

A King...and Not a Queen

By Rachel Dulitz

The recent proliferation of educated female Orthodox scholars and professionals has brought the *halakhic* issue of women in leadership positions to the forefront. Women hold high level positions of responsibility in every possible business and profession, are CEOs of their companies, and yet Orthodox Jewish society is slow to accept them as presidents of synagogues. This article examines the biblical and rabbinical sources that underlie this issue as well as several modern day responsa dealing with specific situations of women in leadership.

The biblical source upon which all further discussion is predicated is God's commandment to Moses in Deuteronomy, "Appoint for yourself a king..."¹ The *Sifrei* (*Midrash Halakbah*) comments on this verse, "A king, and not a queen."² The obligation is specifically to appoint a (male) king; a woman may not be appointed to reign over the people. *Rambam* takes this logic one step further and writes, "Do not appoint a woman to reign, since the verse states, 'a king and not a queen.' And so too, all positions in Israel—do not appoint anyone but a man."³ For *Rambam*, the *Sifrei's* injunction is expanded to preclude a woman from any position of leadership.

Several early commentators discuss this issue indirectly while analyzing the case of Devorah the Prophet. They invoke the law that women are not allowed to serve as judges and ponder how it is possible that the *Tanach* records that "Devorah judged Israel in that time?"⁴ The "problem" of Devorah is brought up in several different *Tosafot* throughout the Talmud. In Tractate *Niddah*,⁵ *Tosafot* resolve the problem by maintaining that Devorah did in fact judge, but this case was exceptional, since God had appointed her. Alternatively, it is suggested that she did not judge; she simply taught the Israelites the law. While Devorah's specific role of judging would seem to run counter to the prohibition of women serving as witnesses and therefore judges,⁶ it is clear that Devorah is viewed as a powerful leader. Additionally, it is worth noting that the very defense *Tosafot* give for Devorah is that she was "merely" teaching law to the entire Jewish people.

The *Rosh* in *Shvuot* cites the same explanation for Devorah's judicial role and notes that Devorah was, "teaching the laws of Israel."⁷ The *Ran* on the same passage says even more explicitly, "that which is written about Devo-

rah...is not to say that she judged, but rather that she was a leader. That which the *Sifrei* states, that you should appoint for yourself a king and not a queen is not a problem, because they did not appoint her, they simply behaved according to her word."⁸ Two important points can be observed from the *Ran's* statement. First, he contends that she did serve as a leader of the Jewish people, giving us a clear precedent of female public leadership. Furthermore, the *Ran* introduces a notion that later *halakhic* authorities develop—there is a distinction between appointing a woman and abiding by her word.

This debate in the sources has clear implications for modern-day rabbis who have to deal with many practical questions of women and leadership. Does the injunction against appointing a woman as king extend to other positions of leadership? Is a distinction made between various types of leadership? One interesting case of leadership that we can examine is that of a *mashgiach* (supervisor) who oversees *kashrut* standards. Rav Moshe Feinstein was asked if a woman was *halakhically* permitted to serve in this capacity. The woman in question was more than qualified for the position and had worked in the field with her husband before his death. She was now a widow with several children and no means of supporting them. Rav Feinstein's answer is lengthy and complex, but several points he makes are helpful in defining the parameters of leadership.

First, he states that the only forbidden leadership for a woman, is where she is in a position of *serarah*—ultimate authority. At first glance, he says, the position of *mashgiach* seems to fall under this rubric since the word of the *mashgiach* is final. The employer is unable to disregard his word and if the *mashgiach* declares a food unfit, it may not be eaten. For *Rambam*, who maintains women should not be appointed to any positions of leadership, it appears that a woman cannot be a *mashgicha*. But, upon closer inspection, R. Feinstein explains, it becomes apparent that the position does not really entail absolute leadership. In any *kashrut* organization, the rabbi in charge is the ultimate authority. The various *mashgichim* who go to restaurants and establishments are simply the rabbi's workers. The owner of the restaurant is in essence paying the rabbi for the service of maintaining a kosher establishment. Rav Feinstein asks, "Is it not the case that the responsibility that the owner is relying on is on the *rav*, and she is viewed simply as carrying out the will of the rabbi? She is considered a general worker and he [the *rav*] can choose to employ a woman."⁹ This responsum helps to limit *halakhically* forbidden leadership roles to those that entail ultimate, non-revocable authority.

Another distinction that is made by the *poskim* (religious authorities) revolves around the notion of appointment. In analyzing the sources quoted

...continued on next page

Rebecca Gratz, 1781-1869

Rebecca Gratz was born and spent her life in Philadelphia where she was a philanthropist, communal worker and founder of many institutions, both Jewish and non-Jewish. Within the Jewish community she established the Female Hebrew Benevolent Society, which was the first Jewish charity not attached to a synagogue. She later established the first Hebrew Sunday school in the United States for both girls and boys. She hired only female teachers both to teach and to write curricula, which was unprecedented. This school became a model for many others in different cities. She herself acted as Superintendent of the school for over twenty-five years. She also established a Jewish foster home to help with social issues stemming from the increasing German Jewish immigration. As executive secretary of each, she remained active in the institutions that she founded, maintaining her leadership role by writing the annual reports that were then published, as well as keeping the records. She was painted by many famous artists, and conducted an active correspondence with literary figures in America and England. She was considered to be the model for the character of Rebecca in Sir Walter Scott's *Ivanhoe*.



Rebecca Gratz,
Portrait by
Thomas Sully.
Courtesy of
American Jewish
Archives,
Cincinnati, Ohio
and Jewish
Women's
Archives

...and Not a Queen

...continued from page 7

above that preclude the appointment of a woman to the position of king, some authorities say that it is only forbidden for women to hold positions of leadership which involve an actual appointment. Rav Uziel (the Sephardi Chief Rabbi contemporary with Rav Kook), points this out in his responsum addressing the issue of permitting women to run for government office. He posits, "The law refers only to appointments made by a *Sanhedrin*, but in our case there is no appointment. Rather, it is acceptance—through voting, the majority of the community has chosen this person...and in this case, even *Rambam* would agree that there is nothing at all which is forbidden."¹⁰

Rav Uziel also states that Devorah was certainly allowed to be a judge in the sense of teaching and instructing, and quotes the *Ran's* proviso that Devorah was a leader and not a judge, which is perfectly acceptable. After making many cogent *halakhic* arguments, the last point in this responsa is not a *halakhic* one, yet it reveals an important philosophy behind the author's methodology in deciding legal rulings. He writes, "Perhaps there is still room to say that although from a *halakhic* perspective their accepting her [into office] is all right, from the perspective of *mussar* and modesty there still remains something forbidden."¹¹ He then dismisses this possibility, stating, "*Mussar* and the Torah are one thing, and we can say about this topic that after we learn the Torah does not forbid anything except explicit appointment, we can assume that there is nothing forbidden in terms of *pritzut* (licentiousness)."¹² The message of this statement is quite clear. There is no room to make a new moral code independent of *halakha* even if something feels uncomfortable.

What about the case of a woman serving as president of a synagogue board? In America many congregational rabbis have allowed women to sit on synagogue boards. Numerous Orthodox congregations have women officers: in some congregations all offices are open to women, in others women can hold most offices. A few Orthodox synagogues have had female presidents. It was almost thirty years ago that Rabbi Seymour Turk wrote in *Ha-Darom*¹³ that there is no reason why a woman cannot fulfill the role of synagogue president. He pointed out that even according to *Rambam* the only problem is appointing a woman to a position which involves autonomy and the ability to force others to do her will. Our synagogues today in no way fit this

Hannah Rochel Verbermacher or "Maiden of Ludmir," 1815-1892/5

The story of Hannah Rochel Verbermacher is one of the most extraordinary and controversial in Jewish history. She was a nineteenth century charismatic leader who had her own followers. Though the sources are somewhat unclear, she was born in Ludmir in Russia in 1815, and had an unusually strong Jewish education. After a mystic vision at her mother's grave at an age of 12, and particularly after the death of her father for whom she said *kaddish* when she was 19, she developed a following among Jews in the town and became known as the "Maiden of Ludmir." Using an inheritance from her father, she built her own synagogue or *beit midrash*, ("A Shteibel of One's Own" in Virginia Woolf's terms) where she preached, led prayers and received written requests from her followers. From an early age she wore *tzitzit*, and a *tallit* and donned *tefillin*. On Shabbat she wore a *gartel*. Under pressure from local Rabbis and at the persuasion of an eminent Hasidic *rebbe*, she married, but the marriage apparently did not last. She emigrated to Palestine after the age of 50 and probably re-established herself there as a "holy woman." She died in Palestine, leaving no writings.

description. In fact he wrote, "In our congregations, the president is simply putting into action what the congregation decides. This is not authority, rather it is doing their work [bidding]."¹⁴ Furthermore, Rabbi Turk explained, when the people vote a woman into office they are clearly accepting her, thereby precluding the problem of the *halakhic* definition of appointing a woman. He also added some additional dimensions to the concept of *serarah*. According to Rabbi Turk, "ultimate authority" only applies when leaders can hold on to their positions until the day they die and pass those positions on to their children. This is clearly not applicable to the case of a woman who serves as president of a synagogue.¹⁵

Thus, while a rabbi has to seriously consider the weight of "A king and not a queen" and the extension of its application to different positions of leadership and public office in rabbinic sources, it is clear that few public roles are closed to women today on the basis of *halakha*. Many *poskim* have concluded that if a woman is accepted as leader rather than being appointed, this is not the type of absolute authority that the earlier authorities intended to forbid. They have also maintained that if a woman has to answer to someone else such as a rabbi or fellow congregants, this too is not absolute authority. Thus, the analogy with kingship is not relevant to our modern-day synagogues. One should not use the issue of modesty to extend the *halakhic* limitations on a woman holding public office. Discomfort with change should not prevent women from serving in many of the leadership positions available in religious life today.

Rachel Dulitz has a B.A. in Psychology from the University of Pennsylvania, and is completing the Drisha Scholars Program in New York.

1. Deuteronomy 17:15.
2. *Sifrei Devarim, Piska* 157.
3. *Rambam*, Laws of Kings 1:5.
4. Judges 4:4.
5. *Niddah* 50a, "All those who are fit to judge are also fit to testify."
6. There is a principle that all who are unfit to serve as witnesses, cannot serve as judges. Women cannot serve as witnesses (as stated in *Shavuot* 30a), therefore Devorah's position as a judge is problematic.
7. *Rosh, Shavuot* 4:1.
8. *Ran, Shavuot* 13a.
9. *Iggrot Moshe, Yoreh De'ah* Section 2:44.
10. *Responsa Piskei Uziel siman* 44.
11. *Ibid.*
12. *Ibid.*
13. *Ha-Darom, Nisan* 5735 p.66. This issue is also discussed by Rabbi David Bleich in "Contemporary Halakhic Problems Volume II," Chapter 12, "Women on Synagogue Boards," pp. 254-267 reprinted from *Tradition*.
14. *Ha-Darom*, op.cit.
15. Other rabbis consider that some positions such as president or treasurer—the latter because of the "power" to levy and collect dues—still do involve the notion of *serarah*, and thus exclude these positions while allowing women to fill all others.