

Women's Obligation in *Kiddush* of Shabbat

Raḥel Berkovits





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Ta Shma: The Halakhic Source Guide Series

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JOFA seeks to expand the spiritual, ritual, intellectual, and political opportunities for women and advocates for their meaningful participation to the full extent possible within the framework of *halakhab*. Our commitment is rooted in the belief that fulfilling this mission will enrich and uplift individual and communal life for all Jews.



Dedication

Ta Shma, the Halakhic Source Guide Series, is dedicated to my father Jacques Censor, ז"ל. My family left Antwerp, Belgium, and was on the last ship to leave Le Havre, France, on the day World War II began, September 1, 1939. We settled on the Upper West Side of Manhattan, with others from the Belgian community. My father, a diamond merchant for all of his adult life, was a man of little pretension. He was brilliant, innovative, and had a wry, wicked sense of humor. Known to his grandchildren as Grandpa Monster, he could keep them laughing with just his facial expressions and his impersonations of a cat. He was fluent in six languages and was widely read. I would watch in awe as he solved the *New York Times* crossword puzzle in ink in a few minutes. On Shabbat, he would solve the puzzle in his head and when Shabbat ended, he would quickly fill it in entirely from memory.

He knew vast sections of the Talmud by heart but never made a display of his knowledge or capabilities. Whenever I had a halakhic question during my internship and residency, I would simply call him on the phone from the hospital, tell him the problem and on the spot, he would quote me a seemingly relevant piece of gemara and explain how to deal with the issue. I was a bit suspicious of his convenient “quotations” from the gemara because the decisions of the Rabbis of *his* Talmud always were exactly what I had hoped for. One day when reading Rabbi Immanuel Jakobovits’s book on medical ethics, I was stunned — there was a statement from the gemara exactly as Dad had quoted it! I quickly called him and confessed to my previous doubts and apologized. I never understood how he knew so much because I knew he did not have the time to study when I was growing up. He laughed and explained that every day after work from the age of eighteen until he was twenty-six, he studied with his mentor, Rabbi Berger. “I just remember it all,” he said. When my father turned twenty-six, Rabbi Berger left Antwerp and made aliyah to what was then called Palestine.

When I was growing up, the tradition was to send boys to a yeshivah and girls to public school. All my female cousins went to public or secular private schools. I was sent to Ramaz as was my brother. My father’s expectations were exactly the same for both of us. He studied Talmud and *humash* with me just as he did with my brother. His greatest pleasure was to learn Talmud with my oldest child, my first daughter, until he suffered a devastating stroke.

Unfortunately, he died three years ago before this project was conceived. He would have loved these source guides. As a child, I grew up in an era when Orthodox Judaism was not as it is today. My father truly believed that the only way I would likely observe halakhah would be by understanding the issues behind the rulings and making the determination for myself, rather than by his telling me what to do.

He is sorely missed.

— Monique (Nicky) Censor Katz, MD

TA SHMA: THE HALAKHIC SOURCE GUIDE SERIES

This series presents an in-depth look at halakhic topics that affect a woman's obligation and involvement in Jewish ritual life. The source guides aim to increase awareness of relevant halakhic issues among women and men so that women can make deliberate choices rather than passive ones about their observance. By cultivating an understanding of the different views that exist within the halakhic system, we want to enable Jews who are committed to halakhah to become more intellectually involved in their practice of *mitsvot*. We hope that these source guides will invigorate individuals, as well as the larger community, to a more thoughtful and committed observance.

We entitled this series “*Ta Shma*” — Come and Learn” as we invite you, the reader, to engage in serious text study of each individual topic. We also are referencing the original meaning of the phrase as it is used in the Talmud. In the course of a debate, the Talmud often cites the phrase *ta shma* in its attempt to prove a point, raise a question, or resolve a difficulty. *Ta shma* introduces an earlier authoritative source and brings it to bear on the current discussion. By invoking the phrase *ta shma*, we invite you to come and learn the relevant talmudic, gaonic, medieval, and modern rabbinic texts; to become more knowledgeable about the rich halakhic discussion on each topic; and to find your place in the chain of the *masoret* — the tradition.

גדול תלמוד שהתלמוד מביא לידי מעשה

Great is Torah study for it leads to observance.

— *Sifre Devarim* 41

We believe that placing great value on the Jewish tradition of learning and developing the skills needed to understand halakhah and its processes are crucial in maintaining a passionate and informed commitment to observance among Jews. One of the main goals of this project is to clarify what the texts actually say, with the hope that increased knowledge and a better understanding of the reasons behind common practice will lead to increased observance. The aim of an in-depth analysis of these sources is that the reader will learn not only what the normative halakhah is, but will understand how it developed; that under the surface of what is considered normative halakhah is a dialectic of multiple and valid attempts at understanding and interpreting our earliest halakhic literature.

In the source guides, the rabbinic texts themselves are not presented as references but as the main focus of the discussion. All sources are explained and translated into English to enable the reader with a limited Hebrew language background to also work through the original texts. We encourage you to invite a friend to study the sources in a *havruta* partnership, to organize a study group in your community, or to learn the texts on your own.

* According to the transliteration guidelines of this series, *Ta Shma* would be transliterated as *Ta Sh^ema*. Due to the difficulty in reproducing this superscripted ‘e’ in our publicity literature, we are calling the series *Ta Shma*.

It is our wish that these source guides bring fervor for a knowledge of the halakhic sources to communities, study groups, classes, and the individuals who learn them. We dedicate this series to women who are committed to halakhah and are struggling to embrace more of our beautiful heritage, to better fulfill the *mitsvah* of *ahavat Hashem* (love of God), and in doing so, enrich the entire Jewish community.

גל עיני ואביטה נפלאות מתורתך

Open my eyes so I will see the wonders from Your Torah.

— Psalms 119:18

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JOFA wishes to acknowledge and thank Dr. Debby Koren for her work in drafting parts of this introduction.

TRANSLITERATION GUIDE

The *Ta Shma* series uses the following transliteration system:

Consonants

א *alef* = ' (apostrophe)

א is not transliterated at the beginning or end of a word.

א without a vowel is not transliterated.

י *ayin* = ' (apostrophe)

י is not transliterated at the beginning or end of a word.

ה *heb* = *h*

Silent ה at the end of a word is transliterated as *h*.

ח *het* = *H* or *h*

כ *khaf* = *kh*

ק *kof* = *k*

צ *tsadi* = *ts*

A letter with *dagesh hazak* is usually represented by a doubled consonant.

Vowels

ֿ *segol* = *e*

ֿ *tserei* = *e*

ֿ *tserei* in an open syllable at the end of a word = *ei*

ֿ *sh^eva na* (pronounced) = *e*

ֿ *sh^eva nah* (silent) is not transliterated.

ֿ *patah yod* = *ai*

ֿ *kamats yod* = *ai*

Exceptions

Occasionally, these guidelines are superseded. The most common cases are:

- The spelling of a personal name is that by which the person is known.
- Hebrew words that appear in English dictionaries are spelled in accordance with English conventions and are not italicized.
- The superscripted 'e' (°) does not appear in the title phrase "Ta Shma" due to the difficulty in reproducing it in our publicity literature.

Women's Obligation in *Kiddush* of Shabbat

Raḥel Berkovits

INTRODUCTION

The Jewish people's observance of Shabbat encompasses two dimensions: one negative, the prohibition against performing creative labor (*m^elakhab*); and one positive, the commandment to actively sanctify the day through the recitation of *kiddush*. Halakhic literature, from the Talmud to modern legal texts, discusses women's participation in this sanctification of Shabbat by addressing the following questions:

1. Are women obligated in *kiddush* of Shabbat?
2. What is the level of a woman's obligation — biblical or rabbinic?
3. May women fulfill the obligation on behalf of others — men and women?
4. May a woman, who has already fulfilled her obligation, repeat *kiddush* for someone who has not yet recited *kiddush*?

TALMUD

The fourth of the ten utterances or commandments (*aseret hadibb^erot*) is: “Remember the Shabbat day to keep it holy” (Exod. 20:8). When Moshe repeats these utterances, a slightly different text appears that uses a different verb for the first word of the commandment: “Guard the Shabbat day to keep it holy, as the Lord your God commanded you” (Deut. 5:12). In grappling with the linguistic differences between these two verses, the Rabbis articulate a fundamental belief about God's revelation that expresses itself in their understanding of a woman's obligation in *kiddush*.

1. Babylonian Talmud
Tractate *Shavuot* 20b

As it is taught: “remember” (Exod. 20:8) and “guard” (Deut. 5:12) were pronounced in a single utterance — which the mouth cannot utter, which the ear cannot hear. It is reasonable there [to say], they were pronounced as one utterance as Rav Adda bar Ahavah said.

תלמוד בבלי
מסכת שבועות כ:

כדתניא: זכור (שמות כ:ח) ושומר (דברים ה:יב) בדיבור אחד נאמרו, מה שאין יכול הפה לדבר, ומה שאין האוזן יכול לשמוע. בשלמא התם בדיבור אחד נאמרו כדרב אדא בר

For Rav Adda bar Ahavah said: Women are obligated in sanctifying the [Shabbat] day from the Torah, as the Torah states “remember” and “guard.” All who are included in guarding are included in remembering. And these women, because they are included in guarding, they also are included in remembering.

אהבה, דאמר רב אדא בר אהבה: נשים חייבות בקידוש היום דבר תורה, דאמר קרא: זכור ושמור, כל שישנו בשמירה ישנו בזכירה, והני נשי הואיל ואיתנהו בשמירה איתנהו נמי בזכירה.

Observance of Shabbat is comprised of two commandments, “remember” and “guard,” which form a composite whole. Because women must refrain from creative labor on Shabbat, they also are obligated in proactively sanctifying the Shabbat day; due to God’s joint utterance of the two, one command cannot exist independent of the other.

2. Babylonian Talmud Tractate *B^erakhot* 20b

תלמוד בבלי מסכת ברכות כ:

Rav Adda bar Ahavah said: Women are obligated in sanctifying the [Shabbat] day from the Torah. Why [should this be so]? It is a positive commandment caused by time, and women are exempt from all positive commandments that are caused by time! Abaye said: [They are obligated] from rabbinic law. Rava said to him: Did he not say “from the Torah”? And further, all positive commandments will we obligate them from rabbinic law?! Rather, Rava says: The Torah says “remember” (Exod. 20:8) and “guard” (Deut. 5:12). All who are included in guarding also are included in remembering. And these women, because they are included in guarding, they also are included in remembering.

אמר רב אדא בר אהבה: נשים חייבות בקדוש היום דבר תורה. אמאי? מצות עשה שהזמן גרמא הוא, וכל מצות עשה שהזמן גרמא נשים פטורות! אמר אביי: מדרבנן. אמר ליה רבא: והא דבר תורה קאמר! ועוד, כל מצות עשה נחייבניהו מדרבנן! אלא אמר רבא: אמר קרא זכור (שמות כ:ח) ושמור (דברים ה:יב), כל שישנו בשמירה ישנו בזכירה, והני נשי, הואיל ואיתנהו בשמירה איתנהו בזכירה.

Women’s obligation to sanctify the Shabbat day does not function according to the known rule that women are exempt from positive commandments that are caused by time.¹ Rava explains that the principle in our case, learned directly from the verses of the Torah, makes this commandment an explicit exception to that rule. Women are clearly obligated to refrain from performing all the negative commandments² of Shabbat, and therefore, as part of the same package, they are obligated in the positive commandments as well. God’s revelation linked the two parts of the Shabbat experience, and this connection directly creates women’s obligation in the positive commandment of sanctification.

1 See M. *Kid.* 1:7.

2 Ibid. See also B.T. *Kid.* 35a and parallel in B.T. *B. Kam.* 15a.

3. Rashi, Tractate *B^erakhot* 20b

R. Sh^elomo ben Yitshak (Rashi)
France (1040–1105)

רש"י

מסכת ברכות כ:

Sanctifying the day is a positive commandment caused by time: “Remember the Shabbat day to keep it holy” (Exod. 20:8) — remember it on wine.³

In guarding: That you shall not do work (Exod. 20:10).

And these women are included in guarding: As it is taught in a mishnah (B.T. *Kid.* 29a): All negative commandments, whether they are caused by time or not caused by time, women are obligated because the Torah equated a woman to a man for all the punishments in the Torah.

קדוש היום מצות עשה שהזמן גרמא הוא: זכור את יום השבת לקדשו (שמות כ:ח) - זכרהו על היין.

בשמירה: דלא תעשה מלאכה (שמות כ:י).

והני נשי איתנהו בשמירה: דתנן (קדושין כט.) כל מצות לא תעשה, בין שהזמן גרמא בין שאין הזמן גרמא, נשים חייבות, דהשוה הכתוב אשה לאיש לכל עונשים שבתורה.

Rashi elucidates how the verses quoted in the Talmud demonstrate women’s biblical obligation in *kiddush*. He explains that the verb *zakhor* (remember) refers to the positive commandment of remembering through reciting *kiddush* on wine,⁴ whereas the verb *shamor* (guard) refers to refraining from doing the thirty-nine prohibited creative acts on Shabbat, a subset of the general negative commandments in which women and men are obligated equally.

GEONIM

Sh^e’iltot d^erabbi Aḥai⁵ (Babylonia, ca. 680-756) quotes the section from *B^erakhot* (above) virtually word for word. (B^ehag does, as well, in his explanation of women’s biblical obligation in *kiddush*.⁶)

4. *Sefer Halakhot G^edolot* 2

Laws of *Kiddush* and *Havdalah*
Page 100

(authorship in dispute)

Babylonia (ninth century)

ספר הלכות גדולות

סימן ב

הלכות קידוש והבדלה

עמוד ק

And women and slaves, even though sanctifying the day has a time set for it, and it is accepted by us [that] women and slaves are exempt from all positive time-caused

ונשים ועבדים, אף על גב דקידוש היום זמנא קבע ליה וקיימא לן כל מצות עשה שהזמן גרמא נשים ועבדים פטורין, גבי קידוש היום

³ See B.T. *Pesah.* 106a.

⁴ There exists a dispute among *rishonim* whether reciting *kiddush* on a cup of wine is from the Torah, as Rashi contends, or not. See *Tosafot* to B.T. *Naz.* 4a, s.v. *mai hi* for Rabbeinu Tam’s view that the verse is an *asmakhtah*, and see *Tosafot* to B.T. *Pesah.* 106a, s.v. *zokbreihu al hayayin* for the view that the requirement for wine is purely rabbinic.

⁵ *Sh^e’iltot d^erabbi Aḥai, Parashat Yitro, Sh^e’ilta* 54.

⁶ Also *Sefer Ha’ittim* 156 presents Rav Hai as quoting a condensed version of the *sugya*.

commandments, with regard to sanctifying the day, they are obligated. As Rav Adda bar Ahavah said (*Ber.* 20b): women are obligated in sanctifying the [Shabbat] day from the Torah. And Rabbah explained the reason: the Torah says “remember” (Exod. 20:8) and “guard” (Deut. 5:12). All who are included in guarding also are included in remembering. And women and slaves, because they are included in the guarding of Shabbat, they also are included in remembering.

חייבין, דאמר רב אדא בר אהבה (שם כ:) נשים חייבות בקידוש היום דבר תורה. ומפרש רבה⁷ טעמיה, אמר קרא זכור (שמות כ:ח) ושמור (דברים ה:יב) כל שישנו בשמירה ישנו בזכירה. ונשים ועבדים הואיל ואיתנון בשמירה דשבת איתנון נמי בזכירה.

Sh^emuel Hanagid (Spain, 993-1056), who lived at the end of the geonic period,⁸ broadens the discussion by stating the implications of women's biblical obligation in *kiddush*. His teachings, which represent different traditions⁹ than those of the geonim of Babylon, are cited in *Sefer Ha'ittim*.

5. *Sefer Ha'ittim* 156

R. Y^ehudah ben Barzilai
Spain (1082–1148)

ספר העיתים סימן קנו

And I have [a tradition] from the Rabbis that says since a woman has [an obligation of] remembering from the Torah, a woman blesses [recites *kiddush*] for her husband,¹⁰ but it is improper [to do so]; however, a minor, since he is not obligated in the matter [*kiddush*] cannot fulfill the obligations of others.

ולי אית מרבנן דאמר כיון שאשה ישנה בזכירה מהתורה אשה מברכת לבעלה אלא שהיא מגונה, אבל קטן כיון שאינו מחויב בדבר אינו מוציא אחרים ידי חובתן.

Sh^emuel Hanagid, quoting his teachers, is the first to state the clear halakhic implication of women having a biblical obligation in *kiddush*. A woman may recite the blessing on behalf of her husband (and by extension any man), as she is obligated equally in the commandment from the Torah. However, he adds a caveat at the end that doing so would be improper. This conflict between the undisputed legal implications of a woman's equal obligation to a man's in the commandment of *kiddush*, and the social implications of women acting upon those halakhic conclusions, is a theme that later authorities deal with in depth.

⁷ The text of B^hag reads Rabbah instead of Rava, which appears in the Talmud.

⁸ Sh^emuel Hanagid was a transitional figure between the geonim and the *rishonim*. Avraham ibn Daud called him “the first of the generations of the rabbinate.” See *Encyclopaedia Judaica*, s.v. Samuel Hanagid.

⁹ The phrase ולי אית מרבנן דאמרי is used exclusively by Sh^emuel Hanagid. See footnote to *Sefer Hilkhot Hanagid*, Mordekhai Margoliot (Jerusalem: Akademya l^emada'ei hayahadut b^eartsot hab^erit, 1962), siman 27, p. 134.

¹⁰ See M. *Rosh Hash.* 3:8, which states the general rule that to fulfill another's obligation, both parties must be obligated in the commandment. See also B.T. *Ber.* 20b, which states that to fulfill another's obligation, both parties' obligations must stem from the same source of authority.

RISHONIM

The text from tractate *B^erakhot* is so straightforward that the majority of *rishonim* on the Talmud do not comment¹¹ on it. Those *rishonim* who do mention it, quote it verbatim.¹² A number of prayer books and books on custom and practice¹³ also mention a woman's equal biblical obligation. Of interest are the following statements on a number of different issues related to the laws of *kiddush*.

<p>6. Ravyah, Volume 1 Tractate <i>B^erakhot</i> 61 R. Eliezer ben R. Yoel Halevi Germany (1140–1220)</p>	<p>ראבי"ה ח"א מסכת ברכות סימן סא</p>
<p>And in sanctifying the day, they fulfill the obligation for men, as Rav Adda bar Ahavah said: women are obligated in sanctifying the day from the Torah as it is written “remember” and “guard”; all who are included in guarding are also included in remembering.</p>	<p>ובקידוש היום מפקי לגברי, דאמר רב אדא בר אהבה נשים חייבות בקידוש היום דבר תורה דכתיב זכור ושמור כל שישנו בשמירה ישנו בזכירה.</p>
<p>7. Ritva, Laws of <i>B^erakhot</i> 8:12 R. Yom Tov ben Avraham Ashvili Spain (1250–1320)</p>	<p>הלכות ברכות לריטב"א ח"ב</p>
<p>Women are obligated in sanctifying the day from the Torah and from the Rabbis on wine or on bread and in the place of the meal.</p>	<p>נשים חייבות בקידוש היום מן התורה ומדבריהם¹⁴ על היין או על הפת¹⁵ ובמקום סעודה.</p>

11 It is cited a number of times as proof that there is a biblical obligation in *kiddush* in general and in the subsequent discussion of whether wine fulfills that obligation. See, e.g., *Tosafot* to B.T. *Pesah*. 106a, s.v. *zokhreihu al hayayin*; *Tosafot* to B.T. *Shav*. 20b, s.v. *nashim*; and *Hiddushei Haritva* to B.T. *Pesah*. 106a, s.v. *zokhreihu*. See also Mordechai *Ber*. 61 for Rabbeinu Tam's view.

12 See, e.g., *Rif* to B.T. *Ber*. 12a in the pages of *Rif*; *Rosh Ber*. 3:13; and *Tosafot* to B.T. *Kid*. 35a, s.v. *mishum*. See also *Haggahot Maimoniyot*, *Shab*. 29:1; and *Ra'avan Ber*. 154.

13 See, e.g., *Siddur Rashi* 489; *Maḥzor Vitri* 110; *Sefer Abudarham*, *Birkhot Hamitsvot Umishp^eteihem*; *Sefer Hamanbig*, *Hilkhot Shabbat*, 151; *Perushei Siddur Hat^efillah L^erokeah* 86, *Seder Kiddush Leil Shabbat*, p. 482; and *Orḥot Ḥayyim*, *Hilkhot Kiddush*, 13.

14 *Maharam Halawah* to B.T. *Pesah*. 106 brings the view that women are exempt from *kiddush* Shabbat morning as it is a rabbinic obligation only.

הרמבן ז"ל כ' שאסור לטעום כלום קודם קדוש זה של יום כמו בקדוש הלילה. ואינו מחוור דאין זה קדוש ממש שכבר נתקדש היום פעם אחת ולא מצינו לקדוש ב"ד ללילה וליום אלא שהחכמים תקנו לקבוע סעודתו על היין ומסמכי ליה אקרא אבל מדרבנן הוא הילכך מותר לטעום ומינה נמי דנשים פטורות ממנו כיון דאינו אלא מדרבנן. והכין חזינו בבי רב בין בהיתר האכילה בין בפטור הנשים.

See *Sh^elot Utshuvot Shevet Halevi* 4:31 and *Mishneh Halakhot* 11:214 that discuss this view. See also *P^eri Megadim*, *Mishb^etsot Zahav* to O.Ḥ. 289 and *Kitsur Shulḥan Arukh* 77:13 that explicitly state that women are obligated in *kiddush* Shabbat morning and *Mishnah B^erurah* 289:6 and *Igg^erot Moshe*, O.Ḥ. 4:101, who in discussing the question of eating before *kiddush*, both clearly hold women to be obligated in *kiddush* on Shabbat morning.

15 See *Sefer Ha'orah Hilkhot Kiddush* 1:53.

8. *Sefer Kol Bo* 31,¹⁶ s.v. *Ta'am Lamah*
(authorship in dispute)
France and Spain (13th and 14th centuries)

ספר כלבו
סימן לא
ד"ה טעם למה

And women are obligated in sanctifying the [Shabbat] day...and a woman who knows how to recite *kiddush* recites *kiddush* and if not, they recite it for her; and R. Shimshon of Sens ז"ל explained even to fulfill the obligation of others who do not know how to recite *kiddush*.¹⁷

ונשים חייבין בקדוש היום...
ואשה היודעת לקדש מקדשת
ואם לאו מקדשין לה, וביאר
הר"ש ז"ל ואפילו להוציא אחרים
ידי חובתם¹⁸ שאינן יודעין לקדש.

The consensus among the *rishonim* is that a woman's biblical obligation in *kiddush* carries with it, as well, all the legal implications of that obligation vis-à-vis herself and recitation for others. The *rishonim* do not mention that there is anything improper about a woman reciting *kiddush* on behalf of a man. A number of these views are reflected in the codes.

CODES

All three of the major codes explicitly state that women are obligated in *kiddush*.

9. Maimonides, Laws of Idolatry 12:3
R. Moshe ben Maimon
Spain and Egypt (1135–1204)

רמב"ם
הלכות עבודת כוכבים יב:ג

All the negative commandments in the Torah both men and women are obligated, except for the prohibition against shaving [certain points on the head], the prohibition of rounding off the corners of the head, and the priestly prohibition against contracting impurity through contact with a dead body. And all the positive commandments that apply from time to time and are not constant, women are exempt except for the sanctification of [the Shabbat] day, eating matzah on *Pesah* night, eating and offering the Pascal sacrifice, *hakhel*,¹⁹ and joy on the festivals, which women are obligated [to perform].

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.

¹⁶ See also his later work *Orhot Hayyim*, *Hilkhhot Kiddush* 13–14.

¹⁷ Regarding reciting a *b'rakhah* on behalf of another, male or female, there are two different views. One view, expressed here by *Kol Bo*, maintains that one can make a *b'rakhah* for others only when they are incapable of performing the ritual on their own. The other position is that one can recite the *b'rakhah* for others under any circumstances even if they are experts and are capable of reciting it for themselves. See *Rosh Rosh Hash.* 4:14; *Hiddushei Haritva* to B.T. *Rosh Hash.* 29a; and *Hiddushei Harashbah* to B.T. *Rosh Hash.* 34b. See also *Mishnah B'rurah* below in the body of the text. See also the end of *Sefer Kol Bo* quoted here 31.

¹⁸ See *Perisha* on *Tur*, O.H. 271:3.

¹⁹ This refers to the gathering once every seven years to hear the king read the Torah to the nation. See Deut. 31:12.

In defining the general rule of women's obligation in and exemption from commandments, Maimonides lists²⁰ the Torah²¹ commandment of *kiddush* on Shabbat as an exception to the positive time-caused rule from which women usually are exempt.

10. <i>Tur, Oraḥ Ḥayyim</i> 271 R. Ya'akov ben R. Asher Spain (1269–1343)	טור אורח חיים סימן רע"א
And both men and women are obligated in sanctifying the [Shabbat] day.	ואחד אנשים ואחד נשים חייבים בקידוש היום.

Tur equates the obligation of men and women in *kiddush hayom*, sanctifying the [Shabbat] day.

11. <i>Shulḥan Arukh</i> <i>Oraḥ Ḥayyim</i> 271:2 R. Yosef ben Ephraim Caro Spain and Israel (1488–1575)	שולחן ערוך אורח חיים סימן רע"א:ב
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Women are obligated in *kiddush* even though it is a positive commandment caused by time (explanation: a positive commandment that is dependent on time) for “remember” was compared to “guard”; and these women because they are included in guarding, they also are included in remembering. And they fulfill the obligation for men [by reciting *kiddush* on their behalf] because they [the women] are obligated from the Torah like them [the men].

נשים חייבות בקידוש אע"פ (אך) על פי) שהוא מצות עשה שהזמן גרמא (פי' מצות עשה התלויה בזמן), משום דאיתקש זכור לשמור והני נשי הואיל ואיתנהו בשמירה איתנהו בזכירה ומוציאות את האנשים הואיל וחייבות מן התורה כמותם.

The *Shulḥan Arukh*²² explicitly codifies the logical legal conclusion²³ of that equal biblical obligation; women can fulfill the obligation of *kiddush* for men. R^cma (R. Moshe Isserles, Poland, 1525–1572), the Ashkenazi gloss to the *Shulḥan Arukh*, does not comment, signifying that he is in agreement with the ruling of the *Shulḥan Arukh*.

20 See the parallel discussion in *Sefer Haḥinnukh*, commandment 251.

21 See Maimonides, *Sefer Hamitsvot*, positive commandment 155 and his comments at the end of the positive commandments, where he lists the sixty essential biblical commandments and includes *kiddush* as one of the commandments for which women are obligated.

22 See also *Beit Yosef, O.H.* 271:2.

23 See n10 above.

RESPONSES TO THE *SHULḤAN ARUKH*

The explicit statement in the *Shulḥan Arukh* that women can recite *kiddush* on behalf of men provoked some opposition. *Baḥ* was disturbed by what he perceived to be an inconsistency in the rulings of the *Shulḥan Arukh*. In the laws of the reading of the *m^egillah*,²⁴ after stating that women can read for men, R. Caro also quotes a second opinion that states that women do not fulfill the obligation for men, and yet here in the laws of *kiddush*, R. Caro states unequivocally that women can recite *kiddush* for men. This difference in ruling did not make sense to *Baḥ*.

12. *Baḥ*, *Orah Ḥayyim* 271

R. Joel Sirkis

Poland (1560–1640)

ב"ח (בית חדש)
אורח חיים
סימן רע"א

Both men and women are obligated in sanctifying the [Shabbat] day, and this is the language of the *Kol Bo*, “And R. Shimshon of Sens *z”l* explained: and even to fulfill the obligation on behalf of others that do not know how to say *kiddush*.” This [opinion] *Beit Yosef* [R. Caro] brought and so ruled in the *Shulḥan Arukh*. But with regard to *m^egillah* (O.H. 689:2), he wrote in the *Shulḥan Arukh*, “There are those who say that women do not fulfill the obligation of men,” and he wrote there in accordance with the words of B^hag that our teacher [*Tur*] brought for the purpose of disagreeing with Rashi’s explanation, who wrote that women fulfill the obligation of men [in *m^egillah*]. And it is a question for here [in *kiddush*] he ruled like the explanation of R. Shimshon of Sens that is brought in *Sefer Kol Bo*, and the decisions contradict one another — for it appears that one should not differentiate between *kiddush* and *m^egillah*. And in my humble opinion, it is correct to be stringent in *kiddush* as in *m^egillah* that the women should not fulfill the obligation of men, and so I saw that Maharshah wrote thus.

ואחד אנשים ונשים חייבים בקידוש היום וזה לשון הכל בו וביאר הר"ש ז"ל ואפילו להוציא אחרים י"ח שאינן יודעים לקדש עכ"ל ומביאו ב"י ופסק כך בש"ע. אבל גבי מגלה סימן תרפ"ט כתב בש"ע: י"א²⁵ שהנשים אינן מוציאות את האנשים. וכתב ע"פ דברי בה"ג שהביא רבינו לשם החולק על פירש"י שכתב שנשים מוציאות את האנשים. ותימה שכאן פסק כפרש"י²⁶ שהביאו בספר כל בו והפסקים סותרין זה את זה — דנראה דאין לחלק בין קידוש למגילה. ולפעד"נ עיקר להחמיר בקידוש כמו במגילה שאין הנשים מוציאות לאנשים וכן ראיתי שכתב מהרש"ל.

²⁴ A future halakhic study guide will discuss the reading of the *m^egillah*.

²⁵ See n28 below.

²⁶ This abbreviation refers to R. Shimshon of Sens. As *Baḥ* stated above, *Kol Bo* is quoting R. Shimshon of Sens; however, as the abbreviation for Rashi was just mentioned a few lines earlier and the two abbreviations are very similar (if not the same sometimes), either *Baḥ* or the printer accidentally repeated the same abbreviation instead of writing ש"ח as *Baḥ* had used at the beginning.

If in the laws of the reading of the *m^egillah*, *Shulḥan Arukh* chose to include the opinion of B^eḥag that limits women from fulfilling the obligation on behalf of men, why in the case of *kiddush* did he unequivocally permit them to do so? *Baḥ* believes that there should be no difference between *m^egillah* and *kiddush*; therefore, in the case of *kiddush*, as well, one should be stringent and not allow a woman to perform the ritual for men. *Taz*, the son-in-law of *Baḥ*, defends *Shulḥan Arukh* and responds directly to this challenge.²⁷

13. *Taz*, *Orah Ḥayyim* 271:2

R. David Halevi
Poland (1586–1667)

ט"ז (טורי זהב)
אורח חיים
סימן רע"א:ב

And they fulfill the obligation for men etc. Even though in *O.H.* 689, he ruled in *Shulḥan Arukh* like B^eḥag that women do not fulfill the obligation for men in reading *m^egillah*; although they are obligated in the reading of *m^egillah*, it is not comparable to the case here [of *kiddush*]. Because with *m^egillah*, there are opinions that women should not recite the blessing “on the reading of the *m^egillah*” but rather “on the hearing of the *m^egillah*” as *Beit Yosef* [R. Caro] wrote there; therefore, surely it is not correct that a priori they will fulfill for the men. But that is not the case here [with *kiddush*]; everyone agrees that there is no difference at all between men and women; therefore certainly they [women] fulfill for them [men]. And Rashal and my teacher, my father in law [*Baḥ*], decided to rule here also that they should not fulfill [for men] like in *m^egillah*, and this is not compelling at all.

ומוציאות את האנשים כו'.
אף על גב דבסימן תרפ"ט פסק
בש"ע כבה"ג דאין נשים מוציאות
אנשים במקרא מגילה אף ע"ג
שהם חייבות במקרא מגילה, לא
דמי לכאן, דבמגילה יש דעות
דאין לנשים לברך על מקרא
מגילה אלא על משמע מגילה
כמ"ש שם ב"י, ע"כ בודאי לא
נכון שלכתחלה יוציאו האנשים
משא"כ כאן הכל מודים שאין
חילוק כלל בין אנשים לנשים
ע"כ שפיר מוציאות אותם.
ורש"ל ומו"ח ז"ל פסקו גם כאן
דאין מוציאות כמו במגילה ואין
זה מוכרח כלל.

In the view of *Taz*, there exists a fundamental difference between the commandment of the reading of the *m^egillah* and *kiddush*. Regarding the reading of the *m^egillah*, authorities disagree about whether or not women and men have the same obligation — some believe that they do, and some believe that women are obligated only to hear the *m^egillah* but not to read it as men must. Due to this difference of opinion, the *Shulḥan Arukh* in the section on the reading of the *m^egillah* also codifies the opinion that women do not fulfill the obligation of men (due to their lesser level of obligation) along with his first codified opinion that women can read *m^egillah* for men. However, *Taz* states that this lack of concensus is unequivocally not the case with *kiddush*, where everyone agrees that men and women are equally obligated, and therefore,

²⁷ See also the beginning of *Magen Avraham*, *O.H.* 271:2, where he answers the challenge of *Baḥ* using a different perspective than *Taz*. He states that ritual acts performed in public like the reading of the *m^egillah* are different. This point also is stated later in *Arukh Hashulḥan* 271:5, cited in source 19.

Shulḥan Arukh states without hesitation that women can fulfill the obligation of men. In the opinion of *Taz*, to claim that women should not fulfill the obligation of *kiddush* on behalf of men makes no sense and is not a compelling argument.²⁸

R. Y^eḥezkel ben Y^ehudah Landau, *Dagul Mer^evavah*, in his notes to *Magen Avraham*, raises a new issue²⁹ that was not discussed until this point. Based on the view held by some that one can fulfill one's biblical obligation in *kiddush* with the recitation of the evening prayer service,³⁰ he addresses the common situation of a man who has gone to synagogue and prayed, thereby fulfilling his Torah obligation, and a woman who has not recited the evening service and so, still has to fulfill her biblical obligation in *kiddush hayom*.

14. *Dagul Mer^evavah*

Gloss on *Magen Avraham* 271

R. Y^eḥezkel Landau

Poland and Czechoslovakia (1713–1793)

דגול מרובה
הגה על המגן אברהם
סימן רעא

Indeed, what I am not sure about is even [in the case] of a man who recites *kiddush* and [tries to] fulfill the obligation for his wife and family — if the women did not pray the evening service and the man already prayed the evening service, if so the man is not obligated from the Torah; and the women, who have not prayed are obligated from the Torah;

ואמנם מה שאני מסתפק אפילו באיש המקדש ומוציא אשתו ובני ביתו, אם הנשים לא התפללו ערבית והאיש כבר התפלל ערבית, ואם כן האיש אינו מחויב מן התורה והנשים שלא התפללו חייבים מן התורה אם יוצאים

28 It is possible that the disagreement between *Bah* and *Taz* is a direct consequence of the two different textual versions of B^ehag that exist among *rishonim*. *Taz* understood the view of B^ehag to be as it appears in *Sefer Halakhot G^edolot*, *M^egillah* 19: that women and men have different types of obligation. This version then renders the commandment of reading *m^egillah* not comparable to *kiddush*, where their level of obligation is equal. However, it seems that *Bah*'s impression of B^ehag's view was that women and men are both obligated to read *m^egillah* yet despite that fact, women should not (אין translated as *should not* as opposed to *cannot*) fulfill the obligation on behalf of men. (See, e.g., *Tur*, O.Ḥ. 689 and the *Tosafot* quoted below, who present the view of B^ehag as being that women are obligated in the reading of the *m^egillah*.) For this version of B^ehag, one must posit a reason why, despite equal obligation, women should not perform the ritual for men. One may suggest that the reason stems from a worldview that such behavior is not proper or that it would be undignified (due to the marginal status of women). *Tosafot* to B.T. *Suk.* 38a, s.v. *b^e'emet am^eru*, applying the concept of *zila milta*, explicitly understand B^ehag in this manner. They state:

כיון דאין מצטרפות לזימון כדתנן פרק שלשה שאכלו (שם דף מה.) אין מוציאות אע"פ שהאיש מוציאן - שאני איש דחשיב טפי - אי נמי משום דרבים זלא בהו מלתא, דהרי מגילה דנשים חייבות בה ופירש בה"ג דאין נשים מוציאות את הרבים ידי חובתן במגילה.

See also *Sefer Hamaharil (Minhagim)*, *Haggadah*, s.v. *amar*, who has a similar understanding with regard to the reading of the *m^egillah*. From this perspective, it is easier to understand the position of *Bah*. In his view, the reading of the *m^egillah* and *kiddush* are similar as they are both commandments that are recited on behalf of others; therefore to him, it makes sense to apply this value of correct societal behavior broadly and be stringent in all cases. It does not seem plausible that *Bah* believes that women would be legally incapable of fulfilling the commandment of *kiddush* on behalf of men. This view would be in contrast to all those who came before him and in direct contradiction with the tenet of agency by equal obligation, a principle that tractate B.T. *Ber.* 20b applies explicitly to a woman acting on behalf of a man. Rather, he does not believe it would be appropriate for them to do so and thus states, that in his opinion, one should act stringently and prohibit the practice. From the exact language of *Shulḥan Arukh* in O.Ḥ. 689, it is difficult to discern which understanding he had of B^ehag. However, from his comments in *Beit Yosef*, O.Ḥ. 689:2, it is clear that he understands B^ehag as *Taz* does, and the gloss of the R^ema explicitly states that he, R^ema, does as well.

29 "דיצא לדון בדבר חדש" as stated in *Sh^e'elot Utshuvot* R. Akiva Eiger, *Mahadurah Kamma* 7.

30 See, e.g., *Magen Avraham*, O.Ḥ. 271:1.

may they [the women] fulfill their obligation with their hearing [*kiddush*] from the man? And even though in all blessings, if one has fulfilled it oneself, one can fulfill [by repeating] for others, as it is written in *Rosh Hash.* 21a, this is from the reason of responsibility, that all of Israel is responsible for one another, as Rashi wrote there. But Rosh wrote in tractate *B'rakhot*, in the third chapter (20b) [#13 in a discussion of Grace after Meals], that a woman is not in the category of responsibility, and therefore [in Grace after Meals], she fulfills only for someone whose obligation is from the Rabbis. Look there. And I am not sure if [the idea that] a woman is not in the category of responsibility means that she is not responsible for others, but men who accepted responsibility on Mount Gerizzim and Mount Eival took responsibility also for women and if so, surely the man fulfills the obligation for the woman even if he has already fulfilled his own obligation, or perhaps just as women did not enter the category of responsibility, so men did not accept responsibility for women.

בשמיעתן מן האיש? ואף שכל הברכות אף שיצא מוציא כמו שכתוב במסכת ראש השנה (כא). היינו מטעם ערבות שכל ישראל ערבים זה בזה כמו שכתב רש"י שם, והרי כתב הרא"ש במסכת ברכות פרק ג (כ:) שהאשה אינה בכלל ערבות לכך אין מוציאה אלא למי שחיובו מדרבנן, עין שם. ואני מסתפק אם האישה אינה בכלל ערבות, דהיינו שהיא אינה ערוב בעד אחרים אבל האנשים שקיבלו ערבות בהר גריזים והר עיבל נתערבו גם בעד הנשים, ואם כן שפיר מוצא האיש את האשה אף שכבר יצא, או דלמא כשם שהנשים לא נכנסו בכלל ערבות כך לא קיבלו האנשים ערבות בשביל הנשים.

In this situation described by *Dagul Mer'avavah*, the biblical obligation to recite *kiddush* and the rabbinic obligation to specifically recite *kiddush* over a cup of wine at the meal are in essence two completely separate obligations; if one had not prayed, they could be fulfilled simultaneously by reciting the text of *kiddush* over a cup of wine. However, once the man has prayed and fulfilled his biblical obligation,³¹ for him all that remains to fulfill is a lower-level rabbinic obligation, whereas the woman still has her biblical obligation, as well as the rabbinic one to fulfill. Because someone with a lower level of obligation may not fulfill the obligation of someone else with a higher level of obligation,³² for the man to be permitted to recite *kiddush* for the woman, the principle of *areivut* (responsibility) must be invoked. The general principle of *areivut*, responsibility to aid others in the performance of commandments, is a legal concept that enables one who has already performed a commandment, and thereby exempted himself or herself from the obligation, to repeat the ritual on behalf of others, who have not yet fulfilled their obligation.³³ R. Landau bases his entire discussion on a statement made by

31 Those rabbinic authorities who do not believe that one can fulfill one's obligation of *kiddush* in prayer, either because the exodus from Egypt is not mentioned or because *kiddush* must be recited in the place of one's meal, would reject the premise of the question of *Dagul Mer'avavah* outright. See *Minḥat Hinnukh*, commandment 31 and *S'ridei Esh* 1:28; *Iggerot Moshe*, O.H. 4:63 and *Yabia Omer* 1:15 for a summary of those who hold those views.

32 See n10 above.

33 This repetition of the blessing for others is not considered taking God's name in vain or a blessing without purpose.

Rosh³⁴ in the case of Grace after Meals that women are not in the category of responsibility. In the view of *Dagul Mer'vavah*, Rosh categorically excludes women from the principle of *areivut*. Therefore, women who have performed a ritual for themselves may not repeat that act for the benefit of others, either men or women. He deliberates about how Rosh's statement affects men's responsibility toward women. Would men be unable to repeat any ritual act, for the benefit of women, an occurrence that happens all the time, or did Rosh intend to limit only women's capacity to repeat ritual acts for the benefit of others, but men remain fully responsible for women? *Dagul Mer'vavah* is unsure whether a man who has prayed can repeat *kiddush* for his wife and family, as the man only has a lower level of rabbinic obligation to recite *kiddush* at the meal and cannot fulfill the woman's higher biblical obligation; or whether the principle of *areivut* applies to him, and therefore he is permitted to repeat *kiddush* for his wife. This question captivated many who came after him, and they responded to his questions.

15. Glosses of R. Akiva Eiger to
Shulḥan Arukh, Orach Ḥayyim 271
Germany (1761–1837)

הגהות רעק"א
על השלחן ערוך
אורח חיים סימן רע"א

...And in my humble opinion, there is no difference between men and women in the issue of responsibility. And we have not found in any place that the law that if one has fulfilled [it oneself], one can fulfill [by repeating for others] does not apply to women... It is not the intention of Rosh to distinguish between women and men with regard to [the principle of] responsibility; rather, one who is not obligated in this [specific] commandment [of Grace after Meals] is not in the category of responsibility for others...

...ולפי עניות דעתי דאין חילוק בין אנשים לנשים לעניין ערבות. ולא מצינו בשום דוכתא דנשים אין הדין דאם יצא מוציא... דאין כוונת הרא"ש לחלק בין נשים לאנשים לענין ערבות אלא דמי שאינו בר חיוב במצוה זו אינו בכלל ערבות על אחרים...

According to R. Akiva Eiger, either a man or woman could repeat *kiddush* to help the other fulfill their obligation as each is equally obligated and thus responsible for the other. This

³⁴ Rosh *Ber.* 3:13 cites B.T. *Ber.* 20b:

מאי ת"ש, באמת אמרו: בן מברך לאביו, ועבד לרבו, ואשה מברכת לבעלה, אבל אמרו חכמים: תבוא מארה לאדם שאשתו ובניו מברכין לו. אי אמרת בשלמא דאורייתא - אתי דאורייתא ומפיק דאורייתא, אלא אי אמרת דרבנן - אתי דרבנן ומפיק דאורייתא?! - ולטעמך קטן בר אפוקי אחרים הוא?! - אלא הכא במאי עסקינן - דאכל שיעורא דרבנן, ואתי דרבנן ומפיק דרבנן.

Rosh then states:

ולא אפשר שיהיה הבעיה הלכה נשים אינן מוציאות את אחרים ידי חובתן. וא"ת מ"ש מהא דאמר' לקמן בפרק שלשה שאכלו (מח.) להוציא את אחרים ידי חובתן עד שיאכל כזית דגן, ובשיעור כזית אינו חייב אלא מדרבנן, ואפילו הכי מוציא אחרים שאכלו כדי שביעה וחייבין מן התורה. ואם כן באשה נמי אע"פ שאינה חייבת אלא מדרבנן תוציא אחרים שחייבין מן התורה? י"ל דלא דמי דאיש אע"ג שלא אכל כלום דין הוא שיפטור את אחרים דכל ישראל ערבים זה בזה, אלא מדרבנן אמרו שלא יברכו ברכת הנהנין בלא הנאה - לפיכך כשאכל כזית אע"פ שאינו נתחייב אלא מדרבנן מוציא את אחרים שאכלו כדי שביעה, שערב הוא בעבורם ועליו הוא להציל מן העון ולפטור אותן מן המצות. אבל אשה אינה בכלל הערבות לכך אינה מוציאה אלא מי שחויבו מדרבנן:

In the context of *kiddush*, an explanation of the view of Rosh is offered by R. Akiva Eiger that is echoed by later *aharonim*. However, to fully analyze the view of Rosh, an in-depth discussion of the laws and obligations of Grace after Meals must be conducted, which is beyond the scope of this paper.

view³⁵ is echoed by others in later generations. R. Akiva Eiger understands the view of Rosh, which excludes women from the principle of responsibility, to be limited to a commandment in which women are not obligated in the same manner as men.³⁶ He absolutely disagrees with the reading of *Dagul Mer^evavah* and does not understand the Rosh to be making a categorical statement about women's responsibility. In his view, not only are men responsible for women, but in the case of *kiddush* and all other commandments in which women are obligated equally, women are included in the category of *areivut* and are responsible for others just like men.

It is interesting to note that in the course of the discussion, nobody mentions the relevant statement of Rosh himself on the very scenario *Dagul Mer^evavah* posed.³⁷ As Rosh does not mention explicitly that the women have prayed the evening service, his language seems to imply that they have not done so.

16. Rosh, Tractate *Shabbat* 16:5

R. Asher ben Y^ehi'el
Germany (1250–1327)

רא"ש
מסכת שבת טז:ה

And they decreed that one should say *vaikhullu* [Gen. 2:1 — the verses that make up the *kiddush*] in the prayer of *attah kiddashta* ["You have sanctified" in the Friday night service]... And that he says it [the verses] also over a cup [of wine] is in order to fulfill the obligation of his family members.

ותקנו לומר ויכולו בתפלת אתה קדשת...ומה שאומר אותו גם על הכוס כדי להוציא את בני הבית.

Rosh, himself, clearly thinks that the principle of responsibility functions to allow men to repeat *kiddush* for women, as he explicitly states that the purpose of the man reciting the biblical verses on the cup of wine is to fulfill the obligation on behalf of his household.

35 For the minority camp that is still concerned with the question of *Dagul Mer^evavah* and does not feel comfortable encouraging women to recite the evening service or to recite *kiddush* herself, other solutions suggested are that the man not have the intention to fulfill his obligation in synagogue or that the woman fulfills her obligation in *kiddush* from the Torah when she recites "*Gut Shabbos*" after lighting candles Friday night. See *Haggabot* R. Akiva Eiger O.H. 271:1, *Tsits Eli'ezer* 12:37 (3), and opposition of *Mishnah B^erurah* to this idea in *Be'ur Halakhah*, O.H. 271, s.v. *d^eitkish zakhor*.

36 Among *rishonim* there is a dispute about women's level of obligation in Grace after Meals. As seen from n34 above, Rosh believes women are obligated only rabbinically in Grace after Meals. See Ritva, Laws of Blessings 7:2 as an example of the majority camp of *rishonim* who think women are obligated biblically, like men; and see Maimonides, Laws of Blessings 5:1 for an example of the view that the level of women's obligation is in question.

37 The author would like to thank Miriam Gedwiser for bringing this source to her attention.

MODERN AḤARONIM

The major codes of the twentieth century reiterate and elaborate on many of the earlier stated positions regarding a woman's biblical obligation in *kiddush*.

The focus of the comments of *Mishnah B'erurah* reveals much about women's Torah knowledge at that time.³⁸ According to *Mishnah B'erurah*, women have a biblical obligation in *kiddush* that must be fulfilled correctly, and yet, many women are incapable of reciting *kiddush* on their own. After quoting the talmudic link between *shamor* (guarding) and *zakhor* (remembering), he begins his discussion and instruction.

17. *Mishnah B'erurah*

Orat H'ayyim 271

Rabbi Israel Meir Hakohen

Poland (1839–1933)

משנה ברורה

אורח חיים

סימן רעא

(3) For “remember” was compared to “guard”...It is obvious that a minor cannot fulfill the obligation for a woman, for a [person who has a] rabbinic obligation cannot come and fulfill another's biblical obligation. And even if he is thirteen years of age, we fear that perhaps he has not brought forth two pubic hairs [the sign of physical maturity]. For in biblical laws, we do not rely on the presumption that once [the child] has reached the age [i.e., thirteen years], he has achieved the sign of two pubic hairs until his beard has filled out as it is written in *Hoshen Mishpat* 35. And therefore, the woman should say *kiddush* for herself.³⁹ And if she does not know how to say *kiddush* by herself, she should say it with him word for word from beginning to end and should not intend to fulfill her obligation with his *kiddush*. And in this way, since she is saying the *kiddush* herself, it is correct that bread or wine should be placed before her as well at the time of *kiddush*. And she should not rely on the boy holding the cup or the bread in his hand since she does not fulfill her obligation with his *kiddush*. And this advice works even if he is very young. And all this is so when the

(ג) דאיתקש זכור לשמור...ופשוט דקטן אינו מוציא את האשה דלא אתי דרבנן ומפיק דאורייתא. ואפילו אם הוא בן י"ג שנה חיישינן שמא לא הביא שתי שערות, דבמילי דאורייתא לא סמכינן אחזקה דמכיון שהגיע לכלל שנים הגיע לכלל סימני שערות עד שיתמלא זקנו כמ"ש בחשן משפט סימן ל"ה, ולכן תקדש האשה לעצמה. ואם אינה יודעת לקדש בעצמה תאמר עמו מלה במלה מראשו ועד סופו, ולא תכוין לצאת בקידושו. ובאופן זה כיון שהיא אומרת הקידוש בעצמה נכון שיהא פת או יין מונח גם לפנייה בעת הקידוש ולא תסמוך על מה שהנער אוחז הכוס או הפת בידו כיון שאינה יוצאת בקידוש שלו, ועצה זו מועילה אפילו אם הוא קטן ביותר. וכ"ז בשלא התפללה האשה תפלת ערבית. אבל אם התפללה דלדעת המ"א הנ"ל כבר יצאה ידי קידוש דאורייתא בזה יש לסמוך על נער בן י"ג שנים שיוציאה אח"כ בקידוש דהיינו שיכוין להוציאה.

³⁸ *Mishnah B'erurah* supported the creation of the Beit Yaakov schools that addressed the need for education of women in his community. See his *Likkutei Halakhot, Sotah* 21b for a discussion of the issue.

³⁹ *Mishnah B'erurah* is citing the end of *Magen Avraham, O.H.* 271:2.

woman has not prayed the evening prayer. But if she has prayed, according to *Magen Avraham* above, she has already fulfilled her biblical obligation in *kiddush*. In this case she can afterward rely on a thirteen-year-old boy to fulfill her obligation in *kiddush* [on the cup] — that is, he should have intent to fulfill her obligation.

Mishnah B^erurah stresses that a child may not recite *kiddush* for an adult woman⁴⁰ who is biblically commanded, as the child only has a rabbinic obligation connected to education.⁴¹ A woman must not assume that a thirteen-year-old male child can fulfill the obligation on her behalf, as perhaps he has not yet reached puberty, signaled by the growth of pubic hair. *Mishnah B^erurah* explains that due to the seriousness of biblical commandments, she must not rely on the general assumption that the chronological age of thirteen indicates that the male has reached maturity; this individual may not have physically developed into adulthood, and he would not be biblically obligated as she is. Only if she has already recited the evening service may she rely on the view that she has fulfilled her biblical obligation and only in that case, she may have a thirteen-year-old boy recite for her, as they both would have a rabbinic obligation. If she must rely on a child, *Mishnah B^erurah* requires her to repeat the blessing word for word after him and to have the wine in front of her as she must perform the ritual herself. This method, he explains, works even with the youngest of children.

Given this assumption that many women lacked competence in Hebrew and the recitation of *kiddush*, one can more easily understand the next statement of the *Mishnah B^erurah*.

18. *Mishnah B^erurah*

Orah Ḥayyim 271

Rabbi Israel Meir Hakohen

Poland (1839–1933)

משנה ברורה
אורח חיים
סימן רע"א

(4) And they fulfill the obligation for men: And so agreed the *Taz*, *Magen Avraham*, the Vilna Gaon, and other *aḥaronim*. And nevertheless, a priori, one should be stringent that a woman should not fulfill the

(ד) ומוציאות את האנשים:
כן הסכימו הט"ז ומ"א והגר"א
וש"א ומ"מ יש להחמיר לכתחלה
שלא תוציא אשה אנשים שאינם

⁴⁰ See also the end of *Magen Avraham*, O.Ḥ. 271:2; *Sh^e'elot Utshevot R. Akiva Eiger, Mahadurah Kamma* 7; and *Arukh Hashulḥan*, O.Ḥ. 271:7 for a discussion of a child helping a woman. See also *Magen Avraham*, O.Ḥ. 193:2 and *Arukh Hashulḥan*, O.Ḥ. 271:8 for a different but similar discussion of the problem that women do not understand the Hebrew even when an adult male recites the *kiddush*.

⁴¹ The Rabbis felt that it was incumbent upon minors, for educational reasons, to begin performance of the commandments before they reached the age of adulthood. See B.T. *Yoma* 82a and Rashi there as a starting point for researching this issue.

obligation for men who are not members of her family, for the matter is beneath [the men's] dignity.⁴²

(5) Because they [women] are obligated, etc.: And therefore she can fulfill [for others] even if she already fulfilled [her own obligation] as a man [does] (see 273:4); for with issues of *kiddush*, men and women are equal.

מבני ביתה דזילא מילתא:⁴³
(ה) הואיל וחייבות וכו': ולכן
יכולה להוציא אפילו היא כבר
יצאת ידי קידוש וכמו באיש
לקמן בסימן רע"ג ס"ד דלענין
קידוש אנשים ונשים שוין.

With regard to allowing women to recite *kiddush* for men, *Mishnah B'erurah* mentions a list of significant legal authorities who concur with the ruling of the *Shulhan Arukh* that it is permissible. He explicitly states that the principle of responsibility pertains to women; and as they are equally obligated in *kiddush*, they may repeat the *kiddush* for a man even after fulfilling their own obligation. However, despite the letter of the law, he states that a priori one should be stringent that a woman should not fulfill the commandment on behalf of men who are not from her household as it is beneath the dignity of male guests to have a woman recite *kiddush* on their behalf.⁴⁴ *Mishnah B'erurah* views the issue of *zila milta*, a matter beneath one's dignity, as something contextual and not objective. Within the household, where the family knows and respects the wife or mother, a woman's recitation of *kiddush* is perfectly acceptable, appropriate, and dignified and will not be perceived by those listening as reflecting poorly upon themselves. That being the case, there cannot be anything objectively inappropriate or legally wrong about women reciting *kiddush* for men in the view of *Mishnah B'erurah*; rather this statement is clearly linked to the perceived lower status of women in general in that society. The only concern exists with a man from outside the household, who does not know the woman personally and therefore would apply views about women's inferior education or different status with regard to *mitsvot* to the situation and feel there is something undignified about having a woman perform this ritual act on his

42 The term *zila milta*, when referring to women's practice, is often translated as "contemptible" or "disgraceful," intimating that there is something severely objectionable about the act itself. However, a careful examination of the usage of the phrase in the Talmud (see the end of this footnote for references) reveals that it is always used in reference to diminishing or insulting someone's honor or dignity and means the matter is beneath him or her. See, for example, B.T. *B. Bat.* 110a, ולא תמא גברא רבא אנה זילא בי מילתא. See B.T. *Git.* 80b, where the phrase is used with its opposite שביחא להו מילתא — the matter is honorable to him. On two occasions, the gemara explicitly distinguishes between how the act would be perceived by others if it were performed in public, where it would be considered beneath one's dignity, instead of in private, where it would not. See, for example, B.T. *Menah.* 67b and B.T. *Git.* 38a. This translation of *zila milta* also is supported by Yitzhak Frank, *Practical Talmud Dictionary*, s.v. *zil*. See his example there and Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*, s.v. *zol*. See B.T. *Ket.* 54a and 70b, B.T. *Kid.* 32a, B.T. *B. Kam.* 84a, B.T. *B. Mets.* 72b and 76a, B.T. *Shev.* 30b, and B.T. *Avod. Zar.* 18a and 53b. *Mishnah B'erurah* uses this terminology in two other places besides this citation, and in both cases it means undignified. See *Mishnah B'erurah* 526:9 and 658:8.

43 See also *Shulhan Arukh Harav*, O.H. 271:6.

44 This phrase also might refer to the men of the household to whom it is degrading to their reputation if outsiders learn that in their home a woman plays the role usually held by the head of the household. If interpreted in this way, this case reflects the assumption of the gemara that one's concern for public reputation leads one to behave differently in private situations than in public ones.

behalf.⁴⁵ Clearly, according to *Mishnah B^erurah*, if a woman did recite *kiddush* for a male guest, he would not need to repeat the commandment because her recitation would have fulfilled his obligation.

Arukh Hashulḥan does not have the same hesitations as those that came before him. He directly addresses and dismisses the issues raised by *Baḥ* regarding the comparison to the reading of the *m^egillah*, the stringency of *Mishnah B^erurah* regarding male guests, and the concern of *Dagul Mer^evavah* that women are not included in the principle of responsibility.

19. *Arukh Hashulḥan*
Orat H^ayyim 271:5
 R. Y^ehi^el Mikhl Epstein
 Lithuania (1829–1908)

עורך השלחן
 אורח חיים
 סימן רע"א:ה

Women are obligated in sanctifying the [Shabbat] day from the Torah...and our teacher the *Beit Yosef* wrote (*Shulḥan Arukh*, O.H. 271:2): “that they fulfill the obligation for men [by women reciting *kiddush* on their behalf] because they [women] are obligated from the Torah like them [men].” And even according to those who think that *kiddush* over a cup of wine is rabbinic, as from the Torah, one fulfills the obligation in prayer; nevertheless, men and women are equal, for everything that the Rabbis decreed, they decreed it in the same manner as Torah law. And [for] women, it is also true that biblically they fulfill [the obligation] in prayer; and over the cup of wine they are obligated from the Rabbis. If so, they stand on the same level in their capabilities to fulfill for them [men]. And there are those that want to say that they [women] cannot fulfill for men as in *m^egillah* (see below 689), and this is not correct. For there [with *m^egillah*], since it is in public, the matter is beneath [the men’s] dignity, as it is written in the *Tosafot* in *Sukkah*;⁴⁶ but this is not the case in *kiddush* and so wrote the commentaries to *Shulḥan Arukh*.⁴⁷

נשים חיבות בקידוש היום דבר תורה...וכתב רבינו הב"י בסעיף ב' שמוציאות את האנשים הואיל וחייבות מן התורה כמוותם עד כאן לשונו. ואפילו להסוברים דקידוש על הכוס מדרבנן, דמן התורה יוצאים בתפילה, מכל מקום שוים האנשים והנשים וכל דתיקנון רבנן כעין דאורייתא תקנון, וגם נשים כן הוא דמן התורה יוצאות בתפילה ועל הכוס חיבות מדרבנן. אם כן עומדים בחדא דרגא ביכולתות להוציאם. ויש רוצים לומר שאינן מוציאות אנשים כמו במגילה לקמן סימן תרפט, ואינו עיקר דבשם כיוון דברבים הוא זילא מילתא כמו שכתב בתוספות בסוכה מה שאין כן בקידוש וכך כתב מפרשי השולחן ערוך.

⁴⁵ This feeling in turn might lead him to be less stringent and serious about the *mitsvah* of *kiddush* overall. See the language of the *Shulḥan Arukh Harav* in O.H. 271:6: שלא יבאו לזלזל במצות.

⁴⁶ *Tosafot* to B.T. Suk. 38a, s.v. *b^eemet am^eru*. See n28 above for the exact text.

⁴⁷ *Magen Avraham*, O.H. 271:2.

Arukh Hashulḥan reiterates the ruling of *Shulḥan Arukh* that women and men are equal in the biblical obligation of *kiddush*. He also adds that rabbinic law regarding *kiddush* is modeled on the biblical obligation; thus, in rabbinic applications, women are obligated in exactly the same manner as men. This ruling would apply to such laws as reciting *kiddush* at the place of the meal, the daytime *kiddush*, and reciting *kiddush* over wine (according to those authorities who consider that recitation rabbinic),⁴⁸ all of which are considered obligatory for women. Furthermore, *Arukh Hashulḥan* states explicitly that women are on equal footing with men in their capacity to fulfill the obligation for others.

R. Epstein responds directly to the above challenge of *Bah*. His answer is different from *Taz*, who differentiated between *kiddush* and *m^egillah* by noting the disparity between the type of obligation held by men and women in the case of *m^egillah*. Instead, *Arukh Hashulḥan* addresses the issue *Bah* has regarding the appropriateness of women performing ritual acts on behalf of men in general. He explains that *kiddush* is not comparable to the reading of the *m^egillah* because that ritual is performed in public and therefore is undignified for the men present, whereas the case of *kiddush* is not the same on both counts. As proof of his conclusion, he cites *Tosafot*, who explain that for the reading of the *m^egillah*, despite equal levels of obligation, women should not read for men as it is beneath them to have a woman act as their agent in public. In doing so, R. Epstein rejects the stringency of *Mishnah B^erurah* in applying the concept of *zila milta* to the case of a woman reciting *kiddush* within the privacy of her home for male guests.⁴⁹ In the view of *Arukh Hashulḥan*, there is absolutely nothing socially inappropriate about women reciting *kiddush* for men in such a situation.⁵⁰

20. *Arukh Hashulḥan*
Orah Ḥayyim 271:6
 R. Y^ehi^el Mikhl Epstein
 Lithuania (1829–1908)

עורך השלחן
 אורח חיים
 סימן רע"א:

And at first glance it appears, when is it the case that they fulfill for one another? When both of them have prayed or both of them have not prayed; when their obligation is equal. But if one prayed and the second did not pray, the one who prayed cannot fulfill

ונראה לכאורה דאימתי מוציאין זה את זה? כששניהם התפללו או שניהם לא התפללו כחיובם שווה. אבל אם האחד התפלל והשני לא התפלל אין המתפלל מוציא ידי

⁴⁸ See n4 above.

⁴⁹ It seems that *Arukh Hashulḥan* and *Mishnah B^erurah* both agree that having a woman lead a public ritual would be undignified for the men present; however, they disagree about what constitutes the definition of being in public. *Arukh Hashulḥan* might agree with *Mishnah B^erurah* in a case of a woman reciting *kiddush* in a public setting and not in her home.

⁵⁰ See *Benei Banim* 2:8 (and 1:22). R. Yehuda Herzl Henkin quotes his grandfather R. Yosef Eliyahu Henkin as stating:

גדול כח העורך השלחן בהלכה יותר מהמשנה ברורה ושבמקום שחולקים יש לפסוק כעורך השלחן. He explains that R. Epstein published his work after *Mishnah B^erurah* and in many places cites it or refers to it. Accordingly, *Arukh Hashulḥan* also functions as a response to *Mishnah B^erurah*, representing the traditions of Lithuania and White Russia as opposed to those of Poland. R. Henkin explains his grandfather's statement to refer to:

שהעורך השלחן והמשנה ברורה חולקים בשהו בסברת עצמם או בפרוש דעת אחרים שבזה בודאי העורך השלחן חריף יותר.

the obligation of the one who did not pray; according to the opinion of the *poskim* that from the Torah, one fulfills the obligation in prayer; therefore the one who has prayed, his or her obligation is only from the Rabbis; and the one who has not prayed, his or her obligation is from the Torah; and a [person with a] rabbinical [obligation] cannot come and fulfill for a [person with a] biblical [obligation]. But according to this [logic], we have not found [lit., our hands and feet] a basis for our custom in all the families that the head of the house says *kiddush* and fulfills for his wife, his daughters, and daughters-in-law, even though they have not prayed. Rather the truth is this [inability to repeat for others] is only in a blessing for deriving pleasure [like eating] and Grace after Meals, and it is not so for a blessing over commandments that one can fulfill for his friend even though he has already fulfilled his own obligation based on the principle that all of Israel is responsible for one another as is stated in the end of the third chapter of *Rosh Hashanah*. Therefore, a man and a woman can fulfill for each other in any situation. And there is someone who wants to say that women are not in the category of responsibility, and this is an astonishing thing! And Rosh wrote this thought in the beginning of the third chapter of *Brakhot*, and it is only [in reference to] a commandment that the woman does not have a connection to⁵¹ (look there); but in what she is obligated, she is completely equal to a man.

חובת של מי שלא התפלל לדעת הפוסקים דמן התורה יוצאים בתפילה ואם כן משהתפלל חיובו רק מדרבנן ומי שלא התפלל חיובו מן התורה, ולא אתי דרבנן ומפיק דאורייתא. אך לפי זה לא מצינו ידינו ורגלינו בכל המשפחות שהבעל הבית מקדש ומוציא אשתו ובנותיו וכלותיו אף על פי שלא התפללו. אמנם האמת דזהו רק בברכת הנהנין ובברכת המזון ולא כן בברכת המצות שאחד יכול להוציא את חברו אף שכבר יצא ידי חובתו מטעם דכל ישראל ערבין זה בזה כדאיתא סוף פרק ג' דראש השנה; ולכן איש ואישה יכולים להוציא זה"ז בכל גווני. ויש מי שרוצה לומר דאשה אינה בכלל ערבות ודבר תמוה הוא! והרא"ש שכתב סברא זו בראש פרק ג' דברכות אינו אלא במצוה שאין להאשה שייכות בזה עיין שם אבל במה שהיא מחוייבת שוה היא לגמרי לאיש.

Arukh Hashulḥan flatly rejects the question posed by *Dagul Mer'vavah*, who wondered if men could return home from the prayer service and recite *kiddush* for the female members of their household. R. Epstein strongly rejects this view by stating that this phenomenon is common practice in all the families of his community. Additionally, he is astonished at the very notion that women would not be included in the category of responsibility. R. Epstein notes that the statement of Rosh excluding women from the principle of responsibility is limited to

⁵¹ See n36 above.

commandments in which women are not⁵² obligated; however, in any commandment that they are obligated, such as *kiddush*, women function according to that principle. *Arukh Hashulhan* concludes his discussion with the explicit ruling that when obligation exists, women stand as equals to men in all respects.

CONCLUSIONS

An analysis of the halakhic discussion and debate in the rabbinic literature beginning with the Talmud and proceeding to modern legal texts produces a number of conclusions regarding women's participation in the positive commandment to sanctify the Shabbat day.⁵³ They are as follows:

1. Women are obligated in *kiddush* of Shabbat.
2. A woman's obligation in *kiddush* is from the Torah and as such, she also is obligated in the rabbinic additions and interpretations of that commandment.
3. Women may fulfill the obligation of others, both women and men, as they are all equally obligated in *kiddush*.⁵⁴
4. A woman may repeat the *kiddush* on behalf of a male or female who has not yet recited *kiddush*, based on the principle: All of Israel is responsible for one another.

⁵² See *Arukh Hashulhan*, O.H. 186:3 for his understanding of the view of Rosh concerning a woman's obligation in Grace after Meals.

⁵³ The issue of women's obligation in *kiddush* on the holidays is beyond the scope of this paper. See, e.g., *Shulhan Arukh Harav*, O.H. 271:5; *Sh"elot Utshuvot R. Akiva Eiger, Mahadurah Kamma* 1, s.v. *zulat b'eileil*; *Iggerot Moshe* O.H. 4:100.

⁵⁴ One should, in each specific case, consider if it would be socially appropriate and acceptable to do so.



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