

I Review

There is a dispute between the ג"מ and the פ"מ regarding the origin of the obligation to pray.

The Rambam is of the view that prayer is biblical based on the פסוק וְשָׂרְפָה אֶת זְבָחֶיהָ. The obligation is ^{at least} once a day with no fixed ^{time or text} except that it must have תורה ש"ס נ"פ. Men and women are obligated to pray. The rabbis came along and gave the obligation to pray form and time and number requirements i.e. they gave a "time" דetermined-ness quality. Some commentators on the פ"מ however understand that the women's original obligation remained in place, while the rabbinic requirements of form and time were not binding on the women (these are dissenting views)

The Rambam maintains that the whole origin of prayer is rabbinic. Men and women are obligated equally in prayer, i.e., in saying שְׂמַח because it is ש"ס - supplication, request for mercy and fulfillment of personal requests. Men and women are obligated to say שְׂמַח twice; i.e., ש"ס נ"פ and perhaps even three times a day (ע"ס) like men

②

II

Now Regarding the Halacha, the situation is as follows. The ר"ע in ק"ו says as follows

"... וְהָיוּ כְּכֹהֵן מְזֻבֵּחַ חַיִּים מִיָּדָיו כְּשֵׁיבֵר מִן הַיָּד
"לֵב אֵל מִן הַיָּד כְּכֹהֵן מְזֻבֵּחַ"

On this the מנן אחרון says (modified by Ellinson page 77) "כִּי כִּי הַכֹּהֵן שֶׁבְּכֹהֵן מִן הַיָּד כְּשֵׁיבֵר מִן הַיָּד מִכֹּהֵן מְזֻבֵּחַ
"וְכִי... הַכֹּהֵן שֶׁבְּכֹהֵן... וְכִי כִּי כְּכֹהֵן מְזֻבֵּחַ"

So agrees the מנן אחרון, ^{See footnote} וְכִי כִּי הַכֹּהֵן שֶׁבְּכֹהֵן מִן הַיָּד כְּשֵׁיבֵר מִן הַיָּד
and so is the implication of the ר"ע that the majority of פוסקים agree with the מנן.

104
However (see Ellinson page 78) פוסק אחרון argues that the view of the ר"ע is that of the Rambam and poskim like the ר"ע. And though he is aware of the dissenting views he seems to want to be דיקן in this matter which is נפסק. He thus requires women to Daven only once a day. He does however state that they should say קריאת שמע (and not rely on 'יהי רצון') and preferably שמונה עשרה which was established by the רבנים הראשונים who were divinely inspired in their work. Even though in earlier generations women were illiterate and could

(4)

2) תפילות מוסף אינם כחול ונימין פאנסת

אצ"ע בעבודת ימות לילית כל מה שכתוב ב) אכילת שנתה זקנה - וא"ל לנימין ספיקות י"ל זקנה ק"ן קבילות קולטת לילית ונימין וק"ן קבילות לילית זקנה ונימין.

Now regarding point (1) -

Why is it that on ש"ס we don't say the middle ב"ב דכנסת and merely add a sort of זקנה י"ל referring to ש"ס?

Based on following אמרה in (כ"ט) " ... אמר כ"י יתורם אמר משה; ה"ה ע"מ צ"ל קבילות ונימין שפיקות - בוסק ואפ"ל קבילות זקנה. אי"ן? נ"ב אמר כ"י נ"מ כ"י ה"ן ק"י כ"ה ק"י אקו"ל ק"י מ"ן, ק"ן ק"ן ק"י כ"י ק"י ונימין צ"ל קבילות זקנה, אמר ע"מ צ"ל? ואמ"ן, אמרין ס"ל אמר קבילות! - ה"ה קבילות! קבילות ק"י ח"ו ק"י פ"א וק"ן פ"א צ"ל אמרין אמרין אמרין קבילות זקנה, אמרין פ"א - פ"א צ"ל קבילות" the זקנה seems to understand that ש"ס removed all קבילות from the זקנה.

This is problematic since after all we do say "קבילות זקנה ונימין וק"ן קבילות זקנה ונימין" so all requests were not removed. Furthermore, the removal of all קבילות would be problematic according to רמב"ם who required biblically קבילות ונימין. פ"א וק"ן קבילות

(3) not need Hebrew - the situation has fundamentally changed especially in the Holyland and they should certainly say ז"ל.

He also argues that 3700 women can nevertheless daven three times daily because of "כ"ס" [No problem of אין צורך because of conception on אין צורך]

קני"א לא שלם לשנים בתפילה - לזמן הכתבן ק"א
לפיכך עומד ספק; אומנם לזמן הכתבן יש מילוקת יוסטרו
[ז"ן קט"ו מ"י צדקת ו"כ סימן י"ו, וקט"ו מ"כ מ"כ (מחשבת)
מ"א סי"ג; וקט"ו מ"כ מ"כ וקט"ו סימן קי"ג] צ"ל
למך חייבת לפרש שמו"ז מ"כ כלומר מ"כ חייבת לזמן
מחוק כ"כ אורח"י יוסף ח"ק (104 ע"פ Ellinson)
"שמא"כ ש"כ"כ לפרש קני"א לזמן יוס"ו
לפיכך לפרש כ"כ"ו וז"ן מ"כ כ"כ"ו וכ"כ"ו כ"כ"ו
כ"כ"ו כ"כ"ו כ"כ"ו כ"כ"ו כ"כ"ו כ"כ"ו כ"כ"ו כ"כ"ו
מ"כ כ"כ"ו כ"כ"ו כ"כ"ו כ"כ"ו כ"כ"ו כ"כ"ו כ"כ"ו
הערה"ו

III What about פ"ד?

Read Ellinson page 114-115

The פ"ד מחוק makes 3 basic points which we will analyze one by one:

- 1) קט"ו ו"ו כ"כ"ו כ"כ"ו כ"כ"ו
לזמן חייבת לפרש כ"כ"ו
(Ellinson Note 1 page 114)

(5) Joseph (וישם) hence argues that the central נפתח on א"י נ"ל does contain a נפתח ו) וכן נפתח "נפתח" This central prayer is וכן נפתח repeated in all נפתח on נ"ל and a similar prayer on א"י. All נפתח did was to remove worldly, mundane נפתח and replaced them with purely spiritual ones appropriate for נ"ל and א"י

Regarding the second point that פ"נ is not פ"נ נפתח according to what we have just said this is not true since we also say ו) וכן נפתח נפתח on פ"נ א"י נ"ל. What this position may hold is that though it contains פ"נ נפתח this is not the reason for exclusion (raison d'être) but rather to reenact or recount the פ"נ נפתח. Hence women should not be פ"נ

b) There is another reason which would free women from the obligation of פ"נ as brought in פ"נ נ"ל ו) (Ellinson p. 114 note 7). The פ"נ נפתח is specifically set up in opposition to the פ"נ נפתח and deals with the נפתח. Since women are not "נפתח" they have no real part in the פ"נ נפתח and hence פ"נ נפתח. We should note that there is a problem regarding פ"נ + נפתח since the 3'ND נפתח is also a נפתח נפתח financed by פ"נ נפתח so why are women required

6 in Shulchan Aruch! In fact this argument was indeed put forward to explain according to Rambam why women were freed from the rabbinic obligations in prayer - see (Shulchan Aruch Orach Chaim 23:1) Rambam Shulchan Aruch

The answer seems to be that though Rambam Shulchan Aruch Orach Chaim 23:1 this refers only to time and number requirements but the text is plain Halakha and neither refers to the Halakha Halakha nor is it a reenactment theory.

(c) This ^{"Halakha"} reason too is rejected on the grounds that 1) neither the Halakha or Halakha nor anyone under 20 was required to give Halakha, yet they are certainly required to say Halakha; 2) Though women weren't required to give Halakha, the Halakha nevertheless served as a Halakha for them too (see Shulchan Aruch Orach Chaim 23:1 and Shulchan Aruch Orach Chaim 23:2) Hence one can argue for obligating women in Halakha

d) another argument in favor of woman's obligation is that presented by the Halakha Halakha (Ellison page ¹¹⁵ ~~115~~). This argument is only good for Halakha but perhaps not for Halakha [see Ellison Note 6]

Harav Halakha Halakha discusses the different views and concludes that women are freed from the obligation of Halakha because it is not in its essence a Halakha Halakha.

7

regarding the mud point women ^{שאל}
 women can say פוין even though they are not
 obligated: (See שו"ת 1 פ"ד פ"א, 'שאלה זו נכונה ונכונה וזו היא)
 disagrees with the פ"ד's distinction between
 שו"ת that have פ"ד and those that don't.
 There were, after all, two reasons why women should
 not make שו"ת they are freed from according
 to the Rambam + his school: 1) Because of פ"ד and
 שו"ת ש"א; 2) Because since they are not obligated to
 make the שו"ת the שו"ת when made is a שו"ת

שו"ת (הל) פ"ד

This latter reason applies whether the שו"ת
 is a פ"ד שו"ת or merely a פ"ד שו"ת

Note: This is contradictory to ש"א where people because of 'שאלה זו' in שו"ת פ"ד (see p #104).
 There is no פ"ד ש"א by פ"ד!

through rejecting the פ"ד he feels however that
 since there is a large group of פ"ד who feel that
 women are obligated women should make it - this
 point to go to Shul and hear פוין (See Ellinson
 page #5)
 116

It also would obligate women in ש"א פוין
 (but not necessarily פ"ד) because it has a lot of ש"א
 פ"ד and certainly פ"ד.

N.B. I should like to bring to everyone's attention
 that when a woman walks into Shul late and
 the community is davening פוין - she should
 instead say the ש"א ש"א for two reasons:

⑧

1) One is required to say
before SOIN

11/16

2) A woman is probably not required to say
 SOIN but she is almost definitely required to say
 SONE .

According to the Rambam that women are obligated to Daven once a day, a woman who davens at P'rush times does it count for the previous or following day?

וְלִמְנוּחָם לְפָנֵי קוֹדֵשׁ לֵב נָחָה זְמַנְהוֹן דְּחַדְחָה
 קָרַח כִּי " אִי קָדְיָה קָמוּ לְפָנֵי קוֹדֵשׁ וְלֵב נָחָה
 מִתְחַלֵּץ מִכֹּהֵן שִׁמְשֵׁל שֶׁנֶּחֱסֵי? אִם יִתְחַלֵּץ לְחַד
 סָעֵר וְלֵב נָחָה הַתְּחַלֵּץ עֲבָדִית שֶׁנֶּחֱסֵי - פֶּתַח
 מִשְׁנֵי קָמוּ יוֹמָה בֵּינָה, צִבְרִית " וַיִּפְסַח וַיִּבְיָקוּקֵי
 יוֹם אֶחָד " אֵתָהּ הֵבָה - תְּפִילָה דְּחַדְחָה קָמוּ הֵבָה
 וְכִיּוֹן צִבְרִית יוֹמוֹ קָמוּ קָמוּ אֵל צִבְרִית כִּיּוֹן צִבְרִית
 כִּיּוֹן הֵבָה לֵב אֵתָהּ צִבְרִית לְפָנֵי קוֹדֵשׁ? "

Since the opinion of the Rambam is like this latter view it seems that P'rush counts for either (But it probably doesn't count for both because of 'שני ימים'). See however the Tosafot who notes something that "The same would seem to be true here that the night only belongs to the following day."

שני ימים
 פ' פ' פ'
 שני ימים
 א"כ

* ע"ן קמ"כ' צ"ח " וְלֵב נָחָה זְמַנְהוֹן דְּחַדְחָה
 לֵב אֵתָהּ וְלֵב נָחָה לֵב אֵתָהּ וְלֵב נָחָה
 לֵב אֵתָהּ - מִתְחַלֵּץ עֲבָדִית שֶׁנֶּחֱסֵי

י"ב כ"ג כ"ד כ"ה כ"ו כ"ז כ"ח כ"ט ל'
 ל"א ל"ב ל"ג ל"ד ל"ה ל"ו ל"ז ל"ח ל"ט מ'
 מ"א מ"ב מ"ג מ"ד מ"ה מ"ו מ"ז מ"ח מ"ט נ'
 נ"א נ"ב נ"ג נ"ד נ"ה נ"ו נ"ז נ"ח נ"ט ס'
 ס"א ס"ב ס"ג ס"ד ס"ה ס"ו ס"ז ס"ח ס"ט ע'
 ע"א ע"ב ע"ג ע"ד ע"ה ע"ו ע"ז ע"ח ע"ט פ'
 פ"א פ"ב פ"ג פ"ד פ"ה פ"ו פ"ז פ"ח פ"ט צ'
 צ"א צ"ב צ"ג צ"ד צ"ה צ"ו צ"ז צ"ח צ"ט ק'
 ק"א ק"ב ק"ג ק"ד ק"ה ק"ו ק"ז ק"ח ק"ט ר'
 ר"א ר"ב ר"ג ר"ד ר"ה ר"ו ר"ז ר"ח ר"ט ש'
 ש"א ש"ב ש"ג ש"ד ש"ה ש"ו ש"ז ש"ח ש"ט ת'
 ת"א ת"ב ת"ג ת"ד ת"ה ת"ו ת"ז ת"ח ת"ט י'