

Open Orthodoxy

Byline:

Rabbi Avi Weiss



I'd like to acknowledge the presence of Rabba Sara Hurwitz. Throughout this whole ordeal, she has carried herself with grace and humility and wanted little more than to continue her work as a spiritual leader in the Bayit. Rabba Sara supports this open discussion and has been involved in shaping the direction of this process at every step of the way.

The change of title from maharat to rabba has precipitated controversy in our community that was unintended and unexpected—controversy that I deeply regret. The fallout has most powerfully affected Rabba Sara.

What I'd like to do this Shabbat is outline in general terms some of the issues that are at play, as a starting point to engage in meaningful conversation on the matter.

What Does *Rabba* Mean?

It is most important to know what rabba means. Functionally, rabba is no different from maharat. Maharat Sara Hurwitz's role did not change one iota when she became Rabba Sara Hurwitz. Let me explain:

Our Orthodox model for women in general and women in leadership differs dramatically from the Conservative and Reform model. Unlike Conservative and Reform Judaism, Orthodoxy is not egalitarian. In Conservative and Reform Judaism, a woman's role is identical to a man's role. In Orthodoxy, the roles of men and women in spiritual leadership overlap in 90 percent of areas, but there are distinctions.

How and where do the spiritual leadership of men and women overlap? If someone were to ask me what the rabbinate is about, I'd respond quite simply that the most essential element of the rabbinate is being there, being there for people especially in their times of need. The rabbinate is not about being served, but about serving others. Women like men are, of course, perfectly capable and halakhically able to do this. For centuries, women have fulfilled pastoral roles in their communities.

In addition, being a rabbi means being knowledgeable and able to teach. Like men, women from time immemorial have done this. From the Matriarchs, to Miriam, to Hannah, to Beruriah, to Marat Hava Bachrach granddaughter of the Maharal—who were versed in the principles of Judaism and Talmud and Midrash and Responsa—women were teachers par excellence.

In more contemporary times, the statement of the Chafetz Chaim in the early part of the twentieth century, encouraging women to learn Torah, was fundamental in establishing women's communal institutions of learning of the highest level. Most recently Drisha, Stern College, Nishmat, and Midreshet Lindenbaum's schools for women have taken the next steps in excellence in educating women in Torah.

Women's learning has naturally evolved into women's teaching. Nehama Leibowitz was my *rebbe* in Tanakh—my *rebbe* and the *rebbe* of so many of my colleagues. Today, Dr. Aviva

Zornberg, Dr. Bryna Levy, Rosh Kehillah Dena Najman Licht of KOE,^[1] and Lisa Schlaff, who heads the Talmud Department at SAR high school, are all examples of outstanding Torah teachers in this generation.

Additionally, women who are properly trained can advise and instruct and answer questions of halakha to those who seek them out. This right has been recognized and well established in both classical and contemporary halakhic sources.

Sefer haHinukh concludes: "A wise woman can be a decisor of Jewish Law."^[2] Birkei Yosef

(Hida, Chaim Yosef David Azulai, eighteenth century) concurs.^[3] Most recently Rabbi Bakshi Doron, the former Sephardi Chief Rabbi wrote: "Women can be of the *gedolim* of the generation and serve as halakhic decisors."^[4]

Finally, a woman can be a religious leader on campuses, in schools, in camps and the synagogue. They can oversee services in synagogues and officiate at lifecycle events, such as weddings and funerals, within the framework of halakha. They can also represent their congregations and communities as spiritual leaders in the larger public arena. While some argue that the principle of *serara* (formal communal authority) prevents women from serving as clergy, Rabbi Benzion Uziel (early twentieth century) held that *serara* does not apply when a community is willing to accept a woman as its leader.^[5]

In simple terms, when I think of the roles of a rabbi as a pastoral counselor, as a teacher of Torah, as a responder to questions of halakha or functioning as a religious leader—women can play significant roles in all of these areas. That's what I mean when I say that 90 percent of what male rabbis can do, women can do as well.

But there are distinctions. The distinctions cut in opposite ways. There are things a woman can do that a man cannot. A woman spiritual leader can take a female convert into the

mikvah, something that, of course, a man cannot do. Women may be more comfortable seeking out a woman's spiritual leadership on matters of *niddah*, or advice on motherhood and much more. Men, too, could also gain immeasurably from a female clergy's halakhic *pesak* and pastoral counsel.

In the same breath, there are things a woman cannot do. Although a woman can lead a wedding ceremony—oversee the signing of documents as well as read the *ketubah* (marital contract) and give a talk beneath the *huppah*—she cannot be a witness for *kiddushin* or sign the *ketubah*. Although a woman can be the primary spiritual leader preparing one for conversion, she cannot serve on the conversion Bet Din. Although women can oversee religious services in synagogues as halakha permits and give sermons, they are not counted into a *minyan*, and cannot lead *devarim she-beKedusha*. That's what I mean when I say that in Orthodoxy, the roles are not identical; there are distinctions.

For this reason, a woman in spiritual leadership is *rabba* and not *rabbi*. In medicine a doctor is a doctor whether male or female. In law, one is a lawyer regardless of gender. A *rabbi* in Orthodoxy is a male figure who religiously leads. A *rabba* is a female religious leader. The role of *rabba* and *rabbi* significantly overlap. But there are important distinctions.

And that's what I mean when I say that *maharat* and *rabba* are identical. *Maharat* is an acronym for *Manhiga Hilkhaitit, Ruhanit, and Toranit*, a woman who is a halakhic, religious, and Torah leader. These words are terms much like *rabba*, which describes the fundamental roles of a woman spiritual leader: a halakhic leader who has the ability to answer questions of halakha; a religious leader who is a pastoral caregiver and who may guide and lead religious services within the framework of halakha, and a Torah leader who knows and can teach.

The change from *maharat* to *rabba* was not functional—that remained the same. It was rather an attempt to give more dignity and respect to Sara. It was also an attempt to clarify her role as truly one of religious leadership. I also felt that *Maharat* was a clumsy title that had no meaning outside of the *bayit*, in places like hospitals and funeral homes. Indeed, *Maharat* as a title was used disrespectfully like people emphasizing the last syllable—Maha-RAT. *Rabba* was simple, more elegant, and more easily conveyed the message that Sara Hurwitz is a spiritual leader.

Public Policy

The reality is there is little “religio-legal” controversy in the mainstream Modern Orthodox community, or what I call the Open Orthodox community, on how women can function as religious leaders. The issue is not halakhic as much as it is one of public policy. And here there has been serious discussion on what Modern Orthodox policy should be.

Rabbi Norman Lamm, Chancellor of Yeshiva University says it this way in a *Jerusalem Post*

article. Asked about the ordination of female rabbis, Rabbi Lamm responded that his opposition was “social not religious.” [6]

Here, Rabbi Lamm was alluding to the halakhic reality that women today can receive semikha. Semikha today is not the same as when it was transmitted from Moses to Joshua and onward. That line was broken before the conclusion of the fifth century C.E. Today, semikha is primarily a vote of confidence given by learned rabbis, authorizing the person being ordained as able to advise and instruct and interpret and answer questions of Jewish law. In the words of Rema: ׀׀׀׀׀׀ ׀׀׀׀׀ ׀׀׀ ׀׀ ׀׀׀׀׀ ׀׀׀ ׀׀׀ ׀׀׀׀׀ ׀׀׀׀׀׀ ׀׀׀׀׀ ׀׀׀׀׀׀ ׀׀׀׀׀׀ ׀׀׀׀׀׀׀. “Ordination today allows people to know that one reached [the ability to] rule—make halakhic decisions—and that what one rules is with the

permission of one’s teacher.” [7] Thus, as we’ve pointed out, qualified women like men can rule. [8] It is in this vein, I believe, that Rabbi Lamm concludes that ordaining women is a “social not religious” issue.

Rabbi Lamm goes on to say:

Change has to come to religion when feasible, but it should not be rushed; women have just come into their own from an educational perspective. I would prefer not to have this innovation right now. It is simply too early. What will remain later...I am not a prophet.

Rabbi Professor Daniel Sperber disagrees. He suggests the time has come. In a March 18, 2009 letter to me, Rabbi Sperber, who heads the Ludwig and Erica Jesselson Institute for Advanced Torah Studies at Bar Ilan University, wrote:

I was delighted to hear that you will be celebrating an ordination ceremony for Ms. Sara Hurwitz, as a spiritual and halakhic congregational leader. This is indeed an innovation and as such will undoubtedly be criticized by some, but the times demand it and the hour is right...this initiative has clear halakhic legitimacy. I strongly feel that it is high time that we accept the rightful status for women in positions of community leadership, both organizational, spiritual and halakhic, and actively encourage such initiative. I also feel that Ms. Hurwitz is uniquely qualified to fulfill such an aspiration having acquired the necessary knowledge and skills to satisfy these needs.

For Rabbi Sperber, the time has come.

Who Defines Orthodoxy?

Which brings me back to our situation here at the Bayit. Where do we stand? What is our public policy? Our first concern is that perhaps, in some people's eyes, we are no longer seen as an Orthodox synagogue. This may have come from the Agudah's Council of Sages which declared that: "any congregation with a woman in a rabbinical position of any sort cannot be considered Orthodox."^[9]___

Although the statement singles me out, its scope includes other Modern Orthodox congregations that have women performing rabbinical roles of some sort—like the Spanish Portuguese Synagogue and those that have Yo'atzot Halakha.

On a very personal level, the Agudah statement condemned me without contacting me. From my perspective, judging without the defendant in front of you makes a mockery of halakha.

Let it be said clearly, as Rabbi Marc Angel pointed out, the Agudah statement is "aimed at the Modern Orthodox community." Rabbi Angel concludes his essay just published by his Institute for Jewish Ideas and Ideals with the words:

One of my concerns is: does the Modern Orthodox community have the inner strength to deal with the issue of women's religious leadership, or will we simply cave in to the pressure "from the right"? The "Council of Torah Sages" believes it can prevail in defining Orthodoxy, and in casting out those who disagree with them. Does the Modern Orthodox community have the confidence and integrity to demur, and to insist on its own right to discuss and debate and make its own decisions?^[10]___

In the end, the definition of what constitutes Orthodoxy is not for the Haredi world to determine. It begins from within; with what we know and feel about ourselves. It has everything to do with having confidence in our commitment to halakha, and holding true to the values of Torah and tradition.

Out Front

It's not easy being out front. I remember when we brought Women's Prayer Groups into the Bayit. Eminent Roshei Yeshiva wrote a teshuva that was highly critical. I remember when we began passing the Torah to women. It created significant turmoil. Yet, today, this practice has spread.

And I remember the night when Natan Sharansky spoke at the Bayit, soon after his release from the Soviet gulag. It was his first public talk in America. I felt that it was critical that we, an Orthodox synagogue, be joined by Conservative and Reform rabbis who played major roles in the movement to free Natan and the Soviet Jewry Movement. I invited them to join

us that evening, and to recite prayers from the Psalms. This, too, was highly criticized, but today is commonplace. In recent years, our commemoration for Dr. Martin Luther King has been raked over the coals. Here again, what we did is being emulated in more and more communities.

That's the way it is with firsts. You move forward, take a hit, precipitate discussion and keep at it. And that's what may be unfolding now, once again, here at the Bayit.

These few weeks have been most difficult for Rabba Sara. I've often seen her ashen and despondent. And yet, she has endured with unusual humility and concern, not only for herself but for our larger bayit. She is a rare gift.

This has also been an excruciatingly painful few weeks for me and my family. It became most painful when our daughter Elana called from Israel, deeply upset. Toby has been at my side and I know she is deeply hurting when she hears and reads all this terrible stuff about her husband.

I'm deeply grateful for the calls I've received from many of you, even from those who disagreed with me. My most basic teaching is we're a bayit—a home, and families remain together even when there is disagreement.

We're at a glorious but vulnerable stage as our building is completed. So much is happening here in learning, in programming, and in reaching the broader community. What is crucial, absolutely crucial, is that we remain together in the spirit of ahavat Yisrael and in the spirit of family.

I pray that from this challenge we be able to emerge stronger as a bayit, stronger as a family, stronger in our mission to be an Open Orthodox synagogue, deeply committed to halakha and open and welcoming to all.

Postscript

Seven years after Rabba Sara's ordination, the Bayit, led by its magnificent new senior rabbi, Steven Exler, has attracted many, many scores of families. Yeshivat Maharat has also reached new heights. It grants *semikha (toreh toreh)* allowing each graduate—in consultation with the community they serve—to decide on title. To date, 20 students have been ordained, serving as spiritual leaders in North America (i.e., Baltimore, Berkeley,

Boston, Chicago, Los Angeles, Montreal, New Jersey, New York, St. Louis, Washington) and Israel. Beginning in the summer of 2015, several graduates assumed the title rabba. And with the help of thousands of supporters, the school has now grown to an enrollment of 25 students.

[1] ___ Author's note: She now serves The Kehillah in Riverdale, NY.

[2] ___ *Sefer haHinukh* n.152.

[3] ___ Birkei Yosef, Hoshen Mishpat, 7:12, citing Tosafot Yevamot 45b s.v. mi.

[4] ___ Responsa Binyan Av 65:5.

[5] ___ Mishpetei Uziel, n. 44. See also Rabbi Moshe Feinstein on this issue (Iggrot Moshe, *Yoreh Deah* 4:26).

[6] ___ Matthew Wagner interview with Rabbi Norman Lamm: "Non-Orthodox Judaism Disappearing" (*The Jerusalem Post*, May 10, 2009).

[7] ___ *Yoreh De'ah* 242:14.

[8] ___ Rabbi Bakshi Doron, Responsa Binyan Av 65:5.

[9] ___ Statement of the Moetzes Gedolei HaTorah of America (10 Adar 5770–February 25, 2010).

[10] ___ Comments by Rabbi Marc D. Angel in his blog:
<https://www.jewishideas.org/blog/women-orthodox-religious-leaders>.

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Issue number:

30

Page Nos.:

94-101

Date:

Winter 2018/5778