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בעזר החונן דעת

## Abstract, Rabbi Yisrael Hollender

Rabbi Jeffrey Fox addresses the pertinent questions of the debate over whether women are halakhically permitted to receive *semikha* (ordination). The two fundamental halakhic questions concern the nature of *semikha* in our time and the issues of שררה (coercive authority). Rabbi Fox also considers the relevant issues of modesty and how women can meet communal expectations for a rabbi.

Rabbi Fox begins his exploration by explaining the three different types of *semikha* that emerge from the Gemara. One type is נטילת רשות מרבו (permission granted from teacher to student). This permission is essentially a license to answer halakhic questions in specific areas of Jewish law as delineated by the ordination document and is defined Talmudically as a היתר הוראה (a license to render decisions in matters of Jewish law granted from teacher to student). The other major type he calls “classic *semikha*,” which has been handed down through the generations. In Section A Rabbi Fox demonstrates that according to the Rema, *semikha* in the modern period, is exclusively נטילת רשות מרבו. There are those who maintain modern-day *semikha* is modeled after classical *semikha*; since women are not permitted to receive classical *semikha*, women would not be permitted to receive *semikha* today. Rabbi Fox adroitly elucidates the Rema’s view on the matter, beginning with his authoritative view first elaborated upon in his דרכי משה: “but it was decreed that a student is not permitted to pasken (rule halakhically) unless he has received permission from his teacher ... and this is what is meant when someone is called ‘rabbi.’” This is clearly at most נטילת רשות מרבו and does not invoke any semblance of classical *semikha* at all. This view of the Rema is traced down to the Rema’s glosses in the *Shulkhan Arukh* ותלמיד רבו, in which his opinion concerning modern-day *semikha* is maintained.

Moving on to modern and contemporary poskim, Rabbi Fox demonstrates through the Chida, (HaRav Chaim Yosef David Azulai (1724–1806)), an influential Sephardi posek, that היתר הוראה can be granted to women based on individual wisdom and knowledge: a wise, qualified woman may render halakhic decisions. Rabbi Fox further supports this thesis with quote from the contemporary Sephardi posek, Rav Bakshi Doron, who approvingly cites the Chida, thus building the framework for granting היתר הוראה to women in our time.

One of the prevailing objections against women receiving *semikha* is the position of Rambam concerning שררה, is that no woman may be appointed to any position of coercive authority. Rabbi Fox demonstrates that Rambam offers a minority view on the matter; however, the Tosafists and most Sephardi poskim disagree. Rabbi Fox then assembles a host of modern-day halakhic debates relating to women in coercive power: women’s suffrage, women as mashgichot (kashrut supervisors), women serving on synagogue boards, and, currently, women receiving *semikha*. The central issue in all of these debates becomes a question of how much weight is given to the psak of the Rambam.

In Teshuvot by Rav Uziel on women's suffrage, Rav Moshe, concerning women serving as kashrut supervisors, and Rav Shmuel Elimelech Turk, concerning women serving as presidents of synagogue boards, all argued that Rambam presents only the minority view on the matter of שררה. Some poskim such as Rav Uziel and Rav Chaim David ha-Levi, recognize the minority status of Rambam's position; however, they limit the application of שררה to appointment: democratic election to a leadership position is permitted.

In addressing the concern of the traditional values of tzniut (modesty), Rabbi Fox, with propriety, points out that there are various ways of implementing and understanding these laws and values, and that the ordination of women does not signal an apparent contradiction. Rav Uziel forcefully states that rules of modesty can be misunderstood to such an extreme "[that] no life can exist. And if we had come to be too anxious about the mixing of the sexes when it comes to voting you would not let any living thing exist, it would be prohibited for men and women to walk together in the street or to enter a store with each other." Rather, Rav Uziel encourages a tempered approach when it comes to the mixing of the sexes.

Rav Shlomo Wolbe beautifully articulates his view that one can discover spirituality only from a place of modesty: it is a central religious value that encompasses one's entire life. Rabbi Fox passionately embraces Rav Wolbe's teaching and notes that modesty anchors a person; is vital for humility; and ultimately is the sine qua non for being a genuine rabbi, male or female.

Rabbi Fox reports that women already answer questions in areas of intimacy beyond the laws of נדה. They bring forth halakhic questions that otherwise would not be addressed. Granting women *semikha* and placing them in roles of leadership provides fulfillment, not contradiction, of these values.

#### Conclusion:

1. When it comes to שררה, many major modern poskim have argued that Rambam is not the mainstream view on the matter. Rabbis: Uziel, Turk and Feinstein are cited to show that the Rambam is indeed the minority opinion.
2. Even those who work within the parameters of שררה argue it is limited to being appointed and not elected; a woman being elected and chosen to be the rabbi of a synagogue would not violate שררה.
3. The model of *semikha* in our times is היתר הוראה, simple license to decide matters of law granted from teacher to student. It is not in any way patterned after classical *semikha*. Ashkenazi decisors, (the Rema), as well as Sephardi decisors, (the Chida as well as Rav Bakshi Doron) are cited to prove the nature of *semikha* in our time as simply a license to answer halachic questions in specific areas of Jewish law.
4. Modesty is a fundamental religious character trait that is essential for all rabbis, male and female.
5. Rabbi Fox demonstrates that women receiving *semikha* is a legitimate Halakhic view.