

## Women and Writing the *Megillah*

Ross Singer

**Abstract:** This paper outlines the theoretical possibilities for women to serve as scribes (*sofrot*) as presented in the classical talmudic and post-talmudic literature. Particular attention is paid to the literature addressing the validity of women to scribe *Megillat Esther*. It concludes that the majority of authorities and the weight of halakhic reasoning point towards considering women eligible to write *Megillot Esther*.

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## I. Introduction

In the preface to his book, *Women, Jewish Law and Modernity* (Hoboken NJ: Ktav, 1997), Dr. Joel Wolowelsky charts a new course for exploring the inclusion of women in religious ritual and practice. He states:

“Given the overall friction between ideology and *halakhab*, Orthodox leaders have been suspicious of arguable constructive suggestions for increased women’s participation in religious activities on the grounds that accepting them could legitimize feminism in the eyes of the halakhic community.

It is now time to move past this fear of feminism. We are fast approaching a post-feminist age in which accepting specific proposals originally promoted by feminists no longer carries the implication that we accept feminist ideology as a whole.... It is time for a *lekbatehilab* encouragement of increased women’s involvement in a wide spectrum of religious activities.” (pp. x-xii)

Wolowelsky welcomes his readers to “suggest

additional areas to explore,” with the proviso that these “should be explored in classical terms, with reference to classic texts and recognized authorities” (p. xii). In the spirit of this approach, the following essay will explore the issue of women writing *Megillot Esther* for ritual use on Purim.

At the outset it is important to clarify this inquiry’s relationship to practical ruling, *pesaq halakhab*. R. Yehuda Henkin notes:

Three factors enter into a halachic decision. The first is the optimal, or "pure," Halacha determined from the sources alone. The second is the *metzi'ut*, "reality," the situation on the ground. To bridge any gap between the two comes the third element, *hora'ah*, literally "ruling."<sup>1</sup>

This study attempts neither to analyze current communal considerations (*metzi'ut*) nor to serve as a legal decision, *hora'ah*. Rather it is meant to serve only as a theoretical exploration of the “pure *halakhab*,” as defined by R. Henkin.

## II. The Talmud: Women are Disqualified from Writing *Tefillin*.

The key text from which to begin this discussion is a *beraita* that appears in tractate *Gittin* 45b:

“R. Hamnuna<sup>2</sup> 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*]...you shall write them [*mezuzot*]’. Those who fall within [the commandment to] ‘bind them’ are those who fall within [the class eligible to] ‘write them.’”

This passage serves as the source for the unequivocal *halakhab* that women are ineligible to write *tefillin*. This position is unchallenged in the classical rabbinic literature.

## III. The *Rishonim* and *Ahronim* on Women Writing *Sifrei Torah*

While the disqualification of women from writing *tefillin* goes uncontested, their fitness to write Torah scrolls is the subject of debate. A close examination of Rav Hamnuna’s *beraita* shows some ambiguity. The *beraita* does not make any distinction between *tefillin* and *mezuzah* on the one hand and *sifrei Torah* on the other. Yet, the verses on which the principle “those who fall within [the commandment to] ‘bind them’ are those who fall within [the class eligible to] ‘write them,’” refer to *tefillin* and *mezuzah* but not to Torah scrolls. The Ran<sup>3</sup> noticed this inconsistency

and addressed it. He writes that while the matter of *sefer Torah* does not appear in the relevant biblical passage, it may be inferred; he reasons that since a *sefer Torah* is of greater sanctity, the restrictions applying to *tefillin* and *mezuzah* certainly apply to it.

While Ran explicitly disqualifies women as writers of Torah scrolls, the Tur<sup>4</sup> omits women from his list of those so disqualified. This is particularly striking, given that he includes women in his list of those who are ineligible to write *tefillin*.<sup>5</sup> The *Derishab*<sup>6</sup> notes this discrepancy and states that he found that Rif and Rosh<sup>7</sup> also omitted the *beraita* quoted by Rav Hamnuna. The *Derishab* concludes that these *rishonim* must have felt that women are eligible to write Torah scrolls.

The *Ma`aseh Rokeah* suggested that the *Derishab* may have reasoned that since “*sefer Torah*” does not appear in the biblical passage R. Hamnuna cites, he did not intend to disqualify women from writing *sifrei Torah*. The other categories listed in the passage are disqualified from writing Torah scrolls because of their problematic religious positions, but the exclusion of women arises only out of their exemption from the *mitsvah* of *tefillin*. This exclusion applies only to the writing of *tefillin* and *mezuzot* because they appear in the biblical passage on which Rav Hamnuna’s position is built; it does not apply to Torah scrolls because the *mitsvah* to write a scroll does not appear in the same passage. Although he suggests the possibility of this

reasoning, the *Ma`aseh Rokeah* ultimately rejects it, along with the *Derishab*'s position.<sup>8</sup>

While the material on women's eligibility to write Torah scrolls, *tefillin*, and *mezuzot* (referred to collectively by the acronym "*stam*") is fairly straightforward, the question of women writing a ritually-usable scroll of the Book of Esther (*Megillat Ester*, referred to here for convenience simply as "a *Megillah*") is directly addressed neither in the Talmudic literature nor by the *rishonim*. This *lacuna* cannot be explained by suggesting that these early sources could not imagine women writing sacred texts, for as we have seen, the Talmud and many *rishonim* address this matter explicitly. Indeed, as we will see later (section IX), the silence of the *rishonim* with regard to women's eligibility to write a *Megillah*, contrasted with their explicit disqualification from writing *stam*, may lead one to conclude that the *rishonim* held that women are, indeed, eligible. The conclusion is strengthened by the fact that Rambam and *Shulhan Arukh* omit women from their lists of categories of individuals who are disqualified from writing a *Megillah*.

In any event, the silence of the *rishonim* on this issue did not continue for long into the period of the *ahronim*. Despite the lack of source material directly addressing this issue, they found ample tangential material on which to base arguments both for and against. It is to these discussions that the bulk of this study will be dedicated.

Before proceeding to the material found in the *ahronim*, it is worth noting that the disagreement between the Ran and the Tur, as understood by the *Derishab*, has implications for the question of women writing a *Megillah*. According to the *Derishab*'s understanding, women's exclusion is limited to *tefillin* and *mezuzab*, and they would therefore be considered eligible to write Torah scrolls and, *a fortiori*, a *Megillah*, which is of a lesser status and which they are obligated to hear read. But the *Derishab*'s position is that of an individual only (*da`at yabid*), and is not normative;<sup>9</sup> it would be exceedingly difficult to rely on it. Any practical discussion of women's eligibility to write a *Megillah* needs to begin from the premise that a woman is not eligible to write a Torah scroll and then consider whether there is a reasonable basis for distinguishing a *Megillah* and concluding that the disqualification does not extend to it.

#### IV. The Dispute between Rabbeinu Tam and the *Maggid Mishneh*

As mentioned, the applicability to a *Megillah* of the disqualification noted in Rav Hamnuna's *beraita* is not explicitly addressed in the classical rabbinic literature or in the *rishonim*. The *Rishonim*, however, do raise a pertinent related issue. One of the requirements for a Torah scroll is that its parchment have been dressed or worked for the specific purpose of being used in a Torah scroll (*li-shemah*).<sup>10</sup> The *rishonim* differ as to whether that requirement extends as well to a *Megillah*. Rabbeinu Tam<sup>11</sup> takes

the view that the requirement applies. He reasons that since the *Megillah* is called a *sefer* (in rabbinic Hebrew, a scroll),<sup>12</sup> all the laws of a *sefer Torah* apply to it except those that the tradition explicitly informs us are different. We are nowhere told that the parchment for a *Megillah* need not be worked *li-shemah*, and the requirement accordingly applies. It is fair to infer that Rabbeinu Tam would take an analogous position regarding a woman writing a *Megillah*: since the classical Rabbinic literature never explicitly states the contrary, a *Megillah* is treated like a Torah scroll in this regard as well, and a woman is disqualified from writing it. On the other hand, Rambam (*Hilkehot Megillah* 2:9) writes that one need not dress the parchment for a *Megillah li-shemah*. Commenting on this passage, the *Maggid Mishneh*<sup>13</sup> writes that,

“This is obvious, for dressing was not mentioned with regard to it, and it (a *Megillah*) is like a *sefer Torah* only with regard to those things in which it (the *Megillah*) was compared to it (the *sefer Torah*).”

The *Maggid Mishneh* thus takes a position diametrically opposed to Rabbeinu Tam’s, suggesting that a *Megillah* is treated like a *sefer Torah* only where the rabbis expressly say it should be. The *Maggid Mishneh*’s logic would lead one to conclude that women are eligible to write a *Megillah* because the rabbis never explicitly said they were not. The *Sedei Hemed*<sup>14</sup> cites the Radbaz as understanding of Rambam in the same way.

## V. The *Ma`aseh Rokeah* Rules the *Halakhah* Follows Rabbeinu Tam

The next question, of course, is whether the *halakhah* follows the *Maggid Mishneh* or Rabbeinu Tam, and we find a diversity of views. The *Ma`aseh Rokeah*, for one, rules in accordance with Rabbeinu Tam and that the disqualification of women scribes extends not only to Torah scrolls but to scrolls of the Book of Esther as well. He argues his case at length, offering numerous proofs.

The *Ma`aseh Rokeah* cites the *Bah*, who notes an exception to Rabbeinu Tam’s position that a *Megillah* must be written subject to all the rules of a *sefer Torah*. While Torah scrolls are rolled from both ends of the parchment and therefore can be rolled to the middle of the book, scrolls of Esther have only one roller and therefore must always be rolled to the beginning. The *Bah* accounts for the difference by noting that only regularly-read Torah scrolls need two rollers; those that are read infrequently may have only one roller. *Megillot Esther* are similarly read infrequently—only once a year—and accordingly require only one roller. The *Ma`aseh Rokeah* infers that the *Bah* goes so far out of his way to find a precedent for single-roller scrolls of Esther because he agrees with Rabbeinu Tam that all the *halakhot* of a Torah scroll apply to a *Megillah* as well.

The *Ma`aseh Rokeah* further claims that R. Joseph Karo, the author of the *Beit Yosef* and the

authoritative *Shulhan Arukh*, also rules in accord with Rabbeinu Tam. He notes that the *Beit Yosef*<sup>15</sup> cites the dispute between Rashba and Raviyah over including the blessings over the *Megillah* reading at the beginning of a *Megillah* scroll. Rashba permits their inclusion, but Raviyah forbids it, arguing that since a *Megillah* is compared to a *sefer Torah*, all the laws of a *sefer Torah* apply to it. The *Beit Yosef* rules that one may rely on Rashba only *post-facto* (*be-di-avad*), i.e., the blessings should not be included in the first instance, but their inclusion, though improper, does not invalidate the scroll. The *Ma'aseh Rokeach* suggests this shows that the *Beit Yosef* sides with Rabbeinu Tam, but this seems to be an overstatement, since the *Beit Yosef* presumably would disqualify even *post-facto* a Torah scroll with the blessings included, showing he draws a distinction between a Torah scroll and a *Megillah*. Furthermore, in his *Shulhan Arukh*, R. Karo formulates his ruling as follows: “if one wrote on its first column blessings or liturgical poems, it is not invalidated thereby.”<sup>16</sup>

The *Ma'aseh Rokeach* points as well to the *Beit Yosef*<sup>17</sup> on the issue of writing *tefillin* with the left hand. The *Beit Yosef* cites the view of the *Sefer ha-Terumah* that *tefillin* must be written with the right hand. That view is based in part on the *halakhah* that a right-handed person who writes on Shabbat with the left hand has not transgressed the prohibition of writing *mi-de-oraiyeta* (as a matter of Torah, as distinct from rabbinic, law). According to this view,

it follows that a *sefer Torah* must be written with the right hand; for were it otherwise, a valid Torah scroll could be written on the Sabbath without thereby violating the Sabbath—a patently unreasonable result. The *Sefer ha-Terumah* explicitly extends the requirement of writing with the right hand to *Megillat Esther*, and the *Beit Yosef* never challenges this position; and, he concludes his comments by citing the view of the *Semaq* that *tefillin* written with the left hand are invalid even *post-facto*.

While the *Ma'aseh Rokeach*, cites the *Sefer ha-Terumah*'s ruling in support of his claim that the *halakhot* of a *Megillah* are identical to those of a Torah scroll, one might argue instead that the ruling rests on a different rationale: writing is by definition done with the right hand, and writing with the left hand is not really writing. Since both *Megillah* and Torah scroll must be written, the laws of writing apply to both, and require use of the right hand. (The flaw in that argument is that no one would claim that a woman is exempt from the prohibition against writing on Shabbat, and just as a woman's writing counts as a violation of the Sabbath, it ought to be valid for writing a *Megillah*.) Furthermore, the *Matteh Yebudah*<sup>18</sup> counters the *Ma'aseh Rokeach*'s argument by suggesting that the *Beit Yosef* did not, in fact, acquiesce in the extension of the right-hand requirement to the *Megillah*. His silence on the matter simply reflects the fact that the subject at issue in the passage cited was *tefillin*, not *Megillah*. In fact, the *Mateh Yebudah* continues,

when the *Beit Yosef* discusses the laws of *Megillah*, he does not mention writing with the left hand as a disqualifying flaw.

Finally, the *Ma`aseh Rokeah* notes other *rishonim* who follow Rabbeinu Tam's view, including the *Sefer ha-Yirei'im*,<sup>19</sup> the *Tashbetz*, and the Maharam.<sup>20</sup>

Before turning to the arguments of those who rule that the *halakbah* is contrary to Rabbeinu Tam, it is important to note a comment of the *Teshuvah mei-Ahavah*.<sup>21</sup> He argues that Rabbeinu Tam's ruling may apply only to the *process* of the writing and not to the requirements of the *person* who writes. In other words, Rabbeinu Tam's position would require that the preparation of the parchment, the forms of the letters, and other such matters conform to the requirements for writing a valid *sefer Torah*, but would not so limit the eligibility of a person to write the scroll. Indeed, all the *rishonim* who agree with Rabbeinu Tam and therefore require that a *Megillah* be written in accordance with the laws of a Torah scroll direct their attention not to the writer but only to the writing itself (such matters as the shapes of the letters, the exclusion of cantillation marks and vocalization points, the prohibition against including blessings and other matters extraneous to the text itself). Moreover, Ramban and Ran,<sup>22</sup> when articulating the principle that the *halakhot* of Torah scrolls pertain to a *Megillah*, say that this principle does not apply to matters that are "outside of the body" of the

*Megillah*. The *Ma`aseh Rokeah*, for his part, argues that the person who writes a *Megillah* certainly counts as a matter pertaining to "the body of the *Megillah*," but that is not necessarily so. The examples of "the body of the *Megillah*" cited by Ran—parchment, ink, and scoring—are physical aspects of a *Megillah* and are thus consistent with the meaning of the word "body" (*gufa*); one could easily argue that the writer of a *Megillah* is something different entirely. If so, according to Ramban and Ran, the requirements pertaining to the person who writes a *sefer Torah* need not pertain to the person who writes a *Megillah*. On this understanding, it is possible that even according to Rabbeinu Tam women may be considered eligible.

## VI. The Hida Follows the *Maggid Mishneh*

Despite the *Ma`aseh Rokeah*'s lengthy discourse, it is not at all clear that the *halakbah* follows Rabbeinu Tam. The Hida, in his *Birkei Yosef*,<sup>23</sup> refers to the *Maggid Mishneh*'s position as one that would indeed allow women to write a *Megillah*. He observes that the *Shulhan Arukh*<sup>24</sup> cites both Rabbeinu Tam's position on working the parchment *li-shemah* and Rambam's, but he mentions Rambam's first, without comment, and then refers to Rabbeinu Tam's position as an alternate view held by some. This, the *Birkei Yosef* states, implies that the *Shulhan Arukh* is deciding in favor of Rambam.

Accordingly, the *Birkei Yosef* concludes, on the basis of the *Maggid Mishneh*'s understanding of Rambam,

that the *Shulhan Arukh* rules that women are eligible to write a *Megillah*. He bolsters that conclusion by noting that the *Peri Hadasb*<sup>25</sup> validates *post-facto* a *Megillah* written with the left hand, though a *sefer Torah* written that way is invalid even after-the-fact.<sup>26</sup>

In his *Shi`urei Berakbah*, the *Hida* offers another proof that women are eligible to write the *Megillah*. The *gemara*<sup>27</sup> states that it is forbidden to read the *Megillah* in public (for ritual purposes on Purim) from a scroll that contains other sacred writings. From this it is inferred that in private, one may read the *Megillah* from such a scroll. Since women are eligible to write sacred writings other than Torah scrolls, as deduced in *Tosafot*, one must conclude that women are eligible to write a *Megillah*. Were that not case, the *gemara* could not have allowed one to read privately from such a scroll, for it might have been written by a woman.

## VII. Women's Obligation to Read/Hear the *Megillah* Validates Their Writing It

The *Peri Megadim*<sup>28</sup> likewise takes the view that Rav Hamnuna's *beraita* cannot be read to disqualify women from writing a *Megillah*. The *beraita* excludes women from acting as scribes because they are not obligated by the commandment to don *tefillin*. But women are subject to commandment of *Megillah* reading (at least to the extent of hearing it read<sup>29</sup>), and the *Peri Megadim* reasons they accordingly are eligible to write a *Megillah*. This approach is echoed

by the *Sedei Hemed*,<sup>30</sup> who cites the statement in *Masekhet Soferim*<sup>31</sup> that all who are eligible to fulfill the community's obligation to read a sacred text are eligible to write that text. Since women are bound by the *mitsvah* of *Megillah*, they ought to be eligible to write a *Megillah*.

However the matter is not so simple. The author of *Sefer Halakhot Gadol*<sup>32</sup> (*Babag*) maintains that women are obligated only to hear a *Megillah* read, but they are not eligible to read a *Megillah* for men. According to the *Babag*, the rule enunciated in *Masekhet Soferim* would not validate the writing of a *Megillah* by a woman. Indeed, the *Ma`aseh Rokeah*<sup>33</sup> invalidates a *Megillah* written by a woman on the basis of his very reasoning. Nevertheless, the *Sedei Hemed*<sup>34</sup> finds a different basis for validating a *Megillah* written by a woman. The *Mishnah* in *Gittin* 22b states that a woman is eligible to write a *get* (bill of divorce). The *Sedei Hemed*, quoting a statement by Rabbi Eliyahu Tzvi, attributes that result to the fact that the laws of divorce are applicable to women. Similarly, he reasons, the fact that women are obligated to hear the *Megillah* makes them eligible to write it.

The *Arnei Nezer*<sup>35</sup> raises a serious objection to this approach. The *Peri Megadim*'s logic suggests that women are eligible to write any sacred texts with respect to which they have halakhic obligations. But women are obligated by the *mitsvah* of *mezuzah*,<sup>36</sup> yet the *beraita* disqualifies them from



writing *mezuzot*! The *Keset ha-Sofer*<sup>37</sup> resolves the difficulty, explaining that the disqualification extends to *mezuzot* because they are referred to in the Torah in close proximity to *tefillin*, but *Megillah*, of course, is not mentioned there.

### VIII. The *Megillah* Itself Suggests that Women are Eligible to Write It

*Megillat Esther* 9:29 states:

“Then Esther the queen, the daughter of Avihayil, and Mordekhai the Jew, wrote with all emphasis to confirm this second letter of Purim.”

The Targum renders this verse as “Esther the daughter of Avihayil and Mordekhai the Jew wrote all this *Megillah*.” Rabbi David Oppenheim<sup>38</sup> infers from the Targum’s suggestion that Esther herself wrote the *Megillah* that women must be eligible to serve as *Megillah* scribes; after all, a woman wrote the very first one! R. Oppenheim notes that the *gemara* (*Megillah* 19a) derives from this verse the halakhic requirement that a *Megillah* be written in ink on parchment:

“From where do we know that the *Megillah* requires parchment and ink? For it says [in Esther 9:29] ‘Esther the queen **wrote**,’ and it is written [in another context, Jeremiah 36:18] ‘and I **write** on the scroll [parchment] and with ink.’”

Using the rabbinic hermeneutical rule of *gezerah shavah*, the *gemara* deduces that the scroll of Esther must be on parchment and ink. R. Oppenheim reasons that the *gemara*’s use of the verse as the basis for the *halakhic* details of parchment and ink opens the way for our use of the verse to learn that women are eligible to write a *Megillah* from the fact that it says “Esther wrote.”

But while R. Oppenheim uses Esther 9:29 as a proof that women are eligible to write a *Megillah*, R. Meir Pearles reads that verse as supporting his position to the contrary. In his book, *Megillat Sefer*,<sup>39</sup> R. Pearles argues that a *Megillah* is subject to all the strictures of a *sefer Torah*. In taking this position, he alludes to *Megillah* 16b, where Rabbi Tanhum (some say Rabbi Asi) states that the phrase “words of peace and truth” (Esther 9:30) teach that before a *Megillah* is written, the parchment, like that of a Torah scroll (“the truth of Torah”) must be scored with lines (*shirtut*). R. Pearles goes on to argue that just as a *Megillah* requires *shirtut*, it requires conformance to all laws of a Torah scroll. To strengthen his position, he notes that Esther 9:29 explicitly mentions that Mordekhai also wrote a *Megillah*; he suggests that had Mordekhai not assisted Esther, then the *Megillah* that they wrote would not have been valid. Based upon this reading, he suggests that a *Megillah* written by a woman is not invalid if she had the assistance of a

man. He finds further support for this approach in the *halakhot* pertaining to sewing the parchments of the *Megillah* together. While the *sefer Torah* must be sewn together exclusively with animal tendons, a *Megillah* is valid if three of its sections are sewn together with tendons and the rest with linen.<sup>40</sup> R. Pearles understands this *halakhab* to imply that a *Megillah* must be written in general conformance to the laws applicable to the writing of a *Sefer Torah*, but that those laws need not be adhered to as strictly in the case of a *Megillah*. A *Megillah* needs to be sewn with tendons, but not entirely so; so too a *Megillah* needs to be written by a man, but not in its entirety. Esther's contribution mentioned in 9:29 did not invalidate the *Megillah*.

Rabbi Eliezer Waldenberg<sup>41</sup> finds R. Pearles' arguments unconvincing, criticizing the *Megillat Sefer's* wavering between the view that the laws of a Torah scroll apply to a *Megillah* and the view that they apply in general but not entirely. R. Waldenberg argues that either a *Megillah* is subject to the same requirements as a *sefer Torah* or it is not. If it is not, then we must allow for the possibility that women are eligible to write it. R. Waldenberg finds R. Pearles' reading of Esther 9:29 excessively casuistic.

## IX. The Codes Do Not Mention the Disqualification of Women.

As noted above, the *Annei Nezer* initially objected to the *Peri Megadim's* claim that women are eligible to

write scrolls of Esther. However, he later had second thoughts about his position,<sup>42</sup> based on the fact that Rambam did not include women in his list of those disqualified from writing a *Megillah*.<sup>43</sup> The *Shulhan Arukh* similarly makes no mention of women being so disqualified. These omissions lead other *abronim* as well to conclude that women are not disqualified from writing a *Megillah*.<sup>44</sup>

The *Matteh Yebudab* suggests an explanation for the codes' omission of women from the lists of those disqualified. Noting that the codes regard an idolater and a heretic (*apikoros*) as disqualified, incorporating those provisions or R. Hamnuna's *beraita*, he posits two separate grounds for disqualifying a person from writing Torah scrolls, *tefillin*, and *mezuzot*. The first is that a person is not within the class of those commanded to observe the *mitsvah* of *tefillin* (or simply fails to fulfill the commandment). The second is that a person may not write the scroll *li-shemah*. With respect to *Megillah*, however, only the second ground applies. On this analysis, the exemption of women from the *mitsvah* of *tefillin* does not disqualify them from writing a *Megillah*, but they are eligible to do so on if they are capable of writing *li-shemah*. Strikingly, the *Ma'aseh Rokeach* denies that women are capable of writing *li-shemah*; the *Matteh Yebudab* disagrees, maintaining they are. The *Matteh Yebudab's* position is supported by the fact the in principle, women are qualified to prepare *tsitsit*,<sup>45</sup> which must be done *li-shemah*.<sup>46</sup> Based on his analysis, the *Matteh Yebudab*

concludes that women are indeed eligible to serve as *Megillah* scribes.

## X. Conclusion

A number of *ahronim* write that women are disqualified from writing the *Megillah*. These include the *Ma`aseh Rokeah*, R. Me'ir Pearles, R. Akiva Eiger<sup>47</sup>, R. Yosef Messas<sup>48</sup>, *Meleket Shamayim*<sup>49</sup>, and the *Sha`arei Teshuvah*<sup>50</sup>.

Yet there is a strong trend in *halakhab* to validate a *Megillah* written by a woman. The *Derishah* goes further, regarding women as eligible to write a *sefer Torah* as well; and while the *Shulhan Arukh* and all other *risbonim* disagree with the *Derishah*, they fail to mention women among those who are disqualified from writing a *Megillah*. The omission is glaring,

given that the *gemara* and *risbonim* all explicitly disqualify a woman from writing Torah scrolls, *tefillin*, and *mezuzot*. This silence along with strong theoretical arguments, lead a large number of major *ahronim* to rule either in principle or in practice that scrolls of Esther written by women are valid. These *ahronim*<sup>51</sup> include R. David Oppenheim, the *Hida*, the *Peri Megadim*, the *Teshuvah mei-Ahavah*, the *Matteh Yebudah*, the *Keset ha-Sofer*, the *Sedei Hemed*, the *Arukh ha-Shulhan*, the *Avnei Nezer*, the *Beit Oved*,<sup>52</sup> and the *Tsits Eliezer*. Given the number, stature, and compelling reasoning of these *ahronim*, it seems that the weight of the halakhic discussion inclines toward regarding women as eligible to write scrolls of Esther for communal ritual use provided that they are competent in the requisite *halakhot*.

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## NOTES

- <sup>1</sup> R. Yehuda Henkin, *Equality Lost* (Jerusalem: Urim Publications, 1999), p. 54. See also R. Henkin, *Bnei Banim* II, p. 215.
- <sup>2</sup> The same passage appears in *Menahot* 42a, with Rav Hininah replacing R. Hamnuna.
- <sup>3</sup> Rabbenu Nissim 23b in the pagination of Rif. While other earlier *risbonim*, such as Rambam (*Hilkebot Tefillin* 1:13), and Rosh (see note 6), also explicitly rule that women are disqualified from writing Torah scrolls, Ran is the only one who explains how Torah scrolls are included based on the exegesis of Rav Hamnuna's *beraita*. For this reason, I will use Ran as the representative of the position contrary to the *Derishab*'s.
- <sup>4</sup> *Tur*, *Orah Hayyim* 271.
- <sup>5</sup> *Tur*, *Orah Hayyim* 39.
- <sup>6</sup> *Derishab*, *Yoreh De'ab* 271:1.
- <sup>7</sup> See, however, the *Ma'aseh Rokeah* at the beginning of *Hilkebot Megillah* s.v. *u-mehankhim* and the *Nish'al David*, *Orah Hayyim* #30, who note that the Rosh explicitly states that women are disqualified from writing Torah scrolls. See *Halakhot Qetanot*, *Tefillin* #3; Rosh, *Gittin* 4:46. *Kitsur Pisqei ha-Rosh*, *Gittin* 4:45, collected by the *Tur* himself, states explicitly that women are disqualified from writing Torah scrolls.
- <sup>8</sup> *The Ma'aseh Rokeah*, at the beginning of *Hilkebot Megillah*, s.v. "*u-mehankhim*."
- <sup>9</sup> *Ibid*; *Nish'al David*, *Orah Hayyim* #30; and *Shakh*, *Yoreh De'ab* 281:6.
- <sup>10</sup> *Gittin* 54b and *Shulhan Arukh*, *Yoreh De'ab* 271:1.
- <sup>11</sup> See the *Mordekhai* to tractate *Megillah* #795 and the *Tur*, *Orah Hayyim* 691.
- <sup>12</sup> *Megillat Esther* 9:32.
- <sup>13</sup> *Ad. loc.*
- <sup>14</sup> *Sedei Hemed*, *Ma'arekhet Purim* #12.
- <sup>15</sup> *Beit Yosef*, 691, s.v. *ketav ha-Rashba*.
- <sup>16</sup> *Shulhan Arukh*, *Orah Hayyim* 691:9. See, however, *Mishneh Berurah* #26 who states one should not do so in the first instance (*le-khatehilah*).
- <sup>17</sup> *Beit Yosef*, *Orah Hayyim*, 32, s.v. "*ve-tsarikh*."
- <sup>18</sup> *Matteh Yehudah*, *Orah Hayyim* 691:4.
- <sup>19</sup> See *Beit Yosef*, *Orah Hayyim* 691, s.v. *u-Behag Katav*.
- <sup>20</sup> See *Magen Avraham*, *Orah Hayyim* 691:3.
- <sup>21</sup> *Teshuvah mei-Ahavah*, *Orah Hayyim* 691.
- <sup>22</sup> Ran on Rif page 5b-6a s.v. "*ve-tsarikh*."
- <sup>23</sup> *Birkei Yosef* 691:6.
- <sup>24</sup> *Shulhan Arukh*, *Orah Hayyim* 691:1.
- <sup>25</sup> *Peri Hadash*, *Orah Hayyim* 691:2.
- <sup>26</sup> *Shulhan Arukh*, *Orah Hayyim* 32:5.
- <sup>27</sup> *Megillah* 19b.
- <sup>28</sup> *Mishbetsot Zahav* 691:2.
- <sup>29</sup> See note 31. For a full treatment of women's obligation regarding reading of the *Megillah*, see R. Avraham Weiss, "Women and the Reading of the *Megillah*," *The Torah u-Madda Journal* 8 (1998-1999): 295-317.
- <sup>30</sup> *Sedei Hemed*, *Ma'arekhet Purim* #12.
- <sup>31</sup> *Masekhet Soferim* 1:14.
- <sup>32</sup> *Tosafot*, *Arakhin* 3b s.v. *l'atui nashim*. See note 28.
- <sup>33</sup> *Ma'aseh Rokeah* at the beginning of *Hilkebot Megillah*, s.v. "*u-mehankhim*."
- <sup>34</sup> *Sedei Hemed*, *Ma'arekhet Purim* #12.

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- <sup>35</sup> *Avnei Nezer, Orah Hayyim* 516:4.
- <sup>36</sup> *Yoma* 11b; *Shulhan Arukh, Yoreh De'ah* 286:1.
- <sup>37</sup> *Keset ha-Sofer* 28:9 in the notes entitled *Lishkat Ha-Sofer* note #7. See also *Arukh ha-Shulhan, Orah Hayyim* 691:3.
- <sup>38</sup> *Nish'al David, Orah Hayyim* #30. See also *Keset ha-Sofer* 28:9 in the notes entitled *Lishkat Hasofer* note #7.
- <sup>39</sup> *Megillat Sefer* to Esther 9:29.
- <sup>40</sup> See *Shulhan Arukh, Orah Hayyim* 691:6 for details regarding this law.
- <sup>41</sup> *Tsits Eliezer* 11:92.
- <sup>42</sup> *Avnei Nezer, Orah Hayyim* 518:11.
- <sup>43</sup> *Mishneh Torah, Hilkhot Megillah* 2:9.
- <sup>44</sup> *Matteh Yebudah, Orah Hayyim* 691:4; *Lishkat ha-Sofer* #7 to *Keset ha-Sofer* 28:9; *Mahaziq Berakhab* 691:2; *Arukh ha-Shulhan, Orah Hayyim* 691:3.
- <sup>45</sup> *Shulhan Arukh, Orah Hayyim* 14:1. See the *Mishneh Berurah ad. loc.* #3, who says that there is no question that women are qualified to spin and interweave the wool, which must be done *li-shemah* (see note 44).
- <sup>46</sup> *Shulhan Arukh, Orah Hayyim* 11:1,2.
- <sup>47</sup> *Hagabot* R. Akiva Eiger to the *Shulhan Arukh* 691:2.
- <sup>48</sup> *Otsar ha-Mikhtavim* Vol. 3:1617.
- <sup>49</sup> *Kelal* 24:3 with note 11.
- <sup>50</sup> *Sha'arei Teshuvah, Orah Hayyim* 91:3.
- <sup>51</sup> Sources for these are those already listed throughout this essay with the exception of the *Beit Oved* (see note 52). Rabbi Ovadia Yosef already collected these sources in his *Yabi'a Omer* 8, *Orah Hayyim* #55. He also quotes the *Get Mequshbar* p. 154d as validating a *Megillah* written by a woman. I have also heard that Ya'aqov Hayyim Sofer, author of the *Kaf ha-Hayyim*, in his book *Qol Ya'aqov*, deems a woman eligible to write a *Megillah*, but I have failed to able to obtain this work and confirm it.
- <sup>52</sup> *Beit Oved* 691:6.