

# **Do Women Have to Daven?**

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Upon entering virtually any shul anywhere in the world, one will find the same sociological phenomenon. Nearly all those who gather to pray on a daily basis are men. Indeed this can be observed even when tefilos are not in session, as the number of seats in the men's section are generally double those in the women's. As with all matters of halacha and minhag, this trend is not merely an architectural anomaly, rather it is reflection of the Torah's influence in every aspect of our lives. The halacha does not require women to daven together with a minyan, and many women lack the available time and wherewithal to attend minyan on a voluntary basis. Based on this p'tur, one might come to the erroneous conclusion that women are not obligated in tefila at all. In fact, women are not only chayiv in tefila, but according to some poskim have the same obligation as men. In order to understand this fully we must first clarify the basic nature of tefila and then we can see how this does or does not apply to women.

## **Is Tefila a Torah or Rabbinic Commandment?**

The Rambam (tefila 1:1-2) writes that tefila is a mitzvah min hatorah. Every Jew is obligated to pray to Hashem once a day every day. He bases his position on the Sifrei (Devarim 11:13) and the Gemara (Taanis 2a) which explain a difficult pasuk in the Torah. It says in the Torah "ul'avdo b'chal l'vavchem", that one must serve Hashem with all his heart. The problem is that the term avodah generally connotes physical labor while the heart represents the metaphysical. The Midrash answers that this pasuk is referring to tefila, which is a service that requires physical action (i.e. saying the words with one's mouth) but is mainly done with one's thoughts and emotions (i.e. kavana). Thus the Torah requires us to daven, but does not give us any details concerning what our tefilos should contain. The Rambam explains that the concept of davening is mid'oraisah, but the text, frequency, and times of our prayers are all mid'rabanah. Thus, he continues, women are also biblically mandated to pray. This is because women are only p'turot from mitzvos aseh shehazman grama, and this obligation is not specific to any particular time or day. In order to fulfill the biblical requirement of tefila, one must say a prayer that begins with general praise of Hashem, followed by one's personal requests, and concluding with words of thanks for the good things in one's life. In addition to this, the Anshei Knesses Hag'dolah required all men to pray an additional two times per day, and they standardized this three part prayer into what we call the shmoneh esrei. However, since women are p'turot from time bound mitzvos, they were not included in the rabbinic decree.

The Rambam's opinion is mirrored by the Rif in his commentary on the gemarah (Brachos 20a-b). The Mishnah writes that women are obligated to daven, and the Rif explains that this is because prayer is not a mitzvas aseh shehazman gramma. (Whether the text of the Rif's gemarah is the same as the text we have in ours is questionable.

Our standard text implies that tefila is in fact a time-bound mitzvah, and the Rif makes no record of this. The Bach in his footnotes claims that our text contains a printer's error. However, it is possible to reconcile the opinion of the Rif and Rambam with that of our text.)

The major dissenter against the aforementioned shittah is the Ramban. He writes (Hasagos L'sefer Hamitzvos 5) that the drasha that chazal used that implied that tefila was min hatorah merely an asmachtah. Rather, tefila in its entirety is a din d'rabanan. There is no difference between the general obligation to daven and the details of the tefilos themselves. According to this understanding, the gemarah which explains why women are obligated in tefila is explaining why the rabanan chose to include them in their decree. To this the gemara responds "tefila rachamei ninhu" – prayer is a request for divine mercy and is thus equally applicable to both men and women. The Ramban's opinion is also implied by Rashi (Brachos 20b s.v. v'chayavin).

### **Whose view do we accept?**

The Shulchan Aruch (O.C. 106:1) quotes the opinion of the Rambam, that women are chayavos in tefila because it is not a mitzvas aseh shehazman gramah. The Magen Avraham (s.k. 1) explains that according to the Mechaber, a woman need only say a short tefila once a day. He posits that perhaps this is the reason that many women who are generally scrupulous in their avodas Hashem seemingly do not daven. Maybe, upon washing their hands and reciting their brachos in the morning, many women add a short prayer (that conforms to the standards that the Rambam set forth: shevach, bakashah, and hoda'ah) and are yotzeh their mitzvah with this. However, the Magen Avraham himself disagrees with the Mechaber and writes that the majority opinion is in conjunction with the Ramban, that tefilah is mid'rabanan. Thus, he assumes that women cannot fulfill their obligation in any way but the recital of the shmoneh esrei, since this is the framework in which the Rabanan outlined their decree.

### **Practical Halacha**

The Mishnah Berurah (s.k. 4) quotes the Magen Avraham and agrees that the opinion of the Ramban is accepted l'halachah. He therefore writes that women should make it their business to daven shacharis and minchah every day. Concerning ma'ariv, he paskens that women need not daven this tefila because in the times of the gemara, this prayer was only optional (see Brachos 27a). Even though the men of klal yisrael accepted it upon themselves as a chiyuv, the women never made such a commitment - thus they were never obligated to say tefilas arvis. The Aruch Hashlchan (sif 7) makes no distinction between arvis and the other tefilos. In his opinion women have the exact same obligation as men when it comes to prayer. (This seems to be based on an alternative understanding of the phrase "tefilas arvis reshus". Tosfos (26a s.v. ta'ah) explains that the gemara never meant to tell us that ma'ariv is optional, rather it is teaching that the performance of other mitzvos supersedes the obligation to daven ma'ariv. Thus, when compared to other mitzvot it is considered a reshus, but in its pure form it is certainly obligatory. Based on this, one can argue that women were never exempt from ma'ariv which was never dependant on their acceptance. The minhag among Ashkenazi women seems to follow the opinion of the Mishneh Berurah.

If a woman finds herself in a situation where due to her motherly duties she is unable to daven, many poskim (see Halichos Bas Yisroel – 2:2) recommend that she follow the opinion of the Shulchan Aruch and daven a short tefilah that contains the three parts that the Rambam requires. This should be done close to her waking in the morning as possible.

Concerning the zmanei hatfilah, the Shulchan Aruch (89:1) and Mishah Berurah write that the zman for shacharis and mincha apply to women as well as men (see shut Machazeh Eliyahu siman 19). Thus, women should try to complete their shacharis shmoneh esrei before 4 hours into the day. If they find this impossible, they may still daven until chatzos. After this time, they would be subject to the laws of tashlumin which is beyond the scope of this discussion.