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## THE RAV, FEMINISM AND PUBLIC POLICY: AN INSIDER'S OVERVIEW

### I

The purpose of this article is to explore, explain and define the approach of my revered uncle and mentor, Rav Yosef Dov Soloveitchik *zt"l*, to the entire issue of women's prayer groups, *hakkafot*, *aliyot* and all of the sundry other topics that have emerged from the feminist movement. Such an effort would normally require but a few sentences, for the Rav's position was clear and unequivocal; furthermore, he articulated his views clearly to all those who asked him. However, since his view has been misinterpreted, willfully or otherwise, it is important to show how his position and public posture on feminism fit into his total approach to halakha and communal leadership.

I write these lines not only from the perspective of a close disciple, but also from that of one who was privileged to be part of his family and household, and who was able to know him, speak to him and learn from him as only a family member can.

Let it be stated clearly, for the record, that the Rav halakhically forbade, without equivocation, women's prayer groups, pseudo-*keriat haTorah* and all forms of women's *hakkafot* with *sifrei Torah*. Initially, he viewed all of the above as silly and hoped that they would pass. Eventually, he viewed them as dangerous, and felt betrayed by those of his students who willingly took advantage of his name and failing health to create a movement that was opposed to his most basic philosophical and halakhic views. To associate the Rav with positions and events that he viewed as silly is to desecrate the memory of a Torah giant.

The Rav arrived in the United States in the early thirties and found a Jewish community whose level of observance and commitment was exceedingly weak. The nascent Conservative movement seemed to be threatening the future of the truly observant community. Especially dangerous was the fact that the Conservative movement portrayed itself as dedicated to Torah and to proper observance of *mitsvot* in a modern

guise. Most pundits of the time predicted the ultimate disappearance of a truly observant American Judaism. Halakhic observance was viewed as antiquated and a relic of a backward European culture. The Rav very quickly assumed a leadership position in establishing halakhic guidelines for communal and individual behavior. His immediate goal was to draw the demarcation line that would separate between that which was minimally allowable within the context of halakhic observance and that which was beyond the pale of halakha. In addition, and probably most importantly, he wished to show to the general American public the intellectual respectability and sophistication of halakha and to change the perception of halakha from what people viewed as primitive and random small-town European practices. This was the goal of many of his lectures, communal activities, and of his classic essay, *Halakhic Man/Ish haHalakha*.<sup>1</sup>

In many senses, the Rav viewed his task as that of a minimalist. He felt that to save the future of Torah, one had to identify that which was minimally permissible and insure that this minimal position was acceptable, both intellectually and practically, to as many people as possible. To demand a maximal position from the general public at that time would push Judaism, in his words, from the *reshut ha-rabbim* to the *reshut ha-yahid*, from the public domain to the private domain. He did not confuse the two positions. Rather, he felt that at that point in Jewish history, one had to advocate the minimalist position as a strategic retreat that was temporarily necessary to save American Judaism. The maximalist position at that time, he felt, was reserved for those who understood the significance and beauty of Torah. Such a level could and should not be expected of everyone at that point in time. The ultimate goal of maximal observance for the general public was one for the future whose time had not yet come.

Consequently, he disagreed strongly on many issues with Rav Aharon Kotler, who was unwilling to compromise from a maximalist position.<sup>2</sup> But I remember distinctly when the Rav told Rav Aharon, "Our goals are the same (*unzere matara iz di zelbe*); we only disagree how to achieve that end." He felt that insisting on Rav Aharon's maximalist position would alienate the majority of potential observant Jews, and only sometime in the future, when there was a strong and vibrant observant community, could one push for a higher level of commitment and observance. However, even in the context of his willingness to concede to a minimalist position, he was unwilling to cede ground to feminist demands.<sup>3</sup>

The Rav, in his own personal practice, did not adopt the minimal-

ist view. For instance, he strictly adhered in his personal practice to the opinion of Rabbenu Tam<sup>4</sup>—that one has to wait ninety minutes or one eighth of the day after the Sabbath or holidays before commencing weekday activity—though he ruled consistently according to the lenient view of the Gaon of Vilna.<sup>5</sup> This was also true in issues relating to his participation in communal activities. Thus, in his fight for the establishment of *mehitsot* in synagogues, he demanded a *mehitsa* of fifty inches. When, however, he established a synagogue for himself at the Maimonides School in Brookline, he built the *mehitsa* to conform to Rambam's requirement<sup>6</sup> that the women not be seen at all by the men. Furthermore, he elevated the floor in the women's section to conform to another of his halakhic demands. This was something he never demanded of synagogues that asked his halakhic advice.

There were, however, times that he felt that even his minimalist position could not be made palatable to the large majority of the American community, and it was then that he preferred silence to protest. Thus, even though he often said and taught that there was absolutely no basis to allow *kol isha*, listening to the singing voice of a woman, when he was at communal events and a woman began to sing, he merely exited quietly and chose not to protest. He remarked to me once that this was akin to Rambam's example of allowing a limb to be amputated to save the whole organism. He did not view the modern community as sufficiently committed to halakha to accept the prohibition of *kol isha*. This was repeated time and again in countless other halakhic and communal issues. One of the main goals of his life was to bring the modern American community to a point where they could accept full halakhic observance and serious Talmudic learning. His silence at times and his minimalist demands were merely means to his ultimate goal.

## II

One of the Rav's landmark works was his classic essay *Halakhic Man/Ish haHalakha*. In this work he outlined his view of the interrelationship between halakha and other forms of religious expression. To the Rav, halakha was the only means for valid religious self-expression. Religious activities that did not fit within a halakhic framework, while often not prohibited, were religiously meaningless. Use of them in that context could only deceive, mislead and trivialize real religious activity. This alone may be grounds for prohibition. The halakha sets clear ground

rules for activities whose impact is the trivialization of meaningful divine service. Furthermore, to the Rav, the source of all ideas and values in Judaism find their expression in halakha. Concepts and values that find no expression within halakha are religiously meaningless.

One of the main themes of the Rav's classic monograph, *The Halakhic Mind*<sup>7</sup> is that any Jewish philosophy not grounded in halakha is alien to Judaism; there is a similar emphasis in *Ish haHalakhah*. In his eulogy for his uncle, Rav Yitshak Ze'ev Soloveichik (the Brisker Rav), published subsequently under the title *Ma Dodekh miDod*,<sup>8</sup> the Rav said that whereas a secular Jewish government in Israel does not fit into any halakhic categories, it is religiously irrelevant. This was not just a formulation of his uncle's position, but it was his as well. This is the essential theme of his essay *Kol Dodi Dofek*,<sup>9</sup> in which he states clearly that the importance of the State of Israel has to be evaluated in exclusively pragmatic terms.<sup>10</sup> There is no intrinsic value to that which has no-halakhic meaning.

This is not to be interpreted to mean that the Rav was in any way an enemy of the State of Israel. Rather, he insisted that it be evaluated on strictly pragmatic terms. In *Kol Dodi Dofek*, he lists the reasons that the achievements of the State are religiously positive and therefore outweigh whatever negative aspects may also be present. Certain things have intrinsic value. Others have pragmatic value and have to be looked at in strictly pragmatic terms. Something without halakhic meaning has no intrinsic value.

While all contemporary analyses of the Rav's system of thought have understood this aspect of his philosophy, only those who consistently listened to his *shiurim* and *derashot* realized how far this went. For instance, when discussing the verse in Psalms, "To the Lord belongs the earth, its contents and the fullness thereof, for He has established it on the seas and made it firm on the rivers,"<sup>11</sup> the Rav often explained that one cannot blithely say that the world belongs to God. This, too, must reflect a halakhic principle. Therefore the Psalmist adds: "for He has established it on the seas and made it firm on the rivers." The halakha that declares that "a workman owns the products of his work"<sup>12</sup> underlies the fact that God owns the world. God's ownership of the world, in the Rav's view, is also subject to the rule of halakha. Halakha stands prior to all religious concepts and is the only source for their cognition.

The irrelevance of searching for halakhic guidelines for non-halakhic worship can be understood from the following example. One may ask what the halakhic guidelines are for creating one's own ritual of circling the *bima* with a *lulav* every *rosh hodesh*. One may then search the

*Shulhan Arukh* for such guidelines and conclude that there is nothing within it that prohibits this. If one then proceeded to introduce such a ceremony, one may be guilty of *bal tosif*, the prohibition against adding *mitsvot*, or of *ziyyuf haTorah*,<sup>13</sup> falsification of the Torah, but most importantly one would have disgraced the Torah by confusing pagan ritual with serious religious expression. One would have totally misunderstood the meaning of proper religious activity. Halakha is not an obstacle course, so that if one avoids the obstacles he is home free. Halakha, for an observant Jew, is the only valid means for approaching and serving God. It is the bridge to, and means for, approaching the unapproachable. Activities without halakhic guidelines are at best religiously irrelevant. Furthermore, since the source of validation for all religious concepts is the halakha, such activity would of necessity be an expression of values and concepts that stand in contradiction to valid religious concepts. The Rav continually declared that there is no meaningful religious activity outside of the context of halakha.

The Rav often commented to me that women's groups that introduced new rituals were misinterpreting the nature of halakhic rituals and confusing them with pagan ones. Pagan ritual allows the person to express certain concepts and beliefs through ritual activity. There is no intrinsic meaning to the ritual performance. The purpose of the ritual is to reinforce these ideas through ritual activity. The focus of the activity is exclusively the performer himself. The process is validated by the impact upon the person. Pagan ritual is spiritual self-stimulation.

Halakhic ritual begins and ends in a totally different manner. It begins with a divine command, and it is part of accepting God's rule over man, *kabbalat ol malkhut shamayim*.<sup>14</sup> Because the act itself is a Divine command, which is the essence of the word *mitsva*, the act has intrinsic significance. The concepts that are expressed are validated by the commanded ritual. Thus, the implicit values and concepts are also validated by the Divine command. They do not stand above the halakha. Moreover, the halakha is generally the only valid method for expressing these concepts. Halakhic ritual is spiritual communication with God. Pagan ritual is spiritual self-stimulation. The Rav commented that the various forms of new feminist ritual reflected a basic misunderstanding of Judaism. Any attempt to establish halakhic guidelines for these would create the false impression that they were anything but basically pagan in nature.

A woman once approached Rabbi Yehudah Kelemer, who was at that time the rabbi of the Young Israel of Brookline, for permission to wear a *tallit* in the synagogue. He told her that since this was a major departure from accepted custom, she would require the Rav's approval.

When she approached the Rav, he told her that because this was a major step in her religious life, she would have to proceed slowly. Therefore, he told her that she should wear a *tallit* without *tsitsit* for three months and then report back to him. After three months, he asked her what her response was to her experience. She told him that wearing a *tallit* had been the most exhilarating and inspiring experience of her life and that now she was ready to go further. The Rav told her. "For the past three months what you have been doing has been halakhically meaningless. You have been wearing a garment without religious significance and have been getting your religious inspiration from something other than a *mitsva*. Therefore it would be a desecration of *tsitsit* to use them. You are therefore forbidden to wear a true *tallit*." Divine service is not a game. Misusing *mitsvot* for purposes other than service of God is prohibited, as is not performing them at all. Divine service not within the context of a *mitsva* is meaningless and therefore forbidden.

One of the main themes of the Rav's thought was that every valid form of religious expression must express itself in halakha. This applied not only to ritual activity in the positive sense of *lulav* and *etrog* or in the negative sense of *kashrut*, but even when it came to prayer. The Rav's preoccupation with the halakhic detail of prayer was consequent to his deeply felt attitude that only within this context was authentic prayer possible.

The Talmud in *Rosh haShana*<sup>15</sup> records a debate whether a *shofar* should be bent or straight. Rashi explains that the debate revolves around whether man's posture in prayer should be bent or straight. The Rav often commented to me that this debate reflects the fact that prayer is essentially a paradoxical activity. Man confronts God on the basis of the fact that he is insignificant, as Abraham declared, "And I am earth and ashes."<sup>16</sup> On the other hand, the very fact that man can directly confront the Master of the Universe reflects man's greatness. In prayer, man is uplifted, but at that very moment he confronts his worthlessness. The means for resolving this paradox lies in the halakhic detail of prayer. Without the detailed *halakhot* of prayer, one is left paralyzed by the paradox implicit in the very act of prayer.

But there is another philosophical problem in prayer that loomed large in the Rav's view. This was the issue raised by the Talmud in *Bera-khot*.<sup>17</sup> The Talmud declares that praise of God is essentially an exercise in futility. Given the absolute overwhelmingness of God's greatness, one can only resign himself to דומיה תהילה לך absolute silence.<sup>17a</sup> But man's desire to express his closeness to God through praise is a need of man that cannot be denied.

In explaining the resolution of this quandary, the Rav often quoted the first few verses of *Ashrei* (Psalms 145). Therein, he said, lies the solution to this quandary. In the first two verses we declare our desire to continually praise God. We then begin to praise with the verse "Great is the Lord and exceedingly worthy of praise, and His greatness is not comprehensible."<sup>18</sup> However, the very fact that "His greatness is not comprehensible" confuses us and challenges our right to continue. The task of praise is too overwhelming for a human being to contemplate. The answer, the Rav claimed, lay in the following verse: "Each generation has praised You."<sup>19</sup> The fact that we have a *mesora*, a tradition from each previous generation, to praise and how to praise God, enables us to proceed. Halakha and tradition enable us to engage within prayer. The moment we deviate from these guidelines, our prayer loses its meaning, and more importantly, its justification.

### III

Intellectually, the Rav was highly creative. In his *shiurim* and speeches, he often broke new ground and differed radically from many of his contemporaries. As a scion of Brisk, and an intellectual heir to the halakhic approach of the Gaon of Vilna, his halakhic practice at times deviated from certain accepted norms. Both traditions to which the Rav was an intellectual heir insisted that all practice be justified by a solid textual base rather than a mere appeal to tradition. This led some observers to conclude that he took no note of *minhagim*. Nothing could be further from the truth.

There are three basic sources for halakha: *mitsvot* and prohibitions that 1) are of Torah origin; 2) of rabbinic origin; and 3) originate in *minhag*, custom and practice. The Rav often pointed out that *minhag* itself has such binding power in the halakha that Maimonides<sup>20</sup> writes that the violation of *minhag* in many circumstances is a violation of the biblical prohibition of *lo tasur*,<sup>21</sup> the same biblical prohibition that underlies all rabbinic ordinances.

The extent and binding power of *minhag* is well-defined in halakha, and the Rav as a *posek* always treated *minhag* as a valid and binding halakhic norm. One can only recall the strictness with which the Rav decided all question of *kitniyot* to understand the full weight that he attached to *minhag*. One year, in the middle fifties, he provisionally forbade all milk in Boston on *Pesah*, because the Vitamin D additive might have been of *kitniyot* origin. Even the possibility of *kitniyot* was suffi-

cient for him to forbid all milk for the duration of *Pesah*. The Rav's insistence on the prohibition of cottonseed oil on *Pesah* also stemmed from a mere doubt in the halakhic definition of *kitniyot*. *Minhag* is an integral part of halakha, and was treated by the Rav with utter gravity. At the same time, the Rav was careful to always delineate what was *minhag*, what was of rabbinic origin, and what was of Torah origin. The rules for applying these three types of halakha are different.

The Rav often quoted the story of his sainted father and my grandfather, Rav Moshe Soloveichik, that occurred during the Russian Revolution. Rav Moshe was the rabbi in the Russian town of Haslavitch, which was populated by Habad Hasidim, who included potatoes among the *kitniyot* prohibitions. During the Russian Revolution, the only food available in Russia was potatoes. For Jews to abstain from potatoes for the duration of *Pesah* was not only a hardship but was fraught with danger. Rav Moshe ruled that although *minhag* was an integral part of halakha, it was still different from other areas, where the determining factor was absolute *pikuah nefesh*, danger to life. The type of hardship and danger that Jews would endure was sufficient to permit the violation of this type of *minhag*, even though there was only a relative, but not absolute danger to life. He took special exception to those rabbis who confused the different types of halakha. He felt that just as one should not confuse laws that are of Torah origin with those laws that are of rabbinic origin, so too one must distinguish both of these from the other area of halakha that is *minhag*. *Minhag* is a fundamental area of halakha and has its own dynamic that must be maintained.

However, the Rav often pointed out, failure to do so did not involve the prohibition of *bal tosif*. He maintained that when Maimonides<sup>22</sup> said that the confusion between laws of Torah origin and those of rabbinic origin was a violation of *bal tosif*, this referred to the way the *Sanhedrin* declared its enactments. The *Sanhedrin* was at once the supreme judiciary body and the supreme legislative body for the Jewish people, but it had to distinguish between its different roles. They could not claim that one of their enactments was of Torah origin; empowered to interpret the Torah and to legislate, they were commanded to distinguish between the two. The prohibition of *bal tosif* refers only to the *Sanhedrin*, the Rav said. In addition, it must be fairly noted that such use of *bal tosif* in this context is unique to Rambam; most other *rishonim* interpret the prohibition in totally different ways.<sup>23</sup> However, the Rav pointed out that authorities other than the *Sanhedrin* who confuse the various levels of Torah authority may not generally do so, even though there is no issue of *bal tosif*.



*Minhag* has many forms and all of these are not necessarily to be equated; each has its own dynamic. *Peri Megadim*<sup>24</sup> lists many types of *minhag* and discusses at length the types of authority they possess and the differing rules that each type of *minhag* possesses. However, despite the fact that *minhag* is a third area of halakha, there are various halakhic areas where *minhag* is not at all a third area but becomes an integral part of the other areas of halakha, and defines what is of rabbinic and Torah authority. In such a context, the Rav described the nature of *minhag* and tradition in very direct terms. He quoted the opinion of his great grandfather and namesake, Rav Yosef Dov Soloveichik, author of the *Bet haLevi*, in rejecting the introduction of *tekhelet*: “Rav Yosef Dov claimed that proofs and logic are useless in proving anything that is relevant to the *mesora* implicit in the verse ‘Ask your father and he shall tell you, your elders and they shall inform you.’<sup>25</sup> Here logic does not prevail, but tradition. This is what our fathers saw and how they practiced and likewise the children must follow.”<sup>26</sup> *Minhag* is not always an independent dynamic to the halakha, but at times defines and expresses the other areas of halakha. The Rav in the above quote was explaining why the *Bet haLevi* had rejected the use of *tekhelet* that had been advanced by the Rebbe of Radzhin, Rav Gershon Leiner. The *Bet haLevi*’s position was that *minhag* is the only valid means for identifying what objects are to be used in *mitsvot*.<sup>27</sup>

In the area of the *halakhot* of prayer, *minhag* has greater power than in other areas of the halakha. We have discussed above the Rav’s philosophical basis for this phenomenon; the halakhic one is relatively straightforward. The Yerushalmi in the third chapter of *Eruvin* says that the determining factor in the text of prayer is *minhag*. Furthermore, the Yerushalmi claims that this overrides halakha. This Yerushalmi is cited by *Hagahot Maimoniyot*<sup>28</sup> in reference to Rambam’s versions of the text of the *siddur*. I often heard from the Rav that this Yerushalmi is the underlying reason that we deviate from the Talmud<sup>29</sup> regarding the *haftorot* on various holidays. In other areas of halakha, there is no room for post-talmudic sources to change that which is recorded in the Talmud. In the area of *tefilla*, we follow *Masekhet Soferim*, rather than the Talmud, because in many areas of *tefilla*, *minhag* determines the actual content of the halakha.

*Shulhan Arukh* writes that we begin to recite the prayer for rain—*tal u-matar*—on December fourth or fifth, because the rainy season in Babylonia begins on that day.<sup>30</sup> Rashi writes that even those who live in France and Germany do likewise because the *minhag* of France and Germany follows the custom of Babylonia. Rabbenu Tam, however,

ruled that each country should follow its own rainy season and begin *tal u-matar* accordingly. Rosh records that although logic dictates that one rule like Rabbenu Tam, *minhag* determines the halakha, and the custom is to rule like Rashi.<sup>31</sup>

This is an example, among many, where as far as the text of the *siddur*, *minhag* determines halakha. Were one to recite *tal u-matar* in accordance with the opinion of Rabbenu Tam and not like Rashi, one would be required to repeat the *amida*. Although Rav Hayyim<sup>32</sup> felt that one should satisfy the demands of Rabbenu Tam also, and therefore added *tal u-matar* in the *berakha* of *shome'a tefilla*, the Rav's personal practice and ruling was otherwise. He felt that whereas the *minhag* is in accordance with Rashi's opinion, this itself determines the appropriate halakha for the text of the *siddur*.

This deep commitment to *minhagei tefilla* at times motivated the Rav to deviate from his accepted family practice, which he generally followed without exception. A famous example was the issue of recitation of *hallel* on *rosh hodesh*. There is a basic disagreement between *rishonim* as to whether or not one makes a *berakha* on *hallel* recited then.<sup>33</sup> Rav Hayyim never made a *berakha*. Rav Moshe<sup>34</sup> made a *berakha* only *be-tsibbur*. The Rav delivered an entire *yartseit derasha* to justify why he deviated from his family practice and always recited a *berakha*. When it came to a *minhag* of *tefilla*, the Rav generally felt compelled to defend accepted practice, and he himself followed suit. Such a rejection of a family tradition that stemmed from a return to the view of halakha as grounded in Talmudic sources and as explicated by *rishonim*, in favor of accepted practice, was unlike the Rav. This was his approach exclusively when he dealt with the accepted practice in the area of *tefilla*.

The Rav's emotional approach to the issue of *minhagei tefilla* can be gleaned from the following incident. I recall that once, on a specific occasion, we had to form a *minyán* in the Rav's home. He told one of the family members to please go and get his hat. This young man began trying to demonstrate to the Rav that one did not require a hat for *tefilla*. The Rav snapped back at him, "You may or may not be halakhically correct. I do not wish to debate you on the topic. However, I wear a hat during *tefilla* because I never saw my father or either of my grandfathers *daven* without a hat. That itself is sufficient grounds to necessitate a hat."

Despite all of the above, there were occasions where the Rav introduced certain changes in the text of the *tefilla* because of an individual halakhic consideration. However, this was a step he took with great hesitation and on rare occasion. He also always took pains to justify his deviation from his general approach.

For the Rav, *minhag bet ha-keneset* also had great significance. He felt that these customs were not haphazard and the result of prejudice and primitive superstition, but represented deep halakhic principles. Thus he always insisted that *hagba* on *Simhat Torah* for the *sefer Torah* that is used for *hatan Torah* be done with crossed hands. He developed an entire philosophical basis to explain this practice in his essay *Ma Dodekh miDod*. Similarly, when he delivered *shiurim* in *Masekhet Shevuot*, he explained the halakhic basis for the *ba'al kore* being called to the Torah for the *aliya* of the *tokhaha* in *Ki Tavo*. A few weeks later the *gabbai* of the Rav's *shul*, who had been present at the *shiur*, gave the *aliya* for the *tokhaha* in *BeHukotai* to someone other than the *ba'al kore*. When the Rav insisted that the *ba'al kore* receive the *aliya*, the *gabbai* answered that he had given an explanation for the practice in *Ki Tavo* but had not given any reason for *BeHukotai*. The Rav answered, "All *minhagei bet ha-keneset* have firm halakhic bases. Ignorant people dismiss customs because of their lack of understanding of them. This does not change their validity."

As was mentioned above, in many instances we rely on *minhag* to establish the appropriate halakha in terms of *tefilla*. This was the basis for the Rav's view on *hakkafot*. The guidelines of *bizui kedusha*, desecration of the sanctity of the synagogue and the *sefer Torah*, are determined by what has been acceptable throughout the centuries. Whoever deviates from that practice is in violation of the sanctity of the synagogue, *kedushat bet ha-keneset*, and of the Torah, *kedushat sefer Torah*.

A central concern of many *halakhot* is the proper treatment of various holy objects. In fact, the concern regarding women wearing *tefillin*, performing *semikha* on animal sacrifices, and learning Torah is explained by Ra'avad as stemming from this concern.<sup>35</sup> When it comes to the synagogue, the halakha of *kavod bet ha-keneset* is the source of all restrictions. The Rav often discussed the dispute between Rambam and Ran as to whether there was a unique halakha of *kavod bet ha-keneset* that was different from the deference that was owed to all *mitsva* objects. Ran claimed that they were equivalent.<sup>36</sup> Rambam claimed that the prohibitions revolving around *kavod Bet ha-Mikdash* that derived from the verse "*u-mikdashai tira'u* (thou shalt fear My sanctuary)" applied as well to the synagogue.

The ways of dealing with the synagogue are well defined in the halakha. The prohibition against mixed seating in the synagogue according to the Rav was not primarily an issue of prayer, an opinion held by many halakhic authorities. All mixing of the sexes in a *bet ha-keneset* was a desecration of the sanctity of the synagogue and therefore forbidden.

Thus, according to the Rav, mixed seating was forbidden in a synagogue at all functions, be they funerals, lectures or political functions. The source lay in the introduction of separate seating in the *Bet ha-Mikdash*. The practices within the *Bet ha-Mikdash* established the halakhic bounds of *kavod Bet ha-Mikdash*, and by the Rambam's extension this defined the rule of *kavod bet ha-keneset*. We do not find specific legislation that established this. The introduction of the practice had the halakhic power to determine *kavod Bet ha-Mikdash* and *kavod bet ha-keneset* on the level of Torah law. For, in the Rav's view, *minhag* in this instance was not a separate area of halakha, but determined the extent and nature of a Torah ordinance. This was the halakhic background for the Rav's landmark decisions regarding mixed seating in synagogues. For policy reasons, to be discussed elsewhere, the Rav never published or even generally discussed the halakhic background of his decision. Nor for policy reasons did he ever insist, except when asked, that his views forbidding all mixed activities in synagogues be followed. Silence by the Rav was not consent.

The extension by the Rav of his position to women's *hakkafot* was not a very large step. His exact statement as quoted in my book was as follows:

An associated issue, although technically totally different, is the permissibility of women dancing in the synagogue with Torah scrolls during hakafot on Simhat Torah. This practice has been opposed by all contemporary rabbinic authorities. My revered teacher, Rabbi Joseph B. Soloveichik, told me that he opposed this practice when questioned by synagogues in Brookline, Massachusetts, and New York City. The basis for this ruling, he told me, is the Talmud in Berakhot<sup>37</sup> which says that just as there is an etiquette that regulates one's behaviour when visiting someone else's home, so too there is a tradition that regulates behaviour in the synagogue. Thus, for example, eating in the synagogue is not permitted. An element of proper synagogue behaviour, such as the prohibition against eating in the synagogue, is explicated in legal detail by the Talmud and by subsequent codes of Jewish law. The same applies to the introduction of innovations which our ancestors considered to be in conflict with the feeling of respect and awe owed to the synagogue. Proper synagogue behaviour is determined by practice and tradition. Since it has been the age-old practice of synagogues that women do not dance with Torah scrolls during hakafot, the introduction of this practice would be a violation of synagogue etiquette.<sup>38</sup>

The Rav felt that accepted practice, whether consciously introduced or by general consensus, was sufficient to define the *halakhot* of *hilul bet*

*ha-keneset*, desecration of the sanctity of the synagogue. As the Rav stated, the bounds of *kavod bet ha-keneset* are established by specific *halakhot*, which he always illustrated by the prohibition against eating in the *bet ha-keneset*. In addition, practice hallowed by centuries has the same legal impact. *Minhag* also defines what are the rules of proper synagogue etiquette and thereby determines the bounds of *kavod bet ha-keneset*. According to the Rav, *minhag bet ha-keneset* was a means of defining *kavod bet ha-keneset*. Here *minhag* has the ability to forbid and define a biblical prohibition in the strictest sense of halakhic prohibitions. This is not to be confused with *minhag bet ha-keneset* when it is used in other contexts. *Minhag* defines proper synagogue architecture and determines proper prayer text, structure and behavior. *Minhag* means different things in different places; to the Rav *minhag* very often was not just a reflection of his conservative tendency, nor just a third dimension of halakha. To him it was an active dynamic in determining the structure of essential *halakhot*, and at times it even determined the nature of *mitsvot* and prohibitions of a Torah nature. The Rav did not wear *tekhelet* in his *tsitsit*; he forbade women's *hakkafot*. These rulings were of a similar nature.

The above quotation from my book *Jewish Woman in Jewish Law* of the Rav's position on women's *hakkafot* was not mere happenstance. I had submitted the manuscript of the book to the publisher during the previous summer. The following *Simhat Torah*, as I was returning from *hakkafot* with the Rav, he turned to me and asked, "What did you write in your book about *hakkafot*?" I answered that since I did not have a quote from him, I had not mentioned the topic. He answered me, "You know my position." I told him that I wanted a quote. He thought for a few minutes and then told me, "After *yom tov*, write down my position, show it to me and you can quote me." He also told me that I should add that he had ruled accordingly when questioned by synagogues in Brookline and New York City. At that time he did not want to publicize the fact that a certain Rabbi and synagogue in New York City had asked his opinion and acted otherwise. He would rather fight indirectly than by an open attack. After *yom tov*, I recorded his position and showed it to him. He reviewed it a number of times, changed one word, and said that I could print it as an accurate statement of his view.

Some recent authors have tried to argue that whereas my statement does not include the word *asur*, one could imply that he did not halakhically forbid these *hakkafot*. Whereas the choice of words was mine, I state for the record that no such implication is correct. Furthermore, in all conversations of a technical halakhic nature, the Rav explicitly referred

to it as *asur* and compared it to the issue of eating in a synagogue, which is a technical violation of *kavod bet ha-keneset*. Other people have tried to deduce from my words that the Rav did not intend a halakhic prohibition but merely described *minhagei bet ha-keneset* which has no particular halakhic significance. This was not the Rav's intent; nor does this fit with his comparison to eating in the synagogue, which is a technical violation of *kavod bet ha-keneset*. Furthermore, these people never dealt with the Rav regarding the whole area of *minhag bet ha-keneset*.

When my book was submitted to the publisher, the editor wrote back that according to the Rav's reasoning, women's *hakkafot* would be acceptable in a non-synagogue setting, such as the social hall or a private prayer service. I proceeded to show the editor's letter to the Rav and he replied to me that this represented a serious misunderstanding of his position. Just as there are rules determining proper synagogue behavior, so too there are rules determining proper treatment of a *sefer Torah*. Just as the established practice of the Jewish people enters into determining proper synagogue behavior, so does it enter into proper treatment of a *sefer Torah*.<sup>39</sup>

There was a second time that the Rav asked me to quote him in my book. This was with regard to pseudo-*keriat haTorah* that was advanced by feminist prayer groups. A specific rabbi at that time proceeded to quote the Rav as to its permissibility. Initially, the Rav thought that the issue was too outlandish for him to respond. When the book was in proofs, the Rav called me to say that as people were beginning to take seriously the rumor of his supposed *heter*, he would appreciate if I could still insert his opposition. Because of the late nature of his request, I inserted his opposition in a footnote only, rather than in the body of the text. Some people have tried to deduce from my statement that the Rav was only opposed to this specific form of pseudo-*keriat haTorah* and not to others. This is simply not true. The Rav was clear and articulate as to his forbidding all forms of feminist *keriot haTorah*. My book was written at a specific time, and my quotations of his position were only in response to his request for a clarification of his position when it was being distorted. He still did not anticipate how his silence on other issues would be distorted.

#### IV

A typical example of how the Rav's position was confused was his attitude regarding women's prayer groups. Various authors have tried to claim that the Rav permitted or even supported such groups. One author<sup>40</sup>

even used my statement as to the Rav's opposition to pseudo-*keriat haTorah* as an indication that the Rav permitted all other forms of women's group prayer activities. He then tries to put me at odds with those who claim that the Rav opposed them. Nothing could be further from the truth.

The Rav viewed women's prayer groups with disdain, suspicion and contempt. They violated his most basic emotions on many different levels. Prayer was a most basic part of the Rav's life. His preoccupation with *Masekhet Berakhot* and *hilkhot tefilla* was more than just an intellectual issue. The experience of prayer was a major part of his religious being. Anything that trivialized it or viewed it in any way other than man confronting his Maker violated the essence of his religious self. He saw in women's prayer groups the use of prayer as part of an agenda alien to proper religious behavior, and felt that they should be fought. He felt betrayed by students who had involved his name in an issue that violated his very essence.

A number of articles have recently appeared by rabbis who would like to maintain that the Rav did not forbid women's prayer groups, but only objected to them on grounds of public policy. They then proceed to declare their fealty to the Rav on all halakhic matters but respectfully grant themselves the right to disagree on issues of public policy. After all, they argue, matters of public policy change from time to time. Each community has its own needs and only the local rabbi of that community can decide for it. This is the prerogative of the local rabbi. The Rav himself, they claim, deferred to them on these matters.

This is wrong. The Rav forbade these prayer groups on all levels. He felt that they were halakhically prohibited; and he felt that they were also wrong and should be fought on grounds of public policy. He felt that they were laying the groundwork for a new and possibly more pernicious version of Conservative Judaism. To ascribe to the Rav halakhic permissibility of these groups is not only to misquote him and misunderstand him, but also to use his name and memory to spread a practice that violated every canon of his halakhic and religious being.

His position was clear, although misunderstood by those with alternative agendas. It is an indisputable fact that women are obligated in prayer; in the Rav's view, women are obligated to pray three times daily, as are men. A woman, however, is not obligated in *tefilla be-tsibbur*, public prayer. She has the option of staying home. But a woman who chooses to leave the home and seeks out group prayer that is not within the context of a *minyan* opts for a second-class level of performance.

The problem, however, goes much deeper. Prayer, when recited in

the presence of a *minyan*, is of a different quality. The Talmud tells us that God guarantees that He will always listen to the prayer of a *minyan*. But when one prays individually without a *minyan*, one approaches God on one's own merits. He may listen or He may not. When one prays with a *minyan*, however, God always listens. Although a woman cannot participate in the formation of a *minyan*, when she does pray with one her prayer is elevated to the status of *tefilla be-tsibbur*. One who chooses not to pray with a *minyan* makes a statement that he or she cares not whether God listens or does not listen to his or her prayer. It goes without saying that such a person has missed the essence of prayer and is obviously not motivated by proper religious intent. If prayer were taken seriously, it would be done in a way that would maximize its effectiveness. A woman who, for political reasons, opts out of a *minyan* declares that she is not concerned whether or not God accepts her prayers. Such a declaration insults the intimate relationship between God and man that is the basis of all *tefilla*.

In summation, the Rav opposed all non-halakhic forms of worship, and he considered women's prayer groups as exactly that—a non-halakhic form of worship. Does this mean that these groups are permitted, except that the Rav was suspicious of their motives? Does this mean that the issue is one of judging motives, and that this changes from situation to situation? The proponents of these groups would like to make such a claim. They make a point of the fact that the Rav always opposed it, but eschewed the use of the word *asur*, halakhically forbidden. However, the Rav declared otherwise. His halakhic reasoning was based on several axiomatic truths. First and foremost, halakha simply does not allow one to opt for a secondary level of religious performance. We are absolutely obligated to pursue excellence in our divine worship. One who opts for mediocrity in his religious worship is not only a second class citizen, but also has violated basic precepts in Jewish law. One simply can not be contemptuous of halakha. Assigning secondary value to divine worship violates the precept of "Since he has disgraced the word of God and violated his mitzvah, certainly he will be punished with *karet* together with his sin."<sup>41</sup>

This is an important concept that requires some elaboration. There is a fundamental disagreement between Maimonides and Ran as to the exact definition of the *mitsva* to study Torah. Ran<sup>42</sup> declares that one is obligated to study the Torah every spare moment. There are certain human activities the performance of which temporarily excuses one from the *mitsva*, such as earning a living, eating, sleeping and otherwise taking care of one's physical needs. The moment one finishes, however, he is obligated to return immediately to the study of Torah.



Maimonides disagrees. A man is obligated to set aside some time during the day and some time at night to study Torah.<sup>43</sup> Does this mean that according to Maimonides there is no prohibition of *bitul Torah*? May one just fritter away his time in this world with meaningless activity? Maimonides confronts this problem directly. One who is capable of learning Torah and chooses to do something else is explicitly stating with that choice that Torah is secondary. If a person has the option of spending the next hour learning Torah or engaging in meaningless activity—and chooses the latter—he has stated that for the next hour meaningless activity is number one and Torah is number two. One is simply not allowed to make Torah number two. Someone who violates the precept of “He has disgraced the word of God” (*ki devar Hashem baza*), is punished by *karet*.<sup>44</sup> Ran agrees with Maimonides on this issue; he merely says that in addition there is a violation of the *mitsva* to learn Torah.

This idea is not limited to the issue of the study of Torah; it extends to all its aspects. One who, because of a private agenda, decides to make any specific *mitsva* secondary and his private agenda primary also assigns to Torah a secondary value. A woman whose agenda makes her decide that she is not concerned whether or not God accepts her prayer has, from a halakhic perspective, established skewed priorities. This skewing of priorities is in violation of the principle of *ki devar Hashem baza*. One cannot pray and say, “I am not interested whether or not God accepts my prayer.” One does not pray to get a spiritual high. Prayer is not spiritual self-stimulation; it is an individual confronting his Maker and declaring his absolute dependence on Him.

Women’s prayer groups violate this basic concept. These are some of the reasons that the Rav viewed these groups with such contempt and that he forbade them. Women’s prayer groups are not only halakhically meaningless, and as such should be avoided, but also violate the most basic concepts, both halakhic and philosophical, that underlie all *hilkhot tefilla*.

There are many reasons that the Rav forbade them and at the same time eschewed the use of the word *asur*. Briefly, they violate more basic prohibitions than *hilkhot tefilla*. They violate the canons of what the Rav called thematic halakha, and they violate general Torah principles. The use of the word *asur* is for violations of what the Rav referred to as topical halakha and specifically articulated *halakhot*. The word *asur* is not used for a violation of general Torah principles—albeit they are forbidden. The precision of the Rav’s terminology should not be used to violate that which he held most dear.

Any discussion about the Rav and public policy vis-a-vis women's prayer groups and *hakkafot* has to be viewed from the total perspective of his general views on halakhic public policy. The Rav was generally a very gentle person who did not want to impose his views, halakhic or otherwise, on people. He assumed leadership only when the situation absolutely demanded. There were occasions when the Rav insisted on his views in public policy, even when these were independent of any halakhic considerations. He felt that Torah giants must lead the community on all issues.

When Pope John XXIII opened dialogue with Jews, the Rav viewed this as a serious danger to Judaism and declared in an unequivocal manner that such dialogue should not be pursued. His classic article, *Confrontation*, expressed his reasoning. Despite the opposition of a few Orthodox rabbis, the Rav's position carried the day and almost without exception no dialogues have been conducted between Orthodox rabbis and the Catholic Church. The Rav felt that it was the responsibility of the Torah giants of the day to exercise leadership in all areas. Their views, he felt, are not limited to the *Shulhan Arukh*. In his classic eulogy for Rav Hayyim Ozer Grodzenski, the Rav declared that the *talmid hakham* is the leader of the community in all areas, halakhic and political as well.<sup>45</sup> Furthermore, he quoted in *Hamesh Derashot* the famous story of the *Bet haLevi*, wherein the latter declared that only the *talmid hakham* for whom Torah is "as gold" is equipped to identify dangers to the Jewish people. Others, for whom the Torah is merely "as silver," are not adequately equipped.

The Rav exercised the power implicit in his authority with great hesitation. This hesitation to impose his will on others extended to the halakhic arena as well. The Rav was an unwilling *posek*, and saw his main role as a teacher. He often referred to himself as a *melamed*, and then added that there could be no greater title, as the Almighty himself is the teacher of Torah to the Jewish people, (*ha-melamed Torah le-ammo Yisrael*). When asked a question, he would generally answer. On many issues he would make his opinion known, but he never insisted that his opinion be followed.

Thus, for instance, he once expressed himself in front of a few thousand people that reciting *hallel* on the anniversary of the liberation of Jerusalem, *Yom Yerushalayim*, or Israeli Independence Day, *Yom ha-Atsmant*, was a violation of the Talmudic principle that "He who recites *hallel* every day is a blasphemer."<sup>46</sup> The Rav explained this by describing

the two ways man sees God in nature. Some see God only in the miraculous. However, our obligation is to see God in the everyday process of nature. It is in this context that we recite the daily section of Psalms recited every morning, *pesukei de-zimra*, wherein we say *hak natan ve-lo ya'avur*, "He has given laws (to nature) that cannot be violated."<sup>46a</sup> *Hallel*, however, is for the miraculous. The Rav showed that Rashi<sup>47</sup> says that only a prophet can distinguish between the providential and the miraculous. Hence, we may only say *hallel* for a miracle identified by a prophet as such. Everything else remains providential. Someone who says *hallel* every day sees God only in the miraculous and not in the providential. Similarly, the Rav maintained, someone who recites *hallel* on non-miraculous events does so because he has skewed the importance of the providential aspect of God. He, too, is a blasphemer.

The Rav made this point in the presence of thousands of people, and his words are still available on tape. However, the Rav never insisted that people follow his rulings in this matter. Furthermore, if he was present at a *minyan* that recited *hallel*, he simply stood there, silently, with his *tallit* over his head, until *hallel* was concluded. Whether a *posek* insists that his position be followed or he simply informs others of his position is a difficult public policy issue for him to decide. The Rav, despite his silence, harbored a deep sense of disappointment that more people did not accept his rulings when he did not insist on their fulfillment. This was especially true when students who attended his *shiurim* did not invest the time and effort to properly understand his rulings.

The Rav objected to the recitation of *hallel* on Israeli Independence Day for yet another reason. This is best exemplified by the following incident. In 1967, on the *Shabbat* that marked the conclusion of the Six Day War, those who prayed in the Rav's *minyan* in Boston wanted to recite *hallel*. The Rav objected, as he felt that this would violate the halakhic principle of *ma'ase yadai tove'im ba-yam ve-atem omrim shira*, that one does not sing praise of God when there is loss of human life unless one has been personally saved. It was inappropriate for someone sitting in the United States to say *hallel*, despite all of the justifiable emotions that cried out to sing God's praises. Here he felt there was no justifiable position to permit the recitation of *hallel*. Hence, he forbade such recitation. At most, in 1967 only, he permitted—but even then somewhat begrudgingly—the recitation of the fifteen *shir ha-ma'alot* on *Shavuot*. He was not silent. However, once again, he never publicized his view. This was the Rav as the unwilling *posek*: he expressed his opinion only when asked.

At times, however, he felt that he must publicly protest distorted

halakhic behavior. A famous case in point occurred on Israeli Independence Day, 1978. When the *minyan* he attended recited *hallel*, he stood silently and did not respond. However, when they took out a *kelaf*<sup>48</sup> to read the pseudo-*haftora*, he stomped out in great anger. In his *shiur* that day, the Rav lashed out at all details of the prayer changes for Israeli Independence Day as “acute halakhic mental retardation.” He informed his students that he had kept quiet over the recitation of *hallel* but that he could not keep quiet over what he perceived as a ceremony that made a mockery of halakha. To take a halakhically meaningless ceremony and event and invest it with the trappings of a halakhically meaningful ceremony made a mockery of halakha and had to be protested. He felt that there was a difference between a performance that was halakhically incorrect and one that mocked the entire structure and meaning of halakha. The latter had to be protested. One who did not protest was guilty by his silence of making a travesty of the halakha.

These cases exemplify the Rav as a *posek*. He distinguished between many different levels of *pesak*. He had a public policy of *pesak*. There were times that he made his opinion known and then was silent even in his own community. There were times that he made his opinion known and only insisted that his own community follow him. There were times that he publicly campaigned that his opinion be followed. Finally, there were times that he drew the line and insisted that anyone who acted otherwise could no longer be considered an observant Jew. The last step was taken with great hesitation. A case in point was the instance of mixed seating.

As we discussed earlier, when the Rav arrived in the United States in the early thirties, there was great confusion as to the exact delineation between the Orthodox and the Conservative movements. The latter presented itself as committed to Jewish law, but as being more responsive to modern needs and demands. The Rav, together with other major leaders, realized that under the guise of modernity, the Conservative movement was committed to changing the fundamental nature of observance. However, one finds no major statements of the Rav throughout the thirties and forties declaring that mixed seating violates a biblical prohibition. We find no public ruling of the Rav during that entire period that one should forego *shofar* and other *mitsvot* if the only venue for them would be a mixed seating synagogue. All of these rulings were as true in the thirties as they were true in the fifties. However, until the fifties the Rav was not willing to make the strong line of demarcation that declared mixed seating congregations to be outside of the pale of Orthodoxy. Until the time arrived that he had no

choice, the Rav preferred to work in case by case instances to encourage and persuade congregations to install a *mehitsa*. For instance, when the Rav first arrived in Boston, a local shul, the Young Israel of Roxbury, had separate seating without a *mehitsa*. The Rav worked with the people in that synagogue, and even had his own children attend their youth groups, until they changed and installed a *mehitsa*. The Rav was cautious about declaring that situations were over the halakhic line, for fear that this might turn away the participants and cause them to violate basic *halakhot*. He preferred to work in his gentle way to educate and encourage people toward proper observance. He was careful about pushing people into situations that left them no graceful exit. However, this never implied halakhic acceptance of situations that he deemed wrong. He hoped that through his teaching and other means he would be able to raise the observance of the large numbers of American Jews.

Despite the Rav's intense opposition to mixed seating and his insistence that it represented an *isur de-oraita*, a violation of a biblical prohibition, he nevertheless made every effort to get synagogues to change and introduce *mehitsot*. From time to time, when approached by students who were offered mixed seating congregations, he would tell them that they could take the position for a limited time to attempt to effect a change. He would give those students guidelines as to how they should conduct themselves in the interim. Some of these students followed those guidelines, and either changed the situation or left at the end of the trial period. Some, however, announced that the Rav had given them permanent dispensation. Others used the Rav's leniency to justify their continued occupying of these pulpits. This was despite the Rav's published and vehement opposition to all forms of mixed seating in synagogues. This betrayal caused the Rav much anguish.

The Rav felt that one should exhaust every option before taking that irrevocable step of drawing the line where everyone on the other side ceased to be a part of the normative Orthodox community. However, the Rav was not alone in this guarded hesitation. If one looks at all the landmark opinions on the topic, one will see that not only the Rav, but also Rav Aharon Kotler and Rav Moshe Feinstein waited until the fifties to take the step wherein they declared that congregations with mixed seating were no longer part of the normative community. Only when all else is lost does one take that irrevocable step. These are issues of public policy that are given to the Torah giants of each generation to decide.

The Rav's position on women's *hakkafot* was of a similar nature. From the very beginning he viewed them as completely forbidden according to the dictates of halakha because they constituted a violation

of *kedushat bet ha-keneset* and *kedushat sefer Torah*. He understood that there were rabbis who were under pressure. These rabbis occupied pulpits where the connection of the congregation to normative Orthodoxy was tenuous at best. It was a public policy decision that it is better to turn one's eyes away from a violation of halakha than to lose the congregation entirely to normative halakhic observance. Even if women's *hakkafot* are forbidden, they do not have the severity of *Shabbat*. His position on this issue was very similar to his position on mixed seating in synagogues.

While the Rav often expressed his position to me on women's prayer groups, I do not recall him using the word forbidden. He merely told me that he was opposed to them and that they should be fought for all of the reasons outlined above. In an important article, recently published in *Jewish Action*, his grandson, Rav Mayer Twersky, quotes the Rav as saying that he was halakhically opposed to these groups. He felt that these groups were halakhically wrong. There were reasons for which he may have avoided the term *asur*, but this did not imply that he felt that they were halakhically permitted.

Many rabbis approached Rav Soloveitchik for guidance on the issue of women's *tefilla* groups. On every occasion, the Rav unequivocally opposed such groups.<sup>49</sup> Nevertheless, in some instances the petitioners and/or their constituencies were dissatisfied and simply refused to accept the Rav's decision. The Rav was then confronted with an entirely different question: if such *tefilla* groups would be formed over his objections, how should the local rabbi respond? At this stage unable to prevent the impermissible formation of these groups, the Rav indeed provided guidelines to prevent additional problems. Unfortunately, these guidelines, cited out of their original context, have been trumpeted as proof of the Rav's acquiescence, if not outright support for women's *tefilla* groups. In fact, the Rav provided these guidelines *ex post facto* to prevent additional infractions, despite his consistent unequivocal ruling that such groups are halakhically wrong.

On other occasions, after the Rav stated his unequivocal opposition to women's *tefilla* groups, the questioner persisted. "But, Rebbe, is it *asur* (legally forbidden)?" While resolutely opposed to such groups, the Rav was reluctant at times to label them as *asur*. Proponents of these groups have inferred that the Rav deemed them to be permissible and dismiss his adamant objections as non-binding, unauthoritative suggestions for public policy which they "respectfully" decline to fol-

low. This analysis is flawed.<sup>50</sup> Anyone who claims that the Rav felt that they were halakhically permitted is either totally unaware of the Rav's system of *pesak* or is intentionally misrepresenting his position to advance a specific political agenda for which the Rav had only the greatest contempt and to which he reacted with total derision.

Many of the Rav's statements have been misunderstood because of a lack of proper appreciation of the Rav as a person. The Rav was a consummate gentleman. He acted graciously and cordially even to people for whose views he felt nothing but contempt. Furthermore, he was cordial even to his most bitter ideological enemies. Ideological differences never elicited from the Rav ungentlemanly behavior. At my older sister's wedding, the Rav addressed a professor at the Jewish Theological Seminary as "rabbi". The latter walked around all evening feeling flattered—as if the Rav had legitimized his *semikha*. But the comment was nothing but a mere gentleman-like formality. Similarly, many people who claim a cordial relation with the Rav misunderstood his graciousness for an acceptance of their position. The Rav's grandson, Rav Mayer Twersky, remarked that it was the Rav's gentlemanly and sympathetic approach to many of his students who were involved in feminist activities—of which the Rav did not approve—that led them to believe that the Rav supported their alternative forms of Jewish worship. Nothing could be further from the truth. Furthermore, the Rav was aware that many of his students were not capable of or unwilling to adhere to his halakhic demands, but he was not willing to write them off, and always listened sympathetically to their concerns. This was at times interpreted by them as approval, which caused the Rav great pain. At the end of his life, the Rav often anguished at what he considered a betrayal by these students who used his kindness as a justification for practices that he disapproved of and for which he had the greatest of disdain.

Some people have portrayed the Rav as the universal man deeply concerned with the universal moral and social issues of the day. They then extrapolate to current issues and declare that the Rav would have supported feminist changes in halakha as part of his involvement in social issues.

This is absurd. The Rav in all of his concerns was exceedingly parochial. He viewed all social issues of the day from the one pragmatic standpoint: how they would affect the spiritual and practical needs of the Jewish people. While he was, for a time, sympathetic to the civil rights struggle of the black community during the sixties, he disapproved of the involvement of Jewish leaders in these battles. He felt

that they were diverting valuable resources from the needs of the Jewish community. It was only after a number of negative experiences with leading members of the black community that he even lost his sympathy for the movement itself. During the Vietnam war, he expressed concern that the isolationist tendencies of the war protesters would negatively affect the security of Israel. In all of my discussions with him, I never heard from him any consideration other than a concern for the well-being of Jewish communities. He vigorously opposed all activism for Soviet Jewry because he felt that it was pragmatically counterproductive. I do not believe that one can find a single instance where the Rav was involved in any of the universal issues of his day. His concerns and involvement revolved around his parochial concern for the wellbeing, both spiritual and physical, of the Jewish people.

It was in this context that he opposed all changes wrought by feminists. He felt that they were dangerous and threatened the continuity of the halakhic community. To those close to him, he articulated that it had the seeds of a future form of Conservative Judaism. To attach his name to these changes—women's prayer groups, *hakkafof*, *aliyot* and the like—is to violate the memory of one of the giants of Torah of this century.

## NOTES

1. This was first published in *Talpiyot*, vol.1 and subsequently in Rabbi Joseph B. Soloveitchik, *Ish haHalakha—Galui veNistar* (Jerusalem, 1979).
2. It is not my purpose here to evaluate or judge the relative value or correctness of either position, but only to describe for the purposes of this article the source of an often misunderstood disagreement between two Torah giants.
3. Because the Rav operated on a dual level, many people assumed that these dual positions emerged from an internal conflict. The Rav was a complex man, and there was a clear differentiation in his mind and thought between a necessary public posture that he had to assume as the leader of modern Orthodoxy, and his private opinions and practice. This represented the complex position of a leader who was leading a community with which he often and clearly stated that he found it difficult to identify.
4. *Tosafot* to *Shabbat* 35a s.v. "Trei", and *Pesahim* 94a s.v. "Rabbi".
5. *Orach Hayyim* 261:11 and *Yore De'a* 262:9.
6. *Commentary to the Mishna*, *Sukka* 5:2.
7. Rabbi Joseph B. Soloveitchik, *The Halakhic Mind* (New York: Macmillan, 1986).
8. Published initially in *HaDo'ar* 42, no.39 (1963) and subsequently in Rabbi Joseph B. Soloveitchik, *Divrei Hagot veHa'arakha* (Jerusalem, 1982).



9. This was also published in the above volume, *Divrei Hagot veHa'arakha*.
10. I have often wondered why the Mizrachi in Israel chose to reprint this article and use it as a text in their school system. In this article, the Rav rejects the two main points of the ideology of Religious Zionism: that there is intrinsic religious meaning to the establishment of a secular government in Israel, and that there is any pre-messianic meaning to such an institution. He merely records the positive aspects of the State and chooses to view the value of the State of Israel in purely pragmatic religious terms. The bottom line is whether or not it is good for the Jews, i.e. the proper practice of the Jewish religion. In all of his essays on Zionism, this theme is constant. The Rav's difference of opinion with other Torah giants was the degree of accommodation with government of Israel. It existed on a pragmatic level only.
11. Psalms 24:2.
12. The Rav's use of this was in the manner that this halakhah is explicated by Rav Hayyim Soloveichik in *Shiurei Rabbeinu Hayyim haLevi* to *Bava Kama* 102b.
13. The Rav did not subscribe to the belief of Rav Shlomo Luria in *Yam Shel Shelomo* that *ziyyuf haTorah*, falsification of the Torah, was an issue that required martyrdom. For the Rav, the learning of Torah was an exercise in the pursuit of truth and the dedication to truth was a passion of his life. Use of dishonesty in the pursuit of truth is anathema to a real man of truth.
14. Nahmanides uses this to explain why the highest reward goes to one who performs *mitsvot* because of Divine command. Only such performance represents the acceptance of the Divine mandate and submission of one's will to the Divine Will. See his comments in *Hiddushei haRamban* to *Kidushin* 31a, and as quoted in the comments of Ritva and *Nimukei Yosef*, *ad locum*.
15. *Rosh haShana* 26b
16. *Genesis* 18:27.
17. See *Berakhot* 33b.
- 17a. *Psalms* 65:2.
18. *Ibid.* 145:3.
19. *Ibid.* 145:4.
20. See *Introduction to Mishne Torah* and *Mishne Torah Hilkhos Mamrim* 1:2.
21. *Deuteronomy* 17:11.
22. *M.T. Mamrim* 2:9.
23. Ra'avad *ad locum* disagrees with Rambam. Rambam in his *Commentary to Humash* views *bal tosif* as the adding of new *mitsvot*. The Vilna Gaon in *Aderet Eliyahu* attempts to unify the positions of Rambam and Ramban by claiming that both are correct and he claims that this is the reason that the prohibition appears twice in the Torah.
24. *Orah Hayyim* 468 and 496.
25. *Deuteronomy* 32:7.
26. Rabbi Joseph B. Soloveitchik, *Shiurim leZekher Aba Mori* (Jerusalem, 1983), p. 226.
27. The use of *minhag* as a means of interpreting and defining objects and concepts in the main body of halakha is a varied use of *minhag*. We use it to define exactly what the Torah meant by *peri ets hadar*. *Minhag* defines this

- as an *etrog*. We use it to define texts and other aspects of prayer. All of the above tell us that the way we practice Judaism is based on our tradition. This, also, exclusively defines the way we perform Torah-based *mitsvot*.
28. Note 5 of the *Hagahot Maimoniyot* to the text of the *amida* in the *siddur* of Rambam.
  29. *Megilla* 31a.
  30. *Orah Hayyim* 117.
  31. See all of the above *rishonim* to *Ta'anit* 10a and as quoted in *Tur Orah Hayyim* 117.
  32. Rav Hayyim Soloveichik, 1853-1918, was the Rav's grandfather. He was the leading intellectual figure of late nineteenth century and early twentieth century Lithuania. His analytic genius revolutionized the learning of Torah and has deeply influenced all subsequent Torah learning and practice.
  33. See *Orah Hayyim* 422.
  34. Rav Moshe Soloveichik (1879-1941), the Rav's father and teacher.
  35. See Moshe Meiselman, *Jewish Woman in Jewish law* (New York: Ktav, 1978).
  36. See Ran beginning of fourth chapter of *Megilla*.
  37. *Berakhot* 63a.
  38. Moshe Meiselman, *Jewish Woman in Jewish Law*, (New York: Ktav 1978), p. 146.
  39. The Rav never discussed the issue from the perspective of *tiltul sefer Torah*. He saw the issue of *kavod sefer Torah* as more fundamental.
  40. Rabbi Avraham Weiss, *Women at Prayer* (Hoboken: Ktav, 1990), p.107.
  41. *Numbers* 15:31.
  42. *Ran* to *Nedarim* 8a.
  43. Maimonides, *M.T. Hilkhos Talmud Torah* 1:8.
  44. *Ibid.* 3:13.
  45. This was reprinted by the Rav in 1982 in the above mentioned volume *Divrei Hagot veHa'arakha*. The supposed claim by some feminist authorities that the Rav subsequently changed his mind about the position taken in this eulogy is contradicted by the fact that the Rav chose to have it reprinted in the early eighties.
  46. *Shabbat* 118b.
  - 46a. *Psalms* 148:6.
  47. *Shabbat* op. cit.
  48. A parchment scroll on which are written the *Nevi'im*, in the same manner as a *sefer Torah*. Some congregations are careful to recite all *haftorot* from such a scroll.
  49. My presentation of my grandfather's position is based upon my (Rabbi Mayer Twersky's) first hand knowledge, corroborated and amplified by the accounts of the intimates of the Rav. His personalized words of encouragement to rabbis who would not accept his *pesak* were later misconstrued as a softening of his halakhic stance.
  50. Rabbi Mayer Twersky, "Torah Perspective on Women's Issues," *Jewish Action* LVII, no. 4.