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The View of Rav Joseph B. Soloveitchik zt"l on the Ordination of Women

by Aryeh A. Frimer

I have been avidly following the recent discussion at the RCA Convention and on the various blogs regarding granting women *semikha*. I was rather surprised, however, that in all the active give and take, there is one opinion that has not been placed center stage. I am referring to the view of *Moreinu veRabbeinu haRav* Yosef Dov *haLevi* Soloveitchik zt"l, known by his students as "the *Rav*". The reason for this may well be the fact that the *Rav* never discussed this issue head on. However, there are several solid pieces of evidence which indicate, to my mind, that the *Rav* would clearly have opposed having women serve as Shul Rabbis and their receiving *semikha*.

The first piece of evidence is found in the recently published *shi'urim* of the *Rav* on *Yoreh De'ah*.¹ In contradistinction to *Rav* Soloveitchik's Talmud *shi'urim* - which were very *lomdish* and had a large element of creativity and *hiddush* - the tone of the *Yoreh De'ah shi'urim* were *halakha le-ma'aseh*. The *Rav's* primary goal in the latter was to clarify the various views of the *Mehaber*, Rema and *nosei kelim* in preparation for *semikha* exams.² In one the first *shi'urim*, the *Rav* dealt with the ruling of Rema to the effect that our custom is not to allow female ritual slaughterer (*shohatot*). The *Rav* suggests that the reason for this is that nowadays being a ritual slaughterer requires *kabala* - the authorization/certification of a recognized scholar testifying to the candidate's knowledge of both the theory and practice of *shehita*. It should be emphasized that receiving *kabala* has community wide repercussions since it generally allows the bearer the right to apply for a position of *shohet* anywhere.

As a result of this certification requirement, appointment as a *shohet* is to be viewed as a communal appointment (*minui kahal*), from which women are excluded according to Maimonides. In the *Rav's* words: "It seems that since our custom is to receive authorization

from a scholar in order to slaughter, therefore slaughtering is no longer merely a simple matter of permitted or forbidden food - that anyone [knowledgeable] can deal with, but has become an appointed communal position. For this reason, we do not allow women to slaughter based on the Rambam (*Mishne Torah, Hilkhhot Melakhim* 1:5), who wrote that we do not appoint a woman to a communal position. Since a woman may not be appointed to a communal position, and slaughtering has become a communal position, therefore, it seems that a woman may similarly not be appointed to be a town slaughterer.”³

Rabbinic ordination, like *kabala*, is authorization and certification by a noted scholar or more often by a board of scholars, who verify that the candidate is knowledgeable in theoretical and practical areas of *halakha* required for rabbinic communal leadership. If, to the *Rav*'s mind, women are excluded from being appointed a *shohetet* - because the required *kabala* certification converts the appointment into one of *minui kahal*, the same is true regarding her appointment to be a congregational Rabbi which for millennia has required *semikha*.⁴

Another piece of evidence comes from a ruling the *Rav* gave on the question of women as synagogue presidents. Between 1983-1984, R. Binyamin Walfish, in his capacity as Executive Director of the R.C.A., met with the *Rav* in order to receive guidance on a variety of issues relating to women and *halakha*. During these very important conversations, Rabbi Walfish asked the *Rav* whether women could serve on shul boards. The *Rav* responded that he saw no reason why women could not serve as a shul board member. The latter appointment was not *serara* (discretionary power, *vide infra*) over the community which Rambam (*ibid.*) forbids for women, since the final decision was made by the board as a whole - and not by the individual members, which merely had input. The *Rav* did *passen*, however, that women could not be shul presidents. The latter had certain prerogatives that constituted *serara*. The *Rav* also felt it unwise - though there was no *issur* - to have women serve as vice presidents. This is because such an appointment would imply that women could serve as presidents - which to his mind they could not.⁵ [This *pesak* is confirmed by *Rav* Hershel Shachter who, quoting R. Zevulun Charlap, cites a similar ruling by the *Rav*.⁶] The *Rav* also suggested that women serve as *mashgihot kashrut* (*kashrut* supervisor) which the *Rav* said was perfectly *mutar*. On the contrary, the *Rav* felt that women, in those areas, may even be better than men.⁷

We note that the *Rav* did not rule out a woman from being *kashrut* supervisors, presumably because this does not require authorization like *kabala* or *semikha*, merely *bona fide* knowledge of the relevant *halakhot*. Nor did the *Rav* view being a synagogue board

member as a *minui kahal*. This is because being on the synagogue board is a local position and decisions are made by committee. Regarding the synagogue president, however, the *Rav* cites another consideration, namely *serara* – the discretionary power to make decisions with which others need to abide. Each Board member has input into decisions made by the committee as a whole; often, however, the president, as the head of the organization, will make on the spot decisions alone. The same is, of course, true for the synagogue rabbi, who is presumably the final word on religious practice in a community. It is true that the rabbi's contract can be terminated; but until that time, it is his rulings that the community is bidden to follow. This is the kind of discretionary power which Maimonides maintained was forbidden to women.

According to the *Rav*, the discussion about whether women can serve as community Rabbis is not merely about titles but about the job description - no matter what you call it! Whether you have *semikha* or not, whether you are called *Maharat*, Reverend or *Rosh Kahal* - if you function as, or have the authority and discretionary power of, the community Rabbi, that is *serara* and such an appointment is *assur* for women.

Some of my colleagues⁸ have argued that a distinction should be drawn between receiving ordination (*semikha*) and serving as a community Rabbi; it is only the latter which the *Rav* would have forbidden, they argue. Furthermore, individuals with the title Rabbi serve in a variety of other capacities: in education, counseling and *kiruv*, and as hospital chaplains, community organizers, or *mashgihim*. Why should women be precluded from these positions?

Any answer must begin with a clarification of the purpose of *semikha*. As already noted above, Rabbinic ordination is the authorization by a noted scholar, or more often by a board of scholars, who verify that the candidate is knowledgeable in those areas of *halakha* required for rabbinic communal leadership. Nearly every *ketav semikha* (ordination certificate) says just that! If the *Rav* was of the view that women were precluded from rabbinic communal leadership, would it not *mihzei ke-shikra* (have the appearance of a lie) to give them certification for just such a role? Would you give a driving license to one who is forbidden to drive?

Yet, as noted above, individuals with *semikha* serve in a variety of professional capacities, many of which do not require rabbinic ordination – though *semikha* certainly adds to their credibility and the honor of the role. Nevertheless, one could well argue that if a particular occupation requires the authorization and certification of *semikha*, then to the

Rav's mind this might well be *minui kahal* and forbidden for women. We need to find the proper honorific title to fit the job description. Certainly, titles like *Havera*, *Mora* and *Yo'etsset Halakha* are just such steps in the right direction. Perhaps the honorific title *Hakhama* should be adopted for women of outstanding Torah knowledge. But, in an attempt to answer a real need, we should not distort the true and simple meaning of *semikha*.

To this my colleagues counter: How can you explain the fact that the *Rav* permitted *gerim* to learn for *semikha* at RIETS? After all, the Rambam (*Yad, Hilkhhot Melakhim*, 1:4) based on the *Sifrei* forbids *serara* for a convert (*ger*), just as he does for women (*Ibid.* 1:5).

Regarding *gerim*, there are important distinctions that can be drawn between converts and women. The *Rav*, in the lecture on *Yoreh De'ah* cited above, notes the following: "A convert may be appointed to a communal position, but not a position of communal authority over Jews - and it is for this reason that he may judge a fellow convert (*Yevamot* 102a). Therefore, since slaughtering is an appointment of importance but not a position of authority, a convert may be appointed to be a slaughterer. However, a woman is excluded from all communal appointments, even those with no discretionary authority, and therefore she may not be appointed a slaughterer."

According to the *Rav*, converts are only forbidden from positions of *serara* - discretionary power and authority over Jews, but not from *minui kahal* - community-wide appointments per se'. Hence, *gerim* can be appointed *shohatim*, as charismatic *Rashei Yeshiva*, even as judges for the convert community,⁹ but not as community Rabbis; women, however, are forbidden from all such roles. RIETS *semikha* was not intended to allow these ordained converts to serve as community Rabbis¹⁰ – and the handful of rabbinic candidates who were converts could be guided to act in accord with these conditions.

There is yet another source for a fundamental distinction between converts and women to be found in the *Ha'amek Davar*.¹¹ R. Naphtali Zvi Judah Berlin (Netziv) cites the case of King Herod the Idumean convert,¹² who was accepted as the legitimate Jewish regent. Clearly, argues the Netziv, the exclusion of converts and those lacking "good Jewish lineage" from *serara* is only preferable, if possible, but not an absolute prerequisite (*le-mitsva im efshar, akhen eino le-ikuva*). The appointment of women was barred even *le-ikuva*. This is clearly grounds for leniency by converts which is not present by women.

Thus we have shown that the *Rav* believed that women serving as communal rabbis was forbidden both because it is a *minui kahal* and because it is position of *serara*. Logic

dictates that he would have also opposed rabbinic ordination, whose primary and declared purpose is to certify the suitability of candidates for such a position.

This in no way contravenes the fact that a large cadre of leading *poskim* have disagreed to varying extents with the *Rav's* sole reliance on the Rambam, his analysis of *serara*, and his distinction between *serara* and *minui kahal*. Furthermore, many *poskim* accept the efficacy of democratic elections (*kiblu alayhu*) as a means of circumventing *serara* considerations in other communal leadership positions (such as shul presidency and elected political positions), and they may well feel the same about Rabbinic positions.¹³. Others have invoked a variety of additional factors (*inter alia* custom, modesty and communal cohesiveness) in the latter case. As a result of all these considerations, it will not be a simple matter to come to a final ruling on the issue of women's ordination. But despite this controversy between *gedolei ha-poskim*, as *talmidim* of *Moreinu veRabbeinu haRav* Yosef Dov Soloveitchik zt"l, we owe this *gadol ha-dor* the honor and consideration of involving him in our deliberations.

¹⁴ יהי זכרו ברוך – ויהיו שפתותיו דובבות בקבר.

Notes and References

1. R. Joseph B. Soloveitchik, *Shi'urei haRav al Inyanei Shehita, Meliha, Basar veHalav veTa'arovot*,
2. R. Dov I Frimer, personal communication, June 18, 2010.
3. *Supra* note 1, sec. 1. R. Dov I. Frimer and R. Shalom Carmy were present when this *shi'ur* was given and confirm the accuracy of its content. Our English translation is based on that of R. Gil Student, "Women Slaughterers," *Hirhurim*, June 18, 2009 available online at: <http://hirhurim.blogspot.com/2009/06/women-slaughterers.html>. In note 7 to *Shi'urei haRav*, the editor R. Eliakim Koenigsberg indicates that the *Rav* did not consider women's leadership over women's organizations as a problem of *serara*.
4. This argument has been made by R. Gil Student, *supra*, note 3.
5. R. Binyamin Walfish, interviewed by R. Dov I. Frimer; March 10, 1996.
6. R. Zvi (Hershel) Schachter, "miPeninei haRav: Kuntres beInyanei Pesak Halakha," *Bet Yitshak*, **38** (5766), pp. 21-28, at p. 28;
7. Cf R. Moshe Feinstein, *Shu"t Iggerot Moshe*, Y.D., II. Sec. 44.

8. My thanks to Rabbis Michael Broyde and Shlomo Brody for their challenging and probing questions.
9. As to whether a convert can sit on a *Bet Din*, in particular one for conversion, see: R. Michael J. Broyde, "May a Convert be a Member of a Rabbinical Court for Conversion?" *Journal of Halacha and Contemporary Society*, Number LIX (Pesach 5770/Spring 2010) pp. 61-78.
10. See the related comments of R. Hershel Shachter and R. Aharon Ziegler: R. Kenneth Brander, "Setting The Record Straight: Rav Schachter's Comments At The RCA Convention," *Hirhurim*, May 09, 2010 - available online at: <http://hirhurim.blogspot.com/2010/05/setting-record-straight-Rav-schachters.html>; R. Aharon Ziegler, "Halakhic Positions of Rabbi Joseph B. Soloveitchik, II," Northvale, NJ: Aronson, 2001, pp. 159-160
11. R. Naphtali Zvi Judah Berlin, *Ha'amek Davar*, *Devarim* 17:15, s.v. *lo tuchal*. We thank R. Aharon Lichtenstein Shlit"za for bringing this source to our attention.
12. Josephus Flavius, *Wars of the Jews*, Book I, Chap. VIII, parag. 9 indicates that Herod was the second son of Antipater the Idumaeen and his wife Cypros an Arabian. In *The Antiquities of the Jews*, Book 14, Chap. 15, parag. 2, Josephus refers to Herod as a half-Jew and hence unworthy of being King. Later in Book 15, chapter 7, section 9, he notes that the Jewish leader Hyrcanus had made the Idumeans "receive the Jewish customs and law." The Netziv clearly assumed that Herod as an Idumaeen was a convert or the descendant of converts.
13. For further discussion, see: (a) *Nashim beTafkidim Tsibburiyyim beIdan haModerni* (Women in Community Leadership Roles in the Modern Period)," R. Aryeh A. Frimer, In "Afikei Yehudah - Rabbi Yehuda Gershuni zt'l Memorial Volume," R. Itamar Warhaftig, ed., Ariel Press: Jerusalem, 5765 (2005), pp. 330-354 - HTML file available online at <http://www.daat.ac.il/daat/mishpach/maamad/nashim-2.htm>. (b) R. Aryeh A. Frimer, "Women in Community Leadership Roles – Shul Presidents" "Text and Texture," June 2, 2010 - available online at <http://text.rcarabbis.org/?p=931>.
14. *Yevamot* 97a; *Bekhorot* 31b