

“*Shoftim*: ‘A King’ – but not a Queen; ‘A man’ – but not a woman”

Rabbi Dr Jeffrey M Cohen

Nestling beneath the surface of our sidrah’s legislation dealing with monarchy, our Talmudic sages found the basis for excluding women from participation in the mitzvah of being called to the reading of the Torah, and the inferential corollary of their exclusion from leading services, and even from active involvement in the running of shuls. These are thorny issues dividing our already polarised Modern Orthodox communities.

A particularly controversial source is the Talmudic statement that

All may be called up among the seven who read in the Torah [on Shabbat], even minors and even women, but the sages declared that women should not be called up (*mipnei k’vod tzibbur*) for reasons of communal propriety (literally, ‘the honour of the congregation’).¹

Not surprisingly, such a notion offends the sensibility of many women in our age of gender equality and women’s occupancy of more responsible positions than men in government and many professions. Many perceive this, therefore, as an archaic prescription with a patronising, if not offensive rationale.

However, *k’vod tzibbur* is a vague term, open to a variety of explanations. The one offered by the illustrious R. Eliezer Waldenberg (1915-2006), author of the 21 volume responsa, *Tzitz Eliezer*, is that their exclusion on the grounds of *k’vod tzibbur* was not intended as a slur on their gender, but was rooted in the moral issue of *Kol isha*, that a women’s singing of the blessings may induce unworthy male thoughts.² It may fall, therefore, under the similar rubric of those regulations governing the mechitzah and the separation of the sexes in synagogue.

Some have suggested that there is an anachronism when we compare the latter restriction on women expressing their spirituality through participation in the *Keri’at ha-Torah* ritual with

the lenient approach that our UK halachic authorities felt able to adopt regarding a related feminist issue: that of the propriety or otherwise of women serving on Shul Boards of Management or as Chairpersons of shuls, with the authority to make decisions that might affect the male membership.

At the outset, our Chief Rabbi and Bet Din stated that this was halachically unacceptable, based on an interpretation of a verse from our sidrah (Deut. 17:15) which offers a divine concession in a situation wherein there is a widespread clamour for a king to be appointed, so that Israel ‘may be like all the other nations’ (v.14) (That this constitutes an obvious challenge to the principle of *chukkat ha-goy* – not following in the ways of the gentiles³ – seems to have been left out of most halachic considerations. The popular rationale that the prohibition was intended to wean Israel away from purely idolatrous practices does not stand up in the light of the many harmless customs that were declared forbidden under that rubric.)

Let us take a closer look at the wording of the biblical verse declaring permitted the appointment of a Jewish king, which, as we have stated, was used in order to limit, if not exclude, women’s participation in synagogue participation and leadership.

When you come to the land that the Lord your God gives you...you will say, “I will set a king over myself, like all the other nations that are around me.” You may indeed set over yourself *a king* whom the Lord, your God, shall choose; from among your brethren shall you set a king over yourself...(Deut. 17:14-15)

The Midrash picks up on the words ‘a king’ and infers that this is a clear limitation to a male ruler – ‘A king,’ but not a queen; ‘a man,’ but not a woman. Maimonides then proceeded to stretch that inference to its limit, adding the pivotal words, ‘Similarly with *all positions of authority* one may appoint only men.’

The present writer penned a plea, 'Women on Boards of Management,' published in the Jewish Chronicle on 31st October 1987 (reprinted in my *Issues of the Day* : 1999, pp.118-121), calling upon the Bet Din to reconsider its approach, and arguing that the halachic sources quoted were, in effect, equivocal. I argued that Maimonides was clearly applying his restrictive view to any position that carried 'monarchic', that is absolute, authority, whereas a woman on a Board of Management was but one of many who shared the decision-making.

My view was strongly discounted, to the extent that my good friend, the then Chief Rabbi, Lord Jakobovits, of blessed memory, convened an emergency shiur of the rabbis to convince them that the position I took could not be justified by the sources.

Our halachic authorities, as we now know, did a volte-face; and I took a measure of pride in the fact that my Stanmore community was the first to elect women as members of its Board of Management (and to allow women to form their own Tefillah Group). Today, as we know, the issue raises no eyebrows, and some of our synagogues have even elected women as Chairs of their Boards, with the notions of 'communal propriety' and 'a king, but not a queen' having been totally discounted!

Perhaps it was in the light of such a halachic development that the modern partnership minyanim chose to take advantage of that (theoretical?) Talmudic statement to the effect that, 'All may be called up among the seven who read in the Torah [on Shabbat], even minors and even women,' but conveniently discounted the continuation, that, 'the sages declared that women should not be called up for reasons of communal propriety.'

It is not surprising that many are confused as they attempt to unpick our ancient sources reflective of Judaism's attitude towards women. While they are revered in the *Eshet Chayyil*'s paean of praise, yet they were denied any participatory role in the later Temple and Synagogue rituals.

There is a popular Talmudic idiom with profound halachic applications: *Pok chazi mai ama d'var*, 'Go out and see how the populace act!' It is applied to situations about which there is no absolute halachic ruling, and it implies that we may have confidence that everyday practice may be considered as the reliable custodian of generational tradition.

There is, however, a weakness in this approach, popularly referred to as 'herd behaviour,' and that is that the action it promotes does not have the authority of a reliable source upon which it has relied, and to which we may point, but has rather come about through individuals subjugating their will to the group (or 'herd'). And the herd does not require the authority of a leader but has developed merely as a group of individuals who have come together at a particular time and who have influenced their families and their society to act accordingly for reasons unrecorded.

That societal influences must always be considered is the principle which underlies the Talmudic idiom we have quoted. Our Bet Din did not publish its ultimate decision to permit women to serve on Synagogue Boards and even to take the lead as their chairpersons.

However, it may well have taken account of the active and ubiquitous roles occupied by women in modern society, and regarded it as satisfying the criteria of minhag! Who knows?

One thing we do know is that our Dayyanim did not (and certainly will not) extend that lenience to the issue of women being called up to the reading from the Torah. That is, unless they are participating in a Women's Tefillah Group!

NOTES

1. Tal. *Meg.* 23a.

2. See *Tzitz Eliezer Responsa*, vol. 20, sec. 36.

3. The biblical sources of the prohibition of *chukkat ha-goy* are Lev. 18:3; 20:23; Deut. 12:30.

Shabbat shalom,

Rabbi Jeffrey