

WOMEN'S ISSUES

BOOK TWO

Women in Mitzvos

Prepared by Ner Le'Elef

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SECTION ONE: ISSUES OF EQUALITY

CHAPTER A: INTRODUCTION

CHAPTER A: INTRODUCTION

For adult תשובה, an understanding of the woman's role is acquired experientially rather than intellectually, i.e. by contact with our great תורה women. Therefore, full integration may take many years.

These questions are best dealt with by women, as men are considered to be suspect-the suppressers: "Were you ever a woman that you know what it's like?"

Do not jump into specific answers; general orientation is essential (no "quickies").

Most questions involve the idea of inequality in some way. This is rooted in two misconceptions:

- i- To be equal, women must be the same as men and must have the same role. In fact, in the 60's and 70's, American women were explicitly told that they must be men. However, since then there has been growing evidence, both biological and psychological, that women and men are indeed different in many fundamental ways. The issue amongst women's liberation movements today is whether there is unfair discrimination in allowing the feminine perspective, the expression of the unique women's understanding and potential, to contribute to the world. (Despite this, many women who have hassles with Judaism's approach to women's issues appear to be fairly oblivious to these developments. At any rate, they appear not to have integrated this information with respect to Jewish issues.)
- ii- The more visible a role, the more important it is. This undermines the progress made in point i above to some degree. The failure to understand the value of צניעות means that many women will put undue value on the work place and other visible roles.

Based on this, they are convinced that תורה women are getting a raw deal.

The general response:

- a- Don't filter the information through your prejudiced value system. Understand Judaism on its own terms.
- b- In Judaism, all that counts is getting close to the Almighty. Men and women are entirely equal in this.
- c- All the great things in Judaism were done in a hidden way. Public roles in Judaism are not considered a spiritual advantage (see **Section Six - צניעות**).
- d- Judaism has never hesitated to give leading credit/roles to women wherever the situation has demanded it.
- e- Men and women are different in significant ways: therefore, it makes sense that they have different roles.
- f- תורה women are happy and fulfilled with their roles.

A note on gender neuter terminology: In Hebrew, the term Adam is gender neuter, and refers to mankind as a whole. The problem of terminology is only in English, where common usage refers to the male. So too, the term ישראל is gender neutral even if the person using it would intend it not to be so:

מגן אברהם או"ח ס' מו :

... יש מקשין אמאי לא מברך שעשני ישראל ... ולי נראה דאם היה מברך שעשני ישראל אשה בכלל דכל התורה נאמרה בלשון זכר ואפ"ה אשה בכלל כמו שכתבו התוס' דדוקא היכא דכתיב בני ישראל ולא בנות ישראל ...

CHAPTER B: EQUALITY

- i- Women do not have to be like men to be equal - equal treatment in the face of differences is cruel**
- ii- Differences allow for greater creativity; for marriage**
- iii- Western World: Undue stress on external roles**
- iv- Helper does not Mean Inferior**
- v- No Difference in ultimate purpose and fulfillment in world as relates to men and women**

CHAPTER B: EQUALITY

i- Women do not have to be like men to be equal - equal treatment in the face of differences is cruel

סוטה יא :
את כל עבודתם אשר עבדו בהם בפרך ... שהיו מחליפין מלאכת אנשים לנשים ומלאכת נשים לאנשים
עין יעקב שם :
שכל אחד יפה לו אמנותו בפניו...

It is quite clear that the Judaism understands that women are radically different from men:

שבת סב.
נשים עם בפני עצמן הן

Sigmund Freud: The great question that has never been answered, and which I have not yet been able to answer despite my thirty years of research into the feminine soul, is: What does a woman want?

In the USA there is a deep belief that everyone is born equal and that therefore everyone has equal opportunity to advance in life. Many have assumed that the most important thing that one could say about the morality of an arrangement is that it is equal. Judaism's stand that the Jews are the Chosen People appears, in this light, backward and elitist, if not downright racist.

Judaism definitely believes that all of mankind has a right to universal human rights, i.e. that there are certain issues of equality common to all. There are certain basic ways in which we treat everyone, including congenital idiots and murderers the same. "If I see a stranger in danger of drowning, I am not likely to ask myself questions about his moral character before going to his aid ... my obligation here is to a man, to any man in such circumstance¹."

In addition, Judaism very much believes that all mankind should be given a fair chance to get close to G-d. But it also believes that different people have different spiritual sensitivities. We will show that it is wrong and even cruel not to provide different opportunities for different types of people. Men and women accommodate different expressions of spirituality. Halacha is sensitive to these differences and accommodates them.²

¹ Gregory Vlastos, Justice and Equality, pg. 47

² Rachele Goldberg, Moreshet: Western culture generally promotes apparent goals such as externalized power, material acquisitions, and a visible place in society. This strongly opposes the Torah principle, that there are many diverse goals designated for different people, which collectively form a unit of achievement. For example, with regard to the service of G-d in the Temple, there were many unique roles to be filled by different groups. The priests worked in the Temple, the Levites played instruments and sang praise to G-d, while other tribes worked the land in order to provide sustenance for all. One group was not better than the next. Rather, each group was interconnected, and had to contribute differently, to the service of G-d as a part of the Jewish nation. Similarly, with the role difference between men and women. Their distinctive roles are directly related to the physiological and psychological diversities in their make up. In general, men and women are naturally inclined to more public and private domains in life, respectively. One domain is not superior or inferior to the other - they

No two people are absolutely equal; all have physical and emotional differences as well as differences in intelligence, aptitude, and character traits. A society that forces a cripple to join the infantry, forces a genius and a severely retarded person to get exactly the same education, or requires equal taxation for the rich and the poor, is a cruel society. A cripple should not get drafted to the infantry, a genius (who studies hard) deserves a place in college ahead of someone who has an IQ of 70 (who studies equally as hard), and a heart patient deserves more healthcare aid than a healthy person. We should not treat a baby as an adult nor an elderly man as a youth. As Felix Frankfurter put it in one of his judicial opinions (1949), "It was a wise man who said that there is no greater inequality than the equal treatment of unequals."¹

What this really means is that different types of people will be provided with different opportunities so that each one can fulfill his own potential. In fact, in most Western countries, some rights are explicitly an expression of the differences between people:

"Some rights depend on individual differences...the right of a blind person to use a white cane, the right of a veteran to be buried at public expense, the right of an indigent to government assistance, the right of a fatherless child to public support...With regard to an equal right, taking a person's individual qualities into account may constitute discrimination. But with special rights they must be taken into account." (Wolgast, 41/42) Although it may be argued that, say, the rights of a blind person apply to everyone should they become blind, it is patently absurd to say "that a man possesses the same rights as a woman, for instance a right to maternity leave or midwifery assistance, which he can exercise in the event he ever become female and pregnant²."

Judaism has always recognized that people are different. Within Judaism, there are many such differences:

כהן, לוי, ישראל-ל; ת"ח, נביא, מלך וגו'...

So too, Judaism understands that women are radically different from men:

שבת סב.
נשים עם בפני עצמן הן

Therefore, denying those differences is considered an act of cruelty:

סוטה יא :

are different. Multiple goals in Judaism combine to a collective goal, allowing women to be valued in their own right.

Feminism is a movement that includes striving for the attainment of power and political, economic and social power to men. However, when feminists strive for equality, they don't strive for equality in the true sense of the word. They promote "sameness", denying a woman's innate femininity. They reject the idea that different doesn't necessarily mean unequal. It must be recognized that each sex has its unique role and contributions to make to the world.

¹ John F Kennedy said that "All of us do not have equal talent, but all of us should have equal opportunity to develop our talents" (Speech 1963). Some Americans have the idea that equality of opportunity means that everyone was given an equal chance to prove himself and, if he didn't it was his own fault. But this is only true if everyone started with the same qualities and potential to begin with.

² Elizabeth H. Wolgast, Equality and the Rights of Women (Cornell U. Press, pg. 49)

One can only equalize opportunities in the face of differences if one drops standards to the lowest common denominator. This leveling means that most people will not reach their potential and society will lose most of what people had to contribute. As Samuel Johnson put it: "Your levelers wish to level down as far as themselves; but they cannot bear leveling up to themselves." (quoted in James Boswell's The Life of Samuel Johnson)

את כל עבודתם אשר עבדו בהם בפרך ... שהיו מחליפין מלאכת אנשים לנשים ומלאכת נשים לאנשים
עין יעקב שם : ... שכל אחד יפה לו הקב"ה אמנותו בפניו...

What any society wants to avoid is to begin discriminating against certain groups of the population based on irrelevant distinctions. Some, however, have come to confuse this idea by saying that therefore any distinction based in biology is intrinsically biased. In fact, as Dr. Alice Rossi points out, diversity is a basic fact while equality is a political, ethical and social concept¹.

In the words of Elizabeth Wolgast: "It is true that skin color is an unimportant difference and should not affect a person's rights. But it is not unimportant for the reason that it is biological. The difference between men and apes is merely biological too, as is the difference between men and fishes; yet these differences rightly lead to different treatment²."

But the goal of the person asking for special or different treatment should not be looking to equalize his situation with others. Rather, he should be looking to see how he can fulfill his unique potential. Adin Steinsaltz expresses it well: "All of G-d's creatures have their distinct qualities and there is no point in 'casting envious glances at [the rest of] Creation.' What is essential is to realize one's own potential as fully as possible rather than to imitate others. 'Thou shalt not covet' is a matter of inner attitude, a desire to have someone else's qualities and attainments. At whatever level one finds oneself, an awareness of others can and should serve as a goad to achievement and improvement; but it must not be allowed to spawn mere imitation³."

It is therefore a great credit to Judaism that it recognizes the diversity of different people and provides different opportunities to reflect these differences. This principle is reflected in different ways in a number of מצוות in the תורה (for example, in the prohibitions against mingling species and hybridization). To impose upon someone a path that is not suited to him is not to improve but to degrade him. True oneness, Judaism teaches, is not achieved by homogenization but only when each component joins the whole with its unique character intact. Relatedness, affection, and love lose all meaning when distinct identities are obliterated. In the case of individuals, as well as groups, it is the very existence of benignly perceived differences that makes mutual relationships work.

Today, all of the scientific literature has shown that men and women are different in every which way. For example, men have been shown to be better at mathematics, scientific and abstract thinking and at map reading, whereas women have been shown to have less aggression, to be more team orientated and inclusive, to be more responsive to external stimuli and to have a greater ability to make relationships.

The women's liberation movement has long come to accept these findings and have attempted to adjust their agenda accordingly. In Science, Kibbutz and Feminism Michael Kaufman writes:

In 1965, the feminist sociologist Alice Rossi, author of Feminists in Politics and editor of The Feminist Papers, published a powerful article in *Daedalus*, the journal of the American Academy of Arts and Sciences, arguing for the basic equality of men and women. A woman could be the complete equal of man were it not for society's barriers restricting women. Twelve years later Alice Rossi did an about-face. In a second article in *Daedalus*, she

¹ *Daedalus*, '77 - A Biosocial Perspective on Parenting

² Elizabeth H. Wolgast, Equality and the Rights of Women (Cornell U. Press, pg. 22)

³ Teshuvah (A Guide for the Newly Observant Jew-Free Press)-chap 21, The Woman's Role: pg. 144

discussed inherent gender differences ... [concluding] that men and women are not equal and that their differences are innate. "Biological contributions shape what is learned and ... there are differences in the ease with which the sexes can learn certain things." Specifically, women are better suited to be parents and to rear children.

... Rossi regretted that many feminists "confuse equality with identity, and diversity with inequality." "Diversity is a biological fact, "[she declared and] ... men and women do not have to do the same things to be ... equal. ... The social philosopher and feminist gadfly Camille Paglia underwent a similar transformation. In her 1992 book Sex, Art and American Culture, Paglia writes:

... I can declare that what *is* female in me comes from nature and not from nurture. ... I have been led by my studies to reaffirm the most archaic myths about male and female. (Kaufman pg. 160-161)

Scholars showed that across all cultures there are and were similarities in women's roles in childcare. The division of labor was found to be universal in all societies and cultures (ibid).

Time, April 17, 1989, Now for a Woman's Point of View, Philip Elmer DeWitt, p. 38:

Catherine MacKinnon, a visiting professor at Yale Law School, and Professor Mary Becker of the University of Chicago Law School both claim that Courts have traditionally refused to enforce bargains between spouses in which one partner agrees to pay the other for women's work—child rearing, care-taking and other domestic responsibilities.

These scholars insist that biological differences between men and women must be taken into account by the law. In effect, declares Christine Littleton, a law professor at the University of California Los Angeles, there must be "equal acceptance" of differences.

Since "pregnancy leads to a physical inability to work it should be treated as any other temporary physical disability." Laws that give pregnant women specific privileges, she and others argue, imply unequal status, and are likely to prove detrimental to women in the long run. They cite as an example the protective labor legislation of the turn of the century that effectively kept women out of higher-paying jobs for decades. Littleton, on the other hand, contends that without specific safeguards women that become parents are often at a disadvantage in the workplace.

Some feminist scholars believe that the law should take into account psychological as well as biological distinctions between the sexes. Women think differently, they contend, and have different notions of justice. These theorists draw heavily from the work of Carol Gilligan, a Harvard psychologist, who argues that women are less concerned than men about whether a particular action fits existing notions of right or wrong. Instead, she says, women tend to focus on the context of an event and how it affects the participants. Says Professor Barbara Babcock of Stanford University Law School: "We're concerned about preserving relationships through the law rather than promoting the antagonistic posture that law often fosters."

ii- Differences allow for greater creativity; for marriage

In fact, if men and women were not different there would be no concept of marriage. Marriage is the structure in which each sex gives to the other what he/she is lacking. That requires that each has what the other does not have.

There is no pure נוקבא and זוכרא in עולם העשייה.

iii- Western World: Undue stress on external roles

The idea that worth is defined by public recognition is an anti-Jewish idea. In the western world, the people with the most public exposure (the movie stars, rock stars and sportsmen) are the most highly rewarded both financially and in terms of the number of fans they have. Yet, we all know that they are the least likely to be leading morally mature lives. A billionaire with a temper and five divorces to his name who is egotistical and insensitive commands more respect in the western world than Joe Simple who controls his temper, is happily married, other-relating and sensitive. In Judaism, we stress that the more well-known one's good deeds are the less they are worth. Rav Elyashiv lives without titles in a simple home in a back alley; the chief rabbis of Israel are almost never our greatest sages. See Women's Issues, Book One - **צניעות**.

Mistaken ideas of power: Bill Clinton, John Major and Helmut Kohl are seen as powerful people. But who made you what you are, Bill Clinton or your parents? (Mrs. Heller)

No idea of what feminine power is; harder to see because it nurtures and influences rather than imposes and directs.

Occupying high positions of power often threatens true spirituality. משה רבינו argues with השם for a full week before accepting his mission to redeem the Jewish People.

iv- Helper does not Mean Inferior

Later, we will bring the מהר"ל who holds that עזר כנגדו means an equal and opposite relationship. However, the question arises why the תורה chooses to define a woman's relationship with a man as a helping one at all; why not just say that they should have an equal giving relationship?

Helping relationships are often between two people of unequal status; e.g. a king and his servant, a homemaker and her maid, an employer and his/her employee, etc. However, the relationship could just as easily be reversed, such as when a parent helps his/her child, a doctor helps a patient, a teacher helps her student, etc. Therefore, the fact that someone is a helper is not in and of itself an indication of the status of the helper re the helpee. The helper may be of inferior, superior or equal status.

The only time that we find the term helper in the תורה other than by a woman helping a man is with respect to הקב"ה helping mankind. Obviously, this is the paradigm of an empowered helper helping a being of totally inferior status. Therefore, when womankind is described as a helper in the תורה, the starting point of understanding her role is to compare her to G-d Himself!

Women were created with an internal imperative to want to help. In this respect they are imitating G-d and walking in His ways. Men were given the corollary – an internal imperative to want and need help. Women naturally have more nurturing natures. This is why they, and not men, have a womb and are able to nurse. Ideally, this extends to other relationships as well, especially toward their husbands.

Without this perspective, it is impossible to understand many of the things which Chazal say about helping relationships. For example, in the Tanchuma (Shelach א), Chazal say:

*Shluchei Mitzvah are exempt from sitting in the Sukkah, for nothing is more desirous to HaSh-m than a Shaliach who has been sent to do a Mitzvah, and who [thereby] dedicates his Nefesh to the success of his mission.*¹

*Brachos (.ר): The promise [of reward] which HaSh-m made to the women is greater than that which He made to the men. ... By what virtue did women merit this? By arousing their children to go to the Shul [to learn] and by encouraging their husbands to go to the Beis HaMidrash, and by waiting for their husbands to come home and by giving them permission to learn in another town [if this is what is required].*²

v- No Difference in ultimate purpose and fulfillment in world as relates to Men and Women

What counts in Yiddishkeit is getting closer to the Almighty; nothing else matters. According to this, there is nothing that we think important in the Western world (job, security, etc.) which has intrinsic value. For all we know, a dishwasher may have more opportunities for getting close to the Almighty than an executive.

Two things are certain:

- i- G-d wants the maximum closeness possible between Himself and any human being. Anything else is absurd³.
- ii- Judaism is clear that women get as much reward for their way of serving G-d as men do for theirs, i.e. each has equal opportunity to get close to G-d through their role.
- iii- Also in this world, women's achievements and attainment of holiness are considered as great as men's.

The Yalkut Shimoni states as follows:

And Devorah was a female Prophetess. What was Devorah's greatness that she prophesized about and for the Jewish people and judged them? And did she not live during the time of Pinchus [who could have served these roles]. May the heavens and the earth

¹תנחומא שלח א: שלוחי מצוה פטורין מן הסוכה, שאין לך חביב לפני המקום כשליח שהוא משתלח לעשות מצוה, ונותן נפשו להצליחותו

וכמו שהאיר הספר מבשר טוב (של הרבי מביאלא – כרל ר שער א פ"א ח"ל: ושוב עולה התמיהה: הרי השליח הוא רק אמצעי לקיום המצוה, והעיקר הוא המשלח שהשליח פועל בשליחותו. ומהו הענין "שאיין לך חביב כשליח מצוה שעעושה שליחותו," דמשמע שהוא חביב יותר מהמשלח עצמו, שהמצוה נקרא על שמו ע"כ

²ברכות יז ע"א: גדולה הבטחה שהבטיח הקדוש ברוך הוא לנשים יותר מהאנשים שנאמר (ישעיה לב) נשים שאננות קומנה שמענה קולי, בנות בוטחים האזנה אמרתי. אמר ליה רב לרבי חייא: נשים במאי זכיין, בארוי בנייהו לבי כנישתא ובאתנוי גבריהו בי רבנן, ונטרין לגבריהו עד דאתו מבי רבנן ושוב הקשה המבשר טוב (שם): וביותר יש לתמה ... הנשים אינם אלא אמצעי לסייע בלימוד התורה של בעליהן, ושוב לכאורה אין כל סיבה לכך דהבטחתן גדולה מהבטחת האנשים

³ עיין בריש קל"ח פתחי חכמה של הרמח"ל שהקב"ה רוצה לעשות חסד אפילו עם רשעים

testify for me – whether it be a non-Jew or a Jew, a man or a woman, a slave or a maid-servant – they will have Ruach HaKodesh only according to the holiness of their actions¹.

And to ensure that we understand this concept clearly, Rav Moshe Feinstein, in the *Igros Moshe*, assures us that women have no less *Kedusha* than men do:

As far as holiness goes, women are equal to men. ... Certainly, we cannot say that this matter (that women are exempt from time-based Mitzvos) is because women are of lesser standing in holiness than men, for, as far as holiness goes, women are equal to men as we see from the fact that women are generally commanded in all the Mitzvos [and require a specific exemption in this case]. For the commandment to keep the Mitzvos arises only as a result of the holiness of the Jewish people, and all the verses having to do with this holiness were said to the women as well. This is true also of the beginning of the acceptance of the Torah, i.e.

והייתם לי סגולה ואתם תהיו לגוי קדוש

For these words were said to Bais Yaakov who are the women and to Bnei Yisroel who are the men. [And similarly, all other references to Kedusha applied equally to the women as they did to the men] such as ואתם קדש תהיו לי in Parshas Mishpatim, והייתם קדשים in Shmini and והייתם קדשים and קדשים תהיו in Parshas Kedoshim². ...

For wherever the idea of Kedusha is mentioned with reference to the Jewish people, it was said to women as well, and therefore they also make the blessing במצותי אשר קדשנו במצותי, even in when they are performing Mitzvos from which they are exempt. [Therefore, their

¹ילקוט שמעוני שופטים ילקוט ד:

ודבורה אשה נביאה מה טיבה של דבורה שנתנבאת על ישראל ושפטת אותם והלא פינחס בן אלעזר עומד מעיד אני עלי את השמים ואת הארץ בין גוי בין ישראל בין איש בין אשה בין עבד בין שפחה הכל לפי מעשיו של אדם רוח הקדש שורה עליו.

²אגרות משה אורח חיים ח"ד סי' מט

לענין קדושה שוות (הנשים) לאנשים ...

צריך לדעת כי אין זה בשביל שנשים פחותות במדרגת הקדושה מאנשים דלענין הקדושה שוות לאנשים לענין שייכות החיוב במצות שרק מצד הקדושה דאיכא בישראל הוא ציווי המצות וגם לנשים נאמרו כל הקראי דקדושה בין תחלת תנאי קבלת התורה והייתם לי סגולה ואתם תהיו לגוי קדוש שנאמר לבית יעקב אלו הנשים ותגיד לבני ישראל אלו האנשים, ובין ואנשי קדש תהיו לי שבמשפטים והייתם קדשים דשמיני וקדשים תהיו והייתם קדשים שבפ' קדשים וכי עם קדוש אתה לה' שבפ' ראה ובכל מקום שנמצא ענין קדושה ד'ישראל נאמר גם לנשים, ולכן גם הנשים מברכות בלשון אשר קדשנו במצותי כמו האנשים אף על המצות שלא חייבתן תורה, ורק שהוא קולא מאיזה טעמי השי"ת שרצה להקל לנשים כדלעיל ולא מצד גריעותא ח"ו, ובה חיובים בין איש לאשתו איתא חיוב הכבוד על האיש לאשתו ועל האשה לבעלה בלא שום חלוקה, והרבה מהנשים שהיו נביאות ויש להן כל דיני נביא שבאנשים, ובהרבה דברים נשתבחו בין בקראי בין בדברי חז"ל עוד יותר מלאנשים, וליכא שום זלזול בכבודן ובכל דבר בזה שנפטרו מלמוד התורה וממצות שהזמ"ג וליכא כלל שום סבה להתרעם כלל. ...

ועיין ביתר אריכות בדברות משה גיטין הערה סה

ובספר חיים טובים של הר"י חיים ברבי בצלאל (אחי המהר"ל):

דרך העולם שאם נולד בן זכר שהכל שמחים כנגדו, ואומרים שבן זכר בגימטריה ברכה. אבל נקבה בגימטריה בקללה, ולכן הכל עצבים כנגד לידת הנקבה. ולכאורה נראה שהמאמר שאמרו רבותינו זכרונם לברכה (בבא בתרא טז, ב) אשרי מי שבניו זכרים, אוי למי שבניו נקבות מסכים לזה. אבל חלילה להתרעם על מעשה השם יתברך ועל יצוריו. ואיך יאמרו רבותינו זכרונם לברכה אוי על מי שבניו נקיבות, ולך אל האמן אשר יצרה! ולכן נראה כי בניו האמור במקום זה, רוצה לומר זרע, כמו (דברים כה, ה) ובן איין לו, שרוצה לומר זרע, שהרי אף הבת פוטרת מחליצה, וכולל זכרים ונקיבות. ושניהם אם הם עושים כמעשה הזכרים המחויבים במצות, אשרי לו לאב, שאפילו הנקיבות חשובות לו כזכרים, כענין שנאמר (דברים לג, כד): "ברוך מבנים לאשר", שבנותיו היו בכלל ברכה יותר משאר הבנים (בראשית רבה עא, י). וכן בפרק מי שמת (בבא בתרא קמא, א) אמרינן דבנתה דרב חסדא הוו עדיפי לה מבניו, לפי שחתניו היו גדולי הדור—רבא, ורמי בר חמא, ומר עוקבא. אבל מי שבניו הזכרים עושים כמעשה הנקיבות, ודאי אוי ואוי לפי שהם תוגה לאב, ויותר היה בוחר בנקיבות.

exemption from time-based Mitzvos] is a Kula for whatever reason HaSh-m had for wanting to be maikel on women, but not because of any deficiency, chas veShalom.

And, included in the obligations between spouses is the obligation for a husband to honor his wife and for a wife to honor her husband without any differentiation. Moreover, many women were prophetesses, and all the laws of prophecy which applied to a man applied to them. In fact, in many places in Tanach and in Chazal, women are praised even more than men are. And there is no hint of any denigration to their honored status, and certainly we cannot look to their exemption from Talmud Torah and from Mitzvos any reason to think to the contrary.

But is not just a woman's holiness which is intrinsically as great as that of a man, but also the potential spiritual impact of women on the world. This we see when the verse says:

בראשית כח : ויצא יעקב מבאר שבע

And Yaakov left Beer Sheva

Rashi explains that the verse is coming to tell us that when a Tzadik leaves a place, he makes an impression, for during his stay in a city, the Tzadik is its *Hod* and *Ziv* and *Hadar*. When he leaves, so does its *Hod* and *Ziv* and *Hadar*. And so it is written (רות א):

ותצא מן המקום

And she left the place¹.

This is not to say that male and female roles are the same. On the contrary – we have shown in Women Book 1 just how different women and men are. But the net achievement potential of both are the same.

This is commonly misunderstood because of women's roles as facilitators, but in Judaism, facilitating roles are often greater than the role facilitated:

ב"ב ט : גדול המעשה יותר מן העושה

Greater is who who facilitates (or delegates) than the actual doer.

One example of this was when the spoil from the victory of the four kings over the five kings was being divided. Avraham Avinu insisted that those who were guarding the armory should be given their fair share of the spoils together with the fighters².

Women are often seen as halachically subservient to men in the marriage relationship. However, this is not so. The *Dibros Moshe* points out that:

The only Shibud of wife to her husband is in marital affairs and, in this regard, a husband's shibud to his wife is greater, for he even has a clear negative commandment

¹רש"י: ... מגיד שיציאת צדיק מן המקום עושה רושם שבזמן שהצדיק בעיר הוא הודה הוא זיוה הוא הדרה יצא משם פנה הודה פנה זיוה פנה הדרה וכן (רות א) ותצא מן המקום האמור בנעמי ורות.

²בראשית יד:כד (א"א אומר למלך סדום שלא יקח מאומה מהמלחמה) בלעדי רק אשר אכלו הנערים וחלק האנשים אשר הלכו אתי ענר אשכל וממרא הם יקחו חלקם רש"י: ואע"פ ש...וענר וחביריו ישבו על הכלים לשמור א"ה יקחו חלקם

applying to him in this regard. And as concerns the Rabbinic Decree that the profits she earns should accrue to him, this is in lieu of his obligation to provide for her needs (mezonos), and her obligations in this regard do not extend beyond work in the home, but not outside the home (avodas hasadeh), and they only required that she do a bit of weaving which is light work and was customary for females to do. ... And he is obligated to honor her. Nor is he allowed to leave his home without her permission unless it is to his usual place of work. On the other hand, the husband's obligations [appear to be greater, for] he is commanded to accept whatever type of job it takes to support her¹.

¹דברות משה שם:

מן התורה הא ליכא שום שעבוד על האשה לבעלה חוץ מתשמיש ולענין תשמיש הוא משועבד לה יותר דהא עליו יש גם איסור לאו, ורבנן שתקנו שמעשה ידיה לבעלה הא כנגד זה חייב במזונות ואינה מחוייבת לעשות רק עניני הבית ולא עבודת שדה ומעט עשיה בצמר שהיא מלאכה קלה ממלאכות שדרכן של בנות העיר בזה ... ומחוייב לכבדה ואיני יכול לילך מביתו בלא רשותה רק למלאכתו הידוע לה, והבעל אדרבה מחוייב לעשות כל המלאכות שצריך האדם לפרנסה... ע"ש

SECTION TWO: מצוות עשה שהזמן גרמא

CHAPTER A: INTRODUCTION

i- Exemptions

ii- Negative Obligations

iii- Voluntarily doing מצוות עשה שהזמן גרמא

CHAPTER A: INTRODUCTION

i- Exemptions

Of the sixty mitzvot which apply to men today, women are exempt from 14 positive מצוות¹. Of these, only half (seven) are מ״ע שהזמן גרמא. In fact, there are just as many (seven) other מצוות מ״ע שהזמן גרמא which women are obligated to do (one of which is disputed). However, the כלל is one of a general פטור from all גרמא מצוות, with all the exceptions requiring a specific למוד to include women.

Women are also exempt from three negative *Mitzvos*, one of which is an exemption to a בת כהן. The three are *Bal Tashchis* and *Bal Takif* (both prohibiting men from cutting different parts of their hair) and for a Cohen not to be *Metameh* himself with a dead body (except for his seven closest relatives)².

ii- Negative Obligations

We stated in the section above that women are obligated in all the negative commandments but three. Negative commandments, says the Maharal, are the *Seder HaDevarim*, the fundamental, basic order and context in which everyone operates³.

A woman is obligated in negatives because these deal with things that run counter to human beings, negative desires which women are just as capable of handling as men (Mrs. Heller).

iii- Voluntarily doing מצוות עשה שהזמן גרמא

There is a fundamental difference between women's פטור and a non-Jew's פטור. A non-Jew is exempt from the *Mitzvah* because he is not in spiritual harmony with the *mitzvah* - he is not in the *parsha*.

However, although not obligated, a woman is entitled to fulfill any of those commands to which she feels a special relationship. But, she must do this because of genuine spiritual yearnings to become closer to G-d; not because of a desire to show that she is liberated, equal to men or to make a statement. Therefore, those women who have done certain מצוות (like תפילין's granddaughters who put on תפילין) have made a point of doing so in private without letting anyone know.

There is great danger involved whenever a woman does any of these mitzvot as an act of a woman trying to be a man. Once imitation begins it often leads one to spend time on

¹רמב"ם ספר המצוות סוף מ"ע
הנה התבאר לך כי מאלו הששים מצוות הכרחיות יש בהן ששה וארבעים מצוות שהנשים חייבות בהן ג"כ, וי"ד שאין הנשים חייבות בהן.
(ובתשובות הגאונים ס' ק"כ בשם רב סעדיה גאון דיש שלשים מצוות שהאנשים חייבים בהם והנשים פטורות והרב ירוחם פישל פרלו על סה"מ לרס"ג עשה יד-טו דף קיט והלאה מאריך בביאורו)

²רמב"ם פי"ב מהל' עכו"ם הל' ג':
כל מצות לא תעשה שבתורה אחד אנשים ואחד נשים חייבים חוץ מבל תשחית ובל תקיף ובל יטמא כהן למתים. וכל מצות עשה שהיא מזמן לזמן ואינה תדירה נשים פטורות חוץ מקידוש היום ואכילת מצה בלילי הפסח ואכילת הפסח ושחיטתו והקהל ושמחה שהנשים חייבות: (ע"פ מס' קידושין פ"א מש' ז)

³בכמה מקומות וכגון בגור אריה ד"ה זו דינה שנבעלת לכנענית

things that are none of one's concern and of little use while at the same time neglecting those that are truly important. This is not to say that one should never take upon oneself obligations that go beyond what one is commanded to do; however, such extra commitments should be weighed carefully to see whether they really add something to one's life, really fulfill an inner need, or are merely a matter of whim. Hearing the שופר sounded or blessing the לילב may be a powerful personal experience (according to those opinions that women have not become obligated in them today), but more pressing obligations should not be neglected in order to perform them.¹ On the other hand, מצוות that are obligatory on women like daily prayer, Shacharis and *Mincha*, are just as binding on them as on men.

¹ Jonathan Rosenblum in the Jerusalem Post (July 6, 2000) :

A woman once approached Rabbi Joseph Ber Soloveitchik, undisputedly the preeminent Orthodox thinker of the 20th century, and asked him whether she could wear a tallit for prayers. The Rav told her that before undertaking such a major departure from custom she should proceed by stages. He told her to wear a four-cornered garment without the ritual fringes for three months and then report back to him.

After three months, the woman returned and told the Rav that wearing the four-cornered garment had been the most exhilarating and inspiring experience of her life. The Rav replied: "For the past three months what you have been doing has been halachically meaningless. You have been wearing a garment without religious significance, and you have been getting your inspiration from something other than a mitzva." He forbade the woman to wear a tallit.

The Rav would never have made his point so forcefully unless he felt that it touched on the very fundamentals of Jewish belief - the difference between pagan ritual practice and halachic ritual. The essence of the latter, according to the Rav, is the Divine command, which of necessity has intrinsic meaning. Communication with God takes place only within the context of that Divine command. The objective fact of the command, not the subjective emotions of the one performing the command, always remains primary.

To be sure, the emotions of the one performing the mitzva are far from irrelevant. An absence of joy in the mitzva indicates something lacking in the Divine service. But that joy is an outgrowth of the mitzva, not its goal. Pagan ritual, by contrast, has meaning only in terms of its impact on the one performing the ritual. The ritual itself lacks intrinsic meaning.

The Rav viewed the new feminist ritual as essentially neo-pagan. He did not doubt for a moment that women pushing to wear tallitot and tefillin and to read from the Torah were sincere - i.e., that they wanted to do so very much. Nor did he deny that women experienced something when doing so. Rather, he rejected subjective spiritual experience as the basis of Jewish ritual.

German Protestant theology picked up from paganism the idea that religious practice is validated only by the emotional response it engenders. And Friederich Schleiermacher's elevation of subjective religious intuition and feeling was seized upon by classical German Reform as a means of attacking objective Jewish law.

Jewish feminism today runs the risk of heading down the same path. Eleven years ago, I spent several hours in private conversation with two leaders of the then-nascent Women of the Wall. Both women described themselves as mitzva-observant, but they did not speak the traditional language of halacha, which views us as drawing close to God by choosing to submit to His will. Instead, they stressed repeatedly their need for self-expression and self-fulfillment, and assumed, after the modern fashion, that the sincerity of their desires automatically validated them. (For that reason, they were not even prepared to say that a Jew's for Jesus group at the Kotel would be illegitimate.) Even the question, "What is ultimately determinative for you, your will or God's?," I was told is too complex to answer. But the answer begins, said one of the women, "Insofar as I was created in the Divine image, I feel myself in continuous dialogue with God."

The dichotomy between her will and God's was, for her, an artificial one. To reject subjective emotions as the ultimate arbiter of Jewish religious practice, however, does not mean that only the objective act has halachic significance. The intention with which we perform an action often determines its validity. For instance, a woman is not obligated in the mitzvot of tefillin or tzitzit because both are time-bound commandments. Nevertheless, women may perform time-bound mitzvot and even recite a blessing on their performance. Thus the act of wearing a tallit is not proscribed. It all depends on why a woman insists on wearing one.

If she views the Torah's exemption of women from time-bound mitzvot as inherently sexist and rejects all halachic distinctions between men and women, then her act is a denial of the Torah. The same would be true if she suffers from what Shira Schmidt has aptly termed "Tallis-envy," and believes that a woman's prayers are only heard if she prays as a man.

There is a simple litmus test to determine whether the action is motivated by the craving to draw close to God through His mitzvot - the same desire that caused Moses to beg to be allowed to enter the Land - or by the desire

We will deal with the *Mitzvos Aseh SheHazman Grama* in greater detail below.

to make a statement fundamentally at odds with the Torah. Is the woman in question already meticulous about every aspect of the mitzvot incumbent upon her, or is she particularly drawn to those mitzvot traditionally performed by men?

No one was ever more sincere than the 250 followers of Korach. They rallied under the banner: "The entire nation is holy," and sought, as today, to uproot all distinctions between different groups in religious practice. Though warned by Moses that only one of those who brought the incense offering would be chosen and that the others would suffer the same fate as Nadav and Avihu, who decided to create their own forms of Divine service, their desire to bring incense was so great that they were willing to give up their lives to do so (according to the interpretation of Rabbi Naftali Tzvi Yehuda Berlin).

They paid with their lives.

Their incense pans were then gathered and fashioned into a permanent reminder that it is God, not we, Who determines the form of our relationship.

Without acknowledging that fact, all the sincerity in the world will not help.

CHAPTER B: מצוות עשה שהזמן גרמא

i- חייב מצוות עשה שהזמן גרמא in which women are not

ii- חייב מצוות עשה שהזמן גרמא in which women are

iii- Reasons for exemptions from מצוות עשה שהזמן גרמא

a- Women are exempt because they are not at a high enough level of spirituality

b- Women have the same קדושה but a different עבודה

c- Women have greater natural spirituality - they need less מצוות

CHAPTER B: מצוות עשה שהזמן גרמא

i - חייב in which women are not עשה שהזמן גרמא

Women are ordinarily exempt from מ"ע שהז"ע. The following is a list of these מצוות, three of which are done during the daily davening. The others relate to the annual festival cycle.

1. קריאת שמע
2. תפילין
3. ציצית
4. ספירת העמר
5. שופר
6. סכה
7. לולב

Also מצוות דרבנן

Source:

Kidushin (דל): There is a hekesh between the whole Torah and Tefilin [in the first and second verse of the Shema]. Just as Tefillin is a time-based Mitzvah from which women are exempt, so too women are exempt from all the Mitzvos which are time-based¹.

Current relationship

Of the Mitzvos listed above women are only not allowed to fulfill the מצוה of תפילין, although they customarily do not fulfill the מצוה of ציצית as well (see these מצוות under Appendix A:2 for detailed reasoning). Women can, and often do, fulfill the other 5 *Zeman Gramas* as we will explain in the section below.

Tefilin is the one זמן גרמא which women should not fulfill today. This is because of the great holiness of תפילין². The רמב"ם³ states that תפילין have even greater קדושה than the ציצית. The latter had only שם אחד, whereas תפילין has the שם twenty one times on the ראש and the same on the יד. For this reason, men also only fulfill this מצוה for the shortest amount of time possible, i.e. during davening, even though the מצוה is applicable the whole day. As ישראל בת ישראל puts it, if men were not obligated in תפילין they also would not risk doing it⁴. Although there were some ראשונים who, despite the great risks involved, allowed

¹ קידושין לה.
למען תהיה תורת ה' בפ"ך (שמות יג:ט) הוקשה כל התורה כולה לתפילין, מה תפילין מ"ע שהזמן גרמא ונשים פטורות אף כל מ"ע שהזמן גרמא נשים פטורות.

² וצריך א' גוף נקי
(ב) לא יסיח דעתו מהם.

³ הלכות תפילין פ"ד הל' יד

⁴ וכעין זה כתב הערוך השולחן א"ח ס"ח ס"ו: אנשים שמחוייבים... לכן אין מניחים כל היום. א"כ נשים שפטורות למה יכניסו עצמן בחשש גדול כזה.
אמנם ראה במשנה ברורה ס"ק יג

women to wear תפילין¹ under certain circumstances, there is consensus amongst the אחרונים prohibiting this².

Other reasons:

סוד עלמא תפילין and בגד איש³ (and ציצית) are considered דדוכרא – *the secret of the world of the male* (the deeper reason why they are considered בגד איש). The Gemorrah in Eiruvin (צו.) states that Michal bas Shaul wore Tefilin. The *Kaf HaChaim* states that Michal understood that her נשמה was from דזוכרא, the male world, which is why she could not have children⁴.

ii- חייב in which women are מצוות עשה שהזמן גרמא

However, there are some exceptions where women are obligated in the מצוה despite the fact that it is a מ"ע שהז"ג. These are:

1. קדוש
2. מצה
3. שחיטת ואכילת קרבן פסח
4. הקהל
5. (ודלא כרע"א) שמחת יום טוב
6. Possibly הגדה של פסח (גר"א, see section two)

מצוות דרבנן:

1. קדוש של יום טוב
2. מצוות ליל סדר
3. מגילת אסתר
4. נרות חנוכה
5. נרות שבת

¹ quoted on ג רשב"א in רבינו תם אורחות חיים ג see ראש השנה לג. ד"ה הא in רבינו תם אורחות חיים ג and possibly even משתיקתם - ר"ף and רמב"ם

² דמ"א או"ח סל"ח ס"ג

³ (אגרות משה) on תרגום יונתן) but in the case of ציצית she can wear distinctly women's four cornered garments - דברים כב: (אגרות משה)

⁴ כף החיים סק"ט

חכמים. תתקן to make a special תפילין was an exception, requiring her מיכל also says that רב צדוק הכהן allowed this as a שעה (182 דף) הוראת שעה (Note, although the גמרא there says that the Rabbis did not protest her action, פסיקתא רבתי brings down the תוספות, which concludes that they did and that the בבלי is simply bringing down the part of a passage which was relevant to its discussion. However, on תוספות, ראש השנה. explains that according to those opinions who say that women should not wear תפילין, the חכמים nevertheless did not rebuke מיכל because they knew that she was a total צדקת and that she knew how to be careful.)

מיהו בא"ר סל"ח סק"ב ובמגן גיבורים שהאידינא האיטור חל על כל הנשים ואין אחת יכולה לומר אני אזהר. עוד טעמים לאיטור מובא בהליכות בת ישראל: א-בשלטי גבורים (ראש השנה פ"ד): מפני שנראה כדרך החיצונים שעורים על דברי חכמים ואינם רוצים לדרוש המקורות כמותן

ב-במהר"ם שיק או"ח סט"ו: משום דמיחזי כיוהרא (וכמו שאמרו הפוסקים אצל ציצית) ג-משום איטור לא תלבש אישה כלי גבר

iii- Reasons for exemptions from גרמא שהזמן עשה

We will explain the various different explanations as to why women are exempt from *Zeman Gramas* as well as some of the difficulties with each approach. We will then attempt to give an explanation, in greater depth, which we believe is the most successful of the approaches.

There are 3 primary categories of explanation in the מפרשים:

- a- Women are exempt because they are not at a high enough level of spirituality. (מגן אברהם)
- b- They are exempt because they have a different task in life; however, there is no difference in their level of spirituality and those of men. (אבודרהם)
- c- They are exempt because they are at a higher level of spirituality. (ר' ש"ר הירש, חיד"א), (ר' עובדיה יוסף)

The difference between these explanations is whether a woman can actually do these מצוות and whether she can make a ברכה when she does. If she is exempt because she is at a lower level of קדושה, she then may not be in the פרשה at all. However, none of the מפרשים go this far, not even with respect to תפילין which a woman should not put on for other reasons. Alternatively, a woman should not make a ברכה (which many poskim do say and which is the מנהג ספרדי). However, here too this may be for other reasons. For example, ר' עובדיה יוסף is one of those who adhere to the view that the exemption of women from the מצוות עשה שהזמן גרמא is because women have greater קדושה. Nevertheless, he paskens that Sephardi women should not to say the ברכה when doing a גרמא זמן.

We will discuss each explanation and show the advantages and difficulties of each one. We will show that in the end, each one of these approaches has to invoke certain unique advantages which a woman has over a man (and vice-versa) in order to complete their explanation. The ability of women to intuit a spiritually balanced עבודה is at the root of all the explanations.

a- Explanation one: Women are exempt because they are not at a high enough level of spirituality

The מגן אברהם learns this from the ילקוט שמואל. The פסוק says that חנה דברה אל לבה – *Chana spoke Torah to her heart*. The ילקוט observes that the word לבה with one ב is used, and not the word לבבה which would mean a heart with a יצר הטוב and a יצר הרע¹. The way the מגן אברהם understands this מדרש is that women do not have a fully developed יצר הטוב. They are therefore exempt from these Mitzvos². (Why they are specifically exempt from these Mitzvos and not others is not explained.)

The difficulty with this approach is that the פסוק on which the מדרש is going is talking in praise of חנה. The simple interpretation of the מדרש is that just as an עבד has a single-minded commitment to his אדון so חנה (and women in general) had a single-minded

¹ילקוט שמואל א א עח וחנה היא מדברת אל לבה: למה נשתתפו הנשים הקטנים והעבדים לענין המצוות, לפי שאין להם אלא לב אחד שנאמר וחנה מדברת אל לבה (ולא לבבה) ... וכן הקטן אולת קשורה בלב נער וכן העבד לבו אל אדונו בלבד.

²ד"ת רענן (מגן אברהם) (at the bottom of the std. Yalkut): הנשים עם הקטנים-פירוש לענין מ"ע שהזמן גרמא: לב אחד, שאין יצר הטוב שולט בהם כל כך ואם כן מ"ע שאינו נוהג לעולם קרוב הוא שלא תעשה לפיכך פטרה הכתוב.

commitment to the עולם של עולם. In fact, wherever the term לב אחד is used by חז"ל, it is always used in the positive sense.

In addition, the מדרש continues in clear praise of חנה's לב אחד:

... הרשעים הם ברשות לבם ... אבל הצדיקים לבם ברשותם שנאמר וחנה מדברת אל לבה (ולא בלבה) ...

The Reshaim are under the control of their heart ... but the Tzadikim control their hearts as it says: And Chana spoke to her heart [and not through her heart].

(A third interpretation of the מדרש is that חנה spoke about the things that were on her heart – (על עסקי לבה).

In fact, the גמרא (ברכות לא) learns from this verse that one must have כוונה in תפילה¹, certainly a very positive lesson².

According to Rav Ovadia Yosef³, by the word לב אחד the שמואל means that these people are unambiguous (בלא לב ולב) and he brings several proofs for this.

It is also difficult to know in what way a woman's יצר הטוב is not fully developed. The זוהר quoted above brings several proofs to the contrary, including the זוהר which states that *all women are united with the Shechina* (כל נשי ישראל אחידן בשכינתא).

This undeveloped Yetzer possibly relates to the ירושלמי which states:

נשים עצלניות הם (ירושלמי פסחים א ד:)

Women are lazy.

However, if this is intended to be a normative statement about women at all times, it is contradicted by numerous other statements by חז"ל and later מפרשים. At the very giving of the Torah the verse says,

כה תאמר לבית יעקב ותגיד לבני ישראל:

On which the Sages comment that Beis Yaakov are the women and Bnei Yisroel are the men. From this we see that the women were given the Torah before the men. The Sages ask why this was so, and they subsequently answer that women are Zrizos in their performance of the Mitzvos⁴. Similar statements are made by later commentators⁵.

Rav S.R. Hirsch (ויקרא כג: מג):

¹מכאן למתפלל שצריך שיכוין לבו

²That seems to be not only the דרוש of the פסוק, but also, according to the רד"ק, the פשט as well.

³שו"ת יביע אומר ח"א אר"ח ס"מ

⁴שו"ר כח: ב

כה תאמר לבית יעקב אלו הנשים... ותגיד לבני ישראל אלו האנשים... ד"א למה לנשים תחלה שהן מזדרזות במצות ע"כ.

⁵ערוך השולחן (הלי' ת"ת)

ונשים שלנו זריזות דבכל דבר ספק שואלות ואינן מעמידות על דעתן אפילו בדבר קטן שבקטנות.

G-d's תורה takes it for granted that our women have great fervor and more faithful enthusiasm for their G-d.

Certainly, the מן אברהם would agree that in times of spiritual darkness such as at the time of the חטא העגל and at the time of the מרגלים, women show a deeper and more enduring faith. Still, it is possible that he holds that women lack the same זריזות as men during normal times.

However, having said that, even the מן אברהם would agree that when it comes to עולם הבא:

Women get the same שכר as men:

Since women have less מצוות than men (they are not מצוות in תורה and מ"ע and תלמוד תורה מצוות), there are one of two theoretical possibilities:

i- Women get less שכר

ii- Women get the same שכר as men, receiving greater שכר than men in areas of רשות: All the מפרשים, even those who hold that women have less קדושה in this world than men, are clear that *women do get the same שכר in עולם הבא as men*. Women's lesser קדושה, according to these opinions (who are in any case a minority), is because she is סוף קומת האדם. Her job is to be the final station of bringing קדושה into the world. This is the מדה of מלכות which we discussed in an earlier section.

This would also explain the seeming contradictions in the מהר"ל concerning women. The מהר"ל also states that women's exemption from גרמא מצוות is because they are at a lower level. Representing *Chomer, Zeman Gramas* are sourced in *Tzura*, the male trait¹.

However, in another place the Maharal states that האשה שקולה וחשובה כמו האיש (גור). (אריה ד"ה עזר כנגדו)

In yet a third place the מהר"ל states that women are on a higher level of spirituality than men. (דרוש על התורה):

For a man, being that he is a male, does not contain inner contentment (שאנן) and peace (השקט), given his strong will (התגברות) and activeness. Therefore he does not start out in natural harmony for the [ultimate] contentment and rest which is Olam HaBa which is Menucha in its essence. But women are more naturally in harmony and prepared [for Olam HaBa]. For they are more intrinsically less action-oriented and Bnei-Hisorrerus. Therefore, the promise [of reward] which G-d made to the women is greater than that which He made to the men, due to their natural contentment (שאנן) and peacefulness (שלוה), which renders them more naturally in tune with this. They can therefore, with a [small investment] of helping [those involved in Torah] and with but the little that they put in to facilitating the

¹מהר"ל: תפארת ישראל פ"ד: כל מצוות לא תעשה מחוייבים בהם הנשים גם כן כמו האנשים אף כי מדריגתם חמרי, כי מצוות לא תעשה מצד החומר ... ואלו מ"ע שהזמן גרמא פטורין מהן הנשים כי מצוות עשה המצוה היא מצד הצורה כי הצורה היא שלימות האדם והשלמתו היא מצד מצוות עשה. ועיין עוד בגור אריה ויגש ד"ה זו דינה שנבעלת לכנעני

*learning of others their reward is great*¹. [The piece is difficult to translate. Please see the original in the footnote.]

Elsewhere, the Maharal states that:

האשה יותר קרובה אל השלמה²

A woman is closer to completeness.

So we see a confusing picture from the Maharal of the female who may be greater than, lesser than or equal to the male. However, these contradictions can be reconciled when one understands that the מהר"ל is talking about different dimensions of men and women. Since men and women are very different, each has different areas of strengths and weaknesses.

We have mentioned that the approach of the מגן אברהם was to say that a woman is exempt from time-bound Mitzvos because her Yetzer HaTov is not as well developed. We then showed many contradictions to this, some learned from the very same verse from which the Midrash, quoted by the Magen Avraham, learns. Surely the Magen Avraham would agree with this approach of the Maharal that women compared to men have their strengths and weaknesses (spiritually speaking) and that the Midrash was not intended as blanket statement. Given this insight, there really is no difference between this opinion and the next one which is that men and women do have the same קדושה overall³.

¹כי האיש במה שהוא גבר איננו בעל שאנו והשקט מצד התגברותו והתפעלו, בכך אינם מוכנים גם כן כל כך אל השאנן והמנוחה הוא העולם הבא שהוא המנוחה בעצמו. אבל הנשים ראויים ומוכנים לה מצד עצמם שאינם בני פעולה והתעוררות מצד עצם בריאתן, לפיכך גדולה ההבטחה שהבטיח הקב"ה יותר מן האנשים מצד השאנן ושלוה אשר המה מוכנים לו כי זהו חלק הנשים וראויות לזה ביותר. ובמעט הסיוע שמסייעים לתורה שכרם גדול מאד

²חידושי אגדות למס' סוטה דף יז.

³See also the לבוש in the עק יוסף in the התפילות. There he says in the name of the לבוש that a woman is not חשובה like a man because she is not commanded in the גרמא מ"ע שהזמן גרמא. However, this would appear to be putting the cart before the horse. Surely, the פטור of women from these מצוות is an indication of something and not the source of the reason.

b- Explanation Two: Women have the same קדושה but a different עבודה

Above, we quoted Rav Moshe Feinstein in the *Igros Moshe*¹, who is quite unequivocal about this status. He goes through all the verses talking about *Kedushas Yisroel* and shows that they apply to women as they do to men².

Rav Moshe's arguments, in sum, are:

- i- Every place that the Torah mentions the issue of קדושה, women are mentioned together with men;
- ii- Although women are not obligated in גרמא שהזמן מ'יע, they are in the פרשה. They therefore say the appropriate blessing when doing such מצוות.
- iii- We do not see that the halacha apportions any less כבוד to a woman than it does to a man; this includes the husband/wife relationship.
- iv- Females were prophets just as males were, prophecy being a direct function of קדושה level.
- v- [Each issue has to be understood in context;] therefore we see that in some areas women are considered even more praiseworthy than men.

Rav Moshe Feinstein does not suggest a reason for the exemption. Others do:

a- Women's roles do not allow them to be time-bound

This may be because they are bound to the will of their husbands:

This approach is adopted by the Abudraham, the Kol Bo, the Ritva and others³ who all say that women do not completely control their own schedule since they have to be responsive to their husbands and they are therefore exempt from time-based mitzvos⁴.

תורה תמימה, however, has great difficulty with this logic, claiming that it is very innovative and would not account for the fact that those who are not currently married, such as singles, widows and divorcees are also included in the exemption: *Perhaps one could*

¹אגרות משה אורח חיים ח"ד סי' מט

²צריך לדעת כי אין זה בשביל שנשים פחותות במדרגת הקדושה מאנשים דלענין הקדושה שוות לאנשים לענין שייכות החיוב במצות שרק מצד הקדושה דאיכא בישראל הוא ציווי המצות וגם לנשים נאמרו כל הקראי דקדושה בין תחלת תנאי קבלת התורה והייתם לי סגולה ואתם תהיו לי גוי קדוש שנאמר לבית יעקב אלו הנשים ותגיד לבני ישראל אלו האנשים, ובין ואנשי קדש תהיון לי שבמשפטים והייתם קדשים דשמיני וקדשים תהיו והייתם קדשים שבפ' קדשים וכי עם קדוש אתה לה' שבפ' ראה ובכל מקום שנמצא ענין קדושה דישראל נאמר גם לנשים, ולכן גם הנשים מברכות בלשון אשר קדשנו במצותיו כמו האנשים אף על המצות שלא חייבתן תורה, ורק שהוא קולא מאיזה טעמי השי"ת שרצה להקל לנשים כדלעיל ולא מצד גריעותא ח"ו, ובהחייבים בין איש לאשתו איתא חיוב הכבוד על האיש לאשתו ועל האשה לבעלה בלא שום חלוקה, והרבה מהנשים שהיו נביאות ויש להן כל דיני נביא שבאנשים, ובהרבה דברים נשתבחו בין בקראי בין בדברי חז"ל עוד יותר מלאנשים, וליכא שום זלזול בכבודן ובכל דבר בזה שנפטרו מלמוד התורה וממצות שהזמ"ג וליכא כלל שום סבה להתרעם כלל.

See also his משה, in דברות משה, for a more extensive treatment.

³אבודרהם סדר תפילות של חול, כל בו סי' עג בשם בעל מלמד התלמידים רבי יעקב אנטולי ז"ל (פרשת לך לך) \ תוס' רי"ד \ חדושי ריטב"א

⁴שהנשים אין הזמן מסור בידן וברשותן, כי משועבדות הן לבעל, וא"כ אי אפשר לחייבן במצוה שהזמן גרמא, כי אולי באותה שעה פקודת בעלה עליה

argue that since women in general are included in the exemption, so too the Torah included these special categories, [similar to the principle in Rabbinic decrees called Lo Plug]. But this is not so for we see in a similar instance that the Torah exempted married women from honoring their parents where their husbands prevented them from doing so but the moment she gets divorced or becomes widowed she immediately becomes obligated once again. The same logic should be applicable here¹. Moreover, the source of the exemption is from Tefilin, and if the logic of these authorities is correct, the Gemorrah did not need such a source [for it could have learned the exemption directly from the logic of her shibud to her husband, just as we do in Kibud Av VeEm.²

Further, according to this approach it is unclear how a woman could be stringent on herself and do these time based Mitzvos if she would want to, as almost all the Rishonim state. Nor is this considered Bal Tosif. It would have been more consistent for the Poskim to state that if their husbands give them permission to these Mitzvos then they may do them³.

The one advantage of this approach, says Torah Temima, is that it does explain why a woman is compared to an Eved and a Shifcha with respect to these exemptions (for none of them fully control their own time)⁴. This approach has other advantages as well⁵.

תורה תמימה Summary of the:

According to these commentators:

i- Why are non-married women also exempt?

ii- It is not appropriate to say that the reason is because of a לא פלוג because in כבוד אב לא פלוג where we have the same logic we do not say לא פלוג.

iii- Why was it necessary to learn the exemption from תפילין? In the case of כבוד אב no special lamdus is required⁶.

¹תורה תמימה שמות יג-ט:

וזו היא סברא מחודשה מאד, ולענ"ד אינה פשוטה כל כך, כי לפי"ז יתחייב שפנויות ואלמנות וגרושות תתחייבנה במ"ע שהזמ"ג, דלא שייך לומר כיון דכלל נשים פטורות שוב לא פלוג, שהרי כהאי גונא אמרו בקדושין ל' ב' לענין כבוד אב שהנשים פטורות מפני שרשות בעליהן עליהן ומבואר שם מפורש דאם נתאלמנה או נתגרשה חייבת בכבוד, וא"כ גם בנידון דידן כן, ולא שמענו חדוש כזה מעולם

²וגם אם כן היא הסברא לא היה צריך הגמרא לילך פטורה מתפילין וכמו בכבוד אב.

³ואף גם זאת אינו מבואר לפי"ז מש"כ כמעט כל הראשונים דאם רוצות הנשים להחמיר על עצמן להתחייב במ"ע שהזמ"ג אין בזה משום בל תוסיף, מאי שייך בזה שרוצות להחמיר, אחרי כי אין טובן בידן להחמיר בזה כיון דאין זמנן ברשותן, ויותר הו"ל להפוסקים לחדש, דאם בעליהן נותנים להן רשות לקיים מ"ע שהזמ"ג חייבות.

⁴ואמנם מצד אחד נראה סברא זו יקרה מאד להסביר בה ענין הגז"ש הבאה בכ"מ בש"ס כל מצוה שהאשה חייבת בה עבד חייב בה, וכל מצוה שאין האשה חייבת בה אין העבד חייב בה דגמר לה לה מאשה, דבאשה כתיב וכתב לה ספר כריתות ובשפחה כתיב (פ' קדושים) או חופשה לא נתן לה [ע' חגיגה ד' א'] והנה אינו מבואר מה טעם בגז"ש זו לענין לימוד פטור מצות שהז"ג בעבד ושפחה.

אבל לפי הסברא הנזכרת דטעם פטור מ"ע שהזמ"ג באשה הוא משום שאין זמנה בידה מפני שעבודה לבעל - הגז"ש רצויה ומקובלת מאד, כי גם עבד ושפחה אין זמנם בידם מפני שעבודם לאדוניהם, וממילא דין הוא שיהיו פטורים, וחז"ל סמכו זה על הלשונות השוות לה לה דכתיבי בפטור שעבודיהם, באשה בגט ובשפחה בשחרור.

⁵וגם יתיישב ברחבה לפי סברא זו מה שהקשה בטורי אבן בריש חגיגה שם מאי ראייה דעבד פטור ממ"ע שהזמ"ג מפטור דשפחה, דהא הפסוק או חופשה לא נתן לה כתיב בשפחה, ודילמא עבד חייב ככל זכרי ישראל, אבל לפי הסברא הנזכרת הדברים מאירים, דטעם אחד לפטור עבד ושפחה משום שעבוד זמנם ורק תפס הגז"ש בשפחה משום דמיון המלות לה דכתיב גבי שפחה, ודו"ק.

ואמנם זה ודאי אין להקשות לסברא זו למה יתחייב עבד עברי בכל המצות אחרי שגם הוא זמנו משועבד להאדון, יען משום דאעפ"כ אין גופו קנוי כמו אשה ועבד כנעני, ובכל יום יכול לצאת לחרות ע"י גרעון כסף, ולכן על תנאי זה השכיר עצמו שיתחייב במצות. ומ"ש בקדושין כ"ב ב' ע"ע גופו קנוי הוא רק לענין שיהיה מותר בשפחה כנענית, כמש"כ הריטב"א שם.

⁶ אמנם בזה שפיר אפשר לחלק דמ"ע שהז"ג הוי מצוות בין אדם למקום ובלי חידוש הקרא לא היינו יודעם שאשה פטורה בכה"ג

iv- חז"ל should not have said that if they want to they can be מחמיר on themselves; they should have stated that if their husbands permit, they can do them.

Therefore, suggests the תורה תמימה, *even those מפרשים who go with this line of reasoning do not regard it as the primary reason*¹. The *Torah Temimah* does not suggest what this reason might be, but it may well be in agreement with the various commentators below².

A second explanation as to why women's roles may not allow them to be time-bound has to do with their overall role as mothers and nurturers:

In a sense, a woman is considered to be continuously במצוה, עוסק, and we have a principle that *Osek BeMitzvah Patur Min HaMitzvah*. Indeed, there are some *Rishonim* who hold that even if one has a lost object in his house it is considered sufficient to exempt him from doing another Mitzvah like giving *Tzedaka* (even though he could actually manage to do both mitzvos simultaneously)³.

However, most *Rishonim*⁴ disagree with this approach. They hold that the definition of an עוסק במצוה is quite stringent. As the Meiri (ברכות יא.), reflecting the consensus of these *Rishonim*, defines it:

*And so every place where [the Sages] said that one who is engaged in one Mitzvah is exempt from a second Mitzvah, [they only intended this to apply] so long as he is still actually involved in the first Mitzvah, and the second Mitzvah can only be done at the expense of the first. But, [if these two conditions are not fulfilled, i.e.] that he is no longer involved in the first Mitzvah or that doing the second Mitzvah does not preclude doing the first Mitzvah simultaneously, then there is no exemption from the second Mitzvah ... and the proof of this is that the Sages said, "If he is engaged/busy (עוסק) with a Mitzvah, then he is exempt from a second Mitzvah," and they did not say if he is [merely] fulfilling the Mitzvah (המקיים את המצוה)*⁵.

¹ונראה בכלל להסביר סברת הראשונים הנ"ל, דבאה היא להסביר גזירת הכתוב, אבל אינה יסודית ולא עליה בנוי יסוד עיקר הדין, ובזה הכל מבואר, ואין להאריך עוד.

²Note: There is a way to answer most if not all of the difficulties of the תורה תמימה. We have brought him primarily to show that even the אבודרהם et al may agree with the opinions below, the better to maximize the consensus between the various commentators.

³ב"ק נו: שומר אבידה ... רב יוסף אמר כשומר שכר דמי בהיה הנאה דלא בעי למיתבא ריפתא לעני

(Someone looking after a lost object becomes like a *Shomer Sachar* [even though he is not being paid and therefore should have been like a *Shome Chinam*] for by so doing he is gaining the *hanaah* [monetary value] of not having to give a piece of bread to an *ani*.) The halacha is like this opinion. *Tosfos* explains that even the other opinion, who holds that he is like a *Shomer Chinam* agrees with this logic. He argues only because it is such an unlikely scenario. The Gro there [ס' ב] brings down the opinions which we are quoting. The Rashba also quotes the Raavad (ב"מ פב סע"א) as being of this opinion.

⁴תוס' שם ד"ה בהיה הנאה ובסוכה (כה), רשב"א שם (אמנם עיין ברשב"א ברכות יא. שנראה כסותר עצמו), מאירי ברכות יא., נימוקי יוסף (כד. בדפי הרי"ף), רא"ה בשטמ"ק ב"ק נו: והריטב"א (סוכה כה א ד"ה מתני' ובחידושי הריטב"א של מוסד הרב קוק שם הארה 336 הביא עוד כמה ראשונים הלא הם הראש, ההששלמה המכתם ועוד כמה דעות הנוקט לשיטה הראשונה.

⁵מאירי ברכות יא.

So seemingly, a woman should only be exempt from time-based Mitzvos when she is actually busy with her children or helping her husband, but not at other times. We would then question why a single woman or a widow whose children are all grown up etc. would have these exemptions at all. Perhaps these Rishonim would say that a woman is exempt from time-based מצוות because her entire approach to serving G-d is one of constant readiness to respond to changing realities. For example, although one can easily provide for children's physical needs according to certain schedules, if one is really going to allow children to develop as unique personalities, fulfill their creative faculties and fine-tune their moral sensitivities and values, it requires constant alertness, availability and engagement. Under such circumstances, even when one is not actually busy with the Mitzvah one would be exempt¹.

Nevertheless, many of the questions which the Torah Temimah asked on the previous approach would also be applicable to this approach as well. In addition, one may ask why women should only be exempt from *Zeman Gramas*. According to this approach, a woman is considered permanently *Osek BeMitzvah* and should therefore be exempt from all other positive mitzvos as well².

A third explanation is that the nature of a woman's role is such that she does not need the constant reminders which these מצוות provide as men need them:

Rav Shimshon Raphael Hirsch (מג: כג, ויקרא):

G-d's Torah takes it for granted that ... the calling [of women] runs less danger in their case than in that of men from the temptations which occur in the course of business and professional life. Accordingly, it does not find it necessary to give those repeated spurring reminders to remain true to their calling, and warnings against weakness in their business lives³.

Summary of the reasons why women are exempt:

וכן כל מקום שאמרו שעוסק במצוה פטור מן המצוה דוקא בעוד שהוא עושה את המצוה ושאינן האחרת נעשית אלא בדחייתה של זאת אבל בעוד שאינו עושה אותה מצוה או שאין זו נדחית בכך ואפשר לקיים אתה אחרת בקיומה של זאת לא נפטור בכך ... וראיה לדבר מה שאמר העוסק במצוה פטור מן המצוה ולא אמר המקיים את המצוה.

¹ וכן משמע מתוס' סוכה ד"ה שלוחי ח"ל: בגמרא ... הולכי לדבר מצוה פטורין מן הסוכה בין ביום ובין בלילה ומשמע שאין הולכים אלא ביום ע"ש עוד

² This is answered by saying that it is true that a woman is not always considered *Osek BeMitzvah*. However, her situation is such that she can never know when she is going to be *Osek BeMitzvah*. Therefore, it was specially time-based Mitzvos, which require a woman to free her schedule at a particular time, from which she was exempt. And even though many time-based mitzvos can be done for a whole day, a woman can easily be busy the whole day. The Torah did not want her to have to figure out just when she is *Osek BeMitzvah* and when not since even *Tirda Demitzva* is enough to exempt one (סוכה כה). However, this is difficult. For we do know that the Torah, for whatever reasons, did obligate a woman in some time-based *Mitzvos*. Now, although a woman does not have a general exemption from these mitzvos, why can she not exempt herself from them whenever she is busy with her family? And the same goes for any other mitzva with which a woman is obligated. Perhaps we can modify our original logic by saying that, although a woman isn't truly *Osek BeMitzvah* when she takes care of her family, but the Torah wanted her to get the message of how important this is, and regarded her, with respect to time-based mitzvos, as if she is an *osek bemitzvah*. This might also explain why all women are exempt from this category, because it isn't because of the actual business with her family that causes the exemption, it is the message of how important taking care of her family is, which is the source of the exemption.

³ There are clearly reasons why this explanation would be difficult to understand in our age of working women.

In sum, women are exempt from positive, time-based Mitzvos for one of two primary reasons:

- 1: Women are not at a high enough level of spirituality.
- 2: A woman's *Avoda* is different from a man's in ways which either make it impossible, inappropriate or unnecessary for her to fulfill *Zeman Gramas*. This is either because:
 - i. She is bound to her husband or
 - ii. She is considered permanently *Osek BeMitzvah* or
 - iii. She does not need the reminders of the *Zeman Gramas*

Women do not lose any sachar by being exempt from time-bound Mitzvos:

According to all the explanations, it has to be that if women are still going to get the same חלק in עולם הבא as men (on which everyone agrees), then:

Women do not need these מצוות to get their עולם הבא.

This is either because:

- a- She does not need this kind of תקון
- b- She needs the תקון but she does not need the גרמא זמן שהזמן to give it to her since she is capable of getting this תקון herself through the area of רשות.

Either way, it is essential to understand the following facts about women's nature:

- a- Women are more internal and therefore need less external structure, including certain מצוות;
- b- Women have a greater capacity than men to maintain a balanced עבודה. Men need extra מצוות to help them maintain this balance in their עבודה.
- c- Women have greater natural spirituality – Therefore they need less מצוות.

a- Women are more internal, need less structure

A woman, because she has more בינה, is more emotionally and spiritually aware. This is confirmed by the בעל תשובה movement: females have shown a much greater spiritual openness to exploring Judaism than men and there are many more female returnees than male ones.

See S.R. Hirsch¹: "Women have greater fervor and more faithful enthusiasm for their G-d-serving calling ... and therefore do not need חגיגה, ראיה, מילה, and in general, מצוות עשה גרמא, as reminders."

Men get caught up in the unfolding challenges of the day, week and year and therefore need periodic מצוה reminders to maintain their focus on spirituality. The מצוות provide more structure and a greater sense of closure. Women have to create that structure not only for themselves but also for their families and, ultimately, for the Jewish nation.

¹ last par. "We have already..." ויקרא כג חג: ר' ש"ד הירש

Women who are on the left side of גבורה define the parameters and structure of situations rather than requiring that those parameters be imposed upon them. Thus, at two critical junctures in the history of the Jewish Nation, it was a woman who determined what the very definition of the Jewish people was going to be. The first juncture was שרה, and not אברהם, who decided that ישמעאל was to be excluded from the Jewish nation, and that he was to be the father of an independent, great nation; similarly in the case of the dispute of רבקה with יצחק vis-a-vis עשו; it was Rivka who determined that Eisav's industrial, technological and economic prowess was to be outside of the Jewish people.

So too, it is the female force which distinguishes שבת from the days of the week and which was able to create the mechanism for the Torah to be brought down into the world to begin with.

Men operate after a structure is created. For example, יחוס is determined by the mother, but once a person is born Jewish, the tribe he will belong to as well as whether he will be a כהן, ישראל, or לוי will be determined by the father. Similarly, after the female force brings in the שבת on Friday night, שבת day becomes male.

When structures appear to break down, such as times of spiritual darkness, women prevail (e.g. מרגלים, עגל הזהב). But when כלל ישראל has its structure, men tend to lead.

Women also show this capacity to create structure in their relationship with time. This is of vital importance, since we are explaining her exemption from גרמא. Friday night, the beginning of שבת, קדושת שבת, is female, as reflected in the תפילות and the חלה we cut. Moreover, women have הדלקת נרות as one of their special מצוות. A second of the three women's מצוות is also time-based – that of המשפחה.

Significantly, and related to the מצוה of the monthly cycle of המשפחה, women have ראש חודש as their unique חג. According to רב צדוק הכהן, this is because of their special capacity to intuit the hidden קדושה of ראש חודש which will only be fully revealed in ימות המשיח. This is a superb example of women's ability to take a time-based situation and to connect with its essence without the formal guidance of a מצוה structure.

Note: Where women are lacking they get their own special תקונים. Hence, on women's special מצוות, the Maharal¹ states as follows:

These [special] women's Mitzvos come to complete that which is lacking in a woman for candle lighting ... is a Tikun to the Sechel ... and purification from the blood of Nidah is a purification of her Nefesh as the Posuk says: כי הדם הוא הנפש ... And Challah is similar to the body of a person for a person's body is like the mixed dough².

b- Women have a greater capacity than men to maintain a balanced עבודה - Men need extra מצוות to help them broaden their focus in order to have a balanced עבודה

Men: Have more דעת which allows for solving problems one at a time (therefore, in order to have a balanced עבודה, they are able to מילתא למילתא).

Women: דעתן קלות, i.e. don't get absorbed with individual problem.

¹מהר"ל, הקדמה לאור חדש, דף נט

²אלו מצוות לאשה להשלים חסרון האשה כי הדלקת נרות ... תקן השכל ... וטהרת האשה מדם נדתה דבר זה טהרת הנפש כי הדם הוא הנפש... וחלה הוא דומה לגוף האדם כי גוף האדם הוא כמו עיסה מעורבת...

Able to focus on multiple fragmented realities and unite them into an integrated whole.

Have *קל דעת*, i.e. more holistic (complements their *בינה יתירה*).

Men are from Mars: When a man is stressed (has a problem)...he becomes so focused on solving this one problem that he temporarily loses awareness of everything else... he becomes increasingly distant, forgetful, unresponsive...(p.31) goes to his private cave... to find a solution...(p.30), i.e. he gets totally absorbed in that problem. When a Venusian (female) becomes upset or is stressed... she seeks out someone she trusts and then talks in great detail about the problems of her day... On Venus, sharing your problems with another is actually considered a sign of love and trust and not a burden. Venusians are not ashamed of having problems. Their egos are dependent not on looking "competent" but rather on being in loving relationships. (p.31)

The composite of *מצוות* together create a *שביל הזהב* (see *רמבם: הלכות יסודי התורה, פרק* (א' ושמונה פרקים). This *שביל הזהב* ensures that a Jew works on all aspects of his/her personality. It does not allow a person to work on merely his/her biggest strengths and or weakness:

Women: Have that balance more innately.

Men: Their *שביל הזהב* requires more *מצוות*.

Maharal: And this is known, that the power of fire of a woman is not as liable to breach its orderly parameters as it is with a man¹.

Therefore, a woman is more easily in touch with *קדושה* when surrounded by physical realities (e.g. relationships, mundane tasks, slavery).

Men need physical realities to be more obviously labeled as *מצוות* (including various *מצוות* of marriage and having children²).

Women achieve their extra *קדושה* by adding to the defined *מצוות* in which they are commanded, an enlarged area of *דברי רשות*. Women, through their extra capacity of *צניעות* and their extra capacity to relate to *קדושה*, can better tune into *דברי רשות*.

Women are commanded in all the *מליית*. The *מליית* are the basic parameters in which we operate, the *סדר הדברים* (מהר"ל) *פרשת ויגש* and *תפארת ישראל*. Once in a framework, a Jew achieves his exalted levels by doing *מייע*. These are called *קנין מעלה* (מהר"ל). According to the *שערי תשובה*, all the great and elevated levels are achieved through the *מייע* (ג' שער). (See also the *רמב"ן*, *פרשת יתרו*, *זכור את יום השבת*, on *פרשת יתרו*).

What emerges, then, is that women have basically the same *סדר הדברים* as men while they have a different *עבודה* when it comes to *קנין המעלה*. (Although there are a few individual *ליית* from which a woman is exempt like *זקן*, these reflect local exemptions. There are no whole categories of exemption as there are in the *מייע*.)

¹ ודבר זה ידוע כי כח האש של אשה אינו יוצא מן הסדר כמו שהוא אצל האיש (מהר"ל חידושי אגדות מס' סוטה יז).

² A man has a Mitzvah of *Pru U'Revu*, and, according to some, a Mitzvah of *יקח*. A woman does not have these Mitzvos because her whole essence moves her to get married and have children. Men, lacking that internal need to that degree, need to be externally commanded.

On the Mitzva of שלוח הקן, the Ramban says that what the תורה does is legislate in certain broad areas with a number of specific מצוות, leaving it to us to harmonize ourselves with a תורה spirit in that area even where it is not legislated. In fact, most of our lives (both males and females) are, technically speaking, דברי רשות (although they, too, are covered by some מצוות שבכללות like קדושים תהיו). Clearly, הקב"ה wants all of our life to be full of עבודת ה', not just when we are doing מצוות. The מצוות are there to give us a very clear and relatively easy access to קדושה, while the area of רשות is a more difficult קדושה to achieve.

Therefore, while some have explained that women's natural level of קדושה renders certain מצוות unnecessary because she already has the קדושה-level of those מצוות, another explanation is that she does not need those מצוות because she is more capable of achieving that same קדושה even without the specific guidance and קדושה-access of those מצוות. Either way, this is reflected in the word רחם, womb, the part of the woman's body most unique to her and most reflective of her מדות. The letters רחם are the same numerical value (248-רמח) as the number of positive מצוות.

We see a similar reason when it comes to marriage. Men have a מצוה to get married (כי יקח or פרו ורבו); women do not. Women, however, clearly have a much greater internal need to get married (יותר משהאיש רוצה וכו'). Women are commanded by their internal nature to do what men are commanded to do by a specific מצוה.

c- Women have greater natural spirituality – Therefore they need less מצוות

(פירוש ר' ש"ר הירש (In one part of his

חיד"א (בדברי דוד)

ביע אומר ח"א או"ח ס"מ אות ט – ר' עובדיה יוסף

The אר"י ז"ל (Though he says contradictory things)

The מהר"ל says that women are not commanded to study Torah because they are at a higher level. However, he does not use this logic by גרמא מ"ע שהזמן. (Above we explained the reason for the discrepancies in the מהר"ל.)

ר' ש"ר הירש, ויקרא, כג: מג:

The תורה did not impose those מצוות on women because it did not consider them necessary to be demanded from women. All מצוות עשה שהזמן גרמא are meant, by symbolic procedures, to bring certain facts, principles, ideas and resolutions afresh to our minds from time to time, i.e. to spur us on afresh and to fortify us to realize them to keep them. תורה G-d's takes it for granted that our women have great fervor and more faithful enthusiasm for their G-d serving calling ...

Accordingly, it does not find it necessary to give those repeated spurring reminders to remain true to their calling and warnings against weakness in their business lives.

Rav S.R. Hirsch: *A woman ... does not need the Mitzvah of Talmud Torah and all the time-based Mitzvos since her Soul is more naturally in harmony with Olam HaBa and [also because] she is naturally a person with spiritual passion¹.*

¹ ר' ש"ר הירש (סידור; ויקרא כג מג, קטע האחרון; כלשון ההליכות בת ישראל פ"ב סק"ג): האשה ... אינה זקוקה למצוות ת"ת ולכל מ"ע שהזמן גרמא בהיות נפשה מוכנת יותר לחיי העולם הבא ו[גם כי היא] בעלת התלהבות קודש טבעית

Rabbi Steinsaltz (pg. 145): The fact that a particular מצוה is addressed to a particular set of people means that those people are in need of it to elevate their souls...those not subject to the מצוה are capable of reaching the level of spiritual elevation G-d expects of them without it.

Ed: In the case of non-Jews this would be because they are not required (indeed are not capable) of reaching that level of קדושה. They are therefore not in the פרשה of these מצוות at all (דברות משה גיטין הערה סה), and were they to make a ברכה it would be a לבטלה (שם). Women, however, are not exempt because they are not considered in the פרשה of these מצוות. On the contrary, they are in the פרשה, and, in general, can fulfill these מצוות. Hence they are entitled to make a ברכה of אשר קדשנו, and in fact, amongst אשכנזים, this is the מנהג (דברות משה - שם). (Note, the דברות משה makes no attempt to explain why women are not obligated in גרמא. Nor does he suggest that women have greater קדושה. Rather, he claims that they have the same קדושה as men. However, his logic would certainly apply to those opinions who also say that women have more קדושה than men. Such an opinion is held by Rabbeinu Bachaya who says:

איש אמו ואביו תראו (ויקרא יט: ג) -

fearing one's mother is mentioned before one's father because women have greater holiness than men¹.

Rabbeinu Bachaya's statement is probably an unusual position². The normative position is expressed by Rav Moshe Feinstein (see above) who says that men and women have equal Kedusha. But it is not unusual to say that in certain areas women have strengths which men lack that obviate their need for certain mitzvos (certain Tikunim) required by men.

In truth, we only need one מצוה for עולם הבא. The Rambam states that we are only given more to maximize the chances that we will do one properly³. And this is the meaning, says the Rambam, of the statement of Chazal at the end of Makos:

רצה הקב"ה לזכות את ישראל לכן הרבה להם תורה ומצוות

HaKadosh Baruch Hu wanted to give us Zechuyos. Therefore he gave us much Torah and many Mitzvos⁴.

¹ ר' בחיי: והקדים האם במעלתו בקדושה כי קדושתם במעלה יותר מן האיש

² Even if we were to accept the position of the Rabbeinu Bachaya, the fact that women have greater קדושה and therefore do not need the גרמא מ"ע could be for several reasons. It cannot simply mean that women do not need as many מצוות as men; for we still need to ask why they are specifically exempt from this category of מצוות in particular

However, we did point out above that only half the מצוות עשה from which women are exempt are גרמא and that there are just as many גרמא מ"ע in which women are חייב as there are from which they are exempt.

³ The standard for this is very high. See the next note.

⁴ רמב"ם פירוש המשניות סוף מכות:

ר' חנניא בן עקשיא אומר רצה הקב"ה לזכות את ישראל כו': מעיקרי האמונה בתורה כי כשיקיים אדם מצוה מתרי"ג מצוות כראוי וכהוגן ולאישתף עמה כוונה מכוונת העולם בשום פנים אלא שיעשה אותה לשמה מאהבה כמו שביארתי לך הנה זכה בה לחיי העולם הבא ועל זה א"ר חנניא כי המצוות בהיותם הרבה אי אפשר שלא יעשה אדם בחייו אחד מהם על מתכונתה ושלמותה ובעשותו אותה המצוה תחיה נפשו באות מעשה וממה שיוורה על העיקר הזה מה ששאל ר' חנניא בן תרדיון מה אני לחיי עוה"ב והשיבני המשיב כלום בא מעשה לידך כלומר נדמן לך לעשות מצוה כהוגן השיב כי נדמנה לו מצוות צדקה על דרך שלימות ככל מה שאפשר וזכה לחיי העוה"ב ופירוש הפסוק ה' חפץ למען צדקו לצדק את ישראל למען כי יגדיל תורה ויאדיר:

Summary: Why women are exempt from time-bound Mitzvos.

Amongst the explanations above, we gave two which we wish to summarize here.

- a- Women are more internal and therefore need less external structure;
- b- Men need extra מצוות in order to help them maintain a balanced עבודה

These are complimentary points. They say that women do not need these Mitzvos and Men do. There are other areas which Men need less and women need more. The main point is that G-d created all of mankind, men and women, in order that we may get as close as possible to Him. He created, in His infinite Wisdom, a system of living which is the best possible system for all of us. How could He then deprive half of mankind of something that could get them closer to Him? This would contradict His Midah of Chesed. We have confirmed this logic by showing that women have the same Kedusha as men in this world and the same Sachar as men in the World to Come. Therefore, their total Avoda-package together with their given nature must also be the same. The explanation we have chosen above seems most consistent with these principles.

CHAPTER C: שעשני כרצונו / שלא עשני אשה

i- Introduction

ii- Men thank השם for a privilege

iii- The privilege does not imply any general male privilege

iv- The negative formulation is because of a side issue

v- No ברכה was formulated for a woman: she was not asked to accept the consolation prize

vi- As an act of feminine creativity, the ברכה makes sense

CHAPTER C: שעשני כרצונו / שלא עשני אשה

i- Introduction

Menachos (מג): A person is obligated to say three blessings every day i.e.

שלא עשני גוי
שלא עשני עבד
שלא עשני אשה

The Gemorrah tells of an additional blessing:

שלא עשני בור

but rejects this as a requirement¹.

Women, who omit שלא עשני אשה, generally say the ברכה of שעשני כרצונו². There is no consensus in the Meforshim for the reason behind this. We will bring five different approaches, starting from those which are the least complimentary and moving towards those which are the most complimentary. We will then detail a sixth reason which we believe to be the true explanation. In general, all that we discussed under the previous chapter when we stated the reasons why women are exempt from certain Mitzvos are relevant here as well. It is therefore important to read that chapter first before moving onto here.

1) *Tur: It is as if she is confirming the righteousness of the [seeming] bad befalls her*³.

We showed in the previous chapter that women have as much Kedusha in this world as men do and that they get as much reward in the World to Come. Therefore, these commentators can only be referring to the actual way in which she gets her Olam Haba, i.e. she accepts that she is exactly as the Will of השם desired, and that ultimately, a happy acceptance and fulfillment of her task will bring her exactly the same portion in the World to Come as a man who fulfills his task will receive. (In his אגרות, the פחד יצחק shows even more than that; there can be a situation where in This World we are required to relate to a certain person with greater כבוד than a second person, even though the second person will have a greater portion in the World to Come. For example, if there is a חסיד who is just an ordinary scholar and there is an outstanding scholar who is just ordinary in his קיום המצוות, we are obligated to call up the outstanding scholar for שלישי to the reading of the Torah. But in the World to Come, the חסיד will be considered greater.)

¹ מנחות מג :
תניא היה ר"מ אומר חייב אדם לברך שלוש ברכות בכל יום אלו הן שעשאני ישראל (והגירסא הנכונה - שלא עשאני גוי) שלא עשאני אשה שלא עשאני גוי רב אחא בר יעקב שמעיה לבריה דהוה קא מברך שלא עשאני בור אמר ליה כולי האי

² Below we will bring the different opinions on whether a women should say this blessing, and, if so, whether she should say it with Shem and Malchus.

³ טור (או"ח סמ"ו) אבודרהם (סדר שחרית של חול): כמי שמצדיק את הדין על הרעה הבאה עליה

2) [She blesses because] there is also a Maala in the creation of the women for the sake of the existence of the worlds. However the Maala (מעלה) of the man is greater. But she is nevertheless required to bless on her Maala¹.

According to this, a woman's blessing is a consolation prize. However, we later show that the Sages did not in fact give her such a blessing – women themselves created this blessing, putting this explanation in a totally different light as we shall see.

The following three explanations, although different, all reflect the fact that the woman's ברכה is a direct response to the man's. He makes a blessing stating that he has an advantage over her; she does the same vis-a-vis him. G-d's Will is in all of His creation. But the Creation of Woman reflects a unique element of His creative Will. Here we can point and say Kirtzono – this is according to His Will:

3) *The Yeshuos Yaakov: In the Bamidbar Raba, it is stated that [when the words Naaseh Adam (i.e. G-d says in the plural, "Let us make man.") appear in the Chumash,] it means that G-d consulted with the Angels concerning the creation of man as is explained there, since, when a man sins Chas VeShalom, he also creates a blenish in the world of the Angels. Therefore, they have to agree to his creation. And even though no-one can stand in the way of whatever G-d desires, nevertheless it is the way of the humble for the Gadol to consult with the Katan whenever it is relevant to the latter.*

However, the creation of the woman was done by G-d's Will alone, for she is a part of man, and just as He would not consult on the head [of man] separately and on the rest of his limbs separately, so too the women is a part of man. And since she completes man, she is created by the Will of G-d without consultation with the Angels. And this is why she blesses ShaAsani Kirtzono, i.e. according to the Ratzon of HaKadosh Boruch Hu alone, without consultation with the Angels².

4) *Maggid Taalumos: It says in Brachos (אס), "Rav Ami says, There is a seeming contradiction in the pesukim. On the one hand it says, 'Male and female He created them' [in the plural]. Yet another verse states, 'He created man in the Image of G-d' [in the singular]. How can this be? For in the beginning He thought to create two but in the end He only created one." Therefore, when HaSh-m took the side [of man] and created the female, His Thoughts, which is the same as His Will, were completed. Therefore, a woman blesses ShaSani KiRzono³.*

¹ ט"ז (סק"ד):
שיש מעלה ג"כ בבריאת האשה לצרך קיום העולם, אלא שהמעלה של האנשים גדולה יותר, אבל היא חייבת לברך עכ"פ על המעלה שלה

² ישועות יעקב (סמ"ו סק"ה):
מבואר במ"ר נעשה אדם שהקב"ה נמלך במלאכים על בריאת האדם והיינו כמבואר שם, לפי שאם האדם חוטא ח"ו פוגם גם בעולם המלאכים, ע"כ צריך שיסכימו על עשייתו, ואף שאם הקב"ה חפץ מי יאמר לו מה תפעל, אמנם מדרך ענוה כשהדבר נוגע לקטן נמלך הגדול בו.
ואמנם דבריאת האשה עשה הקב"ה ברצונו לבד כי היא חלק מן האדם, וכמו שלא ימלוך על הראש ביחוד ועל שאר אברים ביחוד, כן האשה חלק מן האיש כו'. וכיון שהיא משלמת את האדם, לכך נבראת ברצונו של הקב"ה בלי המלכת המלאכים, וזהו שמברכת שעשני כרצונו דהיינו כרצון הקב"ה לבד בלי המלכת המלאכים (בספר טעמי המנהגים לו)

³ מגיד תעלומה (בספר טעמי המנהגים סל"ה):
איתא בברכות דף סא א"ר אבהו רמי כ' זכר ונקבה בראם וכ' כי בצלם אלקים עשה את האדם הא כיצד כי בתחלה עלה במחשבה לברא ב ולבסוף לא ברא אלא אחד ע"כ וא"כ כשלקח הש"י את הצלע וברא ממנה נקבה הנה נשלמה המחשבה שהיא הרצון ולכך מברכת שעשני כרצונו

5) Rabbi S.R. Hirsch: *The woman, since she needs neither the Mitzva of Talmud Torah nor time-based Mitzvos because she is more in natural harmony (מוכנת יותר) with Olam Haba and because she has a natural passion for spirituality – thanks HaKadosh Baruch Hu for this blessing that He has made her according to His Will and He has provided her with the goal of being intimately involved with the education of her children and the concern for the Kedusha of the home*¹.

We have mentioned five different approaches, two of them showing that women receive a “consolation prize” (though not at the level of man, she is still thankful) and three of them showing that this blessing reflects a certain advantage which a woman has (she was created only by G-d, she represents the completion of G-d’s original creative will, she is more naturally spiritual). We will suggest a sixth approach which we believe emerges out of the background to the formulation of both the man’s brocha (Shelo Asani Isha) and the woman’s brocha (SheAsani Kirzono). These facts are, in sum:

1. The brocha for man is definitely because of a certain Zechus, i.e. that he has more mitzvos than woman.
2. The context of the brocha makes it clear that this Zechus was never intended to reflect a judgement about the overall status of man in relation to woman.
3. There was no original brocha for women.
4. The brocha for women was an expression of female spiritual creativity and is unprecedented in the annals of halachik history.

ii- Men thank **השם** for a privilege

According to most מפרשים, men make the blessing שלא עשני אשה because they are חיב in *Mitzvos Aseh SheHazman Gramah*². Therefore, we need to understand this blessing in the context of everything we said in the previous chapter with respect to time-based Mitzvos. According to those opinions (quoted there) who hold that the reason for women’s exemption from these מצוות is because she is of a lower מדרגה, understanding the blessing שלא עשני אשה would seem to mean that a man is thanking G-d that he was created at a higher spiritual level³. However, we showed that this approach is fraught with inconsistencies with other statements about women and that most commentators did therefore not explain things in this way. A second opinion was to say that women have the same קדושה as men and, each doing their own Avoda, would get the same *Sachar* in *Olam HaBa*. According to these opinions, the explanation of *ShAsa Li KiRtzono* and *Shelo Asani Isha* would still be straight forward, that men thank השם for their unique endowments just as women thank השם for theirs. The difficulty comes with the third approach, that a woman is exempt from these מצוות because

¹ רש"ר הירש (סידור); ויקרא כג מג, קטע האחרון; כלשון ההליכות בת ישראל פ"ב סקי"ג.
האשה מכיון שאינה זקוקה למצוות ת"ת ולכל מ"ע שהז"ג בהיות נפשה מוכנת יותר לחיי העולם הבא ובהיות בעלת התלהבות קודש טבעית - מודה היא להקב"ה בברכה זו שעשאה כרצונו והטיל עליה ייעדיה הקשורים לחינוך בניה ובדאגה לקדושת ביתה וכו'

Similarly, Rav Elie Munk: [The World of Prayer](#) pg. 28-29

² This is indeed the understanding of the כג and תוספתא ברכות פ"ו כ"א and the א ט: ברכות ט: which both state that the reason is because “A woman is not obligated in מצוות”

³ though difficult to explain to a non-observant person.

she is on a higher *מדרגה*. For, while we may explain that a woman is exempt from *מצוות עשה* because she does not need them, there is no question that this blessing comes to show a unique privilege for which the male needs to thank G-d.

In fact, this privilege is given active halachik expression when the Gemorrah states that although a women *Ani* takes precedence over a male in receiving *Tzedaka*, a man would take precedence over a woman when faced with a triage decision of whose life to save first or whose lost object to return first. The commentators say that the reason for this is because men have the advantage of being obligated in the time-based *Mitzvos*¹.

The context of this blessing also seems to indicate that a man is thanking G-d for a privilege, for the previous two blessings, *SheLo Asani Goy* and *SheLo Asani Aved*, are clearly thanking G-d for the privilege a Jew has over them². *Even if a woman is exempt from מצוות עשה because of superior natural endowment, the man thanks G-d for being able to achieve this of his own accord, always better than being created that way*³.

The Sages had a discussion about whether to implement a fourth blessing, *Shelo Asani Bor* – who has not made me an ignoramus. The Sages decided against this because although there is a clear advantage to not being a *Bor*, the *Bor* is what he is of his own making. Intrinsically, he is commanded in everything a normal male is commanded, and this is not what these blessings are about⁴.

The lists of morning blessings also include blessings giving thanks that we aren't blind, lame or paralyzed. Are disabled people spiritually inferior? Does G-d look down on them, or should we? The answer is, of course not! As one of the mussar teachers say: Since everything we possess is only charity from Above, those people who lack things are entitled to boast that they take less charity than the rest of us! So, then, why the blessing? Because we give thanks to G-d for the benefits that we receive in this world regardless of their effect on our standing in the World to Come. Some Torah sources say that is better to be poor than rich, but the rich are still required to thank G-d for their wealth. The blind and the lame might be superior to others, but that shouldn't stop every one else from giving thanks for the chesed of being able to see and walk.⁵

¹ מט' הוריות פ"ג משנה ז (יג.): האיש קודם לאשה להחיות ולהשב אבדה וכתבו כל המפרשים דזה בגלל שהאיש קדוש יותר דחייב במ"ע שהז"ג משא"כ באישה
The (קדושין) תוספתא says clearly that the male is thanking G-d for the extra מצוות that he has to do.

² Certainly we would not say that the *עבד* and the *גוי* are more privileged because they have less מצוות (even if the reason why they do have less מצוות is different to why women have less מצוות). Since the three blessings, *עשה שלא עשני אשה*, *עשה שלא עשני גוי*, *עשה שלא עשני עבד*, are being said together, presumably they are referring to different levels of the same thing.

³ This is perhaps the *פשט* in the *לבוש* quoted in *עין יוסף* as follows:

שאע"פ שיש לה מעלה וחשיבות מ"מ אינה חשובה כמו הזכרים בישראל שהרי אינה חייבת בכל המצוות שפטורה ממצוות עשה שהזמן גרמא. וגדול המצווה ועושה ממי שאינה מצווה ועושה (לבוש)

⁴ רש"י: (מנחות מג:) ד"ה כולי האי... ל"א כולי האי נמי בשלמא עובד כוכבים ואשה הואיל ולא בני מצוה נינהו שפיר מברכת אלא בור בר מצות הוא

⁵ Rabbi Yisroel Miller

iii- The privilege does not imply any general male privilege

In the section above, we showed clearly that the three morning ברכות (שלא עשני גוי,) thank אשה (עבד, אשה) for the advantage of being able to do more מצוות, and, in the case of a woman, specifically those which are time-based. What we will now show is that this idea was never intended to be interpreted that men are, overall, superior to women - no other advantage besides time-based *Mitzvos* is mentioned by the commentators¹. We refer you to the chapter above, on the time-based *Mitzvos*, where we brought many proofs that a position suggesting that man is spiritually superior to woman is incompatible with the sources. Briefly, we showed that:

- i. G-d created everyone for the purpose of being able to give to them *in the maximum way possible*².
- ii. This means that He gave both men and women the maximum opportunity to get close to Him. However, they achieve this in different ways and are created accordingly.
- iii. Men and women are equal in terms of the holiness that they have in this world.

With this in mind, we will explain the following below:

- i. The fact that *Shelo Asani Isha* appears in *Birkas HaShachar* and not further on in the dovening limits the significance of the *Brocho* to expressing one aspect of male-female differences and was never intended as a comprehensive discription of male superiority.
- ii. The fact that the *Brocho* is formulated negatively, i.e. *Shelo Asani Isha*, and not positively, i.e. *ShAsa Li Ish*, has to do with a side issue, not relevant to a comparison of male-female essences.
- iii. Initially, no *Brocho* was formulated for women. Women were not asked to say a *Brocho* of *ShAsani Isha* which could be interpreted as saying, “G-d, even though you created me inferior, I thank you nevertheless.”
- iv. The origins of the *Brocho SheAsani Kirzono* come from women themselves, reflecting their own spiritual creativity. Initaly a minhag which many poskim say women accepted as an obligation, this *brocho* is still shrowded in controversy. Nevertheless, the fact that women themselves initiated it sheds a totally different light on its meaning and implications. Rather than praising G-d for a consolation prize, its very existence is a pean of glory to women’s spiritual greatness.
- v. The meaning of the *Brocho* is to thank G-d for the unique spiritual potential which they have and in fulfillment of which they will get as close to G-d as men do when they fulfill their potential.

¹ תוספתא ברכות פרק ו, and all the מפרשים thereafter

² The case of non-Jews is a seeming challenge to this. We have dealt with this issue extensively elsewhere, in the Ner LeElef Book, [The Chosen People, Israel and the Nations](#). We should just point here that non-Jews were never meant to be: they are the result of man’s choice, not G-d’s. Non-Jews have a choice: they can convert if they so desire.

However, when it comes to getting close to G-d in this world, the Yalku testitfies:

ילקוט שמעוני שופטים ילקוט ד:

ודבורה אשה נביאה מה טיבה של דבורה שנתנבאת על ישראל ושפטת אותם והלא פינחס בן אלעזר אומר מעיד אני עלי את השמים ואת הארץ בין גוי בין ישראל בין איש בין אשה בין עבד בין שפחה הכל לפי מעשיו של אדם רוח הקדש שורה עליו.

The context: ברכת השחר

The dovening is divided into four sections which are really spiritual levels, with a fifth section reflecting the transition of the dovening experience into the world we enter after the dovening. The first level is *Birkas HaShachar*, the second is *Psukei Dezimra*, the third is *Birkas Shema*, and the fourth and highest is the *Shmoneh Esrei*. Each one of these levels is reflective of one of the four *Olamos* – worlds or universes. *Birkas HaShachar* is reflective of *Olam HaMaaseh* – the lowest, most tangible and material world, which is the world in which we act out our daily lives. Therefore, the blessings speak of practical, physical things: He has given us our physical senses (sight), clothing, the ability to sit up, stand and walk, etc.

Psukei Dezimra corresponds with the next level, *Olam HaYetzira*, which already relates to G-d's *hashgacha*, both natural and miraculous. The *Shema* and its *brochos* talk about our acceptance (as well as that of the *Angels*) of G-d's *Malchus* and the spiritual implications thereof (i.e. the Chosen People and their role in studying the Torah and in history), all reflecting G-d's wondrous guiding Hand. This is the world of *Olam HaBriah*. Finally, we actually face G-d and speak to Him, corresponding to *Olam HaAtzilus*, the highest level we can relate to.

Now, as we see, the *Brochos* for thanking G-d that He did not make us a *Goy/Eved/Isha* are part of the most basic level, *Olam HaMaaseh*. This is very significant. It would have been a far more comprehensive reflection of male-female differences had the blessing *SheLo Asani Isha* appeared in the *Shomeh Esreh* or even in *Psukei DeZimrah*. That is why the *Levush* and others say that men are thanking *HaShem* because they are commanded in extra מצוות and not for (or in addition to) תלמוד תורה. While it is true that men also have this advantage over women, it is not relevant to this part of the service. Nor is it relevant here to give recognition to the fact that women have בינה יתרה and men do not, or any other advantage women have over men (and vice-versa). The point is that we are not dealing here with the totality of male reality over female reality, just one aspect thereof¹.

iv- The negative formulation is because of a side issue

The fact that the ברכה contrasts men with women (or both with עבדים and גויים) and does not say something positive like שעה לי בן ישראל is in itself only necessitated by a side problem. As ענף יוסף² puts it:

And the Mahri Mintz wrote that the reason that [the Sages] instituted to say these three blessing in the negative rather than wording them 'Blessed is He who made me a Jew', 'Blessed is He who made me a free man', 'Blessed is He who made me a man' is because Chazal concluded that it would have been better had man not been created at all. And the meaning of man here is referring to his intelligent soul (נפש המשכלת) (for which man is called Adam and by which he is distinguished from other living beings), that it would have been

¹ ויש להביא ראייה לדברינו מהשבות יעקב שכתב (סק"ג ד"ה שלא עשני אשה) שאצל אדם נזכר בריאה ויצירה אבל לא עשייה והוכיח שהברכה קאי רק על העשייה ולא על היצירה והעשייה.

However, see עולת ראיה, Rav Avraham Yitzchak Kook's commentary on prayer, on these blessings, who takes the approach that these blessings, for men and for women, do thank השם on the overall characteristics of their essential maleness/femaleness.

²following the ב"ב, ז"ז and others

better for this intelligent soul to have remained in its original, purely spiritual, state than to have been brought down into the body of man. For G-d's purpose in bringing the soul down from its holy source and placing in in the body of man was to add yet more Shleimus to this soul, [which it can achieve through] this world, the world of action. [It can do so] by choosing good and walking in the ways of Hakadosh Boruch Hu, observing His mitzvos, chukos and 'toros'. But since man's natural inclination is to pursue his 'taavos' and to do evil, it would therefore have been better if the soul would have remained in its purely spiritual state. Therefore, we cannot justify saying these blessings in the positive form, for it is clear that it would have been better if man had not been created, neither male nor female, neither Jew nor non-Jew, neither free-man nor slave. However, since in the end G-d's Wisdom did decree the creation of man, it behooves us to praise and thank His Great Name that he did not make us a slave, non-Jew or woman¹.

v- No ברכה was formulated for a woman: she was not asked to accept the consolation prize

Above we brought the שבות יעקב and others that show that the ברכה which a woman makes has positive rather than negative implications. As the *Yeshuos Yaakov*² states:

שעשני כרצונו דהיינו כרצון הקב"ה לבד בלי המלכת המלאכים

Who made me according to His will, that is, according to the will of G-d alone without any consultation with the Angels.

Rabbi Eli Munk in *World of Prayer* points out that רצון ה' i.e. כרצונו is never used negatively, only positively. Both he and Rav Shimshon Rephael Hirsch³ suggest that a woman blesses השם in this form for making her more naturally attuned to His will than men, who need the extra מצוות to get them to that place⁴.

Yet, we have just completed explaining why it is inappropriate to praise G-d with a positive formulation. Why was an exception made with this blessing? One could imagine that if not for the above problem males could also have made such a ברכה, i.e. *ShAsani Ish*⁵. In

¹ וכתב מהר"י מינין הא דתקנו לומר שלש ברכות אלו בדרך שלילה. ולא תקנו ברוך שעשני יהודי ברוך שעשני בן חורין. ברוך שעשני איש. הוא משום שאחז"ל נמנו וגמרו שטוב לאדם שלא נברא משנברא. ור"ל כי יותר טוב לאדם היינו לנפש המשכלת שלו (אשר בעבורה נקרא אדם ובהוא נבדל משאר בעלי חי) להשאר במציאותה הרוחני כבראשונה משנברא בגוף. משום שזה שלקחה הקב"ה ממקור הקדושה והכניסה בגוף האדם. הוא כדי שתוסיף שלימות על שלימותה בעולם הזה עולם המעשה. כשתבחר בטוב ותלך בדרכי הקב"ה לשמור מצותיו חוקותיו ותורותיו. אבל כיון שנוטה האדם אחר כל התאוות ועושה רע א"כ טוב היה לו שהיה נשאר הנפש במציאותו הרוחני. ולכן לא יצדק לברך ברכות אלו בדרך חיוב. כי ודאי נוח לו לאדם שלא נברא לא איש ולא אשה לא יהודי ולא גוי לא בן חורין ולא עבד. האמנם מאחר שכך גזרה חכמתו לברוא את האדם. עלינו לשבח ולברך לשמו הגדול שלא עשני גוי, עבד, אשה :

ועיין בשבות יעקב שיטה אחרת

² ישועות יעקב, אורח חיים, מו: ה

³ Commentary to the טידור

⁴ As we explained in the section "Reasons for גרמא שהזמן עשה שהזמן גרמא".

⁵ In fact, there was a time when the ברכה of גוי שלא עשני גוי was changed by the censors to לישראל. See the note at bottom of התפילות; some of the מפרשים do say that it would be difficult to find a positive formulation which includes male Jews and excludes females.

fact, these approaches seem to have appeared only more recently and are not the way the ראשונים¹ explain it².

שעשני כרצונו – A ברכה sourced in female creativity:

The fact is that the Sages are not the source of this blessing - it is not mentioned in any of the Talmudic sources dealing with these blessings³. Indeed the טור, who appears to be the earliest source to mention this ברכה, says that it is a מנהג for women to say this ברכה which was apparently something initiated by them (although by the time of the שלחן ערוך it already had the status of הלכה - והנשים מברכות). It is not mentioned in the רוקח nor is it in the נוסח כף החיים (רי עובדיה יוסף) and the יחווה דעת (מו: אות ד) פרי חדש. אריי שם ומלכות (מו ס"ק מז) both pasken (for בנות ספרד) that this ברכה should not be said with שם ומלכות (מו ספרד) with or without. (Note: women are חייב to say it - בנות אשכנז with שם ומלכות and בנות ספרד with or without.)

vi- As an act of feminine creativity, the ברכה makes sense

What emerges is that חז"ל did not make a ברכה here for women in contrast to men because it is men who have the advantage in this area and not women. Women were not given a consolation prize ברכה. But women, as an act of unique spiritual creativity, took upon themselves to make a blessing nevertheless. It would seem that this is the only ברכה in history which developed through a part of the Jewish nation's spiritual creativity and not as a specific תקנת חז"ל⁴. Since the time when אנשי כנסת הגדולה were מתקן the ברכות, the only ברכות that were added were as a result of Nisim such as the Brochos made before and after the reading of Megilas Esther or those made on the lighting of Chanuka candles.

This explains why the blessing is not a direct contrast to the one that men make. The fact that men made a ברכה at this point and that women did not created the opportunity for an extra ברכה to begin with, but one which the Sages decided not to make. Women themselves jumped into the breach, creating a ברכה in a way that is unparalleled in the history of the Jewish people. Knowing that this is the origins of the Brocho and that it is not essentially the third part of the series which preceded it puts the wording and its meaning in a totally different light.⁵

¹ עיון תפלה לבוש, טור סימן מז and ברכות לד, ספר טעמי המנהגים quoted in אבודרהם

² הוא כמי שמצדיק עליו את הדין

³ i.e. the ברכות פרק ט הלכה א and the ברכות פרק ו תוספתא in מג ברייתא

⁴ Hence the opposition of many Sephardi poskim to saying this *Brocha* at all, or to saying it with *Shem* and *Malchus*.

⁵ "On this matter the testimony of the Torah was clear...one of the morning prayers recited by men included the passage: 'Blessed art Thou, O L-rd our G-d, King of the universe, who hast not made me a woman.' The sixty-three tractates of the Talmud developed each of these themes: 'Happy is he whose children are male and woe to him whose children are female.' In passage after passage this massive body of Jewish teaching admonished against the dangers of the female. 'Talk not overmuch with women, even with one's own wife,' read one passage, to which Maimonides himself added the gloss: 'It is known that for the most part conversation with women has to do with sexual matters, and by such talk a man brings evil upon himself.'--James Michener, *The Source*, pp.351-352. (Adapted from) TALMUDIC MISOGYNY? by Uri Cohen: It's funny that Michener uses these three texts to demonstrate Talmudic misogyny... Because they have two things in common: (1) To most Jews and non-

A ברכה on fulfilling your potential

What the women were saying is that everyone is required to understand their potential and to want to fulfill it - that is all G-d ever asks of us¹. It is absurd to suggest that Judaism compares potentials and grades people; everyone achieves maximum spirituality by fulfilling his or her potential, i.e. by doing the Will of G-d, and for that each gets a potentially equal חלק in עולם הבא. Women then say: G-d made us a certain way (שעשני כרצוני) since He wants to give to me the maximum possible (He is absolutely good, His giving must therefore be perfect); the way he made me must then be absolutely perfect for what He wants to achieve through me. This insight is indeed worthy of the creative introduction of an extra ברכה with its extra קדושה into the Jewish nation. Indeed, men could have done well to have said such a ברכה as well. That they did not merit to have been a part of this creative spirituality only adds insight to the fabulousness of the innovation.

Summary:

- vi. The fact that *Shelo Asani Isha* appears in *Birkas HaShachar* and not further on in the dovening limits the significance of the *Brocho* to expressing one aspect of male-female differences and was never intended as a comprehensive discription of male superiority.
- vii. The fact that the *Brocho* is formulated negatively, i.e. *Shelo Asani Isha*, and not positively, i.e. *ShAsa Li Ish*, has to do with a side issue, not relevant to a comparison of male-female essences.
- viii. Initially, no *Brocho* was formulated for women. Women were not asked to say a *Brocho*, *ShAsani Isha* which could be interpreted as saying, "G-d, even though you created me inferior, I thank you nevertheless."
- ix. The origins of the *Brocho SheAsani Isha* come from women themselves, reflecting their own spiritual creativity. Initaly a minhag which many poskin say women accepted as an obligation, this *brocho* is still shrowded in controversy. Nevertheless, the fact that women themselves initiated it sheds a totally different light on its meaning and implications. Rather than praising G-d for a consolation prize, its very existence is a pean of glory to women's spiritual greatness.
- x. The meaning of the *Brocho* is to thank G-d for the unique spiritual potential which they have and in fulfillment of which they will come as close to G-d as men will by fulfilling their potential.

Jews, who do not have the benefit of Talmudic literacy, and so have no choice but to read these "famous" quotes in translation and out of context, they certainly sound misogynistic. (2) To the few who are empowered to read the original sources in context, they are classic examples of how the rabbis are so often misunderstood (see there for explanation of above points)... Too bad Michener can't read the Talmud in the original. All his quotes are out of context. The inevitable consequence is that so the righteous rabbis come off sounding like Archie Bunker (who, in one episode of *All in The Family*, mentioned the blessing "Who has not made me a woman" - approvingly, of course). Too bad "The Source" can be found in many, many more Jewish homes than the Talmud....

¹ See the beginning of this section for the specific פירושים of this ברכה.

SECTION THREE: תפילה AND תורה

CHAPTER A: תורה

Introduction: Women and תלמוד תורה

i- What can and should a woman learn

A woman is required to develop her mind together with all other aspects of her being to its fullest potential

a- הלכה

b- השקפה

c- All the תורה relating to עבודת השם

d- נ"ך and חומש

e- תפילות and פרקי אבות

f- In addition, a woman has accessible huge other areas of תורה wisdom

ii- Women teaching תורה

iii- Learning גמרא

iv- Women as helpers to their husbands and children to learn

v- Women cannot be Rabbis or Judges

CHAPTER A: תורה

Introduction: Women and תלמוד תורה

The Rambam¹ states that women are exempt from the Mitzvah of Talmud Torah, but should they study they get reward of an *עושה* ועושה, someone who is not commanded and therefore gets less reward. Nevertheless, the fact that a woman does get rewarded would seem to imply that she is doing something positive if she does study Torah, as opposed to a non-Jew, for example, for whom Torah study is a negative thing. This means that she is in the parsha of Talmud Torah, that she is in basic harmony with the mitzvah, but not to such a degree that she should be obligated to do it. We will explore the reasoning behind this later.

The source for women's exemption from Talmud Torah is learned by the Gemorrah as a *Hekesh*, a halachik connection between several ideas. The flow is basically to show that since her parents are not obligated to teach her Torah, she is therefore not obligated to study Torah on her own and therefore she is not obligated to teach Torah².

According to the Rambam, where teaching and studying Torah are all one mitzvah, this is easier to understand. This hekesh, however, holds true even for those *Rishonim* who separate the mitzvah of teaching Torah from that of studying it³.

i- What can and should a woman learn

The practical implications of a woman's exemption from the מצוה of תלמוד תורה is that firstly, a woman should not spend time studying areas of Torah which are of no relevance to her. This is in contrast to a man who would get שכר for any area of תורה he was עמל in. Secondly, the methodology of study would be different: for a man, the עמלות itself is amongst

¹ רמב"ם הל' תלמוד תורה פ"א הל' יג:

² קידושין כט:
ללמדו תורה מנלן דכתיב ולמדתם אותם את בניכם (דברים יא:ט) והיכא דלא אגמריה אבוה מיחייב איהו למיגמר נפשיה דכתיב ולמדתם

(i.e. the words Velimadetem (to teach) can also be read as Ulamadetem (to learn). Therefore, whatever one's father did not teach one, one has to teach oneself.

שם:
איהי מנלן דלא מיחייבא דכתיב ולימדתם ולמדתם כל שמצווה ללמוד מצווה ללמד וכל שאינו מצווה ללמוד אינו מצווה ללמד ואיהי מנלן דלא מיחייבה למילף נפשה דכתיב ולימדתם ולמדתם כל שאחרים מצווין ללמוד מצווה ללמד את עצמו וכל שאין אחרים מצווין ללמדו אין מצווה ללמד את עצמו ומנין שאין אחרים מצווין ללמדה דאמר קרא ולמדתם אותם את בניכם ולא בנותיכם.

Therefore the גמרא concludes that a woman does not have to be taught by her parents (i.e. they do not have an obligation to teach her), nor is she obligated to study תורה on her own (as far as the מצוה of תורה is concerned), nor is she obligated to teach her children.

³ ולמדתם אותם (Learning from) separate תורה learning and teaching (קו) סמ"ק, בה"ג, (טו) ר' סעדיה גאון
בה"ג (In fact) (ולמדתם אותם את בניכם and from ושוננתם לבניך Teaching from; פרשת ואתחנן - ושמרתם לעשותם learns that there are two מצוות of תורה, one to sons from בניכם and to students from ושוננתם לבניך)

מצוה all one (יז) לרשב"ק זהר הרקיע, (תיט) חינוך, (יא) רמב"ם

the greatest benefits; for a woman, the result of the learning, i.e. knowing Torah and implementing it, would be the focus.

In practice, the areas of Torah which a woman can (and indeed ought to) study are very extensive and of the utmost spiritual existence. Even the limitations of studying גמרא are ameliorated significantly by some commentators (we discuss this below.) However, by attempting to minimize the differences between male and female Torah study out of the context of each one's more comprehensive *Avoda*-package one can communicate the wrong message for several reasons:

a- Such a presentation legitimates the implicit assumption behind many a question of this sort that really a man is the ideal. Women ought to be men as well. Since they are not, we will see how close we can get them to being men.

b- In the end there will still be a gap, an inequality between male and female relationships with תלמוד תורה. However close, women are still behind. She is still left with the consolation prize (although now we have turned it into a good consolation prize).

c- Overemphasizing how much women should learn distracts from the real answer that women and men are completely different and that women's עבודה is as valuable as that of men. It should be stressed that modern psychology as well as the women's liberation movement are completely in harmony with this idea. The women's lib movement has moved away from trying to turn women into men (which it tried to do in the '60s and the '70s) into stressing the uniqueness of women and their role in the world.

d- Such logic is currently being used and abused by the Orthodox women's movement which is still stuck in the 60s mode. Opinions that sound good for kiruv are being used to pasken halacha against all the major poskim.

Therefore, it is suggested that a two-pronged approach be taken:

1- That it be pointed out that the question is not so great, since a woman has a significant relationship with Torah learning;

2- That it be pointed out that a woman would not want to have the same role as a man in this or other respects, since this would compromise her essential womanliness.

Women have a significant relationship with Torah learning:

We stated above that a woman receives שכר for any תורה which she learns as an *Aino Metzueh VeOseh*¹. This is apparently referring to any area of Torah study. In addition, despite the fact that a woman does not have a מצוה of תלמוד תורה, there are many Mitzvos which she is required to learn (see below). Peleh Yoetz makes it clear that ignorance on the part of women is the primary thing which holds women back from being greater than men in Torah observance². And, in a remarkable statement, the Talmid of the סמ"ק (Smak) states that women gain the same value from knowing and fulfilling the things which they are obligated in as a man gains from his בתורה³. Referring to the fact that women, like men,

¹רמב"ם הלכות תלמוד תורה א: יג

²פלא יועץ נשים
במה שידועות הן נזהרות יותר מן האנשים ומה שמקלות ונכשלות הוא מחמת חסרון ידיעה... וחובה מטלת עליהן ללכת לעזרת נשים ולהשגיח מן החלונות להציץ מן החרכים לשמוע בלמודים.

³רבסמ"ק בסוף הקדמתו ע"י תלמידו: ותועיל להם (לנשים) הדקדוק בהן כאשר יועיל עסק התלמוד לאנשים

say the blessing *LaAsok BeTorah*, the Maharil¹ adds that a woman is expected to be *Osek* in her Torah so that she is really clear about what it is that she has to do².

One who goes to the bathroom, he writes, would not have to repeat the blessings even though he could not think about תורה in the bathroom. One may think that this should be a היסח הדעת requiring a new blessing (just as not being able to bring תפילין into the bathroom necessitates a new blessing on the תפילין when he puts them back on). However, the person does not make new תורה blessings as going to the bathroom is not, in fact, considered *Hesech Hadaas*. For even in the bathroom one is required to think about the laws that relate to that situation such as how to wipe, in what way to expose himself, etc.³

Maharil continues: How much more so is a woman considered to be continuously *Osek Betorah* for she is always in a situation which impacts upon her in a Torah way, and the entire running of the home is by her instruction. Therefore, she is obligated to know and to be *Osek Betorah*⁴.

The problem of תפלות (*Tiflus*), he writes, is only when they indulge in לפול וסברות.

A woman is required to develop her mind, together with all other aspects of her being, to its fullest potential:

Rav Avraham Gruzinsky, Toras HaSechel HaEnoshi:

The development of one's sechel and the ability to think straight is demanded by Toras HaSechel in all one's Avoda having to do with one's Midos and their Tikun ... and this is true of even a non-Jew who is not allowed to learn Torah because it would be considered theft if he did ... nevertheless they are allowed to be Osek in those aspects of the Torah which deal with the Seven Noachide Mitzvos and when he does, he is like the Cohen Gadol in the Holy of Holies. If this is true of a non-Jew, it is so much more true of a woman, who has no prohibition to learn Torah, even the Torah regarding Time-based mitzvos. The only exception to this is the prohibition stated as "Whoever teaches his daughter Torah it is as if he teaches her Tiflus" which was only stated concerning the back and forth logic of the Gemorrah as is explained in the Shulchan Aruch – and how much more so is she obligated to learn all that is prohibited and permissible so that she can fulfill the Torah⁵.

A woman needs to learn:

¹ מהרי"ל: שו"ת אר"ח מה

² לעסוק ולחזור אותם כדי שיעשום כתקונם

³ דאין כאן היסח הדעת דצריך לחשוב דינים דבית הכסא כגון כיצד יקנח וכיצד יגלה וכדומה

⁴ דחייבת תדיר וכל צרכי הבית על פיה דחייבת לידע ולהתעסק

⁵ תורת השכל האנושי - ר' אברהם גרוזינסקי:

בכל עבודת המדות ותקונן, התפתחות השכל וישרותו... מחוייבות הן עפ"י תורת השכל... אפילו עכו"ם שאסור בת"ת בשביל איסור גזל... בכל זאת בשבע מצוות זידהו מותרים לעסוק בתורה והרי הוא ככהן גדול שנכנס לפני ולפנים, מכש"כ אשה שאין עלי' איסור בת"ת אפילו במצוות שהזמן גרמה - זולת האיסור של המלמד בתו תורה (סוטה כא:). שנאמר רק על שקלא וטריה של הש"ס כמבואר בשו"ע - כל שכן שמחויבת ללמוד את כל האסור והמותר כדי שתדע איך לקיים את התורה.

ובאהל רחל: כלל המעלות הנדרשות מן האשה מתקיימות ועומדות לפי ערך הבנתה וידיעתה. התוספת בהתבוננות מחזקות בידיה את כלל חובותיה וחוצצות בפני רוחות זרות. וא"כ הדבר בכלל מצוות תלמוד תורה שהאשה חייבת בו...

d- נ"ך and חומש d-

With the many hundreds of commentaries available.

e- תפילות and פרקי אבות e-

With their manifold commentaries.

f- In addition, a woman has other huge areas of תורה wisdom accessible

Such as ספרי חסידות; ספרים dealing with contemporary issues such as Judaism and science, etc. All of Jewish history, its meaning, purpose and direction; תורה השקפות on all that is happening around us.

These are the beautiful words of the Rambam in his *Hilchos Yesodei HaTorah*¹:

The content of these four chapters which are contained by these five mitzvos comprise what the earlier Chachamim call Pardes (lit. a field), as in "Four entered into the Pardes". And even though they were great Sages of Israel, and they were great Talmidei Chachimim, they were not all equipped to know and conceive all [these] matters with full clarity. And I say that only one who has filled his belly with bread and water are fit to 'tour in Pardes'. Bread and water means to know that which is prohibited and that which is permissible and similar such things pertaining to all the mitzvos. And even though the Sages called this a small matter (דבר קטן), for the Sages said that the Maaseh Merkava is a great matter and the back and forth dialogue and argumenation (הוויית דאביי ורבא) is a small thing. Nevertheless, it is appropriate that they (knowledge of halacha, etc.) should precede [knowledge of Pardes]. For the former serve to first settle a person's mind and furthermore they contain the great goodness which HaSh-m bestowed on this inhabited world for the purpose of acquiring the World to Come. And everyone is capable of knowing these things, a minor and an adult, a man and a woman, a broad-hearted person as well as a narrow-hearted one².

A bibliography of every ספר a woman could learn would probably be thousands of pages long.

In addition to the actual knowledge gained, a woman who studies these areas gets reward for the מצוה of תורה תלמוד as an אינו מצווה ועושה (See **Section 2 - תלמוד תורה** for why a woman is exempt) (י"ד רמו ו)

Rabbi Moshe Meiselman in writes Jewish Woman in Jewish Law (pg. 41):

The exclusion of women from תורה learning was not carried over to other areas of intellectual involvement. With reference to intellectual faculties the תלמוד says: "R Hisdah says...this teaches us that women were given greater intelligence [בינה יתרה] than men." (נה)

¹רמב"ם ה' יסודי התורה ד: יג

²ועניני ארבעה פרקים אלו שבחמש מצות האלו הם שחכמים הראשונים קוראין אותו פרדס כמו שאמרו ארבעה נכנסו לפרדס. ואע"פ שגדולי ישראל היו וחכמים גדולים היו לא כולם היה בהן כח לידע ולהשיג כל הדברים על בורייין. ואני אומר שאין ראוי לטייל בפרדס אלא מי שנתמלא כריסו לחם ובשר. ולחם ובשר הוא לידע האסור והמותר וכיוצא בהם משאר המצות. ואע"פ שדברים אלו דבר קטן קראו אותן חכמים שהרי אמרו חכמים דבר גדול מעשה מרכבה ודבר קטן הוויית דאביי ורבא. אעפ"כ ראויין הן להקדימן. שהן מיישבין דעתנו של אדם תחלה. ועוד שהם הטובה הגדולה שהשפיע הקב"ה ליישוב העולם הזה כדי לנחול חיי העולם הבא. ואפשר שידעם הכל קטן וגדול איש ואשה בעל לב רחב ובעל לב קצר

45b). Most commentaries have interpreted the above Talmudic statement in accordance with the above translation. Some have translated the key phrase *בינה יתרה* as referring to earlier maturity (ר״טב״א).

Historic Changes

Historically, women learned most of these laws as a tradition from their parents. As late as the 19C, the *Aruch HaShulchan* would write:

And it was never the custom to teach [women] from within the text and we never heard of this custom. Rather, each women teaches her daughter and daughter-in-law the [practical, well-used] (lit. the known) laws. More recently, laws pertaining to women have been printed in the vernacular and they can study [lit. read] these [by themselves]. And our women are Zerizos, for they ask [Shealos] about every doubtful matter and they don't presume to decide for themselves even the smallest of [halachik] things¹.

However from this time onward, the break down of this מסורה made formal education essential. Thus the *Chofetz Chaim*, living at approximately the same time as the *Aruch HaShulchan*, whom we just quoted, wrote²:

That which the Sages wrote that someone who teaches her daughter Torah is as if he taught her Tiflus, it appears that all of this was specific to earlier times when each and every person had a very strong Kabbalah from previous generations to continue in their ways, as the verse says:

שאל אביך ויגדך

Only when this situation applies (i.e. that the children will ask the parents and the parents will inform them), only then was it appropriate that one's daughter did not learn Torah and instead relied on the Hanhaga of her upright precessors³.

...Nowadays, when the tradition of our fathers has become weakened and we find people who do not live close to the parental environment, and especially that there are those who have been given a secular education, certainly it is required to teach them the entire Bible, the ethical writings of our Sages, etc...

The innovation of the חפץ חיים was educational, not halachic. He was not arguing against the משנה. Rather, he was referring to necessary study and not optional study.

The depth at which these areas are being learned by women today is greater than in previous generations. The Taz described the situation in previous centuries:

We found that in Parshas HaMelech, the Torah tells us:

¹ ערוך השלחן סי' רמ"ו ס"ק יט ומעולם לא נהגנו ללמדן מתוך הספר ולא שמענו המנהג אלא הדינים הידועים מלמדת כל אשה לבתה וכלתה וזה מקרוב שנדפסו דיני נשים בלשון לע"ז וביכולתן לקרות מהם ונשים שלנו זריזות דבכל דבר ספק שואלות ואינן מעמידות על דעתן אפילו בדבר קטן שבקטנות.

² בבלקוטי הלכות - סוטה כא:

³ המלמד את בתו תורה כאילו לימדה תיפלות (see learning below גמרא) - נראה דכל זה דוקא בזמנים שלפנינו שקבלת האבות היתה חזק מאד אצל כל אחד ואחד להתנהג בדרך שדרכו בה אבותיו, וכמאמר הכתוב 'שאל אביך ויגדך' - בזה היינו יכולים לומר, שלא תלמד הבת תורה ותסמוך בהנהגה על אבותיה הישרים

הקהל את העם האנשים והנשים

'Gather the nation, the men and the women,' etc. and the King [read out] from the Book of Devarim. On this we can ask whether it is Lechatchila approved for a woman to learn Torah as appears to be the case over there. It appears to me that there the king only taught things at their simplest levels, and certainly that is permissible even lachatchila for us as well [when teaching women Torah], as is the custom on an ongoing basis. This is in contrast to the deeper explanations and understandings of the words of the Torah which, lechatchila, is prohibited¹.

(Note, the Taz only says that this is prohibited Lechatchila. This may be because he is in agreement with the Prisha, whom we will bring later on as saying that when a woman will initiate this deeper kind of learning of her own accord, one may then respond. Some understand that in our day, where women in general are exposed to much deeper wisdom from the broader world, this would be equivalent to the BediEved discussed by the Taz.)

However, the Sages say in *Sanedrin* : צד that in the time of חזקיהו המלך they searched the whole country and could not find a young boy, girl, man or woman who did not thoroughly know all the laws of טומאה and טהרה. This would seem to apply that women were not always as unlearned as they were found to be in the time of the later Achronim. On the other hand, the Gemorrah mentions this fact because it was exceptional and it is difficult to know what the average level was during most of those earlier generations.

But, the historical speculation makes no difference to the fact that today it is almost normative for women to know certain areas (e.g. חומש and נ"ך) better than the average man.

Reflecting on this the אהל רחל (pg. 21) writes:

In our generation ... the general attributes demanded from a woman are a function of her understanding and knowledge. And to the degree that she increases her intellectual insight (ותוספת בהתבוננות), she will be able to strengthen her overall ability to address her obligations and be impervious to negative influences. This being so, it becomes a part of the Mitzva of Talmud Torah in which a woman is obligated².

As Rabbi Meiselman put it: *No authorities ever meant to justify the perverse modern-day situation in which women are allowed to become sophisticatedly conversant with all cultures other than their own.*

The בית יעקב Movement

To accommodate these changes the בית יעקב school movement was established by Sarah Schneirer. On the surface, this was one of the most revolutionary events ever to take

¹ט"ז ס"ק ד
דמצינו בפרשת המלך הקהל את העם האנשים והנשים היה לומד ספר משנה תורה ויש להקשות אם כן אפי' לכתחלה שרי כמו התם נראה לי דהתם לא דרש המלך כי אם פשוטי הדברים וזה באמת מותר אף לדין לכתחלה כמו שהוא המנהג בכל יום מה שאין כן בלימוד פירוש דברי תורה דרך התחכמות והבנה אסרו לכתחלה.

²בימינו ... כלל המעלות הנדרשות מן האשה מתקיימות ועומדות לפי ערך הבנתה וידיעתה. התוספת בהתבוננות מחזקות בידיה את כלל חובותיה וחוצצות בפני רוחות זרות. וא"כ הדבר בכלל מצות תלמוד תורה שהאשה חייבת בו...

place within כלל ישראל.¹ The fact that this innovation was accepted by the Gedolim of the time is a reflection of the fact that such a development was always potentially legitimate should the circumstances warrant.

The בית יעקב system may have led to greater degrees of female literacy and formal תורה knowledge than had been seen in כלל ישראל for many centuries. However, it resulted in a loss of women's תורה to some degree by institutionalizing the teaching of תורה to women (which made that תורה more formal and text-book oriented rather than the more intuitive and integrated women's תורה). It also insured that an ever-increasing amount of time and degree of transmission would take place out of the home. Much of the wisdom readily available in earlier times now became harder to come by. Therefore, the בית יעקב system is regarded as an essential innovation but not one which was unequivocally positive.

It takes a great deal of maturity to understand this critique without losing one's enthusiasm for the essential positivity of the Beis Yaakov schools.

ii- Women teaching תורה

Ramo: And a woman is not obligated to teach her son Torah, nevertheless if she helped her son or her husband to learn Torah she shares in their reward².

Shulchan Aruch Harav (Rav Shniur Zalman of Liadi): A women ... is not commanded in the mitzvah of teaching her children Torah and she is exempt from paying for their tuition, and we do not force her to pay tuition unless she is wealthy in which case she is obligated to pay as an obligation of *Tzedaka*. Nevertheless, if she helps her son or husband either physically or financially to learn Torah, she shares in their reward and her reward is great since they are now fulfilling their mitzvah through her³.

Igeres HaTshuvah of Rabbeinu Yonah:

כה תאמר לבית יעקב ותגיד לבני ישראל (שמות יט-ג)

So you should say to the House of Jacob, and say to the Children of Israel

... The women were commanded first because they send their children to school, and they keep watch over their their children that they should be involved with Torah study. And they are merciful upon them when they come home from school and they encourage them to study and to look forward to studying. And they watch over them

¹ Jewish Action Dec. 2005, *Pioneers of a Revolution in Jewish Girls' Education*: Gershon Kranzler: The revolution brought about in the 1920s by the seamstress, Sarah Schenirer... At the time, the vast majority of Orthodox leadership was still opposed to formal Torah education for women. Yet truly "revolutionary" leaders, like the saintly Chofetz Chaim, recognized the need for systematic schooling of the daughters of the Orthodox masses to fortify them against the lures of the Haskalah which were making serious inroads into the once-solid phalanx of the Torah culture of the *shtetl*.

² רמ"א רמז ו: ואשה אינה חייבת ללמד את בנה תורה ומ"מ אם עוזרת לבנה או לבעלה שיעסקו בתורה חולקת שכר בהדייהו (הגהות מיימוני פ"א דת"ת וסמ"ג):

³ שו"ע הרב הל' ת"ת פ"א הל' יד: אשה ... אינה במצוות ת"ת לבניה ופטורה משכר לימוד בניה ואין כופין אותה אלא אם כן היא עשירה ומתורת צדקה ומכל מקום אם היא עוזרת לבנה או לבעלה בגופה ומאודה שיעסקו בתורה חולקת שכר עמהם (סוטה כא) ושכרה גדול מאחר שהם מצווים ועושים על ידה.

that they should not cease their Torah studies and they teach them Yiras Cheit in their youth as it says (Mishlei):

(משלי כב ו) חנוך לנער על פי דרכו

What emerges is that through these things the *nashim tzenuos* are the reason for the Torah [being learned] and for its being kept¹.

iii- *Learning גמרא*

We have stated above that woman of our generation need an exposure to a much deeper, intellectually challenging form of Torah learning. Many women today are exposed to university level secular learning. Certainly, they need to know that the Torah is much deeper and much more profound than anything they might be exposed to in the broader world, as indeed is reflected in woman's education today.

Despite the changes, the consensus of the great Sages over the last century was that *גמרא* study should not be included in the curriculum. We will discuss these opinions from a purely halachik angle in this section and then continue with the underlying reasons below.

The Shulchan Aruch states:

Whoever teaches his daughter Torah is as if he taught her Tiflus. This is referring to the Oral Law².

The meaning of the word *Tiflus* is not clear. The Shulchan Aruch HaRav defines it as a kind of crafty thinking used for negative things³. Along the same lines, the Ramo says that it means a *Davar Aveira*. The Rambam writes that we are concerned that by not understanding the full depth of the Talmud a woman may turn the Torah into a superficial, trivial thing⁴.

¹ אגרת התשובה לרבינו יונה הדרש השלישי הקטע הראשון (סימן נא):
כה תאמר לבית יעקב ותגיד לבני ישראל (שמות יט-ג): ...נצטוה... הנשים תחילה מפני שהן שולחות בנייהן לבית הספר, ומשימות עיניהם על בניהם שיעסקו בתורה ומרחמות עליהם בבואם מבית הספר ומושכות לבם בדברים טובים שיהא חפצם בתורה ושומרות אותם שלא יתבטלו מן התורה ומלמדות אותם יראת חסא בילדותם, שנאמר (משלי כב ו) חנוך לנער על פי דרכו גם כי יזקין לא יסור ממנה ונמצא על פי הדברים האלה כי הנשים הצנועות סבה לתורה וליראה.

² שלחן ערוך, יורה דעה, רמז: ו
כל המלמד את בתו תורה כאילו מלמדה תיפלות בד"א בתושבע"פ...

והמקור לזה הוא סוטה כ: ...אומר בן עזאי חייב אדם ללמד את בתו תורה שאם תשתה תדע שהזכות תולה לה ר"א אומר כל המלמד בתו תורה (כאילו) לומדה תפלות וההלכה כמו ר"א כמו שאנחנו רואים במקומות אחרים בש"ס וכגון חגיגה ג: הקהל את העם האנשים והנשים והטף (דברים לא:יב) אם אנשים באים ללמוד נשים באות לשמוע ע"כ וכתבו התוס' שם: אמר בירושלמי דלא כבן עזאי דאמר חייב אדם ללמד לבתו תורה

³ שו"ע הרב הל' ת"ת פ"א הל' יד: ואם מלמדה תורה שבעל פה הרי זה כאלו מלמדה תפלות מפני שעל ידי זה נכנס בה ערמומית

ובמהרש"א סוטה כא:
ע"ב מ"ט דר"א כו' כיון שנכנס באדם נכנסה עמו ערמומית כו'. ולגבי איש הוא תועלת להבין ערמת הרעשים ולהערים כנגדם וסיים בזה ודעת מזימות אמצא י"ל ע"י דעת של תורה מזימות של אחרים אמצא וע"ד ועם עקש תתפתל אבל נשים דעתן קלות פן יערימו ויבואו לידי עבירה וקלקול וק"ל:

⁴ רמב"ם הל' ת"ת א: יג
מפני שרוב הנשים אין דעתם מכוונת להתלמד אלא הן מוציאות דברי תורה לדברי הבאי...
תורה makes this statement at the end of several statements considering someone who learns without Rabbinic guidance, evil, an הארץ and a sorcerer (according to various opinions) because his superficial knowledge will be dangerous.

However, Rabbi Meiselman says that the Rambam cannot mean that a woman is not capable of understanding Talmud properly. The Rambam states:

מפני שרוב הנשים אין דעתם מכוונת להתלמד אלא הן מוציאות דברי תורה לדברי הבאי...

Rabbi Meiselman says that the word מכוונת means that they are not prepared to dedicate themselves to this task and therefore will not understand things properly; for otherwise this would contradict that which the Rambam stated elsewhere, namely

רמב"ם ה' יסודי התורה ד : יג : ואפשר שידעם (הוויית דאביי ורבא) הכל קטן וגדול איש ואישה...

This would be consistent with the Prisha¹, who, commenting on the Tur, states that the prohibition is on a father to teach his daughter. (Presumably, the same prohibition would apply to a school or seminary that would seek to impose Gemorrah learning as a required part of the syllabus.) However, if women show motivation to study on their own the prohibition is removed. For then, presumably, they will be sufficiently motivated to understand things with the required depth².

This was the case of ברוריה, Bruria, Rebbe Meir's wife, and others. Bruria, Rebbe Meir's wife, learned 300 (Talmudic) Sugyas a day³. The Bach states that the reward which women receive for such study is great⁴.

Mayan Ganim goes further and states that those women who are willing to put in the effort to study Talmud as it should be studied are to be praised and encouraged⁵. However, even the מעין גנים is not suggesting that women should teach Gemorrah; only that they may, in exceptional cases, learn it. (This is especially so according to those opinions who hold that teaching and learning Torah are two separate מצוות; but it also holds true for the Rambam, who holds that teaching and learning is all one מצווה of תלמוד תורה.)

¹פרישה טור, יורה דעה, רמז:טו

²מפני שרוב נשים אין דעתם מכוונת כו' (לשון הטור): אבל אם למדה לעצמה אנו רואות שיצאו מהרוב ולכך כתב לעיל שיש לה שכר ור"ל אם למדה התורה על מכונה שאינה מוציאה לדברי הבאי אבל האב אינה רשאי ללמדה דדילמא מוציא דבריה לדברי הבאי כי הוא אינו יודע מה שבלבה וק"ל

³עירובין סב:

...ברוריה דביתהו דרבי מאיר... דתניא תלת מאה שמעתתא ביומא

Even though this view appears to be contradicted by the following incident:

יומא סו:

שאלה אשה חכמה את ר"א מאחר שמעשה העגל שוין מפני מה אין מיתתן שוה? א"ל אין חכמה לאשה אלא בפלך

However, clearly we do not hold of this opinion למעשה. הלכה למעשה. Any young girl who would ask such a question today in any circle would be answered with the utmost seriousness. See under **Female Characteristics** under חכמה for a detailed explanation of what חכמה אלא בפלך means)

⁴ב"ח (על הטור) ד"ה כתב: כתב הרמב"ם אשה שלמדה תורה יש לה שכר וכו' בפ"ק דקידושין (ל"א) א"ר חנינא גדול מצווה ועושה יותר ממי שאינו מצווה ועושה אלא מאד גם מי שאינו מצווה ועושה גדול הוא...

⁵וכן בשו"ת מעין גנים (רבי שמואל ב"ר אלחנן יעקב הרקוולטי) מובא בת"ת דברים יא יט אות מח בסוף: ומאמר חכמינו כל המלמד את בתו תורה כאלו מלמדה תפלות אולי נאמר כשהאב מלמדה בקטנותה...אמנם הנשים אשר נדב לבן לקרבה אל המלאכה מלאכת ה' מצד בחירתן בטוב במה שהוא טוב ... על חכמי דורן ...להדורן ... לחזק ידיהן...עשי והצליחי ומן השמים יסייעוך

Other opinions hold that the prohibition of teaching Talmud to a girl is not a prohibition at all but rather good advice. Such is the opinion of the *Chida*. And, on the other pole, there are those who oppose teaching a girl Talmud under all conditions. This seems to be the position of the *Maharsha*¹.

Some have attempted to say that today it would be permitted to teach a woman Gemorrah because teaching Gemorrah is considered כאינן מלמדה תפלות whereas often the alternative is to actually be involved with תפלות. These opinions would not wait for a girl or a woman to show interest in the Talmud of her own accord. Rather, they advocate teaching Gemorrah as a staple in seminaries. However, their logic does not appear to be sound. Firstly, the seminaries that have not taught Gemorrah have the greatest success in keeping people committed to the Torah. Secondly, many women who want to learn Gemorrah want to do so because they want to be like men.

Yet, even when women do learn Gemorrah under circumstances that make it praiseworthy, the effects of such learning will be different than they are in the case of men. The brother of the Maharal, Rav Chaim Betzalel, states that the reason a male becomes a *Bar Onshim* at 13 whereas in the case of a girl this happens a year earlier is because Torah learning weakens a male (leading to a slower maturation) whereas it does not have that effect on a female².

גמרא נשים לומדות – Reasons for women not learning

We have shown that there are opinions who hold that a woman may learn Gemorrah under certain circumstances. The question is whether this is an optimal or even a good way to actualize her potential. Judaism is clear that males and females are very different and that they have very different roles. Perhaps once a woman understands her role she would not want to be doing all that a man is doing, since this would undermine her own uniqueness.

In Women's Issues Book One we pointed out many male and female differences, including the way they study and understand things. There is such a thing as a unique, female Chochma, a unique female Binah and a unique female Daas³. Rav Wolbe and others point out

¹וכן משמע מהמרש"א מס' שבת לג: ד נשים יוכיחו שמבטלות את בעליהן
(See Rabbi Meiselman, pg. 36 - 39. However, he does not distinguish there between learning גמרא and other types of learning)

²ספר חיים טובים של הר"י חיים ברבי בצלאל (אחי המהר"ל)
הזכר נעשה בן ענשים ל"ג שנים, והבת חיבת במצות שהנשים חיבות בהם ל"ב שנים, לפי שאין התורה מתשת כחה של נקבה כדרך שמתשת כחו של זכר.

³In women, these three מדות are uniquely expressed as דעת & קל דעת & בינה יתירה:

Chochma represents abstract intellectual understanding:

רש"י שמות לא: ג - מה שאדם שומע מאחרים ולמד

Binah is the emotional integration of the wisdom - - where a person feels comfortable with that knowledge, can relate to it personally and therefore also understand where it is and where it is not relevant to his/her life:

רש"י (שם): מבין דבר מלבו מתוך דברים שלמד

Daas is the translation of that wisdom into action. It represents a complete unity between the person and the knowledge - a total connecting with that knowledge - it is no longer just relevant information which one applies. It is now the person - he/she is totally united with that knowledge;.

רש"י (שם): רוח הקודש

that women are very strong in Bina whereas men are very strong in Daas¹. One way of describing the difference is to describe women's בינה as the ability to intuitively distinguish between one situation and the next, to grasp a situation holistically, to perceive people in an integrated and connecting way. Men's דעת, on the other hand, is a more abstract, analytical application of information through breaking things down into their details and understanding them in depth².

Thus we see that women more naturally grasp the nature of a person who is new to them than do men³, because a man needs to absorb many more individual details about the person before he can put together a whole picture of the person. A man seems more predisposed to learning Gemorrah because Gemorrah requires focusing on one issue, breaking it down and analysing it deeper and deeper and then putting together the whole picture all at an abstract, detached level.

In secular studies it has been confirmed that men are generally better at maths, science, engineering and chess⁴, and in spatial ability and analytic tasks.

An additional factor in men's more natural predisposition to Gemorrah learning is the greater, natural single-mindedness that men have over women (which we will discuss below).

A further reason is the fact that women are more inclined to naturally connect with people (in particular) and things, to identify with them personally, and to want to communicate rather than to analyze in a detached way. This gives women an advantage in compassion and passion but a disadvantage in being able to be detached and more able to look at things in a cold, clinical way which is required for Gemorrah learning.

Since Gemorrah learning is of great benefit to those who learn it, we will see that women are created predisposed to the natural benefits which Gemorrah learning is supposed to provide. Their basic make-up does not require the correcting attributes of Ameilus BeTorah and their holistic grasp of the world allows them to be walking applications of Torah SheBaal Peh more naturally. Another way of looking at this is to say that men, who lack these things, are given Limud HaTorah as a Tikun, whereas women do not need this Tikun⁵.

Rav Tzadok HaCohen⁶ says that תושב"כ is from the male side while תושב"ב is from the female side, the לב. This is called חכמה תתאה, for the Oral Law is the translation of the Written Law into our minds and hearts in such a way that we connect and become one with the knowledge. The Written Torah is outside of ourselves, in a separate written document, the

¹ Some say that it is *Chochma* in men which needs to be contrasted with *Binah* in women:

רב צדוק הכהן דובר צדק (pg. 143): דחכמה ובינה הם אבא ואמא (זוהר יתרו פ"ה א) ואבא מוחא ובינה לבא (תיקוני זוהר) כי החכמה שהיא ראשית המחשבה היא כמו האב והבינה באם ... היא היראה המיוחס לאשה

² וולבא קונטרס לחתנים: האשה נחונה בבינה יתרה. הוא בר-דעת. דעת-הוא כח ההפרדה, לראות במה שונה דבר אחד מדבר שני הדומה לו. (בכח זה מחלק הלמדן בין שתי הלכות הדומות, לכאורה, זו לזו). וכאשר הוא מחלק ומפריד, הוא עומד על מהות הדבר. הוי אומר כי דעת הוא הכח ההפשטה. בינה הוא כח הצירוף ("צושטעלן"), הבנה אינטואיטיבית של הצד הדומה. ההבנה הזאת דרושה להכיר אדם.

³ שהאשה מכרת באורחין יותר מן האיש (ברכות ט ע"א)

⁴ 1991 U.S. Department of Education report, the NAEP.

⁵ G-d in His wisdom decided what the Avodah package of each person, and of male and female in general would be. Having decided this He created each one with their Avodah-challenge, and simultaneously created each one with the maximum potential for facing that Avodah-challenge.

⁶ (pg. 232) ליקוטי מאמרים

Sefer Torah, whereas the Oral Torah exists only in us. (This is why when the תלמוד says something goes according to someone, it says אליביה that person (according to the heart of that person)). Women's חכמה is also תנאה חכמה. Just as the תושבע"פ translates the תורה into this world (each דעת according to his לב) so too a woman's עבודה is to translate her wisdom into this world. In this sense, women's תורה is the תושבע"פ of the world of action.

(This is why, paradoxically, women learn חומש (תושב"כ) and men learn גמרא (תושב"כ). Women, who are תושבע"פ, need to draw this from (תושב"כ). Men who are תושב"כ need to bring that into the world by consciously engaging in תושבע"פ).

Men, whose physical form in this world derives from the עפר, which is a simple state, are not connected with actualizing tangible forms, while women, who were created from the צלע, which is a human form, are better able to express forms in this world¹.

Therefore, women are uniquely wise in matters of the home and/or the world whereas men are stronger when it comes to abstract thinking². For this reason, both man and woman need each other. Men need women's בינה and women need men's חכמה. Together they form a unity of the highest level of knowledge, Daas³.

A woman not learning a certain part of the תורה is not doing so because she has less of a relationship with the תורה as a whole. On the contrary, the מהר"ל seems to indicate just the opposite. In דרוש על התורה the Maharal states:

For a man, being that he is a male, does not contain inner contentment (שאנן) and peace (השקט), given his strong will (התגברותו) and activeness. Therefore he does not start out in natural harmony for the [ultimate] contentment and rest which is Olam HaBa which is Menuacha in its essence. But women are more naturally in harmony and prepared [for Olam HaBa]. For they are more intrinsically less action-oriented and Bnei-Hisorrerus. Therefore, the promise [of reward] which G-d made to the women is greater than that which He made to the men, due to their natural contentment (שאנן) and peacefulness (שלוח), which renders them more naturally in tune with this. Therefore, with a [small investment] of facilitating the learning of others their reward is great⁴. [The piece is difficult to translate. Please see the original in the footnote.]

Elsewhere, the Maharal states that a woman is closer to completion (האשה יותר קרובה) (אל ההשלמה⁵) perhaps for the reasons he mentions in *Drush al HaTorah*.

¹ see דובר צדק, pg. 48

² מהר"ל:

... (כיון) שהאשה עקרת הבית של אדם ... א"כ אם הולך (בעלה) אחר עצתה (במילי דביתא) לא יאמר בזה שהאיש שהוא כמו צורה נוטה ונמשך אחר החומר ונוטה ממעלתו, כי במה שהאשה עקרת הבית בזה הצד אין דבק בה ההעדור ואדרבה אשה יסוד מציאות הבית ויש ללכת אחר עצתה ... ולישנא אחרינא במילי דעלמא ... כי העולם הזה שהוא גשמי מדריגתו מדריגת האשה ... ויש לו ללכת אחר עצת אשתו בעסקי עולם הזה ... רק במילי דשמיא שודאי אצל מילי דשמיא האי צורה והאישה העלת חומר דבק בה ההעדור (דרך החיים על אבות פ"א מש' ה)

³ רמב"ן אגרת הקודש:

כי האדם הוא סוד החכמה והאשה סוד התבונה, והחבור הטהור הוא סוד הדעת (לכן נקרא החבור בלשון דעת כאומר וידע אלקנה את חנה אשתו). (פ"א)

⁴ כי האיש במה שהוא גבר איננו בעל שאנו והשקט מצד התגברותו והתפעלו, בכך אינם מוכנים גם כן כל כך אל השאנן והמנוחה הוא העולם הבא שהוא המנוחה בעצמו. אבל הנשים ראויים ומוכנים לה מצד עצמם שאינם בני פעולה והתעוררות מצד עצם בריאתן, לפיכך גדולה ההבטחה שהבטיחון הקב"ה יותר מן האנשים מצד השאנן ושלוח אשר המה מוכנים לו כי זהו חלק הנשים וראויות לזה ביותר. ובמעט הסיוע שמסייעים לתורה שכרם גדול מאד

⁵ חידושי אגדות למס' סוטה דף יז.

The Maharal's statement that men have more aggression (and therefore need the Mitzvah of Talmud Torah) has been confirmed by modern scientific studies. In Brain Sex, Dr. Ann Moir states (pg. 7): The biggest behavioral difference between men and women is the natural innate aggression of men, which explains to a large degree their historical dominance of the species. Men didn't learn aggression as one of the tactics of the sex war. We do not teach our boy children to be aggressive – indeed, we try vainly to unteach it. Even researchers most hostile to the acknowledgement of sex differences agree that this is a male feature and one which cannot be explained by social conditioning.

This idea, that women have a greater natural harmony with the Torah is given expression by the *Eishas Chayil* poem at the end of משלי which refers to women as a משל for the תורה¹. As the Sages point out, Shlomo HaMelech obviously would not choose women as moshel for the Torah if this did not reflect their essence².

Men – more singular minded/Women – more holistic

Men tend to be more easily absorbed by a single issue, or even a single aspect of one issue. Women are קלי הדעת (נשים דעתן קלות) and are therefore more receptive to moving from one issue to the next, combining them all in a balanced way:

Modern science has identified higher levels of the male hormone, testosterone, as contributing to a greater level of single-mindedness³. As one scientist wrote: “Testosterone gives men a particular advantage in that it is focusing and galvanizing a brain that is already, by its very structure, more focused than the female. Remember that the male brain is a tidier affair, each function in its special place; already the male brain is more biased to a more single-minded approach – he is less distracted. Add the hormone, with its mind-concentrating and fatigue resisting qualities and the differences between the male and female brain-performance can be accentuated.”

Women's capacity for concentration and application seems to vary with their menstrual cycle; high estrogen levels apparently suppress these specific skills. Certainly, in girls between the ages of eleven and fifteen, when the female hormone is in full flood, these aptitudes begin to decline, while boys' seem to improve⁴.

¹ ילקוט שמעוני

See Mrs. Tziporah Heller, More Precious than Pearls, pg. 2 for an explanation.

² יבמות סג: כמה טובה אשה טובה שהתורה נמשלה בה

See בית הלוי, יח, דרשה יח, last par. as to implications re: שוכר.

³ Experiments have been carried out on men and women volunteers injected with extra testosterone and a placebo. Both groups were set a task of working out a number of mathematical abstractions. This is the sort of behavior which doesn't involve great mental or physical effort, once learned, but where performance tends to drop off after a certain amount of time as a result of boredom, distraction and weariness. Other activities in the same category – known as automatized behaviors include walking, talking keeping one's balance, maintaining observation and writing. The experiment showed that the group injected with testosterone suffered a significant lower decline in their skills as the day wore on. Those who were not given the added male hormone were more likely to make mistakes and become tired.

⁴ Brain Sex, Dr. Ann Moir, pg. 95-96

Because of age-related variations, it sometimes difficult to generalize results to men and women overall. Other factors also come into play such as a sense of responsibility or dedication to a task, motivation, etc. Thus, in one study, it was found that although men did naturally better in these areas, women have longer attention span and do better with tasks that require staying power and repetition, e.g. computation and successive mathematical

הנה lends itself more to a personal identification with the subject/person being discussed:

Another way of viewing this is to say that men are more abstract and non-contextual in their thinking whereas women are more contextual:

Maharal: A man has greater sechel and chochma. By sechel we are referring to abstract sechel but women are more predisposed to having practical sechel. Similarly, the Sages stated in Bava Metzia (.נט), Concerning your wife¹, subjugate yourself to her and speak in a whisper (i.e. listen to her). According to one opinion the Gemorrah is talking about domestic matters and according to the other it is referring to worldly matters. This is because a woman's wisdom, being that it is a practical wisdom, has more of a grasp of these things than a man².

This sometimes plays itself out as what is known as “the poor cow response”. A man tells his wife of the following case: Reuven gives permission to Shimon's ox to come onto his property. Levi's cow then unwittingly enters the property and it is gored by the ox. Who is obligated to pay? To which the man's wife responds: “The poor cow. Is it all right?” In truth the woman's response is correct. If a cow is hurt, the first thing to do is to see whether it is all right. A woman's intuitive grasp automatically directs her to the appropriate response. But a man, whose way is to work through things step by step, is able to isolate that fact and relate to a different, more technical aspect of the case.

Carol Gilligan in her book In a Different Voice (1982), analyzed why it was that when asked whether it was right for a man to steal a loaf of bread to feed his family, men standardly answered no, citing rules of justice; women, however, more often said yes, citing human compassion. She found that women's moral judgements placed greater weight on emotional ideas like caring than on abstract notions of justice. Women's thinking was more contextual and her judgements were more influenced by feelings.

Deborah Tannen³ put it like this:

Women ... appreciate the discussion itself as evidence of involvement and communication ... [but] when women try to initiate a freewheeling discussion by asking “What do you think?” men often think they are being asked to decide⁴.

[Women,] approach the world ... as a network of connections. In this world, conversations are negotiations for closeness in which people try to seek and give confirmation and support, and to reach consensus⁵.

tasks. Girls do better at school but boys get higher SAP grades, implying that girls have other attributes which give them an advantage over men scholastically, despite a more natural male ability to do better on SAP grades.

¹ lit. your small wife.

²מהר"ל:
האיש יש לו שכל וחכמה ביותר הוא שכל הנבדל אבל שכל היולאני מוכנת אך האשה לקבל ביותר, וכך אמרו בפרק הזהב (ב"מ נט א) אתתך גוצא גחון ותלחש לה, ומוקי ליה לחד לישנא במילי דביתא ולחד לישנא במילי דעלמא, והיינו כי אשה חכמה שלה מצד שכל היולאני שייך לה יותר מן האיש. (חידושי אגדות נדה מה ע"ב)

³You Just Don't Understand; Women and Men in Conversation:

⁴ pg. 27

⁵ Pg. 25

The corollary of compassion and connecting is passion. Men tend to be detached and therefore to be more analytical and critical. Women tend to be more engaged, and therefore have more passion (Tshukah). This we see in the difference between Avraham and Sarah:

Avraham passed onto the Jewish people the inheritance of being straight and clear thinking. ... Sarah provided the dimension of passion and desire for the holy. Therefore her test was to be captured by Pharaoh and Avimelech, to be faced with cleaving to the wrong parties ... Sarah is like the heart of the Jewish people. ...As the Zohar puts it, Avraham and Sarah are like the soul and the body, the mind and the heart, the form and the material which holds the form ... This intense passion for spirituality which Sarah had was vital to be able to attain higher dimensions of spirituality, and that is why Avraham's merits are attributed to Sarah¹. (Shem MiShmuel)

Reaction to stress, approach to problem-solving:

Men are from Mars, chap 3:

Men become withdrawn and totally focused on the problem (they go into their caves) to the exclusion of everything else. At times like these, they appear less emotionally responsive.

"A woman under stress is not immediately concerned with finding solutions to her problems but rather seeks relief by expressing herself and being understood." (ibid. pg. 36)

When she says "You have no feelings, you are in your head", he says "What's wrong with that? How else do you expect me to solve this problem?" (ibid. pg. 35)

It is just this emotional responsiveness to things that allows women to be the source of תשוקה for spirituality:

Rav Tzadok HaCohen explains that Shleimus has fifteen levels, represented by the 15 steps in the Beis HaMikdash between the Ezras Nashim and the Ezras Yisrael where the Leviim used to sing the 15 Psalms beginning with Shir HaMaalos. The first level is the female, who embodies desire. The last is the male, which reflects the fulfillment of that desire. When male and female merit to work together, G-d's name יה-י is between them. Therefore, this name is numerically fifteen. The ה of the name refers to the female, for through the letter ה this world was created, and it is in this world that the desire for holiness exists. But the fulfillment of that desire will only be in the World to Come, the world of reward, and that is the male ².

¹ שם משמואל, חיי שרה שנת תרפ"א דף רנט: ... אברהם ... הוריש לישראל בחינתו להיות ישירי המוח והשכל ... ושרה היתה בחינת התשוקה וחפץ לאלקות, והיתה הנסיון שלה שנלקחה לבית פרעה ואבימלך, ולא את דבקת בהו ... וכאילו שרה היא בחינת הלב שבישראל ... והם דברי הזוה"ק שהמשיל את אברהם ושרה לנשמה וגוף דהיינו בחינת המוח והלב, והמחקרים לצורה וחומר ... ובזה יתפרשו דברי הזוה"ק... (ד) שרה זכתה לחיין עלאין להו לבעלה ולבנהא בתראה. ... שתלה לאברהם בזכות שרה ... דהשגת חין עלאין זוכין לעומת העבודה בתשוקה עצומה ...

² רב צדוק הכהן, דובר צדק ס"ח (דף ט.): ... (ד) יש טו מעלות מעזרת נשים לעזרת ישראל ... שהאשה היא המעלה הראשונה שהוא תקף התשוקה ... והאחרונה הוא האיש שהוא מילוי התשוקה ... וכשזכו איש ואישה שם ק"ה ביניהם שהוא בגימטריא ט"ו המעלות ... והה"א היא באשה ובו נברא העה"ז שבו היא התשוקה והיום לעשותם ולא המילוי לתשוקה בהשגה שהוא הקבול שכר ... והוא העוה"ב שנברא ביו"ד שהוא באיש .

Both males and females each have some *בניה* and some *דעת*. However, the *תורה* works from the premise that each sex is, generally speaking, stronger in its own area. Judaism is not saying that one area is better than the other – it is simply acknowledging that people should expend their efforts on what they will be better at (Mrs. Heller).

A woman learning *גמרא*, for example, would be training herself to deal with problems in a linear rather than holistic fashion (See **Physical Differences** above - men are better at arithmetic): this would reduce her insight into her children and other people, undermine her intuitive grasp of many situations and compromise her effectiveness to respond to the drama of day-to-day living both by anticipating events and by spontaneously adapting to new realities without compromising deeper principles. (For example, in *אשת חיל* it says *דרשה צמר* - a woman has an intuitive grasp of the balance of *חסד* (צמר) and *גבורה* (פשתים) that she needs to apply in her interpersonal and particularly her mothering relationships.) A *תורה* woman would not ordinarily be willing to give all that up.

It is possible that for some reason the Almighty would create a particular woman with certain male aspects (only in the highest *ספירות* of the *אדם הקדמון* is there a concept of pure *נוקבא* and pure *זוכרא* - see in Section 1, *תפילין*, what we wrote about *בת שאול* (מיכל בת שאול). Such a woman may feel that her *עבודת השם* requires her to compromise her phenomenal feminine powers and learn *גמרא*, which she is not forbidden to do. However, the number of such women is very small. The chances that any female is of those women is very unlikely. Therefore, every woman should start out by exploring the real women's role on the presumption that she will find it infinitely enriching and rewarding. Otherwise, she may find herself very unfulfilled. This is indeed what happened with the first generation of women's libbers who started out trying to be men and later on admitted that it was a mistake.

At a deeper level, women are considered to represent *תושבע"פ* while men represent *תושב"כ*. This is because women, as *מקבלים*, are that force which acts as the final *מפרש*, the defining context in which reality can express itself. This is the same function as *תושבע"פ* which represents the Torah, as it is finally brought out into this world. This is why the *תורה* at *סיני* was given through the Left or Female Side, which also explains why *בית יעקב*, the women, received the *תורה* (were commanded) before the men. Women relate and respond to *תושב"כ* with a sense of immediate integration that renders their response a given reality of *תושבע"פ*. But just because of this, women need to take their given reality, the reality of *תושבע"פ*, and draw on the source of *תושב"כ* (i.e. studying *חומש*, etc.).

Men, on the other hand, are a given reality of *תושב"כ*, i.e. the Torah which is pure, intellectual, and not yet expressed in this world. But just because of that, men have to take their given reality, the reality of *תושב"כ*, and relate that to *תושבע"פ*, i.e. they have to exert great efforts to turn *תושב"כ* into a living reality of *תושבע"פ*. Hence they have a *מצוה* of *תלמוד* - *עמלות בתורה* - *תורה*.

Today this has become clearer: observant women in general have a better grasp of *חומש* than their husbands. This has to do with women being more *כלי/חומר/מושפע* and men being more *צורה/משפיע*. Women's intuitive integration of Torah is reflected at a higher level by *נבואה*. That is why Sarah was greater than *אברהם* in *נבואה*.

Maharal: Sages receive from the right side. Prophets receive from the left side¹.

¹דרך החיים (מהר"ל על אבות) פ"א מ"א (בסוף)

תושבע"פ, as it relates to men, is a process of עמל working from our חכמה and going upward (represented by the shape of the ל which literally means to learn, which is the only letter to go above the line-סרטוט. Moreover, there are no limitations on how far above the line it should go. It is open to the efforts of each לומד תורה as to how far he is going to go.) מהר"ל in התורה explains that women naturally have certain מדות which are harmonious with עולם הבא (הן שאננות ושקטות e.g.) which also allow for their prophetic experiences. Men achieve through עמלות in תושבע"פ, which, by virtue of being דלעילא, is intrinsically an עמל type of process. (This is why the בית הלוי (vol. 1 no. 6) stresses that women have the obligation of knowing תורה; they are exempt from the מצוה of studying תורה which is a separate obligation from that of knowing תורה.) In ימות המשיח, when men will also naturally have the type of מדות which are in harmony with the עולם הבא/שכר process, men too will only deal in תושבע"פ.

Shir HaShirim Rabah: Just as the Jewish nation had 600 000 male prophets, so they had 600,000 prophetesses¹.

The fact that only 7 prophetesses are recorded for posterity has to do with their public message:

Megillah (. ז): The Jewish nation had many prophets, more than double the total number of people who went out of Egypt. However, only those propjets that were require for future generations [as well] were written whereas those prophecies which were not required for future generations were not written down².

See R. Aryeh Kaplan, Handbook of Jewish Thought, pg. 111, note 245, where he brings down opinions that it was the norm for females to be at a higher level of prophecy than men. Some of the elements involved in the prophetic process are normally stronger in women than men, e.g. the use of the right hemisphere of the brain:

Ramchal, Derech HaSh-m:

The revelation of HaSh-m's Kavod is that which causes all that happens to a prophet through his prophecy. And from there it moves through his power of imagination which exists in the Nefesh of the prophet ... and through this imagination it gets drawn to his thought and intelligence³.

2- Until the end of ראשון בית ראשון, the main way of relating to the תורה was through נבואה (ר' צדוק). (מחשבות חרוץ - Though תושבע"פ as a received tradition came from Moses and always was

לזקנים... מקבלים בראשונה מצד הימין ... (ו)לנביאים ... מקבלים מצד שמאל

¹ שיר השירים רבה ד :

כשם שעמדו לישראל ס' רבוא של נביאים כך עמדו להם ששים רבוא של נביאות.

² מגילה יד.

הרבה נביאים עמדו להם לישראל כפלים כיוצאי מצרים אלא נבואה שהוצרכה לדורות נכתבה ושלא הוצרכה לא נכתבה

³ דרך ד' ג-ג-ו:

... והנה גלוי כבודו ית' הוא יהיה הפועל בכל מה שימשך לנביא בנבואתו. והנה ממנו ימשך בכח הדמיון שבנפש הנביא... ומתוך הדמיונות ההם תמשך בו מחשבה והשכלה...

applied.) After בית ראשון, the Oral Law came to the fore as the primary way of learning תורה, and hence נבואה stopped. Although there were females who achieved תורה greatness even during this later period (e.g. ברוריה, Yalta), the example of a female becoming the leading תורה authority is דבורה who led the Jews during the earlier Prophecy-orientated period. דבורה herself was a נביאה.

3- Prophecy stopped at the end of בית ראשון. Although there were no new נביאים, those who already had נבואה could continue to do so. It is interesting to note that during this transition it was מרדכי who added a ספר to תנ"ך and not אסתר.

iv- Women as helpers to their husbands and children to learn

In Judaism, facilitating is, in many contexts, regarded as more important than the action itself:

ב"ב ט. גדול המעשה יותר מן העושה

Bava Basrah (.ט): Greater is the one who causes others to do than the one who does.

Similarly, we see that after Avraham Avinu saved the King of Sedom in the war of the four kings with the five kings, the King of Sedom offered Avraham Avinu all the spoils for returning the captives to Sedom. Avraham refused but asked that those who participated in the war be paid for their efforts. He included those who stood guard on the homefront in this category¹.

It is clear that the Sages applied this concept to a woman vis-a vis Torah learning as well. Peleh Yoetz says that the reason that women get greater reward than men do, as testified by the Gemorrah in Brochos, is because of the principle of 'greater is the one who causes than the one who does.' As Rebbe Akiva said of his wife Rochel to his students, "Whatever you and I have belongs to her²." At the beginning of this section we brought the Ramo and the Shulchan Aruch HaRav who stressed that a woman's reward for facilitating Torah learning is great,³ since those who learn Torah are now fulfilling their mitzvah through her⁴. That this is not a consolation prize is stressed by Rabbeinu Yonah who stated that because of their central role as those who are in effect guaranteeing the continuity of Torah in the Jewish

¹ בראשית יד: כד
בלעדי רק אשר אכלו הנערים וחלק האנשים אשר הלכו אתי ענר אשכל וממרא הם יקחו חלקם
רש"י:
ועא"פ ש...ונער וחבריו ישבו על הכלים לשמור א"ה הם יקחו חלקם

² כתובות סג.
(אמר ר' עקיבא לתלמידיו) שלי ושלכם שלה (=רחל אשתו) הוא

³ רמ"א רמ"ו:
ואשה אינה חייבת ללמד את בנה תורה ומ"מ אם עוזרת לבנה או לבעלה שיעסקו בתורה חולקת שכר בהדייהו (הגהות מיימוני פ"א דת"ת וסמ"ג):

⁴ שו"ע הרב הל' ת"ת פ"א הל' יד: אשה ... אינה במצוות ת"ת לבניה ופטורה משכר לימוד בניה ואין כופין אותה אלא אם כן היא עשירה ומתורת צדקה ומכל מקום אם היא עוזרת לבנה או לבעלה בגופה ומאודה שיעסקו בתורה חולקת שכר עמהם (סוטה כא) ושכרה גדול מאחר שהם מצווים ועושים על ידה.

people and because they are the reason for the Torah being learned and for its being kept, the women at Har Sinai were given the Torah first¹.

Women as innovators above the sun:

Although women gain the extra benefits of being מעשות, those who cause, and not עושות, those who do, a man's direct relationship with עמלות בתורה allows him to have a relationship with reality מעל השמש and not just with the world משמש.

Do we then say that women have that relationship only through their husbands and sons, or do they have any independent relationship with this level of reality?

We have already stated above that women are naturally and intuitively considered to be תושבע"פ. Their חידושי תורה, *women's Torah*, is expressed in their moment-by-moment responses to the ever-changing demands on their attentions. In addition, we see that women were given ראש חדש as their special מצוה. ראש חדש is something whose קדושה is ultimately also above the sun. In the reality of the world as we know it now ראש חדש remains hidden and will only be revealed in the Messianic Age. (See under Women's מצוות for extensive treatment of this idea.) Women, however, are able to access this holiness even now and bring it down into this world in the same way as a man is able to access a חידוש in Torah.

v- Women cannot be Rabbis or Judges

A woman cannot have the title Rabbi, though she may be given other titles to show her wisdom (such as מחנכת). Jewish history is full of examples of outstanding תלמידות חכמות, of women communal leaders and of women who learn and have learned גמרא.

For example, ברוריה, the wife of מאיר, is quoted several times in the תלמוד. She began the day with learning הלכות 300. However, in the end she was led astray and tragic consequences resulted (רש"י יח).

Namnah, Daughter of R Shmuel Ben Ali, the גאון and head of the ישיבה in Baghdad, was so well-versed in תלמוד that she would give שיעורים through the window of her house (so that she could not be seen) to the ישיבה students.

The 13th century authority of Germany and France, אור זרוע, would quote halachic rulings in the name of his mother-in-law.

The wife of R. Avraham Meir of Worms (14th C) delivered learned discourses before the congregation every שבת.

The grandmother of T. Solomon of Luria (16th C) (ים של שלמה) would deliver תורה lectures to students while concealed behind a curtain.

Beilah, mother of the דרישה (R Yehoshua Falk - 16-17th C), is quoted by her son on certain halachic issues. מגן אברהם argues with one of her opinions, but נודע ביהודה says that the law is like her, was she not a woman "whose heart was uplifted by wisdom."

¹אגרת התשובה לרבינו יונה הדרש השלישי הקטע הראשון (סימן נא):
 כה תאמר לבית יעקב ותגיד לבני ישראל (שמות יט-ג): ...נצטוה... הנשים תחילה מפני שהן שולחות בניהן לבית הספר, ומשימות עיניהם על בניהם שיעסקו בתורה ומרחמות עליהם בבואם מבית הספר ומושכות לבם בדברים טובים שיהא חפצם בתורה ושומרות אותם שלא יתבטלו מן התורה ומלמדות אותם יראת חטא בילדותם, שנאמר (משלי כב ו) חנוך לנער על פי דרכו גם כי יזקין לא יסור ממנה ונמצא על פי הדברים האלה כי הנשים הצנועות סבה לתורה וליראה.

If the requirements of modesty are met, the limitations on female leadership is technically only in the area of paskening שאלות. A woman who knows what the הלכה says directly on any issue and does not have to be מדמה מילתא למילתא, be מכריע between different opinions nor weigh up whether a more lenient or strict opinion is called for in this particular case may direct others to what the שו"ע or משנה ברורה says:

And the prohibition of entering the Beis Hamikdash drunk applied during the time of the Temple to both males and females, but the prohibition on giving psak halacha while drunk applies to males everywhere and at all times as it does to a wise woman who is fit to give halachik opinions¹.

This opinion of the Sefer HaChinuch is supported by one of the great Achronim, the Pischei Teshuva, who writes:

פתחי תשובה (חוי"מ ס"ז ס"ק ד): ... אשה חכמה יכולה להורות ... (ע"ש)

In addition, a פוסק ought to consult with a woman who has superior knowledge or understanding of the background information necessary for a פוסק².

The most famous case of a woman playing this role was דבורה the Judge. The Jewish position is that a woman may fill this kind of a role (see below where we discuss the limitations of this) but that she would do so with reluctance, i.e. because there was no one else qualified to fill this role. She would also do so knowing that she is paying a price, that, to some degree, she is sacrificing some of her own female potential in the process.

Women as Judges and Rulers

Shulchan Aruch: A woman is invalid as a judge³.

The Case of Devorah

Devorah was one of the Prophetesses⁴. This contributed to her acceptance amongst Kal Yisroel as a judge⁵. As a judge, her primary role was to encourage the nation to serve הקב"ה as well as they were able. The Tur puts it this way:

For every judge judged his generation and returned them from their evil ways to serve HaSh-m and to commit themselves entirely to the path chosen by Avraham Avinu to do Tzedaka and Mishpat and through this they will be saved from their enemies¹.

¹ ספר החינוך מצוה קנב: ונוהגת איסור ביאת מקדש בשכרות בזמן הבית בזכרים ונקיבות, ומניעת ההוריייה בכל מקום ובכל זמן בזכרים, וכן באשה חכמה ראויה להורות...

² שערי תשובה (או"ח סי' תסב ס"ק יז): ... הגאון מוה' העשיל ז"ל ... כשאירע שאלה של נפיחה (במצות) לפניו ... היה סומך על ראות עיניהם (של נשי ביתו) והבחנתם בעסק הוראה זאת כדת הנשים שהם רגילות במעשה אופה והם ידעו יותר להבחין וגו'

³ שו"ע חושן משפט ס"ז ס"ה : אשה פסולה לדון

⁴ מגילה יד. שבע נביאות מי הם? שרה, מרים, דבורה, חנה, אביגל, חולדה, ואסתר וכו' דבורה דכתיב ודבורה אשה נביאה אשת לפידות

⁵ תוס' הראש, ריש שבועות העדות, תוספות בכמה מקומות

The Zohar says that it was Devorah who restored the forgotten Torah law of Periah as a part of Bris Milah².

Devorah maintained her standards of modesty by sitting under a high tree³. After a multi-miracle victory over Sisera by the Jewish people⁴, she reached the exalted level of Shira, a level which was reached only eight other times. The Midrash says that in this song the women preceded the men since salvation was achieved by two women (Devorah and Yael)⁵.

Devorah seemed to have all the elements of greatness any Jew, male or female, could have aspired to⁶. Yet, Devorah eventually lost her prophecy by allowing pride in her own achievements to creep in⁷.

Lisa Aiken, To Be a Jewish Woman, pg. 58/59:

"Deborah...was the greatest Jew of her generation (הגדול הדור)...Since no men of her era were qualified to be judges, the entire Jewish nation came to her to be judged."

"It is interesting to note that Deborah's husband was an ignorant, simple man. She encouraged him to apply his spiritual potentials in the greatest way he could so that he would have a share in the Hereafter. To this end, she made very thick wicks for the candelabrum (menorah) of the Holy Temple and asked her husband to take them there⁸. The wicks were specially made in order to enhance the light of the flames that were for G-d's glory. In reward for this, G-d caused her spiritual light to shine over the entire Jewish people by her being a judge⁹ (ילקוט שמעוני)"

..."It is noteworthy that when Deborah sang her song of praise to G-d for their victory, she referred to herself as 'mother in Israel' (שופטים ה-ז). Even though she was brilliant, a prophetess and a judge - the greatest role she saw for herself was as a mother of the Jewish people."

The commentators have two difficulties with Devorah as a judge:

¹טור חושן משפט ס"א:
כי כל שופט ושופט שפט אנשי דורו והשיבם מדרכם הרעה לעבודת ד' ללכת בכל הדרך שהלך אברהם אבינו ע"ה לעשות צדקה ומשפט ובעבור זה ניצלו מכל אויביהם

²זהר ח"ב ג: כל אותו הזמן היו מוהלים ולא פורעים עד שבאה דבורה חיכתה בזה לכל ישראל כמו שכתוב בפרוע בפרעות ישראל

³מגילה יד.

⁴קה"ר ג יד: ששה נסים נעשו באותו היום, בו ביום באו, בו ביום שלחה אחריו ושלח הוא, בו ביום עשו מלחמה, בו ביום נהרג סיסרא, בו ביום חלקו ביזה, בו ביום אמרו שירה

⁵מדרש לק"ט שמות טו כ: בשירת דבורה קדמו נשים לאנשים לפי שבא תשועה על ידי נשים, דבורה ויעל

⁶זהר ח"ג יט: שתי נשים היו בעולם שאמרו תשבחות להקדוש ברוך הוא, מה שכל הגברים בעולם אינן אומרים כן, ומי הם דבורה וחנה, וכל הפסוקים האלה שאמרה דבורה הם מסוד החכמה העליונה פסחים סו: המתירה, אם נביא הוא נבואתו מסתלקת ממנו, מדבורה דכתיב עד שקמתי דבורה וגו' וכתיב עורי עורי דבורה (וכן במגילה יד:)

⁷זהר שם: עד אותה זמן ששבחה את עצמה ואמרה עש שקמתי דבורה

⁸מגילה יד. מאי אשת לפידות שהיתה עושה פתילות למקדש
ובילקוט שמואל שופטים מב: מי זכה לו ללפידות שיהא חלקו עם הכשרים ויבא לחיי עולם הבא, דבורה אשתו

⁹ ילקוט שמואל שופטים מב: - לפידות עושה פתילות למשכן, והיא מתבוננת ועושה פתילות כדי שיהא אורן מרובה. אמר לה הקב"ה: דבורה, את נתכוונת להרבות אורי אף אני ארבה אורן ביהודה ובירושלים

- i. A female is ineligible to be a judge.
- ii. Every judge in the periods of the שופטים had the status of a Melech (as we see from the fact that he was able to put someone to death for being מורד במלכות). A woman may not be appointed as a queen with the authority of a king. The commentators disagree whether this prohibition is extended to other positions of authority or not¹.

i. *The problem of Devorah as a judge:*

The commentators answer this in various ways:

- a. Tosfos² says that she did in fact render judgments but that על פי הדבור שאני, Devorah judged by receiving her judgements through prophecy and not as a Rabbinic figure working out the psak through Limud HaTorah. A female who judges through prophecy is permitted.
- b. She did not render judgments. ושפטת את ישראל means that she led the Jewish nation and that they proceeded according to her advice as if she were a Queen. Nevertheless, she was never formally appointed³.
- c. She didn't judge; rather, she taught the judges⁴.
- d. She rendered judgments but people accepted them willingly⁵ (According to תוספות they accepted her משום שכינה). According to this answer, the prohibition of rendering judgments is the ability to enforce implementation and not the rendering of judgment per se.
- e. They accepted her as a judge on themselves in the same way that someone is entitled to accept even a relative over oneself as a judge⁶. This would include enforcement. According to this, the פסול applies only if she was formally appointed to be one of the judges of the city, not if she merely renders judgment. (According to Rav Moshe Feinstein, they did not have to accept her for each and every judgment)

ii. *The problem of Devorah Women as a Ruler*

The ספרי learns from the word *Melech* that a king but not a queen should rule over the Jewish nation. However, nowhere is this mentioned in the Talmud⁷. In addition, *Shlmozion HaMalka* is nowhere criticized for ruling, while the Sages readily criticize other illegitimate

¹ According to the רמב"ם and ריטב"א a woman may not be appointed to any position of authority. This is disputed by other ראשונים (according to the אגרות משה, תוספות הראש, תוספות הר"ן, תוספות הרשב"א and the רשב"א amongst them) who say it only excludes a woman being appointed queen. (אגרות משה, יורה דעה, תוספות) (See there מח & מח where Rav Moshe allows a woman, though not unconditionally, to be appointed as a (משגיח לכשרות).

² שבועות ל

³ (ריש שבועות העדות) רשב"א & ר"ן, רמב"ן

⁴ (הל' דיינים פ"ז) תוס' & תוספות (שבועות ל)

⁵ (מס' ב"ק טו.) תוספות & רמב"ן

⁶ רשב"א

⁷ The ספרי's silence as to whether *Devorah's* appointment was a השעה, or whether the דרשה of the ספרי is an אסמכתא (and therefore not a Torah prohibition but nevertheless a strong מדרבנן) is surprising.

rules such as Herod¹ and Agripus². Rav Isaac HaLevi Herzog concludes that the Talmud holds the word *Melech* as coming to tell us that one may only appoint one *Melech* and not two and that therefore there is no prohibition on a woman to enter a position of authority. *The Rambam* paskens like the ספרי. Rav Herzog holds, however, that the majority of *Rishonim* do not hold this way and do not object to a woman holding any position of authority³.

¹ ב"ב ג:

² סוטה מא.

³ החוקה לישראל על-פי התורה כרך א נספח: שררה באשה דף 4-102

CHAPTER B: תפילה

i- Women's Special Capacity to Pray

ii- שליח צבור, מנין

iii- Separate Seating, עליית

CHAPTER B: תפילה

For women's obligations in prayer see **Section Two**.

While we are in HaShem's house of prayer we have to follow His rules. If we do not, it is as if we are saying "we know what You want better than You do." We are not serving HaShem the way He wants to be served.¹ This would be problematic in any area of Avodas HaShem, but since the whole purpose of prayer is "avoda," this means that we are missing the fundamental point of prayer.

i- Women's Special Capacity to Pray

Women's exemption from מנין does not mean that her תפילות do not count - many paradigms of prayer for men and women are learned from Biblical women.

From חנה's prayer we learn:

- a. כל המרבה בתפילות נענה;
- b. כונה תפילה needs;
- c. עשרה requires lips moving but not with a raised voice;
- d. תפילה in חייב Women are;
- e. A paradigm of prayer as relationship; etc. (see עה 2nd par. of ילקוט שמעוני שמואל א א א onwards and the beginning of ב; the same information is contained in ברכות).

כב states that a certain widow would walk to ר' יוחנן's synagogue even though there was another synagogue which was closer to her home. מגן אברהם (90: 22) learns from here that a person receives more reward for attending a more distant synagogue rather than one closer to home.

*ii- שליח צבור, מנין*²

מנין

The gemorrah learns that it requires a community to be able to say a דבר שבקדושה:

ברכות כא :
מנין שאין היחיד אומר קדושה (או לפי המשנה במגילה כג : כל דבר שבקדושה) שנאמר ונקדשתי בתוך בני ישראל (ויקרא כב : לב) כל דבר שבקדושה לא יהא פחות מעשרה.

(as opposed to just ישראל - בנות ישראל and בני) Therefore, a יחיד cannot say a דבר שבקדושה on his own. But how do we know that the number ten is implied? The גמרא then links this verse to the verse of the מרגלים (by a גזרה שוה of תוך - over there it says מתוך העדה - במדבר ז- ה בדלו מתוך העדה) from which we learn that we need ten.

¹ Aiken, pg. 82

²In September, 1973, the Conservative Rabbinical Assembly's committee on Jewish law voted nine to four in favor of counting women form minyanim. By 1978, almost all Reform and over 50% of Conservative congregations called women up to the Torah, counted women in the minyan, and allowed them to lead services. (Sylvia Fishman, A Breath of Life, pgs. 150-3)

(Although there were 12 מרגלים, later on it says עד מתי לעדה הרעה זאת which exclude יהושע and כלב, leaving ten¹ - see : מגילה כג.)

Reasons for Exclusion

Rabbi Meiselman (138 - 139) argues that one cannot say that men can make up a minyan and not women because men are more important than women. He brings as proof Rav Yosef Engel (סנהדרין עד : גליוני השי"ס) who says that in the most significant act a Jew can do, dying לקדש שם שמים ברבים, the רבים can be made up of both men and women, and in the case of פירסומי ניסא women can, according to the ר"ן (סוף פרק א מגילה) make up the ten people in front of which the מגילה needs to be read².

In general, someone who is obligated to do something is so required because a) the person needs the tikun; b) the person is in harmony with the requirement such that he gets the tikun from doing that thing. Someone who is not commanded lacks one of these two facets. Either the person (or group) does not need the tikun, or if they do need the tikun they get it from somewhere else.

Based on this, there are two opposite approaches:

- i- A woman cannot make up a מנין, etc. because her whole reality goes against it. Ten women remain ten individual women – they do not form a community. This is tantamount to saying that even though she needs the tikun, she cannot get it from a minyan³.
- ii- A woman does not need the formal עבודה of community, because she is naturally capable of making this תקון herself. This is tantamount to saying that she does not need the tikun. (This would be supported by the fact that the source of the Chiyuv is the sin of the spies. The women were not involved in the sin of the spies and therefore do not need the tikun.)

The first approach points to the fact that women's sports tend to be individualistic pursuits such as tennis, athletics, etc., whereas many men's sports are team orientated, e.g. basketball, baseball, etc. However, this would appear to be only at a professional level and for reasons other than the natural orientation of males and females. On the contrary, the direction of all current studies seems to show the opposite, i.e. that women are more naturally connecting and communal than men. Much more importantly, the insight of the מהר"ל will bring below (see under **reason for this**) favors the latter interpretation. According to this, men, left to their own devices, would not naturally consider themselves part of a community. Men need to be externally pushed to achieve the sort of relating and community which women naturally achieve.

¹ The ר"ן (on מגילה): The למוד is only an אטמכתא; דרבנן is מנין; אטמכתא is only an אטמכתא. Others appear to understand that it is דאורייתא (as per פירוש המשניות); see also חתם סופר חו"ם - קטז

² Both of these are minority opinions. In fact, the need for ten in קדוש השם is learned in עד מתי לעדה הרעה זאת from the same פסוק as we learn the need for a מנין! חתם סופר מנין says that in fact we fulfill the מצוה of קדוש השם in some form by going to מנין. (חו"ם קטז). Nevertheless, we see from here, that those who argue probably do so because of a technical פסול and not because women are less important.

³ See also Rabbi Meiselman, Chap. 20.

Men are From Mars, pg. 16: "Achieving goals is very important to a Martian because it is a way for him to prove his competence and thus feel good about himself. And for him to feel good about himself he must achieve these goals by himself... Martians pride themselves on doing things all by themselves. Autonomy is a symbol of efficiency, power and competence."

Men need to overcome themselves to feel a sense of community. Therefore men need these roles for their spiritual completion while women do not.

"Venusians...love communication...and relationships. They spend a lot of time supporting, helping and nurturing one another...They experience fulfillment through sharing and relating" (Men are from Mars, pg. 18).¹

A woman's awareness moves out from her center. Her fundamental nature is to move out from her self and connect with others. When she falls in love, it is easy for her to forget herself completely. In relationships, it is easy for her to become overwhelmed by the needs of others.

Men, on the other hand, tend to contract in relationships. (John Gray, Men, Women and Relationships, pg. 57)

Males tend towards a more individual-oriented strategy, females toward a more group-oriented strategy (Carl Degler, In search of Human Thought). Females express more care and nurturance (Moir and Jessel).

[Men engage the world by seeing it as] a hierarchical social order. ...Life, then, is a contest, a struggle to preserve independence and avoid failure. [Women,] on the other hand, approach the world ... as ... a network of connections. In this world, conversations are negotiations for closeness in which people try to seek and give confirmation and support, and to reach consensus.

.... Women are also concerned with achieving status and avoiding failure, but these are not the goals they are *focused* on all the time, and they tend to pursue them in the guise of connection. And men are also concerned with achieving involvement and avoiding isolation, but they are not *focused* on these goals, and they tend to pursue them in the guise of opposition. (Deborah Tannen, You Just Don't Understand: Women and Men in Conversation, pp. 24-25)

In a world of status, independence is key, because a primary means of establishing status is to tell others what to do, taking orders is a marker of lower status.

... Many women feel it is natural to consult with their partners at every turn, while men automatically make more decisions without consulting their partners. ... Women ... appreciate the discussion itself as evidence of involvement and communication ... [but] when women try to initiate a freewheeling discussion by asking "What do you think?" men often think they are being asked to decide. (ibid. pp. 26-27)

¹ Meira Svirsky writes:

A rabbi I know once taught a class in which a priest was one of his students. The question of minyan vis-a-vis women was raised and explained this way. At this point, the priest raised his hand to speak.

"You Jews are brilliant!" he exclaimed. "Every Sunday in my church the pews are filled with women. I've tried everything to get the men to come as well. If we had this concept of minyan, things would be different." (In Jewish Women Speak about Jewish Matters, pg. 143.)

[The female desire for] for intimacy says, “We’re close and the same,” ... [whereas the male desire for] independence says, “We’re separate and different.” ... [Therefore, many men will hear a question such as “What about the food is bothering you”] as a challenge that has to be matched, [whereas many women will here the same question] as a request for information. (ibid. pp. 28-29)

Tannen writes that a male may have difficulty in asking his boss whether he is going to get a promotion because it shows him as being dependent on the boss, whereas a woman may find this easier. Men may see a letter from their publisher requesting that they inform them of any address changes as a desire by the publisher to keep tabs, whereas women may feel complimented and feel important knowing that their movements matter (ibid. pp. 30 & 38).

Reason for this:

מהר"ל חידושי אגדות בבה בתרא עב:
 וז"ש שהיו כולם נקיבות לא זכרים, כי התאחדותם והתקשרם אינם מצד הצורה, שהזכר הוא שנקרא צורה בכל מקום, ואין צורה מקבל צורה. וכאן שראה השתלשלות העולם ואיך האחד נמשך אחר האחד, והאחד מקבל אותו, כמו שאמר דאתא תנינא ובלעה ואתא פשקנצא ובלעה, ואין זה מצד הצורה כי מצד הצורה כל אחד מיוחד לעצמו בצורתו המיוחדת, ואין זה חבור צורה לחומר שגם זה אינו בהתקשרות המציאות זה עם זה, אבל הצורה מתחבר לנושא המיוחד לו, ודבר זה ברור, אם תחפש החכמה אז תמצא דעת קדושים.

Therefore, women do not need to be guided in this direction by communal מצוות. A woman who would take any of these roles would be stealing that opportunity from a man, an act of selfishness in the disguise of spirituality.

Women’s capacity for Tznius reinforces this idea. This capacity allows her to naturally reach higher levels of spirituality when praying alone.¹

If these issues were a matter of honor or ego-fulfillment, women would be entitled to demand their fair share. But they have to do with the very opposite. Men are doing these things because G-d is asking them to do it. Ego is the very opposite of the intended effects of prayer ממעמקים קראתיך ה' -

For these same reasons there are also differences amongst men:

קריאת התורה: כהן, לוי, ישראל
 ברכת כהנים
 בבית המקדש - עזרת כהנים, עזרת ישראל

Women attending מנינים

A woman is not commanded to be a part of a community because she has a natural sense of community (as we explained above). “She possesses the potential to make the best choices as to how she can optimally use her time and is accordingly given the opportunity to do so².” It is therefore praiseworthy when she expresses this sense of community, i.e. when she attends a מנין. (שבות יעקב in the name of בת ישראל ב: כו.) His proof is from סוטה that a certain widow would walk to ירחן ר' יוחנן's synagogue even though there was another synagogue that was closer to her home. מגן אברהם (90: 22) learns from here that a person receives more reward for attending a more distant synagogue rather than one closer to home.

An aged women desired to die. In response to a question תתעא - ילקוט שמעוני עקב: תתעא from ר' יוסי בן חלפתא, she said that going to shul every day was a very special מצוה which she

¹ Perhaps the most significant prayer was said by the Cohen Gadol on Yom Kippur. This was done in private.

² Tziporah Heller, Jewish Women Speak about Jewish Matters, pg. 27.

got up to do early every day. ר' יוסי told her not to go for three days. She listened to him, became sick and died.

לכן אמר שלמה אשרי אדם שמע לי לשקד על דלתתי וגוי' מה כתיב אחריו כי מצאי מצא חיים

Women's מינימם: Weakest, least observant part of the frum community involved. The essence of עבודה is to serve השם in the way in which He wishes to be served. It is a complete contradiction to demand that we dictate how to serve Him.

For discussion on the limits of our ability to "change things" see **Women's Issues Part 3, עגונות**.

שליח צבור

Since a woman is not חייב in מנין and one of the purposes of the שליח צבור is to be מוציא the רבים their חוב of תפילה בצבור, a woman is not eligible in this. It is a mistake to think that public roles like being a שליח צבור helps a man stand out and express his individuality. The very opposite is intended. The archetype community honor was the סנהדרין. There, the halacha went according to the majority. Even if משה or אהרון or other great "individuals" were a part of the minority, this made no difference. This is because the purpose of these roles is the בטול of one's individuality to the כלל rather than expressing one's own, isolated reality.

The development of women's minyanim is an attempt of women to try to be men. It is ironic that the broader women's liberation movement outgrew this need to imitate men already in the early eighties. The demand of the broader women's liberation movement today is to find place in society, including the marketplace, for the expression of uniquely female traits. However, those Orthodox women who are now engaged in the Orthodox women's liberation movement generally appear to be those who have a weak relationship with Judaism. Lacking the spiritual satisfaction that comes from a deeper connection with Judaism, they mistakenly "ape" their male counterparts in the hope that therein lies the key to their spiritual fulfillment¹.

iii- *Separate Seating, עליית*

Separate Seating

¹Rabbi Joseph Soleveichik was opposed to women's minyanim. In the אגרות משה אורח חיים, Vol. iv, חט, Rav Moshe Feinstein says that were women to have totally the right כונה then there is nothing wrong per se with a woman's prayer group. However, he states that it is difficult to find in these groups women that are sincerely motivated to be able to pray more effectively; most come out of a sense of rebelliousness or because they have a problem with Judaism (specifically with the idea that a מנין can only be made up of men). However, there are other responsum regarding this matter, written in the name of R' Moshe Feinstein z"l which have been disputed as to whether Rav Moshe was the true author of them. Thus Rabbi Bertram Leff in the Journal of Halacha and Contemporary Society (no xxxiv, pg. 115) states:

"For the sake of the historical record it must be stated that this responsum was penned by Rabbi Feinstein's grandson, Rabbi Mordechai Tendler. It was written more than fourteen years ago, in 5743, on the stationary of Rabbi Feinstein in response to a שאלה posed by Rabbi Mayer Fund of Brooklyn....

"Many in the halachic community, including Rabbi Feinstein's family, are astounded that Rabbi Mordechai Tendler's letters are being triumphed as a היתר by Rabbi Moshe Feinstein, זצ"ל for the new phenomenon of Women's Prayer Groups. ... "

Separate seating is מדאורייתא and davening with a מחיצה is also a דאורייתא. G-d made up the rules of how He wants us to behave in His home, not us. It is the very opposite of עבודה for us to insist that we serve Him our way. Within the rules, however, there is ample scope for creativity.

דאורייתא is מחיצה: אגרות משה (אורח חיים סימן לט א) as follows:

ומתקנים שם תיקון גדול שמחת בית השואבה says סוכה סא. in משנה The גמרא explains that after several failed arrangements for separating men and women, the following was enacted:

סוכה נא :

התקינו שיהו נשים יושבות מלמעלה ואנשים מלמטה.

The גמרא asks how they could do that, as that entailed a change in the structure of the בית המקדש and contradicted the verse *ה' עלי השכיל* that the בית המקדש had to be according to the exact specifications given to נתן הנביא and גד החוזה. רב (רש"י) answers that they found a verse to support the enactment that men and women need to be separate.

זכריה יב : יב

וספדה הארץ משפחות משפחות לבד משפחת בית דוד לבד ונשיהם לבד משפחת בית נתן לבד ונשיהם לבד

רש"י explains that the verse is talking about the Messianic era when the nation will be mourning the death of משיח בן יוסף who will have been killed in the war of גוג ומגוג. Despite the fact that it will be a time of great pain when levity is unlikely and in any case the יצר הרע will no longer rule, there will still be a separation of the sexes. קל וחומר, גמרא, to the time of the שמחת בית השואבה, a time of שמחה and one when the יצר הרע still rules.

Rav Moshe argues that it would have been prohibited to make any changes in the בית המקדש for a Rabbinic decree. Therefore, the verse from זכריה was just a revelation of what the תורה law always was (i.e. מחיצה is דאורייתא) and therefore was implicit in the instructions for the בית המקדש even though it was not specifically stated by them. This is confirmed by the *ירושלמי* (פ"ה הל' ב) which says: *ממי למדו מדבר תורה* and then proceeds to learn from that same verse in זכריה.

It is possible that the verse in זכריה tells us that not only would this apply in the מקדש (where there is a special injunction of *ומקדשי תיראו*) but also in every situation designated as a public gathering (because there is no indication that the *משיח בן יוסף* for הספד was in the מקדש). At any event, it would apply during davening מדאורייתא, because, as Rav Moshe proves, davening has Halachic קדושה status from the תורה.

We see from that גמרא, says Rav Moshe, that the purpose of the מחיצה was not to prevent one sex from seeing the other (because, amongst other things, they actually put the men on the outside and the women on the inside in the beginning), but to prevent physical mingling of the sexes and other forms of קלות ראש. Therefore, the מחיצה need only be above shoulder height (יח טפחים), although it should preferably be a balcony as in the case of the בית המקדש. Theoretically speaking, this could also mean that a מחיצה could be made of two-way glass (one-way glass is definitely good), though Rav Moshe (in מג סימן) forbids this לכתחילה because men may see women inappropriately dressed. Although בדיעבד one could even say שמע and daven opposite women whose lack of צניעות is no worse than prevailing standards in that environment (an extension of the *היתר* for hair un-covering), this is a very big and inappropriate בדיעבד.

Others argue with Rav Moshe both as to the purpose and the minimum height of the מחיצה.

The family that prays together stays together:

This slogan sums up the feelings of many non-Orthodox shul-goers. However, the Shul is not a place intended to focus on family dynamics. On the contrary, it is forbidden to kiss one's child in Shul, for we show that one's highest love is for השם. The Shul is a place for introspection (להתפלל-to judge oneself) in the context of the community.

We work on different relationships at different times - the Shul is a place to work exclusively on our relationship with השם. "Just as a married couple can relate most intimately to each other when they remove any distractions, we do the same when we want to focus our attention exclusively on our Maker." (Lisa Aiken, pg. 69)

At a time of unprecedented divorce, it is ironic that people want the shul to be the place where they develop their feelings of closeness. Part of the problem is the misunderstanding that the shul is where we express all of our Judaism. Of this Rav Hirsch wrote: If I had the power I would provisionally close all synagogues for a hundred years. ...Jews and Jewesses ... would be forced to concentrate on a Jewish life and a Jewish home." (In Dayan Grunfeld's introduction to Horeb, pg. lxix)

Men are easily distracted by women. Since men need communal prayer for their spiritual fulfillment (see **ii** above, Reasons for Exclusion), it is not fair for women to compromise this fulfillment in any way (See Lisa Aiken pg. 75).

Although this reflects male weakness and female superiority in this area, women who say, "It is their problem" do not understand the general sense of communal responsibility inherent within Judaism. Mitzvos such as Tochacha, Areivus and loving our fellow man make it clear that our headspace should be what we can give, spiritually and physically, rather than what we can take. The corollary of this is that the question which a Jew asks is not "What are my rights?" but rather "What are my duties?"¹ We regard it as a privilege to have responsibilities, not a burden². It is anti-Jewish to say, "This is your problem, not mine."

Lisa Aiken, pg. 74: "The abrogation of separate seating in the synagogues has its roots in early Christianity..." (Rabbi Joseph Soloveitchik says that this was one of their earliest reforms.) "Certain archaeologists have claimed that they discovered ancient synagogues that did not have balconies or women's sections. There is no reason to assume that all ancient synagogues were regularly attended by women, just as certain synagogues today are attended primarily or exclusively by men. Not even the original Reform Jews in Europe seated men and women together during services. Isaac Mayer Wise initiated the change when he used a Baptist Church to house his Reform services in Albany, N.Y. He liked the fact that Baptist men and women prayed together, and he initiated this seating pattern in his own temple."

¹In Western law, the starting point is rights. My right creates a duty in you. I have a right to my property. You have a duty not to trespass. In Judaism there are also rights and duties. But the stress is different. A Jew starts out by asking what his duties are, not what his rights are. For more on this point, see the Ner LeElef book on American Society.

² When someone does a מצוה, we bless them by saying למצוות. Since a מצוה is an obligation, what we are really saying is that the person should have the privilege of having more obligations. For a Jew, this is indeed a privilege. In fact the whole reason that we were chosen as a nation was for responsibilities, not for privileges in the Western sense.

Inadequate Ezras Nashim

Tziporah Heller: In times and places where a large proportion of Jewish women did go to the synagogue, the women's galleries were grand and spacious. (Witness the magnificent old synagogues of Clacutta and Amsterdam.) In place and periods where they usually did not, the women's sections were correspondingly paid little attention; some old synagogues have none at all. A common phenomenon today is for tourists to go to synagogues in Jerusalem's Meah Shearim neighborhood and complain that the women's section is cramped and claustrophobic, as if women were being purposely discouraged from coming to pray. In fact, the builders of these synagogues a half-century ago never expected that these women would be coming to visit or even that sociological changes would cause more local women to attend services. The newest chassidic synagogue in that area, the Boyaner shul, boasts a spacious, airy and well-lit women's gallery. (in Jewish Women Speak about Jewish Matters, pgs. 25-6)

עליות

מגילה כג.

ת"ר הכל עולין למנין שבעה ... אפילו אשה אבל אמרו חכמים אשה לא תקרא תורה מפני כבוד צבור. וברמ"א (א"ח רפב): אבל לא שיהי כולם נשים או קטנים

deduces from here that women are possibly obligated in the תורה reading. Even though the תורה reading was made in lieu of the מצוה of תורה from which women are exempt, women may nevertheless be obligated to hear the תורה reading in the same way that they were included in הקהל. (The הלכה appears not to be like this.)

A minority say that women are חייב in קריאת התורה M'DeRabbanan just as she was חייב in הקהל M'Deoraissa (רפב:ו מגן אברהם).

says that women can be called up to the תורה but that in practice they are not called up because of הצבור. This is explained as follows:

- i- Women may distract men by going up to the תורה (Rabbi Meiselman, pg. 142-143).
- ii- Women are not חייב in תורה and as such, man's חיוב to be called up to the תורה is greater (R. Meiselman, ibid).
- iii- A woman reading the תורה is somewhat of a deviation from the principles of modesty and would ordinarily not be done unless there was no man capable of reading it; it is the public demonstration of this lamentable fact which is not in accordance with the dignity of the congregation. This would be parallel to the משנה (ג: י): "If a ...woman...read to him, he recites after them what they say -- and this is a curse," - because ignorance of the תורה on the part of the head of the family bodes no good for the household. (Leo Levy - Man and Woman, the Torah Perspective, pg. 19)
- iv- comes from כבוד - the correct weight or sense of importance of something (ר' ש"ר הירש). Since, according to the majority view, men are חייב in התורה and women are not, it would be unfair to deprive men of the עבודה they need by giving an עליה to a woman rather than a man. כבוד הצבור means the correct weighing of the various needs of all members of the צבור. Women may get עליות, but in practice, this

would be a distorted weighing of priorities. They would be selfishly taking what men need more (own).

(See Rabbi Meiselman pg. 136-138 on the issue of women forming or helping to form a זימון. See pg. 144-5 for עליות during "women's מנינים" and pg. 146 for women dancing with a ספר (שמחת תורה on תורה).

Women reading from the תורה during women's prayer groups:

A group of ten or more women praying together do not comprise a מנין and therefore any תורה reading cannot be considered a public תורה reading. Therefore, the only possible justification for such a reading is as an act of תלמוד תורה. However, since it is the universal custom to learn out of printed חומשים today, the motives of such an act would be highly questionable and therefore objectionable.

In addition, Rav Moshe Feinstein held that any unnecessary removal of the תורה from its place is a בזיון התורה. For this reason, he held that since the מצוה of פרשת זכור can be fulfilled by women hearing the reading from a חומש, such special women's readings should not be read out of a תורה scroll (quoted in מועדי ישורון). Certainly the same would apply to women's תורה readings.

SECTION FOUR: WOMEN'S מצוות

CHAPTER A: OVERVIEW

CHAPTER A: OVERVIEW

There are four מצוות with which women have a unique relationship:

1. נדה
2. הפרשת חלה
3. הדלקת נרות של שבת ויום טוב
4. איסור מלאכות מסוימות בראש חודש

ראש חדש has aspects in which a woman is uniquely חייב, נדה has aspects which can only be done by a woman, and הדלקת נרות and חלה apply equally to males although a woman has a special relationship with them. Three of these מצוות come as חטא of the first woman while ראש חודש was given as a reward for not participating in the הזהב.

שבת לא :
על שלש עבירות נשים מתות בשעת לידתן על שאינן זהירות בנדה בחלה ובהדלקת הנר.

Although all these מצוות are equally obligatory on men as they are on women, women are given the privilege of fulfilling these מצוות on behalf of others relevant to the מצוה.

when רבקה entered שרה's tent and took her place, she caused the return of three things to the tent:

- 1- A candle which lasted from one ערב שבת to the next
- 2- ברכה in the dough
- 3- A cloud over the tent.

מהר"ל: גור אריה, These three מעלות were each caused by each one of the women's special מצוות. (See there, especially with reference to the 3rd)

In his תלמוד תורה the מהר"ל states that the reason that men are חייב in תורה and women are פטור is because men need to acquire the מדות that are in natural harmony with the world through התורה while a woman naturally has these מדות. So too, women are given these three מצוות to acquire מדות which they are lacking in. (The difference here being that men, too, have a חיוב, and therefore need the תקון of these מצוות. But women gain the greater תקון of מבשלוחו (מצווה בו יותר מבשלוחו). Thus the ירושלמי שבת ב: כו states that each one is a תקון of the חטא of חוה. (See הליכות בת ישראל intro.: Heb יט; Eng. pg. 7)

The מהר"ל, in his הקדמה to אור חדש pg. נט, states as follows:
...אלו מצוות לאשה להשלים חסרון האשה כי הדלקת נרות ... תקן השכל ... וטהרת האשה מדם נדתה דבר זה טהרת הנפש כי הדם הוא הנפש ... וחלה הוא דומה לגוף האדם כי גוף האדם הוא כמו עיסה מעורבת.

The חטא of חוה was rooted in תאוה, an impulse which is an abuse of חסד. Instead of focusing חסד outwards, towards others, as it should be, תאוה turns חסד inwards towards the self. Therefore, the תקון of this is to engage in fundamental acts of חסד. חלה is a מצוה which emerges from an act of making bread to feed others, thereby sanctifying the entire act; טהרת המשפחה is an expression of a woman's preparation for the child-rearing dimension of women – the giving of life itself (וכדאיתא) וכן לעצם הזווג עצמו שהוא יצירת בריאה חדשה של אדם שלם וכדאיתא (ברמב"ן על המילים והיו לבשר אחד). חסד of providing the שלום בית is the idea of הדלקת נרות. כלי המחזיק לכל הברכות – חסד – These amount to a very fundamental relationship with חסד

giving of life to a child (טהרת המשפחה); the sustaining of that child (חלה) and the provision of the appropriate context in which that child can function (הדלקת נרות). Finally, ראש חודש teaches us the moral and spiritual base of faith (שלא חטאו בעגל) which is the purpose of all this.

The Rambam gives a simpler explanation that is not mentioned by the גמרא or earlier sources. According to him, women were charged with the מצוות of חלה and הדלקת נרות because these are מצוות which need to be done in the home. (According to this, נדה was given to her simply because only she is in a position, from a practical viewpoint, to do what is required.)

In addition, חלה and נדה have to do with using the two greatest sensuous desires of man, the desire for food and the desire of physical intimacy, in a holy way. Food represents that which we take in, in order to sustain ourselves; the sexual act is that which we give out from ourselves, ultimately by way of producing another human being. The time when these two acts are best expressed is on the שבת, when the material is raised to its maximum holiness. Hence the third מצוה of a woman, הדלקת נרות.

Another explanation is to see טהרת המשפחה as an expression of the sanctity of the husband-wife relationship and through this the children who will be born; hence the name טהרת המשפחה, sanctity of the people in the home. חלה is sanctity of the food, of the kitchen and the table, the מזבח – the עבודה of the home. הדלקת נרות – the light of Torah which informs these, through the holy times which are brought into the home. These are the נפש (the people – טהרת המשפחה); (חלה – מזבח) מקום and (נרות – שבת וחגים) זמן. These comprise the three basic dimensions of reality in this world – time, space and the higher spiritual plane of the human soul.

The משנה appears overly harsh in the punishment for a woman who fails to fulfill these מצוות:

מסי שבת לא : על שלוש עבירות נשים מתים בשעת לידתן : על שאינן זהירות בנדה בחלה ובהדלקת הנר

Indeed, the אמוראים themselves are puzzled by this (שם לב.). One approach is that childbirth is a time of great danger to begin with, and it often requires special intervention from השם to ensure a safe passage. A woman who has failed in these מצוות is not so much punished as simply not meritorious of extra השגחה פרטית should she need it. – (רב חסדא שם) – עיין בגמ' שם לעוד טעמים

CHAPTER B: טהרת המשפחה

i- Introduction

ii- A Jewish Approach to Intimate Relations

iii- טומאה וטהרה

iv- Balancing the Relationship & Renewal

v- Purification

a- Counting

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CHAPTER B: טהרת המשפחה

i- Introduction

ויקרא יח : יט
שפתי חכמים אות מ (בראשית כד : סז) :
... וענן קשור הוא ענן השכינה וזהו לכבוד קדושת טהרה שהיתה זהירה בנדתה לטהר עצמה כי הטהרה
מביאה לידי רוח הקודש (בשם הגר"א)

The word נדה comes from the word נדד/*Nadad*, meaning “removed” or “separated”. The word does not refer to menstruation but to separating herself from physical contact with her husband. (R Aryeh Kaplan, Waters of Eden, pg. 16) (תרגום שם ויב : יב, רש"י ויקרא טו : יט) (מפרשים in most)

Although women are exempt from גרמא שהזמן גרמא, this is most definitely a מצוה connected to the cycles of time. (Technically, it is not a גרמא because a specific time does not cause the מצוה. Rather, it is brought on by the cyclical flow of the body itself.) The source of this cycle is the womb – רחם, whose גמטריא is 248 – the number of positive מצוות. This is strange given that a woman is exempt from time-based מצוות, all of which are מ"ע. It would seem that a woman makes up this either because she has a natural harmony with time (as we explained under גרמא מ"ע) or because the special women's מצוות she does, 3 of which have to do with time, provide for the missing קדושה. The fact that the word רחם is the source of this idea and that its numerical value equals the total number of limbs in a body suggests the particularly powerful contribution which this unique part of a woman's body makes towards this idea.

Rabbi Norman Lam, A Hedge of Roses (pg. 76-77):

“A woman ... is already aware of the sanctification of time in a manner far more profound, far more intimate and personal, and far more convincing than that which a man can attain by means of the extraneous observances, which he is commanded. For a woman, unlike a man, has a built-in biological clock. ... By virtue of observing this one *mitzvah* (of *Taharat HaMishpacha*) ... (she is able to garner) ... her inner clock, her essential periodicity, to an act of holiness.”

In addition, this מצוה is the source of a fundamental principle in the Torah, that of עד אחד נאמן באיסורים.

ii- A Jewish Approach to Intimate Relations

רמב"ן אגרת הקודש : ודע כי חבור האדם אל אשתו ... הוא ענין קדוש ונקי ... כי החבור נקרא ידיעה ... והסוד כי טפת הזרע כשתהיה נמשכת בקדושה ובטהרה נמשכת ממקום הדעת והבינה שהוא מקום המח. (ריש פ"ב)

A comprehensive approach to this topic would require a separate booklet. However, it is impossible to explain טהרת המשפחה without first explaining the Jewish concept of intimate relations. Therefore, we present the following excellent overview by Rebbetzin Tehilla Abramov – The Secret of Jewish Femininity (pg. 30-33):

The proliferation of clinics, specialists, manuals, and counselors all offering the “secret” to problem-free intimate relations attest to the difficulty modern society has in finding the proper balance within the realm of sexual relations.

The difficulty in building a balanced approach is an outgrowth of Western society’s historic inability to come to terms with the issue of sexuality. Throughout history, we see two basic approaches:

-The worship of physical pleasure epitomized by the hedonism of Greek society.

The pursuit of beauty and material enjoyment is looked on as an end in itself;

-The condemnation of sexuality epitomized in the asceticism of the early Christians. Sex is viewed as an expression of man’s sinful nature.

It must be noted that both of these approaches view woman in a disparaging manner. For the Greeks, she was a sex object to be enjoyed and then discarded. For the Christians, woman is a temptress and a source of desire. Marriage was accepted by the Christian world only as a way of controlling man’s sinfulness. But the Christian ideal was and remains the celibate life.

Why hasn’t Western man been able to rise above this unhealthy dichotomy? Because he operates from a materialistic perspective. This is the common point uniting the above approaches. Greek hedonism embraces materialism; Christian asceticism rejects it.

In contrast, Judaism works from the view that the world is G-dly, that G-d has vested it with an aspect of His creative potential. When we proclaim “Hear Israel, G-d is our L-rd, G-d is One,” we are not merely negating the existence of a second divinity; we are emphasizing how His transcendent Oneness pervades and permeates every aspect of the Creation. If this is true regarding the world at large, it must surely be true of the union between man and woman.

Know that the act of union is a holy and pure matter when carried out in the proper manner, at the proper time, and with the proper intentions. A person should not think there is anything degrading and unbecoming to the act of union, G-d forbid.

(רמב"ן, אגרת הקדש)

Moreover, we see that the Zohar describes the union of a couple in marriage as the coming together of two half-souls. The physical union completes the expression of their total bond and, consequently, must be viewed as a G-dly experience.¹

Such a perspective adds a new dimension to the woman’s role. She is an equal partner in this holy activity. Her union with her husband is an opportunity for bringing another aspect of G-d’s oneness into the world, the culmination of the love shared between them.

And he shall cling to his wife and they shall become one flesh. (Bereishis 2:24)

The Hebrew word for love, *ahavah*, is numerically equivalent to *echad*, the Hebrew for one. Furthermore, when the two words’ numerical values are added together, their sum is twenty six. This is the numerical equivalent of G-d’s name. Again we see that in Judaism, love is oneness, and when a couple joins together in love, they reflect and reveal G-d’s presence.

¹ “It is a mitzvah which forms a genuine relationship and unity between man and wife, making them one soul and one body and it is thus a source of holiness.” (Ohel Rachel Chapter 3)

She should join him with holy and refined thoughts. Then their minds will be fused as one...and they will both be united at this time, and G-d's presence will rest between them.

(רמב"ן, אגרת הקדש)

[Women are not obligated in time-bound מצוות because] they possess by nature a natural, intuitive connection to G-d's will. Surely, women's clearer understanding of G-d's will is reflected in her approach to sexuality. She has been granted a natural ability to appreciate marital intimacy as holy and divine. Therefore the merely physical is often not sufficient for her. In order to function as a total woman, she must feel that intimacy is more than a physical act. It must involve her soul and provide her with deep emotional fulfillment.

Rashi explains that women have a greater potential for sexual desire than men (Bereishis 3:16). This desire is not simply for physical activity, but for the act of holiness and love described above.

This recognition of woman's sexuality is the cornerstone of the system of values and laws referred to as *Taharas HaMishpacha*, the G-dly system governing marital relations. The Torah describes the mitzvah of marital intimacy as *onah*, "a response to her," implying that a man must attune himself to his wife and her desire for holiness in the marriage.

The conception of sexuality as a holy function requires that it be carried out within the context of guidelines established by G-d. ... These guidelines ... follow a woman's own natural rhythms and inclinations and reflect her desire for both privacy and individuality, closeness and love.

Taharas HaMishpacha is the secret of Jewish femininity. It provides a couple with a divinely ordained framework showing them how to relate to each other and express and build their love and devotion. *Taharat Hamishpachah* is influential in molding the spiritual nature and well being of our children. We all want the best for our offspring. Keeping *Taharat Hamishpachah* is something we can do for them even before conception.¹

Even משה רבינו had to be taught the value of this מצוה:

שמות לח:ח

ויעש את הכיור נחשת ואת כנו נחשת במראות הצבאות אשר צבאו פתח אהל מועד רש"י:

... בנות ישראל היו בידן מראות שרואות בהן כשהן מקשטות ואף אותן לא עכבו מלהביא לנדבת המשכן. והיה מואס משה בהן מפני שעשויים ליצר הרע אמר ליה הקב"ה קבל כי אלו חביבין עלי מן הכל שעל ידיהם העמידו הנשם צבאות רבות במצרים כשהיו בעליהם יגיעים בעבודת פרך וגו'... ונעשה הכיור מהם שהוא לשום שלום בין איש לאשתו להשקות ממים שבתוכו למי שקנא לה בעלה ונסתרה ...

See NJOP – Crash Course in Basic Judaism, lecture on a Jewish Approach to Sexuality.

iii- טומאה וטהרה

Overview of laws of טומאה:

¹ Malka Orah Weiser, Moreshet.

"If you are careful during the seven days of *niddah*...you will merit children who are good, friendly, and unique within their generation: Or Zarua quoted by Abramov, Tehilla and Touger, Malka in The Secret of Jewish Femininity, Targum/Feldheim, 1988, ch. 6 pg. 108.

A person becomes טמא when they lose a certain amount of their intrinsic human potential. The greater the loss of potential, the greater the טומאה. The death of a human is the greatest loss of potential, and therefore the טומאה of a dead body is the greatest – it is אבי אבות הטומאה.

All טומאה has its source in the חטא of אדם & חוה; until then, there was no טומאה in the world. The חטא of אדם and חוה introduced death into the world and the טומאה that came as a result of this. Hence, אדם and חוה introduced the greatest possible טומאה, ie. טומאת מת, into the world. Therefore, we cannot fully rid ourselves of טומאה until we are מתקן their חטא. Even people who are total צדיקים in their lives were still subject to death as a result of this sin (בבא בתרא יז.). (ארבעה מתו בעתיו של נחש – בבא בתרא יז.). However, there is yet a higher level – someone who dies from נשיקה. Such people are also subject to some טומאה, as they would otherwise they not die. But they are at such a high level that they are not מטמא others. Such was the example of Rebbe Akiva and Rebbe (בבא מציעא קיד ב: ד"ה מהו כמעשה אליהו בזמן) (שקברו את רבי עקיבא).

There are two basic types of טומאה and טהרה. One type is halachic טומאה which we describe in detail below and which requires טהרה במקוה amongst other things. In addition to this, there is a broader concept of טומאה, a more generalized state of spiritual distance from הוה, as for example the טומאה שערי ישראל which sunk to in מצרים and their subsequent rising to the 49th level of טהרה.

As for halachic טומאה, there are, as with other areas, דאורייתא of טומאה as well as דרבנן. We will deal here only with the דאורייתא:

There are four things that become טמא and that can, in turn, מטמא other things:

- i- People
- ii- Utensils
- iii- Food
- iv- Seven types of liquid: water, blood, dew, date honey, milk, grape juice and wine and oil.

There are various sources of טומאה that can מטמא the above four things:

a- טומאה that comes from death:

- i- A human corpse (במדבר יט א)
- ii- Animal and certain insect carcasses (ויקרא יא: טו, כו, לא, לט)

b- טומאה that comes from an emission of the body

- i- A זב and a בעל קרי (ויקרא טז: ב, טז)
- ii- A נדה, a זבה, a יולדת (ויקרא טו: יט, כה/ יב: ב)
- iii- A מצורע (ויקרא יג) (בית מנוגע or בגד)

c- טומאה from עבודה זרה

יין נסך, תקרובת עבודה זרה and things associated with it, i.e. עבודה זרה

d- טומאה from מכשירי קדושה

פרה אדומה, פרים ושעירים הנשרפים ושעיר המשתלח: קרבנות

These are called אב הטומאה. When they come into contact with people, utensils, etc. these become טומאה ראשון לטומאה. Regular חולין can become שני לטומאה but no more. טרומה food and liquids can also become שלישי לטומאה but no more. קדשים food and liquids can become רביעי לטומאה but no more.

The way in which these are מטמא differs. A person may become טמא from a dead body by touching, carrying or by being in or making an אוהל over the dead body. (Other forms are מושב, משכב and ביאה.)

There are many דרבנן of טומאה including someone who was intimate with a non-Jew and someone who walked over any non-Jewish country.

There are various consequences from something or someone becoming טמא.

i- A טמא person was restricted from entering various parts of the Beis Hamikdash:

ירושלים was divided into a מחנה שכינה, a מחנה לוייה and a מחנה ישראל, similar to the divisions in the מדבר around the בית המקדש proper up until the little fence around it, the חיל. מחנה לוייה was the whole הר הבית. מחנה ישראל included all of Jerusalem. A מצורע was excluded from all three camps, a זב or a נדה was excluded from the first two camps but not from מחנה ישראל, and someone who had טומאת מת was excluded from only the innermost camp, מחנה כהונה. The reason for these distinctions is as follows: A מצורע its removed from all three camps because someone becomes a מצורע as a result of לשון הרע. This is a terrible עבירה that causes social rifts, separation and מחלוקת. Therefore, מדה מדה כנגד מדה, he is totally removed from society. A זב or a נדה are less serious but are still producing something which comes from within their own bodies and therefore leave two camps. Someone who has טומאת מת has contracted his טומאה from a source outside of his body and is therefore the least restricted, excluded only from the inner מחנה. (However, this contact with death, which originates from sin, was enough to exclude the person from the place which represented its very opposite, לניח – Rav Dovid Tzvi Hoffman)

Somebody who contracted טומאה from one of these sources becomes like them in terms of these laws. Therefore, even though such people have contracted the טומאה from outside of themselves, the effect of טומאה is so powerful that it causes the same exclusionary laws. (People cannot transmit this טומאה to each other any further than the original טמא person to the next person he or she touches.)

ii- תרומה that became טמא was rendered inedible and may have to be burned;

iii- a טמא person would have to dip in a מקוה to become pure (a זב required מים נובעים). Sometimes there was a waiting time before and sometimes after dipping in the מקוה. קרבן טומאת מת requires the additional steps of פרה אדומה while others require a קרבן. Except for a נדה (and in the times of the בית המקדש a מצורע and נגעתיים ובגדים), a person may elect to remain בטומאה as long as the person does not approach the בית המקדש in such a state:

ומי"מ אין זה ממדת חסידים ואנשי מעשה להיות מטמאים בטומאתן כי הטומאה מאוסה והטהרה אהובה ונפשו של אדם ומזדככת בטהרה ע"כ. (ספר החינוך מצוה קע"ה בשם התוס')

iv- A טמא person would not be able to eat the פסח or any other קדשים.

v- There is one case when it is actually a מצוה to become impure: when one of a כהן's seven immediate relatives died.

Explanation:

It is extremely difficult to account for all the differences in טומאה. Rambam states that ultimately, the laws of טומאה and their purification in a מקוה is a חוק.¹ Rav Tzadok states that סדר טהרות is the last of משנה and נדה is the last מסכת on which there is a גמרא because these are the most difficult areas of all of the Torah to understand:

ליקוטי מאמרים (בסוף דוברי הסופרים דף 228): אז"ל על רע"ק כלך אצל נגעים ואהלות ששם צריך חכמה גדולה, ורע"ק הוא מעלת החכמה שאין למעלה ממנו בכח אנושי כדמשמע בפ"ק דבי"ב [דף יב] כי היה גדול גם ממרע"ה בחכמה כמ"ש במנחות (כט): ובחכמה כזו יוכל להשיג סדר טהרות על בוריה

However, some understanding is possible:

Tahor is a state of spiritual and moral fitness in life. טומאה represents the loss of that state. Pure טהרה is the highest stage of דעת (שם) – רב צדוק (שם). Similarly, pure טומאה represents the furthest from קדושה conceivable (שם). Therefore, a dead corpse, even of an animal or an insect, is a source of טומאה. Touching such a corpse transmits that טומאה to a person (but not to a live animal who will touch it). This is because it is us humans who have a finely-tuned sensitivity to spiritual realities. טומאה always reflects a loss of potential. Our contact with such loss affects our own spiritual realities to some degree.² In fact, it is apparent that טומאה is nothing concrete which infects or clings to things but must be a thought, an idea, an impression. Rabbi S.R. Hirsch (פרשת שמיני) מו-מוז (פרשת שמיני) writes (p.307) that this is clear "when we consider... that not every כלי made out of every material, and that not every material in every shape or form, is מקבל טומאה, כלי אבנים, כלי פשוטים, etc., are טהורים; that פשוטים כלי עץ are טהורים while פשוטים כלי מתכות are טהורים; that a כלי is only מקבל טומאה when it is completely finished for the purpose it is designed to serve, but that this purpose depends entirely on the מחשבה, the intention of its owner; that every כלי becomes טהור by the slightest crack or damage that renders it unusable for the purposes it has served hitherto etc.; that מגע, direct contact, causes less טומאה than – where it applies – משא, moving the טומאה – bringing object even when distant from it...."

"An analysis of the various species of *tumah* reveals that what they have in common is the awareness of death. The most potent source of impurity is, indeed, a corpse or a part thereof. The other kinds of *tumah* imply, indirectly, the suggestion of death, even if only the loss of potential life. ... The *Metzora* ... includes the withering and dying of the limbs of the leper. ... the Rabbis taught that a leper is considered as if he were dead. ... [So too] semen ... is the loss of potential life. ... A *nidah* ... loses an unfertilized ovum ... a whisper of death." (Norman Lamm – A Hedge of Roses, pg. 84)

טומאה: The greater the loss of potential, the greater the טומאה:

כזורי ג מט: הטומאה והקדושה הם שני דברים העומדים תמיד זה מול זה: לא ימצא האחד מהם כי אם בהמצא חברו

¹Bereishis Raba 19:8 – said Rabbi Yochanan Ben Zakai: By your lives! Dead bodies do not (intrinsically) confer *tumah*, and water containing ashes of the *Parah Adumah* does not (intrinsically) endow *taharah*, purity. The Holy One, Blessed-be-He, simply deemed it to be so: 'A decree have I declared!'

² The approach of Rav S. R. Hirsch is to define *Tumah* as a loss of control in moral matters due to our physical *taavos* taking over (or for some other reason.) The word טומא, he says, is related to the טמע and דמע which means a mixture of things – something prohibited with something permitted. (See the *Hirsch Chumash*, ויקרא א, pg. 302, ד"ה ונטמאתם במ)

Thus it is the Jews, with their unique potential, who are exclusively susceptible to טומאה amongst humans.¹ In the בית המקדש, a non-Jew was allowed to come to as far as the חיל, the same place as a טומאת מת and further than the other kinds of טומאה. Furthermore, a non-Jew cannot become Tameh in a halachic sense. This includes נדה – only a Jewess could become נדה.

Since the very טומאה of a Jew comes from his connection with holiness, he can therefore always find a mechanism of טהרה:

רב צדוק הכהן: טומאתן דבני ישראל [הוא] טומאה קלה לפי שעה שיש לה טהרה במקוה ישראל לד' כמ"ש (יומא פה): מי מטהרן אביהן שבשמים כאשר דבוקים בו שהוא שרשם הרי זה כמו השקה למעיין דמועיל לטהר מים טמאים... ולכך שכינת הש"י בתוך בניי גם בתוך טומאתם... וזהו טומאתם (ולא טומאה סתם) דייקא אצלם מצידם נקרא טומאה (רסיסי לילה ס' יט דף 21)

A non-Jew, on the other hand, although he does not have halachic טומאה, has a kind of intrinsic טומאה which, because of his weaker spiritual connection with הוא, הקדוש ברוך הוא, cannot be so easily purified:

רב צדוק (שם): טומאת עמלק היא אב טומאה שאין לה טהרה במקוה כמ"ש תמחה. ושאר אומות הוא מה שא"א להשיבם למעין כלל כי אין להם שום דביקות והשקה למעין רק בבניי נאמר ישקני מנשיקות פיהו...

A woman's menstruation is a signal of the loss of potential fertilization of that month's egg cell or ovum, which could have led to another human life. During the month, the lining of the uterus thickens to accommodate the egg cell, should it become fertilized. There is an increase in blood supply in preparation of this happening. When it does not do so, this excess blood is released, the egg cell is discharged and the potential for it to grow into a fetus is lost forever. When a woman goes to the mikvah at the end of this period, she is dipping, so to speak, in the primordial waters at the beginning of creation, thereby renewing her creative energies for the coming month. (See Rav Aryeh Kaplan Waters of Eden, pg. 40-46)

טומאה = blockage; hence טמטום as in טמטום הלב, a blocked heart, blocked from purity or clarity, related to צמצום = a contraction, a loss of clarity. טהרה (darshen from חז"ל) – i.e. instead of reading Nitmeisem they read Nitamtem) = purity; related to צוהר (like טוהר with the ט/צ interchanged) = clarity, brightness. Therefore the Greeks טמאו את כל השמנים, i.e. they blocked the paths of wisdom; they prevented spiritual access to clarity. (See also ספר החינוך ששב - ספר החינוך)

Therefore, טומאת נדה is a kind of distancing.

תהיה בנדתה
אונקלוס: תהי בריחוקה

A woman during her menstrual flow is focused on re-preparing her body for a new cycle, a kind of healing process. Since her bodily energies are more focused on this, she is less available for the kind of holistic spiritual, intellectual and emotional unity which ought to accompany relations with her husband. As such, relations during this time would become more of a base, physical act. Hence the Torah prohibited it, as it did other form of illicit unions. (ע"פ טוהר רחל פ"ג)

¹ שמוות כג ל: ואנשי קדש תהיון לי ובשר בשדה טרפה לא תאכלו לכלב תשליכון אותו ויקרא יא ד: ... טמא הוא לכם

רמב"ן ויקרא יח ו: משכב אשר איננו טוב בקיום ולא יצלח בו תאסר אותו התורה. ולכן יאמר הכתוב שארה הנה זימה היא, כלומר אינם נישואין ואישות כי לא יצלח, אבל היא זימה ומחשבת תאוה בלבד

The three מחנות with respect to טומאה:

שם משמואל פרשת נשא דף קנח ד"ה ויש לומר: מחנה שכינה שם עבודת הכהנים והם פנימיים ועבודתם בחשאי שהיא לעומת כח המחשבה וע"כ בעבודת כהנים איתא פסול מחשבה פיגול ושלא לשמה מה שלא מצינו בעבודת הלויים

Rav S.R. Hirsch explains that זב and זבה stand on the basis of sexual purity. ... They are sent out of מחנה לוייה because the לויים who are our poets and our singers need to have lofty bodies together with their lofty minds.

are sent out of מחנה שכינה because the Jewish approach is that the body is merely the outer casting of the soul – לא תעזוב נפשי לשאול – מטמא while the soul continues to contain the real nucleus of his personality (במדבר ה: ג-ד).

iv- Balancing the Relationship & Renewal

By the guidance which these laws afford, Jewish men have been taught respect for womanhood, moral discipline, and ethical propriety. As for Jewish women, they were, on the one hand, given protection from uncurbed passion and, on the other, enabled to view marital life in all its holiness.¹

“Each and every month, a woman renews herself by immersing in the *mikvah* and returns to her husband as dear to him as on the day of the wedding. Just as the moon renews itself each *Rosh Chodesh*, or beginning of the month, and all wait to see her, so a woman becomes renewed each month, and her husband awaits her and she is dear to him like a new wife.”²

The fact that husband and wife cannot have any physical contact during the days of separation forces them to look upon each other as human beings rather than as a mere agent to satisfy their drives. During this period, they must communicate with each other on a spiritual level rather than on a sheer physical level. “The laws of *niddah* insure that for a given period each month, respect, affection, and all the other impulses and factors that bind two people, with the exception of the physical, be allowed to dominate the relationship of a married couple. While marriage demands sex, it is much more than sex. Only the Jew has succeeded in aiding by a formula that has made work in practice, the idea that sex is basic to marriage but must be restrained as well as preserved so that other factors could have their due and also that intimacy not become monotonous and unappealing.”³ In this context, the rules of *niddah* are most important, since they renew the sexual relationship thus stabilizing the marriage bond, and allow husband and wife to grow together in a manner that would not otherwise be possible.⁴

¹ The Jewish Woman in Rabbinic Literature, pg. 89

² Pirkei DeRabbi Elazar pg 123

³ Stolper, Rabbi Pinchas The Road To Responsible Jewish Adulthood, pg 12

⁴ Malka Orah Weiser, Moresheet

The period of separation acts as an opportunity for intimate feelings to be expressed without physical expression. The marriage bonds become strengthened through communication as each partner learns to share thoughts and feelings verbally. Disputes are settled through discussions, truly settling problems rather than just allowing the couple to “kiss and make up”. In addition, because both husband and wife are aware of the laws and restrictions of niddah, neither partner feels rejected or imposed upon.¹

מסי נדה לא: היה רבי מאיר אומר מפני מה אמרה תורה נדה לשבעה מפני שרגיל בה וקץ בה אמרה תורה תהא טמאה שבעה ימים כדי שתהא חביבה על בעלה

The goal of the laws of niddah is to combat the malaise and complacency affecting many marriages. It is the Torah’s solution to the charge, “Familiarity breeds contempt.”²

The נדה period is not just a period of abstinence. It is meant to have its own positive dynamic, allowing the couple to focus on certain aspects of the relationships which otherwise would not be given attention. The physical relation, if expressed without a break, can actually prevent certain dimensions of non-physical communication and bonding from maturing:

Tehilla Abramov, in The Secret of Jewish Femininity pg. 100, quotes the מהר"ל as saying that אהבה, אחוה, שלום ורעות; טהורה is טהורה when a woman is דיצה, רנה, וחדוה applies when a woman is בנדה.

Tehilla Abramov, The Secret of Jewish Femininity pg. 105:

Dr. Marie C. Stopes, an English physician who has done extensive research in the area of marital relations, explains:

I have heard about the Jewish marital laws of *Taharat HaMishpacha*. They depict the most advanced lifestyle in the world today, being in total harmony with the functioning of a woman’s body. The requirement for abstinence after menstruation and the time for resuming relations correspond precisely to the natural tides of a woman’s sexual desire. Couples who adhere to these laws are sure to enjoy a happy marriage.

Manis Freedman in Doesn’t Anyone Blush Anymore Chap. 11 – *Your Honeymoon Should Never End: How Separation Creates Fiery Love*:

There are two kinds of human love: the intrinsic, calm love that we feel for people to whom we’re related by birth, and the more intimate, fiery love that exists in marriage. This is why the husband-wife relationship is very different from the parent-child relationship.

The love within a family...is innate. ... [it comes] easily. Since [immediate family] are related by nature, they feel comfortable with each other. Their love is strong, steady, predictable and calm. There’s no distance that has to be bridged; no difference that has to be overcome.

The love between a husband and a wife isn’t like that. Their love wasn’t always there; they didn’t always know each other; they weren’t always related. ... They are different from each other physically, emotionally and mentally. When love has to overcome a difference ... it needs energy to leap across and bridge the gap. This is the energy of fiery love.

¹ Binah Rosen, Moreshet

² The Jewish Women in Rabbinic Literature, pg., 89

... If a brother and a sister were to have a fiery love, their relationship would suffer. It's not the appropriate emotion for a brother and a sister to have [towards each other]. Their love thrives when it's unbroken, unchallenged, consistent and calm. ...

On the other hand, if a husband and a wife develop a calm love for each other, their relationship will not thrive. If they are too familiar with each other, too comfortable with each other, like brother and sister, their relationship will not survive. True intimacy in marriage – fiery love – is created by constant withdrawal and reunion. ... The environment of constant togetherness is not conducive to man-woman love.

There are many kinds of separations. ... The physical separation given to us by G-d is [the happiest] solution. ...

This understanding is not unique to the Jews. In most cultures throughout the world, the ancients practiced varying degrees of separation between husband and wife during the woman's menstrual period. Some, such as certain tribes of American Indians, actually has separate living quarters, menstruant tents, where a woman would stay during her period. Later these customs deteriorated into myths, taboos, fears, superstitions, hygienic arguments and other rationalizations, in an attempt to make sense of a delicate and sensitive subject.

But separation was such a universal practice that I wonder if human beings know instinctively that male-female love thrives on withdrawal and reunion ... The body is actually reflecting an emotional state. Just as the love between man and woman cannot be maintained at full intensity all the time, but needs a certain creative tension without which it will not flourish, the body has a similar need.

As far as Jews are concerned, we know these cyclical changes were created for that very purpose. This much more than a coincidence: It is how the body reflects the soul, how the body is created in the image of the soul.

(Manis Freedman then goes on to show that we have these two kinds of relationships with G-d as well.)

Rabbi Norman Lamm, Hedge of Roses:

Sometimes a husband will ask for a legal separation on the way to divorce. Then, after he has been separated a while from his wife, he suddenly discovers that he needs he and wants her and even loves her! The separation is a prelude to reunion. (pg. 59)

Renewal of Trust

This period of נדה is also a time of renewal of trust. Firstly, there is the expression of trust which the Almighty puts in his people. No man-made system would ever have created a system of counting 7 days where all the checking is completely dependent on the trustworthiness of the people doing the checking (the women). The very existence of these laws are therefore testimony to their Divine origin.

Secondly, for the same reason, there is the trust which a husband places in his wife. A husband is, after all, חייב כרת if he has relations with his wife while she is still in נדה. Yet, he is totally dependent on her integrity to avoid this.

In fact, the Talmud (גיטין ב) learns from here that עד אחד נאמן באיסורים, that in matters of איסור והיתר (like כשרות) we only require the testimony of one person, in this case the wife to her husband. (Naturally, we also learn from here that a woman is believed as an עד אחד באיסורים.)

ד"ר יצחק ברנר (נחליאל): ... בלי טהרה היא משפחה טבעית-בהמית. ... יכול להיות שחוקות הגויים דאגו ל"שווי זכויות" של האשה, ל"אמנציפציה" שלה, בסידור הנשואין ובסידור הגירושין. ובמה

דאגו לזמן בין הנשואין ובין הגירושין. ובמה דאגו ל"אהבת" הבעל לאשתו? שלא יהא ליל החתונה פסגתה של "אהבתם", אשר ממנה בכל יום ויום יורדת היא אך מטה מטה? ... וכי מכירות חוקות הגויים "שווי זכויות" באהבה הבעל לאשתו? ... הנה "הלכות נדה" הן אולי ה"הוכחה" הברורה ביותר לאלקיותה של תורת עם ישראל! בחדר הפנימי של בעל ואשתו, אשר לשם לא יגיע שום חוק אנושי, נמצאים הבעל היהודי ואשתו היהודיה לפני - בוראם ב"ה והם שובתים את שבתה של האהבה, והם מברכים ומקדשים את אהבתם. ... האהבה התורתית הזאת, אהבה מבורכת ומקודשת בברכת שבת ובקדושתה, היא האהבה אשר עליה אמר הנביא "וכמשוש חתן על כלה ישיש עליך אלקיך". ולא נמצא בכל ספרות העולם מאמר יותר גדול ונשגב ומזעזע על יחס הבעל לאשתו, ממאמר זה.

The Physical Component

Although the מצוות are not health laws, we would expect that they would also check out at a physical level. Women who are keepers of טהרת המשפחה are found to have a significantly lowered rate of cervical cancer. (A Hedge of Roses, Rabbi Tendler, also a dean of microbiology):

"For many years, the relative absence of this disease of this disease among Jewish women was attributed to the circumcision of her husband. The absence of a special irritant (smegma) found in the uncircumcised male was deemed sufficient to explain the statistical results. However in 1967 a study of Moslem women who also cohabit only with circumcised males revealed the same incidence of cervical cancer as their Christian neighbors who do not practice circumcision (K.T. Abu-Daoud, 1967 cancer 20:1706). The varied racial backgrounds and physical characteristics of the Ashkenazi, Mizrachi, and Sephardi communities diminish any possibility that genetic or racial resistance to this disease is a significant factor. Indeed, tragic evidence is accumulating to indicate that the Jewess is fast losing her "superiority". During the last fifty years, the ratio of cervical cancer incidence among non-Jewesses and Jewesses dropped from approximately 20:1 to 5:1. Since the evidence of this disease in the general population has not changed significantly during this period, the evidence shows that there was a four-fold increase in the incidence of this disease among Jewish women.

In a recent definitive study on the epidemiology of cervical cancer, evidence is presented that at certain times in the life of the woman the cervical lining is uniquely sensitive to cancer-producing potential of the human sperm. This is especially true in early adolescence and immediately after pregnancy. The general abstinence after the birth of a child, its abhorrence of sexual promiscuity, and its lessons of moderation, is now considered the key factor in protecting the Jewess against cervical cancer (pg. 13 & 14).

Civilizing Sex

Rabbi Norman Lamm, A Hedge of Roses: (63-67)

"Martin Buber...speak[s] of the two ways in which we may approach our fellow human beings: as a "thou" and as an "it". The first is the way we relate to another human being as a subject and a person, a vital independent, autonomous being possessed of dignity and inner value. The second way is the viewing of another human being as an object ... a 'thing', an instrument to manipulate for the satisfaction of my goals. ... "

Rabbi Lamm explains that a sexual relationship is particularly prone to one or both of the partners seeing the other merely as the fulfillment of one's own desires. And even when the couple cares for each other, some of this element is always in danger of creeping in.

"It is here that *taharat ha-mishpacha* exerts a most beneficent influence over the innermost depths of the psyches of husband and wife. By restraining the husband from pursuing his sexual goals in uncontrolled fashion, it informs him, in the most manner

possible, that his wife was not created only for his pleasure. ... She is a person who possesses ... autonomous value. ...she is a *thou* and not an *it*. “

“There are some people who imagine that voluntary separation will accomplish the same result.... But such voluntary separation ultimately proves inadequate. One partner may suspect coldness on the part of the one who proposes the withdrawal. Moreover, a lack of religious sanction means that the entire separation will no longer be elevating and ennobling as it can be only when it is informed by religious significance.”

עיין בעלי נפש לראב"ד

Celebrating Life

Rabbi Norman Lamm Hedge of Roses, (pg. 92-93):

Family Purity represents ... the joyous Jewish affirmation of life and the abhorrence of death and suffering. The institution of the mikveh, through the symbol of the waters, offers the possibility of a magnificent beginning for human life in love with life. ...

The Jewish affirmation of life is a process of education. But it is too important to start when a child reaches school age. It must begin even before the child is conceived. Family Purity is that life-long education.

v- Purification

A mysterious חסד from 'ד:

All forms of טומאה have purification. Even טומאת מת, which results from the זוהמא of the נחש from the חטא of אדם הראשון has its טהרה through the פרה אדומה. Of course the real טומאה from this, death itself, can only be purified after the tikun of the חטא of אדם and חוה. We might have expected that contact with a dead body would also have no טהרה. Indeed the fact that we do have טהרה from the Tumas Meis is what even Shlomo HaMelech could not understand about this מצוה (מחשבות חרוץ-רב צדוק הכהן) מצוה).

במדבר יט א-ב: זאת חוקת התורה – עיין רש"י שם

It is a great chesed from השם that we need never be in a state of halachic טומאה for long. Therefore, the parshios which deal with טומאה are ultimately a sweet thing:

שיר השירים ה יא: ראשו כתם פז, קווצותיו תלתלים שחורות כעורב ויקרא רבה פרשה יט א-ג: ראשו – זו תורה ... כתם פז – אלו דברי תורה קווצותיו תלתלים שחורות כעורב - ... [אלא] פרשיותיה של תורה [ש]אע"פ שנראות כאילו הם כעורות ושחורות לאומן ברבים, כגון הלכות זיבה ונגעים, נדה וילדת, אמר הקב"ה הרי הן עריבות עלי, שנאמר וערבה לדי מנחת יהודה וירושלים (מלאכי ג ד)

Tahara

There are various opinions in the Rishonim as to which מצוות are involved in purification from various things (עיין ר' ירוחם פישל פלא על הרס"ג עשה קע). Most agree that the מצוות involved are מצוות קיומיות, i.e. a person does not have to purify himself. However, if he wants to go to the Beis HaMikdash (or in the case of Nidah have relations), then it is a מצוה for him to purify himself. (A married woman would be required to do this, but the source of the obligation is not the obligation to purify herself per se.) (The Chinuch states that it is a

definite מעלה for someone to purify themselves even if they are not planning on entering the Beis HaMikdash. (עיין במורה נבוכים חלק ג' פי' מז)

רמב"ם ספר המצוות עשה קט: היא שנצטווה שנטבול במי המקוה מאיזה מין ממיני הטומאות ... כי מן שירצה לטהר מטומאתו לא ישלם לו זה אלא בטבילה.

Similarly, there are two additional מצוות עשה involved in the purification of a מצורע, i.e. the taking of two birds, ועץ ארז ושני תולעת ואזוב, and the מצווה of תגלחת, of shaving. (In the Rambam, מצוות עשה קי & קיא)

The purification of a נדה has two primary steps:

- i- The counting of the שבעה נקיים
- ii- טבילה במקוה

While a woman is still a נדה until after she goes to the מקוה, the שבעה נקיים is a part of the process of purification and not just in anticipation of it. (Since מדאורייתא זבה would have to undergo such a process, the מדרבנן of all נדות to do so was fashioned after the זבה.)

It is a great misconception, says Rav Hirsch,¹ that man must submit to the power of physical forces, to the power of Tumah. The real human being cannot be touched by the powers of physical force. The body is merely its envelope and, "as long as the real Man, with his free-willed, self-determining G-dly nature was present in this body, the body itself was freed from forced obedience to the purely physical demands, and was elevated into the sphere of moral freedom in all its powers."

In fact, we are not born impure. Although our birth causes impurity to the mothers who beget us, G-d does not work through intermediaries when granting life, insuring that our start in life is rooted in a connection to the ultimate source of purity². Only our death causes a type of Tumah in the body, now devoid of the soul, which cannot be corrected until the soul will rejoin the body again³.

¹ Pg 308

² אור גדליהו, לך-לך: דבר שנתייהו ע"י דבר טמא אי אפשר שיהי' טהור לגמרי, כי כל היוצא מן הטמא טמא, ובודאי יהי' לו איזה נגיעה להטומאה שממנה נתייהו, ולכן בכדי שיהי' הדבר הטהור טהור לגמרי בלי שום שמץ של טומאה, צריך להיות ההתהוות שלו רק ע"י הקב"ה בעצמו, וכמו שביארנו מכבר לתרץ קושיית הרה"ק מקאצק ז"ל, האיך שייך טומאת לידה, הלא קיי"ל ג' מפתחות ביד הקב"ה, ואחד מהם הוא מפתח של חי' ... ולכן כדי שיתיהו ולד טהור בלי שיכות להטומאה צריך להיות המפתח של חי' ביד הקב"ה

³ Even טומאת מת, which results from the זוהמא of the נפש from the חטא of אדם הראשון has its טהרה through the טהרה of אדם. Of course the real טומאה from this, death itself can only be purified after the tikun of the חטא of אדם and חוה. We might have expected that contact with a dead body would also have no טהרה. Indeed the fact that we do have טהרה from the Tumas Meis is what even Shlomo haMelech could not understand about this מצווה (רב) (מחשבות חרוץ-צדוק הכהן

במדבר יט א-ב: זאת חוקת התורה – עיין רש"י שם .

This is a great chesed from השם, that we need never be in a state of halachic טומאה for long. Therefore, the parshios which deal with טומאה are ultimately a sweet thing:

שיר השירים ה יא: ראשו כתר פז, קווצותיו שחורות ויקרא רבה פרשה יט א-ג: לאשו – זו תורה ... כתר פז – אלו דברי תורה ... קווצותיו תלתלים שחורות כעורב - ... [אלא] פרשיותיה של תורה [שאנע"פ שנראות כאילו הם כעורות ושחורות לאומן ברבים, כגון הלכות זיבה ונגעים, נדה וילדת, אמר הקב"ה הרי הן עריבות עלי, שנאמר וערבה לד' מנחת יהודה וירושלים (מלאכי ג ד)

In fact, the very טומאה of a Jew comes from his connection with holiness, as we explained in the essay on Tumah in this Parsha. This is the guarantee that the impure Jew will always be able to find his way back to holiness and purity. Our core remains holy and hence G-d remains connected to us even in the midst of our impurity¹.

Counting

In certain cases of Tumah the person had to count a certain number of days until they were pure (e.g. a Nidah and a Metzora). Counting is done in Judaism to show that something is dear to us. So, for example, G-d commands Moshe Rabbeinu on several occasions to count the Jewish people rather than just tell him how many they are. This, says Rashi, reflects G-d's love of the Jewish people, that G-d, so to speak, wants to keep on recounting his people². Counting towards something also creates expectation, the longing and looking forward to an event, as in the Sefiras HaOmer.

מקוה

Mikveh is an essential component in the purification of all impurities including utensils³. The Mikveh concept has nothing to do with physical cleanliness, and we do not ultimately understand how water purifies in a spiritual way⁴. But some understanding is possible.

Before a person can go into the Mikveh, they have to no longer show physical signs of the Tumah. For example, a menstrual woman has to have ceased seeing blood. The mikveh, then, provides the spiritual component, the form or inner content, to the physical reality⁵. The Chinuch tells us that the waters of the Mikveh represent the primordial waters of creation.

¹ רב צדוק הכהן: טומאתן דבני ישראל [הוא] טומאה קלה לפי שעה שיש לה טהרה במקוה ישראל לד' כמ"ש (יומא פה:); מי מטהרן אביהן שבשמים כאשר דבוקים בו שהוא שרשם הרי זה כמו השקה למעיין דמועיל לטהר מים טמאים... ולכך שכינת הש"י בתוך בני"ג גם בתוך טומאתם... וזהו טומאתם (ולא טומאה סתם) דייקא אצלם מצידם נקרא טומאה (רס"י לילה ס' י"ט דף 21)

² רש"י ריש במדבר: מתוך חיבתו (של כלל ישראל) לפניו מונה אותם כל שעה

³ רמב"ם פ"א מהל' מקוות הל' א: כל הטמאים בין אדם בין כלים בין שנטמאו בטומאה חמורה של תורה בין שנטמאו בטומאה של דבריהם אין להם טהרה אלא בטבילה במים במקוים בקרקע. ספר החינוך - מצוה קעה: ועוד נאמר בענין, שיש בטבילה רמז אל הטובל שינקה נפשו מכל חטא, כמו שטבע המים לנקות כל דבר המתכבס בהן:

⁴ רמב"ם סוף הל' מקוואות: דבר ברור וגלוי שהטומאות והטהרות גזירת הכתוב הן. ואינן מדברים שדעתו של אדם מכרעתו והרי הן מכלל החוקים וכן הטבילות מן הטומאות מכלל החוקים הוא שאין הטומאה טיט או צואה שתעבור במים אלא גזירת הכתוב היא והדבר תלו בכוונת הלב. ולפיכך אמרו חכמים טבל ולא הוחזק כאילו לא טבל. אעפ"כ רמז יש בדבר כשם שהמכוין לבו לטהר כיון שטבל טהור ואע"פ שלא נתחדש בגופו דבכך המכוין לבו לטהר נפשו מטומאות הנפשות שהן מחשבות באון ודעות הרעות. כיון שהסכים בלבו לפרוש מאותן העצות והביא נפשו במי הדעת טהור. הרי הוא אומר וזרקתי עליכם מים טהורים וטהרתם מכל טומאותיכם ומכל גלוליכם אטהר אתכם. השם ברחמיו הרבים מכל חטא עון ואשמה יטהרנו אמן.

⁵ שם משמואל שנת תרע"ב: מ"ש הרמב"ן בענין טבילת נדה שהטהרה הגופנית היא משפסק הדם אבל הטהרה מבחינת הצורה היא בטבילה... ואע"ה שמר השבת מצד השלמת שכלו כנ"ל... ואפי' להגירסא עירובי תבשילין נמי נוכל לומר דהיינו הרבותא עצמה שהרי אין שינוי במעשה זה שמבשל ביו"ט לשבת אם הניח עירוב תבשילין או לא, והוא דומיא דהוצאה ותחומין. ולפי"ז יובן שלא מצינו ענין טבילה במים רק באברהם אע"ה כמ"ש הזוה"ק (ק"ב ע"ב) שה"י לו מעיינא דמיא ומאן דצריך טבילה הוה מדכי ליה, והיינו מטעם הנ"ל וכמ"ש לעיל בשם הרמב"ן:

These waters filled the earth, and all of creation emerged from them¹. Someone who goes into a mikveh is undergoing a process of re-creation². Similarly, in the case of a metzarah, the person cut his hair to show this new beginning – everything would grow from today³.

Therefore, the water has to be מים חיים – attached to a flowing source of water, attached to the ground and not in a self-contained utensil⁴. For it is the natural sources of water in the earth that were original waters created by G-d. These are the waters over which G-d's presence hovered and to which the person now wishes to return⁵. The fact that water is the source of all physical life (and hence is called מים חיים) is but a parable to its deeper powers.

In a beautiful turn of phrase, the prophet Jeremiah calls G-d the Mikveh of the Jewish people – מקוה ישראל⁶. For, ultimately, it is the רוח אלוקים המרחפת על פני המים which is the source of the Mikveh's remarkable powers⁷.

The fact that a person emerges from the mikveh as 'a new person' means that the מקוה always comes as a transition from a lower to a higher state. For example, a גר goes to the mikveh as the final transition from non-Jew to Jew. Similarly, there is a custom to go to the מקוה before שבת and the חגים and as a חיוב before כפור יום. Women go after their menstrual cycle and there is a custom for some to go after doing תשובה from being a מומר. All of these are transitions, entering a higher dimension of time or, in the case of the non-Jew, connecting with a higher level soul, a soul which will now be in harmony with the Torah.

The same applies to transitions of place. The Sages have decreed that we should wash our hands - נטילת ידיים – before eating bread. This is based on several reasons, but it is modeled after the requirement to purify our whole bodies (in a mikveh) before entering the Temple⁸. The Sages decreed that we should practice this holiness when eating a meal, which

¹ יהודה פתיה: קודם שברא הקב"ה את השמים ואת הארץ, היה כל העולם כולו מלא מים הנקראים תהום, עד אפס מקום לברא שם שמים וארץ וכל כך היו המים רבים וגבוהים, עד שהיו מגעים קרוב לכסא הכבוד הנקרא רוח אלוקים (בספר מנחת יהודה, ראשית הספר)

² ספר החינוך - מצוה קעג: ובטעם המים שיטהרו כל תמא, אחרוב על צד הפשט כי הענין הוא כדי שיראה האדם את עצמו אחר הטבילה כאילו נברא באותה שעה, כמו שהיה העולם כולו מים טרם היות בו אדם, וכמו שכתוב [בראשית א', ב'] ורוח אלהים מרחפת על פני המים, ויתן אל לבו בדמיון כי כמו שנתחדש בגופו יחדש גם כן פעולותיו לטוב, וכשיר מעשיו, וידקדק בדרכי השם ברוך הוא:

³ ספר החינוך - מצוה קעד: משרשי המצוה, קצת מן הטעם שאמרנו למעלה במים, כדי שיראה האדם כאילו היום נברא והיום מתחיל שערור לצמות, ויחדש מעשיו לטוב. כי בהיות האדם מנוקה מכל שיער אז ינקה יפה מכל לכלוך, ולכן ראוי לו לעלותו מטומאת צרעתו לעשות בעצמו מעשה הנקיות בכל כוחו, כדי שינקה מעשיו גם כן בכל כוחו ויהפכם מרעה לטובה ולהכשיר:

⁴ ספר החינוך (שם): ועל כן אמרו חכמים שלא תכשר במים שבכלי, רק במים חיים או מכוונסים שהן על קרקע ואלא בכלי מכל מקום, כדי לתת אל לבו במחשבה כאילו העולם כולו מים והוא נתחדש בעלותו מהם.

⁵ דוד צבי הופמן: מים שיש בהם זרימה מתמדת, בלתי פוסקת, הנובעת מן המקור הטבעי שנברא על-יד ד' בורא עולם, מים שיש להם קשר עם הנצח. (פירושו על ויקרא יא עמוד רי בהוצאת מוסד הרב קוק)

⁶ ירמיה יז יג ע"פ יומא פ"ח מש' ז

The peshat is that HaShem is the hope of Yisroel.

⁷ Rav Dovid Tzvi Hoffman: Just as death is אבות הטהרה, so too ד' is אבי אבות הטהרה. (פירושו על ויקרא יא עמוד רי בהוצאת מוסד הרב קוק). המוחלטת

⁸ משנה ברורה סימן קנח: (א) כשיבא וכו' - טעם תקנת נטילה הוא משני דברים אחד מפני סרך תרומה והיינו כיון דידיים עסקניות הן (א) ונוגעים בכל דבר ובזמן שהיה נוהג טומאה וטהרה והכהנים אכלו תרומה היו צריכין ליטול ידיהם מדברי סופרים קודם אכילת תרומה כדי שלא יטמאוהו בניגעתן וכדי שיהיו רגילין הכהנים בזה גזרו ג"כ על כל איש ישראל האוכל פת שאסור לאכול עד שיטול ידיו וגם עכשיו שאין הכהנים אוכלין תרומה מפני הטומאה לא בטלה תקנה זו כדי שיהיו רגילים בני ישראל כשיבנה בהמ"ק ב"ב לאכול בטהרה ועוד טעם לתקנת נטילה משום נקיות וקדושה (ב) וסמכו בגמרא [ברכות נ"א] אקרא דוהתקדשתם והייתם קדושים [סמ"ג]:

is meant to be elevated by us, turning it into a קרבן. The table becomes the מזבח; the salt is in memory of the קרבנות). The blessing we say is על נטילת ידים – *on the raising of our hands*, for we raise all aspects of the meal up through mikveh-like water. In fact, even the utensils (if they are made by a non-Jew) get dipped in this Mikveh.

משנה ברורה סימן קסב: הנה נתבאר בסימן קנ"ח דטעם נט"י הוא משום דידיים עסקניות הם ולכן גזרו עליהן
טומאה אם לא שיטהרם ברביעית מים
וב תוס' יום טוב על יומא ג': ג שכל יהודי שהיה נכנס לעזרת ישראל היה טעון טבילה מקודם. וגם רואים
שהכהן גדול ביום הכפורים היה טובל חמשה פעמים. ואע"פ שכבר טהור היה, אבל כדי ללכת לדוגה יותר גבוהה של
רוחניות כל פעם.

CHAPTER C: חלה

i- Introduction

ii- Physical/spiritual interaction

iii- Creativity

iv- Unification

v- Completion

CHAPTER C: חלה

i- Introduction

במדבר טו : יז
וידבר ד' אל משה לאמר. (יח) דבר אל בני ישראל ואמרת אלהם בבאכם אל הארץ אשר אני מביא אתכם שמה. (יט) והיה באכלכם מלחם הארץ תרימו תרומה לד'. (כ) ראשית עריסותכם חלה תרימו תרומה כתרומת גרן כן תרימו אתה. (כא) מראשית ערסתיכם תתנו לד' תרומה לדרתיכם

(מדרבנן) חוץ לארץ which is also obligated in מצוה התלויה בארץ חלה is the only חוֹבֵת מצוה between חובת תלויה בארץ, conceptually it is an intermediary מצוה between חובת תלויה בארץ and הגוף. This מצוה brings connection with the land anywhere in the world through the efforts of the body.

תוספות קדושין לו : ד"ה כל :

לפי שהחלה דומה יותר לחובת הגוף שהרי החיוב בא ע"י גלגול עיסה שהאדם עושה.

(See there 2nd reason)

עיין בספורנו במדבר טו כ.

ii- Physical/spiritual interaction

The מן was spiritual food, yet it sustained the body. It came to teach that the physical and spiritual worlds are interdependent and can sustain each other. So too in the reverse: Physical bread (as the archetype food) can "feed" the נפש and provide it with sustenance because the bread is ultimately a creation of השם and has within it great spiritual potential. This is the meaning of:

לא על הלחם לבדו יחיה האדם כי על כל מוצא פי ה'

i.e. it is not the purely physical parts of the bread which sustain man, but all that which went out of the mouth of השם and into the bread which sustains us. The מצוה of חלה is that special מצוה which helps to direct and release the spiritual nurturing that is in the bread.

The כהן, who has dedicated himself to total service of השם, is also a recipient of this bread which is being made. This very act of feeding one's family, in and of itself a holy and noble act, became additionally an act of sustaining the highest of ideals. That turns the whole loaf (and not just the חלה) into a holier object.

The fact that on שבת we customarily call the entire loaf חלה is related to both ideas mentioned above.¹ שבת was the time when we ate from the extra portion of מן which fell on שבת. And in fact we have 2 חלות to celebrate this. In addition, since שבת is a holy day dedicated to השם, all out physical acts on Shabbos are automatically more sanctified. Therefore, we achieve on שבת something of the level achieved by the taking of חלה when we eat our meals.

חלה was introduced at the transition from דור המדבר לחם מן השמים to the entry into ארץ ישראל (חלה is only obligated when the majority of ישראל settle in the land.) The פסוק states "והיה באכלכם מלחם הארץ תרימו תרומה": שפת אמת

¹ ובאשל אברהם אר"ח סוף סימן רס כתב שהטעם שקוראים דוורט הלחם של שבת וי"ט חלות הוא מפני שאלה נוהגים לא לקנות אלא שעיקרת הבית אופה אותן בעצמה. לפיכך קראו ללחם חלות כדי להזכיר שיש להפריש ממנו חלות כדין.

ואמר הכתוב כי באכלכם לחם מן הארץ ביותר יוכלו להרים תרומה. כי חשוב לפניו ית' מה שמרוממין בחינת השפלות אליו ית' שבעבור זה היה כל ירידת האדם מעולם העליון בעוה"ז. ... (ולכן) תקנו נטילת ידים קודם האכילה ... לבטל (את הידים) להפנימיות.

iii- Creativity

Even though מעשר and תרומה שם משמואל the transforming of grain into dough (a new object) reflects man's creativity and requires rededication to השם.

iv- Unification

מהר"ל (נתיב התורה פ"א ד"ה ובפ"ק דקידושין):

Dough is made by combining fragmented ingredients (the grains of flour) and then taking חלה from that to create קדושה. This reflects man who is like the חלה that was taken from all the earth to create a new reality of קדושה.

(See well the two sources from the מהר"ל to note their differences:

מהר"ל (נתיב התורה פ"א ד"ה ובפ"ק דקידושין):
מהר"ל (חדושי אגדתא קדושין לו))

v- Completion

Various מצוות התלויות בארץ reflect different stages of unfolding the reality and history of the world:

- i - beginning, state of being and יובל שמיטה
- ii - state of becoming, unfolding potential. and תרומות מעשרות
- iii- State of completion - the combining of the individual grains of flour into a new reality. חלה

Women have a special capacity to harness the קדושה in this מצוה. The home (שרה's tent) is the sanctuary in which this קדושה is expressed. Men are equally obligated, but it is preferable that women do the מצוה on behalf of the males in the house as well.

Man's ability to make bread is a reflection of his ability to complete the world. G-d gives man the world incomplete and it is man's job to complete it. Kernels of wheat are inedible. Man takes that wheat, turns it into flour and makes bread from it. The first of these stages is generally done by men whereas the second is done by women:

תנחומא (תזריע):

שאל טורנוסרופוס הרשע איזה מעשים נאים: של הקדוש ברוך הוא או של בשר ודם? אמר לו של בשר ודם. אמר לו טורנוסרופוס הרשע, ראית השמים והארץ יכול האדם לעשות כיוצא בהם. אמר לו ר' עקיבא, לא תאמר לי בדבר שהוא למעלה מן הבריות שאין שולטים עליו אלא אמור דברים שהם מצוין בבני אדם. אמר לו, למה אתם מולים. אמר לו, אני הייתי יודע שעל דבר זה אתה שואלני ולכך הקדמתי ואמרתי לך שמעשה בני אדם נאים משל הקדוש ברוך הוא. הביא לו רבי עקיבא שבליים וגלוסקאות אמר לו טורנוסרופוס הרשע, אם הקדוש ברוך הוא רוצה במילה למה אינו יוצא הולד מהול ממעי אמו אמר לו רבי עקיבא ולמה טבורו יוצא עמו והוא תלוי בבטנו ואמו חותכתו ומה שאתה אומר למה אינו יוצא מהול שלא נתן הקדוש ברוך הוא המצות אלא לצרף האדם בהם לכך אמרת דוד אמרות אלוך צרופה ע"כ

CHAPTER D: הדלקת נרות

i- Light

ii- Shalom

CHAPTER D: הדלקת נרות

הדלקת נרות:

- i- Brings out the inner light of family members' נשמות.
- ii- Unites them to reveal unity of השם in the world.

Women are uniquely spiritually suited to this מצוה. "The true Jewish woman is endowed with the power to burn her שבת candles all week until the time comes to light them again." (הליכות, בת ישראל, vol. 1 pg. 9)

It is the woman's role to bring him [her husband] close to the World to Come through her calmness. In this world, the woman also prepares him for Shabbat with her tranquil state and therefore her lighting the Shabbat candles is symbolic of her and her husband's contrasting qualities to compete unity.¹

i- Light

At its simplest level, the Shabbos candles are there to give light and all which light means. The first Divine creation was "Let there be light" (Genesis 1:3). Without light, all that remains is darkness, chaos, and confusion. The purpose of creation is simply not fulfilled without light. To illuminate the darkness of alienation, to bring warmth and security into cold indifference, to beautify the mundane: such are purposes of the Sabbath lights ... Light represents inner peace, security, joy, spiritual elevation and mental tranquility, warmth and blessing. The Lord blessed the seventh day with light. The absence of light is darkness – both physical and spiritual.² The candles which usher in our Sabbath pierce this darkness and bring light to us, our families, our homes.³ (The Jewish Woman in Rabbinic Literature, pg. 98)

¹ Nechama Furman – Moresheet Essay

² הגמ' בשבת לב. נשמה שנתתי בכס קרויה נר על עסקי נר הזהרתי אתכם

³ Elazar Muskin in his article *Candle Magic*, in *OLAM* writes:

...Rav Huna... "He who habitually practices the lighting of the lamp will possess scholarly children" (Shabbat 23b)

...Rashi surprisingly concludes that it was [referring] to both the Shabbat and Chanukah lights.

...Children are not raised in a vacuum. The first influence on their maturation process is their family environment. If within the family, mutual respect, peace and tranquility prevail, then the child has a chance to become an honorable person.

Rashi, however recognizes that Judaism isn't experienced only in the private domain as celebrated by the Shabbat lights. Rather, our faith promotes participation to society, as the Chanukah lamp vividly symbolizes. We place our Chanukah Menorah in our windows for public display so everyone can see it. On Chanukah we aren't simply private citizens, but have a universal mission to inform others of G-d's presence.

In this manner Chanukah provides us with two crucial lessons. On the one hand it teaches us not to practice Judaism only behind closed doors. We must be willing to proudly wear our Judaism in public. On the other hand, Chanukah teaches us a feeling of community responsibility. We must not only concern ourselves with our own religious development, but also with the entire human community.

Rashi, therefore, understood that the fusion of the private lesson of the Shabbat lights combined with the universal message of the Chanukah lamps offers such a complete picture of Judaism, and thus we can fulfill our mission to be "a light unto the nations."

נרות הבית have same דינים as the מנורה re: the פתילים (see רמב"ם תמידים ג: ח). The מנורה had to be positioned so that its light shone toward the קדש קדשים - it showed the purpose; so too נרות הבית.

The מדה of מלכות which is female is called נר - see תהלים קלב: יז. This is because it is the woman's job to be the final expression of bringing קדושה into the world. So too, the vehicle for man to bring קדושה into the world is his נשמה. The נשמה of man is called G-d's candle - נר ד' נשמת אדם. The word נשמה is a feminine word (as are all the words for the various levels of man's soul) because it is the means for expressing the מלכות of השם. (The גמרא שבת לא learns homiletically that it is permissible to extinguish a candle on Shabbos for נפש even though this is an איסור דאורייתא since a candle is man's candle whereas the soul is G-d's candle. Surely man's candle should give way to G-d's candle. The real source of this וחי בהם is למוד.)

Rebbetzin Dena Weinberg in Jewish Women Speak about Jewish Matters pgs. 30-31:

The soul itself is called [Nefesh, which means rest]... Shabbat is the soul of the week.

Candles are lit at romantic dinners, aren't they? What makes a dimly-lit meal roomly? It's the candles- they draw together on a soul level. It goes beyond eating a meal together - that's mundane, that's physical. Rather, it's about two humans connecting on a deep, spiritual level. That's exciting. That's romantic! The candles do it.

This, too, is Shabbat. The candles draw us to each other, and they draw us to G-d. Our soul is drawn to Him and vice-versa. Shabbat is a love song. It is romance. It is a date between G-d and us. ...

We women are the ones who "ignite" this romance with G-d. ...

Shabbat candles also create peace in the home. How? ... Candlelight evokes a soul connection between people, which creates real peace in the home.

ii- Shalom

However, Chazal tell us that נרות שבת is not just light, but that the light brings שלום בית.

שלום בית is archetype of all שלום.

The concept of שלום

All ברכות end with שלום (עושה שלום במרומיו וכו'): עושה שלום במרומיו וכו')

שמונה עשרה

קדיש

ברכת המזון

The Talmud itself ends with שלום (עוקצין) at the end of סדר טהרות).

This is because nothing positive has a שלום קיום without שלום:

לא מצא הקב"ה כלי מחזיק ברכה לישראל אלא השלום שנאמר (תהלים כ"ט) ה' עוז לעמו יתן ה' יברך את עמו בשלום

שלום is one of השם's names. This is because the word שלום is related to the word שלמות. השם is the unifying force which brings everything together. The opposite of שלום is מחלוקת that which divides everything into separate realities (מחלוקת from חלק, a part).

רמב"ם הלי מגילה וחנוכה ד: גדול השלום שכל התורה ניתנה לעשות שלום בעולם שנאמר (משלי ג) דרכיה דרכי נעם וכל נתיבותיה שלום.

Pre-משיח, natural שלום is impossible¹. It has to be actively recreated at every moment. ספר העקרים explains that this is the meaning of the words:

עושה שלום במרומיו הוא יעשה שלום עלינו וכו'

i.e.: עושה שלום – He who makes Shalom במרומיו, i.e. by the מלאכים. For the מלאכים Shalom is a natural state which is why it says עושה שלום in present tense – He makes Shalom on an ongoing basis.

Future – in this world Shalom is not the natural state but it has to be created. הוא יעשה שלום

שלום of מדה² because they are uniquely suited to this מדה

Just as the מדה of the גדול כהן was to unite fragmented reality into higher unities, so the woman, the גדול כהן of the מעט so to speak, is uniquely suited to this role:

מהר"ל חידושי אגדות בבא בתרא עב:

התאחדותם והתקשרם אינם מצד הצורה, שהזכר הוא שנקרא צורה בכל מקום, ואין צורה מקבל צורה. כי מצד הצורה כל אחד מיוחד לעצמו בצורתו המיוחדת, ... אבל הצורה מתחבר לנושא המיוחד לו... i.e. the female.

Such a person lacks the intrinsic capacity to unify reality. כל הדר בלא אשה שורה בלא שלום

רמב"ם הל' מגילה וחנוכה ד: יד

נר ביתו ונר חנוכה...נר ביתו קודם משום שלום ביתו שהרי השם נמחק לעשות שלום בין איש לאשתו גדול השלום שכל התורה ניתנה לעשות שלום בעולם.

(The שם was נמחק for a woman who at best has been seen by two עדים to be in יחוד with another man whom her husband had already commanded her not to be with!!)

מצוה מדרבנן even though it is a קידוש even though it is a מצוה מדרבנן נר שבת takes precedence over wine for קידוש. It is true that קידוש can still be fulfilled (as קידוש על היין), but still, קידוש על היין is the way we fulfill our דאורייתא, and in pure מצוה terms, should have come first. נר בית, however, is a יסוד and not just a מצוה.³

Lighting the מנורה was הנרות את הנרות – literally a raising up of the candles. The candles are spiritually raised up.

Shabbos is a time of Shalom. This world is one of intrinsic division and strife, a function of the separate identities which we all have.⁴ On Shabbos, however, we are able to overcome this. Shabbos is a time of unifying all the fragmented elements of the workday week into a holistic, united perspective. Hence the greeting שלום - שבת שלום from שלימות.

¹ ובשפת אמת (פרשת קרח שנת תרנ"ו דף 127 ד"ה ויקח): כי באמת עוה"ז נקראת עלמא דפירודא שכל הנבראים יש לכל אחד בחינה לעצמו ולכן כולא קטטה (והוסיף שלמרות כן בני ישראל זוכין אל השלום בכח התורה)

² כתב השו"ע (או"ח סי' רסג סי' ג) שנרות שבת מדליקות הנשים ולא האנשים כאשר נשותיהם בבית וברמב"ם (פ"ה מהל' שבת ה"ג) שהם עוסקות בצרכי הבית ועיין בהקדמתינו הכללית למצוות הנשים ששם הבאנו הטעם מפני שהאשה כבתה אורו של העולם הוא אדם הראשון וכן מובא טעם שה בערוה"ש סי' רסג סי' והמג"א (רסג ז) הביא בשם הב"ח שהיות שהאיש חייב במצות ההדלקה ג"כ לכן נוהגים שהם מכינים את הנרות כדי להשתתף איפא בקיום המצוה.

³ רמב"ם

⁴ שפת אמת-פרשת קרח. העולם הזה כולו מחלוקת וקטטה

Once we have the wholeness that comes from שלום, we are then whole vessels that hold ברכה's הקב"ה:

שפת אמת פרשת פינחס : כי בודאי הבורא ית' חפץ להשפיע כל טוב לבני ישראל. אמנם שצריכים להיות כלי מוכן שלא יתפשט כמו כלי שניקב אינה מקבלת משקה ... ועל זה כתב פורש סוכת שלום עלינו... וזהו ענין השבת ... שביום זה מתאחדין בני ישראל ברזא אחד ולכן ניתן התורה בשבת כדי שלא להתפשט ... ושלוש הוא היפך המחלוקת... וזה רק בעזר השי"ת.

This sheds new light on the idea that הדלקת נרות is שלום בית, for the נרות are the light that brings in the שלום of שבת. The light of the candles represents the spiritual light which connects with the נשמה יתירה of שבת.

Connection of נר with שלום:

שבת לד.

רבינו חננאל: ואין שלום אלא באור שנאמר וירא אלוקים את האור כי טוב.

Lighting the candles in the מקדש was called הטבתם.

טוב is used to show compatibility and unity:

(שלום - A dimension of שלמות which comes from the world)

קהלת ד: ט
טובים השנים מן האחד

בראשית ב: יח
לא טוב היות האדם לבדו

תהלים קלג: א
הנה מה טוב ומה נעים שבת אחים גם יחד

שיר השירים א: ב
טובים דדיך מיין

CHAPTER E: ראש חדש

i- Overview

CHAPTER E: ראש חודש

i- Overview

Rosh Chodesh is considered a minor holiday for women, a reward for their righteousness in not contributing ornaments for the golden calf. Daas Zekenim states that when the Torah speaks of the outpouring from the women to contribute to the Mishkan, it becomes clear that their abstinence from the Chet HeEgel was motivated only by the purest of motives¹.

חז"ל says that women play a more significant role in this חג than men do. Therefore, women customarily refrain from sewing, weaving, laundering and ironing. There is no comparable מנהג by men. See **Section B part C:v** for further explanation.

Originally, ראש חודש was a very special חג given to everybody. Then, after the חטא העגל, the קדושה of this חג was hidden. The men lost access to this חג while the women were given it again, now in its hidden form, as a reward:

שם משמואל קרח דף רנב: שם הוא מסביר שראש חודש הוא כמו שבת שאז כולנו במדרגת הכהן גדול וכותב: "אך מחמת חטא העגל אבדו את היום טוב של ראש חודש כדאיתא בספרים..."

We have to understand why women were given Rosh Chodesh as their reward². The answer has to do with the fact that women have an exceptional capacity to connect with hidden Kedusha. And this is the essence of Rosh Chodesh. Rav Tzadok HaCohen³ says that Rosh Chodesh is the חג of the future. Its קדושה is so hidden that it is not mentioned as a חג in the תורה at all and we only know that it has some קדושה (i.e. that there is a voluntary סעודת מצוה) from the incident of דוד with שאול המלך. But ראש חודש, the beginning of the new cycle, represents the time of ימות המשיח when our recognition of השם will always be new and fresh (i.e. we will always be in a state of שיר חדש-שיר every moment). Since G-d is infinite we can have infinite levels of recognition of Him, and during the Messianic era we will, in fact, add to our recognition of Him every moment. ראש חודש, which was not explicitly given to us as a חג by the Torah, is the day in which we, par excellence, are the initiators in our relationship with the Almighty. (We are not told that the סעודת ראש חודש was commanded by G-d.) We already have some רושם of that within us as reflected in the half-הלל, which too was initiated by us, originally not even as a Rabbinic enactment but rather as a מנהג.

הם מתכוננים מעצמם לעשות מעשה שאין בה שום הארה גלויה כלל ונעלם לגמרי רק מצד דיבוקם בנעלם הם משיגים הנעלם⁴.

¹ לה כב: ויבואו האנשים על הבשים וגו' ובדעת זקנים מבעלי התוס', כלומר לשלול מהם תכשיטיהן כדכתיב חח ונזם ואעפ"כ הנשים שמחות וזהירות במלאכת שמים כדכתיב וכל הנשים אשר נשו לבן אותנה לפיכך זכו הנשים שלא לעשות מלאכה בראש חודש לפי שבמעשה העגל לקחו תכשיטיהן בעל כרחן כדמשמע מדכתיב ויתפרקו וגו' ובמעשה המשכן שמחו בנתינה לפיכך נתן להם ר"ח ליו"ט ונ: "ל דזהו ראש חודש ניסן שבו הוקם המשכן ואגב אותו ראש חודש משמרות כל ראשי חדשי השנה

² Rebbetzin Holly Pavlov suggests the following answer: Just as the moon brings none of its own light into the world, but merely reflects that of the sun, so too we have no real capabilities of our own. All that we can accomplish we owe to the strength, intellect, and talents we receive from G-d. (In Jewish Women Speak about Jewish Matters.)

³ רב צדוק הכהן רס"י לילה ח

⁴ see there whole מאמר

Women have the capacity to relate to hidden קדושה even in the midst of the seemingly most mundane or challenging of situations (חטא העגל, המרגלים וכו') and to continuously renew that. Women are historically better than men in the darkness of night, גלות or נסיון (ואמונתך בלילות). Men, on the other hand, function best in the clarity of day (להגיד בבקר) (חסדיך).

The cycles of the חדש relate to the Jewish experience in גלות and are therefore compared to women:

רקנטי מצוה ב:
וחדוש הלבנה רמז ודמיון לישראל בגלות זה שאנו אומרים שעתידים להתחדש (פירוש שיתחדשו מגלות לגאולה) כמותה פגימתה ומלואה כאשה נדה ואחר תטהר

There is yet a deeper meaning of the lunar cycle brought by the רמח"ל in דעת תבונות on חודש (Friedlander edition). The world will ultimate receive its תקון כללי when the יחוד of HaSh-m is revealed to the world. The process of גילוי יחודו is going on all the time as the hidden thread of history, weaving everything we see, good and evil, into a fabric that will ultimately display that unity. Bringing forth this unity requires that G-d sometimes hide Himself and sometimes reveal Himself with many degrees of each expression. There are 28 primary expressions of this:

והוא ענין הכ"ח עתים המוזכרים בספר קהלת (פרק ג) שכנגדם עד בשחק – הלבנה... ויש
בזה הענין ידיעות עמוקות לחכמים בהבנת דרכי הלבנה והליכותיה ...

It is not just that Klal Yisroel is compared to the waxing and waning of the moon but that each waxing and waning is a part of a definite direction required for the completion of the purpose of the world. Women, it would seem, have a greater spiritual and intuitive grasp of this ultimate purpose.

APPENDICES: OVERVIEW OF WOMEN IN מצוות

NOTE: NO INFORMATION CONTAINED IN THIS OVERVIEW IS INTENDED TO BE OF PRACTICAL, HALACHIC IMPORT

For a general discussion of מצוות עשה שהזמן גרמא see Part I.

See detailed treatment of women's מצוות (including ראש חדש) and מצוות עשה שהזמן גרמא (including the ברכה of שלא עשני אשה).

INTRODUCTION

1- Can women be מוציא men?

Four criteria necessary:

- i- Both (man & woman) must be obligated
- ii- The level of their חיוב must be the same (מדאורייתא or מדרבנן)
- iii- If the woman has fulfilled her חיוב already, then the man must be an אינו בקי
- iv- Many specific מצוות have individual limitations which limit this only to שעת הדחק situations

INTRODUCTION

1- Can women be מוציא men?

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i- Both (man & woman) must be obligated

ii- The level of their חיוב must be the same (מדאורייתא or מדרבנן)

The גר"א says that a man is חיוב to read (or have a שליח read) the מגילה whereas a woman just needs to hear the מגילה.

iii- If the woman has fulfilled her חיוב already, then the man must be an אינו בקי

iv- Many specific מצוות have individual limitations which limit this only to שעת הדחק situations

הבדלה in שיטות for many לכתחילה מחמיר (see 16 - מגילה for more reasons)

קידוש in זילותא מילתא

מקרא מגלה in כבוד בצבור or קול אשה

APPENDIX A: מצוות RELATING TO DAVENING

1- קריאת שמע & זכירת יציאת מצרים

i- קריאת שמע

ii- זכירת יציאת מצרים

2- תפילין של ראש ושל יד

3- ציצית

4- תפילה

APPENDIX A: מצוות RELATING TO DAVENING

1- קריאת שמע 'זכירת יציאת מצרים

i- קריאת שמע

מצוה one - רמב"ם, חינוך

מצוות two separate - morning and night - רמב"ן

All opinions - זמן גרמא - therefore women exempt

Nevertheless, appropriate that women should accept עול מלכות שמים by saying at least first verse of שמע (מ"ב ע:א) שמע

(חייב מדרבנן actually rules that women are ב"ח)

ii- זכירת יציאת מצרים

Not brought in (מדאורייתא) possibly because it will not be said in ימות המשיח and therefore it is a מצוה of limited duration.

זמן גרמא - a - שאגת אריה - יג

because can be said any time during the day or night. (משנה ברורה) - מגן אברהם brings this opinion.)

2- תפילין של ראש ושל יד

מצוות two separate - רמב"ן, (ה & ו) ר' סעדיה גאון, (תכא-תכב) חינוך, (יב & יג) רמב"ם

מצוה one - (יח) רשב"ץ of זהר הרקיע, (יג) בה"ג

מצוות עשה Eight - חינוך

מצוות עשה is the classic זמן גרמא in which women are exempt and from which all other תפילין are learned. Strictly speaking תפילין can be worn at night although we don't do so in case we fall asleep in our תפילין. The reason that תפילין is considered זמן גרמא is either because תפילין are not worn on שבת and the חגים or because each morning begins a new חיוב. (קדושין לד. תוסי' ד"ה ותפילין)

ש"ע לח ס"ג:

נשים ועבדים פטורים מתפילין מפני שהוא מ"ע שהזמן גרמא.
הגה: ואם הנשים רוצין להתמיר על עצמן מוחים בידן

Tefilin is the one זמן גרמא which women should not fulfill nowadays. This is because of the great holiness of תפילין which requires:

a) גוף נקי

b) לא יסיח דעתו מהם

The צ"ח states that תפילין have even greater קדושה than the צ"ח. The latter had only אחד שם, whereas תפילין has the שם twenty one times on the ראש and the same on the יד. For this reason men also only fulfill this מצוה for the shortest amount of time possible, i.e. during davening, even though the מצוה is applicable the whole day. As

¹ puts it, if men were not obligated in תפילין they also would not risk doing it¹. (However, see משנה ברורה ס"ק יג.) Although there were some ראשונים who, despite the great risks involved, allowed women under certain circumstances (see ציצית) to wear תפילין (רשב"א) thereon, and possibly even רבנו תם אורחות חיים ג (משתיקתם - רי"ף and רמב"ם), there is consensus amongst the אחרונים prohibiting this (רמ"א או"ח סלי"ח ס"ג).

Other reasons:

and תפילין (ציצית) are considered בגד איש but in the case of ציצית a woman can wear a distinctly women's four-cornered garments - (אגרות משה) and that Kabbalistically, תפילין are considered בגד (the deeper reason why they are considered בגד איש). The reason that תפילין (ערובין זו) is because she understood that her נשמה was from עלמא דזוכרא which is why she could not have children (כף החיים סק"ט) רב. רב also says that מיכל was an exception, requiring her תפילין to make a special תקון. (Note: although the גמרא there says that the Rabbis did not protest her action, פסיקתא רבתי brings down the תוספות which concludes that they did protest and that the בבלי is simply bringing down the part of a passage which was relevant to its discussion. However, תוספות on ראש השנה לג. פסיקתא ignores this and the ערוך לנר says that this is because רבינו תם is of the opinion that if the בבלי left out this part of the passage it is because the בבלי does not hold of it. ערוך השלח explains that according to those opinions who say that women should not wear תפילין, the חכמים nevertheless did not rebuke מיכל because they knew that she was a total צדקת and that she knew how to be careful.)²

In his book Tefillin³, Rabbi Aryeh Kaplan writes the following:

You are most probably saying, "All this is very fine. Tefillin are a most wonderful way to bind yourself to G-d, but it is only for boys and men. Where do we come in?"

On a most simple level, the reason for the commandments is to establish a link with G-d. The most profound way to do this is to resemble Him. There is one unique way that women resemble G-d in a way that no man could ever hope to. Only a woman can create within her body. Only a woman can bear a child. In this sense, a woman partakes of G-d's attributes more intimately than any man.

The Kabbalists teach us that the hand Tefillin represents the feminine element. The single hollow section in the box can be said to represent the womb, and the coils, wrapped around the arm, signify the umbilical cord.

¹ וכעין זה כתב הערוך השולחן או"ח סלי"ח ס"ו: אנשים שמחוייבים... לכן אין מניחים כל היום. א"כ נשים שפטורות למה יכניסו עצמן בחשש גדול כזה.

² מיהו בא"ר סל"ח סק"ב ובמגן גיבורים שהאינדוא האיסור חל על כל הנשים ואין אחת יכולה לומר אני אזהר. עוד טעמים לאיסור מובא בהליכות בת ישראל: א-בשלטי גבורים (ראש השנה פ"ד): מפני שנראה כדרך החיצונים שעורים על דברי חכמים ואינם רוצים לדרוש המקורות כמותן ב-במהר"ם שיק או"ח ס"ו: משום דמיחזי כיוהרא (וכמו שאמרו הפוסקים אצל ציצת) ג-משום איסור לא תלבש אישה כלי גבר

³NCSY \ OU, New York, 1986.

What a man partakes of with an object, a woman partakes of with her very body.

The box of Tefillin is called a “Bayis” – literally a house. A woman also has her “Bayis” – the home in which she raises a family. One could say that a woman’s home is her Tefillin.

Women resemble G-d through their Tefillin just as man does through his. The entire world is G-d’s house, and the Divine attribute that tends to it is called the “Shechinah” or Divine Presence. It is interesting to note that the word “Shechinah” is of the feminine gender. The Kabbalists call it the “Akeres HaBayis” – literally, the Mistress of the house.

There are two basic elements in Judaism, the home and the synagogue. Unlike other religions where the church is primary, Judaism treats the home and synagogue as being co-equal. Some of our most important rituals belong exclusively to the home, such as the Seder, the Succah, the Sabbath table, and the Chanukah lamp. The continuity of Judaism rests on the home more than anything else.

This Bayis – the home – is a woman’s Tefillin. It is her contribution to the overall picture of G-d’s purpose.

It is interesting to note that when G-d first gave the Jewish nation the Torah, G-d told Moses to instruct the women of Israel initially, and then subsequently teach the men of Israel. If the Torah does not enter the Jewish home first, symbolized and embodied by the Jewish women, there can be no continuity of Judaism. This spirit of Torah in the Jewish home (Bayis) is the same as the parchments of Torah in the Tefillin box (Bayis). But this is the domain of the woman.

(See Rabbi Moshe Meiselman, Jewish Women in Jewish Law chap. 21)

ציצית -3

(יד) רמב"ם

ק"ס - a second מצוה to look at the ציצית

Menachos מג: Machlokes over whether women should wear Tzitzis. Rav Yehuda had his wife do so. If there is an obligation to wear Tzitzis at night it is not a Zeman Gramah and women are chayav.

Women are doubly exempt from this מצוה:

i- It is a time-based מצוה¹;

ii- ציצית is not an obligatory מצוה even for men. Strictly speaking, only if a man is wearing a four-cornered garment would he have to put on ציצית. However, men have accepted this upon themselves.

¹מנחות מג. תנו רבנן הכל חייבין בציצית - כהנים ליום וישראלים, גרים נשים ועבדים. רבי שמעון פוטר בנשים מפני שמצות עשה שהזמן גרמא הוא וכל מצות עשה שהזמן גרמא נשים פטורות... מאי טעמא דרבי שמעון? דתניא "וראיתם אתו" (במדבר טו:לט) פרט לכסות לילה וכל הראשונים פסקו כר' שמעון וכן בשו"ע או"ח סי"ז ס"ב

Therefore, a woman would be highly imbalanced in her **עבודת השם** were she to consider this **מצוה** ahead of greater completion of the areas in which she is already commanded (and even ahead of other time-based **מצוות** which do not have the second exemption such as **שופר** and **העמר**)¹. Nevertheless, a woman may fulfill this **מצוה**² provided that she wears a four-cornered garment that is different in form from a man's³ and provided she is doing it because of genuine desire to fulfill even **מצוות** in which she is not commanded and not in order to make a statement or to show her disagreement with the **תורה** view of women. In the latter case she is a **כופר בתורה** (אגרות משה חלק ד' סימן מט). It would appear that the **אגרות משה** understands that a woman is only guilty of **מחזי כיוהרא** (רמ"א סי' יז) (מחזי כיוהרא) if she wears them in public⁴. **מהרי"ל** (מהרי"ל חדשות סי' ז) talks of one **ברוניא** (רבינת מר"ת ברונ"א) who used to wear **ציצית**. Although he states that no one rebuked her for this, this may have been, he says, because they knew that she would not listen. In any case, it appears that she wore her **ציצית** publicly, or at least in a manner that became well-known, thus not in accordance with the **אגרות משה**. According to this, we simply would not know of the history of women wearing **ציצית**, since to be legitimate, such **מצוות עשה** would remain hidden.

However, **מהרי"ל** (מהרי"ל חדשות סי' ז) seems to say that it would always be inappropriate for a woman to wear **ציצית**, seemingly even in private. This is for a number of reasons:

i- Wearing **ציצית** can lead to transgressions such as **שעטנו**⁵. Therefore, it is not good to wear them unnecessarily.

ii- Although men also are not obligated to wear **ציצית**, they are obligated to wear them once they are wearing a four-cornered garment (i.e. the **מצוה** is a **חובת גברה/חובת הגוף** and not a **חובת מנה/חובת הבגד**). **משה רבינו** longed to go into **ארץ ישראל** in order to become obligated in the **מצוות התלויות בארץ**. From this we learn that it is appropriate to put oneself into a situation where one would become obligated. Therefore, it is good that men wear a four-cornered garment incurring the obligation of **ציצית**. But women, even after they wear a four cornered garment, are still not obligated in this **מצוה**.

iii- The **מצוה** of **ציצית** comes to remind us of **מצוות**. Even though no man is obligated in all of **תרי"ג**, as a group they are. But women, even as a group, are not commanded in all of **תרי"ג מצוות**⁶.

Therefore, says **מהרי"ל**, women who would wear **ציצית** in his area were:

אינה אלא מן המתמיהין ויוהרא חשיבנא להו ומקרין הדיוטות

¹ כתב הרמ"א (שם): ומ"מ אם רוצים לעטפו ולברך עליו הרשות בידם כמו שאר מ"ע שהזמן גרמא, אך מיחזי כיוהרא, ולכן אין להם ללבוש ציצית הואיל ואינו חובת גברא - פירוש אינו חייב לקנות טלית כדי שיתחייב בציצית.

² ואם היא אשכנזית מברכת עליה (רמ"א סי"ז ס"ב)

³ יש פוסקים שחושבים שנראה שעצם לבישת הציצית הוי בעיה של איסור כלי גבר - עיין בלבוש סי"ז ס"ב ובבן איש חי לך לך סי"ג ומקורם בתרגום יונתן בן עוזיאל דברים כב: על הפסוק לא יהיה כלי גבר לאשה כתב: לא יהיו גולין בציצית ותפילין דאינון תקוני גבר על איתתא .

⁴ אמנם חילוק זה לא מובא בפוסקים אחרים עיין לדוגמה בעה"ש סי"ז

⁵ ואע"ג דאצל איש מותר ללבוש בגד ממין אחד וציצית ממין אחר באופן שיש שעטנו, מ"מ יש סוברים שאצל אישה יש איסור (ראב"ד פ"ג מה ל' ציצית הל' ט) עיין שאגת אריה ספ"ב

⁶ ובעה"ש כתב עוד טעם לאסור: ואינו דומה לשופר ולולב דהוי פעם אחת בשנה והמצוה כרגע, אבל ציצית מצוותה כל השנה ולא נאה לנשים

¹In addition, the אר"י ז"ל stated that women do not have a relationship with this מצוה.

Women may make the ציצית threads; לכתחילה, however, they should not tie the ציצית onto the garment².

מנחת חינוך, מצוה שפ"ו-להטיל ציצית בבגד
"בח"ז הבאתי כ"פ בשם הריטב"א דמ"ע שהז"ג דנשים פטורות דוקא במצוה שבגוף אבל במצוה שאינו בגופו כמו מילת הבן נשים ג"כ חיבות במקום דלא מיעטה התורה ורק במילה דהתורה מיעטה אותו וכו' א"כ נראה פשוט למאן דס"ל דציצית חובת טלית וכלי קופסא חייבים בציצית אף דכסות לילה פטור או המיוחד ללילה או בכ"ע בלילה לכל מר כדאית לי מ"מ לא מקרי מצות עשה שהז"ג לענין לפטור הנשים דלא הוי מצוה שבגוף רק להטיל ציצית בבגד א"כ נשים חיבות ג"כ דכאן לא איתמעטי נשים רק מחמת מ"ע שהז"ג ע"י בש"ס".

תפילה-4

The דאורייתא is a daily חיוב, and is therefore a גרמא from which women are exempt.

רמב"ן: Either there is no דאורייתא (it is a חסד) or it is only when one is in צרה. Our daily prayers are completely דרבנן and חז"ל included women בעי רחמים. The משנה ברורה (ד סעיף קטן, קו סימן) says that the שלחן ערוך paskens like the רמב"ן.

and others count the מצוה to say 100 ברכות everyday as one of 613 though all agree it is דרבנן.

For a more detailed discussion of תפילה, including שליח צבור, קריאת התורה, מחיצות, etc. see Appendix B.

¹שער הכוונות מובא בכף החיים סי"ז אות ה

²שו"ע או"ח סי"ד ס"א, רמ"א שם ומ"ב סק"ג

APPENDIX B: מצוות RELATED TO תורה LEARNING

- 1- Writing סת"מ**
- 2- תלמוד תורה**
- 3- Writing a ספר תורה**
- 4- ברכת התורה**
- 5- הקהל**
- 5a- קריאת התורה**

APPENDIX B: תורה RELATING TO LEARNING מצוות

1- Writing סת#מ

Women cannot write these: For תפילין and (according to the ריטבי"א) for ציצית there is a כל שאינו מקיש the two by saying וקשרתם...וכתבתם of סמיכות, and the גמרא in מה גיטין is חייב in the מצוה of מזוזה they may not write one just as they are excluded from writing kosher תפילין; וקשרתם...וכתבתם (גיטין מה:).
See 7 below, Writing a ספר תורה.

2- תלמוד תורה

(יא) רמב"ם

Women are exempt but get the שכר of an ועושה.

קידושין כט:

ללמדו תורה מנלן דכתיב ולמדתם אתם את בניכם (דברים יא:יט) והיכא דלא אגמריה אבוה מיחייב איהו למיגמר נפשיה דכתיב ולמדתם

(i.e. the words Velimadetem (to teach) can also be read as Ulamadetem (to learn). Therefore, whatever one's father did not teach him he has to teach himself.

שם:

איהי מנלן דלא מיחייבא דכתיב ולימדתם ולמדתם כל שמצווה ללמוד מצווה ללמד וכל שאינו מצווה ללמוד אינו מצווה ללמד ואיהי מנלן דלא מיחייבה למילף נפשה דכתיב ולימדתם ולמדתם כל שאחרים מצווין ללמד מצווה ללמד את עצמו וכל שאין אחרים מצווין ללמדו אין מצווה ללמד את עצמו ומנין שאין אחרים מצווין ללמדה דאמר קרא ולמדתם אותם את בניכם ולא בנותיכם.

Therefore the גמרא concludes that a woman does not have to be taught by her parents (i.e. they do not have an obligation to teach her), nor is she obligated to study תורה on her own (as far as the מצוה of תלמוד תורה is concerned), nor is she obligated to teach her children.

תורה Teaching:

Learning and teaching תורה separate (קו) סמ"ק, בה"ג, (טו) ר' סעדיה גאון. (Learning from ולמדתם and from ושננתם לבניך Teaching from פרשת ואתחנן - ולמדתם אותם ושננתם לעשותם.) (In fact בה"ג learns that there are two מצוות of teaching תורה, one to sons from ושננתם לבניך and one to students from ולמדתם אותם את בניכם.)
מצוה all one (יז) לרשב"ץ זהר הרקיע, (תיט) חינוך, (יא) רמב"ם

שו"ע הרב ה"ל ת"ת פ"א ה"ל יד: אשה ... אינה במצוות ת"ת לבניה ופטורה משכר לימוד בניה ואין כופין אותה אלא אם כן היא עשירה ומתורת צדקה ומכל מקום אם היא עוזרת לבנה או לבעלה בגופה ומאודה שיעסוק בתורה חולקת שכר עמהם (סוטה כא) ושכרה גדול מאחר שהם מצווים ועושים על ידה.

For a detailed discussion of התורה see B.

3- Writing a ספר תורה

Women are חייב in the מצוה of writing a ספר תורה even though they are not kosher to write one, similar to מזוזה; nor is this מצוה linked to the מצוה of תלמוד תורה (since we see that he is not יוצא even if he inherits a ספר תורה from his father).

יורה (ערוך השלחן) but ספר המצוות at end of listing of 14 exemptions includes it in the listing of רמב"ם. But in fact רמב"ם agrees with the שאגת אריה (דעה ער: ו). However, שאגת אריה (לו) says that today women would be exempt from the מצוה since no one can fulfill it anyhow because we no longer know the יתירות and חסרות and men are only חייב to fulfill it by buying ספרים as an auxiliary to the מצוה of תלמוד תורה.

חינוך says women are exempt because they are exempt from the מצוה of תלמוד תורה, which is how אגרות משה paskens. מנחת חינוך says women are exempt because the מצוה can only be fulfilled by writing or having a שליח write and women are פסול from writing and therefore so are their שליחים.

Women cannot sew the פרשיות together (תשובה ח): מהר"ם מלובלין.

disputes this in the name of רמב"ם and the ערוך (רעח: יא - יורה דעה) ערוך השלחן.

4- ברכת התורה

a separate מצוה (מצוות עשה טו of השמטות) רמב"ן.

מדרבנן - רמב"ם.

ברכת התורה in חייב they are תלמוד תורה פטור from the fact that women are:

writes that this is for 5 reasons: מהרי"ל (שו"ת או"ח סמ"ח) מהרי"ל

i- Women are allowed to learn תושב"כ

ii- Although a father should not teach his daughter תושבע"פ, if she learns it herself with the right motives she gets שכר כאינו מצווה ועושה

iii- She is required to learn the מצוות which are relevant to her (והוסיף) בשם הסמ"ק (שמקבלת עליה שכר טובה)

iv- She is required to say קרבנות

v- In practice they may say the שבחות included in דזמרה and פסוקי דזמרה ק"ש

It is unclear according to the רמב"ן whether they would be fulfilling a מצוה דרבנן or a דאורייתא.

5- הקהל

מצות עשה יד רמב"ם

At the end of every שמיטה year there is a חיוב to go to ירושלים and hear parts of ספר דברים read by the king.

Even though this is a גרמא זמן, women are חייב in this as stated explicitly in the פסוק: הקהל. From this מצוה the ט"ז learns that women are שייך to some aspects of learning תורה (See Part I).

5a- קריאת התורה

מגילה כג.

ת"ר הכל עולין למנין שבעה ... ואפילו אשה אבל אמרו חכמים אשה לא תקרא בתורה מפני כבוד צבור

וברמ"א (א"ח רפב):
אבל לא שיהי כולם נשים או קטנים

מגן אברהם (ס"ק ו) deduces from here that women are possibly obligated in the תורה reading. Even though the תורה reading was made in lieu of the מצוה of תלמוד תורה from which women are exempt, nevertheless, women may be obligated to hear the תורה reading in the same way that they were included in הקהל. (The הלכה appears not to be like this.)

APPENDIX C: שבת AND FESTIVALS

- 1- תוספת יו"כ, שבת, ויו"ט
- 2- קדוש הבדלה וקידוש לבנה
 - i - קדוש
 - ii- הבדלה
 - iii- קידוש לבנה
- 3- שמחת החג
- 4- עליה לרגל וחגיגה
 - i- עליה לרגל
 - ii- חגיגה
- 5- פסח: מצה הגדה ופסח שני
 - i- מצה ומרור
 - ii- הגדה
 - iii- פסח שני
- 6- פרשת זכור
- 7- מצוות דרבנן
 - i- הלל של ליל סדר
 - ii- ארבע כוסות
 - iii- מגילה
 - iv- נרות חנוכה
- 8- ספירת העמר
- 9- שופר וד' מינים
- 10- תקיעת שופר בשנת היובל
- 11- סוכה

APPENDIX C: שבת AND FESTIVALS

1- תוספת יו"כ- שבת- ויו"ט

The גמרא (ראש השנה ט) learns that there is a מצות עשה דאורייתא to add to יום כפור at its inception and at its ending. The משנה ברורה (סי' רס"א ס"ק יט) says that since the פסוק says with reference to יום הכפורים, תשבתו שבתכם, the פסוק includes שבת and יום טוב as well.

There is a ספק whether women are חייב in שבת תוספת depending on whether it is one of the מצוות of שבת (in which case women are חייב) or a separate מצוה (in which case it is זמן גרמא and women are פטור). (See הלכות בת ישראל 15:13.)

2- קדוש הבדלה וקידוש לבנה

וביום השביעי תשבות שביתת בהמה

i- קידוש

שי"ע רע"א ס"ק ב:

נשים חייבות בקידוש אע"פ שהוא מצות עשה שהזמן גרמא משום דאיתקש זכור לשמור והני נשי הואיל ואיתנהו בשמירה איתנהו בזכירה ומוציאות את האנשים הואיל וחייבות מן התורה כמותם

Even if she has already said קדוש herself (משנה ברורה ה) However, she should not say קדוש for a man who is not a member of her household because דזילא מילתא (משנה ברורה ד).

Because of this היקש of זכור שמור there are those who learn that a woman is also חייב in the מצוות עשה of:

i- וביום השביעי תשבות

ii- שביתת בהמה

ii- הבדלה

שבת מצוה (It is a מצוה to sanctify שבת in its going in and going out) and therefore, even though זמן גרמא, just as women are חייב in הבדלה (שמור to זכור of היקש) קדוש, so they are חייב in הבדלה.

It is a separate מצוה (and is therefore דרבנן) and women are exempt. Although ר"יש משנך according to the רמ"א women can bless on מצוות in which they are not חייב, this is not so where the whole מצוה is a ברכה (מגן אברהם).

Women are חייב but should try, למעשה, לכתחילה, to find a man to make it for them to include the opinion of those who say they are exempt (משנה ברורה רצו: לה).

Although most פוסקים say that a woman cannot make הבדלה for a man, 15:33 הלכות ביתה, says that if he cannot do it for himself and he cannot find anyone else, a woman can do it for him.

An e-mail from the Aish Rabbi, Rabbi P. Waldman, answering a halachic question:

There is nothing in the Havdala wine that will cause beards to grow. It is something people say, but it has no source in Torah and Talmud or Midrash.

Magen Avraham O.C. 296:4 mentions a custom of women and other family members not drinking the wine. Only the one that recites the Havdala drinks wine. See Mishna Berura 35, and Aruch Hashulchan 5 there – that when a woman recites the Havdala (when there is no man to make Havdala for her) she does drink the wine.

iii- קידוש לבנה

עין בשו"ת האלף לך שלמה או"ח ס' קצג שכותב שבעצם קדוש לבנה לא הוי זמן גרמא דהלבנה ולא הזמן הוא הגורם ע"ש שדן למה נשים פטורות.

3- שמחת החג

דברים טז : יד
ושמחת בחגך אתה ובנך ובתך

learn that the essential מצוה is on the husband, but that his wife is included because a husband can only fulfill the מצוה together with her.

learns that the מצוה is on the husband to make the female members of his family rejoice in the festival.

learn that there is a separate obligation on a woman to rejoice in the festivals. This would apply to single as well as married women.

The appears to pasken like רמב"ם. רמב"ם משנה ברורה תקכט סעיף קטן טו

4- עליה לרגל וחגיגה

i- עליה לרגל

עשה נג - רמב"ם

The מצוה is to appear three times in the מקדש with every male child that could possibly go with and to offer a עולת ראייה.

Alternatively, we learn it from the פסוק (שמות כג: יז) of פסוק (שמות כג: יז) explains there why the fact that it is גרמא זמן might not have exempted women). They may, however, fulfill this מצוה if they wish to do so, as did the wife of יונה:

עירובין צו.

מיכל בת כושי (=בת שאול) היתה מנחת תפילין ולא מיחו בה חכמים ואשתו של יונה היתה עולה לרגל ולא מיחו בה חכמים. (עין תפילין לעיל)

However, (עירובין צו. ד"ה מיכל) תוספות writes that they should not do so either because it looks like חולין is being brought to the עזרה or because of שלא לצורך.

ii- חגיגה

Whoever is חייב in ראייה is חייב in חגיגה and whoever is פטור from ראייה is פטור from חגיגה (חגיגה פרק ב הלכה ד, רמב"ם).

(See first תוספות in חגיגה for the position of the ירושלמי)

5- פסח; מצה הגדה ופסח שני

i- מצה ומרור

Although זמן גרמא women are חייב.

פסחים מג: לא תאכל עליו חמץ שבעת ימים תאכל עליו מצות (דברים טז: ג) כל שישנו בבל תאכל חמץ ישנו באכילת מצה ונשים כיון שישנן באיסור אכילת חמץ חייבות באכילת מצה

(והירושלמי לומד שזה מצות עשה הבא מכח לא תעשה – שם פח ה"א)

וכשם שחייבת באכילת מצה כך, בזמן המקדש, היא חייבת באכילת מרור

ii- הגדה

Although a זמן גרמא women possibly because the חייב מדאורייתא - חינוך & (סוכה לח) תוספות verse in ג: חמץ associates it with שמות יג:

ויאמר משה אל העם זכור את היום הזה אשר יצאתם ממצרים מבית עבדים כי בחזק יד הוציא ד' אתכם מזה ולא יאכל חמץ. (חשק שלמה)

Others – Women are חייב מדרבנן (according to the גר"א as an extension of the כוסות).

iii- פסח שני

(רמב"ם פ"ה מהל' קרבן פסח ה' ח) קיי"ל דלנשים הוא רשות

A woman is חייב on the מצוה of פסח שחיתת קרבן פסח and on the מצוה of אכילת קרבן פסח. She is not, however, חייב in פסח שני.

6- פרשת זכור

Three מצוות:

i- To remember what עמלק did (זכירה בפה: ספרי)

ii- Not to forget (שכחה בלב)

iii- To physically destroy עמלק

חינוך: Exempts women from at least first and third

(קפט) רמב"ם: Women are included

7- מצוות דרבנן

i- הלל של ליל סדר

ii- ארבע כוסות

iii- מגילה

iv- נרות חנוכה

Although these are מצוות דרבנן, some are counted as part of תרי"ג by בה"ג and ר' סעדיה גאון.

In all four: אף הם היו באותו הנס

a- Women instrumental in bringing about the גאולה (רשב"ם)

b- Women were in same danger and therefore the נס of גאולה applied just as much to them (מגילה ד, תוספות פסחים קח:).

i- הלל של ליל סדר

Women can be מוציא men in ליל פסח

הלל of ראש חדש, since there the חיוב is equal on both men and women (מנהג) but leaves the issue unresolved (צ"ע).

ii- ארבע כוסות

According to מהר"ל (on דברי נגידים): The ארבע כוסות are כנגד the אמהות (Just as פסח, מצה and מרור are כנגד the אבות).

iii- מגילה

Ten women comprise a public reading and therefore פירסומי ניסא just like ten men.

There is a מחלוקת whether women combined with men (sitting completely separately with a אורח) (חזון איש) can comprise a public reading of ten. - a צניעות problem; (חיים קנה: ב) says yes.

One woman can definitely read for another and, according to Rav Shlomo Zalman Auerbach, ז"ל, even for a מנין of women.

Most authorities hold that theoretically a woman could read the מגילה for men but that they may not for other reasons (קול אשה, or because, for men מגילה also includes an extension of זכור; Vilna Gaon holds that women are only חייב in hearing the מגילה whereas men are also חייב in reading the מגילה).

iv- נרות חנוכה

8- ספירת העמר

Women are exempt (the primary opinion) - רמב"ם

Women are obligated; it is not a time-bound מצוה because the עמר and not time triggers the obligation, therefore today only rabbinic;

we are חייב even today because not linked to עמר. (See הליכות בת ישראל, chap 24 note 2.)

9- שופר וד' מינים

All opinions - women are exempt from the תורה. Rabbi Akiva Eiger: "Most women act strictly, they are diligent and careful to fulfill time-bound מצוות such as שופר and לולב. These are considered obligatory for them (תשובה to first השמטות).

Some Sephardi authorities make exceptions and allow women to make a ברכה on these (see הליכות בת ישראל, chap 19, note 24; chap 20, note 26). ילקוט says that women are usually careful to do the מצוה of לולב because the שמואל says that they are characterized by לב אחד and in סוכה מה it says:

מה תמר זה אין לו אלא לב אחד, אף ישראל אין להם אלא לב אחד (יביע אומר ח"א או"ח ס"מ)

10- תקיעת שופר בשנת היובל

מצות עשה קלז - רמב"ם

רמב"ם פ"י מהלי שמיטה ויובל ה' י:
מ"ע לתקוע בשופר בעשירי לתשרי בשנת היובל ומצוה זו מסורה לב"ד ... וכל יחיד ויחיד חייב לתקוע.
ה' יא: שופר של יובל ושל ר"ה אחד הוא לכל...

Since (רמב"ם) of שופר of ראש השנה for all laws (exceptions stated there in the הוקש to שופר of יובל in פטור). (author's own)

11- סוכה

All authorities - women exempt.

Women were also included in the miracle of סוכה. Nevertheless, the logic of הם היו באותו (פסחים קח: ד"ה היו תוספות) מצוות דרבנן only applies to הנס. They may fulfill it if they want.

כף החיים תרמ: ה

It is a מצוה for every Jew to seat his wife and family with him in the סוכה so that they will also be in the protective shadow of the Faithful One and purify their souls...

כעין תדור:

Just as a man lives at home with his wife and family, so should he dwell in the סוכה (הליכות) chap 20, note 5).

APPENDIX D: LAWS RELATED TO MARRIAGE

Introduction: Do women have a מצוה to get married?

1- פרו ורבו

2- קידושין

3- גיטין

4- יבום וחליצה

5- Other marriage-related laws

APPENDIX D: LAWS RELATED TO MARRIAGE

Introduction: Do women have a מצוה to get married?

The מצוה in משנה in קדושין (מא.) says האשה מתקדשת בה ובשלוחה on which the גמרא says מצוה בה. (The גמרא learns this from the apparent redundancy in the משנה. If even her יותר מבשלוחה. (The גמרא learns this from the apparent redundancy in the משנה. If even her שליח can get her married, it is redundant to say that she can also get married.) We therefore see that it is a מצוה for a woman to get married.

The nature of the מצוה:

A woman is not חייב in פרו ורבו (see below) nor in the מצוה of קדושין if it is an independent מצוה (see below),

Therefore she is commanded either because of:

- 1 - לא תהו בראה (the ט"ז, see below),
- 2 - So that she shouldn't come to sin (the רמ"א), or
- 3 - as a facilitator in her husband's obligation to fulfill the מצוה of פרו ורבו (the ר"ן).¹

The תורה often regards a facilitator as being even greater than the person doing the מצוה.

גדול המעשה מן עושה -בבא בתרא ט.

Although many commentators limit this principle to צדקה, others regard this as a broader principle.

Even if not commanded, instead of a woman being commanded to get married she was given an intense internal need to do so.

בראשית ג טז :
ואל אישך תשוקתך

קידושין ז.
טב למיתב טן דו מלמיתב ארמלו.

יבמות קיג.
יותר משהאיש רוצה לישא אשה רוצה להנשא

A woman is internally commanded what a man is externally commanded to do. She is by her nature inclined to what he needs to be commanded to do. In Rabbi Aharon Feldman's words, "A marital relationship is important for a man, but to a woman it is essential" (The River, the Kettle and the Bird pg. 47). Men, if they were not commanded, might never get married. "Marriage is profoundly unnatural to the male." (Brain Sex, Ann Moir, pg. 7)

Are women obligated to get married?

(הלכות אסורי ביאה פרק כו הלכה כא) רמב"ם:

A woman is halachically entitled not to get married. However, there are two qualifications:

¹שולחן ערוך אבן העזר סימן א סעיף א: חייב כל אדם לישא אשה כדי לפרות ולרבות. וכל מי שאינו עוסק בפריה ורביה כאלו שופך דמים, וממעט את הדמות, וגורם לשכינה שתסתלק מישראל. הגה: וכל מי שאין לו אשה שרוי בלא ברכה, בלא תורה כו' ולא נקרא אדם. וכיון שנשא אשה עונותיו מתפקפקים, שנאמר: מצא אשה מצא טוב ויפק רצון מאת ה' (משלי יח, כב). (מבוטט על הגמרא במסכת יבמות טב:)

i- Rabbi Akiva Eiger (אבן העזר א סעיף יג, רמ"א on הגהות): This is only in very unusual circumstances, such as if she were living in a city that is totally devoid of men in which case she would not be obligated to leave to search for a husband. In any case, the שלחן ערוך makes no mention of this and the רמב"ם himself writes in אישות הלכות (פרק טו הלכה טז) that it is ordinarily forbidden for a woman to do so.

(In fact, in the רמ"א (א) סימן א) it is brought down as a י"א that she is obligated to get married- not just that if she does it that it is a מצוה.)

ii- The ב"ח on the טור makes it clear at the beginning of אבן עזר סימן א that irrespective of who is fulfilling what מצוה by getting married and having children, it is clearly the רצון הבורא that men and women get married to each other. Amongst other things, the ב"ח says that this is why ה' arranged things so that only a man and woman together could have children while simultaneously He prohibited any relationship outside of marriage.

More than that, רב צדוק הכהן (מחשבות חרוץ) and others explain that since the original whole אדם was a male/female being, both men and women need to marry to complete themselves. (It is unclear whether the term חצי אדם applied to unmarried males can also be applied to unmarried females.) (Although the verse ודבק באשתו והיו לבשר אחד is addressed to males it implies that their wives should also cleave to them since being בשר אחד cannot otherwise be achieved.)

רמב"ן explains that amongst the greatest acts of קדושה that can be done by any human on earth, comparable to the קדוש קדשים on כפור יום, can only be expressed within marriage.

It is in this context that we achieve the heights of והלכת בדרכיו. Many other spiritual heights are also only achieved by women in marriage. Clearly, whether this or that חיוב includes women or not is irrelevant to whether she should, and should want to, get married.

פרו ורבו -1

ריב עשה - רמב"ם

The גמרא יבמות סה: learns that women are exempt from one of two verses:

i-

בראשית א: כח

ויברך אתם אלקים ויאמר להם אלקים פרו ורבו ומלאו את הארץ וכבשה וגו'.

Since it says וכבשה, חז"ל learn that it is the way of a man to conquer and not a woman. (Although the ברטנורה learns that this is referring to the male-female relationship itself, most (e.g. אור החיים) learn that it is referring to something else, either military action as in קדושין or simply a "conquering" of the earth by populating it.) Since that part of the verse refers only to men, so must the rest of the verse as well. (The commentators explain more than this, that the goal of conquering is only achieved by first populating the earth through פרו ורבו.) Even though the verse is in the plural, a fact that led Rav Yochanan ben Berokah to say that women are indeed included in the מצוה, however, since it writes וכבשה without a ו, it is therefore written as if in the singular. Even according to רש"י on חומש who says that this verse is only a blessing and that it is the second verse to נח which is the מצוה (as תוספות says, but only according to the second opinion in the גמרא), we still learn the exemption from the

first verse. The second verse to נח is all in the plural because נח and his sons were being addressed there.

ii- Alternatively, we learn it from the blessing to יעקב אבינו (when he was about to enter Israel)

בראשית לה : יא
אני קל שד-י פרה ורבה

Since the verse is in the singular and is being addressed to יעקב אבינו, a male, we learn that women are exempt.

ערוך השלחן אבן העזר סימן א writes that both חוה and the wives of נח and his sons were included in the original two verses of פרו ורבו, which is why they are in the plural. It was essential that they be commanded since there were no other women around. Therefore, the future of the world was at stake. However, by יעקב אבינו, when this was no longer the case, the language changed to the singular. The first verse then reads: פרו ורבו, both males and females, until you have populated the world (ומלאו את הארץ). Then the חיוב changes to he whose way it is to conquer (וכבשה). (See there how he similarly explains the verse in פרשת נח.)

Reason for exemption:

since it is dangerous for a woman to give birth, the תורה did not make this an obligation for her. (פרשת נח) משך חכמה

There are two additional, related מצוות:

i-

בערב אל תנח ידיך

or according to some a מצוה דרבנן, with the verse just an אסמכתא. A man is מצות נביאים to go beyond having just a son and daughter. (For example if he finds himself single after fulfilling פרו ורבו, he should get remarried.) It seems that women are פטור from this מצוה.

ii-

לא תהו בראה לשבת יצרה (ישעיה מה: יח)

Many would understand that this is not a separate מצוה but merely an explanation of the reasoning behind פרו ורבו. This would appear to be רמב"ם's position (he makes no mention of this מצוה). However, מגן אברהם קנ"ג: ד-ו and אבן העזר א: ס"ק ב ט"ז (see also בית שמואל over there) state that women are חייב in לשבת יצרה. (The ט"ז claims, against שמואל, that this is the position of תוספות.) One can therefore sell a ספר תורה to marry off a woman just as one may do for a man, which is the only reason that a ספר תורה may be sold other than to learn תורה.

קידושין-2

קידושין is just the way of fulfilling פרו ורבו (קידושין, beginning of second פרק; also ראש, אשר קדשנו לקדש האשה" who says that's why we don't say "כתובות פרק א, סימן יב). Nevertheless, the ר"ן says that a woman who does get married does have a מצוה (הכשר מצוה) by way of helping her husband fulfill a מצוה.

ר' (עא) זהר הרקיע, רשב"ץ; (תקנב) ספר החנוך, (משנה תורה אישות א-א; ריג ספר המצוות) רמב"ם מאירי (See). כתובה and with a קדושין to marry a woman by a separate (סט) סעדיה גאון (introduction to קדושין, also Rav Yerucham Fishel Perlow עשה סט - how learned). In addition, many learn a separate prohibition of union with a woman without קדושין - (תקע - חינוך) applicable to both parties.

3- גיטין

Exemption not clearly mentioned but רמב"ם and חינוך write that a man who does not divorce his wife in the right way transgresses a מצות עשה. The law of divorce is learned from a continuation of the same verses from which the מפרשים understand is the רמב"ם's source for at least some types of קדושין (כי יקח איש אשה...ונתן לה ספר כריתות וגו') קדושין.

4- יבום וחליצה

מצוות Two - (רו זהר הרקיע) רשב"ץ, (ריז) רמב"ם
מצוה One - בה"ג, (עו) ר' סעדיה גאון

Although the command is addressed to the man, the consequences both of doing and of not doing either יבום or חליצה apply equally to a woman as to a man. The woman is involved in the doing of both. It is not clear whether she has a מצוה of a מצוה ועושה or not.

5- Other marriage-related laws

The following are חיובים on the man only:

(רמב"ם ל"ת רסב) שארה כסותה ועונתה
(רמב"ם עשה ריד, חתן re the בית דין on חיוב a - רמב"ם ל"ת שי) שנה ראשונה
(There is also a מצות עשה on the בית דין to render judgment on cases of יפת תאר - see war below) (חינוך - תקלב - see יפת תאר)
(an עשה to marry her and a תעשה not to divorce her) מוציא שם רע, מפתה, אונס
(רמב"ם ל"ת רסא) אמה עבריה
נערה and קידושי קטנה

Some of the עריות laws (רמב"ם ל"ת שמח), for men are paralleled by ל"ת שמת for women; some are just for women e.g. שנו & ל"ת שנו; most, even where addressed to a male, apply to both, e.g. מחזיר גרושתו.

APPENDIX E: מצוות RELATING TO CHILDREN

1- חינוך בנים

2- מילה

3- פדיון הבן

APPENDIX E: מצוות RELATING TO CHILDREN

see under מצוה 1 in Appendix D above.

1- חינוך בנים

There is a מחלוקת whether women are חייב in the מצוה of חינוך or not. Nevertheless, all opinions strongly encourage her to be involved in the חינוך of her children.

2- מילה

עשה רטו - רמב"ם

Despite the fact that the מצוה should be done on the eighth day and should only be done by day, it is not considered גרמא זמן by the תוספות גמרא קדושין כט. who says that as far as the eighth day is concerned this is not considered גרמא זמן, since if it wasn't done then it can be done any time after that.

The גמרא nevertheless exempts mothers (i.e. women) from the verse:

בראשית כא: ד
כאשר צוה אתו אלקים - אותו ולא אותה¹

תוספות says that according to הלכה women are exempt where cannot be done at night because זמן גרמא is considered a מלה.

The רמב"ם and ריטב"א learn that although מילה is a גרמא זמן the exemption of שהזמן עשה מצוות applies only to מצוות that one does to oneself (since the source-מצוה is תפילין) and therefore we need a special exemption for מלה.

Whether a woman who decides to do מילה as an אינו מצווה ועושה may do so is debated in the גמרא (ע"ז כז) ואתה מל from the verse. According to one opinion, we learn that Gentiles cannot מל from the verse ואתה מל, in which case women may also not מל given that they are not in the ברית of מלה. תוספות conclude like this opinion and, according to the ערוך השלחן, this is the opinion of רמ"א. (Most understand that the רמ"א goes like the second opinion brought below.) According to a second opinion, however, Gentiles are invalid because it says המול ימול. (The verse is from י: ובראשית יז: וקרי' והמול ימול וכי.) Perhaps the גמרא means to learn from the word המול which, when read differently, reads מהול - i.e. someone who is מהול is qualified to be the ימול (תורה תמימה). According to this opinion, women are kosher to do מלה because a woman is דמהילא - it is as if she has been circumcised. This opinion brings as support the fact that צפורה circumcised אליעזר (either to save משה or from death - there is a difference of opinions among the מפרשים about this) as it says in:

שמות ד: כה

¹ספר חיים טובים של הר' חיים ברבי בצלאל (אחי המהר"ל) ואם יקשה האומר אם כן האשה שאינה בברית נמצא שאין לה אלוך חס ושלום?! נשיב כי האשה הנבראת מן צלע האיש, נכנסת עמו בברית דת יהודית עם בן זוגה, כדין כל שתף שנתן מכס בשביל הסחורה של השתפות, שהוא פוטר גם את חברו עמו. גם עקר טעם המילה כדי למעט תענוג המשגל, כי הערלה עקר סבת התענוג ההוא כמו שאמרו רבותינו ז"ל (בראשית רבה פ, י) כל הנבעלת לערל קשה לפרש אותה ממנו, ועקר טעם זה שייך לגבי אשה.

ותקח צפרה צר ותכרת את ערלת בנה ותגע לרגליו ותאמר כי חתן דמים אתה לי.

(ע"י אחר she did this (The other opinion says that she did this

This is how the רמ"א as well, the שלחן ערוך and רמב"ם, רי"ף

The שלחן ערוך (רסד : א) reads as follows:

הכל כשרים למול אפילו עבד אשה וקטן...ואם יש ישראל גדול שיודע למול הוא קודם לכלם.
(רמ"א : ויש אומרים דאשה לא תמול וכן נוהגין להדר אחר איש)

Therefore, if one were not to find a man and the eighth day were about to pass, it would be preferable to have a woman do the circumcision rather than a man after the eighth.

פדיון הבן -3

רמב"ם עשה פ

Although פדיון הבן should be done on the 30th day, תוספות הראש says that it is not a גרמא, because, like מלה, if it was not done in its right time, it can be done at any time after this.

Therefore, we need a special verse to exempt women as follows:

קידושין כט.

ואיהי מנלן דלא מיפקדה דכתיב תיפדה (Tifdeh i.e. redeem) תפדה (Tipadeh i.e. be redeemed) כל שמצווה לפדות את עצמו מצווה לפדות את שאינו מצווה לפדות את עצמו אינו מצווה לפדות אחרים

This is how רש"י learns (ר"ן and פני יהושע learn that it is from a redundancy).

שם : ואיהי מנלן דלא מיחייבא למיפרק נפשה דכתיב תפדה (Tipadeh i.e. be redeemed.) תיפדה (Tifdeh i.e. redeem) כל שאחרים מצווים לפדותו מצווה לפדות את עצמו וכל שאין אחרים מצווים לפדותו אין מצווה לפדות את עצמו ומנין שאין אחרים מצווין לפדותה דאמר קרא כל בכור בניך תפדה בניך ולא בנותיך

בן סורר ומורה - 4

Only a male can be judged as a בן סורר ומורה and not a woman. (תוספתא סוטה פ"ב ז)

APPENDIX F: WOMEN'S מצוות

- 1- חלה
- 2- הדלקת נרות
- 3- טהרת המשפחה
- 4- ראש חדש

APPENDIX F: WOMEN'S מצוות

For a detailed presentation of the טעמים behind these מצוות see the body of the text.

חלה-הדלקת נרות-טהרת המשפחה-ראש חדש

שבת לא :

על שלש עבירות נשים מתות בשעת לידתן על שאינן זהירות בנדה בחלה ובהדלקת הנר.

Although all these מצוות are equally obligatory on men as they are on women, women are given the privilege of fulfilling these מצוות on behalf of others relevant to the מצוה.

משה' - when רבקה entered שרה's tent and took her place, she caused the return to the tent of three things:

1-A candle which lasted from one שבת ערב to the next;

2- ברכה in the dough;

3- A cloud over the tent.

מהר"ל: These three מעלות were each caused by each one of the women's special (See there, especially with reference to the 3rd).

In his תורה על דרוש the מהר"ל states that the reason that men are חייב in תורה and women are פטור is because men need to acquire, through עמלות התורה, the מדות that are in natural harmony with עולם הבא which a woman has naturally. So too, women are given these three מצוות to acquire מדות which they are lacking in. (The difference here being that men, too, have a חיוב, and therefore need the תקון of these מצוות. But women gain the greater תקון of מבשוחו.) Thus the ירושלמי שבת ב: כו states that each one is a תקון of the חוה (See הליכות בת ישראל - intro.: Heb ;יט; Eng. pg. 7.)

The מהר"ל, in his הקדמה to אור חדש, pg. נט, states as follows:

אלו מצוות לאשה להשלים חסרון האשה כי הדלקת נרות ... תקן השכל ... וטהרת האשה מדם נדתה דבר זה טהרת הנפש כי הדם הוא הנפש... וחלה הוא דומה לגוף האדם כי גוף האדם הוא כמו עיסה מעורבת

1- חלה

This is the only מצוה התלויה בארץ which is also חייב מדרבנן in חוץ לארץ.

Although halachically it is a תלויה בארץ, conceptually it is an intermediary מצוה between חובת תלויה בארץ and הגוף.

It is a connection with the land, anywhere in the world, through the efforts of the body.

תוספות קדושין לו: ד"ה כל:

לפי שהחלה דומה יותר לחובת הגוף שהרי החיוב בא ע"י גלגול עיסה שהאדם עושה.

(See there 2nd reason)

2- הדלקת נרות

This represents בית שלום which is considered the archetype of all שלום.

The נרות have same דינים as the מנורה re: the פתילים (see ח: ג). The מנורה had to be positioned so that its light shone toward the קדש קדשים - it showed the purpose; so too נרות הבית.

רמב"ם הלי מגילה וחנוכה ד: יד
 נר ביתו ונר חנוכה...נר ביתו קודם משום שלום ביתו שהרי השם נמחק לעשות שלום בין איש לאשתו גדול השלום שכל התורה ניתנה לעשות שלום בעולם

(The שם was נמחק for a woman who at best had been seen by two עדים to be in יחוד with another man whom her husband had already commanded her not to be with!!)

נר שבת takes precedence over wine for קידוש even though it is a מצוה מדרבנן. It is true that קידוש can still be fulfilled (מדרבנן is קידוש על היין), but still, קידוש על היין is the way we fulfill our דאורייתא, and in pure מצוה terms it should have come first. But נר בית is a יסוד and not just a מצוה (as the רמב"ם explains).

When the Torah wished to refer to the lighting the מנורה, it calls it את הנרות, the בהעלותך את הנרות, the raising up of the candles.

שבת לד.
 רבינו חננאל: ואין שלום אלא באור שנאמר וירא אלוקים את האור כי טוב

Lighting the candles in the מקדש was called הטבתם

הדלקת נרות:

- i- Brings out the inner light of family members' נשמות
- ii- Unites them to reveal unity of השם in the world.

Women are uniquely spiritually suited to this מצוה. "The true Jewish woman is endowed with the power to burn her שבת candles all week until the time comes to light them again." (הליכות) (בת ישראל, vol. 1 pg. 9)

3- טהרת המשפחה

שפתי חכמים אות מ (בראשית כד: סז):
 ... וענן קשור הוא ענן השכינה וזהו לכבוד קדושת טהרה שהיתה זהירה בנדתה לטהר עצמה כי הטהרה מביאה לידי רוח הקודש (בשם הג"א)

4- ראש חדש

Rosh Chodesh is considered a minor holiday for women, a reward for their righteousness in not contributing ornaments for the golden calf. בני איש חי says that women play a more significant role in this חג than men do. Therefore women customarily refrain from sewing, weaving, laundering and ironing. There is no comparable מנהג by men. See **Section B part C v** for further explanation.

Rosh Chodesh is the חג of the future. קדושה is so hidden that it is not mentioned as a חג in the תורה at all and we only know that it has some קדושה (i.e. that there is a voluntary מצוה from the incident of דוד with המלך).

הם מתכוונים מעצמם לעשות מעשה שאין בה שום הארה גלויה כלל ונעלם לגמרי רק מצד דיבוקם בנעלם הם משיגים הנעלם.

רקנטי מצוה ב:

וחדוש הלבנה רמז ודמיון לישראל בגלות זה שאנו אומרים שעתידים להתחדש (פירוש שיתחדשו מגלות
לגאולה) כמותה פגימתה ומלואה כאשה נדה ואחר תטהר.

**APPENDIX G: כהנים, לויים, RELATING TO מצוות ,
מלכים, עדים, ודיינים**

- 1- כהנים
- 2- לויים
- 3- מלכים
- 4- עדים ודיינים

כהנים, לויים, RELATING TO מצוות מלכים, עדים, ודיינים

1- כהנים

בל יטמא כהן למתים וטומאת קרובים בכהנים
A כהן but not a בת כהן is forbidden to become טמא for a מת since it says בני אהרון חי"ל darshan בני אהרון and בנות אהרון. (This is a function of the fact that this דרשה is used to learn that קדושת כהונה is not חל on a woman.)

Just as a כהן should not be מטמא for a dead body, so he is obligated to become טמא for one of his seven קרובים and if he won't, we force him. The פסוק says להיטמא i.e. for his sister (with a בנין אב to other קרובים). Only those included in the איסור of becoming טמא are included in the חיוב to become טמא for קרובים. But a בת כהן is not forbidden to become טמא for a dead body and therefore is not חייב to become טמא for one of seven קרובים.

Others:

The following appear to relate only to male כהנים:

(רמב"ם מצוות עשה כד-ל, לו) עבודת הכהנים

The two רמב"ם מצוות עשה קסז & (כהן גדול לאווים) on the not to make himself impure to anyone (קסח);

The prohibition of a כהן marrying a גרושה and a כהן גדול from marrying an אלמנה and other marital prohibitions applying to them (עשה לח and קנח - קסב);

(ל"ית קסג-קסה e.g.) פסולי עבודה, (לג) בגדי כהונה, עבודה (relating to the לאווים generally) מצוות

מצוות עשה לד, לה, קיג

מסי סוטה פ"ג משנה ז

See below קרבנות

2- לויים

The following appear only to relate to male לויים:

(ל"ית קסט-קע e.g.) ירושה and (רמב"ם עשה לג e.g.) עבודה relating to their מצוות

3- מלכים

The ספרי learns that a woman cannot be a מלכה (with all the דינים of a מלך) from the fact that the פסוק specifically says מלך ולא מלכה, מלך.

Therefore the following would only relate to males:

The three רמב"ם on a King; not to have too many wives, horses and too much money (שסב - שסד עשה)

To write an extra ספר תורה (רמב"ם עשה יח)

רמב"ם פ"א מהלי מלכים ה"ה :
אין מעמידין אשה במלכות שנאמר עליך מלך ולא מלכה וכן כל משימות שבישראל אין ממנים בהם אל איש

עדים ודיינים-4

Women cannot be דיינים; therefore מצוות relating to דיינים would appear to be applicable to males only. Women are פסול for certain types of עדות; therefore מצוות specifically relating to these type of עדות would appear not to apply to women:

(רמב"ם ל"ת רעג רפד, עשה קעז) מצוות on the דין בית to be fair and just

on the עדים or on the דיינים concerning the עדים or concerning the ענש (רמב"ם) ל"ת רפה- רמב"ם) ענש

(רמב"ם עשה צה) לדון בהפרת נדרים

(רמב"ם עשה קנג) לקדש חדשים ולחשב שנים וחדשים

(רמב"ם עשה קפא) עגלה ערופה

Note: There are many מצוות that devolve upon the community as a whole that would be implemented by the דין בית in practice (e.g. making ערי מקלט and ערי לויים). However, it would seem that women are חייב in these מצוות.

Reason for פסולי דיינות

ירושלמי in the name of the (מס' שבועות ל. ובכמה מקומות) תוספות

כל הכשר לדון כשר להעיד

A woman, therefore, who cannot be a witness, must perforce not be a judge either.

For the issue of how דבורה could have been a judge, see at the end of תורה.

Reasons for פסולי עדות

שבועות ל.

מנהי מילי (מאיפה אנחנו יודעים דנשים פסולות לעדות) (דברים יט: יז) ועמדו שני האנשים (אשר להם הריב לפני ד' לפני הכהנים והשופטים אשר יהיו בימים ההם) בעדים הכתוב מדבר.

ופירש רש"י שהפסוק הקודם דבר בעדות "כי יקום עד חמש באיש לענות בו סרה" (וגם פסוק טו דבר בעדים: לא יקום עד אחד) לכן מן הסמיכות מבינים שג"כ פסוק זה מדבר בעדים.

אבל בגמ' שם הסבר אחר: נאמר כאן שני ונאמר להלן (דברים י"ט) שני מה להלן בעדים אף כאן בעדים והאריך הת"ת להסביר שהגמ' אמרה את לימודה רק מבוסס על למוד רש"י ובסוף דבריו: ואעפ"י דבהכרח גם בבע"ד איירי כדכתיב אשר להם הריב אך משינוי הלשונות ש"מ תרתי דקאי גם על בע"ד גם על עדים ודריש אשא להם הריב כמו ואשר להם הריב, כומר יעמדו העדים וגם אלה אשר להם הריב, ודו"ק

It has become popular to claim that because women are more holistic than men, grasping whole gestalts rather than details, they are therefore not suitable to be witnesses. Women's grasp of a situation requires an element of judgment (such as women's superior ability to judge human character), unsuitable for the detached, "just say what you saw" approach to עדים. However, this implies that women cannot be trusted to give accurate evidence, that they too readily play the role of judge rather than witness. But clearly this is not so - the ראשונים state that a woman's ineligibility is a גזירת המלך, comparable to the פסול of a מלך (including משיח) and relatives. Women are therefore kosher to give evidence in איסורים, such as whether something is kosher or not:

אבן העזר סי"ז סי"ג:

אשה שהלך בעלה למדינת הים והעידו עליו שמת אפי' עד אחד אפילו ... אשה

In fact, the whole source of the principle באיסורים עד אחד is learned from women (גטין) and extrapolated to men. There are many possible reasons for these and other הלכות of עדות (e.g. preserving a woman's צניעות). However, a full explanation of the המצוה appears to

be beyond human understanding (i.e. a גזירת המלך) (see also chap 13 in Rabbi Meiselman's Jewish Women in Jewish Law).

It is clear that עדות does not tell the בית דין that the event happened with certainty. For even משה רבינו as one witness would not be sufficient, whereas two unknown (observant) Jews are acceptable. Moreover, the תורה explicitly allows for the possibility that the witnesses may be lying (עדים שקרים או עדים זוממים). Witnesses allow בית דין to pasken as if the event happened, not that it actually happened with certainty. G-d introduced a concept of בית דין which in and of itself is an enormous חידוש (for He could just have as easily taken care of all justice Himself) and He introduced the rules by which this "earthly justice" would take place in such a way that it would be a component of His total judicial system. But just as we cannot grasp the totality of His judicial system, neither do we fully comprehend any of its components, including the earthly judicial system.

It is wrong to think that women cannot become witnesses. The principle עד אחד נאמן באיסורים (one witness is believed where the issue is deciding whether something is אסור or not) is in fact learned from an אשה נדה. The fact that I am eating this food now is testimony to my wife's reliability to testify that the food is kosher. For technical reasons, women are restricted from giving certain types of evidence, but so are kings and a whole host of other people.

APPENDIX H: NEGATIVE PROHIBITIONS

1- בל תשחית/בל תקיף

2- בגד איש/אישה

APPENDIX I: MISCELLANEOUS

- 1- קרבנות
- 2- כבוד ומורא אב ואם
- 3- מלחמת רשות וחובה
- 4- שחיטה
- 5- הכשר מצוות
- 6- מצוות התלויות בארץ
- 7- ירושה
- 8- Others

APPENDIX I: MISCELLANEOUS

1- קרבנות

Although מצוות עשה שהזמן גרמא and women are חייב in them. This is because the day (i.e. the time) does not cause the חיוב. The חיוב is caused independently (and differs from קרבן to קרבן). The fulfillment of that חיוב (i.e. the bringing of the קרבן) technically has to be done in the day (כד). Women can also bring all the קרבנות נדבה (ב) (רמב"ם הלכות מעשה הקרבנות פרק ג הלכה ב).

However, they do not do סמיכה since it says (ויקרא ג: ב) and we learn ולא יד אשתו (רמב"ם פ"ג ממעשה הקרבנות הל ח). (The רדב"ז indicates that women in general and not just wives are exempt as is clear from קדושין לו). In the גמרא there is a dispute as to whether a woman could still do סמיכה as a מצות רשות (נשים סומכות רשות), a dispute which gets carried over into the ראשונים. רבינו תם in ראשונים פסקens that women may in fact do סמיכה and the גמרא in חגיגה טז: says that:

עגל של זבחי שלמים... וסמכו עליו נשים לא מפני שסמיכה בנשים אלא כדי לעשות נחת רוח לנשים

Those prohibiting say that סמיכה is forbidden for women either because doing סמיכה looks like עבודה בקדשים (תוספות עירובין צו. ד"ה מיכל) or because any mistake in קדשים could lead to the person concerned transgressing מעילה. Since the consequences are so serious, we prefer that only those who are חייב in the מצוה undertake to do it (תורת כהנים פרק ב on ראב"ד). (פ"ג מהלי מעשה הקרבנות ה' ח) רמב"ם seems to hold like this opinion.

Women also do not do:

A woman is חייב in תנופה. But, in the case of a man, the man does the תנופה together with the כהן. In the case of a female, the כהן does the תנופה on his own. The exceptions are נזירה and סוטה.

בת כהן and onwards of a הגשה and the subsequent steps of הזאה, הולכה, זריקה and קבלת הדם - i.e. from הגשת המנחה מנחות of קמיצה & הקטרה מליקת העוף.

In all these cases it says בני אהרון/ישראל and we learn בני and בנות or they are הוקש to some of the others (there) and קדושין לו).

Although these are all גרמא עשה שהמן גרמא, we learn from the verses that women are not only exempt from these, but, if they do them, the עבודה is פסול (תוספות, there).

Women may also not do other aspects of the עבודה like הטבת נרות, שני גזרי עצים, הקמת הדשן, והדלקתן, וקטורת שחרית וערבית (תוספות רי"ד).

The קרבנות that a זב and a זבה bring are divided into separate מצוות (עה & עה) (רמב"ם עשה עד & עה). Obviously relate to her (קו, קה, קו) (רמב"ם לאווים עו, קה, קו) and טומאת יולדת.

The פ"א משנה ג) שקלים says that women are exempt from bringing שקלים. This is because the שקלים were used for the census and women were not a part of the census - כל

(הגאונים סק"כ תשובות explaining רב יצחק אבן גיא אות 2) According to the explanation of the Rishonim, or because it says בני ישראל, which excludes בנות ישראל, or because it says ונתנו איש כופר נפשו which excludes אישה (the רב).

Women would also be exempt from the following:

השקאת סוטה (the doing of the procedure, obviously not the סוטה woman herself);

עריפת עגלה

טהרת מצורע: The man is פורע & פורע and not the woman (מס סוטה פ"ג משי' ז); Only the man is נעטף ומספר

(שם תוספתא פ"ב)

ראיה: Since it says מ"ע שהזמן גרמא כל זכור-שמות כג: יז. According to one opinion, this is the source of the general exemption of all גרמא.

(רש"י קידושין לה ד"ה מאי איכא)

2- כבוד ומורא אב ואם

מורא עשה ריא; רמב"ם עשה רי in כבוד

This is limited for a married woman - שרשות אחרים עליה, although most of the חיובים of מורא still apply.

3- מלחמת רשות וחובה

Women are exempt for מלחמת רשות and all מצוות relating to it, as it is the way of a man to go out to a war but it is not the way of a woman. (Some learn that even in מלחמת חובה a woman is exempt - they learn from חז"ל אפילו כלה יוצאת מחופתה: חז"ל (סוטה מד) as meaning that even she has to leave the חופה because her חתן has to go to war.)

A woman is also not included in אחת שנה לביתו נקי יהיה as this is a מצוה which applies to מלחמת רשות from which she is exempt, though obviously it relates to her.

The עשה of בית בנה אשר מי האיש (קצה עשה) is a מצוה which devolves upon the community and not the individual (Rav Yerucham Fishel Perlow on טו-טו).

He points out that regarding the מצוה of לא תשלים ... יהיו לך למס ועבדוך ... אם לא תשלים ... (עשה קצ) מלחמת רשות (in ספר המצוות) רמב"ם עמך (הלכות מלכים פ"ו) משנה תורה (מצוה תקס"ב in חינוך) are exempt (as does the חינוך) the רמב"ם says that it also applies to מלחמת מצוה and therefore women are included.

The (תקכה) חינוך says that the מצוה not to be afraid of the enemy (אל תיראו ואל תחפזו) applies only to men.

4- שחיטה

Although women are כשרות for שחיטה, in practice they do not shecht (עיין בעה"ש יו"ד ס"א) (סקל"ז).

5- הכשר מצוות

Women are included in מצוה הכשר even where not included in מצוה, e.g. building a סוכה, tying a לולב (איגוד). See above "writing סת"מ".

6- מצוות התלויות בארץ

Women are obligated in these except for קריאה דבכורים and וידוי מעשר.

7- ירושה

Technically, where there are males, they inherit ahead of the females. However:

בבא בתרא קל"ט:
מי שמת והניח בנים ובנות, בזמן שהנכסים מרובין הבנים יירשו והבנות יזונו. נכסים מועטין הבנות יזונו והבנים ישאלו על הפתחים.

8- Others

משנה סוטה פ"ג מ"א ז
תוספתא סוטה פ"ב ז & ח

READING LIST

READING LIST

- Aiken, Lisa: To Be A Jewish Woman (Aaronson)
- Brayer, Menachem; Jewish Women in Rabbinic Literature, [2 vols] (Ktav)
- Ellinson, Elyakim; האשה והמצוות¹
- Gray, John; Men are from Mars, Women are from Venus
- Kaufman, Michael; Feminism and Judaism
- Kaufman, Michael; Love, Marriage and Family in Jewish Law and Tradition
- Kaufman, Michael; The Woman in Jewish Law and Tradition
- Kornbluth, Sarah Tikvah and Doron, (editors); Jewish Women Speak About Jewish Matters (Targum/Feldheim)
- Meiselman, Moshe; Jewish Woman in Jewish Law (Ktav)
- Nissel, Menachem; Rigshei Lev – Women and Tefilah: Perspectives, Laws, and Customs (Targum)
- Ner Le'Elef books on Women's Issues I and II
אהל רחל
מבשר טוב (זכות נשים צדקניות - 2 כרכים); הרבי מביאלא
אהרון סורוסקי: תולדות החינוך התורני
ספר תיקון עולם

¹הסתדרות הפדרציה הציונית העלמים המחלקה לתרבות תורנות - 3 כרכים (Also in English)

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