

From the Perspective of Halakhah, may a woman be nominated/elected as President of Keshet Israel congregation?

As part of the process of revising the synagogue's by-laws, the board of Keshet Israel Congregation approached me with the question of whether or not a woman could serve as President of the synagogue. Recognizing that this is and should be a halakhic and therefore rabbinic decision but also wishing to memorialize that decision in the by-laws as a reflection of the congregation's sense of itself, it was agreed that this psak in the form of a responsum would stand as an appendix to the by-laws that would be referenced in the by-laws themselves.

I applaud this procedure as a proper and fully appropriate partnership between rabbinic leadership and lay governance for an Orthodox synagogue and am proud and honored to provide this statement of the halakha as God has granted me to understand it.

Methodologically we will proceed chronologically from Bible to Rabbinic literature to later authorities as I trace the law and its rationale as I believe it applies to this very important issue.

The Bible

The *locus classicus* for our discussion are these two verses:

Deuteronomy 17:15, 20

שׁוֹם תְּשִׂים עָלֶיךָ מֶלֶךְ אֲשֶׁר יִבְחַר יְקֹנֵךְ אֱלֹהֶיךָ בּוֹ מִקְרֵב אֶחָיֶךָ תְּשִׂים עָלֶיךָ מֶלֶךְ לֹא תוּכַל לֵתֵת עָלֶיךָ אִישׁ נָכְרִי אֲשֶׁר לֹא אֶחָיֶךָ הוּא:
לְבַלְתִּי רוּם לְבָבוֹ מֵאֶחָיו וּלְבַלְתִּי סוּר מִן הַמִּצְוָה יְמִין וּשְׂמֹאל לְמַעַן יֵאָרִיךָ יָמִים עַל מַמְלַכְתּוֹ הוּא וּבָנָיו בְּקִרְבֵי יִשְׂרָאֵל:

You shall set him king over you, whom the Lord your God shall choose; one from among your brothers shall you set king over you; you may not set a stranger over you, who is not your brother...

That his heart be not lifted up above his brothers, and that he turn not aside from the commandment, to the right hand, or to the left; to the end that he may prolong his days in his kingdom, he, and his children, in the midst of Israel.

(The underlined words are particularly important to our discussion here and throughout)

These verses speak to the appointment of a king but many see the rules that pertain to the king as binding for the appointment of at least some communal officials.

One of our earliest Rabbinic texts, the Sifrei, explains that the word “king” in Deut. 17:15 is to be understood as “king but not queen,” thereby excluding women from positions of authority that follow the rules of the investiture of a king.¹ It is here that those who prohibit women from serving as synagogue presidents and even on synagogue boards find their authority. One obvious question that we will explore is whether a synagogue president falls into the category of being a “king.”

Interestingly, even when it comes to the monarchy itself there is one reading of the Sifrei that would allow for a queen to rule.

R. Chaim Hershensohn (1857-1935) looks at the Sifrei in context.² It reads:

מת! מנה אחר תחתינו. מלך, ולא מלכה.

Should he die! Appoint another in his stead. A king but not a queen.

He suggests that this source does not prohibit a woman from serving as monarch. It only tells us that should the king die there is a requirement for immediate replacement; whereas if the queen dies, there is no such requirement. Read this way, not only does this source not preclude women from serving as regent – it endorses the idea.

Nonetheless most do not read the text as R. Hershensohn does but rather as precluding a woman from the role of monarch and perhaps from other roles as well. This is particularly true because some Sifrei texts end this very same section with the words:

האיש ממנים פרנס על הציבור ואין ממנים האשה פרנסת על הציבור

A man may be appointed leader over the community but a woman may not be appointed leader over the community.

¹ Sifrei Deuteronomy, Parshat Shofetim, par. 156

² Malki ba-Kodesh II:4

On the other hand R. Hershenson is helped by two Biblical characters and by three Biblical sources. In 2 Kings 11:3 and 2 Chronicles 22:12 we are told about Athalia's, (a woman's) reign.

וַעֲתִלְיָה מְלָכֶת עַל הָאָרֶץ

But Athalia rules over the land

And more famously in Judges 4:4 we meet:

וַדְּבֹרָה אִשָּׁה נְבִיאָה אִשְׁתּוֹ לַפִּיָּדוֹת הָיָא שֹׁפֵטָה אֶת יִשְׂרָאֵל בְּעֵת הַהִיא

And Deborah a female Prophet, the wife of Lapidus, she judged Israel at that time

We will return to Deborah when we discuss the opinion of early medieval sages but at this point even if a woman can't be a king she certainly seems historically to have been able to serve as a judge even as some of our sources tell us she cannot fill the role of "leader."

The Talmud

The Babylonian Talmud mentions this issue very rarely, but where it does, it does not provide us with complete clarity.

The verse in Deuteronomy that [in the eyes of some Rabbis] teaches that women may not hold some important communal offices also precludes converts from serving as king and in these same communal positions as well. As a result, any restriction preventing a convert from serving also prevents a woman from being involved.

The Babylonian Talmud in two locations Yebamot 45b And Kiddushin 76b precludes converts from holding positions such as inspectors of weights and measures, supervisors of irrigation and tax collectors in a Jewish state. But these positions are extensions of the power of the government (the king), and not communal leaders such as synagogue board presidents.

On the other hand rabbinic literature tells us about and seems to have no problem with Hilni the Queen,³ Barzila the Queen,⁴ Shlomzion the Queen⁵ - all mentioned in our sources.

Much as in the Biblical period, the superficial reading of the more legalistic sources does not seem to match with the history that those same texts tell.

The Medieval Period

Our issue begins to come to a resolution in the 12th-14th centuries as Mamonides (1138-1204) codifies the law and others work to reconcile that codification with the reign of Deborah as Judge.

Rambam (Laws of Kings: 1:4-5) says:

אין מעמידין מלך מקהל גרים ... עד שתהיה אמו מישראל, שנאמר לא תוכל לתת עליך איש נכרי אשר לא אחיך הוא, ולא למלכות בלבד אלא לכל שררות שבישראל, ... ואין צריך לומר דיין או נשיא שלא יהא אלא מישראל, שנאמר מקרב אחיך תשים עליך מלך כל משימות שאתה משים לא יהא אלא מקרב אחיך.
אין מעמידין אשה במלכות שנאמר עליך מלך ולא מלכה, וכן כל משימות שבישראל אין ממנים בהם אלא איש.

We do not appoint a king from a community of converts... until his mother is a Jewess, as it says: You may not place a foreigner who is not from your brethren over you. And not just kingship alone, but also any authority position in Israel ... certainly a judge or a patriarch must come only from Israel as it says from among your brethren place a king upon you. All “placings” that “you place” shall not be except from among your brethren.

We do not establish a woman in the position of ruler as it says, a “king and not a queen,” and so too any “placings” in Israel, we only appoint a man.

Nachmanides (1194-1270) then comments on the historical reality of Deborah as judge against this statement of Mamonides.⁶ He says two similar things.

First, it was not that she was actually the queen, but that people treated her with the customs of a queen. This would mean that even if halakha somehow precluded a

³ Cf. M. Nazir 3:6

⁴ Cf. Geirim 2:3

⁵ Cf. B. Shabbat 16b, her name appears with several variant spellings in different sources.

⁶ Hidushei ha-Ramban, Shavuot 30a

woman from being a queen (or a synagogue president), the people can still agree to treat a woman as a queen (or a synagogue president). As such the queen can rule, sit on the throne, command loyalty and obeisance because people have accepted those customs in their relationship with her. So too, a female synagogue president can be the chief lay-officer, can preside at meetings, etc., if the community has accepted the idea that they will treat her as is customary for that position. In that regard if the synagogue by-laws allow for a woman to serve as president by the process described above, the vote to accept those by-laws establishes this treatment of a woman synagogue President as the custom of the community.

Ramban's second answer is even stronger. The verse precludes appointing a woman as queen. It does not preclude the people accepting her in that role. The problem is not her serving in that role—it is that she can't be imposed on the people. But, a president is not imposed. She or he is elected and that election constitutes willful acceptance and not imposition. As such, an elected queen (if such a thing exists), or an elected synagogue president, presents no problem for halakha.

Rashba (Rabbi Shlomo b. Aderet 1235-1310) adds further support:⁷ Normally, a relative of one of the litigants may not serve as a judge in a court case. But, if both litigants accept that relative as judge the case can go forward.⁸ So too argues Rashba, the acceptance by the Jews, of a woman as judge (i.e. Deborah), is completely in keeping with Jewish law, and logically, the acceptance, by election, of a woman as synagogue President is halakhically acceptable as well.

Ritvah (R. Yom Tov b. Abraham Ishbili, 1250-1330) adds yet another supportive comment to this position.⁹ The Bible, in speaking of Deborah, says:

וַיַּעֲלוּ אֵלֶיהָ בְּנֵי יִשְׂרָאֵל לְמִשְׁפֹּט

“and the Jews went up to her for judgment.”

This suggests that since the Jews went to her they accepted her rule.

⁷ Hidushei ha-Rashba ad. loc.

⁸ Cf. M. Sanhedrin 3:2

⁹ Hidushei ha-Ritvah, Shavuot 30a.

All of this adds an additional element. Kings have coercive power as reflected by the words.

שׁוֹם תְּשִׁים עָלֶיךָ מֶלֶךְ

You shall place upon you a king.

This coercive role may be precluded by halakha from being granted to a woman but synagogue presidents do not have coercive powers. Again, this would mean that no halakhahic problem exists in allowing a woman to be synagogue president.

Tosefot (12th-14th centuries) would seem to have the most restrictive opinion about Deborah among medieval scholars.¹⁰ In four places they describe her role as teaching the law and not actually adjudicating it.¹¹ Tosefot, in this opinion, does not allow a woman to be a judge under any circumstances.

However, the very restrictiveness of the opinion creates its own leniency. Tosefot is very specifically dealing with a woman serving as a judge, which he finds unacceptable; but, “judging” is not the role of a synagogue president. Therefore, this opinion would appear to be irrelevant to the discussion.

In addition, Tosefot, in yet another discussion, also mentions the idea that Israel accepted Deborah’s power of adjudication, which opens the door to the more permissive opinion discussed above.¹²

Another aspect of the persona of a king also differentiates him from the role of president. Sefer Hahinukh (13th century) points out that essential to the institution of royalty, was its dynastic, hereditary transfer of power.¹³

Beginning with the verse cited at the beginning of our discussion that reads:

לְמַעַן יִאָּרְיֶךָ יָמִים עַל מַמְלַכְתּוֹ הוּא וּבָנָיו בְּקִרְבֵּי יִשְׂרָאֵל

In order that he lengthen his days in his rule he and his sons in the midst of Israel

¹⁰ Radbaz (R. David ben Solomon ibn Avi Zimra, 1479-1573), Hilkhoh Melahim 1:5 takes a similar position.

¹¹ Yevamot 45b, sv. Mi lo Tavla le-Niddata, Nidah 50a sv. Kol Hakasher Ladun, Shavuot 29b sv Shevuat Haedut, Gittin 88b sv Lo Lifnei Hetyotot

¹² Baba Kama 15a sv. Asher Tasim.

¹³ Mitzvah 497. The authorship is debated. Suggestions include R. Aharon Halevi and Rabbi Pinhas Halevi.

To the eternal Davidic dynasty, royal authority passes from generation to generation.¹⁴

Sefer Hahinukh adds that this is true for all appointments in Israel and at one time- and perhaps today for some positions- that remains the case. Since synagogue presidencies do not pass to the next generation through inheritance, it is again clear that they are not covered by the verse that requires appointment of a man and not a woman, since it is that same text that sees the appointment as hereditary.

Contemporary Authorities

Finally, in contemporary times Rav Ben Zion Meir Hai Uziel, Sephardic Chief Rabbi of Israel from 1939-1954, discusses the question of women holding office in the state of Israel that was born during his tenure.¹⁵

He takes the position discussed above that an election- meaning the choice and acceptance of the people- mitigates any halakhic concerns. Further, he says that women are only precluded from appointed positions, meaning positions appointed by the Sanhedrin; but elected positions simply do not raise any concern.

Rav Uziel also discusses the question of whether a woman in a leadership position violates proper modesty. He rejects that idea completely and points out that women and men gather for discussions of serious matters every day all over the world and modesty standards are appropriately maintained.

R. Moses Feinstein takes up the question of a woman serving as a maschgiha supervising kashrut.¹⁶ Since that is a position of authority doesn't it fall afoul of the prohibition of appointing a woman in that role?

R. Feinstein has two answers that are both helpful to us here. The first is simply that the prohibition we are discussing is limited only to a king and does not apply to a kashrus supervisor, which certainly allows for a woman to serve as a synagogue president.

¹⁴ R. Ya'akov Levinson, *Shivayon ha-Nashim mi.Nekudat ha-Halakhah*, New York, 1920, points to this verse as indicating that the king is given a lifetime appointment, again that distinguishes the position of a king from that of a synagogue president.

¹⁵ Responsa Mishpatei Uziel, *Hoshen Mishpat* 4:6

¹⁶ Responsa Igrot, *Moshe Yoreh Deah*, 2:42.

Second, he says that the prohibition applies only when the woman, by her own volition, may act coercively in relating to those she serves. While a *maschgiah*(ha) has coercive power in that he or she can compel the owner of a food establishment not to sell a particular product, that power does not derive from her but from the rabbi or the supervisory agency who she represents. It is those entities that have the coercive power and not the *maschgiah*(ha). This, I would add is different than the tax collector or irrigation inspector mentioned above who would have some measure of individual discretion that no *mashgiah*(ha) is ever given. As a result, a woman can serve as a *kashrut* supervisor. Once again, since a synagogue president has no independent coercive power a woman can serve in that position.

Conclusion

In conclusion, while some in halakhic history think that a woman cannot serve as a synagogue president, it is clear that the significant majority of our sources support the position that there is no halakhic problem with a woman accepting that role. It is my opinion that it halakhically permissible for the board and membership of Keshet Israel to nominate and elect a woman president whenever their collective wisdom leads them to do so.

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