ABSTRACT A discussion of women and the mitzvah of Tsitsit (originally presented to Lechu Neranena, the Partnership Minyan of Bala Cynwyd (outside Philadelphia)). Conclusions: (a) It seems that at least early on in the rabbinic period, probably extending at least into the early Amoraic period, Rabbi Shimon’s opinion to the effect that women were exempt from tsitsit was considered a minority opinion. However, moving forward it apparently became a fairly universal opinion (it is unclear if this transition happened during the Amoraic period). The sources of this ruling are not clear and there is an argument to be made that the halakhah “should” have been decided otherwise. (b) The position in favor of women making a blessing on wearing tsitsit may be strengthened by the fact that there is an argument that the ruling that women are exempt from tsitsit may have been based on false pretenses. (c) There is general agreement that (big H) Halakhically, women may wear tsitsit, though the Ashkenazi voice in the Shulchan Arukh says that it is haughty for them to do so and thus recommends against it (Rabbi Karo seems to have consciously declined to mention this line of thought in the Shulchan Arukh). There is significant debate as to whether a woman may say a blessing upon putting on tsitsit. (d) Women who chose to put on a tallit receive reward for doing so. (e) To the extent that a woman’s motivations for wearing a tallit are criticized as being improper (an argument that is in no way adopted), this criticism seems contrary to Rav’s aphorism that a person should always do mitzyot even if the person is doing so for personal reasons. (f) For purposes of Lechu Neranena, I consulted with our halakhic advisor, Rabbi Martin Lockshin. He wrote (in part), “I have no problem with women wearing tsitsit if they wish. I know that it bothers some people. I see that simply as a sociological problem that can be overcome, I hope, with sensitivity and a gentle approach.” He feels that a woman may say a blessing on wearing a tallit. Regarding whether a woman should wear a tallit that is more clearly feminine, he wrote that it might be best, but he doesn’t see it as a deal-breaker.; (g) In footnote 12 I introduce some preliminary thoughts on why the halakhah was decided in favor of Rabbi Shimon’s minority view, which requires further study.
I. Women’s Obligation/Permission to Wear Tsitsit

Sifre Bamidbar 116

“And the LORD spoke to Moses saying, ‘speak to the Children of Israel and say to them that they should make for themselves tsitsit.’”

Even women are implied as part of the “Children of Israel” subject to the commandment of tsitsit. Rabbi Shimon exempts women from tsitsit because women are exempt from time-dependent commandments. . . .

Rabbi Judah ben Bava says, “The Rabbis only exempted a woman’s veil from tsitsit and only required tsitsit for a woman’s cloak because sometimes her husband wears it . . . I hear, i.e. infer, that even a “night garment”2 is implied, therefore the text says “and you shall see it,”3 i.e. the blue fringe of the tsitsit, which implies during the day, but not at night, but if the garment were designated for wearing during the day and at night, it would be obligated in tsitsit.

Most sources from the Talmud era support the notion that women are permitted, if not obligated, to affix tsitsit to such garments as require them. The primary source is this midrash, which shows Rabbi Shimon as a minority view on this point (we will discuss the rationale for his ruling further below). Rabbi Judah ben Bava appears to agree with Rabbi Shimon at least to a certain extent (he may be explaining Rabbi Shimon’s opinion or offering a different understanding). He indicates that tsitsit is a time-bound mitzvah in that only daytime clothing requires tsitsit, but opines that anything that a man might wear requires tsitsit even if generally worn by a woman.

The only early source of which I am aware that argues for a prohibition of women wearing tsitsit is Targum Yonatan:

Deuteronomy 22:5

You shall not have man’s clothes on a woman and a man shall not wear the garment of a woman; for anyone who does any of this is an affront to the LORD your God.

Targum Yonatan Deuteronomy 22:5

Cloaks of tsitit and tefillin, which are adornments of men, shall not be on a woman

It is worth noting in passing that even as to tefillin, the Targum is at odds with other Talmudic sources, as BT Eruvin 96a tells us that Michal, daughter of Saul, wore tefillin and the sages did not object.

Babylonian Talmud Kiddushin 29a

Mishnah: . . . All positive commandments that are time-dependent — men are obligated to perform such commandments and women are exempt.

The Mishnah establishes a rule that women are exempt from mitzvoth that are time-sensitive:

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1 A more complete text of Sifre can be found below in the appendix as text A1 at page 14.
2 The term “night garment” lends itself to multiple interpretations, discussed further below in section II, “What is the meaning of ” (Night Garment)., p. 7.
3 Numbers 15:39.
Babylonian Talmud Kiddushin 33b-34a

Our Rabbis taught: What is a time-dependent commandment? Sukkah, lulav, shofar, tsitsit[4] and tefillin. And what is a commandment that is not time-dependent? Mezuzah, parapets, returning lost items, and sending the mother bird away from the nest when taking her eggs.

The barayta (a text contemporaneous with but not included in the Mishnah) discusses which mitzvoth are considered time-sensitive. Unfortunately, due to textual corruption (see footnote 4) it is unclear whether this barayta includes tsitsit as a time-sensitive mitzvah. However, the barayta in the following piece from the Jerusalem Talmud more clearly does not include tsitsit in the list of time-sensitive mitzvot:

Jerusalem Talmud Kiddushin 1:7 p. 61c

What is a time-dependent commandment? For instance, sukkah, shofar, lulav, and tefillin. What is a commandment that is not time-dependent? For instance, returning lost items, sending the mother bird away from the nest when taking her eggs, parapets, and tsitsit. Rabbi Shimon exempts women from tsitsit, since in his opinion it is a time-dependent commandment.[5] Rabbi Shimon said to them: “Do you not concede to me that, i.e. tsitsit, is a commandment that is time-dependent, for a night garment is exempt from tsitsit!” Rabbi Hillah said: The reason of the sages, i.e. the reason the sages hold that tsitsit is not a time-dependent commandment, is because if garments were designated for him for wearing during both day and night, they are obligated in tsitsit. 6

Here, at least according to Rabbi Hillah, the sages agree with Rabbi Shimon that, “night garments,” “night mitzvot,” are exempt from tsitsit, but they disagree that this makes tsitsit a time-sensitive mitzvah, since they argue (and seem to think Rabbi Shimon would agree, though this is not explicit) that a piece of clothing generally worn both during day and during night requires tsitsit.

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4 Note some versions of the Talmud do not have tsitsit listed in this teaching or have it listed among the commandments that are not time-dependent. See R. Saul Lieberman, Tosefta Kifshutah Kiddushin p. 922-923 (commenting on Tosefta Kiddushin 1:10, p. 279 lines 42-45), (beginning of Appendix text A3. p. 15).

5 Note the text of the Talmud Yerushalmi up to this point is found verbatim in Tosefta Kiddushin 1:10.

6 A noted above in footnote Error! Bookmark not defined., the term “night garment” lends itself to multiple interpretations, discussed further below at “II. What is the Meaning of חֲשָׁת יָלִיל (‘Night Garment”), p. 7. In the context of this text, it seems to refer to clothing designated for wearing at night.

7 The biblical statement (Num. 15:39) is taken to mean that the requirement of tsitsit does not apply to a garment worn exclusively at night. Since the sages hold that a garment generally worn at any hour requires tsitsit (presumably even when worn at night), the sages do not view the mitzvah as time-dependent. Note that the accepted halakah reads “and you shall see it” slightly differently, so that any garment worn during the day requires tsitsit, while any garment worn at night does not require tsitsit (though a blessing should not be recited on tsitsit at night, and probably should not be recited during the day if the piece of clothing is something that is generally worn exclusively at night). See e.g. Shulhan Arukh and Beth Yoseph Orach Chayim 18.
Our Rabbis taught: All are obligated in the requirement of tsitsit, Priests, Levites, Israelites, converts, women, and slaves. Rabbi Shimon exempts women, since in his opinion it is a time-dependent commandment, and women are exempt from all time-dependent commandments. . . . What is Rabbi Shimon’s reasoning? For it is taught: “And you shall see it” (Num 15:39), i.e. the blue strand of the tsitsit . . . And the Rabbis, this “And you shall see it,” what do they do with it, i.e. what rule do they learn from that phrase? . . .

Again, Rabbi Shimon is presented in this barayta as dissenting from the majority view that obligates women in tsitsit. Interestingly, Rabbi Shimon’s basis for the exemption is that night clothing is exempted from tsitsit.

Rav Yehudah would put tkhelet, i.e. the blue fringe of the tsitsit, on the aprons of the women of his house and would bless each morning the blessing regarding God’s commanding “to wrap in tsitsit.” Since he placed tsitsit on the aprons of women, we can determine he believed it, i.e. tsitsit, is a positive commandment that is not time-dependent.

Rav Amram Chasida would put tkhelet on the aprons of the women of his house. We are told that Rabbi Yehudah believed that tsitsit was not a time-sensitive mitzvah. Similarly, Rav Amram Chasida put tkhelet on the women’s aprons. It is not clear whether these sages are seen as minority views on this issue (the thrust of the discussion in BT Menachot is about why Rav Yehudah said a blessing on putting tsitsit on in the morning and the thrust in BT Sukkah is about technicalities of making valid tsitsit).

Women, slaves, and children are exempt from the commandment of tsitsit . . . but women, slaves, and children who want to wrap in tsitsit wrap themselves without a blessing. And so, too, with regard to the rest of positive commandments from which women are exempt, if they desire to do them i.e. those mitzvot without a blessing we do not stop them (lit “strike their hands”).

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8 A second generation Amora ~ 290. Source: Aryeh Carmell
10 The context makes it less clear that אינשי should be translated as “women” than in Menachot 43a (since there is no discussion of R. Chisda’s act and its meaning for the time-dependent nature of tsitsit), but this seems to be the general understanding of this source. See e.g. Rashi.
11 For some discussion on this point, see my paper “The Command of God: The Meaning and Application of Blessings that State ‘Who Has Sanctified Us By Your Commandment and Commanded Us To . . . ’” available at http://www.e-ark.net/rabbi/birkatm.pdf, particularly starting on page 17, section titled “Blessings By the Uncommanded.”
And Rabbi Isaac Alfasi wrote at the beginning of “Laws of Tsitsit” that the law is established for us in accordance with Rabbi Shimon, and so wrote Rabbenu Asher in the name of Rabbenu Tam, and he brought proof from several places in the Talmud, and so ruled Maimonides in Chapter 3 of the Laws of Tsitsit.

Women and children are exempt from tsitsit because it is a commandment that is dependent on time. Gloss by Rabbi Moses Isserles: Nonetheless, if women or slaves want to wrap and to bless upon it they have the right to do so (lit. “The right is in their hands”), just as with the rest of positive commandments that are time-dependent, except that it appears as arrogance, for them to wear tsitsit, since it is not an obligation of a person, i.e. one is not required to purchase a tallit, i.e. a four cornered garment, in order to be obligated in tsitsit.

The halakhic consensus is that women are exempt from wearing tsitsit. There is also consensus that women are permitted to do mitzvoth that they are not obligated to do. There is an Ashkenazi/Sephardi divide as to whether women are permitted to say a blessing on such mitzvoth. Further, Rabbi Moses Isserless, the Ashkenazi glossator of the Shulchan Arukh, says that women should not wear tsitsit as it appears haughty.

12Rif Laws of Tsitsit, which appears in the Vilna Shaas at the back of Menachot, 11a - הלכות ציצית דף יא עמוד א - הלכות ציצית דף יא עמוד א

13 Rosh Laws of Tsitsit (which appears in the Vilna Shaas at the back of Menachot), 1:1. I discuss this text further in section III, below p. 7, and argue that a primary assumption of Rosh is called in to question by the Jerusalem Talmud text above.

14 Note that in Beth Yoseph, Rabbi Karo (author of the main text of Shulchan Arukh) rules that women should not make the blessing, giving weight to Rambam’s opinion and to the general rule that in cases of doubt a blessing should not be recited.

15 Note that Rabbi Karo quotes an opinion to this effect in Beth Yoseph but does not mention this in Shulchan Arukh, indicating that he likely disagrees with the sentiment.

16 There is little discussion of the basis of why Rabbi Shimon’s minority view became accepted. The most extensive discussion of this conclusion is found in Rosh. I discuss this text further in section III, below p. 9, and argue that a primary assumption of Rosh is called in to question by the Jerusalem Talmud text above.
Babylonian Talmud Bava Kama 38a

Rabbi Meir says: From where do we know that even a non-Jew who immerses in study of Torah is like the high priest? Scripture teaches: “keep my laws . . . which a person should do them and live through them . . .” (Lev. 18:5) “Priest, Levites and Israelites” is not stated, rather “person” is stated . . . It is stated: “They do not receive reward as one who is commanded and observe the commandments, but rather like one who is not commanded and observes, as Rabbi Chaninah stated: One who is commanded and observes is greater than one who is not commanded and observes.

Beth Yoseph Orach Chayim 17

And Ra”N (Rabben Nissim) in the chapter of his commentary on Rabbi Isaac Alfasi’s compendium of laws derived from Tractate Rosh Hashanah agreed with the words of Rabben Tam, that women who perform mitzvoth that they are not required to do make a blessing, because they receive reward for performing them. And don’t say that since they were not commanded, how can they say “and commanded us.” Since the men were commanded and they, i.e. women, also receive reward, they can fittingly say “and commanded us.”

BT Bava Kama 38a and Beth Yoseph Orach Chayim 17 demonstrate that there is reward associated with a person doing a mitzvah to which that person is not obligated. This, to my mind, calls in to question whether a woman wearing tsitsit should at all be seen as haughty.

Rav Yehudah said in the name of Rav: A person should always immerse in study of Torah and performance of mitzvah, i.e. with some ulterior motive, because from performing mitzvah not for its own sake, one comes to perform mitzvah for its own sake, for with the merit of the forty two sacrifices that Balak sacrificed, he merited that Ruth came, i.e. descended, from him.

Rav Yehudah’s teaching, to my mind, cautions us away from questioning the impetus behind a person’s doing a mitzvah. Perhaps one could argue it is different when the person is not obligated to do that mitzvah or if the intention is particularly antagonistic (though how do we know what evil lurks in a person’s soul?).

17 In context, perhaps this term should be translated as “good deed” rather than its base meaning of commandment, since Balak could not be said to have been commanded to bring the sacrifices he brought.
Shulchan Arukh Orach Chayim 18:1

Nighttime is not the time when the obligation of tsitsit applies, since it was excluded by “and you shall see it,” (Number 15:39), according to Rambam, anything one wears at night is exempt, even if it is designated for wearing during the day, and whatever one wears during the day is obligated to have tsitsit, even if it is designated for wearing at night.19 But according to Rosh, clothing that is designated for wearing at night is exempted, even if one wears it, i.e. that item of clothing, during the day, and clothing that is designated for wearing during the day or during day and night, is obligated, even if one wears it at night.20 Gloss by Rabbi Moses Isserles: And doubts regarding blessings are resolved toward leniency; therefore, one should not bless (lit. “there is not to bless”) on it, i.e. on donning a garment with tsitsit, except when he wears the garment during the day and it also is a garment designated for the day (Hagahot Maimoniot).

Rav Moshe Feinstein permits women to wear tsitsit provided they are not masculine-looking and providing that her intention is for fulfillment of the mizvah and not for rebellious purposes.18 He is influenced by the fact that women receive a reward for performing mitzvot that they are not obligated to perform.

II. What is the Meaning of נמס לילה (“Night Garment”)

Much of the halakhic analysis of women and tsitsit focuses on the exemption of a נמס לילה (“night garment”) from tsitsit. The phrase lends itself to multiple interpretations, as discussed in Shulchan Arukh:

Shulchan Arukh references two potential understandings of the “night garment” that is exempted from tsitsit. Rambam rules that any clothing worn at night is exempt from having tsitsit regardless of whether the garment is typically worn at night, and obligates any garment worn during the day in tsitsit regardless of whether it is typically worn during the day. Rosh, on the other hand, requires tsitsit for clothing that is typically worn during the day, even if the clothing is worn at night, while he exempts clothing typically worn at night even if the clothing happen to be worn during the day (i.e. if one wore four-cornered pajamas during the day, as discussed in Shulchan Arukh: 18 Note that Rabbi Feinstein qualifies his comments to indicate that a woman may wear tsitsit out of a desire to fulfill mitzvot but may not do so out of a desire to rebel against God’s Torah. Rabbi Ovadia Yosef forbids women from wearing tsitsit on similar sociological grounds per Yalkut Yosef Tzitsit 231 cited in footnote 5 at http://www.torahmusings.com/2012/12/women-wearing-tallit/ (accessed June 2, 2016). Note also Arukh haShulchan Orach Chayim 17:3 forbids women from wearing tsitsit based on Rabbi Moses Isserles’s reasoning.

19 Maimonides Laws of Tzitsit 3:7

Rambam's halakhic analysis suggests that clothing worn during the day and it also is a garment designated for the day (Hagahot Maimoniot).
they would not require tsitsit per Rosh). There is a third view which holds, essentially, that both indicia are required in order for a garment not to count as a “night garment,” i.e. that only clothing worn during the day require tsitsit and only when such clothing is worn during the day. This view is found in Ran on Kiddushin, the text of which is found below in Appendix text A3. p. 13 and according to some held by Rashi.  

Vis a vis reciting a blessing on tsitsit, Rabbi Isserless effectively adopts Ran’s position by saying one should err on the side of caution by only reciting a blessing where all opinions would say that tsitsit is required. Although Rabbi Karo does not explicitly adopt this position in Shulchan Aruch, he does in his Beth Yoseph commentary in this section. Interestingly neither Karo nor Isserless mention Ran’s position explicitly.

In reviewing the sources in the Babylonian Talmud for occurrences of the phrase כְּסָהָה לִילָה, it seemed to me that almost all sources could be read consistently with any of the opinions as to the meaning of the phrase. However, the text of the Talmud Yerushalmi we encountered above p. 2 does seem to strongly indicate Rosh’s understanding, as was noted by Rosh in the text at footnote 20 and is also noted by Vilna Gaon in his commentary on this section of Shulchan Arukh:

21 See Artscroll Talmud Menachot 40b note 12. Rashi sometimes explains the phrase כְּסָהָה לִילָה one way or the other, which may mean he accepts both understandings or may mean that he feels one or the other understanding fits that particular piece of Talmud better.

BUT ACCORDING TO ROSH, ETC. Since the Talmud says in all places in tractates Shabbat, Zevachim, and Menachot here and there “night garment,” and see Tosafot Kiddushin 34 s.v. Tefillin, etc. And Ran wrote that a garment is not obligated in tsitsit unless it is a daytime garment and he wears it during the day. But the Jerusalem Talmud in Kiddushin there does not sound like this, and this the language of the Jerusalem Talmud there “. . . Rabbi Hillah said: The reason of the sages, i.e., the reason the sages hold that tsitsit is not a time-dependent commandment, is because if garments were designated for him for wearing during both day and night, they are obligated in tsitsit,” and if the law is in accordance with the words of Ran, even at night clothing designated for the day would be exempt and therefore the Rabbis would not have a basis on which to refute Rabbi Shimon’s argument that tsitsit is a time-dependent mitzrah, and see Ran there, and certainly certainly it, i.e. the Jerusalem Talmud proves the understanding of the term “night garment” is in accordance with Tosafot and Rosh.

It is worth noting, however, that the language of SifreTherefore the text says ‘and you shall see it,’’ i.e., the blue fringe of the tsitsit, which implies during the day, but not at night,” may support the notion that the time that a person is wearing the garment is significant, though the Sifre generally seems to put its focus on when the garment is typically worn.

It is also possible that different sages may have understood the exemption of חסות לילה differently and even that that difference could have resulted in the differing opinion as to the halakhah regarding women and tsitsit, although neither the Talmud Yerushalmi nor Talmud Bavli suggest a difference in understanding as to the nature of the exemption.

III. Was the Exemption of חסות לילה A Matter of Dispute between Rabbi Shimon and His Compatriots and, If Not, What are the Implications for Halakha?

As discussed above with reference to Jerusalem Talmud Kiddushin 61c and Babylonian Talmud Menachot 43a-b (p. 2-3), the Jerusalem Talmud presumes that the general idea that חסות לילה is exempted from tsitsit is agreed upon between Rabbi Shimon and those who disagree with him in regard to women and tsitsit. Instead, the Jerusalem Talmud presumes that the dispute is whether the exemption of חסות לילה makes tsitsit a time-dependent mitzvah from which women are exempted. Strikingly, we hear directly from Rabbi Shimon that he believes his compatriots agree that חסות לילה is exempted. Further, we have a named Amora defending the position of Rabbi Shimon’s compatriots and agreeing that they exempt חסות לילה. On the other hand, the Babylonian Talmud’s anonymous voice seems to presume that Rabbi Shimon’s compatriots did not accept the exemption of חסות לילה. I have found very little discussion of this difference between the Babylonian Talmud and the Jerusalem Talmud. The most extensive discussion I have found is in a responsum of Rashba which is provided in the appendix below at A4, p. 13. There, Rashba is asked why the Babylonian Talmud in Menachot 43 does not adopt the Yerushalmi’s understanding and instead finds that Rabbi Shimon’s compatriots disagree with him with regard to the exemption of חסות לילה. Rashba basically responds that it is wholly unremarkable for the Babylonian Talmud and the Jerusalem Talmud to present different understandings and notes for good measure that there are many parts of the Babylonian Talmud that resolve the same issues in different ways.

23 A portion of the Sifre text is included with translation above p. 2. A more complete text of Sifre can be found below in the appendix as text A1 at page 14.
While it is generally accepted that快来立 (whatever that means) is exempted from tsitsit and that therefore women are not obligated in tsitsit, there is little explanation given of why Rabbi Shimon’s seemingly minority view as to the exemption of women from tsitsit became halakhically accepted. The most extensive argument in favor of this conclusion is found in the text of Rosh quoted below.24 As I will argue below, it seems that all of the proofs raised rely on the presumption that Rabbi Shimon was a דעה יחיד (an individual’s opinion contrary to the majority opinion) with regard to the exemption of快来立 or are otherwise suspect due to variant texts.

Rosh Laws of Tsitsit 1:124

(Menachot 43a) Our Rabbis taught: All are obligated in the requirement of tsitsit, women, slaves, Priests, Levites, Israelites. Rabbi Shimon exempts women, since in his opinion it is a time-dependent commandment, and women are exempt from all time-dependent commandments. The law is established for us in accordance with Rabbi Shimon. And Rabbenu Tam brought a proof to the fact that the law follows Rabbi Shimon from chapter “With What Do We Light” (BT Shabbat 25b)25 from the story of Rabbi Judah bar Rabbi Ilay, that his students would hide the corners of their garments because they did not have fringes on their linen garments. And it, i.e. the Talmud, says that they felt they should not put fringes on their linen garments because of night garments, the explanation for which is that they felt that even though the linen garment is obligated in tsitsit they would not put tsitsit on it for fear that one might come to place tsitsit on a linen garment that was night clothing which is exempt from the requirement of tsitsit as per Rabbi Shimon and it would be kilaim, i.e. shatnez, the forbidden mixture of wool and linen28 not in the context of the mitzvah of tsitsit,29 and since the Talmud supplied this reason for the students not having tsitsit on their linen garments and did not supply other reasons that are explained in Tractate Menachot (40a)26 where the Talmud is attempting to explain why in Jerusalem the practice was not to put tsitsit on linen garments, i.e., that the concern for tsitsit on linen garments was a decree because of indigo, i.e., that people might use improper blue dye and thus be wearing shatnez without fulfilling the mitzvah, or lest it rip within 3 fingerbreadths of the corner and one repair the garment in a way that makes the tsitsit violative of the rule that they must be placed on a pre-existing garment rather than having a garment built around them, this demonstrates that thus is the law, i.e. that the law follows Rabbi Shimon in exempting night clothing from the requirement of tsitsit.

Clearly, this first proof is predicated on the idea that Rabbi Shimon’s compatriots disagreed with the exemption of快来立.

24 A number of Tosafot discuss why they halakhah follows Rabbi Shimon, presenting the same arguments. One such text is included in the appendix below at A5, p. 14.

25 As previously noted, Rosh Laws of Tsitsit appears in the Vilna Shas at the back of Menachot.

26 The relevant text of Shabbat 25b is found at Appendix A6, p. A616.

27 The relevant text of Menachot 40a-b is found at Appendix A7, p. 16.

28 Tsitsit must be woolen even on linen garments.

29 Where the mitzvah of tsitsit applies the rule of shatnez is overridden.
And another proof can be derived from chapter “With What Do We Light” (BT Shabbat 27b) from that which is said in the discussion of a 3 x 3 handbreadth cloth, where it argues “just as we include all clothing for matters of impurity, let us also including all clothing (and not just wool and linen clothing) with regard to tsitsit from the phrase ‘with which you cover yourselves’” (Deut. 22:12), and Rav Ashi responds, that verse is necessary to include a blind person in the obligation to wear tsitsit. And this reading of the verse “with which you cover yourself” is in accordance with Rabbi Shimon, and it did not say that the phrase “with which you cover yourselves” is necessary to include a garment of five or six corners.

In the text of Menachot 43a-43b, the Talmud tells us that Rabbi Shimon derived the exemption of night clothing from “and you shall see it.” The Talmud then asks why this verse is not taken to exempt a blind person from tsitsit, and we are told that Rabbi Shimon understand the phrase “with which you cover yourself” comes to include a blind person in the obligation of tsitsit. On the other hand, the rabbis are understood to take “with which you cover yourself” to come to include a five or six cornered garment in the obligation of tsitsit. Rosh argues that since the understanding of “with which you covered yourself” is consistent with how BT Menachot understands Rabbi Shimon, it demonstrates that this Talmud accepts Rabbi Shimon’s understanding of that verse. However, since the differing exegesis ascribed to Rabbi Shimon’s compatriots in Menachot is predicated on the questionable (per the Jerusalem Talmud) assumption that they did not understand “and you shall see it” to exempt night clothing, it seems difficult to presume the exegesis used in Shabbat 27b necessarily adopts the understanding of each party’s exegesis in 43a-43b and thus indicates adoption of an exegesis consistent only with Rabbi Shimon’s view.

Moreover, the anonymous barayta in the first chapter of Kiddushin (BT Kiddushin 33b) that considers tsitsit among the time-dependent commandments demonstrates that the halakhah follows Rabbi Shimon. Talmud Kiddushin 33b, text above p. 2, is almost verbatim with the parallel text in Talmud Yerushalmi Kiddushin, above p. 2, which counts tsitsit among the mitzvot that are not time-dependent. In addition, as noted in footnote 4, above p. 2, some texts of the Babylonian Talmud either have tsitsit listed as a mitzvah that is not dependent or do not list tsitsit at all. It is also worth noting that the Barayta on Menachot 43a presents Rabbi Shimon’s view as the minority view.

Moreover, in the first chapter of tractate Zevachim (18b) two Tanaim disagree; one includes the garment of a blind person in the requirement of tsitsit from the fact that the text says “with which you cover yourselves,” (Deut. 22:12) and the other derives it from “with which,” rather than saying his opinion is in accord with the rabbis, rather the Talmud strains to affirm both opinions per Rabbi Shimon.

30 The text as printed in the Vilna Shas references page 26b, but it appears 27b is the correct reference. The relevant text of Shabbat 27b can be found at Appendix A8, p. 16.
31 The relevant text of Menachot 43a-b for this purpose can be found in the appendix at A10, p. 17. Other sections of this text are reproduced with translation as texts 7 and 8, above p. 4.
32 Numbers 15:39.
33 On a related note, it is worth remembering Rashba’s observation, discussed above, from the responsum included below at A4, p. 15, that not all discussions in the Babylonian Talmud are consistent with each other.
34 The relevant text of Zevachim 18b is found at Appendix A9, p. 16.
In Zevachim, the Talmud discusses differing opinions among Tanaim as to whether garments of five or six corners require tsitsit. The Talmud understands the opinion that requires such garments to have tsitsit is said to derive this from the words “wherewith you cover yourselves,” whereas the second Tanna is understood as understanding the phrase “wherewith you cover yourself” to function to include a blind person in the requirement of tsitsit, so that the phrase “and you shall see it” can be used to exempt Ḥesed Lilè. In turn, the first Tanna is understood as splitting the phrase “wherewith you cover yourselves” so as to allow the first part of the phrase (реш, wherewith) to include a blind person so that the second part of the phrase (וכסה לך, you cover yourself) can still be free to include garments of 5 or 6 corners. Rosh argues that rather than the awkward splitting of this phrase, the Talmud might have argued that the first Tanna does not exempt night clothing at all. Since the Talmud “struggles” to conclude that both these opinions hold night clothing to be exempt, Rosh argues that this discussion supports the conclusion that the halakha follows Rabbi Shimon. However, in light of the Talmud Yerushalmi, it seems that the only thing that this discussion really proves is an interest in finding that all parties exempt כסה לילה from tsitsit, a position with which Rabbi Shimon’s contemporaries may well have agreed.

Moreover, it is stated in Berakhot chapter “if One Were Reading” (13a), “why was the chapter of ‘And it shall be if you hearken,’33 placed before ‘And the LORD said,’34 because the chapter of ‘And it shall be if you hearken,’ applies whether during the day or during the night while the chapter of ‘And the LORD said’ which commands wearing tsitsit only applies during the day, and moreover there (14b), “Rabbi Joseph said, how wonderful is the teaching that when Rav Samuel bar Yehudah came to Babylonia he said that in the west, i.e. Israel, they say during the evening recitation of Shema, “Speak to the Children of Israel and say to them, I am the LORD your God, True,” i.e., they would say the beginning of the chapter regarding tsitsit and skip all of the text regarding the mitzva of tsitsit since they do not apply at night, ‘said Abaye, to Rabb Joseph, “therefore we will begin as they begin in the west i.e., begin to say Numbers 15:37 and following, but since we begin we will also finish, i.e., recite the entire section without skipping, because Rav Kahanah said in the name of Rav, “if one starts, one finishes,” which indicates that all of the Amoraim believe that as a matter of law one need not say it i.e., the entire section of Numbers 15:37 and following since the law of tsitsit does not apply at night and the law is not established for us like Rabbi Yehudah who put tkhelet, i.e., the blue fringe of the tsitsit, on the aprons of the women of his house.35

The Mishnah and Talmud in Berakhot clearly demonstrate an idea that the paragraph of Shema discussing tsitsit by rights need not be said during the evening because the laws of tsitsit do not apply at night. However, this is reasonably consistent with a view that clothing designated for wearing exclusively at night is exempted from tsitsit, and hence this text can hardly be said to be inconsistent with the view of Rabbi Shimon’s disputants as understood in the Jerusalem Talmud.

It seems to me there is no “smoking gun” Talmudic evidence indicating that the opinion of Rabbi Shimon was accepted over that of his disputants, although clearly in later years that was what came into practice. The anonymous voice of the Babylonian Talmud in Menachot 43 clearly sees Rabbi Shimon’s contemporary as a

35 Deut. 11:13-21, commonly known as the second paragraph of Shema.
36 Numbers 15:37-41, commonly known as the third paragraph of Shema.
37 See text of BT Menachot 43a regarding Rabbi Judah, above p. 4.
(an individual’s opinion contrary to the majority opinion) as to the exemption of כסות לילה, and clearly the exemption of כסות לילה is accepted as halakhah in the Talmud. It is an interesting question whether we would decide the law regarding women and tsitsit in accordance with the by-the-by evidence that the anonymous voice in the Babylonian Talmud understands Rabbi Shimon as a דעת יחיד or by the Talmud Yerushalmi, in which Rabbi Shimon and Rabbi Hillah clearly understand that all parties agreed that כסות לילה is exempt from tsitsit. While I would not presume to overturn generally accepted halakhah in this area, I think we can say, at the very least, that there is a strong argument for women to be obligated in tsitsit. As a practical matter, this should provide an additional basis on which to be welcoming of, if not downright encouraging of, women wearing tsitsit. Furthermore, for those on the fence as to whether women may make a blessing on putting on tsitsit, these arguments may be used to bolster the argument in favor of such a blessing.

Some Conclusions

- It seems that at least early on in the rabbinic period, probably extending at least into the early Amoraic period, Rabbi Shimon’s opinion to the effect that women were exempt from tsitsit was considered a minority opinion. However, moving forward it apparently became a fairly universal opinion (it is unclear if this transition happened during the Amoraic period). The sources of this ruling are not clear and there is an argument to be made that the halakhah “should” have been decided otherwise.
- The position in favor of women making a blessing on wearing tsitsit may be strengthened by the fact that there is an argument that the ruling that women are exempt from tsitsit may have been based on false pretenses.
- There is general agreement that (big H) Halakhically, women may wear tsitsit, though the Ashkenazi voice in the Shulchan Arukh says that it is haughty for them to do so and thus recommends against it (Rabbi Karo seems to have consciously declined to mention this line of thought in the Shulchan Arukh). There is significant debate as to whether a woman may say a blessing upon putting on tsitsit.
- Women who chose to put on a tallit receive reward for doing so.
- To the extent that a woman’s motivations for wearing a tallit are criticized as being improper (an argument that is in no way adopted here), this criticism seems contrary to Rav’s aphorism that a person should always do mitzvot even if the person is doing so for personal reasons.
- For purposes of Lechu Neranena, I consulted with our halakhic advisor, Rabbi Martin Lockshin. He wrote (in part), “I have no problem with women wearing tsitsit if they wish. I know that it bothers some people. I see that simply as a sociological problem that can be overcome, I hope, with sensitivity and a gentle approach.” He feels that a woman may say a blessing on wearing a tallit. Regarding whether a woman should wear a tallit that is more clearly feminine, he wrote that it might be best, but he doesn’t see it as a deal-breaker.

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38 See above footnote 11 and accompanying text, p. 4.
Appendix

Note: Appendix texts labeled with a number are mentioned in the main texts. The other texts are not but are included here as being of potential interest.

A1

In Paragraph A1, the text discusses the obligation of women to wear the Tallit (תלית) or Tsitsit (ציצית). The text references a ruling by Rabbi Shimon that women are exempt from wearing the Tallit due to a mitzvah of doing something that was completed, and a ruling by Rabbi Shimon that certain mitzvahs are not performed by women in kashrut matters and those who are non-kosher.

Further, the text refers to a specific passage in the Book of Numbers ( værechem) that states: "And it shall come to pass, when the children of Israel shall dwell in their own land, every man shall have to clothe himself in a cloth of tzoit (שֶׁלֹּא)". The text then discusses the interpretation of this verse by different sages, including Rabbi Yehuda ben Babai who explains that the dress of a woman is not required to be the same as that of a man, even in terms of cleanliness.

A2

In Paragraph A2, the text continues the discussion on the obligation of women to wear the Tallit by referencing additional sources and interpretations. The text references a passage in the Book of Numbers (במדבר) that states: "And it shall come to pass, when the children of Israel shall dwell in their own land, every man shall have to clothe himself in a cloth of tzoit (שֶׁלֹּא)". The text then discusses the interpretation of this verse by different sages, including Rabbi Yehuda ben Babai who explains that the dress of a woman is not required to be the same as that of a man, even in terms of cleanliness.

Further, the text references a passage in the Book of Deuteronomy (דברים) that states: "And it shall come to pass, when the children of Israel shall dwell in their own land, every man shall have to clothe himself in a cloth of tzoit (שֶׁלֹּא)". The text then discusses the interpretation of this verse by different sages, including Rabbi Yehuda ben Babai who explains that the dress of a woman is not required to be the same as that of a man, even in terms of cleanliness.

The text concludes by emphasizing the importance of understanding these interpretations in order to properly fulfill the mitzvah of wearing the Tallit.
כדברי הרמב"ם ורבינו שמשון פירש כרבינו תם וכן רא"ם (יראים השלם סי' תא). ולענין הלכה נקטינן כהרמב"ם דרב מובהק הוא וכל שכנח דרש"י סבירא ליה כותיה עוד דספק ברכות להקלא: "הרח"ן על הרי"ף מסכת קידושין דף יד עמוד ב סוכה ולולב שופר וציצית. איכא נוסחי דלא גרסי ציצית דלדידהו סבר האי תנא דלילה זמן ציצית ונוהגת היא בנשים לפי שאין הזמן גרמא ואיכא דגרסי לה ואתיא כר' שמעון דפוטר נשים מציצית כדאיתא בפ' התכלת ומפרש טעמיה התם מדכתיב וראיתם אותו פרט לכסות לילה. מכל מקום והויא לה מצות עשה שהזמן גרמא וקי"ל כרבי שמעון משום דסוגיין כותיה דבפרק بما מדליקין (דף כה ב) גבי סדין דפטרינן מציצית אמרינן גזירה משום כסות לילה 대ו' אבל כסות יום בלילה פטור דלעולם לא מחייב עד דאיכא תרתי כסות המיוחד לראיה והזמן ראיה דקרא דוראיתם הכי משמע ומש"ה כסות לילה כיון שאינו特别声明 לראיה פטור אף כי יום וכסות יום נמי בלילה דלאו שעת ראיה היא פטור והיינו אכתי קשיא אבל הכי אמאי פטורות נימא לא תלבש שעטנז גדילים תעשה לך אמר רחמנא כל שישנו בלא תלבש פסחים דף מג ב [ב] איתנהו בגדילים והני נשים הואיל ואיתנהו בלא תלבש איתנהו בגדילים דמהאי טעמא מחייבינן נשים במצה דכתיב לא תאכל עליו חמץ שבעת ימים תאכל עליו מצות ודרשינן דכל דאיתיה בבל תאכל חמץ איתיה בקום אכול מצה יש לומר דכיון דאיצטריכא למשרי כלאים בציצית לא דרשינן ביה נמי הא לאפוקי מכללא דשאר מצות עשה שהזמן גרמא דנשים ליבמות דף ד א [ב] הך היקשא פטורות ומשמע לן טפי ה היקשא למשרי כלאים בציצית מלחיובי נשים perchè דלישה דקרא משמע הכי לא תלבש שעטנז גדילים תעשה לך והני כהני הואיל ואשתרי כלאים לגבייהו אימא לא לחייבו קמשמע לן דנהי דאשתרי בעידן עבודה שלא בעידן עבודה לא אשתרי משמע דאילו אשתרי לגמרי הוו פטורים כהנים מהיקשא ואמאי נימא דלהת יר כלאים בציצית בלחוד הוא דאיתא כדאמרינן גבי נשי לאו קושיא היא דכיון דעל כרחיך הקישו הכתוב להתיר כלאים בציצית וקרא הכי קאמר גדילים תעשה לך מהם א"כ בהדי מאן מהם ויכתי והא אמרינן בריש ערכין מיחייב ומהדר כהנים איצטריכא ליה סלקא דעתיך א מינא לא תלבש שעטנז איתיה בגדילים תעשה לך והני כהני הואיל ואשתרי כלאים לגבייהו אימא לא לחייבו קמשמע לן דנהי דאשתרי בעידן עבודה שלא בעידן עבודה לא אשתרי משמע דאילו אשתרי לגמרי הוו פטורים כהנים מהיקשא ואמאי נימא דלהת יר כלאים בציצית בלחוד הוא דאיתא כדאמרינן גבי נשי לאו קושיא היא ד>
A5

The passage states that the "tallit" ( womens praying shawls) are not included in the laws of the "tsitsit" (holy threads). The reason given is that the tallit serves a specific purpose for nighttime prayer, and therefore, it is exempted. The passage also cites a Talmudic ruling that the tallit is not considered "tsitsit" for the purposes of fulfilling the commandment of "tsitsit".

A6

The passage discusses the coverings of a "tsitsit" (holy threads) and how they are used. It explains that the "tsitsit" threads are part of a specific covering for prayer, and that other coverings, such as "tallit", are not considered "tsitsit" for this purpose. The passage also cites a Talmudic ruling that the "tsitsit" threads are not considered "tsitsit" for the purposes of fulfilling the commandment of "tsitsit".

A7

The passage discusses the coverings of a "tsitsit" (holy threads) and how they are used. It explains that the "tsitsit" threads are part of a specific covering for prayer, and that other coverings, such as "tallit", are not considered "tsitsit" for this purpose. The passage also cites a Talmudic ruling that the "tsitsit" threads are not considered "tsitsit" for the purposes of fulfilling the commandment of "tsitsit".

A8

The passage discusses the coverings of a "tsitsit" (holy threads) and how they are used. It explains that the "tsitsit" threads are part of a specific covering for prayer, and that other coverings, such as "tallit", are not considered "tsitsit" for this purpose. The passage also cites a Talmudic ruling that the "tsitsit" threads are not considered "tsitsit" for the purposes of fulfilling the commandment of "tsitsit".

A9

The passage discusses the coverings of a "tsitsit" (holy threads) and how they are used. It explains that the "tsitsit" threads are part of a specific covering for prayer, and that other coverings, such as "tallit", are not considered "tsitsit" for this purpose. The passage also cites a Talmudic ruling that the "tsitsit" threads are not considered "tsitsit" for the purposes of fulfilling the commandment of "tsitsit".
Note to self: Break down what each phrase proves according to whom and what matters remain in dispute. The key may be that the Talmud knew that one party got two drashot out of that mishna while another only got 1, but were not sure what ended up subject to debate.
ועיין בתוס' בברכות (יד ב) ד"ה ויאמר המביא את הירושלמי ומפרשים שהוא כדעת מי שסובר ציצית חובת טלית.的意义 התוס' שם שלמ"ד ציצית חובת גברא אין חובת הציצית תלויה בכסות יום ובכסות לילה אלא בזמן לבישת הטלית. ובכן אם הגברא לובש את כסות הימים בלילה איננו חייב בציצית מפני שלילה לאו זמן ציצית. מאידך למ"ד ציצת חובת מנא חיוב הציצית תלוי דוקא בשם הבגד. בגד יום לעולם חייב ובגד לילה לעולם פטור. לכאורה טעם התוס' שם הוא: למ"ד ציצית חובת גברא יש מעשה מצוה בלבישת הציצית בכסותו. חובת מעשה המצוה הזה תלויה בזמן עשייתה; ביום הגברא義וויו ציצית חובה גם בלילה, אך לא義וויו מצוות לבישה. ברם למ"ד ציצית חובת מנא חובת הציצית היא שתהיה הציצית תלויה על כסותו. אם ציצית תלויה בכסותו מקיים בעל הכסות את המצוה, אבל איננו מעשה מצוה. משום כך, דין זמן הלילה שבציצית חל דוקא בחלות שם הכסות המחויבת בציצית או הפטורה ולו זמן בציצית. ולאי אילו עדיף לחיות בציצית? (ויתכן שתהי' לפי"ז נ"מ גם בנוגע לשליחות. למ"ד ציצית חובת גברא אין לקיים המצוה ע"י שליח מפני שלבישת הציצית היא מעשה מצוה שבגופו ואין שלוחו של אדם כמותו במצוות שבגופו כמبارك בראשונים ואחרונים. לעומת זה אם מצות ציצית חובת מנא היא ניתן לקיימה על ידי שליח מפני שאין בה מעשה מצות גברא כלל אך מצוה הבאה ממילא כשהцитות תלויות בכסותו א).

לפי תוס' בברכות (יד ב) נוהגת חובת גברא בציצית בלילה מדין חובת מנא. חובת לבישת הציצית של הגברא נוהגת ביום בלבד גם לר"ת כדכתיב וראיתם אותו. בכך מובן למה נקט ר"ת שכלאים הותרו בציצית ולא רק נדחו. בחובת מנא ליכא היתר מדין דחיית כלאים שהרי אין בחובת מנא מעשה מצות גברא בפועל שנאמר עשה דוחה לא תעשה. המצוה של חובת מנא מתקיימת ממילא כשהцитות מוטלות בבגד, עדל"ת דוקא כשיש מעשה מצוה בפועל הדוחה את הלאו. ומשום כך מסיק שההתיר של כלאים בציצית הוא משום שכלאים הותרו בציצית ולא משום שנדחו, כי בלילה בחובת מנא דין עדל"ת אינו חל.

גם מבוארת עפ"ז שיטת ר"ת שציצית מצות עשה שהזמן גרמא. חובת הגברא בציצית הריהי זמן גרמא באופן פשוט גם לדעת הר"ת. הלובש ציצית מקיים את חובת הגברא את עטיפה בציצית רק בעטיפה ביום ולא בלילה. כשל]?. נובע מה להם אהוב את כל חובות מצה בציצית repetitio semel ו ]] בברכת הציצית. נובע מה لهم אהוב את כל חובות מצה בציצית.

לפי שיטת התוס' בברכות (יד ב) נוהגת חובת גברא בציצית בלילה מדין חובת מנא. חובת לבישת הציצית של הגברא נוהגת ביום בלבד גם לר"ת כדכתיב וראיתם אותו. בכך מובן למה נקט ר"ת שכלvais ציצית מ"ע שהז"ג מותר אף על גברא אף על גברא אף על גברא אף על גברא אף על גברא אף על גברא אף על גברא אף על גברא אף על גברא אף על גברא אף על גבראastes. חובת הציצית הריהי זמן גרמא באופן פשוט גם לדעת הר"ת. הלובש ציצית מקיים את חובת הגברא את עטיפה בציצית רק בעטיפה ביום ולא בלילה. כשל]?. נובع מה لهم אהוב את כל חובות מצה בציצית repetitio semel ו ]] בברכת הציצית. נובע מה لهم אהוב את כל חובות מצה בציצית.
ועいません בתוס' קידושין (כט א ד''ה אותו) שמקשים, למה לן קרא להוציא את הנשים ממצות מילה תיפו לי' שהיא מ''ע שהז''ג מפני שאין מלין בלילה. ותירצו אחרים שאע''פ שאין מלין בלילה אין بذلك פטור מחובת המילה אלא פסול במעשה המילה ולפיכך אין המילה מ''ע שהז''ג שהרי חובתה תמידית.

התוס' שם אינם מתרצים כמו האחרים. שיטתם היא שאם מעשה המצוה נוהגת רק מזמן לזמן - כמו מילה הנוהגת ביום ולא בלילה - המילה מ''ע שהז''ג היא.

יוצא שלפי בעלי התוס' ישנם שני קובעים של מ''ע שהז''ג:
א) גורם זמן במחייב של המצוה ואף אם הנהוג המצוה הוא תמידי - כמ''ע התורה, ב) גורם ומбан عالية המצוות ומיילא ואשדד.

ובככה מתיחשב המ洩ה דודו העברא''ב'' (פ''א מתפלה הל''א - א''), היא פסק שמצאתה של החיה להתקדש בכל יום וmise חיות במצות התפלה. החיה phúcות של צוות גדולות על שאלות זכאיות. מכניסים עלינו纹理ו בירח. הנכם התפלה ל_linux2 צוות ידיעתי לכתו פגע.

ובכל יום, אם אחד שמכונות התפלה בכל יום, לעת עשה מצאתו של צוות רחמי? והיו הר''ג'' (ốc''ל שלפי הרב''ג ממעש מצאות התפלה חול בק''מ מתפלה לכתו פגע怎么说, המ libertine גים כי היל פרימ wartime ממעש על המצות, ולא המשים עם בנים, כדי להד buy של התפלה עם ממעש המצות ואל בנים מסייעים במעשל המצות - כממעש התפלה ב全流程 ולא כי בצילום.