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WOMEN AND *MINYAN*

Over the past 15 years, a plethora of books, papers and articles have dealt with the status of women and Halakha from a variety of perspectives. One of the central issues raised is the inclusion of women in a *minyan*—the minimum quorum of ten individuals necessary for many religious rituals.¹ In this paper,² we shall review the major halakhic positions on this question in the hope of eliminating the confusion and misunderstandings which have continued to plague this issue. We trust as well that the reader will be convinced that “Women” and “*Minyan*” are not necessarily mutually exclusive terms.

A. THE NECESSITY FOR A *MINYAN*

The mishna in *Megilla*,³ which lists those rituals requiring a quorum of ten participants, reads as follows:

When less than ten are present, we do not repeat the *shema* and its attendant blessings in an abbreviated form; nor appoint a *hazzan* (to say *kaddish*, *barekhu* or repeat the *shemoneh esreh* with *kedusha*); nor do the priests bless the congregation; nor do we read the Torah in public; nor read the *haftara* from the Prophets; nor practice the funeral halts; nor pronounce the mourner's benediction, or the mourner's consolation (after burial), or the nuptial blessings; nor say *zimmun be-shem* (i.e., introduce the blessings after meals using the name of God).

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Although the necessity for a quorum of ten is common to all the rituals enumerated above, the basis for this requirement in each instance is not uniform. The Talmud (*Megilla* 23b) explains that the first few cases⁴ listed in the mishna fall under the category of *devarim she-bi-kedusha*—acts or declarations of sanctification of the Holy One. Such acts require the presence of ten in accordance with the verse, “I shall be sanctified in the midst of the children of Israel.”⁵ This verse is further linked to the term *edah* (community) which in the Scripture is applied to the ten sinful spies (Numbers 14:27); hence a community or congregation is established by ten participants. The Jerusalem Talmud,⁶ on the other hand, draws a parallel to the ten brothers of Joseph who came to Egypt in search of food.

The Talmud gives a different rationale for the requirement of ten as a prerequisite for funeral halts and *zimmun be-shem*, namely, accepted protocol.^{7,8} Some of the other cases have particular Scriptural sources. The requirement of ten for the groom's blessings, for example, is derived⁹ either from the verse, “He took ten men from the local elders,”¹⁰ or the verse, “In congregations bless God.”¹¹

In addition to the rituals mentioned in the mishna, the Sages required a *minyan* in the following three instances:

- 1) The recitation of the *Ha-Gomel* blessing¹²—based upon the verse “Let them exalt Him in the congregation of the people”;¹³
- 2) The reading of *Megillat Esther* on a day other than the fourteenth of Adar (or the fifteenth in walled cities)—in order to publicize the miracle of Purim;¹⁴ and
- 3) Public martyrdom—which the Talmud¹⁵ bases on the verse, “I shall be sanctified in the midst of the children of Israel.”¹⁶

The compilers of the various lists of the 613 commandments¹⁶ understand the application of this last verse to public martyrdom as a bona fide derivation (*derasha*). Consequently, the requirement of ten for this *mitsvah* is a biblical obligation. Most commentators¹⁷ contend, however, that the derivations cited in the other rituals—all of them blessings and prayers—are not true *derashot* but rather *asmakhtot* (mnemonic devices for rabbinic obligations).¹⁸ As noted by Rabbenu Nissim Gerondi,¹⁷ this logically follows from the fact that blessings and prayers are themselves only of rabbinic origin.

The question of women and *minyan* stems from the unanimous ruling that the quorum for those rituals designated as *devarim she-bi-kedusha*⁴ must consist of ten male adult freemen—to the exclusion of women, children and slaves.^{19, 20} Several different reasons have been offered for this ruling. One suggestion is that since the Talmud Bavli¹⁷ derives the number ten from the number of sinful spies reporting to

Moses,⁵ the individuals constituting a *minyan* for a *davar she-bi-kedusha* must be of the same status as the spies—male adult freemen.²⁰ A similar conclusion can be drawn regarding the Talmud Yerushalmi's derivation⁶ from the brothers of Joseph, who were all male.²¹ Others have pointed out that the source text for *devarim she-bi-kedusha* uses the words "*benei Yisrael*,"²² which is loosely taken to mean "children of Israel" but is more literally translated as "sons of Israel." Hence it is not surprising that this verse is understood halakhically to require males.²²

These *derashot*, however, relate exclusively to those rituals⁴ which have been considered *devarim she-bi-kedusha*. It is still necessary to determine whether or not women may constitute the *minyan* quorum for those cases cited in the mishna³ but not so categorized. Furthermore, we have seen that the above-mentioned derivations, even as they relate to *devarim she-bi-kedusha*, are only *asmakhot* and the resulting laws rabbinic. It is important, therefore, to determine the logical reason for these rabbinic rules.

An examination of the many sources concerning the participation of women in a *minyan* reveals fundamentally three schools of thought. The first contends that women may participate in a *minyan* whenever their obligation is equal to that of men. The second contends that under no conditions may women constitute part of a *minyan*? The third school distinguishes between a *minyan* that is a precondition for fulfilling an obligation, from which women are excluded, and one that is necessary for publicizing a miracle or the fulfillment of a ritual obligation in which women may participate.

B. THE FIRST SCHOOL

The first school of scholars defines *minyan* as ten individuals of equal maximal obligation. Accordingly, women cannot constitute a *minyan*, whether together with men or wholly on their own, for those rituals in which they are either not obligated or lack the maximal obligation of men. On the other hand, they may indeed participate in a *minyan* for the performance of those *mitsvot*, whether of biblical or rabbinic authority, where they share an equal obligation with men. In the words of Meiri:²³ "In matters that require ten, there are those who claim that since the obligation of women is equal to that of men, they may constitute the quorum." Many *rishonim*²⁴ and *aharonim*²⁵ share this view and for the sake of clarity and convenience, I shall list them by topic.

1. *Public prayer*. Although women are obligated to pray, they are not obligated to participate in *public prayer*.^{26–29} By the reasoning

presented above, they are accordingly ineligible to constitute a *minyan* for any obligation that is part of the public prayer service, such as *kaddish*, *kedusha*, *barekhu*, the repetition of the *shemoneh esreh* and the priests' blessing.²⁹ Thus, R. Reuven Margaliot writes:²⁹ "Public martyrdom (in whose quorum women may be counted³⁰) is not comparable to public prayer; a woman may not participate in the *minyan* for public prayer because she is not obligated in the latter."

The status of women according to this explanation is similar to that of an *onen* (the mourner in the hours between death and burial), who does not participate in the constitution of a *minyan* because he is exempt from all positive obligations, including public prayer.³¹ Interestingly, there is a discussion among the *aharonim* whether an *onen* may recite *kaddish*; those who permit it also allow his inclusion in the *minyan* for the recital of the *kaddish*.³² This further demonstrates the interrelationship between obligation and *minyan* eligibility.

2. *Reading of the Torah*. The *rishonim* and *aharonim* disagree as to whether the public reading of the Torah has the status of a *davar she-bi-kedusha*.⁴ In any event, the majority opinion is that women are exempt from this obligation.³³ The noted *posek* and author of *Pri Megadim*, R. Joseph Teomim,³⁴ utilizes this fact to explain why women do not constitute a *minyan* for this purpose: "Women are not obligated in the reading of the Torah, so how could they constitute (the quorum)?" A similar statement is found in *Responsa Orach la-Tsaddik*.³³ In reaction to a colleague's suggestion, the author queries: "Who told you that [a woman] can be included in a *minyan* for the reading of the Torah in the same way that she can be for the reading of the *megilla*? The cases are not comparable, for women are obligated in the reading of the *megilla*, but not in the reading of the Torah." Again we find *minyan* and obligation linked.

3. *Parashat Zakhor*. *Parashat Zakhor* (Deuteronomy 25:17–19) is read from the Torah with a *minyan* on the Shabbat before Purim.³⁵ There is a well-known dispute among halakhic authorities on whether women are included in this obligation,³⁶ though the majority opinion seems to be that they are not.³⁷ Interestingly, several authorities³⁸ support the exemption of women from this *mitsvah* based on an incident recorded in *Berakhot* 47b where the noted Tanna R. Eliezer freed his non-Jewish slave so that he could be included in a *minyan*. R. Asher b. Yehiel (Rosh) *ad locum* suggests the possibility (which he quickly rejects) that the slave was freed for the purpose of reading *Parashat Zakhor*. These scholars,³⁸ in the spirit of the "first school," argue that were women and likewise slaves³⁹ obligated to hear the *zakhor* reading, the slave could have joined the *minyan* without being freed.

On the other hand, the *Hatam Sofer*,³⁶ like his mentor R. Natan Adler, maintains that women are indeed obligated to hear *Parashat Zakhor*. Nonetheless, he too acknowledges the interdependence between obligation and *minyan*. In his extensive discussion of the case of R. Eliezer, he notes that according to the conclusion of the Rosh the slave was freed for the purpose of a regular public Torah reading in which women and slaves are not obligated and therefore do not constitute a *minyan* for this purpose. For *Parashat Zakhor*, however, women can be counted for the quorum since they are obligated like men. Clearly, the *Hatam Sofer* too views eligibility for constituting a *minyan* as a natural corollary of obligation.⁴⁰⁻⁴³

4. *Megilla*. There is a controversy as to whether women's obligation to read *Megillat Esther* is equivalent to that of men. *Halakhot Gedolot* maintains that it is not; a woman's obligation is to hear the *megilla*, not to read it. Therefore, she cannot read the *megilla* for a man, who has a greater obligation. Rema (*Orah Hayyim* 689:2) follows this opinion. *Tur* and *Beit Yosef* (*ad locum*), on the other hand, cite other authorities who maintain that there is no distinction between the obligation of men and women and, therefore, women may discharge the obligation for men.

The presence of a *minyan* is preferred, though not absolutely required, whenever the *megilla* is read, provided it is done so on its designated date, i.e., the fourteenth of Adar generally and the fifteenth of Adar for walled cities. However, it is a necessary condition for reading the *megilla* with its attendant blessings at other times.⁴⁴ In addition, the concluding benediction "*ha-rav et riveinu*" requires a *minyan* at all times.^{14b} Rabbenu Nissim (Ran)⁴⁵ writes: "There is an opinion that although [women] may discharge the obligation [for men], they may not constitute the *minyan* of ten. . . . I, however, [disagree, for] . . . how could it be that they can discharge the obligation of men but not join them in the constitution of the *minyan*? They definitely can constitute the quorum." Similarly, Meiri⁴⁶ states: "For the reading of the *megilla*, [women] can constitute the quorum and discharge the obligation of the community, since their obligation in this matter is equal." This opinion is also quoted in *Sefer ha-Mikhtam*⁴⁵ as the position of "several authorities" and cited by later codifiers as well.⁴⁶ Interestingly, several *rishonim*⁴⁷ recommend against counting women in a *minyan* for *megilla* because of "immodesty," implying that they are technically eligible since they are obligated. We will have more to say about this shortly (section B.7).

It should be emphasized that all of these opinions agree that women can constitute a *minyan*, and not because the eligibility

requirements regarding *megilla* are less rigorous than elsewhere (which is indeed the conclusion reached by the third school discussed below). On the contrary, they are eligible because their obligation is equal to that of men for this purpose. This is in contradistinction to other cases where they are ineligible for the *minyan* because their obligation is inferior to that of men or because they are exempt altogether.

5. *Zimmun be-Shem*. Three or more men who eat a meal including bread are obligated to recite the blessing after the meal (*birkat ha-mazon*) together, prefacing this recitation with the *zimmun* introduction. In the presence of ten men there is an additional obligation of *zimmun be-shem*, namely to invoke the name of God by adding "*Elokeinu*" to the *zimmun* text. It is clear from the Talmud (*Berakhot* 45b) that three women who eat together may also constitute a *zimmun* quorum, although *Tosafot* and Rosh (*ad locum*) disagree as to whether a women's *zimmun* is optional or obligatory.⁴⁸ The consensus⁴⁹ follows *Tosafot*, that a women's *zimmun* is optional, although the Vilna Gaon⁴⁹ nevertheless favors Rosh's stance that women too are obligated in *zimmun*. The Talmud does not, however, discuss the status of ten women who eat together. Maimonides seems to be the first to raise the question and rules that women may not in fact perform *zimmun be-shem*.⁵⁰ Despite some dissenting opinions among the *rishonim* (*vide infra*), the view of the Rambam is unanimously cited by all the later codifiers.

Maimonides gives no clear source for his ruling. Some argue that invoking God's name transforms the *zimmun* into a *davar she-bi-kedusha* from which women are excluded.⁵¹ Others have suggested that the obligation of adding God's name to the *zimmun* in the presence of a *minyan* derives from the verse "In congregations bless God," and women do not have the status of a "congregation."⁵² We have, however, argued above (and will cite further evidence in Section 6) that such derivations are merely *asmakhtot*, but not true rationales for the exclusion of women from these rabbinic rituals. A more fundamental reason given in the *Sefer ha-Me'orot*, *Sefer ha-Menuha* and *Arukh ha-Shulhan* is that women are not obligated in *zimmun* and hence cannot constitute a *minyan* for *zimmun be-shem*.⁵³ It is clear that these codifiers belong to the first school and base the ineligibility of women on their exemption from obligation.

We have noted above that despite the unanimity among *aharonim*, there are *rishonim* who disagree with the Rambam as to the status of ten women who ate together. Thus the *Meiri*, *Sefer ha-Me'orot* and *Shiltei ha-Gibborim* cite opinions allowing ten women to perform *zimmun be-shem*.⁵⁴ Interestingly, *Shiltei ha-Gibborim*

quotes this opinion in the name of Rosh, which would be in line with Rosh's view (cited above) that women are indeed obligated in *zimmun*.

It should be obvious then, that those authorities who obligate women in *zimmun*, yet rule against their doing so *be-shem*, must necessarily subscribe to one of the other schools of thought discussed below concerning women's *minyan* eligibility. This is true, for example, for the Gaon of Vilna who, as we will shortly see (section C), belongs to the second school.

6. *Martyrdom*. The Talmud (*Sanhedrin* 74a) discusses the laws of *kiddush ha-shem*, i.e., the sanctification of God's name through martyrdom. It concludes that, with the exception of murder, idolatry and forbidden sexual relations, one may under threat of death transgress in private even biblical commandments. However, in periods of religious persecution and forced conversions or when the transgression will be performed in public, one is obligated to martyr oneself rather than transgress even a minor commandment. The Talmud further clarifies that "Less than ten [Jews] is not considered to be in public . . . as is written, 'I shall be sanctified in the midst of the children of Israel.'" We have noted previously that in the case of martyrdom this derivation is *bona fide*¹⁶ (not an *asmakhta*), referring specifically to martyrdom in public.¹⁵

Women share this obligation equally with men. Numerous authorities,¹⁶ therefore, conclude that women may be included in the *minyan* for this purpose. R. Yaakov Emden, for example, writes:¹⁶

It remains to be determined whether the presence of ten women is considered to be "in public." It is clear that, even though the term "children (sons) of Israel" is used concerning this *mitsvah*, women are definitely commanded to sanctify the name of God equally with men, and hence regarding this *mitsvah* they are not excluded from the class of "men." Therefore, it is "in public" before them as well.

R. Emden, as well as many others,¹⁶ rejects the very possibility that women might be obligated in this *mitsvah* but not included in the audience necessary to give it its public quality. It is clear to them that quorum eligibility follows naturally and inexorably from obligation.¹⁷ This is despite the fact that there is no greater act of sanctification—no greater *davar she-bi-kedusha*—than martyrdom. We must perforce conclude that, in the view of the first school, the unanimous exclusion of women from the quorum of *devarim she-bi-kedusha*¹⁸,²⁰ is limited to those rituals incorporated in the public prayer service—from which women are exempted.

The situation is now rather paradoxical. After all, the necessity for a *minyan* to sanctify God's name either through *kiddush ha-shem*

(martyrdom) or via the *davar she-bi-kedusha* public prayers or rituals is derived from the same verse,²¹ "I shall be sanctified (*ve-nikdashiti*) in the midst of the children of Israel." Nonetheless, while many authorities include women in the quorum for public martyrdom, they are ineligible with regard to public prayer! In reality though, as we stated at the outset, the verse is actually referring only to martyrdom; it is borrowed for rabbinic *davar she-bi-kedusha* prayers and rituals only in a secondary sense, as an *asmakhta*. Such a mnemonic device cannot itself serve as the basis for deciding the eligibility of women. The scholars of the first school accept equality of obligation as the most appropriate criterion.

7. *Modesty Considerations*. Finally, we should perhaps include in the first school all those scholars who recommend against counting women for a *minyan* together with men for a particular *mitsvah* merely out of fear that such a practice might encourage immodesty.¹⁸ I have already cited the opinion of the *Sefer ha-Itur*⁴⁷ concerning *megilla* that "just as women can form a *zimmun*, but do not join men in constituting this quorum (because of immodesty), so too their inclusion in a *minyan* (for *megilla*) is not recommended." Similarly, R. Simcha ha-Levi Bamberger⁴⁸ writes: "Women are disqualified rabbinically from inclusion in a *minyan*, even for those *mitsvot* in which they are obligated, because association with them is improper." R. Yitshak Palache⁴⁹ cites the ruling of *Sefer Kol Bo* that "women may discharge the obligation (of *megilla*) for men. Nonetheless, it is not proper to include them in the *minyan*; for wherever ten are required, the intention is for ten men." R. Palache explains that "he is concerned lest their inclusion lead (the men) to be in seclusion (*yihud*) with them."

According to this approach, were it not for the possible violation of the rules of modesty, women could indeed be included in any *minyan* together with men, provided their obligation is equal to that of the men. One could further argue that their inclusion in a *minyan* is valid after the fact (*bediavad*), since women are technically eligible to constitute the quorum. Similarly, it is possible that ten women might be able to constitute a *minyan* on their own, since there is then no violation of the rules of modesty, as we have already seen regarding *zimmun*. We will pursue these very points further in section F.

C. THE SECOND SCHOOL,

The second school rejects categorically the inclusion of women in any *minyan* quorum whatsoever. The basis for this opinion is the

Talmud's statement (*Berakhot* 45b) regarding a *zimmun* of three women that "A hundred women are like two men." Rashi *ad locum* understands the Talmud to be exploring the possibility of an optional two-man *zimmun*. In this regard, the Talmud points out that even a hundred women are no more obligated in *zimmun* than are two men. Yet, three women can form an optional *zimmun* and perhaps the same is true for two men. Accordingly, the Talmud's statement has no implications regarding other *mitsvot* that require a quorum. Indeed, it is Rashi's interpretation which is presumably adopted by the first school.⁶¹

The *Tosafot* and other *rishonim*⁶² prefer to generalize the Talmud's statement, arguing that it means to preclude women from the *minyan* of public prayer "and everything that requires ten." Numerous *aharonim*⁶³ maintain the position of the *Tosafot* and apply it to various ceremonies. For example, the *Responsa Binyan Tsiyyon*,⁶³ explicitly rejecting the first school, excludes women from the *minyan* of *parashat zakhor*: "Even though [women] are obligated in the reading [of *parashat zakhor*] they are not eligible to complete the *minyan*. This is not dependent on obligation."

This position is also maintained by the *Responsa Torat Hesed*⁶³ regarding *parashat zakhor*; by the *Sefer ha-Roke'ah*,⁶² *Tsafenat Pa'ane'ah*⁶³ and *Minhat Hinnukh*⁶³ regarding the laws of martyrdom; and by the Gaon of Vilna⁶³ and R. Shlomo Zalman of Liady⁶³ regarding *zimmun be-shem*.

A variety of explanations have been offered as to why the sages chose not to allow women to constitute a *minyan*. *Sefer ha-Masbir*⁶³ suggests that *Hazal* simply followed the Torah's lead which refrained from counting women in any of the various censuses. R. Yosef Engel⁶³ maintains that the concept of community is dependent on inheritance and possession of the Land of Israel, for land is what ultimately binds individuals together into a community. Since women did not participate in the inheritance of the Land, they do not constitute a community. R. Gedalia Felder⁶³ suggests that in order to be part of the community, one must be totally available at any moment for service to the community. Women, however, generally have prior obligations to their husbands and families; the principle of uniformity (*lo pelug*) rules out the inclusion of unmarried women. R. Moshe Meiselman¹⁶ discusses *minyan* in light of role-playing in Jewish life. He offers the opinion that men have been delegated the more public role, necessary for the constitution of a *minyan*, whereas women have been delegated more private roles. This is the intention of the verse (*Psalms* 45:14), "All the honor of the king's daughter is within."

D. THE THIRD SCHOOL

The last school of scholars contends that it is necessary to differentiate between two types of *minyanim*. Normally, the sages required ten male adults as a prerequisite for the performance of particular rituals, generally communal in nature. However, in certain cases, the *minyan* is not intrinsic to the performance of the *mitsvah*, for the obligation is essentially the individual's. Rather the *minyan* is needed only to give "publicity" to the performance. In such a case, women are counted even if their obligation is not equivalent to that of men. (This, of course, is in sharp contrast to the first school.)

The reading of the *megilla* is apparently the first case to which this distinction was applied. Ramban,⁶⁴ contending that the purpose of the *minyan* in this case is solely to publicize the miracle of Purim, concludes that the requirements for the constitution of this *minyan* are less stringent than in other cases. Ran⁶⁴ in this regard writes:

The Ramban has written . . . that all the cases listed (in *Megilla* 23b) are obligations of the community, and are therefore not performed unless ten, or at least a majority [of the ten], are obligated therein, e.g., if they have not yet heard *horekhu* or *kaddish*. However, for *megilla*, the need for ten is only in order to publicize the miracle. Therefore, we read it in the presence of ten for the sake of a single individual even though the others have already fulfilled their obligation.

R. Aaron ha-Levi (Ra'a)⁶⁴ uses this same reasoning to allow an additional leniency, namely the inclusion of women in the *minyan*. Despite Rema's hesitancy⁶⁵ to follow Ra'a's lead, a great many prominent authorities,⁶⁶ citing the view of the third school, do indeed permit the inclusion of women in the *minyan* for the reading of the *megilla* and recitation of the blessing "*ha-rav et riveinu*" that follows it.^{14b} Similarly the *Sefer ha-Berit*⁶⁷ states that since the *minyan* recommended for circumcision is in order to publicize the *mila*, women are included. *Rav Pe'alim*^{68a} and R. Ovadia Yosef^{68b} allow the inclusion of women in the *minyan* for the special lighting of the Menorah in the synagogue, which was instituted to further publicize the miracle of Hanukkah. Women are also counted in the audience of ten necessary for the status of the public desecration of Shabbat.^{68a}

E. THE MINYAN ELIGIBILITY OF WOMEN FOR THE HA-GOMEL BLESSING

Having discussed the various approaches to the question of women and *minyan*, we can turn now to analyze an issue not explicitly

discussed by the *rishonim* or the early *aharonim*, namely the inclusion of women in the *minyan* quorum of *birkat ha-gomel* (the *Ha-Gomel* blessing). This benediction acknowledges the hand of God in natural miracles and is recited by one who has survived a life-threatening experience, be it a dangerous illness, operation, childbirth, or serious accident. Since the purpose of the *minyan* is to publicize the miracle of salvation, some codifiers maintain that the presence of a *minyan* in this case is only recommended (*le-khat'hila*);⁶⁹ Nevertheless, the consensus of *posekim* is that a *minyan* here too is obligatory and a necessary prerequisite.⁷⁰

Women too, despite the widespread impression to the contrary, are obligated by the majority of *posekim* to recite this blessing in the presence of a *minyan*.⁷¹ The question therefore arises as to whether they can constitute the *minyan* for this purpose. The second school quoted above, which never allows the inclusion of women in a *minyan*, would obviously reply in the negative in this case as well. However, according to the first school, since their obligation is equal to that of men, it follows that they should be eligible for the *minyan*. They should likewise be eligible according to the third school, since the purpose of the ten in the case of this blessing is to publicize the natural miracle of salvation.

As noted above, the *rishonim* and early *aharonim* do not explicitly discuss women's *minyan* eligibility in this regard. *Keneset ha-Gedola* (*Orah Hayyim* 219), however, states: "The need for ten is only recommended. . . . A woman who cannot recite the blessing in the presence of men may recite it without ten, but before at least one man or [several] women. If she recited it in private, she has discharged her obligation." *Keneset ha-Gedola* is of the minority opinion which maintains that a *minyan* is optional for *birkat ha-gomel*. More importantly for our purposes, he considers reciting this blessing before other women to be equivalent to reciting it before one man,⁷² suggesting that women do not constitute a *minyan* here.

Nevertheless, many contemporary authors have concluded that in this instance ten women or nine women and one man do indeed constitute a valid *minyan*.⁷³ They derive this from the fact that *Mishna Berura* and others⁷⁴ cite the ruling of *Keneset ha-Gedola*, not as "before women or one man," but as "before women and one man." While some have found such a halakhic position problematic,⁷⁵ we believe it to be in accord with either the first or third schools as explained above.

F. INCLUSION OF MEN AND WOMEN TOGETHER

Now that we have clearly established that there are a variety of instances where according to the first and third schools women may

constitute a *minyan*, the question arises as to whether they may be counted together with men or only in a separate women's *minyan*. The answer to this question depends on the various explanations of the mishna (*Berakhot* 7:2) which states: "Women, slaves and children are not counted for the purpose of the *zimmun* quorum." A minority opinion⁷⁵ maintains that this mishna only prohibits the formation of a quorum of three for *zimmun* via the combination of women with slaves or children, but there is no reason why women and men cannot join together for this purpose. Accordingly, in cases where women are eligible for the quorum of ten, they will be able to join men in constituting the *minyan*.

Most *rishonim*, however, maintain that the intention of the mishna is to invalidate a *zimmun* formed by combining men and women. Four reasons are offered for this prohibition. Firstly, some *rishonim* suggest that a woman's obligation to recite the blessing after meals may not be biblical in origin; hence women cannot form a *zimmun* with men because they do not share a common level of obligation.⁷⁶ Others argue that the text of the *birkat ha-mazon* in which women are obligated differs from that of men, because women need not mention the covenant of circumcision or the obligation to learn Torah.⁷⁷ A third group of *rishonim* posits that men and women cannot join together in one *zimmun* unit because the dining of women together with men is not considered to have an established and permanent nature.⁷⁸ However, these three reasons are specific to the blessing after meals; accordingly, in other cases where these reasons are not relevant, women may well be able to join men in constituting a quorum.

The fourth reason offered by commentators for this prohibition is that such a combination of the sexes might lead to "immodesty." What precisely, though, is immodest about this behavior? *Tashbets* and other authorities⁷⁹ state that mealtime is especially problematic because it is a time of drunkenness, levity and frivolity. This would again lead us to conclude that the prohibition is not general and would not apply to other obligations not performed in the same atmosphere.

Ran and Ritva⁸⁰ contend that Halakha is only concerned about immodesty when the presence of the women results in a noticeable change in the text of the ritual, e.g., an additional *zimmun* blessing is recited in the *birkat ha-mazon*. Therefore, concludes Ran, if there are already three men present establishing a *zimmun*, women may join the *zimmun* since no noticeable change arises by their inclusion. Similarly, he maintains that women may join with men to complete the *minyan* for the reading of the *megilla* (assuming that their obligation is equal to that of men) since the blessing made by an

individual or a community is the same and, hence, nothing draws attention to the inclusion of the women.⁸¹

Other authorities,⁴⁷ however, contend that any combination of men and women is immodest. *Tur*, quoting *Sefer ha-Ittur*, specifically mentions *megilla* in this respect. "It is logical to conclude that just as women form a *zimmun* but do not join men in constituting this quorum (because of immodesty), so too their inclusion in a *minyan* (for *megilla*) is not recommended."⁴⁷ ⁸² It should be noted that *Sefer ha-Ittur* used the wording "their inclusion in a *minyan* is not recommended," i.e., their exclusion is only preferred (*le-khat'hilla*). R. Yaakov Emden and R. Sraya Devitzky⁸³ understand this to mean that the *Sefer ha-Ittur* would concede that counting women together with men is valid *post facto* (*bediavad*), since women are technically eligible to constitute the quorum (when approved by the first or third schools). Moreover, the *Sefer ha-Ittur* should certainly agree that ten women are not barred from forming a *minyan* on their own, since in such a case there is no fear of violating the laws of modesty.^{66b} Thus the many authorities who permit the reading of the *megilla* by or for a *minyan* of ten women with the recitation of the "*ha-rav et riveinu*" blessing at its conclusion.⁶⁶

From the above discussion we may conclude that most *rishonim*⁷⁵⁻⁸⁰ ⁸⁴ concur that whenever women are eligible for inclusion in a *minyan* (according to the first and third schools above), they may join together with men to do so. Although *Tur* (*Orah Hayyim* 689) cites the opinion of *Sefer ha-Ittur*⁴⁷ who rules against joint constitution of a *minyan*, disqualification is only recommended (*le-khat'hilla*). Furthermore, *Bah* and R. Joseph Karo in *Beit Yosef* (*ad loc.*) prefer the alternative explanation of Ran outlined above. R. Karo consequently omits altogether from his *Shulhan Arukh* the opinion of *Sefer ha-Ittur*, thereby indicating that the *Ittur*'s view is not definitive halakha. The consensus of the later *aharonim* also seems to run counter to the view of *Sefer ha-Ittur*.⁸⁵ Thus, we saw in Section E above that several contemporary authorities accept a *minyan* of nine women and one man for the purpose of reciting *birkat ha-gomel*.⁷³ Similarly *Hazon Ish*,⁶⁶ *Sha'arei Emet*,⁴⁶ and R. Zundel Grossberg⁶⁶ explicitly permit women to join with men in constituting the *minyan* necessary to read the *megilla*. R. Ovadia Yosef permitted their inclusion together with men in the *minyan* present at Hanukkah candle-lighting in the Synagogue,^{68b} while *Or Hadash*, *Ura Shahar* and others count women together with men in the *minyan* of public martyrdom.⁵⁶ Hence, with the exception of *zimmun*, men and women may join together to form a *minyan* when suitable.

G. DOES THE MEHITSA INTERFERE WITH JOINT CONSTITUTION?

We must now determine whether a *minyan* can be constituted jointly by men and women where they are separated by a *mehitsa*. After all, *Shulhan Arukh* (*Orah Hayyim*, 55:13) rules that the participants in a *minyan* must be together "in one place," and the *mehitsa* would seem to have the effect of dividing the room into two distinct locations.

The resolution of this question according to the third school is quite straight-forward. The very "publicity" consideration, which allowed women to be counted, also removes any problems that might result from the existence of a physical barrier between members of the *minyan*. Ritva has already ruled that since the *minyan* of *megilla* is merely to publicize the miracle of Purim, we may count towards a *minyan* even those who are outside the synagogue. This opinion is cited by several contemporary authorities.⁸⁶

Even according to the first school—which maintains that the eligibility of women to join a *minyan* results from the fact that their obligation is equal to that of men—it appears that the *mehitsa* does not bar joint constitution for several reasons. First of all, the *mehitsa* often consists of no more than a curtain. R. Y. Castro has ruled that a mere curtain hung for the sake of modesty does not interfere with the constitution of the *minyan*.⁸⁷

Secondly, even in the case of a solid structure, *Sha'arei Teshuva* and *Mishna Berura* accept the inclusion of people in two different rooms, provided there is visual contact between them.⁸⁸ Therefore, if the *mehitsa* is not higher than shoulder level (in accordance with the opinion of R. Moshe Feinstein and R. Yehiel Yaakov Weinberg⁸⁹) or if the women are in a balcony with a low *mehitsa*, there is no bar to their inclusion.

Even if the *mehitsa* is above the heads of the women, it does not normally reach the ceiling, in which case the room is not considered to be divided. Precedent for this ruling is found in the various responsa dealing with public prayer on a train, where there are high backs to the seats forming partitions between the benches. If there is a space of eleven inches (three *tefahim*) under the ceiling, the passengers can be joined in a *minyan*.⁹⁰ In this manner, R. Yehuda Herzl Henkin⁸⁸ explains the ruling of his grandfather, R. Eliyahu Henkin,⁹¹ who permitted a daughter to recite the *kaddish* from the women's side of the *mehitsa* even though *kaddish* requires the presence of ten males. This also explains the ruling of the *Keneset ha-Gedola* (*Orah Hayyim* 219) and later *posekim*⁷¹ that a woman may recite *birkat ha-gomel* from the women's section, and be heard by a

minyan of ten men. If the *mehitsa* does not reach the ceiling, she is considered to be reciting the *kaddish* or the *ha-gomel* blessing in the presence of the men.

Recently, R. Y. H. Henkin⁸⁸ has argued that even a *mehitsa* which reaches the ceiling may not interfere with the inclusion of people from both sides in the same *minyan*. Since the purpose of the women's section is to serve as a place where women can hear and participate in the service together with the men, the two sections have a common single function; therefore, the women's section is considered an adjunct to the men's section. The *Responsa Minhag Yitshak*⁹² offers this same reasoning in the case of a study hall that was extended into a neighboring room. Since the two rooms have a common function, he concludes, they are considered to be a single room.

In summary then, a *mehitsa* does not prevent men and women from joining together to form a *minyan* quorum, when appropriate according to either the first or third schools.

H. WOMEN AS ADJUNCT MEMBERS OF A MINYAN

Our discussion until now has assumed only one type of membership in a *minyan*, namely full constituting membership. Thus, ten fully qualified members constitute a *minyan*—with the various schools disagreeing as to whether and when women are to be considered fully qualified. In truth, however, there are codifiers who, in the absence of a fully qualified member, permit the completion of the *minyan* through the participation of one normally disqualified.⁹³ We will refer to these two different types of membership in a *minyan* as primary membership (*ikkar*) and adjunct membership (*senif*).

For instance, the primary members of a *minyan* for the purpose of public prayer (*kaddish*, *kedusha*, *barekhu*, and the repetition of the *shemoneh esreh*) must be free male adults, and according to most opinions, the same is true regarding *zimmun be-shem*. Rabbenu Tam is perhaps the most prominent authority who permits a minor or a slave to complete the *minyan* for these purposes. Rabbenu Simha⁹⁴ and others⁹⁵ maintain that a woman may also be included as an adjunct member in order to complete the quorum for public prayer and *zimmun be-shem*.

As R. Joseph Karo explains,⁹⁶ this opinion maintains that the criterion of "in the midst of the children of Israel," from which the sages derive that the presence of God rests on any group of ten, applies equally to all members of the Sinaitic covenant—adults or minors, freemen or slaves.⁹⁶ Rabbenu Simha clearly maintains that

the same is true for women. However, a valid *minyan* requires the presence of at least nine *ikkarim* (free males); more than one *senif* (woman, minor or slave) would render the *minyan* invalid, for this would be inconsistent with the honor of heaven.⁹⁷

Interestingly, R. Karo concludes his discussion of this issue in the *Beit Yosef*⁹⁸ by ruling that "since Rabbenu Tam himself refused to implement this practice [of including a woman], who will [dare to] do so. The accepted practice is not to include a woman at all."⁹⁸ This is also the definitive halakha as codified in R. Karo's *Shulhan Arukh* (*Orah Hayyim* 55:4) regarding public prayer and in the *aharonim* regarding *zimmun*.⁹⁹

Thus, there is an overwhelming and nearly unanimous consensus regarding the non-inclusion of women in the *minyan* for public prayer—neither as a primary (*ikkar*) nor even as an adjunct (*senif*) member. Nevertheless, over a decade ago, the Conservative movement adopted a position permitting the inclusion of women in all instances (including public prayer) where the necessary *minyan* quorum of ten is required. This action has been rationalized as being in consonance with the position maintained by the school of Rabbenu Simha.⁷⁵ As is eminently clear from the above analysis, this understanding of Rabbenu Simha is erroneous. Rabbenu Simha was prepared to count a single woman toward the *minyan* of public prayer and only as an adjunct (*senif*). He never entertained the possibility of assigning full status to women as an *ikkar* for the *minyan* of public prayer from whose obligation women are free.²⁶ Moreover, as we have pointed out, the overwhelming majority of halakhi decisors have ruled contrary to Rabbenu Simha's approach. (See also references *1a* and *b*.) For these reasons, many within the Conservative Movement itself have attacked this decade-old decision as being a serious break with Halakha.¹⁰⁰

I. CONCLUSION

In the present paper we have explored the rules and rationales of *minyan* eligibility, in particular as it applies to women. We have reaffirmed that women cannot constitute a *minyan*—either alone or together with men—for the purpose of public prayer which includes *kaddish*, *kedusha*, *barekhu*, repetition of the *shemoneh esreh* or the reading of the Torah and the *haftarah*.¹⁰¹ However, this does not mean that women are excluded from all *minyanim*. Indeed the majority of *posekim* posit that women may constitute a *minyan*, according to one school, if their obligation in a given ritual is identical to that of men or, according to another school, when the

purpose of the *minyán* is to “publicize” a miracle or the performance of a *mitsvah*. Thus, there are a variety of halakhically relevant cases where rabbinic authorities permit, both in theory and practice, the inclusion of women in a *minyán*. These include: 1) *megilla* and the “*ha-rav et riveinu*” benediction that follows it (four *rishonim*)⁴⁵; 64 and some fifteen *aharonim*⁴⁶; 66); 2) public martyrdom (eleven *aharonim*⁴⁶); 3) the *ha-gomel* blessing (seven *aharonim*⁷³); 4) circumcision (two *aharonim*⁶⁷); 5) Hanukkah lighting in the synagogue (two *aharonim*⁶⁸).

The implications of this paper for the workings of “women’s services”¹⁰¹ should be obvious, though this innovation itself deserves long and considered evaluation and will be treated by this writer in a subsequent piece. It has long been our conviction that the spiritual needs expressed and the questions raised by modern religious women concerning their standing in Jewish law should and can be tackled seriously, respectfully and sensitively. However, it is only from a position of scholarship and earnestness that we can be sure that our queries are valid and confident that our creativity will not violate the rubric and guidelines of Halakha.

NOTES

1. See for example: a) S. F. Berman, *Tradition* 14:2 (Fall 1973), p. 5; b) J. D. Bleich, *Tradition* 14:2 (Fall 1973), p. 113; c) M. Meiselman, *Jewish Woman in Jewish Law* (KTAV, New York 1978), ch. 20.
2. A portion of this paper appeared previously in Hebrew: A. A. Frimer, *Or ha-Mizrah*, 34 (1, 2), 69 (Tishrei 5746).
3. *Megilla* 4:3. Note that some of the rituals listed have fallen into disuse.
4. a) See *Encyclopedia Talmudit*, vol. 6, *davar she-bi-kedusha*. Most opinions include *kaddish*, *kedusha*, *harkacha*, and the repetition of the *shemoneh esreh* in the category of *davar she-bi-kedusha*. There is some controversy regarding the status of the reading of the Torah and the *haftarah*, the recitation of the thirteen attributes of God, the priest’s blessing and *zimman be-shen*. The category into which these latter terms fall is of halakhic relevance, since women cannot count towards the *minyán* of a *davar she-bi-kedusha* (*infra*, notes 19–20). If, however, a ritual requires a quorum of ten for reasons other than *davar she-bi-kedusha*, women may perhaps be counted, this depending on the conditions and schools of thought (*vide infra*).
b) Rabbenu Yona (*Berachot* 21a, s.v. *ve-nikdashu*) notes that not all rituals which sanctify the Almighty’s name are classified as *devarim she-bi-kedusha*. Thus, the acceptance of the heavenly yoke in the recitation of the *shema* does not require a *minyán*. As a result, R. Yona suggests that *devarim she-bi-kedusha* should be defined as those rituals for which the Rabbis saw fit to require the presence of ten because of the sanctification element. These cannot be performed in the absence of the *minyán* quorum. However, since *hazal* never required a *minyán* for *shema*, it may be read in private despite its central importance.
5. I Leviticus 22:32. See R. Menahem M. Kasher, *Torah Shelema*, Genesis 42:5 note 30 for a discussion of this and other derivations.
6. *Yerushalmi Berachot* 7:3 and *Megilla* 4:4.
7. *Megilla* 23b; *Berachot* 45b.
8. R. Yaakov Emden (*Lehem Shamayim*, *Megilla* 23b) applies this reason to the mourners’ blessing and the consolation of the mourner as well.

9. *Ketubhot* 7b.
10. *Ruth* 4:2.
11. *Psalms* 68:27. *Kahal* (congregation) is assumed to be equivalent to *edah* and therefore requires ten participants; see Rashi, *Ketubhot* 7b, s.v. *be-mak-helot*.
12. *Berachot* 54b; See *Gilyon ha-Shas* (ad loc.) and footnote 11.
13. *Psalms* 107:32.
14. a) *Megilla* 5a and Rashi and other commentators, *ad loc*.
b) Renu *Orah Hayyim* (hereafter: *OH*) 690:2 also requires a *minyán* to recite the “*ha-rav et riveinu*” blessing that follows the *megilla* reading. See *Beur Halakha* (Zöber) *ad locum* and *Kaf ha-Hayyim* 690:124.
c) It should be noted that regarding *megilla* reading, there are both stringencies (see e.g., *Shulhan Arukh*, *OH* 690:1, 692:8) and leniencies (e.g., *ibid.*, 689:5, 690:18) which result from the presence of a *minyán*.
15. *Sanhedrin* 74a.
16. Maimonides, *Sefer ha-Mitsvot*, positive 9. *Sefer ha-Hinukh* 268; *Yere'im* 403. *Semak* 44; *Metsudat David Ta’amei ha-Mitsvot* (Radzav), 6; *Semag*, positive 5; *Migdal David* (Ha-Kohavi), *Sefer Mitsvot* positive 11.
17. For an extensive list see reference 2 (footnotes 14 and 15 therein). The first to take this position is Ran, *Megilla* 23b, s.v. *ve-ein nos'im*.
18. For a discussion of *amakhai* see M. Elon, *Ha-Mishpat ha-Ivri* (Magnes Press, Jerusalem, 5733), vol. 11, p. 256; *Encyclopedia Talmudit*, vol. 2, *asmakhta*.
19. *Shulhan Arukh*, *OH* 55:1 and commentaries *ad locum*: *Levush* 1; *Magen Avraham* 1; *Mishna Berura* 2; *Arukh ha-Shulhan* 6.
20. *Shulhan Arukh ha-Rav*, *OH* 55:2.
21. *Ra’avan* 185.
22. *Levush*, *OH* 55:4. See Malbim, *Ha-Torah ve-ha-Mitsvah*, Leviticus chap. 1, secs. 7 and 8, and ch. 4, sec. 191. See also *Magen Avraham*, *OH* 14, subsection 2 and *Pri Megadim* *ad loc*.
23. Meiri, *Beit ha-Behira*, *Megilla* 5a.
24. The period of the *rishonim* (the “early” scholars) begins in the middle of the eleventh century (the time of R. Isaac Alfasi) and continues until the sixteenth century (just prior to the time of R. Joseph Caro and R. Moses Isserles).
25. The period of *aharonim* (the “later” scholars) starts from the time of R. Joseph Caro and R. Moses Isserles and continues down to the modern period. The 19th- and 20th-century scholars are often referred to as *aharonai ha-aharonim*.
26. *Responsa Shevut Yaakov*, *OH* 3:54; *Resp. Teshuva me-Ahava* 2:29. See the letter of the Gaon of Vilna (*Alim le-Torah*) where he advises the women of his family not to attend the synagogue. *Resp. Torat Hemed*, *OH* 4:6; *Resp. Heikhal Yitshak*, *OH* 12:5, 9; *Resp. Tiferet Moshe* (by Mori Zekeni R. Moshe Zev Kahn z”l 1:29; *Resp. Tsemah Tsedek*, *OH* 19:2; *Resp. Tsits Eliezer* 9:11; *Resp. Beit Avi* 4:3; *Resp. Sha’arei Moshe* 2:3; *Resp. be-Tsel ha-Hokhma* 4:19, 9; *Mo’adim u-Zemanim* 1:9.
27. For a discussion of the rationale, see reference 2, note 43.
28. An unusual position is found in *Yad Eliyahu* (Regolar), vol. 1, *pesakim*, 7, who maintains that even though women are not included in the *minyán*, they are counted, if there are ten men present, in order to meet the requirement that the congregation include ten persons who have not yet prayed so that the prayers obtain the special status of *tefila ha-shibur* (public prayer).
29. *Margaliot ha-Yam*, *Sanhedrin* 74b, sec. 27; *Resp. Orach la-Tsaddik*, 3. This also seems to be the view of *Levush*, *OH* 55:4 (see reference 2 section 3, 1).
30. *Vide infra*, section B, 6.
31. *Sheyarei Keneset ha-Edola*, *OH* 55, commentary to *Beit Yosef*, n. 4. His position is accepted by *Orat Temid* and *Beit Ezer* *ad loc*: *Pithei Mishpat*, *Yoreh De’ah* 341; *Responsa Maharam Shik*, *Yoreh De’ah* 342; *Mishna Berura* 55:24; *Shevut Yaakov* 2:25.
32. *Kol Bo al Aveilut* (vol. 1, chs. 2, 4, 9, and vol. 2, chs. 1, 2, chs. 1, 4, 5) prohibits, while *Geshet ha-Hayyim* (18:2, 3) and *Ramat Rahel* (Waldenberg) 47 permit.
33. *Tosafot*, *Rosh ha-Shana* 33a, s.v. *Meiri*, *Megilla* 23a; *Ran*, *Megilla* 23a, s.v. *ha-kol olim*; *Sefer ha-Batim*, *Beit Tefilla*, *Sha’arei Kertat ha-Torah* 2:6; *Beit Yosef*, *OH* 282, s.v. *ha-kol and Derisha ad loc*; *Responsa Orach la-Tsaddik* 3; *Resp. Mahorash*, vol. 1, 158; *Resp. Mateh Yehuda* 282:7; *Rivti Kharman* (Hida) on *Massekhet Soferim* 18:4, *Tosafot*

s.v. *she-ha-nashim*: *Arush ha-Shulhan*, OH 282.11. This is obviously the opinion of the Gra, as is apparent from his letter to his wife (above, n. 26). This is also the ruling of *Yehaveh Da'at* 4:23, n. 1.

On the other hand, *Mevar Avraham* (OH 282:6)—although he mentions that women customarily leave the synagogue during the reading of the Torah—believes it likely that they are obligated to hear on the passage in *Masekhet Sofrim* 18:4; see *Mishna Berura* 282:12; *Birket Yosef* 287:2; *Yeshu'ot Yaakov*, 282:4. See also *Mikra'ei Kodesh* (R. Zvi Hirsh Grodzinsky), *Sh'arei Kedusha*, 4 and *Resp. Hillel Omer* (R. Hillel Possek) 187, discussed in reference 2, section 3.2.

34. *Rosh Yosef* (Teomim), *Megilla* 23a, s.v. *leima*.

35. *Shulhan Arukh* OH 685:7.

36. A survey of the different opinions can be found in *Responsa Yehaveh Da'at* 1, 84; *Encyclopedia Talmudit*, vol. 12, *sefirat ha-shema*, *Amalek*, sec. 3 (p. 222); *Halkhot* 9:5, n. 8; *Halkhot* *Beit Yisrael* 22, n. 1–4. To the list of those who favor exemption should be added: *Responsa Zekher Simcha* (Bamberger) 75 (printed in *Responsa Yad ha-Levi* [R. Y. D. Bamberger] vol. 2); R. Y. D. Bamberger (*Ha-Ma'ayan* Tevet 5739 [1912] p. 33); *Sh'arei Emet* 3; *Hemdut Aryeh* (R. Moshe L. Litsch-Rosenberg), ch. 5, 5; *Responsa Torah Lishmah* 187; *Mo'adim u-Zemanim* 2, 167, addenda in vol. 8; *Pi'hei Olam u-Ma'amei ha-Shulhan* (Karaski) OH 685:7. To those who obligate should be added *Responsa Minhat Yitschak* 9:48; R. Y. Y. Neuwirth, *Madrikh ha-Ahavot ha-Ahavot be-Bari Holim*, (Jerusalem 5736) p. 56, no. 1; *Derashot Ha'am Seder*, vol. 3, *Derush le-Ber Mitsvah* p. 72.

37. *Yehaveh Da'at* and *Mo'adim u-Zemanim* cited above, n. 36. *Mo'adei Yeshurun* (Felder), *Hilkhot Purim* 1:3, n. 9 quotes R. Moshe Feinstein that the opinion of R. Nathan Adler is not accepted and women may fulfill the obligation with a printed *humash*. It is somewhat surprising, therefore, that *Minhat Yitschak* (above, n. 36) states that the majority opinion maintains full obligation.

38. R. Moshe L. Bamberger and R. Simcha Bamberger in *Responsa Zekher Simcha*, (above, n. 36). *Responsa Binyan Tsiyyon* ha-Hadashot 8; *Sh'arei Emet* (above, n. 36); *Hazon Ish* as quoted by R. C. Kaniewsky cited in *Purim ve-Hodesh Adar* (R. Zvi Cohen), p. 21.

39. While the obligations of women and non-Jewish slaves are similar in many instances, the rationale is radically different. A slave is obligated in fewer *mitzvot* because he lacks the sanctity of the Jew. Not so with Jewish women who are of equal sanctity, yet are freed of many *mitzvot* in order to allow them to fulfill their time in accordance with family obligations. See R. S. Kasher, *Torat ha-Rogachot*—*Rabenu Yosef Rosen* (Jerusalem, 5726) p. 50; *Dibhorot Moshe* (Feinstein), *Kiddushin*, v. 1, 46; *Resp. Igrot Moshe*, OH 4:49; R. Joseph B. Soloveitchik as quoted by R. Hershel Schachter, *Or ha-Mizrah*, 34 (1, 2), 54 (especially p. 64). See also sources in footnote 1.

40. It should be noted that even if women are biblically obligated to read *Parashat Zakhor*, nevertheless may leading *poskim* (*infra*, n. 41) maintain that they need not do so in a *minyan* or with the appropriate benedictions. These requirements are part of the general rabbinic Torah reading obligations from which women are exempted.⁴¹ Formulated somewhat differently, even if women are biblically obligated to read *Parashat Zakhor*, unlike men they may not be rabbinically obligated to do so publicly. Indeed, many communities have an annual special reading of *Parashat Zakhor* for women without the presence of a *minyan* and without the customary blessings (*infra*, n. 42). Furthermore, many authorities maintain that a woman fulfills her biblical obligation even by reading the portion from a printed *humash* or by reciting it by heart (*infra*, n. 43). Hence, it could well be argued that even according to the first school, a woman's obligation in *Parashat Zakhor* does not necessarily lead to her eligibility for inclusion in a *minyan* for all.

41. *Kaf ha-Hayyim* 685:30; *Mishna Berura* 685:16 (*Sh'ar ha-Tsiyyun* 5); *She'arim ha-Metsuyanim* ha-Halakha Kuntres Aharon, 140:1, citing the *Responsa Binyan Shlomo*; R. Ben-Tzion Lichtman in *Noam* 7 (5724), p. 361; and *Benai Tsiyyon*, v. 2, 55:1–2. See, however, the discussion in *Be'er Halakha* (Zilber) 146:2 and *Asah lekhu Rav* (R. H. D. Halevi) 7:41.

42. *Purim Meshullash* 2:8, n. 20, that this is the custom in Bnei Brak. I have also witnessed this custom in Borough Park, Brooklyn, and Rehovot. Indeed the *Pi Megadim* in *Rosh Yosef* (*Megilla* 23b) sees no prohibition in reading from a Torah scroll without its attendant blessings in the absence of a *minyan*. This position is also maintained by R. Y. Y.

Halberstam, *Moriah* 14 (1, 2) Adar 5745, 34; see especially p. 46. *Mo'adei Yeshurun*, *op. cit.*, however, quotes R. M. Feinstein to the effect that such behavior shows disrespect to the Torah. This is quite surprising since R. Mordechai Tendler in a well publicized responsum on the subject of women's services, dated 4 Sivan 5743, cites his grandfather (R. M. Feinstein) to the effect that women can read from the Torah without a *minyan* or blessings. Nevertheless, see *Halkhot* *Beit Yisrael* 22, n. 3, who quotes R. S. Eliashev that *Parashat Zakhor* requires the presence of ten men. See also *Adar ve-Purim* (Schwartz) 3:3,1 who cites R. Moshe Stern as permitting the gathering of a *minyan* of men to read *Parashat Zakhor* for women without the Torah blessings. R. Menashe Klein is quoted as disagreeing with this institution of a new custom.

43. *Mo'adim u-Zemanim*, (above, n. 36); *Mo'adei Yeshurun*, (above, n. 36), in the name of R. Moshe Feinstein; *Responsa Minhat Elazar* 2, 1, 4ff; *Resp. Torat Hesed*, OH 37; *Pi'hei Olam u-Ma'amei ha-Shulhan*, (above, n. 36). R. Aharon Lichtenstein has also ruled that women can fulfill their *zakhor* obligation, even if biblical in nature, by reading the requisite portion from a printed *humash* in private.

44. OH 690:18; *Mishna Berura* 690:61 and *Sh'ar ha-Tsiyyun* *ad loc.* Concerning the possibility of reading on the fourteenth in a walled city, see *Yehaveh Da'at* 1:4, n. 1, and *Yahia Omer* 6:46.

45. *Ramon de Xil*, *Megilla* 19b, s.v. *ha-kol kesherim*; Meiri, *Be'rahot* 47b; *Sefer ha-Mikham*, *Be'rahot* 45a.

46. Rema OH 690:18 as understood by *Hayei Adam* 155:12; see *Eliyahu Rabba* *ad loc.* (There are several explanations for the uncertainty of Rema; see reference 2, n. 78). See also *Sh'arei Emet* 3; *Hemdut Aryeh* 4:5.

47. *Sefer ha-Iitir*, *Hilkhot Megilla* is quoted with the qualification "le-khatilla" (i.e., not preferred or not recommended) by the *Hiddushet ha-Ran* (actually *Hiddushet Talmidei ha-Ramban*), *Megilla* 4a. *Beit Yosef* *ad loc.* However, some *rishonim* quote the ruling of *Sefer ha-Iitir* without the qualification "le-khatilla"; see Meiri *Megilla* 4a ("the scholars of Provence") and Sa, s.v. *kol*; *Me'orot* and *Mikham*, *Megilla* 4a; *Shiltei ha-Giborim*, *Megilla* 4a; *Ran* on the Rif, *Megilla* 19b. It should also be noted that *Sefer ha-Iitir* itself does not cite immodesty as the reason, but *Ran* (on the Rif), Meiri, *Me'orot*, and *Bah* do. See also *Mor u-Ketsia* 199 s.v. *di-be-din*.

48. Other authorities are cited by the *Encyclopedia Talmudit*, vol. 12, *zimmun*, sec. 8.

49. *Shulhan Arukh*, OH 199:61; cf. the Vilna Gaon *ad loc.* dissents.

50. *Rambam*, *Hilkhot Be'rahot* 5:7.

51. Meiri, *Be'rahot* 47b; *Sefer Mishneh*, *Hilkhot Be'rahot* 5:7; *Beit Yosef*, OH 199, s.v. *uma she-katav*; *Kiryat Sefer* *ad loc.*; *Kehillat Yaakov* (Karlin) *Be'rahot* 45b; *Mishna Berura* 199:15. This explanation is problematic, however, since the Talmud (*Megillah* 23b; *Be'rahot* 45b) explicitly states that the exclusion of women is due to "accepted protocol." R. Yaakov Sofer (*Torat Hesed*, OH 199:1) suggests that the intention of *Beit Yosef* is not to offer a reason for the exclusion, but only to indicate that the quorum requirements of *zimmun* *ha-shem* are equivalent to those of the *davar* *she-bi-kedusha* listed in the *midsha*, which require ten adult free males. A similar approach is found in *Noda bi-Yehuda* *Even ha-Ezer* vol. 1, 56 and *Arush ha-Shulhan*, *Even ha-Ezer* 62:13.

52. Meiri *Be'rahot* 47b; *Sefer ha-Menuha*, *Hilkhot Be'rahot* 5:7; *Benai Tsiyyon* (R. Ben-Tzion Lichtman) 3, 199, 6, 6, argues that this is also the opinion of the Rambam, contrary to the view of the *Kesef Mishneh*, above n. 51. See also n. 62.

53. *Me'orot*, *Be'rahot* ch. 7; *Sefer ha-Menuha* *ibid.*; *Arush ha-Shulhan*, OH 199:2. It should be noted that although *Shulhan Arukh* (OH 199:2) maintains that ten women who dined with three men are included in *zimmun*, they still cannot recite the *zimmun* introduction *ha-shem* for two reasons: firstly, a change in the text because of the presence of the women is considered a breach of modesty (*vide infra* section F); secondly, the women's obligation is only by extension from the men and not an intrinsic one (see *Levush*, OH 199:7). Hence, they lack the maximal obligation which according to the first school is a prerequisite for *minyan* obligation.

54. Meiri, *Be'rahot* 47a; *Me'orot*, *Be'rahot* 45b; *Shiltei ha-Giborim*, *Be'rahot* 7:2 citing Rosh. See reference 2, note 25. *Benai Tsiyyon* (above, n. 52) explains this opinion at length, stating: "The reason is that *harekhu* which precedes the reading of the *shema* is intended as a blessing of God's name and sanctity, and therefore is considered a *davar she-bi-kedusha*; whereas, the *harekhu* or *neva'ekhh* in the *zimmun* is a blessing for the enjoyment of what

was eaten, as though he said explicitly, "[bless God] for what we have eaten." Therefore, it is not a *davar she-bi-kedusha* . . . Nevertheless, when he says 'to our God' in the plural, there must be ten people present."

55. This is the opinion of *Sema* (44): *Iehem Mishneh* and *Kinyat Sefer* (*Hilkhot Yesodei ha-Torah* 5:4); *Pri Hadash* (*Yoreh De'ah* 157); *Minhat Hinnukh* (296), and *Shelah* (*Sh'ar ha-Oshivat*, 1). *Mitzkeit ha-Mishneh*, *Hilkhot Yesodei ha-Torah* 5:4 and *Hamev ve-Havvel*, quoting *Mei* (*Sanhedrin* 74b), contend that there exists a biblical obligation to sanctify the name of God in private as well.
56. R. Yaakov Emden, *Migdal Oz*, *Even Bohan* 1:69; R. Yosef Engel, *Gilyonei ha-Shas* (*Sanhedrin* 74b); *Margalit ha-Yam*, *Sanhedrin* 74b, notes 6 and 27; *Einyam ha-Mishpat* (*Sanhedrin* 74b); R. Meir Blumenfeld, *Or Hadash* 8:12; *Yesodei Yeshurun*, vol. 1, p. 189; R. M. Leiter, *Be-Shu'ei ha-Gilvan* (*Sanhedrin* 74b), quoting *Responsa Mahari Ashkenazi*, *Yoreh De'ah* 13:4 (on *Shema*); R. Yehuchan Peilman, *Or Gadol* 1:8; R. Natan Nata Segal I andau, *Ura Shahar*, *Kedushah*, 6; R. Avraham Stein, *Hilchot Esh*, 3 Eul. 163 and *Mesadot Hittukim ve-Shitot*, Yud 39ff. *Pithei Teshuva* and *Gilyon Maharscha* on *Yoreh De'ah* 157 leave the question unresolved.
57. Interestingly, *Ran* (*Sanhedrin* 74a) as well as several later commentators (*Melo ha-Ro'im*, *Gur Aryeh* and *Yad David* ad loc.) go so far as to entertain the possibility that even non-Jews – were they obligated in this *mitsvat* of martyrdom (which they are not) – would be eligible to form a *minyan*.
58. See sec. F below for a discussion of this theme.
59. *Resp. Zekher Simcha* (Ramberg) 75. The phrase "association with them is improper" (*she-en havuratam na'ah*) appears first in *Rabbeinu Yona* (*Berakhot* 45a) in regard to the inclusion of women and men together in a *zimmun* of three. See, however, footnote 82.
60. *Yefei Levi*, vol. 2, OH 690:17 and 689:2; *Sefer Kol Bo*, *Hilkhot Megilla*, 45.
61. See *Ura Shahar*, op. cit.
62. *Tosefot*, *Tosefot ha-Rosh*, *Tosefot Hakhami Anglia*, *Tosefot Rabbeinu Peretz*, and *Tosefot Rabbeinu Yehuda Sirleoni* to *Berakhot* 45b; *Or Zarua*, vol. 1, 184; *Responsa Maharim* mi-Rottenberg (*Mossad Ha Rav Kook* 5717) 1:65; *Sefer ha-Me'orot*, *Sefer ha-Mikhzan*, and *Hiddushai ha-Ran*, *Megilla* 5a; *Orhot Hayyim*, *Hilkhot Megilla* 2; *Kol Bo* 45. See also *Tosefot Yeshanim*, *Yevamot* 46b s.v. *ha-Rabbi Yehoshua* who states that "women are not considered to be 'a nation'". *Sefer ha-Memula*, *Hilkhot Berakhot* 5:7, who states that women "are not considered to be a congregation at all." A similar statement appears in *Ritva*, *Kerubot* 7b, and *Meiri*, *Berakhot* 47b. The use of "congregation" (*kahal*) to exclude women is problematic, however; see reference 2 footnote 99. See also *Sefer ha-Roke'ah* ad-Gadol, *Hilkhot Se'udot*, 334 according to *Gilyonei ha-Shas* (R. Joseph Engel), *Sanhedrin* 74b.
63. Gra, OH 199:6; *Shulhan Arukh* ha-Rav, OH 199:6–7 and 263:22; *Kuntres Aharon* 7; *Minhat Hinnukh* 296; *Or Same'ah*, *Hilkhot Berakhot* 5:3; *Resp. Torat Hesed*, OH 37; *Tafnat Pa'ane'ah*, *Hajla'ah* deletions to *Megilla* 1:3 and *Mahadura Tinva*, *Hilkhot Yesodei ha-Torah* 5:5; *Resp. Maharash* (Engel) 3:88; *Gilyonei ha-Shas* (R. Yosef Engel), *Berakhot* 45b; *Resp. Binayon Tsivyon*, vol. 2, 8; *Kellu'ot Yaakov* (Karlin), *Berakhot* 45a; *Or Olam* (Blumenfeld), on *Sefer ha-Yeshurun* (*Feldler*) to *Tanya Rabhavi*, vol. 1, *Keriat Shema*, p. 368; *She'arit Yosef* (*Warman*), vol. 1, 37; *Mishah Halakhot* (*Klein*), vol. 4, 78; *Hiddushai Batra* on *Shulhan Arukh* ha-Mshir, *Berakhot* 45b, 334.
64. *Nahmadines*, *Milhanot ha-Shem*, *Megilla* 5a; *Ran* ad loc.; *Ra'a* cited by *Ritva*, *Megilla* 4a.
65. *Darkei Moshe*, OH 690:6 citing *Or Zarua* 370; *Rema* OH 690:18. Several explanations have been offered for the doubt expressed by *Rama*; see note 66b and reference 2 note 78.
66. a) *Mash'ha de-Rabbeiva* (R. Mas'ud Raphael Alfasi), see 2, addenda at the end of the volume; sec. 689; *Hazon Ish*, OH 155:2; *Iggeret ha-Purim* (Grosberg), first edition 7:2, second edition 8:3; *Salmat Hayyim* (Sonnenfeld), vol. 1, 101; *Purim Meshulash* (Devilsky) 2, 8, 9 and addendum thereto; *Mikva'ei Kodesh* (Frank): *Purim*, 35, and 50, n. 3; *Tsits Eliezer* 3:73; *Rav Pe'alim*, OH 2:62; *Hug ha-Aretz* (R. Y. Algazi); *Yalkut Yosef*, second ed., *Hilkhot Mikra Megilla* 7; *Likkutei Kol Sinai* (R. Ovadia Yosef), p. 47, sec. 23; *Hilkhot Be'itah* 24, 17–21 and notes 33, 34, 44 and 48; *Adar ve-Purim* (Schwartz) 8, 5, 3. However, *Kaf ha-Hayyim*, OH 690:120 and *Arukh ha-Shulhan*, OH 690:25 disagree.
- b) See *Mikva'ei Kodesh*, *Tsits Eliezer*, *Rav Pe'alim*, *Adar ve-Purim*, and *Purim Meshulash*, all cited above, who state that the doubt expressed by *Rama* regarding the inclusion of women in a *minyan* for *megilla* concerns only their joining together with men

for this purpose, because of modesty considerations. *Rema* would, however, have no reservations regarding a *minyan* for *megilla* made up solely of women.

67. *Sefer ha-Berit*, *Yoreh De'ah* 265:6, 79–80. *Koret ha-Berit* (Posek), *Yoreh De'ah* 265:47, states that women are included because they are considered to be circumcised, which appears to be in accord with the first opinion.
68. a) *Responsa Rav Pe'alim*, OH 2:62; b) R. Ovadia Yosef (*Yalkut Yosef*, second edition, *Hilkhot Hamukkah* 17) rules that four women may join six men for this purpose.
69. See *Shulhan Arukh*, OH 219:3 and *Arukh ha-Shulhan* *Talmud*, vol. 4, p. 318.
70. *Be'ur Halakha*, *Maharim ha-Sheket*, *Kaf ha-Hayyim* and *Be'ur Halakha* to OH 219:3; *Sh'arei Ephraim* 4:27; *Yehaveh Da'at* 4:15.
71. *Birket Yosef*, OH 219:3; *Eliyahu Rabba* 219:12; *Seder Birkat ha-Nehenin* 13; R. Yaakov Emden, *Siddur Sha'arei Shamayim*, *Birkat ha-Gomel*, 2; *Sh'arei Ephraim* 4; *Pithei Sh'arior* 28; *Ben Ish Hai*, Ekev, 5; *Hayevei Adam*, OH 65:2; *Resp. Tsits Eliezer* 13:17; *Penei Barukh* (Goldberg), *Bikkur Holim* ke-Hilkhot 2:33 – see also comments of R. Y. Y. Fisher therein noting that the custom nowadays is that women do make the *ha-gomel* blessing; *Zekhor le-Avraham* (Alkabi), 2, OH 12; *Siddur Bnei Oved* (R. Y. S. Ashkenazi), *Birkat ha-Gomel*, law 22; *Me-Am Loei*, *Tavara*, p. 348; *Derekh Yeshara* 2:12; *Yehaveh Da'at* 4:15; *Arukh ha-Shulhan* OH 219:10.
72. So understand the *Kaf ha-Hayyim*, OH 219:3; *Penei Barukh*, op. cit., note 80; *Hiddushai Batra*—*Haga* be-Mishna *Berura* 219:3.
73. a) *Encyclopedia Talmudit*, vol. 4, p. 318. *Birkhot Hoda'a*: *Halikhot Beitah* (R. David Auerbach), 13, 7, 13 and 24, 17, 34 and *pe'ah* *havavit* 24; *Halikhot Be' Yisrael* (R. Yitshak Yaakov Fuchs) 14:41; *Derekh Yeshara* (R. David Avraham) 2:12, nn. 38 and 39; *A Guide for the Jewish Woman and Girl* (R. Dov Eisenberg), p. 38; *Hiddushai Batra*, op. cit., *Ha-Isha ve-ha-Mitsvat*—*Bein ha-Isha le-Yotserah* (R. Elyakim Getzel Ellinson) 12, nn. 11 and 12; *Halikhot Beitah*, *Hiddushai Batra*, and R. Yechiel Avraham Zilber (personal communication, 1981) explain this leniency in terms of "publicizing" the miracle, along the lines of the third school.
- b) *Birkat ha-Bayit* (27:24) and *Yehaveh Da'at* 4:15, second note) also understand *Mishna Berura* and *Keneset ha-Gedola* as permitting the inclusion of women but disagree with this position. *Arukh ha-Shulhan*, OH 219:6 and R. Shlomo Zalman Auerbach (quoted in *Halikhot Beitah* 13, 7, 13) also exclude women from the *minyan* of the *ha-Gomel* blessing. See also reference 2, footnotes 96 and 99.
74. OH 213, *Mishna Berura* 3, *Be'er Heteiv* 1, *Birket Yosef* 2; *Darkei Hayyim*, *Birkat ha-Gomel* 3:8; *Birkot Yisrael*, vol. 2, 13, 3:684.
75. *Mordekhai*, *Berakhot* 7:158 cites *Rabbeinu Simcha*, *Shiltei ha-Gibhorim*, *Berakhot* 7:2 cites *Rabbeinu Simcha*, *Rabbeinu Tam*, and *Rosh*; *Responsa Maharim mi-Rottenberg* (Kahana ed.) vol. 1, 65; *Sefer ha-Agur* 240; *Beit Yosef*, OH 55, s.v. *me'arot* and OH 199, s.v. *u-ma she-kenav*; and *Bat* ad loc. *Beit Yosef*, OH 55, s.v. *R. Simha* and *Rabbi ha-Kohen*, *Shulhan Arukh* ha-Rav, OH 55:5 cites *Rav Hai Gaon*, *Rabbeinu Tam*, and the *Ra'ah* *ha-Mavur*. See also R. Yosef Kappah edition, *Mishneh Torah*, *Hilkhot Berakhot* 5:7, n. 16, that *Maharit* and *Mabit* formed a *zimmun* by including their wives. A similar tradition regarding other scholars is recorded in *Mahshei Yom Tov* (Lipman), 197:2 and 199:5; and *Sh'arei Teshuva* 199:3, citing *Gan ha-Melekh*.
76. *Meiri*, *Berakhot* 47b; *Rambam* according to R. Kappah (above n. 75).
77. *Rashi*, *Arukhin* 3a, s.v. *me'azmanot*.
78. *Meiri*, *Berakhot* 47b; *Ra'avad*, *Tenui De'im* 1.
79. *Tashbeith*, *Me'orot* and *Mikhtam* to *Berakhot* 45a; *Meiri* and *Nimmukrei Yosef* (citing *Ra'avad*) to *Megilla* 5a.
80. *Ran* (on *Rif*), *Megilla* 19b; *Ritva*, *Megilla* 4a. See *Tosefot Yom Tov*, *Pesachim* 8:7, who cites a "conclusive proof" to this position; *Pri Hadash* 690 rejects this proof. See also *Kellu'ot Yaakov* (Karlin) *Berakhot* 45b.
81. Several commentators have pointed out that, when the *megilla* is read at other than its proper time, a *minyan* is a prerequisite to the recitation of the attendant blessing. Hence, were the women not to be counted in the *minyan*, the blessing before the reading of the *megilla* would not be recited. How then can *Ran* state that the inclusion of the women does not result in a noticeable change? (See *Otsar ha-Shitot*, vol. 1, p. 77; *Purim Meshulash* 2:16, notes) R. Elyahu Lichtenstein (*Hiddushai Batra*, *Megilla* 4a, n. 379) answers that apparently according to *Ran* there must be a different version of a blessing in order for

- there to be a problem. This suggestion is indeed consistent with the declared position of Ran (above, note 80) that the *zimnun* introduction is not merely an addition to the *birkan ha-mazon* but rather "a change in the form of the blessing." We believe, however, that Ran's position has been most accurately presented by *Shulhan Arukh ha-Rav*, OH 199:7, who writes: "It appears to be immodest since the inclusion of women together with men is made noticeable when the leader says 'le'at u'at bless,' indicating the inclusion of all [men and women]." In other words, in *zimnun* there is a change in the language that specifically emphasizes the inclusion of women, since they are being called upon to join in the common blessing. This is not the case in the reading of the *megilla*.
82. R. Simha Bamberg (above, note 59) equates the view of *Sefer ha-Iituv* with that of Rabbenu Yona (*Berakhot* 45a), who prohibits men from forming a *zimnun* even with their wives "because association with them is not proper." However, *Shulhan Arukh ha-Rav*, OH 199:7, and *Mishna Berura*, OH 199:17 and *Sha'ar ha-Tsiyun* 7, both understand the view of R. Yonah to be equivalent to that of Ran (above, note 80).
83. *Mor u-Kesiv* 199; *Purim Meshulash* (Deviltry) 2, 8, 18.
84. To these opinions one can add Maharam of Rothenberg (above, note 75), cited in *Tur OH* 199, who disallowed a *zimnun* formed by men and women. Although *Bah* (ad loc.) claims that the ruling of Maharam is based on modesty considerations, *Eliyahu Rabbah* (ad loc.) disagrees, pointing out that Maharam nowhere mentions the concept of immodesty.
85. Also to be included in the camp disagreeing with *Sefer ha-Iituv* are the authorities who permit the inclusion of a woman in a *minyán* as an adjunct (see section H).
86. Rivta, *Megilla* 5b and *Rosh ha-Shana* 27b; *Halikhot Beitah* 24, nn. 33–34.
87. *Erekh ha-Lehem* (Castro) 55:19, cited in *Mishna Berura* 55:50. R. Menashe Klein in a comment published at the end of *Responsa Benai Benim* (R. Yehuda Herzl Henkin) states explicitly that a *mehitsa* which separates men and women in a synagogue is covered by R. Castro's ruling.
88. *Mishna Berura* (55:52) and *Sha'arei Teshuva* (55:16), ruling against the stricter position of *Shevarei Keneset ha-Gedola*, *Kaf ha-Hayyim* (55:78) and *Arukh ha-Shulhan* (55:20) accept the more stringent view. However, R. Y. H. Henkin has correctly noted that the *Arukh ha-Shulhan* is actually referring to an instance in which the women's section is in a separate building. (personal communication 16 Shevat 5744; subsequently published with minor revisions in *Ha-Darom* [54], Sivan 5745, p. 34).
89. *Iggerot Moshe*, OH 1:39–43; 3:23–24. A similar conclusion is reached by R. Y. Y. Weinberg, *Svirid* Esh, 1:14; see also *Responsa Benai Benim*, 2. In a personal *hora'ah halakha le-masarah* (Cambridge, Mass.: 1971) Rabbi Joseph B. Soloveitchik *shilva* ruled that a *mehitsa* need only be 50 inches high.
90. *Hil'oretz Teshuva*, 3, 13, 2; *Responsa Minhat Shai* (Schor) 18; *Responsa Hemdat Moshe* (Beck) 13; based on *Hagahot Semak* 282:5 who stated that the walls that surround the *bima* in the synagogue do not interfere with the constitution of the *minyán* even if they are more than ten *tefachim* high since they do not reach the ceiling. See also *Shulhan Arukh OH* 370:3.
91. R. Yosef Eliyahu Henkin, *Ha-Pardes*, Adar 5723 (6), 5; R. Shalom Rubin-Halherstam disagreed in *Ha-Pardes*, Tishrei 5724 (1), 14; as does *Minhat Yitshak* 4:30.
92. *Responsa Minhat Yitshak* 4:9. Both this responsa and that of Rav Henkin (above, note 88) are based primarily on *Responsa Rashba* 1:91. See also *Adar ve-Purim* (R. 5, 4) who concludes as well that women in the women's section are considered to be praying in public, i.e., in the presence of the men. This latter position is based on the author's discussion with R. Y. S. Eliav, as clarified to this writer in a personal communication dated 17 Kislev 5744. See also *Adar ve-Purim*, (R. 5, 3 note 10) who cites R. Moshe Stern as permitting, in the absence of 10 men, the counting of men and women together for a *minyán* for *megilla* even though they are separated by a *mehitsa*.
93. See *Beit Yosef*, OH 55, s.v. *ve'elu ha-asara li'*; *Einyam lo-Mishpat*, *Berakhot* 48a, n. "a"; *Encyclopedia Talmudit*, vol. 6, *davar she-bi-kedusha*, sec. 3; *Ha-Tefilla ve-Tisbuv* (R. Yitshak Yaakov Fuchs), chapter 5.
94. Concerning the identity of Rabbenu Simha, see reference 2 n. 23. Examination of Mordekhai, *Shiltei ha-Gibhorim* and Maharam (above, note 75) reveals that the ruling of R. Simha was made regarding *zimnun be-shem*. However, *Beit Yosef* (above, note 93) applies it to public prayer as well.
95. *Beit Yosef*, OH 55, s.v. *ve-katuv be-Mordekhai*; cf. *Responsa Mahari Assad*, OH 26; *Responsa Minhat Yitshak* 9:11.

96. This opinion apparently maintains that the derivations quoted in the beginning of this article which exclude women, minors and slaves from the category of "children of Israel" are *avannahot* and not of biblical authority. See *Resp. Mahari Assad* (*Yehuda Yafeh*), OH 26.
97. Presumably, because women, minors and slaves are not obligated in public prayer or *zimnun*, incorporating more than one would be a blatant breach of propriety and a sign of disrespect. It ought to be noted, however, that there are isolated *rishonim* who permit (i.e. inclusion of two, three or even four minors, provided the majority (i.e., at least six) of the *minyán* are adults. Nevertheless, these *rishonim* discuss only minors; none explicitly permit women to serve as adjunct members. The distinction between women and male minors is that the latter will eventually become obligated in public prayer. One could conceivably construct a position allowing the inclusion of up to four women as adjuncts by hybridizing the view of Rabbenu Simcha, who talks of only one woman adjunct, with the opinion of those permitting four minors as adjuncts. This would, however, create a position that is a minority view several times over. Firstly, the majority opinion is not to include adjuncts at all. Of those permitting adjuncts, the vast majority allow the inclusion of only one. Of those who permit adjuncts, only a minority are willing to include women and many, if not most, of these do so only for *zimnun be-shem* and not for public prayer. Finally, all those who permit adjuncts do so only in extreme need and certainly not as a normative situation. (For sources to all the above, see *Encyclopedia Talmudit*, vol. 6, *davar she-bi-kedusha*, sec. 3.) It is not surprising, therefore, that no *rishon* or *aharon* even hints at the possibility of allowing more than one woman as an adjunct.
98. R. Yaakov Emden (*Mor u-Kesiv*, OH 55) and R. Avraham Hayyim Rodriguez (*Resp. Orach la-Tsaddik*, 2) suggest that the reason for the total exclusion of women as adjuncts is related to the "honor of the community." See reference 2 section b for a brief discussion of this point.
99. a) *Eliyahu Rabbah*, OH 199:3; *Birkei Yosef*, 199:2; and *Mahazik Berakha*, 4; *Shulhan Arukh ha-Rav*, OH 199:7; *Mor u-Kesiv* 199; *Kaf ha-Hayyim* 199:15; *Hazon Ish*, OH 30:9; *Mishna Berura* 199:2; *Mishneh Halakhot* 4:78.
b) In the case of *zimnun be-shem* and in contradistinction to public prayer, some of the early *aharonim* accepted the opinion of R. Simha (above, note 75); see reference 2 section h.
100. See D. M. Feldman, *Conservative Judaism*, 26:4 (Summer, 1972), pp. 35–36; *Tomek ha-Halakha* (Responsa of the Panel of Halakha Inquiry of the Union for Traditional Conservative Judaism), volume 1 (*Iyar* 5746, May 1986); *Orach Hayim*, Responsa nos. 3 and 6. These articles cite only the "equality of obligation" approach to *minyán*.
101. Since ten women do not form a *halakha minyan* for public prayer, women who join together to pray form a women's service – not a women's *minyán*.