

## Response to Rabbi Schachter's Piece on Women as Rabbis

Rabbi Noah Gradofsky

[RabbiNoahG@templeisraeloflb.org](mailto:RabbiNoahG@templeisraeloflb.org)

In the transcript of Rabbi Schachter's lecture on Devarim entitled "Can Women Be Rabbis," ([http://torahweb.org/torah/2004/parsha/rsch\\_dvorim2.html](http://torahweb.org/torah/2004/parsha/rsch_dvorim2.html), June 2004) Rabbi Herschel Schachter is more enlightening as to whether the ketubah may be read by parrots and monkeys during the marriage ceremony than about women as Rabbis. Rabbi Schachter argues that all Jews have a responsibility for modesty, which is sometimes waived for men, but not for women. Were Rabbi Schachter not persistent in comparing women to animals, the reader might think that Rabbi Schachter places limits on women because of his respect for women and for their privileged status regarding the honor of their privacy.

I don't dispute Rabbi Schachter's reputation as a Torah scholar. However, as Moshe Rabbenu taught us, Torah and Halacha are not in heaven such that we would need an oracle to divine our laws of conduct (Devarim 30:11-12). Therefore, I feel the need to respond to Rabbi Schachter's use of rabbinic sources.

By Rabbi Schachter's own admission, a woman may read the ketubah at a wedding based on a narrow reading of the laws of the wedding ceremony. Rabbi Schachter correctly asserts that one must always consider whether there are other issues in play. Rabbi Schachter cites the Rabbinic decision not to allow women to have aliyot. However, the Talmud explains this restriction as a matter of "kevod hatsibur," the honor of the congregation. Rabbi Schachter mentions kevod hatsibur only after injecting a notion of tznius (modesty) that the Talmud never mentions in connection with aliyot for women. Rabbi Schachter presumes that the rabbinic ruling as to aliyot should be extended to reading a ketubah. If this were the case, one would be hard pressed to understand why Arachin 2b-3a (as understood by Rash"i, Ramba"m, and Rabbi Yosef Karo in Shulchan Aruch OCH 689:1-2) describes women as "kosher" for reading Megillah for both men and women, without ever mentioning a restriction on women doing so in public. One might also wonder why neither Rabbi Yosef Karo, nor Rabbi Moses Isserless place any restriction on women saying Kiddush for men (OCH 271:2).

Rabbi Schachter's read of Sukkah 49b is equally troubling. At most, this Talmudic citation says that there should be an element of humility in public acts. Nowhere does this passage say, as Rabbi Schachter claims, that "one should try to lead as private a life as possible." Rabbi Schachter argues without citing any sources that public displays are permitted only when halacha specifically requires such displays. Rabbi Schachter says that women are honored with "the ability to fulfill [tznius] . . . in a more complete way." No source is given for the idea that women's participation in ritual is restricted because of their privileged status in tznius.

Rabbi Schachter presumes that women wish to read the ketubah in order to rebel against tradition. Perhaps, instead, this practice is a realization that there is no halachic restriction, and that sociological norms of the past do not restrict our actions. Those who are faithful to Torah and Halacha accept that sometimes Torah and halacha treat men and women differently. We are, however, under no obligation to extend those restrictions beyond those which the ancient rabbis codified into law. The Mishnah teaches in Eduyot 2:2, that the fact that something has not been done in the past is not evidence of halachic restriction.

Rabbi Schachter cites Sifre Devarim as presuming that women would not be appointed to certain leadership positions. Sifre, however, does not say whether this presumption was legal or sociological. Rabbi Schachter points us to Tosafot, which considers the possibility of a woman serving as a dayan (judge). But Tosafot rejects this possibility on technical legal grounds without ever mentioning tznus. In fact, this very Tosafot admits that Devorah served as a dayan. This is one of several examples of women serving in leadership roles, such as Miriam (described as a prophetess, and leading women in a song-and-dance celebration in Exodus 15:20- 21) and Chulda (see 2 Kings 24 and 2 Chronicles 22).

Reasonable minds can disagree about the role of women within the Halachic system. Certain halachic restrictions on women's behavior (e.g. the preclusion of women from leading certain prayer services or from serving as witnesses) may create obstacles to women's service as rabbis. But we must approach these questions by accepting the restrictions that exist in halacha, not by arbitrarily expanding those restrictions. We are warned in Devarim 5:28 to neither stray to the right nor to the left of the Torah's path. I fear that the expansive reading of restrictions of tznus, and the uneven treatment of men and women in this regard despite the lack of any source requiring such disparate treatment damages the halachic process.

The debate over women's role in halachic Judaism has the potential to be an enlightening experience. May God guide us towards the proper resolutions to all these matters, and may the process prove to be a source of greater love and understanding of our Torah.