

## Our Story: A Brief History of Jofa

By Laura Shaw Frank

On a cold February morning in 1997, a small group of women, self-proclaimed Orthodox feminists all, rushed to set up everything just so in the conference space of the Grand Hyatt Hotel in midtown Manhattan. Folders were stuffed, registration lists printed, name tags arranged. The conference they had worked so hard to plan had an auspicious name: the First International Conference on Feminism and Orthodoxy. It transmitted a sense of weightiness and importance, and it suggested a rich future—after all, this conference was the first, so certainly there would be many more. One of the organizers, Ronnie Becher, would later tell the *New York Jewish Week* that she felt like “an anxious hostess” that morning, wondering whether “everyone was going to show up to the party.” With a few hundred people preregistered, the organizers hoped for 400 participants. Would they come? A scant



few hours later, they had their answer: there was not a folder nor a name tag left to be had; the “party” had succeeded beyond the organizers’ wildest dreams. By the end of the conference, a total of 1,200 women and men had attended.<sup>1</sup>

The First International Conference on Feminism and Orthodoxy was the first of its kind, but it did not arise out of nowhere. It was an outgrowth of a feminist awakening that had begun in the Jewish community in the 1960s and ’70s as a result of second-wave feminism. As American women sought equal rights in the American public sphere, Jewish women, many of whom were active in the broad feminist movement,

*continued on page 4*

<sup>1</sup> Elicia Brown and Jonathan Mark. “Feminism and Orthodoxy. The Second Stage.” *New York Jewish Week*, February 13, 1998.

FROM OUR EXECUTIVE DIRECTOR

## Jofa: The Next 25 Years

By Daphne Lazar Price

In 1997 I attended the First International Conference on Feminism and Orthodoxy in New York City. It was the precursor to what was to become the Jewish Orthodox Feminist Alliance. I arrived with a friend and, despite all the hype, my expectations were fuzzy. But I left that groundbreaking two-day, 1,000+ attendee gathering with a clear sense of purpose, a whole new community, and a renewed excitement for my own Jewish engagement.

It was at that conference where calls to action by pioneering Orthodox feminists made such an impact on me that they continue to inspire me today. In the years since those sparks were first ignited, Jofa has driven this mission forward in numerous ways, engaging countless Orthodox women and men—clergy, educators, and lay leaders alike—in advocating for expanding women’s rights and opportunities within the framework of *halakhab* to a vibrant and equitable Orthodox community for us all.

Today, as we celebrate Jofa’s first quarter-century,



Orthodox girls and women are engaging in deeper learning, taking on more advanced leadership roles, and participating in more enriching ritual experiences in unprecedented numbers. Jofa is the long-established leader in providing extensive tools and resources, educational programs, and conferences, and investing in the full spectrum of Orthodox women’s leadership across the educational, communal, spiritual, and halakhic spheres, actively guiding our communities, increasing knowledge and awareness, and developing our next generation.

Twenty-five years ago, when Blu Greenberg rallied the audience with her oft-quoted “Where there’s a rabbinic will, there’s a halakhic way,” it was a call to end the *agunah* crisis, which painfully remains today, despite some steps forward. Of course, what Blu was referencing more broadly was the “rabbinic will” of men—and this points to one of the most significant areas of advancement that the Orthodox feminist movement has

*continued on page 3*

## IN THIS ISSUE:

Our Story: A Brief History of Jofa by <i>Laura Shaw Frank</i> . . . . .	1
From Our Executive Director: Jofa: The Next Twenty-Five Years by <i>Daphne Lazar Price</i> . . . . .	1
From Our President: Twenty-Five Years: The Magnitude of the Moment by <i>Mindy Feldman Hecht</i> . . . . .	3
Distinctive and Equal: A Paradigm for Orthodox Feminism by <i>Blu Greenberg</i> . . . . .	9
Journeying to the Center of Public Jewish Life by <i>Sylvia Barack Fishman</i> . . . . .	11
You've Come a Long Way, Baby? Maybe... by <i>Gloria Nusbacher</i> . . . . .	16
The Next Frontier in the Orthodox Female Rabbinate by <i>Leah Sarna</i> . . . . .	22
Women Saying Kaddish: Are We There Yet? by <i>Deborah Wenger</i> . . . . .	24
Solutions to the Agunah Problem: Looking Back Twenty-Five Years by <i>Esther Macner</i> . . . . .	26
Gender Awareness and Jewish Education: A Curriculum Project to Provide Leadership Role Models for Girls by <i>Felicia Epstein</i> . . . . .	32
Book Corner by <i>Wendy Amsellem and Tamar Ron Marvin</i> . . . . .	34
My Feelings Have Evolved by <i>Jane Gottlieb Lefko</i> . . . . .	35

## JOFA NEWS

Spiritual Leadership . . . . .	18
Abortion Access . . . . .	18
Day School Educators . . . . .	18
Megillah Reading Recordings . . . . .	18
Beit Din Guidance . . . . .	19
Sharsheret Collaboration . . . . .	19
Synagogue Survey . . . . .	19
Hilkhot Nashim Volume II . . . . .	19
Partnerships and Collaborations . . . . .	19
Local Community Events . . . . .	20
Jofa's 25th Anniversary . . . . .	20
Increasing Awareness . . . . .	21



Multigenerational Megillat Esther reading at Minyan Tiferet, Englewood, NJ.

# Jofa.

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# Twenty-Five Years: The Magnitude of the Moment

By Mindy Feldman Hecht

As I consider the magnitude of this moment—the 25th anniversary of Jofa—I feel an overwhelming sense of gratitude toward those who have fearlessly blazed Jofa’s trail, so that we may all reap the benefits.

I’d like to take this opportunity to reflect on the past 25 years, from our humble beginnings around a founder’s kitchen table, when a few incredibly strong and passionate Orthodox feminists articulated a vision of what it means to be an Orthodox feminist.

Our visionary and courageous founder, Blu Greenberg, fearlessly laid the groundwork for so many aspects of that original shared vision to be realized. Innovations that once seemed unheard of and impossible have become the norm. Life-cycle rituals have become more inclusive, with young couples finding opportunities for both men and women to participate in their wedding ceremonies and new parents creating meaningful *simhat bat* ceremonies for their daughters. Girls and women have expanded opportunities to learn Torah

from beginner to advanced levels and to participate in various parts of *tefillah*.

I am the beneficiary of many of these changes, having learned Gemara alongside boys in high school and then spending a year of intensive study at Migdal Oz in Israel after high school. Today, thousands of women, many of whom had very little formal Talmud education, learn *daf yomi* thanks to the abundance of learning tools and platforms, as well as the explosion of accessible learning opportunities around the world.

Every year, more people organize women-led and partnership minyan *megillah* readings for Purim, as well as Pesah, Shavuot, Sukkot, and Tisha B’Av, with the help of Jofa’s *leyning* apps. More and more *shuls* across North America have come to see the value and benefits that having female spiritual, halakhic, educational, and

lay leadership can bring to a congregation through the Devorah Scholars program. We must continue to cultivate future leaders who are compassionate, learned, and

*continued on page 21*



Jofa President Mindy Feldman Hecht leads a procession dedicating a Sefer Torah at Darkhei Noam in New York.

## The Next 25 Years *continued from page 1*

made during Jofa’s lifespan: Today, women play vital roles in many more fundamental aspects of Orthodox life, including actively participating in the halakhic process and working toward halakhic solutions. I am proud to know numerous women who have earned the designations of *yoatzot*, rabbis, spiritual leaders, and Talmud scholars. Not only are women unquestionably capable of serving in these capacities, but we must also appreciate that their training became possible in the first place because of the significant increase in institutions and programs that offer Orthodox women the opportunity to earn such designations.

Even though the ongoing debates about the role of women within Orthodox Judaism can feel exhausting, progress unimaginable when Jofa was founded continues apace and amounts to a sea change of which we can all be proud. Communities are increasingly recognizing the significant value and potential of women’s leadership, as they question the underpinning assumptions that have dictated so many of the gender roles that we take for granted within Orthodoxy. In other words, more and more communities are reaching the realization that just because traditionally women never played certain roles, this doesn’t mean they halakhically can’t or shouldn’t.

Although Judaism has historically been a male-led

tradition that is cautiously reluctant to accept change—especially regarding women’s roles—seeing the trajectory of growth over these past twenty-five years tells us that these trends will continue to gain steam through the efforts of religious community members who deeply love, care about, and are bound to our Orthodox tradition.

Every organization that I know of engages in a strategic plan, looking ahead to the next three, five, or ten years. Jofa, too, has a vision for the future of Orthodoxy. In that strategic vision, community engagement means that all people, regardless of gender, are counted in and counted upon. It means that our key Orthodox institutions (schools, synagogues, and communal organizations) seek to find all the ways, big and small, to ensure that girls and boys and women and men are provided opportunities to lead, and where they all know they belong. It means that issues like the *agunah* crisis, silencing of women’s voices, and erasure of women’s names and images from publications become vestiges of the past.

In this vision of our Orthodox communities, people who seek to expand women’s engagement won’t be seen as trying to undermine Orthodoxy, but rather they will be recognized as visionaries seeking to strengthen it. And together, we will fulfill the vision of an Orthodox community that is truly vibrant and equitable for all.

## Our History *continued from page 1*

began pushing for change in their Jewish communities, demanding expanded ritual inclusion and leadership roles in their synagogues and Jewish institutions of learning. And their demands bore fruit. In 1972, Hebrew Union College–Jewish Institute of Religion, the Reform Movement’s rabbinical school, ordained its first woman rabbi, Sally Priesand. Change also began to take place, albeit a bit more slowly and painfully, in the Conservative movement. Many Conservative synagogues became egalitarian, allowing women to count in *minyanim*, lead services, and read from the Torah, and finally, in 1985, the Jewish Theological Seminary ordained Amy Eilberg, its first woman rabbi. Although women were not yet equally represented in the Reform or the Conservative rabbinate, and certainly women were woefully underrepresented as senior rabbis of large congregations and in rabbinic leadership of the movements, by the 1980s the feminist movement had certainly fomented enormous change in both movements.

Although Orthodox Judaism<sup>2</sup> prides itself on maintaining tradition in the face of modern ideas, in fact, the feminist movement deeply affected Orthodox Jewish life as well. To begin with, it changed girls’ education. Until the 1970s and ’80s, the vast majority of Orthodox girls in America did not receive the same Jewish education as their male counterparts. Very few Orthodox day schools taught Talmud to girls, and most schools had separate-gender Judaic studies classes, which led to girls receiving a watered-down Jewish education. In 1977, Rabbi Joseph B. Soloveitchik, known as “the Rav,” who had a long-standing commitment to coeducation and Talmud education for girls, began teaching Talmud at Stern College, the women’s college of Yeshiva University. To be sure, the Rav did not cite feminism as a reason for teaching Talmud at Stern. However, there is no question that unequal education for girls had become more and more difficult to defend by the 1970s. Other institutions of higher Jewish learning for Orthodox women committed to teaching Talmud and other Jewish texts on the highest levels, including Drisha and Michlelet Bruria (now Midreshet Lindenbaum), were founded in the 1970s and ’80s. This change in Orthodox women’s Jewish education had a significant impact. First, more educated women were able to discuss women’s issues with rabbis from a position of knowledge and, therefore, of power. Second,

A key difference between the impact of feminism in the liberal denominations of Judaism and Orthodoxy was the degree to which change was embraced by movement leadership.

highly educated Orthodox women began to think about credentialing. After all, if they received illustrious degrees for their years of higher education in the secular realm, and if their male counterparts received *semikhah* and the honor accorded to rabbis for their years of higher education in yeshiva, then perhaps women, too, deserved titles for their Jewish learning expertise.

Orthodox women’s education was not the only change in Orthodox communities arising from the feminist movement. Two other significant changes occurred. First, Orthodox women began organizing to advocate for *agunot*, women chained to dead marriages because their husbands refused to grant them a *get*, a Jewish divorce. As American states increasingly moved to no-fault divorce in the 1970s, Jewish divorce law, with its baked-in inequality for women, began to stand out as more and more problematic. Orthodox women, taking techniques from the feminist playbook, began to push back. Second, beginning in the 1960s and ’70s, Orthodox women, wanting deeper involvement with Jewish ritual, began organizing women’s *tefillah* groups, prayer services and Torah readings led by women. Although their numbers were not large, Orthodox women in Manhattan, Riverdale, Baltimore, and other places met regularly to engage in women’s *tefillah*, sometimes with the approval of their synagogue rabbis, but mostly without, and sometimes even without their knowledge. Women’s *tefillah* groups became places for women to celebrate life-cycle events such as bat mitzvahs, *aufrufen*, and baby namings. Despite great disapproval by most Orthodox rabbinic authorities, by the mid-1990s there were approximately 40 women’s *tefillah* groups in existence around the world.

Perhaps one of the most important impacts of the feminist movement on Orthodoxy was the awakening that it stirred in a self-proclaimed formerly “mild-mannered yeshiva girl” named Blu Greenberg. Greenberg, a *rebbetzin* and mother of five, began thinking about how to marry the deep traditionalism of the Orthodox Judaism so beloved to her with new ideas about women’s equality and inclusion. In 1981, she published her now-famous book *On Women and Judaism: A View from Tradition*, in which she carefully and sensitively laid out the case for a feminist Orthodox Judaism. Blu’s vision and fortitude, in many ways, carried Orthodox feminism forward.

To be sure, a key difference between the impact of feminism in the liberal denominations of Judaism and Orthodoxy was the degree to which change was embraced by movement leadership. Whereas Reform and Conservative leaders may have initially been reticent to make change, they ultimately came around, and institutional change occurred. Orthodox leaders were different. Fearful of dilution of tradition, they opposed

<sup>2</sup> This article uses the term “Orthodox” to refer to Modern/Centrist Orthodoxy and not yeshivish or *hareidi* Orthodoxy. The impact of feminism in those communities is deserving of scholarly treatment, but that topic is beyond the scope of this article.

nearly all changes requested and made by women, often labeling those changes dangerous and against Jewish tradition.

All these developments in Orthodox Judaism contributed to the decision by a group of Orthodox feminists—Blu Greenberg, Esther Farber, Belda Lindenbaum, Ronnie Becher, and Bat Sheva Marcus among them—to think about organizing the First International Conference on Feminism and Orthodoxy to take place in New York City on February 16 and 17, 1997. Registrations came in at a steady pace, and it seemed as though there would be a respectable few hundred attendees for the two-day conclave. But then an unexpected event changed everything. On January 14, one month before the gathering, the Vaad Harabonim of Queens, New York issued a one-page resolution banning women's *tefillah* groups.

Founded in November 1995, the Queens Women's Tefillah Group had not encountered much opposition until that point. Meeting quietly once a month in the home of founder Sharon Kalker, the group had received the rabbinic approbation of the well-respected Orthodox scholar and rabbi, Simcha Krauss, spiritual leader of Young Israel of Hillcrest. But when the mother of an 11-year-old girl began planning a bat mitzvah to take place on January 18, 1997, in the women's *tefillah* group, a storm ensued. The bat mitzvah girl invited her friends to the event, including her classmates at Yeshiva of Central Queens (YCQ). The school's administration did not know what to do. Although women gathering to pray together was not all that controversial (indeed, girls often prayed as a group in yeshiva day schools each morning), the bat mitzvah girl planned to read from the Torah, something that was strongly opposed by the mainstream Orthodox leadership. Many of the parents of the girls invited to the *simḥah* worried about whether their daughters should attend. In advance of the bat mitzvah, YCQ's administration asked the Vaad Harabonim for a ruling on whether such a women's *tefillah* was permissible.<sup>3</sup>

The Vaad held a vote at its monthly meeting on January 14, four days before the bat mitzvah. Forty-seven rabbis attended. Rabbi Krauss and one other rabbi voted in favor of permitting the women's *tefillah* group, including Torah reading. Three rabbis abstained, and two left before the vote. The rest voted to ban women's *tefillah* in Queens. The group issued a resolution that

acknowledged that the women attending the group had a sincere desire to express themselves religiously, but stated that women reading Torah was a breach of tradition and could not be countenanced. The resolution did not stop the bat mitzvah from going forward; it took place as planned, with more than 100 women and girls in attendance. Furthermore, far from squelching the group, the resolution spurred an enormous increase in interest in attending. In fact, the uproar extended well beyond the boundaries of Queens. In the wake of the declaration, the group organizing the First International Conference on Feminism and Orthodoxy suddenly received a surge in registrations for the conference. An awakening was occurring in the Orthodox community at just the right time.

The First International Conference on Feminism and Orthodoxy was a tremendous success. There was enormous excitement in the air as well over 1,000 women and men attended plenaries and breakout sessions, many with standing room only, which addressed everything from women's prayer to *agunot*, to life-cycle rituals, to Orthodox feminism around the world. In the wake of the conference, the organizers, exhausted

but energized, began to think about next steps. How could they capitalize on and continue the electric energy at the conference? Perhaps, they thought, it was time to found a new Orthodox feminist organization, one that would take on, in a holistic fashion, the many issues that Orthodox women faced.

Gathering a group of women to serve as the inaugural board of directors, the conference organizers set about discussing what such an organization would look like. To begin with, there was much discussion about what to name it. When no clear choice emerged, the founders decided to give the organization the temporary name JOFA: Jewish Orthodox Feminist Alliance. They figured they could always change it later; none of them ever imagined that the name would stick, becoming a household word in many an Orthodox home in America. The original board of directors was a group of thirteen women, ranging in age from their twenties to their fifties. All lived in New York City—five from Riverdale, five from Manhattan, and three from Brooklyn. Blu Greenberg, the matriarch of Orthodox feminism, was named the first president, and Jofa was born.

In July 1997, the group went public with their plans. In an interview with the *New York Jewish Week*, Blu Greenberg laid out a robust agenda for Jofa. First, the organization would serve as a clearinghouse for new life-cycle rituals, such as baby-naming ceremonies for daughters and prayers for Orthodox women at various points in their lives (such as childbirth), as

*continued on page 6*

Through education, raising of awareness, programmatic initiatives, and advocacy, Jofa has brought about enormous change in its priority areas in the Orthodox world over these years.

<sup>3</sup> Norimitsu Onishi, "Reading the Torah, an Orthodox Women's Group Takes On Tradition," *New York Times*, February 16, 1997, p. 43; Debra Nussbaum Cohen, "Ban on Women's Prayer Groups Sparks Outcry—and New Interest," *New York Jewish Week*, February 4, 1997.

## Our History *continued from page 5*

well as a prayer to recite on behalf of *agunot*, women chained to dead marriages. It would also keep lists of rabbis who were helpful to Orthodox women, as well as rabbis who were “doing negative things against them.” Jofa would partner with other organizations to combat domestic violence and the *agunah* problem in the Orthodox community, and it would not shy away from working with women from other denominations of Judaism. News of the new organization was not well received by Orthodox leadership. Rabbi Raphael Butler, the executive vice president of the Orthodox Union, said, “The place to address these issues is through the infrastructure” that already existed in the Orthodox community. Claiming that the community was already addressing the concerns raised by the nascent organization, Rabbi Butler argued that the Orthodox community should not have to “splinter into additional initiatives to somehow redefine the center.” Jofa board members were unconvinced by Rabbi Butler’s arguments. They noted that women would have worked through the existing Orthodox establishment if they had been able to do so.<sup>4</sup>

Capitalizing on the success of the 1997 inaugural conference, Jofa decided to hold another conference in February 1998. The Second International Conference on Feminism and Orthodoxy was as successful as the first. This time, the organizers planned for 1,000 attendees, but they were once again surprised when 2,000 attended over the course of the two-day gathering. Over the following twenty-five years, Jofa convened ten International Conferences on Feminism and Orthodoxy (including one virtual conference), as well as regional conferences and other smaller gatherings. Each event reflected the growth and change in the Orthodox community that resulted from Jofa’s work. Between conferences, Jofa created programs, initiatives, and advocacy efforts—some public and others more quiet—to advance its agenda. Beginning with a shoestring budget and no professional staff, it grew to be a well-established organization with a significant budget and a three-person staff: an executive director, a program director, and a communications director. Through education, raising of awareness, programmatic initiatives, and advocacy, Jofa has brought about enormous change in its priority areas in the Orthodox world over these years.

### Women’s Spiritual Leadership

In 1984, Blu Greenberg published an article in *Judaism* magazine titled “Will There Be Orthodox Women Rabbis?” Her answer was a careful but still prescient

“yes.” By the 1997 First International Conference, though, little progress had been made in achieving that dream. In fact, one conference speaker told the *New York Times* that she was “warned not to utter the words ‘women in the rabbinate.’”<sup>5</sup> In the wake of the conference, however, things began to change. In 1997, Nishmat, a *midrashah* for women’s learning in Israel, began its *yoatzot halakhah* program, training women to answer questions about *taharat hamishpahah*, the Jewish laws of family purity that govern the sexual relationship of husbands and wives in concert with the wife’s menstrual cycle. Whereas Nishmat’s leaders were unequivocal in their stance that the *yoatzot* were not *poskot*, deciders of Jewish law, but merely those with training to apply the decisions of rabbinic authorities, there was no question that the program opened up an avenue for learned Orthodox women to engage in spiritual leadership. Notably, Rabbanit Chana Henkin, the founder and *rosh midrashah* of Nishmat, and certainly not a left-winger in the Orthodox world, spoke at Jofa’s Second International Conference.

In early 1998, Rabbi Adam Mintz of Lincoln Square Synagogue in Manhattan and Rabbi Avi Weiss of the Hebrew Institute of Riverdale each appointed a woman to be a “congregational intern,” a newly created spiritual leadership role for women. Although they were modeled on rabbinic interns—rabbinical students who intern with established rabbis in synagogues to learn practical rabbinics—congregational interns differed in one key way: They were relegated to permanent intern status; they could not hope for any permanent position.

Nonetheless, their appointment marked the first time that any Orthodox *shul* had created a credentialed spiritual leadership role for a woman. Weeks after the announcement of the congregational interns, at the Second International Conference on Feminism and Orthodoxy, an entire panel was devoted to the topic of women rabbis, a far cry from the previous year.<sup>6</sup> One of the panelists was Rabbi Mintz, who reported that he intended to tell the audience “in no uncertain terms, ‘a woman cannot be ordained.’”<sup>7</sup> (Rabbi Mintz later became a member of the Talmud faculty at Yeshivat Maharat.)

Change continued in the ensuing years. In 1999, no doubt due at least in part to pressure to offer higher Jewish education for women, Stern College of Yeshiva University announced the founding of its Graduate



Dr. Laura Shaw Frank lectures in Kemp Mill, MD

<sup>5</sup> Laurie Goodstein, “Unusual, but Not Unorthodox: Causing a Stir, 2 Synagogues Hire Women to Assist Rabbis,” *New York Times*, Feb. 6, 1998, B1.

<sup>6</sup> Goodstein, *op. cit.*

<sup>7</sup> Brown and Mark, “Feminism and Orthodoxy. The Second Stage,” *op. cit.*

<sup>4</sup> Sandra Mandel, “Successful Conference Spurs New Orthodox Feminist Alliance,” *NY Jewish Week*, July 4, 1997.

Program in Advanced Talmudic Studies (GPATS), a program affording women the opportunity to learn Talmud on the highest levels, although without any particular credential offered upon completion of the program. At each conference, Jofa pushed the agenda of Orthodox women rabbis, inviting speakers to discuss the issue from different aspects and angles. Board meetings often featured discussions, both planned and off-the-cuff, about how to move the needle.

A breakthrough finally happened in 2009 when Sara Hurwitz was conferred with *semikhah* by Rabbi Avi Weiss. Later that year, Rabba Hurwitz and Rabbi Weiss opened Yeshivat Maharat, a yeshiva that would ordain Orthodox women as clergy.<sup>8</sup> Jofa stood staunchly behind Rabbi Weiss and Rabba Hurwitz, even as many authorities in the Orthodox world condemned their work. Following the opening of Maharat, Jofa, and Maharat often worked hand in hand to advance opportunities for women clergy by subsidizing some of the early pulpit positions. Zelda Stern, who had joined the Jofa board in 1998 and also served on Maharat's initial board, was central to this effort by providing seed funding that helped make such positions financially possible for the synagogues and for the women clergy. Jofa consistently gave platforms to those involved in the ordination of women. At the first conference after Rabba Hurwitz's ordination in 2010, she was given an honored plenary slot to speak. As she was called to the stage with her full title, Rabba Sara Hurwitz, she was greeted with a standing ovation by the hundreds of men and women in the room.<sup>9</sup> Every conference thereafter has featured many speaking slots for those involved with advancing the cause of women's spiritual leadership in Orthodoxy, from the women rabbis themselves to rabbinical students, faculty, and those hiring them for rabbinic roles.

In 2020, noticing that synagogues often reported willingness to hire female clergy but lacked funds to do so, Jofa announced a new initiative called Devorah Scholars, funded by longtime board member Ann Pava, which offered seed money to a select number of synagogues to help them hire a female clergyperson. Importantly, the Devorah Scholars project cast a wide net, enabling funding for positions filled not only by women ordained by Maharat or other credentialing

yeshivot in Israel, but also by GPATS graduates or *yoatzot halakhah*. This policy intentionally seeded women's spiritual leadership positions beyond the usual left-leaning Orthodox communities.<sup>10</sup>

## Women's Participation in Ritual and Synagogue Life

Beginning in 1997, and continuing forward, Jofa prioritized creating both resources and opportunities for women to participate in prayer and Jewish ritual in meaningful ways. Conferences offered sessions on creating meaningful rituals around life-cycle events such as bat mitzvahs, weddings, baby namings, menopause, and end of life. From the first conference onward, women's *tefillah* was offered as an option for *Shaharit* services in the morning. When planning the 2002 conference, the planning committee made sure to include a panel on the new concept of the partnership *minyán*, a type of service that arose out of a hotly debated article in the *Edah Journal* by Rabbi Mendel Shapiro, which made the case that women could halakhically be called to the Torah for *aliyot*.<sup>11</sup> From the 2004 conference onward, partnership *minyanim* were offered as another

option for *Shaharit* services.<sup>12</sup> Jofa maintained a list of women's *tefillah* groups and partnership *minyanim* on its website, so that anyone who wanted to find one could do so. Not satisfied with only offering opportunities to participate, Jofa also nurtured women's abilities to lead services and read Torah and other texts. It offered periodic workshops at conferences and in other fora on how to run partnership *minyanim*

and created an interactive app to teach women to read *Megillat Esther*; now, recordings of all the *megillot* are available on Jofa's website.

Jofa also seeded research and writing on *halakhot* regarding women and ritual. With grants from Dr. Monique Katz and Gail Katz, both long-time Jofa board members, Jofa published two volumes called *Hilkhot Nashim Halakhic Source Guides*, with articles by learned Orthodox women on topics such as women and *Kiddush*, women and Mourners' *Kaddish*, and many others. These resource guides empowered women and men who seek to increase women's engagement with Jewish ritual with deep knowledge of the halakhic sources at issue.

## The Agunah Issue

Perhaps the issue that has most frustrated Jofa leadership throughout its history has been its perceived

*continued on page 8*

Although the agunah problem has not entirely been solved, the situation is far better than it was when Jofa began its work in 1997.

<sup>8</sup> Laura Shaw Frank, "Yeshivat Maharat," The Shalvi/Hyman Encyclopedia of Jewish Women, [www.jwa.org](http://www.jwa.org) (2021).

<sup>9</sup> Ben Harris, "At JOFA conference, passion shifts to women's leadership," Jewish Telegraphic Agency, March 16, 2010.

<sup>10</sup> Daphne Lazar Price, "Jofa's Devorah Scholars Program: Making Space for Women Leaders in Orthodox Synagogues," <https://slingshotfund.org/post/jofas-devorah-scholars-program-making-space-for-women-leaders-in-orthodox-synagogues/>.

<sup>11</sup> Mendel Shapiro, "Qeri'at ha-Torah by Women: A Halakhic Analysis," *Edah Journal*, Vol. 1:2, Sivan 5761, pp. 1-52.

<sup>12</sup> Minutes, JOFA Conference Planning Committee Meeting, June 11, 2009.

## Our History *continued from page 7*

inability to make real change with respect to the issue of *agunot*. Blu Greenberg, speaking about the issue, had famously—and controversially—declared, “Where there is a rabbinic will, there is a halakhic way.” Yet despite seemingly endless efforts to foster that will in the Orthodox rabbinate, Jofa board members felt that they were achieving nothing. However, looking back at Jofa’s history, it becomes clear that, in fact, change did occur. In the early years of Jofa, it was difficult, at best, to get Orthodox rabbis to pay attention to the issue of *agunot*, much less to do something to ameliorate the situation. But as Jofa, alongside *agunah* rights activists and organizations, raised the issue again and again, ultimately Orthodox rabbis were no longer able to turn their backs.

At Jofa’s 2007 conference, Israeli scholar and Orthodox feminist Tova Hartman declared, “Let this be the last Jofa conference where we need to ask if there’s a halakhic *heter* for *agunot*!” The crowd roared its approval.<sup>13</sup> Whereas Hartman eventually got her wish—by the 2010 conference, female and male scholars were able to report that indeed there were halakhic solutions to the problem—getting rabbis to use those solutions was another matter entirely. At first, change came in the form of the halakhic prenup, a civil contract that imposed penalties on men who refused to give their wives a *get* after being ordered to do so by a *beit din*. In 2012, the International Rabbinic Fellowship (IRF), a group of rabbis from the more liberal wing of Orthodoxy, many of whom were graduates of Yeshivat Chovevei Torah, passed a resolution requiring that its members insist upon the signing of a halakhic prenup for any wedding at which they officiated. At that time, the Rabbinical Council of America (RCA), the centrist Orthodox rabbinic body, declined to require the prenup. Rabbi Shmuel Goldin, RCA president, praised the IRF’s decision, but said it would be counterproductive for the RCA to follow suit because most members already required it, and those who were reticent would end up leaving the RCA if it were mandated.<sup>14</sup>

In an attempt to build serious momentum in the wake of the IRF’s resolution, in June 2013, Jofa organized and cosponsored an *Agunah* Summit together with the Tikvah Center for Law and Jewish Civilization at New York University. The summit, the first of its kind, brought together *agunah* activists, rabbis, and legal scholars to discuss systemic halakhic and secular legal solutions to the problem of *agunot*. There was enormous excitement in the halls of the gathering. As Blu Greenberg noted, “There was a tremendous amount

of rabbinic consensus that we have to get our community behind [solving] this.”<sup>15</sup> The conference brought about significant change. First, it resulted in the 2014 founding of the International Beit Din, a *beit din* that employed halakhic and extra-halakhic solutions to solve the *agunah* problem. The founding *av beit din* was none other than Rabbi Simcha Krauss, *zt”l*, the rabbi who had long ago supported the Women’s Tefillah Group of Queens. Second, in 2016, four years after declining to do so, the RCA passed a resolution requiring the halakhic prenup. No doubt, communal pressure, due in large part to Jofa’s advocacy and education in this area, affected their decision. Although the *agunah* problem has not entirely been solved, the situation is far better than it was when Jofa began its work in 1997.

## Marginalized Sub-Communities

Over its history, Jofa also has given voice to the experiences of many women who felt marginalized by the mainstream Orthodox community. From its inception, Jofa highlighted the experiences of single and divorced women, as well as women experiencing infertility, three groups who often have felt invisible in

Over its history, JOFA has given voice to the experiences of many women who felt marginalized by the mainstream Orthodox community.

Orthodox spaces, where most women were married and became mothers of children at young ages. Although Jofa was at first a bit worried about taking up the issue of Orthodox lesbian women, it held a session on lesbianism in the Orthodox community at the 2002 conference, which was highly successful. In the ensuing years, Jofa increasingly offered a platform to members of the Orthodox LGBTQ+ community, raising awareness about their concerns and increasing their visibility and inclusion in Orthodox spaces.

Recently, in the wake of the overturning of *Roe v. Wade* by the United States Supreme Court, Jofa launched the Rivka Isaacs S.A.F.E. Plan, an abortion access resource network aimed at helping all women in states where abortion is no longer legal to obtain “culturally congruent abortion care support.” In so doing, Jofa took the issue of abortion, often hidden and not discussed in Orthodox communities, out of the shadows and offered support to the many Orthodox and non-Orthodox women, as well as to all women at large, who need or want abortion services.

## Charting New Ground

The landscape of the Orthodox community is vastly different from what it was on that cold February day in 1997. Modern Orthodoxy is more inclusive of diversity, more educated about women’s issues, and more open to women’s leadership than the founders of Jofa could ever

*continued on page 21*

<sup>13</sup> Harris. 2010.

<sup>14</sup> Debra Rubin. “Rabbinic Group Requiring Prenuptial Agreements.” *Jewish Telegraphic Agency*. May 29, 2012.

<sup>15</sup> Jillian Scheinfeld. “Agunah Summit pushes for answers.” *Jewish Telegraphic Agency*. June 27, 2013.

# Distinctive and Equal: A Paradigm for Orthodox Feminism

By Blu Greenberg

Twenty-five years—the blink of an eye as Jews count time. Who would have imagined so many gains in twenty-five years, building on the first twenty-five yet advancing far beyond expectations? Who would have envisioned 3,300 women in Jerusalem’s Binyanei Ha’umah joyously celebrating the *Hadran*, the completion of the *daf yomi* cycle, and representing many more thousands of women the world over? Who would have imagined thirty-nine incoming students at Yeshivat Maharat, more than the incoming registration at most other rabbinical schools? And suddenly there are several independent institutions in Israel that grant women *semikhah*, and new programs everywhere encouraging women to write *halakhah*. We are all familiar with women’s *tefillah* groups and partnership *minyanim*, yet today, we also witness women leading Orthodox *shuls*. Women are *poskot* on hotline conversations and ask and answer *she’elot* of their rabbis. They teach Gemara in Orthodox high schools and *davening* at summer camps. Today, more women recite the mourner’s *Kaddish* at a minyan, *sheva brachot* at a wedding, and *Hamotzi* at the Shabbat table. Some women are counted in a *mezuman* per respected *poskim*. And, although we take it for granted by now, no girl is left behind in celebrating bat mitzvah.

With so many new roles and responsibilities that Orthodox women have stepped into, like women of modern societies everywhere, why would one suggest a paradigm of distinctive and equal or equivalent roles and responsibilities as an appropriate definition of Orthodox feminism? Are we not like other feminist movements in which women have entered male-dominated cultures and flourished in them in undifferentiated, interchangeable roles? This is a respectable philosophical position that grows out of feminism’s central focus on gender equality.

Nevertheless, I believe that our message as Orthodox feminists is that equality does not mean identity, but rather equal value roles and distinctive status for women and men. Why?

- Because we are daughters of a tradition that has bestowed upon us many significant gender-differentiated roles—a tradition that we love and respect.
- Because in the fullness of that love and using halakhic tools of reinterpretation, distinctive roles that are discriminatory and disabling should be brought to a standard of gender equality and human dignity, replacing injustice with justice, as in divorce law.
- Because opponents of gender equality have appropriated the language of distinctive roles as a cover for excluding women and limiting roles, we must always pair “distinctive” with “equal.” Women’s dignity and human rights, to which being created *b’tzelem Elokim* entitles us, must not be violated.
- Because work remains to bring distinctive roles up to the gender equality standard, and this paradigm handily links the two value systems.

- Because Orthodox women continue to observe their inherited halakhic, gender-differentiated responsibilities even as they take on new roles formerly closed to them.
- Because we have observed significant areas in which Orthodox women’s assumption of historic male roles does not make them identical to men’s roles, as in learning, prayer, and other practices cited here that we celebrate.
- Because we believe that there is something satisfying about differentiated roles and responsibilities that goes deeply into human consciousness and is beneficial to human relationships and that we should take care not to obliterate.

The paradigm of “distinctive and equal” allows Orthodox feminists to model and share insights about differentiated roles with others who interpret gender equality as equivalence in every area of life.

- Because distinctive roles for men and women can have unique value in self-identity and commitment to inherited tradition.
- Because distinctive roles may bring us to experience nearness to God.
- Because it may well be a psychosocial reality that when an obligation—a mitzvah—is assigned to a particular gender, there is greater likelihood of fulfillment.

For all these reasons and more, retaining gender distinctions while integrating gender equality is the best fit for a faith that carries its past into its future. I provide two examples of the paradigm, one where the “distinctive and equal” model can work in present-day Orthodoxy and one where it does not, and thus undergirds injustice.

## Separate Seating in Synagogue

Why hasn’t the entire class of Orthodox women bolted from separate seating in *shul*, which identifies Orthodoxy as distinct from liberal Judaism and which outsiders see as primitive and sexist? Is it only because *halakhah* mandates separate seating, a continuation of separate gates for men and women in the Temple in Jerusalem, with its issues of women’s impurity? Or is there a greater sense of the presence of God here when you come as a gendered individual than when you come as part of a family unit? Is there something more satisfying, or perhaps more vulnerable, in the heightened awareness of male and female in this holy space? Or is it because the rabbis who shaped the law also understood the *shul* to be not only a holy space but also a place for community building, the camaraderie of friends? Often, when men and women gather in social settings, they voluntarily separate into same-sex groupings.

I must confess to liking the women’s section, although I suspect that I would also like sitting next to my husband,

*continued on page 10*

were this my community's mandate. But for me, "liking" applies only where I can see and hear everything, the space is tidy, the bindings of *siddurim* and *humashim* are not torn, and the women's section altogether conveys a sense of dignity and inclusion of the worshiper. And I will admit that where architecture and space limitations require a balcony, if it has proper sight lines, good sound, and dignified seating, I prefer to sit there rather than in a fishbowl below.

But everywhere in prayer, we must expect equal dignity, not just in seating but in hearing the community's "amen" to a woman's *Kaddish*, in providing children's services so both parents can *daven*, and, as *shuls* have increasingly done, in integrating a woman's public reading of segments of prayer such as those for the State of Israel and for its soldiers who protect Israel from its enemies.

Regrettably, only a small minority of Orthodox *shuls* meet these standards today. Yet where women and men have become more vocal on the matter, their communities are often highly responsive.

### Jewish Divorce Law

Jewish divorce is the most potent example of injustice that can creep in when "distinctive" lacks the "equal" component. Where did this injustice begin? I believe with a misreading of Deuteronomy 24:1–4, in which a husband is assigned the responsibility of giving his wife a *get*, the formal writ of divorce. Over the centuries, misogynist cultures allowed the biblical pericope to be read as a husband's control and absolute right—surely an invitation for mischief in an already contentious situation. The *get* became a tool. Today, in Israel, where all Jewish divorce is mediated in the rabbinic courts, extortion is rampant—in 30 percent of the divorce cases at all socioeconomic levels. Worse, thousands of women worldwide suffer as *agunot*, imprisoned in dead marriages as the husband withholds the *get* for spite or blackmail.

What is equally tragic about Jewish divorce is that the law's intent, or God's intention, was the opposite—to protect the wife from being literally pushed out the door in the extant, irrevocable, oral divorce. How to protect her? With the formal status a *get* assigns her as a divorcee and thus remarriageable; also by forbidding a husband to pass her on to other men as property. Just read the magnificent human rights pericopes of Deuteronomy—in which divorce law is embedded—to understand that Divine intent was to protect her with the mandated *get*.

Yet, also over the centuries, enlightened rabbis muted a husband's power by introducing protective legislation—for example, the Talmudic principle of *kofin oto*, coerc-

ing the husband with public lashes to give his wife the *get* as he simultaneously proclaims that he is acting of his own free will. What about situations in which the recalcitrant husband was not available to the court for lashes? Again, eminent and compassionate rabbis developed halakhic methodologies to undo the marriage at its origins (*kiddushei ta'ut*, *bitul kiddushin*) to release a wife from becoming an *agunah*. (See article by Esther Macner, pp. 26–31 of this issue.) This was a clear-cut case of rabbinic will finding a halakhic way to undo an abuse.

The problem today is not the recalcitrant husband, but

recalcitrant judges in the rabbinic courts who are strict in their broad interpretation of a husband's rights in divorce—that is, total control. The problem today is also a community that has largely assumed a role of bystanders—with-no-voice and without applying the corrective of equality and human rights.

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Here, the paradigm speaks to us with urgency.

But I am optimistic. Looking back at the accomplishments of the past twenty-five years, I feel that it will surely not take another twenty-five to eliminate blatant injustice in halakhic divorce and a blight on our tradition. As Orthodox women, and with the help of men, we can organize, influence, politicize, teach, press, and reinterpret the system to totally eliminate abuse. Just as we dreamt big dreams, not that many decades ago, of women entering the system more fully and receiving all of its gifts as women, so can we realistically anticipate the halakhic end of *iggun* and divorce abuse, beginning next year, or perhaps the year after, and into the next few thousand years as a faithful Orthodox community.

### Distinctive and Equal

In sum, offering to interested others the distinctive and equal model of Orthodox feminism may be a role for Orthodox feminists to play. We can share insights about differentiated roles and engage in respectful conversation with others who interpret gender equality as an equivalence in all areas of life. We believe that distinctive gender roles for men and women can have unique value in self-identity, interpersonal relationships, and commitment to inherited tradition, but we also have much to learn about this as yet unfinished journey.

I'm fine with the women's section. I like hearing *eshet hayil* sung to me by my husband and children. And for all the world, I would not want anyone to take away from me the lighting of the candles, the incredible privilege of ushering in the holiness of Shabbat. Yes, I am a distinctive and equal feminist.

*Blu Greenberg is the founder and first president of Jofa and founder and past president of the International Beit Din.*

# Journeying to the Center of Public Jewish Life

By Sylvia Barack Fishman

A year ago on Purim, when we visited our youngest children and grandchildren in Nashville, Tennessee, we participated in that community's first women's reading of *Megillat Esther*. My daughter-in-law, Cara, learned her chapter by using Jofa tapes. In a strong, beautiful voice—and perfect *trop*—Cara passionately sang out the words accusing Haman of planned genocide against the Jews. As she and the other readers sang out this ancient tale of Diaspora Jews confronting lethal antisemitism, the melody of their female voices symbolized for me women's journey toward the center of Orthodox Jewish life over the past half-century.

Women's active involvement and participation in public Judaism—once a rarity—is now mainstream in many communities, enabled by increased access to intellectual knowledge and skills such as “learning” rabbinic texts; liturgical competence and confidence in leading prayer services; and the reading of Torah and other sacred documents.<sup>1</sup> Institutions that nurture and support women's involvement have grown simultaneously: worship environments encouraging female participation, institutions to accredit women as religious leaders and scholars, and associations for support, friendship, information sharing, and affirming mutual values. These transformations reflect the fluidity and mutual influence between American and Israeli Jews. Supported by efforts in both countries, throughout the first decades of the twenty-first century, Jewish women were active participants in the opening up of broader access to Jewish education and scholarship, as well as participation in public Judaism, religious leadership roles, and cultural expression.

## A Panorama of Transformation from 1970 to 2020

I personally—and painfully—remember that in real time, our experiences of working toward Jewish feminist goals often seemed frustratingly elusive and were frequently surrounded by controversy and contention. But if—with 20/20 hindsight—we create a panorama of transformations, quickly listing some of the benchmarks of change (and some of the women and male allies who made that change possible), a picture emerges of both the incremental nature of change and the breathtaking sweep of the journey of Orthodox women.

As a graduate student and young mother, I participated in some of the changes that emerged piecemeal in the early 1970s, embedded in the profound—and often disruptive—social changes sweeping through America, including (but not limited to) second-wave feminism, which focused attention on women's roles, and the civil rights movement, which focused attention on racial and ethnic inequities and on diverse ethnic traditions. In 1972, Rabbi Joseph Dov Ber Soloveitchik delivered a *shiur* (class) in Talmud at Yeshiva University's Stern College for Women (SCW—my alma mater), creating one of the first openings for women's study of rabbinical materials “on an advanced university level.”<sup>2</sup> The first wom-

en's *tefillah* groups (WTGs), in which mostly Orthodox women conducted traditional Jewish religious services in Hebrew and read from the Torah scroll, began in the early 1970s in several locations across the United States. In a suburb of St. Louis, an Orthodox WTG in which I participated had an unofficial, wonderful *posek* in Rabbi Simcha Krauss, *zt”l*. WTGs greatly elevated Orthodox women's liturgical skills and confidence because of the single-gender environment that allowed them to halakhically lead services and assume leadership roles. Although in many coeducational Modern Orthodox

*continued on page 12*



Painting by Sylvia Barack Fishman of her daughter-in-law, Cara, reading *Megillat Esther*.

<sup>1</sup> Some sections of this essay appeared earlier in Sylvia Barack Fishman, “Women's Active Participation in Revitalizing American Judaism,” *The Future of Judaism in America*, eds. Jerome A. Chanes and Mark Silk (Springer, 2023), pp. 109–130.

<sup>2</sup> Menachem Butler, “The Stern Talmud Program—Four Years Later,” *The Commentator*, Vol. 7, No. 1 (August 23, 2004).

schools, girls and boys both studied in a mixed-gender environment and prayed together (albeit separated by *mehitzah* dividers), female familiarity with certain aspects of the prayer service was minimized by the fact that girls were not permitted to assume any liturgical or leadership roles due to the presence of boys in the room. Among pioneering entities in Israel during the same time period, Pardes Institute of Jewish Studies was founded in Jerusalem in 1973 as nondenominational and offered coeducational programs for men and women that provided the opportunity to engage in the study of classic Jewish texts in an open environment.

Roles of women were changing across the face of American Jewry, and that context is an important part of the picture. For example, a group of women, some of whom were participants in the New York Havurah, coming from primarily Conservative and Orthodox backgrounds, joined together with like-minded friends to form Ezrat Nashim, an activist women's study group agitating for religious gender equality. In 1972 the first female Reform rabbi was ordained. During the same year, Ezrat Nashim appeared at the convention of the Conservative Movement's rabbinical association (the RA), ultimately influencing the movement's Committee on Jewish Law (CJL) to vote that women should be counted for a *minyan* in 1973.<sup>3</sup> In 1974 the first female Reconstructionist rabbi was ordained. The Conservative Movement ordained its first female rabbi in 1985.

Among pioneering entities in Israel during the same time period, Rabbi Chaim Brovender founded a school in Jerusalem in 1976 (now known as Michlelet Lindenbaum and initially the women's component of Yeshivat Hamivtar) that included a Talmud program taught in the classic *hevruta* (study partner) method for non-Israeli "gap year" students, many of whom had the opportunity there to study with Israeli teachers and students. In 1976 as well, Rabbi Aharon Lichtenstein *zt"l* published a halakhic argument in favor of women's Talmud study, and a year later, in 1977, Rav Soloveitchik gave the founding lecture for Yeshiva University's Stern College for Women's Beit Midrash program. Rabbi Saul Berman, then chairman of the Department of Jewish Studies at Stern College, was a primary force

helping to plan SCW programs of systematic Talmud study,<sup>4</sup> teaching Talmud at SCW for many years, and serving in diverse ways as a mentor and Orthodox male feminist thought leader. In 1999, a new program was established, officially known as the Graduate Program for Women in Advanced Talmud Studies (GPATS). Drisha, an innovative American adult women's learning environment under Orthodox leadership, was founded by Rabbi David Silber in 1979 and opened a full-time study program in 1984; it later played an active role in offering opportunities for women's roles in public prayer. Blu Greenberg published her iconic Orthodox feminist book *On Women and Judaism* in 1981.

The path to ordination for Orthodox female rabbis was less straightforward than that of their Reconstructionist, Reform, Conservative, and transdenominational colleagues. A small number of individual women were quietly ordained in private arrangements from the 1990s onward, involving some Orthodox rabbis whose

In most contemporary observant Jewish communities, access to high-level Jewish education for women is virtually universal, and, despite substantive differences, all wings of American Judaism include women credentialed as clergy.

names remain secret, as well as the late Rabbi Shlomo Carlebach, Rabbi Jonathan Chipman, and Rabbi Aryeh Strikovsky.<sup>5</sup> Organized institutional programs to train and credential women regarding mastery of classical rabbinical texts also emerged in the 1990s. The Israeli Nishmat women's learning program was founded in 1990, and Rabbi Shlomo Riskin challenged the Israeli religious legal system by starting a program to train female *toanot* (rabbinically trained female advocates in divorce cases) in the early 1990s. In 1994, Drisha created a credentialing Scholars

Circle program intended to parallel rabbinic ordination. Nishmat created its *yoetzet halakhah* program, a talmudic training program for women focused on halakhic questions concerning marital issues, in 2000.

Jofa, the Jewish Orthodox Feminist Alliance, was organized in 1997, bursting into communal consciousness with a founding conference that attracted more than 1,000 international participants and giving a formal institutional address to women who had been creating and advocating for change, but who previously felt isolated in these enterprises. New York's Drisha Minyan offered women the opportunity to lead the preliminary morning service (*p'sukei dezimrah*) in a groundbreaking High Holiday service in 2001.<sup>6</sup> That same year, Shira

<sup>3</sup> Sylvia Barack Fishman, *A Breath of Life: Feminism in the American Jewish Community* (New York: The Free Press, 1993), p. 7; <https://jwa.org/node/12146>; Jerome Chanes, "A Renewed Look at Jewish Renewal," Association for Jewish Studies Conference, 2018; Pamela S. Nadell, "A Bright New Constellation: Feminism and American Judaism," *The Columbia History of Jews and Judaism in America* (New York: New York University Press, 2003), pp. 385-405

<sup>4</sup> Saul J. Berman, "Forty Years Later: The Rav's opening shiur at the Stern College for Women Beit Midrash," <https://thelehrhaus.com/commentary/forty-years-later-the-rav%E2%80%99s-opening-shiur-at-the-stern-college-for-women-beit-midrash>.

<sup>5</sup> Laurie Goodstein, "Ordained as Rabbis, Women Tell Secret," *New York Times*, Dec. 21, 2000.

<sup>6</sup> Steve Lipman and Gary Rosenblatt, "New Role, New Opportunity," *New York Jewish Week*, August 3, 2001.

Hadasha, an Orthodox partnership minyan, was created in Jerusalem,<sup>7</sup> and the nondenominational independent minyan Kehillat Hadar was founded in New York; Mechon Hadar, an educational institution, was founded in 2006.<sup>8</sup> Rabbi Dina Najman was privately ordained by Rabbi Daniel Sperber in 2006, and currently serves as Rosh Kehillah of an Orthodox congregation. Rabba Sara Hurwitz was ordained by Rabbis Avi Weiss and Daniel Sperber in 2009, in conjunction with the founding of Yeshivat Maharat, “the first yeshiva to ordain women to serve as Orthodox clergy.”<sup>9</sup> In Israel, Beit Hillel created an “Attentive Spiritual Leadership organization” reportedly involving “over 170 Religious-Zionist Rabbanim and Rabbaniot,” with the goal of “increasing the involvement of women in the study and teaching of Torah, in sharing communal and public leadership roles.”<sup>10</sup> In 2015, Har’el Beit Midrash ordained two women pursuant to a traditional rabbinic training program. Because of these and other institutions and programs, being a woman and an Orthodox rabbi—a role that many of us thought would not be realized in our lifetimes—is an achievable goal for Orthodox women today.

### Jewish Education for Girls and Women Is Key to Contemporary Changes

In most contemporary observant Jewish communities, access to high-level Jewish education for women is virtually universal, and, despite substantive differences, all wings of American Judaism include women credentialed as clergy. All these changes were built on systemic availability of Jewish education for girls and women. In most traditional Jewish cultures, religious text education was the necessary ticket to those aspiring to religious leadership roles in the Jewish community—but women were denied both high-level education and the credentialing as rabbis. At least as important as the creation of Orthodox female rabbis is the fact that now, female rabbis and scholars can be full-fledged Jewish educational professionals, competing for positions that were long reserved for (male) rabbis, such as Jewish day school headmaster/head of school/principal or Hillel chaplain or director, as well as in established or new positions in institutions of higher learning. Not least, on the grassroots level, the vast majority of American Modern Orthodox girls today participate in meaningful bat mitzvah ceremonies in which their intellectual and liturgical competence is manifest—a celebration of religious majority that was once rare but, at least in the United States, is now ubiquitous.

Jofa constantly creates and supports policies that support Orthodox women rabbis and scholars in their careers.

### Jofa Galvanized, Educated, and Supported Women's Goals

This rapid listing of the benchmarks of change shows that Jewish feminist institutions were critically necessary in helping women accomplish their goals. Jofa grew “from a small group that gathered around founding President Blu Greenberg’s kitchen table into a professionally staffed, international alliance.” Jofa’s works include running international conferences; producing the *Jofa Journal*, halakhic guidance material, and educational curricula on issues affecting women and girls; sponsoring local and regional programs, including the Jofa college campus fellowship; and advocating for expansion of the roles of Jewish girls and women in a broad variety of settings. Female Orthodox scholarship covering basic rabbinic and halakhic texts that support women’s ritual and leadership roles in Orthodox Judaism is featured in Jofa’s seminal *Ta Shma Halakhic Source Guides*. Its seasonal *Shema Bekolah* publications provide holiday insights, *divrei Torah*, and halakhic essays. Jofa is a primary supporter and enabler of grassroots participation in public Judaism by girls and women. Among other materials usable either in home settings or educational institutions, audio recordings for women learning how to read the Torah and various holiday scrolls are available. Such learning aids are used by females of all ages, from their teens to their senior years.

Jofa constantly creates and supports policies that support Orthodox women rabbis and scholars in their careers. For example, some of the initial graduates from Yeshivat Maharat were enabled to serve in clergy positions thanks to a generous grant from Jofa board member and philanthropist Zelda R. Stern.<sup>11</sup> More recently, the Devorah Scholar Grants, “an innovative program designed to seed the American landscape with women spiritual leaders,” partners with Orthodox congregations by providing substantial challenge grants to hire female rabbis in clerical roles. It is sponsored by the Micah Foundation and was initiated by foundation trustees Ann Pava (also a Jofa board member) and Jeremy Pava. Pam Scheininger, former president of Jofa, recently commented on the success of this program, “Judging by the number of inquiries and applications we received from women and men across the United States and Canada, Israel, and Australia, it is clear that there is a demand for women’s leadership roles in Orthodox synagogues around the world.”<sup>12</sup>

Jofa’s broad-reaching educational efforts continue to have a powerful impact. In part, because women have become competent to participate in both lay and

*continued on page 14*

<sup>7</sup> Elana Maryles Sztokman, “Partnership Minyan,” *JWA Encyclopedia*, <https://jwa.org/encyclopedia/article/partnership-minyan>.

<sup>8</sup> Elie Kaunfer, private email to author, June 15, 2023.

<sup>9</sup> [Yeshivatmaharat.org/about](https://yeshivatmaharat.org/about).

<sup>10</sup> Beit Hillel Attentive Spiritual Leadership@2017 Beit Hillel.

<sup>11</sup> Adam Dicter, “Maharat hired at DC shul, with help from JOFA leader,” *New York Jewish Week*, May 17, 2013.

<sup>12</sup> <https://www.jofa.org/devorah-scholars>.

leadership roles, recent studies demonstrate that on a grassroots level, attitudes toward and assumptions about women and their religious expressions have changed. According to Nishma Research's "Survey of the Modern Orthodox Community in the United States" (2017), 80 percent of American Modern Orthodox Jews agree that their synagogue should offer coed religious classes, study sessions (*shiurim*), and other learning opportunities; 75 percent that the *mehitzah* (gender-divided prayer partition) should be "woman friendly"; 75 percent that women should be eligible to serve as synagogue president; 69 percent that women should say the mourner's *Kaddish* out loud and alone if no man in the room has a *Kaddish* obligation, and that women should give talks from the pulpit; and 53 percent that women should have some type of expanded synagogue clergy roles.<sup>13</sup>

Today there is little gender difference in types and years of Jewish education received for American Jews under age 35, according to the Sheskin Decade 2000 data set; furthermore, in their study of *Gender and American Jews*, Harriet and Moshe Hartman note that in the NJPS 2000–01 survey gender differences "have almost disappeared" among Orthodox and Conservative Jews aged 18 to 44.<sup>14</sup> In recent decades, girls and women's access to Jewish educational materials has been further enhanced by the availability of online resources. Sefaria, which developed from a concept by author Joshua Foer and former Google project manager Brett Lockspeiser in 2011, became a nonprofit organization offering a huge free library of Jewish texts in Hebrew and English, through interactive interfaces. During the pandemic, Sefaria added more materials to its database and gained more users of its free online services, an enormous boon to Talmud studies by women and people in locations with limited Judaic studies resources. This helped women join the in-person and virtual ranks of *daf yomi*, the daily group study of one page of Talmud, which was formerly the province of mostly men. Without a doubt, Sefaria was instrumental in making possible events like International Women's Talmud Day on April 25, 2021. Rabbanit Sara Wolkenfeld, chief learning officer at Sefaria, has said that its mission is to "democratize all Jewish texts."<sup>15</sup>

The impact of this decades-long expansion of wom-

*Hakarat hatov—the recognition of goodness—that many believe to be the basis of morality demands that we realistically and gratefully acknowledge Orthodox feminism's many accomplishments.*

en's Jewish learning was on full view with the first international *daf yomi siyum* event that took place in early 2020 and celebrated the completion of the 7.5-year cycle by large numbers of women, putting *daf yomi* on the map for women. Huge numbers of women, especially in the United States and Israel, congregated in person and over Zoom each day as 2019 became 2020, to participate in an international group protocol of daily Talmud study. The *daf yomi* phenomenon generated a deeply impressed *New York Times* profile on "A Revolution in Jewish Learning, with Women Driving Change" (Jan. 4, 2020)<sup>16</sup>—a title that could appropriately be used to describe the entire subject of Jewish education for females. Jewish education for girls and women is the seminal gendered change that made all the other gendered religious changes possible, although the ordination of female rabbis, discussed later, has perhaps attracted the most public attention. As the international *daf yomi* study brilliantly illustrated, today the image of girls and women in serious study, bent over Hebrew texts, has become commonplace in the world's two largest Jewish communities, the United States and Israel. Many Ameri-

can women participating in the women's *daf yomi* protocol engage daily via virtual study with Israeli Rabbanit Michelle Farber, under the auspices of Hadran, an Israeli organization dedicated to women's text study. In terms of social psychology, the normalization of the visual imagery of the studying girl was an important contributory element in the eventual acceptance of women's high-level rabbinic text study, making possible a whole

range of socioreligious reversals.

### Orthodox Women "Influencers" Reach Diverse Groups

Women's ordination as rabbis and scholars of rabbinic literature has done more than unlock doors; it is in the process of changing the religious culture on a deep psychological level. As the image of women as highly skilled experts in rabbinic texts has increasingly become accepted, observers have hypothesized that using gender as a lens for examining classic rabbinic and biblical texts might generate substantive changes in the way those texts are studied, understood, and implemented. Rabbanit Dr. Michal Tikochinsky has asked: Have the changes moved "beyond the simple rectification of a historical injustice" to "indicate a qualitative change?"<sup>17</sup> Orthodox

<sup>13</sup> Mark Trencher, "A Survey of the Modern Orthodox Community in the United States." Nishma Research, 9/2017.

<sup>14</sup> Harriet Hartman and Moshe Hartman, *Gender and American Jews: Patterns in Work, Education & Family in Contemporary Life* (Waltham, MA: HBI Series on Jewish Women/ Brandeis University Press, 2009), p. 146.

<sup>15</sup> Nomi Kaltmann, "An uptick in women's Talmud study—courtesy of Zoom, podcasts, and online tools," *The Forward*, April 12, 2021.

<sup>16</sup> "A Revolution in Jewish Learning, with Women Driving Change," *New York Times* (Jan. 4, 2020).

<sup>17</sup> Michal Tikochinsky, "Women in positions of Halakhic leadership," Afterword to Daniel Sperber, *Rabba, Maharat, Rabbanit, Rebbetzin: Women with Leadership Authority According to Halakhah* (Jerusalem and New York: Urim Publications, 2020), pp. 107–142.

feminist icon and philosopher Professor Tamar Ross's 2004 classic treatise, *Expanding the Palace of Torah: Orthodoxy and Feminism*, declared that women's participation would produce not just a spectrum of practical changes in educational, intellectual, and spiritual expectations for Orthodox women, but also profound underlying social and values transformation. Ross, who grew up in Detroit and moved independently to Israel in her teens, predicted that women as "religious authorities" would create "sociological" changes, such as a "special focus on issues of concern to women." Female Talmud scholars would "refuse to resolve policy issues at the cost of women's interest," raising scholarly and communal awareness and inevitably challenging "the scale of values governing public policy," Ross wrote.<sup>18</sup> Philosophy Professor Ronit Irshai, an Israeli gender scholar mentored by Ross, writes penetrating analyses about the quintessential philosophical and practical "maleness of *halakhah*."<sup>19</sup>

Rabbinical schools and higher-level institutions of Talmud study have been enriched in both dramatic and subtle ways by the influence of female rabbis and mentors. Female rabbinic scholars with Orthodox backgrounds have become public "influencers" in non-denominational educational institutions. For example, at Drisha, Rabbanit Leah Sarna, a Yale University graduate who received rabbinical ordination from Yeshivat Maharat in 2018, was appointed associate director of education and director of high school programs in 2020, offering classes on topics such as a Talmudic exploration of bias, "womb Torah," head coverings for men and women, and food and intimacy.<sup>20</sup> Dr. Erica Brown, a Jewish educator and author whose thoughtful books, columns, and blogs gained her a following far beyond her formal position as director of George Washington University's Mayberg Center for Jewish Education and Leadership, was named as director of the Sacks-Herenstein Center at Yeshiva University, a newly created institute to "mentor emerging Jewish leaders based on the values of Rabbi Jonathan Sacks," a mentor of Brown herself.<sup>21</sup> Dr. Mijal Bitton, who emigrated from Argentina, serves as a scholar in residence at the

Shalom Hartman Institute of North America and the Rosh Kehillah (communal leader) and co-founder of the Downtown Minyan of New York City.<sup>22</sup>

## Conclusion

Ideals and theories are important, but they don't always translate to improvements in individual lives and societies. The Jewish Orthodox feminist goals of Jofa have come to fruition in many ways, as this essay's "Panorama of Transformation" illustrates. Over the past fifty years, women's roles, expectations, and opportunities in American Jewish Orthodox communities have expanded and deepened in ways that were nearly unimaginable when Jofa's original leaders were growing up—and for many, a distant dream even when they founded Jofa. Today, Orthodox communities have a dramatically different understanding of women and their religious, spiritual, and intellectual capacities.

For me, thankfully, the successes of Jofa and Orthodox feminism are flesh-and-blood realities. My daughter and daughters-in-law participate with joyful competence in partnership *minyanim*, often stepping up to leadership positions. And beyond my immediate family, in my grandchildren's generation, I see inspiring female rabbinic leaders and a laity of young Orthodox women who pray regularly and devoutly, whose textual competence enables them to study demanding Judaic texts with friends (and sometimes with romantic significant others). Triumphalism is not appropriate because many significant problems remain, especially concerning the *agunah* issue. But *hakarat hatov*—the recognition of goodness—that many believe to be the basis of morality demands that we realistically and gratefully acknowledge Orthodox feminism's many accomplishments.

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*Sylvia Barack Fishman, Ph.D., is the Joseph and Esther Foster Professor of Contemporary Jewish Life, Emerita, at Brandeis University. The author of eight books and numerous articles, she received the Marshall Sklare Award for distinguished social scientific publications from the ASSJ in 2014. Currently, she writes the annual survey of "American Jews and the Domestic Arena" for the American Jewish Year Book, chairs the Research Task Force for the Orthodox Women's Torah Leadership Project, serves on the Jewish People Policy Institute (JPPI) Advisory Committee for Jewish Identity, and is a longtime member of the Jofa board.*

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<sup>18</sup> Tamar Ross, *Expanding the Palace of Torah: Orthodoxy and Feminism* (Waltham, MA: HBI Series on Gender and Jewish Women, 2004), pp. 234–242.

<sup>19</sup> See, for example, Ronit Irshai, *Fertility and Jewish Law: Feminist Perspectives on Orthodox Responsa Literature* (Waltham, MA: Brandeis series on Gender, Culture, Religion and Law, 2012); "Cross-dressing in Jewish Law, and the Construction of Gender Identity," *Nashim*, 2021; "Homosexuality and the 'Aqedah Theology': A comparison of Modern Orthodoxy and the Conservative Movement," *Journal of Jewish Ethics* 4, No. 1 (2018).

<sup>20</sup> <https://www.jofa.org/rabbanitleahsarna>.

<sup>21</sup> Jacob Miller, "YU taps educator Erica Brown for new leadership program," *ejewishphilanthropy*, Nov. 24, 2021.

<sup>22</sup> Miriam Groner, "Mijal Bitton, 28, Public Intellectual, Public Values," *New York Jewish Week*, June 6, 2018.

# You've Come a Long Way, Baby? Maybe...

By Gloria Nusbacher

Some 40 years ago, when I was about to give birth to my daughter, my husband and I asked our rabbi whether he could help us create a ritual to welcome a baby girl, similar to a *brit milah* for a boy. The rabbi responded: “We have enough rituals. There’s no need for any more.” So our daughter’s birth was acknowledged in the traditional Orthodox way—my husband got an *aliyah*, during which the baby’s name was announced, and there was a perfunctory singing of *siman tov u’mazal tov*—all while my baby and I were still in the hospital.

Although I felt a need to publicly celebrate my daughter’s birth, things became hectic, and we let the opportunity slide. But the need remained, unsatisfied. For her first birthday, however, we invited friends and family to our home for a belated baby-naming ceremony, at which we talked about the basis for her name and the person she was named after. To my knowledge, this was the first ceremony of this type in our local community, a small suburb of New York City. Although baby-naming ceremonies for girls are now common in some Orthodox *shuls*, they are still infrequent in my community, but they do sometimes occur.

## Bat Mitzvah

Around the time of my daughter’s birth, other people asked the same rabbi about the permissibility of having a bat mitzvah celebration. The rabbi’s response: A girl could have a public celebration of her bat mitzvah

I will never forget the *sheitel*-wearing grandmother of a bat mitzvah girl who reluctantly accepted an *aliyah*, and then become overwhelmed with tears at coming so close to a *Sefer Torah*.

only if she could explain why becoming a bat mitzvah was religiously meaningful to her. (Boys, of course, were not held to a similar standard.)

Nevertheless, by the time my daughter became a bat mitzvah, it was customary in our community to have a celebratory party for a bat mitzvah as extravagant as that for a bar mitzvah. However, whereas boys were

expected to *leyn* all or most of their Torah portion, give a *d’var Torah*, and make a *siyum* on a significant amount of learning completed with their fathers, there were no similar expectations for girls. Some girls chose



Rabbanit Gloria Nusbacher with students at Yeshivat Maharat

to learn with their fathers; others chose to do a *hesed* project; and a few *leyned* their Torah portion or *Megilat Esther* at a women’s *tefillah* service. But many were content to read a *d’var Torah* written by the rabbi after some discussion with the girl.

When my daughter chose to learn *mishnayot* with me, it was such a novelty in our community that the rabbi made a point of announcing from the pulpit that our mother-daughter Mishna learning was the first in his experience. And, with the rabbi’s approval, my daughter gave a *d’var Torah* and made a *siyum* on her learning at her bat mitzvah party, but (at the insistence of the rabbi) without reciting the *Kaddish*.

## Women’s Tefillah Group

In the mid-1990s, energized by a Jofa conference, several women in our community decided that we wanted to form a women’s *tefillah* group. A delegation approached the rabbi to seek his approval, and (surprise!) we were rebuffed. The following year we changed our strategy. A member of our group who was respected by the rabbi and perceived as being motivated by a desire to get closer to God (rather than by feminism) told the rabbi that we were starting the *tefillah* group in private homes and were not seeking his approval, but only telling him as a matter of courtesy.

Our *tefillah* group met monthly on Shabbat mornings. We operated in an ambiguous environment. The rabbis of the community (by now the community had grown large enough to support several *shuls*), when asked, said they were opposed to the group, but they didn’t denounce it from the pulpit. After some behind-the-scenes drama that I was unaware of at the time, they permitted our ads to be included in the annual *shul* dinner journals. However, the local day school was not as accommodating. My daughter, then in junior high school, came home one day upset that her teacher had told the class that davening in a women’s *tefillah* group was as great a sin as eating pork.

Nevertheless, during its ten-year existence, the *tefillah* group encouraged women in our community to learn to *leyn* and lead davening, enabled women who had never before come close to a *Sefer Torah* to get an *aliyah*, and saw close to a dozen girls celebrate their bat mitzvah by *leyning* at our group. In addition, women who did not want to take on synagogue leadership roles got an opportunity to give *divrei Torah*, which encouraged them to increase their Torah learning. I will never forget the *sheitel*-wearing grandmother of a bat mitzvah girl who reluctantly accepted an *aliyah* and then become overwhelmed with tears at coming so close to a *Sefer Torah*.

Our community does not currently have a women's *tefillah* group, but this year held a women's *Megillat Esther* reading for the first time.

## Talmud Study

My daughter's junior high school had other troubling ideas. Although she had learned Gemara in sixth grade at the affiliated elementary school, the junior high offered Gemara only to boys. When my husband and I questioned this policy, we were told that girls were neither capable of nor interested in learning Gemara. When we disagreed with this assessment, the school administrators proved their point: The girls were offered a voluntary Gemara class instead of lunch. Needless to say, no girls chose to give up their lunch break.

Today there are many opportunities for girls and women to study Talmud at a variety of levels. Recently, though, Stern College of Yeshiva University announced that it was canceling its beginner and intermediate Talmud classes due to low enrollment. The college reversed its decision after an outpouring of public protest. But what was most striking to me was that, reminiscent of my daughter's junior high school experience, one of the reasons for the low enrollment was that Talmud classes were often held at the same time as required secular subject courses.<sup>1</sup> (The male students at Yeshiva University don't have such a conflict, because that school schedules Judaic studies classes in the morning and secular classes in the afternoon.)

## Shul Leadership

By the 2000s I had switched to a smaller *shul* in the community and become active in its leadership, first as a board member and then as an officer. This *shul* had never had a woman president, but the *shul* constitution had been drafted (intentionally, by me) without gendered pronouns, thus not limiting the position to men and permitting co-presidents. In 2008 the then-president

and I approached the rabbi to discuss my desire to serve as president of the *shul*. He acknowledged that I would make an excellent president and that there was no halakhic prohibition against women serving in that role, and that, indeed, other *shuls* in the Orthodox Union had had women presidents—but he said he wanted to think about whether it was appropriate for our community. After consulting with his *rebbeim*, he concluded that it was too controversial. He relayed that one of his *rebbeim* had said that under no circumstances should he allow a woman to be president, and the other had said that he would allow it only if no man (whether qualified or not) would agree to take the position after having his arm twisted. Of course, such a man was found—one of the founders of the *shul* who had not been involved in its governance for the previous ten years.

## Mann Tracht un Gott Lacht

But (wo)man plans and God laughs. I found myself too hurt and angry to continue to be involved in *shul* affairs. Instead, I used that time to take additional classes at Drisha Institute for Jewish Education. At Drisha, I was exposed to high-level learning of Jewish text and discovered a love for Gemara. Over time, I gradually increased the hours I spent learning at Drisha and reduced the hours spent working at the law firm where I was a partner. Eventually I decided to learn full-time, which led to my attending Yeshivat Maharat.

I was pleasantly surprised—shocked, actually—to find that many members of my community were supportive of my studying for *semikhah*. Several years earlier, one of my Maharat classmates had been told that Maharat students and alumnae were not welcome to give *shiurim* in the community, and another was told that she could teach in the *shul* only if her connection to Maharat was not mentioned. But my graduation from Maharat was announced in the *shul* bulletin, and I was invited to give classes at two of the *shuls* in the community. I have since given numerous *shiurim* in the community. Even as I have been introduced as a graduate of Maharat, I feel that the rabbis and some members of the community are uncomfortable with my using the title *rabbanit* or referring to my having *semikhah*, so I don't do either.

Looking back on the past 40 years from the vantage point of a single Modern Orthodox suburban community, I have seen change in some areas, not so much in others. Although we have made some progress, we still have a long way to go.

*Rabbanit Gloria Nusbacher has semikhah from Yeshivat Maharat and currently serves as a community educator. Previously, she was a partner at one of the 100 largest U.S. law firms. She is a member of the Jofa Journal Editorial Board.*

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<sup>1</sup> The Times of Israel blog by Shana Strauch Schick. April 23, 2023.

## Spiritual Leadership

To increase the number of paid spiritual leadership positions for Orthodox women in Orthodox synagogues, Jofa's Devorah Scholars program has provided two cohorts of North American synagogues with challenge grants enabling them to hire their first paid full-time or part-time Orthodox women in spiritual leadership roles. Devorah Scholars is made possible by Micah Philanthropies, Ann and Jeremy Pava, Trustees.

Jofa is now accepting applications, due by November 17, for the third cohort (2024–26). This successful program, the first of its kind, meets a growing need for women's leadership in Orthodox spaces. Devorah Scholars fulfill a range of roles, including pastoral counseling, delivering sermons, leading rituals, enhancing education for youth and adults, and more.



## Abortion Access

Jofa supports every woman's legal right to make decisions about, and have control over, her own body, without the involvement of the government or any other entity. Following the U.S. Supreme Court's *Dobbs v. Jackson Women's Health Organization* ruling overturning

*Roe v. Wade*, Jofa ramped up its advocacy and educational efforts to support women in understanding the halakhic perspectives on these issues, finding relevant information, connecting with resources, and gaining access to needed health care.

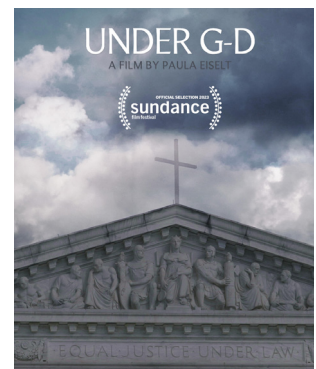
Jofa's efforts to increase awareness and access have been ongoing. One of these is the Rivka Isaacs S.A.F.E. (Support, Advocacy, Funding, Education) Abortion Access Resource Network, to



Rivka Isaacs, namesake of S.A.F.E. network

provide culturally congruent abortion care support for Orthodox Jewish women and all who seek our support. The program is named for Jofa board member and award-winning filmmaker Paula Eiselt's great-grandmother, Rivka Isaacs, a loving wife and mother who almost lost her life after a desperate, traumatic back-alley abortion in the 1930s. Rivka's horrific experience is a painful reminder of the need for legal and safe abortions.

Jofa has also published blog posts, signed onto amicus briefs, and spoken out in the media, focusing on the religious freedoms at stake in the fight for reproductive rights. Jofa has co-sponsored film screenings and panel discussions of documentaries exploring this theme, including "Under G-d," directed by Jofa board member Paula Eiselt, and "Deciding Vote," directed by Jeremy Workman and Robert J. Lyons. These film events have brought together filmmakers, advocates, and legal scholars to discuss the ramifications of the *Dobbs* decision and the continuing battle to create pathways for reproductive freedom for all.



## Day School Educators

Following its March 2021 online conference, Jofa launched its first professional development cohort for female day school educators, in partnership with the Jewish Education Project, Yeshiva University's Azrieli Graduate School of Jewish Education and Administration, and the Jewish Theological Seminary's William Davidson School of Education. Teachers from schools across the country gathered to hear from experts in the field, and to learn with and from one another.

This partnership continued in summer 2023, with the Gender Equity in Day Schools Virtual Intensive Cohort Program, "Spheres of Control and Spheres of Influence." This time, Jofa collaborated with the Jewish Education Project and the William Davidson Graduate School of Jewish Education to offer a summer intensive that brought together educators motivated to learn about gender equity, make change in their classrooms, and share their learning with colleagues. Expert facilitators presented current gender equity research and adaptable strategies for instructional practice with a gender equity lens and encouraged participants to share their learning; follow-up sessions will help participants apply their learning.

## Hilkhot Nashim Volume II

With gratitude to Dr. Monique Katz and Gail Katz, Jofa released *Hilkhot Nashim*, Volume II, edited by Rahel Berkovits, and available through Koren Publishers. Volume I covers *Kaddish*, *Birkat HaGomel*, and *Megillah*. Volume II (reviewed in this issue of the *Jofa Journal*) focuses on Shabbat-related topics, including *Kiddush*, *Hamotzi*, *Havdalah*, and *Sefer Torah*. The series features essays by Rahel Berkovits, Jennie Rosenfeld, Sara Tillinger Wolkenfeld, and Devorah Zlochower.

The series presents in-depth source analysis of halakhic topics that affect women's obligation and involvement in Jewish ritual life. The source guides aim to increase awareness of relevant halakhic issues among women and men so that women can make deliberate choices about their observance. By cultivating an understanding of the different views within the halakhic system, we want to enable Jews who are committed to *halakhah* to become more intellectually involved in their practice of *mitzvot*.

We are also planning local events around the topics discussed in the first two volumes. Please contact us if you would like to bring such an event to your community.

## Sharsheret Collaboration

Jofa and Sharsheret offered virtual training in summer 2023 to give Orthodox women communal and educational leaders the substantive information and resources to support women navigating breast cancer or ovarian cancer. With one in eight women diagnosed with breast cancer during her lifetime, this is a vital opportunity to offer expert emotional, communal, and spiritual support.



SHARSHERET

## Megillah Reading Recordings

With gratitude to Rabbanit Bracha Jaffe, Jofa now offers recordings of all five *megillot*, available on the Jofa website. In addition to the popular *Megillat Esther* and *Megillat Ruth* apps, Jofa now provides these tools for participating in women's or partnership *megillah* readings in many communities.



Rabbanit  
Bracha Jaffe

## Beit Din Guidance

Jofa has published a guide to navigating the *beit din* (Jewish court) system, including important information to know before engaging in the *get* (Jewish divorce) process. We also held a webinar on "Finding Justice in our *Beit Din* System While Navigating Divorce" in partnership with ORA, Chochmat Nashim, and the International Beit Din.

## Synagogue Survey

We are surveying Orthodox synagogues regarding women's board participation and leadership policies in order to update our roster of past/current women synagogue presidents, as well as to gain a better understanding of the current landscape. The goal is to empower more women who wish to serve in leadership capacities in their synagogues. Visit <https://www.jofa.org/resource/women-in-leadership/> or contact [jofa@jofa.org](mailto:jofa@jofa.org) for more information.

## Partnerships and Collaborations

Jofa continues working with numerous partners and co-sponsoring events to expand the reach of our work. The long list includes Yeshivat Maharat, Columbia University/MOVE Coalition, JCADA, JCC in Manhattan, Hadassah, NCJW, Eshel, Porat, Yeshivat Chovevei Torah, NoShameOnU, and the Blue Dove Foundation.


Additional events and webinars in which Jofa has partnered include International Women's Talmud Day; a mental health awareness webinar with NoShameOnU; a Haggadah webinar with illustrator Jordan B. Gorfinkel; Pesah preparation with Yeshivat Chovevei Torah; and a PORAT program on "Welcoming Everyone to *Shul*: Why We Should Ensure Our Shuls Embrace LGBTQ+ Jews."

In March 2023, Jofa co-sponsored *Shabbaton Shivyoni* at the Princeton University Center for Jewish Life (aka, Princeton Hillel). Nearly 80 students from across the country were welcomed for a Shabbat focused on building a unique intercollegiate community that is halakhic, inclusive, and dynamic. Highlights included partnership *minyan tefillah* and *shiurim* with scholars in residence Rabbanit Leah Sarna and Rabbi Ethan Tucker.


**Jofa.**  
Jewish Orthodox Feminist Alliance  
In partnership with: **No Shame On U**  
END STIGMA. SAVE LIVES.

**MENTAL HEALTH: YOU & US**


Nearly 1 in 5 Jewish adults struggle with mental health conditions. Join us as we explore how we can be supportive individually and on a community basis.



**Dr. Anat S. Geva**  
Director of Strategic Initiatives  
No Shame On U



**Rabbanit Bracha Jaffe**  
Associate Rabba  
Hebrew Institute of Riverdale



**Daphne Lazar Price**  
Executive Director  
Jofa

Tuesday, January 24th, 12-1pm EST

## Local Community Events

Daphne Lazar Price is a contributor to the *Feeding Women of the Talmud, Feeding Ourselves* cookbook by Kenden Alfond, which profiles intriguing female talmudic figures, matched with plant-based recipes. With support from the Natan Fund, Jofa has offered local “Food for Thought” community events in Richmond, VA, Cherry Hill, NJ, and Silver Spring, MD, with additional



Food for Thought in Richmond, VA



Food for Thought in Cherry Hill, NJ

programs planned in New York and New Jersey, and a webinar with the author in November. Enthusiastic groups of women have nourished their minds, bodies, and spirits through discussing the stories of talmudic heroines, paired with a delicious sampling of dishes, to produce true “food for thought.”

In the spring of 2023, Dr. Laura Shaw Frank’s “The Way We Never Were” lecture in Silver Spring, MD, addressed the implications of nostalgia in Orthodox history. Laura is a member of the Jofa board.

## Jofa's 25th Anniversary

In May 2023, Ann and Jeremy Pava, trustees of Micah Philanthropies, hosted a *shiur* and dessert reception with Rabbi Herzl Hefter, *Rosh Yeshiva*, Beit Midrash Har’el, in honor of Jofa’s 25th anniversary. At the home of Jofa Executive Committee member Allie Alperovich, Rabbi Hefter spoke on “Tradition and Change: When Moral Intuition Conflicts with Societal Norms and *Halakhah*.” It was a warm, engaging, and inspiring evening for all.

For information on bringing a Jofa program to your community, or subscribing to our email updates, please visit Jofa’s website at [www.jofa.org](http://www.jofa.org), contact us at [jofa@jofa.org](mailto:jofa@jofa.org), and follow us on Facebook, Instagram, and LinkedIn.



Jofa board members enjoy a reception in honor of Jofa's 25th anniversary. L to R: Rachel Berke, Ann Pava, Mindy Feldman Hecht, Daphne Lazar Price.

## Increasing Awareness

Jofa's executive director, Daphne Lazar Price, is frequently asked to speak at events where she increases awareness of Jofa and its initiatives. This includes moderating panels, presenting at Limmud conferences, and keynoting Jofa Australia's first-ever conference. Daphne also represents Jofa at communal forums such as the first-ever gathering of Jewish women leaders at the White House, and she is frequently called upon for media comment on issues in the news that affect Orthodox women.

Jofa also continues using its communication tools—including its upgraded website, weekly email updates, social media, and blog postings—to raise Orthodox women's unique voices and experiences, share stories and Torah, and offer resources that inform and inspire. These communications offer perspective, insight, and reflection on issues relevant to Jewish Orthodox feminism, both here in the United States, and around the world.



Gathering of Jewish women leaders at the White House

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## Magnitude of the Moment *continued from page 3*

dedicated to serving those on both sides of the *mehitzah*.

Recently, my family and I had the privilege of spearheading an effort to dedicate a new *Sefer Torah* at our synagogue, Darkhei Noam, in honor of its 20th anniversary. This milestone moment gave me pause to reflect on how many girls and women have had their first *aliyah* at Darkhei Noam; how many girls and women have had the chance to dance with the Torah for the first time on Simḥat Torah; how many young girls have joined their male counterparts to lead *Adon Olam* at the end of davening on a typical Shabbat without thinking twice about it; and how many more girls and women will be able to carry, dance, read, and raise up this newly dedicated Torah.

Jofa's commitment is to normalize the undeniable value of such inclusiveness and continue to create more vibrant and equitable communities within the framework of *halakhah*. Let us strive and work together to build communities that are welcoming to all—for we all yearn to feel heard, included, valued—and connected.

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## Our History *continued from page 8*

have imagined. As Jofa continues into its second quarter century, it will continue to chart new ground for Orthodox women, ensuring the health and success of Orthodox communities into the future.

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*Laura Shaw Frank is the director of the William Petschek Contemporary Jewish Life Department at the American Jewish Committee (AJC), where she works on the thriving and resilience of the American Jewish community. She is a proud founding board member of Jofa.*

# The Next Frontier in the Orthodox Female Rabbinate

By Leah Sarma

The founding generation of Orthodox feminists believed they would not see Orthodox women rabbis in their lifetimes. They sowed the seeds and dreamed dreams for their great-granddaughters.

Amazingly, in 2009, all that changed due to the courage of Rabba Sara Hurwitz, Rabbi Avi Weiss, and their team of supporters. Since the founding of Yeshivat Maharat, scores of Orthodox women have been ordained in the United States and Israel. New ordination programs for Orthodox women seem to be popping up every year, with opportunities now at Midreshet Lindenbaum, Matan, Ein HaNatziv, Yashrut, Har'el, and more.

So, have we made it?

As a proud *musmekhet* of Yeshivat Maharat's fifth class, I can tell you that in some ways we have. My colleagues and I hold positions that would have been out of reach to women even a generation ago. We are members of rabbinic organizations in America and Israel. We teach and lead and write. The fact that, as a child, I dreamed of becoming an Orthodox rabbi (I wrote my high school senior thesis on the subject!), and then entered an Orthodox ordination program directly out of undergraduate studies is nothing short of miraculous.

This success belongs to so many people: all the Orthodox women and men in Jewish communities all over the world who fought for women's Torah education, synagogue leadership, and ritual inclusion, locally and institutionally. There is power in this movement. We have attained some extraordinary achievements.

## Time to Do More

Now it is time for us to do more. We can imagine bigger. We have built great things, and we must keep on building. I want to suggest three interconnected future frontiers for our movement of promoting women learners and leaders in the Orthodox community.

First, although we have created scores of rabbis, we have very few Orthodox synagogues led by women. The first cohorts of Yeshivat Maharat alumnae have been in the field for almost ten years, but they have not risen to senior ranks, unless they, like Rabbanit Dasi Fruchter and Rabbi Dina Najman, have built their own communities from scratch. There are women who are trained, experienced, and qualified for senior leadership positions in synagogues. Where are the synagogues who are ready to hire women as senior rabbis? For this to happen, we need an awakening of lay leaders and syna-

gogue board members. Is your senior rabbi approaching retirement? Now is the time to lay the groundwork so that when your synagogue next considers a senior hire, your community will be ready to consider a woman. If your community is growing, might you consider a co-senior position alongside a male senior rabbi? This model is starting to take root in other movements and finding success. It is time to try it out in ours as well.

Second, there need to be advanced post-*semikhah halakhah* learning opportunities for women. When it comes to rabbinic ordination, there are two levels. Currently, the institutions ordaining women are offering what is called *yoreh yoreh semikhah*. In conferring this degree, rabbis give written permission to their students to teach and advise in specific areas of Jewish law, such as *kashrut*, *niddah*, Shabbat, conversion, and lifecycle—ar-

areas of *halakhah* covered mainly in two sections of the *Shulhan Arukh* called *Yoreh Deah* and *Orah Hayim*. However, there is a second-level degree called *yadin yadin*, which covers the other half of the *Shulhan Arukh*: *Even HaEzer* and *Hoshen Mishpat*. This degree confers permission to judge.

At the moment, there are no learning programs that teach these areas of *halakhah* to women. That's a real shame, for two enormously significant reasons.

## Why It Matters

First, when it comes to monetary damages (the material covered in *Hoshen Mishpat*), it is relatively easy to make a halakhic argument that would permit women to serve on a *beit din* in those cases. Unfortunately, there are no women trained or qualified to create such *batei din*, but the possibility of one is thrilling.

Second, and perhaps even more crucially, the areas of law covered in *Even HaEzer* are all about women—marriage, divorce, *halitzah*, personal status. Whenever a *beit din* weighs in on these issues, women are involved, and it is almost always painful. Even in the absolute best-case scenario of a simple case and a gentle, ethical *beit din*, women face panels of all-male judges, often with no other women in the room. How many women walk into their Jewish divorce proceedings without any real understanding of what is entailed in the process? Just about every *halitzah* is a tragedy, and the educational resources available to the public are somewhere between meager and nonexistent. Women rabbis trained in these areas, though they might not be able to sit on



Rosh Yeshiva Rabbanit Hanna Godinger teaching at Yeshivat Drisha in Israel

the *beit din* themselves, would be able to knowledgeably support women going through these processes and advocate effectively and collaboratively when needed.

There need to be advanced post-*semikhah* *halakhah* learning opportunities for women.

I am not the first person to recognize that this is a problem. Thirty years ago, Rabbi Shlomo Riskin established *to'anut rabbaniyot* who work within the Israeli court system, and Maharat has created a Halakhah in Action fellowship to give women the beginnings of an education in these areas. But in truth, *yadin yadin semikhah* takes years of intensive, full-time study, and that course of study is offered nowhere to women today.

### Talmidot Hakhamim and Rashei Yeshiva

Finally, the most important frontier of all, in my opinion—and the most difficult to achieve—is the creation of *talmidot hakhamim* and *rashei yeshivah*. These women will have sat in *yeshivah* for more than ten years. They will have grown in their learning by investing their time in the most complex areas of talmudic study.

It is important to note that these areas are not to be found in a standard *yoreh yoreh* level *semikhah* curriculum. Indeed, in most traditional men's *yeshivot*, what we might call a “*semikhah* curriculum” is something one does on the side as professionalization, perhaps in pursuit of a job, but not how a person spends his core learning hours.

You might wonder, doesn't this sound a little bit ... *hareidi*? Do we really need women who study impractical, theoretical areas of the Jewish library that do not really prepare them to serve the Jewish people?

I would argue that, in principle, no area of Torah, no matter how arcane, should be off limits to women—and if there are no institutions that teach these areas to women, then they are effectively off limits. This type of study is what will produce women who are qualified to be *rashei yeshivah*.

The *rosh yeshivah* holds a particularly powerful place in today's Torah landscape, much more than what might meet the eye. When a layperson asks their rabbi a question, the rabbi might seek advice as to how to answer. More often than not, the first person the rabbi turns to is a *rosh yeshivah*. The *rashei yeshivah* are all men. Even women rabbis look to male *rashei yeshivah* for advice.

### Imagine a World

Imagine a world where community rabbis were passing along their most difficult questions to women. What could be different about that world? Potentially, quite a lot. Here's an example. We typically think that *agunot*

are freed by the actions of a *beit din*. That is sometimes true, particularly when *batei din* manage to compel husbands to show up and give a *get*. But some of the most powerful methods of freeing *agunot* (including many of those used by the International Beit Din) can actually be effectuated by a single rabbi. The challenge is that the *agunah* is not truly freed unless people respect the ruling of said rabbi, for her freedom depends on communities regarding the former *agunah* as now truly single. But if community rabbis around the world were asking a woman their questions regularly, surely they would believe her when she declared an *agunah* freed as well.

This is why my teacher, Rabbi David Silber, founder and dean of the Drisha Institute for Jewish Education, often says, “When there are women *rashei yeshivah*, the *agunah* problem will be resolved.” He has put his money where his mouth is: In 2018 Drisha founded a *yeshivah* in Israel where women truly can sit and study advanced levels of Talmud for years and years.

But the existence of an institution alone cannot bring the necessary change. That will come when our absolute best and brightest young women are taught to believe that their time, energy, and intellect should be directed toward decades of advanced Torah study. It's a hard sell in the Modern Orthodox community—everyone knows that the very same intellect could be deployed in much more lucrative and comfortable ways. Well-meaning parents and teachers often push girls away from Torah and toward coding or medicine out of concern for their [economic] futures. Young women need communal and

Now it is time for us to do more.  
We can imagine bigger. We have built great things,  
and we must keep on building.

peer support to see Torah as a potential future for themselves. Finding and encouraging young female talent needs to be the job of everyone in our ranks. Is there a girl in your community (or your home) who has a talent for Torah? Through small comments and encouragement, you could be the person in her life who shows her that her learning and service to the Jewish people matter. You could be the person who sends age-appropriate learning, teaching, and writing opportunities her way. You could help her develop a vision for her future self that aims at Torah excellence.

Orthodox feminists have achieved so very much in the past twenty-five years. At this special anniversary, let us set our sights even higher.

*Rabbanit Leah Sarna is a musmekhet of Yeshivat Maharat and faculty and director of teen programs at Drisha Institute for Jewish Education.*

# Women Saying Kaddish: Are We There Yet?

By Deborah Wenger

My mother, ז"ל, died almost forty years ago; my father, ז"ל, four years ago. Although, figuratively, there has been a tenfold improvement between then and now in the status of women saying *Kaddish*, we still have a long way to go.

Forty years ago, even in the Modern Orthodox community in which I lived at the time, it was practically unheard of for women to say *Kaddish*. During the *shivah* for my mother, I had asked to say *Kaddish*. “Why? You have a brother to say it,” was the answer I received. After the *shivah*, no *shul* would allow me to say *Kaddish* either. Again, I had a brother to say it, so we were “covered.” At the same time as my *shivah*, a good friend, who was an only child, was also sitting *shivah* for a parent. She, too, wanted to say *Kaddish* but was denied the chance. Her husband had to ask permission from his parents, who were still alive, to say *Kaddish* for his father-in-law. Meanwhile, I sat quietly while my brother said *Kaddish*; I was unable to do anything during *shivah*, *shloshim*, or at all during the year—nor was I able to mark my mother’s *yahrzeit* in any way but lighting a solitary candle in her memory.

Document the *shul*’s position on women saying *Kaddish*, and have the rabbi, *gabbai*, and/or *shul* president publicly reiterate this position periodically.

I don’t recall exactly when I came out of my shell and started reciting *Kaddish* in *shul*. It was probably during the early 2000s; my son had gone off to college, and I was free to start going to a *shul* that was more amenable to women saying *Kaddish*. In fact, I found two: One just accepted my reciting *Kaddish* as any man would do; in the other, the rabbi noted that I was saying *Kaddish* for my mother (or my mother’s parents, who outlived her, so I made it a point to say *Kaddish* for them as well) and exhorted other members of the *shul*—both men and women—to try to do so for their family members as well. However, this was also the *shul* where the rabbi had to forcibly remove a man from the (small) *ezrat nashim* so that I could *daven* in peace. We still had a long way to go.

Fast-forward to 2019, when my father passed away at age 95. I was now living in a community in which I really felt at home, where women had more visibility and more opportunities to participate in services, from occasional women’s Shabbat *minhah* services to women’s Torah readings on Simhat Torah and for all five *megillot*. When I was sitting *shivah* for my dad, even though I was sitting alone (my only sibling now lives in Israel), there was no question that there would be a

*minyan* at my house for the entire *shivah* period—where I would be joined by a few other women—and that I would be able to say *Kaddish* for the entire year. During the *shivah*, I kept the 2011 Jofa book, *A Daughter’s Recitation of Mourner’s Kaddish*, in a prominent place on my coffee table as a reference for anyone who had a question, and several visitors did take a look. But the most eye-opening moment during *shivah* came from a visit by Rabbi Adam Starr, *mara d’atra* of Congregation Ohr HaTorah in Atlanta, who was surprised to learn that back in the 1980s it was not common for women to recite *Kaddish* at all. In a way, his reaction was an affirmation that we have indeed come a long way.

Following this visit, Rabbi Starr wrote on his Facebook page:

I just returned from a *shivah minyan* for a woman from our *shul* who is sitting *shivah* for her father. We have made *minyanim* at her home morning and evening so that she could say *Kaddish* throughout *shivah*. Joining her at the *minyan* were two other women also saying *Kaddish*, one who is reciting *Kaddish* for the 11 months following her father’s passing, and the other was my mother, who is marking the *yahrzeit* for my beloved grandfather. The women in my community have organized that there will always be another woman at the *minyan* to support this woman saying *Kaddish*.

While I was being *menahem avel*, the woman sitting *shivah* shared with me that she lost her mother in 1983 and was forbidden from saying *Kaddish*. She was not allowed to say *Kaddish* at the *levayah*, nor during *shivah*, even along with male relatives, nor during the 11 months at any of the *shuls* ... where she lived.

It is hard to argue that things do not evolve in Orthodoxy when contrasting the two *shivahs* 35 years apart. We obviously do not change *halakhah*; at the same time, we must recognize that just because something may be new and different does not make it forbidden. This is clearly seen as it relates to women saying *Kaddish* in the Modern Orthodox world, which is pretty much a given now and very much mainstream. In fact, as is the case with women saying *Kaddish*, it is not only not forbidden—it actually reflects a deep and profound expression for religious connection and devotion. ... Women saying *Kaddish* are a great example of something that is now widely practiced that once had strong voices against. Often, time is the greatest determinant as to what will ultimately become the norm in terms of acceptability.

## We’re Not There Yet, Though

Problem solved, right? Not quite. For one thing, as many readers will attest, not every *shul* is as welcom-

ing to women saying *Kaddish* as mine is. Furthermore, even *shuls* that say that women are “allowed” to say *Kaddish* often place restrictions on the practice, such as making women recite *Kaddish* quietly—thereby making it impossible to have anyone say “amen” to their *Kaddish* recitation—or skipping *Kaddish* altogether if there is no man saying *Kaddish*, as a friend said happened to her on occasion.

I went to Israel for a week to observe the *shloshim* for my father. Before I went, I asked women who lived near where I would be staying if there were women-friendly *minyanim* in the neighborhood. I received several recommendations, only to find that in these *shuls* I was waved into a side room—once, into a kitchen—where I was essentially ignored. Although no one tried to stop me, these were not pleasant experiences. My most comforting time came at a *minyan* on my brother’s front porch, where I joined in *Kaddish* with his next-door neighbor, who said she also liked this safe space. But several women in Israel, as well as many in the United States, told me that they had difficulty finding a *shul* that was welcoming in every way.

Judging from my own experiences, as well as those of other women, I have come to appreciate that the *shul* I currently attend is a prime example of how to treat women properly—but even here, we still have a way to go. A friend whose period of *Kaddish* overlapped with mine appreciated “men lowering their voices during *Kaddish* so I could be heard; men standing near community outsiders to make sure they respected my *Kaddish*. The sense of community—having women with me and the men looking out for me.” Nevertheless, she also observed some negatives: “Being shouted over so no one could hear me and say the requisite responses; non-community members saying *Kaddish* at a pace that no one, male or female, could keep up with. Men walking out when I said *Kaddish*.” Yes, that happened even in our progressive *shul*.

## Shuls Can Do Better

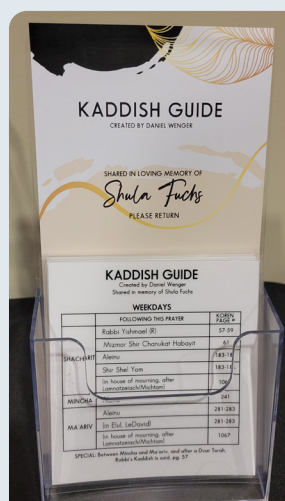
During my *Kaddish* period, there were sometimes five or six women in *shul* saying *Kaddish* with only one or two men, or sometimes no men saying *Kaddish* at all. Although the women were able to say *Kaddish* on their own, this continued to bother some men. The women in the “*Kaddish* club” listed our concerns and proposed a number of recommendations to make our experience easier. To the credit of Rabbi Starr, most of these recommendations were accepted and have now become part of *shul* policy.

Other *shuls* can do the same. The box next to this article shows a number of ways in which Modern Orthodox *shuls* can help women get through this very difficult period in their lives. (My thanks to all the women who contributed ideas to this list.)

## How Shuls Can Be More Receptive to Women Mourners

The following are ways in which a *shul* can help women—and all mourners—with their *Kaddish* experience:

- Document the *shul*’s position on women saying *Kaddish*, and have the rabbi, *gabbai*, and/or *shul* president publicly reiterate this position periodically.
- Put up a sign at the entrance to the women’s section stating that this space is for women only, and that men are not permitted to *daven* there, even when no women are present.
- Set up a process by which women can sign up to accompany women at *minyanim* during their *shivah* and *shloshim* periods so they will not be alone. In my *shul*, we generally do this with a Google doc in which women can sign up for various days.
- Produce a “cheat sheet” that lists the points in the various services at which *Kaddish* is said, and on what pages in the *siddur* (if the *shul* uses one particular *siddur*) the *Kaddish* can be found, so women won’t be fumbling to find the place when *Kaddish* starts. One mourner, Terry Cohen, started this in our *shul*; the card is available to both female and male mourners, as many men aren’t accustomed to all the ins and outs of daily *davening* either.



“Cheat sheets” for mourners indicating when to say *Kaddish*, from Ohr HaTorah in Atlanta.

- If the *shul* has an email or WhatsApp group for *minyan* schedules and other matters relating to *minyanim*, include women in this group. Women often want to attend a daily *minyan* for reasons other than saying *Kaddish*.
- If there are no men saying *Kaddish* on a given day, do not skip over this spot in the *tefillah*; allow women to say it alone. Some *shuls* have a man say *Kaddish* in these cases, whether there are women saying it or not. The acceptable practice should be decided by the *mara d’atra* of the *shul*.
- Do not allow men to either drown out women’s voices or rush through *Kaddish* so quickly that women (and other *daveners*) cannot keep up. If a man persists in such actions, the rabbi or *gabbai* should reiterate the *shul*’s position to him.
- Get day schools involved, allowing mourners to serve as role models for the students. Dr. Chanie Steinberg often *davens* at her children’s school and noted, “I was *davening* on Yom Hashoah with seventh and eighth graders and the rabbi asked if I wanted to say *Kaddish*. I did [it] myself and it was very respectful—which was a good teaching point for the kids.”

continued on page 26

# Solutions to the Agunah Problem: Looking Back Twenty-Five Years

By Esther Macner

In this retrospective, I will draw on my decades-long experience working with *agunot*, first as a New York City trial attorney and then as the founding director of Get Jewish Divorce Justice (GJDJ) in Los Angeles (since 2012) to analyze the emerging solutions both from secular law and from within the Orthodox or Israeli rabbinic establishment, and the juxtaposition between them, and will make suggestions for future actions. I will limit my discussion of Israel and Europe to laws that directly affect the *agunah* plight in the United States. I use the gender pronoun “she” and the term *agunah* to refer to the spouse who is unjustly denied a *get*, even though men also suffer from *igun*—but do so at far lower rates.

## Coercive Control Legislation

The term “coercive control (CC)” was coined by Dr. Evan Stark, who found that domestic violence laws did not effectively predict or prevent femicide or violence

<sup>1</sup> Stark, E., *Coercive Control*. New York: Oxford University Press (2007).



against women.<sup>1</sup> Rather than focusing on discrete crimes of assault on which traditional domestic violence laws were based, the recognition of CC shifts the model of liability to an underlying pattern of conduct by the abuser meant to subordinate the will of the victim, with or without physical assault. CC includes a calculated pattern of intimidation, isolation from all social supports, deprivation of necessities, and control of

the victim’s movements and finances.

As of 2010, laws had been enacted in several European countries criminalizing psychological abuse within marriage, but were not applied to *get* abuse until 2020 in the UK. In 2020, using the criminal CC law (UK Serious Crime Act, 2015), barristers Gary Lesin-Davis and Anthony Metzger prosecuted two *get* refusers who had manipulated the granting of a *get*. In one case, the husband gave the *get* on the eve of trial—a stunning achievement. In another case, the *get* refuser was convicted and is currently serving an 18-month sentence, but still refuses to give the *get*. In the latter case, there was a backlash from the UK rabbinic courts because under Jewish law, a man may not be coerced by a non-Jewish court to give a *get*, and any resulting *get* is deemed invalid (*get me’useh*). Moreover, one may not sue in a gentile/secular court without the express permission of a rabbinic court (*heter arkha’ot*). To overcome this objection, a woman needs to obtain from a rabbinic court a prior ruling that the husband is compelled to give the *get* (*hiyuv get*) so that she is, in effect, acting as an agent of the rabbinic court in her prosecution in the non-Jewish court.

In 2020, the UK cases encouraged me, on behalf of GJDJ, to lobby for the passage of a CC bill in the California legislature, specifically arguing that *get* refusal is part of the pattern of CC that constitutes domestic violence under California family law. To avoid any constitutional violation of the separation of religion and state, we maintained that the legal violation at issue was not the actual refusal to grant a religious divorce, but rather the use of that refusal as a tactic of intimidation that causes insidious emotional impact to the victim. The bill, enacted on January 1, 2021 under Cal. Fam. Code §6320 (C)(a), defines CC as “a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty.” Of course, the law does not enumerate religious divorce in the list of examples of CC, but the description of CC behavior

I believe  
that systemic  
solutions that  
are within  
halakhah must  
be used.

Women Saying Kaddish *continued from page 25*

We must all strive to eliminate as many roadblocks as possible and make the Kaddish experience more enlightening and comforting to all mourners, not just women.

Another woman I interviewed summed up her Kaddish experience by saying that it was “enlightening, challenging, and comforting. Enlightening in that I came to understand firsthand the obligation of *aveilut*. Challenging in going to *minyan* multiple times a day, staying motivated, and dealing with the gender issues—e.g., my car counted more than I did: One morning I walked in and the men groaned, ‘We saw your car and it meant we had ten, but then you walked in and we still have nine.’ Comforting in that I had others who were going through the same experience and we understood and could commiserate together.”

We must all strive to eliminate as many roadblocks as possible and make the Kaddish experience more enlightening and comforting to all mourners, not just women.

*Deborah Wenger, a freelance editor living in Atlanta, is the publications manager of the Jofa Journal.*

provides secular legal language to describe *get* abuse. Since the passage of the bill, I (working with GJDJ) have educated California *agunot* and their attorneys on how to use the law effectively. In February 2022, a California trial court ruled that a husband's refusal to give a *get* was part of a pattern of his controlling behavior and issued a restraining order against him and denial of custody (2022 Cal. Super. LEXIS 87063). He executed the *get* the same day. In another GJDJ case, the *get* refuser granted the *get* on the eve of a hearing. In both cases, the *agunah* had a prior ruling of a rabbinic *seruv* or a *hiyuv get*. My hope is that courts for whom the mention of a religious matter would be deemed entirely inappropriate will consider *get* refusal as part of the pattern of CC.

Note that the relief available in such cases is limited to the basic domestic violence remedies in California—that is, the granting of a restraining order, a presumption against granting custody to the abuser, and enhanced spousal support. It does not require a man to give a *get*, but incentivizes him to do so, and is not a criminal statute, unlike the UK CC law discussed earlier.

### The New York Get Laws Compared with CC Laws

In my analysis, CC encompasses three aspects of *get* abuse. It is a liberty offense by depriving the spouse of personal liberty and autonomy; a form of contract fraud by misusing the power differential between the parties to obtain illegitimate benefits; and a form of domestic violence, as discussed previously.

The first two aspects of CC are addressed in the New York *get* laws. The first (DRL §253) denies the right to seek a divorce to a spouse who refuses “to remove the barriers to remarriage” of the other spouse, thereby depriving the spouse of personal liberty and autonomy. The term “removal of barriers to remarriage” serves as the secular legal language that describes *get* refusal, in the New York and UK divorce statutes. The equitable civil remedy is to deny civil divorce to a *get* refuser when he is the one petitioning for the privilege of divorce.

The second of the New York *get* laws (DRL §236 B (5)(h) and (6)(d)(o)) addresses contract fraud, in which there is oppressive bargaining or extortion to obtain financial or custodial benefits to which the husband is not entitled—such as marital property, spousal support, monetary payoffs, custodial rights, or demands to withdraw a restraining order or criminal charges. When there is evidence of such demands, the court, under equitable distribution principles, may allocate a lesser—or no—portion of the marital property to the abuser. Furthermore, the court may award enhanced or lifetime maintenance until the *get* is given, in part due to the compromised economic prognosis of the spouse who cannot remarry and benefit from a second income.

Neither of these two New York laws focuses on the emotional impact of *get* abuse as rendering “domestic violence” upon the victim. The California law encompasses all three aspects of *get* abuse, but from the prism of “domestic violence.” Moreover, under the CA law, *get* abuse

is viewed as part of a pattern of abusive conduct, and the law does not focus on the singular failure to do a religious act; as such, it is less likely to be challenged as a violation of the constitutional separation between religion and state. In contrast, in 2017, a New York court held that the use of the second *get* law by an *agunah* to obtain an increase in spousal support was an unconstitutional use because there was no evidence that the husband was withholding the *get* to extract economic concessions, but rather because of his own Jewish religious beliefs (*Masri v. Masri*, 50 N.Y.S.3d 801, NY Sup.Ct.2017). The case sent shivers through the *get* refusal prevention community. Similar decisions have followed.

In addition, the provisions of the California law are less likely to be viewed as “coercing” the granting of the *get* per se but as part of a pattern of controlling behavior—thereby avoiding the potential halakhic invalidity of a coerced *get* (*get me'useh*). As such, the controversy surrounding some *gitten* obtained through the UK law is less likely to be raised. However, the remedies available through the California statute are limited to those available in civil domestic violence cases—namely, obtaining a restraining order, custody, and increased spousal support. It does not provide for incarceration, which would be permitted under the UK criminal law, or a redistribution of marital community property, which is allowed under the second New York *get* law.

Currently, CC statutes have been enacted in Connecticut (2021) and Hawaii (2020), and bills are pending in many states, including Illinois, New York, Maryland, New Jersey, and Florida. To date, *get* refusal as a form of CC has been prosecuted only in California, but I would encourage *agunah* activists and attorneys to prosecute such claims wherever applicable.

I would also urge New York activists to sponsor a civil rather than a criminal CC bill, because, unlike in the UK and other European countries that do not have a constitution, criminalizing CC in New York may be challenged as violation of due process if found to be “vague” or “overbroad.”

### The Impact of Israel's Foreign Nationals Law on U.S. Agunot

Israeli legislation permits the sanctioning of *get* refusers through freezing of their professional or driver's licenses, seizing assets, incarceration, and more. The Israeli Rabbinic Court (IRC) has accepted these sanctions as

The Beit Din of America's Jewish Prenuptial Agreement has been successful in deterring *get* refusal and has been upheld in civil courts as a valid and enforceable neutral arbitration agreement.

*continued on page 28*

## Solutions *continued from page 27*

noncoercive in the *get* process, such that any resulting *get* is viewed as valid. However, these sanctions applied only to Israeli citizens until the amendments to the Marriage and Divorce Law, 5713-1953 (4b *et al.*) in 2005, 2018, and 2021. These amendments extend the IRC jurisdiction over *get* refusers to non-Israeli citizens or foreign nationals, in a two-pronged fashion: (1) over their person once they set foot on Israeli soil (*tzav ikuv*), and (2) over their assets that are located in Israel (*tzav ikul*).

The law applies only to women seeking a *get* who married in accordance with Orthodox Jewish law and who have summoned the husband for the *get* in a diaspora rabbinic court, but he has failed to appear for a period of four months; or if a period of six months has passed since the rabbinic court ruled that he is obligated to give the *get* and he has failed to do so; and a civil divorce decree or action was filed in civil court in her country of origin. The jurisdiction of the IRC is limited to the issue of the *get* and not to matters ancillary to civil divorce, such as distribution of marital assets or custody; the latter remain within the jurisdiction of the foreign civil court. However, the IRC has the

power to impose sanctions and marital maintenance (*mezonot*) for as long as he refuses to comply with their rulings. Since 2018, many non-Israeli men have given the *get* when faced with the possibility of being detained in Israel because of this law.

The fact that many *batei din* in the diaspora do not send a formal summons (*hazmanah*) is problematic, because the forty-day period that triggers the assumption of jurisdiction is not recorded. In addition, most *batei din* do not issue a ruling of *hiyuv get* in the absence of the *get* refuser, but only issue a *seruv*, for failure to appear. Rather, they prefer to negotiate through informal meetings and telephone calls. Some

state that *hazmanot* and *seruvim* that are ignored undermine their authority and do not achieve practical results in any case. The only diaspora *beit din* that issues a *hiyuv get* when the *get* refuser fails to appear is the International Beit Din, discussed later.

In my work, if I am aware of a *get* refuser who may be visiting Israel, I contact the *Agunah* Department of the *Rabbanut* and instruct the *agunah* to open a file for the *get* in the IRC, with the help of Israeli organizations.

Once the *get* refuser arrives, he is summoned to the IRC to address the *get* and is not permitted to leave the country, by way of a detention order (*tzav ikuv*), until he complies or authorizes the IRC to assign an agent in the *agunah*'s local community to retrieve the *get*. In most cases, the *agunah* must argue the case in person; therefore, travel to Israel would be required.

When the *get* refuser is an Israeli citizen, jurisdiction over him is automatic and the conditions described previously are not required. As such, as long as he is properly served in the diaspora, his assets may be frozen if he fails to comply with the IRC rulings, and he must appear in person or through an attorney to defend or appeal his case.

These are aggressive laws assumed by the State of Israel under the mantle of serving diaspora Jews in distress, wherever they may be. This development underscores the relative powerlessness of diaspora *batei din* to resolve intransigent cases of *get* refusal. This is especially relevant in the United States, where a court cannot constitutionally enforce an agreement to give a religious divorce, even if signed by the parties and court. The court can only enforce an agreement to resolve the issue of the *get* before a designated *beit din* as an arbitration forum where there is a prenup or arbitration agreement.

### The Beit Din of America Jewish Prenuptial Agreement—Standard Version

The JPN is enforceable as an arbitration agreement. Arbitration is a method, born out of contract law, in which disputing parties freely choose to vest authority in a designated person or panel to pass judgment on their respective claims outside the civil courts. Moreover, the parties choose which laws, if any, will govern. A *beit din* is an arbitration forum recognized in American law, whose judgments (*piskei din*), termed “awards,” will be enforced in the civil courts just as any judgment adjudicated by a civil court judge would be.

By 1997, the Beit Din of America (BDA) had published a Jewish Prenuptial Agreement (JPN) comprising two parts: (1) a “binding arbitration provision” that required the parties to submit any dispute regarding the status or dissolution of the Jewish marriage by way of a *get* to arbitration in a rabbinic tribunal and (2) a “prenuptial agreement” (*tenaim achronim* or post-marital conditions of marriage) based on a formula that concretizes the halakhic obligation of *mezonot* (support) incumbent on a Jewish husband to his wife for so long as they are deemed married under Jewish law. That obligation is specified in the agreement as \$150 per day, thereby providing the husband with an incentive to give the *get* promptly or accumulate a debt that could be enforced as a money judgment in secular court.

The BDA prenup is meant to overcome the halakhic requirement that a *get* must be given voluntarily and not as the result of coercion, financial or otherwise. Whereas leaders in the *hareidi* community deem the imposition of a daily fee to be a penalty (*k'nas*) for refusing to give the *get*, even where it is self-imposed

Once a *get* refuser arrives in Israel, he is summoned to the IRC to address the *get* and is not permitted to leave the country, by way of a detention order (*tzav ikuv*), until he complies or authorizes the IRC to assign an agent in the *agunah*'s local community to retrieve the *get*.

(*k'nas atzmi*) by way of a prenup, the BDA and many leading halakhic authorities maintain that the daily fee (*mezonot*) is not a penalty but rather the husband's *halakhic* support obligation as stated in the *ketubah*, for so long as they are Jewishly married. Accordingly, the support obligation is not reciprocal; only the husband pays the fee for noncompliance.

In 1997, there was only one version of the BDA JPN for all U.S. states. The prospective couple could choose to submit to the BDA only for the issue of the *get* or to have the *beit din* also adjudicate financial and/or custodial matters, in accordance with Jewish law and equity or the civil laws of equitable distribution (New York) or community property laws (California).

### The BDA California JPN (2014)

In 2012, I spearheaded the drafting of revisions to the standard form of the JPN to conform with California law, with the assistance of Alexandra Leichter. In 2014, the BDA published a California version of the JPN that differs from the standard version in the following ways: (1) the *beit din* is authorized to adjudicate only the issue of the *get* and not financial or custodial matters ancillary to divorce; (2) the daily *mezonot* fee of \$150 per day is reciprocal, meaning that neither spouse pays the other unless and until one summons the other to the *beit din* for a *get* and the other refuses to appear. This fee accumulates as a debt to the refusing spouse. The document is characterized as an arbitration agreement and not as a regular financial premarital agreement that must conform with the California Premarital Agreement Act (CA PMA). Under the CA PMA, any agreement that seeks to modify spousal support is invalid unless both spouses have their own attorney before signing and complete financial disclosure must be exchanged. Moreover, the agreement must have mutuality or reciprocal terms to be valid and enforceable.

The CA JPN is enforceable in the rabbinic and secular courts of any state. In fact, it is preferred by couples who want to adjudicate financial, support, and custody matters in civil court and to submit the issue of the *get* only to the *beit din*. It is also preferred by anyone wary of signing an agreement in which only the husband is held accountable for delaying a *get*.

The BDA's JPN has been successful in deterring *get* refusal and has been upheld in civil courts as a valid and enforceable neutral arbitration agreement, overcoming constitutional challenges of violating the separation between religion and state. It is endorsed by many leading rabbis as well as the Rabbinical Council of America (RCA) and has served to raise the consciousness of the plight of the *agunah*. However, it has not been embraced by the *haredi* community, for reasons that are both values driven and arguably halakhic, as discussed next.

### The Yashar Heskem—Prenup for the Diaspora Haredi Community

In 2020, the *Yashar Heskem* agreement (*Heskem*) was promoted by Eli Goldbaum as a binding arbitration

agreement deemed kosher by leaders of the *haredi* community, such as Rav Shlomo Miller and Rav Moshe Sternbuch in Israel. Unlike the BDA's JPN, the *Heskem* does not provide any financial consequences to the *get* refuser for failure to appear promptly before the *beit din* when summoned. The endorsers of the *Heskem* deem the daily *mezonot* payments to be financially coercive, which would render the resulting *get* invalid as a *get me'useh*.

Moreover, the *Heskem* assures that the couple will not sue in secular courts by submitting adjudication of all matters ancillary to divorce—namely, support, property distribution, and custody (except where custody is not arbitrable by law)—to be decided in accordance with *halakhah*. Furthermore, the prospective couple must stipulate that they will raise their children in a kosher and Sabbath-observant home if they divorce.

A caveat of using the *Heskem* is its exclusive use of *halakhah* as the governing law. *Halakhah* does not recognize marriage as an economic partnership with a presumption of an equal sharing of the assets accumulated during the marriage. Moreover, spousal support of the wife ceases upon the giving of the *get*. The husband is obligated to continue to support the children and their education. The wife is entitled to receive only her separate property that she brought into the marriage, inheritance monies, and the principal of her own earnings, if any.

The main benefit of the *Heskem* is to avoid drawn-out litigation in both rabbinic and civil courts, with their concomitant expense and turmoil, especially when children are involved. The very act of signing a prenup that designates a specific *beit din* expedites the divorce process by preventing a *get* refuser from engaging in “*beit din* shopping” or choosing a corrupt *beit din*. In addition, the *Heskem* authorizes the *beit din* to proceed in the absence of a spouse as an incentive for a recalcitrant spouse to appear or bear the consequences of a judgment without benefit of his or her testimony. Moreover, the *Heskem* requires the setting of a timely schedule for finalizing the proceedings and, at the first session, it requires the making of interim payments that are necessary for the continuation of the household. These provisions can prevent some egregious loopholes in the *beit din* process for couples who would not otherwise avail themselves of the secular courts.

### The Tripartite Agreement

In 2004 (revised in 2017), Rabbi Dr. Michael Broyde

The International Beit Din is a lifesaver for women who live in communities where the local *beit din* does not issue a summons unless they know that the husband will cooperate.

*continued on page 30*

## Solutions *continued from page 29*

proposed the Tripartite Agreement, which is based on a halakhic formulation of conditional marriage that, if adopted, would truly solve the *agunah* problem. It is named tripartite because of its reliance on three halakhic mechanisms: (1) the marriage exists only on condition that the couple are living together; (2) if they fail to fulfill this condition by living separately for over 18 months, the breach triggers the husband's advance authorization to any observant Jewish males to form a three-person *beit din* to give his wife a *get*; and (3) it requires a *beit din* to implement the agreement and supervise the process. It is self-effectuating in that it works without any intervention from the secular court, unlike the JPN.

It is an elegant solution, but it has not been adopted by mainstream Orthodoxy, although it has been endorsed recently by Dr. Rachel Levmore. I advise young couples to sign both the JPN and the Tripartite Agreement as a backup in the event that the husband disappears or is intransigent in his refusal.

### Public Shaming: Grassroots Social Media Influencers

By 1997 Yeshiva University students, spearheaded by Josh Ross, led informal public demonstrations against *get* refusers with the permission of Rav Hershel Schachter. These were appropriate cases of recalcitrance

warranting sanctions, according to the *Harhakot of Rabbeinu Tam*. In 2002, the Organization for Resolution of Agunot (ORA) formed and has effectively used the threat of social media public shaming campaigns to persuade many *get* refusers to give the *get* or suffer the consequences of widespread public outrage.

In 2021 Orthodox and *haredi* women who had thriving businesses as social media influencers took up the cause of several *agunot*,

which went viral and succeeded in getting their *gets*. However, many of these private influencers were sued for defamation, and although the suits were not successful, it created a chilling effect on these grassroots social media campaigns. Persons who make a living through social media, unlike *agunah* organizations, cannot absorb the cost of litigation. The threat of lawsuits against the influencers is meant to undermine their First Amendment rights to freedom of expression and assembly. When a *beit din* has declared a spouse to be a *get* refuser, public shaming is a valid form of expression and an obligation both halakhically and civilly.

The marriage may also be deemed invalid if the groom fails to disclose to his bride, whether intentionally or unintentionally, that he has a major defect (*mum gadol*).

### Rabbinic Halakhic Solutions: The International Beit Din (IBD)

The IBD was established by Rav Simcha Krauss, z"l, in 2014 with a commitment to resolve the most challenging cases of *get* refusal using halakhic solutions that are, unfortunately, rarely used by *batei din* today, such as voiding marriages. Procedurally, the IBD adopted the method of the Israeli *Rabbanut* in bifurcating its rulings—first addressing whether and to what degree a *get* is obligated, and thereafter any other claims the parties have submitted. Thus, the IBD issues a *hazmanah* to the spouse to appear at an evidentiary hearing, in person or virtually. If he does not respond, the *beit din* will conduct a hearing in his absence, with the *agunah* and relevant documents and witnesses, resulting in a *p'sak* (ruling) as to whether there is an "obligation to give a *get*" as a *mitzvah* (*mitzvah l'garesh*) or the more severe requirement of *hiyuv get*. Whereas other diaspora *batei din* merely issue a *seruv*, the IBD issues an actual *p'sak*. Such a ruling is halakhically significant in that it prohibits the *get* refuser from delaying the giving of the *get* for any reason, such as resolving the financial or custodial disputes first, or from making any conditions before granting the *get*. Such delays and conditions are the frequent subtext of *get* extortion. Moreover, such a *p'sak* serves as grounds for invoking coercive control claims in civil court and also triggers the 60 days of non-compliance requirement for the IRC to take jurisdiction over a non-Israeli *get* refuser, if he visits Israel.

Thereafter, if he does not comply, the IBD further deliberates as to whether there are grounds for voiding the marriage, thereby freeing the *agunah* to remarry without a *get*. Such grounds include a defect in the wedding ceremony (*kiddushin*), such as the status of the officiating rabbi or the designated constitutive witnesses being deemed invalid because they were not Torah observant or were close blood relatives to either the bride or groom.

The marriage may also be deemed invalid if the groom fails to disclose to his bride, whether intentionally or unintentionally, that he has a major defect (*mum gadol*). If this defect is later found, the marriage can be deemed to have been entered into under false pretenses (*kiddushei ta'ut*) and can be voided on this basis. Examples of major defects include the finding of a preexisting mental health condition or physical defect, such as schizophrenia, impotence or the refusal to have children, homosexuality, sexual sadism, or an undisclosed criminal record.

Another basis for voiding a marriage that is rarely used and is applied in conjunction with other halakhic grounds is an *umdana demukhab*, or assessment of the wife's original expectations regarding her husband's mental status. For example, if the husband developed severe psychological problems during the marriage, a *beit din* can make the assessment that had the wife known prior to the marriage that her husband would become mentally dysfunctional, she never would have married him. This breach can be attributed to

the marriage contract in the first instance, based on the latent existence of the defect in the husband and, therefore, in the marriage contract.

All of the above solutions are not novel; they are within the halakhic corpus and have been used throughout the diaspora and in Israel, but infrequently. From 1997 until 2006, Rabbi Emanuel Rackman freed *agunot* by voiding marriages, but in 1997 Rav Joseph Ber Soloveitchik vehemently opposed implementing these principles. He stated that a presumption in the Talmud that women would prefer to be married under any conditions (*tav l'meitav tandu*) was an existential category depicting all women, and thus seeking to void a marriage was futile. This position differs most notably from that of Rav Moshe Feinstein, who maintained that such a presumption did not apply to all women and was subject to sociological changes or communal norms. Nonetheless, Rav Gedalia Dov Schwartz, the former head of the Beit Din of America, freed women on the above principle from 2009 until 2014, working with Agunah International Inc.

The IBD has improved upon the above prior efforts by *batei din* by publishing its decisions, delineating the facts, halakhic bases, and precedents upon which its decisions rely. The IBD, through its teaching institute, also engages rabbis and *dayanim* in studying the *p'sakim* and their methods so that other *batei din* may implement similar methods in freeing *agunot*.

The IBD does not charge a fee for assisting women or men who are in need of a *get*. Although their *p'sakim* have not been recognized by the *Rabbanut*, there are Orthodox rabbis who would perform a marriage for a woman who has obtained a release to remarry (*p'tur*) from the IBD. Moreover, an IBD *p'sak* is recognized by the *Rabbanut* for the purpose of triggering the Israeli Foreign Nationals Law. Several IBD *p'sakim* have been successfully used to leverage the giving of the *get* when the refuser realizes that he no longer wields control of his estranged wife's destiny.

Finally, the IBD is a lifesaver for women who live in communities where the local *beit din* does not issue a summons unless they know that the husband will cooperate. These women may not even open a file requesting a *get* and have no access to a *beit din*.

I believe that systemic solutions that are within *halakhah* must be used. It is my hope and prayer that the methods the IBD employs will be studied and become normative among mainstream Orthodox rabbinic courts and authorities.

## Conclusion

At the core of any solution to *get* refusal is the recognition that marriage in Jewish law is essentially conditional. The conditions may be implied or expressed in a written agreement. The conditions are delineated in the Torah, the Mishnah, the Talmud, and responsa literature. After all, if marriage were not conditional, divorce would not be permitted at all (as in Catholicism). If the conditions are not met, there are grounds for divorce and, in certain circumstances, grounds to invalidate the marriage. This is the basis for the halakhic solutions delineated previously and those implemented by the IBD. If these systemic solutions were widely accepted, the insidious power of the *get* refuser would be greatly diminished, as would the manipulation of the *agunah*.

Meanwhile, we continue to seek and implement legislative and contractual solutions that deter *get* refusal, such as prenuptial agreements, coercive control laws, and *get* laws. But these remedies cannot enforce the giving of the *get* in the United States, as it is a violation of the constitutional right to be free from religious coercion. Nor can a *beit din* coerce a man to give the *get*, but it does have the power to use age-old halakhic solutions to free *agunot*. Unfortunately, these solutions have not been widely adopted by *batei din*.

What will transpire in the next 25 years? As Jewish women in Israel and the diaspora become halakhically educated and share information on social media, one can hope they will march to their rabbis and *batei din* and ask: Why are you not using the solutions that the Torah has provided us to free our women, unborn children, and community from the shackles of *iggun*?

*Esther Macner is the founding director of Get Jewish Divorce Justice. She is a former senior assistant district attorney in the Domestic Violence Bureau in Kings County and a family law attorney. She passed the Israeli bar exams and has practiced in various batei din.*

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# Gender Awareness and Jewish Education: A Curriculum Project to Provide Leadership Role Models for Girls

By Felicia Epstein

At the “To Be a Jewish Woman” religious feminist conference, sponsored by Kolech in Jerusalem in 1999, I interviewed Blu Greenberg, the founder of Jofa, about her vision for the “bloodless revolution” she had described at the conference. She asked for my thoughts about the conference and the issues raised, and I shared my concerns about the challenges of girls’ Jewish religious education: the need for a curriculum to address some of the assumptions about women and girls in Jewish learning and for a greater focus on female figures and the roles of women and girls in Judaism. Blu asked me to send her an outline of what I had in mind, which I did; this eventually developed into the Gender and Orthodoxy Curriculum Project for Jewish day schools.

## Development and Implementation

Blu Greenberg and Jofa empowered me to take my idea to fruition with thinking outside of the box, mentorship, and professional support. Two of the key questions that underlay this project were:

- What female leadership role models are girls exposed to and learn about in their Jewish education?
- How are these models integrated into the curriculum?

Although these questions are familiar ones today, they nonetheless remain relevant. Jofa played a critical role both in raising these issues and in finding and providing the resources and influence to give voice to ways that these questions could be addressed through a curriculum.

The Gender and Orthodoxy Curriculum was developed in order to explore how the value of gender equality fits into teaching in Jewish schools, so as to enable all Jewish children to be educated with the message of being created in the image of God. I also wanted teachers, parents, and leaders to become more gender sensitive by developing more nuanced materials and policies within the schools and setting goals for achievement of gender awareness and discussion.

It was exciting to embark on incorporating the new materials of the Jofa Gender-Sensitive *Humash* curriculum into the traditional *Humash* curriculum, with the goal of promoting gender-positive images. With the support of the Covenant Foundation, this curriculum was developed over a period of three years, and in 2006, it was integrated into the *Humash* curriculum in a number of American Jewish schools. A professional advisory board guided the development of curriculum; the authors of the *Bereishit* and *Shemot* curricula included the late Chaya Gorsetman, Amy T. Ament, Sara Hur-

witz, Amy Jo Swirsky, Tammy Jacobowitz, and Judith Talesnick. Teachers reported that the curricular materials helped to bring our ancestors into their students’ lives in a novel way, as real human beings and as models for their behaviors and values. A mentoring component was a critical factor in the success of the project. It encouraged students to ask questions, as well as providing tools for responses that opened multiple avenues of discussion.

After the successful launch of the U.S. pilot in four tri-state area Jewish day schools, where they were enthusiastically received by teachers and principals alike, I introduced this Jofa curriculum into UK schools, to use as a supplement to the traditional Bible curriculum. I also

used the curriculum as a tool to raise gender awareness with UK teachers and school leaders by bringing materials and *midrashim* that demonstrate the different ways by which a particular female figure can be approached in the biblical text.

If we want our teachers and leaders to address issues of gender awareness, then we need to raise the issues with them first. Teachers often have set values or ideas that they teach. By exposing them to different viewpoints on a particular character or idea, they might consider a new approach. More importantly, they may realize that there are other valid approaches to consider. For example, Leah’s eyes have often been interpreted as weak. However, in our module the students explore the biblical text, commentators, and talmudic passages that highlight Leah’s strong resolve in the face of a difficult situation (in the beginning of *Bereishit* 29).

The Jofa curriculum was also a springboard for a wider discussion about gender awareness within Jewish schools. It opened doors. We were providing valuable concrete material for the teachers to use in a nonthreatening manner, as the materials constitute biblical texts and *midrashim* that fall within the framework of an Orthodox Jewish school. The teachers and leaders realized that raising gender awareness did not mean promoting ideas and values which they might perceive as foreign to Torah teaching.

## Questions

My goal in developing the curriculum was for schools, teachers, and leaders to ask questions regarding the gender messages being transmitted within their schools through their materials, events, and activities, in both the Jewish and secular spheres. These include the following questions—some of which may seem

The Gender and Orthodoxy Curriculum was developed in order to explore how the value of gender equality fits into teaching in Jewish schools.

antiquated, because of the successful proliferation of gender awareness since 2006, when the project began, but many of which are still relevant today:

- What roles do we provide for Jewish ritual leadership and participation for the girls and the boys in Jewish schools?
- What gender stereotypes are prevalent in Jewish educational settings? Where do we see issues of gender in the daily school framework?
- What does it mean today for girls and boys to study texts that appear offensive to modern sensibilities?
- What texts and stories do we choose to study and consider in our educational institutions, and what might they teach us about ourselves and our relationships, continuity, values, and observance?
- How do we teach about and relate to the women who are left out of the biblical and Judaic stories?
- How do we teach about the exceptional women in the biblical and talmudic legacy?
- What is the impact of lay leadership in setting policy on gender issues in schools?
- When a school Pesah seder focuses on the four sons rather than four children, have the professional staff considered how this might affect the girls and how they see themselves and their roles at the seder?
- When we neglect to discuss the essential roles of the midwives, Miriam, Pharaoh's daughter, and Yokheved in the redemption of the Jewish people in Egypt, what messages are we sending the girls and boys about female Jewish leadership?
- When the *Kabbalat Shabbat* assembly depicts the Jewish family with the mother cleaning the house and preparing the chicken soup while the father is studying and praying, what messages are we sending our children about gender roles?
- When a boy is encouraged to become a rabbi or Jewish leader after delivering a *d'var Torah* and a girl who gave an equally, if not more, erudite *d'var Torah* is told that her *d'var Torah* was just good, what is the message we are sending about future Jewish leaders and Torah scholars?

Finally, I wanted the teachers, parents, and leaders to become more gender sensitive by developing more nuanced materials and policies in schools and setting goals for achievement of gender awareness and discussion.

### Activities

Beyond the specific Jofa curriculum that focuses on *Humash*, I have used a number of other mechanisms to raise gender awareness in Jewish schools. Different approaches will work in different schools.

I was invited into one school to work with the stu-

dent council to address issues of gender awareness. I asked the children to brainstorm about Jewish leaders. They mentioned many male biblical leaders and modern Israeli figures. Then one of the girls suddenly asked if they could also name girls as leaders. I repeated that I had asked them to brainstorm about

Jewish leaders. The girls and then the boys named female characters in the Bible and in contemporary Jewish and Israeli history. Through this exercise, the teacher working with the student council was made aware that there was a question as to whether girls could be included in the category of Jewish leaders.

Another school in which I was involved was motivated by parents raising awareness of the importance of inclusive language to add a female perspective to the school *Haggadah* project by changing the traditional four sons to four children. The process of getting approval for this change raised gender awareness for the teachers and leaders involved.

In yet another case, the following rap song was added to a play that constituted part of a Pesah seder, raising consciousness about the role of Miriam in the Pesah story.

Bursting in during Moses' final rap, Miriam says:

Yo bro. Sorry to stop  
the flow Mo.  
But if you dis your sis that's like sexist.  
My poetry not totally Shakespearian; my name is  
Miriam.  
And the benefits of a Jewish feminist are specialist.  
If it wasn't for the women, there'd be no singing.  
So just let me intervene. Don't let our part go  
unseen.  
Faith in *Hashem* on the tambourine was quite  
serene ... if unforeseen.  
So don't be so typical. Let's stick to what is biblical.

The Gender and Orthodoxy Curriculum is still valuable today for educators and should be shared more widely in Jewish day schools to explore the value of gender equality, so that all children are educated with the message of being created in the image of God.

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The Jofa curriculum was also a springboard for a wider discussion about gender awareness within Jewish schools.

## Hilkhot Nashim, Volume II

Edited by Rahel Berkovits

Maggid Books, 2022, \$34.95

Reviewed by Wendy Amsellem

Volume II of *Hilkhot Nashim*, edited by Rahel Berkovits, is a gift to any person looking to engage seriously with questions of women's obligation in, and performance of, *mitzvot*. The volume focuses on four areas. The first three—*Kiddush*, *Hamotsi*, and *Havdalah*—are specifically about the laws of Shabbat and holidays; the fourth and final section details *halakhot* and customs surrounding women touching a *Sefer Torah* while in a state of menstrual impurity. Taken together, these four topics address significant religious practices that women encounter on a weekly basis, both in their homes and in synagogue life.

The book is a joy to read. Each section begins with a clear set of questions. These questions are then addressed by a meticulous and rigorous analysis of classical rabbinic texts, beginning with the Mishnah and Talmud and continuing through to modern times. Every section ends with a summary of conclusions that answer the initial questions.

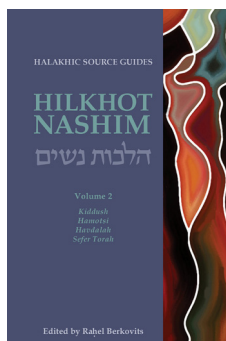
Reading volume II of *Hilkhot Nashim* is like studying with an extraordinarily clear, erudite, and organized teacher. Indeed, in the introduction, readers are encouraged “to invite a friend to study the sources in a *havruta* partnership or to organize a study group in your community” (p. xii). Arguments are presented in a straightforward manner, so that even those unfamiliar with halakhic texts can follow and understand. However, the breadth of sources brought and the detailed analysis of language and concepts make it a book that scholars can study and use as a basis for further research.

I especially appreciated the authors' forthright didacticism. This is not a book meant as abstract analysis. Instead, the authors express the hope, time and again, that reading these essays will enable women and men to make thoughtful and knowledgeable choices about their practices. Berkovits points out the ways in which communal norms around women refraining from reciting *havdalah* diverge from the halakhic tradition. She argues that because the preponderant halakhic position is that women and men are equally obligated in *havdalah*, “women may recite and repeat *havdalah* for others, both men and women” (p. 283).

Devorah Zlochower, author of the section on *Sefer Torah*, notes the persistent practice of praising women who stay away from synagogue while in a state of menstrual impurity, even though there is no halakhic basis for this. She argues that even though “Ashkenazic Rishonim saw these practices as commendable, they regarded them as custom and not law” (p. 348). Zlochower concludes that today, given that women attend synagogue, recite blessings, and learn Torah while menstruating, “one should not distinguish touching a Torah scroll from these other practices” (p. 348). The authors believe that with

access to a full complement of halakhic texts, women will feel empowered to approach *mitzvot* confidently and assuredly and will choose to engage more decisively in halakhic practice.

Berkovits and Zlochower are master teachers and their pedagogy is apparent in both the structure of the book and in its tone. They challenge us to know more, to ground our practices in an understanding of halakhic sources, and, most importantly, to be moved by our study to live a life that is more deliberate. They also enable a high level of learning that everyone can do at their own pace in their own space. I look forward to seeing which topics the series will turn to next!



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*semikhah from Yeshivat Maharat and is an alumna of the Drisha Scholars Circle. She has a B.A. in history and literature from Harvard University.*

## The Path of Moses: A Scholarly Essay on the Case of Women in Religious Faith

By Mózes Salamon

Translated, annotated, and edited by Julia Schwartzmann

Brill, 2022, \$114

Reviewed by Tamar Ron Marvin

A core task of scholarship is to rescue from obscurity works of merit that have been overlooked. It is to just such a task that Dr. Julia Schwartzmann turns in publishing *The Path of Moses*, an essay dealing with the position of women in Jewish religious life. She makes the case admirably on behalf of a slim pamphlet written at the turn of the twentieth century by a small-time Hungarian rabbi. It becomes, under her careful attention, a bold precursor of Orthodox feminism, foreshadowing arguments that would have to lie in wait until the 1970s to emerge.

There is a great deal of interest in this short volume, which surprises and rewards its reader at every turn. First, there is Schwartzmann's excellent introduction, which does what few scholarly prefaces manage to do: communicate clearly the context, significance, and current relevance of the primary text. She argues, “Reading R. Salamon's essay renders it more difficult to dismiss the basic arguments of Jewish religious feminism as a pathetic attempt to impose Western feminist values on Judaism by ill-informed female academics, as has been maintained by the Orthodox establishment” (p. 3).

R. Salamon achieves this, as Schwartzmann goes on to discuss, by arguing that the Torah itself reflects a fundamental gender equality between men and women. This original intent was later subverted. According to Schwartzmann, “Salamon's central claim throughout his essay is that the present halakhic situation is the result of a change that occurred in the sages' attitude toward

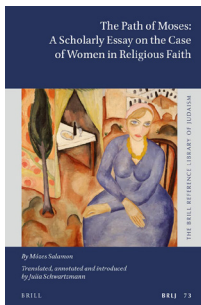
women during the later generations of the Tannaim” (pp. 18–19). In Salamon’s words, the Tosefta’s reading takes precedence over the Mishnah’s: “When we look properly into what is in front of us with no blemish in our eyes, we will know the great difference between the language of the Tosefta and that of the Mishnah in the matter in which we are [engaged]. The Tosefta will teach us the right way (*ha-derekh ha-yashar*) to understand the Mishnah.”<sup>1</sup> However, it seems to me that Schwartzmann oversells Salamon, even as she underplays the radical nature of his claims. On one hand, Salamon is a ponderous writer; it’s not difficult to see why his work found few readers. On the other hand, his core contention that there is an original intent in the thought of *Hazal* that can be uncovered in the Tosefta, and that was deliberately obscured by the more conservative authors of the Mishnah, stands outside of Orthodox thought.

I came away unconvinced by Schwartzmann’s minimization of Salamon’s Neolog affiliation. The Neolog movement was a liberalizing trend among nineteenth-century Hungarian Jewry that emphasized integration into modern Western society. It was complicated by the emancipation of Hungarian Jews, which required them to officially affiliate with a state-recognized community, one of which was the Neolog faction. Schwartzmann’s point that the Hungarian Reform movement should be seen as disparate from German Reform is well taken. Yes, Salamon, like

many of his generation, was born and bred within the precincts of Orthodoxy and chose the Neolog designation primarily in acquiescence to sociopolitical forces. Salamon’s language indeed bears the dint of traditional writing. But the very project of revealing an original rabbinic intent speaks to the influence of *Wissenschaft*, or academic Jewish studies, on his thought. In fact, the English translation of the essay’s title elides its self-identification with secular scholarship. It is not that the translation is in any way inaccurate; it’s that, in the Hebrew of 1899, a *ma’amar meḥkari* is a clarion statement of one’s mentality and affiliation. So too, *mishpat ha-nashim* is a phrase that falls noticeably outside halakhic phraseology.

Schwartzmann contends that *The Path of Moses* is particularly relevant to Orthodox Jewish feminists today, owing to its early espousal of core tenets of later feminism. It, in effect, provides us with a location within the tradition to which we can point in order to ground our claims. With this, too, I struggle. I am not sure that Salamon can provide this for us. The primacy of the Mishnah in the process of halakhic decision-making cannot be so easily dismissed. Regardless, *The Path of Moses* makes for lively reading and is sure to stimulate discussion. The mission to rescue Rabbi Salamon’s words from obscurity has handily been achieved in this small but powerful book.

*Tamar Ron Marvin is a scholar, writer, and educator based in Los Angeles. Currently a student at Yeshivat Maharat, she also holds a Ph.D. in medieval and early modern Jewish studies.*



<sup>1</sup> This statement is made in context of a discussion of the exemption of women from positive time-bound commandments.

## My Feelings Have Evolved

By Jane Gottlieb Lefko

As the product of a certain time when all feminists were branded as bra burners or worse, I have often felt discomfort with the term “feminist.” Whenever I have spoken about Jofa—and I have, frequently and approvingly, over the years—I have qualified my remarks by saying that I think the word “feminist” in the organization’s name is a misnomer. I have pointed out that the goals of the organization are to open possibilities for women *al pi halakhah*, according to Modern (Open, Centrist) Orthodoxy. I have mentioned prominent, well-versed, and well-respected Orthodox rabbis who have been supportive of women’s fuller participation in various aspects of ritual. I have quoted Jofa founder Blu Greenberg, who said, “Where there’s a rabbinic will, there’s a halakhic way!” Nevertheless, I have shied away from the word “feminism.”

However, when I read the request in a recent Jofa weekly email for submissions about what Jewish Orthodox feminism means to me, I discovered that my feelings have evolved. No longer am I willing to

be apologetic about the term “feminism.” No longer am I satisfied to be tentative about what women can or should be able to do within Orthodox Judaism. I find it is time—more than time—for me to stand up for all the smart, well-educated, Jewishly learned women who wish to be full participants in Modern Orthodoxy. I don’t personally want or need to have an *aliyah*, to chant from the Torah, or to claim the title rabbi, rabba, or rabbanit, but I unequivocally support any sincere, educated Jewish female who does wish to do those things and more.

Thus, in my view, Jewish Orthodox feminism is a movement that allows each of us to fulfill our individual potential. We begin with Torah, but it is a living Torah, able to stretch and change and grow as we do. We hold tight to *halakhah*, age-old rules, but we do not fear new interpretations for a new world. Most importantly, we commit to serving the Eternal God in all possible ways, traditional and new.

*Jane Gottlieb Lefko is a retired librarian and journalist, mother of two and grandmother of five, living in Beachwood, Ohio. She was formerly a Jofa board member and active in the creation of two Jewish day schools in Cleveland.*

# Jofa.

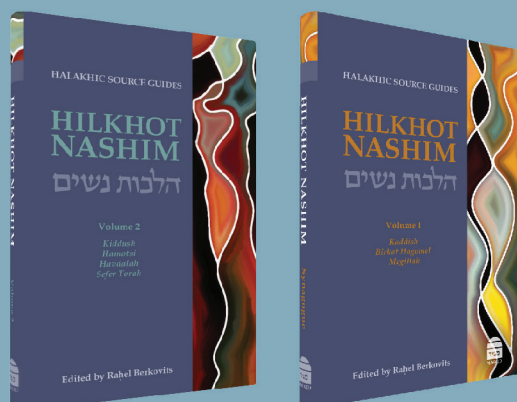
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