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ב"ר משה גרוסמן זצ"ל

Dedicated in loving memory of
HaRav Yosef Grossman zt"l

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DISTAFF DEMOCRACY: WOMEN'S SUFFRAGE IN HALACHA, PART II

Adapted from the writings of Dayan Yitzhak Grossman

Our previous article surveyed rabbinic opinion of a century ago, when the Nineteenth Amendment to the U.S. Constitution gave women the vote, on the question of female suffrage. We continue here to present positions and arguments of rabbanim of that time.

ERETZ YISRAEL

As previously noted, the rabbanim of *Eretz Yisrael* a century ago were generally opposed to female suffrage. One of the leading members of this group was R' Avraham Yitzhak Hakohein Kook, who argued that female suffrage is utterly antithetical to the Torah. Serving in public office is a male prerogative and not a female one, because "It is the manner of a man to conquer and it is not the manner of a woman to conquer,"¹ and "the roles of office, of judgment, and of testimony are not for her, since "The king's daughter is all glorious within."² In general,

Striving to prevent the mixing of sexes in gatherings is a theme that runs through the entire Torah. Thus, any innovation in public leadership that necessarily brings about the mixing of the sexes in a multitude, in the same group and gathering, in the routine course of the people's life, is certainly against the law.³

This initial statement was about women holding public office, but Rav Kook subsequently extended his opposition to their voting as well. Here, too, the Torah, *Nevi'im*, *Kesuvim*, *Halacha*, and *Aggadah* all teach us

that the spirit of the whole nation, in its essence and purity, opposes this modern innovation. It teaches as well that if we bend ourselves specifically to the novel Irish morality, we thereby commit an act of betrayal to our own morality, the morality of Judaism.⁴

¹ "On the Election of Women," September 1919, Jerusalem. Translated by Zvi Zohar.

² Tehillim 45:14, as understood by Chazal, e.g. Yevamos 73a.

³ "On Women's Voting," With G-d's Aid, April 1920, Jerusalem. Translated by Zvi Zohar.

⁴ "On Women's Voting," With G-d's Aid, April 1920, Jerusalem. Translated by Zvi Zohar.



Excerpted and adapted from a shiur by
Dayan Yitzhak Grossman

PARSHAS TOLDOS FORTHRIGHT FALSEHOOD

And Yaakov said to Yitzhak: I am Eisav,
your firstborn.

Bereishis 27:19

Yaakov Avinu engaged in deception multiple times to obtain what was rightfully his. Is such behavior permitted according to halacha? The Gemara (*Berachos* 5b) indicates that Rav Huna suffered financial loss because he did not give his sharecropper what he deserved, even though the sharecropper had acted dishonestly with Rav Huna. But the Gemara (*Megillah* 13b) states that Yaakov told Rachel it was permitted for him to engage in deception against others who attempt to deceive him (e.g., Lavan).

The *Mordechai* suggests that one may seize a specific object taken from him, but he may not take other objects in response to being cheated (like with Rav Huna). The *Ben Ish Chai* limits the *Mordechai's* license to seizing the item in public. If that is not possible, then surreptitious retrieval is permitted. The *Sho'el Umeishiv* agrees, though he is unsure whether seizing the amount owed is equivalent to seizing a specific object.

The *Rashba*, by contrast, argues forcefully that lying is absolutely forbidden even

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In Hot Water

Q To add baked croutons or raw foods to soup on Shabbos, must the soup be in a *kli shlishi*, or does a *kli sheini* suffice?

A There are three reasons not to put foods that are subject to the prohibition of cooking on Shabbos into a *kli sheini* if it is hot to the point of *yad soledes bo*: First, *Rishonim* tell us that a *kli sheini* is able to cook foods that are easily cooked (*kalei habishul*).

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Another opponent in *Eretz Yisrael* of female suffrage was R' Yechiel Michel Tucazinsky, who argued that in the censuses of the Torah, only adult men and the heads of households were counted, because they were the ones whose opinions mattered regarding all public affairs and appointments, but the Jews were repeatedly enjoined from counting women (and children under twenty years old), "because there is no benefit in knowing their number."⁵

R' Yosef Chaim Sonnenfeld and R' Yitzchak Yerucham Diskin (son of R' Yehoshua Leib Diskin) also opposed female suffrage.⁶

There were, however, a few prominent rabbanim in *Eretz Yisrael* at the time who did support female suffrage. As noted previously, the most prominent of these was R' Ben Zion Meir Hai Uziel, but R' Zvi Pesach Frank was also in favor of allowing women to vote, for political reasons: Denying religious women the right to vote would drastically weaken the political power of the Orthodox and would thereby cede control of *Eretz Yisrael* to the nonreligious.⁷

EUROPE

We mentioned previously that many of the leading European *gedolim* also opposed female suffrage. These included the Chafetz Chaim and the two great rabbanim of Dvinsk, R' Meir Simcha (the Ohr Sameiach) and R' Yosef Rosen (the Rogatchover *Gaon*), who were among the signatories to a *psak din* declaring that "according to the law of our holy Torah, a woman has absolutely no right to either vote or be elected."⁸ R' Chaim Ozer Grodzinsky (the Achiezer) also issued a public letter in which he vehemently opposed the election of women to positions in which they would work together with men on a regular basis in the management of public affairs, but he repeatedly ex-

plained that his objection was to the violation of modesty entailed in men and women working together, and he does not discuss women voting.⁹

At least one European *gadol*, however, felt that the vehemence of the opposition of the *gedolim* in *Eretz Yisrael* to female suffrage was deeply misguided and a serious miscalculation. R' Avraham Dov Ber Kahana-Shapiro (the Kovno Rav, author of *Devar Avraham*) penned a biting letter to Rav Kook's son R' Zvi Yehuda in which he criticizes the rabbanim in *Eretz Yisrael* for boycotting the gathering at which female suffrage was debated and for lacking the foresight to realize that the matter was a fait accompli anyway, and their extremism thus resulted only in the loss of any influence they might otherwise have had over the proceedings. Moreover, their implacability antagonized "a large portion" of the women against them, and "perhaps to a certain extent, against religion."

Do they really consider the participation of women to be an absolute prohibition, explicit in the Torah, such that we do not say "It is better that they be unwitting, etc.?"¹⁰ In my opinion, they have acted foolishly.¹¹

THE UNITED STATES

We previously mentioned the positions of R' Jacob Levinson and R' Elazar Meir Preil. The most vigorous rabbinic supporter of female suffrage in the United States (and anywhere, really) a century ago was undoubtedly R' Chaim Hirschensohn, the Chief Rabbi of Hoboken, N.J., who insisted, in the course of his lengthy treatment of the subject,¹² that "Regarding suffrage, there is no doubt whatsoever, and no possible conception of finding any conceptual basis for its prohibition, and those who prohibit it are prohibiting that which is permitted . . . and are stealing the rights of myriads of thousands of Jewish daughters unjustly . . ."¹³

5 Ha'ishah Al Pi Toras Yisrael, Ch. 11 pp. 48-50.

6 Malki Bakodesh cheilek 2 She'eilah 4 p. 12.

7 Malki Bakodesh ibid. Rav Frank's position is also cited in Rabbi Prof. Aryeh Avraham Frimer, *Nashim B'safkidim Tziburi'im Batekufah Hamodernis and Yisrael Shapiro, Machlokes: Ha'im Mutar L'ishah Laleches L'Kalfi V'livchor? Kikar Shabbat, 23 Shevat, 5780 18:31. https://www.kikar.co.il/348147.html*. See both these articles for extensive discussions of our subject.

8 Addition to Kol Yisrael Volume 9.

9 *Isur Bechiras Nashim*.

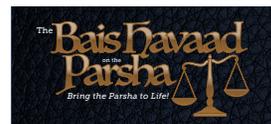
10 *Shabbos 148b*.

11 From *Bereishis 31:28*. *Igros L'Ra'ayah* p. 557. Cf. Prof. Marc B. Shapiro, *German Orthodoxy, Hakirah, and More, The Seforim Blog*.

12 Malki Bakodesh ibid. *Teshuvah 4* pp. 171-209.

13 *Ibid.* p. 202.

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to retrieve one's property taken by others. Perhaps he would explain Yaakov's statement in *Megillah* as refer-

ring to a "white lie," but an absolute lie would be forbidden.

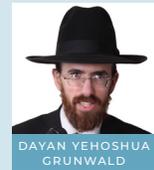
The *Mishpatecha L'Yaakov* (a contemporary work) rules that an employee who was tricked by his employer (they had agreed on an hourly rate, and the employer later falsely claimed the

agreed rate was lower) may inflate his hours to receive the payment he is owed. He claims that the *Rashba's* stringent approach applies only in *Bais Din*, but outside of *Bais Din* one may lie in such a case.

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The *Magein Avrohom* (318:18) and *Mishnah Berurah* (318:42) write that we aren't expert today in identifying *kalei habishul*, so we must avoid putting any uncooked foods into a *kli sheini*, with the exception of water, oil, and certain spices.



DAYAN YEHOSHUA GRUNWALD

Second, according to some *Rishonim*, there is a Rabbinic prohibition to place uncooked foods in a *kli sheini* because it appears like cooking and might lead an onlooker to cook in a way that is forbidden Biblically. This applies to all uncooked foods, with the aforementioned exceptions.

Third, the *Chayei Adam* writes that although a *kli sheini* that is *yad soledes bo* won't cook many uncooked foods, if the *kli sheini* is hot to the point of *yad nichveis bo*, it will—as will a *kli shlishi*. The *Mishnah Berurah* (318:48) follows the *Chayei Adam*, but the *Chazon Ish* (52:19) wonders why, if that is the case, earlier *sefarim* didn't mention the phenomenon. He also points out that given the difficulty of ascertaining the precise temperature of food on *Shabbos*, the *Chayei Adam's* view would have the practical result of forbidding the use of even a *kli shlishi* on *Shabbos*. He concludes that one can safely assume that a *kli shlishi* is not *yad nichveis bo*, but one must be concerned about a *kli sheini*; it was unnecessary for earlier *sefarim* to mention the issue because we don't cook in a *kli sheini* anyhow. According to this approach, even water, oil, and spices can't be put in a *kli sheini* unless we are certain that it isn't *yad nichveis bo*. Many *poskim* appear to follow the approach of the *Chazon Ish*.

The above concerns raw foods; baked foods are *kalei habishul* and may not be placed in a *kli sheini*, even if not *yad nichveis bo*. But they may be put in soup that is a *kli shlishi*. Note, too, that "spices" here may not include ground spices.



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