SIX The Changing Status of Women in Liberal Judaism: A Reflective Critique

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The Changing Status of Women in Modernity

The age of modernity was a time of great optimism and hope for progress, for people in general and for Jews in particular. As Western societies began to re-examine and expand the freedom and rights exercised by minority groups, Jews and members of other minority religions were great beneficiaries. Throughout the Western world women also benefited significantly from an expanded understanding of their rights in public and private spheres. By the early part of the twentieth century, women began to take on public leadership roles and have more of a visible impact on society. This move towards greater equality in the public sphere laid the foundation for what later became liberal Judaism's model of a just society in which men and women are equal.

As women gained the right to vote in public elections, many Jews argued that women could no longer be denied the same right within Jewish organizations. The interplay between women's increased equality at large and that within the Jewish community is also apparent in regard to study, whereby just as with modernity women could for the first time study in secular universities, within the Jewish community they could finally access and study previously inaccessible sacred Jewish texts. Jewish women's increased involvement and knowledge led to new understandings of gender and religion which in turn dramatically affected two main areas of liberal Jewish life: (1) religious law and practice, and (2) leadership in the synagogue and communal organizational life.

The significant change in the role of Jewish women following the Enlightenment makes modernity a dividing line between two types of intellectual and religious views of Jewish women. The first sees women as primarily responsible for the private sphere characterized by the home and family-centred domain, while the second accords women a full (or nearly full) religious agency in the public domain. This dividing line is especially pronounced in the context of liberal (non-Orthodox) Jewish life. Reform Judaism in particular embraced the expanding role of women by granting women full membership in synagogues as well as voting rights, and by gradually permitting women to perform many public ritual acts previously restricted to men. Reform leaders not only argued that women should be

permitted to serve in leadership positions in synagogues, but in 1922 they voted to allow women to be ordained as rabbis – though in practice this did not occur until 1972.

While some may argue that these changes in status provide an answer to the question of the role of women in Jewish life in the modern era, this chapter argues that such changes are in fact only the first two phases of the reform that is necessary in order to fulfil modernity's promise of equality for women. In spite of the fact that Jewish women today have multiple possibilities available to them, we have yet to see the full equality of gender roles and rules in all areas of liberal Jewish communal life. In order to understand the complexities of the 'unfinished business' that remains in order to realize women's quest for equality, as well as the possible conceptual and textual bases it may rest upon within Judaism, we must first conduct a critical evaluation of the changes that have already taken place and the various methodologies according to which such changes were made. Taking into account what we might learn from such a critique as well as the importance of more fully transforming the liberal Jewish community, I will also suggest some directions for thinking about and creating a more inclusive, egalitarian and sustainable Jewish community in the future.

Phase One: Toward Equality through Shifts in Legal Status

There have been many different changes in women's role in the liberal Jewish community and different methods used to achieve them. These changes can be divided into two main phases which parallel, to some degree, various sub-periods in modern Jewish history as well as the different waves of feminist history. The first phase, much like the first wave of feminism, focused primarily on achieving equal access to and participation in the public sphere and equal rights in decision-making power in both the private and public spheres. Embracing the ideas of progress and reason, the arguments made during this first phase (largely from 1870–1970) employed a principle, considered radical at the time, according to which Jewish women should exercise the same rights as Jewish men. Alongside this principle, feminists argued that it would contradict 'the spirit of the age' to prevent women from performing the same religious duties or from studying the same religious texts as men.

Justifications for reform in the two main areas of change – in religious law and practice, on the one hand, and access to leadership in the synagogue and communal organizational life, on the other – rested primarily on prevailing notions of reason and ethics, and on a belief in the supremacy of Judaism's ethical monotheism. Thus the arguments for change often referred to the 'historic veneration of women' and cited Biblical proof-texts and

precedent models, such as the prophetesses Deborah (Judges 4.4ff) and Miriam (Exodus 15.20ff) who led the Jewish people in times of crisis and spiritual grandeur. While these arguments also made occasional reference to the 'exalted spiritual status' of the Jewish woman, the central justification for change was the conviction that Judaism at its core is a progressive and ethical religion 'ever striving to be in accord with the postulates of reason' and that it must therefore evolve in accordance with modern notions of ethics and gender equality.[1]

In early discussions regarding the halakhic role of women, Reform thinkers asserted that rabbinic legal literature was no longer absolutely binding, and most argued that it should be used as a source of significant 'guidance rather than governance'.[2] Adopting the era's emphasis on liberation and equality, these *poskim* (religious lawmakers) believed that they had the right to introduce religious reforms especially with regard to the status of Jewish women. They argued for the full equality of women in four areas in particular: (1) religious commandments including time-bound ones traditionally restricted to men according to halakhah; (2) the Jewish prayer quorum (*minyan*); (3) education; and (4) marriage laws (where reforms would work to prevent a woman from becoming an *agunah* – i.e. prevented from remarrying since her husband refuses to grant her a Jewish divorce – and help create an egalitarian marriage contract).

Some of these initial legal changes were made by employing the halakhic principle, echoed by non-religious law, of going 'beyond the letter of the law' (*lifnim mishurat ha-din*); this principle enabled lawmakers to focus on the ethical underpinnings of Judaism and correct laws from earlier periods that contravened these underpinnings. Other changes were made by employing interpretive principles from within rabbinic literature which take into account the influence of different practices among the Jewish people (such as the Talmudic teaching of 'Go out and see what the people are doing' to settle any doubt about a prevailing custom) as well as considering the needs of people within the community in instituting change. In some cases changes were made by taking into account the reality of ongoing evolution of Jewish practice over the ages, together with the extent to which changing contexts demanded accommodation in religious practice.

Halakhic literature itself at times acknowledges the need for change given changing circumstances, even declaring outright: 'In other times we did that, now we do thus', or simply reasoning that 'times have changed'. Wherever the halakhic literature read women out of influential roles because of supposed inherent intellectual or psychological limitations, Reform thinkers adopted a very different understanding of the role of women based on a different conception of women. By employing such meta-halakhic ethical, historical and interpretive principles, Reformers

sought and still seek to create a Jewish practice (which some call halakhah) that is 'more lenient, flexible, affirmative of contemporary values, and morally uplifting' than that of non-liberal Judaism[3]. They saw, and continue to see these first-phase changes in women's halakhic status and role as part of an ongoing process of the evolution of halakhah.

While this first phase led to radical changes by significantly expanding the possibilities for women's religious and intellectual activity, including enabling the eventual ordination of women as rabbis, it had its limitations and merits a respectful critique. This phase of change largely created a new reality in which Jewish women who were interested – and who had the necessary skills, training and opportunity – could live Jewish lives as what some have called 'honorary men'. This first phase produced a great ethical achievement, and yet it meant defining women as men and is similar to what feminists call 'formal equality'. With significant exceptions, the extent to which women could be considered and possibly even valued as men was based on the extent to which women acted, thought and communicated like men, as well as the extent to which they accepted men's interpretations of halakhic obligations. Thus, if women wanted to take on the halakhic privileges of men they needed to take on male obligations. In other words, women were allowed to become rabbis but rabbis were hardly allowed to be women. Thus the achievements of this first phase, like those of first-wave feminism, largely assumed male achievements, values and standards as the norms to which women should aspire.

Few efforts were made to envision alternative models for fully integrating women into Judaism. In particular, there was little understanding of the benefits of encouraging women to retain their unique perspective while integrating their experiences of Judaism in the past and present. Few asked what kind of Jewish life could occur if women not only had equal access but could also be interpreters, shapers and leaders from within Jewish culture according to differently defined parameters, values and theology. Yet the first phase is only one approach that modernity enables: ethical equality based on sameness.

Although the term 'honorary men' might carry a negative connotation I do not mean to offer a total critique of this phase, as it was clearly necessary as well as ground-breaking. In order to not only expand the previously limited space permitted to Jewish women in the public sphere but to also allow for women's full equality, it is necessary first to create the possibility of a near-level playing field. If Jewish women were previously denied access to central public activities and sources of communal power in part because they did not have access to the relevant body of knowledge or the possibility of acquiring the necessary skills, then a corrective model in which they could gain full access and master previously male-only arenas was crucial.

Certainly a re-negotiation of the role of Jewish women which permits them to serve as witnesses, be counted as members of prayer quorums, receive *aliyot*, read from the Torah, become *b'not mitzvah*, and serve as *shlichot tzibbur* (prayer leaders) is radically transformative by all pre-modern standards. Thus halakhic status changes and equal access were necessary. Nonetheless, they remain insufficient changes. Moreover they carry with them potentially negative repercussions. Indeed, while liberal Jewish women ostensibly gained equal access during this phase to previously male-only spheres of knowledge and religious activity, in fact they often became pigeon-holed and were expected to represent only women's issues; moreover the few women who were admitted as leaders were often tokens and more often than not failed to receive equal salary and benefits.[6] Through this and other related phenomena, Jewish women have in fact remained effectively marginalized in many spheres of liberal Jewish communal life (how much more troubling such concerns must be among those seeking equality within modern Orthodoxy). Looking at this phase and its results after a century of experience, many questions and problems remain regarding women's role. We must therefore ask what other modes of transformation may still be implemented and what their implications are for the Jewish community.

Phase Two: Expanding Liturgical-Theological Models

A second phase of change has been possible only since the late 1980s and early 1990s, when a significant number of Jewish women began to serve the liberal Jewish community as rabbis, to create prayers and rituals, and to write Jewish feminist theology. With nearly 1,000 women rabbis today, it has been the onset of a critical mass of communally authenticated and legitimated female religious leadership with demonstrated capabilities that has produced an impetus toward a methodology beyond formal equality. The second phase of change has brought a number of achievements: a dramatic increase in the creation of alternate blessings such as those of Marcia Falk; a plethora of new prayers and new ways of turning to God such as those found in the new Reform prayer book *Mishkan Tefillah* published in 2007; and the recovery and incorporation of previously omitted texts from over the centuries.

This phase has also brought the development of dozens of new life-cycle ceremonies designed specifically for liminal or transitional moments in Jewish women's lives, for which previously there was no liturgy and no leadership or religious-spiritual counsel; it has similarly brought about a continual revising of ceremonies and rituals – such as marriage – in which Jewish women and men have only recently established a variety of ways to

ensure equal participation. Egalitarian *ketubbot* (marriage contracts), rituals for menopause and for healing from traumas such as rape or mastectomy, baby girl covenant ceremonies, as well as rituals for men and women around marriage and divorce are just a few examples which exemplify this renewed theology. Because of this second phase of change, in mainstream Jewish communities both women and men now turn to God with feminine and feminist language and song, experience how both women and men can lead prayer and creative religious ceremonies, and have access to a greater diversity of models for religious Jewish family and communal life.

A prominent example of Jewish feminist theology from the second phase is Judith Plaskow's *Standing Again at Sinai*.[5] In it Plaskow argues for the reclamation of history and an inclusive creativity which will not only allow for new understandings of divinity but also aim at creating a new and more just religious and social order.[6] She suggests that there will be new possibilities of transformation for the entire Jewish tradition once women are able not only to access but also to interpret Judaism's most sacred concepts.

In some ways the second phase parallels the achievements – and also the problems – of second-wave feminism. There are inherent limitations in achieving equality through rabbinic interpretive methodologies which make it necessary for us to simultaneously seek ways to re-shape Jewish tradition by incorporating women's varied and different voices. For example, Plaskow's theology leaves important questions unaddressed. While it widens our liturgical and theological horizons, it leaves us to transform our community without a clear methodology for determining or sustaining the social and interpretive process of creating a Judaism which has fully evolved to embrace the new challenges of gender in modernity.

The Challenges of Moving Toward a Third Phase

The full realization of equality within Judaism is in many ways still a work-in-progress. For instance, despite significant changes in the role of women in liberal Jewish life, women continue to experience inequality in Jewish professional arenas; many halakhic issues and the approach they reflect remain untouched by the influence of the first and second phases of change; and the underlying hierarchy that privileges men and male-centred frameworks continues to exist within liberal Jewish communities.

Most of the changes that have been made have used male-created and controlled methods and structures of thought and legal decision-making. To a large extent, the worth and authenticity of the contributions of women continue to be evaluated from a pre-feminist or early feminist perspective. In communities where halakhah remains central, the attempts to continue

the work of equality are bound by the supremacy of legal precedent and form. We must even ask whether full equality can ever be created while employing these methods.

The necessary scepticism of our age demands the development of new methodologies for continuing this unfinished two-fold project of fully assimilating women into all arenas of Jewish life and drawing out the ways in which the community can meet men's and women's different needs while simultaneously benefiting from their equality.

As theologian Rachel Adler writes, although we have inherited modernity's 'egalitarianism, its faith in the human power to remake society and lavish benefits on all its members ... perhaps its optimism, its belief in a harmonious and balanced universe are no longer theologically convincing'.[7] Not only do we need models of theology that are more 'convincing' in view of the complex and rapidly changing world in which we live, we also need a legal methodology that is constructive and not just deconstructive. We need ways for establishing the institutions and environments that will benefit from the achievements of both phases while ensuring that the ethics of the first and the contributions of the second are not sacrificed.

Part of a more constructive methodology at this stage might emerge from seeking to understand the ways in which the two earlier phases can conflict, and yet harnessing their combined insights in order to move forward. Indeed the first phase's search for equality and the second phase's development of alternative perspectives often produce a conflict, as women's success in the mainstream may currently come at the expense of being able to deepen women's unique contribution while, conversely, developing women's unique voice often comes at the expense of their being able to fully participate in and influence the system. This is not only a theoretical point but an observation of conflicts that Jewish women currently experience. Perhaps what we need now is a way of living both phases simultaneously. This will require being vigilant about safeguarding the achievement of both earlier phases of change while at the same time seeking to envision a third.

The Jewish community might respond to this challenge on two levels. First, on the theoretical level, we now have the experience of two centuries of modern integrative thinking in liberal Judaism which prides itself on seeking ways to live in the nexus of two worlds; in fact, this is something that liberal Judaism has thrived on for more than a century. We should celebrate the challenge and the ways in which living simultaneously in both worlds leads to more creative thinking and experimentation with new models. In fact, for many centuries liberal Jews have succeeded in living as committed ethical humanists as well as committed Jews in spite of the fact that some argue that these two modes of existence are irreconcilable.

The relevant parallel is that it is possible for women to be fully accepted and culturally at home within Jewish community organizations, while at the same time retaining and further developing a sophisticated different voice from 'the outside'. As with modernity and Judaism, an external critical and an internal constructive feminist voice can also be integrated. The teaching institutions of liberal Judaism face this question on a regular basis, and ask how they can teach all the skills necessary to read Talmud and at the same time teach people to read the text through new lenses. Like the challenge facing all new endeavours, we need to devise a way to be sensitive to marginalized voices while at the same time maintaining rigorous and consistent standards regarding merit. These challenges are palpable in the synagogue, in the academy and in most Jewish organizations.

A response on the pragmatic level could include the ongoing development of truly pluralistic and heterogeneous religious communities and institutions which facilitate equal access and representation for all, and where women's full participation in all aspects of community life and leadership is ensured. By guaranteeing equality in practice, such a community would have significantly more internal creative power at its disposal to move forward; previously critical voices heard only from the outside would then be understood as calls from among the Jewish people that must be heeded in order to ensure Judaism's ethical and theological survival.

In an ideal world, such an intensely inclusive, pluralistic Jewish community would fully value the unique perspectives and contributions of women, as well as those of other marginalized groups. This kind of community would embody a reciprocal commitment to the general membership on the one hand, and to particular groups that have access to different visions on the other, something characteristic of a postmodern age. After modernity we know that any identity is multi-layered and reflective of a particular contemporary context, and so too can we understand gender and Jewish identity.

Developing a Third Phase: Textual Grounding & Ethical Vigilance

Once the lessons of the previous two phases are internalized, we can and should find ourselves working out the reality of a third phase of change. An example of such a move might be Rachel Adler's *Engendering Judaism: An Inclusive Theology and Ethics*,[8] which models the central principles of ethics and theology found in the first and second phases while pointing to a possible transformation in understanding the complexity of gender and Judaism. In a postmodern interweaving of disciplines that uses contemporary legal theory as well as literary theory, theology and ethics, Adler shows

the limitations of the two phases previously discussed and states that a formal shift in Jewish legal and ritual systems together with new liturgies and theology are necessary, but not sufficient, to provide a full response to the challenge of gender after modernity.

Focusing on the foundational principles of feminist and liberal theology, and building on multiple principles of interpretation offered by rabbinic literature, Adler addresses many of the remaining dilemmas of equality in halakhah and ethics, such as the ethical and legal imbalance between bride and groom in traditional Jewish marriage ceremonies. Adler proposes a new kind of covenant in place of the marriage *ketubbah*, a *Brit Ahuvim* – a Lovers' Covenant – which exemplifies the methodology of transforming a foundational religious element based on new readings of traditional texts. The reclamation of a discarded practice of a covenant of partnership (*shituf*) in place of the traditional *ketubbah*, which many modern sensibilities reject because of its inequality, is an example of the kind of work that a third phase needs to encourage.

A third phase, which can and does operate simultaneously with the previously described phases, continues to seek both halakhic and Aggadic (non-legal) textual grounding and resources in past and present Jewish narratives that can provide new possibilities for the continuing adjustment of Judaism to the constantly shifting roles of men and women after modernity. We must however recognize the potential problems inherent in the work of recovering the teachings of ancient texts and appealing to precedent and continuity. Such legitimizing of past systems may appear to imply acceptance of the entirety of the system. Given the unequivocal ethical and feminist foundations which have taken root in liberal Judaism, I do not believe that we need to be concerned. We are fully capable of engagement with the texts in the fullness of what they represent from the new perspective of the fullness of what we are and the context in which we live.

Another example of such an attempt is that of Talmudic scholar Daniel Boyarin. Rather than focusing on misogyny and the traditional lack of Jewish female power and autonomy – a focus that often serves to reproduce it – Boyarin seeks to show how the 'recovery of those forces of the past that opposed the dominant androcentrisim can help put us on a trajectory of empowerment for transformation'.[9] This is a model where our resources for the future are not only the theory of the present but also a new application of the voices of the past. Instead of only rejecting the negative ways in which women might have been treated in many of the ancient texts, a model like Boyarin's suggests that we find strategies for the future in the suppressed opposition to male dominance and in the more dormant feminine voices, however sparse, of precisely those narratives.

Through reading texts with a critical but generous eye (neither apologetic nor solely negative and therefore allowing for new kinds of understandings, neither a combination nor an averaging out of these two phases but a new posture), we can benefit from the past without being restricted by the limitations of older modes of interpretation. If we embrace rather than reject or immediately reinterpret the texts with solely our ethical autonomous goals in mind, they might better serve us in our project of constructing a new model for how Jewish life adjusts to the fullness of gender and sexual identity, given what we know to be true in our time. Therefore, the third phase is one of re-reading and re-interpreting, from a new perspective, the ancient texts of Judaism in ways that preserve and present to us the resources of their creative and spiritual power.

Authority and Authenticity for a Third Phase

Beyond the cultural value of finding textual resources, there is much to be said for re-thinking the entire halakhic system especially where it leads to unjust situations, such as many that exist regarding women's status. At the same time, we must keep in mind that in many circles of liberal Jews we now witness the playing out of the opposite extreme, namely the failure to achieve Jewish communal norms in a variety of areas of Jewish life, precisely because of our policy of over-privileging of individually defined ethics and autonomy. The absence of shared communal norms continues to impact not only on women's roles but also on questions of Jewish identity altogether, raising new questions about the nature of Jewish peoplehood.

A third phase therefore, must demonstrate how it is possible to seek out a Jewish way of living which has norms and a shared praxis that are morally informed yet based on a serious knowledge of the narrative of our tradition. Part of what will give such a system its authenticity and authority will be precisely its continuity of the past and its ability to participate in a larger non-sectarian communal process of development. At the same time, this third phase must continue to allow for differences in the application of moral and ethical values and in its interpretation of and experience of God as a demanding and commanding reality of any Jewish religious life.

Among the specific goals of this next stage are several elements, some of which were absent or lost in the earlier phases of change: (1) preservation of the most culturally significant and relevant aspects of tradition, especially through the greater activity of women in intensive learning communities, thereby allowing for a greater constructive interweaving of past and future and a greater simultaneous engagement in multiple intellectual and spiritual methodologies; (2) ongoing recovery and creation of rituals and ritual activity for women and men, such as those regarding *mikveh* practices (as modelled in a recent conference on *mikveh* use in Boston); and (3)

development of a standard of religious pluralism and trans-denominational activity within the Jewish community and among women in particular which will allow for the ritual practice and text learning which is more prevalent in traditional Jewish communities to impact liberal women, and reciprocally to allow for the greater equality and authority than liberal women already experience, to affect the same processes of transformation in the more traditional communities. Such a model of pluralism would be a redemptive pluralism.

The complex task that remains is the full harnessing of the richness and multi-vocality of Jewish tradition, combined with the knowledge of what a completely different approach and experience of it might teach, in order to create new ways of studying Jewish text and living Jewish lives for both men and women. Such a new approach, if carefully and responsibly developed, will surely contribute to the development of Jewish religious and cultural life as a whole and thus ensure that one of modernity's greatest promises – equality for women – will be met with the evolving wisdom and creativity of all of the Jewish people.[10]

Notes

1 Central Conference of American Rabbis (CCAR), The Pittsburgh Platform 1885.

2 For the use of these terms in the Reform discourse see, for example, Solomon B. Freehof, 'A Code of Ceremonial and Ritual Practice', *CCAR Yearbook 51* (1941), 289–97.

3 M. Washofsky, 'Against Method: On *Halakhah* and Interpretive Communities', in J. Walter (ed.), *Beyond the Letter of the Law: Essays on Diversity in the Halakhah* (Pittsburgh, Rodef Shalom Press, 2004), pp. 17–77.

4 T. Cohen (ed.), *Ma'ayan Report: The Jewish Women's Project* (New York, 2005).

5 J. Plaskow, *Standing Again at Sinai: Judaism from a Feminist Perspective* (San Francisco, Harper & Row, 1990).

6 *Ibid.*, p. 238.

7 R. Adler, 'Feminist Judaism: Past and Future', *Crosscurrents*, winter 2002; 51, 4.

8 R. Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Boston, Beacon Press, 1998).

9 D. Boyarin, *Carnal Israel* (Berkeley, University of California Press, 1993), p. 227.

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SEVEN Judaism, Feminism and Homosexuality

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Culture, Continuity and Change

Like all cultural phenomena, Judaism exhibits a perpetual tension between inertia and dynamism. Jewish existence is everywhere marked by negotiation between contending forces for continuity and change. Even the most superficial review of Jewish history presents these contending forces at play: in Babylonia after the destruction of the First Temple, in Palestine and the Diaspora after the destruction of the Second Temple, in Europe after emancipation, and throughout the Jewish world after the birth of the State of Israel.

One dimension of the negotiation between continuity and change involves the religious elements of Judaism, construed broadly to include the patterns of thought, feeling and action that constitute a Jew's response to the fundamental features of existence. Religious phenomena have both social and psychological reality. Historian Gavin Langmuir refers to the psychological aspects as a person's *religiosity*, while the social aspects, connected with religious authority and expressed publicly in symbols, he calls *religion*. A significant element of the negotiation between continuity and change in the religious arena consists of negotiation between an individual's personal religiosity and the more fixed forms of religion within which an individual's religiosity may be framed.

For the past five decades, the religiosity of many Jews has been decisively shaped by feminism: a belief in the equal worth of men and women and the rejection of unjust discrimination between them. More recently, if to a lesser extent, the acceptance of homosexuality has also laid claim to the religious conscience of many Jews. To grasp the impact on Judaism of these changes in religiosity, it is essential to appreciate how a changing religiosity is experienced. It arises as an empirical and moral awakening, a dawning consciousness that transforms how one perceives, understands and judges the world, especially the social world. In the case of feminism and accepting homosexuality, this transformation has been revolutionary.

All of the major streams within Judaism have struggled and will continue to struggle with these revolutionary transformations in religiosity. The struggles are powerful and painful. Because they are struggles between religion and religiosity, they are carried out on many fronts: within the