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DISTAFF DEMOCRACY: WOMEN'S SUFFRAGE IN HALACHA

Adapted from the writings of Dayan Yitzhak Grossman

This year is the centennial of the ratification of the Nineteenth Amendment to the United States Constitution, which prohibits the states and the federal government from denying the right to vote to citizens of the United States on the basis of sex. At the time, women's suffrage was a controversial issue among *poskim*, as it was in general society. In this article and a follow-up, we survey various rabbinic perspectives on the question from that era.¹

ERETZ YISRAEL AND EUROPE

One of the few *gedolim* to pen an analysis of the questions of female suffrage and the eligibility of women to hold public office was the great German authority R' David Zvi

Hoffmann. He declared that in his opinion, no objection to women voting can be raised from traditional sources, but it is possible, however, that granting women the franchise might conflict with established custom, and we must therefore make sure to obtain "the consent of the entire community at a time when we are proceeding to alter the rules of society."² R' Yechiel Yaakov Weinberg declared that as a matter of strict halacha, we follow Rav Hoffmann (a predecessor of his as rector of the Hildesheimer Rabbinical Seminary in Berlin), since "he is a *gadol b'hora'ah*, and the only one who wrote logical arguments that are based on sources."³

² R' David Zvi Hoffmann, Chavas Daas Al Odos Bechiros Al Yedei Nashim Uvechirasan Al Yedei Acheirim, in Hakibbutz Bahalacha (Asufas Ma'amarim) p. 287.

³ Shu"t Seridei Eish cheilek 2 siman 52 s.v. v'al devar zechus habechirah l'nashim. I am not sure whether Rav Weinberg is referring to the letter of

¹ Note that we focus here on women voting ("active suffrage"), and only incidentally touch on the related question of women holding public office ("passive suffrage").

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Dedicated in loving memory of
 HaRav Yosef Grossman zt"l



Excerpted and adapted from a shiur by
 Dayan Yosef Greenwald

PARSHAS CHAYA SARA SIGHT UNSEEN

And Avraham said to his servant... but you shall go to my land and to my birthplace, and you shall take a wife for my son, for Yitzchak.

Bereishis 24:2,4

The *Acharonim* question how Yitzchak was permitted to have Eliezer serve as a *shaliach* (proxy) to marry Rivkah on his behalf. After all, the Gemara (Kiddushin 41a) states that it is forbidden to marry a woman without seeing her first to ensure that he is happy with her, and it is generally accepted that the Avos kept the Torah (see, e.g., Mishnah, Kidushin 72b).

The Sefer Chasidim answers that since Yitzchak was not allowed to leave Eretz Yisrael, he couldn't marry Rivkah himself, so he had to send a proxy.

The Moshav Zekeinim answers that Eliezer did not actually marry Rivkah on behalf of Yitzchak; he simply brought her back to Yitzchak so they could marry in person.

The Tzeidah Laderech answers that the prohibition applies only if no one sees the girl on behalf of the groom. However, if the groom appoints someone to see her

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Bracha Breakdown

Q I mistakenly said *v'sein tal umatar l'vracha* in the bracha of *Bareich aleinu*, although it isn't supposed to be said for another month. How can this be rectified?

A If one forgets to recite *v'sein tal umatar l'vracha* in the winter and has already completed the bracha, he can just wait until reaching *Shema koleinu* and insert the words *v'sein tal umatar l'vracha* there. The error of omission can be easily rectified by inserting the omitted words later. In your case, however, you have the opposite problem: You made a request for rain at the wrong time of year, so you must rectify the bracha itself. How to proceed?

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Elsewhere, Rav Weinberg notes that “the rabbanim of Eretz Yisrael, as well as the Chafetz Chaim z”l and the *gaon* R’ Chaim Ozer z”l and others” forbade female suffrage. He explains that their objections derived from *mussar*—it is immodest for a woman to involve herself in public and communal matters—as well as various halachic considerations, but that although their arguments are debatable, it is pointless to do so, “since there are deeper reasons” against their enfranchisement.⁴

As noted by Rav Weinberg, one other prominent authority who condoned female suffrage was the Sephardic Chief Rabbi of Israel, R’ Ben-Zion Meir Hai Uziel.⁵

THE UNITED STATES

In the United States, the first significant discussion of the question of female suffrage of which I am aware was by R’ Yaakov (Jacob) Levinson, a rabbi in Chicago and later in Brooklyn, in his pamphlet “*Shivyon Hanashim Minekudas Hahalacha* (Women’s Equality from the Halachic Perspective),” published in the year 5680 (1919-20). The work is primarily concerned with the appointment of women to public positions, but in the course of his analysis, he takes for granted that they may vote, and he makes the puzzling assertion that in *Eretz Yisrael*, women do have the franchise, and the entire question there is whether they may be elected to public positions.⁶

The question of female suffrage was also taken up by R’ Elazar Meir Preil (R’ Pinchas Teitz’s father-in-law and predecessor as *rav* in Elizabeth, N.J.). He begins his discussion by noting that “the rabbanim of Eretz Yisrael” have already ruled that women are prohibited to vote, and although they have not explained their reasoning, R’ Chaim of Volozhin has

declared that “the elders of the generation are not required to give reasons for their words.”⁷

Rav Preil proceeds to reject the arguments of his friend Rav Levinson, explaining that it is “obvious” that women have no right to vote, since the *Sefer Hachinuch* limits the mitzvah of appointing a king to men (“for it is for them that such things are appropriate”).⁸ Rav Preil further buttresses the disqualification of women with a ruling of the Chasam Sofer that electors—even ordinary citizens serving as such—have the status of *dayanim*, and eligibility to vote is therefore limited to those eligible to serve as *dayanim*.⁹ Since women are ineligible to serve as *dayanim*, they are ineligible to vote.¹⁰

The argument from the *Chinuch* was actually put forth by one of the “rabbanim of *Eretz Yisrael*,” R’ Yisrael Zev Mintzberg, a leading Chassidic *rav* in Yerushalayim, in his *Zos Chukas HaTorah*, also published in 5680.¹¹ Subsequent to making this argument, Rav Mintzberg proceeds with a lengthy analysis of whether women’s understanding is “weak” or “clear,” and the level of credibility *Chazal* assign to them (even in those contexts in which their testimony is acceptable), and ultimately concludes that “since even one hundred women are only considered the equivalent of one man when they are in opposition to a man, and their understanding is weak and easily manipulated, how can their opinions decide elections by contributing to a majority, since their combined opinions are only considered as one?”¹²

⁷ I was unable to locate the source of this quote.

⁸ *Sefer Hachinuch* mitzvah 497. See Rav Mintzberg’s discussion, cited below, for an exploration of the meaning of this phrase.

⁹ *Shu”t Chasam Sofer* C.M. siman 160, cited in *Pis’chei Teshuvah* C.M. siman 8 s.k. 2.

¹⁰ *Shu”t Hamaor*, beginning of siman 55. This argument would deny the right to vote to anyone ineligible to serve as a *dayan*. R’ Eliezer Gordon of Telz (*Teshuvos R’ Eliezer cheilek 1 siman 4*) indeed initially invokes it to deny to relatives of a candidate for rabbinic office the right to vote in an election for that office, although he ultimately rules otherwise. (For further discussion of the eligibility of relatives to vote, see *Shu”t Divrei Malkiel cheilek 1 siman 36 os 9* and *cheilek 4 siman 83 s.v. umah shechosmim*.)

¹¹ P. 12.

¹² P. 22, and cf. p. 30.

Rav Hoffmann cited above, or some other discussion of his, but in the letter, virtually all of Rav Hoffmann’s detailed analysis is of the question of passive suffrage. Regarding active suffrage, his remarks are limited to what we have cited in the article text.

⁴ *Ibid.*, cheilek 3 siman 105.

⁵ *Shu”t Mishpetei Uziel cheilek 3 (C.M.) siman 6*.

⁶ P. 29.

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for him, that is sufficient.

R’ Asher Weiss answers, based on the *Noda Bihuda*,

that if the groom accepts upon himself that he wishes to marry the girl regardless of how she looks, that would be acceptable.

There were many communities in Europe where couples married without the groom

seeing the bride beforehand. Although this seems to violate the *Gemara*, many *poskim* defended the practice for various reasons, including some of the reasons we have cited.

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If you recognized the error while still in the *bracha* of *Bareich aleinu*, even after saying Hashem’s name in the concluding *bracha*, the *Mishnah Berurah* rules (117:19) that you should conclude the *bracha* with the words *lamdeini chukecha*, which is a *pasuk* in *Tehillim*, and then repeat *Bareich aleinu* again from the beginning with *v’sein bracha*. Other *poskim* say that reciting a *pasuk* in the middle of *Shemoneh Esrei* constitutes a forbidden *hefsek* (interruption). Rather, they argue, one should conclude the *bracha* in the normal manner and then recite it again with *v’sein bracha*.



DAYAN YOSEF GREENWALD

If you realized the error after having already begun the next *bracha*, *Teka b’shofar*, return to the beginning of *Bareich aleinu* and recite it again with *v’sein bracha*.

*

We recently received a question on a related issue: A man made a *bracha* on milk and suddenly realized that he had eaten meat within the last six hours. Should he drink the milk, and violate the requirement to wait, or not drink it, and make the *bracha* a *bracha l’vatalah*?

Many *poskim*, including the *Sedei Chemed* (Vol. 5, p. 290), rule that if at least one hour has passed since he ate meat, he may drink the milk, as one hour suffices for waiting after meat when faced with the problem of a *bracha l’vatalah* (see *Rama Y.D. 89:1*). R’ Ovadiah Yosef (*Yechaveh Da’as 4:41*) holds that since according to the strict rule of the *Gemara*, one need only wait until the next meal to eat dairy after eating meat, he may drink the milk even if less than an hour has elapsed in order to avoid a *bracha l’vatalah*.



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