

## **Yeshivish Women Clergy: The Secular State and Changing Roles for Women in Ultra-Orthodoxy** **Laura Shaw Frank**

Originally published by [The Lerhaus](#)  
February 21, 2017

With the release of the OU's recent [statement](#), the issue of female clergy has once again risen to the forefront of Modern Orthodox communal discussion. Our newspapers and Facebook feeds are filled with articles and posts discussing the halakhic, historical, and communal implications of the statement. Unsurprisingly, however, the communal conversation has not extended beyond the Modern Orthodox community, to the Orthodox Right. Ultra-Orthodoxy made its stance on female rabbis abundantly clear when the Moetzes Gedolei HaTorah, the highest rabbinic body of Agudath Israel of America, [called](#) women's ordination a "radical and dangerous departure from Jewish tradition and the mesoras haTorah," and declared that "[a]ny congregation with a woman in a rabbinical position of any sort cannot be considered Orthodox."

However, the story of women's spiritual leadership in the Ultra-Orthodox community is actually not that simple. A deeper look into the roles that Ultra-Orthodox women play and the titles they claim illustrates a more complex picture of women's status as spiritual leaders in Orthodoxy, one that can inform the conversation in the wider Orthodox world.

### **The Use of the Term "Clergy" for Women**

An examination of the legal and public usage of the term "clergy" in the Orthodox world sheds light on differences between the Ultra-Orthodox and Modern Orthodox communities' views on female spiritual leadership. Consider the following. According to the OU's statement, and the underlying psak upon which it is based, the title and role of "clergy" is the red line which cannot be crossed with respect to "appropriate" female spiritual leadership. As the statement reads:

we note that just as the Rabbinic Panel has made clear that women serving in clergy roles or holding clergy titles is at odds with halacha and our mesorah, the Panel has also proclaimed—and celebrated—the important, and fundamentally successful roles that women can and must play within our communal and synagogue structures, including as educators and scholars.

The OU statement encourages women teachers and scholars to play important roles in their communities as long as they are not serving as or labeled as "clergy." In a fascinating twist of events, however, the term and role of "clergy," so loaded in Modern Orthodox circles, has been embraced by certain women in the Ultra-Orthodox community with the full support of that community's rabbinic leadership. Although the Ultra-Orthodox world has not—and, at least in the foreseeable future, will not—countenance female rabbis, the adoption of the term "clergy" for women spiritual figures in that community is a development which should not be overlooked in the ongoing debate about female leadership in Orthodox Judaism.

### **Women's Spiritual Leadership in the Ultra-Orthodox World**

The concept of formal semikhah for women is a non-issue in the eyes of Ultra-Orthodox rabbinic leaders. In addition to rabbinic opposition to women rabbis, Ultra-Orthodox women are not permitted to study Talmud and therefore cannot learn the material required to obtain traditional semikhah. Furthermore, since the

Ultra-Orthodox are more insulated from external society's ideals of equality, Ultra-Orthodox women are not pushing for equity in religious leadership. However, to focus solely on Ultra-Orthodox opposition to women's ordination is to miss the bigger picture of women's pastoral leadership in that community. Whether it is spiritual leadership roles embraced by women in the kiruv (outreach) community, or whether it is certain legal stances that communal leaders have taken with respect to women clergy, there is no question that Ultra-Orthodox women are increasingly serving and being viewed as clergy-like figures in their communities.

The growing phenomenon of Ultra-Orthodox female spiritual leadership was explored by scholar Adam Ferziger, who noted in 2015 that "a 'silent' revolution is taking place in which Ultra-Orthodox women are taking on more central religious roles."<sup>1</sup> Writing on women's roles in Ultra-Orthodox outreach, Ferziger made special note of the clergy-like roles played by Chabad shluchos (female emissaries) and by Yeshivish outreach kollel rebbetzins. In fact, all one needs to do is watch the [proceedings](#) of the 2016 Conference of Chabad-Lubavitch Women Emissaries (Kinus Ha-Shluchos), attended by over 3,000 women shluchos from all over the world to see the power of female spiritual leadership in the kiruv world. Professional, polished video coverage of the event features Torah learning (notably narrated in a woman's voice), uplifting speeches, and cameos of shluchos from locations as far-flung as Aruba, Nigeria, Sweden, and Siberia.

The women's sense of being part of something larger than themselves and of having devoted their lives to Jewish religious leadership is palpable. The keynote speaker at the Gala Banquet, Risha Slavaticki, shlucha for forty years in Antwerp, Belgium, explained the contours of the religious leadership of shluchos: "On the surface," she stated, "shluchos are leaders. We are women who make great things happen. But inside, in our essence, we are followers. We follow the Rebbe's guidance, we follow the code of Jewish law, the Shulhan Arukh, and that's who we are." For these women, taking religious leadership roles is completely in concert with their belief system of using all of their energies and talents to bring Jews closer to Torah. They see themselves as religious leaders who are subject to the authority of the Rebbe and Halakhah, just as any male Chabad leader would be—but notably not subject to any other male authority simply because they are female.<sup>2</sup>

For a number of reasons, there is no controversy associated with women's clergy-like roles in the outreach community. First, typically (although not always) they obtain their positions due to the fact that their husbands are ordained rabbis. Second, they do not need to attain a level of Torah education equal to a man in order to fulfill their roles. Thus, these women are not "rocking the boat" regarding women's roles in their communities. Third, the Orthodox outreach community acknowledges that concessions to the values of the modern world must be made in order to reach unaffiliated Jews. Positioning shluchos and kollel wives as religious leaders is less controversial when it is done in the name of the greater goal of outreach. Fourth, and perhaps most importantly, Ultra-Orthodox women clergy-like figures do not attempt to blur the lines of the strict separation of the sexes in their community. Indeed, they specifically structure their spiritual leadership to minister to other women. As the oft-repeated saying goes, "Avraham mikarev et ha-anashim, v-Sarah mikarevet et ha-nashim" (Avraham brings the men in, and Sarah brings the women in). Despite all

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<sup>1</sup> Adam Ferziger, *Beyond Sectarianism: The Realignment of American Orthodox Judaism*. (Detroit: Wayne State University Press, 2015), 196.

<sup>2</sup> There are cases of shluchos who work alone in kiruv communities while their husbands are employed in other lines of work.

of these caveats, there can be no question that these women are changing the face of spiritual leadership in the Ultra-Orthodox world.<sup>3</sup>

### **Use of the Label “Clergy” in Interactions with the Secular State**

However, there is another, less discussed arena in which the Ultra-Orthodox community is positioning women as clergy in their communities: the secular legal realm. The Ultra-Orthodox community has taken two positions vis-a-vis the secular state that claim clergy status for female members of their fold. In some ways, this arena is even more interesting than the phenomenon of women spiritual leaders in the kiruv movement. First, claiming clergy status in the eyes of the secular state requires Orthodox women to specifically label themselves as clergy, a label that until recently has been verboten. Second, in each of these positions, a woman can claim status as a member of the clergy even if her husband is not a rabbi.

The first claim of legal clergy status for Ultra-Orthodox women was the embracing of parsonage for women Torah teachers in yeshiva day schools. Parsonage, a tax loophole excusing clergy of any faith from paying income tax on the amount of income used to pay for his or her residence, can be worth a great deal of money, particularly in Orthodox neighborhoods, where housing tends to be more expensive. Until recently, Orthodox communal and educational institutions only considered men eligible for parsonage, because women could not be ordained as rabbis within Orthodoxy.

However, recently, the definition of clergy has been expanding in Orthodox educational institutions to encompass non-ordained spiritual guides or leaders. In a 2010 [memo](#) to yeshiva day school principals and administrators, Agudath Israel of America noted that a female Limudei Kodesh teacher could reasonably take parsonage if she “is performing clearly religious functions (for example, davening with students, teaching Limudei Kodesh, and providing religious counseling), and is appropriately commissioned or licensed.”

There was no fear among Ultra-Orthodox leaders that allowing female Limudei Kodesh teachers to take parsonage would set any sort of a precedent with respect to their status as rabbinic clergy within the Jewish community. On the contrary, [many](#) saw this merely as a way, in light of ever-rising living expenses for Orthodox Jews, to attract women to enter and remain in the field of Jewish education. While there are no published statistics on the number of unordained Orthodox women claiming parsonage, anecdotal evidence reflects that Orthodox yeshiva day schools across the spectrum from “modern” to “yeshivish” have increasingly offered this benefit to their female Limudei Kodesh teachers. This widespread acceptance is particularly noteworthy given that, as opposed to most shluchos or kollel rebbetzins, female Limudei Kodesh teachers obtain their “clergy” status due solely to their own achievements, not due to their husbands’ titles.

A 2015 clergy privilege case that arose in Portland, Oregon presents an even more interesting claim of clergy status on behalf of Ultra-Orthodox women. Two rebbetzins employed by the Portland Community Kollel, one of a growing number of outreach/kiruv kollels in North America, were subpoenaed in a tendentious divorce case, *Levy v. Levy*. Attorneys for the husband sought information, possibly relevant to child custody issues, that was disclosed to the rebbetzins by the wife. The rebbetzins, Esther Fischer and

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<sup>3</sup> For a greater exposition of the changing role of women outreach leaders, see the chapter entitled “Women and Haredi Outreach” in Ferziger, *Beyond Sectarianism*, 195-210.

Sarah Goldblatt, refused to disclose the information, claiming that it was protected by Oregon law governing clergy privilege.

The roots of their claim were described by Rabbi Tzvi Fischer, head of the kollel and husband of Esther Fischer, in an [article covering the case](#) in Yated Ne'eman, an Ultra-Orthodox Jewish newspaper. Explaining that “[s]ome women feel more comfortable reaching out to a rebbetzin for guidance about marital issues and other sensitive matters best handled by a woman,” Fischer went on to warn that “[i]f the court ruled that a rebbetzin had no clergy-protected function and that information entrusted to her in confidence could be circulated, people would no longer feel safe confiding in either her or the rav. That could do severe damage to a community’s relationship with its religious leaders” (emphasis mine). Thus, the kollel consulted with its posek who assured them that there was no halakhic problem with calling women clergy, and the kollel proceeded with that argument in court.

The husband’s counsel did not go down without a fight. He responded that Fischer and Goldblatt could not claim clergy privilege because Orthodox Judaism does not ordain women as clergy. The title “rebbetzin,” he argued, is merely honorary, and does not indicate any type of identity as clergy. Indeed, he wrote, the rebbetzins were merely friends of the wife, and their communications were unprotected by any kind of privilege. The kollel stood its ground, however, even approaching national Orthodox organizations for assistance. In an ironic twist, Agudath Israel of America provided the kollel wives with pro bono counsel from their Legal Services Division to assist them in their claim of clergy status.

The Agudah took on a vigorous representation of their clients, arguing forcefully that the kollel wives “were in fact officially hired by the Kollel to ‘minister’ to the community in crucial ways that overlapped with the duties of clergy.” An affidavit commissioned by the Agudah and submitted in support of the kollel wives by Jewish history professor Shaul Stampfer noted:

Rebbetzins do not carry the formal title of “rabbi.” Nevertheless, they serve ably as pastors and confidantes to the women who seek out their wisdom, expertise and advice on matters of Jewish Law and tradition in a manner similar to how men consult with rabbis. This is particularly true with respect to the intimate and gender-based areas of Jewish law and tradition for which a great many contemporary Jewish women feel most comfortable confiding in another woman for advice and guidance (Emphasis mine).<sup>4</sup>

Adding weight to the argument that they were clergy, Mark Kurzmann, the Agudah attorney, sought to emphasize that these women held their roles independent of their husbands. As Kurzmann told Yated, “we wanted to demonstrate that in contemporary times, a rebbetzin can be so defined even if the woman is not the wife of a rabbi. There are several examples of renowned rebbetzins whose husbands are fine upstanding Jews but not rabbis.”

After a lengthy hearing, Judge Beth Allen ruled that the kollel wives could indeed claim clergy privilege and decline to testify in the divorce case. Ruling from the bench, she stated, “It seems pretty clear that the issue here is not about official ordainment as a means of identifying Orthodox Jewish clergy. The state is not in a position to dictate to religious organizations how to define their clergy. The key seems to be how the movement itself identifies its religious leaders.” The judge was prepared to accept that the kollel wives were indeed clergy in their community, despite their lack of traditional rabbinic ordination.

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<sup>4</sup> A copy of the affidavit is in the possession of the author.

Perhaps the most fascinating part of the Portland Kollel case was the coverage it received in the Yated Ne'eman. The [article](#), sporting the headline, "Oregon Court Scrutinizes Rebbetzin's Role in Trailblazing Case," had an almost triumphal tone to it. It celebrated the victory of the kollel, and by extension the American Orthodox community, in obtaining legal recognition of the important spiritual leadership role of the kollel wives. Nowhere did it acknowledge that it is interesting, to say the least, that the kollel and the Agudah saw no problem in calling these women clergy while vehemently opposing the ordination of women.

### **Concluding Thoughts**

It is easy to explain Ultra-Orthodox rabbinic acceptance of a clergy label for women in the cases of parsonage and clergy privilege. In each of these cases, Orthodox Jews seek something from the secular state and are happy to comply with state requirements to obtain what they want. State law and terminology carries little ideological weight in the Ultra-Orthodox community. The fact that the secular state views some Orthodox women as clergy under the law does not impact Halakhah, nor does it upend the male hierarchical religious leadership structure of the Orthodox community. Furthermore, the term "clergy" is not charged in the Ultra-Orthodox world. It is a secular, non-Jewish term that no one in that world would think of as an appropriate label for rabbis in their community. In the Modern Orthodox community, which is far more integrated with American modern society, the term clergy retains its outside-world meaning, and can and does refer to ordained rabbis.

But most importantly, in keeping with the strict gender segregation of the yeshivish world, women who claim the title of clergy still minister largely, or even exclusively, to other women. Because they operate within the female sphere, these women enjoy much greater latitude in terms of pastoral leadership and religious functions than the OU statement seems to allow.

However, it is overly simplistic to deny any social or cultural impact of the clergy moniker. In reality, the title does indeed indicate an expansion of women's spiritual leadership roles. There can be no doubt that the work these Ultra-Orthodox women have been doing has impacted their communities, and perhaps more importantly that communal leaders realize the significance of that work. And as history has shown, quiet and incremental change can ultimately result in social transformation. The Bais Yaakov movement, which began in a one-room schoolhouse in Krakow, and ultimately resulted in a total transformation of Orthodox girls' Jewish education, is a prime example of this. The Ultra-Orthodox community's acceptance of the labeling of women as clergy may well plant seeds of change not only in the Ultra-Orthodox world, but also among those in the Modern Orthodox community who still oppose female clergy, prodding the OU to live up to its agenda of "creating and institutionalizing roles for women that address the needs of Orthodox Jews today."