

Women and *Tefillin*

Originally Published on Morethodoxy (2014)¹

Rabbi Dr. Zev Farber

According to the Mishna (*Berakhot* 3:3), women are exempt from wearing *tefillin*.²

נשים ועבדים וקטנים פטורין מקריאת נשים, עבדים וקטנים פטורין מקריאת
שמע ומן התפילין וחייבין בתפלה the *Shema* or wearing *tefillin*, but they are obligated in
prayer, mezuzah and reciting the grace after meals.
ובמזוזה ובברכת המזון:

Why are women exempt from wearing *tefillin*? Rashi (ad loc.) suggests that it is because *tefillin* are a positive commandment tied to a particular time (a category of mitzvot that women are generally exempt from performing), since tefillin are not worn at nights or on Shabbat and holidays. Rashi's position can be supported by the discussion in the Babylonian Talmud (*Eruvin* 96a), which assumes that this is the reason for the exemption.

The Jerusalem Talmud (*Berakhot* 2:3), however, offers a different reason.

נשים מניין [דברים יא ט] ולמדתם From where do we know that women [are exempt]?
‘Teach them to your sons’ (Deut. 11:19) – not your
אותם את בניכם ולא את בנותיכם את

¹ Morethodoxy shut down, so I am posting my previously published articles as PDFs here. They have not been revised.

² This article is a follow up on my “Elisha’s Wings, Unclean Bodies, and Tefillin,” *Morethodoxy* (2014).

שהוא חייב בת"ת חייב בתפילין נשים daughters. Whoever is obligated in learning Torah is obligated in *tefillin*; women who are exempt from learning Torah are exempt from wearing *tefillin*.

According to this source, women are exempt from wearing tefillin because they are exempt from studying Torah. The *Mekhilta of R. Ishmael (Pasha 17)* offers the same reason.³

למען תהיה תורת ה' בפיך למה 'So that the Torah of the Lord be in your mouth' (Exod. 13:9). Why was this said? Because it says (ibid): "This should be a sign [upon your arm]." I would have assumed that women are included, and this would make sense since *mezuzah* is a positive commandment and *tefillin* is a positive commandment, if we assume that women part of the mitzvah of *mezuzah* shouldn't we assume that women are also part of the mitzvah of *tefillin*? Thus the verse comes to teach us, 'so that the Torah of the Lord be in your mouth,' I am only referring to someone who is obligated in learning Torah. From here they said: "All are obligated in *tefillin* except for women and slaves."

³ In his excellent article on women and tefillin, "[Gender and Tefillin: Possibilities and Consequences](#)," Rabbi Ethan Tucker explores the full implications of this *Mekhilta* text.

Rambam codifies this reason in his *Sefer Ha-Mitzvot* (Positive Commandments, 13), referencing the *Mekhilta*.⁴

May a woman wear *tefillin* voluntarily? The Babylonian Talmud (*Eruvin* 96a) records a story about this.

מיכל בת כושי היתה מנחת תפילין Michal daughter of Kushi used to wear *tefillin* and the
ולא מיחו בה חכמים. ואשתו של יונה Sages didn't object. Jonah's wife used to come [to
היתה עולה לרגל ולא מיחו בה Jerusalem] for the holidays and the Sages didn't object.
חכמים.

According to this source, it would seem that women may wear *tefillin* if they wish. Rashi explains that they did not object since she was only adding to the words of the Torah.

The *Mekhilta* records the same story.

מיכל בת כושי היתה מנחת תפילין, Michal daughter of Kushi would wear *tefillin*. The wife
אשתו של יונה היתה עולה לרגלים, of Jonah would come [to Jerusalem] for the festivals.
טבי עבדו של רבן גמליאל היה מניח Tabi, Rabban Gamliel's slave would wear *tefillin*.
תפילין:

Again, according to this account women may wear *tefillin* if they wish. There is an alternative version of this story, however, which appears in the Jerusalem Talmud (*Berakhot* 2:3) and included in the *Pesiqta Rabbati* (22). This passage follows on the previously quoted

⁴ הנה כבר התבאר לך קראם לתפלין שלראש ושליד שתי מצות. ושתי מצות אלו אין הנשים חייבות בהן לאמרו יתעלה (ס"פ בא) בטעם חיובם למען תהיה תורת י"י בפיד ונשים אינן חייבות בתלמוד תורה. וכן בארו במכילתא.

the lines of the Jerusalem Talmud, where it was established that women are exempt from wearing tefillin.

התיבון הרי מיכל בת כושי היתה A contradiction was offered: ‘But Michal daughter of
לובשת תפילין ואשתו של יונה היתה Kushi would wear tefillin and the wife of Jonah would
עולה לרגלים ולא מיחו בידיה חכמים [come to Jerusalem] for the holidays, and the Sages
ר' חזקיה בשם ר' אבהו אשתו של didn't stop her.’ R. Hezekiah in the name of R. Abahu:
יונה הושבה מיכל בת כושי מיחו “The Sages sent Jonah’s wife back and objected to
בידיה חכמים Michal bat Kushi.”

The first version of the story included here assumes that Michal wore tefillin without objection. The Talmud assumes that if she wore *tefillin*, she must have been obligated. (The Babylonian Talmud makes a similar assumption, suggesting that maybe she followed the opinion that *tefillin* should be worn at night and on Shabbat.) Hezekiah in the name of R. Abahu, to solve this problem, offers an alternative version of the story. The Sages did object to what she was doing.

The Tosafot (*Eruvin* 96a), having seen the source in *Pesiqta Rabbati*, wonder why the Sages would have objected. Since the Tosafot follows the position of Ri (=Rabbi Isaac of Dampierre) that women are permitted, even encouraged, to take on positive mitzvot for which they are not obligated, they cannot answer that doing that which one is exempt from

doing is bad.⁵ Thus, in order to answer the question, they turn to the position of Rabbi Yanai analyzed in part one.

ונראה לפרש דטעמא למ"ד דלא הוי רשות משום דתפילין צריכין גוף נקי *tefillin* require a *guf naqi* and women are not zealous enough to be careful about this.

The Tosafot claim that the reason women may not wear *tefillin* according to Hezekiah quoting Rabbi Abahu is because they won't be careful about the cleanliness of their bodies. Since according to the Babylonian Talmud, being careful about "*guf naqi*" means avoiding flatulence or falling asleep, the Tosafot are saying that women will not be zealous enough about this mitzvah to avoid flatulence while wearing them.

Why would the Tosafot say such a thing? Here is where modern readers, I believe, have difficulty accepting attitudes about women that reflect a pre-modern mentality that men are better or more spiritual or more serious about Torah than women. But this was a common, even normative belief in the pre-modern era. In fact, this is the very reason that some sages believed that it is forbidden and a waste of time to teach women Torah.

This attitude was articulated most clearly by Rambam *Mishneh Torah* (*Talmud Torah* 1:13):

אשה שלמדה תורה יש לה שכר אבל אינו כשכר האיש, מפני שלא *A woman who learns Torah receives a reward, but it is not like the man's reward, since she was not*

⁵ See the addendum in R. Ethan Tucker's (above referenced) article for a discussion of this point.

נצטוית, וכל העושה דבר שאינו commanded [to do so], and anyone who does
מצווה עליו לעשותו אין שכרו something [good] which he was not commanded to
כשכר המצווה שעשה אלא פחות do receives less reward than one who fulfills a
ממנו, ואף על פי שיש לה שכר צוו commanded. Even though there is reward, the Sages
חכמים שלא ילמד אדם את בתו commanded a person not to teach his daughter
תורה, מפני שרוב הנשים אין Torah, since most women's minds are not designed
דעתם מכוונת להתלמד אלא הן for learning and they will turn the words of Torah
מוציאות דברי תורה לדברי הבאי into foolishness due to their weak intellect. The
לפי עניות דעתן, אמרו חכמים כל Sages said: "Anyone who teaches his daughter Torah
המלמד את בתו תורה כאילו למדה it is as if he taught her licentiousness/nonsense." To
תפלות, במה דברים אמורים what does this statement apply, to Oral Torah, but
בתורה שבעל פה אבל תורה insofar as the Written Torah, de jure a person
שבכתב לא ילמד אותה לכתחלה should not teach her this, but if he did, it is not like
ואם למדה אינו כמלמדה תפלות. teaching her licentiousness/nonsense."

Rambam believes that women, because of their weak intellects, would make nonsense out of Torah study, specifically study of Talmud, which is very intricate. Although it is possible that the Tosafot did not hold as extreme a view as Rambam about women, nevertheless, it is hardly surprising that in the Middle Ages, some rabbis would believe that women could not be trusted to take *tefillin* seriously enough to hold in flatulence or quickly remove their *tefillin* if they felt it coming on.

That women would not be clean and careful like men is expressed clearly in a number of other sources. For example, in the *Kol Bo* 21 (the source upon which Rama's opinion in the

Shulḥan Arukh is based), Rabbi Meir of Rothenberg is quoted as being against women wearing tefillin (he may have been the first to codify this position as halakha):

כתב הר"ם נשים פטורות מתפילין Rabbi Meir [of Rothenberg] wrote: “Women are
מפני שהוא מצות עשה שהזמן גרמה exempt from *tefillin* because they are a positive
שהרי אין מניחין אותן בשבת ויום טוב commandment tied to a specific time, for we do not
ואם רצו להניח אין שומעין להן מפני wear them on Shabbat and festivals. If women wish to
שאינן יודעות לשמור עצמן wear them we don’t listen to them, because they do not
בנקיות ע"כ, know how to keep themselves clean.”

Although R. Meir may mean the same thing as Tosafot, that she will not be careful about flatulence, it is possible that he has even more in mind than this. He may be envisioning women menstruating; before the advent of feminine projects, it would have been quite difficult for women to keep clean during their cycles.

An even clearer expression of how women will not be careful can be found in Ritva’s commentary to *Qiddushin* 31a. In that text, he is discussing the question of whether women should make a blessing on mitzvot they do but in which they are not obligated. As part of this discussion, he suggests that perhaps the reason the Sages objected (according to the source in the Jerusalem Talmud and *Pesiqta Rabbati*),

משום דתפילין צריכין גוף נקי ...because *tefillin* require a *guf naqi* like Elisha with the
כאלישע בעל כנפים ונשים אינם נקיות wings, and women are not clean, they are not clean of
לא נקיות גוף ולא נקיות דעת body and they are not clean of mind.

Ritva's uses an extreme expression in order to get across the point that women, in his view, are not capable of being clean enough or serious enough to wear tefillin.

Although Ritva's statement is extreme, the majority of the commentaries that follow the position of Rabbi Meir of Rothenberg, forbidding women to wear tefillin, repeat Tosafot's interpretation verbatim (see, for example, Taz, Magen Avraham, Mishna Berurah on the *Shulḥan Arukh Oraḥ Ḥayim* 38:3), i.e., “they are not zealous enough to be careful.”⁶

⁶ Rabbi Yehiel Epstein, in his *Arukh Ha-Shulḥan* (ad loc. 6), is an interesting exception to this rule. He creates an entirely new formulation of the halakha.

נשים ועבדים פטורים מתפילין מפני שהיא מצות עשה שהזמן גרמא דשבת ויו"ט פטור מתפילין ואם רוצין להחמיר על עצמן מוחין בידן ולא דמי לסוכה ולולב שפטורות ועב"ז מברכות עליהן דכיון דתפילין צריך זהירות יתירה מגוף נקי כדאמרינן בשבת [מ"ט]. תפילין צריכין גוף נקי כאלישע בעל כנפים ובירושלמי ברכות שם אמרו תמן אמרין כל שאינו כאלישע בעל כנפים אל יניח תפילין אד אנשים שמחויבים בהכרח שיזהרו בהם בשעת ק"ש ותפלה ולכן אין מניחין כל היום כמ"ש בס"י הקודם וא"כ נשים שפטורות למה יכניסו עצמן בחשש גדול כזה ואצלן בשעת ק"ש ותפלה כלאנשים כל היום לפיכך אין מניחין אותן להניח תפילין ואף על גב דתניא בעירובין [צ"ו]. דמיכל בת שאול היתה מנחת תפילין	Women and slaves are exempt from <i>tefillin</i> because they are a positive time-bound commandment, since we are exempt from <i>tefillin</i> on Shabbat and festivals. If they wish to be strict upon themselves and wear them we stop them. This is not similar to sukkah and lulav where they are exempt but even so they may say a blessing since <i>tefillin</i> requires extra caution with a cleanliness, as we said in Shabbat, “ <i>Tefillin</i> require a <i>guf naqi</i> like Elisha with the wings.” In the Jerusalem Talmud, <i>Berakhot</i> , it says: “They say over there that anyone who is not like Elisha with the wings should not wear <i>tefillin</i> .” However, men are obligated so they will necessarily be careful with them during <i>Shema</i> and prayer, but for this reason they don't wear them all day, as I stated in the previous paragraph. Thus, women, who are exempt, why should they put themselves into a situation with such grave concerns. For them, [wearing <i>tefillin</i>] during <i>Shema</i> and prayer is like men wearing them all day. Even though it says in <i>Eruvin</i> that Michal
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Conclusion

In modern times, our attitude towards the intelligence and religiosity of women has changed dramatically. No longer do we claim that women are either not smart enough or not serious enough to learn Talmud. Instead, women's Talmud programs are flourishing in our times. To my mind, the same must be said about women wearing *tefillin*. Although in the past it may have been believable to claim that women should not be trusted with *tefillin*

ולא מיחו בה חכמים אין למידין מזה daughter of Saul wore *tefillin* and the Sages did not object, we
דמסתמא ידעו שהיא צדקת גמורה וידעה cannot learn from that since they probably know that she was a
להזהר וכן עבדים כה"ג [עמג"א סק"ג וב"י totally righteous woman and that she knew about to be careful.
ולפמ"ש א"ש]: All this applies to slaves as well.

With the greatest respect for Rabbi Epstein, his reading of the Talmudic passages seems to me to be impossible. If we interpret the Elisha passage to mean immaculately clean and superhumanly careful, then, as the Geonim said, we don't follow that position. For this reason, most Rishonim follow the plain meaning of the Talmud's interpretation, that it means that it is forbidden to be flatulent while wearing tefillin and, therefore, unless one is like Elisha, one should not wear them all day. However, it was virtually unanimous that wearing tefillin only for prayer poses no problem for anyone because it is easy to be careful during that short space of time. The reason this doesn't apply to women according to those who forbid them, is because they cannot be trusted to take the rule seriously or to keep their minds on their tefillin even for a very short time. I suspect that what motivates this unusual reading is the fact that Rabbi Epstein was living in a modern world and could not imagine that Rama though women could not avoid flatulence but men could because women were less spiritual or serious about Torah than men. This, I believe, may have inspired what seems to me an apologetic reinterpretation. Nevertheless, whatever the reason for it, Rabbi Epstein's interpretation seems to contradict the simple reading of the Talmud and the Rishonim.

because they won't take the mitzvah seriously, and they may end up sinning by not avoiding flatulence while wearing them, such a claim cannot be taken seriously in our days. It is a relic of a time where attitudes towards women was very different.

As discussed in my “Elisha’s Wings, Unclean Bodies, and Tefillin” (*Morethodoxy*, 2014), the Rishonim are unanimous that any man at all, unless he is ill, can be trusted to treat *tefillin* properly if worn during prayer. In our day, this assessment applies to any woman as well. The prohibition against women wearing *tefillin* must go the way of the prohibition against women learning Torah and be consigned to history.