

# HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

## SERIES 3: 45 - PARTNERSHIP MINYANIM & WOMEN'S TORAH

### READINGS - PART 2

#### OU ISRAEL/BEIT KNESSET HANASI - WINTER 2025/6

- In Part 1 we looked at the general obligation for the community to read publicly from the Torah and women's fundamental obligation in this mitzva.
- In this part we will chart the evolution of the berachot around leining and the institution of the ba'al koreh and the impact these have on women's participation.
- We will also address some of the arguments specifically raised to support women's aliyot and continue be'H in Part 3.

### A] THE EVOLUTION OF PUBLIC TORAH READING

- We saw in Part 1 that the institution of public Torah reading evolved over time. Initially one person was called to read 3 verses or 3 people to read 1 verse each. Then Ezra increased the number of verses read to 10 or more split between 3 people, with extra people on special days.

#### A1] THE BERACHOT OVER THE TORAH READING

1. (ו) וַיְבָרֶךְ עֶזְרָא אֶת־ה' הָאֱלֹהִים הַגָּדוֹל וַיַּעֲלֵנוּ כָּל־הָעָם אִמָּן אִמָּן בְּמַעַל יְדֵיהֶם וַיִּקְדְּוּ וַיִּשְׁתַּחֲוּ לֵה' אַפַּיִם אָרְצָה:

נחמיה ח:ו

*The precedent of Torah reading by Ezra clearly places the beracha at the center of the reading.*

2. וַיְבָרֶךְ עֶזְרָא אֶת־ה' הָאֱלֹהִים הַגָּדוֹל. בְּמָה גִידְלוֹ? רַבִּי גִידֵל אָמַר בְּשֵׁם הַמְּפֹרָשׁ. רַב מֵתָנָה אָמַר בְּבִרְכַּה גִידְלוֹ.

מסכת סופרים פרק יג הלכה ה

*Masechet Soferim highlights the central importance of the beracha as a means to elevate our awareness of God.*

3. .... הרי ברכת התורה הרי הוא אומר ברכו ....

תלמוד ירושלמי ברכות זג

*It is taken as a given<sup>1</sup> that before the berachot on the Torah the reader must begin with barechu - inviting all those in the congregation to join in blessing God.*

4. .... נלע"ד אפילו בזמן המשנה וגם מיד צתקת עזרא ואפשר אפילו צתקת משה רבינו ע"ש מיד תקנו לומר כל אחד ואחד שעלה אחר צרכו את ה' המצורך והם ענו צרוך ה' המצורך לעולם ועד.

שו"ת חתם סופר א:סו

*The Chatam Sofer suggests that Barechu was an integral part of Torah reading from the earliest times<sup>2</sup>.*

5. מִיָּנִין לְבִרְכַּת הַתּוֹרָה לְפָנֶיהָ מִן הַתּוֹרָה? שֶׁנֶּאֱמַר (דברים ל"ג) כִּי שֵׁם ה' אֶקְרָא הָבוּ גִזְלִי לְאַלְקֵינוּ.

ברכות כא..

*The idea of saying a beracha before learning Torah ('asher bachar banu') is learnt from the Torah itself<sup>3</sup>.*

1. The context here is the discussion in the Mishna (Berachot 7:3) as to how to lead the zimun at a meal - with the expression 'Barechu' or 'Nevarech'. The Yerushalmi here takes it as a given that 'barechu' is required for the Torah reading.
2. See Shu't Ra'avan 73 who writes that the Barechu before the blessing on the Torah fulfills a similar purpose to the Barechu before the Shacharit and Ma'ariv berachot on the Shema. The leader is saying 'I will recite this on your behalf so you need to consent to this'. As such, through the 'Barechu' the reader is able to read from the Torah on behalf of the congregation.
3. See Mishna Berura 47:1 as to whether the beracha before learning Torah is actually a Torah mitzva.

6. אמר רבי יוחנן: למדנו ברכת התורה לאחריה מן ברכת המזון מקל וחומר - ומה מזון שאין טעון לפניו טעון לאחריו, תורה שטעונה לפניו, אינו דין שטעונה לאחריה?<sup>4</sup>

ברכות כא.

*Chazal learnt that Torah also requires a beracha acharona, as a kal vechomer from Bircat Hamazon.*

## A2] WHO MAKES THE BERACHOT?

7. .... הפותח והחותם בתורה מברך לפניו ולאחריה.

משנה מגילה ד.

*At the time of the Mishna, only the first and last aliyot made a beracha<sup>4</sup>. The first reader made the beracha before the Torah reading and the last reader made the beracha after the reading. All those called up in between would come up to the Torah to read but would not make any berachot<sup>5</sup>. At that time there was no formal ba'al keriya but each person read their own section.*

8. .... ודוקא פותח וחותם בלבד הוא דמזכיר. אבל אמלעיים פטורין משום דקריאת התורה חשיבא חדא מלוא וכולהו כוו כחד גברא.

ר' מגילה יב. (בדפי הריף)

*The Ran explains that the whole reading is one mitzva unit and it is as if one person is reading<sup>6</sup>.*

9. תנא: הפותח מברך לפניו, והחותם מברך לאחריה. והאידינא דכולהו מברכי לפניו ולאחריה - היינו טעמא דתקינן רבנן: גזירה משום הנכנסין ומשום היוצאין.

מגילה כא.

*The Gemara relates that, by the time of the Amoraim, the custom had changed such that each person called up to the Torah made their own beracha, both before and after their reading (which they still read themselves).*

10. משום הנכנסין - שאם יכנס אדם לבית הכנסת אחר שצריך ראשון. ואם לא ישמע את האחרים מזכרין יאמר: אין צרכה בתורה לפניו. ומשום היוצאין - ולא שמעו את הכותם מזכר לאחריה, והראשונים לא זכרו. יאמרו היוצאים: אין צרכה בתורה לאחריה.

רש"י שם

*Rashi explains that Chazal were concerned that people coming in or out during leyning may not hear the beracha before and after the Torah and assume that no beracha had been made. The underlying concern may have been that a reading perceived to be without blessings lacked the kedusha and gravitas of a revisiting of Sinai/the rededication of Ezra.*

11. א"ר שמואל בר נחמן ר' יונתן הוה עבר קומי סידרא שמע קלון קרוי ולא מברכין אמר לון עד מתי אתם עושין את התורה קרחות קרחות. (פני משה - חתיכות חתיכות בלא צרכה שכבר התקינו שיהא כל אחד ואחד מזכר לפניו ולאחריה.)

תלמוד ירושלמי מגילה ד:א

*The Yerushalmi includes an account of R. Yonatan (in the last generation of the Tanaim<sup>7</sup>) criticizing a community which did not include berachot on the Torah for each reader. He felt that this somehow left the Torah 'bare'.*

## A3] FOR WHOM IS THE OLEH MAKING THE BERACHOT

- There are 3 halachic approaches on the question of for whom the berachot are being made<sup>8</sup>:
  - (i) They are being made for each individual present who has a personal and individual obligation to read. As such, the oleh is being *motzi* each person in the room.

4. Note that there is a view (Masechet Soferim 13:6) that the berachot before and after reading from a Torah scroll are even made by a private person when reading/learning alone, although barechu is only made when a minyan is present. This view was not accepted as the halacha, although bircot haTorah are of course made privately in the morning. See Orchoth Chayim I, Hilchot Talmud Torah 2, who suggests that the after-beracha 'asher natan lanu' cannot be made after a private learning/reading since it is very likely that the reading was interrupted with other speech and greetings to those present.

5. However see Pnei Yehoshua Megilla 23a who suggests that even the middle readers may have also said Barechu before their reading. This is also the implication of the Chatam Sofer - above.

6. The Meiri (Megilla 21b) understands that all the middle readers would have to be present at the beginning and end to hear the berachot and be *yotzei* through them.

7. See Birkei Yosef O.C. 139 who understands the phrase to mean that Jewish practice was 'patchy', with some keeping the new custom for each person to make berachot and others keeping the old minhag for the first and last person to make berachot.

8. I have based this classification, and also below, on the analysis of R. Ayreh and R. Dov Frimer in their article in Tradition 46:4 - *Women, Keriat ha-Torah and Aliyyot*.

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12. ואם אחר אדם לבוא לבית הכנסת .... [בשם ה"ר יונה מלאתי כתוב שצריך לחזור בזכרות בקול רם ונתן טעם לדבר כדי להוסיף אותם שלא שמעו ....

בית יוסף אורח חיים סימן קלט

*The Beit Yosef brings the view of Rabbeinu Yona that the function of the berachot on the Torah is to be motzi the obligation of each person present. As such, if a person came late, the beracha had to be repeated.*

(ii) They are the personal obligation of the oleh. As such, any person with an obligation can make the beracha and also those not obligated in situations where their practice permits this (see below).

(iii) They are an obligation on the community as a whole - *chovat hatzibur* - but not on any one individual present. As such anyone in the community and representing the community can make the beracha.

13. שאלת - מי שאינו יודע לקרות בתורה, מהו שיעלה ויברך בבית הכנסת ברכת התורה ויקרא אחר במקומו.  
תשובה - [ש]ברך ולא קרא לא הוה ליה מברך לבטלה, דכיון שקריאת התורה חיובא דצבור הוא שפיר הוה מצי מברך אף על פי שאינו קורא.

שו"ת הרשב"א החדשות (מכתב יד) סימן יד

*The Rashba was asked about the (then recent) innovation of the ba'al koreh. How can a person be called up to make a beracha and then someone else do the mitzva!? He answered that the mitzva is communal and not personal, so any member of the community could in theory say it. Under the original custom, the first and last readers made a beracha and all the subsequent readers were covered by those since the berachot were made on behalf of the community<sup>9</sup>.*

#### A4] WHAT KIND OF BERACHOT ARE THEY?

14. [יא] דין ברכת התורה. אם תאמר הואיל דאמרין שאין צריך לברך על תלמוד תורה שכבר נפטר באהבה רבה, מאי טעמא מברכין על קריאת התורה בציבור? תריץ - .... משום דהוה ליה מצוה בפני עצמה כדתיקן עזרא, והוה ליה כמצות תפילין או ציצית או שאר מצות, דאי עביד ליה בעיא לברוכי.

ספר האורה חלק א [יא] דין ברכת התורה

*Sefer Ha-Ora, attributed to the school of Rashi, understands that the beracha before the public leining is essentially a bircat hamitzva, even though it does not include the usual formula 'asher kideshanu bemitzvotav vetzivanu'.*

• If so, the person making the beracha is doing so on behalf of all those fulfilling the mitzva. But who is that - each individual (man) there? Or the community as a whole?

15. וה"ר יהודה ברצלוני כתב בשם רב סעדיה גאון: .... ואף על פי שכבר בירך על התורה בבוקר קודם פרשת הקרבנות חוזר ומברך 'אשר בחר בנו' כשקורא בתורה, ולא הוה ברכה לבטלה דמשום כבוד תורה נתקנה כשקורא בציבור.

טור אורח חיים הלכות קריאת ספר תורה סימן קלט

*The Tur understands that the beracha is one of praise (bircat hashevach) and is said in honor of the Torah<sup>10</sup>.*

#### A5] WHO READS FROM THE TORAH

• It is clear that the original custom was for each person called to the Torah to read their portion. At seen above, initially, only the first and last reader would make a beracha but then the practice changed so that each reader made a beracha before and after the reading. But what if someone was unable to read?

16. בית הכנסת שאין להם מי שיקרא אלא אחד - עומד וקורא ויושב, ועומד וקורא ויושב, עומד וקורא ויושב, אפי' שבעה פעמים.

תוספתא מגילה (ליברמן) גיב

*The Tosefta rules that if there was only one person in the shul who could read, he would be called up repeatedly and, if necessary, receive all 7 aliyot on Shabbat!*

9. Nevertheless, elsewhere (Shu't HaRashba 7:540) the Rashba compares the beracha recited before and after the Torah to the berachot recited before and after Hallel and Megilla. For Megilla at least (and likely for Hallel too) the beracha before the reading is clearly a bircat hamitzva on a personal obligation. The berachot afterwards seem to be bircat hashevach and, in the case of Megilla, a communal obligation since 'harav et riveinu' is said only when a community of 10 is present (although a minyan is not required for megilla reading and ten women may constitute a community in order to say that beracha.)

10. This may also be supported by the Yerushalmi above in which R. Yonatan said that omitting the berachot left the Torah looking 'bare'.

17. מעשה ברבי עקיבא שקראו החזן ברבים לקרות בס"ת בצבור ולא רצה לעלות. אמרו לו תלמידיו - 'רבינו, לא כך למדתנו כי היא חייך ואורך ימך ולמה נמנעת מלעלות?' אמר להן - העבודה! לא נמנעתי לקרות אלא על שלא סדרתי אותה פרשה שנים שלשה פעמים. שאין אדם רשאי לומר דברי תורה לפני הצבור עד שיפשוט אותו ב' ג' פעמים בינו לבין עצמו. שכן מצינו בהקב"ה .... כתיב וידבר אלהים את כל הדברים האלה - בינו לבין עצמו ואחרי כן לאמר.

מדרש תנחומא (ורשא) פרשת יתרו סימן טו

*The Midrash recounts that R. Akiva refused an aliya since he had not properly reviewed the leining. It even learns that God 'reviewed', as it were, the leining before presenting the 10 Dibbrot!*

18. מי שאינו יודע לקרות בתורה כלל האזין פטור מלקרות בתורה כלל. ואף אינו רשאי נמי לעלות ולקרות בתורה ... אצל אס אינו יודע לקרות העולה בדקדוק יסייע החזן בלחישת כגון אדם שלוש לחצורו ולא לישמעו ליצור כי היכא דלא ליערודי בתרי קלי, דתרי קלי לא מישתמע.

ספר העיתים סימן קעח

*The Sefer Halitim<sup>11</sup> rules that someone who cannot read is not allowed to take the aliya to the Torah. For someone who can basically read, but makes mistakes, the chazan should whisper the words to him and he repeat them allowed<sup>12</sup>.*

19. .... דבימי החכמים לא היה רגילות שסייע שליח ליצור לקורא בתורה .... ומה שנוכחין עכשיו שמסייע ש"ל לקורא בתורה כדי שלא לבייש את מי שאינו יודע לקרות כענין שמלינו צמח' זיכורים (פ"ג מ"י) שהתקינו שמקריין את הכל ....

תוספות מנחות ל. ד"ה שמנה פסוקים

*Tosafot also mention a custom of the chazan to assist an unskilled reader by whispering the word so that the Torah reader could repeat it out loud. This made sense since the berachot were made by the reader so they had to read their portion.*

• Starting from the time of the Geonim, a new custom gradually arose for the chazan or a dedicated ba'al koreh to read out the Torah reading and for others to be called up for the aliyot. Two reasons are given for this new innovation:

- to avoid the personal embarrassment of those who knew they could not read and declined to read.
- to avoid the communal embarrassment caused by those who thought they COULD read and did a terrible job!

## A6] HOW CAN A BA'AL KOREH READ AND SOMEONE ELSE MAKE THE BERACHOT?

• Apparently this custom should be forbidden since the person making the berachot does not perform the mitzva and the berachot would be in vain and the ba'al koreh does not make the berachot.

### Solution 1 - The Oleh must read quietly along

20. ומה שנהגו האידנא ששליח לצור קורא היינו שלא לבייש את מי שאינו יודע לקרות .... לפי שאין הכל בקיאים בטעמי הקריאה ואין לצור יולאין בקריאתו. והוא צעניו כיוודע ואם לא יקראוהו בתורה חתי לאיננוי עם ש"ץ. לכך התקינו שיקרא שליח לצור שהוא בקי בקריאה. ומ"מ גם העומד לקרות יקרא בנחת ודקדוק עם שליח לצור שלא תהא צרכה לצטלה. ואותו שאינו יודע לקרות אין ראוי שיקראו שליח לצור והוא צרכה לצטלה ולא מסתגר שהוא יצרך על קריאת שליח לצור.

רא"ש מסכת מגילה פרק ג סימן א

*The Rosh writes that the custom was to appoint a ba'al koreh so as not to embarrass those who could not read properly. However the oleh who makes the berachot must read quietly together with the ba'al koreh, otherwise his berachot were in vain. If the oleh is completely incapable of reading quietly alongside, the Rosh rules that he may not receive an aliya and his berachot would indeed be in vain.*

21. לא יקראו שנים, אלא העולה קורא וש"ץ שותק. או ש"ץ קורא והעולה לא יקרא בקול רם. ומ"מ צריך הוא לקרות עם הש"ץ, כדי שלא תהא ברכתו לבטלה אלא שצריך לקרות בנחת שלא ישמע לאזניו. ואפילו משמיע לאזניו ליכא למיחש ....

שולחן ערוך אורח חיים הלכות קריאת ספר תורה קמא:ב

*The Shulchan Aruch supports the solution of the Rosh - the ba'al koreh can read and the oleh read very quietly alongside.*

11. R. Yehuda ben Barzilai of Barcelona (11/12th century).

12. See also Shu't Rashi 274 who also brings this ruling. Note that some rulings of Sefer Ha-Ora, usually attributed to the school of Rashi, are also apparently based upon R. Judah ben Barzilai's works. As such there seems to be a correspondence between these sources.

22. .... עיקר הדבר אינו מובן. שאי חיישין שזכרנו מכ מרויחים זכך שיקרא גם הוא לעצמו עם הקורא? ... והוא הרי אינו קורא בליצור, וליע!

הליכות שלמה, קריאת התורה יב הערה ג

*Rav Shlomo Zalman Auerbach questions the effectiveness of the solution of the Rosh - for the oleh to read quietly with the ba'al koreh - since, at the end of the day, the oleh is not reading for the community so how can he make the berachot<sup>13</sup>.*

### Solution 2 - Shome'a Ke'oneh

- A different halachic mechanism made be at work here. Through the principle of shome'a ke-oneh a person with an obligation can listen to another person saying the requisite words to fulfil the mitzva and have in mind that they are fulfilling the mitzva at the same time through these words. The halachic views it as if the person listening had actually said the words.
- If so, the oleh could remain silent and listen to the reading of the ba'al koreh, having in mind that this is as if he is reading it.

23. דהא איכא למימר דכל שבעולה שומע מה ששליח ליצור קורא ומכוין לבו לדבריו הרי הוא כקורא דשומע כעונה ....

בית יוסף אורח חיים סימן קמא

*The Beit Yosef suggests that the relevant halachic mechanism may be shome'a ke'oneh.*

24. .... כשאנו קורא בעצמנו אינו אלא כשאר אנשי הצבור שומעים. אי"כ איך רשאי לברך? הא גבי שומעים לא תיקון רצון זכר צקה"ת. [הג"ה וצדוק יש ליישם ... דהש"ך אינו מכוין להוציא רק בעולה שקורא בשבילו וכמו שכתבו החוספות שהתקינו כן כדי שלא לבזבז את מי שאינו יודע. ולשאר הצבור אינו רק שמישהו בעלמא [שאנו מכוין הש"ך כלל להוציאם. ולא שייך זכר שומע כעונה ממש לדידכו]. ולכך שייך זכר לגבי ידיה ולא לדידכו.

באר הלכה סימן קמא סעיף ב

*The Biyur Halacha asks on the suggestion of shome'a ke'oneh - if the shaliach tzibur is reading for everyone, including the oleh, why can the oleh make the berachot and not others listening. And if everyone is just listening, how can the oleh make a beracha at all since no beracha was instituted for the listeners. He give what he accepts as a 'forced' answer - that may the ba'al koreh has in mind only to fulfil the personal obligation of the oleh, and everyone else is 'just listening'.*

25. .... דנחשב שהעולה המברך הוא הקורא המשמיע להצבור והוא מדין שליחות דהמקרא הוא שלוחו להשמיע לצבור.

שו"ת אגרות משה אורח חיים ב"עב

*Rav Moshe Feinstein suggests that the oleh is the true halachic reader to the congregation, who are listening. The ba'al koreh simply performs the physical act of reading as the shaliach of the oleh.*

### Solution 3 - Communal obligation

- If the obligation of leining is entirely on the community to ensure that leining takes place then, theoretically, anyone in that community could make the berachot on the reading, even if they did not read<sup>14</sup>.

### Solution 4 - The Oleh is making the beracha on behalf of the ba'al koreh

- A minority position maintains that the 'true' reader is the ba'al koreh, and in fact, the oleh is making the berachot on their behalf through the halachic principle of *shome'a ke'oneh*.

26. ואם רצו אחד מברך והאחרים יענו אמן. (יד) (משנה ברורה - ומוציא את האחרים ואפילו הם בקיאים ובלבד שיתכוין השומע ללאת והמשמיע להוציא. ויותר מזה דאפילו אם המצרך כבר יא לעצמו או שאינו מתעטף כלל יכול להוציא אחרים בצרכו דכל ישראל ערבים זה לזה. אך זכר י"א דאינו מוציא אלא דוקא מי שאינו בקי.)

שולחן ערוך אורח חיים הלכות ציצית ח"ה

*A person performing a mitzva can ask another person to make a beracha on their behalf, even if the other person has already performed the mitzva. This works through the halachic mechanism of arevut (responsibility) - 'kol Yisrael areivim ze la-ze'. However, this is only possible if the person making the beracha has an inherent obligation in this mitzva, even though they may have technically fulfilled it.*

13. Does Rav Auerbach hold that the obligation of leining is on the community? If so, why can't anyone from the community make the beracha? Perhaps he hold that the obligation is on the individual to read for the community.

14. The Frimers (ibid p. 85) identify this as the minority opinion of the Rashba - see above.

**B] WOMEN READERS - FULFILLING OBLIGATIONS TO READ FROM THE TORAH<sup>15</sup>**

27. הכל עולין למנין שבעה אפילו אשה אפילו קטן. אין מביאין את האשה לקרות ברבים.

תוספתא מגילה ג:ה

*The Tosefta records a ruling that women can be included<sup>16</sup> in the 7 aliyot for the Torah reading on Shabbat<sup>17</sup> but then rules that a woman may NOT be called to read for the public. These two rulings do not seem to be different opinions and thus need to be harmonized or explained.*

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

מגילה כג.

*The Bavli uses slightly different wording - women count in principle towards the 7 aliyot but the Rabbis said [amru chachamim] that a woman should not be called up to the Torah due to 'kavod tzibur' - respect for the community.*

**B1] PERSONAL OBLIGATION - CAN A WOMAN READER BE 'MOTZI' A MAN**

• IF the purpose of the reader is to be *motzi* the personal obligation of those listening, we will immediately run into the halachic requirement that someone being *motzi* another must have no less a halachic obligation.

29. .... זה הכלל כל שאינו מחויב בדבר אינו מוציא את הרבים ידי חובתו.

משנה ראש השנה ג:ח

*The Mishna rules that one who seeks to fulfil the obligation of another must also be obligated.*

• We saw in Part 1 that almost all poskim rule that women are NOT obligated to hear the communal Torah reading<sup>18</sup>.

30. .... משמע מכאן דאשה חייבת לשמוע קריאת התורה. ואף על פי שנתקנה משום ת"ת וגשים חיון חייבות צת"ת מ"מ מלוא לשמוע כמו מלות הקהל שהגשים והטף חייבים זה ... צמ"ס פי"ח כתוב הגשים חייבות לשמוע קריאת ספר כאגשים ומלוא לתרגם להם שיצינו עכ"ל וכאן נכחו הגשים ללכת חולה.

מגן אברהם סימן רפב ס"ק ו

*The Magen Avraham however understands from the biblical precedent of Hakhel, and the ruling in Masechet Soferim, that women may be obligated to hear the Torah reading<sup>19</sup>, although he notes that the women of his time (17th century, Poland) would leave the shul during keriat haTorah<sup>20</sup>!*

31. ודע דנמצא במס' סופרים [פי"ח ה"ד] שנשים חייבות לשמוע קריאת ספר כאגשים וכו' .... ונ"ל דלאו חיוב גמור קאמר אלא דומיא דתינוקות שהרי פטורה מתלמוד תורה. ועוד דאין לך זמן גרמא יותר מזו! .... ואין לדמות למצות הקהל שצותה התורה הקהל את העם האנשים והנשים והטף. שזו היא מצוה מיוחדת פעם לשבע שנים שהיה המלך בעצמו קורא ספר משנה תורה שהם דברי כבושין. אבל שנאמר שמחויבות בכל שבת בקריאת התורה וודאי הוא מילתא דתמיה! ומעשים בכל יום יוכיחו, וע"פ רוב א"א להן לשמוע. אלא המסכת סופרים אומר על דרך המוסר בזמן שהיו מתרגמין שנכון לתרגם לפנייהם ולפני התינוקות להשריש בלבן יראת ד' ואהבתו ית' [עמג"א סק"ו שמסתפק בזה ולענ"ד ברור כמ"ש דומיא דתינוקות וכ"כ הפרישה ע"ש].

ערך השולחן אורח חיים סימן רפב 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 mitzva<sup>21</sup> from which women would normally be exempted<sup>22</sup>.*

15. We will begin the discussion of this topic in this shiur and it will be H be continued in Part 2.

16. It is important to note that the word 'olin' in the Beraita does not carry the modern meaning of 'go up/be called up to the Torah', but it means that the reading counts towards the requisite number of readings, eg 7 on Shabbat.

17. There is a discussion as to whether this halacha is restricted to Shabbat when there are 7 aliyot or applies in principle to all readings. Mishna Berura (282:11) quotes authorities who follow this approach. Others (see for instance the Meiri below) suggest that this could theoretically apply to all Torah readings.

18. He is also led to this position by the Beraita that women 'count' towards the 7 aliyot. If they count, they must be obligated to be able to be *motzi* the men listening. Ultimately, the Magen Avraham leaves the matter as a question.

19. 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.

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

21. 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'.

22. 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

32. ואפילו לדעת החולקין על המג'א הנ"ל, מכ"מ אילו באו לביה"כ היו מקיימות עכ"פ מצות קריאת התורה בתורת אינו מצווה ועושה.

רב צבי שכטר, צאי לך בעקבי הצאן, 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 obligated<sup>23</sup>.*

- As such, if the purpose of the person making the beracha or reading the Torah is to be *motzi* the individual obligations of those listening, women will not be able to do so for men.
- But, if so, how could women readers, and for that matter children, 'count' towards the 7 readings?

33. הכל עולין למנין שבעה או לאיזה מנין של קריאת התורה, ואפי' אשה ואפילו קטן. אבל אמרו חז"ל אשה לא תקרא בתורה מפני כבוד הצבור. יש מי שאומר שמ"מ צריך בכל קריאה קורא אחד גדול, והואיל וקרא אחד כבר נשלמה תקנת משה רבינו, ואין כאן עוד קריאה אלא מתקנת עזרא. שלא היה מנין הקוראים מתקנת משה רבינו אלא גוף הקריאה לבד, ויכול להשלים הקריאה על ידי אשה או קטן. אבל לא שתעשה כל הקריאה ע"י אשה וקטן. ויש מי שמפרש שלא נאמרו הדברים אלא בזמן שהיו קוראין אמצעיים בלא ברכה ואשה יכולה לקרות באמצע. אבל עכשו שכל מברכין אין אשה קוראה כלל. וכן הדין נותן שהרי היאך תברך והיא פטורה? ומ"מ קטן מברך הואיל ויש לו שייכות בתלמוד תורה ושאחרים מצווין ללמוד.

בית הבחירה למאירי מגילה כג.

*The Meiri explains that women and children are indeed NOT obligated in the reading. But they could in principle (ie if not for the issue of kavod tzipur) be called to complete the readings on Shabbat<sup>24</sup>, but not to do all of them, since they cannot be motzi the men listening. Since the original obligation from the time of Moshe was just to have ONE person called up to read (until Ezra later extended this<sup>25</sup>), as long as one of the readers is male, this fulfills the basic rabbinic obligation. Further, the beracha would be made by the first and last readers and these could not be women/children since they were not obligated and would not be allowed to make the beracha for men<sup>26</sup>. However, once the rabbis extended the berachot to ALL olim, the Meiri understand that women could not be called up at all, even in principle without coming to the issue of kavod tzipur<sup>27</sup>.*

34. כשהתקינו שיהיו שבעה קורין בתורה היתה התקנה שהקטן היודע לקרות יעלה למנין ז' כדי שלא להטריח הצבור להיות כל הז' גדולים, ואולי לא ימצאום יודעים לקרות. ואפי' אשה היתירו מטעם זה אם לא מפני כבוד הצבור, ומכל מקום בכלן קטנים לא היתירו.

שו"ת הריב"ש סימן שכו

*The Rivash explains that women and children are, in principle, allowed to make up some of the readings<sup>28</sup> so as not to burden the community with the need to find 7 men who could read<sup>29</sup>.*

## B2] COMMUNAL OBLIGATION - IS THE MITZVA TO MAKE THE READING HEARD?

35. קטן קורא בתורה שאין הכוונה אלא להשמיע לעם ואין זו מצוה גמורה כשאר מצות שנאמר בה כל שאינו מחויב וכו' ואף על פי שהוא מברך הרי מ"מ יש לו שייכות בתלמוד תורה עד שאחרים מצווין ללמוד

בית הבחירה למאירי מגילה כד.

*The Meiri here suggests that the mitzva of leining may not be an individual obligation as with other mitzvot, but simply an obligation on the community for the Torah reading to be heard. As such, a child can read since he is connected to the mitzva of Torah learning. If so, would a woman be connected to a sufficient degree?*

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).

- 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).
- See commentators takes this literally and rule that a woman can only be called to complete the readings - ie for the 7th reading - see Hagahot Maimoniot Hilchot Tefilla 12:17 in the name of the Maharam of Rottenberg. However, this would call into question the issue of the after-beracha by the final reader - see below.
- See Rambam's commentary to Mishna Megilla 4:6 who quotes a view of the Geonim that a child could only be called up after the third reading so that the basic obligation will have been fulfilled by obligated adult males.
- He rules that a child could make the beracha since they are obligated rabbinically in the mitzva of chinuch and, as such, he can be *motzi* others who are rabbinically obligated to hear the reading. In fact, this opens up a number of complex issues which we cannot address in this shiur, including (i) whether the child is indeed personally obligated or his parents/the community is obligated to educate him; and (ii) why the child is still not on a lower level than those around him since he they have rabbinic obligation and he has two levels of derabbanan - a rabbinic version of a rabbinic obligation. All of this also assumes, of course, that the obligation to hear the leining is personal and not communal.
- See the Ran (on Rif Megilla 13a s.v. hakol olim) who also explains that women are not obligated and there cannot have all the aliyot. However, unlike the Meiri, he learns that once the rabbis instituted that ALL olim say the berachot before and after their readings, women WOULD in principle (ie if not for the issue of kavod tzipur) be able to make the berachot and have any of the aliyot. Presumably he learns that this is now a beracha required by rabbinic law and would not be in vain. For the Ran, once all the readers recite berachot, no specific reader is needed to discharge another's obligation.
- Since the obligation to hear the reading is rabbinic, the rabbis could legislate the parameters of the obligation and introduced this leniency.
- Interestingly, the implied scenario here is a community in which the men were unlearned and women and children were more able. We will see in Part 3 that this could be one of the situations which is seen as a breach of *kavod tzipur* - where the men are embarrassing incapable.

36. ולכן נחא בפשיטות מה שגם קטן עולה ויוצאין בקריאתו. וכן אשה אף אם פטורה מקה"ת ולא היה בכחה להוציא אחרים במצוה אחרת כה"ג, משום דהא אין השומעין צריכין להוציא מהקורא, אלא ששמיעתן הקריאה היא המצוה וזה עושין השומעין בעצמן.

שו"ת אגרות משה אורח חיים חלק ב סימן עב

R. Moshe Feinstein explains that the mitzva is on the community to hear the reading. As such, in principle (ie if not for the issue of kavod tzibur) a woman would be able to read so that the community could hear.

## C] WOMEN READERS - MAKING THE BERACHOT

• If a woman is called to read the Torah, can she make the berachot even though she is not obligated in the mitzva? This raises the more general question of women making berachot on mitzvot that they are exempted from, on which most Sefardic authorities are strict but the Ashkenazi practice is to be lenient. As such, Ashkenazi women make berachot on mitzvot from positive time-bound mitzvot from which they are exempted.

37. .... ור"י ז"ר יחידה מציא ראיה דנשים מצרכות על כל מלות עשה שהזמן גרמא מדאמרין (מגילה כג.) 'הכל עולה למנין שצעה ואפי' אשה ואפי' קטן'. ואף על גב דאשה אינה מצוה לעסוק בתורה .... ואור"ת דאין זו ראיה, דצרכת התורה לפנייה ולאחריה לאו משום תלמוד תורה. שאפילו בדרך צרכה 'הערב נא' או נפטר באהבה רבה חוזר ומצרכה. תדע במקום שאין לוי כהן קורא במקום לוי ומצרכה אף על פי שכבר צרכה בקריאה ראשונה. ועוד דאיכא למימר דהא דאשה עולה היינו צאמנא שלא היו רגילים לצרכה כדאיתא בפרק הקורא את המגילה עומד (כא.) תנא פותח מצרכה לפנייה וחותם מצרכה לאחריה. והאידנא כולנו מצרכין גזירה משום הנכנסים ומשום היוצאים ומיהו עולין למנין שצעה משמע בסוף שצעה.

תוספות ראש השנה לגא ד"ה הא רבי

Tosafot advance three approaches on this issue. First, they bring our sugya as a proof that women can make bircot hamitzva even when not obligated. This approach assumes that the beracha on the Torah is a bircat hamitzva, that women are not obligated in this mitzva, but that women can make the beracha in any event. Secondly, they bring the view that the berachot on the Torah are NOT bircot hamitzva, but bircot hashevach - praise of the value of Torah. Hence, a Cohen who has already read can make the berachot again if there is no Levi. Thirdly, they suggest that women would NOT be able to make berachot when coming up to read the Torah and would only be called to the middle readings on which there was originally no beracha<sup>30</sup>.

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

ספר המנוחה, תפילה יבין

Rabbeinu Manoach<sup>31</sup> 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.

- As such, there are effectively 4 halachic positions on whether women could make the berachot on keriat haTorah if called up:
  - (i) The berachot are *bircot hamitzva* and the woman may not say them since she is not personally obligated in this mitzva (Sefardic practice)
  - (ii) The berachot are *bircot hamitzva* and the woman could theoretically say them even though they are not obligated, either since they do not include the expression '*vetzivanu*', or because she follows Ashkenazi practice. However, in this case, she may NOT say them since she must be *motzi* the personal obligation of men.
  - (iii) The beracha is a personal obligation of the *oleh* and a woman could say it because either (a) she follows the Ashkenazi practice; or (b) she is permitted to say them due to the absence of '*vetzivanu*'; or (c) it is a *bircat hashevach*.
  - (iv) The beracha is a communal obligation<sup>32</sup> and can be said by anyone in the community<sup>33</sup>.

30. Although Tosafot also indicated that once the rabbis introduced berachot for all readers, a woman could in principle be the final reader and 'complete the 7'. We saw this above as the opinion of the Ran.

31. 13th century Provence - a student of Maharam of Rottenberg who wrote Sefer Ha-menucha on the Mishneh Torah of the Rambam.

32. As we saw above, this is a minority opinion.

33. It should be added that the position of R. Shlomo Goren is that, even if the beracha is made entirely on behalf of the community, a woman cannot make this since she may not make up the minyan required to enable the reading. See the analysis and sources of the Frimers (ibid. p. 92 and footnotes).



## D] WOMEN READERS - COMPLICATIONS DUE TO THE BA'AL KOREH SYSTEM

- As we saw above, the aliya to the Torah now comprises a halachic combination of the berachot of the oleh and the reading of the ba'al koreh. Each cover the other through the mechanisms of *shome'a ke'oneh*, *shelichut* and *arevut*.
- In a complex analysis, the Frimers propose that there is almost NO combination of women aliyot/readers supported by a majority position which will avoid a serious likelihood of the berachot being levatala. This is irrespective of whether the reader is a woman and the oleh a man, the reader is a man and the oleh a woman, or even if the reader is a woman and the oleh is a woman. According to a minority view, it may be possible for a woman to say the berachot and a man read the Torah, although the question then arises as to whether the woman is required to read quietly along.
- The one possibility which works in principle is for a woman to be called up and then read her own section. Then there is no application of *shome'a ke'oneh*, *shelichut* and *arevut*.
- However, ALL of this is in principle and BEFORE we even address the issue of kavod hatzibur. As such, even if we are able to find a halachic combination which works, we will still encounter the problem of calling up a woman to the Torah due to kavod hatzibur. To permit a woman's aliya in practice this issue will need to be resolved and we will turn to this be'H in part 3.

## E] WOMEN'S ONLY READINGS

- The above discussion relates to women's aliyot in minyan of men in which full keriyat haTorah takes place.
- But what is the halachic position concerning a group of women only who wish to read from the Torah as part of a woman's tefilla group<sup>34</sup>.
- In 1985, a responsum opposing women's tefilla groups was co-signed by a number of prominent Yeshiva University Rashei Yeshiva<sup>35</sup>. A full ban on such groups was then issued by the Va'ad HaRabbanim of Queens in 1997.
- We will deal separately with the hashkafic issues arising out women's tefilla groups. HALACHIC questions arising include:
  - (i) Whether women can touch and use a Torah scroll. Most poskim are lenient on this issue<sup>36</sup>.
  - (ii) Whether a Sefer Torah can be moved in order to be used at a women's reading.

39. ובנוגע לס"ת של יחיד שמתחילה נכתבה בשביל עצמו ללמוד בה כבר אמרתי דאפשר שלא אסרו לטלטל ס"ת אלא בס"ת שהוקדשה מתחלה לשם ביהכ"נ. אבל ס"ת שמתחלה נכתבה בשביל היחיד ללמוד בה בכל מקום שהוא נמצא, שפיר מותר לטלטלה עמו.

שו"ת הר צבי אורח א"ע

*The restrictions on moving a Sefer Torah apply more stringently for a Torah dedicated to use in a shul. A privately owned Sefer Torah used for personal learning and reading can be moved to facilitate such reading.*

- (iii) Whether a woman can chose to attend a women's reading and so miss out on the mitzva of hearing formal keriyat haTorah. Since women are exempted from the mitzva, most poskim will be lenient on this issue.

40. המצוות הן שלא בשלמותן [בקבוצות תפילה לנשים] .... שאין להן הקיום של קריאת התורה. ואילו היו באות לביה"כ לשמוע קריאת התורה עם עניית ברכו ה[ה] בידן הקיום הזה ....

רב צבי שכתר, צאי לך בעקבי הצאן, עמ' כב

*Rav Schachter points out that women who attend women's Torah readings will not fulfil the mitzva of keriyat haTorah.*

- (iv) Whether a new form of prayer ritual should or may be introduced. This raises many of the hashkafic questions that we will b'eH address.

- A women's only Torah reading does not have a minyan and, as such, the formal mitzva of keriat haTorah will not take place. This will mean that barechu and the regular berachot on the Torah reading CANNOT be recited. Women's prayer groups have dealt with this in a number of different ways:

- (i) Many omit the berachot and simply read from the Torah.
- (ii) Some replace the berachot with other readings or verses in praise of the Torah which effect the spirit of the experience.

34. The first women's tefilla group began in the late 1960s on Simchat Torah at Lincoln Square Synagogue in Manhattan. With the support of its rabbi, R. Shlomo Riskin, the women were given Torah scrolls for the celebration and permitted to convene a separate Torah reading, with women leading the reading. By the late 1970s, a number of groups were meeting monthly, often connected to Rosh Chodesh.

35. In response to the 1985 YU responsum, R. Aryeh Frimer and R. Dov Frimer published an extensive article entitled "Women's Prayer Services: Theory and Practice" in the Winter 1998 issue of Tradition Journal. Partly as a response to the 1985 ruling, the Women's Tefillah Network (WTN) was created in the 1990s and served to support new and existing groups. With the formation of the Jewish Orthodox Feminist Alliance (JOFA) in 2000, many of the WTN's services and roles were taken over by the new body.

36. We dealt with this at length in a previous series on women dancing with Sifrei Torah on Simchat Torah, see <https://rabbimanning.com/women-sefertorah/>.

(iii) Some recite the phrase from Tehillim (119:12) ברוך אתה ה' למדני חקיד.

(iv) Some try to engineer a halachic scenario whereby the woman delays her bircat haTorah in the morning beracha of *asher bachar banu* until she comes to read from the Torah. Even those poskim who are more open to the possibility of women's readings are generally opposed<sup>37</sup> to this practice<sup>38</sup>.

(v) Some say the berachot on the Torah without Shem u'Malchut.

(vi) It seems clear<sup>39</sup> that some women's tefilla groups do say the regular blessings before and after the Torah, which is clearly in breach of halacha and against the rulings of those poskim who support such groups in other respects. It also speaks to the potential for autonomous groups without competent halachic guidance to drift into non-halachic and prohibited practices.

- As noted, many poskim consider women's prayer groups to be technically halachic permitted but, nevertheless, not recommended for broader hashkafic reasons. We will examine these, as well the issue of kavod hatzibur, in Part 3.

37. For instance, R. Baruch Gigi, one of the Roshei Yeshiva at Har Etzion, who does not generally recommend women's Torah readings (although does not prohibit them) does oppose the delayed beracha option.

38. This could be for a number of reasons, including: (i) the morning berachot should not be delayed; (ii) once the woman says 'Ahava Rabba' before the Shema her bircat haTorah is fully covered so she would have to skip that beracha or have intent not to be *yotzei*; (iii) how can the woman hear earlier readings without having said/heard the beracha on Torah?

39. See Pam and Liat Greenwood's report - 'Torah Service in Women's Tefillah Groups,' which states: "There are many different women's tefillah groups around the world, with significant variations in practice. The most variable area concerns the blessings women recite before and after their aliyot ... In Spring 2015, JOFA surveyed women's tefillah groups to better understand their variety of approaches for conducting the Torah Service....When asked how each group refers to the Torah Service, five groups responded that their service is called a Limmud Torah (Torah Learning), fifteen responded that their service is called a Keriya HaTorah (Torah Reading) and two reported that they use either term. One group frames the service as Limmud Torah by having the congregation recite Birkat HaTorah together before reading from the Torah. In all but two of the groups, a woman approaches the Torah and recites a blessing or Biblical passage before the reading. In many groups – but not all – the woman recites a closing blessing/passage as well. The standard aliyot without Barechu are recited by women called to the Torah (10 groups). Women who are being called to the Torah are reminded beforehand to omit the recitation of Birkat HaTorah during the morning service (1 group). A woman recites the standard aliyah without Barechu but she omits shem v' malchut (Hashem elokeynu melech ha'olam) if she has already said Birkat HaTorah that morning (2 groups). ...The blessing Baruch atah Hashem lamdeini chukecha (Tehillim 119:2) is the most popular for alternative aliyot. It is used in a variety of ways – either before or after the Torah reading – often in combination with other passages (6 groups).