by Mitchell Rose (216)632-1583 mitchrose51@gmail.com www.mitchellrose.us (rev.11/13/2022) PAGE 1 of 9

Disclaimer

I, Mitchell Rose, am not a rabbi. The facts in this article are contained in quotations from *gedolim* (mainly Talmud & *reshonim*). Those quotations are all presented in a BIBLIOGRAPHY SECTION below. Any opinions in the article are what I deduced from these quotations.

Breadth of this article

This document is a survey of opinions of rabbinic authorities about what rabbinic roles a Jewish-born woman and a convert (to Judaism) are prohibitted from filling according to Halacha (Jewish Law).

The rabbinic authorities surveyed in this article are limited to those living before the year 1800. With the exception that this article also includes Rabbi Moshe Feinstein (1895-1986), because Rabbi Feinstein's opinions tend to be unbiased surveys of the opinions of ancient authorities.

Citations

This document includes citations to ancient rabbinic authorities. Quotations from those citations are presented in the BIBLIOGRAPHY SECTION below. I (Mitchell Rose) did not search the literature to find these citations and quotations. I instead found them in an Internet article entitled "Can Orthodox Women Receive Semikha?" (www.sefaria.org/sheets/408736?lang=bi) by Rabbi Jeffrey Fox, Rosh Yeshiva of Yeshivat Maharat. And I simply copied-and-pasted the cited passages from Rabbi Fox's article into the BIBLIOGRAPHY SECTION below.

Methodology

The 3 main functions of practicing rabbinics are:

- (1) **hora'ah**, aka **poskining**, which is performed by someone in the role of a **posek**;
- (2) exercising control over others, which is performed by someone in the role of a boss;
- (3) identifying as a "rabbi" or similar clergical title, to adopt the role of a clergy

In the document, I refer to "**function**" as what a functionary **does**; I refer to "**role**" as what a functionary **is**.

A Jewish female or a convert-to-Judaism might seek to practice any one or more of these three functions. This document addresses, for each function separately, the question of whether a woman or convert is halachically prohibited from being appointed to that function.

(1) Question of whether a woman or convert may poskin

Hora'ah, aka poskining, performed by a posaik, entails rendering a halachic opinion based on deductive reasoning.

BirkaiYosef²⁵ explicitly states that a woman is permitted to poskin but prohibited from judging.

BirkaiYosef²⁶ deduces (based on **SeferHachinuch**²⁶ stating that the prohibition against a male posek poskining while drunk applies also to "a smart woman that is suitable to poskin") that **SeferHachinuch** agrees with a woman being permitted to poskin but prohibited from judging.

I (Mitchell Rose) have not found any pre-1800 rabbinical authority who asserts that women are prohibited from poskining.

(2) Question of whether a Jewish woman or male convert may be a boss that controls Jews Definition of "control"

For purposes of this document, the term "boss" is the leadership role of someone who has authority to "control" (i.e., enforce his/her will over) others.

Relevance of Jewish-born woman to male convert

The prohibition pertaining to a Jewish-born woman being a boss is related to a similar prohition pertaining to a male convert to Judaism being a boss, since both prohibitions are derived from the same Torah passage, as follows:

Source of prohibiting a male convert from being a boss over Jews

Torah (Devarim 17:15) states: "From among your brothers (brethren) you may appoint over yourself a king. You may not appoint over yourself a gentile man that is not your brother."

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Talmud Bavli⁰ interprets the phrase "a gentile man that is not your brother" as including not only someone **currently** a gentile but also someone previously **born** a gentile and later converted to Judaism.

Talmud Bavli⁰ also derives, from this pasuk's wording "You may not **appoint over yourself** a gentile man", that the prohibition against appointing a convert as **king** extends to prohibiting appointment of a convert for (in Meseches Yevamos's words) "**kol** musimot" ("**all** appointments").

Sifri¹ derives, from this pasuk's wording, that a convert may not be appointed as a **parnas** (i.e., minister) over Jews, which seems less prohibitive than the Talmud's prohibition of "**all** appointments".

Rambam⁷ extends Talmud's prohibition against appointing a male convert for "kol musimot" ("all appointments") to prohibiting appointing a male convert for (what Rambam calls) "kol **shrarut**" ("all **official control**"), which **Rambam** says includes (1) control even as minimal as a military corporal over 10 Jewish soldiers and (2) control even as minimal as a controller of irrigation-water distribution (i.e., which farmer's field gets irrigation water on which day).

Source of prohibitting a Jewish-born female being a boss over Jews

Sifri² also derives, from the Torah's wording "From among your **brothers** you may appoint over yourself...", that we may **not** appoint a **woman** as a king or even as a parnas (minister). In contrast, the **Talmud** does not mention any such rule against appointing a Jewish-born woman for an official position.

Rambam⁸ goes further than **Sifri**², by prohibiting appointing a woman not only as **parnas** but "**kol** musimot" ("**all** appointments"). And **Rambam**⁷ (as mentioned above referring to rules of gentiles) asserts "kol musimot" includes appointments even as minimally-controlling as an irrigation-water controller.

In short, Rambam⁷⁻⁸ stretches the Torah's prohibition against a **gentile man** having a **kingship appointment** to include prohibiting a **Jewish-born woman** from **all** appointments, even as minimally as controlling irrigation-water distribution. This is a double stretch of the plain meaning (pashut pshat) of the Torah's command, since it (1) extends **kingship** appointment to include **all** appointments which is not explicitly mentioned in the Torah, and (2) extends **gentile man** to include **Jewish-born woman** which is not mentioned in either Torah or Talmud. **Igros Moshe**¹⁸ explains that the other rishonim that address this issue (**Ran, Rosh, Tosfos, Rashba**) appear to disagree with the **Rambam**, and hold that although (1) **Talmud** extends kingship appointment to include all appointments and although (2) **Sifri** extends gentile man to include Jewish-born woman, those other rishonim do not combine both extensions together to hold that a Jewish-born woman is prohibited from all appointments.

Explanation of the chart below, which ranks the restrictiveness of different leadership roles

I (Mitchell Rose) noticed that those other rishonim refer to 5 different roles, numbered 1-5 in the chart below, of different levels of control.

The most restrictive role, which I call "Role 1" in the chart below, is king, for which a gentile is prohibited explicitly by Torah.

A less-restrictive role, which I call "Role 2" in the chart, is where we follow his/her advice because **someone else** appointed him/her to have control over us.

A yet less-restrictive role, which I call "Role 3" in the chart, is where we follow his/her advice because **we ourselves** previously appointed him/her to judge us.

A yet less-restrictive role, which I call "Role 4" in the chart, is where we follow his/her advice because we **respect him/her**, without him/her being appointed to have control over us.

The least restrictive role, which I call "Role 5" in the chart, is where we follow his/her advice because we **agree** with **his/her advice**, without him/her having control over us.

Roles rishonim consider possibly permissible

Some rishonim cited herein ask a kashia: How can there be a rule prohitting a woman from serving as a judge if the Prophet Devorah (in the words of Shoftim 4:3-4) "judged Bnai Yisrael...and Bnai Yisrael went to her for judgment." ("הוא שפטה את ישראל הריה בני ישראל למשפט") The rishonim answer that perhaps Devorah was not a judge *per se*, but instead only "judged" by serving in (what this article calls) Roles 2 or 3 or 4. Such an answer by a rishon indicates that the respective rishon holds that Role 2 or 3 or 4 is at least **possibly permissible** for women.

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Each role is at least as permissible for Jewish-born woman as for male convert

As mentioned above, the prohibitions against a Jewish-born woman being a boss over Jews is similar to the prohition against a male convert being a boss over Jews, since both prohibitions are derived from the same Torah passage.

However, for each type of leadership role, the prohibition for a male convert is the **same or greater** than (but not less than) the prohibition for a Jewish-born female. That is for 2 reasons:

- (1) **Torah** expresses the prohibition (against being king) explicitly only for a gentile and not for a woman.
- (2) **Talmud** mentions the prohibition only for gentile-born man and not for a Jewish-born woman.

Using arrows in the chart to extrapolate what poskim hold

The chart below uses arrows to rank restrictiveness of leadership roles. A role that an arrow **points to** is **more restrictive** than a role that the arrow **points from**.

Accordingly, for the woman-based role in the chart, an arrow points from Role 5 to Role 4 to indicate that Role 4 is at least as restrictive as Role 5. And similarly for each convert-based role in the chart.

Also accordingly, for each role in the chart below, an arrow points from the box designating a Jewish-born woman in that role TO a male convert in that same role, to indicate that the prohibition against a male convert in that role is the **equally or more** restrictive than against a Jewish-born woman being in that role.

Therefore, if a rishon is indicated in the chart as **prohibiting** a particular leadership role, then that rishon *a fortiori* (i.e., *kal vuchomair*) would **prohibit** a **more-**restrictive role. Similarly, if a rishon is indicated in the chart as **permitting** a particular role, then that rishon would *a fortiori* **permit** a **less**-restrictive role to be permitted.

For example, as the chart shows, **IgrosMoshe**²¹ exemplifies a person in Role 4 as (1) an employer over workers, (2) a rosh yeshivah over bachurim, and (3) a principal over students. **IgrosMoshe** asserts all poskim, including even **Rambam**, would permit a male convert to assume these 3 positions because people in these positions cannot force their will on subordinates (workers, bochurim, students), since the subordinates can simply leave. Therefore, *a fortiori* **IgrosMoshe** must permit a Jewish-born woman to be an employer, a rosh yeshivah or a principal.

(3) Question of whether a woman may be called "rabbi" or similar clergy title

History of women being ordained as orthodox clergy

The history of orthodox-female-ordination is described in webpage URL https://jwa.org/encyclopedia/article/hurwitz-sara (in an online encyclopedia hosted by Jewish Women's Archive which is a website that documents women's stories). A summary of what that webpage explains about is recounted as follows:

Orthodox-female-ordination was spearheaded by a woman named Sara Hurwitz, who was the first woman to be ordained as an orthodox cleric. Hurwitz was born in South Africa in 1977. At age 12, she moved with her family to Boca Raton Florida. Upon graduating high school, she attended seminary in Israel for one year. She then attended **Barnard College**, where she founded a student-run Jewish outreach organization and earned a BA in psychology. She then completed a 3-year program in a Jewish seminary called **Drisha Institute**. While enrolled in Drisha Institute, she taught and lectured in synagogues around the country.

In 2003, she enrolled in an internship under **Rabbi Avi Weiss** of the **Hebrew Institute of Riverdale [HIR]**. As an intern in HIR, she fulfilled rabbinical functions such as teaching, sermons, officiating at life-cycle events, leading a women's prayer group, answering congregants' halakhic questions, and psychological counseling. Yet, as a woman, she could not carry a title other than "intern", despite HIR's **male** interns being called "assistant rabbi" and moving on to senior rabbi positions after a few years of service.

For 8 years, Hurwitz studied under Rabbi Weiss to learn to poskin (aka hora'ah). In 2009, she was ordained by Rabbi Weiss and Rabbi Daniel Sperber with the title of **MaHaRaT** (acronym for Manhiga Hilchatit Ruchanit Toranit). MaHaRaT was a title that Rabbi Weiss coined just for her. This was the first-ever orthodox ordination of a woman.

In 2009, HaHaRaT Hurwitz and Rabbi Weiss opened **Yeshivat Maharat**, for teaching women and ordaining women.

In 2010, Rabbi Weiss changed Sara Hurwitz's title from "HaHaRaT" to (the more-rabbinic-sounding title) "Rabba". ("Rabba" was a title that had previously been adopted by female clergy of **non-**orthodox

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denominations in Israel.) This brought fresh controversy, including from some of Rabbi Weiss's own supporters. Because the title "Rabba" is still controversial within Orthodoxy, Yeshivat Maharat now bestows the credential of "**ordination**" and leaves to the graduate the choice of clergy title. By 2021, Yeshivat Maharat had ordained 49 Orthodox women. Those graduates have adopted the clergical titles of "Maharat", "Rabba", "Rabbanit", and "Rabbi", and now serve in orthodox clergical roles around the world.

History of ordination and the title "rabbi"

A simpe-to-understand history of ordination is provided by website www.chabad.org in an article entitled "What Is a Rabbi? A Brief History of Rabbinic Ordination (Semicha)" by Yehuda Shurpin (www.chabad.org/library/article_cdo/aid/1933944/jewish/What-Is-a-Rabbi.htm). It explains the following points: The history of the title "Rabbi" has not always been tied to the history of ordination (smicha). The first chain-of-ordination started with Moshe Rabbainu, and first chain ended over 2000 years ago. A second chain-of-ordination started in Hillel's time and lasted for about 1000 years. A third chain-of ordination started in ~1538 in Tzfat and lasted about 100 years. The last chain-of-ordination, which we have now-a-days (in the words of the article)

"although there have been a number of additional attempts at renewing the classical semicha, none of them gained as much traction ... [apparently] in deference to the opinion that classical ordination will only be reestablished during the messianic era. It is clear that classical semicha does not—or cannot—exist nowadays....Despite the cessation of classical semicha, rabbis continued to be ordained throughout the generations. This diminished form of ordination was necessary because it is forbidden for a student to establish himself as an authority in Jewish law without his teacher's explicit permission...[W]hile many who use the title today are indeed qualified to give rulings and answer questions, "rabbis" have proliferated greatly over the last century. Nowadays the title may be used...simply as a title of respect for a person who is a teacher or has some position of authority."

Whether a woman may adopt the title "rabbi"

- I (Mitchell Rose) suggest the following 2 **possible** reasons why there **might not** be a **halachic** prohibition in calling a woman "rabbi":
- 1) A modern-day "rabbi", in its most-restrictive definition, is someone authorized to poskin. And (as explained bove), 2 respected authorities (**BirkaiYosef** and **SeferHachinuch**) believe that a woman may poskin.
- 2) As I understand the www.chabad.org article above, the title "rabbi" that is used now-a-days is a modern convention (a <300-year-old practice accepted by usage) of unknown origin, and (in its common usage) is not limited to a posek but is instead often accepted as a title of a halachic teacher or expert. Since halachic literature, over the last few centuries that the modern term "rabbi" has been used, did not address the possibility of a female "rabbi", perhaps there is no halachic basis to preclude female "rabbi".

Whether a woman may adopt clerical titles other than "rabbi"

As explained above (in the section regarding orthodox-female-ordination), Yeshivat Maharat bestows only the credential of "**ordination**" on women and leaves the choice of clergy title to the graduate. It is the graduates themselves that have adopted the clerical titles of Maharat, Rabba and Rabbanit. These terms (Maharat, Rabba and Rabbanit) have been coined in only the past dozen years and have no historic or halachic basis. So these terms do not infringe on the title "rabbi" even if the term "rabbi" did preclude females.

The rationale (for permission of a woman to be called Rabba or Maharat or Rabbanit based on those terms being different than Rabbi) would

- (1) enable a woman to adopt the title "rabba" even from a non-rabbi.
- (2) preclude a rabba from ordaining a man or woman to be a "rabbi".
- (3) enable a female rabba to ordain a man to be a male "rabba".

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A Woman in history that perfromed rabbinic functions

Osnat Barzani was born in Kurdistan in 1590. She was the daughter of Rabbi Shmuel Barzani who was dean of a yeshivah in Mosul. She married Rabbi Yakov Mizrahi who became the subsequent dean of the yeshivah. Although Osnat never adopted the title "rabbi", she performed rabbinic functions such as the following: During her husband's life, she taught yeshivah students. After her husband's death, she became dean of the yeshivah.

INDEX OF WHEN & WHERE EACH POSEK LIVED

Talmud completed in year 500 in Bavel

Tosfos France, compiled about 1200

Rambam (Moshe ben Maimon) died 1204, Spain & Israel & Egypt

Ramban (Moshe ben Nachman, teacher of Rashba) died 1270 Northeastern Spain & Jerusalem

Sefer Hachinuch (authorship unknown) Spain, 1200s or 1300s

Rashba (Shlomo ben Avraham ibn Aderet, teacher of Ramban & Ritva) Northeastern Spain, died 1310

Ritva (Yom Tov ben Abraham, Rashba's student) southern Spain, died 1320

Rosh (Rabainu Ashair) Cologne Germany, died 1327

Ran (Nissim ben Reuven) Northeastern Spain, died 1376

Rivash (Isaac ben Sheshet) western Spain & Algiers, died 1408

Chida (ChaimYosefDavidAzulai ben YitzhakZerachia) wrote BirkaiYosef (commentary on YosefKaro's

ShulchanAruch) Jerusalem, died 1806

Rabbi Moshe Feinstein, Lithuania & NYC, died 1986

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BIBLIOGRAPHY SECTION

הר"ן על הרי"ף שבועות דף יג ע"א (בדפיו)

אלא בראויין להעיד...ומדתנן ולא

בנשים שמעינן שהנשים פסולות

לדין שאילו היו דנות היאך יהו

פסולות להעיד. והא דתנן בפרק בא

סימן (דף מט ב) כל הכשר לדון כשר

להעיד והא דכתיב גבי דבורה והיא

שפטה את ישראל? לאו שופטת

קאמר אלא מנהגת ואף על גב

דאמרינן בסיפרא שום תשים עליך

מלך ולא מלכה התם לא מנו אותה

 $\frac{|4|}{4}$ אלא נוהגין היו על פיה וא"נ שפטה

ודנה היתה שהיו מקבלין אותה כדרך

שאדם מקבל אחד מן הקרובים:

רמב"ם הלכות מלכים פרק א

הלכה ד
אין מעמידין מלך מקהל גרים אפילו אחר
כמה דורות עד שתהיה אמו מישראל,
שנאמר לא תוכל לתת עליך איש נכרי
אשר לא אחיך הוא. ולא למלכות בלבד
אלא לכל שררות שבישראל. לשר צבא
לא שר חמשים או שר עשרה. אפילו
ממונה על אמת המים שמחלק ממנה
לשדות. ואין צריך לומר דיין או נשיא
שלא יהא אלא מישראל, שנאמר מקרב
אחיך תשים עליך מלך כל משימות שאתה
משים לא יהו אלא מקרב אחיך.

הלכה ה

אין מעמידין אשה במלכות שנאמר עליך 8 מלך ולא מלכה, וכן כל משימות שבישראל אין ממנים בהם אלא איש.

ברכי יוסף חושן משפט סימן ז ס''ק יב

אף דאשה פסולה לדון, מכל מקום אף דאשה חכמה יכולה להורות הוראה. וכן מתבאר מהתוספות (יבמות מה: ד"ה מי. גיטין פח: ד"ה ולא. ועוד) לחד שינוייא, דדבורה היתה מלמדת להם דינים. וכן תראה בספר החינוך דבסימן פ"ג, הסכים דאשה פסולה לדון, ובסימן קנ"ב בענין שתוי כתב וז"ל, ומניעת ההורייה וכו', וכן באשה חכמה הראויה להורות וכו'. ע"ש.

יבמות מ''ה ע''ב (ע' ג''כ קידושין ע''ו ע''ב)

רבא אכשריה לרב מרי בר רחל

ומנייה בפורסי דבבל ואע"ג דאמר
מר (דברים יז:טו) שום תשים עליך
מלך כל משימות שאתה משים אל
יהו אלא מקרב אחיך האי כיון דאמו
מישראל מקרב אחיך קרינן ביה

ספרי דברים פרשת שופטים פיסקא קנז

איש נכרי מכאן אמרו אין ממנים פרנס על הציבור אשר לא אחיך הוא.

כשהיה אגריפס מגיע לפסוק זה היה בוכה והיו כל ישראל אומרים לו אל תירא אגריפס אחינו אתה אחינו אתה.

ספרי דברים פרשת שופטים פיסקא

קנ (מהרורת א"א פינקלשטין, עמ' 209)

איש נכרי מיכן אמרו האיש ממנים פרנס על הציבור ואין ממנים האשה פרנסת על הצבור³²

אשר לא אחיך הוא כשהיה אגריפס מגיע לפסוק זה היה בוכה והיו כל ישראל אומרים לו אל תירא אגריפס אחינו אתה אחינו אתה חידושי הר"ן שבועות דף ל ע"א ד"ה שם בגמרא ולא בנשים

שם בגמרא ולא בנשים מיהא שמעי'
שהנשים פסולות לדון שאלו היו
כשרות לדון היאך יהו פסולות להעיד
והא תגן בפ' בא סימן כל הכשר לדון
כשר להעיד: וא"ת והא כתיב גבי
דבורה והיא שפטה את ישראל כו'
י"ל דלא שופטת ממש אלא מנהגת.
ואף על גב דאמר בסיפרי שום תשים
עליך מלך ולא מלכה התם לא מנו
אותה אלא נוהגין היו על פיה וא"נ

הקרובים.

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אגרות משה יורה דעה חלק ב סימו מד

חנה הרמב"ם בפ"א ממלכים ה"ה כתב וכן כל משימות שבישראל אין ממנים בהם אלא איש. ואף שלא ידוע לי בעניי מקום לדבריו דבספרי שציין הכ"מ והרדב"ז ומ"ע לא הוזכר אלא מלך ולא מלכה אבל דין כל משימות שלא יהיו נשים לא הוזכר שם, וצריך לומר דהוא סברת עצמו

אבל משמע לי שלא כו"ע סברי כן

דהחינוך כתב דין ולא אשה רק

במלך ולא מלכה ובדין ירושה נקט

שגם בכל מינויים אלמא דדין ולא

אשה אינו בשאר משימות והטעם

דמקרב אחיך קאי על כל משימות

שהוא מרבויא דתשים כמו שקאי

על מלך כדמשמע מפרש"י אבל

דרשא ולא מלכה שנאמר רק במלך

מנא להו שיהיה גם בכל משימות

חידושי הרשב"א שבועות דף ל ע"א ד"ה ולא בנשים

וא"ת והא כתיב והיא שופטה את ישראל, יש לומר דלא שופטת ממש אלא מנהגת כשופטים ששפטו את ישראל.

ואף על גב דאמרי' בספרי שום תשים עליך [14] מלך ולא מלכה התם לא מינו אותה אלא היו נוהגין בה כדין מלכה והיו נוהגים על פיה,

ספר החינוך מצוה עז

...בנשים, שאינן דנות כמו שאמרנו למעלה בהרבה מקומות. ולא יקשה בעיניך מה שכתוב בדבורה הנביאה [שופטים ד', ד'] (ו)היא שפטה את ישראל.

(1 שאפשר לנו לתרץ שלא היה הדין נחתך על פיה אבל היתה אשה חכמה ונביאה והיו נושאים ונותנים עמה אפילו בדברים של איסור והיתר ודינין גם כן, ולכן כתוב עליה (ו)היא שפטה את ישראל.

או נאמר שקבלוה לדון עליהם (216) או נאמר שקבלוה לדון עליהם ראשי ישראל ואחריהן כל אדם ידון על פיה, דבקבלה ודאי הכל כשרים, דכל תנאי שבממון קיים.

ומכל מקום כל זה שאמרנו שאינן דנות הוא כדעת קצת המפרשים וכדעת דנות הוא כדעת קצת המפרשים וכדעת הירושלמי [שבועות פ"ד ה"א, סנהדרין פ"ג ה"ט], שכן נמצא שם מפורש, אבל לדעת קצת מן המפרשים כשרות הן לדון, ואמרו כי מקרא מלא הוא שנאמר (ו) היא שפטה.

חידושי הריטב"א מסכת שבועות דף ל"א

ומה שאמר הכתוב על דבורה (שופטים ד') והיא שפטה את ישראל, וכתיב נמי ויעלו אליה בני ישראל למשפט, זה שהיו מתנהגים על פיה לא בתורת מינוי דהא אמרינן בספרי שום תשים עליך מלך (דברים י"ז) ולא מלכה והוא הדין לשאר משימות, פאלא שמתנהגים על פי עצתה, או שקבלוה עליהם לדין שהמקבל עליו לדין ולעדות קרוב או פסול עליו לדין ולעדות קרוב או פסול בפרק דיני ממונות (סנהדרין כ"ד בפרק דיני ממונות (סנהדרין כ"ד א').

חידושי הרמב"ן מסכת שבועות דף ל עמוד א

ושמעינן ממתני' דאשה אינה כשרה לדון דכיון דפסולה להעיד פסולה לדון כדתנן (גדה מ"ט ע"ב) כל הכשר לדון כשר להעיד וכלל גדול הוא ולמדין ממנו, וכן אמרו בירושלמי שאין האשה מעידה ואין האשה דנה.

ומאי דכתיב (שופטים ד') והיא שפטה את ישראל פירושו מנהגת שעל פיה ובעצתה היו נוהגין זה עם זה כדין מלכה.

ואף על גב דאמרינן בספרי שום תשים עליך מלך ולא מלכה נוהגין היו בה כדין מלכה, אי נמי מקבלין

היו דבריה ברצונם. 13 אי נמי שופטת ודנה שהיו מקבלים אותה

כדרך שאדם מקבל אחד מן הקרובים.

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אגרות משה יורה דעה חלק ד⁵ סימן

למעשה יש לידע, שהמצווה של ₹21 ואהבתם את הגר (דברים עקב י' י"ט) מחייבת אותנו לקרבם ולהקל בכל עניינים אלו. ולפיכך אחר ישוב גדול נראה, שאין להחשיב משרות אלו בתקופתנו כענין של מעשה שררה, דעיקר תפקיד של ישיבה הוא ללמד לתלמידים כשהם רוצים. ומה שיש כח להמנהלים והראשי הישיבה התלמידים לסלקם או שלא לקבל אותם לכתחילה וכדומה, אין זה אלא כמו שררה של בעה"ב על פועליו, שאין זה מעיו מינוי לשררה כלל. ולפי זה משרות אלו אינם אלא כמילוי תפקיד וכעניין של עסק. ואין לדמות זה למש"כ באג"מ יו"ד חלק ב' סימן מ"ד בענין מינוי אשה להשגיח להכשרים. דהוי מינוי של שררה.

אגרות משה יורה דעה חלק ב

אלא צריך לומר דסובר הרשב"א דאשה כשרה לכל מינויין ורק למלכות פסולה. ואף אם נדחוק לפרש ברשב"א דבכל פעם קבלו בע"ד אותה עליהם לדין זה שאין בזה ענין מינוי וליכא ראיה מרשב"א מ"מ מתוס' הוא ראיה ברורה מג' מקומות אלו שסברי דאשה כשרה לכל משימות לבד ממלכות <u>ומסתבר שגם הרשב"א</u> |22 סובר כן. ועיין ברא"ש ר"פ שבועת העדות שכתב נמי בתירוץ ב' דמשום הנבואה קבלוה עליהם כתוס' בג' המקומות וא"כ סובר ג"כ דכשרה לכל משימות לבד ממלכות. והר"ן שבועות /דף כ"ט/ הוא ממש כדברי הרשב"א וא"כ מסתבר שגם הוא סובר כן אך שליכא ראיה ברורה מהר"ן כמו שכתבתי להרשב"א אבל להיפוך שפסולה לשאר משימות ודאי ליכא ראיה מהר"ן ורשב"א.

שגם לענין מקרב אחיך יש חלוק בין מלך לשאר משימות ...ולכן משמע שהתוס' סוטה ודאי פליגי על הרמב"ם וכן משמע שיפלוג רש"י ור"ן קידושין (דף ע"ו) ממשמעות כדכתבתי שיטת צ"ע פירושם...וא"כ הרמב"ם ולכן לצורך גדול בשביל חיות האלמנה ובניה היתומים יש לסמוך על החולקים על הרמב"ם ולמנותה תחת בעלה להשגחה.

כן. וכ"ש לתוס' סוטה דף מ"א

אגרות משה יורה דעה חלק ב סימן

19 אבל נראה שלמה שבארתי שזה שהשגחה נחשב מינוי הוא משום דעבודתו הוא נגד רצון בעה"ב יש עצה לקיים גם שיטת הרמב"ם. שהיא תהיה שכורה מהרב שרק הרב יהיה בעלים שלה ובעה"ב ישלם השכר עבור ההשגחה להרב, שאז אין לה דין שררה ומינוי

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CHART OF HALACHIC RESTRICTIONS ON LEADERSHIP-ROLES FOR A CONVERT & A WOMAN (Each arrow extends from less-restrictive role to more-restrictive role)

May a CONVERT be in Role 1 (i.e., be king)? May a WOMAN be in Role 2 (i.e., we follow his advice because someone else appointed him to be boss)? IgrosMoshe (YorehDeah cheisk 2 siman 42) exemplifies Role 2 as a kashrus-mashgiach, since a mashgiach's decisions are imposed on the community No according to TalmudMesechesYevamos ⁵ , Sifri¹; Rambam² May a WOMAN be in Role 2 (i.e., we follow her advice because someone else appointed her to be boss)? IgrosMoshe (YorehDeah cheisk 2 siman 42) exemplifies Role 2 as a kashrus-mashgiach, since a mashgiach's decisions are imposed on the community No according to TalmudMesechesYevamos ⁵ , Sifri¹; Rambam² May a WOMAN be in Role 2 (i.e., we follow her advice because someone else appointed her to be boss)? IgrosMoshe (YorehDeah cheisk 2 siman 42) exemplifies Role 2 as a kashrus-mashgiach, since a mashgiach's decisions are imposed on the community No according to Sifri²; Rambam² atthough IgrosMoshe ¹⁸⁻²⁰ says Rambam is minority opinion YES according to Sifri²; Rambam² atthough IgrosMoshe ¹⁸⁻²⁰ says Rambam is minority opinion YES according to ChidushaiHaRitva ¹⁹ ; ChidushaRamban ¹³ ; ChidushaiHaRan ⁶ ; RanAlHaRif²; SeferHaChinuch ¹⁶ ; Rosh ²² per IgrosMoshe ²⁰ ; Tosfos per IgrosMoshe ²⁰ May a CONVERT be in Role 4 (i.e., we follow his advice because we respect him)? IgrosMoshe ²⁰ exemplifies a person in role 4 as (1) employer, (2) rosh yeshivah, (3) principal, all of which (IgrosMoshe asserts) would be permitted by all poskim including Rambam because this role has no shrarah May a WOMAN be in Role 4 (i.e., we follow her advice because we respect him? YES according to ChidushaiHaRitva ²⁰ ; ChidushaiRamban ¹¹ ; ChidushaiHaRashba ¹⁴ ; ChidushaiHaRashba ¹⁴ ; ChidushaiHaRashba ¹⁵ ; ChidushaiHaRashba ¹⁶ ; ChidushaiHaRashba ¹⁷ ; ChidushaiHaRashba ¹⁸ ; ChidushaiHaRashba ¹⁸ ; ChidushaiHaRashba ¹⁸ ; SeferHaChinuch ¹⁵ May a CONVERT be in Role 5 (i.e., we follow her advice because we agree with the advice)? YES according to ChidushaiHaRamban ¹² ; SeferHaChinuch ¹⁵	(
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