

Overview

Siman 17 Seif 1:

Even though the *pasuk* indicates that one must see his *tzitzis*, a blind man is obligated in the mitzvah. The phrase that references seeing the *tzitzis* excludes a night garment.

Siman 17 Seif 2:

Women and slaves are exempt from *tzitzis* since it is a positive time bound mitzvah. Nevertheless, if they choose to wrap themselves and recite the beracha they are permitted to do so, but it bespeaks of haughtiness. Therefore, they should not wear *tzitzis* since it is not an obligation incumbent upon a person (meaning one is not obligated to purchase a four-cornered garment to become obligated in the mitzvah). **A *tumtum* and *androgenus* are obligated to wear *tzitzis* out of doubt but do not recite the beracha.** (Since [according to Rema] women can recite the beracha, the *tumtum* and *androgenus* could also recite the beracha.)

- ❖ One who is not commanded to perform a mitzvah is rewarded for fulfilling the mitzvah. (M.B. 4)

Siman 17 Seif 3:

A father must purchase for his minor son who knows how to wrap himself in a *talis*. This applies only when the child knows to keep two *tzitzis* in front and two in back and also knows to hold his *tzitzis* during *krias shema*.

- ❖ The size of a child's *talis* is one that is large enough to cover his head and majority of his body, each child according to his size. (M.B. 9)

Halacha Highlights

Women wearing a *talis*

Shulchan Aruch Siman 17 Seif 2

נשים ועבדים פטורים מפני שהיא מצות עשה שהזמן גרמא

Women and slaves are exempt from *tzitzis* since it is a positive commandment that is time bound

The Gemara Menachos (43a) records a disagreement whether women are obligated in the mitzvah of *tzitzis*. The Gemara explains that the dispute relates to whether *tzitzis* is a *mitzvas aseh shehazeman gerama* – a positive time bound mitzvah or not. Shulchan Aruch follows the opinion who maintains that *tzitzis* is a positive time bound mitzvah since there is no mitzvah to wear *tzitzis* at night. Accordingly, Shulchan Aruch and Rema agree that in theory women may voluntarily perform the mitzvah of *tzitzis*; nevertheless, there is a disagreement whether women recite the beracha on the mitzvah. Shulchan Aruch maintains that women do not recite the associated beracha when performing any positive time bound mitzvah, whereas Rema holds that women may recite the associated beracha when fulfilling a positive time bound mitzvah.

Maharil (שו"ת מהרי"ל החדשות סי' ז') writes that although women should be allowed to wear *tzitzis* since it is a positive time bound mitzvah, nonetheless, those women who wear *tzitzis* are behaving in a surprising manner and he considers it arrogant for a woman to do this mitzvah. His rationale is that *tzitzis* are designed to remind a person of the 613 mitzvos and women are not obligated in all 613 mitzvos since they are exempt from the positive time bound mitzvos. Although there is no man who is obligated to perform all 613 mitzvos, men are obligated to perform all the mitzvos. Furthermore, Bais Din is obligated to instruct people to perform all the mitzvos which creates a connection between men and the mitzvos. This approach is codified in Rema where he writes that women should not wear *tzitzis*. Mishnah Berurah (סק"ג) explains that other mitzvos represent obligations that rest upon the person (חובת גברא), therefore, it is acceptable for women to perform those mitzvos as well. In contrast, since there is no mitzvah for one to purchase a four-cornered garment, there is no reason for women to go out of their way to purchase a four cornered garment in order to perform the mitzvah and those that do appear arrogant for doing so.

brought at night, since it is permitted to offer it the very next day. Similarly, one may make tzitzis at night, even though it cannot be worn at night, since it will be fitting to wear them the very next day."

פמ"ג, או"ח, סי' י"ח, משב"ז, ס"ק א'

When Rav Yosef Shalom Elyashiv, zt"l, was asked about whether one can rely on this opinion practically, he replied, "One should not make tzitzis at night. But if one did so, the tzitzis are kosher."

אליבא דהלכתא, גליון 17

Stories to Share

Preparing for the Day to Come

ש"ע סי' י"ז, סעי' א' יוקרא דוראיתם אתו אצטרך למעט כסות לילה...

On today's amud we learn from the verse, ו'ראיתם אתו, that the mitzvah of tzitzis does not apply at night. The Rambam and the Rosh argue about the exact meaning of this droshah. While the Rosh learns that this applies only to a night garment which isn't obligated in tzitzis even by day, the Rambam says that it means what it says literally. According to this opinion, tzitzis is not an obligation at night even on a garment that one wears during the day.

When a certain person learned this machlokes, he wondered whether one could even make tzitzis at night. After all, according to the Rambam wouldn't that be like attaching tzitzis to a three-cornered garment and then attaching the final corner? Just like this is pasul, since tzitzis must be attached to a four-cornered garment that is obligated in tzitzis, the same is apparently true in this case.

But when this question reached the Pri Megadim, zt"l, he ruled that even tzitzis that were made at night were permitted. "This is clear from the laws of korbanos. An animal may be consecrated on the night before it is eight days old even though it cannot be