



THE BLOGS

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On Female Rabbis, the OU Statement and Slavery

Gender differences have, historically, been particularly evident in the arena of public service. We believe that these distinctions are not merely a relic of times bygone; instead, they reflect a Torah ethos – a mesorah...(from the OU statement)

The OU statement was correct in framing the issue of women serving as rabbis as a meta-halakhic question. Acquiescence to halakha is obligatory for a Jew committed to his or her tradition. However, when normative directives are acknowledged by all parties as being contoured by understanding of the tradition itself, we have an obligation to look closely at the nuances of the assumptions implicit in that understanding.

In this response I will compare the OU statement to a sermon delivered in the period leading up to the American Civil War concerning slavery. This will highlight the profoundly problematic and disturbing assumptions of the OU statement. By this analogy I do not intend to draw a moral equivalent between the two instances. It is to the ***method of argumentation*** that I wish to draw attention and which I find so disturbing.

My purpose in writing is not to score debating points or ridicule the authors of the OU statement. I am writing out of fear for our *mesorah*, our tradition.

In January 1861, on the eve of the American Civil War, Rabbi Dr. M.J. Raphall of Congregation B'nai Jeshurun in New York City delivered a sermon in which he defended the institution of slavery based on the authority of the Torah. While the plight of women in our community is very far from the brutality of slavery as practiced in the antebellum South, there is room for analogy. Denying people recognition for their achievements and limiting their opportunities to serve is a form of oppression.

The similarity of the argumentation given by both Rabbi Raphall and the OU statement should give us pause.

The sermon is characterized by scorn for “new ideas”, appeal to authority and a naïve ignorance of historical process. Reminiscent of the attitude toward the “Untouchables” in India, he adheres to an essentialist view concerning slaves, attributing their miserable station to Heavenly decree. It has a paternalistic tone of a defender of the faith against impiety. (The entire sermon can be accessed here <http://www.jewish-history.com/civilwar/raphall.html>)

“*As an uncompromisingly committed Jew, I own my tradition and it owns me. I must answer to it and it makes me what I am. Looking forward, the hakhmei hamesorah, those who transmit our tradition, interpret what they have received and pass it on to the next generation. We own it and we fashion it. This puts an awesome responsibility in the hands of the interpreters and framers of our tradition.*”

Let us begin with an excerpt from the sermon.

.... *“Is slaveholding condemned as a sin in sacred Scripture?” How this question can at all arise in the mind of any man that has received a religious education, and is acquainted with the history of the Bible, is a phenomenon I cannot explain to myself, and which fifty years ago no man dreamed of. But we live in times when we must not be surprised at anything. ... and when, lastly, I remember the scorn with which sacred Scripture (Deut. xxxii. 18) speaks of “**newfangled notions**, lately sprung up, which your fathers esteemed not;” when I consider all this, I think you and I had rather continue to take our “requirements for moral instruction” from Moses and the Prophets than from the eloquent [abolitionist – HH] preacher of Brooklyn...*

Rabbi Raphall heaped scorn upon an abolitionist preacher who appealed to more refined human sentiments and morality which evolved post-Scripture.

And here is the gist of the argument against women rabbis as formulated in the OU document.

... American culture of personal autonomy and the egalitarian ethos inexorably clashes with the Torah values of placing normative halachic conduct above individual choice and halachic dictates above individual freedom.

We are exhorted to toss out an ethos of personal autonomy AND RESPONSIBILITY in a non-halakhic question of value, based not upon dialogue and persuasion but upon authority. “Even when difficult to comprehend.” [Read: Defies our moral sensibilities upon which we were nurtured].

Even as the OU statement reiterates its commitment to submission to authority, it implicitly recognizes the weakness of the argument. The bottom line is that we simply do not understand God’s will.

*As Orthodox Jews, we believe in the deference to rabbinic authority, accepting the authority of gedolim and poskim, [...] Reared in the modern world, we believe in self-actualization and the ability to choose our own paths; yet as Torah Jews, we subordinate the Western emphasis on autonomy to our willing and unabashed embrace of deference to the values and principles conveyed by the Torah, as interpreted by our leading Torah scholars and halachic authorities... The exploration of halacha must reflect the aspiration of uncovering G-d's will, **even when uncomfortable or difficult to comprehend.***

Similarly, Rabbi Raphall, after presenting his arguments for slavery, implicitly recognizes the moral weakness of *his* position. His solution is the same as that of the OU document; authority trumps morality. We must accept slavery because we do not understand the ways of our Lord.

*I bid you reflect on the words of inspired Isaiah (lv. 8.), “**My thoughts are not your thoughts, neither are your ways my ways, saith the L-rd.**”*

I find it humiliating and unconscionable that the institution of slavery should have been thus defended based upon the authority of the Torah.

This sermon is connected to us whether we like it or not. I feel the desecration of God's name in the attitude of the teacher who piously warns against the adaptation of newfangled ideas (the moral condemnation of slavery) in defiance of the bible.

And the tone. The paternalistic self-confidence of one who speaks in the name of Scripture is rivalled only by the obtuseness he conveys.

How dare you, in the face of the sanction and protection afforded to slave property in the Ten Commandments—how dare you denounce slaveholding as a sin? When

you remember that Abraham, Isaac, Jacob, Job—the men with whom the Almighty conversed, [...]that all these men were slaveholders, does it not strike you that you are guilty of something very little short of blasphemy? And if you answer me, “Oh, in their time slaveholding was lawful, but now it has become a sin,” I in my turn ask you, “When and by what authority you draw the line?” Tell us the precise time when slaveholding ceased to be permitted, and became sinful?”

The ignorance of historical process is stunning.

Regarding the following section from the OU statement, which also displays a feeble understanding of historical process, I can only paraphrase Rabbi Raphall: How the following statement can at all arise in the mind of any man that has received an education, and is acquainted with history, is a phenomenon I cannot explain to myself.

From the OU statement:

The existence of female scholars throughout the history of our nation is, in our understanding, ample proof that the notion of semikha for women was conceivable. However, a continuing mesorah existed that dictated against it. We find it implausible to say that the question of female ordination has never presented itself throughout the history of our mesorah.

How do we feel when we read the following words from the sermon in which moral abomination is enshrined in the holy Torah and attributed to God?

Noah did not bestow any blessing on his son Ham, but uttered a bitter curse against his descendants, and to this day it remains a fact which cannot be gainsaid that in his own native home, and generally throughout the world, the unfortunate negro is indeed the meanest of slaves. Much has been said respecting the inferiority of his

intellectual powers, and that no man of his race has ever inscribed his name on the Pantheon of human excellence, either mental or moral. But this is a subject I will not discuss. I do not attempt to build up a theory, not yet to defend the moral government of Providence. I state facts;

The miserable plight of the downtrodden “meanest of slaves” is affirmed by the biblical narrative and enshrined by divine decree. It is a “fact.”

The OU statement affirms similar “facts.”

Finally, even if the absence of women rabbis throughout Jewish history is not fully dispositive, this phenomenon does establish a baseline status quo. We feel that the absence of institutionalized women’s rabbinic leadership has been both deliberate and meaningful, and should continue to be preserved.

The “baseline status quo,” the OU tells us, is a “fact.” A divine decree. Not a challenge, not something to struggle with, to overcome. A fact, a divine decree to be embraced and preserved.

Please note, the good Rabbi was not an evil person. He had no affinity towards slavery, yet he felt a sacred responsibility as a teacher of God’s Torah to present it as it is. The ways of God are beyond us and we must submit.

My friends, I find, and I am sorry to find, that I am delivering a pro-slavery discourse. I am no friend to slavery in the abstract, and still less friendly to the practical working of slavery. But I stand here as a teacher in Israel; not to place before you my own feelings and opinions, but to propound to you the word of G-d, the Bible view of slavery. With a due sense of my responsibility, I must state to you the truth and nothing but the truth, however unpalatable or unpopular that truth may be.

The OU rabbis are good men, men who have devoted their lives to the study and dissemination of the Torah. I believe that they are driven by authentic concern for the Jewish people and the desire to bring them closer to God and the Torah. Yet, I believe that their concern is contaminated with fear. Rather than engage in authentic dialogue which characterizes the interpretive tradition of our *mesorah*, they issue decrees in its name. They lack faith both in the Jewish People and the Torah as a potent force in leading the people to God. Resorting to arguments which exhort us to deny what we deeply believe is right – which indeed as is implied from their own statement, that deep down ***they too believe is right*** – in the name of an authoritarian essentialist view of the inherent irrevocable differences between men and women in a way which results in the unfair treatment of women is deplorable. I worry less for those women unjustly denied proper recognition and opportunity; they and we shall overcome. My heart aches for the Torah thus perceived and the Desecration of God’s Holy Name which results.

“ *This pre-Civil War sermon shows how a fundamentalist interpretation of the Torah along with a knee jerk desire to maintain the status quo can insert morally indefensible positions into our tradition. This is not the Torah which I will pass on to my children. I will not make them own such moral opacity.*”

The moral revulsion which decent people should feel upon reading Rabbi Raphall’s sermon is that of experiencing a desecration of the Holy Name. It needs to serve a terrifying reminder to heed the warning of our sages,

Avtalyon says, “Sages, be careful with your words, lest you become obligated in an obligation of exile and are exiled to the place of evil waters, and the students who follow after you will drink, and thus the name of Heaven is profaned.”

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