

Question: Is a woman allowed to serve in a rabbinic capacity?

Answer: At first glance, it is hard to understand why this is even a question. Apparently there are those who suppose that a community rabbi nowadays has a position of "serrara" (coercive authority) and therefore Maimonides' ruling that it is forbidden to appoint a woman to authoritative positions is an issue. Maimonides writes:

One may not appoint a woman as a monarch as it says "[appoint] a king" but not a queen, and so too for all other Jewish communal positions, one may only appoint a man to them. (Maimonides Laws of Kings 1:5)

The source that serves for the basis of this ruling is a passage in Sifrei Devarim which interprets the Biblical phrase "place a king over you" to limit the appointment to "a king but not a queen." (Sifrei Devarim, Shoftim, #157) Since the Sifrei is discussing the appointment of a monarch, it seems clear that Maimonides' extension of the law applies only to positions that similarly exercise coercive authority. The context of this ruling makes it clear that this is so:

A King may not be appointed from among the community of converts. Even the descendants of a convert for generations (are ineligible). Only (if the candidate's) mother is a natural born Israelite (is he eligible), as it says, "You may not place upon yourselves a foreigner who is not your brother." And (this applies) not only to the monarchy, but to every position of coercive authority in Israel including generals, captains of 50, captains of 10, and even one who is in charge of the distribution of water from an aqueduct to local fields. It goes without saying that a judge or prince must descend from an Israelite as it says, "from amongst your brothers you shall appoint a king" — all appointments must be only from among your brothers. (Maimonides Laws of Kings 1:4)

Today, for better or for worse, our community rabbis have no coercive power. Community members do not necessarily obey their rabbi's rulings. Sometimes they are more lenient than their rabbis and at other times more stringent. Lay people can and do find alternative halachic positions in the numerous halachic publications that are readily available in print and that vast sea of information on the internet. Furthermore, in our opinion, today's lay people are generally not bound by the rulings of their rabbi since they typically have not accepted him as their sole authority. We have heard in the name of Rabbi Shlomo Zalman Auerbach that it is even preferable nowadays to direct our halachic questions to a variety of different rabbis based upon their particular area of expertise. Even at the community level, institutions do not always submit to the authority of their rabbi. The rabbi's role today is largely teaching Torah and bringing the community together. When he does address a halachic issue, the appropriate mode is not the imposition of his authority, but rather advocacy for his conclusions through rational and convincing persuasion. In our context, Maimonides' aforementioned ruling is not irrelevant.

Even if rabbinic roles today were endowed with serrara, it would be difficult to prohibit the appointment of a woman to such a position, since there are a majority of Rishonim who either rule against the Sifrei or at least limit its applicability to the appointment of a monarch. As far as we are aware, only the Ritva accepted Maimonides' extension to other appointments. The other Sefardi Rishonim including the Ramban, Rashba and the Ran - only prohibited the appointment of a queen, but did not forbid the appointment of women to other roles. All of these early authorities, including the Ritva, allowed women to serve as judges if the litigants voluntarily accepted her authority upon themselves (as is the case of a relative of a litigant who is otherwise forbidden from serving as a judge). Is there any room to question the right of a community to accept a woman as a teacher or morah hora'ah (halachic decisor)? The Ramban explained that in the case of Devorah who judged the people of Israel: "they acted according to her word and on her advice." The Tosafot do not mention the Sifrei at all, and question Deborah's eligibility to serve as a judge out of other concerns. In a few passages they took the view that she merely instructed others (the actual judges) in the matters of jurisprudence, while in other passages they conclude that there is no problem at all with a woman

serving in an official capacity as a judge. From all of this it seems clear that there is no problem for a woman to serve in a rabbinic role in our days.

Not only is there no halachic impediment to these appointments, we are confident that they will bring great benefit to the Jewish people in the form of deepened commitment to Torah and halachah. We imagine that many women will feel more comfortable approaching other women about halachic matters in general. Certainly in the case of more intimate matters like hilchot nidah (euphemistically called family purity) this can be expected. Besides the comfort of approaching female spiritual leaders with halachic questions, the personal contact between a female rabbinic leader and the women in her community has a chance to deepen their connection to Torah and Mitzvot in unprecedented ways. Her involvement in prayer services from the ezrat nashim (women's gallery) and other areas of Jewish life can serve as a catalyst for enriching their observance. The entire community will ultimately benefit from female spiritual leadership that reflects the community's social norms and values. Added relevancy of religious leadership has the potential open many hearts to the love and awe of God.

We believe that have shown that there is strong halachic and communal basis for appointing God-fearing and scholarly women to a rabbinic positions. Yet it should be noted that it may be necessary to adjust the communal expectations of their roles due to halachic issues that prevent them from fulfilling some of the conventional rabbinic functions expected in certain communities (such as fulfilling other's obligations in mitzvot from which she is exempt). A woman appointed to such a position must have the wisdom to function within the norms of modesty expected in Modern Orthodox communities that are working towards greater gender equality in an halachic framework. It goes without saying that just as with male Rabbis, a woman serving in a rabbinic capacity must meet the appropriate levels of Torah knowledge, human sensitivity and piety.

Torah blessings from Zion,  
Yehuda Gilad  
David Bigman  
Yeshivat Maale Gilboa  
(translated by Ross Singer)