

# HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

## 205 - WOMEN'S MEGILLA READINGS OU ISRAEL CENTER - WINTER 2020/21

- Women are fully obligated in all the halachot of Purim, including reading/hearing the Megilla, and it has long been the practice for communities to arrange an extra Megilla reading for women at convenient times for them. This reading was always done by a man.
- Over the last 25 years, however, many communities have begun Megilla readings by women for women<sup>1</sup>. Is this a welcome step towards a more inclusive policy for women in the community, enabling them to be more actively involved in religious life? Or is it a step down a slippery slope that leads towards egalitarianism and ultimately to practices which are halachically and/or hashkafically problematic.
- In this shiur we will examine<sup>2</sup> whether women are permitted to read Megilla for other women, or even for men. Even where halachically permitted, we will also examine perspectives on whether this is a positive or undesirable move.

### A] POSITIVE TIME BOUND MITZVOT - TORAH AND RABBINIC

- Megilla is a rabbinic mitzva<sup>3</sup> which is positive and time bound<sup>4</sup>.

1. ... וכל מצות עשה שהזמן גרמה אנשים חייבין ונשים פטורות ....

משנה קידושין פרק א משנה ז

*The Mishna rules that women are exempted<sup>5</sup> from positive time-bound Torah mitzvot.*

2. דמלוות עשה דרצון שזה בכל

ש'ת ספר הישר לרבנו תם סימן ע

*Rabbeinu Tam (in Sefer HaYashar) understands that, with rabbinic mitzvot, the position is different and women are in principle equally obligated in all rabbinic mitzvot.*

3. .... לנשים דפטורים ממלות עשה שהזמן גרמא אפילו מאותן שאין אלא מדרצון. שהרי צנר חנוכה וצארצט כוסות וצמקרא מגילה  
לא הו' אלא מדרצון לא מחייבי אלא לפי שהן היו צרותו הנם ...

תוספות מגילה כד. ד'ה מי

*However, Tosafot understand that, in general woman are also exempted from rabbinic positive time-bound mitzvot, such as hallel on Chag or kiddush levana. However, as with Torah mitzvot, there are many exceptions to the rules, specifically under the rubric הנס היו באותו הנס - that they were included in the miracle. This would include reading Megillat Esther on Purim, Chanuka lights and 4 cups of wine at Seder.<sup>6</sup>*

4. כל דתקון רבנן כעין דאורייתא תקון.

גיטין סה.

*This is based on the principle that Rabbinic law is modeled on and structured around Torah law.*

1. This was a controversial move in the late 1990s, and remains so in many places. In February, 1997 the Queens, NY Vaad Harabbonim included women's Megilla readings in a list of prohibited activities.
2. For a full treatment of this topic see *Women's Megilla Reading*; Rabbi Aryeh A. Frimer, Traditions and Celebrations for the Bat Mitzvah, Ora Wiskind Elper, Editor (Urim Publications: Jerusalem, 2003), pp. 281-304. Much of the material in this shiur is based on Rabbi Frimer's very helpful article (referred to below as 'Frimer'). See also <https://www.deracheha.org/megilla-reading/>
3. We looked in the previous shiur at whether Megilla is purely rabbinic or has a higher status of 'divrei kabbala' - a mitzva derived from the Nevi'im. We will also examine this below.
4. We looked in depth at women's obligations in positive time bound mitzvot - see <https://rabbimanning.com/wp-content/uploads/2020/09/Women-and-Mitzvot-Part-1.pdf> and <https://rabbimanning.com/wp-content/uploads/2020/09/Women-and-Mitzvot-Part-1.mp3>.
5. We saw in previous shiurim that there are many exceptions to this rule, such as positive mitzvot of Shabbat, hakhel, simcha on Chag and matza. Each exception, however, is based on a specific verse or derived via exegesis.
6. Chazal state (Berachot 20b) that women are also obligate in the rabbinic mitzva of prayer since prayer is a request for mercy, which women require as much as men. There is a machloket in the Rishonim as to whether there is also a fundamental a Torah mitzva of prayer each day. The Rambam rules that there is. The Ramban rules that there is no daily Torah obligation, only one in times of distress. Some mefarshim explain that there is really no disagreement between them on the fundamental mitzva, just on what is considered to be a 'time of distress' - the Rambam seeing this as daily and the Ramban as occasional.

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**B] WOMEN AND THE MIRACLES OF JEWISH SURVIVAL**

5. ואמר רבי יהושע בן לוי: נשים חייבות במקרא מגילה, שאף הן היו באותו הנס.

מגילה ד.

'Af hen hayu beoto hanes' is a famous position of R. Yehoshua ben Levi, which is not opposed in the Gemara. Since women were 'included' in the miracle of Purim, they are also obligated in its mitzvot.

6. שאף הן היו באותו הנס - שאף על הנשים גזר המן להשמיד להרוג ולאצד מנער ועד זקן טף ונשים וגוי.

רש"י מגילה ד.

Rashi understands that 'af hen' means that the women were also included in the threat by Haman to the Jewish people.

7. שאף הן היו באותו הנס - פירש רש"י שטיקור הנס היה על ידן - צפורים על ידי אסתר, צחנוכה על ידי יהודית, צפסח שצזכות לדקניות שצחותו הדור נגאלו. וקשה דלשון 'שאף הן' משמע שהן עפלות. ולפירושו היה לו לומר 'שהן'. לכך נראה לי 'שאף הן' היו צפסח דלשמיד ולהרוג. וכן צפסח שהיו משועצדות לפרעה צמלרים. וכן צחנוכה הגזירה היתה מאד עליהן. ....

תוספות מגילה ד.

Tosafot bring a different explanation in the name of the Rashbam - that women were instrumental in the miracle of deliverance - on Purim through Esther, on Chanuka through Yehudit and on Pesach through the righteous women who did not give up hope. However, this approach does not fit as well with the language 'af hen' - even they, which implies that the women were not central. Tosafot therefore prefer Rashi's approach - the women were part of the 'safek'<sup>7</sup> ie danger.

8. ... גבי מלה יש מקשה למה לי היקשא ד'כל שיטנו צבל תאכל חמץ ישנו צקום אכול מלה'. תיפוק ליה מטעם שהן היו צחותו הנס! וי"ל דמשום האי טעמא לא מחייבא אלא מדרבנן אי לאו מהיקשא. ורבינו יוסף איש ירושלים תיבן דסלקא דעתך למיפטר מגזירה שוב דט"ו ט"ו דחג הסוכות כדפי' פרק אלו עוצרין.

שם

Women are obligated, in the same way as men, to eat matza. This is derived in the Gemara from the juxtaposition of the prohibition of chametz with the mitzva of eating matza - it is a 'package deal'. Just as women are not permitted to eat chametz, so too they are obligated to eat matza. Tosafot ask - why could we not derive this more simply from the principle of 'af hen'? They give two answers: (i) 'af hen' only applies to rabbinic mitzvot; (ii) 'af hen' also applies in principle to Torah mitzvot, but since eating matza is also linked<sup>8</sup> with the mitzva of succa, we may have understood that women are exempt from matza, as they are from succa. Thus we need an extra 'limud' to emphasize that women must eat matza.

**C] WOMEN AND MEGILLA - TALMUDIC SOURCES**

- Women's obligation in Megilla reading is dealt with in 4 places in the writings of Chazal.

(i) The Talmud Bavli (Megilla 4a) in the name of R. Yehoshua ben Levi.

9. ואמר רבי יהושע בן לוי: נשים חייבות במקרא מגילה, שאף הן היו באותו הנס.

מגילה ד.

This source states that women are obligated to READ the Megilla.

(ii) The Talmud Bavli in Archin 2b

10. הכל חייבין במקרא מגילה, הכל כשרין לקרות את המגילה. לאיתויי מאי? לאיתויי נשים. וכדר' יהושע בן לוי, דאמר ר' יהושע בן לוי: נשים חייבות במקרא מגילה שאף הן היו באותו הנס.

ערכין ב.

This source also says clearly that women are obligated and empowered to READ the megilla.

7. This reflects the language of the Talmud Yerushalmi - see below.

8. Chazal learn a 'gezeira shava' - a textual link between the Torah's reference to the '15th' Nissan and the '15th' Tishrei.

**(iii) The Talmud Yerushalmi**

11. בר קפרא אמר צריך לקרותה לפני נשים ולפני קטנים שאף אותם הוא בספק. ר' יהושע בן לוי עבד כן מכנש בנוי ובני בייתיה וקרי לה קומיהון

תלמוד ירושלמי (וילנא) מסכת מגילה פרק ב הלכה ד'

*This source is slightly different. It states that the Megilla must be read FOR the women, and that this is what R. Yehoshua ben Levi did in practice.*

**(iv) The Tosefta**

12. הכל חייבין בקריאת מגילה - כהנים, לויים, וישראל, גרים, ועבדים משוחררין, חללים, נתינים, ומזזרים ... כולן חייבין ומוציאין את הרבים ידי חובתן. טומטום, ואנדרוגינוס חייבין ואין מוציאין את הרבים ידי חובתן. אנדרוגינוס מוציא את מינו ואינו מוציא את שאינו מינו. טומטום אינו מוציא לא את מינו ולא את שאינו מינו. נשים ועבדים וקטנים פטורין ואין מוציאין את הרבים ידי חובתן.

תוספתא מסכת מגילה (ליברמן) פרק ב הלכה ז

*The Tosefta explicitly learns the opposite - women are EXEMPT from reading Megilla and may also not read for others.*

**D] WOMEN AND MEGILLA - RISHONIM****D1] APPROACH 1: WOMEN HAVE A FULLY EQUAL OBLIGATION**

- As always, the task of the Rishonim is to resolve and harmonize the opinions in Chazal, or at least to rule between them based on the wording of the sugya.
- Many Rishonim<sup>9</sup> take the view that the Gemara in Archin is dominant<sup>10</sup> and they understand it to rule that women are equally obligated and can in principle read Megilla for men.

13. לאתויי נשים – שחייבות במקרא מגילה וכשרות לקרותה ולהוילא זכרים ידי חובתם.

רש"י ערכין ג.

14. זה הכלל כל שאינו מחויב בדבר אינו מוציא את הרבים ידי חובתן

משנה מסכת ראש השנה פרק ג משנה ח

*The Mishna sets out the general rule - someone who is not obligated in a mitzva may not perform it on behalf of others. The corollary is clearly implied - anyone who IS obligated, may perform the mitzva for others.*

- This approach reads the Gemarot in Bavli Megilla and Yerushalmi Megilla in this light. It will also reject the Tosefta is not normative.

**D2] APPROACH 2: WOMEN HAVE A LESSER OBLIGATION**

15. לאתויי נשים – שחייבות במקרא מגילה וכשרים לקרות ולהוילא זכרים ידי חובתן ל"ה. חז"ל צ"ג לא פסק הכי ומציאין ראייה מן התוספתא וזה לשונם 'הכל חייבין במקרא מגילה כו' ..... נשים ועבדים וקטנים פטורין מקריאת מגילה עד כאן לשון התוספתא. והלכות גדולות הוסיפו חלל שחייבין בשמיעה לפי שהכל היו בספק להשמיד ולהרוג ולאצד.

תוספות ערכין ג.

*Tosafot in Archin quote Rashi's approach (above) but then quote the Behag<sup>11</sup> who cites the Tosefta as normative and explains it to mean that, although women are not obligated to READ the megilla, they are obligated to HEAR it!*

- Some poskim explain the different obligations as stemming from different aspects of the Megilla. The Marcheshet<sup>12</sup> learns that the obligation to hear the Megilla stems from *pirumei nisa* - to publicize the miracle, but the obligation to read it is linked to other mitzvot - Hallel or Zechirat Amalek, from which women may be exempt.

9. This is the psak of the Rambam in Hilchot Megilla 1:1, the Ritva, Rashba, Meiri and Or Zarua. See Frimer fn 17 for an extensive list of Rishonim who rule this way.

10. The Talmud will normally be more authoritative than the Tosefta.

11. Ba'al Halachot Gedolot - 8C Bavel. This is also the position of the Ra'avya, the Mordechi, Sefer Hatur, Sefer HaEshkol and other Rishonim.

12. R. Chanoch Henoch Eigs - Lithuania 1863-1941. See also Or Sameyach Hilchot Megilla 1 who learns that women and men have different levels of obligation to read the Megilla. Shu't Chavot Yair 10 learns that men and women have different levels of rabbinic obligation - men from the general mitzva of 'lo tasur' and women from a lower-level obligation of 'af hen hayu beoto hanes'. Rav Soloveitchik (Grid Reshimot Succa 38a p184) learns that men have a mitzva of Talmud Torah plus *pirumei nisa*, but women only have the latter.

16. וקשה דהא בתוספתא תני צדיק ד'טומטום אין מוילא לא את מינו ולא שאין מינו ואנדרוגינוס מוילא את מינו ואין מוילא את שאין מינו. ופשיטא דלא עדיפא אשה מאנדרוגינוס! וכן פסקו בה"ג דאשה מוילא מינה אצל לא אנשים. וי"ל דסלקא דעתך דלא יועיל קריאתן אפילו להוילא הנשים. קמ"ל דחייבין דהכל חייבין בשמיעה – עצדים נשים וקטנים.

תוספות מגילה ד.

*Tosafot in Megilla also quote the Behag and the Tosefta<sup>13</sup> and conclude that women are obligated to HEAR and not READ.*

17. ד [דף ד ע"א] אמר ריב"ל נשים חייבות במקרא מגילה שאף הן היו צאות הנס. לשון מקרא מגילה משמע שיכולות נשים לקרות ולהוילא אנשים ידי חובתן. ואמר'י נמי צריש ערכין הכל כשרין לקרות את המגילה הכל לאתווי מאי לאתווי נשים – משמע שמרצה נשים אף לקרותה ולהוילא אנשים וכן פרש"י התם. ובעל ההלכות פסק שהנשים אינן חייבות אלא בשמיעה אצל קריאתה אינה מוילא אנשים ידי חובתן שחייבין בקריאה – עד שישמעו מפי אנשים המחוייבין בקריאה כמותן. ואין שמיעתן מנשים חשובה כאלו הן עלמן קורין. והצ"ח ראינו מן התוספתא ... ולריך לתרץ לפי ה"ג ותוספתא הא דאמר צערכין 'הכל כשרין לקרות לאתווי נשים' לא שוילאו אנשים בקריאתן אלא דוקא נשים, דלא תימא אף נשים אינן יולאות אלא בקריאה חשובה של אנשים קא משמע לן שהאשה מוילא חזרתה.

רא"ש מסכת מגילה פרק א סימן ד

*The Rosh quotes both views and explains how the different sources fit with the Behag.*

- This approach accepts the Tosefta as meaning that women are not allowed to read for men<sup>14</sup>, since they have a lower obligation (to hear and not to read), but they may read for other women.
- The Yerushalmi can easily be read in this light since the women were not actually reading.
- The Bavli in Megilla is more difficult but can also be read in this way as referring to the obligation to hear Megilla.
- The Bavli in Archin will be read as including women in the obligation to read for other women, since one might have thought they had to hear Megilla from a man who is fully obligated. The Gemara here teaches that this is not the case<sup>15</sup>.

### D3] APPROACH 3: WOMEN HAVE AN EQUAL OBLIGATION BUT MAY NOT READ FOR MEN

- This approach learns that women have an equal obligation to men in principle but may not read for men for other external reasons<sup>16</sup>, unconnected to the laws of Megilla.

#### (a) Zila Behu Milta - Inappropriateness

18. ... אי נמי משום דרזים זולא צבו מלתא. דהרי מגילה דנשים חייבות צה ופירש צה"ג דאין נשים מוילאות את הרזים ידי חובתן צמגילה.

תוספות סוכה לח. ד'ה באמת אמרו בן מברך לאביו

*Tosafot in Succa understand the Behag differently to the way it was quoted above. They suggest that the Behag is concerned with women reading for men since this is 'zol' - cheap or inappropriate.*

- The 'cheapening' could be a concern of tzniut - that it is inappropriate for a woman to be the center of public focus in this way.
- Or the 'cheapening' could be that it is dishonorable for men to have the mitzva performed by a woman<sup>17</sup>.

#### (b) Kavod Hatzibur

19. וכיון דקי"ל כרי יהושע בן לוי דחייבות, אף מוילאות. אלא שאין זה כבוד לציבור וכן צכלל מארה.

חידושי הריטב"א מגילה ד. ד'ה אף הן

*The Ritva understands that the issue is 'kavod hatzibur - the honor of the community. For a woman to read the Megilla for the community is including an 'embarrassment'.*

13. Tosafot reach their conclusions from the wording in the Tosefta about the androginus, who is questionably a woman or a man. If the androginus (who may be woman) cannot read for a man, this must certainly apply to an actual woman. The fact that Tosafot learn from the implication of the Tosefta on androginus and not the explicit statement about women indicates that their version of the Tosefta did not have the end wording dealing with women.

14. According to Approach 2, if a man heard Megilla from a woman then, even bedieved, he would have to read again.

15. Nevertheless, we will see this position in the Zohar (below).

16. According to Approach 3, if a man heard Megilla from a woman then, bedieved, he may have fulfilled the mitzva.

17. Rav Yehuda Henkin raises the question of whether *zila behu milta* and/or *kavod hatzibur* could work in the other direction and asks whether it may now be a cheapening of the mitzva for a teenaged boy to be brought in to read Megilla for a group of learned women!

20. באמת אמרו: בן מברך לאביו, ועבד מברך לרבו, ואשה מברכת לבעלה. אבל אמרו חכמים: תבא מארה לאדם שאשתו ובניו מברכין לו!

ברכות כ:

*The Gemara states that, although a woman or child could in certain situations bench for the husband/father, a curse on those men who are so ignorant that they are not able to do it for themselves!*

21. תנו רבנן: הכל עולין למנין שבעה, ואפילו קטן ואפילו אשה. אבל אמרו חכמים: אשה לא תקרא בתורה, מפני כבוד צבור.

מגילה כג.

*Chazal state that a woman can in principle be called up as one of the aliyot to the Torah but they may not be called up in practice due to 'kavod hatzibur'*<sup>18</sup>.

### (c) Kol Isha

22. נשים כיון שהן חייבות שאף הן היו באותו הנס י"ל שמוציאות אף האנשים. .... והבעל עשרת הדברות כתב שאין נשים מוציאות אנשים בקריאתם והטעם משום דקול באשה ערוה. ואף על גב דמדליקות נר חנוכה ומברכות לא דמי לפי שאין צורך שיהיו שם האנשים בעת ההדלקה.

ספר כלבו סימן מה

*The Kolbo (14th Century Spain) learns that the reason for women not reading Megilla for men is 'kol isha'*<sup>19</sup>. He also implies that the prohibition of 'kol isha' is not simply one of a man hearing a woman's voice, but also a concern of inappropriate mixing of men and women.

23. אזמניה [רב יהודה] לדינא לקמיה דרב נחמן ..... אמר ליה: .... נשדר ליה מר שלמא לילתא? א"ל, הכי אמר שמואל: קול באשה ערוה. אפשר ע"י שליח? א"ל, הכי אמר שמואל: אין שואלין בשלום אשה. על ידי בעלה! אמר ליה, הכי אמר שמואל: אין שואלין בשלום אשה כלל. שלחה ליה דביתהו: שרי ליה תגריה, דלא נישוויך כשאר עם הארץ!

קידושין ע.

*Rav Nachman asked Rav Yehuda if he would like to send a greeting to Rav Nachman's wife, Yalta. His reply was that any intimate verbal exchange between men and women is assur - kol beisha erva!*

24. אבל לא יתכן לבחור ללמד לבנות ..... פן יתגבר יצרו עליו או יצרה עליה וקול באשה ערוה אלא האב ילמוד בתו ואשתו

ספר חסידים אות שיג

*Sefer Chasidim cites 'kol beisha erva' as a reason to prohibit a young unmarried man from teaching young women.*

- This approach fits well with the sources in Bavli and Yerushalmi.
- As far as the Tosefta is concerned, this approach would see the text as corrupted. Either the last statement about women should be deleted<sup>20</sup> or it should be amended<sup>21</sup> to read that 'women are obligated but cannot fulfil the obligation of others'.

### SUMMARY OF POSITIONS IN THE RISHONIM

- Many Rishonim rule that women can read for men.
- Some Rishonim rule that, in practice, women cannot read for men, either because of a different level of obligation or for external reasons.
- All Rishonim apparently rule that women can read for other women.

18. The Ritva learns that the issue of kavod hatzibur applies to a public Megilla reading as it does to the Torah reading. Nevertheless, this could be challenged on the basis of the clear differences between the two. Women are obligated in the Megilla reading, but not in the communal Torah reading. Also, Torah reading always requires a formal minyan, while Megilla does not.

19. Those opinions which rule that a woman CAN read for a man would understand that kol isha only applies to an actual song and not to reading kitvei kodesh, even with a tune.

20. We saw above that some Rishonim did not have the wording at the end of the Tosefta about a woman's obligation.

21. See the Meiri to Megilla 4a who writes: ואף מה שאמרו בברייתא 'נשים ועבדים וקטנים פטורים ואין מוציאין את הרבים ידי חובתן' נראה להם ששיבוש נפל בברייתא על ידי סופרים. שאם הם

פטורין מה הוצרך לומר שאין מוציאין אלא כך הוא הענין 'חייבין ואין מוציאין'.

**E] WOMEN AND MEGILLA - SHULCHAN ARUCH**

25. **סעיף א** - הכל חייבים בקריאתה - אנשים ונשים וגרים ועבדים משוחררים. ומחנכים את הקטנים לקרותה.  
**סעיף ב** - אחד הקורא ואחד השומע מן הקורא, יצא ידי חובתו. והוא שישמע ממי שהוא חייב בקריאתה. לפיכך אם היה הקורא חרש או קטן או שוטה, השומע ממנו לא יצא. וי"א שהנשים אינם מוציאות את האנשים. כגב: וי"א אם האשה קוראת לעלמה מצרכת 'לשמע מגילה', שאינה חייבת בקריאה (מרדכי פ"ק דמגילה).

שולחן ערוך אורח חיים הלכות מגילה ופורים סימן תרפט

*The Shulchan Aruch gives two opinions. He first rules like the majority of Rishonim that women have the same level of obligation as men and can read for men. He then brings a 'yesh omrim' that women cannot read for men, although he does not specify which of the reasons he basis this on<sup>22</sup>. The Rema then rules that a woman who reads the Megilla for herself should say the beracha 'lishmoa megilla' - to hear the Megilla, rather than the normal beracha 'al<sup>23</sup> mikra megilla' - on reading the Megilla. This reflects the view that women have a lesser obligation - to hear and not to read.*

**F] HALACHIC CONCLUSIONS****F1] WOMEN READING MEGILLA FOR MEN**

- The first view of the Mechaber (above) would permit this. The second view (yesh omrim) would not.
- Some Sefardi poskim understand that the Mechaber rules like the yesh omrim.

26. **א.** הכל חייבין במקרא מגילה, אנשים ונשים, אך הנשים אף על פי שיודעין לקרות ישמעו מן האנשים, וכן המנהג בעה"ק טוב"ב שמעולם לא נשמע שהאשה קראה מגילה. ....  
**ב.** .... אם שמעה מהאשה, יחזור ויקראנה בלא ברכה.

בן איש חי שנה ראשונה פרשת תצוה - הלכות פורים

*The Ben Ish Chai rules that a man may not hear Megilla from a woman and, if he does, he must repeat it without a beracha. He also rules that a woman should not ideally hear Megilla from a woman since only men read in practice.*

- However other Sefardi poskim understand that where the Mechaber brings a stam opinion followed by a yesh omrim, the halacha follows the stam opinion. As such, Rav Ovadia Yosef<sup>24</sup> rules that one can certainly rely on this in a time of need and, where there is no other alternative<sup>25</sup>, a woman can read Megilla for a man.
- Ashkenazi communities follow the Rema that a woman CANNOT read Megilla for a man<sup>26</sup> since she has a different level of obligation. Many poskim<sup>27</sup> also quote the comparison to kriyat haTorah and the concern of kavod hatzibur.
- Some poskim point out that the man's obligation to read Megilla is midivrei kabbala, whereas the women's is purely rabbinic due to 'af hem hayu beoto hanes'. If so, there may be a difference<sup>28</sup> at night where the man's obligation is also rabbinic<sup>29</sup> or on Purim Meshulash, where their obligation of the Yerushalmim is also purely rabbinic, since their reading is brought forward to Friday due to 'gezeira deRabba'. These distinctions are however theoretical and are not accepted in practice by the Ashkenazi poskim.

**F2] WOMEN READING MEGILLA FOR OTHER WOMEN**

- As we saw above, none of the opinions in the Rishonim appear to limit women reading for other women.

27. [ס] שהאשה מוליאה חזרתה. אבל נשים רבות אין אשה מוליאן דזילא צבו מלתא וכמו שכתבו תוס' צסוכה דף ל"ח ע"ש וכדפירשתי:

קרוב נתנאל מסכת מגילה פרק א סימן ד

*However, the Korban Netanel<sup>30</sup> understood that the concern of 'zila behu milta' that we saw above actually applies to women reading for other women!*

22. It could be the 'lesser obligation' school or the 'external reason' school, as set out above.

23. We looked recently at the different approaches to when a beracha should be worded as 'al ,,,,,' and when as 'le .....'. It is interesting to see how this particular example fits into the different views. 'Al mashma megilla' is also suggested.

24. See Yalkut Yosef 689:10.

25. Even those who normally prohibit this due to *kavod hatzibur* may permit in a *sha'at hadechak* since *kavod hatzibur* may sometimes be set aside in a time of need - see Frimer fn 50. For further sources on the topic of *kavod hatzibur* see <https://www.deracheha.org/keriat-ha-torah-3-kevod-ha-tzibur/>.

26. This was also the position of R. Soloveitchik although it is reported that in a real case of need, he ruled that even Ashkenazim could rely on the first opinion of the Shulchan Aruch - see Frimer fn 51.

27. See Mishna Berura 689:7.

28. See also the position of the Marcheshet (1:22:9) that the difference between men's and women's obligation is that women are obligated on in the *pirumei nisa* aspect of the Megilla but men are obligation in this PLUS other aspects of the Megilla, such as a Hallel-substitute and/or zechirat Amalek. Again, the suggestion is made that these only apply during the daytime reading, but for the nighttime reading there is only *pirumei nisa*. As such, women could read for men at night. Most poskim do not accept this position. For a comprehensive summary of the positions, see Halichot Beita, R. Dovid Auerbach, Chap 24 Section 12, fn 23.

29. We saw in the last shiur that Chazal learn this from a verse in Tehillim.

30. R. Netanel Weil (18C Germany).

- This position is ruled by the Mishna Berura<sup>31</sup> and Kaf HaChaim<sup>32</sup>.
- However, the Aruch Hashulchan<sup>33</sup> rules against the Korban Netanel (and also against the Magen Avraham - below).
- This raises the important question in psak of whom to follow in a machloket between the Mishna Berura and the Aruch Hashulchan<sup>34</sup>.

### F3] WOMEN READING MEGILLA FOR THEMSELVES

28. ו אם האשה קורא. וזמדרש הנעלם רות כתוב דלא תקרא לעלמה רק תשמע מהאנשים

מגן אברהם סימן תרפט ס"ק ו

*The Magen Avraham quotes a source from the Zohar<sup>35</sup> - that women should not even read for themselves but should hear the Megilla read by a man<sup>36</sup>.*

29. (ח) אם האשה קראה וכו' - ועיין במ"א שמהלך דלא תקרא לעלמה כלל רק תשמע מהאנשים. וכ"ז צ"ש לה ממי לשמוע. אבל אם אין לה מי שיקרא לפניו תקרא היא לעלמה במגילה כשרה ומזכרת אקצ"ו לשמוע מקרא מגילה [ח"א]:

משנה ברורה סימן תרפט ס"ק ח

*The Mishna Berura<sup>37</sup> cites the position of the Magen Avraham and rules this way ideally. However, if the woman has no one else to read for her, he rules that she may read the Megilla for herself, with the beracha 'lishmoa mikra megilla'<sup>38</sup>.*

- This also raises the tricky question of whether and when kabbalistic sources are binding in halacha.
- In practice, many poskim oppose women reading Megilla for other women on halachic grounds, either because of the position of the Korban Netanel of that of the Magen Avraham.
- Other poskim<sup>39</sup> rule that such readings are permitted<sup>40</sup> and, in some cases, to be encouraged.
- Note that when Megilla is not read on the normal day (as in Purim Meshulash when Yerushalmim read on 14th Adar instead of 15th), many poskim rule that a minyan of men is halachically required. In such circumstances, many of those poskim who normally permit women's readings (by men or women) do not allow them unless a minyan of men is also present<sup>41</sup>. Some poskim do permit a reading for women even in this situation<sup>42</sup>.

### G] THE BERACHA RISHONA FOR WOMEN READING

- The regular beracha on the Megilla reading is 'al mikra megilla'. Most Sefardi poskim rule that this applies to women too.
- We saw the Rema's ruling that the beracha for women<sup>43</sup> should be 'lishmoa megilla'. Other Rishonim<sup>44</sup> rule 'al mashma megilla'.
- The Mishna Berura, based on other earlier poskim, ruled that it should be 'lishmoa mikra megilla'.
- However, the amended beracha is only relevant according to the view that women have a different obligation. According to the views that women have the same essential obligation, there is no reason why the beracha should change.
- Because of this doubt, and the fact that some poskim understand that 'al mikra megilla' also works bedieved for the Rema, many poskim today rule that women should make the standard beracha of 'al mikra megilla'.
- There is also a debate as to who should make the beracha. Where a man who has already heard Megilla reads again for women, some poskim rule that he should make the berachot<sup>45</sup> but others rule that the women, or one of them, should make the berachot<sup>46</sup>. Where a woman reads for other women, the custom is for the reader to make the berachot<sup>47</sup>.

31. Sha'ar Hatziyun 689:16

32. OC 689:17

33. OC 689:5

34. Some poskim, such as R. Moshe Feinstein and R. Shlomo Zalman Auerbach generally favored the psak of the Aruch Hashulchan over that of the Mishna Berura. A number of reasons have been given for this approach: (i) the Aruch Hashulchan was a senior Rav and known posek in the late 19th century whereas the Mishna Berura was known as a senior Rosh Yeshiva and Tzadik. Only after the Shoah did the works of the Mishna Berura gain precedence; (ii) the Aruch Hashulchan on Orach Chaim was published 10 years after the Mishna Berura and takes account of his psak, thus taking precedence under the principle of *hilchata kebatrai*.

35. Midrash Ne'elam is the Zohar on Megillat Rut.

36. Chayei Adam 2-3:155 understands that the concern is that women may have NO obligation to read but only to hear. According to this, she must hear from a reader who has an obligation to read. The Chayei Adam rules that the woman may read if there is no alternative.

37. See also Sha'ar Hatziyun 689:16 which quotes the position of the Midrash Ne'elam but takes issue with it.

38. This is slightly different to the beracha ruled by the Rema.

39. See Primer fn 71 and 72 for a comprehensive list of the poskim (up to 2003) who were for and against.

40. Regarding the Korban Netanel's concerns, they cite the many poskim who disagree with him. Also, recently discovered manuscripts of the Tosafot HaRosh make it clear that the concern of *zila behu milta* is only in the case of women reading for men. The Korban Netanel and Mishna Berura did not have access to these manuscripts. Regarding the Magen Avraham's concerns, those poskim who permit women's readings reject this kabbalistic source as being non-normative in halacha.

41. This was the position of R. Aharon Lichtenstein who generally permitted women's only Megilla readings but not on the Friday of Purim Meshulash.

42. This is the position of R. Shlomo Zalman Auerbach, who was dealing with a reading by a man for women.

43. According to the Magen Avraham 692:5 this also applies to a man reading for a woman. See also Tzitz Eliezer 19:67. However, Rav Moshe Sternbuch Teshuvot Vehanhagot 1:403 rules that a woman says 'lishmoa mikra megilla' if she reads for herself, but a man reading for women says 'al mikra megilla'.

44. Ra'avya 2 Megilla 569.

45. Kitzur Shulchan Aruch 141:16.

46. Minchat Yitzchak 3:53

47. Halichot Beita, Petach Habayit 25.

## H] THE BERACHA ACHARONA FOR WOMEN READING

- Uniquely, Megillat Esther not only has berachot before the reading, but also one after - 'Harav et Riveinu ....'. May that beracha be made in a women-only reading?

30. מגילה ב"ד ובט"ו צריך לחזור אחר עשרה (באר היטב: ... משום פרסומי ניסא) ואם אי אפשר בעשרה קורים אותם ביחיד. הגב: ויש להסתפק אם נשים מנטרפות לעשרה. ואם קראו אותה צליבור, ואיזה יחיד לא שמעה, יוכל לקרות אפילו לכתחלה ביחיד, הואיל וקורין אותם צחותה בעיר צעורה. ....

שולחן ערוך אורח חיים הלכות מגילה ופורים סימן תרצ סעיף יח

*Megillat Esther (unlike kriyat haTorah) may be read by an individual and does not require a minyan of 10 men. However, the halacha is that one should try to gather 10 people there for pirsumei nisa - to publicize the miracle. Since this is not a technical minyan, there is a question<sup>48</sup> as to whether this group can be made from women too. It is also clear that this group of 10 (however it must be constituted) is called a 'tzibur'.*

31. הקורא את המגילה מברך לפניו ג' ברכות: על מקרא מגילה, ושעשה ניסים ושהחיינו. וביום אינו חוזר ומברך: שהחיינו; הגב: וי"א דאף ציוס מצרך שכהיינו ... ולאחריה נוהגין לברך 'הרב את ריבנו' וכו'. אם לא בירך לא לפניו ולא לאחריה, יצא. הגב: ... ואין לברך אחריה אלא צלבור.

שולחן ערוך אורח חיים הלכות מגילה ופורים סימן תרצב סעיף א

*The Rema rules that 'Harav et Riveinu' may only be said in a 'tzibur'. The Mechaber does not appear to require that. Even according to the Rema, must this 'tzibur' be a 'minyan' or can it be a quorum of ten for pirsumei nisa.*

32. דעשרה עדיף ורק בדליכא עשרה מותר לקרות ביחיד ולברך על המגילה לפניו ולאחריה וכן הוא מנהג העולם

ערוך השולחן אורח חיים סימן תרצב:

*The Aruch Hashulchan rules that, although a quorum of ten is preferred, the custom was that all the berachot - even 'Harav et Riveinu' - may be made by an individual.*

- Nevertheless, the Ashkenazi custom today in most places (especially in Israel) is NOT like this and 10 are required for 'Harav et Riveinu'.
- Many poskim<sup>49</sup> take the view that women DO form a quorum for Megilla.
- Since 'Harav et Riveinu' may not require a quorum of 10, and since there is also a possibility that women do count to form such a quorum, some poskim permit reciting this beracha at an women-only reading, whereas others do not<sup>50</sup>.

33. ... וגם נשים מנהג העולם שאין מצרכין צרכה זו וכתבו האחרונים הטעם משום דסדר צרכה זו הוא צפני עשרה וכדלקמיה ולא אורח ארעא לאשה. ויש שכתבו דמ"מ נכון הוא שצברך צפני עשרה עכ"פ צפני נשים ואיש אחד.

משנה ברורה סימן ריט ס' ג

*Bircat Hagomel<sup>51</sup> is another beracha which should be made before 10 people, not as a minyan, but to publicize gratitude for God's mercy. The Mishna Berura explains that women do not normally make this beracha because it is often not appropriate for them to gather ten men to do so. (In many communities throughout the centuries and today the custom has been that women DO say this with ten men present). However, he also brings an opinion that bircat hagomel does not require ten<sup>52</sup> men but even be made in front of 9 women and 1 man<sup>53</sup>!*

- Another quorum which may include or be made up entirely of women is the halachic requirement to give up one's life *al kiddush Hashem* when required to transgress a mitzva (even not one of the big three - idolatry, murder, immorality) in public 'berabim'. This is defined as before 10 Jews and, since women are equally obligated in the mitzva of kiddush Hashem, the poskim debate whether women also constitute this quorum<sup>54</sup>.

48. Those who rule that women MAY form a quorum focus on the *pirsumei nisa* which is also achieved by women who have an obligation to hear/read Megilla (as opposed to children who do not). They also point out that this has nothing to do with a regular minyan for a *davar shebikedusha* (such as kaddish and kedusha). Those who rule that women MAY NOT form a quorum either base this on the general principle that a quorum is always 10 men (Kolbo 45) or point to the prohibition of a mixed zimun due to concerns of pritzut (Sefer Ha-Itur Aseret Hadibrot Hilchot Megilla 110a). This approach may however accept a quorum of all women (as with a women's zimun). Others respond that the issues surrounding zimun at a meal, with potential drink and levity and where men and women have different obligations, are not present for Megilla, where men and women are both obligated (Ritva Megilla 4a).

49. Including R. Ovadia Yosef (Yabia Omer 8 OC 56), Chazon Ish (OC 155:2) and Tzitz Eliezer (13:73).

50. For a comprehensive list of the positions of poskim (to 2003) on this issue see Frimer fn 93 and 94.

51. For a detailed analysis of bircat hagomel for women see <https://jewishaction.com/uncategorized/whats-the-truth-about-a-woman-bentching-gomel/>. See also Rabbi Aryeh Frimer, *Women and Minyan*, Tradition 23:4 (Summer 1988): 54-77, especially 63-64.

52. Some poskim do not require 10 people at all - see Igrot Moshe, OC 5:14.

53. It is not clear why there would need to be one man. See *Halichot Beita* 13:7:13 who suggests that 10 women would also suffice and the the original wording should have read women OR one man.

54. See Rabbi Aryeh Frimer, *Women and Minyan*



## I] HASHKAFIC CONSIDERATIONS

- Aside from the halachic question of whether women's readings are permitted, there is a broader hashkafic questions as to whether they are advisable or desirable.
- There are no black and white answer to this and there are different ways to analyze and decide the question.
- Some of the relevant considerations include:

**FOR:**

- Encouraging women's religious expression<sup>55</sup> and involvement in the community in ways which are halachically permitted.
- The importance of not denying halachically acceptable practices and danger that restrictions may lead to worse breaches.
- Raising the general educational level and awareness of women, especially in *ulpanot* and *midrashot*<sup>56</sup>.
- The ability for women to hear Megilla more clearly. In the main minyan it may not be heard properly from the *ezrat nashim*.<sup>57</sup>

34. Nowadays, when there are Jews fighting for equality for men and women in matters such as aliyot, if Orthodox rabbis prevent women from saying kaddish when there is a possibility for allowing it, it will strengthen the influence of Reform and Conservative rabbis. It is therefore forbidden to prevent women from saying kaddish.

R. Aharon Soloveitchik, *Od Yisrael Yosef Beni Hai*, end of sec. 32, p. 100

35. .... ולאפוקי ממ"ש בשו"ת משנה הלכות (מהדורא תניינא ח"א חא"ר ס' תקנ) לערער על מנהג הנשים שעושות מנין בפני עצמן לקריאת המגילה שאין לעשות כן וכו' ע"ש. ובמחכ"ת אין דבריו מחוורים. ואדרבה, יש לעודד המנהג הנ"ל. ובלבד שהמוציא אותן ידי חובת מקרא מגילה, יהיה בקי בקריאתה כהלכה.

שו"ת יביע אומר חלק ח - אורח חיים סימן נ"ד (בסוף)

*Although some poskim strongly discouraged the practice of women only readings, other - such as R. Ovadia Yosef - encouraged them*<sup>58</sup>.

- AGAINST:**
- Encouraging unity within the community (one of the main messages of Purim!!) and avoiding machloket.
  - Encouraging women to be in the 'main' reading to enhance *pirsumei nisa*.<sup>59</sup>
  - General preference to perform a mitzva with greater numbers present - *berov am hadrat Melech*<sup>60</sup>.

36. If a women's megillah laining is done under the auspices of the shul, it forms part of the communal unity, along the lines of orchestral harmony which is achieved by different instruments contributing to an overall harmony rather than having a single instrument create a mono-vocal harmony. Thus, if we view it as part of a communal framework, all that is left is indeed *be-rov am*, and I don't think that it should necessarily be the overriding factor in this case .... Allowing the group to express itself *lifnei Ha-Shem* in a manner that is halakhically appropriate is the right thing to do for their *avodat Ha-Shem*. These women sincerely desire to be *ovedot HaShem* and they should be allowed the channels to do so - '*ken benot Tzlofchad doverof*'. There are so many avenues of worship that are cordoned off to sincere halakhic women - it is therefore crucial to allow those that can be allowed. I assume that circumstances such as these surely qualify for what Chazal had in mind when they spoke about *la'asot nachat ruach le-nashim* as a halakhic factor.

Rav Moshe Lichtenstein, *Message to Har Etzion Rabbinic Alumni*, 11.3.16

- Concerns that such practices may be driven by egalitarian agendas which undermine the integrity of halacha.

37. ... ולמעשה הדבר תלוי בכוננת הרוצים לחדש מנהג זה של חגיגת הבת מצוה, אם הם מתכוונים לשם מצוה או חלילה לשם חיקוי המינים. ....

אמנם לא נעלם ממני, שיש בין היראים אוסרים ומחמירים, שאינם שמים לב בשאלות של מנהגים דתיים לשיקולים הגיוניים, ואף אינם נותנים דעתם לבידורים הלכותיים, אלא דנים עליהן עפ"י רגשות הלב בלבד. והלב היהודי הדבק במסורת הורים ומורים, נרתע מכל שינוי שהוא בנוהג הדתי. ....

אולם אין להם לשכוח כי גם המצדדים בהיתר של מנהג חדש זה של חגיגת בת מצוה, לבס דופק בחרדה לחיזוק החינוך הדתי של בנות ישראל, שבנסיבות של החיים בדור הזה הן זקוקות ביותר לחיסון רוחני ולעידוד מוסרי בהגיען לגיל המצוה.

שו"ת שרידי אש חלק ב סימן לט (בדפוס ישן - ג'צג)

*Rav Yechiel Yaakov Weinberg (speaking about the innovation of Bat Mitzva celebrations) stressed the importance of motivation whenever starting any new Jewish practice. Our concern for tradition is critical to the continuation of Mesora, but such concerns must not eclipse the need to innovate where there is a great need and no halachic prohibition.*

60-61.

55. Some women find women's only Megilla readings to be empowering and enriching. While some strongly encourage that religious expression, others are concerned that it simply fuels the need for more such expression, which may not be as halachically sound. This will depend on how much weight one attaches to 'slippery-slope' arguments.

56. Some, such as R. Baruch Gigi, encourage women's Megilla readings in the context of celebrating a bat-mitzva.

57. This concern is raised by many poskim - see MB 689:1.

58. See Frimer fn 104, 105 for a list of poskim who take different positions on this.

59. This will be less relevant where there will in any event be a separate reading for women at a more convenient time.

60. Of course, in a community which generally permits people to splinter into multiple smaller groups at different times, this principle must be applied consistently in this case too.