

“A Woman’s Place...” *Four Perspectives*

Towards a Constructive Dialogue

By Rabbi Adam Mintz

The role of women in Jewish religious practice has become one of the most bitterly contested issues in the Orthodox community today. Polemical articles have been written on the subject and adversarial speeches delivered, all advancing strongly-held opinions. Some would maintain the traditional private role for women within the Jewish community; others would enhance the opportunities for women to participate in religious life, especially in the synagogue ser-

Rabbi Mintz in the rabbi of Lincoln Square Synagogue in New York City.

vice; still others have adopted a variety of in-between positions. These approaches have analyzed the issues from numerous points of view, notably, the halachic, the spiritual and the psychological. Regrettably, the debate has not always been constructive. Rather, an emphasis has been placed on the personal at the expense of the principle and participants have often demonstrated less than open minds to opposing views.

I will limit my discussion to three subject areas, and offer some guidelines that, in my opinion, should inform the debate on this difficult and controversial topic. Hopefully, this will encourage more construc-

The four articles in this section describe the concerns of individuals of differing opinions in the Orthodox community. They are presented with the trust that their diversity will be valued as a springboard for productive discussion. Opinions expressed do not necessarily reflect the policy or opinion of Jewish Action or the Orthodox Union.

tive exchanges which will enrich our understanding of the basic issues and help point to resolutions.

Role of Halachah

The place of women in Jewish religious life first and foremost involves halachic considerations. To resolve these issues, we must look to respected and responsible halachic authorities. In doing so, it is essential that we keep in mind that the halachic system is not monolithic and that legitimate differences of opinion often arise among these respected and responsible authorities as to what Jewish law prescribes regarding a particular issue. This is hardly surprising; such differences of opinion are intrinsic to the nature of Jewish law, indeed, any legal system. As new cases are never exactly the same as earlier ones, precedents do not precisely fit the new situation and disagreements occasionally arise.

It is therefore unfortunate that this basic principle has often been ignored by disputants who determine that those with opposing views are unqualified to express halachic opinions or that their opinions are outside the framework of *halachah*. Of course, there are people who are not qualified to offer views on this topic. However, too often those who reject others' opinions do so not on the basis of a fair and open-minded assessment, but solely on the fact that their opponents' views differ from their own. These arbitrary judgments scarcely serve the goal of an open and fair-minded exploration of the issues, nor do they promote sound relationships and solidarity within the Orthodox community.

Motivation

A major portion of the current debate has centered on the question of the motivation of women who seek fuller participation in Jewish religious life. The question is raised: Are their views influenced by values from within the Jewish tradition and by a quest for deeper religious experience, or is it driven by a desire to further the goals of "feminism"? We all have complex reasons for our actions: We can no more legitimately question the motivation of those who seek to further women's participation in religious practice than we can discern the motives of

those in the opposing camp who seek to circumscribe women's religious activities.

The current debate should have only one overriding interest: an objective examination of all the evidence to determine whether the proposed changes in practice are consistent with *halachah* and whether they have the potential of enriching and deepening the religious experiences of both the men and women in the Jewish community. This challenge is formidable, and we need not also seek to probe essentially unanswerable questions on human motivation.

Historical Perspective

As has often been said, we ignore the lessons of history at our own peril. The difficulty is in determining what history actually teaches us; so it is with *halachah*. The expanding role of women in Jewish life may be a new phenomenon, but I hope that we can agree that it should not be rejected out-of-hand for that reason alone. The *halachah* is objective: it judges practices on their own merits, not on the basis of whether they are new or old. Much innovation has been introduced into Jewish life over the centuries and even the

Chatam Sofer, who adopted the phrase, "All that is new is forbidden by the Torah," was opposed only to innovation that ran counter to *halachah*. When evaluating the acceptability of innovation in the halachic system, we must recognize the role of precedent. The history of responsa literature teaches us the importance of precedent, but at the same time reminds us that each situation must be dealt with on its own merits. In addition, we must not lend substantial credence to anecdotal evidence or recollections of conversations of rabbinic authorities expressing views on a disputed issue.

These recollections are inherently unreliable, and even where reliable are subject to varying interpretations. We can better serve both our contemporary community and the historical tradition by recognizing and responding to the unique challenges this debate presents.

The Orthodox community is confronted with a critical issue. Let us debate the subject fully. But in seeking to resolve this issue let us not lose sight of the ultimate goal of strengthening and unifying our community in the spirit of *halachah*. Constructive dialogue will take us a long way towards this goal. **JA**

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