

# TORAH & HORAAH



**Bamidbar 5777**

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## Dear Reader,

The word mispar, or the root SeFeR, includes a number of variant meanings. On the one hand, it means to number—to quantify a given set of items, as Moshe was instructed with regard to the Children of Israel. On the other, it means a book, or a story. A third meaning is a border town, an ir sefar.

What is the common denominator that binds these meanings together?

It appears that the link between these distinct meanings is the concept of grouping and joining together. A book is the grouping together of individual pages, and a story the coming together of isolated events. Border towns define the borders of a given country, and ‘group together’ the constituent towns within the given borders. And the process of counting bonds members of the group

This week's article addresses the sensitive halachic issue of Torah study for women. Chazal make a number of statements concerning Torah study for women, and halachic authorities debate how these statements should be implemented in practice. The article will discuss the questions of women teaching themselves Torah, of women who were learned in Torah study, of changes in the halachic approach over changing generations, and of other related questions.

This week's Q & A addresses the question of “shopping” for answers from different rabbis.

## Study of Torah for Women

As we approach the festival of Shavuos, one of the questions frequently asked relates to Torah study for women. Some girls and women feel that they, too, wish to take part in the nightlong Torah study that many men engage in, and programs have been established to cater to this desire.

While Torah study programs for girls are often commendable, the question—which is of course far broader than the matter of Shavuos night—is what Torah content is appropriate for women. This is of course a delicate and very contemporary question, and we will not be able to do it full justice in the space of a short article. We will just present an overview of the main sources and opinions, and address basic practical questions.

Is there a prohibition against Torah study for women? Is it permitted for a woman to study Torah on her own? Is there a difference between different parts of Torah? Is there room to distinguish in this matter between past generations and our own?

These questions, and others, are addressed below.



## Source of the “Prohibition”

together in a single, defining count.

This leads us to understand that the idea of counting goes beyond the concept of numbering. When we count—or when we count correctly—the individual members of the counted group are united in the act of the count itself. Each one is an integral part of the group. Each member of the nation of Israel is necessary, vital for the nation’s very definition.

As we come towards Shavuot, we continue to count the days, defining the period between Pesach and Shavuot as a time of preparation and elevation in advance of receiving the Torah.

At the same time, the week’s Parashah reminds us that we are to count not only the days, but even ourselves. Each one of us, as an individual Jew, is essential to the entire group, a status that demands due respect and consideration. The presence of each one is required to ready us for receiving the Torah.

With this in mind, may we indeed merit to approach Sinai “as one man with one heart,” ready for receiving the Torah.

The earliest mention of Torah study by women occurs in the Sifri (*Devarim 46*). Addressing the Torah obligation of teaching Torah to one’s children, the Sifri states: “And you shall teach your sons—and not your daughters.” This teaching is cited by the Gemara (*Kiddushin 29b*), and it implies that the general obligation of Torah study applies specifically to men, and not to women.

Beyond the exemption of women from Torah study, the Mishnah (*Sotah 3:4*) cites the opposition of Rabbi Eliezer to Torah study for women: “Anyone who teaches his daughter Torah teaches her *tiflus*” (*Sotah 21b*).

According to Rashi, the word *tiflus* means lewdness or promiscuity, meaning that the study will bring a woman to sin. The Rambam, however, defines the term as referring to the learning itself, and meaning that the Torah study is blemished, and amounts to “vanity and nonsense” (*Commentary to Sotah 3:4*).

The same Rabbi Eliezer is cited in the *Yerushalmi* as making the harsh statement: “The words of the Torah should be burned, rather than entrusting them to women.” It is noteworthy that even Ben Azzai, who maintains (as cited by the Mishnah) that a person should teach his daughter Torah, does not support study for study’s sake by women.

However, in other instances we find positive mentions of women’s Torah study. In one place the Gemara notes that in the generation of King Hezekiah “not a single girl or boy, man or woman, was found who was not expert in the laws of ritual impurity and purity” (*Sanhedrin 94b*). The Mishnah in *Nedarim (4:3)* further teaches that if somebody (Reuven) vows not to derive benefit from his fellow (Shimon), the other (Shimon) may still teach scriptures to his (Reuven’s) sons and daughters.

## Oral and Written Torah

Halachic authorities cite the restriction of Rabbi Eliezer. The Rambam (*Torah Study 1:13*) writes that a woman who studies Torah earns a reward, though unequal to that of a man, who is obligated to study Torah. He continues:

“And even though she earns a reward, the Sages have commanded that a man shall not teach his daughter Torah because most women are not intellectually capable of study,

but render words of Torah nonsense because of their ignorance.”

This ruling is noted by the Shulchan Aruch (*Yoreh De'ah* 246:6). Yet, the Rambam and the Shulchan Aruch restrict Rabbi Eliezer's restriction to the Oral Torah only, writing that although it is wrong to teach woman Torah, the teaching of Rabbi Eliezer does not apply to the study of Scripture.

The *Bach* (*Yoreh De'ah* 246) explains that the source for the distinction is the mitzvah of Hakhel, of which Rabbi Elazar ben Azaryah taught that “men come to study, and women to hear.” Men are obligated to study, including the Oral Law, whereas women are charged with hearing—learning the words of Scripture alone, without delving into the intricacies of their interpretation.

As noted, the Rambam writes that even the study of Scripture by women is non-ideal—a ruling that is apparently contradicted by the Hakhel ceremony. The *Taz* (246:4) resolves this problem by explaining that the Hakhel ceremony involved the simple explanation of the Torah words, which is entirely permitted for women. The Rambam, however, refers to in-depth study.

The *Bach* himself offers an alternative explanation, distinguishing between regular study and a one-off session: regular study is considered non-ideal, while a one-off study session is entirely permitted.

It thus emerges that the severity applying to the study of the Oral Law does not apply to the study of Scripture, yet it remains forbidden.

### The Study of Practical Mitzvos

A further qualification relates to practical mitzvos that women need to know for their own obligations in their day-to-day lives.

*Sefer Chassidim* (313) writes that the restriction of Rabbi Eliezer (*tiflus*) applies specifically to in-depth study, and to the study of Torah secrets. Concerning practical mitzvos, he relies on the precedents of King Hezekiah and the Hakhel ceremony to permit Torah study, provided that a father “should not allow his daughters to grow up and study in front of young men, lest he sin thereby. But he should teach them himself.”

The *Maharil* (*Shut Maharil* no. 199) objected to this approach, opining that women can gain practical knowledge by means of halachic tradition, without the need for any intellectual study. Indeed, he writes, “We see, in our generation how well-versed women are in laws of salting and washing (meat) ... and in the laws of *niddah*, and all by means of external tradition.”

On this matter the *Rema* (246:6) does not rule in accordance with the *Maharil*, and writes that a woman must learn the *halachos* related to women.

Yet, a number of commentaries stress that this does not mean to obligate women in Torah study in the same sense as men. Rather than an obligation of study *per se*, the obligation of women is to fulfill the need to know the relevant *halachos* (see *Beis Ha-Levi* 1:6; *Avnei Nezer*, *Yoreh De'ah* 352). By contrast with the regular mitzvah of Torah study where the final halachah is just one facet of the broad obligation to study, in the case of women the objective of knowing what to do is the key.

This approach leads to a general limitation of the scope of teaching Torah to women and girls, as summed up by Rav Moshe Feinstein (*Iggros Moshe*, *Yoreh De'ah* 3, no. 87):

“In the matter of girls' schools that are called *Beis Yaakov* and the like, where the management and the teachers want to teach them Mishnah, the

Rambam (*Torah Study 1:13*) rules according to Rabbi Eliezer that one must not teach Torah to girls [...] and at the very least Mishnah, which is the Oral Law, the sages commanded not to teach them, and this is considered as teaching *tiflus*. Therefore, they should be prevented from this, and the study should be limited to Pirkei Avos which [...] to arouse them to love of Torah and positive character traits, but not other tractates.”

### Torah Study by Women Themselves

The discussion above relates specifically to teaching women Torah, and not to the study of Torah by women on their own.

The *Perishah* (*Yoreh De'ah 246:15*) notes that the wording of the Rambam refers specifically to teaching Torah to women and not to self-study, and that a woman who studies Torah receives reward for it. In addition, the Rambam says that most women are not intellectually capable of study, implying that some women are capable of such study.

Based on these observations, the *Perishah* concludes that women who learn Torah on their own have distinguished themselves from the majority, and therefore earn reward (provided they do not turn the words of Torah into nonsense).

This does not mean, however, that women should be encouraged to study Torah on their own. A woman who decides to learn Torah of her own accord is judged to be exceptional, while one who does so because of external encouragement, or because of social pressure, will not enjoy this special status.

Rav Shach *zt"l* also writes that the restriction against Torah study for women does not apply to self-study (*Avi Ezri, Talmud Torah 1:13*). In fact, the idea is already noted by the *Maharil*

(*Shut Maharil Ha-Chadashos 45*): “[This refers] specifically to somebody who teaches his daughter, but if she teaches herself she receives reward for it—as somebody exempt from the mitzvah—for her intention is for the good.”

### Exceptional Women

The approach above can help us understand how a number of women became Torah scholars, and even took part in halachic debates.

The most famous, if very complex, case is the Talmudic example of Bruriah, who we find engaging in a halachic debate with Rabbi Tarfon (*Tosefta, Keilim 1:6*—Rabbi Yehoshua is cited as praising her words). Another Talmudic example is Rabbi Yehoshua (son of Rabbi Avika), who married a woman so that she would teach him Torah—indicating that scholarly women were a known phenomenon (*Yerushalmi, Kesubos 5:2*).

The *Tashbatz* (Vol. 3, no. 78) makes positive mention of the wife of a certain Rav Yosef, who answered a difficulty and conceived of a Torah *chiddush* in the words of Chazal. The *Maharshal* (29) cites a rebbetzin called Miriam who taught exceptional students *halachah* from behind a curtain, and the *Maharil* (70:2) engages in halachic debate with an erudite woman.

In later generations we find that the mother of Rabbi Akiva Eiger, the wife of the *Sema*, the grandmother of the *Chavas Yair*, and others, were recognized as learned in Torah to a certain degree.

It is noteworthy that *Shut Shevet Ha-Levi* (6:150) writes that in our generation it is wrong for girls to try to emulate such women.

### Changes over Generations

The *Chafetz Chaim* (*Likkutei Halachos, Sotah 20*) writes that in our (or his) generation there

is reason for a change in the halachic approach to teaching girls Torah:

“All of this was pertinent particularly in bygone times, when each person lived in the place of his fathers, and the tradition from generation to generation was universally strong, so that each person behaved in the manner of his fathers [...] under such circumstances we could say that [she should] not study Torah, and rely in her behavior on her fathers. Yet today, in our many sins, the tradition from previous generations has greatly weakened, and it is also common that a person does not live in the place of his fathers – and in particular those who study the script and language of the nations—in this case it is surely a great *mitzvah* to teach them Torah, Nevi'im and Ketuvim, and the ethics of Chazal, such as Pirkei Avos [...] for barring this they might entirely leave the way of Hashem, and transgress all things prohibited.

Elsewhere (in his letter concerning the *Beis Yaakov* movement, printed in *Shevilei Ha-Chinuch* p. 35), the *Chafetz Chaim* writes that the reasons for prohibiting the study of Torah by girls are no longer relevant, and in turbulent times of heresy and detachment from tradition, there is a great *mitzvah* to teach girls Torah (note that this does not refer to the Oral Law, as noted above by Rav Moshe Feinstein).

A similar approach is taken in later times by Rabbi Zalman Sorotzkin (*Moznayim la-Mishpat* 1:45), albeit for slightly different reasons:

“In ancient times, Jewish homes were run according to the *Shulchan Aruch*, and since one could learn Torah from experience there was no need to teach daughters from books. Today, daughters must be taught so they will learn proper behavior. Not only is it permitted to establish schools for girls, but there is an outright obligation to do so. The only limitation is the study of the Oral Torah, as well as dialectics and theoretical study.”

Like the *Chafetz Chaim*, Rabbi Sorotzkin understands that reality calls for a change, though for a different reason. While the *Chafetz Chaim* posits that in our age of heresy and confusion, it is essential that girls, too, are educated in Torah knowledge, Rabbi Sorotzkin is concerned that the modern Jewish home no longer has the power to transmit tradition as it used to, so that institutional education has become essential.

### Torah Study for Women Today

As noted from the *Maharil* and others, a key factor in women's study is *intent*. If the intent is pure, for service of Hashem and for reasons such as those noted by the *Chafetz Chaim*, then the study is worthy. However, care must be exercised to ensure that the intent is pure, and does not draw on ideas and concepts foreign to the Jewish tradition.

As Shavuot approaches, may we purify our hearts and minds for the study of the holy Torah, and may each of us merit his (and her) portion in the Torah.

## Halachic Responsa

to Questions that have been asked on our website [dinonline.org](http://dinonline.org)



### The Question:

Can a person go to different Rabbanim with the same question, and choose which pesak halachah he

wishes to follow? Within halachah there is a wide range of opinion. Can someone choose the more meikel opinion, provided it remains within the realm of halachic rulings?



### Answer:

It is permitted to ask a question to more than one rabbi, provided that one's initial intention is not set on accepting the pesak. However, it is wrong to rely on different rabbis for different questions, searching always for the most lenient position.



### Sources:

The Gemara states (Niddah 20; Avodah Zarah 7) that after one rabbi gives a stringent ruling, another rabbi cannot give a lenient ruling on the same question.

According to some authorities (Rivash 379, Rashba, Ritva, and Nimmukei Yosef, Avodah Zarah 7a, quoting from Raavad), the reason for this is that the question has already been resolved—the piece of meat (for instance) has already become forbidden, and cannot be permitted. Others, however, write that the reason is the honor of the first rabbi (Ran).

According to the first rationale, the ruling only works one way: if the first rabbi prohibits, the 'piece of meat' becomes prohibited, and can no longer be permitted. However, if the first rabbi permitted the meat, another rabbi can still prohibit it. According to the second rationale, the ruling works both ways.

The Rema (Yoreh De'ah 242:31) seems to side with the second opinion, writing that even if the first rabbi was lenient, a second rabbi must not be stringent. This is also the opinion of the Aruch Hashulchan (242:62). However, many poskim side with the first rationale: see Shach (242:59), Radvaz (Vol. 1, no. 362), Avkas Rochel (213), Maharik (Shoresh 171), Rashbatz (Vol. 1, no. 66), Taharas Habayis (Vol. 1, p. 325), Sedei Chemed (ches, 76), and others.

Does the prohibition enacted by the first rabbi, which cannot be undone by the second, depend on the ruling of the rabbi, or the acceptance of the person asking the question? Many of the sources above indicate that the prohibition depends on the acceptance of the person asking the question: After accepting the stringent ruling, his 'piece of meat' has become prohibited, and can no longer be permitted.

According to this, if the person asking the question has in mind that he will not necessarily accept the ruling, and will try other rabbis, too, it would be permitted for another rabbi to be lenient (this can be of special relevance for questions of hilchos niddah, where different rabbis can have different approaches).

However, it is not permitted to seek the most lenient opinion in each and every matter, and the Gemara (Rosh Hashanah 14a) severely criticizes somebody who accepts the leniencies of both Beis Hillel and Beis Shammai.

In general, one should try to find a rabbi that one resonates with, and abide by his rulings for all matters.