

Dear friends / colleagues / esteemed Rabbis,

I would like to comment on the Paper issued by the Rabbinic Panel of the Orthodox Union of America on the question of “a woman in a clergy function” and the spectrum of professional roles for women within synagogues. (Since that paper cannot be called a Tshuvah in the real sense of the term, I will call it the “Rabbinic Paper”, a term which has been used in discussions on social media, which erupted about that paper. I hope that this term is neutral and is okay for everybody).

I hesitated for two reasons, if I should write my comment:

First, maybe the debate about the paper is over next week anyway. But I feel, that a larger question, which this paper touches, will stay within Jewish communities around the world during the coming years: This is the question of how to find appropriate ways of enhancing and enlarging female leadership within Jewish communities.

Second, there is of course the question, who am I – a teacher in a European Jewish community, holding aside the small title of a “certified teacher for Jewish Religious Instruction” only some “secular” university degrees – to take the liberty to comment on a paper written by highly esteemed poskim in an organization of which I am not a member. But sometimes feedback from outside can be helpful in seeing things, which are more difficult to see from inside. And of course, in a globalized world of today, also on a personal level I am not untouched – neither by the discussions which have led to that paper nor by the discussions brought up by that paper. The Chief Rabbi of my synagogue in a European country is a strong defender of that “Rabbinic Paper”. But whenever I come to Jerusalem, I use to take every possible opportunity to walk on Shabbatot (sometimes even longer distances within J-M) to Bet Knesset Ramban in the south of Jerusalem to listen to the Shiurim of Kvod haRav Binyamin Lau – who sharply disagreed with this paper. So, feeling a connection to “both sides” of the discussing Rabbis, I dare to comment. I will share some thoughts on the paper itself as well as on the debate which erupted, and I will also add a few points which I feel, are missing in the current debate.

(The Israelis may forgive me, that I write in English, but since the original discussion and the “Rabbinic Paper” itself is in English I felt that English is the better language to write my comment).

The narrower background: a paper against “Open Orthodoxy”

Like many written papers, also this Rabbinic Paper has an “oral tradition” regarding its purpose: So we know that the target of this paper is a movement within modern-orthodox circles, called (or labeled) “Open Orthodoxy”. (I assume, that different participants in the discussion have in detail different lists, which names and institutions fall under the “OO”-label, but certain addresses are for sure included). And there has been quite some concern in recent years about the seriousness of this movement, about the proper commitment towards halakhah and regarding philosophical approaches which may or may not count as acceptable within “orthodox” Judaism. I have shared some of these concerns. I felt regarding some institutions (may they be called Beit Midrash, Yeshivah, Institute) in the US as well as in Israel, that what is done and taught there – according to my impression – could be too superficial, too much “showing off”, and sometimes also too much influenced by non-Jewish approaches. Actually I felt it more as a problem of quality (and not in the first place as problem of actual halakhah), for example if (or when) I would look for a place to advance my own studies on a higher level, or recommend to some student/friend a place where to go to study, there are places within the “OO”-label, which I would not recommend, out of a concern of a lack of seriousness there. To be sure, we can have these questions of quality also within 100% strictly orthodox

(including haredi) circles as well! But when a movement tries to be more „open“, and at the same time is at risks to become too superficial in some approaches, questions of halakhic correctness may come up. Having said that, I also admit, that when I read the “Rabbinic Paper“, I did feel disappointed about what I felt to be some weaknesses of the paper.

To be clear: I do not doubt in any sense that the honorable Rabbis who wrote the paper, did a lot of hard work with all their best intentions. Also those who feel in some points disappointed or troubled should be clear that the authors of the paper are esteemed qualified poskim and have to be respected for their work.

Given the background of a struggle between an “Open Orthodoxy” and more “conservative” circles, this paper is clearly a political paper – and not just an answer to a simple halakhic question. Therefore the halakhic discussion is not completely free from political standpoints. There is nothing wrong with that. (I hold a doctorate in Political Science, so when I say „political“, this is obviously not disparaging. It’s one of my fields of scholarly research.) It would be naive to think that a “pure” halakhic discourse, completely free from the background of the participants, would be possible. But we have to ask ourselves: Is our debate still about finding the correct way to serve G-d? Or did we get too deep into the battle of “they” versus “us”, is it meanwhile more about “winning” and “loosing” the battle? Indeed political activities can become very dirty when it is about “winning” or “loosing”. Unfortunately the debate erupting after the paper (and it seems even the way which led to the paper – and maybe even the paper itself) have been touched too much by a spirit of fighting the „other party“. I am neither interested in beating up „Open Orthodoxy“, neither am I interested in defending „them“. I am interested in how we build a promising future for our Jewish communities.

The broader background: How to develop structures for women taking part in leadership within Jewish communities?

Within the spectrum of a “modern-orthodox” Jewish world we all welcome the fact that Jewish women have today in many places a higher education not only in secular studies but also in Jewish learning, and we welcome that women also teach on a much more advanced level than it used to be a few decades ago. Probably we also agree that it is good and healthy for Jewish communities to have more learned Jewish women in our communities. And we even feel, that we could need more highly educated women serving in our communities. We also have to be clear, that this development did NOT yet reach all of the Jewish world, and there are still communities where women, who want to study on an advanced level simply do not find opportunities (writing from a European community I know what I am talking about). But we may understand this as a problem of „peripheries“ versus „centers“, and we may hope that communities in „peripheries“ of the Jewish map, will be able to catch up. If this will be the case, we expect to see a further advancement of highly qualified women into leadership-positions in Jewish communities (high level teachers, advisers, ...).

There are a few points I would like to make regarding this development:

- The fact that women today are able to pursue higher studies is not just due to an influence from the secular world „outside“ (I would agree, that the secular influence did a part, but by far not everything). It is to a high degree due to structural changes in the world (not „inside“ or „outside“ but part of humanity as a whole). Among these changes are the huge advancements in medicine, raising life expectancy etc., as well as technological revolutions, both enabling women to pursue studies and activities which were out of their reach hundred years ago. Therefore there is no reason to assume – in general – that women who strive for advanced studies and then want to serve with their knowledge and abilities their Jewish community are per se victims of some „non-Jewish“ approach. (Of course this can be true in a specific individual case, but there is no reason to mistrust the advancement of women into leadership positions in Jewish communities in general.) I am disturbed by the rhetoric which

appears in parts of the „Rabbinic Paper“, connecting the question of professional roles of women in synagogues with a general suspicion of “accommodation to prevailing values and expectations, often in opposition to the Torah worldview”. Such a rhetoric of mistrust is not giving honor to all those committed Jewish women who strive to become Torah scholars within the “modern-orthodox” world. I also never met among educated “modern-orthodox” women striving for a higher level in their learning of Torah anyone who would deny, that there is a difference between man and woman. (To do so would by the way be also a quite outdated approach in non-Jewish philosophies.) Could it be, that this rhetoric of mistrust reflects some kind of fear that women could advance “too far”? Such a fear shouldn’t be necessary.

- We agree that men and women are different in their ways of thinking. Exactly because of that the leadership of a community gains something when adding a stronger female contribution.
- Since we live in a world which is more complex and more complicate than ever before – and unfortunately there are signs that the world might not see only peace in coming years – it is rather obvious that we do need developments to strengthen our communities. To do nothing (on the ground of applying the concept of “negative minhag”) will not be the answer. Unfortunately the “Rabbinic Paper” underestimates that these concerns should be a serious part of a “Halakhic Ethos”. It may well be, that as part of strengthening our communities we want to have the contribution of more women in leadership positions.
- For educating more women Torah scholars on a high level we need structures. What exactly new institutions for women should teach and what kind of certificate they shall earn, is a matter of debate. But I have been disturbed by the Rabbinic Paper bringing up the argument “women’s Torah scholarship is not an entirely new phenomenon” as a “proof” that the possibility of smikha for women would have been rejected by mesorah. This is not convincing. Not only the difference in numbers of scholarly women is obvious (how relevant this is, could be discussed), but there is also a clear difference regarding today’s structures of advanced studies. In times, when formal education for women did not exist at all, those women scholars who came out of a few noble families were obviously acknowledged without any formal papers. In former days some chasidic Rebbes were acknowledged in their communities without any formal “ordination” because there was no need for any formal certificate. Today we live in a world where – due to larger and more complex structures and also due to globalization – formal certificates are much more needed. This does not exclude at all that informal acceptance still may play a role in places, where it is possible (and sometimes even needed). But we would run into difficulties to rely only on informal acknowledgement.
- Our question is not about women’s rights, it is about, what women can contribute to the progress and development of their community. In case a woman wants to pursue a great career and/or to make a lot of money, serving in a synagogue would not fit that goal anyway. When we talk about women advancing into some kind of „leadership-positions“ in Jewish communities our question has to be: What is a promising way for the development of healthy Jewish communities?
- Women who pursue a kind of leadership-position in a Jewish community therefore have to ask themselves: Am I really pursuing this position because I want to contribute to the development of my community? Or could it be, that I am too much motivated by a strive to be important, honored or whatever the yetzer hara has in the repertoire? Now, you could say this is obvious anyway (and it is of course also true for Rabbis and male teachers), but there is a reason, why these questions of soul-searching are in our present debate even more important than in „normal“ times:

- When political structures (including structures in communities or any kinds of societies, institutions etc.) become weak, or when they are weak because they are new, there is a greater opportunity for the less qualified to take over. You can watch this with populists movements flourishing when the established political structures of states become weak, but it also takes place on much lower levels, even in completely harmless realms (e.g. when in Europe music of the Baroque was re-discovered, and started to enter repertoires of concert halls, some less qualified musicians would enter the Baroque-ensembles, because there was opportunity. Meanwhile there are extremely high qualified Baroque-musicians, but it took some time). When new structures are developed, the social and institutional mechanisms of control – who is qualified to enter until which point – are not yet well developed. We have that case: When we want to bring more qualified women into some kind of leadership positions in Jewish communities we enter new terrain. And we have to be more careful than within an already established system regarding the required competences of candidates. (This may refer to the level of the curriculum studied, but not less to social competences.) Actually we are today in a far better position than like 20 years ago. Meanwhile we do have a significant and relevant number of women who without doubt are able to fulfill highly responsible leadership tasks. But we would not be able today to put into a large number of synagogues worldwide women in high-rank leadership positions.
- When structures are growing and expanding, there is always a tension between enlargement and deepening. (In our case “deepening” refers to a more advanced level of teachings by female teachers and to a possible advancement of women into “higher” positions). It is very hard to have both at once. So we have to ask, what is more important for the moment: A larger spread of more female teachers on a good-to-average level throughout Jewish communities, or a qualification as high as possible for a then smaller number of high qualified female leaders?
- On a non-halakhic, but strategic point, the question of „enlargement“ versus „deepening“ may influence decisions, what kind of positions we want to establish for women. Obviously all choices we consider have to be within the framework of halakhah. But within that frame, it is also a question of what we need in our communities. In the latter case we should not hide behind “halakhic” discussions, but make clear that we discuss what we think is a good way to develop our communities. Then obviously various solutions are possible in different places.
- It is natural that man (including woman) has a fear of change. (Not talking about “changes in halakha“ – but changes in everyday life.) Therefore an extra amount of soul-searching is also appropriate on the side of those, who oppose women advancing “too far” into synagogue-leadership. Is the opposition to a certain halakhic approach and the preference of another halakhic approach really due to an honest struggle to find out, what G-d wants from us? Or could it be that the fear of something new or some other inner opposition or loyalties within your network etc. motivated you to tend to that approach, which you (!) wanted?

The question of female rabbis:

Although the Rabbinic Paper discusses a broader range of possible – or not possible – professions of women in synagogues, a large degree of the discussions about that paper and also a large section in the paper focused on the question of female rabbis. The discussion is not new, and the interested educated public had already quite some possibilities to hear various opinions about the matter. And teachers like yours truly have always been in need of some kind of answer when asked “do you know, why women are not allowed to become Rabbis?” After some decades of discussions we have seen a pair of results coming out again and again of those discussions:

1. It turns out very difficult to claim, that a simple title of “rabbi” on the level of a היתר הוראה (a “permission to teach” halakhic matters) should not be possible for women.
2. On the other hand it would indeed be very difficult – rather impossible – to claim that a woman could be a שופטת – which means a woman cannot become a “dayyenet”^{1, 2}.

Given these assumptions, I used to feel, that although women could – and I would say also should – strive for something which is an equivalent of a היתר הוראה, it may be better not to use the title „rabbi“. It would be strange to say, she can become „rabbi“, but then not continue to a „dayyenet“. It sounds as if you would say at a university that someone can become BA or MA, but then will not be allowed to write a doctorate. (The Rabbinic Paper also made the point that being a “rabbi” may be seen as first step for becoming a dayyan.)

1 It is possible to claim, that min-ha-Torah (!) there would be no objection against a shofetet, like R' Bentzion Meir Uziel points out in his teshuvah on בית דין במושב . (This teshuvah can be found in מ"ג, פסקי עזיאל, or in משפטי עזיאל, סימן ה - in both editions the text appears one number before the very famous teshuvah on women voting and being elected. In connection with our debate it is worth studying both. [Unfortunately that famous teshuvah of R' Uziel on women voting and being elected, which is well known as an important document of Religious Zionism, was misquoted in the Rabbinic Paper in a way as if R' Uziel would support the reading of the Rabbinic Paper of the Rambam's view. I assume that that misquote happened due to a simple error. Both these Tshuvot by R' Uziel do NOT support views on שררה expressed in the Rabbinic Paper, but rather support the opposite!]) But even if one wants to claim that min-ha-Torah a shofetet would be possible, one would have to overcome very strong talmudic and medieval sources, and also R' Uziel concludes, not to allow a woman to become a shofetet, in his view partly on traditional grounds (where one might discuss if they are still true today), but also partly on psychological grounds (the woman having, according to his view, an additional amount of rachamim, which might endanger the absolute truth of her judgement), and of course with the background of the objections in the Yerushalmi and in the Tosafot on the Bavli. Obviously it is not upon me to prefer the one or the other psak, but I assume that if someone would try to claim that a woman could be a shofetet (in our times) – against Tosafot discussing the Bavli and against the Yerushalmi explicitly – such an approach would not have a chance to be widely accepted.

In case we ask for a reason (other than: that's what the Talmud says) it seems to me, that there are two possible philosophical approaches, which both appear in the teshuvah of R' Uziel, but which can be tied originally to the two refutations in Tosafot in Niddah 50a (regarding the Mishnah at end of 49b), discussing the Dvorah-question:

The first refutation in Tosafot claims that Dvorah was accepted על פי הדבור, which R' Uziel explains in the way, that only a Sanhedrin could appoint a woman as a Shofetet. (Since we don't have a Sanhedrin in our days, this means, today it is not possible, but it would be possible in messianic times). The interesting point with this approach is, that it does not completely exclude the possibility of a woman as Shofetet, it only makes it impossible in our days due to the lack of a Sanhedrin. If (if!) you follow the philosophy that the position of women in this world broke down after the sin of Chawah and will improve gradually towards messianic times, this would fit in very well. Then it would be a matter of not having yet reached messianic times. If (if!) you follow this approach, this could imply, that we should develop paths for bringing women as near as possible to the highest possible step – and this would be a strong point for bringing women into the Rabbanut on the level of היתר הוראה.

The second refutation in the mentioned Tosafot claims that Dvorah actually never judged, but taught others, how to judge correctly. According to that approach it is indeed a matter, that a woman in general should not and cannot be an actual shofetet. Here comes in the assumption of a psychological difference between man and woman, which causes, that not always men and women should do exactly the same things. Also according to this approach there is no reason to fear that woman could be considered to be somehow lower. After all we learned from that approach, that a woman can teach the judges. Who is more important: The judge or the teacher teaching the judges? (I would suggest that you cannot say, that one or the other is more important.)

2 The Rabbinic Paper put a lot of emphasis on the question of שררה. Regarding the question of smikha itself I don't feel, that this debate would be necessary, since also according to stricter interpretations it would be difficult to apply the concept of שררה to a rabbi holding smikha who is not appointed as a „community rabbi“/“synagogue rabbi“. On the other hand even those who hold, that שררה is not a problem for women would not permit a woman to become a „dayyenet“. The hotly debated שררה-question comes in, when the person who is a “rabbi” shall become “the” leading rabbi of a synagogue (“senior rabbi“ / “chief rabbi“ or being the only rabbi of his synagogue). I will add a few thoughts in a later note.

Also there is another consideration, why a different title than rabbi may be more appropriate for highly educated women able to teach halakhic matters: Rabbi Marc D. Angel pointed out in a commentary on the present debate:

“I have been in favor of women receiving all the Torah education available to them, and having as many opportunities as possible to share their wisdom and experience in positions of religious leadership in our community. My discomfort with "ordination" is precisely because I think the word is misused and misunderstood today, and is given much more sacred value than it in fact has.”

(<https://www.jewishideas.org/blog/women-orthodox-jewish-religious-leaders-rabbi-marc-d-angel>)

I share – and have been sharing – this concern. There is a misunderstanding not only outside but also inside Jewish communities that the title of a rabbi includes automatically some priesthood-like tasks, for which a rabbi in fact would not be needed. We are used to assume, that a (synagogue-)rabbi time and again leads the service, and that a rabbi will be called to the Torah, etc. This leads to a misunderstanding when using the word „rabbi“, what the certificate of a rabbi on a level of יורה יורה actually means. The repertoire of misunderstandings is even larger in those communities where we have a high number of less observant members, who don't need the rabbi for halakhic guidance, but focus on his speech at first evening of Rosh haShanah. How far the popular pictures about what the title “rabbi“ includes go, varies heavily from place to place.

It might therefore be better to find for women who would theoretically reach the qualification of a היטר הוראה a different title. Not in a way of „cheating“ (just calling it differently but meaning the same), but to communicate in a clearer way, what we include and also what we do not include in that title.

Actually in the present debate Rabbi Angel is ready to accept “rabbinic-like” titles for women, in spite of his concerns:

„If we have communities and rabbis who wish to employ these qualified women in rabbinical-type positions, then they should be free to do so and should have our blessing. If some communities and rabbis do not wish to employ these women, that is their decision.“ (see the above link)

I feel, he makes a very important point: Various synagogues may come to different conclusions regarding titles for qualified women, without entering into a war about it. As long as that which these women actually do for their communities is within the framework of halakhah, there is no reason to fight.

Although due to the above mentioned concerns I would prefer other titles than „rabbi“ for women who are qualified on the level of a היטר הוראה (for example להלכה etc.), I am aware, that there is a point to the other approach: Some feel, that if a woman has the same qualification as a rabbi it would only be fair and honest to call her exactly that. But then it will be very important in making clear for all the involved tzibbur, what is meant by „rabbi“, and what it is not. Titles have to be understood and accepted by the tzibbur. Most probably for a while Jewish communities in various places will give different titles to their women in „leadership“ positions, until a common consensus emerges. We do not yet know, which titles in the end turn out to be accepted. Until then it would be important that groups suggesting different solutions discuss their points in a respectful way instead of entering the mood of fighting which we have seen the recent days.

The use of non-Jewish terms causing room for confusion:

On the outset the Rabbinic Paper did not deal with the question of “rabbinate” for women, but discussed “women in a clergy function“. Now, clergy is a Christian term describing some kind of priesthood, which the clergy-member received through some kind of “holy orders“. I am well aware, that the word “clergy“ is used in U.S.-American synagogues to describe somehow the more important ranks of synagogue-leadership. But also if the term is used in U.S.-American synagogues quite frequently and there is a general – rough – understanding of what is meant, there is actually no

clear definition of the term “clergy” in a Jewish context. This leads to a certain confusion about what the Rabbinic Paper actually refers to, when pointing out that women should not become “clergy”.

Indeed I have seen in various reactions to the Rabbinic Paper different readings of what “it says” when it does not permit female “clergy”. There was the narrower approach of those who understood “clergy” quite synonym with “rabbinate”, and understood that the OU simply does not want to have female rabbis. This is partly, but weakly, supported by the paper itself, which identifies “clergy functions” as “duties generally expected from, and often reserved for, synagogue rabbis”. But the explicit non-exhaustive list of examples of “clergy functions” lists activities, for which you do not need a rabbi, so you can very well have a broader impression of what the paper identifies as forbidden to women. And in reactions to the paper also these broader assumptions were visible – some felt, that the OU tries to “restrict women in leadership positions”. Also, there is no Hebrew equivalent for “clergy” in a synagogue (the Hebrew כמורה refers to Christian priesthood). Now, we could say the definition of clergy, which the paper provides, can be found in: „duties generally expected from a synagogue-rabbi“. This is weak insofar as this can mean different things in different places, and of course there is the problem that it includes activities which in many synagogues are also done by others. („often reserved for“ also does not help us, since this again depends on the place and also on the wishes of the rabbi). But one point we can make: Although we do not have a clear rule regarding things a rabbi often does (are they reserved for him or not?), we can conclude that everything, which the rabbi would *not* do in a synagogue, is open for women. This may sound funny, but it can be used to say, that women can take over all kinds of leadership positions in the ezrat nashim and in any kind of women-only events, even according to the most restrictive reading of this paper.

But I also could try to read the paper in a more open way: I could try to make the list of activities reserved for the synagogue rabbi as short as possible, based on the fact that also others do this, and so open much more opportunities for women in leadership-positions. If I would try to go as far as possible, I even could try to say, that a qualified woman could earn smikhah as long as she does not want to become a synagogue rabbi. To be clear, I do not think at all, that this was what the paper wanted to say, but it would be possible to read it that way: As long as she does not challenge the authority of the synagogue rabbi, she may teach and lecture and inspire and give advice and organize and lead and influence, and it will be fine. (In any case I would strongly suggest that nobody should challenge the authority of a synagogue rabbi within the congregation, otherwise the synagogue would not function, so this should not be the problem.) Any idea that a woman could become an appointed synagogue rabbi is clearly opposed by that paper, so here an attempt to read the paper as open as possible would clearly end.³ But under the permitted roles the Rabbinic Paper

3 Since the שררה-question seems to be the main battlefield in the discussion, which erupted about the paper, let me add a few thoughts. Obviously I am not the one to decide which psak is „better“, but coming from the field of Social Sciences I would like to try to analyse a few points regarding the structure of the debate. Not for the purpose of suggesting who is right or wrong, but for the purpose of finding out where there may be common ground for further debates or for a better understanding of each other: According to that, what I saw (and I am sure, I did NOT see all the relevant sources, but only a few), it seems to me, that we can distinguish three approaches – and all three can be found in sources which one should not despise as unqualified, although you may have reasons not to agree with one or the other:

First, a quite radical approach, that שררה for women is not a problem anyway (by either refuting or re-reading that Rambam on the Sifri, see R' Uziel).

Second, the approach that a kind of authority which is not an absolute שררה is not a problem for women. Under these types of “not absolute” authority fall functions where the person shares the authority with others (like being member of a parliament or of any board), or if the authority was given deliberately by those who elected the person.

It seems to me, that the third, most restrictive approach, still accepts, that there is no problem with a shared authority given to a woman (being member of a board is acceptable), but does see a case of absolute שררה (and therefore wouldn't accept a woman or a ger) also in cases, when this person was elected, in the moment this person can decide alone. We do not need to consider the case of the queen who inherits, since this doesn't fit our question (although there were in Jewish history exceptional cases of a widow of a Rosh Yeshiva continuing his teaching, this would fall under

lists: “institutional scholar to supplement synagogue rabbis” - provided that she does nothing, which could be considered “clergy”. “Institutional scholar” is an interesting coinage. Why could such an “institutional scholar” not have a kind of certificate on a level of a היתר הוראה ? I would like this „institutional scholar“ to be highly qualified!

By the way, the second question of the paper, „what is the broadest spectrum of professional roles within a synagogue that may be performed by a woman?“ is never answered precisely – for understandable reasons. It would be hardly possible to define „the broadest spectrum“.

When I said that a weakness of the paper is, that it lacks a certain clarity, partly due to the use of a non-Jewish term, which is not clearly defined, I have to stress that I do NOT say, that the authors – . highly esteemed poskim – have to be blamed for that. First and foremost the question was asked in that terms, and also there was the wish to speak in a clear and understandable language for a broader public. This intention was obviously very noble, but unfortunately it didn't work out well.

And I want to stress that there is a second cause for the paper to be “unclear” to a certain point, which has the root in its nature being a political paper (and please note: there is nothing wrong with that!). It is only natural – and actually to a certain degree desirable – that a political paper ends up with a certain frame of various approaches, which were brought into the debate. Any paper of that kind contains somewhere that sentence the one participant had to have in it, as well as that other sentence the other participant had to have. So when we feel, that there is a certain overlapping between “forbidden” and “permitted”, and there is on the one hand the mistrust, which I had

that type). Now, where is here the position of a synagogue rabbi?

According to the first approach: The rabbi may have absolute שררה or not, it does not touch our question. (You may still have other reasons not to accept a woman! Only the שררה-question does not apply.)

According to the second approach the rabbi would not have that absolute שררה, because the rabbi is chosen by his community – today even usually by boards which themselves were somehow democratically elected. (This may not apply for some positions in Israel connected to state-functions, but talking about a „normal“ synagogue-rabbi.) Also if afterwards the community obviously has to accept the authority of the rabbi, they first made a deliberate decision to choose this one. And even more, today usually the congregants are quite free to choose to go to a different synagogue (I am not talking about shopping for a psak. But in any place, where there is more than one synagogue – and I am sure, a majority of jews today lives in places, where there is choice between synagogues – the congregants have the choice to become member of the other synagogue and in that way they even re-elect their rabbi by deciding to stay with him).

Is there room according to the third approach, to say, the rabbi would not have absolute שררה ? Here the only way to say, that the authority of a synagogue rabbi is not an absolute שררה would be to claim, that he shares his authority with others. Does he? Theoretically we tend to say, he does not. He doesn't have to share his halakhic authority with anyone in his synagogue. But one may question how far this is true in today's reality: Again we have the above mentioned fact, that most times an other synagogue rabbi is not far away, and in synagogue nr. 1 they know what they hold in synagogue nr. 2. Today it is even easy to know what other rabbis hold in places far away. Therefore a rabbi has a much stronger need to explain to his congregants his decision, even to convince them, because he is in a certain competition with other rabbis, who are available. (This is more true, when the community members are younger.) So one might suggest, that in the moment the rabbi has that need to explain and to convince, his authority is not on that absolute level of שררה. But one also may refute this doubt, and conclude, that the rabbi who is the chief rabbi/ senior rabbi/ only rabbi of his synagogue has שררה because in his place he has authority. Note, that also according to this approach a rabbi in a function of an “assistant rabbi“ etc. would not have שררה. So even according to the narrower approach we could not say, that every rabbi who has smikha, has automatically שררה. This makes it more difficult to apply the concept of שררה to all kinds of “rabbinical-like“ positions, which were concern of the Rabbinic Paper.

Now, when we try to take a look, who is going to prefer which approach, your choice will not only depend on what you find more convincing. It depends also on loyalties / connections to certain traditions in your specific community or your network, your teachers/ parents etc. So we may assume, that in the ranks of OU-rabbis a very strong reverence to haRav Soloveitchik will cause the need to bring your approach in line with everything you know about what “the Rav” ever said. Which in this case may bring you into the narrower approach of the three mentioned. If you are more connected to the religious-zionist camp of Israel you will be more familiar with the first and second approach sind these were discussed in connection with women running in elections. (Also if you are sephardic in the U.S. you may prefer to refer to R' Uziel.) So we have the quite normal situation of אלו ואלו , and I strongly disagree with those who tried in debates about this paper to question the qualification of the „other side“ sometimes in very rude terms. This is not the way we should talk to each other.

mentioned, and on the other hand a quite proactive tone in what women can contribute, there is no reason to see a mistake in these „contradictions“. The rabbis who wrote the paper did a lot of hard work and this is not a psak to one simple question, but they set a frame for further developments within their institution. It IS a political paper.

Still I would suggest, that for further discussions we need more clarity, what we talk about. And I would strongly suggest to be careful with non-Jewish terms which do not fit into synagogues. Obviously rabbinic language is full of foreign words which were borrowed out of need and for good reasons from other languages. But we have to make sure, that we do not import pictures, which do not fit.⁴

How to continue?

For further debates I strongly suggest that we strive for much more precision in the terms we use. When we talk about „rabbi“ we shall be clear, what exactly we mean (a simple smikha, a synagogue-rabbi, a dayyan, a rabbi teaching in a school, ...). Foreign terms like „clergy“, which even do not fit into a Jewish context, we should avoid.

And we have to be clear and honest about our motivations, and about the „categories“ of our discussion. Which questions are actually halakhic questions? Which are questions about strategies to develop our communities? Which are actually power-struggles?

Currently we are hotly debating something, which exists in real life only in a few places. We do NOT yet have enough qualified women in our communities who are able and ready to take over „leadership-positions“. We have neither enough yoatzot in the world, nor would we have a very large pool of highly qualified candidates if many synagogues in the world would decide tomorrow to hire an „institutional scholar“. We need more institutions to educate these highly qualified women. Also in Israel, outside Jerusalem and „the Gush“. What about several branches of „Nishmat“ in the world? Or simply other institutes at the level of „Nishmat“ educating yoatzot? When we are concerned about the quality of certain institutes, the best strategy is to build up

4 Dear friends and rabbis in US-congregations: Allow me a feedback on the use of non-Jewish terms in that paper: I felt sad, when reading the paper through, because I felt, that too many Christian concepts had entered. For example: Among the „clergy functions“ listed, we find: „officiating at a bar mitzvah“ and „delivering sermons from the pulpit during services“. That kind of bar-mitzvah-ceremonies, where there is something to „officiate“ were copied from German ceremonies of the Lutheran „confirmation“. 19th century, still in Europe. Of course there is nothing unkosher with them, but the Christian origin is clearly visible. Also for Bat Mitzvah it is not necessary to do that confirmation-like ceremonies. And since when do some synagogues have a pulpit? Yes, also 19th century and also copied from the church. Obviously since ancient times rabbis speak in synagogues, but not from a pulpit and not „during service“. Of course all these things are permissible, but they have been copied from non-Jewish religious services. This is, what you have to defend? You have been fighting to make sure, that a woman will not speak from the pulpit during service? It has something disturbing that exactly the same rabbis, who stressed regarding women's leadership roles, that we have to be very careful not to submit to „prevailing values“ from outside, are concerned about ceremonies which entered synagogue – due to „prevailing values“ of 19th century. Of course I am well aware of the fact, that to a certain degree we always are subject to cultural influences from outside, and in a modern-orthodox milieu it is clear, that we even want to use things we find outside, if they fit for us. And of course I would never suggest, that a woman should speak in synagogue „from the pulpit during service“. But isn't there a contradiction, when on the one hand you are so concerned about the danger of „changes“, and at the very same time these dangerous changes could affect those Christian-influenced ceremonies? Maybe the present debate may serve as an opportunity, to question some of these Christian colours in your synagogues? In case you have a woman giving shiurim, and you notice, she should not speak from the pulpit during service, maybe this could be an occasion to think about this pulpit? After all, there are so many synagogues around in the world, which do not have a pulpit, and do not have their boys (and girls) receive confirmation-style texts for bar/bat-mitzvahs. Forgive me, if I used now a little bit sharp words, I said it from the depths of my heart. I hope you understand that I spoke with good intentions. Of course you want to honor your minhagim, and I know, that once it is established, it is difficult to change.

institutes which are better. If you want to convince interested women, who want to study at an advanced level, not to go to one of those addresses, which you would not recommend – you have to be able to give a better address. We still need more places for advanced studies for women who are interested in becoming high level teachers and community leaders. This is not easy. It needs money and it needs qualified persons, who put a lot of work – and all their heart – into such a project.

Powers challenged and the need for respect

We live in a world, where traditional powers and traditional elites are more challenged than ever before. (One may compare the recent decades – after the spread of the internet – to the times after the invention of book-printing spread around. There are similarities. Rabbi Lord Jonathan Sacks has pointed out some of these in his lectures. But this time the upheavels are even stronger.) This loss of power – which challenges political powers as well as economic powers as well as religious institutions – has a bundle of causes, of which the „mobility revolution“ (internet, cellphones, cheaper flight tickets...) is only one. We cannot escape this situation. And when now some voices notice, that in the OU there is a rift between „laity“ and „the rabbinate“, this is part of that global phenomenon of powers being challenged.

What to do? The loss of power of traditional institutions has a dangerous destructive side and it has a constructive side. The destructive side is, that unqualified/ wrong/ crooked ideas, etc. can spread much easier and faster than ever. In the secular world it may be fake news or populist oversimplifications, for us it is „Rabbi Google“, who knows everything. The only way to work against it, is indeed by information and education. Synagogues need today more than before a significant number of educated men and women (not necessarily staff, but people available) who not only can answer questions but also proactively explain and inform. The other side of the coin is, that it is not necessarily a disadvantage that community members are becoming used to question and to doubt and to get information through other channels (sometimes even „Rabbi Google“ delivers interesting stuff) – all this can be very enhancing for studying when dealt with in a constructive way. But this means, that today a rabbinic leadership has to be much more prepared to discuss other points, to refer to other opinions – also to those you want to refute, they will enter the door of your synagogue anyway, you will have to explain why you reject them. Obviously the ability to listen and to explain always has been an important part in successful leadership. But today the crowd is usually much more prepared with all kinds of (good or not-so-good) informations from wherever, and much less willing to accept that something is just so, because that’s the halakha.

Regarding these conditions I felt that the Rabbinic Paper was written in a too “old-fashioned” way. It would have been helpful to refer to some questions, the reader of the paper most probably will have. In the way the paper was written, the reader was left with the impression, there could be other opinions which „they“ simply ignore. I suggest that rabbis, who give answers, be more careful to actually convince, to refer to doubts and questions which have to be expected, and not only to say what is right or wrong.

I think it became obvious in the recent days that we need a culture of more respect towards each other. We have to be careful to continue our debates not in the sense of fighting „the other camp“, but as a common strive for developing our communities the best way.

May HKBH help us and guide us, to find the correct paths!

Dr. Ruth Winkler
(for feedback and comments: ruth18wink@gmail.com Thank you!)