The Yoetzet Halakha: Avoiding Conflict When Instituting Change

Michal Roness

Draft 27.03.08

Modern Orthodoxy1 like most other religious communities has been affected by the feminist movement in modern times. As in the secular community, Modern Orthodox women are now more learned and more active in the community.2 Stages in a woman's life are now openly celebrated in the Modern Orthodox community and there is a growing demand by women to be more active in spiritual ceremonies especially those involving prayer. (Fishman, 2001a). Religious women are now also taking leadership roles not only in the secular professional community but also in the religious community. While the highest status for a woman was once leading a girls' high school or being an active rabbanit (wife of a rabbi), today women can become to'anot – trained experts who argue on behalf of women in the rabbinical family courts in Israel or yoatztot halakha –female halakhic advisors on the laws of family purity3. The combination of higher learning institutions for women and more active roles in the religious community have led to tremendous changes in the status of women.

Many feminist changes in the Modern Orthodox world have drawn widespread opposition and conflict within the community. As Sylvia Barack Fishman (2000) has described there is an ".... increasing troubled dynamic between Orthodox Jews who are committed to preserving a more traditional status quo and those women, men and rabbis who want to expand women's spiritual expression."

Aryeh Frimer (2007) has noted that "There is hesitancy in the Orthodox community to adopt or at least tolerate practices such as women's Megillah reading and women reciting the mourner's prayer." An example of a feminist change which caused a great deal of opposition and conflict is the women's prayer groups and aliyot (reading from the Torah in a quorum of men)4. According to Frimer (2007), the rabbinate has been seriously split on the advisability of such prayer groups for a variety of hashkafic (ideological) and public policy grounds. Not only has there been outspoken opposition

---

1 Modern Orthodoxy is a sub-group within Orthodoxy which synthesizes Torah traditionalism and modern secular behavior.


3 The translation of the term yoetzet halakha is a halakhic advisor. In order to avoid confusion in this article, I have used the Hebrew plural of this term - yoatzot halakha, when referring to more than one yoetzet halakha.

to prayer groups which allow women to be called to the Torah, there is an abundance of literature for and against the attempted institution of this change.  

Opposition to feminist developments is not surprising as most social change is met with resistance by those who wish to ensure the status quo. This is especially true in a traditional religious society where religious leaders object to any change which would undermine religious norms.

In contrast to other initiatives of change, the introduction of the yoetzet halakha did not draw a great deal of attention and opposition. It was noted in Graetz (2000), "The graduates are being accepted with very little fanfare and even the Ultra-Orthodox rabbinic community seems to welcome them". This limited opposition and relatively subdued reaction to the yoetzet halakha is not due to the limited importance of the change. In some ways, the yoetzet halakha is challenging the rabbis' authority and the Orthodox status quo more than any other feminist initiative. Sylvia Barack Fishman (2001b) has written, "Perhaps the most revolutionary development in this area has recently taken place in Israel… while the program was launched quietly and discreetly, Orthodox authorities and laypersons alike recognize the momentous nature of the change it represents."

The purpose of this article is to understand the strategy implemented to ensure the peaceful acceptance of the yoetzet halakha within the Modern Orthodox community. Through the prism of conflict theory on the nature of change processes, building trust and fractioning conflict, we will analyze what attempts were made to avoid conflict. Which steps were taken in order to engage the trust of potential opponents to the institution of the yoetzet halakha and how did these steps succeed in limiting the conflict? Through the case study of the yoetzet halakha, we will attempt to understand how acceptance of social change can be maximized. We will attempt to answer how the institution of the yoetzet halakha succeeded in avoiding conflict and how the acceptance of this change differed in Israel and America.

---


6 The acceptance of the yoetzet halakha in the Ultra-Orthodox community is still highly questionable. Following the graduation of the first yoatztot halakha in an article in the English Yated Ne'eman newspaper (Orthodox Institute Holds Graduation Ceremony for Female Rabbis by Moshe Schapiro 21.10.1999) wariness of this new position and the fear that it was a cover for the ordination of women Rabbis was expressed. Apart from limited opposition in the media and blogosphere, to the best of my knowledge, there has not been a public condemnation or excommunication by Ultra-Orthodox Rabbis.
Laws of Family Purity and the Role of the Yoetzet Halakha

The laws of family purity are detailed intricate laws that relate to the woman's status during menstruation and for the seven clean days following menstruation. Jewish Law requires husband and wife to abstain from all physical contact during this period and only once the woman has immersed herself in a mikveh (ritual bath) can they re-unite. A Jewish religious girl is often oblivious to these laws (apart perhaps from the fact that she knows that her mother immerses) until a short time before her marriage when she learns these laws in order to begin fulfilling them. The laws of family purity can be daunting - to say the least - at the beginning of marriage. The laws relate to the most intimate issue of a woman's sexual relations with her new husband and often an Orthodox girl who has grown up in a modest surrounding where these issues were not discussed in the open may find it difficult to adapt to this new reality. Although a woman may become used to the laws of family purity and become more acquainted with the details through experience, each new stage of life brings with it more challenges in this area. Whether it be going to the mikveh after childbirth in order to be able to resume sexual relations after post partum bleeding, dealing with spotting during nursing or adapting to the new status of menopause, each new stage brings with it new halakhic questions and challenges.

Traditionally, a married woman would refer to her rabbi (or she would send her husband to refer to the rabbi) or the rabbi's wife with her questions regarding questions of family purity. "For reasons of modesty, women do not wish to, and often will not, discuss a family purity question with a man. The consequences of a question not asked can range from improper observance of the halakha to marital anguish and even to infertility" (Henkin, 1998). If a woman is hesitant to ask a rabbi a question in this area, she may decide to abstain from marital relations rather than have to deal with the details of the question. In some cases, her decision could result in her abstaining from relations at the time of ovulation thus inhibiting the chances of becoming pregnant. In other cases, extending the days of impurity where husband and wife are not allowed to have relations (due to the reluctance of asking a rabbi) can result in unnecessary strains on the marriage. The days of separation can cause frustration, anxiety or even resentment between the couple.

In order to deal with this situation, Rabbanit Chana Henkin\(^7\) developed a program training women with a background in advanced Judaic studies to become experts in the laws of family purity in order to answer women's questions in this field. This two year program includes more than one thousand hours of textual study of classic rabbinic sources, including Talmud, Rishonim, Shulhan Aruch and contemporary responsa. The course of study is supplemented by bi-weekly lectures in areas of behavioral and medical sciences that relate to the application of these laws in a

\(^7\) Rabbanit Chana Henkin is the founder and dean of Nishmat – The Jerusalem Center for Advanced Jewish Study for Women. She founded the Keren Ariel Yoatzot Halakha program in 1997.
modern society - gynecology, fertility and reproductive technology, sexuality, prenatal testing and psychology - given by professionals in the various fields.

Over fifty women have graduated the program since its inception. As of now, the yoatztot halakha are being consulted by women through the Nishmat Women's Halakhic Hotline or the Nishmat internet site on thousands of questions regarding not only the laws of family purity but also questions pertaining to fertility, contraception and women's health and halakha. In America, there a number of yoatzot halakha who have official positions in the community and the rabbi of the synagogue encourages his congregants to ask their questions to the yoetzet. Only if there is a need for a halakhic decision (rather than a consultation) will the question be referred to the rabbi. In Israel, it is less common to have a yoetzet officially connected to a synagogue, this is probably because the synagogue plays a less central role in Orthodox life. In Israel, apart from working on the hotline and internet site, the yoatzot halakha teach preparatory classes on the laws of family purity to future brides, run refresher courses and serve as informal consultants on family purity issues in their communities.

Change processes and conflict

The institution of the yoetzet halakha is an example of social change in the religious community. Orthodoxy is a closed religious system which views any change with suspicion. The challenge was to institute a change while framing it within the accepted values of the religious system. In order to understand the social change that the yoetzet halakha caused we must first understand what happens when change occurs. Following our understanding of this change process we can analyze how conflict resulting from this change was dealt with or avoided.

Kurt Lewin (1958) defined a process of change as unfreezing the status quo, making some sort of movement and then refreezing the new status quo. In order to unfreeze the current situation, an openness toward something different must be developed.

First, the awareness of the need for change must be cultivated. The motivation for creating a change must be achieved. When a system faces a change there are driving

---

8 Nishmat Women's Halakhic Hotline is a telephone hotline on matters of laws of family purity in operation since December, 2000. Since its inception it has received over 80,000 calls. The hotline is conducted in Hebrew and English, six hours a day, six PM through midnight and on Friday mornings. A different Yoetzet answers the phone each day, typically handling up to twenty-five calls. A rabbi is on call when a Halakhic decision is needed.

9 www.yoatzot.org. The website is in English and features articles and examples of other questions previously asked on the site. There is also an option to send an email question to the site and a yoetzet will send a response within 24 hours. There are current plans to launch the Hebrew yoetzet site in the coming months.

10 Bracha Rutner is a yoetzet for Riverdale Jewish Center, New York and Shayna Goldberg is a yoetzet in Congregation Ahavath Torah, New Jersey.
forces that promote the change and restraining forces which work to oppose it. In order to increase the driving forces, tension must be created. However, the tension must be dealt with productively in order to be able to cause the change to ensue.

The next step involves movement in the religious system. Resistance is the mobilization of energy to protect the status quo in the face of real or perceived threat to it. Resistant behavior is intended to protect the system from the effect of the real or imagined change.

Following the movement of change in the system, the actions and processes that support the new level of behavior must be refreezed. This refreezing must lead to resilience against those resistant forces encouraging old patterns and behaviors. The degree of commitment to the new, changed state will determine whether the change will be adopted into the new status quo.

Information obtained about the system from outside the system is a common way to increase people's understanding of the need for change. Social feedback is ambiguous and can be interpreted in many ways. Interpretation is influenced by factors such as personal needs and experiences, and the context within which the source of feedback occurs.

In the case of the yoetzet halakha, Rabbanit Chana Henkin recognized that there was a need to integrate women into the Halakhic system regarding laws of family purity. Many observant women do not consult a rabbi with an intimate question. Many women decide the issues for themselves—some stringently, others leniently. Unwarranted leniency may not be in accordance with Halakhah and unnecessary stringency can come at the expense of marital harmony. (Henkin, 1999).

The need for the change was discussed in correspondence in the Jewish magazine, Jewish Action, where the claim was made that there is no need for a yoetzet halakha and women do feel comfortable approaching rabbis with their intimate questions. As Joel Wolowelsky (2002) points out, "Clearly the program has spoken to some need, as otherwise these yoatzot would have no 'customers'". The need for the change can be measured by the response of the community in utilizing the new service of the yoetzet halakha.

The recognition that there was a need for a change in the Orthodox community led to the opening of the yoetzet halakha program. As in any change in a traditional religious society there has been resistance to this change.

Resistance can be undesirable but it can also have a potentially constructive role. Resistance naturally emerges as part of the change process. A necessary prerequisite of successful change is the mobilization of the forces that oppose the change. The change can be successful if the conflict is managed correctly. There are two options in how to deal with the conflict impending from the attempt to institute change. One option is to ignore it and try to overcome it through forcing the change on the parts of
the community who oppose it. The other option is to increase the resistance groups' understanding for the change and attempt to get the opposing forces to participate in its planning. Understanding of the need for the planned change and participation or influence on the process will allow the resistant forces to be part of that change. This was the strategy that was assumed in trying to institute the yoetzet halakha. Rabbanit Henkin attempted to include the rabbis and even get the support of rabbis who were expected to oppose the change.

On completing the yoatzot halakha program, each woman undergoes an intense oral examination with four rabbis. Each rabbi sits with the candidate for forty-five minutes grilling her with questions on the material covered in the program. The questions can relate to textual passages that were part of the material studied or to practical issues that the yoetzet may face in the future. One of the rabbis who is on the examination board appears not to completely condone the actions of the yoatzot halakha. It is possible that if he were not involved in the examination process he may have even opposed the yoatzot halakha. This is seen through his questions in the test where he not only tests the yoetzet halakha for her knowledge but also for her motivations and intentions. When testing me, he asked me what I planned to do with my new title and he warned me to refer to the rabbis with any questions that were posed to me. This rabbi was mobilized to be part of the yoetzet halakha program. While he had reservations about the change, his involvement not only indicated his endorsement but also allowed him to personally monitor the process making sure it did not exceed parameters which he felt acceptable. 11

There are certain guidelines which can be identified in order to restrict the resisting forces to change and therefore avoid or preemptively deal with any conflict. (Marcus, 2000).

1. Do not base the logic for the change on personal reasons rather than objective reasons.

Rabbanit Henkin (1998) has written, "..our major concern must be the Halakha. Not for the purpose of empowering women, but enabling women to observe mitzvot meticulously, to blossom with the full richness of the fabric of the religious experience."

The purpose of the yoetzet halakha is to assist Orthodox women who are challenged by keeping the laws of family purity. It was not instituted in order to allow learned women to achieve status and authority in the Orthodox community. Although this is one of the offshoots of the program, a woman who wishes to become a yoetzet halakha in order to advance her personal learning and status will not be accepted to the program.

11 This appraisal is based on my personal experience with this rabbi and discussions with my colleagues. He has not expressed these feelings publicly.
2. Not to disregard established group or organizational norms.

The yoetzet halakha is aware of the norms in the area of the laws of family purity and does not attempt to supersede or replace the rabbis in this field. It is possible to categorize the halakhic questions posed to the yoetzet into two groups:  

1. Questions that have a clear halakhic ruling and are probably cited in the sources but the questioner is unaware of the sources or does not have access to them. For women who do not feel comfortable referring their questions to a rabbi, the yoetzet can provide the answer because of her experience and knowledge in the field.

2. Questions that relate to a personal situation and the answer needs to be decided based on the specific details. In this case, often the yoetzet will tell a woman, "For this question you need to refer to a rabbi." Then she will offer the woman to mediate between her and the rabbi and say, "Would you like me to ask the rabbi for you?" The yoetzet may feel more comfortable discussing the question for a third party rather than a woman asking a personal question for herself. Because of her learning and experience, the yoetzet also has the ability to enter in a halakhic dialogue with the rabbi regarding the details of the question.

3. Avoid lack of uniformity and agreement in the rationale for the change.

At the beginning of the institution of the yoatzot halakha, there was some confusion as to their title. This was a result of the different perceptions of the role of the yoetzet halakha. Some referred to them as poskot (Halakhic deciders) or toanot halakha (rabbinic adjudicators). The first article to be written about these women in the Israeli media (Hazofe, Shabbat Supplement 27.08.99 pages 8-9) wished to give the article an attractive headline. Rabbanit Henkin insisted that the title not be provocative. After negotiation, it was decided that the article would be titled "Yoatzot Halakha". Since then Rabbanit Henkin (Nishmat Website) has explained that the title - Halakhic consultants or advisors – was selected to convey that these women are not rendering original halakhic rulings. For new rulings, they refer to recognized halakhic authorities. The title of these women was especially designed to avoid conflict and express the rationale of the role of the yoetzet halakha. She is not a Rabbi nor a halakhic authority. She is a woman well-learned in the laws of family purity and therefore trained to be a consultant on halakha for other women.  

4. Do not use illegitimate techniques which fall outside boundaries and the norm of interactions.

The technique of the yoetzet halakha has been a possible source of opposition. Some have leveled the criticism that halakhic questions (especially those pertaining to the

---

12 This does not include the category of questions related to women's health.

13 For the difference between the role of the yoetzet, rabbi and posek see Ganzel, Tova (Hebrew) (Forthcoming), "The Rabbi, the Posek and the Yoetzet Halakha" in Yedidya Stern & Shuki Friedman (Eds.), The Rabbi. Jerusalem: The Israel Democracy Institute.
laws of family purity) should not be asked on an anonymous telephone hotline or internet emails. The response to any given halakhic question may differ depending on the specific background of the questioner, her personal experience and situation. This is difficult to measure on an anonymous phone call. There is much debate regarding the responsa to anonymous halakhic questions. The establishment of the phone hotline and email questions was a risk because it opened the yoatzot halakha to criticism from those who saw it as an illegitimate form of answering halakhic questions. Defenders of this decision would say that the benefit of helping people who would otherwise not ask the question at all outweighed the possible criticism and opposition that it may have spurred.

5. Do not uproot the entire system when instituting change and keep parts of the system stable.

This is seen in the reverence given to the rabbinic authority by the yoetzet halakha. Even though a woman answering halakhic questions directly to women is an innovation, the authority of the rabbis in these issues remained stable. The yoetzet refers to the rabbi for any question she may have, and the yoatzot halakha have frequent meetings with the rabbis of the hotline in order to remain informed about the rabbinic position of every issue they deal with.

6. Involve those most affected by the change.

The yoatzot halakha not only affects women but also the rabbis who these women had previously referred to. Some rabbis may see the yoatzot halakha as a threat to their position and authority within the community. The involvement and influence of the rabbis on the yoatzot halakha ensured that the institution of change did not circumvent the agents who may feel most threatened by the change.

7. Institute a smaller change in order to avoid conflict.

We will look at this aspect of change when we discuss fractioning conflict.

In order to sustain social change and refreeze it as part of the status quo, there is a need for commitment by a critical mass of people in the community. When instituting the change, motivation needs to be created, resistance needs to be overcome and then commitment needs to be generated. Focusing attention on those resistant to change often emphasizes their influence on the change itself. When dealing only with the resistant forces, the degree of attention and support needed by the individuals and groups who are less resistant becomes underemphasized. When instituting change, those who are motivated to accept the change or be part of the change need increased support, attention and resources in order to strengthen these foundations. It may seem redundant or a waste of energy to preach to the converted but it can play a valuable role in reinforcing the change.

---

14 For an analysis on the issue of answering anonymous halakhic questions through the internet, see Azriel Weinstein, (2003). "Mara D'atra" (Hebrew) Daat 16, Pp. 8-10.
role in helping spread positive energy for change. This effort has more chances for success than trying to weaken the negative energy against the change.

When instituting the yoatzzot halakha, there was no attempt to win over the Ultra-Orthodox community. The learning of Talmud and primary halakhic sources is still unacceptable in most Ultra-Orthodox communities. How much more so, do they object to women taking positions of authority and answering halakhic questions directly to other women. Were the yoatzzot halakha to try and gain endorsement from Ultra-Orthodox rabbis they would be met with great resistance, vocal opposition and possible ex-communication from the religious community. As a strategy to avoid this conflict, the yoatzzot halakha did not focus or emphasize these resisting forces. Instead, the yoatzzot halakha focused on the Modern Orthodox community which already accepted learning Talmud by women and was therefore less opposed to a woman being in the position to answer halakhic questions pertaining to family purity. The result of this strategy has been the weakening of opposition in general to the yoatzzot halakha. There has been little negative publicity towards the yoatzzot halakha in the Ultra-Orthodox community and few of the rabbis who do not endorse the program have publicly denounced it. This does not prove that the entire Orthodox community has accepted the yoatzzot halakha nor that there is no resistance to it. However, it does signify the success of the avoidance of public, broadcasted conflict. Not only outrage and possible bans from the Ultra-Orthodox community have been avoided but there is preliminary evidence that Ultra-Orthodox women also call the Nishmat hotline. While calls are anonymous and most women do not identify themselves or to which community they belong, some aspects of the questions indicate that some callers are from the Ultra-Orthodox community. For example, if a woman asks "Do Ultra-Orthodox rabbis agree with this halakhic ruling" or "what would an Ultra-Orthodox rabbi say in this case" then this is a good indication that the caller identifies with the Ultra-Orthodox community.

Building Trust in Order to Avoid Conflict

Following the broader discussion of the effects of social change and the different components inherent in dealing with change processes, we will now focus on one of the main parameters which can determine the successful avoidance of opposition towards change. Trust has been identified as a key element of successful conflict resolution and prevention. Trust is the belief in the other, the tendency to attribute virtuous intentions to the other and willingness to act on the basis of the other's conduct (Lewicki & Wiethoff, 2000). Distrust is not the absence of trust but rather the fear of the other, tendency to attribute sinister intentions to the other, and desire to protect oneself from the effects of another's conduct.

When instituting change in a religious community, the level of acceptance will depend on the amount of trust the agents of change have acquired. In the case of the yoatzzot halakha, trust needed to be won from three potential groups:
1. The rabbis – the spiritual leaders who would give halakhic legitimacy to the yoetzet halakha and her status as a legitimate authority to answer questions on family purity.

2. Orthodox women – the clients of the yoetzet halakha who would need confidence in the yoetzet halakha's halakhic knowledge and Orthodox religious commitment in order to confide in her with personal halakhic questions.

3. The husbands of those women – in order to comply with the halakhic answers their wives would receive from the yoetzet halakha.

All three groups would need to have confidence in the yoatzot halakha's commitment to Orthodox halakhic values and their identification with its fundamental social structure. Yet the women would also need to have confidence and trust that the yoatzot halakha understands their question and situation and is an authoritative source on this issue. The rabbis, however, would be more concerned with the yoatzot halakha's motives and the fear of a slippery slope towards feminist changes which could undermine halakhic authority and perhaps lead to the feminist demand of ordaining women as rabbis. The husbands of women consulting the yoatzot halakha may also be concerned with this fear although if their rabbi endorsed the yoetzot halakha this would probably be enough to grant legitimacy for her to be a reference.

Trust can be divided into two major types: deterrence–based trust and identification-based trust. (Lewicki & Wiethoff, 2000). 15

Deterrence–based trust is when individuals fulfill their commitments because they fear the consequences of not acting in accordance with their promises. Trust is sustained to the degree that the deterrent is clear, possible and likely to occur if the trust is violated. As well as the fear of punishment for violating the trust, the trust is maintained for the rewards derived from preserving it. Deterrence–based trust can be increased by repeated interactions where both parties are aware of the benefits of the relationship and what one can gain from the other. The trust is affected by the degree of interdependence and possible alternative relationship. If personal reputation is at stake in the relationship then short terms gains from untrustworthy acts will be balanced against the importance of maintaining a good reputation.

Identification-based trust is the full internalization of the other's desires and intentions. Parties effectively understand, agree with and endorse each other's wants. This trust is based on mutual understanding and will develop especially when there is collective identity with collective intentions between the parties. When there are shared core values, beliefs and concerns then this trust is strengthened.

15 This division is based on the article, Shapiro, Debra, Sheppard, Blair H. & Cheraskin, Lisa. (1992). “Business on a Handshake” Negotiation Journal, 8:4 Pp. 365-377. In their article they also refer to knowledge-based trust, however it is less relevant to the case of the yoetzet halakha and therefore not discussed here.
We will only take a brief look at the building of trust between the women and the yoetzet halakha for this trust although integral to the success of the yoetzet halakha does not have the potential conflict as does the relationship between the rabbis and the yoetzet halakha. The trust between the women and the yoetzet halakha is identification-based trust. A woman calling the Nishmat hotline is met with the calming voice of an understanding Orthodox woman intimately familiar with many of the same experiences as the questioner. Both women have the same desires and intentions when discussing the laws of family purity. They want to know the halakha in order to keep it to the letter of the law, yet they also want to have a sympathetic ear to understand the challenges and issues the woman is facing. I can speak personally of how true this is from my experiences before I became a yoetzet halakha. When first married, I would sometimes ask questions of my rabbi. However, when I would refer my question to a yoetzet halakha on the Nishmat hotline, I could feel the difference. The woman I spoke with understood exactly the situation I was describing. I could tell by her responses that she had herself experienced a similar thing. I trusted her response because I knew she understood my question. This was not the case when speaking to the rabbi. Often, I would get off the phone from the short (sometimes embarrassing) conversation - not sure if he had understood what I had said.

This is also evident in the length of questions to rabbis and the yoatzot halakha. Often the duration of the phone call to the rabbi is only a few minutes. The woman describes her situation and her question and the rabbi responds with his answer. There is very little dialogue or exchange. When a woman asks a yoetzet halakha a question the average conversation is ten to fifteen minutes. (Zimmerman, 2001). The question can be followed up with a discussion about how the woman feels about the halakhic response and what the consequences of the situation will be for the woman. These conversations are important from the Halakhic perspective as well, as information may be revealed which was integral to the question but the woman did not realize that it was necessary or helpful to provide these details. The security and relaxed tone of the conversation not only builds confidence between the questioner and the yoetzet but also allows the issue to be dealt with more comprehensively. As one yoetzet described, "I so want to help, to give the desired answer, the one that will make the woman happy. But one must stay composed - empathetic, but a bit detached - in order to stay objective. It is a matter of trust, and these women rely on us. Our halakhic responsibility is to see the situation as a whole, to consider all circumstances, but to remain impartial and trustworthy." (Sprecher Fraenkel, 2006).

The trust achieved between the rabbis and the yoetzet halakha is a much more challenging test. Most Orthodox rabbis approach the yoetzet halakha with suspicion and distrust. Rabbis feel threatened by the feminist threats of women ordination, fearing that Orthodox halakhic values are at risk. Orthodox rabbis are immediately wary of a woman who wishes to institute a change in traditional halakhic norms especially when it relates to or has possibilities of impeding upon the rabbis' authority. On this backdrop of distrust, the yoetzet halakha had to develop the rabbis'
trust in order that they would not only overcome any objection but also receive their endorsement.

The trust between the yoetzet halakha and the rabbi is composed of both deterrence-based and identification-based trust. It is easier to build deterrence-based trust first, and then if the relationship is strengthened and both parties begin to have confidence in the relationship they can start to build a relationship on identification-based trust. After proving to the rabbis that her major concern is the integrity of the halakhic system and its observance, the yoetzet halakha could progress to build a relationship based on common goals and objectives.

The deterrence-based trust between the rabbis and the yoetzet halakha stems from the desire of the Orthodox yoetzet halakha to be endorsed by the Orthodox rabbis. Unlike members of some women's prayer groups who do not feel the need for endorsement of the rabbis for what they do, the institution of the yoetzet halakha was dependent on the endorsement of the rabbis. Rabbanit Chana Henkin chose Rabbi Yaakov Warhaftig 16, a rosh kollel (head of male institute for advanced Talmud studies) to head the program. In addition to Rabbi Yehuda Herzl Henkin's 17 (also a leading Modern Orthodox rabbinic scholar), and Rabbi Warhaftig's endorsement of the program she also set up an oral examination administered by outside examiners including heads of three different learning institutions who specialize in the laws of family purity. The certificate conferred to the yoetzet halakha is signed by five leading Israeli Orthodox rabbis. The yoetzet halakha knows that she has been entrusted by these rabbis to answer questions by women on halakhic issues of family purity.

The program was also endorsed by leading American rabbis. At the graduation of the first yoatzot halakha in 1999, Rabbi Norman Lamm 18 publicly declared, "We are still at the beginning of the movement. A movement I hope will take root and flower."

This trust is in some ways deterrent-based in that if she violates this trust by going beyond her authority or exceeding halakhic limits she will lose their trust and their endorsement. The costs and benefits of consistent action by the yoetzet halakha are clear to both the rabbi and the yoetzet. The rabbis have given their endorsement for the program despite the fear that the yoetzet halakha may exceed her authority or cause others to go the next step toward female rabbinic ordination. However, they

16 Rabbi Yaakov Warhaftig is a rosh kollel in the Harry Fischel Institute for Talmudic Research in Jerusalem. He heads the yoatzot halakha program since its inception in 1997.

17 Rabbi Yehuda Herzl Henkin is one of the supervising Rabbis of the yoetzet halakha program. He has published four volumes of halakhic response "Benei Banim" and the author Equality Lost:Essays in Torah Commentary, Halakha and Jewish Thought (Urim Publications) . He is married to Rabbanit Chana Henkin.

18 Rabbi Dr. Norman Lamm served as the president of Yeshiva University during the years 1976-2002.
take that risk in order to allow women to answer women on these intimate issues. The rabbis realized the need and benefits of women trained to answer women on these sensitive issues. They recognized that by allowing women into this area of authority they were also increasing the accessibility of these laws to women and allowing them to observe the laws in a more committed way.

The yoetzet halakha embraces the endorsement of the rabbis which gives her legitimacy in her community while being aware that if she violates their trust she will lose her legitimacy and therefore her authority in the Orthodox community.

Because the trust is deterrent-based, the rabbis ensure safeguards against potential consequences. One such safeguard is the deference to rabbinic authority for halakhic rulings. As is stated in the text of the certificate "if a novel decision is needed she will turn to a recognized decisor".  

Other safeguards include the devoutness of the yoetzet. This is seen in the criteria for acceptance to the program (Henkin, Nishmat Website):

1. Personal halakhic observance.
2. Commitment to disseminating family purity.
3. Absence of extraneous motivations.
4. Strong background in learning Talmud.
5. Teaching or leadership skills.

Another safeguard has been to limit the authority of the yoetzet halakha, not because of internal halakhic restrictions but rather to maintain the trust of the rabbis. This will be discussed further when we look at the fractioning of conflict and the gradual integration of the change.

The identification-based trust between the yoetzet halakha and rabbis stems from the common desire for women to feel comfortable and encouraged to ask Halakhic questions regarding family purity laws. By having shared goals and ideals they can work together in a relationship to achieve these goals. Identification-based trust is increased when both parties share the same concerns and are motivated by the best interests of their community. Identification-based trust has a strong emotional component and is affected by the circumstances under which the parties meet and the mood at the time that the parties encounter each other. The rabbis in Israel

19 The complete translated text of the certificate is "The modest and learned woman of good character whose fear of Heaven precedes her wisdom [name] was tested by us and by a special committee of rabbis and found to be proficient in the laws of Niddah and immersion. In response to the needs of our generation and in order to distance many women from sin, we hereby support her and agree that she serve as a primary address for women who will wish to turn to her in these matters for guidance in the way of Torah and fear of Heaven; if a novel decision is need she will turn to a recognized decisor."

encountered the innovative idea of the yoetzet halakha following the flourishing of women's learning in Israel. The opening of higher Torah learning to women in Israel predates the Israeli Orthodox feminist movement. (The first yoetzet halakha program was opened in 1997 and the Orthodox feminist movement in Israel, Kolech, was established in 1998). Women's learning was an accepted idea in Israel and the authenticity of the religious motivation of the institutions and the women learning in them was not called into question. It was almost a natural step for women to progress to being involved in the halakhic process especially in the area of sexual intimacy. It was against this background that the rabbis in Israel were asked to deal with this initiative. The mood at the time was not one of suspicion and therefore trust was more likely to be built between the parties than distrust.

In contrast, in America, Orthodox feminists focused upon women's prayer and upon changing synagogue ritual to be more inclusive of women. The motivations of the yoatzot halakha were questioned much more intensely in America and the fear of the slippery slope toward women rabbis was much more apparent than in Israel. Rabbanit Henkin notes that the difference of the two settings enabled the yoatzot halakha to be more accepted in Israel and unlike in America, a relationship of trust was built between the rabbis and the yoatzot.

Elements of trust and distrust may coexist because they relate to different experiences with the other or knowledge of the other in varied contexts. The rabbis in Israel could have trusted the women's learning institutions and the development in that field without extending that trust to the yoatzot halakha – a much more radical change with possibly more wide-reaching consequences. The level of trust involved in a relationship can sometimes be related to the chronic disposition of the parties. (Lewicki & Wiethoff, 2000). The situational parameters and the history of the relationship can affect the amount of trust especially at the beginning. Due to the profound distrust of feminist movements in the Orthodox community, the yoetzet halakha was definitely beginning on the left foot.

What can be done in order to restore or even establish identification-based trust?

1. Exchange information about perceived violations of trust. Identify and understand the act of any violations. An explanation as to the motivation of the violation or how the act was perceived can assist in clarifying any misunderstandings.

2. Reaffirm commitment to the ideals and beliefs that make up the shared values in the relationship. Affirm the goals and the commitment to the relationship. Strategies to avoid misunderstandings and miscommunications can be instituted for the future.

In order to lower distrust, the parties should openly acknowledge and discuss areas of mutual distrust. If any violations of the trust are inconsistent with the core beliefs and values of the relationship then the relationship is in danger of being discontinued.
There are four suggested ways to repair trust when it is endangered and there is a risk of an escalating conflict between the parties (Lewicki & Wiethoff, 2000):

1. Address the behavior which is causing distrust. Actions of unreliability or antagonistic activities could lead to distrust.


3. Agree to procedures for monitoring to ensure commitments are kept.

4. Minimize vulnerability or dependence on other party when distrust develops. Identify alternative ways to have needs met.

An example of a test of trust, took place at a recent meeting between a group of yoatzot halakha and Rabbi Warhaftig, the head of the program. One of the yoatzot communicated a message from a leading rabbi that he was unhappy because he had heard that the yoatzot were answering questions on the hotline regarding the colors of blood stains.20 This rabbi was expressing his feeling that there had been a violation in the trust he had in the relationship -because the yoatzot were not fulfilling the halakhic requirements as he saw them. However, this violation of trust did not cause him to publicly denounce the yoatzot halakha nor take action against them. Instead he chose a path of clarification and perhaps even warning. The response of Rabbi Warhaftig was to clarify the issue with the group of yoatzot halakha and set down clear guidelines of how to deal with such questions. The strength of the identification-based trust allowed a confrontation between this rabbi and the yoatzot halakha . Although violations of identification-based trust can directly challenge a person's most central and cherished values, the strength of the trust in the relationship allowed for a conflict to be avoided and the violation to be dealt with swiftly and hopefully effectively.

In this example, the trust was repaired through steps 1 and 2. Although there was no public apology (and the rabbi did not demand one) the issue was dealt with in order to repair the trust between this rabbi and the yoatzot halakha.

An example of the third step of repairing or maintaining trust is the database of all answers given on the hotline. Every yoetzet halakha is required to log every question and response she gave during her shift on the hotline. The hotline coordinator goes through the entries in the database and when necessary will discuss the question and answer with the yoetzet in order to clarify any errors for the future. This process ensures the commitment of the rabbis to the system knowing that there are checks and balances and the yoetzet halakha is trustworthy when using her authority.

---

20 The color of the stain can determine whether the stain renders a woman Niddah (the status of ritual impurity) or not. Traditionally, the decision of the type of color of a stain is decided when the rabbi actually sees the stain and is not decided based on the description of the woman.
Existence of trust makes conflict resolution easier and more effective. However, trust is the first casualty in a conflict. Breaks in trust have a spiral effect in that they cause conflict and thus increase distrust. If the parties are motivated to sustain the relationship there will be considerable attempts to rebuild the trust and the relationship will not be abandoned at the first sign of distrust.

The fourth suggested step in repairing trust is irrelevant to the case of the yoazot halakha. Because the yoetzet halakha is committed to remaining in the Orthodox framework, they do not wish to have any alternative to the support of the Orthodox rabbis. Without the endorsement of Orthodox rabbis they have no raison d'être.

**Fractioning Conflict**

The conflict management specialist, Roger Fisher, discussed fractioning conflict as an attempt to deal with conflict more successfully.\(^2\) Also described as incrementalism, this approach attempts to break a larger conflict into manageable pieces. Agents of change will work on resolving smaller parts of the conflict before attempting to deal with larger issues. Participants experience constructive resolution and enhance parties' confidence as they progress to working on resolving larger issues.

This approach is evident in the authority given to the yoatzot halakha. When the program first began, the yoatzot halakha were not trained to determine the status of stains.\(^2\) Rabbi Yaakov Warhaftig explained that this omission in the yoatzot halakha's training did not to stem from a halakhic limitation. A woman is permitted to determine the status of her personal stains and there is no halakhic obstacle for her to determine other women's stains were she to have the required training. The procedure of showing stains to a rabbi is one of the most difficult parts of keeping the laws of family purity. Reactions of women to this procedure can range from: shock that a rabbi looks at a woman's dirty underwear, refusal to take a stain to a rabbi and prefer to make a decision on her own or an agreement (often grudgingly) to take the stain to a rabbi despite the embarrassment and unpleasantness. Many husbands are set the task to take the stain to the rabbi – not that this combats the embarrassment for the husband (or his wife). I believe that a rabbi looking at a woman's stain on her undergarment is like any professional dealing with intimate situations. However, just as many women today prefer to consult with a female gynecologist, so many

---


\(^2\) When a woman sees a stain on her underwear and if she is unsure if the color is one that renders her impure, she will show the underwear to the rabbi in order for him determine the status of the stain and therefore her status regarding physical relations with her husband. Training to determine the status of colors is through experience called 'shimush'. The rabbi will spend many hours with a more experienced rabbi seeing thousands of examples of stains and learning the nuances of which colors are acceptable and which are not.
Orthodox women would prefer to consult with a woman regarding the status of her stains.

Rabbi Warhaftig's reasoning for not training the yoatzot to determine the status of stains was simply to avoid conflict. In order to fractionalize the opposition to yoatzot halakha, the decision was made to allow the yoatzot halakha to be fully integrated into the Orthodox community and only when it was fully accepted would women undergo the necessary training. The program for the yoatzot halakha includes small workshops regarding the status of stains but does not include the intense experience required to train in this field. Many yoatzot halakha were frustrated at this limitation and felt that one of the greatest needs of women today was to have a woman available to whom they could refer these embarrassing questions. This decision was clearly to incrementalize the change in the community and only once trust and confidence in the yoatzot halakha existed would they be trained in this field.

The success of this approach is now apparent as some yoatzot halakha have undergone the training necessary to determine the status of stains. Although still not part of the official training program, there is now no opposition to this training and the heads of the yoatzot halakha program feel that training in the status of stains is acceptable for the yoatzot halakha and one that the Orthodox community can withstand.

**Conclusion**

Through the yoatzot halakha, women have begun to exercise a new authoritative role within the orthodox community, but nonetheless, this novel participation of women in the halakhic discourse did not draw the conflict which could have been expected. The institution of the yoatzot halakha program was met with surprisingly minimal opposition in the world of Modern Orthodoxy, this despite the fact that other initiatives led by feminist religious women caused great opposition and even fury within the community. In the public eye the yoetzet halakha was viewed differently than other similar initiatives in that it was not labeled as a feminist endeavor.\(^{23}\)

I have suggested that the avoidance of conflict succeeded because of the building of trust between the yoatzot halakha, the community and the rabbis. The resistance was dealt with in a way which was designed to avoid the possible opposition and outcries against these women. Rabbanit Chana Henkin was careful to receive endorsement of the rabbis for this social change thus ensuring their support within the community. She was also careful when accepting women to the program, choosing candidates who would not only succeed in the role but also would not attract opposition from critics. The fractioning of the potential conflict allowed the gradual management of opposition within the community.

\(^{23}\) As Rabbanit Henkin has noted, the yoetzet halakha is not a feminist enterprise, since feminism is perceived both as antifamily and antireligious.
The yoetzet halakha program has only celebrated ten years since its inception. Many Orthodox women have still not had contact with a yoetzet or even heard of their existence. Time will tell whether the yoetzet halakha becomes an official part of the Modern Orthodox community and a more recognized communal position. The efforts taken to avoid conflict will contribute to their ongoing success. As long as these efforts continue and the trust between the rabbis and the yoatzot is valued, there will be an increased chance that the yoatzot halakha's activities will become more widespread.

The yoetzet halakha is an example of how innovative changes can be made within the halakhic framework without causing public and destructive opposition. Perhaps in time, it may be possible to apply the test case of the yoetzet halakha as an example of how to institute change in the Modern Orthodox community while successfully avoiding conflict.

**Bibliography**


Henkin, Chana. “New Conditions and New Models of Authority - the Yoatzot Halachah” www.nishmat.net/article.php?id=160&heading=0 (Accessed 17.03.08).


