

These words (with slight editing) were delivered by Rav Avi on Shabbat afternoon March 6th to an audience of approximately 250 of the Bayit's members and friends. Following his remarks, a Q & A session brought many voices from the community into the conversation. We welcome your questions and feedback as well.

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. 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 which was unintended and unexpected. The fallout has powerfully affected Sara. It has also affected our Bayit. I am to blame as I failed to process the change before it happened, and did not properly explicate its meaning.

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

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. 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% of areas, but there are significant 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. Women, like men from time immemorial have done this. From the Matriarchs, to Miriam, to Hannah, to Beruriah, to Marat Hava Bachrach granddaughter of the Maharal who learned Talmud and Midrash and Responsa – women were teachers par excellence.

The statement of the Chafetz Chaim in the early part of the twentieth century encouraging women to learn Torah was foundational in establishing women's communal institutions of learning of the highest level. Most recently the 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 rebbi in Tanakh, my rebbi and the rebbi of so many of my colleagues. Today, Dr. Avivah Zornberg, Dr. Bryna Levy, Rosh Kehillah Dena Najman Licht of KOE, 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.

Tosafot in Niddah 50a declares that although Deborah did not serve on a *beit din*, she instructed the people in matters of law: מלמדת להם הדינים. Similarly, the Sefer ha-Hinukh takes for granted that a woman who is an אשה חכמה ראויה להורות, a wise woman can give halakhic rulings (Mitzvah 152). Most recently Rabbi Bakshi Doron, the former Sephardi Chief Rabbi wrote:

"נשים יכולות להיות מגדולי הדור ולשמש כמורי הוראה" (שו"ת בנין אב סה/ה)

"Women can be of the Gedolim of the generation and serve as halakhic decisors." (Responsa Binyan Av, 65:5).

Finally, a woman can be a religious leader on campuses, in schools, in camps and the synagogue. A woman, for example, could lead synagogue programs that have religious dimensions like the Dr. Martin Luther King commemoration or the Yom Hashoah Seder. A woman can also play a leadership role in religious services like facilitating a tefillah in a shiva house, or a learner's service, or in leading a woman's prayer group. There are parts of a regular service that women can lead, like giving the d'var Torah or reciting mi shebeirakhs. Furthermore, a woman can lead life cycle events, guiding a marriage ceremony, with halakhic limitations which I will delineate later, or a funeral service.

Some have raised the issue of Maimonides' position of limiting women taking leadership roles in the community as prohibiting any spiritual leadership roles for women, known in halakha as serarah. This is not the place to evaluate the halakhic intricacies of this topic, and many including Rav Nati Helfgot in an essay in the Text and Texture blog of the Rabbinical Council of America (RCA) have discussed the issues at length. Suffice it to say that many great halakhic leaders of the Orthodox community, including mori ve-rabi Rav Yehuda Amital, Rosh Yeshiva of Yeshivat Har Etzion, have noted that: 1) Maimonides' position is not the dominant one in the sources, and 2) Even according to Maimonides, an elected office or position or one which the community accepts upon itself does not in any way fall under the rubric of this restriction. The Modern Orthodox community in Israel and America generally follows that approach allowing talented religious women to serve as members of Parliament, ministers in the coalition, heads of large Torah and secular institutions and in a plethora of leadership positions.

In sum, 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 essential roles in all of these areas. That's what I mean when I say that 90% of what rabbis can do, women can do.

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.

In the same breath, there are things a woman cannot do. A woman cannot be a witness under the huppah, cannot recite the birkot erusin or birkot nissuin. She cannot be on the beit din for conversions; she cannot be counted into a minyan; she cannot lead devarim she-be-kedushah. That's what I mean when I say that in Orthodoxy the roles are not identical, there are significant 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 irrespective 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 Hilkhait, Ruhanit, Toranit, a woman who is a Halakhic, Religious and Torah Leader. These words are terms – much like rabba – which describe 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 sometimes 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.

The reality is there is little controversy in the mainstream Modern Orthodox community or what I call the Open Orthodox community on how women can function as religious leaders. Halakhically, this is not a complicated issue. 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 June 9, 2009 Jerusalem Post article. Asked about the ordination of female rabbis, Rabbi Lamm responded that his opposition was “social not religious.”

This, I believe, is in sync with 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 semikha was suspended in the latter part of the 4th century in the time of Hillel the Second. 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,

ענין הסמיכות שנהגו בזמן הזה: כדי שידעו כו העם שהגיע להוראה, ומה שמורה הוא
ברשות רבו הסומכו.

“Ordination today allows people to know that he reached [the ability to] rule and that what he rules is with the permission of his teacher.” (Yoreh De’ah 242:14).

As we’ve pointed out, qualified women – like men – can rule. Thus, Rabbi Lamm writes that ordaining women is a “social not religious” issue.

He 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.”

In other words, for Rabbi Lamm, the issue is not halakhic but one of public policy, and he suggests we’re years away.

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.

Which brings me back to our situation here at the Bayit. Where do we stand? What is our public policy? I've met with the leadership of the Bayit and with several families troubled by the change of title to discuss the issue. And I'd like to hear from you.

The first concern that I'm hearing 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."

Although the statement singles me out, its scope includes many other Modern Orthodox synagogues who have women performing rabbinical roles of some sort. Synagogues like the Spanish Portuguese Synagogue and the many which have Yo'atzot Halakha.

On a very personal level, the Agudah statement condemned me without contacting me. This is extremely disheartening – we should not be judging others without prior direct communication and attempts to understand their position.

Let it be said clearly, the Agudah statement as Rabbi Marc Angel, in a recent essay, pointed out, 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?

In the end, the definition of what constitutes Orthodoxy is not for the charedi 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.

Or the concern that some may not perceive us as Orthodox may have emerged from reports that the RCA is about to expel me. This past week the RCA said there's no basis to this report. In fact, for the first time in ten years I've had serious discussions with the RCA and have now reached an agreement with them on our issue.

The discussion with the RCA focused on Yeshivat Maharat and its future. Yeshivat Maharat is the school I founded to educate women religious leaders. In a letter to Rabbi Moshe Kletenik, President of the RCA, I indicated that for the sake of peace, Yeshivat Maharat will not confer the title "Rabba." The letter went on to affirm that each of the graduates of Yeshivat Maharat would function as a *Manhigah Hilkhatit Ruchanit Toranit*, a Halakhic, Religious, and Torah Leader (Maharat) and may serve as a communal and synagogue leader in accordance with halakhah.

The statement that the RCA released yesterday (which continues to be posted on their website) indicated that they were "delighted" that the matter was resolved. They further wrote, "The RCA reaffirms its commitment to women's Torah education and scholarship

at the highest levels, and to the assumption of appropriate leadership roles within the Jewish community."

In all my conversation with the RCA, there was never a request relating to the revoking of Sara Hurwitz's title. There was an understanding that we're dealing with a serious person, her sensitivity and dignity, and that taking a title back is no small matter.

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 is all commonplace. 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 Sharansky and Soviet Jewry Movement. I invited them to join us that evening, and to recite prayers from the Psalms. This, too, was highly criticized. 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 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 one of our children 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, and families remain together even when there is disagreement.

And so I close with a plea. We're at a glorious 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.