



Honoring the memory of Belda K. Lindenbaum z"l

Women and *Birkat Hamazon*: Who Has a Seat at the Table?

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I. Introduction

Classic Jewish law and texts are often countercultural and pose alternatives to the reigning social perspectives of the era in which they are studied. Students and adults alike who learn these sources and want to identify with the ethos and messages of the text sometimes feel a deep dissonance on their initial foray into the material. In our day and age, this tension often comes to the fore in discussions surrounding the place of women in ritual life in Halakha. The questions that emerge from learning and struggling with texts and halakhot in areas such as women's obligation in prayer and blessings is one area which confronts students who learn and study Masekhet Berakhot, a tractate studied at SAR High School in the 12th grade. It is also studied in other yeshiva high schools at various points in the curricular cycle, either in Gemara or Halakha classes. This paper will examine the obligation of women in *birkat hamazon* as it emerges in the Babylonian Talmud's outline of the issue in Masekhet Berakhot, Ch. 2. It will attempt to model a learning and pedagogical approach to understanding the thought process, as well as the balancing of values and methods that are at the core of the Bavli's discussion and conclusions. The student will, hopefully, emerge with a greater appreciation of the thinking process of Hazal, the choices they made, and the values that propelled them in a specific direction. The student can then evaluate the conclusions more deeply and with greater knowledge and enable her to examine the trajectory modern-day Halakha might be able to develop in light of the core assumptions and moves of these foundational texts. In so doing the student can become part of the ongoing process of learning and thinking that is the whoop and wharf of Modern Orthodox Torah study and living.

II. The Babylonian Sugya in Berakhot Ch. 2 (Daf 20a-b)

The second *perek* of Masechet Berakhot discusses situations in which adult men are exempt from the *mitzvot* of *keriat shema* and *tefillah* (as well as when they are obligated). It begins with those who are mourning their relatives and concludes in the latter mishnayot discussing those who are ritually impure from seminal emissions. At the very heart of the *perek*, Mishna 3, the mishna moves from persons in specific situations (e.g. mourning) to discuss categories of people who are exempt and obligated in the *mitzvot* of *keriat shema*, *tefillin*, *tefillah*, *mezuzah* and *birkat hamazon*. The specific categories of people discussed are the classic triad of “Women, Servants and Minors,” who appear together in numerous contexts in rabbinic literature:

נָשִׁים וְעֶבְדִּים וְקֹטְנִים פְּטוּרִין מִקְרִיאַת שְׁמַע וּמִן הַתְּפִלִּין, וְחַיִּבִּין בְּתַפְּלָה וּבְמִזְוָה, וּבְבִרְכַת הַמְּזוּן:

Women, servants and minors are exempt from reciting the Shema and putting on tefillin, but are obligated in tefillah, mezuzah, and Birkat Hamazon (the blessing after meals).

II. The Mishna's List of Mitzvot

At first blush, it is unclear why the mishna discusses these particular *mitzvot*, other than *keriat shema* and prayer, which are the topics of the first half of Masechet Berakhot. In its inclusion of *tefillin*, *mezuzah* and *birkat hamazon*, the mishna seems to deviate from the main topics of these first *perakim*. Moreover, if the mishna is interested in listing all *mitzvot* from which these three categories of persons are exempt, many others should be listed here as well. However, upon closer examination, it is clear that these *mitzvot* were specifically chosen and that what we have here is not an exhaustive list, but a **targeted** one. The organizing principle in this mishna is to list those *mitzvot* connected to or derived from the text of *keriat shema*, which is the main topic of the first two *perakim* and the first half of the third *perek*. As Meiri notes in his commentary to the mishna:

אלא דאגב קריאת שמע נקטינן לתפילין דשייכי בהדא, וכן שהייתי סבור לחייבן מהיקש תפילין למזוזה, וכן בחיוב דנקט תפילה ומזוזה מהאי טעמא הוא שמזוזה נזכרת בפרשת שמע עם התפילין, ותפילה נמי בהדי ק"ש שייכי, וברכת המזון דנקט משום דפרשה שנייה (של ק"ש) כתיב "ואכלת ושבעת"

“Rather, since (the mishna discusses) *keriat shema*, we piggy-back and mention *tefillin* which is related to it, and so too I would have thought to obligate women in *tefillin* due to their juxtaposition (in the text of *keriat shema*). And so too the obligation of prayer and *mezuzah* is based upon the fact that *mezuzah* is mentioned in *keriat shema* together with *tefillin*, and prayer is also mentioned in *Keriat Shema*, and *Birkat Hamazon* is mentioned in our mishna because the second parsha of *Keriat Shema* mentions the phrase “And you shall eat and be satisfied”

The Meiri notes that each of the mitzvot mentioned in this mishna either appears directly in the text of *keriat shema* (*tefillin* and *mezuzah*), has a verse in the text of *keriat shema* interpreted by Hazal as referencing that mitzvah (like *tefillah*, as derived by Hazal from the verse (ולעבדו בכל ללבכם) or serves as an allusion to another verse in the Torah that teaches one of these mitzvot (such as the verse of ונתתי עשב בשדך לבהמתך ואכלת ושבעת in the second paragraph of *shema* [Deut. 11:24], which echoes the same words in Deut. 8:11: ואלת ושבעת , the source of the mitzvah of *birkat hamazon*).

III. Reasons for Exemption in the Mishna (3:3) and the Talmud Yerushalmi

The mishna we are examining does not offer any rationale for the exemptions that it proffers, nor does it focus specifically on women. It simply states as a fact that women, servants and minors are not obligated in *keriat shema* and *tefillin*, while they are obligated in *tefillah*, *mezuzah* and *birkat hamazon*. This is an excellent point to ask students why they believe the mishna might exempt women from these mitzvot. This would produce an initial discussion that would offer a range of suggestions, some more local to *keriat shema* and these specific mitzvot and some more broad and possibly based on the portions of Talmud they had studied in the past. This also might engender a broader discussion about the role of women in Jewish ritual life and students’ personal experiences and views on these issues.

Returning to the text, on one level it makes perfect sense not to include rationales as there is no unifying principle that would include exemptions for these three categories of persons. Other groupings of persons in mishnaic literature that have exemptions such as וקטן , חרש , שוטה , -the deaf-mute, the mentally impaired and the minor, are clearly unified

by a central principle: the lack of halakhic, cognitive competence (דעת), which factors significantly in exempting these categories of people from positive mitzvot, or the inability to perform a formal acquisition or similar action. Such a unifying concept is absent in the triad that we are discussing in our mishna. Women and minors are both exempt from certain mitzvot, but the reasons for this exemption *prima facie* are radically different. Minors are below the age of obligation in mitzvot until they reach a certain age or level of facility, while women are, of course, fully obligated without question (before any technical exemptions) in the entire range of the covenant. Any overlap in exemptions is purely coincidental and not based on a single cohesive principle. The same coincidental overlap would have different sources of obligation and exemption. This is exactly the approach taken by the Talmud Yerushalmi in its initial exposition of this mishna (3:3):

נשים מניין? (דברים יא) ולמדתם אותם את בניכם את בניכם ולא את בנותיכם. עבדים מניין? שנאמר (דברים ו) שמע ישראל ה' אלהינו ה' אחד את שאין לו אדון אלא הקב"ה יצא העבד שיש לו אדון אחר. קטנים מניין? (שמות יג) למען תהיה תורת ה' בפיך בשעה שהוא תדיר בה

"From where do we derive that women are exempt from (Keriat Shema)? For it states in (Devarim 11) "Teach it to your sons- [derive from here] your sons and not your daughters. From where do we derive that slaves are exempt? For it states (Devarim 6)

"Hear O' Israel the Lord our God, the Lord is one" – only one whose master is God alone, which exempts the slave who has another master. From where do we derive that minors are exempt? For it states (Shemot 12)

"So that the Torah will always be in your mouth" – only someone who is constantly able to be engaged in it"

In the Yerushalmi's exposition, every category of person exempt from *Keriat Shema* and *Tefillin* requires its own individual and unique source relevant to its specific halakhic status. The categories are not united by any single rationale. Moreover, in reading this mishna on its own terms (as well as in the first stage of the Yerushalmi's discussion), we find no mention of the famous rule of women's exemption from time-bound positive commandments, a rule that does appear in the mishna in Kiddushin 3:7:

וכל מצות עשה שהזמן גרמה--האנשים חייבין, והנשים פטורות; וכל מצות עשה שלא הזמן גרמה--אחד אנשים ואחד נשים, חייבין. וכל מצוה בלא תעשה, בין שהזמן גרמה ובין שלא הזמן גרמה--אחד אנשים ואחד נשים, חייבין: חוץ מבל תקיף, ומבל תשחית, ומבל תיטמא למתים

With regard to all positive, time-bound mitzvot, men are obligated to perform them and women are exempt. And with regard to all positive mitzvot that are not time bound, both men and women are obligated to perform them. And with regard to all prohibitions, whether they are time-bound or whether

they are not time-bound, both men and women are obligated to observe them, except for the prohibitions of: Do not round the corners of your head, and: Do not destroy the corners of your beard, which are derived from the verse: "You shall not round the corners of your head and you shall not destroy the corners of your beard" (Leviticus 19:27), and a prohibition that concerns only priests: Do not contract ritual impurity from a corpse (see Leviticus 21:1).

It is striking that the mishna in Berakhot here does not reference the mishna in Kiddushin and seems to work in total isolation from that explanation of the exemption of women from certain mitzvot. This absence may yield support for one of two conclusions. In a more radical vein, one can argue that the mishna in Berakhot simply rejects the principle of time-bound exemptions for women and servants. In this reading, such a principle simply does not exist in halakha, and perhaps the tanna of Berakhot would obligate women in some of the mitzvot from which Kiddushin exempts them. A second, less radical interpretation argues that the tanna of Berakhot would concur with the intent of Kiddushin was, but that it presupposes the point made explicit by Rambam in his Peirush Ha-Mishnayot in Kiddushin 1: that the statement in Kiddushin should not be taken literally. There is no hard and fast rule that exempts women based on time boundedness as there are too many exceptions, and the source of the exemptions is rooted in tradition:

וכבר ידעת שהעיקר אצלנו אין למדין מן הכללות ומה שאמר כל אמנם רוצה לומר הרוב ואמנם מה שהנשים מחוייבות ממצות עשה ומה שאינן מחוייבות ממה שמגיע אליהן אינו תלוי בכלל ואמנם נמסרים על פה והם דברים שבאו בקבלה הלא ידעת שאכילת מצה בלילי פסחים ושמחה במועדים והקהל ותפלה מקרא מגילה ונר חנוכה ונר שבת וקידוש היום אלו כולם מצות עשה שהזמן גרמא וכל אחד מהם מחוייבות על הנשים כמו שהם מחוייבות

"And you already know that it is an essential principle to us that we do not learn from the generalizations [formulated in the Mishna]. Thus, what is stated in the mishna "All [mitzvot]" should be interpreted as "most". Thus, the mitzvot that women are obligated or exempt from are not determined by a general principle, but rather have been passed down orally, by tradition, for you know that eating matza on the nights of Pesah, the mitzvah of joy on the holidays, participating in the Hakhel gathering, prayer, the reading of the Megillah, lighting Hannukah and Shabbat candles, and reciting Kiddush on Shabbat, are all time bound commands and women are obligated in each of them just as men are commanded in them."

This kernel of insight is developed at great length in the first half of Elizabeth Shanks Alexander's volume *Gender and Time Bound Commandments in Judaism*. Shanks Alexander argues for the notion that the "rule" of time-bound exemptions began as a pithy summary of an exegetical model, totally descriptive in nature. Only because of a series of exegetical readings did the formulation take on a more solid sense of a "rule," reaching its

apex in later strata of the Bavli as a fully prescriptive and predictive rule that then became operant as a halakhic guide in subsequent iterations of Jewish law in the late amoraic period and throughout subsequent generations. Whether one fully accepts Shanks' argument or not, the basic insight that the generalized "rule" articulated in Kiddushin is far from comprehensive is unassailable.

Students can be prompted to note these realities and possibilities in reading the mishna. In that way they can see the development of the halakha and the choices taken in going in one direction or the other. Moreover, students can become more sensitive to analytic tools of reading a source on its own before moving on to the work of harmonization and resolution.

IV. The Bavli And Its Dilemmas

When we turn to the Bavli's reading of the mishna in Berakhot a different picture emerges, one which assumes the mishna in Kiddushin as a given and as the controlling element in the entire discussion.

Below is Bavli's analysis of our mishna on Berakhot 20b (per my division into units and lines—in Hebrew, distinguishing between various layers of the sugya, with tannaitic sources in bold, amoraic statements in italics, and the connective tissue of the stam in regular font):

1. ק"ש פשיטא? מצות עשה שהזמן גרמא הוא וכל מצות עשה שהזמן גרמא נשים פטורות?
2. מהו דתימא הואיל ואית בה מלכות שמים קמ"ל:
3. ומן התפלין: פשיטא?
4. מהו דתימא הואיל ואתקש למזוזה קמ"ל:
5. וחייבין בתפלה: דרחמי ניהו. מהו דתימא הואיל וכתוב בה (תהילים נה) ערב ובקר וצהרים כמצות עשה שהזמן גרמא דמי קמ"ל:
6. ובמזוזה: פשיטא?
7. מהו דתימא הואיל ואתקש לתלמוד תורה קמשמע לן:
8. ובברכת המזון: פשיטא?
9. מהו דתימא הואיל וכתוב (שמות טז) בתת ה' לכם בערב בשר לאכל ולחם בבקר לשבע כמצות עשה שהזמן גרמא דמי קמ"ל:

10. אמר רב אדא בר אהבה נשים חייבות בקדוש היום דבר תורה
11. אמאי - מצות עשה שהזמן גרמא הוא וכל מצות עשה שהזמן גרמא נשים פטורות?
12. אמר אביי מדרבנן
13. א"ל רבא והא דבר תורה קאמר? ועוד כל מצות עשה נחייבינהו מדרבנן?
14. אלא אמר רבא אמר קרא (שמות כ) זכור (דברים ה) ושומר כל שישנו בשמירה ישנו בזכירה והני נשי הואיל ואיתנהו בשמירה איתנהו בזכירה
15. א"ל רבינא לרבא נשים בברכת המזון דאורייתא או דרבנן
16. למאי נפקא מינה?
17. לאפוקי רבים ידי חובתן אי אמרת דאורייתא אתי דאורייתא ומפיק דאורייתא ואי אמרת דרבנן הוי שאינו מחוייב בדבר וכל שאינו מחוייב בדבר אינו מוציא את הרבים ידי חובתן מאי?
18. ת"ש באמת אמרו בן מברך לאביו ועבד מברך לרבו ואשה מברכת לבעלה אבל אמרו חכמים תבא מארה לאדם שאשתו ובניו מברכין לו
19. אי אמרת בשלמא דאורייתא אתי דאורייתא ומפיק דאורייתא אלא אי אמרת דרבנן אתי דרבנן ומפיק דאורייתא?
20. ולטעמך קטן בר חיובא הוא?
21. אלא הכא במאי עסקינן כגון שאכל שיעורא דרבנן דאתי רבנן ומפיק דרבנן:
22. דרש רב עזירא זמנין אמר לה משמיה דר' אמי וזמנין אמר לה משמיה דר' אסי: אמרו מלאכי השרת לפני הקב"ה רבש"ע כתוב בתורתך (דברים י) אשר לא ישא פנים ולא יקח שחד והלא אתה נושא פנים לישראל דכתיב (במדבר ו) ישא ה' פניו אליך אמר להם וכי לא אשא פנים לישראל שכתבתי להם בתורה (דברים ח) ואכלת ושבעת וברכת את ה' אלהיך והם מדקדקים [על] עצמם עד כזית ועד כביצה:

With regard to the mishna's statement that women are exempt from the recitation of Shema, the Gemara asks: That is obvious, as Shema is a time-bound, positive mitzva, and the halakhic principle is: Women are exempt from any time-bound, positive mitzva, i.e., any mitzva whose performance is only in effect at a particular time. Shema falls into that category as its recitation is restricted to the morning and the evening. Why then did the mishna need to mention it specifically?

The Gemara replies: Lest you say: Since Shema includes the acceptance of the yoke of the kingdom of Heaven, perhaps women are obligated in its recitation despite the fact that it is a time-bound, positive mitzva. Therefore, the mishna teaches us that, nevertheless, women are exempt.. We also learned in the mishna that women are exempt from phylacteries. The Gemara asks: That is obvious as well. The donning of phylacteries is only in effect at particular times; during the day but not at night, on weekdays but not on Shabbat or Festivals. The Gemara replies: Lest you say: Since the mitzva of phylacteries is juxtaposed in the Torah to the mitzva of mezuzah, as it is written: "And you shall bind them as a sign upon your hands and they shall be frontlets between your eyes" (Deuteronomy 6:8), followed by: "And you shall write them upon the door posts of your house and on your gates" (Deuteronomy 6:9), just as women are obligated in the mitzva of mezuzah, so too they are obligated in the mitzva of phylacteries. Therefore, the mishna teaches us that nevertheless, women are exempt.

We also learned in the mishna that women, slaves, and children are **obligated in prayer**. The Gemara explains that, although the mitzva of prayer is only in effect at particular times, which would lead to the conclusion that women are exempt, nevertheless, since prayer is supplication for **mercy** and women also require divine mercy, they are obligated. However, **lest you say: Since regarding prayer it is written: “Evening and morning and afternoon I pray and cry aloud and He hears my voice” (Psalms 55:18), perhaps prayer should be considered a time-bound, positive mitzva and women would be exempt, the mishna teaches us that, fundamentally, the mitzva of prayer is not time-bound and, therefore, everyone is obligated.**

We also learned in the mishna that women are obligated in the mitzva of **mezuzah**. The Gemara asks: That too is **obvious**. Why would they be exempt from fulfilling this obligation, it is a positive mitzva that is not time-bound? The Gemara replies: **Lest you say: Since the mitzva of mezuzah is juxtaposed in the Torah to the mitzva of Torah study (Deuteronomy 11:19–20), just as women are exempt from Torah study, so too they are exempt from the mitzva of mezuzah. Therefore, the mishna explicitly teaches us that they are obligated.**

We also learned in the mishna that women are obligated to recite the **Grace after Meals**. The Gemara asks: That too is **obvious**. The Gemara replies: **Lest you say: Since it is written: “When the Lord shall give you meat to eat in the evening and bread in the morning to the full” (Exodus 16:8), one might conclude that the Torah established fixed times for the meals and, consequently, for the mitzva of Grace after Meals and, therefore, it is considered a time-bound, positive mitzva, exempting women from its recitation. Therefore, the mishna teaches us that women are obligated.**

Rav Adda bar Ahava said: Women are obligated to recite the sanctification of the Shabbat day [kiddush] by Torah law. The Gemara asks: **Why?** Kiddush is a **time-bound, positive mitzva, and women are exempt from all time-bound, positive mitzvot.** **Abaye said:** Indeed, women are obligated to recite kiddush by **rabbinic**, but not by **Torah law**.

Rava said to Abaye: There are two refutations to your explanation. First, Rav Adda bar Ahava said that women are obligated to recite kiddush **by Torah law, and, furthermore,** the very explanation is difficult to understand. If the Sages do indeed institute ordinances in these circumstances, **let us obligate them** to fulfill **all time-bound, positive mitzvot by rabbinic law,** even though they are exempt by Torah law.

Rather, Rava said: This has a unique explanation. In the Ten Commandments in the book of Exodus, **the verse said: “Remember Shabbat and sanctify it” (Exodus 20:8),** while in the book of Deuteronomy it is said: **“Observe Shabbat and sanctify it” (Deuteronomy 5:12).** From these two variants we can deduce that **anyone included in the obligation to observe Shabbat by avoiding its desecration, is also included in the mitzva to remember Shabbat by reciting kiddush. Since these women are included in the mitzva to observe Shabbat, as there is no distinction between men and women in the obligation to observe prohibitions in general and to refrain from the desecration of Shabbat in particular, so too are they included in the mitzva of remembering Shabbat.**

Ravina said to Rava: We learned in the mishna that **women** are obligated in the mitzva of **Grace after Meals**. However, are they obligated **by Torah law** or merely **by rabbinic law?** **What difference does it make whether it is by Torah or rabbinic law?** The difference is regarding her ability to **fulfill the obligation of others** when reciting the blessing on their behalf. **Granted, if you say that their obligation is by Torah law, one whose obligation is by Torah law can come and fulfill the obligation of others who are obligated by Torah law. However, if you say that their obligation is by rabbinic law, then from the perspective of Torah law, women are considered to be one who is not obligated, and the general principle is that one who is not obligated to fulfill a particular mitzva cannot fulfill the obligations of the many in that mitzva. Therefore, it is important to know what is the resolution of this dilemma.**

Come and hear from what was taught in a baraita: **Actually they said that a son may recite a blessing on behalf of his father, and a slave may recite a blessing on behalf of his master, and a woman may recite a blessing on behalf of her husband, but the Sages said: May a curse come to a man who, due to his ignorance, requires his wife and children to recite a blessing on his behalf.**

From here we may infer: **Granted, if you say that their obligation is by Torah law, one whose obligation is by Torah law can come and fulfill the obligation of others who are obligated by Torah law. However, if you say that their obligation is by rabbinic law, can one who is obligated by rabbinic law, come and fulfill the obligation of one whose obligation is by Torah law?**

The Gemara challenges this proof: **And according to your reasoning, is a minor obligated by Torah law to perform mitzvot? Everyone agrees that a minor is exempt by Torah law, yet here the baraita said that he may recite a blessing on behalf of his father. There must be another way to explain the baraita. With what**

we are dealing here? With a case where his father ate a quantity of food that did not satisfy his hunger, a measure for which one is only obligated by rabbinic law to recite Grace after Meals. In that case, one whose obligation is by rabbinic law can come and fulfill the obligation of another whose obligation is by rabbinic law.

After citing the halakha that one who eats a quantity of food that does not satisfy his hunger is obligated by rabbinic law to recite Grace after Meals, the Gemara cites a related homiletic interpretation. **Rav Avira taught, 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, Blessed be He: Master of the Universe, in Your Torah it is written: "The great, mighty and awesome God who favors no one and takes no bribe" (Deuteronomy 10:17), yet You, nevertheless, show favor to Israel, as it is written: "The Lord shall show favor to you and give you peace" (Numbers 6:26). He replied to them: And how can I not show favor to Israel, as I wrote for them in the Torah: "And you shall eat and be satisfied, and bless the Lord your God" (Deuteronomy 8:10), meaning that there is no obligation to bless the Lord until one is satiated; yet they are exacting with themselves to recite Grace after Meals even if they have eaten as much as an olive-bulk or an egg-bulk. Since they go beyond the requirements of the law, they are worthy of favor.** (translation taken from Sefaria.com)

The Bavli's analysis of our mishna involves two shifts that are absent in the Yerushalmi's reading. First, the Bavli focuses almost entirely in its analysis on the obligation of women in the various mitzvot with no discussion at all of the status of servants or minors (until the very last stages, when minors are discussed in the context of understanding women's obligation). Second, in contrast to the plain sense of the mishna and the initial stage of the Yerushalmi's analysis, the Bavli immediately connects our mishna with the mishna and sugya in Kiddushin. It is taken as a given that the principle of women's obligation in non-time-bound mitzvot and the exemption for women in time-bound mitzvot is a fixed and authoritative rule. The Bavli also takes as a given that the rationale for women's exemption from *keriat shema* and *tefillin* is solely rooted in those being time-bound commands. In contrast, the other three mitzvot in which women are obligated are seen as non-time-bound, even if there may have been a far-fetched "*hava aminah*" to see them as bound in some way by time constraints.

After a short detour about women's obligation in the mitzvah of *kiddush* on Shabbat (which we will explore shortly), the sugya surprisingly returns to a discussion about women's obligation in *birkat hamazon*. The mishna had stated explicitly, without debate, that women are obligated in *birkat hamazon*, which makes perfect sense as women, like men, should be included in giving thanks to God for the bounty of food. But then, unexpectedly, the Bavli records a question that Ravina (mid 4th century) asked Rava, his teacher, regarding whether the explicit obligation of women in *birkat hamazon* is biblical or rabbinic. This question is surprising for two reasons:

1. The mishna explicitly states women are obligated in *birkat hamazon*, without qualification. The obligation is presented exactly like the other obligations in the mishna which are all assumed to be biblical obligations unless otherwise specified. What motivates the Bavli to rule this way?
2. The possibility of a two-tiered obligation in *birkat hamazon*, in regards to women or in regards to men who eat less than an undefined level of "satiety," does not appear explicitly anywhere else in the Bavli, neither in Berakhot or in any Tannaitic sources. The debate cited in the mishna in the seventh chapter of Berakhot as to whether one must eat an olive or an egg's size of foods to be obligated in *birkat hamazon* is presented without comment or indication that this debate takes place only on a rabbinic level. Indeed, Rashba on our sugya, notes that the debate about the amount necessary for obligation is not presented as a fundamental debate about whether the *shiur* is biblical or rabbinic:

עוד כתב הרב ז"ל דליכא שיעורא דרבנן דאפילו כזית דאורייתא לרבי מאיר, ור' מאיר ור' יהודה בשיעורא פליגי לקמן (מה). ונראין דבריו

The master z"l also wrote that there is no concept of a rabbinic measurement for Birkat Hamazon, for even (the consumption of) an olive sized amount is obligatory on a biblical level according to R. Meir and R. Meir and R. Yehuda are arguing later in the tractate on Daf 45a what exactly is the minimum requirement. (on a Torah level) And his view appear correct.

3. At the conclusion of the sugya cited above, the Bavli quotes the aggadic statement, quoted in the name of Rav Avira (4th century), regarding a contradiction in biblical verses as to whether God shows favoritism to the Jewish people. In resolving this contradiction the aggadah offers the solution that the Jewish people are so careful about miztvot that they even recite *birkat hamazon* on a smaller size of food, less than the Biblical obligation to reach satiety. The agadda assumes a new concept of rabbinic obligation in *birkat hamazon*. This aggada is quoted one other place in Tanaaitic sources- Sifrei Numbers 42. However, in that source, the contradiction is resolved in totally different, and more standard, rabbinic fashion:

כתוב אחד אומר "ישא ה' פניו אליך", וכתוב אחד אומר (דברים יז): "אשר לא ישא פנים", כיצד יתקיימו שני כתובים הללו? כשישראל עושים רצונו של מקום "ישא ה' פניו אליך", וכשאינן עושים רצונו של מקום "אשר לא ישא פנים". דבר אחר: עד שלא נחתם גזר דין "ישא ה' פניו אליך", משנחתם גזר דין "אשר לא ישא פנים"

“One verse states “May God raise His face towards you (show you favor), while another verse states “Who does not show favor” How can both of these verses exist together? When Israel does God’s will, God should show favor, once the decree has been given (because of Israel’s sins) “He does not show favor”

In light of the Bavli’s reworking of the original tannaitic resolution, Rabbi Joshua Cahan suggests that the presentation of the aggadic comment of Rav Avira right after the halakhic distinction introduced between biblical and rabbinic levels in *birkat hamazon*: “is most likely a response to our sugya. It takes the distinction between levels of obligation *from it*, rather than providing independent attestation to the concept.”¹ This reading is persuasive; indeed, the rabbinic level of obligation in *birkat hamazon* appears to have been introduced by the Bavli, and is not one that existed in tannaitic sources.

In addition, the Bavli’s push to create a new concept of a rabbinic obligation for women in *birkat hamazon* may also explain its introduction of women’s obligation in *kiddush* into the sugya. This new fact seems anomalous as our mishna only discusses the five mitzvot connected to *keriat shema*. Why does the sugya introduce the discussion of *kiddush* on Shabbat? Moreover, the sugya could have chosen to discuss many other mitzvot instead, such as eating *matzah*, reading the *megillah*, drinking the four cups of wine at the seder, that also run counter to the standard exemption for women. The simplest answer is that the discussion surrounding *kiddush* on Shabbat raised the notion, suggested by Abbaye, of a potential obligation for women, solely on a rabbinic level. Thus, this short discussion about *kiddush* is incorporated into a sugya that discusses the apparently separate topic of *birkat hamazon*. It is here that the sugya finds a precedent for introducing the notion of a two-tiered obligation that, though rejected with regards to *kiddush* on Shabbat, could be used to create the structure of women’s obligation in *birkat hamazon*.

4. Fourth, the Bavli’s response to the question *למאי נפקא מינה* as to whether women are obligated on a biblical or rabbinic level is puzzling. The Bavli responds that the practical ramification is whether women can help men fulfill their obligation, as

¹ “Women’s Disputed Level of Obligation in Birkat HaMazon” in *Jewish Studies Quarterly* Vol. 21: pg. 125.

they may be on unequal levels of halakhic obligation. That is certainly a possibility given this construct,² but the primary ramifications are much more basic. Namely, whether an obligation is biblical or rabbinic is central to the entire structure of halakha and determines whether one repeats a mitzvah in cases of doubt, how much one should invest effort in fulfilling the mitzvah, the level of obligation if one is confronted with other priorities, and many other practical differences. Why, of the various possibilities, does the Bavli only mention the issue of women being able to help men fulfill their obligation?

Returning to our first query as to why the Bavli questioned whether women are obligated in *birkat hamazon* on a biblical level, we are left with the puzzling move of the Bavli that seems unnecessary. Indeed, a good number of Rishonim were troubled by the doubt of the sugya and simply ruled that Ravina was in error and that women are obligated in *birkat hamazon* on a biblical level without question, as Rashba writes:

ולענין פסק הלכה לא קיימא לן כרבינא אלא כרבא דאמר ליה דאורייתא. חדא, דרבא רביה דרבינא. ועוד דאמרינן לעיל וחייבין בברכת המזון. פשיטא. ואהדרינן מהו דתימא הואיל וכתוב "בת ה' לכם בערב בשר לאכול ולחם בבקר" מצות עשה שהזמן גרמא הוא, קמ"ל-- אלמא מלתא דפשיטותא הוא לכלהו דחייבות דאורייתא.

Regarding the final ruling we do not follow Ravina, but rather Rava who stated that women are obligated biblically. One reason for this is that Rav was the teacher of Ravina. And, moreover, because the Talmud states "Women are obligated in Birkat Hamazon. This is obvious?" and the Talmud responded: "One might have said that since it is written in a verse "When God gives you meat in the evening to eat and bread by day" it is a time bound commandment, we learn from the Mishna that this is not so" Thus we see that it is an obvious matter to all that women are obligated biblically.

Other Rishonim, such as Rashi and Tosafot, were so troubled by the Bavli's doubt regarding women's level of obligation in *birkat hamazon* that they introduced totally new elements into the sugya. Rashi suggests that the reason is because women did not inherit

² Though the notion that someone obligated on a rabbinic level cannot help someone obligated on a biblical level is far from straight forward, in contrast to the notion that someone exempt from a mitzvah cannot at first blush help someone who is obligated fulfill that mitzvah. In fact, many rishonim on the spot raise the problem in light of the sugya in Berakhot 48a that states that someone who ate an olive size of food can help others fulfill their obligation in *birkat hamazon*, see Rashab , Rosh, and Ritva on our sugya.

portions in the land of Israel upon the conquest, they therefore could not say those lines in *birkat hamazon* and thus were not obligated on a biblical level. Tosafot rejects Rashi's reason and offers in its place the fact that, because women are not obligated in circumcision or the formal mitzvah of *Talmud Torah*, they cannot recite those phrases in the second blessing of *birkat hamazon* and thus their level of obligation might be lower than that of men. Discussions of these opinions in the classroom always leave students (and teachers) with a sense that these approaches are forced, post-facto attempts at resolving a problem created by the Bavli and have little textual basis.

V. A Second Reading of the Sugya

Picking up on this last question of why the Bavli questioned women's level of obligation in *birkat hamazon*, let us offer an analysis that may offer insight into the goals and thinking behind the Bavli's approach. As we noted, the Bavli's one *nakfa minah* to its question of the level of obligation of women in *birkat hamazon* is whether women can help men fulfill their obligation. As such, the sugya seems to drive towards arriving at that discussion. The content of the *beraita* cited by the Bavli at the conclusion of the halakhic portion of the sugya focuses exclusively on the issue of women helping others fulfill their obligation or, in rabbinic slang, "being motzi others." The driving force for the Bavli's question about the level of women's obligation was the existence of the *beraita* that must be read in relation to the mishna.³ And because the *beraita* discusses in one breath the ability of minors to help their fathers fulfill their obligation and the ability of women to help their husbands to do so, it implicitly compares women and minors. Minors, in the Bavli's conception, are clearly only obligated on a rabbinic level of *hinukh*-educating towards observance for the

³ See the language of Rabbi Dr. Yehuda Brandes in his shiurim on Masechet Berakhot - מדע תורתך - במבט חוזר אל פשט הגמרא, נראה שהקושי שראתה הגמרא בחיוב הנשים בברכת המזון מדאורייתא מפורש כבר בה עצמה, ואין צורך לבקשו בטעמים שמחוצה לה. המוקד שסביבו מתנהל הדיון על חיוב הנשים בברכת המזון, הוא האפשרות שלהן להוציא את האנשים ידי חובתן. הטענה המועלית בביריתא היא ש"תבוא מארה" למי שנזקק לכך שאשתו או בנו הקטן יוציאנו ידי חובה. ההקבלה בין אשה לבין קטן מחזקת את הרשם שמדובר, גם ביחס לאשה, בדרגת חיוב נמוכה יותר משל האיש. גם כשהגמרא מבקשת להסביר מה הנפקא-מינה בין דאורייתא לדרבנן, היא ביכולת להוציא ידי חובה. הרשם העולה מן הדברים הוא, שהעמדתן של הנשים בדרגה שווה לאנשים בברכת המזון, פותחת פתח לכך שהן מוציאות את הגברים ידי חובתן, ואין הדבר נוח לחכמים. רבינא, בעקבות לשון הברייתא, מעלה את הספק שמא יש להקליש את מידת החיוב של הנשים, כדי למנוע את האפשרות שלהן להוציא גברים ידי חובתם.

time when the minor will reach the age of majority. Thus, the parallel to women in our case forces the issue of women's level of obligation to the surface. To fully unpack this structure of the sugya and its potential, we should revisit the source of this *beraita* in its original context and its first treatment in the Yerushalmi, upon which the Bavli builds its structure.

1. The original Tosefta and Yerushalmi's Additions

The *beraita* cited by the Bavli:

באמת אמרו בן מברך לאביו, ועבד מברך לרבו, ואשה מברכת לבעלה, אבל אמרו חכמים, תבא מארה למי שאשתו
ובניו מברכין לו

is a version of the Tosefta Berakhot 5:17 (per the version in the Erfurt Manuscript, that Tosefta Kefshuta and most Rishonim adopt as the most authentic reading).

נשים ועבדים וקטנים אין מוציאין את הרבים ידי חובתן. באמת אמרו בן מברך לאביו ואשה מברכת לבעלה.
Women, slaves and minors cannot fulfill the obligations of the many. Indeed it was stated: A son may bless on behalf of his father and a women may bless on behalf of her husband.

The simple reading of the Tosefta is that while women and minors can be “*motzi*” others in their obligation, as evidenced by their ability to help their close relatives in their obligation, they should refrain from doing so for the רבים, which means the general public, and not simply “others,” for which the word אחרים would have been used. This seems to be driven by a notion of public propriety for women vis a vis the public sphere, as in the case of the famous Tosefta cited in Masekhet Megillah that allows women to receive an *aliyah* but deems it something that should not be done because of *kevod hatzibur*. Indeed, Prof. Lieberman in his footnotes explicitly writes: ונשים אינן מוציאות את הרבים מפני כבוד הציבור. If this reading is correct, then the phrase אין מוציאות might more correctly be rendered as “they *should not* help the multitudes” and not “they *are not*.” Such a reading then interprets the Tosefta as presenting a contrast: while women and minors should not engage in

helping others in public fulfill their obligation of *birkat hamazon*, they may do so in the intimate setting of their family context for parents or spouses.⁴

The Tosefta does not indicate explicitly why it would be improper (or in Prof. Lieberman's explicit reading, why it would lack *kevod hatzibbur*) for women to help other men fulfill their obligation of *birkat hamazon* in public settings (רבים). One can conjecture that this may be an issue of *tzniut* and social propriety, which may lie at the heart of the issue later in the 7th perek in Berakhot that women and men should not join together to create a *zimmin*. One may also conjecture that this may be a reflection of the social status of women in the context of the eating fellowship. Various scholars have noted that the issue of the role of women in formal public dining settings or banquets was fraught with tension in the ancient Greco-Roman world, which may be reflected in certain rabbinic attitudes towards women reclining at the seder, women drinking wine at a public meal, and the like.⁵ One can read our sugya as part of the Tannaitic balance between recognizing women's obligation in *birkat hamazon* and the question of social propriety and status of women at the core of the compromise that the Tannaim strove to achieve in their formulations.

2. The Yerushalmi's Reading

⁴ The question of how a minor can help their father fulfill their obligation is a subject that requires its own analysis. On a pshat level, this Tosefta seems to imply that a minor may help an adult fulfill their obligation without any qualifications or implications that the minor is on a different level of obligation. This may give support to Yitzchak Gilat who has argued that in the original stages of halakha, minors were not ipso facto excluded from being obligated until the age of 12 or 13, but rather each mitzvah was looked upon individually. The notion that they were only obligated for reasons of *hinukh* is a later development in halakhic history introduced by the Amoraim. This is the plain sense of the famous formulation in the Tosefta in Hagigah 1:3 (cited in part in Sukkah 42a):

קטן שאין צריך לאמו חייב בסוכה קטן שצריך לאמו יוצא בעירוב אמו ושאינו צריך לאמו מערבין עליו מזון שתי סעודות בעירובי תחומין [יודע] לנענע חייב בלולב יודע להתעטף חייב בציצית יודע לדבר אביו מלמדו שמע ותורה ולשון קודש ואם לאו ראוי לו שלא בא לעולם יודע לשמור תפילין אביו לוקח לו תפילין

See Yitzchak Sheilat, "בן שלש עשרה למצוות" in *פרקים בהשתלשלות ההלכה*, pp. 19-32.

⁵ See the discussion in Ch. 5 of the volume *Reconstructing the Talmud*, pp. 176-182. The conclusion of the authors there is: *What we can glean from these sources is the pervasive anxiety that men of this period felt concerning women's roles, which was played out undeniably at formal meals. The meal was an important social occasion in both rabbinic and Greco-Roman culture (as it is in most cultures), and the meal dictated and reinforced the social hierarchy. How a woman acted at a meal was reflective of her role vis a vis her husband, her family and the public. A woman reclining and drinking wine with men may have implied that she had attained equal social standing to her husband, a message that the male diner may or may not have wanted to convey to others.*

The Yerushalmi cites the Tosefta quoted above but adds comments or reflects a version that has another line from the text we quoted above. I cite here the version found in Yerushalmi Rosh Hashanah 3:10 which is the most complete version of the Yerushalmi's discussion of our issue:

1. תני אבל אמרו אשה מברכת לבעלה עבד לרבו קטן לאביו
ניחא אשה מברכת לבעלה עבד לרבו. קטן לאביו לא כן
2. א"ר אחא בשם ר' יוסה בר נוחריי כל שאמרו בקטן כדי לחנכו.
3. תיפתר בעונה אחריהן.
4. כדי דתנינן תמן מי שהיה עבד או אשה או קטן מקרים אותו. ועונה אחריהם מה שהם אומרים
5. ותהא לו מאירה. תבוא מאירה לבן עשרים שצריך לבן עשר.

The Yerushalmi cites our Tosefta and comments that there is no logical or halakhic problem with a woman being “*mozti*” her husband (line 1). The problem arises with a minor being *mozti* his father as the amora R. Yosi Bar Nehorai expresses the amoraic consensus that minors are not obligated on a biblical level in any positive command, and the only obligation they have is rooted in the (rabbinic) notion of *hinukh*. As such, how can a child be *mozti* his adult father? (line 1-2). The solution of the Yerushalmi (lines 3-4) is to compare this case to that of the situation in *hallel*. Minors and women are assumed to not be obligated in *hallel* (although the mishna does not state why). However, although women and children are not obligated, they can help men by reading the text aloud and having the men parrot the words so that they are actually doing the recitation. The Yerushalmi concludes with the statement that a curse should come upon a man who requires a minor to help him fulfill his obligation. What remains unclear in the Yerushalmi is whether the new conclusion regarding *birkat hamazon* only applies to the case of the child reading for his father, as there was no problem with women and servants being *mozti* a man, or whether we reread the *beraita* entirely as the comparison to children in the *beraita* opens us up to rereading the level of obligation of women as well.

VI. Returning to the Bavli

The raw materials we have examined until this point are the building blocks of the sugya constructed by the Bavli. As we indicated above, the sugya seems to have been driven by the tension between the plain sense of the mishna and the language of the Tosefta as well as its expansion in the Yerushalmi. Ravina, or the stammaim's reading of Ravina, begins with the potential of women being *motzi* others as the core issue, but we have noted the oddity of this focus in regard to *birkat hamazon*: why highlight that issue among all others? The mention of this issue seems to be a direct amoraic reformulation of the original passage in the Tosefta:

נשים ועבדים וקטנים אין מוציאין את הרבים ידי חובתן

which parallels the Bavli's language of:

לאפוקי רבים ידי חובתן

Ravina and the stammaim do not accept the Tosefta's original meaning (per Lieberman) that **אין מוציאין** means "they should not." For them, the text should be read as "they cannot." This may be driven by the comparison in the Yerushalmi to minors who, by this point in halakhic history, were seen as only obligated on a rabbinic level. Moreover, this reading may be driven by the conception that, in a "normal" setting, women and men cannot be equal at the table. It may simply have been inconceivable to Ravina, given that women and men cannot make a *zimman* together and lacked equal social status in antiquity, that they could, in any setting, public or private, help men fulfill their Torah obligation.

This interpretation is problematic, however, in that it does not account for the mishna's explicit statement that women are obligated in *birkat hamazon*. It is here that Ravina or the stam of the gemara created a new category of a rabbinic obligation, distinct from the biblical category for women, and explained the case of the minor as a specific unique case -- an *ukimta* -- where the adult man was only obligated on a rabbinic level. In making this move, the Bavli ignores the simple solution of the Yerushalmi, that the minor here is reading the text of *birkat hamazon* for the adult to parrot, and instead creates a new category, which points to some external driving value or goal beyond the simple exegetical problem. Rava, of course, clearly disagrees. As presented by the Bavli, Rava responds to his pupil Ravina's original query, as to whether women are obligated biblically and their ability to be *mozti* men, with a selective citation of the Tosefta:

ת"ש באמת אמרו בן מברך לאביו ועבד מברך לרבו ואשה מברכת לבעלה אבל אמרו חכמים תבא מארה לאדם
שאשתו ובניו מברכין לו

אי אמרת בשלמא דאורייתא אתי דאורייתא ומפיק דאורייתא אלא אי אמרת דרבנן אתי דרבנן ומפיק דאורייתא?
Rava, significantly, cites only the portion of the Tosefta (with the addition of the Yerushalmi) that speaks of women helping their husbands fulfill their mitzvah. Rava and the stam do not cite the opening lines about women not being able to help the רבים fulfill their mitzvah. For him, this line may not have been problematic as he may have interpreted it as something akin to guidance: that they *should not* do this in public for reasons of propriety. In a more radical vein, the omission raises the possibility that Rava rejected that view of the Tosefta entirely in light of the plain sense of our mishna, which states unequivocally that women are obligated in *birkat hamazon* and makes no distinctions between private or public settings. Be that as it may, for Rava, the basic Biblical obligation of women in *birkat hamazon* remains intact: the language of our mishna is clear and unproblematic, with no need to create new categories of rabbinic obligation in *birkat hamazon*. At the core of the dispute between Rava and Ravina, then, at least as presented in the Bavli, is an interpretive dispute around the meaning of the Tosefta and its relationship to our mishna. That dispute may be rooted in narrow exegetical concerns, or it may reflect different attitudes to the role of women at the rabbinic table.⁶

VII. Closing Thoughts

Learning this sugya in Berkahot 20a-b brings the student into conversation with the ways in which rabbis of the Bavli built upon, transformed and reinterpreted authoritative sources that they received by tradition and needed to integrate. Being sensitive to their exegetical moves and the effects of those decisions raises awareness of an important element of the rabbinic enterprise and Talmud Torah. Appreciating those moves helps learners deepen their understanding of the concept of *mesorah* and how to deal seriously

⁶ Due to the paucity of sources about the eating fellowship in Sasanian-Iranian society, any conjecture about the “rabbinic table” has perforce made brief reference to sources and discussions about the Greco-Roman reality and its potential parallels in the rabbinic world. More knowledge about the status of women and their involvement in the eating fellowship both at home and in public banquets in the Sasanian period is an important desideratum.

with source material. Studying the building blocks of the sugya provides the student with insight into the difficult questions the Bavli raises and moves that it makes.

Beyond those conceptual understandings, this sugya specifically raises questions about how the various rabbinic voices understood the role of women in the eating fellowship and the social status of women in eating contexts, both private and public. These issues do not have clear-cut answers and may reflect a certain ambivalence that existed in rabbinic times.

As societal mores shifted in the middle-ages and more significantly in the modern period, the voices in the tradition that restrict women's equal status to men in the eating context become less relatable. The exegetical moves made by some rabbinic figures seem less necessary to our contemporary understanding. The existence of the other voices, identified with Rava, whose reading keeps intact a greater level of equity between men and women in the eating context, leaves space for an alternative focus. It provides places in the rabbinic discussion for those who wish to see a more "egalitarian" approach with which they can identify and which they can use to guide their perspectives. This sugya and its unpacking may be a model for students of the kind of tensile balance and deep engagement with the sources required of thoughtful Modern Orthodox Jews. By carefully studying all of the voices that emerge from them, students -- and their teachers -- are better equipped to engage in ongoing conversations about the changing nature of society, the egalitarian ethos, and our engagement with received traditions and sources.

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