

Life Long Learning – May 22, 2010

Women in Jewish Law  
Part I: Traditional Categories

Tractate Berachot (blessings), Chapter 3

Mishnah: Women and slaves and minors are exempt from the recitation of the Sh'ma and from [wearing] tefillin, and they are obligated in [reciting the] Amidah and in [affixing a] mezuzah and in the grace after meals.

Gemara:

### Organization of Categories

“The recitation of the Sh'ma.” That's obvious! It is a positive, time-bound commandment and women are exempt from all positive time-bound commandments! You might have said: since there is in it [acceptance of] the kingdom of heaven – the Mishnah came to inform us.

“And from tefillin.” That's obvious! You might have said: since it is compared to [the commandment of affixing a] mezuzah – the Mishnah came to inform us.

“And they are obligated in the Amidah.” Because it is [a request for] mercy. You might have said: since it is written in it, “Evening and morning and afternoon,” it is like a positive time-bound commandment – the Mishnah came to inform us.

“And in mezuzah.” That's obvious! You might have said: since it is compared to the study of Torah – the Mishnah came to inform us.

“And in the grace after meals.” That's obvious! You might have said: since it is written, “When God gives you meat in the evening to eat and bread in the morning to satisfy,” it is like a positive time-bound commandment – the Mishnah came to inform us.

### What about the obvious exceptions?

Rav Ada the son of Ahava said: “Women are obligated in the sanctification of the day (*Kiddush*) as a matter of Torah law.”

Why? It is a positive time-bound commandment and women are exempt from all positive time-bound commandments!

Abbaye said: “[They are obligated] from the [edicts of the] rabbis.”

Rava replied to him: “But he said, ‘as a matter of Torah law!’ And furthermore, we obligated women in all positive commandments only from the [edicts of the] rabbis! Rather,” said Rava, “the verse says ‘Remember’ ‘and observe’ – all who are included in the category of ‘observance’

are included in the category of ‘remembrance.’ And these women, since they are included in ‘observance,’ they are included in ‘remembrance.’”

### A More Complicated Case: How does women’s obligation interact with men’s?

Ravina said to Rava: “Women[‘s obligation in reciting] the grace after meals, is that from Torah or the rabbis?”

What would be the result [of the answer to this question]? To bring out the community from their obligation.

If you were to say “from Torah,” one who enters into an obligation from Torah may bring out others who are obligated from Torah. But if you were to say, “from the rabbis,” it is a case of someone who is not obligated in the matter. And all who are not obligated in the matter may not bring out the community from their obligation.

So what is it? Come learn. Truthfully they said, “A son may bless for his father, a slave may bless for his master, and a woman may bless for her husband.”

But the sages said, “May a curse come upon any man whose wife and sons bless for him!”

If you say it’s from Torah, one who comes into obligation from the Torah may bring out others who are obligated from Torah. But if you say it’s from the rabbis, should one who comes into obligation from the rabbis take out others who are obligated from Torah?!

According to your reasoning – is a child obligated?! Rather, what are we dealing with here? An example of one who ate a “rabbinic portion,” such that one who comes into obligation from the rabbis may bring others out of their obligation from the rabbis.

### A Celebration of Rabbinic Devotion

Rav Avira expounded (sometimes he said it in the name of Rabbi Ami and sometimes he said it in the name of Rabbi Asi): The ministering angels said before the Holy One of Blessing: “Master of the Universe, it is written in your Torah, ‘[the judge] does not play favorites or take bribes,’ but don’t you show favoritism to Israel, as it is written, ‘May God lift up God’s face before you?’”

God said to them, “But shouldn’t I show favoritism to Israel? I wrote to them in My Torah, ‘You should eat and be satisfied and then bless the Eternal your God,’ but they are so exacting upon themselves up to an olive or an egg.”