

# HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

## SERIES 3: 46 - PARTNERSHIP MINYANIM AND WOMEN'S TORAH

### READING - PART 3

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 Part 2 we charted the evolution of the berachot around leining and the institution of the ba'al koreh and the effect these have on women's participation. In this part we will examine the issues of *kavod hatzibur* and how it impacts our topic.
- Two other major issues remain to be addressed - first, the technical halachic issue of *kavod haberiyot* - consideration for the public embarrassment of others and how that can override certain rabbinic prohibitions. Secondly, we need to address the broader hashkafic issues relating to halachic change and innovation. I hope to address both of these in future shiurim be'H.

#### A] KAVOD HATZIBUR

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

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

- We saw in Part 2 that, before the impact of *kavod hatzibur* is even raised, it is very difficult to find a halachically acceptable manner in which women could be called to the Torah and make the berachot, especially now that we have a dual system of the *oleh* and *ba'al koreh*.
- According to a minority reading of the sources it may be possible to make a theoretical case for a woman to receive one of the later aliyot where a man reads from the Torah. We also saw that, in principle, if a woman reads her own portion, there is greater room to permit her to receive an aliya, especially if there are not enough men present who could read.
- However, all of the above appears to be irrelevant since, even where women are technically permitted to read, Chazal ruled that they may not be called up due to concerns of *kavod hatzibur*. Is this halachically binding in our present social reality? On the one hand, we must ensure authentic commitment to the halachic process. On the other hand, it is important to explore halachically acceptable options that could engage women more in communal life, especially when exclusion could undermine their general commitment to the Orthodox community and the halachic process.

#### A1] 'AMRU CHACHAMIM'

- Some have argued that the expression 'amru Chachamim' is intend to introduce a recommendation, rather than a prohibition.

2. והתניא: ויקרא יט:יט [וְיִבְגַּד בְּלִצְאִים שְׂעֵטָיִן] לֹא יַעֲלֶה עָלֶיךָ. אבל אתה מותר להציעו תחתך. אבל אמרו חכמים: אסור לעשות כן, שמא תיכרך נימא אחת על בשרו. יומא סט.

*In principle, one should be permitted to sit on top of material which contains sha'atnez - combined wool and linen. However Chazal prohibited this<sup>1</sup> [amru Chachamim] in case the seat was soft and some of the material wrapped up around one's legs<sup>2</sup>.*

1. This is ruled in Shulchan Aruch (YD 301:1) as an absolute prohibition, to the extent that "even if there are ten layers of bedding one on top of the other, and the bottom one is kilayim, it is forbidden to sit on the top one, in case a thread becomes folded over his body".

2. There is a famous story about the young Steipler Gaon who travelled to meet the sister of the Chazon Ish for shiduchim but fell asleep on the date! The Steipler knew that he would need to travel the entire following day to meet the girl so he learned the entire night before in order to make up for lost learning time, thinking that he would be able to sleep on the train. However, when he boarded the train and looked at the seats, he was concerned that they might contain sha'atnez. As a result, he would not sit on the seat and instead traveled the entire day standing up.

3. תנו רבנן: מצות וידוי ערב יום הכפורים עם חשכה. אבל אמרו חכמים: יתודה קודם שיאכל וישתה, שמא תטרף דעתו בסעודה.

יומא פו:

*The expression 'amru Chachamim' is also used to introduce the halachic requirement<sup>3</sup> to say vidui on Erev Yom Kippur before the seuda.*

• However, the expression 'amru Chachamim' is sometimes used to introduce a recommendation which goes beyond the letter of the law.

4. דתניא - דן את הדין .... וכן העדים שהעידו - כולן רשאים ליקח. אבל אמרו חכמים: הרחק מן הכיעור ומן הדומה לו.

חולין מד:

*Once a judge has ruled, or witnesses have testified, that an item is permitted, they may technically later acquire and use that item and we do not assume that they acted dishonestly in trying to obtain it. However, Chazal said ('amru Chachamim') that one should not do so and should stay far away from any possible accusation of impropriety.*

• In fact, in the case Torah reading, the Tosefta rules explicitly that women may not be called to read, without the rationale of kavod hatzibur.

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

תוספתא מגילה ג-ה

*The Tosefta records<sup>4</sup> a ruling that women can be included in the 7 aliyot for the Torah reading on Shabbat but then rules that a woman may NOT be called to read for the public.*

6. אשה לא תקרא בציבור מפני כבוד הציבור ...

רמב"ם תפילה ונשיאת כפים יב"ז

*The Rambam rules directly that women may not be called to read due to kavod hatzibur, without the phraseology of 'amru chachamim'<sup>5</sup>.*

• The prohibition on women's aliyot due to *kavod hatzibur* has been seen by all previous poskim as binding and not merely recommended, save for certain exceptional cases which we outline below. The claim that it is merely a recommendation<sup>6</sup> is novel and rejected by almost all poskim, past and present.

## A2] HISTORICAL PRECEDENT OR LECHATCHILA/BEDIEVED?

• Some advocating for woman's aliyot have suggested that the Beraita presents a historical evolution of the halacha - that initially women were called up to read but then later the Rabbis prohibited this due to kavod hatzibur. Aside from the fact that there is no textual or historical evidence for such an assertion, most poskim understand that the beraita is setting out a lechatchila/bedieved prioritization.

• Indeed, some understand from the Rambam, who shortens the original wording of the Beraita, that there is not even a bedieved option in this halacha today.

3. See Shulchan Aruch OC 607:1. This is ruled as an obligation and not a recommendation.

4. The continuation of the Tosefta is the ruling (which we saw in Part 2) that: "In a synagogue where they have only one person who can read, he stands up and reads and sits down, and stands up and reads and sits down, stands up and reads and sits down, even seven times." This is often quoted by Rishonim together with the prior ruling concerning women's readings. For instance, see Or Zarua (Part 2, Laws of Keriat Shema 383) and Tosafot Rid (Megilla 23a). Prof. David Weiss Halivni (Tosefta Ke-peshuta Megilla pp. 1176-77) suggests that the connection of these two rulings may indicate that a woman may not be called to read only in situation where there is no man and she will be the sole reader. But if there is a man present, women may be called up. However, he accepts that this reading was rejected by the poskim, who understood the Tosefta to rule that where there is only one man present who can read, he must be given all the aliyot rather than call up a woman. This is also the reading supported by R. Yehuda Henkin (*Qeri'at Ha-Torah by Women: Where We Stand Today*, The Edah Journal 1:2 (Sivan 5761), 1-2.) who understands the Tosefta to rule that women may never be called up when men (even one man) present are able to read.

5. However, the Tur and Shulchan Aruch do include the expression 'amru Chachamim' - see OC 282:3.

6. R. Daniel Sperber initially argued, based on those cases in which 'amru Chachamim' refers only to ideal conduct, that the ruling in the case of women's Torah reading is advisory but without halachic force. In his sefer, *Darkah shel Halacha*, 33, he makes his point in strong terms, saying "It seems then that there are cases in which *kevod ha-tzibur* is pushed aside, because it is not truly a prohibition, but a type of recommendation to the *tzibbur*, like *es passt nicht* (this isn't fitting or appropriate) and not an absolute prohibition." He later revised his position on this matter, calling the halachic status of the last section of the baraita "uncertain". In his words (*The Kabbalat Shabbat Memorandum*, The Seforim Blog 12.6.2013): "Some have claimed that 'but the Rabbis said: a woman should not read...' is an absolute decree that cannot be changed. Others - myself included - have argued that this is advice, rather than a decree, limited by the principle of 'the dignity of the community'... Recently Ephraim Bezalel Halivni sought to show that in many instances 'But the Rabbis said' should clearly be understood as a 'decree' formulation. However...it is possible that in our ... text 'But the Rabbis said' may be advice. In other words, there is an element of uncertainty (safek) as to the precise interpretation of that text.

7. ורבינו כתב קיצור הדין ד'אשה לא תקרא מפני כבוד הצבור'. א"כ נאסר לגמרי.

מעשה רוקח על הרמב"ם הלכות תפילה יב"ו

As seen above, when the Rambam records this halacha he does not begin with the wording of the Beraita that 'in principle a woman counts towards the 7 aliyot, but simply writes that it is prohibited due to kavod hatzibur. The Rokeach reads this as indicating an absolute prohibition, without a bedieved option.

- However, some traditional poskim<sup>7</sup> have permitted women's aliyot in bedieved situations<sup>8</sup>:

(i) A woman who already risen to receive her aliya. Some poskim<sup>9</sup> maintain that if a woman was mistakenly called to the Torah and already rose for an aliya, this is also considered a bedieved situation, and she may go up to read. This may be based on the idea<sup>10</sup> that one who has been called to read the Torah may not refuse and, if they do, this shortens their life.

- Other poskim have permitted women's aliyot in *sha'at hadechak* situations<sup>11</sup>:

(i) A community of only Cohanim. The Maharam of Rottenberg rules<sup>12</sup> that if the community consists entirely of Cohanim, one of them is called first and again for the second aliya. After that is not permitted to call other Cohanim since this would impugn the yichus of the first Cohen<sup>13</sup>, and it is not permitted for the same person to have three aliyot. On that basis, the Maharam permits women to receive the third through seventh aliyot, for otherwise the Torah reading would not take place. However, in practice, the Shulchan Aruch does not rule this way<sup>14</sup>.

(ii) If there are not seven men present who can read: Several poskim<sup>15</sup> maintain that if there are not seven men present who can read from the Torah, a woman may be called to do so.

(iii) The mother of a newborn whose husband is out of town: R. Ya'akov Emden<sup>16</sup> deals with the case of a new mother whose husband is out of town and, due to his absence, no *mi sheberach* for the health and welfare of the woman and her newborn will be recited in shul. R. Emden considers this instance to be a case of *sha'at ha-dehak* and bedieved and permits the mother to receive an aliya in order to have the *mi sheberach* recited. He qualifies that this leniency is permitted only if it is done in a private one-time minyan of limited size. R. Emden also states that the ruling is contingent on the approval of his rabbinic colleagues. This does not appear to have been received.

- Rabbi Sperber has argued that the allowances seen above to call up women for aliyot in bedieved or *sha'at hadechak* situations effectively makes this issue one of advice, rather than binding halacha. However, this is an very unusual approach to these concepts. In other areas of halacha we do NOT find that the fact something is permitted *ex post facto* or *in extremis* will not in any way weaken the obligation to observe the law *ab initio*.

- Furthermore, to perform a halachic obligation *ab initio* in a manner that is only permitted bedieved is not acceptable. Indeed, in such a case the person likely did not even fulfil their obligation bedieved<sup>17</sup>.

### A3] DO WE LIVE IN A 'SHA'AT HADECHAK' GENERATION?

- Some of those advocating for women's Torah readings have suggested that, in our generation where women's inclusion in the religious community is such a pressing issue for many people (not only women), this reality should justify a halachic shift to a *sha'at hadechak* position, bringing into play minority opinions which are more permissive of women's aliyot etc.
- Some quote the ruling of the Terumat Hadeshen who ruled that women who are nidda are permitted to attend synagogue on the Yamim Nora'im since it is hurtful for them to be excluded from the community at such a time<sup>18</sup>. However, the 'prohibition' here was merely a custom, without halachic basis.

7. This may be because, unlike the Rambam, the Tur and the Shulchan Aruch DO include that introductory wording.

8. See Aruch Hashulchan OC 282:10 who writes explicitly that the prohibition to call up a woman is only lechatchila.

9. This is ruled by R. David Pardo (18th century, Italy) in Chisdei David. See the Frimers' article fn 270 for other sources and examples. R. Ovadia Yosef has ruled that, bedieved, if a woman is called up to the Torah by name, she should go up. (See R. Pinchas Peretz, Mi-shiurei Maran Ha-rishon Le-tziyon Rav Ovadya Yosef, First year, 19). However, R. Yosef clearly rules that she may not be called up lechatchila.

10. See Berachot 55a.

11. This is based on the universally accepted halachic principle that a time of pressing need (*sha'at hadechak*) is halachically equivalent to a *bedieved* situation. See for instance Tiferet Yisrael Kalkelet Shabbat, Kelalei Hatmana U-vishulei Shabbat - וכל שעת הדחק כדיעבד דמי.

12. Shu't Maharam 4:108.

13. *Heikha de-lo efshar, yiddaheh kevod ha-tzibbur mi-penei pegam kohanim*.

14. The Shulchan Aruch (OC 135:12) follows the opinion of the Rashba (Shu't Rashba 1:733) - that other cohanim may be called up after the first one since everyone there knows that the town is all cohanim and there is no concern as to their lineage.

15. See the R. Frimers' article fn 267 for a list. These include R. Ya'akov Emden, Mor Uketzia, Tur OC 282.

16. Migdal Oz, Birkot Shamayim, Nachal Brit, Shoket 2:9-10

17. This is the position of the Sedei Chemed, quoting the Keneset HaGedola. See Sedei Chemed, Kuntres Haklalim, Ma'arechet Ha-Dalet, Klalim, 61 and Sedei Chemed, Pe'at Hashulchan, Ma'arechet Ha-Dalet, Klalim 3 and 30:10.

18. We looked at this in depth in our Shiurim on Women's Dancing with the Torah - see <https://rabbimanning.com/women-sefertorah/>

To download more source sheets and audio shiurim visit [www.rabbimanning.com](http://www.rabbimanning.com)

- Others cite the Seridei Eish's ruling permitting women and men to sing zemirot together in an outreach-oriented youth group. However, in this case, he brings a number of halachic arguments to justify the ruling which, although individually weak, add up to a stronger case. He notes that singing zemirot together was in fact within the bounds of normative Halacha as practiced in Germany, and he also invokes the imperative of outreach to non-religious Jews to justify reliance on leniencies.
- A stronger argument can be found in the reversal by the Chafetz Chayim of the halachic concerns teaching Torah (even Tanach) to women, even though this is codified in the Shulchan Aruch. Aside from the discussion as to the true nature of this 'prohibition', the main point in response is that this reversal was endorsed by none less than the Chafetz Chaim - one of the undisputed Torah leaders of the time. This cannot be said for Partnership Minyanim<sup>19</sup>.
- Rav Aharon Lichtenstein has also pointed out *sha'at hadechak* rulings apply to specific situations on a case by case basis<sup>20</sup>. To label a whole generation as a *sha'at hadechak* can only be done in very rare situations and only by those who lead the Torah community.
- Having said all of this, the importance of not alienating the women in the community IS a very important consideration.

8. אמר רבי יוסי: סח לי אבא אלעזר: פעם אחת היה לנו עגל של זבחי שלמים, והביאנוהו לעזרת נשים, וסמכו עליו נשים. לא מפני שסמיכה בנשים - אלא כדי לעשות נחת רוח לנשים

חגיגה טז:

R. Yosei cites a story quoted to him by Aba Elazar from the time of the Mikdash. A korban Shelamim was brought by a group of people (perhaps a family) and the women asked to do semicha. The korban was then taken to the Ezrat Nashim in the Mikdash for the women to do semicha<sup>21</sup>, not because they were obligated, but because they were otherwise unhappy and the semicha brought them 'nachot ruach'.

- According to this view, does the value of benefit of bringing 'nachot ruach' to women override what might otherwise be a rabbinic prohibition? And is this a general principle that can be applied in other areas?

## A4] KAVOD HATZIBUR - TALMUDIC PRECEDENTS

### (1) Reading from a Single Chumash Scroll

- As we noted in Part 1 some contemporary voices have argued that the argument of kavod hatzibur should not longer apply to the halachic concerns of calling up women, given women's much changed societal roles<sup>22</sup>.
- The Gemara discussed the issue of kavod hatzibur in 4 other cases:

9. רבה ורב יוסף דאמרי תרוייהו: אין קוראין בחומשין בבית הכנסת משום כבוד צבור (ר"ן - שניארה כענין).

גיטין ס.

A community may not read keriya haTorah in shul from a Chumash scroll - ie one book of the Torah in a scroll. This is considered to be a breach of kavod hatzibur. The Ran explains that this is embarrassing for the community since it looks impoverished (although it may not be!).

10. הדא ארסקינס אוקיר אוריתא דצנברא. אתון שאלון לר' יונה ולר' יוסה מהו לקרות בספר [חסר] ברביס? אמר לון אסור לא דאסור. אלא מן גו דנפשהון עגימה אינון זבנין להון אחורי. (ראב"ז) - .... דאין פתרון כבוד הליצור מפני שאינו שלם, אלא גנאי הוא לליצור שאין להם ספר תורה העשויה כמזוה ואף על גב דלא אפשר השתא לא שרינן לכו שמא יתשלנו מלקנות ספר ...

תלמוד ירושלמי מגילה הלכה א, ג.

The Yerushalmi cites a case where a community Sefer Torah was burned by enemies of the Jews and they asked a she'ela as to whether they could use a pasul (or perhaps partial) sefer in the meantime. The answer was that, even though this is not technically prohibited, they should not do so since the upset caused by the absence of keriya haTorah will encourage the community to acquire a kosher Sefer. The Ravva<sup>23</sup> explains that the dishonor to kavod tzibur is not embarrassment that they can't afford a kosher scroll but that they have been negligent as a community in finding a replacement.

19. This point is key and we will develop it in future shiurim be'H.

20. See the Rabbis Frimer article p. 105 with footnotes where he quotes from R. Asher Weiss that minority opinions cannot always be relied on, even *in extremis*, and that reliance upon them will usually also require some clear significant financial loss. Also, *sha'at hadechak* usually deals with a situation in which something cannot be done, not in which it can be done but people do not wish to do so. Commitment to halacha, even where difficult and challenging, is a central platform of *shemirat hamitzvot*.

21. In fact, the commentators clarify that the women's semicha was only partial and simulated, since they were not permitted to do the full semicha. R. Hershel Schachter rejects the direct application of this precedent to Women's Torah readings since they could perform the mitzva of Torah reading by attending a regular minyan.

22. Channa Lockshin Bob's comments in *Women's Aliyot: Jewish Scholars Weigh In, JOFA Webcast* are apposite: "If we forget everything we know about the history of interpretation, and just try to do a simple common sense reading of the sentence..." But the Sages said, a woman should not read from the Torah because of kevod tzibur, "the dignity of the community, the simplest explanation is that Chazal thought there was something undignified or embarrassing about a woman reading Torah for the congregation. And common sense would say that in 2016, when women can be judges and teach Torah and run for president, this cannot be true anymore. Obviously, a plain common-sense reading can't be the end of the discussion, but I think it should be the beginning of the discussion..." - see <https://www.deracheha.org/keriat-ha-torah-3-kevod-ha-tzibbur/>

23. Ravya 2:554.

- As such, kavod tzibur in this case is a poor reflection on the congregation which appears to be deviating from proper halachic standards.

## (2) The Pocheach - a Chazan with Torn Clothing

11. קטן קורא בתורה ..... פוחח פורס את שמע ומתרגם אבל אינו קורא בתורה ....

משנה מגילה ד:

*The Mishna rules that a person with torn/short<sup>24</sup> clothing may not read publicly from the Torah, although a child may.*

12. בעא מיניה עולא בר רב מאביי: קטן פוחח מהו שיקרא בתורה? אמר ליה: ותיבעי לך ערום? ערום מאי טעמא לא - משום כבוד צבור, הכא נמי - משום כבוד צבור.

מגילה כד:

*The Gemara ask if a child with torn/short clothing would be acceptable<sup>25</sup> and concludes that it is not.*

## (3&4) Keeping the Community Waiting During the Torah Reading

13. אמר רבי תנחום אמר רבי יהושע בן לוי: אין שליח צבור רשאי להפשיט את התיבה בצבור, מפני כבוד צבור. (רש"י - שטורה צבור לעכב שם עם ספר תורה).

סוטה לט:

14. אמר רב הונא בריה דרב יהושע אמר רב ששת: לפי שאין גוללין ספר תורה בציבור מפני כבוד צבור.

יומא ע.

*The community should not be kept waiting during keriyat haTorah, either while the gabbai arranges the aron kodesh<sup>26</sup> or rolls the Sefer Torah.*

## A5] KAVOD HATZIBUR FOR WOMEN'S READING - WHAT IS THE PROBLEM?

### (1) M'eira: Disgrace to the Community Because The Men Cannot/Will Not Read

15. תא שמע - 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 says that a woman could in practice say bircat hamazon for her husband, but Chazal wished a curse - 'm'eira' on someone who was in this position.*

16. למאי דקיימא לן דאשה מדאורייתא מחייבא מתניתא כפשטא - בבן גדול ובדאכל איהו שיעורא דאורייתא. ואתו הני ומפקי ליה: ..... ומפני שהוא בור יוצא בברכתם כדרך שאמרו: 'היה אחד מהם בור ואחד חכם מברך חכם ובור יוצא'. ומפני זה אמרו שתבא לו מארה כשלא למד והוא בור שיוצא בברכת אחרים שלא בזימון.

חזושי הריטב"א סוכה לח.

*The Ritva explains that this Gemara follows the view that women are equally obligated in the mitzva<sup>27</sup> and the husband is illiterate and unable to read for himself<sup>28</sup>. His educated wife can bentch for him, but it is shameful that he is in this position.*

24. Pocheach normally means someone with tattered clothing - see Rambam's commentary on Megilla 4:6 where he explains that it means someone whose shirt is torn and their bare shoulders and chest are visible. But it can also mean someone wearing short clothing. See the Soferim 14:15 where it means a man wearing short trousers, which Rashi quotes on this Gemara.

25. Rashi (Megilla 24b s.v. *katan*) understands the Gemara's question to be based on a *hava amina* that the problem is the man exposing *erva*, which may not be an issue with a child. Ultimately, it seems that *erva* is NOT the (only?) issue but rather the concern is the honor of the congregation. This may imply that *erva* could also be an issue, which we will address below.

26. Some commentators explain Gemara to refer to a situation where the Torah was not kept in the aron kodesh but is brought in from elsewhere. The gabbai then had to hang the curtain to prepare the aron kodesh when the Torah was brought in and take it off when the Torah was taken out. The congregation should not be kept waiting while the gabbai does this, but he should organize it before/after the service.

27. The Ritva rules (Hilchot Berachot 7:2) that women are obligated *min HaTorah* in bentching and could even lead the *zimun* if there were three men present who did not know how to read.

28. In fact, the Ritva also explains that, if the husband DOES know how to read but asks his wife/son to read for him this is even worse since he is not taking the opportunity to do the mitzva personally. However, in his halachot (Hilchot Berachot 5:9), he limits the case to one in which the husband is ignorant.

17. כשאמרו חכמים תבא מאירה - למי שפשע ולא למד. שפעם שהוא אוכל ואין שם בנו שמברך לו נמצא בטל מן הברכה. אבל מי שהוא למד ופעמים שהוא זקן או חולה ונותן רשות לבנו או לאחד מבני ביתו לברך הרשות בידו. ש'שלוcho של אדם כמותו' ואין לו מארה ...

תשובות הגאונים החדשות עמנואל (אופק) סימן קפט

*The Geonim rule that the curse on man who asks his wife to bentch is only where he has been negligent and does not know how to bentch; where there is no one to help him he will probably skip the mitzva entirely. But where he CAN bentch, but chooses to give the mitzva to his wife, this is not a problem.*

18. וכיון דקי"ל כר' יהושע בן לוי דחייבות אף מוילאות. אלא שאין זה כבוד לציבור וכן בכלל מארה.

חדושי הריטב"א מגילה ד.

*The Ritva links this concept with kavod hatzibur, here in the case Megilla reading. Although a woman could in principle read in shul<sup>29</sup> and be motzi the obligation of the men, this is in breach of kavod tzibur for the same reason - 'm'eira'; the men should be ashamed that none of them are able to read.*

• Other Rishonim<sup>30</sup> explicitly connects this with the kavod tzibur issue of calling up women to the Torah reading, explaining that the underlying reason for kavod tzibur is *m'eira* - that the men are not able to perform the mitzva themselves.

19. ופירוש כבוד הצבור הוא שלא יאמרו 'שאיין בין האנשים מי שיודע לקרא בתורה' ...

שו"ת משפטי עוזיאל כרך ד חושן משפט סימן ו

*Rav Uziel explains kavod hatzibur for women's Torah readings in this way. If we call up women people will say that the men (probably<sup>31</sup> with a great halachic obligation<sup>32</sup>) do not know how to do it for themselves.*

- But what if it is clear that the men DO know how to read but would prefer the reading to be done by a woman?
  - this may still be prohibited due to the application of *lo plug* to rabbinic laws.
  - according to some commentators<sup>33</sup> it may be just as bad (or worse) since they are still avoiding the mitzva, even more so in this case where the woman is not obligated and the men are.
  - according to the opinion of the Geonim (above) that a man who can bentch but does not wish to may ask a woman to do so, would this apply to Torah readings? Or are issues of *kavod tzibur* treated more stringently<sup>34</sup>? Again, the issue of men's greater obligation in this mitzva would continue to be relevant.

20. שכבוד צבור לענין קריאת נשים אינו רק כדי שלא ייראה כאילו אין שם גברים היודעים לקרוא. אלא כדי שהגברים לא יסמכו מראש על קריאת הנשים ויתעצלו מללמוד לקרוא ולנגן בטעמים בעצמם.

שו"ת בני בני דג

*Rav Henkin understands that the issue of kavod tzibur is linked to 'm'eira'. He adds that the problem is not just that the men are (or give the appearance of being) ignorant, but that the men may BECOME ignorant by relying on educated (and perhaps keener<sup>35</sup>) women, who will do the leining.*

## (2) Tzniut

21. ונראה דעדיף [עבד] מאשה בהא - דאית בה משום כבוד צבור לכתחל, מיהת היכא דאפשר בלתי, משום ד'אשה בעזרת ישראל מניין', מה שאין כן בעבד.

מור וקציעה סימן רפב

*R. Ya'akov Emden understands that the concern of kavod haberiyyot is one of tzniut - inviting women to take center stage on the bima. He brings a proof from the halacha concerning the Ezrat Yisrael in the Temple, into which women would only be admitted when required for the service<sup>36</sup>, even though there was no technical prohibition in their being there.*

29. We are not addressing here the issue of when and whether women can read the Megilla for men, see <https://rabbimanning.com/women-and-megilla-reading/>

30. See R. Avraham Min Hahar (Megilla 19b).

31. We saw in Parts 1 and 2 that this was not entirely clear. Most poskim understand that women are not obligated in public Torah reading and men are, perhaps as individuals or perhaps as responsible for the community. However, we did see a minority opinion that the obligation of *keriat haTorah* is entirely communal and, in principle, anyone in the community (perhaps including the women) could represent the community in this. We also saw Rav Goren's opinion that, even under this 'communal' approach, only men could represent the community since only they are able to create the required minyan.

32. This is explicitly the position of R. Ovadia Yosef who rules that the disgrace to the tzibur is that they did not find an obligated man to read and asked a woman who is not obligated. See <https://www.deracheha.org/keriat-ha-torah-3-kevod-ha-tzibur/> quoting from R. Pinchas Peretz, From the Lectures of Rav Ovadya Yosef, First year, 19.

33. See Ritva above footnote 28.

34. This is the view of some contemporary poskim. See for instance R. Gidon Rothstein in *Women's Aliyyot in Contemporary Synagogues*, pp. 49-50, who states: "The most plausible suggestion is that having women read the Torah affronts communal 'dignity' because they are not generally members of the obligated public community. Relying on someone who is not usually - and in the case of Torah reading, not at all - a member of the public community suggests that the regular members were either unable or chose not to shoulder their communal responsibilities."

35. My point, not Rav Henkin's!

36. See Kiddushin 52b and Tosafot Rosh (ibid) who explain that a woman would sometimes need to enter the Ezrat Yisrael in the Mikdash, such as a Sota or a Nazirite in order to wave

22. שנראה שכבוד הציבור הוא עניין של צניעות.

הרב זלמן מחמיה גולדברג, מובא ב נשים בברכת שבע ברכות שית מראה הבזק כרך ה' עמ' 185  
*Rav Zalman Nechemia Goldberg understand that underlying reason for kavod tzibur is tzniut.*

23. Kvod Tzibbur reflects a sexual reality, not a legal difference between men and women.

Rav Moshe Meiselman, *Jewish Woman in Jewish Law* (New York: Ktav, 1978), p. 143

24. שמספיק מה שגברים צריכים לפעמים להתפשר על מדת הצניעות שלהם, ואין לנו לתבוע מהנשים שיתפשו אף הן על הצניעות שלהן. .... ובודאי אם אין שמה במנין גבר שיועד לקרות בתורה, יש לנו לבקש מאשה שתקרא היא אבל אין זה מן הנכון מטעם כבוד הציבור. שבוה שמכריחים לאשה לעבור על מדת הצניעות שלה ולקרוא בתורה ברבים מראים על הציבור שאין שמה גברים שיוודעים לקרות.

רב צבי שכטר, על דבר ה'מנינים המשותפים'

*Rav Hershel Schachter appears to combine approaches. It is a breach of tzniut for a woman to be called up publicly to read the Torah and a disgrace to the community that the ignorance of the men has driven them to compromise a woman's tzniut in this way.*

- However, invoking the concept of tzniut always raises the issue of subjectivity concerning many aspects of this mitzva and how it changes and adapts based on context and societal norms.
- Also, some authorities - older and contemporary - reject outright the suggestion that kavod hatzibur has anything to do with tzniut.

25. תידע דאמרין אשה לא תקרא בציבור משום כבוד צבור. טעמא משום כבוד צבור אבל פריצותא ליכא.

ספר המנוחה לרבנו מנוח הלכות ברכות ה:ז

*Rabbeinu Manoach (13th century, Provence) is clear that kavod tzibur has nothing to do with pritzut (ie lack of tzniut).*

26. ופירוש כבוד הצבור הוא שלא יאמרו שאין בין האנשים מי שיועד לקרא בתורה אבל לא אמרו משום פריצות

שית משפטי עוזיאל ד חושן משפט ו

*R. Benzion Uziel also<sup>37</sup> rejects the explanation of tzniut as the underlying basis for kavod hatzibur.*

### (3) Erva

- We saw above that Rashi raised the question of erva regarding the kavod hatzibur concerns of the *poche'ach*.
- So is there a problem of 'kol be'isha erv'?

27. נשים כיון שהן חייבות [במקרא מגילה] 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>38</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.*

28. אומניה [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 נישווין 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 be'isha erv!*

her sacrifice. However, the implication of this comparison is that where there is indeed an important reason for the woman to be there, there may not be a concern of tzniut.

37. R. Yehuda Henkin also rejects this entirely - see *Responsa On Contemporary Jewish Women's Issues* (New Expanded Edition, 2025) p. 76 ff.

38. 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.

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29. 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.*

- Some poskim are concerned that men will have inappropriate thoughts when women are called up to read from the Torah<sup>39</sup>.
- However, R. Yehuda Henkin strongly rejects the concern of *kol isha* in connection with Torah reading, for a number of reasons:
  - (i) According to most opinions the issue of *kol isha* is not relevant to reading the Megilla and a woman can read for a man.
  - (ii) Even if we follow the view that Megilla reading is *kol isha*, this is only because it has to be sung. In other mitzvot which do not specially have to be sung, such as the berachot of Kiddush and on Chanuka, there is no concern<sup>40</sup>.
  - (iii) The case of Megilla reading is specifically sensitive to *kol isha* since people are in a light mood, often drinking, and readings often happen in private homes. None of these issues are relevant for Torah reading.

## A6] KAVOD HATZIBUR FOR WOMEN'S READING - IS IT DIFFERENT TODAY?

- A number of reasons have been suggested as to why kavod hatzibur may work differently today.

### (1) The Ba'al Korei

- Since all reading today is by a *ba'al korei*, calling up a woman for the aliyot would NOT<sup>41</sup> give the impression that there are no men able to read.
- However, this approach assumes (i) that the official halachic 'reader' for *keriyat haTorah* is the *ba'al koreh*, a question which is not at all clear; (ii) that the combination of a male *ba'al koreh* and a female olah will work halachically - also not at all clear<sup>42</sup>. So, even if it did theoretically address the question of *kavod hatzibur*, we may not even get to that stage of the argument since the reading may be halachically invalid *ab initio*.

### (2) Social Realities

- The main advocates for women's aliyot - particularly R. Mendel Shapiro and R. Daniel Sperber<sup>43</sup> have argued that today, when women can be prime ministers, chief judges and CEOs of the biggest companies, there should be no concern of disgrace to the community if a woman were called up.
- However, this approach is contingent on the assumption that the concern of *kavod haberiyot* is not a clear prohibition, but merely a rabbinic sensitivity or recommendation. Once we are dealing with an absolute rabbinic prohibition, it will normally be the case that this cannot be set aside, even if the reason for the prohibition is no longer relevant<sup>44</sup>.
- Even in rare cases where some authorities are prepared to set aside rabbinic prohibitions due to a significant change in reality, this is only where the reason for the prohibition is very clear. We have seen that the explanation of *kavod hatzibur* is not clear, and some aspects of it may still apply<sup>45</sup>.

### (3) Home vs Synagogue

- Some poskim have tentatively suggested that the concerns of *kavod hatzibur* may be lessened when dealing with a smaller, private prayer group, rather than the full congregation. This could make sense, based on some of the different reasons (cited above) for the prohibition, such as *tzniut* which normally operates differently in more private settings.

39. See for instance R. Yosef Messas, who is often quoted as a more 'liberal' posek on many issues, who states (Shu't Mayim Chayim 2:140) that there were customs in Morocco for women to be called to the Torah, but that in later generations this led to immodest thoughts and conversations, so they stopped this. Even some feminist voices have raised this as a practical concern. For instance, Channa Lockshin Bob, in *Women's Aliyot: Jewish Scholars Weigh In*, JOFA Webcast states: "The idea that kevod tzibur could be defined as concerns about immodesty and improper mixing of the sexes is intriguing to me, since intuitively that seems like it should be the big problem with women's aliyot. ...Whether this is the meaning of kevod tzibur or not, we need to do more serious thinking about whether it is modest to set up a shul in such a way that women can get aliyot, whether definitions of modesty evolve or not, etc."

40. This assumes that Torah reading does not have the same requirement to be sung as Megilla reading.

41. This is tentatively suggested by R. Yehuda Henkin (*Qeri'at ha-Torah: Where we Stand Today*, Edah Journal 1:2, p. 4) on the basis that his grandfather, R. Yosef Eliyahu Henkin, ruled that the olah today is NOT halachically considered to be the reader. However, we saw in Part 2 that this is a very contested issue.

42. We looked at these points in Part 2, and the way in which leining today is comprised of a complex combination of halachic concepts such as *shome'a ke'oneh*, *arevut*, and *shelichut*.

43. See references in Part 1.

44. We have looked at this before and will address it again be'H when we look at the more hashkafic issues affecting halachic change. In brief, the Rambam (Hilchot Mamrim 2:2) rules that rabbinic prohibitions remain in place EVEN if the reason for them was clear and that reason is clearly no longer applicable. The Ravad takes a softer approach, ruling that there are cases when the halacha does change where the initial reason for the prohibition is very clear, and also clearly no longer applies. One such example is *mayim megulim* - the prohibition on drinking certain liquids which were left out and we are concerned that a snake may have drunk from them and left behind venom. The Shulchan Aruch rules that this no longer applies since we do not have the same reality of snakes. Some Ashkenazi authorities have taken this further to cases such as *Mayim Acharonim* and others.

45. In the words of R. Jeremy Wieder (*Aliyyot for Women in Halakha*, Blogpost, 31.10.16): "Even though rabbinic enactments may reflect or have been impelled by concerns no longer in evidence, those enactments remain halachically binding absent ... communal custom to the contrary, evidence of Talmudic case law that the prohibition applied only when the animating concerns of the enactment were present or if the formulation of the prohibition itself implies limitation. None of those conditions is present in the case of the enactment against aliyot for women. Irrespective of how we might interpret the concern of kevod hatzibur or how we might assess its contemporary relevance, according to traditional principles of halachic decision-making the rabbinic prohibition against calling women to the Torah remains in force."



- However this suggestion goes against the mainstream psak on this specific issue.

30. לי נראה דכל י' מקרי עבור לכל דבר ואין חילוק אם הם בב"ה או לא

טור אורח חיים הלכות מגילה ופורים סימן תרצא

*The Tur rules that we make no distinction (at least here in hilchot Megilla) between a group of 10 reading privately and a large congregation in the synagogue.*

- Nevertheless, there have been individual opinions, both in the Rishonim and contemporary, who have suggested this distinction, usually without supporting it in practice.

31. (ו) קטן ואשה עולין ממנין הקורין אבל אמרו חכמים אשה לא תקרא בתורה מפני כבוד צבור. .... יש מן הגדולים שכתבו שהמתפללין צצחיהם בעשרה אשה קורא שם צחורה, שלא נקרא צבור אלא כשהמתפללין צצית הכנסת.

ספר הבתים בית תפילה ח קריאת התורה, שער שני

*The Sefer Habatim<sup>46</sup> brings an opinion that women may be called up for aliyot in a private minyan.*

- We also saw above that R. Ya'akov Emden ruled in principle that, following the birth of a new baby, where the father is unavailable, the new mother may be called up to read from the Torah, but only in a home-based minyan. Nevertheless, he is not prepared to issue this as a definitive ruling unless other poskim support him (which they did not).
- R. Ben Tzion Abba Shaul<sup>47</sup> makes a similar suggestion concerning a home-based family minyan, although R. Ovadia Yosef clearly rejects this<sup>48</sup>.
- R. Yehuda Henkin<sup>49</sup> has also suggested that, in principle, a private setting might more easily allow the group to waive *kavod hatzibur* (see below) but although R. Henkin states that he would not protest a woman's aliya under these conditions, he also writes that he would not support it<sup>50</sup>.
- Even if one could rely on these opinions in practice, once a Partnership Minyan becomes an established community project it would cease to have the designation as a home-based minyan and these considerations would no longer apply.

## A7] CAN THE CONGREGATION WAIVE IT'S OWN KAVOD?

- We find in other halachic categories involving kavod, that there is sometimes a built-in ability for the recipient to forgo it. For instance, a parent is encouraged to waive their kavod. In some situations, a Cohen is permitted to waive his kavod, such as when asked to lead a zimun. Even a Rav is sometimes permitted to waive his kavod, although he needs to bear in mind that this is also kavod haTorah, so this must be weighed carefully. On the other hand, a Jewish king may never waive his kavod.
- Even if *kavod hatzibur* is still applicable today, can the community choose to waive it in order to call up women?

32. אמרינן פרק הניזקין מכו לקרות בחומשים להוציא הצבור? ומסיק דלא מפני כבוד הצבור. ומשמע דאם מחלו הצבור על כבודם, שרי.

הלכות קטנות למרדכי (מנחות) פרק הקומץ רבה, רמז תתקנב

*The Mordechai rules that a congregation is permitted to waive its own kavod and read from a single Chumash scroll<sup>51</sup>.*

- However, this opinion is rejected in the Shulchan Aruch in a number of cases:
  - A community is not permitted to read (with a beracha) from a Chumash scroll, even if this means they will not have a full *keriyat haTorah*<sup>52</sup>.
  - A community is not permitted to appoint a child as a permanent chazan for the congregation since has not reached full maturity<sup>53</sup>.

46. A lesser know authority - Rav David b. Shmuel Kochavi (13/14th century, Provence) who moved to Estella in Spain, hence his family name.

47. Shu't Or LeTzion 2 He'arot Perek 9. In his words: "it seems correct to say that the practical difference is in a place where there is no concern of kevod ha-tzibur, such as in a place where those praying are members of a single family, and the woman is the head of the home and all the other people praying are her children and grandchildren, that then there is no lack in kevod ha-tzibur in her going up to the Torah, in this case she could go up to the Torah and count toward the number seven, and in practice this requires study."

48. Shu't Yabia Omer 4 OC 108:74. He states that the only case in which a woman would be allowed to take the aliya was in a *bedieved* situation, such as where she had already been mistakenly called up.

49. *Qeri'at ha-Torah: Where we Stand Today*, Edah Journal 1:2, p. 3, 6.

50. In his words: "A woman is prohibited from reading the Torah because of kevod hatsibbur, which can be waived; however, such a waiver requires the unanimous consent of the community. Such unanimity cannot be demonstrated or assumed on the part of a synagogue congregation; however, in the case of a minyan in a private home, if anyone objected to a woman's reading the Torah he would not pray there but rather with the main congregation, and so a waiver of kevod ha-tzibur can be established. This hinges on the assumption that the hazal-decreed factor of kevod ha-tzibur can be waived and that such a waiver requires unanimous consent rather than a simple majority; substantiation of this latter point is needed... if done without fanfare, an occasional aliyyah by a woman in a private minyan of men held on Shabbat in a home and not in a synagogue sanctuary or hall can perhaps be countenanced or at least overlooked."

51. This opinion is later quoted by the Pri Chadash - OC 53:6. See also Magen Avraham 53:9 who brings two positions.

52. Shulchan Aruch OC 143:2-3.

53. Shulchan Aruch OC 53:2 and Mishna Berura 53:23 who writes that in this issue the community may not waive it's kavod, perhaps implying that it may be able to on other issues. But this argument is tenuous at best.