

Women, Tefillah, and Tefillah be-Zibbur: Part I'

By: TUVY MILLER

One Friday morning, our Gemara *shiur* had ended, and the girls were packing up for lunch. After wishing everyone a *Shabbat Shalom*, I said I hoped to see them at our school's Sunday morning *minyan*. One student gave me a look and replied, "I'm not obligated to go to *minyan*, so why should I be there?" I was unsure how to respond. I knew many people believed women to be exempt from *tefillah be-zibbur*, but I was not sure why that was so. Moreover, my student's apparent feelings of disaffection and apathy were troubling. Was her reaction due to a perceived lack of obligation or did it stem from elsewhere? To better understand how to respond to her, I started researching and writing, resulting in this article, which, in two parts, addresses the question of women and *tefillah be-zibbur* through an analysis of the primary halakhic sources.

Through the two parts of the article, I will show that contrary to the popular perception, the arguments exempting women from *tefillah be-zibbur* are quite weak and ample evidence points in the opposite direction. Part I focuses on women's daily prayer obligation and the nature of *tefillah be-zibbur* while Part II will focus on those *poskim* who explicitly exempt women from *tefillah be-zibbur* along with broader analysis about ways in which this halakhic argument can manifest itself in our shuls, schools, and homes. Additionally, throughout my research I have found that *poskim* have not explored this particular question in detail and I hope that this article will encourage *morei hora'ah* to more fully examine this topic.

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Tuvy Miller teaches Gemara and Tanakh in the Fuchs Mizrahi School's Stark High School in Beachwood, OH.

Women's Prayer Obligation

To understand the obligation/practice of *tefillah be-ẓibbur* and its applicability to women, we must first explore the topic of women's prayer obligation. A number of the discussions surrounding *tefillah be-ẓibbur* relate to the optimal way that one should discharge one's personal *hiyyuv tefillah*. Therefore, we need to define this obligation for women. Our analysis will start with the Gemara and then address the most relevant positions of the *rishonim*. The Mishnah in *Berakhot* 20a–b records the following:

נשים ועבדים וקטנים פטורין מקריאת שמע ומן התפילין וחייבין בתפלה ובמזוזה
ובברכת המזון.

The third chapter of *Berakhot*, the context for this Mishnah, addresses different exemptions from *keriat shema* and *tefillah*, beginning with one who has just lost a close relative.² This Mishnah lists exemptions and obligations for women, slaves, and minors, plainly stating that women are obligated in prayer. When the Gemara discusses that section of the Mishnah, the standard text in the Vilna *Shas* reads:

"וחייבין בתפלה" דרחמי ניהו מהו דתימא: הואיל וכתב בה ערב ובקר וצהרים,
כמצות עשה שהזמן גרמא דמי - קמשמע לן.

According to the Gemara, it appears that women are obligated in prayer because it is *rahamei*, asking for mercy. The Gemara initially thought that women are not obligated because prayer is a time-bound positive commandment from which women are usually exempt.³ The Gemara concludes that women are obligated, though it does not take a clear stand on whether prayer is a positive time-bound commandment.

It is possible to understand the conclusion in one of two ways: the *hava amina* is partially preserved in that prayer still resembles a positive time-bound commandment; however, that does not exempt women from the *miẓvah*. According to this, women might have a different prayer obligation than men, based on the principle of *rahamei*.⁴ Alternatively, the conclusion completely rejects the *hava amina* and prayer is not a time-bound *miẓvah*. Here, *rahamei* accounts for prayer's time-independent status, but does not create an obligation. Therefore, men and women would have identical *hiyyuvim* in *tefillah*.⁵

² Mishnah, *Berakhot* 3:1.

³ See Meiri ad loc. s.v. "*u-mah she-amar*."

⁴ Though it is possible that the *hiyyuv tefillah* for men is also based on *rahamei*. See *Berakhot* 26a "*kevan de-ẓelota rahamei be*."

⁵ *Talmidei Rabbenu Yonah* 11b (Rif pagination) s.v. "*tefillah u-meẓuzal*" contains resonances of the latter approach.

To delineate this Gemara's implications for women's prayer obligations, we will analyze the opinions of Rif and Rambam, focusing on them because their opinions are most relevant *le-halakhah*.

Rif

In his comments on the Mishnah that appears on *Berakhot* 20a–b, Rif presents the following rendering of the Gemara:

רי"ף מסכת ברכות דף יא עמוד ב- יב עמוד א (מדפי הרי"ף)
קרית שמע ותפלין דהו להו מצות עשה שהזמן גרמה וכל מצות עשה שהזמן גרמה
נשים פטורות. תפלה ומזוזה וברכת המזון דהו להו מצות עשה שלא הזמן גרמה
וכל מצות עשה שלא הזמן גרמה נשים חייבות.

This version completely omits the *peshitah/havah amina* structure found in many of the other *girsao*t. Regarding *tefillah*, Rif does not mention *rahamei* and simply states that it is a positive commandment that is not time-bound. He most likely means that prayer is *de-oraita* and the times are rabbinic.⁶ The *de-oraita* obligation is certainly not time-bound and as an extension of the *de-oraita*, the *de-rabbanan* is also not time-bound. Therefore, *Hasag* extended women's *hiyyuv* from the *de-oraita* level to the rabbinic. According to this, women should have an identical *hiyyuv* to men for both *tefillah de-oraita* and *de-rabbanan*.⁷

Rambam

In the beginning of *Hilkhot Tefillah*, Rambam writes as follows:

רמב"ם תפילה וברכת כהנים א':
מצות עשה להתפלל בכל יום, שנאמר "ועבדתם את יי א-להיכם" (שמות כ"ג:כ"ה), מפי השמועה אמרו שעבודה זו היא תפילה, ונאמר "ולעבדו בכל לבבכם" (דברים י"א:ג'), אמרו חכמים, אי זו היא עבודה שבלב, זו תפילה. ואין מנין התפילות מן התורה, ולא משנה התפילה הזאת מן התורה, ואין לתפילה זמן

⁶ Ramban understands Rif in this manner, see *Milhamot Hashem* (*Berakhot* 12a Rif pagination) s.v. "*shemata de-nashim be-virkat hamazon*..." This does not contradict Ramban's assertion that prayer is usually rabbinic (*Hasagot* to *Aseh* 5 in *Sefer ha-Mizvot*) because here, Ramban is explaining Rif's opinion, not his own.

⁷ The explanation for why *tefillah de-rabbanan* is time-independent resulting in an obligation for women is found in *Bah*, O. H. 106:3, s.v. "*u-ba'al ker... lashon ha-Shulhan Arukh*." We will examine Bah's interpretation more carefully below. For another possible interpretation of Rif see *Peri Megadim* O. H. 106, *Mishbezot Zahav* no. 2.

קבוע מן התורה, ולפיכך נשים ועבדים חייבין בתפילה, לפי שהיא מצות עשה שלא הזמן גרמה.

Rambam clearly states that there is a *de-oraita* commandment of prayer.⁸ However, this *mizvah* lacks a specific number of prayers, a set text or fixed prayer times; those are rabbinic in nature. Since the Torah does not mandate a particular time, Rambam categorizes prayer as a positive commandment that is not time-bound, meaning that women are obligated in it. This idea that prayer is not time-bound makes sense especially if we assume that Rambam had Rif's text of the Gemara in front of him.⁹

One question that arises is that since, *me-de-oraita*, men and women fulfill their daily obligation with an undefined quantity of prayer,¹⁰ what impact, if any, does the rabbinic enactment of *tefillah* have on women's obligation? *Magen Avraham* suggests that, according to Rambam, women are, in fact, only obligated in a single daily prayer:

מגן אברהם אורח חיים ק"ו:ב'
כ"כ הרמב"ם דס"ל דתפלה מ"ע דאורייתא היא דכתיב ולעבדו בכל לבבכם וכו'
אך מדאורייתא די בפעם אחד ביום ובכל נוסח שירצה ולכן נהגו רוב נשים שאין
מתפללות בתמידות משום דאומרי' מיד בבוקר סמוך לנטילה איזה בקשה
ומדאורייתא די בזה ואפשר שגם חכמים לא חייבום יותר והרמב"ן סובר תפלה
דרבנן וכן דעת רוב הפוסקים ועיין בתוס' דברכות דף כ' ריש ע"ב ובסמ"ק כ'
שמצו' להתפלל בעת צרה:

Magen Avraham is explaining the language of *Shulhan Arukh* which, based on Rambam, says that women are obligated in prayer because it is not time-bound. *Magen Avraham* argues that since, according to Rambam, *tefillah* is *de-oraita*, women would only need to recite a single prayer (*"eizel bakashah"*) to fulfill their obligation. Faced with a reality where women did

⁸ See, also, his *Sefer ha-Mizvot*, *Aseh* 5. Rambam holds that there is a broader *mizvah* of *avodat Hashem* that is specifically expressed through prayer, but could, in theory, also apply to other modalities such as *Talmud Torah*.

⁹ *Bah* (O. H. 106) advances this suggestion which seems the most reasonable. At the very least, Rambam did not have *de-rahamei ninhu* in his text of the Gemara, per *Meiri's* suggestion (*Berakhot* 20b s.v. "*ma'loket gedolah*"). *Sba'agat Aryeh's* attempt (no. 14) to explain our text of the Gemara according to Rambam is, therefore, unnecessary according to both *Bah* and *Meiri*. See, also, *Arukh ha-Shulhan* O. H. 106:5.

¹⁰ Likely a single prayer, per *Magen Avraham*. For the possibility that Rambam does not mean a single prayer since he never says so explicitly, see R. Barukh Gigi's *shiur kelali* on "*Tefillah min ha-Torah*" available at <https://www.youtube.com/watch?v=Z3Moc8yuA_U>.

not pray regularly, he is justifying the practice by arguing that women fulfill their *de-oraita* obligation with any prayer. Furthermore, it is possible that *Halazal* did not extend the rabbinic prayer obligation to women, perhaps because it is time-bound, and they are, therefore, exempt from all the *de-rabbanan* elements of set text, time, and number of *tefillot*.¹¹

For our purposes, *Magen Avraham*'s most relevant points are that, according to Rambam, *me-de-oraita* women need only pray once per day and that they are exempt from rabbinic prayer. Following *Magen Avraham*'s lead, other *poskim* also adopt this reading of Rambam.¹² While there are several challenges with *Magen Avraham*'s approach,¹³ perhaps the most serious is his claim that, according to Rambam, *Halazal* exempted women

¹¹ *Magen Avraham* does acknowledge that Ramban argues with Rambam and takes the position that prayer is generally rabbinic and he cites *Tosafot*, who concur that *tefillah* is *de-rabbanan*. See *Maḥazit ha-Shekel* O. H. 106:4 for this reading of *Magen Avraham*. In all likelihood, *Magen Avraham* thinks that the halakhah follows Ramban, especially given his formulation of “*ve-kbein da’at rov ha-poskim*,” and is utilizing Rambam as a *limud zekhut* for the popular practice. See Responsa *Maḥazeh Eliyahu* 1:19:8 for proof from other contexts that *Magen Avraham* adopts Ramban’s opinion.

¹² *Peri Megadim*, Introduction to *Hilkhot Tefillah* (before O. H. *Siman* 89); *Shulḥan Arukh ba-Rav*, *Siman* 106; *Arukh ha-Shulḥan* 106:7. See Responsa *Yabia Omer* 6:17 for other *aḥaronim* who accept *Magen Avraham*'s reading of Rambam.

¹³ One issue is his argument that, for Rambam, *tefillah de-oraita* can be fulfilled with a single daily *bakashah*. From a careful reading of Rambam’s language, this seems difficult to maintain. Immediately after ruling that women are obligated in prayer because it is not time-bound, Rambam writes as follows:

רמב"ם הלכות תפילה וברכת כהנים א':ב',
אלא חיוב מצוה זו כך הוא, שיהא אדם מתפלל ומתחנן בכל יום, ומגיד שבחו של הקב"ה, ואחר
כך שואל צרכין שהוא צריך להן בבקשה ובתחינה, ואחר כך נותן שבח והודיה ליי"י על הטובה
שהשפיע לו, כל אחד ואחד כפי כוחו.

When Rambam says “*elab hiyyuv miḥvab zo kakh hu*” he is referring to *tefillah de-oraita*. He then goes on to stipulate that this *tefillah* must occur every day and contain the following structure: *shevaḥ*, *bakashah*, and *hoda’ab*. According to this, *Magen Avraham*'s suggestion of offering a single *bakashah* would not fulfill the *hiyyuv* of *tefillah de-oraita*. Our reading of Rambam follows R. Hayyim Soloveitchik (cited in *Reshimot Shiurim Berakhot* 20b s.v. “*ve-hayavin be-tefillah*” p. 274) who held that according to Rambam, the structure of *shevaḥ*, *bakashah*, and *hoda’ab* is essential to *tefillah de-oraita* and as such, women are obligated to recite the full *Shemoneh Esrei*. Presumably, he is not arguing that the entire text of *Shemoneh Esrei* is *de-oraita*; rather, that it fulfills the *de-oraita* requirement of *shevaḥ*, *bakashah*, and *hoda’ab*. See, also, Responsa *Yabia Omer* 6:17:3, who concurs with this understanding of Rambam’s language and cites others who agree (though he does not cite R. Hayyim).

from *tefillah de-rabbanan*. Other authorities did not accept this understanding of Rambam's position and there is significant textual evidence to suggest that Rambam did obligate women in *tefillah de-rabbanan*.

In the sixth chapter of *Hilkhot Tefillah*, Rambam discusses a number of laws dedicated to preventing scorn for prayer or accidentally delaying it. Rambam is clearly discussing *Shemoneh Esrei*, meaning the fixed text of *tefillah de-rabbanan*, given that in the third halakhah, he talks about the appropriate locations to insert personal requests into the fixed text. Rambam ends the chapter with the following:

רמב"ם הלכות תפילה וברכת כהנים ו':
נשים ועבדים וקטנים חייבין בתפילה. וכל איש שפטור מקריאת שמע, פטור מן
התפילה. וכל המלוין את המת, אף על פי שאין למיטה צורך בהן, פטורין מן
התפילה:

This halakhah does not obviously connect to the rest of the chapter. It is possibly related to the two preceding halakhot which address exemptions from prayer due to Torah study and situations where a person might pause their prayer.¹⁴ Furthermore, Rambam essentially repeats a ruling from the first chapter of *Hilkhot Tefillah* without any clear justification.

Alternatively, this particular halakhah only refers to *tefillah de-rabbanan*, not *tefillah de-oraita*.¹⁵ Women are obligated in *tefillah de-oraita* because it is not time-bound, and in *tefillah de-rabbanan* even though it has specific times.¹⁶

There are a number of authorities who adopt this understanding of Rambam and think that women are also obligated in *tefillah de-rabbanan*. They fall into two basic camps: those who see the obligation of *tefillah de-*

¹⁴ This is how *Yad Peshutah* (*Hil. Tefillah* 6:10 s.v. “*nashim va-avadim*”) understands it, though the connection between the last halakhah and the preceding halakhot is still rather weak.

¹⁵ See Responsa *Maḥazeh Eliyahu* 1:19.

¹⁶ This understanding of Rambam gains further credence in light of an apparently difficult passage in his *Perush ha-Mishnayot*. In explaining the Mishnah in *Kiddushin* (1:7) about *mizvot ashe she-bazeman geraman*, Rambam includes *tefillah* in the list of positive time-bound commandments. This directly contradicts his ruling in the beginning of *Hilkhot Tefillah* that prayer is not time-bound. For two major approaches to resolving the contradiction, see R. Yosef Kapah, Commentary to *Hilkhot Tefillah* 1:1 and Responsa *Yabia Omer* 6:17, on the one hand, and *Yad Peshutah*, *Hil. Tefillah* 1:1 and Responsa *Maḥazeh Eliyahu* 1:19, on the other. If we adopt the latter approach, then Rambam is wholly consistent. He thinks that rabbinic prayer is time-bound despite the fact that *de-oraita* prayer is not. Yet, women are still obligated in rabbinic prayer. See below for potential explanations as to why this is the case.

rabbanan as an extension of *tefillah de-oraita*¹⁷ and those who think that *tefillah de-rabbanan* is an independent obligation grounded in *rahamei*.¹⁸ According to the first approach, men and women have identical prayer obligations with respect to the *hiyyum*'s source and the number of daily prayers. The second approach holds that although men and women are obligated in the same number of daily prayers, the basis for that obligation differs.

From a careful reading of Rambam's language in ch. 1 of *Hilkehot Tefillah*, he clearly views *tefillah de-rabbanan* as an extension of *tefillah de-oraita*.¹⁹ In halakhah 4, he describes the situation in which the Babylonian exiles and their children did not know Hebrew and could not pray without utilizing other languages. As a result,

רמב"ם תפילה וברכת כהנים א':ד'
...וכיון שראה עזרא ובית דינו כך, עמדו ותיקנו להם שמונה עשרה ברכות על
הסדר.

The *takanah* of rabbinic prayer begins with a fixed text, *Shemoneh Esrei*, which follows a version of the *de-oraita* structure of *shevah*, *bakashah*, and *boda'ah*. The fixed text ensures that all people can properly pray *tefillah de-oraita*, regardless of their ability to lucidly express themselves. In other words, according to Rambam the enactment of *tefillah de-rabbanan* is intended to preserve and enhance *tefillah de-oraita*, presumably existing as an extension of the original. If he thinks women are included in *tefillah de-oraita*, then they are necessarily obligated by the *takanah* of *tefillah de-rabbanan*.²⁰

Lest one argue that Rambam's conception of *tefillah de-rabbanan* is limited to the text of *Shemoneh Esrei*, the next halakhah begins

רמב"ם תפילה וברכת כהנים א':ה'
וכן תיקנו שיהא מנין התפילות כמנין הקרבנות

The use of "*ve-kehen*" here indicates that the prescription to pray a certain number of *tefillot* each day flows directly from Rambam's previous

¹⁷ *Rabbenu Manoah*, *Hil. Tefillah* 1:2 s.v. "*u-lefikbakb*," cf. *Talmidei Rabbenu Yonah* 11b (Rif pagination) s.v. "*tefillah u-mezuḥab*," *Bag O. H.* 106 s.v. "*ve-nireh de-le-ha-Rif*"; and R. Yosef Dov ha-Levi Soloveitchik (*Reshimot Shiurim Berakhot* 20b and *Shiurei ha-Rav: Tefillah u-Keriat Shema* [Mesorah, 2010] p. 106).

¹⁸ *Kapot Temarim*, *Sukkah* 38a s.v. "*Tosafot haya li*," *Sba'agat Aryeh* no. 12, 14.

¹⁹ The *rahamei* approach is difficult to maintain in light of the fact that Rambam does not mention that phrase at all in these sections of *Hilkehot Tefillah* and, as we have noted above (fn. 9), *rahamei* was likely absent from his text of the Gemara.

²⁰ One might even posit that the *takanah* of *tefillah de-rabbanan* defines the fulfillment of *tefillah de-oraita*. See *Avi Ezri*, *Hil. Tefillah* 1:1, *Minhat Asher Pesahim* 86:1.

discussion. Ezra and his court established a broad *takanah* that included several elements, all of which were missing from *tefillah de-oraita*: a fixed text, a set number of prayers, and specific prayer times.²¹ The impression from Rambam's organization here is that the overall goal of the *takanah* is the preservation of *tefillah de-oraita* in the face of an erosion of knowledge, and possibly observance. This is first expressed in establishing a fixed text, but also applies to the set number of prayers and prayer times. To ensure that prayer happens properly, we require clear guidelines and boundaries that withstand the vicissitudes of time and individual practice.²²

Having demonstrated that Rambam viewed *tefillah de-rabbanan* as an extension of *tefillah de-oraita*, it becomes clear that if he thinks women are obligated in the latter, then they should be obligated in the former. Furthermore, the nature of that obligation is identical to that of men, both in terms of the basis of the *hiyyuv* and the number of required daily prayers.

Women's Prayer Obligation: Summary

Our analysis of the *rishonim* regarding women's prayer obligation focused on the positions of two major authorities: Rif and Rambam.²³ For Rif we argued that although there exist different possible interpretations, the most compelling understanding would result in men and women having identical prayer obligations. Regarding Rambam, we examined *Magen Avraham's* understanding and noted its significant difficulties. We then showed that the most convincing way to read Rambam is that women are

²¹ Regarding the latter, see *Hilkhhot Tefillah* 3:1. Rambam's formulation there also suggests that the enactment of rabbinic prayer is an extension of *tefillah de-oraita*.

²² Abudraham's reworking of Rambam's narrative about the formation of *tefillah de-rabbanan* reinforces this understanding of *tefillah de-rabbanan* as a broader *takanah*:
ספר אבודרהם תקון התפלות ועניניהם:

וכאשר ראו אנשי כנסת הגדולה זאת הרעה החולה אמרו לכו ונלכח באור אלקינו ונשלמה פרים שפתינו, אנחנו וכל קהל עדתינו, ולתקן התפלה הנקראת עבודה, אשר על הלשון כבודה, בשפה ברורה ובלשון קצרה, זכה וברה וישרה, מחלאת לשון נכריה מטוהרה, כדי שתהיה על הלשון קלה ובפה שגורה, עד שנהיה כולנו יחד מתפללין בשפה אחת ובלשון א'. ונתקבצו כולם ותקנו להתפלל (ברכות לג, א) לפני חי העולמים שמונה עשר ברכות, בכל יום ג' פעמים....

²³ Ramban does not explicitly address this question and, contrary to the assumptions of some *apharonim* (*Mishnah Berurah* 106, no. 4), we do not know whether he had *rahamei* in his text of the Gemara. Given that he thinks prayer is usually rabbinic, it is entirely possible that he would agree that men and women have the same prayer obligations. Ultimately, however, we can only speculate about his position. Regarding the opinions of Rashi and *Tosafot*, see *Arukh ha-Shulhan* O. H. 106:7 and Hirshman, R. Avraham. "Berur Din *Hiyyuv Nashim be-Tefillah* (1)," *Beit Aharon ve-Yisrael*, 35:4, pp. 113–116.

obligated in *tefillah de-oraita* and, by extension, *tefillah de-rabbanan*.²⁴ In the continuation of our discussion, we will show that this analysis directly impacts the question of *tefillah be-zibbur*'s relevance for women.

***Tefillah be-Zibbur*: Introduction**

Turning specifically to *tefillah be-zibbur*, we need to address two questions:

1. Is *tefillah be-zibbur* part of the original *takanah* of *tefillah de-rabbanan*²⁵ or is it a separate enactment?
2. Is *tefillah be-zibbur* a formal obligation, or a meritorious, but voluntary, practice?

Rambam and Ravad may very well argue about this first question. In the final halakhah of *Hilkebot Tefillah*, ch. 1, Rambam writes:

רמב"ם תפילה וברכת כהנים א':
(י) אין הציבור מתפללין תפילת נדבה, לפי שאין הציבור מביאין קרבן נדבה. ולא יתפלל אפילו יחיד מוסף שנים, אחת חובת היום ואחת נדבה, לפי שאין מתנדבין קרבן מוסף. ויש מן הגאונים מי שהורה שאסור להתפלל תפילת נדבה בשבתות וימים טובים, לפי שאין מקריבין בהן נדבה אלא חובת היום בלבד:

²⁴ It is important to note that *Mishnah Berurah* [ibid.], based on *Magen Avraham*, thinks that the halakhah follows Ramban's opinion since most *risbonim* hold that prayer is Rabbinic. Therefore, women are obligated due to *rahamei*. While *Mishnah Berurah* then argues that, in practice, women and men have nearly identical prayer obligations, he does not think the obligations stem from the same place. Additionally, he thinks that women are exempt from *Ma'ariv* because they never accepted it upon themselves. We will note two difficulties with *Mishnah Berurah*'s overall position:

1. It is not at all clear that the majority of *risbonim* hold like Ramban that prayer is rabbinic. See *Berur Halakhab* (Zilber) O. H. 106, s.v. "*Mishnah Berurah se'if katan daled*."
2. It is not obvious that women should be exempt from *Ma'ariv*. *Arukh ha-Shulhan* (106:7) assumes that they are obligated, as do a number of the authorities mentioned earlier (fn. 17–18). Furthermore, according to Rambam's presentation of *tefillah de-rabbanan*, the overall *takanah* of Ezra and his court includes *Ma'ariv* and we have shown that this enactment includes women. Rambam's formulation about the acceptance of *Ma'ariv* as an obligation also leaves room to include women.

²⁵ Either as an element of the original *takanah* or a conceptual expansion. Our assumption here is that even according to Rambam who thinks *tefillah* is *de-oraita*, *tefillah be-zibbur* must be a Rabbinic notion. Rambam discusses *tefillah de-oraita* in ch. 1 of *Hilkebot Tefillah*, but only discusses *tefillah be-zibbur* in ch. 8, which implies that they are distinct halakhic entities.

Here, Rambam rules that a community may not offer a voluntary prayer since no such parallel exists in the realm of *korbanot*. Responding to this point, Ravad notes the following:

ראב"ד תפילה וברכת כהנים א':²⁶
 א"א: באמת כך אמרו הגאונים אבל מצינו נדבה בצבור והיא עולה הבאה מן המותרות שהיא קיץ למזבח אלא שלא היתה מצויה; והתפילות כנגד חובות המצויות תקנום ולא כנגד הנדבות שאינן מצויות. הלכך אין הצבור מתפלל, מפני שנראין בו למקריבין שתי תמידין. אבל תפלת היחיד מסניפי הצבור ולא מעיקר התקנה, הלכך כמה שירצה מתפלל, ואינו חייב לפסוק אלא אם רצה – פוסק. ואיפש' שסבר הגאון כיון דיחיד מתולדות הצבור הוא, אם שנה והתפלל אדעתא דחובה וקבע עצמו כחובת הצבור – פוסק, כמו שהצבור פוסקין. זהו דעת הגאון ז"ל.

Ravad argues that although a voluntary *korban zibbur* exists, it is an uncommon occurrence and, therefore, insufficient basis for allowing communal *tefillat nedavah*. Individuals, however, may offer a *tefillat nedavah* because the original enactment of *tefillah* is for *tefillah be-zibbur* and as a mere appendage, *tefillat yahid* lacks the constraints of the original *takanah*.²⁷ Regarding our overall question, Ravad presumes that communal prayer lies at the core of the original *takanah* of *tefillah de-rabbanan*.²⁸

When Rambam discusses individual *tefillat nedavah* in the previous halakhah, he offers a different rationale:

רמב"ם תפילה וברכת כהנים א':ט'
 תפילות אלו אין פוחתין מהן, אבל מוסיפין עליהן. אם רצה אדם שיתפלל כל היום כולו, הרשות בידו, וכל אותן התפילות שיוסיף כמו מקריב נדבות...

Personal voluntary prayer is allowed because it is akin to a person bringing a voluntary *korban*. He does not, however, make any claim regarding the original *takanah* of *tefillah de-rabbanan*. As we have shown, Rambam understands that *tefillah de-rabbanan* primarily focuses on individual prayer. Therefore, *tefillah be-zibbur* exists independently, not as an extension or expansion of the original *takanah*.²⁹

²⁶ This is the text of Ravad as it appears in *Yad Peshutah* and in the Shabse Frenkel edition of *Mishneh Torah*. See, also, *Abudraham*, ch. 2, "Tikkun ha-Tefillot ve-Inyanenihem," (pp. 27–28 in *Keren Re'em* ed.) for a similar version of the *hasagah*.

²⁷ Ravad does not appeal to an individual's ability to bring a *korban nedavah* as a justification for a personal *tefillat nedavah*.

²⁸ See *Abudraham* (*Keren Re'em* edition, vol. 1, p. 28n49) for a similar understanding of Ravad.

²⁹ This understanding of Rambam fits well with our analysis of Rambam's overall position of *tefillah be-zibbur* as a voluntary act.

Having discussed the first overarching question, we will turn to the second: is *tefillah be-zibbur* an obligation or a voluntary act? In truth, the two are interconnected. If we adopt Ravad's position that communal prayer lies at the heart of *tefillah de-rabbanan*, then presumably there is an obligation for one to pray *be-zibbur*.³⁰ If, however, we hold like Rambam, then it is possible for *tefillah be-zibbur* to be a *hiyyuv* or a *middat hasidut*.³¹ To more carefully flesh out this second question, we will explore the relevant Talmudic evidence. Our analysis will ultimately show that while *tefillah be-zibbur* is certainly exalted and meritorious, it is not obligatory.³²

***Tefillah be-Zibbur*: Talmudic Evidence**

One of the key sources marshaled in defense of a *hiyyuv tefillah be-zibbur* is the story of R. Eliezer freeing his slave to complete a *minyan*.³³ In *Berakhot*, the Gemara discusses who can help complete a *minyan* and says as follows:

ואמר רבי יהושע בן לוי: תשעה ועבד מצטרפין. מיתבי: מעשה ברבי אליעזר שנכנס לבית הכנסת ולא מצא עשרה, ושחרר עבדו והשלימו לעשרה; שחרר אין, לא שחרר לא- תרי אצטריכו, שחרר חד ונפיק בחד. והיכי עביד הכי והאמר רב יהודה: כל המשחרר עבדו עובר בעשה, שנאמר: לעלם בהם תעבדו - לדבר מצוה שאני. - מצוה הבאה בעבירה היא - מצוה דרבים שאני.

The Gemara says that R. Eliezer correctly freed his slave since it facilitated a *devar miqvaḥ*, and a *miqvaḥ de-rabbim* at that. The nature of this *miqvaḥ* is, however, unclear.

Rashi understands that *miqvaḥ de-rabbim* refers to:

רש"י ברכות מ"ז:
מצוה דרבים – להוציא רבים ידי חובתם בקדושה.

The straightforward understanding of his language is that the community is obligated to recite *kedushah*, which requires a *minyan*. Even if this is only a rabbinic obligation, the *hiddush* here is that it overrides the prohibition of freeing a slave. However, Rashi does not say that the *miqvaḥ*

³⁰ Though Ravad could hold that communal prayer is primarily a communal, not an individual, obligation. This might be Ramban's opinion in *Milhamot Hashem*, *Megillah* 3a (Rif pagination), s.v. "ve-od amar Rav megillah be-zemanah."

³¹ However, as we will argue, he leans towards the latter.

³² Even if one holds that it is obligatory, we will see that there is not an obvious reason to distinguish between men and women.

³³ *Berakhot* 47b, *Gittin* 38b.

de-rabbim refers to an obligation of *tefillah be-zibbur* and therefore, he does not think that this Gemara obligates an individual in *tefillah be-zibbur*.³⁴

While the language of *mizvah de-rabbim* may not indicate an individual obligation to attend *minyan*, in *Gittin*, the Gemara concludes with “*mizvah shanet*” which could imply a *hiyyuv*. Ramban draws such an implication from the Gemara in *Gittin*:

חידושי הרמב"ן גיטין לח:
מצוה שאני. תמהני וכי מפני מצוה להתפלל בציבור דחי עשה שבתורה, ואפשר
שלא אמרה תורה לעולם בהם תעבדו ולא משום שלא ליתן להם מתנות חנם
כענין שנאמר בעכו"ם לא תחנם, אבל כשהוא משחררו כשנותן דמי עצמו, או
משום מצוה וצורך הרב דליכא חנינה מותר, וי"ל נמי אין הכי נמי דאתיא האי
מצוה ודוחה עשה שבתורה שכיון שבא הקב"ה לבית הכנסת ולא מצא שם עשרה
מיד כועס [ברכות ו' ע"ב].

His initial formulation of “*mizvah le-hitpallel be-zibbur*” suggests that he does think there is an obligation. He proceeds to offer two approaches to solve the problem of R. Eliezer freeing his slave.

The first approach reexamines the nature of the prohibition to free slaves (or the positive commandment to keep them). Ramban suggests that *le-olam bahem ta'avodu* resembles the prohibition of *lo tehonem*; just as a Jew may not offer a non-Jew free gifts, so too it is forbidden to free a slave for no reason. However, if the slave buys out the master or the master somehow benefits from the slave's release, no violation occurs. In the case of R. Eliezer, freeing the slave allowed him to pray with a *minyan*. This approach still maintains that there is a *hiyyuv* of *tefillah be-zibbur*, though it does not significantly clarify this *hiyyuv*.

The second approach reassesses the *mizvah le-hitpallel be-zibbur*. Ramban argues that this *hiyyuv* can indeed override the *aseh* of *le-olam bahem ta'avodu*. To support this, he cites the Gemara in *Berakhot* 6b:

תלמוד בבלי מסכת ברכות דף ו עמוד ב
אמר רבי יוחנן: בשעה שהקדוש ברוך הוא בא בבית הכנסת ולא מצא בה עשרה
- מיד הוא כועס, שנאמר: מדוע באתי ואין איש קראתי ואין עונה.

Ramban's intention here is not immediately clear. G-d's anger at the lack of a *minyan* might imply that it is a weightier obligation than we originally assumed; G-d would only be angry if there was an expectation for individuals to create a *minyan*. The difficulty with this explanation is that Ramban refers to an individual obligation to pray *be-zibbur* while the Gemara on 6b seems to be talking about a communal obligation to constitute

³⁴ At most, there is a communal obligation to recite *kedushah*. See *Rosh* (*Berakhot* 7:20) for a parallel, though slightly different explanation.

that *zibbur*.³⁵ Furthermore, while G-d's anger surely indicates the importance of *tefillah be-zibbur*, neither the anger nor the verse cited from Isaiah necessarily imply an obligation to pray with a *minyan*.³⁶

While Ramban's reading of R. Eliezer's actions might result in an obligation of *tefillah be-zibbur*,³⁷ Rashi and Rosh understood the story differently. Furthermore, many of the other Talmudic statements regarding *tefillah be-zibbur* speak about its importance and exalted nature, though none explicitly advocate an obligation. We will examine three of these statements and demonstrate that they do not obviously support a *hiyyuv* of *tefillah be-zibbur*.

On *Berakhot* 6a, the Gemara cites a number of teachings from Abba Binyamin, including one that ostensibly addresses our topic:

תלמוד בבלי מסכת ברכות דף ו עמוד א
תניא, אבא בנימין אומר: אין תפלה של אדם נשמעת אלא בבית הכנסת, שנאמר:
לשמוע אל הרנה ואל התפלה, במקום רנה שם תהא תפלה

In its extreme form, this statement means that a person's prayers are only heard in a *beit kenesset* which might imply an obligation to pray in a *shul*. However, even this perspective on the Gemara does not necessarily imply an obligation to pray with a *minyan*, rather that prayer should take place in a *beit kenesset*, irrespective of the quorum's presence. This would explain the Geonic view cited in *Talmidei Rabbeinu Yonah*³⁸ that it is preferable for an individual to pray in a *beit kenesset*, even without a *minyan*, by virtue of it being a place designated for communal prayer.³⁹

³⁵ See *Maharsha* s.v. "*ve-lo mazid*" who understands this Gemara to be referring to the tenth man necessary to complete a *minyan*. His formulation does not necessarily suggest an individual obligation to attend *minyan*, rather just to complete the *minyan* that the *zibbur* must constitute. Presumably, once the tenth man arrives the obligation for all other individuals ceases to exist. See, also, *Meiri* 6b s.v. "*le-olam yebiyu benei ha-kahal*."

³⁶ In this context, see Ramban, *Shemot* 13:16; *Va-Yikra* 23:2. See, also, *Millhamot Hashem*, *Megillah* 3a (Rif pagination), s.v. "*ve-od amar Rav megillah be-zemanah*" where Ramban implies that *tefillah be-zibbur* is a communal, not an individual, obligation.

³⁷ The relationship between this potential obligation and the ability to constitute a *minyan* will be explored further in Part II.

³⁸ 4a in Rif pagination, s.v. "*eimatai*."

³⁹ In fact, some learn from this Gemara that two separate elements play a role in the decision to pray in a *beit kenesset*: prayer with a *minyan* and prayer in a synagogue. See *Reshimot Shiurim Berakhot* 6a, s.v. "*tanya Abba Binyamin*."

However, it seems that many commentaries do not understand Abba Binyamin to mean that prayer is only heard in a synagogue.⁴⁰ Rather, there is an added benefit to praying in a *beit kenesset* that would make doing so preferable over praying on one's own.⁴¹ According to these commentaries, while there may be a preference for praying in a synagogue, Abba Binyamin does not necessarily think there is a clear obligation to do so, and certainly not to pray with a *minyan*.

On *Berakhot* 6b, the Gemara records the following statement in the name of R. Yizhak:

תלמוד בבלי מסכת ברכות דף ו עמוד ב
אמר רבין בר רב אדא אמר רבי יצחק: כל הרגיל לבא לבית הכנסת ולא בא יום
אחד - הקדוש ברוך הוא משאיל בו, שנאמר: מי בכס ירא ה' שמע בקול עבדו
אשר הלך חשכים ואין נגה לו; אם לדבר מצוה הלך - נוגה לו, ואם לדבר הרשות
הלך אין נוגה לו.

R. Yizhak says that if a person regularly comes to the *beit kenesset*, presumably to pray, and misses a day, G-d inquires as to their whereabouts. The Gemara concludes that without the justification of involvement in a *devar miṣvaḥ*, such a person invites Divine displeasure. This statement indicates that G-d desires praying in a *beit kenesset*, perhaps even with a *minyan*.⁴² It may even demonstrate that a person should not take care of personal matters before praying. However, given that R. Yizhak couches his statement in aggadic terminology and does not clearly speak of an obligation, this does not clearly substantiate a *ḥiyyuv tefillah be-ṣibbur*. In fact, Neziv's⁴³ understanding of this Gemara contends that *tefillah be-ṣibbur* is a *minhag* akin to a *neder*—a person adheres to the *minhag* unless it conflicts with performing an obligatory action. In other words, no formal obligation rests upon an individual. One who begins the exalted practice of *tefillah be-ṣibbur* should continue in the future.⁴⁴

⁴⁰ See, for example, R. Yoshiahu Pinto (RYF on *Ein Ya'akov*, *Berakhot* 6a, no. 17, s.v. “*ba-bayit ha-ṣeh*”) who understands that the communal prayer will always be heard and that those who pray on their own have their prayers accepted as appendages to the communal prayer. This also emerges from Rambam (*Hil. Tefillah* 8:1) who writes “*she-ein tefillato shel adam nishma'at bekol et elah be-veit ha-kenesset*.” See, below, where we address Rambam in greater depth.

⁴¹ See *Penei Yehoshuah*, *Berakhot* 6a, s.v. “*tanya Abba Binyamin omer ein tefillah*.”

⁴² Though the Gemara does not explicitly mention *minyan*.

⁴³ *Meromei Sadeh* s.v. “*kol ha-ragil*”; Responsa *Meshiv Davar* 2:48, 4:6. See, however, *Ha'amek She'elah* to *Sheilta* 22 no. 1.

⁴⁴ According to Neziv's reasoning, in communities where women do not attend shul on a regular basis (for whatever halakhic or sociological reasons), no such

Berakhot 7b–8a records an extended treatment of *tefillah be-zibbur* that requires careful attention.⁴⁵ We will first focus on the opening discussion between R. Yizhak and R. Nahman:

תלמוד בבלי מסכת ברכות דף ז עמוד ב
 אמר ליה רבי יצחק לרב נחמן: מאי טעמא לא אתי מר לבי כנישתא לצלווי?
 אמר ליה: לא יכולנא.
 אמר ליה: לכנפי למר עשרה וליצלי.
 אמר ליה: טריחא לי מלתא.
 ולימא ליה מר לשלוחא דצבורא, בעידנא דמצלי צבורא ליתי ולודעיה למר. –
 אמר ליה: מאי כולי האי

Rabbi Yizhak said to Rav Nahman: Why did the Master not come to the synagogue to pray?

(R. Nahman) said to him: I was unable.

(R. Yizhak) said to him: Let the Master gather ten and pray.

(R. Nahman) said to him: It is difficult for me.

(R. Yizhak): The Master should tell the congregation (to send a) messenger when the congregation is praying to come and inform the Master.

He (R. Nahman) asked: What is all this?⁴⁶

R. Yizhak directs three queries to R. Nahman. First, he asks why R. Nahman has been absent from the *beit kenesset* for prayers. Perhaps, R. Yizhak felt R. Nahman was obligated to pray with a *minyan*. In response, R. Nahman says that he was unable to, which Rashi⁴⁷ takes to mean that he was feeling weak and did not have the energy to go. This means there is no formal obligation of *tefillah be-zibbur*, for if he was obligated, how could R. Nahman offer such a flippant response?⁴⁸

binding *minhag* exists and therefore, women would not be bound by the quasi-*neder* to pray with a *minyan*. Conversely, however, women who do regularly attend a *minyan* would create such an obligation for themselves.

⁴⁵ Our analysis will mainly focus on the passages used most frequently to demonstrate a *higiyuv tefillah be-zibbur*.

⁴⁶ Adapted from Koren Translation, available on sefaria.com.

⁴⁷ S.v. “*lo yakbilna*.”

⁴⁸ *Emek Berakhot* (Pomeranchik), pp. 7–8. This is not a conclusive proof, however, because one could argue that *Haʿal* instituted an obligation of *tefillah be-zibbur* and that *be-makom ʿaʿar lo gazru rabbanan*. R. Moshe Feinstein (*Responsa Iggerot Moshe* O. H. 2:27) makes a version of this argument in his explanation of *Shulhan Arukh*’s position. This might fit with Rashi’s explanation, mentioned above, that R. Nahman meant he was weak and therefore unable to attend the *beit kenesset*.

R. Yizhak then mentions that R. Nahman should have gathered a *minyan* and prayed elsewhere, to which R. Nahman responds that doing so would have been bothersome.⁴⁹ Lastly, R. Yizhak says that R. Nahman should have asked to be notified of the time for communal prayer so that he could pray at that same time. R. Nahman incredulously responds “*mai kulei ha’*” which reflects his puzzlement over one, or all, of R. Yizhak’s statements. R. Yizhak has the last word in the discussion when he quotes the following statement:

תלמוד בבלי מסכת ברכות דף ז עמוד ב- ה עמוד א
אמר ליה: דאמר רבי יוחנן משום רבי שמעון בן יוחי מאי דכתיב ואני תפילתי לך
ה' עת רצון - אימתי עת רצון בשעה שהצבור מתפלל.

This is the *girsa* in the standard Vilna Gemara. R. Yizhak seems to say that at the very least, R. Nahman should strive to pray at the same time as the community, even if he cannot travel to the *beit kenesset*. However, this *derashah* from R. Yohanan does not support a formal obligation of *tefillah be-zibbur*. At most, it expresses a preference of prayer with a *minyan* due to the *et raxon*.⁵⁰

The Gemara does not record any more of R. Nahman’s reactions. The ensuing discussion cites three *derashot* that appear predicated upon R. Yizhak’s assumptions. It seems unlikely that R. Nahman was simply unaware of these *derashot*. Rather, he may very well have granted their premise that G-d accepts communal prayer, and still did not think this created any

⁴⁹ This might downplay any obligation of *tefillah be-zibbur* or it could be a built-in exception to such an obligation. The commentaries differ regarding whether the “bother” refers to R. Nahman’s effort to gather a *minyan* (more likely given the use of “*teriha li*”) or to the ten men who would be inconvenienced to make a *minyan* for him. *Magen Avraham* (O. H. 90:17) quotes both options. Presumably, our understanding of this response depends on how we read R. Yizhak’s previous statement, either reflecting an obligation or noticing a behavioral shift.

⁵⁰ See, however, an alternative *girsa* found in Rif:

רי"ף ד עמוד א מדפי הרי"ף:
[ואמ'] ר' יוחנן משום ר' יוסי בן זמרא אין תפילתו של-אדם נשמעת אלא בבית הכנסת (בשעה
שהציבור מתפלל) שנאמר {תהלים סט:יד} ואני תפילתי לך יי' עת רצון אימתי עת רצון בשעה
שהציבור מתפללים.

This text mirrors the previously discussed statement of Abba Binyamin on *Berakhot* 6a. According to this *girsa*, R. Yohanan’s *derashah* likely supports all of R. Yizhak’s statements, not just the most recent one. Relative to the *girsa* in the printed Vilna Gemara, this might indicate a stronger preference for *tefillah be-zibbur*. Ultimately, however, while this *girsa* might support an obligation to pray with a *minyan*, we have already noted that it does not necessarily imply this.

binding obligations. In truth, these *derashot* do not clearly substantiate a formal obligation of *tefillah be-zibbur*.⁵¹ Rather, communal prayer invites Divine favor due to its exalted nature, though that in and of itself does not create an obligation to pray with the community.⁵²

After reviewing the relevant Talmudic evidence for a *hiyyuv tefillah be-zibbur*, it seems that while praying *be-zibbur* entails significant spiritual benefits, it is difficult to clearly substantiate an obligation.⁵³ We noted earlier that Rambam and Ravad argue about the question of *tefillah be-zibbur* as an obligation or voluntary practice. Even according to Ravad, who thinks that the basic enactment of prayer includes *tefillah be-zibbur*, and as such it should be obligatory, it is difficult to find support from these Talmudic sources.⁵⁴ As we will show in the next section, Rambam, who thinks *tefillah be-zibbur* exists independently from any *hiyyuv tefillah*, holds that *tefillah be-zibbur* is a voluntary act, which accords with the Talmudic evidence.

The question of women and *tefillah be-zibbur* depends on several factors. According to Ravad, if women and men have identical prayer obligations,⁵⁵ then it stands to reason that both are obligated to attend prayer in a communal setting.⁵⁶ Additionally, it would seem from the Talmudic sources that *tefillah be-zibbur*'s importance stems from its greater chance of

⁵¹ Unless one argues that since communal prayer is more readily accepted, one must pray with a *minyan*. As we will show below, this argument contains significant challenges. See, however, *Ha'amek She'elah*, *Sheilta* 22:1 who advances just this sort of argument in explaining Abba Binyamin on *Berakhot* 6a and see *Tur O. H.* 90 who seems to suggest this as well.

⁵² See, also, *Avodah Zarah* 4b, for a parallel idea that the time of communal prayer is considered to be auspicious even for the individual. *Tosafot* s.v. "*keivan*" connect this to the *sugyot* in *Berakhot*, either Abba Binyamin's statement on *Berakhot* 6a or R. Yohanan on *Berakhot* 7b–8a.

⁵³ Other relevant sources not discussed here included *Berakhot* 8a "*kol mi she-yesh beit kenesset be-iro ve-eno nikhnas le-sham nikra shakehen ra*," *Perishah* (O. H. 90:15); *Yerushalmi*, *Berakhot* 5:1 "*ba-mitpallel betokh beto ke-ilu makifo homah shel barzel*" with commentaries of R. Shelomo Sirilio and R. Eliyahu Fulda.

⁵⁴ One would have to either emphasize certain understandings of R. Yizhak's statements or adopt Ramban's reading of the Gemara in *Gittin*.

⁵⁵ R. Aryeh Klapper pointed out to me that this is the default assumption among *rishonim* and *Magen Avraham* is the first to suggest such a distinction as a *limmud zekhut*.

⁵⁶ For Rambam, whether *tefillah be-zibbur* is obligatory or voluntary, it is distinct from the rabbinic enactment of prayer. We will continue to explore the implications for women and *tefillah be-zibbur* in the next section.

acceptance, which would benefit both women and men. If, however, *tefillah be-zibbur* is primarily about creating a *minyan* to facilitate *hashra'at ha-shekhinah*,⁵⁷ then given that women cannot constitute a *minyan* for prayer, praying *be-zibbur* would hold less relevance for them, regardless of a formal obligation.⁵⁸

Tefillah be-Zibbur: Approaches in the Rishonim and Aḥaronim

We now turn to different positions among *rishonim* and *aḥaronim* regarding the existence of a *hiyyuv tefillah be-zibbur*. We will explore the logic and coherence of their perspectives and attempt to tease out what these authorities might say regarding women needing to participate in, or benefit from, *tefillah be-zibbur*.

Rambam

We will first analyze Rambam's opinion about *tefillah be-zibbur*.⁵⁹ As we noted above, Rambam holds that *tefillah be-zibbur* is distinct from the enactment of rabbinic prayer. We have not yet determined whether he considered communal prayer obligatory or voluntary. We will show that despite contentions to the contrary, Rambam holds that it is voluntary. He opens the eighth chapter of *Hilkhhot Tefillah u-Birkat Kohanim* as follows:

רמב"ם תפילה וברכת כהנים ח:א⁶⁰
תפילת הציבור נשמעת תמיד, ואפילו היו בהן חטאים, אין הקדוש ברוך הוא מואס
תפילתן של רבים. לפיכך צריך אדם לשתף עצמו עם הציבור, ולא יתפלל יחידי
כל זמן שיכול להתפלל בציבור. ולעולם ישכים אדם ויעריב לבית הכנסת, שאין
תפילתו של אדם נשמעת בכל עת אלא בבית הכנסת. וכל מי שיש לו בית הכנסת
בעירו ואינו נכנס לתוכה להתפלל, נקרא שכן רע:

⁵⁷ See the Gemara on *Berakhot* 6a, immediately following Abba Binyamin's aforementioned statement, about G-d being present in the *beit kenesset* and the *Shekhinah* dwelling among a group of ten.

⁵⁸ The evidence, however, primarily points away from this line of reasoning. According to this perspective, women might still benefit from the *hashra'at ha-Shekhinah* and would just not constitute the *minyan* to generate it. See Part II of this article for further elaboration.

⁵⁹ Chronologically, *Sheiltot* comes before Rambam, though his opinion is much less clear and does not significantly impact later halakhah. See *Sheiltot* 8, 22 and *Ha'amek She'elah* 22:1.

⁶⁰ From R. Yizhak Shailat's *Rambam Meduyak*; available at <https://rambam.alhatorah.org/Main/Tefillah_uBirkat_Kohanim/8.1#m7e0n6>.

It is important to clarify what Rambam means by *tefillat ha-zibbur* and *nishma'at tamid*. The phrase *tefillat ha-zibbur* seems to refer to the collective prayer of the community in contrast to the prayers of individuals in that community.⁶¹ Since communal prayer is always *nishma'at*, Rambam says that people should join the community, meaning praying with the *minyan*, and their individual prayers will be *nishma'ot* as well.⁶²

The precise meaning of *nishma'at tamid* requires careful consideration.⁶³ One might explain that *nishma'at tamid* refers to specific individual requests always being granted. However, this interpretation falls short since we know that even when individuals pray with a *minyan*, their personal requests are not always granted.⁶⁴ Furthermore, the community itself may make a request that ultimately receives a disappointing response.

Rather, *nishma'at tamid* means that this prayer will be accepted as a valid prayer, indicating that G-d will at least consider it. Whereas the prayer of the individual rests solely on their own merits, thus running the risk that G-d will not consider the prayer, when a person prays with a

⁶¹ In *Hilkhot Tefillah* 8:4 Rambam clearly rules that *tefillat ha-zibbur* refers to *hazarat ha-shaz*. In 9:1, Rambam starts “*seder tefillat ha-zibbur kakh hu*,” and proceeds to describe the process of *Shaharit* from the opening *Kaddish* through the prayers recited after *hazarat ha-shaz*. One might be tempted to argue that everything included in Rambam’s description has the status of *tefillat ha-zibbur*, including *pores al Shema* where the *hazzan* recites *Shema* and its blessings out loud. However, in 8:5, Rambam lists *pores al Shema* as something which requires a *minyan*, a *davar she-be-kedushah*, but clearly views it as distinct from *tefillat ha-zibbur* as evidenced by its inclusion in the list along with *keriat ha-Torah* and *haftarah*. When Rambam is describing the *seder* of *tefillat ha-zibbur*, he is asserting that these prayers are components in the introduction to and aftermath of *tefillat ha-zibbur*, but not that each prayer is intrinsically *tefillat ha-zibbur*. Therefore, even though women are exempt from *keriat Shema*, that would have no bearing on their ability to fully benefit from the power of *tefillat ha-zibbur* in the same manner as men (as we will argue presently, Rambam does not think there is an individual *hiyyuv* to pray with a *minyan*).

⁶² See *Shiurim Le-Zekher Abba Mari* vol. 2, pp. 36–38 (Mossad ha-Rav Kook, 2002) where R. Soloveitchik discusses how an individual’s prayer offered during *tefillat ba-lahash* joins together with *tefillat ha-zibbur*. See, also, *Reshimot Shiurim Berakhot* 21a, s.v. “*Tosafot ein yahid*” n. 100.

⁶³ For an extended analysis, see *Kehillot Ya’akov Avodah Zarah* no. 1.

⁶⁴ For a similar idea, see R. Yehudah b. Yakar, *Perush ha-Tefillot ve-ha-Berakhot* (Yerushalmi edition, p. 58):

ריקים-ר"ל אם לא זכינו הרבה אל תחזירנו ריקם מכל וכל ועשה לנו קצת מבקשותינו וכמו כן
הא דאמר ר' יוחנן ברית כרותה לשלש עשרה מידות שאינן חזרות ריקם כלומר אי אפשר שלא
יועיל קצת אבל מכל וכל שתהא תפילתו נשמעת אי אפשר לומר דהא חזינן דאינו כן.

minyan, the community's collective merit compensates for personal deficiencies.⁶⁵ Rambam's statement later on that "*she-ein tefillato shel adam nishma'at bekhof et elah be-veit ha-keneset*" reinforces this understanding. When individuals pray with a *minyan*,⁶⁶ their prayer will always be worthy of consideration, even if G-d decides not to grant the request.

Based on this understanding of *nishma'at tamid*, Rambam uses "*lefikhabah*," a crucial connecting word, to argue that people need to join communal prayer whenever possible to increase the likelihood that their individual *tefillah* will be considered. Rambam's language of "*zarikh le-shatef*" implies that communal prayer is something important, perhaps even vital, for an individual's prayer to be considered before G-d. However, it seems to fall short of a formal obligation.⁶⁷ Rambam continues with a rather enigmatic, seemingly superfluous line:

ולא יתפלל יחידי כל זמן שיכול להתפלל בציבור.

If Rambam has just asserted that a person needs to join with the *zibbur* for prayer, why does he then add that a person should not pray alone? Furthermore, the qualification of "*kol zeman she-yakhol le-hitpallel be-zibbur*" is ambiguous; what are the parameters of "*yakhol*"? Is that a reference to R. Nahman's response on *Berakhot* 7b?

This qualification leads R. Aryeh Pomeranchik⁶⁸ to argue that, according to Rambam, *tefillah be-zibbur* is not a formal obligation; such an obligation cannot be dependent upon a person's availability to attend the *minyan*.⁶⁹ Rather, Rambam holds that praying *be-zibbur* is a spiritually advantageous practice. This explains Rambam's use of "*zarikh le-shatef*" instead of stronger language such as *hayav/mizvah*. It also explains why he

⁶⁵ This would explain why Rambam emphasizes "*afilu hayah bahem bataim*" immediately following "*tefillat ha-zibbur nishma'at tamid*."

⁶⁶ Or in a *makom tefillat ha-zibbur*, meaning a *beit kenesset*.

⁶⁷ One would have expected clearer language, such as "*hayav/mizvah le-shatef*," if Rambam was discussing an obligation. Responsa *Orah Yisrael* (Taplin), *Miluim to Siman* 19 (p. 536), cites *Derishah* (O. H. 223:1, at the end) and Responsa *Havot Yair* no. 237 as saying that the language of "*zarikh*" implies an obligation. However, both of those sources discuss the obligation to recite a specific *berakhah*, not *tefillah* per se. *Derishah*'s language does not support an expansion of this claim to other contexts, though *Havot Yair*'s formulation might. Regardless, neither of them specifically mentions Rambam and therefore, *Orah Yisrael*'s argument is difficult to accept.

⁶⁸ *Emek Berakhah* pp. 7–8.

⁶⁹ See Responsa *Orah Yisrael* (Taplin), *Miluim to Siman* 19 (p. 536) for an explanation regarding the use of *yakhol* here. Ultimately, his analysis is unconvincing.

says “*lo yitpallel yehid?*”—precisely because it is not obligatory, praying *be-zibbur* requires further bolstering and encouragement. Rambam holds that absent the ambiguous “*eino yakbol*,” people should strive to avail themselves of *tefillah be-zibbur*’s spiritual opportunities.⁷⁰

As we noted above, Rambam holds that *tefillah be-zibbur* is distinct from the enactment of *tefillah de-rabbanan*, which primarily focused on individual prayer. Individuals may pray on their own, but they run the risk that their personal deficiencies will hinder G-d’s consideration of the prayer. *Hazal* instituted *tefillah be-zibbur* as a communal obligation and Rambam encourages individuals to take advantage of the attendant spiritual benefits to ensure that their prayer will be considered. Even though *tefillah be-zibbur* is, at its core, separate from the individual obligation to pray, Rambam still thinks that the former benefits the latter.

According to our understanding of Rambam, men and women have identical individual prayer obligations in terms of the basis for the *hiyyuv* and the number of daily prayers. Therefore, men and women should both maximize the opportunity for their prayers to be considered by G-d. Even though, according to Rambam, *tefillah be-zibbur* is conceptually distinct from the individual prayer obligation, on a practical level communal prayer serves to enhance individual *tefillah*. Rambam holds that the spiritual benefits of *tefillah be-zibbur* apply equally to men and women and that both should seek them out, though neither are obligated to do so.

Within the context of Rambam’s position, we will briefly explore *Meiri*’s comments regarding prayer in the *beit kenesset*.⁷¹ On *Berakhot* 6a, *Meiri* writes as follows:

⁷⁰ There is a tradition that R. Hayyim Soloveitchik thought *tefillah be-zibbur* was voluntary. This reading of Rambam, advanced by a student of R. Hayyim’s son, R. Yizhak Ze’ev, offers a potential halakhic basis for the tradition. See Frimer, Aryeh and Dov. “Women’s Prayer Groups in Theory and Practice, Part I, Theory,” *Tradition*, Winter 1998, Issue 32:2, p. 87, for testimony from R. Ahron Soloveichik and R. Aharon Lichtenstein. See, also, Lichtenstein, R. Aharon. “*ba-Tefillah be-Mishnat ha-GrYD Soloveitchik זצ”ל*,” *Shanah be-Shanah*, 1998–1999, pp. 287–301 available at <http://www.daat.ac.il/daat/Kitveyet/shana/hatfila-2.htm> and R. Re’em ha-Kohen, Responsa *Badei ha-Aron* no. 2, in the name of R. Lichtenstein.

⁷¹ My *rebbe*, R. Dr. Michael Rosensweig *shlit”a*, often noted how *Meiri* follows, or is in dialogue with, Rambam’s halakhic and hashkafic positions. In this context, it is somewhat unclear whether *Meiri*’s explanation would hold true for Rambam as well or whether it stands alone.

בית הבחירה למאירי מסכת ברכות דף ו עמוד א
 כל שאדם יכול להתפלל בבית הכנסת יעשה מפני ששם כונת הלב מצויה כלל גדול
 אמרו תפלת הצבור חביבה וכל המתפללים בבית הכנסת בעשרה שכינה עמהם
 ובפרק ד' אמרו שאסור לאדם שיקדים תפלתו בצבור לתפלת הצבור והתבאר
 למטה שאם לא היה יכול להתפלל בב"ה יתפלל בתוך ביתו בשעה שהצבור
 מתפללים שנאמר ואני תפילתי לך ה' עת רצון אימתי הוא עת רצון בשעה שהצבור
 מתפללים ומ"מ מי שיש לו ב"ה בעירו והוא יכול לילך ואינו הולך אין רוח חכמים
 נוחה הימנו ולא עוד אלא שנקרא שכן רע ואם יש לו בית המדרש קבוע מתפלל
 בו וכך הדבר ברור:

Meiri opens with the contention that prayer in the *beit kenesset* is preferred because the setting enhances a person's *kavannah*.⁷² This seems to be his interpretation of Abba Binyamin's statement—an individual's prayer has a greater chance of being heard in the *beit kenesset* because it is offered with greater *kavannah*.⁷³ Therefore, it follows that one should pray in the *beit kenesset* whenever possible.⁷⁴ *Meiri*, however, does not think that this is an obligation; rather it is a meritorious practice.⁷⁵ Although he does not address this explicitly, *Meiri's* rationale would seem to apply equally to

⁷² In his edition of *Beit ha-Behirah to Berakhot* (Jerusalem, 1960), R. Shmuel Dickman notes that a similar idea is found in *Hagabot Maimoniyot to Hilkhhot Tefillah* 8:1. This is a *teshuvah* of Ri that is found in a number of earlier sources (see *Teshuvot RY ha-Zaken*, ed. Pinhas Roth and Avraham Reiner, Jerusalem, 2020, pp. 122–123). Without the original text of Ri's responsum it is difficult to state this conclusively, but at the very least, the presentation in *Hagabot Maimoniyot* seems substantively different from *Meiri's* position. Ri addresses a case where an individual took a *neder* not to enter someone's home where, incidentally, the communal prayer space is located. Ri says that even though the community is usually unable to form a *minyan*, they should still pray together and therefore, the *neder* may be annulled to allow this individual to pray in the house. Ri argues that since these individuals commonly pray together in this space, they enjoy enhanced *kavannah*. *Meiri*, however, is not arguing that the *beit kenesset* bolsters *kavannah* by virtue of one habitually praying there; he would presumably hold that one would enjoy enhanced *kavannah* even if they prayed in a given *beit kenesset* for the first time.

⁷³ *Meiri* states this more explicitly elsewhere, drawing a direct connection between an individual's *kavannah* and G-d's willingness to accept the prayer. See the introduction to *Beit ha-Behirah on Berakhot* (Jerusalem, 1960), p. 19, and *Hibbur ha-Teshuvah Meshiv Nefesh, Ma'amar* no. 2, ch. 12.

⁷⁴ From the continuation of his formulation, it is unclear whether *Meiri* means that praying with a *minyan* in a synagogue bolsters one's *kavannah* or that the *beit kenesset* enhances one's *kavannah* even absent a *minyan*. Either way, his language of "*kol she-adam yakhol*" suggests that he is not advocating for a formal *hyyun*, perhaps echoing R. Nahman's retort on *Berakhot* 7b.

⁷⁵ See previous note.

men and women. He does not condition the *beit kenesset*'s ability to enhance *kavannah* on the individual being able to constitute a *minyan* and furthermore, men and women have an equivalent need for improved *kavannah*. *Meiri*'s rationale might serve as an antecedent for those *poskim* who hold that women should pray regularly in the *beit kenesset*.⁷⁶

Tur

After Rambam, the most explicit discussions regarding a *biyyuv tefillah be-zibbur* appear in Tur and *Shulhan Arukh*.⁷⁷ In O. H. *Siman* 90, Tur discusses different prayer requirements related to *kavannah* and prayer location. Regarding the appropriate location, Tur writes that:

טור אורח חיים צ'
(ט) לא יתפלל אדם אלא בבית הכנסת עם הצבור דא"ר יוחנן אין תפלתו של אדם
נשמעת אלא בבית הכנסת פירוש עם הצבור.

Tur first says that a person should only pray in a *beit kenesset* with a *minyan*.⁷⁸ This might suggest that it is an obligation to do so. As evidence, Tur cites a statement from R. Yoḥanan on *Berakhot* 7b–8a according to the *girsa* of Rif. Presumably, since one's prayers are (only) heard in the *beit kenesset* with a *minyan*, one has an obligation to pray there. As we noted above,⁷⁹ Rif's version of R. Yoḥanan appears to draw from the statement from Abba Binyamin on *Berakhot* 6a.⁸⁰ In our analysis of Abba Binyamin,

⁷⁶ See *Orah Ne'eman* O. H. 90:36, Responsa *Berit Ya'akov* O. H. no. 8, Responsa *Even ha-Roshah* no. 8, Responsa *Lev Aryeh* 1:22 and Responsa *Shem Aryeh* no. 5. These positions will be addressed more fully in Part II of this article.

⁷⁷ While *Maharil* (*Hil. Eruvei Hazerot*, no. 7) views *tefillah be-zibbur* as being optional (contrary to *Magen Avraham*'s assertion [O. H. 415, no. 2] that *Maharil* was *mesupak* because his language does not suggest this), it is exceedingly difficult to deduce anything about women and *tefillah be-zibbur* from his formulations. Presumably, he would hold that this lack of obligation applies equally to men and women, though this is speculative given that he does not address the *biyyuv tefillah* for women, nor does he spell out his broader understanding of *tefillah be-zibbur*.

⁷⁸ See *Beit Yosef* s.v. "lo yitpallel elah" for the suggestion that Tur intentionally notes both requirements—*beit kenesset* and *minyan*. This is contrary to the position of the Geonim cited by *Talmidei Rabbenu Yonah* (*Berakhot* 4a in Rif pagination, s.v. "eimatai") that prayer in the *beit kenesset* is preferred over other locations even absent a *minyan*.

⁷⁹ See fn. 50.

⁸⁰ Abba Binyamin's statement in and of itself does not necessarily imply the requirement of a *minyan*, just the *beit ha-kenesset*. However, the continuation of R. Yoḥanan's statement, "*be-sha'ah she-hazibbur mitpallelin*," which Tur quotes in the

we showed that he does not necessarily mean that prayer is only heard in the *beit kenesset* and we noted that the kind of interpretation of R. Yoḥanan that Tur offers is difficult. And yet, despite his presumptive knowledge of alternative understandings of R. Yoḥanan,⁸¹ Tur advanced his interpretation and arrived at the conclusion that *tefillah be-ṣibbur* is obligatory.

Tur's formulations later in *Siman* 90 buttress this understanding of his position. He discusses the Gemara about *arba'a milin*⁸² and adopts Rashi's understanding that it refers to traveling a certain distance to pray with a *minyan*. Rashi's position seems to suggest that praying with a *minyan* is obligatory,⁸³ which accords with Tur's earlier statement. He notes that other *rishonim* differed from Rashi in their interpretations of the *sugya*, however:

פירש"י עיקר לכן צריך להשתדל בכל כחו להתפלל עם הצבור.

He favors Rashi's reading of the Gemara and says that as a result, a person must "expend every effort" to pray with the community. In a vacuum, the language of "*ṣarikh le-hishtadel be-khol kobo*" might be understood as saying that *tefillah be-ṣibbur* is laudatory, but not necessarily a formal *hiyyuv*.⁸⁴ As we noted above, Rambam's use of "*ṣarikh*" does not necessarily reflect a formal obligation. However, in light of Tur's earlier formulation, it seems most consistent to read his words here as a formal obligation. Tur would insist upon extra effort in performance of the *miṣvah* for the following reason:⁸⁵ since *tefillah be-yehidut* still fulfills one's prayer obligations, there are multiple built-in exceptions to the *hiyyuv* of *tefillah be-ṣibbur*. Precisely because of these, a person must make every effort to pray *be-ṣibbur* and not rely upon the exceptions.

In presenting his understanding of the *hiyyuv tefillah be-ṣibbur*, Tur does not clearly delineate who is included in this obligation. He does draw a

next few lines, does seem to support Tur's understanding that *beit kenesset* means praying with a *minyan* in a synagogue. However, it is important to note that it is difficult to square Rif's *girsa* of the opening statement with the continuation. See fn. 50 for our tentative suggestion of how to reconcile the conflicting statements.

⁸¹ E.g., Rambam, *Hil. Tefillah* 8:1.

⁸² *Pesahim* 46a and *Hullin* 122b. See below for further elaboration.

⁸³ Although, as we will argue (fn. 105), this is not necessarily the most compelling reading of Rashi. This is especially true in light of the way Rashi understands the phrase *miṣvah de-rabbim* on *Berakhot* 47b.

⁸⁴ R. Asher Weiss, *Minḥat Asher Corona*, p. 127. However, he does not discuss the earlier line where Tur clearly indicates that *tefillah be-ṣibbur* is a formal obligation.

⁸⁵ This explanation draws from R. Moshe Feinstein's interpretation of *Shulḥan Arukh*. See Responsa *Iggerot Moshe O. H. 2:27*.

distinction between “*hamon ha-am*” and “*mi she-yesh lo midrash kavua*” when discussing the halakhah of *davening* in the place where one learns Torah, but he does not more clearly define those categories. For Tur, the obligation to pray in a *minyan* is predicated upon the principle that prayer with the community, and in the *beit kenesset*, is more efficacious.⁸⁶ It does not seem that only those who count for the *minyan* are included in this spiritual benefit, and therefore the obligation. In other words, according to Tur women should also be obligated in *tefillah be-zibbur*.⁸⁷

Shulhan Arukh

From our analysis of Tur’s position, we now turn to R. Yosef Karo in his *Shulhan Arukh*. In O. H. 90 he writes the following:

שולחן ערוך אורח חיים הלכות תפילה סימן צ סעיף ט:
ישתדל אדם להתפלל בב"ה עם הציבור, ואם הוא אנוס שאינו יכול לבוא לב"ה,
יכוין להתפלל בשעה שהציבור מתפללים, וכן אם נאנס ולא התפלל בשעה
שהתפללו הציבור והוא מתפלל ביחיד, אעפ"כ יתפלל בב"ה.

The language of “*yishtadel*” that opens this *se'if* presumably draws from Tur’s formulation of “*zarikh le-hishtadel*” that we discussed earlier. However, unlike Tur who holds that *tefillah be-zibbur* is obligatory, *Shulhan Arukh*’s position is not as clear. As we noted above,⁸⁸ we read Tur this way in light of his statements earlier in the *siman*. Without that context, the language of “*zarikh le-hishtadel*” would not necessarily suggest an obligation. Therefore, the *Mehaber* would hold that while important, *tefillah be-zibbur* is not a formal *hiyyuv*.⁸⁹ There are several *aharonim*⁹⁰ who understand the *Mehaber* this way.

⁸⁶ By efficacious, we mean that there is a greater chance that the prayer will be answered in the affirmative. Alternatively, the argument we made for Rambam, could apply here as well.

⁸⁷ One possible response would be that even when they pray in the *beit kenesset*, women do not join in *tefillah be-zibbur*, and therefore cannot benefit from its power. We will examine this argument more closely in Part II of this article and show its deficiencies.

⁸⁸ See pages immediately above.

⁸⁹ For other instances where “*yishtadel*” means a voluntary action in *Shulhan Arukh*, see O. H. 56:1, 224:9, 250:1 (see *Be'ur Halakhah* s.v. “*yishtadel*” and *Shulhan Arukh ha-Rav se'if 4*, *Kuntras Aharon* no. 2), 262:2, 306:14 and E. H. 2.

⁹⁰ *Minhat Asher Corona*, pp. 126–128; *Responsa Or le-Ziyyon*, vol. 2, *He'arot* 6:5, 7:8, 15:2. See, also, *Shulhan Arukh ha-Rav*, O. H. 90:10 who appears to understand the *Mehaber* this way as well.

Others,⁹¹ however, read the *Mehaber* differently. They hold that *tefillah be-ẓibbur* is certainly a *hiyyuv* according to *Shulḥan Arukh* and the language of “*yishtadel*” means that because of the *hiyyuv*’s seriousness and the presence of certain built-in exceptions, a person should expend extra effort to pray with a *minyan* in a *beit kenesset*. As further evidence, they cite the ruling from *se’if* 16 regarding *arba‘a milin*: since one must travel a certain distance to pray with a *minyan*, it must be a formal *hiyyuv*.⁹² The challenge with reading the *Mehaber* this way is that these *apharonim* assert, with little conclusive evidence, that he thinks *tefillah be-ẓibbur* is a *hiyyuv*, and then proceed to read his language of “*yishtadel*” in that light. As we have demonstrated,⁹³ the usage of “*yishtadel*” in and of itself does not indicate a *hiyyuv*.⁹⁴

Although we argued that Tur thinks *tefillah be-ẓibbur* is obligatory while *Shulḥan Arukh* thinks it is not, they might agree regarding its application to women. As we mentioned above, Tur’s rationale for *tefillah be-ẓibbur* is that prayer will be more efficacious in that setting, which therefore generates an obligation to pray *be-ẓibbur*. Women and men should have an identical obligation since they have the same need for their prayers to be heard. A similar line of reasoning should apply to *Shulḥan Arukh*.⁹⁵ The reason behind the *hishtadlut* is presumably that *tefillah be-ẓibbur* will result in a more likely acceptance of an individual’s prayer. Women have the same need as men for their prayers to be heard and therefore, should be included in *Shulḥan Arukh*’s encouragement of *minyan* attendance.⁹⁶

⁹¹ Responsa *Iggerot Moshe* O. H. 2:27; Responsa *Minbat Yizhak* 7:6.

⁹² As we will show below, this is not the only way to read the case of *arba milin* and as such, it is not conclusive proof that the *Mehaber* thinks *tefillah be-ẓibbur* is obligatory. See R. Yosef Eliyahu Henkin, Responsa *Gevurot Eliyahu* O. H. no. 24:2–6 and no. 156:6, who argues that the halakhah recorded in *Shulḥan Arukh* is either intended as a *middat hasidut* or for one who is unable to pray on one’s own.

⁹³ Fn. 89.

⁹⁴ More concrete and convincing evidence would be needed to overturn the straightforward reading of the *Mehaber*’s language.

⁹⁵ While he does not say this explicitly, he does not offer a competing rationale in the *Beit Yosef* or *Shulḥan Arukh*.

⁹⁶ This is especially true if *Shulḥan Arukh* concurs with Rambam’s position that men and women have equivalent daily prayer obligations. See R. Barukh Gigi’s *shiur kelali* on “*Tefillah min ha-Torah*” available at <https://www.youtube.com/watch?v=Z3Moc8yuA_U>.

R. Moshe Feinstein

Turning to the later *aharonim*, we will focus on R. Moshe Feinstein who forcefully and consistently holds that *tefillah be-zibbur* is obligatory.⁹⁷ His primary evidence is the ruling⁹⁸ that one must travel a certain distance to *daven be-zibbur*.⁹⁹ He notes that this is based on Rashi's comments found in *Pesahim* 46a¹⁰⁰ and *Hullin* 122b.¹⁰¹ In both cases, the Gemara quotes a statement from Reish Lakish that for *tefillah*, among other items, one must travel 4 *mil*. The *rishonim* debate the exact meaning of *tefillah* in this context. According to Rabbenu Hananel¹⁰² and *Sefer ha-Arukh*,¹⁰³ it refers to *netillat yadayim* before prayer.¹⁰⁴ However, Rashi understands *tefillah* differently and explains that if the time for prayer is fast approaching, travelers must stop at a *beit kenesset* to pray if it is located 4 *mil* or less in front of them. There seems to be a *hiyyuv* to stop which would imply that *tefillah be-zibbur* is obligatory.¹⁰⁵

R. Moshe then moves to a somewhat more complex and creative argument: what makes *tefillah* valid, meaning that it fulfills one's obligation,

⁹⁷ Responsa *Iggerot Moshe* O. H. 2:27, (3:7, 4:68).

⁹⁸ *Shulhan Arukh* O. H. 90:16.

⁹⁹ Responsa *Minhat Yitzhak* 7:6, along with others, also uses this halakhah as evidence for such a *hiyyuv*.

¹⁰⁰ S.v. "le-gabel."

¹⁰¹ S.v. "u-le-tefillah."

¹⁰² *Pesahim* 46a s.v. "amar Rabbi Abahu."

¹⁰³ *Erekh Geval* (*Arukh ha-Shalem*, ed. Kohut, vol. 2, pp. 225–226).

¹⁰⁴ This is also how Rambam rules in *Hil. Tefillah* 4:2.

¹⁰⁵ When Rashi uses the language "*im yesh beit kenesset lefanav*," the overwhelming majority of *rishonim* (see *Tosafot ha-Rosh Pesahim* 46a (ed. Avraham Shoshana) n. 12 for an extensive, but not exhaustive, list) understand this to be a reference to *tefillah be-zibbur*. *Tur* and *Beit Yosef* O. H. 90 also understand Rashi this way. However, it is worth noting that in both *Pesahim* and *Hullin*, Rashi makes no explicit mention of *tefillah be-zibbur*. Instead, he utilizes the phrase "*im yesh beit kenesset lefanav*," which could be understood to mean simply praying in a *beit kenesset* even if there is no *minyan* present. See *Hiddushei Rabbenu David* to *Pesahim* 46a s.v. "u-le-tefillah," *Halakhot Gedolot* (*Hil. Tefillah*, p. 43 in *Makhon Yerushalayim* edition) and *Talmidei Rabbenu Yonah* (*Berakhot* 4a in Rif pagination, s.v. "eimatai"). If this is the correct reading of Rashi, it would require reevaluating the halakhah of 4 *mil* codified in *Shulhan Arukh* which would, in turn, pose a problem for R. Moshe's contention that this ruling proves the existence of a *hiyyuv tefillah be-zibbur*. An additional reason to adopt this alternate interpretation of Rashi is that on *Berakhot* 47b, Rashi specifically does not understand *mi-yah de-rabbim* as a reference to *tefillah be-zibbur*, implying that he thinks the latter is not obligatory.

is the possibility that it will be accepted. Since there is a greater chance of prayer being accepted *be-ḥibbur*, one has an obligation to pray in that setting. R. Moshe marshals support from the opinion of Ri that if a person prays in the presence of excrement, they must pray again since they should have first checked the area.¹⁰⁶ R. Moshe explains that the sin of praying near excrement invalidates the *tefillah* because a prayer offered through an *averah* will not be accepted and because it does not have the chance of being accepted, it is invalid.

This line of reasoning contains several difficulties, first among them the proof from Ri's opinion. If we accept R. Moshe's explanation of Ri, we can only infer that the mere possibility of acceptance is required for a prayer to be considered valid. It does not necessarily follow that one must now choose the setting with the greatest chance of acceptance. In other words, since praying at home has a possibility of acceptance, it is difficult to argue that one is obligated to pray with a *minyan*.

Furthermore, R. Moshe asserts that the validity of a prayer, meaning that it fulfills a personal obligation, hinges on maximizing its potential for acceptance. That, too, is not so obvious. As we noted above in our analysis of Rambam, because joining with the community makes it more likely that G-d will consider individual prayers, it is praiseworthy to pray with a *minyan*. However, Rambam does not hold that one must pray with a *minyan* in order to dispense an individual *ḥiyyuv tefillah*.

After having reviewed the evidence for R. Moshe's overall claim, it seems that while he has possible support from the law requiring traveling a certain distance for *tefillah be-ḥibbur*, it is difficult to understand his argument regarding the "potential for acceptance." Either way, it is important to note that nowhere in his discussion does R. Moshe delineate a difference between men and women.¹⁰⁷ Furthermore, the "potential for acceptance" argument should apply equally to both men and women.

Tefillah be-Ḥibbur: Summary

After having explored the sources that address whether or not *tefillah be-ḥibbur* is obligatory, we are left with the following conclusion. The primary

¹⁰⁶ *Berakhot* 22b, *Tosafot* s.v. "ve-ha"; "af-al-pi."

¹⁰⁷ One might respond that he is discussing the existence of a *ḥiyyuv*, not the scope of who is bound by it. Therefore, one cannot infer much from his omission of a distinction between men and women. See, however, R. Menahem Nissel, *Rigshi Lev* (Feldheim, 2001), p. 179n7, who appears to understand R. Moshe as applying equally to men and women.

thrust of the *Gemara* demonstrates that *tefillah be-zibbur* is a voluntary practice. We have shown that even those statements that might support an obligation have valid alternative readings. With regard to the commentaries, Ramban and Tur seem to hold that it is obligatory, while Rambam and *Shulḥan Arukh* both think that *tefillah be-zibbur* is voluntary. The Talmudic evidence seems to support this second perspective.¹⁰⁸

Regardless of whether or not *tefillah be-zibbur* is obligatory, however, we should note the following: these sources mention no distinction between men and women. With one or two possible exceptions,¹⁰⁹ the importance of *tefillah be-zibbur* is connected to the inherent power of communal prayer and the increased chance for prayer acceptance as a result.¹¹⁰ Furthermore, we have shown that according to Rambam,¹¹¹ men and women have identical prayer obligations, which would mean that both should, or can, avail themselves of *tefillah be-zibbur*'s spiritual benefits.¹¹² It does not seem that the ability to benefit from *tefillah be-zibbur* depends upon counting for the *minyan*. Women and men should have the same need for their prayers to be heard and therefore, should either both be obligated in *tefillah be-zibbur* or both be exempt.¹¹³

It is, therefore, surprising to find a number of *poskim* who exempt women from *tefillah be-zibbur*. These sources do not generally address women's prayer obligation or the status of *tefillah be-zibbur* and instead, make recourse to arguments from other contexts. In Part II of this article, we will analyze these *poskim* in light of our previous discussions in an attempt to scrutinize the logic of their positions. ❧

¹⁰⁸ For an extensive summary of the different opinions regarding *tefillah be-zibbur* as an obligatory or voluntary practice, see Responsa *Va-Yevarekh David* (Harfenes) *Tefillah* vol. 1, no. 113.

¹⁰⁹ Reish Lakish's statement about *shakhen ra* on *Berakhot* 8a.

¹¹⁰ Or at least for an increased chance that the prayer will be considered by G-d, even if it will not be accepted.

¹¹¹ See above, fn. 23, for other *rishonim* who may agree with Rambam.

¹¹² This should not turn on the question of whether *tefillah be-zibbur* is an extension of the *ḥayyuv tefillah* or a separate entity. Even if it is a separate entity, *tefillah be-zibbur* still relates to the individual's prayer and where it is best offered.

¹¹³ See R. Ahron Soloveichik's comment in Frimer, Aryeh, and Dov. "Women's Prayer Groups in Theory and Practice Part I, Theory," *Tradition*, Winter 1998, Issue 32:2, p. 83. See, also Aryeh Frimer, "Ma'amad ha-Ishah ba-Halakha: Nashim u-Minyan," *Or ha-Mizrah*, Issue 34, p. 76, n43, who raises this overall question regarding women and *tefillah be-zibbur*. His answer, however, is less than convincing.