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Chapter Eight

KOL ISHAH REVIEWED

In an article entitled “*Kol ‘Isha*,” Rabbi Saul J. Berman questions the commonly-accepted prohibition of men listening to a woman singing.¹

Shmuel's statement “*Kol b'ishah ervah*” is mentioned in tractate *Berachot* (24a) in a discussion of *ervah* regarding reading the *Shema*, and again in *Kiddushin* (70a) in the context of exchanging greetings with a married woman. It is *not* mentioned in *Sotah* (48a) in the context of the following statement: “R. Yosef said, When men sing and women respond [in song], it is licentiousness (*pritzuta*); when women sing and men respond, it is like fire in kindling.” Nor do the *Geonim* mention *kol b'ishah ervah* in their discussion of R. Yosef's statement. R. Berman writes:

This fact alone would have been sufficient to allow a conclusion...that Samuel's law is not a general proposition as to the sexually arousing character of a women's voice, but rather is a restriction on the recitation of *Shema* under circumstances where it is not possible to maintain proper concentration.²

This rather startling proposition is expanded upon in the article's following page:

...It is clear that the central concern with hearing a woman's voice is not its intrinsic sensuousness, but the purely functional concern that it might distract a man from his concentration on prayer or study. It is certainly significant that the sole contexts in which the law of *Kol ‘Isha* is held applicable are ones which require some special degree of attentiveness, and in which distraction is of particular concern.

The author seems to, but can hardly, be claiming that the distraction is not of a sexual nature. First, *kol b'ishah ervah* itself *means* “a women's voice is a sexual excitement”, as he himself translates.³ Second, its mention in *Kiddushin* (70a) is outside any context of distraction. Third, if simple distraction was the issue, then a man's singing voice, or even music altogether, would also be an impediment to reciting *Shema*.

Clearly, the sexual element of *kol b'ishah* is operative; what needs to be clarified are the Halachic disabilities or prohibitions stemming from this element. Specifically, one must understand the key discussion in *Berachot* (24a), which R. Berman neither explicates nor even quotes:

R. Yitzchak said: An [uncovered] handbreadth is *ervah*. In what context? If regarding looking [at a woman], did not R. Sheshet say:...Anyone who gazes even at a woman's little finger, is as if he gazes at her private parts? Rather, regarding his wife and reading *Shema*.

R. Chisda said: A woman's thigh is *ervah*, as is written....
 Shmuel said: A woman's voice is *ervah*, as is written....
 R. Sheshet said: A woman's hair is *ervah*, as is written....

Is Shmuel's statement that a woman's voice is *ervah* (and R. Sheshet's statement concerning hair) an extension of R. Yitzchak's dictum that an uncovered handsbreadth of her skin is *ervah* as regards the reading of *Shema*, or does it rather refer to R. Sheshet's statement about gazing at women? If the latter, then what Shmuel is saying is that in the same way that gazing at a woman's little finger is tantamount to gazing at her private parts, so, too, is attentive listening to her voice. The prohibition of doing so is general and has nothing specifically to do with reading *Shema*, and this is patently the source for many *rishonim* who omit both a woman's voice and her hair from the list of impediments to a man's reciting the *Shema*; including Rambam,⁴ *Smag*,⁵ *Ri*,⁶ *Or Zarua*,⁷ as well as Rabbeinu Tam.⁸

Other *rishonim* include hair in the list of impediments to reciting the *Shema* but omit voice; including *Piskei Rid*,⁹ *Smak*,¹⁰ *Rosh*¹¹ and *Tur*,¹² and this is the opinion of the *Shulchan Aruch*.¹³ According to both these groups, listening to a woman's voice for the purpose of enjoyment would be a prohibited form of sexual stimulation equivalent to gazing at her, unrelated to prayer or study.

Many other *rishonim*, on the other hand, view both Shmuel's and R. Sheshet's second dictum as referring back to R. Yitzchak's statement, i.e., in the same way that reading *Shema* is prohibited if a normally covered handsbreadth of a woman's body is visible, even that of one's wife, so too, is it prohibited while seeing her uncovered hair or hearing her voice. These *rishonim* include R. Hai Gaon,¹⁴ R. Chananel,¹⁵ Ravyah,¹⁶ Ravad,¹⁷ Rashba¹⁸ and many others.

We can now see the irrelevancy of Shmuel's dictum *kol b'ishah ervah* in *Berachot* to R. Yosef's criticism of responsive singing at feasts in *Sotah*. For those *rishonim* who apply *kol b'ishah ervah* to reading the *Shema*, R. Yosef clearly is not dealing with reading the *Shema*.¹⁹ But even for those who view Shmuel's dictum as a general prohibition of attentive listening to a woman's song or to her affectionate greeting, irrespective of *Shema*, this prohibition applies to the man's listening, not to the woman's singing(!)--the same way that he is forbidden to pleasurably gaze even at her little finger, but she is not required to cover her fingers.²⁰ R. Yosef adds that in certain circumstances the singing itself is provocative and thus prohibited.

In practice, even the disagreement as to the application of *kol b'ishah ervah* is limited. Since the sexually enticing nature of a woman's voice is not at issue, but only its role as an impediment to reading *Shema*, those who apply it to *Shema* expand its application, not limit it. They concur that for a man to focus on a woman's voice (or hair) constitutes a forbidden form of sexual excitement, regardless of whether or not the *Shema* is being recited. This stems directly from tractate *Berachot*: "In what context [did R. Yitzchak say 'An uncovered handsbreadth...']? If regarding looking [at a woman], did not R. Sheshet say...? Rather, regarding his wife and reading *Shema*," i.e., an uncovered handsbreadth of a woman is already subsumed under R. Sheshet's stricture against gazing even at their fingers; R. Yitzchak therefore establishes an *additional* prohibition, that of

reading *Shema* while gazing even at one's wife (which is permitted at other times), but certainly does not permit gazing at other women. So, too, *kol b'ishah ervah* establishes a prohibition against reading the *Shema* while listening to any woman's voice (as does *se'ar b'ishah ervah* against looking at her hair), even the (singing) voice of one's wife, but does not permit listening to other women when not reading the *Shema*.²¹ The *ervah* nature of a woman's voice being uncontested, it could hardly be otherwise.

R. Berman ignores this *sugya*. As a result, he erroneously attributes to Franco-German *rishonim* the "restriction of Samuel's dictum to the recitation of *Shema*"---as if at other times listening to *kol b'ishah* is permitted. He notes that *Or Zarua*²² is the only German *rishon* to deny the applicability of Shmuel's law to the recitation of *Shema* but remarks that "he fails to indicate what alternative applicability it might have."²³ In reality, the applicability of *kol b'ishah ervah* to general listening is crystal-clear. Rabbeinu Tam is explicit with regards to hair: "*Se' ar b'ishah ervah* applies to gazing at her but not to reading [Shema]";²⁴ the analogous application--prohibiting listening to her---adheres to Shmuel's dictum. This is directly stated in a view quoted in *Sefer haEshkol*:

There is someone who says that it is permitted to read *Shema* even when one hears a woman's singing voice or sees her hair, if one doesn't intend to receive pleasure from it, and that *kol b'ishah* and *se'ar b'ishah* were not mentioned in the Gemara with regards to reading *Shema* but only to prohibit receiving pleasure from the voice and hair of an *ervah*.²⁵

The prohibition against listening to *kol b'ishah* in general is explicit in Ravad, who understands the Gemara in *Berachot* as meaning "only regarding his wife" rather than "even regarding his wife," i.e., while reading *Shema* one may gaze at less than an uncovered handbreadth of one's wife because, being familiar with her, one is not distracted thereby from reading *Shema*, and because gazing at one's wife for pleasure is otherwise permitted. With another woman, by contrast, "it is forbidden to gaze at any part of her, even a little finger, and it is forbidden to listen even to her speaking voice...."²⁶ Ravad's mention of R. Sheshet's "little finger" is proof, if any is needed, that regarding other women the prohibition is general and unconnected to reading the *Shema*. Unaccountably, R. Berman quotes other phrases from Ravad but not this one, and concludes: "it is not at all clear that Ravad would recognize the existence of a general bar to hearing the singing of a woman, other than in the case of recitation of *Shema*, in the absence of some special manifestation of warm friendship."²⁷ He overlooks the word "even" in the Ravad's "even to her speaking voice," quotes the Ravad's subsequent explanation that a woman's speaking voice is only forbidden "in issuing greetings or in responding to greetings...as in such case there is expression of warm friendship," and projects this qualification, which applies *only* to her speaking voice, onto her singing voice as well.

Ravad's position is, rather, precisely that of Meiri,²⁸ as opposed to R. Berman's attempt to portray Meiri's as a lone opinion.

The conclusion from all of this is that the claim that the preponderance of *rishonim* profess no general prohibition to listening to *kol b'ishah* other than in the

context of reading *Shema* or “of development of warm social relationships,” is fundamentally mistaken, resulting from the author’s having ignored the key discussion in *Berachot* and his failure to relate the *rishonim*’s opinions to their major source in the Gemara.

Still, parts of his discussion are illuminating, regarding the *achronim*, and his call for examining the practical parameters of *kol b’ishah* is well taken. We will expand on one element that R. Berman mentions only tangentially, in the next chapter.

Notes

1. In *Rabbi Joseph H. Lookstein Memorial Volume*, Leo Landman, ed., Ktav Publishing House, 1981, pp. 45-66. The essay has been widely circulated in photocopies, and was the major source for a recent article on the subject in *Amudim*, the journal of the Religious Kibbutz Movement in Israel.

2. *Ibid.*, p. 47.

3. This translation follows Ravad’s, *et al*, understanding. Another explanation would be “a woman’s voice is [rabbinically equivalent to] *ervah*,” literally, genitals. This refers to the prohibition in BT *Berachot* 25b and *Shabbat* 103a, derived from *Devarim* 23:15, against reading *Shema* in the presence of uncovered genitals, including one’s own.

The difference between the two explanations with regard to an uncovered handbreadth of forbidden skin or hair lies in circumstances where the uncovered part faces the reader but is not seen (and therefore there is no sexual excitement), such as at night or in the case of a blind person or one who averts or closes his eyes. The first view permits the reading of *Shema* while the second forbids: see *Biur Halachah* to *Orach Chayim* 75, s.v. *B’makom shedarkah*. Adherents of the second view include *Sefer haEshkol* (ed. Auerbach), pt. 1, chap. 7., q.v.; *Smag, aseh* 18; *Smak*, mitzvah 83; and Rambam, *Hilchot Kriat Shema* 3:17 as explained in *Bnei Tzion* (Lichtman), vol. 2, p. 87 (second column) contra *Nishmat Adam* 4:1.

In the case of a woman’s voice, the difference lies in circumstances where the voice is audible but no attention is paid to it. *Sefer haEshkol* forbids reading *Shema* in such a case, as does *Yeraim haShalem*, sec. 392, who, however, relies on *et la’asot laShem* to permit reading *Shema* even when the singing of gentile women is audible. There is a conceptual difficulty in including voice, which is invisible, in even a rabbinical extension of “*velo yeira’eh becha ervat davar*,” “something *ervah* may not be seen in you” (*Devarim* 23:15); see *Sefer Ravyah*, sec. 76.

4. *Hilchot Kriat Shema* 3:17.

5. *Aseh* 16.

6. R. Yitzchak of Dampierre, quoted in *Sefer haAgudah, Berachot*, chap. 3.

7. Pt. 1, sec. 136.

8. Quoted in *Orchot Chayim, Hilchot Kriat Shema*, par. 36, and *Piskei haRikanti*, no. 26; cf. *Ohel Moed*, vol. 1, p. 49b. R. Tam only explicitly excludes hair and does not mention voice, but there is no basis to include voice if hair is omitted.

9. BT *Berachot*, *loc. cit.*

10. Mitzvah 83.

11. *Piskei* and *Tosfot haRosh*, *Berachot* 24a.

12. *Orach Chayim* 75.

13. *Ibid*, par. 2-3. The *Shulchan Aruch* writes that “one should refrain” from hearing a woman’s singing voice while reading *Shema*, i.e., he rules that voice constitutes no impediment but that nevertheless one should pay heed to the opposing opinion. Paying heed *lechatchilah* to a minority opinion is standard Halachic practice; R. Berman (p. 57) sets up an artificial contradiction within the *Shulchan Aruch* on this matter.

14. Quoted in R. Yonah to *Berachot* 25a, *s.v. Ervah*. His is also probably the opinion quoted in *Sefer haEshol*, see note 24, below.

15. Quoted by Ravyah and others.

16. *Loc. cit.*

17. Quoted in *Sefer haHashlamah* to *Berachot* 24a, and *Sefer haMeorot* and *Chidushei haRashba* to 25a.

18. *Ibid.*

19. *Kol b'ishah ervah* may not be applied by R. Yosef to the singing by groups of men and women also for the purely technical reason of *trei kali lo mishtamei*, “two voices are not heard at once” (*Rosh HaShanah* 27a); and see *Bnei Banim*, III, no. 25 (2).

20. This is a common distinction. For instance, in *Berachot* 61a, “A man should not walk behind a woman in the road” (or: “in the marketplace”), because of impure thoughts, see Resp. *Radbaz*, II, no. 770, and *Shulchan Aruch, Even haEzer* 21:1; but there is no requirement that a woman avoid walking in front of a man as long as she does not try to be provocative, cf. *Avodah Zarah* 18a. Another activity prohibited to the man but not to the woman is counting coins from his hand to hers or vice versa for the purpose of looking at her; see *Berachot, ad loc.* For other ramifications of this distinction see below, next chapter and *Bnei Banim*, III, no. 26 (1).

21. The one explicitly lenient opinion is that quoted by Ravyah in the name of *yesh mefarshim*, that *kol b'ishah ervah* :because one usually looks at her when she is making music” (*menagenet*), i.e. there is no sexual excitement in her voice per se, but listening may lead to looking. It is not clear who is the source of this interpretation. R. Berman follows Aptowitz in citing R. Hai Gaon and Ravad as the source, but there is no proof for this; see R. Yonah and Rashba *loc. cit.* It may

be that *yesh mefarshim* is solely concerned to explain how invisible voice can be included with visible *ervah* as an impediment to *Shema*; see above, note 3.

22. *Loc. cit.*

23. P. 48.

24. *Piskei haRikanti*, sec. 26; cf. Ri, in *Sefer haAgudah*, *loc. cit.*

25. Pt. 1, chap. 7, p. 15. *Sefer haEshkol* disagrees with the view that they are not impediments to reading *Shema*.

26. See note 17 above.

27. P. 52.

28. *Berachot* 24a.
