

TORAH ALIYYOT FOR WOMEN

Shlomo Riskin

Abstract: This article argues that recent analyses by Rabbis Mendel Shapiro (*The Edab Journal* (1:2) *Sivan*, 5761) and Daniel Sperber (*The Edab Journal* (3:2) *Elul* 5763) to find halakhic justifications for *aliyyot* for women are mistaken. It finds that because women are not obligated with respect to public Torah reading, they cannot discharge that obligation for the community of males, and that the institution of public Torah reading evolved through several stages. Moreover, it argues that congregational dignity (*kevod ha-tsibbur*) cannot be waived and that there is no basis for permitting women to have *aliyyot* in a congregation comprising both men and women, even if there is proper separation between the men and women in the room.

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Recent years have seen the publication of several articles on the subject of Torah *aliyyot* for women.¹ Despite my general approach that in halakhic matters, as in others, “one should strive to provide religious satisfaction to women” (in accord with *Hagigah* 6b and *Tosafot* on *Rosh ha-shanah* 33a, s.v. *Ha’*),² we must recognize that we are bound here, as in any other halakhic matter, by the halakhic sources. Those sources lead clearly to the conclusion that women simply cannot discharge the duty of a congregation of men to hear the Torah read publicly. And because we are dealing here with the nature of prayer and Torah reading in the synagogue—practices in which changes could lead to further divisions in the already fragmented Orthodox community—it is especially important that we insist on faithfulness to halakhic sources, in-depth understanding of halakhic thought, and the study of passages in their entirety, without partial quotation of texts.

1. A Contradiction within the *Tosefta*

Tosefta Megillah 3:11 (Lieberman ed., p. 356) states: “All are qualified to be among the seven [who read from the Torah on Sabbaths, that is, given *aliyyot*], even a woman and even a minor.

A woman is not brought to read for the public.” There is an internal contradiction here: The first statement implies that a woman can go up to the Torah, but the second statement teaches that a woman may not read from the Torah in public, implying that neither can she be called up to the Torah. The second clause cannot be construed as a dissent from the first, for it appears to be a direct continuation of what was said previously.

2. The Development of Public Torah Reading

To explain this, we must begin with the fundamentals of public Torah reading.

A. The Ordinances of Moses Our Teacher and of Ezra the Scribe

A passage in *Bava qamma* 82a suggests two stages in the institution of public Torah reading. The first was ordained by the prophets at the time of the exodus from Egypt, as inferred by a *baraita* from the verse “and they went three days in the wilderness, and found no water” (Ex. 15:22):

For it was taught: “And they went three days in the wilderness and found no water,

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¹ See Mendel Shapiro, “*Qeri’at ha-Torah* by Women: A Halakhic Analysis,” *The Edab Journal* 1:2 (Sivan 5761 [2001]) and the response by R. Yehuda Herzl Henkin, “*Qeri’at ha-Torah* by Women: Where We Stand Today,” *id.*; Daniel Sperber, “Congregational Dignity and Human Dignity: Women and Public Torah Reading,” *id.*, 3:2 (Elul 5763 [2003]) (original Hebrew in *De’ot* 16 (5763 [2003])) and in his book *Darkah shel halakha*); Eliav Shochetman, “*Aliyyat nashim la-torah*,” *Sinai* 135-136 (5765 [2005]), pp. 271-349; Gidon Rothstein, “Women’s Aliyot in Contemporary Synagogues,” *Tradition* 39,2 (Summer 2005).

² Consistent with that premise, and after consulting with my teachers, the great halakhic scholars of the day, I have established programs in which women study the Oral Torah and an institute to train women to be advocates before rabbinic courts. In addition, I have facilitated women’s prayer groups and Torah reading for women by women (without recitation of matters requiring a *minyán*); the reading of the Book of Esther for women by women; and *haqafot* with Torah scrolls for women on *Simhat Torah*, in a properly separated women’s section of the synagogue, out of the sight of men.

upon which those who expound verses metaphorically said: Water means nothing but Torah, as it says: *Ho, everyone that thirsteth come ye for water.* It thus means that as they went three days without Torah they immediately became exhausted. The prophets among them thereupon rose and enacted that they should publicly read the law on Sabbath, make a break on Sunday, read again on Monday, make a break again on Tuesday and Wednesday, read again on Thursday and then make a break on Friday so that they should not be kept for three days without Torah.”

The *gemara* questions that statement on the basis of a Tannaitic source that it was Ezra’s ordinance that “they read at *minhab* on the Sabbath, and they read on Mondays and Thursdays”; the seeming contradiction is resolved as follows:

Originally it was ordained that one man should read three verses or that three men should together read three verses, corresponding to Priests, Levites and Israelites. Then Ezra came and ordained that three men should be called up to read, and that ten verses should be read, corresponding to ten *batlanim*.

It thus appears that the ordinance in Moses’ time was that three verses be read by one person or that three people each read one verse. At the time of the return to Zion (after the Babylonian Exile), Ezra and his court expanded the ordinance and determined that three people should read and that the total reading should comprise at least ten verses. Maimonides formulated the development of the ordinance as follows (*Mishneh Torah, Hilkhot Tefillah* 12:1³):

Moses our Teacher established the rule for Israel that they should read the Law publicly

on Sabbaths and also on the second and fifth days of the week, during the morning service, so that three days should not elapse without hearing the Law. Ezra established the rule that the Torah should be read at the afternoon service every Sabbath, for the benefit of those who would otherwise spend the day vacuously. He also ordained that on the second and fifth days of the week, three persons should be called to the reading of the Torah and that they should read [not fewer than ten verses].

My teacher, R. Joseph Dov Soloveitchik, explained⁴ that Ezra’s ordinance did not merely supplement Moses’ ordinance with details; rather, it added an important point of substance: the earlier ordinance required only *hearing* the words of the Torah, while the later one required *understanding* as well. He inferred this from a close reading of Maimonides’ wording, which adds something to that of the *gemara*. The *gemara* attributed Moses’ ordinance to the desire to avoid allowing “three days to lapse without Torah”; Maimonides added that Moses was motivated by a desire to avoid allowing three days to lapse without *hearing* Torah.

Ezra’s ordinance added the element of understanding to that of hearing

In focusing on the experience of hearing *per se*, Moses’ ordinance resembles the commandment of *haqhel* (the septennial ceremonial public reading of portions of the Torah). There, too, it is unnecessary to understand the meaning of the words; the convocation itself, at which the king reads from the Torah, suffices. Similarly, the public reading of the Torah every three days entails an acceptance of the yoke of heaven, and it exercises emotional influence over all who are

³ Translation of this passage is from Isadore Twersky, ed., *A Maimonides Reader* (Springfield NJ: Behrman House, 1972), pp. 92-93. The passage as translated there concludes “not fewer than three verses each.”

⁴ Most of these ideas can be found in his article “*Qeri’at ba-torah ba-shabbat, ba-sheini u-va-hamish?*” [Torah reading on the Sabbath, Monday, and Thursday], in *Shi’urim le-zekher abba mari, z’al* [Lessons in memory of my father and teacher, of blessed memory], part 1, pp. 157-178, as supplemented by his “*Be-inyan taqqanat moshel?*” [Concerning Moses’ ordinance], in id., part 2, pp. 197-213 and in classes transcribed by his students, p. 2.

present. For that purpose, the reading of three verses by one person is enough. Ezra's ordinance added the element of understanding to that of hearing, and he thereby instituted not only the reading itself but also the link between the reading and the oral Torah—the translation and so the interpretation of the words to facilitate their being understood. He increased the number of verses, requiring that at least an entire, ten-verse passage be read; a lesser amount, though perhaps sufficient for reading, would not suffice for understanding. He chose ten verses to correspond to the ten *batlanim*—those who devote their time to Torah, discussing it and standing ready to interpret it for the community: “And they read in the book, in the Law of God, distinctly, and they gave the sense, and caused them to understand the reading” (Neh. 8:8). He likewise increased the number of people called up to the Torah, for three participants can

*Public Torah reading is something imbued
with holiness*

advance understanding better than one—one of them can pose a question, another can respond to it, and the third can decide the issue. In contrast, when the reading was solely a mechanical matter, meant to be heard but not necessarily understood, the number of readers did not matter.

Notwithstanding Ezra's innovations, the spirit of Moses' ordinance—reading of the Torah before a large audience in order to impart a spirit of sanctity, a public acceptance of the yoke of the kingdom of heaven—remained in place. Accordingly, public Torah reading is considered to be something imbued with holiness (*davar she-bi-qedushah*), as explained below, and it is linked to the recitation of “Praise the Lord Who is to be praised” (*Barekhu*), also something imbued with holiness (*davar she-bi-qedushah*).

In this vein, Me'iri wrote (*Beit ha-behira* on *Megillah* 23b) that Torah reading is something imbued with holiness, “for it is necessary to recite *Barekhu*.” So, too, with respect to the *haftarah*, “for even the person called for *maftir* must recite *Barekhu*.” Similarly, we find in “*Shittah le-masekhet megillah le-ehad ha-rishonim*” (published by *Mekhon Ofeq*) on *Megillah*, id., the statement that “the *haftarah* as well includes something imbued with holiness, for he must recite *Barekhu* when he reads from the Torah because of the dignity of the Torah.” We shall return to the implications for Torah reading and *haftarah* reading by women being considered matters imbued with holiness.

2. The Blessings When the Torah Is Read.

The blessings over the reading continued to evolve even after Ezra's ordinance. According to the *Mishnah* (*Megillah* 4:1) and a *baraita* (cited at *Megillah* 21b), only two blessings were recited: “the one who reads first makes a blessing before the reading, and the one who reads last makes a blessing after it.” In Amoraic times, the ordinance was revised so that each person called would bless before and after his own reading, and the *gemara* explains that this change was “ordained...to avoid error on the part of people entering and leaving the synagogue.” Rashi elaborates: “For if one entered the synagogue after the first [reader] had said his blessing, and did not hear any of the subsequent readers bless, he might say that no blessing is recited before the Torah reading. ‘And on account of those who leave’—[Because they left early] they did not hear the final reader bless after the reading, and if the previous readers did not bless, those who leave might say that no blessing is recited after the Torah reading.”

We see from this that public Torah reading in itself requires a blessing, and one cannot rely on each individual's private recitation, at the start of the day, of the blessing over Torah study. The problem is that those who come

late or leave early may think that a public Torah reading took place without a closing or opening blessing, as the case may be, and for that reason it was ordained that each reader called up recite two blessings. As a matter of principle, however, the entire reading requires only one blessing at its start and one at its finish.

The *Yerushalmi* (*Megillah* 4:1) implies a different reason. There, R. Samuel bar Nahman recounts that R. Jonathan passed by a study hall and heard the sound of people reading from the Torah without blessing. He said to then, “how long will you make the Torah into bare patches?” The failing, then, is in reading any passage from the Torah without a blessing before it and after it. According to the *Yerushalmi*, each *aliyyah* has importance for purposes of understanding the Torah; the *Bavli*, in contrast, stresses the importance of the reading overall.

3. Public Torah Reading Imbued With Holiness

Torah reading, like communal recitation of the *Shema*, public repetition of the *amidah* prayer, recitation of the priestly blessing, and convening the recitation of the grace after meals using the formula that refers to God, all require a quorum of ten. The rule is stated in *Mishnah Megillah* 4:3 (appearing at BT *Megillah* 23b): “The *Barekhu* introduction to the *Shema* is not repeated, nor does one pass before the ark as Cantor-Agent for the Congregation, nor do [the priests] lift their hands in Public Benediction, nor is the Torah read [publicly]...nor is the name [of God] mentioned in the invitation to say grace, save

in the presence of ten.” What all of these have in common is that they are matters imbued with holiness, and all matters imbued with holiness require a quorum of ten. Only that number is defined as an “assembly” (*eidah*) or “congregation” (*tsibbur*).

There is no greater degree of time-boundedness than this

These ten must be males, as is the case with respect to all the matters listed in the *Mishnah* and as the *gemara* (*Megillah* 23b) infers from the verse “and I will be sanctified within the children of Israel” (Lev. 22:32) regarding all things imbued with sanctity. Throughout the Torah, “the children of Israel,” without further specification, connotes adult males.⁵ Alternatively, the rule can be inferred from the shared use of the word “within” (*tokh*) in the foregoing verse and in the account of the spies sent by Moses; for all of those spies were males.⁶

Moreover, women are exempt from time-bound positive commandments (*Mishnah Qiddushin* 1:7) as well as time-bound rabbinic commandments (*Tosafot* on *Berakhot* 20b, s.v. *bi-tefillah peshitta*; see also *Sukkah* 38a, related to *hallel*, and elsewhere), unless the Torah or the Talmud explicitly obligates them. With respect to public Torah reading, we find no source in the Talmud that obligates women; and the author of *Arukh ha-shulhan* (*Orah hayyim* 282:11) comments, in noting women’s exemption from Torah reading, that “there is no greater degree of time-boundedness than this.”

⁵ See *Levush* on *Shulhan arukh*, *Orah hayyim* 55:2. See also various rabbinic interpretations of biblical verses: The sons of Aaron and not the daughters of Aaron (*Qiddushin* 35b); sons of one’s sister, not daughters of one’s sister (*Bava batra* 113a); “the sons of Israel lay on [their hands upon the head of the sacrifice] but the daughters of Israel do not lay on their hands” (*Hullin* 85a). See also Rashi on “Thus shall you say to the house of Jacob and tell the children of Israel” (Ex. 19:3): “The house of Jacob refers to the women...the children of Israel means the men.” Women certainly are bound by the commandment to accept the yoke of the kingdom of Heaven, as expressed in the verse “and I will be sanctified within the children of Israel”; it is the source of the commandment to sanctify God’s Name, something women have done, as individuals throughout the ages (see *Sanhedrin* 74a). Nevertheless, they are not obligated to do so publicly with respect to things imbued with holiness, such as public Torah reading.

⁶ See *Intsiqlopediyah talmudit*, s.v. *davar she-bi-qedushah*, n. 85, referring to *Shulhan arukh ha-raw* 55:2.

The exemption of women from the duty of Torah reading invokes the rule (*Mishnah Rosh ha-shanah* 3:8; appearing at BT *Rosh ha-shanah* 29a) that “One who is not himself under obligation to perform a religious duty cannot perform it on behalf of the congregation.” There is no difference here between a communal obligation and an obligation borne by each and every individual. Nahmanides, in his *Milhamot ha-shem* (*Megillah, dappei ha-rif*, 3a), wrote that “the matters taught of in our *mishnah*”—including public Torah reading, the public *amidah* prayer, the public recitation of the *Shema*, and others—“pertain only to those obligated in the matter.” All of these require ten; and when ten are needed, only one obligated with respect to the matter can be counted toward the quorum for purposes of discharging the community’s obligation.⁷

Nahmanides grounds his remarks on the fact that reading the Scroll of Esther is not mentioned in this *mishnah* (even though it is situated in tractate *Megillah*). This distinction between reading from the Torah and reading the Scroll of Esther is cited as well in the name of R. Elijah, the Ga’on of Vilna (see R. Issachar Baer, *Pe’ulat sakhir*, sec. 175, on *Ma’aseh rav*) as accounting for the sages having decreed (“Rabbah’s Decree”) that the Scroll of Esther not be read on the Sabbath, lest one carry it four cubits in the public domain (and thereby violate the Sabbath), though they issued no such decree with respect to the other scrolls or a Torah scroll on the Sabbath:

And he [the Ga’on of Vilna] replied that Rabbah’s Decree applies only to obligations borne by each and every individual, such as those related to *shofar*, *lulav*, reading the *megillah* [Scroll of Esther] at its proper time...but reading the (other) scrolls was not established as an obligation for individuals; rather, it obligates the community [as a whole], in the manner of Torah reading. If there is no quorum of ten, there is no obligation at all on

⁷ Only one sharing the same degree of obligation can discharge the obligation of others. See also *Shulhan Arukh, Orach hayyim* 55:1 and 4, explaining that a woman cannot be included in a quorum of ten for any matter imbued with holiness and certainly cannot discharge the congregation’s obligation.

the individual.

R. Yehiel Mikhel Epstein reaches a similar conclusion in his *Arukh ha-shulhan (Orach hayyim* 69:14):

With regard to Torah reading, it seems clear to me that in the absence of ten who have not yet heard the Torah reading, the Torah should not be read....With respect to Torah reading, the obligation in principle pertains only in the presence of ten [men].

Public worship and congregational Torah reading are two sides of the same coin

Accordingly, one discharges his obligation with respect to Torah reading, as with respect to the reader’s repetition of the *amidah*, even if he failed to hear the entire verse or the entire blessing. That is not the case when it comes to reading the Scroll of Esther, where every one in the congregation, including women, must hear each and every word. R. Shlomo Zalman Auerbach (*Minhat shelomoh*, part 2, sec. 4:16) states that “The entire congregation is duty-bound to hear the repetition [of the *amidah*] in the manner of Torah reading; that is, he discharges his obligation, as a practical matter, even if he fails to hear some verse, and it differs [in this respect] from reading the Scroll [of Esther].”

If so, public worship and congregational Torah reading are two sides of the same coin: public worship symbolizes our talking with God, and Torah reading symbolizes divine speech with man. Each of these acts must be preceded by acceptance of the yoke of the kingdom of Heaven, expressed by *Barekhu* and by the reading of the *Shema*. Once we have accepted the yoke of the kingdom of Heaven, there is a place in our prayers for us to petition God and to receive divine revelation as we read His

Torah. Without first accepting that yoke, we are unworthy of God's revelation to us.

The parallel between Torah reading and worship is expressed as well in both of them being preceded by the *Barekhu* declaration—"Praise God, Who is to be praised"—which is said before the blessings associated with the *Shema* and before reading from the Torah. That parallel leads to the conclusion that just as a woman cannot discharge a man's obligation with respect to congregational worship, neither can she discharge his obligation with respect to congregational Torah reading. Women therefore cannot be counted toward the quorum of ten—not for congregational Torah reading and not for the reader's congregational repetition of the *amidah*.

4. How Can Women Be Counted Toward the Seven with Respect to a Matter of Holiness?

At first glance, the foregoing seems to run contrary to the statement in the *Tosefta*, quoted earlier, that a woman is qualified to be among (or, translated more literally, may be counted toward) the seven called to the Torah. Public Torah reading is a matter imbued with holiness, and how can women possibly discharge the obligation borne by men? As noted above, however, the *Tosefta* passage itself contains an inconsistency, first determining that women, too, may be counted toward the seven but then decreeing that "A woman is not brought to read for the public." There have been several attempts to resolve that contradiction:

A. First instance or after the fact

R. David Pardo (in *Hasdei david* on the *Tosefta*) suggests that the conclusion of the passage in the *Tosefta* reflects the prescriptive, first-instance law (*le-khathillah*), namely, that women do not go up to the Torah; the first part of the passage expresses the law after-the-fact (*be-di'avad*), that is, a woman having gone up is not

required to step down. It would be odd, however, for a passage to begin with the after-the-fact law and conclude with the first-instance law.

Similarly strange is the interpretation of R. Jacob Emden (in his comments on *Megillah* 23a): in the first instance, if there are men who know how to read, a woman should not read, as stated at the end of the passage; but if there are no men who know how to read, a woman should do so, as stated at the beginning of the passage. In fact, this is an even more surprising view, for it links the statement to the ensuing passages in the *Tosefta* (*Halakhot* 12-13): "a synagogue having only one person who can read (he must read again and again)...a synagogue of non-Hebrew-speakers that has one who can read in Hebrew—they begin in Hebrew and conclude in Hebrew; if they have only one person who can read, only that one person reads." If the first part of our *Tosefta* permits women to read only in the after-the-fact situation, it should have been placed adjacent to these other after-the-fact cases which follow our *Tosefta*: when the only one who can read is a woman, or where there is only one who can read, or where there is no one who can read in Hebrew.

B. A woman reading on her own or as completing the quorum

R. Prof. Saul Lieberman explains that the initial statement in the *Tosefta*, which makes it possible for a woman to read, is linked to what follows—"A synagogue having only one person who can read" (*halakhab* 12). In other words, a woman reads from the Torah only if a man has already read, meaning that the congregation has already fulfilled Moses' ordinance (that is, to read something from the Torah), which is the primary requirement. Then, and only then, can women be called up, if doing so is necessary to provide the two additional readers required by Ezra's ordinance (which calls for a total of at least three). But if there is no man at all who can read, then a woman should not read either, and that is the

meaning of the concluding statement in the *Tosefta*: “A woman is not brought to read for the public”—that is, as the sole reader.

This interpretation relies on Me’iri’s statement quoted above—a woman’s reading is effective only to comply with Ezra’s ordinance, but to comply with Moses’ ordinance, reading by a man is essential.

C. A woman may be called to read only as a supplement to the basic requirement

Me’iri (*Beit ha-behira* on Megillah 23a) explains that “All are qualified to be among the seven, even a woman” applies only after the communal obligation has already been fulfilled by a male reader, and only during a time when the obligation was pursuant to Moses’ ordinance. He puts it this way:

All are qualified to be among the seven or any number for reading the Torah, even a woman and even a minor, but the Sages of blessed memory said: a woman is not to read from the Torah because of the dignity of the congregation [*kevod ha-tsibbur*]. Some say that in all events, each reading must include one adult male, since once he has read, the ordinance of Moses our Teacher has already been satisfied, and what remains is only the ordinance of Ezra; since Moses’ ordinance did not specify the number to be called but only the reading itself, the supplementary reading can be completed by women and minors; but it is not permissible for the entire reading to be done solely by women and minors. And some interpret the statement [regarding women and minors] to have applied only when the intermediate readers read without [reciting] a blessing, and a woman could be one of the intermediate readers. But now that all [readers] recite a blessing, a woman does not read at all. And that is consistent with the rule, for how

can she bless when she is exempt? But a minor, in any event, recites the blessing, for he has a connection to Torah study and others are commanded to teach him.

These comments are consistent with those of the *ga’on* cited by Maimonides in his *Commentary on the Mishnah* (on *Megillah* 4:6), interpreting the opening statement of the *Tosefta* allowing women to be included in the number seven as meaning specifically to comprise the extra readers beyond one (Moses’ enactment) and beyond three (Ezra’s enactment) that is, a minor (and, accordingly, woman as well) can be counted toward the total of seven who are called up, but not toward the first three to be called. If that is so, the statements in the *Tosefta* can be explained as follows: Once Ezra had ordained that three people be called up, and once the practice of calling seven had been instituted, but while the practice remained that “*Barekhu*” as well as the blessings were said only by the first and last person called (per the preceding *halakhab* in the *Tosefta*),⁸ a woman or a minor could not be called up to discharge the obligation of a congregation that included men with respect to hearing three readers or with respect to saying the blessings (that is, she could not be one of the first three readers, and she could not be the final reader). And that is the meaning of the concluding passage in the *Tosefta*, stating that a woman is not called to read for the public: at no time could a woman read as part of the number of readers required to discharge the obligation of public Torah reading. It follows that once it was ordained that each person called up would recite *Barekhu* and the blessings, thereby each one discharging the obligation of the congregation for a matter of sanctity, the applicability of the *halakhab* allowing women to be called up for the fourth, fifth and sixth readings lapsed; women could not be called up at all. It is for this reason that the Me’iri opens his interpretation by quoting

⁸ It could be argued that the actual requirement to call up seven took effect only after it was ordained that every reader recite a blessing; before that, there was no particular significance to each person called, and a woman might be included among them. But even on this view, once it was determined that each person called should recite a blessing, and each reader gained distinctive significance, the required complement was seven, and a woman could not be included among them.

the *beraita* cited by the Babylonian *Talmud Megillah*, rather than the original *Tosefta*: “All are qualified to be among the seven, even a woman and even a minor. But our Sages of Blessed Memory have said, “A woman may not be called to the Torah because of the dignity of the Congregation” (*Megillah* 23a). Indeed, there was a period when women could be called up—before each individual had begun to recite *Barekhu* and the blessings—but now that possibility is no longer operable.

Once seven became obligatory, a woman could not be called up

From the perspective of this interpretation, the ensuing *halakha* in the *Tosefta* (“If a synagogue has only one person who can read, he stands, reads and sits; stands, reads, and sits; stands, reads, and sits, even seven times”) fits in beautifully, confirming that once seven became obligatory, a woman could not be called up—at least as long as there was a single man who knew how to read.

5. The Proof by Analogy to a Minor

Some have sought to demonstrate that women may be called up to the Torah by analogy to the authorization to call minors for some of the *aliyyot*, including *maftir*. R. Shapiro (above, n. 1) made much of Me’iri’s statement in his commentary on the *mishnah* in *Megillah* (24a), *s.v.*, “a minor reads from the Torah”:

A minor reads from the Torah, for the intention is only to make it heard to the people, and it is not a full-fledged commandment invoking the rule that one who is not obligated cannot discharge the obligation of others.

R. Shapiro argues that this shows that with respect to a congregational obligation, we do not say that one who is exempt cannot discharge the duty of one who is obligated.

But Me’iri’s ruling applies only to the time predating the institution of a blessing for each *aliyyah*. Then, the commandment was only to cause the Torah’s words to be heard by the congregation, and one not obligated by that commandment could nevertheless discharge the duty of one who is obligated. But that changed once it was ordained that blessings be said over each of the seven readings. We have already noted (above, sec. 2:1) R. Soloveitchik’s observation that the new ordinance meant that every member of the congregation was thereafter obligated and commanded to understand what was being read in each of the seven *aliyyot*. It follows that thereafter, one not so obligated, such as a woman, cannot discharge the duty of those who are obligated. Moreover, even according to Me’iri, the rule for minors differs from that for women; in interpreting the *baraita* at *Megillah* 23a, Me’iri wrote that “in any event a minor makes the blessings (if he is called to complete the seven *aliyyot*), since he has a connection to Torah study, and others are commanded to teach him.” In that sense, Me’iri’s view resembles that of Rabbeinu Tam (at *Tosafot* on *Rosh hashanah* 33a, *s.v. Ha’*), who says that a minor is eligible to be called up, for he will be subject to the obligation in the future, his father is obligated to teach him, and therefore he himself (as a minor) is not subject to the prohibition of saying God’s name in vain (by reciting an unwarranted blessing). He therefore may be called, for he already has a link to the obligation to study and, concomitantly, to public Torah reading once he is of age. (It is interesting that R. Shapiro did not cite this statement by Me’iri, which highlights the difference between a woman and a minor.)

Like Me’iri’s comments, those of Rosh (at *Berakhot*, chap. 7, sec. 20) also pertain only to the time when the practice of reciting blessings with each *aliyyah* had not yet been instituted. Rosh there writes: “...a minor, a slave, and a woman, who are not obligated with respect to Torah study, can be counted toward the seven,

for the [public reading of the] Torah scroll is for the purpose of making it heard.” *Ma`adanei yom tov* adds the explanatory note “and not for study.” R. Shapiro (above, n. 1) infers from this that with respect to the commandment to make the Torah heard, a woman can discharge the community’s obligation. But it is clear that Rosh was referring to the time predating the practice of blessing over each *aliyyah*, when the commandment was exclusively to hear the reading; but the commandment thereafter came to encompass understanding and study as well, as discussed earlier. In general, it is important to emphasize R. Soloveitchik’s point noted earlier: only under Moses’ ordinance, which called for but a single reader, was the essence of the ordinance to hear, rather than to study, words of Torah. That is doubtless not the situation today, given the Bible’s emphasis on “and caused them to understand the reading” (Neh. 8:8), the practice each week of reading the text twice and its (vernacular) translation once, as well as the *Targum* (Aramaic translation) that accompanied public reading—all of which imply understanding and study.

Me’iri’s ruling applies only to the time predating a blessing for each aliyyah.

The distinction drawn earlier between a minor and a woman—that is, a minor will later become subject to the obligation—is likewise needed only if we assume that the minor is being called to the Torah in the manner of an adult. But the *rishonim* inferred from close reading of the *baraita* that he can be called only to complete the requisite number of seven, but that it is impermissible for all or even a majority of those called to be minors, for they are not now subject to the obligation (see Ran on *Megillah* 24a; Rema on *Shulhan arukh*, *Orah hayyim* 282:3 and the comment of the Ga’on of Vilna ad loc; *Responsa* of Rivash sec. 321, cited in *Magen avraham* 282:6; and Maimonides’

Commentary on the Mishnah for the *mishnah* appearing at *Megillah* 24a). Some went so far as to infer that a minor might be called only on the Sabbath, when the seven who are called exceed the number prescribed in Ezra’s ordinance, but on days when there are only three readers, a minor may not be called (*Tosafot Rid* on *Megillah* 24a; *Beit yosef*, *Orah hayyim* sec. 282, citing Roqeah; *Mishnah berurah* 282:11). And the longstanding practice throughout the Jewish world is that a minor is called only for *maftir* (*Mishnah berurah* 282:12, citing *aharonim*).

As proof that a woman can discharge the congregation’s obligation, R. Shapiro cites statements by Ran. After writing that when blessings were recited only by the first and last persons called, women and minors could not be called for those two *aliyyot*, Ran went on to say: “but now, when the rabbis have ordained that all of them make blessings, a woman and a minor may be called even for the first and last [*aliyyot*]; and since they read, they certainly make the blessing.” It thus appears that even in a period when all seven readers recite blessings, women are considered qualified to be called up to the Torah and to recite the blessings.

Even then, however, Ran limits his ruling and allows women to be called only to complete the requisite number of seven readers—but not to be one of the first three, who fulfill the essence of the ordinance. And even that authorization applied only before the Sages of blessed memory said that a woman should not read from the Torah because of the dignity of the congregation (as explained by R. Prof. Lieberman in *Tosefta ki-feshutah*, p. 1178); once seven Torah readers became mandatory, having women called up who were not obligated in the public torah reading would hardly be in keeping with the dignity of a congregation! (for a fuller exposition, see p. 24, note 11).

6. Women's Obligation Regarding Torah Reading

In section 3 above, we explained that the duty to read from the Torah cannot be one that obligates women. That is so regardless of whether it is a duty incumbent on every individual (in which case it is a time-bound positive commandment, from which women are exempt) or a duty incumbent on the congregation as a whole (in which case the congregation at issue does not include women). A contrary position might seem to appear in a *baraita* in *Masekhet Soferim* (18:5), related to the reading of Lamentations on the Fast of the Ninth of Av:⁹

Some [congregations] read the Book of Lamentations in the evening while others postpone it to the [following] morning after the Reading of the Torah...and...does the translation, so that the rest of the people, the women and children may understand it; *women being under the obligation to listen to the reading of the Book the same as men*, and much more so male persons.

Women have similarly the duty to read the *Shema*, the [*Amidah*] prayer and the Grace after meals, and to have a *mezuzah* [on their doors]. But if they are not acquainted with the holy tongue they are to be taught [to say them] in any language....From this it was deduced that the man who recites the benedictions must raise his voice for the benefit of his young sons, his wife and daughters.

Hida (*Kisei rahamim* on *Soferim* 18:4) and the author of the *Arukh ha-shulhan* (at *Yoreh de'ah* 282:11) interpreted the passage to speak not of women's halakhic obligation to hear the reading but—as the author of the *Arukh ha-shulhan* puts it—of “something suggested by

sound conduct; when the practice was to translate, it is proper to translate before them and before the children, so as to implant in their hearts the fear and love of God, may He be blessed.” R. Judah Herzl Henkin (*Resp. Benei banim*, part 2, sec. 10) explained that the passage is speaking specifically of the reading of Lamentations but not of Torah reading,¹⁰ for the term *qeri'at sefer* [translated above as ‘reading of the Book’] is inappropriate to the concept of reading the Torah; moreover, the subject of the quoted passage is indeed the Book of *Qinot* [Lamentations] and not the Torah.”

Did the author of Magen Avraham believe that women have the same obligation of public Torah reading as do men?

Still, the author of *Magen Avraham* (at 282:6) considers the passage from *Masekhet Soferim* in the context of the ruling in the *Shulhan arukh* (par. 3) that “all are qualified to be among the seven, even a woman.” He writes as follows:

A woman is obligated to hear the reading of the Torah. And even though [the reading] was ordained for the purpose of Torah study, and women are not bound by [the commandment of] Torah study, it is nevertheless a commandment to listen, just like the commandment of *haqbel*, which is binding on women. But we may say that even though they are not obligated, they are still counted toward the number, and it is so stated in *Tosafot* at the conclusion of *Rosh ha-shanah*.¹¹ But in *Masekhet soferim*, chapter 19 [*si*], it is written: “*women [are] under the obligation to listen to the reading of the Book the same as men, and it is a commandment to translate for them so they understand; thus far*

⁹ Translation from *The Minor Tractates of the Talmud*, ed. A. Cohen (London: Soncino Press, 1965), vol. 1, p. 301; notes omitted and emphasis added. In the Soncino edition, the passage appears as *Soferim* 11:4 rather than 11:5.

¹⁰ They are obligated with respect to the Scroll of Lamentations, for it is proper that they mourn the destruction of the Temple, just as men do. But the reading of Lamentations does not partake of Torah study, from which they are exempt, for men, too, read Lamentations even though Torah study is forbidden on that day. They are exempt from Torah reading throughout the year, for they are exempt from Torah study.—editor's note (A.D.).

his words. But here [that is, in our communities], the practice of women is to go outside.

Did the author of *Magen Avraham* truly believe that women have the same obligation with respect to public Torah reading as do men?¹² It is clear that he struggled with the issue and saw its various sides. He begins his discussion with a statement that the *halakhab* in the *Shulhan arukh*, derived from the *Tosefta*, implies that women are obligated with regard to Torah reading. On the other hand, he raises the possibility (as does *Tosafot* in *Rosh ha-shanah*) that going up to the Torah does not imply obligation. He then returns to the first alternative, for which he sees support in *Masekhet Soferim*. But he ends his discussion by remarking that the practice of women in his time was to leave the synagogue during Torah reading. That final point tells us his conclusion as a matter of practical *halakhab*: women are not obligated with respect to Torah reading.

The wording of the *Tosefta* itself affords some proof that women are not obligated with respect to Torah reading: the passage reads “all are counted toward” (*ba-kol `olin* [or *`olim*]; “all are qualified to be among” in the Soncino translation), not “all are obligated” (*ba-kol hayyavim*). *`Olim* usually connotes being “included within,” “counted (or reckoned) toward” (as in “all [the threads] can be reckoned [*ba-kol `olin*] for the purpose of the blue [fringe]” [*Bava qamma* 119b]; “even if he remains there for thirty days, these are not reckoned [*ein `olin*]” [*Mishnah Nazir* 3:5, appearing at BT *Megillah* 16b]). Here, too, “women are counted” (*nashim `olot*) means they

can be included among the seven who read, but they are not necessarily obligated with respect to Torah reading in the way men are. When the Mishnah means to say that a particular obligation applies to women, it uses the wording of obligation (*hayyav*); see, for example, the *baraita* at *Arakhin* 2b-3a: “All are obliged [*hayyavin*] to read the scroll [of Esther]...women are obliged [*hayyavot*] with respect to reading the Scroll...all are obliged [*hayyavin*] to arrange zimmun [convene the grace after meals].”

It appears that the author of *Magen Avraham*, in concluding Torah reading was not obligatory for women, relied on their practice of leaving the synagogue while the Torah was read. The practice is attested as well by *Hida* in his *Kisei rahamim* (cited earlier; the reference is quoted in *Resp. Yabi`a omer*, part 8, *Orah hayyim* 54:7); he asks, in surprise, “Why should women be obligated to hear Torah reading when they are exempt from Torah study?” He sums up his conclusion: “Accordingly, the widespread teaching in our region is that women do not go to the women’s [section of the] synagogue at all, other than a few elderly women, and they, too, do not do so regularly.”

7. One Not Himself Obligated Cannot Discharge Another’s Obligation

R. Shapiro asserts in his article that even a person not bound by a particular rabbinically imposed obligation may nonetheless discharge the obligation of another who is so bound; to prove the point, he cites *Tosafot* at *Rosh ha-shanah* 33a, s.v. *ha’ rabbi yebudab*. The author of *Magen avraham* (above, n. 9) alludes to that

¹¹ 33a, s.v. *ha’ rabbi yebudab*. R. Isaac bar Judah there adduces, as proof that women recite a blessing over a their performance of a time-bound positive commandment even though they are exempt from it, the fact that they are counted toward the seven people called to the Torah and recite a blessing over Torah reading. Rabbeinu Tam rejects that proof, on the grounds that the blessing over Torah reading is not a blessing associated with the performance of a commandment; for when no Levite is present, the *kohen* is called a second time instead of the Levite and he recites the blessings again, even though he has already done so. Moreover, he explains that a woman counts toward the seven only as one of the intermediate readers, who go up to the Torah but do not recite the blessings. The author of *Magen avraham* looks to this passage in *Tosafot* to show that being called to the Torah does not necessarily follow from any obligation, and that the possibility of a woman being called therefore does not indicate that she is bound by a particular commandment.

¹² As Shapiro inferred from a close reading of his comments (“*Qeri’at ha-Torah* by Women” [above, n. 1], p. 4 n. 11 and p. 44. n. 240).

Tosafot, and the author of *Mahatsit ha-sheqel* (282:6) explains that allusion:

But we may say that one permitted [but not obligated, to perform an act] can discharge the obligation of one having an obligation *de-rabbanan* [as a matter of rabbinic rather than biblical law], such as a minor who blesses [after a meal] on behalf of his father, who has eaten [only] the amount of [food that imposes a] rabbinic-law obligation [to bless, but not the larger amount that would impose a biblical-law obligation] (and so, too, women)...and they are included in the number of seven [who are called to the Torah] and discharge the obligation of others.

On this basis, R. Shapiro would prove that one not obligated can discharge the obligation of

another.

As noted, however, this is not the conclusion reached in *Magen Avraham*, and the Tosafists themselves cite the view of Rabbeinu Tam, who rejected this view and wrote, at the end of his discussion, that “one cannot adduce proof with respect to a woman from the case of a minor who says the blessing after a meal even though exempt from the obligation, for a minor will later become subject to the obligation.” A woman will never become obligated with respect to Torah reading and therefore cannot discharge the obligation of men; a minor’s situation differs, for he will become bound by these commandments when he comes of age.

R. Shapiro acknowledges that one not obligated with respect to a particular matter

¹³ Ran’s approach can be fully explained on the basis of his novellae on Rif (*Megillah* 13a in the Rif pages), where he explains the *baraita* as follows:

All are counted toward the number of seven, even a woman, even a minor—This means they may complete the complement of seven, but not that they may all be minors or women, *for inasmuch as they do not bear an obligation, they do not fully discharge [the obligation of the men]*. And according to the original law, providing that only the first and last [people called up] recite the blessings, a woman and a minor on that account may not read first or last, for their blessings cannot discharge the obligation of the others. But now that the rabbis have ordained that all recite the blessings, a woman and a minor may even be the first or last to read, and since they read they certainly bless as well—as in the case of a minor who reads the *haftarah* from the prophetic books and recites the associated blessings.

According to Ran, women have no obligation with respect to Torah reading and therefore cannot discharge the obligation of others. That conclusion is the source of what R. Shapiro imagines to be an inconsistency in Ran’s position (see Shapiro’s article, p. 31), for Ran elsewhere cites Nahmanides’ opinion that Torah reading is a congregational obligation, precluding application of the principle that one not obligated with respect to a particular matter cannot discharge the obligation of others. In fact, however, there is no contradiction. As I have tried to show, even when the obligation is a congregational one, a person who is not included within that congregation cannot discharge the obligation of one who is; and Ran’s comments here confirm that approach. He evidently believes that one must hear Torah reading with blessings from one who is obligated, and women originally could be called only for *aliyyot* that did not entail blessings. But once the rabbis ordained that blessings be said for all *aliyyot*, women could be called up even for the first and last, for the community’s obligation would be discharged by the men who are called up for other *aliyyot* and recite the blessings.

R. Shapiro treats Ran’s statement—“But now that the rabbis have ordained that all recite the blessings, a woman and a minor may even be the first or last to read, and since they read they certainly bless as well”—as pertaining to our own time and as providing a source on the basis of which women may be called up to the Torah. But Ran does not permit women to be called for all the *aliyyot*, for he does not retract his opening statement that “This means they may complete the complement of seven, but not that they may all be minors or women, for inasmuch as they do not bear an obligation, they do not fully discharge [the obligation of the men].” He evidently goes on to follow the view of Me’iri, according to which the *baraita* is speaking of Ezra’s ordinance, under which women could complete the count of seven once three men had been called and had said the blessings. Prof. Lieberman (*Tosefta ki-feshutah* on *Megillah*, p. 1178) adds that this applied only before the sages said that a woman should not read from the Torah because of the congregation’s dignity. Today, when the rule of congregational dignity remains in force, there is no possibility of calling women to the Torah, however much R. Shapiro might want to do so. It is precluded either because calling a woman who has no obligation with respect to Torah reading would make it appear that the men, who are obligated, are ignoramuses incapable of being called or because of the woman’s inability to discharge the men’s obligation with respect to reciting the blessings. R. Prof. Lieberman writes as follows: “But now that the rabbis have ordained that all recite the blessings, a woman and a minor may even be the first or last to read (that is, *as a matter of law, only in theory*); in addition, this analysis has practical implications with regard to minors.”

cannot discharge the obligation of individuals who are so obligated; but he maintains they may nevertheless discharge the congregation's obligation to listen to the reading of the Torah. Statements by the *risbonim* belie that distinction, however. Ran (3a in the Rif pages cited earlier) cites Nahmanides' comment (noted in section 3, above) that Torah reading is a congregational obligation, not an individual one, and Ran himself therefore says (13a in the Rif pages cited earlier) that minors and women, "since they are not subject to the obligation, cannot fully discharge [the obligation of others]." They cannot make up all seven of the readers, nor can they be the first or the last reader, who discharge the congregation's obligation by their recitation of the blessings (at a time when only the first and last readers recited blessings). Thus, even when we are dealing with a congregational obligation, one who is not part of that congregation cannot discharge the congregation's obligation.¹³

8. The Dignity of the Congregation

A. "Dignity of the congregation" does not negate the woman's dignity.

To this point, our analysis has been centered on the question of women's obligation with respect to Torah reading and whether they are permitted to discharge the obligation borne by men to fulfill this commandment. A turn in the discussion is taken by the *baraita* at *Megillah* 23a:

Our rabbis taught: All are qualified to be among the seven [who read], even a minor

and a woman, only the Sages said that a woman should not read in the Torah out of respect for the congregation.

This implies that but for the problem of "respect for [or: dignity of] the congregation," women would be able to go up to the Torah.

On its face, the *baraita* appears to reflect two stages: a first, in which women went up to the Torah, and a later one, in which they were barred from doing so on account of congregational dignity. But Maimonides, at least, did not see it that way, writing that "a woman should not read for the congregation because of the dignity of the congregation" (*Hilkebot Tefillah* 12:17) and making no reference at all to the *baraita's* initial statement about woman and minors being counted toward the seven. He does not speak of two stages, and seems not to have contemplated an initial stage in which women could go up to the Torah and a later one in which "only" the dignity of the congregation prevented them from doing so. Instead, he sees an absolute prohibition: "A woman should not read for the congregation because of the dignity of the congregation."¹⁴

Maimonides appears to have understood the *baraita* in the way we have suggested for the *Tosefta*: because of congregational dignity, a woman cannot discharge the obligation of men with respect to Torah reading. Even had it been possible, at some point in the development of the ordinance, for a woman to do so (as one of the intermediate readers or as one called in addition to the requisite

¹⁴ R. Z. N. Goldberg (in *Ha-me'ir la-arets*, published by Makhon Lifschitz, no. 60), writes that "the statement 'a woman should not read from the Torah' represents a total prohibition...and there is no way in which she may read for the congregation. The *gemara* simply explains the reason: it is not because she has no obligation with respect to reading of the Torah; rather, it is because of the dignity of the congregation. The distinction has practical implications with respect to a minor, who may be called even though he is not obligated." He continues: "Evidently, dignity of the congregation is a matter of modesty, which is not an issue raised in connection with a servant (or a minor)."

¹⁵ R. Sperber (above, n. 1) therefore errs in thinking that that the prohibition on women going up to the Torah because of the dignity of the congregation is not absolute. Clearly, the absoluteness of the prohibition depends on the evolution of the ordinance, and something not absolute at one stage might become absolutely prohibited at a final stage. So it is now absolutely forbidden for Maimonides, as well as for the Me'iri, as we have seen.

minimum), by the end of the process, no such possibility remained.¹⁵

The dignity is neither discretionary nor subject to waiver

By way of further explanation, we may ask why the *baraita* uses the “the congregational dignity” rationale when it could simply have said that if women are called up to the Torah, the congregation’s obligation is not thereby discharged?” The answer is suggested by R. Prof. Saul Lieberman’s comment (*Tosefta kiefshutab, Megillah*, pp. 1176-77) that the *baraita* rules more stringently than the *Tosefta*. According to the *Tosefta*, women could have been called under circumstances in which they do not discharge the obligation of the male congregation (for example, when the minimum required number of readers has already been called, as explained in the opening of the *Tosefta* passage). The *baraita*, however, forbids even that, and does so because of congregational dignity. And that is the meaning of the term “dignity of the congregation” in this context: Given that the congregation is obligated with respect to reading of the Torah, there is no way for a woman not so obligated to discharge the congregation’s obligation with her reading. The dignity at issue is neither discretionary nor subject to waiver.

In no sense does this imply disrespect for women or diminution of their own dignity. That is implied as well by Ritva, who explains in his *novellae* on *Sukkah* 38b and *Megillah* 4b that a woman being called to the Torah (even at a time when the congregation had discharged its obligations) reflects poorly on the congregation in the same way as a woman saying the blessing after the meals on behalf of her husband reflects poorly on him; in both

instances it appears that the congregation which is obligated (the men) do not know how to perform their obligation.¹⁶

B. Dignity of the congregation is not subject to waiver

R. Shapiro (above, n. 1) would demonstrate, on the basis of comments by Maimonides in his responsa (ed. Blau, sec. 294), that “dignity of the congregation” is subject to waiver by the congregation. The responsum in question deals with whether a congregation, lacking a fit Torah scroll, may read (with the accompanying blessings) from a codex (what we colloquially call a “*humash*”) or from a Torah scroll that fails to meet halakhic requirements (specifically, one whose parchment panels had not been processed with the specific intention that they be used in a Torah scroll). Maimonides rules as follows:

It is permitted to make the blessing, for the blessing over reading from the scroll differs from the blessing over taking the lulav or dwelling in the *sukkah*. If the *sukkah* or the lulav was unfit, the blessing would have been made in vain, for the commandment over which he blesses is the lulav which he takes or the *sukkah* in which he dwells; and if these were unfit, he would not have performed the commandment. But in the case of Torah reading, the commandment is the reading itself, regardless of whether the scroll was fit or unfit; and even if he read from memory he should make the blessing, for the essence of the commandment is the reading itself over which we recite the blessing....

Proof for this can be found in the statement (Gittin 60a) that “We do not read from codices because of the dignity of the congregation.” Is there any other invalidity as severe as the

¹⁶ This explanation of “dignity of the congregation” is offered by R. Y. H. Henkin in his response to R. Shapiro’s article (above, n. 1). He likewise cites the *Petah Devir* 282, 9 and Rav Avraham Min Hahar in his commentary to B.T. Talmud *Megillah* 19b who all explain the concept of “dignity of the congregation” in this manner, refuting the notion that “dignity of the congregation” in our context expresses disdain for women.

invalidity of a codex?! A Torah scroll lacking even a single letter would be invalid, and a fortiori a codex! So why cite dignity of the congregation as the reason [for not reading from it]? They could have cited the invalidity of the codex, which should make the blessing over it a blessing said in vain!

“Dignity of the congregation,” is indeed a secondary rationale

But apparently the reason that reading is not to be done from a codex is dignity of the congregation and not because the blessing would be in vain.

Nevertheless, it is proper for every congregation to have a fit, valid Torah scroll, which may be read from properly in the first instance. But if they find that impossible, they read even from an invalid scroll and recite the blessings, for the reason we have said, (that is, that the essence of the commandment lies in the reading rather than in the validity or lack thereof of the object from which the reader is reading).

Hence, “dignity of the congregation,” as referred to in this responsum, is indeed a secondary rationale along side of the issue of reading from a codex rather than from a valid Torah scroll. And in time of need (the absence of a fit Torah scroll), the congregation therefore is permitted to waive it and read from codices. But “dignity of the congregation” as used in this responsum cannot be adduced as proof for a similar view of the “dignity of the congregation” we are

considering, where the entire reason for the prohibition is “dignity of the congregation”. Moreover, in his *Mishneh Torah* (*Hilkhot Sefer Torah* 10:1), Maimonides does not rule in accord with his responsum; he says, rather, that a codex “lacks the sanctity of the Torah and may not be read from in public.”¹⁷ In the final analysis, Maimonides rules that the dignity of the congregation may not be waived.

“Dignity of the congregation” conveys something different in each of these two contexts. Reading from codices is reading done in an impoverished way, is a reading in a public forum which couldn’t even manage to acquire a valid Torah scroll, and such a reading detracts from the congregation’s glory. Nevertheless, since there are so many impoverished Jewish communities, being poor is not so great a humiliation, and the congregation may waive its dignity in this respect—certainly so when otherwise there would be no public reading altogether. But a woman discharging the congregation’s obligation implies that there is no other obligated male in the congregation who can do so; and R. Shapiro would have us waive the prohibition of the “dignity of the congregation” and call up women—on the basis of Maimonides’ responsum—even when there are men present in the congregation. Such fallacious reasoning invokes the rabbinic adage that “one may not infer a law from a case wherein otherwise it would have been impossible to perform the precept (where there was no kosher Torah Scroll to read from) to a case where it would be possible to perform the precept (by just calling up men).”

¹⁷ On this contradiction between the responsum and the *Mishneh torah*, see *Kesef mishneh* ad loc. In his *Responsa* (sec. 11), Rashbash (R. Solomon ben Simeon Duran) wrote as follows with respect to Maimonides’ responsum: “How can we put aside the ruling declared by Maimonides, of blessed memory, in his great treatise (*Mishneh torah*), given what appears in the responsa he issued? Perhaps he wrote (the responsum) and perhaps he did not write it; do we have his signature on it?” It is also possible that in *Mishneh Torah*, he changed his mind regarding the ruling in his responsum, as R. Joseph Karo wrote (*Responsa*, sec. 69): “That is why Rabbeinu Shelomo ben Adret wrote that the aforesaid responsum had been written in his youth, but when he was older, he changed his mind in his book.”

C. *Aliyyot* for women in a city made up entirely of *kobanim*.

For similar reasons, the case for calling women to the Torah cannot be proven on the basis of the ruling by Maharam of Rothenberg (*Responsa*, part 4, Prague ed., sec. 108; *Hagabot maimuniyot* on *Hilkebot Tefillah* 12:20) regarding a city made up entirely of *kobanim*. In such a city, according to the ruling, *kobanim* are called for the first two *aliyyot* but women are called thereafter; for if a man is called for one of the later *aliyyot*—which are normally given to non-*kobanim*—his status as a *koben* might thereby be impugned. How can one claim to reason from this case, in which no alternative is available, to a case in which there is a clear alternative, by calling a man instead of a woman, which would not impair the congregation's discharge of its obligation?

That and more: Rashba (*Responsa attributed to Nahmanides*, sec. 186; similarly, part 1, sec. 13) disagrees with this ruling and holds that additional male *kobanim* should be called to complete the seven readings; he maintains that the status of these *kobanim* will not be impugned since everyone in the city knows that all of the males are *kobanim*. Support for that view is provided by the ruling in *Yerushalmi Gittin* 5:9 that in a city having only one non-*koben*, he may be called first and *kobanim* may follow him. Importantly, the *Shulhan arukh* (*Orah hayyim* 135:12) rules in accord with Rashba rather than with Maharam of Rothenberg in the case of a city made up entirely of *kobanim*.

D. “Congregational dignity” and “human dignity”

One writer has alleged a clash between the drive to maintain “congregational dignity” and the disrespect shown to women by denying them *aliyyot*, a step he regards as an impairment of “human dignity.”¹⁸ As an example of a preference afforded to human dignity, he cites R. A. I. H. Kook's responsum (*Da'at koben*,

sec. 169) holding that to preclude women from stitching together the panels of a newly completed Torah scroll would impair their dignity.

*Denial of aliyyot cannot be seen as an
impairment of human dignity*

But the purported precedent is inappropriate. The sages long before had ruled that women could sew together the panels of a Torah scroll, and it was a long-established practice for them to do so similar to the permission granted women to place their hands on the heads of animals they had brought as sacrifices, in order to provide them with religious satisfaction. Because it had already been permitted, a later denial would, in fact, impair women's dignity. But it had never been the practice for women to be called to the Torah; and upholding that denial of *aliyyot* can in no way be seen as an impairment of human dignity.

That and more: We have already explained (pp 27, 28 and n.14) that “congregational dignity” in our context does not refer to one specific interest or condition that may be weighed against another specific interest or condition, and thereby trumped; in our case, “congregational dignity” is rooted, rather, in the *halakhab* that one who has no obligation with respect to a given matter cannot discharge the duty of one who is so obligated; it is rooted in the inextricable bond in Jewish law between obligation and privilege. Only one who is obligated to perform a precept has the privilege of performing that precept on behalf of another. One ought not consider the inability of women to go up to the Torah as something that demeans them or impairs their dignity. It would never enter one's mind to ask a woman, in order to avoid impairing her honor, to discharge a man's obligation with respect to donning *tefillin*, counting the *omer*, or sounding the *shofar*!¹⁹

9. Is Reading Distinguished from Going Up to the Torah?

In its ruling on the matter at hand, the *Shulhan arukh* (*Orah hayyim* 282:3) states “All are qualified to be among [or: may be included among] the seven [*ba-kol `olin le-minyan shiv`ab*], even a woman and a minor who understands Whom a blessing is addressed to; but the Sages said that a woman should not read [*lo’ tiqra’*] for the congregation because of the dignity of the congregation.” R. Shapiro (above, n. 1) inferred from this wording that while a woman may not serve as a Torah reader, she may be included among those who are called up to the Torah and simply recite the blessings, with the actual reading done by a man.

The wording is taken from the talmudic passage (*Megillah* 23b), which likewise reads “All are qualified to be among...a woman should not read.” In rabbinic Hebrew, the words *`oleh* (“rise”; “be included”) and *qorei* (“read”) regularly appear as synonyms, especially in Maimonides’ writings (*Hilkebot Tefillah* 12:20-21; 13:5). It follows that nothing can be proven on the basis of how these words are used in the *Shulhan arukh*’s ruling.

10. Summary

1. Women are not obligated with respect to public Torah reading; accordingly, they cannot discharge an obligation devolved upon the community of males.
2. The institution of public Torah reading evolved through several stages. When Moses ordained the practice for Israel, the community’s obligation was merely to hear the reading, even if they did not understand it.

Ezra’s ordinance added the requirement of comprehension; that is, the duty borne by each individual to study and understand what was being read. The ensuing ordinances—pronouncing “*Barekhu*” before reciting the blessing; recitation of blessings at the

Commandments related to public ritual performed outside the household were assigned to men.

beginning and at the end of the reading and, later, before and after each *aliyyah*—were meant to reinforce the institution of public Torah reading and to make it an experience simultaneously intellectual and emotional, something much more powerful than merely listening. Especially the addition of *Barekhu* before the blessing over the Torah made it a “matter of sanctity”, which applies specifically to men. Certainly, a woman, who is exempt from the commandment of public Torah study, cannot fulfill the commandment on behalf of men, who are subject to it.

3. That rationale—the inability of one having no obligation to perform a particular act to discharge the obligation of one who is so bound—is alluded to in shorthand by the term “dignity of the congregation,” for the dignity of one bound by an obligation is impaired by an effort to have that obligation discharged by one not so bound. Accordingly, such congregational dignity cannot be waived. Moreover, an important halakhic principle holds that only a person subject to a particular obligation is qualified to discharge the obligation of others likewise obligated; the

¹⁸ Daniel Sperber (above, n. 1).

¹⁹ It seems to me that R. Sperber, too, is inconsistent in his rulings regarding practice in Congregation Shirah Hadashah in Jerusalem. He permits women to be called up to the Torah on account of human dignity, but does not allow women to lead the public prayer and recite the repetition of the *Amidah* for both men and women on that basis. And if R. Sperber does not entertain the possibility that women might lead prayers, why does he take human dignity into account as a consideration allowing women to be called to the Torah? It is as clear as day that if human dignity is the rationale for allowing women to be called to the Torah, then the inevitable next step is to allow them to lead prayers as well and to recast prayer, and all religious ritual, on the basis of full sexual egalitarianism. That might well be perceived as a noble intent, but it is certainly worthy of far deeper halakhic discussion than has been offered heretofore.

privilege of performing a precept for someone else is predicated upon the obligation of the performer. Jewish law insists that privilege and obligation are bound together.

4. Accordingly, there is no basis for permitting women to have *aliyyot* in a congregation comprising both men and women, even if there is proper separation between the men and women in the room. Beyond these halakhic points, we may add a broader perspective. The sages of blessed memory saw the roles of men and women not as identical but as complementary: each completes what the other need not and cannot do. Accordingly, the rabbis assigned to women the primary obligations related to purity and sanctity of the household—Shabbat candles, family purity, *hallah*. In contrast, the commandments related to public ritual activities performed outside the household—such as matters related to the synagogue—were assigned to men. That division of responsibility is grounded in historical, sociological and biological factors.

The family and its preservation were central concerns of the sages, and they were very conscious of a woman's life-giving role as bearer and nurturer of children. And even if the assignment of these tasks is not always absolute and exclusive, *halakhab* was determined in accordance with the usual and natural state of affairs.²⁰ Changes in the conduct of family life (such as marriage age, entry of women into the workforce, and greater longevity, which results in more free time after the children leave the nest) cannot be regarded as necessarily implying changes in the assignment of duties to men and to women. Indeed, I have been quite surprised over the years to the extent that we do not find even halakhically learned women taking additional obligations upon themselves, such as public prayer or hearing public Torah reading on days other than Sabbaths. And so the conclusion is that the *halakhab* remains in place, and that one exempt from an obligation cannot discharge the obligation of one who is bound by it.

²⁰ Permitting women to be called to the Torah for aliyot additional to the seven prescribed readings for men, or for the *maftir* when it is the eighth and not the seventh reading, or the possibility of establishing individual congregations wherein the women would accept upon themselves the obligation of public Torah readings completely and not just on Sabbath morning, are issues which I have not addressed in the purview of this study, but which certainly deserve serious treatment.

A Response to Shlomo Riskin

Mendel Shapiro

Abstract: This essay responds to the claims of R. Shlomo Riskin and his conclusion that there is no halakhic basis for *aliyyot* for women. Based on the position of Nahmanides, it maintains that there is a distinction between personal and communal obligations, that *qeri'at ha-Torah* is a communal obligation and that the *baraita* in BT *Megillah* 23a (1) permits, in theory, a woman to discharge the communal obligation to provide a public Torah reading, and (2) it is *kevod ha-tsibbur* alone, and not issues of *hiyyuv*, that excludes women from *qeri'at ha-Torah*. Lastly it demonstrates from halakhic sources that *kevod ha-tsibbur* is not an absolute disqualification. R. Riskin offers a short final response.

Biography: Mendel Shapiro practices law in Jerusalem and holds a J.D. from Columbia University and rabbinic ordination from Rabbi Isaac Elchanan Theological Seminary of Yeshiva University. His groundbreaking study, “*Qeri'at ha-Torah* by Women, A Halakhic Analysis” (*The Edah Journal* (1:2) Sivan 5761), has generated wide discussion in Orthodox circles and led to the establishment of a number of Orthodox *minyanim* in America and Israel where women receive *aliyyot*.



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Response to Shlomo Riskin

Mendel Shapiro

R. Shlomo Riskin presents his opposition to women's *aliyyot* as the straightforward consequence of the teaching enunciated in *Mishnah Rosh ha-shanah* 3:8: “This is the general principle: one who is not himself under obligation to perform a religious duty cannot perform it on behalf of the congregation.” According to R. Riskin, *qeri'at ha-Torah* embodies two distinct layers of halakhic obligation (*hivuy*). It is an Act of Sanctification (*davar she-bi-qedushah*) that can only take place in the presence of a quorum (*minyan*) of at least ten adult Jewish men. Because women are excluded from this requisite *minyan*, they are exempt from the *mitsvah* of *qeri'at ha-Torah*, and hence may not read the Torah on behalf of men, or otherwise participate in *qeri'at ha-Torah* as recipients of *aliyyot*. Furthermore, *qeri'at ha-Torah* is an aspect of the *mitsvah* of Torah study (*talmud Torah*) from which women are exempt, and so on this basis as well women cannot read on behalf of men.

Against this position stands the unequivocal statement of the *baraita* in BT *Megillah* 23a: “Our Rabbis taught: All may be included among the seven [called to the Torah on Shabbat], even a minor even a woman, but the Sages said that a woman should not read in the Torah because of the dignity of the congregation (*kevod ha-tsibbur*).” As I argue in my article,¹ this *baraita* teaches that it is *kevod ha-tsibbur* alone, and not issues of *hivuy*, that excludes women from *qeri'at ha-Torah*, and I go on to show that *kevod ha-tsibbur* is not an absolute disqualification. As for why the *baraita* appears unconcerned by the sort of objections raised by R. Riskin, I cite the almost universally accepted opinion of Nahmanides

that *qeri'at ha-Torah* is a communal, rather than a personal, obligation (*hovat ha-tsibbur* rather than *hovat ha-yahid*). In other words, a congregation of ten Jewish men bears a communal obligation to provide *qeri'at ha-Torah* at designated times; however there is no personal obligation, even for men, to listen to *qeri'at ha-Torah*. Thus, the *baraita*, in theory at least, permits the congregation to discharge its duty to provide a public Torah reading by having the Torah read by women or minors. Only in the case of personal *mitsvot* do we require that one who performs on behalf of others be himself obligated on the same level. This is my argument in a nutshell and I believe that it is the mainstream view of *poseqim*.

Only in the case of personal mitsvot do we require that one who performs for others be obligated on the same level

The bedrock of R. Riskin's challenge to the practice of women's *aliyyot* is the undisputed fact that women are not specifically obligated in *qeri'at ha-Torah*. This fact can propel R. Riskin's argument to its destination only if it can be concurrently shown that men do bear such a defined obligation that women cannot fulfill on their behalf. In order to identify such an obligation, R. Riskin turns at the outset of his article to the question of the nature of *qeri'at ha-Torah*. It is at this initial stage that I believe his argument falters.

In formulating the halakhic nature of *qeri'at ha-Torah*, R. Riskin draws inspiration and authority from two published lectures of Rabbi Joseph

¹ Mendel Shapiro, “*Qeri'at ha-Torah* by Women: A Halakhic Analysis,” *The Edah Journal* 1:2 (Sivan 5761 [2001]).

B. Soloveitchik (“the Rav”) that articulate the religious impulses underlying *qeri’at ha-Torah*.² R. Riskin reads the Rav as defining *qeri’at ha-Torah* in terms of halakhic *hilyuv*, an interpretation that leads to precluding women, who do not share in the *hilyuv*, from reading Torah.

According to rabbinic tradition, *qeri’at ha-Torah* as practiced today was enacted in two stages. The original enactment is attributed to Moses, who, while the Israelites were still in the desert, ordained that the Torah be publicly read on the mornings of Shabbat, Monday and Thursday, so that the Israelites would never go for three days without Torah. Moses’ *qeri’at ha-Torah* consisted of a single person called to read three verses (or three called to read one verse each). Ezra’s subsequent enactment elaborated on Moses’ and required that each reading include at least three people called to read a total of at least ten verses.

The Rav’s lectures dwell on the nature of *qeri’at ha-Torah* as reflected in these two enactments. According to the Rav, Moses’ enactment was that Jews hear Torah at least every three days because the sanctification of the Jewish person demands that he be existentially close to Torah, even if he does not grasp its meaning. Merely listening to Torah is a soul-soothing and spiritually exalting experience. Moses’ enactment was modeled on the experience of *haqhel*, where all of Israel—men, women and children—were assembled to listen to God’s word even without comprehending it (Rav I, p.180). Ezra’s enactment that required a fuller reading, including a reading accompanied by translation (*targum*), supplemented Moses’ enactment by demanding study and comprehension as well as listening.

R. Riskin parses the Rav’s explication of *qeri’at ha-Torah* into halakhic categories. Moses’ enactment, which aspired by way of *qeri’at ha-*

Torah to bestow a spiritual experience of holiness, is what invests *qeri’at ha-Torah* with the halakhic status of *davar she-bi-qedushah*. Ezra’s supplementary enactment further defines *qeri’at ha-Torah* as an act of Torah study. Thus, the way is now clear for R. Riskin to apply the principle stated in the *mishnah* in *Rosh ha-shanah*: Since women cannot be part of the *minyan* in which *devarim she-bi-qedushah* are said, and are not obligated in the *mitsvah* of Torah study, they cannot in any way perform or participate in *qeri’at ha-Torah* on behalf of men.

A discerning reading of the Rav’s essays will show that the Rav could not possibly have contemplated R. Riskin’s conclusions

A discerning reading of the Rav’s essays will show that the Rav could not possibly have contemplated R. Riskin’s conclusions. There is, of course, the Rav’s identification of Moses’ foundational enactment with the biblical *haqhel*, which included the entire community, women and children, as well as men. But more basically, the essential theme of the Rav’s exposition was to present *qeri’at ha-Torah* as originating in the profound spiritual awareness that at the core of Jews’ existential connection to Torah is the concept of Torah study as cleansing and uplifting spiritual experience that transcends categories of *mitsvah* and *hilyuv*. Thus, the Rav writes, in reference to Ezra’s enactment:

The basis (*mehayyen*) of *qeri’at ha-Torah* is not the *mitsvah* of study but the *mitsvah* of personal sanctification (*mitsvat qiddush ha-gavra*) by way of Torah study. (Rav I, p. 184)

and again:

I wish to emphasize once again that the obligation of *qeri’at ha-Torah* is based not on

² “*Qeri’at ha-Torah ba-shabbat, ba-sheini u-va-hamishi*” [Torah reading on the Sabbath, Monday, and Thursday], in *Shi’urim le-zekher abba mari, zal* [Lessons in memory of my father and teacher, of blessed memory], part 1, pp. 176-197 (hereinafter Rav I), and “*Be-inyan taqqanat moshel*” [Concerning Moses’ ordinance], in id., part 2, pp. 213-230 (hereinafter Rav II).

the actualization of the *mitsvah* of *talmud Torah* but on the sanctifying and cleansing elements inherent in Torah study. (Rav I, p. 195)

This theme is reiterated in the second essay:

The basis (*halot*) of this enactment [viz *qeri'at ha-Torah*] doesn't spring from the obligation of the *mitsvah* of *talmud Torah* but from the *mitsvah* of bestowing kindness (*gemilut hasadim*). The basis (*mehayyev*) is the people's thirst for Torah, for the soul is dried up and faints without Torah. The preoccupation with Torah is significant not only as an act of *mitsvah* (*ma'aseh mitsvah*) but also as an act that redeems man from his misery, from the spiritual distress in which he finds himself. There is a spiritual cleansing and personal sanctification through Torah study, and *qeri'at ha-Torah* was organized in order to achieve this. (Rav II, p. 221)

and again:

Against this background, we understand why *qeri'at ha-Torah* was scheduled only once every three days. If the matter involved fulfillment of the general *mitsvah* of Torah study, the following question would have cried out: why did they not enact *qeri'at ha-Torah* every day? However according to what we have written, that *qeri'at ha-Torah* is required to overcome the [spiritual] exhaustion that follows from being diverted [from Torah], we can well understand why *qeri'at ha-Torah* was enacted for once every three days; because in a period of time of less than three days, a person doesn't sink into spiritual exhaustion. (Rav II, p.223)

These statements of the Rav are a piece of the broad tradition of Brisker teaching (*lamdanut*) that understood that the intense religious motivation animating *qeri'at ha-Torah* could not be diverted into conventional halakhic channels. This insight was not just a homiletic flourish, but was applied by the Rav to

explicate the very *baraita* that includes women among the seven called to the Torah on Shabbat, and to explain why women, who are exempt from the *mitsvah* of Torah study, are required by *Shulhan Arukh* to recite the blessings associated with the Torah (*birkebot ha-Torah*). This the excerpt of the Rav's lecture as transcribed by a student:

Rav Chaim ז"ל answered [the question of why, according to *Shulhan Arukh*, women say *birkebot ha-Torah* even though they are exempt from Torah study, by saying] that *birkebot ha-Torah* do not refer to the obligation to study or on the fulfillment of an obligation, but to the very essence (*heftsab*) of Torah. And even the study of women connects with the *heftsab* of Torah. Rav Chaim proved this from the *baraita* that women are included in the number of seven [called to the Torah on Shabbat] even though they are not obligated. Nonetheless they can fulfill the obligation on behalf of others, because what we require is a *heftsab* of Torah.³

Torah belongs to all Israel irrespective of gender.

How, then, can R. Riskin possibly write:

We have already noted Rabbi Soloveitchik's observation that the new ordinance meant that every member of the congregation was thereafter obligated and commanded to understand what was being read in each of the seven *aliyyot*. It follows that thereafter, one not so obligated, such as a woman, cannot discharge the duty of these who are obligated.

This statement, as well as R. Riskin's overall theory of *qeri'at ha-Torah*, explicitly contradicts both the word and spirit of the Rav's teachings. In fact, the Rav teaches that the experience of Torah broadcast by the public *qeri'at ha-Torah*, even as enacted by Ezra, is essentially different from the standard *mitsvah*

³ *MiBeit Midrashe shel ha-Rav* (Jerusalem 5778), p. 31.

of Torah study. *Qeri'at ha-Torah* expresses Torah as the defining Jewish experience and as such it is the spiritual property of all Jews: men, women and children. To be sure, *qeri'at ha-Torah* includes important formal elements (*minyan*, for example) that obligate men more than women, but Torah, as an object of transcendent joy, comfort, spirituality and inspiration (the *heftsa* of Torah, in the Rav's Brisker terminology), belongs to all Israel, irrespective of gender.

The conviction that women have a portion in Torah is firmly established in our normative halakhic culture. Thus, as we have seen, R. Yosef Karo in *Shulban Arukh* (O.H. 47:14) holds that women recite *birkhot ha-Torah* in the daily morning service even though they are exempted from the *mitsvah* of Torah study. This ruling is particularly significant in light of R. Yosef Karo's general stance that women may not recite blessings when voluntarily performing *mitsvot* from which they are exempt (Beit Yosef, O.H. 17). We saw above how the Rav and Rav Chaim bridged this disparity, but even earlier R. Joseph Babad in *Minbat Hinukh* (Positive Commandment 430) linked this ruling to the opinion of Nahmanides (Glosses on Maimonides' *Sefer ha-Mitsvot*, Positive Commandments not Mentioned by Maimonides, no. 15) that *birkhot ha-Torah* are not blessings arising from the *mitsvah* of Torah study, but blessings of thanksgiving to God for bestowing Torah on the Jewish nation. They are, therefore, incumbent upon women as well as men. Thus, women's exemption from Torah study is not a reason for excluding them from *qeri'at ha-Torah*, which, as we have seen, is a public ceremony invoking our community's most basic relationship to Torah.

While declaring himself to be following the Rav's view, R. Riskin in fact embraces a minority, dissenting view he finds in Me'iri (*Beit ha-behira* on *Megillah* 23a), who reports as follows:

There is one who interprets (“*yesh mi she-mefaresb*”) the statement [regarding women

and minors] to have applied only when the intermediate readers read without [reciting] a blessing, and a woman could be one of the intermediate readers. But now that all [readers] recite a blessing, a woman does not read at all. And that is consistent with the rule, for how can she bless when she is exempt? But a minor, in any event, recites the blessing, for he has a connection to Torah study and others are commanded to teach him.

In my article (p. 12) I discuss this passage at some length. I point out that it is unlikely the view of Me'iri himself, who writes elsewhere (*Beit ha-behira* on *Berakhot* 11b) that the blessings recited on *qeri'at ha-Torah* are not blessings preceding performance of the commandment (*birkhot ha-mitsvah*) to study Torah but are, instead, “blessings of praise” (*birkhot ha-sheval*) (*Beit ha-behira* on *Berakhot* 46a). R. Riskin himself later in his article quotes Me'iri as holding that *qeri'at ha-Torah* is a sort of quasi-*mitsvah* to which concepts of obligation do not apply (Riskin, p.10).

R. Riskin draws from what is clearly a
minority view

The view cited by Me'iri in the name of “one who interprets” is that of R. Isaac ben Judah and originated as part of a lengthy discussion in *Tosafot* of Rabbenu Tam's view that women may recite blessings when voluntarily performing “time-determined” positive commandments from which they are generally exempt (*Rosh ha-shanah* 33a, s.v. ha). As part of the *Tosafot*'s “give and take,” R. Isaac ben Judah suggested to Rabbenu Tam that the *baraita* of “all may be included in the number of seven ... even women” be adduced as support to his opinion. Given that women are exempt from the *mitsvah* of Torah study, their theoretical eligibility under the *baraita* to receive *aliyyot* and presumably to recite the *birkhot ha-Torah* appeared to R. Isaac ben Judah to be powerful evidence in favor of Rabbenu

Tam's opinion that women may recite blessings when voluntarily performing mitzvot. R. Isaac's suggestion was apparently made to Rabbenu Tam directly, who rejected it outright on the grounds that the blessings of *qeri'at ha-Torah* are not *birkhot ha-mitsvah*, and therefore were not relevant to the discussion at hand.

By relying on R. Isaac ben Judah's suggestion, R. Riskin highlights that his own position draws from what is clearly a minority view of *birkhot ha-Torah* as *birkhot ha-mitsvah*, a view rejected by most poseqim. Moreover, this classification of *birkhot ha-Torah* would be effective to prohibit women's *aliyyot* only if it were combined with the opinion that women may never recite blessings when voluntarily performing commandments such as dwelling in a *sukkah* or taking a *lulav*. How ironic that R. Riskin, to whom we are indebted for his unparalleled leadership in opening up the world of serious Torah learning to Jewish women, should resist women's *aliyyot* on the basis of a narrow view of Torah study and *birkhot ha-Torah* that alienates women from their spiritual Torah heritage.

Even if, for argument's sake, we accept R. Riskin's position that *qeri'at ha-Torah* is an exercise of the *mitsvah* of Torah study, R. Riskin's blanket exclusion of women from *qeri'at ha-Torah* does not square with our halakhic intuitions. Suppose a learned, pious woman sounds the *shofar* in the synagogue on Rosh Hashanah on behalf of the entire congregation. Based on the rule of the mishnah in Rosh ha-shanah, there can be little question that the men of the congregation have not fulfilled their obligation to hear the *shofar* sounded, having heard it from a woman who is exempt from the obligation. But now suppose that after the service that same woman, who is exempt from the *mitsvah* of Torah study (or at least not obligated by it in the same sense as the men), delivers a lecture on the weekly Torah portion or the daily page of Talmud to a group of men. Would anyone deny that the men learning Torah from their woman teacher

were fulfilling the *mitsvah* of Torah study to its fullest extent? It seems to me self-evident that a man fulfills the *mitsvah* of Torah study when he learns Torah from a woman.

*It is self-evident that a man fulfills the
mitsvah of Torah study when he learns
Torah from a woman*

Why is this so? The common sense explanation would seem to be that Torah study is a religious, intellectual experience that occurs in the mind and soul of the student. The learning may be facilitated by teachers—be they men or women—and by books or a myriad of other aids. In the final analysis, however, one cannot perform the *mitsvah* of Torah study on behalf of another, any more than one can fulfill the *mitsvah* to love God on behalf of another. Even if we grant R. Riskin his premise (unproven to my mind) that *qeri'at ha-Torah* is a fulfillment of the *mitsvah* of Torah study, women should still be able to read on behalf of men.

The second leg of R. Riskin's "obligation"-based argument is that women may not participate in *qeri'at ha-Torah* because they can not be included in the requisite minyan of ten men who are obligated to organize *qeri'at ha-Torah*. *Qeri'at ha-Torah* is a communal obligation (*hovat ha-tsibbur*) and since women are excluded from the community sponsoring *qeri'at ha-Torah*, they may in no way participate in it in order to help the men of the minyan fulfill their communal obligation.

This is a difficult argument, first and foremost because it doesn't sit well with the basic text on women's *aliyyot*, the *baraita* in Megillah that provides that women are included among the "number of seven" called to the Torah. Certainly, the Rabbis were aware that women can not be included in the "number of ten" required for a minyan and yet, other than *kevod ha-tsibbur*, could offer no reason for excluding women from the "number of seven"

participating in *qeri'at ha-Torah*. The Rabbis apparently were of the view that *qeri'at ha-Torah* was a functional obligation designed to bring Torah to the people, no matter who did the reading. This point is well made by Me'iri in a passage that R. Riskin himself cites:

A minor reads from the Torah, for the intention is only to make it heard to the people, and it is not a full-fledged commandment invoking the rule that one who is not obligated cannot discharge the obligation of others (*Beit ha-behirah* on *Megillah* 24a).

R. Riskin's interpretation of Rosh is decisively refuted by Rosh's own words

R. Riskin makes much of the fact that Me'iri mentions only minors and not women, but be that as it may, it does not detract from Me'iri's characterization of *qeri'at ha-Torah* as a type of quasi-*mitsvah* to which the rule "that one who is not obligated cannot discharge the obligation of others" does not apply. As to why Me'iri mentions only minors and not women, I would say that Me'iri was addressing the reality of his day where minors, but never women, did occasionally receive *aliyyot*, even if only to educate them for their future adult roles. Me'iri says as much in the passage we saw earlier (*Beit ha-behirah* on *Megillah* 23a, cited *Ibid*, p. 7), where he opines: "But a minor, in any event, recites the blessings, for he has a connection to Torah study and others are commanded to teach him."

Rosh makes the same point as Me'iri—that the purpose of *qeri'at ha-Torah* is for Torah to be heard—but includes women, as well as minors and slaves in the list of those eligible for *aliyyot*. R. Riskin discounts Rosh's inclusion of women by declaring that Rosh's comments applied only to the primordial *qeri'at ha-Torah* mandated by Moses' enactment, where the blessings were not recited and where the only demand was that the Torah be heard. It is difficult to imagine that Rosh, whose halakhic volumes are

among the core works of our halakhic canon, would base his halakhic comments on a preempted, halakhically irrelevant form of *qeri'at ha-Torah*. But R. Riskin's interpretation of Rosh is most decisively refuted by Rosh's own words:

And the fact that a minor and a slave and a woman who are not [obligated] with respect to Torah study are included in the quorum of seven [who receive *aliyyot* on Shabbat] is because the *sefer Torah* is there for the purpose of being heard, and the blessing is not in vain, for they do not bless "Who has sanctified us with his commandments and commanded us in the words of the Torah" but rather "Who has chosen us and given us [the Torah]."

Rosh was clearly referring to *qeri'at ha-Torah* as we know it, which includes the blessings, and it is with respect to such a *qeri'at ha-Torah* that he explains why women may be included. According to Rosh, minors, women and slaves, even if they are not among the "commanded" are among the "chosen," and on that basis may receive *aliyyot* and recite the blessings. Rosh is clearly in the mainstream tradition of *rishonim* and *poseqim* who included women in the Torah community in the broad sense. *Qeri'at ha-Torah* highlights and contributes to all of Israel's "chosenness" and holiness in Torah, and not to Israel's "commandedness" by Torah.

Ran, to whom R. Riskin devotes much attention, presents an interesting wrinkle to the concept that *qeri'at ha-Torah*, being a communal obligation, may be performed by women. Ran writes that women, not being themselves fully obligated, may not "entirely fulfill" the obligation for others. R. Riskin concludes from this (fn. 11) that "[a]ccording to Ran women have no obligation with respect to Torah reading and therefore cannot discharge the obligation of others." But if we look at the complete passage (as quoted by R. Riskin), we see that this is not Ran's position at all. Ran writes:

All are counted toward the number of seven, even a woman, even a minor—This means they may complete the complement of seven, but not that they may all be minors or women, for inasmuch as they do not bear an obligation, they do not fully discharge [the obligation of the men]. And according to the original law, providing that only the first and last [people called up] recite the blessings, a woman and a minor on that account may not read first or last, for their blessings cannot discharge the obligation of the others. But now that the rabbis have ordained that all recite the blessings, a woman and a minor may even be the first or last to read, and since they read they certainly bless as well—as in the case of a minor who reads the *haftarah* from the prophetic books and recites the associated blessings. (Ran on Rif, *Megillah* 13a)

Ran is saying that women are eligible for *aliyyot*, especially “now” when each person called recites the blessings, but they may receive only some, but not all, of the *aliyyot*. In my article (Shapiro, p. 31), I identified Ran with the opinion of R. Isaiah of Trani (Rid) that women and minors could not be the exclusive recipients of *aliyyot* because the enactment of *qeri’at ha-Torah* included the proviso that at least some of the readers be adult males. Thus, when Ran writes that women may not “entirely fulfill” the obligation he is echoing the opinion that the communal obligation of *qeri’at ha-Torah* is not met when the readers are entirely women, and this is because women do not bear in the communal obligation to provide a public Torah reading.

As I point out in my article, Ran is in the tradition of *poseqim* (including Rivash, *Haggahot Maimuniyot* and Remah) who hold, to varying degrees, that at least some of the people called must be men. My own recommendation was that this restriction be applied in congregations offering *aliyyot* to women, and to the best of my knowledge, this is indeed the case. In any

event, Ran cannot be understood to exclude women entirely from *aliyyot*.

Ultimately, R. Riskin must confront the *baraita* that presents *kevod ha-tsibbur* as the only obstacle to women’s *aliyyot*. R. Riskin poses the question directly: “We may ask why the *baraita* uses the ‘congregational dignity’ rationale when it could simply have said that if women are called to the Torah, the congregation’s obligation is not thereby discharged” (p. 28). R. Riskin’s answer: “[This] is the meaning of the term ‘dignity of the congregation’ in this context: Given that the congregation is obligated with respect to reading of the Torah, there is no way for a woman not obligated to discharge the congregation’s obligation with her reading. The dignity at issue is not discretionary or subject to waiver.” In other words, *kevod ha-tsibbur* is just another way of stating the application of the rule that only one who is obligated in a *mitsvah* may perform that *mitsvah* on behalf of others.

R. Riskin cannot cite any classical or modern authority who mentions this interpretation

Were it not for the quest to find support for the prohibition of women’s *aliyyot*, I doubt it would occur to anyone that this is a possible meaning of the term *kevod ha-tsibbur*. R. Riskin cannot cite any authority, classical or modern, who even mentions this interpretation, and can say only that it is “suggested” in R. Prof. Lieberman’s commentary to *Tosefta Megillah*, and may be read into Maimonides as well. Reading both Maimonides and Lieberman’s commentary to *tosefta*, it is difficult to find any suggestion of R. Riskin’s novel interpretation.

In our respective articles, both R. Riskin and I discuss the *tosefta* (*Megillah* 3:1) parallel to the *baraita* appearing in BT *Megillah*, and we cover much the same ground. The *tosefta* states: “All may be included among the seven [called to the Torah on Shabbat], even a woman, even a

minor. We do not bring a woman to read to the public.” The *tosefta* does not mention *kevod ha-tsibbur* and appears to accommodate women’s *aliyyot* in limited circumstances. There are various opinions as to the proper interpretation of the *tosefta* and of its relationship to the *baraita* that prohibits women’s *aliyyot* because of *kevod ha-tsibbur*. I have already mentioned the opinion of Rid and possibly Ran that the *tosefta* understood Ezra’s enactment of *qeri’at ha-Torah* as including the proviso that there be a core group of adult male readers, with minors and women being permitted to join only as “associate” participants.

Commenting on the relationship between the *tosefta* and the *baraita*, Lieberman writes that the *baraita*’s conclusion—“but the Sages said that a woman should not read in the Torah because of *kevod ha-tsibbur*”—is not of Tannaitic origin but is in fact an innovative gloss of the Babylonian Talmud that, by having the issue turn entirely on *kevod ha-tsibbur*, excluded women from *qeri’at ha-Torah* altogether, even as associate participants.⁴ Beyond that, Prof. Lieberman does not “suggest” that *kevod ha-tsibbur* relates to issues of obligation, or that *kevod ha-tsibbur* may not be waived.

Maimonides (*Hilkebot Tefillah* 12:17) drops the opening, inclusive phrase of the *baraita* that “all may be included in the number of seven...including women” and simply rules that “a woman should not read for the congregation because of *kevod ha-tsibbur*.” R. Riskin infers from Maimonides’ unqualified prohibition of women’s *aliyyot* that Maimonides “appears to have understood the *baraita* as we have suggested for the *tosefta*: because of congregational dignity, a woman cannot discharge the obligation of men with respect to Torah reading” (Riskin, p. 27). Again, without any obvious support or textual necessity, R. Riskin dissolves the concept of *kevod ha-tsibbur* into notions of *hiyyuv*.

R. Manoaḥ of Narbonne, in his commentary on Maimonides, offers an interpretation that appears truer to text, and places Maimonides in what I believe to be the halakhic mainstream. R. Manoaḥ writes as follows with respect to *Hilkebot Tefillah* 12:17.⁵

R. Riskin’s definition of kevod ha-tsibbur is so specific that it bears no similarity to the meaning of kevod ha-tsibbur generally used

A Woman should not read for the congregation. Were it not for *kevod ha-tsibbur* she would read and recite the blessings, because just as Torah was given to the male Israelites so it was given to the female [Israelites] ... And if you shall ask: women are not commanded with respect to Torah study, as it is written [in Scripture] “and you shall teach them to your sons” and we derive from this “your sons and not your daughters”? Answer as follows: Indeed women are not commanded in Torah study and therefore cannot bless “Who has sanctified us with his commandments and commanded us to occupy ourselves (*la`asoq*) with the words of Torah, but they were nonetheless commanded with respect to the *mitsvot* written in the Torah, and therefore they can bless “Who has chosen us” (*asher bahar banu*) and “Who has given us” (*asher natan lanu*) and read in the Torah same as men, were it not because of *kevod ha-tsibbur*.

All in all, R. Riskin’s definition of *kevod ha-tsibbur* is so specific to the case of women’s *aliyyot* that it bears no similarity to the meaning of *kevod ha-tsibbur* as generally used. The term *kevod ha-tsibbur* appears at least six times in the Talmud and *poseqim* as a reason to restrict certain practices, including women’s *aliyyot*, improper dress during synagogue service, rolling the Torah scroll during the service, reading from a *humash* (which contains only one book of the Torah) rather than from a

⁴ R. Saul Lieberman, *Tosefta ki-feshutah, Megillah*, p. 1177.

⁵ R. Manoaḥ of Narbonne, *Sefer Ha-menuḥab*, v. 1, (Eliezer Horowitz, ed., Jerusalem), p. 186. I am grateful to Rabbi Shimon Altshul for bringing this source to my attention.

⁶ BT *Yoma* 70a.

Torah scroll, sitting while reading the Scroll of Esther publicly, and appointing a physically immature (unbearded) cantor. The common purpose of all these cases is to avoid unnecessary bother to the congregation, or disturbance to the gravity and propriety of the service. In at least some of these cases our contemporary practice accepts varying standards. Thus, the sort of dress that is common in the synagogue of a religious kibbutz would violate *kevod ha-tsibbur* in a Haredi synagogue. Modern Orthodox synagogues today encourage young, post *bar-mitsvah* boys to lead prayers on a regular basis.

On a holiday when two different passages of the Torah are read, a synagogue with only one Torah scroll will roll it in public from one reading to the other, though in Talmudic times the second reading might have been recited by heart in order to avoid scrolling.⁶ These cases point to *kevod ha-tsibbur* as a dynamic, functional, common sense concept that is meant to uphold the dignity of the congregation in a way that makes sense in its particular context and social milieu. In none of these cases does the term *kevod ha-tsibbur* even hint at objective issues of *hiyyuv*. For his idiosyncratic definition of *kevod ha-tsibbur* to be at all compelling, R. Riskin would have to explain how the term can comprehend such entirely different concepts and why, particularly in the case of women's *aliyyot*, the Rabbis chose to cloak close, technical issues of *hiyyuv* in the loose, evocative terminology of *kevod ha-tsibbur*.

Understanding *kevod ha-tsibbur* as a sort of restatement of the rule that “one who is not himself under obligation to perform a religious duty cannot perform it on behalf of the congregation” leads naturally to the conclusion that *kevod ha-tsibbur*, at least in the case of women's *aliyyot*, is an objective, non-waivable

standard. The congregation may no more consent to women's *aliyyot* than it may to a woman's blowing *shofar* on behalf of the congregation on Rosh Hashanah. Thus, with a single conceptual stroke, R. Riskin obtains two objectives: he provides a principled reason for prohibiting women's *aliyyot*, and he further explains why *kevod ha-tsibbur* may not be waived.

*There are Orthodox women for whom
prohibiting women's aliyyot is a painful,
undignified alternative.*

R. Riskin is thus spared a full discussion of the concept of *kevod ha-tsibbur*, but I would like to comment, by way of conclusion, on the two sources he cites in this regard. In my article, I cited Maimonides' *responsum* (Blau 294) with respect to reading from a *humash* when a proper *sefer Torah* was unavailable. The Talmud (*Gittin* 60a) generally prohibits this practice because of *kevod ha-tsibbur*, explained to mean that reading from a *humash* shows the community to be too impecunious to purchase a proper *sefer Torah*. I cite this *responsum* to show that *kevod ha-tsibbur* is a secondary objection that is invoked when no primary objection can be raised. In the case of women's *aliyyot*, that means that if unassailable arguments based on *hiyyuv* were available to prohibit the practice, they would have been raised before “falling back” to the secondary reason of *kevod ha-tsibbur*. As Maimonides writes in permitting *humashim* to be used:

There is no conceivable defect [in a *sefer Torah*] more serious than that of a *humash* ... so why did [the Talmud] give the reason of *kevod ha-tsibbur*? They should have given the reason [for the prohibition of reading from *humashim*] that it is defective and the blessing would be a blessing said in vain.

⁶ BT *Yoma* 70a.

In other words, offering a secondary reasoning such as *kevod ha-tsibbur* shows that there is no primary, absolute objection.

R. Riskin writes that I am guilty of “fallacious reasoning” to argue on the basis of this *responsum* that *kevod ha-tsibbur* might be waived to allow women’s *aliyyot* (Riskin, p. 31). In the case of *humashim*, there is no choice but to waive *kevod ha-tsibbur* because the alternative is forgoing *qeri’at ha-Torah*. The case of women’s *aliyyot* threatens no such stark consequence, as it is always possible to call men.

R. Riskin raises the same objection to my citation of the well known *responsum* of Maharam of Rothenberg, that in a city entirely populated by *kobanim*, women should be called to the Torah after the first two *aliyyot*. Again, R. Riskin wonders: “how can one claim to reason from this case [city of *kobanim*], in which no alternative is available, to a case [women’s *aliyyot*] in which there is a clear alternative, by calling a man instead of a woman?” (Riskin, p. 32).

But of course in the case of the city of *kobanim* there is a clear alternative: call only *kobanim*, as suggested by Rashba and other *poseqim* who did not accept Maharam’s ruling. Surely Maharam was aware of this possibility, but after weighing the alternatives—potential impairment of *kevod ha-tsibbur* vs. potential questioning of a *koben*’s status—concluded that he preferred calling women.

Also, Maimonides’ case of reading from *humashim* offered alternative solutions, including the disagreeable alternative of not having a public Torah reading. Certainly Rashba and others were prepared to forfeit a proper *qeri’at ha-Torah* in order to avoid reading from a *humash*, and Maimonides was aware of this option, mentioning it in his *responsum*. He weighed the alternatives and decided to waive *kevod ha-tsibbur*.

R. Riskin can see no necessity or even urgency for women’s *aliyyot* because there is always the alternative of giving *aliyyot* exclusively to men. But there are Orthodox women and communities who disagree, and for whom prohibiting women’s *aliyyot* is a painful, undignified alternative. It is these people to whom my article was addressed. Should not the feelings and dignity of those women receive the same empathetic consideration that Maharam gave to the feelings and dignity of the *kobanim* in his city of *kobanim*?

Halakhic decision-making involves recognizing and choosing among frequently imperfect alternatives. Exploring alternatives acknowledges the possibility that different circumstances may call for different results and that a myriad of considerations must be weighed and balanced. It means as well that not every scholar will arrive at the same conclusion, as each one identifies and weighs alternatives based on his or her best judgment and experiences.

R. Riskin stakes out much the same ground as did Rabbi Gidon Rothstein whose critique of my article appeared in *TRADITION*,⁷ and I believe that much of what I wrote in response to Rabbi Gidon Rothstein’s critique applies to R. Riskin as well.⁸ Rabbis Riskin and Rothstein strive to establish a prohibition of women’s *aliyyot* on an objective halakhic basis, without reference to social issues or circumstances. According to Rabbi Rothstein, *kevod ha-tsibbur* refers to the denigration of the *mitsvah* of *qeri’at ha-Torah* that occurs when it is performed by women who are not part of the “obligatory community.” This argument is similar in many of its important features to R. Riskin’s argument, and I believe it suffers from many of the same difficulties. The shared endeavor of both scholars is to transform the socially sensitive concept of *kevod ha-tsibbur* into an objective standard based on *hizuyv*.

⁷ Gidon Rothstein, “Women’s Aliyot in Contemporary Synagogues,” *TRADITION* 39,2 (Summer 2005).

⁸ Mendel Shapiro, “Communications,” *TRADITION* 40:1 (2007), pp. 107-116.

By transforming the socially sensitive concept of *kevod ha-tsibbur* into an objective halakhic demand based on *hivuy*, Rabbis Riskin and Rothstein avoid dealing head-on with halakhic issues exacerbated by our communities' encounter with modern culture. Defining *kevod ha-tsibbur* as an objective, unyielding standard relieves *poseqim* from the difficult and delicate task of weighing competing demands and making difficult choices. It unnecessarily presents women's *aliyyot* as an impossibility.

Rabbis Riskin and Rothstein avoid dealing head-on with halakhic issues exacerbated by the encounter with modern culture.

This approach fits those sectors of the Modern Orthodox community that are at the delicately balanced cusp of a movement that combines unswerving devotion to halakhic observance with broad assimilation of general cultural attitudes and values. A full discussion of the issues raised by women's *aliyyot* may expose stressful aspects of Orthodox attitudes to gender and contemporary culture. Better to offer a formal, categorical basis for opposing women's *aliyyot*, one that does not dwell on

notions of *kevod ha-tsibbur* that might be seen as denigrating women. Unfortunately, such arguments, which disregard broader issues, are often forced, placing an unfair burden on the sources.

My own feeling is that the Modern Orthodox community is mature enough to have a full discussion of the broad issues raised by our encounter with modernity in general and gender issues in particular. In fact, such discussions do take place in *shuls* and around Shabbat tables, and I sense a growing appreciation of the nuances and multiple choices *halakhab* offers. We would all be enriched if our *poseqim* would join these conversations.

Finally, it was never my intention to argue that women must have *aliyyot*, or that a synagogue that doesn't give women *aliyyot* is religiously deficient. My desire was to open up inclusive options that I believe are embedded in *halakhab*, and that would draw the halakhic circle a bit wider than it is today and welcome more into the Torah community. Ultimately, as emerges so beautifully from the Rav's teachings on *qeri'at ha-Torah*, we are all partners in Torah and connected by it.

Response to Mendel Shapiro

Shlomo Riskin

1. *Kevod ha-tsibbur* and Halakhic Obligation

Rabbi Shapiro seems to have overlooked the initial and primary source for the question of women's *aliyyot*, a source that I maintain defines the meaning of *kevod ha-tsibbur* in our context. The *tosefta* (*Megillah* 3:11, Lieberman Edition, p. 356) states, "All are qualified to be among the seven (who receive *aliyyot* on the Sabbath), even a woman and even a minor; a woman is not brought to read for the public." The *tosefta*'s unequivocal prohibition of a woman's being called "to read for the public" immediately after permitting a woman to be called "among the seven", forces us to interpret the permissive qualifications of women to be limited to the periods when the seven *aliyyot* were not obligatory for the male congregation—a historical situation whose development that I document in my article: Women could be called to the Torah among the seven, but only as additions to the one *oleh* obligated by Moses or to the three *olim* obligated by Ezra, and before the period when each *oleh* was required to recite the blessings preceded by *barekhu*.

Indeed, this is the interpretation taken by the majority of our classical commentaries, including Rambam, Rabbenu Tam, Me'iri, Ran, Rashba, *Tosafot Rid*, *Beit Yosef* and Rav Professor Saul Lieberman. It is clear that the Me'iri is not a lone and dissenting voice, as suggested by R. Shapiro.

Furthermore, one can easily refute Rabbi Shapiro's contention that since public Torah reading is not a personal obligation for each individual male it is not required that one who performs it on behalf of others be him/herself obligated on the same level, is easily refuted. The *mishnah* (*Rosh ha-shanah* 3:8) teaches in a clear and unequivocal manner, "This is the rule: Anyone who is not obligated regarding a certain matter cannot discharge the congregation of its obligation concerning this matter." The simple meaning of this text—and a *mishnah* (no less than a Biblical verse) is dare not to be removed from its clear and obvious interpretation—does not differentiate between personal and communal obligations.

Indeed, the very *mishnah* (*Megillah* 4:3) that insists upon a quorum of ten males for communal obligations links communal prayer with communal Torah reading: "One does not lead the congregation as Cantor-Agent, nor do (the priests) lift their hands in public benediction, nor is the Torah read publicly... except in the presence of ten," causing Nahmanides to comment, "the matters taught in our *mishnah* pertain only to those obligated in the matter," i.e., to the community of men (*Milhamot ha-shem*, pp. Rif 3a). Hence, the proper interpretation of the conclusion of the *tosefta* is: "a woman is not brought to read for the public," since she who is not obligated cannot discharge the obligation for the male community, which is obligated. The fundamental reason excluding women from being obligated to perform personal *mitsvah* obligations (i.e., their being positive

commandments determined by time) similarly applies to communal *mitsvah* obligations, as the *ʿArukh ha-shulhan* comments in noting women’s exemption from public Torah reading: “There is no greater degree of time-boundedness than this” (*ʿOrah Hayyim* 882:11).

From this perspective, we can understand the *beraita* in *Megillah* 23a as a re-statement of the *tosefta*, expressing first the initial stage, when women could be called as “extras” among the seven *aliyyot* at a time when only one or three readers were actually obligatory; but now that all seven are obligatory, women cannot be included “out of respect for the congregation of males,” who are obligated and whose obligation cannot be discharged by those who are not obligated. (As the *tosefta* concludes, “a woman may not be bought to read for the public.”) This seems to be the understanding of Maimonides’ understanding, who provides only one reason for precluding women, without two stages: “A woman may not be called to the Torah because of the dignity of the congregation” (*Hilkebot Tefillah* 12:17). Or the *beraita* may be taken as Prof. Lieberman understands it, to be adding a stringency to the *tosefta*: if the *tosefta* had initially granted the possibility of women being called to the Torah for non-obligatory *aliyyot*, the *beraita* then forbade women from being called even for those “extra” *aliyyot* “because of the dignity of the congregation”; it would cast aspersions upon the men who are obligated, if women who were not obligated would be needed to fill in the gaps even for the non-obligatory *aliyyot!* (*Tosefta ki-pesbutah* on *Megillah*, p.1178, see too Rav Y.H. Henkin, *The Edah Journal* 1:2, who cites *Petah d’evir* 282,9 and Rav Avraham Min Hahar who gave similar commentaries). In either case, the *beraita*’s *kevod ha-tsibbur* is directly connected to women’s obligation—or lack thereof—to the with respect to public Torah reading, rather than serving as a demeaning statement about as to the nature of women and their relationship to Torah.

2. Rav Soloveitchik’s Position

R. Shapiro maintains that I misinterpreted Rav Soloveitchik, for whom *qeri’at ha-Torah* is not the *mitsvah* of Torah study but rather a *mitsvah* of personal sanctification (*mitsvat quiddush ha-gavra*) by way of Torah study (Rav I. p. 184), and that women’s Torah study “connects with the *beftsab* of Torah.” He therefore concludes that, for R. Soloveitchik, “the intense religious motivation animating *qeri’at ha-Torah* could not be directed into conventional halakhic channels... Torah belongs to all Israel, irrespective of gender.”

Rav Shapiro cannot have it both ways. On the one hand, he maintains in his original *Edah Journal* article that women can fulfill the obligation of public Torah reading for men because the only thing accomplished by the Torah reader is the vocal expression of the words that which must be heard by the listeners, and on the other hand he now refuses to take seriously the specific and novel distinction made by R. Soloveitchik between the initial enactment of Moses—which was to have the Torah heard, audibly—and the second enactment of Ezra, which was to have the Torah learned and understood with the addition of the oral law. He then takes another jump, arguing that “our halakhic institutions” demand that even if *qeri’at ha-Torah* is an exercise of the *mitsvah* of Torah study, “it is self-evident that a man fulfills the *mitsvah* of Torah study when he learns Torah from a woman.”

Of course a male fulfills the *mitsvah* of studying Torah when he learns Torah from a woman, and women certainly connect with the *beftsab* of Torah, as we see from the *mitsvah* of *haq’hel*. But these have nothing at all to do with the enactment of the public Torah reading according to R. Soloveitchik. Here he clearly differentiates between a reading of the Written Law—the enactment of Moses, and one that—which certainly sanctifies the individual, and inspires towards the acceptance of the yoke of

the divine kingship—, and the public teaching of the Written Law combined with the Oral Law, which was the enactment of Ezra. “In truth,” writes R. Soloveitchik,

the greatness of the (public teaching of the) Oral Law is expressed in its unique relationship to the man of Israel, entirely different from the connection to the (public reading of the) Written Law, (the Mosaic Enactment), for an individual or a congregation. Certainly the one who learns the Written Law is sanctified..., is tied to it, is in direct association with it... But it is only the Oral Law that becomes completely merged with the individual who studies it. Where is the Oral Law written? Not on parchment but rather within the heart of the man, on the ridges of his brain, in his psyche and in his soul...” (*Shi`urim le-zekher abba mari*, p. 177). This is precisely what R. Soloveitchik meant when he referred to “the *mitsvah* of personal sanctification by way of Torah study”, a specific expression added by Ezra and pertinent to a quorum of men.

Thus in the excerpt of the Rav’s lecture as transcribed by a student (to tractate *Megillah* 23b), in interpreting the words “they do not publicly read the Torah with less than ten (males),” R. Soloveitchik states,

We must learn from the formulation of the blessing which opens with ‘*Barekchu*’... Why do we introduce the public Torah reading with ‘*barekchu*’? After all, in the Torah blessings of the individual each morning, there is no mention of ‘*barekchu*’. But this is the notion of which we have been speaking: the public Torah reading (as enacted by Ezra, which includes the Oral Law) is a matter of public sanctification... The acceptance of the yoke of the heavenly Kingship which is hidden and imbedded in the (Written Law) reading must be publicly expressed, must be

taken out from that which is understood and felt to that which is explicit and acted upon.

And this special addition can only be discharged by a quorum of no less than ten males. This, according to Rav Soloveitchik, is the particular force of the *barekchu*, signaling a *davar she-bi-qedushah* requiring a quorum of ten males for the public Torah reading.

Yes, as Rav Shapiro said so well, although the *mitsvah* of repentance applies to men as well as to women, nevertheless, the specific *mitsvah* of blowing the *shofar* on *Rosh Hashanah*—the positive commandment determined by time which summons Israel to repentance—can only be effectuated by a male.

Similarly, while the *heftzrah* of Torah connects to women as well as to men, the specific Oral-Law aspect of the *heftzrah* of Torah embodied in the time-bound communal command of public Torah reading applies only to the community of men, who were obligated to discharge it. And certainly for Rav Soloveitchik, the *ish halakhah*, par excellence, the intense religious motivation animating *geri’at ha-Torah* can only be defined by its being diverted into conventional halakhic channels—in this case *barekchu*, a *davar she-bi-qedushah*, and a quorum of ten males.

Having said this, I am indebted to Rav Shapiro for having opened a full discussion of the broad issues raised by the encounter of *halakhah* with modernity in general and gender issues in particular: It also should be clear from my study that from purely halakhic perspective, there may well be room for a woman to be called up to the Torah for the reading of the *maftir* and the *haftorah* as well as for *hosafot* (additions) to the seven obligatory Torah readings as long as there is a proper *mehitsah* in the synagogue.