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Inside...

The difficulty of blending feminism and halakhah has now reached center stage in the Orthodox community, in the forum of women's prayer groups.

The discussion revolves around three axes: the political, the halakhic and the spiritual which are often inseparable. In this issue, we listen to the struggle for definition.

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Women's prayer groups and the halakhic process

■ Alan J. Yuter

Late in January, the Va'ad Harabonim (rabbinical council) of Queens (Long Island) voted to ban women's *tefillah* (prayer) groups. In its pronouncement, the Va'ad cited the position of Rabbis Soloveitchik and Feinstein (two of this century's most influential rabbis) that women's prayer groups represent a "break with tradition" and therefore are prohibited. Also noted were an edict of the Young Israel Board of Rabbis and a statement by five Yeshiva University rabbis who disapprove of such groups. Since the Queens Va'ad is composed of honorable men, for whom religious propriety is a most serious issue, their ruling must be addressed in a reasonable and respectful fashion, even when in dissent, which this article is.

Questionable Authority

Jewish law recognizes three types of prohibitions: biblical, rabbinic and customary. Regarding the first two, I know of no source in Hebrew scripture or rabbinic literature that prohibits the women's prayer group in Queens. Likewise, the Va'ad did not argue that such prayer groups violate *halakhah*. Indeed, Rabbi Simcha Krauss, who advises the women's group that was the catalyst for this pronouncement, is the quintessential "cen-

trist" *halakhist* who follows the law to the letter while exploiting the range of legitimate options which Torah law allows.

So what kind of prohibition is active here? Maimonides explains that post-talmudic rabbis legislate decrees and enactments that are time and situation appropriate for their communities, but that they do not have the right to legislate for other communities that they do not immediately serve. By claiming that women's prayer groups are "prohibited," without issuing a sourced, reasoned responsum regarding the biblical or rabbinic nature of the prohibition, or a specific time and location to which this pronouncement is directed, the Va'ad of Queens suggests that its jurisdiction extends to all the Orthodox institutions in Queens, and possibly further, over and above the authority of the local congregational rabbi.

The Wrong Reasons

It was reported in *The New York Jewish Week* (January 31, 1997) that Rabbi Yehoshua Weber of Young Israel of Windsor Park argues that women's prayer groups deny the gender division between men and women, which contributes to high divorce rates. Rabbi Manfred Gans tells us that "the greatest fear was not for now but for what this could lead to." The concerns

that appear to motivate the Queens' Va'ad are issues of policy, not law. Therefore, the Va'ad's use of the word of "prohibition" is misleading.

It is true that the late Rabbi Moshe Feinstein disapproved of women's prayer groups when they were linked to the feminist consciousness raising of political activism. But Rabbi Feinstein did not disapprove of women joining together to pray out of genuine piety. Since the rhetoric of feminism has been stridently anti-Torah, I am disinclined to favor, on policy grounds, Orthodox women's prayer groups in most congregational settings. However, in the B'ruriah High School, an Orthodox high school for girls in Elizabeth, New Jersey, young women pray in a group setting, which is not a formal *minyan*, every morning of the school year. Would the Queens' Va'ad ruling outlaw the prayers recited at B'ruriah or at Orthodox girls' high schools in the borough of Queens? It is the job of the local rabbi as *mara de-atra* to determine the proper practice for the community.

In addition, Rabbi Feinstein permits rabbis to disagree with one another if they do so with respect and integrity. The mere citation of a rabbi's name on any side of an issue does not resolve the issue. The Queens' Va'ad's prohibition is neither definitive nor convincing for it seems to be more concerned with the "look" of religious society than with the "book" definitions of Jewish propriety. The ban of women's prayer groups by the *yeshiva* teachers of Yeshiva University is also problematic. Just as general law is determined by the judge, and not the professor, Jewish law is determined by rabbis in their offices. *Yeshiva* teachers are valuable resources whose views must be heard, considered, and weighed, but are not local decisors.

Law And Culture

The word "tradition" can refer to two types of authority. In one type, the traditions of the oral and written law are legally binding. In the other, the tradition of inherited culture does not represent the revealed will of God. The tradition of culture only represents the mood, mores and manner of our social and religious legacy. This second sense of tradition is powerful, but not binding. Breaks with traditional usage and culture are not forbidden. The Bais Yaakov School for Women, the collegiate education of the Centrist Orthodox rabbinate, and the *kollel* system of Torah study all represent "breaks" in Orthodox Jewish life. Some rabbis forbade preaching in English or German, and others opposed the right of women to vote. Some "breaks" with the past are proper, while others are

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not. The fault line that divides the parochial and modernist Orthodox communities is the distinction between that which is unchanging Torah law and that which is changing conventional usages. For some in the rightist segments of the Orthodox community, the tradition must be packaged in the familiar face of Europe, while for the modernist, it is the law learned, internalized, and applied that ultimately reflects God's will for the Jewish people.

When faced with the challenge that some people never saw women slaughtering animals, some suggested that the practice must therefore be outlawed. However, a light no less luminous than R. Yosef Karo, the author of the *Bet Yosef* and *Shulhan Aruch*, contended it is the letter of the law and not the range of experiential familiarity that determines proper practice. After all, the *Mishnah* rules that any Jew may slaughter, and the Talmud explicitly includes women. If the canonical sources of Judaism

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oblige women to pray (which they do) and if praying with others increases the intensity of women's prayer as it does for men (which it does at least for some), then women's prayer groups could, in principle, be permitted if it is clear that the women are not merely mimicking men and making political statements to humans when they profess to be devoting their words to God. The implementation of a women's prayer group policy ought to be reserved for the community rabbi, who is responsible to God, the Torah and his congregation.

The True Source Of Law

If the Orthodox community wants to be taken seriously as the embodiment of Torah in our time, it must not confuse stylistic preferences with the codified confines of covenantal canon. Just as it is improper for women to engage in prayer in a fashion which mimics men in order to suggest that only in that way is Jewish tradition ethically adequate, it is similarly improper to equate the conventions of Eastern Europe with the mandates of Sinai, Sura and Pumpedita.

It was the saintly Rabbi Menahem Mendel of Kotsk who reminded his *hasidim* that when they make religious gestures for the eyes of other humans, they serve humans, not God. The sociologist Erving Goffmann calls this activity "impression management." The Torah reminds us not to look to the eyes, which will lead us astray, but only to the commandments, which are the ultimate and indeed only source of sanctification. ✦

On women's prayer groups—a response

■ Yitzchak A. Sladowsky

I am grateful to the editor for giving me the opportunity to respond to the article by my colleague, Rabbi Alan Yuter. Rabbi Yuter is to be commended for his respectful tone and for addressing himself to the issue. Unfortunately, others who have written on the subject have been less circumspect and, in many instances, have spewed invective, denigrating and demeaning the integrity of the Vaad Harabonim of Queens.

RABBI YITZCHAK A. SLADOWSKY received *semikhah* from the Rabbi Isaac Elchanan Theological Seminary and is a graduate of Yeshiva University. He received an MA in psychology from Columbia University and has been the spiritual leader of the Forest Park Jewish Center in Glendale NY since 1958. Rabbi Sladowsky also serves as the Executive Vice President of the Vaad Harabonim of Queens, a position that he has held since 1973.

Rabbi Yuter alleges that the Vaad "voted to ban women's prayer groups." This is inaccurate. What we did do was respond to a local issue and for the local Queens community. Our president, Rabbi Hershel Welcher, explained to *The New York Times*, "It's not our role to censure those who do not follow our prescriptions. If this particular group wishes to accept our opinion or not, it's their own choice. But for the community as a whole, we have articulated what we feel rabbinically is an appropriate standard." To get to the crux of the matter, our ruling concurred with a lengthy responsum authored by an acknowledged *posek* (decisor), Harav Hershel Schachter, who was joined by four prominent *roshei yeshiva* of Yeshiva University.

Rav Schachter bases his *psak* on *halakhah* and on tradition. Regarding the latter, he stresses a twofold obligation. On the one hand, we are required to perpetuate the customs of our people and on the other, we are enjoined from tearing down and doing away with customary practice. I must confess that I do not understand Rabbi Yuter's distinction between traditions that are binding and those that "represent the mood, mores and manner of our social and religious legacy." What is his source for the assertion that the latter is not binding?

Tampering With Tradition

There is a concept, based on *Psalms* 119, verse 126, that permits rabbinic legislation when a situation deemed threatening to the integrity and practice of Torah arises. Such decisions, however, were only undertaken by recognized *poskim* and *gedolei hador* (giants of their generation) and even they usually acted only in concert with other notable rabbinic authorities. The Bais Yaakov School example cited by Rabbi Yuter, had the support of the renowned *hasidic* leader, the Gerrer Rebbe, and subsequently from the acknowledged *halakhic* luminary, the Chofetz Chaim (Rabbi Yisrael Meir Kagan) author of the authoritative Code of Jewish Law, the *Mishna Berurah*.

Even the definition of tradition must be left to acknowledged decisors. Obviously, not every practice is to be considered custom. For example, modes of dress differ according to the cultural background of the individual. Nobody would presume to declare that wearing a particular kind of garb is a binding tradition for all Jews. It is clear from numerous sources cited by Rav Schachter that the designation of a custom is not arbitrary or capricious, but lies exclusively within the scope and authority of the *hachmei hador* (the sages). In this regard, another important point should be stressed. Historically, *hazal* (sages of blessed memory) instituted *takkonot*