

## May a Woman Carry a Torah Scroll?

The Talmud (*Berakhot 22a*) tells of the time when a student of Rabbi Judah ben Bathyra hesitated to discuss Torah with his master because the student had suffered a nocturnal emission. Rabbi Judah urged him to open his mouth and speak clearly because words of Torah are not susceptible to ritual impurity. To strengthen his admonition, Rabbi Judah quotes the prophet Jeremiah (23:29) who prophesied in the name of God: "Is not my word like fire" from which he deduces just as fire is not susceptible to ritual impurity, words of Torah are not susceptible to ritual impurity.

Based on the principle enunciated by Rabbi Judah ben Bathyra, Maimonides (*Laws of a Torah Scroll 10:8*) writes:

All those who are ritually impure, even menstruant women and even non-Jews may hold a Torah scroll and read from it because words of Torah are not susceptible to ritual impurity. This is provided that their hands are not dirty for if so, they must wash their hands before touching the Torah scroll.

Clearly, Maimonides saw nothing improper in women holding a Torah scroll, even during the time when menstruating. The Torah cannot be defiled by anyone's touch. The only concern is that nothing unseemly come in contact with the Torah scroll as a matter of respect and honor (See Shulhan Arukh, *Yoreh De'ah 282*). Rabbi Joseph Karo (*ibid.* paragraph 9) reiterates Maimonides' ruling without dissent or qualification.

There is, however, a dissenting opinion which has surfaced in a number of sources, namely, that while a woman is menstruating it is improper for her to touch a Torah scroll, among other disabilities. The earliest authority to cite this custom is the *Or Zarua* (Part 1, Section 360). But even the *Or Zarua* explicitly states that

this custom is a “mere stringency” and therefore need not be followed. Rabbi Moses Isserles in his gloss to the Shulhan Arukh (*Orah Hayyim* 88:1) mentions the same custom. However, a careful analysis of his position (see Rabbi Avraham Weiss, “Women and Sifrei Torah,” *Tradition*, vol. 20, no. 2, Summer 1982, pp. 106–118) reveals that Rabbi Isserles was concerned with only physical uncleanness and nothing more. Therefore, if a menstruant woman has clean hands, she may touch a Torah scroll. Even Rabbi Shneur Zalman of Liadi, the founder of the Lubavitch dynasty, writes that the prohibitory custom has no real basis (Shulhan Arukh HaRay, *Orah Hayyim* 88:2). This opinion is echoed by a contemporary authority respected by the rigorously observant community of Jerusalem (Rabbi Eliyahu Samuel Wind, *Sugah BaShoshanim*, Laws of Purity, Chapter 27, Law 17, note 17; on the possible non-Rabbinic sources of the prohibitory custom see *Pithei Niddah* in *Sifrei Tosefta Atikta* of Chaim M. Horowitz, Frankfort, 1890, p. 1ff and Novak, *Law and Theology in Judaism* vol. 1, p. 96).

Therefore, women may hold and carry a Torah Scroll. However, while there are no halakhic objections, caution must be exercised in this matter considering that in many communities such practice has been used as an opening wedge for introducing changes that are contrary to Halakhah (See the statement of Rabbi Zeira in Jerusalem Talmud, *Demai* 2:1; public deeds may be misinterpreted and wrongly applied to other situations). Therefore, such innovations may be ill advised in regular prayer services. This concern does not apply to women’s prayer groups (See *Tomeikh kaHalakhah*, vol. 1, *Orah Hayyim*, no. 6, pp. 32-40) or to Simhat Torah, when many irregular practices are permitted in order to increase the joy of all members of the congregation (see *Arukh haShulhan*, *Orah Hayyim* 669:2,3).

*Rabbi David Novak for the Panel of Halakhic Inquiry.*