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Center for Modern Torah Leadership



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"Taking Responsibility for Torah"

WOMEN AS CLERGY

Rabbi Aryeh Klapper, Dean

Dear Rabbi Klapper,

In the last number of years the question of women's role in spiritual leadership in the synagogue in the Modern-Orthodox community has been a contentious issue. The issue has touched on both halakhic discussions as well public policy concerns, the pace of evolution in the halakhic community and "political" concerns related to relationships with other segments of the community. Wherever one falls on the question of the wisdom of whether move "x" or "y" should have been done at point "a" or "b" in the last five years, certain realities now exist in a number of shuls throughout North America. To that end I would like to hear your perspective, in writing, on the following questions:

1. *On a halakhic level, do you believe that an Orthodox shul that employs a God-fearing, observant, learned woman in a clerical role, consistent with the shul's understanding of kedusbat beit haknesset and within the other parameters of Orthodox halakha (e.g mehitzah, use of traditional prayerbook etc.) fully retains its status as an Orthodox shul and "mikdash me'at"?*
2. *What is your view, if the woman employed fills the exact same role as in #1 but uses the title "Maharat"?*
3. *What is your view if the woman employed plays the exact same role but also has the title "Rabba" or "Rabbi"?*

Kevod Horav X,

I am honored by the request you convey, and will do my best to convey my opinion. I hope it will be helpful as the Orthodox community ponders these weighty issues.

On issues of such moment and controversy, clarity and nuance are both vital. I will therefore begin by stating two bottom-line commitments as clearly as I can, and then proceed to nuanced analysis. Here are those commitments:

1. It is necessary and positive for women to be hired as religious professionals in Orthodox communities. Any such role can be defined as "clerical"; therefore I oppose any blanket ban on women playing clerical roles.

2. It is necessary and positive for Orthodox women to attain semikhah-level competence (and far beyond) in Talmud and halakhah. Women who attain such

competence must be given titles that attest to their achievement, for both practical and ethical reasons.

And now for the nuanced analysis:

One challenge in dealing with the question as formulated is that so many of the terms used have no direct halakhic translation. For example, the category "clergy", and the term "clerical role" are English words derived from categories external to Judaism.

The question of whether hiring women to play "clerical roles" violates halakhah is therefore one of definition. Those who seek to exclude synagogues with female clergy will argue that such women will inevitably, now or in the near future, play *all* clerical roles; those who seek to include such synagogues will argue that all such roles will be tightly circumscribed in accordance with "mainstream" halakhah. The flexibility of the category even within Orthodoxy is easily demonstrated by a review of the literature about the parsonage tax privilege.

Another challenge is that "Orthodox" is not identical with "halakhically defensible". Shuls have been accepted as Orthodox that engage openly in halakhically prohibited behavior, and "Orthodoxy" can legitimately choose to exclude synagogues for halakhically defensible behavior that it deems immoral, unethical, or unwise. Orthodoxy is a religious coalition whose parameters are legitimately determined by hashkafah, realpolitik and sociology as well as halakhah.

Mikdash me'at is somewhat different. The term is almost certainly a melitzah, but it may be one with a halakhic definition, namely that what takes place within it fulfills the obligation of avodah shebelev, and that we would encourage someone to daven there betzibbur rather than davening alone.

By way of illustration: I believe that there has been an Orthodox consensus for some time that one should rather pray alone than pray in a mixed-pew congregation, and a plausible argument that one who prayed in a mixed-pew congregation is obligated to pray again. By contrast, the famous proclamation that one should choose to not hear

shofar on Rosh HaShannah than to hear it in a mixed-pew congregation is hard to justify on technical halakhic grounds, as to my knowledge no one has argued that a mehitzah is necessary for shofar-listening. Rather, that proclamation must be understood as an attempted or actual takkanah, a legislative act by prominent rabbis who believed themselves to be broadly accepted as having such authority,

There is a reasonable ongoing prudential debate as to whether the titles given to women with semikhah-level competence in Torah and halakhah should include “rabbi”, רב, רבי, or an obvious feminine analogue such as רבה. Those in favor argue that only such titles can create the proper equal respect for Torah scholarship etc.; those opposed argue that such titles will create a presumption that women can play *all* roles currently played by male rabbis, and that this presumption is false. However, the legal arguments about whether one can give “semikhah” to someone who cannot fulfill all the roles of a “samukh” generally relate to intellectual competence, not to personal status issues such as gender, and have long been decided in practice on the side of minimal qualifications.

The prudential argument can only be settled authoritatively by a legislative act that enjoys consensus support within Orthodoxy. I am not currently aware of any such act. Therefore, while it is perfectly legitimate to oppose such titles with might and main, I think it is incorrect to say that the granting or acceptance of such titles is per se a violation of halakhah. This is true kal vachomer of newly minted titles such as Maharat.

Therefore, I think it would be greatly overreaching to declare that a synagogue that hires a woman as a member of its clergy, and calls her “rabbi”, has thereby violated halakhah, or that one who prays with a minyan in such a synagogue does not fulfill the mitzvah of tefillah betzibbur. It remains a mikdash me’at, even if one thinks it has erred. בדידי הוה מעשה - I myself have willingly davened in such shuls, without halakhic qualms.

The question of whether it remains an “Orthodox shul”, however, is very different – one can be halakhic on an ideological island, but one cannot meaningfully be Orthodox if the rest of what one recognizes as “Orthodox” excludes you. It is also possible for such exclusion to eventually have a legislative as well as a sociological impact, and certainly more strident opponents will aim for and claim that impact. Synagogues considering such innovations must consider the risks and rewards of their choices, as must the opponents of such innovations.

This cheshbon will necessarily be affected by one’s opinion as to the qualifications, piety, and observance of the women who have assumed these titles and positions or are likely to do so in the future. If, for example, the most qualified, pious, and observant women are less likely to use the title “rabbi”, it seems foolish to fixate on the title.

I have a further difficulty with the question as formulated. You ask my opinion solely about cases where the clerical roles in question are “consistent with the shul’s understanding of kedushat beit haknesset and within the other parameters of Orthodox halakha (e.g mehitzah, use of traditional prayerbook etc.” The problem, of course, is that the shul’s understanding of these concepts may differ from that of those who oppose hiring women for such roles, and its understanding, played out in practice, may have halakhic ramifications.

Note also that I have made no effort here to explicate which if any roles of the samukh or rabbi are not available to women, or to limn my own definition of kedushat beit kneset. I am in the course of addressing some of the technical issues in my ongoing series on women and *serarab*. But I want to set out here three negative principles.

1. The halakhic consensus among religious Zionists is that Golda Meir could legitimately become Prime Minister of Israel. At the least it must be acknowledged that many significant halakhic figures held this way. Any limitation on women’s roles based on a concept such as *serarab* must be tested for plausibility against a sentence such as “women can be Prime Minister of Israel but not President of a Young Israel”, which to me is self-evidently absurd.

2. There is no halakhic barrier to women issuing halakhic positions in areas for which they have been properly trained, and very likely there are situations in which they are obligated to do so.

3. There is no reason that women cannot play the pastoral roles that make up the bulk of the duties of the contemporary synagogue rabbinate.

In the hope that this is useful to klal Yisroel and that I have not erred in my interpretations of Torah

Aryeh Klapper

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