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## **“Women in Communal Leadership Positions: Shul Presidents”**

*Below is the edited text of a lecture delivered by Rabbi Aryeh Frimer to congregants of the Tiferet Moshe Synagogue – Rabbi Jacob Berman Community Center, Rehovot, Israel on Tevet 24, 5767 - January 14, 2007. These comments are based in part on Aryeh A. Frimer, “Nashim beTafkidim Tsiburiyyim beIdan haModerni;” In “Afikei Yehudah - Rabbi Yehuda Gershuni zt'l Memorial Volume,” R. Itamar Warhaftig, ed., Ariel Press: Jerusalem, 5765 (2005), pp. 330-354 (In Hebrew). Only leading references are cited in the present manuscript.*

### **Introduction**

Our shul has had women serving on the board for decades. The question of electing women to the position of Shul President is now on the agenda of the upcoming annual shul meeting. My mandate from the Shul Board is to discuss with the community the halakhic parameters of this decision. In doing so, I will present a spectrum of opinions, including those of *poskim* with whom I have consulted first-hand – namely, Rav Aharon Lichtenstein and Rav Nahum Rabinovitch Shlit”a. I was not authorized to ask them to offer a *pesak*. Rather, these are *gedolim* whose opinions I greatly value, and who understand and appreciate modernity. I asked them for their suggestion of how we should proceed on this contentious issue – and I shall report in course on their insights.

The more general issue of women’s involvement in communal leadership happens to be absolutely fascinating from both a halakhic and historical perspective. It has risen up in fury several times in the Halakhic literature of the modern period, but, as we shall see, has not been firmly resolved.

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: "Deborah was a prophetess, the wife of Lapidot; she judged (*shofetet*) Israel at that time" (Judges 4:4). 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, "*Hevra veDat*," written by Prof. Menachem Friedman (Yad Ben-Tzvi Publications, Jerusalem, 5748) 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 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 of women in leadership roles heated up again in the early 1970's when women's lib began to have an impact on the Modern Orthodox Jewess in America and the question of women sitting on synagogue boards became a hot issue. More recently in 1986 the question rose again with Leah Shakdiel's bid to sit on the religious administrative Jewish council - the *mo'etza datit* - in Yeruham.

I've distributed a source page to everyone ([http://bermanshul.org/frimer/Women\\_in\\_Leadership\\_Source\\_Sheet.pdf](http://bermanshul.org/frimer/Women_in_Leadership_Source_Sheet.pdf)) which we will be referring to throughout this lecture. I'd just like to point out that if anyone is interested in further discussion and references, I've actually written an article in Hebrew on the subject which is available online ["*Nashim beTafkidim Tsiburiyyim beIdan 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>.]

## **Basic Sources**

Let us begin our discussion this evening with the relevant *pesukim* in the Torah. Look at the source number 1 (Deut. 17:14-20) 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.

Hazal's forté 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 counted [what Prof. Yaakov Kugel-Kadduri called "omnisignificance"]. 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 Hazal these were clues that there are extra *halakhot* to be derived.

Now, *Halakha* 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 *Humash*. This is called the *Midrash Halakha*, the *Mekhilta*, the *Safra*, the *Sifrei*. Again Tanaitic literature, but the book that they were beginning from, the jumping board they were using, was the *Humash*. We have here a collection from the *Sifrei* on Devarim. Let's see what the *Sifrei* says.

First it says 'שום תשים'. The *Sifrei* (*ad loc.*) in the very top in source 2 notes the redundancy of that formulation, that it says 'אשימה', 'שום תשים' many 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 repeatedly in the text totally unnecessarily, that: "מלך, ולא מלכה" **Here is the crux of the issue.** "מלך ולא מלכה". You shall 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 נוכרי אשר לא אחיך הוא" - again, a redundancy. He's must be from amongst your brethren, which means he has to be Jewish; you can't appoint a non-Jew. All this repetition for a halakhist 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 that 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 indeed 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 cannot. You can have as many horses or vehicles as you want to. A king cannot; he's limited. Furthermore a king has to be accompanied by a *sefer* Torah wherever he goes, 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* around him, I assume a small one, wherever he goes. The Torah goes with him to show what the ultimate authority is - it's not the king, but the Torah.

And finally it says, in *pasuk* 20 – the Torah relates to why he must 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 ושמאל" – so that he shouldn't turn left or right from the Torah. "ולמען יאריך ימים על ממלכתו" – so that he will have his kingdom for a very long time - "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. We note that 'בניו' here means male progeny; if it meant female as well, it would have said 'זרעו'. That's an important *halakhic* distinction. *En passant*, we learn also that kingship is inherited.

Let's turn briefly to source number 2 in the *Sifrei*: "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 not be a convert, but also that his mother not 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 summarize. 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 *meluha* (monarchy) and *serara* (dominion; leadership) 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.)

### View of Maimonides

Let's now read the Rambam in source number 3 (*Hilkhos Melakhim*, Chapter 1). The Rambam in *Halakha Daled* reads as follows: "אין מעמידין מלך מקהל גרים עד שתהיה אמו מישראל" "ולא למלכות בלבד אלא לכל שררות שבישראל. לא שר - skip a little bit - שנאמר לא תוכל לתת עליך איש נכרי" "ולא שר חמישים או שר עשרה. אפילו ממונה על אמת המים שמחלק ממנה - and this is from a Gemara - צבא" "ולא שר צריך לומר דיין או נשיא שלא יהא אלא" "שנאמר מקרב אחיך - Needless to say, that a judge or the prince of Israel must be a Jew - מישראל" "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.

*Halakha hei*: "אין מעמידין אשה 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 *Halakha vav* here which I inadvertently skipped so just listen. It actually appears in the *Hinukh* in source number 4 so let me just read for you what the Rambam says in *Halakha vav* because I'm going to refer to it later. "ואין מעמידין מלך ולא כהן גדול: לא קצב" - One should not appoint for a king or high priest somebody whose profession is a butcher - "ולא ספר" - a barber - "ולא בורסי" - which is a leather worker which is a very smelly job. "לא מפני שהן פסולים" - not because they're inherently *pasul* - "אלא" people will say: "העם מזלזלין בהן לעולם" - since it is considered a low trade - "הואיל ואומנותן נקלה" 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.

*Halakha zayin*: "כשמעמידין מלך, מושחין אותו בשמן המשחה". I'm skipping. "כיוון שנמשח דוד" 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 an ignoble 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 Aptowitz 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 Aptowitz *Pesikta* and The Finkelstein *Sifrei* 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. The well-known 'חרם 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.

### **Trying to Define Serara**

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 a force to contend with. How do we understand what this *serara* is? How do we define it? That it includes kings and *Kohanim Gedolim*, the head of the army –that we all can understand. They had the power 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* (Y.D., II, sec. 44). 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. (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 hold judgment, and hear me to the end, and then you'll begin to see why it seems that *Halakha* nowadays has changed. Just bear with me and you'll understand the *Halakha* from its source.)

Rav Moshe was posed a very interesting question. A particular rabbi made his living from giving *hashgahot*. [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 *hashgahot*.] Unfortunately, he passed away, and his widow wanted to take over the *hashgahot*. Can she be the *mashgiha*? It was a question of *she'at ha-dehak*. The *almana* wasn't a young woman, and for her whole life her husband had supported her. Thus, the *hashgahot* were her livelihood, and, now, she wanted to be the *mashgiha*. She clearly was capable, and knowledgeable enough to do the job. Rav Moshe starts the *teshuva* off by trying to understand the definition of *serara* and the parameters of this prohibited discretionary power, assuming we follow the Rambam's position -?

So in source 7A, Rav Moshe says that it's not clear to him what the source of the Rambam is for forbidding not only a *malka* but also a *parneset*. Rambam may have analogized from a non-Jew to women, but that 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 Reb Moshe defines *serara*. "וראיה לכך מקדושין דף ע"ו שאיתא במערבא אפילו ריש כורי לא מוקמי מינייהו" - being the *mashgiah kashrut*, that is a *minui* - an appointment of *serara*. "ופירוש רש"י: ממונה על - והוא ממש כמו השגחה על הכשרות דמה לנו כשרות - המידות"

. 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" - why is it a problem? – "שהחלוק בין להחשיבו לפועל ובין להחשיבו למונה" – 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 המשכירו, 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 summarize: 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. וכך הוא ממש ממונה להשגיח על הכשרות שמלאכתו הוא לעשות אף נגד רצון בעל הבית 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 *mashgihat 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*. And then he says that *bi-she'at ha-dehak* - 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 *mashgihat kashrut*. In other words, he maintains that the Rambam is a pillar of *Halakha*, and we would generally prefer to be stringent and 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 *mashgihat kashrut*.

But then Rav Moshe suggests what he believes is a better idea. We will ask some Rabbi to be the the *rav ha-makhsir* - that is, the one who will assume the ultimate authority for the *Kashrut* will be a male, while the *almana* will be the *mashgiha* and do the actual supervision work. The *rav ha-makhsir* is the person or the organization who assumes ultimate responsibility for the *hekhsher*, and the *mashgiah* 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 *mashgihim*.) 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-makhshir*, and not for the *ba'al ha-bayit*. [I'll come back to the next *teshuva*, that is סימנים מ"ד and מ"ה 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*, and the head of the Treasury is clearly *serara*. However, 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.

### **Rationale behind Women's Exclusion from Serara**

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; this suggests that the social consensus has changed, and *halakhic* Judaism clearly finds itself on the defensive and needs to explain its position.

(a) The most common reason given, by Dr. Leo Levy, Rav Aaron Soloveitchik, Rav Moshe Meiselman, Rav Bleich among others,<sup>1</sup> 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

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1. See, for example: Leo Levi, *Man Woman – The Torah Perspective*, Jerusalem, 1979, p. 17; R. Ahron Soloveitchik, *Logic of the Heart, Logic of the Mind*, Jerusalem: Genesis Jerusalem Press, 1991, pp. 92-97; R. Ahron Soloveitchik, Major Addresses, Union of Orthodox Jewish Congregations – 1969 Midcontinent Conclave, pp. 21-32; Rabbi Moshe Meiselman, *Jewish Woman in Jewish Law*, New York: Ktav and Yeshiva University, 1978, pp. 14-15 and 140.

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 100-150 years ago. Perhaps by limiting a woman's leadership possibilities, *Halakha* reaffirms where her priorities ought to be: in the home, and not in the public thoroughfare.

(b) 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 R. Yechiel Michel Epstein (*Arukh HaShulhan heAtid, Hilkhhot Melakhim*, 71:9). 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. In 2006, Nancy Pelosi was elected as the Speaker of the House of Representatives, and everyone was talking and writing about it. The fact that there was such a big to-do, suggests that this is not a normative situation. Studies report that voters, both men and women, tend to favor a strong father image than an "Iron-lady". And this came up with Margaret Thatcher, as well, when she was elected Prime Minister. 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.

(c) A radically different approach is that of Rav Chaim David Halevy (*Shu"t Mayyim Hayyim*, 1:70), 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 ha-katuv* – a Heavenly decree. But he doesn't know the rationale. He wants to prove his position, however, from Shlomtzion *Hamalka* and Heleni *Hamalka*, who were queens under the guidance of *Hazal*, and who were repeatedly praised by them as righteous virtuous women. It's clear, he says, that in each case they received the *melukha* through inheritance, either from their father, or their husband. They were in the position, and *Hazal* weren't interested 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* to appointed a queen, but not if it comes to her automatically.

Other *poskim* disagree with him. My Rebbe, Rav Yehuda Gershuni zt"l (*Kol Yehuda*, pp. 495-507) 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 and Heleni so praised by

Hazal? Because *Hazal* knew full well that the person who was supposed to get the position would not be as favorable towards Rabbinic Judaism. Shlomtzion and Heleni were from women, and they supported Torah Judaism. If they were not in those positions, developments would not have been favorable for halakhic Judaism - and that seems to have been a very real consideration.

### **Serara for Women in the Modern Period – Stringent School**

Now I think it's time that we get down to the basic arguments pro and con about women's involvement in the political process. I mentioned to you that much of the literature on the subject was written in the early 1900's, although there's a great deal written since then as well. As I noted in the opening of my talk, if you want to get a wonderful historical summary of this period, it's in "*Hevra veDat*," written by Prof. Menachem Friedman. I'm going to summarize the arguments from the early 1900's, and then we'll move to the recent period. There were essentially three *halakhic* reasons and another three *hashkafic* reasons given for why women should not become involved in the political process. The issue discussed at that time was not only whether a woman could run for office, but whether she could even vote.

The first argument against was based on the aforementioned Rambam. Maimonides clearly rules against allowing women to run for office, based on "מלך ולא מלכה". To his mind, this *derasha* not only excluded woman 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 Hukat 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 – על דרך האסיפה המייסדת שחקקו חוקה - "אפילו אם קיבלו כל הציבור אותה עליהם - על דרך האסיפה המייסדת שחקקו חוקה". ליתן זכות נשים להיבחר. מבואר ברמ"א דטובי 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. If the job is inherently *serara*, according to the Rambam it's *asur*, and that's it.

Secondly, the *Mahzikei Dat*, written by HaRav Ritter of Rotterdam, says that in Jewish communities, for centuries, women weren't in leadership roles. That's the Jewish way or custom of doing things. What right do you have to change the situation?

The third argument was that being involved in politics clearly involves 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 Avraham Yitshak haCohen Kook zt"l. This was a big surprise since Rav Kook, after his lenient ruling on *Shmitta* was viewed as a big liberal. It's very interesting that he doesn't bring *halakhic* 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 Rav Kook's position. 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). (1) 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 will become split; she will no longer be as good a mother as she can be, and this will therefore weaken the fiber of the family. (2) 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 may now be expressing different opinions, and therefore it will lead to a clash in the family. (3) 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 Haredit*, Rav Yechiel Michel 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 Yitshak 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 important happened in the 1920's that changed the course of Jewish history. Most of you know that the *Eidah Haredit* broke off from Orthodox Judaism and started leading its life by itself. When and 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* (the mandatory Israeli government in formation) that women would get to vote. The *Eidah Haredit* said that it wasn't an issue they could ever agree on. The *Eidah Haredit* 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* (go it alone), we're breaking off." And so they did at this point in Jewish history, in the 1920's, over the issue of women's suffrage.

There was another group, led by Rav Tzvi Pesach Frank, who said: "All right, we're not gung-ho about this idea of women voting, but there are *poskim* who would tend to permit it *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 Haredit* did not notify the British they were breaking off, because they didn't want to place the implementation of the Balfour Declaration in jeopardy, so they kept it private. But that is exactly when the *Eidah Haredit* and *Agudas Yisrael* split and became two separate organizations.

### Lenient School

In this dispute in the early 1900's, there was another position, expressed by the *Mizrahi-haPo'el haMizrahi*, 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". Translation: "The Mizrahi, 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, 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." 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. So the Mizrahi 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 former Sephardic Chief Rabbi Ben Tzion Hai Uziel, Rav Ya'akov Levinson, and Rav Chaim Hirshenzohn. In the modern period the lenient school has included former Chief Rabbi Yitshak Isaac Herzog, Rav Tibor Stern, former

Sephardic Chief Rabbi Eliyahu Bakshi Doron, former Chief Rabbi Shlomo Goren, Rav Shaul Yisraeli, Dayan 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 *Halakha* 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 "majority rule," which means that everybody agrees to accept the majority's decision. Even though the minority lost, they agree to accept the majority position or candidate as their own. 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 has agreed that the winner takes it 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 though I lost now, I'll have a chance to win next time around. 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 *halakhic* 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 *melukha*. 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 other *Rishonim* disagreed. Turn to the first page again, source number 5. We're going to read from the Rashba (*Shavu'ot* 30), but as pointed out by Rav Moshe Feinstein (*Resp.*

*Iggerot Moshe, Y.D.*, II, sec. 44).), 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: "ולא לנשים, וואם תאמר הא כתיב והיא שופטת את ישראל." The Mishna says "יש לומר שלא שופטת ממש אלא מנהגת", so how is it that Devora was a judge? (מתנהגת). *Tosafot* says that it's not that she was an actual judge. "שופטת" 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 of course you give it back! 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." 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 Moshe Feinstein, Rav Shakh or 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 *Halakha* 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 עליהו". *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 your candidate 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 "אבל בשאלתנו, אין כאן מינוי אלא קבלה, שעל ידי בחירות מכריע. נאמרה הלכה זו אלא במינוי הנעשה על ידי סנהדרין." The whole issue of *serara* is only when the appointment is made by the Sanhedrin. Rav Uziel says that 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! How one receives the *serara* is all the difference in the world. This is 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 *shaliah*. 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 (source 12) says that, Rav Shaul Yisraeli (source 13) says it. He says a few other things as well, but, let's 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 *shekhina*. "ובשינוי לשון קצת בתוספות הרא"ש שבנדה: מחמת נביאותה קבלוה עליהם. ויש "הרי רשאים לקבל על עצמם גם Why does it say that they accepted it because she was a prophetess? What does that mean? "הרי רשאים לקבל על עצמם גם "פסולים לעדות. 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 נביאותה 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, "דבשלמא יחידים או ציבור מוגדר ומצומצם יכולים לקבל 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 *Tehumin*, 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 (source 13) disagrees, however, arguing that a country is set up with certain agreements. Everybody who's born into the country or joins the country, joins under 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 trivial 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) Firstly, 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, as we saw from the Rambam, *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 Kapah in source number 14, when asked about a woman being a *Haverat 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 *halakhic* problem, because that's not *serara*. He goes on at great length, and suggests that in elections we are appointing a *shaliah* (messenger). The power comes from below; they are our *shaliah*; 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, converts for whom *serara* is also problematic, who were appointed as heads of *Sanhedrin* 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 *yihus* 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 dissension in a family. 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 ha-shalom*, 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 very real, and we shouldn't forget that that these issues exists.

### **Application of Principles; Women as Shul Presidents**

Let me now move to several applications of the principles we have seen above, and then on 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* in being a school principal, even though he hires and fires, because decisions are always made with an educational committee, and therefore there's no *serara*. It's true that he initiates the actions by bringing it to the committee, 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 city council, and he said that there was no problem. Rav Kapah (source 14) was asked about being a member of Knesset, and he also said their decisions were made as a group.

I'd like to focus now on responsa regarding women being presidents of shuls. Let's look at Rav Moshe Feinstein's discussion in source 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. This cadre of *rishonim* 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 above of the *almana* who wanted to be a *mashgihat kashrut* - was willing to rely on these other *Rishonim bishat hadehak*, 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 appointing 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 (source 7, סימן מ"ה, page ס"א on the left side of the page, at the very beginning): "הנה מה שכתב כבוד תורתו הרב, שמצד תשובתי בזה שהקשיתי 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." 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 Rav Moshe was fully 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" ... [And if you think this is strange, this is because you weren't in America the 1950s. These are real life scenarios that have come up repeatedly, even through the 1990's – as you will hear shortly] "ואי אפשר לפעול שלא ימנו שום אחד מהן אלא איש כשר, שודאי צריך לסייע שימנו את האשה הכשרה" He says that that's a situation which is a *she'at ha-dehak*, 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 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 Rabbi Walfish shared with my brother Rabbi Dov Frimer the answers that Rav Soloveitchik gave him. One of the issues discussed was women as shul presidents to which the Rav was clearly opposed. [The following summary was approved by Rabbi Walfish as being exact.]

During his conversation with R. Soloveitchik Rabbi Walfish 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 suggested that women serve as *mashgihei 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.

Summarizing thus far, 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 Haredit*. On the other hand, amongst those who are lenient on this issue were Rav Shmuel Turk, Rav 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.

In response to numerous inquiries, I write to clarify my *halakhic* 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...

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 *halakhic* 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. 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 *halakhic* matters. The first of these authorities, HaRav Aharon Lichtenstein, *Rosh Yeshiva* of Yeshivat Har Etzion in Israel was uncomfortable issuing a *halakhic* 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.

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 *halakhic* prohibition. Rav Schwartz further indicated to me that a number of years ago The *Va'ad Halakha* of the Rabbinical Council of America met on the matter and did not issue a prohibitive ruling. [AAF: In actuality, 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.

Rabbi Shmuel Goldin concludes his letter by indicating that he is not taking sides, and one can vote for whomever they want.

### **Recent Conversations with Rav Aharon Lichtenstein and Rav Nahum Rabinovitch Shlit" a**

Let me tell you now about my conversation with Rav Aharon Lichtenstein Shlit" a (December 31, 2006; Eve of 11 *Tevet* 5767). What follows is my unauthorized summary of that

discussion. I began by describing to him the high level of our community, religiously, intellectually and academically. The membership is generally made up of idealistic, highly educated - both secularly and religiously - 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. I told him that I was authorized to ask for a *psak*, but wanted his insights, suggestions and wise counsel of how to practically handle this complicated *sugya*.

R. Aharon indicated that the “Rav” (R. Joseph B. Soloveitchik zt”l) was not keen on this but did not believe one should “storm the barricades” for this (“לא עולים בברי קדוות”). 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* (great scholars on both sides of the issue). We are not a Haredi community and our members would not hesitate to vote for a woman as *Rosh Memshala* (Head of State) 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, like making announcements during davening, which need to be worked out; perhaps a person other than the President should be appointed to give official announcements. But running the Shul organization itself does not seem substantially different from other venues.

The President of the Yeshivat Har Etsion Alumni Association in *Hul* is a woman who also speaks at dinners, and nobody at Har Etsion has a really strong objection. However, an alumni organization is not a shul organization. There are a lot of sensitivities: what the shul membership views of itself, how it's going to affect the shul membership. Fundamentally, it 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. The cohesiveness of the community should be a major consideration in how to rule in practice.

I said, “Rebbi, you haven't given me any clear guidance.” He responded: “No, but I'm trying to give you a direction.”

So I said: “Let me try to summarize your view. If you were to walk into a shul, and discover that a woman was the president of the shul, you wouldn't walk out; nor would you 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.”

Rav Aharon believes that the *Halakha* on this issue is not clear cut; there is no clear *hakhra'a*. However, he does strongly believe that whatever decision the community makes

should be a broad consensual one. Both positions pro and con are firmly based. Great *poskim* like Rav Moshe Feinstein and Rav Soloveitchik were strongly against it, while others like Rav Gedaliah Schwartz, and Rav Turk 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? When Rav Lichtenstein spoke to me about “not storming the barricades” 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. These are public policy decisions that have to be made wisely. The importance of holding a community together cuts both ways – whether you decide pro or con - and that's the central issue that we have to deal with.

Three weeks later, I spoke with Rav Nahum Rabinovitch Shlit”a (January 24, 2007, 6 Shevat 5767). Again, what follows is my unauthorized summary of that discussion.

Rav Nahum felt that there was good reason to allow a woman to serve as a Shul President, since to his mind *serara* is the right to exercise discretionary 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 necessarily Judge. R. Avraham brings proof 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.

Rav Nahum was, however, 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 and concerns of those who want to be stringent. But these fears and concerns may well dissipate in 10 years from now.

It's time to close this lecture. The mandate I was given by the board was not to resolve this issue, and I think I've confused you enough. My mandate from the board was to make you aware of the *halakhic* parameters, so that you know that this issue has a wealth of *halakhic* 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.

## Questions and Answers

[Question from audience regarding the rationale of 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 Aptowitz 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 that it does not contradict the *Sifrei* or disagree with the Rambam. It maintains that the position of *Sifrei* and Maimonides does not apply to the modern democratic situation. The strict school says *serara* is *serara* is *serara*. It's what we scientists call a "state function", a property of the position you are in - and it's irrelevant how you got there.

[Follow up question about the definition of a community?] From the *halakhic* 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 BaHalakha* about a kibbutz. Any large group is considered *serara*. How you define that large group, I don't really know. But I guess you know it, when you see it.

[Comment: 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.] That could be, but I think that now we're moving away from *Halakha* and moving more into the public policy situation.

[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. As I said above, The importance of holding a community together cuts both ways. For Rav Aharon, 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 we 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.] Presumably this is what he expressed to Rav Maimon. Rav Kook zt"l 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 *halakhic* 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 controversy.

**Historical Note:**

At the subsequent annual shul meeting of the *Tiferet Moshe Synagogue – Rabbi Jacob Berman Community Center*, the question rose regarding a revision in the organization's bylaws to allow women to run for the office of shul president. The membership overwhelmingly decided to table the question for the time being, and maintain the status quo, so as to limit communal dissension.