

# Women and the Obligation to Pray

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Limmud 2012

## 1. WOMEN AND THE OBLIGATION TO PRAY

### **Mishnah, Berakhot 3:3**

*Women*, slaves, and minors are exempt from the reading of Shema and from Tefillin and are *obligated* in prayer and in Mezuzah and in grace after meals.

### **Mishnah, Rosh Hashanah 3:8**

This is the principle: anyone who is not obligated in a matter cannot discharge the many of their obligations.

### **Talmud Bavli, Brachot 17a**

Rav said to Rav Hiyah: By virtue of what deeds do women merit reward? By taking their children to the classroom, by sending their husbands to the house of study, and by watching for them until they return.

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### **Samson Raphael Hirsch (1808-1888, Germany), commentary on Vayikra 23:43**

Clearly, women's exemption from positive, time-bound mitzvot is not a consequence of their diminished worth; nor is it because the Torah found them unfit, as it were, to fulfill these mitzvot. Rather, it seems to me, it is because the Torah understood that women are not in need of these mitzvot. The Torah affirms that our women are imbued with a great love and a holy enthusiasm for their role in divine worship, exceeding that of a man. The trials men undergo in their professional activities jeopardize their fidelity to Torah, and therefore they require from time to time reminders and warnings in the form of time-bound mitzvot. Women, whose lifestyle does not subject them to comparable trials and hazards, have no need for such periodic reminders.

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## 2. KEVOD HA-TZIBBUR: A STRANGE USE OF THE WORD 'HONOUR'

### **Talmud Bavli, Megillah 23a**

Our Rabbis taught: All may count towards seven (*aliyot*), even a child or a woman. But the Sages said, "A woman should not read from the Torah because of *kevod hatzibbur* - the honour of the community."

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### 3. A NEW WAY FORWARD? THE TORAH OF RABBI DAVID HARTMAN

#### **Devarim - Deuteronomy 21:18-21**

When a man has a wayward, rebellious son (*ben sorer u-morer*), who does not obey his father and mother, they shall have him flogged. If he still does not listen to them... the parents must declare to the Elders of the city, “Our son is wayward and rebellious. He does not obey our voice; he is a glutton, and a drunkard.’ And all the men of his city shall stone him.

#### **Talmud Bavli, Sanhedrin 71a**

*Mishna*: If his father wants to have him punished, but not his mother; or the reverse, he is not treated as 'a stubborn or rebellious child', unless they both desire it. Rabbi Yehuda said, “If his mother is not fit for his father, he does not become a stubborn or rebellious child.” *Gamara*: What is meant by “not fit”?... Rabbi Yehuda said, “If his mother is not like his father in voice, appearance and stature, he does not become a rebellious son.” Why so? — The Torah states, “he will not obey our voice,” and since they must be alike in voice, they must be also in appearance and stature... But it never happened and never will happen. Why then was this law written? — That you may study it and receive reward. Rabbi Yonatan said: “I saw him and sat on his grave.”

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#### **Moses Maimonides (1135-1204, Spain), Mishne Torah - Hilkhhot Malachim 10:10**

Even non-Jews, the Sages commanded to visit their sick, and to bury their dead with the dead of Israel, and to sustain their impoverished among the impoverished of Israel, because of *darkei shalom* - ‘the ways of peace’: such that it is written, *God who is good to all, and God’s compassion is upon every one of God’s creatures* (*Tehillim* - Psalms 145:9), as well as, *Its ways are pleasant ways, and all its paths are peace* (*Mishle* - Proverbs 3:8).

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#### **Moses Maimonides, (1135-1204, Spain), Mishne Torah - Hilkhhot Avadim 9:8**

It is halakhically permissible to overwork non-Jewish servants. But even though this is the law, decency of character and human understanding dictate that a person should be compassionate and pursue justice, and should not make the yoke too heavy on their servant and not to torment them, and they should feed them, and give them drink from all their food and drink... Similarly, among the attributes of God, that God commanded us to emulate, it is written, ... *and God’s compassion is upon every one of God’s creatures* (*Tehillim* - Psalms 145:9). And everyone who demonstrates compassion receives it.

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