

Joel Wolowelsky is an Associate Editor of TRADITION.

## MODERN ORTHODOXY AND WOMEN'S CHANGING SELF-PERCEPTION

Two observations—among others—can be made regarding *Tradition's* symposium on modern Orthodoxy;<sup>1</sup> first, it is unclear what distinguishes “modern” from “right-wing” Orthodoxy; second, there was little concern for the changing role of women within the community. The former is not surprising, as both groups have a basic allegiance to halakhic norms and have accommodated themselves in one way or another—and in many similar ways—to contemporary society. The latter, as I and others have indicated,<sup>2</sup> is disturbing and short-sighted.

There is no denying that the feminist movement has caused a radical change in the self-perception of a large number of American women—including many who do not consciously identify with the movement in general, let alone the radical issues espoused by some. (Indeed, allowing issues like abortion and lesbianism to be treated as if they were the major “feminist” issues has prevented people from focusing on those questions that arise out of this changed self-perception and which are of more general concern.) The Orthodox community has not been totally removed from this social reality, and a good number of halakhically committed American women have also come to have a “non-traditional” view of themselves. (This is less true in Israel where army service for men reinforces the notion of more distinct roles for men and women.) I would suggest that from a functional point of view it is the “secular” perspective that one has of women's roles that in the end will be a criterion for membership in modern Orthodoxy, much as in general the attitude one takes toward the State of Israel might be.

It is admittedly difficult to give a rigorous definition of “secular” and “religious” as used in this context. Intuitively, though, we would include among the “religious” issues the question of, say, *aliyot* or formal ordination for women. (Interestingly, neither of these seems to

be a pressing matter for most of those who identify with modern Orthodoxy.) The notion of careers, however, would be classified as a “secular” concern. Of course, women from *all* segments of the Orthodox community work; yet attitudes on the subject differ. It would not surprise anyone if a survey showed that a much larger percentage of *shomer-shabbat* female doctors and lawyers are graduates of Yeshiva University or Yeshivah of Flatbush High Schools as opposed to, say, Bais Yaakov or Beth Rivka. Women in the modern Orthodox community might stay home—if they can afford it—to raise a family; however, they not only recognize but take for granted the legitimacy of a woman pursuing a career—be it law, medicine, or business—for personal fulfillment and not simply financial relief.

Mothers whose children attend a “modern Orthodox yeshiva” may have no interest in their daughters serving as *ba'alot keria* but they would certainly object to girls being automatically excluded from advanced math or biology classes—much as they would resent a suggestion that only men could be members of the board of education. Functioning day to day in a coed world, they naturally assume that power is not the privilege of men only, be the setting a college or high school faculty, a board of directors, a community board, or a professional association. They expect to be allowed to join the school or shul board of trustees and resent being assigned to a sisterhood or ladies auxiliary. On the other hand, in the “right-wing” community there is an acceptance, more or less, that functional or political power belongs to men, as do certain professions.

This changed self-perception extends to the household too. Throughout the spectrum of Orthodoxy, the wife is perceived as the *akeret habayit*, the person who has primary responsibility for overseeing the day-to-day matters regarding child-raising, meals, cleaning, etc. However, men and women in the modern Orthodox community are much more prone to accept popular ideas that strict sex-role differentiation need not apply across the board. Changing diapers, cooking, and doing sundry chores are not necessarily “women’s work”; they are meant to be shared whenever possible. Similarly, financial decisions and the like are not “men’s business”; as women become more knowledgeable in various fields—including “Torah”—they expect to be part of the decision-making process.

While all of these changes no doubt have halakhic consequences, one senses that women and men in the modern Orthodox community see them as secular issues and, indeed, have a different approach to “religious” matters. It is taken for granted that a board of education meeting at a yeshiva or a Wednesday night lecture at the shul will have mixed seating—just as it is assumed that *ma'ariv* davened after the meeting or lecture will have separate seating.<sup>3</sup> The rabbis of these

shuls would fight any attempt to remove the *mehitsah*, but they recognize that the mixed seating at the meeting or lecture—even if held in the shul—is not perceived as a religious issue and make no move to oppose it.

There are, however, many religious issues that will be confronted by the changed self-perception of modern Orthodox women. Developing a strategy for dealing with those issues should be a major concern of our religious leaders.

A classic (if somewhat unique) example of a *posek* who was willing to grapple with this new attitude is to be found in the responsa of the late Rabbi Yechiel Yaakov Weinberg, author of *Seridei Esh*. R. Weinberg, whose standing as a major halakhic authority of the previous generation is universally recognized, dealt with a question put to him by the officials of the Yeshurun Society, a French group of religious college-age youth. (The issue will not seem very pressing to many readers of *Tradition*—and that itself is telling.) He was asked whether young men and women may sit at the same table and sing *zemirot* together at the organization's *onsei Shabbat*.

His *teshuva*<sup>4</sup> contains solid halakhic analysis; but what concerns us here are his introductory and closing comments.

The issue, he concedes, is not clear-cut. Yet the rabbinical leaders of Germany had allowed such coed activity because, he said, they were experts in the discipline of education who succeeded in raising entire generations of God-fearing people who also had a well-rounded secular education. “Now,” he writes,

rabbis from Poland and Hungary who found their way to France strongly oppose these new approaches which the French Orthodox instituted based on the system of Germany's *geonim*.

R. Weinberg was well aware of the halakhic difficulties involved in allowing that coed activity to continue. His model, however, was R. Yisrael Salanter, who had reported that when visiting Germany he saw R. Esriel Hildesheimer conducting a *shiur* in *Tenakh* and *Shulhan Arukh* for young girls. R. Salanter's reaction, recorded in the *Seridei Esh* here, is pointed:

If a rabbi in Lita (Lithuania) would try to introduce such an activity in his community, he would certainly be removed from his position. And indeed, such is the law. Nonetheless, I hope that I can share R. Hildesheimer's place in *Gan Eden*. The reason is: *et la'asot*, this is a time to act.

Thus, argues R. Weinberg, Yeshurun should continue to follow the policies of *gedolei Ashkenaz*:

They understood the mindset of the girls of that generation who were well educated and knew languages and science. These girls had strong feelings of self-respect and take offence and rejection when excluded from participating in these *zemirot*.

This, he concludes, is obvious to anyone who knows the nature of women in these countries. To exclude them from participating in the *zemirot* is to drive them from the Torah community.

It is interesting to contrast this with a contemporary *pesak*—and our reaction to it—regarding the question of whether a woman may wear a *tallit* during *tefillah*. After explaining his understanding of the reason for exempting women from the mitzvah of *tsitsit*, Rabbi Moshe Feinstein adds:

No battle will help, for there is no power to effect a change—even with the consent of the whole world. And those stubborn women who want to fight for change are to be considered as those who deny the Torah.<sup>5</sup>

It is always dangerous to make generalizations or mind-read, but I think it would be safe to say that most people in the modern Orthodox camp understood the mindset of the girls in Yeshurun and felt that R. Weinberg had sized up the situation quite properly. We sense that the Yeshurun girls wanted to join the *zemirot* only because they saw it as a simple extension of a *secular* position with which we are quite comfortable. Having been admitted to the coed university to study science and language, they would not exclude themselves from a *Tenakh* class or the *zemirot* singing.

On the other hand, we have little association with those women who have made specifically women's *tallitot*, designs which conform to halakhic requirements for *tsitsiyot* but which look like a modest woman's garb. These creative *tallitot* enable a woman to perform an optional mitzvah, encourage *tсениut* in dress, and work against the dress-consciousness prevalent in many synagogues. Halakhists would have no reason to oppose these *tallitot* if they were familiar with them. But the desire to create these new synagogue ritual forms—while positive in every respect—does not flow naturally from some secular position and therefore does not strike a responsive chord. We, therefore, picture the woman as R. Feinstein probably does, as clad in a man's *tallit*. We see her as making some sort of demonstration in the women's section, wearing the man's *tallit* to make a point, perhaps to attack the basic halakhic premise that the Jewish community should not be a unisex one. While we might feel that R. Feinstein's words were somewhat harsh, we have some basic sympathy for his reaction.

A few other points must be made regarding these *piskei din*. First, R. Weinberg marshals solid halakhic arguments to support his

conclusion. Second, he does not give *carte blanche* approval to coed activities; there is no support here for, say, removing the *mehitsah* from the synagogue. Third, R. Feinstein concludes that the woman *may* wear a *tallit*; he does not like her motivation but acknowledges that the *halakhah* does not forbid it. All this gives us, I think, two general principles with which to address current feminist issues:

1. We can intuitively distinguish between demands which grow out of social attitudes which are acceptable to the halakhically committed community and those which we view as attacks on fundamental halakhic principles.

2. Social perceptions alone may not determine *piskei din*. A *heter* must be based on solid halakhic analysis. It is the *posek* and not the sociologist who determines halakhah. Similarly, an *issur* must flow from the sources, not the state of mind of the *posek*.

By way of example, let us apply these principles to a number of issues, even though they may not necessarily be earth-shattering ones. Calmer discussions are held when the issues are not considered to be of supreme importance, but the attitudes developed will, we hope, eventually be applied to questions of greater consequence.

Consider the question of a daughter saying *kaddish*. Having described the psychological state of the person who has confronted the death of a close relative, Rabbi Joseph B. Soloveitchik eloquently and movingly explains the dynamics of reciting this mourner's prayer:

Through the *kaddish* we hurl defiance at death and its fiendish conspiracy against man. When the mourner recites "Glorified and sanctified be the great name . . ." he declares more or less the following: No matter how powerful death is, notwithstanding the ugly end of man, however terrifying the grave is, however nonsensical and absurd everything appears, no matter how black one's despair is and how nauseating an affair life itself is, we declare and profess publicly and solemnly that we are not giving up, that we are not surrendering, that we will carry on the work of our ancestors as if nothing had happened, that we will not be satisfied with less than the full realization of the ultimate goal—the establishment of God's kingdom, resurrection of the dead and eternal life for man.<sup>6</sup>

Of course, in reading this description one would be hard-pressed to explain how it applied to a son and not a daughter; but that itself is no basis for *pesak*. Two readily available late sources which deal with the issue are the *Ba'er Heitev* and *Shaarei Teshuva*, both found in standard editions of the *Mishnah Berurah*. It might be instructive to look at them.

The *Ba'er Heitev* quotes a responsum which deals with a question of who has preference to say *kaddish* in the synagogue. (In most modern shuls, all mourners say *kaddish* together. The original custom, however, was for only one mourner to say *kaddish* at any time; when

two people both claimed the right, the question arose as to who had preference.) States the *Ba'er Heitev*:

In the responsa *Keneset Yehezkel*, the author wrote that it is specifically the son's son [who can say *kaddish*] but the son of the [deceased's] daughter may not say *kaddish*. And certainly the daughter has no *kaddish* in the synagogue. But if they wish to form a separate *minyan* for her, they are permitted to do so. See there at the end of the section on *Yoreh Deah*.<sup>7</sup>

In a similar vein, the *Shaarei Teshuvah* writes: "See the *Shevut Ya'akov*, part two, number 23 [it should read: 93]: if he had only a daughter, she may say *kaddish* only in her house."<sup>8</sup> From the context, it seems that the reason for requiring a special *minyan* for the daughter is that she has no *right* to say *kaddish in the synagogue* and cannot displace a man who has a right to say *kaddish*. (After all, arguments like *kol isha* or her not being part of a *minyan* would apply in a private service too.) It would follow that in a synagogue where all mourners say *kaddish* together or where no male mourner is present, a woman could say *kaddish*. Indeed, Rabbi Yosef Eliyahu Henkin allowed a woman to say *kaddish* in shul, provided she stayed in the women's section.<sup>9</sup>

Applying our two principles to this question, it would be fair to say that a *heter* for a woman to say *kaddish* during regular services or at the graveside (which is like a private *minyan*) rests on solid ground, even if it is not universally accepted. Also, there is, in general, little reason to think that her wanting to say *kaddish* is some sort of protest as opposed to a legitimate attempt to use halakhic forms to deal with a real personal crisis. The rabbi of a modern Orthodox shul would be hard-pressed to forbid this.

Let us contrast this approach with some other contemporary writings on the subject. Consider, for example, *Yesodei Smochos*, a popular summary in English of the laws of mourning. Describing the graveside service, the author writes that following *Tsidduk Hadin*, "the *male* mourner should recite the burial *kaddish*"<sup>10</sup> (emphasis added). Later, he indicates that during *avelut* it is the *son* who says *kaddish*.<sup>11</sup>

Significantly, the source of the first *pesak* is given as *Shulhan Arukh Yoreh Deah* 376:4, where the word "male" does not appear. Five sources are given for the second—including the *Kol Bo al Avelut*—and the note ends (in Hebrew), "The daughter should not say *kaddish*." In general, the author of *Yesodei Smochos* presents positions unequivocally in the English section but mentions alternate views in the Hebrew notes; here, though, the reader has no indication that some authorities allow the daughter to say *kaddish*.

(The *Kol Bo al Avelut* is an encyclopedic collection of all responsa

on death-related issues.<sup>12</sup> Here, though, the author knows of no source or custom that allows women to say *kaddish* in the synagogue; it is “*pashut*,” he writes, that she may not. He is, however, willing to consider the question of her saying *kaddish* in a private *minyan*. He mentions the *Ba’er Heitev’s* quoting the *Keneset Yehezkel’s* opinion that the daughter may not say *kaddish* in shul, but omits the former’s ruling that she may do so at a private *minyan*. The author quotes the permissive ruling of the *Shevut Ya’akov* but dismisses it as a lone opinion. “If she wants,” he concludes, “let her go to the women’s section in the synagogue and answer ‘Amen’ when *kaddish* is said [by the men].”)

One cannot deny an author the right to side with those authorities who forbid a daughter to say *kaddish*. But he must be prepared to include in his presentation those sources with which he does not agree.

Another negative but much more honest approach is taken by the author of *She’erit Yosef*. He cites R. Henkin’s position but cannot reconcile himself to it.

I fear that if we allow daughters to say *kaddish* as allowed by R. Henkin, then those of our contemporaries who are out to cause confusion (their aim being to create a new Torah and, God forbid, change our traditions, always looking for a high peg on which to hang their nonsense)—they will rely on this to count a woman in a *minyan*, saying that the most stringent have already allowed it.<sup>13</sup>

He then quotes a number of authorities who agree with him that the daughters should not be allowed to say *kaddish*.

We have here an unabashed public policy decision; in this *posek’s* opinion there is more at stake than personal sensitivity or reasoned halakhic analysis. Upholding the integrity of the halakhic system requires certain strategies; forbidding a daughter to say *kaddish* is but one of them. One might argue that the strategy is wrong, that forbidding what is permitted only encourages others to permit what is forbidden. But one must appreciate the openness of this presentation (even though the same argument can be used against any *heter* in just about every area of contemporary life).

This last approach, widespread though it might be, might be taken as a classic example of a “right-wing” approach. Maintaining the most stringent position, it asks the committed populace to reject, as much as possible, attempts by the halakhah to accommodate itself to the standards of general society. Many people will find this position unacceptable, but the core group that accepts it will be able to maintain steadfast loyalty to the system and its leaders. Those who cannot accept these most stringent positions might indeed “fall out,” but on

balance, the “right-wingers” believe, the halakhic community will be stronger for it.

This approach is, I feel, unacceptable to the modern Orthodox community. But the opposing position, searching for every possible *heter* instead of every possible *humra*, is likewise unacceptable, as it leads to the intellectual dishonesty found in some Conservative rulings. In this case, however, the modern Orthodox approach should be not simply to allow the daughter to say *kaddish* but rather to take the initiative and make sure that she knows that she has the option (although no obligation). Many a daughter will pass up the opportunity, finding solace in the more passive role. But a woman who regularly attends shul will feel resentment when she learns later that a most meaningful, legitimate option was denied her. The rabbi, in his role as counselor, has an obligation to bring all legitimate options to the attention of the mourner; “being glad she didn’t ask” is a form of dishonesty.

(Withholding information is not the only form of fraud. I recently heard of a *ba’alat teshuva* who, when her father died, was shown the *Kol Bo’s* ruling. When she came to shul after *shivah* to answer “Amen” to the men’s *kaddish*, she was told that the morning *minyan* had no *mehitsah* and there were too few people attending to warrant the expense of heating the main synagogue each day; did she really want to burden them by coming? Such gross insensitivity had all the right “covers”: I understand your position, but the halakhah doesn’t allow it; do you really want to inconvenience the congregation to accommodate you, etc. But the rabbi obviously did not understand the person’s commitment, and his halakhic “analysis” is simply an attempt to put her off.)

The attitude of making sure that women know all legitimate options open to them applies to other areas of life as well. For example, a woman who has just given birth (or, say, survived an accident) should know that many *posekim* find it quite acceptable for her to say *birkat hagomel* out loud from the *ezrat nashim* at the time the Torah is read. Such synagogue activity, writes Rabbi Ovadia Yosef, is not improper in any way.<sup>14</sup> Again, not every woman will want to exercise this option, but everyone will be grateful for the sensitivity shown in offering it.<sup>15</sup> Making this information available does not simply come under the heading of *et la’asot*; it is part of *kevod haTorah*. It is true that some people might abuse this information; but the fact that these options are not made known is itself something that can be exploited by those who would attack basic halakhic norms.

The lesson of the Young Israel movement should serve us well. When rabbis and older congregants of a generation or two ago could not adjust to the new self-image of their younger congregants, they



eventually lost their Orthodox shuls to a new Orthodox movement. A similar fate awaits the leaders of the current (no longer) “Young” Israel if they cannot respond to the new self-image of this generation’s religious women.

Sensitivity to the mindset of the contemporary modern Orthodox woman need not express itself exclusively in synagogue activity. Indeed, the whole notion of focusing on the synagogue as the main theater for religious expression is in a sense non-Jewish. With this in mind, let us take up the question of a bat-mitsvah celebration.

My reason for considering the bat-mitsvah a non-synagogue event is not Rabbi Feinstein’s admonition to keep such celebrations out of the shul proper.<sup>16</sup> It is, rather, the realization that the *bar*-mitsvah celebration is in essence a non-synagogue affair. It is—or should be—the celebration of the boy’s becoming obligated in mitzvot; the Torah/*haftarah* reading *et al.* is but the first opportunity to fulfill certain mitzvot publicly. Of course, some parents are celebrating only this public show; the obligation in mitzvot is, for them, nothing to celebrate. The key, then, for understanding the *parents’* motivation in organizing a *bar*-mitsvah party is in how they celebrate their *daughter’s* becoming obliged in mitzvot, there being no public synagogue Torah reading or the like. (The fact that some parents will celebrate a daughter’s becoming “sweet sixteen”—whatever that means—and not her reaching the age of mitzvot is likewise revealing.) When we see women as full members of the Torah community—much as we take for granted their full membership in secular society—the logic of the bat-mitsvah celebration becomes obvious. Indeed, Rabbi Ovadia Yosef argues forcefully that the celebration in honor of a bat-mitsvah is a true *se’udat mitzvah*.<sup>17</sup>

The form which the bat-mitsvah celebration takes should reflect our perspective on women’s role in society. In our secular orientation, we educate girls to express their maturity with some public performance; they learn to speak in front of their respective classes, give reports, hold school office, and so on. Our religious expression should take note of this widespread assumption and we should expect the bat-mitsvah girl to present herself in some way as a responsible adult. The *devar Torah* is a natural vehicle for this public adult performance; hence we can appreciate the growing custom of the girl’s *siyyum* being the center of a bat-mitsvah celebration. The material for the *siyyum* will vary; some will finish a *massekhet* of mishnayot, some a chapter of Talmud, others a book of *Tenakh*. (Then again, not all bar-mitsvah boys do the same thing in shul.) The question is where and in what context to make a *siyyum*.

A technical case could probably be made for allowing a woman—in this case the bat-mitsvah—to speak from the pulpit during the

break in regular Shabbat services. The sermon is not part of the *tefillah*; we might simply use the standards of the Wednesday night lecture held in the shul and allow a woman to speak. However, there would be some objections that could be raised against this. First, there should be no interest in creating additional emphasis on the synagogue as the main focus of Jewish life. Second, the modern Orthodox community has no interest in identifying itself in any way with feminist pressures which have created anti-halakhic synagogue activities such as mixed seating or *aliyot* for women. (But if the girl does not speak from the pulpit, neither should the bar-mitsvah. And if she is not called forward to receive a gift, neither should he be.)

Of course, the simplest solution would be to arrange a *se'udah* and preface it with a *siyyum*; this would also be a good opportunity for the rabbi to speak and present the synagogue's gifts. (A set of books would be appropriate. The candlesticks that some give is somewhat impractical—most young girls don't follow the Lubavitch custom of lighting Shabbat candles—and involves halakhic problems.<sup>18</sup> When we think about it calmly, we realize that the real preference should be a *kiddush* cup; she is now obligated in *kiddush* just as is an adult man.<sup>19</sup>) While such a *se'udah* can be arranged at any convenient time, *se'udah shelishit* on Shabbat afternoon has the added advantage of being a community affair not limited to invited guests. Others have decided to make use of community *onsei Shabbat* held after dinner Friday night.

Modern Orthodox yeshivot have a responsibility to educate their students in an appreciation of reaching the age of mitsvot without encouraging the excess all-too-often common to bar-mitsvah celebrations. A simple model would be a breakfast for the girl's class following davening; the bat mitsvah (or benot mitsvah) can speak, as can the teacher, and the girl can be the focus of a simple *se'udat mitsvah*.<sup>20</sup> (This assumes, of course, that the girls daven each day. There are, unfortunately, some coed yeshivot where the boys daven in the synagogue while the girls either stay in the halls or say a quick *Amidah* in their rooms. This is hardly the model for, say, Shabbat morning services in a modern Orthodox synagogue.) This same breakfast model would work well for benei mitsvah too.

We should not wait until bat-mitsvah age to begin educating girls to appreciate their skills in Torah. In junior congregations, for example, young girls might well be giving short *divrei Torah*, just as the boys act as *hazzan* or read from the Torah. Similar opportunities for growth begin to present themselves once we begin to look for them.

Another item that can be moved out of the synagogue is the naming of a new-born girl. The fact that a girl's birth often goes

