**YESHIVAT HAR ETZION**

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

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**Deracheha: Women and Mitzvot**

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**Discharging Another's Obligations**

How and when can a person discharge someone else’s halachic obligation? In what situations is this desirable? Who can do this for whom?

# **Performing Mitzvot for Another**

We can fulfill certain *mitzvot* with the help of other people. For example, one person can separate *challa* for another or give *tzedaka* on another's behalf. A *shochet* can slaughter an animal for others to eat, and a *mohel* can circumcise a baby boy at his father's behest.

Yet we have to fulfill some other *mitzvot* personally, like eating *matza* or shaking a *lulav*. Which *mitzvot* do we need to perform ourselves, and which ones can be performed through someone else?

Or Zarua suggests that we can distinguish between *mitzvot* that are **result-oriented**, like separating *challa*, and those that are **process-oriented**, like shaking a *lulav*.

Responsa *Or Zarua* 128

What distinguishes separating *challa*, where one can fulfill his mitzva via an agent, from all the [other] *mitzvot*: *tefillin* and *tzitzit*, *sukka* and *lulav*, and eating matza? Perhaps the *mitzvot* of ritual slaughter and separating *challa* are only to rectify the dough and to give *challa* to the *kohen.* So, too, that the animal be slaughtered. So, too, [with] *kiddushin*, the essence of the mitzva is that he should have a woman betrothed [to him]….

In a result-oriented mitzva, a third party can achieve the same result as the person for whom they are acting. In a process-oriented mitzva, the action **is** the mitzva. Relying on someone else’s action would remove the person from the essential mitzva process, so one person cannot stand in for another.

Although Or Zarua uses the term '*shaliach*,' a halachic agent, it is by no means clear that he means to require formal *shelichut* in every instance, if at all. Rashba, for example, teaches that formal agency is unnecessary in at least some cases, such as *tevilat keilim* (immersing vessels):

Responsa Rashba III:255

Regarding immersing vessels, agency is not necessary, for from whence would you arrive [at that idea]? If [another] Jew immersed it [a vessel] without the owner’s knowledge, the immersion is valid.

This is not to say that Or Zarua's principle always holds true or that all result-oriented *mitzvot* are a free-for-all. Sometimes halachic parameters specific to a given mitzva determine who can perform it, which naturally affects who can perform it for another. For example, a minor needs adult supervision when immersing vessels. A man, who himself is circumcised, is preferred as a *mohel*.

On the whole, though, gender does not make a difference. Women and men can help each other discharge many *mitzvot*.

# **Verbal *Mitzvot***

People routinely discharge each other's obligations in *mitzvot* that entail verbal recitation, like making *kiddush* or reading *megilla*. Surely these are more about process than result. How can one person discharge another's obligation in verbal *mitzvot*?

The classic answer invokes yet another Talmudic principle:

*Sukka* 38b

He [the *chazan*] says [during *hallel*]"*baruch ha-ba*" and they [the congregation] say "*be-shem Hashem*" [the continuation of the verse]. From here [we learn] that *shomei'a ke-oneh* [one who hears is like one who speaks]… Rabbi Shimon ben Pazi said in the name of Rabbi Yehoshua ben Levi, who said in the name of Bar Kappara: From where [do we derive] *shomei’a ke-oneh* – as it is written: “[all the words of the scroll] that [the king of Yehuda] recited,” and did Yoshiahu recite them? Didn’t Shafan recite them, as it is written: “and Shafan recited it (all these words) before the king”? Rather, from here [we derive] *shomei’a ke-oneh*.

Shafan, a scribe, recited the scroll aloud to King Yoshiyahu. Yet the prophetess Chulda referred to the scroll that the king recited. From here, we derive the principle that one who hears is equivalent to one who speaks. This applies during *hallel*, when the chazan begins the recitation of a verse and the congregation completes it, which establishes the principle of *shomei’a ke-oneh*: hearing is halachically significant.

What exactly does *shomeia ke-oneh* mean? That depends on how strongly we take the prefix "*ke-*", like.

I. Perhaps listening is **just like** speaking. I.e., a person who listens to another reciting a *beracha* is considered to have actually recited the *beracha*. Tosafot seem to understand *shomei'a ke-oneh* in this way.[[1]](#footnote-1)

II. Or perhaps listening's **effect is similar** to speaking. Listening is an alternate way to discharge an obligation that entails vocalization. One who listens to another person reciting a *beracha* has fulfilled the obligation, though not the same way as the one who recites it. Rashi seems to take this view.

Rashi *Sukka* 38b s.v. *hu omer*

If he heard with intention to hear, even though he did not respond, he has discharged his obligation.

Rashi writes that the *shomei'a ke-oneh* "did not respond." This implies that he is not **really** an *oneh*, but he does discharge the obligation through his act of listening. [[2]](#footnote-2)

Caveats

Note that Rashi includes a caveat: to fulfill a mitzva via *shomei’a ke-oneh*, one must hear with intent. In his ruling on the matter, Rambam adds two additional caveats:

*Mishneh Torah, Berachot* 1:11

Whoever hears a *beracha* from among the *berachot* from beginning to end and intends to discharge his obligation by [hearing] it has discharged his obligation, even though he did not respond *amen*…This applies when the one reciting the *beracha* is obligated in that same *beracha*. If the person reciting the *beracha* is obligated rabbinically and the responder is obligated on a Torah level, he has not discharged his obligation until he recites it himself or until he hears it from someone who is obligated on a Torah level, as he is.

According to Rambam, one must hear the full *beracha*. Furthermore, the person reciting the *beracha* needs to be obligated in that *beracha* at least on the same level as the listener whose obligation is discharged. The classic source of this halacha is the mishna in *Rosh Ha-shana*:

Mishna *Rosh Ha-shana* 3:8

This is the rule: whoever is not obligated in a matter does not discharge the masses of their obligation.

If a person is not obligated in a given mitzva, his or her [voluntary mitzva act](https://www.deracheha.org/voluntary-mitzva-performance) can be considered a fulfillment of that mitzva. Yet it remains halachically distinct from the act of someone who is subject to the obligation. A person can discharge another's obligation in any mitzva only if his or her obligation is on the same level as the other's, or higher.

For example, Leah can recite *kiddush* for men and women because she is obligated in *kiddush* on a Torah level like them. She can recite it for her minor children, who have a lesser, rabbinic level of obligation for education. But if Leah's son, Yehuda, is a minor, he may not recite kiddush for Leah, because he does not yet have a Torah-level obligation.

Women Discharging Obligations

Can a woman discharge a man’s obligation in a mitzva? If the determining factor is level of obligation, then she should be able to – as long as her level of obligation is equivalent to or higher than his. In the context of a debate about women's level of obligation in *birkat ha-mazon* (a matter we'll discuss on its own terms in a forthcoming piece), the Talmud assumes that this is the case.

*Berachot* 20b

If you say it [a woman's obligation in *birkat hamazon*] is on a Torah level, the Torah-level obligation discharges the Torah-level obligation. But if you say it is on a rabbinic level, that is a case of one who is not obligated [on the same level] in the matter. "And one who is not obligated in the matter cannot discharge the masses' obligation."

The Talmud suggests that if women are obligated in *birkat hamazon* on a Torah level, then a woman can discharge anyone else's obligation, men's included. If women are only obligated on a rabbinic level, then a woman cannot discharge a man's Torah-level obligation, because she is not considered 'obligated in the matter' on a Torah level. We can infer that, when a woman's obligation is on the same level as or higher than a man's, she can discharge his obligation.

# **Why Turn to Another?**

When should a person turn to someone else to discharge a verbal obligation?[[3]](#footnote-3) *Shomei'a ke-oneh* is an effective mechanism for allowing another person's words to count on one's behalf. But shouldn't a person prefer to perform a mitzva herself or himself? The Talmud seems to teach precisely that:

*Kiddushin* 41a

Rav Yosef said: A mitzva is more for him [to do it himself] than for his agent.

According to Rambam, this principle applies to all *mitzvot*, and we learn from it that mitzva fulfillment is more complete when a person undertakes it on his or her own:

Rambam’s Commentary to the Mishna, *Kiddushin* 2:1

A person's own occupation with a mitzva is more complete than if he casts it upon his fellow to perform for him.

Even assuming that discharging another's obligation does not require formal halachic agency, it seems preferable for each individual to take personal responsibility for performing *mitzvot*![[4]](#footnote-4) There are two primary reasons why a person would nevertheless seek to discharge a mitzva obligation via another person:

**I. Glorifying God** The Tosefta teaches that when a group of people all perform the same mitzva together, one person should recite a *beracha* for everyone:

*Tosefta Berachot* 6:15

Ten [people] who were performing ten *mitzvot*, each and every one recites a *beracha* for himself. If they were all performing a single mitzva, one [person] recites a *beracha* for everyone.

So, for example, while each person should recite his own *berachot* on laying his set of *tefillin*, only one person recites the *beracha* on a communal *megilla* reading, and those present listen to the "single mitzva" reading.[[5]](#footnote-5) Why? The Talmud invokes a verse from *Mishlei* to explain:

*Berachot* 53a

Beit Hillel say: One person recites a *beracha* for everyone, since it is said, "*Be-rov am hadrat melech*" (in the multitude of people is the glory of the King) (*Mishlei* 14:28).

"*Be-rov am hadrat melech*" becomes the name for the halachic principle that we glorify God when we join together to perform ritual acts.

Rav Shlomo Zalman Auerbach reportedly maintained that *be-rov am hadrat melech* applies to groups of women reciting *berachot* as well,[[6]](#footnote-6) based on the halachic discussion of women's *zimmun*, three or more women reciting an invitation that groups together their recitation of *birkat ha-mazon*:

Rav David Auerbach, *Halichot Beitah*, p. 71

For I heard from my uncle, Rav Shlomo Zalman Auerbach, that it is explained in *Shulchan Aruch* [OC] 199 that women "recite *zimmun* for themselves."…One woman recites the *berachot* for everyone. Just as they recite *zimmun* for themselves, so too one recites a *beracha* for everyone in other *berachot*…

If there is a group performing a mitzva together, one woman can recite a *beracha* for everyone.

Note that Rav Shlomo Zalman singles out the case of a woman reciting a *beracha* for a group of **women**. He seems to assume that in a mixed group, a woman will not recite the *beracha* in fulfillment of *be-rov am hadrat melech*. We'll look at the reason why in our next installment.

**II. Helping Each Other** Sometimes a person needs help fulfilling a verbal mitzva. Not everyone has the knowledge or ability to perform *mitzvot* that include recitation. Rashi's comment preceding the excerpt quoted above makes this clear:

Rashi *Sukka* 38b s.v. *hu omer*

We learn from here that one who does not know how to recite or how to respond, if he heard with intention to hear, even though he did not respond, he has discharged his obligation.

For Rashi, a classic case of *shomei'a ke-oneh* is one in which the listener is otherwise unable to perform the mitzva.

Why should we help each other out in this type of situation? *Ahavat Yisrael*, the commandment to love our fellow, Jew establishes that we should assist each other in general. But there is an additional principle at work here, known as *areivut*.

*Areivut* literally means guarantorship. For example, Rachel might guarantee Leah's loan. In a broader sense, Rabbi Yehuda Ha-nasi teaches that all Jews became guarantors for each other at Sinai.

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Rabbi [Yehuda Ha-nasi] says: To make known the praise of Israel, that when they all stood at Har Sinai to receive the Torah, they all became like one heart to receive God's Kingship in joy, and moreover, they mortgaged themselves [i.e., made themselves guarantors] to each other.

The Talmud teaches that this broader *areivut* extends to the realm of *mitzvot*, in that Jews are responsible, whenever possible, to prevent each other from sinning.[[7]](#footnote-7) Talmidei Rabbeinu Yona add that Jews are charged with the responsibility to help each other fulfill *mitzvot* based on *areivut*.

Talmidei Rabbeinu Yona on Rif *Berachot* 12a

For he [a man] is a guarantor for them [fellow Jews] and it is upon him to save them from iniquity and to exempt them from *mitzvot*.

A person can discharge a verbal mitzva for others even if he has already discharged his own obligation. This principle, known as “*yatza motzi*,” is a classic application of *areivut*:

*Rosh Ha-shana* 29a

Ahava son of Rabbi Zeira taught: All of the *berachot*, even though a person has already discharged his [own] obligation, he can discharge another's obligation.

Ritva *Rosh Ha-shana* 29a

All *berachot* of *mitzvot*, even though one has discharged his obligation, one can discharge another's obligation. For even though the *mitzvot* are incumbent upon each person, all of Israel are guarantors for each other and they are all like one body, and like a guarantor paying off the debt of his fellow.

Even if Reuven has already recited *kiddush*, *areivut* permits him to recite it again for the sake of Shimon, to help enable him to fulfill his obligation, much as a guarantor would pay off his loan for him!

Rabbi Akiva Eiger clarifies the applicability of *areivut* to women. He wrote in response to questions initially raised about Rosh's position:[[8]](#footnote-8)

Responsa Rabbi Akiva Eiger, first edition, 7

Rather it appears in my humble opinion that the intention of the Rosh is… in a mitzva [in] which women are obligated, they too are included in *areivut*, and the law of “*yatza motzi*” applies to them as well.

This view, that women are included in all aspects of *areivut* including *yatza motzi*, is widely accepted by halachic authorities, as can be inferred for example by rulings of Magen Avraham,[[9]](#footnote-9) Mishna Berura,[[10]](#footnote-10) and Bach.[[11]](#footnote-11)

Aruch Ha-shulchan summarizes:

*Aruch Ha-shulchan* OC 271

A man and a woman can discharge each other's obligations in all cases. There are those who wish to say that a woman is not included in *areivut* [*Dagul Mi-rvava*] and this is an astonishing thing.

If others require our help to fulfill a verbal mitzva, we should help them because of *areivut* and *ahavat Yisrael*. Both apply to women.

Birchot Ha-nehenin

Much of this halachic discussion also applies to *birchot ha-nehenin*, the *berachot* we recite upon eating, drinking, smelling spices, etc. These *berachot* acknowledge God's sovereignty over the world and take God's leave for enjoying physical pleasures.[[12]](#footnote-12) A person can discharge these, too, for another person, based on *shomei'a ke-oneh* (or, in some cases, on a special halacha of establishing a meal in a group, *chabura*).

*Mishneh Torah, Berachot* 1:10

Regarding all the *berachot*, even though one recited a *beracha* and discharged his obligation, he is permitted to recite a *beracha* for others who have not discharged their obligation, in order to discharge it for them. An exception [to this rule] is *berachot* on pleasure, when there is no mitzva, in which case he can only recite for others if he is deriving pleasure along with them. But *berachot* of pleasure that include a mitzva, such as eating *matza* on the night of Pesach, and *kiddush*, he can recite for others and they eat and drink even if he is not eating with them.

In the case of *birchot ha-nehenin*, *yatza motzi* does not work. We ordinarily cannot recite *birchot ha-nehenin* them without taking pleasure ourselves, and *areivut* only kicks in when we need to help a fellow Jew fulfill an obligation, which most acts of eating are not.

Rachel can recite *ha-motzi* for Leah when they eat a weekday lunch together, because she too will partake of the bread. Let's say they eat that lunch with Ya'akov, Rachel's husband. The fundamental halacha is that she can recite *ha-motzi* for him, too. A person who is not eating bread cannot recite *ha-motzi* for someone who is.

Based on what we have learned, there should be no bar to a woman discharging a man's obligation whenever she is obligated on the same (or a higher) level. Next week we shall examine whether and how *poskim* have put this into practice.

1. One might infer this from Tosafot's discussion of proper conduct for a person still reciting the silent *shemoneh esrei* when the *chazan* reaches *kedusha*. Since listening is exactly like responding, stopping to listen quietly would interrupt his silent prayer like answering.

   Tosafot *Sukka* 38b, s.v. *shama ve-lo ana yatza*

   If he were to be silent, his listening would interrupt his prayer. [↑](#footnote-ref-1)
2. As we saw in the previous footnote, Tosafot considers listening equivalent to speaking, to the point where he does not allow a person to pause during the silent *amida* in order to listen to *kedusha*. Rashi, however, maintains that one should pause and listen, and that it is not considered an interruption.

   To this end, Rashi continues:

   Rashi *Sukka* 38b s.v. *hu omer*

   And similarly to those who are praying with the congregation and [while they are reciting the silent *shemoneh esrei*] the *shaliach tzibbur* recites *kaddish* [*Masoret Ha-Shas*: this should read “*kedusha*”] or *yehe shemei rabba* – they should be silent in their prayer and listen with intention, and behold, they are like those who respond, and when he finishes *kedusha* they should return to their prayer… [↑](#footnote-ref-2)
3. For a non-verbal result-oriented mitzva, there are many logistical and practical reasons to turn to another. For example, as in the case of *shechita* (ritual slaughter), the person performing the mitzva may have specific skills, or it may make sense for one person to act on behalf of a group. Our discussion here will focus on reasons to turn to another for verbal *mitzvot*, which are more process-oriented. [↑](#footnote-ref-3)
4. While contextually one might suggest that the principle may be limited to the two examples mentioned in the Talmud, *kiddushin* and preparing for Shabbat (as fulfillment of *kevod Shabbat*), many halachic authorities say it applies to all *mitzvot*.

   Magen Avraham 250

   So too for every mitzva, it is a mitzva for him to do it himself more than through his agent. [↑](#footnote-ref-4)
5. This explanation follows Rav Asher ben Chayim, student of Rashba, *Sefer Ha-Pardes, Sha'ar* 9 12:8. Available here: <http://hebrewbooks.org/pdfpager.aspx?sits=1&req=59454&st=%d7%9c%d7%9b%d7%95%d7%9c%d7%9f&_rnd=0.8867882893604062> [↑](#footnote-ref-5)
6. We'll discuss whether women are obligated to gather together to perform *mitzvot* in our forthcoming discussion of *minyan*. [↑](#footnote-ref-6)
7. Sanhedrin 27b

   Isn’t it written "And they will stumble, a man on his brother" (*Va-yikra* 26:37). A man on *the iniquity of* his brother. This teaches that all are guarantors for each other [*kulan areivim zeh ba-zeh*]. For they were able to protest and they did not protest.

   A Jew "stumbles," i.e., is punished for a fellow Jew's iniquity, when there was an opportunity to protest that was not taken, because "*kulan areivim zeh ba-zeh*." [↑](#footnote-ref-7)
8. If a woman's obligation in *birkat ha-mazon* is rabbinic, she cannot discharge the obligation of a man who ate to satiety and has a Torah-level obligation. In contrast, a man who only eats enough to be obligated in *birkat ha-mazon* rabbinically **can** discharge another man's obligation in *birkat ha-mazon*, even if the second man has a Torah-level obligation.

   Why should a woman's rabbinic obligation work differently from a man's here? Rosh (in wording very close to Rabbeinu Yona's) explains that the man is generally subject to the Torah-level obligation of *birkat ha-mazon*, so even if at a given moment he is only rabbinically obligated, we can apply *areivut*, as we do when one who has discharged his own obligation can discharge another's, and as we would even had he not eaten at all. But if a woman is only obligated rabbinically, no matter how much she eats, then she will never be able to discharge a man's Torah-level obligation.

   Hundreds of years later, Dagul Mi-rvava (Rav Yechezkel Landau, also known as Noda Bi-Yehuda) interprets Rosh's statement that "a woman is not included in the *areivut*" to mean that *yatza motzi* does not apply to women. He argues that a woman may not discharge someone else's obligation in a Torah-level mitzva when she has already discharged her own obligation, and that a man might not be able to discharge a woman's obligation in a Torah-level mitzva when he has already discharged his obligation.

   Rosh *Berachot* 3:13

   For a man, even though he did not eat anything, the legal logic is that he should be able to discharge others’ obligations because "all Israel are guarantors for each other"…Therefore, when he has eaten an olive's worth, even though he is only obligated on a rabbinic level, he discharges the obligations of others that ate to satiety [and thus have a Torah-level obligation]. For he is a guarantor for them and it is incumbent upon him to save them from sin and to exempt them from *mitzvot*, but a woman is not included in the *areivut*, therefore she only discharges the obligation of someone whose obligation is rabbinic.

   *Dagul Mi-rvava* OC 271:2

   For Rosh wrote…that a woman is not included in *areivut*, Therefore, she can only discharge [the obligation of] someone whose obligation is rabbinic. I am in doubt as to whether “a woman is not included in *areivut*” means that she is not a guarantor for others, but men, who accepted *areivut* at Mount Gerizim and Mount Eival also became guarantors for the women. If so, a man can clearly discharge a woman's obligation even when he has already discharged his obligation. Or perhaps, just as women did not enter into guarantorship, thus men did not accept *areivut* for women…

   As Aruch Ha-shulchan notes, Rosh most likely did not intend his words this way, but rather as they are understood by Rabbi Akiva Eiger (cited in the text). [↑](#footnote-ref-8)
9. *Magen Avraham* 692

   Even though he has discharged his obligation… - and if he recites the *beracha* on behalf of women, he should recite “to hear *megilla.*” [↑](#footnote-ref-9)
10. *Mishna Berura* 271:5

    She is able to discharge another’s obligation even if she has already discharged her own obligation in *Kiddush.* [↑](#footnote-ref-10)
11. Bach OC 676

    … a person who already lit Chanuka lights can light for a woman and recite a *beracha*, as long as she stands near him during the *beracha*…

    See, however, *Iggerot Moshe* OC I 190, who has a different reading of Bach here. [↑](#footnote-ref-11)
12. Berachot 35a

    Our rabbis taught: It is prohibited for man to benefit from this world without a *beracha* and whoever benefits from this world without a *beracha* has misappropriated. [↑](#footnote-ref-12)