

Kol Isha

Rabbi Ben Cherney

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 *erva* (a sexual incitement).
- 2) Shmuel has said the voice of a woman is *erva*.¹
- 3) R. Sheshet has said the hair of a woman is sexual incitement.

The question which arises at the outset concerns the

1. Shmuel quotes as his source the verse from Song of Songs, 2:14 **כִּי קוֹל עֵרֶב נְאוּהָ וְטוֹרָאךְ נְאוּהָ**, which alludes to the beauty of a woman's voice but not to any prohibition. The Jerusalem Talmud, tractate *Challah* 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 **וְהָיָה מְקוֹל יְבוּטָהָ וְהָיָה מְקוֹל יְבוּטָהָ וְהָיָה מְקוֹל יְבוּטָהָ**. In the book of Jeremiah, the word *Kol* is written without a *vav*, meaning "lightness". The Jerusalem Talmud, however, quotes the word *Kol* with a *vav*, *קול*, meaning voice. "Through the voice of her harlotry she defiles the land."

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 erva*” (the voice of a woman is *erva*) 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 *erva*.” 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 of 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.² 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.” Rashi³

2. *Sotah* 48a

3. Rashi, *Sotah* 48a

ר"ה כאש בנעורת: לפי שהזונה מטה אונו לשמוע את הזמר לענות אחריו ונמצאו האנשים נותנים לבם לקול הנשים וקול באשה ערוה כרבותיה: השמימני את קולך (שה"ש פ"ב סט"ד) ומבעיר את יצרו כאש בנעורת אבל זמרי נברוי ועניין נשי קצת פריצות יש לקול באשה ערוה אבל אינו מבעיר יצרו כל כך הזמורים מטים אונו לקול העונים.

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 erva*” 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.⁴ 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, *לבטולי האי מקמאי האי*, 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 *erva*, but leaves unclear whether a speaking or a singing voice is intended. Furthermore, we are not sure whether the voice is considered *erva* 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

4. The Gemara, however, does not connect the two statements. R. Joseph’s statement could remain separate and distinct from Shmuel’s prohibition of *Kol b’isha erva*, 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 erva* 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 Hasidim*⁶ argues that Shmuel's law of *Kol b'isha erva* 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 erva* 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 Metz¹³ also limits the prohibition to a woman's singing voice. R. Joseph Karo¹⁴ relies on this opinion as well as the *Hagahot Maimoniot*, limiting the prohibition to a woman's singing only.¹⁵ R. Joshua Falk argues that only a singing voice would be sexually stimulating, as opposed to a mere speaking voice.¹⁶ Furthermore, he introduces "regularity" (רגילות) as a factor limiting the scope of the prohibited *Kol*. If a voice is regularly heard, it would not fall within the parameters of the prohibition of *Kol b'isha erva*.¹⁷ 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.¹⁸

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 erva* applies only to one who

5. R. Benjamin Zilber, Responsa Az *Nidbaru*, vol. 9 sec. 9 p. 154, י"ד וזנו, who cites those who adopt this strict vision of *Kol*.

6. Bologna sec. 313.

7. This broad application of the prohibition is also implied in the *Or Zarua* (Laws of *Keriat Shema* sec. 133). He argues from *reductio ad absurdum* that if the prohibition of *Kol b'isha erva* 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 erva*. R. Menachem Ha-Meiri (*Berachot 24a* א"ר צ"ר א"ר) raises this possibility as well, but concludes that a normal speaking voice is not included in the prohibition. Mahara! in his commentary *Gur Aryeh*, Bereishit 18:9, discusses this issue.

8. Laws of Prohibited Relationships 21:2.

9. J. Blau, Responsa of Moses b. Maimon, *Machazikei Nirdamim*, (Jerusalem 1960), vol. 2, pp.398-400, no.224.

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 *Mordechai*, *Berachot*, sec.80.

14. *Bet Yosef*, O.H. no.75.

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.* chp. 21 sec. 2, as well as Shmuel ben Uri of Furth, *Bet Shmuel* to S.A. O.H. chp. 21 sec.4. R. Avraham Gumbiner in *Magen Avraham* to S.A. O.H., chp. 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. *Responsa Divrei 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 *erva*.")

is reciting the *Shema* or bans hearing a woman's voice in all circumstances. Rav Hai Gaon¹⁹ and Rabbeinu Hananel²⁰ both interpret Shmuel's law as prohibiting the recitation of *Shema* while hearing a woman sing.²¹

In his code R. Asher ben Yechiel (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

19. *Otzar Ha-Geonim, Berachot* Sec.102 P. 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 "וכן ה"ב" after all the concluding statements dealing with the voice, hair, and leg of a woman.

22. *Berachot* chp.3 sec.37.

23. *Ma'adanei 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*

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

Haasidim sec.33, *Piskei Rid, Or Zarua (Hilchot Keriat Shema* sec.133), and one opinion cited by *Sefer Eshkol* all agree on this point. The Meiri (*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 שואלין וסב) 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).

30. Laws of Prohibited Relations, 21:1.

31. Also note R. Joseph Karo in *Kesef Mishna* to Maimonides' Code, Laws of *Keriat Shema* 3:16 and *Bet Yosef, Tur 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 *erva*; hence we read *ha-erva*, 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 Yoseph*³³ 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 Aruch*³⁵ 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 *Tur*³⁷ offers both interpretations of the Rambam's phrase "*Kol ha-erva*": the voice of a woman is *erva* or, alternately, the voice of a woman who is an *erva*. He clearly opts for the second interpretation, arguing that if the voice per se is an *erva* 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 *erva* 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.* chp. 21 sec.2. R. Joseph Karo in *Bet Yosef*, *E.H.* chp.21 ד"ה ומה שכתב 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*, chp. 75 ד"ה כתב הרא"ש.

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

35. *O.H.* chp.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'adanei Yom Tov*, see note 23). The Ramo in *Darchei Moshe* on the *Tur*, *O.H.* chp. 75:2, seems to adopt an all-encompassing ban as the strict halacha, not only as what one "should avoid".

37. *Tur*, *E.H.* chp.21 sec. 2.

38. *Bayit Hadash* to *Tur*, *E.H.* chp. 21.

39. *Ibid.* ד"ה ואמר. See Also R. Shmuel ben Uri of Furth in *Bet Shmuel* on *S.A.* *E.H.* chp. 21 sec. 4 and the explicit formulation of R. Abraham Gumbiner in *Magen Avraham* on *S.A. O.H.*, chp. 75 sec. 6.

40. Possibly as falling under the category of a voice regularly heard (as stated by Ramo, note 18 above).

41. *Mordechai*, *Berachot* sec. 80.

42. Responsa *Az Nibaru* of R. Benjamin Zilber, vol. 9 sec. 59, quoting *Be'er Sheva*.

43. At this point in the discussion of *Kol b'isha erva* it may be valuable to correlate and analyze the evidence to determine the reason for and nature of this prohibition.

A. a) *Kol isha* was prohibited because it incites lewd thoughts, as indicated by these sources:

1. Rashi on *Sotah* 48a when explaining the difference between men leading a song as opposed to following a woman's lead (which was described as "raging fire in flax") comments that the voice of a woman "heats up the inclinations (desires) of a man as fire raging in flax."

2. R. Menachem Meiri (*Berachot* 24a ד"ה צריך אדם) states explicitly "a man should take care when reciting the *Shema* or praying not to turn his eyes to anything, even his wife, which will bring him to tainted thoughts."

3. The Rabad (quoted in *Hiddushei Ha-Rashba Berachot* 25, as related by

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 Heifetz*, quoted by *Sde Hemed*,⁴⁴ concludes that only hearing a woman sing a love song is *assur*.⁴⁵ R. Benjamin Zilber⁴⁶ 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. Hisda says in the Gemara, 'the leg of a woman is arousing (*erva*)' applies even to his wife and for recitation of the *Shema*. It is not true *erva* and strictly from the Torah it is permissible but (this is *erva*) only for *Keriat Shema* because of arousing thoughts. So too that which Shmuel states *Kol b'isha erva* ... 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 Hamitzvot 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 *erva* 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 sing 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 "gezeira" 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 as a riding crop, which is biblically forbidden.) In the case of *Kol isha*, it is to prevent lewd thoughts, staring at 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 *erva* 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 *Tzitz 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 *erva* and must be avoided. Therefore since the voice cannot be seen it cannot be considered as *erva*, and so should not be prohibited. But in conclusion he accepts the ban.

2. R. Chaim Yosef David Azulai in his work *Petach 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 *erva* 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 *Mishneh 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'isha erva 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 *erva* 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 Nidbaru*, 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*⁴⁷ (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.⁴⁸ He argues that the Gemara⁴⁹ (*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 name⁵⁰ was enough to entice, even without visual stimulation. They resolve the apparent conflict by concluding that vocal stimuli alone will not foster lewd 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.⁵¹ R. Ovadia Yosef agrees with this conclusion⁵² 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 maintain⁵³ 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

Breich⁵⁴ prohibit listening to a female vocalist on a radio or recording. But R. Menashe Klein⁵⁵ 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 (*מכוער*).⁵⁶

R. Yechiel Ya'akov Weinberg⁵⁷ 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*,⁵⁸ a Sephardic authority, who sanctioned the custom.⁵⁹

In addition he cites *Sefer Ha-eshkol*⁶⁰ 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,⁶¹ but R. Benjamin Zilber

47. *Orach Hayim*, chap. 75; sec. 3.

48. Responsa Maharam Schick, E.H., Sec. 53.

49. *Sanhedrin* 45a and *Sotah* 8a.

50. A famous courtesan, Joshua 2:1-22.

51. So rules R. Judah Zirelson, Responsa *Ma'archei Lev*, sec.5, also see Responsa *Bet Shearim*, O.H., sec. 33.

52. Responsa *Yabia Omer* Vol. 1, O.H., sec. 6.

53. *Shevet ha-Levi*, Vol. 3, E.H., sec. 181. *Az Nidbaru*, Vol. 9, Sec. 59. *Tzitz Eliezer*, Vol. 5, Sec. 5.

54. *Helkat Ya'akov*, Vol. 1, Sec. 163.

55. *Mishne Halachot*, vol. 5, Sec. 224.

56. c.f. *Bet Shearim* O.H., Sec.33; *Yabia Omer*, Vol. 1, O.H., Sec. 6.

57. *Sridei Aish*, vol. 2, sec. 8.

58. *Ma'arechet 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 Tefila* 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 *zemiroth* since a man may not recite biblical verses while hearing a woman sing.⁶²

The *Chatan Sofer*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.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*.⁶⁵ For this and other reasons, his ruling is challenged.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 erva*.

The Rambam⁶⁷ has indicated that the prohibition of *Kol isha* applies to the voice of an *erva*. Many authorities explain *erva* as

principle עת לעשות להי הפירו חוריקי, yet in this case since there may not be prohibition at all, we may impose it.

62. See also *Kuntres Be'er Mayim Hayim* Sec. 3. and others cited in *Otzar ha-Poskim* E.H. 21:1 sec. 20:3.

63. O.H. *Avodat ha-Yom, Sha'ar Taharat Yadayim*, sec. 14.

64. R. Zilber in *Az Nidbaru* 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.

65. *Be'er Sheva* also rejects this approach but does not give his reasoning.

66. Basing his opinion on Rashi to *Rosh Hashanah* 27a, ביה עשרה קראין, *Be'er Yehudah* on *Sefer Hareidim*, 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.

This seems to be at odds with the opinion of R. Yaffe-Schlesinger in the Adar-Nissan issue of *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 erva*.

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.

67. *Laws of Prohibited Relations*, 21:2.

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*⁶⁸ comments that a man may listen to his wife sing (except while he is praying) even when she is a *niddah*. *Pitchei Teshuva*⁶⁹ raises the *issur* without reaching a decision, but R. Ovadiah Yosef⁷⁰ 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" (תבא עליו ברכה); R. Moshe Feinstein⁷¹ also rules that one should conduct himself according to the strict opinion.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*,⁷³ but R. Moshe Feinstein points out that his opinion is not accepted.⁷⁴ Others⁷⁵ 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.⁷⁶ However, if the single woman is a *niddah*, most *poskim* do include her in the voice prohibition.⁷⁷ And since today unmarried women do not customarily immerse in the mikvah, they are presumed to be *niddot*.⁷⁸ However, R. Moshe Feinstein precludes the likelihood

68. E.H., Ch. 21, sec. 4.

69. Y.D., Ch. 195.

70. Responsa *Yabia Omer*, vol. 4, Y.D. sec. 15.

71. *Iggerot Moshe, Yoreh Deah*, vol. 2, sec. 75

72. 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.

73. *Kuntres Mayim Hayim*, sec. 3.

74. *Iggerot Moshe, Orach Hayim*, sec. 26.

75. *Apei Zutri*, E.H. ch. 21, sec. 8.

76. So rules *Perisha*, E.H. ch. 21, sec. 4, quoting Maharshal, *Bet Shmuel* to E.H. ch. 21, sec. 4, and *Pri Migadim* 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 *Kedeisha*. (*Magid Mishna* to Rambam, *Ishut* 1:4).

77. Responsa *Chatam Sofer, Choshen Mishpat*, sec. 190. *Rivash*, sec. 425.

78. *Mishnah Brurah* ch. 75 sec. 17; *Iggerot Moshe* O.H. sec. 26;

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 (קדוש יאמרו לו).

Another issue raised by halachic inquiry is the permissibility of hearing the voice of a Gentile woman. Since a Jewish man may not marry or have relations with a Gentile woman, she is in the category of an *erva*.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 *Yaffe Laleiv*

notes 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 women'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 Gemara⁸⁶ 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 *erva*, a married woman.

The Tosafists also employ this reasoning in practical cases⁸⁷ and Rabbenu Yonah is quoted as teaching that the prohibition of *Kol b'isha erva* 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 *Helkat Mehokeik*. Also *Pri Megadim* quoted by *Mishnah Brurah* ch. 75 sec. 17; "Certainly for a Cohen who is prohibited from living with a Gentile 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 *וְהָיָה רַחֵם*, dealing with a different issue – the prohibition of "making use of a woman."

88. *Responsa Az Nidbaru* vol. 9 sec. 59 p. 153.

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 *erva* 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.⁸⁹

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, *הבכל לשם שמים*," 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."⁹³ 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

89. Responsa *Yabia Omer* vol. 1 sec. 6.

90. *Az Nidbaru*, vol. 9 sec. 59, p. 153.

91. R. Zilber is following the presentation of the *Mishnah Brurah* ch. 75 sec. 17. He permits the study of Torah and prayer while gentile 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 erva*. 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* 168.

91. *Succah* 52a... יצר הרע בחחילה רומה לזנות.

92. E.H. ch. 21 sec. 5.