

**Edited Transcript of**  
**“Women in Communal Leadership Positions”**  
**Lecture by Rabbi Aryeh A. Frimer**

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My function here tonight is not to *pasken*; let me make that clear from the outset. My mandate from the Shul Board is to educate the community on the parameters of the issue and present a variety of opinions of people I have consulted with. I have consulted with them not in the form of a *psak*. These are individuals whose opinions I value, and I asked them what they suggest - how we should proceed on the issue. This issue of women’s involvement in communal leadership happens to be absolutely fascinating from a halakhic and historical perspective. It has come up throughout the modern period in fury at least three times and the issue, as you’re going to see, has not really been completely resolved. For the most part, it’s been resolved in practice in various ways, but not in theory. The *shiur* will take at least an hour and a quarter. I will do my best not to express my own opinions – that can be done in private circles. I don’t think there’s anyone except perhaps my wife who really knows what I think. To be honest, I’m not sure what I think. But, it’s not a trivial issue.

I think it should be made very clear that throughout Jewish history, and in fact general history, we don’t really find women in long term leadership roles until the modern period. One outstanding exception in Jewish tradition is the prophetess Devora, about whom it said: "ודבורה אשה נביאה היא שופטת את ישראל בעת ההיא". The word *shofetet* is generally translated as judge. But the role of the *shoftim* was not necessarily that of a judge. *Shofet* actually refers to leadership, from the word *shfatim*, which means one who deals out punishment or retribution or protection. The word *shofet* has many, many implications to it. In the case of Devora, the role of *shofetet* was a combination of judge – and Devora clearly served as a judge – and a leader. This presented somewhat of a problem for the *poskim*, as we shall see, and this led to a variety of possible interpretations. We’ll return to the discussion of Devora in a moment because it’s central to our discussion tonight.

I’d like to turn now to some fascinating history which took place at the beginning of the twentieth century. If you want to get some of the details of this period, there is an outstanding book, “Chevra vaDat,” written by Prof. Menachem Friedman that deals with this particular period. As just noted, even in general society, having women in leadership roles was not that common. It was only after World War I that women began having the right to vote and being elected to public office. This came about in 1917 in Russia; in 1918 in England; and in 1919 in Germany. In the US there was women’s suffrage in 1920; in liberated France, the land of “liberté, égalité, fraternité,” women got the right to vote only at the close of World War II; and in enlightened Switzerland, women had to wait until 1971. In the Responsa literature, the issue of women in public office becomes a hot topic of discussion during the period of 1918 to 1920. You have to understand that following World War I, Palestine becomes a British mandate and prepared itself for self government, the implementation of the Balfour declaration, and civilian rule. The whole world was talking about women’s suffrage - so why not Palestine. And there ensued a very impassioned polemic involving the leading *poskim* in Eretz Israel. But not only in *Eretz Yisrael* - *Eretz Yisrael* doesn’t belong only to Israelis. Rabbis from around the world espoused a spectrum of views and opinions. We’ll come back to the basic arguments in a moment. The issue heated up again in the early 1970’s when women’s lib began to have an effect on the Modern

Orthodox Jewess in America and the question of women sitting on synagogue boards became a hot issue. Most recently the question rose again with Leah Shakdiel's bid to sit on the religious administrative Jewish council - the *mo'etza datit* in Yerucham.

I've distributed a source page to everyone. I'd just like to point out that if anyone is interested in further discussion, I've actually written an article in Hebrew on the subject which is available online [*"Nashim beTafkidim Tsiburiyyim beIddan haModerni,"* Aryeh A. Frimer, In *"Afikei Yehudah - Rabbi Yehuda Gershuni zt'l Memorial Volume,"* R. Itamar Warhaftig, ed., Ariel Press: Jerusalem, 5765 (2005), pp. 330-354 (In Hebrew); available online at <http://www.daat.ac.il/daat/mishpach/maamad/nashim-2.htm>.] It has recently been translated to English, and will, God willing, be sent out to a Torah journal in the near future, when I finish editing it.

In any case, I think we should begin our discussion this evening with the relevant *pesukim* in the Torah. Look at the source number 1 at the top right hand side of the first page. "כי תבואו אל הארץ אשר ה' אלוקיך נותן לך וירשתה וישבת בה, ואמרת אשים עלי מלך ככל הגוים אשר סביבותי. שום תשים עליך מלך אשר יבחר ה' אלוקיך בו, מקרב אחיך תשים עליך מלך, לא תוכל לתת עליך איש נכרי, אשר לא אחיך הוא." When you come to the land, you are to appoint a king. You cannot appoint a non-Jewish king - he has to be from one of your brethren.

Chazal's forte was being sensitive to the language of the Torah. When they looked at the text, they weren't just interested in *peshat*; every word, every letter was counted. Therefore, if there were redundancies in the text, the latter come to teach us something. And if you read through the text, the word 'מלך' appears three times. 'שום תשים', 'אשימה' appears many, many times. For Chazal these were clues that there are extra *halachot* to be derived.

Now, *halacha* is transmitted to us in various fashions. Most of us are aware of the *Mishna* and the *Gemara*. The *Mishna* is Tanaitic literature codified topically and the *Gemara* is based essentially on the *Mishna*. However, there is an organization of Tanaitic material which appears based on the order in the *Chumash*. This is called the *Midrash Halacha*, the *Mechilta*, the *Safra*, the *Sifrei*. Again Tanaitic literature, but the book that they were beginning from, the jumping board they were using, was the *Chumash*. We have here a collection from the *Sifrei* on Devarim. Let's see what the *Sifrei* says.

First it says 'שום תשים'. The *Sifrei* in the very top in source 2 notes the redundancy of that formulation, that it says 'אשימה', 'שום תשים' a lot of times. As a result, the *Sifrei* derives: "שום תשים: מת - מנה אחר תחתיו." If the king dies, you have to appoint someone in his place. Next the *Sifrei* learns, from the fact that 'מלך' appears several times in the text totally unnecessarily, that: "מלך ולא מלכה." **There's the crux of the issue.** "מלך ולא מלכה." You appoint a king - but not a queen. Next the *pasuk* says "מקרב אחיך" - that you should pick a king from one of your brethren. And then it says "ולא תוכל לתת עליך איש נכרי אשר לא אחיך הוא" - again, a redundancy. He's from amongst your brethren, that means he has to be Jewish, you can't appoint a non-Jew, you've got to pick him from your brothers who's a Jew. All this repetition for a halachist is quite problematic. From this redundancy the *Sifrei* derives that not only can't a king be a non-Jew, he can't even be a demi-Jew - which means he can't be an *eved* - a non-Jewish slave. He can't even be someone who's not your brother in the sense that he's a convert, or someone whose mother was a convert. Now we have to understand this in light of the fact of Shma'ayah and Avtalion, who were converts and outstanding Talmudists, sat in the Sanhedrin, which is clearly a form of dominion. They were uniquely qualified which may be the reason for the exception, but we'll come back to this point a bit later.

Now, I think it's important to note that in *pasuk* 16 the Torah goes on to say that in contradistinction to an ordinary citizen, a king is forbidden to have too many horses, too much money and too many wives. A regular citizen can have as many wives as he wants, but a king is limited. A regular person can be as rich as possible, as rich as he wants to. A king

can't. You can have as many horses or vehicles as you want to. A king can't; he's limited. Furthermore a king has to walk around, as the *Torah* says, in *pasuk* 18: "והיה כשבתו על כסא" ממלכתו וכתב לו את משנה התורה הזאת על ספר מלפני הכהנים הלויים. והייתה עמו וקרא בו כל ימי חייו למען ילמד ליראה את ה' אלוהיו." The Gemara learns that he has to wear a *sefer Torah*, I assume a small one, around him wherever he goes. The Torah goes with him to show what the ultimate authority is - it's not the king, it's the Torah. And finally it says, in *pasuk* 20 - why must he carry the Torah with him wherever he goes? "לבלתי רום לבבו מאחיו." It may very well also go on why he can't have too many horses, too much money, and too many wives - because "לבלתי רום לבבו מאחיו" - so that he shouldn't feel himself above his brethren. "ולבלתי סור מן המצווה ימין" - so that he shouldn't turn left or right from the Torah. "הוא ובניו בקרב ישראל" - he and his sons amongst the people of Israel. Now the *peshat* in the *pasuk* is that being a king is a permanent thing - forever, not only for the king - but for his children as well. 'בניו' here means male son; if it meant female, it would have said 'זרעו'. That's an important *halachic* distinction. Notice also that kingship is inherited.

By the way, I want you to look at source number 2: "ל"א: לא תוכל לתת עליך איש נכרי. זו - מצוות לא תעשה. איש נכרי אשר לא אחיך - מכאן אמרו אין ממנים פרנס על הציבור" Now, I want you to notice something very important about this *Sifrei*. Firstly, "עד שתהא אמו מישראל" requires not only that the appointee cannot be a convert, but also that his mother can't be a convert - she has to be Jewish from birth. But this source says something more. The language of the *Sifrei* switched to the use of the terminology 'פרנס', which is a leadership position, not kingship.

Let's just summarize what we've learned until now, and then we'll see what the Rambam says in source number three. What we've learned so far is that the following cannot be king: a non-Jew, a demi-Jew - which is a slave, a convert, the son of a convert, and a woman ("מלך ולא מלכה"). Next we learned that *melucha* and *serara* of a *parnas* are inherited and of an indefinite duration. (This is only if the sons are worthy; if the son is a *rasha* he doesn't necessarily get it.)

Let's now read the Rambam *halacha dalet* together. The Rambam reads as follows: "אין מעמידין מלך מקהל גרים עד שתהיה אמו מישראל שנאמר לא תוכל לתת עליך איש נכרי" - skip a little bit - "ולא מלכה" - and this is from a Gemara - "ולא מלכה" - "ולא למלכות בלבד אלא לכל שררות שבישראל. לא שר צבא" - Even somebody who has discretionary power to decide how much water allocation you're going to get for your field, that's called *serara*. "ואין צריך לומר דין או נשיא שלא יהא אלא מישראל" - certainly a judge or the prince of Israel must be a Jew - "שנאמר מקרב אחיך תשים עליך מלך, כל משימות שאתה משים לא יהו" - אלא מקרב אחיך. It must be from your brethren; it can't be a non-Jew.

*Halacha hei*: "אין מעמידין אישה במלכות שנאמר עליך מלך ולא מלכה". And now comes the punch line. "וכן כל משימות שבישראל אין ממנים בהם אלא איש". For all leadership positions which are called *serara* or *mesima* - we'll have to define that - all those leadership positions can only be male.

Now there's *halacha vav* here which I inadvertently skipped so just listen. It actually appears in the Chinuch in source number 4 so let me just read for you what the Rambam says in *halacha vav* because I'm going to refer to it later. "ואין מעמידין מלך ולא כהן גדול: לא קצב" - not somebody whose profession is a butcher - "ולא ספר" - a barber - "ולא בלן" - which is a bath house attendant - "ולא בורסי" - which is a leather worker which is a very smelly job. "לא מפני" - since it is considered a low trade - "אלא הואיל ואומנותו נקלה" - "העם מזולזלין בהן לעולם" - People will say: who are you to tell me? You were just a *borsi* - a stinky leather worker. "ומשיעשה במלאכה אלו יום אחד נפסל." One day as a

leather worker, you've had it as being king. Now most of us would say who cares? But some people care. Some politicians stake their life on it.

*Halacha zayin*: "כיוון שנמשח I'm skipping. "כשמעמידין מלך, מושחין אותו בשמן המשחה." So the Rambam makes it clear – inheritance of kingship is to his male sons. Now towards the end. "ומאחר שמושחין המלך הרי זה זוכה לו ולבניו עד עולם, שהמלכות ירושה שנאמר למען יאריך ימים על ממלכתו הוא ובניו בקרב ישראל."

Many *mefarshim* struggle with the fact that the Rambam throughout sticks in not only kingship but *parnas* - all roles of leadership. Now when the *Sifrei* introduces *parnas*, it does so only with regard to a non-Jew who is *explicitly* forbidden to be king. Jews can't appoint a non-Jew as their King as it explicitly says - "לא תוכל לשים עליך איש נכרי". Every other exclusion (demi-Jew, convert, woman etc.), however, is a *drasha*. On that statement, that a non-Jew cannot be a king, the *Sifrei* goes ahead and says that he also can't be a *parnas* - appointed to any leadership position. But the Rambam seems to learn from that case that everyone else excluded from kingship - which is a convert, and a woman, and someone who's had a smelly job - that they also can't be appointed to any leadership positions in Israel. The *poskim* search for a reason, a source for this extension, because it's not in our reading of the *Sifrei*.

Now, I want you to look at source 3b. It turns out that there are other editions of the *Sifrei*. There is an edition of the *Sifrei* which is called *Mahdurat Finkelshtein*, and also there is a similar quote in the Aptowitzer edition of the *Pesikta* which starts off like ours: "שום תשים" "עליך מלך, מלך ולא מלכה". However, it then continues – "אין ממנים האשה פרנסת על הציבור". So clearly the *Pesikta* and Aptowitzer edition and other cognate texts, like the *Midrash HaGadol*, actually have a reading similar to that of the Rambam.

Now, there's a big debate about these alternate readings, whether they were put in because of the Rambam, or that this is the source of the Rambam. We're very careful about our manuscripts nowadays, but it's not clear that they were careful about it all the time. 'הרם' דרבינו גרשום was instituted because people were making changes in the texts of their Gemaras all the time. They didn't put in alternate readings on the margin; rather, they erased the text they had in front of them and fixed it to their liking, and that got passed on to their children. Rabbeinu Gershom forbade this procedure, and later Rabbeinu Tam saw need to forbid it again, because the practice was still so widespread. So it's not clear whether people changed their reading of the *Sifrei* so it would jibe with the Rambam, or that that reading was the Rambam's source. It seems that it's probably the latter – the Rambam may have had an alternate reading. We'll come back to this point a little bit later as well.

Now, one of the fundamental questions that we have to ask is: what is this *serara* we're talking about? It's not only kingship, at least the way the Rambam understands it. Remember that the Rambam is one of the major pillars of codification - he's not the only pillar, but he is one of the major pillars of codification. How do we understand what this *serara* is? How do we define it? Remember, it includes kings and *Kohanim Gedolim*, the head of the army – but that we all can understand. They had the powers over life and death. But one who's in charge of the distribution of water that went to the fields? Why is that *serara*? I don't think that life and death was the issue that concerned them with this job. Also, a different Gemara talks about the person who goes around checking the weights and measures, to make sure the measures are right. That's also *serara*.

I think the way we can describe *serara* is one who has discretionary power. That is, a person for whom 'the buck stops here'. He makes the ultimate decision, and there's no real appeal after that. And the one who was given the job of distributing the water to the fields - it was an important job. It wasn't the governor, but it was an important job, and he made that final decision.

Now if you want to understand how to define discretionary power, there's a very interesting and important *teshuva* by Rabbi Moshe Feinstein from his Resp. Iggerot Moshe. Kindly turn the page over, it's source number 7. It's a long *teshuva*, we're going to read selections from it - but much of it I'll talk out. Many of the sources appear on this source sheet, so you could read the entire *teshuva* yourself. These are fascinating sources, but we don't have the time to go through it all in depth - time is limited. Rav Moshe has posed a very interesting question. A particular rabbi made his living from giving *hashgachot*; you see rabbis, generally speaking, could not make a living just being a shul rabbi. They needed things in addition (weddings, funerals, unveilings etc.) and they also took on *hashgachot*.

[As an aside, let me just tell you a cute personal story. Some people know that Dr. Ira Weiss, a visitor from Chicago, was here over *Shabbos*. His claim to fame is that he was the cardiologist for the Lubavitcher Rebbe. He is a very special doctor and human being. He was flown in as a consultant when the Lubavitcher Rebbe had his first heart attack, and he was his cardiologist for a long time. Anyway, I was a friend of Ira and Myra Weiss and their *Messader Kiddushin*. The story is that they had champagne at the wedding and he said that he didn't have anybody to pour it. So I got a whole bunch of guys from Harvard Hillel, that's where I was a rabbi, and we started pouring the wine. As we're doing so some lady looks up at me and says: "Aren't you the rabbi who performed the wedding," and I said "Ya' know, rabbis can't make it on just one salary..."]

So this *teshuva* deals with a story of a Rabbi who couldn't make it on just one salary, and he was doing *hashgachot*. It's still very, very common today. Unfortunately, he passed away, and his widow wanted to take over the *hashgachot*. Can she be the *mashgicha*? And the question came to Rav Moshe Feinstein. It was a question of *she'at ha-dechak*. It was her livelihood. The *almana* wasn't a young woman, and for her whole life her husband had supported her. And, now, she wanted to be the *mashgicha*. She clearly was capable, and knowledgeable enough to do the job. Rav Moshe starts the *teshuva* off by trying to understand - assuming we follow the Rambam's position - what the definition is of this prohibited discretionary power?

So in source 7A, Rav Moshe says that it's not clear to him what the source of the Rambam is who forbids not only a *malka* but also a *parneset*. He may have analogized from a non-Jew to women, but it isn't clear. [We now know that there is an alternate reading of the *Sifrei*, but that's not our reading.] In source 7B, let's see how he defines *serara*. "והשגחה על" - "וראיה לכך מקידושין דף ע"ו שאיתא במערבא אפילו ריש כורי לא מוקמי מינייהו" - "and one doesn't appoint a *ger* to be in charge of the weights and measures." "ופירוש רש"י: ממונה על המידות." - "appointed to be in charge of the measures - והוא ממש כמו השגחה על הכשרות דמה לנו כשרות - המשקולות והמידות לכשרות איסורי מאכלות." This is supervision - what difference does it make whether it's monetary supervision, or whether its *kashrut* supervision? "והטעם הוא, שהחלוק בין" - "By the way, we're going to raise a lot of issues that to the modern person seem very, very strange. I ask of you just to hold judgment, and hear me to the end, and then you'll begin to see why it seems that *halacha* nowadays has changed. Just bear with me and you'll understand the *halacha* from its source.)" - "והטעם הוא" - why is it a problem? - "שהחלוק בין להחשיבו לפועל ובין להחשיבו לממונה". What's the difference between the one in charge, or the worker? "שהוא שררה" - because being in charge is considered *serara*, discretionary power. "אינו מצד חשיבות המלאכה" - it's not because of the importance of the job - "אלא דאם נשכר לעשות רצון המשכיר, הוא פועל אף שהיא מלאכה חשובה." If your job is to work by the book - what the boss asks you to do, then you are a worker, and it makes no difference how important the job is. "ואם נשכר לעשות נגד רצון בעל הבית כהשגחה על המשקלות ומדות שבעל הבית היה" - "But, if your job is

to supervise the *ba'al ha-bayit* even against what he wants, that's discretionary power. That's dominion, *serara*. To repeat: if you're working for the *ba'al ha-bayit*, no matter how important your job is, that's called a worker. But if your job is to go against, to be critical of *ba'al ha-bayit* and limit him, that's discretionary power; that's *serara*. "שהוא שררה על בעל הבית, שבעל הבית מחוייב לעשות כמו שהמשגיח אומר. וכן הוא ממש ממונה להשגיח על הכשרות שמלאכתו הוא לעשות אף נגד רצון בעל הבית שלא להניח לבעל הבית שיקנה דברים אסורים. ואם כן להרמב"ם אין למנות על זה אשה." According to that analysis, according to the Rambam, says Rav Moshe Feinstein, you can't appoint a woman to be a *mashgichat kashrut*.

Then he goes on to note that the Rambam is not the only view, and demonstrates that there are a whole series of *Rishonim* who disagree with the Rambam and are lenient on *parneset* - I'll come back to this a little bit later. And then he says that *bi-she'at ha-dechak* - in a crisis situation, where we are dealing with a woman's livelihood, certainly these other opinions could be relied on so that she could continue to be a *mashgichat kashrut*. In other words, he maintains that the Rambam is a pillar of *halacha*, and we would like to rule like the Rambam. However, since this a dire situation, and there are major authorities- including, Ramban, Rashbah, Ran, and Rabbeinu Tam – who disagree with the Rambam, we can rely on these other sources to give us the flexibility to allow this woman to be a *mashgichat kashrut*.

But then Rav Moshe suggests what he believes is a better idea. We will ask some Rabbi to be the *rav ha-machshir* - that is, the one who will assume the ultimate authority for the *Kashrut* will be a male, while the *almana* will be the *mashgiach* and do the actual supervision work. The *rav ha-machshir* is the person or the organization who assumes ultimate responsibility for the *hechsher*, and the *mashgiach* is the employee who's on the site doing the actual supervision. (For example, the OU is the boss – the supervising *kashrut* organization ultimately responsible; everyone else who works for them, including women, who supervise all the time for the OU, are the *mashgichim*.) Rav Moshe indicates that if we do it that way, then even the Rambam would agree, because she's now working for the *rav ha-machshir*, and not for the *ba'al habayit*. [I'll come back to the next *teshuva*, that is סימנים מ"ה and מ"ד a little bit later, since they deal with women as presidents of shuls.]

Okay, so Rav Moshe has pretty much given us a very good idea of what the parameters are. It would seem that the President of the United States is clearly *serara*, the head of the Treasury is clearly *serara*, but the income tax auditor may not be *serara*, even though he forces you to pay, because you can always appeal over his head. And once you've come up to the person for whom "the buck stops here," – that's *serara*. Now you can always say, "Look, I can go to the Supreme Court," but that's not what we mean. We mean that there's a person after whom you have to start suing in the courts.

Let's now try to understand the rationale a little better. Why have women been excluded from kingship - and other leadership roles according to the Rambam? Interestingly I haven't found any *Rishon* who really suggests a reason. It might be that they felt it was eminently obvious, but it's certainly not eminently obvious for twentieth century individuals. Formulations have only been put forward in the modern period, suggesting that the social consensus has changed, and *halachic* Judaism clearly finds itself on the defensive and needs to explain its position.

The most common reason given, including by Dr. Leo Levy, Rav Aaron Soloveitchik, Rav Moshe Meiselman, Rav Bleich, is that there is definite role-playing in Judaism. The man's role is more a public, aggressive one, as the Gemara says, "האיש דרכו לכבוש ואין האשה דרכה לכבוש". Rav Yoshe Ber Soloveitchik discusses this when he talks about Adam I and Adam II, and their different attributes. And Rav Aaron Soloveitchik also talks about role playing in some length. It's clear that, from a Jewish perspective, these roles are not exclusive, but there seems to be a general consensus that a woman's role is a more private,

family centered role. This school bases its approach on the *pasuk* "כל כבודה בת מלך פנימה". Now it's clear that "כל כבודה בת מלך פנימה" is a societally determined concept. It's very clear that what was true in the 17 and 1800s is not true in the twentieth century. Even in Haredi circles, women go out and earn livings, and are in the public thoroughfare. This is something that was almost unheard of a 100-150 years before that. Perhaps by limiting a woman's leadership possibilities, *Halacha* reaffirms where her priorities should be; they should be in the home, and not in the public thoroughfare.

Another possible rationale may be the social reality. A leader with discretionary powers can only rule if he has the highest respect of the community who is willing to obey and follow. As we saw before from the Rambam, if you had a position as a *burski* (a tanner), or a *sapar* (barber), or a *balan* (caretaker in the bathhouse) dealing with naked people - this was not considered the most respectable position. And, therefore, the feeling was that because of a woman's lower social standing in the community – people would not follow her. This seems to be the rationale of the Aruch HaShulchan. And while there have been many changes in people's attitudes, they haven't been as wide-sweeping as some people suggest. I read a recent poll about the success of women in leadership. You know there was a woman who was just elected as the Speaker of the House of Representatives, and there was a big to-do about it. It's upsetting that there was a big to-do about it; but the fact that there was suggests that this is not a normative situation. Everybody was talking about it. It was the first time, and that sort of tells you that voters, both men and women, tend to favor a strong father image than an "Iron-lady". And that came up with Margaret Thatcher. Studies were done when Margaret Thatcher was Prime Minister and they polled the voters. It seems that she was an exceptionally unique individual, and therefore wound up as Prime Minister, but that wasn't standard procedure, even for the British.

A radically different approach is that of Rav Chaim David Halevy, who in essence says that he'd rather live with a good question than with an answer he can't accept. It's his position that the exclusion of women is what's called a *gezerat hakatuv* – a Heavenly decree. Why? He doesn't know. He wants to prove his position, however, from Shlomtzion Hamalka and Heleni Hamalka, who were queens under the guidance of *Chazal*, and who were repeatedly praised by *Chazal*. It's clear, he says, that in each case they received the *melucha* through inheritance, either from their father, or their husband. They were in the position, and *Chazal* weren't interest in moving them out. So, argues Rav Halevy, there's no problem with her being queen, the problem is being appointed queen. And that can only be, says Rav Chaim David Halevy, because it's a *gezerat hakatuv*.

Other *poskim* disagree with him. My Rebbe, Rav Yehuda Gershuni zt"l demonstrates this from the Rambam, who writes that kingship passes in *yerusha* only to the king's male children, "הוא ובניו". Why then were Shlomtzion Hamalka and Heleni Hamalka so praised by *Chazal*? Because *Chazal* knew full well that the person who was supposed to get the position would not be as favorable towards Rabbinic Judaism. Shlomtzion Hamalka and Heleni Hamalka were frum women, and they supported Torah Judaism. If they were not in those positions, this might very well have led to situations which were not favorable for halachic Judaism - and that seems to have been a very real consideration.

Now I think it's time that we get down to the basic argument. I mentioned to you that most of the literature on the subject was written in the early 1900's, although there's been literature written since then. As I noted in the opening of my talk, if you want to get a wonderful historical summary of this period, it's in "Chevra vaDat," written by Prof. Menachem Friedman. I'd like to summarize some of the arguments pro and con, about women's involvement in the political process. I'm going to summarize the arguments from the early 1900's, and then we'll move to the modern period. There are essentially three *halachic*

reasons, and three *hashkafic* reasons, about women's involvement in the political process. The issue at that time was not only whether she could run for office, but whether she could even vote.

The first argument against was based on the aforementioned Rambam. The Rambam clearly rules out women from running for office, because based on "מלך ולא מלכה", not only is a woman excluded from being a queen, but also from all communal leadership roles with discretionary power. Please look at the source page, at source number 9a (9a and 9b are some of the arguments that were actually given against women being in leadership roles). Rav Zev Mintzberg in *Zot Chukat HaTorah* writes that it doesn't matter how a woman comes to power. "איסור גמור מן התורה יש למנות אשה לשום שררותא דמתא" - any leadership role in the community is forbidden "אפילו אם קיבלו כל הציבור אותה עליהם – על דרך האסיפה המייסדת שחקקו חוקה ליתן זכות נשים להיבחר. מבואר ברמ"א טובי העיר בעירם דינם כבית דין הגדול, ואין לך שררה גדולה מזו מלבד מלכות." He said being in leadership roles, making decisions for the community, is clearly *serara*; it is irrelevant whether the whole community voted for her, it is inherently *serara*, according to the Rambam it's *asur*, and that's it. The *Machzikei Dat*, written by HaRav Ritter of Rotterdam, says that in Jewish communities for centuries women weren't in leadership roles. That's the way things were done. Why are you coming around changing the situation? The third argument was that being involved in politics clearly involved a free mixing of the sexes, which was not appropriate from a Jewish perspective, and therefore it should be opposed.

There are several *hashkafic* reasons given, and the person who gave these *hashkafic* reasons that we're citing from was none other than Rav Kook zt"l. This was a big surprise for the more liberal of the orthodox camp. HaRav Kook was viewed as this big liberal, and he came out with a variety of non-*halachic* reasons. It's very interesting that he doesn't bring *halachic* reasons, but *hashkafic* ones, why he thinks women's involvement in the political process is "bad for the Jews." [By the way, we know that his daughter-in-law, Rav Tzvi Yehuda Kook's wife, was not happy with the situation. Rav Kook zt"l mentions in one of his letters to his son that his daughter-in-law would regularly write him letters. However, the last couple of weeks, since he gave his *pesak* on the women's voting issue, she's stopped writing. "Is it because she's not happy with what I said about women's involvement in the political process?" Probably. That's just a side line, but it's very, very telling.]

In any case, what were his reasons? We're just going to go through them very, very quickly (see sources 8a-d). He says that the family is extremely important in Judaism, perhaps more so than in other cultures, and that throughout Jewish history the traditional woman has attained both honor and fulfillment within the family. Political activity will lead a woman to center interests outside the home, and away from her family. Her interests and energy become split, she will no longer be as good a mother as she can, and will therefore weaken the fiber of the family. His next argument was that political activity in which a woman has an active role will prevent and disturb *shelom bayit*, because the husband and wife will now be expressing different opinions, and therefore it will lead to a clash in the family. Finally, he says that politics has a negative moral effect on anyone that is involved or close to it, and he says that at least we should keep the women out of it.

Amongst the scholars maintaining that women should neither run for office, nor even vote - not get involved at all in the political process - was Rav Yehoshua Leib Diskin, and Rav Yosef Chaim Sonnenfeld of the *Eidah Charedit*, Rav Yechiel Michal Tukachinsky, who then was a leading *Rosh Yeshiva* and *posek* in Jerusalem, and considered slightly right of center, and last but not least, Rav Avraham Yitzchak HaCohen Kook. There were many renowned scholars, most of them in Europe and the States, who were against women running for office, but had no problem with them voting. These include Rav David Tzvi Hoffman, and Rav Eliezer Priel in the United States.



Something happened in the 1920's that changed the course of Jewish history. Most of you know that the *Eidah Charedit* broke off from Orthodox Judaism and started leading its life by itself. Why did it do so? It did so over the issue of the women's right to vote. It was decided by the *Mo'etza haMeyasedet* (I think that's what it's called) that women would get to vote. The *Eidah Charedit* said that it wasn't an issue they could ever agree on. The *Eidah Charedit* suggested that a man should be able to have two votes, but that proposal wasn't accepted. So they said: "Look, you've left us no options. Our women are not going to vote, they're not going to be at all involved in the political process, so we will lose on every vote. We have no choice but *hitbadlut*, we're breaking off." And so they broke off at this point in Jewish history, in the 1920's, over this issue.

There was another group, led by Rav Tzvi Pesach Frank, who said: "All right, we're not gung-ho about this idea, but there are *poskim* who would tend to permit women voting *bi-she'at ha-dehak*." And they became what's called Agudas Yisrael, and the women would not run for office, but they would go to the polls and vote. By the way, the *Eidah Charedit* did not notify the British they were breaking off, because they didn't want to place the implementation of the Balfour Deceleration at risk, so they kept it private. But that is exactly when the *Eidah Charedit* and *Agudas Yisrael* split and became two separate organizations.

In this dispute in the early 1900's, there was another position, expressed by the Po'el Mizrachi, whose published position read as follows: "המזרחי בתור הסתדרות עולמית, בכל הכבוד והיקר שהוא רוחש לרבנות ובכל שאיפתו העמוקה להכיר בסמכותה בחיי העם – מוכרח בכל זאת להישמע בשאלה זו לדעת הרבנים הגאונים שעמדו בראש ההסתדרות בכל משך עשרות השנים של קיומה ושהנהיגו בשאלה זו היתר למעשה." Translation: "The Mizrachi, as an international organization, despite the honor and the esteem which it bears for the Israeli Rabbinate (that means Rav Kook), and despite its deep desire to recognize the authority of the Israeli Rabbinate in the life of this nation... [You have to understand that the Chief Rabbinate, when it was established was viewed as the forerunner of the Sanhedrin. They had these great hopes for the Chief Rabbinate, and here comes along Harav Kook, and doesn't support women's right to vote]... must, nevertheless, follow on this issue the ruling of the Rabbinic giants which have headed this organization during the past decades since its inception, and have been lenient on this matter." So the Mizrachi says: we already have *Gedolim* who've *poskened* for us on this issue. We don't have to come to Rav Kook's *pesak*; for decades we've been following the *pesakim* of other *Gedolim* who've permitted women's involvement in the political process.

The lenient school included such scholars as the first Sephardic Chief Rabbi HaRav Ben Tzion Chai Uziel, Rav Ya'akov Levinson, and Rav Chaim Hirshenzohn. In the modern period the lenient school has included former Chief Rabbi Rav Yitzchak Isaac Herzog, Rav Tibor Stern, the present Sephardic Chief Rabbi of Israel, HaRav Eliyahu Bakshi Doron, former Chief Rabbi Shlomo Goren, Rav Shaul Yisraeli, Dayan Rav Aryeh Leib Grosness of London and Jerusalem, and Rav Elimelech Turk from the United States.

To understand the lenient school, and how they deal with the various arguments of the stringent school, I think it's important, first of all, to begin with a brief discussion of what democracy is all about. The government perceived by the Torah and by *halacha* is radically different from democracy. Let me elaborate a bit. In Biblical times, appointments always came from the top. It was the decision of the *navi*, or one or more of the elders, the scholars, the *gibborim*, the leaders, the money-men. Appointments always came from the top. But in democracy the ultimate authority comes from below.

Democracy is a game of government, with clear and pre-agreed upon rules. The first rule is "the majority rule," which means that even though the minority lost, they agree to accept as its decision the majority position. Everybody agrees to accept the majority position.

And I want you to understand what that means. If I vote for A, and B gets elected by the majority, B was picked by whom? Not by the majority - by everybody - everybody agrees that the winner takes all. That's what democracy says. Not just the majority picked him - everybody picked him.

The second rule is that the election is for a limited period, and after 2, 4, 6, maybe even ten years we will have elections again. This means that even if I lost now, I'll have a chance to win next time. What's more, there is the possibility of impeachment or recall if the majority is dissatisfied.

The last rule is that the election is personal. The elected position cannot be inherited or passed on to someone else.

Now, with this awareness of the new modern political reality, let us begin our discussion of *serara* anew with the case of Devora. "ודבורה אישה נביאה...היא שופטת את ישראל" "בעת ההיא." The fact that Devora served as judge presents a double problem. First, the *halachic* consensus is that generally women cannot serve as judges. Second, serving as a judge means that your decisions are binding and people are forced to pay. That's clearly *serara*. But the Rambam forbade all *serara* to a woman, not only *melucha*. So the Rambam will obviously maintain that Devora as a prophetess received divine approval as a judge. It was sort of like a divine *hora'at sha'ah*. It was a setting aside of Jewish law because she was a prophetess. She was exceptional and no generalizations can be made.

But the *Tosafot* disagreed. Turn to the first page again, source number 5. We're going to read from the Rashba, but it's not only the Rashba who holds this position. It's the Rashba, and Tosfot in several places, and the Ran, and Rabbeinu Tam, and others. Starting from the middle, at the bracket: "ואם תאמר הא כתיב והיא שופטת את ישראל." The Mishna says, "ולא לנשים," "יש לומר שלא שופטת ממש אלא" so how is it that Devora was a judge? *Tosafot* says that it's not that she was an actual judge. "מנהגת (מתנהגת) כשופטים ששפטו את ישראל" just meant that she was a community leader: she led the people and she gave them advice, but she didn't serve as a judge. Another way of saying it is that it was "charismatic leadership" – a term coined by noted sociologist Max Weber (1864-1920). Charismatic leadership means you don't follow because you're forced or required to. You follow because you want to. She was a *shofetet* and a *nevi'ah*. She would say: "you really should give the money back." I'm not forced to give the money back. But she speaks the word of G-d, so Halleluyah. That's charismatic leadership. I want to do what's right. She tells me what's right, but she has no binding power to force me to do it. "ואף על גב דאמרו בסיפרי שום תשים עליך מלך" "ולא מלכה, התם לא מנו אותה, אלא היו נוהגין בה כדין מלכה, והיו נוהגים על פיה." That's charismatic leadership. They weren't forced to do it. They wanted to do what's right, and she told them what's right, and they did it. Look, I want you to understand. Who appointed Rav Shach? Who appointed Rav Elyashiv? Anybody? Not that I know of. That's charismatic leadership. You follow and obey because you feel that they know what the will of G-d is.

"ואי נמי", alternatively, this is a totally different answer, "שופטת ודנה" - she judged them, and she ruled over them, "שהיו מקבלים אותה כדרך שאדם מקבל אחד מן הקרובים". They accepted her like one can accept a relative. The *halacha* is as follows. If you have a question, and the parties decide to pick three individuals to serve as judges. The latter are not allowed to be relatives to each other, or relatives to the litigants. However, if the disputants agree that they'll accept such an individual, then such an individual can judge - even if it's a relative. That was also true for Devora. Once the people have accepted her as a judge, the litigants were obligated to accept her judgment. *Klal Yisrael* decided that Devora "was the lady," we're going to follow her opinion. And then she could force you, because that's "קיבלו עלייהו". *Kiblu alaihu* means we accept her authority upon us, or it can be formulated that the appointment is from below - the people have accepted that as their authority. A democracy is *kiblu alaihu*. We all accept the outcome. That's the game of government. We accept; we agree

to accept the leadership of the person who gets the majority vote. So, as I pointed out, even though you lost the election, when you went into the election you knew that the majority would get the position, and that's what you're getting into. So, first of all, the appointment comes, not from the Sanhedrin, from above, but from below. Democracy is a form of *kiblu alaihu*.

In source 10a, former Rishon Lezion Rav Uziel writes in *Resp. Mishpatei Uziel*: "לא" The whole issue of *serara* is only when the appointment is made by the Sanhedrin. נאמרה הלכה זו אלא במינוי הנעשה על ידי סנהדרין. "אבל בשאלתנו, אין כאן מינוי אלא קבלה, שעל ידי בחירות מכריע. רוב הקהל את הסכמתו לאותם הנבחרים שיהיו באי כחו לפקח על כל ענייניהם הציבוריים." He says, democracy is different. Even the Rambam would agree. The stringent school would argue, and this we saw above in source 9a, that *serara* is *serara* is *serara*, and I don't care how she was appointed. But the lenient school says: no, that's all the difference in the world. Because the person who's forcing me to obey is doing so - not because he has the power to force me, but because I asked him to do so. I invested him with the power to force me, so he is my *shaliach*. I'm the boss. I gave him that power, and the origin of that authority makes all the difference in the world. Rav Bakshi Doron says that, Rav Shaul Yisraeli in source number 13 says it. He says a few other things as well. But, let me move ahead.

I want you to know that this argument, *kiblu alaihu*, is the basic argument of those who are in the lenient school. But I want you to listen to Rav Mordechai Eliyahu who raises a very strong argument to the contrary. In source 16, Rav Mordechai Eliyahu quotes from the *Tosafot*. "דיבור המתחיל אשר תשים הביאו תירוץ נוסף: דשמא היו מקבלין אותה עליהם משום שכינה" - because she was directed by the shechina. "ובשינוי לשון קצת בתוספות הרא"ש שבנדה: מחמת נביאותה. Why does it say that they accepted it? Because she was a prophetess. What does that mean? "הרי קבלוה עליהם. ויש לתמוה, דאי משום דקבלוה עליהם, הרי לכך אין צורך להוסיף דהוי מחמת נביאותה." "הרי You can accept even people who are not allowed to be witnesses, to be a judge. Skip down to the next paragraph. "נראה שדייקו לאמר כך, שאילולא" "דבשלמא יחידים או ציבור מוגדר ומצומצם יכולים לקבל, ונביאותה לא היתה קבלה מועילה." It was a fact that she was prophetess and there was a nationwide consensus that she was the woman to turn to, "עליהם בהחלטת הכל או הרוב" If you have a small group - though how big this group is he doesn't define - but a group in which everyone can be consulted, then you can talk about *kiblu alaihu*. And he goes on at great length in this article in *Tchumin*, and asks, what are you going to do with a nation? What percentage of the nation actually voted? If you voted, got involved in the game, you can say *kiblu alaihu*, the majority won, the minority accepts the decision. But what if 40% don't get involved in the game at all? Can you honestly say *kiblu alaihu*? That's his criticism. You can't say *kiblu alaihu* when 40%, 50% didn't even vote. They're not even involved in the political game.

Rav Shaul Yisraeli disagrees, however, saying a country is set up with certain agreements. Everybody who's born into the country or joins the country, joins into those conditions. If it's a democratic government, and that's how the country was set up, then everybody in the country is bound by that ruling. If you don't vote, that's your choice, but you could have voted, and everybody's involved. That point is not a simple point, I want you to know, and there is some debate on it. But the lenient position holds that *kiblu alaihu* is where the authority comes from.

The scholars of the lenient school also point out that by definition democracy is not *serara*. A) In *serara* the duration of the appointment is indeterminate, while in democracy terms are limited. Democracy is for a limited time, it can't be forever.

B) In addition, *serara* can be handed to your children. There are many responsa about a rabbi who is a *rav* of a shul or city and wanted his son to become the *rav* after him, and the questions of inheritance by *rabbanut*, and whether that's valid or not. But it's certainly not true in democracy. So there's a lot of grounds to argue here that by definition democracy is

not *serara* in the way that the Torah viewed it.

C) Other *poskim* note that in democracy most decisions are not made by individuals, but by committees. In fact, Rav Kapach in source number 14, when asked about a woman being a *Chaverat Knesset* says: "עדין איני יודע שחברות בכנסת נקראת "כיהון בשררה ציבורית" והעוקב אחרי כל פרט מן הנמצאים שם יבין זאת." He says that there's no real discretionary power. He argues that everything is decided by committees and there's no individual who makes the decisions.

D) Rav Shaul Yisraeli in source number 13 goes on at great length to discuss this. Rav Shaul Yisraeli is dealing with a much tougher question. His article is not about women in leadership roles. He's dealing with non-Jews. Remember that non-Jews are explicitly *assur* in the Torah – "לא תוכל לשים עליך איש נוכרי". He wants to know whether you can appoint a non-Jew to be mayor of a city. And he says that based on a democratic election there is no *halachic* problem, because that's not *serara*. He goes on at great length, and suggests that in elections we are appointing a *shaliach* (messenger). The power comes from below; they are our *shaliach*; they are not authorities on top of us.

E) There are also people who are appointed because of their uniquely special talents. Source 11b and 12 deal with Shma'ayah and Avtalion, who were appointed because there was none like them. You have a person who is uniquely capable. Let's take a woman like Condoleeza Rice, or Margaret Thatcher. These women who are uniquely capable for the job that is given to them. Shma'ayah and Avtalion - there was nobody like them. It was true that they were converts, and they didn't have the *yichus* that normally comes with leadership; however, they were uniquely suited for the job. There was nobody else like them and they were, therefore, the best option. In those cases, with those individuals, there's no problem with *serara*.

Let's turn now to the *hashkafic* issues raised. A) The *shelom bayit* issue we'll set aside pretty easily, because if you accept it then your children shouldn't vote, and your brother shouldn't vote because it creates a problem with *shelom bayit*. B) Regarding the issue of politics corrupting, then the men shouldn't get involved in politics either.

There are a variety of arguments that can be raised to set aside the *hashkafic* arguments. But I want to be honest; when I read the *teshuvot* inside, I have this deep-seated feeling that Rav Kook is not far off the mark. In practice, perhaps we don't have to worry about it these *ta'anot* (arguments) too much, but it's something we should keep in the back of our minds. There's no question that in our modern society - and this is not the subject of the lecture - women are now very career minded, and women tend to spend a lot of time out of the house. Everybody talks about quality time with their children, and there's no question that men should be spending more time with their children, that's all true. But our children suffer. We want to have our women as spiritually fulfilled as possible, but as women get more and more interests, it's true they contribute to society and communal life, but there's a cost. As my wise and sainted father, *alav hashalom*, would say, every important decision involves a sacrifice, and there's a sacrifice here. I'm not saying there aren't ways of partially compensating, but we shouldn't pooh-pooh Rav Kook's formulations. This *teshuva* is from the early 1900's, but the issues are real, and we shouldn't forget that that these issues exists.

Let me now get down to several applications of this *machloket*, and then we'll move to the purpose of the talk. Rav Grosness in source 17 was asked about a convert being the principal of a school, and his ruling was that there's absolutely no problem. There's no *serara*, even though he hires and fires, because decisions are always made with an educational committee, and therefore there's no *serara*. It's true he brings it to the committee, that he initiates the actions, but he doesn't make the decisions alone, and therefore it's not discretionary power. He has to get the approval of the educational committee, and therefore

it's not a problem. I told you that Rav Shaul Yisraeli was asked about a non-Jew as mayor or member of the *iriyah*, and he said that there was no problem. Rav Kapach was asked about the Knesset, and he also said their decisions were made as a group.

I'd like to focus now on responsa regarding women being president of shuls. Let's look at Rav Moshe Feinstein's discussion in source number 7. As an introduction to this, I mentioned already that among lenient schools there are those who maintain that even the Rambam would agree that under democracy it's not a problem – because of *kiblu alaihu*. They furthermore pointed out that, when push comes to shove, the Rambam is not the only *posek*. There are other views in the *Rishonim*, namely the Ran, Rosh, Rashba and Rabbeinu Tam who seem to have disagreed with the Rambam. The latter maintained that "מלך ולא מלכה" was only for kingship but not for other leadership positions, which can be occupied by women. No *posek* is happy going against the Rambam's line. Rav Moshe Feinstein - in the case we discussed before of the *almana* who wanted to be a *mashgichat kashrut* - was willing to rely on these other *Rishonim bishat hadechak*, but he also found a way that she wouldn't have the final word. Now, Rav Amsel, who was the editor of a Torah journal called *HaMa'or*, wrote to Rav Moshe saying as follows: I read your *teshuva*, and I have a big problem with it, because the way you presented it, the majority of *Rishonim* disagree with the Rambam. Therefore, people will come along and take upon themselves all sorts of leniencies, like to appoint a woman as the prime minister of the State of Israel, and, they may even appoint a woman as president of a shul.

Rav Moshe Feinstein, on the issue of women being president of *Medinat Yisrael*, writes (הנה מה שכתב, סימן מ"ה, page ס"א on the left side of the page, at the very beginning): כבוד תורתו הרב, שמצד תשובתי בזה שהקשתי על הרמב"ם שפוסל נשים אף לכל משימות, שלא ידוע לי בעניי מקור לדבריו, וגם שמשמע לי שלא כולי עלמא סברי כן - יוצא מכשול שימנו נשים לפרעזדענט במדינת ישראל. אין אנו אחראין להנהגת המלכות דשם, שהיא בעוונותינו הרבים אצל כופרים ומומרים, ואין מתחשבין עם דעותינו כלום. He says that nobody from the Israeli government has asked me a *she'ela* on this, and we are not responsible for their actions. "ולשמא ימנו אשה להבתי כנסיות שבמדינתנו אמעריקע נמי לא שייך שיוצא מזה מכשול, דהבתי כנסיות והמוסדות שמתנהגים על פי דרך התורה לא יעשו כן בלא הוראת רב מובהק וממילא סגי לזה גם שיטת הרמב"ם שלא למנות אשה." Regarding women as shul presidents, most shuls have rabbis. The rabbis are fully aware that the Rambam is against it, so that it's not a default position. Therefore, they will not allow women to be president of the shul. Thus, you can clearly see that although he was aware that there are other *Rishonim* who may disagree with the Rambam, nevertheless, he felt that the Rambam is in a strong enough position that his view has to be taken into consideration. Therefore, women would not be appointed presidents of shuls. But at the very bottom of the page he was asked the following: "וברור שאם יזדמן באיזה מקום שרוצים למנות לאיזה מינוי רק או איש שהוא כופר ובעל עבירות או אשה כשרה" – What if it is a choice between a frum woman and a man who's a *mechalel Shabbat* ... [And if you think this is strange, you weren't in America the 1950's, or in San Francisco. These are real life scenarios. And in fact it happened again, in the 1990's, in New Jersey; I have a *t'shuva* which I will share with you on that subject as well.] "ואי אפשר לפעול שלא ימנו שום אחד מהן אלא איש כשר, שודאי צריך לסייע שימנו את האשה הכשרה ולא את האיש הכופר והרשע." He says that that's a situation which is a *she'at ha-dechak*, and that you could clearly rely on the other opinions and allow a woman to be elected president.

Let's now see Rav Soloveitchik's *psak* in source number 15. Rabbi Binyomin Walfish was sent by the Rabbinical Council of America to Rav Soloveitchik with a whole list of questions about the involvement of women in Jewish life, and we got from Rabbi Walfish the answers that Rav Soloveitchik gave to him. One of the issues was women as presidents of shuls. "During his conversation with R. Soloveitchik..." [This is from an article on women's services, which I wrote together with my brother Dov, and this is in a footnote. The text that I'm reading to you was approved by Rabbi Walfish as being exact.] "During his conversation

with R. Soloveitchik [he] asked the Rav whether women could serve on shul boards. The Rav responded that he saw no reason why women could not serve as a board member. It was not *serara* since the final decision was made by the board and not by the member. The members merely had input. The Rav did pasken that women could not be shul presidents. Presidents had certain prerogatives and that constituted *serara*. While there was no *issur*, the Rav also felt it unwise to have women serve as vice presidents, because it would imply that they could serve as presidents – which they could not.” The Rav is implying that from his perspective it's an *issur* to have a woman as president. “The Rav suggested that women serve as *mashgichei kashrut* which the Rav said was perfectly *mutar*. On the contrary, the Rav felt that women, in those areas, may even be better than men.”

Okay, so we now have Rav Moshe Feinstein and Rav Yoshe Ber Soloveitchik who are stringent. Amongst the other *poskim* who *assured* were Rav Menashe Klein, Rav Katriel Fischel Tchorsch and Rav Moshe Shternbuch, who's a rabbi in South Africa and also on the Eidah Charedit. Amongst those who are lenient on this issue were HaRav Shmuel Turk, HaRav Shalom Mashash and Rav Gedaliah Schwartz (the *Av Beit Din* of the Rabbinical Council of America Beit Din. [He's centered in Chicago, and is also the *Av Beit Din* of the Chicago Rabbinical Council). Regarding the latter, I'd like to read to you a letter that was circulated by Rabbi Shmuel Goldin of Englewood, New Jersey in May 1997. I was told by Rabbi Lopatin that the issue at hand was that the male candidate was not fully *shomer Shabbos*, and the woman was a very capable frum woman, and many wanted her to be able to vie for the position. My interjections are in brackets.

“In response to numerous inquiries, I write to clarify my *halachic* posture on the question of whether or not a woman can serve as president of an Orthodox synagogue. While a full discussion of this issue is beyond the scope of a short letter, I would simply present the following points: The primary source is a passage in Maimonides...” [which we know. Next paragraph:] “While there is a range of opinion on this matter, my research has left me convinced that there is no prohibition concerning a woman serving as president within our synagogue. I reached this conclusion after extensive review of the *halachic* sources and after analysis of the parameters of the presidential role within our community. This review and research was conducted at the request of the nominating committee. I also discovered a number of precedents, i.e. Orthodox synagogues both in America and in Israel within which women have served as president.” [I am not acquainted with synagogues in Israel where women served as presidents, though I may be wrong. (inaudible comment from the audience giving the name of a synagogue in Herzeliyah Pituach)... Okay, that makes one synagogue.] “As I was uncomfortable relying solely upon my own judgment concerning this important public matter, I presented the issue to two authorities whom I have come to trust in *halachic* matters. The first of these authorities, HaRav Aharon Lichtenstein, *Rosh Yeshiva* of Yeshivat Har Etzion in Israel was uncomfortable issuing a *halachic* pronouncement from overseas for Englewood, New Jersey. He explained, rightfully so, that only someone more familiar with the actual issues facing our community could properly rule on the matter.” [You have to understand that with Rav Aharon nothing is black and white. Everything is in hues of gray, and, therefore, he would not *poskin* because he did not know the community. You see, for him, how the community itself responds is a very important consideration.] “The second authority with whom I consulted was HaRav Gedaliah Schwartz, the *Av Beit Din* of the Rabbinical Council of America Beit Din. Rav Schwartz indicated to me that he believes that the issues raised by the Rambam are not applicable to the position of synagogue President, and that, consequently, there is no *halachic* prohibition. Rav Schwartz further indicated to me that a number of years ago The *Va'ad Halacha* of the Rabbinical Council of America met on the matter and did not issue a prohibitive ruling. [They didn't issue any ruling- permissible or not.] On the basis of my own research, and with the concurrence of the *Av Beit Din* of the

Rabbinical Council of America, I indicated to the nominating committee, in response to their request, that a woman could serve as President of our congregation.” [He goes on to say that I'm not taking sides, and you can vote for whomever you want.]

Okay, let me tell you now about my conversation with Rav Aharon Lichtenstein (see **addenda at end**). I described our community to him, and I said that there were people who were very much in favor of it, and some people who were very much against it. I asked if he had any suggestions. I told him that I was not interested in a *psak*, I just wanted to talk to him about the issue. And he said to me: Look Aryeh, I know that Rav Soloveitchik was very much against it, and that's something you have to take into consideration. I'm less stringent on the subject, my view is less negative. If the shul wants to have a woman as president, and you're the rabbi of that shul, and the vast majority of the shul wants to have a woman president "לא עולים בבריכות", you don't have to stop it, you don't have to split the community to prevent a woman president. There's good room in halachic sources to allow a woman to be president of a shul. He said that there are *tzniut* issues, though. He doesn't know how to handle announcements in the shul in the middle of davening. He thinks that maybe you should have a person appointed to give official announcements; he doesn't like the fact that a woman would get up in the middle of davening and make announcements. But he does maintain that if the shul is going to split if the woman is not elected as president of the shul, then the rabbi does not have the obligation to stop it.

Look, continued Rav Aharon, you're not a Hareidi community. Most of your people would have no strong objections to a woman being elected prime minister of the State of Israel, even voting for her. A woman being president of a shul is no different. We at Har Etzion have an alumni group which has dinners all the time, and there's a woman who's now head of the alumni association, and she gives speeches at the dinners, and nobody at Har Etzion has a really strong objection. However, he says, I'm fully aware that an alumni organization is not a shul organization. There are a lot of sensitivities, and what the shul membership views of itself, how it's going to affect the shul membership, is a public policy decision, which is very important. And there's no question that there are those who want to be prohibitive, and they have the *poskim* to rely on, and there are those who want to be lenient, and they have solid *poskim* to rely on, especially in a shul situation.

I said, Rav Aharon, you haven't made me happy; you haven't given me any clear guidance. He said, no; but I'm trying to give you a direction.

So I said: let me try to paraphrase and summarize you view. If you were to walk into a shul, and a woman were the president of the shul, you wouldn't walk out, you wouldn't have a problem being a member of the shul. He said: that's correct. And then I continued: But you would prefer if it weren't that way. You would prefer that the membership had not elected a woman. He said: yes.

I think that's what he's trying to say; again, you have to feel it - this is not a clear cut decision. This is a community decision. Both positions pro and con are firmly based in *halacha*. You have *poskim* like Rav Moshe Feinstein and Rav Soloveitchik, who are adamantly against it. You have scholars like Rav Gedaliah Schwartz, and Rav Turk, and other *poskim* who were willing to support women as presidents of shuls. The critical question is how the community perceives itself. Is this the direction the community wants to go in? Is it going to add cohesiveness to the community or is it going to create fissures in the community? Because when Rav Lichtenstein spoke to me about "לא עולים בבריכות" on this issue - it was because he felt that the unity of the community was more important than making an issue over whether a woman was president or not. He said if that's going to split the community, because a woman is not going to be the president, then, I'm willing to have

the rabbi pull back so that the unity of the community is retained.

I don't want anybody to go and say on this issue it's definitely *asur* or it's definitely *mutar*. There are great *poskim* on both sides of the issue and there is no clear *hachra'ah*. Now you're beginning to feel what I felt about my conversation with Rav Lichtenstein. I want you to know that these are public policy decisions that have to be made wisely. They have to be made because the importance of holding a community together works both ways, and that's the issue that we have to deal with.

The mandate I was given by the board was not to resolve this issue, and I think I've confused you enough. I have not resolved this issue. My mandate from the board was to make you aware of the *halachic* parameters, so that you know that this issue has a wealth of *halachic* literature, and that it's not a trivial question. And what really complicates it is how you the community want to proceed on this issue. And the board does not have an easy choice on this issue. Hopefully, we will be able to work this out together.

[Question from audience regarding the stringent school.] They're convinced by the Rambam - and by the alternate readings in the *Sifrei* which are consistent with the Rambam's analysis - that our *Sifrei* is incomplete. They accept as authoritative the reading of the Aptowitzer edition, which is the Rambam's reading, which excludes not only "מלך ולא מלכה" but also *parneset* as well. The argument of the lenient school is not to disagree with the *Sifrei* or to disagree with the Rambam. It says that the *Sifrei* doesn't apply to the modern democratic situation. That's their attitude, while the strict school says *serara* is *serara* is *serara*. Don't talk to me about how I got that *serara*.

[Follow up question about the definition of a community?] From the *halachic* literature it's clear that a shul is a community, and that the rules of *serara* apply to a shul community as well. There are also *teshuvot* in the *HaKibbutz BaHalacha* about a kibbutz. Any large group is considered *serara*. How you define that large group, I don't really know.

[Question: A shul is part of the larger community. And the shul has to be very careful about breaking away from the view of the general community.] I think that now we're moving away from *halacha* and moving more into the public policy situation [but that's what the whole thing seems to be anyway]. I don't think so. I led it there only to explain Reb Aharon Lichtenstein's position. I agree. I wanted to explain why he felt the way he did.

[Question: If there would be a substantial split in a community if a woman were accepted as president, would Rav Lichtenstein say the rabbi should step forward and object.] I definitely think that Rav Aharon Lichtenstein would say yes. That is, for him, since there are *poskim* on both sides, the divisiveness within the community is a very important consideration.

[Question: If the shul elects a woman as president, what will be next? What direction will be going in?] That's beyond the mandate that the board of the shul gave me and I'm not a prophet.

[Question: I read that in later years Rav Kook regretted his ruling on the women's right to vote.] Some of what you say is correct. Rav Kook ז"ל felt that his original considerations were right, but, the way things turned out, there were other counterbalancing value judgments - perhaps more important. As you would imagine, there's a lengthy discussion about what Rav Kook meant when he said he was sorry that he wrote what he did. He may have felt that he should have kept quiet, that other people were going to battle and he didn't have to get involved. As I noted in my shiur, Rav Kook didn't talk about *halachic*



considerations, only *hashkafic* ones. The latter can change with the times. When you make a pronouncement you have to be very careful about the later repercussions, especially since history has its own magical way of playing things out. Sometimes what you say in 1905 may no longer be valid in 1925. Somehow he regretted that he had gotten involved in this.

Thank you.

## Addenda

What follows are summaries of my conversations with Rav Aharon Lichtenstein Shlita and Rav Nahum Rabinovitch Shlita. [The latter conversation occurred after the above lecture and hence was not referred to therein.] These summaries were drawn up from my notes shortly after the conversations – but have not been formally approved by either Rav Rav Lichtenstein or Rav Rabinovitch.

### Conversation with Rav Aharon Lichtenstein Shlit”a

אור ליום שני י"א בטבת תשס"ז 31.12.06

Summarized by Aryeh A. Frimer

#### Women as a Shul President

I explained to Rav Aharon that the community is made up of generally highly educated Modern Orthodox Dati-Leumi families. There were those who were in favor of having a woman serve as president of the shul, while others were adamantly against it.

R. Aharon indicated that the “Rav” (R. Joseph B. Soloveitchik zt”l) was not keen on this but did not believe one should go to the barricades for this. Rav Aharon said that he himself was less negative. A Rabbi doesn’t need to fight against it if it will affect the cohesiveness of the community. There are *shitot le-kan u-le-kan*. We are not a Haredi community and our members would not hesitate to vote for a woman as *Rosh Memshala* and other positions of *serara*. It is hard to make a distinction between a shul and other venues. There may well be *tsni’ut* issues within shul proper which need to be worked out [– like making announcements during davening], but running the organization itself does not seem substantially different. The President of the Yeshivat Har Etsion Alumni Association in *Hul* is a woman who also speaks at dinners.

The cohesiveness of the community should be a major consideration in how to rule in practice. (See summary)

#### Women Making Kiddush for Shul on Shabbat Morning

As in the previous case, there were those who were in favor of allowing woman to make Kiddush for the shul Shabbat morning, while others were adamantly against it.

Rav Aharon felt that here too there were poskim on both sides of the issue, but he feels that there is substantial room to be lenient, for several reasons.

(a) In contradistinction to *keriat haTorah* and *megilla*, which are inherently public mitsvot requiring a *minyan* [at least *le-khathilla* in the case of *megilla*], Kiddush is inherently a private mitsva. Hence there is no *kevod haTsibbur* or *zila milta*.

[AAF]: וכעין זה כתבו הרב ידידיה טיאה ווייל, גנזי המלך, רמב"ם, הלכות מגילה פ"א, ה"א; מור וקציעה, אורח חיים סימן תרפ"ט, ד"ה "ובמ"א"; בשו"ת בני בנינים, ח"ב, סימן י"א, ד"ה "והנה הרמב"ם". אלא שזה לכאורה נגד דעת המשנה ברורה, אורח חיים סימן רעא סעיף ב, סימן קטן ד – שהכריע להחמיר לכתחילה כאליה רבא ודברי החיים שיש בזה זילא מילתא. הערוך השולחן מביא המ"א ולא הא"ר ודה"ח.]

(b) *Kiddush* during the day is only rabbinic.

(c) According to the Ra'avad on the Rambam (הלכות שבת פרק כט הלכה י), *Kiddush* during the day is only a *birkat ha-nehenin*. [According to this view, there is only *shome'ah ke-oneh* by *Kiddush* in the morning but not *areivut*. Although we don't pasken like the Ra'avad, it is a grounds for leniency.]

[AAF: הרב דוב אויערבאך, הליכות ביתה, סימן ט"ו, סעיף י', אות ל; וכן סימן ט"ו, סעיף יח.] rejects (b) and (c) as grounds for leniency.]

## Summary

I asked whether, in summary, I would be correct in saying the following: Rav Aharon would personally prefer if women were not involved in either practice [because of the stringent positions]; however, he would not be critical or withdraw his involvement in a shul which was lenient and allowed women to serve as president or make *Kiddush*. He said that my summary was correct.

## Conversation with Rav Nahum Rabinovitch Shlit"z

אור ל'ו' בשבט תשס"ז [24.1.2007]

Summarized by Aryeh A. Frimer

### Women as a Shul President

I explained to Rav Nahum that the community is made up of generally highly educated Modern Orthodox Dati-Leumi families. There were those who were in favor of having a woman serve as president of the shul, while others were adamantly against it.

Rav Nahum felt that there was no reason not to allow a woman to serve as a Shul President, since to his mind *Serara* is the right to exercise arbitrary authority. This does not exist in Shul presidencies (every decision is reviewed by the Board and *balabatim*).

He also noted that Rabbenu Avraham ben haRambam in his commentary to Shemot 18:22 indicates that *Shofet* often means **leader**, not Judge. The proof he brings from Devorah who - as a woman - was forbidden to be a Judge. R. Nahum found it noteworthy that R. Avraham didn't seem to think it was assur for a woman to be a leader – *parnas al ha-Tsibbur*. If he felt he was disagreeing with his father he would have apologized profusely.

### Women Making *Kiddush* for Shul on Shabbat Morning

As in the previous case, there were those who were in favor of allowing woman to make *Kiddush* for the shul Shabbat morning, while others were adamantly against it.

Rav Nahum felt that since women were obligated in *Kiddush* like men they could make *Kiddush* for them. As far as the use of *zila milta* (Eliya Rabba, Mishna Berura) this appears nowhere in the earlier sources with regard to *kiddush* which is a personal ritual.

### General

He was concerned about the cohesiveness of the community. In the 50s, 60s and 70s there was a real justified fear of the slippery slope, of the in-roads made by Conservative Judaism. But in 2007, things have, to his mind, changed radically. Orthodoxy is vibrant and

the Conservative movement is weak. Nevertheless, one can't dismiss the fears of those who want to be stringent. Fears in the community may well dissipate in 10 years from now.