they are sent out.) For this volume, yoatzot prepared the first draft of the responses, which was then reviewed by the editors for final approval. Rabbanit Henkin chose the title Rabbaniyot for the yoatzot respondents, following the current use of a title which has morphed from indicating the wife of a rabbi to indicate a learned women recognized for her own accomplishments.

The inclusion of medical appendices –forty pages on the biology of the female reproductive system, pregnancy, birth, miscarriage, and contraception– reflects the position that halakhic study of *nidda* requires a knowledge of biology and is included in the Nishmat program of study. It also speaks to the fact that many haredi rabbis reading the volume do not have a secular education that would have included biology.

In many ways, this volume is a response to those who have had reservations about supporting this program. For those who were hesitant to support a program without serious rabbinic endorsement, the introductory approbations should put their reservations at rest. Rabbi Dov Leor of Kiryat Arba comments that “there is no doubt that establishing an institution through which yoatzot halacha answer women who present questions regarding *taharat ha-mishpaha* is most blessed, as many [women] find themselves more comfortable to discuss with a woman heart to heart...” Rabbi Nachum Rabinovitch comments that there is a long tradition of women taking responsibility of responding to *nidda* questions. Both of these rabbis, and the others, are *talmidei hakhamim* and communal leaders not specifically associated with feminist issues.

Moreover, in addition to endorsing the program as a whole, these *talmidei hakhamim* comment on the high quality and thoroughness of the writing and knowledge of the respondents reflected in the responsa in this

⁴ <http://www.eretzhemdah.org/ebooks.asp?lang=en&top=1&PageId=28>

volume—something obvious to anyone who reads through the material—thereby dismissing the fear that these women are not (or, in the extreme opposition, cannot be,⁵) sufficiently trained for the demands required.

Those who maintain that there is no need for such a program must face the fact that *a quarter of a million queries* have already been made through the Nishmat hotline and website. Surely, one cannot think that all of these were from communities not served by a competent rabbi. Rather, one should understand that the way to maintain “control” of these types of *she’elot* is to bring the yoatzot program into their respective communities where the final halakhic orientation is in the hands of the *mara de-atra*, under whose authority the yoetzet halacha is trained to function.

Nishmat has already expanded the program in two ways. First, it has begun an American-based educational program open to qualified American women. Second, it has decided to expand the halakhic and medical training to more extensively study reproduction issues, letting the yoatzot become an additional resource for the growing number of people facing these issues.

One can envision other areas of halakhic life that could come under a yoetzet umbrella. Half the members of *hevra kadishot* are women and giving them the opportunity for serious halakhic and psychological training would make them effective *paras* in a big congregation, enabling them to respond to standard halakhic questions while also offering pastoral services in a time of bereavement. Women already serve as *kashrut* supervisors but do not yet have access to serious training in the relevant halakhot. These are areas that Nishmat or other institutions could provide proper training.

Expanding acceptance of the *Yoetzet* program seems like a natural project for the Orthodox Union’s Department of Women’s Initiatives, which is committed “to create programs that will inspire women of all ages and stages to find their personal leadership voice – to lead others and

⁵ “Training women to be halakhic authorities . . . is thus a reckless venture, and one which, although politically correct and likely to be popular with the unlettered and with feminist philanthropists, is fraught with danger to the halakhic process. Training those whose hands quiver to be brain surgeons would be a boon for the status of the handicapped, but would be a tragedy for those who would rely on their service” (R. Aharon Feldman (rosh yeshiva of Yeshivat Ner Yisrael), “Communications,” *Tradition*, 34:1 (2000), 109. He defends his position in “Communications,” *Tradition*, 37:2 (2003), 97ff.)

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lead themselves toward greater religious growth,”⁶ or Yeshiva University’s Graduate Program In Advanced Talmudic Studies For Women.⁷ “Constructive change will not be made in the glare of spotlights,” said Henkin. But it has to be visible, and we should be grateful to Nishmat for this volume which shows to the Torah world how it should be done.

⁶ <https://www.ou.org/blog/news/ou-announces-creation-department-womens-initiatives/>

⁷ For a description of the program, see <https://www.yu.edu/gpa>.