

Women's Obligation in Tefillah: An Analysis

The principle that women are exempt from time-bound positive commandments³⁰ is well known, as the *mishnah* cited on *Kiddushin* 29a says, "all affirmative precepts limited to time, men are liable and women are exempt."³¹ Included in this category are *mitzvot* that apply only during certain times of the day or year. For example, the obligation to sit in a *sukkah* is considered "time-bound" since it applies only during a specific week of the year, and women are therefore exempt. As with any rule, though, there are exceptions. The goal of this article is to examine the obligation of women in the *mitzvah* of daily *tefillah*,³² specifically as it relates to the principle of the exemption of women from time-bound positive commandments.

The *mishnah* cited on *Berakhot* 20b says that women are obligated in the *mitzvah* of daily prayer. The *gemara* there explains that the reason women are obligated to pray daily is because *tefillah* invokes God's mercy, and, just like men, women are also in need of Divine mercy. The *gemara* then continues to explain why the *mishnah* found it necessary to state that women are obligated to pray:

"They are subject to the obligation of *tefillah*": Because this [is supplication for Divine] mercy. You might [however] think that because it is written in connection therewith, "Evening and morning and at noonday," therefore it is like a positive precept for which there is a fixed time. Therefore we are told [that this is not so].³³

The *gemara* seems to be saying that the reason the *mishnah* had to state that women are obligated to pray daily is because it is a time-bound positive commandment from which women would otherwise be exempt. The wording of this *gemara*, however, is somewhat ambiguous. On the one hand, it seems to imply that *tefillah* is a time-bound positive commandment since each prayer has a set time during the day in which it must be said. Since this is an exception to a rule, a reason must be given for the exception, and the *gemara* explains that in this case the reason is that women are in need of the Divine mercy which is evoked through prayer. However, by stating that *tefillah* is "*ke-mitzvat aseh*" – "*like* a positive time-bound *mitzvah*," the *gemara* seems to imply that *tefillah* appears like a positive time-bound *mitzvah* but in reality it is not. One might mistake the *mitzvah* of *tefillah* as being time-bound since there are different *tefillot* said at different times of the day. Lest we mistakenly think that it is a time-bound *mitzvah* and women are therefore exempt, the *mishnah* specifically tells us that women are obligated.

The two different ways of reading this *gemara* seem to be reflected in a disagreement between the Rambam and the Ramban as to the nature of the *mitzvah* of daily prayer. The Rambam, in *Hilkhot Tefillah* 1:1–2, says that there is a biblically derived *mitzvah* to pray at least once a day. This prayer is not limited to a specific time of the day, nor must the content of the *tefillah* be something specific, but rather each person must say a daily prayer that consists of three elements: praise of God, personal request, and thanksgiving. Since the *mitzvah* of daily prayer is not bound by time, continues the Rambam, women are also obligated in this *mitzvah*. This understanding reflects the reading of the *gemara* which implies that the *mitzvah* of daily prayer is not actually bound by time even though there are *tefillot* said at different times of the day.

The opinion of the Ramban, on the other hand, seems to fit with the first way of reading the *gemara*. In his comments on the Rambam's *Sefer Ha-Mitzvot*,³⁴ he argues that there is no biblical obligation to pray daily. In fact, he asserts that the only time there is a biblical command to pray is in an "*eit tzara*," a time of trouble, such as war or

³⁰. A discussion of why women are exempt is beyond the scope of this article.

³¹. Translation from the Soncino Babylonian Talmud found online at <http://halakhah.com/pdf/nashim/Kiddushin.pdf>.

³². For the purpose of this discussion "*tefillah*" refers to *Shemoneh Esrei*.

³³. Translation from the Soncino Babylonian Talmud found online at <http://halakhah.com/pdf/zeraim/Berachoth.pdf>.

³⁴. *Hasagot Ha-Ramban Le-Sefer Ha-Mitzvot, mitzvat aseh* 5.

famine.³⁵ He maintains that the entire obligation to pray daily is of rabbinic origin for the purpose of invoking God's mercy. The rabbinic *mitzvah* includes not just a command to pray but also what to say and when to say it. Based on this approach, the *mitzvah* of daily prayer is entirely bound by time and women would be exempt from any form of daily *tefillah* if not for the *mishnah* which obligates them.

As we mentioned, according to the Rambam, the biblical obligation to pray daily consists of reciting one prayer which contains three elements. Because this prayer is not bound by time, women are also obligated in this *mitzvah* on the biblical level. The Rabbis, however, gave the *mitzvah* a framework, mandating what to say and when to say it, making the *mitzvah* one that is bound by time on a rabbinic level. According to the Rambam, did the *mishnah* mean to obligate women in the rabbinic aspects of the *mitzvah* as well, or was it just clarifying that women are obligated in the *mitzvah* to pray daily on the biblical level, despite the fact that the *mitzvah* seems like it is time-bound because of the rabbinic extension? Based on the interpretation that we gave above, and what the Rambam himself says in *Hilkhot Tefillah* 1:1–2, it seems that women are not obligated in the rabbinic expansion of the *mitzvah*. Indeed, the *Magen Avraham*³⁶ explains that according to the Rambam, the *mishnah* only meant to obligate women in the biblical command, and the rabbinic additions remain in the realm of time-bound positive *mitzvot* from which women are exempt. Practically, that means that women would be obligated to pray only once daily. Women can say any prayer they want that consists of the elements of praise, request, and thanks. He suggests that it is based on this understanding of the obligation of *tefillah* that many women do not regularly say *Shemoneh Esrei*, but rather fulfill their obligation to pray with a short prayer they say after washing their hands in the morning. On the other hand, other commentators, including the *Peri Megadim*,³⁷ suggest that a distinction was not made between the biblical level and the rabbinic level of the *mitzvah*, and that once women are obligated in *tefillah* they are obligated in all aspects of the *mitzvah*, including the rabbinic obligations. Women would therefore be obligated to say *Shemoneh Esrei* at least twice a day at *Shacharit* and *Minchah*.³⁸ This approach might find support in the fact that, while the Rambam cited above refers to the *mitzvah* of *tefillah* as one that is not bound by time, in his *Peirush Ha-Mishnayot*³⁹ he lists *tefillah* as an example of a time-bound positive *mitzvah* in which women are obligated, similar to eating *matzah* on *Pesach* and reading the *Megillah* on *Purim*.

According to the Ramban, however, since the entire *mitzvah* of *tefillah* is rabbinic, when the *mishnah* obligated women in *tefillah* it was certainly obligating them in the entire rabbinic *mitzvah* of daily prayer including what to say (*Shemoneh Esrei*) and when to say it. According to some,⁴⁰ this means that women must pray three times a day as just as men are obligated to do. Others, like the *Mishnah Berurah*,⁴¹ conclude that women are only obligated to say *Shacharit* and *Minchah* daily, but not *Ma'ariv*, since *Ma'ariv* was originally an optional prayer which the men accepted upon themselves to say every day but women did not. Either way, based on the opinion of the Ramban, women are obligated to say *Shemoneh Esrei* at least twice a day.

As the *Magen Avraham* above pointed out, however, many women do not recite the *Shemoneh Esrei* daily, and some women with small children find it especially difficult to do so. How can we reconcile the ruling of the *Mishnah Berurah* and others who follow the Ramban with what seems to be common practice? The answer is provided by the

³⁵. It is interesting to note that according to R. Joseph B. Soloveitchik, the Rambam and Ramban are not arguing about the nature of the *mitzvah* at all. He suggests that they both agree that the biblical obligation to pray applies only during times of trouble. They differ, however in what they consider trouble for these purposes. According to the Ramban, the type of trouble that would obligate someone to pray is what the Rav calls "surface crises" or "tzarot tzibur" – public, communal trouble such as war and famine. The Rambam, on the other hand, "regarded daily life itself as being existentially in straits, inducing in the sensitive person feelings of despair, a brooding sense of life's meaninglessness, absurdity, lack of fulfillment. It is a persistent *tzarah*, which exists *bekhol yom*, daily." Abraham R. Besdin, "Prayer as a Dialogue," *Reflections of the Rav* (Hoboken, NJ: KTAV Publishing House, Inc., 1993), 79-82.

³⁶. 106:2.

³⁷. Introduction to *Hilkhot Tefillah*.

³⁸. *Ma'ariv* was originally an optional prayer which men (but not necessarily women) accepted upon themselves to say daily.

³⁹. *Kiddushin* 1:7.

⁴⁰. See for example *Arukh Ha-Shulchan* 106:7.

⁴¹. O.C. 106:1.

son of the *Mishnah Berurah*. Although he did not mention it in the *Mishnah Berurah* itself, his son relates that the *Chafetz Chaim*⁴² instructed his wife that as long as she had small children in the house she did not have to pray.⁴³

In addition to women being obligated in daily prayer because of their need for Divine mercy, it seems that women actually have a special connection to prayer. Many of the *halakhot* of the *Shemoneh Esrei* were learned from the *tefillah* of Chanah, mother of Shmuel, when she prayed fervently for a child.⁴⁴ R. Joseph B. Soloveitchik suggests that it is not a coincidence that the role model for *tefillah* is a woman. He explains that prayer is the ultimate intimate communication. A person stands before *Hashem* in prayer “devoid of all pretense and the accoutrements of power, in lonely communion with God.” And, he continues,

The attribute of intimacy and the humble knowledge that we are totally dependent on God is most profound in women.... Men often find intimate conversation difficult, and in some cases demeaning, because it threatens to strip a man of his veneer of strength. It is, therefore, a woman who was chosen by Providence to be the prototype of the silent *Shemoneh Esrei*.⁴⁵

Practically, it seems that there are many *poskim*, both who follow the Ramban and even those who follow the Rambam, who maintain that women are obligated to say *Shemoneh Esrei* at least twice daily. There are, however, those who are lenient especially regarding women who have small children at home. That being said, the *gemara* gives a reason why women are obligated in the *mitzvah* even though it is time-bound: Everyone, regardless of gender, is in need of Divine mercy – and women are uniquely qualified to invoke God’s mercy. It seems, therefore, that while there are positions on which a woman can rely if she finds it difficult to say *Shemoneh Esrei* daily, a woman should try to find time to pray whenever she can.

⁴². Author of the *Mishnah Berurah*.

⁴³. *Sichot He-Chafetz Chaim* 1:27. Some suggest that the reason for this exemption is the principle of “*osek be-mitzvah patur min ha-mitzvah*” – one who is busy with one *mitzvah* is exempt from other *mitzvot*. The *Chazon Ish* suggests that women with small children are exempt from *tefillah* because they will not be able to have the proper *kavanah* (intentions or focus) when they pray (*Responsa Machazeh Eliyahu* 19:14).

⁴⁴. See *Berakhot* 31a.

⁴⁵. Arnold Lustiger, ed., *Machzor Mesoras Harav: Rosh Hashanah* (New York: K’hal Publishing, 2007), 425.