

RAL and Ordination for Women

Class 22

Shlomo Zuckier

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1. Aharon Lichtenstein, "Women in Leadership," Tradition 49:1 (2016), pp. 31-35

We are grateful to Rav Lichtenstein's family for providing a final version of remarks presented at the 2010 RCA Convention and for agreeing to its publication in Tradition. Rabbi Dr. Aharon Lichtenstein, zts"l, was a longstanding Rosh Yeshiva at Yeshivat Har Etzion and Rosh Kollel at RIETS and the Gruss Institute.

The issue under consideration, i.e., the place of women in leadership – and, more specifically, clerical – roles, has aroused much discussion and considerable controversy, in recent decades, in both the general religious scene and in our Jewish bailiwick. It impinges upon many areas concerning the place of women – social, economic, domestic – both pragmatic and spiritual, and is, in turn affected by them. Multi-layered and multifaceted, it has wide ramifications; and yet, for us, has, first and foremost, much local meaning, and hence bears examination, with an eye to Halakhic and hashkafic sources and factors.

From the outset, we need to define what we regard as leadership – with respect to its constitutive essence, its functional exercise, and the mode of its attainment. With regard to all three, we may distinguish between two strands. As regards the political, socioeconomic, and cultural realms, it is generally associated with preeminence growing out of success in an area of endeavor, and confers, practically, a modicum of power. Not officially, not formally, but pragmatically. It is generally linked to forces of personality and depth of insight, both related to the ability to energize one's context, to galvanize individuals and groups, to harness charisma as a vehicle of influencing and inspiring others; to utilize talents in order to promote an agenda.

On the other hand, there is a strand of leadership which is, formally and technically, conferred, controlled and, possibly, legislated. Whether by election or selection a person is endowed with responsibility, and, within a system which is both contextual and normative, may then serve at the interface at which the spiritual and the material converge.

What is the import of this description for the Torah world, and where does it leave committed Orthodox women who are loyal and even submissive to Halakhah, and yet many of whom are desirous for a larger share of the mantle of leadership and are clamoring for greater recognition and responsibility? Moreover, the issue is exacerbated, in one sense, and palliated, in another, by the fact that many women regard themselves as motivated, not by the more general feminist impulse for a more equitable division of control, but, rather, by genuine religious passion, by greater opportunity for leadership in *kiyyum ha-mitsvot*, in *harbatsat Torah*, in enlarging the forum for quantitatively greater and qualitatively richer religious experience.

Part of our Torah community's response had already been anticipated by a familiar *pasuk* in Proverbs (1:8), which antedates the modern era and its dilemmas by far: *Shema beni musar avikha ve-al tittosh torat immekha*. The text does not specify what that maternal credo is. The Rav zts"l generally interpreted the term as referring to intuitive wisdom, the existential and experiential *bina yeteira* with which womankind has been endowed, as contrasted with the more cognitive, discursive, and often aggressive impulse which characterizes the masculine world. Surely, however, there is a leitmotif which stresses that the Torah universe, in molding its attitude to women, seeks to challenge the prevalent Western emphasis upon power as the barometer of meaning and value in life and to enhance the place of spirituality. We regard the Torah's emphasis upon the metaphysical equality of Adam and Eve at the dawn of creation, or of both genders at the covenantal encounters at Sinai or Arvot Moav, as infinitely more meaningful than the division of the pie of mastery. Our heroines are not Medea, Clytemnestra, or Lady Macbeth of Western drama, or Joan of Arc, Elizabeth the subduer of the Spanish Armada, or Catherine who westernized St. Petersburg. Ours are the imahot, Miriam, and Hannah, from whom we have learned how to engage in *tefillah*.

That message is crucial, and yet, for many, it does not fully satisfy. In surveying the current scene and its projected trajectory, Orthodox women express varying attitudes. Some find that scene deeply troubling, and cast the blame at the doorstep of the Halakhic establishment. Where there is a Rabbinic will, they intone, there is a Halakhic way; and if, as they insist, something is rotten in the state of Denmark, its wardens are responsible. Given the cultural climate conducive to the efflorescence of such a feeling, its provenance is understandable; but, at the same time, thoroughly regrettable. Its accusatory charges, are, in effect, aimed at Malko Shel Olam, no less than at His emissaries; and the implication that only the secular establishment is sensitive to human needs and/or suffering is blatantly damning.

At the other pole, we encounter voices of those who may be equally critical of the current state of affairs, but who contend that engaging the system is pointless, as it is archaically fossilized, immune to all criticism, weighed down and frozen by the welter of its details, and totally lacking the courage or the ability to initiate rehabilitation or reconstruction. They envision passivity as “the only hope or else despair,” in Eliot’s phrase, and regard resignation or the launching of a competing store as the sole solution. This, too, is a lamentable conclusion, both because it is false – some of the most critical and most momentous aspects of human life, such as the character of intrafamilial relations are assigned to the realm of *devar ha-reshut* – and because it is immobilizing.

There are, of course, other, more moderate voices, of two different persuasions. Many more traditionally oriented women are fully satisfied, personally and communally, with the current situation, either because it meets their aspirations or because as they survey the recent damage inflicted upon the fabric of family life by tinkering innovation, are convinced that the game is not worth the candle. They appreciate the perceived fundamental stability of previous eras and are not perturbed by the price of several male reservations – and may even regard these *arei ha-leviyyim* as a positive factor.

Yet, everything considered, we sense, collectively – some of us in sympathy with suggestions for greater access to leadership roles for women, and some recoiling from them – that the level of satisfaction is not quite what we desire. And, while obviously not all of the suggestions, or their rationales, are of equal worth, their prevalence per se is challenging *eizeh derekh yishkon* or. How should we guide and in which direction ought we best move?

The question is both technical and substantive, tactical no less than strategic; and any attempt to approach its resolution intelligently and effectively should begin with the recognition that a facile uniform solution will not do. Communities differ widely with respect to composition, context and location, as well as in internal and broader social dynamics. They differ likewise with respect to more definitively spiritual variables – the level of Torah knowledge, of Halakhic commitment, of spiritual aspiration and direction, the nature of their desiderata and of the means preferred or required to attain them. They differ, hence, in their relation to their specific *mora de-atra* and to the world which he represents. Consequently, what is avidly *davar ha-nishma* in one *kehilla* may be wholly beyond the pale in another; and vice versa. *Az nidberu yir’ei Hashem: talmidei hakhamim* may and should engage in learned discourse with respect to the needs and options relevant to our topic, analyzing the advisability and pace of innovation, at a general plane; but successful implementation must allow, within Halakhic limits, for a measure of flexibility. Finally, differential sensitivity is critical in relating, with respect to our issue, to the aspirants for leadership and to their spiritual orientation, with an eye to the likely result of modes of interaction and their desired results.

In doing so, we need to sharpen our awareness of what F.H. Bradley termed, “my station and its duties;” or, in the language of the *Mesillat Yesharim*, personal knowledge of *hovato be-olamo*. In this respect, our Torah world has been much enriched during the last generation by the significant growth of *talmud Torah* on the part of serious and committed *benot Torah*. This factor should, *inter alia*, help create the likelihood that informal and unlegislated leadership as manifested by women can be a positive religious stimulus, expanding Torah knowledge even as it intensifies Torah commitment. It will enable qualified women to participate in Halakhic discourse, through the written and spoken word, without raising troublesome hackles among the denizens of traditional *batei midrash*.

Admittedly, this prospect could arouse opposition by recourse to a text which, in one respect, bespeaks an attitude and, in another, directs and possibly even mandates conduct. I refer to the description kol kevuda bat melekh penima, which appears in a number of Halakhic contexts. This element must obviously be confronted and, as one factor among many, can exert some force even in the context I have envisioned. Moreover, some of the aforementioned applications are, in the modern world, more honored in the breach than in the observance; and this, too, may be borne in mind, although to what extent remains an open question.

With respect to some limited issues currently in debate, Halakhah of course determines our standard. However, we should, earnestly and honestly, strive to ascertain that our Halakhic judgment be sound and comprehensive. In this connection, serious and responsible posekim, impeccably committed and with catholicity of Torah knowledge, should, I believe, give greater weight than, in recent generations, has been assigned, to the dispensation of la'asot nahat ruah le-nashim, cited in the Gemara and in Shulhan Arukh as the basis for permitting what might otherwise have been proscribed. This is, admittedly, a possibly risky proposition, and one can understand the reluctance of posekim to resort to this factor. But if we want to sustain the integrity of a pesak, we ought at least to give this element consideration.

The thornier problem is of course the issue of conferred or legislated leadership. In practice, this issue decomposes into two separate problems – the role of officer in a shul and semikha for women. For lack of time, I cannot give these questions the attention they deserve. I shall therefore have to content myself, as will the reader, with a pithy bottom line summary. I am convinced that most of the points raised with regard to the first area are readily soluble. That is not the case, however, as regards the second, which touches upon elements long abjured by either fundamental Halakhah or minhag Yisrael. This relates, of course, to the formal spiritual status and not to administrative roles of different character. As regards the former, holding the traditional line is, for us, very much in order.

A generation hence, this presentation – in one sense, a compromise of both divergent and possibly conflicting elements and values – may be dismissed as a grudging concession of no genuine moral weight and of no spiritual enrichment. Then again it may be read as a deft fusion of tekhelet and lavan of the Halakhic universe. In this presentation, I have attempted to set forth the guiding principles that must be considered in examining the issue at hand. A facile and simple solution is neither sufficient nor possible. It is my fervent hope that consideration of the issue at hand will reflect the complexity and sensitivity of the topic and that further discussion of these matters will be conducted in the spirit of az nidberu yir'ei Hashem ish el re'ehu.

2. Nathaniel Helfgot, “Women, Communal Leadership, and Modern Orthodoxy,” *Text and Texture*, February 18, 2010, accessible at <http://text.rcarabbis.org/women-communal-leadership-and-modern-orthodoxy-by-nathaniel-helfgot/>

II.

The purpose of this essay is to briefly examine two of the major halakhic issues that have been raised in opposition to such a move and their cogency. As in all matters of substance, before one can discuss any other factors to be examined, the committed Jew must explore the halakhic dimension of the issue.

But first two caveats so that my viewpoint on this is crystal clear.

1. It is clear to me that many scholars and lay-people have strongly held views on the analysis of the halakhic material examined that runs counter to my general direction below. (See for example a more elaborate discussion of those views in R. J. David Bleich, *Contemporary Halakhic Problems*, Vol. 2, pgs. 254 and on [Ed Note: See also [this link](#).]). My point below is simply to outline the legitimacy of certain perspective, not to argue that it is accepted by all.
2. As I hope to demonstrate, I do not believe the major issue here is ultimately halakhic. It rather touches more on very emotional, sociological and political self-definitions relating to what have been perceived for 30-40 years as “boundary” issues between Orthodoxy and non-Orthodox movements within Judaism.¹
3. In addition, it touches on sensitive policy questions of how best to achieve legitimate evolutions within the halakhic body politic that will be sustained and widely accepted without causing undue divisiveness. My own view, which I

have expressed elsewhere, is that taking into account the practical sociological-communal realities, a move perceived at ordaining women at the present moment is premature. It probably should wait for more learned women to take up para-clergy roles in shuls, schools and the community. This will eventually create a communal context for a richer, calmer discussion in future years. As time passes there will be more receptivity to opening up more to areas of spiritual leadership for women.

4. At the same time, it is clear to me that other people of good will, sincerity, and great devotion to the Jewish people and Torah values can have differing views from mine. They sincerely contend that if there is no substantive halakhic problem that the time is now to forge ahead. My view is that such positions certainly do not render one “outside” of Orthodoxy or halakha, though I would disagree with the *shikul haddat* and decision in that direction.

III.

1. The most substantive halakhic argument generally put forward against women receiving some form of rabbinic ordination and serving as spiritual leaders in synagogues is the import of Maimonides’ famous ruling on *serarah*. Maimonides, in *Hilkhot Melakhim* 1:5 maintains that not only are women excluded from serving as king in a halakhic state, but all positions of *serarah*-communal authority are barred to women. Many commentators have noted that it is difficult to find an explicit source in our standard texts of midrashei halakha and Talmud for this far reaching position.^[1] Indeed, as many halakhic scholars of the past and present (e.g. Rabbi Moshe Feinstein, *Igrot Moshe*, YD II:44) have noted, Maimonides’ position seems to be rejected by a good number of *rishonim* and is not cited as normative halakha in subsequent halakhic codes such as the Shulhan Arukh.

2. If one were still to desire to be cognizant and careful to work within the parameters of Maimonides, it is still incumbent upon us to clarify what exactly is included under the rubric of *serarah*. Should it be understood broadly to refer to almost any communal position of authority or status, whether it involves an appointment by fiat or an elected position, as well as whether it involves coercive power or not? Many rabbinic scholars, especially amongst some of the *aharonim* have taken that expansive point of view. They, therefore, would feel that almost any appointment of communal authority should be barred to women. In this paradigm a woman serving as president of a shul or as a rabbi of a synagogue would raise halakhic problems.^[2]

Other rabbinic scholars, however, have taken a much more limited reading of the Rambam and maintain that the definition of communal *serarah* (and thus the subsequent restriction) should be limited to those communal positions of authority that truly mimic the kingship model. In this paradigm only positions that are imposed on the populace with some absolute powers would fall under the Rambam’s categories of *serarah*. In this paradigm a rabbi of a synagogue who is hired by an election, and fired at the will of the congregation and board would clearly not fall into the category of some inappropriate position of authority even according to Maimonides. Other rabbinic scholars of note have also pointed to the concept of *kaballah*, of communal acceptance of a woman as obviating the restriction of the Rambam in the view of a number of *rishonim*. Many significant Modern-Orthodox *poskim* (though not all) have certainly taken that position over the last century on issues such as permitting women’s suffrage and election to serve in high office or as the president of a shul or a member of a religious council. Indeed, to my knowledge, over the last decades a number of women have served in the position of president of their synagogues (a number affiliated with the Orthodox Union) without any formal objection.

Mori verabi, Rav Aharon Lichtenstein, in a conversation with former students currently serving in the rabbinate and Jewish education, recently (December, 2009) discussed this halakhic issue. He pointedly noted that it is clear that the *Dati-Leumi*/Modern-Orthodox community and its rabbinic elite² have clearly come down in favor of a more narrow reading of the Rambam’s restriction. He pointed to the fact that for the last two decades religious women have run as candidates of *Dati-Leumi* religious parties across the board, for Knesset, and some have served as members of parliament. In addition, a few have served as ministers in the coalition governments with the approval (despite an occasional rumble here and there) of the rabbinic leadership of those parties. These have included scholars such as R. Avraham Shapira zt”l, R. Mordechai Eliyahu (may he have a *refuah shelimah*), Rav Yaakov Ariel and others.³

R. Lichtenstein stated that clearly a member of parliament and certainly a government minister is often involved in coercive legislation or votes on budgets involving tens of millions of shekels or issues of war and peace. This position is clearly more of a *serarah* than any shul rabbi or president. He thus felt that certainly in Israel, the Modern-

Orthodox community has taken the position that the expansive reading of the Rambam, limiting women's roles, is not the normative ruling.

In this context, I would also add a question of halakhic methodology and consistency that needs to be examined in this (and many other halakhic) issue. There are many communal voices who despite the existence of opinions against the Rambam's view or severely restricting its contemporary application take the position that we should be *mahmir* for the *shitat ha-Rambam*.

Here it has always struck me as odd why on **this** specific issue is the "Rambam's position" the only one that should be entertained communally?

There are many other opinions of the Rambam, some of them quite central to his world-view that much of the Orthodox community seems to have no problem in neutralizing or ignoring because other views exist. In many cases the sociological realities pressed us to be lenient and to consider other countervailing factors and values.

In all these instances, of course, there are other *rishonim* who take issue with Rambam, or there are *aharonim* who limit the Rambam and attempt to show even he would agree in this or that situation (sometimes more convincingly, sometimes much less so). In many instances, *aharonim* attempt to show that because of pressing need or another countervailing Torah value we need to be lenient and not only look to Rambam as dispositive. In a word, through the give and take of halakha and the analysis of the social realities and religious needs of the community, this or that Rambam does not become the final word in the living, practicing reality of the committed community. Thus, the simple statement that "we should be *mahmir* for *shitat ha-Rambam*" is far from simple. The question has to be evaluated on a much broader canvas of the potential countervailing legitimate Torah needs, halakhic values and spiritual directions (e.g *la'asot nahat ruah lenashim*, greater increase in *avodat Hashem*, enhancement of Orthodoxy and *kevod shyamayim*,) that may point us to look to other views besides the restrictive reading of a Rambam...

The second halakhic issue that has been raised in some quarters is the notion of *hikkuey haminim*-imitating, confirming, or somehow strengthening the heterodox movements in their convictions and practices. This position maintains that in parallel to the explicit Biblical prohibition of imitating gentile practices (upon which there exists great halakhic debate as to its parameters) there exists a similar type of prohibition in imitating practices that originate in Jewish communities who are heretical in nature. In its simplest form it has been formulated by one Israeli rabbi as the prohibition to engage in action that are "*domeh lareformim*," appear to mimic the practices of the reformers. I will treat the issue here briefly, as there is much less discussion of it in halakhic literature in comparison to the issue we discussed above.

The concept of *hikkuy haminim* does not explicitly appear as a full blown halakhic category until the writings of the *poskim* in the 19th and 20th century. As some of them confronted the innovations of the Reform and Conservative movements and attempted to guide the Orthodox community^[3], this issue was raised. One finds that mention of this category appears, often as one amongst a slew of reasons to oppose certain innovations in the Orthodox synagogue (it is rarely used alone), in the responsa of the Hatam Sofer, R. David Tzvi Hoffman, R. Yitzhak Herzog, and R. Yehiel Yaacov Weinberg, as well as in the more polemical writings of other rabbinical scholars.

1. First, it is far from clear if all rabbinic scholars even subscribe to the existence of this as a full fledged halakhic category. In many controversies surrounding various innovations throughout the last hundred years it is often not cited.
2. Secondly and more substantively, the problem with the use of this category (as has been candidly noted by some of its contemporary proponents) is the amorphous nature of the concept. It does not have clear-cut guidelines and parameters. If one examines the literature one discovers that this notion has been raised in the last two hundred years to forbid such phenomenon as rabbis speaking in the vernacular, bat mizvah ceremonies, use of organs in shuls during the weekdays, rabbis wearing canonical robes, male choirs in shuls and women's tefillah groups. It is interesting to note that almost all of these innovations (excepting the organ) became quite accepted in Modern-Orthodox circles. They certainly have not caused synagogues and communities to be labeled non-Orthodox. And thus the use of this concept as a clear-cut halakhic proscription on women's spiritual leadership is certainly open to question.

Moreover, the notion of a formal “prohibition” in engaging in actions that confirm or support the heterodox in their innovations can easily yield differing conclusions entirely. For example, Rav Ovadyah Yosef in his famous responsum on the legitimacy of the Bat Mitzvah ceremony (*Yabia Omer* Vol. 6:29), does not cite the argument of *hikkuy haminim* directly to refute it. Instead he makes the following fascinating comment:

“And in truth, preventing girls from celebrating bat mitzvah ceremonies, strengthens the hand of the sinners to complain against the scholars of Israel (*hakhmei yisrael*), (to say) that they oppress the daughters of Israel, and discriminate between boys and girls.”

This argument actually serves as a counter weight to the notion that we are supporting the heterodox by imitating their practices. In Rav Ovadyah’s analysis, in areas where the halakha does not prevent us from having equality of some type between the sexes, refusing to adopt that practice will be viewed as confirming the worst stereotypes about halakhic Judaism. One could easily see an argument in that direction for adopting semicha for women and women rabbis^[4] being proffered. This is an issue where one constantly hears that if in fact there is no other substantive halakhic proscription against the move, it seems to discriminate unfairly against women. It very quickly can move to a confirmation of the heterodox attack on Judaism and bring people closer to those camps. (This is similar to the argument that Rav Aharon Soloveitchik zt”l proffered in relation to his advocacy of women saying kaddish.)^[5] As in so many of these other cases in which halakha, sociology, communal norms and comfort level mesh together, the issues will probably be decided on the ground by the committed community and its rabbinic leadership. It will not be decided by an ex-cathedra call to impose a highly amorphous category that has polemical weight and resonance but not the substantive halakhic force.

3. Michael Broyde and Shlomo Brody, “Orthodox Women Rabbis? Tentative Thoughts that Distinguish between the Timely and the Timeless,” *Hakirah* 2011, pp. 25-58

In the coming pages, we attempt to offer a framework for understanding the legal and meta-halakhic factors that shape the divisive debate over women rabbis. We hope that our study will foster dialogue and generate greater clarity of the relevant issues, even as we acknowledge that different opinions will remain...

We thus divide this essay into two sections: technical halakhic questions and meta-halakhic considerations...

A. Eligibility to Receive Semikhah

One might conclude that whether women may be ordained as rabbis depends, in part, on the dispute between these three different conceptions of semikhah. In his responsum, Rama limits semikhah to those men who could theoretically perform all tasks filled by members of the Sanhedrin. In the ShulhEan Arukh, however, he rules that anyone sufficiently knowledgeable to answer questions of Jewish law may be given semikhah. For the Arukh Ha-ShulhEan and others this would only be so if he were additionally eligible to do the jobs customarily performed by those with semikhah, such as serving as a synagogue rabbi...

B. The Issue of Serarah

Independent of the official licensing and title one receives from semikhah, a separate issue is whether women may perform certain rabbinic tasks or hold offices that constitute positions of serarah. The concept of serarah emerges from the Talmudic and halakhic discussions that exclude women and converts from being appointed as monarchs and serving as judges (*dayanim*)....

the autonomous choice of people to accept in practice someone’s authority, be it political or intellectual (and possibly judicial), precludes their power from constituting serarah. It is on this basis, for example, that a number of poskim in Israel have permitted women to hold office in the democratically-elected Knesset, despite the power of these positions...

This halakhic tradition seems to reflect the understanding that many rabbinic duties—with the definite exception of acting as a standing rabbinic court judge—do not constitute serarah. This is especially so in situations where rabbis are elected to that position and are subject to restraints of other governing bodies. As such, it remains unpersuasive to bar women, on the basis of the serarah argument alone, from receiving semikhah, when the long-time halakhic tradition has not applied that standard to gerim...

we believe that a compelling case can be made that the halakhic principle of serarah alone does not preclude women from receiving semikhah and fulfilling rabbinic roles practiced by rabbis in America today...

C. Concerns of Women as Decisors of Jewish Law and Modesty Matters

Two other technical questions remain. The first is “Can women issue decisions of Jewish law?” It seems clear from a number of halakhic sources that there is no limitation on women issuing decisions of Jewish law (psak halakhah) in matters for which they are sufficiently trained. This point, stated in both the Sefer Ha-Hinukh (77, 152) and Minhag Ha-Hinukh (78:9), is also implied in many of the sources (cited above) regarding Devorah...

In Orthodox communities in which women work in these jobs, it seems inconsistent to contend that women cannot fulfill such roles in the context of serving the community.

A. Some Thoughts on the Mesorah

Many have invoked “mesorah” or traditional practice to explain why ordaining women is prohibited. While we agree that ordaining women as rabbis would certainly be a profound departure from the traditional practice, it is important to delineate the different definitions and roles the concept of mesorah plays within halakhah...

A well-known example of the latter phenomenon (because it is found within the first paragraph of Yoreh De'ah) includes women serving as ritual slaughterers (shohetot). The mishna explicitly permits women to slaughter animals, a position which is codified by Rabbi Yosef Karo in Shulhan Arukh (YD 1:1), against those medieval authorities who claimed that women should not perform this function for ancillary reasons (such as concerns for fainting). The Rama, however, following the position of the Agur, contends that we do not allow women shohetot, since this has become the common practice. The logic of this position—that which we have not seen should not be done—is disputed by Rabbi Yosef Karo in his Bet Yosef, who contended that the fact that something has not yet occurred does not imply any impropriety in doing it. Accordingly, a contemporary practice to refrain from a certain action only becomes authoritative if we have a mesorah that poskim specifically addressed this question and forbid the behavior. Shakh (YD 1:1 and H'M 37:38), however, defends Rama, and citing a teshuvah of the Maharik, contends that we do not need a mesorah of a prohibitive psak to assert that the absence of certain behavior proves that this was halakhically-required abstinence. We do, however, require it to be the type of question which would have regularly arisen, for if it would have been a permitted behavior, then someone would have acted accordingly on some occasion...

Be that as it may, we believe this dispute is not germane to our question for two important reasons. Firstly, even according to Shakh, the belief that contemporary practice proves halakhic propriety only applies to cases in which an issue would have regularly arisen, and therefore the abstinence from such behavior proves that poskim believed it was prohibited. Given the lack of formal education for women, the question of women rabbis, quite simply, did not arise on a regular basis. There is no basis for a mesorah which would assert that women were regularly qualified to serve as rabbis, but did not do so for some halakhic reason. This seems to be proven by the fact that in the vast literature written from the fourteenth century onward regarding the nature of semikhah, the issue of women musmakhot simply does not arise, even as they do discuss the propriety of ordaining a qualified minor. As such, we do not find it compelling to claim that women cannot receive semikhah or serve as rabbis based on this notion of mesorah.

B. Continued Changes in Talmud Torah for Women

...The pressing question today is whether to retain the status quo, or if women who have received intense Talmudic training should have new outlets to utilize their knowledge and skills...

C. Slow and Careful Changes Take Root over Time

... Secondly, as a general rule, contemporary needs will trump this notion of mesorah in cases when no technical issue prohibits engaging in a certain behavior.

[T]hings have to be done gradually. To have a woman learn Gemara a generation or two ago like women learn Gemara today would have been too revolutionary. But with time, things change; time answers a lot of questions, erodes discomfort, and helps. So my answer, when I was asked by a reporter about what I think about women rabbis, was, basically: “It’s going too fast.” I did not say it was wrong, I did not say it was right. It just has not paced itself properly. I was criticized, of course. People asked, “You mean that al pi din they’re allowed to become rabbis?” My response: “I don’t know—are you sure they’re not allowed to?”³⁴

We should take note of Rabbi Lamm’s reservations and hesitations regarding the future and recognize that the pace of change is central to achieving a positive outcome, whatever that might be.

D. Practical Issues that Must be Resolved

One element of this process would entail contemplating whether the many complex practical issues associated with women rabbis remain resolvable—and if the potential solutions are worthwhile steps. Even if one were to basically agree that as a matter of technical halakhah, women can serve as rabbis—in the sense that they may teach Torah in various settings, provide guidance on Jewish theology to individuals and groups, perform certain roles of emotional and pastoral care, answer questions of Jewish law on many matters which they are trained, and, from these tasks, ultimately function as communal figures and leaders—certain practical issues must be addressed. Many rabbinic job descriptions entail serving in functions prohibited to women as a matter of Jewish law, including being the h³azzan or ba’al kore, serving on a bet din, and many other matters. A great deal of clarification as to what a rabbi is empowered to do by their semikhah, and expected to do in a given position, would be needed before women rabbis could be considered.³⁶ Of course, the most important practical change needed to even consider the possibility of women rabbis is the creation of women’s seminaries that focus intensely on providing a top-flight multi-year talmud and halakhah curriculum. Most rabbis in training learn in yeshiva for the better part of a decade nearly full-time before semikhah, and there is no program like that for women anywhere in the world now. Indeed, we recognize that it took women nearly a century to climb to the top echelons of American law (a discipline less broad or complex than halakhah) and the same long journey is likely present here as well. On the other hand, long journeys start with small steps...

E. Non-Orthodox Movements?

Others add another cautionary factor into this calculus. Given the broader phenomenon of non-halakhic egalitarianism with liberal Judaism, the introduction of women as rabbis might appear as a concession to non-Orthodox movements. As such, they claim, we ought to prohibit this development, even if in a different cultural context it would be permissible.

³This very real world calculus—focusing not on the halakhic reality, but rather on the perception of reality—is important to consider. If one were to decide to employ this reasoning, of course, it would be important to recognize and stress that the underlying activity is not really prohibited, and that the ruling serves as a prophylactic tool to address the needs of the generation. Otherwise, we would run the risk of distorting the halakhic tradition for polemical purposes.

In the end, however, we do not think this concern should play the deciding role for three reasons. First and foremost, as a general principle, we believe that the spiritual needs of women and the attempt to resolve these types of issues

should trump fears of sectarian triumphalism. As Rabbi Aharon Lichtenstein shlit”a has recently argued, with his characteristic wisdom:

Serious and responsible poskim, impeccably committed and with catholicity of Torah knowledge, should, I believe, give greater weight than in recent generations has been assigned, to the dispensation of la‘asot nahat ruah lenashim cited in the Gemara and in Shulhan Arukh as the basis for permitting what might otherwise have been proscribed.

F. The Breakdown of Gender Distinctions within Judaism

Others have expressed concern that the ordination of women will lead to the breakdown of all gender distinctions found within the Torah, halakhah and the mesorah. This has been raised by a number of people who are generally sympathetic to other developments regarding the role of women in halakhic ritual and Jewish public life...

Alternatively, some contend that on a sociological level, the ordination of women will lead to the distancing of men from the synagogue and communal leadership...

IV. Concluding Thoughts: A Path Forward

We believe that any requisite amount of consensus needed within Orthodoxy for ordaining women is far from being present. The law has thus not changed. Yet one of this article’s central intellectual endeavors is to assert that when seeking to determine whether certain practices are timely or timeless, one must distinguish between the unchanged and the unchangeable.

Especially if one follows the position of the Rama on semikhah found within his teshuvot, and Rambam’s position on serarah, one may reasonably argue that women cannot serve as Orthodox rabbis because of technical halakhic argumentation. We believe, however, that a reasonable argument may be made that no technical halakhic issues prohibit Orthodox women from serving as rabbis, or at least receiving some other form of ordination as Orthodox clergy. Nonetheless, this halakhic question does not require immediate resolution. A host of others concerns—relating to mesorah, practical rabbinics, communal unity, and unpredictable sociological consequences—leads us to favoring slow and non-radical development on this issue as some form of consensus develops and emerges...

Some will not like this conclusion because they will maintain, “If this is plausibly mutar on a technical level, we should proceed at full speed.” Others will not like it because it did not conclude, on whatever basis, that “Giving semikhah to women is categorically assur.” Both approaches are not a proper vision of how Jewish law ought to work. Halakhah, like life, is frequently nuanced and complex, and is not always well encapsulated merely by words like hayav or assur. ⁴² This is such a case, and it is important to strive to be wise, acting with foresight and vision, as well as insight and probity. Simple solutions to complex problems are always easy to find, but they are rarely correct...

Given that there does not appear a panel of Torah giants to endorse the immediate and far-reaching change of giving semikhah to women, those who support increasing women’s leadership roles should return to the path of incremental development on which Orthodoxy has been traveling until recently. Women should sit and study for increasingly long periods of time, write serious scholarship in Torah, develop as inspiring spiritual personas, and lead torah institutions, in function if not in form. In short, they should build the Orthodox community brick by brick, and see what happens over time. The passage of time, as Rabbi Lamm observes, solves many problems. We endorse this approach.

4. “Responses of Rabbinic Panel,” accessible at <https://www.ou.org/assets/Responses-of-Rabbinic-Panel.pdf>

To the esteemed members of the Orthodox Union's executive committee and board of directors, in response to your questions: 1) Is it halakhically acceptable for a synagogue to employ a woman in a clergy function? 2) What is the broadest spectrum of professional roles within a synagogue that may be performed by a woman?

These inquiries must be answered in a way that goes beyond a simple yes or no, permitted or prohibited. The issue of female clergy is complex, and touches upon not only the dictates of halakhah, but also upon fundamental issues in our hashkafat olam. Indeed, the questions relate to the philosophy of the halakhic process itself. Furthermore, we recognize that this issue is emotionally charged; some perceive limitations on women's roles and titles as barriers to full involvement in the Orthodox community, while others view the lifting of traditional gender distinctions in ritual as representing a rejection of the mesorah. This tension pits egalitarianism, a central value of modernity, against a time-honored tradition that clearly speaks of equally valued, yet different, roles for men and women...

There are three primary factors that may be considered by a halakhic decisor when developing a ruling: legal sources, precedent, and a relevant halakhic ethos...

Not only is there enormous significance in the Torah community's manner of observing a particular custom or behavior; equally significant is the community's failure or refusal to practice a certain custom or adopt a particular behavior. Although the Mishnah (Eduyot 2:2) states that "lo ra'inu - aino raya" (the fact that something has not been observed cannot be brought as a proof to one side of a legitimate halakhic dispute rooted in pesukim or sevara), the nonperformance of a particular practice does constitute a minhag, and such a minhag attains binding status. In addressing the implication of a community practice, the Maharik (quoted by the Shakh at the beginning of Yoreh Deah) rules that, by inference, the community's failure to adopt a particular practice can be understood to reflect an objection to that practice.

Finally, it is essential for a halakhic decisor to be aware of, and keenly sensitive to, the broader context of Torah values. Such values originate from, but frequently extend beyond, specific legal dictates...

The ethos of halakhah also plays a critical role in directing communal practice. For example, the Chofetz Chaim's decision to champion women's Torah study, 12 as well as the Rav's expansion of this endorsement, was compelled primarily by extra-legal considerations...

The idea of mesorah is often mistaken as a mere historical record of Jewish practice. That misunderstanding, combined with both the absence of historical uniformity of normative practice, and the gradual evolution of halakhah, can be misconstrued as compromising the authenticity of mesorah. Authentic mesorah is rather an appreciation for, and application of, tradition as the guide by which new ideas, challenges and circumstances are navigated...

Halakhic Perspectives on Women Clergy By application of halakhic methodology, we will now examine the specific questions addressed to us. Reference will be made to each of the three aforementioned factors used to arrive at a halakhic decision: legal sources, historical precedent, and the halakhic ethos...

From a legal standpoint, there are multiple challenges to the ordination of women and the appointment of women to formal clergy positions: The Sifri (#157, to Devarim 17:15) states that a woman may not be appointed king. The Rambam (Hilkhos Melachim 1:5), based on the Talmud (Yevamot 45b), extends this prohibition beyond kingship to any position of serarah (formal communal authority). As Rabbinical positions have been traditionally understood as paradigmatic of serarah, they would be restricted to men in accordance with the Rambam's position.

Furthermore, the Rav assigned great significance to the ruling of the Rema (Yoreh Deah 1:1) barring a woman from being appointed as a community shochet as being representative of a general preclusion of women from all formal religious appointments (minuyim) over the community at large. The Rav explained that during the times of the Rema, appointment as the community's shochet required the earning of a formal "license" (kabbalah) from a chakham. When the position of shochet became an official religious appointment in the community, it became restricted to men.

Consideration of the ordination of women also raises questions regarding the nature of semikhah. While contemporary semikhah differs from classic semikhah (as described in the Talmud) in many regards, it must, nevertheless, be viewed as an extension of the original institution of semikhah...

Finally, the sanctity of the synagogue demands a particularly enhanced level of modesty - as illustrated by the requirement of a mechitzah. This elevated demand for the separation of genders is incompatible with a woman presiding over a male quorum. 24 Members of this group differ as to the relative weights accorded to each of these concerns as well as whether each factor carries definitive halakhic significance independently, or only cumulatively. It is our unanimous opinion, however, that these considerations, combined with factors discussed below, impose a legal preclusion to the appointment of women clergy.

Furthermore, halakhic history evidences a precedent of precluding women from serving as clergy or receiving ordination. Even the Rema's restriction against appointing a woman to be a shochetet, referenced above, has always been normative.

Current women's roles in society - even in Jewish society - are undoubtedly different than in the past. While, baruch Hashem, advanced Torah learning opportunities for women continue to multiply, and more women today are interested in, and capable of, learning in-depth halakhah, it is clear from historical and halakhic literature that women's Torah scholarship is not an entirely new phenomenon. Nonetheless, women scholars in the past, while clearly acknowledged and appreciated, impacted and guided the community without the formality of rabbinic titles or ordination. The existence of female scholars throughout the history of our nation is, in our understanding, ample proof that the notion of semikha for women was conceivable. However, a continuing mesorah existed that dictated against it. We find it implausible to say that the question of female ordination has never presented itself throughout the history of our mesorah...

The Torah affirms the absolute equal value of men and women as individuals and as ovdei Hashem, but clearly and consistently speaks of role differentiation. Kedushat Yisrael applies identically to both women and men; indeed, it is actually passed on to future generations specifically through Jewish women... Similarly, expectation of, and capacity for, personal spiritual achievement does not differ between the genders, 26 and the vast majority of halakhic obligations apply equally to women and men.

Differences between the roles of men and women are, however, axiomatic, and are reflected in a multitude of legal and extra-legal sources starting with the Torah itself²⁸ and continuing through the Achronim. Rav Soloveitchik stressed this idea in lectures and shiurim over many decades and in many contexts. 29 "Two humans were created who differ from each other metaphysically, not only physiologically, even as they both partake of Divine qualities. This contradicts the perverse notion that Judaism regards woman as being inferior to man. It also cuts away another false notion that there is no distinction between them in terms of their spiritual personalities. Two sexes were formed not only for propagative purposes, but [in addition,] they constitute existential originals. They differ in their psychical natures."...

The distinctions between men and women in the observance of mitzvot aseh she-ha-zman grama (Kiddushin 29a), matrilineal, as opposed to patrilineal descent (Kiddushin 66b), laws applying to Kohanim (see, for example, Sotah 23), court testimony (Shevuot 30a), appointment to the monarchy (Sifri 157 to Devarim 17:15), and in inclusion in the composition of a minyan for communal prayer are each indicative of different roles for men and women.

Gender differences have, historically, been particularly evident in the arena of public service. We believe that these distinctions are not merely a relic of times bygone; instead, they reflect a Torah ethos - a mesorah - of different avenues and emphases by which men and women are to achieve identical goals - the service of G-d and the perpetuation of the Jewish people.³² It is the majority opinion of our panel that the appointment of women to clergy positions would be a contradiction to this halakhic ethos. Role distinctions are not absolute. We celebrate the fact that many women engage in high-level Torah learning - despite the fact that their obligation in talmud Torah differs from

that of men. ³³ We encourage mothers and fathers to share responsibility and to pool their talents and abilities to best bring up their children - despite archetypal parenting roles in our tradition.³⁴ However, there is, naturally, greater room for flexibility in the informal world of one's personal avodat Hashem and in the nuances of one's family dynamics, than in the more formalized public arena. The formal structure of synagogue leadership should more closely reflect the halakhic ethos.

For the reasons stated above we believe that a woman should not be appointed to serve in a clergy position. This restriction applies both to the designation of a title for women that connotes the status of a clergy member, as well as to the appointment of women to perform clergy functions on a regular ongoing basis - even when not accompanied by a rabbinic title. The spectrum of functions appropriately considered as the role of clergy can be identified by duties generally expected from, and often reserved for, a synagogue rabbi. These common functions include, but are not limited to: the ongoing practice of ruling on a full-range of halakhic matters, officiating at religiously significant life-cycle events, (e.g. brit milah, baby naming, bar mitzvah, bat mitzvah, ³⁵ weddings and funerals), ³⁶ the regular practice of delivering sermons from the pulpit during services, presiding over or "leading services" at a minyan and formally serving as the synagogue's primary religious mentor, teacher, and spiritual guide...

We believe that it is appropriate for women to assume the following non-exhaustive list of professional roles within the synagogue setting in a non-clergy capacity (as defined above):

1. Roles women are currently assuming:

- a. Teaching ongoing classes and shiurim, and delivering lectures.
- b. Serving as a visiting scholar-in-residence
- c. Serving in senior managerial and administrative positions, such as executive director, or director of programming and/or adult education.

2. Roles women are beginning to assume in some synagogue settings:

- a. Serving as a synagogue staff member in the role of community educator or institutional scholar to supplement synagogue rabbis in enhancing the community's educational opportunities.
- b. Serving as a synagogue staff member in the role of professional counselor to address the spiritual, psychological, or social needs of the community.
- c. Serving as a teacher and mentor to guide females through the conversion process.

... Significant differences exist between the clergy functions outlined above and the role of a yoetzet. Yoetzot distinguish themselves from female clergy because, as their title implies, yoetzot advise, rather than issue novel rulings or decisions in disputed matters, and they do not perform other rabbinic functions. They specialize in a limited area of halakhah - an area that is most relevant to women and where tzniyut is essential - and function outside the context of prayer services.

We do not have a consensus opinion with regard to all of the halakhic issues involved with the official position of yoetzet halakhah. We agree that yoetzot provide a valuable service, but some feel that, with regard to normative widespread community practice, halakhic and meta-halakhic concerns outweigh the benefits.

In light of all of the above-referenced considerations, the utilization of yoetzot halakhah should continue to be evaluated carefully by poskim and communities alike. Under all circumstances, a yoetzet halakhah should only be employed with the approval of the synagogue's or community's rabbis, and should continue to work in close consultation with the local rabbi(s)...

Rabbi Daniel Feldman
Rabbi Yaakov Neuberger
Rabbi Michael Rosensweig
Rabbi Ezra Schwartz
Rabbi Gedalia Dov Schwartz
Rabbi Hershel Schachter
Rabbi Benjamin Yudin

5. Avraham Gordimer, "The non-rabbinic rabbinic training program for women," *Israel National News*, January 16, 2017

The "women rabbis" issue has now become a flashpoint in the State of Israel. And opposition to this innovation is being voiced clearly.

Recently, Rabbi Shlomo Riskin ordained two women as "Morot Hora'ah" - halakhic decisors. These women had graduated from the Susi Bradfield Women's Institute of Halachic Leadership (WIHL) of Midreshet Lindenbaum, which trains women in the exact same program of study as male rabbinical students. According to the WIHL website:

Program fellows sit for the same examinations given to male rabbis-in-training, and program graduates are equal in knowledge and skill to their male rabbinical counterparts.

Ultimately, our mission is to break the glass ceiling on an academic, professional and economic level by training and enabling women to serve as Orthodox spiritual leaders and poskot (arbiters of Jewish law) for the entire Jewish people.

This ordination was condemned by Rabbi Shlomo Aviner, who identified the ordination of women as characteristic of the Reform movement. In the course of his remarks, Rabbi Aviner quoted Yeshiva University Rosh Yeshiva (Talmudic Dean) Rabbi Hershel Schachter's ruling that women may not be ordained as rabbis...

In response to Rav Aviner's condemnation, WIHL claimed that it is not in the business of ordaining female rabbis, explaining that "the role of a rabbi is to serve as synagogue leader, by conducting services and reading from the Torah; in contrast, WIHL graduates are not referred to as 'rabbi' and do not ritually lead synagogue services." Thus did WIHL attempt to rebut Rabbi Aviner (albeit by use of a misleading distinction, as the title "rabbi" in Judaism does not signify leading services and reading from the Torah).

The new umbrella rabbinical organization, Traditional Orthodox Rabbis of America (TORA), thereupon issued a statement of objection to the WIHL ordination, specifically addressing the above distinction that WIHL sought to make (bolded words mine):

TORA, the umbrella organization of traditional Orthodox rabbis of the United States and Canada, finds the purported ordination of women at Midreshet Lindenbaum deeply disappointing and unnecessarily divisive. There is a consensus among the worldwide Orthodox rabbinate that granting semichah (ordination, ed.) to women - in name or in practice - lies outside the contours of our mesorah (halakha as passed down through the generations, ed.). We, together with our dynamic Rebbetzins, are committed to inspiring all Jewish men and women to actualize their potentials and contribute to Torah Life in accordance with halakha, our tradition, and the guidance of the genuine Torah leaders of our generation. Changes in community practice within halakha are possible, but only when guided by the leading halakhic decisors of our nation, none of whom stand behind this move.

It is deceptive to argue that the recent ceremony at Midreshet Lindenbaum conferred nothing more than recognition of academic success. The graduates were given the titles of moros hora'ah - the traditional title for ordination - and press accounts both called the ceremony semicha and noted that the recipients had studied the classic areas in halakha concerning which ordination candidates are tested. This ceremony is part of an emerging and disturbing trend. It comes at a time when others are trying to place women rabbis in Orthodox synagogues in America, in an attempt to circumvent the traditional halakhic process.

TORA asserts that actions such as these are void and not only painfully divide Orthodoxy at a time when the community desperately needs unity, but also diminish the already powerful role played by Orthodox women in education and community service. From time immemorial, women have served in pivotal roles in the Jewish

community. The implication that a lack of rabbinic ordination diminishes their contributions insults the many great women leaders of the past and the present.

At the same time, Rabbi Baruch Efrati of the Israeli rabbinic organization Rabannei Derekh Emunah issued a frontal challenge to Rabbi Riskin about his ordaining of women, asking Rabbi Riskin from whence he derives the authority to change thousands of years of tradition, challenging Rabbi Riskin's assertion that he is not training female rabbinic judges by quoting Rabbi Riskin as having publicly stated the exact opposite, charging that Rabbi Riskin's words directly violate the ruling of Rav Soloveitchik zt"l, comparing Rabbi Riskin's justification for his innovation to the methodology of the Conservative movement, and asking Rabbi Riskin which preeminent halakhic authorities he consulted for ordaining women.

In response to Rabbi Efrati, Rabbi Amnon Bazak issued a scathing critique, decrying what he described as Rabbi Efrati's lack of *derech erez* (respect) toward Rabbi Riskin, although Rabbi Efrati in no way wrote disrespectfully and was careful to begin with his respect for the rabbi's warmth and other qualities. Rabbi Bazak claimed that Rabbi Aharon Lichtenstein zt"l (see below for Rabbi Lichtenstein's actual words) also favorably entertained the future possibility of women serving in the roles created by Rabbi Riskin. Rabbi Bazak concluded with this strident claim:

Only two groups in the history of the Jewish People stubbornly maintained that the Torah need not relate to and comport with the changing reality: The Sadducees and Karaites. Total denial of the changes in the position of women over the past generations is a neo-Karaite approach, which stands in opposition to the Jewish tradition throughout all generations of utilizing the tools of Halakha that were given with the intent to enable a specific dynamic, in order that the Torah continue to be a *Torat Chayim* - a Living Torah - rather than it becoming a deadly poison.

In other words, those who oppose Rabbi Riskin's innovations, such as Rabbi Efrati, are following the ways of the Karaites, according to Rabbi Bazak.

He, however, misses Rabbi Efrati's point - he is not against changes, he is against the way the change took place. Changes do take place, Rabbi Efrati wrote, but with the backing of the generation's recognized great rabbinic decisors, a backing sorely lacking in the decision to give women the title of "halakhic decisors."

In response to Rabbi Bazak, we must ask: Were seminal Orthodox rabbinic luminaries such as Rav Yaakov Ettlinger, Rav Samson Raphael Hirsch and the Malbim neo-Karaites for having resisted and opposed the Reform movement and related trends to update traditional Judaism? Were those who held the fort of Orthodoxy in America and in the State of Israel to assure that the heterodox movements and practices not compromise Torah life likewise neo-Karaites? Did Rav Soloveitchik's famous exposition about Korach and the immutability of Halakha also brand him as a neo-Karaite? Rabbi Bazak tosses out a loaded accusation with great imprecision, leading to conclusions that he would of course admit are very wrong.

I was present at the 2010 convention of the Rabbinical Council of America (RCA), when the RCA issued a resolution regarding the ordination of women, which reads in part:

We cannot accept either the ordination of women or the recognition of women as members of the Orthodox rabbinate, regardless of the title.

Immediately prior to adoption of the resolution, the RCA's venerable *poskim* (halakhic authorities), including Rav Hershel Schachter, Rav Gedalia Dov Schwartz and Rav Mordechai Willig, delivered remarks supportive of the resolution, explaining why women cannot be ordained as rabbis. One rabbi who would have delivered remarks on the occasion - Rav Aharon Lichtenstein - was unable to attend, so he instead sent a letter to the RCA convention advising attendees to vote for the resolution against the ordination of women. The letter states in part:

Semikha (ordination) for women... touches upon elements long abjured by either fundamental Halakha or minhag (traditional custom of) Israel... Holding the traditional line (by supporting the RCA resolution against ordaining women) is, for us, very much in order.

This is Rav Lichtenstein's written position, publicly delivered to a crowd of hundreds of rabbis; Rav Lichtenstein never disavowed or revoked this position...

The most preeminent rabbinic authorities of the generation have spoken: *semikha* for women is not sanctioned by the Torah and is a deviation therefrom. Let us return to our *Mesorah*, our holy tradition, which our sainted ancestors, male and female, gave their blood and souls to protect and perpetuate. Our *mesorah* does not discriminate against women, it defines roles for men and women based on many considerations, ability not being one of them. Let us recommit to tradition and realize that such commitment is the only key for the service of God and for authentic Jewish survival.