Expanding the Palace of Torah: Orthodoxy and Feminism


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The Maturation of Orthodox Feminist Theology

Tamar Ross' [henceforth, TR] monograph is the most profound theological work produced by a contemporary Orthodox Jew. Most modern Orthodox theological positions are staked by male clergy who are trying to find a usable past more culturally accessible and less parochial as what is presented as Orthodox Judaism in our time. Building on Blu Greenberg's On Women and Judaism, TR has not only defended her place as a participant in contemporary Orthodox Judaism in order to accomplish her Feminist goals, she has actually produced a larger work of modern Orthodox thought that is academically rigorous, without any apologetics. She is meticulously collegial, yet uncompromisingly focused on identifying and correcting the seemingly conflicting pushes and pulls of being Orthodox, modern, and female.

TR opens her monograph by explaining her own background, after which she turns to a survey of the history of Feminism in its three stages. She offers a trenchant critique of the positivist rhetoric that Orthodox power persons proclaim, and she concludes by appropriating Rabbi Avraham I. Kook's root metaphor of "Expanding the Palace of Torah," applying the Zoharic/mystical notion of continuous revelation to continue a Tradition that she believes is sacred on one hand and the application of which in the present is outdated, on the other.

The daughter of an Orthodox rabbinic educator, TR was not initially sympathetic to Feminism. But she observed that men and not women are engaged in Torah conversation, making one half of the Jewish people second class Jews who are socially if not theologically barred from a complete Torah conversation. This trenchant point was also made by the Orthodox sociologist, Samuel C. Heilman, who found that women's synagogue space did not reflect a "separate but equal" sensibility, but was insignificant space. Educated first in public school in the United States, the older TR studied philosophy and Academic Jewish studies at the Hebrew University. So-called "Traditional" Orthodox education shares a library but not method or ideology. Standard Orthodox inducts its charges into the living culture and recovers expected and accepted truths, which are found in culture tradition. TR's learning probes the actual canon not to recover culture but to discover possibilities, probe potentialities, and to expand rather than confirm existential spiritual options. Independent thinking and searching is discouraged in parochial Orthodox education; measuring the accepted values
of the community against canonical textual benchmarks is arrogant, disrespectful, and culturally disloyal.

TR accesses the findings of Bible Criticism in order to claim that there was a human as well as divine component in the classical canon's composition. The divine component is approached but never reached through a process of growing and unfolding awareness of divine insight. Changes in Judaism must reflect the human progress in approaching the Divine. Her understanding of Jewish law and history was gleaned not from the conventional truths of Jewish parochial schools, but from the academic work of Hebrew University’s academic elite. Israel Ta Shma, H. Soloveitchik, E. Urbach, and A. Grossman, all of whom were profoundly learned, intellectually creative, courageously independent and most critically, modern in their Orthodoxy. It is in this formative environment that TR was empowered her to make her own logical and autonomous reading of the canon. This mindset empowered TR to subject traditional readings which justified regnant culture to intellectual review. In what is taken to be "traditional" Orthodox Judaism, students are to accept and not probe, affirm with faith that the official elite "must" be correct, and accept as a good member of the community what the holy elite proclaims "must" be consistent with God's recorded will. This culture outlaws critical studies of Judaism because, according to Rabbi A. Soloveitchik, such inquiry "denies the sanctity of Torah." And if the Jewish public were empowered to make independent readings of the sacred library, Orthodox Jewry's ruling elite would itself be subject to review. Applying academic standards to Torah study shifts the locus of Jewish power from the canonical person to the canonical text. In Orthodox culture, the persons in power are male and the text, albeit composed by men, is without gender. Ever the student of Rav Kook, TR cites the very famous letter in which R. Kook contends that one need not read any passage in the Torah literally. She does not; however cite R. Kook's opposition to Higher Biblical Criticism. Like Rabbi E. Rackman, TR argues that the Divine and human component of the Torah are intertwined.

In the mystical musings of Rav Kook, whose work embraces both Hassidic and pre-modern Kabbalah, profound Halakhic learning, and 19th Century European philosophy, especially Schopenhauer, TR found a model for an evolving understanding of a divine Torah whose parameters are ever expanding to fit the new understandings of the modern mind. Thus, TR is the first Orthodox theologian to apply critical method in her search for truth and to write an apologia for its use. Her boldest effort lies in her adoption of Process Theology, a literal Protestant modernist theology that views God as a process in the mind of humans and not necessarily as an external Being. The first Jewish writer to adopt this position is the Conservative/Reconstructionist Rabbi Harold Schulweis, whose theology is incompatible with Orthodoxy in any of its current manifestations. Nevertheless, TR's efforts ought not to be dismissed with haste. Pope Benedict's recent Jesus of Nazareth, the work of an intensely devoted believer who concedes the merits of academic criticism, argues that revelation is an unfolding of truth in divinely inspired narratives revealed in historical and social contexts. Therefore, if TR makes the
Schulweis/Reconstructionist claim that God is only and limited to the interior sense of divine presence, she would have placed herself outside the pale of the classical Jewish Tradition. But if she contends that this interior sense is how God is approached by finite humans but does not exhaust the infinitude of divinity, she would be well within the Tradition. Given her work on Rabbi Kook, a fair reader is constrained to make the more generous reading.

Because TR believes that Torah is capable of expansion, she takes her readers through the three sages of Feminism. The first stage of Feminism calls attention to the problems of inequity and discrimination, the second state attempts to tinker with the system and negotiate compromise within the system, and the third state argues that the problem is systemic and that the system needs to be changed. Although not noted by TR, the stages of Feminism are strikingly parallel to R. Joseph Soloveitchik's theory of repentance, which requires recognition of wrong, regret, and a resolution for change. Tinkering with the Halakhic system will offend Haredi Judaism but not modern Orthodox sensibilities. Changing the system has already been undertaken by the Jewish mystical Tradition [Luria, Mordecai Leiner, author of the antinomian Mordecai Leiner, and it could be argued that Habad be included in this list]. If God's system, called Torah which is the word of God, is in theory unchangeable, TR's program will still attract attention because, even with her rejection of legal positivism, she applies positive method better than any modern Jewish thinker, Orthodox or liberal. And because she affirms her place within the Orthodox community, TR will be constrained to tinker with and not reconstruct the Orthodox community if she is to keep her place in that community.

TR rejects apologetic defenses of Tradition as morally inadmissible by adeptly demonstrating that the conventions of culture are not consistent with the letter of the positive canonical statute. Because TR wants to expand the palace of Torah, and playing with positivism, i.e., arguing over the details of ritual minutia plays into the culture conservatives who will resist the claims of Orthodox women, legal positivism is rejected by TR. Ironically, TR is at her philosophical best precisely when she critiques what is espoused to be positivism amongst Orthodoxy's modernity resisters. Only an expansive Torah will satisfy Third Stage Feminists like TR, and the Orthodox positivists [amongst this reviewer is one] argue that the Law as a system is immutable and therefore not given to expansion. She argues that apologetics according to which men tell women that they must be submissive will simply not do. This bias is grounded in culture and not in statute. Her moral clarity in rejecting apologetics implies that it is theologically inadmissible to assign to God the role of oppressing women. Oppressive conjectures of humans cannot by definition adequately express God's will.

TR assumes that a practice that is accepted by the community is "valid" in Jewish law. In Ashkenazi culture, this is clearly true. But a positivist reading of the canon would indicate otherwise. TR has nothing but contempt for the married woman's "modesty" wig, which is worn as a statement of modesty but in fact is worn as a membership badge by
married female members of Orthodox society. A positivist reading of the oral Torah canon, the responsa of R. Obadia Yosef, and her own philosophical hero, R. Kook, corroborate her position. Therefore, those rabbis who justify the married women's modesty wig are violating the very Tradition that they claim that they affirm. Similarly, TR cites the view of the Haredi R. Moses Eisenmann, who outlaws women observing the after meal washing of the hands because the pious women of his family did not do it. Now according to the rabbinic legal canon, this ritual, inconsistently observed by most Ashkenazi Jews, is actually binding upon women. Thus the ultra Orthodox Eisenman is so committed to culture that he violates the law when he forbids women from observing a rite that both men and women are required to observe.

TR correctly and astutely identifies the segregation of the sexes in Zionist Orthodoxy to Haredi influence. However, legal positivism and sociology should be mustered in order to "expand the palace of Torah ." On one hand, certain Zionist Orthodox rabbis crave Haredi, or ultra-Orthodox approval, and therefore adopt ritual gestures that show loyalty to the Haredi elite. However, the consistent positivist will note that Jewish law only outlaws clandestine unions of men and women not married to each other, and no more. Indeed, the Talmud reports that R. Acha actually danced with a woman on his shoulders. The Haredi elite may rightly be challenged not regarding their right to sexist policies, but to their right to claim that their policies are in fact the reified will of God.

Canonical Jewish law allows but most contemporary Orthodox rabbis forbid women from wearing the prayer shawl and phylacteries in synagogue. This culture prohibition is improperly couched in positivist terms, and TR astutely observes these parochializing arguments just do not work. R. Moses Feinstein cites Targum Yesushalmi in order to disallow the women's wearing the prayer shawl [a] without noting that this view is not canonical, but [b] ignoring the fact that according to the Talmudic canon, only when the attire is so neuter [cross dressing] that the gender cannot be identified would a prohibition occur. Her argument would be even stronger were she to turn the "reasoning" of the culture conservatives on its head. Some rabbis impose their values on a canon that is more gender neutral than they, bound by their biases, are prepared to concede. The Tradition of Judaism's canon is a relatively but not entirely neutral dialect of gender culture. The apologetics of exclusion is not only unethical for TR; it is a misstatement of the trajectory and telos of the canon, and as such, not fully Orthodox according to the Orthodox construction of religious reality.

Regarding women assuming positions of authority, TR cites with approval the view of R. Ben Zion Uzziel, who argued that democratic election is systemically different than social appointment, allowing women to participate in politics, even rising to positions of leadership. Haredi Judaism finds a usable source in Maimonides to outlaw women's leadership. Just as a woman may not be appointed king, a woman may not be appointed to any leadership position. A close reading of R. Uzziel's responsum reveals a socially responsive legal formalism in the tradition of Ronald Dworkin. No statute forbids the
election of women to power and therefore women may rise to elective office. For TR, this hair splitting is unbecoming. But this Second Stage Feminism tinkering provides the positivist mechanics whereby the palace of Torah may be effectively expanded.

According to Talmudic law, "important" women recline as autonomous persons at the Passover seder. Although R. Isserles follows Tosafot with the claim that "all women are important," in which case they would be obliged to recline, he rules that women in his world do not recline. In other words, social Orthodox Judaism allows the rules of the Jewish legal Tradition to be manipulated in order that culture Tradition not be challenged.

TR's assignation of "flaws" to the Torah system, her acceptance of Bible criticism, and her call to "expand the palace of Torah" using Process Theology, which when appropriated by the Reconstructionist thinker, Harold Schulweis, places here theology very far from the popular Orthodox consensus. Nevertheless, TR's highly idiosyncratic Orthodoxy is the first to unambiguously affirm interdenominational respect, critical study of Bible as well as Talmud, the challenge of Feminism, and the changing nature of an unchanging Torah.

Like R. Kook and the antinomian Kabbalistic system, TR rejects legal formalism and asks for a Nietzsche like reconsideration of Jewish religious values. She assumes that this position to be valid because Jews taken to be religious have adopted this antinomian position and Jewish law ought to become antinomian. While isolated individuals within Orthodoxy might adopt this position, it will not likely be entertained by the living Orthodox community, to whom the positivist reading, i.e., what does the canon really require, might resonate.

TR's major and enduring contribution nevertheless remains in her theology of expansion and inclusion. I know of no Orthodox theologian as sophisticated and self-consciously modern as is she. She is committed to working within the classical tradition, identifying within it internal precedents for what she believes to the possibility of legitimate and proper change. While rejecting the radical dismissal of the Tradition of the Jewish Left, and unlike the Conservative Movement's notions of revelation, she believes that a real God participated in a Torah that truly binds Israel in covenant. Her fanatical focus on truth compels her to address aspects of the Hebrew past—like the patriarchal attitudes of the Patriarchs, as a stage in Israelite development, descriptively understood but not prescriptively binding or enduring. The Torah does not hide earlier syntheses of the human/divine encounter, and challenges the Torah community in each age to appropriate Torah appropriately for its station in history. Her most moving contribution to this conversation is her shifting authority from the office of the rabbinic person to the reason of the rabbinic text, hereby functioning not as a mystic but as a rationalist. According to Orthodox Jewish theology, God gave the Torah "to us," i.e., all Israel and not to a culture oligarchy that outlaws any readings, demonstrated or not, that differs from their self-proclaimed, allegedly divinely inspired, tradition and intuition. Ironically, this
intellectual restoration of the canon in modernity, using modern academic tools, defines an authentic Orthodoxy appropriate to the condition of modernity.

TR's position might easily but wrongly confused with Conservative Judaism. Conservative Judaism is not bound by Jewish law in practice, but will inevitably follow as consistent fundamentalists the demands of the dues paying laity and the values of the secular liberal elite. TR considers all positions, including non-modernist ones. She finds values in the good old ways that stem from hoary antiquity, but she reserves the right, being aware of historical development, to take her place as an active participant in respecting, compromising and negotiating with the historical record, the normative documents, and the living community as well.

TR's challenge to liberal Judaism is more devastating than her critique of cookie cutter conventional Orthodoxy. The latter has a history of a committed community; liberal Judaism does not. Never disrespectful of the Jewish Left, TR delicately but collegially sees that position as worthy of respect but distinctly places herself outside of that circle. Here, TR provides an example of religious pluralism. A position that may be for her wrong but, if held with integrity, must be addressed with respect. She affirms as an Orthodox believer much of Bible criticism because it convinces her that it is true and provides precedent for an expanded palace of Torah. Here, the Kookian precedent is only partially applied. By offering a serious embrace of critical method, TR is unique in Orthodox modernity. By providing a critical stance with a generous respect for integrity, this teacher of Jewish ethics teaches by example no less than by argument.

In time, TR's work may be superseded. But it will never be ignored because of its passion, clarity, integrity, and insight. She is brutally honest, impressively learned, and argues her position persuasively. Her work will inspire Orthodox thinkers to the core with her re-evaluation of the historical and textual record, and she will challenge non-Orthodox thinkers to reconsider the past because a past rejected cannot be easily reconstructed.