

**Tearing Down the Political *Mehitzah*:  
Equality in Representation for Orthodox and Ultra-Orthodox Jewish Women**  
Holly A. Jordan

**ABSTRACT:**

Due to gender norms and mores in orthodox and ultra-orthodox Jewish communities, women from these religious traditions have been discouraged, if not outright banned, from participating publicly in politics. In the last few years, this has begun to change, with orthodox and ultra-orthodox women running for political office in both Israel and the United States. This paper investigates this new trend in (ultra)-Orthodox women pursuing public political roles and conducts its research from the intersectionality of religious studies and politics, focusing on how these women are creating new identities from within their own religious beliefs.

**Introduction**

The year 2017 marked the first time that an Orthodox Jewish woman held any public office in the United States, be it federal, state, or local. Rachel Freier, a Modern Orthodox woman from Brooklyn, was inaugurated as a civil court judge for New York City's 5<sup>th</sup> Civil Court District. Freier is not only a trailblazer within the law; she also is the founder of B'Derech, an all-female volunteer ambulance corps serving Orthodox Jewish women in New York City.<sup>1</sup> Today, Orthodox Jews make up roughly 10% of the 5.3 million Jewish citizens of the United States.<sup>2</sup> While this means that Orthodox women hold a very small percentage of the overall Jewish population in the United States (let alone their infinitesimal percentage of United States citizens), their absence in any level of politics is still surprising, given there have been several

---

<sup>1</sup> Andrew Katz, "A Brooklyn Judge Becomes America's First Hasidic Woman to Serve in Public Office," *Jewish Telegraphic Agency* (2016), <http://www.jta.org/2016/10/27/news-opinion/united-states/a-brooklyn-judge-becomes-americas-first-hasidic-woman-to-serve-in-public-office>.

<sup>2</sup> PewResearchCenter, "A Portrait of American Orthodox Jews: A Further Analysis of the 2013 Survey of U.S. Jews," The Pew Charitable Trusts, <http://www.pewforum.org/2015/08/26/a-portrait-of-american-orthodox-jews/>.

American Orthodox Jewish men who have held public office.<sup>3</sup> Concurrently, while Israel has had religious, including Orthodox and Haredi, political parties since before statehood, Orthodox women have never been able to join the most conservative religious parties, including Shas and United Torah Judaism. In fact, the only ultra-Orthodox women to have ever served in the Knesset was Tzvia Greenfield, who ran as a member of the Meretz party, a left-wing, secular, and social-democratic party, and served from 2008-2009.<sup>4</sup> The formation of the political party B'Zhutan<sup>5</sup> by Ruth Kolian, Noa Erez, and Karen Mozen, marked the first time Orthodox women have gotten directly involved in party politics at the highest levels, having created their own party in response to being barred from other religious parties and to fill the gap in representation for women in Orthodox Judaism.<sup>6</sup> While Freier won her campaign (beating out a more secular counterpart, Jill Epstein, and an Orthodox opponent, Mordechai Avigdor<sup>7</sup>), the women of B'Zhutan would not earn seats in the Knesset in this last election. Still, they persevere.

2015 and 2016 saw a shift in the presence of Orthodox women seeking political office, the effects of which remain to be seen in both the United States and Israel. Given it has been nearly seventy years since the founding of the State of Israel and 100 years since the first woman in the United States held a federal office, one main question must be asked: Why now?

---

<sup>3</sup> See former New Hampshire state representative Jason Bedrick; Simcha Felder, member of the New York State Senate representing the 17<sup>th</sup> district; and Jack Lew, former Secretary of the Treasury for the Obama administration.

<sup>4</sup> Allison Kaplan Sommer, "Israel's First Ever Ultra-Orthodox Women's Party Makes Bold Debut," *Haaretz*, January 20 2015.

<sup>5</sup> Hebrew lit: "and in their [female] merit."

<sup>6</sup> Ido Ben-Porat and Ari Yashar, "New Female Haredi Party Threatened with Excommunication," *Arutz Sheva*, January 15 2015.

<sup>7</sup> Katz.

What compelled these Orthodox women to run for office, and what had changed in the Orthodox communities in both Israel and the United States both to motivate these women to pursue public service and to gain support from their families and communities? This paper situates women like Judge Freier and the founders of B'Zhutan within the greater conversation of the place of Modern Orthodox and Haredi women in public office and public life in pursuit of the answer to the question "Why now?"

### **Modern Orthodoxy and Ultra-Orthodoxy (Haredi Judaism) Defined**

Traditionally, Orthodox Jews fall within of the most conservative expressions of Jewish practice. At the bare minimum, they are Jews that keep the entirety of the Jewish Sabbath laws, which govern the weekly holiday of rest, and the laws of Kashrut, which govern food and diet.<sup>8</sup> Additionally, while Orthodox Jews dress in varying level of modesty, Orthodox women typically cover their hair and orthodox men typically wear a hat or head covering of some kind. Furthermore, married couples observe *niddah*, or ritual separation during and after a woman's menstrual cycle.<sup>9</sup> Within the Orthodox community there are two predominant communities. The first are the Modern Orthodox, who, according to Avishai "are committed to a traditional yet evolving interpretation of Jewish rituals, laws, and traditions."<sup>10</sup> The Modern Orthodox can be found in all walks of life in both Israel, where they make up 17 percent of the Jewish

---

<sup>8</sup> Debra Renee Kaufman, "Women Who Return to Orthodox Judaism: A Feminist Analysis," *Journal of Marriage and Family* 47, no. 3 (1985): 545.

<sup>9</sup> Orit Avishai, "'Doing Religion' in a Secular World: Women in Conservative Religions and the Question of Agency," *Gender and Society* 22, no. 4 (2008): 422.

<sup>10</sup> *Ibid.*, 415.

population, and worldwide.<sup>11</sup> The second major strain of orthodoxy are comprised of the ultra-Orthodox and are also known as Haredi<sup>12</sup> Jews. While the Modern Orthodox seek to reinterpret their traditions in view of modern life, the ultra-Orthodox, according to Israel-Cohen, "[seek] isolation and a distancing from modern-liberal values."<sup>13</sup>

Modern Orthodox and ultra-Orthodox Jews both believe in a separation of gender roles. Regarding these roles, Sered explains that "[t]raditional orthodox Judaism dictates distinct, gender-determined roles and positions. Men and women are believed to be essentially different with different natures, spiritual paths, and legal statuses. Women are seen primarily as domestic beings where all public and official leadership roles [...] are the province of men."<sup>14</sup> These roles are defined both by interpretations of *halakhah*, Jewish law found both in the Torah and the Talmud,<sup>15</sup> and cultural traditions, or *minhagim*, which evolve over time and are interpreted and enforced by rabbis. Several changes to Orthodox life in the decades of the 20<sup>th</sup> and the 21<sup>st</sup> centuries have led to differences in interpretations of *halakhah* and *minhag*, most notably the expansion in Orthodox women's education to include the study of Torah and Talmud.

### Orthodox Jewish "Women's Issues"

---

<sup>11</sup> Yael Israel-Cohen, "Jewish Modern Orthodox Women, Active Resistance and Synagogue Ritual," *Contemporary Jewry* 32, no. 1 (2012): 8, note 1.

<sup>12</sup> Hebrew lit. "[one who] trembles" at the word of God.

<sup>13</sup> Israel-Cohen, 8, note 1.

<sup>14</sup> Susan Sered, "Women and Religious Change in Israel: Rebellion or Revolution," *Sociology of Religion* 58, no. 1 (1997): 4.

<sup>15</sup> The Torah refers specifically to the first five books of the Hebrew Bible/Tanakh but can generally be used to refer to the entire Hebrew Bible. The Talmud is a collection of the Oral Torah (Mishnah), or laws, and commentary (Gemara) on those laws compiled in Palestine and Babylon during the fourth and fifth centuries CE.

Scholarly literature on Jewish women, especially Orthodox Jewish women, focuses on three primary topics: the presence of the *meḥitzah*, or barrier, between men and women within Orthodox synagogues and public spaces; the function of *niddah* in Orthodox women's lives; and the Women of the Wall movement. Within each of these topics are discussions of the proper place of women, the *halakhot/minhagim* governing their behavior, and the ways in which it would be appropriate (or forbidden) for these culture mores to change over time.

All conversations involving the status of women within Orthodox Judaism come down to perceptions of their proper roles, whether those roles are defined by *halakhah* or *minhag*; however, the screen onto which these roles are projected is the *meḥitzah*, or the physical barrier between men and women in Orthodox synagogues. The act of dividing women and men in religious tradition comes from the Second Temple period of Judaism, dating after the Babylonian Exile, sometime after 538 BCE. According to Shira Wolosky, "The first mention of a *meḥitzah* is in the context of the Second Temple itself, where, however, it is cited as an anomaly."<sup>16</sup> As she elaborates, the original separation of men and women for the purposes of ritual came during an annual celebration of the holiday Sukkot, where

it was feared, however, that the free mingling and festive atmosphere of the occasion might lead to *kalut rosh*, frivolity, and so, according to Mishnah Sukkot 5:2, a *tikkun gadol*, a "great correction," was instituted; according to Tosefta Sukkot 4:1, this took the shape of balconies, to which the women were relegated. Rabbinic law established daily communal prayer as an obligation binding only upon men, and the synagogue's central area was institutionalized early on as a male-only space.<sup>17</sup>

---

<sup>16</sup> Shira Wolosky, "Foucault and Jewish Feminism: The Meḥitzah as Dividing Practice," *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 17 (2009): 11.

<sup>17</sup> Ibid.

Thus, the separation of women in men in worship comes first as an aberration during the Second Temple period and is codified during the early Rabbinic period, which would explain why throughout much of the literature, when women cite religious inspirations, the women they laud come from the Biblical period rather than more recent history. Beginning with this separation of men and women, women moved to the background of public life, and modern women would have no examples during the Rabbinical period from which to be inspired. Presently, the *meḥitzah* can take on many forms in a synagogue, from a women's loft above the male space at the center of the synagogue to a wall down the center of the synagogue separating two sides. In either case, the goal is for men to not see women (and, in some cases, to not hear women) in the synagogue, as women are perceived a distraction to men's ability to worship. In many cases, however, the *meḥitzah* also keeps women from fully being involved in the service, as they often cannot see the *bimah* (altar) and can only be passive recipients of the service auditorally rather than be involved directly.

The *meḥitzah* becomes symbolic of the separation of not only men and women in religious ceremonies but also of men in women in all parts of life. Women and men become separated in public worship, in public life, and even, at times, in private spheres. As Fishman and Palmer note, men's roles become more active over time, while women's roles are defined as passive. Men worship in synagogue, women observe. Even at home during the Passover seder, the meal celebrating the Exodus from Egypt, while women had overseen preparing the

meals and kashering the home, during the meal itself, when guests were in the home, the women maintained a passive role while men led the dinner.<sup>18</sup>

Where this separation of men and women in worship and in public can be seen most apparently in Israel is at the Kotel (also known as the Western Wall), the retaining wall on the Western side of the Temple Mount and the only remaining portion of the Second Temple complex. In 1967, when Israel began its occupation of the West Bank and East Jerusalem, the Orthodox erected a *meḥitzah* at the Kotel, now the holiest site in present-day Judaism. Rules governing worship at the Kotel are said to be done in the “customs of the Wall”<sup>19</sup>; however, women and men had never been separated before 1967 at the Kotel. This division of men and women after the Kotel came under the official jurisdiction of the Orthodox rabbinical authorities is an example of what Eric Hobsbawm defines as an “invented tradition.” According to Hobsbawm:

“Invented tradition” is taken to mean a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past. In fact, where possible, they normally attempt to establish continuity with a suitable historic past. . . . The historic past into which the new tradition is inserted need not be lengthy, stretching back into the assumed mists of time.<sup>20</sup>

Hobsbawm explains that invented traditions are not the same as customs, which are present in all societies and which evolve slowly over time based on new advancements or changes.

---

<sup>18</sup> Sylvia Barack Fishman and Daniel Parmer, "Policy Implications of the Gender Imbalance among America's Jews," *Jewish Political Studies Review* 20, no. 3/4 (2008): 9-10.

<sup>19</sup> "Legal Struggle," Women of the Wall, <http://www.womenofthewall.org.il/legal-struggle/>.

<sup>20</sup> Eric Hobsbawm, "Introduction: Inventing Traditions," in *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger (Cambridge: Cambridge University Press, 1992), 1-2.

Invented traditions, by comparison, generally arise during periods of rapid change or technological advancement.<sup>21</sup>

In the case of 1967, Jerusalem became unified for the first time in modern Israel's history, and the ancient site of the Kotel came solely under Israeli jurisdiction. As the official Judaism of Israel is Orthodox Judaism, the Rabbi of the Kotel necessarily would also be Orthodox. Erected immediately at the Kotel was a *meḥitzah*, separating men and women in prayer at this site, even though the majority of Jewish men and women do not require this practice. The "tradition" of the Kotel was quickly invented and was made official policy through repetition, another important part of Hobsbawm's definition of an "invented tradition"; as Hobsbawm states, especially in new nations "[e]xisting customary traditional practices. . . were modified, ritualized, and institutionalized for the new national purposes."<sup>22</sup> 1967 stands in Israeli history as the year the ancient biblical capital of Jerusalem was finally unified, and the *meḥitzah* at the Kotel was one of these symbols of a unified Jewish presence at the site, dating back through history as having always already existed. Today, the *meḥitzah* is proliferating in more spaces than just the synagogue. From the public graves of important Jewish men to buses with separate sections to "lectures, concerts, weddings, and bar mitzvah celebrations,"<sup>23</sup> women and men, especially in ultra-Orthodox communities, are becoming even more separated, under the guise of an invented tradition that this is the "way it's always been."

From within these Orthodox communities, some women are beginning to reject both physical and symbolic *meḥitzah*, arguing against these invented *minhag* from the position of

---

<sup>21</sup> Ibid., 2-3.

<sup>22</sup> Ibid., 6.

<sup>23</sup> Wolosky, 12-13.



Talmud and history. Lynn Resnick Dufour identifies three types of Jewish Orthodox feminists (a problematic term in Orthodox Judaism as we shall see): inclusionist, transformationist, and reinterpretationists<sup>24</sup> She defines them by how they approach both *meḥitzah* and other *halakhot* and *minhagim* governing Jewish women's lives. For instance, regarding the *meḥitzah*, reinterpretationists seek to change the symbols of orthodoxy metaphorically rather than physically; they accept the divisions between men and women both physically and spiritually, so theirs is a "separate but equal" style of worship.<sup>25</sup> They would seek to wear *tefillin* (phylacteries) and *tallit* (prayer shawls), for instance, but would be permit the presence of a *meḥitzah* in the synagogue. Inclusionists and transformationist, on the other hand, would want the removal of the traditional *meḥitzah*.<sup>26</sup> On the one hand, the inclusionists want to be included in all parts of worship and service equally with men (including becoming rabbis, cantors, judges, etc.), while still keeping the laws of Orthodoxy such as the Shabbat laws and the laws of Kashrut.<sup>27</sup> The transformationists reject the sorts of *meḥitzah* that separate men and women in such a way that women cannot fully view and participate in services, but they also look for the expansion of women's options for worship: women's spaces, all-women services, etc.<sup>28</sup> It is not only women that are calling for alterations to the physical and metaphorical *meḥitzah*. Rabbi Moshe Feinstein, a leading 20<sup>th</sup> century *posekim* (halakhic decisor), believes that the *meḥitzah* does not necessarily have to be a wall or balcony. It can be symbolic (a short wall, transparent gauze, etc.) as long as it is sufficient to negate "frivolity" (as

---

<sup>24</sup> Lynn Resnick Dufour, "Sifting through Tradition: The Creation of Jewish Feminist Identities," *Journal for the Scientific Study of Religion* 39, no. 1 (2000): 98.

<sup>25</sup> *Ibid.*, 102.

<sup>26</sup> *Ibid.*, 98.

<sup>27</sup> *Ibid.*, 99.

<sup>28</sup> *Ibid.*, 100.

discussed earlier with the Sukkot example) and that the women are modestly dressed.<sup>29</sup> It is from within these inclusionist and transformationist movements that modern Orthodox women are beginning to define their political identity.

The second topic addressed in the literature on Orthodox "women's issues" is the practice of *niddah*, or the ritual separation of husbands and wives both during a woman's menstrual cycle and for one week after. During the period of *niddah*, spouses cannot have sex, cannot sleep in the same bed, and cannot touch in any way (even the act of passing an object takes on ritual, with one individual having to put the item down before the other can pick it up). Like the *meḥitzah*, *niddah* is another halakhically sanctioned practice that separates men and women. While there is much literature about whether observing *niddah* is a positive or negative experience for men and women,<sup>30</sup> where it becomes crucial for understanding changing women's practices is how the responsibility for interpreting and enforcing the practice of *niddah* has shifted in modern Orthodox communities over the last several decades away from the male Orthodox rabbis and toward female self-defined *niddah* experts.

According to Orit Avishai, there has been "the emergence, since the 1980s, of what [she calls] the *niddah* cultural industry, which includes courses, workshops, manuals, lectures and new women *niddah* experts, who provide educational, quasi-legal, quasi-medical, and therapeutic support to observant women."<sup>31</sup> In previous generations, rabbis have been in charge of interpreting the laws governing *niddah*, including answering questions about any ambiguous situations governing the beginning and end of *niddah*. One of the practices of

---

<sup>29</sup> Wolosky, 15.

<sup>30</sup> See Avishai; Dufour; Israel-Cohen; Kaufman.

<sup>31</sup> Avishai, 415-16.

*niddah* is a daily check by women of their cervix, using a *bedikah*, or "checking cloth," to make sure that her cycle has ended. If there is any ambiguity in the color of the cloth, the cloth would be taken to a rabbi for his legal expertise. Beginning in the 1980s, some Orthodox women began taking the teaching and codification of *niddah* into their own hands. This has only been possible because of another major change in the lives of Orthodox women: education in Torah and Talmud. These female halakhic consultants, often just as educated in Torah and Talmud as their rabbinical counterparts, "are considered renegades by traditionalists."<sup>32</sup> This language of renegades and rebellion appears repeatedly in statements against women pushing for change in the Orthodox community.<sup>33</sup>

Finally, amongst discussions of women's issues is the Women of the Wall (WOW) organization. To date, the WOW are by far the most public women in Israel protesting restrictions on women's worship. On December 1, 1988, the group was founded as part of the first International Jewish Feminist Conference in Jerusalem and consisted of women from all Jewish backgrounds (Orthodox, Conservative, Reform, Haredi, Reconstructionist, etc.). *En masse*, these Jewish women went to the Kotel wearing *tefillin* and *tallit* (symbolically male worship clothing), with the goal of worshipping at the Wall. They did not attempt tear down the *meḥitzah*, but rather they simply wanted to worship in their own way in the women's space. They were met with verbal assaults from both male and female ultra-Orthodox Jews.<sup>34</sup> WOW has been pursuing legal protections for women wishing to pray there; in 2003, the Israeli

---

<sup>32</sup> Ibid., 416.

<sup>33</sup> See especially Eliyana R. Adler, "Reading Rayna Batya: The Rebellious Rebbetzin as Self-Reflection," *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 16 (2008); Sered.

<sup>34</sup> "Timeline," Women of the Wall, <http://www.womenofthewall.org.il/timeline/>.

Supreme Court issued an opinion requiring a space for them to be built near Robinson's Arch (which has not happened), and in 2013, they issued an opinion that WOW was not breaking any national laws and that the Kotel should be treated as a national site rather than an Orthodox site.<sup>35</sup> Nevertheless, the *meḥitzah* remains, and women praying at the wall in ways that go against Orthodox norms are assaulted, both physically and verbally.

Today, WOW argues for women's right to pray in their own way from the point of view of *halakhah*, not feminism or sexual equality. They use an Orthodox *siddur* (prayer book) and shy away from saying prayers that require a *minyán*, or quorum of men. Furthermore, they distance themselves from being labeled a "feminist" movement, as the word is not well received in Israel.<sup>36</sup> Yet, even today, they are still abused publically by the ultra-Orthodox. As recently as February 28, 2017, at their monthly prayer service for Rosh Chodesh (the celebration of the new month generally viewed as a women's holiday), their worship was interrupted by somewhere between 1000-2000 Ultra-Orthodox high school women, bused in by the Liba movement, a movement founded to end egalitarian prayer at the Wall. While most of the women bused in prayed silently (according to one, praying that the WOW would be removed from the site), some women became verbally and physically violent, shouting that the members of WOW were "animals" and physically assaulting Rabbi Susan Silverman.<sup>37</sup> Ultra-orthodox men on the opposite side of the *meḥitzah* shouted "Wicked women. You are not Jewish. You are Christian."<sup>38</sup> This language of sin and of not being Jewish permeates the

---

<sup>35</sup> "Legal Struggle".

<sup>36</sup> 12.

<sup>37</sup> Judy Maltz, "Over 1,000 Religious Girls Bused to Western Wall to Overpower Feminist Activists' Prayer," *Haaretz*, February 28 2017.

<sup>38</sup> *Ibid.*

rhetoric of ultra-Orthodox individuals who disagree with the reinterpretationalist views of the WOW.

This association of with women with animals and Christians appears both in criticisms of women who wish to worship in ways traditionally under the purview of men but also with women who simply want to lead more public lives. In 1997, Rabbi Yehuda Getz, the Rabbi of the Kotel, compared the WOW to the biblical figure of Hannah, the mother of Samuel, the last Judge of Israel. In 1 Samuel 1, Hannah publicly prays at the Jewish shrine at Shiloh for a son. She is rebuked by Eli, the priest of the shrine, who views her verbal, passionate prayer as public intoxication. R. Getz is attempting to criticize these women for improper public actions; however, if one truly reads 1 Samuel, one sees that Eli did not continue to condemn Hannah once he realized the nature of her prayer but rather asks God to grant her requests.<sup>39</sup> Yet, in R. Getz's eyes, "women are so absolutely determined by their gender, that he prays that Women come to their senses and have children (like Hannah), and so begin to act like 'real' women"<sup>40</sup>—private and worshipping quietly in the home.

R. Getz's criticisms of the WOW go even further, though. In a separate quote, he says of the women worshipping as men at the wall that "a woman carrying a Torah is like a pig at the Wailing [sic] Wall."<sup>41</sup> Of all the animals R. Getz could have chosen, choosing to compare these women to pigs, at the last remaining portion of the Temple complex, is particularly insidious.

---

<sup>39</sup> 1 Samuel 1:12-17 [NRSV]: As [Hannah] kept on praying to the Lord, Eli observed her mouth. Hannah was praying in her heart, and her lips were moving but her voice was not heard. Eli thought she was drunk and said to her, "How long are you going to stay drunk? Put away your wine." "Not so, my lord," Hannah replied, "I am a woman who is deeply troubled. I have not been drinking wine or beer; I was pouring out my soul to the Lord. Do not take your servant for a wicked woman; I have been praying here out of my great anguish and grief." Eli answered, "Go in peace, and may the God of Israel grant you what you have asked of him."

<sup>40</sup> Sered, 14.

<sup>41</sup> Ibid.

Under the laws of *kashrut*, the Jewish laws that govern both the types of foods which can be eaten and the ways in which food shall be prepared, pigs are not just forbidden from being eaten, but rather, they are unclean and unfit for sacrifice to God. They are arguably the most un-Jewish of animals. Furthermore, R. Getz is alluding to particularly heinous portion of Jewish history. Under the rule of the Seleucid king Antiochus IV Epiphanes (175-164 BCE), Seleucid forces took over the Jewish Temple was taken over by his men, placed idols and images of Greek gods in place of YHWH, and sacrificed pigs on the altar—sacrifices known by Jews as the Abomination of Desolation.<sup>42</sup> These sacrifices desecrated the Temple and were one of the many reasons for the Maccabean Revolt (167-160 BE), which traditionally ended with the rededication and purification of the Temple, now celebrated in Judaism as Hanukkah.<sup>43</sup> To compare women carrying a Torah at the Kotel to swine is to call them un-Jewish, to condemn them as impure and unclean. This rhetoric survives the 1990s to the present, as was stated earlier, by ultra-Orthodox men and women referring to the WOW as animals and Christians.

### **Moving Out from Behind the *Mehitzah***

The history of the Orthodox being involved in the politics of Israel goes back even before its founding. During the Yishuv (Jewish settlement in Palestine before the founding of the state of Israel) period, there were two main types of Orthodox Jews living in then-Mandatory Palestine: those who were pro-State and those, who theologically, were against the founding of

---

<sup>42</sup> See Daniel 11:31 and 1 Maccabees 1:54.

<sup>43</sup> For a further discussion of Antiochus IV Epiphanes, pig sacrifices in the Temple, and the Maccabean revolt, see Holly A. Jordan, "A History of Jews in Greek Gymnasia from the Hellenistic Period through the Late Roman Period" (The University of Georgia, 2009).

a formal state.<sup>44</sup> When David Ben-Gurion, Golda Meir, and others were forming the coalitions of the first Knesset, concessions were made to the orthodox and ultra-orthodox for several reasons. For instance, Golda Meir pushed for religious definitions of personal status laws (marriage, divorce, adoption, etc.). In her opinion, allowing for practices such as civil marriage in Israel would give liberal Diaspora Jews the view that Israel was not "Jewish" enough; banning all forms of marriage that were not governed by a religious institution gave the early State "a link with the Jewish past."<sup>45</sup> According to Strum, when Ben-Gurion made the orthodox Mizrachi party a main partner in his earliest coalitions, "he unknowingly began the continuing phenomenon of the politicized Orthodox as the holders of the balance of power in Israeli government. [...] This meant that a group at best uninterested in gender equality became an integral part of the governmental system."<sup>46</sup> This far right-leaning group of Orthodox parties has never made up a majority of the Knesset, but their choice to align with certain parties means they are often the deciding factor in creating a majority coalition.<sup>47</sup> And until today, all of these ultra-Orthodox voices have been male.

This early decision to include the Orthodox parties in majority coalitions would lend the Orthodox, who since the founding over the state are now overwhelmingly pro-Zionist, a unique opportunity to have an incredibly strong say over the status of women, including control over personal status laws which, to this day, are under the purview of the religious courts rather than the secular courts.<sup>48</sup> As of 1997, men held every single position of authority in the

---

<sup>44</sup> Philippa Strum, "Women and the Politics of Religion in Israel," *Human Rights Quarterly* 11, no. 4 (1989): 484.

<sup>45</sup> *Ibid.*, 487-88.

<sup>46</sup> *Ibid.*, 486-87.

<sup>47</sup> Sered, 3.

<sup>48</sup> Strum, 485-86.

portions of government under the control of the Orthodox, including “municipal religious council members, chief rabbis, kashrut supervisors, judges in religious courts, and Cabinet Ministers from orthodox parties were all men.”<sup>49</sup> In addition to not being allowed to hold political office, Israeli Orthodox women were initially forbidden by their husbands to vote, even though legally women have always been fully emancipated in Israel. However, views on the permissibility of women voting began to change when the Orthodox parties realized they would gain more seats if women voted, and now women are encouraged to vote (but not to hold office).<sup>50</sup> By the 1990s, Orthodox women had begun holding smaller offices throughout Israel, including municipal religious councils and electoral bodies for chief rabbis. The orthodox were and continue to be of two minds on this. The Modern Orthodox not only are accepting of their service but believe, as these are municipal positions and not truly religious positions, that women serving in these roles is not against *halakhah*. The Ultra-Orthodox will serve on panels with women, albeit begrudgingly, but will not nominate their own.<sup>51</sup>

In the literature on Orthodox women taking part in political life, there are four problematic assumptions that are often made: (1) that all egalitarian shifts happen from within the Reform/Liberal movement; (2) that it is against *halakhah* for women to be a part of political life; (3) that there is no place for Jewish women to have a public life; and (4) that the negative reaction to women wanting to be more involved in public life, either secular or religious, comes solely from men. While at times, some of these assumptions have some credibility, in many cases the "problem" of Orthodox women occupying public space and serving publically is far

---

<sup>49</sup> Sered, 4.

<sup>50</sup> Ibid., 22.

<sup>51</sup> Ibid., 6.



more nuanced and represents invented traditions, especially with the modern proliferation of *mehitzah*. While invented traditions have their basis in customs and history, they often represent a radical break from both. Today, Orthodox women, more highly educated than ever before, are using their knowledge of Jewish law and history to challenge the established male-dominated interpretations of *halakhot* and *minhagim*.

With regards to reform from within (as opposed to reform being imposed liberal groups), Modern Orthodox Judaism has been changing its views on women for decades. For instance, according to David Golinkin, "Although R. Mordecai Kaplan [a main founder of the Reconstructionist Movement] is usually credited with inventing the *bat mitzvah* coming-of-age ceremony for girls in 1922 . . . this ceremony had already begun to emerge in different forms in Italy, France, and Baghdad in the nineteenth century."<sup>52</sup> These communities in Europe and Iraq would have been far more traditionally minded than the Reconstructionists of the 1920s, indicating that Orthodox communities began educating their women long before more liberal groups. In 1937, R. Joseph Soloveitchik opened the Maimonides Day School in Boston, Massachusetts, which educated both men and women in Torah and Talmud. Received by the Orthodox community as radical at the time, the opening of this Day School led to the opening of similar schools throughout the United States and Israel, and Orthodox women are now more educated on Torah and Talmud than many of their male counterparts.<sup>53</sup> Judge Freier, for example, who is now 51, enrolled in college while still raising her children, earning a BA from

---

<sup>52</sup> David Golinkin, "The Participation of Jewish Women in Public Rituals and Torah Study 1845-2010," *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 21 (2011): 48.

<sup>53</sup> Shaul Magid, "Is Egalitarianism Heresy? Rethinking Gender on the Margins of Judaism," *ibid.*, no. 8 (2004): 208.

Touro College and a JD from the Brooklyn Law School in 2005—a feat that would have been impossible for a Hasidic woman in previous generations.

Another major assumption made is that *halakhah* explicitly condemns women in political life. For Orthodox women wishing to take part in politics, they argue there is nothing in the law prohibiting them from public service, going a step further to say that only women can represent other (ultra-)Orthodox women given the current situation of Orthodox politics in Israel. Ruth Colian, of the B'Zhutan party, for instance, insists that (ultra-)Orthodox women must be a part of the political process in Israel, stating that “[b]y barring women from running [on Orthodox slates], these parties violate the principle of equality and women’s rights, including the right of free expression.”<sup>54</sup> Regarding the main political issues addressed by B'Zhutan, in an interview with Allison Kaplan Sommer in *Haaretz*, Sommer states:

[Colian] said that her party’s goal was to represent “all women” particularly the underprivileged and single mothers who “have suffered at the hands of politicians who have run for office again and again promising to help and make their lives better and nothing changed” and who live on meager paychecks and face empty refrigerators, and those who suffered from domestic abuse or are struggling against the religious establishment. There are many walls of fear for Haredi women within their communities. They have nowhere to turn in the Knesset.”<sup>55</sup>

B'Zhutan, therefore, hopes to provide this voice for the large minority of (ultra-)Orthodox women in Israel. Their party’s slogan sums this up in three words: “Hareidot making change.”<sup>56</sup> Yet, the ultra-Orthodox argue that it is against modesty for women to be on religious councils, or to serve publically at all, specifically because it would require ultra-

---

<sup>54</sup> Sommer.

<sup>55</sup> Ibid.

<sup>56</sup> Tova Dvorin, “We Will Be the First Haredi Women's Party in the Knesset,” *Arutz Sheva*, April 3 2015.

orthodox men to sit next to women.<sup>57</sup> The issue, therefore, is not that it is forbidden for women to be in politics, but rather that is forbidden (by this interpretation of *halakhah*) for women to work alongside men. When women confronted men on this issue of seating, offering to place a *meḥitzah* in political rooms, the ultra-Orthodox immediately fell back on *minhag* rather than *halakhah*, accusing women of rebelling against their male leaders by acting in ways that were both against tradition and were unfeminine.<sup>58</sup> Even in the 1980s, according to Professor Ariel Rosen-Zvi of Tel Aviv University, "The problem is not *halacha*, but who interprets it. The rabbinical courts today represent the narrowest view of *halacha*."<sup>59</sup> These narrow interpretations reinforce the exclusion of women from public life. Thus, the arguments in favor of Orthodox women entering politics state that women's voices would change the interpretation of law, both *halakhah* and secular.

Along with this belief that it is against *halakhah* and *minhag* for women to be a part of public life is the general belief that there is no place for women in public life. This is perpetrated by both education and the positions of multiple political parties, both religious and secular. As of 1989, "the precepts of Israeli Orthodox Judaism, including its view of the public sphere as an arena primarily for men, remain a major part of the curriculum of many Israeli schools,"<sup>60</sup> education that was funded in part by the government with the support of the religious orthodox Mizrahi and Agudat Israel parties. Men and women shaped by this

---

<sup>57</sup> Sered, 7.

<sup>58</sup> Ibid., 9.

<sup>59</sup> Strum, 496.

<sup>60</sup> Ibid., 490.

education through the 1980s are currently in position of political power in Israel, making it difficult to challenge some of these stereotypes.

Even the secular Labour and Likud parties have been affected by these perceptions of the place of women in politics. As of 1988, Labor even stacked their parliamentary election lists to put women at the bottom to not have them be probably in office; furthermore, they nominated the bare minimum women (4) for its Central Committee. Likud, too, nominated no women to "realistic" slots on its lists.<sup>61</sup> Today, the Twentieth Knesset, in power since 2015, only has 29 women amongst the 120 parties and none from religious parties.<sup>62</sup>

Finally, assumptions are made that the only individuals against Jewish women having more public roles are men. As seen earlier in my discussion of WOW protests, this is hardly the case. Additionally, in protests of WOW in 1989:

On a number of occasions, ultra-orthodox women have torn off the Women's hair covering (by Jewish law married women cover their hair for reasons of modesty). This is a significant act: ripping off the hair covering is like 'exposing' them for what they really are – imposters posing as religious Jews. [...] The insults shouted at the Women are telling: pigs, polluted (*tameh*), prostitute, gentiles (*goyim*). The Israeli newspaper *Yediot Ahronot* of 21 March 1989 reported that ultra-orthodox women screamed at the Women, 'Nazis, go to monasteries and have Christian babies there!'<sup>63</sup>

Yet, there still is a male component to this protest. As women have achieved increasingly public roles and rights, including the study of Talmud and Torah,

haredi (ultra-Orthodox) authorities have often pushed back against feminist changes in Orthodoxy by declaring various Orthodox feminist behavior 'unkosher.' Many observers believe that today haredi authorities actually exaggerate gender divisions and women's subordination as a way of symbolizing their rejection of

---

<sup>61</sup> Ibid., 496-97.

<sup>62</sup> Ben Hartman, "Final Knesset Tally Bumps Female Mks up to 29," *The Jerusalem Post*, March 20 2015.

<sup>63</sup> Sered, 15.

feminism and preventing feminization by keeping men – especially rabbinic authorities—in charge and unchallenged.<sup>64</sup>

Thus, a recursive cycle is born of women rejecting other women for behaving in an unfeminine manner in public and men making the rules more and more restrictive to keep women out of power. The invented traditions at the Kotel post-1967 are reified by their supposed connections to history.

### **Orthodox Women Entering Politics**

So, then, from where are Orthodox women finding their voice to enter politics? In addition to having to overcome both real and perceived definitions of their roles in *halakhah* and *minhag*, Orthodox women, especially in Israel, are also having to operate in a culture that is decidedly against the word "feminist" and within a tradition that operates inside very defined gender roles. In fact, Judge Rachel Freier herself eschews the term "feminist," preferring to be called a "trailblazer." Freier states: "I'm not here to fight to be equal to men," she explains. "Judaism puts women on a platform. ... When the Sabbath comes, I have my mitzvos; I light my candles and say my prayers. My husband goes to the synagogue and davens with the men. I'm not going to say I'm going to fight for his mitzvah."<sup>65</sup> In Freier's mind, as with many Orthodox women, feminism undercuts the power of women's unique status within Jewish tradition. Orthodox women historically have been defined as wives and mothers, and, according to Kaufmann:

[f]or the majority of [orthodox women], feminism is defined as the women's liberation movement primarily focused on dismissing differences between men

---

<sup>64</sup> Fishman and Parmer, 15.

<sup>65</sup> Katz.

and women and on the world of work, where equal pay is the most important issue. In general, these women felt they had gained through their orthodoxy—and especially through their roles in the family—a new dignity, a dignity they felt most contemporary feminists disregarded and devalued.<sup>66</sup>

Orthodox women find value in their separate roles from men, but many still wish to be treated equally in terms of religiosity and public life; they believe that the secular, "feminist" world sees their sex as weak, but the religious world does not—in fact, it gives them roles that make them strong.<sup>67</sup> Their rejection of secularity and feminism is not only for their own roles; orthodox women, generally, also reject secular roles for men, which they feel demeans them because the roles "focus on the material rather than the spiritual."<sup>68</sup> Furthermore, as Fishman and Parmer note through multiple examples, Orthodox rabbis have been shown to be far more likely to allow changes in women's roles in the synagogue and in public life if it appears to arise organically rather than being championed as feminist.<sup>69</sup>

And yet, by pushing for public roles contrary to those outlined by Orthodox Judaism, what these women are doing is no doubt feminist. B'Zhutan, especially, is actively pushing for a Knesset where Orthodox and Haredi women can be heard and have equal political weight alongside their male compatriots. However, the feminism of these Orthodox women is unique, framed by their own lived religious experiences. Those that want to serve are still doing so within gender norms; they are not trying to be judges or rabbis, but they are trying to serve in areas where there is no clear religious law against it.<sup>70</sup> Dufour refers to this method of combing

---

<sup>66</sup> Kaufman, 547.

<sup>67</sup> Ibid., 549.

<sup>68</sup> Ibid., 547.

<sup>69</sup> Golinkin, 47.

<sup>70</sup> Sered, 6.

through traditions to find new modes of religious expression as a process of "sifting."<sup>71</sup> By using categories such as "traditional Jewish, feminist, and spiritual criteria,"<sup>72</sup> women who wish to enter public life are doing so by navigating from within the laws and traditions of Orthodox Judaism itself. These women make their arguments for involvement in public life and public spaces from the perception of *kevod haberiyot*, or "the respect for each person that Judaic religion demands."<sup>73</sup> According to Wolosky, "*kevod haberiyot* outweighs the prohibitions in the Torah" and "challenge[s] the halakhic framework to realize a religious value of dignity that comes from within its own values and traditions."<sup>74</sup> Along these lines, there are those that argue that a rejection of feminism itself on the part of Orthodox Jews would actually be anti-Jewish, as men and women are created equally in the eyes of God, the exact arguments the women of B'Zhutan make for why women should be allowed, even encouraged, to serve in the Knesset.<sup>75</sup> So, while a rejection of certain forms of Western, material-based definitions of feminism generally speaking may make sense for some Orthodox Jews, the idea of ensuring the dignity of women to be able to worship God is an absolute necessity under *kevod haberiyot*.<sup>76</sup> If feminism is to be linked with Orthodox women, it will be a gradual process and not a radical revolution.<sup>77</sup>

## Conclusions

---

<sup>71</sup> Dufour, 94.

<sup>72</sup> Ibid., 104.

<sup>73</sup> Wolosky, 23.

<sup>74</sup> Ibid.

<sup>75</sup> Ben-Porat and Yashar.

<sup>76</sup> Wolosky, 23.

<sup>77</sup> Dafna N. Izraeli and Ephraim Tabory, "The Political Context of Feminist Attitudes in Israel," *Gender and Society* 2, no. 4 (1988): 478.

According to Fishman and Parmer, "the two most sweeping impacts of changing women's roles center around [...]: (1) the inclusion of females in Jewish education; (2) the inclusion of gender and women's issues in research."<sup>78</sup> These widespread changes through the twentieth century affected both liberal and conservative Jewish women. As of the 1960s, even in liberal Jewish communities in the US, men were the majority of students getting a Jewish education. In the 1970s and 1980s, these ratios came far closer to a 50/50 split. By the mid 2000s, more women than men in liberal Jewish education.<sup>79</sup> The same can be seen in Orthodox communities. Today, Orthodox women are more highly educated than ever before. Thus, as Orthodox women become increasingly aware of Jewish texts and laws, these changes in the perception of the permissibility of women having a public life are inescapable.<sup>80</sup> Furthermore, according to Fishman and Parmer, "Orthodox women – far more often than non-Orthodox women – become high-level Torah scholars,"<sup>81</sup> and women now study to be *b'nei mitzvot* in Orthodox synagogues.

Women's understandings of and education in the law mean that these women wish to "continue halakhically accepted practices while understanding them in new terms—which, historically, has been an ongoing process in Jewish life."<sup>82</sup> This is the gradual process of customs changing over time, as explained by Hobsbawm. Through their increasing levels of education in *halakhot* and *minhagim*, Orthodox and ultra-Orthodox women are recognizing more and more that the physical and symbolic *mehltzot* behind which they have been placed is

---

<sup>78</sup> Fishman and Parmer, 15.

<sup>79</sup> Ibid., 15-16.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid., 15.

<sup>82</sup> Wolosky, 25.



an invented tradition with poor grounding under Jewish laws and ethics. As Leibowitz states, "Jewish religious society will not be able to survive if, for pseudo-religious reasons, we continue to deprive women of their due rights."<sup>83</sup> This is the answer to my initial question of "Why now?" For the first time since quite possibly the Biblical period, traditional Jewish women have the education from which they can argue for their equal, if separate, political rights. If anything, Judge Freier and the women of B'Zhutan are not anomalies; they are examples of things to come.

---

<sup>83</sup> Yeshayahu Leibowitz, "The Status of Women: Halakhah and Meta-Halakhah (1980)," in *Judaism, Human Values, and the Jewish State*, ed. Eliezer Goldman (Cambridge, Massachusetts: Harvard University Press, 1992), 130.

## Works Cited

- Adler, Eliyana R. "Reading Rayna Batya: The Rebellious Rebbetzin as Self-Reflection." *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 16 (2008): 130-52.
- Avishai, Orit. "'Doing Religion' in a Secular World: Women in Conservative Religions and the Question of Agency." *Gender and Society* 22, no. 4 (2008): 409-33.
- Ben-Porat, Ido, and Ari Yashar. "New Female Hareidi Party Threatened with Excommunication." *Arutz Sheva*, January 15 2015.
- Dufour, Lynn Resnick. "Sifting through Tradition: The Creation of Jewish Feminist Identities." *Journal for the Scientific Study of Religion* 39, no. 1 (2000): 90-106.
- Dvorin, Tova. "'We Will Be the First Haredi Women's Party in the Knesset'." *Arutz Sheva*, April 3 2015.
- Fishman, Sylvia Barack, and Daniel Parmer. "Policy Implications of the Gender Imbalance among America's Jews." *Jewish Political Studies Review* 20, no. 3/4 (2008): 7-34.
- Golinkin, David. "The Participation of Jewish Women in Public Rituals and Torah Study 1845-2010." *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 21 (2011): 46-66.
- Hartman, Ben. "Final Knesset Tally Bumps Female Mks up to 29." *The Jerusalem Post*, March 20 2015.
- Hobsbawm, Eric. "Introduction: Inventing Traditions." Chap. 1 In *The Invention of Tradition*, edited by Eric Hobsbawm and Terence Ranger, 1-14. Cambridge: Cambridge University Press, 1992.
- Israel-Cohen, Yael. "Jewish Modern Orthodox Women, Active Resistance and Synagogue Ritual." *Contemporary Jewry* 32, no. 1 (2012): 3-25.
- Izraeli, Dafna N., and Ephraim Tabory. "The Political Context of Feminist Attitudes in Israel." *Gender and Society* 2, no. 4 (1988): 463-81.
- Jordan, Holly A. "A History of Jews in Greek Gymnasia from the Hellenistic Period through the Late Roman Period." The University of Georgia, 2009.
- Katz, Andrew. "A Brooklyn Judge Becomes America's First Hasidic Woman to Serve in Public Office." *Jewish Telegraphic Agency* (2016). Published electronically 27OCT2016. <http://www.jta.org/2016/10/27/news-opinion/united-states/a-brooklyn-judge-becomes-americas-first-hasidic-woman-to-serve-in-public-office>.
- Kaufman, Debra Renee. "Women Who Return to Orthodox Judaism: A Feminist Analysis." *Journal of Marriage and Family* 47, no. 3 (1985): 543-51.
- "Legal Struggle." Women of the Wall, <http://www.womenofthewall.org.il/legal-struggle/>.
- Leibowitz, Yeshayahu. "The Status of Women: Halakhah and Meta-Halakhah (1980)." Translated by Eliezer Goldman, Yoram Navon, Zvi Jacobson, Gerson Levi and Raphael Levy. Chap. 12 In *Judaism, Human Values, and the Jewish State*, edited by Eliezer Goldman, 128-31. Cambridge, Massachusetts: Harvard University Press, 1992.
- Magid, Shaul. "Is Egalitarianism Heresy? Rethinking Gender on the Margins of Judaism." *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 8 (2004): 189-229.
- Maltz, Judy. "Over 1,000 Religious Girls Bused to Western Wall to Overpower Feminist Activists' Prayer." *Haaretz*, February 28 2017.

- PewResearchCenter. "A Portrait of American Orthodox Jews: A Further Analysis of the 2013 Survey of U.S. Jews." The Pew Charitable Trusts, <http://www.pewforum.org/2015/08/26/a-portrait-of-american-orthodox-jews/>.
- Sered, Susan. "Women and Religious Change in Israel: Rebellion or Revolution." *Sociology of Religion* 58, no. 1 (1997): 1-24.
- Sommer, Allison Kaplan. "Israel's First Ever Ultra-Orthodox Women's Party Makes Bold Debut." *Haaretz*, January 20 2015.
- Strum, Philippa. "Women and the Politics of Religion in Israel." *Human Rights Quarterly* 11, no. 4 (1989): 483-503.
- "Timeline." Women of the Wall, <http://www.womenofthewall.org.il/timeline/>.
- Wolosky, Shira. "Foucault and Jewish Feminism: The Mehlitzah as Dividing Practice." *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 17 (2009): 9-32.