

## LETTERS TO THE EDITOR

### *Semikhab* for Women?

DR. JOTKOWITZ' claim (*Hakirah*, 22, p. 61) that R. Aharon Lichtenstein took no position on whether or not to grant *semikhab* to ladies is contradicted by the transcript in *Tradition* 49:1 (Spring 2016) of Rabbi Aharon Lichtenstein's public remarks on the same subject.

*Shalom C Spira*  
Montreal, Quebec

*Alan Jotkowitz responds:*

I thank Rabbi Spira for taking the time to read and comment on my essay and will simply respond by citing Rabbi Lichtenstein זצ"ל as quoted by Chaim Sabbato, *Quest of Your Presence—Conversations with Rabbi Aharon Lichtenstein* (Tel-Aviv: Yedioth Ahronoth and Chemed Book, 2011) [my translation].

I do not know what the halakhic decisors will rule in another thirty years regarding the question of women's ordination and other similar questions. I simply do not know. I cannot forecast the future. I am not convinced... that women will ever receive formal ordination. The position of the Rambam based on the *Sifrei* against the appointment of women is well known but there are *poskim* who disagreed with this. What will be

in the future I do not know. But what I certainly do know is that today it is important that women know Torah and that they cleave to Torah.

*Editor's note:*

As alluded to by Rabbi Spira above, the following statement from Rabbi Aharon Lichtenstein, "Perspectives on Women's Leadership in Orthodoxy," *Tradition* 49:1, 2016, p. 35, is relevant to this discussion:

The thornier problem is of course the issue of conferred or legislated leadership. In practice, this issue decomposes into two separate problems—the role of officer in a shul and *semikha* for women. For lack of time, I cannot give these questions the attention they deserve. I shall therefore have to content myself, as will the reader, with a pithy bottom-line summary. I am convinced that most of the points raised with regard to the first area are readily soluble. That is not the case, however, as regards the second, which touches upon elements long abjured by either fundamental Halakhah or *minhag Yisrael*. This relates, of course, to the formal spiritual status and not to administrative roles of different

character. As regards the former, holding the traditional line is, for us, very much in order.

### A Populism of the Spirit

AS ALWAYS I look forward to reading *Hakirah* and have not hesitated to congratulate you on your usual excellent articles. But I think your standards have been lowered with the essay in your Spring 2017 Volume 22 issue entitled *A Populism of the Spirit* by Rabbi Dr. Shimon Cowen. I have no problem reading articles I disagree with, but Cowen's article did not meet the usual standards of *Hakirah*. It was simply a polemic against western liberalism without any significant data to back up his claims that most of our current social problems are due to "hedonistic materialism." For example, arguing that the breakup of families and the increasing divorce rates are due to it [hedonistic materialism] or claiming that children do better being raised by heterosexual parents as opposed to homosexual ones or that the crisis in caring for the aged can be solved by women not working. All this might be true, but in a serious and reviewed journal one should not spout these beliefs without evidence because then the Journal loses its respectability and objectiveness which I presume you have worked hard to attain.

*Alan Jotkowitz*  
Bet Shemesh, Israel

In general, R. Cowen's article is outstanding. At the same time, R.

Cowen errs regarding his claim on p. 33 that Noahides are allowed to abort fetuses less than 40 days old, or where the mother's life is in danger. See R. J. David Bleich, *Bioethical Dilemmas II* (Targum Press, 2006), "Stem Cell Research," and *idem*, *The Philosophical Quest* (Maggid Books, 2013), "*Tikkun Olam*," that even such forms of abortion are forbidden (as a matter of *safelek*) to Noahides.

Also, it seems to me that R. Cowen's claim (pp. 28–32) that the Torah rejects all possibility of concern for global warming is an overstatement. On the contrary, I would counter that the Gemara, *Ketubot* 30a, duly recognizes the science of global warming with its teaching that "everything is in the Hand of Heaven, except for too much hot or too much cold." Namely, if physicists inform us that—through responsible behavior as stewards of the planet (while obviously living our lives according to the Torah, i.e., as strictly Orthodox Jews)—we can prevent excessive global warming, then [it seems to me] this would be encompassed within the rubric of *Ketubot* 30a, pursuant to *Tosafot's* elucidation of that principle.

*Shalom C Spira*  
Montreal, Quebec

*Shimon Cowen responds:*

My article, "A Populism of the Spirit," sought to cover in 24 pages a wide panoply of social policy, in the light of the Noahide laws. The constraints of such a sketch did not

allow me to document the halachic sources or the empirical research required to establish its many statements. It is more a “manifesto” than a systematic work demonstrating its conclusions through detailed study. That, however, does not mean that this work has not been done. My book *The Theory and Practice of Universal Ethics—the Noahide Laws* addresses the halachic foundations of many of the statements of the article, which Rabbi Spira questioned in two places; and my books *Homosexuality, Marriage and Society* and *Politics and Universal Ethics* address some of the empirical statements for which Dr. Jotkowits requests documentation.

Rabbi Spira writes that I am mistaken in a claim, which he paraphrases thus: “Noahides are allowed to abort fetuses less than 40 days old.” In fact, my words were “Within 40 days of conception, in extreme circumstances such as rape or incest, there may also be permission to abort.” In other words, I did not propose blanket permission for a Noahide to abort within 40 days, but only under specific circumstances. Rabbi Spira cites several works of Rabbi J. D. Bleich, as stating that abortion before 40 days is forbidden in all circumstances to a non-Jew. I have accessed one of the books of Rabbi Bleich, to which he refers, *The Philosophical Quest*, and did not find such a statement in it and so am not acquainted presently with his reasons, which may be set out in the others. There is, however, an halachic authority, a former Chief Rabbi of Israel, Rabbi I. Y.

Unterman, who states (in *Noam*, Vol. 6, pp. 1–11) that abortion before 40 days is more lenient for a non-Jew than for a Jew (even though after 40 days it becomes more severe). Whether or not this is halachically decisive, a number of halachic authorities, including Rabbi Moshe Feinstein, cited in the *Encyclopedia of Medical Ethics* of Rabbi A. Steinberg, Vol 1, in the entry of “Abortion,” state at all events that a Noahide is not liable to the penalty for murder for aborting a fetus within 40 days of conception. The question is whether there are circumstances (other than endangering the mother’s life) in which it is actually permissible within this time period for a Noahide to have an abortion. Rabbi Moshe Weiner in his *Sefer, Sheva Mitzvos HaShem, Dinei Retizcha v-Chabola 1:12* fn. 39, explores *possible* permission for this on various grounds, including in cases that psychologically deeply impact the mother (which would include rape and incest) and profound threats to the viability of the child due to gross deformity and defects. Based on *poskim*, he suggests possibilities, but concludes that one should not *rush* to permit an abortion in these circumstances, because of the general severity of the prohibition of killing, under which “normal” abortion falls in Noahide law. But this does not exclude the possibility of permission. Accordingly, I wrote in the article that in such circumstances, “there *may* also be permission to abort.” In other words, the question *can be asked* of a Rab-

binic authority, if and when the circumstance actually arises. See pp. 307-308 of my *Theory and Practice of Universal Ethics—the Noahide Laws*.

Rabbi Spira's second point concerning Global Warming is also better answered from a reading of my chapter on "The Treatment of Nature" in *The Theory and Practice of Universal Ethics*. Under Noahide law, humanity is permitted to utilize nature's resources, but should do so without unnecessary destruction. This is a matter of balance: the use of resources requires circumspection (looking around us), but the question is how far we can claim to see and control. "A Populism of the Spirit" warns against an ideological element, which can disturb this balance. The point is brought out by the *Tosafos* in *Kesubos* 30a, which Rabbi Spira cites. The *Tosafos* explain that it is the practical dealing with heat and cold dealt by the climate, for which a person is responsible: we can and should dress ourselves warmly to survive the cold and sit in cool places so as not to be overcome by the heat. That is to say, we are bound to protect ourselves *from* the climate. But this is not the same as saying that we can manage the climate itself, with its output of cold and heat. The Malthusian "catastrophe," predicted over two hundred years ago, of an earth that could not feed its burgeoning population did not stop religious Jews (or others) from having (and feeding) large families. Prudent, circumspect conduct with nature is mandatory, but to say that we know and can regulate nature's big

picture, including the climate, risks a hubris that limits not only our faith in G-d, but also the bounty that G-d can provide for us through nature.

Dr. Jotkowits wants to see the analysis that shows that the ideology of hedonistic materialism is actually associated with family breakup and divorce; that children are raised more happily by heterosexual rather than homosexual couples; and that the increased tendency for women to work (and to work longer hours) impacts on the care of the aged. In my book, *Homosexuality, Marriage and Society*, he will find a good deal of the data and analysis he seeks: comparative rates of relationship breakdown between heterosexual and homosexual couples, correlation of looseness of family bonds (in terms of rates of birth out of wedlock) with hedonistic-materialistic flagship regimes that have legislated "same-sex marriage"; and how and why children are impacted by not having the complementary parenting of a mother and a father. The point that full-time working women cannot care for elderly parents, as well as women with a lesser or no external work commitment, requires little demonstration, but I am confident that there are books that discuss this in empirical detail. Here too, the purpose of my article was to contrast the world view of hedonistic materialism with the faith-tradition for which the Noahide laws provide the common core. It was meant to highlight, and prompt consideration of, the choice that currently

confronts humanity. Indeed, my hope is that it will lead both to empirical examination of a society, disintegrated by the world view of hedonistic materialism and dissonant with the human spirit; and more so,

to the halachic study of the ideal world of the Noahide laws, which produces a society resonant with the human spirit.

