

Will There Be Orthodox Women Rabbis?

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I. The Disturbance.

SEVERAL MONTHS AGO, SHORTLY BEFORE THE Jewish Theological Seminary faculty was to take its historic vote, I received a phone call from a dear and longtime friend, a woman of good standing, reputation, and influence in the Orthodox community. "I just wanted to know how you feel about the ordination of women," she said. Detecting an edge in her voice, and not wanting to enter into a confrontation, yet not willing to tailor my response to her needs, either, I replied as softly and simply as I could, "Well, I feel quite favorable." Pause. "Aha," she said, "so you don't believe in *Torah min hashamayim!*" And the conversation went downhill from there.

On no other issue that I can remember have emotions run quite so high. Whereas the Orthodox community hardly took notice of the Reform ordination of women in 1973 or that of Reconstructionism in 1975, now the Modern Orthodox community, if not exactly abuzz, is certainly examining the issue from a sober, somber distance. After shul on the Shabbat following the vote, another friend approached me; with a twinkle in his eye, a grin on his lips, and an irony in his voice, he said, "The party line is this: the Orthodox will accept women as rabbis — when the Reform and Conservative ordain goyim."

The hostility is almost palpable. The issue has now moved one step closer to home, particularly so since the dissidents in Conservative Judaism are of similar, if not identical, bent, to the Modern Orthodox in their opposition to women's ordination.

Some in the Orthodox community view the matter as a logical extension of the various break-away steps of Conservative Judaism during the past thirty years: allowing women to read the Torah at services (1955); counting women as part of the spiritual congregation (1973); ruling by narrow majority in the Law Committee to allow women to serve as witnesses in matters of the bet din (1974). Ordination of women, then, was simply an inexorable move which further confirmed — that Conservative Judaism must be written off!

Others in the Orthodox community now view it as a disaster for Conservative Judaism, a move that will splinter the movement into liberal and

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traditional wings, with the dissidents falling into our arms. Indeed, Rabbi Soloveitchik has said that the RCA should accept the applications of those who voted against the measure, i.e., those who have done *teshuvah* regarding Conservative Judaism.

So the Orthodox community, by and large, is unalterably opposed to the ordination of women. Its opposition is expressed in terms of ruling and precedent, process and politics. The bottom line response is that "it is against halakhah for women to be given *semikhah*." With that, I must concur: it is against halakhah, as halakhah, past and present, is currently interpreted by the leading Orthodox *poskim*.

II. *The Odyssey*.

Theologies are often colored by our personal experiences. Before dealing with the theoretical issues, therefore, let us trace for a moment the circumstances by which women who locate themselves squarely within the Orthodox community can come to view the matter of ordination of women favorably, and even dream of it ultimately taking place within Orthodox Judaism. It is instructive occasionally to reconstitute the events that carry us to a new place in our thinking. How have we reached the point where we question the adequacy of the response that "halakhah says you may not do this or become that, because you are a woman." I have tried somewhat to locate the point at which I crossed the border from dutifulness and acceptance of givens to disagreement and chafing at the outer limits. I know not where that exact point is, but I can recall many moments of wonder, of questioning:

A. *The power of alternate models*. In 1972, I read an article about the forthcoming ordination of Rabbi Sally Preisand at Hebrew Union College. I was, to put it mildly, horrified. Someone had crossed the line. "It is against halakhah," I argued. "Other things I can understand, but women as rabbis — never! There goes Reform Judaism again . . ." Startled by the whole matter, I followed her career with some curiosity. It was not distinguished, but it was not undistinguished either. It was exactly the same as that of any rabbi starting out in his chosen profession. I went from asking, "What on earth is this woman doing?" to, "What is she doing?" to "Why is she doing it?" to "Why not?"

My questions changed their nature and tone over the course of several years. I had to digest each new task that she, and then other female rabbis, were performing. Teaching, yes; but officiating at a funeral? Why would anyone want a woman to officiate at a funeral? I asked myself. Why would any family, in its moment of bereavement, break with tradition? It took me three years to understand that, to a family in a moment of grief, it does not matter whether the source of consolation and of Jewish communal representation is male or female. Officiating at services — I had

become adjusted to that for Reform Judaism, but to consecrate marriage? A stigma would forever be attached to this Jewish couple.

With great difficulty, I finally had to ask myself what was so terrible about a woman's being that she could not perform these functions? After all, performing marriage is a sacred function and not a sacramental one (such as the sacraments of Temple times performed only by men born into the priestly class). In fact, halakhah permits any lay Jew to perform these functions, such as marriage and funeral rites, as long as the proper procedures are followed. There is nothing intrinsic to the rabbinic role that a woman cannot do. Therefore, her exclusion was only a matter of gender, which evolved from a cultural rather than a religious base. The model of women rabbis taught me that perhaps the problem lay not with women but with community and its conditioning.

B. *False aspersions on the class of women*. [The domino theory of exemption.] One afternoon in the Spring of 1973, as I sat at my desk sifting through the mail, I came across a very moving monograph in which the eminent *posek*, Rav Yosef Eliahu Henkin, *z'l*, was memorialized on the occasion of his fifth *yahzeit*. The piece described his erudition, his depth of understanding of halakhah, and his sensitivity towards human beings. Suddenly, a passage leaped out at me. "He had great patience for the questions of the plain folk and the women." While it would be unfair to say that the great Rav Henkin felt this way, here it was, in 1973, with women as Presidents and Prime Ministers and bankers, philosophers, scientists, professors, lawyers, doctors, that an Orthodox writer could still be talking about women and their *veiberische* questions. A whole class of simple-questioned women! The writer and his readers would be convinced otherwise only when women stood among them as equals.

C. *Insights of the unconditioned*. One evening, as I sat in usual attendance while my then seven year-old took her nightly bath, I heard a most uncommon thought pass her lips. She was musing about what she might become as an adult. . . . maybe I'll be a rabbi, or maybe Golda Meir, or maybe [I must admit it] Cher." And, in an instant, she was on to something else. Where ever did she get the idea that she could be a rabbi? I silently wondered. Certainly not from her parents or siblings, who had not yet heard of women rabbis. Certainly not from her grandparents, all rabbis and wives. Certainly not from the several generations of male rabbinic models before them.

Never since has she mentioned that option again. I think I know why. At age seven, and partly a product of Free-to-be, she sought the most exciting models in her life; among them her father, a rabbi. Some time thereafter, she was undoubtedly socialized to a different reality, to different expectations. Meanwhile, she had afforded me the challenge of surprise.

D. *The compatibility of women and Torah learning*. Whosoever has not witnessed *tikkun leil Shavuot* in the holy city has not seen joy in his lifetime

... I have seen such joy. In 1981, I happened to be in Jerusalem during Shavuot. At 4:00 A.M., just as the sun was beginning to rise, Jerusalemites young and old, Jerusalemites by the thousands, came out of the darkness of night to gather at the *hotel for Shaharit*. In the crowd of women on my side of the *mehizah* was a most impressive group — a very new group, as Jewish history counts time. Numbering at least five hundred, they were young women in their late teens and early twenties who had come to spend a year in Israel in pursuit of Torah knowledge. They were students at the dozen or so institutions in Israel dedicated solely to the advancement of women in higher religious education — Mikhalah, Makhon Gold, Brovender's, Ohr Sameah, to name but a few. Like their male counterparts, the primary purpose of these young women for being in Israel was *Torah lishmah!* All of those I spoke to on that early morning, and presumably all the others there, had spent the night in learning. Would any of the rabbis who instruct them, or any of the parents who sent them, or any of the students or children whom they will someday teach, say of them, "*Nashim daatan kalot*" (women are light-minded)?

As I talked with them, I thought of Nechama Leibowitz, the preeminent teacher of *Tanakh* now instructing a third generation of students in Israel. I thought of the young children at my local day school, SAR Academy in Riverdale, and at Ramaz High School in Manhattan where girls were studying Talmud exactly and as well as their brothers. I thought of Judith Hauptman, perhaps the first woman to teach Talmudic law since the time of Beruriah. As I looked at these beautiful, spirited, devout young women, I wondered to myself: who among them will make Talmud Torah her life's work? How much longer before one of them amasses the knowledge equal to that of a *gadol hatorah*?

III. Women and *semikhah* — creating the modella conceptual framework for reinterpreting the law.

To say that it should be thus and so, simply because one wants it or likes it or deems it to be possible, is to be downright silly about such weighty matters. It is also to ignore several thousand years of tradition and legislation regarding male exclusiveness in the pursuits and fruits of Torah study. Therefore, and inasmuch as all of halakhah is understood and interpreted in a theoretical/theological framework, let us attempt to construct a model whereby women can be mainstreamed into the rabbinic enterprise.

A. *Searching for a principle of sexual equality in Judaism*. One doesn't have to search very far. The basic principle, to be found early in Scriptures, is that each person is created in the image of God (Genesis, 1:26). Male and female, species specific, but each in the image of God. Distinctive, yet equal. How does this distinctiveness manifest itself? Primarily through biology, but also through definitions of role and function

which are largely determined from a social context, and not out of divine necessity.

Another source for understanding the essence of the human being comes to us in the form of an admonition to witnesses who will make life and death judgments about their peers:

You must know that his blood (the person to be executed) and the blood of his posterity will be at his door to the end of the world. . . . Therefore was a single human created first a) to teach that if anyone destroys a single soul from the children of Adam, Scripture charges him as if he had destroyed a whole world. . . . b) [to teach] that no one may say as another, "My ancestor was greater than your ancestor. . . ." [to teach] the greatness of God. . . . for man stamps many coins with one die and they are alike, but God . . . has stamped all mankind with the die of the first man yet no one of them is like any other (*Sanhedin*, 4:5).

Thus, we learn that each person, male and female, is of infinite value, is equal to every other, and is unique.¹

Sexual hierarchy, which includes closing off access on the basis of sex, is not the preferred model. To the extent that it appears in Scriptural sources, it is given in the form of a punishment: "*Ve'ehu yimshol bakh*" (He shall rule over you) (Genesis 3:16) is the curse placed on woman when banished from Paradise. It is a symbol of the brokenness and unfinished nature of the world, not something to be glorified.² Original sin is not a staple of Jewish theology; we can learn from the text on hierarchy-as-punishment that the ideal state is equality and that, as Jews, we continually move toward it until it will be fully realized in the messianic age.

Distinctiveness of species, yes; but not hierarchy of social function. Biological uniqueness of male and female, yes; but not discrepancies in mental or emotional capacity. That does not mean that every non-biological role and function must be identical for male and female, but it does mean that the global distinctions, such as men/learning/prayer and women/*niddah/hallah/nerot* are far too broad as categories.

B. *Ve Talmud Torah kneged kulam* (Peah 1:1). There is, indeed, no measure to the value of learning. Learning, Jewish scholarship, is the great pride, the unique and primary characteristic of a Jew.

What about women and learning? A spotty history! Women were excluded from the arena of knowledge; they were not welcome in the *bet midrash*. They knew nothing of the inner workings of rabbinic texts. There is not a female name among the *rishonim*, *aharonim*, compilers of codes, *teshuvoth*, works of halakhah, *aggadah*, and *musar*. To our collective pride, the list is very long! But it is not the product of a "collective genius . . . but rather the collective half-genius."³

Why is it, one wonders, that women were excluded from the compel-

1. See Irving Greenberg, "Dialogue on Creation," 92nd St. Y tapes: October 19, 1983.

2. *Ibid.*

3. See Cynthia Ozick, "Notes Towards Finding the Right Question," *Litlib* (Fall 1981).

ling *mizvah* of Talmud Torah? Why is it that the entire female class was disconnected from the basic nurturing source of the Jewish soul? One must consider all possible reasons:

1) Is it because Talmud Torah is a positive commandment that must be performed within a limited period of time and, therefore, falls within the general exemption of women? No, for the *mizvah* of Talmud Torah is open-ended: "And you shall study it day and night" (Joshua 1:8).

2) Is it because the Torah teaches us *veshinantam levanecha* (Deuteronomy 6:7), on which the Rabbis expound, "to your sons and not to your daughters" (*Kiddushin* 29b)? I would submit that tradition interpreted Scriptures in that way because in every generation the Torah is interpreted in the light of historical conditions. Indeed, the Torah intentionally addressed human beings in a manner appropriate to their condition. Perhaps that is the ultimate meaning of *dibrah Torah bilshon bnai adam*. It is an expression both of God's love for humanity in its limited condition and of God's role as master teacher.

A clear case in point of the arbitrary nature of the scriptural peg is that elsewhere — many elsewheres — *banim* is interpreted as children, and not as only one-half of the children of Israel. Perhaps the gloss should now read, "to your sons and not to your daughters, in that time and not in this time."

3) Is it because the whole class of women was deemed incapable?⁴ An absurdity! Then, as now, women were blessed with mental capacity and mental energy equal to that of men. Then, as now, all was understood at some level that it was a myth, a non-corroborative, self-reinforcing myth that led nowhere.

4) Is it that the pursuit of Talmud Torah would conflict with women's household and nurturing duties? Perhaps so. But we now understand that, with greater longevity and proper training, women can raise families and also do many other meaningful things in their lifetimes. Just because a woman opens her mind does not necessarily mean that she must shut her womb. Talmud Torah as a lifelong "profession" for women would be no more dangerous to the Jewish family than would be medicine, law, or a host of other choices which are now accepted even in the most traditional sectors, including those where women work in order to enable their husbands to learn and to teach Torah.

5) Is it that Talmud Torah breached the borders of *zniut*? Today, women are no longer contained in their homes, insulated from culture and society. Exposure to Torah learning is hardly likely to diminish their morality or their ethics.

6) Finally, there is one more question we must ask, relating to the exclusion of women from study of Torah. Is it that the great Jewish learning enterprise, in addition to being *Torah lishmah*, was, and also is, an

4. *Sotah* 3:4; *Kiddushin* 80b; *Shabbat* 33b; Maimonides, *Codes, Hilkhot Talmud Torah* 1:13.

access route, an empowering force to religious authority, to interpretive keys, to spiritual leadership — all of which were not to be placed in the hands of women because these were simply not roles considered proper for them? Opening the access route would have opened up the Pandora's box. So those who kept women apart from rabbinic texts made the correct tactical moves.

But now that the access route has been opened by dedicated *rebbeim*, learned teachers, and by the fine minds of women, it can never be closed again. Female compatibility with Torah learning, once established, can never be taken away.

C. *It goes without saying that semikhah is tied to learning.* It is not a physical appendage or sexual characteristic that earns one the title of *Rav b'Yisrael*. It is knowledge and piety; it is mastery of rabbinic texts and of halakhic codes.

Semikhah represents the great flowering of the merit system, from the days of the *Hurban* onwards. Up to the destruction of the Second Temple, the priests were the primary agents of ritual and religious ceremony. The Pharisaic revolution, which was increasingly consolidated after the *Hurban*, was one of the great transformations in Judaism. Religious leadership no longer depended on genetics but, rather, on ability. One had to earn, through scholarship and piety, the title of *Rav*. It was a symbol of the growing democratization of Jewish life. That principle — of merit over birth — ought now to be broadened to include all Jews.

D. *Constructing the model: let us combine the three concepts.* 1. The equality of male and female in the image of God, which means the equality of male and female in their potential to become more Godlike. This includes men as nurturers of children, and women as learners of Torah. 2. Understanding as Jews that the study of Torah is a high order of business for a Jew, if not the highest order in a variety of spiritual responses. For a variety of non-theological reasons, the whole enterprise was closed off to women through most of our history. 3. *Semikhah* is the recognition of accomplishment, of accumulation of knowledge and ability to handle rabbinic texts. It is a function of merit and not of gender.

A coalescence these three themes should lead us to a desire to compensate for past deprivation and fully to encourage women in Talmud Torah up to, and including, the formal recognition — *semikhah* — for those who achieve in this area.

IV. *The Process.*

In reading the adverse criticism on the Seminary vote, I could not help but note how much of it centered on the issue of process. The dissidents, as well as many in the Orthodox community, argued that the decision was made by majority vote rather than by rabbinic fiat of one

knowledgeable in Jewish law. As I listened to, and read, the debates, two rabbinic pericopes flashed into mind:

Once it happened that Rosh Hashanah fell on the Sabbath, and all the villagers gathered in Yavneh to hear the shofar. Rabbi Yohanan ben Zakkai said to the *B'nai Betara*, "Let us sound the shofar." They said to him, "Let us discuss the matter" [For the law was that if the New Year fell on a Sabbath, they could blow the shofar in Jerusalem but not in any other place.] He said to them, "Let us sound the shofar and afterwards we will discuss it." They blew the shofar, and then they said to him, "Now let us discuss it." He said to them, "The shofar has already been heard in Yavneh. After the fact it no longer warrants discussion" (*Rosh Hashanah*, 29b).

The second story is even more dramatic. Rabbi Eliezer ruled on a matter of ritual piety; the *hakhamim* disagreed. Though R. Eliezer brought proof from heaven and earth, he was, nevertheless, "outvoted." "The Torah is not in the heavens!" (*Baba Mezia* 59b). The ruling of those presumably less accurate and less knowledgeable was accepted.

This is surely not to compare the faculty of the Jewish Theological Seminary to the Sages of yore. It is, however, to point out that as far back as those more "sacred" times, Jews argued over alternate models of process.

Moreover, these two stories, and countless others, attest to the fact that process is not antithetical to halakha. Halakha is fixed, halakha is revelatory, but it is also dynamic. Process, or the pattern of reinterpreting matters of ritual, did not end with the Talmud. Nor did it occur in a vacuum. The twelfth century winegrowers of Champagne, for example, were permitted dealings in what formerly would have been classified as *yayin nesech* because Rashi and Rabbenu Tam understood that business considerations, the "felt needs of the times," were not to be ignored in interpreting and re-interpreting ritual law.⁵ If the law could be reinterpreted for business reasons, how much more so for ethical considerations in our day?

In the Orthodox community, the ordination of women is not perceived as an ethical issue, largely because the majority of women do not feel that way. But with time, and with increased education, it will not be long before women will understand the enormity of their deprivation for all these centuries past.

In truth, we can almost set aside the issue of process for it is well underway as regards women's experience in the obligation to study Torah. From Rabbi Samson Raphael Hirsch to Sarah Schneier there was a quantum leap. From Sarah Schneier to our own day, another one. We see women learning as never before in the Orthodox community. Young girls study Talmudic texts in a way that was not done even a bare decade ago.

The question has been asked: "Should women recite the morning

5. Hayim Soloveitchik, "Can Halakhi Texts Talk History?" in *Association for Jewish Studies Review*, III (1978): 153-197.

blessing of learning Torah? Yes, is the halakhi answer.⁶ In a contemporary *teshuvah* regarding the permissibility of teaching *Torah she be'al peh* to women, a distinguished *posek* wrote: "Anyone who does not teach his daughter knowledge of God (*da'as Hashem*) . . . it is as if he is teaching her *tiflus* (lewdness, vacuity, trivia)."⁷ The language is not an accident. With full awareness, Rabbi Zalman Sorotskin, *z'l*, thereby reversed the famous dictum of Rabbi Eliezer which undergirded the exclusion of women from learning for the past two millennia. There is no parent of a daughter in the traditional community who would any longer say ". . . only your sons and not your daughters." It seems but a matter of time that a woman, who is as well versed in rabbinic sources as a male who studies for the *be'hinah*, will say to herself, "Why not me?"

V. *The domino effect: women and ritual practice.*

In addition to argument about process, there is the objection to women's ordination on the grounds of attendant functions: women cannot serve as rabbis because they cannot serve as witnesses in marriage and divorce proceedings, because they cannot formally be part of public worship, because they cannot be liturgical leaders, because they should not overstep the boundaries of modesty . . . Indeed, these are questions that will arise in the future, just as we are now asking new questions about women and learning that would not have occurred to us a hundred years ago. Meanwhile, the issue of qualification is altogether separable from the issue of function. Function is dependent on community receptivity, whereas qualification and the official stamp thereof is dependent solely on a person's achievement, on one's expertise in Jewish law and rabbinic texts. There are countless men, perhaps the overwhelming number, who are ordained in the Orthodox community, yet do not perform any functions additional to those of their lay fellows. So be it for women.

VI. *Community.*

Nevertheless, community is a large and significant factor; not only the community of women with new ideas but the community in which we are nurtured and locate ourselves.

The accusation, or fear, that ordination of women is destroying Judaism, tinkering with halakha, denying tradition, is not to be ignored, for it comes from those who love the tradition and who fear for its survival, not from those who want to abandon it. One must be sensitive to the fact that their pain and anguish comes out of a boundless desire to perpetuate *yiddishkeit* and not a simplified or regressive need to put women down. Still, their fears and even the divisiveness that these new

6. *Shulhan Arukh, Orah Hayyim* 47:14.

7. Zalman Sorotskin, *Motzeyim Lamishpat* #43 (Jerusalem, 1955).

moves will engender within the Orthodox community are not sufficient factors for holding women back. Therefore, I believe that women's ordination in Orthodoxy will continue to unfold in gradual stages. In the beginning, there will be the creation of institutions of higher learning for women to pursue parallel rabbinic studies. Two such institutions already exist: one is Drishah, which has been functioning in New York City for several years, under the direction of Rabbi David Silber. There no one discusses ordination, though women are proceeding apace with their rabbinic studies. The second is a new yeshiva, to be opened in Efrat, under the aegis of Rabbi Shlomo Riskin. At Midreshet Lindenbaum, as it is called, women will have essentially the same learning experiences as do the young men in a *yeshivah gedolah*, i.e., the study of Talmud and post-Talmudic rabbinic texts as the major focus.

In the beginning, there might be the inclusion of women in existing programs of rabbinic studies for men, such as is the case at the Bernard Revel Graduate School at Yeshiva University. To date, no woman has majored in rabbinic studies, but by the time we reach the mid-eighties that, too, will surely be a reality.

Perhaps, when the Orthodox community has produced a well-learned and deeply pious woman, there will be a small cluster of rabbis who will be willing to ordain her, rabbis who will not be fearful of the opprobrium of their fellows. Similarly, the process of acceptance by community will take place in stages. The first woman ordained in the Orthodox community will surely not seek a congregational pulpit, for that would lead only to frustration. Until such time as the issues of women in witnessing or women in liturgical roles come under scrutiny, it seems highly unlikely that an Orthodox congregation would consider a woman for its religious leadership. Meanwhile, there are numerous other roles for an Orthodox female rabbi. The first steps might be as a teacher, a *rosh yeshivah*, or a rabbi of a women's tefilah group, or a position in the secular organizational structure that calls for the title of rabbi. Another milestone would be for a woman to write *piskei halakhah* and *teshuvot*. Perhaps all of these would take a generation; perhaps two or three. It would be a small price to pay for diminishing strife and making solid irreversible gains. I, for one, would be content to see the very first step — *semikhah* — taken in my lifetime.

Therefore, I believe that women's ordination will continue to unfold in gradual stages.

VII. Conclusion.

The task of those who propose an enlarged role for women, as well as those who will serve as models, is to communicate the real agenda of Orthodox women: that it is not a feminization of Judaism but a heightened Jewishness of females; that women are seeking greater access and

fuller entry into the religious and spiritual life of the community — and not the easy way out; that women who love the pursuit of Talmud Torah want to enter that world more fully; that encouraging women through ordination is ultimately building up the fund of knowledgeable, learned Jews in this generation and generations to come.

Will it happen in my lifetime? I am optimistic. At this moment in history, I am well aware that the Orthodox community would not accept a woman as a rabbi. Yet, we are moving towards a unique moment in history. More than any other, the Orthodox community has widely educated its women in Torah studies. Thus, though it rejects the formal entry of women into rabbinic studies, *de facto*, through the broad sweep of day school, yeshiva high school education and beyond, it has ushered them, as a whole community, into the learning enterprise. At the very same moment in time, Reform, Reconstructionist, and Conservative Judaism are providing us with models of women as rabbis. At some point in the not-too-distant future, I believe, the two will intersect: more learned women in the Orthodox community and the model of women in leadership positions in the other denominations. When that happens, history will take us where it takes us. That holds much promise for the likes of me.

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