

Translation of a 4 page Hebrew article from
Makor Rishon

**“The *Halacha* is *Halacha*; the Sensitivity
is Feminine”**

Twenty years after she established the *Yoatzot Halacha* program, Rabbanit Chana Henkin is first publishing, together with her husband, a halachic work that was written entirely by women. In an exclusive interview, she talks about her views, about religious feminism and her reluctance to champion ideologies in the name of *halacha*, and continues to speak about her son, Rabbi Eitam, hy”d.

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On Friday morning before Rosh Hashanah, the *beit midrash* of Midreshet Nishmat is silent; most of the students have gone home for the holiday. The head of the seminary, Rabbanit Chana Henkin, greets me with a broad smile that never departs from her face for the duration of the interview. Even when she speaks of her son and daughter-in-law, Rabbi Eitam and Naama Henkin, who were murdered in a terror attack three years ago on Sukkot, the smile remains—but it is sadder, filled with longing. Several minutes after we begin talking, a student who is just starting her first year in the seminary approaches Rabbanit Henkin, with a large backpack on her back. She tells the Rabbanit that she will be spending Shabbat with relatives who live nearby, and she asks whether she can use the *beit midrash* during the course of Shabbat. Rabbanit Henkin answers: This place is yours.

Nishmat is also the place of thousands of religious women who turn to its *yoatzot halacha*, the women who are trained as halachic advisers. They ask about nursing, pregnancy, family purity, immersion in a *mikveh*, and the counting of seven blood-free days. If not for the *yoatzot halacha*, says Rabbanit Henkin, most of these women would have no address. They would not have asked a rabbi, and instead they would have been excessively stringent or excessively lenient; either way, they would have remained silent. Now, almost two decades after Nishmat’s *yoatzot* program was launched, the book *Nishmat Ha-bayit* has been published (by Maggid). This in-depth halakhic work contains a selection of responses to questions asked to the *yoatzot* over the years.

The responsa were written by seven *yoatzot halacha*, and the editors—Rabbanit Henkin and her husband, Rabbi Yehuda Herzl Henkin, together with Rabbi Yaakov Warhaftig, the head of the *kollel* for the study of *halakhah* at the Harry Fishel Institute—supervised the team of writers, read every word, suggested amendments, and approved the final version. “It is a statement,” says Rabbanit Henkin, though during the course of our conversation she clarifies the meaning of this statement, which will turn out to be complex and cautious—some would even say conservative. Rabbanit Henkin does not deny the novelty of a halakhic work written by women, and she repeatedly refers to the approbations that adorn the book—Rabbi Dov Lior, Rabbi Aryeh Stern, and Rabbi Nachum Rabinovitch all wrote enthusiastic forewords—yet she refrains from christening the responsa in the books “halachic rulings” and does not view *yoatzot* as “arbiters” (“*poskot*”) of *halacha*. She is reluctant to champion feminist ideologies in the name of *halacha*, and she declares that she does not seek new goals for religious women to conquer. “What motivates me,” she says, “is not gender, but Torah study.”

[Rabbanit Chana Henkin. Photo: Noam Rivkin Fenton, Flash 90]

Avoiding the Term “*Psak*”

Rabbanit Henkin, I wish to propose two models for looking at feminine *psak* (halakhic rulings): The first is that there is no difference between the *psak* of men and the *psak* of women, except that the ruling is issued by a woman; the second is that feminine halakhic rulings have a certain dimension that make them unique and differentiate them from the rulings of male halakhists. Where does this book fall between these two models?

“I think the word “*psak*” goes too far. “*Psak*” means comparing one case to another, deriving from one situation and applying it to a different situation. When a known answer is given to a known question, it is not *psak*. If you ask my students what they do when a dairy spoon falls into a meat pot, I hope they can all answer the question. This is not *psak*, but simply answering a question. So I feel more comfortable talking about the responses written by women, about women as the answerers of halakhic questions and not as “*poskot*”. I would not call this a book of women’s *psak*.”

“The feminine aspect certainly finds expression in the sensitivity, the understanding of the woman’s condition and the functioning of her body. This sensitivity is certainly feminine, but the *halacha* is not feminine. *Halacha* is *halacha*. The book—and this is why it is accepted by Torah scholars—is not agenda-driven. It does not champion anything but *halacha* and making the life of the woman and her spouse more pleasant. This is not a book that comes to say, “Look! Women can give *psak*, too!” This is *halacha* that is not skewed, *halacha* with integrity and the desire to help people. We did not paint the target around the arrow.”

So what statement is this book making?

“The statement is that the entire world is filled with knowledge of God. Women are 50% of the Jewish people, and when not only male Torah scholars but also female Torah scholars are occupied by Torah, it is certainly a strong statement. What I find exciting is not that the book was written by women, but that it is an important book, which meets the needs of women and couples.”

One of the responsa in the book deals with a woman who has no interest in being with her husband post-partum. It not only gives a halakhic explanation, but it offers understanding of the condition of a woman post-partum. A woman who has herself given birth will answer differently than a man. She will offer practical advice. She will understand the woman asking the question. She will exercise discretion.

[Meeting the needs of women and couples]

“I’m not saying that a man cannot issue a halakhic ruling on such a case. The reality is, however, that it is generally hard for a woman to approach a *posek* and tell him all the details, so she explains her situation in a minimalist, normative way—and runs away immediately. It’s not that his ruling does not suit the question; rather, the question is not really being asked, because these are extremely personal, intimate issues. So certainly we cannot say that the *psak* of men is incorrect. The question is whether everything that needs to be disclosed is indeed being disclosed at the time of the ruling.”

Rabbanit Henkin’s decision not to use the term “*psak*” is linked, she says, with the inflation of the use of the term “*posek*”. “Certainly a woman who is fit to issue *psak* may do so,” she says, “but when we chose the name *yoatzot halacha*, our goal was not *psak*, but to answer questions. The goal is to bring the right answer, which fits the situation, to the woman or couple. I think that as we get closer to the world of *psak*, a lot of humility is necessary, and we must avoid ideological standard-bearing. We must have a lot of *yirat Shamayim*. The intent of our breakthrough was not that women specifically should be *poskot*. We wanted to prepare women, Torah scholars, who can give the proper answer to women.

“There is a certain pretentiousness in using the title ‘*posek*’. A young rabbi is generally not a *posek*; he answers the questions that arise in his community, and when there are questions that demand *psak*, he consults. Sometimes the rabbi hesitates because discretion must be exercised, and he wants to hear the advice of someone more experienced. Sometimes the halakhic situation demands that he turn to someone with broader shoulders for a ruling. I eschew the term ‘*psak*’, not because it is impossible for a woman to become a *poseket*, but because I don’t want to cheapen the concept.”

Why Debate?

She is 72 years old, was born in the USA, and has lived here in Israel almost fifty years. From a young age, she was drawn to the world of Torah study and *halacha*, which became central in the home she built. She married Rabbi Yehuda Herzl Henkin, a rabbi and *posek*, the author of *Responsa Bnei Banim*. Together they had six children. When they arrived in Israel in the early 1970s, they settled in Beit Shean. Rabbi Henkin was appointed as a regional rabbi, and Rabbanit Henkin worked alongside him in the religious council. Later they moved to Jerusalem. In 1990, she founded, together with her husband, the Nishmat seminary. She has won the title of “*Yekirat Yerushalayim*”, and she even lit the torch on Israel’s Independence Day in 2017.

The work on *Nishmat Ha-bayit* lasted five years. “The responsa were written right here, in this *beit midrash*,” Rabbanit Henkin recounts. “The *yoatzot* sat with their laptops two days a week, collected questions, and discussed possible responses among themselves. As is often the case for *yoatzot halacha*, the conversation was not only about the answer itself, but also about how to present the answer, because some things are very difficult to handle, making it necessary to find the right way to say things that are true to *halacha* and will be accepted by the couple.

“The respondents then typed in their answers and showed them to Rabbi Yaakov Warhaftig, who made notes. From there the responses went to a *yoetzet halacha* who is also a doctor, and finally to me and Rabbi Henkin. It is the work of an institution and of women who apprenticed, and continue to apprentice, under Torah scholars. When a man apprentices under a Torah scholar, he usually sits with him most of the time. Here, however, the apprenticeship takes the form of consultation. The novelty here is, among other things, the fact that women apprentice under Torah scholars. This is also one of the reasons that the book is considered acceptable to so many.”

So let’s talk about its acceptance. The book has approbations from rabbis who generally do not endorse women’s Torah study. Yet here they grant their assent to a halachic work written by women. How do you explain that?

“I think that these rabbis look at the book and see that there is a group of learned, God-fearing women who are devoted to family purity and want to strengthen this area. Some of the rabbis are glad to see that we have cultivated women Torah scholars, and others are glad to see that there is a very practical response to halakhic questions, to people in distress. Rabbis tell me that there is a great deal of sensitivity in this book; they do not mean that their rulings are any less sensitive, but that the accoutrements—the language, the psychological attentiveness, the attention to the person asking the question—creates something else. A consensus has been created among men who do not always agree with one another, and they say: Here is Torah that is not tainted by ideological biases. This is a characteristic feature of our family more generally. It is true of my husband. There is no polemicizing, no ideological bias, and no preaching. We strive to work with intellectual honesty. We didn’t have to hold back from polemics; this is simply who we are.”

The question is whether the fact that women answer halakhic questions is an established fact, or is there still a battle to be waged over this within the religious community.

“With respect to family purity, we have achieved recognition of the importance of responses from women.”

Even in the more conservative *yeshivot*?

“I don’t know. I haven’t asked.”

Let me sharpen the question. In the past year, there have been statements by certain rabbis, mainly from the pre-military seminary in Eli, regarding women’s Torah study. These rabbis would not be thrilled, to say the least, by a halachic work by women. Perhaps what you are saying here is not so self-evident in today’s religious-Zionist community?

“I have no dispute with rabbis whose approach differs from mine and who think that women must study *hasidut*, the works of Rav Kook, and the weekly Torah portion and not study *halakhah*. If they want to teach that, and there are those who want to be educated by them, that’s fine with me. There are others who want to be educated by me. This place is full of life, and not everyone has to study here. That doesn’t mean that I agree with them, but why fight? If someone wants the education that they offer, they can go get that education. I don’t feel threatened or under attack. I have no doubts that our endeavor has proven itself.”

[“The responses were written right here, in the *beit midrash*.” Rabbi Yehuda Herzl and Rabbanit Chana Henkin. Photo: Noam Rivkin Fenton, Flash 90

Halacha, Not Gender

The training program for *yoatzot halacha* will soon celebrate twenty years of activity. One morning, Rabbanit Henkin met a friend of hers on the street, who told her that she and her husband were forbidden from being together for the preceding six months. “I said to myself that the time had come to get up and do something,” she tells. “The seminary had already been operational since 1990, and we learned the laws of *niddah* there. My inclination is toward *halacha*, and from the first day of the seminary’s operation, it was clear to us that we must study *halacha*. However, we had no plans to cultivate *yoatzot halacha*. It was a seminary for Torah study, designed to open the gates of Torah study for women.

“As the wife of a rabbi, I dealt with family purity issues frequently, counseling married women and answering questions, even when we lived in Beit Shean. The *mikveh* was my project, a focus of my life. For 25 years, I had the feeling that women have to answer questions, since many women do not approach rabbis or ask them questions. I have seen enough women who say: ‘I will just add a day or two and I won’t ask the rabbi.’ But I did nothing with it, as often happens. What finally spurred me to action was the terrible distress of couples that fall through the cracks.

“That same day, I went to several Torah scholars, and we decided to do something about it. We did not have the name ‘*yoatzot halacha*’ yet, but we knew what we were going to do. The framework of study would be two years, and the curriculum would be identical to what is studied in *kollelim*. We established three criteria for acceptance: complete identification with the world of *halacha*, a requisite level of learning, and empathy. We included women’s health and psychology in the curriculum, provided supplementary education on fertility, and emphasized the medical and psychological aspects.” Later, the Yoatzot.org website and a telephone hotline were established for *yoatzot* to answer questions. Rabbanit Henkin speaks of 300,000 answers that have been provided through these channels over the past fifteen years.

The religious public of 2018 is very different from that of 1999, when the *yoatzot halacha* program was established. Religious feminism has made great strides, and what was considered innovative in the late 90s is now considered self-evident by many. Perhaps, from a certain perspective, you’ve been left behind, and the front has moved further away?

“The front is quite broad. It is broad now, and was broad in the past. You are right that what motivates us is not gender. At all. What motivates us is Torah, love of Torah, love of *halacha*. Still, I understand that there my actions have sociological implications. I don’t deny it, but nor do I do what I do for those sociological implications. Yesterday, we had a night of *selichot* for the seminary students. We say *selichot*, and when we come to the Thirteen Attributes of Mercy, we engage in introspection. From the moment we reach ‘And God passed before him’, there is complete silence in the *beit midrash*, and we contemplate the Thirteen Attributes. [According to *halacha*, the Thirteen Attributes are only recited aloud in the presence of a quorum of ten adult Jewish men—EF.] I think that anyone who comes here and sees this would have to agree that this is innovative, that this gives women a voice, and that this will hopefully spread to other communities. However, this is not coming from a place of demanding rights, but from a place of worshipping God. Such things happen. During Elul, when we pray *Mincha* here, we sound *shofar* blasts, blown by one of the seminary’s employees—a God-fearing woman who blows *shofar* quite well.”

But you understand what an Orthodox woman who accepts *aliyot* to the Torah would say when she reads your words? That this is the maximum that women can do at Nishmat—blow the *shofar*.

“It’s true. I’m not coming from a place of trying to conquer more goals. I don’t ask myself each morning which feminist goals I can achieve today, and I don’t think we need to turn public Torah reading into the main element of women’s religious lives. I also don’t think that this is what motivates most women, that is, I don’t think that most of them aspire to read from the Torah. There is a minority, but it isn’t mainstream. I don’t see egalitarian congregations as ‘going further’ than us or bypassing us, because, to my mind, they do not represent progress.

“When I get up in the morning, I think about serving God and studying Torah. So I ask myself why it happened that here, in this place, a woman blows the *shofar* during Elul. It happened, first of all, because we are blessed to have a woman who blows *shofar* very well. But it also happened because it’s natural. It wouldn’t be natural for a man to enter a room where women are praying in order to blow *shofar*. It would be like entering the women’s section. Therefore, there’s a woman who blows. Is there anything here that deviates from the boundaries of *halakhah*? God forbid. Can such things offer the public a way forward? I think so.

“Our community today is grappling with a continuum of observance, with the fact that people decide how committed they wish to be. It’s a major challenge. Certainly, there are places on the continuum that one should not go. Egalitarian congregations are one example of this. I have students grappling with these issues, and I love studying the subject with them. When I learn with a student, I hope she ultimately understands that this is not the way. However, there is no Torah institution that can say that it is satisfied with all the decisions its students make. Not even *Ponevezh*. We must try to educate toward *yir’at Shamayim*, but each person is ultimately responsible for their own decisions. People often examine the issue and reach a different conclusion.

“I have a great deal of empathy and understanding for a woman who wants to expand her station. I understand what is happening in the world. I understand that women today are doctors and

lawyers and professionals and public figures, and they want to express themselves in the way they serve God as well. I understand it, the problem created by this disparity. But the answer must come from within *halakhah* and not from outside of it. In some respect, I think that Nishmat's purpose is to be a sort of gatekeeper, to ensure that this entire process is guided by *halacha*."

The Hazon Ish and the Hazon Isha

The question, then, is whether, from your perspective, the breakthrough is limited to this project of women answering questions about family purity. Do you not aspire to see, for example, a woman become the leading halakhist of the generation, a major halakhic authority who will resolve halakhic issues that her predecessors did not resolve?

"I think that creative people, including creative women, can contribute to the development of *halakhah*. Indeed, there are certain issues that are particularly acute for women, who understand the situation more directly and therefore push for a solution. However, I do not view *halakhah* through the lens of gender. It's not women against men. It's not that the Hazon Ish [Rabbi Avraham Yeshaya Karelitz, d. 1953, known as the 'Hazon Ish'—lit. 'Vision of a Man'—after the title of his halakhic works—EF] was a man, and we're now waiting for a 'Hazon Isha'. We want there to be more people, men and women, engaged in *halacha*, and to alleviate people's distress to the degree possible."

Nishmat's *yoatzot halacha* address questions of family purity and women's health. Other halachic realms, Rabbanit Henkin claims, do not necessarily require a woman's response. "The need for *yoatzot halacha* is specifically in the couple's intimate life," she says. "Here in the seminary, we learn *halacha* comprehensively, but when it comes to the counseling itself, the resources that must be suited to a specific need. In the realms of family purity, pregnancy, nursing, etc. there was a crying need for a female presence. In other areas of *halacha*, it is much less pressing. I don't know any woman who recoils from asking a rabbi a question about *kashrut*."

These areas are also difficult on a personal level. The laws of family purity deal with a couple's intimate life, with their love, with their need for contact and emotional support. How do you deal with these *halachot*?

"It is difficult. Anyone who says that observing these *halachot* is not difficult is simply not reflecting the experience of most married couples. In general, we comfort ourselves with the knowledge that pregnancy is nine months [during which contact is permitted without interruption—EF], and then many women nurse [thus delaying the return of the menstrual cycle—EF], and so the situation is not that terrible. We must keep things in proportion even when they are difficult.

"The more accurate answer is that we pay a price for keeping *halacha* in every realm: in our eating habits, our conversations with friends, and, yes, physical contact between spouses. I believe that *halacha* is ultimately beneficial for couples. I would say that *halacha* creates the conditions, and the couple decides whether or not to use them for their benefit. It's not that anyone who observes the *halachot* of family purity will live in perfect marital harmony, but I

believe in a life of *halacha*. It is good and it provides a framework, and not everything that we want here and now pays off in the long run.”

Sometimes the cost is not simple at all. For example, a couple for whom physical contact is forbidden after a miscarriage. This is not an easy situation.

“That’s true, but I don’t judge the world of *halacha* based on one week or another. I am only saying that *halacha* creates the conditions for trust between spouses, for mutual esteem, and for love. *Halacha* creates sanctity, a sense that life does not culminate in a moment of satisfaction. I believe that *halacha* teaches us to be good people. I understand the difficulties, the challenges, but *halacha* is a system we accept because we are God’s servants, and it is binding on us, even if it is sometimes unpleasant.”

[Eitam Henkin, z”l. Naama Henkin z”l. Photo: Rivka Narkis]

To Speak with Eitam

Three years have passed since the Sukkot when Rabbi Eitam and Naama Henkin were murdered by terrorists. Shortly after the tragedy, Rabbi and Rabbanit Henkin turned to their son’s writings—during his lifetime he published several dozen articles, and he left many drafts behind. “Both Eitam and Naama are present in our lives,” Rabbanit Henkin says. “Especially our son, as a result of our dealing with his writings. We are fortunate to have this great kindness. In total, three of his books have now been published, a fourth is about to come out, and there are treasures that we have not yet touched. At the end of his life, he was fortunate to have seen the proofs of his book on the laws of Shabbat. We found, on his computer, an almost complete book on *Aruch Ha-shulchan*, which, in our family, is considered the last canonic halachic code.

“I must make peace with the fact that my son, a Torah scholar who had the potential to become even greater, will not grow beyond what he was in his life. He managed to write two halachic works and forty articles, but now, when I read what he wrote but did not publish, I feel like I have gotten to know him even better since his death. During his life, I had less time to read his writings. However, over the past three years, I have immersed myself in his writings, and suddenly I have so many questions I want to ask him. I call out to him and speak with him. I tell him how brilliant his words are, how clear his formulations, how astounded I am that he took a complex topic and made it so understandable. There are many questions I want to ask him, and sometimes I even say to him, ‘Eitam, what you wrote is amazing.’ I would love to tell him this face to face.”