

## Policy on Women Receiving Aliyot & Reading Torah

All Go Up To Make Up the Quorum of Seven

This paper serves as a statement of the Halachic position of St Albans Masorti Synagogue on the issue of women receiving *aliyot* and reading from the Torah.

### Preview

SAMS calls women up to read from the Torah and accepts women as readers of the Torah for themselves or others. We claim there is no loss to *cavod hatzibur* – the honour of the community – when we do this; in fact the reverse is the case. We are honoured, both the men and the women in the community, by offering aliyot to women and having women read in public from the Torah.

### Other Presentations Relied Upon

This article began life as a handout for teaching at synagogue. It lacks the full treatment of a more systematic presentation and there are some important issues I do not treat at all. Anyone interested in a fuller more technical presentation is directed to the responsa of Rabbi David Golinkin available at <http://www.responsafortoday.com/vol3/2.pdf>.

An English summary of this responsa is available at [http://www.responsafortoday.com/eng\\_index.html](http://www.responsafortoday.com/eng_index.html) (Vol. Three)

I also rely on the 1955 responsa of Rabbi Aaron Blumenthal, published by the CJLS (sadly not available on-line). The fullest web-available English language treatment of the subject is that of Rabbi Mendel Shapiro (an orthodox Rabbi) and can be viewed at [http://www.edah.org/backend/JournalArticle/1\\_2\\_shapiro.pdf](http://www.edah.org/backend/JournalArticle/1_2_shapiro.pdf)

### The Paper

This is a paper based on religious texts. Texts are the wellspring of how we find our way as Jews and any attempt to understand the will of God in our lives and the lives of our community must be through our texts. Almost the very oldest text we have, as Rabbinic Jews, is the Tosefta, redacted around 1800 years ago. Our journey begins with the text specifying how many *aliyot* are called on different days on which we read Torah.

#### **Tosefta Megillah**

##### **3:11**

On yom tov five

On yom hakipurim six

On Shabbat seven ...

All go up to make up the quorum of seven, even a minor and even a woman, don't bring a woman to read before the masses.

Before deepening our understanding of this text I think it important that we look at the very next line of the Tosefta. It will help us understand how law has evolved and continues to evolve and will also help us understand some key concepts in some later texts.

##### **3:12**

In a synagogue which only has one person who can read. That person stands and reads and sits, and stands and reads and sits ... even seven times. The fierceness of the insistence that the Torah, or the community, is slighted by bad reading is in evidence even into the 17th century where the central legal text – the Shulhan Arukh holds:

#### **Shulchan Arukh: OH 139:2**

One needs to protest against one who doesn't know how to read so they do not go up to read from the *sefer torah*. And if you need one who doesn't know how to read (if he is a Cohen or a Levi and there is no-one else save him), if when the reader reads for him word after word, he knows how to repeat it and read it from the written text he can go up. And if not, he should not go up.

Not something we do today! The notion, in ancient times, was that a person called to the Torah would read their own portion, probably without advance warning. A long way from current practice across the Jewish world today where we have *baalei koreh* – specified 'masters of reading' – who read on behalf of everyone who has an *aliyah*.

In fact the current practice was already known by the 17th century. The Rosh is one of the key writings that Joseph Caro, composer of the Shulchan Arukh, had to hand in his work, but decided not to rely on in this case.

### **Rosh: Megillah, 21a 3:2**

The thing we do now – where the messenger of the congregation reads – that is so as not to embarrass people who can't read.

This text is important, not only because it serves to show how an issue has evolved over time from a strong prohibition in the time of the Tosefta over the years since, but also because it shows the importance of embarrassment, honour and decent behaviour regarding Torah reading. In many ways this evolution in Halachah can be seen in terms of a tension surrounding the desire to respect Torah and the desire to respect individual humans. Both Torah and human beings are vitally important; both Torah and human beings are manifestations of the Divine Presence on earth. Neither is to be disregarded, but how is the balance between respect of Torah and respect of individuals who might want an *aliyah* but are unable to read themselves to be balanced?

In its earliest articulations the Rabbis inclined towards the respect of Torah. In later articulations, people become more the centre of gravity.

We return to the matter of *aliyot* for women. The Tosefta, despite its age, is not considered an entirely authoritative text. We prefer, as Rabbinic Jews, to rely on the Babylonian Talmud, still some 1500 years old. Much of the Tosefta, occasionally reworded, has made its way into the Talmud. And this is how our text makes its way into our most foundational document.

### **Talmud Bavli, Megillah 23a**

Our teachers taught: All go up to make up the quorum of seven, even a minor and even a woman.

But the Wise said don't call a woman to read from the Torah because of *cavod hatzibur* - the honour of the congregation.

There are two key questions to ask about this text:

- i. What is the relationship between the first part – which states that a woman CAN go up (lit. olin from the same Hebrew root as *aliyah*) – and the second part – which states that The Wise said 'don't'?
- ii. What is the meaning of *cavod hatzibur*? Does it function as a technical absolute, or is it a description of a social reality? In other words, if a particular community would not feel dishonoured, or if in contemporary times no loss of honour would reasonably be seen to result from calling a woman to the Torah, does the statement of The Wise still hold?

For answers we again turn to text. Two texts give a sense of the relationship between the admissible and the refusal. The first deals with the situation where of at least ten men in a community, all are priests *cohanim*. In this case it is not possible to call even a second *aliyah* from among the *cohanim*: that would be an affront to the second called Cohen; one might think there is a fault with his lineage. One option would be to call one Cohen seven times in a row, but this is not universally acceptable.

#### **Bet Yosef, OH 135 13 D'HM Katav HaKol**

Rabenu Yerucham disagrees with [the Halachic authority]. The Rokeach who wrote that in a city where everyone was a Cohen, one Cohen would read repeatedly. He wrote that women would read, since 'all go up to the make up the quorum of seven, even ... a woman.'

The second deals with a case where there are not enough expert male readers – again the consideration of the importance of reading properly is to the fore.

#### **Hagahot vHidushim MeHaRaivetz on Tosefta Megillah 3:11, DH'M Aval Amru**

It seems that that is possible [to call a woman] and the first part is talking about a time when there are not seven men who are expert readers and there is an expert woman and they can't do it without her.

It seems that we can say that where there is no other possibility other than to call a woman, one can and should.

But what happens when there is no need? Can one call a woman when we are able to read the Torah effectively by only calling men? To understand this issue we need to understand what the Talmud means by *cavod hatzibur*. The term appears five times in the Talmud.

#### **Talmud Megillah 24b**

Why is someone dressed in rags not allowed [to read from the Torah]? Because of the honour of the congregation.

[Note that the Rabbis consider it the responsibility of the community to ensure all are well clothed; this is not an abrogation of that responsibility].

#### **Talmud Sotah 39b**

The *shaliach tzibur* is not allowed to take the dressings off the ark in front of the community because of the honour of the community.

#### **Talmud Yoma 70a**

It is not permitted to roll the *sefer torah* [from one reading to another] in front of the community because of the honour of the congregation.

#### **Talmud Gittin 60a**

The Galileans asked Rabbi Helbo, 'Is it possible to read separate *humashin* [of each book of the Torah] in the synagogue in public? He did not know what to answer, so he asked in the Beth Hamidrash. They [said] that a scroll of torah which is missing of one flap cannot be read from. But this is not conclusive: in that case something was lacking, here nothing essential is lacking. Rabbah and Rabbi Joseph both agreed that separate *humashin* should not be read from out of respect for the congregation.

The breadth of these references, and their commonality, suggest that *cavod hatzibur* is just that, the sort of things that would make a community frustrated, embarrassed or would impose an unnecessary strain – *tirchah* – on the community. It is a description of a societal norm, not a technical absolute.

Our next source, from a contemporary orthodox legal authority, seems to settle the matter. It discusses the possibility of calling a woman NOT when it would be impossible to read without her, but when, because of the make-up of a particular community, it would not be an affront to anyone's honour to do so.

**R. Ben Zion Abba-Shaul, Sefer Or le-Tsion, Teshuvot II, Hilkhhot Pesuqot – Orah Hayyim I (Jerusalem 5753), p. 86.**

If women never went up, what would be the purpose of saying 'all go up to make up the quorum of seven?' Therefore it seems that in a place where there is no worry about the honour of the community – for example in a place where the people are all members of one family and the woman is the head of the house, and all the rest of the men are her sons and grandsons - in that case there is no lessening of the honour of the community were she to go up, and it would be fine to include her to go up to the Torah ... but the thing needs investigation.

Note the caution with which the Rabbi expresses himself. This is clearly not a full 'go for it', and in any event it is applied to a very narrow circumstance. Nonetheless the discussion is only conceivable if one agrees that *cavod hatzibur* is the definition of a social reality.

The origin of suggesting that, as a matter of a social reality, calling a woman to read would be an affront to honour is clear. At a time when women were educationally and socially second-class citizens, to call a woman would be seen as a clear sign that men could not do the job themselves, thereby shaming the community. But this is plainly an inapplicable notion in contemporary times.

Moreover in the light of the shift in how we read the Torah, using an expert *shaliach tzibur* rather than expecting all those called to read their own portion, how should we relate to this issue today? It is not at all apparent that a change must happen, or should happen. The important commentator Rabbi Joel Sirkus is clear that individual feelings or contemporary realities are irrelevant in this discussion.

**Rabbi Joel Sirkus Bet Hadash, OH 53**

The matter is simple, when The Wise make an alteration, and worry about the honour of the congregation; it is not in the hands of the congregation to forgo [their honour]. If this wasn't so every alteration made by The Wise ... [would be lost] and that would be horrid ... And moreover it would split Israel into factions, this congregation would forgo, this wouldn't. For sure they cannot forgo and uproot the alterations of the Wise.

Even Sirkus acknowledges there is a social reality at the heart of any decision to forgo *cavod hatzibur*: he might think it is impossible to forgo this honour, but his reasons for arguing this way are not based on *cavod hatzibur* itself, but other social realities. However he has two very good social-reality reasons for thinking that *cavod hatzibur* cannot be waived. The slippery slope argument and the argument that making a change in some communities would create factions in the broader community of Israel are both valid and important concerns. I will address them later.

On the matter of the permissibility of waiving *cavod hatzibur*, Sirkus is in the minority. Rabbi Yosef Caro, the redactor of the Shulchan Arukh, thinks it CAN be waived and he is supported by the Pri Hadash, the Radbaz and the contemporary authority, Ovadiah Yosef (see Yeviah Omer Vol 6. OH: 23 on a related

issue for full citations and discussion). Other authorities including the Magen Avraham, the Rema, the Mishnah Brurah and the Arukh Ha-Shulkhan all feel it MAY be waived (see the responsa of Rabbi Shapiro, footnotes 198-204). The Masorti authority, David Golinkin, embarks on an encyclopaedic discussion of the sources and concludes:

**Golinkin, Summaries of Teshuvot of the Vaad Halakhah (Masorti Movement)**

If a woman is only excluded from reading the Torah because of *kevod tzibbur*, may the congregation 'relinquish its honour' and allow a woman to read? Some authorities say that a congregation can relinquish its honour while others say no, but in most of the cases we have found, most of the authorities rule that a congregation may 'relinquish its honour'. This would therefore hold true in our case as well.

I follow Rabbi Golinkin. *Cavod hatzibur* can be waived by our community.

Golinkin goes on:

However, even if we were to rule the opposite, **there is no need** in this case for the congregation to relinquish its honour. In the [late Talmudic] period the disgrace to the congregation stemmed from the fact that men learned how to read the Torah and women did not and thus it would disgrace the men to have a woman read in public. Today, of course, this is no longer the case.

This returns to the issue of whether the term *cavod hatzibur* is technical or descriptive, whether it is an absolute or a social reality. In Golinkin's mind it is purely descriptive and in any environment where loss of honour is not felt and could not reasonably be seen to accrue there is no reason not to call women.

I would even take the matter a little further. The voice of the Talmud assumes that *cavod hatzibur* involves the honour of men. The collective is understood as the male collective. The notion that women might feel their honour is slighted by being refused *aliyot* is not something that the exclusively male club of Rabbis of the ancient period even considered. The implications for a woman's honour are, in the Rabbinic period, not taken as seriously as those of a man. This, for me, is no longer acceptable. I am as concerned about honour due to women as I am about honour due to men.

Let me say a few, SAMS specific, words about the two arguments of the Bach, namely that calling women to the Torah puts communities on a slippery slope to 'worse' abuses of communities' honour and secondly that doing this causes factions to occur within Israel.

The fact that SAMS has always called women to the Torah seems important. This is not, for our community, about making a change; we have always been on the slippery slope the Bach wishes us to avoid. We have never been the sort of community that has sought to establish hard and fast barriers between permitted and impermissible. Instead we make our delicate way around complex issues by treating each case and each person on an individual basis. This is an approach I acknowledge can cause difficulties, but it is part of the reality of our community. Moreover I believe that this has always been the Jewish way. From both theological and historical perspectives I do not agree with the view (perpetuated by certain elements within orthodoxy) that Judaism has existed for thousands of years by making no changes and always staying far away from 'slippery slopes.' This view is both radically new and, frankly, wrong.

We have, as Jews, always made changes sensitive to the honour we owe to God, to Torah and to our fellow human beings – also images of divine creativity. This is the lesson of the change in the way the

Torah is read, from a person reading their own *aliyah* to having a dedicated *baal koreh*. We cannot hide from the slippery slope; no one can, not even in Bnei Barak and Stamford Hill. Instead we should seek to live well on the perilous incline [is this a word?].

As for the issue of splitting Israel I have mixed feelings. On the one hand I care deeply about *klal yisrael* – the family of Israel – and would not want to be part of splitting the community on such a potentially divisive issue; but on the other hand I am not willing to subject 50% of that family to a hidden existence. When we say to our women that they are not capable of honouring us publicly by receiving an *aliyah* we say to our daughters that they matter less than our sons. While I acknowledge that in Talmudic times this might have been true, and while I also acknowledge that in Talmudic times the Rabbis took great steps to improve the lot of women, to hold such a position today seems theologically and religiously untenable.

I believe the future of our synagogue and the Masorti Movement more generally lies in taking the difficult decisions that allow more of our members to have more opportunities to celebrate their Jewish identity, publicly and privately, in synagogue and in the home. We have the opportunity to change the way our sons and daughters grow up as full members of the community. We have the opportunity to provide an access into Judaism that is both sensitive to the demands of our past and of our future. It is an opportunity we dare not shirk.

## **Conclusion**

At SAMS we call women to the Torah because we are honoured by both the men and women who tend and grow our community.

We call women to the Torah because we are a community of both men and women and care for the honour of all of our members.

We call women to the Torah because we know it is no slight on our community for us to acknowledge that women are no less well educated or capable than men.

We call women to the Torah because we believe that God too is honoured by opening the possibility of an *aliyah* to 50% of our members – women who are created, just as the men, in the image of God.