

# Tzitzit and Tefillin for Women

שער שביעי: מאמרים באנגלית

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There is a general statement in the Mishnah (Kiddushin 1:7) that women are exempt from all positive commandments that must be performed within a specific time frame. The gemarah (BT Kiddushin 33b-34a) on this mishnah brings a breita that lists the mitzvot included in this category of positive time-bound mitzvot: sukkah, lulav, shofar, tzitzit, and tefillin. Interestingly, however, although women are generally encouraged to perform the mitzvot from which they are exempt, they are not encouraged to perform two of the mitzvot on that list: tzitzit and tefillin.

Moreover, earlier on the same page in the gemarah (33b), we are told that we learn the general principle that women are exempt from positive time-bound mitzvot from tefillin, which is learned from Torah Study, another commandment from which women are exempt. (See Mishnah Berachot 3:3, where it is stated that women are exempt from K'riat Sh'ma and tefillin). Being that tefillin is the paradigmatic positive time-bound mitzvah, it is surprising to learn that it is an exception in the case of a woman who wishes to perform this mitzvah despite her exemption.

What is it that makes these two mitzvot different from all of the other time-bound mitzvot? Should these "differences" (as stated in certain authoritative halakhic sources) still apply today? And given these "differences," what should be the considerations of a woman who wishes to take on these two mitzvot today?

The mitzvah of tzitzit is found in two places in the Torah: Numbers 15: 38-40, and Deuteronomy 22:12. In these passages, there is nothing that would lead us to conclude that the mitzvah applies only to men. Likewise, the source for tefillin in the Torah does not mention it as an exclusively male mitzvah (Deut. 11:18-29). The idea that women are exempt from these two mitzvot developed later, in the Tanaitic period.

A source in the midrash halakhah (Sifre 115) explains that "even the women are implied" in the mitzvah of tzitzit, but "Rabbi Shimon exempts women from tzitzit because women are exempt from positive time-bound commandments." Rabbi Shimon's position is further explicated in Menachot 43a:

The Rabbis taught: All are obligated to perform the mitzva of tzitzit – priests, Levites, and Israelites, converts, women and slaves. Rabbi Shimon exempts women because tzitzit is a positive commandment bound by time and women are exempt from all positive time-bound commandments ... What is Rabbi Shimon's argument? It has been taught in a breita: "And when you see it" (Numbers 15:39). This excludes clothing worn at night (when one cannot see it).

Rabbi Shimon's position is codified as the law. (See Rif, Halakhot Ketanot, Hilkhot Tzitzit and Shulkhan Aruch, Orach Hayyim 17:2)

As I explained above, tefillin is mentioned in the Mishnah as a mitzvah from which women are exempt and also appears on the list of positive time-bound mitzvot in the breita cited in the Gemara. So, already in the Tanaitic period, we have evidence of women being exempted from these two mitzvot.

Are women allowed to perform a mitzvah from which they are exempt? In general, women are not only allowed to perform such mitzvot, but are even encouraged to do so. The disagreement arises over whether or not they should recite a blessing when doing so. Even in the earlier medieval halakhic sources, this applies clearly to tzitzit as well. For instance, the Rambam (who falls on

the side of those who do not allow a blessing), writes in his *Mishneh Torah* (*Hilchot Tzitzit* 3:9):

"Women, slaves and minors are exempt from the Biblical law of tzitzit...Women and slaves who want to wear tzitzit, wrap themselves without a blessing..."

Ravad, when commenting on the Rambam, adds that there are those who do allow women to recite the blessing when wearing tzitzit, which is one strong line of p'sak throughout the sources on the issue, based on Rabbeinu Tam's reasoning. (See *Tosafot Rosh Hashana* 33a and *Kiddushin* 31a). It seems that the disagreement falls on Sephardi/Ashkenazi lines, with Sephardim following the Rambam and Ashkenazim following Ravad.

For tefillin, the sources are more complicated, because of a disagreement between the Babylonian and Jerusalem (Palestinian) Talmuds. Both cite the case of Michal bat Kushi (Michal, the daughter of King Saul and wife of King David), who, we learn, wore tefillin. According to the Babylonian source (*Eruvin* 96a-b), the rabbis did not protest, while according to the Israeli source (*Berakhot* 2:3), they did.

In trying to reconcile these two sources, the *Tosafot*, a school of 12<sup>th</sup> century commentators on the Talmud, explain the Jerusalem Talmud by suggesting that "tefillin require a clean body (*guf naki*), and women are not meticulous enough to be careful." (*Tosafot Eruvin* 96a, s.v. Michal bat Kushi).

Nevertheless, when the *Sefer Hahinukh* (a 13<sup>th</sup> century halakhist), for instance, writes on both of these mitzvot, he states that women can perform both of these mitzvot, although some say without a brachah, and some say with (*Sefer Hahinukh*, Positive Mitzvot # 386 and 421).

Similarly, the *Rosh* of the 13<sup>th</sup> to 14<sup>th</sup> century, when writing on tzitzit (*Rosh*, *Piskei HaRosh*, *Hilchot Tzitzit*), takes for granted that women can wear tzitzit when he writes that kilayim (a mixed material) is permitted on a tallit, "whether for a man or for a woman, during the day or at night."

It is not until the 14<sup>th</sup> century that we find the idea that women should not perform the mitzvah of tzitzit in the halakhic sources. (The *Tosafot* do not cite the Jerusalem Talmud as law, but rather explain the reasoning behind the position presented there.) The *Maharil* writes in his *New Responsa* 7:

It also seems to me that the essence of the law of tzitzit is to remember all of the commandments of God...And women are not included in the 613 commandments...They are a 'people unto themselves' (BT *Shabbat* 62a). Therefore...even though I have seen women wearing four-cornered garments with fringes, and still today there is one woman in our neighborhood, it seems to me astonishing and is considered arrogant of them, and they are called fools.

This idea that women wearing tzitzit is arrogant (*yohara* in Hebrew *Y* first arises here with the *Maharil*. However, the concept of *yohara* appears in other contexts, such as a groom insisting on reciting the *Sh'ma* on his wedding night, despite his exemption.

One way to understand this idea of *yohara* in connection with women and tzitzit is that since the mitzvah of tzitzit is only obligatory for someone who is wearing a four-cornered garment, and since today we no longer regularly wear four-cornered garments, even men are not obligated to perform this mitzvah today in the manner that we keep it (which is by purposely wearing a four-cornered undergarment in order to perform this mitzvah). Therefore, a woman taking on this mitzvah means that she is doubly performing a mitzvah from which she is exempt – once because she is a woman, and once because she is not even wearing a four-cornered garment (See *Rema*, *Shulkhan Aruch*, *Orach Hayyim* 17:2). By choosing to perform this mitzvah, she is expressing an attitude of excessive piety, which is seen as arrogant by the *Maharil* and other halakhic deciders after him.

The *Maharil's* approach, however, goes much deeper than this. His position is that women really have no business performing this mitzvah (in fact, doing so is "foolish") because the mitzvah and what it represents have no significance for women. Since, in his opinion, women are not included in the commandments in general, and since the tzitzit serves as a reminder of these commandments, there is no reason for women to perform this mitzvah, which he views as totally inappropriate, misdirected piety.

A similar phenomenon occurs with the mitzvah of tefillin. The *Rema* (*Shulkhan Aruch*, *Orach Hayyim*, 38:3), the highly influential 16<sup>th</sup> century Ashkenazi legal codifier, using the language of the Jerusalem Talmud, writes

regarding tefillin: "And if women want to be stringent [and take this mitzvah upon themselves], we protest."

The Mishnah Berurah, a 19<sup>th</sup> to 20<sup>th</sup> century commentary on the Shulkhan Aruch, cites the reasoning brought by the Tosafot when explaining the Rema's halakhic decision in this regard: "Because [tefillin] require a *guf naki*, and women are not meticulous enough to be careful" (Mishneh Berurah, Orach Hayyim, 38, note 13).

It is important to note that even men must be careful about "guf naki" when donning tefillin. The issue of *guf naki* is first mentioned in relation to tefillin in the Talmud (Shabbat 49a and 130a) and is said there to mean either that one must not flatulate while wearing tefillin, or one must not sleep while wearing tefillin (and therefore inadvertently flatulate). This issue is cited in the Shulkhan Aruch. Men suffering from a stomach ailment, we learn, must not wear tefillin except while reciting the *sh'ma* (Shulkhan Aruch, Orach Hayyim 38:2).

The Aruch Hashulkhan, another 19<sup>th</sup>-20<sup>th</sup> century posek, states, like the Rema and the Michneh B'etrah, that women should be prevented from performing this mitzvah, citing the *guf naki* argument. (Aruch Hashulkhan, Hilchot Tefillin, 38:6). His position is that since women are not obligated, they should not risk the possibility of violating this requirement not to flatulate while wearing tefillin. In terms of *tzitzit*, he says that women should not perform that mitzvah because of *yohara*, as well as because *tzitzit* is performed every day, as opposed to *lulav*, *shofar* and *sukka* for example, and "it would not be proper (*na'eh*) for women [to perform it]" (Aruch Hashulkhan, Hilchot Tzitzit, 17:2).

It is somewhat surprising that among other things, although the Maharil's approach to women and mitzvot is not shared by most *poskim* (those who say a woman should recite the blessing "who sanctified us in the commandments" obviously disagree with the Maharil), and although the idea of *guf naki* as a problem specifically for women who want to don tefillin is brought by the Tosafot not as law, but rather to explain the Jerusalem Talmud's version of the Michal text – which contradicts the version of the Babylonian Talmud, the more halakhically authoritative of the two Talmuds – this idea of discouraging

women from performing the mitzvot of *tzitzit* and tefillin is brought by the Rema (see also Rema on Shulkhan Aruch, Orach Hayyim, 17:2 regarding *tzitzit*) and is engrained in the minds of most Jews today (along with the reasons of *yohara* and *guf naki* that accompany this idea that women should be prevented from performing these two mitzvot), whether consciously or unconsciously.

A woman wearing a *tallit gadol*, or even a *tallit kattan* underneath her clothing, is often perceived as somehow acting immodestly. And a woman wearing tefillin is also perceived as somehow violating a taboo by having her *it-may-be-understood-unclean-body* (whether because of menstruation or general bad hygiene) touching the tefillin. I know this personally. I was made to feel this way, and I am not the only one. As Aliza Berger has written in her comprehensive article, "Wrapped Attention: May Women Wear Tefillin?" (In Jewish Legal Writings by Women, ed. Halpern and Safrai):

When I was thirteen years old, attending a coeducational Orthodox school, a girl in my class picked up a boy's set of tefillin, in its velvet bag, to ask if someone had forgotten it. The (female) teacher yelled at the girl, horrified. She did not say why what the girl had done was wrong, but perhaps even then on some level it was "obvious."

In fact, the idea of misdirected piety or inappropriate religious behavior has been carried over into tefillin as well. A woman's motivations are questioned when she wants to perform either of these two mitzvot.

For instance, Rav Moshe Feinstein, in his responsum on religious feminism (*Iggerot Moshé*, Orach Hayyim 49), writes that only if the woman's motivations are to fulfill a mitzvah from which she was exempt can we wear *tzitzit*. The fact that he suspects a woman who wants to wear a *tallit* of being motivated by something other than the performance of the mitzvah itself is testimony to the fact that there are those who perceive a woman in a *tallit* as guilty of inappropriate motivations in relation to the performance of these mitzvot – whether we call it "*yohara*" or something else.

Likewise, as can be understood from Berger's experience, a woman touching – let alone wearing! – tefillin is also viewed as inappropriate, whether we call this an issue of "*guf naki*" or something else. In fact, Feinstein brings the issue

of *guf naki* in his responsum (cited above), ruling that even today women should not don *tefillin* since such a high degree of bodily cleanliness is required.

Bearing in mind all of these sources and many others that are not brought here for lack of space, a woman interested in performing the mitzvah of *tzitzit* or *tefillin* should remember that the earlier sources (except perhaps the Jerusalem Talmud, although this source is not considered as authoritative as the Babylonian Talmud in terms of *halakhah*) see no problem with a woman performing either of these mitzvot. It is not until the medieval period, the period of the Rishonim, that the reasoning for discouraging women from performing these mitzvot comes into play. We need to read these sources, which were written in a specific time and place, with a critical eye as we make contemporary decisions about women and these mitzvot.

As Aviva Cayam has written in her thorough and insightful article on women and *tzitzit* ("Fringe Benefits: Women and *Tzitzit*," in *Jewish Legal Writings by Women*): "The social environment, common practice, and tone of the times all factor into the rabbinic determination of arrogant religious behavior."

I would add that similarly, the social environment, common practice, and tone of the times, as well as the medical information and attitudes about bodies in general – all factor into the rabbinic determination of what is a clean body, especially as it relates to women.

Today, more and more women are adopting the mitzvah of *tzitzit* and *tefillin*, myself included. It is becoming more acceptable for women to wear a *tallit* or *tefillin* in synagogue, for instance, even in some liberal Orthodox shuls. And there are even women who wear a *tallit kattan* beneath their clothing. I myself have seen attitudes slowly becoming more open in these regards. When I first started wearing a *tallit kattan*, for instance, I knew of no other woman who also did so; now I know of at least ten! And while I can't say that I have been welcomed with open arms with my *tallit* or *tefillin* in modern Orthodox circles, I am considered today more of an oddity than a heretic in the modern Orthodox world.

So with changing assumptions and attitudes about women and the

performance of mitzvot that they have not traditionally performed, *yohara* may no longer apply, at least in certain communities and contexts. And as for *guf naki*, I find it appalling that there are rabbis today who are not embarrassed to quote this reason as a serious consideration today. I have personally heard modern Orthodox rabbis speak on this topic, claiming that women pass gas more than men, and that is why they should not don *tefillin*! And those who agree that a woman is no less capable biologically of maintaining bodily cleanliness than a man but still insist that she should not wear *tefillin* – are they suggesting that women – by their character if not their biology – are less capable? This is an approach that has been used in *halakhic* literature in other contexts regarding women – such as women studying Torah – and is referred to as *kalut rosh*, *lightheadedness* or *frivolity*. I reject the latter approach because I think it smacks of sexism, and I do not think that former approach is biologically correct.

However, in answer to the position of the Aruch Hashulchan, my approach is that while I too want to safeguard the sanctity of these ritual objects, I can be just as careful as a man when donning my *tefillin*, and therefore, although I am not obligated to don them, I will take the necessary precautions not to violate my *tefillin*. Just as a man must not wear his *tefillin* for more than the recitation of the *sh'ma* if he is experiencing stomach ailments, so must I not. Perhaps with my non-obligated status in both *sh'ma* and *tefillin*, I should not wear them at all under such circumstances. I am willing to accept that.

Regarding *tzitzit*, it is important to remember is that there is no source forbidding women from performing the mitzvah of *tzitzit* – even if it is not recommended, or even strongly protested, and even if women's motivations are suspect.

Although it is troubling that a woman's motivations are suspect when she wants to perform more mitzvot, although women may find this an offensive, painful declaration, especially coming from such a revered posek as Rav Moshe Feinstein, in the final analysis, even according to his ruling, a woman is permitted to wear a *tallit* – as long as her motivations are pure. But no one but the woman herself can know her own motives. It is the individual woman's decision to make. Will she be guilty of *yohara* if she wraps herself in a *tallit*