

Not a Victory

Why Israel's decision to create an egalitarian prayer space at the Kotel is actually a defeat

By [Phyllis Chesler](#) | February 3, 2016 2:49 PM

Newspapers in Israel and around the world have been [hailing](#) the deal between the Israeli government, the Reform and Conservative movements, and the The Women of Robinson's Arch (formerly [Women of the Wall](#)), as a "[historic](#)," "[revolutionary](#)," and "[landmark](#)" agreement. I do not know whether to laugh or cry.

This is a travesty, a trick, a joke, an Orwellian use of language employed to persuade perfectly good Jews that a defeat is really a victory; that being banished is a form of acknowledgement; that capitulation to fundamentalism is actually a triumph over it; that allowing misogynists to turn the Kotel into a Haredi shul is a progressive accomplishment; that being allowed to fund this travesty with Diaspora money—the Haredim are on record as refusing to pay for it themselves—represents acceptance; in short, that selling one's birthright for a mess of pottage is tantamount to obtaining that birthright.

These dubious headlines aim to persuade perfectly good Jews that sacrificing the legal rights won by and for women—and for women only, of all the denominations—is a small enough price to pay in order to have: A sign pointing to the archaeological pit that is Robinson's Arch—an area where very few worshippers can even touch the stones; an area that is, even now, being hotly claimed both by the archaeologists who have vowed to bring a lawsuit of their own if the site is in any way disturbed—an area that is being claimed by the Waqf, which has condemned this deal as yet another example of Israeli aggression against Muslim holy places, one that would violate the status quo agreement that governs the area, and an attempt to "Judaize" Jerusalem. Accordingly, this is an area that does not represent any sacred Jewish history.

Most Reform and Conservative Jews, having been misled by their leaders and by the media, do not seem to understand that the feminist and religious struggle that we have been waging for more than a quarter-century has not been to pray at Robinson's Arch or to pray together with men in a minyan and in an egalitarian service. We all support such rights and had long hoped that the denominations would have fought for their rightful place in the sun: for a third section at the Kotel proper. This never happened. No such lawsuit was ever launched. Instead, the denominations piggy-backed on the contribution of grassroots feminists—and they hired [Anat Hoffman](#), one of us, as an employee of the Reform movement. They used her just as she used them. The denominations have not betrayed our vision; they never shared that vision. Alas, only Anat Hoffman has departed from our original vision ostensibly [for pragmatic reasons](#).

Nevertheless, so far so good. But, over the years, all the screaming headlines yelled “Women of the Wall” and not “Stealth movement by egalitarian Jewish leaders.” No Conservative or Reform *men* ever got arrested or jailed, again and again, as part of this struggle. That honor belonged only to women and to women of all denominations. And now, the denominations, Anat Hoffman, the Israeli government, and the rabbinate, all agree: Women-alone engaged in group prayer and leyning from a Torah should neither be seen nor heard at so holy a site; women alone are not important enough so they do not count and thus they are not counted.

People say it is a far more significant achievement in feminist terms for women and men to pray together in an egalitarian fashion. But they are forgetting about our Orthodox sisters, perhaps because they are so angry at the Israeli Orthodox rabbinate and at their subordinated female loyalists. The Reform and Conservative movements did not share our original vision of Jewish unity, at least among women, at this holy site. The **Original Women of the Wall** (I am an original member) have prided themselves on remaining connected to Orthodox women. Historically, being Jewish meant being Orthodox. My parents were Orthodox. I do not want to abandon that tradition to Haredi fundamentalists—at least, not at this unique holy and national site.

Aside from the needs of Orthodox women, why denigrate women-only prayer? Upon the parting of the Red Sea, the prophet Miriam prayed and danced in an all-female group. This is another and equally legitimate group prayer choice. It is no longer in fashion, but in the 1970s the Orthodox feminists who pioneered such women’s prayer groups were demonized as destroyers of Judaism.

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The idea to pray at the Kotel as an all-female group in the ezrat nashim for the first time belonged to an Orthodox feminist: my beloved *chevrutah*, Rivka Haut (z”l), a pioneer of women-only prayer groups. She created one for us at the kotel and the women who supported her were also, but not only, Orthodox feminists.

Twenty seven years ago, on December 1, 1988, I was part of the first woman’s prayer service at the Western Wall. We prayed out loud, with a Torah. Many women were religiously learned, some were rabbis, many wore their prayer shawls. This was the first time in history that women had “liberated” the Kotel. We broke a psychological sound barrier. Rivka Haut, whom I did not know, turned to me and asked me to open the Torah for the women to read from. For years, I did not know why Rivka, with whom I would go on to co-author a **book** about this struggle, had picked me. (Rivka finally told me that she chose me because I had “an otherworldly look on my face” while I was praying. It was an honor which will never be surpassed in my lifetime and which wedded me fatefully to this struggle for Jewish women’s religious, civil, and legal rights in the Holy Land.)

Back in the United States, Rivka and I, together with her mainly Orthodox friends and colleagues, co-founded the International Committee for Women of the Wall. But that was only possible because women in Israel, led by Bonna Haberman (z”l), Anat Hoffman, Shulamit Magnus, and Miriam Benson, had continued to pray at the Kotel, where they were met with the

most profound verbal and physical violence from both men and women. Most Israeli feminists, especially the secularists, were not supportive. At the time, most feminists did not understand that the right not to be coerced by religious fundamentalism includes the right to practice religion if a woman wants to do so.

In 1990, I was a plaintiff in Women of the Wall's **first lawsuit** in the Israeli Supreme Court. We received three subsequent and separate decisions. The first, in 1994, sent us to the Knesset where, I kid you not, the male-only commission tried to banish our prayer group to rubble-strewn Arab areas of Jerusalem. We returned to court and, in 2000, rejoiced over a unanimous three-judge decision in our favor. The state immediately appealed this decision. We then had to face nine judges. In 2002, four judges voted in our favor and four opposed us. The fifth and decisive vote against us was cast by none other than the great liberal and humanitarian, Chief Justice Aharon Barak, a man who has been able to find justice for Palestinian Arabs, both Christians and Muslims—but not for Jewish women. Barak sent us to Robinson's Arch.

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Thus, we have had the right to pray at Robinson's Arch since 2002, but we did not want to do so. Rabbi Andy Sacks, of the Conservative Movement, rushed to do so. This was absolutely his right—but in embracing that right, he also compromised our struggle. People said things like, "What is wrong with you women? Look, others are happy to daven over there." Eventually, the limitations imposed upon us by the Kotel's administrator made it necessary for most of Women of the Wall's Torah readings to take place there. We would first pray at the Kotel and then repair to Robinson's Arch.

So why do people think that the Israeli government and the denominations announced this non-deal deal now? In 2013, Judge Moshe Sobel of the Jerusalem District Court decreed that what the Women of the Wall were doing at the Kotel in the women's section was entirely legal; that our rights should be enforced. Arrests must cease, he said, and they did. But the Kotel administrator passed an arbitrary ban or regulation that barred women from having access to a Torah.

At the end of November of 2015, the Center for Women's Justice petitioned the Israeli Supreme Court on behalf of the original Women of the Wall. We argued that denying us access to Torah scrolls violates our right to equal treatment in the public sphere and therefore violates Israeli law. The petition also claims that Shmuel Rabinowitz, the chief administrator of the Western Wall, has no legal authority to issue such a ban, and it must, therefore, be annulled. (I was told that our suit is very strong.) The clock was ticking and the government was supposed to respond to this lawsuit two days before this "historic" old-news deal was announced. But the government requested a two month extension which the Court has, of course, granted.

I do not oppose what the Reform and Conservative movements want. They have been beaten down by a recalcitrant Orthodox rabbinate. They have been humbled. They will accept anything, however small, however insignificant, so that they can tell their members that yes, finally, they can hold their simchas in dignity in the Holy Land. This deal will potentially allow that. But at what price? And who will be paying that price?

Do the Reform and Conservative movements have the right to bargain away legal rights that have already been won but whose enforcement remains at issue? Winning the right to equal treatment under the law in the United States is not a right that any one group could bargain away. This was pointed out most eloquently online by a colleague who wondered if, after the 1954 *Brown v. Board of Education* decision, families of those students who were denied an equal education could make a separate deal with the government to fund their own school, giving them—and them alone—a financial settlement? Here, I wonder how a self-appointed group could bargain away the rights of Orthodox women and all women to pray with a Torah—wearing tallit, donning tefillin, in an all-female group out loud—in the women’s section at the Kotel.

Israel does not have a Constitution. Israeli law is not the same as American law, but Israel does have laws and can either live by the rule of law or not. The Israeli government can either surrender to misogynist barbarism or stand against it. Israel is a modern democracy, one that prides itself on protecting all religions and in a way that is unique in the Middle East. Is such a state—capable of overcoming such great odds—incapable of protecting the religious rights of Jewish women and of an increasingly diversified Jewry? It seems so.

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