

Women and Talit and Tefillin

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Tallit

1. Wearing a Tallit is not an obligation *per se*. Instead, the Torah (Numbers 19:38, the third paragraph of Shema, *cf* Deut 22:12) instructs that strings (ציצית *tsitsit*¹) be placed on the corners of garments. Thus, the Rabbis understood that only when a person wears a garment with four or more corners must one have fringes. If the item worn has fewer than four corners, fringes are not required.² Similarly, if an item lacks the statutory size to constitute a "garment," it is not obligated to have ציצית.³ If one is not wearing such a garment, one is under no obligation for ציצית. Since, unlike ancient times, the majority of our clothing does not have corners, a custom developed for people to have special garments with four corners which are worn as undershirts⁴ and to have a special four-cornered garment to wear during morning prayers.

2. ציצית are only required during the day. Numbers 15:38 says "וְרָאִיתֶם אֹתוֹ - *and you shall see it*" in reference to the blue strand in the ציצית. Based on this, the halacha is that ציצית need only be worn when they can be seen - i.e. during the day.⁵ Note that unlike tefillin, which may not be worn at night, one is permitted to wear tsitsit at night, but should not say a blessing when putting on such a garment at night.⁶

¹ ציצית *tsitsit* is the word used in 19:38. Deut 22:12 uses the term גְּדִלִים *gedilim*.

² Babylonian Talmud (BT) Menachot 43b, *cf* Maimonides Mishneh Torah Laws of Tsitsit 3:1, Shulchan Aruch Orach Chayim 10:1.

³ BT Menachot 40b-41a says that ציצית are only required for a garment "that a child covers his head and majority of the body and an adult may go out in public with on occasion." *Cf* Maimonides Tsitsit 3:1, Shulchan Aruch Orach Chayim 16:1.

⁴ There is an open question of whether these garments fulfill the commandment of ציצית based on their size, see footnote 3 above.

⁵ BT Menachot 43a-b, Maimonides Tsitsit 3:7, Shulchan Aruch Orach Chayim 18:1. The Shulchan Aruch mentions some controversy over whether to say a blessing on tsitsit at night. As mentioned by Rabbi Moses Isserless in his gloss, we generally do not say blessings in cases of doubt.

⁶ Note that section 7 below discusses whether one who is not obligated to do a mitzvah can say a blessing when doing that mitzvah. There is no disagreement, however, that one does not say a blessing if putting on tsitsit at night.

3. Hence, women are exempt from the requirement of ציצית as it is a member of the class of positive mitzvot brought on by time,⁷ from which women are generally exempt.⁸

4. It is generally agreed that Halacha permits women to wear ציצית if they care to.⁹ In saying that women may wear ציצית, Maimonides writes " וכן שאר מצות עשה שהנשים פטורות מהן *so too all positive mitzvot brought on by time that women are exempt from, if they wish to do them without making a blessing, we do not hinder [them].*" This is a general truth about mitzvot, that one who is not obligated to do a mitzvah may still perform that mitzvah provided there is no explicit statement otherwise.

5. Several objections have been raised to women wearing tsitsit. First, some argue that women wearing tsitsit violates the prohibition of women wearing men's clothing. The source for this argument seems to be Yonatan b. Uziel's Aramaic translation/commentary of the biblical verse Deuteronomy 22:5: " לא יהיה כלי גבר על אשה ולא ילבש גבר שמלת אשה פי תועבת ה' " *A man's clothes shall not be on a woman, nor shall a man wear the blouse of a woman, it is abomination to the LORD your God anyone who acts thus.*" Yonatan b. Uziel translates: " . . . לא יהיה גולגין דציצית ותפילין דהינון תקוני גבר על איתא . . . " *There shall not be cloaks of tsitsit and tefillin, which are institutions of (alt: for) men, on a woman . . . "*

Yonatan b. Uziel's translation is not halachically canonical, and a great deal of halachic practice and rulings of the Talmud diverge from his translation.¹⁰ Additionally, as my teacher Hakham Isaac Sassoon pointed out to me, the weight of this translation is balanced by the words of Sifre, a halachically canonical commentary on Numbers 15:37-38 which begins: " ויאמר ה' אל משה לאמר דבר אל בני ישראל ואמרת אליהם ועשו להם ציצית, אף הנשים במשמע. רבי שמעון פוטר את הנשים . . . " *And God spoke to Moses saying: Speak to the children of Israel and command them so that they make for themselves tsitsit, even women are implied. Rabbi Shimon exempts women . . . "*¹¹

Additionally, Yonatan b. Uziel's comment seems to be at odds with the accepted understanding of the prohibition of cross-dressing. As Rashi explains on Deut. 22:5, the

⁷ I.e. a mitzvah that must be performed at a specific time

⁸ Id. Note in the Talmud we are discussing here (where the Talmud is quoting a ברייתא (*barayta*, a source from the time of the Mishnah that was not included in the mishnah), the view that the law of ציצית does not apply at night and that women are exempt from wearing ציצית is the individual opinion of רבי שמעון (Rabbi Shimon) as against the majority. This also appears to be the understanding in Sefre Devarim 115, quoted below in point 5. However, the generally accepted halacha follows Rabbi Shimon. See Rambam Tsitsit 3:8, Shulchan Orach Chayim 17:2 and Beth Yoseph on Tur Orach Chayim 17. Ro"sh *Halachot Ketanotot Hilchot Tsitsit* 1 (found in back of the standard printing of BT Menachot) catalogs a number of passages in the Talmud that seemingly accept the notion that the law of ציצית does not apply at night.

⁹ Maimonides Mishneh Torah Laws of Tsitsit 3:9. Interestingly, Rabbi Yoseph Karo in the Shulchan Aruch Orach Chayim 17:2 does not mention the permission for women to wear tsitsit. Rabbi Moses Isserless, in his Ashkenazi gloss on 17:2 says that women may wear tsitsit, except that their doing so appears haughty. We will take up that view further at a later point.

¹⁰ We will see later, for instance, that the Talmud tells us that the Rabbis did not object to Michal, the daughter of Saul, wearing tefillin.

¹¹ Sifre Devarim 115.

prohibition of cross-dressing involves attempting to appear as a member of the opposite gender in order to socialize with members of that opposite gender. It is difficult to argue that wearing tsitsit makes a woman look like a man (perhaps fashion styles were different in the times of Yonatan b. Uziel). To the extent this is a concern, the concern can be obviated by women wearing a "feminine" style of tallit.

6. A second objection to women wearing tsitsit is that it appears "haughty." In his Beth Yoseph commentary on Tur Orach Chayim 17, Rabbi Yoseph Karo mentions this concern in the name of the Agur and Rabbi Yoseph Molin, although he also quotes Molin as reporting that a woman in his community did wear tsitsit. In the Shulchan Aruch, Rabbi Karo does not mention this reservation, but he also does not explicitly say that women may wear tsitsit.¹² In his gloss on Shulchan Aruch, Rabbi Moses Isserless says regarding the exemption of women for wearing tsitsit, "ומ"ם אם רוצים לעטפו ולברך עליו הרשות בידן כמו בשאר מצות עשה שהזמן גרמא, אך ואינו חובת גברא *nevertheless, if they want to wrap (in tsitsit) and make a blessing on it*¹³, *the permission is in their hands; however it appears as haughtiness, and therefore they should not wear tsitsit, since it is not a personal obligation.*¹⁴ While this value judgment may have its time and place, I would be quite reticent to deny a person's right to do a mitzvah (whether obligatory or optional) because of external perceptions of haughtiness (note that Rabbi Isserless does not suggest that a woman who chooses to wear tsitsit should be stopped). Instead, I would tend to follow Maimonides' plain ruling that wearing tsitsit is a woman's right and prerogative.

7. While women may wear tsitsit, they should not make a blessing on doing so. There is a running debate on this topic. Maimonides rules that one may not say a blessing on a mitzvah that one is not obligated to do.¹⁵ The logic is generally that a blessing on a mitzvah says "who sanctified us . . . and commanded us," and how can a person say such a blessing when they are not commanded to do a mitzvah? This was also the opinion of Rash"i.¹⁶ Rashi"i's grandson, Rabbenu Tam argued that women may say a blessing on mitzvot that they are not obligated to do.¹⁷ Rabbenu Tam's argument that women can say such blessings (as well as blessings on actions that are customs rather than halachic requirements) is generally accepted by Ashkenazi authorities, while Ramba"m and Ras"hi's opinion is generally accepted by Sefardi authorities. As the general rule is that we do not say a blessing in cases of doubt, I highly encourage people to refrain from saying blessings on mitzvot that they are not required to do.¹⁸

8. Alternative liturgy for women donning tsitsit. While it may not be appropriate for a

¹² Shulchan Aruch Orach Chayim 17:2.

¹³ The subject of whether one should say a blessing when doing a mitzvah that one is not obligated to do will be taken up further below.

¹⁴ See section 1 above regarding the lack of an individual obligation to wear tsitsit.

¹⁵ Maimonides Mishneh Torah Laws of Tsitsit 3:9, quoted in section 4 above.

¹⁶ See e.g. Hagahot Maimoniot on Mishneh Torah Tsitsit 3:9, note מ.

¹⁷ See e.g. Tosafot on BT Eruvin 96a, sv. "Perhaps he thought like Rabbi Jose."

¹⁸ For further discussion on this issue, see my compilation, "The Command of God: The meaning and Application of Blessings that State 'Who Has Sanctified Us By Your Commandment and Commanded Us To . . .'" and particularly the subsection "Blessings by the Uncommanded." That document can be accessed at <http://www.templeisraeloflb.org/rabbi/birkatm.pdf>.

woman to recite a traditional blessing for putting on tsitsit, a woman may feel it appropriate to recite a special prayer while doing so. I have composed a suggested text which is appended at the end of this document.

Tefillin

1. Tefillin are worn only during the day and not during a holiday.¹⁹

2. Hence, women are exempt from the requirement of Tefillin.²⁰

3. The Talmud directly addresses the permissiveness of a woman's wearing tefillin by telling us that Michal, the daughter of Shaul, wore tefillin, "ולא מיהו בה חכמים" *and the sages did not object to (alt: hinder/block) her [doing so].*²¹ The Talmud indicates that the logic here behind the sages not objecting is that it is a woman's right to do a mitzvah which she is not commanded to do.

4. Those medieval rabbis who refer to the story of Michal treat it as precedential permit women to wear tefillin. Although I have not found a plethora of sources addressing this, those sources that I have found do treat the story of Michal as decisive precedent.²² In fact, most of the discussion of this source is whether it forms a precedent for women to make blessings on mitzvot that they are not obligated to do.²³ It is also commonly known (though I don't know offhand a source) that Rash"i's daughters wore tefillin.

5. Ramba"m and Shulchan Aruch: Ramba"m does not address explicitly whether women may wear tefillin, though his general precedent that women may do any mitzvah that they are not obligated to makes it reasonable to presume that he would permit.²⁴ In Shulchan Aruch, Rabbi Karo is silent on this matter, whereas Rabbi Isserless says that we do object to women

¹⁹ See e.g. BT Eruvin 96a-b, Berachot 9a-b. Mishneh Torah Hilchot Tefillin Umezuzah 4:10-11, Shulchan Aruch Orach Chayim 30-31.

²⁰ Mishnah Berachot 3:3, BT Berachot 20a-b, Shulchan Aruch Orach Chayim 38:3, Mishneh Torah Hilchot Tefillin Umezuzah 4:13, *cf* Hilchot Keriat Shema 4:1.

²¹ BT Eruvin 96a. Jerusalem Talmud Eruvin 10:1, p. 26a and Pesikta Rabati 22 reports first that the sages did not object to Michal, but sites the minority report of Rabbi Chizkia said in the name of Rabbi Abahu that the sages did object to Michal's wearing tefillin.

²² See e.g. Sefer Hachinuch 421.

²³ See e.g. Responsa of Rashb"a 1:123, Rabbenu Tam (sited in Tosafot Eruvin 96a s.v. "דילמא די למה (סבר), RO"Sh Chulin 8:26.

²⁴ See section 4 under heading "Talit" above.

wearing tefillin.²⁵

6. The proper halacha is that women may wear tefillin. In the face of clear precedent in the Talmud where the sages did not object to Michal's wearing tefillin, this is the halacha. This is also consistent with the general rule that women are permitted to do mitzvot that they are not obligated to do.

7. While women may wear tefillin, they should not make a blessing on doing so. See section 7 on "Tallit" above. However, the verses from Hosea 2:21-22 normally recited when wrapping the tefillin around the fingers may be recited. One might consider reciting one of the four Torah paragraphs which appear in the tefillin and putting on the arm tefillin when saying "על ידך/ידכה/ידכם *upon your hand(s)*" and putting on the head tefillin when saying "בין עיניך/עיניכם *between your eyes.*"

Should a Person Do A Mitzvah That They Are Not Obligated To Do?

1. The Talmud indicates that a person who does a mitzvah they are not obligated to do receives a reward. The Talmud teaches in the name of Rabbi Meir that a non-Jew who studies Torah "is like the Kohen Gadol."²⁶ Rabbi Chaninah teaches that one who does a mitzvah that one is commanded to do is greater than one who does a mitzvah that one is not commanded to do.²⁷ Rabbi Meir's statement as well as Rabbi Yose's disappointment at hearing Rabbi Chaninah's teaching²⁸ indicates that Rabbi Chaninah's philosophy may have been less than universal among rabbis. However, even Rabbi Chaninah's statement that one who does a

²⁵ Shulchan Aruch Orach Chayim 38:3. The logic generally to forbid women from wearing tefillin is that the Talmud does not permit someone who "cannot keep a clean body" to wear tefillin. This includes someone who has a stomach ailment or one who is flatulent. This logic is often cited to Tosafot Eruvin 96a s.v. "מיכל בת כושי היתה מנחת תפילין." However, I think Tosafot is misunderstood on this point. I understand Tosafot as advancing this argument to explain the (rejected) suggestion in the Talmud that the fact that the rabbis allowed Michal to wear tefillin demonstrates that women are obligated to wear tefillin. They explain that if women were not obligated to wear tefillin, the rabbis might have stopped them because of the "clean body" issue. However, the Rabbis decided that although women are not obligated to wear tefillin, the Rabbis allowed Michal to wear tefillin despite any outside concerns.

²⁶ BT Bava Kama 38a with parallel at Avodah Zarah 37a.

²⁷ BT Bava Kama 38a with parallels at Bava Kama 87a and at Avodah Zarah 3a. Rashi explains that the logic is that one who is doing a mitzvah they are required to do is always working to control his or her personal inclinations (i.e. the one who does a voluntary mitzvah may just be doing it because "they feel like it," rather than because they are working to follow all of God's commandments).

²⁸ BT Bava Kama 87a. Rabbi Yose was blind. In Bava Kama 87a, Rabbi Yose says that originally he would have been happy to hear that halacha follows Rabbi Judah who says that a blind person is exempt from mitzvot, because he was following the mitzvot anyway and figured he was receiving a great reward for doing what he was not commanded to do. Rabbi Yose says that now that he heard Rabbi Chaninah's teaching, he would be happy to hear that the halacha does not follow Rabbi Judah.

mitzvah that one is commanded to do is greater than one who does a mitzvah that one is not commanded to do implies that there is at least some "greatness," in doing something one is not commanded to do. Both Rabbenu Nissim²⁹ and Sefer Hachinuch³⁰ note that Rabbi Chanina's teaching demonstrates that women who do mitzvot that they are not commanded to do receive reward for their actions.

2. The claim that a woman's desire to do mitzvot they are not required to do is animated by ulterior motives is both unwarranted and irrelevant. To the extent that someone may have an ulterior motive, we should apply the statement of Rav Yehudah in the name of Rav: "Let a person always immerse in Torah and mitzvot even if it not be for its own sake - for from [doing a mitzvah] not for its sake one comes [to do the mitzvah] for its own sake."³¹

3. There is no reason to expect a woman to be "completely observant of all mitzvot before she chooses to do this one." We should never deny a person access to any mitzvah and its reward based on their failure to do any other mitzvah.³² One should hope that we all do one or two mitzvot that we are not required to do, although everyone on Earth has some shortcomings when it comes to what we are required to do in life. Shall we begin to start questioning which of us is worthy to do anything "above and beyond?" Must we all adhere to the bare minimum?

4. The suggestion that a woman should not perform these mitzvot in synagogue where others may be made uncomfortable is unfounded. Synagogues have an obligation to welcome people doing mitzvot. Insofar as the normal course is for men to wear tallit and tefillin during morning services, it is quite understandable that a woman desiring to fulfill these mitzvot should want to do so during morning services, rather than only in private. They should be made to feel welcome to do so. To the extent that anyone is upset, they should be reassured that women wearing tallit and tefillin is clearly permissible in halacha.

²⁹ Commentary on RI" F Rosh Hashanah 9b s.v. ולענין ברכות ומ"מ, and on RI" F Sukkah 10a s.v. ולענין הלכה (the first such comment on the page). The Ra"n's conclusion in this regard is cited in Beth Yoseph Orach Chayim 17 s.v. אבל רבינו תם.

³⁰ Sefer Hachinuch 421.

³¹ BT Pesachim 50b and parallels.

³² See e.g. Ramba"m Mishneh Torah Hilchot Tefillah Un'siat Kapayim 15:6 where Ramba"m explains why a nonobservant Cohen may/must do the priestly blessing (although, admittedly the equation is not perfect, as doing the priestly blessing is an obligation).

Suggested Prayer Before Donning a Tallit

הַנְּנִי מוֹכֵנֶת וּמְזוּמְנֶת לְהִתְעַטֵּף בְּצִיצִית כְּמוֹ שֶׁכָּתוּב בַּתּוֹרָה: "דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם וַעֲשׂוּ לָהֶם צִיצִית עַל כַּנְּפֵי בְּגָדֵיהֶם לְדֹרֹתָם וְנָתַנּוּ עַל צִיצִית הַכַּנֹּף פֶּתִיל תְּכֵלֶת." יְהִי רְצוֹן מִלְּפָנֶיךָ ה' אֱ-לֹהֵי וְאֱ-לֹהֵי אֲבוֹתַי וְאֲמוֹתַי שְׂכַשְׁם שְׂאֲנֵי מִתְכַּסֶּה בְּטַלִּית כֶּךָ אֲזָכָה לְהַבִּין וְלְהַשְׂכִּיל, לְשָׁמַע, לְלַמֵּד, וְלִלְמַד, לְשָׁמֵר, וְלַעֲשׂוֹת, וְלִקְיָם אֶת כָּל דְּבָרֵי תִלְמוּד תּוֹרָתְךָ כְּמוֹ שֶׁכָּתוּב בַּתּוֹרָה: "וְהָיָה לָכֶם לְצִיצִית וּרְאִיתֶם אֹתוֹ וְזָכַרְתֶּם אֶת כָּל מִצְוֹת ה' וַעֲשִׂיתֶם אֹתָם וְלֹא תִתּוּרוּ אַחֲרָי לְבַבְכֶם וְאַחֲרָי עֵינֵיכֶם אֲשֶׁר אֲתֶם זֹנִים אַחֲרֵיהֶם." בְּרוּךְ אַתָּה ה' לְמַדְּנִי חֻקֶּיךָ.

Behold, I am prepared and ready to wrap in tsitsit, as is written in the Torah, "Speak to the children of Israel and command them so that they make for themselves tsitsit on the corners of their garments throughout their generations, and let them place on the tsitsit on each corner a strand of techelet." ³³ May it be your will before you, LORD my God and God of my ancestors that just as I wrap in this tallit, that so too I should merit to understand and be smart, to listen, learn and teach, to keep and follow, and to fulfill all the teachings of Your Torah, as is written in the Torah: "And it shall be for you tsitsit, and you will see it (the tchelet) and remember all the commandments of the LORD and do them, and you will not stray after your hearts and after your eyes which you lust after." ³⁴ Praised are You, A-donai, who teaches me His laws. ³⁵

³³ Numbers 15:38.

³⁴ Numbers 15:39.

³⁵ Psalms 119:12. Note that since this is a verse in the Bible, reciting it in no way constitutes a vein blessing.