

# **A Modern Orthodox Stance re: Prayer at the Kotel**

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Now that Natan Sharansky is going public with his proposal to resolve the Kotel conflict, it is time for the leadership of Modern Orthodoxy to speak out. The message should not be only support for Sharansky's Solomonic proposal but to dissociate from the policies and tactics practiced by the haredi Western Wall Heritage Foundation.

Modern Orthodox's leadership was held back by fear that if they criticized the authorities at the Wall, the Women of the Wall would get their way and Modern Orthodoxy would be accused internally of having enabled a victory of liberal Judaism over Orthodox religious practice. Now that Sharansky has proposed a way in which justice is done but there are no losers, the Modern Orthodox establishment should strongly support the plan – and separate itself from the current Kotel leadership.

First of all, Modern Orthodox should make clear that they affirm that the Kotel is the sacred space of the entire Jewish people and not a haredi synagogue where only haredi social norms should be followed. The Kotel existed before the synagogue became the institution of prayer and service of God. The Wall is an historical treasure of the whole nation. The majority of the Jewish people is not observant – yet they have a legitimate share in this national icon, not to mention a full right to be there. Part of the Sharansky solution is to take back the Wall Plaza for secular national programs, for IDF dedication ceremonies, etc. – many of which have stopped being held there because of haredi restrictions on women's presence, visibility and singing as well as on head covering, etc.

The Modern Orthodox should also dissociate themselves from the haredi suppression of women's services. By excluding liberal services in general, the haredim have pitted Israel's commitment to being Jewish against its commitment to democracy. It was wrong to do this. There are tensions built in the relationship of Judaism and democracy. These tensions should and can be minimized by sensitivity and flexibility in practice and by respecting minority rights. Instead the conflict was aggravated by exploiting Orthodoxy's established status and its majority support in Israel to override the rights and needs of the liberal minority and of the Women of the Wall. Currently a majority of Israelis deem Orthodoxy to be the authentic brand of Judaism – even if they are personally non-observant. Therefore, they tolerated the unequal treatment of liberal Jews. But this trampled the rights of non-Orthodox Jews and offended many Jews, especially in the diaspora.

Secondly, the authorities committed a Chillul Hashem [a desecration of God's name] by prodding the police to arrest women for wearing a tallit or carrying a Torah, and threatening to arrest them for reciting Kaddish. This flagrant foul was infamously aggravated by the strip-search inflicted on Anat Hoffman, leader of the Women of the Wall. Essentially, the haredim pressed for these arrests for their own 'convenience', i.e. not to be disturbed. The arrests have left a permanent mark of shame: in the Jewish state, Jews were arrested for exercising their religious freedom to worship God.

These wrong actions were raised to the level of reckless endangerment in that these arrests were trumpeted around the world by Israel's enemies as proof that the Jewish state is governed by a theocracy that oppresses women. The main line of Israel's

defense and support in the West is the recognition that Israel is a genuine democracy whereas its enemies represent despotic societies that mistreat women and religious minorities. By giving some appearance of truth to claims that Israel mistreats women and religious minorities, these authorities have struck a blow at the foundations of Israel's security.

It is true that the Supreme Court of Israel ruled that the Women of the Wall must respect the customs of the existing (haredi) Synagogue at the Wall. But the Supreme Court acted under pressure from the right and the haredim. It sought to satisfy the established group for the sake of reducing societal tensions while (in true democratic spirit) giving the women equal access to the Kotel at Robinson's Arch. [Afterwards, equal conditions were not set up; under Sharansky's plan, this will be corrected.] The Supreme Court's actions can be compared to the U. S. Supreme Court's upholding tax loopholes that are in place – even as it knows this is bad for society and that it is letting an exploitative minority take advantage of the majority. The Women then protested through civil disobedience. They should never have been arrested or physically harassed for these actions.

It is time for the Modern Orthodox to say all this – because the Wall is not the only problem point. There is a continuing unfair treatment of women in rabbinic courts. And the liberal movements still are being discriminated against by the religious establishment, which is exploiting the fact that Orthodoxy was established decades ago by democratic processes. Fair and equal treatment should be extended to all, now – and accommodations made for the Women of the Wall until the Kotel area is reconfigured.

In Israel's national elections in January the public rose up and empowered the modern religious Zionist political party to take leadership and to partner with secular Jews. The motivation was to stop the discriminatory funding for haredim under current law and to insure that a fair share of the tax and military service burden be taken up by all sectors of the population. It is time for American Modern Orthodoxy to step up for a fair sharing of the Wall and its Plaza with all sectors of Jewry in Israel and in the diaspora.

In truth, I believe that Modern Orthodoxy owes an apology to the Women of the Wall for remaining silent while they were being harassed and denied their religious rights by authorities misusing the levers of a democratic society. However, given the present balance of power in Orthodoxy and the disproportionate influence of the haredim on the current Modern Orthodox establishment, I do not believe that realistically could happen – so I do not propose it. However, the time is now – and the community opinion is ripe – to speak up and to support the Sharansky proposal. This act would honor Orthodoxy. And a fair sharing will restore the dignity and luster of the Kotel as an ancient/eternal place of holiness and *mentschlichkeit* where Jews are united before God.