

Women Mashgichos

History and Halacha

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Introduction

Over the past several months in Israel the question of women serving as *mashgichos*, both in the IDF and for the *rabbanut*, has been brought to the fore.

In June of last year, a world-wide Jewish women's group, who strongly supports the idea of women *mashgichos*, petitioned Israel's highest secular court after several women were passed over for *mashgiach* positions. Their claim was that although these women were well trained in this field, the *rabbanut* nevertheless, and to their thinking unnecessarily, frowning upon their hire.

Eventually, Rabbi Lau expressed surprise at the petition, as he would have no issue with women *mashgichos*. The IDF on the hand seems to be holding

a firmer position. IDF Chief Rabbi, Brigadier-General Rabbi Rafi Peretz, made his opposition clear, and it was recorded in the minutes of a meeting from this past summer. Among other issues, he finds the prospect of civilian women working in a military kitchen and dealing with the pressures and culture of the IDF to be “dangerous”.

Chief Rabbi of Holon Rabbi Avraham Yosef, the son of Rav Ovadia Yosef, has also expressed strong opposition to any such change.

The truth is that we can spend this entire article just listing the names of *rabbanim* and leaders on either side of this issue.

To be sure, the issues involved in this question are not purely academic. There are concerns that go beyond the Shulchan Aruch, and therefore it is not our place in America to second-guess the motives and positions of leaders in Israel.

Instead, we will discuss this issue through the prism of history and *halacha*.

While there are also many *hashkofic* questions that may arise from this topic,

those issues will not be our purpose here, and will be but briefly touched upon.

Welcome To Buffalo

My first month in Buffalo the *vaad* had a 600 plate affair in the downtown Hyatt. It was around the time of the *yomim noraim* and I certainly was not available to help on the ground.

Neither, it seemed, did anyone else.

I called the *vaad* president and asked for a list of all the *mashgichim* we have used in the past, hoping to find one person who could make themselves available. The president asked if I had called a certain woman whom the *vaad* had used in the past.

A woman *mashgiach*?

It may be surprising to some readers, but small-towns have been using women *mashgichos* for decades.

To some the question does not even begin. What should be the problem?

After all don't we rely on 'women *mashgichos*' all the time when we eat at the home of a friend? The concept of '*eid eched ne'eman b'isurin*' –'One witness (even a woman) is enough confirmation for matters of prohibition' - would seem most applicable.

On the other hand, there are some who balk at such a suggested practice as an official woman *mashgiach*..

Both of these views are articulated in the *Tishrei* 1960 edition of the journal Ha'Meor, in a dialogue between HaRav Moshe Feinstein and Rav Meir Amsel (the latter was the editor of this *yarchon*), which will be explored below.

With the recent developments in Israel, many are discovering this topic –and their feelings toward it –for the first time.

The Role of the Masgiach

We don't give it a second thought. When we choose a restaurant to eat-out at, or a caterer to hire, we may ask about taste, ambiance, presentation, and price –we may even request verification of its kosher status –but we almost never ask to meet the *mashgiach*.

Often I receive phone calls and emails from visitors asking for information about the *vaad* that I run. “Are you ‘accepted’?” is the typical, and vague, query. If the caller is more knowledgeable they may seek information as to our policies on specific issues, such as *hafrashas challa*. Yet I have only once been asked about the *mashgiach*.

Rav Belsky was in Niagara Falls where we performed a wedding. I made it a point to show him the kitchen, as this was the first time this hall made a kosher event. *He* wanted to meet the *mashgiach*.

And for good reason.

When one investigates if a *hechsher* or a *vaad* is reliable one thinks of the *rav hamachsir*, or of halachik issues and how they are dealt with. In truth, however, a *vaad* is only as good as its *mashgichim*. All the policies, rules,

and *chumros* are meaningless if they are not enforced well. This is because malice rarely plays a role in *kashrus* errors, rather errors in judgment do, and a capable and discerning eye is needed to spot them when they arise.

Who to choose as a *mashgiach* is therefore a profound and often controversial question within the ranks of *kashrus*.

On the one hand, there is need for a strong personality, yet at the same time he must be willing to yield to the *rav hamachshir* and the decisions he is told to follow. It is a fine balance.

Women as Mashgichos

The *gemara* is clear: '*hishveh hakasuv ish l'isha denim sh'b'Torah*' (Bava Kama 15a). When it comes to monetary matters, as well punitive ones, men and women are held to the same standard. While there are some *mitzvos* that men simply cannot perform or that women are exempt from, no one gender is given special grace.

Nevertheless, like in all legal matters, there are exceptions, and exceptions to those exceptions.

At the heart of the above issue is a *pasuk* in Devarim (17:15), “*som tasim alecha melech...*” – “You shall surely set over yourself a king...”.

The *halachik midrash* Sifri (147) comments on this verse, “...*a king...*’ but not a queen”.

Thus far this verse and the Sifri would seem not to relate to the issue of a woman *mashgiach*. However the Rambam (*hil. Melachim* 1:5) seems to take this ruling one step further. After quoting the above *midrash* he rules, “So too all leadership appointments...we do not choose for them accept from the men”.

There is any number of difficulties with this ruling.

- Where is the line drawn (i.e. certainly a woman may run a Tehillim group!)
- What is the Rambam’s source for his extending this *halacha* to matters beyond the monarchy?

Rav Moshe Feinstein's View

Rabbi Baruch Poupko (d. 2010) was the rav of Shaarie Torah in Pittsburgh for 60 years. In 1960 he wrote to Rav Feinstein regarding this very issue. The background is not entirely clear from the response printed, but after speaking to the *rav's* daughter – Rebbitzen Kletenik of Seattle Washington –I was able to fill in some gaps.

A man in Rabbi Poupko's community served under the rabbi as *mashgiach* at various commercial enterprises. At a relatively young age he passed away. The *niftar* and his wife were both immigrant holocaust survivors with limited *paranasa* options, and with young children who still needed to be fed. After the passing there was a great fear how she would be able to support her family without her husband.

Rabbi Poupko thought that perhaps this *almana* could fill the position left vacant by her husband. Understanding that this may seem controversial, he wrote to Rav Moshe Feinstein asking if a woman serving as a *mashgiach* is a

concern. The response, first printed in the journal Ha'Meor, is found in Igros Moshe *Yoreh Deah* 2:44,45.

In his reply, Rav Moshe demonstrates that the concept of believability certainly applies, and that the only problem to hiring a woman *mashgiach* would be the Rambam quoted above.

Rav Moshe explains that Rambam did not have an extra source; rather he based his rule on the Sifri alone. Rambam asserted that if it is true that the Jewish monarchy is for a male leader only than so too are women forbidden to assume *any* other major appointments of leadership. However, explains Rav Moshe, not all *rishonim* agree with Rambam on this last point. Tosphos, Ran, et al all say –for various reasons –that this Sifri applies specifically to the case of a King/Queen, and no further.

Nevertheless, the Rambam's position is clear. However, Rav Moshe explains that even according to the Rambam a *mashgiach* is not truly a position of high leadership. Rather a *mashgiach* is sent, and paid, by the rabbi (or *vaad*). Being that such hiring is at the *rav's* discretion –as are the

halachik policies –a *mashgiach* is viewed as messenger of the rabbi, and not as the person charged with the *kashrus* of that city/store.

In short, Rav Moshe Feinstein allowed for women *mashgichos* so long as his conditions are met.

This *psak* did not go silently into the night. The editor of this journal, Rav Meir Amsel, published a rebuttal of sorts (although with the deepest of respect to Rav Moshe).

When reading Rav Amsel's response in 2014 –whether one agrees with him or not –one can not help but admire his foresight.

Rav Amsel was not so much concerned with Rav Moshe's *halachik* points, rather he feared that irresponsible people may, “...*think in their hearts...that they have a source, or an allusion, to the allowance of women (shul) presidents...or even women rabbis and chazonot, rachmana l'tzlan...and certainly Rav Moshe would agree (that this was not his intent)...*”

In fact, in Rav Moshe's response to Rav Amsel's article, Rav Moshe he agrees that a woman shul president would be problematic.

This was not the end of the issue, nor was it even its beginning. In fact, in the beginning of the last century there were any number of *teshuvos* (*Achiezer, Seridei Eish*, etc.) relating to matters that fall under this topic. Specifically, if Jews in then Palestine could or should elect women to public office.

While certainly Rav Moshe gave allowance for *rabbanim* to decide –on a case by case basis –if women can act as *mashgichos*, a mass, generalized allowance will surely re-open this discussion to a new generation of *poskim* and *lamdanim*.

Devorah the Judge

Before we end, one last question must be raised:

Did not Devorah act as a leader –a *shofet*/judge for the Jewish people (Shoftim ch. 4)?

How was she –based on the way Rambam understands the *halacha* – allowed to be appointed to such a lofty position of public leadership?

This would certainly be problematic for the Rambam’s position. Yet, even according to those *rishonim* who may disagree with Rambam and allow women to hold positions of high office short of being an official queen, do not *chazal* teach (see Nidda 49b and Tosphos to Bava Kamma 15a *s.v.* ‘*Asher*’) that women may not serve as judges?

Any number of answers have been offered to this vexing question. What follows is a brief sample.

- Devorah did not act as a judge, *per se*, rather she taught the *halacha* (Tosphos, Nidda 50a; Rashba)
- A woman *can* in fact act as a judge (Tosphos *ad loc.* This is the source to show that Tosphos rejects the view of Rambam)
- The *pasuk* in Shoftim says, “And Devorah...she was a judge...at that time” The redundancy of the pronoun, together with the self-evident ‘at that time’ leads the Aruch L’ner (see also MaHaratz Chiyus to Bava

Kama 15) to suggest that her acting as a judge was a special dispensation (*hora'as shoh*) just for her and only for that time (see also Tosfos to Bava Kama 15).

The Shalal Rav to Shoftim points out something fascinating. The first letters of the words 'Shoftah Es Yisroel' (she judged Israel) spells out 'ish'/man, in that Devorah was the exception to the rule.

"Chachmas Nashim Bansuh Beisa" The Wisdom of Women Builds the House

Recently news outlets were shocked to discover reports of studies suggesting that pharmaceuticals may act differently in men and women. Even the venerable news magazine '60 Minutes' even ran a piece on this 'shocking' discovery.

To most *frum* people this study was not shocking. Men and women, while having the same lofty goals, sometimes have differing paths.

While we may never understand everything the Torah demands, especially when it comes to issues relating to gender-specific roles, we know that nothing is, *chalila*, capricious, and that clinging to our holy Torah is the best assurance for our future survival.

We yield to the Torah, her wisdom, and will continue to do so until Eliyahu can come to teach us its most inner meanings.