

Gender and the Priestly Blessing

By Rabbi Ethan Tucker

I. Introduction

Last week, I laid out three models for responding to the challenges faced by the *kehunah* in an increasingly gender-equal world. I framed my analysis for an audience that is deeply committed to the substance of Torah and process of *halakhah*, while also invested in the correctness and necessity of the cause of gender equality. I suggested that one could resolve this tension by marginalizing and eliminating the presence of the *kehunah* in ritual life, by faithfully maintaining it as a vestige in its traditional form, or by seeking *halakhic* possibilities for rendering it more gender equal.

This week, I would like to explore the third model with respect to *birkat kohanim*, the priestly blessing traditionally offered by the *kohanim* in the context of the public *Amidah*. It is clearly possible to find ways to evade *birkat kohanim* altogether, by picking up on and expanding the Ashkenazi, Diasporic tradition that sharply limits its performance, and sees no real obligation to hold the blessing at any given time in particular. One can also toe the line on the essential maleness of this ritual, even as it may become more and more of an anomaly in the context of gender-blind leadership and participation. We discussed the advantages and disadvantages of such approaches last week. Instead, I would like to explore options for including *benot kohanim* in this ritual, thus allowing it to retain a role, perhaps even a central one in our public prayer life, while still firmly anchoring it in the *kehunah*, and eliminating at least the optics of some of the patriarchal hierarchy that lies at the heart of the historic Jewish priesthood. My hope is that this will not only be a potentially practically useful conversation, but that it will also illuminate some of what is at stake in these sorts of discussions, even in communities that are unlikely to take this sort of step any time soon.

II. The obligation of *birkat kohanim* and its gendered component

The Priestly Blessing is grounded in the following passage:

במדבר ו: כב-כז

וַיְדַבֵּר ה' אֶל־מֹשֶׁה לֵאמֹר: ²³דַּבֵּר אֶל־אַהֲרֹן וְאֶל־בָּנָיו לֵאמֹר כֹּה תְבַרְכוּ אֶת־בְּנֵי יִשְׂרָאֵל אָמֹר לָהֶם: ס

²⁴יְבָרֶכֶה ה' וַיִּשְׁמְרֶה: ס

²⁵יָאֵר ה' פָּנָיו אֵלֶיךָ וַיַּחֲנֹךְ: ס

²⁶יִשָּׂא ה' פָּנָיו אֵלֶיךָ וַיִּשֶׂם לְךָ שְׁלוֹם: ס

²⁷וַיִּשְׂמוּ אֶת־שְׁמִי עַל־בְּנֵי יִשְׂרָאֵל וְאֲנִי אֲבָרְכֵם: ס

Bemidbar 6:22-27

²²The Lord spoke to Moshe, saying: ²³Speak to Aharon and his sons, saying, “So shall you bless the Israelites; say to them:

²⁴May the Lord bless you and keep you.

²⁵May the Lord shine face towards you and show you grace.

²⁶May the Lord show you favor and grant you peace.”

²⁷They shall place my name on the Israelites and I shall bless them.

A very specific 3-5-7 word formula is offered here, with each of the three lines featuring God’s name in the second position. This text is meant to be spoken to the Jewish people by Aharon and his descendants, whereby God’s blessing will flow out to the people. The details of its implementation are more opaque, and there are explicit and implicit discussions surrounding how frequently it is meant to be done.¹ Whatever the precise scope of the obligation is, it is

¹ Descriptively, classical Rabbinic sources tell us that *birkat kohanim* was done on a daily basis, often multiple times a day. Mishnah Tamid 5:1 reports that, in the Temple, the blessing was offered as part of the morning ritual. Tosefta Ta’anit 3:1 indicates that *birkat kohanim* was a regular feature of the *Amidot* of both *Shaharit* and *Musaf*, even as there was some dispute as to whether it featured in *Minhah* and *Ne’ilah* as well. While this description of common practice is fairly clear, the obligation of any given individual *Kohen* is far less so. On Sotah 38b, **R. Yehoshua b. Levi** indeed says that any *Kohen* who does not ascend the raised platform in order to bless the people violates three positive biblical commandments—*כה תברכו*, *אמור להם*, and *ושמו את שמי*. This suggests an individual obligation of every *Kohen* to be sure to bless the people, though the frequency of this obligation is not made explicit. Still, Yerushalmi Berakhot 5:4 tells a different story. There, we hear in the name of **R. Elazar** that a *Kohen* only defaults on the biblical commandment to bless the people if he is in the synagogue at the time of the blessing. This suggests that the requirement to bless is only *when summoned to do so*. Indeed, we then hear that **R. Yehudah b. Pazi**, when he did not feel well, would go stand behind a column in the synagogue so as not to be summoned. **R. Elazar** would simply leave the synagogue altogether. Indeed, Talmud Bavli Rosh Ha-Shanah 28b describes *birkat kohanim* as something that one only need do if one feels like it. This leads to various medieval positions. **Rambam** Sefer Ha-Mitzvot Aseh #26 specifies that there is a biblical *obligation* for the *kohanim* to bless the people daily. The source for this is not clear, but is likely based on the descriptive data in the above Rabbinic sources. (Sefer Ha-Hinukh #378 follows this approach as well.) Even following Rambam, however, one might say that the obligation in question is still subject to certain conditions. **Tosafot** on Rosh Ha-Shanah 28b argue that the nonchalant language in the Talmud there refers to a *Kohen* who has already offered the blessing once that day. He is under no further obligation to do so. **Hagahot Maimoniyot** Tefillah 15:12 cites the Yerushalmi as a further basis for

clearly directed to **בניו** ו**בניו**. As we saw last week, the language of **בניו**, while often plausibly a gender neutral term for children, is often taken in the context of the *kehunah* to refer specifically to sons. The target of this commandment would thus seem to be the male *kohanim*, a class that excludes not only all non-Aaronides (Levites and Jews undistinguished by descent) but also the female members of the priestly class (*benot kohanim*). Anyone interpreting the Torah in a traditional rabbinic mode would agree that there is no obligation for anyone other than male priests to bless the people.

Of interest to us, however, is whether it is *permissible*, for those other than male Aaronide priests to participate in the priestly blessing. Even if there is no obligation outside of male *kohanim*, is there an option that can be exercised? We will begin by exploring the question of participation by a **זר**, someone not from the priestly class, and use this discussion as a basis for exploring the question of a *bat kohen's* participation.

III. **זרים/Non-priests and *birkat kohanim***

A. An apparently clear answer

The possibility of non-priestly participation in *birkat kohanim* seems to be directly shot down by the following Talmudic passage:

תלמוד בבלי כתובות כד:

איבעיא להו: מהו להעלות מנשיאות כפים ליוחסין? תיבעי למ"ד מעלין מתרומה ליוחסין, ותיבעי למ"ד אין מעלין; תיבעי למ"ד מעלין, הני מילי תרומה דעון מיתה היא, אבל נשיאות כפים דאיסור עשה - לא, או דלמא לא שנא? תיבעי למ"ד אין מעלין, הני מילי תרומה דמיתאכלא בצנעא, אבל נשיאות כפים דבפרהסיא, אי לאו כהן הוא כולי האי לא מחציף אינש נפשיה, או דלמא לא שנא?

Talmud Bavli Ketubot 24b

It was asked: Can one conclude that a person is a *Kohen* for purposes of marriage and family law based on the fact that he raised his hands [to offer the priestly blessing]?

evading the obligation. As we noted last week, a tradition developed in medieval Europe to limit even the general obligation to offer the priestly blessing to the Festivals.

One can ask this question on the assumption that one would assign such a status based on consumption of *terumah* or based on the assumption that one would not.

Based on the assumption that one would assign such status based on the consumption of *terumah*, we would ask: Is that because illegally consuming *terumah* is an offense punishable by death [at the hands of heaven], whereas illegally performing the priestly blessing is only an implied biblical prohibition based on a positive commandment? Or perhaps these two actions are no different [and both warrant assigning a person priestly status for purposes of marriage and family law].

Based on the assumption that one would not assign such status based on the consumption of *terumah*, we would ask: Is that because *terumah* is eaten in private, but the priestly blessing is offered in public, such that no one who is not a *kohen* would dare to perform it? Or perhaps these two actions are no different [and are equally insignificant for assigning personal status]?

We are interested in one specific part of this complex text. The Talmud here is trying to determine whether the fact that a person has participated in the priestly blessing can serve as a basis for establishing their personal status for more serious matters of family and personal status. In the course of this discussion we learn that *birchat kohanim*, on account of its public performance is something that non-*kohanim* would have been reluctant to do, for seeming fear of being exposed as rupturing the integrity of a public ritual of this sort. But we also learn that the Talmud considers the act of a non-priest offering the priestly blessing to be an איסור עשה, a kind of implicit prohibition that flows from the active command to the *priests*—and no one else—to offer this blessing. **Rashi** offers one formulation of how we might read this into the biblical text: “So shall you bless’—You and not *zarim*.” /“כה תברכו אתם ולא זרים” Even though the Talmud here considers the possibility that זרים might not take very seriously an implied biblical prohibition on their participation, it nonetheless seems to assume that there is such a prohibition. We seem thus to have a clear answer to our question: It is biblically forbidden for non-*kohanim* ever to participate in the priestly blessing.²

² The answer to the Talmud’s question here is then said to be the subject of an Amoraic dispute between Rav Hisda and R. Avina. The continuation of the *sugya* seems to imply that seeing someone perform the priestly blessing is in fact sufficient basis to treat them as a *Kohen*, at least for purposes of marriage and family law.

B. A counter-tradition

However, another Talmudic passage complicates things:

תלמוד בבלי שבת קיה:

ואמר רבי יוסי: מימי לא עברתי על דברי חברי. יודע אני בעצמי שאיני כהן, אם אומרים לי חברי עלה לדוכן - אני עולה.

Talmud Bavli Shabbat 118b

...Said R. Yose: I have never gone against what my colleagues tell me to do. I know that I am not a *Kohen*, but if my colleagues tell me to go up to the raised platform: I go up.

This strange text seems to feature a prominent Sage who ascends the platform in the synagogue in order to offer the priestly blessing, even though he is not a *Kohen*.³ Even putting aside the somewhat odd notion here that one should always bow to this sort of social pressure, a more central question beckons: How could R. Yose have simply ignored the implied prohibition laid out in Talmud Bavli Ketubot? This unresolved puzzle is only made more intense when the Tosafot on this passage cite **R. Yitzhak of Dampierre** (France, 12th c.) as follows: לא ידע ר"י מה "R. Yitzhak did not know what prohibition there would be against a *zar* ascending the platform other than the problem of making a blessing in vain, since the Torah told the *kohanim* to bless the Jewish people." In other words, there ought to be no issue with saying the verses of the priestly blessing itself, only the blessing that precedes it. For a non-priest to say such a blessing is to take God's name in vain; that introductory blessing—אשר קדשנו בקדושתו של אהרן וצונו לברך את עמו ישראל—

³ This is the reading in all textual witnesses and subsequent discussions of this text. The one possible exception is R. Yeroḥam (Spain, 14th c.), who, in his introduction to *Toledot Adam ve-Hava* writes: כבר אמרו חכמים ז"ל יודע אני בעצמי שאיני כדאי ואם יאמרו לי חברי עלה לדוכן הייתי עולה. Torah Temimah on Bemidbar 6:23, n131, makes much of this passage, suggesting that it reflects an alternate reading of our Talmudic passage. In this version, Torah Temimah claims, R. Yose is not stating that he is not a *Kohen*, but rather that he felt unworthy to ascend the platform to teach in public, and the source has nothing to do with questions of the priesthood and ritual at all. This is a self-admitted desperate attempt to avoid the shocking consequences of the text as we have it, and the numerous involved discussions of it that we will shortly summarize. Suffice it to say that R. Yeroḥam may not even be quoting the text directly, but intending to use it homiletically in modified form to serve the purposes of his introduction, where he is trying to explain why he needed to right his book, despite his sense of humility. In any event, the interpretive tradition took for granted that the text was as we have presented it in the body of the essay, and the halakhic discussion departed from that assumption and from the need to justify R. Yose's puzzling behavior.

באהבה—both falsely claims the sanctity of the priesthood and the obligation of offering blessing for a זר, who lacks both. Invoking God’s name to do this is a violation, but simply voluntarily reciting the verses of *birkat kohanim* would not be.⁴ Some embraced R. Yose’s behavior here as a potential model even more robustly. **R. Moshe Isserles** (Poland, 16th c.) states that he found a comment on this Tosafot that stated the following:

דרכי משה הקצר אורח חיים קכה:א

ולפי זה יכול הישראל לעלות עם הכהנים והם יברכו לרוב עם הדרת מלך מה טוב אכן לא נהגו ואולי אפשר
אף בלא כהנים יעלו

Darkhei Moshe Ha-Katzar OH 128:1

According to this [view of the Tosafot] a non-priest can ascend with the *kohanim* and let them say the blessing [before the verses], in order that the ritual be more glorious with more participants. Nonetheless, this is not done. And perhaps [according to Tosafot’s logic] non-priests can even ascend without *kohanim*!

According to this formulation, it is praiseworthy if non-*kohanim* ascend to offer the priestly blessing, as long as they themselves don’t say the *berakhah* that precedes the verses. Indeed, as long as the concern about saying a blessing in vain is addressed, doesn’t it only add to the spectacle if more people ascend the platform? This text goes further: Even if there are no *kohanim* present, why would we skip the chance to have this blessing offered to the community, if need be, by זרים? This text notes that common practice does not work this way, but it lays out a way of thinking about *birkat kohanim* that is starkly at odds with the more restrictive vision we saw in Ketubot above. In practice, it seems to support non-priests offering the blessing, so long as they don’t say the *berakhah* that precedes it.

⁴ For a codification of this view in the Tosafot, see Piskei Tosafot Shabbat #393. I am following here the dominant interpretation of the Tosafot’s words לבטלה ברכה as referring to the *rabbinically* ordained blessing—in the form of ה...ברוך אתה ה—that precedes the actual liturgical recitation of the verses of the priestly blessing. An alternate view can be found in Responsa Noda Bi-Yehudah I OH #6, where the author cites the interpretation I am following here as well as one that thinks that Tosafot are referring to violating the prohibition on blessings in vain by reciting the *verses themselves*, which contain God’s name several times. For a lengthy refutation of this view of Noda Bi-Yehudah, see Responsa Yabia Omer III OH 14:8, who argues that it can never be a prohibition to recite verses as they appear in the Torah. Maharit, whom we will cite below, also thought that the term ברכה in Tosafot referred to the actual verses from the Torah, but thought this was only in reference to saying such verses with the explicit name of God, such that Tosafot is irrelevant for thinking about the verses as we say them today.

C. Synthesis

How do we reconcile these dueling traditions, one in Ketubot and the other in Shabbat? How do we account for Tosafot's seeming obliviousness to an explicit Talmudic passage that contradicts their analysis? Are there ways to mine the Talmudic passages for details that might enable us to distinguish between them? This problem spawns a wide range of answers.

1. Rereading R. Yose

Perhaps the simplest way to resolve this contradiction is to deny its very premise. **Tosafot Ha-Rosh** reject R. Yitzhak of Dampierre's reading of the story about R. Yose:

תוספות הרא"ש מסכת שבת דף ק"ה עמוד ב

אלו היו אומרים לי חברי עלה לדוכן, לאו דוקא דבפרק האשה שנתארמלה (כ"ד ב') מוכח דישראל העולה לדוכן עובר בעשה אלא כלומר דבר גדול הייתי עושה בשבילך.

Tosafot Ha-Rosh Shabbat 118b

“If my colleagues tell me to go up to the raised platform...” Not literally, because [in Ketubot] it is clear that a non-priest who ascends the platform [to bless the people] violates a positive commandment. Rather, I would do something greatly significant for them [commensurate with their request].

Building on Rashi's notion that the problem with a זר offering the blessing is inherent to him occupying a priestly-designated space, Tosafot Ha-Rosh state that R. Yose could not possibly have done what it seems he did. They distort the Shabbat source entirely, stating that he must have responded to his colleagues' desire to receive a blessing from him, but not actually in the form of behaving like a *Kohen* in front of the community in this way.⁵ This is not an entirely coherent reading of the R. Yose text, but the conclusion is clear enough: Only priests can ever

⁵ A slightly less distorting read of the source, but still fundamentally in this camp, claims that R. Yose went up to the platform but did not actually say anything, or at least the part of the ritual that would have presented a problem. See Maharsha on Shabbat 118b.

offer this blessing in the synagogue, R. Yitzhak of Dampierre's reading is wrong, and the analysis in Ketubot trumps all other data we might encounter.

Most later interpreters, however, were not content to dismiss R. Yitzhak of Dampierre nor the plain sense of the story about R. Yose. They therefore searched for other syntheses of these texts that could preserve more of both of them.

2. Deference on facts, not violation of the law

Taz attempts to evade our problem by suggesting another way of reading R. Yose. Instead of imagining that R. Yose broke the law as laid out in Ketubot in order to appease his colleagues, Taz suggests that R. Yose simply agreed to defer to their judgment. Even though R. Yose *thought* he knew himself not to be a *Kohen*, when his colleagues insisted that he *was* by pressing him to offer *birkat kohanim*, he was willing to follow their assessment of reality. According to this reading, it is non-negotiable that a זר may not offer *birkat kohanim*. The only thing up for discussion is whether a given person is a זר. R. Yose offers an odd case of a person yielding to pressure regarding personal status, even when one has a strong counter-narrative.

3. Alone or with others

R. Moshe Isserles notes that R. Yose is invited by “colleagues” to go up to the raised platform. This leads him to the following tentative suggestion:

דרכי משה הקצר אורח חיים סימן קכח:א
ואפשר דר"י לא קאמר אלא כשעולה עם כהנים אחרים אבל לבד הוא עובר בעשה וצריך עיון:

Darkhei Moshe Ha-Katzar OH 128:1

Perhaps R. Yitzhak only meant to permit when the non-*Kohen* ascends with other *kohanim*, but if he does so on his own, then he violates a positive commandment. But this requires further thought.

The suggestion here is that perhaps the core of the biblical commandment is to make sure that priests are blessing the people, not that non-priests are not. As such, having a blessing led entirely by non-*kohanim* eviscerates the heart of the biblical command to Aharon and his descendants, which at a minimum means that this blessing should not be handed over entirely to non-priests. Perhaps this is at work in Ketubot, where we are imagining a רַ who has ascended the platform alone, and thereby violates a positive, biblical commandment. By contrast, perhaps R. Yose never went up alone, but was invited by other “colleagues” who were *kohanim*, and who invited him to join in. In this context, perhaps one can say that the biblical command to have Aharon’s descendants bless the people has been fulfilled. As long as the non-*kohen* does not improperly recite a blessing in vain, he is simply adding heft to this priestly base and there is no prohibition. As we see from the end of this comment, R. Moshe Isserles is unsure about the coherence of this argument.⁶ Later authorities picked up on this and were generally unwilling to give his suggestion much weight. **Mishnah Berurah 128:6** summarizes simply: ולדינא הסכימו: והאחרונים דאין לחלק בזה ובכל גווני עובר בעשה “As a matter of law, the later authorities agree that there is no distinction [whether a non-*kohen* performs *birkat kohanim* with other *kohanim* or not], either way one violates a positive biblical commandment.”

4. Optional vs. required

Magen Avraham 128:1 (R. Avraham Gombiner, Poland, 17th c.) suggests that we have a fundamental divide between Ketubot and Shabbat, reflecting two incompatible voices. Ketubot holds that as long as someone is not in the group of people *required* to perform *birkat kohanim*, they *may* not do so. By contrast, R. Yose’s behavior in Shabbat aligns with a view that one is allowed to elect to perform non-obligatory behaviors. This, Magen Avraham argues, maps onto a debate regarding women’s optional performance of the ritual of סמיכה, leaning one’s full weight on an animal that is being brought as a sacrifice. It was assumed by all early Rabbinic authorities that this requirement did not apply to women, but arguments emerged regarding

⁶ By the time of his glosses on Shulhan Arukh 128:1, Rema seems to have abandoned this line of thinking: ואין לזר לישא כפיו אפילו עם כהנים אחרים. But a distillation of his thinking in the Darkhei Moshe appears there as a gloss and is commented on by later figures, such as Magen Avraham. See below.

whether women could electively perform this action when bringing a sacrifice. The Sifra reports all of this as follows:

ספרא ויקרא - דבורא דנדבה פרשה ב סוף פרק ב הלכה ב

בני ישראל סומכין ואין בנות ישראל סומכות, רבי יוסי ורבי שמעון אומרים הנשים סומכות רשות, אמר רבי יוסי אמר לי אבא אלעזר היה לנו עגל זבחי שלמים והוצאנוהו לעזרת הנשים וסמכו עליו הנשים לא מפני שהסמיכה בנשים אלא מפני נחת רוח של נשים

Sifra Vayikra, Dibbura de-Nedava, Parashah 2 Perek 2 Halakhah 2

[“Speak to the sons of Israel...and he shall lean his hand...”]—the *sons* of Israel lean, but the daughters of Israel do not lean. R. Yose and R. Shimon say: Women may exercise the option to lean. Said R. Yose: Abba Elazar told me that we had a calf for a well-being offering, we brought it out to the women’s court, and the women leaned on it. [This was] not because leaning is the province of women, but in order to give the women some spiritual satisfaction.

This *midrash* reads the term בני ישראל as gendered and therefore excluding women from the ritual element of leaning mentioned in the Torah’s following paragraph. However, **R. Yose and R. Shimon** argue that this exclusion is only from obligation, but not from opportunity. Should women wish to lean on their sacrifices, they may. R. Yose then provides a story where an animal was proactively brought to women, so that they could enjoy the experience of participating in this ritual. This story not only legitimates allowing women to perform this action, but seems to look favorably on affording people opportunities to perform optional rituals, when it will be spiritually satisfying for them to do so. From the Sifra itself, it is not clear if anyone disagrees with this view of R. Yose and R. Shimon. But by the time this text is transmitted in the Talmud Bavli, **R. Yehudah** has emerged as a countervailing voice, opposed to the participation of women in this sort of ritual from which they are exempt.⁷

Magen Avraham maps this debate onto our two *sugyot* here. He assigns Ketubot to R. Yehudah: Since non-*kohanim* are not included in those required to offer *birkat kohanim*, they should not be involved in doing the ritual in any way. Shabbat, reflects the approach of R. Yose⁸

⁷ The assertion that there is an opposing view and that it can be attributed to R. Yehudah is present by the time of Abaye, and can be found on Rosh Ha-Shanah 33a.

⁸ The R. Yose in the story in Shabbat seems to be an Amora who lived much later than the R. Yose cited in the Sifra.

and R. Shimon, who hold that being exempt from something doesn't mean one cannot elect to do it. Based on that presumption, it is perfectly valid for a non-*kohen* to offer the priestly blessing, so long as he doesn't say a *berakhah* that is false. In other words, these two *sugyot* are incompatible in their assumptions and reflect a Tannaitic debate spelled out elsewhere. R. Yitzhak of Dampierre was simply following the conventional pattern of ruling like R. Yose and R. Shimon when he ignored Ketubot and asserted that there is no real basis for preventing non-*kohanim* from electively performing *birkat kohanim*.⁹

5. The Temple vs. other arenas

Maharit (R. Yosef Trani, *Eretz Yisrael/Turkey*, 16th-17th c.) takes an entirely different approach in his commentary on Ketubot 24b.¹⁰ He argues that the biblical regulations around the priestly blessing only apply in the Temple, where the Name of God was pronounced explicitly as part of the ritual. It is there, and only there, that a non-*kohen* violates something by participating in this ritual. Ketubot is referring to that aspect of the priestly blessing; if a layman participates in that Temple-based ritual, there is indeed a biblical violation.¹¹ R. Yose, by contrast, is in a setting like our own, a synagogue-based ritual that is merely a pale reflection of the Temple-based original. This was R. Yitzhak's point of reference as well: In that sort of setting, the only concern is not making a false blessing about one being part of the commanded class of *kohanim* tasked with offering this blessing, which one is not.

⁹ Magen Avraham also considers the possibility that the *איסור עשה* mentioned in Ketubot is in fact the *berakhah* recited prior to the verses itself! Levushei Serad reads Magen Avraham as rejecting this reading as untenable, since a *ברכה לבטלה* is generally understood either to be a violation of a biblical negative commandment (לא תשא) or it is entirely rabbinic. There is no solid basis in Rabbinic literature to describe it as a violation of a positive biblical commandment.

¹⁰ See also **Penei Yehoshua** (R. Ya'akov Yehoshua Falk, Poland/Germany, 17th-18th c.).

¹¹ Maharit suggests that the *איסור עשה* involved in saying the verses here is grounded in the verse *את ה' אלקיך תירא*; see Sanhedrin 56a and Temurah 4a.

6. Raising one's hands or not

Bah (R. Yoel Sirkis, Poland, 16th-17th c.) offered another resolution. Focusing on the language of **כפיהם** /“raising of hands” in Ketubot, he suggested that the biblical prohibition only applies when one offers the blessing while raising one's hands. R. Yose must have gone up to offer the blessing without assuming this posture (and without saying the opening *berakhah*). By behaving in this way, he could placate his colleagues without running afoul of the Torah's implicit prohibition on a **זר** performing this ritual. For **Bah**, a **זר** who does lift his hands and offer the blessing indeed violates the biblical law, irrespective of whether he is offering the blessing with other *kohanim*.

7. Intention is the key

Magen Gibborim 128:2 (R. Mordechai Ze'ev Ettinger and R. Yosef Shaul Nathanson, Poland, 19th c.) cuts the Gordian knot on this entire discussion. R. Yose did precisely the problematic act of *birkat kohanim*, described in Ketubot, with raised hands.¹² Nonetheless, he did not violate the biblical commandment. Why? Because his intention was not to fulfill the command of blessing the people, but rather to appease his colleagues. Just as a parent can bless a child on Friday night with the exact same formula of *birkat kohanim* and not run afoul of the law, so too a non-*kohen* can ascend the raised platform and bless the people in the synagogue, so long as the motivation is something other than pretending to share the *Kohen's* obligations. When Tosafot could not understand the possible problem with a **זר** doing *birkat kohanim* other than the *berakhah*, they meant: As long as the non-*kohen* avoids saying the blessing before the verses, isn't it clear that he is participating in the ritual for reasons other than fulfilling the *mitzvah*?

¹² Even this view must presume that he did not say the blessing prior to the verses, since that would clearly be false and inappropriate according to all.

D. Practical conclusion

Despite this wide range of opinions,¹³ no viable practice of זרים participating in *birkat kohanim* ever emerged.¹⁴ In other words, as a practical matter, Ketubot effectively triumphs. This squarely reflects the interpretations offered by Tosafot Ha-Rosh, Taz, and Bah, all of whom thought that when a non-*kohen* properly performs *birkat kohanim*, a biblical violation has occurred.

Nonetheless, there is clearly some degree of wiggle room here, based on the various explanations we saw. Magen Avraham clearly creates some space for optional performance, Maharit dismisses all concerns outside of the Temple, and Magen Gibborim suggests that intention is the key to everything. This is important as we consider the question of *benot kohanim*. Even if they are no different than זרים, might these positions play a role in justifying a more egalitarian approach to this *mitzvah*?

IV. Women, זרות, and *birkat kohanim*

As we saw last week, *benot kohanim* are included in certain parts of the *kehunah* and excluded from others. How do we legally conceptualize this complex state of affairs? Are *benot kohanim* essentially זרות, who are nonetheless sometimes given privileges on account of their adjunct and dependent relationship with male *kohanim*? Alternatively, are they fundamentally *kohanim*, who are nonetheless excluded from certain key elements of priestly privilege and responsibility? Or

¹³ There are some other efforts to ground the prohibition on non-priestly participation on *birkat kohanim*. One of them is grounded in the claim that just as the *Kohen* must offer the blessing, so too the non-*kohanim* must receive it. In other words, the language of כה תברכו את בני ישראל implies not only that the *kohanim* should be the ones blessing, but that the non-*kohanim* should be the ones who are blessed. If either group steps out of their assigned role, the divine will has been thwarted. This is articulated by R. Elazar Azikri in Sefer Haredim Mitzvot Aseh 4:18. Ra'avad, at the end of his commentary on Mishnah Tamid cites Sefer Ha-Miktzo'ot to similar effect. Some later authorities appeal to this formulation to suggest that זרים actively violate a commandment if they switch positions during the blessing. However, Ritva Sukkah 31b explicitly states that *birkat kohanim* is an obligation on the *Kohen* and not on other Jews, leading later authorities like Minhat Hinukh #378 to reject any use of the first view here as part of the debate around the place of a זר in this ritual.

¹⁴ There are many interesting discussions about how to maintain this ban while still supporting various practices of integrating the *text* of *birkat kohanim* into various ritual moments. R. Ovadiah Yosef combines the criteria of Magen Gibborim and Bah to justify uses of the *birkat kohanim* text by non-*kohanim*, so long as the intent is something other than the *mitzvah* of the priestly blessing, and so long as one's hands are not raised up in the air. See Yalkut Yosef Tefillah II 128:13.

is any attempt to come up with a neat classification doomed to failure, since *benot kohanim* occupy a unique, liminal space in the Jewish priestly system? There are many dimensions to this discussion and we can't engage all of them here. I will try to deal with the most relevant elements for our discussion of gender and *birkat kohanim*.

A. *Benot kohanim* as זרות

Classical Rabbinic sources provide no conclusive evidence on these larger questions. We saw last week how the exclusion of women from the core sacrificial rites is already implicit in the Torah, drawn out by the Sifra, and then codified in Mishnah Kiddushin 1:8. But those sources on their own might simply mean that *benot kohanim* are not supposed to displace male *kohanim* in their Temple duties. It is far less clear that they invalidate the service if they go ahead and perform it, or that they are subject to the death penalty earmarked for those outside the priestly class.

By the medieval period, we indeed find clear strands of thought that hold that *benot kohanim*, by virtue of being women, should be thought of as זרות. We see the clearest articulation of this in Rambam's discussion of the elements of the sacrificial worship in the Temple:

רמב"ם ביאת המקדש ט:א

זר שעבד במקדש עבודתו פסולה וחייב מיתה בידי שמים שנאמר והזר הקרב יומת...אי זהו זר כל שאינו מזרע אהרן הזכרים שנאמר וערכו בני אהרן, והקטירו בני אהרן, בני אהרן ולא בנות אהרן.

Rambam Biat Ha-Mikdash 9:1

A *zar* who performs service in the Temple: The service is invalid and he is liable for the death penalty at the hands of heaven, as its says: "The *zar* who comes close shall die."... Who is considered a *zar*? Anyone who is not one of the male descendants of Aharon. As it says, "The sons of Aharon shall set up [the meat on the altar]," "The sons of Aharon shall turn [the meat] into smoke [on the altar]": The sons of Aharon, and not the daughters of Aharon.

Rambam's contribution here is to argue that *benot kohanim* function just like non-priests when it comes to the core parts of the Temple service. They are under the rubric of *zar* and all that comes with it. There are a number of sources that pick up on this point and unequivocally close the door on *benot kohanim* participating in the priestly blessing. **Peri Megadim** Mishbetzot Zahav 128:2 (R. Yosef Teomim, Poland, 18th c.) considers the case of a *kohen's* child who is a *tumtum* or *androgynos*—someone of uncertain or blurred gender identity. Peri Megadim notes that perhaps one could construct a *sefeik sefeika* argument (appeal to two axes of doubt¹⁵) to justify the participation of such a person in *birkat kohanim*:

- 1) This person might in fact be male, in which case he should participate in the blessing.
- 2) Even if this person is not male, perhaps there is no real prohibition on a זר participating in *birkat kohanim*, following the various interpretations of the Tosafot we considered above.

But he rejects this, saying that the second doubt is not really a doubt—we should treat it as settled law that a זר may not participate, at least barring some of the more unusual configurations we considered (like not raising one's hands or having an entirely different intention from fulfilling the *mitzvah*). Relevant for our purposes is the fact that Peri Megadim seems to assume here that once one is not male, one is a זר, suggesting that a *bat Kohen* is considered a זרה for the purposes of the priestly blessing. This then leaves insufficient doubt for maneuvering in Peri Megadim's situation. All the more so, if he were simply dealing with an unambiguous female, it would be obvious to him that her participation is impossible, because she is a זרה.

In a similar but slightly different vein, **Minhat Hinukh** #378 (R. Yosef b. Moshe Babad, Poland/Ukraine, 19th c.), is willing to entertain the possibility that *benot kohanim* are not exactly זרות even in the context of Temple worship.¹⁶ Nonetheless, he states that the potential violation of the positive biblical commandment around *birkat kohanim* applies equally to anyone excluded from the phrase *אהרן ובניו*. Once we read this phrase as gendered—Aharon and his *sons*—then it equally excludes women and non-priests. If we assume there is indeed a problem with a זר

¹⁵ See my earlier essay on *Hayyei Sarah* for more on this halakhic approach, which can be found [here](#).

¹⁶ In #390, he suggests that *Sefer Ha-Hinukh* might have rejected Rambam on this count, since he defines זר as *כל מי* שאינו מזרע אהרן, without mentioning זכרים. Note that Tosafot Kiddushin 36a s.v. *ha-kabalot* assume, like Rambam, that *benot kohanim* invalidate any sacrifices they offer, but it is not clear if this is on account of them being treated like זרים or because they are specifically excluded through the term *בני אהרן*.

offering the blessing, then that problem applies to all those who are not obligated to offer it. Unlike Peri Megadim, however, he seems far less certain that we have definitively concluded that a זר is excluded from offering the blessing.

In any event, these sources should make clear that it is perfectly coherent for a community to refuse to allow female participation in *birkat kohanim* even as they might advance egalitarian norms in many other areas of ritual. *Birkat kohanim* is certainly a place where it is defensible to say that preserving this aspect of the *kehunah* requires limiting it to those to whom it is addressed: Aharon and his male descendants.¹⁷

B. Allowing optional gender-neutral participation

But I am interested in a slightly different angle. Yes, there is clearly a basis for excluding *benot kohanim* from the priestly blessing. Is there also a basis for including them? Is there room for a community to rely on another model? Formulated more conservatively and to the point: Is there a basis for not turning away a *bat kohen* who is motivated to come up and bless the community?

Here I believe the answer is yes all around, based on a number of elements:

- 1) There is a strong basis for not treating a *bat Kohen* as a זרה;
- 2) The language of זר אל אהרן ואל בניו need not be read here as excluding *benot kohanim* from joining in;

¹⁷ A few other sources may support this analysis as well, but they are less clear. For example, R. Menahem Azariah (Rama) of Fano, in Responsum #130, explains the *baraita* tacked on to the end of Mishnah Bikkurim that discusses the legal status of an אנדרוגינוס/hermaphrodite. The *baraita* states about an אנדרוגינוס that זר נבעל בעברה נפסל מן הכהונה כנשים. Rama states that this cannot refer to unfitness for Temple service or offering the priestly blessing: An אנדרוגינוס is obviously unfit for such service, since the physical defect of being a hermaphrodite is obviously no less serious than the list of bodily disqualifications laid out in Vayikra 22. Though this seems unrelated to our topic, R. Yehudah Aszod in Responsa Yehudah Ya'aleh I YD #265 does not like the implication that a physical defect should disqualify someone from offering the priestly blessing. Such defects do not intrinsically disbar a *Kohen* from *birkat kohanim*! Only if the defect is visible and will be distracting is this a problem; see Megillah 24b and Ta'anit 26a. Therefore, R. Aszod reads Rama as suggesting that the “defect” here refers to possibly being a woman, which is equivalent to possibly being a זר. This is far from the obvious reading of Rama here, who may simply be refuting a view that grouped *birkat kohanim* together with sacrificial service, but then deflects it with an argument appropriate for the latter and not the former. In any event, R. Aszod himself reads the *baraita* differently and seems to suggest that, in his view, women are not so obviously disqualified from *birkat kohanim*.

- 3) Even if a *bat Kohen* should be thought of as a זרה, there is some basis for allowing זרים to participate in *birkat kohanim*;
- 4) Unlike זרים, there is no real reason that a *bat Kohen* cannot say the *berakhah* prior to the recitation of the priestly blessing (at least in Ashkenazi communities).

1. Are women זרות?

There is good reason not to think of *benot kohanim* as essentially being non-priests who are granted certain privileges, but rather women who carry within them the inherent sanctity of the Aaronide line. Here are a few examples.

It is forbidden for a זר to eat *terumah*, the sacred gift given to the priests from various kinds of agricultural produce, on pain of death. Moreover, Vayikra 22:14 rules that if a זר accidentally eats *terumah*, he must return to the *kohen* the value, including an additional fifth, of what he ate. Vayikra 22:12-13 lays out the rules for when a *bat Kohen* may eat *terumah* and other sacred items that are off limits for a זר. The rule is essentially as follows: Until marriage, a *bat Kohen* can eat these gifts; once married to a non-priest, she may not. If she is widowed or divorced and has no children from the non-priest, then she returns to eat *terumah* from her father's house. The key question for us is this: What if a *bat Kohen* accidentally eats *terumah* while married to a non-priest? Is this treated like a case of a זר or not? Do we view this as an illegal trespass on priestly privileges by a non-priest, or is it simply a case where a priestly individual was not supposed to eat the food in question? The Mishnah answers this question directly:

משנה תרומות ז:ב

בת כהן שנשאת לישראל ואחר כך אכלה תרומה משלמת את הקרן ואינה משלמת את החומש...

Mishnah Terumot 7:2

If a *bat kohen* marries a non-priest and then eats *terumah*, she pays back the principal, but not the added fifth...

In other words, this is considered a case of someone with priestly sanctity eating something they were not supposed to have. She must return the value of the *terumah* to a *Kohen*—this food is not allotted to her while she is married to a non-priest—but there is no additional penalty, such as would apply to a זר. This is explicitly derived from the text of the Torah in the Sifra, in striking language:

ספרא אמור פרשה ו תחילת פרק ו הלכה ב

מנין לבת כהן שניסת לישראל ואח"כ אכלה תרומה וכן כהן שאכל תרומ' חבירו יכול יהיו חייבים בחומש תלמוד לומר וכל זר לא יאכל קודש ואיש כי יאכל קודש בשגגה יצאו אילו שאין זרים לה

Sifra Emor Parashah 6 Perek 6 Halakhah 2

How do we know that a *bat Kohen* who is married to a non-priest and who eats *terumah*, as well as a *Kohen* who eats *terumah* that belongs to his fellow, are not obligated in the added fifth? Scripture teaches: “And no *zar* shall eat sacred food. And when a man eats sacred food by accident, [he shall add a fifth to it and give the *Kohen* the value of the sacred food]”—these cases are not included, as they are not *zarim* with respect to this *terumah*.

In other words, at least in the context of *terumah*, a *bat Kohen* is not considered in the category of זרה.¹⁸ She carried lineal sanctity within her as a member of the priestly class.

Another striking example of this intrinsic sanctity, which we saw last week, is the fact that a *bat Kohen* exempts her non-*kohen* husband from redeeming her firstborn son. This point is clarified on Bekhorot 47a by **Rava**, who clarifies that the Torah ties the status of the firstborn to פטר רחם/“the first of the womb”, and thus anchors it in the tribal status of the mother as well as that of the father. This demonstrates an intrinsic sanctity that *benot Kohen* carry within them, even while married outside of the priesthood.

These data points suggest that perhaps even Rambam, cited above, should not be read as claiming that the female members of the priestly class *are* זרות, but rather that they have the

¹⁸ See also Rashi Sanhedrin 51a s.v. *ve-einah* and Rashi on Kereitot 7a. The Sages in our Mishnah are even more bold: They say that a *bat Kohen* never pays the added fifth, even in cases where she married someone who defiles her from being eligible to eat *terumah* in the future (such as a *mamzer*). Rashi explains their view as holding that even though she is now a *zarah*, the added fifth penalty only applies to those who have always been *zarim*. Both sides thus agree that as long as a *bat Kohen* has not been defiled, she carries intrinsic priestly sanctity.

status of זרות when it comes to certain things like the Temple service.¹⁹ This suggests that we might be better served by engaging priestly rituals one-by-one to examine the appropriateness for more gender equal applications. In any event, it is fairly clear that *benot kohanim* are *not* considered זרות across the board, forcing us to examine *birkat kohanim* more closely in this regard.²⁰

2. Are women so obviously barred from *birkat kohanim*?

Above, we stated that women are clearly not *obligated* to offer the priestly blessing and we appealed to the Torah's formulation of דבר אל אהרן ואל בניו, which, in the context of traditional *midrashim* around the *kehunah*, would seem to be understood as referring to Aharon and his sons. There is no question that all traditional commentators would agree that this formulation certainly frees *benot kohanim* from any obligation in this realm. However, how do we know for sure that they cannot optionally participate? We saw above that Minḥat Hinukh pointed us to the fact that whether or not we consider *benot kohanim* to be זרות, there are clearly not included in the command to Aharon and his sons, and their participation thus runs afoul of the implied prohibition spoken of in Talmud Ketubot, which devolves upon all who are not commanded.

But is this so clear? In fact, the phrase אל אהרן ואל בניו is not identical to the phrase בני אהרן; might the former be more inclusive than the latter? We see this argument play out around the question of redeeming a firstborn son through a *bat Kohen*.²¹ Bemidbar 3 specifies אל אהרן ובניו as the recipients of the silver used to redeem the firstborn in the wilderness, perhaps setting this up at the paradigm for all future redemptions. And indeed, **Rambam** Bikkurim 1:10 rules that the silver used to redeem firstborn sons in our own time must go to a *Kohen* and not a *bat Kohen*, due to the gendered nature of this phrase. Nonetheless, **Tosafot** (Pesahim 49b, s.v. *amar Rav Kahana*) hold that one *may* give the redemption money to a *bat Kohen* (or even to her

¹⁹ Note also the Talmud's language on Bekhorot 47a, which states that *if* a *bat Kohen* has intercourse with a forbidden partner, הוויא לה זרה/"she becomes a *zarah*." The implication is clear: Prior to this act, she is not a *zarah*.

²⁰ For an interesting analysis of the status of *benot kohanim* in a range of priestly rituals, see ["בענין נתינת דמי יעקב יפה. פדיון הבן לכהנת. קול צבי י \(תשס"ה\): 203-243](#).

²¹ I referred to this debate in a footnote last week.

non-priestly husband). Apparently, they did not see the phrase אהרן ובניו as conclusive in this regard.²²

But even if Tosafot might have dismissed the power of the Bemidbar 3 text for other reasons—such as considering it to be a narrative account of something that happened in the wilderness, not an explicit command—there are grounds to think about *birkat kohanim* more expansively. Think about most of the ritual exclusions of *benot kohanim*, whether from the Temple service or from eating certain sacred foods, or receiving the redemption money for the firstborn (according to Rambam). In each of these cases, allowing a *bat Kohen* to participate *displaces* a male descendant of Aharon. Each sacrifice can only be offered once, each morsel of sacred food only eaten by one person and each amount of redemption money only paid out once. To allow *benot kohanim* to participate in these rituals is to much more aggressively remake the nature of the *kehunah* in a gender-blind image, to give female and male descendants of Aharon equal footing. Given the patriarchal realities of the *kehunah* that we discussed last week, we can understand how such actions would be understood as being contrary to the Torah's intentions.

By contrast, allowing a *bat Kohen* to participate in *birkat kohanim* only increases the number of blessings that the community receives. No male *Kohen* is displaced from the דוכן /raised platform on account of a *bat Kohen*'s participation. There is no limit on the number of *kohanim* who may ascend. It is quite a plausible argument to suggest that, in this case, אהרן ובניו is *not* meant to be a limiting factor, at least respect to those who can honestly be described as descendants of Aharon. In other words, even if one thinks that it is biblically problematic for a דר to bless the people given that he is not in the commanded group, it might be that *benot kohanim*, despite not being commanded, are not sufficiently excluded to warrant preventing them from voluntarily performing this *mitzvah*, given their Aaronide status and lineal sanctity. Even if בניו is often read as a gendered term to exclude women from various priestly rituals, it is far from obvious that this exclusion is meant to carry over to places where inclusion of *benot kohanim* in no way affects the male *kohanim* themselves.²³ Indeed, it is noteworthy that **Sefer Ha-Hinukh**

²² For an in-depth discussion of why, see 223-230, יפה.

²³ The other case discussed in the Talmud is that of the grain-offering of a *Kohen*, which is entirely burnt, as opposed to one of a *bat Kohen*, which is not. There are competing derivations of that law, but one of them, as we saw last week, involved the language of אהרן ובניו. While that case might also seem to be one where allowing the *bat Kohen*'s offering to be fully burnt would have no effect on the male *kohanim*, this is incorrect. By burning a grain-offering, one deprives the male *kohanim* of the ability to eat what would otherwise have remained after a small amount has been thrown onto the altar. An egalitarian impulse in that arena would thus also infringe on the privileges and rights of male *kohanim*. For an analysis of this sort, arguing that one would be more lenient with a

#378, though he meticulously and consistently excludes women from all of the *mitzvot* of the *kehunah*—including when he requires that the redemption money for the firstborn son be given to a male *Kohen*—does *not* explicitly exclude women when he delineates the parameters of *birkat kohanim*.²⁴

3. Constructing a *sefeik sefeika*

As I mentioned above, this seems to pave the way for an argument that takes advantage of two axes of doubt in order, minimally, to make the modest claim that *benot kohanim* who wish to offer *birkat kohanim* need not be discouraged from doing so. The argument goes as follows:

- 1) It is possible that *benot kohanim* were never barred from offering *birkat kohanim* in the first place. They are not זרים in the full sense of the term, and their lineal sanctity distinguishes them from non-priests in significant ways in the context of a number of key *halakhot*. Tosafot include them among those who can receive the redemption money for the firstborn. There is a solid argument for saying that the main objections to allowing *benot kohanim* to participate in other aspects of the *kehunah* is because they will displace male priests, which is not a concern in the context of *birkat kohanim*.
- 2) Even if *benot kohanim* should be treated like זרות for the purposes of *birkat kohanim*, it may well be the case that a זר can indeed offer *birkat kohanim*. We saw Maharit rule that there is no prohibition outside the Temple. Magen Avraham thinks that the dominant view permits זרים to exercise the option to perform this *mitzvah*. These *poskim* are weighty enough to generate a second axis of doubt.²⁵

זר ספק זר in the context of *birkat kohanim* as opposed to with regard to the Temple service, see Responsa Sho'el U-Meshiv 3:39.

²⁴ I have not found any Rishonim who explicitly exclude women from נשיאת כפים. The discussion seems to begin with modern sources, like Peri Megadim and Minḥat Hinukh.

²⁵ I might also add that Magen Gibborim thinks there is no problem as long as one is clear that one is not trying to fulfill the *mitzvah*. This might be used to justify the participation of *benot kohanim* who wish to participate *without* saying the *berakhah* beforehand, simply because they want to lend a female voice to the ritual, despite feeling that they cannot truly perform the *mitzvah*. I think this is a relatively small subset of people, but I include it here in case it is helpful for individuals and communities for whom that might be the right path.

As in all cases of a *sefeik sefeika*, one would normally not rely on either piece of the argument on its own. If there were an unequivocal, absolute prohibition on the participation of a זר in *birkat kohanim*, the argument for a *bat Kohen*'s inclusion based on argument (1) might well be insufficient. And we would certainly not simply allow a זר to participate in *birkat kohanim* based on argument (2). But with the two of them combined together, there are enough combined arguments to create space for the *bat Kohen* in the context of this ritual without overly redefining the parameters of the *kehunah*. Again, even if one would still be hesitant to adopt this argumentation in order to actively encourage the participation of *benot kohanim*, I think it is certainly sufficient to allow those who take the initiative to continue to do so.²⁶

4. Saying the *berakhah*

Finally, we saw that even the most lenient voices on the participation of זרים in the *birkat kohanim* drew the line on allowing them to say the blessing that precedes this ritual:

ברוך אתה ה' א-להינו מלך העולם אשר קדשנו בקדושתו של אהרן וצונו לברך את עמו ישראל באהבה

Blessed are you, Lord our God, Ruler of the Universe, who has sanctified us with the sanctity of Aharon and commanded us to bless His people Israel with Love.

There are two problems with allowing a non-priest to say this blessing. First, he is not imbued with sanctity of Aharon. Second, he was not commanded by God to offer this blessing. Let's see how both play out in terms of *benot kohanim*.

Benot kohanim are unquestionably imbued with the sanctity of Aharon, as we have seen. This is not just by descent, but they have an ongoing sanctity that allows them to eat sacred foods, spares them from penalty, and exempts their firstborn sons from redemption. And, as a matter of fact, *benot kohanim* would have said precisely this formula on many occasions. After laying out all the rules of *terumah*, including who is fit to eat it, **Rambam** says the following:

²⁶ This would be my partial response to the Peri Megadim cited above. Aside from the fact that one can weigh the evidence differently, as I have done here, one could also accept his ruling as an ideal protocol, while accepting my analysis here as the right way to respond to a situation where the question is not about inviting someone up but rather about asking them to go down.

רמב"ם תרומות טו:כב

כל האוכל תרומה מברך ברכת אותו מאכל ואח"כ מברך אשר קדשנו בקדושתו של אהרן וצונו לאכול תרומה...

Rambam Terumot 15:22

Anyone who eats *terumah* says the blessing appropriate for the type of food that it is, and then blesses: “Who has sanctified us with the sanctity of Aharon and commanded us to eat *terumah*...”

Since *benot kohanim* are among those who eat *terumah*, and Rambam says כל/“all” who eat *terumah* say this formula, this is a clear endorsement of the notion that there is no problem with a *bat Kohen* using the phrase אשר קדשנו בקדושתו של אהרן.²⁷

What about וצונו? How can a *bat Kohen* speak of being commanded in something from which she is exempt? This returns us to another medieval debate, based on the position of R. Yose and R. Shimon on leaning on sacrificial animals, that we explored above. Even if one adopts the view that women may, for reasons of spiritual satisfaction, perform *mitzvot* from which they are exempt, is it permissible for them to say a blessing over such actions? **Rambam** Tzitzit 3:9 took for granted that they could not; how can one speak of being commanded when one is exempt? By contrast, **R. Tam** (mentioned in Tosafot Rosh Ha-Shanah 33a and many other parallels) ruled that it was permissible for them to do so. How can someone exempt say וצונו? **Ran** (Rosh Ha-Shanah 9b) offers the following: דכיון שהאנשים נצטוו ואף הן נוטלות שכר שפיר יאמרו: וצונו/“Since the men are commanded and the women receive reward for [optionally] performing the *mitzvah*, there is no problem to say וצונו/who has commanded us.” In other words, the larger group that the women are a part of has been commanded and the optional performance of the *mitzvah* is viewed as having positive effect. This is enough to use the word וצונו in a broader, more collective way. Overall, Ashkenazi communities have adopted R. Tam’s approach for almost a thousand years. Practice in other Jewish communities has formally sided with Rambam, but there are many instances of R. Tam’s approach being adopted in that world as well.

²⁷ The plain sense of Rambam is that a *Kohen*’s slave and his non-priestly wife would say this blessing as well, they having been situationally, albeit not intrinsically, imbued with the penumbral sanctity of Aharon. Some were uncomfortable with this, even as they agreed it was unquestionable that a *bat Kohen* would have said this formula. See R. Hayyim Kenievsky’s *Derekh Emunah* Terumot 15:22, 145 and n217 there.

R. Tam's approach can be applied to our case as well. *Benot Kohanim* may be exempt from the command of *birkat kohanim*, and are not expected to ascend when the *kohanim* are summoned. They are parallel to Jewish women more generally, who were classically exempt from a host of positive *mitzvot*. But they are also part of the larger group of male *kohanim*, with whom they share lineal sanctity, who are commanded in *birkat kohanim*. The value of the performance of an optional *mitzvah* applies no less to them than to the women discussed by R. Tam, certainly in places where a *bat Kohen's mitzvah* takes nothing away from the male *kohanim*. For communities that follow in R. Tam's tradition, one can strongly justify a practice whereby *benot kohanim* offering *birkat kohanim* say this *berakhah* as part of their optional performance of this *mitzvah*.

V. Conclusion

The *kehunah* is a patriarchal institution with a deep past; it cannot be made completely gender-blind. My argument here has revealed again and again how hardwired this gendered element is within the Jewish priestly discourse. For those for whom that is untenable, and for whom the blessings and benefits of the *kehunah* are expendable, my arguments this week will likely not be helpful. They will have to find ways to evade the *kehunah* and render it as invisible as possible. In the case of *birkat kohanim*, they will seek to avoid doing it whenever possible.

Similarly, some will find the efforts to “stretch” the *kehunah* to include women to be inauthentic. For them, female participation in *birkat kohanim* will smack of a disrespectful modernization of an ancient ritual, one that will not only falsify it, but will fail to do its religious work in the present. They, even if they are sympathetic to more egalitarian ritual, will suffice with a vestigial patriarchal practice in these areas, even as women attain greater heights and prominence in leadership of other aspects of the community.

What I have offered this week is an example of the “egalitarianization” model that I detailed last week. Many of us who are deeply attached to the ongoing vitality of Torah in general, and the *kehunah* in particular, are reluctant to find ways to evade *mitzvot* than can be fulfilled. We also feel it is unstable to leave overly patriarchal elements in place, knowing that the vestigial can often turn out to be more influential than we might think. Confident in the

multivocality of Torah and curious about the potential range of its application, those in this camp will search for ways to make, at least, the optics of the *kehunah* more compatible with a gender-egalitarian community. I hope I have shown that, with respect to *birkat kohanim*, there is perhaps quite a bit more room to maneuver in this regard than one might have thought. And for those who are unconvinced, I hope this analysis has nonetheless clarify the pathways that lie before us. May we see a day when the worship of God is restored to its highest heights in our communities, with each person playing a meaningful and appropriate role.