

On Women Joining in a *Zimmun*

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Responses by Ya'akov Medan and Mikhal

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Abstract: This article argues that today it is halakhically permissible for women eating together with their families to help comprise a *zimmun* with their husbands, fathers or sons. The halakhic conditions that prevented women from helping to comprise a *zimmun* with men in the past, namely assumptions of promiscuity, lack of proficiency in the blessings, and not eating together with men of the family, are not present today. Given our contemporary practices of eating and education, it is therefore preferable for women to join a *zimmun* with family members rather than refrain from doing so as was done in the past.



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Yonatan Gershon**

One of the key questions to be considered in this article* is whether the change in women's standing within our society affects a woman's halakhic status and, if so, how. It is a subject on which much has been said and written.¹ If the change in women's standing is seen not as undermining the way of Torah but, rather as remedying Eve's curse² or as fulfilling the prophecy of redemption,³ we must direct our attention to the origins of numerous practices related to women. We cannot disregard the fact that the status of women in the past often left them uneducated and that they were subject to the dominion of their husbands. Now, in contrast, women are well-educated,

free, and economically independent. Regardless, therefore, of whether one attributes the differing degrees to which men and women are bound by the commandments to substantive differences between the sexes, it is necessary to consider whether every custom and practice related to gender differentiation is worthy of being accepted and maintained. All agree that some practices do not grow out of anything in the fundamental essence of a woman or her place in the world. They simply reflect an external, transitory, historical context—for example, women's lack of education at particular times in history. My goal here is to uncover the elements of the

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1. See Ephraim Halivini, *Distinctions between Men and Women in Halakhah* [*Bein ha-ish la-ishah*] (Jerusalem, 2007); Judah Levi, *Man, Woman, and Family* [*ish, ishab, u-mishpaha*] (Bet-El, 2001), part III; Rabbi Shagar, “Yeshiva-Style Learning and a Feminine Voice in Torah Study” (Hebrew) in Zohar Maor, ed., *The Two Great Lightings: Woman's Equality in the Family from the New Jewish Point of View* [*Shenei ha-me'orot – ha-shivyon ba-mishpaha mi-mabtat yehudi badash*] (Efrat, 2007), pp. 63–84; Esty Brall, “On Patriarchy and Feminine Voices” (Hebrew) *Aqdamot* 20 (Shevat 5768/2008): 39–53 (critical article about Rabbi Shagar); Dov Berkovits, *Marriage and the Limits of Personal Power: Talmudic Creativity in the Eye of the Storm* [*She-asani gever*] (Tel-Aviv, 2008), pp. 63–183; David Ariel, Maya Leibowitz, and Yoram Mazor, *Blessed be He Who Made Me a Woman?* [*Barukh she-asani ishab?*] (Tel-Aviv, 1999); Rabbi Menahem Mendel Shneerson of Lubavitch, *To Jewish Women and Girls* [*El neshei u-venot yisra'el*] (Kefar Habad, 2001); Rabbi Daniel Sperber, *The Path of Halakhah: Women Reading the Torah: A Case of Pesika Policy* [*Darkah shel halakhah*] (Jerusalem, 2007). See also the many articles in the three anthologies of the proceedings of the conference *Woman and Her Judaism* [*Ishah ve-yahadutah*], organized by the forum *Qoleikh: Libiyot ishab yehudiyah*, edited by Margalit Shiloh (Jerusalem, 1999–2003).

2. “I will make most severe your pangs in childbearing; in pain shall you bear children. Yet your urge shall be for your husband, and he shall rule over you” (Gen. 3:16).

3. “And in that day—declares the LORD—you will call [Me] *Ishi*, and no more will you call Me *Ba'al*” (Hos. 2:18). Rashi explains that the word *ba'al* implies rule, and Malbim says it refers to ownership. A man, in contrast, calls his wife “*ishti*.” The verse suggests that the future will see an end to this imbalance and a return to the parity that existed before the woman was cursed; he will call her “my woman,” and she will call him “my man.” The context of the verse is the relationship between husband and wife as an allegory for the relationship between God and Israel.

original law with respect to women joining in a *zimmin**** and, at the same time, to clarify the social and cultural influences that led to contemporary halakhic rulings and practice on this issue.

Between Law and Social Interpretation: Women Reclining at the Seder

One area in which women's halakhic status has changed over the years is that of reclining at the Passover Seder as a sign that one is eating as a free person. The Babylonian Talmud

In the time of the Rishonim, Mordecai ruled that "all women are important"

(*Pesahim* 108a) rules that "a woman in the presence of her husband need not recline, but if she is an important woman, she must recline." Rashbam and Me'iri⁴ attribute the ruling to a wife's subordination to her husband: "because of the fear of her husband and her subordination to him." In contrast, Rav Ahai⁵ attributes the exemption from reclining to it being the custom of women to not recline at meals. Both opinions associate the *halakhab* with the custom of the time with respect to women. Later, in the time of the *rishonim* (i.e. the rabbinic authorities from

approximately the mid-eleventh to mid-sixteenth centuries)a woman's standing within her family changed in France and Germany, and Mordecai ruled accordingly⁶ that "all women are important." Rema cited his view, based on *Tosafot*, as *halakhab*: "If a woman is important, she must recline, and *Tosafot* explained that all our women are important and must recline."⁷

The comments of Rashbam and Mordecai imply that the standard for determining whether one reclines is whether he is a free person. The purely halakhic principle is that one who is free reclines, but it is society that determines who is classed as a "free." Once the society or the family determines that a woman is a "free person," she, too, is to recline.

In what follows, I want to distinguish similarly between a pure halakhic principle and the socio-historical interpretation regarding its detailed application in considering the question of men and women joining in a *zimmin*. It is important to note that we are considering only a *zimmin* of three and not the presence of ten for purposes of adding God's name to the *zimmin* formula; the latter, according to most opinions, is a *davar she-bi-qedushah*—a "holy matter" within the liturgy requiring a quorum of ten adult males.⁸

*** Some terminological issues and translation conventions should be noted here. A *zimmin* is a group of at least three who, having eaten a meal together, are obligated to invite one another, in effect convening formally, to recite the "grace after meals." It refers as well to the verbal formula recited for that purpose. "Form a *zimmin*" or "join in a *zimmin*" will be used to include the act of inviting one another to bless. "Grace after meals" will be used as the conventional English translation of *birkat ha-mazon*, literally (and more properly), "the blessing for food." Though the term is not entirely appropriate, it will be used because *birkat ha-mazon* comprises four blessings, and it sometimes is necessary to refer to them individually or to speak of blessings in other contexts. To avoid confusion, therefore, "grace after meals" or just "grace" will be used to refer to *birkat ha-mazon* as a whole.—*translator's note*

4. See their commentaries ad loc. Rashbam (Rabbi Samuel ben Rabbi Meir, Rashi's grandson) lived in the twelfth century and was one of the early tosafists. Me'iri (Rabbi Menahem ben Solomon) lived in thirteenth-century Provence.

5. Rav Ahai was a sage at the Pumbedita yeshiva during the geonic period. His comments here are cited by Rashbam.

6. Mordecai on *Pesahim*, *Maqom she-nehegu, remez* 611. Mordecai refers to Rabbi Mordecai ben Hillel, one of the last tosafists; he lived during the thirteenth century.

7. *Shulhan arukh, Orah hayyim*, 472:4.

8. Women do not join in a *zimmin* for a *davar she-bi-qedushah*. Maimonides, *Mishneh torah, Hilkhot berakhot* 5:7; Me'iri, *Bet ha-behira*, *Berakhot* 47b; *Shulhan arukh, Orah hayyim* 199:6; *Shulhan arukh ha-rav, Orah hayyim* 199:7.

Disagreements among the *Rishonim* on the Source of the Obligation

The obligation to form a *zimmun*—that is, to invite one another to recite the grace after meals—appears in Mishnah *Berakhot* 7:1—“Three who have eaten together must invite [one another to say the blessing].” The *gemara* associates the rule with biblical verses:

Said Rav Asi: For Scripture said, “Exalt the LORD with me; let us extol His name together” [Ps. 34:4].

Rabbi Abahu inferred it from this: “For the name of the LORD I proclaim; give glory to our God” [Dt. 32:3]⁹

The *gemara* goes on to record a disagreement over whether two men who wish to invite each other to bless are permitted to do so. It attempts to resolve the question on the basis of a *baraita*:

Come and hear: Women by themselves form a *zimmun*, and slaves by themselves form a *zimmun*; but if women, slaves and minors want to form a *zimmun*, they may not do so.

But one hundred women are considered as two men, and we have learned in the Mishnah: women by themselves form a *zimmun*, and slaves by themselves form a *zimmun*.

The *gemara* assumes that women are permitted but not required to form a *zimmun* and that one hundred women therefore are as two men with respect to the obligation.¹⁰ It follows that if women are permitted to form a *zimmun* even though they are not obligated to do so, two men should likewise be permitted to form a

zimmun, though they are not so obligated. The *gemara* rejects that suggestion, however, concluding: “That case is different, for [enough] minds [*de`ot*] are present.” In other

The precondition to inviting one another to bless is the presence of three “minds,”—not necessarily three men

words, a limited forum of two men cannot be compared to an expansive forum of many women, for it is the presence of enough “minds” that is the factor permitting the women to form a *zimmun*. Three women are three personalities, but two men are only two. It follows that the precondition to inviting one another to bless is the presence of three “minds,” not necessarily three men.

The *rishonim* understood the passage in the *gemara* in two ways. One line of interpretation, appearing in Rashi and *Tosafot*,¹¹ suggests a two-tiered rule regarding *zimmun*. On one level, *zimmun* is permissible but not required; for that to be the case, three “minds” must be present. That condition is met whenever three people—be they men or women—are on hand.¹² Rashi puts it this way:

Even though when it comes to obligation, they [women] are not obligated, when it comes to permissibility, three minds are more significant with respect to giving thanks than are two, for they [the assembly of three] fulfill “Exalt the LORD with me.”

The second, higher, tier of the rule applies when three men dine together. Not only are they permitted—because they are three

9. BT *Berakhot* 45a. Rashi ad loc. (s.v. *gadelu*) explains that both verses depict a man inviting a group of people to extol and exalt God. Because the smallest group comprises two, the person extending the invitation to say grace must invite at least two people to join him; it follows that a *zimmun* consists of three. On the additional source that appears at *Berakhot* 48b, see below, n. 22 and the discussion below of the Neziv’s view.

10. The *gemara*’s premise that women are not obligated appears to be based on M *Megillah* 4:3. The Mishnah there lists a series of actions that require a *minyan* of ten and includes a ten-man *zimmun*. Because women may not be counted to a *minyan*, the *gemara* believes that *zimmun* as well is *davar she-bi-qedushah* and that women are not to be counted.

11. Rashi on *Berakhot* 45b, s.v. *de-ikka de`ot*; *Tosafot* id., s.v. *sha`ani batam*.

12. When the *gemara* uses the term “minds” (*de`ot*), it refers equally to men and women, as implied by the usage of the term at *Shevu`ot* 42a; *Temurah* 27b; *Yoma* 83a.

“minds”—to form a *zimmun*; they are required to do so.¹³ The other line of interpretation, advanced by Rosh and by students of Rabbenu Jonah,¹⁴ sees only a one-tiered rule. The *gemara* at first assumes that just as women cannot join as a ten-person *minyan* (prayer quorum), neither can they join as a three-person *zimmun*, and they therefore are exempt from inviting one another to bless.¹⁵ But the *gemara* concludes that the *minyan* and the *zimmun* have different determinative factors, and the determinative factor for the *zimmun* (three “minds”) is something with respect to which men and women are equal. Rosh says:

Having concluded that the determinative factor for a *zimmun* is “minds,” and that it is not met when only two men are present, it goes back to say three [women, too] are subject to the obligation.¹⁶

On this view, as long as at least three “minds” dined together, the obligation of *zimmun* applies.

As a textual matter, then, the *risbonim* offer two ways of understanding the *gemara*’s conclusion that “That case is different.”¹⁷ On the first interpretation, the *gemara* does not reject the first determinative factor regarding a *zimmun*; rather, it posits an additional factor—“minds”—and that factor is not met when only two men are present but is met when three women are present.

On the second line of interpretation suggested by the *risbonim*, the *gemara* first assumed, simply, that women were exempt from forming a *zimmun*, just as they were exempt with respect to *minyan* and “holy matters” but later gave up that premise and concluded that the factor requiring convening of the *zimmun* was the presence of three “minds” and that women therefore were no less obligated than men.

On both lines of interpretation, men and women can join to form a zimmun

On both lines of interpretation, men and women can join to form a *zimmun*. If the sole pertinent characteristic is the presence of three minds, the sexes of the three should not matter—three men, three women, or any combination of men and women should suffice; each of them is a “mind.” Similarly, if we assume that the presence of three “minds” is what allows for the *zimmun* even if it does not require it, a *zimmun* should still be possible in a mixed group of three (or in a group of three women) even if not required. On the surface, at least, it appears that all views permit three “minds” to join in a *zimmun*.

The Essence of *Zimmun*—Joining, Blessing, or Both?¹⁸

The question of whether women may form a *zimmun* with men depends as well on whether

13. This approach may, however, be questioned. If the *gemara* concludes that the factor requiring *zimmun* pertains only to men, what is that factor and what is its source? Moreover, how do we know that it applies only to men? That only men can be witnesses is based on the verse “the two parties [lit., “men”] to the dispute shall appear before the LORD” (Dt. 19:17), and the limitation of a *minyan* to ten men is based on inferences regarding the word “assembly” (*eidab*). But what is the source for obligatory *zimmun* being limited to men? The sources that appear in the *gemara* with respect to obligatory *zimmun* do not appear to be gender-specific. It is possible that the source is the questionable nature of women’s obligation to recite grace, discussed below, but the question is not fully resolved.

14. Students of Rabbenu Jonah, cited at the beginning of chapter 7 of *Berakhot*, in the Rif pages, s.v. *nashim va-avadim*; Rosh, *Berakhot* 7:4. Rabbenu Jonah ben Abraham Gerondi (thirteenth century) was a Spanish *risbon*. Rosh, Rabbenu Asher ben Yehiel, lived in Ashkenaz and later in Spain during the thirteenth and fourteen centuries.

15. *Tosafot* on *Berakhot* 45b, s.v. *ve-ha me’ah*.

16. Rosh on *Berakhot*, chapter 7, end of sec. 4.

17. *Hazon ish* on *Orah hayyim* 30:8 explains the *gemara*’s reading in accord with *Tosafot*, contrary to Rosh’s understanding.

there is a linkage between the obligation to form a *zimmun* and the obligation to recite the grace after meals, for a man's obligation in that regard is of biblical force (*de-orayeta*), but the nature of a woman's obligation is disputed among the *rishonim*.¹⁹

The *rishonim* consider whether the *zimmun* formula is a blessing in its own right, added to the blessing after the meal, or whether it is simply a call preceding the blessing after the meal, having no independent standing as a blessing.

Joining Together

Let us first consider the meaning of *zimmun* as a joining together. This is a situation in which several people come together in a group and one of them recites the blessing in the name of the entire group. We find an example of this in Mishna *Berakhot* 6:6, relating to the blessing before the meal:

If they sit [at the meal], each blesses for himself. If they recline, one blesses for all of them.

As a general rule, eating at a table is considered to be an action by each person on his own. It

follows that the eating is not considered to be something done as a group²⁰ and that one of the people present cannot represent all of them and bless on their behalf. But when they recline, they are regarded as a group eating together and “one blesses for all of them,” acting as the representative of the group.²¹ On that understanding, *zimmun* constitutes the assembling of the group to say the grace after meals as a single unit, with one member of the group reciting it on behalf of all of them. The inviter (or better, “the convener”) recites the grace aloud, and all present thereby discharge their obligation. The invitation formula, as Me’iri puts it, serves only as “an alert and an admonition, a call to bless with proper intention.”²²

That view is widely held by both *rishonim* and *aharonim* (leading rabbis since the mid-sixteenth century) including Rosh,²³ Maimonides,²⁴ the Tur,²⁵ and the Ga’on of Vilna.²⁶ *Orhot hayyim* and the *Kolbo*²⁷ likewise interpret *zimmun* as “assembling the group,” but they rule as well that because it is difficult to direct proper attention to the grace after meals, and because one does not fulfill his obligation unless he directs proper attention, each participant should quietly recite the blessing along with the

18. This section is based on an article by my teacher, Rabbi Yair Kahn, “*Zimmun*—Joining or Blessing?” (Hebrew), *Daf Qesher* 99 (Elul 5747/1987). I will simply present the issue without going into great detail; for full treatment see the original article, available at <http://www.etzion.org.il/dk/1to899/099daf.htm>.

19. The *rishonim* offer three views regarding the nature of a woman's obligation with respect to the grace after meals:

1. The obligation is *de-orayeta*. See Rif (Rabbi Isaac Alfasi), *Berakhot* 11b; Ra'abad (Rabbi Abraham ben David) in comments on *Ba'al ha-ma'or*, and Nahmanides in *Milhamot* ad loc; Rav Hai Ga'on and other *ge'onim*, cited in *Milhamot*, id.; Rashba, *Berakhot* 20b; Me'iri, *Bet ha-beh'irah*, *Berakhot* 20b, s.v. *mah she-bei'arnu*; Ritva, *Hi. berakhot*, 7:2.
2. It is uncertain whether the obligation is *de-orayeta* or *de-rabbanan*. See Maimonides, *Mishneh torah*, *Hilkehot berakhot* 5:1; Rosh, *Berakhot*, chap. 3, sec. 13; *Ba'al ha-ma'or*, *Berakhot* 12a, s.v. *ve-nashim*; *Shulhan arukh*, *Orah hayyim* 186:1.
3. The obligation is *de-rabbanan*. See Students of Rabbenu Jonah, *Berakhot* 11a in Rif pages, s.v. *gemara tefeilah*.

20. Rashi ad loc., s.v. *kol ehad*.

21. That opinion is cited by Re'ah (Rabbi Aaron ben Rabbi Joseph Halevi, a Spanish *rishon* who lived in the thirteenth century): “Know as a rule with regard to the blessings [over foods and similar pleasures], that just as one who has already discharged his own obligation cannot discharge the obligation of others, so one who has not already discharged his own obligation cannot discharge the obligation of others unless they have indicated that they are a group, a single unit, and then it is considered as if each one blesses.”

22. Me'iri, *Bet ha-beh'irah*, *Berakhot* 45a

23. Rosh, *Berakhot*, chap. 7, sec. 27.

24. *Mishneh torah*, *Hilkehot berakhot* 5:3.

25. *Tur*, *Orah hayyim* 183 and 193. The Tur was written by Rabbi Jacob son of the Rosh; he lived in Germany and later in Spain during the thirteenth and fourteenth centuries.

26. *Bi'ur ha-gra*, *Orah hayyim* 195:3.

27. *Orhot hayyim*, *Hilkehot birkat ha-mazon*, sec. 11; *Kolbo*, sec. 25. *Orhot hayyim* was written by R. Aaron Hakohen of Lunel, of Provence in the 13th and 14th centuries. The author of the *Kolbo* is unknown; and some attribute it to Rabbi Aaron Hakohen.

convener. The *Shulhan arukh* so rules,²⁸ and Rema adds that the participants should complete the quiet recitation of each blessing before the convener finishes saying it aloud so they may respond with “amen.” On this approach, there is a basis for linking eligibility to convene or be part of a *zimmin* to the level of one’s obligation to bless after the meal.

***Zimmin* as a Blessing**

A different approach treats *zimmin* as a blessing that is added to the grace after meals when three have eaten together.²⁹ The most extreme application of this idea would arise in a situation in which three people have eaten together but one of them blesses later rather than with the group. In that case, he would be able, privately, to add the *zimmin* formula to his recitation of the blessing after meals, because it is a separate blessing to be added whenever the meal has been eaten in the presence of three. That view is suggested in the comments of Rabbi Moses of Ibero in *Tosafot*,³⁰ in *Or zaru`a*,³¹ and in *Ba`al ha-ma`or*.³² They maintain that the *zimmin* blessing is free-standing and remains obligatory even after the group has finished. *Or zaru`a* puts it this way:

To what point does he [one who eats with a group but blesses later] go back? We may say ... he goes back to the beginning, that

is, he says “bless Him of Whose we have eaten” [part of the *zimmin* formula], but the rabbis said, [he goes back] to the point where he left off, that is, he begins with *ba-zan* [the first blessing of the grace].

Nahmanides and Ra`abad reject the view of *Ba`al ha-ma`or* and believe the *zimmin* blessing may be recited only in the presence of three. Their view is consistent with the fundamental understanding that the obligation with respect to *zimmin* is an obligation to add another blessing to the grace after meals, but the added blessing is one that may be recited only by three or more together; it is a blessing added to the grace that is said jointly by the group. In any case, this approach allows for the possibility of severing the link between the nature of one’s obligation to say the grace and one’s eligibility to participate in *zimmin*, for the latter is an independent blessing.

Another striking approach is suggested by Rabbi Naftali Zevi Yehudah Berlin (Neziv) in his *Ha`ameq she`eilah*.³³ He believes the *zimmin* has a dual character: it serves both as an independent blessing recited before the grace and as a convening of the group to recite the grace together.³⁴ According to Neziv, women may join in saying the grace together, but there is a tannaitic dispute over whether women may recite the *zimmin* blessing, for its recitation

28. *Shulhan arukh*, *Orah hayyim* 183:7.

29. This approach is based on the statement in *Berakhot* 48b: “‘to the LORD your God’ [Dt. 8:10] refers to the *zimmin* blessing.”

30. *Tosafot* on *Berakhot* 46b, s.v. *lehakhin*.

31. *Or zaru`a*, part 1, *Hilkhot se`udah*, sec. 191 (Rabbi Isaac bar Moses; thirteenth century, one of the last tosafists).

32. *Ba`al ha-ma`or* 34a in Rif pages, s.v. *le-beikhan* (Rabbi Zerahiah Halevi, a twelfth-century Spanish *rishon*).

33. *Ha`ameq she`eilah*, *she`ilta* 146. Rabbi Naftali Zevi Yehudah Berlin lived during the nineteenth century and was head of the Volozhin yeshiva.

34. Neziv notes that two talmudic passages consider the source of the *zimmin* and explains that each deals with a different aspect of it:

1. *Berakhot* 45a, considering grace after meals in a group. Here, the *zimmin* is inferred from the verse “Exalt the LORD with me; let us extol His name together” or the verse “For the name of the LORD I proclaim; give glory to our God.” The verses form the basis for blessing by the group, in which one recites and the others answer, and that is the primary aspect of *zimmin*.
2. *Berakhot* 48b, considering the *zimmin* blessing. Here, the subject is the obligation to recite a blessing before the grace after meals, that is, to say “Let us bless Him of Whose food we have eaten.” Here, the *tanna`im* differ regarding the source of the blessing. The anonymous first *tanna* infers it from the verse “to the LORD your God” [Dt. 8:10], but Rabbi Judah the Prince infers it from the verse cited earlier, “Exalt the LORD with me.” Neziv explains that according to the first *tanna*, the *zimmin* blessing requires the alighting of God’s presence on the group, something that does not occur among women.

requires the alighting of God's presence (the *shekhinah*), which exists only in the presence of men learned in Torah. We will not consider his approach in depth, noting only that it, too, draws a connection between grace after meals and *zimmin*, allowing for linkage between the factor obligating one with respect to the former and that producing the obligation with respect to the latter.

Having reviewed the various ways in which the nature and place of *zimmin* have been understood, we may turn to the positions taken by the *rishonim* with respect to women joining in a *zimmin*. Rabbi Judah Hakohen³⁵ and Rabbenu Simḥah³⁶ believe women may join in a *zimmin* of three even though their obligation to say the grace after meals is only rabbinic (*de-rabbanan*), but Maharam of Rotenberg³⁷ and Me'iri³⁸ believe it impossible for them to join.

Rabbi Judah Hakohen argues that if a man who has eaten but has not become obligated to say grace (because he has not eaten foods to which that obligation attaches) can complete the

quorum for *zimmin*, a woman should likewise be able to join in the *zimmin* even though her obligation to say grace is not biblical.³⁹ Maharam counters that the cases may be distinguished: a man who is not obligated to recite grace may become obligated if he eats the requisite sorts of grain-based foods, but a woman can never become obligated to say grace as a matter of biblical law. Accordingly, she should not be permitted to form part of a *zimmin*.

A large number of Rishonim maintain that women are biblically obligated to say grace after meals

Maharam, then, argues that women may not be part of a *zimmin* because they lack any biblical obligation to say the grace after meals. But to say they lack any biblical obligation requires assuming they have a rabbinic obligation. As a practical matter, the *Shulḥan arukh* rules it is uncertain whether a woman's obligation to say

35. See *Responsa Maharam of Rotenberg* (Prague ed.) part 4, sec. 227, citing the disagreement between Rabbi Judah Hakohen and Maharam. Rabbi Judah Hakohen lived in Ashkenaz at the end of the geonic period, during the tenth and eleventh centuries; he was the teacher of Rabbenu Gershom *me'or ha-golah*.

36. Mordecai on *Berakhot*, *remez* 158. Rabbenu Simḥah was an Ashkenazi *rishon* who lived during the twelfth and thirteenth centuries. On his overall attitude regarding the standing of women, see Abraham Grossman, "Woman in the Teachings of Rabbenu Simḥah of Speyer" (Hebrew), in *Mayim mi-dalyo* (2002), at <http://www.daat.ac.il/daat.mishpach/grosman2-2.htm>.

The *Baḥ* (*Bayit ḥadash*, a commentary on the *Tur*) took Rabbenu Simḥah and Rabbi Judah Hakohen to be speaking only of a woman joining a *zimmin* of ten, not one of three, and there is a reading to that effect of Mordecai's comments on Rabbenu Simḥah's opinion. But the *Eliyab rabbah* (sec. 199) rejects that view and notes that *Responsa Maharam of Rotenberg* (Prague ed., part 4, sec. 227) states explicitly that Rabbi Judah Hakohen believes a woman may join a three-person *zimmin*. The *Agur* (Rabbi Jacob ben Judah Landau, a fifteenth-century Ashkenazi sage) likewise states that Rabbenu Simḥah and Rabbi Judah Hakohen were referring to joining a *zimmin* of three.

37. See n. 36. Rabbi Meir ben Barukh of Rotenberg, one of the last tosafists, lived in the thirteenth century.

38. Me'iri, *Bet ha-behira*, *Berakhot* 47b, s.v. *amar ha-me'iri*.

39. If Rabbi Judah Hakohen's proof that a woman may join a *zimmin* is based solely on a man's ability to join even though he is not obligated to say grace, a problem would arise. Only one such man may be included in a *zimmin*, and given the principle that something inferred by analogy cannot go beyond that on which the analogy is based, women's participation in *zimmin* should be limited to one woman joining two men.

But Rabbi Judah Hakohen cites a further proof based on the *gemara* at *Berakhot* 20b, which considers whether a woman's obligation to say the grace after meals is biblical or only rabbinic. The practical question at issue there is whether a woman can discharge a man's obligation to say the grace. Rabbi Judah Hakohen maintains that the *gemara* assumes that a woman certainly can join in the *zimmin* blessing as part of the requisite number and that the issue is whether she can only be counted toward the quorum or can even lead the *zimmin*. The *Taz* (199:2), however, interprets Rabbi Judah Hakohen as comparing the standing of a woman to that of a minor and infers that only one woman can be counted toward a *zimmin*, precluding a *zimmin* comprising two women and one man.

grace is biblical or rabbinic.⁴⁰ Moreover, a large number of *risbonim*⁴¹ maintain definitively that women are biblically obligated to say grace after meals. All of them reject the view of Maharam of Rotenberg.

Even Rabbenu Jonah and *Orhot hayyim* disagree with Maharam and believe that women may join a *zimmin* despite the uncertainty about the nature of their obligation to recite grace.⁴² They nevertheless rule against their joining because of concern about promiscuity, as considered further below.

Rashi⁴³ has a different reason for excluding women from a *zimmin*. The problem, in his view, is not that women have a lesser obligation to say grace, but that they do not recite, in the second blessing of the grace, the phrase “for the covenant You have sealed in our flesh.”⁴⁴ *Zelach* (*Ziyyun le-nefesh hayyah*)⁴⁵ infers from Rashi that because we are dealing only with a problem of liturgical wording, one

woman can join with two men, for the majority of participants will then be using the same wording. But even if the liturgical difference between men and women does pose a problem, it ought to be resolvable by having the group not recite the second blessing in unison. *Zelach* goes on to pose the question in those terms,⁴⁶ and *Hatam sofer* takes the same view.⁴⁷ Moreover, the problem should not arise today, when the practice is for all participants to recite the grace and for the convener to say aloud only the concluding words of each blessing.

The *Tur*⁴⁸ cites the disagreement between Rabbi Judah Hakohen and Maharam of Rotenberg but omits Rashi’s view, and the *Beit yosef* mentions neither Rabbi Judah Hakohen nor Maharam, simply reporting that the practice is not to include women in a *zimmin*. Moreover, as we have seen, a large group of *risbonim* believe that women have a biblical obligation to say grace after meals, so even

40. *Shulhan arukh, Orach hayyim* 186:1.

41. See n. 18.

42. Rabbi Judah Henkin so demonstrates in *Responsa Benei banim*, part 4, sec. 4. Rabbi Henkin begins by distinguishing two factions among the *risbonim*. One faction believes that women are obligated by biblical law to recite grace, and there accordingly is no bar on that account to counting them toward a *zimmin*; they attribute the prohibition on mixed *zimmin* to concern about promiscuity. The second faction, in contrast, regards the level of a woman’s obligation to say grace as uncertain and makes no mention of the concern about promiscuity.

On that basis, Rabbi Henkin suggests that the second faction of *risbonim* excludes women from a *zimmin* as a fundamental legal matter growing out of the difference between a man’s obligation to say grace and a woman’s. But he goes on to show that Rabbenu Jonah and the *Orhot hayyim*, who are included in the second faction, nevertheless excluded women from *zimmin* on grounds of possible promiscuity. He therefore changes his initial view and concludes that there is no proof that the *risbonim* took account, when they forbade women from joining a *zimmin*, of the differing levels of obligation with respect to saying grace. It is important to note that Rabbenu Jonah and the *Orhot hayyim* explicitly disavow that view as well.

43. On BT *Arakchin* 3a, s.v. *mezamnot le-azman*.

44. *Or zaru’a* so interprets Rashi at part 2, *Hilkhot megillah*, sec. 368:

“... and so if women referred to the covenant, they would join in a *zimmin* together with men and discharge their obligation. And [Rashi] believes that women have a biblical obligation to say grace, for if [their obligation] were only rabbinic, they could not discharge the men’s obligation even if they referred to the covenant, for one who is rabbinically obligated cannot discharge a biblical obligation.”

A similar explanation appears in *Responsa Hatam sofer*, part 1 (*Orach hayyim*) sec. 48 and in *Responsa Sho’el u-meishiv*, first series, part 3, sec. 155, cited below, even though it is possible to say that Rashi believed men and women differed in the level of their obligation.

45. *Zelach, Berakhot* 47b, s.v. *ve-od qashya*. The author is Rabbi Ezekiel ben Judah Landau, who lived in Europe during the eighteenth century and is known by the title of another work, *Noda bi-yehudah*.

46. “For according to all views, blessing in a *zimmin* applies only until the conclusion of *ba-zan* [the first blessing of the grace], and after that point, the group can separate [that is, each can recite the rest of grace separately]” (id.).

47. *Responsa Hatam sofer*, part 1 (*Orach hayyim*), sec. 48: “But it may be said that they discharge the group’s obligation with regard to the first blessing, which does not mention the covenant, and regarding the second blessing, the men in fact bless separately.”

48. *Tur, Orach hayyim*, sec. 199

according to those who posit a link between level of obligation to say grace and level of obligation with respect to *zimmun* should see no difficulty in including women in a *zimmun*.

With regard to the liturgical issue that troubles Rashi, Rema rules, in the name of the *Kolbo*, that “women and slaves should not refer to covenant [of circumcision] and Torah [in the second blessing of grace] because women are not within the covenant and slaves are not students of Torah.”⁴⁹ But *Magen avraham*, *Sha’arei teshuvah*, and *Mishneh berurah* ad loc. note and justify the contemporary practice of women to mention “covenant and Torah.” Under our custom today, there are no liturgical differences between grace as recited by men and by women and no reason to exclude women from a *zimmun* on that basis.

An Extrinsic Reason for Exclusion— Concern About Promiscuity

Many *rishonim* offer extrinsic reasons, unrelated to the nature of the obligation, for the view that women do not join in a *zimmun* with men. Rashi (on *Arakchin*), Ritba,⁵⁰ Rabbenu Jonah’s students citing Rashi⁵¹ Ran,⁵² the *Kolbo*,⁵³ and the Re’ah (Rabbi Aaron Halevi),⁵⁴ take the view, also cited in the *Shittah mequbbezet*,⁵⁵ that men and women dining together raises concern about potential promiscuity and that their company therefore is not fitting.

On this view, it is men and women dining together that poses the problem, and that social situation should be avoided altogether.

49. *Shulhan arukh*, *Orah hayyim* 187:3.

50. Ritba, *Hilkehot berakhot* 7:2. Ritba is Rabbi Yom Tov ben Abraham Ishbili, a Spanish *rishon* of the thirteenth and fourteenth centuries. See *Arukh ha-shulhan*, *Orah hayyim* 199:2.

51. Students of Rabbenu Jonah at the beginning of chapter 7 of *Berakhot* in the Rif pages, s.v. *nashim va-avadim*, and *Tosafot yom tov* likewise reports this in Rashi’s name. In the text of Rashi as we have it (*Berakhot* 45b, s.v. *im razzi*), reference is made to promiscuity only in the context of women and slaves together.

52. Ran, *Megillah* 6b in the Rif pages, s.v. *matnitin ba-kol kesheirin*. Ran is Rabbenu Nissim ben Reuben Girondi, a Spanish *rishon* of the fourteenth century.

53. *Kolbo*, sec. 25.

54. Re’ah, *Berakhot* 45a, s.v. *nashim va-avadim*.

55. *Shittah mequbbezet*, *Berakhot* 45b, s.v. *sha’ani batam*.

56. *Mishneh berurah* 199:14. The author of *Mishneh berurah* is Rabbi Israel Meir Hakohen (Kagan), known as the *Hafetz hayyim*, who lived during the nineteenth and twentieth centuries.

57. Ran, *Megillah* 6b, s.v. *de-matnei*.

58. That is because the wording is changed on account of their presence.

The source for concern about promiscuity appears in the Talmud in the context of women and slaves together, and the foregoing *rishonim* broadened the concern to include women and men in general. On the surface, it would seem that the concern should not apply within the family circle, but the students of Rabbenu Jonah emphasize, in the name of Rashi, that women do not join in a *zimmun* “even with their husbands, because their company is not fitting.” *Mishneh berurah* cites that as the applied *halakhab*.⁵⁶

*Many Rishonim offer extrinsic reasons,
unrelated to the obligation, for the view that
women do not join in a zimmun with men*

If concern about promiscuity is the issue, then women should not respond even when a three-man *zimmun* is present. Ran,⁵⁷ however, explained that one is concerned about promiscuity only when women are counted toward the *zimmun*, because in that case, their presence is recognized.⁵⁸ When a *zimmun* is present even without the women being counted, they may join in answering, for their presence goes unrecognized.

Still, we find some sages who believed concern about promiscuity was not a reason to exclude women from a *zimmun*. *Gan ha-melekh*, for example, citing “another great scholar,” states:

I heard about another great scholar who would form a *zimmun* comprising himself, his son-in-law and his daughter, and he

explained his action by saying that because there is no concern about promiscuity in that situation, it is permitted to do so.⁵⁹

Excluding women from a *zimmun* because of concern about promiscuity is considered as well in *Responsa Sho'el u-meishiv*:

What they said regarding promiscuity was meant specifically in the context of an assembly of women and slaves ... and that is why their company is not fitting. But [in the context of] women with men [in general] ... promiscuity is not pertinent. When a man and his household are having dinner, they sit with their wives and their slaves and how could promiscuity be a factor, Heaven forbid? And I looked again at *Tur shulhan arukh* (*Orah hayyim* 199:6), and, in my humble opinion, I understood its true meaning, for the *Shulhan arukh* forbade on grounds of promiscuity only [an assembly of] women, slaves, and minors—those whose thinking is not perfected—and simple people, in subparagraph 4, “if men join them.” And Rashi forbids for a different reason, regarding which the *halakhab* is not in accord with his view. And it is odd that that the *Bet yosef* does not refer at all to Rashi’s comments, but it

requires further examination, since I looked at it only in passing. But the *Zelah, Berakhot* 46a, s.v. *hu de-amar ke-ribal*, comments on Rashi’s remark; q.v.⁶⁰

With respect to a *zimmun* of women and men in general, and within the family circle in particular, the author of *Sho'el u-meishiv* thus rejects both the concern about promiscuity and the determination that “their company is not fitting.” With respect to Rashi’s rationale for excluding women from a *zimmun*—that they do not say “for the covenant You have sealed in our flesh”—he notes that the *halakhab* does not follow Rashi’s view. And he even understands the *Shulhan arukh* to believe that women may join in a *zimmun*.⁶¹ Still, the author of *Sho'el u-meishiv* does not draw practical conclusions from his observations, noting that he “looked at it only in passing.” If we examine what he said, it implies that there is no reason to exclude women from a *zimmun*. He even refers to the *Zelah*, who, as noted earlier, explains that on Rashi’s view, one woman could be included in a *zimmun* of three.

Exclusion of women from a *zimmun* because of concern about promiscuity is also treated in *Malbushei yom tov*,⁶² which reports that Maharash of Neustadt dined with his wife and asked a

59. *Gan ha-melekh*, sec. 75. The author of *Gan ha-melekh* is Rabbi Abraham ben Mordecai Halevi, a seventeenth-century sage from Egypt. He goes on to reject that outcome and determines that women should not be included in a *zimmun* because they do not refer to the covenant in the second blessing of the grace, consistent with Rashi’s view noted earlier. I am grateful to Osher Tebibbi for referring me to this source and to the comments of the *Ben ish hai* referred to below.

60. *Responsa Sho'el u-meishiv*, series 1, part 3, sec. 155. The author is Rabbi Joseph Saul Nathanson, who lived in Eastern Europe during the nineteenth century.

61. The author of the *Perishah* (Rabbi Joshua Falk Katz, a sixteenth-century interpreter of the *Tur*) had a similar understanding (*Orah hayyim* 199:9) of the *Shulhan arukh*. In contrast, the *Mishneh berurah* understood the *Shulhan arukh*’s ruling to be that women could participate with a *zimmun* of three men but could not themselves be counted toward the necessary three. The *Mishneh berurah* seems to have the better understanding of the *Shulhan arukh*, for the latter states that when women dine with a *zimmun* of men, they are obligated to participate in the *zimmun*. That statement is consistent with the opinion of the *Sefer mizvot gadol* (*Semaq*) (pos. commandment 27), which states, in the name of Rabbi Isaac ben Samuel, that women themselves are exempt from *zimmun* but if three men are present, the women must join with the men’s *zimmun*.

62. *Malbushei yom tov* 197:3. The author is Rabbi Gershon Saul Yom-Tov Lipman Halevi Heller Wallerstein, a sage who lived in Germany during the sixteenth and seventeenth centuries.

third person to drink some wine so he could complete a *zimmin* with them.⁶³ *Malbushei yom tov* expresses surprise at this, inasmuch as Rabbenu Jonah had written, in the name of Rashi, that even a husband and wife do not form a *zimmin* together because “their company is not fitting.” The *Eliyab rabbab*⁶⁴ replies that Rabbi Judah Hakohen ruled in practice that a women might join in a *zimmin*; accordingly, there is no basis for questioning Maharash’s practice.⁶⁵ The *Peri megaddim* also questions Rabbi Judah Hakohen’s ruling on grounds of concern about promiscuity but explained that Rabbi Judah Hakohen was certainly speaking of a *zimmin* comprising a man, his wife, and their son, in which case concern about promiscuity certainly does not apply. Mabbit⁶⁶ likewise formed a *zimmin* together with his wife and son.

If we posit that concern about promiscuity was the reason for excluding women from a *zimmin*, we must recognize that from the beginning of the time of the *rishonim*, Rabbi Judah Hakohen, Rabbenu Simḥah, and Maharash took the view that a women might join in a *zimmin*, at least in certain circumstances, without that concern being present. The issue should certainly be reexamined in light of life today, as implied by *Gan ha-melekh* and *Responsa Sho’el u-meishiv*.

Dinner Practices—“They Are Not Established Participants”

Ra’abad⁶⁷ cites a further reason for excluding women from a *zimmin*, ruling that women and men do not form a *zimmin* together because women are not established participants in meals with men. In other words, because the custom is for women and men not to sit down to eat together, they likewise do not form a *zimmin* together. The *Ben ish hai* provides evidence for this custom:

In our city of Baghdad, it is usual for women not to dine at the same table with men, even if no outside guests are present. Rather, their practice is to hear the head of the household say Kiddush in the dining room and then withdraw to another room.⁶⁸

A similar account appears in *Iggerot mosheh*:

Women who have eaten at a table with three men are obligated to answer to the *zimmin* blessing. ... But on weekdays, when in most places there is no set meal in which all join, and she is busy preparing and serving food, she does not intend to sit and eat together with [the men]; and that is even more the case when there are small children who keep her busy. On a weekday, when

63. Maharash of Neustadt (Rabbi Shalom bar Isaac of Neustadt) was a fourteenth-century Ashkenazi *rishon* often cited by Ashkenazi *aharonim*. A book recording his practices remained in manuscript for many years, until its initial publication in 1977 by Makhon Yerushalayim on the basis of a manuscript that had been in the possession of his student, Maharil (Rabbi Jacob ben Moses Moellin, who lived in the fourteenth century). We should note that Maharil’s manuscript states that Maharash ate not with his wife but with his servants. That reading is problematic, however, for the text states that he asked a third person to come and complete the *zimmin*, and had he been eating with his servants, there would have been no need to summon an additional person. The *Malbushei yom tov*’s reading therefore seems more accurate. In any case, Maharil, in his *Responsa*, sec. 18, writes that “one of the great [halakhic] teachers joined in a *zimmin* with a woman, but the other rabbis did not follow that practice.” The editor there cites the *Malbushei yom tov*, as noted above.

64. *Eliyab rabbab*, sec. 199. The author is Rabbi Elijah bar Benjamin Wolf Shapira, an interpreter of the *Shulḥan arukh* who lived in Prague during the seventeenth century.

65. The author of *Eliyab rabbab* himself goes on to question Rabbi Judah Hakohen’s statement and concludes that a woman should not be counted toward a *zimmin* because that is not the existing custom. We consider that argument below.

66. Mabbit is Rabbi Moses ben Joseph Trani, a sage who lived in Safed during the sixteenth century. The account is cited in Rabbi Kapah’s commentary on Maimonides’s *Mishneh torah*, *Hilkehot berakhot* 5:7, n. 16.

67. *Tamim de’im*, sec. 1. Rabad is Rabbi Abraham ben David of Posquieres, a twelfth-century Ashkenazi *rishon*.

68. *Ben ish hai*, year 2, *Parasbat bereshit*, par. 2. The author is Rabbi Joseph Hayyim ben Elijah El-hakham, who lived in Baghdad during the nineteenth century.

everyone eats quickly, she does not participate in their meal. And it follows that even if a woman on occasion has time to sit down to a meal, women are not accustomed to answer to a *zimmin*. But the husband certainly has the duty to summon her when she is obligated [to bless] and not to allow the men to bless until she has come to the table to bless together with a *zimmin*, or at least to respond “blessed be He of Whose food we have eaten” and then wait until the leader has completed recitation of the first blessing.

But on the Sabbath, when all eat together and no one is in a hurry to bless, she must be summoned to join together in the *zimmin* blessing. ... For what can she do if the men joined to bless without her, and did not wait for her? But on the Sabbath it is certainly forbidden for men to rush to bless in a *zimmin* because they do not want to await the women or summon them; and it may be forbidden on weekdays as well in many instances.⁶⁹

Rabbi Feinstein depicts a reality in which women are not seen as taking part in the meal. Even when the women sit down to a meal, the men and the women are seen as two separate groups, and the men have to summon the women to bless with them in a *zimmin*. Is that the situation today? When a family sits down to eat on the Sabbath, do only the men sit together at table, summoning the women to join them to bless?

In the case of a nuclear family, the men and the women typically sit down to a meal together. But it is necessary to examine what happens when guests or members of the extended family participate in the meal. The accounts cited earlier of *rishonim* forming a *zimmin* with women (a great scholar who

formed a *zimmin* with his son-in-law and daughter; the Maharash of Neustadt, who did so with his wife and a third person called in to complete the *zimmin*) include examples involving both the extended family and guests.

To decide the question of women’s participation in a zimmin, we must examine our way of life and the changes that have taken place in it

On the other hand, the *Peri megaddim* limited Rabbi Judah Hakohen’s remarks solely to a *zimmin* within the nuclear family. Mishnah *Berakhot* states⁷⁰ that even a man serving the diners can complete the *zimmin*, suggesting that whether a person may join in a *zimmin* depends on how the social situation is perceived, not on being physically seated at the table. With reference to women, it is not a substantive or prescriptive determination that women are not established participants in meals with men; it is a social construct that can change over time. It is fair to say that to decide the question of women’s participation in a *zimmin*, we must examine our way of life and the changes that have taken place in it and then apply the ensuing halakhic implications.

The prevailing notion today is that nothing is more fitting than for a family to sit down to a Sabbath dinner together. This suggests, given the foregoing discussion, that the family should form a *zimmin* together whenever three “minds” are present. This has particular importance in the many families in which there will be no *zimmin* if women are excluded, such as those in which parents sit down to dinner with their children, only the oldest of whom is *bar mitsvah* or all of whom are daughters.⁷¹

69. *Iggerot mosheb, Oraḥ ḥayyim*, part 5, sec. 9, par. 10. The author is Rabbi Moses Feinstein, who lived in the United States during the twentieth century.

70. M *Berakhot* 7:1.

“We Never Saw or Heard of Such a Thing”

Even given all the foregoing, there would be a further basis for opposing the inclusion of women in a *zimmin*—the very fact that doing so is not the customary practice. And so the *Bet yosef* at the very outset precludes doing so:

Rabbi Judah Hakohen taught, as a matter of applied *halakhab*, that a woman should be included in a *zimmin*. ... But the *Agur* (sec. 240) wrote that he had never seen and never heard of any place where that was the practice.⁷²

But not only a mixed *zimmin* was unattested in practice, so was a *zimmin* comprising only women. As noted at the outset, we must examine every custom and ascertain whether it pertains to a substantive difference between men and women or arises merely from woman’s (changeable) socio-cultural status. If it can be shown that a particular custom grew out of women’s not knowing Hebrew or not being familiar with the blessings, it follows that the custom does not indicate a substantive difference between men and women but only an external difference growing out of lack of knowledge and ability.⁷³

An excellent example of the consequences of not knowing the Hebrew language can be found in *Tosafot* on the passage in *Berakhot*:

It follows that women may form a *zimmin* by themselves and that was the practice of the daughters of Rabbenu Abraham, the father-in-law of Rabbenu Judah, in accord with their father’s ruling. But people in

general have not adopted that practice. Yet their not doing so is problematic, for we have learned that “they [the women] form a *zimmin*,” implying that they are obligated to do so. One may answer that “[women] form a *zimmin*” means they do so if they wish, and the wording somewhat supports that reading.

But further inquiry is warranted into whether women discharge their obligation through the men’s *zimmin* blessing, for they do not understand it. Some prove that they do discharge their obligation from the later statement that “a [knowledgeable] scribe recites the blessing and a boor discharges his obligation,” implying that women, too, discharge their obligation with respect to grace after meals through our recitation of it. But that proof can be refuted, for the boor differs [from the woman] in that he understands the Holy Tongue [Hebrew] and knows some of what the person reciting the blessing has said, and simply does not know how to bless on his own. But women, who do not understand anything [of what is being said] may be considered not to discharge their obligation [through the men’s recitation].⁷⁴

Tosafot point to the tension between prevailing custom and *halakhab*, attempting to resolve it by taking the *gemara* to be saying that women are not obligated to form a *zimmin* but only permitted to do so. They go on to assert that a woman’s obligation is not discharged through someone else’s blessing

71. We must still distinguish, however, between a woman responding in a *zimmin* and a woman leading or convening it. The *Taz* (*Turei zaban*, a commentator on the *Shulhan arukh*), *Orah hayyim* 199:2, though believing that a woman may complete a *zimmin* with two men, nevertheless does not permit her to lead it. To understand this issue properly, we would have to consider a woman’s ability to discharge a man’s obligation with respect to grace. In doing so, we would assume a connection between the obligations to form a *zimmin* and to recite grace, but we will not go into that here.

72. *Bet yosef* 199:7. In the ensuing paragraph, he cites the rationale that “their company is not fitting” but he initially rejects the practice simply because it is not the custom. Several commentators on the *Shulhan arukh* (*Orah hayyim* 199:2)—*Birkei yosef*, *Eliyab rabbah*, and *Ateret zeqeinim*—likewise believe women should be excluded because it is not the custom to include them.

73. Regarding the reason why women are not established participants in meals with men, see *Iggerot Mosheh*, quoted above, attributing it to women being too busy to sit down to eat a meal; therefore, “women are not accustomed to answer to a *zimmin*.”

74. *Tosafot* on *Berakhot* 45b, s.v. *sha’ani*.

because they do not know Hebrew (and do not rise even to the level of an ignoramus). One may say that the concluding passage of the *Tosafot* resolves the surprise initially expressed over women not having the practice of forming a *zimmun*. If they don't even understand Hebrew, how can they form a *zimmun*?

And, in fact, the *Mishneh berurah* explains that the reason for women's exemption from *zimmun* is that they are not proficient in reciting the grace after meals:

Some say the reason the sages did not wish to subject them [women] to the requirement to form a *zimmun* when they are on their own is because it is not very common for them to be proficient in the grace after meals.⁷⁵

“We never saw” is not a pertinent argument with respect to the matter at hand

The *Mishneh berurah*'s comment implies that women properly educated would be obligated to form a *zimmun*, but because they lacked proficiency, the sages did not subject them to that obligation and made the matter merely permissive. Reinforcement for the idea that women's lack of obligation is a matter of custom appears in the *Tur*:

It follows that women form a *zimmun* on their own and are obligated to do so, but in Ashkenaz, that was not their custom. And some say that in order to validate the custom, they interpreted the statement that “women form a *zimmun* on their own” to mean that they do so only if they want to, but that there is no obligation, and Rashi so interpreted it. But my master, my father the

Rosh, may his memory be for a blessing, interpreted it as necessarily imposing an obligation, for they said, “all are obligated.”⁷⁶

The *Tur* concludes, contrary to the custom, that women are obligated to form a *zimmun*, as his father Rosh maintained. And yet, women did not form a *zimmun* even when they ate by themselves, even though many believe they are required to do so.⁷⁷ If the reality is that women did not form a *zimmun* because they lacked the requisite knowledge, it seems impossible to infer anything about essential differences between men and women from any custom related to whether or not women form a *zimmun*. And if that is so with respect to women forming a *zimmun* on their own, it would seem to apply as well with respect to women and men forming a *zimmun* together.

The argument from “we never saw or heard of such a thing” generally provides an explanation for not acting in a particular way. The *Shakh*, however, explained⁷⁷ that the argument of “we never saw” is pertinent only if there was a possibility of acting in a particular way and people did not do so. In our case, it seems there was no possibility of women forming a *zimmun*, either because they did not know Hebrew or because it was not the norm for women to sit down together to a meal. It follows, according to the *Shakh*'s understanding, that “we never saw” is not a pertinent argument with respect to the matter at hand.

That said, a change in custom would seem, at first glance, to contradict the simple meaning of the Mishnah's statement that “women, slaves, and minors do not form a *zimmun*. Changing the custom therefore becomes more problematic.⁷⁹

75. *Mishneh berurah* 199:16.

76. *Tur*, *Orah hayyim* sec. 199.

76. Students of Rabbenu Jonah; Rosh; Ritva, *Hilkebot berakhot* 7:2; *Orhot hayyim*, *Hilkebot birkat ha-mazon* sec. 43; *Kolbo*, sec. 25; Me'iri, *Bet ha-behirah*, *Berakhot* 47b, s.v. *amar ha-me'iri*; *Tur*, *Orah hayyim* sec. 199; *Or zaru'a*, part 1, sec. 184 in Rif pages; *Bi'ur ha-gra* 199:7; *Ha-agur*, sec. 240.

77. *Sifte kohen*, *Hoshen mishpat* 37:38.

79. *Berakhot* 7:1.

The author of the *Derishab*⁸⁰ resolved the contradiction between the Mishnah and Rabbi Judah Hakohen by explaining that the Mishnah forbids a *zimmun* of women and slaves together because of the concern about promiscuity, but a *zimmun* of women and men in general is not forbidden.

In contrast to that view, many *rishonim*⁸¹ understood the Mishnah to forbid, because of concern about promiscuity, any *zimmun* of men and women together. Reading the Mishnah in accord with its simple meaning, those *rishonim* took the view that any other practice would deviate from the rule of the Mishnah, which forbade forming a *zimmun* with women on grounds of promiscuity. And yet, there are other instances in which our practice differs from the rule stated in the Mishnah. For example, the Mishnah⁸² forbids dancing and clapping hands on the Sabbath on grounds of *shevut* (various types of activity forbidden on the Sabbath by rabbinic rule even though they are not within the forbidden categories of labor). *Tosafot* argue⁸³ that the reason for that rule no longer applies, and clapping hands on the Sabbath therefore should no longer be forbidden. Another example, closer to our own subject, pertains to women being called to the Torah.

When women and men within the family join in a zimmun, there is no concern about promiscuity

Maharam of Rotenberg⁸⁴ ruled that in a city in which only *kobanim* reside, women should be called to the Torah, reasoning that if a *kohen* were called for a passage normally read by a non-*kohen*, the congregation might think he

was being called then because he was disqualified as a *kohen* on account of some flaw. In Maharam's view, avoiding that potential disgrace to the *kohen* is more important than the harm to "the honor of the community" that is given as the reason for not calling women to the Torah. The circumstances of this case are similar to those of a mixed *zimmun*. As a matter of law, women may join in a *zimmun* with men, but that practice is not followed because of possible promiscuity; yet when women and men join in a *zimmun* within the circle of the family, there is no concern about promiscuity. In that case, despite the statement in the Mishnah, the women's honor would appear to require forming a *zimmun*.

Summary

There is dispute among the *rishonim* regarding women's obligation to form a *zimmun*, and it would appear that the better view is that they are so obligated. In any case, the factor that makes *zimmun* possible is the presence of three "minds," a category that includes men and women alike. It follows that with respect to the standard for determining the obligation to form a *zimmun*, nothing prevents men and women from forming a mixed *zimmun*.

Various commentators offer two reasons for excluding women from a *zimmun*: the uncertainty about whether their obligation to recite the grace after meals is of biblical standing, and the different wording used by women in the second blessing. The difference in wording goes unmentioned in the *Tur* and the *Bet yosef*, and the *Zelach* writes that even if the liturgical difference bears on the issue of women joining in a *zimmun*, one woman can

80. *Orah hayyim*, sec. 199.

81. *Kolbo*, sec. 25; Ritva, *Hilkehot berakhot* 7:2; *Shittah mequbbezet*, *Berakhot* 45b, s.v. *sha'ani hatam*; Students of Rabbenu Jonah, beginning of *Berakhot* chapter 7; *Tosafot yom tov* on *Berakhot* 7:2, citing Rashi; Ran, *Megillah* 6b in Rif pages, s.v. *matnitin ha-kol kesbeirin*.

82. M *Bezah* 5:2.

83. *Tosafot*, *Bezah* 30a, s.v. *tenan*.

84. *Responsa Maharam of Rotenberg* (Prague ed.), part 4, sec. 108.

certainly join with two men. In any case, the practice today is that men and women use the same wording in the second blessing, so the issue is no longer pertinent. Meanwhile, the issue of a woman's obligation to recite the grace after meals is mentioned in the *Tur* but not in the *Bet yosef*. The two reasons cited in the *Bet yosef* are the concern about promiscuity and the very fact that under prevailing practice, women do not join in a *zimmin*.

In any case, the primary reason cited to account for the ban on a mixed *zimmin* is possible promiscuity. As we have seen, some authorities, as noted in *Responsa Sho'el u-meishiv*, see the concern as no longer applicable. Moreover, some *risbonim*, such as Rabbi Judah Hakohen and Rabbenu Simḥah, ruled that women should be permitted to join in a *zimmin*, and we have accounts of rabbis who so allowed in practice. There is room for discussion over whether they only permitted one woman to join with two men or even permitted two women to join with one man; the plain meaning of their statements suggests the latter.

If the reason for the prohibition is rooted in practices that no longer apply, is it not right to allow women to form a zimmin together with men?

Another reason given for forbidding a mixed *zimmin* is that men and women do not usually sit down to a meal together. At least within the context of the nuclear family, however, there would appear to be no reason to prevent a mixed *zimmin* on that account.

If it is agreed that mixed *zimmin* has been barred because of concerns about promiscuity, we may conclude that today, when it is accepted that men and women sitting down to a meal together within the circle of the family entails no promiscuity, and is even considered to be fitting, those men and women should be

seen as permitted, and according to some views as required, to form a *zimmin*. It is not simply the dinner practice that has changed, it is the consciousness of the participants. In the past, even if men and women sat together at a meal in some situations, it was understood that only the men were formally dining together and that the women formed a sort of appendage to the group. Now, the understanding is that the entire family is formally dining together and it seems possible, perhaps required, for the entire family to join in a *zimmin*.

What Do We Do?

Two possible courses of action lie before us. The easier one is to do nothing, but inaction comes at a price. If the reasons to avoid a mixed *zimmin* are, in fact, possible promiscuity or the social standing of women, leaving things as they are might perpetuate the past standing of women and produce a contradiction between *halakhab* and contemporary reality. The more people become aware of the laws regarding *zimmin*, the greater and more irritating the contradiction, as members of a family sit down to dine together but nevertheless are not all counted to a *zimmin*.

I have often in this article used the term “concern about promiscuity.” It refers not only to a scholarly, legal rationale but also to an assertion about the nature of our society. Do we live with a sense that there is concern about promiscuity whenever a family sits down together to eat? Can we accept that judgment in the context of regular family meals every Sabbath? If those questions are answered in the negative—as they certainly must be—leaving things as they are borders on the absurd.

Meanwhile, changing things would hardly be a halakhic innovation, for such a change has already been made with respect to women reclining at the Passover Seder, as noted at the beginning of this article. A similar change took place with respect to *zimmin*, as several rabbis

have ruled over the course of the years that women might join in a *zimmun*. For one reason or another, that practice was never widely followed, but the reasons involved—such things as women’s ignorance of Hebrew in general and the blessings in particular—are not matters of essential differences between men and women.

On the pertinent passage in *Berakhot*, *Tosafot* noted the contradiction between the *gemara*, which implies that women are obligated to form a *zimmun*, and the real world, in which they did not do so. Today, we face the

opposite situation. We are privileged to live in a time when women pray and recite blessings, study Torah, and sit down to meals with their families. The *halakha*, in contrast, forbids women to be counted to a *zimmun* with the members of her family. Like the tosafists, we have the duty to examine anew the basics of the law with regard to *zimmun*, clarify the reason for the prohibition, and change the practice if necessary. If, in fact, the reason for the prohibition is rooted solely in social practices that no longer apply, would it not be right to change the practice and allow women to form a *zimmun* together with men?

Does Cultural Change Necessarily Entail Halakhic Change? A Reaction to Women Joining a *Zimmun* *

Ya'akov Medan

The author has nicely and clearly analyzed the various approaches taken in the *gemara* and by the decisors, and he may be presumed to have done his work faithfully and well. I have not had the opportunity to check the original text of every *rishon* he cites, but, as noted, he may be presumed not to have published anything incorrect. My few comments pertain solely to his conclusions.

The Tosafists and their circle attributed women's non-participation in *zimmun* with men to the conditions that prevailed in the time of the Talmud. The implication is that the prohibition must be examined anew in each generation. That was the tosafists' practice as well with respect to the prohibition on clapping hands and dancing on the Sabbath, lest one prepare a musical instrument,¹ and the author properly has so noted. That was their practice with respect to many other matters as well, such as easing the requirement of hand-washing after a meal when there is no concern about salt from Sodom, and so forth.² I would note briefly that at least in a sizable number of such instances, the tosafists' opinion was not adopted, and the view that prevailed was that of those who objected to changing rules to comport with changing times. The most

prominent example is that of the second festival day instituted outside the Land of Israel, regarding which we are told to "heed your father's custom"³ and which remains in force throughout the Diaspora to this day, as a *halakhab* whose reason has lapsed. And even though one case is not necessarily comparable to another, it is a point worthy of thought.

In a certain sense, the article proves too much. It suggests indirectly that women may be called to the Torah today in reliance on the comments of Maharam of Rotenberg regarding a city made up entirely of *kobanim*.⁴ That was the conclusion reached in practice by Rabbi Prof. Sperber.⁵ But can we really do so?

The prohibition must be examined anew in each generation. That was the tosafists' practice

Let me clarify. Of all the explanations given by the *rishonim*, the one that makes the most sense to me is the concern about promiscuity.

Rashi's explanation—that women refrain from *zimmun* because they recite a different version

1. BT *Beitsab* 30a, in *Tosafot* s.v. *di-tenan*.

2. BT *Eruvin* 17b, in *Tosafot* s.v. *mayim aharonim*, and elsewhere. See, e.g., *Tosafot* on BT *Beitsab* 6a, s.v. *ve-ha'idana* (burial on the second day of a festival and the decree forbidding the drinking of water from an uncovered vessel); *Avodah zarah* 2a, s.v. *ve-ha'idana* (commerce with gentiles in the days just preceding their holidays); id. 35a, s.v. *hada* (cheese made by gentiles); id. 57b, s.v. *le'afuqei* (wine touched by a gentile), and many others.

3. See BT *Beitsab* 4b.

4. Maharam ruled (*Responsa Maharam of Rotenberg* [Prague edition], part 4, sec. 108; see also *Hagabot maimuniyot, Hilkebot tefillah ve-nesi'at kapayim*, chapter 12, par. 200) that in a city populated entirely by *kobanim*, women should be called to the Torah following the first *koben*. He reasoned that two *kobanim* should not be called in succession, lest it be thought that the second *koben* replaced the first because of some flaw in the first (for example, that his mother was a divorcee). [Editor's note: There is a slight difference between Maharam as reported here and as reported in Gershon's article. Here, the concern is that no one think the first *koben* is defective and is therefore being replaced; Gershon describes the concern as that no one think the second *koben* is defective and is therefore being called to a non-*koben aliyah*.]

5. Daniel Sperber, *Path of Halacha: Women Reading the Torah: A Case of Pesika Policy* [*Darkah shel halakhab*] (Jerusalem, 2007), pp. 30–31, and, more broadly, pp. 24–33 and elsewhere in the book. He cites additional sources for his view, Meorot 9 *Tshrei* 5772 Gershon/Madan/Tikochinsky 19

of the grace after meals, omitting any reference to the covenant sealed in our flesh—strikes me as an odd reason to omit *zimmin*, and I will have more to say on that below. The author of the article is correct in noting that given life today, a mixed *zimmin* entails no risk of greater promiscuity. But our custom is to adopt the laws of modesty that our ancestors followed in areas related to holiness and worship, such as prayers and blessings, and to make accommodation to contemporary practice in other areas. It appears that we can value and honor a way of life in which women were entirely separate from men because of an intense commitment to modesty, even though we are certain that such a way of life is not suited to us today. We do, however, maintain that way of life in matters related to holiness, such as prayer in the synagogue. If we eliminate it there as well, we will abandon entirely our ancestors' practices with respect to modesty, and that will come at a price.

One of the article's many virtues is that the author carefully weighs costs and benefits. He is absolutely correct in arguing that excluding women from *zimmin* nowadays would sever the *halakhab* from the reality of our lives. His argument must be seriously weighted against mine and we must ask which risk we would rather incur: that of total separation from our ancestors' practices regarding modesty, or that of severing *halakhab* from social reality in this matter. I have no clear answer, and the community will have its say.

We must also consider whether, on the basis of the writer's sound arguments, we would be entering into the "Shirah Hadashah syndrome"⁶ and embarking on an intermingling

of men and women even within the synagogue. Each course of action bears a heavy cost, and the question of *halakhab*'s severance from real life and from women's status in all other areas is a weighty matter indeed. The author suggests including women within *zimmin* within the nuclear family only, but would it be possible to maintain that limitation?

To accept that renewal, it is necessary to set clearer principles regarding the limits of the "slippery slope"

My sense is that Rashi's surprising rationale for rejecting a mixed *zimmin* necessarily entails another, unstated rationale; perhaps he, too, was concerned about the bounds of modesty. The author of the article also mentions the Ashkenazi practice of women reclining at the Seder (a requirement I enforce in my own home). Rema explains their failure to recline on the grounds that they rely on the view of Raviyah that reclining is no longer applicable. That explanation is surprising—do all women know who the Raviyah is? In my humble opinion, it is possible that Rema's rationale also includes a hidden rationale explanation of the sort I mentioned above.

Again, I do not disagree with the author's conclusion. As a general rule, I am a strong supporter of the continual renewal of *halakhab* in light of real-world circumstances. But I believe that in order to accept that renewal, it is necessary to set clearer principles regarding the limits of the "slippery slope." And may God open our eyes in His Torah.

6. *Shirah Hadashah* is a synagogue in the German Colony section of Jerusalem that has the practice of stretching the *halakhab* to the extent possible in certain areas. They do so at the expense of ancestral traditions practiced as an oral Torah and to promote the active involvement of women in public worship.

“My Women Friends, Let Us Bless”: A Response to the Question of Women Joining in a *Zimmun* Within the Family Circle

Mikhal Tikochinsky

Rabbi Yonatan Gershon’s article deals with the possibility of a woman joining as the third member of a *zimmun* at a family meal. In this response, I will deal with the question of *zimmun* overall—a woman’s participation as the third member of a *zimmun* but also her obligation with respect to *zimmun* in general—because that inquiry allows us to look at the difficulties associated with every halakhic question related to women and their standing in *halakhah*. The reason for considering the entire bundle of issues (beginning with the nature of *zimmun* and only then going on to women joining in one) is that there exist two poles within religious female society. At one end are those women who have no interest in taking on additional obligations and would feel odd participating in a *zimmun*; at the other are those who want to be included in a *zimmun* as people with equal rights.

Because this polarization is something that cannot be ignored, it becomes necessary to consider the overall question of women’s *zimmun* obligation. In reacting to Rabbi Gershon’s learned article, I hope to broaden the range of decision-making considerations that bear on the matter and do so from the perspective of a woman who studies Torah. While I myself feel no burning need for halakhic innovation, there are many women who are seriously troubled by the matter. They are marked not by defiance but by a sincere, piously motivated desire to participate—analogueous to that of the biblical Zelophehad’s

daughters—and we therefore should carefully examine to what extent their request may be granted.

After writing this article, I found myself quite uncertain about how I myself should act. As a practical matter, one cannot escape the conclusion that the sources imply that the *zimmun* obligation applies to women nowadays and that there is no reason not to include them in a *zimmun* within the narrow circle of the family, where concern about promiscuity is clearly not present. Taking account of both these factors, one sees that women refraining from participation in *zimmun* is problematic.

Reality, *Halakhah*, Custom

Women’s participation in *zimmun* is one of those interesting situations in which we find an obvious contradiction between *halakhah* and reality. The halakhic sources obligate women to engage in *zimmun*, yet the widespread practice is that they do not. As a historical matter, the gap grew out of the nature of life in the real world. Accounts of the contradiction between talmudic law and prevailing practice already appear in the writings of the *rishonim*. Some are surprised at the practice and attempt to resolve the contradiction and narrow the gap between law and life. Others interpret the original sources so that they correspond to the custom.

Tosafot take the first course, explaining that the sources imply that women are obligated to engage in *zimmun* but that the usual practice

nevertheless is otherwise.¹ The Tosafists are aware of some isolated instances in which women did engage in *zimmun*, as in the house of Rabbenu Abraham, Rabbi Judah's father-in-law.² Mordecai mentions women joining in a *zimmun* in the home Rabbenu Simḥah.³ As a general rule, however, it is clear that women neither joined in a *zimmun* nor formed their own. In order to defend the prevailing custom, *Tosafot* reinterprets source after source and text after text, coming up with an understanding that relaxes women's obligation with respect to *zimmun* into mere authorization. *Tosafot's* comments also reveal why women's practice diverged from the *halakhah*. The reality of the time was that women did not know Hebrew⁴ and therefore did not understand the *zimmun* blessing; in those circumstances, according to *Tosafot*, it is unclear whether women can even discharge their obligation through a *zimmun* of men, given that the words are meaningless for them.

Women's participation in zimmun is one of those situations in which we find a contradiction between halakhah and reality.

In this instance, as in many others, we are exposed to the halakhic interpretive process followed in Ashkenaz. The great value and weight assigned to customs grew out of a world-view that saw custom as a sort of Oral Torah—a living, vibrant Torah that said more than any written text about how the original sources were interpreted. The clear tendency in Ashkenaz was to grant halakhic force to conventional religious practice and to anchor it in the sources⁵ rather than to change the community's way of life. This sort of

interpretation required expertise in treating the sources flexibly and molding them. In our case, it is evident that the *risbonim*, with full awareness of what they were doing, reinterpreted the sources and stretched them to encompass the custom of women not forming a *zimmun* even on their own.

In contrast to the tosafists, we can note, for example, the position of the *Tur*, as representing Sefardi halakhic decision making. The *Tur* draws conclusions directly from the sources and infers explicitly that the texts contemplate women forming a *zimmun* on their own and require them to do so.⁶

As a practical matter, the custom to this day is that women do not engage in *zimmun*. Recently, however, more and more women have begun forming a *zimmun* when in a group though the practice remains an oddity. The more common practice still is that women do not engage in *zimmun*.

It should be noted that with respect to the practical feasibility of women forming a *zimmun*, a dramatic change has taken place in recent years, be it because most women, in Israel and the Diaspora alike, now speak Hebrew no less than men or because religious discourse is no longer foreign to them. On the surface of things, at least, the accepted approach of the medieval interpreters requires us to go back to the sources and consider whether the time has come to revive women's obligation with respect to *zimmun*.

There is no shortage of sources that provide a basis for requiring women to form a *zimmun* on their own or at least for encouraging them to try. But the question then arises whether we should attempt also to find a basis for

1. Tosafot, BT *Berakhot* 45b, s.v. *sha'ani hatam de-ikka dei'ot*.

2. The reference is Rabbi Abraham of Orleans. See a further account in Sha'arei teshuvah on *Shulḥan arukh*, *Orah ḥayyim* 199.

3. Mordekhai on *Berakhot* 45b.

4. See Avraham Grossman, *Pious and Rebellious—Jewish Women in Medieval Europe*, trans. from the Hebrew by Jonathan Chipman (Waltham MA, 2004).

5. Israel Ta-Shma, *Early Franco-German Ritual and Custom [Minhag ashkenaz ha-qadmon]* (Jerusalem 1999), p. 13.

6. *Tur*, *Orah ḥayyim* 199.

including women in a mixed group and counting them toward the requisite three. Examination of the pertinent sources shows a reasonable basis for that as well. To put it briefly and simply, we can say that *zimmin* depends on gathering a minimal number of participants in a meal, what the *gemara* refers to as “minds” (*de`ot*), and it is not considered “a holy matter” (*davar she-bi-qedushab*).⁷ But we also have the statement that women form a *zimmin* on their own, and the reason for that separation is clearly stated—the concern about possible promiscuity. It is possible to confine that concern to certain circumstances and say that the passage raising it is speaking specifically of women together with slaves; alternatively, it may be extended to a mixed, extra-familial group generally, in which concern about promiscuity may also be apposite to a greater or lesser degree.

The Shulhan arukh distinguishes between a mixed group that is potentially inappropriate and one that is modest and proper

Support for the latter view can be found in the ruling of the *Shulhan arukh*, as well in the sources cited in Rabbi Gershon’s article. Even without going into all the sources in detail, and focusing only on the *Shulhan arukh*’s resolution of the matter, we see that if women are in a group that includes slaves and minors, they form their own *zimmin* because of concern about promiscuity,⁸ but “when they eat with men, they are obligated [with respect to *zimmin*], and they discharge their obligation through our *zimmin*.”⁹ It is clear, then, that the *Shulhan arukh* distinguishes between a mixed group that is at least potentially inappropriate and one that is modest and proper. In contrast

to the problematic situation described in paragraph 6, where women can participate in a *zimmin* only on their own, paragraph 7 speaks of a mixed group in which they are obligated to participate in a *zimmin* “with the men.” In that situation, they are subject to an obligation to participate in *zimmin* because someone is present who can lead the *zimmin* on their behalf, so there is no reason to exempt them. That they are obligated, however, implies that they join in. If so, the plain wording of the *Shulhan arukh* implies that women and men are obligated to form a *zimmin* together. Since we have already seen that a woman is counted toward a three-person *zimmin*, it can easily be shown that they join in a *zimmin* at a meal where there is no concern about promiscuity.¹⁰

The problem, though, is that even though the interpretations in both instances are tendentious, there is an evident difference between the Tosafists’ interpretive move and the one we are suggesting here. The Tosafists’ sought to interpret extant custom and religious practice in a way that reconciled it with Torah, while we are attempting to offer an interpretation that may be based on the original sources and even on actual norms but that nevertheless runs counter to accepted and established practice. That cannot be done lightly, for in attempting to change a widespread practice, we must take account of the costs of effecting the change.

Conservatism versus Change

There seems to be a widespread notion that nothing can be lost by taking a conservative stance, and there are, in fact, some significant advantages to taking the easy way and continuing to do what has long been done. Sharp turnabouts in halakhic decision making,

7. BT *Berakhot* 45b.

8. *Shulhan arukh*, *Orah hayyim* 199:6.

9. Id., 199:7. Rema here adds in the name of Rosh, Mordecai, and Rashi that women discharge their obligation even though they do not understand the words—the opposite of Tosafot’s view cited earlier.

10. The *Mishneh berurah*, however, explains at this rule applies only when three men are present, so it is not evident that the women are being included. Even on his view, however, they are included, though it is important that their inclusion is not evident because their company is not fitting. See also *Taz, Magen david*, id., par. 2.

rulings that appear to shake things up, can do serious damage to the sense of confidence and security provided by halakhic continuity—a continuity preserved in the measured development of *halakhab* over the ages through subtle and modest changes. That security is not merely a matter of psychology or religious belief; it is grounded in *halakhab*'s standing as something that is not only shaped by reality but also shapes it. Over the years, women acquired their own place within the religious system. The pattern that emerged in the wake of the various *halakhot* is marked by grace and modesty, and the standing afforded to women is unique and distinctive.

We are attempting an interpretation that runs counter to accepted practice

But conservatism also comes at a high cost, in that a petrified custom loses all existential meaning. Custom can become a tradition void of all social context. Transferring content from one generation to another without thought or analysis can lead to formalistic decision making and use of logical but impractical analogies. That sort of decision making then takes the place of looking at life in the real world and applying the spirit and substance of the *halakhab* to the new conditions that have emerged, thereby marginalizing the *halakhab*'s vitality.

Numerous such halakhic fossils can be found in the area of public policy, for the simple reason that the people of Israel in its exile did not need to deal with the questions pertinent to them or were even barred from doing so. A prominent example is the *halakhab*'s attitude toward the gentile, which can be seen as the product of the exile, derived from gentile's status as ruler or tyrant. The typical image of

the gentile was a consideration in halakhic decisions regarding such issues as interest, returning of lost property, or saving lives, among others. At the same time, the gentile's status in other halakhic areas was shaped by concerns over assimilation or foreign influences.

It would be a mistake to adopt extant *halakhab* regarding gentiles, without any modification, in the State of Israel, where a Jewish majority is sovereign and there is a non-Jewish minority (some members of which nevertheless bear Jewish identity). That mistake would result from wholesale adoption of the tradition as it exists, without any effort to translate it into terms suited to a fresh, new reality. That is true as well with respect to such concepts as “an infant captured by idolaters” (to whom various distinctive halakhic rules apply) or “gentile courts,” concepts whose application in a Jewish state in the Land of Israel would leave the *halakhab* in exile.

Returning to the issue at hand, women today participate in every sense in a group gathered for a meal. Accordingly, conservatism with respect to *zimmin* may be a two-edged sword that leads to detachment from the original meaning of the commandment. Maintaining the tradition may lead many women to perceive an unhealthy breach between reality and the halakhic attitude toward them. The *zimmin* is intended to impart a degree of sanctity to the shared meal, through the joint participation in it. The *zimmin* also brings the meal into a context of festive fellowship that invokes divine presence, in the manner of *Qiddush* at the start of the Sabbath meal or, *mutatis mutandis*, offering a toast, saying *bon appetit*, or formally saying “thank you” at the conclusion of a meal. The central question at this point is the nature of the shared meal and to what extent the decision regarding *zimmin* should be influenced by the standing of the

woman and mother as a partner in discourse and discussion, in eating and fellowship. Because this question is one of exactly how reality is perceived, it is fair to assume that opinions will vary, not only among men but also among women. Some women will feel uncomfortable being included as equals in a *zimmin*, not only because they are not used to it but also—indeed, primarily—because it will assign them a standing that departs from their experience. Others, in contrast, will sense that an obligation to join in a *zimmin* will correspond well to the situation of a festive and complete family gathering, which typically takes place weekly, on the Sabbath.

It is clear that it is the full family gathering that makes the event festive, and the halakhic expression of that gathering is the obligation to form a *zimmin*. It also is possible that the response to the question will vary with a woman's social, cultural, or educational background. One way or another, it seems worthwhile to set aside for a moment the disputes over Torah and the piling on of sources and to clarify the real-world situation and examine the place and the experience of the shared meal in our time. There is substantial value to precise identification of the real-world experience, for the event, the occurrence, is the most basic kernel of the *halakhab*. Redirecting the *halakhab* from its most basic orientation—that is, from its association with and regard for reality—impairs its ability to instill significance into reality and, even more, to intensify and elevate it.

Morality and *Halakhab*

Another factor must be taken into account as we try to decide how to act, and that is the difficulty faced by moderns as they confront the Torah's non-egalitarianism. *Halakhab* differentiates between men and women, a differentiation expressed in the daily morning blessings and in the many commandments that apply differently to the two sexes. Moreover, women are not counted to a ten-person prayer quorum needed for "holy matters" (*devarim she-*

bi-qedushah); they do not inherit property, they may not be witnesses or judges, and some question whether they may hold public office in general. There is asymmetry in marriage procedures and family structure, and these and many other distinctions and differences place rabbis in uncomfortable positions as they try to argue the justice of the halakhic position.

Conservatism also comes at a high cost, in that a petrified custom loses all existential meaning

Because we accept the *halakhab* in all its details, believing it to be God's command, and because we certainly have neither the ability nor the desire to change halakhic fundamentals, we must ask ourselves whether the key motive for halakhic change in the area under discussion—that is, the sense that the inequality expressed in the exclusion of women from *zimmin* does not correspond to the real world—is fundamentally invalid in that it disregards the overall halakhic position, abundantly attested, that differentiates between men and women.

We also must ask ourselves to what extent the powerful moral intuition that is part of our concept of the world and that includes ideas of equality and individual rights is something that deserves to be expressed in halakhic decision making. If it becomes clear that the Torah aimed to present a non-egalitarian model as one of its fundamental elements, there may be no escape from leaving in place the dichotomy established by most women between life and religion.

It seems to me that in this case, we would be well advised to follow two halakhic precedents having similar features. One deals with women placing their hands on the heads of sacrificial animals before the animals are slaughtered. The sages found a way to permit the practice, thereby allowing women to satisfy their

religious impulse,¹⁰² even though they are not obligated to perform the act and the act might therefore be considered pointless (“wasted”).¹⁰³

The other precedent is the Ashkenazi treatment of the blessings over the performance of positive commandments. The Ashkenazi authorities permitted women to bless over their performance of time-bound positive commandments even though they are exempt from those commandments, despite the background concern that the blessing might on that account be a wasted one.¹⁰⁴ As far as we can tell, the permissive ruling was issued because of the women’s desire to be included within these commandments and have the merit of performing them.¹⁰⁵ We thus see that throughout the ages non-egalitarianism

has been moderated on account of a variety of competing considerations. It seems to me that these two precedents together allow us to reason to our case *a fortiori*, inasmuch as *zimmun* is in the nature of a recitation of verses rather than a formal blessing, so there is no risk of a wasted blessing. At worst there might be concern about disrespect for the standing of a *zimmun*, but opposing that is the desire of women to share in the commandment in all its significance.¹⁰⁶ Accordingly, where the sources make it possible to include women and allow them to join in a *zimmun* with men—that is, where there is no concern about promiscuity—the precedent with respect to placing hands on a sacrifice shows that a step may be taken in order to satisfy women’s religious impulses.

102. BT *Hagigah* 16b, opinion of Rabbi Yosi; *Sifra*, *Dibbura di-nedavah* 2:2.

103. See also Rashi on *Eruvin* 96b, s.v. *nashim somekhot reshut* and s.v. *ha nashim me`akevin*, explaining that those who forbid the practice do so only because the act appears to be an addition to the Torah, barred by the rule of “do not add” (*bal tosif*). But see also Me’iri ad loc., s.v. *semikbah be-nashim*, who explains that those who disagree with Rabbi Yosi are concerned about possible violation of the Sabbath.

104. *Or zaru`a*, part B, *Hilkebot rosh ha-shanah*, in the name of Rabbenu Tam. The *rishonim* disagree on the matter but the custom is to bless. See Me’iri, supra, and the historical overview in Grossman, *Pious and Rebellious* (above, n. 4).

105. J. Hauptman, “Women’s Voluntary Fulfillment of Time-Bound Positive Commandments” (Hebrew), *Proceedings of the National Congress of Jewish Studies* (Jerusalem, 1994), pp. 161–68; E. Berkovits, “Women’s Voluntary Commitment to Time-Bound Positive Commandments” (Hebrew), *Sinai* 100, 1, pp. 187–94; I. Ta-Shma, *Halakhab, Custom, and Reality in Ashkenaz, 1000–1350* [*Halakhab, minhag u-mezi’ut be-ashkenaz, 1000–1350*] (Jerusalem, 2000), pp. 262 – 79; Grossman, *Pious and Rebellious* (above, n. 4) pp. 178-180, and the proof he cites for the premise that the entire matter was at the initiation of women who wanted to fulfill time-bound positive commandments.

106. And the precedents suggest that it might even be possible to include them in actual blessings.