

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

SERIES 3: 44 - PARTNERSHIP MINYANIM & WOMEN AND TORAH READING - PART 1

OU ISRAEL/BEIT KNESSET HANASI - WINTER 2026

- Over the last 25 years there has been a robust discussion in the Orthodox world concerning public Torah reading by and aliyot to the Torah for women. This includes both readings by women in women's only prayer groups and also the question of aliyot for women in what have become known as Partnership¹ Minyanim².
- In this series³ we will focus on the issue of women and Torah reading⁴. This analysis will focus on three main areas:
 - The halachic structure of Torah reading and women's obligations in that mitzva.
 - The halachic arguments for and against women reading from the Torah and receiving aliyot.
 - The meta-halachic discussion as to how majority and minority sources should be weighed against each other.
 - The hashkafic conversation as to when and how significant changes can be made in halachic practice and who can make them.
- Although we will see hundreds of sources in the series, the most important is the following:

תנו רבנן: הכל עלין למן שבעה, ואפילו קטן ואפילו אשה. אבל אמרו חכמים: אשה לא תקרא בתורה, מפני כבוד ציבור.
1. מגילה כג.

Chazal quote a beraita which rules that women count in principle towards the 7 aliyot but the Rabbis said [amru chachamim] that a woman should not be called up in public to read from the Torah due to 'kavod tzibur' - respect for the community.

- Based essentially on this source⁵, a number of arguments have been made⁶ in favor of women's readings/aliyot and the permissibility of women's aliyot is presented as a legitimate minority halachic opinion. These arguments include:

1. JOFA's current definition of a Partnership Minyan (<https://www.jofa.org/resource/prayer-finder/partnership-minyans/>) is "a prayer group committed to maintaining halakhic standards and practices while including women in ritual leadership roles to the fullest extent possible within the boundaries of Jewish Law. Partnership Minyan Requirements: (i) the participation of at least 10 men; (ii) a mechitzah, meaning the divider that separates men from women in a traditional Orthodox service; (iii) the use of traditional liturgy. This is a fairly broad definition which does not include specifics on Torah reading, JOFA formerly defined the Partnership Minyan more specifically as a "prayer group that is both committed to maintaining halakhic standards and practices and also committed to including women in ritual leadership roles to the fullest extent possible within the boundaries of Jewish Law. This means that the minyan is made up of 10 men, men and women are separated by a mechitzah, and the traditional liturgy is used. However, women may fully participate in kriyat ha'Torah (Torah reading), including laying (chanting the text) and receiving aliyot, and may lead parts of the prayer service such as psukei d'zimrah and kabbalat Shabbat, which do not contain d'varim shebikedusha." Although the Partnership Minyan phenomenon has increased, it is still a small movement. JOFA lists 4 in England, 1 in Australia, 1 in Canada, around 30 in the US and 9 in Israel (mostly in Anglo neighborhoods), although the number in Israel is certainly greater; almost 50 Partnership and egalitarian services are listed on a publicly available spreadsheet.
2. The 'Partnership Minyan' should be differentiated from the 'Egalitarian Minyan'. The later does not claim to abide by halachic requirements and will usually have no mechitzah and count women to the quorum.
3. This is one of the main innovations of Partnership Minyanim, aside from women leading certain parts of the tefilla. We will not deal with the latter in this series.
4. There have been a number of important articles on this over the last 25 years, including the following (in rough chronological order):
 - (i) *Qeriat ha-Torah by Women: A Halakhic Analysis*, R. Mendel Shapiro, *Edah Journal* 1:2, 2001. <https://static.squarespace.com/static/50286482c4aad3000d9020e7/51ee3f7ee4b02f53b40f2c15/51ee3f7ee4b02f53b40f2c17/1322226477977/shapiro-geriat-ha-torah-by-women-a-halakhic-analysis.pdf>
 - (ii) *Congregational Dignity and Human Dignity: Women and Public Torah Reading*, R. Dr. Daniel Sperber, *Edah Journal* 3:2, 2002. This is expanded in R. Sperber's book *Darka shel Halakha* (2007). <http://library.vctorah.org/files/2016/09/Congregational-Dignity-and-Human-Dignity-Women-and-Public-Torah-Reading.pdf>
 - (iii) *Women's Aliyot In Contemporary Synagogues*, R. Gidon Rothstein, *Tradition* 39:2, 2005. <https://traditiononline.org/womens-aliyot-in-contemporary-synagogues/>
 - (iv) *Torah Aliyot For Women*, R. Shlomo Riskin, *Meorot* 7:1, 2008. [https://library.vctorah.org/files/2016/07/Riskin.Shapiro-Riskin.pdf](http://library.vctorah.org/files/2016/07/Riskin.Shapiro-Riskin.pdf)
 - (v) *Women, Kriat haTorah and Aliyot (with an Addendum on Partnership Minyanim)*, Aryeh A. Frimer & Dov I. Frimer, *Tradition* 46:4 (Winter, 2013). (171 pages!) See also the follow up communications in *Tradition* 49:3. pp 77 ff.
 - (vi) *On Partnership Minyanim*, R. Gil Student, 2014 - <https://www.torahmusings.com/2014/02/on-partnership-minyanim>
 - (vii) *Women in Tefillin and Partnership Minyanim: A Response to Rabbi Herschel Schachter*, Aaron Koller, *The Commentator* (YU), 2014. <https://yucommentator.org/2014/02/women-and-tefillin-and-partnership-minyanim-a-response-to-rabbi-herschel-schachter/> and responses in the *Commentator* to that article <https://yucommentator.org/2014/03/the-halakhic-status-of-partnership-minyanim/>
 - (viii) *Women and Kriyat HaTorah*, R. Yoscher Katz, 2016 with responses from R. Yoni Rosensweig, Rabbi Aryeh Klapper and R. Katz's responses to both of them <http://library.vctorah.org/lindenbaum/women-and-kriyat-hatorah/>
 - (ix) *Aliyot for Women in Halakha*, R. Jeremy Wieder, 2016 - <https://rabbijeremywiederblog.wordpress.com/2016/10/31/aliyot-for-women-in-halakha/>
 - (x) *Women's Aliyot: Ie-Khattehila, be-di-Avad and bi-She'at ha-Dehak*, R. Aryeh A. Frimer, *Hakirah* vol. 22 (2017). <https://hakirah.org/vol22Frimer.pdf>
 - (xi) *Partnership Minyan Revisited*, R. Aryeh Frimer, 2017 - <https://www.torahmusings.com/2017/01/partnership-minyanim-revisited/>
5. The Shulchan Aruch (O.C. 282:3) quotes this Beraita virtually verbatim as the halacha.
6. These were first set out by R. Mendel Shapiro and R. Daniel Sperber in their 2001/2 articles and in R. Sperber's 2007 book, and they have been developed and broadened by R. Yoscher Katz.

- (i) that the 'original' halachic position (and perhaps practice) was for women to receive aliyot and read from the Torah and this was later reversed due to the issue of *kavod tzibur*. As such, women's aliyot/Torah readings rely on the early permissive opinion which can be invoked in our current situation of need.
- (ii) that the reversal of the earlier permissive position was not binding, only recommended ('amru chachamim').
- (iii) that the original rationale for the restrictive position - *kavod tzibur* - reflected a former social reality and is far less relevant today given the changed role of women in modern society. As such, this position falls away or is at least called into question.
- (iv) that the modern practice of using a *ba'al koreh* mitigates the *kavod tzibur* issue even more.
- (v) that, even if the *kavod tzibur* considerations are still relevant, the community has the right to waive them.
- (vi) that questionable *kavod tzibur* considerations are today overruled by definite counter-considerations of *kavod haberiyot* - offence caused to women by not allowing them to receive aliyot.

- These arguments have been comprehensively rejected by all senior poskim in the Centrist/Modern Orthodox and Religious Zionist community including many of those poskim who are usually considered most open to halachic responses to the changing role of women in Orthodox society, such as R. Yehuda Henkin and (יבד"ל"א) R. Shlomo Riskin⁷.
- An analysis of the topic must address two separate questions: (a) do these arguments hold up to scrutiny on their own merits as legitimate interpretations of the sources; and (b) even if the arguments are sound, is it legitimate to actively overturn the established halachic practice on this issue in order to rely on this permissive opinion.
- In principle, Partnership Minyanim base their halachic support entirely on the writings of R. Shapiro and R. Sperber and guidelines written by lay-members⁸. In fact, very few of these minyanim are subject to any system of normative halachic psak and not do submit halachic questions to poskim of any hashkafic leaning⁹. In practice, many such minyanim depart in significant respects even from the halachic guidelines laid down by R. Sperber¹⁰.
- However, even though the clear, indeed practically unanimous, consensus of poskim and Orthodox rabbis, is that the Partnership Minyan phenomenon has no legitimate halachic basis, it is crucial to remember that the motivation of most of those who take part in and organize such minyanim is positive and sincere. A significant community of men and women in the Orthodox world feel disenfranchised from today's mainstream Orthodox community and are striving for more active participation by women.

2. The article by Rabbis Aryeh and Dov Frimer on the subject of Partnership Minyanim is the best substantive halakhic piece on the subject. It shows that the articles written in support of these minyanim, while scholarly, are tenuous halakhically. The authors of those articles must explain how they can deal with the points made in the Frimers' article. Nevertheless, I think it would be an error to launch a crusade against these minyanim. This is not a non-Orthodox venture. We should not lose sight of the fact that, while the people involved in these minyanim may be mistaken, they are primarily Orthodox Jews committed to halakhic Judaism. They have chosen their *posekim* and act accordingly. They deserve to be seriously critiqued but not delegitimized. The Conservative and Reform movements of the 19th and 20th century have failed and are no threat to Orthodoxy today. In my opinion, to adopt the 19th-century banishing strategy of Rav Hirsch and the Hatam Sofer in our day is a mistake. Indeed, I often wonder whether that strategy was a success or a failure. Perhaps a strategy of engagement instead of estrangement would have kept more Jews in the fold in those days. To delegitimize the participants in a partnership minyan today is to exclude people who are Orthodox in identification and practice. Many of them are well-educated graduates of our finest Orthodox schools of higher Jewish learning. The Frimers' article challenges them with solid issues to ponder and sources which must be seriously addressed. But the real challenge, I believe, is to continue the conversation without delegitimizing each other.

Rabbi Heshie Billet, Rabbi Emeritus Young Israel Woodmere, Letter to Tradition 47:3 , Fall 2014, p. 93

7. R. Henkin and R. Riskin's positions are nuanced and they accept some points made those arguing for greater women's involvement in Torah readings. However, they clearly opposed the innovation of Partnership Minyanim.

8. The official halachic guide for Partnership Minyanim is a 2008 paper (Guide for the "Halachic Minyan") written by Elitzur and Michal Bar-Asher Segal (see <https://www.jofa.org/wp-content/uploads/2023/03/Partner-English.pdf>). Both are now professors at Israeli universities, but were and are not halachic experts. In fact, the Guide makes statements on halachic issues which are clearly contrary to mainstream psak, and sometimes quote sources which do not support their conclusions.

9. See, for instance, <http://shirahadasha.org/en/who-are-we/>, a well-known and established Jerusalem Partnership Minyan which states that "We also believe in a decentralized consensus form of leadership. We have no rabbi but instead are led by a team of eight gabayim (executive committee), who work with the vaad halacha and a large group of more than 30 other lay leaders and volunteers." See also R. Alan Haber's article on this phenomenon and why he considers that it is not halachically authentic - <https://www.jpost.com/opinion/op-ed-contributors/article-93257>.

10. See for instance <https://www.kehillatnashira.org/post/partnership-minyan-symposium-2024> posted by one of the Partnership Minyanim in London which summarizes the debates at their 2024 Partnership Minyan Symposium, including: "R[av] Rahel [Berkovits] took the Symposium through halachic sources around women leading maariv, the history and laws around mechitzah, and the question of women counting in a minyan - three possible areas for development in partnership minyanim in the future. Shira Hadasha currently invites women and men to lead maariv. Other minyanim have experimented with tri-chitzas or sections for non-binary members or family who have a particular need to sit together across the genders. As far as we know, no partnership minyan currently count women in the minyan of ten, although R. Rahel Berkovits shared compelling sources to show how it could be allowed."

3. Dealing with the issues of the role of women in contemporary Orthodox society, among other questions raised by the context of modernity, requires a great deal of nuance and sensitivity – both to women and to halakha/tradition. Unfortunately, that sensitivity has not always been present. Many have questioned the motivations of those pushing for change. I believe that as a general rule, this is an unhelpful direction. Motivations, reflecting the people who harbor them, are complex. We live in a complex environment, with many competing values and needs – all of which need to be reconciled in some way to allow us to function as a traditional community in a very untraditional world. Judging people's motivations too often entails misjudging them.

On the other side, there are those who dismiss opponents of change as reactionary or worse. Those who reject, for example, the halakhic legitimacy of innovations like partnership minyanim or challenge the halakhic acceptability of innovative approaches to addressing the question of Agunah are charged with ignorance of, or failure to understand, the far-reaching nature of social changes, as misogynists or as troglodytes. But the concern of holding the community together, keeping it connected with previous generations and traditions, and maintaining its fealty to halakha is very real, and has animated and informed the halakhic decisions of poskim for generations. The wrong kind of change has the potential to tear our community apart and rip it from the traditional moorings that anchor us.

Rabbi Jeremy Wieder, Aliyyot for Women in Halakha¹¹

4. אמר רבי אושעיא: Mai dktib (זכירה יא) אַקְחֵ-לֵי שְׁנֵי מִקְלֹת לְאַחֲרֵי קְרָאתִי נָעַם וְלֹאַמֵּד קְרָאתִי חֲבָלִים. נָעַם – אלו תלמידי חכמים שבארץ ישראל שמנעים זה זהה בהלכה. חובלים – אלו תלמידי חכמים שבבבל שמחבלים זה זהה בהלכה. (י"ט י"ז) מחלוקת – גלעון נז וזכה מכך זכרי הון יפה, ומפניין יפה, ומתקן זכרי הון יפה, וככמוה יפה (ולו). סנהדרין כד.

Chazal point out that halachic debate can be conducted in ways which are more aggressive and more constructive. The more constructive and gentler approaches to debate tend to generate more light!

- In recent years some things have changed in the Jewish world which may sow the seeds for new solutions which could engage young men and women in ways were impossible in the past. These include:

- ever higher achievements by Orthodox Jewish women in the world of Torah learning and Jewish studies
- a reawakening of interest in Chassidut and Kabbala which is beginning to engage the Modern Orthodox world¹².
- a national Jewish reconnection caused by the Gaza War and massive upsurge of antisemitism.

A] THE OBLIGATION TO READ PUBLICLY FROM THE SEFER TORAH

A1] THE TORAH OBLIGATION - HAKHEL

(א) וַיֹּאמֶר מֹשֶׁה אֶל־יִשְׂרָאֵל מִקְדָּשׁ שְׁבֻעָ שָׁנִים בַּמְעֵד שִׁנְתַּה הַשְׁמִיטה בְּמִנְגָּשָׁה: (ב) בְּבוֹא כָּל־יִשְׂרָאֵל לְרָאֹת אֶת־פְּנֵי ה' אֱלֹהֵינוּ בַּמִּקְדָּשׁ אֲשֶׁר יָבֹחר תְּקֹדֶם אֶת־הַתּוֹרָה הַזֹּאת נֶגֶד כָּל־יִשְׂרָאֵל בְּאוֹנוּתָם: (ב) הַקְהָל אֶת־הָעָם הָאָנָשִׁים וּהָנָשִׁים וּמְתָרֵף וּגְרָךְ אֲשֶׁר בְּשַׁעֲרֵיךְ לְמַעַן יִשְׂקְעָו וּלְמַעַן יִלְמֹדו אֶת־הַתּוֹרָה אֶת־הַנֶּאֱמָנָה וּשְׁמֹרוּ לְעַשּׂוֹת אֶת־כָּל־דְּבָרָי הַתּוֹרָה הַזֹּאת: (ג) וּבְנִיהָמָן אֲשֶׁר לֹא־יָצַע יִשְׂקְעָו וּלְמַדּו לִירְאָה אֶת־הָאֱלֹהִים אֱלֹהֵיכֶם כָּל־הַיּוֹם אֲשֶׁר אַתֶּם חַיִים עַל־הָאָדָם אֲשֶׁר אַתֶּם עֲבָדִים אֶת־הָאֱלֹהִים שֶׁמֶה לְרִשְׁתָּה:

דברים לא:ג-ג

The Torah includes the mitzva of Hakhel - to gather together the Jewish people every 7 years after the Shemita year for a public Torah reading. The Torah specifically includes the women in the obligation to hear the reading¹³.

11. <https://rabbijeremywiederblog.wordpress.com/>

12. One recent example is the 18 questions 40 mystics podcast series - <https://40mystics.com/>

13. See Sefer HaChinuch #612 who stresses the need for a public rededication where the people hear the reading of the Torah. Other mefarshim point to the nature of Hakhel as a reaffirmation of the covenant at Sinai, especially coming after the Shemita year in which the people's relationship with the produce of the Land is comparable to the 'ochlei haman' in the desert leading up to the Revelation at Sinai.

A2] THE RABBINIC OBLIGATION - WEEKLY READINGS

6. משה התקין את ישראל שיחו קורין בתורה בשבתו ובימים טובים ובראשי חדשים ובחולו של מועד שנאמר (ויקרא כג:ט) **וַיַּדְבֵּר מֹשֶׁה אֶת-מִצְוֹתָיו לְאֶל-בְּנֵי יִשְׂרָאֵל: [תרגום חוני מועד די וולפונן נג'י יטלהן] עזרא התקין לישראל שיחו קורין בתורה בשני ובחמשי ושבת במנחה.**

תלמוד ירושלמי מגילה ד:א

Chazal tell us that Moshe himself also enacted as a rabbinic mitzva the public reading of Torah on Shabbat morning, Yom Tov (the reading and laws of that Chag¹⁴), Rosh Chodesh and Chol HaMoed. Ezra enacted that the Torah should also be read during the week on Mondays and Thursdays and on Shabbat afternoon (although we will see below that the origins of these are even earlier).

7. ושיהו קוראין בשני ובחמשי - עזרא תיקו! והא מעיקרא הוה מיתקנא! דתניתא: (שמות ט:יב) **גַּלְגֹּלֶת שְׁלֹשֶׁת-יְמִים בְּמִזְבֵּחַ וְלֹא מֵצָאוּ מִים** - דורשי רשומות אמרו: אין מים אלא תורה, שנאמר: (ישעיהו נה:א) **חִילְיָה כָּל-צְמַא לְכָן לְפָנִים**. כיון שהלכו שלוש ימים ללא תורה נלאו. עמדו נבאים שביניהם ותיקנו להם שיחו קורין בשבת ומפסיקין באחד בשבת, וקורין בשני ומפסיקין שלישי ורביעי, וקורין בחמשי ומפסיקין ערב שבת, כדי שלא ילינו ג' ימים ללא תורה.

בבא קמא פב

Chazal understood that the 3 days spent by Bnei Yisrael wandering in the desert without water which led them to Mara and a pre-Sinai revelation of Torah is a hint to the danger of 3 days without Torah. On that basis, the prophets of the time enacted that the Torah should be read regularly so that there will never be more than 3 days without Torah.

8. משה ריבינו תיקן להם לישראל שיחו קורין בתורה ברבים בשבת ובשני ובחמשי בשחרית כדי שלא ישחו שלשה ימים ללא שמיית תורה.

רמב"ם הלכות תפילה ונשיאות כפim יב:א

The Rambam is particular to point out that the origins of our public Torah readings are from Moshe and alludes to this Midrash.

9. מעיקרא תקנו חד גברא תלתא פסוקי. אי נמי תלתא גברי תלתא פסוקי, כנגד כהנים לויים וישראלים. אתה הוא תיקן תלתא גבריא ועשרה פסוקי, כנגד עשרה בטלינו. (ר"ש עטרת צטולין - צני לוד כטיריס צטולין ממוליכתן לעסוק צרכי יצור ולבב קודמיין לזית כיכסת כדי שיכו מזון ערך נטח הצללה ומתחרניש מצל נזול.)

בבא קמא פב

In fact, the original enactment of Moshe was for 1 person to 3 verses from the Torah, or 3 people to read one verse each - corresponding to Cohen, Levi and Yisrael. Ezra later enacted that there should be a reading of no less than 10 verses, split between 3 people.

10. מהי התועלת בקריאת נטולת הבנה? התשובה פשוטה. גם בקריאת כזו, הנפש מתרוממת. המחייב של קראת התורה הוא לא מצות לימוד כי אם מצות קידוש הגברא על ידי תלמוד תורה תקנותו הtmpakda בקריאת ושמיעת הדברים ולא הבנותם

רב יוסף דב סולובייצ'יק, שיעורים לזכר אבא מריה קריית התורה בשבת, בשני ובחמשי, עמ' קט-קטו

Rav Soloveitchik points out¹⁵ that the purpose of the institution of public Torah reading is NOT primarily so that people will learn Torah and understand it, but so that they will be sanctified through the public reading of the Torah and the acceptance of 'ol malchut shamayim'. As such, it has spiritual relevance even if those listening do not understand it. Ezra's later decree introduced an element of learning and understanding, linking written law with oral commentary.

14. See Mishna Megilla 3:6 which also quotes the same verse in Vayikra 23.

15. I am grateful to the Deracheha website (<https://www.deracheha.org/keriat-ha-torah-1-the-reading/>) for the sources from Rav Soloveitchik's and some of the other lesser known sources on the sheet. Deracheha is an excellent resource for topics pertaining to women and mitzvot. Note also the new Women Talking Mitzvot podcast series from Rabbanit Shanya Goldberg and Rabbanit Dr. Yosefa Fogel Rubel - <https://open.spotify.com/show/5SaM5mJFrMC0GYoggScm8V>

B] THE REDEDICATION OF EZRA AND NECHEMIA

(א) ויאספו כל-העם בכאייש אחד אל-ההרוחב אשר לפניו שער-ההמימים ולאמריו לעזרא הספר להביא את-ספר תורת משה אשר-צינה ה' את-ישראל: (ב) וויביא עזרא הכהן את-התנורה לפניו הקהל מאיש ועד-אשה וכל-מבנה בבאים אחד לח'ש השביעי: (ג) ויקרא-בו לפניו הרוחב אשר לפניו שער-המימים מהר-האור עד-מחצית היום נגד האנשים והנשים והמגינים ואזני כל-העם אל-ספר התנורה: (ד) ויעמד עזרא הספר על-מגדר-עץ אשר עשו לך'ר' ויעמד אצלו מתולנה ושם וענינה ואוינה וולקיה ומעשיה על-ים ומושמאלו פדיה ומישאל ומלפיה ווחש ווחשב זה זכיר משלם: פ (ה) ויפתח עזרא הספר לעני כל-העם כי-מעל כל-העם היה וכפתחו אמדו כל-העם: (ו) וויברך עזרא את-ה' האלים הגדול ויענו כל-העם אמו במעל ידיהם ויקדו וישתנו לה' אפיקים ארץ: (ז) וישוע ובריה ימוי עקב שבטיה הודלה ממעלה קלייטא עזרא יז'בך חנוך פלאיה והלויים מבאים את-העם לתורה והעם על-עמדם: (ח) ויקראו בספר בתורת האלים מפרק ושולם שכל ניבינו במקרא: ס

חמה ח-א

Ezra and Nechemia rededicated the Jewish people at a public Torah reading for men and women on Rosh Hashana in Yerushalayim. During this reading there was also explanation and commentary so that the people would understand it.

12. אמר רב: מי דכתב ויקרא בספר בתנולת האלים מפניש וישום שכל ויבינו במקרא. ויקראו בספר תורה האל-הים - זה מקרה, מפרש - זה תרגום, ושומ שכל - אלו הפסוקין, ויבינו במקרא - אלו פיסקי טעמי, ואמרו לה: אלו המסורת.

מגילה ג-א

Chazal note that the reading of Ezra was accompanied by Targum - Aramaic translation and explanation.

13. ובנביא פילו אחד קורא ושנים מתרגם - כתרגום לללו נכמיע נטיס ועמי כלרן שלין מכרין זלטן כקודט, וכתרגום כה כלע ככבליס, וכתרגום כלו לו כחזו שיכו מזיינ לתמותו, הלל כטל נזייחס לל קפד עלייכס כול. רשי מגילה כ-ב: ד-ה ובנביא פילו

Rashi explains that the purpose of the Targum was so that those present who did not understand Hebrew - in particular women - should be able to understand the reading. For the Torah reading, where precise comprehension is essential, each verse was individually translated. For Navi, two verses could be read and then translated.

C] TORAH READING AS A RE-EXPERIENCING OF SINAI

14. ר' חגי אמר ר' שמואל בר רב יצחק עאל לכינשתא. חמא חונה קאים מתרגם ולא מקיים בר נש תחחותה. אל אסור לך' כשם שניתנה ע"י סרسر כך אנו צריכין לנוהג בה ע"י סרסר ודברים ה' אג' עמד פינ-ה וביניים בעת ההו להניד לכם את-זבן. תלמוד ירושלמי מגילה ד-א

The reading of the Torah is meant to model the giving of the Torah - with a reader reciting the words in Hebrew and an intermediary explaining them to the people, just as God said the words at Sinai and Moshe explained them.

15. דתניא: (דברים ז:ט) ?הלועתם לבניך ולבניך, וכתניב בתוריה (דברים ז:ו) ?זום אשר עמלקת לפני כאלהיק בתחזב. מה להלן באימה וביראה וברתת ובזיע אף כאן באימה וביראה וברתת ובזיע. מכאן אמרו: הזבים והמצרערים ובאין על נדות - מותרים לקרותה. בתורה ובנביאים ובכתובים אבלל בעלל קריין אסורים. ברכות כב

The reading of the Torah is meant to feel like the giving of the Torah - with trembling and awe! As such all those who could capture such a mood (even if they were halachically tamei) could read from the Torah. Ba'alei keri, usually after sexual relations, were considered unsuited for such a serious mood.

16. קראת התורה בכיבור זהה היא עם חווית עמידה לפניו השכינה כבמעמד הר סיני. יש בתופעה הזאת משום שיחזור המפגש בין הקב"ה וכנסת ישראל, והוא טמון בחובה. בשמעו הקראה, צריך הכיבור לציר בנפשוועכשיו התורה ניתנת מסני, בקולות וברקוים ובקול שופר חזק מאד.

רב יוסוף דב סולובייציק, שיעורים לזכר אבא מר' ב', בענין תקנת משה, עמ' ר' יי Rav Soloveitchik writes that a person listening to the public Torah reading should try to envisage being at Matan Torah - with thunder, lightning and the growing sound of the shofar.

D] TORAH READING AS AN EXPRESSION OF PUBLIC KEDUSHAH

17. אין עוברים לפני התיבה ואין נושאין את כפיהם ואין קורין בתורה ואין מפטירין בנביה ואין מזמנין בשם פחות מעשרה

משנה מגילה ד:ג

Certain public readings and declarations require the presence of ten adult male Jews.

18. אין קורין בתורה בפחות מעשרה גדולים בני חורין

שולחן ערוך, אורח חיים הלכות קריית ספר תורה קמג:א

19. (א) בפחות מעשרה - וכך לזכר שקדוטה ותינו צפחות מי' דכתיז (ויקרא כט:ב) ונתקדשי צמוך צמוי ישלל ותינו צמ"ה דיתור' 'חור'. כתיב ככל תוק צמוי ישלל וכתיב כתס (эмצעו ערך) נטה' מטה' כטה' כטה' ותינו ערך פחותה מעשרה.

משנה ברורה סימן קמג ס"ק א

The Mishna Berura explains that Torah reading is a 'davar shebikedusha' which, as Chazal learn (Berachot 21b) from a combination of verses, will always require 10 adult male free Jews.

20.שאין הכהנים נושאין את כפיהם אלא בעשרה אף זו דבר שבקדושה היא וכו בקריאת התורה שהרי צריך לומר ברכו ואין מפטירין וכו' שהרי אף המפטיר צריך לומר ברכו.

בית הבחירה למאיiri מגילה כב

The Meiri notes that an expression of a davar shebikedusha is the requirement to say 'barechu'. This public invitation for the community to bless God can only be done in the presence of 10 adult males. This is also true of the maftir.

21. **וְאַיִן קָוְרֵין בָּמָרָה וְאַיִן מְפִתְירֵין** בְּנֵבָא בְּפַחַות מְעָשָׂרָה. דְּמִקְנֵת לְרַכְנֵן כּוֹחַ וְלֹא תָּקַוֵּן לְלֹא גְּזַבּוֹ:

ר'ו (על הרי"ף) מגילה יג:

The Ran, however, understands that the focus here is not specifically on the davar shebikedusha, but on the need for a public tzibur, which requires 10 people.

E] TORAH READING - COMMUNAL OR INDIVIDUAL OBLIGATION?

- We have seen that the biblical paradigms for Torah reading (at Sinai and with Ezra) required every man and woman to be present.
- Does that mean that all men and women have a personal obligation to hear the Torah reading today¹⁶?

22. קטן קורא בתורה אבל אינו עובר לפני התיבה

משנה מגילה ד:ו

The Mishna rules that a child can read from the Torah for the community but may not act as a shaliach tzibur to lead prayer.

23. הכל כשרין לקרוא את המגילות חוץ מחרש שוטה וקטן.

משנה מגילה ב:ד

A child is also disqualified from reading the Megilla for the community.

- The reason for a child's disqualification from leading the prayers and reading the Megilla is that each person in the community has a PERSONAL obligation to pray/read the Megilla and the child (as a minor) is fundamentally exempted (other than for reasons of chinuch). As such, on the basis of *shome'a ke'one* someone with a lower level of obligation may not perform a mitzva for someone with a higher level.
- So why can the child read from the Torah for the congregation? It seems that the obligation to hear the Torah reading may not be individual, at least to the same degree.

16. This question will be particularly important when we come to address whether women can read in order to fulfil the relevant obligation. If this is a personal obligation of the men present, one of the central questions will be whether the woman can be *motzi* the men if her obligation is less than theirs. If there is only a communal obligation, the more relevant question will be whether the woman can represent the community in this respect.

24. אמר רב הונא בר יהודה אמר רבינו אמר רבבי אמר מאי דכתיב (ישעיה א'ח) **יעזבְּנִי הָ ?כְּלִי ?** זה המנין ספר תורה ויוצא. רבבי אבاهו נפיק בין גברא לגברא. רב ששת מהדר אפיה וגוריס (רכ"י- מ cedar להפיכת גורים מטנוו לסקוין זספער טולכ). אמר: אין בדידין ואיננו בדידתו.

ברכותה.

Chazal rule that one may not leave the room while the Torah is actually being read. However, the Gemara also relates that, although Rav Sheshet was present for the Torah reading, he actually spent that time quietly in his own learning. He saw the communal obligation as distinct from his own personal obligation to learn Torah.

25. אמר רבא בר רב הונא: כיון שנפתח ספר תורה אסור לספר אפלו בדבר הלכה שנאמר: (נחמייה חה) **וְכַפְתַּחוּ עַמְּדָיו כָּל-הָעָם.** ואין עמידה אלא שטיקה ר' זира אמר רב חסדא מהכא: (נחמייה חג) **אָזַעַן כָּל-הָעָם אֶל-סְפָר הַתּוֹךְ.** סוטה לט.

However, we see elsewhere that once the public reading begins all present must focus and remain quiet. Is this because they have an individual obligation or just out of respect for the Torah reading¹⁷?

26. **כָּנָוִים כָּמַשְׂנָאכִים כָּלָס חֻזּוֹת כָּלָכָוּ כָּנָוִים הַלְּמָדִים כָּמַחְוִיזִים כָּלָכָר.** **הַכָּל מְגִילָּה כְּסָס כָּלָכָוּר חַיִּים כָּךְ כָּל יְחִיד וְיְמִיד חַיִּים.** מלחמת ה' מגילה ג:א

The Ramban explicitly rules that public Torah reading is an obligation on the community and also on 'those who are obligated'. In contrast, the reading of the Megilla is BOTH a public and a private individual obligation.

27. **דְּכִיכָּה סִיט יְצֹוֹר הָז סִיחִיד פָּטוּר מַקְרִיאָה. מַתָּהָיָה הָס לִיכָּה יְצֹוֹר הָז מַוְנֵּל כְּחַיִּים עַל כְּהָוִה צִוְּסִיחָה עַתָּה נְקִרְיָה תְּפָוָה.** צפנת פנעה הלכות תפילה ונשיאות כפifs פרק יב

The Tzafnat Paneach¹⁸ understands that individuals are obligated to ensure that there is a minyan for the reading. Once that is assured, specific individuals are not privately obligated.

28. שאלניachi ר' חזקה - הקורא בתורה למה אומר לציבור 'ברכו את ה' המבורך'. ברכת התורה ודוי. והשבתי לו לפי שערא תיקון לשירה קורין בתורה בב' וה' ובשבת והקורא בתורה מוציאה את הציבור ידי חובתן מקריאת. לפיכך הרי הוא אומר לציבור אתם צרכין לברך ולקרות כמוני. תשכימו לкриאתי ולברכתו עמי והם עוניין וمبرכין. וכן ש"ז אומר ביזער ומעריב לפיה שמדובר ב הציבור ידי חובתנו ואומר להם תשכימו לкриאתי ולברכתו עמי והם עוניין וمبرכין וויאצין ידי חובתנו. וכן המברך ברכת המזון, לפיה שמדובר בני הסעודה אומר להם תשכימו.

ראב"ן שאלות ותשובות (בתחילה הספר) סימן עג
The Ravan¹⁹ sees the Torah reading as an individual obligation and, in fact, the ba' al keriya fulfills the obligations of those listening, just as the shaliach tzibur would for davening and the mezamen for benching. This is why, in all these cases, those listening must respond to the invitation to bless, as if to say - you please say this on our behalf.

29. **א** אסור לצאת ולהניח ס"ת כשהוא פתוח אבל בין גברא לגברא ספר דמי. **ב** כיון שה咍יל הקורא לקרות בס"ת אסור לספר אפלו בד"ת, אפי' בין גברא לגברא, ואפלו אם השלים הוא הפרשה. ויש מתיירים לגורוס (פי' למדום) בלחש, ו"יא שם י' דציתתי (פי' כממשימין נטס) לס"ת מותר לספר בד"ת. (ב"י בשם מהרי"א). ויש מתיירים למי שתורתו אומנתו. ויש מתיירים למי שקדום שנפתח ס"ת מחייב פניו ומראה עצמו שאינו רוצה לשמעו ס"ת אלא לקרות ומתחילה לקרות. ולקרות שנים מקריא ואחד תרגום בשעת קריאת התורה שרי. וכל זה אינו עניין לפרשת זכור ופרשת פרה שהם בעשרה מדאוריתא, שצורך לכזין ולשומעם מפי הקורא. והנכו שבכל הפרשיות ראוי למדקדק בדבריו לכזין דעתו ולשומעם מפי הקורא.

ג אסור לספר כשההמפטיר קורא בנבניה, עד שישלים כמו בס"ת.

שולחן ערוך, אורח חיים הלכות קריית ספר תורה קמו-ג

The Shulchan Aruch brings a number of opinions and recommends that one should focus on the Torah reading. But there may be grounds to permit quietly reading other things during leyning as long as ten are following carefully. Nevertheless, for Parshiot Zachor/Para it is essential to listen careful with intent to fulfil one's personal obligation.

17. Some commentators learn that the example of Rav Sheshet was personal to him, since he never stopped learning! Others learn that the example of Rav Sheshet could apply to others, but they must read quietly and not disturb the public reading.

18. R. Yosef Rosen ("the Rogachover Gaon"), 19/20th century Russia.

19. 12th century Germany

30. ובאמת שאף עצם שמייעת קריית ס"ת בצדור אינו חייב פרטיו על כל יחיד מהקהל, אלא חובה כללית על הציבור. וכמוהוואר בדברי הרמב"ן במלחמות פ"ק דMegilla (ה)

ש"ת יביע אומר חלק ד – יורה דעתה סימן לא

Rav Ovadia Yosef rules that the obligation of public Torah reading is on the community and not the individual.

31. מצוה על כל המתפללים לשמעו את קריית התורה. ובנין ח"ל הבאים לארץ ישראל בשנים שאין קריית הפרשיות שווה, ומפסידים שמייעת פרשה, אין צריכים להשלים ולשמעו הפרשה שחיסרו, דקריית התורה הוי חובת הציבור. מילואים: בעניין קריית התורה אם היא חובת ציבור או חובת כל יחיד ויחיד חובה ליכא אלא הציבור של תפלה.

הלכות שלמה פרק יב קריית התורה; מילואים י

R. Shlomo Zalman Auerbach also rules that the obligation is on the community and not the individual. As such, in those years when the leyning in Eretz Yisrael falls out of step with that in chutz l'Aretz (due to a second day Yom Tov falling on Shabbat), a traveller who misses a parasha does not have to arrange for a special reading²⁰.

32. (נ) כביה כಗליה מזית במלסורים קרלה נצעל קורלה ציקלה נפינו כל ד' סדרות מ"ד שזענות להר יטב.

תוספת מעשה הרב אוות לד

However, when the Vilna Gaon was released from prison he asked the ba'al koreh to read all four parshiyot that he had missed!²¹ Does this indicate that it is a personal and individual obligation?

• There are essential three halachic positions on this question:

- (i) There is fundamentally a COMMUNAL obligation to have the Torah read. However, the individual men in the community have a personal responsibility to ensure that a minyan is arranged for the Torah to be read and that ten men are focused on the reading. Once this has been assured, individuals do not have a person obligation to hear the reading but, if present at the reading, should not appear to ignore it²². If so, in principle, anyone in the community could read from the Torah.
- (ii) There is a personal obligation to LISTEN to the Torah reading but not necessarily to READ it, unlike the obligation of Megilla. This could mean that the level of obligation of the person reading is less crucial²³.
- (iii) There may be different levels of obligation for different aliyot, with an obligation to read/hear certain core aliyot²⁴ and a lesser obligation to read/hear others.

20. However, if the community missed parshiyot because the shul was closed there may be an obligation to make up that leyning in future weeks (OC 135:2). Rav Hershel Schachter ruled on this during the closure of shuls due to COVID 19 as follows: "Due to the Coronavirus crisis we have missed many weeks of Torah reading in shul. There is no requirement to make up the missed parshiyos under these circumstances, but if a shul decides that they would like to make up the missed Torah readings from the previous weeks, there is value in doing so. There are two possible approaches: If the congregation wishes, they may read all of the missed parshiyos on the Shabbos they return to shul. After finishing the seven aliyos of that week's laining, a second Torah should be used to read all of the missed laining in one session. If this option is too burdensome for one Shabbos, the congregation can divide the missed parshiyos into multiple weeks. Each week after the return to shul, two Torahs can be taken out. The first Torah will be used for the seven aliyos of that week's parshah and the second Torah will be used to read the entirety of a missed parshah in one single reading. When the "make up" parshah has been completed the Haftarah should be read from the "make up" parshah because the custom is to read the Haftarah based on the last Torah that was read from. In the above cases, after the reading from the first Torah is complete the second Torah should be placed on the Shulchan and the Kaddish should be recited. Then the maftir aliyah should then be called up to read the "make up" parshah from the second Torah. Additionally, if a bar mitzvah boy was unfortunately unable to read the parsha he prepared in advance, the situation can be rectified by allowing him to read the missed parshah and Haftarah on a later Shabbos. When the shul reopens, the congregation should take out two Sifrei Torah, and use the first Sefer Torah for the regular weekly parshah, and the second Sefer Torah for the missed parshah prepared by the bar mitzvah boy. Since the general practice is that the Haftarah follows that which was read in the last Sefer Torah, he will now be able to read the Haftarah that he prepared originally. This procedure is not obligatory and therefore may only be performed with the prior permission of the congregation." See <https://www.torahweb.org/torah/docs/rsch/RavSchachter-Corona-All.pdf>

21. When someone challenged R. Shlomo Zalman Auerbach with this source he responded: "Do you truly believe that are you are on the Vilna Gaon's level to perform all of the Minhagei HaGr"a?!" (see Halichot Shlomo, Moadim vol. 2, Pesach Ch. 10: 22, footnote 90.) On the other hand, it is well known that R. Chaim Soloveitchik ruled that it was a individual obligation and would often assemble a minyan to recite keriat haTorah. When his mechutan, R. Eliyahu Feinstein, pointed out the Ramban in Milchamot Hashem to him, he attempted to re-interpret it. See also Igrot Moshe OC 4:40:4,5 where R. Moshe Feinstein indicates that the obligation to hear leyning is on the individual and that he must make up what he missed.

22. This would be an insult to the Torah and a separation from the community (see Avot 2:9).

23. Although there would need to be some level of connection to the mitzva. No one would suggest that the people can hear leyning from an audio recording.

24. We will see that there is a debate about what this core may be - 1 aliya as initially instituted by Moshe? 3 by Ezra? 7 on Shabbat but not hosafot/maftir?

F] WOMEN'S OBLIGATION TO HEAR TORAH READING

- We saw above that the biblical paradigms for reading the Torah in public explicitly INCLUDED the women and the Targum was also introduced so that the women would understand the reading.

ה יש שקורין ספר קינות בערב. ויש שמאחרין עד הבקר לאחר קריאת התורה אם יודע הוא לתרגם מוטב, ואם לאו נוטנו למי שיודע לתרגם טוב ותרגם לפי שיבינו בו שאר העם והנשים והתינוקות. **שנתנים חייבות לשמעו קריאת ספר** **כאנשים**, וכל שכן זכרים. וכן הן חייבות בקריאת שמע ובתפילה ובברכת המזון ובמזוזה. ואם אין יודעת בלשון הקודש מלמדין אותן בכל לשון שיכולות לשמעו וללמוד
ו ומן הדין הוא לתרגם לעם לנשים ולתינוקות כל סדר וסדר ונביא של שבת לאחר קריאת התורה

מסכת טופרים פרק י"ח הלכה ה

Masechet Soferim suggests that women are indeed obligated to hear the Torah reading, just as they are obligated in other mitzvot, such as mezusa and bircat hamazon. This is why there must be a meturgeman for those women who do not understand the Hebrew. However it is possible that this source is only discussing Megilat Eicha and not Torah reading generally.²⁵

34. היאך תברך והיא פטורה ומ"מ קטן מברך הויאל ויש לו שייכות בתלמוד תורה ואחרים מצוין למדזו.

בית הבחירה למאיר מגילה כגיא

The Meiri, when considering the question of whether a woman could be called up to make a beracha on the Torah (we will deal with this in depth be 'H in Part 2) rules that women are exempted from hearing the Torah reading since they are exempted from the mitzva of Talmud Torah. A young boy is however included in the mitzva of Talmud Torah through the requirement of chinuch to teach him Torah and, as such, could read publicly.

35. מסמע מכון דתך חייכת נשמעו קריאות כתולכ. וחק על פי שנקרא מוסמ"ת ונשים לין חייכות כת"ת מ"מ מ"מ נשמעו כמו מ"מ בקבלה טכניות וכטף חייכיס נס ... צמ"ס פ"יח כתוע בנתים חייכות לשמעו קריאות ספר כלניות ומ"מ לתרגם נכס שיזיינו עכ"ל וכלהן נכוו נשים נלהת חולכ.

מגן אברהם סימן רבב ס"ק י

The Magen Avraham however understands from the biblical precedent of Hakhel, and the ruling in Masechet Soferim²⁶, that women may be obligated to hear the Torah reading²⁷, although he notes that the women of his time (17th century, Poland) would leave the shul during keriat haTorah²⁸!

36. ודע דנמצא במס' טופרים [פ"ח ה"ד] שנשים חייבות לשמעו קריאת ספר כאנשים וכו' ונ"ל דלאו חיוב גמור קאמר אלא דומיא דתינוקות שהריה פטורה מותלמוד תורה. ועוד דיןין לך זמן גורמא יותר מזו! ואין לדמותו הקהל שצotta הتورה הקהל את העם האנשים והנשים והטף. שזו היא מצוה מיוחדת פעם לשבע שנים שהיה המלך בעצמו קורא ספר משנה תורה שהם דברי כבושים. אבל שנאמר שמחוייבות בכל שבת בקריאת התורה וודאי הוא מילתא דתמייה! ומעשים בכל יום יוכחו, וע"פ רוב א"א להן לשמעו. אלא המסתכת טופרים אומר על דרך המוסר בזמנו שהיו מתרגמין שנכוו לתרגם לפניהם ולפנוי התינוקות להשריש בלבן יראת ד' ואהבתנו ית' [עmeg"א סק"ז שמסתפק בזה ולענ"ד ברור כמ"ש דומיא דתינוקות וכ"כ הפרישה ע"ש].

ערוך השולחן ארכח חיים סימן רבב סעיף יא

The Aruch Hashulchan (19th century, Lithuania) is in no doubt and rules that women are definitely NOT obligated to hear the leining. This is for two reasons: (i) the connection to Talmud Torah from which the women are exempted; and (ii) the nature of leining as a positive time bound mitzva²⁹ from which women would normally be exempted³⁰.

25. This is how R. Yehuda Henkin understands the source - see Shu't Bnei Banim II:10. Also, some commentators simply reject this sources as a non-halachic opinion since it also seems to suggest that women are obligation in reading the Shema. Others regard it as giving a recommendation rather than imposing an obligation.

26. The Magen Avraham is also concerned to interpret the Beraita which states that women could, in principle, be called to read from the Torah, if not for the issue of *kavod hatzibur*. If women are not obligated in the mitzva, how can they perform it for the men. We will examine this in more details in Part 2.

27. R. Henkin (ibid) suggests that the Magen Avraham may mean that those women who are in the shul during the leining must pay attention, not that they have an obligation to remain in the shul.

28. Women general disconnect from kriat haTorah may partially be explained by the removal of the simultaneous Targum which meant that most women no longer understood the reading.

29. R. David Auerbach (Halichot Beita 9:1 (note 2)) raises the question of whether hearing the leining on Shabbat should also be an obligation on women since they are included in all positive time bound Shabbat obligations (such as kiddush) as these come as a unit together with all of the negative obligations - 'zachor veshamor'.

30. There is a discussion as to whether the exemption for women in positive time bound mitzvot also applies to communal obligations. R. Menashe Klein rules that women ARE generally obligated in such communal mitzvot, even if they are positive and time bound, unless there is an explicit exemption. (see Shu't Mishne Halachot 6:326).

37. ואפילו לדעת החולקין על המג'א הנ'ל, מכ'ם אילו באו לביה'כ היו מקיימות עכ'פ' מצות קריית התורה בתורה אינו מצויה ועושה.

רב צבי שכטר, צאי לך בעקביו הצעון, עמ' 22

Rav Hershel Schachter rules that even if women are not obligated to hear the leining, when they do so they fulfil the mitzva as one who is not obligated³¹.

38. שנשים נצטוו במצוות הכתובות בתורה. ואם כן יכולות לברך 'אשר בחר בנו' ו'אשר נתן לנו' ולקנות בתורה כאנשים אם לאו משום כבוד צבור

ספר המנוחה, תפילה ב'ז

Rabbeinu Manoach³² understands that, even if women are not individually obligated in the specific mitzva of Torah reading, they are generally obligated in Torah and thus can make these berachot as bircot hashevach.

- The consensus of poskim is that, although women are not obligated in hearing keriat haTorah, they should be encouraged to do so³³.
- In Part 2 we will look at: - the different elements of the aliyah: barechu, berachot and the reading and women's obligation in each of them.
 - the evolution of the ba'al koreh and how this impacts the role of women in leining.
 - we will also start to address directly some of the halachic claims made by those who support Partnership Minyanim and the responses to them.
- In Part 3 we will look at: - the issue of *kavod hatzibur* and its interaction with *kavod haberiyot*
 - different issues affecting women's only Torah readings
 - some of the meta-halachic and hashkafic considerations when addressing innovations of this kind.

31. R. Yosef Shalom Eliyashiv ruled that women should be encouraged to listen to the leining and should not make up their davening during keriat haTorah unless this is necessary to avoid missing the end zman for tefilla (see Halichos Bas Yisrael Vol I 2:49 and fn 104-105).

32. 13th century Provence - a student of Maharam of Rotenberg who wrote Sefer Ha-menucha on the Mishne Torah of the Rambam.

33. This encouragement could come through general education and also encouraging communities to connect women more to the Torah reading, for instance through ensuring that the shul architecture and acoustics are such that the women can hear from the Ezrat Nashim and feeling more connected to the reading. Also the Rav or others can speak before the leining or in between aliyot in order to explain the reading. See <https://jwa.org/encyclopedia/article/cochin-jewish-womens-music> concerning the custom in Cochin where the women were educated in the Torah reading and trop and the Torah was read from a higher bima closer to the women's section.