

THE GREAT DIVIDE

By Yair Sheleg haaretz 15 06 2007

There are some doctoral dissertations that clearly articulate the writer's personal agenda. This is true for Ora Cohen, of the settlement of Elkana in the northern West Bank. As a Jewish feminist and former head of the liberal religious organization Ne'emanai Torah Ve'avoda, Cohen says that many questions that trouble Jewish women like herself never receive answers. "They tell us: This is what halakha [Jewish law] says, like it or not. So I decided to probe deeper and find out what the halakha really does say, and how these things evolved."

Cohen thus devoted her master's thesis to the history of Jewish modesty laws and her doctoral dissertation to the halakhic separation of the sexes. Recently, she published the latter in book form as "Mishney evrey hamekhitza" ("From Both Sides of the Partition"). The book tells the story of growing radicalism over the course of history. In the Bible there is no mention of the sexes being separated. Men and women stood at the foot of Mt. Sinai together. Men heard women singing "Shirat hayam," the song led by Miriam in Exodus 15. Jacob kissed Rachel upon meeting her.

But even the first halakhic mention of gender separation is very minor in tone. In the Mishna (Tractate Sukkah), it says men and women were separated during the water-drawing ceremony at the Temple - called Simhat Beit Hashoeva - lest modesty be comprised. Is the entire codex of religious rulings on separating men and women based on this annual event?

Cohen: "The ideology of separating the sexes is founded on a comprehensive approach that evolved in the rabbinical community, leading to expressions like 'kol isha erva' ["a women's voice is licentious"] and opposition to women studying Torah. But in practice, separating men and women definitely goes back to Simhat Beit Hashoeva, which is the only explicit mention of such a thing in Jewish sources."

This gave rise to the "ezrat nashim" (the women's section in synagogue), and a host of other laws that kept women and men separate. The origin of the ezrat nashim actually goes back to the Temple, where it referred to the largest place of assembly, where men and women stood together. According to Cohen, it was called ezrat nashim only because women were generally barred from going further, into the interior rooms. Cohen has also found evidence from the Talmudic period of women attending synagogue, and nowhere is a separate section mentioned. Most archaeologists who have studied the remains of synagogues from the Talmudic period agree that they had no ezrat nashim. At most, women sat on separate benches in the same room.

The first halakhic source supporting separation of sexes during prayer dates from the end of the Geonic period (10th century C.E.); the first mention of the existence of an ezrat nashim is in the 13th century.

This growing strictness applies not only to the separation of men and women. It also permeates interpretations of the expression "kol isha erva." Initially, the ban was on listening to a woman's voice during the "Shema" prayer, which could prevent men from achieving a proper degree of spiritual devotion. Only later was it extended to women's singing on the whole.

In the Talmud, it says that women may go up to the Torah and recite a blessing, but not read from the Torah, "mishum kvod hatzibur" ("out of respect for the congregation") - an enigmatic phrase usually explained as "not shaming the men," many of whom couldn't read from the Torah in those days. In our day, a woman who goes up to the Torah for an "aliyah" is automatically labeled a Reform Jew (although some claim to be Orthodox).

Another example: In the Mishna, there are two conflicting opinions about whether women should study Torah. One says fathers have a duty to teach their daughters Torah; the other dismisses the idea without prohibiting it. For some reason, Jewish law has decided to adopt this second opinion and to turn it into a sweeping prohibition.

Although Cohen agrees that the overall trend is toward a stricter interpretation of Jewish law, she emphasizes that there have been ups and downs over the years. "In the Muslim world, women stayed at home, and that comes through in the writings of Maimonides, who advised men not to let their wives leave the house more than once or twice a month. The Ashkenazi Hasidim in the Middle Ages were also very strict with separation of the sexes, which was probably connected with the atmosphere created at the time by the Catholic Church. During the Italian renaissance, on the other hand, one finds much more permissiveness: mixed dancing and evidence of sex before marriage."

No more isolation

The modern era is perhaps most notable for religious conduct being influenced by the environment and swinging between strictness and leniency. The reason is clear: Jews were no longer living in isolation. They were part of society as a whole, and many abandoned a religious lifestyle. This generated a variety of responses and one was defensiveness. The leader of Hungarian Orthodox Jewry in the early 19th century, the Hatam Sofer, solved the problem by declaring "Hadash asura min hatorah" ("Anything new is forbidden by the Torah").

But new fashions soon took hold, even among the Orthodox, first in the German Jewish community. There was mixed dancing, even at Orthodox weddings. Many rabbis shook hands with women. Women switched from head scarves to wigs, and later stopped covering their heads altogether. Many men took off their skullcaps in public, wearing them only during prayer or mealtimes. Seventy years ago, the Hafetz Haim, the unchallenged leader of Haredi Judaism, granted Sara Schneirer permission to establish Bais Yaakov, a network of schools for Haredi (ultra-Orthodox) girls, although this challenged the ban on teaching girls Torah. Hafetz Haim argued that there was nothing to fear from this, and openly recognized that new circumstances could alter halakhic rulings.

Twentieth-century Orthodox rabbis in the United States also conformed, to some extent, with the spirit of the times.