Closing Reflections II: *Halakhah* and Community

Rabbi Ethan Tucker – tucker@mechonhadar.org

Center for Jewish Law and Values

Talmud Bavli Eruvin 19a

Said R. Shimon b. Lakish: Don’t read /*ד Oversight*/,” “your emptiness.” Because even the emptiest among you are full of *mitzvot* like a pomegranate (is full of seeds).

Rabbeinu Yonah on the Rif s.v. *Gemara*, Spain, 13th c.

Since we have concluded that private *tefillah* (i.e. *Amidah*) can only be said in Hebrew, I am deeply puzzled by the universal custom of women to pray in other languages, since by virtue of their obligation in prayer, they should have to pray in Hebrew [like everyone else]. The rabbis of France try to justify this practice by saying that when an individual prays the same *tefillah* that is recited in public, [that private prayer] is considered “public”, and one can say it in another language. And that which Rav Yehudah said, “One should never ask for one’s needs in Aramaic,” applies when one asks for one’s private needs, such as praying for a sick person or regarding any other problem in one’s home; but *tefillah*, which is known by the
whole community, even when one prays it in one's own home, it is as if it is being prayed in public, and if one does not know Hebrew, one may fulfill one’s obligation in any language.

Magen Avraham 106:2, R. Avraham Gombiner, Poland, 17th c.

“A positive commandment”—So wrote the Rambam, who thinks that tefillah is a positive biblical commandment, as it is written, “and to serve God with all of your heart…” But biblically, it is sufficient to recite one prayer a day, in any formulation that one wishes. Therefore, most women have the practice of not praying regularly, because immediately after washing their hands in the morning they say some request, and this is biblically sufficient, and it is possible that the sages did not extend their obligation any further. But the Ramban thinks that tefillah is rabbinic, and this is the opinion of most poskim...

Mishnah Berurah on Shulhan Arukh 106:1, R. Yisrael Meir Ha-Kohen, Poland, 19th-20th c.

“Because it is a positive commandment”—This is all according to the Rambam’s opinion that only the times of tefillah are rabbinic but that the essence of the commandment of tefillah is biblical… and the Magen Avraham wrote that based on this reasoning, most women do not have the practice to pray the Amidah regularly… but Ramban’s opinion is that the essence of the commandment of tefillah is from the sages… And even though [Amidah] is a positive time-bound commandment, and women are exempt from all such commandments… [the sages] obligated them in Shaḥarit and Minḥah just like men since tefillah is a request for mercy. And this opinion is correct, for this is the opinion of most authorities… therefore, women should be instructed to pray the Amidah…
Mishnah Demai 7:1

If one receives a Shabbat invitation from someone is untrustworthy with respect to tithes, one can say the following before Shabbat, “That which I will separate out tomorrow is ma’aser and the rest of the required amount of ma’aser will be right next to it. The part that I will have separated out will be terumat ma’aser and the ma’aser sheni will be located either in the northern or southern end of the food and is redeemed with currency I have set aside for that purpose.”