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## A RESPONSE TO DEBBY KOREN\*

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I thank Dr. Koren for her response, and I am flattered that my modest article merited such a learned study. She may rest assured that the limited scope of my original piece was a conscious decision, motivated by a desire to use a relatively uncontroversial example to open the conversation in this area (with the full awareness that something truly comprehensive was needed, which I promised in footnote 4 of my original piece). I also wished to demonstrate, implicitly, the underlying assumptions of *sifrei halakhah* directed towards women that control their readings of the sources, even when those readings are presented impartially. Dr. Koren has anticipated a principal line of argumentation that I intended to present in that fuller article<sup>1</sup>—*barukh she-kivant*, and as for me, *mitzvah she-bale-yado al yahmitzenah*. I wish to add a few notes and to fend off some potential challenges to Dr. Koren's analysis, but ultimately I am in full agreement with her conclusion.

Dr. Koren is correct to point out that one limitation of the approach I presented<sup>2</sup> is that there are disputed opinions regarding women's obligations on several of the days on which *Hallel* is recited, and that the mainstream *pesak* regarding women's obligations on Sukkot, Shavuot, and the first day of Pesah is that they are exempt.<sup>3</sup> However, the need to then explain the difference could

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\* See the Hebrew section of this volume of *Milin Havivin*.

<sup>1</sup> And for which I intended to thank Michael Rosenberg and Josh Greenfield for pointing out its cogency and utility.

<sup>2</sup> Namely, examining the relative weight of the *halakhic* obligation of men and women to recite *Hallel* on various occasions, and to claim that on those occasions when the obligatory statuses are equal, women can and ought to serve as *shelihot tzibur* on an equal basis with men.

<sup>3</sup> See, however, Ra'avyah, *Hilkhot Lulav*, 2:685, who holds that women *are* obligated to recite *Hallel* on these days. He quotes the opinion that they are exempt because it is a *mitzvat aseh she-ha-zeman gerama* in the name of his teacher R. Yitzhak ben R. Asher Ha-Levi (see Aptowitz, *Mavo le-Sefer ha-Ra'avyah*, pp. 23, 369), and disagrees, holding that the point of the Mishnah is to tell us the lowliness (*geri'uta*) of the unlearned man who needs to rely on these people (slaves, women, and children) to recite *Hallel*. Aptowitz (*Sefer Ra'avyah*, pub. *Hevrat Mekitzei Nirdamim*, p. 391, n. 12) suggests that Ra'avyah's *pesak* is based on his version of the Mishnah (attested to in manuscripts and other *Rishonim*), and adduces an additional proof from Rava's statement on *Sukah*

be seen as an advantage (minimally, as a chance for *Talmud Torah*; maximally, as a chance to overcome the sociological barriers to women's participation by pointing out the opportunities for participation that are well-supported by standard halakhic reasoning). Even granting its limitations, I would still contend that this approach is useful for those congregations who will either end up disagreeing with Koren's argument, who will find the sociological or halakhic implications troublesome, or who will not wish to change their *minhag* of recitation to conform with her conclusions. In addition, my analysis is still necessary for those who follow the custom of the Gr"a (to recite Psalm 118:1-4 responsively on days on which *Hallel* is *minhag*) cited by Dr. Koren (p. 9, and nn. 21 and 28). (On a different note, it is also important to clarify this issue for women themselves in order that they become aware of their obligations.)

Dr. Koren's argument proceeds as follows: In order for someone to fulfill his or her obligation to say *Hallel* through another (the *makreh* of *Mishnah Sukah* 3:10, who would need to be identically *mehuyav*), one needs to respond "*Haleluyah*" to each phrase read by the *makreh*. Already by the time of Rava, this had fallen out of practice,<sup>4</sup> and the customary recitation of *Hallel* was not in the manner of the *makreh* of the *Mishnah* but had taken on a new form that consisted of a remembrance of various earlier practices. Rashi, Tosafot, and Ritva all interpret Rava as belonging to an era in which everyone was already expert (*beki'in*) in saying *Hallel* and therefore were not relying on the *shaliach tzibur*, but rather only recalling an earlier practice.<sup>5</sup> Tosafot and *Arukh La-Ner* testify that in their communi-

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38b which mentions only children but not women, suggesting that there is a distinction between women and children's reciting *Hallel* for adult men. Unfortunately, I have yet to locate a single *Rishon*, even among the students of Ra'avyah, who decide in accordance with, or even reference, his *pesak*. It was to this source that I was referring in my somewhat cryptic footnote 4 when I wrote: ". . . nor will I dispute the underlying assumption . . . that reciting *Hallel* on certain occasions is undisputably a *mitzvah she-hazeman gerama* from which women are exempt . . . is the correct explanation of the *Mishnah*." The possibility remains that a *posek*, under appropriate conditions, could decide like Ra'avyah or use him as part of a larger *halakhic* argument.

<sup>4</sup> This is already noted, and the development from Tannaitic times traced, by Rabbi Yosef Tzvi Ha-Levi Dünner, chief rabbi of Amsterdam from 1874-1914. See *Hidushei ha-Ritzad*, *Sukah* 38a, s.v. *sham be-dibbur hamathil mi shehayah eved ve-khulei*, p. 281, pub. Mossad haRav Kook.

<sup>5</sup> One might note that the custom described by Rava on *Sukah* 38b does not lead directly to the conclusion that in Rava's time the *sha"tz* was not relied upon at all. The *GemaraGemara* there says: "He says *barukh ha-ba* and they say *be-shem Hashem*. From here [one learns that] hearing is like responding (*shomei'a ke-oneh*)." The *Yerushalmi* (*Sukah* 3:10, *Megilah* 1:8) makes the same point: "They asked before Rabbi Hiyya bar Ba: whence [do we learn that] if one heard but did not respond he has fulfilled his obligation? He said to them: From that which we observed: great rabbis were standing in a congregation and these were saying *barukh ha-ba* and these were saying *be-shem Hashem*. And both were fulfilling their obligations." In addition to revealing a split between the custom of *Eretz Yisrael* (where the congregation was engaging in a responsive communal

ties all were experts and did not rely on the *shaliach tzibur*. In addition, Dr. Koren cites Meiri that a *baki* may only rely on the principle of *shomei'a ke-oneh* after the fact (*bedei'avad*) and not *le-khathilah* as evidence that it is preferable for a *baki* not to rely on the *shaliach tzibur* at all.<sup>6</sup> Finally, Dr. Koren contends that nowadays, in an era of ubiquitous *siddurim* with translations and with halakhic permission to say *Hallel* in any language, we are all considered experts.

Dr. Koren then considers whether current practices of saying *Hallel* require one to rely on the *shaliach tzibur* to fulfill one's obligation. She points out the widespread practice of reciting the first four verses of psalm 118 responsively with the *sha"tz*, with the congregation reciting only the first verse in response. Tosafot hold that one has nonetheless fulfilled his obligation because of *shomei'a ke-oneh*, a principle that only applies if the *mashmi'a* is obligated to the same level as (or a higher level than) the *shomei'a*. Instead of responding directly to this point<sup>7</sup>, Dr. Koren cites *Magen Avraham*, the Gr"a, *Mishnah Berurah*, and Rabbi Yekutiel Yehuda Halberstam, all of whom recommend that one not rely on the *sha"tz*, but rather say the entirety of *Hallel* him or herself. She concludes that in those places that follow the custom of reciting all of *Hallel*, including Psalm 118:1-4, as individuals with the *sha"tz*, a non-obligated person may "lead" a congregation of obligated people.

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recitation) and the custom of Babylonia, it indicates that at least in Rava's community the congregation was relying on the *sha"tz* himself. Of those who claim that in Rava's generation the *sha"tz* was no longer fulfilling anyone's obligation, none respond to this point. The most obvious suggestion is to say that the language of the *Rishonim* when they said that "no one is relying on the *sha"tz* at all" was imprecise. Nevertheless, Dr. Koren still has the clear statements of the *Rishonim* and *Aharonim* she cites to support her contention that at various times, according to various *minbagim*, the *sha"tz's* role when reciting *Hallel* was not to fulfill the obligation of the individuals in the congregation.

<sup>6</sup> The *Yerushalmi*, cited above in note 5, reveals an important point about *shomei'a ke-oneh*: that one can fulfill one's obligation through an agent even if that agent is not the formal *shaliach tzibur* and even (at least regarding *Hallel*) if one hears it from a group of people. This responds to a potential criticism of Dr. Koren's argument: Even if Dr. Koren is technically correct, perhaps one ought to worry about the minority who would need to rely on the *sha"tz*? (Such a situation would itself be extremely rare—the *sha"tz* would have to be reciting exactly the words that such a person is unable to recite himself, and the person must be able to understand them). Based on the *Yerushalmi*, in those congregations in which people sing *Hallel* together, such an obligated person could rely on hearing the recitation of the congregation, provided it included at least one other obligated person.

<sup>7</sup> It would be extremely tempting, based on the silence of the *Rishonim* to the point I raised in note 5, to say that somehow, for some reason, in such a limited case of call and response, one is not "relying" on the *sha"tz*. Without a plausible conceptual or explanatory framework, however, one would be hard-pressed to do so. (One extremely far-fetched explanation: perhaps both the *sha"tz* and the congregation said the words being recited by the other silently, so that it merely sounded like a responsive recitation. Neither this explanation nor the one I offer in the aforementioned footnote would support the aforementioned tempting claim.)

Two points, I believe, deserve further discussion. In her footnote 28, Dr. Koren says that no one objects to the suggestion of saying each verse by itself, as opposed to repeating “*hodu*” in addition to each verse.<sup>8</sup> R. Moshe Sternbuch, in *Teshuvot ve-Hanhagot* (*Orah Hayim* 119), does seem to object to this suggestion, after quoting the custom of the Gr”a: “But [it is] from the essence of the law of *Hallel* (*me-ikar din Hallel*) to hear from the *shaliah tzibur* and to fulfill [one’s obligation] from him when he says each time ‘*yomeru na*’ and one responds ‘*hodu*,’ and it is appropriate on *yamim tovim* and *Hanukkah* that the *shaliah tzibur* alone should say ‘*yomar na*’ and the congregation should only sing [in response] to this ‘*hodu*.’”<sup>9</sup> Although R. Sternbuch’s point is well-taken, it is surprising that he would prioritize what is at best a *minhag* (acting as a *zekher*) over the negative consequences of maintaining the current practice (potentially not fulfilling one’s obligation by missing the words of the *sha”tz*). This is particularly strange given the elegance with which the solution of the Gr”a and *Mishnah Berurah* mitigates against that consequence.

This question opens the door to a more sweeping practical criticism of Dr. Koren’s argument: Why should a congregation choose a practice (appointing a non-obligated “*sha”tz*”) that leaves open the possibility of anyone not fulfilling his obligation? The response to this, I believe, is three-fold. First, we are already in such a situation, according to the Gr”a—in fact, retaining our current custom of recitation is the halakhically dubious option, and once we have remedied that situation, appointing a non-obligated *sha”tz* is a non-issue! Second, *Be’ur Halakhah* (*Shulhan Arukh Orah Hayim* 422 s.v. *Hallel*) records a *mahloket* over

<sup>8</sup> One of these is the *Nezirut Shimshon* (R. Samson [the Hasid] ben Moses Bloch, Hamburg, d. 1737), who comments on *Magen Avraham* 422:8: “*And it is better that they should say them [the verses of Psalm 118:1-4] to themselves*—This does not appear right to me, for if so, how will one [be able to] say *hodu* three times, for this is not part of the decree (*takanah*) and is considered an interruption.” While Dr. Koren is right that this only applies in the latter case, I would imagine, as a practical issue, that many congregations would want to retain their current practice as much as possible, and therefore deserves addressing. This argument was clearly not accepted by the Gr”a or *Mishnah Berurah*. Assuming they were aware of it, two possible legal explanations present themselves: 1) Unlike *Nezirut Shimshon*, who describes the *Hallel* practices as a *takanah* (and one wonders when such a *takanah* was established, given the changes and flexibility of recitation practices of *Hallel*, as articulated by Tosafot), these authorities might view it in the realm of *minhag* (in line with the simple sense of the Mishnah), with that category’s attendant flexibility; 2) they might take a more flexible view of repeating words in *tefilot* and disagree that it would constitute a *hefsek*. There is no practical difference between these two explanations for our issue.

<sup>9</sup> Similarly, *Peri Hadash* (R. Hezekiah di Silva, 1659-1697, Jerusalem) *Hilkhot Rosh Hodesh* 422:3 (towards the end), claims that for those whose custom is not to recite *barukh ha-ba be-shem Hashem* responsively, the responsive repetition of Psalm 118:1-4 teaches *shomei’a ke-oneh* in its stead. Unlike R. Sternbuch, *Peri Hadash* offers this not as *halakhah le-ma’aseh* but rather as a theoretical solution to solve a problem in Rambam.

whether a *baki* may fulfill his obligation, even *bedei'avad*, through an agent. This could be formulated as a *safek de-oraita*, according to those who hold that *Hallel* is an obligation with Biblical force. Again, once this problem is remedied, there is no problem with a non-obligated *sha"tz*. Finally, and this is a practical response, implementing this change would actually force congregations to face the issues raised by their current repetitions.<sup>10</sup> As a practical suggestion, it might make sense, on those holidays on which there is significant doubt whether women have any obligation at all, for the *shelihei tzibur* to be male for the first year when introducing this change in custom (such as, e.g., creating new melodies to sing all four verses without repetition), to avoid any potential confusion.

The second point concerns Dr. Koren's dismissal of the question of the curse (*me'eira*) as applicable only when the *sha"tz* is in the role of *makrei*, which she denies is the role of the *sha"tz* in her model. That role, based on *Magen Avraham*, is as a guide for the congregation in singing, a person who either cannot fulfill the obligation of the individuals in the *tzibur* since they are *beki'in* or will not because all are reciting every word together—is this not extremely close to, if not identical with, the role being fulfilled by those in the first clause of the Mishnah? Therefore, I think, it might be useful to examine the various reasons attributed to the curse and whether they might serve as impediments or cautions for our case.

Rashi gives a two-pronged explanation. First, he claims that one who is unlearned is cursed for his ignorance. This is clearly inapplicable to us since we have the status of *beki'in*. Rashi's reason for why learned men are cursed is that they disgrace their Creator by appointing agents such as these (sometimes quoted as "lowly" agents)—which is inapplicable in a social circumstance in which such people are not considered disgraceful. Tosafot disagree that the Mishnah can be referring to a learned person at all; they read the curse as applicable only to the unlearned person, and attribute the curse not to his ignorance, but rather to his disgracing his Creator by appointing an non-obligated person. Since this is entirely within the context of the unlearned person, it is similarly inapplicable in our all-*baki* situation.

*Meromei Sadeh* (R. Naftali Tzvi Yehuda Berlin, 1817-1893, Volozhin) attempts to reconcile Tosafot and Rashi by claiming the former are discussing a person in the home and the latter a person in the synagogue. That is to say, in the home only an unlearned person would appoint a *makrei*; in the synagogue, even a learned person would appoint a *sha"tz*—and in that case, appointing a non-obligated person out of his own laziness is a disgrace. This would be inapplicable when the decision to appoint an non-obligated *sha"tz* comes out of motivations other than laziness (such as, e.g., choosing a *sha"tz* with the best voice). *Tiferet Yisrael* (R. Israel Lipschitz, 1782-1860, Danzig) on *Sukah* 3:61 attributes the reason for the curse to the person's need for the learning of these

<sup>10</sup> There is, of course, a fourth argument, based on principles of *kavod ha-beriyot* and *merutzeb le-kahal*—but such arguments would do little to convince nay-sayers, and so I have presented technical responses which all would have to admit have compelling force.

people and not going to *beit ha-keneset*. Since the very context of our discussion is the synagogue, this reason similarly falls away. All of the reasons proffered for the curse are therefore inapplicable to our situation, even without resorting to Dr. Koren's entirely defensible dismissal.

I will close with a few general comments. It seems absolutely clear to me that in a congregation that follows the custom of reciting all of *Hallel* with the *sha"tz*, in line with the *posekim* that recommend this practice,<sup>11</sup> Dr. Koren's approach is a readily acceptable way to allow women to lead the recitation.<sup>12</sup> It should also be noted that the line of argumentation advanced by Dr. Koren has potentially vast ramifications for women leading all parts of the service.<sup>13</sup> The *halakha* she cites (p.10) in the name of *Magen Avraham (Shulhan Arukh Orach Hayim 53:20)* is brought in the general context of describing an appropriate *shaliach tzibur*, minimally for the *Amidah*, and probably for *keri'at shema u-virkhoteha* as well. This is not a criticism; however, even if all halakhic problems were to be overcome, many women (and men) would still feel cheated being allowed to lead because of a devaluing of the position of *shaliach tzibur*.<sup>14</sup>

Finally, while I appreciate Dr. Koren's concern that my approach requires making fine distinctions between different occasions on which *Hallel* is recited, her approach also requires making distinctions, this time between different customs of reciting *Hallel*. I can't say for sure which distinction is harder for congregations to make, although I suspect that changing a widespread practice, particularly when it is, as she points out, beloved, will be at least as challenging. The ideal solution, I fear, has yet to be formulated.

<sup>11</sup> This is also the practice recorded in the widespread Artscroll siddur. See R. Nosson Scherman and R. Meir Zlotowitz (ed.), *The Complete Artscroll Siddur* (Brooklyn, NY, 1987), p. 638-9: "Each of the following four verses [of Psalm 118] is recited aloud by the *chazzan*. After each verse, the congregation responds, 'Give thanks to Hashem for He is good; His kindness endures forever,' and then recites the succeeding verse [emphasis added]."

<sup>12</sup> Presuming the issues to which I alluded in the introductory footnote to my original article have been addressed.

<sup>13</sup> A short analysis was already offered by R. Mayer Rabinowitz in a paper written in support of ordaining women as rabbis in the Conservative movement. See Simon Greenberg, ed., *On the Ordination of Women as Rabbis*, pp. 115-117. See also the critical response of R. Joel Roth, *ibid.*, p. 179, n. 69.

<sup>14</sup> I wish to thank Jenny Labendz for pointing this out (in a different context); it has also been suggested by R. Roth, *ad. loc.* and in personal communication. I do not think this is a reasonable criticism to level at one using this reasoning to justify women leading *Hallel*, since already *Rishonim* were aware that the *sha"tz* for *Hallel* was no longer serving in the role of fulfilling the obligations of the individuals in the community; nevertheless, the position has remained respected, no doubt in part because of the *havivut* of *Hallel* and the need for a highly competent *sha"tz* to lead it in a beautiful and pleasing way. Certainly *Magen Avraham* could not have meant to debase the role of *sha"tz*!