

The role of women in Jewish religious life continues to agitate many segments of the Jewish community. One facet of the problem is explored in this essay. The author, a member of our Editorial Board, teaches at the Yeshiva of Flatbush in Brooklyn, New York.

THE EATING FELLOWSHIP: AN EXPLORATION

A living community takes on an identity that transcends its individual members; the same may be said of the various sub-communities of the Jewish People. The *tsibur* (the "praying fellowship"), for example, is not simply a group of pray-ers; it is a unit which alone allows for the recitation of certain liturgical forms. Saying "*Barekhu*" at the beginning of the evening service is more than a call to prayer directed to the others present. It is an expression of the fact that a *minyan* is in existence.

Recently, there has been heated debate over exclusion of women from forming a *tsibur*. In this context it is worth noting that there is a halakhic fellowship which is open to both sexes: the "three who ate as one" who must end their meal with *birkhat hazimmin*, the formal call to say *birkhat hamazon*.¹

Of course, it would be an oversimplification to say that men and women are co-equal with respect to reciting the *zimmin*. True, there is no doubt that women may organize themselves into an eating fellowship for the purpose of saying *birkhat hazimmin*. They are, however, not obligated to form this halakhic unit.

It is interesting how this imbalance in obligation developed. The Gemara in *Arakhin* 3a states that the ruling that "all are obligated in *zimmin*" obviously includes women, quoting the Gemara in *Berakhot* 45b:

Women recite the *zimmin* among themselves and slaves recite the *zimmin* among themselves. But if a group of women, slaves and minors want to recite the *zimmin*, they may not.

Rashi² interprets this to mean that women are not obligated to recite *birkhat hazimmin*, but may do so if they wish: Tosafot³ agree with this reasoning. The Tur,⁴ quoting the Rosh, feels that this goes against the face reading of the text in *Arakhin* (which seems to obligate the women); but he accepts Rashi's interpretation in order to reconcile the text with the accepted custom in Ashkenaz that women do not have this obligation in *zimmin*. The Bet Yosef⁵ quotes the Semag's attempt to avoid violence to the literal meaning of the text by interpreting the Gemara in *Arakhin* as referring to a case where the women ate with three or more men, while the Gemara in *Berakhot* discusses a situation where three or more women ate together without any men present. In the former case they are obligated to recite *birkhat hazimmin*, while in the latter case it is optional. He codifies this interpretation as the *pesak* of the *Shulhan Arukh*.⁶

Since the Talmudic texts are not tight enough to force a decision regarding a woman's obligation, it is not altogether clear what motivated the ruling that exempted women from the obligation in *birkhat hazimmin*. It might have been a technical decision that grew out of the difference in the obligation men and women face in *birkhat hamazon*:⁷ for reasons that do not concern us here, there remains some doubt whether women share a man's Torah obligation in *birkhat hamazon*.⁸ Since obligation plays an important role in any fellowship relationship, one can understand this line of reasoning. But this argument is not convincing, for it conflicts with the rule that men who eat only vegetables—and according to some, minors too—may join the eating fellowship even though they certainly do not have a Torah obligation in *birkhat hamazon*. The contradiction can be reconciled,⁹ but it is more straightforward to accept the reasoning that the decision was a result of the feeling that most women simply could not recite *birkhat hazimmin* and hence it would be unfair to obligate them,¹⁰ or that it was a practical way of reconciling the Talmudic texts with the then current practice.¹¹ Whatever the motivation, though, the fact that all allow the recitation of *birkhat hazimmin* when three women had eaten together as one shows that this fellowship is a valid halakhic construct.

It is clear that a coed fellowship does not have the same ap-

proval as an all-male or all-female unit.¹² The opposition apparently stems from the Mishnah¹³ which rules that "women, slaves and children—one doesn't recite the *zimmin* with them." Yet despite this Mishnah, the Tur¹⁴ quotes a ruling of R. Yehudah HaKohen that women may join two men to complete the quorum necessary for reciting *birkhat hazimmin*. Since R. Yehudah was not a radical who would cavalierly disregard a Mishnah, some¹⁵ feel that he interprets the Mishnah to exclude two women joining a man but allows one woman to join two men, while others¹⁶ maintain that he certainly limits his ruling to the quorum of ten required to add the word "*Elokeinu*" to *birkhat hazimmin* but would allow a woman to complete the quorum of three necessary for reciting the *zimmin* proper. These reconciliations, however, appear to be somewhat forced. A more plausible interpretation would be that of the Taz.¹⁷ He explains that R. Yehudah understood the Mishnah to mean that a woman may not lead the *zimmin* but may participate in it.

The Gemara's¹⁸ reason that women, slaves and minors may not join together to form an eating fellowship is very clear; slaves were sexually promiscuous and suspected of homosexuality;¹⁹ and allowing them to mingle freely with either women or minors would lead to immorality. Based on this, the Perisha to the Tur²⁰ cleverly justifies R. Yehudah's ruling by having him interpret the Mishnah to be a stronger version of the Gemara's prohibition: *even with free men present* a mixed group of women, slaves and minors cannot be put together for the purpose of creating an eating fellowship. If the slaves are absent, it follows, there is no reason to exclude the women.

Of course, some do maintain the fear that immoral behavior might grow out of a coed situation even if slaves are not present.²¹ This, however, does not seem to be the major consideration, as a woman may not join her husband—hardly a promiscuous situation—and, as we have seen, in a coed situation with three or more men present the women are not simply tolerated but are obligated to remain.²² The real issue seems to be "proper" social behavior rather than fear of promiscuity.

Rashi²³ had ruled that the presence of women "is not pleasant" to form the necessary quorum (even in the case of a wife joining

her husband). If the unit had been formed without her, however, the woman's presence goes unnoticed as it results in no change in the liturgy, and there is no reason to exclude her from the obligation to participate in the *zimmin*.²⁴ It is a woman's completing the quorum for the men which is a problem,²⁵ not her participation in a formed fellowship.

A modern reader, of course, might be put off by this reasoning. In past times, one might argue, a man might have been offended by the thought of a woman joining him to complete a formal religious subcommunity. Since the existence of the fellowship for the purpose of reciting *birkhat hazimmin* is dependent on the frame of mind and intent of those present,²⁶ we can understand why two men and a woman may not necessarily constitute a valid unit for the purpose of reciting the *zimmin*. But nowadays, one could continue, when many men do not have this attitude a mixed fellowship should be an option for those who want to recognize it.

Such an argument is not without merit. It does not maintain that halakhah must adapt itself to the values of contemporary society. It simply argues that since the halakhah itself originally intended only to reflect the frame of mind of the participants, then, in this case, when those attitudes have changed, the ruling should change automatically.

It is not clear whether it is *the two men* who find it unpleasant to recruit the woman, or whether the *halakhic* system finds it unpleasant. The halakhah has definite ideas on the structure of the religious community. Thus, even if halakhah views the eating fellowship as an appropriate form for both men and women, it might reject a mixed fellowship. The implications of this possibility are two-fold: first, if one is committed to halakhah, he would avoid any situation that is considered inappropriate; second, since this fellowship is in fact an abstract construct of the halakhic system, intellectual integrity requires that its legitimacy must follow the guidelines of the system, not the participants.

In arguing that Rashi was simply describing reality rather than postulating halakhically valid viewpoints one might point out that a "slip of the pen" has shown that the codification reflects only the male perspective as opposed to an objective abstract halakhic

decision. The Rama records²⁷ that in a coed situation where three men are present the women "fulfill their obligation through *our zimmin*," instead of using the phrase "through the *men's zimmin*" that a more objective codifier would write! And even if we see it as an objective ruling, one might argue that "the Torah's ways are pleasant"; and in this case its esthetics are causing unpleasant reactions among women who are offended when two men may not recruit them to complete the quorum. Since, as we have seen, a mixed fellowship is not without halakhic validity, we have here an *internal* conflict of concerns—one which might well be resolved in favor of total legitimization of coed fellowships.

Another reason that had been offered for not allowing a unit of two men and a woman is that women have no *keviut* (steadiness) at the table²⁸ and therefore may not be recruited. Of course, we are generally not too exacting in the "steadiness" of the men who may be recruited,²⁹ and, as we have seen, the women have enough *keviut* to be *required* to participate if three men are present. *Keviut*, however, is not necessarily dependent only on the subjective or objective circumstances³⁰ when groups should not eat with *keviut*, if they do they nonetheless do not recite *birkhat hazimmin*.³¹ The *keviut* apparently can be postulated by the halakhah. One might therefore argue that if the statement that women have no *keviut* at the meal is taken as a declaration of principle, it would change matters if women are now equal participants in the meal. But such an argument, in the end, seems to be but a camouflage for the "unpleasantness argument" discussed above.

Technical arguments aside, this type of reasoning is simply not convincing for the Jewishly-well-educated women who are offended by the thought that they are not equal to men in completing the quorum of three. In general, we are not presumptuous enough to force halakhah to conform to contemporary trends—although it is tempting to rely on such contemporary *poskim* as the *Seridel Aish*³² who allowed halakhically tenuous coed situations on the grounds that the alternative was to risk offending well-educated girls and losing them from the Torah community.

In dealing with Rabbinic liturgical forms, however, intellectual

honesty requires a cautious approach. In creating these forms, *hazal* in a sense copyrighted them. Thus, for example, if one sighs a prayer in appreciation of God's having created, say, fruit, there can be no serious objection. But if he uses the form of the *berakhah* "borei peri ha-ets" without eating the fruit, that sincere religious expression becomes a *berakhah levatalah*, blessing in vain. A similar point may be made regarding saying *kaddish* without a rabbinically valid *minyan* or of reciting *birkhat hazimnun* when only two men are present.

Now, there is a principle that *kibbud haberiyyot* is so important that it takes precedence over halakhic prohibitions.³³ One might maintain that this principle should be applied to modify Rabbinic rules regarding *birkhat hazimnun* that offend contemporary women. Of course, one must guard against the intellectual dishonesty of using one's own authority to apply halakhic principles to situations outside the area in which they were developed. In a sophisticated system there may be subtle points which preclude applying a principle in some other area. Significantly, though, the halakhah has already applied this principle in the area of *birkhat hazimnun* to allow the *zimmun* to be recited in a situation which would otherwise preclude it.³⁴ (Similarly, an *am-ha-arets* was originally excluded from the eating fellowship for the purpose of reciting *birkhat hazimnun*, but was eventually included so as not to cause disunity.³⁵) The issue is not as clear as one might have originally thought.

All this aside, we have seen that if three men are present, those women who are there are integral members of the group. In such a case, we might ask if one of the women may lead the *birkhat hazimnun*?

At first glance, it would seem that the original purpose of *birkhat hazimnun* was to have everyone present fulfill his obligation in *birkhat hamazon* by answering "amen" to the leader's *berakhah*.³⁶ This is possible only if the leader has at least the same degree of obligation as the participants. Since there is doubt whether women share a man's Torah obligation in *birkhat hamazon* a man could therefore not fulfill his obligation through a woman's *berakhah*.³⁷ This would preclude a woman leading the *zimmun* for an eating fellowship which has a man as a member. Of course,

this fits in well with the Taz's interpretation of the Mishnah quoted above:³⁸ all may participate in the eating fellowship, but because women, slaves and minors do not have the same degree of obligation as the men, none of these may serve as leader.

(Parenthetically, we might note the logical difficulty that this reasoning presents for the case of three women and two men who have eaten together. The women by themselves form a valid fellowship; expanding it to a coed group would not change the liturgical form and should therefore be permissible. But if a man is the leader it appears that the women have joined the two men to complete the quorum, and if a woman leads the *zimmun*, it puts the men in the position of fulfilling their obligation in *birkhat hamazon* through the woman's *berakhah*! The problem could be obviated by the two men saying *birkhat hamazon* individually before the women say *birkhat hazimnun*: since the women are under no obligation to recite the *zimmun*, then men certainly have no obligation to wait for their communal *birkhat hamazon*.)

Of course, nowadays each person usually says *birkhat hamazon* individually,³⁹ finishing each section before the leader does and thus being able to answer "amen" to the *berakhah* of the *mezamein*.⁴⁰ The function of *birkhat hazimnun* is simply to acknowledge the existence of the eating fellowship. Thus, the only objection to women leading is halakhah's long-standing reluctance to allow (or encourage) women to assume public roles, especially in coed situations. This is not a minor point but it is beyond our scope. Perhaps the most important reason for exempting women in the obligation to say *birkhat hazimnun* is that women simply did not or could not participate in the *zimmun*. (One can therefore appreciate why it was a *genai* to complete the quorum with a woman or an *am-ha-arets*.)

In a situation where *posekim* are legitimately not catalyzed simply by cries of "sexism," the only hope for a woman's full participation in the eating fellowship lies in their being part of a well-educated group which makes full use of all the valid forms already open to it.

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NOTES

1. *Mishnah Berakhot* 7:1.
2. *Berakhot* 45b, s.v. *sha-ani*.
3. *Ibid.*, s.v. *diaflu*.
4. *Tur Shulhan Arukh Orah Hayyim* 199.
5. *Ibid.*, s.v. *she-yesh mejarshim lekayem*.
6. *Shulhan Arukh Orah Hayyim* 199:7. The Vilna Gaon is among the later authorities who side with the Rosh in obligating the three women who ate together (without any men present): Beurei HaGra, *ibid*.
7. *Bah, Tur Shulhan Arukh* 199 s.v. *viadoni avi*.
8. *Shulhan Arukh Orah Hayyim* 186:1.
9. Responsa of M. Meir of Rothenberg (ed. Cahansh), vol. 1, no. 65.
10. *Mishnah Berurah to Shulhan Arukh Orah Hayyim* (M.B.) 199, n. 16.
11. See n. 4 above.
12. *Shulhan Arukh Orah Hayyim* 199:6. See M.B. n. 12.
13. *Mishnah Berakhot* 7:2.
14. *Tur Shulhan Arukh* 199.
15. *Ibid.*, *Hidushei Hagahot*, n. 2.
16. *Bah, Tur Shulhan Arukh* 199 s.v. *verabi yehudah hakohen*.
17. *To Shulhan Arukh Orah Hayyim* 199, n. 2.
18. *Berakhot* 45b.
19. *Ibid.*, Rashi s.v. *ain keviatan*.
20. *To Tur Shulhan Arukh* 199, n. 5.
21. *Bet Yosef, Tur Shulhan Arukh* 199 s.v. *viaha d'tnan*. See also n. 28 below.
22. See n. 6 above.
23. Quoted in *Talmidei Rabbeinu Yonah, Berakhot*, Chapter 7 s.v. *nashim*.
Cf. *Bet Yosef to Tur Shulhan Arukh* 199 and B.B. 199, n. 12.
24. See note 7 above.
25. M.B. 199, n. 17.
26. *Igrot Mashe, Orah Hayyim*, vol. 1, sect. 56.
27. *Shulhan Arukh* 197; 199:1.
28. Meiri, *Bet Habehira, Berakhot*, chapter 7, third Mishnah.
29. *Shulhan Arukh* 197; 199:1.
30. *Ibid.*, 552:8.
31. *Ibid.*, Magen Avraham n. 9. See n. 26 above.
32. *Seridei Aish*, vol. 2, sect. 8.
33. *Berakhot* 19b.
34. *Taz to Shulhan Arukh* 199, n. 6.
35. *Hagiga* 22a, *Tosafot* s.v. *keman*.
36. T. J. *Berakhot*, chapter 7, end of halakhah 4.
37. *Shulhan Arukh* 186:1.
38. See n. 17 above.
39. *Shulhan Arukh* 183:7.
40. *Ibid.*, Ratna's gloss. Cf. *Bah to Tur Shulhan Arukh* 199 s.v. *umihu*.