

Dr. Wolowelsky is an Associate Editor of *Tradition*.

LEARNED INDIVIDUALS

The recent row regarding *semikha* for women certainly involves many important halakhic and *hashkafic* issues. However, I feel that the heart of the conflict emerges from a confused use of language. The discussants often use the same word to refer to different things.

Consider, for example, the statement, “I was surprised to learn that my physician is also a rabbi.” I might have meant (1) that before going to medical school he took off time to prepare for *semikha* exams and then began medical school and continued with his medical profession; (2) that he gives a *daf yomi shiur* each day before going to the hospital; or (3) that he is a *mara de-atra* of a small congregation that meets only for Shabbat services. In each case, I am using the word “rabbi” differently.

For the purposes of this discussion, let us use the term in its first sense, allowing us to put aside the more difficult question of, say, the third understanding, that is, the formal spiritual and halakhic leadership of a congregation or community. Also, let us not rehearse the discussions involved in the question of contemporary women learning *torah she-be'al peh*. Suffice it to say that while others might disagree, the halakhic community associated with, say, the Rabbinical Council of America, generally accepts the legitimacy of textual study by women, and certainly is comfortable with women engaging in serious advanced study of the practical halakhot of *nidda*, *shabbat*, and *kashrut*.

Today’s *semikha* is not really the biblical ordination spoken of by the halakha, but merely an echo of it certifying the competence of a person to speak authoritatively about halakha. One might argue, then, that the question of women receiving *semikha* hinges on the question of whether women may *paskan*. We could quote, for example, Rabbi Eliyahu Bakshi-Doron, former Chief Rabbi of Israel, who wrote that “women may be *gedolei ha-dor* ... [and] serve as *morei hora’ah* [*posekot*] and teachers of Torah and practical halakha, as the authority for these positions flows from the individual’s talents.”¹ This is, of course, in sharp contrast the

¹ R. Eliyahu Bakshi-Doron, *Responsa Biny’an Av* (Jerusalem, 1982). responsum 65, p. 287. This is neither a novel nor extraordinary position. See *Encyclopedia Talmudit*

TRADITION

view of Rabbi Aharon Feldman, Rosh Yeshiva of Ner Yisrael and a member of the Moetzes Gedolei HaTorah, who writes:

Training women to be halakhic authorities... is thus a reckless venture, and one which, although politically correct and likely to be popular with the unlettered and with feminist philanthropists, is fraught with danger to the halakhic process. Training those whose hands quiver to be brain surgeons would be a boon for the status of the handicapped, but would be a tragedy for those who would rely on their service.²

Yet, while it is true that we could find ample sources allowing women to *pasken* –and hence be certified to do so– we need not pursue this line of argument. That is because our focus should be on how *semikha* is viewed in actual practice in our community. The standards of the *semikha* might vary from yeshiva to yeshiva even though the text of the *klaf* certificate is generally the same. I think it safe to say that no one takes *semikha* at face value as authority to *pasken* difficult halakhic questions on matters of grave import. Very few rabbis are viewed as *posekim*, and their authority surely does not rest on any formal *semikha* they were awarded at an early stage in their professional career. Most rabbis – even most pulpit rabbis – are relied upon to relate what the accepted halakha is, not what it should be. They are not assumed to be *posekim*.³

(vol. 8. s.v. *hora'ah*, p. 494) and the sources brought there in n. 109. Rabbanit Channah Henkin, founder and Dean of Nishmat, notes, “Nowhere within the *Rishonim* or *Achronim* is there an opinion that the Halakha prohibits in principle the issuing of a halakhic ruling by a woman” (“Women and the Issuing of Halakhic Rulings,” in *Jewish Legal Writings by Women*, ed. Micah D. Halpern and Chana Safrai, 284, (Jerusalem: Urim Publications, 1998,). Of course, it would make no sense to suggest that women can issue halakhic rulings but one cannot certify them as being capable of doing so. Using the Christian term “ordination” (rather than certification) for *semikha* obfuscates the issue. An ordained priest has certain abilities that a Christian layman does not have. (The most notable examples would be the absolution of sins in Confession and in the celebration of the Eucharist.) No one would suggest that the *pesak* of a recognized *talmid hakham* would be invalid if for one reason or another he was not “ordained” – that is, had not obtained a formal *semikha* at the end of his serious study.

² R. Aharon Feldman, “Communications,” *Tradition* 34:1 (2000), 109. He defends his position in “Communications,” *Tradition* 37:2 (2003), 97ff. This attitude, of course, moves one away from analysis of the technical arguments of permitted and prohibited.

³ R. Henkin cautions against using the term “*posekot*” with regard to halakhically trained women, arguing that “we should not casually and prematurely use a terminology that presumes a greater level of Torah accomplishment than we have yet achieved.” *Op cit*, p. 286.

Rabbi Menachem Penner, Dean of RIETS, recently made this clear when he stated that:

... not all individuals given the title of “rabbi” are entitled to serve as decisors of Jewish law... Following the halakhic opinion of a scholar or rabbi who is not recognized as a *posek* would represent a fundamental breach in the *mesorah* of the establishment of normative halakha... *Musmakhim* of RIETS, along with all learned individuals, are entitled to their personal opinions on halakhic matters and the halakhic system as it functions today and may publicize their views as opinions that are not halakhically binding.⁴

If this is true of *musmakhim* of RIETS, who have completed many serious and demanding years of study, all the more so for the myriads of rabbis who earned their *semikha* by simply sitting for a less-demanding final exam after self-study or learning in a *beit midrash* up until their wedding, at which time they received *semikha*.

We should quickly note that this is not intended to imply a diminution of the value of *semikha*. Rather it reflects an unprecedented expansion of Torah study in our community. In pre-war Europe, when only the elite engaged in serious advanced Torah study, *semikha* was limited to those who indeed were heading for a career as a *posek*. We now thankfully have so many men engaged in advanced Torah study that the language morphed to express certification that one is a “learned individual.” We assume that one who has earned *semikha* has a formal understanding of halakha, can access and understand halakhic literature, and –like all good lawyers and doctors– has a sense that some questions need to be deferred to an expert for analysis. Granting women *semikha* in the contemporary context would simply be certifying that the women are just as much “learned individuals” as are men who receive *semikha*, and could be relied upon to offer the same halakhic judgment and advice as do men with similar training and competence. It has nothing to do with certifying someone as a *posek* or as qualified to be a *daiyan* or *mara de-atra*.

This then brings us to a legitimately most serious question: What title should come with this *semikha*? Here, of course, is the most contentious part of the discussion. After all, the brouhaha erupted when Rabbi Avi Weiss changed the title of those women who received *semikha* from him, using “*rabba*” instead of the original title of *maharat* that he had created.

⁴ Available at: <http://newsdesk.tjctv.com/2014/02/the-yeshiva-university-letter-thats-riling-up-the-modern-orthodox-world/>, accessed March 5, 2016.

TRADITION

(The term “*maharat*,” a neologism which is an acronym of Hebrew letters standing for “a halakhic, spiritual, and Torah leader,” is an artificial construct that has no traction outside of a very small community.) A rose by any other name might smell as sweet, but titles matter.

Since “rabbi” is the title granted to men, the obvious question is why not just use the same title for women. The answer lies in the ambiguity of the word. Since the term is used for some activities the appropriateness of which remain in dispute as they relate to women, it would be distracting and confusing to use the same term for a process that has much more broad support in our community. Using the term “rabbi” is like waving a red flag. It falsely redirects the debate to whether a woman can be a *mara de-atra* when the issue is the title for a women certified to do perfectly acceptable activities.

“Rabba” is the term used by the Mesorati movement as the feminine form of the masculine “rabbi,” and using it would also be a distraction. Ordaining women in the Conservative Movement is not analogous in the least to granting women *semikha* in the Orthodox community, despite the efforts of some sensationalists to draw the analogy. Ordaining women was only the face of a whole enterprise of the Conservative Movement to establish an egalitarian halakha in which men and women have the same obligations and opportunities. It is no wonder then that the late Rabbi Saul Lieberman, the major halakhist at the Jewish Theological Seminary at the time, opposed ordaining women in the Conservative Movement. However, no one currently granting *semikha* to Orthodox women is making such a claim of egalitarianism, and none of the women who have received *semikha* are engaged in any halakhically prohibited activities or acting as a *mara de-atra*. Quoting R. Lieberman in opposition to *semikha* of Orthodox women is disingenuous at the least.⁵

⁵ R. Bakshi-Doron (see n. 1 above) writes in a letter dated 23 June 2015: “God forbid to offer *semikha* to women to act as *morei hora’ab*. One may not call them ‘Rabba.’ In our generation, we must be careful to refrain from acting as the Reformers and we must distance ourselves from them and their ways.” The letter was apparently solicited by those opposed to *semikha* for women and R. Bakshi-Doron relied on their description of the situation. Needless to say, advanced study in Halakha is not the way of the Reformers.

R. Bakshi-Doron goes on to say that while women may *psken* on the basis of their knowledge, they may not be officially appointed to positions of authority (*serara*). While this may be disputed, it is not germane to our discussion because, as R. Penner pointed out (at n. 4 above), contemporary *semikha* does not confer that authority.

While the comparisons to Conservative ordination of women are disingenuous, it does not excuse those who wave red flags allowing for these misinterpretations.

It might be instructive to turn to Israel for guidance. (In many ways Israel has become the new epicenter for Modern Orthodoxy; but that requires its own discussion.) The exams at Midreshet Lindenbaum parallel the *semikha* exams of the Israeli Chief Rabbinate in Shabbat, *kashrut*, *nidda*, *avelut* and marriage, but while the traditional certificate of *heter hora'ah* is used, it includes no rabbinic title.⁶ Rabbi Shlomo Riskin, who signs the *semikha*, explained that he did not want to suggest that these women could perform all the activities in the synagogue proper that professional rabbis might do.

Of course, people generally use titles to express their status, and when two of the Lindenbaum *musmakhot* published a book of halakhic essays,⁷ they used the title “Rabbanit,” this despite the fact that neither is married to a rabbi. Indeed, Rabbanit – the Hebrew version of “Rebbetsin,” traditionally reserved for the wife of a rabbi – is the title of choice used by the women members of Rabbanei Beit Hillel, the halakha committee of the Modern Orthodox group Beit Hillel.⁸ Rabbi Ronen Neuwirth, former Executive Director of Beit Hillel, explained that the women chose the title themselves, not wanting to create controversy by using a new title

6

מדרשת לינדנבאום
המכון למנהיגות הלכתית
ע"ש סווי ברדפילד

כתב מורת הוראה ומנהיגה רוחנית

לאחר לימוד הלכה במשך חמש שנים ובחינות מתאימות
הרינו לאשר כי

למדה הלכות שבת, איסור והיתר, נידה, אבילות, וחופה וקידושין
וראייה ומוכשרת
להיות מורת הוראה, לאיסיקי שמעתתא אליבא דהלכתא
ולדהורות לשואלים את הדרך ילכו בה
ואת המעשה אשר יעשין.

הרב שוקי רייך

הרב שלמה רייסקין

Rabbi Marc Dratch, Executive Vice President of the RCA, said that the qualification given by the Lindenbaum Women’s Institute for Halachic Leadership did not come under the definition outlined by the RCA resolution banning ordination of women (<http://www.jpost.com/Diaspora/Riskin-criticizes-US-rabbinical-groups-political-decision-on-banning-womens-ordination-432200>, accessed March 5, 2016.).

⁷ R. Idit Bartov and R. Anat Novoslosky, *Ma She’elatekh Ester ve-Te’as: Halakhic Responsa* Written by Musmakhot of the Midreshet Lindenbaum Institute for Halakhic Leadership (Jerusalem: Ohr Torah Stone, 2014).

⁸ The list of the members of Rabbanei Bet Hillel can be found at <http://beithillel.org.il/about.asp?id=51663#.VAMruPldWSo>, accessed March 5, 2016.

but rather choosing to infuse the traditional title “Rabbanit” with a meaning of independent leadership and scholarship. Indeed, the majority of the women members of Rabbanei Beit Hillel are not married to rabbis.⁹

Actually, this new understanding of *rabbaniyyot* is not surprising at all. In the Modern Orthodox community, the role of the traditional rebbetsin is losing ground quickly, as the wife of the rabbi may often have an independent profession with no connection to the synagogue, and the more traditional roles of a rebbetsin are assumed by women professionals, such as *yo’etsot halakha* or educational directors. Even in the Agudah-affiliated community, rebbetsin –now abbreviated as “Rebb.”—has attained status as the title used by seminary heads and public speakers, all of whose leadership status is based on their personal professional standing and not that of a spouse who might or might not be a rabbi.

Thus *semikha* for women with red flags removed is hardly as contentious issue in the Orthodox community as one might have thought. Indeed, when the Harel Beit Midrash in Israel recently gave *semikha* to two women, Rabbi Yaakov Ariel (Chief Rabbi of Ramat Gan and *posek* for Tsohar) noted that with all the different standards for *semikha* about, only the *semikha* of the Chief Rabbinate assures that the individual was properly trained and tested. Women are not disqualified from ruling in halakha in principle, he said, and the Chief Rabbinate exam should be the same for men and women to ensure equality.¹⁰

With this behind us, we can move on to the more difficult question of what professional activities are proper for properly certified *rabbaniyyot*. While being the *mara de-atra* of a synagogue is surely problematic for many, teaching is clearly acceptable in our community. Indeed, there are many traditional rabbinic positions that fall short of *mara de-atra*. How then shall we understand the statement of the Mo’etses Gedolei HaTorah that “that placing women in traditional rabbinic positions departs from the Jewish *mesorah*, and that any congregation with a woman in such a position cannot call itself Orthodox.”¹¹

It is interesting to note that not long ago Agudath Israel circulated a request for help when rebbetsins from the Portland Kollel who had counseled a couple going through a divorce were subpoenaed to give

⁹ Personal correspondence, 08/23/14.

¹⁰ <http://www.theyeshivaworld.com/news/headlines-breaking-stories/320044/rav-yaakov-ariel-calls-to-establish-an-institute-of-higher-limudim-for-women.html>, accessed March 5, 2016.

¹¹ “Recent Statements by Agudath Israel and The Rabbinical Council of America Regarding Women Rabbis,” *Hakirah*, 11 (Spring 2011), 15-18.

testimony but had claimed clergy privilege from testifying.¹² Their position was that “a rebbetzin can be so defined even if the woman is not the wife of a rabbi. There are several examples of renowned rebbetzins whose husbands are fine upstanding Jews but not rabbis.”

The brief submitted on behalf of the rebbetsins noted:

In recent years, there has also been a major expansion in educational opportunities (and expectations) in the study by women of Jewish law, custom and lore. However, gender-based roles remain and there are defined limits, on the discussion of certain topics, such as sexuality, in mixed gender contexts. These roles rest primarily upon tradition-based values of modesty. As a result, many rebbetzins have taken on pastoral responsibilities independent of, but commensurate with, those of rabbis. This development results from the growing recognition of the need of many women for counseling and advice on contemporary issues that call for input with regard to Jewish standpoints but which are uncomfortable for them to discuss with a male rabbi.

The need for traditional Jewish women to seek out counsel is not limited to a general personal need for confidential advice. Jewish life includes laws regarding sexual activity and family life. These laws are complicated and often open to multiple explanations.... Just as one would consult with a doctor to discuss a medical issue, so they turn to a rebbetzin for reliable guidance with regard to the many elements of Jewish law and tradition that affect the life of a Jewish woman....

Rebbetzins do not carry the formal title of “rabbi.” Nevertheless, they serve ably as pastors and confidantes to the women who seek out their wisdom, expertise and advice on matters of Jewish Law and tradition in a manner similar to how men consult with rabbis.¹³

In the end, the judge ruled that rebbetsins have clergy privilege.¹⁴ Surely it seems odd to argue that women may be clergy in Orthodox shuls, have status and titles independent from that of the rabbi, take on responsibilities independent of, but commensurate with, those of rabbis, and at the same time argue that they should not pursue advanced

¹² <http://www.yated.com/oregon-court-scrutinizes-rebbetzin-s-role-in-trailblazing-case.7-1576-7-.html>, accessed March 5, 2016.

¹³ Declaration of Professor Shaul Stampfer, Case No. 14 DR 06592 in the Circuit Court of the State of Oregon for the County of Multnomah.

¹⁴ “Clergy” is another Christian term that confuses the discussion when used a synonym for Rabbi. As anyone familiar with parsonage policies in Orthodox shuls and yeshivot knows, “clergy” encompasses *hazzanim*, ritual directors (sometimes called “Rev.”), *yo’atsot halakha*, women teachers, and administrators.

TRADITION

study of the laws of *shabbat*, *kashrut* and *nidda* or receive certification when they successfully complete their study.

Counseling couples, *bikkur holim*, and *nibum avelim* are traditional rabbinic activities, as is offering advice on matters of Jewish law. So too are many of the activities the Rebbetsin exercises in haredi seminaries, which includes setting policy and curricula, teaching, and supervising male and female staff. In America, Modern Orthodox shuls regularly invite female scholars-in-residence to speak in the synagogue and *yo'atsot halakaha* are on staff. In Israel, Head of Migdal Oz Rabbanit Esti Rosenberg gives the *sihot* on the night of *Kol Nidrei* and before *Ne'ila* from the women's section, with the men listening from the men's section.¹⁵ The Israeli Chief Rabbis Council ruled that there is no halakhic impediment to women delivering a eulogy at a funeral.¹⁶ Women fulfill the official role of "*Rav Beit Sefer*" in Israeli religious high schools. *To'aniot rabbaniiyyot* appear before Israeli rabbinic courts. Certainly it is hard to dismiss all of these as non-Orthodox! Indeed, attempts to read these people out of the Orthodox community is offensive at best. Alas, it calls to mind the observation made by Esther Kraus in these pages decades ago that "any issue related to women evokes irrational fears in all segments of the Orthodox community. It often distorts judgment, causes otherwise fair and rational people to draw unconfirmed conclusions, and usually brings out the least kind and generous qualities of normally sensitive and respectful people."¹⁷

We might well take note of a recent comment by Rabbi Aryeh Frimer:

Having lived through the crises and confrontations of women's prayer groups, women on religious councils, women in communal leadership roles and women's *aliyyot* – I can testify that there is great need for both in-depth knowledge and truthfulness. The "*billul Hashem* and loss of trust" argument is not just hype – but painfully all too accurate! Many of the rabbis in the 1970s lost control of the religious leadership of their communities because they were unprepared or unwilling to deal with the challenges honestly and head on. Many rabbis simply tried to stonewall

¹⁵ R. Esti Rosenberg, "The World of Women's Torah Learning – Developments, Directions and Objectives: A Report from the Field," *Tradition* 45:1 (2012), 30. All activities of the Migdal Oz Beit Midrash services were approved by the Rashei Yeshiva of Yeshivat Har Etzion, the late R. Yehuda Amital and R. Aharon Lichtenstein.

¹⁶ *Haaretz*, 11.06.2012, <http://www.haaretz.co.il/news/education/1.1728423>, accessed March 5, 2016.

¹⁷ Esther Kraus, "Communications," *Tradition* 27:2, (1993), 81.

the situation, while others were not forthright about the real reason for forbidding such practices. As previously noted, the Rabbis may well have been correct that many of the feminist practices introduced were halakhically unsound or “bad for the Jews” on a variety of public policy grounds. But instead of saying so clearly (as Rav Joseph B. Soloveitchik *zt”l* had urged and himself practiced), some rabbis waffled, while others prevaricated. But the halakhic truth quickly became known – a consequence of the “information age.” And as a result, many *balebatim* lost trust in the religious leadership as a whole. For them the conclusion was simply: “Everything boils down to politics.”¹⁸

Regrettably, some of the recent comments offered by those opposed to women receiving *semikha* are close to falling into this self-defeating trap. There are, to be sure, real issues to be debated within our communities. Two of them might be the potential acceptability of a woman as a *posek or mara de-atra*. But when one confuses or conflates these issues with those that have general acceptance within the Modern Orthodox community – such as women seriously pursuing mastery of Talmud and Halakha and gaining appropriate recognition for their achievements – the sleight-of-hand is quickly noted.

Even more damaging is the phenomenon of these discussions somehow segueing into condemnations of biblical criticism or same-sex marriages. The fact that some individuals who favor *semikha* for women have put themselves outside the boundaries of contemporary Orthodoxy has nothing to do with the legitimacy of certifying that a woman is just as much a “learned individual” as are those men who receive *semikha*. Such unfortunate red herrings distract us from serious and honest discussions and, as R. Frimer points out, lead many *balebatim* to lose trust in the religious leadership as a whole. Equally dishonest is the attempt of some – especially newspapers aiming to sell copy and bloggers hoping for increased readership – to make more of this *semikha* than it really is. Having their own agendas, they would portray the *semikha* for Orthodox women who have completed serious halakhic study as retroactive agreement with the ordination of women rabbis by the Conservative Movement. It is, of course, no such thing.

Red herrings and red flags may make for colorful newspaper copy or popular blogs, but they sidetrack us from appreciating the continued expansion of women’s serious Torah study, something we should all be recognizing and applauding.

¹⁸ R. Aryeh A. Frimer, Truth be Told, <http://seforim.blogspot.co.il/2015/07/truth-be-told1-comments-on-changing.html>, accessed March 5, 2016.