

Discussion

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Women Reading Megillah for Men: A Rejoinder

Rabbi Avraham Weiss begins his recent article, “Women and the Reading of the *Megillah*,” with the questions: “May women read the *Megillah* for other women, and for that matter, may women read the *Megillah* for men?”¹ Rabbi Weiss devotes the great majority of his essay to the first issue, and while a number of points as well as the conclusion remain debatable, his essential arguments in favor of a woman reading for other women are found in halakhic sources.² My greater concern relates to his treatment of the second issue. Rabbi Weiss writes at the conclusion of his article: “The issue of women reading the *Megillah* for men is more complex. Here, even the early authorities are divided. Later authorities seem more inclined to permit this kind of reading at night rather than during the day.” In the following discussion, I wish to establish that the sources and arguments that Rabbi Weiss utilizes to reach this position are flawed in both substance and methodology.

I must emphasize that I am not certain of Rabbi Weiss’s actual intent, for while he seems to justify a woman’s actual reading of the *megillah* for men at night, he never explicitly affirms the validity of such a practice. Indeed, Rabbi Weiss never distinguishes between the theoretical and the practical in regard to our topic (with one notable exception which I shall mention later); and certainly when he discusses the situation of a woman reading the *megillah* for other women, a primary focus of his article, he is speaking of *practice*. For that reason, a reader could understandably conclude that when Rabbi Weiss strongly articulates

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and emphasizes views that seem to allow a woman to read the *megillah* for men at night, he is seeking to legitimize this, too, *in practice*. Therefore, it is important to clarify that normative halakhic sources show that *halakhah le-ma'aseh*: (a) according to Ashkenazic halakhic practice, men may not fulfill their obligation of *keri'at ha-megillah* through a woman's reading; (b) some Sephardic authorities rule similarly that a man who hears *keri'at ha-megillah* from a woman has not fulfilled his obligation, and while others hold that a man can fulfill his obligation through a woman's reading, they only allow this in practice if no men are available to read the *megillah*; (c) it is unequivocally clear that one cannot differentiate between the *megillah* reading of the day and the night in regard to this issue. If Rabbi Weiss in fact distinguishes between the theoretical possibilities he raises and their actual implementation, he should convey this point to the readers of *The Torah u-Madda Journal* for clarification.

Background Information

Let us briefly review the background of the issue at hand, including the many sources that Rabbi Weiss cites. The text of our *gemara* (*Megillah* 4a) states that women are obligated in the reading of the *megillah*, and some *rishonim* conclude that women possess the same level of obligation as men and can exempt men in the reading of the *megillah*. However, a significant number of *rishonim* take the position that women cannot read the *megillah* for men. *Ba'al Halakhot Gedolot* ("Behag") posits that women have only an obligation to *hear* the *megillah*, and therefore cannot exempt men, who are obligated in the *reading* of the *megillah*. Other *rishonim*, while considering women to possess the same obligation as men, prohibit women from exempting men in the *megillah*, either because of *kevod ha-zibbur* (lit., the honor of the congregation) or because *zila behu milta*—it is considered unseemly or immodest for women to do so. Altogether, a very considerable number of *rishonim* rule in favor of accepting the stringency of *Behag*.³

R. Yosef Karo writes (*Shulhan Arukh, Oraḥ Ḥayyim* 689:1-2): "All are obligated [in the reading of the *megillah*], men, women, freed servants . . . and there are those who say (*ve-yesh omerim*) that women cannot exempt men." R. Mosheh Isserles (*Rama*) adds: "And there are those who say that if a woman reads for herself, she should [recite as the text of the *berakhah*] 'to hear the *megillah*' ('*lishmoa megillah*')—rather than '*al mikra megillah*'—'to read the *megillah*'), for she is not obligated in the reading."

Magen Avraham understands that the *yesh omerim* cited in the *Shulḥan Arukh* is the position that women cannot read for men because it is considered improper behavior, while the Vilna Gaon identifies the *yesh omerim* as the view that women are only obligated to *hear* the *megillah*. Rama, by adopting the position that a woman must actually change the text of the *berakhah* to “*lishmoa megillah*,” clearly is embracing the position that women are obligated only in *hearing* the *megillah*.

Sephardic vs. Ashkenazic Practice

In applying these sources *halakhah le-ma'aseh*, one must distinguish between Sephardic and Ashkenazic practice. Generally, Sephardim have adhered to the rulings of R. Yosef Karo, while Ashkenazim follow the decisions of Rama. Given Rama's acceptance of Behag's position, it follows that Ashkenazim are bound by his ruling that women cannot read the *megillah* for men.⁴ However, the position of the *Shulḥan Arukh* is less clear. As cited above, R. Karo employs the term “*ve-yesh omerim*” (and there are those who say) when quoting the position of Behag. Does the *Shulḥan Arukh* intend to indicate that one must follow the stringency of Behag, precluding women from reading for men, or does he merely wish to record a minority view, which need not be followed in practice?⁵

R. Ovadia Yosef adopts the latter view.⁶ He states that when the *Shulḥan Arukh* cites an unidentified, ostensibly primary opinion (*setam*) followed by a position identified as “and there are those that say” (*yesh omerim*), R. Karo wishes to indicate that the halakhah follows the first opinion. R. Yosef writes that R. Karo employs this form of presentation in the above-cited paragraph, and thus concludes that the *Shulḥan Arukh* rules that a woman is able to exempt a man in the reading of the *megillah*. While Rabbi Weiss never specifically addresses the issue of the R. Karo's opinion, he cites R. Yosef's understanding of the *Shulḥan Arukh* to show that a contemporary halakhic authority adopts the view that women may read the *megillah* for men (p. 306).

In fact, however, the position of the *Shulḥan Arukh* is the subject of considerable debate. *Peri Megadim*⁷ and other *aḥaronim* point out that our instance may not fit with the standard “*setam* and *yesh omerim*” format, for R. Karo never writes explicitly that women *can* exempt men. Thus, the first ruling recorded by the *Shulḥan Arukh* (“All are obligated [in the reading of the *megillah*], men, women, freed servants . . .”) and the *yesh omerim* may be construed as compatible rather than as conflict-

ing opinions; whereas the first opinion states generally those who are obligated in *keri'at ha-megillah*, the *yesh omerim* addresses the narrower question of whether women can exempt men. This formulation of the *yesh omerim* as a *clarification* of the first, generally-stated view, indicates that R. Karo does *not* reject the *yesh omerim*.⁸ Therefore, some of the most prominent later Sephardic *posekim*, such as *Ben Ish Hai* and *Kaf ha-Hayyim*, as well as the former Sephardic Chief Rabbi, R. Mordechai Eliyahu, rule in accordance with the *yesh omerim*, and state that if a man heard the *megillah* from a woman, he would be obligated to hear it once again from a man.⁹ It should also be noted that this understanding of R. Karo's position seems to be supported by the fashion in which he presents the various views in his *Beit Yosef*.¹⁰

In summary: Ashkenazim are bound by *Rama's* acceptance of *Behag's* position, which precludes women from reading the *megillah* for men. Sephardic practice is contingent upon one's understanding of the position of the *Shulhan Arukh*, a point of dispute among the *aharonim* and contemporary Sephardic *posekim*. It must be noted, however, that two of R. Ovadia Yosef's sons write clearly that the view proposed by their father does *not* sanction a woman reading for men unless no other option exists.¹¹

“The Permissive Approach” vs. “The Restrictive Approach”

Following his discussion of the *Shulhan Arukh* and *Rama*, Rabbi Weiss writes that “during the period of the late authorities (*aharonim*), both permissive and restrictive approaches took hold.” Addressing the position of *Behag*, Rabbi Weiss cites sources which purport to represent “The Permissive Approach,” which would allow women to read the *megillah* for men. However, we shall see clearly that: (a) the majority of the sources that he quotes never reached such a conclusion, and in fact one source he quotes outrightly rejects such a possibility; (b) the two sources which do mention this possibility are presenting hypothetical, theoretical positions, and actually no halakhic authority *ever* suggested such a practical conclusion; (c) even such a “Permissive Approach” is based upon questionable theoretical constructs, which, if true, would contradict all the primary sources, from *Behag*, on through the *rishonim*, *Shulhan Arukh* and *Rama*, and later *posekim*.

The following is a brief summary of Rabbi Weiss's presentation. Various scholars have tried to explain the basis for *Behag's* distinction between a man's obligation to “read” the *megillah* as opposed to a

woman's obligation to "hear" the *megillah*. Some have postulated that the reading of the *megillah* actually comprises two facets. The first, *pirsumei nisa* (publicizing the miracle), is an obligation which is shared equally by men and women, and results in the obligation to "hear" the *megillah*. Three different possibilities are suggested in regard to the "second facet" which would result in an obligation to "read" the *megillah*, and is incumbent only on men: (1) Some say that the "second facet" of *keri'at ha-megillah* is the obligation to remember and destroy Amalek; (2) others identify the second component as *hallel*, giving praise to God; (3) yet another approach proposes that the obligation to study the laws related to the holiday, usually fulfilled with *keri'at ha-Torah*, is accomplished through the reading of the *megillah*. In regard to each of these three positions, Rabbi Weiss cites authors (*Marḥeshet* and *Hedvat ha-Shem*) who claim that each of these three possible "second facets" is relevant only during the day. Thus, one could conclude that *Behag's* position that women cannot exempt men in *megillah* would only apply during the day, when men have an additional obligation; at night, when men and women share the lone obligation of *pirsumei nisa* equally, women could read the *megillah* for men.

Rabbi Weiss offers a fourth argument to support this view, based on two separate innovative ideas mentioned in *Turei Even*. (a) First, *Turei Even* proposes that the distinction between the obligations of men and women is based upon the disparate levels of obligation that each possesses. The obligation to read the *megillah*, he claims, is found in the *megillah* itself, and men are therefore obligated *mi-divrei kabbalah* (having a source in Scripture). Women, however, are exempt from the obligation *mi-divrei kabbalah*, and are only obligated in this *mizvah* due the principle of "*af hen hayu be-oto ha-nes*" (they too were involved in the miracle), which obligates them only *mi-de-rabbanan* (a rabbinic obligation). (b) In an adjacent passage, *Turei Even* distinguishes between the reading of the *megillah* during the day, which he claimed was *mi-divrei kabbalah*, as opposed to the reading at night, which he argues is a lesser obligation, *mi-de-rabbanan*. Based upon the combination of these two views, *Hedvat ha-Shem* writes that women are precluded from exempting men in *megillah* only during the day, due to the higher *mi-divrei kabbalah* obligation of men in the daytime. On Purim night, when men and women are *both* obligated only *mi-de-rabbanan*, women would be able to exempt men.¹²

It is important to note that Rabbi Weiss cites *only* these explanations of *Behag's* opinion. There is no mention or reference to alternative

explanations which would *not* lead to the conclusion that he appears to favor. Thus, the reader of the article is not given the basic context within which to judge whether any of these novel interpretations of *Behag* is as cogent or compelling as other explanations. In fact, other explanations of *Behag* can be found in abundance.¹³

This exclusive focus on interpretations and arguments which could lead to a favored conclusion in fact leads to a subtle but significant misrepresentation of *Turei Even's* position. Rabbi Weiss writes (303) that "*Turei Even . . .* introduces a new understanding of *Behag*," from which *Ḥedvat ha-Shem* extrapolates that a woman may exempt men in the reading of the *megillah* at night. This portrayal clearly implies that *Turei Even's* considerable authority supports and, in fact, actually leads to this interpretation of *Behag*. This impression is erroneous, for *Turei Even* actually *rejects Behag's* distinction between "hearing" and "reading," and offers his thesis as an *alternative*. *Turei Even* does not present his analysis as the explanation for *any rishon*, but rather as his own, independent rationale to account for the primary sources which indicate that women may not exempt men in the reading of the *megillah*. *Ḥedvat ha-Shem*, who hypothesizes that *Turei Even's* interpretation may be "borrowed" to explain (rather than replace) *Behag's* view, admits explicitly that "it appears from the language of *Turei Even* that he wrote this [as an independent explanation], and did not intend to impose this [interpretation] into the intent of *Behag*" (*omnam, mi-leshon ha-Turei Even mevo'ar de-katav ta'amo mi-de-nafshei, ve-ein kavvanato le-ha'amis ken be-kavvanat ha-Behag*; 130, s.v. *rav ikar*). This context certainly weakens the suggestion that *Turei Even's* thesis can serve as the basis for *Behag's* opinion. In Rabbi Weiss's presentation, the views of *Behag* and *Turei Even* merge seamlessly together; the fact that *Turei Even* explicitly *dissociates* his thesis from *Behag's* position is left unmentioned.

In truth, the reader who actually studies the sources quoted by Rabbi Weiss is struck by the fact that none of them approach our topic with a focus on *halakhah le-ma'aseh*. Distinguishing between a theoretical interpretation of halakhah, as distinct from the application of halakhic sources in order to reach a practical halakhic ruling, is essential and imperative for the correct implementation of *pesak halakhah*. One who explores possible avenues to interpret a halakhah may hypothesize and conjecture without necessarily being bound to prove conclusively the relative validity of this particular explanation as opposed to others. An author may offer a variety of possible interpretations, or present a novel approach to an issue even while admitting that existing alternative

explanations are well-supported and logical. The scholar who presents a *hiddush* (novel, creative interpretation) needs to argue an exposition which elucidates certain facets of an issue, but generally does not claim to present the definitive last word on the subject. Such creativity and innovation within the world of halakhic theory is accepted and encouraged because it reflects the desire to discover every possible angle that might provide new perspective upon and insight into one's conception of the halakhah. When one deals with *pesak halakhah*, however, the fact that one has innovated a new "possibility" carries very little halakhic weight *per se*, for the halakhic ruling must be rendered by an authority who is convinced of the correctness of his argument and confident in the validity of its practical conclusions. Thus, the *posek* who proposes a *hiddush* must be able to prove, in light of the primary sources and sound halakhic reasoning, that his interpretation is both defensible and compelling. To cite a recent example, the responsa of R. Moshe Feinstein are, in fact, replete with novel and creative explanations that serve as the basis for many of his rulings. At the same time, one is also struck by both the thoroughness and rigor with which he argues the correctness of his interpretations, as well as his readiness to defend his view against all critiques and questions.¹⁴ That sense of surety and certainty is essential for *pesak halakhah*.

The aforementioned explanations of *Behag* cited by Rabbi Weiss are definitely of the theoretical rather than the practical mold. Generally, they are theoretical constructs, each based upon a number of assumptions regarding the definition of various *halakhot* and their relationships to other *halakhot*. Each component of the construct must be valid and defensible in order for the thesis to stand, while in fact, significant questions can be raised regarding each of these interpretations.¹⁵ Such creative interpretations are certainly worthy of discussion in the world of theoretical halakhic interpretation. Rabbi Weiss, however, has transposed these theoretical constructs into an article which appears to form practical halakhic conclusions. He does so without distinguishing between theory and *pesak*, and without trying to substantiate the validity of these views even on the level of theory. Thus, Rabbi Weiss has not demonstrated that a "Permissive Approach" exists within the realm of normative halakhah.

In short, inconclusive theoretical constructs that were never formulated or intended as *pesak halakhah* do not carry weight in determining normative halakhic practice. The indiscriminating introduction of such *hiddushim* into practical *pesak halakhah* would open a Pandora's box of

unsubstantiated divergent customs, and would bring disorder and disunity to halakhic practice.

How many of Rabbi Weiss's sources actually conclude that their proposed interpretation of *Behag* leads to the conclusion that women can read the *megillah* for men at night? Of the *aḥaronim* that Rabbi Weiss refers to in presenting this view—*Marḥeshet*, *Kehillat Ya'akov*, *Turei Even*, *Avnei Nezer*, *Or Sameaḥ*, and *Ḥedvat ha-Shem*—only *Marḥeshet* (based on interpretations #1 and #2, mentioned above) and *Ḥedvat ha-Shem* (who reviews all four of the interpretations) suggest that their theoretical construct could result in allowing women to read for men at night. And even they present their conclusion as a theoretical position rather than a halakhic ruling.¹⁶

The other *aḥaronim* had good reason *not* to propose the theoretical conclusion of *Marḥeshet*, for it seems to be contradicted by the entire array of primary sources dealing with the position of *Behag*.¹⁷ The following serious difficulties confront *Marḥeshet's* view:

a) If according to *Behag*, women can read the *megillah* for men at night, how could *Behag* and all of the *rishonim* who cite his opinion fail to refer or even allude to this essential qualification? The *megillah* is read only twice—is it possible that the *rishonim* would record a halakhah and neglect to mention that it does not apply in one of only two situations?

b) The same question applies more pointedly when focusing on the *Shulḥan Arukh*, *Rama*, and subsequent commentaries on the *Shulḥan Arukh*: given that they are codifying practical halakhah, how could such a fundamental distinction go unmentioned?

c) The common denominator of the four theses presented by Rabbi Weiss is that the obligation to “read” only exists during the day, while both men and women are only obligated to “hear” at night. If true, then *Rama's* ruling that a woman must recite a *berakhah* “*lishmoa*,” which reflects her obligation to *hear* rather than to *read*, should be extended to men at night as well. Should we then reach the unstated (and untenable) conclusion that a *man* should also recite “*lishmoa*” at night, since he is only obligated to “hear” at that time?¹⁸

d) *Behag* and the *rishonim* who cite his position presented a significant number of prooftexts to support his position. For example, they cite a *Tosefta* which states that women cannot exempt others. Is this text, as well as other prooftexts which are cited, referring only to the reading of the *megillah* during the day? How could this have been left unqualified, both in the original text as well as the citations from it?¹⁹

e) *Behag* and the *rishonim* quote a proof from the *Tosefta* (later codified in *Shulḥan Arukh* [689:3]) which rules that an *androgynos* (one who may be either male or female) cannot exempt others in the reading of the *megillah*. They argue that this ruling seems to contain the inherent assumption that just as a woman cannot exempt a man, an *androgynos*, who may be female, also cannot exempt men. Are we to assume that these *rishonim* felt that the *Tosefta*'s ruling is only applicable during the day, an essential point which is not mentioned in any source?

In short, the premise that *Behag*'s ruling applies only to the reading of the *megillah* during the day runs counter to the the simple and straightforward understanding of the entire gamut of halakhic literature associated with *Behag*'s position.

Despite the enormous difficulty inherent in the proposition that *Behag* would allow women to read for men at night, Rabbi Weiss simply summarizes the four interpretations of *Behag* and notes the suggested conclusions of *Marḥeshet* and/or *Hedvat ha-Shem*. This treatment of the "Permissive Approach" would be more understandable if Rabbi Weiss had employed this same uncritical approach throughout the article. Yet, one only has to look at the unfavorable presentation of "The Restrictive Approach" to see that an obvious inconsistency exists. *Korban Netanel* "is difficult," and *Magen Avraham*'s citation of *Midrash ha-Ne'elam* "is similarly difficult"; both are critiqued sharply in light of earlier primary sources.²⁰ This uneven treatment of "The Permissive Approach" as opposed to "The Restrictive Approach" leaves one with the incorrect impression that the former does not contain difficulties. Rabbi Weiss never acknowledges in the text of his article that all these authors associated with "The Permissive Approach" were posing theoretical explanations and not *pesak halakhah*; he does not make mention of the implausibility of such an explanation based on all the primary sources which quoted *Behag*; and he does not note the forced interpretations of various texts that such an explanation would necessitate.

Rabbi Weiss relies heavily on *Hedvat ha-Shem* in his section on "The Permissive Approach." However, despite his recurring references to and reliance on this *sefer*, one comes across essential points in *Hedvat ha-Shem* which are not mentioned by Rabbi Weiss. The same is true of Rabbi Weiss's citations from *Kehillat Ya'akov*. Briefly put, one can point to three noteworthy and significant omissions.

1. *Hedvat ha-Shem*, in discussing the suggestion of *Kehillat Ya'akov* that the study of the laws of Purim constitutes a facet of *keri'at ha-megillah*, presents difficulties with this approach that he is unable to

resolve to his own satisfaction. Yet Rabbi Weiss, as noted above, cites *Kehillat Ya'akov* without offering any critique.

2. *Kehillat Ya'akov* and *Marḥeshet* proposed that *hallel* is the “second facet” of *keri'at ha-megillah* from which women are exempt. They also both point out that since *Hallel* can only be recited during the day, one could deduce that women can read the *megillah* for men at night, since a man's additional obligation does not exist at night. However, after noting compelling questions regarding his thesis, *Kehillat Ya'akov* proceeds to revise his own explanation. He then takes the position that *keri'at ha-megillah* involves a different type of *hallel* (akin to the *Hallel* recited the night of *Pesah*), which is incumbent upon both men and women, and is obligatory even at night. Even so, he argues that one can explain *Behag's* position based on this new thesis, for men may have a higher-level obligation in this *hallel* than women. *Hedvat ha-Shem* summarizes the discussion of *Kehillat Ya'akov* without disagreement, and notes that according to this necessary revision, *women would not be able to read the megillah for men both during the night as well as the day*. Despite the fact that two of the very scholars who suggest this thesis *explicitly reject* the extrapolation that women can exempt men at night, Rabbi Weiss quotes only *Marḥeshet*, who had left the thesis unrevised. Thus, the reader of Rabbi Weiss's article learns of *Marḥeshet's* point of view, and is left unaware of the fact that two other authors, in the very essays that Rabbi Weiss cites when their arguments are aligned with “The Permissive Approach,” had disproven and dismissed this thesis and its possible conclusion.

3. The most conspicuous omission relates to *Kehillat Ya'akov*. As mentioned, he is grouped together with those *aḥaronim* whose explanations of *Behag* could be seen as supporting the view that women can read the *megillah* for men at night. However, *Kehillat Ya'akov explicitly rejects such a possibility, and clearly feels that such a conclusion would render his explanations untenable and unacceptable*. He writes (s.v. *ve-ein*): “And one should not ask [on my thesis] . . . that therefore the halakhah would be that women could exempt men in the *megillah* reading at night...for one can answer that once *Hazal* decided to enact the reading of the *megillah* at night, they also added the facet of the obligation which relates to the study of Torah...” *Kehillat Ya'akov* repeats this view (s.v. *be-ofen*) in discussing his second thesis, that *hallel* constitutes a component of *keri'at ha-megillah*. The reason for this position seems clear; as explained earlier, the suggestion that *Behag* was only discussing the halakhah that applies during the day is strained and implausible. *Hedvat ha-Shem* takes note of *Kehillat Ya'akov's* view in regard to both theses; in fact, he even

quotes the clarification verbatim (p. 128, s.v. *ve-af*; p. 129, s.v. *u-lefi*). Rabbi Weiss never makes mention of *Kehillat Ya'akov's* position even while he quotes him as being part of “The Permissive Approach,” nor does he even refer to the *possibility* that alternative explanations, such as that of *Kehillat Ya'akov*, could result in conclusions other than the one proposed in his article. Strikingly, Rabbi Weiss (p. 303, s.v. The view), in discussing the thesis of *Kehillat Ya'akov* that *talmud Torah* constitutes a facet of *keri'at ha-megillah*, quotes a lengthy citation verbatim from *Hedvat ha-Shem* that describes how one could infer that women can exempt men at night. He leaves unmentioned that *in the very next sentence*, *Hedvat ha-Shem* notes that the sole expositor of this thesis explicitly rejects the possibility that women can read the *megillah* for men at night, as noted above.

Rabbi Weiss's Conclusion

In summarizing our issue, Rabbi Weiss needs to provide context, balance the picture of the views of *posekim*, and differentiate between theoretical constructs and extrapolations as distinct from *pesak halakhah*. He does not; rather, he writes in the text of his conclusion (noted earlier): “The issue of women reading the *megillah* for men is more complex. Here, even the early authorities are divided. Later authorities seem more inclined to permit this kind of reading at night rather than during the day” (p. 295). A simple, straightforward reading would lead one to the understanding that many, if not most *aḥaronim*, would permit women reading the *megillah* for men during the night. This, of course, is completely inaccurate, for no *aḥaron ever* permitted this in practice, and only a handful of recent *aḥaronim* entertained this possibility even on the theoretical level. Rabbi Weiss's summary omits completely any mention of the clear consensus of *posekim*, *rishonim* and *aḥaronim*, who adopt *Behag's* position: that women cannot read for men either during the night or day. In short, a minority theoretical view is emphasized, while the view of normative *pesak halakhah* of hundreds of years is not even mentioned explicitly.

Rabbi Weiss's footnote to his concluding summary (#103) is extremely puzzling. It reads: “It ought be pointed out that *Hedvat ha-Shem*, *Kehillat Ya'akov*, and *Marḥeshet* quoted earlier were not necessarily offering a *pesak halakhah*. Rather, they were making a theoretical point in which they distinguished between *megillah* reading at night and during the day.” First, the very mention of *Kehillat Ya'akov* in this context is

inappropriate; in fact, as already mentioned, he explicitly rejects the possibility of women reading the *megillah* for men at night. More significantly, what implications does this statement have for the entire discussion of Rabbi Weiss? If the entire argument is based upon a theoretical distinction, and no *posek* ever suggested the practical implementation of this distinction, why did Rabbi Weiss not differentiate between theory and practice somewhere in the text of his article? Why leave this crucial point for a footnote at the very end of the article, pages apart from his original discussion, without making mention of its ramifications? Finally, does this not contradict, rather than clarify, the very sentence that this footnote elaborates upon, which refers to the fact that “later authorities seem more inclined to permit. . .”? For, in fact, nobody ever “permitted” it.²¹

I must reiterate that I do not know Rabbi Weiss’s intentions in presenting the issue of women reading *megillah* for men in the form that he did. If he intended simply to present a number of theoretical interpretations, and did not intend to offer an option that is viable *halakhah le-ma’aseh*, then my rejoinder should serve to provide additional context and clarification, so that individuals do not reach mistaken conclusions.

Rabbi Weiss is surely correct in stating, at the close of his article, that *ahavat Yisrael* is desperately needed in today’s times, and that one must recognize that the views of others, while different from one’s own, may be rooted firmly in halakhic sources. However, *ahavat Yisrael* also obligates one to prevent others from acting in a fashion which contravenes normative halakhah. I hope that I have fulfilled this responsibility properly.

Notes

1. Avraham Weiss, “Women and the Reading of the *Megillah*,” *The Torah u-Madda Journal* 8 (1998-1999): 295-317, p. 295.
2. The two primary sources that would preclude a woman from reading the *megillah* for other women are *Magen Avraham*, who interprets *Midrash ha-Ne’elam* to prohibit a woman from even reading for herself, and *Korban Netanel*, who interprets *Tosafot* as saying that the reading of a woman for a group of other women is considered immodest. As Rabbi Weiss notes (304-305), a number of sources, including *Hayyei Adam* and *Mishnah Berurah*, have raised questions in regard to *Magen Avraham*’s interpretation of *Midrash ha-Ne’elam*. Many authors have pointed out the difficulties with *Korban Netanel*; see the clear exposition in R. Moshe Mordekhai Karp, *Zer Aharon* (Benei Berak, 1989), #21, par. 7. A third issue relates to the question

of whether ten women can constitute a *zibbur* in regard to *keri'at ha-megillah*, and here too, one can point to a number of authorities who rule in the affirmative (see Rabbi Weiss, n. 98-100).

While Rabbi Weiss does provide halakhic sources for his argument in regard to these three issues, it should be noted that the topic of *be-rov am* is not addressed sufficiently (p. 309 and n. 104). The comment of *Mishnah Berurah* that is cited there in fact reveals no proof that women are exempted from the obligation of *be-rov am*. Rabbi Weiss does not note that *Mishnah Berurah* himself (687:7, *Sha'ar ha-Ziyyun* 687:10) emphasizes that a centralized *keri'at ha-megillah* is mandatory. Additionally, many other *posekim* indicate that both man and women share this obligation of *be-rov am* equally.

3. While some sources seem to assume that the opinion that women can read the *megillah* for men is the predominant view, many, if not most of the *rishonim*, rule that a woman may not read the *megillah* for men. As Rabbi Weiss himself documents, *Behag's* position is clearly embraced by the *Ba'alei ha-Tosafot* (in numerous places), *Rabbenu Hananel*, *Ra'avya*, *Mordekhai*, *Rokeah*, *Ba'al ha-Ittur*, *Rabbenu Simḥah*, *Semag*, *Semak*, *Ritva*, and others. Additionally, *Ran*, who found *Behag's* position difficult, nonetheless conceded that one should follow his stringency in practice. It should be further pointed out that a perusal of these *rishonim* indicates a strong tradition among German *rishonim* (*Ra'avya*, *Mordekhai*, *Rokeah*, *Rabbenu Simḥah*) to follow *Behag's* position. One may point to *Leket Yosher*, cited by Rabbi Weiss (n. 30) as further evidence of this tradition.

A number of other German *rishonim* cited by Rabbi Weiss (n. 38) should be evaluated in this context. Rabbi Weiss notes that *Rosh*, *Rabbenu Yeruham*, and other German *rishonim* quote both *Behag* and the opposing opinion without taking a position. However, *Beit Yosef* (*siman* 689) points out that the manner of *Rosh's* presentation of the disagreement (in which he devotes most of his discussion to the position of *Behag*, and reconciles his view with the primary sources) indicates that “his words are inclined to the opinion of *Ba'al Halakhot Gedolot*” (*devarav notim ke-da'at Ba'al Halakhot Gedolot*). Within the context of the aforementioned apparent German tradition, *Beit Yosef's* reading is given further credence. This framework is equally relevant to determining the stances of *Rabbenu Yeruham* (a disciple of *Rosh*, who cites several texts as “proofs” to the *Behag*) as well as others of these German *rishonim*. The evidence of such an ingrained tradition among *hakhmei Ashkenaz* also helps to explain *Rama's* unequivocal acceptance of *Behag's* position. The adoption of this view by so many of *hokhamei Ashkenaz* can be partially ascribed to their respect for and deference to both *Behag* and *Rabbenu Hananel*; one would expect that their concurrence on this issue would carry great weight among the *Ba'alei ha-Tosafot* and their Ashkenazic heirs. Regarding the reverence of *rishonim* in Ashkenaz for *Behag* and *Rabbenu Hananel*, see Yisrael Ta-Shema, “Kilitatam shel sifrei ha-Rif, ha-Raḥ ve-'Halakhot Gedolot' be-Zarfat u-be-Ashkenaz ba-me'ot ha-yod alef-yod bet,” *Kiryat Sefer* 55, 1 (*Tevet* 5740): 191-201.

Also note *Beit Yosef's* presentation of the two views, which I refer to later (n. 10).

4. Despite the fact that some *posekim* take issue with *Rama's* decision that women recite “*lishmoa megillah*,” this does not reflect conflict with *Rama's*

acceptance of *Behag's* view. Their dispute focuses upon the text of the *berakhah*, and does not contest the position that precludes women from reading the *megillah* for men.

5. In fact, the question of how to rule in general when the *Shulhan Arukh* presents two opinions in the “*setam* and *yesh omerim*” format, is itself disputed by contemporary Sephardic authorities. See R. Ben-Zion Abba-Shaul, *Or le-Ziyyon–Teshuvot*, vol. 2 (Jerusalem 1993), 5-10 (especially par. 13-18); and the conflicting position by R. Yizhak Yosef, *Yalkut Yosef*, vol. 9 (Jerusalem, 1999), 5-44.
6. *Yeḥaveh Da'at* 3:51 (159). R. Yosef takes this position in a parenthetical fashion, while addressing the question of whether a woman can light *nerot Hanukkah* for a man, and for this reason, he does not discuss the basis for his assertion in detail. For further sources and elucidation of this view, see R. Yizhak Yosef, *Yalkut Yosef*, vol. 5, 287-89; R. David Yosef, *Torat ha-Mo'adim, Hilkhhot Purim ve-Ḥodesh Adar*, 138.
See also R. Raḥamim Mazoz, *Ish Mazliaḥ on Mishnah Berurah*, vol. 6 (Jerusalem, 1998), 689:2, who argues that a close reading of *Shulhan Arukh* reveals that R. Yosef Karo rules like the *setam*. However, his understanding of the *Shulhan Arukh* is not at all compelling.
7. Commentary on this passage of *Shulhan Arukh*, *Eshel Avraham* 689:2, and elsewhere.
8. This appears to be the position of *Peri Ḥadash* (a Sephardic authority, who rules in accordance with the *yesh omerim*), as well as *Baḥ*, *Magen Avraham*, and *Taz in Oraḥ Ḥayyim*, *siman* 271 (who assume that R. Karo would *not* allow a woman to read the *megillah* for men, and therefore question why a woman can exempt men in *kiddush*).
9. R. Yosef Ḥayyim ben Eliyahu al-Ḥakam, *Ben Ish Hai (Parashat Tezaveh, Shanah Rishonah*, par. 2); R. Ya'akov Ḥayyim Sofer, *Kaf ha-Ḥayyim, Oraḥ Ḥayyim* 689:14; R. Mordechai Eliyahu, cited by R. Moshe Harari, *Mikra'ei Kodesh: Hilkhhot Purim* (Jerusalem, 1997), chap. 6, n. 28, 38.
10. In *Beit Yosef*, R. Yosef Karo first notes that both *Rashi* and *Rambam* hold that a woman can exempt a man by her reading of *megillah*. R. Karo then introduces the opinion of *Behag*, who rules that a man does not fulfill his obligation in this fashion, and he cites five other *rishonim* who appear to accept the stringency of *Behag*: *Tosafot*, *Rosh*, *Ran*, and *Ra'avyah*, quoted in turn by *Mordekhai*. This presentation of views conveys the clear message that R. Karo did *not* view the opinion of *Behag* as a minority position which is to be rejected, but rather as normative halakhah.

Additional support for the view that R. Karo accepts the stringency of *Behag* may actually be found in one of R. Ovadia Yosef's own works. In his *Taharat ha-Bayit* (vol. 1, 378), R. Yosef cites (in approving fashion) a group of *posekim* who state that the rule of “*setam* and *yesh omerim*” *should not* be applied comprehensively, for one must examine the context of the two views being presented. If R. Karo viewed the *yesh omerim* as a significant position, he assumed that people who studied the issue would understand that the designation *yesh omerim* was not meant to marginalize that view. In our case, then, given the evidence in *Beit Yosef*, coupled with the fact that the *Shulhan Arukh* never explicitly quotes a view which allows women to read the *megillah* for men, an especially strong case can be made that the *Shulhan Arukh* in fact accepts the stringency of *Behag*.

It should be noted that *Behag's* position, precluding women from exempting men in the reading of the *Megillah*, could be considered normative halakhah even if this is *not* regarded as the primary and predominant view. *Posekim* frequently rule in accordance with a stricter minority view, as long as they judge that position to carry significant halakhic weight (see, for example, the introduction of *Rama* to his *Torat H'atav*). This criterion is especially valid in regard to the position of *Behag*, whose view was accepted by so many *rishonim*. Thus, even if one were to assume that the *Mehabber* considered *Behag's* view as a "secondary" opinion (see, e.g., *Sha'ar ha-Ziyyun* 689:16), the *Shulhan Arukh* could still codify this position as authoritative halakhah.

11. R. Yizhak Yosef, *Yalkut Yosef*, vol. 5, 287-89 (cited by Rabbi Weiss, n. 82); R. David Yosef, *Torat ha-Mo'adim* 5:9.
12. Others have also pointed out that these interpretations could lead one to the theoretical conclusion that women can read the *megillah* for men at night. See e.g., Rabbi Zvi Pesah Frank, *Mikra'ei Kodesh, Purim*, #29; Rabbi Moshe Shternbuch, *Mo'adim u-Zemanim, likkutei he'arot* 2:171. Once again, these authors do not deal with the actual implementation of such a practice, *halakhah le-ma'aseh*.
13. For example, one can point to several explanations cited from the Rav, R. Yosef Dov Soloveitchik. See e.g., *Mesorah* (Orthodox Union), 12 (*Tammuz* 5756): 14; R. Michal Zalman Shurkin, *Harerei Kedem* (Jerusalem, 2000), #174, 200; *Reshimot Shiurim: Sukkah*, ed. R. Zvi Yosef Reichman (New York, 1989), 184-185.

Additionally, it should be noted that the four interpretations of *Behag* address only the view that distinguishes between "reading" and "hearing" the *megillah*. Other factors advanced by certain *rishonim* to explain why women are precluded from reading the *megillah* for men (*zila behu milta* and *kevod ha-zibbur*) would not be affected by these four explanations.

14. Surely, when innovative *hiddush* and creative *lomdus* are applied appropriately, they may carry as much or more weight than other means of determining halakhah; R. Moshe Feinstein's responsa are a primary example. However, the distinction between theoretical interpretation and practical *pesak* should not be blurred. Many great *talmidei hakhamim* shy away from *pesak* despite tremendous erudition because they focus on theoretical interpretations rather than practical implementation. The Soloveitchik family is famous for preeminent creativity and elucidation of halakhah coupled with concomitant reticence to rule in areas of *pesak halakhah*.
15. *Turei Even* serves as perhaps the most "straightforward" source that one could cite to argue that women can read the *megillah* for men at night. However, each step needed to arrive at such a conclusion is subject to significant debate: (a) his assertion that the principle of *af hen hayu be-oto ha-nes* only obligates women *mi-de-rabbanan* represents one opinion in the *rishonim*, while other *rishonim* disagree; (b) his argument that the reading of the *megillah* is *mi-divrei kabbalah* during the day and *mi-de-rabbanan* at night might be sustained according to certain *rishonim*, but a significant number certainly do *not* accept this view; (3) one might accept the two premises of *Turei Even* and nonetheless conclude that women cannot read the *megillah* men even at night, because even the reading at night is only *mi-de-rabbanan*,

a man's *personal* obligation is on a higher level than that of a woman (as Rabbi Weiss mentions in note 57).

Additionally, as noted above, *Turei Even* did not propose this thesis as the interpretation of *Behag's* position, but as his own version of explaining why women cannot exempt men in the reading of the *megillah*.

16. Rabbi Weiss's reliance on the relatively obscure *Hedvat ha-Shem* is questionable for a general reason. The *sefer*, published in 1990 by R. Shmuel Grunberger (a *ram* in the Vizhnitzer Yeshivah in Monsey, NY), does not touch upon *pesak halakhah* at all. In fact, the entire approach of the *sefer* is highly theoretical, analyzing each issue through the views of a broad spectrum of *aharonim*, often without committing to one particular position. It would be highly unusual to use this *sefer* to draw practical halakhic conclusions.
17. See the critique of *Marheshet's* view by R. Pesah Eliyahu Falk, *Maḥazeh Eliyahu* (Benei Berak, 1979), #22.
18. One cannot claim that the need for uniformity in the text of a *berakhah* necessitates that the *berakhah's* language must be maintained despite the change in obligation, for if that were true, these authorities would not change the *berakhah* for women either.
19. One might argue that the *Tosefta* can be reconciled based on the innovation of *Binyan Shelomoh* (#58), who claims that the reading of the *megillah* at night was instituted *after* the time of the Mishnah. Thus, one could claim that the *Tosefta's* ruling as well was made at a time when there was no reading of the *megillah* at night. However, R. Zevi Pesah Frank, *She'elot u-Teshuvot Har Zevi, O.H.* vol. 2, #120, demonstrates the difficulty in this proposition and shows clearly that a number of *rishonim* assume that the *megillah* was read at night during the time of the Mishnah.
20. This uneven treatment of theoretical theses (presented almost without comment) as opposed to the views of *posekim* such as *Magen Avraham* and *Mishnah Berurah* (rigorously critiqued) is a striking anomaly, and is contrasted by a mirror image in the actual practice of halakhah. One may elect to ask a halakhic authority for a *pesak*, in which case one follows that ruling even though one has difficulty in understanding the reason. However, there is no justification in acting upon a creative interpretation of halakhah which was stated in a theoretical context, unless a Torah scholar of stature determines that the interpretation is sufficiently compelling to determine halakhic practice.
21. As discussed earlier, there may be a difference between Ashkenazim and Sephardim on this issue, based on the respective positions of R. Yosef Karo and *Rama*. *Rama* clearly embraces that position that women cannot exempt men from their obligation of *keri'at ha-megillah*, while Sephardic *posekim* dispute whether R. Karo fully accepts the position that women can exempt men. As noted above (n. 3), even R. Ovadia Yosef would not condone this practice *le-khatehilah*.

(Rabbi Avraham Weiss's response to this article is scheduled to appear in our next issue. —Ed.)