

Comments About Women Clergy

Rabbi Amnon Bazak (rough translation)

The pesak [halakhic ruling] of the OU rabbinic organization prohibiting the appointment of women to roles of communal spiritual leadership is based on multiple perspectives, the first of which is halakhic.

The most junior among the prominent rabbinic signatories is ten times greater than me and there is no doubt that the document, to its credit, is worded in a gentle and respectful manner. At the same time, with respect to the halakhic aspect -- I have addressed other aspects previously -- two surprising things are worth noting:

First, the purely halakhic perspective is based on a Haredi approach that is very far from the attitude of Religious Zionist poskim [halakhic decisors] over several generations. Secondly, some of the sources on which the pesak is based actually contradict completely what the pesak attempts to argue.

First, with respect to the central issue: The halakhic problem presented in the pesak in appointing women to spiritual leadership roles is based on Maimonides' statement prohibiting the appointment of women to positions which include an element of serarah (authority): "For all communal positions in Israel, one must only appoint a man." Needless to say, according to this approach, a woman should not be appointed to any public function, as is indeed customary within the Haredi community and its political parties.

However, Religious Zionism over the generations included women within its leadership as members of Knesset and cabinet ministers, as well as many other public positions, in accordance with the rulings of the Chief Rabbis (Rabbis Herzog, Uziel, Goren, and Bakshi-Doron) and several others, that there is no possibility of serarah in the case of a temporary public appointment that can be withdrawn by the public. It is especially surprising that the [OU's] pesak relies explicitly on the words of Rabbi Shaul Yisraeli, ZTL, even though he wrote explicitly that any position of authority "which is granted only for a limited time and on condition that the appointee will properly fulfill their duty, includes no element of serarah."

Even more surprising is the statement in the pesak that "the opinion of the Rambam is accepted by the Arukh Hashulchan (Choshen Mishpat 7:4) as well as by many other authorities; See Amud HaYemini (12), Mishpetei Uziel (Choshen Mishpat 4:6)." [page 8, note 17].

Now, anyone who reads Rabbi Uziel's decision will note the very opposite view. Rabbi Uziel proves that Maimonides' opinion is "not accepted as the final halakhic ruling" and, in any event, even according to Maimonides "the prohibition on appointing a woman to a position of public authority is only applicable when the appointment is made by the Sanhedrin." Hence, in the

present time, it is an error to rely on Maimonides' opinion with regard to appointing women to any position.

It goes without saying that it is completely legitimate to rely on poskim, considered authorities in the Haredi camp with regard to communal issues, who rule against appointing women for public roles. Also, there is no doubt that in the United States, the entire topic lies within a broader social context which is different from that in Israel. It is important to emphasize that the placement of women within the spiritual leadership of the Israeli community from a Religious Zionist perspective is far different from the same discussion regarding the U.S. – both with regard to the basic assumptions and the social context of those discussions.