

תנא דבי אליהו, כל השונה הלכות בכל יום מובטח לו שהוא בן העולם הבא

IT WAS TAUGHT IN THE ACADEMY OF ELIYAHU, WHOEVER STUDIES TORAH LAWS
EVERY DAY IS ASSURED THAT HE WILL BE PRESENT IN THE 'WORLD TO COME'

Are Women allowed to make a Beracha on Lulav ?

Little Ha'im was stirred in his sleep by a beautiful chorus of birds singing. It was dawn and the sun was beginning to rise. As the magical melody of bird-song grew louder and louder... Ha'im, with his eyes still shut, began asking himself why his mattress felt so much firmer than usual? And why had he never heard the birds in the morning before? There was also an unfamiliar freshness about the air. It felt chilled and almost...non-static. Ha'im remained lying there on his back until he felt several broken rays of warm sunlight caress his little face. He opened one eye and caught a glimpse of what looked like a pomegranate hanging from the ceiling! His eye was then immediately forced shut again by a single piercing ray of sun. He turned his head to the right, opened both eyes this time - only slightly, and as his pupils began to contract and compensate he could just about make out the figure of an elderly woman standing in the distance. The elderly lady had her head covered with a beautifully embroidered scarf. Ha'im also noticed that she was carefully holding something with both of her hands. He opened his eyes fully and recognised it was his dear beloved Safta! He then became aware of his surroundings.... he was in a Succah!

It was the Hag of Succot and Ha'im had been given the privilege to sleep in the family's Succah for the first time in the whole four years of his life! Today would also be the first day Ha'im will be making a beracha on the ארבע מינים *Arbah Minim* (Four Species). He looked back at his Safta again and recognised that she was holding a beautifully bounded **lulav** together with a radiant **etrog**. Her eyes were closed in concentration. He had never seen her look so passionate about something before. Suddenly Ha'im's two older sisters, Yehudit and Esther, ran into the Succah... each of them scrambling around their Safta and chirping:

“I want to say the beracha!” “Safta please let me say the beracha first!”

“Patience, my princesses!” their Safta replied. “The lulav is not going anywhere. Your father has his own ארבע מינים, which he has taken to Shul with him.”

The girls stood back and watched their Safta as she removed a sparkling silver ring from her finger, closed her eyes again, drew the ארבע מינים close to her and began to recite the beracha... ברוך אתה ה' אלקינו מלך העולם אשר קדשנו במצותיו וצונו על נטילת לולב

Ha'im just sat there... absorbing the scene; the lulav and etrog clasped in his Safta's hands, the sunlight shimmering against the patterns of her scarf, the array of fruits floating from the Succah beams... the magical birdsong in the distance. He noticed, funnily, that the mattress lying beneath his little body didn't feel so firm anymore... and he realised that he would remember this moment forever.

Many of us can relate to the story of little Ha'im in one form or another. The custom of **women making a beracha on lulav**¹ was widespread throughout all the Ashkenazi communities of Europe, as well as **most** (but not all) **Sephardi communities** of the Middle East & Asia. However, when many of the Sephardim began to leave the lands of their origins and settle in Eretz Yisrael, Europe and the West, they found themselves facing a wave of opposition against this *minhag* (custom) from none other than some of their own Sephardi brethren! The opposition was so severe, stemming from the shoulders of several Gedolim of Sephardi Jewry, that many Sephardim began dropping the minhag altogether. However, many others still held on to this ancient custom, cherishing their heritage and having faith in the sanctity and knowledge of their holy ancestors.

The purpose of this essay is to look into the source of this minhag. Where did it originate from? What do the *Rishonim* (Rabbinic Scholars who lived between the periods of 1250 - 1550) and *Aharonim* (from 16th Century onwards) have to say on the topic? How many Sephardi communities actually observed this minhag? Is it really necessary to abolish it, or should the minhag be upheld? Does the Kabbalah have anything to say regarding women and the mitzvah of lulav?

1. By the term 'lulav' we are referring to the ארבע מינים

The alleged controversy surrounding this custom comes from a well known and important principle in our faith, which is that **women are exempt from time-bound mitzvot**.²

An example of this is that there is no halachic obligation for a woman to eat inside a Succah on the festival of Succot, since the obligation to dwell in a Succah is a mitzvah that is bound to a specific point in time in our calendar. Of-course women can eat in a Succah if they wish to, but they would not make a beracha on this mitzvah. This is agreed by most Sephardi halachic authorities without any debate. However, if a woman decides to be stringent and eat in a Succah on the Festival of Succot she will no doubt be **rewarded** accordingly! We learn this from the famous words of the Amora, **Rebbi Hanina**, quoted in the Talmud in tractate Kiddushin as follows:³

דא"ר חנינא גדול מצווה ועושה יותר ממי שאינו מצווה ועושה.

For Rebbi Hanina said; Greater is the one who is commanded and performs, than one who is not commanded and performs.

Rebbi Hanina implies here that even though the reward is greater for one who is actually commanded to perform a mitzvah and does so, nevertheless, one who is not commanded and still performs a mitzvah will also receive a reward for it, albeit yes a smaller one.

Rashi⁴ (Rabbi Shlomo Itzhaki - France, 1040-1105) also interprets Rebbi Hanina's statement in this way and says that "HaKadosh Baruch Hu will repay such a person his (or her) reward."

The Talmud above proves that women **are allowed to perform** time-bound mitzvot if they choose to and they will be rewarded for doing so. The **mitzvah of lulav** is also a time-bound mitzvah and even though women are exempt from this mitzvah, according to the Talmud above they should be rewarded for performing it. The difficulty which arises regarding the mitzvah of lulav is that the Talmud above does not (at this point) prove that women can actually recite a beracha on a time-bound mitzvah.

2. The reason why women are exempt from time-bound mitzvot is a very deep topic for another time b'e'H.

3. דף לא. ד"ה דלא מפקידנא ועבדינא

4. שם ד"ה מה מי שאינו...

In fact, HaRav Yosef Caro makes it very clear in the Beit Yosef and Shulhan Aruch⁵ that women do not recite berachot on time-bound mitzvot because of the issue of **ספק ברכות להקל** *Safek berachot lehakel*. This means that where there is a doubt if to say a beracha or not, we are lenient and do not recite the blessing in lieu of transgressing the Torah prohibition of **לא תשא את שם ה' אלקיך לשוא** *Do not take Hashem's Name in vain*.⁶

Having said all of the above, Ashkenazi halachic authorities do in fact allow and encourage women to make berachot on time-bound mitzvot! What is the source of their leniency in this matter? Why are they not concerned of the issue of **ספק ברכות**? The answer to this question is actually evident from the Talmud we just quoted.

The Talmud goes on to discuss the opinion of **Rav Yosef**, another Amora, on this topic. Rav Yosef was blind in his later years and he was delighted to hear the statement by Rabbi Hanina that one receives a reward for performing a mitzvah even if he was exempt from the such a mitzvah. Rav Yosef was delighted because he abided by the rulings of the Tanna **Rebbi Yehuda** who ruled that one who is blind is exempt from the performance of all mitzvot. So Rav Yosef, who still kept all the mitzvot of the Torah despite his exemption, was now happy to have learnt that he would be rewarded for performing them! Rav Yosef goes on to say; **עבידנא יומא טבא לרבנן** *"I will make a banquet for the Rabbinic Scholars,"* i.e. to celebrate the receipt of such good news.

Rabbeinu Tam (France, 1100 - 1171), an Ashkenazi Rishon who was one of the early Ba'alei HaTosefot, expounds from Rav Yosef's statement above that **women can indeed recite berachot on time-bound mitzvot!** How exactly does he reach such a conclusion? It is quite simple... We see that Rav Yosef was so happy for the reward he was due to receive. Rabbeinu Tam understands that we **must** therefore conclude that Rav Yosef had recited all the berachot for the mitzvot he had performed. Otherwise why would he have been so happy? If he had not recited the berachot for all those mitzvot he would have ultimately lost out on the reward of all the blessings he could have recited! This, in turn, would not have justified his tidings of celebrating with a lavish banquet.

5. סימן תקפ"ט סעי' ו'

6. שמות כ"ז

For further clarity we have brought Rabbeinu Tam's famous ruling on this subject below, which is quoted by Tosefot:⁷

דנשים מברכות על מצות עשה שהזמן גרמא אע"ג דפטורות לגמרי, דאפילו מדרבנן לא מיחייבי... מ"מ יכולות הן לברך ואין כאן משום לא תשא את שמו לשאו משום מברכות ברכה שאינה צריכה דאי לאו הכי היכי שמח רב יוסף והלא מפסיד כל הברכות כולן.

That women recite blessings on time-bound mitzvot even though they are completely exempt even on a Rabbinic level, nevertheless they can make a blessing and there is no issue here of [transgressing] "Do not take His Name in vain" for reciting a blessing that is not necessary. For if this was not so then how could Rabbi Yossi have been so happy [for having performed mitzvot he was not commanded to perform]?

Behold, he would have lost all those blessings he had made!

Many great Ashkenazi Rishonim, including the **Rosh**⁸ (Rabbi Yaakov ben Asher - Germany & Spain, 1269-1343), as well as Sephardi Rishonim like the **Ran**⁹ (Rabbi Nissim ben Reuven - Spain, 1320-1376) and the **Rashba**¹⁰ (Rabbi Shlomo ben Aderet - Spain, 1235-1310), follow Rabbeinu Tam's ruling in concluding that women **can** indeed recite berachot on time-bound mitzvot if they wish.¹¹

The greatest opposition to Rabbeinu Tam's ruling comes from one of the leading Rishonim in the history of Sephardi Jewry - the **Rambam** or Maimonides (Rabbi Moshe ben Maimon - Spain & Egypt, 1135-1204). The Rambam rules¹² explicitly that since women are exempt from time bound mitzvot they cannot recite a beracha. The **Magid Mishneh** (Rabbi Vidal - Spain, 1283-1360) echoes the Rambam's ruling and questions how could women possibly say the word **וצונו** *vetzivanu* ("and commands us") when they were clearly not commanded in the mitzvah! This is also the opinion of **HaRav Yosef Caro** (Spain, 1488-1575) in the Beit Yosef and subsequently in the Shulhan Aruch.¹³

7. שם ד"ה דלא. וע"ע עירובין דף צו ד"ה דילמא

8. במסכת קידושין פרק א סימן מט

9. במסכת ר"ה ט:

10. עיין בחידושי לר"ה לג. וגם בתשובותיו חלק א סימן קכג וראייתו ממעשה דמיכל בת שאול (עירובין דף צו).

11. עיין ב"י סימן תקפט סעי' ו.

12. הלכות ראש השנה פ"ב ה"ב, וגם הלכות סוכה פ"ו ה"ג. וע"ע הלכות ציצית פ"ג ה"ט.

13. שם.

The Ran¹⁴ argues with the Magid Mishneh regarding the apparent issue associated with women saying the word **וצונו** *vetzivanu* (in a beracha) on a mitzvah they were not commanded to observe. He understands from Rebbi Hanina (in the Talmud above) that since there is a reward for people who are exempt but nevertheless perform a mitzvah, this can be considered as if they were actually commanded in that mitzvah. The Ran's conclusion on this matter is simply from pure logic, i.e. why would a Master reward his servant if he did not desire or command the task that was executed?

The main question we are facing at this stage of the discussion is how did so many Sephardi communities have the custom of women reciting a beracha on lulav? Is it not so that the Sephardi approach to halacha begins and ends with the rulings of the Shulhan Aruch? This is where the topic of "**Minhag**" enters the spotlight. Clearly there was an established minhag that Sephardi women did recite this blessing. So we need to ask ourselves the following questions: How powerful is a minhag? Can a minhag override the rulings of the Shulhan Aruch?

It should be obvious to all that minhagim do in fact hold a lot of weight. It is not for nought that the Talmud in tractate Menahot¹⁵ records the well known saying:

מנהג אבותינו תורה היא

The Minhag of Our Fathers is Torah!

Indeed we find that Sephardi Jewry has many minhagim (as well as halachic laws) that are totally against the rulings of the Shulhan Aruch and nevertheless we still abide by them with much force and confidence. The authority of an established minhag is so immense that the **Terumat HaDeshen**¹⁶ (Rabbi Yisrael Isserlein - Medieval Austria, 1390-1460) implies that **במקום מנהג אין אומרים ברכה לבטלה** **in a place where there is a minhag we do not say a 'beracha' is null and void.**

14. שם

15. מסכת מנחות כ:.

16. סימן לד.

We have proved so far that according to many Rishonim (most of them of Sephardi origin) women can not only partake in time-bound mitzvot, but they can also recite berachot on them. We have also learnt that there is no concept of taking Hashem's name in vain where there is an **established** minhag in a community to recite a beracha, which has its source in the ruling of an early halachic authority. The next question we need to investigate is how well established was this minhag? How many Sephardi communities did or do have the custom of women reciting a beracha on lulav?

The earliest Sephardi source we have for the custom is the "**Shulhan Gavoha**"¹⁷ a sefer by Rabbi Yosef Molcho (17th Century) of **Greece** who declared that the minhag of Soliniki was as follows:

במלכותנו לא נהגו [נשים] לברך כי אם בלולב בלבד,

וי"ל כיון דהכל תלוי במנהג, מה שנהגו נהגו ומה שלא נהגו לא ינהגו.

In our Kingdom, the [women] are accustomed to recite a beracha on lulav only. And one could say that since this all depends on the "minhag", where there is such a minhag it should be upheld and where there is no such minhag one should not do so.

Rabbi Molcho's ruling very much helps us understand how to approach the concept of a minhag. The first thing we learn is that minhagim that are well established should certainly be upheld. The second aspect he teaches us is that one should not take on minhagim that are not his own.

The next halachic authority who discusses our topic is the **Hida**, Rabbi Ha'im Yosef David Azulai (1724-1806), who was a great Sephardi Kabbalist and halachic authority from **Jerusalem & Italy**. The Hida writes in the Birkei Yosef¹⁸ that he originally objected to women reciting this blessing. However, he later retracted and permitted the custom when he learned that **Rabbenu Ya'akov of Marvege**, who was a **Rishon** and one of the Ba'alei HaTosafot, had "asked from HaShamayim" (the Heavens) about this custom and was told that women may indeed bless on the lulav.

סימן תקפט אות י, וסימן תרמ אות א. 17.

ברכ"י תרנד. 18.

Rabbenu Ya'akov was a thirteenth century Kabbalist from Marvege, France. His halachic work "*She'elot U'teshuvot Min HaShamayim*" ("Responsa from Heaven") comprised of replies he received from Heaven in dreams in answer to some of his halachic questions. For example, he once wanted to find out whether the halacha followed the view of Rabbi Yitzhak Alfazi or that of the Ge'onim regarding a certain aspect of the laws of *tefillin*. He inquired of Heaven in a dream and received a reply saying "My covenant will I establish with **Yitzhak**." This is a verse in Bereshis (17:21), but in this context he saw it as an indication that the law follows the view of "Yitzhak," i.e. Rabbi *Yitzhak* Alfazi. The book *Sha'alot U'teshuvot Min Hashamayim* was revered by many early halachic authorities as being authoritative. [See the Hida's sefer '**Shem HaGedolim**' for more on this subject.]

At this point the reader may quote the famous verse from the Prophet Zecharia¹⁹ who says **וְחִלּוֹמוֹת הַשּׂוֹא יִדְבֵּר** '*And dreams speak falsehood.*' So how could one rely on the dreams of Rabbenu Ya'akov? This is not a question. The Talmud in tractate Berachot²⁰ has already discussed the meaning of this verse in contrast to another verse from perashat Beha'alotecha²¹ **בְּחִלּוֹם אֲדַבֵּר בּוֹ** '*In a dream I will speak to him*', meaning that dreams are in fact Hashem's method of communicating. The Amora Rava clarifies that the verse from Zecharia regarding dreams speaking falsehood refers to dreams that are initiated by a *ShinDalet* (Demon), whereas the verse from Beha'alotecha (Hashem speaking to us through the medium of dreams) refers to dreams that are initiated through a *Malach* (Angel). Therefore, it should be safe for us to assume that the great Rishon - Rabbenu Ya'akov of Marvege - had dreams that were only initiated by angels and not demons! Who could dare say otherwise? Furthermore, it is widely known and accepted that when it comes to the spiritual status of Gedolei Yisrael, the generations that preceded us were on a much higher spiritual level. The Talmud in tractate Shabbat²² emphasizes this point clearly:

Rav Zeira said in the name of Rava the son of Zimona;

If the Rishonim were Bnei Melachim (Angels), then we can be called human beings,

But if the Rishonim were human beings, then we are (in comparison) like donkeys!

19. זכריה יב.

20. דף נה.

21. במדבר יב.

22. דף קיב, וע"ע מה שכתב הבא"ח בהקדמת ספרו רב פעלים.

In the community of **Baghdad** (Iraq) the accepted minhag was that women recited a beracha on lulav. **HaRav Yosef Ha'im**, the Ben Ish Hai (1832-1909), writes in his sefer "Sod Yesharim" that the custom in his home was that the women did recite the beracha. He also reveals that women can recite blessings on time-bound mitzvot as long as such a custom does not go against the writings of the Ari z'l:²³

דאס רצו נשים לקיים מצוות עשה שהזמן גרמא יכולים, ולא עוד אלא דיכולים לברך עליהם גם כן, ואפשר דגם האר"י זכרונו לחיי העולם הבא יודה בזה, ולכך במצוות ציצית ותפילין וספירת העומר הוצרך לפרש לנו... טעם פרטי דלא שייכי בנשים, ללמדינו דאין רשאין לקיים אותם... וכל שכן דאין רשאין לברך עליהם.

For if women desire to fulfill time-bound mitzvot they can do so, and not only this - they can also recite a beracha on them! And it is likely that the Ari z'l would agree to this. And that is why with regards to the mitzvot of Tzitzit, Tefillin and Sefirat HaOmer [the Ari z'l] needed to explain to us a unique reason why those mitzvot do not pertain to women. In order to teach us that women are not allowed to perform those time-bound mitzvot, and even more so would they not be allowed to recite a beracha on them.

The main point the Ben Ish Hai brings out in his writings above is that the **Holy Ari z'l** gave a specific Kabbalistic reason why the time-bound mitzvot of Tzitzit, Tefillin and Sefirat HaOmer are not relevant to women whatsoever. Since the Ari z'l did not give a similar reason for the mitzvah of lulav we can assume that he would not have objected to women performing this mitzvah and even reciting a beracha on it. The Ben Ish Hai does however mention that even though women can perform and make a beracha on the mitzvah of lulav, they should not perform the **נענועים** "waving" of the lulav since that is a mystical procedure which is only relevant to men according to the **Kabbalah**.

The minhag of women reciting a blessing on lulav in Iraq was also recorded by **Rabbi Yitzhak Nissim**, the former Sephardi Chief Rabbi of Israel (1896–1981), in his sefer "Yein HaTov."

Let us look into the custom of some of the other Sephardi communities.

חלק א שאלה יב. וע"ע ספרו חוקי נשים סימן מג. 23.

Rabbi Shemtov Gaguine from Morocco (1884-1953) in his sefer "Keter Shem Tov"²⁴ testifies what the minhag of the women was in **Israel, Syria, Turkey and Egypt**:

המנהג בא"י וסת"מ ששמש הכנסת לוקח הלולב והאתרוג ועולה לעזרת נשים וכל אחת נושאת הלולב והאתרוג בידה ומנשקת אותו ומכשכשת בו קצת ומוסרת אותו לחברתה, וכל אחת ואחת מברכת ברכת הלולב. אבל לא ראיתי מנהג זה בבה"כ של הספרדים בלונדון ואמ"ד.

The minhag in Eretz Yisrael, Suria, Turkey and Mitzrayim was that the Shamash of the Shul would take the lulav and the etrog and go up to the lady's gallery and every single woman would take the lulav and etrog in her hand and kiss it and shake it a little and pass it on to her friend, and every woman would recite the beracha of lulav. But I did not see this minhag in the Sephardi Shuls of London and Amsterdam.

It is evident from Rabbi Gaguine's account that the Spanish and Portugese communities of London and Amsterdam did not have the custom of women making this beracha. However, it seems that the minhag in **Gibraltar** was that they did do so.²⁵

There is also writings of **Rabbi Natronai** in his sefer "Hemda Genuza" as well the works of **Rabbi Moshe Malka** in his sefer "Mikveh HaMayim"²⁶ who were both of **Moroccon** origin and ruled that women **can** recite a beracha on the lulav.

Rabbi Rachamim Nissim Yitzhak Palaji of Izmir (**Turkey**) in his sefer "Yafeh Lalev"²⁷ writes that their custom was indeed that women recited a beracha on the mitzvah of lulav. **Rabbi Haim Palache** (1788-1869) of in his sefer "Hikerei Lev"²⁸ also confirms that the minhag of Izmir was so.

24. חלק ז דף פב.

25. Rabbi David Abecasis שליט"א of London has testified that he remembers the Shamash in the synagogues of Gibraltar taking the lulav and etrog to the women's gallery for them to recite the beracha.

26. חלק ד, סימן ב.

27. חלק ב סימן תרנח אות ה'.

28. א"ח ס"י י.

Furthermore, we have gathered statements confirming this minhag from the following Sephardi communities: **Afghanistan**,²⁹ **Buchara** (Uzbekistan),³⁰ **Iran**³¹ and **Lebanon**,³²

Behold there is a long list of Sephardi Rishonim and Aharonim (as well as individuals from our generation) from over **12 countries** who state that it was not only permissible but actually commendable for women to recite the blessing of lulav on Succot in their communities! It is a wonder how anyone could claim that this was not a widespread custom in Sephardi Jewry. It is an even greater wonder how anyone could speak against such a deeply established minhag... a minhag that rests on the shoulders of some of the greatest Giants of the Torah world ---> Tosefot Rabbeinu Tam, Tosefot Rabbenu Ya'akov of Marvege, The Rosh, The Ran, The Rashba, The Shulhan Gavoha, The Hida, The Ben Ish Hai and so many more.

The story of Little Ha'im was brought at the beginning of this essay to put across an important message. The message that women have a powerful role to play in the world of Torah and Mitzvot. That women can also teach and inspire the next generation!

That women also have a say! In each of our mothers, wives, sisters or daughters there could be lying a potential 'Yehudit of Hanuka' or an 'Esther of Shushan.'

So if women love the mitzvah of Lulav and it is their custom to partake in the mitzvah and make a blessing, what right do we have to take that away from them?

Hag Samei'ah!

Rabbi Yosef Haim David

This document contains divrei Torah. Please treat it with the necessary respect.

29. The Ambalo family have confirmed that the minhag in the Jewish communities of Herat and Kabul was that the women did recite a beracha on lulav.

30. Mr Reuven Babev רב"ו confirmed that the minhag in Buchara was that the women blessed on lulav.

31. Mrs Berucha Navazesh רב"ו, an elderly pious lady from Iran, relates that not only were the women of her home town - Shiraz - accustomed to making a beracha on lulav, they also ensured they took off their rings before doing so! [They did this so that there should be no חציצה *separation* between their hands and the lulav.]

32. Rabbi Yitzhak Aghai שליט"א, who is a Rosh Kollel in Bnei Brak and originally from Lebanon, said that he personally saw women making a beracha on lulav in the city of Beirut.