

Zera Shimshon

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Chapter XVII: Yitro (Ex. 18:1–20:23)

Essay 10. Placing women first

מדרש רבּה על פסוק "פה תאמר לבית יעקב" אלו הנשים "ומגיד לבני ישראל" אלו האנשים. ולמה לנשים תחלה? שהן מן הדרוה תחלה במצוות עכ"ל. יש לדקדק מהו שהן מן הדרוה תחלה, ועוד שאר רבא נשים עצלניות הן, ועוד דאפילו אם תהינה יותר זריזות, מכל מקום אין טעם זה מספיק להקדימן, שהרי הנשים אינן בכל המצוות כאנשים ואינן חייבות בתלמוד תורה. ובכל מקום מצינו שהאיש קודם לאשה, וכן בפרק ט' דברכות מסתברא דזכר מסגי ברישא. ועוד שבכאן הנה הקב"ה רוצה ליתן תורה לישראל כדי שילמדו אותה, ואחר כך יקיימו אותה וישמרו המצוות, והנשים פטורות מתלמוד תורה.

There is a **Midrash Ex. Rabbah (28:2) on the verse**, “Thus shall you say to the house of Jacob and declare to the children of Israel.”¹ “**Thus shall you say to the house of Jacob—These are the women. ‘And declare to the children of Israel’—These are the men. Why are women discussed first? Because they hurry first to perform the commandments.**”

We need to check what is this answer that they hurry first. Also, to the contrary, women are lazy. Also, even if they would be quicker, in any case this reason would not be enough to advance them ahead of men, as the women are not obliged in all of the commandments as the men are, and they are not obligated to learn Torah. In any case, we find that the men precede the women, and thus in the ninth chapter of tractate Berachot, “it is reasonable to say that the male walked in front, as it was taught in a Baraita: A man should not walk behind a woman on a path, even if she is his wife.”²

Furthermore, here the Holy One, Blessed be He, wanted to give the Torah to Israel so that they would learn it, and then observe it and keep the commandments, and women are exempt from learning the Torah.

ויש לומר דאמרינן בקידושין (דף ל"ד) שהנשים חייבות במזוזה מסברא, דגברי בעו חיי נשי לא בעו חיי. והקשו שם התוספות והא דקתיב "כי הוא חידה וארדה נמי" דמשמע אשה נמי חייבת בתלמוד תורה מהאי טעמא דגברי בעו חיי וכו'. יש לומר דקרא לא קאי אתלמוד תורה אלא אקיום המצוות וכו'. ועוד יש לומר דאין הכי נמי דהאי קרא קאי וכו' מיהו אין סברא לומר דנחייבו נשים בתלמוד תורה משום סברא דגברי בעו חיי וכו', כיון דאשכחו מיעוטא גבייהו והודעתם "לבגידה" ולא "לבגותיה". אבל מזוזה דליכא מיעוטא פלל יש סברא לומר דנתחייבו נשים במזוזה מסברא דגברי בעו חיי עכ"ל.

It can be said that it's said in tractate Kiddushin (page 34a) that women are obligated in the commandment of mezuzah out of logical reasoning, for the Torah commands the mezuzah,

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¹ Ex. 19:3.

² Berachot 61a; Eruvin 18b.

saying, “ ‘That your days may be multiplied.’³ [Can it be said that] **men need life** [but] **women do not need life?**” I.e., since the reward for the performance of the commandment of mezuzah is a long life, this commandment applies to women as well.

The Tosafists asked there:

Isn't it written, “For thereby you shall have life and shall long endure,”⁴ which means that a woman is also obligated in learning Torah for the reason that, “men need life; do women not need life.” One answer is that it can be said that Scripture doesn't refer to learning Torah, rather on fulfilling the commandments.

Alternatively, **it can also be said that it is indeed so that this verse refers to both Torah study and to mezuzah [i.e., fulfilling the commandments], rather it's not logical to say that woman are obligated to learn Torah due to the opinion that “men need life; do women not need life,” as we find a restrictor [for women], as Scripture stated, “And you shall teach them to your sons,”⁵ meaning, “and not to your daughters.” [Regarding] mezuzah, on the other hand, by which there is no restrictor at all, there is a logical argument to say that women are obliged in the mezuzah, from the logical argument “men need life; do women not need life.”**

- Tosafot on Kiddushin 34a

וְהִנָּפְקָא מִינֵהּ שְׂמִיךְ בֵּין שְׁתֵּי הַתִּירוּצִים, הֵינּוּ אִי תַלְמוּד גְּדוֹל אִי מַעֲשֵׂה גְדוֹל, שְׁלֹפֵי תִירוּץ הֶרְאִישׁוֹן מַעֲשֵׂה גְדוֹל, דְּמוֹקְמִינֵן קָרָא ד' כִּי הִיא חַיִּיהָ" עַל קִיּוֹם הַמְצֻוֹת דְּנִקְא, אֲמַנְם לִפִּי תִירוּץ שְׁנֵי דְמוֹקְמִינֵן לִיהּ כִּפְשֻׁטִיהּ עַל תַּלְמוּד תּוֹרָה אִם בֶּן תַּלְמוּד גְּדוֹל, וּפְלוּגְתָא הִיא בְּבִבְא קָמָא. וְקִשְׁיָה דְאַמַּאי נָדוּ תּוֹסְפוֹת מִתִּירוּץ הֶרְאִישׁוֹן, וְהָא אֲסִיקְנָא הֵכִי הֵתֵם בְּקָמָא דְמַעֲשֵׂה גְדוֹל.

The practical difference between the two solutions is if Torah learning is greater, or if action to fulfill the commandments is greater. According to the first solution, action is greater, as Scripture establishes that “it is your life,” specifically referring to the fulfilment of the commandments. However, according to the second solution, it has been established for him according to the plain meaning on learning Torah; if so, learning is greater. The disagreement appears in tractate Bava Kamma (17a). A difficulty is why did the Tosafists move from the first solution, for they concluded in it that action is greater.

³ Deut. 11:21.

⁴ These five words appear in Deut. 30:20. The first edition had היא [“it” (feminine)] in place of הוא [“it” (masculine)]. This alteration does not appear in our copy of the Tosafot, but does appear, for example, at Midrash Tanchuma, Yitro 15:2, and at Zohar I:92a, I:168a. This was either an intentional alteration to match the feminine noun, “Torah,” or was accidental, out of confusion with Prov. 4:13, which has כִּי־הִיא חַיִּיהָ (but which does not include the two words יָמֶיהָ וְיָמֶיהָ). The translator has corrected the Hebrew text to הוא here and later in the essay where the five words are given, as it was intended as a quotation of the Torah. In other places in the essay, where only the three words כִּי הִיא חַיִּיהָ are given, the translator has left the feminine form.

⁵ Deut. 6:7.

ונש לומר שְלפי תירוץ הראשון הנה משמע ד"כי היא סייד" מיירי דנקא בקיום המצוות ולא בתלמוד תורה, שְבלימוד התורה אין בה סיים נאריכות ימים, לכך תירצו דאין הכי נמי ד"כי היא סייד" בין הלמוד בין הקיום מצות, דאף על גב שְהמעשה גדול, מפל מקום אף בלימוד יש בו שְכר זה, מיהו מתלמוד תורה נשים פטורות משום דכתיב בהו מיעוטא. והקב"ה בעת שנתן תורה לישראל רצה להודיע להם שְהמעשה גדול, ולכן קרא לנשים תחלה להודיע להם שְזו היא עקר התורה, שְכתוב בה "כי הוא סייד וארף מייד", שְהרי הנשים פטורות מתלמוד תורה נאפילו הכי קרא אותם לפי שְהו מְזרזות במצוות, אם כן זהו העקר.

It can be said that according to the first reason, it means that “it is your life” is speaking specifically about the fulfilment of the commandments and not about learning Torah, for according to the first reason, life and the length of days do not come from learning Torah. Therefore, providing the second reason, they solved that indeed “it is your life” stands both for learning Torah and for fulfilment of the commandments. That is, even though action is greater, in any case even learning Torah has this reward within in, but women are exempted from learning Torah because of the restrictor mentioned above. The Holy One, Blessed be He, at the time that He gave the Torah to Israel, wanted to inform them that the action is greater. Therefore, He called to women first, to inform them that this was the principal of the Torah. That is why it is written within it, “For thereby you shall have life and shall long endure,” that the women are exempt from learning Torah, but nevertheless, He calls them first because they hurry to fulfill the commandments; if so, this is the principal.

ומה שְאמר מְזרזות תחלה, יש לומר שְהבן עד שְיהיה בן חמש או שש שנים אינו בפלל חינוך בשום מצוה שְבעולם, וקודם לזה אנו מחנכים אותו בתלמוד תורה שְיפיר האותיות והנקודות, שְחובה זו מטלת עלינו "ושננתם לבניך". אָמנם לנשים שאינן חייבות בתלמוד תורה, כדדרשינן לבנייה ולא לבנותיה, אין חובה עלינו לעשות כה, אלא שְשתהיינה מעט גדולות אז חובה עלינו לחנכן במצוות הראויות להן כמו הזכרים. נמצא שְהבנים מחנכים אותן בתורה תחלה והבנות מחנכות אותן תחלה במצוות, וזהו לפי שְהו מְזרזות במצוות תחלה, שְהמעשה גדול וְחשוב מאד לפני המקום.

As to what was said, that they hurry first, it can be said that the son—until he is five or six years old—is not educated at all in any commandment in the world. Before that age, we educate him in learning Torah so that he will recognize the letters and vowels, for this obligation is imposed upon us, as it is said, “and you shall teach them to your sons.” However, for women, who are not obligated in learning Torah—as we determined homiletically⁶ from the Scripture, “to your sons and not to your daughters”—there is no obligation upon us [to teach them], but when they are a little older, then it is our obligation to educate them in the commandments that are appropriate for them, as we do for the males. We find that for the boys, we educate them in Torah first, and for the girls, we educate them first in the commandments, and this is according to the fact that [women] hurry first to fulfill the commandments, and that the action is greater and very important to the Omnipresent.

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⁶ Kiddushin 29b.