

HALACHICALLY SPEAKING

Volume 15 Issue 3



{ TOPIC }

Women and Leadership Roles

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► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, Shlita* on current issues.

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Women and Leadership Roles

It is common among certain kashrus agencies to offer courses to train women as *mashgichos*. They would visit certain plants or maintain the kosher program in a full-time capacity in a restaurant. Many women have senior positions in certain jobs. Is it permitted for women to vote? May Jewish women serve as elected officials? May a woman be on a shul board? All these and other issues will be addressed in this article.

Introduction

The issue of women serving as *mashgichos* needs to be addressed on two fronts. First, may a woman hold a position of authority? Second, can a woman testify about the status of various products? We will begin with the first issue, which has numerous variables.

Source

The Rambam¹ says that we do not appoint a woman as a king, for the Torah says, “Appoint a king,”² but not a queen. In addition a woman may not be appointed to any leadership role among the Jewish people. Other *Rishonim*³ quote the

1 *Hilchos Melachim* 1:5. Refer to *Kesef Mishnah Hilchos Melachim* 1:5 which says the source for this *Rambam* is a *Sifri*.

2 *Devarim* 17:15.

3 *Ritva Maseches Shavuos* 30a, *Ramban Shavuos* 30a.

Rambam's opinion as well. Some opine that this is an *issur d'Rabbanan*, while others maintain this is a *d'Oraisa*.⁴

Reasons

There are a few reasons given why a woman should not have an authoritative position. Some say that it is a lack of *tznius* for women to accept a public role.⁵ (This is not applicable today since women routinely work outside the home.) Others explain that women in general are more compassionate and will not be able to do the job properly.⁶ Others say this halachah is learned out of a *pasuk* (*gezeiras hakasuv*) and does not have a reason for it.⁷

Devorah

The *Rishonim* are bothered with the question of how Devorah was a judge in Klal Yisrael if a woman is not allowed to have a leadership position. The *Shulchan Aruch* says that a woman is not allowed to judge.⁸ Some *Rishonim* hold that Devorah was not actually a queen, but simply acted like a judge. In addition, she was not appointed as judge; rather, the nation accepted her judgment.⁹ Since a Sanhedrin did not appoint her, it is not considered authority.¹⁰ This is considered charismatic leadership. Harav Moshe Feinstein *zt"l*¹¹ says that Devorah was so great that she automatically

4 Refer to *Igros Moshe Y.D.* 2:44-45. Some say this halachah does not apply outside of Eretz Yisrael (opinion of Harav Eliezer Silver *zt"l* quoted in *Afikei Yehuda* pages 345-346).

5 *Afikei Yehuda* page 335.

6 *Afikei Yehuda* page 335.

7 *Mayim Chaim* 1:70.

8 *Shulchan Aruch C.M.* 7:4.

9 *Rashba Maseches Shavuos* 30a, *Ramban Maseches Shavuos* 30a. Refer to *Tosafos Maseches Yevamos* 45b "mi," *Gittin* 88b "v'lo," *Bava Kamma* 15a "osher," *Shavuos* 29b "shavuos." *Niddah* 50a "kol," *Chinuch mitzvah* 77, *Rashba Maseches Bava Kamma* 15a, *Aruch Hashulchan C.M.* 7:4.

10 *Afikei Yehuda* page 342. *Techumin* 7:pages 58-59. Refer to *Urim V'tumim C.M.* 7:1. See *Tosafos Maseches Yevamos* 101b "v'ana," *Shach Y.D.* 269:15.

11 *Igros Moshe Y.D.* 4:26.

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was the judge in Klal Yisrael and there was no need to be appointed.

During the period of the second Beis Hamikdash, Queen Shlomtzion ruled the nation for nine years.¹² However, since she was elected as a queen, the entire issue does not apply.¹³

Authority – *Serara*

As noted, the Rambam rules that a woman may not assume any role of leadership.¹⁴ However, the opinion of many *Rishonim*¹⁵ is that a woman is only restricted from acting as queen, but other leadership positions would be permitted.¹⁶

Nonetheless, Harav Moshe Feinstein *zt”l*¹⁷ maintains that although the Rambam’s view is not accepted by most *Rishonim*, one should follow his opinion. In case of need, however, one could rely on the other *Rishonim*.

Defining Authority

Although we have concluded that it is preferable for women to avoid positions of authority, we must define what exactly is considered a position of authority.

Harav Moshe Feinstein *zt”l*¹⁸ maintains that anyone who has power over his employer is considered to be in a position of authority. This is called “discretionary power,” where the employee can make decisions which are binding on his employer. This is common in kashrus, where a *mashgiach* is hired by the owner, but can issue orders which the owner

12 Refer to *Vayikra Rabbah* 35:10.

13 Refer to *Gray Matter* 1:pages 103-104.

14 This is also the opinion of the Ritva mentioned above.

15 Refer to *Tosafos Maseches Niddah “kol,”* Rashi *Kiddushin* 76b “kol”

16 *Igros Moshe Y.D.* 2:46.

17 *Igros Moshe Y.D.* 2:45-46.

18 *Igros Moshe Y.D.* 4:26.

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must fulfill.¹⁹ This contrasts with a regular worker, who is hired to act according to the will of his employer. Similarly, if the employee had to answer to a higher ranking manager, he is not considered to be in a position of authority.

Some *poskim* are of the opinion that there are no restrictions for a woman to have authority over women. Therefore, women may have authority over women's *tzedakah*, schools, etc.²⁰

Being a *Mashgichah* (Woman *Mashgiach*)

As mentioned above, it has become common for some kashrus agencies to train women to become *mashgichos*.²¹ In practice, some agencies use women as *mashgichos* in food service establishments. A *mashgiach* had a position of authority, although it obviously is not a monarchy. Harav Moshe Feinstein *zt"l*²² said that in a case of need one can rely on those who argue with the Rambam. Others say that Harav Moshe Feinstein's *teshuvah* was written for a specific case and should not be relied upon as a clear *heter* for our issue.²³ Nonetheless, the custom is to be lenient. Harav Moshe Feinstein *zt"l*²⁴ offers a suggestion to permit this practice even according the Rambam: if the *mashgichah* is paid by the kashrus agency and not by the owner, then she does not have any authority.²⁵ This is the opinion of Harav Yisroel Belsky *zt"l* and Harav Herschel Schachter *shlit"a* as well.²⁶

19 This is also expressed in *Igros Moshe C.M.* 1:75. Refer to *Igros Moshe C.M.* 2:19 as well.

20 *Afikei Yehuda* page 346.

21 Refer to www.jta.org, *The Jewish Star* 07-24-09, "This *mashgiach* doesn't wear *tefillin*."

22 *Igros Moshe Y.D.* 2:44. The opinion of Harav Yosef Ber Soloveitchik *zt"l* was to be lenient as well.

23 Refer to *Beis Hillel* 10:page 64.

24 *Igros Moshe Y.D.* 2:44, see *Teshuvos V'hanhagos* 1:426; *Mishneh Halachos* 16:23-24.

25 *Igros Moshe Y.D.* 2:45.

26 As expressed in OU document O-79. This is the opinion of Harav Elyashiv *zt"l* as quoted in *Yisa Yosef Y.D.* 1:4.

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A *mashgichah* should be careful to avoid any issue of *yichud* (see below in the section regarding women testifying).²⁷

Practically speaking, a *mashgichah* in a restaurant who can order workers would be more of an issue than a woman who visits plants to make sure the kosher program is running smoothly.

Voting and Being Elected

One who votes demonstrates that he has a voice in the election of a specific person, because the majority rules. There are many *teshuvos* which discuss whether women should vote and if a woman may serve as an elected official.

Based on the Rambam, some wish to say that a woman should not vote or be elected, because it is giving a woman a job with authority.²⁸ However, we have already learned that in times of need one may rely on those who argue with the Rambam.²⁹ Other reasons are offered to forbid this practice:

First, in earlier years women did not have public roles,³⁰ and women should try to maintain this practice.³¹ Second, involvement in politics demands frequent discussions with men, and this is not fitting for a woman.³² Third, a politician often neglects family roles, and a female politician will jeopardize her family.³³ Finally, it may cause friction in *shalom bayis* since the woman may have different views than

27 *Igros Moshe* Y.D. 2:45.

28 *Afikei Yehuda* page 337.

29 *Igros Moshe* Y.D. 2:44-45.

30 Refer to *Machzikei Hadass* year 2:9. However, refer to *Levush Minhagim* 36 which says today this is different.

31 *Igeres Hareyah* 4:page 50, *Afikei Yehuda* page 338:2.

32 *Afikei Yehuda* *ibid*:3.

33 *Igeres Hareyah* 4:page 50.

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her husband.³⁴ According to the final reason, voting would be permitted if she does not discuss her choice with her husband.

Many *poskim* both in Eretz Yisrael and in America did not allow women to vote or to be elected officials holding a public position in the government. Such *rabbanim* included Harav Yehoshua Leib Diskin *zt"l*, Harav Yosef Chaim Sonnenfeld *zt"l*, Harav Yechiel Michel Tukishinsky *zt"l*, Harav Yitzchok Hakohen Kook *zt"l* and others.³⁵

Those Who Permitted Voting and Being Elected

There were *rabbanim* who permitted women to vote and to serve as elected officials. Some of them are Harav Tzvi Pesach Frank *zt"l*,³⁶ and Harav Bakshi Doron *shlit"a*.³⁷

Reasons to Permit

One of the reasons to permit women to vote is that if they would not vote then the *frum* Jews would not have a say in Eretz Yisrael.³⁸

There are a number of arguments as to why an elected official is not considered to be a position of authority. First, as we have mentioned, many *poskim* disagree with the Rambam and hold that women are only restricted to a position of a queen.³⁹ In addition, an elected official is chosen willingly by the people and is not considered a position of authority.⁴⁰ Rather, the politician is considered

³⁴ *Igeres Hareyah* 4:page 51, *Afikei Yehuda* ibid:5.

³⁵ Ibid:pages 338-339. Refer to *Beis Hillel* (Journal) 10.

³⁶ Ibid:page 339.

³⁷ Ibid:page 340. Refer to ibid:pages 351-352.

³⁸ Ibid:page 339.

³⁹ *Binyan Av* 1:65. *Igros Moshe* Y.D. 2:44-45.

⁴⁰ *Mishpatei Uziel* C.M. 5-6:2, *Binyan Av* 1:65, *Sefer Amud Hayemini* 12:8, *Afikei Yehuda* pages 343-345. Refer to *Mishpatei Uziel* C.M. 6.

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a messenger of the people.⁴¹ Furthermore, members of the Knesset are subservient to senior ministers.⁴² In addition, Harav Moshe Feinstein *zt"l*⁴³ says that we do not have to involve ourselves with the Israeli Government if they wish to elect a woman for the Prime Minister.

Regarding the argument of a lack of modesty, the privacy of the voting booth serves to preserve a woman's modesty when she votes.⁴⁴

The claim that voting causes a lack of *shalom bayis* can be refuted by the simple response that the husband and wife can avoid political discussions.⁴⁵

Women as a Shul President – Shul Board

Based on the Rambam, one may argue that a woman should not serve as a shul president or serve on the shul board because it is a position of authority.⁴⁶ However, some say that these positions are not considered authoritative, since even the president cannot arbitrarily make a decision without consent of the board.⁴⁷ Harav Moshe Feinstein *zt"l*⁴⁸ rules that a shul president is considered a position of authority. If this situation arises, one should consult with his *rav*.⁴⁹

41 *Sefer Amud Hayemini* 12:8.

42 *Afikei Yehuda* page 345. Refer to *Lev Aryeh* 2:21.

43 *Igros Moshe Y.D.* 2:45.

44 *Mishpatei Uziel C.M.* 6. Refer to *Seridei Eish* 1:139.

45 *Afikei Yehuda* pages 347-348.

46 Refer to *Pri Malka* 68-70.

47 Refer to *Pri Malka* 67; *Shemesh U'Magen* 2:60. The opinion of Harav Yosef Ber Soloveitchik *zt"l* was to be lenient with shul membership for women but he advised against women serving as shul presidents (see *Afikei Yehuda* page 332).

48 *Igros Moshe Y.D.* 2:45. Refer to *Igros Moshe O.C.* 3:11. See *Mishneh Halachos* 7:254; *Teshuvos V'hanhagos* 3:454.

49 Refer to *Contemporary Halachic Problems* 2:pages 254-267 in great depth.

איך ללהקט"ה בעולמו אל די אמות של הלהקה בליבד... (ברכות ח)



Women Testifying

The second issue is whether or not a woman can testify about the status of various products. This will be discussed below.

Woman as a Witness

The Gemara⁵⁰ states that a woman cannot be a witness. This is codified in *Shulchan Aruch* as well.⁵¹

Women and *Issurim*

A woman is believed when it comes to *issurim*. This is learned from the fact that a woman can count the days of purity.⁵²

*Tosafos*⁵³ says that we can rely on the *shechitah* of a woman,⁵⁴ even though women generally don't know the laws of *shechitah*, because this woman could have learned the *halachos* of *shechitah* or hired someone to do the *shechitah*. In other words, as long as it is *b'yadah* (in her control) of a woman to ensure that things are done properly, we can believe her testimony.

Accordingly, as long as it was under her control to make sure the food is kosher, we can rely on her. Even if she didn't actually prepare the food but oversaw its production, and has the final say in whether it can be served, that is also considered *b'yadah*.⁵⁵

In addition, *b'yadah* is only required in a case where we know that an *issur* exists (*ischazek issura*). One example is *shechitah*, where we know that at one point the meat was

50 *Bava Kamma* 88b. Refer to Rashi "pesulah."

51 *C.M.* 35:14. Refer to Rambam *Hilchos Eidos* 9:1.

52 *Maseches Kesubos* 72a, *Tosafos Maseches Gittin* 2b "eid," Rama *Y.D.* 127:3.

53 *Gittin* 2b, "eid." Refer to Rambam *Maseches Gittin* 2b "eid."

54 *Shulchan Aruch* and Rama *Y.D.* 1:1.

55 *Igros Moshe Y.D.* 2:44.

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assur – i.e. when the animal was alive. If it is not *ischazek issura* then she is believed even if it is not *b'yadah*.⁵⁶ An example of this is to testify whether a fish is kosher or non-kosher.⁵⁷

Harav Moshe Feinstein *zt"l*⁵⁸ says that a properly trained woman can be a *mashgichah* even if she has no control in the facility even if the owner of the restaurant is not religious.

It would seem that there is no problem in having a female *mashgichah*. However, there may a potential problem as noted below.

The Gemara⁵⁹ says that women are believed when they say that they did *bedikas chametz* because *bedikas chametz* is only a Rabbinic statute.⁶⁰ This would imply that their testimony is not believed when the issue is a Torah statute. This would then contradict the *Tosafos* (cited above) regarding *shechitah*. *Tosafos*⁶¹ answers that when there is a lot of effort involved in ensuring the kashrus of something, then women are only believed if the issue is Rabbinic.⁶² There are *poskim* who say that the custom is to be lenient even if it is something which requires extra work.⁶³ The *Aruch Hashulchan*⁶⁴ says, “Women are not lenient with *issurim* that involve effort; we see that they are very busy with any *issur*. Items which are known to be *assur*, even if it is a lot of work, they will check to make sure the *issur* is clean (i.e., checking vegetables for insects). In our days we never heard even

56 *Tosafos Maseches Gittin* ibid.

57 Rama *Y.D.* 127:3, 29.

58 *Y.D.* 2:44.

59 *Pesachim* 4b.

60 *Shulchan Aruch* 127:3.

61 *Pesachim* 4b “*himnuhu*.”

62 Refer to *Shach Y.D.* 127:30.

63 *Shach Y.D.* 84:35.

64 *Y.D.* 84:82, *Aruch Hashulchan Y.D.* 84:81.

איך על להקציף הבעולמו אלאי יאמות של הלכה בלבי... (ברכות ח)



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about the most righteous *tzaddikim* that they did not rely on their wives for the *kashrus* of insects (etc.).”

Based on the above, there would be no issue with a woman being a *mashgichah* even if there is a lot of work involved. Some *poskim* maintain⁶⁵ that if the restaurant is run by someone who is not religious and is known to be very lax with *kashrus* standards, then it is not recommended to have a female *mashgichah* because it takes great effort to make sure that everything is running properly. In addition, some say that it is not a practical idea to have a *mashgichah*, since she has to go to places in a facility where there may be an issue of *yichud*.⁶⁶ Furthermore, women never served as *mashgichos* so we should not start a new “custom.”⁶⁷ However, as mentioned above, this is not the overwhelming custom in many places.

65 *Teshuvos V'hanhagos* 1:426.

66 *Levushei Mordechai* Y.D. 1:77.

67 *Mishneh Halachos* 16:24; *Beis Hillel* (Journal) 10:pages 59-64.

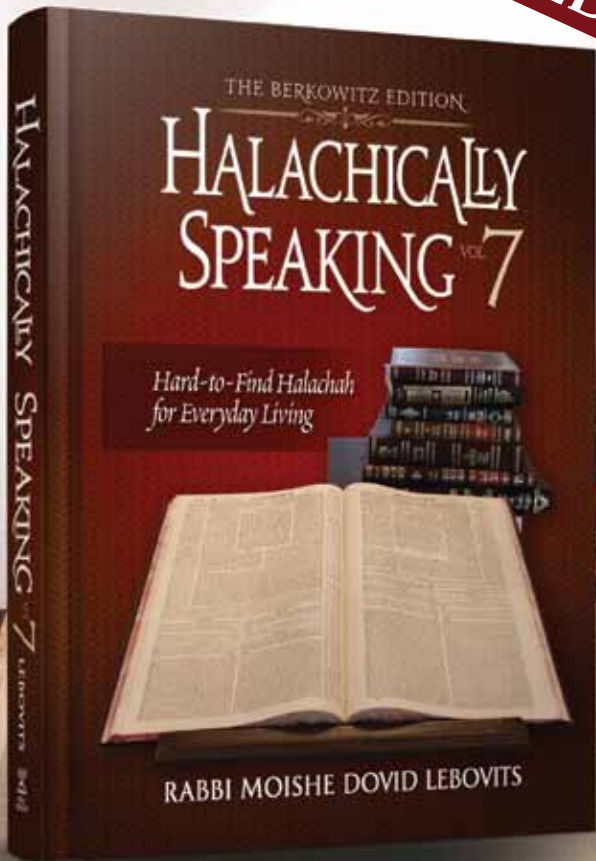
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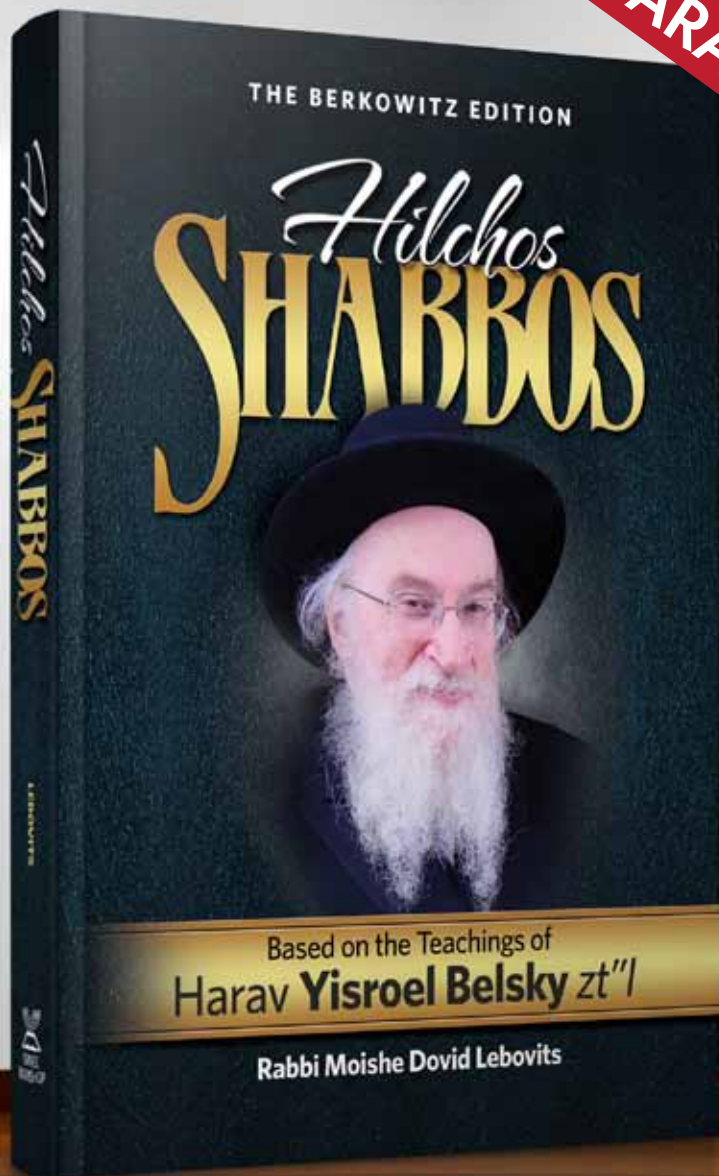


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