**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Deracheha: Women and Mitzvot**

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Dedicated in memory of Rabbi Jack Sable z”l and

Ambassador Yehuda Avner z”l

By Debbie and David Sable

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**Why is It Important for Women
to Engage Directly with Halachic Texts?
An Introduction to Deracheha**

By Deracheha Staff; Laurie Novick, Director

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# **Religious Influence**

A verse at the beginning of Mishleiexhorts the child to follow the lessons of both parents:

Hear, my son, the instruction of your father (*mussar avicha*) and do not abandon the teaching of your mother (*torat imecha*). (Mishlei 1:18)

An interpretation in Midrash Mishlei takes this verse as a parable: 'father' represents the written Torah, and 'mother' refers to the oral teachings from Sinai.

'Hear, my son, the instruction of your father (*mussar avicha*)' - this is written Torah. 'And do not abandon the teaching of your mother (*torat imecha*)' – all that was explained to you at Sinai from God's word. (Midrash Mishlei 1:8)

Rav Yosef Dov Soloveitchik explains that this verse is not just a parable referring to the giving of Torah from Sinai, but a very fine-tuned presentation of two complementary tracks for transmitting that Torah, the written and the unwritten.

Father teaches the son the discipline of thought as well as the discipline of action. Father's tradition is an intellectual-moral one. That is why it is identified with *mussar*, which is the Biblical term for discipline. . . . What kind of Torah does the mother pass on? . . . that Judaism expresses itself not only in formal compliance with the law but also in a living experience. She [my mother] taught me that there is a flavor, a scent and warmth to mitzvot. I learned from her the most important thing in life – to feel the presence of the Almighty and the gentle pressure of His hand resting upon my frail shoulders. (Rav Soloveitchik, "A Tribute to the Rebbitzen of Talne," [*Tradition* 17:2](http://traditionarchive.org/news/originals/Volume%2017/No.%202/A%20Tribute%20to%20the.pdf) [Spring 1978], pp. 76-77)

Through *mussar avicha*, the father brings his family the intellectual-moral discipline of Torah. Through *torat imecha*, the mother brings the experience of God and Torah to life. *Torat imecha*, the lived experience of Torah, is built first at home.

## ● Are styles of transmitting tradition necessarily gendered? (For discussion, see APPENDIX.)

Both men and women can aspire to transmit a sense of and love for Judaism as richly lived, in and out of the home, whether or not they are parents. And both can aspire to transmit the intellectual aspects of Judaism.

Even so, women’s connections to mitzvot have traditionally run through the home and the living Torah within it.[[1]](#footnote-1) Through torat imecha, women have wielded great religious influence.

# **Mimetic Tradition**

In the traditional societies of the past, communities existed in place continuously for centuries, developing strongly rooted practices and ways of life.

In a landmark essay,[[2]](#footnote-2) Rav Soloveitchik's son, Dr. Haym Soloveitchik, elaborates on the distinctions drawn by his father[[3]](#footnote-3) to identify two sources of halachic authority within these communities: a textual tradition transmitted through study, and a mimetic tradition, learned through imitation. He describes how in Ashkenaz, custom was part and parcel of Halacha, its dictates taken as seriously as those of texts.

And a way of life is not learned but rather absorbed. Its transmission is mimetic, imbibed from parents and friends, and patterned on conduct regularly observed in home and street, synagogue and school…. It is no exaggeration to say that the Ashkenazic community saw the law as manifesting itself in two forms: in the canonized written corpus (the Talmud and codes), and in the regnant practices of the people. Custom was a correlative datum of the halachic system. And, on frequent occasions, written word was reread in light of traditional behavior…. Custom is potent, but its true power is informal. It derives from the ability of habit to neutralize the implications of book knowledge. Anything learned from study that conflicts with accustomed practice cannot really be right, as things simply cannot be different than they are. Once that inconceivability is lost, usage loses much of its force. ("Rupture and Reconstruction," pp. 65, 67, 71)

The distinction between the textual and mimetic traditions parallels the distinction between *mussar avicha* and *torat imecha*: the first is more formal and the second more experiential; both bear influence and authority.

# **Women and Mimetic Expertise**

Indeed, in an era in which few women merited formal education, imitation and informal instruction were the most common ways for women to learn how to keep mitzvot and to transmit knowledge of mitzvot. Through mimesis, women built real halachic expertise.

Medieval halachic luminary Maharil attests to this in a responsum:

Leave the daughters of Israel be, [for] if they are not prophetesses, they are daughters of prophetesses. And from their youth they are expert in accordance with their mothers and their teachings. (New Responsa Maharil, 93)

Performing mitzvot and domestic tasks in conformity with Halacha demanded halachic competence and confidence. As day-to-day decision-makers in the home on any number of matters bearing practical halachic weight, women exerted a type of halachic authority. That decision-making drew its authority from what had been received mimetically from previous generations.[[4]](#footnote-4)

For example, in the kitchen, the woman at home was very much in charge. It was she who carried a proud legacy from the women who came before her and it was she who determined when to consult scholars expert in the textual tradition.[[5]](#footnote-5)

In the Talmud, in addition to accounts of women seeking guidance from sages, we occasionally see the sages themselves learning from women about Halacha in practice. For example, Ravina cites his mother in a dispute between Rav and Rav Chiyya regarding the timing of cutting bread and *birkat ha-motzi*:

Ravina said: My mother said to me, “Your father acted in accordance with [the ruling of] Rabbi Chiyya.” (Berachot 39b)

Rav Yitzchak of Dampierre, one of the most prominent tosafists, formalized this role.[[6]](#footnote-6) He writes in a responsum that he recognizes custom maintained by women as absolutely reliable in evaluating halachic practice.

If [women in this area of Halacha] are not prophets, they are daughters of prophets and the great ones of the generation, and one may rely on the custom. (Responsa Ri HaZaken, 46)

Women and men, practitioners of both types of tradition, engaged in dialogue with each other regarding halachic practice.

# **Rebbitzen Bayla Falk**

In early seventeenth-century Poland, we find an exemplar of a single individual integrating textual and experiential knowledge, *mussar avicha* and *torat imecha*: Rebbitzen Bayla Falk. The following description of Rebbitzen Falk comes from an introduction her son, Rav Yosef Falk, wrote to a work of scholarship by her husband. The son could not memorialize his father without giving his mother her due.

Rebbitzen Bayla expresses her piety through Torah, *avoda* (prayer), and *gemilut chassadim* (loving-kindness). Rav Falk presents a vivid picture of her pious actions.

The dignified woman, the noble, modest, and pious and righteous lady, my mother and teacher Rebbitzen Mistress Bayla. . . . She is worthy to apportion her honor and to put in writing a little of her good deeds, to be a record for us for generations and so that all daughters of Israel will learn from her. . . . In honor of Shabbat she made all sorts of delicacies and enjoyed them little herself; rather, she sent them to the poor and to members of the household. All her days, whether in winter or in summer, she always arose early some hours before the light of day and uttered many prayers and entreaties with great intentionality before God, blessed be He. In her hand was the key for the women's section [of the synagogue], for she was the first to come to the synagogue and the last, by an hour or two after most had left synagogue, as she finished her prayers and entreaties. After the prayer she did not turn to any frivolous matter, but went from valor to valor, occupying herself with the Torah portion of the days of the week with the commentary of Rashi and other commentators, as is known to all students of my father and teacher of blessed memory, who sat at his table. For always, as they would end the meal with words of Torah, she would gird her loins like a man in the discussion of words of Torah. Sometimes she would conceive some original explanation sweeter than honey nectar flowing from her lips. Especially in laws pertaining to women and in the laws of *nidda* she was nearly as expert as one of those who issue halachic rulings. (Rav Yosef Falk, Introduction by the Author's Son to *Derisha* and *Perisha*)

Rebbitzen Bayla opens up the synagogue to pray and learns Torah for its own sake. Students gather at the Shabbat table of their distinguished rabbi, passionately debating Torah with him, and Rebbitzen Bayla participates in the discussion. She shares ideas of the highest quality. They are so fine that her son has to evoke male imagery to do them justice. As he writes, when it comes to Torah, this "dignified, noble, and modest" woman "girds her loins like a man."

Rebbitzen Bayla's Torah learning extends to real halachic mastery of laws pertaining directly to women's lives. Later in the introduction, Rav Falk elucidates two halachic positions of his mother's regarding candle-lighting. He follows up their description by advocating their practice. That is to say, he publicly issues a halachic ruling following his mother's halachic insight and innovation.[[7]](#footnote-7) For her part, Rebbitzen Bayla both lived and thought Torah.

Much as Rebbitzen Bayla prepares both Torah and food for her Shabbat table, she learns halachot related to the mitzvotshe observes and integrates her halachic insights with her observance. For Rav Falk then, intellectual knowledge of Torah can enhance a woman’s transmission of *torat imecha*.

Rebbitzen Bayla provides a potential model for developing textual knowledge while transmitting *torat imecha*.

A woman's knowledge of mitzvotcan serve to enhance their "flavor, scent, and warmth." Much as a Jewish man can learn to transmit the life of Judaism along with Torah, the ideal for which a Jewish woman strives need not be experiential at the expense of the intellectual. A learned Jewish woman's knowledge and practice can be mutually reinforcing, leading her closer to the Torah ideals of both.

# **Deracheha**

Classically, women have been expert in the mimetic tradition, assuming responsibility for the practice and transmission of halachot relevant to the domestic sphere. Through mimesis, mothers pass on to daughters the knowledge of how to perform essential mitzvot. *Torat imecha* transmits the spirit of Torah mimetically.

But the transience and upheaval of modernity have undermined the authority of communal practice. As Dr. Soloveitchik notes, in our times custom has lost much of its potency.

Religious authority now resides chiefly with the textual tradition and its masters. This is true in other realms as well: often, we lend our highest trust to books and experts, learn not at home and on the street but in school, and attempt to resolve problems by researching them rather than seeking out our forebears' wisdom.

The ascendency of the textual tradition and decline of mimetic authority has had an especially profound effect on women. As the power of this tradition wanes in many of our communities, so does the valuation of a Jewish woman's role in Halacha.[[8]](#footnote-8) On the whole, women are also less bound to the home now than in the past.

Much of the current tug of war over a woman's role in Judaism starts here. In many of our communities, a traditional role has lost its authority and with it much of its footing. Textual knowledge can play a part in reconstructing it.

In many cases, textual knowledge can enable women to observe, preserve and transmit Halacha.

Even where tradition remains relatively strong, textual knowledge can expand our understanding of Halacha in our lives and renew fulfillment of traditional roles.

For the law cannot sit well in someone's mind as long as he does not know it along with its logical grounds and reasoning. (*Mishna Berura*, Introduction)

Echoing this statement, Deracheha contributing editor Shayna Goldberg writes:

A woman who has seriously engaged in traditional analysis of our primary texts can converse in them as an 'insider.' . . . . She is privy to a more sophisticated understanding and appreciation of how *halacha* operates, and as such often develops a deeper respect for the halakhic system. She can understand the key principles in play. She can differentiate between *de-Oraita*, *de-rabbanan* and *minhag*. And she can understand when and why exceptions can be made. . . . A woman who has studied an issue in depth has a greater ability to value different approaches, to understand different opinions, and to appreciate decisions that different communities make.[[9]](#footnote-9)

In the manner of women like Rebbitzen Bayla Falk, a modern ideal of *torat imecha* can benefit from engagement with *mussar avicha*.

In striving to live lives in service of God, women should directly encounter more texts, and work together to understand halachic issues through the standpoints of both text and tradition.

That is the goal of Deracheha.

APPENDIX:

## ● Are these styles of transmission necessarily gendered?

Interestingly, Rav Soloveitchik himself paves the way to a less gendered understanding of the transmission of lived Torah. For example, he describes Moshe's laying of hands on Yehoshua in similar terms.

There were two mesoros that Moses transferred to Joshua. One is the tradition of Torah learning, of lomdus. The second mesorah, the hod, was experiential. One can know the entire Maseches Shabbos and yet still not know what Shabbos is. To truly know what Shabbos is, one has to spend time in a Yiddishe home. (Rav Soloveitchik, *Chumash Mesoret haRav*, Bamidbar, p. 221)

The Torah Moshe gave to Joshua, a man, included both intellectual and experiential traditions. Rav Soloveitchik also describes a male teacher of his from childhood as transmitting Judaism as his mother had*.*[[10]](#footnote-10)

He taught me something that no one else taught me. Perhaps there is one exception, my mother… He taught me how to live Judaism and not just practice it. (Rav Soloveitchik, cited R. Aaron Rakeffet-Rothkoff, *The Rav*, vol. 1 [Jersey City: Ktav, 1999], pp. 149-150)

It seems that most of Rav Soloveitchik's male teachers emphasized a profoundly intellectual mode of Torah learning – with a single exception who instilled in him something very close to the *torat imecha* he received at home from his own mother.

One can infer that Rav Soloveitchik's distinction between the roles of the mother and father idealizes different religious emphases for men and women but does not set rigid gender boundaries.

# **Further Reading**

1. בטחה הר-שפי, "בין הלכה למנהג: נשים בקיום מצוות בשנים "1050-1350, עבודת דוקטור, האוניברסיטה העברית בירושלים, תשס"ב.

2. [Soloveitchik, Haym, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition* 28:4 (Summer 1994), pp. 64-130.](http://traditionarchive.org/news/originals/Volume%2028/No.%204/Repture%20And.pdf)

3. [Soloveitchik, R. Joseph B., "A Tribute to the Rebbitzen of Talne," *Tradition* 17:2 (Spring 1978), pp. 73-83.](http://traditionarchive.org/news/originals/Volume%2017/No.%202/A%20Tribute%20to%20the.pdf)

4. [Stampfer, Shaul, “How Jewish Society Adapted to Change in Male-Female Relationships in 19th/Early 20th Century Europe," in *Gender Relationships In Marriage and Out*, ed. Rivkah Blau, New York: Yeshiva University Press, 2004, pp. 65-84.](https://www.yutorah.org/lectures/lecture.cfm/726167/dr-shaul-stampfer/how-jewish-society-adapted-to-change-in-male/female-relationships-in-19th-/-early-20th-century-eastern-europe/) Available with log-in from yutorah.org

1. For example, the three mitzvot in which women take precedence over men, include separating *challa*, lighting Shabbat candles, and observing *nidda*, all of which are centered in the home. See "*Mitzvot Chana*" (forthcoming shiur) for more discussion. [↑](#footnote-ref-1)
2. Haym Soloveitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," Tradition 28:4 (Summer 1994), pp. 64-130, available [here](http://traditionarchive.org/news/originals/Volume%2028/No.%204/Repture%20And.pdf). [↑](#footnote-ref-2)
3. Rav Yosef Dov Soloveitchik, “Shenei Sugei Masoret,” in *Shiurim Le-zecher Abba Mari z”l*, vol. 1 (Jerusalem, 1983), p. 228:

There are two traditions: 1) a tradition that relates entirely to a tradition of learning . . . 2) a practical tradition of the practice of Israel in fulfilling mitzvot. And this is founded on the verse, "Ask your father and he will tell you, your elders and they will say to you" (Devarim 32:7). [↑](#footnote-ref-3)
4. Shaul Stampfer, "How Jewish Society Adapted to Change in Male/Female Relationships in 19th/Early 20th Century Europe," in *Gender Relationships In Marriage and Out*, ed. Rivkah Blau (New York: Yeshiva University Press, 2004), p. 73:

Despite all of the images, most halakhic questions were decided by women and not by men. Women were the ones who noted problems with a chicken and they were the ones who decided if a question warranted a query to the rabbi or not. . . . Similarly questions of *taharat hamishpahah* [*niddah*] were in the purview of women. Behavior on Shabbat was as much under the supervision of women as of men, and since halakhah was known by initiation and not from books (note that in heder children learned humash but never halakhah), most men, except for the relatively few in the scholarly elite, were no more competent to determine halakhah than their wives. [↑](#footnote-ref-4)
5. A vivid account of women's halachic authority in the kitchen appears in note 18 of Dr. Soloveitchik's essay:

The traditional kitchen provides the best example of the neutralizing effect of tradition, especially since the mimetic tradition continued there long after it was lost in most other areas of Jewish life. Were the average housewife (bale-boste) informed that her manner of running the kitchen was contrary to the Shulhan Aruch, her reaction would have been a dismissive "Nonsense!" She would have been confronted with the alternative, either that she, her mother and grandmother had, for decades, been feeding their families non-kosher food [treifes] or that the Code was wrong or, put more delicately, someone's understanding of that text was wrong. As the former was inconceivable, the latter was clearly the case. This, of course, might pose problems for scholars, however, that was their problem not hers. Neither could she be prevailed on to alter her ways, nor would an experienced rabbi even try. There is an old saying among scholars "A yidishe bale-boste takes instruction from her mother only."

Scholars could say what they may, but the woman of the home was in charge. It was she who determined when to consult them and it was she who carried a proud legacy from the women who came before her. [↑](#footnote-ref-5)
6. Quoted in the context of a similar argument in Bitha Har-Shefi’s doctoral thesis (see Further Reading below), pp. 322-324. Har-Shefi presents a thorough academic and historical discussion. [↑](#footnote-ref-6)
7. As opposed to Shabbat, lighting from an existing flame is permissible on Yom Tov. Even so, Rebbitzen Bayla maintained that the candles should be lit prior to the holiday on the first day of Yom Tov, to add to the atmosphere as on Shabbat. The exception is second-day Yom Tov in the diaspora, preparations for which may not be made until after nightfall. On the other hand, she held that the blessing over Yom Tov candles should be made prior to lighting them, unlike the Shabbat candles, again because lighting is permissible on Yom Tov. This position has been widely, though not universally, accepted. [↑](#footnote-ref-7)
8. Though it was arguably less central for them, men have lost expertise of this sort to texts as well. [↑](#footnote-ref-8)
9. Shayna Goldberg, "Why I Believe in Women and their Batei Midrash," The Lehrhaus, 18/1/18, [available here](https://www.thelehrhaus.com/commentary/why-i-believe-in-women-and-their-batei-midrash-talmud/). [↑](#footnote-ref-9)
10. See also the similar discussion in Lawrence Kaplan's review of *Family Redeemed* in *Judaism* 50:4 (Fall 2001), pp. 491-499. [↑](#footnote-ref-10)