

Courageous Women Change the Jewish World—Again

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Parashat Pinchas 5785 / July 18, 2025

Earlier this week, the Israeli Supreme Court issued a landmark ruling requiring Israel's Chief Rabbinate to allow women to sit for the state exams on Jewish law, which, up till now, have been open only to men.

Numerous rabbis across the Jewish spectrum are heralding the decision as an important win for women's rights in the Jewish state, likening it to the legal victory won by the daughters of Zelophehad in this week's parashah. I am almost certainly not the only rabbi speaking about this tonight, but I might be the only one who gets to do so while leading services with his daughter.

Toward the end of Parashat Pinchas, five women come to Moses with a legal petition. Their father, Zelophehad, had died, but because he had no sons, his property would have to be transferred to men outside the family since, under the law of the time, women could not inherit.

Recognizing the tension between the law and what seemed to be fair, Moses takes the daughters' claim to God, and God rules in their favor, declaring that "the plea of Zelophehad's daughters is just." (*Num. 27:7*) It's a story of how courage to challenge the status quo can remedy injustice.

Like Zelophehad's daughters, six prominent female Torah scholars petitioned the Israeli Supreme Court seven years ago to change the prohibition on women sitting for the Chief Rabbinate's Jewish-law exams.

The court ordered the rabbis to propose a workable solution, but the Chief Rabbinate, an institution controlled by the ultra-Orthodox Haredim, dragged its feet. The best they could come up with was a separate-but-equal scheme to create special exams for women that were not as rigorous as the ones for men.

The chief Sephardic rabbi of Israel, Rabbi Yitzhak Yosef, went so far as to say he would rather get rid of the exams altogether than make them available to women.

Questioning whether women could pass the exams even if they tried, Rabbi Yosef said, "Can they learn all of this? Maybe they can, today there are talented women, women who study accountancy and lots of other things. But this is something which is imitating the Reform, [and] we have to distance ourselves very much from that which is ugly and that similar to it."¹

Oh, brother.

The Chief Rabbinate's refusal to allow women to take the exams is based in a Talmudic ruling that women are exempt from the *mitzvah* of studying Torah. (Kiddushin 34a)

Rabbis have offered a variety of explanations for this exemption, but the most charitable is that God wants women to focus on raising their children and taking care of their homes, so to make that possible, God decided not to impose the time-consuming duty to study Torah on them, too.²

In any case, over time, most traditional rabbis—all men, of course—decided that “exempt” actually means “forbidden,” and they rendered it a social taboo for women to learn Talmud and halakah.

In Modern Orthodoxy and Religious Zionist communities, however, the view of Jewish women learning Torah has changed dramatically in recent decades. Today, there are numerous institutions in which women can study Torah, Talmud, and halakah at the highest levels, and they have produced many renowned Jewish scholars of our day, including the six women who filed the lawsuit against the Chief Rabbinate.

Those women are by no means Reform Jews, but I would venture to say that their methods for remedying the misogyny of the Chief Rabbinate reflect a Reform-like philosophy of change.

Rabbi Rachel Adler, the Reform movement’s foremost feminist scholar, argues that a patriarchal system like the Chief Rabbinate will never become fully inclusive of women on its own accord because, as long as men vested in the current culture control the levers of power, they have no incentive to change. The only way to achieve gender equality, Rabbi Adler says, is to jolt the patriarchy from the outside.

This is exactly what the petitioners and their allies have done. Knowing that the Chief Rabbinate would never be persuaded by internal religious arguments to open the exams to women, they decided instead to challenge it on secular grounds in the Israeli Supreme Court.

In Israel, one who passes these exams earns the equivalent of a university degree, so the petitioners argued that, by denying them the right to take the exams, the Chief Rabbinate is inhibiting women’s access to job opportunities and causing them economic damage.

The Supreme Court agreed, writing that the women’s “aspiration aligns not only with contemporary halakic developments but also with Israeli civil law and the obligation of state authorities—including the Chief Rabbinate—to act equitably and without unjustified discrimination.”³

The court did not decide, nor did the plaintiffs ask, to allow women to be ordained as rabbis. That is a battle, perhaps, for another day.

But this week’s ruling is an unqualified triumph for fairness, equality, and pluralism in Israel. As a Reform rabbi and the father of a daughter, I celebrate this victory as an example of what people can achieve when they have the courage to stand up and fight for what is right.

1 “Chief rabbi patronizes women studying halacha, says Reform Judaism is fake,” *Jerusalem Post*, July 9, 2020, https://www.jpost.com/israel-news/chief-rabbi-patronizes-women-studying-halacha-says-reform-judaism-is-fake-634490#google_vignette

² See R. Ben Tzion Ouziel, *Mishp'tei Ouziel*, Vol. 4, *Inyanim K'laliyim* 4

³ Translation of Supreme Court decision by Ben Waxman (on Facebook)