

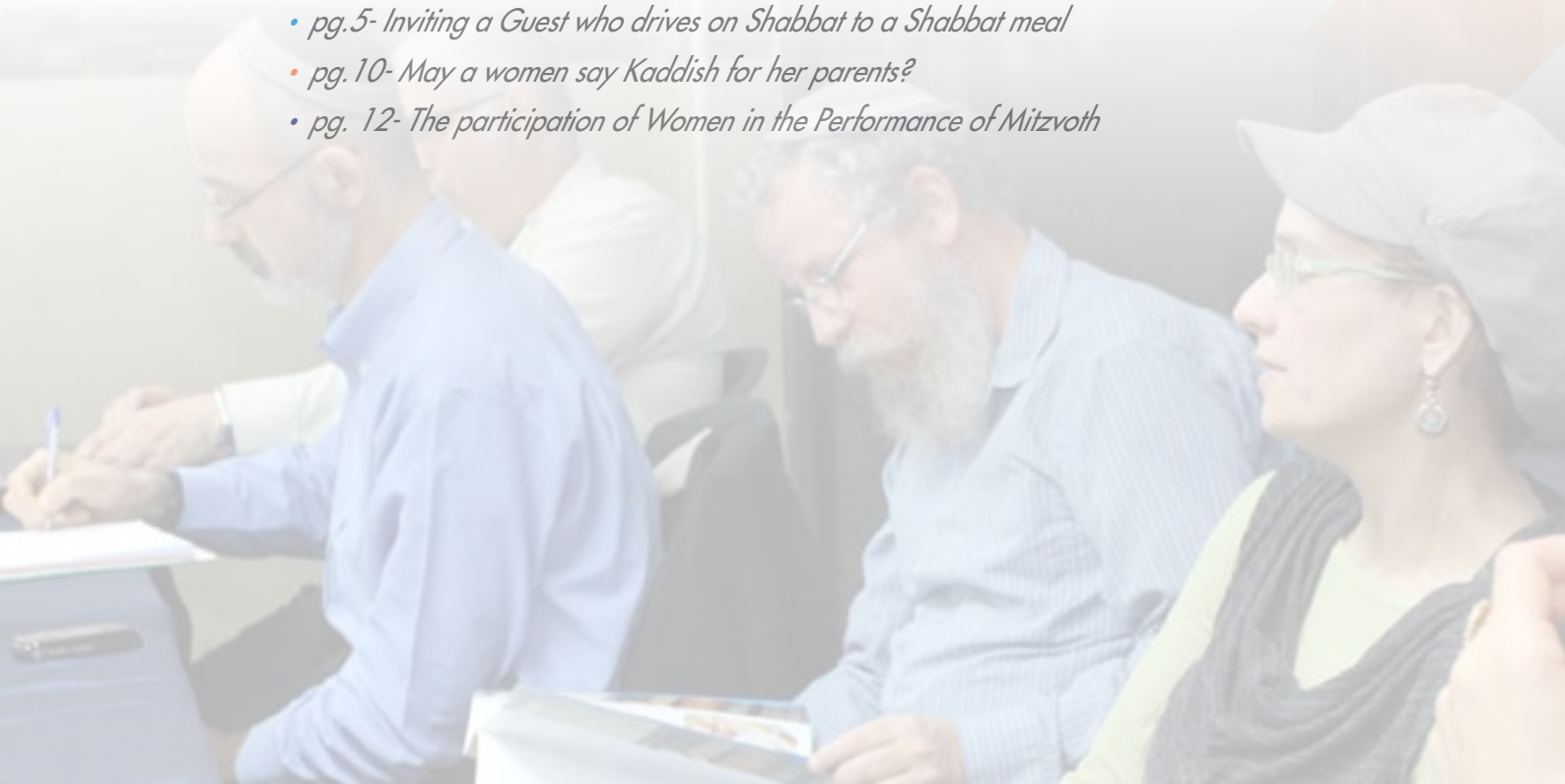
בית חילל



Beit Hillel-Attentive Spiritual Leadership

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- *pg. 2- Beit Hillel- Why, Who and How?*
- *pg.3- News from Beit Hillel*
- *pg.4- How I stopped being afraid of religious and began to wear "transparent Kippah"*
- *pg.5- Inviting a Guest who drives on Shabbat to a Shabbat meal*
- *pg.10- May a women say Kaddish for her parents?*
- *pg. 12- The participation of Women in the Performance of Mitzvoth*





Beit Hillel – Why, Who and How?/ Rav Yitzhak Ajzner

Beit Hillel is rapidly becoming a major voice on the Israeli Modern-Orthodox scene. In this article I wish to share the full picture about Beit Hillel and its Batei Midrash.

In the Beginning

Beit Hillel was created in 2012, at a time of growing frustration and indeed embarrassment amongst many Modern-Orthodox Israelis, over the manner in which the National Religious sector was presenting itself publicly, and consequently the image Torah Judaism had obtained in the public sphere.

This was a time when a controversy over the sensitive issue of female soldiers singing at army assemblies was raging in Israel. As anybody who has served in the army knows, or indeed as anyone who has participated in the Israeli public workplace is aware, these kind of prickly issues, where there is a

clash between Halacha and modern sensibilities, are nearly always solvable on a local level with a grain of quiet diplomacy, and a sprinkling of goodwill. It is in the religious sector's general interest, in terms of its mission to sanctify Hashem's name and bridge gaps, to emphasize our common legacies and mutual destinies with our non-observant brethren; rather than fan the coals of our differences and disagreements. Yet the voice of the National Religious camp, empowered by a scoop-hunting press, was dominated by voices which presented a black-and-white vision. They expressed themselves in bellicose tones, seemingly oblivious of the effect of their words, coming out with instructions including that a religious soldier should choose death rather than hear a female soldier chant the Hatikva (yehareg, v'al ya'avur)

This was also a period when certain National Religious rabbis led a highly publicized movement to prohibit Arabs from renting apartments in Tzfat. While nobody in the religious camp wishes to ignore the prohibition of "Lo Tehanem", many with a more nuanced approach, wondered why only the most extreme opinions on this mitzvah were being promoted, and being amplified with remarks of a racist tone.

One can discuss the merits and complexities of each issue; however the result of all this unnecessary confrontation was a 2-dimensional picture of Modern Torah leadership, arrogant, detached, oblivious of any positive moral sensibilities the modern era has introduced, and without regard for the nation in which we dwell. In short, Hillul Hashem was rampant.

Upon this background, many religious Zionists expressed their desire that other voices be heard, and called for an alternative leadership. This challenge was accepted by a group of Rabbanim and Rabbaniyot who share the ideology of an enlightened, inclusive Judaism, whose 'ways are pleasant'; and are committed to presenting what they consider to be the genuine face of Judaism to the public, sophisticated, nuanced and sensitive to the needs of the era."

Despite serious reservations over certain aspects of the Israeli public sphere, Beit Hillel presents its critique with humility and respect, and in a non-divisive, non-confrontational manner.

The Focus of Beit Hillel

At its foundation, Beit Hillel elected to emphasize 3 issues: Harmonizing Torah with Democracy; Empowerment of the status of women within Halacha; Education towards integration of Torah with general culture and modern civilization. Although Beit Hillel does not dedicate itself exclusively to these issues, it gives the idea of the organization's major concerns.

The name Beit Hillel was chosen not because Halacha is according to Beit Hillel; nothing could be farther from the non-presumptuous nature of the members of the group. The name is a statement of aspiration to live by the values Hillel preached: to love peace, pursue peace, love ones brethren, and bring them close to Torah. The members also endeavor to live up to the reason the Talmud provides (Erubin 13b) for why the Halacha was set like Beit Hillel: "They were amicable and unpretentious (nohin ve'alvin), and they would study their own opinions as well as those of Beit Shammai; and not only that, but they would mention Beit Shammai's positions before their own."

The Members of Beit Hillel

The Rabbanim and Rabbaniyot of Beit Hillel represent a particularly impressive spread of Torah leaders from all over the country, in a wide range of educational and community positions. There are city rabbis, Rashei Yeshiva and Ramim, and no less importantly heads and leading teachers of midrashoth. There are also dozens of rabbis of Orthodox communities, kibbutzim and settlements.

Beit Hillel is supported by a steadily growing group of influential laymen, many in key positions in academia, media and politics. The relationship is bi-directional. While the rabbinic body benefits from the resonance these people afford to its message, it also keenly seeks the laymen's input to be sure the rabbis and rabbaniyot are always in touch with major public developments, and in tune with its more subtle aspects and nuances.

Beit Hillel Activities

Beit Hillel is a young organization, searching for ways to impact Israeli society. Religious, as well as non-religious Jews in Israel are thirsty for the teaching of Torah in a language they can identify with, and for Torah guidance. Beit Hillel, therefore, functions in a broad variety of spheres, utilizing every modern media available in order to reach as many people as possible.

Towards this end, Beit Hillel employs social-media experts to ensure their message is heard effectively. Beit Hillel partners with the internet site of the Ma'ariv news company, NRG, and provides Torah content in the form of videos and articles. Beit Hillel is particularly active on Facebook, currently with over 6000 followers; it has an online Facebook responsa service, the first of its kind, allowing questioners to interact with each other and the answering rabbi, forming an online beit midrash. Beit Hillel publicizes positions on public issues of moral concern, releasing them to the general media, its Facebook page, and internet site.

Another important activity which typifies Beit Hillel's uniqueness is its "Elu v'Elu" meetings (a pertinent allusion to "Beit Shammai's" opinion, literally "both opinions represent the truth"), in which a delegation of Beit Hillel rabbis will meet with major rabbis of the National Religious sector who have reservations over Beit Hillel's policy, such as Rabbanim Melamed and Aviner.

Beit Hillel also conducts conventions every few months to discuss pressing issues on the public agenda, and to explore ways they can assist to improve the status quo. Examples include the problems of get-refusal; and the situation of the hundreds of thousands of non-Jews in Israel from the former Soviet Union states, their integration into society, and the possibilities of conversion. These conventions are followed up by task teams that consider operational options, which are brought to the general email forum, for consideration and authorization, before being acted upon. An example of this process is Beit Hillel's recently launched, high profile initiative, coordinated with major Poskim and Dayanim, and with explicit support from Rav Aharon Lichtenstein and Rav Nahum Rabinovich, to encourage the use of halachically approved pre-nuptial agreements, to minimize the horrid predicament of women who are refused a get.

Beit Hillel also publishes digital newsletters and journals, which disseminate information about its activities and public stands, and present the conclusions of its "Batei Midrash".

Batei Midrash

Beit Hillel has 2 Batei Midrash, one which concentrates on Halacha, the Beit Midrash HaHilchati, and the other on more abstract, educational/spiritual issues, the Beit Midrash HaRa'ayoni. In light of the democratic, transparent and collaborative manner Beit Hillel conducts all its business, it is only natural that these Batei Midrash should be open to all members, and all opinions are respected and considered.

The Beit Midrash HaHilchati is led by Rav Zev Weitman, the Rav of the Tnuva conglomerate, and former Rabbi of Kibbutz Kfar Etzion. The forum usually includes 15-20 of the Beit Hillel Rabbanim and Rabaniyot, who work towards publicizing a responsum. Like all group discussions, each person brings different strengths to the table. While some participants stand out in their halachic knowledge and experience, others bring their communal experience; all members offer valuable insights. For example, in the discussions concerning inviting non-religious Jews for Shabbat meals, some raised the severe impact on families of refraining from inviting non-religious children for Shabbatot and Hagim; while others focused on the role of Shabbat in "kiruv", mentioning that if our shuls and homes are not open to the non-religious, there is almost no other way to bring Torah into their lives. Some mentioned the potential influence of the presence of non-religious people on observant families and communities; others offered the perspective of rabbis of yishuvim, where community life is different from cities.

After a draft is written by committee members with broad Halachic knowledge, and experience in Halachic decision making, it is reviewed and criticized by all. Some suggest that certain critical sources have been omitted, and some question the value of including other sources; some members suggest improvements in style and presentation. The draft is then reviewed by all Beit Hillel members, and then shared with a (closed) email list of hundreds of prominent Religious Zionist rabbis, including poskim, dayyanim, rabanei arim, ramim and rashei yeshivot, representing the entire spectrum of Religious Zionism; to hear further insights and criticisms. The final draft is then printed in a newsletter distributed in shuls across Israel.

The participation of rabbaniyot, female Torah educators, is indispensable. Their knowledge and insights contribute significantly to the groups' discussions and conclusions. Consider this anecdote, one of many, to illustrate the unique contribution of a female member, in a recent discussion of the issues facing an airplane traveler. After the (male) presenter listed the issues concerning crossing oceans, especially traversing the International Date Line; such as Sfirat Ha'omer, fast days, Shabbat and prayers, a rabbanit recommended he add to his list the issue of the seven days of purity.

As the output of the Beit Midrash is brought before the entire Beit Hillel membership, it represents the consensus of the entire forum. These responsa do not intend to compete with venerable Poskim. They are what they are: the opinions of approximately 170 Rabbanim and Rabaniyot, leading Torah educators and community rabbis, on vital and pressing issues of major public concern.

As a practical consequence of the responsa regarding inviting a non-observant Jew for a Shabbat meal, and its warm reception by the media and general public, Beit Hillel plans an Israeli version of the highly successful "Shabbat Across America" project, in which religious families across the state will be encouraged to invite non-religious into their homes for a Shabbat meal, with the participation of high-profile public figures, both religious and non-religious.

Conclusion

This article aspires to contribute to a further appreciation of its endeavors and secure a measure of moral support from our brethren around the world.

News from Beit Hillel

The Public Council of Beit Hillel

The inaugural conference of Beit Hillel's Public Council took place on June 27th 2013 at the Wohl Center in Bar-Ilan University. It was a very successful and inspiring event with over 150 participants representing a broad spectrum of public and rabbinic leadership. The forum discussed ways to bring about social, religious and national change.

The highlight of the conference was the roundtable discussions that addressed several major issues facing Israeli society and the Jewish people today such as: The status of women in Judaism; The problem of Agunot and mesuravot get in the State of Israel; Army and Halacha; Conversion in Israel; Religious - Secular relations; Marriage in Israel; Social justice; The educational system in Israel; The status of the courts and legal system; Relationship to non-Jews in Israel and more. Conclusions from roundtable discussions were drawn up as recommendations as to how Beit Hillel should go forward in these areas and several were adopted by the leadership of Beit Hillel as operative guidelines for the organization.

MK and Minister Uri Orbach stated during a panel regarding ways to create a shared Jewish identity in Israeli society: "I ask you to continue the deep discussions that you are having. The discussions themselves are important but they need to make their way into public consciousness. I want you to be a force to be reckoned with and for moderation to also be a little extreme. Moderates are problematic in that they even fight with moderation. Beit Hillel needs to be very activist so that pressure from the moderate public is more apparent." MK Aliza Lavi responded, "We need you; you will teach us politicians how to do this right. We can't do it on our own. I ask that you return halachic courage to the world of halacha." MK Elazar Stern added, "Help us to act in a world of halacha that knows how to make decisions that are connected to Israeli society and understands that the window of opportunity is not getting any wider. Beit Hillel, help us to make the change!"

Beit Hillel's Stance on the Western Wall Plaza and Temple Mount

Beit Hillel published an official public statement on the Western Wall Plaza and Temple Mount. In it we called for support for Minister Sharansky's plan to establish three areas at The Wall plaza. We also called on the government of Israel to permit Jews to pray on the Temple Mount and to put a stop to humiliation of Jews at that holy place. Our view is that the proposed solution for The Wall plaza is appropriate for a democratic Jewish state that is committed both to freedom of worship and to the traditions of Israel. The government should likewise strive for a solution that allows Jews to pray on the Temple Mount plaza and ends the discrimination against Jews who are prevented from holding both private and communal prayers at the site holiest to the Jewish people.

With your support

Beit Hillel can continue its important work.
Beit Hillel welcomes you to become a partner
 in shaping the future of Israeli Society.

Contact us for Donations or Information:

Beit Hillel - Attentive Spiritual Leadership

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To make a contribution to Beit Hillel, which is tax deductible in the United States, make your check payable to "PEF Israel Endowment Funds, Inc." and note that it is for "Beit Hillel, NPO# 58-0559441" in the memo portion of the check, or include a letter of recommendation to accompany the check. Mail the check and recommendation to: PEF Israel Endowment Funds, Inc. 317 Madison Ave, Suite 607 New York, NY 10017



How I stopped being afraid of the Religious and began to wear a "Transparent Kippah" / Eran rolls

If, ten years ago, someone would have told me that I would be a member of the board of a religious, rabbinic organization, that I would attend synagogue services every Shabbat, that I would put on tefillin, and that I would even write an article for a religious publication – I would have laughed and explained how severely mistaken that person was: I, the proud member of Hashomer

Hatzair, who is secular in every fiber of his body?

But nevertheless, something happened – something no less than a revolution in my life, and a real change in my worldview. Like many revolutions, the change began with something small. But, if I may, I would like to begin at the beginning.

I was raised near Haifa, and I was taught the values of secular socialism, the love of Israel, tolerance, social responsibility – and many other values that can also be found in the Torah – as a member of the Kiryat Haim section of Hashomer Hatzair. In my childhood, there was no connection between the religious and secular residents, and no attempt was made to establish such a connection. The two communities lived side-by-side like oil and water, never mixing.

In the army, I served in a mostly secular unit, whose members came from backgrounds similar to my own.

When a religious soldier would arrive, our mission was to see how long it would take for us to get him to watch television on the Shabbat, and to remove his kippah. We had quite a few "successes".

After the army, I met my wife, Irit, who had been raised in a traditional Jewish home, and we had four children. Until about a decade ago, a connection with God was foreign to me, and was always associated with the corrupt religious establishment, on the one hand, and extremist settlers, on the other. I wrongly thought that there was a part of the Jewish people that had an exclusive license from God.

Fortunately, my work bore fruit, and I even managed to purchase the Israel Building Center. The big change in my relationship with religion and Judaism began in that framework, as I came to know several religious people involved in the construction industry.

Work-related discussions began to digress to discussions about life, family, children, lifestyle, and we even got together with our wives. Slowly, for the first time in my life, I began to have real friendships with religious people.

One day, our friends Meir and Revital Noga invited us to their home for Shabbat dinner. Meir gently suggested that I come early and accompany him to the synagogue. What I did not know at the time was that Meir had consulted with the rabbi, and had received what was then a rather innovative rabbinic decision, allowing him to invite me and my family for Shabbat, even though it meant that we might desecrate the Shabbat.

We went to synagogue together – for me, it was the first time in 30 years – and we sat down together for Shabbat dinner with their beautiful family. Back then, we also became very close friends with a family from Givat Shmuel, Michal and Meir Mizrahi, whose children became close friends of our children, and Iris and Dvir Granot from Tzur Yigal. Through those acquaintances with those special people, I learned how beautiful and special Judaism is, and that, wow, some of it suits me.

Who would have imagined that one day the rabbi who allowed us to come for Shabbat, and who opened that door, Rabbi Ronen Neuwirth, would become a friend whom I would join in working together to establish the Beit Hillel organization!

More than ten years ago, I began putting on tefillin daily, making kiddush and saying birkat hamazon after meals. Two years later, I began attending synagogue services on Friday evenings (in the community center of my moshav, Ramot Hashavim), and a year later, I began attending Saturday morning services, as well, and I became a regular member of the minyan. Due to the small number of worshippers in the synagogue in Ramot Hashavim, Benzi (perhaps the only Orthodox person in the community), began to encourage us to lead services. Slowly, we began to add other "secular" Jews. But the turning point came during the Second Lebanon War, when one of the women began attending Friday night services on a regular basis, and other women followed. The women began bringing their children, and their husbands soon followed.

Today, twenty-five families are members of the Ramot Hashavim congregation. If you had asked people in Ramot Hashavim five years ago if such a thing were possible, they would have said that you were hallucinating. Every Monday, we study the weekly Torah portion at one of the homes in the community. Because we did not have a kosher Torah scroll, I assumed the responsibility of having one written (when I was told that I was crazy, and that it was very expensive, I replied that, in any case, everything I earn is granted to me from Above, so it really isn't mine anyway), and two years ago, I brought it to the synagogue in a procession in which hundreds of residents participated, with musical accompaniment that rocked the whole neighborhood. This year, we held hakafot shniyot for the first time.

We are on the way. We are not (yet) Shabbat observant, and perhaps some of us never will be. But we are now firmly rooted in the world of Torah and tradition, like thousands of other Israelis throughout the country – people with "transparent kippot".

None of this would have occurred had it not been for the Noga family from Kfar Ganim, the Mizrahi family from Givat Shmuel, and the Granot family from Tzur Yigal, who opened their hearts and their homes, and were it not for the invitation to be their Shabbat guests, and having us as guests in their home. They excited the Jewish spark that exists in every Jew. They showed me the beautiful side of Judaism and Jewish tradition. Thanks to their outstretched hands, my children are growing up together with theirs, and when my son joins the army, he will not be motivated to encourage his observant friends to watch television on Shabbat, but the contrary.

So, what do I ask of the religious community? I ask them to learn from the Noga, Granot and Mizrahi families. Open your hearts and homes to your friends, coworkers and neighbors. Friends, the time is ripe in Heaven and in Israel. You must take advantage of this opportunity to be part of the unification of the Jewish People. That, I believe, is the current mission of religious Zionism. May we fulfill the proverb, "Make an opening for Me like the eye of a needle, and I will make an opening for you like doors of a hall."

Inviting a Guest who drives on Shabbat to a Shabbat meal

Question: Is it permitted to invite a guest to a Shabbat meal when that guest will presumably violate the Shabbat by driving to or returning from that meal?

Regarding family members who do not observe the Shabbat, who are interested in joining the family for the Shabbat meal, but who are not willing to stay for the entire Shabbat: Is it preferable not to invite them at all, or is it permissible to host them for the Shabbat meal, knowing that they will violate the Shabbat by traveling to or returning from the meal?

The Shabbat is a fundamental commandment of the Torah. It is considered equal in its importance to all the other commandments combined, and its violation is comparable in its severity to idolatry. The Shabbat experience has the unique power of drawing Jews to Jewish values. This has eloquently been pointed out by Rabbi Hayyim David Halevi:

"the Shabbat has the power to draw the nation to God in repentance; the nation's redemption will stem from the Shabbat ... if indeed the nation, including those who do not scrupulously observe all of the commandments of our religion, will consistently observe this ritual, if they are meticulous in celebrating the spiritual Shabbat... The Shabbat itself will purify them, will perfect their attitudes, will elevate their souls, and, ultimately, will distance them from transgression, will inspire them to redemption and will bring about their speedy redemption".

Herein lies the dilemma: On the one hand, we would like to enable every Jew to partake of the Shabbat's special flavor. On the other hand, the heart weeps: how can one experience the inherent essence of the Shabbat, through the very act of violating it?

On the one hand, we are dealing with a kind of "mitzvah arising from a transgression", Shabbat delight that arises from Shabbat violation, and, on the other hand, it can be seen as a kind of "transgression in God's name" – a forbidden act that is geared at bringing Jews closer to each other and connecting them to a world of Shabbat and of sanctity.

Answer:

The fundamental decision regarding this question rests on matters that are the subject of a debate in rabbinic literature. The general tendency among contemporary rabbinic authorities is to permit such invitations, subject to restrictions which will be discussed.

The preferable way of inviting guests for the Shabbat is to invite them for the entire Shabbat - from before the onset of the Shabbat until after it ends. Potential hosts should be encouraged to extend invitations before the Shabbat sets in. This is the position of Jewish law a priori.

If the guest ultimately decides not to accept an invitation for the entire Shabbat, it is permissible to consent to a guest's arrival for only part of the Shabbat, when there exists an element of outreach toward Jewish values or elements of family harmony. In such cases, it is preferable that the guests arrive before the Shabbat and leave during the Shabbat, than to arrive on the Shabbat itself. This being the case, all efforts should be made to extend such an invitation for the Friday evening meal, rather than the Shabbat day meal.

In cases of great need, particularly when family harmony is at stake or other domestic issues are of concern, there exists the possibility of consenting to the guests' arrival on the Shabbat itself, based on rulings of those rabbinic authorities who adopt a more lenient position.

Coming to a decision with regard to these questions is in no way a simple task. It requires balancing various personal, communal and social factors, while the sanctity of the Shabbat lies in the balance. It is therefore advisable to consult with the local rabbi and other Torah scholars, informing them of whatever specific personal and family considerations are involved.

Sources and Expanded Discussion

The Law of "an Obstacle before the Blind"

Many of those residing in Israel and, more significantly, abroad, can testify that the experience of the Shabbat table, the family atmosphere, the warmth and the serenity are highly meaningful for those Jews who are alienated from the Torah and its commandments. Indeed, the Shabbat meal experience plays a significant role in connecting Jews to the values of the Shabbat and of Judaism in general.

Many contemporary rabbinic authorities have dealt with this issue, and much has been written about it. Rabbi Abraham Wasserman in his book, "Re'akha Kamokha", (pages 155 - 163) deals at length with this issue. He reaches the conclusion that there are authorities who prohibit such invitations and those who permit them. In this article, we will attempt to survey the major factors involved in the issue, we will cite many opinions of rabbinic authorities, and we will attempt to determine the criteria for prioritizing values that should optimally be applied in such situations.

The major consideration raised by the authorities against inviting guests who travel on the Shabbat is the injunction of "thou shalt not put an obstacle before the blind".

The source of this prohibition can be found in the Talmudic tractate "Avoda Zara" (page 6). The Talmud discusses the prohibition against selling religious ceremonial objects to idol worshippers and offering wine to a nazir, who is forbidden to drink wine.

There are Rabbinic authorities who compare inviting a nonobservant Shabbat guest to the injunction of "an obstacle before the blind". This comparison requires an understanding of the prohibition itself and the scope of its application, as well as its relevance in the presence of other considerations. The detailed response presented below will deal with the various aspects of the prohibition of "an obstacle before the blind".

The Talmud states explicitly that the prohibition against offering wine to the nazir applies only when the offerer and the nazir are standing

on opposite sides of a river. The authorities differ as to the meaning of this qualification.

Most of the Rishonim understand that what the Talmud means is that the prohibition of “an obstacle before the blind” exists only when the nazir cannot reach the wine without the other’s assistance, and in general terms - only if the transgression cannot take place without the collaborator’s assistance.

As far as practical Jewish law (halakha) is concerned, the Shulhan Arukh (Yoreh Deah 151, 1) rules that one may not sell an idolater any object that is specific to the worship of idols unless it is evident that the idolatrous individual is not purchasing those objects for the sake of idolatrous practice. Conversely, items that are not specific to idol worship may be sold to such an individual, in which case we are not concerned that the purchaser will use them for idolatrous purposes unless he states explicitly that he is buying them in order to worship idols. Regarding the aforementioned halakha, ReMA (Rabbi Moshe Isserles) states that common practice was to adopt a lenient position permitting the sale of objects specific to idolatry to idol worshipers in cases in which those individuals already possess such objects, or can easily procure them elsewhere. That is to say, his opinion, like the opinion of most Rishonim, is that the prohibition of “an obstacle before the blind” applies only in cases in which the transgressor cannot commit the transgression without the aid of the assisting party, although, ultimately, he advises that “a cautious individual should choose the stricter position”.

This being the case, we may conclude that, given the opinion of the majority of the Rishonim and the ruling of ReMA, inviting nonobservant guests for the Shabbat does not constitute an explicit violation of the rule of “an obstacle before the blind” in cases in which the guest would travel on the Shabbat in any case, regardless of the invitation. Certainly, if the guest was offered an invitation to stay for the entire Shabbat, and nevertheless chose to drive, this does not constitute any collaboration on the host’s part in the guest’s transgression.

The Law of “Collaboration”

Even in cases in which the explicit biblical injunction of “an obstacle before the blind” is absent, there are those authorities who maintain that there still exists a rabbinic prohibition of collaboration with a transgressor. This issue is indeed the subject of debate between the various Rishonim. Most of the Rishonim are of the opinion that even when the biblical injunction of “an obstacle before the blind” does not apply, there nevertheless exists a rabbinic injunction against abetting a transgressor. There are however, those Rishonim who disagree, and who maintain that in the absence of any biblical prohibition, the rabbinic injunction against abetting a transgressor cannot exist.

However, with regard to the injunction against collaboration, there are two considerations which may be applied in the interest of leniency in certain cases:

The opinion of ShaKh (Sifte Kohen) and Dagul MeRevava (YD 151, 6) is that the rabbinic prohibition of collaboration does not apply with regards to an individual who does not observe the commandments, since refraining from collaboration in such situations would not serve to prevent the transgressor from transgressing in general.

In the opinion of Rabbi Jacob Etlinger (responsa Bene Zion 15), the injunction against collaboration applies only at the time that the actual act of the transgression is being committed. However, when the collaboration is not concurrent with the commission of the prohibited act, there is no injunction whatsoever against collaboration. In his responsum, he permits submitting a printing order to a Gentile printer who employs Jewish workers on the Shabbat. Those workers, he states, would perform forbidden labor on the Shabbat with or without the order, and the collaboration does not take place at the same time as the transgression.

This being the case, inviting a guest who travels on the Shabbat fulfills the criteria for leniency mentioned in this chapter:

In accordance with the opinion of ShaKh (Sifte Kohen) and Dagul MeRevava, the specific violation of the Shabbat on the part of the guest is not an isolated incident of transgression, and withholding Shabbat hospitality would not prevent the guest from violating the Shabbat in general. According to Rabbi Etlinger, an invitation extended before the Shabbat is not considered to be directly linked to the transgression itself. For these reasons, we may maintain that the law of collaboration with a transgressor does not apply in our case.

The Law When the Collaborator Initiates the Act

All of the examples from the sources cited above regarding “an obstacle before the blind” and “collaboration with a transgressor” are of situations in which the transgressor himself is the initiator of the act under discussion. The questions, then, are whether it is permissible to collaborate with him, and under what circumstances one may do so. There exists, however, an additional Talmudic discussion which would imply that a more severe prohibition exists when it is the host, rather than the guest, who initiates the invitation.

The Talmud states in the tractate Hullin (107a): “One may not place a piece of bread in the mouth of an attendant unless he is certain that the attendant washed his hands”. The Shulhan Arukh (Orah Hayyim 169:2) similarly rules: “One should not place food in front of any individual unless it is clear to him that that person will say a blessing”. This ruling does not mention the qualification of “both sides of the river”, and it would seem that the Shulhan Arukh believes that the prohibition exists even when the individual desiring to eat can procure the food elsewhere, since the injunction is against the actual assistance to an act that constitutes a transgression (see, however, responsa Shevet Halevi (4, chapter 17), who states the opinion that this does not fall under the category of “both sides of the river”, and that such an act constitutes, at the very most, a rabbinical injunction against collaboration with a wrongdoer).

This being the case, when one invites a Shabbat guest, the initiative for the Shabbat violation originates with the host. Even if the visit is initiated by the guest, it is the host’s compliance with the request that is the cause of violating the Shabbat by driving. When Rabbi Moshe Feinstein (Iggerot Moshe, Orah Hayyim Volume 1, responsum 99) was asked whether it was permitted to invite Shabbat violators to a synagogue when it is clear that they would travel on the Shabbat, he ruled prohibitively:

“I responded that to reach out to secular Jews by inviting them to synagogue when it is impossible for them to do so without violating the Shabbat is certainly prohibited. This is even more severe than the prohibition of “an obstacle before the blind”, since an individual who does so is also violating the prohibition of inciting a Jew to perform a transgression... the prohibition of placing “an obstacle before the blind” applies even when dealing with individuals who are not totally alienated from Judaism, when it is clear to us that they would choose to drive to synagogue rather than make the effort to walk to there. In the event that the announcement is not phrased as an invitation, but rather as a notification to potential worshipers that a prayer service is taking place and that rewards are offered to those who attend, when the intention is specifically to notify the observant, but it is clear that non-observant Jews will come in their vehicles as well, there seems to be no violation of the injunction against incitement and it is questionable whether the rule of “an obstacle before the blind” applies”.

Sedeh Hemed (2:6:26:32) cites authorities who maintain that the injunction of “an obstacle before the blind” does not apply at all when the obstacle is established verbally, rather than by a specific act. Many other authorities, however, including Rabbi Soloveichik (cited in “Divrei HaRav”, selected customs, page 170) and the responsa Shevet Halevi (8, Orah Hayyim 165 and 256) side with Rabbi Feinstein, who writes that individuals who do not observe the commandments should not be invited to an event that takes place

on the Shabbat, when it is clear that they will violate the Shabbat by driving, either coming or going. Of course, in the case in which the guest decides on his own to attend the event, such as a traveler, and such an individual would attend even if he were not explicitly invited to the synagogue, no question of an “obstacle before the blind” exists, and in such a case, there is no hindrance to invite such an individual to attend.

Nevertheless, many authorities point out that there is a difference between serving a slice of bread to an individual who is known not to say blessings and extending and inviting a nonobservant Jew to a Shabbat meal. In the case of the invitation, the host is not physically offering a forbidden object to the guest. Not only did he offer his guest the opportunity of hospitality for the entire Shabbat, there also exists a significant passage of time between the invitation and the guest’s driving.

We will cite the opinions of three great authorities of the last generation who adopted a lenient position regarding this matter:

Rabbi Shlomo Zalman Auerbach (Responsa Minhat Shlomo 2:10, “Otzarot Shlomo” publishers, Jerusalem, 1999) rules:

“It is permitted to invite an individual who lives far from the place of worship and offer him a place to sleep nearby, in such fashion that he will not have to violate the Shabbat at all. Even if that individual refuses the offer of hospitality, there is no need to advise him to refrain from visiting for that reason, nor is there any need to caution him not to drive a vehicle”.

For some reason, this responsum was omitted from the later edition, but it is quoted in the responsum Rivevot Efraim (Volume 7, chapter 402).

Rabbi Yaakov Ariel (responsum Ohola Shel Torah Volume 5, chapter 22), states the following, in reply to a query from emissaries abroad regarding outreach activities:

“We must make a distinction between inviting a guest for the evening meal and inviting him for the daytime meal. A Friday night guest should be invited before the Shabbat and should receive a genuine offer to stay for the entire Shabbat. If he refuses to remain, and decides to return home on the Shabbat, that is his own personal decision, and the rule of “an obstacle before the blind” does not apply, for two reasons: First, because the host took measures to ensure that the guest would not be required to violate the Shabbat, and because the guest’s decision, on his own initiative, to violate the Shabbat actually stands in opposition to the purpose of the invitation. Second, because the guest does not violate the Shabbat at the time that he accepts the invitation, but only after the meal, when driving home. Last, the invitation itself does not directly lead to Shabbat violation, but rather causes it indirectly”.

Notwithstanding, Rabbi Ariel forbids inviting a guest for a meal on the Shabbat day:

“Regarding a guest who is invited for the Shabbat day meal, when it is clear that he will drive a vehicle and will violate the Shabbat, such an invitation violates the biblical injunction of “an obstacle before the blind”, as the host is the sole and direct agent of the guest’s transgression of the Shabbat, comparable to the case of one who offers a cup of wine to nazir... this is because of the host’s intention, which is what causes his fellow Jew to travel on the Shabbat... and also because of the time of the commission of the transgression, which is committed at the time that the guest fulfills the host’s instructions”.

Rabbi Ariel’s second justification for permitting Friday night invitations is based on a discussion by Magen Avraham (169:6), who raises the possibility of a distinction between giving food to an individual who will not wash his hands, which is the more severe violation in terms of the prohibition of “an obstacle before the blind”, and offering food to an individual who would not recite the grace after meals, which is less severe, since the transgression was not committed at the time the food was offered, but rather afterwards, separate from the act of offering the food.

Later in this article, we will cite a different aspect of this issue from Rabbi Ariel’s responsum, which he cites as grounds to permit, albeit reluctantly, even an invitation for the Shabbat day meal.

In a lecture on Jewish law which can be found at the Yeshivat Har Etzion website, Rabbi Aaron Lichtenstein deals with Rabbi Moshe Feinstein’s ruling regarding the invitation to prayer services in a synagogue, in a case where some of the invitees would travel to the synagogue on the Shabbat. His position seems to imply that there is room for leniency, even when the invitation is for the Shabbat day itself:

“According to the responsum of Rabbi Feinstein, if we take his position to its extreme conclusion, we would have to close down three quarters of the synagogues in the Diaspora. Practically, on the individual level, Rabbi Shlomo Zalman Auerbach rules that it is possible to extend such an invitation, when we grant an alternate option and offer local hospitality, and only in cases in which the goal is for a worthy cause. On the public level, the need is even greater, but, on the other hand, the feeling that the synagogue itself is encouraging violation of the Shabbat is problematic. Having said that, since the alternative is usually that nothing whatsoever will take place on the Shabbat, there is room for leniency. However, it must be emphasized that the synagogue does not condone driving on the Shabbat.” Rabbi Shlomo Riskin related to us, from his own personal experience, that during his tenure as a community Rabbi in New York, he personally asked Rabbi Moshe Feinstein how to rule regarding this issue. Contrary to the implications of his responsa as printed in Iggerot Moshe, Rabbi Feinstein ruled that it is permitted to offer hospitality when the invitation offered to the guests is for the entire Shabbat, even if the guests, in actual fact, would arrive by driving during the course of the Shabbat, arguing that the prohibition of “an obstacle before the blind” does not apply in this case.

From a Greater Prohibition to a Lesser Prohibition

Even for those who maintain that inviting nonobservant guests for Shabbat meal constitutes a violation of the injunction against setting an “obstacle before the blind”, it is possible that if the stated purpose of the invitation is to fulfill other commandments and to prevent other transgressions, the “obstacle before the blind” injunction does not apply. Indeed, there are authorities who rule that when the “collaborator’s” intention is to save the transgressor from greater wrongdoing, an act cannot be prohibited on the grounds of the injunction against setting an “obstacle before the blind”.

In the question of a man having the sides of his head shaved by a woman, who is not forbidden by the Torah to shave her own head 1, Rabbi Akiva Eiger (Yoreh Deah 281:6) rules that when it is clear that the man would shave his temples anyway, it is preferable that the act be carried out by a woman, thus reducing the extent of the transgression: Rather than violating two separate injunctions, one of shaving the temples and the other of being shaved, that individual would violate only the single prohibition of being shaved. Since having the temples shaved by a woman decreases the number of violations, the prohibition of “an obstacle before the blind” does not apply.

Rabbi Shlomo Zalman Auerbach (Responsa Minhat Shlomo 1:35) innovates that in any case in which the intention is to prevent a greater wrongdoing, there is no room for discussion regarding the prohibition of an “obstacle before the blind”. In his responsum, he permits offering food to a Jew who will clearly not say a blessing over it, because the provider of the food is saving the recipient of the food from the greater transgression of general alienation from Judaism or from hatred or resentment toward his host. Had the host not offered the food, he would have transgressed the prohibition of “an obstacle before the blind” in even greater force. The idea that we must consider the severity of the injunction from the position of the transgressor of the commandment (and not from the position

of the initiator of the obstacle) is based on the rulings of the authorities cited in Sedeh Hemed (2:6:26:1) who decided, regarding the discussion in "Yad Malachi", that if the transgressor did not sin, the prohibition of "an obstacle before the blind" does not exist. Based on this fundamental principle, Rabbi Ariel, in his responsum cited above, permitted inviting guests even for the Shabbat day meal, stating:

"as I understand, the need to welcome Jews to experience the Shabbat atmosphere can be fulfilled specifically during the day, when there is more time... it seems, therefore, that, in extreme cases, it is possible to permit... inviting guests to the Shabbat day meal, taking into account the following considerations:

Ideally, guests should be invited for the entire Shabbat. However, if the invitee will accept only a partial invitation, it is acceptable to consent and to offer him hospitality until the end of the Shabbat... this ruling rests on several variables: It is possible that the invited guest might have driven in any case for a different purpose, and possibly even further; that the individual might have transgressed a greater number of other violations of the Shabbat of a possibly greater severity than that of traveling to the home of the host, knowing that, during his stay at the host's home, it is presumable that he will not perform any forbidden acts on the Shabbat at all...

An additional consideration for leniency is the matter of "does one say to another: "commit a sin, so that your fellow Jew benefits"" (Babylonian Talmud, tractate Shabbat, 48). It was clear to those who posed the question that inviting these nonobservant Jews to Shabbat meals is the only way to familiarize them with Jewish values. Without such an invitation, we are concerned that they will stray from Jewish values to the point of assimilation. This being the case, we must consider not only the violation of this specific Shabbat, but the violation of all Shabbats and the transgression of all of the Commandments. We must return to the concept that a lesser lapse in the present is preferable to complete alienation in the future. Rabbinic literature discusses a case in which a father was permitted to violate the Shabbat under certain conditions in order to save his daughter who had left Judaism... all the more so should we permit a questionable violation of "an obstacle before the blind" in order to observe the Shabbat. For this reason, there are grounds to permit, under these difficult circumstances, inviting such guests for Shabbat meals, even during the day, if it is impossible to invite them for the evening meal".

This ruling suggests that in a situation of great need and given the possibility of great benefit, there exists the possibility of inviting guests even if they will unquestionably violate the Shabbat as the direct outcome of the invitation. After all, this invitation might possibly prevent them from violating the Shabbat in many and varied other ways, at least during the time the guests are enjoying the hospitality of their hosts. Therefore, the invitation actually reduces Shabbat violation, rather than causing it.

Collaboration with a Transgression When the General Intention Is for the Sake of Performing a Commandment.

Regarding the halakha stated above that one should not offer food to another Jew unless it is clear that that person will recite a blessing, Rabbenu Yona (commentary to RiF, Hullin, page 71 in the pages of RiF printed in the Babylonian Talmud) states an innovative concept: If the donor's intention when giving bread to an individual who will not say a blessing over it is to fulfill the commandment of giving charity, this supersedes the injunction of "an obstacle before the blind", since the intention of the donor is to fulfill the positive commandment of charity, and not to collaborate in a transgression.

Rabbi Yosef Karo, in Bet Yosef (his commentary on the Arbaah Turim) takes issue with Rabbenu Yona's statement:

"this does not seem correct, since giving a slice of bread to an attendant is also a mitzva, and even then, we are commanded not to give him the bread if we are certain that he will not wash his hands".

For this reason, Rabbi Karo did not cite Rabbenu Yona's innovative position when he wrote the Shulhan Arukh (Orah Hayyim 169:2). ReMa, however (ibid.), explicitly rules according to Rabbenu Yona, stating that "there are those who adopt a lenient position if the food is given to the poor person as charity". The common explanation for Rabbenu Yona's position is summarized in the words of the Mishna Berura (169:11):

"We do not disregard the commandment of charity based on the possibility that an individual might not say a blessing".

Turei Zahav and Magen Avraham (ibid.) rule that it is possible to accept Rabbenu Yona's position only when there exists some doubt as to whether the recipient of the food will make a blessing; if it is clear to us that he will not recite a blessing over the food, it is forbidden to give it to him.

Rabbi Jacob Yehiel Weinberg, author of the responsum Seride Esh, (sec. 2, 9, page 366), argues that, possibly, what Rabbenu Yona is saying is that in any case in which the collaborator's intention is for the transgressor's benefit, the prohibition of "an obstacle before the blind" does not apply, since the very purpose of the act is to perform a Commandment or to benefit the transgressor:

"regarding the principle that underlies the rule of "an obstacle before the blind": if not for fear of contradicting the great rabbinic authorities of the last generations, of blessed memory, I would say that when the collaborator's intention is the performance of a Mitzva, there is no prohibition of "an obstacle before the blind"... and therefore we must conclude, in theory, that in any case in which there is a Mitzva to be performed, one should not refrain from performing it, even when performance of that Mitzva may cause another Jew to commit a transgression, since it is not his intention to collaborate with transgressors, but rather to perform the will of his Creator. Moreover, this can arouse feelings of repentance and remorse in the heart of the transgressor and cause him to see the way of the truth, when he sees how much his fellow Jew takes pains to perform the Commandments of the Creator. These words have been said explicitly by Rabbenu Yona ... see the commentary of the Vilna Gaon to Orah Hayyim 169:2 who found a source for Rabbenu Yona's position in the Mishna, Tractate Demai, Bet Yosef's objection to this principle is easily resolved: If a host places a piece of bread in the mouth of an attendant, he is not fulfilling the mitzva of charity, since it is the host's obligation to feed his attendant. Even though this seems extremely clear to me, my heart does not allow me to rule in opposition to our teachers, the great authorities of the recent generations... I have written all of the above de jure and not de facto, and the decision is in the hands of the great Rabbis of the Land of Israel and the Diaspora".

According to Seride Esh, in any case in which the intention is for the benefit of the transgressor, it would seem that the "obstacle before the blind" rule does not apply. If so, it is possible that there is no prohibition whatsoever when the intention of the host is to reach out to his guest and expose him to and familiarize him with the Torah in general and the Shabbat in particular. Rabbi Weinberg emphasizes that his words were not stated as an actual ruling, but his reasoning can certainly be added to the considerations that have been cited above.

However, an actual ruling in this direction was given by Rabbi Moshe Sternbuch, leader of the Edah Haredit of Jerusalem, in his responsum, "Teshuvot ve-Hanhagot" (1:358), in answer to a query by an individual who had become observant, who had invited his parents to his home in order to bring them close to Judaism, and had seen that this had positive results. The petitioner wondered whether it was permitted to invite his parents for the Shabbat, when it was clear that they would drive on the Shabbat for that purpose. In his reply, Rabbi Sternbuch states that if the intention of the host is in the guest's best interests, the injunction of "an obstacle before the blind" does not exist:

"It seems that the basis of the prohibition of "an obstacle before the blind" is its similarity to the case of a blind person who is caused to stumble. However, if the host's intention is only for his guest's benefit, he cannot be considered as placing an obstacle. Just as a surgeon is not guilty of stabbing his patient, here too there is no malevolent intention or any desire to provide harmful advice. The host's sole intention is to educate his guests and to bring them closer to the truth. When another Jew violates the Shabbat as a result of this, it is not the host but the guest who causes harm to himself, and therefore the prohibition of "an obstacle before the blind" does not apply. Because he did not order them to drive, but rather informed them that their driving on the Shabbat pained him, the host is absolved of

any further liability to prevent his guest from public Shabbat violation....

There is, however, an element of desecration of God's name in the fact that the parents drive to their son's home in an automobile in public on the Shabbat day. Therefore, it should be arranged that, in any case, they would not park their vehicle adjacent to the host's home in such fashion that others would understand that the guests came especially to visit this particular host. Regarding the transgression of desecration of God's name, intent is not a factor and the fact that the host's intentions are honorable is irrelevant. It seems to me that the host should make every effort to prevent his parents from violating the Shabbat. However, if this is impossible, and the host feels that this is an effective way of guiding his parents in the right direction, he should not refrain from inviting them out of concern for "an obstacle before the blind", but should rather bring them close to the Torah to the best of his ability. He should teach them regarding the gravity of violating the Shabbat and the sweetness of observing it, and, with God's help, he will return them to the correct path. There is no greater honor of parents than this".

Elsewhere, I have cited the opinion of Mishna Berura... that a father must care for his daughter lest she leave the faith, since he is her custodian and her flesh and blood. Family members, therefore, have a special obligation. This being the case, it seems, in my humble opinion, that even though there is usually no obligation to rebuke a public Shabbat violator... there is nevertheless an obligation toward parents who have been assimilated among the nations. The reason for this obligation arises not only from the charity that a Jew is obligated to provide for every other Jew, but also from the principle of redemption of relatives. One must make every possible effort to rescue relatives who violate the Shabbat, as this is a special halakha".

Rabbi Sternbuch's summary makes it clear that there is greater room for leniency with regard to "an obstacle before the blind" in situations in which we must reach out to a family member and to strengthen the important family ties between that family member and his observant family.

(Rabbi Eliezer Simcha Weiss, in Tehumin 18, page 184, rejects Rabbi Sternbuch's position, arguing that this is a "mitzvah arising from a transgression". We chose to prefer Rabbi Sternbuch's position, since, by definition, a situation can only be classified as a "mitzvah arising from transgression" when the transgressor himself is committing the transgression in order to perform the commandment, whereas our case deals with two separate individuals.")

Summary:

in our opinion, which is based on the rulings and the actual practice of the great Torah authorities of recent generations, across all sectors and communities, it is proper to invite family and friends to Shabbat meals with the intention of reaching out to other Jews and bringing them closer to Jewish values, or with the intention of preserving unity and goodwill in families, communities, and society.

The sanctity of the Shabbat and its reverence require that we impose certain restrictions on this trend in several ways:

The importance of observing the Shabbat should be explained to the guests. It is preferable to invite the guests in advance, and for the entire Shabbat. In any case in which the guests refuse their host's offer of hospitality for the entire Shabbat, it is preferable to extend an invitation for Friday night, asking the guests to arrive before Shabbat sets in. The guests' departure after the meal is of their own free will, and the result of their own refusal of their host's invitation to spend the night at their home, and there is no direct link between their driving home and their host's invitation. The less preferable option is to invite guests for the Shabbat day meal, when it is clear that the guests will travel on the Shabbat in order to attend the meal. However, in situations in which such an invitation is desirable and highly necessary, especially when family harmony and integrity are at stake, the possibility of extending an invitation for the Shabbat day may be considered as well. Because of the complex individual and communal nature of this issue, it is important and highly recommended to consult a local Torah authority who is aware of the local situation, and who is able to arrive at the appropriate decision in context, taking into account the multitude of considerations. In the words of Rabbi Moshe Feinstein regarding a different matter (Iggerot Moshe, Yoreh Deah 3:81): "a local rabbinic authority, who is aware of the local situation, and who it is competent to make the ruling in this case, based on his greatness in knowledge of the Torah and his fear of God, should take into account the neighboring communities, which do not require such leniency. They should take measures not to rely on the permissive ruling granted to this particular place, lest the damage outweigh the benefit."

Beit Hillel promotes prenuptial agreements

Beit Hillel has started a campaign to encourage couples that are about to marry to sign a pre-nuptial agreement, with the goals of preventing cases of divorce refusal and extortion, and reducing the number of people unable to remarry. This stance is the first of its kind in Israel from an orthodox rabbinical organization.

We observe with pain that the proportion of marriages ending in divorce in the Jewish world in general and in Israel in particular is steadily increasing to a degree which cannot be ignored. The problem of divorce refusal, which can afflict both men and women, is likewise becoming more widespread in Israel, in cases where one of the partners in a divorce understands that s/he has the power to use divorce refusal as a means of extortion or revenge.

The pain and suffering of people refused a divorce is immense, since they are prevented from remarrying and raising new healthy families. The problem of women is even more acute in that they are prevented from having children and any child fathered by another man while they are still married is irrevocably considered a mamzer.

Following much consultation with religious court judges, rabbanim, heads of yeshivot and experts in the subject and after long consideration and study within the organization, we have decided to call on all parts of the population to sign a pre-nuptial agreement to prevent divorce refusal. In this endeavor we have received the support of Rav Nahum Rabinovich shlita, the head of Yeshivat Birkat Moshe and Rav Aharon Lichtenstein, head of Yeshivat Har Etsion. It is worth mentioning that most orthodox rabbinical organizations in the U.S. support and encourage the signing of a pre-nuptial agreement—this has been reiterated in a statement of the RCA from July 10th of this year.

We encourage all couples getting married to sign a halachic pre-nuptial agreement before their wedding and in doing so to demonstrate in a practical way their love and commitment to one another. The common sentiment among couples just before their wedding is, "It won't happen to me." It has been demonstrated, however, that pre-nuptial agreements serve as a protective measure, much the same way as the Ketuba, established by our sages, has done for centuries.

A pre-nuptial agreement creates financial pressure on a party that refuses to grant a divorce. This is a measure that has proven effective in preventing divorce refusal and, in many cases, agninit. Out of concern for the integrity of the family unit that is the foundation of healthy Jewish society, we believe that if signing a pre-nuptial agreement becomes a societal norm, this will strengthen the family unit in the state of Israel.

We call on all our members who are rabbanim to recognize the responsibility that rests on their shoulders every time they officiate at huppa and kiddushin. We call on them to encourage couples to sign a pre-nuptial agreement so that they start their journey together with security and mutual respect. We maintain that every educator in Israel should explain to his or her students that the sanctity of the mitsvot of marriage and divorce are violated by divorce refusal and that each individual must do their part in creating a just society by signing an agreement to prevent such divorce refusal. We also turn to parents and families of couples getting married, asking them to protect their children by encouraging them to sign a pre-nuptial agreement to prevent divorce refusal.

Question: May a woman say kaddish for her parents?

Answer:

- According to the sources, saying kaddish for one's parents is of spiritual benefit for the soul of the deceased. Some are of the opinion that this is also true with regard to a woman who wishes to say kaddish for the benefit of the soul of her father or mother, where she has no brothers to say kaddish. A minyan of ten men is required for the purpose of saying kaddish, and the woman saying kaddish does so in the women's section of the synagogue. A woman may recite kaddish even if she is the only person doing so, but it is preferable that one of the men accompany her in the recitation, even if he is not required to say kaddish.
- A woman may also say kaddish at a funeral or memorial service.
- A woman who chooses to say kaddish for her parents should do so as regularly as possible, just like a man who says kaddish for his parents. It would appear that a woman who has brothers is not prohibited from assuming the obligation to say kaddish, although the halakhic authorities who permit a woman to say kaddish all addressed the case of a woman who does not have brothers saying kaddish.
- Although the recitation of kaddish is the accepted method for elevating the soul of the departed, there are other acts that benefit the soul of the departed in addition to the recitation of kaddish, and many are of the opinion that it is preferable to emphasize these alternatives, particularly in the case of women, who generally do not say kaddish. The main thing is that the children of the departed sanctify God in public. Therefore, if they are able and know how to sanctify God's name publicly by other means, such as through acts of kindness, charity, Torah study and bringing others closer to God and worship, this honors the soul of the departed no less than saying kaddish. Thus, Rabbi Solomon Ganzfried, author of the *Kitzur Shulhan Arukh* (sec. 26:22) wrote in regard to men:
Though kaddish and prayers are helpful to the departed, they are not of primary importance. What is most essential is that their children proceed in the path of righteousness and, in that manner, bring merit to their parents... A person should command his children to be scrupulous in the observance of a particular mitzvah. Their practice of it will be deemed more important than their recitation of kaddish. This is a valuable practice for someone who has only daughters and no sons.
- It is important to state that when the reciting of kaddish, or a demand to lead services due to an "obligation", may lead to dispute or argument, the benefit of reciting kaddish may be cancelled out by the harm it causes, as the dispute may lead to desecration rather than sanctification. Thus, relinquishing the "obligation" and acceding to the request to lead services sanctifies God's name and brings greater benefit to the soul of the departed than would be achieved by leading services.

This is also true in the case of a woman who is saying kaddish in the synagogue. Indeed, her reciting kaddish is grounded in halakhic decisions, and therefore there is no reason to object. Therefore, objecting is a desecration of God's name and is prohibited as an act of oppression against another. However, where it nevertheless leads to dispute and injures the feelings of other worshippers, one should not insist upon saying kaddish, and will thus bring greater benefit to the soul of the departed than would be achieved by saying kaddish. Avoiding disputes and baseless hatred sanctifies God's name more than the recitation of a kaddish that might incite dispute. However, alongside the woman's consideration for the sensitivities of the congregation, the congregation should also be considerate of the feelings of the woman and of her desire to say kaddish, and the congregation's rabbi should be consulted as to the proper course of action. If there is no congregational rabbi, an appropriate and respectful discussion of the matter should be conducted by the members of the congregation, and "therefore love truth and peace" (Zechariah 8:19).

sources

• The Significance of Kaddish

The recitation of kaddish benefits the soul of the departed. The rishonim (Or Zaruah 2:50; and see Mahzor Vitry 1:144, and elsewhere) cite a midrash that recounts how Rabbi Akiva saved a deceased person from the judgment of Gehinnom by teaching the deceased's son to sanctify God's name. The midrash concludes that if a person's son "stands among the congregation and says 'Barekhu et Adonai hamevorakh', and the congregation responds 'Barukh Adonai hamevorach le-olam va-ed', or if he says 'Yitgadal' and they respond 'Yehei shmei rabbah mevorakh', that person is immediately released from punishment".

As stated, the primary benefit in saying kaddish for the deceased is in his son's calling upon the congregation to praise God, and the congregation's replying to his call by saying "Amen. Yehei shmei rabbah mevorakh le-alam u-le-alamei alemaya". In addition, there is benefit in the son's leading the congregation in prayer, calling upon the congregation to praise God, and the congregation's answering "Barukh Adonai hamevorach le-olam va-ed". The Or Zaruah observes that "our custom in the Land of Canaan [=Slavonia], and also that of the people of the Rhine, is that after the congregation recites Ein Keloheinu, the orphan stands and recites kaddish ... following the act performed by Rabbi Akiva."

Rabbi Chaim ben Bezalel, brother of the Maharal of Prague (Sefer HaChaim 8; and see Responsa Tzitz Eliezer, vol. 14, 13:4), notes an additional benefit to reciting kaddish. He explains that saying kaddish by a son constitutes a kind of justification of the Divine judgment ("tziduk hadin") by the son.

B. The Custom of Recitation of Kaddish in the Past and the Present

It should be noted that according to the original custom, as opposed to our current practice, only one person recited kaddish, while all the others would remain silent, and then respond to the call of the person saying kaddish to praise God. The proper custom was that only one mourner said kaddish so that the congregation would hear it clearly, inasmuch as "two" and certainly "three or four voices are not heard" (i.e., more than one voice is not heard clearly), and the congregation would then respond "Amen. Yehei shmei rabbah mevorakh le-alam u-le-alamei alemaya". In accordance with this custom, the Or Zaruah ruled that it is preferable that minors who cannot serve as prayer leaders say the kaddishes recited at the end of the service, as the person reciting them need not be obligated to the performance of mitzvot or be a member of the congregation (see Sefer Ha-agur 334). However, over the years, the custom developed by which all the mourners recite kaddish in unison.

C. Kol Be-isha – Women's Voices

Before proceeding to consider the primary issues involved in the recitation of kaddish by women, we should mention that there is no reason to forbid it by reason of the prohibition upon hearing women's voices, inasmuch as reciting kaddish or blessings does not involve singing. That is the current practice in regard to saying birkat ha-gomel in public, and in other matters. The Gemara in tractate Megillah

(23a) states that, from a purely legal perspective, a woman can be called to the Torah as one of the seven aliyot, and Rabbi Ovadiah Yosef wrote in that regard (Responsa Yecheveh Da'at 4:15) that one need not be concerned with the problem of kol be-isha in regard to reading the Torah. If that is the case in regard to the cantillation of the Torah, then it is all the more so in regard to reciting kaddish, which has no melody.

D. Precedents for Women reciting Kaddish

The question of the recitation of kaddish by women was first raised in the 17th century. Rabbi Yair Bacharach (1638-1701), in Responsa Havot Yair (222), told of a man who asked that, following his death, ten men would study in his home, and that his daughter would say kaddish following the study session. Rabbi Bacharach notes that the Amsterdam congregation's scholars and leaders did not object. Rabbi Bacharach writes that although there is no legal prohibition to do so, as women are obliged to sanctify God's name, and thus if she says kaddish in the presence of ten men, she sanctifies God's name in the midst of the People of Israel, nevertheless, even though there is an opinion that the recitation of kaddish by a daughter brings benefit and comfort to the soul of the departed because she is one of his progeny, it should be opposed because it is contrary to Jewish custom.

As opposed to this, Rabbi Jacob Reischer (1661-1733), in Responsa Shevut Ya'akov (2:93), addressed a similar question and permitted a minor daughter to say kaddish for her father at a minyan in the home, but not in the synagogue. Rabbi Ephraim Zalman Margulies (1762-1828), in his book *Match Ephraim* (Laws of the Mourner's Kaddish; and see his comments, *Elef LaMagen* ss. 9), and Rabbi Chaim Hezekiah Medini (1833-1905), in his book *Sedei Chemed* (*Ma'arekhet Aveilut* 170), opposed the view of Rabbi Reischer even where kaddish was recited in the home.

Another attestation to the recitation of kaddish by daughters can be found in the responsa of Rabbi Eliezer Fleckeles (1754-1826), the outstanding disciple of the "Noda Bi-Yehudah" (Rabbi Yechezkel Landau), who noted (Responsa Teshuvah MeAhava 2 OH 229:10) that the custom of the congregations of Prague was to gather in the morning in the vestibule of the synagogue to recite Psalms, and after the recitation of Psalms, the small girls – five or six year old orphans – would say kaddish. (He emphasized that this should not be done in the synagogue itself, as he was of the opinion that women should not enter the synagogue at all when men were praying there).

E. Opinions of Rabbinic Authorities in regard to Modern Practice

The question of women reciting kaddish arose more frequently at the end of the 19th century and in the 20th century. Some halakhic authorities prohibited women from reciting kaddish (see: Responsa Torah Temimah 27; Minhat Yitzhak 4:30; Tzitz Eliezer 14:7; Yalkut Yosef vol. 7, 23:11(9); Mishpatei Uziel, 2nd ed., OH 1:13). In Pnei Barukh (34:20) we read: "There are those who say that a daughter can say kaddish in a minyan in her home, but all the authorities dispute that, and wrote that she may not say kaddish, even in her home, and even if her father commanded her to do so. And if she wishes to fulfill her father's desire or to benefit him, she should make sure to attend all of the services in the synagogue, and make sure to answer amen in response to those who say kaddish, and that will serve her no less than saying the kaddish."

However, some authorities permit the reciting of kaddish by daughters and women. Rabbi Eliezer Zalman Grayevsky (1843-1899), in his book *Kaddish LeAlam*, goes to great length to establish and prove the view that a daughter may say kaddish and that it is of benefit for her father and mother, stating: "It makes no difference if the orphan is a son or a daughter ... a woman may also say kaddish to save the soul of the deceased and elevate it ... and therefore women, too, can say kaddish for their father". Rabbi Grayevsky assumes it as a given that where a man is survived only by a daughter, it is preferable that she say the kaddish herself rather than pay a stranger to say kaddish. In his book *Gesher HaChaim* (chap. 30, 8:5), Rabbi Yechiel Michel Tukachinsky (1872-1955) attests that "there are many places that permit her to say kaddish in the synagogue". However, he concludes that "in any case, an adult daughter is not permitted to say kaddish in the synagogue". It would thus appear that, in principle, both permit the recitation of kaddish by women, and attest to the custom, but raise objections regarding the issue of the modesty of women who say kaddish, particularly in the synagogue.

Rabbi Yosef Elisha Henkin (1881-1973), the outstanding disciple of Rabbi Isser Zalman Meltzer and one of the greatest Torah scholars of the last century, concluded "that if she also wishes to say kaddish before women while kaddish is being recited by the men in the synagogue, we are not particular". His grandson, Rabbi Yehudah Herzl Henkin, in Responsa Bnai Banim (2:7), also permitted women to say kaddish, arguing that now that we are accustomed to saying kaddish in unison, there is no problem if a woman joins in and recites the kaddish from the women's section. In his opinion, this is preferable to her saying kaddish by herself in a private minyan in her home. He adds that under the current circumstances, it is possible that even those who prohibited saying kaddish would permit it (even, perhaps, *Gesher HaChaim*, who restricted saying kaddish to minors, would accept that where all the mourners say kaddish in unison, there is no reason to prevent an adult woman from joining in from the women's section). In Rabbi Henkin's view, if there are no others saying kaddish in the synagogue, it would be appropriate for one of the men to say kaddish so that the woman not recite it alone. In a note there, Rabbi Henkin further brought the testimony of his grandfather Rabbi Yosef Elisha Henkin: "I recall that in my childhood, a young woman said kaddish in the presence of the men in a pious, God-fearing congregation...". Similar testimony is found in the writings of Rabbi Moshe Feinstein (Responsa Iggerot Moshe OH 5:12), who simply wrote that "throughout the generations it was customary that, from time to time, a female mourner would enter the synagogue to say kaddish."

Rabbi Chanoch Grossberg, one of the leading halakhic authorities in Jerusalem, notes the custom of young girls saying kaddish, in his book *Hazon LaMoed*: "There were some whose custom was that his young daughter would say kaddish where there was no son, and that was the custom of my teacher and father-in-law (Rabbi Neta Weiss, the Jerusalem Maggid z"l." Rabbi Joseph B. Soloveitchik (see the article of Dr. Joel Wolowelsky in *Tzohar* 8 (5762)) and his brother Rabbi Ahron Soloveichik (*Od Yisrael Yosef Beni Chai* 32) ruled that a woman is permitted to recite the mourner's kaddish alone from the women's section. Similarly, Rabbi Shaul Yisraeli (1909-1995) wrote in Responsa *BeMar'eh HaBazak* (1:4): "If a woman says kaddish in a normal voice in the women's section, it can be permitted, and it does not constitute a weakening of custom".

However, Rabbi Neriah Gutel, in a response to Dr. Wolowelsky's article in *Tzohar* (*ibid.*, pp. 21-37), wrote that from all of the sources one can conclude only that women were permitted to say kaddish in specific cases, but that there was never a decision to permit it unequivocally. Nonetheless, he too admits that there is no reason not to permit the saying of kaddish by women for whom it is important. We also admit that there is no directive, nor was it ever said that this is the preferred manner for women to act. In his response, Rabbi Gutel argued that Rabbi Moshe Feinstein's position, as quoted above, was misrepresented, because Rabbi Feinstein concluded by saying that "in practice, further study of this matter is required". However, it is clear from the context that Rabbi Feinstein was addressing the question of a woman entering the beit midrash and saying kaddish without a mechitza, and did not mean that the very custom of a woman saying kaddish required further study.

Inasmuch as there is considerable evidence of the custom of women saying kaddish, and important halakhic authorities do not see it as posing a problem, therefore, in practice, there is room to permit women who wish to say kaddish for their parents to do so.

In conclusion, we should note what Rabbi Yechiel Weinberg wrote in Responsa *Seridei Eish* concerning the celebrating of a bat mitzvah for girls, and regarding the participation of women in singing zemirot at an oneg Shabbat, which are very much apt to the issue before us: Common sense and sound pedagogical principle almost require that we celebrate a girl's reaching the age of obligation to fulfill the mitzvot, and this discrimination practiced between boys and girls in regard to celebrating reaching maturity severely harms the self-respect of maturing girls who, in other areas, have already been granted emancipation, so to speak" (Responsa *Seridei Eish* 2:39).

The Participation of Women in the Performance of Mitzvoth and in the Congregation

Summary:

What is the appropriate role of women in the performance of mitzvot and within the congregation in modern society? The various chapters of the Bible that address creation and redemption teach us that women's participation in the repair of society (tikun olam) and of the world constitutes part of their originally intended purpose. The desire for such partnership derives from their inherent nature, as instilled by their Creator. The current advances in women's standing constitute a form of repair of the world. But what does halakha have to say about this? Halakha has always recognized a role for women, as evidenced by many sources, and encourages their participation where possible.

Today, when the partnership between women and men in family life is greater than in the past, when women are able to advance in every field, and study Torah at an advanced level, it is but natural and desirable that the participation of women in the Torah world and in congregational life should increase.

Such participation may serve to bring women, men and families closer to the Torah, to the synagogue, and to the congregation. Women should rightly be partners in congregational worship and leadership, and thought must be given to their appropriate role in the congregation within the framework of halakha.

In the course of the last generation, the world has experienced a great awakening in regard to the status of women, which has significantly influenced society. This awakening has brought with it many challenges. While these have, at times, negatively affected family and communal structures, they have also brought substantial blessings and notable moral repair to society. As a result of this awakening, our current social reality has come to be based upon the values of equality and cooperation between men and women. This new reality is expressed in various spheres of life: in the family, the workplace, in attitudes and in leadership. The Jewish religious world has not been exempt from this process and its new challenges. Here, too, we find changes occurring in such areas as participation in the workplace, in Torah study, and in growing involvement in running the family, and in the education of children.

However, the matter is different in regard to the performance of mitzvot within the congregational framework. Many mitzvot and customs are performed exclusively by men, with women playing no active role.

Many men and women are of the opinion that it is inappropriate that women do not play an active role in congregational religious life. They believe that the growing gap between the religious and general spheres of their lives poses a threat. In their view, women who seek to participate in the performance of mitzvot within the congregation should be afforded that opportunity within the halakhic framework. As opposed to them, others are opposed to such participation, and are apprehensive in regard to its ramifications.

In this article, we will address the fundamental questions posed by this issue, focusing upon the conceptual, ideological aspect of whether equality between men and women is a value that can be grounded in the Torah and halakha. Would it be appropriate, in the framework of halakha and congregational considerations, for women to play a greater active role in congregational life today than in the past?

We will examine the various sources in written and oral Torah law, and make practical suggestions that will help women and congregations address this issue in a manner that will enhance prayer, Torah study, and facilitate greater observance of mitzvot.

Chapter A: The Conceptual Basis – The Contribution of Women to Society

A.1. Creation and redemption narratives in the Bible

Several biblical chapters reflect the importance of the role of women in tikun olam ("repairing the world"):

• The Creation Narratives

The description of the creation of man and woman in the biblical account of creation is complex. The first chapter of Genesis portrays man and woman as being created simultaneously: "So God created the human in his own image, in the image of God he created him; male and female he created them" (1:27). They are created as possessing an equal and common purpose that, by the plain meaning of the text, comprises the mitzvah to be "fruitful and multiply", and the command to "subdue" the earth.

Chapter Two first presents the creation of man, but "it is not good for the man to be alone", and therefore the woman is created to be his "helpmate" (2:18). The chapter emphasizes the difference between the man and the woman, and the attraction that arises between them: "and cleaves to his wife" (2:24).

In practice, life comprises different aspects. The Torah presents us with the two sides of this complex nature, and asks that we not ignore it. This leads to the need to create different blends of the degree and relative weight of these two sides – each woman and each couple in its own way – in order to repair their home and the world.

The Sages ruled that women are exempt from the mitzvah of procreation (Mishna Yevamoth 6:6), and the Gemara explains that the reason for the exemption is that "it is the nature of man to subdue, and it is not the nature of woman to subdue" (TB Yevamoth 65b). However, conceptually, "the text does not lose its plain meaning". According to that plain meaning of Chapter One, the partnership between man and woman in repairing the world – expressed in the command "subdue it" – is inherent

in the creation of man and woman.

One of the ways of repairing the world is strengthening personal and public spirituality through the observance of God's commandments. Women who seek a role in the observance of mitzvot ask to participate in the spiritual repair of the world, as commanded by their Creator.

• The sin and the curse

After describing the ideal of creation, Chapter Three recounts the sin of the man and the woman. One of the consequences of that sin is "your desire shall be for your man, and he shall rule over you" (3:16). It is from this ruined state that humanity sets off on its way. The woman's lowered status is a consequence of the sin and its punishment. It is not her original state, but the result of a damaged reality. It is important to emphasize that "he shall rule over you" is not a command, but rather a curse and a flaw. We do not resignedly accept the curse "thorns and thistles it shall bring forth to you" (3:18), but rather strive to create technological solutions and inventions that will improve agriculture, as described by Rabbi Kook (Orot Hakodesh, 2, 5724): "It is man's duty, through scientific invention, to elevate cultivation of the land from its lowly state, which brings God's light through human science, and one day all artisans will stand upon the earth, and the earth in its greater part will be brought out from it accursedness, because human wisdom will redeem it." Similarly, we do not passively accept the curse "he shall rule over you", but rather strive – men and women together – to restore the world to its perfect state.

• Women's two purposes

The woman is given two names in the creation narrative. Her first name is "Woman" – "because she was taken out of Man" (2:23). Her second name is "Eve" – "because she was the mother of all living" (3:20). From this, Rabbi Isaac Arama concluded that a woman has two purposes in life: "The first is what is taught by the name Woman, that she was taken out of man, and like him, she can understand and learn intellectual matters and piety, as did the matriarchs and some righteous women and prophetesses, like the plain meaning of the chapter 'A woman of valor who can find?' (Proverbs 31) ... and the

second – the matter of birth and her being a vessel that is intended for childbirth and the raising of children, as is taught be the name Eve, ‘because she was the mother of all living’ (Akedat Yitzhak, chap. 9). The different names of the woman indicate the different areas to which a woman is called in practice: her general contribution to society, and the building of her home and the rearing of her children.

• Jeremiah’s prophecy of redemption

The prophet Jeremiah (31:20-21) saw a connection between the ingathering of the exiles and the return to Zion, and a change in the division of labor between men and women: “Set up waymarks for yourself, make yourself guideposts; consider well the highway, the road by which you went. Return, O virgin Israel, return to these your cities. How long will you waver [= from returning to the Land of Israel at your own initiative], O faithless daughter? For the Lord has created a new thing on the earth: a woman shall compass a man.” Rashi and Radak both explain that what is meant is that God would change the usual custom of a man courting a woman, to a new custom in which the woman would court the man. Similarly, the Assembly of Israel will no longer be able to wait for God to return it to the Land, but will return of its own volition, and will thus return to God.

And it seems to us that, according to Rashi’s commentary, one can infer that Jeremiah sought to blunt the barb of the curse placed upon women: “your desire shall be for your man, and he shall rule over you”. We see it as a lack of modesty and a rupture of the walls of separation when a woman shows a man that she is fond of him, but in the future, it as if Creation will be renewed, and once again, women will enjoy equal rights with men. It may be that this is the source of the custom that the bride circles the groom before the wedding ceremony. We thus begin the ceremony with a symbol of redemption, and end it by recalling the destruction of the Temple – by breaking a glass (Rabbi Yissachar Jacobson, Hazon Hamikra, pp. 44-45).

In our generation, we have been privileged to witness the realization of the miracle of the ingathering of the exiles at the initiative of the Jewish people “from below”, and women of this generation seek at their own initiative, “from below”, to partner in strengthening the tie between the Assembly of Israel and its Beloved by participating in the service of God more than they are required, just as Jeremiah prophesied. This request is one of the signs of redemption!

These chapters concerning creation and redemption show that the participation of women in repairing society and the world forms part of the original purpose intended by their Creator. This desire does not reflect improper motives, but rather derives from what the Creator made inherent in creation.

A.2. Mitzvoth from which women are exempt

Women are exempt from the performance of time-bound mitzvot and certain other mitzvot, but many sources indicate that their performance of such mitzvot, if they so desire, is welcome, as we shall see in this chapter.

Several explanations have been given for the exemption of women from time-bound mitzvot. One of the explanations offered is that the exemption derives from there being a real spiritual difference between men and women. Thus, for example, in his commentary to the Torah (Leviticus 23:43), Rabbi Samson Raphael Hirsch explained:

The reason for not obligating women to perform these mitzvot would appear to be that the Torah does not think that women need to perform these mitzvot, because the Torah law is based upon the fact that women have a greater love and holy ardor than men in regard to their role in serving the Creator. Men, whose trials in life endanger their loyalty to Torah, need goading, cautionary reminders from time to time, in the form of time-bound mitzvot...

On the basis of this approach, which focuses upon a real spiritual difference between men and women, some have concluded that even if women are permitted to perform mitzvot from which they are exempt, it is inappropriate to their nature and is, therefore, undesirable. However, the Torah records several events that are incompatible with this explanation, and there are halakhic practices that clearly demonstrate that the above does not provide the reason for exempting women from their performance. Following are a few examples:

The demand of the daughters of Zelophehad (Numbers 27) to inherit their father’s estate was not refused on the basis of an argument that it was inappropriate for women to inherit land. According to the Torah (Numbers 30), a father can annul vows made by his daughter, and a husband can annul the vows of his wife. However, if the daughter is an adult, or if a woman is widowed or divorced, her vows stand (Shulhan Arukh YD 234). When a woman stands in her own right, her vows are equal in every way to those of a man. Thus, it is her independent status that is the decisive factor, rather than some inherent nature.

These sources and others, demonstrate that there is no reason to oppose the performance of mitzvot from which a woman is exempt. On the contrary, various sources teach us that such women act in a manner that is acceptable in the eyes of God, as Rabbi Akiva Eiger wrote: “... in any event, most of our women are strict with themselves, and are careful and quick to observe most of the time-bound mitzvot, such as shofar, lulav, and the holiday kiddush, as having voluntarily assumed them, and seek to perform them all for God” (Responsa of Rabbi Akiva Eiger 1).

A.3. Torah study by women in our day

Nowadays, many women successfully study Torah in great depth. As we saw in the previous chapter, this phenomenon demonstrates that the exemption of women from the mitzvah of studying Torah does not derive from it being unsuited to their inherent spirituality. The opening of Torah study to women derives from social change. As the Hafetz Hayyim wrote:

It would appear that all this was in former times, when ancestral tradition was very strong among all in following the paths of their fathers, and then we could say that a daughter should not be taught Torah and should rely upon her upright parents. But nowadays, to our regret, ancestral tradition has become extremely attenuated, and particularly for those girls who study the vernacular (=secular studies), it is surely a great mitzvah to teach them Bible and the ethical teachings of the sages ... so as to instill in them our holy faith, for if not, they may entirely deviate from God’s path” (Likutei Halakhot, Sotah 21).

Nowadays, women study Torah not merely as a defense against waning faith, but as something inherently desirable. Thus, in 1953, Rabbi Joseph B. Soloveitchik wrote:

Not only is the teaching of Torah she-be-al peh to girls permissible but it is nowadays an absolute imperative. This policy of discrimination between the sexes as to subject matter and method of instruction which is still advocated by certain groups within our Orthodox community has contributed greatly to the deterioration and downfall of traditional Judaism. Boys and girls alike should be introduced into the inner halls of Torah she-be-al peh ... I heartily endorse a uniform program for the entire student body (Community, Covenant and Commitment, p. 83).

Therefore, the Torah education of girls should not be limited in family or educational frameworks. Rather, they should be taught all parts of the Torah at the highest level, and all the possibilities for personal growth in the study of Torah and in the observance of mitzvot should be open to them. This is important both for women’s participation in the service of God, and for their role in passing down the Torah to future generations, and it will make it possible for women who desire it and are suited to it to continue to advance in Torah study. Thus, for example, women who have studied Torah at an advanced level now serve as legal advocates in the rabbinical courts and as halakhic advisers. These are examples of what women can attain if they so desire.

Moreover, when women participate in the study of Torah and in the performance of mitzvot, they contribute to our understanding of the mitzvot of the Torah. Bayla, the wife of Rabbi Joshua HaKohen Falk, author of the *Sefer Me'irat Enayim*, devoted herself to the rules concerning holiday candle lighting (she is quoted by her son Rabbi Joseph in his preface to *Yoreh De'ah* of the *Arba'ah Turim*), and later scholars studied her opinions and generally followed them (*Mishnah Berurah* 263:27). This example demonstrates how expanding the fulfillment of mitzvot and the study of Torah by women can serve to illuminate aspects of the performance of mitzvot that might otherwise elude us. "Magnify the Torah and make it glorious" (Isaiah 42:21).

Chapter B: Moral and Spiritual Consequences

Liberty for all – including women – is one of our society's fundamental values. The view that a woman enjoys autonomous status is now widely accepted in Orthodox society. A married woman freely makes a mutual covenant with her man. She does not belong to him, and is not subject to his authority. This morally correct reality must include a woman's liberty to choose the manner by which she will realize her religious duty to contribute to the world, in the framework of halakha.

This is not a matter for women alone. The increasing observance of mitzvot by women in the congregation spiritually deepens and enriches us all in our personal and communal observance of mitzvot. Inclusion of half of the community in the congregation's religious observance, rather than estrangement, affects the entire congregation's sense of closeness to God.

The current expansion of the role of women also leads to a new partnership between men and women in various tasks, such as child rearing and family finances. This new partnership does not stop at the threshold of the home. A new partnership between men and women is also being forged in congregational life, and it, too, will be a blessing for the world.

In addition, a large gap has been created between the roles that women play in all other areas of life and their passivity within the congregation. For many women, this gap threatens to come between them and Torah, and to erode the faith and Torah observance of a large segment of the public. Increasing the active participation of women in congregational life may significantly narrow this gap, and strengthen the connection between life and Torah. Such a connection can have a positive, far-reaching effect upon the public!

Unfortunately, a comprehensive ban upon the participation of women in the congregation removes and distances women from the congregation and from the Torah, and their families and children along with them. We are concerned with women and men, Orthodox, traditional and secular, all of whom seek and desire a connection with the synagogue and the congregation, but who do not find it in a synagogue that is so foreign to their general way of life. Some seek their Jewish connection in Reform synagogues. Do we not have an appropriate halakhic response for our generation?

Nearly a hundred years ago, Rabbi Yechiel Yaakov Weinberg considered this in addressing the question of the height of the mechitza in the synagogue. He wrote: "In our day, the situation has changed, and nature has changed, and if women remain at home and do not come to the synagogue, their Judaism will be entirely forgotten. It is certainly prohibited to remove and distance them due to an exaggerated strictness that has no firm grounds in the Talmud and rabbinic responsa" (*Responso Seridei Eish*, 2:14). What was true then, is all the more so true today.

Chapter C: A Measure of Caution

C.1. The slippery slope

There are some who identify with the importance of women's participation in the congregation's observance of mitzvot, but who fear a "slippery slope". They warn that what may begin as the permissible participation of women may lead to conduct that is contrary to halakha.

That fear is not unfounded, and we must proceed with care and wisdom so as to preserve the balance between tradition and innovation within the bounds of halakha. These are important considerations, but they are not the only ones.

Above all, we must remain true to the Torah, which includes bringing the Torah to the world through both men and women. As we have already mentioned, this is neither an innovation nor a halakhic change, but rather a fortification of what was already true in the past. Our task today is not to prevent that fortification, but to set it in directions that reinforce faith and the observance of mitzvot.

In addition, we should bear in mind that the slippery slope goes in both directions. Just as there is a danger that permitting something that is halakhically acceptable may, through lack of knowledge, lead to permitting something that is prohibited, there is also a danger that forbidding what is permitted may lead to permitting everything. We must act for the sake of heaven, bearing in mind both directions of the slippery slope.

On a similar matter, Rabbi Kook wrote:

By seeing that we permit all that can be permitted through a deep understanding of the law, they will come to understand that what we do not permit is due to true Torah law, and the many who cleave to the Torah will, God willing, attend to the teachers. Which is not the case when it is discovered that there are matters that should be permitted in accordance with the rules of halakha, but the rabbis were not considerate of the inconvenience and misery of Israel, and left those matters prohibited. That results, God forbid, in great desecration of God's name, to the point that an increasing number of transgressors will say of some fundamental Torah prohibitions, that if only the rabbis so desired, they could permit them, and so the law will be distorted (*Responso Orah Mishpat*, OH 112). We at the *beit midrash* of "Beit Hillel" pray, as did Rabbi Nehunia ben Hakaneh (*TB Berachot* 28b): "that I may not call the impure pure nor the pure impure", and so those who hear us will learn to permit what is permitted and prohibit what is prohibited.

C.2. Modesty

There are some who fear that increasing the participation of women in the congregation may lead to immodesty.

There can be no doubt as to the importance of modesty in all its aspects – there is neither Torah nor holiness without modesty. But modesty has halakhic parameters, and they should define the boundaries of what is permitted or prohibited in this regard, as Rabbi Chaim Hirschensohn wrote:

And all of the above cancel out all this idle talk by those who are ignorant of Torah who view men as licentious, and do not know that there are Torah, and law, and fixed rules even in regard to licentiousness, and that not just anyone is free to denigrate the daughters of Israel and the sons of Abraham, Isaac and Jacob in God's name, and present them as wallowing in filth, God forbid, and all the harm they cause leads to licentiousness ... (*Malki Bakodesh*, 2:4).

Today, women participate in all areas of life, the economy and leadership. This situation may be accompanied by a breach of halakhic boundaries, and sexual permissiveness, in which case it is very harmful. However, when it is accomplished within the halakhic framework, and in a manner that respects both men and women, it does not infringe modesty. On the contrary, it shows us how to live modestly in our generation.

Thus, Chief Rabbi Meir Ben-Zion Meir Hai Uziel wrote in regard to the election of women to public institutions and leadership (such as the People's Council prior to the establishment of the State, and the Knesset thereafter):

Arguably, every serious meeting and helpful conversation does not comprise immodesty, and every day men meet with women in business transactions and negotiate, and yet there is no breach or outcry ... and sitting together for the purpose of public service, which is holy work, does not accustom to transgression or lead to levity (*Responso Mishpatei Uziel* 4 HM 6).

If this is true in regard to the Knesset, how much more so when we are concerned with the performance of a mitzvah and with holy matters. God forbid that we should distort the holiness of modesty in Israel, and use it as "a spade to dig with" in order to prevent women from serving God in manners permitted by halakha.

Chapter D: Participation of Women in the Congregation in Various Areas – Practical Suggestions

From all of the above points that we have raised, we may conclude that the desire of some women today to participate actively in the congregational observance of mitzvot is of great importance. Practical steps in this regard must be adopted with care in order to preserve the balance between tradition and innovation, and careful distinctions must be made between what is permitted and what is forbidden.

The leaders of the congregation bear a heavy responsibility. They must lead their congregations in the path of Torah, teach Torah and decide halakha, carefully listen to the various voices arising in the congregation, and lead their congregations in a manner that will bring them closer to the love of God and the acceptance of the Heavenly yoke. All of this must be accomplished while preserving the unity of the congregation and the fostering of space for discussion and attentiveness within the congregation.

The questions that we are concerned with arise in various congregations in various areas. We will note the main areas that should be addressed:

The central issue is that of the role of women and their place in the synagogue and the congregation.

In some synagogues, women are “present absentees”: They are hidden away in a marginal area, behind an opaque mechitza, so that they neither see nor are seen. Sermons and announcements make no reference to their being part of the congregation. They do not participate in congregational leadership, or are included only in those aspects that are traditionally viewed as “belonging” to women, such as preparing the kiddush, or providing childcare during services. The sense is that the congregation belongs to the men, but that women are permitted to enter as long as their presence is not felt. In practice, their position in the congregation is similar to that of small children.

This situation is not required by halakha, nor is it halakhically, morally or socially appropriate. The following are a number of practical suggestions:

- **Congregational leadership:** Women should participate in congregational leadership, so that their voices are heard, and their opinions, feelings and spiritual needs are taken into account in the congregation.
 - **Structure of the synagogue:** The synagogue can be designed such that the women’s section is alongside the men’s section, rather than behind it, or on a separate floor, and certainly not in some distant area. The women’s section should be designed in a manner that allows women sitting in any part of it to see the Torah ark and the bima, allows them to be connected to the prayer and Torah reading platforms, and to experience the synagogue service as their own rather than as strangers who are disconnected from what takes place in the men’s section. An appropriate women’s section should also be provided in the place where weekday prayers are conducted. All of this refers, of course, to the building of a new synagogue. But even in existing synagogues, every effort should be made in various areas to repair what needs repairing.
 - **The mechitza:** The mechitza must fulfill its halakhic purpose within the bounds of halakha. However, it should be assured that women feel that they are partners in congregational prayer.
 - **Prayer:** Women and mothers should be encouraged to participate in synagogue services. Appropriate measures should be adopted to make it possible for men and women to participate in prayer. For example: Several minyans can be held at different times, and women and men should be encouraged to cooperate in the care of small children so that both can participate in congregational prayer.
 - **Classes, sermons and announcements:** Women who study Torah, and visiting female scholars, should be active participants in giving sermons and in teaching the congregation, in separate frameworks for women and in general congregational frameworks, in accordance with the practices of each congregation. During the sermon, the mechitza can be opened so that the women will be full participants in the study of Torah at such times. Announcements should refer to the women present in the synagogue, as well as to their role in the synagogue’s leadership and in its activities.
 - **Young women:** Just as we provide opportunities for young men to express themselves in the congregation, ways should be found to allow young women to be actively involved in the congregation.
 - **Bat mitzvah:** A bat mitzvah event should be designed for the synagogue. The lack of such an event is hurtful to girls and to their place in the congregation.
 - **Reading the Megillah:** Women are permitted to read Megillat Esther for women on Purim, as well as the other four megillot at their designated times (the sources appear in the halakhic decisions of Beit Hillel in this regard).
 - **Simchat Torah:** Ways should be found for women to participate in the celebration of Simchat Torah in the synagogue.
 - **Birkat hagomel, prayers for the sick, and mourning:** Arrangements should be made so that a woman who must say birkat hagomel may do so, and so that a woman who wishes that the congregation pray for a person who is ill be able to submit the name to the gabbai. Just as we welcome and comfort a male mourner in the synagogue of Friday evening, so too, a woman mourner should be welcomed and offered comfort in the women’s section. When a woman wishes to give a eulogy, appropriate arrangements should be made.
- There are various halakhic questions that arise in various congregations in regard to the possibility for the active participation of women in various situations in the synagogue, such as saying kaddish and others that we have not addressed in this article, which will be addressed by Beit Hillel’s halakhic beit midrash in the course of our work.

Chapter E: Study and Dialogue in the Home, the Congregation and the Educational System

The theoretical and practical aspects in regard to every area should be examined through in-depth Torah study, and that is surely the case in regard to the status of women in the congregation, regarding which the public holds a variety of views. We recommend creating a new dialogue in this regard – first, a dialogue amongst the women themselves, followed by a congregational discussion, including a discussion between the men and the women, and of course, a discussion with the congregational and public leadership. These discussions must be respectful of differing voices and considerations. The unity of the congregation is an important concern, alongside the other considerations that we have raised in this article. Attentive, respectful discourse may serve to deepen the relationship and mutual respect of the members of the congregation, and fortify congregational unity. Through such study and discourse, each congregation can make its decisions in this area in the best manner, while deepening individual and communal service of God.

The young women also hear the different voices in the community, and they, too, must consider these matters. They are participants in the communal discussion from an early age, they hear the different views, and decide their path. They should be taught Torah at an advanced level at home, in the congregation and in the educational system. They should be afforded a solid Torah base so that they will grow to be knowledgeable participants in the communal debate.

It is important to emphasize that intensifying Torah study among Jewish women in the last generation has moved the students to the love of God, love of Torah, and to greater observance of mitzvot, and God willing, this will also be the case in the matter we are discussing.

We pray that the Giver of Torah will “open our eyes to your Torah, and cause us to cleave to your mitzvot”, and that we may be privileged to sanctify the Holy Name.

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