



IN MEMORIAM

Rabbi Yehuda Herzl Henkin, *zt"l*

A Grandson in the Tradition of His Grandfather

By Rabbi Michael J. Broyde

Rabbi Yehuda Henkin returned his soul to his maker on 9 *Tevet* 5781 (December 24, 2020), and his *shloshim* (thirty-day commemoration period) has just ended. This is a moment for all of us to reflect on his accomplishments and who he was.

Rabbi Henkin was first and foremost a modern Orthodox authority, a *posek*. He was not only a person to whom our community directed their questions, but he was a product of our community, as well. He was born in Pennsylvania in 1945 and raised in Connecticut where his father worked in Jewish education. He went to the Yeshivah of Flatbush High School, graduated in 1962, and studied many years with his grandfather, the great Rabbi Yosef Eliyahu Henkin, *zt"l*. During this time, he also studied and graduated from Columbia University. Shortly thereafter, he moved to Israel and served as rabbi of the Beit She'an district before moving to Jerusalem. In Jerusalem, he worked closely with his wife, Rabbanit Chana Henkin, the Founder and Dean of Nishmat: The Jeanie Schottenstein Center for Advanced Torah Study for Women to further the cause of advanced Torah study for women unseen anywhere else. Our community would be very different if not for his profound support of women studying Torah.

To describe Rabbi Henkin by that singular – albeit incredible – accomplishment of advanced Torah study for women would be incomplete, to say the least. It would be like simply describing his grandfather, *zt"l*, as the author of the *Ezras Torah Luach* – a true but very incomplete portrayal of the great scholar he was. “Rabbi Henkin the Younger,” as I’ve heard him described, was a classical *‘posek’* – an authority in all areas of Jewish Law with all its nuances, forms, and complexities. His influence and the *teshuvot* he wrote went far and wide and were not merely confined to the walls of Nishmat. Like his grandfather, Rabbi Henkin considered the *Aruch HaShulchan* to be a more complete and authoritative work than the *Mishnah Berurah* because it covers nearly all of *halacha*. This reflected his belief that broader works demonstrate a deeper consistency of halachic principles and are to be followed when the law is uncertain.

An example of this can be found in his extremely important *teshuvot*, *Benei Banim* 3:38 and 3:39, which deal with a question commonly asked by couples who fulfilled the mitzvah of having children, and wish to have more, but desire to engage in chorionic villus sampling (CVS) to learn whether the fetus has any genetic disorders. As Rabbi Henkin notes, and the medical literature confirms, CVS can and has been done before the fortieth day of pregnancy making an abortion much less problematic than normal. Abortions in such instances are permitted by a number of halachic authorities.

In the course of this two-chapter *teshuva*, one sees a Torah scholar comfortable in even the most important, sensitive, and complicated questions. He starts the *teshuva* by noting that even the late and great Rabbi Moshe Feinstein – who generally opposed all abortions – agreed that this issue was a complex matter in which the answer

was not completely clear. The next pages are devoted to exploring the views of Rambam, Ritva, Meri, Ran, Bahag, Rosh, and Ramban, and then returning to the Talmudic sources. He notes that the overwhelming majority of *rishonim* are of the opinion that abortions before forty days are



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permissible in cases of serious need. As such, he argues that women should be encouraged to have additional children even if it means undergoing CVS to verify the fetus’ health. He concludes with the disclaimer that as a matter of public policy this lenient ruling should not be overly disseminated lest people err in permitting later term abortions as well.

This *teshuva* is actually much more important than it appears. This is because our community struggles with balancing its desire to have more children with the difficulties of raising mentally disabled children. This includes Down Syndrome whose prevalence is often proportionate to the age of the mother at conception. Here we see Rabbi Henkin acting as both a *posek* (one who answers halachic questions) and a *manhig* (a leader) encouraging people to engage in discretionary and responsible reproduction. Countless couples have decided to have more children because of such *teshuvot*.

This is not the only example of Rabbi Henkin’s greatness. The same can be said about his four responsa (*teshuvot*) on the conversion of children. In these *teshuvot*, he recognizes and deals with the halachic, cultural, and social issues. The halachic issue is that conversion requires acceptance of the Torah’s commandments and it is impossible to demand such acceptance from chil-

dren. Rabbi Henkin (*Benei Banim* 2:36 and 3:13-14, 3:22) distinguishes between two scenarios of conversion. One is when a child is converted because a rabbinical court feels that the conversion of the child is proper, and the child will accept the commandments. The other, as he demonstrates from Ritva, is when a child is converted in order to harmonize the status of the child with their parents.

In the latter scenario, Rabbi Henkin argues that a rabbinical court can convert a child at the parents request without the need for the court to serve as an agent to accept the commandments on the child’s behalf. Furthermore, he shows that it is completely legitimate for a rabbinical court to condition the conversion on the children attending Orthodox schools until bar or bat mitzvah. Indeed, this position has become standard in the conversion of children in America. Rabbi Henkin recognized a basic cultural, social, and religious need, namely, that parents and children be of the same faith.

One cannot discuss Rabbi Yehuda Herzl Henkin, *zt"l*, without a word about his unique personality. Although much more can be said, it is important to emphasize that Rabbi Henkin was understanding and wise. He was one who grasped that different communities have different norms and that Orthodox Judaism could thrive in more than one milieu. He recognized that sometimes the correct ruling depended on communal and social norms. Having experienced so much in his life, his childhood in Connecticut, his time studying with his grandfather in New York’s Lower East Side, the cultural tumult of Columbia University, the post Yom Kippur war poverty of Beit She’an, and life in Jerusalem with its different subcultures and languages, he understood well that context was important. This made him an excellent listener to the questions he was asked.

Asking him a question (*shaila*) was – I found – a valuable lesson in how to ask and answer questions. He always asked detailed follow up questions in a way that let the questioner think that he was actually participating in determining Rabbi Henkin’s answer. And he did this with a kind voice and a pleasant demeanor.

Rabbi Henkin was a *posek* of and in the Modern Orthodox community who demonstrated that the methodology of halacha was timeless and multi-generational. He always insisted that his grandfather would have approved of his rulings – hence the title of his *teshuvot* “*Benei Banim*” meaning “of a grandson.”

Rabbi Henkin was the grandson of one of the leading authorities in America who became a Torah giant himself. He will be missed and will not be easily replaced. Like his grandfather.

Rabbi Michael J. Broyde asked questions of Rabbi Yehuda Henkin over the years. He is a professor of Law at Emory University. He served as the Founding Rabbi of the Young Israel in Atlanta and was the director of the Beth Din of America.