

Women Rabbis?

By: HERSHEL SCHACHTER

I

In the printed notes of Rav Soloveitchik's *shiurim* on *Shulchan Aruch, Yoreh De'ah*,¹ prepared for publication by Rabbi Eliyakim Koenigsberg, in the very first essay, the Rav is quoted as having said that a woman may not serve as a rabbi. The Tanna'im understood the *pasuk* in Chumash as implying that women may not be appointed to the position of King.² The Talmud points out³ that the repetition of the verb in the *pasuk* "som tasim alecha melech"⁴ implies that this principle applies not only to the position of King, but to all positions of *serarah* and authority. Hence it would follow⁵ that a woman may not be appointed president of a synagogue or as rabbi, since these are also positions of *serarah*.⁶ The reason the Rav brought up this topic in the beginning of *Yoreh De'ah* is because the Rama⁷ quotes the practice of not appointing a woman as the town

¹ "שיעורי הרב על עניני שחיטה מליחה בשר וחלב ותערובות" (2005 Mesorah, OU).
² שום תשים עליך מלך – מלך ולא מלכה (ספרי קנז) והשוה גמ' ברכות (מט.) מלכות אינה בנשים. ודין זה הובא ברמב"ם פ"א ה"ה ממלכים.
³ יבמות (מה:).
⁴ דברים יז:טו.
⁵ הרמב"ם פ"א ממלכים ה"ה מצרף ביחד שתי דרשות אלו וכותב להלכה שאין למנות אשה לשום שררה. וכנראה שכן היתה גרסתו בספרו הנ"ל (וכפי המופיע בפ"י המיוחס להראב"ד שמה), האיש ממנים פרנס על הצבור אבל לא האשה. ותגובת רבנו על מינוי גולדה מאיר לראש הממשלה, ע"ס נפש הרב (עמ' צ"א-צ"ב). ובענין שררה לנשים ע"י עוד שרידי אש ח"ג (סי' ק"ה).
⁶ ע"י רמ"א ליו"ד סוף סי' רמ"ה ובהגר"א שמה ס"ק ל"ה שתפסו בפשיטות שרבנות בקהילה גדרה כשררה. וכן תפס בפשיטות בתשו' אבני נזר חיו"ד (סי' שי"ב), ובתשו' שרידי אש ח"ב סי' פ"ט.
⁷ יורה דעה סי' א' ס"א.

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shochet. The Beis Yosef quotes the Kol Bo who seems to say⁸ that although a woman may *shecht* privately, she may not be appointed as the town *shochet*. If indeed this was the intention of the Kol Bo it could be understood that this appointment would constitute a form of *serarah*. Indeed in Europe before the war, the town *shochet* was, in a certain sense, the assistant rabbi. The *shochet* knew sections of *Shulchan Aruch*, *Yoreh De'ah*, and often when the rabbi would be on vacation, the *shochet* would *paskin* the *she'eilos*.

The idea behind this halachah is the principle of *tznius*. People make a mistake in thinking that *tznius* only applies to the proper form of dress for women. That is only one aspect of *tznius*. The basic principle of *tznius* is that Hashem is described by the prophet Isaiah as a *Keil Mistater*, “a G-d who concealed Himself.”⁹ In fact, he does such a good job at hiding, many don't even realize that He is really there. Hashem created all men *B'Tzelem Elokim*, and *Bnai Yisrael* with an even deeper degree of this *Tzelem Elokim*—known as *Banim LaMakom*. In *Parashas Ki Savo*,¹⁰ the Torah commands all Jews *ve'halachta bidrachav*, to imitate Hashem by going in His ways. The idea behind the mitzvah is not to pretend that we are someone that we are not, but rather to preserve the *Tzelem Elokim* that we already possess. The very next *pasuk* in the Torah continues, *ve'ra'u kol amei ha'aretz*, and all the nations of the world will realize that we have succeeded in preserving our *Tzelem Elokim*, then *ve'yar'u mi'meka*, they will learn from us how to act in a fashion of *yir'as Shamayim*.¹¹ They too possess a *Tzelem Elokim*, and they too have the ability to preserve their *Tzelem Elokim*. The Chumash is pointing out here by *ve'ra'u kol amei ha'aretz*, the idea that was spelled out later by the prophet Isaiah, that one of the roles of the Jewish people is to serve as “a light unto the other nations” (or *la'goyim*).¹²

Included in the mitzvah to go in the ways of Hashem and thereby preserve our *Tzelem Elokim* is the concept of a *Keil Mistater*.

⁸ בית יוסף ריש טור יו"ד.

⁹ ישעיה מה:טו.

¹⁰ דברים כח:ט.

¹¹ עיי"ש בס' אדרת אליהו (בשם הגר"א). See my essay in *Rav Chesed: Essays in Honor of Rabbi Dr. Haskel Lookstein* vol. 2 p. 203.

¹² ישעיה מט:ו.

We too must therefore strive to be anonymous and maintain strict privacy. We know that Hashem did reveal Himself on rare occasions. This is known as *Gilui Shechinah*. So on occasion we are all called upon to do things in a demonstrative fashion and in a public forum. We must have a government with a king, a governor and a mayor. We need a *shaliach tzibur* to lead us in *tefillah*; we need a rabbi. But even then we recommend that whenever possible, only the men should compromise on *tznius* and take on these public positions. Women are always encouraged to avoid compromising on their privacy. The Midrash¹³ comments on the fact that the first *luchos*, which were given with great publicity and fanfare, were broken; they suffered from an *ayin bara*. The second *luchos*, which were given in a very quiet and private fashion (*b'tznius*), were not broken. The moral of the story is that it is always best to strive for *tznius*.

We have a very old *minhag* to break a glass under the *chuppah*. According to the Tashbatz (a *talmid* of the Maharam miRottenberg), the *minhagim* of the wedding are based on *Maamad Har Sinai* which was, so to speak, the wedding between Hashem and Klal Yisrael. The Maharshal suggests¹⁴ that the breaking of the glass under the *chuppah* is to commemorate the smashing of the *luchos*. What is the significance of commemorating the breaking of the *luchos* at our weddings? Rav Soloveitchik suggested that perhaps this is to serve as a warning to the young couple that they should be careful to maintain *tznius* in their lives. When *tznius* is lost, sometimes this might lead to utter *churban*.¹⁵

II

From the interpretation of the *pesukim* in *Parashas Mishpatim*,¹⁶ the *Chachamim* of the Talmud¹⁷ have established that at least for a *din Torah* in the area of *gezeilos ve'chavalos*, a Bais Din consisting of three *semuchim* (ordained rabbis) is required. Usually we have a

¹³ תנחומא על הפסוק פסל לך. ועי' מפניני הרב (עמ' שפ"ו – שפ"ז).

¹⁴ ביש"ש פ"א דכתובות סי' י"ז.

¹⁵ השוה ס' דברי הרב (עמ' רכ"ט).

¹⁶ שמות (כב:ז,ח).

¹⁷ סנהדרין (ג:).

rule¹⁸ that one who is disqualified to serve as an *eid* in a *din Torah* is likewise disqualified to serve as a *dayan*. The Mishnah¹⁹ has established that women are disqualified to serve as witnesses in a *din Torah*. The combination of these two principles has led the majority of the Baalei HaTosafos to believe that women are disqualified from serving as *dayanim*. Tosafos²⁰ record a minority position that a woman may serve as a *dayan*.

Biblically, to qualify as a *dayan*, one must have *semichah*. Obviously this minority opinion of Tosafos feels that a woman may have *semichah*. However, this opinion has been outvoted centuries ago, and the accepted view in *Shulchan Aruch (Choshen Mishpat, Chapter 7, no. 4)* is that a woman may not function as a *dayan*.

About fifteen hundred years ago, the Biblical institution of *semichah* was discontinued. *Semichah* can only be conferred in Eretz Yisrael,²¹ and for many years the non-Jewish government in Eretz Yisrael attempted to prevent the rabbis from conferring *semichah*. The Talmud records²² the *mesirus nefesh* of the Tanna, Rabbi Yehuda ben Bava, in publicly conferring *semichah* on several of his students, knowing in advance that he would be put to death for so doing. He obviously felt that this issue belonged in the category of mitzvos where we declare *yehareg v'al ya'avur*;²³ we encourage one to give up his life in order to secure the continuation of the chain of *semichah* from the days of Moshe Rabbeinu. The *Shulchan Aruch* states²⁴ that today's *semichah* is not really the biblical ordination spoken of by the halachah, but merely an "imitation *semichah*" in fulfillment of the rabbinic law instituted by the later rabbis that no one should *paskin* any *halachos* unless authorized to do so by his *rebbe*. It is for this reason that in Europe many referred to today's *semichah* as "*heter hora'ah*" (permission to *paskin*).

Years ago, when the Jewish Theological Seminary was considering ordaining women, Rabbi Shaul Lieberman expressed his ex-

¹⁸ נדה (מט:).

¹⁹ שבועות (ל).

²⁰ תוס' ב"ק (טו.) ד"ה אשר.

²¹ סנהדרין (יד).

²² סנהדרין (יג: - יד.).

²³ עי' כסף משנה ריש פ"ה מהל' יסה"ת.

²⁴ רמ"א ליו"ד סי' רמ"ב סי"ד וש"ך שמה ס"ק כ"ב.

treme disapproval. He quoted *Rishonim* that the modern “imitation *semichah*” is, in a certain sense, a carryover from the *semichah* of old, and since the accepted view is that women may not serve as *dayanim*, and the *semichah* of old was for the purpose of enabling one to function as a *dayan*, it would follow that the real biblical *semichah* was never conferred on women.²⁵ And likewise, the modern imitation *semichah*, being a carryover from the *semichah* of old, cannot be conferred on women.

Based on the interpretation of the *Torah she'Be'al Peh*, the *pesukim* tell us that we may not appoint a *ger* to serve as King or in any capacity of *serarah*, as, for example, to serve as a rabbi of a community, or (as mentioned by the Talmud)²⁶ as president of a labor union. A *ger* may not serve as a *dayan* in a *din Torah* involving a Yisrael, but may serve as a *dayan* in a *din Torah* involving other *geirim*.²⁷ Obviously it is possible to confer *semichah* on a *ger*, otherwise he would not even be able to serve as a *dayan* for a case involving other *geirim*. Although a *ger* may not serve as a rabbi in a *kehillah* of Yisraelim, we still allow *geirim* to join the *semichah* program in the Yeshiva and to receive *semichah* upon successful completion of their studies, because years ago real *semichah* was sometimes conferred on *geirim*. Women, however, never received real *semichah*. Therefore, according to the *Rishonim* quoted by Rabbi Lieberman, today’s “imitation *semichah*,” being a carryover from the biblical *semichah* of old, ought not to be granted to women.²⁸ ❧

See Marc B. Shapiro, *Saul Lieberman and the Orthodox* (University of Scranton Press, 2006) p. 37 in the Hebrew section. ²⁵

קדושין (עו):. ²⁶

יבמות (קב). ²⁷

ולהרחבת הדברים עי' עוד מש"כ במאמרי ב ²⁸

<http://www.torahweb.org/torah/2004/parsha/rsch_dvorim2.html>.