**YESHIVAT HAR ETZION**

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

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**Deracheha: Women and Mitzvot**

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Dedicated in memory of Rabbi Jack Sable z”l and

Ambassador Yehuda Avner z”l

By Debbi and David Sable

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Contact with a Sefer Torah

how should a Sefer torah be treated? may women handle it?

# The Sefer Torah

Who has contact with a Torah?

While a Sefer Torah plays a central role in the synagogue, many women rarely come close to it.

Men have a range of opportunities for contact with the Sefer Torah: when it is taken out of and returned to the aron kodesh, when they read from the Torah or receive an aliya, when lifting the Torah for hagbaha, or when dressing it for gelila. Physical closeness to a Sefer Torah of this or any sort can be experienced as deeply meaningful.

In a eulogy for his father, Rav Aharon Lichtenstein, Rav Mosheh Lichtenstein shares a telling anecdote:

Rav Mosheh Lichtenstein, "With All my Heart I Seek You," in Ashrei Adam Oz Lo Bach, ed. Chaim Navon (Tel Aviv: Yedi'ot Achronot, 2018), 93.

One of his [Rav Aharon Lichtenstein's] faithful students told me that once he asked Abba why he was meticulous about kissing the Sefer Torah. He expected to hear an answer along the lines of "because it's written to do so in Masechet Soferim." But Abba answered him simply: "Because a Jew wants to kiss a Sefer Torah."

It's natural for Jewish women to seek physical closeness to a Sefer Torah, out of love for Torah. Here, we explore the halachic discussion about doing so.

# The Sefer Torah

A *Sefer Torah* is sacred, its sanctity reflected in a series of *halachot* enjoining us to show it honor and to take care not to debase it. For example, the Talmud teaches that we honor the *Sefer Torah* by standing when it is lifted up:

*Kiddushin* 33b

It was asked of them: What is [the *halacha* regarding] standing for a *Sefer Torah*? R’ Chilkiya and R’ Simon and R’ Elazar said: *Kal va-chomer* (*a fortiori*), we stand for those who learn it, for it – all the more so!

We also accompany a *Sefer Torah* if it crosses our path, including on its way in or out of the *aron kodesh*.[[1]](#footnote-1) Ideally, we establish a fixed place for a *Sefer Torah*,[[2]](#footnote-2) and do not freely move it from place to place without reason. Rather, out of respect for the Torah, we come to it:[[3]](#footnote-3) Indeed, the Yerushalmi, after expressing surprise that the Torah is passed from person to person in Beit Ha-mikdash on Yom Kippur, tells us that this violates a general rule:

Talmud Yerushalmi *Yoma* 7:1

Everywhere, you say that *we* walk behind the Torah.

In addition to actively honoring the *Sefer Torah*, we further respect its sanctity by protecting it. For example, we keep a *Sefer Torah* out of bathrooms and away from excrement. The Talmud teaches us that even a king, who must keep a Torah with him at all times, does not bring it with him to those places.[[4]](#footnote-4)

Furthermore, we should not touch the parchment of a *Sefer Torah* directly,[[5]](#footnote-5) and should certainly not handle a *Sefer Torah* when our hands are soiled.

*Mishneh Torah*, Laws of *Tefillin* and *Mezuza* and *Sefer Torah* 10:

One’s hands should not be filthy or soiled with mud but rather they should wash their hands and then touch it [the *Sefer Torah*].

We also ensure that no *erva* (nakedness) should be exposed in the presence of a *Sefer Torah*, even when it is not being read:[[6]](#footnote-6)

*Mishneh Torah*, Laws of *Tefillin* and *Mezuza* and *Sefer Torah*, 10:10

The words that are on the tablets of the covenant, exactly those are in every single *Sefer* *Torah*… one may not expose his nakedness before it.

We must show tremendous care to respect the *Sefer Torah*, whose words are of Divine origin. Rambam goes so far as to conclude the laws of proper conduct in the presence of a *Sefer Torah* by citing a mishna from *Pirkei Avot* about honoring Torah. “Torah” in this mishna refers to the idea of Torah as a whole, and we honor the *Sefer Torah* because it is a physical representation of the concept of Torah.

*Mishneh Torah*, Laws of *Tefillin* and *Mezuza* and *Sefer Torah*, 10:11

Whoever sits before a *Sefer Torah* should sit seriously, with dread and fear, for it is the faithful witness to all, as it is said “it shall be there for you as a witness,” and one should honor it as much as one can. The first sages said, “Whoever desecrates the Torah, he himself is desecrated by people, and whoever honors the Torah, he himself is honored by people” (*Avot* 4:6).

# The Sefer Torah and Impurity

The halacha against handling the *Sefer Torah* when dirty does not extend to ritual impurity (*tum'a*), because words of Torah are not susceptible to ritual impurity, which, unlike dirt, is often physically imperceptible:[[7]](#footnote-7)

*Berachot* 22a

For words of Torah are not susceptible to impurity, as it is said: "Are not my words like fire, said God?" Just as fire is not susceptible to impurity, so words of Torah are not susceptible to impurity.

Along these lines, the Tosefta explicitly permits people who are ritually impure, including *niddot* (women with menstrual impurity), *zavim* (men with unusual genital emissions), *zavot* (women with irregular uterine bleeding), and *yoldot* (women postpartum) to read Torah:

Tosefta *Berachot* 2:12

The *zavim* and the *zavot* and the *niddot* and the *yoldot* are permitted to read Torah, Prophets, and Writings, and to learn mishna, midrash, halacha and aggada.

Rambam understands the permission to learn and read Torah as applying to handling the *Sefer Torah* itself:

*Mishneh Torah*, Laws of *Tefillin* and *Mezuza* and *Sefer Torah* 10:8

All those who are ritually impure and even *niddot* and even the non-Jew are permitted to hold the *Sefer Torah* and read from it, for words of Torah are not susceptible to impurity.

Shulchan Aruch[[8]](#footnote-8) follows suit, quoting Rambam.

*Shulchan Aruch* YD 282

All the ritually impure, even *niddot*, are permitted to hold the *Sefer Torah* and read from it.

Note that Rema offers no caveat or qualification here. A person's reading or holding a Torah while ritually impure is fully permissible, and in no way detracts from its honor.

# Women and Sifrei Torah

The Mishna and Tosefta do not restrict women from learning Torah or from handling a *Sefer Torah*, when in *nidda* or otherwise. Nevertheless, stringency about women coming into contact with a *Sefer Torah* while menstruating did gain currency. In the geonic era, Rav Yehudai was asked whether a *nidda* was permitted even to pray or enter a synagogue:

*Teshuvot Ha-ge'onim* 45

They again asked before Rav Yehudai Ga'on: A *nidda*, what is [the halacha] of praying or entering synagogue? And he answered that it is perfectly fine.

Although Rav Yehudai gives an unequivocal yes, *Baraita De-masechet Nidda* (not really a baraita; its provenance and exact date are unclear) presents the view that a woman may not enter a synagogue while in *nidda*:

*Baraita of Masechet Nidda*, 3:4

"To the *mikdash* she shall not come" (*Vayikra* 12:4). She [the woman in *nidda*] has no permission to enter *batei midrash* or *batei kenesset*.

This text suggests a Biblically-based prohibition on the *nidda* entering synagogue, rooted in a verse about post-partum women entering *beit ha-mikdash*. Yet there is no sign of such a prohibition in any authoritative Tannaitic or Talmudic source. However, it seems from authorities in medieval Ashkenaz, where *Baraita De-nidda* became popular, that a custom along the lines of this 'baraita' did take hold among women on a grassroots level:

Ra'avyah I *Berachot* 68

…The women were accustomed to guard their dignity and… [practice] separation at their time of *nidda*, when they don't enter the synagogue… Thus I saw written in the words of the ge'onim in the matter of the language of a baraita [*baraita de-nidda*], which is not in our Tosefta. The custom is proper, as we say about a man with a seminal emission that "I have heard of those who are lenient with it [immersing prior to praying] and of those who are stringent with it, and all who are stringent with it lengthen their days and their years" [Berachot 22a]. From that we learn about the rest of the strictures [around the Torah].

Ra'avyah (Rav Eliezer ben Yoel Ha-levi, 12th century) considers women not entering the synagogue during *nidda* to be praiseworthy, comparable to men choosing to be stringent about immersing after a seminal emission prior to prayer. Or Zaru'a, Ra'avyah's student, adds that another aspect of this stringent practice was to refrain from touching Torah scrolls:

Or Zaru'a I *Nidda* 360

There are women [in *nidda*] who avoid entering the synagogue and touching the *Sefer Torah*. This is a mere stringency, and they act properly.

Though Ra'avyah and Or Zaru’a look upon this stringency favorably, both make it clear that halacha does not obligate a woman in *nidda* to refrain from entering a synagogue or touching a Torah scroll.

This stringency, and the instinct behind it, can seem very distant from the standpoint of today. While it took root among some women in Ashkenaz, Rav Yosef Karo tells us that it was not practiced universally:

*Beit Yosef* OC 88

Now our women are not accustomed to refrain at all from entering the synagogue.

Relaxing the Custom

Even where the practice was observed, halachic authorities such as Terumat Ha-deshen (Rav Yisrael Isselein, 12th century Austria) made exceptions for special circumstances:

*Terumat Ha-deshen* 132

Regarding the women during *nidda*, in truth I permitted them to go to synagogue on the *Yamim Nora'im* and the like when many women gather in synagogue to hear prayer and [Torah] reading. I relied on Rashi, who permits in his Laws of *Nidda* out of 'women's gratification' [*nachat ru'ach la-nashim*] for [those days] were an anguish of the spirit and heartsickness for them, that everyone would gather to be among the congregation, but they would stand outside.

Terumat Ha-deshen recognizes that inability to join the congregation in prayer on *Yamim Nora'im* would create "an anguish of the spirit" for women, and explains that in this case, gratifying women outweighs common practice. Since avoiding synagogue while in *nidda* is not obligatory, other factors, such as a woman's spiritual need to be a part of large gatherings for prayer, take precedence.

In making this argument, he alludes to a Talmudic precedent:

*Chagiga* 16b

Rabbi Yosei said: Abba Elazar told me: Once, we had a calf for a *shelamim* [peace] offering, and we brought it to the women’s courtyard, and the women leaned on it. Not because leaning on a sacrifice applies to women, but in order to give gratification to the women [*nachat ru'ach la-nashim*].

Women were permitted to lean on the sacrifices voluntarily, even though that could be considered to be in violation of the rabbinic prohibition of giving the appearance of performing labor with sanctified animals (*avoda she-bekodshim*, performing labor with a sacrificial animal. In some cases, women's spiritual needs can outweigh halachic concerns around handling sacrifices.[[9]](#footnote-9) So too here, if there are competing claims between a stringent custom about menstrual bleeding and a woman's desire for contact with the sacred, the stringency loses.

Indeed, within a hundred years after Terumat Ha-deshen, Ha-agur (Rav Ya'akov Landau, 15th century) reports that Ashkenazi menstruants in his region did not practice this custom, with the exception of shying away from looking into the Torah when it is raised during *hagbaha*, since then the very writing of the Torah is exposed:

*Sefer Ha-agur*, Laws of Immersion, 1388

I, the author, have seen in my land that women are accustomed to enter the synagogue and pray…they are only careful not to look at the *Sefer Torah* at the time when the *chazan* shows it to the people.

Impurity or Hygiene?

It can be difficult to grasp what motivated this stringency. Rema mentions the practice and then cites Terumat Ha-deshen, along the way providing a clue to understanding it:

Rema, *Shulchan Aruch* OC 88:1

There are those who wrote that a woman in *nidda* during her days of seeing [blood] should not enter the synagogue or pray or utter the name of God or touch a *Sefer*. There are those who say that she is permitted to do all of this, and thus is the basic [*halacha*], but the custom in these lands follows the first opinion. In her white days[[10]](#footnote-10) they are lenient. Even in a place where they were accustomed to be stringent, on *Yamim Nora'im* and so forth, when many people gather to go to synagogue, they are permitted to go to synagogue like other women. For this is a great anguish, that everyone gathers while they stand outside.

Though Rema mentions refraining from prayer as part of the custom, later authorities clearly reject the idea that a woman would not pray in the days of her menstrual flow, given that women have an obligation to pray.[[11]](#footnote-11) Rav Ya'akov Emden suggests that he must have in mind specifically when a woman has blood flowing out of her body in a way that makes her dirty:

*Mor U-ktzi'a* 88

Perhaps he only intended … to exempt them from prayer and *berachot* when she has a flow and blood drips down from her, because at this time it is certainly more repelling and similar to dirt.

This suggestion makes sense, because Rema draws a distinction between entering synagogue when a woman is bleeding and when she is counting her white days.[[12]](#footnote-12) Halachically a woman remains ritually impure, whether or not her bleeding has ceased, until she immerses in a mikveh at the end of her white days. The distinction Rema makes, then, suggests that this custom was driven not by the technical halachic status of menstrual impurity (*nidda*), but by the messy physical reality of menstruation.

Perhaps women's inclination to be stringent about *nidda* and synagogue during the time of active bleeding on the whole had more to do with religious instinct regarding matters of hygiene than with the laws of impurity.[[13]](#footnote-13) If that is the case, then instincts might shift along with greater ability to maintain hygiene during menstruation.

In Practice

The thrust of modern halachic authorities is to be lenient. Magen Gibborim summarizes this well:[[14]](#footnote-14)

*Magen Gibborim Elef Ha-magen* 88:11

In truth it is fitting to be lenient because the matter itself is merely a stringency…

Mishna Berura agrees, though he does mention *hagbaha* as an exception:

*Mishna Berura* 88:7

In our lands they always practice permissively and recite *berachot* and pray. But in any case, they should not gaze at the *Sefer Torah* when they lift it up to show to the people.

This aspect of the custom is surprising, however, given that Shulchan Aruch, drawing on *Masechet Soferim*,[[15]](#footnote-15) rules that there is a mitzva for women to see the Torah during *hagbaha*, and Rema there mentions no exception:

*Shulchan Aruch* OC 134:2

For it is a mitzva upon all men and women to see the writing…

It seems that a woman cannot follow the stringent custom of not looking into the *Sefer Torah* without being lenient about *hagbaha*.

# Carrying the Sefer Torah

The care that we must take with a *Sefer Torah* makes a few synagogue practices surprising. On a typical Shabbat, the Torah processional moves the Torah around the room to enable more congregants to accompany it.

Rema notes that the custom of Ashkenazi communities is to bring children to the *Sefer Torah* to kiss it:

*Shulchan Aruch* OC 149

There are those who write that we bring children to kiss the Torah, in order to educate them and to make them zealous for *mitzvot*, and this is our practice (*Or Zaru'a*).

Many adults kiss the Torah as well, often via a *tallit* or *siddur*. Rav Yitzchak Yosef explains that this practice is acceptable, as is taking a longer route to the *bima* with the *Sefer Torah*, so long as no delay is caused by waiting for people to approach the Torah. It would be a dishonor to the Torah to suggest that the Torah should wait for people, rather than that people should accompany it.

*Yalkut Yosef Keri'at Ha-Torah* 134, *Seder Hotza'at Ve-hagbahat Ha-Sefer Torah* 9-10

It is correct for each member of the congregation to approach the *Sefer Torah* in order to kiss it with his hands or mouth. But it is not proper for the one carrying the *Sefer Torah* to extend it to each and every person in order that they kiss it. Rather, as he walks to the *teiva* [*aron kodesh*], members of the congregation should approach and kiss the *Sefer Torah*. It is permissible to encircle the [entire] sanctuary, in order to take a longer route to the *aron kodesh*.

Since it is meaningful for all members of the community to accompany the *Sefer Torah*, some synagogues have adopted the practice of carrying the Torah alongside the *mechitza*, enabling women from the *ezrat nashim* to approach it and kiss it.

Passing the Torah

Given that the fundamental halacha allows women to handle a *Sefer Torah* even during *nidda*, and that the Torah processional can be elongated to enable community members to approach it, may the Torah to be passed to the women's section during the processional, as a matter of gratifying women, *nachat ru'ach la-nashim*?

The written halachic literature on this matter is extremely sparse. Any attempt to rule on it must take established synagogue custom into account.

On a related question, enabling women to kiss the *Sefer Torah* on Simchat Torah, Chassidic halachic decisor Rav Shemuel Wosner is stringent, as he often is with matters pertaining to women, because of stringency around menstruation.[[16]](#footnote-16) His ruling here is at odds with some approaches we have seen to the stringency; for example, Magen Gibborim's position that we ought to be lenient. There is also longstanding precedent in many communities for women to have the opportunity to kiss the Torah on Shabbat or on special occasions.[[17]](#footnote-17)

There is a growing recognition that women may experience physical distance from the Torah as a matter of anguish. Following Terumat Ha-deshen, and especially taking into account both that the Torah is closed and covered during the processional and that current common practice for the processional already moves the Torah about more than would be ideal, some rabbis permit passing the Torah through the women's section in their synagogues.

If a community does pass a Torah to the women's section, it should be done in a way that will maximize *kevod ha-Torah*. It should also minimize interaction between men and women (an issue in synagogue that we'll discuss further in the context of *mechitza*) and avoid touch between them. Whether (and how) to pass the Torah to women is a communal issue for each community to resolve in consultation with its halachic authority.

One possibility in some synagogues might be for the man to place the Torah down before the woman takes hold of it. In other synagogues, this practice may be inappropriate or logistically impossible. Ultimately, whether and how to pass the Torah to women is a communal issue for each community to resolve in consultation with its halachic authority.

What does it mean to say the question of women carrying the Torah is a communal matter?

When halacha is not clearly determined by earlier authorities, there is room for different types of practice. Few halachic authorities have gone on the record about women carrying the Torah in synagogue, and those who have often been less than definitive in their pronouncements. This allows for some flexibility.

However, this flexibility is not boundless. Any change in communal synagogue practice must be taken very seriously. The community and its halachic authority need to consider various factors, including the weight of custom and the sometimes contradictory needs of individuals and overall spiritual well-being of the congregation.

Whether or not a synagogue passes the Torah through the women's section, all members of the community should feel respected when expressing thoughts and feelings about it. We should value custom and at the same time appreciate that women seeking an opportunity to feel close to Torah may also "want to kiss a sefer Torah."

# Further Reading

Ya’ari, Avraham. Toldot Chag Simchat Torah. Jerusalem: Mossad Ha-rav Kook, 19.

Zlochower, Devorah. "May Women Touch a Torah Scroll?" Ta Shma, JOFA: 2008.

1. Shulchan Aruch OC 149

   They should walk after the *Sefer Torah* and escort it to the place where it is stored. Rema: In places where it is stored in the *heichal*, which is the *aron* in the synagogue, it is a mitzva for everyone before whom it passes to escort it to before the *aron*, when they place it inside.

   Mishna Berura 149:7

   To escort it – and similarly, when they take it out of the *heichal* it is a mitzva for everyone before whom it passes to escort it to the *bima*. [↑](#footnote-ref-1)
2. Mishneh Torah, Laws of Tefillin and Mezuza and Sefer Torah 10:10

   It is a mitzva to designate a place for the *Sefer Torah*. [↑](#footnote-ref-2)
3. In practice, rather than subject it to short trips for Torah reading in temporary locations, we move a *Sefer Torah* a day or two in advance. The exception, when we need not move it in advance, is to facilitate Torah reading for a very significant personage:

   Shulchan Aruch 135:14

   We do not bring a *Sefer Torah* to people confined in prison, even on Rosh Ha-shana and Yom Kippur. Rema: This is specifically if [bringing it would be] only at the time of reading, but if we prepare a *Sefer Torah* for him a day or two in advance, it is permissible [to bring it]. If he is an important person, it is permissible in any circumstance. [↑](#footnote-ref-3)
4. Sanhedrin 21b

   He [the king] does not go into the bathhouse or the toilet with it [the *Sefer Torah*]. [↑](#footnote-ref-4)
5. Shabbat 14a

   For Rav Parnach said in the name of Rabbi Yochanan: One who holds the *Sefer Torah* bare[-handed] is buried bare. Would you think [that he would be buried] bare [naked]? Rather, Rabbi Zeira said: Bare without *mitzvot*. Would you think without any *mitzvot*? Rather, without that specific mitzva [holding the Torah appropriately]. [↑](#footnote-ref-5)
6. When Torah is being read or studied, one may not expose *erva*, as derived from the verse:

   *Devarim* 23:15

   For the Lord your God walks in the midst of your camp to deliver you and to give up your enemies before you, so your camp shall be holy, that He not see in you any matter of nakedness, and turn away from you. [↑](#footnote-ref-6)
7. Kessef Mishneh, Laws of Keri'at Shema 4:8

   We see the repulsive thing with the eye or sense its smell, and it seems as though one who says words of Torah there [in its presence] degrades the words of Torah. But ritual impurity is not a sensed matter but in the mind, and for this reason the words of Torah do not receive ritual impurity. [↑](#footnote-ref-7)
8. See also OC 88:1. [↑](#footnote-ref-8)
9. For more discussion of this passage, see here: <https://deracheha.org/voluntary-mitzva-performance>. [↑](#footnote-ref-9)
10. After she stops bleeding, a woman counts seven “white” or “clean” days before immersing in a mikveh. [↑](#footnote-ref-10)
11. Peri Chadash OC 88

    Since it is evident from the mishna and law of the Talmud, and agreed among the halachic decisors, that a woman in *nidda* is obligated to pray – who could dispute this and exempt women in their days of *nidda* from prayer? [↑](#footnote-ref-11)
12. He likely draws here from Agur's quotation of *Sefer Miktza'ot*:

    Sefer Ha-agur Tevila 1388

    In *Sefer Ha-miktza'ot* he wrote that a woman should not enter synagogue all the days of active bleeding until she goes white [enters her clean days]. [↑](#footnote-ref-12)
13. Kaf ha-chayyim 88:11

    We find that women in *nidda* and after childbirth are permitted [to recite or hear] words of Torah and also to see the writing of the *Sefer Torah* when they show it to the people…In any case, one should caution them at the time when blood is flowing….to switch the [menstrual hygiene] cloth so that it will be as clean as possible at the time of *tefilla*.

    See also a discussion of the significance of the availability of modern hygiene products here:

    [https://www.nytimes.com/2007opinion/06friedman.htmlr=0%22%3E%E2%80%9CCellphonesMaxipads,%20and%20OtherLife%20Changing%20tools](https://www.nytimes.com/2007/04/06/opinion/06friedman.html?_r=0%22%3E%E2%80%9CCellphones,%20Maxipads,%20and%20Other%20Life%20Changing%20tools) [↑](#footnote-ref-13)
14. Available here: <http://hebrewbooks.org/pdfpager.aspx?req=19326&st=&pgnum=58> [↑](#footnote-ref-14)
15. Masechet Soferim 14:8

    For it is a mitzva for all men and women to see the writing… [↑](#footnote-ref-15)
16. Shevet Ha-levi 6:73

    …If they are permitted on Simchat Torah to bring a *Sefer Torah* into the women's section for them to kiss it…. Even though Rema wrote that the basic halacha is that these [acts] are permitted, in any case he testifies that they were accustomed to be stringent. Even if they [the women of the questioner's synagogue] are not accustomed to be stringent regarding prayer [while menstruating], why should he enact for them to come and kiss the Torah? Among them are some women in *nidda*, and sometimes dressed inappropriately, and even though it is not analogous to what the later authorities wrote of not looking into the writing of the *Sefer Torah* during *hagbaha*, it still does not seem appropriate to enact this for them, in my humble opinion.

    Rav Wosner maintains the *Sefer Torah* should not be brought into the women’s section, in order to respect the views that women in *nidda* should not handle the Torah. He does not write that it would be prohibited to allow for it, nor does he raise the question of whether it is permitted to deviate from traditional synagogue practice. He even acknowledges that most women are not actively bleeding on Simchat Torah, and concedes that this ruling does not really compare to where authorities cite ongoing stringency, *hagbaha*, in which the *Sefer Torah* is open and uncovered. [↑](#footnote-ref-16)
17. For instance, over many generations in Baghdad, women had the opportunity to kiss the Torah along with men.

    *A Journey to Bavel* by Rav David Sasson, quoted in Ya'ari, p. 252

    On Yom Kippur, on Shemini Atzeret and on Simchat Torah, we take out all the Torah scrolls in all the synagogues from their storage place and lay them in the *heichal [aron kodesh]* and men and women go from synagogue to synagogue to kiss each and every *Sefer [Torah.]* [↑](#footnote-ref-17)