

LEADERSHIP  
ROLE OF  
WOMEN IN  
HALLACHIC  
JUDAISM

MOSHE SISELSENDER

## Chapter3

### Women's minyon and women being called up to the Torah in women's Minyon

For 3400 years since the giving of the Torah there did not exist women's Minyot . Women always prayed together with men . Of course separated by a Mechitza. The Mechitza is mentioned in tractate Succot. At the time when the temple existed there was a part of the temple grounds reserved for women . Called Ezrat Noshim. However during the festivals of Passover Shavuot and Succot when all male Jews were obligated to make a pilgrimage to The Temple at Jerusalem the men overflowed their restricted area at their temple and entered the women's section. It was then that the Rabbis enacted a great takana -legislation - that a balcony was built over the area of the Ezrat Noshim - the women's section. The women then went to the balcony on top and the men were able to stand in the Ezrat Noshim the women's section. The reason was because the obligation to visit the Temple was a Mitzvah- a commandment regulated by time. According to The Laws given at Sinai it is G-d's will the commandments controlled by time are obligatory only for men. Women can observe them also , but are not required. The same laws apply to the sitting in a Succah and taking a lulav and esrog on Succot. Orech Hshulchan Orech Chaim 17:2,3,4. 589: 2,3. Post fact if a woman wears a four cornered dress and puts on Tzitzit she has observed the Mitzvah of Tzitzit . Rav Moshe Feinstein permits women to do this providing the talis koton the four cornered apparel looks differently than a man's talis koton. Therefore the woman is not in violation of wearing the same clothes as a man .

Now let us get back to our topic. Women are not obligated to read or listen to the Torah on Sabbath during the services. The reading of the Torah is time controlled. It is performed only on Sabbath not any other time. What is mentioned in tractate Sofrim to the contrary, is not accepted as Halacha.

Such is the ruling of the Aruch Hashulchon on the laws of Sabbath -the section of reading the Torah on the Sabbath. The reason women do attend the synagogue is not to listen to the reading of the Torah -although they might very well also listen -; but rather to listen to the Rabbi's speech about Judaism and Torah. However at the time that Ezra and the sages of the great Assembly enacted the laws of reading the Torah on Sabbath , They added a clause that women could also be called to the reading of the Torah. The people called up both men and women are to read the section of the Torah themselves, rather than the sexton or bal koreh reading it as is practiced today.

However at the time of the Talmud women were banned from being called up because doing so would conflict with the kovod hatzibur- the honor of the congregation of men. What happens if men would testify that their honor was not impaired if women also are awarded the honor of being called up ? That question is not discussed . However what originally was considered a challenge to male pride assumed a life all to itself and became a custom. Perhaps the motivation was the fear of women ascending to the men's section of the synagogue could elicit sexual thoughts on the part of men that could disqualify the prayer See Orech Chim chapter 75 -

However in the 19 20 and 21 century with the sexes mingling in their every day life the Aruch Hashulchon as well as Mishne Brurah and Nishmat Odom -the Chai Odom on Orech Chaim chapter 75 rules that if a man recited the Shma in the presence of a married woman who fails to cover her hair as is required by Halacha - Jewish law post facto his recital of the Shma is valid. He does not have to repeat the Shma since men today are not necessarily aroused sexually with the presence of a woman or her hair. At most this apprehension this fear is no more than Rabbinical- according to the Nishmat Odom. . I am opposed to calling women up for an aliya. There exists no good reason that it is imperative to over ride a custom sanctified by thousands of years of Jewish practice However if women and men decide that they want to flaunt this custom and do call women up for an aliya the congregation has fulfilled their obligation of hearing the Torah . This is true because today the sexes mingle anyway and men are used to seeing women .

If women decide that they want to have a greater active role in Judaism and form a group on Sabbath of their own they must have 10 men over 13 years old present in one section of the room where they are reading the Torah. There must exist a kosher Mechitza -separation barrier- of at least 6 foot tall separating the men from the women in the room. Unless the 10 men are present the women can not read the Torah. Only with a minyon of men can the Torah be read. Women are prohibited from forming a minyon or be counted as part of a minyon. A hundred or a thousand women or a million women are not recognized as a minyon. This is a Divine law. Given at Sinai by G-D. See Aruch Hashulchan Erech Chaim 55:6 Talmud Brochos 21b,89 Shulchan Aruch Orech Chaim 55:1 Mishne Brurah 55:2 and 3 that women can not constitute a minyon. Just as men have no womb and can not carry a baby so too no woman can form a minyon. Thus the very name women's minyon is a misnomer. Women can organize themselves as a group to do mitzvot; but can never have a minyon. The women must let the men lead the prayers, otherwise no one can recite kaddish and kedusha. The reading of the Torah was enacted only with a minyon of men. Then the women could be called up. There exists little difference between this alternative and the previous option stated.

In the contingency that no minyon of men exists there can not be a reading of kriyas hatorah. The women can however open up a Chumosh and read the parsha the weekly reading from the Chumosh the Pentateuch. Would one of the woman or a man read from a Sefer Torah the weekly section it would be no better than reading from a Chumesh. There exists no Mitzvah of reading the Torah without a Minyon of men. Would nine men read the Torah the same law would apply. There exists no mitzvah of reading the Torah unless there exists a minyon of men. . . On the other hand if there exists a minyon of ten men but it is discovered that a defect exists in the Sefer Torah post facto the mitzvah of reading the Sefer Torah is observed. See Kesef Mishnah on Rambam laws of Sefer Torah 10:1 The position of Rambam is that post facto the Mitzvah exists if one reads from a Sefer Torah that contains defects. The Rambam mentions 20 defects that invalidate a Sefer Torah. However post facto if one does use such a Sefer Torah the Congregation nevertheless has fulfilled the Mitzvah of Krias Hatorah of reading and hearing the reading of the Torah -the weekly portion. . Rashba and Ramban dissent.

. Bais Yosph adopts position of Rambam that is cited in Rambam's responsa . The Halacha is that we will accept as valid Torah reading the section of the Torah read before the error was discovered. Some authorities rule that the person called up to the Torah make the second blessing after the Torah reading section - the aliya- is completed . Then a new Sefer Torah is taken from the ark and the bal koreh commences reading until he completes the entire sedra section for the week's portion.

However coming back to our topic. If the women read the Torah with out a minyon of men they have studied Torah, but have not satisfied the Mitzvoh - rabbinical - of reading or listening to the reading of the Torah as enacted by Ezra and the members of the Great Assembly. The woman makes the first blessing on the Torah when they are . initially called up ;and the last blessing when her parsha her portion is finished,, The reason is because women have to recite these blessings the same as men every morning. If women would first have the regular prayer services of Shacharit then they would not be permitted upon reading the Torah later to mention the blessings on the Torah. They would be in violation of mentioning G-d's name in vain. -unnecessarily.

Of course the women are forbidden to recite borchu kadish or kedusha or repeat the shmonei esrai.

A woman's participation in Judaism is a 24 hour 360 day affair. Contrary what people think , Jewish women are equal participants in most laws every day of the week. Certainly all Jewish women must abstain from violating all the negative commandments both Biblical and Rabbinical 7/24/360 . Both must or can observe all the positive commandments. What ever areas men are favored by Biblical law are rectified by Rabbinical ordinances. If only men can order the giving of a Get-Jewish divorce The RABBI CAN ANNUL THE MARRIAGE AB INITIO OR POST FACTO AND OBTAIN THE NEED OF A DIVORCE. I together with Rav Rackman

have annulled hundreds if not over one thousand marriages.

The Aruch hashulchon in every section of the Four parts of the Shulchan Aruch that he discusses at great length always mentions the role of women. Always there exists a role for women. Jewish Law goes to great lengths to show how they can participate in the observance of all the laws , unless there exists over riding consideration that forces the Rabbis to give women a different role .

From the instant a woman wakes in the morning she must observe all the laws as a man does. Some of these laws are more lenient in their demand from women. However if a woman wants to be more strict regarding these laws, she is at liberty to do so. Never can a Jewish woman claim that Judaism does not provide her sufficient opportunities to be actively engaged in the practice of Jewish law and learning. Today with such a great wealth of Jewish learning translated into the vernacular there exists no excuse for any one not to be a student if not a scholar of Jewish law. The Chofetz Chaim explicitly permits a congregation who does not know Hebrew to pray in the vernacular. Aruch Hashulchon although he admits that it can be technically done opposes the practice because of the reform and conservatives who used such a move as a hedge to over throw the entire body of Judaism. The bottom line is that any policy move for a community must be passed by the Halachic giants who have mastered and observe all four parts of the Shulchan Aruch.. In practice no such move was approved for the community , other wise than a translation of the prayer book into the vernacular language. Even the Reform and Conservatives have re established Hebrew prayer with the vernacular on the side, for the individual to read on his/her own. Other temples employ both. However no Orthodox congregation will pray in the vernacular.

In all my volumes vol 1 2 3 4 5 6 and 7 that I have prepared I discuss at length the role of women I have also written seven volumes on the laws of Niddah and Mikvajh-Jewish family purity.laws. I have received the approbation of Rav Pieksrski halachic advisor to the late Lubaitzter Rabbi Rav Shnierson. I go out on the line taking the side of women and acting as their advocate. G-d created both men and women . He does not favor anyone.

There exists no favorites. Neither do I discriminate. If any I favor women and show all the loop holes to help them in areas that are important such as agunot.

I will not be a iconoclast in areas of prayer that have little practical needs for women. No woman will be deprived of any sleep if she does not get an aliya -is called to the reading of the Torah; or if she can not pray next to her husband and next to an other man . Likewise her husband will prays next to an other woman who can become her rival - Thus mixed sitting has practical disadvantages, in addition to being anathema to Jewish law. THE FACT THAT WE ALL ARE EXPOSED TO THE INTER MINGLING OF THE SEXES DOES NOT MEAN THAT IN THE PRESENCE OF G-D WE ARE TO ENGAGE IN SUCH BEHAVIOR. AT LEAST AT THE SYNAGOGUE WE MUST BE IN A GREATER STATE OF SANCTITY. AND LESSEN TEMPTATION.

#### Chapter 4

**What are the requirements for a man that he must meet before the scrolls of tefilin mezuzot and the Sefer Torah -the Torah read at the synagogue is considered Kosher?**

**Roles of women at prayer writing scrolls marriage and divorce**

WHAT BOOKS OF THE PENTATEUCH AND NACH ARE WOMEN AUTHORIZED TO WRITE . CAN A WOMAN WRITE THE SCROLLS FOR TEFILLIN AND MEZUZOT CAN A WOMMAN WRITE A Sefer Torah ? What is the reason?

Can a woman build a Succah? Is she authorized to make Tzitzot?

If they do write them post facto what degree of sanctity do they have. Can one obligated to use these items have fulfilled his obligation if he uses these items made by women ?

Is a woman authorized to make kiddush on the Sabbath and holidays and a man listening would have fulfilled his obligation ? The same question regrds Havdallat at the end of Sabbath or Holidays. An a woman read the Megilah in public - at the synagogue? Can she be the baal Koreh read the Torah portion during the Sabbath and holidays? Is she authorized to read the Haggadah on Passover. Is a woman authorized to light Chanukadh candles? Is a woman authorized to blow the Shoffer on Rosh Hashona?

Is a woman authorized to officiate at a wedding and recite all the seven blessings that are recited when a Jewish couple get married ? Is she authorized to write the kesubah and read it? Can a woman officiate at a wedding? What can she not do? Is a woman authorized to write a get? Can she officiate at the giving of a Get ? What roles can a woman neer fill at a wedding or a Get? What happens if a woman does fill the role of being a witness? What are the consequences? Is a woman authorized to part of the Bet Din or constitute the whole Bet din to effect a conversion? Can a woman be an hallachic authority a possek? What training must she have?

All the above questions also are relevant regarding one who is blind and uses braille to read or types using braille. Or else an individual who is deaf but can talk but he uses sign language. Are these individuals authorized to perform all the above mentioned functions we inquired regarding women?

## RESPONSE

Every man who writes the scrolls for Tefillin Mezuzot and the Sefer Trah must believe in and observe all the Torah both Biblical and Rabbinical laws . Even if one in practice observes all the laws but does not believe in them he is disqualified see Aruch Hashulchon and Mishneh Brura on Orech Chaim 39:1 and Baer Holyoke from Mishneh Brurah. Even if one is a skeptic one is disqualified. One must have a clear belief in G-d that he is a pure unity He is infinite always existed exists and will always exist. G-d has no beginning and no end He is infinite. He is omnipotent omniscient-ininitely wise . Ipso facto in effect we are saying that G-d can never have these attributes and at the same instant possess or ever possessed the attributes of a human. If G-d is cold He can not be hot.. If He is alive He can not be dead . If He never had a beginning He can not be born. If He always existed He can never be born and can never die ; other wise there exists a contradiction. As we know that there exist no contradictions to G-d We do not know what G-d is in essence But we do know what G-d is not . He is not finite He has no beginning and He has no end. Therefore G-d's present contains His past and future.. To attribute to G-d that he was born and died then was resurrected at some point in history , as was done by 13 different ancient religions over the last 4000 years as I point out in my book The Metamorphoses of the gods , is a direct contradiction to the consistency of G-d. If  $1+1+1=3$  therefore  $1+1+1$  does not and can never be and never was  $= 1$  . . We do not know what G-d inherently is ; but we do know what He is not. G-D is not inconsistent therefore He is intelligent and consistent . G-d does follow the Laws of the Torah that he created. Before creating the universe and all the worlds G-d created the Torah . The Torah is the blueprint used by G-D for creating the universe both the spiritual hshomayim and the physical universe -hooretz Im lo berisi chukos shomayim veoertz lo samti . If it was not for the Torah I G-d would not have created the

laws of heaven and earth -Tehilim . Thus G-d created the Torah that spells out the purpose of creation-the observance of fundamental principles as well as to the minute detail mandatory for the survival of the spiritual as well as physical survival of the humans that he planned to populate the world that he created. G-d himself follows all the Torah G-d. G-d Also wears tefilin according to the Talmud .

Thus G-d does not behave in a contradictory manner. G-d does not assume the mantle of G-d and at the same breath assume the mantle of human with all the limitation of a human . G-d is not the father and at the same breath is born in the womb of a married virgin. G-d who is all powerful can not be crucified by stupid humans. Such a concept is a contradiction in terms. If the one crucified is God no mortal could hurt him. If they could kill him he is not G-d. If G-d is totally independent and does not need any thing from any one Then obviously no one can harm him, and of course can not kill him. If stupid man can kill G-d then the one killed is not G-d

The above or very similar story is found in the religions of all the Mystery Middle Eastern and Eastern religions. A similar story appears in the ancient Egyptian Persian Hindu Buddhist Phonician religions. All of them had similar rites .

All ancient Middle Eastern religions have a similar story of the Son's birth execution by crucifixion and resurrection.

G-d impregnates a married virgin . When the Son gets older he fights with the elders of the community . He becomes a threat to the power base He is tried found guilty and is crucified. He remains dead for three days. Then he is resurrected and flies to heaven where he unites with the father and joins a trinity of God Son and Holy Ghost or another union of four five six or many

more Gods Goddesses and Holy Ghosts. Each of these entities has separate attributes and at the same breath is united with the Father.

See Rammam on his commentary to Sanhedrin end of Chapter 10. SEE Aruch Hashulchon Orech Chaim 5:1-4.. The Jew recites the Jew recites the Yigdol prayer when he arises in the mourning that summarizes the 13 principles of faith above mentioned. At the conclusion of the prayers he also recites the full text of the 13 principles of fath. I have compiled a commentary of these 13 principles further on in this book. They also appear in the introduction to my book volume 4 the war against the Jews 325-2008

“And you shall be very vigilant in your life for you have not seen any image the day that G-d spoke to you from within the fire ‘ Parshet Vveschanon-Devorim - Deuteronomy 4 :15. Joshua 23:16 “Perhaps you will become corrupt and you will build an idol of an image of a male or female” Deuteronomy 4:15" The image of any animal that is on the earth the image of any bird that flies in the heavens” Ibid 4;17 Ezekiel 8:10 The image of any reptile of the earth the image of of any fish or sea mammals that are in the waters underneath the earth “ Ibid 4:18 “Perhaps you lift your eyes toward heaven and you will see the sun moon and stars all the majestic creatures of the heavens and you will become corrupt and you will bow to them and worship them etc ” Ibid 4:19 “ You shall be very vigilant not to not to make any idols images of what G-d has instructed you”-Ibid 4 :23 Samuel 2 6 :12 “ Do not forget the covenant that G-d your G-d has contracted with you”Ibid 4:23 “ For has G-d taken from the the iron prison of bondage in Egypt in order that you become his nation and inheritance as this day “ Ibid 4 :20 Kings 1 8:51 Jeremiah 11:11,12,13.14,15

“ For G-d is not man that he lies and is inconsistent “ Parshat Baale in Bamidbar- Numbers 23:19; “ For the Eternal G-d of Israel does not lie and change his mind for He is not a man who changes his mind ”- Samuel I -15:29 “For I G-d do not change my mind and I have preserved and saved from annihilation the Jewish people” Melachi 3:6 Therefore contradictions never can exists or ever existed or will exist regarding G-d’s attributes. At revelation at Sinai G-d told the Jews all these facts. See Exodus 20: 1-4 and Deuteronomy 5:7-9 regarding the Ten Commandments. Thus G-d never possessed the attributes of a human.

Anyone who thinks differently is disqualified from writing the scripts of tefilin Mezuzot or the Sefer Torah. See Orech Chaim 39:1 Aruch Hashulcon 39:1 and 5:1

Any one who questions the revelation or the truth of all the Torah or the binding character of the entire Written and /or Oral Torah the Talmud as summarized today in the Shulchan Aruch is disqualified from writing the scrolls of tefilin mezuzot and A Seffer Torah. As a matter of fact such a man should not be given an aliyah because the blessing that he makes is in vain, The reason is since he does not believe in G-d. Or at best he does not believe that G-d gave the Torah . Or else he does not believe that G-d obligated Jewish men to observe all the Mitzvot While Jewish women are exempt from all Mitzvot that are regulated by time. Jewish women can however elect on their own . To observe all Mitzvot. Mishne Brurah Orech Chaim 17:1 , 39:1 70:1 If some one denies all this he is disqualified to be a scribe. Women can not write the scrolls of tefillin because only one who is obligated to wear tefillin can write the scrolls. It states in the Torah regarding tefilin -ukeshrtem ukesftem -you shall bind the tefillin on your hand and you shall write the scrolls of the tefillen. One who is obligated to wear tefillen can write the scrolls. . Since women are not obligated to wear tefilen women can not write the scrolls. Tefilin are time regulated. A man can only wear them during the day not at night; only during a week day not during the Sabbath or holidays. Therefore , a woman is exempt from donning tefilin. Likewise a woman is exemp from wearing tzitzit because tztzit are worn only during the day not at

night. Shulchan Aruch Orech chaim 39:1 and 17:1 .Since the scrolls of mezuzot are the same as the scrolls of tefilen women can not write the scrolls Auch Hashulchon Orech Chaim laws of writing Megillah . However a woman is authorized to write the scroll of the Megillah . See Aruch Hashulchon 691:3 Likewise she can write the scrolls of all the Prophets that are read in the Synagogue See Orech chaim and Mishne Burah and Baer Holyoke and Share Tsuvah 691. Women do not officiate as the baal koreh reader of the Torah nor do they officiate as the reader of the Megillah. Auch Hshulchon 689:1 and 5 The reason given is because it is not koved hatzibur. We interpreted in chapter 3 koved hatzibur to mean that the congregation would suffer embarrassment if some members would be sexually excited would women be the readers or if they are given an aliya.

We pointed out that post facton the Binas Odom -the Chai Odom arules that praying in the presence of a married woman whose hair is not covered is no more than a Rabbinical violation. Chofetz Chaim Mishnah Brurah and zAruch hashulchon Orech Chaim 75:1

Women can read the Torah and a Megillah for other women but NOT for men. Women can blow the shoffer for other women but NOT for men. The reason is because hearing shoffer is a Mitzvah regulated by time. Only on Rosh hashanado we have the Mitzvah, A man is obligated to blow or hear a shoffer not a woman. The law is that one can fulfill the obligation for an other if one is obligated one self. However if one is not obligated one can nor fulfill the obligation for an other. Since women are not obligated to blow the shoffer they can not blow for men. But they can blow for women who share the same level of electing to hear the shoffer as they themselves have. Aruch Hashulchon Orech Chaim 589:1,2.3 10

Women can however make Kiddush on Shabbot and holidays for men and women because both men and women share equal responsibility and obligation to make kiddush. Aruch Hashulchon laws of Kiddush .271:5,6 ,7,8.

The concept that women can not write the scrolls of tefillin a mezzuza or the scrolls of the Torah read in the synagogue on the Sabbath Holidays and week days Monday and Thursday and on fast days is in no way discriminates against women. As mentioned earlier above the reason is because women are exempt and not obligated to observe all Mitzvot positive Commandments that are time oriented,

The Biblical Moshe Rabenu Moses our teacher prior to the Historical event of Revelation at Mt. Sinai 3500 years ago was not obligated to wear tefilin. The Talmud states that Moses , never the less did wear tefilin.

The question is posed if the scrolls of the tefillin that Moses wrote before the Torah was given when Moses was not obligated could be used by Moses after the Torah was given after Revelation at Mt. Sinai ?

The answer given is definitely not. Because Moses prior to the giving of the Torah was not obligated to wear Tefilin. Therefore the scrolls Moses wrote are not Kosher for Tefilin once Moses becomes obligated to wear Tefilin Moses and all other Jews once they became obligated to wear tefilin every day were forced to write other scrolls.

Thus if a woman today elects to write the scrolls of tefillin other women who elect to put on tefilin cannot use these scrolls They are in the same category as the Biblical Moses 3500 years ago. Likewise if women elect to write a Sefer Torah other women today can read the Sefer Torah as part of a women's Minyon. The Minyon need not have ten women. There exists no number. One woman or a million women are the same. Moses used the scrolls of Tefillin he wrote prior to Revelation because there existed no other scrolls However today scrolls of tefillin exist written by men who are obligated to wear tefilin . Therefore even women , if they elect to don tefillin , who are not obligated to wear tefillin can not use scrolls written by women.

However Scrolls of a Sefer Torah written by a woman are different. According to the ruling of Rambam Laws of Sefer Torah chapter1:1 and commentary of Kesef Mishne ibid . the whole Rabbinical Mitzvah of reading the Torah in the synagogue is that Jews hear the message of the portion that is read. How the Scroll is written is important only ab initio. Post fact it does not matter. In case of hardship we will permit a scroll that is not written according to the law to be used. A Scroll not written in accordance to the law -eg written by one not obligated like a woman or a non Jew or Moses prior to Revelation has the sanctity of a printed Bible. See Aruch Hashulchon Laws of Sefer Torah Yoreh Dayoh part II Orech Chaim part I .

Thus a scroll of Torah written by a woman can be used post fact or in case of hardship that no other scroll exists. . Plus the fact that reading of the scrolls in the synagogue is no more than Rabbinical; while donning tefillin and putting on a Mezzuzah are Biblical .

Likewise women can make havdalleh Other authorities hold that they can not make havdaleh even for them selves.

A woman can officiate and recite the seven blessings and write and read the kesubah at a wedding. A woman can not function as a witnesses. That is a Divine Law. A woman is authorized to be the scribe and write a bill of divorce. If a woman has mastered and observes all the four parts of the Sulchan Aruch she can officiated as the Judge the dayan and give Giten Jewish divorces. . However again a woman can not be a witness. That is a Divine law. 99. percent of Jewish men are also not competent to be witnesses for different reasons .as I have elaborated in my book Volume 1 Responsa on four parts of the Shulchan Aruch chapter 1:13

A blind person and one who can speak but not hear is obligated as any other Jew to perform all the Motzvot. Shulchan Aruch Orech Chaim 17:1 Aruch Hashulchon 55:12 and laws of Shoffer . Mishne Brurah Orech Chaim 17:1 and 70 .There fore a blind person can blow the Shoffer and officiate as the cantor.. Chai Odom laws of prayer 30:1 The congregation will have fulfilled their obligation . Only if there is no one else in the congregation who can read the torah can a blind man use a Chumosh with Braille to read the portion of the week. In a congregation that every one is blind of course they would all use Braille. . We would rule like the position of the Rambam that the thrust of the Mitzvah is reading the torah. Regardless if we read from a Scroll written in accordance to all the laws or we read from a Chumosh. The Pentateuch written in Braille certainly qualifies . The same is true with the Megillah on Purim written in Braille..

A person who can speak but not hear can be the cantor and reader of the Torah and Megillah.Aruch Hashulchon Orech Chaim 55:12 Chai Odom laws

of prayer 30:1 If there are other deaf people in the congregation some other people can sign -use sign language to communicate with the other deaf people and translate to them the contents of what is being read . Using sign language is the equivalent of reading to them the Torah. Like feeling Braille is to a blind person sign language is to a deaf person. The same is true for the Megilla that is being read on Purim ,as well as, on the Sabbath. when they read the portion of the Torah. A deaf person can blow the shoffer . Other deaf congregants can likewise blow the shoffer. Even though they can not hear they still can blow. So they observe the Mitzvah in that manner. Aruch Hashulchon Orech Chaim 589: 4,5, 6. Misne Brurah Orech Chaim 17:1 , 55:1 Chai Odom 30:1 Aruch Hshulchon laws of blowing of Shoffer 589 :7 at end. Rosh Hahona 29a . Migilla 19b. Berochos 14a . Only when a person can hear and speak must he hear what he recites and hear the blowing of the shoffer. However one who can not hear but can speak is obligated to recite the haggadah recite the megillah and blow shoffer even though he can not hear what he/she is reciting or blowing.the shoffer.

Women as well as blind person and a deaf person can recite the haggaddah and others who listen will have fulfilled their obligation since they all are obligated equally.Aruch Hashulchon Orech Chaim 271:5 and 589 :3

A blind person can recite the seven blessings at a wedding. He can not be a witness since he can not see what is being given the ring by the groom to the bride. A deaf person can recite the seven blessings and also be a witness at a

marriage or a divorce. He can officiate at both if he has mastered and observes all the laws of the four parts of the Shulchan Aruch. The same applies for a blind person. As mentioned earlier a woman can officiate as a dayan as an authority posek rbiter judge of Jewish law provided she has mastered and observes the four parts of the shulchan Aruch. Such a task take 10 years of intensive study of the Talmud and commentaries and the four parts of the ShulchanAruch ith all the respions. That is the beginni9ng. Then it takes life time to perfect one self. As a dyan he will appoint a tribunal of three men to make conversions. She will not officiate at conversions because there exist authorities that requires the Bet Din to be witnessesthat the conversion occurred. By Divine law is disqualified. To be a witness.

A person who is a deaf who attends a special school and is taught to communicate has the status as a normal person and is obligated in the observance of all Mitzvot and observance of all lavim. See Responsa Divrei Chaim Rav Eliashov in Responsa of HallaCah also Rav Moshe Feinstein and my book Sanctity of life volume 2.

Thus the Torah does not discriminate between the sexes other than being a witness. If a woman is a witness in a marriage there exist no consequences. The couple are not married. If they have children the children are legitimate Children born out of wedlock are legitimate. Of course we want all couples who live together to be married regardless if they do or do not have children. .

If women act as witnesses at a Jewish divorce a Get there is no Get . If the woman has no Jewish divorce nor an annulment that I discuss at great length in my Book 10 gets pregnant and bears children the child or children are mamzarim illegitimate. They can not marry other Jews. This is Divine law and can not be abrogated. Such is the will of G-d.

**MOSHE EMET**

**VETOROTO EMET**

**RESPONSA ON FOUR PARTS**

**OF THE SHULCHAN ARUCH**

**EVEN HOEZER CHOSHEN MISHPOT VOL III  
YOREH DAYOH ORECH CHAIM VOL III**

**by Moshe Siselsender**

## Chapter 20

### JEWISH WOMEN IN HALACHA-JEWISH LAW

G-D dictated as Halacha Moshe Mesinai in the Oral Law that dictates the foundation of Jewish Law that Jewish women are required to observe all positive Mitzvahs commandments and negative lavim prohibitions the same as men . However women are exempt from observing those mitzvohs esse shezman gromo those positive commandments that Have time limitations . Thus women are exempt from the Mitzvaot of lulav and esrog and sitting in the Sukah on the holiday of Sukot since these mitzvot are precipitated by the occurrence of the holiday of Sukot once a year. Likewise women are exempt from blowing or hearing the shoffer on Rosh Hashana . Again the reason is because the Mitzvoh is precipitated by the occurrence of rosh Hashana-once a year. Women likewise are exempt from putting on Tefilin and Tzitot because these Mitzvot are viable only during the day and not at night.

What happens if a Jewish woman even though she is exempt from observing the above mentioned Mitzvot never less on her own volunteers to observe them does she receive Divine reward ? The answer is yes. Not only is she permitted to observe Mitzvot Esse shel hazman gromo , but she also should make the blessing that men make when observing the Mitzvah. This is the position of Ramo on Orech Chaim chapter 17, who follows the position of Rabbenu Tam on Tosfos Eruvin 96a divre hamatchil Michel bas Shaul ; Tosfos Rosh Hashana 33a divrei hamatchil -Ho ; Raaved on Rambam Tzitzit 3:9 . This is the position followed by Ashkenazim . See Aruch Hashulchon Orech Chaim chapter 17:1,2,3,4 . The position of Rambam Tzitzis 3:9 and Bais Yoseph followed by Sefardim is that the Jewish woman should not make a blessing.

The only exception to the above law is that Jewish women do not put on Tzitzit See Aruch Hashulchon Orech Chaim chapter 17:3 and Tefillin Aruch Hashulchon Orech Chaim 38:6. This is based on Yerushami Brochot chapter 2:3 page 14 Michal the daughter of King Shaul the wife of King David did don tefillin every morning . There exists a dispute among the Rabbis if the rabbis agreed or opposed what Michel the

daughter of King Shaul did . Likewise the wife of the prophet Yonah went to the Holy Temple at Jerusalem three times a year. Again women are exempt since this Motzvoh is triggered by time. Again there exists a disputes if the Rabbis agreed or disapproved.

It appears that both Michel the daughter of Shaul and the wife of Yonaih consulted and followed the ruling of those Rabbis who approved. In my Responsa on Four Parts of the Shulchan Aruch vol 1 chapter 2 I discuss the fact that King Shaul had his Rabbinical court annul the marriage of Michel to David . Michel married another man . Then when David came into power , he had his Rabbinical Court annul the second marriage of Michel and he married Michel again. This Halachic matter is shrouded in dispute. Nevertheless King David relied on the rulings of those Rabbis who agreed with him. So, too Michel and the wife of Yonah relied on the rulings of the Rabbis who agreed with what they d id.

The Babylonian Talmud Ervin 92a cites the opinion of those rabbis who permit women to don tefilin as well as those who oppose. The Jerusalem Talmud likewise cites the opinion of both schools. The halacha follows the decision that women should not don Tefilin or put on a tallit with Tzitzit. There exists an opinion that the reason is because Tefilin and Tzitzit are considered male garments. Neither men nor women are permitted to wear the garments of the opposite sex. This is a negative prohibition. However if a tallit would be designed only for women then according to Rav Moshe Feinstein in Igrot Moshe vol 4 , women would be permitted to wear such a talit.

However no authority exists that permits women to put on tefillin. However since men do not don Tefilin the whole day the way they used to thousands of years ago it is questionable to state that tefilin are now considered a male garment . Furthermore the source for this statement is allegedly an interpretation of Targum Yoneson . Many authorities question the authenticity of such authorship. See Yitzchok Yoseph -son of Rav Avadia Yoseph- Otzer Dinim leisho Ubat. The decision nevertheless is that women do not don Tefilin. Aruch Hashulchon Orech Chaim 38:6. What happens if women defy such a ban and on their own do put on tefilin? They at most are in violation of a custom. There exists no Biblical or Rabbinical violation other than acting in a conceited manner. The person who wears Tefilin must have pure thoughts and be very strict about their personal hygiene. Otherwise he is not permitted to wear Tefilin. Men must put on Tefilin so they take a chance that they will fulfill these requirements. Women are not obligated to put on Tefilin, So why take any chances.? If these requirements are not met there exists a great sin, Aruch Hashulchon Orech

## Chaim 38:6 .

**The non Orthodox have the women don Tefilin and wear a Talit. Of course I oppose all innovations of the non Orthodox. However I personally believe that in this situation the women encourage the men to also don Tefilin and wear a Talit, that they would not have done otherwise. Thus even if the only time that both men and women don Tefilin is Sunday, it is worthwhile. Because one violates certain laws in no license to abrogate all laws. See Rambam Tefilah 15:6 ,7 , who rules that a Kohen who is not religious should nevertheless bless the congregation. He should not refrain from observing the Mitzvoh of blessings Jews , even if he does not observe other Mitzvot. One gets credit for every Mitzvah separately. It is not all or nothing.**

**Archuch Hashulchon rules in Orech Chaim 272:5 that women are obligated Biblically to make or listen to Kiddush on the Sabbath. They likewise are obligated to make or listen to Havdallah on Saturday night Aruch Hashulchon Orech Chaim 296:5. Orech Hashulchon in both places establishes a cardinal principle . In those areas that both men and women share equal obligation each can recite the blessing and will exempt the other. Thus women are permitted to make kiddush or havdallah and exempt the men and other women. The reason that women are obligated to make or listen to Kiddush and Havdallah is because they are obligated not to violate the negative prohibitions of Shabbot. So too they are obligated to observe the positive Mitzvot regarding Shabbot. The same applies for making Kiddush and havdallah on the holidays. The same applies for eating matzhot on Passover. Women must listen to the reading or read the Megillah on Purim and light candles on Chanukah because they also were beneficiaries of the miracle of Purim their lives were saved and on Chanukah women also were victims of the Greek persecution and ban on observance of Judaism. Any man or woman who violated the ban was killed. The Agadah -story- exists of Chanah and her seven children who died a martyrs death defying the edicts of the Antiochus the Greek King. According to the Netziv the Mashiv Davar Rav Naftali Tzvi Yehudah Berlin both the reading of the Megillah on Purim and lighting the Chanukah candles on Chanukah are Rabbinical. The Rabbis have discretion to make Mitzvot they decree obligatory on both men and women even though the Mitzvot are triggered by a specific event that is time regulated - a mitzvah asei shel hazman gromo. The Rabbis use their judgement if it is in accordance with public policy to include or exclude women. In the case of reading or listening to the reading of the Megillah on Purim and lighting the candles on Chanukah they made a judgement call to include them since women were also beneficiaries of the miracle .**

**However they forbade women to read the Megilah in public as the baal koreh in the synagogue because they wanted to ensure greater sanctity at the synagogue and lessen the occasion of precipitating sexual thoughts that could be triggered with a woman officiating and reading the Megilah as the baal koreh. The same reasoning prompted the Rabbis to forbid the calling to the Torah of women on weekdays and on the Sabbath and holidays. The same reasoning is true for having a mechitza- a separation between men and women when praying. The Babylonian Talmud Succot 51b records similar reasoning that motivated the Rabbis to enact a physical barrier a separation of the sexes at the Holy Temple in Jerusalem . This citation is the source for the Mechitza separation of the sexes in our synagogues.**

**The fact that women and men today are integrated at secular universities business and social events does not mean that the presence of women does not excite sexually men. To have a society with restrictions would be akin to the society of Saudi Arabia and Iran. However one can not compare being present at the university business and social events to one being present at the synagogue at prayer before the Almighty. Having sexual thoughts during prayer invalidates any prayer recited. See Orech Hashulchon Orech Chaim 75:2,2,3-regarding reciting the Shema in the presence of women who have any area of her body uncovered that should be covered . This includes when a married women is present who does not cover her hair. Ibid 75:6 , 7. See also Even Hoezer 115and Zohar Parshot Noso as to the importance of married women covering their hair. The length of a woman's skirt or dress must be below the knee . She must not wear a tight dress or a dress that exposes her bosom or is tight fitting and the contour of her bosom is exposed. See Orech Hashulchon Orech Chaim 75:10. The length of the sleeves must be below the arm pit. See through dresses blouses are forbidden. Ibid 75:10. If a woman possesses such immodest clothes she must wear underneath another blouse that covers the area of her body that her blouse does not cover. When women sit separately from men in the synagogue that has a mechitza- a separation barrier -the fact that their dress does not meet the dress code will not invalidate prayers. The mechitza must be high enough that when women stand up the mechitza extends the entire length of their sholders. See Igros Moshe Orech Chaim laws of Mechitza. A woman must wear modest clothes that is not sexy even outside the synagogue. The type of clothes one wears signals the type of person one is. Immodest clothes that are sexy can arouse males. Many woman unwittingly transmit the wrong signals that they will agree to an affair by the clothes they wear - especially shorts . Males may get the impression that even though the woman says no they really mean yes if they are nagged enough. Consensual sex or rape if she**

**disagrees and murder if she resists can follow. If the woman is married she can compromise her marriage. Women should follow the role model of 4000 years of Jewish women in their dress code. One simply has to observe how USA postal female employees and British airline hostesses are dressed and one will see that a smart respectable woman can dress attractively even though it is not sexual.**

**Thus women can read the megillah or light the candles and exempt other women or men. However women do not read the megillah in public-in the synagogue. This custom arose out of consideration to protect the modesty of women and to ensure the sanctity of the prayer service - that no man develop sexual thoughts during the public reading by a woman. This is the reason that women are not given an aliya in the synagogue when the congregation are reading the Torah on the week days- Monday and Thursday and on the Sabbath and on holidays. According to Hallacha HAKKOL OLIM LEMINYON SHIVAFILO NOSHIM . All people are permitted to be called up for an aliya. Hahogot Maimonides on the laws of kriet hatorah-reading of the Torah notes that in the case where a congregation has a minyon a quorum of only Kohanim it would be permitted to give aliyot to women. Since there exists dire circumstances and it is not possible to give aliyot only to men. The Kohanim can not be given any aliyot other than the first and Maftir . Then women can be given the other aliyot. We will then throw to the wind our caution -our custom of creating an atmosphere that is more conducive for purity of thoughts -kovod hatzibur. Unless emergency situation exists we will not depart from tradition at the synagogue. The non Orthodox started out in the early 1800's with mixed seating in order to give greater equality to women in the services. Slowly the non orthodox discarded one law after another until in the late 1800's it was impossible to distinguish the services of a Reform Temple from the services of a Protestant Church, other than the fact that they did not invoke the Christian prayers.**

**THUS WE SEE THAT THERE EXISTS NO DISCRIMINATION . ALL THE AREAS THAT WOMEN HAVE EQUAL OBLIGATION Biblically THEY CAN EXEMPT MEN Biblically If women are obliged only Rabbinically and men Biblically then they can not exempt men.**

**The question arises regarding Birkot Hamozon Grace after the meal . There exists opinions Raaved and Rashba that women are equally obligated Biblically as men in all three blessings. Then women can exempt men. Aruch Hashulchon Orech Chaim 186:1, 3. According to the opinions that certain blessings exist in the saying of Grace**

that relate only to men and men are obligated Biblically while women are obligated only Rabbinically then women can not exempt men in those blessings. In the second blessing of Grace one thanks G-d that men have been given the Mitzvah of circumcision. In the same blessing one thanks G-d that Jewish men inherit the land of Israel. {Women inherit the land where there do not exist a male heir in the immediate family the sister{s} have no brothers. Likewise if the parent wrote a will while alive bequeathing property to his daughter {s} . Otherwise women did not inherit the land of Israel whenafter the 40 years of wandering in the Sinai desert . Women ,however, recite all blessings Rabbinically. See Aruch hashulchon Orech Chaim 186 :3 who cites Rosh and Tosfos that the question if women are obligated to recite the Grace is Biblical or Rabbinical has not been resolved . Consequently women should not exempt men since women can not exempt another in a Mitzvah that they themselves are not obligated. However if men are not required to recite the Grace Biblically only Rabbinically then women can exempt them. This would occur if men eat bread the size of a kezait- the size of an olive or the size of half an egg See Aruch Hashulchon Orech Chaim 168:13. This is the position also of the Chsam Soffer Orech Chaim Responsa 127 and Tashbatz vol 3 Responsa 33. However the following authorities argue that the size of eggs have shrunk to half from what they were at the time the Talmud was written. They therefore , double the size of a kezait. A kezait instead of being the displacement size of half an egg is now is the displacement size of a whole egg. These dissenting authorities are the Node Beyehudah, the Gro and Rav Zalman the first Lubavitzer Rebbi who wrote the Rav Shulchan Asruch . A- reviot the measure one must drink for kiddush that formerly was an egg and a half according to the dissenting authorities now equals the displacement value of three eggs. However other authorities one of them the Taz rules that if one makes Kiddush on liquor one fulfills his obligation if one drinks a whiskey glass of the liquor even though the liquor glass's size is much smaller than the displacement size of one and a half eggs and certainly smaller than the displacement size of three eggs .

In this case women must but have not eaten a full meal and are still hungry . The women must have eaten a full meal so they would have been obligated Biblically to recite the Grace. However since the second blessing mentions that we thank G-d for the Mitzvah of circumcision and the fact that men inherited Eretz Yisroel the land of Israel that does not apply to women then there remains a question that even if women eat the amount of food that they are Biblically required to recite the Grace -they are no longer hungry- but their recitation is still Rabbinical . The authorities who hold that

women recite the blessings Biblically hold that the blessings refer generically to the Jewish people not only Jewish males. True a segment of the Jewish people are circumcised and inherit the land of Israel; but women are still part of the Jewish people and share in all the sanctity of the Jewish people even though they themselves can not perform a particular Mitzvah. thus women for example can bind the Tefilin on the hand or head of a male her husband son or brother and the man would make a blessing. See Otzer Dinim Leisha Ubat by Yitzchok Yoseph.

Likewise women although exempt from reciting the Shma daily since the shma is time oriented, nevertheless women are permitted and should be encouraged to recite the Shma daily together with all the blessings before the Shma and following the Shma before reciting the Shmona Esra- the Amida See Aruch Hashulchon Orech Chaim 70:1

Women are obligated to pray . There exists a dispute if women must pray the same as men three times a day. It is the opinion of Rambam beginning of Laws of Tefila and Sefer Hamitzvot Mitzvah 5 from the Sifri. - that praying is a Biblical Mitzvah. The position of Rif is the same . One can pray anytime 24/7/365 . Therefore prayer is not a Mitzvah regulated by time. Accordingly women are equally obligated to pray. However the Rabbis instituted a schedule when prayers are to be recited and the contents of prayer. See Aruch Hashulchon Orech Chaim 80:1, 106:5. When the Rabbis regulated prayer they did not exclude women even though the schedule is time oriented in the morning afternoon and night.

However the opinion of Ramban Rashi and Tosfos is that praying , although it is a cardinal article of Judaism is not deemed Biblical , but it is Rabbinical. Aruch Hashulchon Orech Chaim 89:2,3,4,5,6; 106:6,7. Women the same as men must beseech G-d . They must praise Him beseech G-d for all their needs and thank Him- That is the composition of the amida prayer. Women according to Rashi and Tosfos are required to pray three times a day Rabbinically.

**However according to Rambam a woman and man Biblically can pray anytime and compose their own prayer. Both men and women Rabbinically must pray according to the schedule set up by the Rabbis and must use the precise formula of the prayers . Both Ashkenazi and Sefardic formulas were authorized. By the anshei kneset hagdolo at the time following the destruction of the first Temple 550 BCE See Aruch Hashulchon 106:7**

**However many women do not follow this ruling. Aruch Hshulchon Orech Chaim 106:7 complains that women in his time were derelict and did not pray three times a day. They pray when ever they want and compose their own prayers. The reason may well be that they rely on those authorities that the Rabbis at the instant when they decreed scheduled time for prayer exempted women , since public policy is best met by not making it obligatory on women to abide by such a time schedule. Imposing such an obligation would conflict with the role that women follow take care of the children and home and their very nature. You can not dictate to a woman when and how she must act. She will pray when she wants and is ready. See Sdei Chemed on the section Mitzviot aseil shel hazman gromo maarechet mem part 4 klal 136 pp 252-274.who cites the opinion of the Rav Berli above mentioned.**

**My grandmother followed this tradition. She was the daughter of Rav Moshe Katzenelenbogen author of Ohel Moshe who received an approbation from Rav Yitzchok Elchonon Spector Rav of Kovne. Yeshiva University is named after him. My great grandfather was of a sage who lived over 100 years ago. He was Rabbi of Mezritz Poland**

**Women are obligated to recite all the birkot hashacar thanking G-D for getting up in the mourning and enjoying the blessings of good health- being able to see and hear and walk. Women also should recite the blessings for the Torah. Women are equally obligated to learn all the laws that are applicable to them. Women are obligated to recite 100 blessings a day the same as men. Women can recite all these blessings the entire day until shortly before they go to sleep . Such was the custom followed by my grandmother Mirel wife of Rav Shaul Arye ben Yoneson Rabbi in a community in the USA. , who raised me. My mother sent me to learn Torah because there existed no yeshivot where I was born. She was unable to see me for seven years.**

**Such was the wish of my father Rav Menachem Sender who died when I was one year old. I was an only child.**

**Even those Rabbis who rule that women are equally obligated as men to pray the same services will agree that only a man acting as a Chazan who leads the services can exempt other men who do not know how to pray. The reason is because only in a minyon can the chazan exempt an other who does not know how to pray. Since women are not permitted to be part of the minyon of 10 men who compose a quorum they can not be the chazan. Consequently they can not exempt a man . However if women get together and pray one woman can exempt an other woman. Such a union is not considered a minyon even if 1000 women pray together.**

**Even though it is very praiseworthy that women today want to participate fully in all the rituals of Judaism , nevertheless , women should not form separate prayer groups. If they do form their own prayer group and recite kaddish and read the Torah and recite the blessings over the Torah, they have violated the negative prohibition of taking the name of G-d in vain. Women must pray in a minyon with men sitting separately with a mechitza -separation wall and hear kadish and kedusha and the reading of the Torah. When a woman as well as a man answer aman yehai shmai rabbo following the reading of a blessing , they will merit olem habo eternity - heaven.**

**Both women and men are a united integral part of the Jewish people. They are dependent upon each other for fulfillment. There exist certain Mitzvot that are the exclusive domain of women. Only married women must go to the Mikvah 12 days after completing their period and make a blessing. The same is true after childbirth. Only women light the candles Friday before thee Sabbath and recite a blessing. Only women take Chala - a piece of dough after baking and burn it and recite a blessing.**

**Just like no women can get pregnant with out a male , so too no man can have any children with out women. So too, women must listen to the blessings by a male chazan who leads the services in a quorum of ten men and answer aman yehai shmai rabbah and together with all the other men will merit -olem habo - heaven and eternity.**

**It is mandatory to observe all the customs that the sages have enacted and not look to appease fads and trends . Let women observe the laws of Nidah and Mikvah and all the other laws. We do not need any innovations. Only in emergency situations like the cases where women are agunot the husbands refuse to grant then a Get will we look for loopholes in order to free them. However nothing will happen to women if they do not get aliyot . Granting them an aliya and breaking tradition will only pave the way for the shattering of other laws and will lead to non Orthodoxy and the abandonment of all of Judaism. We will not look for loopholes -kulos to appease the women or men who want to cast off the customs and historical experience that kept JEWS UNITED AND ABLE TO WITHSTAND ALL THE TRIAL TRIBULATIONS AND HOLOCAUSTS FOR THE LAST 2000 YEARS. See my book The War Against the Jew and the non Jew. What happens when there does not exist freedom of speech and religion? What happens when there does not exist divorce of church and state?**