

Are Women Obligated to Pray Daily?

By Rabbi Menachem M. Kasdan

It is almost an axiom of Jewish historical experience that whatever currents move the secular world will eventually be felt also in Jewish society. As women in America aspire to equal status with men, so also have many Jewish women begun to examine seriously their role in our religious practices, in the synagogue as well as in the home. One area which is receiving renewed attention is prayer: What does the halacha require of a woman regarding prayer—does she have to daven daily? Although this may seem to be a straightforward enough question, a study of the many writings of our Sages on this topic indicate it is not a question which can easily be answered with a simple “yes” or “no”. In part this is because there are different daily prayers, each of which is obligatory by virtue of different criteria. Whether or not those criteria effect an obligation for women despite the general

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exemption of women from time bound mitzvot forms the basis for the halachic discussion of this issue. In this article we will note the gamut of *halacha lemaseh* opinions concerning a woman's Shmoneh Esrai, Shema, & Psukei d'Zimrah obligations while explicating some of the criteria which determine those opinions.

The Mishnah in Berachot declares that women are obligated in (daily) tefilla:¹

גשם ... פטורין מקריאת שמע ומן התפילין וחיובן בתפילה ובמוזה
ובברכת המזון ...

Women are free from the obligation of reciting the Shema and putting on Tfillin and are obligated in Tefilla, Mezuzah, and Grace after meals.

The term “Tefilla” in the Mishnah can mean either prayer in general, or the specific Shmoneh Esrai liturgy.

While a majority of Rishonim interpret the phrase as referring to Shmoneh Esrai — and therefore understand this ruling as obligating women to daily recite Shmoneh Esrai — a minority opinion argues that the correct interpretation is the general one, i.e. the Mishnah obligates women in the daily recitation of *any* verbalized prayer; women, according to this view, are not obligated to daily recite Shmoneh Esrai. They may choose any already existing formal liturgy, or may informally compose a prayer in fulfilling the Mishnah's Tefilla requirement.²

This dispute will serve as the starting point for our first topic of study.

1. *Berachot* 20 a,b.

2. This is the position popularly ascribed to the Rambam. Sec. *Magen Avraham* 106:2. See also *Sefer haMeorot* on *Berachot* 20b. The *Magen Avraham* notes that his interpretation is only a possible interpretation of the Rambam. Nonetheless it is the popular one. See however, *Shaagat Aryeh* no. 14, *Mishneh Torah* 6:10, and the Rambam's *Perush haMishnayot* on *Kiddushim* 1:7 sub *umitzvat aseh she' hazman gerama*.

The Rambam's Approach

According to the Rambam, the Torah itself legislated daily prayer.

To pray daily is an affirmative precept, as it is said: "and you shall serve the L-rd your G-d" (Exodus 23:25). The service here referred to according to the teaching of Tradition is prayer, as it is said: "And to serve Him with all your heart" (Deuteronomy 10:12) on which the Sages commented, "What may be described as service of the heart? Prayer." The number of prayers is not prescribed in the Torah. No form of prayer is prescribed in the Torah. Nor does the Torah prescribe a fixed time for prayers.³

Biblical prayer according to the Rambam is thus the unfettered spontaneous expression of the individual person who prays. One may offer as terse or as extended a prayer, as often or as infrequently, as one desires. The only requirement is that *some* verbalized prayer be offered *some* time each day.

Accepting the Rambam's view that Biblical prayer is free from all time restraints, women should be held responsible for its observance, and, indeed, they are.

... the Torah does not prescribe a fixed time for prayer and women are therefore under an obligation to pray (daily), this being a duty, the fulfillment of which is independent of set periods.⁴

The Biblical mitzvah of daily prayer is ever-present. It exists twenty four hours each day, seven days each week. Since there is no time when the obligation lapses, it is not a time-bound precept

and women are included in its compass. According to the Rambam this is the Tefilla obligation which the Mishnah imposes upon women.

So far we have discussed the Tefilla requirement which, according to the Rambam, is a Biblical command. There is however another Tefilla requirement which is a Rabbinic creation. It is Shmoneh Esrai.

According to the Rambam, two kinds of prayer requirement exist. One, whose characteristics we just described, is a Biblical command.⁵ The second, Shmoneh Esrai, is a Rabbinic formulation.⁶ As we noted in the Rambam, the Torah's daily prayer duty is not time-bound. By contrast, the Rabbinic institution of daily prayer, Shmoneh Esrai, is time-bound. (For example the obligation to recite the Shacharit Amidah is ushered in at dawn, departs at midday, and does not return again till the following morning, while the afternoon Amidah obligation is allotted only a few hours for its realization after which time it disappears, re-emerging only at the succeeding midday.)

In order for the Mishnah mandating "Tefilla" for women to be consistent with the general rule exempting women from time-bound duties, it seems that the decision obligating women in "daily prayer" must refer to the Biblical duty of expressing any daily prayer rather than to the time-restricted Rabbinic mitzva of Shmoneh Esrai. Such a reading would obligate women in some kind of prayer, but would exempt them from Shmoneh Esrai. Although this reasoning seems straightforward it is the minority opinion.

The majority of Rishonim, including Rashi, Tosafot, and the Ramban, all deny the existence of a Biblically-mandated daily prayer duty.⁷ They interpret the Mishnah's statement that

5. *Ibid.*

6. *Ibid.* 1:4,5.

7. *Berachot* 20b, Rashi sub *hachi garsinan*, *Tosafot* ad. loc. sub *b'tfillah*, *Ramban* on *Sefer haMitzvot*, the First Principle, sub *v'hapilah*, and his comments on mitzvot *aseh* no. 5.

3. *Mishneh Torah Tefilla* 1:1. With slight emendations, translations of *Mishneh Torah* are from Isadore Twersky's *A Maimonides Reader*.

4. *Ibid.* 1:1,2.

“women are obligated ... in daily prayer” as meaning that women are obligated in daily *Rabbinic* prayer, i.e. Shmoneh Esrai. *Rabbinic* prayer, i.e. Shmoneh Esrai.

Of course this interpretation results in a dilemma since it simultaneously upholds two mutually exclusive propositions. On the one hand, these Rishonim contend that the Mishnah imposes the daily time-bound Amidah requirement upon women, while on the other hand they certainly support the general proposition that women are *exempt* from just such time-bound mitzvot.

Considering who the Rishonim are who grasped the seemingly contradictory positions, it is obvious that each group found a basis for its approach. What is it?

The Meiri tries to answer this question by arguing that the two opinion groups had before them two different versions of the Talmudic text which deals with our problem, and that one text justifies one view, while the other supports the opposing view.⁸

He shows that according to all texts, the Gemara in Berachot initially understood the Mishnah obligating women in daily prayer as imposing Shmoneh Esrai upon them. Recognizing that such a ruling clashes with the general rule exempting women from time-bound mitzvot, the Sages asked why the time-bound Amidah should devolve upon them.

According to Rashi's text — the majority one — they answered that the Shmoneh Esrai duty is so exceptionally important that the Rabbis refused to invoke the time-bound exemption rule when they created the daily Amidah requirement. Since all of G-d's creation exists only by virtue of His continuous, sustaining grace, and since the very essence of Shmoneh Esrai is a plea for the many forms of that Divine help,⁹ it was imperative that men and women, alike, be included in the Shmoneh Esrai mitzvah.

The Rambam's text — the minority one — was different. While

there, too, the sages initially interpreted the Mishnah as obligating women in the daily Shmoneh Esrai routine and were troubled by its apparent divergence from the general exemption rule, the resolution is different. In the Rambam's version the Sages maintained halachic consistency by retreating from their initial, problematic, explanation of the Mishnah, and, in the end, upholding the supremacy of the exemption rule. When the Mishnah obligated women in daily prayer, concludes this reading of the Gemara, it referred to *Biblical*, not Rabbinic prayer. Women, concedes the Gemara, are indeed exempt from the daily Shmoneh Esrai.

The logical halachic conclusion to be drawn from Rashi's approach is that, insofar as individual daily prayer is concerned, the obligations of men and women are identical. If men must rise early each morning in order to recite the Shacharit Shmoneh Esrai by a certain hour, so must women. If men must set aside time for reciting Mincha each afternoon, so must women.

By contrast, according to the Rambam's text, there is one similarity and one difference in the daily individual prayer obligations which devolve upon men and women. Both are equally bound by the Biblical daily prayer duty. However, only men must, in addition, fulfill the daily *Rabbinic* prayer requirement *as their way of discharging the Biblical prayer duty*. Women are not so restricted. They are not bound to follow Shmoneh Esrai forms, time limitations, or number (i.e. two or three recitations daily, an extra Amidah on Shabbat, etc...) in order to fulfill their Biblical commitment to pray daily.

Having outlined the two trends in Rishonim concerning a woman's daily prayer obligation, we must now fill in some of the contents of these trends. First, we will more clearly explicate Rashi's view. Following that, we will describe and analyze just what the Rambam's Biblical prayer obligation consists of.

Mincha and Maariv

When the Mishnah obligated women in daily prayer, it was

8. Meiri on Berachot 20b sub machloket.

9. *Mishneh Torah Tefilla* 1:1, 2; 4:16. See also Rav Bar-Shaul's *Mitzvah vaLev* the chapter on Tefilla.

clear to Rashi that what was meant thereby was Shmoneh Esrai. Since we are familiar with three different kinds of daily Amidah prayers recited by us — Shacharit, Mincha, and Maariv — we would automatically assume that t' Mishnah's ruling includes all three kinds of Shmoneh Esrai, and that, as a result, women must recite all three prayers every day. We would be right insofar as Shacharit and Mincha are concerned. Rashi sees the Mishnah's ruling as unquestionably referring to those Shmoneh Esrais, and women must certainly recite the Shacharit and Mincha prayers each day at their proper time. Whether or not Maariv is included in the Mishnaic dictum however, is subject to a dispute.¹⁰

In what practical way is Maariv of inferior importance? Rishonim proposed two answers.

One is that while the recitation of Shacharit and Mincha are obligatory, recitation of Maariv is entirely optional. This means that when the Rabbis initially created the daily prayer institution it included two *mandatory* prayers (Shacharit and Mi. ncha), and one, perhaps recommended, but entirely *voluntary* service, Maariv. Thus, when the Mishnah instructs women to observe the Shmoneh Esrai routine according to Rashi it could only *impose* the *obligatory* recitations, Shacharit and Mincha.

Based on this approach, the Shulchan Aruch haRav¹¹ and the

10. When the Rabbis formulated the Shmoneh Esrai institution, they related certain of its halachot to the daily sacrificial service in the Temple. All authorities agree that, just as there were two daily obligatory communal offerings in the Temple, one in the morning and one in the afternoon, there are at least two daily *obligatory* Amidah prayers to be recited at similar times. In fact, the very names of these two prayers, Shacharit and Mincha, are directly borrowed from the daily Tamid sacrifices.

Maariv however, does not correspond to any Tamid sacrifice. Rather, it is related to a secondary sacrificial process which went on every night on Temple grounds, the burning on the altar of the limbs and fat of those animal offerings upon which the primary sacrificial processes had been carried out, but whose remains had not been burned during the daylight hours. Since Maariv does not have an actual *korban* (sacrificial offering) correlate, and since it is related only to a secondary cultic practice, its liturgical status is inferior to its morning and afternoon counterparts.

11. Shulchan Aruch haRav 106:2.

Mishnah Brura¹² require women to daily recite Shacharit and Mincha, but absolve them from the recitation of Maariv.

Against them however, are poskim who agree that the Mishnah does *not* mandate a Maariv recitation, yet they *do* require its recitation by women.¹³ How can this be so?

Bear in mind that if the initial Shmoneh Esrai legislation did not command a Maariv recitation, this held true for men as well as women. Yet it is unanimously agreed that in practice today (*halacha lemaaseh*), men *are* halachically bound to recite the Maariv Shmoneh Esrai every evening. This unexpected obligation derives from the force of *minhag*, custom. Apparently, men so regularly, and so universally, recited the Maariv Amidah that it became for them an obligatory custom.¹⁴ The Poskim who disagree with the Shulchan Aruch haRav and Mishnah Brura claim that the identical process occurred in the ranks of women, i.e. a large enough number of women so regularly recited the Maariv Amidah that its daily recitation by them became obligatory for all women by force of *minhag*.

A second opinion denies that Maariv is an optional prayer. While it is clear from other sources that the Maariv obligation is "weaker" than the Shacharit and Mincha ones in certain unusual contexts, nonetheless it is as obligatory in normal daily contexts as its morning and afternoon counterparts. According to this approach, when the Mishnah ruled that women must observe the daily Rabbinic prayer routine it included Maariv. The net result of this approach is that men and women must recite all three Shmoneh Esrais daily by force of imposed Rabbinic legislation, not voluntarily accepted practice.¹⁵

To sum up so far: The Mishnah in Berachot obligates women

12. Mishnah Brura 106:4.

13. See *Aishel Avraham* no. 16 on *Maagen Avraham* 299:16.

14. *Mishneh Torah* *ibid.* 1:6.

15. *Aruch haShulchan* 106:7, 47:25, *Shaagat Aryeh* No. 14. They presuppose the opinion of *Tosafot* sub *ta'ah* in *Berachot* 26a.

in the recitation of "daily prayer". According to Rashi and the majority of the Rishonim, women must therefore recite Shmoneh Esrai every day. This approach bore two practical *halacha lemaaseh*, derivative opinions:

1) Women must recite Shacharit and Mincha every day at their appropriate times, but are exempt from Maariv.

2) Women must recite Shacharit, Mincha, and Maariv, either because the Mishnah itself mandates all three, or, even if the Mishnah does not include Maariv in its ruling, Maariv must be recited by force of obligatory custom.¹⁸

Of course, as was just pointed out, all these opinions start with Rashi's assumption that the Mishnah obligates women in the *Rabbinic* form of daily prayer. However, those who rely on the Rambam's text contend that the Mishnah does *not* impose Rabbinic prayer upon women. According to them it only imposes the less structured *Biblical* prayer requirement. Assuming that they are correct, what is the nature of the Biblical requirement for prayer?

Elements Of Prayer

The Rambam lists the elements of Biblical prayer as including praise, petition, and thanksgiving, in that order.

16. It is most likely that the *Hayyei Adam* requires a daily triple Amidah recitation by women.

In the laws of Sabbath candle lighting (*Shabbat* 5:9) he writes "... and they (women) must also recite Mincha first [i.e. before lighting the Sabbath candles] since [by lighting the candles] she would have thereby accepted the advent of the Sabbath [and, no longer being able to recite the weekday Amidah,] she would be required to recite two Maariv Shmoneh Esrais."

Since the *Hayyei Adam* writes about a "make-up" (*tashlumim*) for Mincha the implication is that some requirement has been missed. Conceivably we are dealing with an individual woman (or that special class of women) whose Amidah recitation is obligatory by voluntary acceptance (*neder*). In that case, the *Hayyei Adam's* ruling has no bearing on our problem. However, given the *Hayyei Adam's* blanket statement it is more likely that the woman he refers to is representative, and the Mincha recitation which she must make up is obligatory upon all women. In such a case the conclusion is that, according to the *Hayyei Adam*, women must recite at least the Shacharit and Mincha Amidot.

The obligation of the Biblical prayer is that every person daily should offer up supplication and prayer, i.e. uttering praises of G-d, then with humble supplication and petition asking for all that he needs, and finally offering praise and thanksgiving to the Eternal for the benefits already bestowed upon him in such rich measure. This should be done each according to his ability.¹⁷

It appears that while the text of Biblical prayer is composed spontaneously by the individual, the *structure* for that prayer has been pre-determined and is imposed by the Torah.¹⁸ Unquestionably this order — praise, request, and thanksgiving — is required at the outset.¹⁹

In any case, since Shmoneh Esrai is already arranged in a praise-petition-thanksgiving format, a woman could rely upon recitation of a single Shmoneh Esrai as a means *par excellence* of fulfilling her daily Biblical prayer requirement. Indeed there is one authority who, just for this reason, recommends a single daily recitation of Shmoneh Esrai as the most preferable way for a woman to fulfill her Biblical obligation.^{20,21}

17. *Mishneh Torah* *ibid.* 1:2.

18. *Berachot* 32a, Rav Simlai's exegesis. See the *Kesef Mishneh* (*Mishna Torah* *ibid.*) who quotes Rav Simlai as the Rambam's source, indicating that the source is Biblical. However, compare to the *Tur's* understanding of the exegesis (*Tur Orach Hayyim* 51) as relating to *Pesukei d'Zimrah* (and hence unavailable for determining the contents of the Amidah requirement).

19. In light of the above it is difficult to understand the Magen Avraham's popular suggestion that a woman could fulfill her Biblical prayer obligation according to the Rambam by petitionary prayer alone. Since such a prayer lacks praise and gratitude it is clearly deficient *lechatchila*, and even *bidieved* it may not suffice. See *Magen Avraham* 106:2.

20. Rav Ovadiah Yosef, *Yabia Omer* *ibid.* no. 17, paragraph 3.

In *Yabia Omer* VI, *Orach Hayyim* section no. 18, and in an untitled article no. 118, paragraph 6 in *Or Torah*, Adar 5731, Rav Ovadiah Yosef rules - against other acharonim whom he cites - that a woman who forgets to recite *ya'aleh v'ya'voh* etc. in Shmoneh Esrai must repeat the Amidah even according to the *Magen Avraham*, providing she initially recited the Amidah with the intention of reciting a proper Amidah.

21. However, there would be a difference between the laws applying to a woman

In summation, a number of possible combinations of *psak* have been proposed by various authorities. Starting from the most stringent through the most lenient they include:

- a) an obligation to recite three Shmoneh Esrais daily,
- b) an obligation to recite two Shmoneh Esrais daily (Shacharit and Mincha),
- c) an exemption from any Amidah obligation, but a recommendation that a single daily Shmoneh Esrai recitation be the means of discharging the Biblical prayer duty,
- d) finally, an exemption from all Amidah recitations, but a requirement that women recite some other prayer which they may either choose from classical sources or individually compose, providing such a prayer contains elements of praise, petition, and thanksgiving, and in that order.

Shema: Morning and Evening

The same Mishnah which obligated women in daily prayer explicitly absolved them from the Shema recitations, Shema being a time-bound positive precept. Each morning shortly after dawn the Shema obligation commences and continues through the first quarter of the day, after which it disappears until nightfall when the evening Shema obligation begins.²² On its face the mitzvah is obviously non-continuous and women are exempted from its fulfillment.

who recites the Amidah only to fulfill her Biblical obligation (following the Magen Avraham) and a woman who, like a man, recites Shmoneh Esrai because she is Rabbinically required to do so (following Rashi, the Shulchan Aruch haRav, etc.). If the former altered the Amidah text, e.g. by deleting such phrases as "*mashiv haruach u'morid hageshem*", "*ya'aleh v'ya'atoh*" or "*hamelech hakadosh*", the Biblical obligation would certainly have been discharged and no new repetition of Shmoneh Esrai would be required. However, for one who is duty bound to recite the prayer, a text flawed by such deletions would not conform to the Rabbinic requirement for Shmoneh Esrai and the prayer would have to be repeated. Rav Yosef disagrees.

22. *Berachot* 20a,b. *Orach Hayyim* 70:1. 235:1, 3. The evening Shema requirement is also time bound being limited to *zeman shechiya*. See *Orach Hayyim* 235:3, 4.

The Bach, however, interpreted the Mishnah (and its attendant Gemara) in such a way as to distinguish within the Shema requirement two different obligations, the one to recite the three paragraphs of Shema and the other to "accept the yoke of the Kingdom of Heaven" (*kabbalat ol malchut shamayim*). This last obligation is encapsulated in the first verse of Shema and the mitzvah is fulfilled by reciting that one verse. According to the Bach's interpretation, women are exempted only from the three-paragraph obligation but not from the first verse *kabbalat ol* obligation. Consequently, a woman must recite the verse *Shema Yisrael* every day.²³ Although the Mechaber in the Shulchan Aruch accepted unqualifiedly a woman's exemption from all aspect of the Shema obligation (against the Bach), he nonetheless very strongly encouraged women to recite the *Shema Yisrael* verse mornings and evenings.²⁴ (Note: Whenever the *Shema* verse is recited it should immediately be followed by *baruch shem* etc.)²⁵

Shema She'al haMittah

While the authorities unanimously agree that women are exempt from the daily Shema recitations the issue is clouded insofar as the *Shema she'al hamittah* (at bedtime) is concerned.

The Magen Avraham writes that to his knowledge women do not customarily recite this Shema. He is uncertain about why they don't and suggests that they probably considered it time-bound since it is an evening — and therefore non-continuous — mitzvah.²⁶

However, it is not at all certain that, just because this Shema

23. Bach on *Tur Orach Hayyim* 70, sub *nashim*. See also *Aruch Hashulchan* 70:1.

24. He claims that women customarily recite all of Shema every day. See also *Masechet Sofrim* (18:4) that on the Sabbath women came to the synagogue before sunrise in order to recite Shema with the *vatikin* at sunrise.

25. *Orach Hayyim* 70:1.

26. *Ateret Zekainim* on *Orach Hayyim* 70 sub *nashim*, and the Ramo on *Orach Hayyim* 46:9.

26. *Magen Avraham* 235:2:9.

is recited only in the evening, it is therefore time-bound. Whether or not it is depends upon understanding the precise halachic definition of the *z'man gerama* (time-bound) concept. There are two possibilities as to what that precise definition is.

If *z'man gerama* means that the time available for a mitzvah fulfillment is restricted, then *Shema she'al hamitta* which is limited to evenings does indeed qualify as time bound, and women should be exempt from its recitation. However, if the precise definition of *z'man gerama* means that the devolvement of a specific time is the halachic "cause" or "trigger" of the mitzvah obligation - e.g. the first instant when the rim of the emerging sun can be glimpsed against the horizon on the first of Tishrei "triggers" the *lechatchila* halachic obligation to listen to the shofar blasts, and the remaining daylight hours sustain that obligation²⁷ - then *Shema she'al hamitta* is *not* time-bound. For the fact is that it is not the nighttime which obligates this Shema recitation; it is the *going-to-sleep* at night which is the halachic "obligator" (*mehayyev*).²⁸ If it was the nighttime which created the obligation then even one who remained awake should be required to recite *Shema she'al hamitta*. In fact, one who remains awake all night is exempt. Thus, according to this second definition of *z'man gerama*, *Shema she'al hamitta* is *not* time-bound, women *should* be obligated in its nightly recitation (before retiring) and we must look elsewhere to uphold the reasoning of those poskim who accept this second definition of *z'man gerama*, yet exempt women from the Shema recitation.

This leads us to the rather fundamental dispute over *what* precisely is the obligation. There are two Talmudic sources which are relevant to answering this question. One states that before going to sleep at night, Rabbi Yehoshua ben Levi would recite certain verses "for protection".²⁹ These verses are a part of the

Shema she'al hamitta liturgy. Thus, one possibility is that the entire *Shema she'al hamitta* liturgy is essentially a *prayer* for Divine protection during that period of extreme vulnerability which we call sleep.³⁰ Since both men and women require protection, this source would suggest a universal obligation.

However, the other source can support a different understanding which would exempt women from *Shema she'al hamitta*.

The second source quotes Rabbi Yehoshua ben Levi as saying that "even though one has recited the Shema in the synagogue" (i.e. during Maariv) it is obligatory to recite it again at home before retiring.³¹ Why link the two recitations? What is the meaning of "even though Shema was recited in the synagogue"?

One explanation understands Rabbi Yehoshua to be saying: "Don't think you have discharged your entire evening Shema responsibility in the synagogue. Even though you have recited Shema during Maariv, your mitzvah fulfillment is Rabbinically adjudged to be incomplete until you repeat it at home before going to sleep."

According to this interpretation the Kabbis legislated an extension of the Biblical evening Shema obligation. Thus, rather than being a *prayer* obligation, *Shema she'al hamitta* must be recognized as a *Shema* obligation whose outcome is, happily, "protection". However, that outcome does not change the basic halachic nature of the obligation which is a Rabbinic extension of the evening (Biblical) Shema mitzvah that relates the Shema to sleeping.³²

(The Sages held that sleep is a foretaste of death and that during the night our souls are in His hands. When sleep overtakes us there is no guarantee that our consciousness will return and that

27. *Orach Hayyim* 588:1.

28. Obviously only the going-to-sleep at night obligates this Shema. Nonetheless it is not the nighttime which is the *mehayyev* (halachic obligator).

29. *Shevuot* 15b.

30. For some opinions as to the nature of the *mazzikim* from which protection is sought see the Meiri on *Berachot* 4b sub *af al pi*, and the *Kaf haChayyim* 239:3.

31. *Berachot* 4b.

32. See the *Otzar haGeonim* on Rabbi Yehoshua's statement in *Berachot* 4b.

we will awaken on the morrow. Rather than let sleeping be merely an involuntary and, ultimately, uncontrollable physiological reaction which overpowers man and beast alike, the Sages enacted the prior recitation of Shema. By this enactment they transformed and elevated what would otherwise be a merely involuntary physiological sleep reaction into an intentional spiritual action of voluntarily giving ourselves over into His care. According to this understanding, *Shema she'al hamitta* is like the Biblical Shema obligation; it is essentially a *kabbalat ol mitzvah*.³³)

If it is accepted that *Shema she'al hamitta* is technically a Rabbinic extension of the (time-bound) evening Biblical Shema requirement, then, just as women are exempt from the essential, or "core" Biblical Shema requirement, so too they are exempt from any of its extensions.

If however, the *Shema she'al hamitta* obligation is understood to be (as was suggested earlier) a separately legislated prayer for protection at a moment of helplessness which just happens to use the *Shema-kabbalat ol* format as being especially appropriate, then women too are obligated, for as the the Elyahu Rabba asks, "Are not women also in need of protection?"³⁴

In summation: Women are exempt from the Biblical Shema obligation. The Rabbinic *Shema she'al hamitta* has characteristics of both the Biblical Shema mitzvah as well as of a prayer for protection. If its primary halachic status is as a Shema obligation, women are definitely exempt. If its primary halachic status is as a prayer for protection, then many *poskim* hold that women are obligated even if this Shema is time-bound. The Magen Avraham indicates, however, that if it is time-bound, women may indeed be exempt.

33. The notion of transforming the involuntary sleep reaction into a voluntary act of *kabbalat ol* by the Shema recitation was developed in a shiur by Rav Joseph B. Soloveitchik. The Meiri loc. cit. also talks of a *kabbalat ol* element in protecting from the *mazzikim*.

34. See the analysis of the *Shema she'al hamitta* obligation in Magen Avraham 239:2.

Birchot Shema

Insofar as *birchot Shema*, the blessings attending the Shacharit and Maariv Shema are concerned, women are, according to most authorities, exempt.³⁵ The reasoning is rather simple. Since *birchot Shema* were created to accompany the Shema, they too are time-bound. Women, who are exempt from Shema, are also exempt from *birchot Shema*. This is the view of the majority of the *poskim*. A minority view however qualifies this exemption.

The minority view distinguishes between the first two blessings which precede the Shema and the one which follows it. While the first blessings were conceived by the Rabbis only in relation to Shema, the last blessing, *ga'al yisrael* and at night, *ga'al yisrael* and *hashkivenu*³⁶ was formulated as a means of satisfying an already existing Biblical requirement of *zechirat yetziat mitzraim*, the required daily verbal recollection of the redemption from Egypt.³⁷ The recitation of *ga'al yisrael* is thus of twofold consequence. On the one hand recitation of this bracha fulfills a Rabbinic Shema obligation; on the other hand, by reciting *ga'al yisrael*, the Jew discharges his (or her) Biblical *zechira* obligation.

The *poskim* who claim that women must recite *ga'al yisrael* reason that, since the mitzvah of *zechirat yetziat mitzraim* applies every morning and every evening, with the morning and evening obligations following upon each other's heels in an endless, *continuous* sequence, the obligation is never shackled by the chains of time. Women are therefore obligated to observe it. Since the Rabbis ordained a particular formula for its fulfillment (the blessing *ga'al yisrael*), women must daily recite this one Shema blessing.³⁸

Against this view however, two arguments may be presented. First, argues the adversary position, the obligation of *zechirat yetziat mitzraim* is a time-bound mitzvah. According to this view

35. *Mishneh Brura* 106:2.

36. *Ibid.*

37. *Shulchan Aruch haRav* 70:1.

38. *Ibid.*, *Mishneh Brura* 70:2, 106:4.

the Torah mandated two different *zechira* obligations, one whose fulfillment is restricted to (or caused by) the daytime, the other whose fulfillment is restricted to (or caused by) the nighttime. The first is obligatory only during the day, the second, only during the night. Since each *zechira* obligation is individually time-bound, women are exempt from both of them. Consequently, they are also exempt from the *ga'al yisrael bracha*.³⁹

Second, even if we accept the former position that *zechirat yetziat mitzraim* is a duty which the Torah does require of women, it does not follow that fulfillment of that requirement is restricted to the particular Rabbinic formulation *ga'al yisrael*. The approach of Maimonides which was mentioned earlier concerning daily prayer is applicable here as well. Even though the Biblical prayer obligations of men and women are identical, only men are required to discharge their obligation by reciting the Rabbinically formulated Shmoneh Esrai. Women may fulfill their responsibility through improvisation. Similarly here, the mere fact that a woman must fulfill the *zechira* mitzva does not *ipso facto* necessitate her to use Rabbinic forms. An improvised statement should be just as valid as recitation of *ga'al yisrael* for the fulfillment of her obligation.

Without attempting to resolve the issue, let us just note that proponents of the view that women must recite both *ga'al yisrael* and Shmoneh Esrai, also require that (as is required of men) the two be juxtaposed.⁴⁰ (The general rule is that, at least in the morning, the redemption blessing should be followed as immediately as possible with the Amidah).⁴¹ According to this view

39. *Shaaqat Aryeh* no. 12, *Mishnah Berura* *ibid*. The *Pri Megadim* advances a third opinion. He claims that only the morning *zechira* mitzvah is Biblically ordained; the evening recitation is of Rabbinic origin. Insofar as being time-bound is concerned, this one Biblical, one Rabbinic obligation formulation is conceptually identical to the *Shaaqat Aryeh*'s two Biblical obligation formulation. Women are exempt. See *Aishel Avraham* 67:1, 70:1.

40. *Shulchan Aruch haRav* 70:1, MB 70:2.

41. *Orach Hayyim* 66:8, 111:1.

ga'al yisrael was created - at least in part - as a prologue to Shmoneh Esrai. In addition to relating Shema to Shmoneh Esrai and incorporating the *zechira* mitzvah, the redemption blessing has an independent relationship to Shmoneh Esrai. Apparently the memory of G-d's grace at the time of the Egyptian exodus and its whispered implication of future redemption is a uniquely proper introduction to the Amidah prayer, which itself is a plea for G-d's grace in the present and the future.

In summation: The authorities unanimously exempt women from daily recitation of the three Shema paragraphs. One view obligates, and the Shulchan Aruch strongly encourages, the recitation of the first verse of Shema each day. All opinions exempt women from the first two blessings accompanying Shema. The majority position maintains that the third blessing is also not obligatory while a minority view is that it is obligatory. According to the minority view, the Amidah prayer should immediately follow recitation of *ga'al yisrael*. With the exception of the current Sefardi Chief Rabbi, Rav Ovadiah Yosef,⁴² all opinions would permit women to recite all three Shema blessings if they so desired.

Psukei d'Zimrah

Psukei d'Zimrah always precede, and are conceptually related to, the Shacharit Amidah. The relationship is as follows: Before any human being has the right to plead his personal or even communal requests before G-d - the basic function of Shmoneh Esrai - he must first impress upon himself Whose throne it is he wishes to approach, and in Whose Presence he wishes to appear. Through recitation of Psukei d'Zimrah the pray-er evokes this awareness.⁴³

42. Rav Ovadiah Yosef, *Yabia Omer* II *Orach Hayyim* section, Responsum no. 6.

43. For a very thorough analysis of the halakhic and philosophical foundations of Psukei d'Zimrah see Yitzchak Kasdan's "An Appreciation of T'filah" in *Hameasef*, vol. 14, no. 3, published by the The Jewish Studies Divisions of Yeshiva University (New York, 1975).

Recognizing this relationship, the Mishnah Brura argues that if women are deemed obligated to recite Shmoneh Esrai (following Rashi etc.), they are then also obligated to recite Psukei d'Zimrah every morning before the Shacharit Amidah.⁴⁴

The Shulchan Aruch haRav⁴⁵ and Aruch haShulchan⁴⁶ disagree, arguing that, since Psukei d'Zimrah is time-bound (since it is only recited in the morning) it can only be an optional prayer insofar as women are concerned. If a woman wishes to recite Psukei d'Zimrah she may; if not, Shmoneh Esrai may be recited without a prior Psukei d'Zimrah recitation.

Apparently the Mishnah Brura feels that *lechatchila* it is forbidden to recite Shmoneh Esrai before reflecting upon and reciting the themes developed in Psukei d'Zimrah.⁴⁷ Hence, if women are obligated to recite the morning Amidah, they must recite Psukei d'Zimrah beforehand. On the other hand, the other authorities, who also accept the principle of required reflection before Shmoneh Esrai, feel that the specific recitation of Psukei d'Zimrah is only a desired, but not a necessary, prologue to Shmoneh Esrai. Hence, even if women are obligated to recite the morning Amidah, they are not *ipso facto* required to recite Psukei d'Zimrah as an introduction.

Baruch Sheamar and Yishtabach: The Obligation

Psukei d'Zimrah are bounded by two blessings. The first is Baruch Sheamar, the second, Yishtabach. If the Mishnah Brura is right about women having to recite Psukei d'Zimrah every day,

44. *Mishnah Brura* 70:2.

45. *Shulchan Aruch haRav* 70:1.

46. *Aruch Hashulchan* 70:1, 47:25. In the latter citation there is the implication that women regularly recited Psukei d'Zimrah.

47. In technical jargon, Psukei d'Zimrah is a *matir* for the Shacharit Amidah. This is consistent with his ruling in *Mishnah Brura* 52:6 against the Mechaber, that one should recite Psukei d'Zimrah even if, as a result, *tefilla b'tzibbur* would thereby be lost. The *Aruch Hashulchan* (52:7) and *Shulchan Aruch haRav* (52:1) agree with the Mechaber.

then such a recitation should begin with Baruch Sheamar and end with Yishtabach because the Psukei d'Zimrah *obligation* embraces the complete unit of recitation. By contrast, the Shulchan Aruch haRav and the Aruch haShulchan who claim that recitation of the Psukei d'Zimrah unit is optional for women, rule that the Baruch Sheamar and Yishtabach recitations are also only optional, i.e. if a woman decides to recite the Psukei d'Zimrah, she may recite them with or without the accompanying blessings; the choice is hers.⁴⁸ Since in their opinion there is no recitation-*obligation* at all, a woman may recite all, or only part, of the Psukei d'Zimrah unit as she so desires.

A third opinion *prohibits* women from reciting these (or, as was mentioned earlier, the Shema) blessings even though they are permitted to recite the rest of Psukei d'Zimrah. The major contemporary proponent of this opinion is Rav Ovadiah Yosef, the Sefardi Chief Rabbi, who has published his views in a number of recent responsa.⁴⁹

The basis for Rav Yosef's ruling is his interpretation of the Rambam's definition of *bracha levatala* in such a way as to categorize the recitation of Baruch Sheamar and Yishtabach (and the Shema blessings) by women as *brachot levatala*. He therefore forbids women to recite them. The practical consequences of his ruling are, by his own admission, subject to two limitations:

- 1) It is binding *only* upon Sefardi, not Ashkenazi, women,
- 2) Even Sefardi women may recite the Baruch Sheamar and Yishtabach texts providing they delete G-d's name from the *bracha* formula, *Baruch ata Hashem*. That deletion cancels the *bracha* status of these prayers and therefore their recitation by women can

48. *Shulchan Aruch haRav* 70:1, *Aruch Hashulchan* 70:1. The *Aruch Hashulchan* presents an interesting though strained argument that, since women, led by Miriam the Prophetess, were as involved as men in the first equivalent of Psukei d'Zimrah, *az yashir*, and since *az yashir* is today recited within the Psukei d'Zimrah framework, there can be no objection to women reciting the Psukei d'Zimrah blessings.

49. Rav Ovadiah Yosef, *Yabia Omer II Orach Hayyim* responsum no. 6.

neither be considered to be *levatala*, nor can they be forbidden.

It should be noted that most authorities — including Sefardi *poskim* — do not accept Rav Yosef's interpretation of the Rambam and therefore permit women to recite those *brachot*.⁵⁰

In summation: According to the Mishnah Brura women must daily recite P'sukei d'Zimrah and their accompanying blessings, Baruch Sheamar and Yishtabach. All other authorities agree that recitation of P'sukei d'Zimrah is only optional for women. The vast majority of these latter *poskim* consider the Baruch Sheamar and Yishtabach recitation to also be only optional.

50. See *Kaf haChayyim* 70:1. See also *Tzitz Eliezer VII* no. 2 especially sections 4-6. Rav Yosef's rejoinder is in *Yabia Omer V Orach Hayyim* section no. 43.