

realistic nor prudent to entrust them with the job of sustaining the American tradition of democratic opposition to centralized power.

But what is the alternative? If the political opposition fails, is the American public simply doomed to be manipulated? Who else but major media organizations can inform the TV-watching public of abuses of power?

One quixotic possibility is the new liberal weekly. Few pretend that one more journal of ideas is going to transform the Washington press corps or American political culture. But hope springs eternal that new publications could spur the competitive instincts of mainstream journalists, prompting them to do a better job. These publications would also provide a forum for thinkers in the political opposition. This is the dream, but the effects of such publications trickle down slowly, if at all, to the bureaucracies of major news organizations and the disparate coalition that is the Democratic party.

A second possibility, wished for by Hertsgaard, is that the mainstream media will learn from their mistakes during the Reagan years. The media, Hertsgaard declares, must "live up to

the concept of a free and independent press first upheld some two hundred years ago by the American Revolution." As history, this is dubious. The press in the early republic was partisan and was openly aligned with factions in the executive branch and in Congress. In any case, these possibilities assume that the media system will somehow transform itself from within.

The third possibility, as intriguing as it is unlikely, is that the mainstream media could be transformed—or at least challenged—from outside. There are two recent journalistic precedents: the counterculture press that emerged in the Western capitalist democracies in the period between 1965 and 1972, and the *samizdat* press that has spread throughout the communist societies in the East since the 1960s.

For all their differences, these two outbursts of democratic journalism share several common features. Both flourished independently of the society's dominant and unresponsive information bureaucracies. Both were based on a fundamental rejection of the premises of the centralizing state. Both were the by-product of a new and independent political culture.

To be sure, the effects of such jour-

nalism trickle up slowly to government, but their influence ought not to be dismissed. In the torpor of the Brezhnev years, the *samizdat* culture of the East sustained the idea of a free and independent writer. This culture, especially expressed in its rock music, has irritated and goaded the authorities. Communist reformists, such as Mikhail Gorbachev, came to understand that they could no longer afford to ignore the fact that people were refusing to be manipulated from on high. *Glasnost*, it should be remembered, was not simply handed down from above. It also forced its way up from below.

Maybe the *samizdat*-rock culture of the East, and not the liberal weekly, is the model for revitalizing American journalism. In the 1950s and 1960s, rock music traveled from the West to the East and is now a powerful influence in the cultural transformation of the socialist world. If the *samizdat*-rock culture of the East comes back to the West, it would be as an echo of—and heir to—the Western counterculture and its underground press. The cheap technologies of electronic desktop publishing make journalistic innovation seem both more possible and more promising than ever before. □

## BOOK REVIEW

# The Conservative Rabbinate: Looking for Men in All the Wrong Places

Daniel H. Gordis

*The Ordination of Women as Rabbis: Studies and Responsa* edited by Simon Greenberg. Jewish Theological Seminary of America, 1988, 233 pp.

When, after years of often acrimonious debate, the faculty of Conservative Judaism's Jewish Theological Seminary of America voted in October 1983 to ordain women, many

segments of the American Jewish population sensed that something of great importance had transpired. The liberal Jewish community applauded the move, while the Orthodox decried Conservative Judaism's abandonment of its prior commitment to halakha (Jewish law). Proponents of the decision who were familiar with the seminary in particular and with Conservative Judaism in general believed that, at long last, the largest branch of American Judaism had succeeded in demonstrating that a serious dialogue could take place

between traditional halakha and the modern commitments to morality and to equality for women in Jewish life.

As part of the deliberative process that the chancellor and his faculty undertook from 1979 to 1983, faculty members were invited to prepare position papers on the ordination of women, to be disseminated throughout the seminary community. Ten of those papers, long the subjects of conversation and analysis within the inner sancta of Conservative circles, have now been published in a single

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volume, edited by Simon Greenberg, one of the seminary's vice-chancellors. Insofar as it makes these papers available to the intellectual community at large, *The Ordination of Women as Rabbis: Studies and Responsa* is an important publication. It deserves attention for the positions its authors espouse and, perhaps more important, for what the collection of documents ultimately reveals about what really did and did not happen in this crucial and far-reaching debate.

Despite the book's importance, *The Ordination of Women as Rabbis* is flawed by some rather simple omissions or oversights. Indeed, in reading this volume one gets the impression that it was produced without a clear image of its typical reader. Even the sophisticated lay reader will find the book difficult to negotiate. The collection contains no glossary to explicate the dozens of very technical terms that appear throughout. The papers are inconsistent in the degree to which they even translate such terms, and one of the longest essays appears in Hebrew with only a short summary in English. Perhaps more important, the papers appear in alphabetical order by author, with no introductory comments about the essential nature of their arguments, the worldview of their authors, or even their conclusions. Had the papers been grouped in "pro" versus "con" groups, or had some distinction been made among halakhic (legal), moral, and sociological arguments, the average reader might have found the terrain somewhat more navigable.

What is most astounding, however, is the book's failure to indicate which paper was ultimately adopted by the faculty as the official seminary position. Unless the reader already has some intimate knowledge of the history of this issue, she or he will have no way of discerning how the faculty reached the conclusion that it did.

The paper that the faculty ultimately endorsed was authored by Joel Roth, currently the chair of the Department of Talmud and Rabbinics. (Roth also serves as the chair of the Rabbinical Assembly's Committee on Jewish Law and Standards, which decides matters of halakha for the Conservative movement. In this unique vote, however, the ordination question was deliberated upon not by the rabbinic branch of the movement, but by the faculty and

its parent academic institution.) Roth's analysis is essentially a halakhic one. In difficult prose that runs sixty pages, Roth develops his argument by noting that the halakhic objections to the ordination of women stem from the combination of two fundamental principles of Jewish law.

The first principle (explicitly stated in Mishna Kiddushin 1:7) is that women are exempted from positive time-bound commandments. In other words, according to Jewish law, although women are required to observe negative commandments as well as those positive commandments that need not be performed at a specific time of day or on specific days of the year, they are exempted from those positive commandments that are tied to specific times. Several of the authors note that important exceptions to this rule do exist, but none of them questions the centrality of this legal principle in Jewish ritual law.

Roth's second halakhic principle also comes from the Mishna, this time from Rosh Hashana 3:8. The Mishna there reads: "Anyone on whom an obligation is not incumbent cannot fulfill that obligation on behalf of the many." In light of the first principle (that women are not obligated to perform positive time-bound commandments), the second principle suggests that women may not fulfill the obligations of the many to perform such positive time-bound commandments. Since prayer is a positive time-bound mitzva, the halakhic conclusion is that women may not fulfill the congregation's obligation to pray (by leading the service and having the congregation answer "amen" to their blessings), and, since virtually all rabbis are called upon to lead services, women should not be ordained as rabbis.

One respondent, Mayer Rabinowitz, tries to argue that the historical function of the *shaliakh tzibbur*, this "emissary of the congregation," has changed and that women would therefore not be expected to fulfill other people's obligations. He notes that the *shaliakh tzibbur* traditionally fulfilled the obligations of others (when they answered "amen" to his blessing) only because they were unfamiliar with the liturgy. Maimonides specifically forbade this form of prayer for those who *do* know the liturgy. Rabinowitz concludes, therefore, that "today, when [we] have prayerbooks

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with translations for those who cannot read Hebrew, and often with explanatory notes, we are in the category of competent worshippers and our obligations cannot be fulfilled by a *shaliakh tzibbur*. . . . In today's synagogue the office of the *shaliakh tzibbur* does not involve any concept of 'agency.' As a result, he claims, this second halakhic principle should not stand in the way of women's ordination.

Rabinowitz's argument, however, is fatally flawed by his failure to recognize that certain prayers (such as the Kedisha) are said responsively, and for these prayers even knowledgeable worshippers need an emissary. Because he is aware of this problem, Roth seeks a way around it. The bulk of his paper is devoted to proving that women may voluntarily assume the obligations for those commandments from which they are exempted, and that, once they have done so, they may serve as emissaries of the congregation and ultimately be ordained.

Israel Francus, however, in his paper specifically denies that an assumed obligation has the weight that Roth ascribes to it. Francus claims that though women might, indeed, be able to assume such voluntary obligations, their degree of commandedness would never equal that of men, and a woman therefore could never serve as an emissary for a man. Roth, in turn, amasses several compelling arguments in favor of his position and actually responds (albeit in a long and obscure footnote) to Francus's proof-text.

Though he seems to have found a halakhically defensible mechanism for allowing women to lead prayer services, Roth specifically states that he opposes declaring that all women are obligated to perform positive time-bound commandments. After all, not all women would fulfill these commandments, so obligating women to perform them would simply create a new category of "sinners." Instead, Roth urges that only those women who specifically assume these obligations should be permitted to lead the service.

It is unfortunate that Roth never fully articulates the procedure or ritual by which a woman would assume these obligations, but that is a comparatively minor point. More problematic are, first, his refusal to declare all women obligated to fulfill positive time-bound

commandments, and second, his assumption that the way to grant women religious equality is to require them to become like men. It is in this regard that the ethical defensibility of his position begins to unravel.

For those who had hoped for a Conservative statement verging on (if not actually attaining) egalitarian treatment of the sexes, Roth's statement remains unsatisfactory. Womanhood, in Roth's worldview, is still a hurdle to be overcome if a woman wishes to participate in the body politic of the Jewish community. Any man, simply by virtue of being born male, may serve as a *shaliakh tzibbur* upon attaining the age of majority and can eventually be ordained as a rabbi. Women, however, still somehow need to reject their natural state: unless they consciously transcend their womanhood, they cannot lead prayer services. Thus, the official Conservative position still fails to validate the legitimacy of the feminine in liturgical leadership positions.

The subtle message that Roth imparts is that, in order to count, women have to act like men. Nowhere does Roth suggest that women might have something spiritually unique to offer Judaism. Nowhere does he seem concerned that women may feel a loss in trying magically to become male in the world of ritual. Roth's paper provides a clever, indeed ingenious, halakhic method for justifying the ordination of women, but he never addresses the broader, and frankly more important, questions of concern to Jewish feminists.

This is not to say that Roth or Conservative Judaism should have adopted an alternative halakhic stance. While other halakhic possibilities can be conceptualized, they all have their drawbacks. But, at the very least, one would have expected the Conservative movement to acknowledge the perennial tension between moral conscientiousness and halakhic seriousness. It is the absence of any such acknowledgement in Roth's paper that is most disappointing.

Lest one imagine that these objections never occurred to Roth, he states categorically that he rejects the legitimacy of such questions. Having laid the groundwork for his position, he states:

Before offering a specific proposal for consideration, I would like to emphasize as strongly as I can that

the issue of male-female equality plays no part in my thinking on the subject. I find no ethical objection to discrimination against an entire class, when the discrimination is justified and defensible.

In a subsequent interview (*Moment*, June 1987), he makes the same point in even more strident language: "Ethics is not the issue, nor is egalitarianism. . . . Being halakhically serious is."

Thankfully, Roth's statement does not represent the opinion of all Conservative thinkers. Many of the rabbis who argued for the ordination of women did so out of ethical considerations. Indeed, several of the papers in this volume make eloquent ethical appeals for women's ordination. But the adopted responsum's implication that halakha is the only relevant concern, that ethical issues aren't important, is tragic. It is tragic because if there is any movement in America that has the potential to demonstrate that halakhic seriousness and ethical commitment need not be portrayed as competing forces, it is Conservative Judaism.

And yet, the seminary's decision is not without value. Individual women, many of them long committed to becoming rabbis, are now free to pursue their chosen careers and to share their talents and insights. Young Conservative Jewish women will have role models that they never had before. Moreover, the decision to ordain women has prompted a broader discussion of egalitarianism between the sexes—a discussion that focuses on such issues as the unequal roles of men and women in the *ketuba* (the traditional marriage contract) and in the process of Jewish divorce. And interestingly, perhaps due to the negative reaction to the decision by the right wing of Conservative Judaism, the movement is now engaged in an energetic and valuable analysis of the respective roles of halakha and ethics in its platform.

For all of these reasons, the decision of the Jewish Theological Seminary of America to admit women to its rabbinical school was important and laudable. As a document that testifies to the level of scholarship and the multiplicity of outlooks that led to the decision, this new volume is important and worth reading. Ironically, however, the book's greatest importance may lie in its reminding us how much additional work remains to be done. □