Kol Isha

Rabbi Ben Cherny

The primary source attributing sexual quality to a female voice is a statement authored by Shmuel, quoted in the Talmud in two separate instances. The first occurs in tractate Berachot 24a in the context of an Amoraic discussion of the permissibility of reciting the Shema in the presence of a nude person. At its conclusion, the Gemara quotes three Amoraic statements concerning sexual incitement:

1) R. Hisda has said the leg of a woman is erua (a sexual incitement).
2) Shmuel has said the voice of a woman is erua. 1
3) R. Sheshet has said the hair of a woman is sexual incitement.

The question which arises at the outset concerns the

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1. Shmuel quotes as his source the verse from Song of Songs, 2:14 יר פרש ונות נושה which alludes to the beauty of a woman’s voice but not to any prohibition. The Jerusalem Talmud, tractate Chullah chapter 2 rule 1, quotes a different source. Responding to the query as to the reason for Shmuel’s prohibition, the Gemara quotes a verse from Jeremiah 3:9 הר את אשה את אשה. In the book of Jeremiah, the work Kol is written without a מ, meaning “lightness”. The Jerusalem Talmud, however, quotes the word Kol with מ, מוע, meaning voice. “Through the voice of her harlotry she defiles the land.”

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relationship between these three concluding statements and the immediately preceding discussion of reciting the Shema in the presence of a person not properly clothed. Are these statements limited only to the Shema discussion, describing under what circumstances of “nudity” the Shema may not be recited? Or are they all-encompassing statements, affecting situations beyond the limited Shema topic, as if to say: regardless of the definition of an unclothed person with respect to recitation of Shema, the leg, hair and voice of a woman are always considered a sexual incitement and must be avoided, even if one is not reciting the Shema. The ambiguity will need to be clarified.

The second appearance of Shmuel’s statement “Kol b’isha erua” (the voice of a woman is erua) is in Kiddushin 70a. R. Judah, having appeared before R. Nachman for adjudication of a slander charge against him, has the following exchange: R. Nachman asks, “Will you [R. Judah] send greetings to my wife, Yalta?” R. Judah responds, “[But] Shmuel has said a woman’s voice is erua.” After a short discussion of how R. Judah may be able to give greetings to Yalta in a permissible fashion, the Gemara returns to a discussion of the charges against R. Judah. In this citation of Shmuel’s dictum there does not seem to be any reference to a problem peculiar to recitation to the Shema. It appears as a general prohibition of hearing a woman’s voice. Again there is a dissenting opinion mentioned in the Gemara.

In addition a third reference to a woman’s voice having sexual qualities is found in the context of a general prohibition against singing at festive meals, instituted at the time that the Sanhedrin was discontinued. The Gemara records that R. Joseph said: “When men sing and women join in, it is licentiousness; when women sing and men answer, it is like a raging fire in flax.” Rashi explains the distinction between men leading as opposed to answering: The one who leads does not pay attention to the one who is answering; therefore, even though the principle of “Kol b’isha erua” applies, it is not as volatile a situation if the men lead. However, if men are answering, they pay close attention to the voice of the leader (in this case the woman), so there is greater danger of sexual incitement. Rashi considers both instances — men leading or answering — as a violation of Shmuel’s dictum, albeit he does not quote Shmuel by name. Since both instances involve a violation of Shmuel’s opinion, the Gemara asks why R. Joseph bothers to distinguish between the two situations. The Gemara answers, לוכסלו לא קוקמא יא, if both practices cannot be abolished at once, since the participants will not heed the warning, at least the situation where men are answering should receive more attention and be dealt with first.

Here, too, there is no mention of recitation of the Shema but only a general problem of hearing the female voice. However, in this case the voice referred to by R. Joseph is a woman’s voice singing, whereas in Kiddushin and Berachot no distinction of this kind is made. Perusal of the talmudic sources thus establishes the undisputed principle that a woman’s voice is erua, but leaves unclear whether a speaking or a singing voice is intended. Furthermore, we are not sure whether the voice is considered erua at all times or only during recitation of the Shema.

What Type of Voice Is Prohibited?

Based upon the test in Kiddushin, one may conclude that even

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2. Sotah 48a
3. Rashi, Sotah 48a
4. The Gemara, however, does not connect the two statements. R. Joseph statement could remain separate and distinct from Shmuel’s prohibition of Kol b’isha erua. Shmuel’s referring to Shema and R. Joseph’s referring to a particular problem of festive meals. The language used by R. Joseph still seems to focus on the problem of inflamed desire, rather than a prohibition making one aware of the destruction of the Temple. Based on R. Joseph, the Geonim prohibit the practice of having women entertainers at a gathering of men. (Otzar Ha-Geonim, Sotah section 143 pp.272-273, Gittin Sections 18-19 pp. 8-10, Succah Section 189 pp. 69-70). There seems to be no mention of Shmuel’s dictum Kol b’isha erua in this prohibition.
a woman's speaking voice is prohibited,⁵ and in fact some authorities apparently do ban even the speaking voice of a woman. R. Judah the Hasid in Sefer Hasidim⁶ argues that Shmuel’s law of Kol b’isha erua is one of the reasons an unmarried man ought not to be a teacher of young women. As the context does not suggest that the young women will burst into song, we must conclude that Shmuel’s dictum applies to the speaking voice as well.⁷ Although in Rambam’s code there is no indication whether the rule applies to a spoken voice or only to a singing voice,⁸ from his responsa⁹ we may assume that he would include the spoken voice. While discussing the permissibility of listening to music, Rambam lists five possible prohibitions applicable in various circumstances when music is heard. One of these is the ban of Kol isha: “If the singer is a woman, there is a fifth prohibition since the sages of blessed memory have said Kol b’isha erua and surely (Kal vehomer) if she is singing.”¹⁰

But Rabad¹¹ argues that the prohibited Kol in the Gemara is only a singing voice. He explains R. Judah’s reluctance to carry greetings to R. Nachman’s wife Yalta as stemming from the specific problem of exchanging warm greetings with a woman he was prohibited to marry. According to him the anecdote in the Gemara never meant to prohibit a woman’s conversational voice.¹² This distinction between warm greetings and conversation is repeated by many Rishonim and Acharonim. R. Eliezer of Metz also limits the prohibition to a woman’s singing voice. R. Joseph Karo¹³ relies on this opinion as well as the Hagahot Maimoniot, limiting the prohibition to a woman’s singing only.¹⁴ R. Joshua Falk argues that only a singing voice would be sexually stimulating, as opposed to a mere speaking voice.¹⁵ Furthermore, he introduces “regularity” (רוויה לוהה) as a factor limiting the scope of the prohibited Kol. If a voice is regular heard, it would not fall within the parameters of the prohibition of Kol b’isha erua.¹⁶ However, a clear definition of the factor of “regularity” and its areas of application are not presented by the Rishonim; consequently, it is generally not cited as a relevant factor by later authorities.¹⁷

When Does Kol B’isha Erva Apply?

We have noted the ambiguity in the primary sources as to whether or not the dictum Kol b’isha erua applies only to one who

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5. R. Benjamin Zilber, Responsa Az Nidharu, vol. 9 sec. 9 p. 154, מנה אותו דבר. who cites those who adopt this strict vision of Kol.
7. This broad application of the prohibition is also implied in the Or Zaruah (Laws of Keriat Shema sec. 133). He argues from reductio ad absurdum that if the prohibition of Kol b’isha erua applied to the recitation of Shema, a woman herself would be prohibited from reciting the Shema! This implies that if a woman is subject to this ban then it would apply to the recitation of Shema as well. A recitation voice would be defined as a voice prohibited by Kol b’isha erua. R. Menachem Ha-Meiri (Berachot 24a רואין ברי) raises this possibility as well, but concludes that a normal speaking voice is not included in the prohibition. Maharal in his commentary Gur Arayeh, Bereishit 18.9, discusses this issue.
10. R. Jacob ben Asher, Tur O.H, sec. 560, discusses some of the prohibitions.
11. Quoted in Chidushei HaRashba, Berachot 25a.
12. Sde Chemed, Ma’arechet kuf klal 42, quotes, in the name of Succat David, another reason why an expansive definition of Kol is to be rejected. He suggests that the strict application of Shmuel’s law was an observance of the especially righteous only and not incumbent upon others as the halachic norm.
13. Sefer Yereim, brought in Mordecai, Berachot, sec.80.
15. The word “Kol” in Orach Haim 75 is defined clearly as a singing voice; however, in Even Ha-Ezer 21 the term “voice of a woman” is left undefined. It may refer to more than only a singing voice.
16. Prisha to Tur E.H. chap. 21 sec. 2, as well as Shmuel ben Uri of Furth, Bet Shmuel to SA O.H. chap. 21 sec.4. R. Avraham Gumbiner in Magen Avraham to S.A. O.H., chap. 75 sec. 6, writes the singing voice of a married woman is always forbidden to be heard, but her speaking voice is permitted.
17. c.f. Response Diwrei Yisrael O.H. sec. 35, which deals with the permissibility of a woman reciting kaddish with a quorum.
18. “Regularity” is mentioned by several Rishonim: Rabiah, Berachot sec.76, Rabad and others, yet the Ramo is the only representative of the later authorities to quote this principle. (O.H. 75.3, “a voice to which one is accustomed is not considered erua.”)
is reciting the Shema or bans hearing a woman’s voice in all circumstances. Rav Hai Gaon19 and Rabbeni Hananel20 both interpret Shmuel’s law as prohibiting the recitation of Shema while hearing a woman sing.21

In his code R. Asher ben Yechezkel (Rosh) writes, “Shmuel said: the voice of a woman is sexually stimulating (erva), as it is written ‘for your voice is sweet’. That is to say, it is prohibited to hear; but not for recitation of Shema.”22 This statement may be interpreted in either of two ways:

1) Unlike R. Hai Gaon, he considers that we have reason to be more lenient during the recitation of Shema, since strict adherence would make recitation of the Shema exceedingly difficult. In all other instances, since no impediment to performing a mitzva arises, Shmuel’s ruling of Kol b’isha erva applies.23

2) The Rosh may actually be arguing for a stricter decision.24 Hearing a woman’s voice is prohibited not only while reciting the Shema, but also in other circumstances as well.25

The Rif ignores the principle Kol b’isha erva in the recitation of Shema and also rejects this prohibition generally. He totally omits Shmuel’s ruling from his codification of the law, both in Berachot and in Kiddushin. Noting this, Rabad26 suggests a reason for Rif’s rejection of the dictum. Since the Gemara has previously concluded27 that even contact with his wife’s nude body does not bar recitation of Shema, then certainly hearing a woman’s voice would not limit it.28 However, Rabad concludes by rejecting this reasoning since physical contact with one’s own wife but with no visual stimulation might be less arousing than hearing a warm greeting from another woman whom he sees at the same time.

Like the Rif, Rambam omits the law of Shmuel from his enumeration of things that bar recitation of Shema.29 Yet, in a different context,30 Rambam lists activities that were prohibited by the Sages as a safeguard against immorality and among them “even to hear the voice of [a woman prohibited to him].” The Rambam then, like the Rosh, concludes that Kol isha applies to all situations except while reciting the Shema.31

The Maimonidean view of the impermissibility of a woman’s voice links it to the fostering of an illicit relationship, not due to any characteristic of the woman’s voice per se. If one is aroused by

19. Otzar Ha-Geonim, Berachot Sec.102p.30, also quoted in Mordechai, Berachot sec.80.
20. Otzar Ha-Geonim, Berachot, Perush R. Hananel 24a p. 24, also quoted in Rabiah, Berachot sec.76.
21. The Rabiah also quotes the Halachot Gedolot as subscribing to the same opinion. However, from our editions of the H.G. it does not appear so, since after discussing the erva factors hindering recitation of the Shema and concluding, only then does he quote the statement of Kol b’isha. The Rabiah may have attributed such an opinion to H.G. since Kol is, in any event, mentioned in the laws of Keriat Shema. If it is a general ban it should have been dealt with elsewhere. The Rabiah’s edition of the H.G. may also have read הַרְגָּלִים (hragilim) after all the concluding statements dealing with the voice, hair, and leg of a woman.
22. Berachot chp.3 sec.37.
23. Ma’adanai Yom Tov of R. Yom Tov Lipman Heller (note 60 and 80 on Rosh ibid.) He also suggests that those authorities who seem to prohibit recitation of Shema only while a woman is singing are being misinterpreted. Those authorities prohibit the recitation of Shema even while a woman is singing as well as in all other situations.
24. As suggested in his commentary to Berachot.
25. This possibility in the Rosh has not been raised by subsequent authorities. There are other Rishonim who seem to view Kol b’isha as a general ban: Sefer Hasidim sec.33, Piskei Ridi, Or Zarua (Kolot Keriat Shema sec.123), and one opinion cited by Sefer Eshkol all agree on this point. The Meiir (Berachot) however, differs, and applies the prohibition to Keriat Shema only.
26. Quoted by Rashba, Berachot 25.
27. Berachot 24a.
28. The Rif does not totally reject the opinions of Shmuel cited by R. Judah in Kiddushin 70a. He rejects the first statement of Kol b’isha erva and the third, “one may not inquire after a woman’s welfare at all.” Accepted, however, is the second law of Shmuel which prohibits inquiry after a married woman via a messenger. As Rashi explains (Kiddushin 70b הֲיֵשׁ כְּתוֹבָה יָדוֹ לְאָדָם this is a problem of intensification of the social relationship which may result. A woman’s voice however is not the issue under discussion.
29. Maimonides, Code, Laws of Keriat Shema 3:16. R. Yaakov ben Asher, the Ba’al HaTurim, based upon the three authorities Rif, Rambam and Rosh, omits the ban of Kol isha from the laws of Keriat Shema (O.H. chp. 75).
the woman’s voice he may follow his inclinations and involve himself in a prohibited liaison. This view is borne out by the definite article “ha” before the word eruv; hence we read ha-eruv, meaning the voice of a prohibited woman. If so, it may be difficult to extend the prohibition to a woman’s voice where there is no room for an illicit relationship to develop.32

In Bet Yosef33 R. Joseph Karo quotes the Rif, Rambam, and Rosh that the prohibition does not apply during recitation of the Shema. Nevertheless, he concludes, one should avoid reciting the Shema when a woman is singing.34 Interestingly, he rules in the Shulchan Aruch35 that one may not listen to a woman sing while he recites the Shema. Additionally, he rules that a man may not hear the voice of a woman who is prohibited to him.

It is important to note that although there does not seem to be a precedent for such an all-encompassing view of the prohibition of Kol isha, there is no contradiction in accepting both views of the prohibition.36

R. Joshua Falk in his commentary on the Tur37 offers both interpretations of the Rambam’s phrase “Kol ha-eruv”: the voice of a woman is eruv or, alternately, the voice of a woman who is an eruv. He clearly opts for the second interpretation, arguing that if the voice per se is an eruv then the prohibition should apply beyond the singular case of recitation of Shema, which alternative he rejects as unacceptable.

Other authorities such as R. Yoel Sirkes38 retain the exemption of one’s own wife from this prohibition but do apply the ban beyond the bounds of recitation of Shema. In fact, there does not seem to be a clear reason why these two factors should be related.39 Even if this ban applies beyond Keriat Shema, the voice of a man’s wife could still be exempt and permissible.40

In conclusion, it appears that from the time of R. Moshe Isserles (Ramo) the authorities have adopted an all-inclusive view of Shmuel’s principle. The voice of a woman singing is eruv and forbidden during Shema and also at all other times. This is the final decision of the Shulchan Aruch.

It is worth noting that those who hold the position limiting Kol isha to Keriat Shema extend the meaning of Keriat Shema to any aspect of Torah study.41 This extension applies as well to Sabbath zemirot and all songs with verses from the Bible.42 43

32. Both of these points are raised by R. Joshua Falk in his commentary to the Tur, E.H. chap. 21 sec.2. R. Joseph Karo in Bet Yosef, E.H. chap. 21 quotes the Rambam without the definite article “ha”. This reading would more easily facilitate an extension of this prohibition since there is attributed to the voice of a woman sexual characteristics.

33. Orach Hayim, chap. 75. Is derech habrie yishuv.

34. Thus accepting the more general prohibition as well as its application to Keriat Shema as found in Rabiah.

35. O.H. chap.75.3.

36. In fact it appears that if not for the “elimination of commandments”, the Rosh would agree that the prohibition applies to Keriat Shema as well (as explained by Ma’adanhei Yom Tov, see note 23). The Ramo in Darchei Moshe on the Tur, O.H. chap. 75.2, seems to adopt an all-encompassing ban as the strict halacha, not only as what one should avoid.

Practical Implications of Kol Isha

Although we have seen that only a singing voice is prohibited, the later Poskim have clarified what is considered a "singing voice." The Divrei Haftzot, quoted by Sde Hemed, concludes that only hearing a woman sing a love song is assur. R. Benjamin Zilber argues that any voice not usually heard by a man in casual conversation is prohibited. He derives proof for this decision from

R. Menashe Klein, Responsa Mishnah Halachot Vol. 7 sec. 238) writes: "So too what R. Hida says in the Gemara, 'the leg of a woman is arousing (eruva) applies even to his wife and for recitation of the Shema. It is not true eruva and strictly from the Torah it is permissible but (this is eruva) only for Keriat Shema because of arousing thoughts. So too that which Shmuels states Kol B'sha eruva but (from) her face, hands, feet, and speaking voice... we do not anticipate (such) thoughts since he is accustomed to them.'

b) Another reason for the rabbinic prohibition of Kol isha is quoted as a second opinion in the Rabiah (Berachot 76). Kol isha was prohibited since it is usual to stare at a woman while she sings. This opinion assumes that staring at a woman is prohibited, as related by the Rabiah "one who stares at a woman's heel is as if he views her private area, and one who views the private area is considered as having intercourse with her." (Shabbat 64b, J.T. Challah chp. 2 law 1.) Further on this topic see Magen Avraham on S.A. O.H. chp. 128 sec. 35; Rambam, Sefer Hamitzvot, negative commandment 47; and R. Yonah, Shaarei Teshuva, sha'ar 3 sec. 62, where it seems this prohibition is d'oraita. Note the distinction between viewing a woman for promiscuous purposes and viewing without any such intentions (prohibited by the Sages). See Sefer Ha-Mitzvot Ha-Katan commandment 30.

c) Still another reason for this prohibition may be found in the Rabad's explanation of the topic in Kiddushin and in Berachot (cited above in this note A.3). The Rabad argues that there is a specific ban against exchanging warm friendly greetings with a woman (who is an eruva to that man) since it helps foster an illicit relationship between them. Since this prohibition is compared to and developed in tandem with the topic in Berachot dealing with Kol, we can conclude that the ban of Kol is a corollary of a general ban to hinder the development of illicit relationships. A man should not listen to a woman singing since a closeness between them may develop.

B. Although the reason why the Sages prohibited Kol isha is clear, the nature of this prohibition is still to be clarified. We may argue that the prohibition will apply where the reasons for the ban are relevant. It is formulated as a "gezerah" lest one come to transgress the prime prohibition. (For example: riding a horse on Shabbat is prohibited since one may break a branch off a tree to use a as a riding crop, which is biblically forbidden.) In the case of Kol isha, it is to prevent lewd thoughts, staring at a woman, or an illicit relationship. Whenever hearing a woman's voice might result in these transgressions, the voice is prohibited. There is another possible formulation of this rabbinic prohibition. The voice of a woman will be considered equivalent to an uncovered part of her body, as eruva per se. Thus, whenever the voice has been altered, for example as when heard through a microphone, the prohibition will no longer apply, even if the reasons for it are still relevant.

1. Such a position is presented by R. Eliezer Waldenberg in Responsa Taits Eliezer (vol. 5 sec. 2) in a discussion of the Rabiah (Berachot 76). After presenting the positions of R. Hai Gaon, R. Hananel and the Halachot Gedolot, the Rabiah formulates his own opinion: "Even though it seems [we should] be lenient in [a case] of a voice since it cannot be seen in any way, not to him nor to others, still we should be strict. "The reasoning of the Rabiah is not clear. A prohibition enacted to curb thought resulting from an activity should not be discarded since the activity is passive. The thoughts are present nonetheless. The Rabiah's formulation is more objective; the voice itself is the erus and must be avoided. Therefore the voice cannot be seen it cannot be considered as erus, and so should not be prohibited. But in conclusion he accepts the ban.

2. R. Chaim Yosef David Azulai in his work Pethach Einayim (Avoda Zara 20a) quotes an early authority who adopts this formulation in a different area of halacha. The point of discussion is a question of seeing women. This authority argues that viewing a woman is erus per se, no matter the intent. Although R. Azulai himself rejects the formulation even for viewing, R. Raphael Bloom (quoted by R. Menashe Klein, Responsa Mishnah Halachot, vol. 7 sec. 238) argues that it should apply to the voice of a woman as well.

3. R. Isaac ben Moshe in Or Zarua, Laws of Keriat Shema, sec. 133, formulates an argument which has implications for the point now under consideration. He writes: "Kol B'sha erus was not stated with reference to Keriat Shema, since a woman herself recites the Shema." The Or Zarua wants to show that the ban of kol isha does not apply to Keriat Shema by the reductio ad absurdum that the ban would prohibit a woman from reciting the Shema herself since she is listening to her own voice. If the ban applied only where the reasons for it applied, this argument would be faulty. Since a woman is not affected by her voice she is certainly permitted to recite the Shema, although the ban may apply to a man reciting the Shema while a woman is singing. Yet he argues that just as women may not make a blessing while nude (even though she is unaffected by the sight) so too she may not recite the Shema herself as she will be listening to her voice. He is assuming that the voice of a woman is erus per se.

44. Ma'arechet Kuf, rule 42.
45. This distinction assumes that the prohibition of Kol isha is due to the thoughts conjured up by the man.
46. Responsa Az Nidbar, Vol. 3; Sec. 71.
a discrepancy between the phrases used by R. Joseph Karo in his two citations of the topic in the *Shulchan Aruch*. In *Orach Hayim* (chap. 75; sec. 3) he states that any singing voice is prohibited. However, when not reciting the *Shema*, as discussed in *Even HaEzer*, he rules that any unusual voice is *assur*. Thus, hearing a woman lecture is prohibited by him, but during *Keriat Shema* only a true singing voice is proscribed.

The earliest authority to distinguish between a voice heard while the woman is in sight as opposed to when she is not seen is R. Moshe Schick. He argues that the Gemara (Sanhedrin 45a and Sotah 8a) states that sexual desire is aroused by vocal stimuli only when accompanied by visual perception. However, Tosafot cite Megilla 15a, which records that the mere mention of Rahav’s name was enough to entice, even without visual stimulation. They resolve the apparent conflict by concluding that vocal stimuli alone will not foster lustful thought unless the man is acquainted with the woman. Therefore listening to a female vocalist is forbidden only when the listener can see or is acquainted with her. R. Ovadia Yosef agrees with this conclusion but adds that if a woman is known to a man through photographs, she is considered an acquaintance.

There is disagreement about the original intent of R. Moshe Schick’s distinction, upon which the ruling noted above is based. Some maintain that the lenient ruling applies only to “warm greetings” but not to a singing voice, for a singing voice brings sexual arousal even if unaccompanied by visual stimulation. Based on this argument, R. Benjamin Zilber, R. Wosner, and R. Yaakov Breisch prohibit listening to a female vocalist on a radio or recording. But R. Menashe Klein concludes that this does not fall within the parameters of the prohibition of *Kol isha* since the sounds emanating from these devices are not voices but mechanical reproductions. Nonetheless, R. Klein describes such a practice as distasteful.

R. Yechezkel Ya’akov Weinberg was asked by the leaders of a Jewish youth organization in France whether it was permissible for them to sponsor programs which involve boys and girls singing together. R. Weinberg relates his surprise at discovering that in observant homes in Germany husbands and wives sang Sabbath songs together even when guests were present. He reports that subsequently he learned that R. Samson Raphael Hirsch and R. Ezriel Hildesheimer had permitted the practice, and he quotes also from *Sde Hemed*, a Sephardic authority, who sanctioned the custom.

In addition he cites *Sefer Ha-eshkol* to the effect that listening to a woman sing is prohibited only when one derives pleasure from the song. R. Weinberg then argues that in the case of sacred songs one is not intent upon deriving such pleasure. Rather, the words of the song lead the heart to heaven; hence, there should be no prohibition. His position is bolstered by the opinions of Rosh, Rambam, and Tur who submit that this prohibition does not apply to *Keriat Shema* and the like. Recognizing the success of youth organizations in winning the heart and the minds of those who would be lost to Torah, R. Weinberg encourages such programs, but R. Benjamin Zilber

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47. *Orach Hayim*, chap. 75; sec. 3.
48. Responsa Maharam Schick, E.H., Sec. 53.
49. *Sanhedrin* 45a and *Sotah* 8a.
55. *Mishne Halachot*, vol. 5, Sec. 224.
56. c.f. *Bet Shearim* O.H., Sec.33; *Yabia Omer*, Vol. 1, O.H., Sec. 6.
58. *Ma’archei Kol*.
59. A proof derived from the Song of Deborah, sung by Deborah together with Barak, is rejected by R. Weinberg as well as R. Benjamin Zilber since it may have been mandated by heaven.
60. *Hilchot Tefilla* Sec. 4 (our editions: sec. 7).
61. R. Weinberg points out that only the Sages may determine when to apply the
disallows mixed singing of zemirot since a man may not recite biblical verses while hearing a woman sing.\textsuperscript{62}

The Chatan Sofer\textsuperscript{63} allows men to listen to the singing of a mixed chorus. His ruling is based upon the principle “two voices cannot be heard” (when two voices are heard simultaneously, even when reciting the same text, neither is heard clearly). But R. Benjamin Zilber and the Be’er Yehudah reject this opinion.\textsuperscript{64} The lenient view of Chatan Sofer seems to ignore the implication of a text in Sotah 48 wherein the Gemara describes a situation of several women singing and men answering as a violation of Kol isha.\textsuperscript{45} For this and other reasons, his ruling is challenged.\textsuperscript{66}

In addition to clarifying the term “Kol” for the purposes of normative halacha, the rabbis have also sought to specify just whose voice is included in the phrase Kol b’isha erua.

The Rambam\textsuperscript{67} has indicated that the prohibition of Kol isha applies to the voice of an erwa. Many authorities explain erwa as referring to any woman who may not live with that man. The voice of a married woman or any other ineligible woman falls into this category. Bet Shmuel\textsuperscript{68} comments that a man may listen to his wife sing (except when he is praying) even when she is a niddah. Pitchei Teshuvah\textsuperscript{69} raises the issue without reaching a decision, but R. Ovadia Yosef\textsuperscript{70} agrees that a man may hear his wife singing even while she is a niddah, if he is not involved in prayer and the like. Nevertheless, one who is careful in this area “will be blessed” (בעבורון ברוך); R. Moshe Feinstein\textsuperscript{71} also rules that one should conduct himself according to the strict opinion.\textsuperscript{72}

Since there seems to be no difference between the voice of a married or unmarried woman in the capacity to arouse sexually, both should be equally prohibited. This is the conclusion of Be’er Sheva,\textsuperscript{73} but R. Moshe Feinstein points out that his opinion is not accepted.\textsuperscript{74} Others\textsuperscript{75} also reject the reasoning of the Be’er Sheva since these are instances where halacha does distinguish between a married or unmarried woman. For example, married women are required to cover their hair while unmarried women are not.\textsuperscript{76} However, if the single woman is a niddah, most poskim do include her in the voice prohibition.\textsuperscript{77} And since today unmarried women do not customarily immerse in the mikvah, they are presumed to be niddot.\textsuperscript{78} However, R. Moshe Feinstein precludes the likelihood

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\item\textsuperscript{62} See also Kuntres Be’er Mayim Hayim Sec. 3. and others cited in Otzar ha-Poskim E.H. 21:1 sec. 20:3.
\item\textsuperscript{63} O.H. Avodat ha-Yom, Sha’ar Taharat Yadayim, sec. 14.
\item\textsuperscript{64} R. Zilber in At Nidbar vol. 9, sec. 59; Be’er Yehudah cited in Otzar ha-Poskim E.H. 21:1 sec. 20:4, as well as Chatam Sofer Choshen Mishpat no. 190.
\item\textsuperscript{65} Be’er Sheva also rejects this approach but does not give his reasoning.
\item\textsuperscript{66} Basing his opinion on Rashi to Rosh Hashanah 27a, Be’er Yehudah on Sefer Haareidim, Ch. 3 of negative commandments, maintains that it is impossible for the readers to synchronize their words; therefore, the song of the women will surely be audible.
\item\textsuperscript{67} This seems to be at odds with the opinion of R. Yaffe-Schlesinger in the Adar-Nissan issue of Mal’ay Ma’ayan HaTorah, who argues that brief encounters with a woman’s singing voice are not prohibited. He notes that one of the reasons suggested by Tosafot why it is permissible for the Cohen to come in contact with a Sotah while she brings her sacrifice is that the contact last a very short time. He suggests that this is the criterion in all such areas, and applies to the issue of Kol b’isha erua.
\item\textsuperscript{68} In Bayit Hadash to Tur O.H. 690, Rabbi Joel Sirkes explains that the rule of “two voices are not heard” means that they are not perceived distinctly, not that they are not heard at all.
\item\textsuperscript{69} Laws of Prohibited Relations, 21:2.
\item\textsuperscript{70} E.H., Ch. 21, sec. 4.
\item\textsuperscript{71} Y.D., Ch. 195.
\item\textsuperscript{72} responsa Yabia Omer, vol. 4, Y.D. sec. 15.
\item\textsuperscript{73} Igerot Moshe, Yoreh Deah, vol. 2, sec. 75.
\item\textsuperscript{74} R. Weiss in Responsa Minchat Yitzchak, vol. 7, sec. 70, examines the issue in a case where the voice is heard from a record or tape.
\item\textsuperscript{75} Kuntres Mayim Hayim, sec. 3.
\item\textsuperscript{76} Igerot Moshe, Orach Hayim, sec. 26.
\item\textsuperscript{77} Apei Zutri, E.H. ch. 21, sec. 8.
\item\textsuperscript{78} So rules Perisha, E.H. ch. 21, sec. 4, quoting Maharshal, Bet Shmuel to E.H. ch. 21, sec. 4, and Pri Migdim to O.H., Mishbetzot Zahav end of ch. 75. Based on the formulation of the Rambam (which seems to prohibit hearing the voice of any woman prohibited at that time) the voice of a single woman would also be banned, since living with a woman without marriage is prohibited in the negative commandment of kedisa. (Megad Mishna to Rambam, Isurut 1:4).
\item\textsuperscript{79} Responsa Chatam Sofer, Choshen Mishpat, sec. 190. Rivash, sec. 425.
\item\textsuperscript{80} Mishnah Brurah ch. 75 sec. 17; Igerot Moshe O.H. sec. 26.
\end{itemize}
of one's being aroused by the voice of a young girl less than eleven years old. But he insists that one should not be lenient for the voice of an older girl, since in these matters one who is strict is called holy (דקדוק אמסר הז'ל).

Another issue raised by halachic inquiry is the permissibility of hearing the voice of a Gentle woman. Since a Jewish man may not marry or have relations with a Gentle woman, she is in the category of an eruta.79

The Mordechai points out that if we were to be as strict as we should be in this case, the result would be great Bitul Torah (wasted time which could have been spent in Torah study), and therefore we may be lenient.80 Additionally, since we are accustomed to their voices, the prohibition need not apply in full severity. These factors are also mentioned by many later Poskim as justification for being lenient.81

In Sotah 22a R. Yochanan teaches:

We learn the fear of sin from a young woman.... Master of the Universe! You have created a reward [the Garden of Eden] and created a punishment [Gehinnom]; You have created the righteous and You have created the wicked. May it be Your will that no person should stumble on my account.

The Gemara implies that a woman bears some responsibility for the effect she might have upon others. The introduction to R. Yochanan's prayer does not seem to refer to any specific transgression but rather to the general prohibition of enticing others to sin.82 Otzar Ha-poskim in the name of Yaffeh La'el states that women should be careful about their behavior in this as well as in other areas.83

If we assume that the prohibition of listening to a woman's voice was enacted to prevent men from conjuring up specific thoughts, is it possible for a man to be lenient if he feels he will not be affected?

A number of times the Gemara deals with this issue. We find that R. Gidal used to instruct women about the mikvah,84 and R. Yochanan would influence children yet unborn while gazing at their mothers.85 When asked if he was not afraid that his inclinations might get the better of him, R. Gidal replied, "They appear to me as white geese." A similar episode is related in Ketubot 17a about R. Acha who danced with the bride at a wedding since she was to him "as a beam of wood." The Gemara further tells about R. Acha ben Abba who visited R. Hisda and let his married granddaughter sit on his lap, relying on Shmuel's dictum that "When one's intentions are for the sake of heaven," it is permitted. In this case R. Acha applied the principle to actual contact with an eruta, a married woman.

The Tosafists also employ this reasoning in practical cases87 and Rabbenu Yonah is quoted as teaching that the prohibition of Kol bi'sh'ha eruta does not apply if the listener does not pay attention.88 However, in his commentary to the Talmud, Ritva adds an obiter dictum:

All is in accordance with one's fear of heaven, and so in the halacha, all depends upon the way a man recognizes himself. If he requires prohibitive fences to curb his inclinations, he should erect them and even

79. Avoda Zara 37b; Shulchan Aruch, E.H. ch. 16, sec. 1-2; c.f. Bet Shmuel and Hilkat Mehokeik. Also Pri Megadim quoted by Mishnah Brurah ch. 75 sec. 17; "Certainly for a Cohen who is prohibited from living with a Gentle woman by the issur of zona, so too a Yisrael is prohibited...She is one of the forbidden relationships." R. Moshe Feinstein rules this way also, in Iggerot Moshe, O.H. vol. 4 sec. 15, pt. 2.
80. Berachot, sec. 80. He quotes R. Hai Gaon and Halachot Gedolot.
81. Chayei Adam rule 4, sec.6; Mishnah Brurah, Ch. 75, sec. 17.
82. Pesachim 22b; R. Ovadia Yosef, Responsa Yechave Da'at vol. 3 sec. 67 deals specifically with women dressing immodestly. 83. Vol. 9 p. 216.
84. Berachot 20a.
85. Ibid.
86. Kiddushin 81b-82a.
87. 82a שעתת ו-י, dealing with a different issue — the prohibition of "making use of a woman."
to view the colored clothing of a woman is prohibited. But if he is aware of himself and knows that his desires are subjugated, then it is permissible for him to look at and speak with a woman who is an eruv and to exchange warm greetings with a married woman.... However only one who is thoroughly righteous and recognizes his desires may conduct himself in such a manner and not all scholars are sure of their desire. Fortunate is the one who conquers his passions and toils in Torah.99

It seems that although the subjective factor mentioned in Shmuel’s name by the Talmud is accepted, its application is not easily introduced. The practical reaction of the Poskim has been uneven. In Sefer HaChinuch the author advises his son, “one is not free to depart from the sound advice of the Sages.”90 And he admonishes, “Many have trusted in their own inclinations and have failed. At first our inclinations appear weak but they gather strength as time goes on.”91 His view is that the instances where the Sages were lenient should not serve as role models since they were dealing with mitzvot, and their personalities were “as those of angels.” “Their time was occupied only with Torah and mitzvot, their intentions were known to all, and they did not feel the effects of their desires for they were wholly joined to Torah and mitzvot. However, today we may not infringe upon these restrictions but must heed [them] all.”

Nevertheless, we find that Shmuel’s claim that it is permitted “for the sake of heaven, והלא לשמך, הערו במחות הלוחות לוחות...,” is quoted by later authorities. R. Moshe Isserles (Ramo)92 quotes Shmuel’s liberal view, as stated by Tosafot. But we should note that although Ramo obviously accepts this principle, he does not quote it in the context of Kol isha. In our own generation, R. Ovadia Yosef has expressed the opinion that “you should not let your heart seize the argument

that nowadays, since we are accustomed to the voices of women, we need not be concerned that [the voice arouses lewd thoughts], for we may not say these things out of our own understanding if it is not mentioned in the authorities.” R. Benjamin Zilber notes also that in practice later authorities did not accept R. Yonah’s lenient ruling.94

In conclusion, we should view this prohibition of the sages as well as others of its genre as protection against a breakdown of sanctity, a measure incumbent upon us as sincerely observant Jews.95 Rambam teaches that it is our obligation to direct ourselves to purity of soul and mind: “Just as when one immerses himself in a mikvah, there is no physical change, so too, when one directs his heart to cleanse his soul of the impurities of the mind.” Although there is no physical change, a change is effected nonetheless.96

93. Responsa Yaḥia Omer vol. 1 sec. 6.
95. R. Zilber is following the presentation of the Mishnah Brurah ch. 75 sec. 17. He permits the study of Torah and prayer while gentle women are singing only because to prohibit these activities would result in their elimination. He does not base this ruling on the ability of the listener to focus his attention on his prayer. If one could concentrate on the prayer he was reciting, this would not alleviate the problem of Kol b’isha eruva. Yet, the Maharsham in his work Da’at Torah, O.H. ch. 75 sec. 3, quotes R. Yonah’s ruling if one can concentrate and ignore the woman singing, he may do so.

89. End of Tractate Kiddushin.
90. Mitzvah 188.
91. Succah 52a... בחוח לוחות...
92. E.H. ch. 21 sec. 5.