Modern Orthodoxy in the 21st Century: Lecture VIII: Women in Orthodoxy II – Ritual & Synagogue Life

Rabbi Moshe Shulman
Shaarei Shomayim Congregation, Spring 5766

Selected Bibligrophy:

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ב"ה

VAAD HARABONIM OF QUEENS

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"SERVING QUEENS & LONG ISLAND"

RESOLUTION

The Vaad Harabonim of Queens recognizes the sincere desire of many women to express their devotion to Avodas Hashem and highly commends this feeling, provided it is translated into action in the proper direction.

Rav Moshe Feinstein [illegible], and Rav Yosef Soloveitchik [illegible] have voiced their disapproval of innovations such as women's Hakafos, prayer groups, and Torah and Megillah readings. In addition, a Psak issued by five Roshei Yeshiva of Yeshivas Rabbeinu Yitzchok Elchonon, as well as one by the Vaad Halacha of the Council of Young Israel Rabbis, have voiced their disapproval.

Following serious deliberation, the Vaad Harabonim of Queens has come to the conclusion that these practices are [illegible] and are prohibited. [illegible]

Dated: Zayin Shevat, [illegible], January 14, 1997

Rabbi Herschel Welcher
President

Rabbi Yitzchok A. Sladowsky
Executive Vice President

הדרום נ"ד (סיון, תשמ"ה)

תשובה בענין נשים בהקפות וכו'

מחמשה ראשי ישיבה בישיבת רבינו יצחק אלחנן

נשאלנו מכב' הר"ר אליעזר זלמן ברנשטיין שיחי', נשיא הסתדרות הרבנים, את השאלה דלהלן:

במקצת בתי כנסיות אורטודוקסים הנהיגו הקפות מיוחדות לנשים בשמחת תורה, ומנינים מיוחדים לנשים לתפילה, לקריאת התורה ולקריאת המגילה. האם דבר זה מותר או אסור.

תשובה: נראה שהנהגות אלו אסורות מצד הדין מכמה טעמים: א. מכיון שאין הנשים מצטרפות לעשרה לכל דבר שבקדושה, הרי נמצא שתקנתן קלקלתן, ואין להן חזרת הש"ץ ולא קדיש וקדושה, ולא ברכו בשעת קריאת התורה, ונמצא שקיומן מצוות אלו הוא שלא בשלמותו; ובמה שמתקבצות יחד לעשות „מנין" מיוחד לעצמן, להראות כאילו נצטרפו באמת למנין, יש בזה משום זיוף התורה; ב. יש בזה משום שינוי גמור ומאוד בולט ממסורת אבותינו, ומשום פורץ גדר במנהגי ישראל ופורש מדרכי הציבור, דבפרט יש קפידא מיוחדת בנוגע למנהגי בית הכנסת; ג. יש בכל זה משום חשש חוקות הגויים, היות ומנהגים אלו הונהגו בתור פועל יוצא מהתנועה לשחרור הנשים, אשר ענינה בשטה הזה לשם פריצות; ובפרט שיש לדעת הרמב"ן איסור מיוחד שלא לעשות מעשי המצוות ע"פ בנייניהם. ומכח כל אלו [illegible] שכל ההנהגות הנ"ל אסורות הן, ואסור להתחיל [illegible], ואפילו במקומות שכבר הונהגו — מהנכון לבטלן מכאן ולהבא.

ודבר ידוע הוא ששני גדולי חכמי דורנו, אשר כולנו וכל חברינו סרים למשמעתם, מורנו הגרי"ד סאלאוויטשיק שליט"א, ומרן הגר"מ פיינשטיין שליט"א, שניהם מתנגדים מאוד לכל הענינים הנ"ל.

וברוך אשר יקים את דברי התורה הזאת לעשות אותם, זה ב"ד של מטה. ואנו פונים למנהיגי הסתדרות הרבנים לעמוד בכל עוז נגד הפרצה הזאת, ולזרז לכל תלמידינו ולכל חברינו אנשי שלומנו, הי"ו, שלא להכנע לורם התקופה, ושלא לנהוג בהנהגות שכאלה אשר מי יודע מה יהא בסופן, ואין מזרזין אלא למזורזין.

ועל זה באנו על החתום יום ה' לס' וישב, יט לחודש כסלו, תשמה,

ניסן ליפא אלפערט
אבא ברונשפיגל
מרדכי ווילינ
יהודה פרנס
צבי שכטר

CONCLUSION

At least one conclusion is evident from the above lengthy analysis: while women's *tefilla* groups may well be halakhically permissible, the question of their desirability within the contemporary Jewish experience has no easy answer. There are clearly two sides to this issue which must be weighed *be-koved rosh* (with due deliberation). Rabbinic authorities who have qualms as to the advisability of this innovation cannot be simply waved off as callous or insensitive to the needs of women; the *hashkafic* and public-policy concerns delineated above are very real, and should not be made light of. On the other hand, those rabbis who are amenable to the formation of women's prayer services, evaluating each instance on a case by case basis, are on solid halakhic ground as well. The question which must be seriously and deliberately confronted, therefore, is whether or not the advantages accrued by their implementation well outweigh the risks. As noted earlier, a proper response must address and analyze not only halakha, but Torah values and policy considerations as well. The important joint role of law and values in formulating a balanced Torah position concerning women's prayer groups has been articulated by Justice Menachem Elon in his "The Women of the Wall" decision:

> In the clash of opinions and approaches regarding this important, complex and sensitive topic, arguments have not been limited solely to clarifying *the law*. Attention has also been focused on *the values* of the world of Halakha—which are also part of the law in its broader sense—and the manner in which these values should be applied to the issue at hand. There has been particular concern with both the "is" and the "ought," with the formulation of proper judicial-halakhic policy based on the foundations of the past, in light of the reality of the present, and in view of the aspirations of the future. These are accepted and legitimate considerations in the world of Halakha in general, and they hold an especially critical position in a sensitive issue such as that before us. . . ." [278]

While the purely legal component—based upon objective and reasoned halakhic analysis—will remain more or less constant, the public-policy element calls for continuous review and reexamination by the Torah giants of each generation. After all, needs, sensitivities and public-policy concerns change with time and location.[279] What may have been a valid concern in 1970 may no longer be substantive as we approach the year 2000; and what may not have been of concern three decades ago, may today be critical.

Perhaps there is no better example of the fluxional nature of *hashkafa* and public policy than the question of women mourners saying *kaddish*. While the general tendency of scholars for many centuries has been to dissuade women from saying *kaddish*, the modern period has heard a substantially different tone.[280] Thus, in his discussion of this topic, R. Ahron Soloveichik argues:

> Nowadays, when there are Jews fighting for equality for men and women in matters such as *aliyyot*, if Orthodox rabbis prevent women from saying *kaddish* when there is a possibility for allowing it, it will strengthen the influence of Reform and Conservative rabbis. It is therefore forbidden to prevent women from saying *kaddish*.[281]

In a similar spirit, R. Yehuda Herzl Henkin writes in connection with the lenient ruling of his grandfather, the outstanding American *posek*, R. Joseph Elijah Henkin:[282]

> We are left where we started; at issue is essentially a question of policy and not *issur ve-heter*. In this context, my grandfather's words are worth repeating: "It is known that were it not for *kaddish*, many would refrain from teaching prayer to their sons and would not come to synagogue. When they come because of *kaddish*, they also come a bit closer to Judaism the rest of the year; and for that reason itself, one should not rebuff the *na'arot* either, since it fosters closeness to Judaism." On questions of policy, others may legitimately disagree. We should support any rabbi who declares, "While such a practice may be technically according to Halakha, in my opinion it would have dangerous consequences in my community and so I will not permit it"—although I would urge careful consideration of my grandfather's approach even in the white heat of current controversy; also see *Benei Vanim*, I, no. 37, sec. 12. What must be avoided is the confusion of Halakha with polemics.[283]

In the same vein, the door always remains open for a public-policy reevaluation of women's prayer groups by Torah authorities.[284] The significance of the reality that the majority of prominent Torah personalities have to date opposed women's prayer groups for one reason or another cannot be overlooked. Nonetheless, a significant number of community rabbis—those who have ongoing direct contact with the members of women's *tefilla* groups—contend that greater rabbinic involvement and direction can serve to allay the legitimate motivational, *hashkafic*, Torah-value and public policy concerns articulated by the *gedolei Yisrael* cited above.

How our generation, or any of the generations of the future, may ultimately decide in this important issue is uncertain.[285] Indeed, a half a century ago, the great halakhic authority, R. Jehiel Jacob Weinberg, wisely observed that in questions regarding the role of women in society, time is often the final arbiter.[286] Yet, until that time when a clear consensus is reached, and in light of the growth and apparent vitality of women's prayer groups, the Torah community as a whole must openly and honestly address the real issues—both halakhic and public policy—raised in this article. We pray that our Torah leadership will be blessed with divine guidance, inspiration and Solomonic wisdom to find the appropriate answers for our generation. And we pray as well that the community will allow itself to be led.