

Women, Tefillah, and Tefillah be-Zibbur: Part II

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Introduction and Summary of Part I

In Part I of this article, we explored two central topics: women's daily prayer obligation and *tefillah be-zibbur*. We argued that according to Rambam, men and women have identical daily prayer obligations in terms of the source of the obligation and the number of prayers.² Regarding *tefillah be-zibbur*, we demonstrated that the primary thrust of the Talmudic evidence points towards *tefillah be-zibbur* being a voluntary practice.³ Additionally, although *Tur* and R. Moshe Feinstein think that *tefillah be-zibbur* is obligatory,⁴ our contention was that Rambam and *Shulhan Arukh* both view it as voluntary in accordance with the Talmudic evidence.⁵ Finally, we noted that in these discussions about *tefillah be-zibbur*, there are no distinctions drawn between men and women.⁶ The rationales presented to

¹ Many thanks to all the individuals who took the time to read and comment on both parts of this article: *avi mori* R. Phil Miller, *imi morati* Ruth Miller, R. Adam Ariel, Gabrielle Berger, Yoezet Halakhah Adina Blaustein, R. Aminadav Grossman, R. Aryeh Klapper, Gedaliah Knizhnik, R. Ezra Schwartz, R. Yehoshua Dovid Schwartz and Yoezet Halakhah Dr. Hannah Spellman. A special thank you to R. Dr. Jacob J. Schacter for his extensive comments and his guidance throughout the writing process. I have learned much from him over the years and I feel blessed to call him a mentor and a *rebbe*. All the feedback I received helped tighten and hone this article, though I bear sole responsibility for the finished product.

² Tuvy Miller, "Women, *Tefillah*, and *Tefillah be-Zibbur*, Part I," *Hakirah*, vol. 37, Summer 2025, pp. 471–476.

³ Part I, pp. 479–486.

⁴ And potentially Ramban as well, although his conception of the obligation is less clear. He may hold that it is a communal obligation to constitute a *minyan*, not an individual one (Part I, pp. 480–481).

⁵ Part I, pp. 488–489, 493–494. We showed that Rashi may agree with this latter view as well (Part I, pp. 479–480, 495n105).

⁶ R. Adam Ariel pointed out to me Rema's (*O. H.* 55:22) ruling that to compel individuals to help constitute a *minyan*, a community may levy fines. Presumably,

explain *tefillah be-zibbur*'s efficacy should apply equally to men and women, especially if they have identical daily prayer obligations. Furthermore, the question of *tefillah be-zibbur*'s relevance for women does not depend on whether it is obligatory; according to both sides of the argument, women should either be obligated in *tefillah be-zibbur* or encouraged to benefit from it as a voluntary practice.

It is, therefore, perplexing that a number of *poskim* exempt women from *tefillah be-zibbur*. These authorities do not generally address women's prayer obligation or the status of *tefillah be-zibbur* and, instead, utilize arguments from other contexts. Through our analysis of their positions, we have identified four overall approaches to exempting women from *tefillah be-zibbur*. We should note that these approaches each work under the assumption that *tefillah be-zibbur* is obligatory, rather than a voluntary practice, since the language of exemptions only holds relevance when discussing obligations. As we have already noted, this position does not accord with the Talmudic evidence, nor is it the ruling of Rambam or *Shulhan Arukh*. From the outset, this presents a significant challenge to each of these opinions.

Approaches to Women's Exemption from *Tefillah be-Zibbur*

Approach #1: The Inexplicable Exemption

The earliest direct treatment of women's exemption from *tefillah be-zibbur* appears in Responsa *Shevut Ya'akov* by R. Ya'akov Reischer.⁷ He addresses the question of an individual who allows the community to utilize a room in his home for prayer. When a dispute arises between the homeowner and a particular couple who pray in the *minyan*, *Shevut Ya'akov* is asked whether or not the homeowner could forbid the couple from praying in his home. R. Reischer responds that the homeowner could not forbid the

this fine would only apply to the men, who are halakhically eligible to constitute a *minyan*. It would seem that Rema understands *tefillah be-zibbur* to be obligatory in some sense, at least on a communal level. Additionally, this would be a distinction between men and women related to *tefillah be-zibbur*. We will grant that if *tefillah be-zibbur* is solely a communal obligation, it primarily focuses on ensuring the presence of a *minyan*, therefore holding less relevance for women. However, we still maintain that the overall thrust of the Talmudic evidence points towards *tefillah be-zibbur* being voluntary, or at least just an individual obligation.

⁷ 1661–1732, Galicia, Germany, France. 3:54.

husband from praying there,⁸ but with regard to the wife, he writes as follows:

... אבל על אשתו המתחלת תמיד במריבה יוכל לאסור עליה שלא תבא לבית הכנסת כלל כי אף על פי שהאשה גם כן מחויבת בתפלה כמבואר בא"ח סי' ק"ו מכל מקום כיון שהאשה אינה מצוה כלל להתפלל בעשרה ואינה מצטרפת למנין ולא לקדושה כלל כדאמרינן אשה בעזרה מנין ובתולה ציילנת / ציילנית / מבלי עולם ע"ש בסוטה דף כ"ב וכבר כתב המ"א בסי' ק"ו ס"ק ב' וז"ל ולכן נהגו רוב נשים שאינן מתפללים בתמידות משום דאומרים מיד סמוך לנטיל' איזה בקשה ומדאורייתא די בזה עכ"ל המ"א לכן נ"ל דיכול למחות בידה עד שיפייסו וימחול זה לזה כי הנשי' עלולת להרבה בקטטות ומריבות

His central halakhic argument⁹ is that despite being obligated in prayer, women are exempt from *tefillah be-zibbur* and as a result, unable to constitute a *minyan* for *devarim she-be-ke'dushah*.¹⁰ Therefore, the homeowner

⁸ As *Shevut Ya'akov* himself notes, this follows the ruling of *Shulhan Arukh* in O. H. 153:16 that if there is a shul located in a private home, the homeowner may not prevent a single individual from attending. This *pesak* derives from a *takanah* of Rabbenu Gershom that is quoted in *Orhot Hayyim Hilkhoh Beit ha-Keneset* no. 26. *Orhot Hayyim* does not supply a reason behind the *takanah*; this is the subject of a dispute among the later authorities. According to *Tashbeẓ* (4:7), the concern is preventing the individual from praying with a *minyan*, while *Mishnah Berurah* (153, no. 88) argues that the *takanah* aims to avoid the individual's embarrassment. *Shevut Ya'akov* seems to follow *Tashbeẓ* in arguing that given her exemption from communal prayer, the woman may be forbidden from praying in the home. Thank you to R. Adam Ariel for clarifying this point.

⁹ He also makes a number of statements regarding the nature of women which understandably would not sit well for many today. Given our focus, however, we will concentrate on his halakhic argumentation and leave discussion of those statements for a different context.

¹⁰ It is possible to read *Shevut Ya'akov* as making two separate points: women are exempt from praying with a *minyan* and also unable to constitute a *minyan*. However, the second point seems somewhat irrelevant unless one makes the following argument: the second point is necessary according to those who disagree with the first. *Shevut Ya'akov* might recognize that exempting women from *tefillah be-zibbur* rests on weak arguments and, therefore, claims that even if you were to obligate women in *tefillah be-zibbur*, they still cannot constitute a *minyan* for *devarim she-be-ke'dushah*. That might be reason enough to prevent the woman from praying in the private home. Admittedly, this is a strained reading of *Shevut Ya'akov* and cuts against the simple sense of his words. Nevertheless, it does leave open the possibility that *Shevut Ya'akov* recognizes the relative weakness of his own subsequent proofs, which we document below, and he therefore makes recourse to this second element of his argument about *ẓiruf la-asarah*. Ultimately, *Shevut Ya'akov*'s proofs still do not substantiate either element of his argument; they

could forbid the wife from praying in his house. *Shevut Ya'akov* does not explain why women are exempt from communal prayer, but he does cite three pieces of evidence to support the claim.¹¹ The first is from *Kiddushin* 52b, where the Gemara records a story that took place in the aftermath of R. Meir's death. R. Yehudah forbade any of R. Meir's students from entering the *beit midrash* to discuss *halakhab*. Sumkhus entered anyway and quoted a Mishnah which states that if a *kohen* uses a portion of *kodshim* to betroth a woman, the betrothal is ineffective. Upset that Sumkhus had come at all, R. Yehudah responded, וכי אשה בעזרה מנין.

The *kohen* would not be allowed to remove the portion of *kodshim* from the *azarah* and therefore, the woman would need to enter into it to accept the *kiddushin*. With this in mind, R. Yehudah objects: Since women are never in the *azarah*, why ask such a nonsensical question? Rather, R. Yehudah assumes that Sumkhus must have intentionally tried to annoy him.

Rashi and *Tosafot* differ regarding the meaning of R. Yehudah's statement. Rashi¹² explains that women may not enter the *azarah* and therefore, according to R. Yehudah, the case of *kiddushin* would be impossible. As *Tosafot*¹³ point out, however, the first chapter of *Masekhet Kelim*, which Rashi references as proof for his opinion, contains no indication that a woman is forbidden from entering the *azarah*. Furthermore, there is evidence from elsewhere that in theory, a woman could enter the *azarah*.¹⁴ Therefore, *Tosafot* conclude that it is simply uncommon for a woman to be found in the *azarah* and therefore, it is improbable that the Mishnah cited by Sumkhus would be referring to this unlikely scenario.¹⁵

Whether one follows Rashi or *Tosafot*, R. Yehudah's statement focuses

provide weak evidence for an exemption from *tefillah be-zibbur* and they offer even less support regarding *ziruf la-asarah*.

¹¹ It is important to note that *Shevut Ya'akov* may intend his first two citations simply as rhetorical flourishes, not halakhic arguments. Our analysis will still show that these phrases are irrelevant to this context, and, in the case of the second citation, actually undermine *Shevut Ya'akov*'s argument.

¹² S.v. "ve-khi israh."

¹³ S.v. "ve-khi israh."

¹⁴ A woman can perform *shehitah*, which would require her entering the *azarah*, and a woman would also enter as part of the *sotah* process or if she was a *nezirah*.

¹⁵ In the continuation of the Gemara, other potential scenarios are proposed to try and circumvent R. Yehudah's objection, though ultimately the Gemara settles on a scenario where the woman does enter the *azarah* and receives the betrothal. This scenario might serve as proof for *Tosafot* that no prohibition exists.

on the *Beit ha-Mikdash*, not a *beit kenesset*. While some¹⁶ do draw a connection between the *Beit ha-Mikdash* and *beit kenesset* in this context, according to *Tosafot* at most one could argue that a precedent exists for women not regularly attending shul. It does not, however, support the claim that women are exempt from praying with a *minyān*.¹⁷ Even if women are prohibited from entering the *aẓarah*, that does not entail an exemption from *tefillah be-zibbur*; rather, it would imply that they may not enter a shul. And although *Shevut Ya'akov* might intend this on a rhetorical level, it seems farfetched to say that he means this *le-halakbah*.¹⁸ In other words, *Shevut Ya'akov*'s first proof that women are exempt from *tefillah be-zibbur* does not obviously support that claim.¹⁹

¹⁶ See *Tosafot ha-Rosh*, s.v. “ve-khi” and *Tosafot Rabbenu Shmuel*, s.v. “ve-khi.”

¹⁷ There is no exemption being discussed regarding the *Beit ha-Mikdash* and it would, therefore, be difficult to argue that R. Yehudah's statement supports an exemption related to the *beit kenesset*. One might argue that since prayer occurred in the *Mikdash* as part of the *ma'amadot* (in addition to standard daily prayer, e.g., *Sukkah* 53a), women were exempt from *ma'amadot* and, therefore, did not enter the *aẓarah* to pray there. However, it is not at all clear that women are exempt from participating in *ma'amadot*, contrary to the argument of R. Shmuel Tuvia Stern (“*Shevut Leumi shel Nashim*,” *Ha-Torah ve-Ha-Medinah*, vol. 7–8 [1955–1957], pp. 53–55), given that they are part of the national *zibbur* that owns the communal offerings (see below in our discussion about R. Moshe Sternbuch for further elaboration on this point and see, also, R. Daniel Wolf, *Minhah va-Zevah*, pp. 133–138 for a discussion about the nature of ownership in communal offerings). Additionally, even if one were to argue that women are exempt from *ma'amadot* for *korbanot zibbur*, they may very well be obligated in *amidah al ha-korban* for their own individual offerings, necessitating their entry into the *aẓarah* (see *Heshek Shlomo Sotah* 8a, s.v. “*ve hakhi*”).

¹⁸ After all, women were praying in this private house beforehand (which may have the status of a *beit kenesset* given the community's use of, and potential ownership over, that space) and he does not object to that. One might claim that if Rashi were to accept the expansion of this discussion to *beit kenesset*, which is by no means self-evident, then he would hold that women are forbidden from entering *batei kenesset*. See, however, *Sefer ha-Oreh* (Buber ed.), vol. 1, p. 167 and *Maḥzor Vitri* no. 498 where Rashi seems to explicitly reject a version of this argument. Regarding the question of women entering a *beit kenesset*/*beit midrash*, see *Mo'ed Katan* 18a, *Tashbez Katan* no. 397, *Iggeret ha-Gra* (*ve-ikkār ha-geder be-bedidut...*), and Responsa *Teshuvah me-Ahavah* 2:29. See, however, Responsa *Salmat Ḥayyim* O. Ḥ. no. 155 and *Rema* O. Ḥ. 88.

¹⁹ One might argue that *Shevut Ya'akov* never tries to prove that women are exempt from *tefillah be-zibbur*; rather, he takes that for granted and instead cites evidence that a woman has no legitimate claim to pray with the *minyān*, even on a volun-

R. Reischer next cites a *baraita* found in *Sotah* 22a. Commenting on the Mishnah which says that a pious woman is one of the *mevalei olam*, a destroyer of the world, the Gemara quotes a *baraita* which lists additional *mevalei olam*:

תלמוד בבלי מסכת סוטה דף כב עמוד א
ת"ר: בתולה צליינית, ואלמנה שובבית, וקטן שלא כלו לו חדשיו - הרי אלו מבלי עולם.

Zalyanit defies precise definition. Presumably it is related to *ẓelota*, meaning prayer. Rashi²⁰ refers to this woman as a *ba'alat tefillah* though that, too, is initially unclear. From a comment a few lines later,²¹ it seems Rashi understands that this woman presents herself as being engaged in prayer when, in reality, she puts up a front to facilitate her promiscuous behavior. Rashi's comment does not obviously suggest a connection to *tefillah be-ẓibbur*. Furthermore, a discussion about a woman with nefarious intentions would presumably exclude women who genuinely desire to pray. Lastly, the *baraita* discusses a *betulah*, a virgin, which does not necessarily mean that these nefarious intentions would apply to all women.

The Gemara challenges this *baraita* by citing examples of *betulot* and *almanot* who seem to be virtuous. A certain *betulah* prays that others will not sin because of her, indicating that not all *betulot* who pray possess bad intentions.²² The Gemara then brings a story of an *almanah* who would pray daily in R. Yoḥanan's *beit midrash* despite having a *beit kenesset* in her own neighborhood. He asks her if she has a *beit kenesset* closer by and she responds that she receives extra reward for walking farther to pray. It is important to note that the *almanah* prays in a *beit midrash*, possibly with a *minyan*, on a daily basis and R. Yoḥanan sees nothing amiss; he only questions why she is walking to a farther location.²³

tary basis. The two Gemarot that he brings, this argument contends, are intended to show that praying with a *minyan* is an unnecessary spiritual experience for women. The difficulty with this reading is that these Gemarot do not obviously support that claim. As we have already noted, the Gemara in *Kiddushin* is not necessarily talking about the context of prayer, nor about any sort of prohibition. As we will show below, the continuation of the Gemara in *Sotah* suggests that praying with a *minyan* is a legitimate spiritual experience for women.

²⁰ S.v. "*ẓalyanit*."

²¹ S.v. "*harei elu*."

²² According to *Meiri* (*Sotah* 20a, s.v. "*ve-kayogē bah amru*") this prayer also happened in a *beit midrash*.

²³ Responsa *Arnei Yashfeh*, *Hil. Tefillah* 16:6:12, understands that she was, in fact, praying with a *minyan* in R. Yoḥanan's *beit midrash*.

As a result of these challenges, the Gemara says that the *baraita* must have been referring to women like Yoḥni bat Retivi who, Rashi tells us, engaged in sorcery cloaked in false piety. Therefore, according to the Gemara's conclusion, the *betulah zalyanit* mentioned in the *baraita* does not refer to women who pray with sincere intentions, nor to those who pray with a *minyan*.²⁴ This in and of itself calls into question *Shevut Ya'akov*'s invocation of the Gemara. His citation is all the more perplexing because the story of R. Yoḥanan and the widow appears a few lines later in the same Gemara and it views *tefillah be-zibbur*, or even praying adjacent to a *minyan*, as something positive for women.²⁵ What *Shevut Ya'akov* quotes does not support his opinion and the very Gemara that he references seems to undermine his argument.

We have shown that *Shevut Ya'akov*'s Talmudic references provide little support for his contention that women are exempt from *tefillah be-zibbur*. His final piece of evidence is a quote from *Magen Avraham*.²⁶ In O. H. 106, the *Mehaber*, following Rambam, rules that women are obligated in prayer because it is a Torah commandment that is not time-bound. Commenting on this, *Magen Avraham* offers the following justification for many women who do not regularly engage in formal prayer:

מגן אברהם סימן קו ס"ק ב
...ולכן נהגו רוב נשים שאין מתפללות בתמידות משום דאומרי' מיד בבוקר סמוך
לנטילה איזה בקשה ומדאורייתא די בזה...

According to *Magen Avraham*, since Rambam's understanding of *tefillah de-oraita* is one daily prayer, women fulfill that obligation with the recitation of a *bakashah* when they wake up in the morning. *Shevut Ya'akov* does not spell out his intention in citing *Magen Avraham*—the latter does not discuss *tefillah be-zibbur*. *Shevut Ya'akov* likely means some version of the following: if women are exempt from rabbinic prayer, as *Magen Avraham* later suggests, then they will necessarily be exempt from *tefillah be-*

²⁴ It is, therefore, quite surprising that R. Yizḥak Yosef (*Yalkut Yosef, She'erit Yosef*, vol. 2, p. 348 in *Yalkut Yosef O. H.*, vol. 4) explains *betulah zalyanit* to mean that women cannot constitute a *minyan* and are therefore exempt from *tefillah be-zibbur*. This is essentially *Shevut Ya'akov*'s reading of the Gemara, though R. Yosef does not cite him. Furthermore, this interpretation of *betulah zalyanit* does not appear to find support in the *rishonim*, nor does it fit with the context and flow of the Gemara.

²⁵ See, below, for our analysis of R. Menahem Natan Nata Auerbach and R. Barukh Lifschitz's positions.

²⁶ See Part I, pp. 472–474, where we discussed *Magen Avraham* in greater detail.

zibbur which is presumably a rabbinic enactment.²⁷ Additionally, if women fulfill their prayer obligation with a *bakashah* in the morning, presumably in the privacy of their own homes, they are presumably exempt from *tefillah be-zibbur*.²⁸ However, these inferences drawn from *Magen Avraham* are ultimately speculative, providing weak backing for *Shevut Ya'akov*'s argument.²⁹

After examining his evidence, we are left with *Shevut Ya'akov*'s largely unsupported assertion that women are exempt from *tefillah be-zibbur*. The only remaining support would be *Shevut Ya'akov*'s halakhic authority, which while prodigious seems insufficient to substantiate his position, especially in light of our analysis that women should be obligated in *tefillah be-zibbur* or that no such obligation exists for anyone, neither of which are addressed in this responsum.

We find a similar issue when examining the position of R. Avraham Hayyim Rodriguez in Responsa *Orah la-Zaddik*.³⁰ He discusses the question of whether an androgynous person may help constitute a *minyan* and through the course of his analysis, R. Rodriguez raises the following argument about women and *tefillah be-zibbur*:

שו"ת ארח לצדיק סימן ג

...דאטו משום שחייב בתפלה משום דרחמי נינהו יתחייב להתפלל בעשרה, הא אשה חייבת בתפלה מהאי טעמא ואינה חייבת להתפלל בעשרה ומינה דאינה מצטרפת... וטעותו בא לו מחמת שלא חילק בין חיוב התפילה לחיוב להתפלל לעשרה והיה לו לראות שהנשים חייבות בתפלה ולא משום זה חייבות להתפלל בעשרה... והפוסק הזה חסר לסורו דאינו מחלק בין תפלה לתפלה ב' וכבר כתבתי שהנשים חייבות בתפילה אבל לא להתפלל בעשרה...

He argues that an obligation to pray does not necessarily entail an obligation to pray with a *minyan*. Women have the former, but not the latter. *Orah la-Zaddik* does not spell out why this should be so.³¹ Furthermore, he provides no basis for his claim that women are exempt from

²⁷ Although if this is *Shevut Ya'akov*'s argument, he leaves out the line from *Magen Avraham* where the latter offers his suggestion about women and rabbinic prayer.

²⁸ See Responsa *Keren le-David* O.H. no. 35 for a version of this argument.

²⁹ This is especially true given that *Magen Avraham* is likely only suggesting this reading of Rambam as a *limmud zekhut* and really holds that the law follows Ramban, who seems to view women as being obligated in rabbinic prayer. See Part 1, p. 473n11.

³⁰ C. 1691–1735, Italy, no. 3.

³¹ See below, for a similar position held by R. Eliezer Melamed. *Orah la-Zaddik*'s assumption that *tefillah be-zibbur* is independent of a *biyyuv tefillah* is likely held by

tefillah be-zibbur. He simply asserts it several times as an explanation as to why women cannot constitute a *minyan* for prayer. Perhaps even more so than in the case of *Shevut Ya'akov*, it is difficult to accept *Orah la-Zaddik*'s argument because he provides no evidence for it.³²

A third expression of this approach appears in *Margoliot ha-Yam*.³³ The Gemara in *Sanhedrin* discusses whether non-Jews may count towards a quorum for martyrdom. R. Margoliot quotes from Responsa *Devar Shmuel*³⁴ who raises a question of whether women may count towards this quorum, since the verse specifies “*ve-nikdashu be-tokh benei Yisrael*” which might exclude women. Reacting to this question, R. Margoliot says as follows:

...ונראה דכיון שהיא מחויבת בדבר אין זה דומה לתפלה שאינה מצטרפת לעשרה
...כיון שאינה בחיוב לכך.

He argues that with respect to martyrdom, since women are obligated in *kiddush ha-Shem*, they would be able to constitute a quorum. However, with respect to prayer, women cannot constitute a *minyan* because they are exempt from *tefillah be-zibbur*. R. Margoliot provides no basis for a woman's exemption from *tefillah be-zibbur*.³⁵

In summary, this first approach asserts that women are exempt from *tefillah be-zibbur* with little evidence to substantiate such an exemption. The sources that we examined all connect this exemption to women's inability to constitute a *minyan*, though a careful reading shows that the exemption is axiomatic and only offered as a *post facto* explanation.³⁶

Rambam as well, though as we have noted, Rambam likely includes women in the voluntary practice of *tefillah be-zibbur*. See Part I, pp. 477–479.

³² Lest one think that a woman's inability to constitute a *minyan* is in and of itself evidence, R. Rodriguez's formulation proves otherwise. He explains that women are exempt from *tefillah be-zibbur* and then utilizes the language of “*u-minah de-einah mi-tarefet*,” proving that the exemption from *tefillah be-zibbur* is his unsubstantiated starting point and the inability to constitute a *minyan* flows from that.

³³ R. Reuven Margoliot, *Sanhedrin* 74b no. 27.

³⁴ R. Shmuel Abohab, no. 63.

³⁵ Though one might read this as saying that the inability to constitute a *minyan* generates a source for the exemption from *tefillah be-zibbur*, the more compelling reading is that women are inexplicably exempt from *tefillah be-zibbur* and because of that, they cannot constitute a *minyan*. The latter interpretation dovetails nicely with the structure of R. Margoliot's argument about martyrdom.

³⁶ Other sources which assert this exemption with a comparable level of evidence include *Minḥat Harevav Sotah* 22a, s.v. “*ve-lo sekhar pesiot yesh li*” (cited in Responsa *Be-ẓel ha-Hokhmah* 4:19), *Zedakah u-Mishpat* 12:21:63 and *Minḥat Asher Be-Midbar*

Approach #2: The *Minyan* Argument

This second approach claims that since women cannot constitute a *minyan* for *devarim she-be-kedushah*, their prayer cannot be considered *tefillat ha-ṣibbur* and therefore, they are not obligated to pray in a *minyan*. The chief proponent is Responsa *Torat Hesed*, R. Schneur Zalman Fradkin of Lublin.³⁷ In a discussion about the permissibility of renovating the men's section to allow the women to more clearly hear from the women's section, he raises the point that the *ezrat nashim* has a lower level of *kedushah* than the *ezrat gevarim*.³⁸ To explain why this is the case, he says as follows:

ומכש"כ בביהכ"נ דקדושתו הוא משום שעיקרו עשוי לומר בו כל דבר שבקדושה ומקום מיוחד לתפלת הצבור. משא"כ בע"נ אף שהנשים מתפללות בו והן חייבות ג"כ בתפלה מ"מ כיון שהן אינן בני צירוף לעשרה י"ל דלא חשיב תפלת הצבור רק כמו תפלת יחיד שמתפללות כאו"א. ואף שהן ג"כ יכולות לענות קדושה וברכו עם הצבור.

He first says that the *kedushat beit ha-kenesset* derives from the fact that it is designated for *devarim she-be-kedushah* and *tefillat be-ṣibbur*. However, while women do have an obligation to pray and they do pray in the *ezrat nashim*, their inability to constitute a *minyan* means that their prayers are those of individuals, not connected to the communal prayer. Although he does not say this explicitly, the implication would be that women are exempt from *tefillat be-ṣibbur* since their prayer is unable to join with that of the *ṣibbur*.³⁹

In his argument, *Torat Hesed* makes several claims and assumptions. He first asserts a certain understanding of *kedushat beit ha-kenesset* that sees *tefillat be-ṣibbur* as central to its creation.⁴⁰ He then claims that since women cannot constitute a *minyan*, their prayer is not considered *tefillat be-ṣibbur*. Therefore, if *kedushat beit ha-kenesset* is predicated upon the presence of *tefillat be-ṣibbur* in a specific location, an *ezrat nashim* would lack

72:6 (new edition). These *poskim* take it as axiomatic that women are exempt from *tefillat be-ṣibbur* without offering any reasoning for such an exemption. This is especially perplexing given the sources that we discussed in Part I of this article.

³⁷ 1830–1902, no. 4, part 6. See, also, Responsa R. *Akiva Yosef* no. 31.

³⁸ For a summary of the different opinions on the matter of *kedushat ezrat nashim*, see *Raz ke-Zvi Nashim* vol. 1, no. 3.

³⁹ This seems to be how Responsa *Heikhal Yizhak* (O. H. 12:9) understood *Torat Hesed*.

⁴⁰ It seems to draw from Ran's position (*Megillah* 8a (Rif pagination), s.v. "u-man de-share?") about the nature of *kedushat beit ha-kenesset*, though Ran does not mention *tefillat be-ṣibbur*. See, also, *Hiddushei ha-Ramban Megillah* 25b, s.v. "lefi mah she-shaninu" and *Sefer Yere'im* no. 409.

such sanctity. Even women responding to *devarim she-be-kedushah* would fail to generate this sanctity. According to *Torat Heseḏ*, having one's prayers included with those of the *zibbur* hinges upon constituting a part of that *zibbur*. The question is, does the inability to constitute a *minyan* equal exclusion from communal prayer?

According to R. Yosef Dov ha-Levi Soloveitchik, the answer is no.⁴¹ The Rav addresses a comment of *Tosafot* that discusses women and *zimmun*. The Rav points out that elsewhere, *Tosafot* and Rambam argue about the mechanism through which one fulfills another's obligation in *Birkat ha-Maẓon*. According to Rambam, unless the person is illiterate, a *zimmun* must be present to fulfill someone else's obligation in *Birkat ha-Maẓon*. However, according to *Tosafot*, even a literate individual may fulfill another literate person's obligation through the principle of *shomea ke-oneh*.

The Rav argues that *Tosafot* in *Sukkah* hold like Rambam—since you can only fulfill someone else's *hiyyuv Birkat ha-Maẓon* through a *zimmun*, and women cannot join a men's *zimmun*, a woman cannot fulfill a man's obligation in *Birkat ha-Maẓon*.⁴² However, the Rav wonders, according to *Tosafot* in *Sukkah*, why would a *zimmun* of men fulfill a woman's obligation of *Birkat ha-Maẓon* if she cannot join the *zimmun*? The *zimmun* mechanism should not work for either gender to fulfill the other's obligation.

To answer this question, the Rav develops the following idea: although a woman cannot help constitute a core *zimmun*, she can still join a preexisting male *zimmun*. Applying this idea to *minyan*, he says that although a woman cannot constitute the *minyan* for *tefillah be-zibbur*, she is nevertheless still part of that *zibbur*. As such, a woman who prays with a *minyan* should certainly receive all the spiritual benefits of *tefillah be-zibbur*. As proof for this idea, the Rav cites the *baraita* on *Megillah* 23a that a woman could, in theory, count towards the requisite number of Torah readers, implying that she is sufficiently part of the *zibbur*, even though women cannot constitute a *minyan* for *keriat ha-Torah*. The Rav's idea presented here directly challenges *Torat Heseḏ*'s claim that a woman's prayer cannot be considered *tefillah be-zibbur*.⁴³

⁴¹ *Reshimot Shiurim Sukkah* 38a, s.v. “*Tosafot dibbur ha-matvil be-emet*.” See, also, Aryeh A. Frimer and Dov I. Frimer, “Women's Prayer Services – Theory and Practice, Part I, Theory,” *Tradition*, Winter 1998, Issue 32:2, pp. 83–84n86.

⁴² Assuming for the sake of this discussion that they have the same level of obligation, either fundamentally or due to specific situational circumstances.

⁴³ It is unclear what the Rav would say about *kedushat eẓrat nashim* which is *Torat Heseḏ*'s overall discussion, but at the very least, the Rav's theory counters a specific element of *Torat Heseḏ*'s argument. See *Halikhot Beitah, Petah ha-Bayit*, ch. 24

The final step in *Torat Hased's* argument is the implicit assumption that since women cannot join with the *zibbur* in prayer, they are exempt from *tefillah be-zibbur*. However, we have shown that this first clause is debatable which removes support for the second step of the argument. It is, therefore, difficult to accept *Torat Hased's* exemption of women from *tefillah be-zibbur*.⁴⁴

Approach #3: Exemption from Communal *Mizvot*

The third approach to the question of women and *tefillah be-zibbur* emerges from the writings of R. Moshe Sternbuch.⁴⁵ In the course of a discussion about women's obligation in *Mussaf* on *Rosh Ha-Shanah*, R. Sternbuch raises several points to justify the practice whereby women rely on *Magen Avraham* and fulfill their *biyyuv tefillah* through *Modeh Ani*. He advances the following argument: In an earlier era, women did not know how to read the prayers and therefore, their only option was, in theory, to attend a *minyan* to have their obligation fulfilled. However, since women cannot legally join together with the *zibbur*, they are not obligated to do so. Therefore, they would suffice with a simple prayer such as *Modeh Ani*. Since contemporary women can read, the *Modeh Ani* leniency would not apply and they still would not need to avail themselves of a *minyan*.

and Responsa *be-Obalah shel Torah* 2:26 who make a similar argument to the Rav. See, also, *Meiri* (*Beit ha-Behirah Rosh Ha-Shanah* 28a, s.v. “*zeh she-biarnu*”), *Temim De'im* no. 184, Responsa *Devar Yehoshua* (Ehrenberg) 1:96 and the sources cited by Aryeh and Dov Frimer (ibid.). One might be tempted to argue that we should differentiate between *zimmun* and *keriat ha-Torah*, on the one hand, and *tefillah* on the other. However, at least regarding *keriat ha-Torah* and *tefillah*, it seems from Rambam's formulation (*Hil. Tefillah* 8:4) that the requirement of *minyan* for both stems from an identical place. Therefore, it stands to reason that if women can be considered part of the *zibbur* for *keriat ha-Torah*, the same would be true for *tefillah be-zibbur*.

⁴⁴ Given our discussion of the Rav's opinion, we will mention the following: R. Hayyim holds (see Part I, p. 489n70) that *tefillah be-zibbur* is voluntary, perhaps a form of *biddur mizvah*, and he also thinks that women and men are both obligated in three daily prayers. Therefore, it stands to reason that he believes the *biddur* applies to women in the same way it does for men. We assume that the Rav concurred with R. Hayyim's argument. As we have noted, Part I, p. 475n17, he certainly agreed with the second part regarding prayer obligation and we are speculating regarding the first. This two-part rationale also explains the comment of R. Ahron Soloveichik quoted in the Summary section of this article. I am indebted to R. Dov Frimer for this formulation of the rationale, shared in private email correspondence.

⁴⁵ 1926–present, England and Israel. *Mo'adim u-Zemanim*, 1:9, p. 27, s.v. “*u-temihani*.”

In the first part of this argument, R. Sternbuch implies that women are exempt from attending *minyan* because they cannot constitute one. If so, he would fit into *Torat Hesed's* camp regarding women's exemption from *minyan*, though the primary difficulty that we raised with *Torat Hesed* would apply to R. Sternbuch as well. However, in the continuation of his argument, he appears to make a much broader point:

אבל אינן חייבין להצטרף לצבור לשמוע שמונה עשרה שאין על נשים חובות התלויות
בציבור...ובמקום אחר נבאר היטב החילוק בנשים בין חובת יחיד לחובת ציבור...

Women cannot constitute a *minyan* for *devarim she-be-kedushah*; that is a given. The true reason why they are exempt from attending a *minyan*, however, is that women are categorically exempt from obligations which require a *zibbur*.⁴⁶ R. Sternbuch expands upon this idea elsewhere and clarifies his intention: since women cannot constitute a *zibbur*, if a particular *mitzvah* requires a *zibbur* for its fulfillment, they are exempt from it. Additionally, the inability to constitute a *zibbur* means that women are excluded from the national *zibbur* and are therefore exempt from *mitzvot* that rest upon that *zibbur*.⁴⁷

If our understanding of R. Sternbuch is indeed correct, we must examine the following points:

1. Does the inability to constitute a *zibbur* necessarily exempt women from *mitzvot* that require one?
2. Does the inability to constitute a *zibbur* necessarily exempt women from national *mitzvot* or *hiyyuvim*?

Regarding the first point, R. Sternbuch's assumption is not universally shared. In a responsum about women reciting *Birkat ha-Gomel*,⁴⁸ R. Ova-

⁴⁶ From this particular formulation, "*hiyyuvim ba-teluyim be-zibbur*," it is unclear whether this refers to obligations which require a *minyan* for their fulfillment or to obligations which rest upon the *zibbur*. In the continuation of his argument, R. Sternbuch notes that elsewhere he will explain the difference between a *horat yahid* and a *horat zibbur* for women, which implies that the intent of his earlier formulation is obligations which devolve upon the *zibbur*.

⁴⁷ *Peshat ve-Iyyun, Berakhot* 49a no. 124 regarding appointing kings, *Teshuvot ve-Hanhagot Mo'adim: Purim*, p. 51, s.v. "*u-veyoter kashel*" regarding a woman's obligation in *zekhirat Amalek*. See, also, Responsa *Teshuvot ve-Hanhagot* 3:162 where he fleshes out his broader position regarding women and *mitzvot* that require a *zibbur* or are incumbent upon the *zibbur*.

⁴⁸ Responsa *Yehaveh Da'at* 4:15.

diah Yosef rules that they must recite the blessing upon experiencing circumstances that require one. However, in a footnote at the end of the responsum, he rejects the suggestion that women may help form the *minyan* required for *Birkat ha-Gomel*. In other words, despite the fact that women cannot form a *minyan* for *Birkat ha-Gomel*, they are still obligated to recite the *berakhab*.⁴⁹

Further evidence against R. Sternbuch emerges from discussions about women and *kiddush ha-Shem*. It seems clear that women are obligated in both *kiddush* and *hillul ha-Shem*.⁵⁰ Yet, according to several authorities,⁵¹ women are unable to help constitute the necessary quorum for the condition of public martyrdom.⁵² Clearly, R. Sternbuch's first assumption is debatable.

R. Sternbuch then goes on to claim that women are exempt from national *mizvot* because they are not legally part of the national *zibbur*.⁵³ His primary source for this idea is a Gemara in *Zevahim* 75a that discusses

⁴⁹ Despite the fact that the blessing is recited "before a *minyan*," the person reciting the blessing is generally assumed to count towards the *minyan*. See *M.B.* 219:6.

⁵⁰ See *Sefer ha-Hinnukh* no. 296, end. Responsa *Or Gadol* (no. 1) entertains the possibility that a woman's obligation in *kiddush ha-Shem* might be derived differently than a man's, though he concludes that this has no practical impact. Additionally, the fact that *giluy arayot* might be *ta'avur ve-al tebareg* for women, should not detract from their fundamental obligation in *kiddush* and *hillul ha-Shem*.

⁵¹ *Minhat Hinnukh* 296:1 (no. 10, s.v. "ve-shelo be-sha'at ha-gezerah ve-bagoy anaso" in *Makhor Yerushalayim* edition); *Zofnat Pa'aneah Tinyana Hil. Yesodei ha-Torah* 5:5. In truth, these positions are less convincing than those which argue that women can constitute a quorum for *kiddush ha-Shem*. We cite them to show the difficulty with R. Sternbuch's assumption, not to delve into the vast topic of *kiddush ha-Shem*.

⁵² We should note, however, that the quorum for *kiddush ha-Shem* might differ from a quorum for prayer or *Birkat ha-Gomel* in that it is more about the public knowledge of the event than about creating a *zibbur* for the *mizvah*. (See R. Rahamim Moshe Shayo, *Sha'arei Kiddush ha-Shem* [Jerusalem, 1991], p. 194.) At the very least, according to *Minhat Hinnukh*, the quorum for *kiddush ha-Shem* is more closely linked to the requirement of *minyan* for *devarim she-be-kedushah* and therefore, the role of the quorum might be less about public knowledge and more about an intrinsic requirement for the fulfillment of the *mizvah*. Regarding the nature of the *minyan* for *Birkat ha-Gomel*, this seems to be a matter of some controversy. *Arukh ha-Shulhan* (O. H. 219:6) and R. Shlomo Zalman Auerbach (*Halikhot Beitah* 13:7:13) hold that the requirement of *minyan* for *Birkat ha-Gomel* more closely resembles the one for *devarim she-be-kedushah*, though their opinion is in the minority. See Aryeh Frimer, "Women and Minyan," *Tradition*, Summer 1989, Issue 24:4, n. 73.

⁵³ See Responsa *Teshuvot ve-Hanbagot* 3:162; *Hokhmah ve-Da'at Shemot, Parashat Va-Yakbel*, pp. 495–498.

performing *semikbah* on sacrificial animals that are mixed up in a group. In the midst of this analysis, the Gemara cites the following statement from Abaye.⁵⁴

תלמוד בבלי מסכת זבחים דף עה עמוד א
 קתני יחיד דומיא דציבור, מה ציבור גברי, אף יחיד גברי⁵⁵

R. Sternbuch reads “*mah zibbur gavrei?*” to mean that when it comes to defining the *zibbur* for *korbanot*, and for other matters as well, only men are included.⁵⁶ However, other *aharonim* read the Gemara differently. *Ayelet ha-Shahar*⁵⁷ understands that “*mah zibbur gavrei?*” means that the *zibbur* also includes men and therefore, an obligation of *semikbah* will typically exist for a *korban zibbur*. In this respect, then, it is equated with a *korban yahid* brought by a man which would also require *semikbah*.⁵⁸ According to this reading, the Gemara is not arguing that the *zibbur* only includes men; women are included as well.⁵⁹

Having demonstrated the difficulty with R. Sternbuch’s claim that women are excluded from the national *zibbur*, we will now examine his

⁵⁴ There are several stages of argumentation that lead to this point that we leave for the readers to explore on their own.

⁵⁵ Just like the *korbanot zibbur* are brought on behalf of men who constitute the *zibbur*, so too the *korbanot yahid* here are also brought by men.

⁵⁶ Responsa *Amudei Or* no. 7 initially reads the Gemara this way in the context of *korbanot zibbur*, though ultimately seems to minimize the impact of this reading. See, also, *Shoshanim le-David* to Mishnah *Berakhot* 3:3, s.v. “*ve-hayavin be-tefillah*.”

⁵⁷ R. Aharon Yehudah Leib Shteinman, *Zevahim* 75a, s.v. “*mah zibbur gavrei?*”

⁵⁸ This understanding is also advanced by *Hibbat ha-Kodesh* (Lang), *Zevahim* 75a, s.v. “*mah zibbur gavrei?*” and *Yad Binyamin* (Elyashiv) *Zevahim* 75a, s.v. “*katani yahid*.”

⁵⁹ *Ayelet ha-Shahar*’s reading gains support from additional Talmudic evidence. According to the Gemara earlier in *Zevahim* (4a), while the concept of *shinui kodesh*, the possibility that contemplating the incorrect offering category could invalidate a *korban*, applies to individual and communal *korbanot*, *shinui ba’alim*, having in mind the incorrect owners, does not exist with respect to communal *korbanot*. Rashi (s.v. “*ve-yeshno be-zibbur*”) explains that since the *zibbur*, meaning everyone, is the owner of the *korban*, no one else can be considered the “wrong” owner. If R. Sternbuch is correct about his reading of 75a, then there would be *shinui ba’alim* with respect to *korbanot zibbur*—thinking that the *kapparah* should be for women, who are not part of the *zibbur*. Therefore, it is difficult to accept R. Sternbuch’s reading of the Gemara on 75a. Perplexingly, in his *biddushim* on *Zevahim* (*Zivhei Kodesh*, pp. 25–26, s.v. “*Tosafot ve-yeshnan be-zibbur*”), R. Sternbuch seems to accept that the Gemara on 4a indicates that women are considered *ba’alot korbanot zibbur*. This does not easily square with his reading of the Gemara on 75a.

argument that women are, therefore, exempt from commandments incumbent upon the *zibbur*. We will focus on the *mizvah* of building the *Beit ha-Mikdash*. Both Rambam⁶⁰ and *Sefer ha-Hinukh*⁶¹ view this as a *mizvat ha-zibbur*, based on the Gemara in *Sanhedrin* 20b about *Bnei Yisrael* being commanded to, upon entering Israel, appoint a king, eradicate Amalek, and build a *Beit ha-Mikdash*. In discussing the details of this obligation, Rambam says the following:

רמב"ם בית הבחירה א"י"ב
 אין בונים את המקדש בלילה, שנאמר "וביום הקים את המשכן" (במדבר ט"ו:י),
 ביום מקימין ולא בלילה, ועוסקין בבנין מעלות השחר עד צאת הכוכבים. והכל
 חייבין לבנות ולסעד בעצמן ובממונם, אנשים ונשים, כמקדש המדבר. ואין מבטלין
 תינוקות של בית רבן לבנין, ואין בנין מקדש דוחה יום טוב:

Rambam seems to contradict himself within the same *halakhab*—he says that one cannot build the Temple at night, which presumably renders this a time-bound positive *mizvah* from which women are exempt, and then two lines later rules that women are obligated in this *mizvah*.⁶² One approach to resolving this contradiction distinguishes between “*binyan*” and “*sa’ad*” in Rambam’s language.⁶³ Women are only obligated in preparing building materials, which can take place at night, but not in the building itself. While this explanation addresses the problem of *mizvat aseh she-ha-zeman gerama*, it does not fit well with Rambam’s language since both terms seem to apply to men and women. Another approach contends that since this is a *mizvat ha-zibbur*, the exemption of *mizvat aseh she-ha-zeman gerama* does not apply and therefore women are obligated.⁶⁴ This second approach challenges R. Sternbuch’s claim that women are exempt from *hovot ha-zibbur*.

⁶⁰ See end of *Minyan ha-Asin* in his *Sefer ha-Mizvot*.

⁶¹ *Mizvah* 95, end.

⁶² R. Adam Ariel pointed out that Rambam uses the phrase “*ke-Mikdash ha-midbar*” which might imply that despite this being time-bound, women are still obligated in *binyan ha-Mikdash* because of a *gezerat ha-katur*.

⁶³ R. Sternbuch himself (*Hokhmah ve-Da’at Shemot, Parashat Va-Yakbel*, pp. 495–498) adopts this approach as does R. Asher Weiss (*Minhat Asher Shemot*, new edition, no. 71).

⁶⁴ *Kuntresei Shiurim* (R. Gustman) *Kiddushin* 19:6; *Responsa Mishneh Halakhot* 6:326. For another possible solution that emerges from Rambam’s general position on time-bound positive commandments, see R. Dror Fixler, “*Petur Nashim me-Mizvot Aseh she-ha-Zeman Geraman be-Mishnat ha-Rambam*,” *Sinai*, vol. 131 (2002), pp. 41–53. Many thanks to R. Adam Ariel for drawing my attention to this article.

In conclusion, we have raised several difficulties with R. Sternbuch's approach to women's supposed exemption from *minyan*. Women may be obligated to attend *minyan* even if they cannot constitute one. Furthermore, even if *minyan* is a communal obligation,⁶⁵ we have shown that women are likely not categorically exempt from communal obligations. We, therefore, find it difficult to view his position as creating a legitimate exemption or exclusion.

Approach #4: *Minyan* as Positive Time-Bound *Mizvah*

The fourth, and final, approach to women's exemption from *minyan* argues that *tefillah be-zibbur* is a positive time-bound *mizvah* from which women are typically exempt. R. Eliezer Melamed espouses this position in his *Peninei Halakhah*.⁶⁶ R. Melamed does not cite any sources to substantiate the claim that *tefillah be-zibbur* is a positive time-bound commandment. He simply says:

כפי שלמדנו (לעיל יא, א), אשה אינה צריכה להתפלל במניין ובבית הכנסת, מפני שכל עניין התפילות בבית הכנסת תלוי בזמן, ונשים פטורות ממצוות עשה שהזמן גרמן.⁶⁷

He argues that since the entire institution of prayer in the *beit kenesset* is time dependent, that grants *tefillah be-zibbur* the designation of a positive time-bound *mizvah*, from which women are exempt.⁶⁸

R. Melamed makes three central claims to support his position:

⁶⁵ Meaning that each community has a collective obligation to ensure that *tefillah be-zibbur* occurs. See Part I, p. 481n36.

⁶⁶ *Peninei Halakhah Tefillat Nashim* 11:1; 20:2.

⁶⁷ Ibid., 20:2.

⁶⁸ In his reference to an earlier discussion which also states that women are exempt from *tefillah be-zibbur*, R. Melamed formulates the exemption differently. In *Hilkebot Tefillat Nashim* 11:1, R. Melamed explains that: תקנו חכמים לגברים להתפלל במניין ובבית הכנסת, אבל לנשים לא תקנו להתפלל במניין... כדי שלא ליצור התנגשות בין חובות התפילה במניין ובבית הכנסת, לטיפול במשפחה, שטיפוח המשפחה הוא ערך חשוב יותר (ע' לעיל ג, ב). Here, he provides a more sociological/philosophical reason to exempt women from *tefillah be-zibbur* and does not categorize *tefillah be-zibbur* as a positive time-bound commandment. In reality, however, the reason that he presents in ch. 11 is, in fact, a widely cited rationale for a woman's exemption from positive time-bound commandments. As R. Melamed himself alludes to in his parenthetical citation, this is the opinion of *Abudraham* and *Sefer Hasidim*—that a woman is exempt from positive time-bound commandments by virtue of her obligations towards her husband (we will discuss this rationale below). Therefore, R. Melamed is essentially making the same argument in both cases.

1. *Tefillah be-ẓibbur* is distinct from any individual obligation to pray.⁶⁹
2. *Tefillah be-ẓibbur* is considered a *miẓvat aseh she-ha-ẓeman gerama*.
3. The rationale for *miẓvat aseh she-ha-ẓeman gerama* follows *Abudraham* that the exemption prevents a clash between a woman's obligations towards her husband and her *miẓvah* performance.⁷⁰

In Part I of this article, we addressed the question of whether *tefillah be-ẓibbur* is part of the prayer obligation or a separate entity, and showed that it is the subject of a dispute among the *risbonim*.⁷¹ As we have shown,⁷² while this question certainly carries importance for understanding the nature of *tefillah be-ẓibbur* overall, it may not have much bearing on its relevance for women.⁷³ For example, Rambam holds that *tefillah be-ẓibbur* is an independent *takanah* and he likely still holds that the benefits of *tefillah be-ẓibbur* apply equally to men and women.

Regarding R. Melamed's second claim, we must carefully define *miẓvat aseh she-ha-ẓeman gerama* and determine whether or not *tefillah be-ẓibbur* deserves this designation.⁷⁴ Rambam's definition of time-bound is any obligation that only exists at certain times and is, therefore, not constant.⁷⁵

⁶⁹ *Peninei Halakha Tefillat Nashim* 11:1— אמנם, כפי שלמדנו, בתפילה עצמה נשים חייבות, אבל תקנת התפילה במניין כבר אינה קשורה לעצם כי גם נשים צריכות לבקש על עצמן רחמים. בקשת הרחמים, אלא היא עניין נוסף שדורש עוד זמן, ובו לא חייבו את הנשים.

⁷⁰ See n. 64.

⁷¹ See Part I, pp. 477–479.

⁷² See Part I, pp. 485–486.

⁷³ Possible precedents for R. Melamed are Responsa *Shevut Ya'akov* and *Orah la-Zaddik* although, as we have shown above, there are significant issues with their positions.

⁷⁴ Our analysis will rely upon the presentation in *Kuntresei Shiurim* (R. Gustman) *Kiddushin* no. 19. As we noted above, R. Melamed, along with the three preceding approaches, clearly assumes that *tefillah be-ẓibbur* is a *hiyyuv* and therefore, for R. Melamed, it is relevant to talk about time-bound commandments. However, as we have shown in Part I of this article, *tefillah be-ẓibbur* is likely voluntary which would call into question this halakhic categorization. It seems highly unlikely that *ẓeman gerama* could apply to actions which are voluntary and do not deserve the appellation *miẓvat aseh*.

Within R. Melamed's argument, even though *tefillah be-ẓibbur* is likely a rabbinic enactment, it is still relevant for him to discuss positive time-bound *miẓvot* regarding rabbinic laws. This is dependent on the dispute between Rashi and *Tosafot* regarding the applicability of *miẓvot aseh she-ha-ẓeman geraman* to *dinim de-rabbanan*. See *Berakhot* 20b, Rashi, s.v. "*hakhi garsinan*" and *Tosafot*, s.v. "*be-tefillah*."

⁷⁵ Rambam *Hil. Avodat Kokhavim* 12:3. Rashi might also agree with this understanding—see Rashi *Kiddushin* 29a, s.v. "*she-ha-ẓeman gerama*."

According to this, *tefillah be-zibbur* should not be considered time-bound since, according to Rambam, *tefillah* itself is fundamentally time-independent.⁷⁶ Even if Rambam holds that *tefillah be-zibbur* is a separate enactment, it still relates to the optimal way to discharge a time-independent *hiyyuv*. It seems unlikely that prayer would be a constant *mizvah* while praying with a *zibbur* can only occur at certain times.⁷⁷

Another possible understanding is that even a constant obligation which is generated by time could be considered time-bound.⁷⁸ Here, too, *tefillah be-zibbur* would not fit since the appointed times do not generate the obligation; they simply allow the community to gather to discharge a preexisting obligation or preference.

The most expansive definition of *zman gerama* is that time need only be a secondary cause of the obligation.⁷⁹ Even according to this broad conception of *zman gerama*, *tefillah be-zibbur* should not be time-bound since it has no secondary component of the *hiyyuv*/preference connected to time. The *zman* of *tefillah be-zibbur* only serves to let the *zibbur* know when to gather.⁸⁰

Given that *tefillah be-zibbur* does not conform to the halakhic definitions of *zman gerama*, R. Melamed might simply mean that both categories share the same reasoning for a woman's exemption.⁸¹ Therefore, we will

⁷⁶ See Part I, pp. 471–472.

⁷⁷ If Rambam thinks that *tefillah de-rabbanan* is *zman gerama* (see Part 1, p. 474n16), then it is possible to argue that *tefillah be-zibbur*, which is presumably a rabbinic enactment, might also be *zman gerama*. That, however, would not help R. Melamed's argument since Rambam obligates women in *tefillah de-rabbanan* despite it being *zman gerama* while also holding that *tefillah be-zibbur* is voluntary for everyone.

⁷⁸ *Tosafot Kiddushin* 34a, s.v. “*ve-tefillin*.” The context here is a discussion about defining *zizit* as a time-bound commandment. Since the onset of day generates the obligation to don *zizit* over the course of the entire day, it could be considered time-bound.

⁷⁹ *Tosafot Menahot* 93b, s.v. “*yado ve-lo yad ishto*.” Here, *Tosafot* suggest that *semikhab* on a *korban* should be considered *zman gerama*. This would be so because *semikhab* must be immediately followed by *shehitah*, which cannot be performed at night. Therefore, *semikhab* itself cannot be performed at night, rendering it *zman gerama*.

⁸⁰ Even the concept of “*be-sha’ah she-ha-zibbur mitpallelin*” simply indicates that once the community chooses a time, it becomes auspicious for individual prayer. That does not mean, however, that this time is somehow intrinsic to communal prayer.

⁸¹ Though this is likely an overly charitable interpretation of his position. Linking the rationale for *mizvot aseih she-ha-zeman geraman* to *tefillah be-zibbur* does, however,

now analyze R. Melamed's third claim—that the rationale for *miẓvot aseh she-ha-ẓeman geraman* follows *Abudraham*. In essence, this rationale claims that since women must serve their husbands and G-d, time-bound *miẓvot* will create conflicts between those obligations and not allow them to serve either properly. In the interests of *shalom bayit*, G-d therefore decided to exempt women from positive time-bound commandments.⁸² The application to *tefillah be-ẓibbur* would be that since it occurs at specific times,⁸³ it has the potential to create such conflicts and therefore women are exempt.

There are several challenges with adopting this explanation for *miẓvot aseh she-ha-ẓeman geraman*. Firstly, it does not apply to all women, only those who are married. Even if one argues that, because of *lo plug*, all women must be exempt from time-bound positive *miẓvot*, it is still perplexing that the fundamental reasoning would exclude many women.⁸⁴ If all women are exempt from *miẓvot aseh she-ha-ẓeman geraman*, one would have expected a rationale that applies to many, if not all, women. Additionally, it is not at all clear that *shiabud ishah le-ba'alah*, a woman's obligation to serve her husband, could serve as the basis for a *de-oraita* rationale.⁸⁵ Perhaps the

find support in R. David Auerbach, *Halikhot Beitah*, p. 70, in the name of his uncle, R. Shlomo Zalman Auerbach.

⁸² See *Abudraham* (Keren Re'em edition), vol. 1, p. 98n276, at the beginning, for citations of other authorities who championed this rationale. To clarify, *Abudraham's* rationale is explicitly about avoiding conflict between a woman's obligations towards her husband and her obligations towards G-d and promoting marital peace.

ספר אבודרהם ברכת המצות ומשפטיהם
והטעם שנפטרו הנשים מהמצות עשה שהזמן גרמא לפי שהאשה משועבדת לבעלה לעשות צרכיו. ואם היתה מחוייבת במצות עשה שהזמן גרמא אפשר שבשעת עשיית המצוה יצוה אותה הבעל לעשות מצותו ואם תעשה מצות הבורא ותניח מצותו אי לה מבעלה ואם תעשה מצותו ותניח מצות הבורא אי לה מיוצרה לפיכך פטרה הבורא ממצותיו כדי להיות לה שלום עם בעלה. וגדולה מזו מצאנו שהשם הגדול הנכתב בקדושה ובטהרה נמחה על המים כדי להטיל שלום בין איש לאשתו (שבת קטז, א).

⁸³ Even if, as we have shown, those times are wholly ancillary to the *hiyyuv*/preference for *tefillah be-ẓibbur*.

⁸⁴ We assume that since the exemption applies to all women, it logically follows that its rationale would as well. Relying on *lo plug* calls into question the extent to which this rationale truly explains the exemption. See Avraham Yisrael Cohen, *Shemateta she-ha-Zeman Gerama*, (undated), pp. 9–10 for a discussion about *lo plug*. Although he shows that *lo plug* is possible on a *de-oraita* level, he does not fully address the inherent problem of the rationale not applying to all women.

⁸⁵ See *Abudraham* (Keren Re'em edition), vol. 1, p. 98n276 at the end. If *Abudraham* is explaining the *de-oraita* principle of time-bound positive *miẓvot* and their attendant exemptions, then presumably the rationale must work on a *de-oraita* level

biggest objection to note is the very use of rationales for *mizvot aseh she-ha-ẓeman geraman*. As R. Gustman shows,⁸⁶ it is entirely possible that time does not generate the exemptions; rather, it simply indicates that for whatever reason, the Torah exempted women from time-bound positive *mizvot*. R. Gustman's contention obviates the need for rationales, either *Abudraham's* or others.

Throughout his discussion, R. Melamed assumes that men are, in fact, obligated in *tefillah be-ẓibbur* while women are exempt. As we have shown, it is difficult to understand *tefillah be-ẓibbur* as obligatory in light of the evidence to the contrary.⁸⁷ Given that *tefillah be-ẓibbur* is voluntary, and that men and women have identical prayer obligations,⁸⁸ there would need to be a compelling reason to argue that women need not take advantage of it. R. Melamed's claim regarding *tefillah be-ẓibbur* as time-bound, as well as *Abudraham's* rationale for *mizvot aseh she-ha-ẓeman geraman*, do not meet this threshold. Therefore, it is difficult to accept his explanation for women's exemption from *tefillah be-ẓibbur*.

Summary

As we have shown thus far in part II of this article, there does not seem to be a convincing explanation for exempting women from *tefillah be-ẓibbur*. Each of the approaches makes debatable assumptions and utilizes problematic arguments. Therefore, through a summary of our overall analysis, we will demonstrate that the benefits of *tefillah be-ẓibbur* apply equally to men and women, either as an obligation or voluntary practice.

We noted in Part I⁸⁹ that according to Rif and Rambam, women and men have identical daily prayer obligations. This runs contrary to the widely held notion that women's prayer fundamentally differs from that of men. We also explored the conceptual nature of *tefillah be-ẓibbur* by addressing two issues: its relationship to the individual prayer obligation and its status as an obligation or voluntary practice. Regarding the first point, even if one holds that *tefillah be-ẓibbur* was established as an independent *takanah* distinct from *tefillah de-rabbanan*,⁹⁰ it still practically relates to the

as well. This is without addressing the question of how *shiabud isbah le-ba'alab* functions in our contemporary reality.

⁸⁶ *Kuntresei Shiurim*, Kiddushin 19:4, p. 234.

⁸⁷ See Part I, pp. 496–497.

⁸⁸ Part I, pp. 476–477.

⁸⁹ Part I, pp. 471–476.

⁹⁰ Which, we argued, is Rambam's position. See Part I, pp. 477–479.

individual's prayer. *Tefillah be-zibbur* impinges upon personal prayer by increasing the likelihood that it will be answered in the affirmative or by creating the optimal conditions for Divine consideration.⁹¹ As we have shown, women can benefit from communal prayer despite their inability to constitute a *minyan* for it; they are still part of the overall *zibbur*. Given that men and women hold identical prayer obligations, they should both equally need to benefit from the power of communal prayer.

Regarding the second question, whether *tefillah be-zibbur* is obligatory or voluntary, we have shown that the overall thrust of the Talmudic evidence points in favor of the latter position and it is adopted by Rambam and *Shulhan Arukh*.⁹² According to this, "exemptions" for women are beside the point.⁹³ Even if one were to argue that it is obligatory, we have demonstrated that this obligation applies equally to men and women. In this context, it is relevant to quote the following:

Interestingly, R. Ahron Soloveichik, in conversation with Dov I. Frimer, July 8, 1997, maintains that men and women share the same obligation (or lack thereof) in both *tefillah be-zibbur* and *keriat ha-Torah*. However, even were women personally obligated, R. Ahron Soloveichik posits that they are, nonetheless, specifically excluded by *Hazal* from counting towards a *minyan* or serving as a *hazzan* or *ba'alat keriah* because of *kevod ha-zibbur*...⁹⁴

According to R. Soloveichik, regardless of whether *tefillah be-zibbur* is obligatory or voluntary, men and women equally stand to benefit from it.⁹⁵ This comment reinforces the idea, discussed previously, that there is not a convincing connection between being obligated in or benefitting from *tefillah be-zibbur* and being able to constitute a *minyan*.⁹⁶

⁹¹ Part I, pp. 486–491.

⁹² Part I, pp. 488–489, 493–494. For one possible Talmudic exception to this overall thrust, see Part I, p. 497n109.

⁹³ Those *poskim* who exempt women assume that *tefillah be-zibbur* is a *hiyyuv*.

⁹⁴ Aryeh and Dov Frimer, "Women's Prayer Services - Theory and Practice Part I, Theory" p. 83.

⁹⁵ See n. 45 for the rationale behind this position. See, also, *Sha'arei Osher* (Sonnenfeld), vol. 1, p. 110 for a strikingly similar position brought in the name of R. Hayyim Kanievsky.

⁹⁶ We should note, however, that in his article "Women and *Minyan*," *Tradition*, Summer 1989, Issue 24:4, Aryeh Frimer devotes an entire section to *poskim* who hold that the ability to constitute a *minyan* in various contexts is, in fact, directly tied to obligation. Clearly, R. Soloveichik does not subscribe to this approach

Historical Analysis

Yet, with all of this analysis, one would be hard-pressed to find large numbers of *poskim* who obligate women in *tefillah be-zibbur* or who advocate women benefiting from it as a voluntary practice. It is possible that *poskim* were faced with a reality where, for a variety of reasons, many women did not attend *minyan* on a regular basis. Given the weight of widespread practice in *halakhah*, they felt compelled to justify it through a rationale for exemption. However, this explanation does not stand up to a careful examination of the sources which reveals a more complex picture regarding women's historical synagogue attendance.

The history of women attending shul is a vast topic that cannot be fully explored at this juncture.⁹⁷ We will attempt to show that while there were certainly communities where women did not attend shul on a regular basis,⁹⁸ there is evidence that in certain communities women did attend shul on a weekly, if not daily, basis.

In the Talmud, there are several passages that suggest women's regular synagogue attendance,⁹⁹ but the most relevant for our purposes is a

and one wonders if proponents of this school would reach a different practical conclusion working with his understanding of *tefillah be-zibbur*.

⁹⁷ For a sampling of references, see the following: Daniel Sperber, *Minbagei Yisrael* (Jerusalem, 2003), vol. 7, pp. 68–81 (specific section written by his son, David Sperber); Susan Grossman and Rivka Haut, eds., *Daughters of the King: Women and the Synagogue* (JPS, 1992); Shlomi Raikin, “*Kenisat Penayah le-Veit ha-Kenesset*,” *Shema’atin* no. 163 (*Shevat-Adar* 2006), pp. 109–116; Barukh Oberlander, “*Matai Nabagu ha-Nashim Lo Lalekhet le-Veit ha-Kenesset?*” *Kovez He’arot u-Viurim: Talmidei Oholei Torah* no. 973, pp. 63–72; no. 974, pp. 119–123; Uriel Cohen, “*Nokhehut Nashim be-Veit ha-Kenesset*,” *Beit Keneset be-Halakhah, be-Hashkafah, u-ve-Hinnukh Yehudi*, ed. Boaz Pash, *Makbon Strauss-Amiel*: Efrat, 1999, pp. 99–124. Most recently, see Elisheva Carlebach and Debra Kaplan, *A Woman Is Responsible for Everything* (Princeton University Press, 2025).

⁹⁸ Marc Shapiro, *Iggerot Malkhei Rabbanan* (Lakewood, 2019), pp. 23–24 quoting R. Shalom Messas about women in Morocco; R. Yizhak Razabi, *Shulhan Arukh ha-Mekuzar* E. H. vol. 2, pp. 435 about women in Yemen. See, also, below n. 106 regarding women being in shul for *Birkat Kohanim*.

⁹⁹ The Gemara in *Sotah* (22a) that we analyzed earlier in this article, along with *Yalkut Shimoni Ekev* no. 871 and *Mishlei* no. 943, also suggest regular synagogue attendance, though these sources are only discussing individual women. There are three additional passages that might seem relevant, but upon further reflection are likely not. According to many *rishonim* and manuscripts, the Vilna text of the Gemara on *Avodah Zarah* 38a–b that mentions women going to the *beit kenesset* is incorrect. On *Megillah* 23a, the discussion of women and *keriat ha-Torah* might be relevant, but it is ultimately inconclusive in light of *Tosefta Megillah* 3:11

Yerushalmi¹⁰⁰ that records the following regarding a city comprised solely of *kobanim*.

ר' אחא ר' תנחומא בר' חייא בשם רבי שמלאי עיר שכולה כהנים נושאים את
כפיהם למי הם מברכין לאחיהם שבצפון לאחיהם שבדרום לאחיהם שבמזרח
לאחיהם שבמערב ומי עונה אחריהם אמן הנשים והטף

The Gemara's reference to women and children suggests that they were assumed to be in attendance on a regular basis.¹⁰¹ Furthermore, it is possible that this refers to daily attendance given the daily recitation of *Birkat Kobanim*. This passage is cited *le-halakbah* without comment¹⁰² and it is only in the 17th and 18th centuries that *poskim* begin to entertain the possibility that women might be absent.¹⁰³

In the discussions of the *rishonim*, the broader topic that is most germane to our analysis is that of women attending shul when they are *niddot*. Whether in Northern France,¹⁰⁴ where the halakhic consensus seems to permit—and even encourage—women attending shul while *niddot*, or in Germany,¹⁰⁵ where a more stringent view prevails, the dominant assumption seems to be that women did attend shul on a regular basis. If they did not, why is there such extensive halakhic discussion about the topic? The widespread nature of the discussion would seem to suggest that this was a relatively common question, perhaps indicating that women were attending shul on a regular basis.¹⁰⁶

(see *Hasdei David*, s.v. “*ba-kol olin*” and *Tosefta ke-Peshutah*, s.v. “*ve-bakol olin*”). In the Yerushalmi, there is a section in *Sotah* 1:2 in which the husband forbids his wife from entering the *beit kenesset*. At most one can deduce occasional female synagogue attendance from this line.

¹⁰⁰ *Berakhot* 5:4, *Gittin* 5:9.

¹⁰¹ *Bab.*, O. H. 128:17 might concur with this reading, as would *She'erot Natan*, *Hil. Tefillah* 15:9.

¹⁰² Rambam, *Hil. Tefillah* 15:9; *Shulhan Arukh* O. H. 128:25. It remains unclear whether their citation of the Gemara reflects their specific historical reality or simply their understanding of the *halakbah*.

¹⁰³ They do not discuss the presence or absence of children. See *Olat Tamid* O. H. 128:25, R. Akiva Eiger O. H. 128:10, *Derekh ha-Hayyim* O. H. 128:25 and R. David Luria (RaDaL) *Sotah* 38b, s.v. “*le-mi mevarkhim*.” Even into the 19th and 20th centuries, *Mishnah Berurah* (128:99) concurs with the assumption that women might not be in attendance.

¹⁰⁴ *Sefer ha-Oreh* (Buber ed.), vol. 1, p. 167; *Maḥzor Vitri*, no. 498.

¹⁰⁵ Raviah, *Berakhot* no. 68; *Or Zarua Hilkhhot Niddah* no. 360; *Sha'arei Dura Niddah* no. 18.

¹⁰⁶ The sources that we have examined do not specify whether women were coming to *shul* on a daily basis, or just on Shabbat and Yom Tov. However, in light of

In addition to this broader topic, the most extended treatment from an individual *rishon* is found in *Sefer Ḥasidim*.¹⁰⁷ It relates three different vignettes or rulings that relate to women attending shul. The first story is the following:

ספר חסידים (מרגליות) סימן תשפ
מעשה בזקנה אחת שהיתה מקדמת לתפלה והיה בה מעשים טובים לאחר מותה
באה בחלום לטובים אמרו לה מה את באותו עולם אמרה להם מכין אותי בדינים
גדולים וכאשר שאר צדיקים וצדקניות בשמחה מגרשין אותי מביניהם, ואמרה
כשהייתי בחיים הייתי יוצאה מבהכנ"ס בסדר קדושה ולא הייתי ממתנת עד שהיו
יוצאים מבהכנ"ס

This woman arrived early for prayers, presumably on consistent basis in the *beit kenesset*,¹⁰⁸ and was generally a pious individual.¹⁰⁹ And yet, because she left the *beit kenesset* early, she was subjected to severe punishment after her death. This punishment might reflect that notion that she had some level of obligation to be there in the first place.¹¹⁰

In the next story, *Sefer Ḥasidim* recounts that

ספר חסידים (מרגליות) סימן תשפ
ומעשה באשה אחת יצאה מבהכנ"ס קודם שסיימו הקהל התפלה ושלחה שפחה
לבעלה שישלח לה המפתח כשיצא מבהכנ"ס שאל לאשה מה הוצרכת מן
המפתחות אמרה כי נכריות באו להחליף המשכנות שצריכות ללכת לבית תפלתם,
אמר בעלה הרי פשעת שיצאת מבהכנ"ס וגם שלחת אחר המפתחות כדי ליתן להם
המשכנות שהן תלכנה לבית תפלתם הרי דחית את הקדש מפני הטומאה.

Sefer ha-Terumah (*Hilkhot Niddah* no. 87) it seems reasonable to infer that women were coming to shul daily, at least for the evening prayer, even when they were *niddot*. See below for more on *Sefer ha-Terumah*.

¹⁰⁷ Parma edition no. 464–465, 468; Bologna edition no. 780–781. Many thanks to Prof. Ephraim Kanarfogel for drawing my attention to this reference.

¹⁰⁸ The formulation “*she-haitah makdemet le-tefillah*” suggests that this was her regular practice.

¹⁰⁹ This woman’s age might suggest that she attended *minyan* on a regular basis because she had no conflicting responsibilities.

¹¹⁰ Alternatively, even if she was not obligated to pray in the *beit kenesset*, once there she needed to abide by certain *halakhot*. For another source where the presence of a punishment (in addition to the use of the word *miṣṣah*) suggests that women might have a *ḥiyyuv* of *tefillah be-zibbur*, see *Yalkut Shimoni Ekev* no. 871 and *Mishlei* no. 943. See, also, our discussion of R. Menaḥem Natan Nata Auerbach, below.

Here, a woman is in the *beit kenesset* on a weekday¹¹¹ and leaves prayers early so she can send a messenger to her husband.¹¹² According to her husband, the woman erred in two respects. Firstly, she left the *beit kenesset* before the end of prayers, similar to the elderly woman in the previous story.¹¹³ Additionally, she should not have left the *beit kenesset* to attend to a matter that related to a non-Jewish house of worship. This story might be another reflection of a historical reality where women were attending *shul* on a daily basis.

The final section in *Sefer Hasidim* is an exhortation that relates to young women:

ספר חסידים (מרגליות) סימן תשפא
אשה בחורה לא יתכן שתלך בחושך לבהכנ"ס ושתאחר לצאת בחושך, יותר טוב
שלא תלך עד שיאיר היום אא"כ תלך עם בעלה או עם אחיה ולא לבדה

According to *Sefer Hasidim*, there is a general concern for young women walking to and from the *beit kenesset* in the dark. This admonishment presumably applies at all times and might reflect a reality where younger women, both married and unmarried, regularly attend *shul*. In aggregate, these three selections from *Sefer Hasidim* suggest that women of various ages attend *shul* on a regular basis, though it is difficult to deduce the exact scope of this practice and to locate it in specific geographical locales beyond the German communities of *Hasidei Ashkenaz* known to R. Yehudah he-Hasid.

In light of the third vignette in *Sefer Hasidim*, we will also examine a ruling of *Sefer ha-Terumah*.¹¹⁴ While discussing the requirement for a woman to perform two daily *bedikot* during *sheva neki'im*, he writes the following:

ספר התרומה הלכות נדה סימן פז

¹¹¹ The fact that she requires keys so that the non-Jews can collect their collateral suggests that this is not talking about Shabbat or Yom Tov.

¹¹² It is unclear why the maidservant, as opposed to the wife, needed to send the message to the husband. Perhaps the wife was a person of some standing and regularly had the maidservant send messages for her. Alternatively, while she could not approach the *ezrat gevarim*, it was more acceptable for someone of lower social standing to do so.

¹¹³ As in the previous story, the opprobrium from the husband might reflect the idea that the woman was obligated to be there or, at the very least, once she came to the *beit kenesset*, she should abide by the appropriate *halakhot*.

¹¹⁴ *Hilkhot Niddah* no. 87.

...וצריכה לבדוק בכל יום שחרית כשעומדת ממטתה וערבית כשהולכת
לבה"כ¹¹⁵ קודם שיהא לילה...

Sefer ha-Terumah implies that women were regularly attending shul to recite the evening prayer.¹¹⁶ This is particularly important because he could easily have used a different marker for the evening *bedikah*. Presumably, he used “*ke-she-holekhet le-veit ha-keneset*” because it was a common occurrence and would, therefore, be a useful instruction for many women. Remarkably, this ruling of *Sefer ha-Terumah* appears in numerous subsequent authorities¹¹⁷ and none, to our knowledge, comment on this aspect.¹¹⁸ This ruling of *Sefer ha-Terumah* serves as a likely indication that, at least during his time, women prayed in the *beit kenesset* on a daily basis.

From the sources that we analyzed, it is clear that at least in certain communities, it was the practice of some women to attend *minyan* on a daily basis.¹¹⁹ The exact scope of attendance is sometimes difficult to define depending on the source under discussion. While *Sefer Hasidim* talks about one or two women, making it difficult to extrapolate to other women in the community, the Yerushalmi about *Birkat Kohanim* and *Sefer ha-Terumah* about *bedikot* do seem to be speaking about a more widespread phenomenon. Additionally, while there are certainly communities where

¹¹⁵ The subsequent citations of *Sefer ha-Terumah*, as well as *Makhor Yerushalayim*’s edition of *Sefer ha-Terumah*, read this as *beit kenesset*.

¹¹⁶ This is also how R. Zvi Yehoshua Leitner, the editor of *Piskei Riaz, Niddah* (Jerusalem, 2012), p. 9n47, understands *Sefer ha-Terumah*.

¹¹⁷ *Semag* Negative Commandments no. 111, *Semak* no. 293, *Responsa Maharam me-Rothenburg* (Prague) no. 632, *Mordekhai Hilkebot Niddah* no. 737 and *Beit Yosef Y. D.* 196, s.v. “*u-mah she-katav u-mihu afilu lo badkah*.” This does not exhaust the subsequent citations of *Sefer ha-Terumah*; it simply shows that major authorities cite this ruling without questioning *Sefer ha-Terumah*’s invocation of a woman attending shul for the evening prayer.

¹¹⁸ As we noted in our discussion of *Birkat Kohanim* above, it is unclear whether the lack of comment reflects a similar historical reality where women regularly attended shul, or if subsequent authorities simply were not focused on that aspect of *Sefer ha-Terumah*.

¹¹⁹ We limited our analysis to classical halakhic sources. Casting a wider net, consider the Frankfurt-am-Main gravestone inscriptions preserved in Mordekhai ha-Levi Horowitz’s *Avnei Zikaron* (Frankfurt, 1901). There are numerous entries that talk about women’s daily synagogue attendance, presumably reflecting a reality, at least at certain points in the 18th century, where women regularly attended daily *minyan*. This was not a universal phenomenon, for there are entries about women who were scrupulous about daily prayer but seem to have prayed at home.

women did not attend shul on a regular basis, that is by no means true in all historical contexts.

One might be tempted to argue that the differing communal practices reflect divergent views about the relevance of *tefillah be-zibbur* for women, either as an obligation or meritorious practice. However, this is a tenuous argument as it assumes that popular practices necessarily reflect reasoned halakhic positions. While this is certainly sometimes the case, especially when the practice unfolds with rabbinic approval, there are still additional historical and social factors that influence popular practice.¹²⁰ Additionally, even if one wants to adopt the position that the various communal practices reflect halakhic positions, we have shown a range of historical practices regarding women and *tefillah be-zibbur*. Ultimately, from the perspective of historical evidence, it is difficult to identify a dominant trend across time and place that would serve as the determining factor in our halakhic discussion.¹²¹

Approaches Highlighting the Relevance of *Tefillah Be-Zibbur* for Women

After reviewing the historical evidence, we have shown that it gives us conflicting indications regarding women's daily shul attendance. What is clear, however, is that there were certainly communities where women did attend synagogue on a daily basis. This counters any claims that such a practice never occurred.

Therefore, we stand by our contention that according to basic *halakha*, women stand to benefit from *tefillah be-zibbur* in the same manner as men and have the same obligation, or lack thereof, to avail themselves of this benefit. To further substantiate this position, we will briefly examine the positions of several *poskim* who have articulated similar approaches.

¹²⁰ In a purely halakhic discussion these factors might not play as much of a role. Given our foray into historical analysis here, they seem more relevant.

¹²¹ One issue that we have not addressed is the historical development of women's shuls and sections. See the references in Daniel Sperber, *Minhagei Yisrael*, vol. 7, pp. 68–81 (specific section written by his son, David Sperber). This seems to have been something which shifted between the medieval and early modern periods. Even if one were to claim that the lack of *ezrat nashim* reflects women's exemption from *tefillah be-zibbur*, which is by no means a clear-cut historical claim, the move over time to construct more, and larger, women's sections would presumably reflect the increasing relevance of *tefillah be-zibbur* for women.

We will first explore the position of R. Yair Hayyim Bakhrakh. In *Mekor Hayyim*, his commentary on *Shulhan Arukh*, he mentions the following regarding the *Mehaber's* ruling¹²² that women and slaves are obligated in prayer:

...ומימי תמהתי על שלא נהגו בתולדות דידן לילך לבה"כ להתפלל לא הם ולא מקצתן. ואפשר מפני שהם נדות וכמ"ש בהגה סימן פ"ח, והמשרתת רשות אחר עליהם, ובתשובה הארכת.¹²³

Here, we see a clear statement that, at the very least, unmarried women should be availing themselves of *tefillah be-zibbur*. It seems that in R. Bakhrakh's experience, young women did not come to shul and this is possibly due to their status as *niddot*.¹²⁴ Interestingly, R. Bakhrakh also holds that *tefillah be-zibbur* is a voluntary practice.¹²⁵ One wonders whether or not R. Bakhrakh thought these unmarried women should be coming to shul precisely because *tefillah be-zibbur* is a meritorious practice and relates primarily to the acceptance of prayer or *kiddush ha-Shem*, as opposed to *z'iruf la-asarah*.

Among *poskim* who hold that there is an obligation of *tefillah be-zibbur*, there are those who include women in the *biyyuv*. In his work *Orah Ne'eman*,¹²⁶ R. Menahem Natan Nata Auerbach brings the Gemara in So-tah 22a that we discussed above and says

והנה מהמעשה דאלמנה הנז' משמע דגם בנשים שייך החיוב לילך לבה"כ, ואף דימי נדות יש סוברים דאסורה להתפלל וכ"ש לילך לבה"כ כמ"ש הרמ"א סי' פ"ח ע"ש.

R. Auerbach's reading of the Gemara is debatable given that the *almanah* may simply have been engaging in a voluntary practice. That Gemara does not serve as an obvious proof that women are obligated in *tefillah be-*

¹²² O. H. 106:2.

¹²³ We have been unable to find this discussion in R. Bakhrakh's responsa.

¹²⁴ And if the women were servants, they would not have the time, or permission, to leave to attend shul. R. Bakhrakh references Rema (O. H. 88) where Rema discusses the practice that some women have not to attend *shul* while *niddot*. However, R. Bakhrakh's reference is prefaced with "*efshar*," perhaps implying that he does not think this rationale truly resolves his problem.

¹²⁵ שו"ת חוות יאיר סימן קטו
...מ"מ הרי גם להתפלל בעשרה אינו מצוה כולי האי ובמהרי"ל הלכות עירובין גבי אין מערבין רק לדבר מצוה דלהתפלל בעשרה קיל מליך למשתה נישואין וחלילה לנו למעט במ"ע של ונקדשתי בתוך ב"י שהוא קדיש וברכו בעשרה ובשכר אמנה ועניית איש"ר =אמן יהא שמיה רבא = עם כל זה אינו מ"ע דרמיה עליה גם לא נתבטל אם יעמוד חוצה.

¹²⁶ O. H. 90:36.

zibbur. However, he goes on to cite an additional *aggadeta* that does provide more substantial support for his position.

We will quote it here in order to fully appreciate R. Auerbach's analysis.

ילקוט שמעוני תורה פרשת עקב רמז תתע"א¹²⁷
 אמר ר' (חמא) [אחא] בר חנינא מאי קראה אשרי אדם שומע לי לשקוד על דלתותי
 יום יום [וכתיב בתריה כי מוצאי מצא חיים], מעשה באשה אחת שהזקינה הרבה
 ובאת לפני רבי יוסי בן חלפתא אמרה ליה רבי הזקנתי יותר מדאי ומעכשיו חיים
 של נוול הם שאיני טועמת לא מאכל ולא משקה ואני מבקשת להפטר מן העולם,
 א"ל מה מצוה את למודה לעשות בכל יום, א"ל למודה אני אפילו יש לי דבר חביב
 אני מנחת אותו ומשכמת לבית הכנסת בכל יום, א"ל מנעי עצמך מבית הכנסת
 שלשה ימים זה אחר זה, הלכה ועשתה כן וביום השלישי חלתה ומתה, לכך אמר
 שלמה אשרי אדם שומע לי וגו'

According to R. Auerbach, since the elderly woman is obligated in *tefillah be-zibbur*, she received great reward for fulfilling that *hiyyuv* and dire punishment for neglecting it. R. Auerbach's son, R. Yizhak, published his father's work and added notes. R. Yizhak explains¹²⁸ that a careful reading of the *midrash* further supports his father's analysis since R. Yossi asks the woman what *mitzva* she performs on a daily basis and she responds with *tefillah be-zibbur*. The *midrash*'s use of "*mitzva*" to describe *tefillah be-zibbur*, and R. Yossi's acceptance of this woman's characterization of *tefillah be-zibbur* as obligatory for herself, suggests that this *midrash* does, in fact, hold that women are obligated in *tefillah be-zibbur*. It is important to note that R. Menahem Auerbach quotes sources that are talking about *al-manot*, yet he still generalizes the *hiyyuv* of *tefillah be-zibbur*¹²⁹ to all women.

The opinion of R. Barukh Lifschitz¹³⁰ is the final position that we will analyze in this section. In the context of a dispute regarding the construction of a new *ezrat nashim*, R. Lifschitz first entertains the possibility that the reason community members may compel one another to pay for a new *beit kenesset* is to facilitate the recitation of *devarim she-be-kedushah*. If this is the case, one could not compel community members to pay for an *ezrat nashim* since women cannot help facilitate *devarim she-be-kedushah*.¹³¹

¹²⁷ See, also, *Yalkut Shimoni Mishlei* no. 943.

¹²⁸ Fn. 31 to *Orah Ne'eman* O. H. 90:36.

¹²⁹ To clarify, R. Auerbach talks about women praying in the *beit kenesset*; he does not use the phrase *tefillah be-zibbur*. We assume that he means women should be attending shul so that they can benefit from the *minyan*'s presence even if they do not contribute to constituting the *minyan*. Unlike the opinion of R. Barukh Lifschitz that we will examine presently, R. Auerbach gives us no indication that he means something different.

¹³⁰ Responsa *Beit Ya'akov* 1:8.

¹³¹ וא"כ ה"ה בהכ"נ דנשים אע"ג דחייבים בתפלה דרחמי ניהו מ"מ ליכא חיובא עלייהו להתפלל בציבור ולומר דבר שבקדושה ע"כ אין כופין כלל לבנות בהכ"נ דנשים.

However, he goes on to demonstrate that the true reason to compel payment is out of a concern that prayer will cease to happen in that community. He applies this reasoning to the case of the *ezrat nashim* and says the following:

וא"כ נשים דחייבות בתפלה דרחמי ניהו ג"כ מצוה שיתפללו בבהכ"נ והוי בכלל בני העיר דכופין זא"ז לבנות בהכ"נ, גם בהכ"נ דנשים בכלל זה דחיישין לביטול תפלה ולשכחה ולפשיעה כמו באנשים וכן נהגו מימות עולם לבנות בהכ"נ דנשים אצל בהכ"נ דאנשים.

According to R. Lifschitz, since women are obligated in prayer, they also have an obligation to pray in the *beit kenesset*. While they may not constitute the *minyan* for prayer, he seems to assume that women benefit from praying in the place where the *zibbur* prays. What is unclear is whether or not R. Lifschitz thinks women are only obligated to pray in the *shul*, even absent the presence of a *minyan*, or whether he specifically means prayer in the *minyan*'s presence. From the context of the discussion about constructing the *ezrat nashim*, where concerns were raised about men looking at the women and hearing their voices, it seems that R. Lifschitz might intend the second interpretation. Furthermore, in the continuation of the responsum, he goes on to argue that in the *aggadot* that we discussed above regarding women attending *shul*, there were set places for these women to pray and at least in the Gemara in *Sotah*, there may have been a *minyan* present.¹³² He brings this as further proof to his position, suggesting that he thinks women should be praying in the *beit kenesset* with a *minyan* present.¹³³

Conclusion

The *poskim* in the preceding section bolster our contention regarding women and *tefillah be-zibbur*, demonstrating that our argument is not truly novel, but instead grounded in careful analysis and precedent. Moving beyond the technical legal realm, we would now like to note several ways that our halakhic argument could practically manifest in our communities.

¹³² See, above, fn. 23.

¹³³ However, we should note that immediately before presenting his argument, quoted above, about women being obligated to attend *shul*, R. Lifschitz does cite the position of the *Geonim*, found in *Talmidei Rabbenu Yonah*, that one should pray in a *beit kenesset* even absent the presence of a *minyan*. This may also be how subsequent *aharonim* understood R. Lifschitz—see Responsa *Even ha-Roshah* no. 9, Responsa *Lev Aryeh* 1:22 and *Koveẓ Teshuvot* 3:48.

We believe in utilizing education as a tool to change the reality, rather than offering *post facto* justifications.

Firstly, young people should learn that *tefillah be-zibbur* holds the same importance for men and women. This would be accomplished in several ways. When schools teach Gemara and Halakhah, students should study the *sugya* of *tefillah be-zibbur* and should learn how it applies equally to men and women. This would be especially relevant for schools that teach *Masekhet Berakhot*.¹³⁴ Students should see all their Judaic Studies teachers, both male and female, attending the daily school *minyanim* and if there are school-adjacent *minyanim*, after various school events or on weekends, then female students and faculty should be encouraged to attend.

However, it is insufficient for young people to learn the *sugya* and learn from their role models in school. They must also receive similar messaging at home and in shul. Given the reality in many communities that women do not attend *minyan* on a consistent basis, additional measures are needed to change the status quo. Shuls should ensure that each *minyan* has an unlocked, spacious and inviting women's section. Additionally, no men should ever sit in the women's section. When *minyanim* are held at *seminot* or other such events, there should be a clear, respectable space for women to pray. Shul *minyan* schedules, especially on Shabbat and Yom Tov, should be structured to allow all members of a family to attend *minyan* and still take care of home responsibilities. Children's groups should run long enough to allow both parents to attend *minyan*. Finally, *rabbanim* should speak from the pulpit about the importance of both men and women attending *minyanim*.

A possible response to these suggestions would be that they miss a fundamentally important point—caring for one's children is a core halakhic value that cannot be neglected at the expense of attending a *minyan*. Many women who have children may find it exceedingly difficult to carve out the time to *daven* at home, let alone go to shul. Advocating that both women and men attend *minyanim* has the potential to cause undue stress and hardship for families.

While this response contains some merit, it ultimately comes up short for several reasons. Firstly, it does not apply to the many women who do

¹³⁴ This should be true of all schools, whether single-gender or co-ed, so that all members of the community receive this important messaging. Even if a school does not teach *Masekhet Berakhot* as part of its formal curriculum, it can still teach this topic as part of a *halakhah* class.

not care for young children: teens, single adult women, women with older children and women who have not yet been blessed with children.¹³⁵

Furthermore, and more importantly, although one might assume that child-rearing is primarily a woman's domain, that is not always true. Increasingly, both women and men are involved in raising their children and, as such, would both be faced with the conflict between going to shul and staying at home.¹³⁶ Therefore, couples should work together to allow both spouses to attend shul in a way that works for their family.¹³⁷ Of course, shuls should ensure that couples rotating still allows for there to be a *minyan* of men during each specific *davening* time.

One might still insist that a woman's primary role is in the private sphere. She is primarily charged with matters of the home, not the public arena. Even if this is not always the reality in our current moment, this is the Torah's ideal. Therefore, we should not be encouraging women to attend shul more frequently, either as an obligatory or voluntary practice, since that necessitates public appearances that contradict the Torah's ethos. After all, Rambam seems to advocate for women remaining inside unless necessity compels them to leave.¹³⁸

¹³⁵ We assume that this conflict between going to shul and taking care of children is far more acute when talking about younger children who require more care and attention.

¹³⁶ See Yosef Bronstein, "Bittul Torah or a Taste of the World to Come? Fathers and Young Children," The Lehrhaus, June 21, 2020 <https://thelehrhaus.com/scholarship/bittul-torah-or-a-taste-of-the-world-to-come-fathers-and-young-children/#_ednref36>.

¹³⁷ Regarding spouses rotating who will attend a given *minyan*, R. Yonatan Rosensweig (Responsa *Yishrei Lev* vol. 1, no. 11) suggests that if the husband regularly davens *ke-vatikin*, even *be-yehidut*, he may allow his wife to attend a later *minyan* even though he will pray alone. He notes that if a woman regularly attended *minyanim* and now cannot due to having children, it is considered to be of great spiritual benefit to allow her to attend shul and as such, could warrant the husband occasionally staying home. He limits this to *Shaharit* and *Minhah*, while excluding *Ma'ariv*, *Mussaf*, and *Keriat ha-Torah*. These exclusions are debatable and require further analysis, though not at this time. For a discussion about forgoing opportunities to perform *mizvot* to allow others to perform them instead, see R. Asher Weiss, "HaIm Zarikh Adam Levater al Hiddur Kedai le-Zakot Haveru be-Kiyum Mizvab" <<https://tinyurl.com/4ryxc55x>>. See, also, *Torat Moshe* (Sofer) *Va-yikra* 19:18 and Responsa *Iggerot Moshe* E. H. 4:26:4.

¹³⁸ רמב"ם אישות י"ג:א
מקומות שדרכן שלא תצא אשה בשוק בכופה שעל ראשה בלבד, עד שיהיה עליה רדיד החופה את כל גופה כמו טלית, נותן לה בכלל הכסות רדיד הפחות בכל הרדידים. ואם היה עשיר, נותן לפי עשרו, כדי שתצא בו לבית האבל או לבית המשתה. לפי שכל אשה יש לה לצאת ולילך

Our response is that to the extent this characterization from the sources was at one point true, it may no longer be the case. Whether as an expression of shifting gender roles in the march towards the messianic era, or by virtue of the development of humanity over time to achieve the Torah's overarching ideals, many women, certainly in Modern Orthodox communities, play more of a public role than they did in the past.¹³⁹ Read carefully, Rambam's exhortation is actually quite limited and would certainly not apply to women going to shul.¹⁴⁰ In a generation that has seen a renewed focus on maximizing halakhically legitimate avenues of *avodat Hashem* for women,¹⁴¹ we should embrace the opportunity to encourage more women to regularly pray *be-zibbur*.

Beyond the question of how these particular suggestions might practically look in our communities, there is a broader potential quandary to address. Throughout this article, we have argued that men and women have identical *hiyyuvim* in *tefillah be-zibbur*, or more likely, both stand to benefit equally from it as a voluntary practice. Yet we must recognize that this halakhic reality means women are being encouraged to come to shul for communal *tefillah* when they cannot help constitute the *minyan* nor actively participate in the service. For some women, this might reinforce a sense of being an observer or outsider, while for others it might engender resentment towards *tefillah* and *halakbah*. This might account for the smaller number of women that attend *minyan* in many communities. If this is indeed the case, one might argue that women should pray at home in order to preserve and enhance their personal relationship with *tefillah*.

Our goal is certainly not to increase a woman's feeling of alienation; we want more men and women to build rich relationships with G-d

לבית אביה לבקרו, ולבית האבל, ולבית המשתה, לגמול חסד לרעיותיה ולקרובותיה, כדי שיבואו הם לה, שאינה בבית הסוהר עד שלא תצא ולא תבוא:

אבל גנאי הוא לאשה שתהיה יוצאה תמיד, פעם בחוץ פעם ברחובות, ויש לבעל למנוע אשתו מזה, ולא יניחה לצאת אלא כמו פעם אחת בחודש או פעמיים בחודש כפי הצורך, שאין יופי לאשה אלא לישב בזוית ביתה, שכך כתוב "כל כבודה בת מלך פנימה" (תהלים מ"ה:ד):

¹³⁹ This borrows from the related, but slightly different context of R. Yosef Bronstein's article, cited above in fn. 136. R. Bronstein cites both these approaches, among others, to address the discrepancy between fathers' current roles and those described in the Talmud.

¹⁴⁰ See Responsa *Benei Banim* 1:40, *Ma'amarim* no. 6.

¹⁴¹ See R. Aharon Lichtenstein, "Women, Talmud Study, and *Avodat Hashem*," *The Lehrhaus*, Oct. 30th, 2017-<https://thelehrhaus.com/commentary/women-talmud-study-and-avodat-hashem/> and Rabbanit Tonya Mittleman, "Women in the Torah World in the Thought of Rabbi Lichtenstein," *Tradition*, Summer 2020, Issue 52:3, pp. 67–80.

through prayer. We believe that *tefillah be-zibbur* has the inherent potential to facilitate that, regardless of whether or not one is participating in the service or constituting the *minyan*. Furthermore, there are other spiritual and social benefits to women praying *be-zibbur* that should not be ignored.¹⁴² Currently, we do not possess a legitimate halakhic mechanism for including women in creating a *minyan* or for allowing their active participation in the formal service. Our communities must be sensitive to the range of women's experiences in communal *tefillah* while working within the confines of the halakhic system.

We are not so naive to think that simply writing an article will bring about widespread social and halakhic change. There are numerous and complex reasons why *tefillah be-zibbur* does not play a major role in the religious lives of many women. And, at the same time, we feel that until the halakhic record is made clear, such change will never occur. If *poskim* and laypeople alike reflexively assume that women are exempt from *tefillah be-zibbur* and excluded from its benefits, that will always serve as a barrier to women attending shul. We hope that this article will invite learned responses and discussion in order to raise the profile of this halakhic issue within our communities. 

¹⁴² For an enumeration of these benefits, together with overall thoughts about women's experiences in shul, see Dr. Erica Brown, "Where Are All the Women?" Tradition Online, December 12, 2021
< <https://traditiononline.org/where-are-all-the-women/> >.