



Chapter Three

Legal Considerations

The Evolution of Revolution

Yesterday's heresy is today's orthodoxy. When Sarah Schnirer founded the Bais Yakov school movement in Europe in the early part of the twentieth century, the first to give Jewish women a formal education, there were calls for her excommunication. In time, not only was her vision tolerated by the very orthodox, but it has become *de rigueur* for girls, even within sub-sects of the *haredi* system, to receive a thorough education.

The upheaval began with the first day schools for girls in Europe, the revolution started with the first Women's Tefillah groups in the 1970's, and the evolution continues with our daughters' generation. As Blu Greenberg has stated, history shows that where there has been a rabbinical will there has been a *halachic* way. When the prevailing customs or laws were deemed in need of change, be it either for catastrophic financial or sustentive reasons, the ruling elite of rabbinical decision makers found the means to alter the halachic status quo.

The early part of the twentieth century saw the introduction of the *heter mechira*, that permitted the selling of land in Israel to a non-Jew in order to bypass the laws of *Shemita* that required the land to lay fallow for one year. In earlier times, the *prozbul* was invented to avoid the automatic forgiveness of debts during the Shemita year. The *heter iska* allowed interest to be paid and collected on loans, the *mechirat chometz* allowed the selling of leaven to a non-Jew over Passover to avoid the losses of ridding one's household and business of chometz. The "*besdin d'sharia misha*" permitted the use of olive oil made by non-Jews that had previously been subject to rules that governed wine made by gentiles. And there are others. All these modifications to the then existing Jewish laws were constructed to meet the needs, primarily financial, of the Jewish people. It is that much more crucial for today's rabbinic authorities to find a halachic way to satiate the religious needs of one-half the Jewish population, whose spiritual sustenance is at stake. —Aryeh Rubin

