

Jewish Education for Women: Rabbi Moshe Feinstein's Map of America¹

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Jewish nostalgia frequently portrays the past as a golden era of scholarship. All our great-grandfathers were admirable rabbinic scholars, and our great-grandmothers worked tirelessly to support them.² One gets the impression that never again will we be graced with such levels of learning and wisdom.³ However, sociological surveys show that in this century in America more Jews have spent time in specifically Jewish educational institutions than for any previous era for which we have documentation. American Jewish history, then, is distinguished by the development of an exceptional institutional approach to education.⁴ Founded on the American version of democracy and public education, Jewish schools were created for all Jews, even women.⁵ This democratization, activated by educational trends in Europe, created a unique form of Judaism. Not only were the elite to be learned, not only were men to be scholars, but all Jews, including female Jews, needed schooling. Many American Jews came to believe that one could not be a good Jew without some form of Jewish education. (Perhaps this has been one impetus for the nostalgic myth of

1. The research for this essay is part of my doctoral dissertation at Concordia University on the responsa of Rabbi Moses Feinstein. Parts of this essay were presented at the Canada-Israel Conference on Social Scientific Approaches to the Study of Judaism at Concordia University in May 1989. I would like to thank professors Jack Lightstone and Ira Robinson for their suggestions and Sonia Zylberberg for her help in preparing this for publication.

2. This mythic memory is often held along with the contradictory vision of our female ancestors being restricted to the domestic sphere, having no role in the public marketplace. Both versions distort rather than illuminate the past.

3. It is of course possible to argue that certain individuals in history were the most learned or scholarly. The question remains whether the community as a whole was educated or even literate.

4. Lloyd P. Gartner, "Jewish Education in the United States," reprinted in *American Jews/A Reader* ed. Marshall Sklare (New York, 1983), pp. 365–92. For a penetrating analysis of Orthodoxy and the pivotal position of education see Haym Soloveitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition* 28 (1994): 64–130.

5. There have been a number of studies of the Jewish day school, among them Zvi Kurzweil, *Major Trends in Jewish Education* (New York, 1964); Alvin Irwin Schiff, *The Jewish Day School in America* (New York, 1966); Judah Pilch and Meir Ben-Horin, eds., *Judaism and the Jewish Day School* (New York, 1966).

learned ancestors). The commonplace inclusion of women as students and teachers is a marked development of American Judaism.

The rabbinic response to this transformation has varied from reluctant approval to routine endorsement. The absence of opposition is as remarkable as the rapid growth and almost universal acceptance of this innovation. In the Orthodox world especially, which has most readily created schools for girls yet where the advocacy of change is anathema, this development deserves comment and investigation. In an effort to understand the Orthodox response that not only enabled but encouraged this massive change of attitude towards the education of Jewish females, this essay will examine the response of one major American rabbinic decisor, Rabbi Moses Feinstein. Considered by many to be a *gadol ha-dor*, an eminent sage of his generation, his stance is both authoritative for and representative of American Orthodoxy.

Rabbi Moses Feinstein (1895–1986) was trained in Europe, emigrated to America in 1936, and became the *Rosh Yeshiva*, head of the Mesivtha Tifereth Jerusalem in New York City. From there he was able to exercise great authority through the vehicle of his legal decisions, responsa. Initially, his decisions were intended as personal communications, answers from a rabbi to a student or supporter. With the publication of *Iggerot Moshe*, the seven volume collection of his responsa (1959–1985), his decrees entered the public realm and he was increasingly referred to as a significant leader in the Orthodox Jewish community. His expertise in classical rabbinic Judaism combined with his pragmatic approach to American conditions to make him a popular and sought after advisor and adjudicator. He wrote about ritual matters such as kashrut as well as business questions, relations between Jews and those with non-Jews, medical procedures, marriage, divorce, conversion, and synagogue practice. His work expressed his deep commitment to traditional categories of law but was not isolated from an appreciation of American norms of work, marketplace and education. Feinstein's purpose was to ensure the survival of a particular group with a distinctive traditional lifestyle.

For Feinstein the critical issue of educating girls is not whether they may learn nor even what they may learn. It is clearly self-evident for him that girls should go to school and that their schools should have a serious Jewish curriculum. His responsa further indicate that for him these developments must reveal a continuity with tradition that belies this radical break with the past. Nonetheless, in all these deliberations, his perspective is challenged and channeled by American social norms and values. The result is a new form of American Judaism that is inclusive of women and provides resources for greater inclusiveness.

The Historical Context

The study of Judaism and Jewish texts has not always been open to women. Debates concerning the propriety of teaching women emanate from early rabbinic literature. The Talmud states that women were considered exempt from the obligation to study Torah (TB Ber 20b, Kid 34a). The proof text is the biblical verse in Deuteronomy 11:19, "And you shall teach them to your children," the last word commonly rendered as "your sons and not your daughters" (Sifre, Deuteronomy 46). The Talmud (TB Kiddushin 29b) specifies that a father is responsible for teaching his sons but is not obligated to teach his daughters. In fact, the Mishnah in Sotah 3:4 and the ensuing Talmudic debate posit the question of whether women were even allowed to study.

This is not to say that women were not educated. Contemporary research has brought to light a history replete with women who were considered "exceptional."⁶ Jewishly educated women were taught despite the legal arguments against it. In fact, some of these women were even noted and celebrated for their scholarship.⁷ Nonetheless, it is necessary to acknowledge the problematic nature of women's education in Jewish history and law.⁸ The range of interpretations and possibilities is not important in this context except to note the major negative approach. Most women were not taught in a formal or systematic manner.⁹ The legal debates focused on what of Judaism they needed to know in order to function as Jewish wives and mothers. They were primarily expected to learn all that they needed at their proverbial mother's lap. Mothers

6. Shoshana Pantel Zolty, *And All Your Children Shall Be Learned: Women and the Study of Torah in Jewish Law and History* (Northvale, NJ, 1993); see also various chapters and references in Judith Baskin, ed., *Jewish Women in Historical Perspectives* (Detroit, 1991). A surprising list is to be found in "Lady Rabbis and Rabbinic Daughters," in H. Rabinowicz, *The World of Hasidism* (Hartford, 1970), pp. 202-10.

7. Shlomo Ashkenazi, *Ha-Isha Ba-Aspaklaria Ha-Yebudit*, vol. 1 (Tel Aviv, 1979), pp. 115-38; Shlomo Ashkenazi, *Generations and Their Customs* (Hebrew; Tel Aviv, 1977).

8. Rachel Biale, *Woman and Jewish Law* (New York, 1984), pp. 29-41; Saul Berman, "The Status of Women in Halakhic Judaism," in *The Jewish Woman: New Perspectives* ed. E. Koltun (New York, 1976), pp. 119-24; Arthur Silver, "May Women be Taught Bible, Mishna and Talmud?" *Tradition* 17 (Summer 1978): 74-85; Naomi G. Cohen, "Women and the Study of Talmud," *Tradition* 24 (Fall 1988): 28-37. The problems would appear to persist in some sectors as evidenced by a recent symposium on that topic: "Symposium on Women and Jewish Education," *Tradition* 28 (Spring 1994): 5-38.

9. Sylvia Barack Fishman, *A Breath of Life: Feminism in the American Jewish Community* (New York, 1993), ch. 8. Contrary to all our expectations, some women were educated in a formal setting. Glueckel, in her memoir, does mention going to *heder*. *The Memoirs of Glueckel of Hameln*, trans. Beth-Zion Abrahams, (New York, 1962), p. 14. See also Shoshana Pantel Zolty, "And All Your Children Shall Be Learned", pp. 212-13.

were responsible for instilling in their children faithfulness and devotion while teaching the necessary technical details to their daughters.¹⁰

As late as the nineteenth century Rabbi Y. M. Epstein, author of the *Arukh Ha-Shulhan*, wrote: "We have never taught women from a book, nor have we heard that people actually do so. Rather, every mother teaches her daughter or daughter-in-law those well-known rules women should know."¹¹

This attitude became increasingly problematic and eventually was altered in the modern period as different rabbinic decisors—such as rabbi Samson Raphael Hirsh, A. Y. Karelitz, and Israel Meir ha-Kohen—unambiguously ruled in favor of educating girls. The mass appeal and open availability of schools for Orthodox women was due to the vision and perseverance of one woman, Sara Schenirer.¹² She founded the *Bais Yaakov* school for girls in 1918. The resultant Beth Jacob movement was officially sanctioned by the *Hafetz Hayyim* (R. Israel Meir ha-Kohen), who permitted this innovation in recognition of historical and sociological factors. The once forbidden or at least debatable education of Jewish females was now to be considered a mitzvah, a religious obligation, and made available to all girls, not just the exceptional ones.¹³

This decision inaugurated a new era with wide-ranging repercussions. Jewish girls were to be publicly, professionally and communally educated in Jewish subjects. Since World War II, there has been an incredible growth in day-school education. Notably, the Orthodox community has not only been in the forefront of this development, but it has led the way in the arena of female education.¹⁴ Moreover, the focus today is not just education for children. Intensive study of Judaic texts, comparable to that traditionally available only for males, is now increasingly accessible to adult females in Jerusalem, New York and Boston.¹⁵ Modern Judaism is significantly different from previous eras

10. Feinstein maintains this distinct role for mothers in his explanation of *beit ya'acov* (Exodus 19:3). *Darash Moshe* (New York, 1988), p. 55. See Note 31 below.

11. Orah Hayim 246, 19, translated by Deborah Weissman in "Education of Jewish Women," *Encyclopedia Judaica Year Book 1986/87* (Jerusalem): 31.

12. Deborah Weissman, "Bais Yaakov: A Historical Model for Jewish Feminists" in *The Jewish Woman* ed. Elizabeth Koltun, pp. 139–48.

13. Weissman, *Encyclopedia Judaica Yearbook 1986/87*: 34.

14. See Barack Fishman, *A Breath of Life*, p. 277.

15. Places of learning for adult women include *Drisha Institute* and *Machon Nishai Torah* in New York, *Ma'ayan* in Boston and many in Israel, such as *Matan*, *Nishmat*, *Yakar*, *Midreshet Lindenbaum*, and *Pardes*. Blu Greenberg includes a list in "Is Now the Time for Orthodox Women Rabbis?" *Moment* 18, 6 (December 1993): 53. Netty C. Gross, "Studying for Their Own Sake," *The Jerusalem Post Magazine* (February 5,

in part because of its attitude towards and unique development of the education of its female children.¹⁶

Feinstein's Main Concern

In reading the responsa of Rabbi Moshe Feinstein in his seven volume *Iggerot Moshe (IM)*, one would not be aware of the historic development nor cognizant of the rabbinic debate. For Feinstein the issues are radically different. Rabbi Moshe Feinstein's map of America indicates that it is a very dangerous place. The moral climate and cultural environment appear inimical to his community and to his vision of the correct Jewish lifestyle. As a result, his legal decisions chart a course with boundary markers set in places that are different from those set by his European predecessors. Motivated by a need to protect the Jewish world and ensure its survival in this immoral country, Feinstein's response is to create barriers that will prevent any form of male-female interaction. Consequently, his main concern in the education of females is the proximity of the males.

By far the largest number of responsa dealing with education, written between 1954 and 1980, consistently require the separation of boys and girls (*IM* YD1:137; YD2:102, 104; YD3:73b, 78, 79, 80). Separation of the sexes is so serious an issue that he uses the full force of his personal authority to require separate buildings, even preferring geographical distance between campuses. His is consistent and unyielding on this point. His most complete argument is found in his earliest decision on this issue, *IM* YD1:137, written in 1954. In it he is very careful to explain the nature of the legal requirement. The primary issue in-

1993): 8, 10, 12. Vanessa Ochs describes her own experiences in Jerusalem in *Words on Fire: One Woman's Journey into the Sacred* (New York, 1990); she lists some female Judaic scholars in "Jewish Feminist Scholarship Coming of Age," *Lilith* 15 (Winter 1990): 8-12; see Toby Klein Greenwald, "Wise Women," *Kol Emunah* (Winter 1991): 10-14.

16. For an excellent overview of women's experience of America in the twentieth century see Charlotte Baum, Paula Hyman, and Sonya Michel, *The Jewish Woman in America* (New York, 1976). Chapter 4 gives an indication of the importance attributed to education in general. Certainly Jewish women have taken advantage of the availability of educational opportunities and are reaching a level equal to the male Jewish population in higher public education. See Calvin Goldscheider, *Jewish Continuity and Change* (Bloomington, 1986), pp. 131-33. In a markedly different context, the fiction of Anzia Yezierska depicts the educational fervor of immigrant women. Specific stories of women's accomplishments are reported in Irving Howe and Kenneth Libo, eds., *How We Lived: A Documentary History of Immigrant Jews in America 1880-1930*, (New York, 1979), pp. 123-50, 191-214; and in Jacob Rader Marcus, *The American Jewish Woman: 1654-1980, A Documentary History*, 2 vols. (Hoboken, NJ, 1981).

volved—prohibition—is of *yibud*, the possibility of illicit sexual contact. But the laws of *yibud* do not apply since according to halakah children are not liable to the evil inclination of sexual arousal or stimulation. In order to resolve this discrepancy, he relies on pedagogic principles of role modeling (*IM YD*3:71, 1972) and behavior patterning (*IM YD*2:104, 1960?). Consequently, Feinstein's argument maintains that in order for children to learn how to behave as adults they must be educated in an environment where sexual segregation is normative. The argument of *IM YD*1:137 is repeated frequently and patiently because of its seriousness. It is developed on the basis of sources that promote observance of mitzvot even before the appropriate age in order to prepare children for a fully responsible adult life. No direct sources are presented that explicitly establish the need for separation during education. There are none. The fact that children must be separated is simply and consistently affirmed in all of Feinstein's *teshuvot*, *responsa*.

His legal argument, most completely enumerated in *IM YD*2:102 (1971), relies on sources that warn against intermingling and frivolity. Again, none specifically mentions schools or education. For Feinstein the Talmudic fear of sexual temptation, and Maimonides' concern with excessive intermingling and frivolity, leads directly to a requirement for separate school buildings. In his view, there is no need for a complex legal analysis or further interpretation. The situation is self-evident.

Typically, Feinstein resorts to the language of rabbinic consensus and authority—*Da' at Torah* and *Da' at hakhamin* (*IM YD*3:80, 1971)—to establish this essential goal.¹⁷ At the same time, he does admit that in the past schools may not have been separated. His historical references on this topic, however, are inconsistent. In *IM YD*3:80 he seems to suggest that in the unspecified past schools for boys and girls were not isolated from each other.¹⁸ On the other hand, in *IM YD*2:102 he indicates that in the past when girls dressed modestly, schools were physically separate. And in another responsum, *IM YD*2:104, he says that the education of girls is a *hiddush*, an innovation.

17. Lawrence Kaplan presents an interesting discussion of this concept. "Daas Torah: A Modern Conception of Rabbinic Authority," in *Rabbinic Authority and Personal Autonomy*, ed. Moshe Sokol (Northvale, NJ, 1992), pp. 1–60.

18. One phrase in *IM YD*3:80 is problematic. If *af im* is taken to mean "even if," the most common usage, then Feinstein is conceding that in previous generations schools were not necessarily located in separate sites. Translated "also," the same phrase yields the opposite inference, which is consistent with *IM YD*2:101, but historically questionable.

Feinstein contends that the Torah contains many “fences” (that is, preventative measures) around prohibited sexual relations because the evil inclination is so strong. As he understands current social mores, the only way to keep from transgressing is to maintain a rigid segregation of the sexes. He is compelled by fear of rampant immorality in the surrounding environment to insist on standards of separation not necessarily practiced in the past. In recognizing that his prohibition is innovative, he can still maintain that it is continuous with a traditional perspective and Torah ideals. He reasons that since all forms of sexual immorality were intolerable, and the world in which we live is so loose, all “fences” are necessary and therefore legally justified.

The only exception permitted—and this is in extenuating circumstances in which financial strain might result in no school for girls at all—is in the case of children under the age of eight (*IM YD*1:137; *YD*2:104, *YD*3:73b, 1969; *YD*3:78, 1980). By the age of nine, according to Feinstein, the full force of the laws of *yihud* are in place and no exception under any circumstances is entertained.

All of the above decisions insisting on segregation of the sexes for educational pursuits apply only to children. Curiously, in the case of adults for whom the laws of sexual restrictions apply most directly, Feinstein’s rulings are ambiguous if not lenient or contradictory to his main purpose. Adult men and women can share educational environments. In *IM YD*2:109 (1960) he permits men and women who are at a community meeting to study Torah together. He insists that they separate only when it is time for prayers to be said. Moreover, in a long responsum dealing with various aspects of *yihud*, he permits a man to continue his teaching activities at home when his wife is not in the city (*IM EH* 4:65.13, 1981) and a woman is allowed to teach (in her house) even if her husband is not at home (*IM EH* 4:65.18). Both these situations were previously suspect because of the potential *yihud* between the teacher and parent of the child, and hence prohibited. For the sake of an uninterrupted semester, Feinstein relies on lenient though contradictory sources. His preference for continuous study is compounded by his dislike of substitute teachers even for the very young. His analysis differs for male and female teachers but his conclusion remains the same. Both men and women may teach young children even when their spouse is not immediately on location. In the world of learning and for the sake of education, he has limited the application of the category of suspected *yihud*.

The most significant permission for crossing the barrier of sexual segregation is found in his responsum permitting the hiring of female teachers in schools for boys (*IM YD*3:73). In this case, he allows cur-

rent practice to continue in apparent violation of the legal standard and in contradiction to his own map requiring the separation of the sexes. The telling title of that *teshuva* is “Concerning the practice in this country to hire female teachers and no one prevents this.” In the very first paragraph it becomes clear that he is not happy with the American pattern, that he knows of no legal precedent permitting it, but that he will attempt to justify it since it is already practiced.¹⁹

In the world of strict segregation of the sexes, it is forbidden for a woman to teach even small children. The rabbinic argument fears improper contact between teacher and father of the student. Yet the reality, as Feinstein well knows, is that even in yeshivas—traditional schools—women are hired to teach both secular and religious studies. Consequently, his responsum on this issue is indicative of his style and purpose. The questioner must have asked—there is regrettably no record of the questions—whether women can in fact teach. Feinstein does not even entertain a negative response. Theoretically, the answer must be no, but current practice is so prevalent that he sets out to find the reason for allowing the practice. “Because of the leniency of those in our country, in extremis and even when not in extremis, and they do not prevent this practice, there must be a good reason.” (*IM YD* 3:73). There is a direct contradiction to the law, but changing the law is not contemplated. So he will reason that the practice must be founded on an adequate legal basis, this despite the fact that we cannot find said legal argument. In fact, what has occurred is the acceptance of a new practice that supersedes the law. Only after the fact does Feinstein give it official legal sanction.

Thus, R. Moses Feinstein paves the way for the new by delineating the sociohistorical context of the old. In this case the original prohibition was for a society which knew no official school building. Teachers, for the most part, taught in their homes. Forbidding women to teach was a way of enforcing their separation, limiting their public accessibility, and preventing them from having opportunities for suspicious contacts. Feinstein would like to keep women and men separated, but he operates in a world where they are not. As a result, his strategy is to limit the requirement for separation to very specific areas, remarkably permitting all forms of interaction in the marketplace.

19. In this responsum, as in others on education, Feinstein's role as *posek*, decisor, is partially revealed. He is more than an interpreter of ancient legal precedents. Even in his application of those principles, he acts creatively and with a critical awareness of current social standards and needs. For an interesting discussion of these issues see articles by Aaron Kirschenbaum and Jonathan Sacks in Sokol, ed., *Rabbinic Authority*.

In this situation, he understands that limiting the opportunity for illicit sexual intimacy and arousal was the paramount concern of the law. If there is no such possibility today because schools are public buildings in which many parents, teachers and students intermingle, then obviously the regulation is not necessary.²⁰ Thus, for Feinstein there is no deviation. The original and primary purpose of the law, namely, preservation of specific moral standards, is maintained. Though women teach in our schools, they do not have the opportunity therein to violate the prohibitions of the sexual code, and all is preserved.

Feinstein is not completely comfortable with this ruling. For him, gender segregation is still a value if not a pervasive requirement. While, according to his reasoning, it is clearly not illegal for a woman to teach even grown boys—he is no longer worried about their fathers, but about the boys themselves—he prefers not. After his legal analysis of the case and his clear permission, he adds one proviso: “but when it is not a case of serious in extremis, then one should not hire a woman to teach grown boys, and we cannot differentiate between a young or old teacher.” He can accommodate reality in legal terms, but he wishes to maintain a different standard also. In his world it would be preferable to limit contact between growing teenagers and members of the opposite sex. It is remarkable that Feinstein does not allow boys and girls above grade three to learn together in the same classroom under any circumstances. His insistence on separate buildings knows of no sociohistorical contextualizing nor of any legal accommodation. Thus, his permission to hire female teachers would seem to be somewhat of a contradiction to the segregation required of the very young. In this postscript, he issues an advisory preference that brings his rulings into consonance. In his view, all forms of gender interaction require limitations. The final addendum stipulating that there is no difference between young or old women is clearly in reply to those schools that argue that there is no sexual enticement if the teacher is old. His abrupt denial of that mode of reasoning would almost seem to belie his initial premise that the restriction relies only on the possibility of sexual sinning. Nonetheless, it certainly fits in with his overall scheme.

We are dealing with a complex moral message. For Feinstein, sexual segregation is the ideal but no-longer-practiced custom. Within that

20. See the responsum of Rabbi Hayyim Hirschenson in *Malki Ba' Kodesh*, 2:209–13, in which he permits unmarried men and women to teach because schools are open public buildings and children go by themselves to school, parents do not take them. Quoted in Yehezkel Cohen, ed., *Ha-Rav Hayyim Hirshenson: Ha-Torah Ve-ha-hayyim*, (Tel Aviv, 1988), pp. 113–14.

framework he will allow and even sanction certain patterns of interaction. However, he will also try to persuade the community to keep separate in cases where the law might not absolutely require it. There are many levels in his argument. The barest minimum allows a woman to teach all ages. The preferred common standard will allow women only in the classrooms of the young. The ideal will find women never teaching males of any age. In this one responsum Feinstein has accommodated practical needs of modern Jewish living in North America, indicated the proper moral standard, and hinted at his ideal ethic. He has also implicitly established the fact that women can be proficient in Judaic sources and therefore able to teach even boys. Particularly since his objections never hint at a lack of expertise nor at the impropriety of women working, he is implicitly sanctioning a new pattern. And all this has been done in the name of and according to the principles of TORAH FROM SINAI: eternal, immutable and, hence, unchanging principles.

Issues Not on His Map

Analyzing this map that is both continuous with the past and yet responsive to this new and threatening world requires a look at the questions that are not raised, at the nonissues. For Feinstein and his colleagues the issue is never the Talmudic one of whether girls should be taught anything. It is clearly self-evident in this world that girls should go to school and that they should go to a Jewish school. No question is raised concerning even that which would have been questioned in the responsa of 150 years ago. For Feinstein the education of girls is normative.

In every one of his responsa the education of girls is an assumed reality requiring no legal justification. He does not write a responsum “Concerning the education of girls in this country and no one prevents this.” Even when forced to compromise his primary directive of separate schools, he never permits the once historically acceptable reality of no schools for girls. In fact, he is forced into that compromise because he will not permit the community to continue without any school for girls—even for the very young. He goes so far as to say that the education of girls in faith is a priority (*IM YD1:137*).

Thus, Feinstein maintains the somewhat contradictory position that girls must be formally educated though they are not obligated to Talmud Torah (*IM YD2:106*, no date). Their educators are admonished to inspire them to love Torah and to study well (*IM YD3:87b*, 1976). Yet in his responsa on bat mitzvah, Feinstein insists that a girl is not obligated to the study of Torah. In ruling that there should be no bat mitzvah celebration, he cites a variety of reasons, the most relevant be-

ing that girls are not obligated to study and, therefore, cannot give the customary *drasha* which would make this the occasion for a *se' udat mitzvah*, an obligatory festive meal (*IM OH2:97, 1959?*).²¹

On the other hand, the Beth Jacob schools receive important praise from Feinstein, and he decrees that communal funds should be spent on such institutions (*IM YD 3:80, 1971*). Significantly, his expectation that women can be knowledgeable in Torah is so profound that he creates a variant format for an old blessing (*IM OH4:67, 1980?*). The prayer *mi she-berakh* recited on the birth of a baby may contain the following phrase for a daughter: May her parents raise her to a life of Torah.²² This small change in the wording of the prayer indicates that in Feinstein's world women can aspire to a life of Torah study.

One of his most brilliant legislative moves in this area is the responsum in which he obligates a father to pay for his daughter's Jewish education (*IM YD2:113, 1968*). Asked whether a man can use his required charitable contribution (tithe) to pay for his daughter's education, Feinstein uses some very unusual sources to conclude that for the most part charity dollars may not be used.²³ He acknowledges that a father must pay for his son's education only. However, "in this country" if Jewish girls do not go to Jewish schools, they will be sent by American law to public schools. He then calls upon two rulings that place the burden of educating daughters on the father. Firstly, he cites the law of the *Shulhan Arukh* (*OH 306:14*) that a father can be forced to pay for the ransom of his kidnapped daughter even on the Sabbath. Thus, he relies on the *Shulhan Arukh* to establish the concept of coercion. In addition, he is swayed by the notion of violating the Sabbath to save her. As explained in the *Magen David* commentary on that ruling (*ShA, OH 306:14*), if she is not saved the kidnapers will force her to convert. Therefore, it is a case of *pikuah nefesh*, saving a life which necessitates violating the Sabbath. For Feinstein it is clear that if a young girl were to go to an American public school, it would be equivalent to forced conversion: she would be lost as a Jew. While not condemn-

21. In a subsequent responsum, Feinstein does allow a celebration in the synagogue proper in honor of her birthday during which she might recite words of Torah (*IM OH 4:36*).

22. It then continues: "[to find] a man of Torah, marriage and a life of good deeds."

23. The laws of tithing are obligatory, as are those ordering fathers to pay for their sons' education. One cannot discharge both obligations with the same act. If a man cannot use his tithes to pay for his daughter's education, Feinstein has created an area of correspondence in male-female education.

ing the American policy of compulsory education for all minors, Feinstein manages to equate an American public school to a kidnapping.

He then consolidates his position by claiming that there is a legal difference between the terms teach (*limud*) and train (*binukh*). Though a father is exempt from the first in relation to his female children, he is most definitely obligated in the latter (TB Nazir 28b).²⁴ A man must make sure his daughter knows about the laws of Yom Kippur (TB Yoma 82) and that she is raised to believe in God, the Torah and observe all the commandments. Feinstein's innovative use of the kidnapping precedent allows him to insist that the father has no alternative but to pay for this "training." Given the state of affairs in America, a father is obviously obligated to send his daughter to a Jewish school. He is not obligated to educate her, merely to save and train her.

By requiring fathers not only to instruct their daughters but to pay for it, Feinstein raises the seriousness and status of schools for girls. This is not advice but law. Paradoxically, although girls are not officially obligated to study, Feinstein expects and prefers that they do so. Moreover, fathers must pay, and communities must build separate schools for girls.

Thus, on the subject of whether girls can study, a major Talmudic dispute, Feinstein remains unconcerned. They must, and he does not even bother to argue the point. In addition, he is relatively casual about the important rabbinic issue of what girls may study. In fact, there is only one reference in *Iggerot Moshe* to the issue that plagued rabbinic discussions on this topic. In a remarkably short responsum, he decrees that girls cannot be taught Mishnah. They can, however, learn that one segment of Mishnah known as *Pirkei Avot* (IM YD3:87). He refers to Maimonides' ruling based on the Tractate Sotah, which states that teaching Torah to girls is "as if" one were to teach them nonsense or trifle with the Torah.²⁵ He qualifies the statement with the traditional division between Torah that is written and permitted to women and that which is known as oral law and forbidden to women. Interestingly, even here he echoes Maimonides' hesitation. Girls may be taught Bible but

24. In that *sugya*, the discussion allows that a father is obligated to train both his sons and his daughters. It also raises the possibility of a mother's shared obligation. See Menahem Elon, "The Shared Obligation and Merit of Fathers and Mothers to Train their Children" (Hebrew) in Dr. Aryeh Strikovsky, ed., *Nashim Ve-Limud Torah*, (Jerusalem, 1993), pp. 2-4.

25. The interpretation of the phrase *tiflut* (trifle, trivial, obscene) in relation to women and the study of Torah has generated weighty rabbinic debate as well as feminist polemic.

not ab initio. In any event, Mishnah is forbidden by the sages. Only *Pirkei Avot* is permitted, according to Feinstein, because it teaches morality and good behavior, the required elements of a woman's education.²⁶ Uncharacteristically, he does not address those Orthodox and non-Orthodox schools which teach not only Mishnah but also Talmud to girls. In previous responsa he either objects to or accepts changes that have occurred as a result of living in America. Yet in this ruling he does not.²⁷ Clearly, the content of girls' education is not a problem for him. Most telling is his remark at the end: "because of the simplicity [of this issue], I will be brief." This about a topic that permeates centuries of rabbinic deliberation.

One final discrepancy. Feinstein's grandson, Rabbi Mordechai Tandler, in an unpublished letter written for his grandfather, says that there is no duty to prevent women from studying Mishnah. He adds that from a purely legal perspective, the women are not transgressing any law by studying Mishnah together.²⁸ No sources or legal arguments are presented. There is no reference to the above published responsa. It would appear that what was forbidden to the children is again permitted to the adults. Nonetheless, this informal decision is consistent with Feinstein's overall scheme. Only if women study texts such as the Mishnah will they be qualified teachers. Regrettably, there is no indication in this letter of his position on the larger and more controversial question of women studying Talmud.

Differences in Education of Girls and Boys

Although Feinstein attributes great importance to the education of girls, it would be wrong to infer that for him it is of equal significance to the education of boys.²⁹ Most notably, as indicated in the above re-

26. It is interesting that he finds it necessary to give a reason here but more important to note that he does not quote from the *Hafetz Hayim* on this issue, relying only on Maimonides.

27. Similarly, in his responsa on school separation, he does not even mention the fact that many Orthodox schools do not have separate buildings. In that case the issue is too important for him to entertain sociological considerations.

28. Rabbi Mordechai Tandler to Rabbi Meir Fund (date indecipherable in my copy). The letter was written on Rabbi Feinstein's official stationery. Tandler was Feinstein's main assistant and frequently responded to questions in his grandfather's name. Undoubtedly, he always consulted first with Rabbi Feinstein. There can be no question, then, as to the legitimacy of this permission.

29. In many of Feinstein's responsa the distinction between male and female roles is maintained. However, he does not contend that the difference rests on a qualitative distinction. Thus, although the purpose of their education differs, their capacity for knowledge, particularly Torah knowledge, is not disparate.

sponsum, boys and girls do not study the same material (*IM YD2:104*, 106). There is a clear limit to what girls may study, but an obligation for boys to learn it all (*IM YD2:110*, 3:82).

It is also evident that the education of boys has a higher priority. Thus, boys should go to a better school at an earlier age than girls (*IM YD3:75*, 1977).³⁰ Girls can stay in a weaker institution indefinitely if necessary. Most significantly, Feinstein rules that Jewish subjects must be taught first thing in the morning when students are at their best. However, for a variety of reasons, girls can be taught these subjects in the afternoon (*IM YD2:106*), whereas boys must be taught them in the morning at all cost (*IM YD3:83*, 1970).

The primary difference is to be found in the divergent goals of male and female education, which for Feinstein explains all the above distinctions. Boys must learn for the sake of learning, to be knowledgeable Jews. Girls must study in order to function as Jews. Obviously, this echoes the traditional discussion. Feinstein's emphasis is that girls must learn an attitude of faith and reverence for God and proper conduct (*IM YD2:106*). His concern is with behavior. That Mishnah tractate, *Pirkei Avot*, which encourages good conduct is permitted. Perhaps for Feinstein other sections of Mishnah or Talmud will somehow ruin female moral development and so are forbidden. They do not need a text-oriented program, nor do their studies require the focused concentration available in the morning. It is their moral character with which he is concerned (*IM YD3:78*; *YD3:87*), a stance quite consistent with tradition. His position is further clarified in his homiletic explanation of the phrase *beit ya'acov*, house of Jacob, in Exodus 19:3: "Thus shall you say to the house of Jacob and declare to the children of Israel."³¹ Feinstein poses a question. According to that verse, since "house of Jacob" is taken to refer to the females, girls' education should be given priority over boys'. Why? Although boys have a greater obligation to study Torah, he concludes that the biblical phrasing is in reference to mothers as children's first and most basic teachers. The only way to ensure a life of Torah is to begin at an early age. Mothers, then, are responsible for the spiritual development of their children, which will ensure

30. Gateshead, England, in this particular case.

31. See *Darash Moshe*, p. 55. English translation of the biblical verse taken from *Tanakh* (Philadelphia, 1985), p. 114. On the topic of women as the first teachers of their children see *Iggerot Ha-Teshuva* (72) and *Shnei Luhot Ha-Berit* (335) as quoted in Menahem Elon in Dr. Aryeh Strikovsky, ed., *Nashim Ve-Limud Torah*, p. 2.

the continuity of Judaism in the future. Hence the established distinction between boys and girls is maintained through their conventional roles as educating parents. The argument can be made that functionally the education of girls today is an example of a continuous tradition. The form and structure of that continuity is radically different, yet it receives no legal justification.

Responsa and Change

Feinstein's attitude toward change is as complex as his use of history. Primarily, he is opposed to change. All those who accept change are weakening Judaism and leading the Jewish community astray; thus his attitude towards all things Conservative and Reform. He even labels them heretics. He seems to see his role as a preserver of tradition, not an innovator. His purpose is not to change law nor to write new laws but to apply existing laws to contemporary society. His unique contribution is the ability to find the right precedent that fits the case or to define the situation correctly so that the appropriate law applies.

In terms of the education of girls, most of his *responsa* are predicated on the premise that the relevant laws are clear and unchanging. Certainly, he does not see himself in a role of innovative leadership. He is merely showing the community the way. So he argues that there has not been any change. In those days, girls went to school, schools were separate, and girls learned piety and *Pirkei Avot* (*IM* YD2:102; YD3:80; YD3:87b).

In another set of *teshuvot*, and even sometimes within the same *responsum*, he mentions that there has been change, but it is unremarkable, no big deal. Girls are educated today, and that is different but not significant. He even calls this development a *biddush*, an innovation (*IM* YD2:106). His silence on the significance of that fact while using that term is astounding.

Then there are those situations in which he recognizes that an important change has taken place which necessitates bold interpretative moves. In these cases it is possible that Feinstein actually sees himself as an agent of necessary change. Thus, he legislates that today schools for boys and girls must be separated geographically no matter what the history or current practice of those schools. On the other hand, today women have been accepted as teachers in male schools, and he feels compelled to justify that innovation. Finally, he creates a new obligation: fathers must pay for their daughter's Jewish education.

In ratifying the education of Jewish females, he has applied precedents differently, redefined the current situation, reinterpreted the original sources, and even disagreed with past practice.

On Maps and Boundaries

Having presented some cases wherein he does and does not find legislative legitimacy for innovative practices and new obligations, I think the explanation resides in the social boundaries that Feinstein believes necessary and impermeable. He accepts those acts that reinforce his sense of group distinctiveness and lead to communal survival. He tries to create social distance in areas where he feels the group is most threatened.

For Feinstein the issue is not whether girls can learn, nor where or how they can learn, not even what one may legally teach them. Rather, the issue that consistently concerns him is separation. How and when must we separate boys from girls, men from women? His concern is structural, not functional, metaphysical or legal. He must create boundaries that separate us from them. Many of his responsa separate Jew from non-Jew. Even in the realm of education, his decisions to prevent Jewish schools from closing during that infamous midwinter break better known as the Christmas holidays (*IM YD*3:85, 1967) enhances the social and cultural boundary between “us” and “them.” Moreover, Jewish children must go to school on Sunday (*IM YD*3:84, 1973). His strategy of creating distance between the two social groups extends to curriculum content. General studies are to be avoided, or taught at the least effective time of day (*IM YD*3:82, 83, 1970). Secular knowledge detracts from the true all encompassing path of Torah study. The cumulative message of these responsa is to create a gap between the cultural world of the Jew and non-Jew.

Other responsa separate Jew from Jew, namely the Orthodox from Conservative and Reform. Again, in the field of education he encourages schools to refrain from hiring teachers who teach in “their” system, although he does not prohibit it (*IM YD*2:106, 107, 1963).

Both these divisions of “us” and “them” are maintained and strengthened by the rigid requirement for separate schools. More is at stake than mere male-female separation. Indeed, he is not consistent with this separation requirement at the adult level. But separate schools most definitely keep us separate from them, that is, Jew from non-Jew, Orthodox from non-Orthodox, and Judaism from American social mores.

America

Rabbi Moses Feinstein, through his responsa, has tried to set up boundaries of difference and distinctiveness that will ensure the continuity of his community in its traditional format. However, at the very instant that he has affirmed differences, he has also accepted certain shared cultural possibilities and has become himself an agent of change.

Peppered with phrases such as “in this country,” “in our generation,” and “because of our many sins,” Feinstein’s texts use the concept of in extremis in order to forbid and permit new norms and standards. Due to extenuating circumstances, e.g., the debilitating fact of living in America with its rampant sexual permissiveness (*IM YD2;102*), he is able to forestall any arguments from history or past decisions. This place is different, and because of its particular brand of dangers we need a unique cartography, a heroic ethic for survival. With this as his implicit argument, he is able to use precedents innovatively, reinterpret his sources, redefine the situation and disagree with previous decisions (sometimes without even using the classic *responsa* method). This process is distinctly illustrated in his *responsa* dealing with the Jewish education of women.

The American norm of universal public education has permeated his rulings. He even argues that every child, no matter what his or her abilities, must be educated in a school (*IM YD2;104*). When he most adamantly prohibits school closings on December 25, he argues against following “their” ways, making “their” days important. He never argues against the notion of school vacation despite his arguments elsewhere for an uninterrupted education and the traditional fear of wasting Torah study time, *bitul Torah*.

Feinstein rejects the moral climate of the North American social environment; he rejects religious and cultural pluralism, and he rejects a secular education. But he most certainly accepts specific American cultural norms. I am arguing that the education of girls is fitting in his world and that this principle is an American norm. He nowhere presents it in terms of the formulary “because of our many sins.” He also does not use the denigrating phrase “in this country” which assumes that Jewish life was better outside of America. In other words, this aspect of American life is good. Even though American law forces all girls to go to school, he does not fall back on the excuse of in extremis in justifying girls’ schools.³² Children must be educated in school buildings, girls must go to school to receive their education, girls need books to learn from, and women can be teachers. All these premises that permeate his work are evidence that he is an American rabbi.

American Jewish women today have greater access to Jewish knowledge than any generation in history. Not only are women entering the halls of academe, they have also entered the *beis medrash*, the scene of

32. This is the reasoning employed by Rabbi Israel Meir Ha-Kohen in his classic responsum permitting Sara Schenirer to found the Beth Jacob Schools for Girls.

intensive Torah study. Whether in coeducational environments, sex-segregated schools, or women-only study groups, as children or adults women are amassing the tools and skills of Jewish scholarship. Ever so slowly the historically gender-restricted ideal of Torah study has become an egalitarian goal.³³ Knowledge has become the membership card in every denomination. Indeed, Orthodox women, like their male counterparts, are advised to use their spare time studying some portion of Torah. Serious study groups abound even in secular Jewish women's organizations. The history of the American Jewish community in the twentieth century, especially since 1950, has been marked by the education of its female members. The vitality of the community and its durability now can depend equally on male and female knowledge and leadership. The result is a picture of Judaism that is uniquely different. Rabbi Moshe Feinstein's responsa have substantiated much of this process and helped make this map a reality.

33. Recently an Orthodox woman applied to Yeshiva University's rabbinical school in an attempt to pursue her Judaic training on a theological level. Haviva Krasner-Davidson, "Why I'm Applying to Yeshiva U." *Moment* 18, 6 (December 1993): 54-55, 97. Haym Soloveitchik interprets the shift as follows: "While the religious practice of both men and women had in the past been mimetic, their educational paths had diverged: male instruction had been predominantly textual, female instruction predominantly mimetic. The disappearance of the traditional society and the full scale emergence of the text culture could not fail then to impact on women's education." Soloveitchik, "Rupture," 104.