

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

RABBI BEN ZION BERGMAN

*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 *ברייתא* 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 that statement, remarks, “רק שלא והיו כולם נשים.” His only restriction regarding the calling of a woman to an *עליה* is that all seven *עליות* not be given to women exclusively. It is therefore abundantly clear that a woman may be called for the first and second *עליות*. If either of these *עליות* were the exclusive prerogative of a male *כהן* or *לוי*, there would be no reason for the Rama to be concerned that all seven *עליות* 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 *עליות* which are usually reserved for *כהנים* and *לויים*. Furthermore, since the Rama makes no other qualifying restrictions regarding *עליות* for women, it would appear that any woman may be called to any *עליה*.

I therefore can only concur with Rabbi Roth in his conclusion that a *bat כהן* may be called to the first *עליה* and a *בת לוי* may be called to the second *עליה*.

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

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*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 עלייה normally accorded to כהנים and לויים. But this we already know. For Rabbi Roth's responsum to present a חידוש, he should conclude that in a congregation that calls women to the Torah and retains the traditional order of כהן, לוי, and ישראל, if the first and second עלייה are to be accorded to women they must be בת כהן and בת לוי 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 בת כהן always a בת כהן." 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 עלייה to women was a given. Perhaps that paper should be reconsidered.