



ק"ק חברת בני ישראל

Celebrating its 120th Anniversary

65 Watford Way, London NW4 3AQ
T: 020 8202 2263 F: 020 8203 0610
E: info@federationofsynagogues.com

CONSULTATION ON CONSTITUTIONAL CHANGES

This document

This document now includes, shown in *italics* after each clause, relevant comments made by Council members when these proposals were presented to Council on 9 December 2007 and by Federation members at and following the two Consultation meetings on 13 May and 3 June 2009.

Introduction

It has been acknowledged by the Federation Council that the current Constitution needs changing and updating to bring it into line with current practices. In addition, implementation of the recommendations made by Dayan Lichtenstein in his recent *psak halacha* on the role of women in the Federation requires changes to the Constitution. This report, which is in two parts, outlines all proposed changes, for consideration at consultation meetings open to all members of the Federation of Synagogues. Part A describes proposals relating to Federation governance issues which have already been agreed in principle by Council. Part B deals with the role of women in the Federation.

PART A – GOVERNANCE OF THE FEDERATION

Terms

1. The Honorary Officers will become Trustees and, as in fact has been the actual situation for many years, the 'General Council' shall be renamed the 'Council' and any reference to an Executive be abolished.

'Standing Orders' shall be named as 'Rules'.

Comment:

- *The definition of Trustees should include members of Boards of Management when they make decisions as Trustees.*

Objects

2. The objects of the Federation shall be simplified to accord with more modern practice as follows:-
 - 1) To establish and maintain Jewish places of worship and community and educational centres.

Rosh Beth Din: Dayan Y Y Lichtenstein

Chief Executive: Dr Eli Kienwald

www.federationofsynagogues.com

Registered Charity Number 254951

President: Alan Finlay Vice-Presidents: Henry Dony • Benjamin Mire
Treasurers (Federation): Leon Newmark • Paul Westbrook Treasurers (Burial Society): Rabbi Jeffrey Cohen • Michael Ezra

Comment:

- *This clause should read “...orthodox Jewish places....”*
- 2) To provide services of orthodox Dayanim, Rabbis and other religious officiants.
- 3) To establish and maintain institutions, organisations and other activities for orthodox Jewish religious educational purposes.

Comment:

- *This clause should also include cultural and social activities.*
- 4) To establish, promote and carry on and assist in the establishment, promotion and carrying on of institutions, organisations, associations and other activities for the promotion provision and maintenance of kashrut.
- 5) To provide and maintain cemeteries and funeral services for Jews.
- 6) To make payments to such other Jewish religious organisations and charities in the United Kingdom, Eretz Yisrael and elsewhere as the Trustees shall from time to time decide.

Comments:

- *These payments should be in furtherance of the above objects.*
- *Specific object should cover relationship with Israeli institutions*
- *Specific powers to assist communities outside England and Wales?*
- *Additional powers required to include provisions for lending money*
- *Need to link the three trusts (Federation of Synagogues, Federation of Synagogues Amalgamated Fund and Philpot Street Sphardish Synagogue Fund)*
- *Advice needed on how the restrictions imposed on the Amalgamated Fund and Philpot Street trusts can be lifted*

Management of the Federation

3. The Federation shall be managed by the Trustees and the Council. In accordance with previous discussions, this means that individual Council members fall within the legal definition of a charitable trustee and are therefore covered by the same Trustee Indemnity Insurance as the Honorary Officers. If Council members were not to fall within the definition of a charitable trustee and effectively defer the management of the Federation to the Honorary Officers, Council would be disenfranchised and become a purely consultative body. The current Honorary Officers do not wish this to happen.

Comments:

- *It has been clarified that the Trustee Indemnity Insurance policy held by the Federation of Synagogues covers members of each constituent synagogue’s Board of Management since, under the Federation structure, they are considered as Trustees of the charity.*
- *Powers/limitations of Honorary Officers and Council need to be defined as well as their ability to appoint/elect sub-committees and delegate powers to those sub-committees.*
- *All Trustees need to be made aware of Charity Commission guidance.*

The Council

4. The Honorary Officers and members of Council have expressed a wish that the Constitution should create the conditions whereby Council should be open to a broader representation by synagogue members. To this effect they have approved in principle the following Resolutions amending Clause 4. of the Constitution:

(The Council shall consist of the Elders and the following Delegates)

- It is proposed that Clause 7(b) be replaced by the following:

“the President, two wardens and the Financial Representative of each Constituent Synagogue ex officio and one elected Delegate in respect of every complete twenty five male members of the age of twenty-one years and upwards of each Constituent Synagogue with a maximum of seven delegates per synagogue”.

- It is also proposed that a new Clause 7(c) be added as follows:
“not more than ten Federation members who at their discretion the Honorary Officers’ Committee may co-opt to the Council to serve during the triennial subject to ratification by the Council save that no more than two members are from any synagogue”.
- It is proposed that additional sub-clauses be added to allow for membership of Council by lady representatives from constituent and affiliated synagogues.

Comments:

- *Every effort should be made to treat men and ladies equally in the drafting of these clauses.*
- *Consideration should be given to lowering the age of membership so that younger people may have the opportunity of participating in the workings of the Federation.*
- *Detailed thought needs to be given to membership categories (i.e. single/married/widows(ers)/senior citizens)*

Elections to the Council

5. At the present time, there is a very tight timetable for the triennial election of delegates to the Council from which the Honorary Officers are elected and the more detailed timetable set out below aims to provide a longer timeframe whilst still taking into account Purim and Pesach. The other possibility was to hold the elections in November but that could create problems where the Yomim Tovim occur later in the year.
 - a. Synagogues to hold elections to Council in the month of Teves.
 - b. List of delegates’ names and full contact details to be received by Head Office no later than 10.00 am on the 1st Shevat or previous working day if a weekend.
 - c. Between 7th and 15th Shevat, Head Office to send out to Council members who are elected a list of all delegates including ex-officio members and Trustees.
 - d. Written nominations for Trustees from Council members to be received at Head Office by 10.00 am on the 1st Adar or in a leap year 1st Adar 1. A list of nominated candidates for Trustees to be circulated to all Council members by 7th Adar (or Adar 1 in a leap year).
 - e. Elections for Trustees to take place at the AGM to be held between 16th and 29th Adar or in a leap year 29th Adar 1 inclusive.
 - f. The above proposal provides a longer period within which shuls can hold their AGMs and also allows for electioneering to take place where there is a contested election.

Comments:

- *Election of Trustees should take place at first Council meeting and not at AGM.*
- *Care should be taken to avoid possible conflict between these proposals and current arrangements for the election of delegates to the Board of Deputies.*
- *Dates should be expressed with reference to the secular calendar. Elections to Council should be in May as now with first Council meeting to be on or before 15th July – more work is needed to consider possible conflict with Shavuot.*

Vacancies by Death or Resignation

6. Should a delegate to the Council representing a Federation Synagogue die or resign or become incapable of acting during his/her term of office or should a vacancy occur from any other cause, a successor may be elected by such synagogue within one calendar month of such vacancy occurring.

Comments:

- *A successor should be elected or selected, depending on each synagogue's local arrangements (but see clause 18 below).*
 - *An election for a new Council delegate should be held "as soon as practicable" rather than "within one calendar month".*
 - *The word delegate should be replaced by 'representative' throughout the Constitution.*
7. Should a Trustee die or resign or become incapable of acting or be disqualified or removed during his term of office or should a vacancy occur from any other cause, a successor shall be elected by the Council as soon as practicable after such vacancies shall have occurred.

Resolutions to Council

8. At present, the Constitution stipulates various motions that may be made without notice which are relatively standard but one of which is 'all unopposed motions'. We can either keep to 100% of attending delegates or agree that this would be better defined as resolutions which have been agreed to be made by 75% of the attending delegates.
9. It would then be sensible to stipulate a deadline for all other resolutions and it is proposed that this should be in writing to the President of the Federation at least seven days before the Council meeting unless in case of an emergency as designated by the Trustees.

Comment:

- *Consideration should be given to following the Charity Commission's model.*

Financial Arrangements

10. At present, there is no timetable stipulated in the Constitution for Boards of Management/FRs to submit for Head Office approval budgets showing its estimated income and expenditure for the following year. It is proposed that such budgets should be submitted to Head Office by 30 November in each year.

Comment:

- *The date of 30 November in each year is only viable if Head Office can provide Management Accounts say to the end of September by mid-October. At the moment Head Office takes an average of six weeks to produce Management Accounts.*
11. It is further proposed that there be a tightening up of remitting monies received by synagogues into Head Office accounts. The wording would state that all monies received by the synagogues shall belong to the Federation and it is the responsibility of the Financial Representative to remit such monies expeditiously into the Head Office bank account or such other accounts as may be specified by the Trustees from time to time. In the absence of any Financial Representative, any other elected representative or the Synagogue Secretary should have that responsibility.

Comments:

- *The question of local funds needs to be considered carefully. At the moment, unless they are held in a separate charity, local funds are unconstitutional (even according*

to the current Constitution). A strong view has been expressed that local funds should be under the control of local people but be treated as Federation funds for the purpose of claiming gift aid. 'Ring fencing' by the Federation has been put forward as a possible solution.

➤ *It is important to differentiate between constituent and affiliated synagogues.*

12. At present, there is no timetable whereby the Trustees should submit an annual estimated budget to Council for approval. In addition, there are set rules regarding authorisation for payments for budget expenditure up to £10 and non-budget expenditure of under £100.

Comment:

➤ *Payment authorization levels should be set at current realistic levels.*

13. The practice currently adopted is that, provided the annual synagogue budgets are approved by the Treasurers, expenditure as detailed in those budgets is considered to be approved. If, during the course of the year, it would appear that the budgeted expenditure would be exceeded, approval would need to be obtained from the Federation Treasurers. Only in exceptional circumstances would a deficit budget be approved.

14. It is proposed that this practice be incorporated into the Constitution. With increasing sophisticated software, it should soon be possible for all synagogues financial accounts to be linked to Head Office making Head Office feedback easier and quicker.

Comments:

➤ *This is seen as a necessary and positive step forward but serious doubts have been expressed about the affordability of such a sophisticated system.*

15. It is further proposed that annual estimated budget of the income and expenditure of the Federation shall be submitted for approval by Council at the first general meeting following 1st January of each year.
16. It is not considered that there would be any advantage in changing the current financial year end of 31st December.

Local Synagogues

17. One of the strengths of the Federation is exactly that it is a federation with shuls having a degree of autonomy over their affairs. To emphasize this point, a proposal for discussion is that the only Federation constitutional requirement on shuls is that they must hold an annual AGM. Elections to the Boards of Management could be either yearly or every two years as decided locally at the AGM.

Comment:

➤ *Whilst this principle has been commended, concern has been expressed about the risks of a 'free for all'. A framework is required to ensure compliance with Halacha/Trust Law/Charity Commission requirements.*

18. Council representatives may be nominated by the Board of Management rather than elected and once again, this decision would be taken locally at the relevant AGM.

Proxy and Written Voting

19. Proxy voting be permitted for elections to local shul Boards of Management, to Council and for Head Office Honorary Officers. Written authority will need to be produced which can either be general or specific.
20. Voting for such elections could be by writing, fax or email.

Comment:

- *Proxy voting generally seen as a positive step forward but fax and e-mail should be avoided because they are open to fraud.*

PART B – WOMEN IN THE FEDERATION

1. Synagogue Annual General Meetings

Lady members (single ladies, widows and wives who take up membership in their own right) will be entitled to vote at Synagogue Annual General Meetings to elect local Honorary Officers, members of Boards of Management, members of the Federation Council and representatives to the Board of Deputies. Lady Members will NOT be entitled to vote on any Resolutions **typically** put forward at Annual General Meetings such as the adoption of synagogue accounts. Lady Members may be entitled to vote on one-off Resolutions put forward at an AGM but see below under “Synagogue Extraordinary General Meetings”

Comments:

- *The inability of women to vote on synagogue accounts is seen as a serious flaw in this proposal, particularly when considered in conjunction with proposal 3. below. There is clearly a conflict here between halacha and aspiration.*
- *The matter of wives of members taking up membership in their own right needs further consideration, particularly as to whether it would be membership of the synagogue, of the Federation, or of both.*

2. Synagogue Extraordinary General Meetings

As stated above, Lady Members may not vote on Resolutions which are part of the normal conduct of an Annual General Meeting. Resolutions on single issues, such as the appointment of a new Rabbi, would normally be dealt with at an Extraordinary General Meeting of the synagogue. Lady Members will be entitled to vote on such ‘single issue’ Resolutions, whether these are presented at an Extraordinary General Meeting or at an Annual General Meeting.

Comments:

- *It has already been clarified that a vote on a single issue in which the number of women’s votes exceeds the number of men’s votes would be halachically acceptable.*

3. Financial Representatives

At present, the Federation Constitution considers a Financial Representative as an Honorary Officer and therefore ladies would not be able to stand for that position. However, should the Constitution be changed by removing from Financial Representatives the title of Honorary Officers, Lady Members would be entitled to serve as Financial Representatives provided that the final decision rests with the Honorary Officers and the FR acts as an agent of the Honorary Officers. Both man and lady members may vote for candidates of either sex.

4. Boards of Management (proposals are not mutually exclusive)

(a) Proposal 1 in the Psak

Any ladies from the community (single ladies, widows and spouses of male members even if they are not members in their own right) may be appointed by ladies to act as their representatives on Boards of Management. This is the current position as

implemented after the 2001 *Psak*. The appointment of ladies may be by election or nomination, depending on the wishes of the local synagogue management.

(b) Proposal 3 in the Psak

Ladies appointed to serve on Boards of Management may vote provided that their vote is never decisive. The Federation Honorary Officers believe that the only way in which this can be ensured is if, in a division, the difference between the “Yeses” and the “Nos” is greater than the number of ladies on the Board.

Comment:

- *The final sentence in this proposal should read “...is greater than the number of ladies present and voting on the Board”.*

(c) Proposal 4 in the Psak

It is difficult to visualize the circumstances under which a Board of Management would wish to put to the vote a specific issue which is not part of the normal business of a Board of Management. However, should such circumstances arise, all ladies from the community may be invited to a synagogue meeting and vote on that specific issue.

Comment:

- *The final sentence in this proposal should read “...all ladies from the community may come to a synagogue meeting and vote on a specific issue”.*

(d) Proposal 5 in the Psak

The Federation Honorary Officers do not believe that it would be workable for member synagogues to set up two separate Boards, one to deal with religious issues and one to deal with non-religious issues. However, Proposal 5(b) below, which is applicable to Council meetings, could be extended to Board of Management meetings.

Comment:

- *There is a strong body of opinion within the membership that such a division would be possible and desirable.*

5. Federation Council

(a) Proposal 1 in the Psak

Ladies may be appointed by ladies to act as their representatives on the Federation Council. This is the current position as implemented at the last Council meeting on 7 December 2008. The appointment of ladies may be by election or nomination, depending on the procedures adopted locally.

(b) Proposal 2 in the Psak

The agenda for a Council meeting would be submitted in advance to Dayan Lichtenstein and the Dayan would inform the Chairman as to which issues could be voted on by ladies. This approach could be adopted on Boards of Management (with the local Rabbi vetting the agenda in advance) as a more workable option than Proposal 4(d) above.

General comments on all proposals:

- *To make the whole process effective, a Constitution sub-committee is needed – to allow the work to be done at Council will be very cumbersome. It is suggested that the sub-committee should include Jonathan Seitler QC and Rabbi Jeffrey Cohen, two ladies from the women’s group and anyone else on Council who has expertise and can assist the process. They should be asked to work with the lawyers and report back advising which are the non-controversial provisions and putting forward alternatives for Council to consider on difficult issues. It is also recommended that additional Council meetings are arranged as necessary as well as using post/e-mail to obtain Council members’ views to keep the process moving forward at sensible speed, to meet the goal of approval by March 2010 with implementation for the elections due in May 2010.*

- *The membership needs to be told what is happening and the vehicle to update them is the Rosh Hashana edition of Hamaor which could include:*
 - *An update of progress since the consultation meetings*
 - *Details of the website where continuing progress can be seen*
 - *An article by Dayan Lichtenstein on the halachic basis for his p’sak.*

EAK

8 June 2009

APPENDIX 1 (2001 Memorandum)

MEMORANDUM

To: The Shul Secretaries
From: Dayan Y Y Lichtenstein
Date: 12th December 2001
Ref: 4014

On June 20th 2001, I had a meeting with various lady representatives of Federation shuls, in which the question of women's participation in Federation matters was raised. At that point a number of questions were posed to me regarding what was halachically permissible, and how women's role within the Federation could be strengthened.

I explained that the halacha did not allow women to serve in an executive communal synagogue management, and were also not allowed to wield authority.

The Federation policy has always been not to allow women to serve on the Federation or to vote for those officials who have authority in the Federation. However, I pointed out that this did not preclude women from exerting influence on Federation matters providing it was done in a consultative and advisory capacity rather than from a position of authority. I mentioned to the women then, that I would put in writing a clear definition of what was allowed and what was not.

1. Women as advisors

1. *Choosing a Rav or Chazzan.* – Women can serve as members of a search committee for selection of either a Rav or a Chazzan. They can advise as part of their role, on such a selection committee, which Rabbanim and Chazzanim in their opinion would be suitable for the shul.

At any interview where a Rav and Rebbitzin are present, it would in my opinion be essential, for at least two women from the community, to be present. They can also participate in discussions of the committee following the interview, etc.

The only role where they would be limited is formal voting, where a Rav or Chazzan would be appointed, but they could be part of the recommendation process.

2. Women can be given portfolio positions of administrative positions in the synagogues.
3. A committee of women should be formed in each shul, to serve as a forum of discussion, between the women of the synagogue, on the various issues that are relevant to the operating at the synagogue.

Once the committee of the women has taken the decision, one or two women should be nominated to serve as representatives to the synagogue council meetings.

Although they do not have a formal vote at the council meeting, their views should be aired at the council meeting and given due recognition.

4. There is no reason why a woman cannot be selected to represent the Federation in the public as a spokesperson on a matter. It was suggested that such ideas give a positive attitude on the position of women in the Federation.

b. Women Membership

During the discussion with the women it became clear that, besides the perception of women in the Federation, and irrespective of the authority of women in the Federation, a very real issue arose.

Single women and widows were denied the opportunity to put forward their needs because of the lack of opportunity for them to be members in their own right. It was mentioned that such women did not have access to information about what was going on in the shul, because they had no husbands to keep them informed.

This need must be immediately addressed.

Instead of having to tamper with the constitution of the Federation, I would propose that an amendment would be put which would essentially give single women full rights as members with a clause qualifying that their membership did not automatically endow voting rights.

c. Hamaor

For the past ten years the editorship of Hamaor has been in primarily female hands.

I still feel that it could become more women friendly and should act as a platform for views of women and youth.

Recent editions have had articles dealing with women; Judge Myrella Cohen's article in the last edition of Hamaor and the response that Rabbi Guttentag wrote, created enormous interest and did much to enhance the perception of women's role in the community.

Parallel to that I would suggest that women undertake a more active role in dealing with some of the troublesome social problems that exist within the community.

It would not be a bad idea if a council of women, who would act as a platform to initiate such projects, were to be formed.

The above memorandum has been prepared as a basis for individual synagogues to implement at the earliest possible time.

APPENDIX 2 (2008 psak din)

PSAK DIN

RE: ROLE OF WOMEN IN THE FEDERATION

This Psak Din has been issued at the request of the Honorary Officers of the Federation of Synagogues to review the halachic status of Women in the Federation of Synagogues and is given to them as an aid to deal with in the deliberations of the Council of the Federation on the future of Women in the Federation.

BACKGROUND

The Issue of female participation in the work of the Federation has always been viewed strictly as a religious matter. It was for that reason that my predecessor the late Dayan M Fisher zt"l was consulted in 1977 by the then President of the Federation, Mr M Lederman and the Honorary Officers if women could be part of the management of the Federation.

Dayan Fisher zt"l ruled that it would not be permissible for ladies to be granted the eligibility to vote at elections for Synagogue Honorary Officers or Boards of Management or as delegates to the General Council. However he ruled that there would be no objection if Ladies Guilds or other social committees associated with the Synagogues were invited to appoint one or two representatives to attend Boards of Management meetings without a vote. Similarly the Beth Din of the Federation refused to allow a Constituent Synagogue to elect a woman as a member of the Board of Deputies.

When I took up office in August 1988 this was the situation I found. In those days Dayan Fisher zt"l attended the Beth Din frequently in his Emeritus position and I discussed the matter extensively with him. I made the decision then to continue with his ruling primarily for two reasons. Firstly, I was loath to overturn a ruling by my esteemed predecessors as a matter of halacha and Derech Eretz and secondly because I then agreed with their halachic reasoning.

In the early 1990's I was again asked by the then President, Mr Arnold Cohen and his Honorary Officers to revisit this issue by strictly defining what was prohibited and what was not.

The reason for this request was primarily due to growing unhappiness in the Council at the disparity between the rulings of the Chief Rabbi and London Beth Din for the United Synagogue and our Beth Din's ruling for the Federation. I reviewed our complete ruling and that of the United Synagogues. It is not my intention to engage in a critique of the United Synagogues ruling but suffice it to say that I was not happy with it. The United Synagogue themselves subsequently introduced a change mentioned below but I was still not completely happy with it so on December 12 2001 I issued a letter to the Shul Secretaries reiterating the Federation's position.

However, a suggestion was made at that time for the Beth Din to examine if there was any leeway to introduce more female participation and specifically to see how single women could have their views made known to the Honorary Officers or

Board of Management. A woman's committee was formed and met several times but it fizzled out without any conclusive results.

The matter was left unresolved but as time passes there has been a growing sense of frustration among Federation women that their talents are not being utilised sufficiently and that the Synagogues and indeed the whole organisation would benefit from a change of policy. And so about a year ago I was again requested to meet with a representative group of women to explore halachically acceptable methods of incorporating women in the running of the Federation. I have had two meetings with a very impressive group of Federation women headed by Sara Anticoni of Shomrei Hadath and Miriam Gitlin of Yeshurun. I have had the opportunity to re-examine the issue and have found a halachic source to modify the stance taken previously.

THE HALACHIC ISSUE

The Rambam writes in the first chapter of Hilchos Mlochim (Chapter 1 par.5): "One does not establish (stand up or set up) a woman in the monarchy because the Torah says Melech (male) – King and not Malka (female) Queen" and then the Rambam continues – "similarly for all positions (appointments) the Hebrew word is 'Masimos' which literally means ('appointment of position') one may only appoint a man".

The Rambam does not elaborate in par.5 what he means by appointment but in the previous paragraph par.4 he does discuss the word "Masimos" (appointments) with respect to the prohibition of allowing a convert to become King. The Rambam describes the forbidden appointments as being limited to "Sroro"- a position of authority. It is clear from the reading of the Rambam that his definition of "Masimos" is "Sroro" (Sefer Lekach Tov). But what is "Sroro" authority?

Rabbi Moshe Feinstein zt"l in Igros Moshe Choshen Mishpat (1) 75 explains that "Sroro" means ultimate authority and whose position is to be the final arbiter.

In addition to the above issue Rabbi Aharon Walkin zt"l in his Teshuvos Zkan Aharon Vol.2 Chapter 131 quotes the Remo in Choshen Mishpat 37 and explains that the honorary positions in the community "Parnasei Hatzibur" have the same limitations as a Dayan and just as a woman cannot be a Dayan she cannot be an Honorary Officer.

MEMBERSHIP

The first issue to deal with: is Membership and its accompanying voting rights a manifestation of Sroro – authority? The position of the Federation Beth Din always has been that it was. In addition the Beth Din relied on the Psak given by the esteemed Rov of Hamburg Rav Avrohom Binyomin Spitzer zt"l who forbade women's vote on the grounds of Chukas Hagoyim (copying the Goyim). I examine both of these issues below.

In 1926 when the issue of female voting was discussed in then Palestine a pronouncement by the Gaon Horav Chaim Ozer zt"l and many other Gedolim forbade the vote for women as against the spirit of the Torah which forbids women from exercising authority and voting rights is an extension of that authority. This was the basis for the Federation's position then.

However during my current research I discovered the following: the late Chief Rabbi of Israel Horav Yitzchok Isaac Herzog zt"l in his Sefer "Hatchuka L'Yisroel Al Pi Halacha" disputes this position and claims that the right to vote cannot be considered a "Sroro" (He does not give any explanation). He is obviously referring

to Israeli elections but I cannot see any reason to distinguish between that and our Synagogue Boards.

Although Horav Herzog zt'l was clearly associated with the National Religious Party it is a known fact that even the Charedi Gedolim (with the exception of those groups who are against the State of Israel) have ordered their followers including women to vote for Charedi candidates in National and Municipal elections. Thus they must have accepted Rav Herzog zt'l reasoning whatever it was. So based on that ruling I am prepared to accept there will be no problem with Women being given the right to vote in Synagogue elections.

However, there is a second issue and that is Chukas Hagoyim that Horav Spitzer discusses.

Horav Avrohom Spitzer zt'l in his article "Ktora Yaase" printed in the Sefer Hayovel for R'Yaakov Rosenheim zt'l forbids Women to have the right to vote on the following grounds. The Maharik (Chapter 88) in his famous Responsa of the prohibition of "Uvkoseihem Lo Talachu" (i.e. it is forbidden to copy the Goyim) writes that this specifically applies when there is an issue of Tzniyus (and a breaking down a separation of sexes ensues). This is codified in Shulchan Aruch in the Remo in Yorah Deah 182.1). Although Rav Herzog in the above Teshuva argues that this should not apply in today's world because women sit equally with men on all sorts of committees, Rav Spitzer zt'l disagrees.

It is unclear when Rav Spitzer zt'l says that there is a Tzniyus issue was he only concerned about Men and Women congregating together for the purposes of voting or was he concerned that giving women the vote is part of the general trend towards equality and freedom for women which he was concerned eventually would result in a breakdown of modesty and even increased promiscuity.

It could be argued that since other Orthodox Synagogal bodies especially in London have instituted Women's right to vote (Spanish and Portuguese Congregations in 1917 see Albert M Hyamson – the Sephardim of England London 1951 p. 380) and the United Synagogue (e-mail to this author from Vice President of the U.S.) it should not be considered Chukas Hagoyim any more. To cite a comparison Rabbi Akiva Eiger zt'l in Yorah Deah 182 gives permission for a man to use a mirror even though originally it was considered a female practice and the Shulchan Aruch had forbidden it as a woman's practice (Begeg Isha). In the same vein voting of women even for Synagogal bodies should be permitted as not being Chukos Hagoy any more because the other Synagogal bodies have made it into a Jewish minhag.

However, whether the Federation of Synagogues which is an Ashkenazic body could rely on the Sephardim for this issue is questionable.

The Sephardim who conduct themselves according to the Mechaber of the Shulchan Aruch and not the Remo never had this problem in the first place because it is only the Remo (Ashkenazic source) who refers to the Maharik. In fact surprisingly enough the Sephardim of London seem to have ignored the whole Rambam above altogether because in 1947 they allowed women to sit on their Board of Elders who have the ultimate authority. It is possible that they rely on the opinion of the former Sephardic Chief Rabbi of Israel Horav Ben-Zion Uziel zt'l who interpreted the above Rambam differently so that Women could serve on Synagogue Boards but this has not been adopted generally.

The United Synagogue took a different route in order to allow their Women the vote and the right to sit on the Board. What they did was to strip all the local Synagogues of any authority and only gave authority to the Honorary Officers of the United Synagogue who must be male.

A very distinguished Rov has drawn my attention to the Sefer Shibbolei Haleket Vol. II p.139 who qualifies this aforementioned R' Akiva Eiger's heter in the following manner. If a formerly female practice is adopted by Gentile men who of course did not transgress the prohibition of "Begeg Isha" then Jewish men may adopt this practice. The inference is that if the practice began with Jewish men who had violated the prohibition of Begeg Isha then it would not become permitted.

Similarly if it would turn out that the United Synagogue violated the prohibition of Chukas Hagoy with their change of practice then it would not become permitted to the Federation to adopt their model even if we could put in safeguards to ensure to lessening of Tzniyus standards.

However, I believe that if the issue we have to be worried about is the lack of Tzniyus then it is only right to draw a distinction between the various Shuls in the Federation. What one of our more right wing Shuls e.g. Sinai might consider a breach of Tzniyus would not be seen as such in a Shul such as Croydon or Loughton. Therefore the right of Women to vote for Shul management would have to be given to the individual Shuls to determine if they felt there was a Tzniyus problem.

I now turn to the more thorny problem of women sitting on Synagogue Councils or Boards of Management.

This is a more definite example of "Srora" because Boards of Management do have authority.

As mentioned before the United Synagogue stripped all the Synagogue Councils of any authority and left the Honorary Officers of the Head Office as the sole authority in order to allow Women to serve on the Boards of Management. This followed a decision taken in 1996 to have members of their Council of the United Synagogue to be considered as merely delegates. Technically speaking this model would allow women to sit on the Council of the Federation if the Federation would seek to change their Constitution also (although this does not permit Women to be Honorary Officers as per the ruling of Rav Aharon Walkin zt"l mentioned above). This model relies on the principle that if ultimate authority is in male hands, women may be delegated with the secondary authority. However, this principle could be employed differently without changing the complete nature of the Federation. To that effect several proposals were put forth that would allow Women more say in the management of the shuls.

WHAT ARE THESE PROPOSALS?

1. One or two Women could be appointed by the Women of the shul to act as their representative on the Board of Management or Honorary Officer's meetings. It would be mandatory to have that position to hear their views in all Boards or Honorary Officers' discussions.
2. Several Women's positions would be created to attend all Council meetings but they would refrain from voting unless given specific halachic

- authorisation to vote for a specific item. (By being given authorisation from a halachic authority it is not considered that it is their authority).
3. Women could be allowed to sit on the Board but only in a minority position and their vote could never be decisive. i.e to quote the late Lord Jacobovits zt"l (letter to Presidents of US 14/11/86). "Limit the proportion of female members on any Board or committee to a specific number or percentage, and then insist on separate male and female block votes. This will leave the formal decision making to a male majority."
 4. Since it is permissible to allow Women authority on a specific issue as long as it is not a set appointment the Board can invite Women to sit in and vote on specific issues.
 5. To divide the Board effectively into two Boards – one which would deal with religious issues and one for non religious issues. The board dealing with the religious issues would be comprised of men only – the non religious Board would consist of both men and women. However, the decision of which issue is brought to which Board would have to be in male hands; preferably the Rav in conjunction with the President. By this condition ultimate authority lies in male hands although not in an obvious manner.

All of the above are in my view halachically acceptable and should satisfy the objective of giving women a say in Federation matters while staying strictly within halachic parameters. Any one or a combination of these proposals could be implemented and once a decision has been taken in principle which proposal(s) would be adopted every Shul would be free to decide if or which proposal they would like to adopt. I am at your disposal to work out the minor details. I should also mention that just as these proposals are acceptable for the individual shuls the Federation Council can adopt them too.

Dayan Y.Y. Lichtenstein
4 December 2008.