

Kaarah – Volume twenty.

Kitzur Hilchos Yerushalmi – Halacha derived from Gemara Yerushalmi

– Maamarei Mordechai

## Tefillah

By a funeral or after a burial, if one lined up with the row (to pass the casket or to console the mourners) but only stand their to honor the dead, they must recite Shema. If they are waiting (to console the mourners or pass the casket) they are exempt until afterwards. Those at a eulogy are exempt from saying Shema but those who turn and do not see the speaker are obligated.

Woman, slaves, and minors are exempt from timely Shema obligations and tefillin. However, they are obligated to daven Amidah, have a mezuzah, and bentch after meals.

We know women are exempt because it says next to the obligation “teach them to your sons.” (Devarim 11:19). Sons, and not daughters. *Editor’s Note: This obligation of tefillin that women are exempt from is only the time-restricted ones of Devarim 6:8 and 11:18. These are seen as connected to the time of rising and resting and has the near pasuk of “sons” not daughters. However, the obligations in Shmos 13:9, 16 are not so time bound, nor bound by obligation to teach sons. While the Bavli has a more sweeping ruling that exempts women from Tefillin, it is not so stated in the Yerushalmi. Accordingly, woman would be able to, and may even be obligated, to put on Tefillin by these latter pesukim.*

Slaves are exempt because it says “Hashem is One.” (Devarim 6:4). A slave who has more than one master is exempt. Minors are exempt because it says “The Torah should stay in your mouth.” (Shmos 13:9). This refers to permanence and children cannot oblige yet.

## Time-bound Mitzvos

Every positive commandment that is bound on time, men are obligated but women are exempt. Examples are: sukkah, lulav, shofar, and tefillin. *Editor’s note: This only includes the time-bound obligations. Sukkah also has a non-time bound obligation. “You shall live in sukkas for seven days, all citizens of Yisroel shall live in sukkas.” (Vayikra 23:42). The first part of the pasuk is time-bound. The latter, is not. A woman must dwell in a sukkah during the seven days. She is not positively obligated to do all seven days. However, she must eat sometime within the seven days, and when she does, the Yerushalmi will obligate her to sit in a sukkah. Again, the Bavli has a broader exemption that the Yerushalmi does not state.*

Woman are obligated in tzitzis. While the obligation is only daytime, that applies to garments and when they are worn. Day garments require tzitzis while night ones do not.