**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Deracheha: Women and Mitzvot**

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Torah Reading (3): Kevod Ha-tzibbur

What is kevod ha-tzibbur? How does It apply to the prospect of women reading From the Torah? Can it be waived or pushed aside?

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# The Baraita

[We've discussed](https://www.deracheha.org/keriat-ha-torah-1-the-reading/) the beginning (*reisha*) of the baraita teaching that women could theoretically count toward the seven readers for *keri'at ha-Torah* on Shabbat, and that this could include reciting the *berachot*.

We've also seen that even this theoretical possibility is limited to the last one, four, or five *aliyyot*, to a case when the *ola le-Torah* (who is called up to recite the *berachot*) also reads the portion aloud (or perhaps to when she reads along quietly), and perhaps only to scenarios where there aren't enough male readers without her.

Now, let's turn our attention to the end (*seifa*) of the baraita, and its mention of *kevod ha-tzibbur*, lit. the honor of the congregation, as reason for women not to read in *keri'at ha-Torah*.[[1]](#footnote-1) After exploring the baraita, we'll discuss potential definitions of *kevod ha-tzibbur*, and then look at different aspects of its application.

Why devote so much space to discussing *keri'at ha-Torah* and *kevod ha-tzibbur*?

On the one hand, synagogue custom carries great halachic weight, and women have not traditionally read from the Torah. Traditional readings of the sources indicate that women may not read as part of keri'at ha-Torah. Rather, a woman fulfills a mitzva and participates in keri'at ha-Torah by actively listening to it. Many women and men are committed to maintaining keri'at ha-Torah as is, and find it fully satisfying.

And yet, on the other hand, many men and women are actively seeking additional opportunities for women's ritual leadership, and there are increasing numbers of women for whom reading from the Torah holds great spiritual appeal, women who are interested in reading in the context of keri'at ha-Torah, and not in an all-women's reading. A few rabbis have suggested halachic arguments to permit women reading, and several minyanim, known as partnership minyanim, have already instituted it as a centerpiece of their efforts to reenvision the synagogue.

A number of men and women would be happy for women to be able to read as part of keri'at ha-Torah were it to be halachically supported and endorsed by major halachic authorities, but are not sure how to relate to the current partnership minyan phenomenon.

At Deracheha, we recognize the communal importance of this issue and think we all stand to benefit from increasing our understanding of the halachic issues at stake. Since questions about the meaning of kevod ha-tzibbur and the options of how to relate to it have been so central to halachic discussion of the permissibility of women reading in keri'at ha-Torah or receiving aliyyot, we focus on that here.

Here is the full text of the baraita:

*Megilla* 23a

Our rabbis taught [in a baraita]: Everyone counts toward the number seven, even a minor and even a woman. But the sages said: A woman may not read from the Torah, because of *kevod tzibbur* [the honor of the congregation].

The phrase "but the sages said" appears numerous times in rabbinic literature. It often establishes a clear halachic ruling,[[2]](#footnote-2) but sometimes refers to ideal conduct.[[3]](#footnote-3)

A tosefta parallel to the baraita reads more explicitly like a direct halachic ruling:

Tosefta *Megilla* 3:11

All are counted for the count of seven, even a minor, even a woman. We do not bring a woman to read for the masses.

Unlike the baraita, the tosefta does not explain how its two parts fit together or why it is that "we do not bring a woman to read." Though this has led to some recent debate about the tosefta's meaning, a straightforward reading of its conclusion precludes a woman from reading as part of *keri'at ha-Torah.*[[4]](#footnote-4) The tosefta thus supports reading the sages’ statement in the baraita as a straight halachic ruling.

Rambam's ruling on women reading the Torah also makes no mention of "but the sages said." He omits the baraita's first clause altogether, implying that it is irrelevant on a practical level in light of the second clause, and thus treats the second clause as a halachic ruling against women reading:

Rambam, Laws of *Tefilla* and the Priestly Blessing 12:17

A woman may not read [from the Torah] for the *tzibbur* because of *kevod ha-tzibbur*…

Based on those instances in which "but the sages said" refers only to ideal conduct, Rav Daniel Sperber initially argued that the baraita in the case of women reading from the Torah provides advice without halachic force. In light of examples of "but the sages said" referring to established halacha, he revised his position on this matter, calling the halachic status of the *seifa* of this baraita "uncertain."[[5]](#footnote-5)

Halachic discourse, however, has consistently treated the *seifa* of this baraita as a halachic ruling prohibiting women from reading as part of *keri'at ha-Torah*.[[6]](#footnote-6)

# Kevod Ha-tzibbur

What is Kevod Ha-tzibbur?

The baraita states that a woman may not read from the Torah because of *kevod ha-tzibbur*, but the baraita does not explain what it means by *kevod ha-tzibbur* in this context. Participating in a webcast for JOFA, Channa Lockshin Bob suggests an intuitive understanding of the concept:[[7]](#footnote-7)

Channa Lockshin Bob, "Women's Aliyot: Jewish Scholars Weigh In," JOFA Webcast

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...

Lockshin Bob seems to suggest that, on the simplest level, *kevod ha-tzibbur* is rooted in questions of social status, which are subject to change. While this explanation is plausible, the early and later halachic authorities who comment on *kevod ha-tzibbur* don’t suggest it. Since other explanations **do** appear in traditional sources, this "common-sense reading can't be the end of the discussion." (We return to the question of current relevance below.)

The Talmud mentions four other cases of *kevod ha-tzibbur*, each likewise connected to *keri'at ha-Torah*.[[8]](#footnote-8) Two of those cases—uncovering the Torah ark or rolling the *sefer Torah*—involve burdening the congregation. In both scenarios, the community would be inconvenienced, and thus dishonored, by sitting through physical preparations for *keri'at ha-Torah* that could and should have been performed in advance.[[9]](#footnote-9)

The other two cases seem to have more potential relevance to ours.

**I. Chumashim** The Talmud teaches that we are not to read the Torah from partial scrolls (*chumashim*) because of *kevod ha-tzibbur*:

*Gittin* 60a

Rabba and Rav Yosef, who both said: We do not read from *chumashim* in synagogue because of *kevod tzibbur*.

Why should this be a *kevod ha-tzibbur* issue? Ran writes that it would make this particular *tzibbur* appear to be impoverished.[[10]](#footnote-10) The Yerushalmi hints at another potential issue:

Yerushalmi *Megilla* 3:1

This Arskinas [a name] burned the Torah of Tzanberai. They came and asked Rav Yosse what is the [Halacha] of reading from a book [not a proper Torah scroll] communally. He said to them: It is prohibited. Not that it is [truly] prohibited, but rather out of their distress they will purchase themselves another [*sefer Torah*].

If reading from a partial scroll, or a book, is permitted, a community might become lax about acquiring a complete *sefer Torah*. Along these lines, Ra'avyah explains *kevod tzibbur* here as a matter of preventing laxity with the mitzva:

Ra’avyah, Part II, *Megilla* 554

*Kevod ha-tzibbur* is also relevant with our *chumashin*, for the meaning of *kevod ha-tzibbur* is not because it [a *chumash*] is incomplete, but rather, [that] it is a dishonor to the *tzibbur* that they do not have a *sefer Torah* made according to its mitzva…And even though it is not possible now [to have a full one], we do not permit them [to read from *chumashin*], lest they neglect to purchase a *sefer Torah*…

Not having a *sefer Torah* from which to read conflicts with *kevod ha-tzibbur* because it reflects poorly on the congregation. On Ra'avyah's reading, *kevod ha-tzibbur* is also meant to prevent entrenching dishonorable deviation from a normative standard.

**II. Poche'ach** A second case emerges from the Talmud's explanation of a mishna. The mishna in question teaches us that a minor could read from the Torah, but that an adult dressed in tattered clothing that reveals either the upper[[11]](#footnote-11) or lower body[[12]](#footnote-12) may not:

Mishna *Megilla* 4:6

A minor reads from the Torah…a person with tattered clothing [*poche’ach*] is “*pores al Shema*,” does not read from the Torah and does not lead prayers and does not raise his hands [as a *kohen* to bless the congregation]

The Talmud follows up, asking whether a minor could read from the Torah if he is in tatters:

*Megilla* 24b

Ulla bar Rav asked Abbaye: A minor *poche’ach*, what is [the halacha] of him reading from the Torah? He [Abbaye] said to him [Ulla]: You should ask about a naked one. A naked one, what is the reason that he cannot [read from the Torah]? Because of *kevod tzibbur*. Here, too, [the minor *poche’ach* may not read] because of *kevod tzibbur*.

The answer is that just as a naked minor may not read, because his nudity would impinge on the community's honor, so, too, a minor in tatters may not read.

Rashi explains the two possibilities that the Talmud considers in its question as follows:[[13]](#footnote-13) Perhaps only an adult *poche'ach* is precluded from reading, because an adult is clearly subject to the halacha of not exposing *erva*. The adult *poche'ach*, even if not technically violating the halacha of concealing *erva*, does not meet normative standards of *tzeniut* for covering his body and presenting himself with dignity. Alternatively, perhaps even a minor, not usually subject to the same standards, would need to meet them when reading, since *kevod ha-tzibbur* is involved.[[14]](#footnote-14)

Rashi 24b s.v. *katan poche’ach*

A minor *poche’ach*, what is [the halacha] of him reading from the Torah. Is an adult *poche’ach* prohibited because of “that He not see in you any matter of nakedness” (*Devarim* 23:15), but a minor is not cautioned? Or perhaps our mishna did not differentiate between a minor and an adult.

On this reading, the Talmud concludes that it is dishonorable for a *poche'ach* to read Torah publicly because there are normative standards for proper appearance for any communal representative, even when the technical halachic strictures of *erva* are not breached.

# A Woman Reading

Why would a woman reading pose an issue for *kevod ha-tzibbur?* Two main approaches appear in halachic discourse, somewhat parallel to the cases that we've seen.

**I. Negative Reflection or Effect on the *Tzibbur*** A couple of early authorities juxtapose *kevod ha-tzibbur* with the case of *me'eira* (literally, curse). *Me'eira* refers to a Talmudic passage that discourages a man from having his son or his wife recite *birkat ha-mazon* for him.

*Berachot* 20b

Come and learn: Truly they [our sages] said: A son recites [*birkat ha-mazon*] for his father and a wife recites [*birkat ha-mazon*] for her husband. But the sages said: Let a curse [*me’eira*] come upon a person whose wife and sons bless for him.

The Talmud describes a situation in which the man needs the help because he is unlearned. Ritva takes the view that the son in the passage is post bar mitzva and that women are obligated on a Torah level in *birkat ha-mazon*, so that both could fully discharge the man's obligation. Ritva thus views this case as another example of the ruling that when two men eat together (where there is no [*zimmun*](https://www.deracheha.org/zimmun-part-1)), one may recite *birkat ha-mazon* for the other specifically if he is unlearned:[[15]](#footnote-15)

Ritva *Sukka* 38a

…According to what we rule, that a woman is obligated on a Torah level [in *birkat ha-mazon*], the plain meaning of the baraita concerns an adult [i.e., post bar mitzva age] son, when [the father] ate an amount of food to obligate him [in *birkat ha-mazon*] on a Torah level, and these [wife or son] come and discharge his obligation…and because he is ignorant, he discharges his obligation through their *beracha*, as they said 'if one of them [two men eating together] is ignorant and one is learned, the learned one recites a *beracha* and the ignorant one discharges his obligation [through the learned one's *beracha*].’ Because of this they said a curse should come upon him, when he did not learn and he is ignorant so that he discharges his obligation with the *beracha* of others [even] when there is no *zimmun*…

An unlearned man with a learned wife or son at home deserves a *me'eira* because he continues to rely on his family members rather than learn himself.[[16]](#footnote-16) In his discussion of women discharging others' obligations in *megilla*, Ritva links *me'eira* with *kevod ha-tzibbur*:[[17]](#footnote-17)

*Chiddushei Ha-Ritva, Megilla* 4a

Since it is accepted for us according to Rabbi Yehoshua ben Levi that [women] are obligated, and even discharge obligations, but that this is not *kavod* for the *tzibbur* and they are in the category of *me’eira*…from my teacher

The concept of *me'eira* is invoked in a private context, while *kevod ha-tzibbur* is communal. Nevertheless, in both, men's ritual competence is assumed and expected,[[18]](#footnote-18) so that a woman's taking a leading role in ritual implies something dishonorable about the men present.

With *keri’at ha-Torah*, the implication may be that men have not mastered the skills required for public Torah reading. Rav Uzziel makes this point:

Responsa *Mishpetei Uziel* IV: CM 6

The meaning of *kevod ha-tzibbur* is that they [people] should not say: that there is no one among the men who knows how to read from the Torah.

This is particularly ignominious because men have a formal obligation to study Torah, and thus should make the effort to learn it well enough for ritual purposes entailing public Torah study.

As [we have learned](https://www.deracheha.org/keriat-ha-torah-1-the-reading/), women present for *keri'at ha-Torah* are considered to be part of the *tzibbur* fulfilling the mitzva. Still, this view of *kevod ha-tzibbur* focuses on the men of the *tzibbur*. This is presumably because men are considered the default Torah readers, and a *tzibbur* for *keri'at ha-Torah* must by definition include ten men.

This set of concerns may be specific to cases in which men are counted in a requisite *minyan* or obligated in a ritual, and women are not.[[19]](#footnote-19) In a recorded lecture, Rav Ovadya Yosef formulates the concern about women Torah readers in this way, based on men's obligations.[[20]](#footnote-20)

Rav Pinchas Peretz, From the Lectures of Rav Ovadya Yosef, First year, 19

They said a woman should not count [toward the Torah readers] because of *kevod ha-tzibbur*, and the reason is only because this is not *kevod ha-tzibbur*, and that is because she is exempt from *keri'at ha-Torah*, and whoever sees a woman read from the Torah infers that there was no man there to read, and this is a disgrace to the *tzibbur*, that they did not find an obligated man to read, and they found a woman who is not obligated.

When a man has an obligation and lets someone who is not obligated take the lead, that could imply that he is not careful about his ritual obligations.[[21]](#footnote-21) Rav Yehuda Henkin adds that the concept of *kevod ha-tzibbur* is also meant to prevent men from developing laxity with regard to ritual.

Responsa *Benei Banim* IV:3

For *kevod tzibbur* in the matter of women reading is not only that it should not seem as if there are no men there who know how to read, but in order that the men not rely from the start on the women’s reading and neglect to learn how to read and to sing with the cantillation themselves.

These understandings of *kevod tzibbur* echo the discussion of reading from *chumashim*. In both cases, *kevod tzibbur* maintains norms for communal ritual performance. It dictates that Torah reading not be performed in a way that reflects poorly on members of the congregation or in a fashion that will foster dishonorable carelessness with communal obligations.

**II. Tzeni'ut** Some later authorities have suggested that the *kevod ha-tzibbur* concern with women reading from the Torah relates to *tzeniut*. This may be reminiscent of the case of the *poche'ach* according to Rashi, which he considers in light of *erva* in a way that touches on *tzeniut*. A woman’s reading might detract from the level of modesty appropriate to the synagogue, even if no technical transgression is involved, and even if, as distinct from the case of *poche'ach*, the *tzeniut* concern is not specific to the reader's presentation per se.

For example, Rav Ya'akov Emden suggests that *kevod tzibbur* here refers to it being improper for a woman to enter the men's section to read, although a technical halachic case could be made for it.[[22]](#footnote-22)

*Mor U-ketzia* 282

It seems that [a bondsman] is preferable to a woman for this, in any case where it is possible [to conduct the reading] without her, for with her there is [a concern] *le-chatchila* [ab initio] of *kevod tzibbur*, because of “why would a woman be in the Temple courtyard,” which is not the case with a bondsman.

Just as women could [enter the Temple courtyard](https://www.deracheha.org/mechitza-1-purpose/) only when necessary, Rav Emden would allow a woman to read, and thus to enter the men's section of the synagogue, only if the reading cannot go on without her. Generally speaking, then, the need for gender separation in synagogue services would militate against a woman reading. In practical terms, physical proximity of *ba'al korei* and *olim* in a regular mixed-gender *keri'at ha-Torah* would be difficult to navigate while preserving separation between men and women in the synagogue.

More recent halachic authorities have considered, but largely rejected, the possibility that [*kol isha*](https://www.deracheha.org/kol-isha-3-in-context/) is at issue here.[[23]](#footnote-23) Others, including Rav Zalman Nechemya Goldberg, have simply stated that the issue is one of *tzeniut* per se:[[24]](#footnote-24)

Rav Zalman Nechemya Goldberg, "Women in the Blessing of *Sheva Berachot*," *Mar'eh Ha-bazak* V, p. 185

…For it seems that *kevod ha-tzibbur* is a matter of *tzeniut.*

In her comments on *kevod ha-tzibbur*, Channa Lockshin Bob describes these issues as intuitive as well:

Channa Lockshin Bob, "Women's Aliyot: Jewish Scholars Weigh In," JOFA Webcast

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. It even makes sense in terms of the braita, in which women are barred because of *kevod tzibur* but children are not, even though children also presumably had lower social status and lower literacy than adult males…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.

If the main concern of women reading from the Torah is one of *tzeniut*, however, then it is not clear why the phrase "*kevod ha-tzibbur*" should stand in for other terms more frequently used to refer to *tzeniut*. Perhaps for this reason, some authorities reject the *tzeniut* explanation out of hand.[[25]](#footnote-25) Still, the *poche'ach* provides some precedent for connecting *kevod ha-tzibbur* to concerns related to *tzeniut* in a general sense, even when the concern falls short of *erva*.[[26]](#footnote-26)

A broader conceptual approach to *tzeniut* may point the way to a position that combines it with the reading skills approach to *kevod ha-tzibbur*. Rav Herschel Schachter presents one such approach:[[27]](#footnote-27)

Rav Hershel Schachter, "On the Matter of Partnership Minyanim"

For it is enough that men sometimes need to compromise on their attribute of *tzeniut,* and we shouldn’t demand of women that they also compromise on their *tzeniut*…And certainly if there is no man there who knows how to read the Torah, we should ask a woman to read, but this is not correct on account of *kevod ha-tzibbur*, for by forcing a woman to forgo her attribute of *tzeniut*, and to read the Torah in public, we demonstrate regarding the community that there are no men there who know how to read.

Rav Schachter seems to assume that reading from the Torah, or taking on any public leadership role, entails a measure of compromise on *tzeniut*. Regardless of whether one accepts that premise, the gist of his view is that the regular norms of *tzeniut* during prayer times in the synagogue are important to maintain. Therefore, having a woman read *keri'at ha-Torah* implies that the community was forced to compromise those norms, because the men have been lax with learning to read the Torah.[[28]](#footnote-28)

# Relevance

In recent years, questions have been raised about the continued relevance of *kevod ha-tzibbur* since a *ba'al korei* now reads for the congregation and since women's social status has changed.

**I. Impact of the Ba'al Korei** Rav Yehuda Henkin has argued that *kevod ha-tzibbur* may no longer be at issue following the institution of the *ba'al korei.* He suggests that calling a woman only as an *ola* to the Torah—with a *ba'al korei* reading—no longer risks giving the impression that the men of the congregation lack reading skills or are neglecting to acquire them. Her *aliya* does not risk entrenching laxity with obligation, since the community has already seen to it that a *ba'al korei* is in place.

At the same time, Rav Henkin concedes that this argument is unproven, and that there is no evidence of halachic authorities ruling in this way.

Rav Yehuda H. Henkin, "Qeri'at ha-Torah: Where we Stand Today." *Edah Journal* 1:2, p. 4

My grandfather [Rav Yosef Eliyahu Henkin] z”l wrote that today’s custom of the *ba`al qeri’ah* reading all the aliyyot is…in effect, only one person reading the entire portion…I added that according to this, considerations of *kevod hatsibbur* are put in abeyance as well: the baraita stipulates that “a woman should not read in the Torah,” while today the *ba`al qeri’ah* reads and not the woman herself….In the time of the Talmud, being called up to the Torah always involved reading from it, and the phrase “to read in the Torah” was interchangeable with receiving an *aliyyah*. Therefore, the conclusion I drew from the language of the baraita that if reading is not involved there is no issue of *kevod tsibbur*, although highly plausible, is not in itself proven. Conceivably, other factors might be involved. And while starting from sometime during the period of the rishonim when use of a *ba`al qeri’ah* became widespread, a distinction could have been made between a woman’s reading the Torah and her having an aliyyah, this is nowhere spelled out. Apparently, this distinction was suggested only recently, when women’s Torah readings became an issue. To read into the Shulhan Arukh a conscious intention that “women may be included, they just may not read” as the author does, is anachronistic, and to suggest that the Shulhan Arukh and its commentators would imply such an innovation in practical halachah without openly calling attention to it, lacks credibility…

Notably, Rav Henkin's initial argument rests on the analysis of his grandfather, Rav Yosef Eliyahu Henkin, according to which today's *oleh* is **not** considered a reader of the Torah.

As we have learned though, a woman *ola* may need to be considered a reader in order to address questions of *beracha le-vatala*. The best possible resolution of these questions is for a woman to read her own *aliya*. A second possible resolution to concerns for *beracha le-vatala* is for the *ola* to read along quietly with the *ba'al korei*, which defines her as a reader. In both scenarios, the *ola* remains a reader who represents the community, notwithstanding the presence of a *ba'al korei*.

By ensuring that the actual reading is performed capably, the institution of the *ba'al korei* resolves the issue of an unlearned person reading poorly. But *kevod ha-tzibbur*, even understood through the lens of implied male lack of reading skills, does not relate to women's skill at reading. Rather it relates to the implications for the *tzibbur* of women acting as communal representatives for this mitzva, and remains in place.

**II. Social Change** Rabbinic decrees are generally understood to remain in place, even if the stated reason for them is no longer relevant:

Rambam, Laws of *Mamrim* 2:2

A *beit din* that made a decree or issued an enactment or put a custom in practice and the matter spread to all of Israel, and after them stood another *beit din* that sought to nullify the first matter and to uproot that enactment or decree or custom...even if the reason for which the former [authorities] decreed or enacted it was nullified, the latter [authorities] cannot nullify it until they be greater than they [the first group]...

This halacha limits further the potential implications of the suggestion that we saw earlier that *kevod ha-tzibbur* is a social concept. Some, notably Rav Sperber, have accepted this approach to *kevod ha-tzibbur* and have argued that the concern of *kevod ha-tzibbur* is thus no longer relevant.[[29]](#footnote-29)

Rav Daniel Sperber, *Darkah shel Halacha: Keri'at Nashim Ba-Torah* (Jerusalem: Reuven Mass, 2007), 39

After all, in Israel a woman can serve as a state comptroller, judge in the high court, government minister, or even Prime Minister, and we don't, as individuals or as a *tzibbur*, feel insult from this. If so, perhaps really this concept is not in force in today's *tzibbur*, unless we see it as a clear prohibition.

As we have seen, this socially-oriented view is superseded by halachic concerns raised in traditional discourse about *tzeniut*, implied lack of reading competence, or laxity with obligation. Even were that not the case, Rav Sperber acknowledges that his argument for change in light of changing social status relies on his claim that *kevod ha-tzibbur* is less thana clear prohibition.[[30]](#footnote-30)

Rabbi Jeremy Wieder explains how the halacha about decrees remaining binding affects the social status argument:[[31]](#footnote-31)

Rabbi 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 halakhically 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 *aliyyot*for women. Irrespective of how we might interpret the concern of *kevod hatzibbur* or how we might assess its contemporary relevance, according to traditional principles of halakhic decision-making the rabbinic prohibition against calling women to the Torah remains in force.

Home vs. Synagogue

A few rabbis through the ages have suggested that the halacha of *kevod ha-tzibbur* might not be in full force in a small, informal, occasional service in a private home. An early halachic authority, Rav David ben Shemuel of Estella, cites this view (along with others that are more restrictive):[[32]](#footnote-32)

*Sefer Ha-batim Beit Tefilla* 8 *Keri'at Ha-Torah*, *Sha'ar Sheini* 6

There is one among the great authorities one who wrote that those who pray in their homes with ten, a woman can read there from the Torah, for it is only called a *tzibbur* when they pray in the synagogue.

This claim, that the definition of a minyan as a *tzibbur* depends on whether it takes place in a *beit kenesset,* goes against halachic consensus. Tur puts it clearly:

Tur OC, 691

To me it seems that every ten [men] is called a *tzibbur* for every purpose and there is no distinction whether they are in synagogue or not…

One might make an alternative argument in favor of viewing smaller, private minyanim differently from the synagogue, though, based on a *tzeniut*-oriented view of *kevod ha-tzibbur*.

For example, Rav Ya'akov Emden maintains that a new father's reading the Torah after childbirth stands in for the mother's bringing her sacrificial offering. If the father is unavailable, Rav Emden would permit the new mother to read from the Torah in a home-based minyan, pending other rabbinic approval:

Rav Ya'akov Emden, *Berit Migdal Oz*, *Shoket* 2 9-10

On the day that a *yoledet* [woman who has given birth] goes to synagogue, her husband has an obligation to go up to the Torah…The obligation of the husband of the *yoledet*, which has become a commemoration of bringing the sacrifice [of a *yoledet*], is something one is particular about. And it seems that when only ten pray and read from the Torah in the home of the *yoledet*, and her husband is not here, one can rely on the fundamental law that a woman goes up and reads from the Torah in this case even though the sages said that a woman should not read in the *tzibbur* because of *kavod*, they only said that in a big congregation and not to do it frequently, but in this case where it is an uncommon matter and out of an enactment for her, one can say they did not decree…and in this manner it is similar to after the fact, thus my opinion tends if my fellows will agree with me…

Although Rav Emden presents this halacha as a sort of *bedi'avad* (after-the-fact situation, which we discuss below), he also suggests that the *tzibbur* at a home-based minyan doesn’t raise the same level of *kevod tzibbur* concerns as a synagogue. This aligns with Rav Emden's view of *kevod ha-tzibbur* as rooted in *tzeniut*, because the home presents less of a question of *tzeniut* than a more public space. Indeed, [we learned](https://www.deracheha.org/mechitza-2-structure/) that there may be more flexibility with *mechitza* for an ad hoc minyan held in private.

Rav Ben Tziyyon Abba Shaul floats a similar suggestion about a home-based family minyan as a more flexible setting, without even formulating it as a *she'at ha-dechak*.[[33]](#footnote-33) Responding directly to Rav Abba Shaul, Rav Ovadya Yosef firmly rejects his idea.[[34]](#footnote-34)

Rav Yehuda Henkin has suggested that a private setting might more readily allow for a waiver of *kevod ha-tzibbur* (our next topic). But though he ultimately states that he would not protest *keri’at ha-Torah* under these conditions, he does not write that he would support it.*[[35]](#footnote-35)*

To summarize, though some authorities have raised the theoretical possibility of women reading in a home or family-based minyan, none have issued a clear, practical halachic ruling to permit it.

# Waiving Kevod Ha-tzibbur

What if a community chooses to forgo *kevod ha-tzibbur*? Generally speaking, an individual may waive personal honor (*mochel al kevodo*). So, for example, a mother may waive her children's obligation to stand for her when she enters a room.[[36]](#footnote-36) Could a similar waiver work on a communal scale, with *kevod ha-tzibbur*? Would a communal waiver be effective in the case of women reading from the Torah?

These questions present a twofold challenge. First, waiving *kevod ha-tzibbur* to allow women to read in *keri'at ha-Torah* has only recently become a subject of halachic discussion. Second, *kevod ha-tzibbur* means different things in different cases, so we cannot apply the rulings issued in other cases to our case with any confidence.

Test Cases

In situations involving a concrete burden on the congregation, such as rolling the Torah scroll during the reading, many halachic authorities permit a waiver.[[37]](#footnote-37) Some permit a waiver of *kevod ha-tzibbur* in the case of reading *keri'at Ha-Torah* from *chumashim*, as well:

*Hilchot Ketanot* Mordechai *Menachot Ha-kometz Rabba* 952

We say in the chapter "*Ha-nizakin*": Is it permitted to read from *chumashim* to discharge the obligation of the *tzibbur* [in *keri'at ha-Torah*]? And conclude that it is not, because of *kevod ha-tzibbur*, and this implies that if the *tzibbur* had waived their *kavod* it would be permitted.

Peri Chadash takes this ruling about *chumashim* to establish grounds for waiver in all cases of *kevod ha-tzibbur*.

Peri Chadash OC 53:6

But according to the rationale of *kevod tzibbur*, whenever the *tzibbur* waives their *kavod* they are permitted, according to the view of Rabbeinu Yerucham and Mordechai.

Other halachic authorities, however, including Shulchan Aruch, reject the ruling which permits reading from *chumashim*:

שולחן ערוך אורח חיים קמג :ב-ג

אם כתבו כל חומש לבדו, אפילו בגלילה כספר תורה, אין קורין בו עד שיהיו כל חמשה חומשים תפורים ביחד....אפילו בכפרים שאין נמצא להם ס"ת [=ספר תורה] כשר, אין מברכין עליו.

Shulchan Aruch OC 143:2-3

If they wrote each *chumash* on its own, even in a scroll like a *sefer Torah*, we don’t read from it until all five *chumashim* are sewn together…Even in villages that don’t have a fit *sefer Torah*, we don’t recite a *beracha* over it [reading from a *chumash*].

If a waiver in the case of reading from *chumashim* is ineffective, then Peri Chadash's widespread permission for waiver could not get off the ground.

A classic test case for communal waiver of *kevod ha-tzibbur* concerns whether a community may allow a male who has not yet reached complete physical maturity—as evidenced by having a full beard—to serve as their fixed prayer leader, *shali'ach tzibbur*.[[38]](#footnote-38) The role of a fixed or appointed prayer leader, has communal import, and the one who fills it reflects upon the community.[[39]](#footnote-39)

In Shulchan Aruch, Rav Yosef Karo allows a youthful *chazzan* to lead prayers only on an occasional basis, ruling against his appointment, which would require a waiver of *kevod ha-tzibbur*.

Shulchan Aruch OC 53:6

We only appoint [as *shali'ach tzibbur*] one whose beard is full [i.e., who has reached maturity], because of *kevod ha-tzibbur*. But on an occasional basis, once he has grown two hairs he can lead the prayer, but he simply may not be appointed by the *tzibbur* [as *shali'ach tzibbur*]…

Many later authorities follow suit, though that might still leave room for waiving *kevod ha-tzibbur* elsewhere.[[40]](#footnote-40)

Metaphysical Honor

In discussing the case of the youthful *shali'ach tzibbur*, Bach maintains that *kevod tzibbur* can **never** be waived.

Bach OC 53

We only appoint one whose beard is full etc….It seems in my humble opinion that, even according to Rambam and Rashba, the *tzibbur*’s waiver [of *kevod ha-tzibbur*] doesn't work. For ”because of *kevod ha-tzibbur*” does not mean that it corresponds to their honor before people, for which the *tzibbur*'s waiver would work. Rather, it means that it is not *kevod ha-tzibbur* that they send before Him, may He be exalted, someone without a distinguished face to plead for the *tzibbur*. Furthermore, if so, all these enactments that our sages enacted on account of *kevod ha-tzibbur*…If you say that they are permitted to waive it, if so their enactment was for naught, for every *tzibbur* would waive it. Furthermore, it would make [the people of] Israel into factions, this *tzibbur* would waive and this *tzibbur* would not waive. Rather, they certainly don't have the ability to waive and to uproot a rabbinic enactment…For they cannot waive and send before Him, may He be exalted etc., what is not in accordance with *kevod ha-tzibbur*, as though they are not concerned about what is not pleasing and acceptable before Him, may He be exalted.

Bach seems to view all instances of *kevod ha-tzibbur* as set enactments for what is acceptable before God, which cannot be changed once instituted. He adds that allowing a given community to waive *kevod ha-tzibbur* would lead to disunity, with reference to the prohibition of "*lo titgodedu*," not making factions (*Devarim* 14:1).[[41]](#footnote-41)

Is diversity always a blow to unity?

Though halacha dictates a high degree of conservatism around synagogue custom, there is still a range of accepted practice in different congregations, within halachic bounds. This can include but is not limited to the nusach of the prayers, which prayers are included or omitted from the formal service, how much singing there might be, the height and style of the mechitza and the role of women in the synagogue.

Even with these differences, synagogue worship has remained an area of Jewish Orthodox life with great overlap between different segments of our community. This can contribute to resistance to incorporating changes that might further split the greater Orthodox world.

Dr. Tova Hartman, founder of Jerusalem's Shira Chadasha partnership minyan, describes the impetus for founding it as a need to pursue "something new," something beyond the range of practice available within Orthodox synagogues:[[42]](#footnote-42)

Dr Tova Hartman, quoted in Amanda Borschel Dan, "Orthodox, separate — and almost equal." Times of Israel 21.11.2013

I tried to make changes in regular [Orthodox] shuls and didn’t succeed and said if they’re not changing then we must make something new.

When a movement is animated by a sense that it is leaving the traditional synagogue behind, it is bound to create some communal friction. At the same time, part of the impetus for such a move is the friction that results when some feel a sense of alienation from the synagogue in the first place.

Pursuing inclusion cannot come at the expense of Halacha. When members might consider leaving over a matter of synagogue practice, existing synagogues can help build unity by relating as inclusively as possible to all, guided by Halacha.

Bach’s view may reflect an understanding of the *tzibbur* as a metaphysical entity standing before God, not just a particular collection of people. Tiferet Yisrael hints at this in his commentary to the Mishna:

Tiferet Yisrael, *Yachin*, *Megilla* 4:6:45

It seems to me that all *kevod ha-tzibbur*, the intent is not *kavod*of this *tzibbur*that would be fitting for them, but the intent is *kavod*that the *tzibbur*need in order to honor God, for it is fitting [for God] that they be fitting, and the practical halachic difference is that they cannot waive [*kevod ha-tzibbu*r]…

*Kevod ha-tzibbur,* then, isn’t about a particular physical congregation and its members' honor, or about more subjective or timely views of honor, but rather about how a *minyan* is meant to represent the Jewish people before God.

Rav Samson Raphael Hirsch expounds on the idea of *tzibbur* as a metaphysical entity in his commentary to the Torah:[[43]](#footnote-43)

Rav Samson Raphael Hirsch, *Vayikra* 10:6

The Nation too knows no Death, *ein tzibbur met*[*im*] [a *tzibbur* is not considered dead] (*Horayot* 6a), in it, all past generations live on, and out of it all the coming ones blossom; in it, at all times past and future are present.

To Rav Hirsch the Jewish *tzibbur* is metaphysical and eternal, as are the spiritual values at its heart, so that *kevod ha-tzibbur* could likewise be eternal.

This understanding fits well with the idea that *kevod ha-tzibbur* serves to prevent a community from laxity. As the metaphysical embodiment of the Jewish people before God, the *tzibbur* has a responsibility to live up to established norms.

Bach's argument against waiver seems to ignore potential distinctions between different cases of *kevod ha-tzibbur*, though. Do cases that relate to inconveniencing the *tzibbur* really touch on its metaphysical nature?

In an effort to reflect the distinctions between different cases, Taz modifies Bach's argument. In some cases, *kevod ha-tzibbur* is flexible and dependent on local mores. In others, it is absolute, a matter of *kevod shamayim*, the honor due to Heaven. In these latter cases, the honor due to Heaven, a metaphysical standard, determines the norms of *kavod* expected of the *tzibbur*:

Taz OC 53

For certainly, even for Rambam, waiver doesn't work [to appoint a youth as *shali'ach tzibbur*]. For certainly *kevod ha-tzibbur* in this [case] is honor due to Heaven, that we intend to honor God with a *shlai'ach tzibbur* who is fitting to be a pleader for the congregation before Him…but certainly waiver doesn’t work in these matters that touch on honor of Heaven.

In Bach’s view, *kevod ha-tzibbur* cannot be waived to enable women to read in *keri'at ha-Torah*. Taz returns us to the question of whether the case of women and *keri'at ha-Torah* is one in which a community may waive its honor, or if the honor is not fully theirs to waive. As above, though, we have no clear indication of or precedent for communities being permitted to waive their *kevod ha-tzibbur* in this case.

# Bedi'avad and She'at Ha-dechak

Even when a halacha related to *kevod ha-tzibbur* may not be waived, there are cases in which *kevod ha-tzibbur* may simply not apply, such as *bedi'avad*, after the fact, or in *she'at ha-dechak*, a pressing circumstance (which Halacha typically treats like *bedi'avad*).[[44]](#footnote-44)

Not all authorities allow for *bedi'avad* to affect application of *kevod ha-tzibbur*. Ma'aseh Roke'ach argues that, by omitting mention of a women's theoretical ability to read, Rambam's rules it out absolutely, even *bedi'avad* and in *she'at ha-dechak*.[[45]](#footnote-45) A community for which a woman had read would thus need a man to read that portion again in order to fulfill the enactment of *keri'at ha-Torah*.[[46]](#footnote-46)

Conversely, those like Shulchan Aruch who **do** mention that women could count toward the seven may in fact maintain that a woman's reading is permissible *bedi'avad* or in *she'at ha-dechak*.[[47]](#footnote-47) (See above for Rav Ovadya Yosef drawing such an inference.)

Aruch Ha-shulchan, citing Rema, takes the position that *kevod ha-tzibbur* precludes women and bondsmen reading from the Torah only *le-chatchila*, but not *bedi'avad*.[[48]](#footnote-48)

Aruch Ha-shulchan OC 282:10

In Yerushalmi *Megilla* [4:3] it says that a bondsman counts toward the number seven, see there. And our Rav, Rema, wrote that his law is like a woman, which is to say that *le-chatchila*, from the outset, he should not count because of *kevod ha-tzibbur*.

What should a woman do *bedi'avad* if she has been called to the Torah? Rav David Pardo maintains that once a woman has been called up to the Torah, she must complete the reading,[[49]](#footnote-49) and that if she has gone up to the Torah on her own initiative, she may complete the reading.

Chasdei David Tosefta *Megilla* ad loc

It seems that in any case if she went up [to the Torah] she should not go down since according to the fundamental law she counts toward the number…additionally it implies this from the language of the tosefta that is before us that "we don't bring a woman to read" therefore if she went up on her own she has counted since it [the constraint] is only because of *kevod ha-tzibbur*.

More recently, Rav Ovadya Yosef ruled accordingly, that a woman may read *bedi'avad*, once her reading has been put into motion.[[50]](#footnote-50) Neither he nor Chasdei David allow for a woman to go up of her own initiative or for a congregation to call her to the Torah, so this situation is unlikely to arise in practice.

What of *she'at ha-dechak*? A prominent example concerns a city of *kohanim*. *Kohanim* generally may not take any of the third to seventh *aliyot* lest that call their priestly lineage into question.[[51]](#footnote-51) Therefore, a city in which all males are *kohanim* confronts a *she'at ha-dechak* for *keri'at ha-Torah*. Maharam rules that a woman may read from the Torah in this case, since there is no alternative:[[52]](#footnote-52)

Responsa Maharam Rotenberg 4:108 (Prague)

A city that is all *kohanim* and doesn’t have even one Yisrael, it seems to me that a *kohen* reads twice and then women read, for anyone can complete the number seven, even a bondsman and a maidservant and a minor…And given that it concludes about it “but the sages said a woman should not read from the Torah because of *kevod ha-tzibbur*,” where that is impossible, *kevod ha-tzibbur* is pushed aside because of the blemish to [the lineage of] the *kohanim* who read…

None of these views allow for women reading from the Torah under ordinary circumstances. Rav Daniel Sperber has claimed that the near consensus that *kevod ha-tzibbur* does not apply *bedi'avad* undermines its halachic authority, and reveals it to be a mere recommendation.[[53]](#footnote-53) However, it is common in halacha for rabbinic prohibitions to be prohibited *le-chatchila*, and permitted *bedi'avad*:

Responsa *Minchat Yitzchak* II:11

That which our sages say is prohibited *le-chatachila* [normatively, from the outset] is not because of a doubt, rather thus our sages decreed: *le-chatchila* prohibited and *be-diavad* permitted. Behold *le-chatchila* is certainly prohibited *le-chatchila* and *bedi'avad* is certainly permitted *bedi'avad*.

Could a community's difficulties with this halacha be considered a *she'at ha-dechak*?

For many of the diverse communities that find a home in Orthodox Judaism, the practical prospect of women reading from the Torah is not a matter of discussion. In some communities, though, women and men are troubled or even feel distanced from Torah because women are not eligible to read.

May a synagogue where such distress is the overarching sentiment be considered to be in a constant state of she'at ha-dechak, a pressing situation, so that kevod ha-tzibbur is pushed aside and women should be permitted to read?

It is difficult to call a minyan's ongoing functioning a she'at ha-dechak across the board in order to push aside a universally-recognized halacha.

Is there post-Talmudic precedent for such a step?

A few changes to synagogue custom have been instituted out of communal sensitivity.

Terumat Ha-deshen rules that women are permitted to attend synagogue while in nidda. At the same time, he notes that the practice followed in the communities where women did not do so was only a matter of custom, and was not based on Halacha. (Learn more about this custom [here](https://www.deracheha.org/contact-with-sefer-torah/).)

So, too, when Seridei Eish permits women and men to sing zemirot together, he argues that not doing so is a matter of custom, and that singing together is in fact within the bounds of normative Halacha, as had been practiced in Germany. (Learn more [here](https://www.deracheha.org/kol-isha-2-mutual-responsibility/) and [here](https://www.deracheha.org/kol-isha-3-in-context/).)

Neither of these cases provides a precedent for setting aside kevod ha-tzibbur, because they both involve custom, not Halacha. Furthermore, even in these cases, changes in custom were instituted only with the support of major halachic authorities.

We do find one possible precedent in Chafetz Chayyim's [ruling to permit women to study more texts](https://www.deracheha.org/learning-torah-3-openings/) and to support [Sara Schenirer's work](https://www.deracheha.org/learning-torah-3-openings/) in the field. Although many proponents of women learning more Torah have taken care to show how this approach lies within the bounds of what Halacha accepts, Chafetz Chayyim presents his ruling as a break from the past, in light of a perceived ongoing community-wide risk to the future of the Jewish people.

Women learning mimetically or individual women learning from texts had a long precedent, though, and learning Torah does not directly affect the synagogue service.

Furthermore, no one of remotely comparable stature has as yet suggested that, in light of today's circumstances, we face a broad she'at ha-dechak that pushes aside kevod ha-tzibbur so that women can regularly read keri'at ha-Torah. On the contrary, to date, leading halachic authorities have expressed concern that women reading would have a negative effect on Orthodoxy.

# Kevod Ha-beriyot

*Kevod ha-beriyot*, human dignity, has also been raised in recent years in connection with halachic discussion of women reading from the Torah. A baraita teaches that *kevod ha-beriyot* pushes aside other *mitzvot*. At first, the baraita seems to suggest that *kevod ha-beriyot* even pushes aside Torah-level prohibitions. However, the Talmud quickly explains that it only pushes aside rabbinic-level *mitzvot*, which derive their halachic force from the Torah's prohibition against deviating from the words of our sages:

*Berachot* 19b

Come and learn: *Kevod ha-beriyot* is great, for it pushes aside a Torah level prohibition. And why? Let us say "there is no wisdom and no understanding and no counsel against God!" Rav bar Sheva defined it before Rav Kahana as the prohibition of "*lo tasur*" "not straying [from the words that they (the sages) tell you]" (*Devarim* 7:11). They laughed at him: The prohibition of *lo tasur* is on a Torah level. Rav Kahana said, A great man said a matter, don’t laugh at him. [The rabbis] supported all rabbinic matters on the prohibition of *lo tasur* and because of [a person’s] *kavod*, our sages permitted it.

Rashi explains that in order to preserve *kevod ha-beriyot*, our sages waive their own honor so that a rabbinic law that comes in conflict with it is no longer in force:

Rashi ad loc. s.v. *kol milei*

Our rabbis waived their honor to [allow] transgressing their words where there is *kevod ha-beriyot*, as for carrying stones on Shabbat [which would otherwise be *muktzeh*] for wiping in the bathroom (*Shabbat* 81b), or someone whose cloak’s *tzitzit* broke in a *karmelit* [rendering the strings something he carries rather than a part of a garment in a place where carrying is prohibited rabbinically] they didn't require him to set down his cloak there and enter his home undressed (*Menachot* 38a).

In practice, application of *kevod ha-beriyot* is usually limited to cases mentioned in the Talmud,[[54]](#footnote-54) and those cases refer to active, often physical, disgrace, not to a lack of honor.[[55]](#footnote-55)

Nevertheless, Rav Sperber has argued that *kevod ha-beryiot* should be construed and applied broadly, to include women's emotional distress at exclusion from being called to the Torah, and thus should push aside *kevod ha-tzibbur* here.

[Rabbi Daniel Sperber, "Congregational Dignity and Human Dignity: Women and Public Torah Reading," *The Edah Journal* 3:2 (2002), pp 10-11](http://www.edah.org/backend/JournalArticle/3_2_Sperber.pdf)

We have here a clash of two principles of different sorts - *kevod ha-tsibur* (if such exists) and *kevod ha-beriyot*… we are speaking about ‘a doubtful consideration of *kevod ha-tsibur*,’ for it is entirely possible that the congregation has waived its dignity, or that it senses no affront at all to its dignity in women being granted *aliyyot*…At the same time, we know that many women have a sincere desire, a yearning, to take an active and spiritual role in the life of the community and its pursuits, and excluding them from the synagogue or from involvement in worship ceremonies is a cause of great distress… It thus seems clear that *kevod ha-beriyot*, individual dignity, must overcome *kevod ha-tsibur*, particularly when the concept of *kevod ha-tsibur* does not really pertain as it might have in ancient and medieval times.

As we've discussed earlier, Rav Sperber considers *kevod ha-tzibbur* with respect to women's reading and *aliyot* as a matter in doubt, since waiver might work or since it may be perceived as irrelevant. Women lacking the opportunity to read has no clear Talmudic analogue as a matter of *kevod ha-beriyot*, and entails a more subjective, and indirect type of distress. Nevertheless, Rav Sperber views exclusion from *aliyyot* as an affront to women's *kevod ha-beriyot* that pushes "a doubtful consideration of *kevod ha-tzibbur*" aside.

Rav Jeremy Wieder, among others, has charged that Rav Sperber misapplies the principle of *kevod ha-beriyot* in this case:

[Rabbi Jeremy Wieder, "Aliyyot for Women in Halakha](https://rabbijeremywiederblog.wordpress.com/2016/10/31/aliyyot-for-women-in-halakha/#sdfootnote41anc)," Blogpost, 31.10.16

…It is not that in certain limited circumstances the prohibition of calling a woman to the Torah offends the human dignity of an individual woman; rather, it is the prohibition itself that is said to engender offense to human dignity. To argue that the principle of *kevod haberiyot* should dictate that the prohibition of calling a woman to the Torah be set aside is not to resolve an incidental conflict between two values by choosing one. Rather, it is to entirely abrogate a principle because that principle, in its entirety, is perceived to conflict with another. This is far from *dehiyyah*. There is, to the best of my knowledge, no precedent in halakha for nullifying a halakhic principle on the basis of *kevod haberiyot*...

Rav Wieder considers the proposed application of *kevod ha-beriyot* as unprecedented and unfounded. His argument rests on accepting *kevod ha-tzibbur* as a clear matter of halacha in this case (which Rav Sperber doesn't).

Is distress at not receiving an aliya so pronounced?

Not necessarily, but it can be. Mas'at Binyamin describes his pain when a rabbi raised the prospect that his failed eyesight rendered him ineligible to receive an aliya:

Responsa Mas'at Binyamin 62

…My eyes grew too dim to see. Because it arose in the thoughts of the Rav z”l to banish me from inclusion in the portion of God, and the Torah of truth is eternal life. Not to count me among the number for being called to the Torah. Therefore, I said and resolved, God forbid that I leave the way of the tree of life and of grasping its branches. I have loved this testament from earliest days….Whoever wishes to issue a halachic ruling and to decide where there is a rabbinic dispute, it is impossible except for one of three ways: A. That he prove it with clear proofs from the Talmud or Ge'onim. B. Even without proof and evidence but since we see that the majority of weighty halachic authorities rule that the halacha is like him, for with one against the many, Halacha is like the many. C. For in every place we rule halacha like later authorities verses earlier ones, from Abbaye and Rava onward. And behold the matter before us, in all of these three ways the halacha is like the words of those who permit.

His distress is acute, and there are women who feel something similar. However, as he indicates above, even acute distress at a given halacha cannot be sole grounds to uproot it. He goes on to build a halachic argument for a blind man receiving an aliya, based on an opinion of Maharil that had been applied for centuries. There is no similarly established traditional opinion allowing for women's aliyot. If no halachic basis other than distress were necessary to **nullify** a halacha, the halachic system would be quickly undone.

It is untenable to construe *kevod ha-beriyot* in a way that would fully upend a halacha instituted by our sages. The sages recognized and defined *kevod ha-beriyot*, waiving their own honor to set aside rabbinic law when *kevod ha-beriyot* would conflict with it. If they instituted a specific halacha, then clearly they did **not** view that halacha as inherently at odds with *kevod ha-beriyot*. That makes it difficult for later authorities to push that halacha aside **because** of *kevod ha-beriyot,* since our halachic definition of *kevod ha-beriyot* can't contradict our sages'.

Historically, *kevod ha-beriyot* has been applied with great caution. Nevertheless, Rav Aharon Lichtenstein writes that we should remain sensitive to *kevod ha-beriyot* even when its halachic force is limited.[[56]](#footnote-56)

Rabbi Aharon Lichtenstein, Human Dignity in Halakha

If, over the course of the generations, authorities virtually refrained from explicitly invoking *kevod ha-beriyot* as grounds for a leniency out of concern that it would be abused by those lacking the appropriate loyalty to Halakha, then today, with the development of means of mass communication - which transmit in just a few minutes that which is said in "total secrecy" to all corners of the earth - this concern carries double the weight. We must, apparently, resign ourselves to this reality, but specifically because of this, in a situation in which the value of *kevod ha-beriyot* does not withstand the conflict against other *halakhot*, there is a compelling need to sharpen the concept's significance....for a spiritual, intellectual and ethical effort to bring this "great" principle to actualization.

# In Practice

Where does all this leave us? Traditionally, halachic authorities have understood the baraita as establishing a halacha prohibiting women from reading as part of *keri’at ha-Torah*. Many have ruled that a woman may read in a pressing situation, and that her reading could count *bedi’avad*. According to a number of opinions, the precise number of readings a woman could take even then would be [limited](https://www.deracheha.org/keriat-ha-torah-1-the-reading/), and some note that a woman should [read her own *aliya*](https://www.deracheha.org/keriat-ha-torah-2-the-aliya/) (or perhaps read quietly along as an *ola*).

There is no direct precedent for waiving *kevod ha-tzibbur* to enable women to read from the Torah or take *aliyot* on a regular basis. Furthermore, distress at the essence of a rabbinic law does not enable concern for *kevod ha-beriyot* to uproot it.

The most significant figure to support regular women's reading and *aliyot* in *keri'at ha-Torah* in practice has been Rav Sperber. Major halachic authorities have rejected the possibility of having women routinely read or receive *aliyot* as part of *keri'at ha-Torah*. [[57]](#footnote-57) This was the case before the advent of partnership minyanim, as we see in this ruling of Tzitz Eliezer from 1992:

Responsa *Tzitz Eliezer* 20:36

…We set the reason on account of *kevod tzibbur* [that] closes the way off for us, and in no case may a woman count toward the number seven and read from the Torah.

It has remained the case in the years since the establishment of partnership minyanim, as exemplified by major halachic authorities, including Rav Ya'akov Ariel,[[58]](#footnote-58) Rav Hershel Shachter,[[59]](#footnote-59) and Rav Gedalia Dov Schwartz.[[60]](#footnote-60)

Rav Gedalia Dov Schwartz, Letter to RCA Rabbis

…“*Davening*” and “*Kriat HaTorah*” as it has been observed in Torah observant communities for many centuries rejects creating a profile of worship that is alien to normative…congregational activity…I reject the support of the ‘Partnership Minyanim’ halachically and intuitively...

While Rav Schwartz has halachic objections to partnership minyanim, he is also intuitively averse to their "profile of worship." This aversion may reflect a desire, shared by many, that the Orthodox synagogue remain a space where Jews of various streams of Orthodoxy can come together to pray.

The growth of the partnership minyan model of *keri'at ha-Torah* has been a largely lay-led, grass-roots initiative, which raises many serious halachic questions aside from women reading from the Torah. At the same time, the question of women reading from the Torah is not fundamentally about partnership minyanim.

It behooves our community to continue to explore and think carefully about how to ensure that women feel comfortable with and included in the synagogue experience, in line with Halacha. This sentiment is captured by Rabbi Ephraim Mirvis, Chief Rabbi of the United Hebrew Congregations of the Commonwealth:[[61]](#footnote-61)

Rabbi Ephraim Mirvis, United Synagogue Message to Rabbis and Rebbitzens, 2013

I know that you (the United Synagogue rabbis and rebbitzens) are working with our communities to find ways, within the boundaries of halacha, to make prayer, learning, leadership and involvement more meaningful for men and women alike, and I encourage this wholeheartedly. Some of you, together with members of our communities, have approached me for direction with respect to holding services which take an approach different from our traditional understanding of roles in communal prayer, particularly where women would...read from the Torah or receive Aliyot. It is my view that such services are not something that can take place within our synagogues or under our auspices. Whilst I welcome innovation where this is halachically sound, particularly encouraging both men and women to participate more actively and meaningfully in prayer, there is virtually complete consensus within the Orthodox Rabbinate, including within the Modern Orthodox Rabbinate, on this matter.

Our communities offer *aliyot* to a wide range of males, including thirteen-year-olds, men with no working knowledge of Hebrew, and the non-observant, because this inclusivity is halachically sound. At those times, and others, even the most traditional and halachically committed women can still struggle with feeling disenfranchised.

We have learned that the essential way to fulfill the mitzva of *keri'at ha-Torah* is by actively listening to it. To encourage women's participation in this way and to otherwise enhance women's experience of *keri'at ha-Torah*, there remains "a compelling need....for a spiritual, intellectual and ethical effort."

# Further Reading

* Rav David Auerbach, *Halichot Beitah*, Chapter 9.
* Rabbi Aryeh and Rabbi Dov Frimer, “Women, Keri’at ha-Torah and Aliyyot.” *Tradition* 46:4 (Winter 2013), pp. 67-238. Available here: <https://traditiononline.org/special-supplement-women-keriat-ha-torah-and-aliyyot/>
* Rav Yehuda H. Henkin, *Benei Banim* I:4, II:10, II:11, IV:2, IV:3. Available [here](https://www.sefaria.org.il/Responsa_Benei_Banim%2C_Volume_IV.2.1?lang=he&with=all&lang2=he): <https://www.sefaria.org.il/Responsa_Benei_Banim>
* Rav Yehuda H. Henkin, "Qeri’at Ha-Torah by Women: Where We Stand Today." *The Edah Journal* 1:2 (2001). Available here: <http://www.edah.org/backend/JournalArticle/1_2_henkin.pdf>
* Rav Mendel Shapiro, "Qeri’at ha-Torah by Women: A Halakhic Analysis." *The Edah Journal* 1:2 (2001). Available here: <http://www.edah.org/backend/JournalArticle/1_2_shapiro.pdf>
* Rav Daniel Sperber, "Congregational Dignity and Human Dignity: Women and Public Torah Reading." *The Edah Journal* 3:2 (2002). Available here: <http://www.edah.org/backend/JournalArticle/3_2_Sperber.pdf>
* Rav Jeremy Wieder, "Aliyyot for Women in Halakhah." Blogpost, 10.31.06, Available here: <https://rabbijeremywiederblog.wordpress.com/>

1. Please see "Further Reading" for a list of some of the many writings on this topic consulted in preparing this piece. [↑](#footnote-ref-1)
2. For example, "but the sages said" introduces the *halacha* of reciting *viduy* prior to *se'uda ha-mafseket* on *Erev Yom Kippur*.

   *Yoma* 87b

   Our rabbis taught: the mitzva of confession on *Erev Yom Kippur* is at dark, but the sages said, he should confess before he eats and drinks, lest he become disturbed at the meal.

   *Shulchan Aruch* OC 607:1

   One needs to confess at *mincha* before the final meal [before Yom Kippur].

   In another example, more clearly like our baraita's, "but the sages said" introduces a prohibition—of sitting on *sha'atnez*—in contrast to a previously stated permission:

   *Yoma* 69a

   It is taught in a baraita: "it [*sha'atnez*] shall not be upon you" – but you are permitted to lay it out beneath you. But the sages said: it is forbidden to do thus, lest one thread get folded over his flesh.

   *Shulchan Aruch* YD 301:1

   It is permitted according to Torah law to sit on bedding that is *sha'atnez*, as it is said “it shall not be upon you,” but you can lay it out beneath you… and according to Rabbinic law, even [if there are] ten layers of bedding one on top of the other, and the bottom one is *kilayyim*, it is forbidden to sit on the top one, lest a thread get folded over his flesh… [↑](#footnote-ref-2)
3. For example:

   *Chullin* 44b

   As it is taught [in a baraita], he issued the judgment, acquitted or convicted, declared impure or pure, and similarly the witnesses who testified, all are permitted to purchase [an item whose value was affected by the ruling], but the sages said: Stay far from unseemliness and from anything resembling it. [↑](#footnote-ref-3)
4. Immediately following this halacha in the Tosefta is one stating that a synagogue with only one capable reader on Shabbat has that reader get up to read seven times.

   Tosefta *Megilla* 3:12

   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

   Or Zarua and Tosafot Rid quote both parts of the Tosefta together.

   Sefer Or Zarua, Part 2, Laws of *Keri’at Shema* 383

   It is taught in a tosefta in our tractate, All are counted for the count of seven, even a minor, even a woman. We do not bring a woman to read for the masses. Members of 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, even seven times…

   Tosafot Rid *Megilla* 23a

   Our rabbis taught “All are counted for the count of seven…” and at the end of the baraita in Chapter 3 of Tosefta *Megilla*, there is thus: “Members of 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, even seven times…”

   Rav Shaul Lieberman suggests that the adjacency could contextualize the tosefta's ruling against "bringing a woman to read." Perhaps their intent is that the tosefta rules against a woman reading **only** in a case when she would be the sole reader. If so, the tosefta would otherwise permit her reading, in contrast to the baraita in the Talmud.

   *Tosefta Ke-peshuta Megilla* pp. 1176-77

   .…From the words of our sages the Rishonim I learned that this paragraph [“All are counted…”] is connected to the paragraph after it, ["A synagogue where they have only one person who can read"] and the intention is that a woman only counts toward the number of readers, when a man has already read from the Torah…But [in] a synagogue that does not have a man who knows how to read, "we do not bring a woman to read for the masses." …But according to the approach of the ge’onim and the poskim, that they [women] only count specifically toward the number of seven [readers on Shabbat]…the tosefta can be interpreted more simply, that we do not bring a woman to read for the masses, and even if there is one [man] who knows how to read, it is preferable for him to read and go back and read [again], and a woman should not join him…

   Rav Lieberman himself acknowledges that others advance a simpler, more stringent reading of the text. Against Rav Lieberman's initial reading, Rav Yehuda Henkin points out that Tosafot Rid actually implies that the tosefta and the end of the baraita are equivalent, and that Or Zarua simply notes the contiguity of the tosefta's statements. Neither directly draw any inference from this contiguity. Rav Henkin also questions the halachic significance of the contiguity between the tosefta's statements to start with.

   Rav Yehuda H. Henkin, “Qeri’at Ha-Torah by Women: Where We Stand Today,” *The Edah Journal* 1:2 (Sivan 5761), 1-2.

   Why should the solitary male reader read all seven aliyyot himself, to the evident exclusion of women?...The reason the Tosefta mentions a case when there is only one reader is for emphasis: even when there is only one reader, he should read everything himself if he is capable of doing so rather than have a woman read even part, and all the more so when there are a number of men reading….Contiguity of paragraphs in the Tosefta, however, is not proof that they are essentially interrelated… [↑](#footnote-ref-4)
5. Rav Daniel Sperber, "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 Megillah 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. [↑](#footnote-ref-5)
6. We touch on Rav Sperber's additional argument that leniencies with *kevod ha-tzibbur* undermine its status as a halachic ruling in our next piece. [↑](#footnote-ref-6)
7. Available here: <https://www.replyall.me/jofas-cast/womens-aliyot-jewish-scholars-weigh-in/> [↑](#footnote-ref-7)
8. A sixth possibility, that concern for *kevod tzibbur* is why a *kohen* may not recite *birkat kohanim* in sandals, is rejected:

   *Sota* 40a

   Our rabbis said, from here: that the *kohanim* are not allowed to go up in their sandals to the *duchan*, and this is one of nine enactments that Rabban Yochanan ben Zakkai enacted; what is the reason? Isn’t it because of *kevod ha-tzibbur*? Rav Ashi said, no… [↑](#footnote-ref-8)
9. *Sota* 39b

   Rabbi Tanchum said Rabbi Yehoshua ben Levi said: The *shali’ach tzibbur* is not allowed to uncover the *teiva* in public, because of *kevod tzibbur*.

   Rashi ad. loc. s.v. *le-hafshit et ha-teiva be-tzibbur*

   To uncover the *teiva* in public:…for it is an inconvenience to the congregation to delay there with the *sefer Torah*…

   *Yoma* 70a

   Rav Huna the son of Rav Yehoshua said Rav Sheshet said: Because we do not roll a *sefer Torah* in public, because of *kevod tzibbur*.

   Rashi ad. loc. s.v. *mi-penei kevod tzibbur*

   Because of *kevod tzibbur* – for they will wait quietly for it. [↑](#footnote-ref-9)
10. Ran on Rif, *Gittin* 27b (Rif pagination)

    Because of *kevod tzibbur*: That it appears impoverished.

    It's not clear if it is considered somehow dishonorable for the whole community to be poor, or if the reason is more that a community should prioritize pooling its funds for a *sefer Torah* over other expenditures. [↑](#footnote-ref-10)
11. Rambam, *Peirush ha-mishna Megilla* 4:6

    A *poche'ach*, this is like when the garment he is wearing is torn from above so that the flesh of his shoulders and chest is visible. [↑](#footnote-ref-11)
12. Rashi *Megilla* 24a

    *Poche'ach* - It explains in Masechet Soferim: Anyone whose flanks are visible, naked and bare… [↑](#footnote-ref-12)
13. Rashi on the mishna first explains that these limitations stem both from honor due to the Torah and from how representing a community in this way would dishonor it:

    Rashi *Megilla* 24a s.v. *eino korei*

    He does not read from the Torah. Because of the honor of the Torah, and similarly leading prayers and similarly raising hands – it is degrading to the congregation. [↑](#footnote-ref-13)
14. *Erva* is also a halachic problem for leading *Shema*, which an adult *poche’ach* is permitted to do. Therefore, we take Rashi's use here of the word "*mi-shum*," "because," broadly, as not referring to the formal issue of *erva*. This broader sense of *erva* might be more at issue for a Torah reader than for someone leading *Shema*, because the Torah reader represents the community, while leading *Shema* is more about technically discharging an obligation. [↑](#footnote-ref-14)
15. *Berachot* 45b

    It is also taught thus in a baraita: Two who ate together, it is a mitzva for them to separate [for *birkat ha-mazon*]. When were these words said? When both of them are learned, but if one is learned and one is ignorant, the learned one recites the *beracha* and the ignorant one discharges his obligation [that way]. [↑](#footnote-ref-15)
16. Ritva adds here that even a learned man relying on his wife or (bar mitzva age) son also deserves a *me'eira* because he shows disregard for the *beracha* by not following the halacha to recite it himself. He then suggests that there would even be an element of disgrace in letting the wife or bar mitzva age son take the lead in *zimmun*. (Ritva permits a woman to lead a *zimmun* that includes three men, since he views women as obligated on a Torah level in *birkat ha-mazon*.)

    But in his practical laws of *berachot*, Ritva limits halachic application of *me'eira* to the situation in which the husband or father is unlearned, without expanding it to these other situations.

    Ritva *Sukka* 38a

    …How much more so if he [the father/husband] knows how to recite *birkat ha-mazon*, for it is a mitzva to split up [for *birkat ha-mazon*], for if he discharges his obligation through their [his wife's or son's] *beracha* he degrades the *beracha* and it is fitting that a curse come upon him…And even by way of *zimmun*, for there is disgrace in the matter when his wife recites the *beracha* for him, and so too when his [post bar mitzva age] sons recite the *beracha* as with his wife, for it is not done to educate them…

    Ritva Laws of *Berachot* 5:9

    …This is what we said that a son recites *birkat ha-mazon* for his father and the wife recites it for her husband when the father and husband are ignorant, for a learned man recites a *beracha* and an ignorant man discharges his obligation [with it]…

    Ritva Laws of *Berachot* 7:2

    Women are obligated in *birkat ha-mazon* on a Torah level and therefore a woman can recite *birkat ha-mazon* for a man through *zimmun*, or if he is unlearned, to discharge his obligation… [↑](#footnote-ref-16)
17. See also Rav Avraham min Ha-har, who takes a similar view:

    Rav Avraham min Ha-har *Megilla* 19b

    Everyone is obligated [in *megilla*]…Nevertheless certainly ab initio [*le-chat’chila*] she [a woman] should not discharge the obligation for others, as we say in ch. 3 of *Berachot*, a curse should come upon a man whose wife and sons recite *birkat ha-mazon* for him." And we say in ch. 3 of *Megilla*, everyone counts toward the seven [Torah readers on Shabbat] even a woman or minor, but the sages said a woman should not read for the *tzibbur* because of *kevod ha-tzibbur*. [↑](#footnote-ref-17)
18. A Ge'onic responsum on the topic of *me'eira* seems to challenge some elements of this assumption:

    Responsa of the *Ge'onim,* Imanuel 189

    When the sages say ‘a curse should befall him,’ [it refers] to someone who was negligent and did not learn. For sometimes he eats when his son is not there to recite *birkat ha-mazon* for him, and he winds up not reciting the *beracha* [at all]! But someone who did learn and at times when he is old or sick authorizes his son or a member of his household to recite a *beracha*, he may do so, for ‘a person’s agent is like himself,’ and he does not deserve a curse… [↑](#footnote-ref-18)
19. Such a reading is untenable in Ritva himself, who is discussing the case of *megilla*, in which women are in fact obligated. According to some opinions, women also count for a minyan for *megilla*. While either formulation, highlighting obligation or not, could apply to women reading Torah for a community, they could lead to different conclusions regarding the applicability of *kevod ha-tzibbur* to women reading the *megilla* for men. [↑](#footnote-ref-19)
20. Even if we view Torah reading as a communal obligation, Rav Yosef's intent may be that men have a communal obligation to ensure that the Torah is read, or that *keri'at ha-Torah* is a public fulfillment of a man's obligation in the formal mitzva to learn Torah. [↑](#footnote-ref-20)
21. Rabbi Gidon Rothstein - Women’s Aliyyot in Contemporary Synagogues, pp. 49-50

    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. [↑](#footnote-ref-21)
22. He alludes to this point here:

    *Mor U-ketzia* 55

    Rather, in any case they said that she should not read in public because of *kevod tzibbur*, and this is also the law for things that require ten, certainly halacha is thus, that she does not join only because of honor, and there is nothing beyond the consensus of the poskim. Even though there was room according to what I said to be lenient in the matter of combining for ten, more than for *keriat ha-Torah*, which is not possible except with the *tzibbur* in one place on a single occasion actually in their midst, which is not the case with combining for ten. [↑](#footnote-ref-22)
23. We discuss this here: <https://www.deracheha.org/kol-isha-3-in-context/> [↑](#footnote-ref-23)
24. Available here, p. 190:

    <http://eretzhemdah.org/Data/UploadedFiles/FtpUserFiles/Books/shotBemarehH/5.pdf>

    Compare with the following:

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

    *Kvod Tzibbur* reflects a sexual reality, not a legal difference between men and women. [↑](#footnote-ref-24)
25. *Sefer Ha-menucha* of Rabbeinu Mano'ach, Laws of *Berachot* 5:7

    Know that we say a woman should not read in the *tzibbur* because of *kevod ha-tzibbur*, The reason is because of *kevod ha-tzibbur*, but there is no immodesty.

    This view is echoed by the end of Rav Uzziel's statement:

    Responsa *Mishpetei Uziel* IV: CM 6

    The meaning of *kevod ha-tzibbur* is that they [people] should not say: that there is no one among the men who knows how to read from the Torah. But they [our sages] did not say [that a woman may not read in practice] because of [concern for] licentiousness. [↑](#footnote-ref-25)
26. Rav Yosef Messas goes so far as to suggest that "*kevod ha-tzibbur*" is a deliberate euphemism for not eliciting inappropriate thoughts among the men during *keri'at ha-Torah*:

    Responsa *Mayyim Chayyim* II:140

    It was thus with women going up to the *sefer Torah*, there were special sections for women in every synagogue…and sometimes some pious and learned woman would want to go up to the *sefer Torah*…and they would go up to the *sefer Torah*, and in later generations they saw that this entailed immodest thoughts, that the congregation would ask each other…therefore, they rose and discontinued this practice, and so as not to appear as if they suspected the congregation, they attributed the reason to *kevod ha-tzibbur*, that the woman who is exempt from the matter should not mix with the men who are obligated in it… [↑](#footnote-ref-26)
27. Available here: <http://www.rcarabbis.org/pdf/Rabbi_Schachter_new_letter.pdf> [↑](#footnote-ref-27)
28. Both primary explanations of *kevod ha-tzibbur* remind us of our discussion of women discharging men's mitzva obligations in general. There, we looked closely at Tosafot, who write that women do not discharge obligations characterized as "*rabbim*" (literally, public) because that would be undignified, *zila behu milta*. Though *zila milta* of this sort is a more social concept introduced by the Rishonim (early halachic authorities), and does not have the halachic weight of *kevod ha-tzibbur*, there are some similarities. In our discussion of *zila milta*, we reviewed three different possibilities for understanding what it means in practice, each of which shed some light on applications of *kevod ha-tzibbur*:

    **I. Non Household Members** The issue may be discharging obligations in the presence of men who are not household members. Implications about a man's literacy or relationship to his obligations apply regardless of whether he is a member of her household. Therefore, according to this view, the concern is most likely one of *tzeniut*, where there are distinctions between members of one's household and outsiders.

    **II. Public** The issue may be discharging any ritual obligations in public. Concerns about *tzeniut* and about casting aspersions on others are often of greater concern in more public settings.

    **III. Inherently Communal Rituals** Perhaps the issue is discharging obligations that are inherently communal. *Tzeniut* is at issue in public regardless of whether the ritual performed is inherently communal. Therefore, according to this view, the chief concern is most likely implied lack of reading skills or laxity with obligation, an implication at its strongest when the ritual **requires** a minyan, which is subject to a number of norms.

    Torah reading is, by nature, both performed in public and inherently communal. Even so, as we will see, some halachic authorities have attempted to show that *kevod ha-tzibbur*, and thus a woman reading, are less at issue in a more private setting, such as a small home or family-based minyan. [↑](#footnote-ref-28)
29. Rav Mendel Shapiro, "*Qeri'at ha-Torah* by Women: A Halakhic Analysis." *The Edah Journal*, 1:2, 2001.

    Available here: <http://www.edah.org/backend/JournalArticle/1_2_shapiro.pdf> [↑](#footnote-ref-29)
30. See fn 3. Interestingly, he has suggested elsewhere that women's reading Torah might be a case in which Rambam's ruling as it is usually understood does not apply:

    Rav Daniel Sperber, "The Kabbalat Shabbat Memorandum," The Seforim Blog 12.6.2013

    …Even if we were to interpret it, as have some, as a decree, it is a decree with a reason. Now there exists a well-known controversy between Rambam and Raavad as to whether when the reason for a decree is no longer relevant the decree is still  
    in force; Rambam says yes, and Raavad disagrees. It is true that in such controversies we follow the Rambam; however, it is equally true that it is not *certain* that he is correct.  Perhaps the Raavad’s position is more correct….Moreover, R. Yosef Messas added a further consideration, arguing that even according to the view of Rambam, this principle only applies where there is a fear that the original reason could be relevant in the future….Here too, we may be fairly certain that in our modern society the dignity of the community will not be impugned by a woman’s aliyah even in the future… [↑](#footnote-ref-30)
31. Available here: <https://rabbijeremywiederblog.wordpress.com/> [↑](#footnote-ref-31)
32. Available here: <https://hebrewbooks.org/pdfpager.aspx?sits=1&req=20883&st=%d7%91%d7%91%d7%aa%d7%99%d7%94%d7%9d&_rnd=0.942598309679203> [↑](#footnote-ref-32)
33. Responsa *Or Le-Tziyyon* II, notes to ch. 9 Laws of *Nefillat Apayyim* and *Keri’at Ha-Torah*

    By the way, one can comment regarding what our master wrote in *Shulchan Aruch* 282:3, everyone counts toward the seven [readers on Shabbat], even a woman and a minor who know to Whom they recite a *beracha*, but the sages said a woman may not read for the *tzibbur* because of *kevod ha-tzibbur*. And this requires study, for if in any case a woman does not go up [to the Torah] because of *kevod ha-tzibbur*, what practical difference is there that a woman counts toward the seven, and for what purpose did our master write this halacha? Therefore it seems correct to say that the practical difference is in a place where there is no concern of *kevod ha-tzibbur*, 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-tzibbur* 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. [↑](#footnote-ref-33)
34. Responsa *Yabi'a Omer* IV OC 108:74

    What the author [of *Or Le-Tziyyon*] comments in his explanations…and he raises the difficulty that since a woman in any case does not go up [to the Torah] because of *kevod ha-tzibbur*, what practical difference is there that the woman counts toward the seven [readers], and for what purpose did our master write this halacha? It is not difficult at all, for one can say in accordance with what Rav David Pardo wrote in *Chasdei David* on the Tosefta (*Megilla* 3, p. 106), that if she went up to the *sefer Torah* on her own, she does not go down… [↑](#footnote-ref-34)
35. Rav Yehuda H. Henkin, "Qeri'at ha-Torah: Where we Stand Today." *Edah Journal* 1:2, p. 3, 6I have suggested the following explanation: 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-tsibbur* can be established. This hinges on the assumption that the hazal-decreed factor of *kevod ha-tsibbur* 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. [↑](#footnote-ref-35)
36. *Kiddushin* 33b

    For Shemuel said to Rav Yehuda: I learned, stand before your father.

    *Kiddushin* 32a

    Rav Chisda said: A father who waived his honor, his honor is waived. [↑](#footnote-ref-36)
37. For example, Magen Avraham assumes this is the case in synagogue that lacks enough *sifrei Torah* to set up all readings in advance.

    Magen Avraham 144:7

    In a synagogue that has a small number [of *sifrei Torah*] and they presumably waive their honor in order to hold a reading of the *maftir* of Shabbat and Rosh Chodesh and *maftir* of Yom Tov… [↑](#footnote-ref-37)
38. The Talmud does not call this a case of *kevod ha-tzibbur*, though Rambam and other early authorities do.

    *Chullin* 24b

    Our rabbis taught [in a baraita]: If his beard is full, he is fit to be made *shali'ach tzibbur* and to lead the congregation in prayer and to raise his hands [to give the priestly blessing]. [↑](#footnote-ref-38)
39. Rambam rules that a youth may not fill such a role, because of *kevod ha-tzibbur*:

    Rambam, Laws of *Tefilla* and the Priestly Blessing 8:11

    …One whose beard is not full even if he is very learned may not be *shali'ach tzibbur* because of *kevod tzibbur*…

    Rabbeinu Asher rules that a youth may serve as *shali'ach tzibbur* only on occasion, though the ruling does not mention *kevod ha-tzibbur*:

    Responsa of Rosh 4:17

    What you asked: One whose beard is not full, how often may he lead prayer on an occasional basis? Know that he can pray on an occasional basis like any townsman, who prays as it suits him, as long as he is not appointed by the *tzibbur* [as *shali'ach tzibbur*]…

    According to Rav Yosef Karo's *Beit Yosef*, these two rulings reflect distinct positions on the possibility of waiving *kevod ha-tzibbur*. He takes Rambam to imply that a community **could** waive *kevod ha-tzibbur* in this instance, and Rabbeinu Asher and Tur to imply that a community's waiver of *kevod ha-tzibbur* **cannot** take full effect*.*

    Beit Yosef OC 53

    According to this [Rambam] if the *tzibbur* wanted to waive their honor it would seem that they are permitted to do so, but Rosh wrote in a responsum (4:17) that one whose beard is not full may lead prayer on an occasional basis like any townsman who leads prayer when it suits him, as long as he is not appointed by the *tzibbur* …and this is what our Rav [Tur] wrote…It implies that even if the *tzibbur* waives their honor, they cannot appoint him and so it seems also from the words of Rosh that our Rav [Tur] wrote…

    It's unclear on what basis Rav Karo draws his inference from Rambam. The second inference is clearer. Rosh and Tur explicitly rule out a communal appointment, apparently because a community cannot waive *kevod ha-tzibbur* here. [↑](#footnote-ref-39)
40. Aruch Ha-shulchan OC 53:10

    We only appoint as fixed *shali'ach tzibbur* one whose beard is full, i.e., who has a beard, for he is called a man in years, but no less [mature] than this, for this is not *kevod tzibbur*, which is to say this is not the honor of Heaven that the agent of the *tzibbur* be a lad young in years and therefore even with the will of the *tzibbur* he is not able to serve as a fixed *shali'ach tzibbur*…

    Mishna Berura 53:23

    Of the *tzibbur*- And the *tzibbur* cannot waive their honor in this.

    Magen Avraham suggests that he might allow for waiving *kevod ha-tzibbur* in other cases, though.

    Magen Avraham 53:9

    Because of *kevod ha-tzibbur*. And if the *tzibbur* wanted to waive their honor, they are permitted to, but from what is written adjacently that he not be appointed by the *tzibbur* it implies even if the *tzibbur* waive it is prohibited, and so wrote Bach and in any case *le-chatchila* (ab initio) one should not do this. [↑](#footnote-ref-40)
41. He may be referring more to the spirit of the law than to a technical violation of it. See a discussion of the various factors relevant to a synagogue setting in *Yechaveh Da'at* IV:36.

    *Yevamot* 13b

    Do not cleave yourselves, don’t make factions. [↑](#footnote-ref-41)
42. Available here: <https://www.timesofisrael.com/orthodox-separate-and-almost-equal/> [↑](#footnote-ref-42)
43. Trans. Isaac Levy (London: Judaica Press, 1966)

    Rav Hirsch elaborates further here:

    Rav Samson Raphael Hirsch, *Bemidbar* 9:2 (Trans. Isaac Levy)

    The individual dies, is mortal, but *ein tzibbur met* [a *tzibbur* is not considered dead], the community as a whole, the nation, is immortal. But that at once makes the nation as it is represented in *korbanot she-zemanam kavua* [sacrifices whose time is fixed], itself the most positive evidence of spiritually godlike, morally free Mankind being raised above *tum’at met* [ritual impurity imparted by a corpse] which cannot affect it. For it is not the material bodies of its members which are destined to disappear in death, it is the godly spirit, their morally freewill, that unites the members to be a *tzibbur*, and through which the individual member who becomes absorbed in and by the community also goes on living in the community beyond his bodily death, remains present with all that he has brought into the community with his godly spirit, with which he still remains alive down here on earth in the eternal continuance and progress of his work. [↑](#footnote-ref-43)
44. Tiferet Yisrael *Kalkelet Shabbat, Kelalei Hatmana U-vishulei Shabbat*

    Every she'at ha-dechak is like a di-avad. [↑](#footnote-ref-44)
45. Ma'aseh Roke'ach on Rambam, Laws of *Tefilla* 12:17

    Our Rabbi [Rambam] wrote a summary of the law that "a woman may not read on account of *kevod ha-tzibbur*." If so, it is absolutely prohibited. [↑](#footnote-ref-45)
46. This may also be deduced from Semag, who in his discussion of *keri'at ha-Torah* does not even mention the possibility of a woman reading:

    Sefer Mitzvot Gadol, Positive Mitzvot 19

    A minor who knows how to read and knows to Whom we bless counts toward the count of seven. [↑](#footnote-ref-46)
47. Shulchan Aruch OC 282:3

    All count toward the seven [readers], even a woman and a minor who knows to Whom we bless, but our sages said, a woman may not read for the *tzibbur* because of *kevod ha-tzibbur*. Rema:..And the law of a Canaanite bondsman is like the law of a woman… [↑](#footnote-ref-47)
48. The comparison between women and bondsmen is fairly common, since both groups are typically exempt from [positive time-bound *mitzvot*](https://www.deracheha.org/positive-time-bound-mitzvot). [↑](#footnote-ref-48)
49. The Talmud teaches that one called to the Torah should not refuse:

    *Berachot* 55a

    Rav Yehuda said: three things shorten a person's days and years: one to whom they give a *sefer Torah* to read from and he does not read…for it is written "For it is your life and the length of your days." [↑](#footnote-ref-49)
50. Rav Pinchas Peretz, *Mi-shiurei Maran Ha-rishon Le-tziyyon Rav Ovadya Yosef*, First year, 19

    There is another practical difference to this, in *Chasdei David* of Rav David Pardo, he wrote that even though it is degrading to the *tzibbur* that a woman should go up to the Torah, if they have already called her name, she should go up. Though for us [Sefaradim] there is no practical difference, because today we don’t have the custom of calling the name of the *oleh la-Torah* (but according to the Ashkenazi custom, they call the *oleh*'s name). [↑](#footnote-ref-50)
51. Rema Shulchan Aruch OC 135:10

    There are those who say not to call a *kohen* or *levi* to [fill out] the number of seven [Shabbat readers], but that after the count is complete they can call a *kohen* or *levi*, and so we practice in these parts. [↑](#footnote-ref-51)
52. Practical halacha here follows Rashba's position that calling up *kohanim* to read all *aliyot* is permissible in these circumstances because the situation is understood in a way that will not cast aspersion on their lineage:

    Responsa Rashba 1:733

    From here we learn that in a place where they are all *kohanim*, they call a *kohen* after a *kohen*. For since everyone knows that all are *kohanim*, there is no concern at all of a blot [on their lineage].

    Shulchan Aruch OC 135:12

    A city that is all *kohanim*, that has no Yisrael at all, a *kohen* reads after a *kohen*, for there is no concern there of a blot [on their lineage], for all know that only *kohanim* are there… [↑](#footnote-ref-52)
53. Rav Daniel Sperber, *Darkah shel Halacha*, 33

    …Because of *kevod ha-tzibbur* we don’t read *keri'at ha-Torah* from a printed *chumash*, but if there is no *sefer Torah*, the matter is permissible and obligatory. It seems then that there are cases in which *kevod ha-tzibbur* 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. [↑](#footnote-ref-53)
54. Responsa *Chavot Yair* 95

    I have great difficulty even with a rabbinic matter to say that it is pushed aside on account of *kevod ha-beriyot* regarding matters that were not mentioned in the Talmud. [↑](#footnote-ref-54)
55. Sha'agat Aryeh distinguishes between active disgrace, which can push aside *mitzvot* as *kevod ha-beriyot*, and withholding of honor, which does not have the same halachic force:

    New Responsa Sha'agat Aryeh 12

    Why should it push aside a positive and negative commandment…and here there is no disgrace at all, rather only withholding honor. [↑](#footnote-ref-55)
56. Available here: <https://www.etzion.org.il/en/human-dignity-halakha> [↑](#footnote-ref-56)
57. Rav Yehuda Henkin raised the possibility of allowing for women's *aliyot* or readings specifically on Simchat Torah, a day on which there are many additional *aliyot* and when congregations split up into smaller groups for reading. But Rav Henkin conditioned such an innovation both on great need and on local rabbinic approval, and did not oversee such a reading in practice.

    Responsa *Benei Banim* IV:2 note

    Indeed on Simchat Torah it seems one could be lenient...for behold we repeat the same reading a number of times until "*ma'aneh Elokei kedem*," and how much more so according to the custom that we call to the Torah every male in the synagogue, for then it is impossible to err that there are men who don’t know how to go up, for everyone goes up. And even without this, the customs are changed on Simchat Torah and they won’t extrapolate from this to call women to the Torah during the year. And in many synagogues they have the practice on Simchat Torah of splitting up into a number of minyanim and reading in parallel inside and outside the synagogue, and in this way women can go up to the Torah without entering the men's section and without going up to the *bima*...And this should only be introduced in a place of need where women have great distress that they don't take part in Simchat Torah and want to go up to the Torah--and with the supervision of a halachic authority. [↑](#footnote-ref-57)
58. Available here: <https://www.ynet.co.il/articles/0,7340,L-3424515,00.html> [↑](#footnote-ref-58)
59. Available here: <http://www.rcarabbis.org/pdf/Rabbi_Schachter_new_letter.pdf> [↑](#footnote-ref-59)
60. Available here: <http://www.rcarabbis.org/pdf/Rabbi_Schwartz_letter_Frimer.pdf> [↑](#footnote-ref-60)
61. Quoted here: <https://www.thejc.com/news/uk/chief-rabbi-ephraim-mirvis-deals-blow-to-women-over-partnership-services-1.51624> [↑](#footnote-ref-61)