The Status of Daughters of Kohanim and Leviyim for Aliyot: A Concurring and Dissenting Opinion

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In the discussion of Rabbi Roth's paper at the last meeting of the CJLS, I attempted to present an argument which was apparently difficult to follow and evidently not understood. Whether this was the result of my own inability to transmit the argument lucidly and clearly or because of the subtlety of the argument, I feel constrained to express it in writing and (hopefully) overcome both obstacles.

I cited the passage in the Shulhan Arukh in which R. Joseph Karo, quoting the language of the הָרִישָׂה בְּרַיִיתָא in Megillah, states that “anyone may be included in the seven called to the Torah on Shabbat – even a woman.” R. Moses Isserles, in his gloss on the that statement, remarks, רִמְשָׂא רִמְשָׂא קֶלֶם נֵשָׁם.” His only restriction regarding the calling of a woman to an אילַיָּה is that all seven אילַיָּה not be given to women exclusively. It is therefore abundantly clear that a woman may be called for the first and second אילַיָּה. If either of these אילַיָּה were the exclusive prerogative of a male קֶלֶם or לֶדֶנ, there would be no reason for the Rama to be concerned that all seven אילַיָּה would be given to women and his gloss would be unnecessary. Since the Rama does exhibit that concern, it is clear that women may be called to the אילַיָּה which are usually reserved for קֶלֶם and לֶדֶנ. Furthermore, since the Rama makes no other qualifying restrictions regarding אילַיָּה for women, it would appear that any woman may be called to any אילַיָּה.

I therefore can only concur with Rabbi Roth in his conclusion that a בת may be called to the first אילַיָּ and a בַּת לֶדֶנ may be called to the second אילַיָּ.

My dissent lies in the fact that after a very admirable systemic analysis of the sources, Rabbi Roth only comes to the conclusion that the

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.
daughter of priests and levites may be called to the נְוֵיָה normally accorded to נְוֵיָה נְוֵיָה. But this we already know. For Rabbi Roth’s responsum to present a נְוֵיָה, he should conclude that in a congregation that calls women to the Torah and retains the traditional order of נְוֵיָה, נְוֵיָה, נְוֵיָה, נְוֵיָה, נְוֵיָה, if the first and second נְוֵיָה are to be accorded to women they must be נְוֵיָה and נְוֵיָה respectively. But for “must” Rabbi Roth provides no rationale.

For that rationale I refer you to a paper previously presented by me to the CJLS entitled “Once a נְוֵיָה always a נְוֵיָה.” That paper did not garner requisite number of votes. I suspect that its failure to do so was, at least in large measure, due to the composition of the CJLS at that time, which included a number who may have been opposed to any position allowing women to be called to the Torah, even within the parameters of the question where the fact that the congregation gave נְוֵיָה to women was a given. Perhaps that paper should be reconsidered.