

practice that is indeed prevalent in women's prayer groups. Furthermore, Rabbi Moses Tendler himself issued a subsequent clarification of the responsum, again on Rabbi Feinstein's stationery, in which he states that, "My grandfather pragmatically feels that the possibility of a group of women or for that matter men existing in any one community which will fulfill the lengthy philosophical criteria mentioned in his printed *teshuva* is extremely remote. Therefore, realistically speaking he doesn't commend or actually condone the establishment of women's prayer groups." Regarding Rabbi Soloveitchick's position, we do not have to "trust Rabbi Schachter," as Chernick suggests. Long before the current controversy, Rabbi Moshe Meiselman in his work, *Jewish Women in Jewish Law* (p. 197, note 64) quotes his "revered teacher Rabbi Joseph B. Soloveitchick" as being opposed to women's prayer groups.

David Singer's article came as quite a shock to me. I have always held him to be an honorable sort, and therefore was quite surprised to see the mud-slinging tactics to which he has resorted. Certainly the disrespectful appellation "RIETS FIVE" is highly improper, and goes a long way in giving us the impression that his words, rather than those of the rabbis in question, are written subjectively. All his invective aside, nowhere does Dr. Singer support his allegation that the rabbis' opinions are "without the benefit of valid halachic sources." In fact, he gives the impression that he did not even read Schachter's lengthy responsum. Certainly there is room for disagreement in the interpretation of sources, but to cavalierly dismiss a position with the sweeping assertion that *halachic* sources are lacking, is unbecoming a scholar. Whether or not the five Rabbis participated in some sort of "plot" imagined by Singer is totally irrelevant to evaluating the merit of their position.

Furthermore, Singer's allegation that a blunder was made with regard to the facts is simply untrue. The rabbis were quite aware that most of the groups do not view themselves as *minyanim* although there is indeed one such group that does. Their objections hold regardless as to whether the women consider themselves to be a *minyan* or not. Finally Singer's objection to the rabbis citing the prohibition of *chuqat hagoyim* (gentile ways) demonstrates his complete lack of understanding of that *halacha*. To imply that the issue of whether or not one may study secular subjects is akin to the question of whether or not one may establish a women's prayer group demonstrates lamentable ignorance on his part. I would advise him to read the responsum of *Maharik* quoted by *Remah* to *Yoreh Deah* #178 and *Nachmanides'* commentary

to Deut. 12:30 as well as the 19th century work *Eleh Divrei Habrit* dealing with the specific prohibition of *chuqat hagoyim*, with regard to liturgical innovations.

A positive lesson to be learned from this episode would be for *Sh'ma* to realize its limitations as a publication. Knowing the extent of one's capabilities, or *anivut* (humility), is a very important Jewish value. *Sh'ma's* apparent attitude that they can and ought to publish on every subject of Jewish concern demonstrates unseemly arrogance and should be re-evaluated. □

### Religious experience? tefillah be-tzibbur?

J. David Bleich

Now that the dust generated by the controversy concerning women's "*minyanim*" has settled

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## Sh'ma

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somewhat, perhaps a dispassionate analysis of the issue is in order.

There is no gainsaying the fact that no rabbinic authority of any stature has been willing to endorse this innovation in the religious life of our community. At best, the reaction is "unenthusiastic;" at worst, the reaction is outright condemnation as a violation of the halakhic norm.

Those who regard women's *minyanim* as a frank violation of *Halakhah* have spoken and stated their reasons. This is not the proper forum for the expression of agreement or disagreement—much less so for an analysis and evaluation of those arguments. Rather, let me point out other considerations which may or may not rise to the order of halakhic prohibition but which certainly should inform the formulation of "public policy" regarding this highly sensitive issue.

First: It is somewhat ironic that feminists have introduced a hitherto unknown element of sexism into the realm of prayer. *Tefillah be-tzibbur* (i.e., prayer with a *minyan*) may be a male responsibility, but females were never excluded. To be sure, a *mechitzah* (divider) separates the sexes, but the experience of praying as a *tzibbur* (formal community) has always been shared by all. Women may join male *minyanim* but the reverse is not the case. The services conducted by female groups and led by female officiants simply do not qualify as *tefillah be-tzibbur*. Women whose obligation is entirely individual and personal in nature may gather together and pray as a group of individuals, not a *tzibbur*. Males have an obligation of *tefillah be-tzibbur* which effectively precludes their participation in women's *minyanim*—even from behind a *mechitzah*. Moreover, a female officiant quite understandably desires to serve not only as a *sheliach tzibbur* but also as a *chazanit*. The singing—even of prayers and psalms—presents serious problems of *kol ishah* (women's song) for a male participant.

#### **The Merit of Duty and that of Opportunity**

Second: There is no question that many women who participate in women's prayer groups are highly sincere and are prompted by the loftiest of motives. Nevertheless, one can only conclude that their rabbinic mentors have misled them by reason of the latter's own lack of erudition. It is true that women have no obligation with regard to *tefillah be-tzibbur*. According to many authorities, they are nevertheless obligated to pray at least twice daily—*shacharit* and *minchah*. A woman may satisfy that obligation either by *davening* privately or with a *minyan*. If she chooses to pray privately she is in no way remiss; but if she does pray with

a *minyan* she enjoys the *kiyyum* (fulfillment) of *tefillah be-tzibbur*. Not the least of the advantages of *tefillah be-tzibbur* is the assurance that "The prayer of the community is always heard; even if there are transgressors among them, the Holy One, blessed be He, does not disdain the prayer of the multitude" (Rambam, *M. T.*, *Hil. Tef.* 8:1).

Let me offer the following analogy: No one is obligated to invest funds in order to earn a profit. Many people have no spare cash to invest. Others have neither the inclination nor the desire to pursue investment opportunities. But consider the person who does have both the funds and the desire to invest. He or she is offered two separate investment opportunities. Each is entirely risk-free and open-ended in terms of potential profit. The second is tied to the first in the sense that it is guaranteed to yield no less a return than the first but carries the additional advantage of a guaranteed minimum return. Which offer should the investor choose? Since the first investment opportunity carries no advantage over the second, while the second bears the distinct advantage of a guaranteed return, the choice is obvious. An investment counselor who recommends the first investment over the second has not only offered poor advice but has transgressed the biblical commandment "and thou shalt not place a stumbling block before the blind" (Leviticus 19:14). The Sages declare that this prohibition is directed against offering imprudent advice to a "blind" (i.e. an uninformed) person in need of guidance.

#### **Jewish Devotion Demands Optimal Goals**

As noted earlier, a woman whose spirit fails to move her to participate in communal prayer may pray at home. But a woman willing to invest the time, effort and spiritual energy to sally forth in search of a higher form of prayer should recognize that the time and effort invested in attending synagogue services will certainly yield no less a return than she will reap from participation in a woman's prayer group and that, while synagogue attendance carries a guaranteed return, other modes of prayer do not. "The Holy One, blessed be He, does not disdain the prayer of the multitude" refers only to *tefillah be-tzibbur*, not to the prayer of groups of individuals, of any sex, which do not constitute a *minyan*. Little wonder, then, that there is no encouragement of women's prayer groups on the part of knowledgeable rabbis! Such encouragement would be tantamount to *lifnei iver*—advising a less advantageous mode of action when a parallel and much more advantageous course of conduct is readily available.

Many participants in women's *minyanim* speak and

write movingly of the religious experience such participation brings them. Presumably, some may argue that the religious experience in which they share is sufficient reason to sacrifice the incontrovertible advantages of *tefillah be-tzibbur*. That position is predicated upon a fundamental error—if not an error of *Halakhah* (law) then an error of *hashkafah* (ideology).

Let me not be understood as denigrating the value of religious experience. *Kavanah* (devotion) is certainly a form of religious experience and its value cannot be extolled too greatly. But Judaism recognizes a hierarchy of values and *kavanah*, *deveikut*, (“clinging”), or religious experience, desirable and laudable as they may be, should never be permitted to supplant other values. The fulfillment of a *mitzvah*, in an optimal manner, albeit without extraordinary *kavanah*, is to be favored over less optimal fulfillment accompanied by fervent religious experience.

#### Doing the Right Deed is Primary

R. Chaim of Volozhin, *Nefesh ha-Chayyim*, *sha'ar* I, chapter 22, makes this point most eloquently. One who eats *matzah* on *Pesach* or lifts the four species on *Sukkot* but experiences absolutely nothing that can be described as uplifting or spiritually edifying has nonetheless fulfilled a divine command; his act has cosmic ramifications and he will receive great reward. Of course, *kavanah* would greatly enhance the already inestimable value of the *mitzvah*, but failure to achieve such *kavanah* is no cause for distress. On the other hand, eating *matzah* on *Sukkot* or lifting the four species on *Pesach*, regardless of any attendant “religious experience,” is entirely devoid of significance.

*Kavanah* and the most intense of religious experiences are essentially meaningless if the act itself is deficient in any way, even if only by virtue of inattention to one of the myriad details which constitute the *sine qua non* of the requisite fulfillment of the *mitzvah*. Similarly, the enhancement of a *mitzvah* in its objective performance takes precedence over intensification of subjective religious experience. (See R. Moses Feinstein, *Iggerot Mosheh*, *Orach Chayyim*, III, no. 7.) Assuredly, the guaranteed benefits of *tefillah be-tzibbur* outweigh those of any possible subjective experience. This ranking of values is intrinsic to the value system upon which *Halakhah* is predicated; the choice of optimal performance of a *mitzvah* over intensification of *kavanah* when confronted by a choice between the two is a substantive matter of *Halakhah* itself. It was against those who challenged this view that the *Nefesh ha-Chayyim* was written and against whom R. Chaim of Volozhin inveighed.

#### Why and When do we read from a Sefer Torah?

Even more distressing is the public reading of the Torah which is the major innovation of women's *minyanim*. One is touched by the emotional description of this experience and of how much it means to the participants. Yet, the obvious sincerity of the exponents is not matched by objective considerations.

Certainly, it is permissible for any person to read or to study from a Torah scroll at any time. Indeed, the original biblical rule was that the Written Law may be studied only from a written text, which by definition means a *Sefer Torah* written on parchment in the prescribed manner. Two thousand years ago that would have been the only permissible way of studying the words of the Torah. But rabbinic exegesis renders Psalms 119:126 as “It is time to act on behalf of G-d; thwart Thy Torah.” This verse is understood as teaching that when it becomes impossible to transmit the Oral Law without committing it to writing or when it becomes impossible to teach the Written Law solely by means of a properly written scroll, other methods may be used. Hence, today there is absolutely no cogent reason for utilizing a Torah scroll rather than a printed *Chumash* for purposes of Torah study. On the contrary, use of an unvocalized text can only lead to error and yield misinformation.

The sole reason for utilization of a Torah scroll in conjunction with communal services is the fulfillment of the rabbinic requirement which demands that such reading be from a properly written scroll. Although disputed by other authorities, *Magen Avraham*, *Orach Chayyim* 282:6, cites *Mesechet Soferim* as ruling that women are required to attend the reading of the Torah. Nevertheless, such reading must be conducted in conjunction with a properly constituted (i.e. male) *minyan*. Women's prayer groups cannot fulfill that obligation even when a Torah scroll is utilized. In no way can the reading of the Torah in such a context be categorized as even a voluntary fulfillment of the rabbinic commandment. Since use of a *Sefer Torah* is halakhically meaningful only when it is used for purposes of fulfillment of the rabbinic commandment, the use of a Torah scroll by women who candidly acknowledge that they do not thereby fulfill the rabbinic requirement borders on the farcical.

#### Crossing the Boundary of Illicit Innovation

In instituting *Kri'at ha-Torah* complete with *aliyot* (although without recitation of blessings) there is

manifest a clear desire to establish a formal, innovative, liturgical ritual. That, in itself, is objectionable. Rambam, *Hil. Mel.*, chapters 9 and 10, spells out in detail the obligations of non-Jews under the Noachide Code. They must abjure idolatry and accept the Seven Commandments of the Sons of Noah. But Rambam adds in 10:9, that, even as monotheists, they are not permitted to develop religious practices of their own: *ein manichin otan le-chadesh dat ve-la'asot mitzvot le-atzman.* ("They are not permitted to create a religion and to make commandments for themselves.")

This ruling, at first blush, is somewhat puzzling. After all, the people of whom Rambam speaks believe in the one G-d; the practices contemplated are not idolatrous in nature. The rituals described are certainly innovative but they appear to be entirely innocuous. There is no mention of an accompanying claim of divine mandate. Why should we interfere with harmless rituals which non-Jews find to constitute meaningful religious experiences and from which they derive spiritual satisfaction? Rambam's statement is even more puzzling since the talmudic source for this ruling is far from unequivocal.

It appears that Rambam finds cause for concern precisely because the persons described are monotheists who have accepted so much of Jewish practice and teaching. Permitting such individuals to generate novel rituals and religious practices would lead to confusion and misapprehension with regard to divine law. It might rapidly be assumed that such commandments are indeed of divine origin and are binding upon Noachides. The concern is not with regard to the act *per se*; the act itself is indeed perfectly innocuous and no ostensible halakhic objection can be raised. The objection is that the practice acquires the characteristics and overtones of a divinely mandated ritual and as such itself becomes a *ziyuf ha-Torah*—a falsification of the *mesorah* (divine tradition).

It is clear that what Rambam forbids Noachides is prohibited to Jews as well. Jews, after all, are explicitly commanded, "You shall not add to the matter which I command you" (Deuteronomy 4:2). I hesitate to state that Torah reading and *aliyot*, at least as now practiced by women's prayer groups, fall within the category of the forbidden ritual innovations proscribed by Rambam in *Hilkhot Melakhim*. Nevertheless, I do believe such practices come dangerously close to being so.

There is no substitute for the prayer of the community as a unified whole. As so eloquently stated by Ramban in his commentary on Exodus 13:16, "The purpose of . . . synagogues and the merit of

communal prayer is that people have a place wherein they assemble and express gratitude to the Almighty . . . and proclaim publicly and say before him 'we are Your creatures'." To this end Jews, men and women alike, join together in the synagogue in common and collective expression of worship and devotion. □

...but others say about women's prayer...

#### Searching for the Right Approval

It was with more than a little sadness that I read Rivkeh Haut's piece, "From women: piety not rebellion" (*Sh'ma*, 15/294). It is so evident that she and her companions do not understand what they are up against. They seem to think that *halacha* is the problem, so they strive mightily to demonstrate that they are obedient, and their male supporters, in the same issue, enter the fray to show them right.

But it is not canon law that is at stake; it is that potent word in the title of the article: "piety." She and her friends find in worship an expression of religious sentiment, of feeling, an experience of what the late Abraham Joshua Heschel spoke of as the ineffable, the sense of wonder. They seek in worship what the *early* Hasidim sought, companionship with *Kudsha b'rich hu* (The Holy One, blessed be He). That is their transgression!

Their adversaries "worship" to fulfill a commandment, to be *yotze*. Such matters as religious sentiment, religious feeling, experience of wonder, are not merely irrelevant; they are dangerous, for they suggest that *bor'e ha-'olam* (The Creator) is reachable outside the four cubits of the *halacha*, the canon lawyers' control. Thus they must emulate the *early* Hasidim and go their way despite the fulminations of the *Mitnagdim* (the Opposers). They must trust themselves, their intentions, their mutual affection and responsibility. Let them take courage, for theirs is a conflict for the sake of Heaven.

Lou H. Silberman  
Tucson, Arizona

#### An Open Letter to "the RIETS FIVE"

OK, boys, let's put the cards on the table. Admit that what you parade as an entire religion's *halacha*, *minhag*, and *responsa* to the question of women praying together is nothing more than your own defense mechanisms of denial and projection—working dangerously overtime. Let's get down to what's really bothering you—you as *individuals*—not as community leaders hiding under the banner of Jewish education. It's time to confront your fear that women will take your power

from you—and maybe even the authority that says, “*Yoreh, yoreh, yadin, yadin*” (the ordination formula). Then, where will you be? So blinding is the lust for rabbinic power that it necessarily closes the mind and heart to the needs of our women and the future of our Jewish people.

There’s a need out there for Jewish women to use their God-given brains, spirituality, and human relations skills (where are yours?) in service to their synagogue and *public* Jewish community. For a growing number of women, the private world of home and hearth is too narrow to meet this need.

“Do not separate yourself from the public,” we are told. So, where does women’s forced separation from the public come in? How tragic and wasteful for rabbis—in dogmatic bursts of hostility—to deny individual women their right to exercise leadership in their own prayer groups (they’re not messing around with yours); to deny our Jewish people the benefits of this leadership! Surely, our people needs leadership talent from both sexes. It makes no sense to throw away potential leadership, just because it happens to reside in a female body. It’s not just “subjectivity;” the attitude which denies women their merited place in Jewish society is raw—if not primitive—emotion. All the elaborate halachic arguments and proof texts in the world cannot disguise that fact.

Agreed—your turf is your turf. Women don’t want it—and the baggage of oppression that comes with it. We want our own—separate but equal. Sounds familiar, eh? Give us a break—at least, permit us the “separate but equal” status that blacks held on the books before the turmoil of the sixties.

As for projection of male insecurity onto women, we have an obligation to ourselves, our people, and God, to refuse the scapegoating of women. No, boys, we cannot take the monkey off your backs and put it on ours. You must take responsibility for your own “licentious” and “self-centered” motives. Yes, women seek to obliterate gender differentiation, because it’s used to club us into submission. If you were the side held in submission, you’d do the same thing.

Try to imagine yourselves as women. If you could, then you would really follow the dictum, “Treat your fellow human beings with love, as you would want to be treated.” The question is: Do you rabbis out there love yourselves? If you did, then the hostility toward women and their leadership in the Jewish community would vanish.

Trudy Helene Ettelson  
Aiea, Hawaii

## Revalidate conservative halacha

Howard Morrison

I was surprised that *Sh’ma’s* recent symposium (15/295) on women’s ordination and *hiyyuv* (legal obligation) did not include perspectives from male rabbinical students at J. T. S., particularly from those who initially had opposed the ordination of women as rabbis. Since the Conservative Movement is committed to pluralism, I think it incumbent that other views be represented here.

The question of whether or not to ordain women was never the crux of the matter for me. The halachic treatment of issues, namely, the process of legal development, was. The only halachic responsum which advocated women’s ordination that was considered seriously by the Seminary’s administration, was that of Rabbi Joel Roth, who suggested that women could voluntarily accept *hiyyuv* and thus carry out all rabbinic functions. It appeared to make sense halachically and it illustrated that the barometer for having halachic development must come from the sources which contain the corpus of Jewish law and legal decisions, *not* from a subjective definition of what one deems to be morally imperative.

Although I find some inherent weaknesses and limitations in the responsum, the following procedural problems are more consequential: first, the responsum was never voted on by the Rabbinical Assembly’s Committee on Jewish Law and Standards (CJLS); so there is no standard whatsoever concerning *hiyyuv* on the books of the CJLS. In regard to women counting in a *Minyan*, Rabbi Roth states that only women who voluntarily take upon themselves the obligation to pray three times daily may count in the quorum. However, in 1973, the CJLS had already passed a resolution enabling women to be counted in a *Minyan* without any self-imposed *hiyyuv*. (Incidentally, this decision reflected a majority opinion of the CJLS and was coupled by a minority opinion which prohibited women from counting in the *Minyan*.)

Second, in his responsum, Rabbi Roth feels that women should refrain from serving as witnesses for the time being; yet the CJLS had already ruled in 1974 via a minority opinion that women could serve as witnesses. I would surmise, therefore that the whole talk about *hiyyuv* is pointless since the Movement never took a united stand on any of the issues anyway.

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