

Chapter 6



## THE WOMAN IN REFORM JUDAISM

### Facing or Avoiding the Issues

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As we define Reform Judaism for ourselves at the beginning of the twenty-first century, egalitarianism is one of its principles. We treat men and women alike; we accord equal opportunities to each gender and see the religious value of their acts in an equal fashion. We usually state that this has been a guiding principle from the beginning of the Reform movement. Is that really so? How important was feminism in early Reform Judaism? How did this express itself in halakhic discussions among the various Reform leaders? These questions need to be answered; in doing so, however, we shall see them as a reflection of the broader gender issues that have faced us and as one example of halakhic renewal and creativity when the traditional interpretations could no longer serve Judaism or the Jewish people.

Our views of gender have changed dramatically in the last two centuries and it was impossible to accommodate these views and their philosophical underpinnings within the framework of Jewish tradition. In this area and in some others we have reached the same impasse as did Judaism two thousand years ago when it was successfully reconstructed by the Pharisees. Biblical Judaism

had to accommodate to the radically new social, philosophical, and economic conditions of the Greco-Roman Empires. Others had conquered ancient Israel and even taken large population groups into exile, but this conquest was more long lasting and different. Alongside political domination there were strong cultural and philosophical challenges. The intellectual world of Judaism had to defend itself as never before. Most Jews, furthermore, no longer lived within the borders of the conquered Jewish land. A variety of groups provided possible future directions for Judaism, and the Pharisees were the most successful among them. They enabled Judaism to accommodate itself to the new conditions. Over a number of centuries, they renewed Scripture through hermeneutic interpretational systems. The Torah took on new meanings. The "oral law" further extended the scope of the Torah and served as a companion to the written Torah. The new system eliminated many economic restrictions by limiting them to the Land of Israel at a time when most Jews lived outside the land and so they could be competitive. Similarly, the *prosbul* made it possible for a society with a different economic basis to flourish. In addition to all of this, religious life was redefined through the creation of the synagogue and of family law that existed only in outline form in the Bible, was expanded. This creativity continued through the period of the Mishnah and the Talmud.

Other groups within the community had other solutions or opposed the Pharisees. Even within the ranks of the new rabbinic Pharisaic Judaism, leaders disagreed about what was legitimate. How should Judaism be reinterpreted? The famous debates between Hillel and Shamai were only the best known of these disagreements. The many centuries of dynamic creativity and internal tensions have been well outlined by modern scholarship.

Judaism in the last two centuries has faced the same kind of cultural and philosophical challenges. It has also needed to adapt. Reform Judaism and, later, Conservative Judaism have followed this path with many internal divergent points of view.

We can trace some of these developments by looking at the changing attitude toward women in the Reform movement. Sometimes this was a reaction to external pressures; at other times internal motivations were at work. We shall begin not with Moses Mendelssohn, but with the abrupt call to modernity

issued by Napoleon when he assembled a Sanhedrin in 1806.<sup>1</sup> The very use of this title for the assembly indicated that Napoleon sought to re-establish an old institution and to infuse it with new power. Napoleon wished to propel the Jewish subjects of his vast empire into the modern nation state; it was also an experiment as he was dealing with the smallest religious group and later would face the Protestants with their factions and then the Roman Catholic church. The meeting of the Sanhedrin took place in Paris in 1807; twelve questions were placed before the assembled Jewish dignitaries. The first three dealt with family law and so indirectly with women. Napoleon obviously wished to bring about changes and limit the power of religion; the assembled dignitaries sought to preserve the Tradition and Jewish rights, even while integrating themselves into the broader French community. They avoided the question raised by the title "Sanhedrin;" to do so would have led them into endless debates for which most of the delegates, who were not Jewish scholars, were unqualified. They took the title as honorific and an effort on the part of Napoleon to raise the status of the Jewish community. As Jews in the next generations continued to refer to the assembly as "Sanhedrin," they gave it greater authority than a mere assembly.

The initial question, "Are Jews allowed to marry several wives?" was easily answered by citing the prohibition of Rabenu Gershom against polygamy.<sup>2</sup> The next two dealt with divorce and intermarriage and, of course, were more difficult to answer. The answers were straightforward and did not deal with feminist issues. They show us that the assembled delegates were not concerned with women's rights at all. No women were among the delegates, as was to be expected. The group was eventually dominated by the Orthodox rabbinic representation, especially in matters concerning family law. The document reveals a struggle between modernization and tradition; the issue of women's rights or participation was not on their agenda or, for that matter, on the agenda of Napoleon.

Those who framed the responses were divided into two groups; one was principally interested in equal rights and had no halakhic concerns. On the other hand the rabbis were keenly aware of the halakhic consequences. No halakhic discussions were car-

ried on at the meetings, but the answers, at least in their Hebrew version, were carefully worded to reflect halakhic concerns.

A new type of woman had emerged in the salons of Berlin and elsewhere in the enlightened atmosphere of upper-class Berlin and other cities. These were bright Jewish women, now educated in a western fashion while their husbands were engaged in trading and business ventures with scant attention paid to western culture. The educated wives led salons in which the leading intellectuals of their time met; the salons were gathering places for Jews and non-Jews who assembled to discuss philosophy, literature, science, and art. They represented an initial step into the broader intellectual world.<sup>3</sup> We must remember that these women often became estranged from both their husbands and Judaism and sometimes left Judaism.<sup>4</sup> The numbers of this elite group were very small, and there seemed to be no pressing need for organized Judaism to deal with them. They were, in any case, a group on the periphery of Jewish life, far from the centers of Judaism. Contemporary rabbinic scholars were probably unaware of them or felt that they could be ignored as, after all, they were only women.<sup>5</sup>

The initial steps in the direction of women's equality came from the Reform movement and its founder, Israel Jacobson, who established the first modern Jewish school for both boys and girls in the small Jewish community of Seesen (Westphalia) in 1801 with a new ceremony, Confirmation, which represented graduation and coming of age.<sup>6</sup> The establishment of this school represented a policy decision of Jacobson and his coworkers and was undertaken without any halakhic discussion or any rabbinic participation. The reaction to this effort was mixed, but the opposition also did not base itself on *halakhah*. The effort lapsed with the fall of the Kingdom of Westphalia in 1813; after that no further experiments in religious or Jewish educational reform were possible there. We know nothing more about the education of girls in this period and may presume that none was available.

Somewhat later in Hamburg, we know that the service of the new temple dedicated in 1818 was designed in part to appeal to women, who knew little Hebrew but who could participate in the service, which included some vernacular as well as a German sermon. Forty-three percent of the seats were for women, a much

higher percentage than in an Orthodox synagogue.<sup>7</sup> A contemporary scholar, Aaron Chorin, expressed himself strongly that Jewish services should appeal to both sexes.<sup>8</sup> An appeal for the proper education of women was published by Abraham Geiger along with reports on the state of youth education in the various regions of Bavaria, Prussia, Westphalia, and so on,<sup>9</sup> but we are not informed about any positive response. Strangely enough, these educational steps were neither defended on halakhic grounds by the incipient Reform movement nor attacked by the Orthodox. These initiatives got under way slowly.

The first efforts to change the status of women were defended through traditional methods. Enough rabbinic statements permitted the use of the vernacular in prayer and others permitted the education of women. When these matters were attacked, it was more out of fear of what would come next. This was similar to Ezekiel Landau's attack on Mendelssohn's Torah translation. He knew that traditional Judaism could not be opposed in principle but saw it as a dangerous opening to the outside world.<sup>10</sup>

### The Pioneers

The first official change, as we have seen, came about through education and Confirmation; the latter eventually raised some mild halakhic objections, as a new ceremony and as an imitation of Christianity, but that was minor compared to the other reforms that were vigorously attacked.

Some of the early Reform prayerbooks omitted the blessing "You have not made me a woman," and this change was discussed by Abraham Geiger who objected vigorously to the traditional explanation that it merely indicated that the male thanked God for the obligations of assuming the commandments.<sup>11</sup> This, however, did not lead specifically to Orthodox opposition, as it was one of many changes in the liturgy that were far more radical: dropping the *musaf* service, eliminating the repetition of the *amidah*, and rejecting virtually all *piyutim*, and others. A thorough review of the fine study by Jakob Petuchowski shows absolutely nothing on this *berakhah*.<sup>12</sup> David Novak, who analyzed this *berakhah* and its meaning subsequently, indicated little interest in this change among the

traditionalists when it was made by the early Reform movement.<sup>13</sup> In addition to these liturgical changes, the women's section in various synagogues was expanded to accommodate their regular attendance as happened first in the Hamburg synagogue.

Four rabbinic scholars—Abraham Geiger (1810–1874), Samuel Holdheim (1806–1860), Zacharias Frankel (1801–1875) and Leopold Loew (1811–1875)—concerned themselves with major practical problems and with a theoretical approach to women's issues. Geiger wished to show that the changes in the liturgy that he suggested for marriage and divorce were part of a continuum. He demonstrated that women, despite all short-comings, were treated better in the biblical period than in the surrounding culture and that their condition improved gradually later. The Talmud and subsequent rabbinic literature continued this pattern, albeit with centuries in which there was scant progress. Geiger felt that one could justify changes in the matters of the *agunah*, *halitzah*, and divorce by pointing to major changes that had taken place in the past and that had been prompted by new social conditions in the surrounding society.<sup>14</sup> While Geiger was rabbi of Wiesbaden (1837) he called on his colleagues to make the following changes in the status of women:

1. A declaration of death by the state would be sufficient to free an *agunah*.
2. As soon as the state issued a divorce document, it was to be considered valid even though the husband might refuse to provide the traditional *get* or express willingness to do so only through extortive conditions.
3. *Halitzah* should be removed, abrogated entirely, and in any case, be deemed unnecessary if the obligated brother could not be found or if his wife objected.

Although Geiger justified a new approach through his progressive reading of the Tradition, he realized that a strict interpretation of the Tradition would not permit any of these changes.<sup>15</sup>

Samuel Holdheim considered all such changes as a radical break with the past and felt that they should be so acknowledged.<sup>16</sup> Holdheim considered Geiger's approach dishonest; revolutionary changes should be proudly proclaimed.<sup>17</sup> Holdheim's

book went much further and discussed the entire range of marriage, rabbinic rights versus the civil authority, and the very nature of Jewish marriage. The status of women was to change, as marriage was to consist of two parts. The civil obligations were enforceable by the state whereas the religious ceremony conducted by the rabbi dealt with the moral and ethical basis of family life. For him *dina demalkhuta dina* governed marriage and divorce, although traditionally this was not so. This was part of Holdheim's struggle to solidly establish the civil rights of Jews and to answer Bruno Bauer and others who asserted that Judaism did not permit a proper allegiance to the state.<sup>18</sup> His lengthy arguments buttressed by numerous rabbinic quotations led to a response by Zacharias Frankel.

Frankel was unwilling to place marriage and divorce into the category of *dina demalkhuta dina* or to consider marriage as primarily an economic act and therefore easily transferable to the state.<sup>19</sup> He considered it unnecessary for Jews to give up their marriage and divorce laws in order to become fully equal citizens of the state. Although also a reformer, he was among the most conservative and wished to preserve as much of the traditional approach to *halakhah* as possible. This was also a judgement of how far it was possible to take the German Jewish communities that were recognized by the government and that consisted of a broad range of opinion. His views became influential, as they were expressed through the rabbinic seminary in Breslau, which he led (1854–1875) and its graduates. Later, Geiger's views were expressed through the *Hochschule für die Wissenschaft des Judentums* in Berlin (1872).

The fourth scholar, Leopold Loew, was rabbi in Szegedin, Hungary. His studies should also remind us of the central role that Hungarian Jews played in the development of Reform Judaism. When the Austro-Hungarian Empire collapsed, this group was forgotten, although it made up a considerable percentage of Hungarian Jews. He approached the status of women in marriage through a series of essays demonstrating how marriage laws and customs had developed through the centuries. He then dealt with modern times and the changes he considered necessary.<sup>20</sup> Loew began with a discussion of Frankel's approach to the various issues and also placed them in the con-

text of the then current Austrian and Prussian laws. He disagreed with Frankel's emphasis on the theological aspects of marriage and the minimization of its contractual obligations. Loew made it quite clear that every Jewish contract contained an ethical element and that this was not limited to marriages. The Jewish formula—*harei at ...* indicated a contract in which Jewish religious obligations were emphasized through the phrase *k'dat moshe veyisrael*; this is in contrast to all other contracts. Loew also used the opportunity to object to the Hassidic practice of placing the burden of economic maintenance on the woman so that her husband could devote himself to studies. He considered this a misguided *pilpul* on the biblical phrase that she was to be his helpmate; of course it also placed the woman in a highly disadvantageous position.<sup>21</sup> Loew opposed Holdheim's radicalism;<sup>22</sup> he also sharply disagreed with the Orthodox rabbinate of Hungary.<sup>23</sup> The essays present a historical overview of marriage, divorce, and associated issues; they show development and so place the role of the woman in a different light, but make no radical suggestions. The last segment of this essay was devoted to *responsa*; they, however, dealt exclusively with the nature of the rabbinic court, its make-up and its function and so provided an insight into the issues surrounding the modern rabbinate, with state regulations and the taxation of the necessary documents. Loew demonstrated that the *ketubah* (which he translated and annotated) was a fiction as far as the civil authorities were concerned and so neither taxable or enforceable in civil courts; this *responsum* was intended to eliminate a burdensome tax as was a *responsum* on *halitzah*. As there was no need to recognize *halitzah* civilly, this document was also not taxable.<sup>24</sup> In a series of essays, Loew sought to raise the status of women through direct statements, *responsa*, and historic analysis.

These four approaches to women's issues and the subsequent rabbinic meetings were part of the internal debate within Reform/Liberal Judaism. All agreed that changes were necessary, sought different bases for them, but disagreed on how far reaching the changes should be.



## Conferences

These discussions involved larger numbers of rabbis and, to some extent, lay leaders. The first rabbinic Conference was held in Brunswick in 1844; both divorce and *halitzah* were on the agenda. Civil divorce was accepted as a precondition for a religious divorce, and both marriage and divorce laws were given to a committee for further study.<sup>25</sup> At the next rabbinic conference, in Frankfurt, in 1845, matters went further, as there was a motion by Samuel Adler that women be considered absolutely equal to men with all religious obligations; this was referred to committee since there was not sufficient time to discuss it thoroughly. They also decided that "modern bathing establishments" could serve as a *miqveh*.<sup>26</sup>

A year later in Breslau (1846) *halitzah* was declared abolished.<sup>27</sup> A six point program was read to the Conference, but owing to lack of time was not passed. It recommended that the rabbinical conference declare women to be entitled to the same religious rights and subject to the same religious duties as men, and in accordance herewith make the following pronouncements:

1. That women are obliged to perform such religious acts as depend on a fixed time, in so far as such acts have significance for our religious consciousness.
2. That women must perform all duties toward children in the same measure as men.
3. That neither the husband nor the father has the right to release from the vow a daughter or a wife who has reached her religious majority.
4. That the benediction *shelo asani ishah* (Praised be Thou, O Lord, our God, who hast not made me a woman), which owed its origin to the belief in the religious inferiority of women be abolished.
5. That the female sex is obligated from youth up to participate in religious instruction and the public religious service and be counted for minyan, and finally,
6. That the religious majority of both sexes begin with the thirteenth year.<sup>28</sup>

In Leipzig in 1869, rabbis met again and moved forward on many issues, recommending that bride and groom exchange rings at weddings; that civil evidence of death be enough to free a woman to remarry; that *halitzah* be changed, if observed at all, so as not to be offensive; that divorce documents be in the vernacular, not Aramaic; that they could be delivered by mail; that a woman might remarry if her husband refused to provide a religious divorce. In other words, civil divorce was to be completely recognized. They also decided that the entire matter of divorce should be reviewed in the interest of equality. In addition, they passed a resolution that dealt with good religious education for both sexes.<sup>29</sup>

Little new was added in Augsburg in 1871, but earlier statements were strengthened, for example, it was suggested that consent be asked of both bride and groom in the wedding ceremony and that rings be exchanged; this had already been the practice for some time in Berlin and Frankfurt.<sup>30</sup> There were further statements on marriage, divorce, *halitzah*, and the *agunah*. The mood of the resolutions was conciliatory. The one on *halitzah* indicated that it did not fit into our time and was no longer necessary, but if someone wished to use it, the rabbis would be willing to oblige.

We do not have detailed minutes of these rabbinic conferences, but only summaries and some echoes in contemporary newspapers and journals. We do not know, therefore, what halakhic considerations may have been raised. The general tenor, however, shows that a revolution had taken place. The assembled rabbis considered themselves legislators and assumed the right to make major changes. If we place these changes in the context of the *takkanot* of previous centuries and the Middle Ages, we must recognize that they were far more radical. Only the decree attributed to R. Gershom eliminating polygamy approaches these changes in the status of women, marriage, and family law.

The assembly Napoleon brought together had been called a Sanhedrin, and it responded as the Emperor wished and did not quibble about the title the assembly had been given.

The rabbinic assemblies did not call themselves a Sanhedrin or raise the endless halakhic issues that such a body would face.

Instead, they simply proceeded as if they were a Sanhedrin, had the power to legislate, and did so in a far broader manner than any rabbinic assembly of the Middle Ages. This pattern has continued in the Reform, Conservative and Reconstructionist movements. Changes may have been defended halakhically, but they were made within the framework of the right to reinterpret or radically change older Jewish assumptions, both biblical and rabbinic. This has been the pattern of each of these movements for the last two centuries.

### North America

This pattern was adopted even more readily in North America. Statements similar to those in Germany were made later at the Rabbinic Conference in Philadelphia in 1869, though it was less conciliatory; they added nothing new and merely clarified matters.<sup>31</sup> The American rabbis were in the fortunate position of serving Reform communities, not congregations in which there were Orthodox minorities as in Central Europe, so they could make decisions much more readily. The last great rabbinic conference before the founding of the Central Conference of American Rabbis was held in 1885 in Pittsburgh. Kaufmann Kohler's (1843–1926) message to the Conference, among other matters, praised women for their charitable and educational efforts and then continued:

I do not hesitate to claim for myself the priority of the claim for *woman's* full admission *into the membership* of the Jewish Congregation. Reform Judaism has pulled down the screen from the gallery behind which alone the Jewish woman of old was allowed to take part in divine service. Reform Judaism has denounced as an abuse the old Hebrew benediction: 'Blessed be God who has *not made me a woman,*' borrowed from Plato, who, notwithstanding his soul's lofty flights in the highest realm of thought, never realized the high dignity of woman as the co-partner and helpmate of man. Reform Judaism will never reach its higher goal without having first accorded to the congregational council and in the entire religious and moral sphere of life, equal voice to woman with man.<sup>32</sup>

The Conference issued a series of sweeping theological statements that went much farther and were conceived in a much broader manner than those of any earlier conference. Although it

dealt with the issues of social justice and mosaic and rabbinic law, it did not in any of these areas mention women or women's rights. Kaufman Kohler did not include any statement on women in his original draft of the "Principles." On several occasions there were references to "man" and in section eight he dealt with the "barriers separating men from men, class from class, and sect from sect. ..." This would have been a perfect place to deal with the issue of women's equality. As we have no detailed record of the discussion, we do not know why it was omitted. Nor were these issues raised in those sessions that treated some very practical questions faced by the American rabbinate.<sup>33</sup>

Each of these last-century rabbinic conferences protected the woman and provided additional rights as well as a status different to the Orthodox tradition; however, without providing either a philosophical or halakhic basis. Traditional authorities were quoted, but no one except Geiger made an effort to build on them.

Many other matters not discussed at all had simply fallen into disuse. *Nidah*, which plays such an important role in the rabbinic literature and also in the responsa, was not mentioned in any of the deliberations. Nor was *miqveh* an item of significance. Some modern synagogues had a *miqveh*, but most did not. In the prayer-books the offensive *berakhah* was simply omitted or changed in various ways within the *birkhat hashahar*. There was no debate specifically about this *berakhah* for women. The introductions that sought to justify the changes made in the liturgies did not deal with feminist issues at all.

As most women's issues were not contested by the Orthodox, the Reformers did not feel compelled to provide a halakhic defense, in contrast to the issues of praying in the vernacular, using an organ, eliminating prayers or the abbreviating the synagogue service.<sup>34</sup>

The most substantial and visible American change, mixed seating, simply occurred, perhaps first with Isaac Mayer Wise in Albany in 1846, along with a mixed choir used earlier in Europe, without debate.<sup>35</sup> Interestingly, Alexander Kohut, the Conservative rabbi who arrived in New York in 1884 stated that he would not oppose mixed seating if it enhanced the piety of the congregation and if a halakhic basis for it could be found.<sup>36</sup> There was no theoretical discussion of this major change in synagogue

worship, nor about the inclusion of women in the minyan. Services were simply held for those present.<sup>37</sup>

Why did these innovations occur in North America and not in Europe? The European reformers had to concern themselves with the attitude of the often conservative governments, which viewed any religious change as a threat to civil stability. Furthermore, they had to work within a communal framework that sought to accommodate everyone. Some changes were possible, radical experiments were not.

North America was different. All the communities were new and not well established, nor was there a huge reservoir of hostile traditionalists in neighboring lands. We might assign some other reasons as well (1) The impatience of the moment. No one wished to move slowly and to debate about minor matters. (2) The feeling that this generation had to make radical changes to accommodate itself to new conditions (3) The American optimism which saw the vision of the ancient prophets close to fulfillment. (4) North America was governed by a bent toward the practical rather than to theories, so a more radical stance could readily be taken. Though we should remember that the first Jewish theology was written by Kaufmann Kohler during his years as rabbi in North America (1917) did not deal with the issue of women and their place in Judaism.

### Into the Twentieth Century

The treatment of women in the *halakhah* and in the synagogue were among the major concerns of the early Reform Movement. The changes earlier adopted were accepted and their details worked out in different ways in Europe and North America. This included issues of marriage and divorce, which raised the ire of respondists in Eastern Europe. The attack on these matters was less concerted than on outward changes in the synagogue service. The "organ controversy" stirred more individuals to duel with their pen than the *get*. Orthodoxy seemed to fear the very visible ritual changes more than the changes which affected only a small portion of the population and which would, anyhow always draw some sympathetic reaction even from their own

adherents. The tempo of change and the agenda in each of the matters previously discussed were set by the male rabbis with no participation by women.

Surprisingly enough, the Reformers were not among the leaders in the next steps of women's rights. By the turn of the century the major discussion of women's issues dealt with women on the labor market and women's right to vote. The labor movement, especially in New York, had an enormous membership among women in the garment industry. Some of them became radical spokespersons, but they did so outside the synagogue and did not attempt to influence the synagogue. As most came from the new immigrants, they probably did not think along those lines, but neither did the "Uptown" rabbis volunteer to play a major role. They supported "Settlement Houses" and educational ventures, but not feminist issues. Resolutions by the CCAR and the UAHC dealt with these issues in a positive fashion, but they reflect the tenor of the times and were not pioneering efforts.

### **The Right to Vote**

The major battle in the first decades of this century dealt with the right of women to vote. This struggle involved numerous Jewish women, but it did not penetrate synagogue or religious life. Various rabbis spoke in support from the pulpit, but few took an active role in the political struggle. Nor was there a dramatic change in the composition of synagogue boards or the right of women to vote in congregational life. Token women begin to appear on synagogue boards, but the leadership seems to have felt that a Temple Sisterhood was sufficient to represent women.<sup>38</sup> No study of this exists, but looking at the minutes of Rodef Shalom in Pittsburgh and at the statements of the UAHC in the early twentieth century, one finds very little that supported this major effort.

### **Ordination of Women as Rabbis**

An occasional woman led services and preached as did Rachel Frank in California in the 1890s;<sup>39</sup> somewhat earlier Emil G.

Hirsch was the first rabbi to invited women to address the congregation from the pulpit.<sup>40</sup> In 1928 Lily Montagu preached in the Berlin Reform congregation, and subsequently women leaders of the congregations were also invited to share the pulpit.<sup>41</sup>

The first time that women's ordination was debated was following the reading of a responsum on the question in 1922. Its text has been provided in this volume. Its author, Professor Lauterbach of the Hebrew Union College, began apologetically with statements about the high regard that the rabbis had for women, but that they were assigned different roles, and then he provided the usual arguments of tradition. Ultimately, as Moses selected seventy male elders to assist him in judgements, so this pattern continued with no discussion and only occasional references. He then argued that if a change were made, the ordination of the Hebrew Union College would no longer continue the "long chain of authoritative teachers," but would be different from the ordination of all other rabbis. ... It would "create a distinction between the title rabbi, as held by the Reform-rabbi and of the title of rabbi in general."<sup>42</sup> He did not wish to jeopardize the "authoritative character of ordination." Furthermore, he felt that women would not exercise "as wholesome an influence upon the congregation" as men. He concluded that this kind of decision would not be unjust, as numerous other avenues are open to women in the field of education, and so on. This responsum was followed by a lively debate, rare for a responsum, in which many indicated that they favored the ordination of women whereas others, as so often on different issues, argued for caution with due attention to the rest of the Jewish community. Rabbi Neumark, also of the Hebrew Union College faculty, whose daughter had applied to the College for rabbinic training, dealt with some of the Talmudic arguments in detail and demonstrated that they could be seen in a different light.<sup>43</sup> It was some time before the courtesy of the floor was extended to the women who were present. Despite this debate, the responsum stood, and eventually the Board of Governors of the Hebrew Union College found it needed to make no decision, as the single woman candidate who had presented herself no longer wished to pursue this path. In contrast to other issues, the rabbinic assembly did not take action independently.

Just two years later, in 1924 Regina Jonas (1902-1944) registered as a student at the *Hochschule für die Wissenschaft des Judentums* in Berlin. Other women also studied there and in 1932, 27 of the 155 students were female, but only Jonas aspired to the rabbinate. In 1930 she completed her studies along with a halakhic thesis on the topic "Can a Woman Become a Rabbi?" She did not receive ordination as the ordaining professor of Talmud, Eduard Baneth, had just died and his successor, Chanoch Albeck, opposed her ordination. She was, finally ordained by Max Dienemann at the end of 1935. She was readily accepted by her liberal colleagues and through her earnest service, partially by others. The Orthodox opposed the ordination, but did not engage in a halakhic discussion. Jonas had opportunities to emigrate, but refused and was killed in Auschwitz in 1944.<sup>44</sup>

When the Hebrew Union College ordained its first woman student, Sally Priesand, in 1973, it was without halakhic debate. She and hundreds of others began to serve the Jewish community. No halakhic justification was sought and, as with some other North American changes, there was no official resolution, either. When the Conservative movement took the same step some years later, it engaged in a lengthy halakhic discussion that sought to justify the ordination on traditional grounds.<sup>45</sup>

### Women's Movement in the Late Twentieth Century

During the last forty years Reform Judaism has willingly joined the feminist movement, but it cannot claim to have led it. Complete equality in congregational leadership had existed in some places but now came more quickly everywhere. The ordination of Sally Priesand and several hundred other women subsequently opened the rabbinate and the cantorate fully to women. The synagogue liturgy has slowly changed to avoid all references to sex. Feminist liturgies have been created as have midrashim that emphasize the role of women. Although Reform Judaism has not been a leader in the broader field of feminism, it has led within Judaism and been a catalyst that has moved even the Orthodox community to some radical changes. So, for example, women *halakhists* are now trained in Israel; they will not function on a *bet*



*din*, but will have a major and influential role in the development of traditional *halakhah* in the future.

### Reform Halakhah and Women's Issues

In all of this a halakhic approach to issues became significant again only in the middle of the twentieth century. There was a hiatus between the European proceedings in the nineteenth century and the renewed American interest. The spirit of America and the revolutionary fervor of the rapidly growing Reform movement led away from halakhic considerations. At the end of World War II matters changed. In the volumes *Reform Jewish Practice and Its Rabbinic Background* by Solomon B. Freehof (1891–1990), we find discussions of women and their rights, particularly when connected with Jewish rituals and liturgy. So the status of women, conducting services, reading from the Torah, and other matters were discussed with citations from both the traditional literature and Reform Jewish writings that indicated equality. The same kind of treatment was provided in the vast area of marriage and divorce that covers fifty pages of a slim volume of less than two hundred pages. In other words, the issues formally avoided or discussed only in a vague fashion now came to the fore and were provided with a halakhic basis. For the first time we find women in services as well as women officiating discussed in a thorough fashion in the second volume printed some years later. Although congregational practice may have gone in these directions earlier, these matters were neither officially debated nor provided with any rationale.

As responsa reflect questions asked and not an agenda set by individuals or a group, they accurately reflect the rising interest in women and women's rights within the Reform movement, and also at an earlier time show that neither men nor women raised these issues. Responsa need not be limited to internal Jewish questions but could very well have dealt with some of the issues of the day that involved women: the right of women to vote, the employment of women in various professions, the relationships of men and women within the family, and various other matters. None of these issues, however, were ever raised before the Responsa Committee.

In the 500 responsa written by Solomon B. Freehof and another 500 by me,<sup>46</sup> only a few major women's issues have arisen, such as the ordination of women and nonlineal descent. Some took new directions; others followed the path set by earlier responsa or practices and clarified them. When they dealt with ritual questions like may women recite *kaddish*, read from the Torah, or be counted as part of a minyan, along with other issues, equality was taken for granted and did not need justification.

As we review almost two centuries of the Reform movement, we see that traditional *halakhah* connected with women has sometimes been successfully reinterpreted; resolutions, and popular decisions have been given equal significance and have reshaped the role of women within Judaism. Here as in other movements in Judaism, Reform, Conservative, and Reconstructionist leaders have made dramatic changes through resolutions, *minhag*, and *halakhah*. For our time these have brought major changes to rabbinic Judaism while continuing the path set at its beginning through the creative adjustment to new cultural and intellectual forces by the ancient Pharisees and their successors through two millenia.

## Notes

1. D. Tama (F.D. Kirwan (trans.)), *The Napoleonic Sanhedrin*, London, 1807
2. Louis Finkelstein, *Jewish Self-Government in the Middle Ages*, New York, 1964, pp. 111 ff.
3. Two generations later figures like Bertha Pappenheim emerged as well as a few forerunners both in Germany and in Eastern Europe, but they remained on the rim of society.
4. F. W. Riemer, *Mittheilungen über Goethe aus mündlichen und schriftlichen und ungedruckten Quellen*, Berlin 1841, pp. 428 f. Michael Meyer, *The Origins of the Modern Jew*, Detroit, 1967, pp. 85 ff.
5. I have not been able to find any reference in the responsa literature of the time to the salons or to the women involved in them. The rabbis were well aware of Moses Mendelssohn and his translation of the Torah into German as he corresponded with some of them. They saw the translation as dangerous, but did not deal with Berlin Jewish life. (Alexander Altman, *Moses Mendelssohn*, Philadelphia, 1973, pp. 376 ff, 382)

6. The records indicate that the school enrolled girls. Michael A. Meyer in his *Response to Modernity*, Oxford, New York, 1988, p. 39f., indicated that although the documents stated that in 1810 girls should were to participate in the Confirmation/graduation exercises, there is no indication that this occurred. Mordecai Eliav, *Jewish Education in Germany in the Period of Enlightenment and Emancipation*, (Hebrew), Jerusalem 1960.
7. Samuel Echt *Die Geschichte der Juden in Danzig*, 1972, in Michael Meyer Op. Cit. p. 408.
8. Aaron Chorin, *Ein Wort zu seiner Zeit*, Vienna, 1820, p. 55.
9. A. Geiger, *Wissenschaftliche Zeitschrift für jüdische Theologie*, Vol. 3, 1837, p. 7.
10. Alexander Altman, *Moses Mendelssohn*, Philadelphia, 1973, p. 382.
11. A. Geiger, *Wissenschaftliche Zeitschrift*., 1837, Vol. 3, p. 7.
12. Jakob Petuchowski, *Prayerbok Reform in Europe*, New York, 1968.
13. David Novak, *Law and Theology in Judaism*, New York, 1974, vol. 1, 2.
14. A. Geiger, "Die Stellung des weiblichen Geschlechtes in dem Judentume unserer Zeit," *Wissenschaftliche Zeitschrift für jüdische Theologie*, Vol. 3, 1837, pp. 10 ff.
15. *Ibid.*, p. 18ff.
16. Abraham Geiger, *Wissenschaftliche Zeitschrift für jüdische Theologie*, Vol. 3, 1837. Samuel Holdheim, *Die religiöse Stellung des weiblichen Geschlechts im talmudischen Judenthum*, Schwerin, 1846, *Ueber die Autonomie der Rabbinen und das Princip der jüdischen Ehe*, Schwerin, 1843.
17. Samuel Holdheim, *Ueber die Autonomie der Rabbinen und das Princip der jüdischen Ehe*, Schwerin, 1843.
18. Bruno Bauer, *Judenfrage*, 1843; also in *Deutsche Jahrbuecher*, 1842.
19. Zacharias Frankel, "Grundlinien des mosaisch-talmudischen Eherecht," *Jahresbericht des juedisch-theologischen Seminar*, Breslau, 1860, pp. 1-17.
20. Leopold Loew, "Eherechtliche Studien", *Gesammelte Schriften*, Szegedin, 1893, Vol. 3. These studies were published from 1860 to 1866 in his periodical *Ben Chananja*.
21. *Ibid.*, p. 28.
22. *Ibid.*, pp. 192 ff. He demonstrated, for example, that Holdheim had omitted a key word in his quote from Moses of Coucy that seemed to permit inter-marriage, but did not.
23. *Ibid.*, p. 217, where he dealt with the Orthodox objection to holding wedding ceremonies within the synagogue.
24. *Ibid.*, p. 324.
25. *Yearbook, Central Conference of American Rabbis*, Vol. 1, Cincinnati, 1891, pp. 81 ff.
26. *Yearbook of the Central Conference of American Rabbis*, vol. 1, pp. 92-94.
27. David Philipppson, *The Reform Movement in Judaism*, Cincinnati, 1930, p. 219.
28. *Protokolle der dritten Rabbinerversammlung*, Breslau, 1846, p. 265,
29. *Yearbook*, vol. 1, pp. 107-110. David Philipson, *The Reform Movement in Judaism*, p. 298.
30. *Yearbook*, vol. 1, p. 112. Philipson, Op. Cit., 310.
31. *Yearbook*, p. 119.
32. W. Jacob (ed.), "Authentic Report of the Proceedings," *The Changing World of Reform Judaism, the Pittsburgh Platform in Retrospect*, Pittsburgh, 1985, p. 96.

33. Ibid., 111 ff.
34. *Eleh Divreh Haberit, Nogah Hatzedek, Or Nogah, Tzeror Hahayyim, Lev Haivri*, Responsa of Moses Sofer, Judah Aszod, Moses Schick, Hillel Lichtenstein, David Hoffmann, and others.
35. David Philipson, Op. Cit., 335. Mixed seating did arouse some debate in the Conservative movement and the congregations remain split on this issue with the decision left to each congregation. *Summary Index: The Committee on Jewish Law and Standards*, New York, 1994, 9.14.
36. Alexander Kohut, *Ethics of the Fathers*, New York, 1920, pp. 100 as cited in Naomi W. Cohen, *Encounter with Emancipation*, Philadelphia, 1984, p. 181.
37. Only in the latter part of the twentieth century was the matter of a minyan even brought up. Solomon B. Freehof wrote about it, but it was already so much of a set practice that this was not a real issue.
38. National Temple Sisterhood established in 1913.
39. Michael A. Meyer, *Response to Modernity, A History of the Reform Movement in Judaism*, New York, 1988, p. 287;
40. Naomi W. Cohen, *Encounter with Emancipation*, Philadelphia, 1984, p. 198.
41. Wolfgang Hamburger, "Die Stellung des Reformjudentums zur Frau," *Emuna*, Vol. 10 (1975) Supplementheft 1, p. 19.
42. "Shall Women be Ordained Rabbis," *Central Conference of American Rabbis Yearbook*, Richmond, 1922, p. 160.
43. Ibid., p. 175 ff. The resolution which recommended the ordination of women was adopted by the Conference with a vote of 56 to 11. It reads  
 "The ordination of woman as rabbi is a modern issue; due to the evolution in her status in our day. The Central Conference of American Rabbis has repeatedly made pronouncement urging the fullest measure of self expression for woman as well as the fullest utilization of her gifts in the service of the Most High and gratefully acknowledges the enrichment and enlargement of congregational life which has resulted there from.  
 Whatever may have been the specific legal status of the Jewish woman regarding certain religious functions, her general position in Jewish religious life has ever been an exalted one. She has been the priestess in the home, and our sages have always recognized her as the preserver of Israel. In view of these Jewish teachings and in keeping with the spirit of our age, and the traditions of our Conference, we declare that woman cannot justly be denied the privilege of ordination."  
 The resolution, therefore opposed the responsum and both are part of the record, but ultimately the Conference left the matter in the hands of the Hebrew Union College and did not pursue the matter further.
44. A full biography as well as Jonas' rabbinic thesis with annotations and comments has been prepared by Elisa Klapheck, *Fräulein Rabbiner Jonas—Kann die Frau das rabbinische Amt bekleiden*," Teetz, 2000, pp 24 ff.
45. Simon Greenberg, ed., *The Ordination of Women as Rabbi: Studies and Responsa*, New York, 1988.
46. Solomon B. Freehof, *Reform Responsa*, Cincinnati, 1960; *Recent Reform Responsa*, Cincinnati, 1963; *Current Reform Responsa*, Cincinnati, 1969; *Modern Reform Responsa*, Cincinnati, 1971; *Contemporary Reform Responsa*, Cincinnati, 1974; *Reform Responsa for Our Time*, Cincinnati, 1977; *New Reform Responsa*, Cincinnati,

1980; *Today's Reform Responsa*, Cincinnati, 1990. Walter Jacob, *American Reform Responsa*, New York, 1983; *Contemporary American Reform Responsa*, New York, 1987; *Questions and Reform Jewish Answers*, *New American Reform Responsa*, New York, 1992; *Halalkhah*, Pittsburgh, (1993- 2000)Vols. 1-7.