

Women and *Safrut*: Can a Woman Be a Scribe?

By Ross Singer

sofer: scribe (m)
sofer STa”M: scribe of texts of Torah scrolls, *tefillin* and *mezuzot*
soferet: scribe (f)
safrut: scribal arts

“Would you like me to fix it?” a female congregant offered. I replied, “It is in such bad shape that I don’t think there is time to fix it before Purim.”

Our synagogue’s *Megillat Esther* was extremely faded and worn. For the past few years we had been borrowing a *megillah* from a nearby shul. Upon learning of this situation, a female member of our synagogue and student of *safrut* (scribal arts) was offering to restore our scroll. I did not know what the classic sources said about women writing and repairing *megillot*, and I was relieved that the condition of the scroll precluded the necessity of an immediate response to her offer. However, our conversation got me thinking: Wouldn’t it be wonderful to have a *megillah* penned by one of our own congregants? Furthermore, to have a woman write it would fit with our community’s openness to exploring untried *halakhic* options for women’s participation in synagogue life.

With this in mind, I began researching the issue of women and *safrut* and uncovered a considerable amount of fascinating material. Perhaps most striking was the discovery that my very question regarding the status of women writing a *Megillat Esther* had been asked previously *l’ma’aseh* (in an actual case).

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WOMEN COPYISTS

In the Middle Ages, women copied bibles and *halakhic* texts, which involved an understanding of *halakhic* matters. The names of only ten of these women are known, but it is possible that there were more because so many scribes and copyists did not sign their names on their work. Usually the women came from the families of scribes and scholars. The name of Paula Anavim, who came from an important family of copyists in Rome in the 13th century, appears on many texts. At the end of one, she adds a prayer, “May the Omnipresent allow us to read it, me and my seed and my seed’s seed to the end of all generations.” There is also a 14th century Pentateuch with a note from a woman in San’a Yemen that reads: “Do not condemn me for any errors that you may find for I am a nursing mother, Miriam, the daughter of Benayahu the scribe.” The *Sefer Mitzvot Katan*, an abridged legal code, was copied in 1386, probably in Cologne and was signed “I, Hannah, daughter of Menahem Zion, completed this book on the 11th day of the month of Tammuz in the 146th year of the sixth millenium. May G-d lead his people to liberty. Deliver them from distress and sorrow and make haste to help them. Amen. Soon.” In 1454, Frommet Arwyller gave a copy of the rabbinic code, the *Kitzur Mordechai* to her husband. In the manuscript she wrote: “This copy has been executed by Frommet, daughter of Arwyller for her husband Samuel Ben Moses 1454.”

Sarah, daughter of renowned head of the *Beit Din* of Prague, Rabbi David Oppenheim, (1664-1736)¹ wrote a *Megillat Esther* and the question arose as to the possibility of reading from it on Purim.

The deliberation over this actual *megillah*, as well as many other theoretical discussions, provided rich material² containing varied positions on women’s status vis-à-vis *safrut*. I am grateful to JOFA for providing me with this forum in which I can share a brief sketch of what my research uncovered. This is not the place for an exhaustive study. Instead, here I intend to give only an outline of the understandings of the key statement in the Babylonian Talmud that limits women’s eligibility to serve as *sofrot* (scribes) on the part of the *Aharonim* (16th-20th century rabbinic authorities). Following this, I will explore the possible ramifications of women’s self-obligation in the *mitzvah* of *tefillin* on their status to serve as *sofrot*. It should go without

saying that this piece is not intended as *halakhic* determination. It is merely a presentation of a small slice of a great deal of material, and is intended to engender discussion, study and further exploration.

Any *halakhic* discussion of women and *safrut* must address the following *beraita* (rabbinic statement from the time of the Mishna) that appears in

Tractate *Gittin* 45b (and *Menabot* 42a):

Rav Hamnuna, son of Rava from Pashronia taught: a *sefer Torah*, *tefillin*, and *mezuzot* written by an informer, an idolater, a slave, a woman, a minor, a Samaritan or an apostate are invalid, as it says “you shall bind them (*tefillin*) and you shall write them (*mezuzot*)” (Deuteronomy 6:8-9)—those who are “in”(connected to) [the *mitzvah* of the] binding [of them] (*tefillin*) are in [the category of valid] writing.

The Torah juxtaposes the commandment to bind *tefillin* with the commandment to write *mezuzot*. The author of the *beraita* deduced from this juxtaposition that in order to be considered eligible to write Torah scrolls, *tefillin* and *mezuzot*, one must be part of the *mitzvah* of binding *tefillin*. Those who are not, like an informer, an idolater, a Samaritan and apostate, because they reject the *mitzvot* of the Torah, are ineligible as are those who are not obligated in the *mitzvah* of *tefillin*, like slaves, women and minors. This much is clear.

Yet, a close reading of this passage uncovers two subtle ambiguities. First, the beginning of the statement refers to the writing of *sifrei Torah*, *tefillin*, and *mezuzot* (all three are known by the acronym *STa”M*), while the end of the paragraph discusses writing in general—“in the category of writing.” Is it merely *STa”M* (the three categories of Torah scrolls, *tefillin* and *mezuzot*) that Rav Hamnuna is addressing, or are there other written items such as *Megillat Esther* from which he would exclude the individuals listed as valid scribes? Secondly, the verse “you shall bind them... you shall write them” is taken from a paragraph that refers to *tefillin* and *mezuzot* but not to a *sefer Torah*. From his proof-text, does Rav Hamnuna indeed deduce that women are excluded from writing *sifrei Torah* and, if so, how? These questions were addressed predominantly by the *Aharonim* and their answers yielded three positions regarding the extent to which Rav Hamnuna’s *beraita* excludes women from *safrut*.

The *Ma’aseh Rokeah* (b. circa 1690), in a lengthy passage on Rambam *Hilkhot Megillah* 1:1, addresses these questions. He

explains the reason for the inclusion of *sifrei Torah* in Rav Hamnuna's statement, even though his proof text refers only to *tefillin* and *mezuzot* as follows. Once the Torah validated only those obligated by the *mitzvah* of binding *tefillin* to write *mezuzot*, the Rabbis, through the exegetical device known as *gezerah shavah* (deducing legal details from one passage to another ostensibly unrelated passage, based on the existence of common terms in both passages), expanded this requirement to any precept in the Bible that involves writing. This would also apply to the precept to write *Megillat Esther*. Based on this logic, the *Ma'aseh Rokeah* considers women ineligible to write a *megillat Esther* in addition to the three categories of *STa"m*.

The *Hida* (1724-1806) in *Birkei Yosef* 691:6 however finds reason to validate the writing of *megillot* by women. He notes that the *Maggid Mishneh* (on Rambam *Hilkhos Megillah* 2:9) claims that the strictures for writing a *sefer Torah* do not apply to *Megillat Esther* unless *Hazal* (the Rabbis) explicitly tell us so. Since nowhere in the classic Rabbinic literature is there any mention of women being considered ineligible to write a *Megillat Esther*, the *Hida* concludes that the exclusion of women from writing a *sefer Torah* does not apply to a *Megillat Esther*. In his reading, Rav Hamnuna's exclusion of women does not extend to all *mitzvot* of *safrut* but is limited to *STa"m* (the three categories) listed explicitly in the *beraita*. This opinion of the *Hida* seems to be the dominant one and other later authorities add other reasons to suggest that women may write a *megillat Esther*. The *Pri Megadim* (*Mishbezot Zahav* 691:2) claims that women's obligation in the *mitzvah* of *keriat ha'megillah* (reading the *megillah*) makes them eligible to write a *megillah*. Rabbi David Oppenheim notes that the Targum renders Esther 9:29 as "Esther the daughter of Avihail and Mordechai the Jew wrote all this *megillah*." Rabbi Oppenheim takes this as an indication that Esther herself was involved in the writing of the very first *megillah* as a scribe, and that she serves as a precedent for women in general. Further, both the Rambam and *Shulhan Arukh* omit any mention of women's ineligibility to write *megillot*. A number of later authorities take this omission to indicate that these great codifiers held that women are therefore eligible to write *megillot*.

The *Drishah* (1555-1614) goes one step further and claims that women have *halakhic* standing to write *sifrei Torah* (Y.D.271.1). He bases this on two passages in the *Tur* (1275-1340). In *Hilkhos*



Ephraim Moses Lilien, Illustration from "Juda: Gesänge" (Judah: Songs), Berlin 1900
Lilien was an early 20th century Zionist artist known for his book illustrations.

Tefillin, the *Tur* (O.H. 39) states that women may not write *tefillin*. However, in his list of those ineligible to write *sifrei Torah* (Y.D. 271), the *Tur* omits women. The *Drishah* suggests that this indicates that the *Tur* maintained that women are in fact eligible to write *sifrei Torah*. The *Drishah* does not explain how he can maintain this in the face of Rav Hamnuna's undisputed statement.³ Perhaps the *Drishah* considered that, because Rav Hamnuna's proof text referred only to *mezuzah* and *tefillin*, room was left to allow women to write *sifrei Torah*. It is difficult to read the *beraita* this way, since the beginning of the statement explicitly mentions *sifrei Torah*. Further-

more, it is unlikely that the *Tur* would have actually maintained that women have the *halakhic* standing to write *sifrei Torah*.⁴ Given that the *Drishah* is a lone voice and his argument has serious flaws, it would be problematic to use his comments as a precedent. Indeed the *Shulhan Arukh* decides explicitly against the *Drishah*. It is worth noting that the *Drishah* concluded his remarks by stating that he had written at length about this matter in a responsum. Unfortunately, we do not currently have a copy of that responsum and we do not know if it addressed the difficulties mentioned above.

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Thus, we have three understandings of Rav Hamnuna's statement in the *Abaronim*. The *Ma'aseh Rokeach* considers that the exclusion of the *beraita* should be expanded to any *mitzvah* of *safrut*. The *Hida* claims that the exclusion is limited to only the three items listed: *sifrei Torah*, *mezuzot*, and *tefillin*. Finally, the *Drishah* maintains that the exclusion applies only to *mezuzot* and *tefillin*.

The *Hida* and *Drishah's* readings of Rav Huna allow for limited participation by women in *safrut*. I would also like to raise a theoretical possibility in which Rav Hamnuna's *beraita* would be inapplicable. The *Rema* in his *Darkei Moshe* (*Orah Hayyim* 39:1) states that while a *ger toshav* (a gentile who rejects idolatry but does not fully convert to Judaism) does not have the *halakhic* standing to write a *sefer Torah*, he would be able to write *tefillin* and *mezuzot*. Many later authorities were perplexed by this claim. A *ger toshav* is not obligated in the *mitzvah* of *tefillin*, so how could he have standing to write *tefillin* and *mezuzot*? To solve this riddle, the *Yad Ephraim* (1760-1828) in *Orah Hayyim* 39 suggests that the *Rema* must have been referring to a *ger toshav* who accepted all the *mitzvot* of the *Torah* except the prohibition against eating carrion (*neveilah*).⁵ His voluntarily acceptance of the *mitzvah* of *tefillin* is sufficient to render him eligible to write the *tefillin* text. Nonetheless, he still has no standing to write *sifrei Torah* because the verse "thou shalt not eat carrion; to the *ger* in your gates you shall give it" (Deut. 12:21), which excludes him from the community, may offend him. This precludes him from writing the verse with proper intent. Because no such verse is found in the text of *tefillin* or *mezuzot*, the *ger toshav* is eligible to write them. While rejecting this explanation, Rabbi Israel Meir Kagan, known as the Hofetz Hayyim (*Be'ur Halakha Orah Hayyim*. 39) notes that according to the *Yad Ephraim's* logic, a woman who voluntarily accepted upon herself the *mitzvah* of *tefillin* would be "in the *mitzvah* of binding *tefillin*" and would therefore have the *halakhic* standing to write *STa"m* (all three categories of *sifrei Torah*, *tefillin* and *mezuzot*.)⁶ It is crucial to note that using this approach would require overcoming a number of *halakhic* obstacles. First, the permissibility of women donning *tefillin* is a matter of debate.⁷ Second, it is only implicit in the *Yad Ephraim's* approach that women's self-obligation would have these *halakhic* ramifications; he never explicitly stated so himself. Third, other authorities such as R. Kagan himself

reject his approach, even regarding the *ger toshav*.⁸ Determining the practical implications of this *Yad Ephraim* with respect to the standing of women to be *sofrei STa"m* (scribes for all three categories) would clearly require careful deliberation.

"We did indeed find sufficient grounds to commission a megillah from our congregant"

Indeed much of the material touched on here requires extensive thought and study. Implementation of the theoretical possibilities explored here would require taking into account many factors from exegetical aspects to systemic *halakhic* principles to communal ramifications. Conclusions may not be simple. For example in my former community, where we did indeed find sufficient grounds⁹ to commission a *megillah* from our congregant, one *posek* (rabbinic authority) informed me that while he supported his decision for our community, it might not be appropriate in other communities. It is my hope that this short piece will serve as a springboard for further research and examination of this topic. May we be blessed to discover pathways to enable Jewish women to enrich our community with their God-given capacities while maintaining the integrity of the *halakhic* system and of *Torah* as a whole.

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¹ R. Oppenheim (*Nishal David*, *Orah Hayyim* #30) himself argues that the *megillah* in question should be considered kosher. Yet, apparently he felt uncomfortable relying on his own opinion given that it was his own daughter who wrote it. He therefore directed the question of its validity to Rabbi Meir Pearles (*Megillat Sefer* to 9:29) who concluded that the *megillah* should not be considered kosher. See the analysis of the *Tziz Eliezer* 11:92.

² I collected much of the material regarding women writing *megillot* in: Ross Singer, "Women and the Writing of the Megillah," *Edah* 4:2 Kislev 5765.

³ There is a *Beraita* (*Bavli Gittin* 45b *Yerushalmi Gittin* 4:6 *Tosefta Avodah Zarah* 3:2) that states that a *Sefer Torah* written by an idolater is valid. This ostensibly contradicts Rav Hamnuna's *beraita* and could serve as precedent for the *Drishah's* opinion. However, both the *Bavli* and the *Yerushalmi* construe the term "idolater" in the *beraita* as a convert who returned to his former idolatrous ways out of fear of persecution, thus reconciling this *beraita* with Rav Hamnuna's. See further Rabbi David Weiss Halivni, *Mekorot U'Mesorot: Nashim* pp.556-558.

⁴ See Ross Singer, *op.cit.* footnote #7, pp.556-558.

⁵ This is one of the suggestions of the definition of a *ger toshav* in the Babylonian Talmud, *Avodah Zarah* 64b.

⁶ Apparently, R. Kagan does not believe there are any verses in the *Torah* that would create a problem of proper intent for women.

⁷ See for example Aliza Berger, "Wrapped Attention: May Women Wear Tefillin?" in *Jewish Legal Writings by Women* (Jerusalem 1998).

⁸ Furthermore, some later authorities suggest that the *Rema* meant to say *ger tzedek* and the versions that record *ger toshav* have scribal errors—see for example *Levushai Serad Orah Hayyim*, 39.

⁹ Authorities who consider women to have *halakhic* standing to write *megillot* include R. David Oppenheim: *Nishal David*, *Orah Hayyim* #30, the *Hida*: *Birkei Yosef* 691:6, the *Pri Megadim Mishbezot Zahav* 691:2, the *Teshuvah me-Ahavah Orah Hayyim* 691, the *Mateh Yehudah Orah Hayyim* 691:4, the *Keset Hasofer* 28:9, the *Sedei Hemed Ma'arekhet Purim* #12, the *Arukh Ha-Shulhan Orah Hayyim* 691:3, the *Avnei Nezer Orah Hayyim* 518:11, the *Beit Oved* 691:6, and the *Tziz Eliezer* 11:92.

A First in Women's Leadership

Congregation KOE (Kehilat Orach Eliezer) in New York—a traditionally *halakhic* congregation—is finalizing the hiring of a woman in the newly created position of *Rosh Kehillah* to teach, to give *divrei Torah* and to find *halakhic* answers for community religious questions.