

Atara Eis is Director of Nishmat's Miriam Glaubach Center and the U.S. Yoatzot Halacha Fellows Program, a Yoetzet Halacha, and a Nishmat Fertility Counselor. She lectures internationally.

Laurie Novick is Director and Head Writer of Yeshivat Har Etzion's Deracheha: Women and Mitzvot ([womenandmitzvot.org](http://womenandmitzvot.org)), a Yoetzet Halacha and writer for [yoatzot.org](http://yoatzot.org), a Nishmat Fertility Counselor, and has taught for many years at Nishmat.

## **RECONSTRUCTION IN NO MAN'S LAND**

**A** recent article in *Haaretz* describes a new “trend” in women’s halakhic observance:

Growing numbers of observant women have been abbreviating niddah in recent years. Sisters and sisters-in-law, female friends and acquaintances – all are spreading the news by word of mouth.... The trend of forgoing the seven “clean days” is reflected also in confessions by women on Facebook and has spread from the bastion of the liberal followers of Orthodoxy in Jerusalem to the religious periphery, and even has fans in the more conservative settlements. Has the great niddah revolt begun?<sup>1</sup>

More than a hundred years after the founding of Bais Yaakov and forty years after Rabbi Joseph B. Soloveitchik inaugurated Talmud study for women at Stern College, a reporter describes observant women making halakhic decisions, without any reference to halakhic texts or text culture. In their stead, we find a social brand of mimesis, fueled by the Internet, spreading a course of action which, in this case, is alarmingly at odds with normative halakha.

While our experiences as Yoatzot Halacha indicate that talk of “revolt” is thankfully overstated, the process of halakhic decision-making the article describes is true of a substantial portion of our community. This phenomenon is not entirely new, and not exclusive to the laws of *nidda*. As Professor Haym Soloveitchik pointed out in his “Rupture and Reconstruction,” mimesis as a driving halakhic force has a long history. Indeed, socially determined practice might be said to have dominated American Orthodoxy through the sixties and later, the period Soloveitchik describes.

Decades ago, Rav Ovadia Yosef lamented women’s tendency to turn to the unlearned women of their communities, particularly for *nidda* questions, in lieu of rabbis.<sup>2</sup> Centuries earlier, Maharil (Responsa 199) placed his confidence in women’s mimetic transmission of halakhic practice. The Mishna (*Ketubot* 7:6) itself granted halakhic standing to *dat yehudit*, the normative conduct of Jewish women.

What is new is the extent to which social mimesis persists in today’s conditions, when there are more halakhic texts than ever and women have greater access to them.<sup>3</sup> While text study has had a positive impact on women’s understanding of halakha and sense of agency when observing it, we see many women crowdsourcing significant halakhic decisions, sometimes, as above, to detrimental effect. This observation has led us to revisit the applicability of Soloveitchik’s initial assertions in “Rupture and Reconstruction” to the lives of women, both a few generations ago and today.

### *Women’s Rupture and Reconstruction*

In the first note of “Rupture and Reconstruction,” Soloveitchik writes that, “in one sense, much of this essay is simply an elaboration of an insight [Hafetz Hayyim] expressed in his ruling on women’s education.” Hafetz Hayyim’s insight was that the weakening of mimetic tradition leaves women—who presided over that mimetic tradition while lacking direct access to text study—at sea, and texts could serve as their lifesavers. His attempt to use texts to fill a ruptured mimetic space was a conscious effort to rekindle women’s spiritual connection and commitment to Torah through study, primarily of Jewish thought and *musar*.<sup>4</sup>

Soloveitchik’s contention about the general community is wider-reaching. To Hafetz Hayyim’s insight that displacement and acculturation have dulled the force of mimetic tradition from parents or elders and broadened the role of texts, he adds that the resulting dominance of halakha manuals has upended the time-tested balance of textual and mimetic traditions, spawning an approach to halakha that is more textual, but also more focused on the halakhic bottom line than on the Talmudic intricacies and nuances of foundational texts.

Given, however, that women’s text study since the founding of Bais Yaakov has not often included halakhic texts other than summary works, does Soloveitchik’s argument accurately characterize Jewish women’s halakhic decision-making?

A typical religiously observant man of a few generations ago would have had some access to textual foundations on which to reconstruct

practice where mimesis had lost its footing. Indeed, familiarity with the textual tradition of oral Torah might predispose him to privilege text over custom.

At the same time, a typical woman would still have been caught in halakhic no-man's-land. Without the education to contextualize or fully assimilate the new halakhic instructions she encountered, she would likely have been less inclined than her male counterparts to see halakha manuals as a resolution to the difficulties resulting from her acculturation. While her participation in American society might have called some aspects of her traditional practice into question, direct or indirect exposure to halakhic texts that challenge her practice might have been her first inkling of a gap between halakhic text and tradition.

How, then, would a woman address the tension between what she had always taken for granted and the texts that challenged those assumptions? Enter social mimesis: She would mimic her friends. The halakhic standing of the outcome would depend on who her friends were.

Social mimesis has been and remains a dominant force in women's personal decision-making about halakha, and was never supplanted by the textual revolution Soloveitchik describes.

### *Social Mimesis in the Late Twentieth Century*

Based on conversations with women who came of age in the second half of the twentieth century—the period Soloveitchik identifies as the turning point for mimetic rupture—our impression is that then, too, many women's halakhic questions were resolved via social mimesis, by schmoozing on a park bench, in the school parking lot, or on the phone, and not through how-to books. A woman would be more likely than a man to care about fitting in with and being accepted by her neighbors, and therefore more ready to consult them. This sensitivity to others' practice would even hold true in the private realm.

For example: Tova, a young bride, is scheduled to immerse on the second night of Pesach, when she will be at her parents' home. She needs to figure out how to arrange it discreetly, when to prepare, and what actually happens at the *mikve* when arriving in the middle of a two-day yom tov, with the added pressure of getting back in time for the seder. In the 1970s, unless she was a member of the vanguard of women's textual learning, there were no detailed books accessible to her. Odds are she was not asking her mother about her *mikve* night. What, then, was the basis of how she decided what to do? It is possible that she would have sought out her rabbi or rebbetzin for guidance, but it's equally likely that she

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would turn to her friend Chana when she would bump into her on the supermarket check-out line, and follow what she would say, regardless of whether it was halakhically accurate.

In the 1980s, with the rise of halakhic how-to books, women of the era had a new option for answering questions. Rav Shimon Eider's two-volume *Halachos of Niddah*, for example, arrived on the scene in 1981. Did Tova use it? If she were inclined toward learning (and more women were than just ten years earlier), she might have. It might have also helped her formulate a question to her rabbi in a way that would make her concerns more clear. But she might still just as easily have asked Chana. As sensitive and comprehensive as R. Eider's book is, it by no means supplanted the women's halakha whisper network.

Even as these books multiplied in the Nineties, the whisper network retained its power. When a question did end up at the rabbi's doorstep, it would often be prefaced by, "I heard that..." or, "My friend said..." Older women frequently tell us, "I never asked a rabbi a question. I was just stringent. Where were yoatzot halacha when I needed you?" It seems that women often gave up on acquiring halakhic knowledge, especially regarding the laws of *nidda*, beyond what their network of friends could provide.

### *On the Social Network*

More recently, both social mimesis and textual authority have migrated to the Internet's social network. As Soloveitchik notes (87), halakhic discourse tends to privilege the prevalent modes of discourse in a given society. Our prevalent mode of discourse is the Internet chat. Social media have been a boon to social mimesis, as evidenced by the proliferation of Facebook groups for religiously observant women to discuss their lives, with anywhere from 1,000 to 32,000 members, including: "FrumGirl-Problems," "Jewish Women Talk About Anything," "Jewish Women Talk About Everything" and "Jewish Women Talk RESPECTFULLY About Anything." Men have groups, too, but their names, "Halacha Yomis," for example, often point to a narrower purview.

What happens in these women's groups? Here's an example, a composite of fragments of real conversations, taking some creative license:

**Tova:** OMG supposed to go to mikve the second night and we're at my Mom's. Plus we're ttc [trying to conceive] so don't want to miss it.

**Chana:** My kalla teacher told me never to miss mikve. So I did this last year. Sooo embarrassing!

**Rebecca:** I would ask your LOR [local Orthodox rabbi], but see [here](#).<sup>5</sup>

**Ilana:** This is so hard. Maybe you should think about what your priorities are...

**Aliza:** I spoke to a nidda posek and he told me I could go during the day.

**Faygie:** My husband says he learned that you can basically never go during the day.

This, too, is mimesis, not far off from what once happened on the park bench. Some women quote, or misquote, their rabbis. Some women cite their husbands. Others refer to a text, in this case an online web-resource.

Note some salient points:

One, the porous nature of these discussion groups allows for a wide range of participants from every shade of Orthodoxy. The virtual community is a new type of Jewish street (or neighborhood).

Two, everyone is an expert, and no *gadol* holds the reins. Rav Aharon Lichtenstein wrote that an ideological community could have halakhic force, but he emphasized that is only when a *gadol ba-Torah* serves as a guiding light for that community.<sup>6</sup> Over the Internet, the community is a loosely bound group of women with shared interests, dipping in and out of text tradition, with no consistent corrective to personal opinion. This erosion of local rabbinic authority, which Soloveitchik describes (94), is one of the reasons that the assumption of halakhic authority by women has been such a communal flash point. There is a sense that the way halakha “has always been done” is under assault on multiple fronts.

Three, on intimate matters like this, nearly no one mentions what her mother did as authoritative, though women might do so when chatting online about *kashering* countertops.<sup>7</sup> Anonymous online conversations or “closed groups” facilitate conversations about matters that previous generations did not readily discuss.

Four, a woman’s husband may be part of her halakhic decision-making, and when he is, he is more likely than she to be informed by text study. But a woman will just as often handle matters without involving him, whether or not that includes consulting a rabbi.

Five, texts cited are online. If a text is not available online, it is effectively out of the discussion. Textual sources are now accessed quickly through scrolling or soundbite, and less often read with the care that proper comprehension demands.

Finally, online halakhic texts are sometimes treated as no more authoritative than the opinions of Facebook “friends,” so citing them does not decisively conclude a conversation. When everything seems up for question within a given chat, it becomes difficult to take anything as final.

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Where printed text leaves room for a finite number of footnotes or questions, so that a discussion's terms can be closed, Internet hypertexts allow for an endless amount of branching off and questioning. Consequently, text interpretation is crowdsourced in the same manner as the rest of the discussion.

Aside from discussion groups, women seek out Q&A sites, videos, and podcasts online, with mixed results. Q&A sites occupy a middle ground between text and mimesis because they are interactive. For that very reason, though, even when they are authored by a rabbi, they can lead to misunderstanding among others who read them. It takes a trained halakhic eye to identify what specific details have shaped a response and which analogies and applications of a ruling are legitimate. Videos range from the text-oriented, "Daily Halacha: Covering Your Head," to the mimetic, "How to Tie Your Tichel." Their presenters cultivate a feeling of familiarity and trust, so that viewers give them credence without questioning their credentials.

### *Podcasts and Physicality*

Unlike the halakhic instruction manual, which tends to be strict, the podcast feeds a culture of halakhic leniency. The most popular podcasts are conversational and free-wheeling, giving listeners the feeling that they are part of a social discussion, not on the receiving end of a textual discourse. Ideas that one might communicate orally but never write down formally are now captured—and broadcast. Seemingly intimate conversations, lightly edited, reach the public. No one need wait for difficulties to arise before learning of the most lenient opinions; the claim is that those opinions should be accessible to all, and the podcast's tone may convey that it has recovered the ideal ruling after years of unjustifiably stringent suppression. Where Soloveitchik discusses "the impetus to *humra*" as "strong and widespread" (n. 22), spurred by texts, here we find the opposite, as *kulot* spread mimetically.

Podcasts' characteristic lack of caution finds an eager audience in our era, when an idealized role of women as nurturers has given way to a life of prioritizing the self—and self-care, with an emphasis on the physical. Women's externals command as much focus now as ever. Even in yeshivish communities, vendors peddle fashionably modest dress through Instagram influencers or blogs. Congenial slogans (e.g., "be attractive, not attracting"), often disseminated via podcast, dominate discussion.

This trend is particularly prominent with regard to marital intimacy. Twenty-five years ago, Soloveitchik marked the end of a thousand years

of asceticism dominating Jewish practice (81). Today, in almost all segments of Orthodoxy, asceticism is often cavalierly dismissed as a misunderstanding of Jewish tradition. Our Sages' dictum (*Hagiga* 11b) that one should not discuss these matters in a group greater than three has fallen by the wayside as a natural, and sometimes prurient, desire to discuss these issues has found its *hekhsber*. At least two popular online podcasts for an Orthodox audience are dedicated to the subject. Couples listen to podcasts on the most intimate topics, given by people to whom they would never address other halakhic questions.

### *Across Communities*

Lest one think only the more liberal elements of Orthodoxy, which generally seek to maximize religious autonomy, take part in these trends, we should note that, in our experience, a wide range of Orthodox women participate in social mimesis, even if they ultimately consult a halakhic authority. This phenomenon is not restricted to questions concerning *nidda*.

Women who identify as yeshivish but consume and partake in social media swap names of “*nidda* rabbis.” Along the way, they also share reports of halakhic rulings. Although they still eventually turn to halakhic authorities, what they see online may lead them to shift toward different authorities from those they normally consult, including women. This is especially true for *nidda* questions, even if a woman's main rabbi may not sanction such a choice.

While women from centrist and liberal communities make up the majority of those turning to Yoatzot Halacha, women on the right of the ideological spectrum increasingly seek out their halakhic advice. Yoatzot Halacha have been very successful, helping tens of thousands of women per year from all sectors of the community.<sup>8</sup> Because Yoatzot are female, make themselves approachable, and do not issue halakhic rulings, the experience of approaching one for counsel can fall somewhere between the experience of asking a rabbi a question and that of consulting a friend. The advantages to this arrangement are great: a woman feels comfortable revealing all relevant information and taking as much time as she needs to understand the halakha well.

At the same time, a Yoetzet Halacha's friendly tone and lack of rabbinic authority can make it difficult for women to distinguish between the halakhic standing of what she has learned from the Yoetzet Halacha and what she hears from other women. A Yoetzet Halacha's emphasis on making halakha understandable often demystifies it. Ironically, this sometimes makes it harder for women to appreciate her erudition.

*Recalibrating*

Where Soloveitchik laments the replacement of traditional mimesis by text, we lament that textual insight has not done more to deepen the shallows of social media or to impact on women's halakhic interactions. Like many of our fellow educators, we feel strongly that deeper textual engagement leads women to deeper *emuna* and stronger observance. But we wonder how different most women's halakhic decision-making is now from what it was when women's education was more exclusively mimetic.

At the moment, women's engagement with the textual tradition is both flourishing and stalled. Both women and men lead busy lives and struggle to set time for study. But women, without the same obligation to learn Torah, and often without the same opportunities, more readily prioritize other activities over consistent Torah study. Although many communities host a long-running women's shiur of one sort or another, women's engagement in text culture usually does not go beyond that, even for graduates of the most prestigious Torah institutions. When women do learn texts, they typically do not focus on halakha. This results in increased likelihood of consulting the whisper network for halakhic questions, as opposed to turning to texts or local authorities. When a woman does approach a rabbi with a question, her chances of asking it effectively may be diminished by her lack of textual knowledge, especially in more sensitive areas of halakha, where it can be more difficult for a rabbi to probe the issue thoroughly.

Today, texts are more open to women, but women's halakhic discussion still takes place largely within a mimetic framework. By nature, the resulting discussions focus more on navigating real-life dilemmas than on understanding halakhic concepts. Scholars might call these discussions *balebatish* (overly simple and practical) and others might deride them as "fluff."

Women are caught in this rupture. Too often, women's halakhic concerns, practical orientation, or emotional investment are dismissed by those who would teach them Torah.

In order to reconstruct, we need to develop a broader approach to Halakha study—one that adjusts to a world in which the Internet is a powerful social force and that integrates text and mimesis as befits the wide-ranging nature of women's lives. Female scholars who convey a mix of inspiration and Torah coaching are popular because they hit a sweet spot between the two. They talk to students the way an idealized mother or big sister would if she had more erudition and a greater spiritual aura.



Their warm, colloquial, and non-hierarchical tone appeals to women and men alike.

Still, the level of expertise required in order to educate effectively about halakha requires more than just a sisterly style, especially if we wish to combat phenomena like women abandoning the clean days.<sup>9</sup> Frequently, women call a Yoetzet Halacha with one concern, and through a detailed, personal conversation drawing on the Yoetzet's halakhic knowledge, practical savvy, and spiritual, psychological, and medical sensitivity, the callers arrive at more fundamental halakhic questions, ones they would not have thought to ask before speaking with the Yoetzet. Learning halakha textually builds the halakhic awareness that is necessary to conduct that kind of conversation. When Yoatzot Halacha teach the laws of *nidda* in a way that combines text with a woman's perspective, students often reflect, "My mom is in awe of how I'm learning this."

The mimetic tradition among women has been resilient, and women's adoption of the textual tradition is incomplete. Our response should be to develop and support initiatives that take a holistic approach to women's lives and that use mimetic tools like the Internet to build textual knowledge and enhance halakhic observance.<sup>10</sup> We hope that initiatives of this sort, coupled with expanded opportunities for women's formal text study, will propel women to bring textual knowledge to bear in their halakhic conversations, and to repair the rupture between life and text.<sup>11</sup>

<sup>1</sup> Tamar Rotem, "Rabbis Send Healthy Women to Get Painful Fertility Treatments – and Doctors Go Along With It," *Haaretz* (March 23, 2019).

<sup>2</sup> *Yabi'a Omer*, Section 4, *Yoreh De'ah* 13, "It is appropriate to warn women not to rely on the advice of the elderly women who make decisions based on the thoughts of their hearts, for women's wisdom is only with the spindle."

<sup>3</sup> Within the distinction he draws between the intellectual and mimetic traditions, Soloveitchik identifies two categories of text: classic literature and modern how-to works (68). We note that there are also, broadly speaking, two categories of mimesis: parent-child and social. Analysis of rupture should take each sub-category into account.

<sup>4</sup> *Likutei Halakhot, Sota* 21.

<sup>5</sup> The woman might direct her friend to an online resource that discussed postponing *mikve* on seder night, such as: [www.yoatzot.org/questions-and-answers/1678](http://www.yoatzot.org/questions-and-answers/1678)

<sup>6</sup> R. Aharon Lichtenstein, "Legitimization of Modernity: Classical and Contemporary," in *Leaves of Faith*, vol. 2 (Ktav, 2004), 289-290.

<sup>7</sup> This is not necessarily new. There is a significant halakhic narrative according to which mothers need to be wary of what example their actions give, with no presumption that mothers and daughters would converse about all subjects. See, for example, *Nidda* 67b.

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<sup>8</sup> Because many communications with Yoatzot Halacha are anonymous, and women turning to Yoatzot Halacha are not required to identify their affiliation, precise community-based statistics are unavailable.

<sup>9</sup> For example, after publication of the *Haaretz* article, the official Yoatzot Halacha website posted the following and shared it on Facebook, as a corrective to misinformation in the article: [www.yoatzot.org/blog/halachic-infertility-a-response](http://www.yoatzot.org/blog/halachic-infertility-a-response)

<sup>10</sup> Yoatzot.org, for example, receives upwards of 1.5 million visits per year. Deracheha.org's audience is steadily growing.

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