**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Deracheha: Women and Mitzvot**

**Prayer I: Obligation**

What are the parameters of the mitzva to pray? Are women oBligated?

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# **Background: *Rachamei***

What is the essence of prayer?

The Talmud teaches us that prayer is chiefly about *rachamei,* seeking mercy. For an individual's prayer to be heard, it must express what is in his or her soul:

*Ta'anit* 8a

Rabbi Ami said: A person's prayer is not heard unless he places his soul in his hand, as it is said, "Let us lift our hearts in our hands" (*Eicha* 3:41).

In prayer, we expose our souls in our outstretched hands, laying ourselves bare and vulnerable before God. We see many examples of this type of prayer in the Bible. Avraham appeals for justice for the people of Sedom,[[1]](#footnote-1) Yitzchak prays for a child,[[2]](#footnote-2) Rivka seeks out God during a difficult pregnancy,[[3]](#footnote-3) Leah gives thanks at the naming of Yehuda,[[4]](#footnote-4) Ya'akov pleads for salvation from Eisav,[[5]](#footnote-5) and Moshe and Miriam joyfully praise God after the splitting of the sea.[[6]](#footnote-6)

While the individual prayers recounted in the Bible are first and foremost spontaneous communications with God, Biblical figures also teach us how and when to pray.

From Moshe Rabbeinu we learn how to address God,[[7]](#footnote-7) and a rule about the structure of prayer, that praise of God should precede request.[[8]](#footnote-8)

From Chana we learn to pray with humility, with moving lips and a focused mind.

*Berachot* 31a

Rav Himnuna said: How many great *halachot* are there to learn from these verses of Chana (*Shemuel* I 1:13)! "And Chana was speaking upon her heart," from here that one praying must orient his heart. "Only her lips were moving," from here that one praying should enunciate with his lips. "And her voice was not heard," From here that it is prohibited to raise one’s voice in prayer.

Our sages teach that the *Avot* instituted prayer at regular times of day: Avraham, *shacharit* (the morning prayer); Yitzchak, *mincha* (the afternoon prayer); Yaakov, *ma'ariv* (the evening prayer, also called *arvit*).[[9]](#footnote-9)

Each of our forefathers found a unique expression of prayer: standing before God, communing with God in nature, or encountering God in the dark of night. Prayer is an ongoing expression of our connection with and dependence on God.

# **A Torah Mitzva?**

Beyond its stories of individual prayer, does the Torah command us to pray?

The *midrash halacha* suggests that it does. When *Devarim* 11:13 instructs us to serve God “with all your hearts,” the midrash explores the nature of this “service” and concludes it refers to prayer:

*Sifri Devarim Eikev* 41

“And to serve Him" – this is prayer. You say: 'Is this prayer or is it only sacrificial service?' The verse teaches us "With all your heart and with all your soul" – and is there service with the heart? Behold, that is what the verse teaches: "And to serve Him" – this is prayer. And so says David, "Set my prayer as incense before you, the lifting of my hands as a pleasing meal offering" (*Tehillim* 141:2).

What does it mean to serve God “with all one’s heart?” The sacrificial service is physical, not “of the heart”! However, in *Tehillim*, David teaches us that prayer is like a personal sacrificial service. If there is a "service of the heart," it must be prayer.

Rambam understands this midrash as an authoritative halachic interpretation of the verse. He maintains that there is a Torah-level commandment to pray.

*Mishneh Torah*, Laws of Prayer and Priestly Blessings 1:1-3

1. It is a positive commandment to pray every day, as it is said, "And you shall serve the Lord your God." From tradition they learned that this service is prayer, for it is said, "And serve Him with all your heart." The sages said, “Which is the service of the heart? That is prayer.” And the number of prayers is not from the Torah, and the text of this prayer is not from the Torah, and prayer does not have a set time from the Torah…
2. Rather, the obligation of this command is thus: that a person beseech and pray every day, and relate the praise of God, and after that request his needs that he requires through request and pleading, and after that he gives praise and thanks to God for the good that He has bestowed on him, each person according to his capacity…
3. All should pray facing the Temple in whatever place they be…

What is the Torah-level obligation of prayer? Rambam describes it as expressive and personal. As in Tanach, each person formulates "his needs that he requires…according to his ability" at the time that he or she feels a desire or need to turn to God, following Moshe Rabbeinu's order of praise, supplication, and thanks. Additionally, we face the Temple, literally and figuratively, to direct ourselves toward service of God.

Rambam teaches that, like the communal sacrificial framework,[[10]](#footnote-10) the Torah-level obligation to pray applies "every day." Ramban takes a different perspective.

Ramban's Critiques on Rambam’s *Sefer Ha-mitzvot*, Positive Mitzva 5

Rather certainly the entire matter of prayer is not an obligation at all; rather, it is among the attributes of lovingkindness toward us of the Creator, may He be blessed, that He hears and responds whenever we call out to Him. And the essence of the verse “and to serve Him with all our hearts” is the positive commandment that *all* our service of God be with all our hearts…

In Ramban’s view, the Torah considers prayer to be a privilege, an opportunity to seek Divine mercy – not a commandment. To Ramban, the obligation of daily prayer is entirely Rabbinic.[[11]](#footnote-11)

# **Rabbinic Obligation**

Although Rambam and Ramban disagree about whether the core obligation to pray each day is Rabbinic or from the Torah, they agree that there are Rabbinic-level elements to the way we pray: the set language and times for prayer were put in place by the *Anshei Kenesset Ha-gedola*, the People of the Great Assembly.

SET LANGUAGE Establishing a set language for prayer ensures that we have the tools to address God appropriately and comprehensively.

In his exposition on prayer, Rambam explains why it was necessary to institute a set language for *Shemoneh Esrei*: Following the Babylonian exile, too many Jews struggled with language and were unable to express their needs before God.

Rambam Laws of Prayer and Priestly Blessings 1:4

Ezra and his court… arose and instituted for them eighteen (*shemoneh esrei*) blessings in order … the three first praise to God, the three last thanks, and the middle have in them request of all things, like archetypes of each and every man's desire and of the needs of the community in their entirety, so that they be laid out for everyone to say and they learn them and the prayer of the inarticulate will be a full prayer like the prayer of those with clear language....

*Shemoneh Esrei* makes well-articulated prayer available to all, including three blessings of praise; thirteen requests cataloguing a range of individual and communal needs, spiritual and physical; and three concluding blessings of gratitude and leave-taking.[[12]](#footnote-12)

The established text of *Shemoneh Esrei* became our central prayer, so much so that when our sages refer to "*tefilla*," they usually mean *Shemoneh Esrei*.

Even so, they still seek to leave room for individual expression:

Mishna *Berachot* 4:4

Rabbi Eliezer said: One who makes his prayer fixed, his prayer is not beseeching.

The set language for prayer should not make the prayer experience rigid. We should strive to include our own personal thoughts, intentions, and requests in our prayer.

***Techines*** Perhaps as a reaction to the ways in which the rabbinic strictures of prayer can curtail spontaneity, European women of the sixteenth through eighteenth centuries recited *techines*, personal penitential prayers, usually in Yiddish. For example, Leah Horowitz, an eighteenth century learned woman and author of *techines*, evokes the power of a women's prayer in language we don't find in the traditional prayer service: [[13]](#footnote-13)

Leah Horowitz, Techina for the Blessing of the New Month

Receive my prayer, and don't turn away my tears empty...May I, the woman, \_\_\_ daughter of \_\_\_\_ merit to pray with all the righteous women, in the merit of the matriarchs, Sara, Rivka, Rachel, Leah....

## >How can I connect to the set language of *Shemoneh Esrei*? *(See Appendix.)*

SET TIMES Maintaining set times for prayer ensures that we are in dialogue with God at regular intervals.

A verse in *Tehillim* relates to the value of set prayer times.

*Tehillim* 55:17-18

I will call out to God and the Lord will save me. Evening and morning and afternoon I will speak and sigh and He will hear my voice.

When, exactly, are “morning,” “afternoon,” and “evening”? According to Rabbinic tradition, while the three daily prayers were initiated by the *Avot*, their timing corresponds to the times of the sacrifices.

*Berachot* 26b

The forefathers enacted the prayers and our sages connected them to the sacrifices.

*Shacharit* and *mincha* correspond to the times of the *korban tamid*, offered each morning and afternoon. *Ma’ariv* corresponds to burning the meat and fats from the day’s *korbanot* on the altar, which could continue throughout the night. The set times remind us of the sacrifices and push us to address God at regular intervals.

The Men of the Great Assembly made *shacharit* and *mincha* fully obligatory, while Rabban Gamliel and Rabbi Yehoshua dispute whether *ma'ariv* is also obligatory.[[14]](#footnote-14)However, from ancient times, men's custom to recite *ma'ariv* was so strong that it took on a status akin to obligation.

*Mishneh Torah* Laws of Prayer and Priestly Blessings 1:8

All of Israel in all their places of settlement had the practice to pray the evening prayer and they accepted it upon themselves as an obligatory prayer.

In practice, therefore, *Shemoneh Esrei* is recited at least thrice daily.

However, even after the set times of prayer were fixed as halacha and a set text was established, Rabbi Yochanan still emphasizes that prayer fundamentally transcends those set times:

*Berachot* 21a

And Rabbi Yochanan said: Would that a person would pray all day long!

Although the halachic ramifications of Rabbi Yochanan's statement are subject to debate, we can learn from Rabbi Yochanan that we should strive to be in continuous dialogue with God.

THE COMMUNITY A fixed text and set times for prayer also unify the community. Rav Soloveitchik spoke about this idea often:[[15]](#footnote-15)

Rav Joseph B. Soloveitchik, *Reflections of the Rav*

Communal worship should be constant and not buffeted by the winds of fashion and subject to varying moods of diverse individuals. The fact that Jews of all times and from different parts of the world are able to worship together, even allowing for minor variations of liturgical custom, is due to the constancy or form which is controlled by the Halacha.

Even when we pray alone, the language and timing of prayer connect us to the rest of the Jewish community. By using a communal, halachic framework to pray, we simultaneously present ourselves in all our particularity before God and join a community that, like God, transcends time and place.

# **Women and Prayer**

Are women obligated to pray? The Mishna says yes:

*Mishna Berachot* 3:3

Women…are exempt from reciting *Shema* and from *tefillin*, and obligated in *tefilla* and *mezuza* and *birkat ha-mazon.*

Women in fact *are* obligated in *tefilla*. What is the nature of the obligation?

If we follow Ramban, who considers *tefilla* a rabbinic-level mitzva, then this mishna means that women are obligated in the full package: *Shemoneh Esrei*at set times*.*

If we follow Rambam, then this mishna may refer to the Torah-level obligation to pray, leaving open the question of women's obligation in set language and times of *tefilla*. (We revisit the precise nature of women's obligation in our next *shiur*.)

Although it might seem self-evident that women should be obligated in *tefilla*, the Talmud presents an argument why this is the case:

*Berachot* 20b

And they are obligated in prayer: For it [prayer] is seeking mercy [*rachamei*]. What might you have said [without the mishna]? Since it is written regarding it [prayer] "evening and morning and afternoon," it is like a positive time-bound commandment. [The mishna therefore] teaches us [otherwise].

What does this argument mean? Here are two possible ways of reading this passage:

I. According to the approach that the *tefilla*under discussion is on a Torah level, perhaps we might have thought it is considered time-bound, in which case women should be exempt. (See more [here](http://www.deracheha.org/positive-time-bound-mitzvot).) The Talmud teaches that *tefilla*is not fundamentally time-bound, and therefore, women are obligated.[[16]](#footnote-16)

II. According to the approach that the *tefilla*under discussion is the rabbinic obligation, then it seems clear that *tefilla*is time-bound, and that factor determines the halacha, so women should be exempt. The Talmud teaches that the time-boundedness of prayer is outweighed by its character as *rachamei,* and therefore women are obligated*.[[17]](#footnote-17)*

Why is *rachamei* so important? Because all people, including women, need to rely on God's mercy. The Talmud Yerushalmi elaborates on this idea:

Talmud Yerushalmi *Berachot* 3:3

They are obligated in *tefilla* in order that every single person should ask for mercy for himself.

Not only do we all depend on Divine mercy, but "every single person" must actively seek it out. That search is itself a form of *avodat Hashem*, because it demonstrates that we see God as our greatest source of salvation.

The simple reading of these passages is that women are obligated to recite Shemoneh Esrei at fixed times each day. **In our next shiur, we will explore how that plays out in practice.**

## ● Appendix One: How can we connect to the set language of *Shemoneh Esrei*?

*The set language of prayer is in tension with the spontaneous nature of prayer that we see in Tanach. Chana, explaining herself to Eli, who has mistaken her for a drunkard, says:*

*Shemuel* I 1:15

No my lord, I am a woman hard of spirit, and I have not drunk wine or strong drink, and I am pouring out my soul before God.

*Chana pours out not drink, but her soul. Many of us struggle to do that with the words in the* siddur. *They are beautiful, evocative, and poetic. They are full of allusions to Tanach and rabbinic literature. And yet they are not our words.*

*We have an opportunity and responsibility to lay our souls before God. How can we do that through the text of the* siddur?

*Two strategies can help us—making the words our own and adding our own words:*

1. *We can make the words our own by taking the time to learn them. When we understand the words of prayer, we can find where they voice our concerns and emphasize those lines when we pray. The words of prayer can also be our teachers, bringing us new perspectives on our world and how we fit into it. Over the course of just three weeks, we can cycle thorough a daily study of each* beracha *of the* Shemoneh Esrei *with translation or commentary*.
2. *We can add our own words to the prayer text as we go. Either before or during prayer, we can take a moment to think about what we have to pray for, and look for an appropriate supplicatory* beracha *of* Shemoneh Esrei *in which to recite our prayer for it. Personal prayers belong toward the end of each penitential* beracha*, before the concluding formula, "Baruch Ata Ha-shem."*

*If no middle prayer seems right, we can place any special prayer before the end of the last one,* Shome'a Tefilla*, Hearer of our prayer.* Shome'a Tefilla *is a catchall for any request we might wish to make of God.[[18]](#footnote-18) It's a good practice to make a habit of pausing before reciting the concluding* beracha *of* Shome'a Tefilla *to see if there isn't something on our mind that we could bring into our prayer.*

*The blessings are structured to cover the gamut of human needs and wants, and to guide us towards awareness of how we stand before the Creator for each of them. If we do the legwork, they can facilitate deeply expressive prayer.*

1. *Bereishit* 18:23-25

   And Avraham approached, and said: Will you even wipe out the righteous with the wicked? Perhaps there are fifty righteous people within the city, will you even wipe out and not spare the place for the sake of the fifty righteous people who are within it? It would be a sacrilege to You to do such a thing, to kill the righteous with the wicked, so the righteous will be like the wicked; it would be a sacrilege to You - should the Judge of all the earth not do justice? [↑](#footnote-ref-1)
2. *Bereishit* 25:21

   And Yitzchak pleaded with God in the presence of his wife, for she was barren. And God granted his plea, and Rivka his wife conceived. [↑](#footnote-ref-2)
3. *Bereishit* 25:22

   And the children agitated within her, and she said: if it is so, why am I? And she went to enquire of God. [↑](#footnote-ref-3)
4. *Bereishit* 29:35

   And she conceived again and bore a son, and she said: This time, I will give thanks to God. Therefore, she called his name Yehuda, and she stopped giving birth.

   [↑](#footnote-ref-4)
5. *Bereishit* 32:10-13

   And Ya’akov said: God of my father Avraham, and God of my father Yitzchak; the God who says to me, return to your land and to your birthplace and I will do good with you. I am too small for all of the kindnesses and all of the truth that You have done for Your servant. For with my staff I crossed this Jordan, and now I have become two camps. Rescue me please from the hand of my brother, the hand of Esav. For I fear him, lest he come and strike me, mother with children. And You have said, I will surely do good with you, and I will make your descendants like the sand of the sea, that is too numerous to count. [↑](#footnote-ref-5)
6. Shemot 15

   1. Then Moshe and the children of Israel sang this song to God, saying; I will sing to God for He is greatly exalted, horse and rider He has cast into the sea….

   21. And Miriam called out to them, Sing to God for He is greatly exalted, horse and rider He has cast into the sea. [↑](#footnote-ref-6)
7. *Devari*m 10:17

   For the Lord your God, He is the God of gods and the Lord of lords, the great, mighty and awesome God, who does not give special consideration and does not take bribes. [↑](#footnote-ref-7)
8. *Berachot* 32a

   Rabbi Simlai expounded: A person should always order his praise of God and then pray. From where [do we derive this]? From Moshe, as it is written, “And I pleaded to God at that time.” And it is written, “Lord God, You began to show your servant your greatness and your mighty hand, that who is the god in heaven or earth who can do like your deeds and your might?” and it is written after it “Let me please pass over and see the good land…” [↑](#footnote-ref-8)
9. *Berachot* 26b

   Avraham established the *shacharit* prayer, as it says, “And Avraham arose early in the morning to the place where he had stood there,” and standing refers only to prayer, as it says, “And Pinchas stood and prayed,” Yitzchak established the *mincha* prayer, as it says, “And Yitzchak went out to converse in the field towards evening,” and conversation refers only to prayer, as it says, “A prayer for the afflicted person when he swoons and before God will pour out his conversation.” Ya’akov established the *arvit* prayer, as it says, “And he encountered the place and spent the night there,” and encounter refers only to prayer’ as it says “And you, do not pray on behalf of this nation and do not lift up a cry and a prayer on their behalf and do not encounter Me. [↑](#footnote-ref-9)
10. *Bemidbar* 28:3

    And you will say to them, this is the fire offering that you will offer to God—two unblemished year-old sheep per day, as a constant burnt offering. [↑](#footnote-ref-10)
11. Ramban explains that the midrash Rambam quotes is either a mnemonic or refers to the requirement to call out to God at a time of distress, which he concedes is a Torah-level obligation (*Bemidbar* 10:9), but does not obligate us in daily prayer. Interestingly, Rav Chayim Brisker claims that Ramban also maintains that the obligation of daily prayer is rabbinic, but the fulfillment is on a Torah level. This position is difficult to reconcile with what Ramban writes in Sefer Ha-mitzvot. See Responsa *Yabi'a Omer* 3 O.C. 8 for discussion. [↑](#footnote-ref-11)
12. The original text of the *Shemoneh Esrei* included twelve requests, for a total of eighteen *berachot*. The Talmud teaches that the thirteenth request was added in the Tannaitic era as a response to heresy.

    *Berachot* 28b

    These eighteen became nineteen. Rabbi Levi said, The beracha of the *Tzedukim* [against heretics] they instituted in Yavneh.

    Although there are now nineteen *berachot*, the term “*Shemoneh Esrei*” (“eighteen”) is still universally used. [↑](#footnote-ref-12)
13. Leah Horowitz, “*Techine Le-birkat Ha-chodesh*” in *Ateret Rivka: Four Books of Women’s Techines and the Ethical Work Meineket Rivka*, ed. Meir Wunder (Jerusalem: Hed Press, 5752), p. 29. [↑](#footnote-ref-13)
14. *Berachot* 27b

    The evening prayer—Rabban Gamliel says it is obligatory and Rabbi Yehoshua says it is optional (*reshut*) [↑](#footnote-ref-14)
15. Rav Joseph B. Soloveitchik, "The 'Common-Sense' Rebellion," in *Reflections of the Rav*, ed. Abraham R. Besdin (Jerusalem: Alpha Press, 1979), p. 145. [↑](#footnote-ref-15)
16. Rif (*Berachot* 11b-12a) and Rambam (*Mishneh Torah* quoted below) omit the words "*de-rachamei ninhu*." On their reading, *tefilla* is not time-bound. It is unclear if the idea is still based on *rachamei* or if no explanation is necessary because they refer to the Torah-level obligation of *tefilla*, which does not have set times to start with. (However, in *Peirush Ha-mishnayot Kiddushin* 1:7, Rambam calls *tefilla* a positive-time bound mitzva in which women are obligated.) See *Yechave Da'at III:7* for further discussion.

    Rambam, Laws of Tefilla, 1:2

    And therefore, women and slaves are obligated in prayer because it is a positive commandment that is not time-bound; rather, the obligation in this mitzva is thus: that a person should beseech and pray every day, and tell of God’s praises, and afterwards ask for his needs that he requires in request and supplication, and afterwards he gives praise and thanks to God for the good that He bestowed on him, each one according to his ability. [↑](#footnote-ref-16)
17. Rashi (s.v. *tefilla*) writes that the correct version of the talmudic text omits mention of positive time-bound *mitzvot* entirely, and instead simply explains that women's obligation is a function of *rachamei.*

    Rashi, *Berachot 20b, s.v. Tefilla*

    T*efilla, which is rachamei* We do not read "It is simple. [What might you have said without the mishna? Etc]….

    *Talmidei Rabbeinu Yona* raise both possible explanations within the assumption that the prayer under discussion is rabbinic.

    *Talmidei Rabbeinu Yona Berachot* 11b

    And even though prayer has a set time, even so, since they say, 'would that a person would pray all day long,' we assess it like a mitzva that is not time-bound and therefore women are obligated. Alternatively, because it is mercy [it is obligatory despite being time-bound]. [↑](#footnote-ref-17)
18. *Shulchan Aruch* OC 119:1

    If he wanted to add to any of the middle *berachot*, something on the same topic as the *beracha*, he adds. How? If he has a sick person, he requests mercy for him in the *beracha* of *Refa’einu*; if he needs to earn a living, he requests it in the *beracha* of *Ha-shanim*. Rema: And when he adds, he should begin with the *beracha* and then add, but he should not add and afterwards begin the *beracha*; and in *Shome'a Tefilla* he can ask for all his needs [↑](#footnote-ref-18)