

**Can Women Pray at the Western Wall?
A Halahic Discussion of Women of the Wall**

J303 Final Paper

Gail Rosenbaum

Every *Rosh Chodesh* (the beginning of a new Jewish month) at seven in the morning a group of women called Women of the Wall (WOW) gather in the back of the women's section at the Western Retaining Wall of the ancient Temple. They come from all denominations of Judaism and all backgrounds to pray the morning service together and celebrate being Jewish women. Without fail, every *Rosh Chodesh* at seven in the morning, a group of *Haredi* (ultra-Orthodox) men gather at the men's section of the Western Wall. They throw chairs over the *mehitza* (the wall separating the men's and women's sections) at the praying women. They chant in loud voices so the women cannot be heard. Several times, they even used their power to have some of the women arrested.

Why do the *Haredi* men behave this way? They argue that the women's prayer does not follow *halakha*, or Jewish law. What is wrong WOW according to the *Haredim*? Are their arguments valid? While the *Haredim* bring up some important *halakhic* arguments regarding WOW, many of their arguments are closed-minded and easily refuted.

In order to fully understand arguments supporting and opposing WOW it is appropriate to first discuss the origins of the group. In the 1970s, many Orthodox Jewish women wanted to find ways to deepen their spirituality (Joseph 294). While women are commanded to pray privately according to Jewish culture (and this will be discussed more below), many say that they are exempt from public prayer and from Torah study. However, modern-day Jewish schools began teaching girls and women to read Hebrew and to study *Torah*. Many schools and seminaries even required girls to pray communally. Because they were educated enough to pray publically and to study Torah, many

Orthodox women (and women of other denominations, which is less relevant because other denominations already include women in communal prayer) wanted to enhance their prayer by developing women's prayer groups (Joseph 294). When these prayer groups began to form, they tended to gather on *Rosh Chodesh*, a holiday that is traditionally associated with women (according to some, the holiday is a reward to women for refusing to help build the Golden Calf while wandering in the desert in biblical times). Because many of these prayer groups were associated with the Orthodox movement, they did everything possible to follow *halakha* (Joseph 294). They, therefore, did not count themselves as a *minyan* (a prayer quorum, traditionally made up of ten men) and, accordingly, did not chant any prayers for which a *minyan* is required. Many rabbis were supportive of women celebrating their Judaism in this way. However, regardless of the women's commitment to *halakha*, some rabbis resisted the movement (i.e. Rev Zvi Schachter; Frimer and Frimer).

In December 1988, a group of women of all denominations decided to start the prayer group WOW, which would meet at the Western Wall: the holiest site to Judaism (Chesler and Haut xxvii). The site is so holy because it is the retaining wall of the ancient Jewish Holy Temple, and the Western Wall specifically was the closest to the Temple's entrance. Jews from all over the world come to the Western Wall to pray, so the women who formed the group found it fitting to gather there to pray. From the first service, the group was met with physical violence and judicial battles. Several court cases ruled WOW activities unlawful. One court brief accused the group of "doing the devil's work," 'neglecting [their] husbands and children,' 'using birth control to avoid having children so

[they] could spend [their] time praying in women's *minyans*'" (Chesler and Haut xxix). Several members of the group have also been arrested for breaking laws prohibiting women from reading *Torah* or wearing a *tallit* at the Western Wall. But WOW has fought the court cases (although the trials have not stopped altogether), withstood the violence and the group still continues to pray monthly at the Wall.

As with any topic involving women's ritual participation in Judaism, there are many *halakhic* issues that can be discussed regarding WOW. These include whether or not women can pray in public, in a synagogue, communally, whether they can read *Torah*, whether the group can count themselves as a *minyan*, whether or not the Western Wall is a synagogue, whether women can wear a *tallit* or *t'fillin*, whether men can listen to women praying, the intent of the group's prayer; the list goes on and on. In the interest of space, some topics will not be given the focus they necessarily deserve, while others will be discussed more in-depth. In any case, it is interesting to point out some issues that WOW opponents tend to focus on and issues that may seem important but are less important to WOW opponents.

One obvious question that may come to mind is whether or not women are obligated to pray in the first place. Most agree that women are obligated to pray privately (Hauptman 96). However, many posit that women are exempt from time-bound commandments, so they are exempt from reciting prayers that must be said at certain times of day like the *shema* (Weiss, 23). They are required to recite prayers such as the *Shemoneh Esreh* and *Pesukei deZimra*, which do not need to be said at a certain time (Weiss 22, 26).

Public prayer is a different story. Many say that women are not obligated to pray in public and, since they are not obligated, may not be counted in a *minyan*. However, as evidenced by synagogues around the world, women may attend synagogue and sit in the women's section, even though they are not counted in the *minyan*. While these questions of women's requirements to pray are sometimes brought up in opposition to WOW (and to women's prayer groups in general; Weiss, 56), they are largely irrelevant. The WOW group is separated from men by the *mehitza* at the Western Wall and the women stay on their side of the *mehitza*, just as they do in a synagogue. As stated earlier, WOW performs a *halakhic* service in that the group does not say any prayers that must be said with a *minyan* (i.e. *kaddish*, *bar'chu*, etc.).

Despite the *halakhic* service conducted by WOW, there are still several other objections to the group. One issue is that the men praying at the Western Wall are able to hear the WOW group during their prayer. This objection stems from *Berachot 24b*, which discusses sexual aspects of women and how certain exposures to women are analogous to seeing them *erva* or naked. One of the statements from this passage is as follows: "Samuel said: A woman's voice is a sexual incitement, as it says [in the Song of Solomon], for sweet is thy voice and thy countenance is comely." Other things that are constituted as *erva* (translated here as "sexual incitement") include a woman's little finger and her hair. It is important to note that the passage is included in a discussion of *shema* recitation and the text states that men may not be sexually aroused while saying the prayer. It is also important to point out that, while the issue discusses the voice of a woman, most agree that the issue involves a woman's singing voice rather than her

speaking voice (Cherney 60-61). Many responsa discuss the issue of men hearing a woman's voice, known in Hebrew as *kol b'isha erva*, or *kol isha* (literally "voice of a woman") for short.

There are several different ways to think about *kol isha*, which seems on the surface to blatantly prohibit men from hearing women's voices. One viewpoint, outlined in a responsum by Rabbi Ben Cherney, says that men may not hear women's singing voices at all because, as the Talmud implies, this will cause sexual arousal. A similar viewpoint, also discussed (but later rejected) by Cherney is that *kol isha* only applies when a man is saying the *shema*. Cherney cites Rev Asher ben Yechiel, who states: "Shmuel said: the voice of a woman is sexually stimulating (*erva*), as it is written 'for your voice is sweet'. That is to say, it is prohibited to hear; but not for recitation of *shema*" (62). According to Cherney, there are two ways to interpret this statement. One says that during the *shema*, it is permissible to be lenient about listening to a woman's voice. The other is that "hearing a woman's voice is prohibited not only while reciting the *shema*, but also in other circumstances as well" (62). Cherney agrees with the second of the two statements and concludes by saying that "we should view this prohibition of the sages as well as others of its genre as protection against a breakdown of sanctity, a measure incumbent upon us as sincerely observant Jews" (75). A responsum by Rabbi Howard Jachter comes to a similar conclusion: "We are challenged to hold firm to our beliefs against the flow of the general cultural tide. This is one of the issues that we must part company with the rest of society..." (Jachter).

Conservative and Reform Jews (and sometimes Modern Orthodox Jews), tend to

take a different approach, which opposes the *kol isha* prohibition. Most anti-*kol isha* arguments, including that presented in a responsum by Rabbi David Bigman, say that the prohibition only applies when the singing “is intended for sexual stimulation” (Bigman). Different responsa use different texts to come to this conclusion, but many of them cite Rambam’s ideas about *kol isha*. Rambam says, “And he who looks at even the little finger of a woman to take pleasure in it is like one who looks at her private parts, and even to hear a voice of an *erva* or to see her hair is forbidden” (*Hilkhot Issurei Biah* 21:2). According to Michael Makovi’s writing on the topic, this passage implies that the men described as taking sexual pleasure in the women are carefully examining the woman’s little finger, hair and voice. This is evidenced by Rambam’s usage of the verb *l’histakel*, meaning to examine, instead of *lirot*, meaning merely to see. So, in order for *kol isha* to apply, there must be sexual intention, which excludes most situations in daily life. Further, Bigman points out that trying to be too stringent with rules like *kol isha* may “create a culture unbecoming the spirit of the Torah.” In other words, Jews may be missing out on important aspects of the religion intended by the Torah (i.e. hearing a woman singing) if they try to be too strict with these ambiguous laws. This viewpoint is also supported in Rabbi Avraham Shammah’s *kol isha* responsum on the topic.

The Haredim who oppose WOW tend to agree with Cherney and Jachter’s opinions on *kol isha*. While they argue for the literal interpretation of the Talmud in this case, they ignore Rambam’s statements and other interpretations of the text. Further, those who support *kol isha* take this passage literally, but do not take all related passages literally. In discussing *kol isha* supporters, Rabbi Shammah states:

Do all of those who arise to forbid hearing the voices of women uphold everything that is written in this halahka [about dealing with women]? Do they distance themselves from women very, very much? The answer is “absolutely not!”; certainly not [according to] the intent of our teacher [R. Yosef Karo]. It should be expressed in clear language: in our day, society is mixed (men and woman). And even in the most stringent *Haredi* groups, there is a mixed society at various levels.”

While Makovi and Bigman, *kol isha* opponents, do not mention some passages in support of *kol isha*, they tend to do a better job of acknowledging the opposing argument and being consistent in their support than Cherney and Jachter. Another factor to point out is that both conclusions ending Jachter and Cherney’s responsa emphasize the importance of guarding “against the breakdown of cultural sanctity” and to “hold firm to our beliefs against the flow of the general cultural tide.” These conclusions may imply that the statement they are making might not be in favor of the *kol isha* argument as much as against cultural norms and assimilation. Also, Cherney and Jachter altogether prohibit women’s voices instead of considering positive ways in which women’s voices may contribute to spirituality. This viewpoint is closed-minded and merely an easy solution to the alternative of checking circumstances to make sure singing is not done or observed in a sexual way. Because of all of these factors, opponents of *kol isha* make a better and more consistent argument.

If one supports opponents of the *kol isha* argument based on the statements above, a further argument against WOW may not readily come to mind. However, Rabbi Ovadia Yosef, the Sephardi Chief Rabbi of Israel, made a direct statement against WOW in 2009 that did not mention *kol isha*, women’s obligation to pray or many other important and seemingly relevant questions. According to a news article on ynet.com, Rabbi Yosef

said, “[WOW] is made up of ‘stupid’ women who do not act ‘for Heaven’s sake,’ but merely because ‘they want equality’” (Nahshoni). This stance is not an issue of women’s prayer or of men hearing a woman’s voice in prayer. The important issue here is the intent of the WOW members. WOW opponents say that WOW members are trying to make a political statement, and therefore, their group’s intent is not really to pray (Joseph 299).

Is this argument *halakhically* supported? Several responsa discuss the question of intent in women’s ritual participation. These responsa tend to discuss specific issues like whether women can read *Torah*, wear a *tallit*, or recite certain prayers. These ideas are then used in discussing women’s ritual participation in general (Joseph 299), and therefore, these responsa relevant to WOW. The text generally used to discuss intent in ritual participation is *Hagigah 16b*, which follows:

Rami b. Hama said: You can deduce from this that the laying on of hands must be done with all one's strength; for if you suppose that one's whole strength is not required, what [work] does one do by laying on the hands? An objection was raised: [It is written]: Speak unto the sons of Israel . . .and he shall lay his hands. The sons of Israel lay on the hands but the daughters of Israel do not lay on the hands. R. Jose and R. Simeon say: The daughters of Israel lay on the hands optionally. R. Jose said: Abba Eleazar told me: Once we had a calf which was a peace-sacrifice, and we brought it to the Women's Court, and women laid the hands on it — not that the laying on of the hands has to be done by women, but in order to gratify the women.

Now if you suppose that we require the laying on of the hands to be done with all one's strength, would we, for the sake of gratifying the women, permit work to be done with holy sacrifices! Is it to be inferred, therefore, that we do not require all one's strength? — Actually, I can answer you that we do require [it to be] with all one's strength, [but the women] were told to hold their hands lightly. If so, [what need was there to say], ‘not that the laying on of the hands has to be done by women’? He could [more simply] have pointed out that it was no laying on of the hands at all! R. Ammi said: His argument runs: Firstly and secondly. Firstly, it was no laying

on of the hands at all, and secondly, it was [done] In order to gratify the women.

At first glance, this may not seem like a text questioning women's intentions in ritual participation. However, Rev Moshe Feinstein uses these ideas in a responsum to argue that women should not participate in rituals, (specifically they should not wear *tallitot*) if they do not have the right intentions. He says that "women's movements" specifically cause women to have the wrong intentions, since their main goal is to change Jewish law (according to a translation by Norma Baumel Joseph; 299). He does, however, support women's ritual participation if it is correctly motivated. How would one use the passage from *Hagigah* to make this argument? The discussion in the second paragraph, they say, is about the intent of the women participating; according to those writing such responsa, the women described in the passage were allowed to participate because they had good intentions.

Interestingly, opponents of this argument use the exact same text to make the exact opposite claim: that women, if they wish, should be able to participate in rituals because it satisfies them. This is the argument that Rabbi Daniel Sperber makes in his responsum about women reading *Torah* (7). It is easy to see how this argument can be made using the *Hagigah* text: the text says that women were permitted to "lay hands" (to touch Temple sacrifices) merely because they desired to. According to Sperber, they should, therefore, be allowed to read *Torah* if they wish.

When looking more closely at these opposing viewpoints regarding intention in ritual participation, a few questions come to mind. First, who decides one's intention or motivation in ritual participation? Rav Feinstein seems quite certain that the women

participating in women's movements (like WOW) have the "wrong" intentions in their desire to participate in rituals. How is he so certain? Additionally, if there were a way to determine someone's intentions in ritual participation, why would only women's intentions be questioned? How are Rav Feinstein and his followers certain that all men have good intentions in ritual participation? And if men's intentions in prayer do not need to be checked, does this imply that the Haredi men who shout prayers so the WOW group cannot be heard have the "correct" intentions?

Clearly, these questions are difficult to answer: only a person herself can fully know her motivations. Even if there were a way to check someone's intentions, it would be unreasonable to check everyone's intentions before they pray. And while it is difficult to determine a person's intentions, it is not likely that men always have the best intentions in prayer. Therefore, the argument that says WOW members have the "wrong" intentions in their prayer is difficult to support *halakhically*.

The Women of the Wall are a group of women who want a chance to enhance their spirituality by praying at the holiest site in Jerusalem. While there are many potential *halakhic* objections to the group, there are many ways to refute these objections. Further, one of the most publically voiced objections (as evidenced by Rabbi Ovadia Yosef's statements), that the group has the wrong intentions in their prayer, is very difficult to support. Based on these arguments, the WOW group should have the right to gather at the Western Wall and pray to enhance their spirituality.

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