

*Rabbinic and
Lay Communal
Authority*

EDITED BY

Suzanne Last Stone

Robert S. Hirt, Series Editor



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THE ORTHODOX FORUM

The Orthodox Forum, initially convened by Dr. Norman Lamm, Chancellor of Yeshiva University, meets each year to consider major issues of concern to the Jewish community. Forum participants from throughout the world, including academicians in both Jewish and secular fields, rabbis, *rashei yeshivah*, Jewish educators, and Jewish communal professionals, gather in conference as a think tank to discuss and critique each other's original papers, examining different aspects of a central theme. The purpose of the Forum is to create and disseminate a new and vibrant Torah literature addressing the critical issues facing Jewry today.

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New Conditions and New Models of Authority: *The Yoatzot Halakhah*

Chana Henkin

I propose to examine one example of the reconfiguring of leadership in Orthodox life today, an area in which I am intimately involved, and that is the emergence of women in Israel's religious national community as halakhic consultants. The process is young, but trends are becoming apparent. I would like to examine two questions:

- Why has the last decade witnessed the emergence of female halakhic experts; what is the nature of their authority, and what role do they play in the community?
- What relevance does this Israeli phenomenon have to North America?

THE LAST DECADE

It is difficult to overstate the change in religious orientation in Israel

precipitated first by the signing, and then by the collapse, of the Oslo Accords, and the resulting weakening of eschatological expectations. The Merkaz Harav stream was dominant from the Six Day War until the mid-1990s, and the dream of a greater Israel with messianic overtones permeated non-haredi religious education in Israel. In the years following Oslo 1 and Oslo 2, many young people were faced suddenly by the emptiness of their teachers' catchwords and by a blurred vision of religious Zionism. A generation imbued with the faith that "Behold, He stands behind our wall, looking through the windows, peering through the lattice"¹ was forced to contend with the realities of "until the day cools, and the shadows flee away."²

Oslo presented the national-religious community with a seismic shock that made it increasingly vulnerable, or receptive, to the influence of post-modernism. Growing numbers of the young modern, observant community in Israel turned away from mutually-shared goals and collective ideals in search of individual modes of self-fulfillment. There began a surge in Carlebach davening, a quest for spirituality that included Eastern spirituality, a renewed interest in *hassidut* and finding one's own way to God, and diversity in religious externals as well as creed. Whereas for 150 years Diaspora Judaism had struggled to create a synthesis between the truths of Torah and the challenges of modernity, the national-religious community in Israel was suddenly confronted with post-modernism, in which the search for connectedness replaces the search for truth. More avant-garde *yeshivot* have gained students at the expense of the older, more established *yeshivot*. Curricula are more diversified than in the classic *yeshivot*, with a stress on *hassidut* and personal spiritual development, and sometimes including unprecedented options, such as creative *midrash*-writing workshops.

In this climate, the *midrashah* movement the world of higher Torah learning institutions for women that began in Israel in the 1980s has thrived.³ Side-by-side with young people's reaching for enhanced religious meaning and spirituality, there has taken place an unprecedented flowering of women's Torah study on every level, and the *midrashot* have grown in number and in size.

Today, there are twenty Israeli *midrashot*. To a greater or lesser

extent, they all integrate text-based learning in a *beit midrash* setting, and many offer or focus on Talmud study. Although most are still one-year, post-high school or post-national or military service frameworks, several have progressed to multi-year programs, including *mekhonim gevohim*, the women's equivalent of a *kollel* wherein the student, who is usually married, receives a fellowship stipend to engage in multi-year high-level study. Of the twenty *midrashot*, seven are headed by women *rashot midrashot* and one by a woman-and-man team.

The opening of higher Torah learning to women in Israel predates the Israeli Orthodox feminist movement,⁴ and most *midrashot* have maintained their distance from it. The *midrashah* movement in Israel is not perceived as a threat by the national-religious rabbinate, but rather as a natural extension of the flourishing *ulpanah* high school system. Teachers in girls' *ulpanot* and *midrashot* and in boys' *yeshivot tikhoniyot* and *yeshivot hesder* share a common background and religious outlook and orientation, and float easily between the different frameworks. In the post-modern climate, in fact, the women's learning movement in Israel is viewed as one of the most positive developments on the Modern Orthodox horizon. The authenticity of the religious motivation of the institutions and women has not been called into question.

CLIMATE AND CONCERNS IN NORTH AMERICA

Whereas in Israel the opening of the higher reaches of Torah learning to women preceded Orthodox feminism, in the United States the opposite is true. Both because of the centrality of the synagogue in Orthodox life in the United States, and because of the language barrier that limits access to higher Torah learning, American Orthodox feminists focused upon women's *tefillah* and upon changing synagogue ritual to be more inclusive of women. Sharing neither idiom nor scholarship with the rabbinic community, some Orthodox feminist leaders couched their concerns in confrontational terms. In response, some rabbinic leaders displayed hypersensitivity toward all displays of Orthodox feminism. Two objections repeatedly raised by American rabbis and *rashei yeshivah* concern the perceived

anti-halakhic goals of the Orthodox feminists, and the feared slippery slope toward women rabbis.

The depth of the antagonisms centering around Orthodox feminism in the United States parallels and reflects the struggles for influence and control in Modern Orthodox circles between the “right” and “left” wings, and between *rashei yeshivot* and community rabbis. In addition, Modern Orthodox rabbis often look over their shoulders at the Agudah and similar groups, which in turn devote considerable attention and energy to attacking Modern Orthodoxy and its institutions, such as Yeshiva University. This constant undercurrent of criticism and strife is very different from the situation in Israel, where national-religious groups pay little attention to what the Agudah and other *hareidim* have to say, and vice versa.⁵ The focus in Israel is more on expanding the network of national-religious institutions than on overcoming real or anticipated threats and dangers. Visions of a “schism” within the Orthodox community in Israel over the feminist issue, for instance, are virtually unheard of.

THE YOATZOT HALAKHAH

Against this background I would like to assess the present circumstances and future prospects of the *yoatzot halakhah*, with which I am closely involved. First, a brief description.

In September 1997, Nishmat, of which I am dean (*rosh mi-drashah*), established the Keren Ariel Program to qualify women halakhic consultants in the area of the laws of *niddah*. The field of *niddah* was chosen because of (1) the natural affinity of women to study this area of Torah that so intimately affects them. Rightly or wrongly, very many Orthodox women do not bring their intimate questions to rabbis, at an incalculable personal and halakhic cost. (2) The easily demonstrable need for women experts to assist women in observance of *taharat ha-mishpahah* and to find solutions to problems caused by the interfacing of women’s health and halakhah. The criteria for acceptance to the program are personal halakhic observance, commitment to disseminating *taharat ha-mishpahah*, absence of extraneous motivations, strong background in learning Talmud, and teaching or leadership skills. The candidate must be married.

The program itself is a two-year, half-week program that spans more than one thousand hours of halakhic study. It consists of:

- Intensive *havruta* study of *hilkhot niddah* on the order of the *Shulhan Arukh*, from the Talmudic discussions through the *rishonim* and *aharonim*, including contemporary *posekim*. The syllabus is the same as the one studied by male *kollel* students in Israeli *yeshivot*.
- A daily *shiur* by the head of the program,⁶ also identical to the one he delivers to his *kollel* students.
- Bi-monthly evening lectures and seminars in areas where Halakhah and women's health and medicine interface (gynecology, fertility, sexuality, etc.).

After completion of the course of study and written tests, a lengthy oral examination is administered by outside examiners, including heads of three different *kollelim* who specialize in *hilkhot niddah*.

This is clearly a formidable curriculum, and it reflects the very high motivation of the students, who range in age from twenty-two to fifty and include women of proven academic and career achievements. The first class of eight women graduated in 1999. The second class, with fourteen women, completed its studies in 2001. The third class, with fourteen fellows, graduated in 2003, and subsequent classes are scheduled to complete the course of study every two years.

The title *yoetzet halakhah*, "halakhic consultant or adviser," was selected to convey that these women are not rendering original halakhic rulings. For new rulings, they refer to recognized halakhic authorities. However, because of the volume and diversity of the questions they handle, they are developing a practical expertise in the field superior to that of many rabbis.

Many of the *yoatzot halakhah* are currently employed in two undertakings initiated by Nishmat. The first is a telephone hotline on matters of *taharat ha-mishpahah*, fertility, and related concerns, in operation since December 2000. The hotline is conducted in Hebrew

and English, six hours a day, 6:00 P.M. through midnight and on Friday mornings. A different *yoetzet* answers the phone each day, typically handling up to twenty-five calls. A rabbi is on call when a *pesak halakhah* is needed. Six thousand inquiries were fielded the first year of operation. While most inquiries come from Israel, a substantial number come from abroad. Recently a toll-free number from the United States was established, 1-877-YOETZET, courtesy of the IDT Corporation.

The second undertaking is the *taharat ha-mishpahah* Web site, www.yoatzot.org, online since late 2002. *Yoatzot* on this site answer questions just as on the telephone hotline. All responses are rabbinically reviewed before sending. In addition, there is a constantly expanding library of terms, concepts and *halakhot* as well as relevant medical articles, accessible directly online. With virtually no formal publicity, the Web site has averaged up to ten inquiries daily as well as hundreds of visits weekly.

PRELIMINARY OBSERVATIONS

The transformation in women's roles in Orthodoxy is barely a generation old, still in its infancy, and its permanent forms and nature have not yet been determined. It would be premature to predict the degree of reconfiguration in halakhic authority that the *yoatzot halakhah* may have set in motion. However, a number of preliminary observations and predictions can be made, even if other than anecdotal evidence is yet unavailable:

1. There are the beginnings of a reallocation of influence and, concomitantly, status and prestige within the Orthodox community. In this regard, Israeli national-religious circles are more open to women's Torah learning and feel less threatened by it than their American counterparts, perhaps because American Jewry has experienced a Rav Soloveitchik but not a Nechama Leibowitz.
2. Woman's Torah study in general and *yoatzot halakhah* in particular offer the prospect of personal religious charisma based on Torah scholarship, heretofore denied to women.

3. Some *rashei yeshivah* in the United States have told me that they might accept *yoatzot halakhah* if the program were limited to wives of rabbis. The community would then view the phenomenon not in terms of women attaining independent status, but rather as part of the helpmeet role. It seems highly unlikely that such a view will prevail, even in the United States.⁷

In their opposition to reconfiguring religious leadership within Orthodoxy to include learned women, some American rabbis may be fighting the last war. Concerned lest the Orthodox feminists overturn the Halakhah and ultimately sway Modern Orthodoxy from its halakhic posture, these rabbis overlook the fact that the younger, intensively Torah-schooled Modern Orthodox generation of women is not feminist and identifies, not with the thrust to change synagogue ritual, but rather, with the desire to make for itself a place within the world of traditional Talmudic and halakhic scholarship.

Yoatzot halakhah are embarked upon a journey toward increased exercise of halakhic authority. The Talmud stresses the grave consequences both of unqualified scholars issuing halakhic rulings and of qualified scholars not issuing rulings.⁸ A distinguished *hareidi* rabbi in Israel recently met a *yoetzet halakhah* and discovered, to his astonishment, the depth of her learning in the field of *taharat ha-mishpahah*. He told her, firmly, “I would never have agreed in advance to your learning all this, but now, you must utilize your learning for the good of the community.” As more and more *yoatzot halakhah* contribute more and more to the Orthodox community, even those who initially opposed the idea will swing their support to it.

NOTES

1. Song of Songs 2:9.
2. Ibid. 4:6.
3. The *midrashot* were seeded by the American *baal teshuvah* movement following Israel’s Six-Day War, when well-educated young Jews made their way to Israel to study Judaism. Women who were used to equality in a university setting quickly pushed for learning opportunities parallel to their university opportunities.

Although the first higher Torah learning programs in Israel were for native English speakers, they were quickly joined and soon outnumbered by native Israelis.

4. Kolech, the Orthodox feminist organization in Israel, was established only in 1998.
5. My husband, Rabbi Yehuda Henkin, observes that members of the national-religious movement in Israel have no inferiority complex regarding the *hareidim*. They serve in the army, a major religious privilege as well as civil obligation, whereas the *hareidim* do not.
6. Rabbi Yaakov Warhaftig, *rosh kollel* of Kollel Ariel, no relation to the Nishmat program of the same name.
7. Many *rebbetzins* serve as adjuncts to their husbands, but not every *rebbetzin* is capable of or interested in filling such a role in the field of *taharat ha-mishpahah*. Moreover, *rebbetzins* are usually trained in the practice but not in the fine points of the Halakhah and the *shitot* of the *rishonim* and *aharonim*. They will convey a question to the rabbi just as it is asked. A *yoetzet halakhah*, by contrast, often goes beyond the question as initially posed, and raises halakhic options that the rabbi may not have considered on his own.
8. *Sotah* 22a and *Avodah Zarah* 19b: “[*Horaah*] *has felled many* that is a scholar who has not reached the stature of ruling and yet rules; *and great are her fallen* that is a scholar who has indeed reached the stature of ruling yet does not rule.