

## ***CONGREGATIONAL DIGNITY AND HUMAN DIGNITY: WOMEN AND PUB- LIC TORAH READING***

**Daniel Sperber**

**Biography:** Rabbi Daniel Sperber is the Milan Roven Professor of Talmudic Research at Bar Ilan University and rabbi of Congregation Menachem Zion in the Old City of Jerusalem. In 1992 he received the Israel Prize, Israel's highest award and is the author of *Minhagei Yisrael*, a seven volume work.

**Abstract:** Since the principle of *kevod ha-beriyot* overrides that of *kevod ha-tsibur* in classic halakhic argumentation, this article argues that in congregations where women genuinely wish to have greater participation in the synagogue service and an inability to do so causes them hardship, women should be called to the Torah and read their portions should they desire.



# CONGREGATIONAL DIGNITY AND HUMAN DIGNITY: WOMEN AND PUBLIC TORAH READING\*

Daniel Sperber

I intend in this article to consider in a broader context the rabbinic statement that women are not given *aliyyot* (that is, are not called up to the Torah during its public reading) because doing so would be an affront to congregational dignity (*kevod ha-tzibur*). In a recent conversation, a good friend of mine — a scholar and profound halakhic thinker — remarked that the question was not really one of *aliyyot* for women or of Torah reading or even of the place of women in the synagogue; rather, the real question was one of the overall halakhic process. Anyone with a basic Torah education, he continued, could easily wend his way through the thicket of halakhic sources, select particular minority opinions or cases treated in the responsa, and stitch them together so as to lead to the halakhic result he had set out to find. That is one way to deal with a halakhic question. Another way, in his view, is to examine the sources analytically and flow with their current toward a result — in other words, to allow the halakhic process to transport you, rather than seeking to guide the halakhic process along a preordained route. He understood the second approach to be the correct one for dealing with halakhic questions.

Of course, his purpose was to tell me that while there might be halakhic rationales and historical precedents for women's *aliyyot* and for their reading from the Torah, the halakhic current flows in the opposite direction, requiring us to reach a different conclusion. I responded that "I

absolutely agree with you that this is how we are to treat *halakhah*. But, to use the same image, I think that what we must do is follow the river upstream, to its source. When we do so, we find that its current is not uniform; sometimes it runs slowly and sometimes much faster. Its course is affected by topography, geology, climate, the previous winter's rainfall, and so on. Accordingly, the process is a meandering one, and the river's course varies with time and place. On occasion, even the river's direction changes, and we find eddies moving in a direction opposite from what was expected. Finally, as the river approaches the sea, it sometimes splits into many streams and forms a delta. Accordingly, the progress and development of the river in its meanderings can be understood only by examining the river at every geographical and historical stage and seeing which courses it followed and in which directions it streamed." I used this image because it is very apt in a discussion of *halakhah*. A very well-known adage in the Talmud, quoted throughout the halakhic literature where different communities and regions follow different, sometimes even conflicting, practices, teaches that "Every river has its own course" (*Hullin* 18b)—different rivers flow in different directions and along different paths, and all of them are accepted, legitimate, and correct.

Similarly, when we attempt to look backward with respect to women's participation in the synagogue and its various

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rituals, we find that the stream does not follow a uniform course; rather, it is multi-directional, winding along various paths and reflecting different outlooks at different times and places.

The entire subject has been considered thoroughly and in detail by a number of first-rate scholars. Anyone who has read the article by the two Frimer brothers in *Tradition*<sup>1</sup>—albeit only the first half of their study—will realize that several components must be examined in order to form an understanding of the halakhic situation. And anyone who has read the comprehensive and outstanding article by R. Mendel Shapiro<sup>2</sup> will see how the subject has been analyzed from almost every imaginable halakhic angle.<sup>3</sup>

Nevertheless, it seems to me that there is more to be said on the subject. We will first briefly review the principal pertinent texts, which are well known, and see what can be inferred from them and in which directions they point us. But we will look at other relevant matters as well, with broader implications. Let us therefore begin with the text cited by all, the *baraita* in *Megillah* 23a:

Our rabbis taught: All may be numbered among the seven [who are called to the Torah on *Shabbat*], even a minor and even a woman, but the Sages said: a woman is not to read from the Torah **on account of *kevod ha-tsibur***.

A reading of the *baraita* shows that it comprises two separate, somewhat conflicting layers. From a halakhic point of view, everyone **may be** called up to the Torah, including a woman; and in the tannaitic period—circa 200 C.E. or earlier—one called up to the Torah also read his por-

tion, implying that a woman might do so as well. Yet, the *baraita* continues, it is fitting that a woman not do so. It is not clear if this is a halakhic determination, amounting to a prohibition, or merely a recommendation. "On account of *kevod ha-tsibur*" is a conditional determination, for were there no issue of congregational dignity, there would be no reason in principle not to allow women to be called up to the Torah.<sup>4</sup> That is the claim routinely heard from all who consider the question. From a historical point of view, therefore, it may be said that at an undefined ancient time, women could go up to the Torah and read from it, and perhaps even did so. Somewhat later on, however, for some reason not adequately clear to us but perhaps understandable in a historical-sociological context, it was decreed unfit that women be called up to the Torah. Reading from the Torah is, in essence, a rabbinic enactment, meaning that we are speaking here of laws *de-rabbanan* (rabbinic laws, as distinct from biblical); and there is some sense that it may not be dignified for women to go up to the Torah.

The *rishonim* already provide various explanations of why the practice is considered improper and of what precisely is meant by "*kevod ha-tsibur*." Some connect the matter to the parallel text in the *Tosefta*, dating from the same period as the *baraita*, which seems to suggest that the discussion is limited to an instance in which no knowledgeable men are present and the only person able to reading from the Torah is a woman, in which case her reading would violate the congregation's dignity: it would be an affront to the men if only a woman were able to read. This seems to be the explanation offered by many, though not all, of the *rishonim*, citing the *Tosefta*. But what we have here is a situation in which there is a lack of certainty as to the underlying rationale for the concept

<sup>1</sup>Aryeh A. Frimer and Dov I. Frimer, "Women's Prayer Services—Theory and Practice: Part 1—Theory," *Tradition* 32,2 (1998): 5-118. This is a major and probing work, worthy of careful study.

<sup>2</sup>*The Edah Journal* 1,2 (Sivan, 5761 [2001]): 1-52.

<sup>3</sup>*Ma'aliyyot* 19 (5757[1997]): 168-192. See also the detailed consideration of the subject is by Ohed Oppenheim in the Israeli journal *Ma'aliyyot*.

<sup>4</sup>The *Levush*, R. Mordecai Jaffe, a contemporary of Rema, states this explicitly in commenting on *Shulhan Arukh, Orah Hayyim* 282:3, where he writes: "**As a matter of law**, all may be numbered among the seven, even a woman or a minor who understands why the blessing is said. But our Sages of blessed memory said: "A woman should not read for the congregation on account of the congregation's dignity...."

"*kevod ha-tsibur*" in a rabbinic law. In formal halakhic terms, this is a "*sefeqa de-rabbanan*" (an uncertainty in a matter of rabbinic law). Indeed, some of the *rishonim* reached this result through their understanding of "*kevod ha-tsibur*" as referring to the specific situation of a community in which most of the men are illiterate and only a few women know how to read; but in the usual situation, women could go up to the Torah. Rabbeinu Nissim (Ran) accordingly comments as follows (on *Megillah* 23a):

Now that the rabbis have enacted that all [who are called to the Torah] bless, a woman and a minor may read, even as first or last [to be called.]

That is to say: Now that everyone called up to the Torah recites the blessing — which was not the practice at the time of the Mishnah, when only the first and last individuals called up recited the blessing — women and children may read even as the first or last to be called. His comments imply that in his time, circumstances were such that women could be called up to the Torah and read from it.

The *Shulhan Arukh, Orach Hayyim* 282:3, goes on to say:

All may be numbered among the seven, even a woman... *Comment* [by Rema]: But this means only that they may be included among the readers, not that all the readers may be women or children (Ran and Rivash).

In other words, it is unacceptable for women and children to receive all the *aliyyot*. The formulation is clear, lending

itself to no alternative understanding. Maharam (R. Meir) of Rothenberg, the leading halakhic authority in twelfth- and thirteenth-century Ashkenaz, considered a town comprising only *kohanim* and concluded<sup>5</sup>:

In a town comprising only *kohanim*, one *kohen* should read twice [i.e., the first two *aliyyot*] and, thereafter, women should read.... (Where there is no alternative, the dignity of the congregation is set aside.)

We have here an instance of a great halakhic figure, whose attitude toward women was not particularly liberal and who certainly cannot be labeled a "feminist"— on the contrary, some of his other decisions suggest he tried to exclude women from the synagogue<sup>6</sup> —who ruled, when there was a need to be helped out by women, that they might read.<sup>7</sup> In other words, his approach contemplated situations in which it was not only permissible but actually necessary for women to receive *aliyyot*.

We can cite further examples of women receiving *aliyyot*<sup>8</sup> and show that the phenomenon was not a rare one in certain communities as this *halakhah* developed.<sup>9</sup> And it is easy enough to cite other instances in which the concept of "*kevod ha-tsibur*" was set aside, and various actions were permitted, when the congregation felt that there was, in fact, no affront to its dignity.<sup>10</sup> Dignity of the community, for example, requires that the Torah not be read publicly from a printed book, yet if there is no scroll available, the book may—indeed, must—be used. It thus appears that there are many instances in which "*kevod ha-tsibur*" is put aside, for the concept implies not an

<sup>5</sup>Responsa of Maharam Rothenberg, ed. Kahana, sec. 47, p. 10

<sup>6</sup>See my discussion of this in *Minhagei Yisra'el*, part 1 (Jerusalem, 1989), pp. 60-66. See also Abraham Grossman, *Hasidot u-Moredot: Nashim Yehudiyot be-Eiropah bi-Yemei ha-Beinayim* (Jerusalem, 2001), pp. 321-323.

<sup>7</sup>See Grossman, p. 326 n. 60.

<sup>8</sup>See Shelomo Ashkenazi, *Nashim Lamdaniyyot (Seqirah Historit)* (Tel-Aviv, 1942), p. 71.

<sup>9</sup>Interestingly, R. Hayyim Joseph David Azulai (Hida), in his *Birkei Yosef* on *Shulhan Arukh, Orach Hayyim* 282:5, noted that R. Isaac Luria (the Ari of blessed memory), in *Sha'ar ha-Qavvanot* 73d, was of the opinion that a minor or a woman could be called only for the seventh *aliyyah*. See also *Responsa Ginat Veradim*, principle 2, sect 21 *ad fin*. But see the consideration given the point in R. Reuben Amar, *Minhagei ha-Hida* (Jerusalem, 1990), part 1, pp. 26-27.

<sup>10</sup>See Shapiro, pp. 35 *et seq.* and R. Zalman Joseph Aloni's article in *Seridim* 2 (Sivan 5742 [1982]): 24-27.

absolute legal prohibition as much as a sound policy recommendation calling for the community to avoid certain actions because they are inappropriate; as the Yiddish expression has it, *es passt nicht*. [It is unseemly.]

But let me move even further beyond the matters already considered. Let's begin by examining a short excerpt from R. Yehuda Herzl Henkin's reaction to R. Mendel Shapiro's study. R. Henkin, who thoroughly considered R. Shapiro's essay, offered several fine, if sometimes peripheral, comments on it. He writes:<sup>11</sup>

I agree with much of Rabbi Mendel Shapiro's comprehensive and thoughtful article.... [But] where does all this [R. Shapiro's analysis] leave us? Regardless of the arguments that can be proffered to permit women's *aliyyot* today—that *kevod ha-tsibbur* can be waived, that it does not apply today when everyone is literate, that it does not apply when the *olim* rely on the (male) *ba'al qeri'ah* and do not themselves read—women's *aliyyot* remain **outside the consensus**, and a congregation that institutes them is not Orthodox in name and will not long remain Orthodox in practice. In my judgment, this is an accurate statement now and for the foreseeable future, and I see no point in arguing about it.

In other words, most of R. Mendel Shapiro's claims, with a few exceptions here and there, are halakhically legiti-

mate, but, still, *es passt nicht*, and a congregation acting on the basis of those arguments would be regarded as beyond the pale of Orthodoxy.

It seems to me that a reaction of this sort is based on the underlying idea that "your ancestors didn't do it; your parents didn't do it; and therefore your children are forbidden to do it." But is that the way in which halakhic issues should be approached? Must we regard the halakhic dynamic as "what was will always be"?

Let us now consider a different matter; we'll return later to the issue before us.

The *gemara* at *Berakhot* 22a states:<sup>12</sup>

It was taught [in a *baraita*]: Words of Torah cannot be rendered impure...<sup>13</sup>

The statement is based on a biblical verse:

"Are not all my words as fire, declares the Lord" (Jer. 23:29)— Just as fire cannot be rendered impure, so words of Torah cannot be rendered impure.

Maimonides rules as follows (*Mishneh Torah, Hilkhot Qeri'at Shema* 4:8):

<sup>11</sup> *The Edah Journal* 1,2 (Sivan 5761 [2001]): 1-6 (emphasis supplied). On R. Henkin's halakhic method, see the analysis by R. Dov Linzer in "A Poseq for the Modern Orthodox Community: A Review of *Equality Lost* by Yehuda Herzl Henkin," *The Edah Journal* 3,1 (Tevet 5763 [2003]): 1-9.

<sup>12</sup> I dealt specifically with this issue in my article "*Sheloshah Minhagim Matmihim u-Meqoman Shel Nashim be-Veit ha-Kenesset*," forthcoming in *Kolech, Lihyot Ishah Yehudiyah* part 2 (Jerusalem, 2003)

<sup>13</sup> Cf. *Tosefta Berakhot* 2:13 (Lieberman ed., p. 8) — "Males suffering from a discharge, females suffering from a discharge, menstruating women, and women who have given birth may [despite their resulting impurity] read from the Torah, the Prophets, and the Writings and study the Mishnah, the *midrash*, *halakhot*, and *aggadot*...." Similar wording appears in the Talmud of the Land of Israel (*Yerushalmi Berakhot* 3:4 [6c]), but the Babylonian Talmud reads "Those suffering from a discharge [using the masculine form only], those suffering from *tsara'at*, and those who have cohabited with a menstruating woman"; ms. Munich reads "those who have cohabited with a menstruating or childbearing woman." Saul Lieberman, *Tosefta ki-Feshutah*, part 1 (New York, 1955), p. 20, suggests that ms. Munich is suspect because it appears "they deliberately expunged females and inserted males in their place...that is, all of these are permitted to read the Torah, etc. and study the Mishnah, but it is not the way of women to do so." R. Lieberman concludes that the proper reading is that of the *Tosefta*, and the references to females suffering from a discharge and childbearing women are rote repetitions of terminology used in other contexts. See also R. Louis Ginsburg, *Peirushim ve-Hiddushim ba-Yerushalmi* (New York, 1941), part 2, p. 248: "It is a rote repetition of the wording that appears in *Pesachim* 9:2, *Hallah* 4:8, *Mo'ed Qatan* 3:2, etc."

All who are impure are obligated to read the *Shema* and recite the blessings that precede and follow it, despite their impurity...and all Israel has already adopted the practice of reading from the Torah and reading the *Shema* even after having emitted semen [and not first immersing in a *miqveh*] because **words of Torah cannot be rendered impure; rather, they retain their state of purity forever....**

Later on, Maimonides rules (*Mishneh Torah, Hilkhot Sefer Torah* 10:8) that:

All who are impure, even menstruating women and gentiles, are permitted to hold a Torah scroll and read from it, **for words of Torah cannot be rendered impure....**

The *Shulhan Arukh* (*Yoreh De'ah* 282:9) continues in the same vein:

All who are impure, even menstruating women, are permitted to hold a Torah scroll and read from it....

That is the clear ruling of R. Joseph Karo, author of the *Shulhan Arukh*; and R. Moses Isserles (Rema) is silent on the point, indicating thereby his assent to R. Karo's ruling.<sup>14</sup>

Again, in *Shulhan Arukh, Orach Hayyim* 88:1, we find:

All who are impure read from the Torah, read the *Shema* and pray [the *Amidah*].

Here, however, Rema comments:

<sup>14</sup>It is interesting to note the formulation of the author of the *Levushim* in commenting ad loc: "Words of Torah cannot be rendered impure, for they are holy and pure and deflect all impurity. Accordingly, all who are impure, even menstruating women, are permitted to hold a Torah scroll and read from it, as long as their hands are not befouled or filthy."

<sup>15</sup>The *Levush* deals with this matter at great length, struggling with what appears at first to be an internal contradiction in this halakhah, discussed below. He attempts to provide a detailed, logical-halakhic explanation:

Although it is forbidden, as we have said, for words of Torah to be brought into contact with befouled items, when the befouling is only impurity— even impurity from a bodily discharge— the words of Torah cannot become impure, [a principle] supported by the verse "Are not all my words as fire....," which the Sages of blessed memory explicated as "Just as fire cannot be rendered impure, so words of Torah cannot be rendered impure." And even though the principle is not fully derived [from Scripture] but only associated with it, it embodies sound reasoning as well. For the Torah was not given to the ministering angels, yet it is written "you shall recite it day and night" (Jos. 1:8); and if all who are impure were forbidden to engage in Torah, how many days and

Some have written that a menstruating woman, on the days when she sees a flow, should not enter a synagogue, pray, mention God's name, or touch a scroll (*Haggahot Maimuniyyot*, chap. 4).

In other words, she may not recite a blessing— something difficult to understand, for she certainly eats and drinks on various occasions, even while menstruating, and can she be forbidden to recite the blessings over food? Other sources say that even if she does bless, one may not answer "Amen" to her blessing, and still others determine that one may not be in the vicinity of a menstruating woman, lest she recite a blessing and the listener answer "Amen."

Others, however, ruled permissibly, and the practice is in accordance with that view:

**But some say [Rema continues] that she is permitted to engage in all these activities, and that is correct.** Yet the custom in these lands is in accordance with the first opinion [which forbids them]."

In other words, though Rema determined that *halakhah* permits all these activities, the practice in his country differs. He continues:

But during the *yemei libbun* [the seven days between the end of the actual menstrual flow and the time the woman immerses herself], the practice is to permit it. And even where a stringent practice is followed, they are permitted to attend just as other women on the High Holidays, and on other occasions when many gather in the synagogue, for it

would cause them great sorrow to remain outside while everyone else assembles. (*Pisqei Mara'i*, sec. 132.)<sup>15</sup>

This passage is highly perplexing. The custom is that a menstruating woman may not enter a synagogue, recite a blessing, answer "Amen" after another's blessing,<sup>16</sup> or hold a prayer book, even though, as Maimonides teaches us, "words of Torah cannot be rendered impure; **rather, they retain their state of purity forever.**" That, indeed, was the custom in Krakow (where Rema dwelled) and its environs. During the *yemei libbun*, during which there is no actual flow of blood, the practice was more lenient, even though the woman retained the status of a menstruant until after her immersion in a *miqveh*.

Nevertheless, during the High Holidays and festivals, when all come to the synagogue, it would have greatly saddened these women to insist that they remain outside, and they were accordingly permitted to enter! But is that entry forbidden or permissible? If it is forbidden, it should be forbidden even on *Rosh ha-Shanah* and *Yom Kippur*, and the prohibition should extend until her

immersion. Yet "because it would have caused them great sadness to remain outside when all assemble — *it is permissible* [for them to enter]." Where does this lenient approach originate from?

The Talmud determines that when one brings a sacrifice to the Temple, the owner of the sacrificial animal must lay his hands on the animal's head. This practice, called *semihat yadayim*, is performed only by men, not by women.

The *gemara* at *Hagigah* 16b states:

It was asked: [Scripture states] "Speak to the children [*benei*, lit. sons— *trans.*] of Israel...and he shall lay [his hand on the head of the offering]" (Lev. 1:2-4)—the sons of Israel lay their hands, but the daughters of Israel do not. R. Jose and R. Simeon say: The daughters of Israel may lay their hands, though they are not required to. R. Jose said: Abba Eliezer told me the following: Once we had a calf to be offered as a *shelamim* sacrifice and we brought it to the women's court and women laid their hands on it. Not because laying of hands applies to

nights would one be exempt from Torah study, for no man can be so punctilious about impurity as to constantly be in a state of purity.... Accordingly, all who are impure may read from the Torah and read the *Shema* and pray.... Some wrote that a woman during the days of her menstrual flow should not enter a synagogue or pray or mention God's name or touch a sacred scroll on account of her impurity. But some say she is permitted to do all these things, for we have the principle that all who are impure may read from the Torah, as explained above, and that is the law. But women in these lands adopted the custom of acting stringently in these matters, and it is well that they do so, for [the Sages] of blessed memory have already said of this "One who acts stringently, his days and years are lengthened" (*Berakhot* 22a). But during their *yemei libbun*, they act leniently, even though they have not yet immersed, for she is no worse off than others in the congregation who may be impure, for her immersion is only to permit cohabitation with her husband. And even in places where the practice is to act stringently during the days of her flow, on the High Holidays and other occasions when many gather to attend the synagogue, they, too, are permitted to do so just as other women, even during the days of their flow, for it would cause them great sadness to stand outside on a day when all are gathered in the synagogue. We find many other instances in which the rabbis permitted something to avoid distress and cause contentment, and how much more should that be done here, where we are dealing with something that is otherwise fully permitted, and only by custom do they act stringently. Accordingly, on those days they permitted it.

And see the comments of Eliyahu Zuta ad loc.

In his introduction to *Orah Hayyim*, the Levush writes as follows regarding his method: "For he [R. Joseph Karo] of blessed memory, thanks to his wide-ranging mind and his ability to study it easily, was able to read it with dispatch. But for us, who are poor in Torah, it remains a long, long matter. So I determined to follow in his path and write down an abridgement of the laws in accordance with his advice to rely on the three pillars of instruction, of blessed memory, but I will explain their rationales as briefly as possible, and that is what I have set out to do." And see his further remarks there. On the character of the book, see R. Hayyim Czernowitz ("Rav Tsa'ir"), *Toledot ha-Poseqim*, part 3 (New York, 1948), pp. 104-110.

<sup>16</sup>But see R. Ovadiah Yosef's objections to this custom in his *Responsa Yehaveh Da'at*, part 3 (Jerusalem, 5740 [1980]), p. 29 and part 4 (Jerusalem 5741 [1981]), pp. 77-79, where he also rejects the claim that a woman's entry among the men to recite the thanksgiving blessing entails a degree of indecency and sinful thought; and his rationale is sound. He similarly maintains that in a place where there is fear of God's presence, there is no concern about a woman's song being a source of immodesty.

women [i.e., not because it is permissible], but to allow the women to feel pleased.

In other words, under certain circumstances, when something would constitute a great affront to women, they were prepared to disregard certain prohibitions or authorities<sup>17</sup> and allow things that normally would be considered forbidden or unsuitable. The basic principle underlying this determination is "Great is human dignity (*kevod ha-beriyot*), which supplants a negative commandment in the Torah" (*Berakhot* 19b). This principle, which appears in various halakhic contexts, has been given wide application. The responsa of R. Joseph b. Lev (Maharibal) (sixteenth century; a contemporary of R. Joseph Karo, author of the *Shulhan Arukh*), for example, describe a case in which a man, whose wife was barren, took another wife and fathered several children by her. He then sought to divorce the second wife but keep the children. Maharibal wrote<sup>18</sup>:

Such an affair is cause for great chagrin. It is not proper to demean daughters of Israel in this manner, to send off the mother and keep the children.<sup>19</sup> And great is *kevod ha-beriyot*, which supplants a negative commandment in the Torah.

His remarks imply that if something permissible and acceptable from a halakhic point of view would nevertheless be a source of grief and pain to the second wife, considerations of "human dignity"—the sensitivity that everyone must feel with respect to the distress and tension that the second wife might experience—would

overcome even a negative commandment in the Torah. Let us consider another instance in which this principle was applied, making broader use of halakhic sources.

R. Kook of blessed memory was not particularly known as a "feminist." He opposed women's suffrage, for example, and wrote definitively against it.<sup>20</sup> Yet in one of his responsa on *Yoreh De'ah*, he writes:<sup>21</sup>

As for the custom of women sewing together the panels of a Torah scroll after the writing of the scroll has been completed: With respect to the principle that the [written] product is unfit if any part of its production is performed by one unfit to write it, the source of the matter in Maimonides, [*Mishneh Torah, Hilkhoh*] *Tefillin* 3:9, 15, has not been overturned. [He is referring to Maimonides' ruling that one who is unfit to write a Torah scroll may not perform any of the other activities associated with producing a Torah scroll. There are twenty activities that [if flawed] make the Torah scroll "unfit to be read from" (*Hilkhoh Sefer Torah* 20:1), including sewing the panels together (id. 20:20). Nevertheless, the custom is that women do so.]... We may answer that [the prohibition] is only rabbinic, and since the disqualification of women from the writing of a Torah scroll is a matter of doubt (as noted by the *Derishah* sec. 281), we can say that this is a matter of doubt with respect to a rabbinic law [which is usually resolved leniently, in contrast to a matter of doubt with respect to a biblical, law, usually resolved stringently—*trans.*]. Yet, one might

<sup>17</sup>For example, Ashkenazi authorities permitted bringing a Torah scroll into the room of a woman giving birth, despite the stringent Ashkenazi approach, noted above, to women's impurity. See the recent comments of S. Sabar, "Childbirth and Magic: Folklore and Material Culture" in *Culture of the Jews: A New History*, ed. David Biale (New York, 2002), pp. 677-678 and the sources there cited at p. 715 n. 22.

<sup>18</sup>Responsa of Maharibal, part 1, sec. 40.

<sup>19</sup>This is a play on Deut. 22:7— "Surely you shall send off the mother [bird] and keep the chicks for yourself."

<sup>20</sup>See two pronouncements that he signed—a declaration issued in 5680 (1920) and an open letter in 5686 (1926)—reprinted in Mosheh Yehiel Tsurial, *Otserot ha-Reiyah* (Yeshivat Sha'alavim, n.d.), part 4, pp. 123-124. See also M. Nehorai, "*He'arot le-Darko shel ha-Rav Kook bi-Pesiqah*," *Tarbits* 59 (1990): 498-502; Menahem Friedman, *Hevrah ve-Dat* (Jerusalem, 1978), p. 162; and, most recently, Haggi Ben-Artzi, doctoral dissertation, "Rav Avraham Isaac HaKohen Kook as a Halakhic Leader (Poseq) - Innovative Elements in the Halakhic Writings of Rav Kook," (Hebrew University, 2003), pp. 299-302.

<sup>21</sup>*Responsa Da'at Kohen*, sec. 169.



say, we should not, in the first instance, enter upon a doubtful situation with respect to rabbinic law. But because even with respect to laying on of hands [mentioned above], where it might appear that the woman is involved in the sacrificial service, they waived the rabbinic prohibition and permitted her to do so, for it would violate *kevod ha-beriyot* to forbid it, here, too, where they have the practice of sewing the panels, we should not prevent them.

In other words, since laying hands on a sacrificial animal, which was part of the Temple ritual, was permitted to women in order to please them, they should also be permitted to sew the panels of the Torah. To do otherwise would run contrary to the concept of human dignity, a principle that trumps a rabbinic law. Accordingly, in the case under consideration, where women have adopted the practice, they should not be stopped.<sup>22</sup>

To appreciate the weight assigned to the concept of "*kevod ha-beriyot*," let us consider a passage from a responsum by R. Eliezer Waldenberg (*Responsa Tsits Eli'ezer*, part 6, sec. 10, par. 3, p. 26). At issue is the use by a deaf person of an electric hearing aid on the Sabbath. After an extended and detailed examination, R. Waldenberg writes:

We see from the foregoing that the prohibition on carrying an object that is *muqtseh*<sup>23</sup> is waived for the sake of *kevod ha-beriyot*, so that a person will not in any way be demeaned in his own eyes or the eyes of others on account of being unable to carry [the object]. And if that is the case, it appears that there is no concern about *kevod ha-beriyot* greater than the one that arises in connection with ensuring that a deaf person does not suffer embarrassment because of being unable to hear what people say to him.

It is difficult to imagine the magnitude of the embarrassment and unpleasantness caused him when he comes among people, in the synagogue, and he is isolated, unable to hear what is going on, unable to respond to those who ask him a question. This produces a concern about *kevod ha-beriyot* greater than in connection with the matters discussed earlier, to which must be added his distress at forgoing public worship and being unable to hear the Torah reading and the responses to *Qaddish* and *Qedushah*, etc. This negates the performance of a batch of *mitsvot*, of lesser and greater importance, and therefore it is preferable to permit the carrying of *muqtseh* for so great a matter of *kevod ha-beriyot* and to permit the deaf person to carry his hearing aid on the Sabbath.

*Shulhan Arukh, Orah Hayyim* 312:1 rules that because of *kevod ha-beriyot* they permitted carrying stones with which to wipe oneself clean, and it is permitted even to carry them up to the roof, despite the effort involved. The *Levush*, in par. 1 ad loc., explains the rationale: because you already know that *kevod ha-beriyot* is great enough to displace a negative commandment in the Torah, i.e., the prohibition on disregarding one's fellow's fallen beast of burden and thereby failing to help raise it up. The verse [Deut. 22:4] reads "...you shall disregard" [i.e., the negation that prohibits disregarding appears earlier in the verse, not immediately before this verb — *trans.*], and the rabbis interpret this to mean "on occasion, you shall, in fact, disregard, as in the case of an elderly person, where helping would be beneath his dignity." Here, too, carrying [*muqtseh*], a rabbinic prohibition that the rabbis based on the prohibition of departing from rabbinic determinations, is set aside where human dignity is of concern. Accordingly, the Sages of blessed memory

<sup>22</sup>R. Yehiel Mikhel Epstein, author of *Arukh ha-Shulhan*, considered the matter and reached the same conclusion. See *Arukh ha-Shulhan, Yoreh De'ah* 278:11. (My thanks to Mr. Barton D. Harrison of Harrisburg, PA for this reference.)

<sup>23</sup>In general, *muqtseh* is a term applied to objects that, for any one of several reasons, may not be moved on the Sabbath or a festival. — *trans.*

permitted carrying stones on the Sabbath for use in wiping oneself clean, for that is a matter of *kevod ha-beriyot*.

He adds (*id.*, p. 28, par. 7):

And not merely for a major aspect of *kevod ha-beriyot*, but even for a much lesser one [such as being able to us a wood splinter to pick one's teeth]...

These examples show us the extent to which the sages of all generations valued human dignity.

Let us return now to our subject, that of calling women up to the Torah. We have here a clash of two principles of different sorts—*kevod ha-tsibur* (if such exists) and *kevod ha-beriyot*. I've not yet found any consideration of human dignity in connection with women being called to and reading from the Torah, but it seems clear to me that, in this instance, human dignity trumps communal dignity. This is especially so when we are speaking about "a doubtful consideration of *kevod ha-tsibur*," for it is entirely possible that the congregation has waived its dignity, or that it senses no affront at all to its dignity in women being granted *aliyyot*. For when all is said and done, women in Israel can hold the office of State Comptroller,

justice of the High Court, Education Minister, or even Prime Minister, and we sense no affront when we go to court and a woman sits as judge. It may be, therefore, that the concept simply does not apply to the contemporary congregation—unless we take it as an absolute prohibition, a view found among none of the *rishonim*. For if it were an absolute prohibition, there would be no place for rulings such as that of Maharam of Rothenberg and Ran with his explanation. And this is readily apparent from the words of the *ga'on* R. David Pardo, in his *Hasdei David* on *Tosefta Megillah* 3, p. 106d (Leghorn, 1776; reprinted Jerusalem, 1971):

For even though they said that a women should not read from the Torah because of *kevod ha-tsibur*, if she has been called up she should not go back down, for as a matter of law, she is counted among the seven.<sup>24</sup>

At the same time, we know that many women have a sincere desire, a yearning,<sup>25</sup> to take an active and spiritual role in the life of the community and its pursuits, and excluding them from the synagogue or from involvement in worship ceremonies is a cause of great distress, as they said, "it is a cause of great sadness to them that all gather in the synagogue and they do not." It thus seems clear

<sup>24</sup>His comments are cited in *Yehaveh Da'at*, part 4, p. 78.

<sup>25</sup>The desire and yearning of a woman is afforded great halakhic weight. In *Shevu'ot* 18b we find: "R. Josiah said: 'You shall separate the children of Israel from their impurity' (Lev. 15:31) —From this [we derive] a warning to the Israelites to separate themselves from their wives near the expected onset of their menstrual periods." The author of *Torah Temimah* (ad loc., p. 296, n. 124) takes the view that this is a biblical law, contrary to the view of *Tosafot* on *Yevamot* 62b, who regard it as rabbinic. But at *Yevamot* 62b, it is said that a man about to depart on a journey must cohabit with his wife even near the expected onset of her menstrual period, for it is considered a *mitsvah* to do so because the woman yearns for her husband when he is about to depart on a journey, and when it is a *mitsvah*, he need not engage in excessive separation. This implies that the woman's yearning is a powerful enough consideration to cancel a biblical, or at least a rabbinic, prohibition.

<sup>26</sup>And if you should say, "You've latched on to an unusual, exceptional occurrence, relating to a specific situation," my response would be "Quite the contrary." For this specific incident points to the *essential halakhah*, as stated in the *baraita* before "the Sages" determined that "a woman should not be called because of the congregation's dignity." True, it may be fair to see the words of the "*tanna qamma*" (the first, anonymous, voice in the *baraita*) as a sort of individual's opinion rejected by "the Sages." But the legitimacy of relying on an individual's opinion, or on the opinions of several individuals) is a matter worth examining more broadly; let us here consider it briefly. The Mishnah (*Eduyyot* 1:5) teaches: "And why do they mention the words of an individual together with the words of the majority, since the *halakhah* is only in accordance with the view of the majority? Because a court may see [merit in] the words of the individual and rely on them, for a court cannot nullify the words of its fellow court unless it surpasses the first court in wisdom and number...." *Tosafot Yom Tov* commented (ad loc., n. 8): "And rely— on that reading, this means that if the later court sees fit that the *halakhah* be in accordance with the individual view, it will rely on it; that is, it will determine the *halakhah* in accordance with that view, as we find in some instances that one of the later *amora'im* will determine

that *kevod ha-beriyot*, individual dignity, must overcome *kevod ha-tsibur*, particularly when the concept of *kevod ha-tsibur* does not really pertain as it might have in ancient and medieval times.

One may object: "Yes, you selected a source here,<sup>26</sup> a responsum there, and stitched them together to reach your desired result. Shouldn't you, instead, flow with the halakhic current, which says that *aliyyot* for women remain outside the consensus and that a community that provides for them is not Orthodox by definition and will not

remain Orthodox in practice, as R. Henkin suggests?"

That brings us to the heart of the matter, the issue of the halakhic process. Is *halakhah* fixed at some given time? Is it to be determined in the context of the historical events of the nineteenth century, when the *Hatam Sofer* coined the starting maxim that "*hadash asur min ha-Torah*" — all innovation is forbidden as a matter of biblical law—and, accordingly, all was to remain petrified, leaving us in the halakhic state of the nineteenth century? (The *Hatam Sofer's* idea was taken up and broadened by others, up to

the *halakhah* in accordance with earlier individual views. And even though the majority disagrees with them, in the absence of those individual opinions, the later authorities could not have rejected the views of the earlier authorities on their own, for a court cannot nullify, etc. But since they found a dissenting individual view among the earlier authorities, they had something on which to rely." And *Tiferet Yisra'el* (ad loc., n. 28) says: "...or, it appears to me, he meant to rely on an individual opinion occasionally in time of need, as we say: Simeon is certainly worthy of being relied upon in time of need (*Gittin* 19[a]; *Berakhot* 9a; *Shabbat* 45a; *Niddah* 6a, 9b)." And the author of *Melekheth Shelomo* ad loc. writes: "...Rosh of blessed memory is of the view that..., meaning that, but for the view of the individual, we would be unable to deny the view of the majority, even in time of need, for a court cannot negate the unanimous decision of another court unless the later court exceeds the earlier one [in number and wisdom]. But if the earlier court was divided, a later court, even of lesser stature, may rely on the individual opinion. Thus we find *amora'im* who decide the *halakhah* in accordance with an individual opinion rather than that of the majority. But where there is no difference of opinion, the *amora'im* are not empowered to dispute the words of the *tanna...*" (And see the continuation of his remarks.) And R. Sa'adyah Ga'on commented as follows on *Ketubbot* 93a (in B. M. Levin, *Otsar ha-Ge'onim* [Jerusalem, 1939], p. 310, sec. 721): "Even though we know that the *halakhah* is in accordance with Rabbi [Judah the Prince] and not R. Nathan, ...nevertheless they left room for us as well to [resolve the matter in accord with the minority view.]" See, also, the introduction by Rav Kook, of blessed memory, to *Shabbat ha-Arets* (Jerusalem, 1985), p. 42: "We find occasions, even when several passages in the Mishnah and Gemara instruct us to be stringent and that practice has certainly been followed for many generations, where they relied on an individual opinion to be lenient and the Sages did not protest.... Even though they had always followed the stringent practice in accordance with the majority opinion, when they later relied in time of communal need on the opinion that had been rejected by the *halakhah* --the Sages did not protest. (And see also the comments of Haggai Ben-Artzi, pp. 141-142.) As a general matter, it should be noted as well that even though there is the principle that "Given an individual view and a majority view, the *halakhah* is in accord with the majority," [nevertheless], "When the individual's reasoning makes sense, we rule in accordance with his view." (See R. Malachi ha-Kohen, *Yad Mal'akhi* [Premyshla 1888], principles with the letter *yod*, 59b [referring to *Hullin* 49b], who notes that even Rosh, commenting at the end of the first chapter of *Bava Batra*, sec. 50, ruled that "we are taught to determine in accordance with the individual opinion where it is soundly reasoned....") See also R. Hayyim Hezekiah Medini, *Sedei Hemed*, principles with the letter *yod*, principle 32: "Given an individual view and a majority view, the *halakhah* is in accord with the majority, but, in time of need, he may rely on the individual." (And cf. id., principles beginning with the letter *kaf*, principles 110, 111, 114.) The issue requires considerable probing, but we see in any event that there are views holding that isolated opinions should not be disregarded and that, in some circumstances, they may be relied on. It seems as well that the concern about appearing to emulate non-Orthodox movements does not arise as long as there are normative halakhic sources that may be relied on. See R. Mosheh ha-Levi Steinberg, *Mishberei Yam* (1992), sec. 85, p. 96, with respect to women reciting *Qaddish* and the reaction of Joel Wolowelsky in his fine book *Women, Jewish Law, and Modernity* (Hoboken NJ, 1997), p. 64.

<sup>27</sup>See my article "*Shituf u-Gemishut be-Halakhah Bat Yameinu*," *De'ot* 15 (2003): 19-23. An expanded version in English appears as "Paralysis in Contemporary Halakhah?" *Tradition* 36, 3 (Fall 2002): 1-13.

<sup>28</sup>This is, of course, a huge subject, encompassing the development of *halakhah* through all epochs. The examples are too numerous to be counted. They include, for example, the *prozbol* (a rabbinic enactment to facilitate lending to the poor without fear of the imminent cancellation of debts by the sabbatical year); the authorization to sell to a gentile *hamets* physically in the owner's estate during Passover; *heter isqa* (a means by which Jews could claim interest for their loans to other Jews); and the sale of arable land in the Land of Israel to non-Jews for the duration of the sabbatical year. See as well the examples I cited in *Minhagei Yisra'el*, part 2 (Jerusalem, 1991), pp. 49-59 (Responsum of Rema, sec. 124, ed. A. Ziv [Jerusalem 1971], pp. 484-488); id., pp. 59-65 (*Responsa Shevut Ya'aqov*, by R. Jacob Reischer, *Yoreh De'ah*, sec. 70); and id., part 3 (1994), pp. 50-59. At p. 58 there

the *Hazon Ish*.<sup>27</sup>) Or are we to say: No! *Halakhah* was never that way! It always left an opening for adjustments to reality and changed circumstances,<sup>28</sup> for no one now lives his life in accordance with every single detail of the *Shulhan Arukh*, written at the start of the sixteenth century. Rather, we follow the maxim of Rav Kook of blessed memory: "The old will be renewed and the new will be sanctified."<sup>29</sup>

Justice Menahem Elon, formerly the Deputy Chief Justice of the Supreme Court, wrote a lengthy and detailed responsum regarding the problem of *agunot* (women whose husbands refuse to grant them divorces). The article was published in both Hebrew and English<sup>30</sup> and is worthy of study in depth. He writes:

In the clash of opinions and approaches regarding this important, complex and sensitive topic, arguments have not been limited to clarifying *the law*. Attention has also been focused on *the values* of the world of *Halakhah*—which are also part of the law in its broader sense, and the manner in which these values should be applied to the issue at hand. There has been a particular concern with both the "is" and the "ought" with the formation of proper judicial-halakhic policies based on the foundations

of the past, in light of the reality of the present, and in view of the aspirations of the future. These are accepted and legitimate considerations in the world of *Halakhah* in general, and they hold an especially critical position in the sensitive issue such as that before us....

These considerations are accepted and legitimate in the world of *halakhah* in general, and they occupy a particularly critical place in connection with a subject as sensitive as ours.

And so we must be involved with, and study, not only the "is" but also the "ought to be"; not only the formal *halakhah* but also the values that underlie it, what some call "meta-*halakhah*." While the purely legalistic component, based on a logical and reasoned halakhic analysis, will remain fairly fixed, the public policy element must be constantly reexamined by the great Torah scholars of each generation; for, when all is said and done, needs, feelings, and public policy change with time and place. What was considered essential in the nineteenth century may no longer occupy a place of importance in the twenty-first. And what was of no import to decisors thirty years ago may now have become crucial. Many examples may be cited of key halakhic changes that occurred in our

I cite the comments of Prof. Yedidiah Dinari, *Hokhmei Ashkenaz be-Shilhei Yemei ha-Beinayim: Darkheiheim ve-Khitveiheim ba-Halakhah* (Jerusalem, 1982), p. 81: "The sages of Ashkenaz in the fifteenth century were very attentive to human sorrow and suffering. Wherever they could help from a halakhic point of view, they did so; and they did not shy away from innovative rulings or interpretations of the sources." But that is the way of great decisors in every generation. See, for example, Jacob Katz, *Goy Shel Shabbat* (Jerusalem, 1984) and *Masoret u-Mishmar: Ha-Hevrah ha-Yehudit be-Motse'ei Yemei ha-Beinayim* (Jerusalem, 1958), pp. 79-92. See also Zevi Zohar, *Masoret u-Temurah: Hitnodedut Hokhmei Yisra'el be-Mitsrayim u-be-Suriyah Im Etgarei ha-Modernizatsiyah, 1880-1920* (Jerusalem, 1993), pp. 109-113, with respect to the Egyptian sages' attitude toward the Karaites in the early twentieth century. See also id., pp. 292-293 and *Tosafot on Qiddushin 41a*: "A man may not betroth his daughter while she is still a minor...but now, when we have the practice of betrothing our daughters even as minors, it is because the Exile overpowers us even more each day, and if a man has the resources to provide his daughter a dowry now [he should betroth her], lest he later on not have the resources and his daughter remain unmarried for ever...." In this way, the Tosafists, recognizing the changed socio-economic circumstances, adjusted the *halakhah* to promote the welfare of Jewish women. See as well *Tosafot on Berakhot 53b*, with respect to washing hands before reciting the blessing after a meal, where the ruling was changed in light of changed social etiquette. See also the famous passage regarding "*ein moridin*" in the comments of *Hazon Ish* on *Shulhan Arukh, Yoreh De'ah 13*, subpar. 16 (= *Sefer Hazon Ish al ha-Rambam*, p. 741). And see also the important book by R. Neriah Gutel, *Hishtanut ha-Tiv'im ba-Halakhah* (Jerusalem, 1995), along with its supplement (Jerusalem, 1997), but this is not the place for lengthy discussion.

<sup>29</sup> *Iggerot ha-Re'iyah*, part 1 (Jerusalem, 1962), p. 214.

<sup>30</sup> See the article by the Frimer brothers, pp. 48, 71, n. 9, and 117, n. 178.

<sup>31</sup> *Od Yisra'el Yosef Beni Hai* (Brisk Yeshiva, 1993), end sect. 32, p. 100. See also the Frimer brothers' article, p. 49 and p. 117, nn. 280, 281; Wolowelsky, p. 64.

time; one of them pertains to the recitation of *Qaddish* by women. Thirty years ago, women simply did not say *Qaddish*. Yet R. Aaron Soloveitchik, not one known for his lenient rulings, could recently write<sup>31</sup>: "Today, when Jews are battling over equality between men and women with respect to such matters as *aliyyot*, if Orthodox rabbis bar women from saying *Qaddish* despite the possibility of permitting it, the influence of Reform and Conservative rabbis will thereby be strengthened. Accordingly, it is forbidden to bar women from saying *Qaddish*." This is, to be sure, a negative argument, but the result is that he permitted women to recite *Qaddish*—something that had always been permissible but that was regarded as within the rubric of "*passt nicht*." And now the practice is widely accepted.

Another example is that of bat mitsvah. There is an important responsum on the subject by R. Ya`aqov Yehiel Weinberg in his *Seridei Eish*<sup>32</sup>; again, the sources are well-known and there is no great revelation here:

All of the foregoing is to clarify the *halakhah* on the subject. As a practical matter, however, it depends on the intention of those who advocate the innovation of a bat mitsvah celebration: are they doing it for a worthy purpose or are they doing it to imitate the heretics [apparently, the Reform]? I am, of course, not unaware that there are some fearful ones [in today's terminology, *haredim*] who forbid and rule stringently, paying no mind in matters of religious practice to logical considerations. Nor do they pay any heed to halakhic clarifications, deciding matters solely on the basis of heartfelt feelings; and the Jewish heart, bound to the tradition of parents and teachers, recoils from change in religious prac-

tice. But they should be directed to what Maimonides wrote in his commentary on *Gittin* 5:8, where he rules against a custom that he regarded as groundless, i.e., calling a *kohen* for the first *aliyyah*, regardless of whether he is learned or not, and even if he is ignorant.

Maimonides says an ignorant *kohen* should not be given an *aliyyah* in preference to a scholar, and he proceeds to consider the question of whether erroneous customs should be changed or left in place. And R. Weinberg tells us that we need not react to such questions emotionally. We should attend to halakhic analyses and not be fearful of change. "But neither should it be forgotten that even those who take the permissive side with respect to a new custom of celebrating a bat mitsvah do so with hearts beating piously to strengthen the religious education of Jewish girls"—that is, they wish to make them more God-fearing, making them active participants in religious ceremony —"for in the circumstances of contemporary life, they are in great need of spiritual fortification and moral encouragement as they reach the age of adulthood."

We have here a great halakhic authority proclaiming that we need not fear change, if the change is properly motivated and directed to strengthening love of Torah and fear of Heaven and to the performance of *mitsvot* and good deeds. We should not react emotionally and say that *aliyyot* for women remain outside the consensus and that a community that provides for them is by definition not Orthodox and will not remain Orthodox in practice. For, as Rav Kook of blessed memory put it: "There is no need for concern about permitting something that is permissible according to the law of the Torah, even if in practice there was no previous custom to permit it."<sup>33</sup>

<sup>32</sup>Part 3, sec. 94, p. 298

<sup>33</sup>*Orah Mishpat* (Jerusalem, 1985), sec. 112. See also Haggai Ben-Artzi, p. 107.

<sup>34</sup>Haggai Ben-Artzi concludes from the comments of Rav Kook of blessed memory (in *Arpelei Tohar* [original edition, 1914]) that "communal practice indicates the direction in which development is desirable." See his discussion at pp. 22-23.

<sup>35</sup>That itself is a major revolution. It is worth noting the comments of R. Zalman Sorotsky in *Moznayim la-Mishpat*, part 1 (Jerusalem, 1955), sec. 42: "Recent times differ from earlier times...[accordingly], not only is it permissible nowadays to teach Torah and fear of God to girls; it is absolutely obligatory to do so. And it is highly meritorious to establish schools for girls and instill pure faith in their hearts along with knowledge of the Torah and the commandments...and a woman is permitted to learn even the Oral Torah. The foregoing conclusion is straightforward." A responsum by R. Ben-Zion Firrer, printed in *No`am* 3

A few years ago, in speaking at a conference of the Jewish Orthodox Feminist Alliance, I said that changes happen continually, and that they are accepted when they occur organically, step-by-step, slowly, free of undue aggressiveness.<sup>34</sup> There are thousands of women studying Torah and Talmud in Israel,<sup>35</sup> the United States, and Europe; there are rabbinic *to`anos*; there are accepted women decisors in the area of *niddah*. And even though Maimonides seems to say that women may never be granted any halakhic authority or communal position (*Mishneh Torah, Hilkhoh Melakhim 4:5,10*), women now sit on all sorts of committees and councils, including Israeli regional religious affairs councils (the recent controversy over that having quieted down). They recite *Qaddish*, consistent with the rulings of R. Aaron Soloveitchik and others, and they become more and more involved in every aspect of religious and ceremonial life. All this has taken place in one generation, and I believe that a community that has made such change possible, and done so for proper motives and not "in imitation of the heretics," will not remain outside the consensus and will not come to be

considered non-Orthodox after a generation, for the consensus itself will change. These changes take place in accordance with the true stream of halakhic development, which has always, throughout the generations, taken account of changing situations, changing social conditions, and changing needs. What may have been a reasonable cause for concern in the seventies may no longer be significant in the present decade, and what may not have been a consideration thirty years ago may now be a critical factor. And these are legitimate and accepted considerations in the world of *halakhah* in general, bearing special weight in connection with emotional issues of the sort here under discussion.

In sum, it seems to me that nowadays, in those communities where it is agreed that change within the normative halakhic framework should take place and that the absence of such change will be a source of pain and suffering to an important segment of the community, the principle of *kevod ha-beriyot* overcomes the stated principle of *kevod ha-tsibur*.

(Jerusalem, 1960), p. 134, contains the following: "And even if in those [former] generations, Torah study by women was something whose costs exceeded its benefits, it is clear that in our times, Torah study by women yields benefits exceeding its costs." See also the apt summary of the entire subject in Elyakim G. Ellenson, *Ha-Ishah ve-ha-Mitsvot: Yalqut Hora'ot Hakhameinu u-Pisqei Halakhot, Part 1-Bein ha-Ishah le-Yotserah* (Jerusalem, 1977), pp. 143-162. A review of the sources cited there shows clearly that it was changes in the social and education situation that led the decisors to change the direction of their halakhic rulings in this area.