Can Women Touch the Torah? – Handout

# Tumah

# Leviticus 12:4

וּשְׁלֹשִׁים יוֹם וּשְׁלֹשֶׁת יָמִים תֵּשֵׁב בִּדְמֵי טָהֳרָה בְּכָל־קֹדֶשׁ לֹא־תִגָּע וְאֶל־הַמִּקְדָּשׁ לֹא תָבֹא עַד־מְלֹאת יְמֵי טָהֳרָהּ

She shall remain in a state of blood purification for thirty-three days: she shall not touch any consecrated thing, nor enter the sanctuary until her period of purification is completed.

# Leviticus 18:19

וְאֶל־אִשָּׁה בְּנִדַּת טֻמְאָתָהּ לֹא תִקְרַב לְגַלּוֹת עֶרְוָתָהּ

Do not come near a woman during her period of uncleanness to uncover her nakedness.

**Leviticus 15:16**

וְאִישׁ כִּי־תֵצֵא מִמֶּנּוּ שִׁכְבַת־זָרַע וְרָחַץ בַּמַּיִם אֶת־כָּל־בְּשָׂרוֹ וְטָמֵא עַד־הָעָרֶב

When a man has an emission of semen, he shall bathe his whole body in water and remain unclean until evening.

# Leviticus 15:13

וְכִי־יִטְהַר הַזָּב מִזּוֹבוֹ וְסָפַר לוֹ שִׁבְעַת יָמִים לְטָהֳרָתוֹ וְכִבֶּס בְּגָדָיו וְרָחַץ בְּשָׂרוֹ בְּמַיִם חַיִּים וְטָהֵר

When one with a discharge becomes clean of his discharge, he shall count off seven days for his cleansing, wash his clothes, and bathe his body in fresh water; then he shall be clean

# Takkanat Ezra

# Bava Kamma 82b

The [following] ten enactments were ordained by Ezra: … (10) He also decreed that immersion was required for those had a seminal emission. Is not this in the Torah, as it is written: And if the flow of seed goes out from him, then he shall bathe all his flesh in water? — The Torah requirement referred to terumah and sacrifices and he came and decreed that even for the words of the Torah [immersion is needed].

# Mishnah Berachot 3:6

A zav who has had a seminal emission, a niddah from whom semen escapes and a woman who becomes niddah during intercourse require a mikveh. Rabbi Yehuda exempts them.

**Tosefta Berachot 2:12**

Zavim, Zavot, Niddot, and women who gave birth are permitted to read the Torah and to learn Mishna, Midrash, Halakhot, and Aggadot. Men who had a seminal emission are forbidden in all of them. R. Yosi says, “He can learn the laws that he is familiar with, as long as he does not arrange the Mishna.”

**Bavli, Berachot 22a**

it has been taught: ‘And you shalt make them known to your children and your children's children’ (Deuteronomy 4:9) , and it is written immediately afterwards, ‘The day on which you did stand before the Lord your God in Horeb’ (Deuteronomy 4:10) . Just as there it was in dread and fear and trembling and quaking, so in this case too it must be in dread and fear and trembling and quaking.

From here the Sages stated: *Zavim*, lepers, and those who engaged in intercourse with menstruating women, are permitted to read the Torah, Prophets, and Writings, and to study Mishna and Gemara and *halakhot* and *aggada*. However, those who experienced a seminal emission are prohibited.

# Yerushalmi, Berachot 3:4

Rabbi Hiyya bar Vava said: They only decreed this immersion because of Torah study. For if you say to him that he is permitted to study he will say, “I will go and take care of my needs and then learn all I need.” Since you say it is forbidden, he comes and learns all he needs.

**Bavli, Berachot 22a** Golden Key Cutout Clip Art

It has been taught: R. Yehuda b. Beteira used to say: Words of Torah are not susceptible of uncleanness. Once a certain disciple was mumbling over against R. Yehuda b. Beteira. He said to him: My son, open thy mouth and let thy words be clear, for words of Torah are not susceptible to uncleanness, as it says, “Is not My word like as fire” (Jer. 23:29). Just as fire is not susceptible of uncleanness, so words of Torah are not susceptible of uncleanness…Rav Nahman bar Yitzhak said: We act in accordance with Rabbi Yehuda ben Beteira in words of Torah.

**Tosefta Berachot 2:17**

One may not enter filthy alleyways and recite the Shema. Furthermore, if one did enter such a place while reciting the Shema, one must stop reciting until one leaves the area and then recite.

# Rishonim

# Baraita D’Massekhet Niddah

…She should not set foot into a house full of holy books or a house set aside for prayer, since she is impure and imparts impurity to the fullest extent…A woman who is in niddah is forbidden to deal with the separation of hallah and the lighting of the Shabbat candles. Why? By which she would bring guilt on herself and on her household…

# Rashi - Sefer Hapardes - Laws of Niddah

There are women who prevent themselves from entering the synagogue or touching a Torah scroll during their niddah, this is a mere stringency and they are not required to do this.…Thus, we learn that the synagogue is not like the Temple, and they may enter. However it is a place of purity for them; they act well and bless them.

# Ravyah - Berakhot #68

And the women practice dignity and separation and do not enter the synagogue at the time of their niddah. Even when they pray they do not stand before other women. This is what I saw written in the Geonim as a baraita; however it is not in our Tosefta. This custom is appropriate…

# Codes

# Mishneh Torah, Laws of Tefillin, Mezuzah and Sefer Torah 10:8

All who are ritually unclean, even women in their menstruating period and even a non-Israelite, may hold a scroll of the law and read in it, for the words of the Torah do not contract uncleanliness, provided that the holder's hands are not dirty or soiled. They must therefore wash their hands and then they may touch it.

# Shulchan Aruch – Yoreh Deah 282:9

All who are impure, even a menstruating woman, are permitted to hold a Torah scroll and to read from it, provided that their hands are not dirty or soiled.

# Shulchan Aruch – Orach Haim 88

All those who are impure read from the Torah, and read the Shema, and pray - except for the Baal Keri who was removed by Ezra from the rest of the impure people, and he prohibited him from reading the Torah, reading the Shema, and from prayer until they immersed, so that scholars would not be with their wives like roosters. And afterwards they cancelled this enactment, and returned it to the original law, that even the Baal Keri is permitted in Torah, reading the Shema, and prayer without immersion and without washing with nine kavs of water, and such is the custom.

And now our women do not have the practice of refraining from entering the synagogue. And Rabbeinu Yeruham wrote that he saw men and women err and say that a woman who had given birth needed to be careful not to enter the synagogue until forty days for the birth of a son, or eighty days for the birth of a daughter, had passed. This custom is in error and one needs to stop them.

Rema: There are those who wrote that a niddah in the days when she sees blood may not enter the Synagogue, or pray, or mention the Name, or touch the Torah scroll and there are those who say that she is permitted to do all of those, and that is the correct opinion. But the custom in these lands is according to the first claim. And in the days after menstruation but before immersion the custom was to permit, even in the places where they were stringent, in the High Holidays and similar occasions when many assemble to go the Synagogue, them to go to the Synagogue like all other women, for it causes them great sadness that all are assembled and they stand outside.

# Mishneh Torah, Reading the Shema 4:8

All who are ritually unclean are bound nevertheless to read the Shema; …Ezra and his colleagues ordained that only one who had had an emission—as an exception to all unclean classes—may not read the words of the Torah till he has ritually bathed. This ordinance was not adopted universally. The majority of the community was unable to observe it, and it fell into desuetude. All Israelites have accordingly had the custom to read the Torah and recite the Shema, notwithstanding that they had had emissions. For the words of the Torah are insusceptible of defilement, but remain always pure, as it is said, "Is it not thus, my words are like fire, saith the Lord" (Jeremiah 23:29). Even as fire is incapable of being defiled, so the words of the Torah are insusceptible of defilement, but keep their purity forever.

# Today

# Rabbi Nahum Eliezer Rabinowitz שיח נחום

“In my humble opinion it would seem that if the community wishes to please its women on Simchat Torah, and accordingly they declare that in the women’s gallery, one of the important women will hold a Torah scroll, while others dance around her in an honorable and refined manner, clearly this is a positive development, a constructive step with no prohibition at all, for it was never forbidden for women to hold a Torah scroll. And perhaps even the men might learn from them how to behave with appropriate respect. However, all this is on condition that there is agreement among the community, and agreement with the rabbi of the community.”