Jewish Women and Positive Time-bound Commandments: Reconsidering the Rabbinic Texts

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Abstract

The starting point of this article is that Jewish law defined the difference between the sexes and created a gender hierarchy through a broad generalization (accompanied by a long list of exceptions) which created a link between halakhic obligation, gender and time. It argues that there is no coincidence that the halakhic starting point on this issue depends on a time-bound definition. From its inception, Judaism has dealt with the formation of a uniquely Jewish conception of time, different from that of its surroundings, including both linear and circular characteristics, a concept of time widely expressed already in the Bible. After the destruction of the second Temple this Jewish concept of time had an additional challenge to deal with – the structuring of Jewish time as a central component of Jewish identity, which both preserves and protects it. Women were perceived as both belonging and not belonging, capable and incapable, only partial partners in the great cultural and spiritual Jewish challenge. The definition of women’s partial partnership through time is therefore well suited to the place and importance of time in the Jewish concept of the world in general, and the rabbinical one in particular.

Introduction

The last few decades have witnessed innovative and fruitful research on the question of gender in the Jewish context. The various projects undertaken in this context present a broad view of women’s role in Judaism and illuminate the ways in which the image of the Jewish woman has been constructed. This conversation continues to grow, deepening and diversifying with further research.

One of the important foundations for understanding women’s role in Judaism is the Mishna, which exempts women from ‘mitzvot aseh she-hazman grama’ – positive time-bound commandments; i.e. active commandments whose implementation is dependent on a particular moment in time. This topic too has been the subject of interesting and innovative studies in the past few years, but it appears that this baffling mishnaic statement, which connects women and time without any explanation for the correlation, continues to challenge and trouble Jewish thinkers, and has not, to date, been fully and satisfactorily examined or interpreted.
The exemption from positive time-bound commandments (together with women’s exemption from the study of Torah) is the cause of the generations-long exclusion of women from the cultural, social and religious authority. Its essential meaning is a diminution of the number of commandments and halakhic requirements placed upon women. The very fact of their partial belonging to the world of halakha led to this lower religious, legal and economic status, as will be demonstrated below.¹ The commandments from which women are exempted are evident in different sources of the Talmudic literature,² but only in one incident an attempt is made to formulate a comprehensive exemption from a broad category of commandments. Mishna Tractate Kiddushin 1:7 divides all commandments into four categories and exempts women from one of them:³

All obligations of the son upon the father, men are bound, but women are exempt. But all obligations of the father upon the son, both men and women are bound. All affirmative precepts limited to time, men are liable and women are exempt. But all affirmative precepts not limited to time are binding upon both men and women. And all negative precepts, whether limited to time or not limited to time, are binding upon both men and women; excepting ‘ye shall not round [the corners of your heads] neither shalt thou mar [the corner of thy beard]’ and ‘he shall not defile himself to the dead’ (Mishna Kiddushin 1:7).

This prominent text supposedly ‘frees’ women from the grasp of time; accordingly, all of the active commandments, which are time-dependent, apply only to men, whereas women are exempt.⁴ The rule of thumb suggested here for women’s exemption from mitzvoth leads, in the Talmud, to a long line of particular exemptions, as well as a list of questions and problems.⁵ Its weakness and lack of solidity as a rule only sharpen the essential question regarding the link between time, activeness (‘positive commandments’) and gender; why were the commandments directed at men defined thus? And why was the rule documented and then firmly fixed into the halakhic framework, despite the multiple difficulties and refutations it raises.

The Talmudic literature does not offer an explanation for the exemption, although it does hint at one.⁶ The first such explanation appears in the fourteenth century by David ben Josef ben David Abudarham (fl. 1340):

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And the reason that women were exempted from positive time-bound commandments, since the woman is subjugated to her husband to fulfill his needs, [and] if she were obligated in positive time-bound commandments, it is possible that while performing a mitzvah her husband would command her to fulfill his commandment, and if she fulfills the commandment of the Creator and neglects his commandment – woe is she from her husband; and if she fulfills her commandments and neglects the commandment of the Creator – woe is she from her Maker. Therefore the Creator exempted her from his commandments so that she should be at peace with her husband (Abudirham, *Weekday Prayer Book*, Part 3, Section 372).

According to this explanation, the woman’s subjugation to her husband (and before her marriage, to her father) might lead to a situation where the woman is under dual obligation. In order to avoid this complication, God preemptively ‘concedes’ his authority in favor of the husband’s – i.e., in order to ensure that the woman’s subjugation to her husband is uninterrupted, she is released from her obligations to time-bound commandments.

Another traditional explanation, which became popular with the rise of egalitarianism, opines that the exemption derives from the spiritual advantage women enjoy over men. This explanation was first suggested by Rabbi Samson Raphael Hirsch⁸ (1808 – 1888) in several places in his biblical exegesis, such as the following excerpt from his commentary on Leviticus 23:43:

... but it seems to us that the following explanation is very likely: the Torah did not obligate women in these commandments because they do not need them. Since this is the entire purpose of positive time-bound commandments: they express truths, thoughts, principles and decisions through symbolic actions; and they renew these values at regular intervals, so that we will return them to our hearts and realize them in our actions, and the Torah assumes that the woman has superior devotion and loyalty to her mission in life; and the trials which await her in her mission present little danger to her; because of this, there was no need to obligate her in all of the commandment in which the man is obligated; since the man requires repeated spurring on in his devotion to his mission; and he must be repeatedly warned of any negligence in fulfilling this mission...

Despite the appeal of this explanation, it does not stand up to critical analysis: as Judith Hauptman, for one, has demonstrated,⁹ the exemption in fact explained (or at least justified) the weakening of women’s religious standing, excluded them from ritual activities, which took place on holidays and from the public sphere in general, and diminished the value of their lives from the halakhic perspective.

Contemporary scholars¹⁰ have also added explanations to those suggested by exegetes, both past and present,¹¹ despite the impressive array of interpretations these
writers have compiled, however, it appears that they too leave room for a further, deeper examination of the issue.

A. Exclusion from Time as the Basis for Exclusion from the Public Sphere

As noted, the Talmud states that the mishnaic explanation of women’s exemption from time-bound commandments was too sweeping and imprecise to begin with, since there are time-bound commandments in which women are obligated, such as eating matzah on Passover, lighting Shabbat candles, etc., and conversely, there are positive non-time-bound commandments from which women are exempt, such as the commandment to be fruitful and multiply and the obligation to study Torah. Despite this, the mishna in Kiddushin is the first, and in fact only, attempt to propose a systematic approach and fundamental logic for the different commandments from which women are exempt, and its influence over halakhic discourse throughout the ages has been monumental.

Already the Tosefta states the following:

R. Yehuda says: there are three blessings which a man must bless every day: blessed is He who did not make me a gentile; blessed is He who did not make me ignorant; blessed is He who did not make me a woman… a woman – since women are not obligated in the commandments. They told a parable, to what is this similar? To a king of flesh and blood who said to his servant: ‘cook me a dish.’ And he [the servant] had never cooked in his life, therefore in the end he burns the dish and angers his master… (Tosefta, Brachot 6:18, p. 38 in the Lieberman edition).

The blessing of the one ‘who did not create me a woman’ is pronounced because women are exempt from (some of) the commandments. The parable provides further explanation of why being born male and not a woman is a blessing: because women are exempt from these commandments they are incapable of worshipping God properly. Here, the generalization made in Kiddushin formed a central basis for the assertion of women’s religious inferiority. Elsewhere, interpretations of Kiddushin were used specifically to exclude women from the centers of ceremony and ritual, and more generally from the sites in which Jewish power is placed: batei midrash, synagogues and religious courts.

There is a direct connection between the severing of the connection between women and time and their exclusion from communal power. This link is expressed in the
Talmud through the *mitzvot* which are cited at the beginning of the discussion of women’s exemption: the Babylonian Talmud grounds the exemption in the establishment of a basic rule (*binyan av*), from which it derives two particular exemptions: the exemption of women from the *mitzvah* of phylacteries, itself based on the exemption from the study of the Torah:

> And positive time-bound commandments, women are exempt (mishnah, there): Whence do we know it? It is learned from phylacteries: just as women are exempt from phylacteries, so are they exempt from all affirmative precepts limited to time. Phylacteries [themselves] are derived from the study of the Torah: just as women are exempt from the study of the Torah, so are they exempt from phylacteries (*Kiddushin* 34a).

The *mitzvah* of laying phylacteries, which – by its Hebrew name, *tefillin* – alludes to prayer – *tefillah*, symbolizes the world of the synagogue, whereas the *mitzvah* of Torah study (which is not a ‘positive time-bound commandment’ at all) is the foundation of the world of study and the *beit midrash* culture, and even the legal system and the world of the religious court. The exemption of women from time-bound commandments thus develops into the foundation of the mechanism of excluding women from the social, spiritual and cultural spheres of Jewish life, and from the public arena in general.

An unambiguous expression of women’s inferiority to men, on the basis of their exemption from positive time-bound commandments, can be found in the following words from mishna *Horayot* 3:7: “a man takes precedence over a woman in matters concerning the saving of life…” In situations in which one can only save one life, but two or more people are in peril (such as in a case of drowning or a fire, or in today’s cases of a motor accidents or terrorist attacks), if there are both women and men at risk, one must save the men first. Why is this? Rabbi, Ovadiah ben Abraham of Bartenura (c.1445-c.1515), the foremost mishnaic exegete of the 15th century, explains this halakha: “since he (the man) is more holy than she (the woman), since the man is obligated in all of the commandments and the woman is exempt from positive time-bound commandments.” Women’s exclusion from time-bound commandments thus weakened their religious and human status and marginalized them with regards to men in general, in addition to their explicit subordination to their husbands.
This distinction is challenging. Is there indeed an immanent and fundamental connection between time and gender? Or is this connection merely a cultural one, which exists primarily in Jewish culture? And if so, what in Jewish culture created this unique association?

**B. The Linear-Spiral Concept vs. the Circular Concept of Time**

Various scholars have already noted the decisive shift in the understanding of time which the monotheistic religions had brought about: The ancient world and the pagan religions proposed a primarily circular concept of time, according to which people and events repeated themselves over and over, in perpetual circles. In fact, time does not ‘progress,’ but rather repeats itself in different variations, similarly to the repetition of the seasons.19

In contrast to this circular pagan conception of time, Judaism offered a new and revolutionary concept, according to which time is represented dually: On the one hand, it is circular and repetitive like the movement of the sun and the moon, which creates the calendar (the Hebrew word for ‘year’, shannah, from the root s.n.h, means to repeat itself over and over). On the other hand, and concomitantly, time is also linear and progressive: Time progresses from the beginning point of Creation, ex nihilo, to the finishing point, the End of Days, which is the subject of immeasurable longing, visions and prophecies, anticipating the final and complete redemption.20 The present is at some point on this line between the beginning and the end. The track of time is not completely linear, since it also includes an element of circular repetition. The combination of the circular and linear lines creates a spiral motion, which is the shape of the train track. The expression ‘in those days and in this time’, taken from the blessings on lighting the candles on Hannukah, expresses this duality. Each holiday contains both singular events which took place at a particular point in history (‘in those days’) and ceremonies which repeat themselves over and over at a set time (‘in this time’).

The Jewish concept of time imbued the present with new meaning and purpose. According to this conception, human life in general, and Jewish life in particular, are
intended to fulfill certain purposes which will bring the Jewish people closer to the point of ending and redemption.\textsuperscript{21}

Rabbinic literature is replete with traditions which proffer a meta-historical perception which combines a circular and repetitive aspect and a progressing-linear one. A clear example for this spiral perception of time can be found in the \textit{Arba Malchuyot} (four kingdoms) midrashim, which are scattered throughout the Talmudic literature.\textsuperscript{22}

These midrashim first appeared in the visions in the book of Daniel (Daniel 7ff). According to this pattern of thought, Jewish history, from the destruction of the First Temple, is divided into four cycles of subjugation. At the end of these four cycles the Messiah will arrive and a new era will begin.

This idea is expressed very succinctly, for instance, in the Babylonian Talmud, \textit{Megillah} 11a, which reads as follows:

\begin{quote}
In a beraita it was taught: ‘Yet, even then, when they are in the lands of their enemies, I will not reject them or spurn them so as to destroy them, annulling My covenant with them, for I the Lord am their God’ (Leviticus 26:44). \\
I have not rejected them’ - in the days of the Chaldeans, when I raised up for them Daniel, Hananiah, Mishael and Azariah; \\
‘neither did I abhor them’ - in the days of the Greeks, when I raised up for them Simeon the Righteous and Hasmonai and his sons, and Mattathias the High Priest; \\
‘to destroy them utterly’ - in the days of Haman, when I raised up for them Mordecai and Esther; \\
‘to break my covenant with them’ - in the days of the Persians, when I raised up for them the members of the house of Rabbi and the Sages of the various generations. \\
‘For I am the Lord their God’ - in the time to come, when no nation or people will be able to subject them.
\end{quote}

This beraita divides Jewish history from the destruction of the First Temple into four eras; each of which sees the Jewish people ruled by a different empire. In each of these eras, God provides a Jewish leader to protect the people. At the end of the fourth era, God promises the Jews a new epoch, in which they will no longer be subjugated. The final era breaks free of the supposedly cyclical structure, and lays out the linear aspect of time, in which history is constantly advancing toward a better future.\textsuperscript{23}

\section{C. The Gendered Aspects of the Two Concepts of Time}

The visual expressions of these two modes of time, the circular and the linear (or spiral) creates, by association, a gendered context based on the different anatomy of the two sexes. The connection between the circular lunar cycle and women’s
menstrual cycle is unparallel to men’s experience. Due to the link between the lunar and female menstrual cycles, and the inevitability of conception and birth, women were perceived as closer to nature. Anthropologists suggested that in many cultures – including Judaism – women are perceived as lacking a stable identity (change in their family names) and in their biological-religious essence: they transit from being fertile (and pure) to being infertile (and impure) on a monthly basis. Nissan Rubin states:

The laws of menstrual impurity are a clear expression of [a woman’s] social status, a status that is lacking in clear and constant boundaries. Every month she crosses the boundaries back and forth. Through this natural cycle she is controlled by forces of nature which cannot themselves be controlled, and is therefore viewed as a threat to social boundaries and social order, and as one who must be supervised in order to assure that she does not ‘deviate’.24

Men, on the other hand, possessing the ability to control themselves, their wives, society and nature, were perceived as the creators and bearers of culture, and as closer to the linear aspect of time.25 Even the gender pronouns in Hebrew hint at the different connections of men and women to linear time: the male – zachar – is he who can remember – lizkor, i.e. he who is the bearer of the knowledge of historical sequence, and thus the bearer of a linear consciousness of time. Women and femininity – nashiyut – are linked to forgetfulness – neshiya, and they are those who do not remember and are lacking in this ‘linear’ consciousness.26

The obvious conclusion of this brief introduction to the link between linear time and masculinity and between circular time and femininity27 insinuates that when Judaism gradually formed a spiral conception of linear control over culture and history, and nature, it needed to emphasize the male element, thereby pushing aside the female one.

D. The Shift from a Judaism of Place to a Judaism of Time in the Wake of the Destruction of the Second Temple

The destruction of the Second Temple in 70 C.E. launched a process of restructuring within Judaism. This process greatly intensified the necessity and urgency of the process of structuring Jewish time. During the hundreds of years following the destruction, during the rabbis’ reign, Judaism was restructured in a way which enabled its survival throughout the middle ages as a religion and as a civilization
independent of a particular locale. The particular place in which Judaism has existed and thrived until that point was composed of three realms of holiness: the Land of Israel, Jerusalem, and the Temple. The destruction of these holy places, followed by the graduated process of exile, turned them into abstract objects of longing. Institutions and ceremonies which were previously connected with the holy place were restructured or replaced with alternatives devoid of any geography. Thus, for instance, the triple daily ritual of sacrifice in the Temple (morning, afternoon and night) became the basis for the triple daily prayers, which carry the respective names of the sacrifices they replaced. The synagogue, also called a ‘small Temple,’ replaced the Temple in Jerusalem. Jewish leadership passed from the hands of the priests to those of Torah scholars and Torah study became the identifying feature of the Jewish educated elite.

Rather than the axis of place, Judaism was now formed around the axis of time: the commandments, blessings, prayers and holidays structured Jewish time and became the virtual walls of the new Jewish identity. The Sabbath became a ‘temple in time’, as Heschel dubbed it, and was surrounded by many other ‘buildings’, which together constituted the big Jewish metropolis, a metropolis which existed in the dimension of time alone, and not in the three dimensions of space.

This reshaping of Jewish time further emphasized women’s exclusion, both from time itself and from Jewish life, in particular the synagogue, the beit midrash and the religious court. Time, which substituted place, became an exclusively male territory.

E. The Women of the Temple

The relatively notable presence of women in the Temple has been discussed in recent scholarship. Women were active participants in some ceremonies, and their presence had halakhic consequences. The presence of women in the Temple affected its daily practice, yet one can already distinguish between time-bound public ceremonies, which were initiated by men, and ceremonies of a personal nature, such as the sacrifices brought by a parturient woman, in which women participated.
It appears, then, that pre-rabbinic Temple Judaism, which emphasized offering sacrifices, was also much more relaxed about women’s place in religious life. To this one must add the local-agricultural nature of the Jewish holidays during the time of the Temple. The Jewish concept of time included both the circular, repetitive element relating to the seasons and the linear historical element; but the circular one was stronger and more pronounced. One can therefore note three characteristics which distinguished Temple Judaism from rabbinic Judaism: the importance of place, the emphasis on circular-natural-agricultural time, and the equanimity regarding women’s presence in sanctified places.

With the shift to rabbinic Judaism and the gradual separation from the political control over the Land of Israel, the linear-historical element of all of the holidays gained strength. As the linear temporal model emphasized recollection – and thus the masculine experience – women’s presence in holy spaces underwent continued restrictions. The rabbis made a choice, which in hindsight appears appropriate for the changes Judaism experienced; they also associated men, positive commandments and time, while excluding women from this newly formed holy trinity.

F. Summary

Jewish law defined the difference between the sexes and created a gender hierarchy which created a link between halakhic obligation, gender and time. Despite the fact that the initial definition used the term of ‘exemption,’ many of the exemptions became, gradually, halakhic or social prohibitions, and as a result the walls separating women from the communal and public religious life grew higher and higher.

It is no coincidence that the halakhic starting point on this issue depends on a time-bound definition. Extensively expressed already in the Bible, Judaism developed a unique concept of time. After the destruction of the second Temple, this Jewish notion of time created an additional challenge – the structuring of Jewish time as a central component of Jewish identity, which both preserves and protects it. Women were perceived as partial partners in this eminent cultural and spiritual undertaking.
With the return of the Jews to the Land of Israel, the religious establishment is facing further challenges to its attitude to place, time and women. Eventually, mainstream Judaism will have to construct a lasting resolution to these problems.

The feminist movement and its sweeping historical effects is another challenge to mainstream Judaism. One can hope that the third millennium will indeed be more ‘feminine’ than its predecessors, in terms of the freedoms and options available to women.

Will the third millennium be also more ‘feminine’ in terms of the relationship between time and gender in Jewish culture? How will women’s access to Jewish culture and religion influence Jewish ritual specifically, and Jewish culture in general? And on a wider and more philosophical level, how will the return to the holy sites, on the one hand, and women’s entry into the public Jewish sphere, on the other, influence the Jewish concept of time? These questions are yet to be answered.
Appendix:

Women’s Exemption from Positive Time-Bound Commandments: A Short Literature Survey

- Judith Wegner\(^41\) claims that the rabbis perceived women’s role as enablers of their husbands’ spiritual and intellectual lives: to care for their needs and the needs of their children and home, and to provide income to the best of their ability. Constant, daily interruptions caused by prayer and other obligations would prevent women from fulfilling these roles optimally, and the rabbis therefore exempted them from these types of commandments. In essence, Wegner accepts the common medieval rationalization, but, as a modern feminist she denounces and rejects it.

- Shmuel Safrai\(^42\) believes the mishna reflects the reality of the rabbis’ world, and not a directive for the ages: “… the rule that women are exempt from positive time-bound commandments should not be understood as deriving from certain theories [or] from a fundamental theoretical understanding of women’s status in the bible, or a summary of halakhic practical opinion.” Safrai’s historical explanation is not congruous with the large number of exceptions, from both directions (exceptions to the rule, and additional exemptions for women).

- Ruchama Weiss\(^43\) suggests that the roots of the exemption lie in the two mitzvoth (tzitzith and phylacteries) as already mentioned in the tannaitic sources. These two, she believes, form the basis for the generalization found in the mishna brought above. “The physical, and even erotic, nature of these mitzvoth creates a strong, special, sensual – and most especially male – experience.” Women’s inclusion in these mitzvoth would change the nature of the experience and proves threatening, and therefore gives rise to particularly vehement objection. However, the very definition of these two mitzvoth as positive time-bound commandments is questionable.\(^44\) \(^45\)
- Judith Hauptman\(^46\) refutes the traditional explanations, according to which women do not have the time to observe time-bound commandments or are more spiritual than men, and claims that the real reason for the exemption is men’s desire to position women on a lower social stratum, outside of the central ritual system.\(^47\) The rabbinic structure which addressed the destruction of the Temple and created substitutes for the sacrificial worship constructed men as ‘priests’ - those who could serve in the Temple, and women as ‘Israelites’ – those who could not. The priestly association is made clear in the mishna directly following M. \textit{Kiddushin} 1:7, which lists, in detail, gender differences in the Temple itself.\(^48\)

- Nathan Margalit\(^49\) believes that the roots of the exemption are imbedded in the changes which took place as a result of the destruction of the Temple, but suggests a different model: during the time of the Temple, the priests represented the feminine side of the relationship between God and his people, and the Temple was viewed as a womb that received the male God. This erotic connection between the ‘masculine’ God and his ‘feminine’ priests required the clear distancing of women from the inner sanctum of the Temple, as stated in M. \textit{Kiddushin} 1:8ff.\(^50\) The feminine aspect of the priesthood was theological in nature. This gendered complexity regarding the priesthood passed on to all Jewish men after the destruction of the Temple, with sanctified time replacing sanctified space, and ordinary male heads of households replacing the priests as God’s representatives and partners. While Margalit’s discussion of the feminine characteristics of the priesthood is enlightening, and his explanation regarding parental responsibilities most convincing, its application to the issue of positive time-bound commandments is of lesser significance.

- Michael Satlow\(^51\) believes that the rabbis saw the commandments as a means for developing self-control, as part of a moderately ascetic worldview (“a reality-accepting asceticism”). Women in the ancient world were not seen as moral subjects, capable of such self-control, and were thus not obligated in
these *mitzvoth*. Satlow’s explanation does not shed any light on the exclusion of women from positive time-bound commandments.

- Moshe Benovitz\textsuperscript{52} believes that the tannaitic generalization of ‘positive time-bound commandments’ first applied to a limited number of *mitzvoth* only (phylacteries, tzitzith, the reading of the ‘Shema’, the blowing of the *shofar*, *succa*, *lulav* and the Paschal sacrifice). The list was later expanded by the Amoraim. These commandments are all based in the *mitzvah* of learning the Torah.\textsuperscript{53} Therefore, women were still required to fulfill other positive time-bound commandments, which were not related to Torah study. The exemption accordingly derived from the traditional way of life and the accepted gender hierarchy, in which women were expected to care for children and their homes. The exemption stems from an inner-halakhic logic that assumes that if women were to be obligated in Torah study, it will require them to perform other time-bound *mitzvot*. However, as Benovitz himself mentions, the phraseology used by the rabbis is not indicative of this direction, and rather points to a different understanding. As such, this logic necessitates further explanation.

- Elizabeth Alexander\textsuperscript{54} suggests that the *Kiddushin* text is a reflection of exegetical activity within the *beit Midrash*. In her opinion, the ruling about positive time-bound commandments is, as Safrai and others believed, descriptive rather than prescriptive. But it is not a summary of the social reality in the days of the Tannaim, but rather of their exegetical academic activity. Alexander therefore severs the link between the ruling and ‘life’ and turns the former into a product of purely academic activity. However, as in the case of Benovitz, even if the ruling was formulated theoretically rather than deriving from an actual reality, it survived and became prevalent in Jewish practice outside confines of the *beit midrash*.
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1 For further details see, for example, Tamar Ross, Expanding the Palace of Torah: Orthodoxy and Feminism (Hanover: Brandeis University Press, 2004); Hanah Kehtah, Feminism and Judaism – From Collision to Regeneration (Hebrew; Tel Aviv: Ministry of Defence Press, 2008), as well as my article: Anat Israeli, “A Bit Different: on the Place of women in Jewish Society”, in: A. Shoham and S. Doron (eds.), Between Hyper-Visibility and Transparency: The Attitude toward the “Other” in Israeli Society (Bialik: Press: in print).

2 See a detailed summary of these exemptions in the Talmudic Encyclopedia [Hebrew], vol. II, ‘Isha’, pp. 242-257. [In a nutshell, traditionally, there are three mitzvot (commandments) that women are required to perform: Nerot (lighting candles), challah (separating a portion of dough before baking it as as written in Num. 15:20), and Niddah (sexual separation during a woman’s menstrual period and ritual immersion afterwards). As seen in this article, complications and further debates ensue in the rabbinic literature and beyond. – Editor’s note.]

3 The four categories are: (1) positive time-bound commandments (2) positive non-time-bound commandments (3) negative time-bound commandments (4) negative non-time-bound commandments. Women are required to fulfill the last three categories similarly to men. As Judith Hauptman, Rereading the Rabbis: A Woman’s Voice (Boulder, Colo.: Westview Press, 1998), p. 226, has pointed out, there is no further reference in the entire Talmudic literature to this quadruple division of commandments, beyond its use for the explanation of the various exemptions given to women, and it appears that these categories were created in order to serve this exact purpose.

4 See early tannaitic formulations of this ruling in Mekhillta DeRashbi 13:9, Epstein-Melammed edition, p. 41; Sifrei Bamidbar, Shelakh, 115, Horowitz edition, p. 124, and the discussions of it in the Talmuds: BT, beginning on Kiddushin 34a; PT, Kiddushin 1:7, 1:3. Rabbinic literature already includes exemptions and expansions to this rule, as well as fundamental reservations regarding it. For a more detailed discussion, see Elizabeth Shanks Alexander, Gender and Timebound Commandments in Judaism (Cambridge: Cambridge University Press, 2013).

5 The discussion in the BT (Kiddushin 34a) opens with examples which do not fit the rule (“Now, is this a general principle? But unleavened bread, rejoicing [on Festivals], and ‘assembling’ are positive commandments precepts limited to time, and yet incumbent upon women. Furthermore, study of the Torah, procreation, and the redemption of the son, are not positive commandments limited to time, and yet women are exempt [therefrom]!”) and with the determination that it is not actually a rule (“R. Johanan answered: We cannot learn from general principles, even where exceptions are stated”). Later on in the discussion (beginning on 34b), the Talmud bases the exemption on the exemption from phylacteries, a decision, which turns out to be problematic: First, there is no general agreement that the mitsvah of laying phylacteries is a positive time-bound commandment, but rather a Tannaitic dispute on the matter. Second, there is no hint in the Torah that the mitsvah is intended for men only (unlike clearer cases, in which phrases such as ‘the men amongst you’, ‘man’, ‘citizen’, etc. are used). The midrashic basis offered for the rule is also a shaky one, and one could present similar – or even stronger – midrashic readings which would lead to the opposite conclusion, as suggested in the Talmudic discussion. See the detailed analysis of the discussion in Jay Rovner, “Rhetorical Strategy and Dialectical Necessity in the Babylonian Talmud: The Case of Kiddushin 34a–35a”, HUCA 65 (1994), pp. 177–231, and see more regarding its difficulties and the ambivalent message it carries in David Kraemer, Reading the Rabbis: The Talmud as Literature (Oxford: Oxford University Press, 1996), pp. 95-108.

6 Rabbinic literature only gives an explanation for the topic discussed in the first part of the mishna, women’s obligation in the commandment to honor one’s parents (“But all obligations of the father upon the son, both men and women are bound”). Despite the mishna’s words, parallel texts state that women are obligated in this mitsvah, but less than their husbands, an explanation which fits in also with the exemption from positive time-bound commandments – as even traditional exegetes, who explained the exemption through it – believed. See, for example, Tosefta Kiddushin 1:11 (pp. 279-280 in the Lieberman edition): “… both the man and the woman, but the man is able to do it and the woman is...
not, since others have control of her.” Similarly, in the Sifra, at the beginning of Kdoshim (p. 86c-d in Weiss’s edition); PT Kiddushin 81a-b; BT Kiddushin 30b, 35a. This explanation ascribes women’s diminished obligation on their subordination to their husbands and is thus of a circumstantial and social nature. The explanation brought in the Sifrei in the name of R. Shimon b. Yochai is, in contrast, of a more essentialist and ethical nature: “… R. Shimon said: all positive time-bound commandments are placed upon men, but not upon women; upon those valid, and not those who are invalid” (Sifrei Bamidbar, Shelakh, 115, p. 124 in the Horowitz edition). A similar explanation, according to which the exemption stems from the fact that women do not possess the good inclination, appears also in the Yalkut Shimon on I Samuel 1:13.  

The full name of this book is ‘the Work of Exegesis on the Blessings and Prayers.’ The book was written in Spanish in the fourteenth century by Rabbi David (b. Yosef) Abudirham. And see a similar explanation in Rabbi Yaacov Anatoli, Malmad Hatalmidim, 15b-16a.  

Rabbi Samson Raphael Hirsch was a prominent German rabbi of the 19th century.  


See the appendix for a detailed outline of the various modern scholarly suggestions.  

See, for example, Rabbi Eliyahu Ki Tov, Ish u-Beito, chapter 8; Rabbi Moshe Feinstein, Iggrot Moshe, Orakh Haim 4:49; Rabbi Eliezer Melamed, Peninei Halakha (Tel-Aviv, 1995), chapter 3; Rabbi Ovadia Yosef, Yabia Omer, part 1, 40:9 and additional examples brought by Ross (2004), beginning on p. 87. An example of a new explanation for the exemption, which touches somewhat on ideas which will be discussed in this article, is the one proffered by the previous Minister of Education, Rabbi Shai Piron, in a responsum he published on the “Kippa” website on the 11th of Elul, 2001: “Positive time-bound commandments are commandments which create a dependency between man and the element of time. As we know, there are three layers in our world: world (=place), year (=time) and soul (=man). This unique triangle gives expression to the three elements in such a way that each has a fundamental and meaningful value. At times place and time enable the appearance of man’s holiness, at times man and time express the uniqueness of place, etc. The essence of the meeting between man and time creates a spiritual meaning for both man and time. Time enables man to bring some of his potential. However, in the same way that it brings to fruition hidden strengths in man […], time also serves as a shield before calamity. It prevents man from getting carried away and reaching places where he should not be. The daily prayers are intended to expose the hidden strengths, and at the same time to prevent man’s addiction to the lower aspects of life. From this one must understand that the limiting aspect of time can prove burdensome and destructive to those who can flourish and reach a deep expression of their lives. So time becomes a burden… Therefore, since women’s nature is more fluid and natural and does not require these limitations, the sages of the halakha decided that they should not be obligated in positive time-bound commandments. They don’t need them.” Shai Piron, “Why are Women Exempt from Positive Time-Bound Commandments?”, Responsa on Kippa, culled on 1.1.14 - http://www.kipa.co.il/ask/show/11819  

BT Kiddushin 34a.  

And similarly in the PT Brachot, 9:1, 13b. The supposed explanation here, that women are not obligated in commandments at all, is even broader than the rule in the mishna and of course contradicts halakhic reality. In medieval literature it usually appears in a more precise version based on the mishna in Kiddushin. Thus, for instance, the Abudirham (above, note 7), explains: “who did not make me a woman – since she is not commanded in positive time-bound commandments…” Abudirham here creates a circular argument: man’s superiority over woman derives from the fact that she is exempt from some of the commandments while he is not. This exemption was given to woman in order to enable her to serve her husband, since he is more important than her. He is more important than her, since she is exempt from some of the commandments and he is not. And so on…  


This appears partially already in the halakhic midrashim: Mekhilta de Rashbi 13:9 (p. 41 in the Epstein-Melammed edition); Mekhilta de R. Ishmael, Pesach, 17 (p. 68 in the Horowity-Rabin edition). In Benovitz’s opinion (Moshe Benovitz, "Time-triggered positive commandments as conversation pieces", Hebrew Union College Annual 78 (2007), p. 72), the Babylonian editors were unfamiliar with the midrashic versions. [See also Bavli Eruvin 96a, where Michal, Saul’s daughter, is
reported as wearing the phylacteries; on the same topic, see also Yerushalmi Eruvin 10a; For a contradictory interpretation, see Bavli Mo’ed Katan 16a.—[Editor’s note.] 

One must note that the exclusion from religious court is also based on the disqualification of women from serving as witnesses in court, even before the consideration of their lacking the pertinent education for becoming judges is taken into account. See, for example, Sifrei Dvarim (Finkelstein edition), 190, p. 230; mishna Shevut 4:1; Rosh Hashanah 1:8.

The Talmud immediately continues to emphasize the mitzvah of mezuzah as one in which women are obligated: “and should we learn from phylacteries regarding mezuzah?” The mezuzah symbolizes the world of the home and the private sphere, which is the world allocated to women. Women’s exemption from Torah study, on which the Talmudic discussion bases itself here, is itself mentioned a bit earlier in the same discussion, see BT Kiddushin 29b; and see the discussions of this Talmudic passage in Hanah Kehat, Feminism and Judaism – From Collision to Regeneration (Hebrew; Tel Aviv: Ministry of Defence Press, 2008, p. 133 onwards and Elizabeth Shanks Alexander, Gender and Timebound Commandments in Judaism (Cambridge: Cambridge University Press, 2013). For more on the exclusion of women from the public sphere see Rachel Elior, “Absent Present, Inanimate Nature and a Beautiful Maiden without Eyes: to the Issue of Women’s Presence and Absence in the Holy Tongue, Jewish Religion and Israeli Life”, Yael Azmon (ed.), Will You Listen to My Voice? Representations of Women in Israeli Culture (Hebrew; Tel-Aviv: Hakibbutz Hameuchad, 2001), pp. 42-82 and Yael Azmon, “Introduction: Judaism and the Distancing of Women from Public Activity”, in Yael Azmon (ed.), A View into the Lives of Women in Jewish Societies (Hebrew; Jerusalem: the Zalman Shazar Center for Jewish History, 1995), pp.13-43.

Unfortunately, this halakhic rule of thumb still holds sway today. The following two contemporary examples illustrate this fact: in July 2002, at the height of the suicide terrorist attacks of the Second Intifada, a religious paramedic asks Rabbi Shlomo Aviner, one of the leaders of religious Zionism, for his practical guidance on how these considerations should determine his actions during an attack with numerous victims. Rav Aviner told him to first save the men, and repeated this ruling on air for arutz 7. The story was then picked up in a newspaper item, from which comes the following quote: “‘The life of a man is more important than the life of a woman’- thus says Rabbi Shlomo Aviner, one of the important leaders of religious Zionism… the explanation for this is predicated, he claims, on the fact that men are required to fulfill the commandments, and saving their lives thus leads to benefiting from their mitzvot. According to Rabbi Aviner, if a religious paramedic is faced with two severely wounded people, a man and a woman, he must first treat the man. In order to dispel any doubts, Rabbi Aviner explained that if a man and a woman are drowning at sea, one must save the man and then the woman. Rabbi Aviner clarified that, since we are dealing with a halakha which is difficult to explain to the general public, the religious paramedic should act upon it, but not publicize it to people who won’t understand. ‘We should not hide what it says in the Torah, but, on the other hand, if there are things that people don’t understand, we don’t need to say them,’ said the Rabbi (from the Ma’ariv newspaper website, accessed on 27.9.13: http://images.maariv.co.il/channels/1/ART/525/579.html). The second example relates to a halakhic composition by the Rabbi of the Western Wall, Rabbi Shmuel Rabinowitz. In the fifth chapter of this treatise, Shut Sha’arei Zion (Jerusalem, 2006), Rabbi Rabinowitz explains at length why the women’s section at the Western Wall cannot be slightly expanded at the expense of the men’s section (which is almost four times its size), since the men’s section is more holy and therefore ‘we may not permanently move the mechitza (division) and enlarge the space of the women’s section at the expense of the space of the men’s section, since this would entail lowering the space from a high level of holiness to a lesser one.’


Christian linear view of history. The full picture is more complex, since the linear concept can be clearly identified in Greek historiography, on the one hand, and, on the other hand, the Jewish-Christian view of time includes, from the outset, the cyclical view of time. See Gabrielle M. Spiegel, “Memory and History: Liturgical Time and Historical Time”, History and Theory (May 2002): 149-162.

21 In the words of Yosef Haim Yerushalmi, Zakhor: Jewish History and Jewish Memory (Washington: University of Washington Press, 1982), p. 8: “If Herodotus was the father of history, the fathers of meaning in history were the Jews...Suddenly, as it were, the crucial encounter between man and the divine shifted away from the realm of nature and the cosmos to the plane of history, conceived now in terms of divine challenge and as human response”. The dual perception of time is especially outstanding in the Apocrypha in general, and in the books of Hanoch in particular. This body of literature, which was created primarily in Palestine during the Second Temple period, places great emphasis both on the repetitive, formulaic and set nature of time and on the its historical and progressive nature, which unfolds according to a pre-determined divine plan. The disagreement between the various sects of the Second Temple period extended also to the calendar, i.e. to the method of tracking time, but all of the sects and schools of thought agreed that time was advancing toward the End of all Days, and that it possessed a linear aspect. For a detailed discussion of the perception of time in the Apocrypha and the Dead Sea Scrolls, see the writings of Rachel Elior, for example: Rachel Elior, Heikhalot Literature and Merkavah Tradition (Hebrew). Tel Aviv: Yediot Aharonot, 2004, pp. 19-35; idem, Temple and Chariot, Priests and Angels, Sanctuary and Heavenly Sanctuaries in Early Jewish Mysticism (Hebrew) (Jerusalem: Magnes Press, 2003), pp. 88-93.

22 See, for example: Sifra (Weiss edition), Behukotai 112:3; Mekhilta de Rabbi Ishmaeli (Horowitz-Rabbin edition), Bahodesh 9, p. 236; Pesiqta de Rav Kahana (Mendelbaum edition), Hahodesh 18; p. 107; Bereshit Rabba (Theodore-Albeck edition) 2:4, p. 16-17; ibid, 16:4, pp. 147-148; Yavagra Rabba (Margalioyt edition) 13:5, pp. 293-495; Pesiqta de Rav Kahana (Ish-Shalom edition) 152:2; Shemot Rabba 15:6, and numerous other places. See also a comprehensive survey of these midrashim and their orientation, and the difference between them and a parallel scheme prevalent in the ancient world in: Rivka Raviv, “The Talmudic Formulation of the Prophecies of the Four Kingdoms in the Book of Daniel” (Hebrew), JSIJ 5 (2006), pp. 1-20; Jonah Frankel, The Ways of Agгадah and Midrash (Hebrew; Givataim: Mesada, 1991), pp. 223-225.

23 Alongside a clear meta-historical perception, as many have demonstrated, the rabbis at times exhibit indifference to individual events and historical details. See, for example, Yosef Haim Yerushalmi, Zakhor: Jewish History and Jewish Memory (Washington: University of Washington Press, 1982), pp. 36-48; Efrain Elimelech Urbach, “Halakhah and History”, in R. Hamerton-Kelly and R. Sheroggs (eds.), Jews, Greeks and Christians: Religions Cultures in Late Antiquity (Leiden: E.J. Brill, 1976), pp. 115-128; Moshe David Herr, “The Rabbinic Perception of History”, Proceedings of the 6th World Congress of Jewish Studies 3 (1973), pp. 129-142. Jacob Neusner, "Paradigmatic versus Historical Thinking: The Case of Rabbinic Judaism", History and Theory 36 (1997), pp. 353-377, suggests a slightly different definition for the integration of the cyclical aspect of the historical outlook which developed in post-destruction rabbinical thought, one which he calls 'paradigmatic thought.'


25 I believe it is this to which Rabbi Piron’s words (above, note 11) allude. The connection between woman and nature, as well as between man and culture, has been much discussed in the past few decades. See Sherry B. Ortner, "Is female to male as nature is to culture?" in Michelle Zimbalist Rosaldo and Louise Lamphere (eds.), Woman, culture, and society (Stanford, CA: Stanford University Press, 1974), pp. 68-87, and the discussion regarding her theory in Tamar Elor, “Following Woman and Man, Nature and Science – the Cultural History of the Gender Differentiation”, in Niza Yanay et al. (eds.), Venues of Feminist Thinking: A Reader, Vol. 1 (Hebrew; Raanana, Open University of Israel, 2007), pp. 85-118.


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Women and Positive Time-Bound Commandments


28 See, for example: “If one is standing in Eretz Israel he should turn mentally towards Jerusalem… If he is standing in Jerusalem he should turn mentally towards the Sanctuary… If he is standing in the Sanctuary, he should turn mentally towards the Holy of Holies…”, BT Berachot 30a, and many similar sources. In more detail, see Mishna Kelim, beginning in 1:6.

29 See, for example, the reviews by Aaron Openheimer, “Jewish society”, in Moshe Her (ed.), The History of Eretz Israel: The Mishna and Talmud Period and the Byzantine Rule (70-640) (Hebrew; Jerusalem: Yad Ben-Zvi Press, 1985), pp. 111-125; Shmuel Safrai, “The Mishnaic and Talmudic Period”, in Haim Hillen Ben-Sasson (ed.), History of the Jewish People, 1: The Ancient Times (Hebrew; Tel Aviv: Dvir, 1969), pp. 297-329; Menachem Fisch, To Know Wisdom: Science, Rationality and Torah-Study (Hebrew; Jerusalem: Hakibbutz Hameuchad, 1994), p. 64 and onward, and more. Fisch raises yet another point which intensified the aspect of time in Jewish post-Temple consciousness: the Pharisee attitude to time, characterized by the ‘demand to give as much human explanation to tracked time as possible’, which was expressed in the rabbis’ involvement in the formation of the Jewish calendar (the determination of the beginning of the lunar month and dictating of leap year), as opposed to the Sadducee and sectarian approach, which ruled out such human intervention (see there, p. 58). This ‘human intervention’ is, of course, male intervention. The Pharisee victory following the destruction of the Temple intensified this active approach to tracking time.


32 Unlike their presence in synagogues throughout the ages, which had no effect whatsoever on the arrangements and functioning of this ritual space.

33 The list of restrictions in mishna Kiddushin 1:8, quoted below in note 48, forms a picture of women’s exclusion from the Temple. However, the list in fact includes only activities restricted to the priests, not ones in which all Israelites took part. The inclusion of the list in Kiddushin alone, without parallel lists appearing in tractates which deal with sacrifices, creates a link between it and the exemption from positive time-bound commandments, as Hauptman (note 46 below) and Margalit (note 49 below) have pointed out, and it thus appears that the prohibition formulated after the destruction was a continuation of the practice prevalent during the time of the Temple. However, the actions mentioned in the mishna are actually actions undertaken by the priests (The [rites of] laying hands, waving, bringing near [the meal-offering], taking the handful, burning [the fat], wringing [the neck of bird sacrifices], receiving and sprinkling [the blood]), which were therefore obviously not enacted by women. While women did not take part in these activities, as they were priestly ones, they were present at the Temple and partook in the ceremonies as a part of the general public. It is possible that the context and the time from which this mishna derives were post-Temple and that it is linked to the formulation of the exemption from positive time-bound commandments.


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34 See note 31 above. Different scholars have also pointed to a link between the Temple priesthood and femininity. This link is expressed, among other things, in the special commandments given to women (such as the dough offering, menstrual laws and the lighting of Shabbat candles) and their general domestic roles, and the roles of the High Priest in the Temple (see Sylvie Anne Goldberg, "Is time a gendered affair? Category and concept – ‘women’ and ‘mitzvah’", in Elisheva Baumgarten, Amnon Raz-Krakotzkin, Roni Weinstein (eds.), Tov Elem - Memory, Community and Gender in Medieval and Early Modern Jewish Societies; Essays in Honor of Robert Bonfil [Jerusalem: The Bialik Institute, 2011], pp. 15-28, Christiane Tzuberi, "And the woman is a high-priest: from the Temple to the kitchen, from the laws of ritual impurity to the laws of Kashrut", in Tal Ilan, Monica Brockhaus and Tanja Hilde (eds.), Introduction to Seder Qodashim [Tübingen: Mohr Siebeck, 2012], pp. 167-175; in the special focus both groups had on the laws of personal purity and the maintaining of pure family and national pedigrees; in the importance placed on bodily perfection and the covering of hair; in the ‘feminine’ role the priests fulfilled vis à vis God, and more (and see in the Appendix the discussion of Nathan Margalit’s theory regarding the reason for women’s exemption from positive time-bound commandments, and in more detail in his article, Natan Margalit, "Priestly Men and Invisible Women: Male Appropriation of the Feminine and the Exemption of Women from Positive, Time-Bound Commandments", AJ Review 28.2 (2004), pp. 303-305. A more detailed discussion can be found in Dalia Marx, Tractates Tamid, Middot and Qinnim: A Feminist Commentary [Tübingen: Mohr Siebeck, 2013], pp. 11-15). Despite all this, it appears that this connection between women and the priests actually led to the stronger exclusion of women from the priestly territory, as Margalit has claimed.

35 The most obvious example of this process would appear to be the Jewish Pentecost, which shifted from being a holiday of fruit offerings in the Temple to the holiday of the revelation at Sinai and the giving of the Torah to the Israelites. There is a significant body of scholarly research available on each individual Jewish holiday, which I cannot present in the context of the present article. For general surveys of the available scholarship on this topic see Joseph Tabory, "Jewish Festivals in Late Antiquity", S. T. Katz (ed.), The Cambridge History of Judaism, Vol. IV: The Late Roman-Rabbinic Period (Cambridge: Cambridge University Press, 2006); idem, The Jewish Holidays in the Time of the Mishnah and Talmud (Hebrew; Jerusalem: Magnes, 1997); Zeev Safrai, “From Synagogue to Little Temple”, Proceedings of the 10th World Congress of Jewish Studies 2 (1989), pp. 23-28; Moshe Zeev Soleh, The Holidays in the Bible, the Talmud, the Midrash and Minhag (Hebrew; Jerusalem: Keter, 1986); Abraham P. Bloch, The Biblical and Historical Background of the Jewish Holy Days (New York: Ktav Publishing House, 1978).

36 A clear and well-known example is the ‘prohibition’ on women laying phylacteries, which is explained as deriving from the fact that women are not ‘clean’ enough (!). Thus, for example, says Rabbi Yosef Karo in the Beit Yosef, Orakh Chaim 38: “…that if women want to lay phylacteries – we do not heed them, since they do not know how to maintain their own cleanliness… since phylacteries require a clean body and women are not quick to ensure this cleanliness…”.


38 See a lengthy discussion of this topic in Bonne Debra Haberman, “Israel, a palace in space: a gendered re-vision of territoriality”, Nashim 6 (2003), pp. 165-181. Haberman ends the article with the following appeal: “Let us resolve to wrestle with the sanctity of space and material without capitulating to the machismo of territorial possessiveness that fuels conquest, conflict, and draws blood. May we engage collaboratively in the sacred labor of building our “Palace in Space!”

39 In Leibowitz’s sharp wording – Yeshayahu Leibowitz, “Women’s Place in Judaism – Halakha and Meta-halakha”, in Faith, History and Values (Hebrew; Jerusalem: Hebrew University Press, 1982), pp. 71-74, and particularly idem., “On Woman”, a transcription on things said in the context of the “two octave” meeting, accessed on 1.1.14 - http://www.tpeople.co.il/leibowitz/leibarticles.asp?id=71: “In the nineteenth century, and particularly in its second half, the event which, in my eyes, was the greatest revolution in human history, from the Paleolithic period and to our days, took place, when culture, on the level of intellectual and political life, stopped being a male issue and became a general human one. But the Judaism represented by those who are immersed in the world of traditional Torah study and are either unaware, or wish to be unaware, of the fact that this revolution has taken place in human reality, that woman today is a different creature, really a different creature, than she was for 300 or maybe 500 generations. The image of a woman who is a doctor, who is a lawyer, who is a university professor, and in the last…”
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who teaches men – this figure did not exist at all, and one can say that the partially consolidated halakha either does not recognize that such a strange object exists: a woman who is the manager of a bank, a woman who teaches physics in a university – the halakha is completely unfamiliar with this figure. And this is what creates such a great crisis in the world of Judaism”. (One must note here that Leibowitz managed to define the new situation well, thus proving himself philosophically ahead of his time, but the solutions he offered were not quite as advanced as his observations).


Shmuel Safrai, “The Mitzva Obligation of Women in Tannaitic Thought”, *Bar-Ilan; Studies in Judaica and the Humanities* 26-27 (Hebrew; 1995), pp. 227-236: 232. Regarding the weakness of the rule, Safrai says the following: “... there exist different explanations for women being obligated in this or that positive commandment even though it is a positive time-bound commandment. There are, similarly, explanations for mother’s exemption from the obligations toward their sons – because she herself is not obligated in them. But when it comes to women’s exemption from the reading of the shema, from phylacteries and from all of the positive time-bound commandments – there is no basis, neither in the Tannaitic nor in the Amoraic sources, for exempting women other than the homily ‘and you shall teach your sons – and not your daughters’. [...] On the basis of this weak homily they want to exempt women from the obligation to learn Torah, and from this derive her exemption from all positive time-bound commandments?”

Ruchama Weiss-Goldman, “I Want to Wrap you in Phylacteries’ – Women Performing Male Commandments”, in David Yoel Ariel, Maya Leibowitz and Yoram Mazor (eds.), *Blessed is He who Made me a Woman?* (Hebrew; Tel-Aviv: Yedit Aharonot), pp. 113-120.

See note 5 above, and see also the Tosefot on *Kiddushin* 34a. “Tefillin and Phylacteries”, and further on in the Talmudic discussion, *Kiddushin* 35a.

Such as the prohibition on women wearing men’s clothing: “A woman must not wear men’s clothing...” (Deuteronomy 22:5).


*Kiddushin* 1:8: “The [rites of] laying hands, waving, bringing near [the meal-offering], taking the handful, burning [the fat], wringing [the neck of bird sacrifices], receiving and sprinkling [the blood], are performed by men but not by women, excepting the meal-offering of a sotah and a nezirah, where they [themselves] do perform waving” – a sharper wording which parallels the rule.


See note 48 above.


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while men inhabit the opposite pole of ‘culture’ and ‘cooked’. Because of this, only men may reach the level of self-control necessary for the fulfillment of positive time-bound commandments.

53 The halakhic midrashim and the Talmudic discussion in the Babylonian Talmud, following them, do indeed hinge the exemption from positive time-bound commandments on the exemption from learning Torah, see further on in this article.