Rabbi Benzion Uziel: Women in Civic Life

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This is an excerpt from “Loving Truth and Peace:The Grand Religious Worldview of Rabbi Benzion Uziel,” by Marc D. Angel, Jason Aronson, 1999. This excerpt appeared in issue one of Conversations, the journal of the Institute for Jewish Ideas and Ideals.

Until the early twentieth century, women in most countries had limited roles in civic life. In 1917, for example only five countries in Europe allowed women to vote—Finland, Norway, Denmark, Iceland, and Soviet Russia. The women’s suffrage movement in the United States and Europe was ultimately successful in gaining the vote for women, but victory came only after a period of protracted social and political agitation.

The issue of women’s right to vote and to be elected to office were subject to heated controversy among the Jewish community in the land of Israel beginning in 1917. Zvi Zohar, in an article about the debates concerning women’s suffrage which raged in the land of Israel 1918-1921, noted that the rabbinical leadership of the Ashkenazic Old Yishuv was generally opposed to granting women the rights to vote and be elected to office. On the other hand, the Sephardic leadership generally favored these rights for women. (see Zvi Zohar’s article in Sephardi and Middle Eastern Jewries: History and Culture, edited by Harvey Goldberg, Indiana University Press, 1996, pp. 119-133.)

Zohar pointed out that the leading Ashkenazic rabbinical figure, Rabbi Abraham Isaac Kook, was adamantly opposed to letting women become involved in political life. He argued that the Torah tradition relegated civic authority to men, and that women were to remain in the private, domestic domain He rejected the “modern innovation” of allowing

women political involvement, believing that this was a threat to traditional Jewish morality and family life. (See Rabbi A. I. Kook, Ma'amarei ha-RaAY'aH, Jerusalem, 1984, pp. 189-194.)

Zohar views Rabbi Benzion Uziel as the most articulate spokesman of the opinion shared by most of the Sephardic rabbis of the time. Rabbi Uziel's approach differed substantially from that of Rabbi Kook (Piskei Uziel, no. 44; Mishpetei Uziel, 5700, no. 6.)

Rabbi Uziel rejected the opinion that innovation was necessarily an evil. On the contrary, innovation may be embraced where there was no clear Torah prohibition involved. Concerning the question of whether women should be allowed to vote, Rabbi Uziel argued that we have not found any clear foundation to forbid. It is unreasonable to deprive women of this human right, since in these elections we choose our leaders and give our elected representatives the power to speak in our names, to arrange the affairs of our settlement and to tax our property. Women, directly or indirectly, accept the authority of those elected, and obey their rulings and communal and national laws" (ibid.).

Rabbi Uziel said that it was unjust to expect women to follow the decisions of the elected officials if they did not even have the right to participate in the election in the first place.

Some opponents found rabbinic sources indicating that women's understanding was limited. Therefore, they reasoned, women should not be allowed to vote. To this, Rabbi Uziel stated that there were many men with limited understanding: Should they too be deprived of the right to vote? Moreover, Rabbi Uziel indicated that women were endowed with intelligence and sound judgment, no less than men. Simply looking at the actual situation today would prove that women were quite capable and competent to vote. (For more on women's intellectual capacities see Sha'arei Uziel, vol. 1, pp 124, 200.)

Rabbi Uziel dismissed the argument that allowing women to vote would threaten morality and family life. What immorality could ensue from allowing women to go to the ballot box to register their votes? If the worry was that men and women would mix together in a public venue, then we would have to prohibit people from walking in the street or going to a store where men women might be together. We would have to forbid any business conducted between men and women. But no one had ever

made such ridiculous suggestions. Why then did they raise this specific argument when it came to voting?

One opponent wrote that women should not be allowed to vote because they were excluded from official status in Biblical times. Rabbi Uziel brushed this objection aside, noting that it had no bearing on the question at hand. Women, as well as men, were created in God's image. They had a basic right to be able to vote for those who would have authority to pass laws which they would have to obey. Not only was there no prohibition to letting women vote, said Rabbi Uziel, but depriving them would be unjust and would cause them humiliation and pain.

Having resolved that women should be granted the right to vote, Rabbi Uziel then turned to the question of whether women had the right to be elected. Halakhic literature includes the notion that women should not be in positions of authority over men. Rabbi Uziel analyzed these sources carefully, concluding that there was no objection to a woman being in a position of authority—if the community willingly accepted her. Thus, women could be elected to office, since their very election demonstrated that the public accepted their authority. Rabbi Uziel further argued that when women and men sat together in public deliberations, this did not constitute a threat to morality and family life. These were not social events but serious conversations and debates on major issues.

In conclusion, Rabbi Uziel ruled that women were permitted to vote and to be elected. This view obviously came to prevail in the land of Israel. In another responsum (Piskei Uziel, no. 43; Mishpetei Uziel, 5700, no. 5), Rabbi Uziel found halakhic grounds to permit women to serve as judges as long as the community accepted their authority to judge. Yet, he harbored doubts as to whether a woman should serve as a judge, even though she might be permitted to do so. Rabbi Uziel felt that women were innately compassionate and sensitive and that their judgments would be colored by their emotions. Moreover, he thought that women should devote their time and talents to raising their children rather than to assume the burdensome responsibilities of a judge. Although he personally did not approve of women serving as judges, he was intellectually honest enough to present the halakhic justification to permit women judges. Those who disagreed with his personal feelings could still find halakhic authority in his arguments to allow women to serve as judges.

Rabbi Uziel likewise found halakhic grounds to accept women as witnesses in civil cases when the public agreed to this practice. However, he ruled unequivocally that women could not serve as witnesses in matters of marriage and divorce since no communal ordinance could overrule the Torah law prohibiting female witnesses in these areas. (Rabbi Uziel's statements are included in R. Herzog, Tehukah le-Yisrael, vol. 3, pp. 66—67.)
The newly established state of Israel passed legislation guaranteeing the equal rights of men and women. Women were granted economic equality, including the right to inherit. Halakha, though, does not grant full economic equality to women nor does it generally allow women to inherit. Rather, Halakha provides its own ways of protecting the economic interests of women while at the same time granting women the full opportunity to devote themselves to their families. Indeed, women had the essential role of seeing to the well-being of their children and were therefore exempted from certain financial responsibilities which would interfere with child rearing.

In these areas, Rabbi Uziel argued that the Halakha was far better for the interests of women than the modern legislation granting economic equality. He felt that rabbinical courts, following the teachings of Halakha, should be authoritative in cases of financial disputes involving women. He called on the government of Israel not to attempt to force the rabbis to cast aside Halakha: They would never do so; they would struggle courageously to maintain the halakhic standards. (See ibid., pp. 68—72; and Shaarei Uziel, vol. 1, pp. 124, 200—201; and vol. 2, pp. 203ff.)

From the above discussion, it is clear that Rabbi Uziel blended his profound traditionalism with a remarkable sensitivity to modern conditions.
His rulings were animated by the view that halakha was the sine qua non of proper Jewish life and that the interests and needs of women—and men—were best met by fidelity to the classic teachings of Jewish law.