



Sources are taken from an article entitled:

**“Women in Public Life- Two Public Letters of Rav Kook and Rav Uziel”  
The Edah Journal 1:2 / Sivan 5761**

### Introduction

These letters were written in 1919 and 1920, when the authors held the offices of Chief Ashkenazic Rabbi of Jerusalem and Chief Sephardic Rabbi of Jaffa, respectively, and the question of women’s suffrage was first debated in the Western world and Palestine. Rav Kook argued that women’s suffrage, as well as participation in public life, were strictly forbidden by Jewish law and ethics; Rav Uziel, on the other hand, maintained that both were absolute rights accorded women by the Torah and by the logic of democratic principles.

### 1) “On the Election of Women” September 1919 – Jerusalem (Translation - Zvi Zohar)

An Open Letter!

To the Hon. Committee of the Mizrahi Association, I was honored to receive your request that I express my opinion concerning the pending question of electing women to the assembly of the representatives of the Jews of the Land of Israel. Despite my not being worthy of being approached, I consider that circumstances require that I expound my opinion on this matter, with greatest possible brevity.

It seems to me that the issue can be analyzed under three headings:

- a) Regarding the law (*din*), whether the matter is permitted or forbidden
- b) Regarding the general good, whether good for Israel will result from an affirmative answer or from a negative one
- c) Regarding the ideal, whether our moral consciousness opposes the prospect or supports it

We must expound our attitude on each of these three aspects, for I wish the discussion to be addressed to all our ranks: to the fully faithful of Israel, for whom the halakhic ruling is central; to those for whom the nation’s good is decisive; and to those whose main regard is for the moral ideal in itself.

Regarding the law, I have nothing to add to the words of the rabbis who came before me. In the Torah, in the Prophets, and in the Writings, in the *halakhah* and in the *aggadah*, we hear a single voice: that the duty of fixed public service falls upon men, for **“It is a man’s manner to dominate and not a woman’s manner to dominate”** (*Yevamot*



65b), and that roles of office, of judgment, and of testimony are not for her, for “all her honor is within” (Ps. 45:14). 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 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.

Next to be discussed is the aspect of the general good. ... The [Balfour] declaration rests on the correct view, shared by the best of the gentiles and the best of the British people particularly, that our link to the Land of Israel is something divinely sanctified. They are influenced in that view by the holy light of the Bible, which is treated as holy by the greater part of civilized nations today. And the spirit of the Bible is perceived even now by the weightiest part of the world as leaning generally to the side of modesty, fearing any depravity which might come into the world by reason of human weakness with respect to the sexual impulse. The special feeling of respect towards woman is therein based, and [her role is] centered on domestic life, the improvement of inner life, and all the delicate human works branching out from them. The enemies of Israel—both internal and external—make much use nowadays of the libel that the young [*yishuv* in] Israel has lost its link to the Holy Book, and, therefore, has no right to the biblical land. Our duty is to take up stations and demonstrate to the whole world that the soul of Israel is alive in its true character and that the biblical land is deserved by the biblical people.... This will be so only if we avoid the European novelty—alien to the biblical spirit and to the national tradition deriving from it—of women’s involvement in elections and public life, which is tumultuous and noisy and involves multitudes.

It is worth emphasizing that we are treading the path of our redemption not in order to be mere followers of European culture, which at least as to morality and the purity of virtues is defunct (as acknowledged by all penetrating critics who are not awed by the appearance of its imposing stature), but in order to proclaim evermore unto the entire world our message, vigorous, holy and clear, just as it springs from our internal fountainhead. ....

Finally, as to the ideal: Deeply imprinted in our soul is the ideal of being unblemished by any sin. When this ideal is realized, the world will be purified, and proper and safe ways will be found for the delicate and holy participation of **Woman, the mother in Israel, in public life, both generally and particularly, with wholesome influence and in accordance with her special inner worth, thus fulfilling the vision: “Every woman of worth is a crown unto her husband” (Prov. 12:4)**. But this future vision is as yet not even glimpsed in temporal cultural life, which, though outwardly well groomed, is rotten within. So any step we take in the course of our public life that carelessly disregards our



outlook concerning Woman's present and future worth—something that is deeply imprinted in our spirit—merely impedes this ideal course. ....

And this will surely come about only through maintaining our true character, in accordance with all the laws and ordinances by which the Torah instructs us in the ways of life of exalted glory, of supreme freedom, and of redemption. This is my inner conviction, which I convey to you, my beloved brothers, in the integrity of my heart, awaiting prompt liberation and with God's blessing from Zion and Jerusalem.

Respectfully,  
Abraham Isaac Ha-Kohen Kook

### **"On Women's Voting" With God's Aid, April 1920-Jerusalem**

#### *General Responsum*

To the many who have asked about the participation of women in the election of the Constitutive Assembly:

Your weighty query regarding the election of women to the assembly of the Jews of the Land of Israel [is again at issue], even though I have already expressed my opinion in this matter, in general, in my open letter to the Mizrahi association [in September 1919].

Now, as then, I must say that I am unworthy of your having sent me [this query], for I see a strong need to convene a great assembly of the rabbis of the Land of Israel, which would decide the matter. I think that statehood has not yet been so separated from religion as to make it possible to think that the statesmen have the right to act on a matter of general concern without any consideration for the opinion of all the religious authorities in the Land of Israel, in their great majority. Therefore, I believe it necessary that all the rabbis of the Land of Israel rule on this issue jointly. Because the matter is most pressing, the assembly should take place as soon as possible. As for my own opinion, as a matter of theory, however, I would like to add some clarification to what I said in the foregoing open letter..... We believe our outlook on the life of society is more delicate and pure than that of the other civilized nations in general. **Our family is sacred to us in a much deeper way than it is to all in the modern world, and this is the basis of the happiness and dignity of the Woman of Israel. In other nations, the family is not the foundation of the nation, nor is it as stable and deep as it is amidst us. For this reason, they are not so taken aback by the cracks in family life, and the consequences of those breaks will not cause such harm to their national life. The psychological basis for calling for public participation in elections by the name of "women's rights" arises fundamentally from the unhappy position of the mass of women amidst these nations. If their family situation had been as peaceful and dignified as it is generally in Israel, the women themselves, as well as men of science,**



**morality and high ideals, would not demand what they call “rights” of suffrage for women, in the common fashion, a step that might spoil domestic tranquility (*shalom bayit*) and ultimately lead to a great deterioration of political and national life in general. But out of their desperation and bitterness, the result of male coarseness that spoils family life, the women of other nations thought to receive, through some public empowerment, help in ameliorating their wretched situation at home, without regard to the further breaches made thereby, since those breaches are so numerous.**

Those who support the participation of women in elections must recognize as well that what I have said here, stems from the deep spiritual knowledge of myriads of our brothers, righteous ones of Israel, who are connected in all their hearts and souls to the life of the nation and to its inner spirit. These myriads live with us in the Land of Israel, we very much need their collaboration, and they will also be amongst the new immigrants whom we so much expect. To them the matter of women’s participation in elections, according to the modern Irish public style, constitutes a source of deep spiritual distress.... And even were the truth with those who say that morality demands what is called equal rights for women, and that their public participation according to the modern version is a fine and acceptable thing, rather than what we know it to be according to our own spirit, such participation would be an ugly and unacceptable matter....

According to my assessment, this claim should enter the heart of all just souls that truly desire the building of the nation and who hope that we will build in the Land in a suitable manner a political life worthy of its name.....

Anticipating redemption and with feelings of honor, your brother and faithful servant,  
Abraham Isaac Ha-Kohen Kook

## **2) *Mishpetei Uziel* 44 Rabbi Ben Zion Uziel, 1920 (Translation -- Zvi Zohar)**

“WOMEN’S RIGHTS IN THE HOUSE OF REPRESENTATIVES AND IN INSTITUTIONS OF PUBLIC AND *YISHUV* LEADERSHIP”

I wrote this *responsum* originally to clarify the *halakhah* for myself, not wishing to publicize and teach this *responsum* and this *halakhah* for implementation. However, now since this question has been resolved by itself, I deem it good to publicize it for the purposes of enhancing Torah.

### **A. Women’s Right to Vote**

This issue became a central controversy in *Erets Yisrael*, and the whole Land of Israel rocked with the debate. Posters and warnings, pamphlets and newspaper articles appeared anew every morning, absolutely prohibiting women’s participation in the



elections. Some based their argument on “Torah Law,” some on the need to preserve the boundaries of modesty and morals, and others on the wish to ensure the peace of the family home. All leaned upon the saying “The new is prohibited by Torah (*hadash asur min ha-torah*).”

I regret to say that I do not have available now before me all the literature that has accumulated on this issue. I am very grateful to my friend, a virtual repository of Torah, the great Rabbi Hayyim Hirschensohn, who in his book *Malki Ba-Qodesh*, part 2, summed up all the relevant material. Thus I have the opportunity to hear all the opinions of those who prohibit [women’s suffrage], and to discuss them to the best of my limited capacity.

The issue can be subdivided into two headings: (a) the right to vote, and (b) the right to be elected.

Regarding the first [heading], we find no clear ground to prohibit this, and it is inconceivable that women should be denied this personal right. For in these elections we elevate leaders upon us and empower our representatives to speak in our name, to organize the matters of our *yishuv*, and to levy taxes on our property. The women, whether directly or indirectly, accept the authority of these representatives and obey their public and national directives and laws. How then can one simultaneously “pull the rope from both ends”: lay upon them the duty to obey those elected by the people, yet deny them the right to vote in the elections?

If anyone should tell us that women should be excluded from the voting public because “their minds are flighty (*da`atan qalot*)” (*Shabbat* 33b and *Qiddushin* 80b) and they know not how to choose who is worthy of leading the people, we reply: Well, then, let us exclude from the electorate also those men who are “of flighty minds” (and such are never lacking). **However, reality confronts us clearly with the fact that, both in the past and in our times, women are equal to men in knowledge and wisdom, dealing in commerce and trade and conducting all personal matters in the best possible way. Has it ever been known that a guardian is appointed to conduct the affairs of an adult woman against her will?.....**

But perhaps this should be prohibited because of licentiousness? But what licentiousness can there be in this, that each person goes to the poll and enters his voting slip? If we start considering such activities as licentious, no creature would be able to survive! Women and men would be prohibited from walking in the street, or from entering a shop together; it would be forbidden to negotiate in commerce with a



woman, lest this encourage closeness and lead to licentiousness. Such ideas have never been suggested by anyone.

Or, perhaps, it should be prohibited for the sake of preserving peace in the home (*shalom bayit*)? The author, being a great rabbi, has answered this well: If so, we must also deny the right to vote of adult sons and daughters still living at their fathers home. For in all cases where our rabbis concerned themselves with ensuring tranquility, they gave equal treatment to the wife and to adult sons living at home (see *Bava Metsi'a* 12b). It might still be objected, that denying this right to adult children should indeed have been proposed, but since it wasn't, let us at least not increase friction even more by allowing women to vote! But the truth is that differences of political opinions and attitudes will surface in some form or another, for no one can suppress completely his outlook and opinions....

**In conclusion: Having found not the slightest grounds for this prohibition, I find that no one has the slightest right to oppose or to deny the wishes of part of the public on this matter.**

### **B. May Women be Elected?**

The second issue is whether a woman can be elected to public office. Now, it seems *prima facie* that we have come up against an explicit prohibition. For in the *Sifre* on Deut. 29:16 it is written: "Thou shall appoint—and if he dies, another is appointed in his stead, [i.e.] a king and not a queen." From this source Maimonides derived the rule: A woman may not be appointed to the throne, as it is written: "'A king'—and not a queen." And likewise, all public appointments in Israel are to be made from amongst the men and not the women. Therefore a woman should not be appointed as head of a community (*Hilkhoh Melakhim* 1:5). This is in consonance with the *halakhah* discovered in *genizah* material by the great Rabbi Shlomo Aharon Wertheimer: A man can be designated as a communal leader, but a woman may not be nominated as a communal leader.

But I myself am in doubt whether this rule stems from (a) women being basically ineligible to function as judges, or from (b) the principle of dignity of the community. The effective significance of each alternative would be seen in a situation where it is not the *beit din* which appoints her, but rather a part of the public that chooses her as its representative and its proxy. Under theory (a), such a public choice would be invalid, just as no individual can voluntarily decide to acknowledge a woman's evidence in matters of marriage and divorce, etc., since the Torah has deemed her ineligible. But under theory (b), we would say that their choice is valid, and that only the unanimous



public or the *dayyanim* are prohibited from electing her to public office, but a part of the public may choose her as their representative and proxy.

### **C. Appointment of Women to Positions of Political Power (“*Serarah*”)**

**Despite our having clarified the fact that on Talmudic grounds there is no source for denying women the possibility of authoritative appointments, an adversary could still take issue with us and say that the absence of proof is no proof (“*Lo ra’inu aino re’ayah*”).** Therefore, I shall now present a positive proof for my position. *Tosafot* (*Niddah* 50a, s.v. *kol ha-kasher*), when discussing women’s capacity to serve as judges, offer two opinions. According to one opinion, a woman is legally fit to serve as a judge, since the injunction: “These are the judgments which thou shall set before them” (Exod. 21:1) relates to the judges and also teaches that Scripture views women and men equally with respect to all Torah laws. ...The other opinion that appears in *Tosafot* is that women are basically unfit to judge. But even this position justifies Deborah’s function by suggesting that she served as a public teacher and mentor. Accordingly, this opinion must be understood as holding that the verse “And the children of Israel came up to her for judgment” (Judg. 10:5) means that they were in need of her judicial teachings. Thus, a woman’s ineligibility relates only to her not being authorized to hear pleas or take evidence, but she is eligible to judge in the sense of deciding law and legislating. Now, is this not deemed authoritative office?

**In conclusion, it is clear that even according to the *Sifre* she may be accepted as judge, that is, leader, and she may make decisions just as one can accept a relative [as judge]. Therefore, in appointment by election, which is the public’s acceptance of those elected as their representatives and leaders, the law is that they can also elect women, even according to the positions of the *Sifre* and Maimonides. And in the writings of the *rishonim*, in general, no dissenting opinion has been found.**

### **D. Law and Morality**

Nevertheless, there is still basis for doubt—namely, that even though from a legal standpoint the acceptance [of an elected woman] is valid and people may elect her on the grounds that they have accepted her over them, from the standpoint of morality and conventions of modesty there might be a prohibition. ....Logic dictates that in no serious assembly or worthy discussion is there licentiousness. Daily, men meet and negotiate with women in commercial transactions, and yet all is peace and quiet. Even those inclined to sexual licentiousness will not contemplate the forbidden while seriously transacting business. ... Meeting in the same enclosed area for the sake of public service—which is tantamount to service of the Divine—does not habituate people to sin or cause levity; for all Jews, both men and women, are holy, and not suspected of violating conventions of modesty or morality....



Finally, I have seen a newly contrived basis for not giving women the right to participate in elections (even to vote)—namely, out of consideration for the prohibition of flattery, lest a woman insincerely cast her vote for the individual or party that her husband favors. *Sefer Malki Ba-Qodesh* wrote correctly that such is not flattery but the upright nurturing of love. To which I would add: Would that this would be the case and that every woman would esteem her husband to the extent of suppressing her will on account of his. One might even voice this reason in favor of giving [women] the right to vote, so that a wife might thereby show love and esteem to her husband, and peace thereby abound in the house of Israel.... for this suspicion holds true for children, relatives, lovers, and friends. Such, however, is not deceitful flattery but comes under the rubric of (*Yevamot* 85a) “One may distort the truth for the sake of peace.”

**E. Conclusions:**

- 1) A woman has an absolute right of participation in elections so that she is bound by the collective obligation to obey the elected officials who govern the nation.
- 2) A woman may also be elected to public office by the consent and ordinance of the community.