

Final Report of the Commission for the Study of the Ordination of Women as Rabbis

Gordon Tucker
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I. PREAMBLE

The deliberative body issuing this report was formed at the behest of the Rabbinical Assembly, which, at its annual convention held in May 1977 in Liberty, New York, passed the following resolution:

Be it resolved that the Rabbinical Assembly respectfully petitions the Chancellor of The Jewish Theological Seminary of America to establish an interdisciplinary commission to study all aspects of the role of women as spiritual leaders in the Conservative Movement.

Be it further resolved that this study commission, whose membership shall reflect the pluralism and diversity of the Conservative Movement, shall be responsible for a progress report on its findings to be presented to the Executive Council of the Rabbinical Assembly in the spring of 1978, and for a final report and recommendation at the 1979 Convention of the Rabbinical Assembly.

The formation of the Commission was announced in October 1977 by Gerson D. Cohen, Chancellor of The Jewish Theological Seminary of America, and Chairman of the Commission. Shortly thereafter, the Commission convened a series of meetings which continued throughout 1978, and which will be described below. With the submission of this final report to the 1979 Convention of the Rabbinical Assembly, the Commission terminates its career.

The fourteen men and women who accepted invitations to serve on the Commission represented a wide array of disciplines, backgrounds, and geographical regions. Their names follow:

- (1) Gerson D. Cohen (Chairman), Chancellor, The Jewish Theological Seminary of America.
- (2) Haim Z. Dimitrovsky, Professor of Talmudic Exegesis, The Jewish Theological Seminary of America.
- (3) Victor Goodhill, Professor of Otologic Research, University of California at Los Angeles.
- (4) Marion Siner Gordon, Attorney, Royal Palm Beach, Florida, and Lenox, Massachusetts.
- (5) Rivkah Harris, Assyriologist, Chicago, Illinois.
- (6) Milton Himmelfarb, Editor, American Jewish Year Book, and Director of

- Information, American Jewish Committee, New York, New York.
- (7) Francine Klagsbrun, Author, New York, New York.
 - (8) Fishel A. Pearlmuter, Rabbi, Congregation B'nai Israel, Toledo, Ohio.
 - (9) Harry M. Plotkin, Attorney, Washington, D.C.
 - (10) Norman Redlich, Dean, New York University School of Law.
 - (11) Elijah J. Schochet, Rabbi, Congregation Beth Kodesh, Canoga Park, California.
 - (12) Wilfred Shuchat, Rabbi, Congregation Shaar Hashomayim, Westmount, Quebec.
 - (13) Seymour Siegel, Professor of Theology, The Jewish Theological Seminary of America.
 - (14) Gordon Tucker (Executive Director), Assistant to the Chancellor, The Jewish Theological Seminary of America.*

**As executive director, Rabbi Tucker was also responsible for the writing of this report, which was carefully reviewed and approved by the signatories to both the majority and minority opinions.*

The first task which the Commission faced was the definition of the problem it was to consider, and an interpretation of its mandate. Although the resolution of the Rabbinical Assembly was intentionally broad, referring as it did to "all aspects of the role of women as spiritual leaders in the Conservative Movement," it was decided at the outset that this Commission would deal specifically with the question of whether qualified women may and should be ordained as rabbis by The Rabbinical School of The Jewish Theological Seminary of America. Ruled outside of the scope of the Commission's deliberations were such issues as the investiture of women as cantors, and more general forms of ritual participation and leadership. The question of whether women already ordained by a recognized rabbinical seminary ought to be considered for membership in the Rabbinical Assembly, although related to the main question, was considered by the Commission to be subordinate to it. In any event, it was the Commission's understanding that the sense of the 1977 Rabbinical Assembly Convention was that any action by the Rabbinical Assembly on membership procedures for women should and would be deferred until the Commission reported its findings on the question of ordination at the Seminary, and until the Seminary's faculty took action on the basis of the report. Thus, the Commission's inquiry focused on the posture it would recommend to the Seminary with respect to female applicants to its Rabbinical School.

This final report on the Commission's activities will have the following form: first, the procedures which were followed will be described. Then, the specific areas of inquiry will be treated, and a summary of the evidence gathered and the subsequent discussion will be provided. Following that, the recommendation of the majority of the Commission on the main question will be presented and elaborated, along with some additional recommendations which the Commission felt a responsibility to offer at this time. Finally, a separate section will contain those opinions and recommendations of members of the Commission which diverged from the majority view.

II. PROCEDURES

Several operating principles were established at once at the Commission's initial meeting on December 12, 1977.

- (1) Each member of the Commission had been invited to serve by dint of personal experience and expertise, and not as a representative of any organization or institution to which he or she belonged.
- (2) The Commission would actively consult as wide a sampling of the constituency of the Conservative Movement as possible: rabbis, organizational leadership, synagogue leadership, and to the extent that it was possible, individuals as well.
- (3) The Commission would approach the main question from the perspectives of the many disciplines which impinged upon it. Those included *halakhah*, ethics, economics, sociology, psychology, and education. Pragmatic and symbolic considerations were also deemed to be important objects of deliberation.
- (4) Most important, despite the acknowledgment of the many facets considered relevant to the inquiry, the Commission was unanimous in its commitment to the following guideline: *no recommendation would be made which, in the opinion of members of the Commission, after having heard the testimony of experts, would contravene or be incompatible with the requirements of halakhah as the latter had been theretofore observed and developed by the Conservative Movement.* Thus, the Commission not only committed itself to recognizing the primacy of the role played by the *halakhah* in Conservative Judaism but in effect decided that in matters which profoundly affect the future course of the Movement, *halakhic* considerations and constraints must be of primary significance.

The specifics of procedure for the life of the Commission were as follows:

- (a) The meeting of December 12, 1977, in New York determined operating guidelines and was otherwise devoted to a general discussion of the issues to be considered.
- (b) A second meeting took place over a three-day period in New York, from March 12 to March 14, 1978. During that time, invited testimony was heard from the leadership of the Rabbinical Assembly, the United Synagogue of America, and the Women's League for Conservative Judaism. Those who presented testimony were thoroughly questioned by Commission members. The first extensive discussion of the *halakhic* dimensions of the issue took place at this meeting, and several members undertook to research that particular aspect thoroughly in the ensuing months, in keeping with the Commission's insistence on conformity with Jewish legal norms. Plans were made for establishing lines of communication with the general constituency of the Movement, the implementation of which will be described in the paragraphs immediately following.

(c) Public meetings were arranged for various locales in North America, at which all persons affiliated with the Conservative Movement were invited to present testimony before several members of the Commission. These meetings were not for the purpose of counting "votes" pro or con, but rather for the purpose of gathering information on the problems which concerned the rank and file of the Movement, and the arguments which were being formulated by the laity. It was felt to be a fundamental principle of Jewish practice that any decision concerning Jewish usage, even an *halakhically* based decision, must take account of what will be reasonably acceptable to the community. Accordingly, meetings were set up as follows:

- (a) Vancouver, British Columbia, on July 20, 1978.
- (b) Los Angeles, California, on September 5-6, 1978.
- (c) Minneapolis, Minnesota, on September 13, 1978.
- (d) Chicago, Illinois, on September 14, 1978.
- (e) Washington, D.C., on September 17, 1978.
- (f) New York, New York, on November 1-2, 1978.
- (g) Toronto, Ontario, on November 22, 1978.
- (h) New York, New York (for members of the faculty and student body of The Jewish Theological Seminary of America) on December 3, 1978.

All of the above-mentioned public meetings were taped, and the transcripts have been made available to the public upon request. Arguments which were heard in the course of these meetings will be incorporated in the discussion of the substantive issues below. Nevertheless, some general, qualitative observations on these meetings should be made at this point:

- (i) Although no tally was made, or indeed ever contemplated, it was manifest that the overwhelming majority of those who chose to testify at these meetings strongly favored the ordination of women.
- (ii) It became equally clear that women are very much interested in continuing their drive toward full religious equalization with men; moreover, many young women are seriously interested in the rabbinate as a career.
- (iii) By and large, those women who aspire to become Conservative rabbis have a strong commitment to traditional values and law. In fact, many of those women could probably be characterized as having a pattern of religious observance lying near the more traditional end of the spectrum of Conservative Jewish practice.
- (iv) The Conservative communities, as they were represented at these public meetings, seem to be prepared to accept, even if gradually, rabbinic leadership by women.

Needless to say, these observations must be considered in the light of the uncertainty concerning just how representative a sampling of the community

were those who took the trouble to testify at the hearings. In spite of the fact that there was fairly wide and general publicity in advance of each meeting, there was evidence that, for whatever reason, some persons who would oppose the ordination of women did not take the trouble to attend the hearings. On the other hand, those who did make the effort to testify probably constituted a better sampling of those Conservative Jews who have strong feelings on the subject, and that in itself is significant. In that connection, the following should be noted: the Commission took great satisfaction and pride in the fact that in community after community across North America, Conservative Jews were motivated by this issue to seriously contemplate their own personal stances not only with respect to the issue at hand, but also with respect to Jewish commitment generally. In many cases, people took the initiative in reading and studying about the issue, and in that sense, the Commission's enterprise was an educative force in the community.*

The Commission met again in New York on December 6-7, 1978. During those two days members shared and discussed the results of their own researches and investigations, considered new evidence from various sources (e.g., the regional hearings, and the unsolicited communications which were addressed to the Commission fairly steadily throughout its lifetime), and eventually arrived at tentative conclusions. Subsequently, Commission members communicated via the mails and the telephone in order to arrive at the final version of this report.

Thus, the Commission was active for slightly less than fourteen months, during which time it met as a complete body for six full days, convened six public hearings plus one hearing for the Seminary community, received considerable testimony, both solicited and unsolicited, and itself commissioned a scientific survey of the Conservative laity on the issue being confronted.

**A survey of the Conservative Jewish community of a more scientific nature was considered to be desirable as well. As a result, very generous professional assistance was secured from two quarters. The first was the market research firm of Yankelovich, Skelly, and White, which designed a questionnaire and a tabulation plan, and provided advice on methods of choosing a sample and distributing the questionnaires. Special thanks are due to Ms. Florence Skelly and Mr. Arthur White, as well as to their associates, Mr. Sanford Deutsch and Ms. Ann D. Clurman. Second, Dr. Saul Shapiro lent his assistance in programming and running the tabulation of the completed questionnaires. In all, fourteen Conservative congregations were sent some 300 questionnaires each. The Commission only had the benefit of some preliminary results, due to some unavoidable delays in the processing of the data. However, fully tabulated and cross-correlated results have now been obtained, and the Commission hopes that the bodies which will bear the responsibility for considering, debating, and perhaps implementing the recommendations made herein will consult those results in the process.*

III. THE ISSUE

There are certain aspects to the question at hand regarding which it was at once established that there was unanimity among members of the Commission. These are some of the more obvious considerations which come to

mind: the ability and willingness of women to perform rabbinic duties as well as men, the right to equal job opportunities, the right to pursue a career of one's choice. Indeed, it could be said that with respect to the context in which general feminist issues are discussed, there was never any serious dispute among Commission members, nor apparently within the community either. There were and are, for example, many men who fully accept the fact that their wives are pursuing careers, as well as women actually pursuing careers, who nevertheless oppose the ordination of women.

It was therefore determined at the outset that this could not be treated solely as a feminist issue. From that point of view, there was plainly very little to discuss. The complexity of the issue at hand stemmed from the fact that, although there is general agreement concerning the questions which characterize general feminist debates, there is still a wide range of other considerations of which account must be taken. Those considerations include some peculiar to the rabbinate, to Jewish practice in general, and to Conservative Judaism in particular. It was about these special considerations that discussion and debate revolved.

A. Halakhic Considerations

As indicated above, the demands of *halakhah* led the list of matters to be resolved. Even though the Commission was not charged with developing an *halakhic* stance or approach for the Conservative Movement, its commitment to the notion that legitimacy within Conservative Judaism must be measured first and foremost by an *halakhic* standard made theoretical discussions concerning the processes of *halakhah* indispensable.

The Commission eventually adopted the classical position which had been embraced by the religious leadership of the Conservative Movement since its founding. That stance maintains that the body of Jewish law is not uniform in texture, but is rather composed of materials which fall into two main categories, usually referred to as *de-oraita* (biblically ordained) and *de-rabbanan* (rabbinically developed). That which is *de-oraita* can be considered to be the very core of the system, which holds it in place and provides a frame of reference. It therefore must be treated as inviolable. Tampering with what is *de-oraita* is tantamount to destroying the core of the Jewish pattern of life as it has existed for millennia. There is positive precedent for doing so only in the most dire of circumstances, and even then with extreme caution and conservatism.

The much greater (that is, in terms of volume) overlay which is *de-rabbanan*, on the other hand, comes with procedures for change and development. What is *de-rabbanan* can develop, is in fact meant to develop, as the conditions of the Jewish community change. That is what ensures the vibrancy and the continuity of the *halakhah* as the coordinate system which roots all Jewish communities.

It is a commonplace among Conservative Jews that the recognition of the flexibility and fluidity of the *halakhah* is one of the hallmarks of Conservative Judaism, and this is certainly true. It is equally the case that this recognition constitutes in many ways a major distinction between Conservatism and Orthodoxy. Yet it ought not to be forgotten that there are important similarities between Conservatism and Orthodoxy which need reemphasis. In particular, it cannot be stressed too strongly that the strength of Conservative Judaism depends as much on its continuation as a movement devoted to tradition as it does on its continued devotion to *halakhic* development. The two are inseparable in classical terms, and the centrality of tradition expresses itself in the conditions under which development becomes acceptable. Those conditions include:

- (1) The core which is *de-oraita* may not be altered or displaced. The general principles of, for example, *kashrut* or Shabbat could never be displaced as central pillars of Conservative Judaism.
- (2) Development in the domain of *de-rabbanan* must not be abrupt or discontinuous, must be rooted in traditional exegetical methodologies, and above all, must be ratified by the community of the committed and the informed.
- (3) The impetus for development in what is *de-rabbanan* must come from *within* the community of the committed and the informed, and not be an external influence originating outside the concerned Jewish community.

When the Commission determined that it would not recommend anything which would contravene the *halakhah*, it was to this view of the *halakhic* process that it was appealing. Faithfulness to this process constitutes, in the opinion of the Commission, a *sine qua non* for legitimacy within the Conservative Movement. Of course, the view outlined above is not univocal or free of ambiguities. Indeed, there is a certain amount of inherent ambiguity attending all three of the conditions lately listed. There is, in fact, no clear-cut demarcation line between *de-oraita* and *de-rabbanan*. Nevertheless, the existence of gray areas does not negate the fact that the areas which are clearly black or white are well distinguished, and it certainly does not preclude the use of criteria which give rise to those gray areas. Given the obvious fact that some ambiguities will be unavoidable, the alternative would be paralysis, which could not possibly serve the cause of *halakhah*.

Once agreement was reached on the philosophical and theoretical level, the specific *halakhic* problems which arise were addressed. As is well known from the recent literature on this issue, there are a variety of *halakhic* criteria which have traditionally distinguished between men and women. Primary among these are the following:

- (1) According to some sources, women may be ineligible to be appointed to any office of communal responsibility in the Jewish community.

- (2) Women are exempted from the obligation to study Torah (except for the acquisition of knowledge concerning obligations they do have), although there is no problem presented by their voluntarily assuming that obligation.
- (3) Women are exempted from positive time-dependent commandments, with a few notable exceptions. The most relevant commandments under this category for purposes of this Commission are those relating to public worship, for exemption from performance raises problems concerning eligibility to discharge the obligation of another person who cannot claim exemption.
- (4) Women are traditionally ineligible to serve as witnesses in judicial proceedings, including the execution of documents determining personal and familial status.
- (5) Women are, by virtue of (4) above, considered by most traditional authorities to be ineligible to serve as judges.

All of these sex-role distinctions of the *halakhah* were discussed and researched by members of the Commission. The results of those deliberations will now be summarized:

The role of the rabbi as we know it today is not one which is established in classical Jewish texts, but rather is one which has evolved through social need and custom. Consequently, there is no specifiable *halakhic* category which can be identified with the modern rabbinate, nor with the currently accepted mode of ordination. Ordination at The Jewish Theological Seminary of America is done in a way which is nearly indistinguishable from the granting of an academic degree at the successful completion of a course of study. Of course, it still has a profound religious and symbolic significance not shared by any academic degree. In other words, issues relating to ordination are not *halakhic* issues per se, though it is certainly true that there may be serious ramifications of decisions concerning ordination which can lead to a confrontation with certain *halakhic* principles. Strictly speaking, point (1) above is general enough to present an *halakhic* problem concerning ordination. That point has its origin in a passage in the *halakhic* midrash on the Book of Deuteronomy, the *Sifre*. On the verse in Deuteronomy 17:15, "You shall be free to set a king over yourself," the *Sifre* comments, "A king and not a queen." Extrapolating from this comment, Maimonides in *Laws Relating to Kings* 1:5 says, "Only men may be appointed [to positions of authority] in Israel."

Insufficient as Halakhic Barrier.

After considering the opinion of Maimonides on this matter, the Commission decided that it was beset by numerous ambiguities and uncertainties and should not be accounted as an immutable provision of the *halakhah*.

The modern rabbinate cannot be analogized to an appointment on the

order of magnitude of the ancient monarchy. The many obvious high-level appointments of women in modern Jewish life indicate the passing of this principle from general Jewish usage. The Commission therefore determined that this *halakhah* as formulated by Maimonides was insufficient to pose an *halakhic* barrier to the ordination of women.

With respect to point (2) above, the Conservative Movement has already taken the strongest possible stand in favor of obligating women to study Torah on a basis equal to that of men. The Movement's introduction of *Bat Mitzvah* half a century ago, its educational programs in Camp Ramah, United Synagogue Youth, Leaders Training Fellowship, and last but not least, the schools of The Jewish Theological Seminary of America, all bear witness to that stand. Indeed, the history of the Conservative Movement on the issue of the religious education of women not only vitiates the force of point (2), but actually constitutes a consideration in favor of ordaining women, as will be noted below.

Points (3), (4), and (5) are a group in several respects. First, they have all been dealt with to some extent by a constituent arm of the Conservative Movement. Second, they are all *halakhic* sex-role distinctions which are secondary to the issue of ordination, as will be explained. Third, although they are secondary to the ordination issue logically, they are closely connected to the rabbinic role practically. These points accounted for most of the *halakhically* based discussions during the Commission's proceedings.

Matters of *halakhic* import in the Conservative Movement have always been channeled through the Rabbinical Assembly Committee on Jewish Law and Standards (henceforth: the Law Committee). That Committee's composition and rules of procedure have varied considerably over the years, but it has consistently defined itself as a panel which primarily makes recommendations on the basis of legal scholarship; its decisions have binding power on Movement leaders only when a very strong consensus condition is met. For the past several years, the operating rule has been that only a position held by all but two or fewer members of the Committee is binding; a minority position with three adherents on the Committee becomes a legitimate option for Conservative congregations and rabbis. Despite inevitable disagreements concerning one or another of the Law Committee's decisions, nearly universal respect has been accorded to the principle of legitimate option. Accordingly, in considering the proper course for the entire Conservative Movement on a matter such as the one under scrutiny, the history of the Law Committee's treatment of some of the related questions must be looked into.

The Law Committee published a majority decision in 1955 which allowed women the privilege of an *aliyah* at Torah-reading services. Although this practice is far from universal in Conservative congregations, it is a practice which is growing and which was legitimated by the 1955 decision. In 1973, the same committee issued a majority responsum which permitted congregations to count

women as part of the *minyan* for public worship. This practice has likewise not nearly become universal, but the number of congregations which have been accepting it is steadily growing. Finally, a *minority* report in 1974 declared that women should be permitted to serve as witnesses in legal proceedings, including the signing of *ketubot* and *gittin*. Since that minority report was issued by six committee members, the rules of the Law Committee imply that it is a legitimate option for rabbis and congregations in the Conservative Movement. Thus, the Commission established that the practices referred to in points (3), (4), and (5) had already been declared by the Committee on Jewish Law and Standards of the Rabbinical Assembly to be *halakhically* acceptable options within the Conservative Movement. Hence the Commission determined that its resolution of the ordination issue could not lead to a possible contravention of a binding standard for the Conservative Movement.

More important than the foregoing observations was the fact that irrespective of what one's *halakhic* view is on the matter of a woman performing these practices, they are strictly secondary to the issue of ordination. A wide variety of functions are viewed as part of the role of the rabbi today. Among these are teaching, preaching, counselling, officiating at religious ceremonies, representing the Jewish community, etc. Leading a prayer service as the *shaliah tzibur*, receiving an *aliyah*, or even signing a *ketubah* or *get* as a witness are not among these essential functions. A rabbi supervising divorce proceedings might be entitled to sign the *get* as a witness, and may on occasion do so as a matter of convenience, but surely it is not the rabbi's role qua rabbi to do so. Similar observations would apply to other forms of testimony and to the various roles associated with public worship which have been mentioned. The simple fact is that the rabbinate, as noted above, is not defined or circumscribed by *halakhic* strictures. Hence there can be no direct *halakhic* objection to the conferral of the title "rabbi" upon a woman, together with all the rights and responsibilities to perform the functions essentially connected to the office. In connection with this, the Commission noted that it is a commonplace to ordain *Kohanim*, even though officiating at a funeral, which can pose *halakhic* problems for a *Kohen*, is popularly viewed as a rabbinic function.

One objection raised against this analysis was given very serious consideration by the Commission. It was as follows: granted that the religious functions in question are logically distinct from the role of the rabbi, they are certainly connected closely enough in practice to be a serious cause for concern. Specifically, it is unreasonable, according to this objection, to ordain a woman, place her in a pulpit in a small community, and expect that she will not lead prayer services, sign legal documents affecting personal status, etc.. The very inevitability of one event following on the heels of the other might make the two inseparable for the purposes of this discussion.

In the course of lengthy consideration of this objection, the Commission noted several things: (a) As indicated above, previous Law Committee decisions

have resolved the problems concerning the practices in question for many members of the Conservative Movement. Indeed, there are already many congregations giving *aliyot* to women and counting them in a *minyan*, and there are Conservative rabbis who, in accordance with the minority responsum of the Law Committee, allow knowledgeable women to sign *ketubot* and *gittin*. (b) Even for those who do not accept the lenient positions on these issues (and this group is largest on the question of testimony, where a good number believe that a female serving as a witness is contrary to biblical law), the objection is still not connected to ordination itself, but rather to an assessment of what is quite likely to happen given a certain job situation in a certain place. The Commission decided that there was little point in speculating on such matters, particularly given the fact that with the increased education and activism of women in the Conservative Movement, the act of ordination itself would not be likely to significantly affect the prevalence of practices which are not universally accepted. Excessive concern over possible objectionable effects of an unobjectionable action (i.e., ordination), where those effects are objectionable to only part of the community, and are not caused solely by that action, can easily degenerate into an *ad infinitum* list of potential objections. (c) Observations (a) and (b) taken together make it clear that there is no cogent argument on *halakhic* grounds for denying a sincere, committed woman the opportunity to study for and achieve the office of rabbi.

In closing this section on *halakhah*, the Commission notes that in the medieval period, the spiritual leadership of women was not unknown. One bit of evidence for this is to be found in the fourteenth-century work of a Spanish rabbi, known as *Sefer Hahinukh*, which assumes that a woman is eligible to perform the most basic of the classical rabbinic functions, viz., deciding specific matters of law. Section 152 of that treatise, which deals with the prohibition of deciding matters of ritual law while intoxicated, notes that the prohibition "applies to males, as well as to a knowledgeable woman who is eligible to give such instruction."

To summarize, then: The *halakhic* objections to the ordination of women center around disapproval of the performance by a woman of certain functions. Those functions, however, are not essentially rabbinic, nor are they universally disapproved, by the accepted rules governing the discussion of *halakhah* in the Conservative Movement. *There is no direct halakhic objection to the acts of training and ordaining a woman to be a rabbi, preacher, and teacher in Israel.*

The problems associated with ancillary functions were deemed by the Commission to be insufficient grounds for denying a considerable and growing group of highly talented and committed Jewish women the access they desire to the roles of spiritual and community leaders.

B. Ethical Considerations

Although there was some discussion on the subject, there was no agreement among Commission members concerning precisely what the

relationship is or ought to be between *halakhah* and ethics. One general observation was, however, agreed upon. In many areas of Jewish law, the developmental history of the *halakhah* exhibits a strong tendency to approach ever more closely an ideal ethical state within the parameters and constraints of the *halakhah*. Indeed, echoing the opinion of Rav that the *mitzvot* were given us in order to "refine us," the Commission accepted the view that the commandments have among their chief purposes the ethical perfection of the individual and of society. The basic ethical principle underlying the democratic society in which we live — a principle that has deep roots in our biblical-rabbinic tradition — is that each person should have at least a legally equal opportunity to pursue a chosen career. This principle should be followed within the Jewish community more especially where no specific *halakhic* violation is involved. Since there is no specific *halakhic* argument against ordaining women, denying a Jewish woman the opportunity to serve the Jewish community and the cause of Torah as a rabbi merely because she is a woman would be ethically indefensible.

One ethical objection considered by the Commission was actually rooted in sociology and economics. That objection invoked the possibility, or even the likelihood, considering the initial experiences of other movements which have ordained women, that female Conservative rabbis might at first face great difficulty in finding congregational positions. This argument then maintained that it is unethical to train people for a profession with the knowledge that they will find it extremely difficult to practice that profession and thereby fulfill their aspirations and earn a livelihood. The Commission dealt with this objection in several ways. First, it was noted that the results of the public hearings which were held in the fall of 1978 did not indicate that most congregations would be unreasonably reluctant to hire a female rabbi. On the contrary, there was growing evidence, gathered at the Commission's hearings and through the United Synagogue of America, that the receptivity to female rabbis in the communities was much higher now than it had been several years ago. Apparently, familiarity with the issues, as well as the presence and visibility of some ordained women over the last six years had taken effect. At any rate, the assumption of a bleak future in the job market seemed quite unjustified, particularly given the fact that the Conservative Movement is experiencing a shortage of rabbis to serve its congregations.

In addition, the Commission questioned whether job placement was a legitimate ethical issue. Many graduate and professional schools in all fields train students year after year despite wide fluctuations in the job market. While the size of an entering class should certainly not be excessively out of line with what the market can absorb, there is nothing unethical about providing an opportunity for a person to train for his or her chosen profession despite possible difficulties in locating a suitable job situation. What could be improper is withholding information about the realities of the job market, but that is certainly not a serious possibility.

A more serious ethical concern was voiced many times by many interested parties. This objection concerned the right of a minority to have its commitment to conscience respected. Specifically, it was argued as follows: when the Law Committee decided certain *halakhic* issues by means of majority and minority reports, those whose consciences directed them to the more traditional position could still feel comfortable and legitimate, while respecting their colleagues' right to choose the position which they felt was mandated by the relevant factors. Were the Seminary to begin ordaining women, however, it would be the first time that the central academic institution of the Movement would have entered the arena to take a public stance on an issue of *halakhah*, a stance which could *ipso facto* become the standard for the Movement. Those who opposed the ordination of women on religious grounds would then have no legitimate option but to silently acquiesce in the decision, or to leave the Movement.

The sincerity and the frequency with which this argument was raised led the Commission to consider it very carefully. Having done so, the Commission recognized that there would indeed be some unavoidable uneasiness whatever its recommendation would be. Nevertheless, there were three points which were found to mitigate some of the strength of this objection:

- (1) This objection partially hinges on the assumption that there are serious matters of *halakhic* import connected with a decision by the Seminary to ordain women, and that these are serious enough to create difficult crises of conscience. Because of the analysis given in the previous section of this report, it was felt that this objection was overstated.
- (2) The objection apparently is intended to argue that the Seminary faculty should not be taking a stance, so as to avoid foreclosing the legitimacy of the opposing view. It fails to take into account the fact that at this point, for the Seminary faculty not to vote to change the status quo would *in itself* be a stance on the issue. Moreover, it has been the observation of the Commission that there are commitments to conscience among those who favor the ordination of women which are as strong as those among opponents of that decision. The reality is that the Seminary faculty, irrespective of what it does, is going to give rise to some uneasiness in some quarters. This is not to say that one position is obviously better than another, but it does obviate the force of this objection to action on the part of the Seminary faculty. The important issue which does arise out of this is the need to assuage the uneasiness and ensure that it is only a temporary reaction to a decision of great import.
- (3) Finally, this objection reveals a bias, which has often been expressed to the Commission, against the Seminary faculty taking a stand on *any halakhic* matters affecting the Conservative Movement. This bias was of particular concern to the Commission, and was discussed on several occasions. It was ultimately the consensus of the Commission

that on an issue such as the present one, one which will affect the very nature of the American rabbinate, and which manifestly will not go away if ignored, it is rather the unavoidable responsibility of the Seminary faculty to get involved and take a stand. The Commission assumes that the stand which the faculty will find it necessary to take on any *halakhic* issue will be a thoroughly informed stand, and that the decision which it now must of necessity make on the issue of ordaining women will be based not only on the careful study of this report, but on the examination of all other data available to it which relate to this issue.

The most compelling ethical argument heard by the Commission was one in favor of ordaining women, and it was heard from members of the Conservative laity in many different parts of North America. As noted in the previous section, the Conservative Movement has a proud history of educating females in Jewish Studies from the earliest ages on a perfect par with males. In fact, it is worth considering for a moment what it is like today for boys and girls to grow up in a committed Jewish home identified and affiliated with the Conservative Movement. Such a boy and girl would both be given the very same Hebrew or Day School education from the outset. Both would prepare for *Bar* or *Bat Mitzvah* ceremonies and in most cases perform the same functions in the service. Both would likely receive intense Judaic training at Camp Ramah. They would proceed to Hebrew High School, join LTF and/or United Synagogue Youth. In many congregations, they would participate in public worship equally through adolescence, building on their acquired Jewish skills. They would seek out the same reinforcement of their Jewish values while away at college, and form a more sophisticated intellectual commitment to Judaism. That commitment would in some cases be strong enough to generate a desire to study for the rabbinate at the Seminary of the Conservative Movement. Suddenly, discontinuously, at this point, the female is differentiated from the male in being unable to fulfill the education she was given and encouraged to pursue in the way she chose to fulfill it.

This scenario was not an abstract creation, but rather was the actual testimony of many parents who, confronted by the problem, were unable to explain the sudden differentiation to their daughters. In considering this increasingly common phenomenon, the Commission felt that it was morally wrong to maintain an educational structure that treats males and females equally up to the final stage, but distinguishes between them at that stage, *without a firm and clearly identifiable halakhic reason for doing so*. In such a case, the Commission felt that the secondary *halakhically* related issues dealt with in the previous section paled even further in significance. On balance, the ethical arguments *coupled with the absence of halakhic counter-argument* were considered by the Commission to constitute a strong case for the training and ordination of women as rabbis at The Jewish Theological Seminary of America.

C. Other Considerations

A good deal of other evidence came to the attention of the Commission and was discussed by it. Most of it tended to support a decision to recommend the training and ordination of women as Conservative rabbis. These blocks of evidence fall under a variety of rubrics and will be summarized in this section.

- (1) Preliminary data from the survey commissioned by this body indicated that, in absolute numbers, a majority of the laity of the Conservative Movement was ready to accept women in the role of congregational spiritual leader.
- (2) Those persons who testified at the regional hearings convened by the Commission represented an extraordinary range of backgrounds, talents, professions, and ages. In all, a considerable majority of these strongly favored the ordination of women in the Conservative Movement. Another fact which came to light as a result of the hearings was that there are more women interested in pursuing this career out of genuine commitment to the traditional Jewish community than had been assumed.
- (3) Although the opinions of members of the psychological profession previously reported in the literature were mixed, those professionals in the field who made contact voluntarily with the Commission were overwhelmingly positive and encouraging on the issue of ordination.
- (4) Two United Synagogue congregations are currently being served in some rabbinic or quasi-rabbinic role by a woman, and both communicated, through official leadership as well as through individual congregants, their satisfaction with that situation.
- (5) The student body of the Seminary's Rabbinical School, when surveyed by the Student Government, expressed support for the admission of women to The Rabbinical School by an affirmative vote of 74 percent.
- (6) It became clear as well that a decision not to ordain women would mean the neglect if not the rejection of a pool of talented, committed, and energetic women who could eventually represent 50 percent of the potential spiritual leaders, and who could play a major role in revitalizing Jewish tradition and values in the Conservative Movement. Indications are that the Movement cannot afford the cost of refusing to take advantage of that leadership talent at the present time.

There was one other major consideration which was voiced many times, and could best be classified under the category of "symbolism." This point was raised by many persons who believed on substantive grounds that the ordination of women was both correct and defensible, but who feared what they termed the symbolic break with tradition that such a move would represent. For exponents of this argument, the symbolic result of admitting women to the rabbinate would be a blurring of the ideological lines which have divided Conservatism from more liberal Jewish movements. That, it is claimed, would destroy the main attraction of the Conservative Movement, to wit, the coexistence of authenticity of tradition

with a critical view aimed at developing that tradition within the framework of *halakhic* norms.

The Commission took this argument most seriously, but concluded that it was insufficient to militate against ordaining women. The reason for this conclusion was that, by the Commission's own commitments and chosen procedures, a recommendation in favor of ordination would be based on a thorough and predominant commitment to *halakhah*. In a case such as this, where a recommended development is consistent with *halakhah*, and manifestly to the advantage of the community, symbolic considerations must not be allowed to block that development. To be sure, the symbolic considerations must be taken very seriously, but rather as a challenge to educate the community to the extent that it is evident to all that the development is in consonance with the historical ideological commitments of Conservative Judaism, and does not represent an ideological shift. It is hoped that this report will constitute a first step in that process of education.

IV. RECOMMENDATIONS

Based on its overall commitment to *halakhic* authenticity, and all of the evidence and reasoning which have been summarized or alluded to in this report, the signatories to this majority opinion recommend that qualified women be ordained as rabbis in the Conservative Movement. Specifically, the recommendations are:

- (A) That The Rabbinical School of The Jewish Theological Seminary of America revise its admission procedures to allow for applications from female candidates and the processing thereof for the purpose of admission to the ordination program on a basis equal to that maintained heretofore for males.
- (B) That this revision of policy be accomplished as quickly as possible, preferably so as to allow applications from women for the academic year beginning in September 1979.
- (C) That The Jewish Theological Seminary of America take steps to set up appropriate apparatuses for the recruitment, orientation, and eventually, career placement of female rabbinical students.
- (D) That the major arms of the Conservative Movement immediately begin discussion of procedures to be followed to educate the community concerning issues raised in this report so as to ensure as smooth and as harmonious an adjustment to the new policy as possible.

In making these recommendations, the Commission is making no recommendation in regard to traditional practices relating to testimony, and no implications concerning such practices should be drawn on the basis of this report.

The following members of the Commission join in supporting the above majority

report:

Gerson D. Cohen	Fishel A. Pearlmutter
Victor Goodhill	Harry M. Plotkin
Marion Siner Gordon	Norman Redlich
Rivkah Harris	Seymour Siegel
Milton Himmelfarb	Gordon Tucker
Francine Klagsbrun	

Minority Opinion

Although the signatories to this section are in sympathy with many of the arguments and sentiments expressed by our colleagues on the Commission, and embodied in the majority opinion given above, we remain opposed to the ordination of women as rabbis in the Conservative Movement. Since many of the reasons for this conclusion have already been discussed or at least mentioned earlier in this report, we shall simply list briefly our motivations for arriving at this recommendation.

- (A) Our main thrust has to do with certain *halakhic* problems which cannot in our opinion be separated from the question of ordination but flow from it almost inexorably. Not all congregations accept the view that women may be counted in a *minyán*, receive *aliyot*, or lead the service in liturgical prayer as a surrogate for others. Many more congregations and many Jews outside our Movement may be affected by practices in connection with testimony relating to marriage and divorce, where the laws are restrictive in the case of women. You cannot, within the present climate of the Conservative Movement, ordain women and expect that they will not at some point infringe on these *halakhic* restrictions in the performance of their rabbinical duties.
- (B) We fear the possible disruption of the unity of the Movement. One of the consequences of a decision to ordain women might very well be the violations of *halakhic* principles adhered to by others in the Movement, which in turn would result in the untenable position of individual rabbis being unable in good conscience to recognize the validity of marriages, divorces, and conversions supervised by one of their colleagues.
- (C) A decision to ordain women would mark the first time in recent history that the Seminary had entered the arena of *halakhic* decision-making. The centrality and authority of the Seminary would perform be a uniformizing influence which could have the unfortunate effect of foreclosing the options of minorities wishing to remain within the Movement.
- (D) Finally, we are concerned that at a time when American Jewish youth seem to be turning more toward traditional values, and to an authentic *halakhic* life-style, this would seriously compromise the traditional image of the Conservative Movement, and The Jewish Theological

Seminary of America as an authentic *halakhic* institution. We feel strongly that such matters of symbolism must be taken as seriously as possible, for a wrong decision on an issue of this magnitude will, in our opinion, alienate many more *halakhically* committed people than it will attract.

For these reasons, we recommend to the leaders of the Conservative Movement that appropriate roles be created for Jewish women short of ordination so that their commitment and talents may be a source of blessing and not of unnecessary controversy.

The following members of the Commission join in supporting the above minority opinion:

Haim Z. Dimitrovsky
Elijah J. Schochet
Wilfred Shuchat