

Ms. Pianko, a graduate of Stern College, is now a Lehman Scholar at the Mideastern Institute of Columbia University.

WOMEN AND THE SHOFAR

Ever since Moses received the Torah at Sinai, Rabbis have retained the authority to analyze the Halakhah in light of contemporary phenomena. This traditional halakhic methodology has enabled Judaism to be modern in every age, while still upholding the laws and values of Torah. Now that Jewish feminists have challenged Orthodox Judaism, it is imperative that their demands be carefully considered. As with every new movement, many different principles will be advocated. Those that negate any principle of the Torah must be rejected outright. However, in an age when Torah learning and observance have been eroded by outside pressures, any stimulus which might bring Jews closer to God through Torah must be accepted with warmth and enthusiasm. If certain principles of feminism can augment the life of the Orthodox Jewish woman, these must be sifted out and adopted.

The development of a woman's responsibility to hear the blowing of the *Shofar* on *Rosh Hashanah* is an example of how our ancestors balanced the desires of women to participate in communal, time-bound commandments with the needs of the system. Since the completion of the Talmud, a woman's obligation in this area has shifted from exemption to customary participation to obligation. This process occurred slowly and carefully. The Rabbis' sensitivity to both women and Torah pervades throughout. By never establishing a woman's obligation on the stringent level of a man's, the Rabbis assured that two primary factors were maintained. First, the option whereby a woman may choose to fulfill her Divine purpose through her relationship with her family was preserved. Secondly, the system locked out abuse. No small group of women could use

observance of *mitzvot* as a tactic to alter the position of all women. By initiating the practice through optional custom rather than group legislation, the Rabbis assured that the woman who chooses to adopt extra *mitzvot* does so out of a personal religious commitment and a desire to approach God more closely. While she could never fulfill a man's obligation for him, through her observance of *mitzvot* she can attain a high level of self-fulfillment.

I

Both the Babylonian and the Jerusalem Talmud state that women are relieved of the obligation to perform positive time-bound commandments.¹ While defining these laws, both Talmuds refer to *shofar* as an example: The *mitzvah* of *tekiyat shofar* stems from *Numbers* 29:1:

And on the seventh month, on the first day of the month, you shall have a holy convocation: you shall do no manner of servile work; it is a day of blowing the *shofar* for you.

The *Eben Ezra* notes that the final phrase establishes blowing the *shofar* as a time-bound commandment separate from the *tekiyah* of the usual holiday sacrificial service. (This phrase is not included in the Torah when it discusses other times when an *olah* is offered.)

When the Talmud introduces the *mitzvah* of *shofar* it immediately asks if women were included in the Divine command. In a *Braita*² brought to clarify the issue, two early *taanaim* debate whether the phrase "Speak to *B'nai Yisroel*"³ excludes women from voluntary participation. Although the law is usually decided according to the position of Rabbi Judah, in this case Rabbi Yose's opinion took precedence. He permits women to perform positive time-bound commandments if they so desire. In the tenth century when Rashi commented upon this controversy, he explained that the reason Rabbi Judah had attempted to exclude women completely was because he feared that their acceptance might involve a violation of *Baal Toseef*, the prohibition against adding new laws to the Torah. Rashi

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points out that there is no danger of this occurrence if women perform the *mitzvot* but do not recite the blessings. In the *Machzor Vitri*, Rashi's student, Rabbi Simchah, explicitly states that women may blow *shofar* for themselves as long as they do not recite the blessing. He even advises the men to train the women to blow *shofar*.

The Tosaphot of the twelfth and thirteenth century note that Rabbenu Tam did permit women to recite a blessing for positive time-bound commandments. In his lengthy discussion of the issue, he introduces the concept of *Nachat Ruach*, serenity. By citing a section in *Chagigah* 17a, he proves that in order to accommodate the women, the priests brought an animal into the women's section and allowed them to be *somchot*. (Later authorities including Rabbi Shneur Zalman of Ladi used the principle of *Nachat Ruach* as a means of satisfying the women's need to become more involved in the community.⁴) While the *Baalei HaTosaphot* agree with Rabbenu Tam's decision, they dispute the logic of his argument that an inference may be drawn from the status of the blind. (Although the blind are not obligated from the Torah, they are obliged to perform positive time-bound commandments because of a Rabbinical decree.) At this time in history *shofar* was still an option for women. If a woman chose to perform the *mitzvah*, she was permitted to recite the blessing.

II

The custom that women hear the blowing of the *shofar* developed slowly. Saadiah's *Sefer Hamitzvot* (which predates Rashi) does not even mention it in the discussion of *shofar* (*Mitzvah* 54). One of the first Sephardic authorities to discuss a woman's obligation for *shofar* was Rav Yitzchok Alfasi (1013-1103). While he contended that women were not granted the right to blow *shofar*, he did not close them out of the *mitzvah*. Instead, he suggested "It is preferable for a man to blow for them." Maimonides' twelfth century work, the *Mishneh Torah*, adheres to a view much like Rashi's. In the section on the *Laws of Tzitzit*,⁵ he notes,

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With regard to all the rest of the positive time-bound commandments from which women are exempted, if they want to do them without a blessing, we do not prevent them.

This lenient position enabled women to attain greater participation in Jewish communal activity. As a result, the custom arose that women would hear the blowing of the *shofar*. By the time Rabbi Jacob ben Asher (1269-1340), the custom had already been established and the major controversy focused upon a woman's right to recite a blessing which includes the word *vetzevanu*, and we have been commanded. After a long discussion of the opinions of Sephardic and Ashkenazic Rabbis, Karo concluded that the principle of "leniency in questions about blessings" should be operative in this case.⁶ As a result of this decision, when he formulated the law in the *Shulchan Arukh*, he wrote:

Even though women are exempt, it is permissible for them to blow *shofar*, and even if a man has already fulfilled his own obligation, he may blow for the sake of women — but the women should not make a blessing and the man should not bless for them.

In the Ashkenazic countries, however, Rabbenu Tam's stance was frequently cited as proof that women could recite blessings. One of the earliest Ashkenazic Rabbis to adopt this position was Rabbi Isaac b. Abba Mari (1122-1193), well known for his *Sefer HaEtar*. In another work, the *Asseret Hadevarot*, he notes that not only is it permissible for women to blow the *shofar*, but that they should recite the blessing when so doing. Like the *Machzor Vitri* he suggests that men help women learn to blow the *shofar* for themselves.

III

The thirteenth century was a period of tremendous halakhic activity. Beginning with Mordechai b. Hillel (d. 1298) the trend was to reconcile the objections of their predecessors. While he recognized the possible flaws in Rabbenu Tam's analogy between the blind and women, he argued that a woman's bless-

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ing on *shofar* was not a *wasted* blessing. Likewise, Rabbi Asher b. Jehiel (1250-1328) cited only Rabbenu Tam's position that a woman may recite a blessing on any positive time-bound commandment.⁷ He was among the first to indicate that women who include themselves in the *mitzvah* of *shofar* receive Divine reward for this action. Rabbi Aaron b. Jacob of Lunel takes the most permissive position. By considering the act of blowing *shofar* a *chakhmah* rather than a *malakhah*, he permits a man who has already fulfilled his obligation to blow *shofar* for women.⁸ Only the halakhic obligation of *shofar* can override the prohibition against blowing a musical instrument on a holiday. Therefore, in effect, the Ra'aviah considers the woman's responsibility for *shofar* as a halakhic obligation rather than a local custom.

The custom in Ashkenaz developed along the following lines. According to Rabbi Moses Isserlis, women were encouraged to hear the blowing of the *shofar* in the synagogue with the rest of the community. If some women could not attend, men would bring *shofars* to their homes and blow for the women and for themselves simultaneously. One notable Ashkenazic authority who disagreed with the growing pattern of female participation was the *Hagahot Maimuniot*, R. Meir HaCohen. Since Rabbi Nissim Gerondi had already dispelled all objections on the basis of *Baal Toseef*, R. Meir HaCohen based his argument upon the fear that while performing these acts, women may accidentally violate prohibitions. Like the *Tosephta* had done much earlier, he separates *shofar* from its usual grouping with *lulav* and *sukkah*. (The *Tosephta Kiddushin* 1:8 does not include *shofar* as an example of a positive time-bound commandment. It only lists *sukkah* and *lulav* as examples.) Instead he places it in a new grouping with *tzitzit* and *tefillin*.

R. Meir HaCohen uses this dichotomy to reconcile divergent accounts in the Babylonian and Jerusalem Talmuds. While the Babylonian relates that the Rabbis neither prevented Michal from wearing *tefillin* nor restrained the wife of Jonah from coming to Jerusalem for the *Regalim*, the Jerusalem Talmud posits in the name of Rabbi Hezekiah and Rabbi Abahu that Michal was forced to remove her *tefillin* and Jonah's wife

was sent back home.⁹ R. Meir contends that the Babylonian version deals with the theoretical issue while the Jerusalem Talmud describes what actually transpired. While it would be permissible for Michal to wear *tefillin* or for Jonah's wife to go to Jerusalem for the festivals, the *Hagahot Maimuniot* posits that they were prevented from doing so because it was feared that they would violate a prohibition while performing this extra *mitzvah*. Therefore, R. Meir forbids women from doing the following: wearing *tefillin* because *the headpiece* might allow some hair to be exposed; from going to Jerusalem because they might accidentally bring a non-sanctified substance into the Temple; and from blowing the *shofar* because of the prohibition against blowing an instrument on a holiday.¹⁰ While he preferred to avoid any situation which might involve even an inadvertent violation, others felt that the women's desire to become more involved with God would, in itself, assure that women would observe these *mitzvot* with care and precision.

IV

By the late fourteenth and early fifteenth centuries, the custom that women should hear the blowing of the *shofar* was well established in Europe. In the first collection of Eastern European customs,^{10a} Isaac Tyrnau indicates that the position of Rabbenu Tam prevailed and women recited blessings on positive time-bound commandments. Taking a position almost as radical as the Raaviah, he states that a man who has already fulfilled his obligation may blow *shofar* for a sick person or for a woman giving birth. By so doing, he places the male and female obligations on a similar level. Rabbi Jacob b. Moses Moellin (1365-1427) also notes the wide acceptance of the custom in his work entitled *Sefer HaMaharil*. While he acknowledges that the requirement to hear *shofar* is one of the positive time-bound commandments from which women were exempted, such was not the practice in fourteenth century Eastern Europe. "When women include themselves in this obligation," he writes,

they are obligating themselves and therefore should be careful to prepare both their own needs and their families' meals in order that they

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are free to go to the synagogue and be there to hear the blowing of the *shofar*. They should not inconvenience the community to wait for them.

It may be inferred from this that the Maharal considered the woman's obligation so serious that he would have stopped the service and waited if the women were late. In order to prevent this, he suggested that the women should cook at night so that they would be free to attend the services during the day. (It is a pity that one part of their practice has fallen into disuse. He notes that all married and unmarried women arrived at the synagogue in the beginning of the service and stayed until the end.)

The only differentiation between the male and female obligation arises out of his discussion about who should sit with the children. Since Rabbi Moellin recognizes that children are likely to make noise, he instructs the mother to do everything possible to leave the children at home so that she will be able to participate in the service without distraction. If little children must come, they should sit with their mother. This suggestion stems from the recognition that while she is obligated because of her acceptance of the responsibility, her husband's obligation is derived from the Torah. His formulation establishes the law up until the present day — "Women are not as obligated as men."

From this point on the custom was considered an obligation upon all women. When Rav Moses Isserlis published his additions to the *Shulchan Arukh* he juxtaposed the prevalent German and European practice against the position of Rav Yosef Karo. Since he advocates the recital of *berachot*, if the person who is blowing the *shofar* has already satisfied his own obligation, it is better that a woman recite the blessing than that a man will say an extra blessing. He therefore agrees that a woman may participate fully in the *mitzvah* of *shofar* but does not place the women's obligation on the same par as the men's.

It was not until the eighteenth century that the ramifications of this unequal status became apparent. All questions focussed upon the practical problems. Rabbi Asher Loeb ben Asher dealt with two basic questions in his work, *Questions and Answers of the Sha'agat Aryeh*. In question 104 he discusses whether it is

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preferable for women to blow the *shofar* for themselves or for men to do it for them. He follows the pattern of his ancestors and suggests a man who has not fulfilled his own obligation, then a woman, but not a man who has already heard *shofar*. The wording of Question 106 is striking:

Now that women are accustomed to blow *shofar* on *Rosh Hashanah* and to lift *lulavim* on *Sukkot* as men do, and even though they are exempted they established this responsibility for themselves, is it permissible to carry a *shofar* or a *lulav* on a holiday to satisfy their needs? It is clear that woman's obligation in these positive time-bound commandments was considered serious enough to warrant Rabbinic analysis.

The Vilna Gaon (1720-1797) also deals with practical issues. In the *Siddur Ashei Yisroel* he suggests that men blow *shofar* for women who could not attend the service after they leave the synagogue.¹¹ This indicates that the women would recite the blessing because by the time the service ended every man had satisfied his obligation. Abraham Danzig (1747-1820), author of the *Chaye Adam* was the first to relax the women's obligation. Despite the tremendous amount of halakhic discussion to the contrary, he permits a woman to remove herself from the collective. In cases of pain or sickness when the woman prefers not to attend the synagogue and no one can blow for her at home, he suggests that she assert that she did not take this obligation upon herself. This renewal of her original exemption is not part of the laws which permit a man to violate any law because life is endangered. Danzig's exemption applies only to women.

V

This lenient attitude prevails throughout the modern period. While sympathy for an ailing person's needs is not to be disparaged, the discerning reader may experience a sense of Victorianism in between the lines. The MaHaral never worried about women's sickness. His laws which involved the sick treated men and women as equals. The *Eishel Avraham*, Abraham

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David b. Asher's (1770-1846) commentary on the *Shulchan Arukh* continues in this vein. If a woman eats before hearing *shofar* she may still recite blessing because the thrust of the blessing refers to God's command to the men.¹² The *Mateh Ephraim* expresses either the poor level of Jewish education for women or a mysogenistic conception of female intelligence. He states that if women do not know how to recite the blessing, it is permissible for a man to blow *shofar* and without reciting a blessing.¹³ An image of women as ignorant and weak underscores many of the leniencies of this period.

The receptiveness of Rabbenu Tam and the Rishonim permitted the development of a climate in which women experimented with *mitzvot* as a means of opening more channels for religious experience. Reaction to this was swift and strong. Rav Mordechai Yaffe (1530-1612) precluded the initiation of a woman's obligation for *tzitzit* on the basis that women may not perform acts which are not generally performed by women. However, he does leave two openings. He acknowledges that individuals have assumed the responsibility for greater participation in positive time-bound commandments and permits women to blow *shofar* and bless for themselves. Consequently, it appears that his opposition is not to change but to forced, quick change. If this is his concern, his position should not discourage the Jewish women whose commitment to these *mitzvot* stems from religious feeling.¹⁴

Rabbi Joel b. Samuel Sirkis, author of the *Bait Hadosh* on the *Arba Turim*, tried to reconcile the fact that women recited the blessing on the *shofar* with his opposition to women reciting the blessing for *tzitzit* by extending this thesis of the Levush. His legal principle says in effect that no new custom involving women's participation in positive time-bound commandments should be formulated. If a woman even asks about *shofar*, she is to be told no if she resides in a community with no custom. However, where the practice exists, there is no need to discontinue it.¹⁵ However, even his antagonism toward initiation of new customs does not preclude the establishment of individual customs.

The development of the woman's obligation to hear the blow-

ing of the *shofar* on *Rosh Hashanah* illustrates how the halakhah responds to the needs of women. Change must occur slowly or it will unbalance the system. At the center of all plans for initiation of new female obligations must be a solid commitment to the halakhic system.

NOTES

1. *T.B. Kiddushin* 21a; *T.J. Kiddushin* 19a.
2. *Rosh Hashanah* 33a.
3. *Leviticus* 1:2.
4. See Shulkhan Arukh Harav, *Laws of Rosh Hashanah* 58a and *Sha'agat Aryeh*, question 104.
5. Chapter 3, Law 9.
6. *Bait Yosef* 589.
7. *Kiddushin* 29-33, no. 49.
8. See *Sha'agat Aryeh*, question 104.
9. *T.J. Eruvin* 59a.
10. *Hagahot Maimuniot* in *Mishneh Torah*; *Laws of Tzitzit* 3:9.
- 10a. *Customs of the Entire Year*.
11. See *Laws of Blowing Shofar*.
12. *Shulkhan Arukh* 592 — *Eishel Avraham*.
13. See *Laws of Rosh Hashanah*.
14. See *Sefer Levush Malkhut*, *Hilkhhot Tzitzit* 17, *Hilkhhot Rosh Hashanah* 576:6.
15. *Bait Hadosh*, *Hilkhhot Tzitzit* 17.