**YESHIVAT HAR ETZION**

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

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**Deracheha: Women and Mitzvot**

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By Debbie Zimmerman

Inclusion in the Miracle

What is the priniciple of "af hen hayu be-oto ha-nes"? When and how does it obligate women in *mitzvot*?

# Three Mitzvot

As a rule, women are exempt from positive time-bound commandments. However, Rabbi Yehoshua ben Levi states that women are obligated in three specific *mitzvot*, based on the principle of “*Af hen hayu be-oto ha-nes*,” “they, indeed/too, were part of that miracle.”

*Pesachim* 108a

Rabbi Yehoshua ben Levi said: Women are obligated in these four cups since they, indeed/too, were part of that miracle.

*Megilla* 4a

Rabbi Yehoshua ben Levi said: Women are obligated in *megilla* reading since they, indeed/too, were part of that miracle.

*Shabbat* 23a

As Rabbi Yehoshua ben Levi said: Women are obligated in the Chanuka lights since they, indeed/too, were part of that miracle.

Each of these *mitzvot* commemorates a miracle:

* The four cups of wine at the Pesach seder commemorate the exodus from Egypt.
* Megillat Esther on Purim commemorates the defeat of Haman and his genocidal plan.
* The Chanuka candles commemorate the victory over Antiochus, the Seleucid Greeks, and their harsh decrees, and the rededication of *Beit Ha-mikdash*.

# Inclusion in the miracle

What does it mean to be part of a miracle? Two perspectives emerge from early rabbinic authorities:

**I. A Central Part:** Rashi in *Pesachim*[[1]](#footnote-1) (as well as his grandson, Rashbam[[2]](#footnote-2)) points to the active role women played in the miraculous redemptions that these *mitzvot* commemorate:

Rashi *Pesachim* 108b

They indeed were part of that miracle – As it says (*Sota* 11b) “they were redeemed in the merit of righteous women of that generation;” and we also say this regarding *megilla* reading, since they were redeemed through Esther. So, too, regarding Chanuka candles, in Tractate *Shabbat* (23a).Rashi cites the central role Esther played in the Purim miracle. He quotes a midrash that credits the “righteous women of that generation” with the redemption from Egypt,[[3]](#footnote-3) and, regarding women's role in the Chanuka miracle, he points us to another of his comments:

Rashi *Shabbat* 23a

Were part of that miracle – the Greeks decreed that all virgin brides be bedded first by the commander, and the miracle was performed through a woman.

Rashi seems to allude here to the story of Yehudit, a young Jewish woman who was forced to spend the night before her wedding with a Greek general, and who took the opportunity to assassinate him. (For more on this, see our forthcoming piece on Chanuka.)

**II. Part of the People** Tosafot disagree with Rashi’s reading, and offer an alternative explanation:

Tosafot *Megilla* 4a s.v. *She-af hen hayu be-oto ha-nes*

 …This is difficult, because “they too” (“*af hen*”) indicates they are ancillary; according to his explanation it should [just] say “they [were part of that miracle].” Therefore, it seems to me that “they too were” subject to the uncertainty (*safek*) “to destroy, kill, and annihilate.” So too on Pesach – they were enslaved to Pharaoh in Egypt. And on Chanuka, the decree was mightily against them…

The word “*af*” usually means “even” or “too,” which indicates that women are not the primary actors. Rather, women and men all experienced the same miraculous salvation. Tosafot bolster their argument by referring to the Jerusalem Talmud, which focuses on the threat rather than the miracle:

Jerusalem Talmud *Megilla* Chapter

Bar Kappara said…"they, too, were in the uncertainty."

Bar Kappara rules that *megilla* must be read for women since "they, too, took part in in the uncertainty" of Haman’s threat of annihilation.[[4]](#footnote-4) He asserts that women were fully part of the miraculous deliverance, with halachic consequences.

The question of the role of women in these miracles is more than a linguistic dispute; it is an attempt to understand why inclusion in these miracles should obligate women in time-bound positive *mitzvot* from which women would normally be exempt. Rashi asserts that women’s active role in bringing these specific miracles about leads to an obligation for women to commemorate them, while Tosafot maintains that women's obligation is to convey gratitude for benefitting from God’s miraculous intervention.

# Which Mitzvot?

These three *mitzvot* are not the only commandments to commemorate miracles. On Tosafot's view that the principle of inclusion does not relate to the specifics the role of women in the Purim, Chanuka, or Pesach narratives, it is unclear why only these *mitzvot* are singled out. Can this principle apply to other *mitzvot*? Let's turn our attention to different attempts made to define the scope of inclusion in the miracle.

Torah and Rabbinic Level Mitzvot

Tosafot ask why inclusion in the miracle does not obligate women in the mitzva of dwelling in a *sukka*, which commemorates the miracle of the Exodus:

Tosafot *Pesachim* 108b s.v. *Hayu be-oto ha-nes*

…We say they [women] are exempt from *sukka* even though they, too, were part of that miracle – “for I caused [Israel] to dwell in *sukkot*.” There [regarding *sukka*] it is a positive Torah commandment, but the four cups [of wine at the seder] are rabbinic, and they enacted them for women as well since they too were part of that miracle.

Tosafot suggest that “inclusion in the miracle” may only obligate women in rabbinic obligations. The three *mitzvot* that Rabbi Yehoshua ben Levi lists are widely understood as rabbinic. Since *sukka* is a Torah commandment, inclusion in the miracle cannot form the basis for obligation.

This claim is complicated by another comment of Tosafot, which seems to suggest that inclusion in the miracle could establish a **rabbinic**-level obligation for women to fulfill a **Torah**-level positive time-bound commandment.

Tosafot *Megilla* 4a s.v. *She-af hen hayu be-oto ha-nes*

Regarding *matza* one could ask why it is necessary to draw the analogy [*hekesh*] that “Anyone who is included in the prohibition against eating *chametz* is included in the positive obligation to eat matza.” Why can’t [women's obligation to eat matza] be learned from the rationale of “inclusion in the miracle?” And one must say that it is for this reason, that this would only obligate women rabbinically were it not for the analogy.

Both comments by Tosafot seem to agree that inclusion in the miracle cannot obligate a woman on a Torah level. Why should this be the case? Rav Yosef Engel presents one possible explanation, and sides with the view that inclusion in the miracle can only obligate women in rabbinic-level *mitzvot*:[[5]](#footnote-5)

*Gilyonei Ha-Sha"s*, *Megilla* 4a

This rationale [inclusion in the miracle] can obligate a woman only in a rabbinic-level mitzva, but in a Torah-level mitzva, it cannot obligate her even rabbinically. The reason for this is that in Torah-level *mitzvot* we don't legislate based on rationales [behind the *mitzvot*] and we don't [even] legally expound rationales for verses. So the sages cannot obligate a woman, even rabbinically, [in a Torah-level mitzva] from the vantage of inclusion in the miracle.

When enacting new rabbinic decrees, the sages can decide whom to obligate and whom to exempt, based on rationales such as inclusion in the miracle. But the Torah itself decrees who is and is not obligated in Torah-level *mitzvot*. Our sages cannot alter the Torah’s legislation by invoking a rationale, like inclusion in the miracle, to create any sort of obligation in a Torah-level mitzva.

Widening the Scope

Even setting aside Torah-level *mitzvot*, there is room to apply inclusion in the miracle to *mitzvot* other than the three Rabbi Yehoshua ben Levi mentions. Indeed, it is widely accepted that women are obligated in commandments that closely relate to the original three miracles. For example, Tosafot rule that women are obligated to recite *hallel* on seder night, since “they, too, were part of that miracle.”

Tosafot *Sukka* 38a s.v. *Mi she-haya*

It seems from here that a woman is exempt from *hallel* on Sukkot and Shavuot, and the reason is that it is a positive time bound mitzva.... *Hallel* on Pesach is different because it is on a miracle, and they too were part of that miracle, but here [on other festivals] it is not recited because of a miracle.

Inclusion in the miracle may also obligate women in *hallel* on Chanuka.[[6]](#footnote-6) Women are obligated in other *mitzvot* of Purim, not just *megilla*, because of inclusion in the miracle as well.[[7]](#footnote-7) Maharil suggests that women are obligated in *ta’anit bechorot*, the fast of the firstborn on Pesach eve, in recognition of the salvation during the final plague in Egypt.[[8]](#footnote-8)

Rabbeinu Tam takes the principle of inclusion in the mitzva beyond Chanuka, Pesach, and Purim. He suggests that on Shabbat women are obligated to eat a third meal, and to recite *ha-motzi* over two loaves of bread, because of women's inclusion in the miracle of Manna. (We'll address the practical halacha in these cases in future pieces on Deracheha.)

Responsa *Sefer Ha-yashar* 70:4

(In the matter of three meals [on Shabbat])…Whether women are obligated—it seems that they, too, were part of that miracle, because the double portion of manna was for everyone. So, too, they are obligated to break bread [on Shabbat] over two loaves…

Narrowing the Scope

In a move that more precisely defines the scope of inclusion in the miracle, Maharam of Rothenburg rejects Rabbeinu Tam's suggestions about Shabbat. Recalling the Jerusalem Talmud's mention of existential uncertainty, Maharam explains that “inclusion in the miracle” only applies to miracles that saved the Jewish People from an imminent threat:

Maharam of Rothenburg IV 473

The reasoning of “inclusion in the miracle” is only applicable to miracles that happened to Israel when they were in danger and escaped it, like *megilla*, the four cups, and Chanuka lights.

In a parallel effort to define the scope of inclusion in the miracle, Rav Yosef B. Soloveitchik limits it to commandments enacted to “publicize the miracle.”

"*Iggerot Ha-Grid Ha-Levi*" (in Hilkhot Chanuka 4:9-11) trans., David Silverberg

It seems clear that this entire reason of '*af hen hayu be-oto ha-nes*' applies only to those mitzvot where the miracle constitutes an independent halakhic entity within the actual fulfillment of the mitzva, that it [the mitzva] entails a fulfillment regarding the miracle and publicizing the miracle… Moreover, regarding Chanuka candles and Megilla reading, a separate berakha was instituted – '*she-asa nisim*,' for this halakha concerning the miracle constitutes a fulfillment within the actual mitzva itself, and so a berakha is established over it. Indeed, we find *'af hen hayu be-oto ha-nes*' only regarding Chanuka candles, Megilla reading, and the four cups. This is due to the fact that in all these mitzvot, the halakha concerning the miracle is not merely the reason behind the mitzva, but is rather established as part of the actual fulfillment and act of the mitzva, as evidenced by the special berakha instituted over it. Regarding kiddush and matza, by contrast, although they involve a commemoration of the miracle, there is no independent halakha, requirement or entity within the actual mitzva act. It would therefore seem that the entire factor of '*af hen hayu be-oto ha-nes*' does not apply.

Rav Soloveitchik distinguishes commandments that include commemoration of a miracle, such as *kiddush* and *matza*, from commandments whose very fulfillment involves publicizing the miracle, such as Rabbi Yehoshua ben Levi's three. As proof for this distinction he notes that we recite unique *berachot* before the fulfillment of *mitzvot* that publicize a miracle: *she-asa nissim* for Chanuka candles and *megilla* reading, and *asher ga’alanu* over the wine on Pesach.

When a mitzva commemorates a miracle, that commemoration can still be peripheral to its fulfillment, so not everyone included in the miracle is obligated. In contrast, when publicizing a miracle is central to fulfillment of a mitzva, anyone included in the miracle must take part in publicizing it further.

# Level of Obligation

Does “inclusion in the miracle” obligate women in the same way as men?

We can view inclusion in the miracle as a principle that establishes women's full obligation in these *mitzvot*, exactly on par with men's. Alternatively, one could argue that inclusion in the miracle creates a new type of obligation, perhaps lesser than men's.

This question is important, because discharging another's obligation depends on having an equivalent or higher level of obligation. If women’s obligations resulting from inclusion in the miracle are lesser than men's obligations, a woman would be unable to discharge a man's obligation in this category of *mitzvot*.

Chavot Yair makes this claim, assuming that violating a straightforward rabbinic prohibition is also a violation of the Torah-level prohibition of straying from the teachings of our sages:[[9]](#footnote-9)

Responsa *Chavot Yair* 10

Since they [women] are obligated [in *megilla*] based on the general rationale that they, too, were part of that miracle, and men are obligated based on the prohibition of straying from the sages' directives, it [the obligation in *megilla*] is for them [men] akin to a Torah law. If so, for this reason women do not discharge men's obligation.

According to Chavot Yair, a woman's obligation rooted in inclusion in the miracle is lesser than a man's, and this can explain why women do not discharge men's obligation in *megilla*.

Others disagree. Ritva, for example, maintains that women are obligated in the same way as men in both *megilla* and Chanuka candles, and thus can discharge men's obligations. (No one can drink the four cups on anyone else's behalf.)

*Chiddushei Ritva Megilla* 4a

… And it seems that, since they are obligated in *megilla* reading, they may fulfill the obligation on others’ behalf, as it says (19b) “All are fitting to read the *megilla*,” and the term “fitting” indicates reading for others. And we say in *Erchin* (3a) “’All’ – to include women,” and it seems that the Mishna includes them. And also regarding Chanuka they said (*Shabbat* 23a) she lights on behalf of others since she is obligated.

In general, halachic authorities do not view the principle of inclusion in the miracle as creating different levels of obligation for men and women. Although there are significant opinions that a woman cannot read *megilla* for men, most of these are based upon other considerations.[[10]](#footnote-10)

Jewish tradition is rich in stories of women's involvement in miraculous redemption. Rashi tells us that the women playing timbrels at the song of the sea came prepared with instruments because they had faith that God would redeem them:

Rashi *Shemot* 15:20

With timbrels and with dances." The righteous women of that generation had faith that God would perform miracles for them. Therefore, they brought timbrels [out with them] from Egypt

The principle of inclusion in the miracle is an example of how our traditions and history become embedded in Halacha. In this case, Halacha reflects the crucial role of Jewish women through the generations, maintaining faith in times of darkness and striving to lead our people to the light of redemption. Rabbanit Ora Rivka Weingort suggests what this can mean to us spiritually today:[[11]](#footnote-11)

Rabbanit Ora Rivka Weingort, “Kindle the Light for a Moment”

Women are obligated in the Chanuka lights even though it is a positive time-bound commandment, because 'they, too, were part of that miracle,' and because the miracle came about through a woman… The Divine miracle cloaks human dedication, and it is in our power to bring about its revelation. Thus one need not wait for the miracle of a respite [from challenges] to arrive. It is possible to create this illuminated space on our own, whenever we so desire.

The consciousness that we all have benefited from miracles, and that faith and action can sometimes help bring them about, shapes our identity as a people.

# Further Reading

Rav Mayer Lichtenstein, "They, Too, Were Included in that Miracle." VBM shiur. Available here: <https://www.etzion.org.il/en/they-too-were-included-miracle>

1. Rashi provides an alternative explanation in his commentary on Tractate *Megilla*, which aligns with the opinion of the Tosafists. He quotes the *Midrash Lekach Tov* (*Pesikta Zutreta*) on *Esther* Chapter 9:

Rashi *Megilla* 4a

They, too, were part of the miracle – Haman’s decree also applied to women “to destroy, kill, and annihilate – from young to old, children and women…” [↑](#footnote-ref-1)
2. Rashbam *Pesachim* 108b s.v. *She-af*. The language is nearly identical to Rashi's in *Pesachim*. [↑](#footnote-ref-2)
3. The midrash describes how an entire generation of women, not just Yocheved and Miriam, kept the hope of redemption alive and brought forth new life throughout the harrowing enslavement in Egypt. [↑](#footnote-ref-3)
4. Rashi could counter that “*Af*” can be read as “indeed,” not only “too,” allowing the principle to refer to women’s more central, active role in the miracle. It is possible that the Babylonian Talmud rejects the version of the principle brought in the Yerushalmi. [↑](#footnote-ref-4)
5. Available here: <https://www.hebrewbooks.org/pdfpager.aspx?req=22172&st=&pgnum=152> [↑](#footnote-ref-5)
6. See our forthcoming piece on Chanuka. [↑](#footnote-ref-6)
7. Rema OC 695:4

A woman is obligated in *matanot la-evyonim* and *mishlo'ach manot*, like a man.

*Mishna Berura* ad. loc., 25

A woman is obligated etc.,- For all of them were a part of that miracle. [↑](#footnote-ref-7)
8. As proof that women were included in the plague of the firstborn, Maharil cites the midrash that Moshe’s adoptive mother, Pharaoh’s daughter, was a firstborn who should have been killed during the plague, but was spared due to her merit.

Sefer Maharil Minhagim, Laws of Erev Pesach

Firstborns normally fast on the eve of Pesach because of the miracle when they were saved in Egypt… and it is written in *Aguda* that even female firstborns [fast], and the proof is from the midrash that Pharaoh’s daughter [was spared by] the protection of the merit [of saving] Moshe Rabbeinu, from here we learn that they, too, were in the miracle. [↑](#footnote-ref-8)
9. Devarim 17:11

In accordance with the Torah that they teach you and the law that they say to you shall you do. You should not stray from the matter that they tell you, right or left. [↑](#footnote-ref-9)
10. As we will explore in a future piece, there is significant halachic discourse surrounding women’s obligation in *megilla* and whether a woman may read *megilla* for men. Shulchan Arukh and Rema bring three different possibilities about women reading *megilla* for men:

Shulchan Arukh OC 689:1-2

All are obligated in reading [*megilla*]: men and women, converts and freed slaves. And children are taught to read it. Both one who reads it and one who hears from the reader have fulfilled their obligation, as long as one hears from someone who is obligated to read it. Therefore, if the reader was deaf or a minor or mentally incompetent, the listener has not fulfilled [their obligation]. And there are those who say that women do not fulfill the obligation for men [when they read]. Rema: And there are those that say that if a woman reads for herself she should recite the *beracha* “to hear *megilla*” since she is not obligated to read.

The first opinion in *Shulchan Aruch* is that of most *Rishonim* - there is no difference in obligation and if a man hears a woman’s reading he has fulfilled his obligation. The second opinion – that women may not read for men – is quoted in the name of Behag. His distinction is generally explained as men having an obligation to read *megilla*, and women merely to hear it. Others argue that a woman may not read *megilla* for men due to other concerns, such as modesty. [↑](#footnote-ref-10)
11. Available here: <https://www.hidabroot.org/article/2626> [↑](#footnote-ref-11)