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## RABBIS, REBBETZINS, AND HALAKHIC ADVISORS

In 1997, Nishmat, the Jerusalem Center for Advanced Torah Study for Women, opened the *Keren Ariel Yo'atsot Halakha* [Halakhic Advisors] Institute to train women to serve as a first address in answering *nidda*-related questions. The first class of eight women was graduated in 1999; the second class, with fourteen women, completed its studies in 2001; the third class, with fourteen women, is scheduled to be graduated this coming summer. As the program seems now to be firmly established and will probably serve as a model for future programs, it seems an appropriate time to examine both how it has been received and what implications it has for the Orthodox Jewish community.

The program<sup>1</sup> entails more than 1,000 hours of study of classic rabbinic sources, including Talmud, *Rishonim*, *Tur/Bet Yosef*, *Shulhan Arukh* and its *nosei kelim*, and contemporary responsa. This traditional course of study is supplemented by weekly lectures in areas of behavioral and medical sciences that relate to the application of these laws in a modern society—gynecology, fertility and reproductive technology, sexuality, prenatal testing, and psychology—given by professionals in the various fields. Written examinations are administered regularly, and a four-hour final oral comprehensive examination is administered by a board of examiners consisting of heads of *kollelim* and recognized halakhic authorities.

While this course of study probably surpasses that which is required of men in the *nidda* section of traditional *semikha* programs, everyone associated with the Institute makes a point of the fact that it is not a training program for women rabbis. Nishmat awards no official title of any kind to those who have completed the program. Indeed, the dean (*rosh midrasha*) of Nishmat, Rabbanit [Rebbetzin] Chana Henkin, uses a title that reflects not her own considerable accomplishments but those of her learned husband. In conferring upon her an honorary doctorate, Yeshiva University noted that Nishmat pioneered Israel's first program in which women are certified by Orthodox rabbis as *yo'atsot halakha*, "a

program that provides trained consultants to assist rabbis in fielding questions from women about intimate personal and family matters, without usurping traditional rabbinic authority.”<sup>2</sup>

Not surprisingly, those associated with the program consider it a great success. Henkin has argued that the primary purpose of establishing the Institute was to provide an address for those women who would not consult a male—their rabbi—with intimate questions regarding *taharat ha-mishpaha*. Since December 2000, the program has operated a telephone hotline for matters of *taharat ha-mishpaha*, fertility, and related concerns. The hotline is conducted in Hebrew and English, six hours a day from 6 PM until midnight and on Friday mornings. A different *yo’etsot* answers the phone each day, typically handling up to twenty-five calls. A rabbi is on call when a *pesak halakha* is needed. Henkin reports that six thousand inquiries were fielded in the first year of operation. While most inquiries come from Israel, a substantial number come from abroad. Questions can also be submitted through the programs’ website. *Yo’atsot* answer questions through this site just as on the telephone hotline, with all answers rabbinically approved before conveyed. The website includes a library of terms, concepts, and halakhot, as well as relevant medical articles. Women who previously would not approach a rabbi with their *nidda* questions, we are told, are now getting competent halakhic advice instead of adopting unnecessarily stringent positions or allowing themselves unwarranted leniencies.

But—also not surprisingly—the program has generated criticisms,<sup>3</sup> and these in turn give rise to more fundamental questions. The first issue concerns the need for such a program—its premise being that many women are not comfortable approaching rabbis to discuss intimate issues. (General society offers some parallels here, as there are, for example, more and more women who prefer to see female obstetricians and gynecologists exclusively.) There may indeed be many women who are quite comfortable approaching rabbis. But the issue is not those who are comfortable, but those who are not. Clearly the program has spoken to some need, as otherwise these *yo’atsot* would have no “customers.” The marketplace, so to speak, will settle this issue with little debate. If women really are comfortable with the current situation of discussing *nidda* matters with their rabbis, the program will eventually wither as unnecessary and insignificant.

Similarly, we need not spend much time on the argument that there already exist possibilities for asking questions anonymously, thereby circumventing the embarrassment a woman might feel in coming person-

ally to a rabbi. As one of the critics commented, “Hundreds of *shaylas* have come to my house with nothing more than a phone number on the envelope. I don’t know the name of the woman and sometimes I never speak to her. I simply leave a message on her machine.” It is not hard to understand that a woman might feel that a message left on her answering machine is not the ideal way of maintaining her anonymity. More importantly, it puts aside the human dimension involved in any *pesak*. There are almost always conflicting legitimate interests involved in any particular *she’ela*, and reducing a question to an automaton processing of the color of a cloth inside an envelope can distort both the letter and spirit of the halakha. Indeed, it is no wonder that the critic himself notes, “I should add that I often mention in various *shiurim*, both on *bilkhot nidda* and on general halakhic topics that I encourage developing a relationship with a competent *rav* who knows one’s overall ‘case history,’ so that he can answer in the best possible manner.”

However, one of the other objections does raise significant issues worthy of serious discussion: “When the husband is either uncomfortable or unable to bring the *she’ela* himself to the *rav*, the woman has the option to bring the *she’ela* to the rabbi’s wife with whom she can review her situation with sensitivity. . . . If the rabbi’s wife is not capable of doing so, every community has women who are dedicated teachers of the laws of *taharat ha-mishpaha* to the *kallas* of their community. Many of these women maintain a relationship with their students for many years after the wedding.”

This concession that there already is an extant network of effective *yo’atsot halakha* speaks to two important issues. First, it recognizes that the traditional “para-rabbi”—the rabbi’s wife—is not always the best address for those who seek an alternative to speaking with the rabbi. It is not only that she “might not be capable” of exercising her role, but she might not be available. Especially in the Modern Orthodox community, the rabbi’s wife might have her own professional life outside of the local community. As this phenomenon grows more common—which certainly seems to be the case—it may be necessary for synagogues to engage a series of female professionals who will replace the traditional rebbetzin. *Yo’atsot halakha*, in this respect, are just the beginning of a new phenomenon.

The second issue raises a different point: If Orthodox rabbis are already training “*kalla* teachers” for those women who prefer not to approach their rabbi directly, why raise any objection to a program that simply calls them by a different name?

Of course, the issue is not simply one of title. “My wife,” writes one rabbi, “together with a group of dedicated women in our community, have spent incredible amounts of time learning how to teach *hilkhot nidda*. They learned neither *Gemara*, *Rishonim*, *Tur/Bet Yosef*, *Shulhan Arukh* and *Nosei Kelim*, yet they are well-versed in the *halakha* and without question are competent to deal with any question brought to them and to act as a conduit to the *rabbanim* in the city.” The issue here is not one of function or title, but training.

Henkin’s retort was simply that “it is not possible to be well-versed in *halakha* with such a lack of background.” Indeed, it does seem strange—at least at first—to criticize a program because it makes *more* demands on its students than is required. To be sure, part of this objection is the general reluctance of professionals to grant status to their para-professionals. Doctors want well-trained nurses, but they do not want nurses to feel sufficiently well trained to overstep and make decisions they have no business making. Using books meant for the professional might mislead the para-professional into thinking he himself is the professional.

But in the end, most professionals want their paras to be as well-trained as possible, because they then realize the true significance of what they see and hear, and know which question demands further information, which must truly be brought to the attention of the professional and which may be handled without such a referral. As Henkin notes, “Because the *yo’etsot* is aware of the *shitot* of the *Rishonim* and *Aharonim* and the finer points of *halakha*, she asks pertinent questions that go beyond the question the woman initially poses. She often discovers mitigating circumstances which the questioner never thought to mention, which can be brought before a *posek* if necessary.”

It would seem, then, that there is some other agenda being played out in objecting to the type of textual training these *yo’atsot* are receiving, and the first possibility might be the general question of how women—both students and future teachers—learn *halakha*. We expect all our students to know the basics of a halakhic life and to ask their *posek* when they do not know the answer to a complicated question. But it would never occur to any serious yeshiva educator to simply give boys lists of *halakhot* without the training to enable them to look something up in the *Mishna Berura* before asking a question. Yet girls regularly graduate without the proficiency to deal with a *Mishnah Berura*, let alone a talmudic *sugya*. Many seminaries in the Orthodox community train schoolteachers who cannot consult basic sources themselves and

who can be counted on only to hand out the lists that either they themselves copied when in school or were handed by someone else. If it is legitimate and necessary for *yo'atsot* to receive this type of textual training, it might be necessary to revisit the whole system of teaching halakha in women's seminaries. The program argues for women's halakhic training in what Rabbi Aharon Lichtenstein demands of women's study of *Torah She-be-al Peh* in general: "It is impossible to teach *al katse hamazleg* ['at the tip of a fork'—i.e., superficially]. Either the material is to be studied or it's not to be studied."<sup>4</sup>

Indeed, this program challenges not only preconceptions about the training of women, but those relating to the training of men as well. Men's *semikha* programs include *Gemara*, *Rishonim*, *Tur/Bet Yosef*, *Shulhan Arukh* and *nosei kelim* when they train their students in *hilkhot nidda*, but this study is not always supplemented by weekly lectures by professionals in the fields of gynecology, fertility and reproductive technology, sexuality, prenatal testing, and psychology. This situation echoes the general reality in higher Torah education. "Our [female post-secondary] seminary graduates," writes Rabbi Irving Breitowitz, "have far better grounding in Jewish belief, philosophy, [practical] halakha, and *Tanakh* than most of the average graduates of our [male pre-*semikha*] yeshivot." Adjusting *semikha* programs in this area would be another example of considering how "we should be seeking ways to incorporate parts of Bais Yaakov curricula into the yeshivot," as Rabbi Breitowitz had suggested.<sup>5</sup>

Be that as it may, attitudes towards *semikha* programs certainly lurk in the background of this discussion. All the positive articles about the program make the point that Nishmat's program is not aimed at training women rabbis, as does Henkin herself: "Our *Yo'atsot Halakha* are not replacing rabbis nor do they aspire to be rabbis." Yet one critic writes, "we have yet to hear a clear and unequivocal statement from Rebbetzin Henkin indicating that she is opposed to the concept of women Orthodox rabbis under any circumstances, that this is a red line that separates the Orthodox from the non-Orthodox, and that Nishmat will never have a part in such a program."

Of course, Henkin is under no obligation—moral or practical—to provide a list of projects that she will *not* undertake in the future.<sup>6</sup> And whether or not she is interested in creating a training program for women rabbis, there is certainly nothing preventing others from doing so if they so chose. The question, then, is not whether Nishmat will undertake such a program, but whether training women rabbis is indeed halakhically anathema.

The question is a hard one to answer, because it is not at all clear what halakhic status a contemporary rabbi really has. Creating female cantors certainly crosses a red line. Every member of the congregation must be able to fulfill his or her obligation in prayer through the activities of the *hazan*, and that is impossible if the *hazan* does not share that obligation—whether the *hazan* is a man who is an *onen* (a mourner whose relative has not yet been buried and who is exempt from an obligation in prayer) or a woman (whose obligation in prayer is different from that of men). Indeed, when the Conservative movement tried to demonstrate that ordaining women was possible halakhically, the real argument made was that women could be *hazanot*.<sup>7</sup> But by framing and associating the question of certifying *hazanot* as a question of ordaining women rabbis, and with its agenda of substituting egalitarianism for traditional halakhic distinctions, the Conservative movement has complicated the discourse in the Orthodox community.

Speaking from our own perspective, we should keep in mind that rabbis who lack talmudic *semikha*—and that includes *all* rabbis today—have no real halakhic function granted by virtue of their ordination. It is their scholarship, piety, and community recognition that grants them status, not some formal degree. Of course, in a world of credentials, there is value to having certification from a recognized authority, such as a specific yeshiva or the Israeli rabbinate. But, truth to tell, there are no uniform standards for *semikha*. In some cases, students earn it by virtue of their general accomplishments at their respective yeshivot, without any test at all. In other cases, men take a test in some area of halakha—usually kashrut—without being registered in any program and, if successful, receive ordination. And some attain their status as rabbis without any formality at all—or by virtue of their functioning as a rabbi and being accepted as such by their community.

Where, then, *is* the red line? The only possibility rests in the *functions* of a rabbi. There must be some things that a rabbi does—or must do—that a woman may not. Allowing her to do those specific things must be the red line. But what are those things?

It certainly is not in learning the material required for *semikha*. That is not to say that there is no halakhic case to be made against advanced Talmud or halakha study for women. Rather, it is now clear that such study is fully within the parameters of the Orthodox community, and even the formal objections pale when the formal area of study is practical halakha.

It certainly cannot be answering questions of practical halakha.<sup>8</sup> On

the simplest level, female teachers in yeshivot do it every day—as do men who never received *semikha*. But, of course, we are talking about answering difficult questions, ones that have far reaching implications and which require special insight and halakhic intuition. Having earned *semikha* from some yeshiva or individual hardly automatically guarantees acceptability, and a knowledgeable “layman” who is known to “sit and learn” will constantly be asked his opinion, both on academic and practical halakhic matters. Could it be that women are excluded from such status?

One could, of course, take the position of Rabbi Aharon Feldman, Rosh Yeshiva of Ner Israel, who feels that a woman’s “mode of thought” is inappropriate for halakhic reasoning and would result in distorted halakhic rulings.

Training women to be halakhic authorities (which a certain institution in Israel has recently undertaken amidst a heavy public relations blitz) is thus a reckless venture, and one which, although politically correct and likely to be popular with the unlettered and with feminist philanthropists, is fraught with danger to the halakhic process. Training those whose hands quiver to be brain surgeons would be a boon for the status of the handicapped, but would be a tragedy for those who would rely on their service.<sup>9</sup>

People who have day-to-day contact with women who are high-powered brain surgeons, attorneys, judges, law professors, financial experts, etc., might wonder if halakhic reasoning is actually beyond the natural capabilities of well-educated women. But be that as it may, this is hardly the unanimous position of Orthodox authorities, to say the least. As the retiring Chief Rabbi of Israel wrote, “women and converts may be *gedolei ha-dor* . . . [and] serve as *morei hora’a* and teachers of Torah and practical halakha, as the authority for these positions flows from the individual’s talents. . . . They can rule without the power to impose their judgments.”<sup>10</sup> Again, there may be no unanimity on this position, but it certainly is within the parameters of Orthodoxy.

It is true that a woman cannot be a formal witness at a wedding. But if she is competent and of those present is the most knowledgeable in the appropriate halakhot, there is no more reason to assume that she cannot supervise the ceremony as the *mesadderet kiddushin* than there would be to think that a rabbi who is not a *kohen* cannot supervise the priestly blessings in his synagogue.

Perhaps, then, the red line is specific pastoral or educational roles undertaken by rabbis. But women are counselors and therapists; indeed, many a *rebbetzin* works side by side a rabbi in providing these services. Nechama Leibowitz taught not only at universities in Israel, but also to *kollel* students meeting at their respective yeshivot. Women head yeshivot and seminaries, set curricula, meet with parents and supervise rabbis working under their direction, all within the boundaries of the Orthodox community—and it seems from their stationery that they are using the title “Reb.” to describe their own accomplishments rather than those of their husbands.

It is true that a woman cannot speak from the pulpit in the men’s section before *Musaf*, which for many an unsophisticated layman is the primary function of a rabbi. But we should not think of the term “rabbi” as meaning “congregational rabbi during services.” Most rabbis don’t function as congregational rabbis, and most of the work of those who are congregational rabbis is done outside of the pulpit.

A male rabbi who is a *kohen* cannot speak from the pulpit of most funeral homes, but women speak regularly at Orthodox funerals. Half the *hevra-kaddisha* organizations are headed by women taking care of deceased women. There seems little reason to think they could not become proficient in *hilkhot avelut* if a parallel program in this area were opened in Nishmat or some other Orthodox educational institution.

That is not to say that the level of learning in contemporary women’s programs for advanced Torah study has necessarily already reached the stage where their students have the requisite knowledge that we require of competent rabbis. And while these Nishmat students might have the competence required in the area of *nidda*, they certainly do not have the broad base of talmudic knowledge required of most candidates for *semikha*. But should they, what red line would be crossed in certifying them as such?

In the end, then, aside from meeting a need among women who are not comfortable speaking to their rabbis on intimate matters, the Nishmat program raises a series of questions for us to consider: What alternatives are we considering for replacing the traditional *rebbetzin* with trained para-professionals? What should be their training and what adjustments should we make in the training of men who want to be rabbis? What red lines are really crossed in training women in those areas heretofore reserved for rabbis? What type of formal recognition—in terms of titles and positions—should be afforded those women who reach appropriate levels of accomplishment in the world of Torah?



We will be the richer for these answers—indeed, for the discussion if not the definitive conclusion—much as we will be when this Nishmat program is duplicated elsewhere, including America, in various forms addressing various areas of concern. And as we debate the issue, we should recall Henkin’s comment:

Today, we are witnessing, before our eyes, with profound emotion and gratitude to *Ha-Kadosh Barukh Hu*, the emergence of a first generation of talmudically-literate women who will be able to advise other women in this field [*nidda*]. They are committed to the halakha and devoted to their fellow women. We must utilize this precious new resource of learned women to inspire piety and devotion to Torah in other women. . . . [And when] we create new role models for women’s religious leadership, we must insure that they represent not only great learning but also personal piety, commitment to family, and the *hesed* and excellence in *middot* as well.<sup>11</sup>

NOTES

1. Information on the program is taken from three published articles: Chana Henkin, “*Yo’atzot Halachah: Fortifying Tradition Through Innovation*,” *Jewish Action*, Winter 1999; Deena R. Zimmerman, “The Nishmat *Taharat Ha-mishpacha* Hotline: Women Helping Women,” *Le’eyla*, June 2001, pp. 17-20; Ellen R. Hellman, “*Yo’atzot Halachah: Responding to the Need*,” *Amit*, Summer 2001, pp. 35-37; and an as-yet unpublished article by Chana Henkin presented at the 2003 meeting of the Orthodox Forum; and the website [www.yoatzot.org](http://www.yoatzot.org).
2. Citation by Dr. Norman Lamm, President, Yeshiva University, in conferring the Honorary Degree of Doctor of Humane Letters upon Chana Lazarus Henkin, 70th Annual Commencement Exercises, Thursday, May 24, 2001.
3. The primary criticisms discussed here are those of Rabbi Reuven Gross, Rabbi Zev Cohen, and Sarah Cohen, all published in the Letters column of *Jewish Action*, Summer 2000.
4. Aharon Lichtenstein, “Torah Study for Women,” *Ten Da’at* 3:3, Spring 1989, p. 8, translated by Jack Bieler from “Fundamental Problems Regarding the Education of Women,” in Ben-Zion Rosenfeld, ed., *ha-Isha ve-Hinnukha* (Kfar Saba: Emuna, 1980).
5. Irving Breitowitz, “An Exchange on Contemporary Jewish Education for Women,” in Joel B. Wolowelsky, ed., *Women and the Study of Torah* (NJ: Ktav, 2000).
6. Henkin had noted earlier that it has “become customary to grant partial *semikha* to permit the awardee to rule in certain halakhic areas even though not in others, such as *yoreh yoreh* without *yadin yadin*. One can

envisage the equivalent of a *heter hora'a* being given to qualified women in such areas as *hilkhot nidda*, or even in parts of *hilkhot nidda*, without using the term *semikha* and without the title of 'rabbi.' ” Chana Henkin, “Women and the Issuing of Halakhic Rulings,” in Micah D. Halpern and Chana Safrai, eds., *Jewish Legal Writings by Women* (Jerusalem: Urim Publications, 1998), p. 286n.

7. See Gidon Rothstein, “The Roth Responsum on the Ordination of Women,” *Tradition*, 24:1, Fall 1988, pp. 104-115; and the subsequent exchange between Roth and Rothstein in the Letters section, *Tradition*, 24:4, Summer 1989, pp. 112-114.
8. Henkin writes, “Nowhere within the Rishonim or the Achronim is there an opinion that the Halakha prohibits in principle the issuing of a halakhic ruling by a woman” (“Women and the Issuing of Halakhic Rulings,” p. 284).
9. Aharon Feldman, “Communications,” *Tradition* 34:1, Spring 2000, p. 109.
10. Eliyahu Bakshi-Doron, *Binyan Av* (Jerusalem, 1982). responsum 65, p. 287. See also *Encyclopedia Talmudit* (vol. 8. s.v. *hora'a*, p. 494) and the sources brought there in note 109. Current rabbinical schools place no admission restrictions on accepting converts.
11. Henkin, “Women and the Issuing of Halakhic Rulings,” p. 287.