**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Deracheha: Women and Mitzvot**

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**Discharging Another's Obligations II**

When should a woman discharge a man's obligations in practice?

# **Can vs. Should**

Based on what we have learned, there should be no bar to a woman discharging a man's obligation whenever she is obligated on the same (or a higher) level.

Indeed, some halachic authorities voice no reservations about a woman discharging a man's obligations when she shares them. Rashi, for example, writes simply that women may discharge men's obligations in *megilla*:[[1]](#footnote-1)

Rashi *Arachim* 3a s.v. *le-atuyai nashim*

For they are obligated in reading *megilla* and fit to read it and to discharge men's obligations.

Kol Bo writes in the name of Rash, a tosafist, that a woman may freely discharge men's obligations in *kiddush*:

*Sefer Kolbo* 31

A woman who knows how to recite *kiddush* recites *kiddush*, and if she does not know how, others recite *kiddush* for her. Rash explained that that [she can recite *kiddush*] even to discharge the obligations of others who do not know how to recite *kiddush*.

There is no suggestion here of any restriction on a woman's reciting *kiddush* for men, though Kolbo mentions the rationale of helping others, and might assume that a woman would typically not take the lead in a case of "*be-rov am hadrat melech*."

In practice, however, women don't seem to discharge men's obligations in *mitzvot* or to recite *berachot* for men very often. Why is that the case?

Talmudic Reservations

A Talmudic passage that describes a woman reciting *birkat ha-mazon* on behalf of her husband might seem to shed light on this question:

*Berachot* 20b

A woman recites [*birkat ha-mazon*] for her husband. But the sages said: Let a curse come upon a person whose wife and sons bless for him.

This passage opens by asserting that a woman’s *beracha* can effectively discharge her husband’s obligation. Yet it continues by discouraging us – very strongly – from putting this halacha into practice, without explaining why.

Note that the curse befalls the husband and not the wife. How has the husband behaved improperly? The ge'onim understand the case as one in which he does not know how to recite *birkat ha-mazon* himself. He deserves a curse because he has not learned *birkat ha-mazon*:

Responsa of the Ge'onim, Immanuel 189

When the sages say 'a curse should befall him,' [it refers] to someone who was negligent and did not learn. For sometimes he eats when his son is not there to recite *birkat ha-mazon* for him, and he winds up not reciting the *beracha* [at all]! But someone who did learn and at times when he is old or sick authorizes his son or a member of his household to recite a *beracha*, he may do so, for 'a person's agent is like himself,' and he does not deserve a curse…

This responsum indicates that a person may have someone else discharge personal obligations for a variety of reasons,[[2]](#footnote-2) and does not distinguish between men and women per se. The Talmud does not critique a woman's discharging her husband's verbal obligation when he has learned to recite it for himself but has difficulty doing so due to age or illness.

Objection

We do see an objection to women discharging men's obligations in the name of Ri Ha-zaken. Ha-aguda reports that Ri rules against women discharging men's obligations, even when their level of obligation is the same:

*Ha-aguda Sukka* 3

Ri explained: Women do not discharge the obligation of men who ate the amount [of food to be obligated in *birkat ha-mazon*] on a Torah level, and so too they do not discharge the obligation of men in *megilla*, even though they are obligated [in *megilla*] like men. So too with regard to *kiddush*, even though they are obligated, as we say in the second chapter of *Berachot* (20b). But it seems to me that women discharge women's obligations whether in *birkat ha-mazon* or *kiddush* or *megilla*…

Ha-aguda provides no explanation for Ri's ruling. Ha-aguda does allow for women discharging *women's* obligations, though, without writing what the Ri would say about it.

Reservations

What might be the concern about women discharging men's obligations?

One reservation might be simply that something does not sit well about having men discharge obligations through women. Ohel Mo'ed, a fourteenth-century halachic authority, rules that a woman can technically discharge a man's obligation in *kiddush*, but she shouldn't, even if he is her husband:

*Ohel Mo'ed Sha'ar Kiddush and Havdala* 1

Women are obligated in *kiddush*; therefore, a woman can discharge her husband's obligation, but this is unseemly.

It's difficult to know what motivates Ohel Mo'ed's concern. By singling out the husband, he might hint that, especially in the marital context, having the woman recite *kiddush* is simply not the way things are done. Or perhaps he is merely paraphrasing the Talmud's mention of a 'curse,' in which case the reservation results from the assumption that the husband did not learn how to recite *kiddush*.[[3]](#footnote-3)

In the course of a discussion of why a woman may not be able to discharge the obligation of a group of men[[4]](#footnote-4) in *birkat ha-mazon*, Tosafot present a reservation of their own, with implications for other *mitzvot*:[[5]](#footnote-5)

Tosafot *Sukka* 38a, s.v. *be'emet*

In the Tosefta it teaches regarding *birkat ha-mazon* that "a woman, a bondsman, and a minor do not discharge the obligation of a group [including men]"…Women do not discharge [the obligation of a group of men]… because it is *rabbim* [lit. many], the matter is undignified for them. For regarding *megilla*, in which women are obligated, Behag explained that women do not discharge the obligation of the *rabbim* in *megilla*.

This suggestion can be challenging to read. Let's try to understand it.

According to this position, a woman may freely discharge a man's obligation in a situation that is not *rabbim*. *Rabbim* here can be interpreted in a few different ways, each with unique halachic implications:

(a) **Non household members** On this reading, a woman may not discharge the obligation of men who are not members of her household. Eliya Rabba makes this argument:[[6]](#footnote-6)

Eliya Rabba 271:3

[A woman] should not discharge the obligation of men who are not members of that household, for thus Tosafot wrote there regarding *birkat ha-mazon*, that she does not discharge the obligation of the *rabbim*… [*Rabbim* means] other men, for the matter is undignified for them.

The distinction between members of her household and outsiders may reflect concerns about the *tzeniut* of the situation. Mishna Berura maintains that we should ideally be stringent in accordance with this opinion, but acknowledges that it is not the fundamental halacha:

*Mishna Berura* 271:

They [women] discharge men's obligations...in any case, one should ideally be stringent that a woman not discharge the obligation of men who are not from her household, for the matter is undignified.

Mishna Berura expresses no objection to a woman discharging household members' obligations.

(b) **A Public Group** On this reading, a woman may discharge a man's obligation, whether or not he is a member of her household, but should not discharge men's mitzva obligations in public.

*Aruch Ha-shulchan* 271:5

There are those who wish to say that women do not discharge men's obligations as with *megilla*, and this is not the fundamental halacha. For there [in the case of *megilla*], since it is in public, the matter is undignified, as Tosafot wrote in *Sukka*. This is not the case regarding *kiddush*, and so wrote the commentators to *Shulchan Aruch* [Magen Avraham and Taz].

The lack of dignity here might again be a concern for the *tzeniut* of a situation, specifically here when women take public roles. A woman would discharge men's obligations in a private setting such as her home, but might not when they gather in a more public setting.

(c) **A Communal Mitzva** On this reading, a woman may discharge a man's obligations whether they are members of her household or not and whether they are a public group or not, but may not discharge even one man's obligation when the nature of the mitzva is communal, such that it should be performed in a *minyan* (like *megilla*) or a group (like *zimmun*).

Rav Yedidya Weil (18th-century Germany) makes this suggestion:[[7]](#footnote-7)

*Ginzei Hamelech* on Rambam *Megilla* 1:1

For it is not relevant to say it is undignified for a woman to discharge the obligation of the many except where the mitzva is communal.

Here the issue is women taking the lead in a mitzva recitation that is **inherently** communal. Rabbi Dr. Aryeh Frimer reports that Rav Aharon Lichtenstein took this approach:[[8]](#footnote-8)

Rabbi Dr. Aryeh Frimer, "Women in Communal Leadership Positions."

As in the previous case, there were those who were in favor of allowing women to make Kiddush for the shul Shabbat morning, while others were adamantly against it. Rav Aharon [Lichtenstein] felt that here too there were poskim on both sides of the issue, but he feels that there is substantial room to be lenient… In contradistinction to *keriat haTorah* and *megilla*, which are inherently public *mitsvot* requiring a *minyan* [at least *le-khathilla* in the case of *megilla*], Kiddush is inherently a private mitsva. Hence there is no *kevod ha-tsibbur* or *zila milta*… Rav Aharon would personally prefer if women were not involved… [because of the stringent positions]; however, he would not be critical or withdraw his involvement in a shul which was lenient.

Rav Lichtenstein would permit a woman to discharge men's obligations in public if the mitzva was not inherently of a communal nature, though he was not enthusiastic about the idea. This hesitation is striking given that his teacher, Rav Yosef Soloveitchik, reportedly had no reservations about a woman making *kiddush* for a public group.[[9]](#footnote-9)

Broyde, Michael, "Further on Women as Prayer Leaders," Judaism, 42:4 (1993), fn. 12

Rabbi Joseph B. Soloveitchik recounted, in a response to a halakhah l'ma'aseh question, in a public lecture at Yeshiva University on November 6, 1984, that a woman can -- without any hesitation -- recite kiddush even for a large group of people (men and women) in any circumstance, and that this was completely permissible (mutar le'hathila), since no minyan/quorum is required for this act and therefore the group is not considered a *zibbur* that need be concerned with its honor.

# **In Practice**

Aside from the viewpoint attributed to Ri, the authorities we have seen recognize that a woman can discharge a man's obligations when she shares the same (or higher) level of obligation. Reservations have centered on what *should* be done, not on what *can* be done.

Shulchan Aruch's approach to what **should** be done is debated. On the one hand, he rules like Kol Bo when it comes to *kiddush*.

*Shulchan Aruch* OC 271:2

Women are obligated in *kiddush*… and they discharge men's obligation since they are obligated on a Torah level like them.

He mentions a more restrictive opinion, however, when it comes to *megilla*:

*Shulchan Aruch* OC 689

There are those who say that women do not discharge men's obligation [in *megilla*].

We can explain the discrepancy in a number of ways. It may have to do with different levels of obligation in *megilla* (Taz),[[10]](#footnote-10) in which case, the critical ruling about women discharging men's obligations is the one on *kiddush*.

Then again, perhaps women's obligation in *megilla* is the same as men's, and these rulings are inconsistent, in the face of which we must be stringent (Bach).[[11]](#footnote-11) Or perhaps *megilla* is different either for an ancillary reason,[[12]](#footnote-12) or because it is often done in a public group, or because it is inherently communal, leaving room for women to discharge men's obligations in other circumstances.

We are left without a single, definitive approach to practical halacha.

Concluding Thoughts

In general, men can recite *birchot ha-nehenin* or discharge verbal obligations like *kiddush* for other men and for women; women can certainly do this for women.

When a woman has the same level of obligation as a man, and there are no properties specific to the mitzva that preclude her from discharging his obligation, her doing so works. When, or whether, she **should** discharge a man's obligations is less clear.

Faced with this question, while many halachic authorities will discourage a woman from discharging a man's obligations, as a way of satisfying all opinions,[[13]](#footnote-13) others will look to permit what can be permitted. Rav Lichtenstein put this well:[[14]](#footnote-14)

Rav Aharon Lichtenstein, "Women in Leadership," p. 34

In this connection [women's public roles] serious and responsible posekim, impeccably committed and with catholicity of Torah knowledge, should, I believe, give greater weight than, in recent generations, has been assigned to the dispensation of *la'asot nahat ruah le-nashim*, cited in the Gemara and in Shulhan Arukh as the basis for permitting what might otherwise have been proscribed.

Following this approach, we can say that one should weigh carefully the potential benefits of having women discharge men’s obligations when halacha allows for it. The more private the mitzva or the setting, the less reason to be restrictive.

Ultimately, the question is one for a community and its halachic leadership to work out. Not all communal settings will be more restrictive. For example, a more innovative approach may have more potential benefit in a college campus or singles community, where distinctions between the religious lives of men and women tend to be less pronounced.

A private affair or family setting, where concerns of *rabbim* are reduced or absent, is more flexible and subject to fewer rabbinic reservations. Here too, open and honest communication should accompany any changes in practice. While there are fewer stakeholders to take into account, domestic traditions exert their own pull.

How should we relate to 'shouldn't's when the halacha isn't 'no'?

For some readers, arguments rooted in tradition, that women should not discharge men's obligations even when technically permissible, may resonate deeply. Certain patterns of Jewish life, such as having men responsible for public ritual roles and women's religious roles being more domestic in orientation, have been customary for millennia. That precedent is not dismissed lightly.

A person accustomed to playing a certain role, whether as reciter or listener, may be attached to it and wish to keep it, especially if it echoes the traditional practice of parents and grandparents. Even a woman who sometimes wishes to, say, recite kiddush for her family might find herself balking should her husband request to light the Shabbat candles.

Rachel Sharansky Danziger writes that women seeking to venture into new modes of practice should not too quickly or easily abandon the traditional paths of our mothers or look upon the practices of past generations with condescension:[[15]](#footnote-15)

Rachel Sharansky Danziger, “Reclaiming Our Mothers’ Religion,” The Times of Israel, December 11, 2014

As we struggle to redefine our place in Judaism, regardless of our bid for greater communal involvement and new roles, let’s not neglect the powerful heritage of our mothers. Let’s not accept the devaluation of their religion …. Let’s reclaim the body and the family as a powerful arena of growth.

For others, it has become increasingly difficult to identify with reasoning that restricts women in any way beyond what the letter of the law would dictate. Women have taken on more public roles in non-ritual areas of life and have gained scholarly Torah knowledge, and often a desire to take the lead in more forms of avodat Hashem accompanies such changes, from a positive place of connection to Torah and mitzvot.

In the case of discharging obligations when the level of obligation is the same, Chazal did not make a specific decree to deter women, and there is a range of views among early halachic authorities. That leaves room to respond affirmatively to these desires in some contexts.

What practice suits which context is a complex issue that by its nature can vary in different communities. Addressing it depends on the values that guide us and how much relative weight we assign them. We need to ask: Is there inherent spiritual value in a woman's discharging a man's obligation here? What is it, who stands to benefit, and in what cases does it most clearly apply?

1. We'll discuss the practical halacha in a forthcoming piece. [↑](#footnote-ref-1)
2. In a parallel case in the mishna, a man deserves a curse for repeating *hallel* after his wife or child. Rashi there writes that he would deserve a curse in that case even if he had learned how to recite *hallel*, because it is demeaning to God (and presumably to the mitzva) to choose such agents. Tosafot elaborates, explaining that it is demeaning for a person who is obligated in a mitzva to choose agents who are exempt from it.

   Rashi *Sukka* 38a, s.v. *Ve-tavo me’eira*

   A curse should come upon him: because he did not learn [to recite *hallel*]. And if he had learned, a curse would come because he showed contempt for his Creator by designating such agents.

   Tosafot *Sukka* 38a s.v. *Va-tehi*

   Because he shows contempt in that these [his wife or son] recite the *beracha* for him, that those calling [the words] out to him are not obligated in the mitzva, [for this reason] he cursed him. [↑](#footnote-ref-2)
3. Or perhaps he had in mind something like Shulchan Aruch Ha-rav, who suggests that men will not take all their *mitzvot* seriously if women begin discharging them.

   *Shulchan Aruch Harav* OC 271:6

   Since women are obligated in *kiddush* on a Torah level like men, they can discharge men's obligations, but ideally one should not rule thus to someone who asks about practical halacha (lest they come not to take the *mitzvot* seriously). [↑](#footnote-ref-3)
4. Korban Netanel (*Megilla* 1:4) suggests that Tosafot here also applies to a woman discharging the obligation of a group of women, but Tosafot ha-Rosh (infra) includes the word "*anashim*" here, which makes it clear that a woman may freely discharge a man's obligation. See Rav Yehuda H. Henkin's discussion in *Benei Banim* 2:10. [↑](#footnote-ref-4)
5. Tosafot suggest another possible rationale for women not discharging men's obligations, specific to *birkat ha-mazon*: that this relates to men's ability to form a *zimmun* in which women can participate, in which respect men have a higher standing. Tosafot Ha-Rosh explains this higher standing as a function of men's being obligated in more *mitzvot*.

   Tosafot *Sukka* 38a, s.v. *Be'emet*

   …Since they don't join men to form a *zimmun*, as the mishna teaches in *Berachot*, they don't discharge men's obligations even though the man discharges theirs. A man is different because he has a higher standing…

   Tosafot Ha-Rosh, *Sukka* 38a

   They are not of sufficient standing to discharge the obligations of men, who are of higher standing because they are obligated in all the *mitzvot*. [↑](#footnote-ref-5)
6. Eliya Rabba finds precedent for his ruling in Ha-aguda, the early commentator who had quoted Ri, who himself is reluctant even to let it be known that a woman could discharge the obligations of household members.

   Ha-aguda *Shavuot* 3

   Women discharge the obligations of women and children in *kiddush*, and in my opinion she even discharges the obligations of the men of her household if her husband is out of town, or if she does not have a husband, and we do not publicize this ruling. [↑](#footnote-ref-6)
7. Available here: <http://hebrewbooks.org/pdfpager.aspx?req=51375&st=&pgnum=47>

   Rav Yaakov Emden suggests something along these lines to explain why women do not discharge men's obligation in *megilla*, even in private.

   See also *Benei Banim* II:10 available here: <http://hebrewbooks.org/pdfpager.aspx?req=20022&st=&pgnum=41> and the discussion in Drs. Frimer "Women, keri'at Ha-Torah and Aliyot" available here: <http://www.rcarabbis.org/pdf/frimer_article.pdf>

   *Mor U-ketzia* 689

   Because the mitzva is to make an effort to get ten [men for a *minyan*] even [when the *megilla* is read] at its [ideal] time, in order to publicize the miracle, therefore even for an individual they [women] do not discharge [men’s obligations] because of *lo pelug* [the principle that we try to keep halachic practice uniform]. [↑](#footnote-ref-7)
8. Available here: <http://www.ise.bgu.ac.il/faculty/kalech/judaism/frimer07WomenCommunalLeadershipPositions.pdf> [↑](#footnote-ref-8)
9. Available here: <https://www.thefreelibrary.com/Further+on+women+as+prayer+leaders+and+their+role+in+communal+prayer%3a...-a014873597> [↑](#footnote-ref-9)
10. We plan to discuss the nature of women's obligation in *megilla* in a forthcoming piece.

    Taz OC 271:2

    And they discharge men’s obligations… - Even though Shulchan Aruch rules in Siman 489 that in such cases women do not discharge men’s obligations in *megilla* reading, although they [women] are obligated in *megilla* reading, it is not similar to this case. For regarding *megilla*, there are opinions that women do not recite the *beracha* “upon reading the *megilla*” but “upon hearing the *megilla*” as is written there in the Beit Yosef. Therefore, it is certainly incorrect for women to discharge men’s obligations *le’chat’chila*. That is not the case here, where everyone agrees that there is no distinction at all between men and women. Therefore, women can properly discharge their [men’s] obligations. And Maharshal and my teacher and father-in-law [Bach] ruled that here also women do not discharge [men’s obligations] as with *megilla*, and this is not at all obvious. [↑](#footnote-ref-10)
11. Bach OC 271

    And in my humble opinion, it seems that the primary halacha is to be stringent with *kiddush* as with *megilla*, that women do not discharge men’s obligations. [↑](#footnote-ref-11)
12. Magen Avraham 689:5

    They [women] do not discharge [men's obligation in *megilla*]- It is not like Chanuka candles because *megilla* is different since it is like Torah reading, meaning they are unfit [to discharge men's obligations] because of *kevod ha-tzibbur*. [↑](#footnote-ref-12)
13. Rav David Auerbach, *Halichot Beitah* 15:10

    A woman can discharge a man's obligation in *kiddush* since she, too, is obligated on a Torah level in *kiddush* like a man. But ideally one should not rule this way except in pressing circumstances…and in any case one should ideally be stringent that she not discharge the obligations of men who are not of her household. [↑](#footnote-ref-13)
14. *Tradition*, 49:1 (Spring 2016) Available here: <https://traditiononline.org/women-in-leadership/> [↑](#footnote-ref-14)
15. Available here: <https://blogs.timesofisrael.com/reclaiming-our-mothers-religion/> [↑](#footnote-ref-15)