

Rav Aharon Feldman is Rosh Hayeshiva of Yeshivat Be'er HaTorah in Jerusalem and is the author, most recently, of *The Juggler and the King*.

Review Essay

HALAKHIC FEMINISM OR FEMINIST HALAKHA?

That *Jewish Legal Writings by Women*¹ is not simply a volume of legal writings but one with a political agenda is put into clear focus by the endorsement on the back jacket:

Jewish Legal Writings by Women . . . reconfirms Judaism's ability to thrive in history. Jewish tradition has interfaced with hundreds of civilizations. In each instance Torah remained Torah as Jews would integrate the best of a culture and reject the rest. So too, in our encounter with feminism. Both the tradition and Jewish women's lives are greatly enhanced, as these chapters reveal. . . .

Despite the title, what is unique about these legal writings is not merely the gender of the writers, but their agenda, for it is the agenda of the original feminist movement that hovers clearly over most of the contributions.

Feminism—especially in its secular manifestation—has become such a repercussive buzzword that it would be instructive to review some of its essential underpinnings. While feminism is not a monolith, one of these underpinnings is an attempt to abolish the sexual and economic exploitation of women and to elevate their dignity as human beings. Such goals are laudable by all standards and society should be grateful for the advances which feminism has made in this respect.

There is, however, another aspect of feminism that is less laudable. In its extreme form, this aspect seeks to abolish traditional role differences between the sexes, whether they are social, intellectual, emotional or spiritual. These differences are viewed as a product of cultural conditioning imposed upon them by male-dominated cultures. A serious corollary of this perception is that it has led to the denigration of the

traditional role of woman as a wife and nurturer, with serious negative implication for the family unit.² Some of these less laudable aspects of feminism subtly inform this book.

The ideological base for feminism bears the unmistakable imprint of modern society, whose overarching principle—by which other principles must be measured—is the virtually religious belief in the autonomy of the individual and in his inviolable right to pursue whatever pleasures or activities he desires.³ This enthronement of the individual has profoundly affected modern life and underlies much of the radical social changes of recent decades. It is the matrix in which abortion has been converted from fetal murder to a right to choose; homosexuality from a perversion to a sexual preference; assisted suicide from a felony to a right to determine one's own future; and sexual restraint from an expression of human dignity to an anachronism. In most of these cases, previously cherished values have had to give way to what is perceived as the more important right of the individual to do as he pleases.

Feminism is a product of this same ideology. It was born from the perception of early feminists that women were being prevented from obtaining their full share of the so-called good life: money, prestige, power and indulgence in physical pleasure. Because it perceived women's rights to these goods as supreme, it set out to do battle with any value, social norm or behavior that interfered with them. Few goals were considered more valuable for a woman than the goal of her autonomy, or few goals worthy enough to cause a woman to sacrifice her autonomy for them. Radical feminists saw marriage, childbearing, and the encouragement of femininity as part of a plot by males to control women; these had to be revised to fit the agenda of the new woman. The greatest obligation a woman had was to herself.⁴

As a result of feminism, the past three decades have seen a revolution in the Western world in the male-female relationship. From first-grade readers with illustrations of tree-climbing little girls and doll-playing little boys, to legislation requiring women to pay alimony, to the ubiquitous "he/she" pronoun, the manner in which the sexes look at each other has been dramatically changed. It is now politically incorrect to even hint at intrinsic differences between the sexes, or to suggest that the biological differences between them have any significance other than as an accident of nature. To many feminists, women must be described as no more or no less equipped for any role in life, even if these roles are motherhood or serving in the infantry.⁵

So deeply has the principle of feminism been imbedded in the fabric of contemporary life that anyone who dares challenge these princi-

ples invites upon himself a reaction that does not exclude obloquy and ridicule. Even writers in Orthodox Jewish journals who question the conventional wisdom of Orthodox feminists are met with scornful reactions from zealous partisans, both male and female. (A cursory examination of *Tradition's* Letters section reveals that rarely does this department spring to such full vigor as when even a relatively mild challenge to feminist dogma is uttered.) While it is *de rigueur* to question the “male-dominated” halakha, it is out of bounds to question the female-dominated feminism.

Nevertheless, it must be stated without apology that there are serious doubts as to whether the philosophical underpinnings of feminism—even the milder forms that are found in Orthodox Jewish feminism—are ultimately compatible with the philosophical underpinnings of the Torah.

That the Torah's view of life in general and of women in particular is different from that of feminism is obvious. It assigns different roles to each sex, both actional and intellectual. Woman's role as mother is idealized, and in her very creation by God, woman is described as a “help-mate opposite,” a wife who is complementary to her husband in their struggle for survival and their creation of a world which reflects God's will.

The Torah teaches that man has dignity as an individual because he is created in the image of God. Far from being created to be autonomous, he is meant to subordinate himself to God's will. The cravings for physical gratification, power and prestige are far from goals of life; they are the great destructive forces of society which must be contained if humanity is to survive. Empowerment is not success; true success is found in directing one's life away from selfishness towards altruism. In brief, the Torah commands us to enthrone God and our fellow man, rather than ourselves.

A supreme obligation for Jews is to maintain the continuity of the nation and its values. This means giving primacy to the family unit, for only within this unit can Torah values be transmitted to future generations. Accordingly, marriage, motherhood and wife-hood, the basis of family, are to be encouraged and are to be central to life even, if need be, at the expense of other worldly pursuits. Thus, it is clear that halakhic Judaism, based on the subordination of the self to the will of God, cannot mesh with a view of life based on the primacy of personal autonomy.

It is therefore curious that there are many respectable Orthodox women, among them the contributors to this book, who are apparently in spiritual quest for holiness and who value motherhood and family,

who willy nilly echo a philosophy that is incompatible with their own belief system. These women certainly will not accept those parts of the feminist agenda directly opposed to Torah commandments,⁶ but they believe they can safely accept many of feminism's underlying premises.

Among the goals of Orthodox feminists, as gleaned from their speeches and writings over the years, are the following: 1) To counter male-dominated halakha by producing a generation of well-learned women who will serve as *posekot*, female experts in Jewish law. 2) To re-examine Jewish tradition for opinions—especially through utilizing minority views—that will bring modern Orthodox women more in line with the lifestyle of secular women. This includes efforts to demonstrate that the domination by male rabbis has resulted in “misreadings” or in unnecessary stringencies in their interpretations of the sacred texts. 3) To adapt Jewish practice with an eye to the removal of differences between men and women in the performance of *mitsvot*.

Nearly all the articles in this book seek to advance this agenda. They deal with: the rabbis' alleged control of women with respect to their use of cosmetics; the advocacy of artificial insemination in single women; the implications of birth control pills on menstrual laws; the training of female experts in Jewish law;⁷ and the abolition of differences between the sexes with respect to the obligation to study Torah, to rituals involving *tefillin*, *tsitsit*, *kaddish*, *bat mitzva*, and in the blessing *she-lo asani isha*.

Several articles attribute rabbinic enactments regarding women and female modesty to a desire to dominate women or a fear of empowering them. (The same logic could be applied to the many more enactments restraining men's sexual appetites, viewing them as influenced by female domination.) Others advocate forcing the hand of rabbinic authorities in creating changes in halakha. This attitude is expressed in the following statement:

To state the obvious, woman's place in both general and Jewish society, and man's uncomfotability [sic] with woman as a public person, autonomous and in charge of herself, affect the rendering of religious law, especially when—and perhaps because—the decision-making body is all-male.⁸

A few articles are unrelated to the feminist agenda. But even these are meant to demonstrate, as the editors state in their opening paragraph, that women are now “learned and empowered.”

II

In considering the ultimate value of this book, the important question is not whether it is feminist in its conception. The question is: Have the authors presented us with genuine halakhic studies, or are these studies merely a tool to advance their social vision? It is to this issue that we now direct our attention.

The editors of the book seem to be certain that this book is a major contribution to halakhic literature. In their introduction they write:

In the pages of this book seventeen women articulate, engage, and debate essential halakhic issues in the rigorous spirit of rabbinic Judaism, adding new and richly textured voices to the ceaseless dialogue of Torah study . . . Like any rabbi approaching a halakhic subject, these authors approach the material with a respect for, and a deep analysis of, the manifold texts and vibrant spirit of rabbinic literature.

This statement ignores the implicit social agenda of the book and claims to present the reader with bona fide analyses of halakha which, it is implied, are only incidentally written by women.

This claim is not only misleading, it is inaccurate. Rather than “debat[ing] essential halakhic issues in the rigorous spirit of rabbinic Judaism,” the book is composed of two categories of articles: a) those which do not debate issues, essential or otherwise; b) those which debate issues, but not in the rabbinic spirit of Judaism.

Category A comprises about half the book and consists of surveys of various halakhic issues. Based on the standard sources of the Talmud and basic commentaries, and bolstered by secondary sources, they break no new ground for anyone able to read the sources in their original Hebrew, except for occasional conclusions, usually based on tenuous arguments, meant to advance Orthodox feminism.⁹

One article does not deal with any halakhic issue. It is a history of the closing of the Volozhin Yeshiva in 1892, and although it is informative, one wonders if its place is in this collection of “legal writings.” Another is only obliquely halakhic, presenting sources which indicate that women who have attained the proper expertise in Jewish law have the authority to offer rulings—a view to which there is no reason for anyone to take exception, provided the expertise is genuine.

It is category B which, although it comprises a minority of the contributions, deserves serious attention. This consists of articles which indeed “debate” Jewish practice as known heretofore. However, they

can hardly be considered to have been written in “the rigorous spirit of rabbinic Judaism” and therefore their halakhic conclusions cannot be taken seriously.¹⁰

Firstly that spirit would require, at the very least, that a writer embark on his or her research without a target result in mind. After all, rabbinic Judaism sees every halakhic discourse as no less than research into what God’s demands are from man as revealed in the writings of the Talmud and the commentaries. Sadly, one has the sense that many articles in this book are, on the contrary, an exercise in bending the will of God to that of man. One cannot escape the impression that a primary objective is to constrict the authority of Jewish law wherever it does not cohere with current values of society, and wherever it seems to conflict with what society considers religious self-expression or self-satisfaction.

There is never a doubt as to what will be the ultimate decision regarding the issues of those articles which deal with women’s obligations regarding various *mitzvot*, and dissenting views are rarely offered. This kind of tendentiousness is troubling in any serious research, and certainly in what claims to be halakhic research.

III

But these essays not only fail to operate by the integrity of the rabbinic spirit; many of them are antagonistic to it. If there is any claim to uniqueness for this book, it is that it is probably the first book of Jewish legal writings written by those who claim to be Orthodox Jews that contains elements that undermine the spirit of rabbinic Judaism.

After claiming that Judaism believes in a hierarchy of men and women expressed in the blessing, “*she-lo asani isha*,” Gili Zivan asks:¹¹

Are we not being dishonest to ourselves by continuing [the practice of reciting *she-lo asani isha*] without recognizing the revolution which has occurred in the last decades regarding the conception of woman and the conception of the relationships between the sexes?

In other words, rabbinic Judaism (the source of the blessing in question) is to be judged by whether it is congruent with currently popular values, and its rulings are to be discarded where they are incongruent with those values. This approach is in the classic spirit of Reform and Conservative Judaism, which, lacking an anchor in halakha, have historically been unable to resist the lure of passing philosophical fads.

Nonetheless, to adjust Jewish practice to the feminist revolution, Zivan makes several suggestions for a change in this blessing. Her feeling is that the version, “*She-asani Yisrael*,” should supplant the three blessings *she-lo osani goi*, . . . *eved* and . . . *isha* (incidentally, the same change adapted by Conservative Judaism in their recently published prayer-book.) Among the reasons given for her preference is that this version appears in early sources (Talmud and Rosh). Although the version “*she-asani Yisrael*,” is a censored one, inserted out of deference to the Church, this does not concern her, as she explains:

True, the source of this version is apparently a printers’ correction [introduced] out of fear of censorship, but the very fact that there is such a version in our sources (even though it was entered with “a vested interest”) can serve as an convenient “springboard” for those interested in a “kosher” textual support.¹²

Here we have the purported “spirit of rabbinic Judaism” expanded. Not only may a change in a blessing be determined by political correctness, but a patently fallacious source can be invoked to vouch for its authenticity. Such a “source,” we are told, is only necessary for those who are “interested in a ‘kosher’ textual support.” The implication is that for those unfettered by such interests, changes to the text can be introduced without even a fabricated source.

Zivan continues to display her “novel” approach to halakha with what she describes as an “illuminating interpretation to a puzzling gloss of the Rema to the Shulchan Aruch” (cited from Yishai Rosen-Zvi of the Hartman Institute), which she cites to indicate that Rema approved of the censored version. However, serious examination of this interpretation reveals it to be a self-contradictory non-answer to a non-question.¹³

IV

A more substantive reason that this book cannot be considered a serious contribution to halakhic tradition is the uneven quality of its scholarship.

This is not surprising. While many of the contributors are engaged principally in Jewish studies in one form or another, the majority have other occupations. Statistician, family therapist, social worker, student, academic, historian, attorney, computer engineer, and pediatrician—all are honorable professions, but hardly the stuff that makes for talmudic expertise.

The sources for the halakhic rulings which the authors cite are often secondary or trivial: academic journals; a letter to the editor of the Yeshiva University student newspaper; obscure, unpublished manuscripts; personal experiences; and anecdotes. Among those whose halakhic opinions are cited are non-rabbis;¹⁴ rabbis whose specialty is not halakha;¹⁵ and at least one Conservative rabbi.¹⁶ These are hardly the authoritative materials one would expect to find in solid legal writings.

As for the scholarship itself, it seems to this reviewer that where the contributors rely on secondary sources in English they are more often than not on firm footing. But once they venture into the uncharted waters of primary sources they begin to flounder.

Thus, Chana Safrai, one of the co-editors, presents sources for her contention that “[r]abbinic sources . . . seem to reflect a common assumption that women are supposed to use cosmetics in an appropriate manner,” and that “a woman’s behavior is monitored by the Rabbis”—which, in the thesis of her article, is a form of social control. The view that male domination entered into the decisions of the Sages of the Talmud is a feminist cliché unworthy of those who claim fealty to rabbinic authority. (Charles Liebman’s trenchant observation—that the unwillingness “to accept the interpretations of the rabbis as authoritative . . . undermines the basis of halakhic observance”—comes to mind here. See endnote no. 6.)

Safrai bolsters her premise with a series of unfortunate misreadings and misinterpretations of the text.¹⁷ She is even able to find demons of rabbinic control in passages of the Talmud which recognize that it is a fact of human nature that cosmetics enhance sexual attraction (as can be testified to by the advertisements for these products).

In yet another departure from the claim of “deep respect for . . . the vibrant spirit of . . . rabbinic literature,” the article concludes with the statement,

Yes, the Rabbis would like to regulate and control these intimate aspects of life, but even in talmudic times they already admit that women’s inner, personal pressures and preferences are sometimes stronger than their [i.e., the Rabbis’] centralist and conformist vision.

The insistent—and probably unconscious—encroachment of radical feminism’s rhetoric of male control and oppression occasionally reaches exaggerated proportions. Regarding the idea that women’s hair is distracting to men, Norma Joseph, in “Hair Distractions,” would have the same standard applied to men’s hair:

Remarkably, the heads of all males are also to be covered during worship. But there is no parallel standard of concern that women will be distracted. The end result is an affirmation of separation: of male centrality and of the differentiation of women in the worship community.¹⁸

That men are more readily distracted sexually by women than women are by men seems not to have occurred to her. Instead, this is yet another effort by the Rabbis to ensure male centrality and to keep women from serving God to their fullest extent.

The same approach is used by another author. Even though there are opinions which permit women to recite *kadish* in private prayer groups, these do not permit *kadish* in the synagogue. The obvious reason for this, as explicitly stated by one rabbinic authority, is once again that men are easily distracted sexually by women, a fact which might affect their concentration on the prayers. This is a consideration which determines the very structure of an Orthodox synagogue (the *mehitsa*). But Rochelle Millen sees this as part of a design to preclude female participation in worship. She writes:

Until recently, when accretions having to do with sexuality crept into the literature—an obvious interpolation with the aim of precluding female participation when no other grounds existed—it was clear that of course women could, and did, say Kaddish.¹⁹

Having convinced herself that the real reason for the prohibition is the denigration of women, she cannot believe the obvious reason—men's ubiquitous sex drive.

The rabbis can take solace in the fact that an even greater Author of Law is accused of sexism. Torah law exempts women from honoring parents where this conflicts with helping her husband. Tirzah Menachem explains in "Marriage of Minor Girls in Jewish Law" that this is to ensure that "the woman was first answerable to her husband, and only then to God." Following this reasoning, she writes, an unmarried woman "must have been threatening" since "an unmarried status gave her more disruptive power than was the norm for women."²⁰

The slogans of empowerment and of male domination that one encounters here betray the overpowering influence of the lexicon of the most radical feminism—which in turn bears a striking similarity to the Marxist world view in which the dominant ruling classes oppress and exploit. To find the modish clichés of empowerment, oppression and exploitation grafted onto writings that purport to be halakhically grounded

is somewhat grotesque, and demonstrates the extent to which radical feminism has penetrated even the ranks of Orthodox Jewish feminists. One wonders how the editors expected material that is reminiscent of the cant and jargon of agitprop to be taken seriously by scholars.

V

Although some articles display meticulous research with respect to the citation of sources, basic ground rules for halakhic rulings are often overlooked. For example, it is a fundamental—although often unknown or ignored—principle in the determination of Jewish law that halakha is determined by the cumulative decisions of generations of commentaries and decisors. Thus, an opinion of the *Rishonim* codified by the major authorities is inviolable. This is the case regarding the wearing of *tefillin* by women.

It is universally accepted that women are not obligated in this *mitsva* because they are exempt from all time-bound *mitsvot*, of which *tefillin* is one. Generally, women may voluntarily perform time-bound *mitsvot* despite their exemption. However, in the case of *tefillin* this is not so. The opinion of one of the *Rishonim*, Maharam, is that women should not voluntarily obligate themselves in *tefillin* because they cannot always maintain a *guf naki*, which is a requirement for wearing *tefillin*. (This term refers to physical cleanliness, particularly avoidance of flatulence, as well as mental purity, namely the avoidance of levity or of sexual thoughts.)²¹ This opinion is codified by *Bet Yosef*, Rema, *Magen Avraham*, *Peri Megadim*, *Arukh haShulhan* and *Mishna Berura*, authorities upon whom all of Jewry relies.

Nevertheless, Aliza Berger, in her article, “Wrapped Attention: May Women Wear Tefillin?,” prefers the opinion which emerges from other *Rishonim*, that women may obligate themselves in *tefillin*. She presents the codified opinion as conflicting with the Talmud, basing herself on a passage in *Eruvin* 96a which discusses a citation that the Sages did not protest when Michal the daughter of Saul wore *tefillin*. The Talmud asks: Does this prove that these Sages held that women are obligated in *tefillin*? No, is the refutation. Michal merely obligated herself in a *mitsva* from which she was exempt. Thus, writes Berger, “the situation at the end of the Talmudic period is that women may wear *tefillin*.” But the aforementioned authorities specifically cite sources in the Talmud Yerushalmi and Pesikta that the Sages in fact did protest against Michal, and they rule that this view is to be followed.

Furthermore, Berger ignores the explanation of the Vilna Gaon that this ruling does not contradict the conclusion of the above-cited discussion in the Babylonian Talmud. That discussion, says the Gaon, merely explores whether *those Sages who did not protest* were of the opinion that a woman is obligated in *tefillin* by Torah law; it does not mean that the Talmud considers the opinion of those Sages to be authoritative.²² Thus, according to this explanation, it is inaccurate to conclude, as Berger does, that the extant ruling in Talmudic times was that women may wear *tefillin*. In any event, even if we are to say that the ruling in accordance with the opinion that the Sages did protest is a stringency (as some opinions hold), the inescapable fact is that all major classic authorities agree unanimously that women are forbidden to wear *tefillin*.²³

One of the most compelling arguments for prohibiting this is the sin of wearing *tefillin* without a *guf naki*. As *Arukh haShulhan* explains, it is not that men have a *guf naki* and women do not. Rather, men who are obligated in the *mitsva* have no alternative but to enter into the risk of violating the *guf naki* requirement; women, on the other hand, are not obligated in *tefillin* and should not risk violating this requirement. On the basis of several easily refutable arguments Berger dismisses this explanation as “ingenuous.”²⁴

Berger is not disturbed by a nearly unanimous array of the classical *posekim* cited above who prohibit women wearing *tefillin*; rather, she attempts to refute their opinions, suggesting instead that women follow the few permissive contemporary opinions she manages to assemble.²⁵

VI

There is a telling passage in Berger’s article which casts light on her approach to the performance of *mitsvot*. She notes a problem for married women wearing *tefillin*. A woman cannot wear the *tefillin* under her hair covering since head *tefillin* must be exposed, nor over her hair covering since head *tefillin* have to worn on the head without any intervening object. She suggests finding a creative solution, without specifying its nature. What is germane to our discussion are Berger’s introductory comments.

Berger notes that the problem of the hair covering exists because “some married women cover their hair.” The clear implication is that Berger finds no problem if married women who do not cover their hair choose to wear *tefillin*. The absurdity of this position is striking.

As stated above, the entire question being dealt with is whether

women are permitted to voluntarily perform this *mitsva* even though they are not obligated in it. On the other hand, it is universally considered obligatory for married women to cover their hair. Consequently, by advocating that married women assume a non-obligatory act of piety (*tefillin*) while at the same time glossing over an act which is clearly obligatory (covering hair), Berger seems to have her priorities misarranged.

This absurdity makes sense when we analyze what motivates Berger to rule leniently on the *tefillin* issue in spite of unanimous halakhic authorities who forbid it. She writes that this is because “the more options there are available for expressing a connection to religion, the more individuals can choose to concentrate on options that offer them particular spiritual satisfaction and for which they may have a special talent.”²⁶ *Tefillin*, then, should be an option for women seeking spiritual satisfaction. Sadly, nowhere is it mentioned that authentic spiritual satisfaction derives not from the search for self-satisfaction but from the search for God-satisfaction through adherence to the Torah’s commandments.

Here the ideology of feminism, described above as an expression of the belief in the autonomy of the individual, can be seen in full view. According to this view, the individual and his satisfaction are of supreme value, and consequently, the worth of religion is relegated to the role of providing personal satisfaction. Consequently, if the *mitsva* of *tefillin* offers gratification, then it is worthwhile; if covering one’s hair does not, then off with her head-covering.

It should be noted that this rhetoric contains the same rationalization used by non-Orthodox writers for excising fundamental halakhic obligations, from the tearing down of the *mehitsa* to the official sanction of automobile travel to the synagogue on *Shabbat*, and beyond. They consider the halakha to be secondary to the spiritual gratification of the individual. Where such rhetoric can lead is apparent to any objective observer of contemporary Reform and Conservative Judaism.

By focusing on fulfillment and satisfaction and reiterating these arguments, Berger does a disservice to halakha and betrays a misunderstanding of the role of the Torah and *mitsvot*. Measured by Torah values, *avodat Hashem* (worship of God) is not a quest for gratification or for feeling comfortable with deeds for which we are “talented.” This is not worship of God but worship of the self.

That a woman may feel satisfied by donning *tefillin* is beside the point. We serve God not to be fulfilled or to feel good. We worship Him because He is God and we are His creatures, because we are in awe of

Him and want to cleave to Him, quite independent of the emotional benefits which might accrue through this service. Even if one is not fulfilled by *tefillin* one must wear them just as one must observe the *Shabbat* and adhere to the laws of *nida* even if one finds these a burden.

VII

The editors must have written their introduction before the articles arrived at their desk. Like the quotation cited earlier in this review, there is little in it which describes the nature of the book. For example, the guidelines for the articles are set forth as follows:

The authors accept the obligation to work within the established framework to reach additional understandings and to contribute to the continuity of the halakhic process, Jewish tradition, and the world of Orthodoxy.

As we have seen, this book fails to operate within “the established framework” of halakha. Far from contributing “to the continuity of the halakhic process, Jewish tradition, and the world of Orthodoxy,” many articles, wittingly or not, seek to undermine this continuity.

The contributors are described as follows:

Each contributor to this volume is a devout Jewish woman. Each, in her own way, engages in rabbinic discourse from the inside, from the point of view of a participant in the halakhic world, as an individual whose life is immersed in Jewish tradition, Jewish learning, and Jewish family.

One cannot help noting how words can lose their meaning. How is it possible to be, on the one hand, “devout” and “immersed in Jewish tradition,” while on the other hand to see halakha as a series of man-made laws influenced by historical and social conditions, and inspired by male-chauvinistic rabbis? This is a juggling act that defies the imagination.

Finally, the editors claim with unabashed hyperbole that this book is the culmination of the movement for Jewish women’s education begun by Sarah Schenirer. After tracing the movement in its various forms in the last eighty years, they conclude: “And it all culminates here, with the publication of *Jewish Legal Writings by Women*.”²⁷

One of the major elements of Sarah Schenirer's teachings was the inculcation of respect for rabbinic authority; she herself took no steps to implement her vision before first receiving approval from the Torah leadership of her times. She emphasized *tzeniut* (modesty). She trained her disciple to be teachers, but taught them that their main role was to serve as Jewish mothers and wives. Her vision was, in the editors' words, that "greater knowledge would then surely lead to a strengthening of the Jewish woman's commitment to Jewish life and family."

This book does everything which contradicts these principles. It advocates artificial insemination by single women (with extremely dangerous implications for the Jewish family unit); stigmatizes rabbis who advocate *tzeniut* as engaging in the social control of women; and in general seeks to blur the classic halakhic differences between the sexes concerning *mitsvot*. And there is no evidence, although it claims to be a book of Jewish legal writings, that it was submitted for the review and assessment of those who are considered today's world-class Torah authorities, whether by centrists or by rightists.²⁸

Jewish Legal Writings by Women should be read as nothing more than a collection of academic papers of uneven scholarly quality on subjects related to Torah, written from a feminist orientation. But anyone seeking responsible and expert halakhic guidance in the topics which this book discusses should look elsewhere.

NOTES

1. Edited by Micah D. Halpern and Chana Safrai (Jerusalem: Urim Publications, 5758/1998), 307 pp. in English, 72 pp. in Hebrew. The reviewer is indebted to Shira Leibowitz Schmidt, author of *Old Wine, New Flasks: Reflections on Science and Jewish Tradition*, and currently translating the works of Nehama Leibowitz, for offering criticisms of, and comments on, the review.
2. For a discussion of the original and later approaches of feminism, see the Introduction in Michael Kaufman, *Feminism and Judaism* (Jerusalem: Heritage Press, 1996). He distinguishes between "masculo-feminism" and "feminalism."
3. Although materialism is probably just as pervasive, it is not an ideology, but rather a submission to natural human drives.
4. See Hillel Halkin in "Feminizing Jewish Studies," *Commentary* (Feb. 1998), p. 45: "No one knows what a world lacking firm notions of masculinity and femininity would be like. But it is chilling . . . to join the serpent of delusory omnipotence in whispering in our ear that we can . . . with impunity remake our pasts and ourselves . . . as we please."
5. This is an attitude which many observers view as the cause of the emotional crippling of a generation of children by depriving them of maternal care,

as well as the weakening of the U.S. Army by assigning duties to females which they are under-equipped physically to perform. For example, see David Gelernter, "Why Mothers Should Stay Home," *Commentary*, (February 1996); Suzan Fields, "The Military's Myth of Equality of the Sexes," *Washington Times*, Jan. 4, 1998; and William Hamilton, "End This Useless Training," *USA Today*, December 18, 1997.

6. This is not always true. In her book *On Women and Judaism*, Blu Greenberg, one of the leaders of this movement and the author of the endorsement cited at the beginning of this article, sees nothing wrong with abortions that are done to enhance the "quality of life," including "the need to support oneself through school. . ." (pp. 150-151).

That an actual break with halakha is not out of the question is evident from an interview with Rivka Lubitch, a speaker at the recent conference on "Religious Zionism and Modern Orthodoxy." On women's issues, she says, "Women are willing not only to stretch the halakha, but actually go beyond it" (*Jerusalem Post*, October 16, 1998).

On the curious phenomenon of observant Jews stretching the boundaries of halakha, see Charles Liebman, "Modern Orthodoxy in Israel" in *Judaism* 47:4 (Fall, 1998), p. 409 ff. Referring to a "new and radical view of the tradition" in recent Israeli modern Orthodoxy, he comments that "many of these articles stretch the boundaries beyond that which any religious tradition would deem legitimate." He continues that "it is inevitable that some . . . are going to cross the lines of Orthodox legitimacy," and concludes that many Israeli modern Orthodox scholars, though they observe strict standards of halakha personally, are unable to understand "that their own analysis of Jewish law *undermines the basis upon which the system of halakhic observance stands, foremost among them being a confidence in the existence of an halakhic system which can be objectively determined, and the obligation to accept the interpretation of the rabbis as authoritative . . .*" (emphasis added).

7. This article, by Chanah Henkin, specifically rejects the use of the term "posekot" as well as the goal of empowering women. However, she argues that "women need women" to answer their halakhic questions regarding *nida*, since women often will not want to discuss these with rabbis.

Cases like this are very rare; such women are generally able to discuss them with rabbis through intermediaries. Rabbanit Henkin must be aware that to rule on the laws of *nida* one needs expertise in many other fields of halakha (e.g., *hazaka*, *safek sfeka*, *hatsitsa*) which for most experts in this field can take many years of full-time work to master. Is it worth the effort for these rare cases?

8. Page 200. See, also, below in the text at endnote entries 18-20.
9. For example, "Hair Distraction and Worship in the Responsa of Rabbi Moshe Feinstein" lists the various rulings on this topic found in the latter's *Iggerot Moshe*, offering occasional criticisms of his logic as well as unwarranted conclusions (such as that Rabbi Feinstein condoned married women not covering their hair). "Establishing and Uprooting Menstruation with the Pill" (which actually is, "Establishing and Uprooting *the Expected Date of a Menstruation* etc.") is a review of the opinions of four present-day rabbinic figures on this subject. "Duration of Breast-feeding in Jewish Law" is

