

sources for chapter vi



The Difference Between Orthodoxy and Conservatism

BY RABBI HAROLD P. SMITH

THIS IS A QUESTION concerning which there prevails much confusion and misinformation, and therefore one concerning which there is great and urgent need for clarification.

People will say to me almost every day in the week, "The difference between Orthodoxy and Reform I can see and understand. But I cannot see the difference between Orthodoxy and Conservatism. I pray in this and this Conservative Synagogue and then I pray in this and this Orthodox, or Traditional, Synagogue, and I cannot see the difference. What is the difference?"

This is a legitimate question which deserves a legitimate, forthright answer.

In terms of fairness, let it be said at the outset, that if you are starting with the impression that the present writer is an Orthodox rabbi and has emotional, theological, and philosophical predilections in favor of Orthodoxy, your impression is correct. What I will attempt to give here is an Orthodox rabbi's answer to the question: "What, according to *you*, is the difference between Orthodoxy and Conservatism?"—an answer which he cannot always give to each one individually because it calls for some development and for a "settled listener" situation.

One of the problems involved in the answering of this question is that Conservatism came on the American scene in a framework of socio-religious confusion—wherein many American Jews mistook sociological factors for religious philosophy.

Let me explain very simply.

There are many who can remember, probably as children, being in Orthodox Congregations where despite the devoutness of some of the worshippers, the decorum was very poor, with people getting up and walking about, even chatting and exchanging greetings, during the prayers and the reading of the Torah; where sermons were delivered only in Yiddish, despite the fact that you may not have understood Yiddish; and where not a single English prayer was ever read.

There was an element on the American Jewish scene of religious observance to whom all this disorder was objectionable and offensive to their sense of religious refinement. What is more, they wanted English prayers and English sermons. So they went elsewhere and brought all this about, with the thought that they had discovered a new religious product. What they did not know or realize was that all this disorder in the synagogue was not Orthodox but a picture of the gravest *violation* of Orthodoxy. The *Shulhan Aruch*, Orthodoxy's authority for procedure, states specifically that it is forbidden even to utter one word during religious services or during the reading of the Torah, except what is required for conduct of the service. These disorderly people who moved around and chatted—these walkie-talkies, as it were—were, then, unwittingly bringing forbidden practices into the service—reforms, you might call them. It was not realized that these nervous people with the unfortunate, unstable conduct were immigrants who had recently undergone a revolutionary upheaval in their own lives, and were therefore guilty of unstable conduct for which they could not altogether be blamed, but which nevertheless was not Orthodoxy.

There were those who thought that the English sermon, rather than the Yiddish, was un-Orthodox, and therefore, Conservatism—when, in fact, there was no religious objection whatsoever to the English sermon, any more than there was to the Yiddish sermon, except that the older Rabbis, transplanted from another continent, were hardly in a position to start learning a new language. It was not realized that there were no objections to English prayers, for the *Shulhan Aruch* specifically states that *korin shema' bechol lashon*—that it is perfectly acceptable to add prayers in any language in the synagogue.

And now I can tell you a little secret.

It is because so many of our people had many false impressions of what Orthodoxy really stood for, that the classification Traditional Synagogues was introduced. We wanted to avoid some of the terribly wrong impressions some of our people held about Orthodoxy, so we called ourselves Traditional and they came and saw what Orthodoxy *really* stands for—decorum, dignity, meaningful worship and meaningful instruction.

There was some talk that the Conservative elements had come upon the scene to restore equal rights to the woman. This was—and still is—the most powerful *misimpression* ever foisted upon the minds of our co-religionists.

Assuming that there is such a thing as total equality in all areas of living—and I'm not sure, because I have never yet heard of a case where two people got married and tossed a coin to see whether to take his name or her name—but assuming there *is* such a thing, the fact is that in the history of the world there has never been a people and a religion which, in its family life, had placed its women on so high and revered a pedestal as the Torah Jewry of the centuries. There are dozens and dozens of examples and citations from our religious literature and history to prove this. There *still* is not a woman president of the United States in modern America, which would

be the equivalent to the position held by Deborah in the period of the Judges some 3,000 *years ago*.

To interpret separated seating, as some have interpreted it, to mean inequality of women, is either deliberate mental fraud or pathetic misinformation. If anything, it is inequality of the man, for its purpose is not to separate the women from the men but to separate the men from the women. Men, because their nature is not as basically gentle and kindly as that of women, are *required* by Judaism to pray, to help mold and guide their character and religious personality. That is why they are required to make up the *minyan*. Women, blessed with the tenderness that comes with the Divine gift of motherhood, and considered by our Sages to have a better and more delicate control of their habits and conduct, were deemed to be not in such dire need of the softening influence of worship as the men who are in the harsh give-and-take of a relentless business world. Therefore they, the women, as far as a *minyan* is concerned, were *invited* by Torah law to pray, but *not required* to pray.

Now, when Jewish Tradition separated the sexes in worship, this had no relationship to rights or equality, but simply constituted a realistic realization that man, weaker in moral strength than woman, might not remain totally pure and completely wrapped in elevated and elevating thoughts of Divine Communion, if some very charming woman were sitting next to him. You can agree or disagree with the reasoning, but the fact is that some modern Christian Churches have instituted separate seating, possibly on the advice of psychologists on their board. But one way or another, it has no relationship to the *equality* of the sexes.

However, this is not yet the basis for a distinction between Orthodox and Conservative Synagogues. There are Orthodox synagogues which have gradations of mixed seating, and there

are Conservative synagogues with *separated* seating; in fact, the synagogue of the Jewish Theological Seminary, the one and only Conservative Seminary in the world, has *separated* seating. All we must grant is that a synagogue with separated seating and which is Orthodox in other respects is more Orthodox and certainly *more* true to the sacred traditions of our people than one which has mixed seating.

What, then, is the *real* difference between Orthodoxy and Conservatism? The answer lies in a *religious philosophy*. Those who align themselves with an Orthodox, or Traditional, synagogue, are affiliating themselves with *one* religious philosophy, and those who join a Conservative Synagogue are affiliating themselves with another—and totally different—philosophy, even if there be little difference in the *personal* observances of these two individuals, or even the two Congregations.

Let us understand one fact clearly. The word "Orthodox" is a word in the English language, given to the traditionalists by their non-Traditionalist co-religionists, and, surprisingly enough, is a combination of two Greek words, "ortho doxo," meaning "correct opinion."

Obviously, there is no such word as "Orthodox" in basic primary Jewish sources such as the Talmud or *Shulhan Aruch*. If, then, a synagogue *says* it is Orthodox, this means, in my opinion, that it commits itself to a philosophy generally associated with Orthodoxy, and if a synagogue *says* it is Conservative, then regardless of the degree of its observance, it automatically commits itself to *another* philosophy—and the individual who joins either, commits *himself* or *herself* to the philosophy it represents.

What *are* these two very clear and distinct philosophies? They are, in simple words, the philosophies which answer the simple question: "Is our religion God-given or man-given?" Is our religion of Divine source or is it of human origin? Have

the Torah and the Talmud and our religious observances come down to us as mere folklore?

Here is the basic difference. Orthodoxy says that our religious observances come from God and that all our religious observances and beliefs are the transmission of a Divine message to our children and our future generations—*Torah min hashamayim*.

On the other hand, Conservatism does not accept the doctrine of *torah min hashamayim*, i.e., that our religious beliefs and practices are of Divine origin, but simply something that started with man and developed through the ages. In Conservative circles, you hear much about adjusting your religion to the times.

Orthodoxy feels terrified at the thought that you will take a time like the present, when far more money is spent for either liquor or horse racing than for education, when divorces take no longer to acquire than it takes to get a dog license, when the heroes of our youth are the Hollywood stars who marry five, six and seven times, when Kinsey reports tell us that promiscuity of relationships is the rule rather than the exception—you take such a time and say you want to adjust your religion to the times. Think of it, rather, as the sculptor chiseling the rock. Orthodoxy says that the times are the rock and our religious observances are the chisels that shape the rock, and not as the non-Traditionalists will by necessity have to say, that the Jewish religion is the rock, and the times constitute the chisel which shapes the rock. Orthodoxy says that our religion is a Divine *instrument* to shape the ages, rather than the *clay* which the *ages* are to *shape*.

Orthodoxy believes that every non-Orthodox approach—whether Conservative or Reform—has in itself the seed of self-destruction. The moment you extend to each generation the invitation to mold our religion to suit its particular whims,

then it is a definite certainty that, after you have rejected what does not suit you, and then preached how vital is what you have kept, for the preservation of the Jewish religion, *your* grandchildren will come along and eliminate these as unsuitable to them—and *why not?*—and where are you then? When you admit that what is Judaism in one land is not Judaism in another land—then the Judaism of the ages, universally applicable to all times and all places, must of necessity become a thing of the past.

In the records of the proceedings of the Conventions of the Conservative Rabbinate, we already find, in our own lifetime, that what their authorities said 20 years ago should be forbidden, the current authorities have already changed to permissibility. What better proof do we need of the validity of our thesis?

Orthodoxy says that when Rabbi Akiba and many other great Rabbis of his time, and hundreds of thousands of Jews throughout the centuries, knowingly gave their lives for their religion because it contained their God-given message it was a great *kiddush hashem* for Jewry, "sanctification of the name of God." On the other hand, if they gave their lives for something which is mere folklore, then they did a very foolish thing. I would not recommend to any Jew to offer his life for the preservation of the Jewish custom of eating gefilte fish. Folklore or not, it simply isn't worth it.

Now!—the man or woman who joins a Conservative Congregation is subscribing to a *philosophy*—the philosophy of the movement—that our religious beliefs and practices have no direct Divine implications. Even if that Congregation may be thoroughly observant (and there are some observant Conservative Congregations), one who joins has automatically subscribed to the philosophy of the United Synagogues movement with which this Congregation is affiliated.

On the other hand, take a man who is himself not observant—perhaps one who eats in all restaurants, does not observe the Sabbath, and so on—yet joins an Orthodox Congregation. What about him? People will say he is a hypocrite. But what this man or woman is, in essence, saying is this: "I join this movement because I believe there is something God-given about our religion, and if I do not observe our religious practices, it is because of some reason or another of my own, perhaps even some inadequate rationalization, perhaps some weakness on my part; but I do not believe that our people as a whole ought to repudiate these religious practices and abandon them." In short, it is a question of whether he wants Jewry as a whole, including his Rabbi, to abandon these practices or whether he thinks Judaism in the totality would be better off if they did not consider *his* non-observance as the norm, or as an advisable maximum for all Jewry.

This, my friends, is the basic difference—a very mighty difference, in fact, which affects ultimate survival—between Orthodoxy on the one hand and all non-Orthodox movements, be they Reform or Conservative, on the other hand.

Contrary to what some think, Orthodoxy can well afford to invite thought and examination of its doctrine; for, it alone has, through the ages, stood the tests both of time and thought.

❧ 2 ❧

The Hallowed House of Worship

BY RABBI MENAHEM M. KASHER

ONE OF OUR SAGES was once asked if any one word could define the aim and purpose of most of the Torah's precepts. He replied tersely, "Holiness"; [as Scripture puts it,] *Ye shall be*

holy, for I the Lord your God am holy (Leviticus 19:2). This is the focal point toward which all the Torah's precepts lead.¹ Every precept invests with greater holiness him who observes and maintains it.² And this is what we stress when we say in every benediction over the performance of a precept, *who hast hallowed us by Thy commandments*.

Now, the Creator of the world, who gave us the Torah, is Himself called holy in Scriptures (Leviticus *ibid.* and 20:26, Isaiah 6:3); in the words of *Midrash Tanhuma* (*Kedoshim* 3), He is sanctified with every kind of holiness.³ The Torah too is called sacred;⁴ and so is Israel designated as hallowed: *ye shall be unto Me a kingdom of priests and a holy nation* (Exodus 19:6); *Israel is hallowed unto the Lord* (Jeremiah 2:3).⁵ Jerusalem in turn is named the holy city (Isaiah 52:1), and the Land of Israel is called the holy land (Zechariah 2:16). About the Tabernacle the Torah states, *Let them build Me a sanctuary*⁶

1. *Midrash Tanhuma*, *Tazria'* 5, reads: Said R. Akiba, The Holy One (blessed be He) gave the precepts to Israel only to prove them therewith. See also Makkoth 24a: Along came Habakkuk and established them [the principles of Judaism] as one: *The righteous shall live by his faith* (Habakkuk 2:4).

2. Thus, in *Mechilta*, *Mishpatim*, *Kaspa* 20: Issi b. Judah said, When the Almighty gives Israel a new precept He invests them with greater holiness. See also Nahmanides (*Ramban*), Commentary to Exodus 22:30.

3. R. Bahya writes in *Kad ha-Kemah* (s.v. *kedushah*): Each holy person may derive his sanctity from another of [greater] holiness . . . until [we come to] the Supreme Cause: He (be He blessed) is the power and well-spring of all sanctity; He is thus called holy because He is the source of all blessings.

4. *Mishnath R. Eliezer*, p. 243, reads: The Torah is called sacred, for it is stated, *The fear of the Lord is the beginning of wisdom, and the knowledge of the holy ones is understanding* (Proverbs 9:10); so great is its holiness that Moses had to sanctify himself by abstaining forty days from even bread and water, before he could receive the Torah. [The second part of the verse signifies the Torah, and connotes its holiness; it is missing in *Mishnath R. Eliezer*, but included in R. Israel Ibn Al-Nakawa, *Menorath ha-Maor*, III (New York, 1931) 375f. who cites this passage.]

5. *Mechilta* (*loc. cit.* in note 2) interprets emphatically: *Ye shall be unto Me holy men* (Exodus 22:30)—when you are holy, then are you Mine.

6. Hebrew, *mikdash*, same root as the word for holy.

(Exodus 25:8); and the synagogue is subsequently called a *little sanctuary* (Ezekiel 11:16 as interpreted in Megillah 29a). The Israelite community is commanded, *Therefore shall thy camp be holy* (Deuteronomy 23:15). In the prayer-book the Sabbath is called a *day of rest and holiness*; while the Writ refers to the Festivals as *holy convocations* (Leviticus 23:4); in our Festival prayers we bless the Lord, *who hallowest Israel and the Festive Seasons*.

The sanctity of the Torah spreads abroad and illumines space, time, and the very limbs of a person which fulfill the precepts.⁷ And what indeed is the ultimate purpose of the people Israel in this world? To hallow the Divine Name on this earth, as we declare and proclaim in our prayers: *We will sanctify Thy name in the world*.

When an Israelite prays every day enwrapped in *tallith* (prayer robe) and *tefillin* (phylacteries), he accepts the yoke of the kingship of Heaven; his is "the service of the heart." And he thereby invokes for himself, every morning anew, a refreshing climate of sanctity and purity; as our Sages of blessed memory put it, people may enter the synagogue and *beth midrash* (House of Study) full of sins, and leave full of merit (*Yalkut Shim'oni* 1,771). When ten Jews [a *minyan*] recite together the *kedushah* ("sanctification") they give strong, exalted expressions to the Torah's command, *Let Me be hallowed among the children of Israel* (Leviticus 22:32).

Our Sages of blessed memory have clarified at great length the principles of holiness and prayer. To cite a few examples: He who prays must direct his heart toward Heaven (Berachoth 31a). He who prays has to regard himself as if the Shechinah (Divine Presence) is before him, for it is stated, *I have set the Lord always before me* (Psalms 16:8; Sanhedrin 22a). A man

7. Through observing the precepts a man attains holy concepts, sanctified speech, purity of vision, cleanliness of hands, etc. (see *Sefer Haredim*).

must purify his heart before prayer (*Shemoth Rabbah* 22, 4). The Writ cautions the Israelites: When you are praying before the Almighty, you are not to have two hearts [as it were], one for the Holy One and one for other matters (*Midrash Tanhuma, Ki Thabo* 1). At the time you stand in prayer, direct your eyes and heart to Heaven (*Midrash Tehillim* 142). When a man stands in prayer let him be happy that he serves a God who has no equal in the world, and let him not act frivolously before Him, but rather in reverence (*Yalkut Shim'oni, Psalms* 623). One is not to stand on public grounds and pray, because he will mind the people [passing by]; nor is one to stand among women and pray, because he will mind the women; let him rather sanctify his site five *amoth* in each direction (*Yalkut Shim'oni, I*, 934).

The *Shulhan Aruch* (our standard Code of Law) states clearly, One is to put aside all thoughts which trouble him, until his mind and attention remain pure for his prayer. . . . One is required to meditate on humbling thoughts, and not on matters involving frivolity (*Shulhan Aruch Orah Hayyim* 98, 1). And again: One is not to pray where there is anything which will distract him (*ibid.* 2).

Our Sages of blessed memory have asserted: Whoever brings himself to licentious thoughts will not be admitted into the inner sphere of the Holy One, blessed be He (*Niddah* 13b). This principle, that licentious thoughts must be avoided, also extends to any environment or circumstances which will necessarily induce such thoughts in a person: whoever does not keep well away from such environment or conditions, especially at the time of prayer, will certainly be unable to enter the inner domain of the Holy One.

Anyone reading these passages can see clearly that the fundamental condition for the purity and sanctity of prayer is to direct and concentrate the heart's reflection toward the service

of the blessed Lord. In a sacred place the hallowed atmosphere can infuse one with holiness, and fire his spirit to commune in devotion with his Creator—everyone according to the level of his understanding and his degree, be it greater or lesser. Even for those who are far removed from what has been written here, who would be in the category of people who “go to the *beth midrash* but do nothing, who have merit only for going there” (Aboth 5, 14), the refining experience of reciting the *shema* with devotion in a hallowed setting has yet the power to purify and sanctify a man for the entire day.

To permit us to call any quarters a “holy place,” whose atmosphere is fit for the Shechinah to dwell there, the first condition was set by our Sages of blessed memory, in the Midrash: Said R. Judah b. Pazzi, For what reason was the section [of Scripture] on immorality⁸ placed near the portion on holiness? This is but to teach you that wherever you find a restraint against immorality [in Scripture] there you find [mention of] holiness. This is in line with what R. Judah b. Pazzi said [elsewhere]: Whoever “fences himself off” from immorality is called holy (Vayyikra Rabbah 24, 6).⁹ On this, *Yefeh Tho'ar*, citing *'Akedath Yitzhak*, comments: Since the passage speaks of a “fence” against immorality rather than a “prohibition,” it evidently means more than mere abstinence from immoral behavior; it implies adding a barrier, an obstacle against licentiousness, so that one will not succumb through frivolity, gay abandon, or fantasies arising from improper thoughts or sights, all of which can bring one to grief.

From our Sages' words we learn that keeping distant from ideas of sinning, through guards and barriers, is the gateway to holiness. If they gave this as a general rule in daily living,

8. More correctly, incest and adultery; so throughout. The two sections here referred to are respectively Leviticus 18 and 19.

9. So also in the Jerusalem Talmud, Yebamoth 2:4; see as well *ibid.* Sanhedrin 10, 2.

how much more does it apply to quarters which we designate for sanctity and prayer. A synagogue without an atmosphere of holiness is but as a lifeless body.

Knowing as they did the nature of man in all its hidden aspects, the conflicts and contortions in man's thinking, our Sages realized that a people chosen and designated to become a "holy nation" would have to have "fences and barriers." This was indeed the first task of the Men of the Great Assembly, who stated as a key principle, "Make a fence around the Torah" (Aboth 1, 1)—based on the verse, *Ye shall guard my charge* (Leviticus 19:30), which the Sages interpreted to mean, Set a guard about My charge (Mo'ed Katan 5a). Along the same lines they said, There is no resemblance between a vineyard enclosed by a fence and one that is not thus enclosed (Aboth de-R. Nathan B, 1). In this vein we find the Sanhedrin (great court) called a "hedge" (1 Chronicles 4:23), for they "fenced in" the lawlessness of Israel (Baba Bathra 91b). In Chronicles Moses is called *abigdor*, "the father of fences" (1 Chronicles 4:18), according to the Midrash, which comments: Many "fence-makers" arose for Israel, but he [Moses] was father to them all¹⁰ (*Vayyikra Rabbah* 1, 3). The very first paragraph of our Mishnah, which our saintly Teacher R. Judah ha-Nasi chose to begin this great work, sets down this norm: Why [says the Mishnah] did the Sages say [that at night the *shema'* may be recited only] until midnight? To keep a man distant from transgression¹¹ (Berachoth 1, 1). Along the same lines they said, A *beth din* (court) may impose lashes and [other] punishments . . . in order to erect a fence around the Torah (Yebamoth 90b).

10. I.e., predecessor or prototype.

11. Under original law, the nighttime *shema'* may be recited at any time of night, until dawn. But the Sages, fearing one might delay it unduly until its time would be passed, limited the period until midnight only; i.e., they established a "fence."

It should be noted that the need for "fences" or "defenses" against transgression first arose through a woman, out of a tragic experience of hers. Scripture relates, *And Tamar put ashes on her head, and rent her garment of many colors that was on her, and she laid her hand on her head, and went her way, crying aloud as she went* (2 Samuel 13:19) [because Absalom had seduced her and then rejected her]. Our Sages add: It was taught in the name of R. Joshua b. Karhah, She gave rise to a great fence, for it was then people said: If this can happen to princesses, how much more to commoners; if this can happen to the chaste, how much more to the wanton. Said R. Judah in Rab's name: There and then a ban was established against seclusion with an unmarried woman (Sanhedrin 21a). Elsewhere they declared: In that generation [of the wilderness] the women would fence off whatever the menfolk transgressed (Bamidbar Rabbah 21, 11). And again: It is a common saying that one fences in only that which is contained (*Yalkut Shim'oni Psalms* 731). A barrier can be erected only for one who is self-possessed; for the lawless it is doubtful if a fence will avail anything.

As to the claim which some make that the physical separation in the synagogue relegates the women to an inferior position, and connotes a slight to her esteem—this is piffle. The orientation of our Sages is expressed in the Jerusalem Talmud (Kiddushin 1, 7): *For thou art a holy people* (Deuteronomy 7:6; 14:2, 21)—the men and the women alike. And again: I call heaven and earth to witness—whether a non-Jew or a Jew, man or woman, the holy spirit will rest upon a person only in accordance with his deeds (*Seder Eliyahu Rabbah* 9). In *Seder Olam* (chapter 21) we read: Forty-eight prophets and seven prophetesses uttered revelation to Israel.¹² Women, then, reached the very summit of holiness: for example, Sarah the

12. So also in Megillah 14a.

mother of prophecy; Rebekah, Rachel and Leah, the mothers of prayer; Miriam the mother of deliverance; the womenfolk in the wilderness, mothers of faith; Ruth of Moab, mother of royalty; Queen Esther, mother of Israel's rescue; the daughter of Mattathias, and Hannah of the seven sons, mothers to sanctification of the Divine Name. And in every age there have been righteous women by whose merit we are destined to be redeemed. In Niddah 45b the Talmud concludes that "the Holy One, blessed be He, endowed women with greater understanding than men."¹³

As regards the mingling of men and women, the Sages had insight into the uttermost depths of the human mind; said they: A man's nature desires and longs for the gains of theft and immorality (Makkoth 23b); most become involved in theft, and a minority in immorality (Baba Bathra 165b).

Consider well what has been written thus far, and you will grant this as true: When a man finds himself amid unrelated women, even if his wife be with him, is not the atmosphere then most unhallowed, farthest from the special environment a man must have when he would pray and commune with his Lord and Maker? Does not the atmosphere of levity root out every trace of holiness, the very soul of prayer?

How then can observant Jews not quiver or quake to breach the traditional fences which have held for our people since time immemorial—fences whose entire being is to safeguard the purity of man's thought in time of prayer? And how can spiritual leaders dare to nullify the basic requirement for a synagogue's holiness, to rob the pious Jew of his chance to attain the emotions of holiness when he stands in prayer? Let it be noted that in essence the practice of men and women mingling is the fruit

13. This conclusion has its effect in Jewish law: The vows of a girl require investigation [if they are binding] after she is twelve, but those of a boy only after he is thirteen.

of an exile in which our people *mingled themselves with the nations and learned their actions* (Psalms 106:35). It is in imitation of the usage of non-Jews, against the Torah's command, *Ye shall not walk in the customs of the nations* (Leviticus 20:23).

These men sin against the generations to come; they have destroyed the basic character of the House of God, and have substituted for it a "people's house."¹⁴ They have robbed their

14. Perhaps this is what our Sages (of blessed memory) had in mind when they declared: For a sin of two words the ignorant die . . . they call the synagogue a "people's house." Rashi comments: [It was] a derogatory name [denoting a place] where everyone gathers. (See also Jeremiah 39 and Rashi *ad loc.*) Maharsha comments: A "people's house," as though it were designated for the people, for their needs, and there were no Divine element in it. In other words, they were punished for perceiving no distinction between a "people's house" and a synagogue—that the latter is a House of God, a sacred place, while a "people's house" designates a secular place, where men and women gather for all occasions, but not for prayer. These ignorant men made a "people's house" out of the synagogue.

And apparently for this reason the laws of the synagogue in our Codes do not specify that there must be a physical separation or partition between men and women—since the name "synagogue" denotes a sacred place, and this requirement is implicit; quarters where men and women mingle would be called a "people's house." This distinction was apparently so generally well known that no need was felt to give it the emphasis of the written word. But see *Shulhan Aruch Orah Hayyim* 315, 1, about setting up a partition on the Sabbath, that one put up merely for modesty is permissible; *Mishnah Berurah ad loc.* citing *Mordechai* to Shabbath, comments: "For instance, to separate men from women when they are listening to the rabbi's address." Clearly, then, even where they did not regularly assemble, but both men and women merely came to hear the rabbi expound, a partition was required for the sake of modesty. See *Shulhan Aruch ibid.* 88 on whether a woman may enter a synagogue to pray during the days of her uncleanness.

Some believe that in early times it was the custom that women in general did not attend the synagogue but prayed at home (there is the well-known letter of R. Elijah, the Vilna Gaon, to his household; see also the present writer's *Torah Shelemah*, XV, chapter 5, on prayer in the synagogue); they went only to hear the rabbi's exposition (as would appear from Kiddushin 81a, *q.v.*, as well as Rashi and *Tosafoth ad loc.*) and that infrequently. With the passing of the generations they began going to the synagogue for prayer, and women's sections were established for them. However, a women's section

children of the vision of a hallowed synagogue, the "little sanctuary" to which Jewry has turned in every generation, in a spirit of reverence for God. They have converted it into a general public hall, devoid of the true, exalted spirit of holiness which was preserved and transmitted to us by generation after generation through tradition-bound synagogues, conducted by the laws of the Torah.

At the very time the Torah was to be given, the Israelites were commanded, *Approach not near a woman* (Exodus 19:15). In *Pirke de-R. Eliezer* (chapter 41) we read: "R. Pinhas said, The Israelites stood at Sinai arranged, the women apart and the men apart." If it was so at Mount Sinai, where both time and place were imbued with holiness, how much more necessary is this arrangement in the synagogue the year round?

In that historic situation we find our Sages considering the women more highly esteemed than the men: The Holy One, blessed be He, bade Moses, *Thus shalt thou say to the House of Jacob, and tell the children of Israel* (Exodus 19:3),

did not have the status of a synagogue in Jewish law, as is apparent from the ruling in *Hachmath 'Adam* 86, 15: A synagogue wall may not be torn down to allow for windows for the women's section; insofar as a women's section has no synagogal sanctity whatever; hence, even if [the tearing down] is not done as destruction, it is forbidden by Rabbinic law. Similarly in the Responsa of *Maharam* of Lublin, 59: The site where the men's synagogue section stood is to remain intact, for there is the main sanctity.

On the other hand, from the Talmud Tractate Soferim it would appear that it was the custom for women to come to the synagogue: By law [it reads] every portion [of the Pentateuch] and the Prophets [read in the synagogue] is to be translated [into Aramaic] for the people, the women, and the children (Soferim 18, 6, q.v.). This is also suggested by the account in Sotah 22a: A certain widow . . . came to pray in the academy of R. Johanan. Similarly, *Yalkut Shim'oni* 1, 871: It happened that a woman . . . came before R. Jose b. Halafta. . . Said she to him . . . I rise early for synagogue every day. Elsewhere (*Torah Shelemah*, XVII, Supplement, p. 316) I have cited *Shibbole ha-Leket* that the essential function of rendering the Scriptural portions in the synagogue into the vernacular, is to explain the Torah to the women. Note, however, Mo'ed Katan 18a: A woman in the *beth midrash* is unusual.

and our Sages interpreted: *the House of Jacob* refers to the women (Shabbath 87a). The women were thus approached first, before the men, about accepting the Torah and responsibility for the sanctity of the House of Israel.

Again, at the hymning by the Red Sea it is written, *Then sang Moses* (Exodus 15:1), *And Miriam took*, etc. (*ibid.* 20), *And Miriam sang*, etc. (*ibid.* 21). *Mechilta* comments: The Writ shows that just as Moses sang praise for the men, so did Miriam sing praise for the women: *Sing ye to the Lord*, etc. (*ibid.*; *Mechilta*, *Shirah*, end). So also Philo in his *De Vita Mosis*: Moses stood at the head of the men, and his sister Miriam with the women (*Torah Shelemah* XV, 239). Quite simply, singing their great hymn of deliverance, the men stood apart, and the women apart.

If you really wish to know how earnest our Sages were about guards for the sanctity of the synagogue, go and learn it from *Targum Jonathan* to Exodus 38:8¹⁵—"And he made the laver of brass . . . out of the mirrors of [polished] brass of the modest women; and when they would come to pray forgiveness at the Tabernacle door they would then stand [there] while their sacrifice was being offered up, and they would give praise and worship." This is clarified in a Commentary to Chronicles by a disciple of R. Saadiah Gaon, and *Recanate* to Leviticus, pericope *Vayyikra*: The officiating *kohen* (priest) had to offer up the woman's sacrifice in her name [and he would therefore need to know who she was], and yet he was forbidden to look at her visage. Hence the laver [fount or basin] was made of highly reflecting material: the woman would stand near, regarding it, while the *kohen* would look at the laver, recognize her, and offer up the sacrifice on her behalf.

These words illustrate impressively how stringent our Sages

15. See the present writer's lengthy discussion of this passage in *Horeb*, Spring, 1937.

were about protecting modesty and guarding the sanctity of the Israelite community. In their view, the Torah ordained a special kind of vessel in the Tabernacle so that the *kohanim* should not transgress the ban against regarding women,¹⁶ even where a precept of sacrifices might require it. If mere looking is treated so stringently, how much more the mingling of men and women? Such a practice in holy quarters would be unthinkable to our Sages!

It is well known that the Temple contained a women's section or court, as the Talmud makes clear in Middoth 2 and Sukkah 51b: "They [the Sages] ordained that women were to sit in the upper part and men below. . . . They came across a verse, which they interpreted [that it was necessary to keep men and women separate, and to erect a "fence" in Jewry, so that people would not come to grief —Rashi]: *And the land shall mourn, every family apart: the family of the house of David apart, and their wives apart*, etc. (Zechariah 12:12).¹⁷ The

16. *Sefer Yere'im*, precept 12 (392) regards the verse, *Let thy camp be holy, that He see no unseemly thing in thee* (Deuteronomy 23:15) as a negative precept; a derivative is the dictum that "a hand-breadth of a woman's body constitutes an indecency [if exposed], as regards reciting the *shema'* and praying"—stated in Berachoth 25b, *q.v.* So also *Sefer Mitzvoth Katan* 83; see as well *Shulhan Aruch Orah Hayyim* 75: The verse, *Thou shalt keep thee from every evil thing* (*ibid.* 10) is interpreted in Abodah Zarah 20b to signify that a man is not to regard a woman . . . or let his mind dwell by day, etc. *Sifre* 254 reads, *Thou shalt keep thee*—beware not to let your thoughts dwell on licentiousness. Similarly in Berachoth 12b: *And ye shall not go about after your own heart and your own eyes* (Numbers 15:39)—this refers to licentious thoughts.

17. In *Piske Massecheth Sukkah* 45 (printed in *Sam Hayyim*) the earlier R. Isaiah writes: What was the great innovation? Said R. Eliezer, It was as we learned: It [the courtyard] was at first level [ground], and they erected a balcony so that the women could see from above, and the men from below. Thus we learned in the Mishnah, Middoth. . . . They set up beams, and boards atop them, so that the women could stand on them and see the festivities [during Sukkot] from above, while the men would stand below in the courtyard; and the men could not gaze at the women because it [the balcony] had screens all around made of plaited material [to leave many

Jerusalem Talmud (Sukkah *ad loc. q.v.*) reads: "What amendment did they institute there [in the Temple]? They placed the men by themselves and the women by themselves, etc." Thus it was derived that at every gathering men and women are required to be separate.¹⁸

From that day to this, the Jewish people have undertaken, in every region where they have settled, that any synagogue they would build was to have a special women's section, separated by a partition. The assimilationists alone breached this "fence" in order to ape the ways of other peoples. R. Asher b. Jehiel in his Work on Pesahim, 3, cites the Jerusalem Talmud (Pesahim 4, 1): "Do not alter the usage of your fathers. . . . Your fathers built a fence," etc. Hence such a practice [i.e., which our fathers kept] is considered a "fence." In another connection *Mahzor Vitry* (p. 375) has: Whatever was instituted at the time of the Temple, and its ban has spread throughout Jewry, that matter becomes as though it had been ordained at Mount Sinai. In the same vein we read in a responsum of R. Saadiah Gaon: Since the Prophets bade the people Israel act thus . . . and

small] openings, so that the women within could see out, while those without could not see within—as we learned in a *baraita*: Originally the men were within and the women outside, and they would reach a state of levity—that is, the men would enter and leave with the women; it was then ordained that the men be outside and the women within [this is not the version of our printed editions], and still they would become frivolous—that is, they would gaze and then wink at one another; it was ultimately ordained that the women should watch from above and the men from below.

R. Isaiah's view is clearly that the screen was such that the men without could not see within. This tallies with Maimonides' words in his Commentary to Mishnah, Sukkah *ad loc.*: "so that the men would not regard the women." See also *Me'iri* and *Yad David ad loc.*

18. And so Rashi in *Sefer ha-Pardes*, 19b: It is forbidden for women to mix among the men, whether at a ritual meal or any other occasion; rather must the men be separate and the women separate. It is derived *a fortiori*: if at a time of mourning it is written that the House of Israel lamented *each family apart, the family of the house of David apart, and their wives apart*, etc.

Daniel so did . . . and Jewry has followed this practice on the Prophets' word, it has become a precept [binding] on all Jewry in exile to observe, like any precept ordained by the Divine word (Geonic Responsa, Lyck, 1). These statements apply, then, even to customs and innovations.

The Holy One, blessed be He, had a precious gift in His treasure-house, and "holiness" was its name. At the time the Torah was given, He transmitted it to the Jewish people, and called us *a kingdom of priests and a holy nation* (Exodus 19:6). Through long exile the Jewish people has kept guard over the sanctity of the Torah, and the Torah has safeguarded the holiness of the Jew, from birth to burial: There were ever the holy covenant of ritual circumcision, the education of children in sacred studies, the celebration of the Bar Mitzvah, when the yoke of Heaven's kingship was assumed, marriage into a family life of purity and modesty, and a hallowed meal-table; and above all, the scrupulous observance of Sabbath and Festivals. Tragically, for part of Jewry this world of the spirit has been destroyed; all these sanctities have been profaned; while some observe the precepts in a secular form and manner, having utterly dispelled the sacred character inherent in the precepts.

What is yet left us? Only the synagogue, the domain of the sacred, the House of God. To our despair, even this saving remnant is being desolated before our eyes: it is being changed into a "people's house." The Shechinah has been driven from the synagogue proper, forced to take refuge on the lower level, in the *beth midrash*, where people yet pray on weekdays—groups composed for the most part of the middle-aged and elderly, and those who recite *kaddish*. These are the meager quarters assigned the Shechinah, there to cling to the sanctity of Jewry.

Shall we drive the Shechinah from this its last corner as well? We dwell in prayer that He who dwells on high will send

forth a spirit of purity from above to open the eyes of the blind who walk in darkness, that they may see the glory and the splendor hidden in our people's Torah and in the spiritual leadership of generations past; that they may yet sense the incandescent luminosity of Jewish sanctity, and transmit this rare essence to their descendants until the end of the generations.

Guardian of a holy nation, guard Thou the remnant of a holy people, and let not a holy nation perish.



Woman in Talmud and Midrash

A SELECTION OF SOURCES

SAID R. ELEAZAR: Whoever has no wife, is [thereby] not truly a man (Yebamoth 63a). It was taught: Whoever has no wife remains without beneficence, without a helpmate, without joy, blessing or atonement. . . . R. Simon quoted R. Joshua b. Levi: He remains also without peace. . . . R. Hiyya b. Gamdi added: Nor is he a whole man (*Bereshith Rabbah* 17, 2).

Our rabbis taught: Who is wealthy? . . . R. Akiba said, Whoever has a wife of beautiful deeds (Shabbath 25b). The heart's joy—is a woman (*ibid.* 152a). Said Raba: Come and see how beneficent is a good wife . . . since it is written, *Whoso findeth a wife findeth a great good* (Proverbs 18:22; Yebamoth 63b).

Our rabbis taught: If one loves his wife as himself, and honors her more than himself . . . Scripture says of him, *Thou shalt know that thy tent is in peace* (Job 5:24; Yebamoth 62b). Said Rab: A man should ever be careful not to mortify his wife, for since a woman cries easily, she is easily hurt.¹ . . . If your

1. Or, her hurt readily brings reprisal (Rashi).

wife is short, bend down and listen to her. . . . Said R. Helbo: A man should ever take great care to respect his wife, for blessing will frequent a man's house only for the sake of his wife (Baba' Metzia' 59a). R. Pinhas ha-Kohen b. Hama' said: When a woman remains chastely retired in her home, just as the Temple altar atones, even so does she bring atonement to her household (*Midrash Tanhuma'*, *Vayyishlah* 6).

Said R. Eliezer: Whoever divorces his first wife, even the Temple altar sheds tears for him (Gittin 90b). And R. Yohanan said: Whoever loses his first wife, it is as if the Temple were destroyed in his time. . . . Said R. Alexandri: For any man whose wife dies in his lifetime, the world grows dark. . . . R. Samuel b. Nahman said: For everything there is a substitute, except for the wife of one's youth. . . . R. Judah taught his son R. Isaac: A man finds satisfaction of spirit only with his first wife (Sanhedrin 22a).

The school of R. Shila' said: Women are compassionate (Sukkah 14b). We learn that the Holy One (blessed be He) gave woman extra understanding, more than man (Niddah 45b).

Where the tithe for the poor is distributed, a [poor] woman is to be given [her share] first. Why? because of the shame; [it would shame her to wait]. Said Raba: At first, if a man and a woman came before me to sue [their respective defendants] I would resolve the man's conflict first. . . . Once I heard this ruling, I settled the woman's case first [thereafter] (Yebamoth 100a). Our rabbis taught: If a male and a female orphan come to receive sustenance [from the community charity]² the girl is provided for first, and then the male orphan: for it is proper for a male to go about and ask alms at doorsteps, but it is not proper for a girl. If a male and a female orphan both come [for charity to be able] to marry, the girl is to be married

2. Rashi *ad loc.*

off first, and then the boy; for a woman suffers greater shame than a man (Kethuboth 67a-b).³



The Position of Woman in Judaism

BY DR. JOSEPH HERMAN HERTZ

late Chief Rabbi of England

IT IS ASTONISHING to note the amount of hostile misrepresentation that exists in regard to the woman's position in Bible times. "The relation of the wife to the husband was, to all intents and purposes, that of a slave to her master," are the words of a writer in the *Encyclopedia of Religion and Ethics*. That this judgment is radically false may be proved from hundreds of instances throughout Scripture. God created man and woman in His image (Genesis 1:27)—both man and woman are in their spiritual nature akin to God; and both are invested with the same authority to subdue the earth and have dominion over it (*ibid.* 28). The wives of the Patriarchs are almost the equal of their husbands; later generations regard them as quite alike. Miriam, alongside her brothers, is reckoned as one of the three emancipators from Egypt (Micah 6:4); Deborah is "judge" in Israel, and leader of the war of independence; and to Hannah her husband speaks: *Why weepest thou? . . . am I not better to thee than ten sons?* (1 Samuel 1:8). In later centuries we find a woman among the Prophets (Huldah —2

3. This principle is incorporated in our Code of law, *Shulhan Aruch Yoreh De'ah*, 251, 8: "If a man and a woman come to ask for food, the woman is given precedence over the man; the same is the law if they come seeking clothing. So also, if a male and a female orphan come to be married off, she is given in marriage first." And in 252, 8: "A woman is to be ransomed from capture before a man." (On clothing and ransom see Horayoth 13a.)

Kings 22:14, 2 Chronicles 34:22); and in the days of the second Temple, on the throne (Queen Salome Alexandra). Nothing can well be nobler praise of woman than Proverbs 31; and as regards the reverence due to her from her children, the mother was always placed on a par with the father (Exodus 20:12, Leviticus 19:3). A Jewish child would not have spoken to his grief-stricken mother as did Telemachus, the hero's son in the Odyssey: "Go to the Chamber, and mind thy own house-wiferies. Speech shall be for man: for all, but for me in chief; for mine is the lordship of the house."

The property rights of women became clearly defined in the Talmudic period. Her legal status under Jewish law "compares to its advantage with that of contemporary civilizations" (G. F. Moore). In respect of possessing independent estate, the Jewish wife was in a position far superior to that of English wives before the enactment of recent legislation (Abrahams). An infinitely important proof of her dominating place in Jewish life is the undeniable fact that the hallowing of the Jewish home was her work; and that the laws of chastity were observed in that home, both by men and women, with a scrupulousness that has hardly ever been equaled. The Jewish Sages duly recognized her wonderful spiritual influence, and nothing could surpass the delicacy with which respect for her is inculcated: "Love your wife as yourself, and honor her more than yourself. Be careful not to cause a woman to weep, for God counts her tears. Israel was redeemed from Egypt on account of the virtue of its women. He who weds a good woman is as if he had fulfilled all the precepts of the Torah" (Talmud).¹

The respect and reverence which womanhood enjoyed in Judaism are not limited to noble and beautiful *sayings*. That respect and reverence were translated into life. True, neither

1. [See respectively Yebamoth 62b, Baba' Metzia' 59a, Sotah 11b, Yebamoth 63b.]

minnesingers nor troubadours sang for Jewish women; and the immemorial chastity of the Jewess could not well go with courts of love and chivalric tournaments.

And yet one test alone is sufficient to show the abyss, in actual life, between Jewish and non-Jewish chivalry, down to modern times.

That test is wife-beating.

On the one hand both Rabbenu Tam, the renowned grandson of Rashi, and R. Meir of Rothenberg, the illustrious jurist, poet, martyr, and leader of thirteenth century Judaism, could declare: "This is a thing not done in Israel"; and the *Shulhan Aruch* prescribes it as the *beth din's* duty to punish a wife-beater, to excommunicate him, and—if this be of no avail—to compel him to divorce his wife with full *kethubah* [payment as per the marriage contract] (*Eben ha-Ezer* 154, 3).

Among non-Jews, on the other hand, no less an authority on the Middle Ages than G. G. Coulton writes: "To chastise one's wife was not only customary, not only expressly permitted by the statutes of some towns, but even formally granted by the Canon Law." Even in our own country (England), as late as the fifteenth century, "wife-beating was a recognized right of man, and was practiced without shame by high as well as low" (G. M. Trevelyan). In the reign of Charles II this recognized right of man began to be doubted; "yet the lower ranks of the people who were always fond of the Common Law still claim and exact their ancient privilege" (Blackstone). Even more strange was the public sale of wives that was not unknown among the very poor. Thomas Hardy wrote his powerful novel, *The Mayor of Casterbridge*, on such a sale. Some years ago, the [London] *Times* (January 4, 8, 11 and 17, 1924) traced a number of these sales throughout the nineteenth century; and Professor A. R. Wright has shown that folk-custom to have survived in various parts of England into the twentieth century.

In modern times, friend and foe of the Jew alike speak with admiration of his home, and echo the praise of the heathen seer: *How beautiful are thy tents, O Jacob, thy dwelling places, O Israel* (Numbers 24:5). The following description may well be quoted here of the Sabbath eve of a humble toiler in the London ghetto a half century ago: "The roaring Sambatyon² of life was at rest in the Ghetto; on thousands of squalid homes the light of Sinai shone. The Ghetto welcomed the Sabbath Bride with proud song and humble feast, and sped her parting with optimistic symbolisms of fire and wine, of spice and light and shadow. All around, their neighbors sought distraction in the blazing public houses, and their tipsy bellows resounded through the streets and mingled with the Hebrew hymns. Here and there the voice of a beaten woman rose on the air. But no son of the Covenant was among the revelers or the wife-beaters; the Jews remained a chosen race, a peculiar people, faulty enough, but redeemed at least from the grosser vices—a little human islet won from the waters of animalism by the genius of ancient engineers" (I. Zangwill).

5

Woman in Temple and Synagogue

BY SOLOMON SCHECHTER

(an abridgement)

THE LEARNED WOMAN has always been a favorite subject with Jewish students; and her intellectual capabilities have been fully vindicated in many an essay and even fair-sized book. Less attention, however, has been paid to woman's claims as

2. [A legendary river which ran turbulently all week and rested on the Sabbath.]

a devotional being whom the Temple, and afterwards the Synagogue, more or less recognized. At least it is not known to me that any attempt was made to give, even in outline, the history of woman's relation to public worship. It is needless to say that the present sketch, which is meant to supply this want in some measure, lays no claim to completeness.

The earliest allusion to women's participation in *public* worship is that in Exodus 38:8, to the women who assembled at the door of the "tent of meeting," of whose mirrors the lavers of brass were made (cf. 1 Samuel 2:22). Philo, who is not exactly enamored of the emancipation of women, and seeks to confine them to the "small state," is here full of their praise. "For," he says, "though no one enjoined them to do so, they of their own spontaneous zeal and earnestness contributed the mirrors with which they had been accustomed to deck and set off their beauty, as the most becoming first-fruits of their modesty, and of the purity of their married life, and, as one may say, of the beauty of their souls." In another passage Philo describes the Jewish women as "competing with the men themselves in piety, having determined to enter upon a glorious contest, and to the utmost extent of their power to exert themselves so as not to fall short of their holiness."

The Septuagint speaks "of the women who fasted by the doors of the Tabernacle." But most of the old Jewish expositors, as well as Onkeles, conceive that the women went to the Tent of Meeting to pray. Ibn Ezra offers the interesting remark, "And behold, there were women in Israel serving the Lord, who left the vanities of this world, and not being desirous of beautifying themselves any longer, made of their mirrors a free offering, and came to the tabernacle every day to pray and to listen there to the words of the commandments."¹ When we

1. [It might be interesting to add a passage from *Midrash ha-Gadol* to Exodus 38:8 (recently published): R. Eliezer said, Come and see what the

find that in 1 Samuel 1:12, *Hannah continued to pray before the Lord*, she was only doing there what many of her sisters did before and after her. We may also judge that it was from the number of these noble women, who made religion the aim of their lives, that the "twenty-two" heroines and prophetesses sprang who form part of the glory of Jewish history. Sometimes it even happened that their husbands derived their religious inspiration from them. Thus the husband of the prophetess Deborah is said to have been an unlettered man. But his wife made him carry to the Sanctuary the candles which she herself had prepared, this being the way in which she encouraged him to seek communion with the righteous.²

The language in which the husband of the "Great Woman" of Shunem addresses his wife, *Wherefore wilt thou go to him [the prophet] today? it is neither New Moon nor Sabbath* (2 Kings 4:23), proves that on Festivals and Sabbaths the women used to attend some kind of worship, performed by the prophet, though we cannot say in what this worship consisted. The New Moon was especially a women's holiday, and was so observed even in the Middle Ages, for the women refrained from doing work on that day. The explanation given by the Rabbis is that when the men broke off their golden earrings to supply material for the golden calf, the women refused to contribute their trinkets, for which good behavior a special day of repose was granted to them. Rather interesting as well as complimentary to women is the remark which the Rabbis make with regard to the "Great Woman." As will be remembered, it is *she* who says, *I perceive that this [Elisha] is a holy man of God* (*ibid.* 9). Referring to this verse the Talmud says, "From this fact we

righteous women of that generation did; [this verse] teaches us that each and every one brought one copper mirror, to make a separate contribution, memorializing themselves alone.]

2. [*Seder Eliyahu Rabbah*, ed. Friedmann, beginning of chapter 10.]

may infer that woman is quicker in recognizing the worth of a stranger than man" [Berachoth 10b].

The great woman, or women, continued to pray and to join in the public worship also after the destruction of the first Temple. Thus Esther is reported by tradition to have addressed God in a long extempore prayer before she presented herself before the throne of Ahasuerus to plead her people's cause; and women were always enjoined to attend the reading of the Book of Esther. When Ezra read the Law for the first time, he did so in the presence of the men and the women (Nehemiah 8:3). In the Book of the Maccabees we read of "the women girt with sackcloth . . . and the maidens that ran to the gates. . . . And all holding their hands towards heaven made supplication." In the Judith story, mention is also made of "every man and woman . . . who fell before the Temple, and spread out their sackcloth before the face of the Lord . . . and cried before the God of Israel." In the second Temple, the women, as is well known, possessed a court reserved for their exclusive use. There the great illuminations and rejoicings on the evening of the Feast of Tabernacles used to be held. On this occasion, however, the women were confined to galleries specially erected for them. It was also in this Women's Hall that the great public reading of certain portions of the Law by the king, once in seven years, used to take place, and women had also to attend at the function.

The three hundred maidens who were employed for the weaving of the curtains in the Temple cannot be looked upon as having stood in closer connection with the Temple, or as having formed an order of women-priests or girl-devotees (as one might wrongly be induced to think by certain passages in Apocryphal writings of the New Testament). But, on the other hand, it is not improbable that their frequent contact with the Sanctuary of the nation produced in them that religious

enthusiasm and zeal which may account for the heroic death which—according to tradition—they sought and found after the destruction of the Temple. It is to be remarked that, according to the law, women were even exempted from putting their hands on the head of the victim, which formed an important item in the sacrificial worship. It is, however, stated by an eye-witness that the authorities permitted them to perform this ceremony if they desired to do so, and that their reason for this concession was “to give calmness of the spirit, or satisfaction, to women” [Hagigah 16a].

Still greater, perhaps, was “the calmness of spirit” given to women in the synagogue. We find in ancient epitaphs that such titles of honor were conferred upon them as “Mistress of the Synagogue,” and “Mother of the Synagogue,” and, though they held no actual office in the synagogue, it is not improbable that they acquired these titles by meritorious work connected with a religious institution, viz., charity. There was, indeed, a tendency to exclude women from the synagogue at certain seasons, but almost all the authorities protest against it, many of them declaring such a notion to be quite un-Jewish.

I am rather inclined to think that the synagogue took for its model the arrangements in the Temple, and thus confined women to a place of their own. But . . . there can be no doubt that the Jewish women were great synagogue-goers. To give only one instance: One Rabbi asks another, If the members of the synagogue are all descendants of Aaron, to whom would they impart their blessing [to answer Amen]? The answer is, To the women [and children —Jer. Talmud, Berachoth 5, 5;9d].

Of the sermon some were even more fond than their husbands. Thus one woman was so much interested in the lectures of R. Meir, which he was in the habit of giving every Friday evening, that she used to remain there so long that the

candles in her house burnt themselves out. Her lazy husband, who stopped at home, so strongly resented having to wait in the dark, that he would not permit her to cross the threshold until she gave some offence to the preacher, which would make him sure that she would not venture to attend his sermons again.³

The prayers they said were the Eighteen Benedictions which were prescribed by the law. But it would seem that occasionally they offered short prayers composed by themselves as suggested by their personal feelings and needs. Thus, to give one instance, R. Yohanan relates that one day he observed a young girl fall on her face and pray: "Lord of the world, Thou hast created Paradise, Thou hast created hell, Thou hast created the wicked, Thou hast created the righteous; may it be Thy will that I may not serve as a stumbling-block to them."⁴ The fine Hebrew in which the prayer is expressed, and the notion of the responsibility of Providence for our actions, manifest a high degree of intelligence and reflection. It was said of Jewish women, "The daughters of Israel were stringent and laid certain restrictions on themselves." They were also allowed to form a quorum by themselves for the purpose of saying the Grace, but they could not be counted along with males for this end [Berachoth 45b].

One privilege was left to women—that of weeping. In Judges 11:40, we read of the daughters of Israel that went yearly to lament the daughter of Jephthah; while in 2 Chronicles 35:25, we are told how *all the singing men and the singing women spoke of Josiah in their lamentations*. Even in later times they held a public office as mourning women at funerals. In the Talmud fragments of compositions by women for such occasions are to be found. Indeed, woman became in these

3. [Jerusalem Talmud, Sotah 1, 4; *Bamidbar Rabbah* 9; *Debarim Rabbah* 5.]

4. [Sotah 22a.]

times the type of grief and sorrow. She cannot reason, but she feels much more deeply than man. Here is one instance from an old tradition: Jeremiah said, "When I went up to Jerusalem [after the destruction of the Temple] I lifted my eyes and saw there a lonely woman sitting on the top of the mountain, her dress black, her hair dishevelled, crying, 'Who will comfort me?' I approached her and spoke to her, 'If thou art a woman, speak to me. If thou art a ghost, begone.' She answered, 'Dost thou not know me? . . . I am the Mother, Zion.'"⁵

In general, however, the principle applied to women was: *The king's daughter within the palace is all glorious* (Psalms 45:14), but *not* outside of it. In the face of the "Femina in ecclesia taceat," which was the ruling maxim with other religions, Jewish women could only feel flattered by this polite treatment by the Rabbis, though it meant the same thing. We must not think, however, that this prevented them from attending the service of the synagogue. According to the Tractate Soferim, even "the little daughters of Israel were accustomed to go to synagogue" (18, 8). In the same tractate (18, 6) it is laid down as "a duty to translate for them the portion [of the Law] of the week, and the lesson from the prophets" into the language they understand. And thus being ignorant of the Hebrew language women prayed in the vernacular. Many famous Rabbis of the twelfth and thirteenth centuries express their wonder that the "custom of women praying in other [non-Hebrew] languages extended over the whole world." Some even recommended it, as, for example, the author of *The Book of the Pious*, who gives advice to women to learn the prayers in the language familiar to them. Nor was it unknown for a pious Jew to compose a special hymn for his wife's use in honor of the Sabbath.

How long this custom of women praying in the vernacular

5. [Pesikta' Rabbathi 26.]

lasted, we have no means of ascertaining. Probably it was already extinct about the end of the fifteenth century. For R. Solomon Portaleone, who lived in the sixteenth century, already regrets the abolition of "this beautiful and worthy custom." "When they prayed in the vernacular," he says, "they understood what they were saying, whilst now they only gabble off their prayers." As a sort of compromise we may regard the various *tehinot*, "Supplications"; they form a kind of additional prayers supplementary to the ordinary liturgy, and are written in German. Chiefly composed by women, they specially answer the needs of the sex on various occasions. These prayers deserve a full description by themselves, into which I cannot now enter.

It is also worth noticing that the manuals on the "Three Women's Commandments" (mostly composed in German, sometimes also in rhymes) contained much more than their titles would suggest. They rather served as headings to groups of laws, arranged under each commandment. Thus the first (about certain laws in Leviticus 12 and 15) becomes the motto for purity in body and soul; the second (the consecration of the first cake of the dough) includes all matters relating to charity, in which women were even reminded to encourage their newly married husbands not to withhold from the poor the tithes of the bridal dowry, as well as of their future yearly income; whilst the third (the lighting of the Sabbath lamp) becomes the symbol for spiritual light and sweetness in every relation of human life.

As another compromise may also be considered the institution of *forzugerin* (woman-reader) or the *voilkennivdicke* (the well-knowing one) who reads the prayers and translates them into the vernacular for the benefit of her less learned sisters. In Poland and in Russia, even at the present time,⁶ such a woman-reader is to be found in every synagogue, and from

6. [Two or three generations ago, and so below.]

what I have heard the institution is by no means unknown in London. The various prayer-books containing the Hebrew text as well as the Jewish-German translation, which appear in such frequent editions in Russia, are mostly intended for the use of these praying women. Not uninteresting is the title-page of R. Aaron ben Samuel's Jewish-German translations and collections of prayers which appeared in the beginning of the eighteenth century. He addressed the Jewish public in the following terms: "My dear brethren, buy this lovely prayer-book or wholesome tonic for body and soul, which has never appeared in such German print since the world began; and make your wives and children read it often. Thus they will refresh their bodies and souls, for this light will shine forth into your very hearts. As soon as the children read it they will understand their prayers, by which they will enjoy both this world and the world to come."

An earlier translator of the prayer-book addresses himself directly to the "pious women" whom he invites to buy his book, "in which they will see very beautiful things." Recent centuries seem, on the whole, to have been distinguished for the number of praying-women they produced. The virtues which constituted the claim of women to religious distinction were modesty, charity, and daily attendance at the synagogue morning and evening. In the memorial books of the time hundreds of such women are noted. Some used also to spin the *tzitzith* (fringes) which they presented to their friends; others fasted frequently, whilst "Old Mrs. Hechele" not only attended the synagogue every day, and did charity to poor and rich, but also understood the art of midwifery, which she practised in the community without accepting payment for her services. According to R. Ch. J. Bachrach women used also to say the prayer of *kaddish* in the synagogue when their parents left no male posterity.

The Jewish Woman

BY NAHIDA REMY

MODERN RESEARCH, which continually discloses the remotest mementoes of all civilized peoples, has, proportionally, brought to light only a few of the treasures of Jewish lore, which, however, have influenced, though unnoticed, the rise and development of civilization.

The investigator will be astonished to find how much old Jewish thought and custom have contributed to the amelioration of family life, and the social standing of woman.

It is the Bible which, from the very beginning, shows that man and woman were alike created in the image of God. Even the formation of the term in Hebrew, *אִישׁ* man, and *אִשָּׁה* woman, are alike, except for the necessary feminine ending, *ah*.

Among nearly all the ancient nations woman was considered a dependent, enslaved creature, or an object of luxury and amusement. Let us turn to the Bible and the Talmud to find how woman was treated among the Jews. Both these books are replete with the most important laws and statutes which, developed by a thousand years of experience, are still valid in modern legislation.

The regulations and rules for the position and treatment of woman are found to be the most original ones. Before entering into a detailed examination, one is induced to ask: Have the ancient Jews been so much ahead of their time, or did modern legislators retrograde so far behind the ancient Jews?

The special care for woman and the reverential regard for her are remarkable, and fall nothing short of homage. A striking difference prevails in the very way in which the birth of a

child was greeted among the Jews, in comparison with other nations. The newborn human being, whether a girl or a boy, was received with all the love and tender care which its touching helplessness required.

There are no rules to be found in old Jewish legislation concerning how the children should be brought up, how they should be cared for and treated—for it seemed self-evident to them that it should be done. This question is discussed the first time in the Mishnah, and the Jewish scholars agreed that children of either sex, had the very same right to parental care.

The grown-up girl is given in marriage by the parents, or put into a home where the master, or the son of the master, wishes to marry her later. Even where there is a question of a "sale," the father, it is true, receives a compensation, and the girl "serves" in the house of the "master," but when the master, or the son, has not married her within six years, she is *free*, and no one, not even her own father, can prevent her from going, for she is protected by the law.

What a vast difference between this independence gained in a few years, and the condition of slavery to which girls and women of other nations were subjected during entire lives.

Her master, who was not permitted to send her to any other place during the six years, was bound, if the marriage did not take place, to indemnify her for the work she had done in his house. Under all circumstances, there was not only care taken of her physical wants, but also of her moral development. Many a proverb and Talmudical saying illustrate this seemingly dependent, but really self-directed, relation of the girl in the house of the master who would probably become her husband.

Strange and hazardous seems the custom that the father was permitted to promise the daughter, not yet of age, and even as a mere child, in marriage; but the Mishnah and the Talmud have in such cases prevented an abuse of parental authority.

On the day the daughter becomes of age, she is at liberty to reject the intended before witnesses, and is then free to choose another husband. In case the wife becomes a widow, she enjoys, besides all the rights of majority, also the right of minors, to return to the parents and receive the prescribed support.

A very essential question is that of the dowry of the young wife. As she could not inherit in case there were brothers, the dowry included a compensation. The Talmud, which refers, wherever feasible, to the authority of the Bible, cites the example of Caleb, who gave his daughter, Achsah, in marriage to the young hero, Othniel: *And it came to pass, when she came to him, that she moved him to ask of her father a field, and she alighted from her ass, and Caleb said unto her, "What wilt thou?" And she said unto him, "Give me a blessing, for thou hast set me in the Southland; give me therefore springs of water." And Caleb gave her the upper springs and the nether springs* (Judges 1:14, 15).

In case the father is too poor to give a dowry to his daughter, the community assumes this charitable duty. Up to this day there exist Jewish societies, mostly composed of women, which provide dowries for poor brides.

The dowry of daughters is generally set aside before any inheritance is settled on sons or other relatives; similar care is taken in behalf of the wife.

According to the old formula, the *kethubah*, the document wherein the husband enumerates his obligations towards his wife, begins thus: "Be my wife according to the laws of Moses and Israel, and I will work for thee, honor thee, support thee, and provide for thee according to the custom of Jewish husbands, who work for, honor and support their wives and provide for them in verity."

Touching, indeed, are the repeated admonitions of the

Bible to protect the widows and orphans, and it is a proof of a grand and lofty moral conception that provisions were made, first of all, for the "stranger." "Ye shall not afflict any widow or fatherless child. If thou afflict them in any wise, and they cry at all unto me, I will surely hear their cry, and my wrath shall wax hot." (Exodus 22; Deuteronomy 24; Isaiah 10; Jeremiah 7; 6, etc.)

By the agricultural laws, certain portions of each field were reserved, among the Jews, for the stranger, the widow and the orphan. The widow was not only permitted to remain in the house of the deceased husband, but she could claim the right to be supported and to be waited on by the servants of the house. R. Judah Hanassi, the compiler of the Mishnah, was the originator of this privilege. Before he died he called his sons and admonished them to honor their stepmother, his second wife, and to let her enjoy all advantages and privileges which she had enjoyed during his lifetime. It can be surmised that the habitually industrious Jewish woman, in return, helped actively to further the family's welfare during her widowhood.

It is remarkable that the wife had the right to select the first dwelling place after the marriage. In case of a refusal by the husband, they could be divorced, without any detrimental consequences to the wife in any respect, either morally or pecuniarily. Of what consequence such a rule was, opposing a certain roaming disposition in some men, is obvious.

All these rules and precepts make it clear that the Jewish people found the expression of being the "chosen people" pre-eminently in the sanctification of life. And where could this sanctification find a truer expression than in family life? On the preserving of a pure and spotless family life depended the preservation of the Jewish people. Not to keep family life intact, meant to stop up the source of the godly life of the true Jew. And to whom was entrusted the immediate care, on whom

rested the greatest responsibility for the sanctification of the home? On woman, on the wife, on the mother.

The greatest responsibility rested on her, but she was also invested with the greatest dignity in the home. The husband being actively engaged in his office, or at his trade, or becoming so absorbed by his studies that often his eyes rested but dreamily on his nearest surroundings, the eye of the wife had to be keener and clearer for his, for her, for the whole family's sakes.

Rigorous punishment was inflicted on the husband who knowingly brought false accusations against his wife. Seduction of a girl was likewise subject to the full severity of the law; besides being liable to penalties, one could atone for it only by marriage, which was indissoluble in contradistinction to a marriage by free consent; but the girl had the right of refusal. He who had misled a married woman was sentenced to die; his transgression could not be atoned for by marriage; he was deemed equal to a murderer, and was put to death. All these precepts and laws are an evidence of the elevated position Jewish woman held in the old Mosaic legislation.

Somewhat strange seem the Biblical regulations of divorce. According to them, only the husband can demand a divorce, and often for apparently trifling causes (Deuteronomy 24:1-5).

The Talmud, so often defamed by ignorance and malevolence, is always found interceding for the weak and helpless. It supplements the Bible text in favor of woman.

The Talmud grants also to the wife the right to demand a divorce, and if her claim is deemed valid, the husband is forced to a separation by the judges; finally, at the Synod in Metz (1020) Rabbenu Gershom passed an interdiction against seeking a divorce without the acquiescence of the wife. In case the wife claimed and obtained the divorce, she naturally remained in the possession of all her property and marriage portion. The small children were entrusted to her care, while

the father had to provide for their support. If the child was a boy, the father could claim him at the age of six years; the daughters stayed with the mother, who, independently, conducted their education.

Where the daughter's or the widow's rights seem curtailed, as in the laws of inheritance, etc., ample provisions were made, often securing for her even more than the full value of the property in question.

When a woman had brought punishment upon herself, then special care was taken not to violate her modesty. Scourging of women, as it is practiced in Russia even today, would have been considered atrocious among the ancient Jews.

The Mosaic laws are not only more humane and show a deeper insight into human nature than those of any other nation of that time, but the unwritten statutes are even more refined and on a higher plane.

The Jewish view of marriage is loftier than that of any other nation. The main quest is not submission and blind obedience on the part of the wife; what is required of her are morals and morality. There is no question of a gloomy, silent subjection, but of a loving alliance; of a union of purpose and aspirations. The wife is not the slave of her husband, but, as God Himself calls her, his "helpmate." Her place is at his side; love and peace she shall spread around him, like a sheltering canopy. "His house," says the Talmud, "that is, his wife." The same book tells, further, if an important proposition was made to the husband, he would say, "I will go and consult my wife." With the Greeks, however, all that the husband undertook in accordance with the counsel of his wife could be annulled and declared as not binding. It is one of the moral laws of the Talmud that man should marry, but *only* when he is able to support a family adequately. In choosing a wife, man should not be guided by outward charms and riches, but by her moral

qualities. *House and riches are the inheritance of fathers, but a prudent wife is from the Lord* (Proverbs 19:14). *A woman that feareth the Lord, she shall be praised* (*ibid.* 31:30).

A covenant of God is called the marriage contract, which requires not mere outward fidelity, but the fidelity of the heart. Husband and wife, each of them performing his or her duty, each of them invested with equal authority, shall share faithfully the joys and the sorrows of life. To forsake the wife *covereth the altar of God with tears and with crying out*, says the Prophet (Malachi 2:13). The Jewish sages commanded the husband to honor the wife more than himself, to love her as himself, and in proportion to his fortune to supply her with the comforts of life. He should not excite fear in her (contradictory to the Christian precept, "But the wife shall fear the husband"), but commune with her quietly and gently, and not be gloomy nor angry with her (Maimonides).

The following characteristic maxims are found in the Talmud: "A husband's death is felt by no one as much as by his wife; a wife's death is felt by no one as much as by her husband." "It is the wife through whose efforts the blessings of the Lord come to the house; she teaches the children, encourages the husband to visit the house of God and the school, and welcomes his coming home; she fills the house with godliness and purity; on all her doings rests the blessing of the Lord." Among the innumerable anecdotes and narrations of the Talmud there is found a very characteristic one about the wife of Rabbi Akiba. She is a typical "helpmate" of the husband; she relieves him of all domestic toil and trouble, in order to enable him to apply himself undisturbed to his studies. She, the spoiled child of the rich Kalba Sabua, whom she exasperated and estranged from herself by following the poor, but beloved husband—she even sold her wonderful hair to support him in a time of distress.

It is an ever-recurring phenomenon, the taking care by

Jewish women of all domestic and even business affairs which are essential for the support of a family, in order that the husband might gain leisure for study—a fact hardly to be met with among any other nation.

IN THE DARK MIDDLE AGES

. . . The dispersed Jews found everywhere smaller and larger Jewish settlements, for many of their forefathers had emigrated, centuries ago, on account of persecution. . . . Already during the sway of the Romans, Jews had settled in Cologne. By inherited habits they cultivated vineyards, became farmers and craftsmen—only a few of them turned to trade. . . .

Manslaughter became canonically sanctioned by the crusades. More than seven million men were slain “to the glory of God,” and just as many were reduced to beggary.

It was the women who encouraged the men fearlessly to meet death. When, during the first crusade, the Jews in Mayence were threatened by the rabble with death in case they did not submit to baptism, then the wives assembled with their children, requesting the husbands first to slay them, and then to commit suicide. . . .

It is well known how the ridiculous accusations of the killing of Christian children, and of poisoning the wells, were circulated among the populace, how they were credited, and of what endless misery they were the cause. The priestly slaughterers gradually became aware that the steadfast adherence of the Jews to their faith had to be ascribed, in most cases, to the heroism of Jewish women. As a consequence, the persecution of women increased. In the year 1501 sixty-seven Jewesses were burned. A number of women drowned themselves in despair; in other places they were driven away. We read repeatedly of women who sought death in the floods.

Their prototype is Esther, the daughter of the magistrate

of a synagogue, who, in the eleventh century, with a number of companions, all weighted down with stones, threw themselves into the Moselle. Nearly one hundred thousand women and girls sought death in this manner in order that they should not be forced to be faithless to the God of Israel, to the One and Only God.

More fortunate was a Jewess by the name of Maria Nunnes Pereyra. On her flight from Holland she was made a captive by an English ship. Her charming ways and the dignity of her deportment made such a deep impression on the owner of the vessel, who was an English duke, that he wooed her with passionate eagerness. He offered her his hand, and although she refused his offer, because in order to become his wife she would have had to renounce her faith, he still hoped to win her.

He remained near her at their arrival in London, and introduced her to Queen Elizabeth. The Queen herself soon felt so deep an interest in the beautiful and highly educated Jewess that she asked her to accept Christianity and to become the wife of the duke. The favor of the Queen could not fail to impress the fugitive, who needed protection in the foreign land; nevertheless, she remained faithful to the Eternal, and declined conversion. Finally the Queen dismissed her, not ungraciously, and she went to Holland. In Amsterdam she gathered around herself a number of faithful adherents of the Mosaic law. This was the beginning of the subsequently large and influential Jewish community.

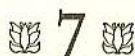
Another interesting Jewess of superior attainments ought likewise to be mentioned here: *Donna Grazia Nasi*, who was born in Portugal in the year 1501. She was left a widow in her twenty-fifth year, and had to face most trying circumstances.

The establishment of the Inquisition, which from year to year exacted enormous sums from the Jews on the most trivial pretenses, forced Donna Grazia to flee to Holland, in order to

save her life and fortune. Here she had to deny her belief; but she could not endure this dissimulation, and was anxious to move to a place where she could openly acknowledge her faith. Only after enormous sacrifices and sufferings did she find a refuge in Venice. From there she went to Ferrara, and finally to Constantinople. Here, among the Turks, she obtained what Christians had refused her—the freedom to live without falsehood and hypocrisy. She openly confessed Judaism, assumed the name of Hannah, and evinced her deep religiousness by her love for her coreligionists and by works of charity.

She founded synagogues and schools, promoted learning and science in every way, and assisted the poor and persecuted.

At that time, when the Pope, Pius IV, committed horrible atrocities against peaceful Jews, Grazia-Hannah obtained the assistance of the Sultan. He gave them his protection and granted them refuge. She died deeply deplored by a host of friends in the year 1569.



The Elan Vital of the Jewish Woman

BY NINA H. ALDERBLUM

IN THIS ESSAY I shall seek the source out of which there may have sprung the rich and multicolored panorama of activities by Jewish women. My search is for what constitutes Jewish vitality and how it has expressed itself in the life of the Jewish woman.

There is something peculiar to the Jewish woman which distinguishes her from the rest of womankind. The Jewish woman has not only to live, but to live Jewishly; not only to carry her own life, but also that of her people. The blending of her life with that of the Jewish vision constitutes the entelechy,

that is the highest form of Jewish womanhood. Her immediate flow of being carries with it the past with all its memories, and the future with all its hopes and problems. She is born with a destiny, and with a consciousness of it.

Sarah had to concern herself with the inculcation of purity and idealism in Isaac. Rebekah was faced with the conflict of Jewish and non-Jewish ideals, exemplified in Jacob and Esau; to safeguard Jacob, she was forced to worry, struggle, plan and even to use strategy against Isaac. The effect of the cruel designs of Pharaoh was, naturally, to make more firm the Jewishness of every prospective mother. Not on milk, but on Heavenly food, did mothers rear their infants during the forty years in the desert. Already in the wilderness Jewish life started: a generation raised on the manna could not but be different from the rest of the world. A history with the experience of Mount Sinai behind it and the Promised Land before it was bound to generate a life of its own, a life with a perpetual momentum. Judah Halevi reckons the exodus from Egypt, the revelation on Mount Sinai, the manna in the desert, the choice of God's dwelling, and His covenant with His people, as the fundamental elements out of which Jewish life was formed. We may even assume that he considers these historic traditions the premises, the primary stuff of experience, out of which thinking—Jewish thinking—proceeds. Judah Halevi seems to be convinced that thinking becomes possible only when we assume as our first axioms the election of Israel and the knitting of God with the fate of Israel and its land. Such convictions produced a people with the strength symbolized by Daniel, who could go into a lions' den without being devoured, and walk through a furnace without being burned. To the same beliefs we owe the Deborahs, the Hannahs, the Judiths, the Esthers, the Beruriahs, and the host of other women who consecrated their lives to the perpetuation of Jewish ideals.

The vision of certain ideals gives to a people self-consciousness, coherence, and its own way of thinking. By grasping the vision of a nation, we can penetrate into its history and philosophy. History written from the point of view of vision would reproduce the innermost essence of each nation and bring out its dreams, strivings, and aspirations. It seems to me the vital impetus of the Jewish woman—what one thinker calls the *elan vital*—is drawn from the very romance of Jewish being. The Jewish soil is fertile for nurturing the creative ideals of womanhood. It is unnecessary again to state how in each generation the woman—through the atmosphere of genuine piety that she created in the home—has been the carrier of Jewish life. The spirituality, the mystical beauty, the consciousness of spiritual strivings and creations, the nearness to God, the complete identification with the group life—all these conceptions the Jewish woman has drawn from the Jewish impetus to live a unique life of her own. Her personal life merges with the Jewish life. In our century of transition, this coalescence may not be so self-apparent, but it was a complete one even so recently as the preceding generation, when the voice of the past was not a feeble echo, when the Sabbaths and the Festivals vibrated with the strength of the ages.

I cannot yet forget the picture of my grandmother with her joys, her ecstasies, her concerns and sorrows, all bound up with the Torah. Even at the age of eighty she would get up at four in the morning to prepare breakfast for the men studying in the *yeshibah* which was in the courtyard adjoining.

The same vital force which created and maintained Jewish existence has also given character and color to Jewish womanhood. It is this impetus which has kept Judaism from being destroyed either through persecution or assimilation. This vitality which cannot be conveyed in rational terms (though it becomes rationalized in its process) can only be defined as

an *elan vital*. We may refer again to Judah Halevi, who insists that the essence of Jewish life is not rationalism, but the very romance of being. He did not use this term, but that is what he meant. The German philosophers of the nineteenth century emphasized strongly that romance was the ultimate explanation of life. One may venture to read Jewish life and history in terms of romance, which may furnish an adequate expression for much that is intangible and indefinable in Jewish life.

Romance, in its philosophical connotation, implies a lofty moral conception superior to the exigencies of life, more stern and picturesque than daily utilitarianism. It implies a belief in will-power, an endeavor to submit life to that will rather than to bend the latter to a life which is inferior. The will has to believe that underneath the surface of life—which alone is discernible—there is something totally different from the outward stubborn crust. There is a beauty above the sensuous, there is a kind of intellectual and moral beatitude, which cannot be defined. If we add to this the concept of vital impetus, we may get the rich meaning of romance which philosophers regard as the source of existence.

Like philosophical romanticism, Judaism, too, is a will to live a life different from the one which surrounds us, one which will make us partners with God—His chosen people who help Him perfect the world. God chose Israel and Israel chose God, in order that both might engage in the same task of fulfilling the moral life. The Jewish will is the will to live a life such as could even mould nature and transform it into divine symbols and permeate it with divine precepts.

There is sufficient ground for asserting that woman's natural craving for beauty and romance can find satisfaction in the essence of Jewish being. For there is beauty in a life with a vision of beyond the horizon, there is poetry in the moral striving to transform the physical into the ideal, there is loftiness in the

passion to draw near to the perfection of God, and there is vitality in the joy of living. The Jewish elan vital flows from this very romance which has constituted itself the Jewish being. A romance woven out of God, land, and people, fused together into an organic spiritual life, carries with it its own regenerating strength. It is romantic for the Jewish woman to be part of a history which is self-creative, and more romantic than any of our epic poems. It is a poem wrought in deeds; it is the story of human imagination welded with action, of dreams and visions knitted with life, of ideals brought to bear upon that life and not divorced from it. Life, constantly moved by the vision of the ideal, is the greatest epic poem of human creation.

The strength of the Jewish woman lies therefore in living the Jewish life in its entirety. It is incumbent upon the Jewish woman to help infuse the world with Jewish moral fervor, with the unquenchable thirst for a moral cosmos. We have not yet risen to the lofty moral principles of the Prophets and the Sages. Of course, the world-problems might have found their own respective solutions. But Jewish ethics has given them a moral timbre. Of great moment to the world is the very existence of the Jewish people—a people with a different elan vital, a moral one, a people which yearns for the moral life, and for whom the moral life is the sole purpose of existence. The nations have changed through the existence of the Jewish people—therein appears the dynamic power of Jewish thought.

The twentieth-century Jewish woman seems to be faced with the hardest task in Jewish history. It is incumbent upon her to reconstruct the Jewish home so that the values of old may interpenetrate the life of to-day and transform it into an harmonious whole. Life in the ghetto was integral and harmonious; the island within was unsplashed by the outside currents. Nowadays, however, to be born a Jew means to be born into a conflicting world, into a world which is one's own and yet not

one's own. The Jewish mother can bring meaning and continuity into the life of the modern Jewish child by connecting his outer life with the living fountains of the Jewish past, and by making him realize that the Jewish past and present are inseparable links in one continuous chain—the past appearing as the retrospective present, and the present as an enlarged and richer past.

In this way the Jewish woman, who draws her strength from the impetus which gave momentum to the Jewish people, can revitalize that very source and help to make it a continuous stream.

❧ 8 ❧

Married Love in Jewish Law

BY DR. LEO JUNG

THROUGHOUT THEIR HISTORY, the Jewish people have been the classic example of domestic happiness. To us the meaning of marriage is conveyed through *Halachah*, the legal part of the Talmud and later Rabbinic literature. The Sages insisted [Kiddushin 45a] that the verse, "*Love thy neighbor as thyself*" (Leviticus 19:18), referred particularly to one's wife. The husband must entertain highest regard for his wife, and cherish her as he would himself.

WEDDING CEREMONY

The wedding ceremony illustrates this attitude dramatically. The ancient *kethubah* (marriage document) was the first in human history to guarantee to woman rights and privileges of her own, and to protect her in every contingency and situation. There are both general and specific provisions in the *kethubah*.

The groom pledges: "Become thou my wife according to the law of Moses and Israel, and I shall serve you, honor you, and provide for you according to the principles of a Jewish husband who should serve, honor, and provide for his wife in sincerity." But in the *kethubah*, he also makes a more specific commitment: he must put aside before the marriage, a sum of money to take care of such emergencies as his own death or a divorce, so that his wife will not be left destitute. This practice impresses the young couple with the knowledge that while there is romance in marriage, there are also concrete obligations. It is of the utmost importance that they realize in advance that marriage is more than a beautiful lark. It is a serious matter between two adults.

Why does the couple drink out of the same cup under the *huppah* or marriage canopy? Because marriage means that whatever life holds in store, man and wife "drink together." If it be a problem, it will be only half a problem because two people, deeply devoted to each other, have it together. And if, as we hope, it is *simhah*, it will be double joy because two people, devoted to each other, have it together.

Nor is marriage only a matter concerning one couple. The ideals they are to uphold add to the glory, peace, and strength of the Jewish people. Hence it is an event of communal rejoicing, and a *minyan* is required at the ceremony. The establishment of every new Jewish home offers the hope that it may produce a leader in Israel. Did not the Sages say that every Jewish school child is a potential Messiah?

In some countries, the bride walks around the groom under the *huppah*. This symbolizes her ethical sensitiveness. Refined persons do not display their love in public. By circling around her husband under the *huppah*, the bride suggests the vow that she is too modest to state aloud: "I will endeavor to surround you all my life with grace and kindness and harmony."

SACREDNESS OF MARRIAGE

Marriage in Hebrew is called *kiddushin*, "a sacred thing." This does not mean that it is under all circumstances binding unto death. Where there is absolute incompatibility between man and wife, Judaism recognizes the need to help them part. But so long as husband and wife are compatible, their marriage is a sacred union. The three R's of marriage are reverence for personality, righteousness and *rahamanuth* (unselfish love, literally mother-love). A happy marriage depends not only on sound character, intellect and healthy emotions—it draws its strongest sustenance from the principles of Jewish ethics.

Whereas figures show that between twenty-five and thirty per cent of all marriages in this country end in divorce, and an additional twenty to twenty-five per cent stay together because of parents or children, religious scruples, public opinion, or monetary considerations, the Jewish rate of divorce used to be one-half of one per cent and is now about two per cent. How explain this difference? At least in part it is due to the Jewish attitude toward marriage, brought about by the laws of Judaism as against those prevailing in the world without. Even today, in most civilized countries, if a man cohabits with a woman below the age of consent, he is considered as having committed rape, and, if convicted, is sent to jail. But if a man marries a woman, she is, even by the laws of our own fifty states, expected to be physically at his disposal whenever he so desires. Hence the notices in newspapers: "My wife having left my bed and board, I will no longer be responsible for her debts." A Jewish husband may never approach his wife without her consent. He is bound to respect marriage as *kiddushin*, a sacred institution which demands mental, moral, and physical discipline. By Jewish law, it is unlawful for a man and a woman—unless they are married to each other—to be alone in a closed apartment. To some this may seem old-fashioned and

harsh, but it reflects a noble attitude that has prevented sexual laxity, and has kept the relations between man and woman on a high plane.

ATTITUDE TOWARD WOMEN

The Sages, esteeming woman's esthetic awareness and moral significance, state in the Mishnah that to her was entrusted a threefold mission: "to justify possession by charity, love by purity, and life by spirituality." No more eloquent tribute to woman can be found in all of world literature.

R. Akiba, one of the greatest Sages, said of his wife [Kethuboth 63a]: "I owe everything I am to her," and that, "if the whole Bible is holy, the *Song of Songs* (dealing with love between man and wife) is the holiest of the holy" [Yadayim 3, 5]. He once made a statement which, on the surface, is rather startling. On the last page of the Talmud tractate *Gittin* [90a] there is a discussion of what constitutes ground for divorce. One rabbi said "immorality," another "malice." But Rabbi Akiba held that if a man found another woman more beautiful than his own wife, he could divorce her. The profundity of this statement may not be immediately apparent. Unless a Jewish husband felt from the day of the wedding and beyond the diamond anniversary that his wife remained the most beautiful woman on earth, he should grant her a divorce, for he no longer deserved her. Curiously enough, this is echoed by Robert Ingersoll: "The essence of our attitude toward woman is that, when we have married her, she must remain the most beautiful creature from now and forever."

In this ennobling of marriage among Jews and in assuring women their rights as human beings, the Talmud has been of greatest influence. In its view [Pesahim 49b], a father who marries his daughter to an *am ha'arets* (literally "a man of the soil," but bearing the connotation of "an uncouth lout") commits

a grave sin, as though he had thrown her to a lion: "Just as a lion does not ask its victim's permission to devour him, so the *am ha'aretz* debases his wife by approaching without her consent." The stricture against the exploitation of women in marriage is basic in Jewish law, and most remarkable for the fact that it was set down in the Mishnah almost two thousand years ago, at a time when other nations treated their women as though they were chattel.

ATTITUDE TOWARD SEX

Unlike the teachings of other religions, Halachah has no contempt for physical love. While the early Christian Church looked upon marriage as the work of the devil—only monks and nuns being free of his influence—the Torah teaches that we are made of body and soul, and therefore love with body and soul. Provided that love is genuine, that it implies not merely desire but also respect for the partner, it is precious and beautiful.

The wisdom of Halachah concerning sex in marriage has been lauded by many authorities, among them the late Doctor Marie Stopes, one of the world's great authorities on marriage, and the only woman member of the Royal Society of Great Britain. In her book *Married Love* (first attacked as lewd and lascivious, but now regarded as one of the soundest manuals ever written), she states: "I have studied all systems, literatures, and laws dealing with married love. I have found only one to protect the physical and spiritual welfare of young women—the Jewish twelve-day law."

This law is so sacred in Jewish tradition that Jewish women throughout the ages ignored every inconvenience and danger in order to conform with it. In essence, the Jewish "twelve-day law" was intended to guard woman's dignity, to make her feel at all times that she remained in possession of her body and

soul, even in marriage. While the law states that a husband must never approach his wife without her consent it also emphasizes that when husband and wife are physically, mentally, and emotionally in good condition, there is nothing wrong in physical union. But there must be unity of heart and mind before unity of the body is lawful. The Jewish law insists that during the period of menstruation and for seven days thereafter—that is, for twelve days every month except in pregnancy—there must be no sexual union whatsoever.

There is an excellent reason for this stricture beyond the purely physiological. These twelve days serve as a period of renewal, when man and wife rediscover other facets of love: a sense of belonging, consideration, respect, companionship. Sex is important but it is neither everything nor nothing, and it must not overshadow the enduring qualities of marriage. The serenity of knowing, without any sexual act, that one loves and is loved; the opportunity to convey devotion by a word or a look; the chance to exchange one's deepest thoughts in a quiet atmosphere untroubled by powerful physical urges—these are all vital to a happy, lasting marriage. And when the twelve days are over, the normal longing for each other has returned, so that, in accord with Halachah, when the love cycle is renewed, there is a new honeymoon every month.

This practice of observing sexual abstinence for twelve days would have vanished long ago had Jewish law not given it the support of ritual and ceremony. To protect woman, and through her to protect man and the sanctity of marriage, the Torah set forth the rule that the love cycle was not to be resumed until the woman had taken a ritual bath, which in turn could not be taken until the end of the twelve days.

The term "ritual bath" or *mikvah* has an unfortunate connotation today. Some modern Jews tend to sneer at it as an outmoded custom, but they have never understood its nature

or function. The *mikvah* has nothing to do with cleanliness of the body. It is part of a religious ceremony to insure the quality of married love. Marriage is a fragile bark that needs protection against the storms of life. By interrupting the love cycle on the night before the woman expects her period, and resuming it not earlier than twelve days later, after the prescribed immersion in the *mikvah*, married people learn to control their impulses and to consider the mate's feelings. Free from excess their love will never grow stale. Adherence to the twelve-day law prevents married relations from becoming drab routine and makes it possible for marriage to be considered, even many years after the *huppah*, as an institution on the highest moral level, a source of abiding happiness to the partners.

When non-Jews praise the stability of Jewish marriages and the wisdom of the "twelve-day law," it is a tribute to the solid achievement of Jewish law in raising the quality of married love and binding husband and wife in a devotion that rests on mutual respect and compassion. The law of the *mikvah* is not outmoded. Never more blissful than today, it is a symbol of the Torah's injunction: *Sanctify yourself and you will be holy* [Leviticus 11:44, 20:7].

The Jewish people have survived through all these centuries not only because Judaism is a living faith, but also, in great part, because the Jewish code of marriage has served as a constant, unfailing source of renewal. We must be wise enough to observe these laws. Only thus shall we perpetuate the spiritual and ethical level of Jewish homes, and enable them to continue as sanctuaries of harmony and peace in a chaotic world.

Mixed Pews

BY RABBI MORRIS MAX

WITHIN the three centuries in which orthodox Judaism has been a part of the American scene, and certainly during the past fifty years, environmental forces of major weight have challenged the perpetuation of its unique character and institutions. American Jewry can therefore find satisfaction in the fact that the overwhelming majority of its over 4,000 congregations remain loyal to orthodox belief and practice. This is particularly striking in view of the insidious forms which the means of assimilation are apt to assume, notable among which is that of "mixed pews."

Mixed pews—that is, the mingled seating of men and women at services—is a problem which has plagued numerous synagogues at one time or another. A departure from traditional Jewish usage which has characterized the Reform and Conservative movements since their inception, mixed seating has become the very symbol of assimilationist retreat from the Jewishly-oriented view of life. The rise of a generation tragically unschooled in Jewish teaching has widened the ranks of those who suffer the illusion that mixed pews form a touchstone to a supposed "modernization" and who fail to perceive that traditional Jewish practices are each an integral part of the great pattern whose total is Judaism. The orthodox Rabbi visiting a new community is very apt to find himself faced with the question: "Why not change the seating arrangement of the synagogue so that men and women may sit together at services and thereby make the synagogue modern and attractive to youth?"

The time has come when we must bring this matter out in the open. Our views must be clear and forthright, so that Jewish men and women everywhere may know where orthodoxy stands and why we take that stand. In far too many instances have congregations been cut off from their ancient moorings, via the deceptive path of mixed pews. Using ill-informed individual members as catspaws, anti-orthodox groups have exploited the issue of mixed pews in such fashion as to gain entry to circles foreign to them. The Conservative group, in its studied attack upon the strongholds of Judaism, has been particularly energetic in using the mixed pew technique as the first prong of a pincer movement—the second being the foisting upon congregations of subsidized Conservative “Rabbis”—whereby synagogues have been captured. More than one leader of an orthodox congregation, Rabbinic and lay, has been tempted to go along, to swim with the tide. But this tide is rather a treacherous current amidst the ocean of Judaism. It leads to fatal destruction.

Let us note the reasons given for mixed pews by its advocates. They can be set down briefly as follows: (1) The equality of men and women in the social, political and industrial fields of life makes it imperative that in the synagogue the same equality should prevail. (2) The women, whose Jewish education has been sorely neglected—even more than that of the boys and men—need help in following the prayers of the service. The men can extend that help to them, if they sit close by during the service. (3) The girls and women feel that they are segregated and are not considered part of the congregation. Segregation breaks up the feeling of unity that should pervade the atmosphere of the synagogue as it pervades the home. (4) The Torah does not specifically enjoin separate seating. And (5) customs must change with the times, and the trend is irresistible.

Let us analyze these arguments and see how they stand

up in the light of genuine Jewish tradition and in the light of the religious needs of people today.

EQUALITY

The synagogue was established for regular public worship to be conducted not once a week but three times a day—morning, afternoon and evening. According to the Halachah, women have been freed from the obligation of observing those positive commandments which must be performed only at a particular time of the day or season of the year (Kiddushin 29a). The reason for this ruling is to be found in the natural superiority that woman has over man for the upbringing and training of children. No man would be so carried away by the enticing slogan of "equality" as to insist that he be given equal "rights" in the daily routine chores of raising his children. Nature has endowed woman with traits of character that make her uniquely suitable for motherhood—qualities that man cannot equal.

Recognizing this superiority of woman as an indisputable asset to Jewish social living, our Heavenly Father decreed in the Torah that no religious law should interfere with the woman's unique aptitude and capability of raising her children properly. We can readily see the wisdom of this law. What would happen to our children if Jewish women were to be obligated, as are Jewish men, to go to the synagogue every morning, don *tallith* and *tefillin* and to participate in the services three times a day? The religiously observant woman would be forced to neglect the needs of her children.

Yet, the Jewish woman was required to participate in the synagogue service insofar as she was able to do so. We can, therefore, well understand that for the sake of preserving the regularity of public worship the custom arose to have the main synagogue set aside for the boys and men—for those who were obligated to come three times a day, while the balcony or any

other part of the synagogue which was partitioned from the main auditorium was set aside for the women who, because of the reason mentioned above, can attend only at certain times.

It is, therefore, evident that when the opponents of tradition advocate mixed pews in order to establish the "equality" of men and women, they do not mean that they want the women to be obligated as the men to participate in the service three times a day. What they really desire is that Jewish men should become "equal" to Jewish women—that is, free from the obligation of observing the positive commandments of the Lord as are the Jewish women!

The time has come for all to understand that the slogan of "equality" is only a catch word exploited by non-orthodox bodies to gain entry into the orthodox communities and then to continue their destructive work of undermining our fundamental principles one after another. Let me but mention one example which has been brought to my attention, and which is typical of what is happening in different parts of the country.

The Conservative leaders decided that they must gain a foothold in a certain city which was known as a stronghold of Orthodoxy and which did not have a single Conservative temple. Aiming their "big guns" at one group which showed signs of religious weakness, they sent down (gratis of course) some of their biggest names—"Rabbis" who were nationally known because of their Zionist activities, who delivered lectures. These visits were accompanied by all the fanfare of modern publicity. After this softening-up process they sent their chief missionary to that community for the High Holy Days. In true demagogue fashion, he made the coup de grace in his *Rosh Hashanah* sermon, which he concluded dramatically by shouting to the women in the balcony: "The time has come for you women to come down from the balcony and take the place that you deserve down here among the men." Of course he carried the day. Even

the religious-minded men were in favor of engaging a Conservative minister.

They realized their mistake, however, only too late after they heard the new "Rabbi" tell their hitherto observant co-religionists that they could ride to the synagogue in their automobiles on the Sabbath and holidays if it were more convenient; that they could put on their electric lights at home on the Sabbath—and as a proof he flashed signals to the choir leader on the Sabbath by putting an electric light on and off; that they could sponsor fish dinners cooked and served in *trefah* dishes at any hotel or restaurant; that they could pray in English rather than in Hebrew if they found it more convenient; that they could have their children circumcised by gentile doctors as long as he, the "Rabbi," was there to put his blessing on the operation; and that he, the "Rabbi," would officiate at the wedding of any divorced man or woman even if no Jewish divorce (*get*) had been granted, as long as the parties had a civil divorce. They realized what a wicked trap had been set for them by that slogan of "equality" after they saw everything which was sacred to the religious Jew discarded—and all that with the "blessings of the Rabbi" too.

AID TO WOMEN WORSHIPPERS

Now let us analyze the second argument. It is as unsound as the first. Mixed pews' proponents seem to be concerned about helping the ladies follow the prayers of the congregational service. We can note, though, that it is customary for the Conservative "Rabbi" to lead the congregation in prayers. He announces the pages. Surely, the "Rabbi" does not consider himself less effective in directing the congregants to prayer than the man who sits next to his wife! Proper decorum would demand that the worshipers direct their attention to the one who leads them in prayer. His directives could therefore be followed by

the ladies sitting in the women's section of the synagogue equally as well as when they sit next to the men.

The idea of keeping the family together in the family pew, unknown to the synagogue, was not born among the Reformists and Conservatives as an original religious motif, chosen on its Jewish merits. It is merely their imitation of the Christian idea of a church. The desire to adopt this practice could not rise from the will to foster more intensive religiousness, to conserve Jewishness, to guide the untaught along the path of Israel. Such a will must necessarily be manifested by effort to uphold practices which have enabled Israel to reach spiritual heights untouched by any other people. It must be signalized by effort to emphasize to the maximum the customs and laws distinctive to Judaism, to enlighten the people as to their character, to familiarize them with their practice. It must promote measures making for the Judaization of the environment and must seek to surmount the forces making for the nullification of Jewish life. But "mixed-pewism," to the contrary, abandoning religious values, is inspired merely by the wish to ape the gentile; it poses a church practice as a model for Jews and implicitly assumes that the standards and practices of the church milieu should be adopted by Jews.

Fervent religious purpose has never in history—and certainly not in Jewish history—been characterized by the wish to assimilate to those of a different faith, but by the very opposite. Our mixed pew assimilationists are such not by virtue of religious conviction but by lack of such conviction. Their action can lead in but one direction—downward.

SEGREGATION

Let us, therefore, really see whether there is any validity to this argument that the ladies when sitting in the balcony or

in the special section of the synagogue feel that they are alone and separate from the congregation.

The purpose of prayer is to bring the individual into close touch with God. This is not easily accomplished. It requires concentration; the heart as well as the mind must be wrapped up in the thought of God. Any distraction from the central purpose of synagogue worship has no place in the synagogue. Hence, there are laws in the *Shulhan Aruch* which stress the importance of absolute decorum, so that no individual will disturb the religious thoughts of his neighbor. Only such prayers as will lift the individual out of his routine occupation and thoughts and set his mind and heart upon the higher spiritual pursuits of life will serve to make a better man or woman of the worshiper and will bring down upon him or her the blessings of God.

The purpose of synagogue worship, then, is to put the individual in a prayerful mood, so that he can detach himself from mundane associations and make contact with God. The separate seating arrangement was instituted to enable every Jew to pray with all his heart and mind and soul. This arrangement was proven to be least disturbing since it produced maximum decorum, especially among the young men and women. Consequently, separate seating has always formed an essential part of the synagogues—and until 100 years ago there were only orthodox synagogues. Far from leading to family disunity, it has been a pillar of that lofty, harmonious family life which has distinguished Israel through the ages and which—as more than one sociologist has noted—yet continues to distinguish Torah-loyal families in the modern world of today.

Although we are living in an age when the intermingling of the sexes in schools and public gatherings is commonplace, there is no doubt that when absolute concentration is necessary as in prayer and when the mind is apt to wander as the individual

strives to conceive and feel the ideas of Godliness, the presence of the opposite sex that may lead to socializing may become a distracting factor.

The ideal which the orthodox synagogue strives to attain is to make every worshiper feel every moment of his stay in the synagogue what our patriarch Jacob experienced when he exclaimed: "How awe-inspiring this place is; it is none other than the house of God." Only such an atmosphere is conducive to genuine prayer.

If there are men and women today who complain that they cannot experience this spiritual ecstasy from the orthodox Jewish services, they should take to heart an ancient parable.

When a king once spoke to his subjects in glowing terms about the benefits of prayer, a loyal subject of his approached him with the complaint that he could not experience the thrill in prayer that the king evidently derived from it. Realizing that this person was sincere but incapable of concentrating on the higher thoughts embodied in the prayers, the king decided to teach him a lesson. He ordered him to carry a bowl filled with hot oil on his head down the street and back to his palace, warning him that if he spilled a drop of the oil his head would be cut off. The young man sorrowfully accepted the order of the king, placed the bowl on his head, walked down the street and returned without spilling a drop of the oil.

The king then asked him why he did not answer his mother as she called him while he was walking down the street. He berated him for being discourteous and disregarding the call of his sweetheart who cried out to him as he was carrying out the king's order.

"Your majesty," answered the bewildered young man, "my thoughts were concentrated upon that bowl of oil and I was oblivious of everything else. How could I see or hear my mother or sweetheart when I had such a life-saving task to perform?"

"My dear son," answered the kindly king, "if you will concentrate on God when you pray as you concentrated your heart and mind on that bowl of oil, you too will finish your prayers with a feeling of ecstasy and spiritual elevation. For then you will have experienced the thrill of having elevated yourself from this earthly existence to reach the sublime spiritual heights of God, your Heavenly Father."

JEWISH LAW

Those who claim that the Torah did not decree the segregation of the sexes during services ignore the role which the Oral Law occupied in Jewish life throughout the ages. Simultaneously with the Written Law, Moses received on Mt. Sinai the Oral Torah which was transmitted and elucidated by word of mouth to every generation until it was written down in the Mishnah and the Gemara.

Rabbi Samuel Gerstenfeld, in an article in the volume *Eidenu*, first published in 1942 [reprinted in this volume as source 2 to chap. III] disproves the contention of Dr. Louis M. Epstein in his recent book, *Sex Laws and Customs in Judaism* (page 78) that "there was apparently no separation of the sexes at worship in the First Temple." R. Gerstenfeld [above, p. 164] shows that from Maimonides (Laws of the Temple, Number 5) and the *Yalkut Shim'oni* (on Deuteronomy 23:15), "the fact is that Solomon's Temple did have an *ezrath nashim*, a special section for the use of women for the purpose of prayer"; and Solomon's Temple was modeled after the Tabernacle in the wilderness. So that "it is proven that the *ezrath nashim* is an ancient institution existing in both Temples and, according to the *Yalkut*, is part of a Biblical commandment" [above, p. 167].

He traces the development, after the destruction of the Temple, of the Synagogue, which was called by the Prophet Ezekiel the *mikdash me'at*—the little sanctuary—and con-

cludes that "the old synagogue bears witness to the continuity of the law concerning *ezrath nashim* and its acceptance by Israel. . . . A synagogue without an *ezrath nashim* is a violation of the Law, and ought altogether to be shunned. . . . It is better to pray alone and be with Him who hears all prayers and who promised 'In every place where I shall *permit my name to be mentioned* I shall come to thee and bless thee' " [pp. 168-9].

IRRESISTIBLE TREND

The claim that the sentiment in favor of mixed pews is an irresistible trend is spurious, tendentious propaganda reminiscent of that once spread by the "wave of the future" emissaries of the Nazis. Quite contrary to this propaganda, the overwhelming majority of congregations, as mentioned earlier, remain orthodox in their practice. To the extent that such sentiment exists, it falls directly counter to the historic Jewish spirit, which impels us to determine our course not on the basis of what prevails in the non-Jewish world but on what the Lord requires of us. The will to live according to our distinctive beliefs has upheld us, against every "trend," since the days of our Father Abraham; in our day the will to be Jewish has brought us *medinath Israel*—against every "irresistible trend," the will to worship and live Jewishly will, with God's help, continue to sustain us amidst the quicksands of *hefkeruth*.

In this spirit, and in this spirit alone, Judaism legitimately faces the problem of "changing with the times." We strive to shape the ever-changing circumstances with which life confronts us to the standard of a Torah which is unchangeable, yet is always fluidly applicable to the needs of the time, through the Halachic expositions authoritatively propounded by the legitimate orthodox Rabbinate. This alone—never the recalcitrant presumptions of unqualified, self-appointed individuals—forms the valid, disciplined means of determining questions of Jewish

law, practice and doctrine. Our long history is a tribute to the unique success of this concept.

Amongst the limited number of congregations which have yielded to mixed pews, increasingly successful efforts are being made to recover them for Judaism. In some of these congregations, orthodox Rabbis have taken upon themselves the responsibility of accepting pulpits for the specific purpose of winning them back to the orthodox path. Despite its laudable aim, this course is opposed by many, for it is felt that, despite the *kavvanah*, principle is compromised and public misinterpretation can compound the evil. The Rabbinical Council of America, composed of 400 *musmachim*, duly ordained orthodox Rabbis, holding pulpits in 40 states, some time ago adopted a policy of limiting to a period of five years the length of time in which any of its members serving mixed pews congregations might remain with them in the effort to raise them to orthodox status. At the last Rabbinical Council Convention it was decided that a survey be made to determine the progress achieved.

Although the survey has not been completed, sufficient evidence is at hand to show that a number of synagogues have restored or have newly-instituted separate seating. In more than one case, substantial expense in re-modeling has been involved, and in others the change has been incorporated in new structures, testifying to the strength of enlightened conviction. In most cases, however, the architectural problem was simple, involving slight cost—a circumstance which would probably apply to most synagogues seeking this desirable change.

The evidence of this kind is of course not conclusive. It will, in any case, not affect the view of those who maintain that consistent refusal by orthodox Rabbis to serve congregations with mixed pews is the only proper—and in its general salutary effect the only decisive—way to face the problem.

Recognizing that the source of this and related problems

lies in mis-education, much is being done to bring wider knowledge, understanding and appreciation of the orthodox service and, in particular, to help women lacking such training to follow and partake in these services to the proper extent. Adult classes and study courses, applying techniques which take account of present-day minds, are being instituted in an increasing number of communities. Attracting large numbers of young men and women, they are replacing ignorance with knowledge of Jewish beliefs, Hebrew, Jewish liturgy and other aspects of Judaism. The time-honored Siddur is becoming an open book to the young people. They are becoming aware of a genuine equality that they can possess in common with all the generations of Jews which have upheld genuine Judaism throughout the ages down to this present day.

They will soon recognize the truth of the words of an American jurist, who in speaking of the Jewish concept of justice said, "the world owes its conception of justice to the Jew. *God gave him to see through the things that are ever changing, the things that never change.* Compared with the meaning and majesty of this achievement every other triumph of every other people sinks into insignificance." With the organized efforts of the orthodox Rabbis and laymen our young people will recognize through all the changing fads the unchanging fundamental principles of genuine religion and sincere prayer.

Let our orthodox leaders, therefore, understand that by insisting on our time-honored customs in the synagogue they are not being old-fashioned; instead, they are fashioning as of old spiritual men and women, whose lives will become enriched by the God idea that they will take with them from the synagogue into their homes and daily pursuits. Let them not be confused by the false slogan of "equality" and become drunk with transient whims and fads. Instead, let them keep Jewish men and women the "God intoxicated people," who will proclaim with the Psalm-

ist (Psalm 27): *One thing I have asked of the Lord, that will I seek after; That I may dwell in the house of the Lord all the days of my life; To behold the graciousness of the Lord and to visit early in His Temple.*

❧ 10 ❧

Separate Pews in the Synagogue

a social and psychological approach

BY RABBI NORMAN LAMM

THE PROBLEM of "mixed pews" versus "separate pews" in the synagogue is one which has engaged the attention of the Jewish public for a number of years. It has been the focus of much controversy and agitation. More often than not, the real issues have been obscured by the strong emotions aroused. Perhaps if the reader is uninitiated in the history and dialectic of Jewish religious debate in mid-twentieth century America, he will be puzzled and amused by such serious concern and sharp polemics on what to him may seem to be a trivial issue. If the reader is thus perplexed, he is asked to consider that "trivialities" are often the symbols of issues of far greater moment. Their significance often transcends what is formally apparent, for especially in Judaism they may be clues to matters of principle that have far-reaching philosophic consequences. In our case, the *mechitzah* (the physical partition between the men's and women's pews) has become, in effect, a symbol in the struggle between two competing ideological groups. It has become a *cause celebre* in the debate on the validity of the Jewish tradition itself and its survival intact in the modern world. The *mechitzah* was meant to divide physically the men from the women in the synagogue. In our day it has served also to divide spiritually synagogue from synagogue, commu-

nity from community, and often rabbi from layman. This division has become a wide struggle, in which one faction attempts to impose contemporary standards—whatever their quality or worth—upon the inherited corpus of Jewish tradition, which it does not regard as being of divine origin; conversely, the other side seeks to preserve the integrity of Jewish law and tradition from an abject capitulation to alien concepts whose only virtue is, frequently, that they are declared “modern” by their proponents. The purpose of this essay is to demonstrate the validity of the Jewish tradition in its view that separate seating for men and women ought to prevail in the synagogue.

THE LAW

The separation of the sexes at services is not a “mere custom reflecting the mores of a bygone age.” It is a law, a *Halachah*, and according to our outstanding Talmudic scholars an extremely important one. Its origin is in the Talmud,¹ where we are told that at certain festive occasions which took place at the Temple in Jerusalem great crowds gathered to witness the service. The Sages were concerned lest there occur a commingling of the sexes, for the solemnity and sanctity of the services could not be maintained in such environment. Hence, although the sexes were already originally separated, and despite the reluctance to add to the structure of the Temple, it was ruled that a special balcony be built for the women in that section called the *eizrath nashim* (Women’s Court) in order to reduce the possibility of frivolousness at these special occasions. The same principle which applied to the Sanctuary in Jerusalem applies to the synagogue,² the *mikdash me’at* (miniature Sanctuary), and mixed pews are therefore proscribed.

1. Sukkah 51b.

2. Megillah 29a; *Tur* and *Shulhan Aruch Orah Hayyim* 151; *Sefer Yere'im* 324.

Thus Jewish law clearly forbids what has become known as "mixed pews." We do not know, historically, of any synagogue before the modern era where mixed pews existed. No documents and no excavations can support the notion that this breach of Jewish law was ever accepted by Jews. Philo and Josephus both mention separate seating in the days of the Second Commonwealth.³ The principle was upheld as law in the last generation by such eminent authorities as Rabbi Israel Meir ha-Kohen (the *Hafetz Hayyim*) in Lithuania, Chief Rabbi Kook in Palestine, and Rabbi Dr. M. Hildesheimer in Germany. In our own day, it was affirmed by every one of the Orthodox rabbinical and lay groups without exception, and by such contemporary scholars as Chief Rabbi Herzog of Israel, Chief Rabbi Brodie of the British Empire, Rabbis Moses Feinstein and Aaron Kotler, and Dr. Samuel Belkin and Rabbi Joseph B. Soloveitchik of Yeshiva University.

Of course, one may argue that "this is only the Orthodox interpretation." We shall not now argue the point that "Orthodoxy" is the name one must give to the three thousand years of normative Judaism no matter what our contemporary preference in sectarian nomenclature. But aside from this, and aside from the fact that there is abundant supporting source material, both Halachic and historic,⁴ antedating the fragmenta-

3. Philo, *De Vita Contemplativa* 32-34; Josephus, *Wars of the Jews*, v. 5. 2.

4. The following is only a random sample from the Halachic literature confirming the absolute necessity for separate pews: *Hatham Sofer* (Responsa), *Hoshen Mishpat* 190, *Orah Hayyim* 28; *Maharam Shick* (Responsa), *Orah Hayyim* 77; *Teshuboth Beth Hillel* 50; *Dibre Hayyim*, *Orah Hayyim* 18. For a more elaborate treatment of the text of the Talmud in Sukkah 51b, and for other Halachic references, see Rabbi Samuel Gerstenfeld, "The Segregation of the Sexes," *Eidenu*, New York, 1942, 67-74 [reprinted in this volume, pp. 159-169]. Additional historical references may be found in: the Jerusalem Talmud, Sukkah 5, 1; Tosefta, Sukkah 4, 6; *Terumath ha-Deshen* 353; *Mordechai* quoted in *Ture Zahab*, *Orah Hayyim* 351, 1; cf. Cecil Roth's introduction to G. K. Loukomski, *Jewish Art in European Synagogues*, p. 21.

tion of the Jewish community into the Orthodox-Conservative-Reform pattern, it is interesting to note the position of the Conservative group. This is the group whose leaders still feel it necessary to defend their deviations from traditional norms, and whose attitude to Jewish law has usually been ambivalent. It is a fact, of course, that the overwhelming majority of Conservative Temples have mixed pews. But, significantly, some of their leading spokesmen have not embraced this reform wholeheartedly. Rabbi Bernard Segal, Executive Director of the United Synagogue (the organization of Conservative temples) recently had this to say:

We have introduced family pews, organ music, English readings. Our cantors have turned around to face their congregations. In some synagogues we have introduced the triennial cycle for the reading of the Torah. *All of these were never intended to be ends in themselves or principles of the Conservative Movement. . . .* Unfortunately, in the minds of too many these *expedients* have come to represent the sum and substance of the Conservative Movement.⁵

We thus learn that Conservative leadership has begun to recognize that mixed seating in the synagogue is not entirely defensible, that it was meant to be only an "expedient" and not an in-principle reform. From another Conservative leader we learn that the Law Committee of the Rabbinical Assembly (the Conservative rabbinic group) has for years only "condoned" but not "approved" the system of family pews! The very same group that encourages its members to drive the automobile to the Temple on the Sabbath—only "condones" but does not "approve" of mixed pews!⁶ And of course those who

5. *United Synagogue Review* (Winter, 1958), p. 10. Italics are mine.

6. Jacob B. Agus, *Guideposts in Modern Judaism*, p. 133f., and in *Conservative Judaism*, Vol. XI, No. 1 (1956), p. 11.

have visited the Jewish Theological Seminary in New York know that the synagogue of the Conservative Seminary itself has separate seating for men and women. We are dealing here with a *din*, with a *Halachah*, with a binding and crucial law, with the very sanctity of the synagogue, and religious Jews have no choice but to insist upon separate seating as an indispensable and irrevocable feature of the synagogue.⁷

The references made so far should not be taken as a full treatment of the Halachic and historical basis for separate seating. A considerable literature, both ancient and modern, could be cited as documentation of the thesis here presented. However, as the subtitle of this essay indicates, our major interest here is not in articulating the *Halachah* as much as in explaining it. Our main concern in this essay is to demonstrate that the separation of the sexes at religious services makes good sense even—or perhaps especially—in America, where woman has reached her highest degree of “emancipation.” What we will attempt to show is that if there were no law requiring a *mechitzah*, we should have to propose such a law—for good, cogent reasons. These reasons are in the tradition of *ta’ame ha-mitzvoth*, the rationale ascribed to existing laws, rationales

7. It is true that there are Orthodox rabbis who minister to family pew congregations. Yet there is a vast difference between the Conservative who at best “condones” a mixed pews situation, without regrets, and the Orthodox rabbi who accepts such a pulpit with the unambiguous knowledge that mixed pews are a denial of the *Halachah* and hence an offense against his own highest principles. An Orthodox rabbi accepts such a post—if he should decide to do so—only with the prior approval of *his* rabbi or school, only on a temporary basis, and only with the intention of eliminating its objectionable features by any or all of the time-tested techniques of Jewish spiritual leadership. The difference, then, is not only philosophical but also psychological. This spiritual discomfort of the authentic Orthodox rabbi in the non-conforming pulpit constantly serves to remind him of his sacred duty to effect a change for the better in the community he serves. Any reconciliation with the anti-Halachic character of a synagogue which is permanent, does undeniable violence to the most sacred principles of Judaism, and is hence indefensible.

which may or may not be identical with the original motive of the commandment (assuming we *can* know it), but which serve to make immutable laws relevant to every new historical period.

Because of the fact that Tradition clearly advocates separate seating, it is those who would change this millennial practice who must first prove their case. Let us therefore begin by examining some of the arguments of the reformers, and then explain some of the motives of the Halachah (Jewish law) in deciding against this commingling of the sexes at services.

Those who want to reform the Tradition and introduce mixed pews at religious services present two main arguments. One is that separate seating is an insult to womanhood, a relic of the days when our ancestors held woman to be inferior to man, and hence untenable in this era when we unquestioningly accept the equality of the sexes. The second is the domestic argument: the experience of husbands and wives worshipping next to each other makes for happier homes. The slogan for this argument is the well-known "families that pray together stay together." These arguments deserve detailed analysis and investigation to see whether or not they are sufficiently valid premises upon which to base the mass reform of our synagogues.

THE EQUALITY OF THE SEXES

Separate seating, we are told, reveals an underlying belief that women are inferior, and only when men and women are allowed to mix freely in the synagogue is the equality of the sexes acknowledged. To this rallying call to "chivalry" we must respond first with a demand for consistency. If the non-Orthodox movements are, in this matter, the champions of woman's equality, and if this equality is demonstrated by equal participation in religious activities, then why, for instance, have not the non-Orthodox schools graduated one woman rabbi in all these years? Why not a woman cantor? (Even in Reform

circles recent attempts to introduce women into such positions have resulted in a good deal of controversy). Why are Temple presidents almost all men, and Synagogue boards predominantly male? Why are the women segregated in sisterhoods? If it is to be "equality," then let us have complete and unambiguous equality.

The same demand for some semblance of consistency may well be presented, and with even greater cogency, to the very ones of our sisters who are the most passionate and articulate advocates of mixed seating as a symbol of their equality. If this equality as Jewesses is expressed by full participation in Jewish life, then such equality must not be restricted to the Temple. They must submit as well to the private obligations incumbent upon menfolk: prayer thrice daily, and *be-tzibbur*, in the synagogue; donning *tallith* and *tefillin*; acquiring their own *lulab* and *ethrog*, etc. These *mitzvot* are not Halachically obligatory for women, yet they were voluntarily practiced by solitary women throughout Jewish history; to mention but two examples, Michal, daughter of King Saul, and the fabled Hasidic teacher, the Maid of Ludmir.⁸ Does not consistency demand that the same equality, in whose name we are asked to confer upon women the privileges of full participation in public worship with all its attendant glory and glamor, also impose upon women the responsibilities and duties, heretofore reserved for men only, which must be exercised in private only? We have yet to hear an anguished outcry for such equal assumption of masculine religious duties. So far those who would desecrate the synagogue in the name of "democracy" and "equality" have been concentrating exclusively upon the public areas of Jewish religious expression, upon synagogal privileges and not at all

8. Also cf. *Maharil*, Laws of *tzitzith*; *Mordechai*, Laws of *tzitzith* and on *Pesahim*, 108; *Tosafot*, Rosh Hashanah 33a, s.v. *ha*, and *Erubin* 96a, s.v. *Michal*.

upon spiritual duties. They must expand the horizons of religious equality if it is to be full equality.

Furthermore, if we accept the premise that separate seating in the synagogue implies inequality, then we shall have to apply the same standards to our social activity—outside the *shul*! Let us abolish, then, that terribly undemocratic system whereby the men go off to engage in “masculine” recreational activities while the women segregate for their own “feminine” games! And let us instruct our legislators to pass laws granting women “equal privileges” in domestic litigation, thus making them responsible for alimony payments when they initiate divorce proceedings, even as their husbands must pay under present law. Of course, this *reductio ad absurdum* reveals the weakness of the original premise that separate seating is indicative of the contemptible belief in the inferiority of women.

It is simply untrue that separate seating in a synagogue, or elsewhere, has anything at all to do with equality or inequality. And Judaism—the same Judaism which always has and always will insist upon separate seating—needs no defense in its attitude towards womanhood! For in our Tradition men and women are considered equal in *value*—one is as good as the other. But equality in *value* does not imply identity of *functions* in all phases of life. And our Tradition’s estimation of woman’s *value* transcends anything that the modern world can contribute.

The source of the value of man, the sanction of his dignity, is God. The Bible expresses this by saying that man was created in His image. But woman too is in the image of God. Hence she derives her value from the same source as does the male of the species. In value, therefore, she is identical with man. She is liable to the same punishment that a man is—no more, no less—when she breaks a law, and she is as deserving of reward and commendation when she acts virtuously. A famous rabbinic dictum tells us that the spirit of prophecy, the

ruah ha-kodesh, can rest equally upon man or woman. Our people had not only Patriarchs, but also Matriarchs. We had not only Prophets, but also Prophetesses. In the eyes of God, in the eyes of Torah, in the eyes of Jews, woman was invested with the full dignity accorded to man. Equality of value there certainly was.

Furthermore, a good case can be made out to show that our Tradition in many cases found greater inherent value in womankind than in mankind. The first man in history received his name "Adam" from the *'adamah*, the earth from which he was created. His wife, Eve, has her name *Havvah*, derived from *em kol hai*, meaning "the mother of all life." Man's very name refers to his lowly origins, while woman's name is a tribute to her life-bearing functions. Moses is commanded to give the Ten Commandments first to "the house of Jacob" and then to "the house of Israel"; and our Rabbis interpret "the house of Jacob" as referring to the Jewish women, while "the house of Israel" refers to the menfolk.^{8a} Our Sages attribute to women greater insight—*binah yetherah*—than men.^{8b} They maintain that the redemption from Egypt, the leitmotif of all Jewish history, was only *bizechut nashim tzidkaniyot*, because of the merit of the pious women of Israel.^{8c}

Of course, such illustrations can be given in the dozens. Much more can be written—and indeed, much has been published—on the Jewish attitude towards women. This is not the place to probe the matter in detail and with documentation.

It is useless to match statement with counter-statement, to marshal the commendations against the commendations. There is a far more basic direction than isolated quotations or fine legal points by which to judge the traditional Jewish attitude to woman. And that is, the historic role of the Jewess—her exalted position in the home, her traditional standing and stature

8a. [*Mechilta'*, *bahodesh* 2.] 8b. [*Niddah* 45b.] 8c. [*Sotah* 11b.]

in the family, her aristocratic dignity as wife and mother and individual. By this standard, any talk of her inferiority is a ridiculous canard, and the chivalry of those who today seek so militantly to "liberate" her by mixing pews in the synagogue is a ludicrous posture of misguided gallantry.

The Jewish woman, therefore, as a person and as a human being was and is regarded by authentic Judaism as anything but inferior. Judaism orients itself to women with a deep appreciation for their positions as the mothers of our generations and as daughters of God. Their position is one of complete honor and dignity, and talk of inequality [to impute to Orthodoxy an attitude of "male superiority"] is therefore absurd.

But while it is true that woman is man's equal in intrinsic value in the eyes of Torah, it is not true—nor should it be—that her functions in life are all identical with those of man. She has a different role in life and in society, and one for which she was uniquely equipped by her Creator. By nature there are many things in which women differ from men. And the fact that men and women differ in function and in role has nothing to do with the categories of inferiority or superiority. The fact that the Torah assigns different religious functions, different *mitzvot*, to men and to women no more implies inequality than the fact that men and women have different tastes in tobacco or different areas of excellence in the various arts.⁹

9. The blessing recited as part of the morning service, "... who hast not made me a woman," is to be understood in the light of what we have written. This is not a value-judgment, not an assertion of woman's inferiority, any more than the accompanying blessing "... who hast not made me a heathen" imputes racial inferiority to the non-Jew. Both blessings refer to the comparative *roles* of Jew and non-Jew, male and female, in the religious universe of Torah, in which a greater number of religious duties are declared obligatory upon males than females, upon Jews than gentiles. The worshipper thanks God for the opportunity to perform a larger number of commandments. The woman, who in general is excused by the Halachah from positive commandments the observance of which is restricted to specific times, therefore recites a blessing referring to *value* instead of *function* or *role*: "... who

That modern women have suffered because they have often failed to appreciate this difference is attested to by one of the most distinguished authorities in the field, anthropologist M. F. Ashley Montagu:

The manner in which we may most helpfully regard the present relationships between the sexes is that they are in a transitional phase of development. That in the passage from the "abolition" phase of women's movement to the phase of "emancipation" a certain number of predictable errors were committed.

The logic of the situation actually led to the most grievous of the errors committed. This was the argument that insofar as political and social rights were concerned women should be judged as persons and not as members of a biological or any other kind of group. As far as it goes this argument is sound enough, but what seems to have been forgotten in the excitement, is that women, in addition to being persons, also belong to a sex, and that with the differences in sex are associated important differences in function and behavior. *Equality of rights does not imply identity of function*, yet this is what it was taken to mean by many women and men. And so women began—and in many cases continue—to compete with men as if they were themselves men, instead of realizing and establishing themselves in their own right as persons. Women have so much more to contribute to the world as women than they could ever have as spurious men.¹⁰

hast made me according to His will." The latter blessing is, if anything, more profoundly spiritual—gratitude to God for having created me a woman who, despite a more passive role, is, as a daughter of God, created in His image no less than man.

10. "The Triumph and Tragedy of the American Woman," *Saturday Review*, September 27, 1958, p. 14; and cf. Margaret Mead in *N. Y. Times Magazine*, February 10, 1957.

Furthermore, this selfsame confusion in the traditional roles of male and female, a confusion encouraged by this mistaken identification of sameness with equality, is largely responsible for the disintegration of many marriages. Writing in a popular magazine,¹¹ Robert Coughlan cites authority when he attributes the failure of so many modern marriages to the failure of men and women to accept their emotional responsibilities to each other and within the family as *men* and *women*, male and female. There appears to be a developing confusion of roles as the traditional identities of the sexes are lost. The emerging American woman tends to the role of male dominance and exploitativeness, while the male becomes more passive. Consequently, neither sex can satisfy the other—they are suffering from *sexual ambiguity*. And Prof. Montagu, approving of Coughlan's diagnosis, adds:

The feminization of the male and the masculinization of the female are proving to be more than too many marriages can endure. The masculinized woman tends to reject the roles of wife and mother. In compensation, the feminized male wants to be a mother to his children, grows dissatisfied with his wife, and she in turn with him. These are the displaced persons of the American family who make psychiatry the most under-populated profession in the country.¹²

And not only are women themselves and their marriages the sufferers as a result of this confusion of roles of the sexes, but *children* too are falling victim as they are increasingly uncertain of the roles they are expected to play in life. The more masculine the woman becomes, and the more feminine the male tends to be, the more are the children perplexed by what it means to

11. *Life*, December 31, 1956.

12. Ashley Montagu, "The American Woman," *Chicago Jewish Forum*, Vol. XVII, No. 1 (1958), p. 8.

be a man or a woman. It is more than a matter of a passing phase as "sissies" or "tomboys." It is a question of the whole psychological integrity of the growing child. A lot of the wreckage ends up on the psychiatrist's couch, as Prof. Montagu said. Some of the less fortunate end up in jail—only recently Judge Samuel Leibowitz attributed the upsurge in juvenile delinquency to this attenuation of the father's role in the family. So that this confusion in the traditional roles of the sexes—a confusion that has hurt modern women, endangered their marriages, and disorganized the normal psychological development of their children—is the very source of the foolish accusation hurled at the Orthodox synagogue, that its separate seating implies an acceptance of woman's inequality and hence ought to be abolished, law or no law.

FAMILIES THAT PRAY TOGETHER

The second line of reasoning presented in favor of mixed pews in the synagogue is that of family solidarity. "Families that pray together stay together," we are told day in, day out, from billboards and bulletin boards and literature mailed out both by churches and non-Orthodox synagogues. Family pews make for family cohesion, for "togetherness," and the experience of worshipping together gives the family unit added strength which it badly needs in these troubled times.

The answer to this is not to underestimate the need for family togetherness. That is, within prescribed limits, extremely important. One of the aspects of our Tradition we can be most proud of is the Jewish home—its beauty, its peace, its strength, its "togetherness." Christians often note this fact, and with great envy. So that we are all for "togetherness" for the family.

And yet it is because of our very concern for the traditional togetherness of the Jewish family that we are so skeptical of the efficacy of the mixed pew synagogue in this regard. If there is

any place at all where the togetherness of a family must be fashioned and practiced and lived—that place is the home, not the synagogue. If a family goes to the theater together and goes to a service together and goes on vacation together, but is never *home* together—then all this togetherness is a hollow joke. That is the tragedy of our society. During the week each member of the family leads a completely separate and independent existence, the home being merely a convenient base of operations. During the day Father is at the office or on the road, Mother is shopping, and the children are at school. At night, Father is with “the boys,” Mother is with “the girls,” and the children dispersed all over the city—or else they are all bickering over which television program to watch. And then they expect this separateness, this lack of cohesion in the home, to be remedied by one hour of sitting together and responding to a rabbi’s readings at a Late Friday Service! The brutal fact is that the synagogue is not capable of performing such magic. One evening of family pews will not cure the basic ills of modern family life. “Mixed pews” is no solution for mixed-up homes. We are wrong, terribly wrong, if we think that the rabbi can substitute for the laity in being observant, that the cantor and the choir and organ can substitute for us in praying, and that the synagogue can become a substitute for our homes. And we are even in greater error if we try to substitute clever and/or cute Madison Avenue slogans for the cumulative wisdom expressed in Halachah and Tradition.

If it were true that “families that pray together stay together,” and that, conversely, families that pray in a *shul* with a *mechitzah* do not stay together, then one would expect the Orthodox Jewish home to be the most broken home in all of society, for Orthodox Jews have maintained separate pews throughout history. And yet it is precisely in Orthodox Jewish society that the home is the most stable, most firm, most secure.

One writer¹³ has the following to say on this matter. After describing the pattern of Jewish home life in the Middle Ages, with the "love and attachment of the child for his home and tradition," and the "place where the Jew was at his best," with the home wielding a powerful influence in refining Jewish character, so that "Jewish domestic morals in the Middle Ages were beyond reproach," he writes:

Particularly in those households where Orthodox Judaism is practiced and observed—both in Europe and in cosmopolitan American centers—almost the entire rubric . . . of Jewish home life in the Middle Ages may be observed even today.

In those homes where the liberties of the Emancipation have infiltrated there exists a wide variety of family patterns, conditioned by the range of defection from Orthodox tradition.

The reader should be informed that this tribute to the Orthodox Jewish home—whose members always worshipped in a synagogue with a *mechitzah*—was written by a prominent Reform rabbi.

So that just "doing things together," including worshipping together, is no panacea for the very real domestic problems of modern Jews. "Li'l Abner," the famous comic-strip character, recently refused to give his son a separate comb for his own use because, he said in his inimitable dialect, "th' fambly whut combs together stays together." We shall have to do more than comb together or pray together or play baseball together. We shall have to build homes, Jewish homes, where Torah and Tradition will be welcome guests, where a Jewish book will be read and intellectual achievements revered, where parents will be respected, where the table will be an altar and the food blessed; homes where prayer will be heard and where Torah

13. Stanley R. Brav, *Marriage and the Jewish Tradition*, p. 98.

will be discussed in all seriousness. Madison Avenue slogans may increase the attendance at the synagogues and Temples; they will not keep families together.

In speaking of the family, we might also add the tangential observation that it is simply untrue that "the younger generation" invariably wants mixed pews. The personal experience of the writer has convinced him that there is nothing indigenous in youth that makes it pant after mixed seating in the synagogue. It is a matter of training, conviction, and above all of learning and understanding. Young people often understand the necessity for separate pews much more readily than the older folks, to whom mixed seating is sometimes a symbol of having arrived socially, of having outgrown immigrant status. The writer happily chanced upon the following report of a visit to a Reform Sunday School in Westchester, N. Y.:

When the teacher had elicited the right answer, he passed on to the respective positions of women in Orthodox and Reform Judaism. He had a difficult time at first because the children, unexpectedly, expressed themselves in favor of separating men and women in the synagogue—they thought the women talked too much and had best be segregated—but finally they were persuaded to accept the Reform view.¹⁴

There is a refreshing naivete about this youthful acceptance of separate seating before being "persuaded" of the Reform view.

ON THE POSITIVE SIDE

Thus far the arguments of those who would do violence to our Tradition and institute mixed pews. What, now, are the reasons why the Halachah is so firm on separating the sexes at

14. Theodore Frankel, "Suburban Jewish Sunday School," *Commentary*, June, 1958, p. 486.

every service? What, on the positive side, are the Tradition's motives for keeping the *mechitzah* and the separated seating arrangement?

The answer to this and every similar question must be studied in one frame of reference only. And that is the issue of prayer. We begin with one unalterable premise: *the only function of a religious service is prayer*, and that prayer is a religious experience and *not* a social exercise. If a synagogue is a place to meet friends, and a service the occasion for displaying the latest fashions, then we must agree that "if I can sit next to my wife in the movies, I can sit next to her in the Temple."

THE JEWISH CONCEPT OF PRAYER

To know the effect of mixed seating on the Jewish religious quality of prayer, we must first have some idea of the Jewish concept of prayer. Within the confines of this short essay we cannot hope to treat the matter exhaustively. But we can, I believe, present just a few insights, sufficient to illuminate the question at hand.

Prayer in Hebrew is called *tefillah*, which comes from the word which means "to judge one's self." When the Jew prays, he does not submit an itemized list of requests to God; he judges himself before God, he looks at himself from the point of view of God. Nothing is calculated to give man a greater feeling of awe and humility. The Halachah refers to prayer as *abodah she-be-leb*, which means: the service or sacrifice of the heart. When we pray, we open our hearts to God; nay, we *offer* Him our hearts. At the moment of prayer, we submit completely to His will, and we feel purged of any selfishness, of any pursuit of our own pleasure or satisfaction. The words of the Talmud, "Know before Whom you stand," have graced many an Ark. When we know before Whom we stand, we forget ourselves. At that moment we realize how truly insecure and lonely and

abandoned we really are without Him. That is how a Jew approaches God—out of solitude and insecurity, relying completely upon Him for his very breath. This complete concentration on God, this awareness only of Him and nothing or no one else, is called *kavvanah*; and the direction of one's mind to God in utter and complete concentration upon Him, is indispensable for prayer. Without *kavvanah*, prayer becomes just a senseless repetition of words.

DISTRACTION

For *kavvanah* to be present in prayer, it is necessary to eliminate every source of distraction. When the mind is distracted, *kavvanah* is impossible, for then we cannot concentrate on and understand and mean the words our lips pronounce. And as long as men will be men and women will be women, there is nothing more distracting in prayer than mixed company.

Orthodox Jews have a high regard for the pulchritude of Jewish women. As a rule, we believe, a Jewess is beautiful. Her comeliness is so attractive, that it is distractive; *kavvanah* in her presence is extremely difficult. It is too much to expect of a man, sitting in feminine company, to concentrate fully upon the sacred words of the *siddur* and submit completely to God. We are speaking of the deepest recesses of the human heart; it is there that prayer originates. And how can one expect a man's heart to be with God when his eyes are attracted elsewhere? We are speaking of human beings, not angels, and the Halachah recognizes both the strength and weakness of a man. It is simply too much to ask of a man that he sit in the company of women, that he behold their loveliness—and at the same time undergo a great religious experience. What man can feel the nearness of God when if he but raises his eyes from the corner of the *siddur* he finds himself attracted to more earthly pursuits which do not exactly encourage his utter devotion to

the pursuit of Godliness? (And what woman can concentrate on the ultimate issues of life and feel the presence of God, when she is far more interested in exhibiting a new dress or new chapeau? How can she try to attract the attention of God when she may be trying much harder to attract the attention of some man?) When the sexes are separated, the chances for such distraction are greatly reduced.¹⁵

15. This argument has often been objected to on the grounds that it takes an unrealistic and exaggerated view of man's erotic responsiveness and that certainly devout Jews who come to pray should not be suspected of romantic daydreaming. That such objections can be raised seriously in our present post-Freudian culture and society is unthinkable. Evidently, our Sages, who lived in a society of much greater moral restraint, had a keener and more realistic insight into psychology than many of us moderns in our sophisticated society where the most grievous moral offense is no longer regarded as particularly shocking.

The late Dr. Kinsey's works prove that the intuitive insights of the Jewish sages are confirmed by modern statistics and sexological theory. In his first book (Kinsey, Pomeroy, and Martin, *Sexual Behavior in the Human Male* [Phila. & London: W. B. Saunders Co., 1948] p. 363), Kinsey and his associates inform us of an inverse relationship between full sexual expression and erotic responsiveness to visual stimulation. Upper-level males have much lower frequency of full sexual outlet than lower-level males; they are therefore far more responsive to external sexual stimuli, such as the very presence of women, than the lower level males. In addition, "the higher degree of eroticism in the upper level male may also be consequent on his greater capacity to visualize situations which are not immediately at hand."

Thus, greater erotic responsiveness is experienced by higher class men, both because of their greater restraint from full sexual outlet and because of their greater capacity for imagining erotic situations. It is well-known that the great majority of American Jews fall into this category of "upper-level males." And certainly the more advanced education of so many American Jews needs no documentation here. Add to this the fact that, according to Kinsey's statistics, the more pious have a lower rate of sexual activity than the less pious (*ibid.*, 469-472), and it is fairly evident that if erotic thoughts are to be prevented during worship, as indeed they must be, then the synagogue-going Jew needs the safeguard of separate seating certainly no less than anyone else.

This Jewish insight into the human mind, upon which is based the institution of separate pews, is thus neither exaggerated nor insulting; it is merely realistic. We might add that women find it more difficult to accept this thesis than men. This is a quite understandable phenomenon. Women have

FRIVOLITY

And it is not only that what one *sees* prevents one from experiencing *kavvanah*, but that mixed company in general, in the relaxed and non-business-like atmosphere of the synagogue, is conducive to a kind of frivolity—not disrespectful, but levity nonetheless. And if a synagogue is to retain its character as a holy place, it must possess *kedushah*, or holiness. Holiness in Judaism has a variety of meanings, but mostly it means transcendence, the ability to grow above one's limits, the ability to reach upwards. Holiness is defined by many of our Sages as *perishah me'arayoth*—separation from immorality or immoral thoughts. That is why on Yom Kippur, the holiest day of the year, the portion of the Torah read in the afternoon deals with the *'arayoth*, with the prohibitions of various sexual relations, such as incest, adultery, etc. For only by transcending one's biological self does one reach his or her spiritual stature. Only by separating one's self from sensual thoughts and wants can one achieve the state of holiness. It may be true, as modern Jews like to hear so often, that Judaism sees nothing inherently wrong or sinful about sex. But that does not mean that it is to be regarded as a harmless exercise not subject to any control or discipline.¹⁶ And its control, even refraining from any

greater purity of mind than do men. According to Prof. Kinsey, they are half as responsive to visual stimulation as are men. (Kinsey, Pomeroy, Martin, & Gebhard, *Sexual Behavior in the Human Female* [Phila. & London, W. B. Saunders Co., 1953], p. 651). No wonder that Orthodox rabbis often find it harder to convince women than men of the propriety of separate pews!

16. We are indebted to Dr. Kinsey for recording the intriguing paradox of, on the one hand, the openness and frankness of Jews in talking about sex and, on the other hand, their relatively greater restraint in its full biological (and especially illicit) expression (*Sexual Behavior in the Human Male*, p. 486). *Perishah me'arayoth* is a matter of principled self-discipline, not prudishness. And this and other such Jewish attitudes color the lives even of those non-observant Jews who have had very little contact with Judaism. "The influence of several thousand years of Jewish sexual philosophy is not to be ignored in the search for any final explanation of these data."

thoughts about it, is indispensable for an atmosphere of *kedushah* or holiness. So that the very fact of mixed company, despite our very best intentions, gives rise to the kind of milieu which makes holiness impossible. "Know before Whom you stand," we were commanded, and not "know next to whom you are sitting." "It requires a great effort to realize before Whom we stand, for such realization is more than having a thought in one's mind. It is a knowledge in which the whole person is involved; the mind, the heart, body, and soul. To know it is to forget everything else, including the self."^{16a} That is why Halachic authorities have ruled that a synagogue with mixed pews loses its status as a holy place before the Holy One.

BASHFULNESS

In addition to distraction and frivolousness, there is yet another aspect of mixed seating which makes it undesirable for an authentically Jewish synagogue: the matter of bashfulness.

Few of us are really "ourselves" at all times. We "change personalities" for different occasions. The man who at home does nothing but grumble and complain is all charm when talking to a customer. The harried housewife who shouts at her children all day speaks in a dignified whisper when the doctor comes to visit. And especially when we are in mixed company we like to "put up a front"; we take special care to talk in a certain way, smile a certain way; we become more careful of posture, of looks, of expression, of our sense of humor. These things are not necessarily done consciously—they just happen as part of our natural psychological reaction.

Now prayer, real Jewish prayer, the kind we should strive for at all times though we achieve it rarely, demands full concentration on our part. It must monopolize our attention. It

^{16a}. *God in Search of Man* (New York: Farrar, Straus and Cudahy, 1955), p. 407.

insists that we be unconcerned with our outer appearance at that time. And full and undiminished concentration on the holy words of the *siddur* can sometimes result in unusual physical expression. Sometimes it can move us to tears. Sometimes the spiritual climate of a particular passage makes us want to smile with happiness. At other times we feel inclined to concentrate strongly and shut out all interference from the outer world, so that our foreheads become wrinkled and our eyes shut and our fists clenched—the physical symptoms of intense thought. Sometimes we feel like reciting a verse aloud, of giving full vocal expression to our innermost feelings. *All my bones shall say, Lord, who is like Thee* (Psalms 35:10)?

And can this ever be done in a mixed group? When we are so concerned with our appearances, can we ever abandon ourselves so freely to prayer? When we tend to remain self-conscious, can we become fully God-conscious? Are we not much too bashful, in mixed company, to give such expression to our prayer? In congregations maintaining separate seating, it is usual to *hear* the worshippers worshipping, each addressing God at his own rate and in his own intonation and with his whole individual being. Do we ordinarily hear such *davenning* at the Temples? Is the mechanical reading-in-unison and the slightly bored responsive reading and the deadly-silent silent-meditations—is this *davenning*, the rapturous flight of the worshipper's soul to God? Have not the mixed pews and the attendant bashfulness thoroughly frustrated the expression of prayer?

The poet James Montgomery once wrote that prayer is

The motion of a hidden fire
That trembles in the breast.
Prayer is the burden of a sigh,
The falling of a tear,
The upward glancing of an eye
When none but God is near.

Note that the inner experience of prayer results in an outward physical expression as well. And in the mixed company of a family-pew-Temple, who is not going to be bashful? Who will tremble just a bit, and give vent to a sigh, and shed a tear, and glance upward with a pleading eye? Who is brave enough and unbashful enough to risk looking ludicrous by becoming absorbed in prayer and letting the innermost thoughts and feelings show outwardly, without any inhibition? Bashfulness presents enough of a problem as is, without the added complication of mixed seating, which takes *kavvanah* out of the level of the difficult and into the realm of the highly improbable.

THE SENSE OF INSECURITY

To understand the next point in favor of *mechitzah*, we must mention yet one other argument in favor of family pews that merits our serious attention—the desire of a wife to sit next to her husband because of the feeling of strength and protection and security that his presence gives her. (The old and oft-repeated desire for mixed pews because “he has to show me the page in the *siddur*” is no longer relevant. In most synagogues there are regular announcements of the page from the pulpit, if necessary, to serve this purpose.) That such feeling exists we cannot doubt—and it is a genuine one too.

What is the verdict of our Tradition on this issue? First, it should be clear that when we pray, we must do so for *all* Israel and for all humanity, not just each for his own little family. Only occasionally is there a special prayer for the members of one's family or one's self; usually our prayers are phrased in the plural, indicating our concern for all the community. Praying in public *only* for the family is a relic from ancient days when the family worshipped as a tribal unit. And Judaism has from the beginning rejected the pagan institution of the household idol and all its trappings.

Second, as Rabbi J. B. Soloveitchik has pointed out,¹⁷ this reliance upon a husband or a wife is precisely the opposite of the Jewish concept of prayer. As was mentioned before, the approach of the Jew to God must be out of a sense of isolation, of insecurity, of defenselessness. There must be a recognition that without God none of us has any security at all, that my husband's life is dependent on God's will, his strength on God's favor, his health on God's goodness. Standing before God there is no other source of safety. It is only when we do not have that feeling of reliance on others that we can achieve faith in God. When we leave His presence—then we may feel a sense of security and safety in life.

Third, and finally, when Orthodoxy tells the modern woman not to worship at the side of her husband in whom she so trusts, it reveals an appreciation of her spiritual competence much greater than that of the Reformers and half-Reformers who offer mixed pews for this very reason. Torah tells her that she need not rely upon a strong, superior male. It tells her that she is his spiritual equal and is as worthy of approaching God by herself as he is. It reminds her that women are the daughters of God no less than men are His sons, and that our Father is no less disposed to the company of His daughters than of His sons. It tells her to address God by herself; that she both cannot and need not rely on anyone else.

MIMICRY

The final reason we offer in favor of the age-old system of separate seating at all religious services is to avoid religious mimicry, copying from other faiths. The principle of Jewish separateness is fundamental to our people and our religion. We are different and we are unique. There is no other people

17. *The Day-Morning Journal*, November 22, 1954, p. 5 [reprinted in this volume; see above, p. 116].

about whom no one can agree whether they are nation, race, or religion, because they are all three, and more. There is no other people that has lived in exile for two thousand years and then returned to its homeland. We are different in the way we pray, in the food we eat, in the holidays we observe, in the strange hopes we have always entertained for the future. And it is this separateness, this anti-assimilation principle, which has kept us alive and distinct throughout the ages in all lands and societies and civilizations.

The source of this principle in the Bible is the verse, *Neither shall ye walk in their ordinances* (Leviticus 18:3) and similar verses, such as, *And ye shall not walk in the customs of the nations* (*ibid.* 20:23). Our Tradition understood this prohibition against imitating others to refer especially to the borrowing from gentile cults and forms of worship. Our ritual was to be completely Jewish and in no way were we to assimilate any gentile religious practices. But this is more than a mere verse. According to Maimonides, this principle is so fundamental that it is responsible for a major part of the Torah's legislation. Many a *mitzvah* was given, he says, to prevent our mimicking pagan rituals. Most of Part III of the *Guide for the Perplexed* is an elaboration of this principle.

We can now see why from this point of view the whole idea of mixed seating in the synagogue is thoroughly objectionable. It is an unambiguous case of religious mimicry. The alien model in this case is Christianity; worse yet, the specifically *pagan* root of Christianity.

In its very earliest history, while still under the influence of classical Judaism, Christianity maintained a traditional Jewish attitude towards women's participation in religious services, and already found a strong pagan undercurrent making itself felt in opposition. It was Paul who found it necessary to admonish the Corinthian Christians to prevent their women from

preaching in the church.¹⁸ The position of the early church was against allowing its women to take part audibly in public worship, and included a prohibition on praying in mixed company.¹⁹ The Pauline position was clearly "a rule taken over from the synagogue and maintained in the primitive church."²⁰ The Corinthian Church proved, however, to be a channel for the introduction of pagan elements into Christianity, foreign elements which later were to become organic parts of that religion. Corinth itself was a city of pleasure, noted for its immorality which usually had religious sanction. It was full of prostitutes, thousands of courtesans attached to the temple of Aphrodite. This pagan environment, with its moral laxity, had a profound effect upon the Corinthian church.²¹ The effort to introduce mixed seating and women's preaching is thus part of the pagan heritage of Christianity, just as Paul's initial efforts to resist these reforms were part of Christianity's Jewish heritage. The pagan influence ultimately dominated, and today mixed seating is a typically Christian institution.

When Jews agitate for mixed pews they are guilty, therefore, of religious mimicry. In this case, as stated, it is a borrowing from paganism²² transmitted to the modern world by way of Christianity. In the more immediate sense, it is a borrowing from Christianity itself—for who of us stops to consider the historical antecedents of a particular ritual or institution which attracts us? Mixed seating thus represents a desire by Jews to Christianize their synagogues by imitating the prac-

18. I Corinthians 14:34, 35.

19. Charles C. Ryrie, *The Place of Women in the Church* (New York: Macmillan Co., 1958), pp. 78-80.

20. F. Godet, *First Epistle to the Corinthians* (Edinburgh: T. & T. Clark, 1887), II, pp. 324, 325.

21. *Ibid.*, pp. 7, 60, 62, 140.

22. This point was conceded by the late Prof. Louis Ginzberg, the Talmud expert of the Conservative movement, in a letter quoted in *Conservative Judaism*, Vol. XI (Fall, 1956), p. 39.

tices of contemporary Christian churches. And this kind of mimicry is, as we pointed out, a violation not only of a specific law of the Torah, but an offense against the whole spirit of Torah.

Lest the reader still remains skeptical of our thesis that mixed seating represents a pagan-Christianization of the synagogue, he ought to consider the origin of mixed pews in the synagogue itself. Reform in Europe did not know of mixed seating. It was first introduced in America by Isaac Mayer Wise, in about 1850, when he borrowed a Baptist Church for his Reform services in Albany, N. Y., and found the mixed pews of the church so to his liking that he decided to retain this feature for his temple!²³

We thus have only one conclusion as far as this is concerned—that those who have favored family pews have unwittingly advanced the cause of the paganization and Christianization of our Synagogues. Understanding that it is wrong to assimilate *Jews*, we are now witnessing the attempt to assimilate *Judaism*. And when a congregation finds itself wondering whether to submit to the pressure for mixed pews, it must consider this among other things: Are we to remain a Jewish synagogue—or a semi-pagan house of worship? Are we to incorporate the *ezrath nashim* of the Holy Temple—or the family pew of the Baptist Church? Are we to carry on in the spirit of Jerusalem—or of Corinth? Are we to follow the teachings of Hillel and R. Akiba and Maimonides—or of Isaac Mayer Wise and his ministerial colleagues?

CONCLUSION

In conclusion, we do not mean to imply that the rationale elaborated in this essay should be the primary motive for the

23. Samuel S. Cohen, "Reform Judaism" in *Jewish Life in America* (ed. Freedman and Gordis) p. 86.

observance by moderns of *kedushath beth ha-knesseth*, the sanctity of the synagogue, which requires the separate seating of men and women in its confines. The Halachah is essentially independent of the reasons the Jews of every succeeding age discover in and ascribe to it, and its sacred origin is enough to commend its acceptance by faithful Jews. What we did want to accomplish—and if we have failed it is the fault of the author, not of Orthodox Judaism—is to show that even without the specific and clear judgment of the Halachah, separate seating ought to be the only arrangement acceptable to serious-minded modern Jews; for it is consistent not only with the whole tradition of Jewish morality and the philosophy of Jewish prayer, but also with the enlightened self-interest of modern Jewish men *and* women—and children—from a social and psychological point of view.