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THE MEANING OF PRAYER WITHIN A HALACHIC SYSTEM

(As Reflected in the Mishnah and the Tosefta)

by

Nathan M. Landman

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Professor Alexander Guttman

THE MEANING OF PRAYER WITHIN A HALACHIC SYSTEM

A common conception of prayer is that it is the 'ascent of the mind to God'. In the Judaism of the Tannaitic Period, the concept of Torah was being expanded into a detailed halachic system in which were found prescriptions and regulations of form, time, and content of prayers. That prayer can be regulated indicates that more is involved than a reaching out toward God.

An analysis of the types of prayers found in the Mishnah and Tosefta focuses attention on the various functions of prayer in Judaism. There are four main categories of prayer: Bircoth-Mitzah, the benedictions over the commandments; Bircoth Ha-Nehenin, blessings over sensual enjoyments; Bircoth Moda'ah, blessings of thanksgiving on particular occasions; and Bircoth Ha-Tefillah, the benedictions of daily worship. The blessings over the commandments are a declaration of Israel's love for God in reciprocation for the love God manifests toward Israel by giving them commandments. The blessings over sensual enjoyments are expressions of appreciation that God has enabled man to partake of the bounties of a world which He made for His own purposes. The blessings of thanksgiving recited on specific occasions are Israel's acknowledgment that God's power fills the world, and that His works are to be praised whether they appear good or evil from the standpoint of man.

The daily benedictions show that prayer in Judaism has meaning only within the theological context of Israel's relationship to God and the world. The benedictions of praise and thanksgiving are expressions of Israel's consciousness of God as Sovereign of the universe. The petitions are appeals for restoration of the people, both individually and collectively, so that they fulfill God's historical purposes.

The recitation of the Shema is Israel's declaration of allegiance to God as King, and expresses the Jew's readiness to perform the commandments. The benedictions surrounding the Shema are similar in function to the Bircoth-Mitzvah.

An additional function of prayer in the Judaism of the Tannaitic Period is evident in the private services of the Seder, Kiddush, and Haddalah. These private forms of worship are commemorative and cognitive in nature, indicating respectively: Israel's reverence for God because of the great deliverance from Egypt, Israel's recognition of the holiness of the Sabbath and Festival Days, and the distinction between the holy and the profane.

Finally, "kavanah" or 'attention-intention', is necessary for the fulfillment of the commandments because it indicates Israel's acceptance of the Ol Malcuth Shamayim, the Yoke of the Kingdom of Heaven. In prayer "kavanah" is essential because the benedictions enable Israel to verbalize its love for God, in appreciation for the Torah and the commandments which he gave for Israel's merit.

As such, prayer is the medium through which Israel dedicates itself to God and to that way of life prescribed by the rabbis through halacah.

ACADEMIC

I am the wife of a man who
has been in the military service
of the United States for many
years and has been in the
army for many years.

...

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INTRODUCTION

"Prayer," says a noted Christian protagonist, (1) "is an ascent of the mind to God." "All forms of such ascent --adoration, confession, thanksgiving, as well as petitions seeking for definite gifts--may be included in the generic term 'prayer'. Prayer is, in general, the communion of the human soul with God. It is an instinct springing from man's sense of his own weakness and limitations and from his recognition of the greatness of the universe in which he dwells. Prayer may truly be said to be prior to all definite creeds, to be indeed the expression of the need which all creeds seek to satisfy." (2)

This characterization of prayer, set forth in Hastings' Encyclopedia of Religion and Ethics, immediately raises certain questions in regard to the place of prayer in Judaism. Especially is our attention focused on the formative period of Judaism as reflected in the Tannaitic sources which mark the transition of Judaism from the religion of a theocratic commonwealth to that of a Diaspora religion. It is a Diaspora Judaism by which we live today. Our religious life is centered about the synagogue with its formal system of worship on the one hand, and some orientation to a concept of Torah on the other.

If we accept the definition of prayer as 'an ascent of the mind to God', we might explain the development of the formal worship as a convenient bond to replace the

bond provided by the written Torah, which changing conditions had weakened during the Second Commonwealth. We might presume that the Torah, the majority of whose laws were designed for a pre-Hellenic Palestine, was "outdated", so to speak, such that the people adopted forms of communal worship as a means of holding the group together in lieu of a pertinent legal tradition. If this is so, we should expect to find formal worship to have come into being by mutual acceptance and local customs, serving simply as a means of communalizing the individuals' striving for communion with God. True, a modern authority, Rabbi H. R. Rabinowitz, maintains that communal prayer was established so that the national being would not disintegrate, but he indicates this was done within a legal tradition. (3)

If this is borne out by the sources; then the development of formal worship is directly related to an expanded concept of Torah and in some way is an organic part of the halachic system. We may then presume that prayer in Judaism involves more than the above definition presents.

If prayer is an 'ascent of the mind to God', do the sources contain categories of prayers which indicate a more involved expression? If prayer is a reaching out toward God, its primary function would seem to be to enable the worshiper to step out of his environment, and in some mystical way, to escape through a sense of total spiritual

communion with God. But if it functions as a concomitant of a halachic system, then we should expect somehow that prayer is directly involved in relating that system to the consciousness of the one who prays. Prayer, in this context, might be a means of expressing one's recognition of and loyalty to God, who rules over the universe as King, and who has ordained a way of life for Israel through the revelation of the Torah. In the case of blessings accompanying the performance of religious duties, the affirmation of the acceptance of God's Kingship might serve to indicate the conscious love of Israel for God, and the joy that Israel experiences in fulfilling the commandments. An analysis of the content, structure, and function of the individual prayers found in the Tannaitic Period should shed light on this question.

Aside from the categories of formal public worship, the private family services of the Passover Seder, the Kiddush, and the Haddalah bear investigation as to their function within the scheme of Jewish prayer.

No such study could be complete without a consideration of the place of intention, or attention-intention, as characterized in the term "kavanah" (קַוָּנָה), both in regard to the performance of religious duties and in regard to prayer. We might think that the performance of the religious duty is all that is necessary to fulfill the

obligation of the Jew under the "mitzvoth" system. In that case the prescribed blessings of formal prayer would be regarded as a similar religious duty; the mere performance of which (i. e., the recitation of the prayer formulae) is sufficient.

Contrariwise, it might be conjectured that only the intention is important; that is, the act of doing a "mitzvah" or "reciting" a blessing is only the vehicle through which "kavanah" is expressed. Thus, if one expresses proper intention, the actual performance of a religious duty is unimportant. But one might also conclude that both the performance of the religious duty and an accompanying "kavanah" are essential for the conditions of the "mitzvoth" system to be fulfilled, and when accompanied by the proper benediction, an appreciation of the holiness of the act is present.

These are the issues with which the present study is concerned. Chapter One deals with the development of halacah from the written Torah to its expanded application as presented in the Mishnah and Tosefta. Chapter Two encompasses the four main classifications of "berákoth" as exemplified in the sources under investigation. Chapter Three delineates the content, structure, and function of the individual prayers. Chapter Four characterizes the private family services of the Passover Seder, Kiddush, and Haddalah, and Chapter Five discusses the place of

"kavanah" in relation to the mitzvot and in relation to prayer. The sixth chapter attempts to draw together the evidence presented into a pattern of significant conclusions.

One should be cautioned that there are decided limitations to the scope of such a study as this. In order to arrive at a thoroughly authoritative understanding of the meaning of prayer within a halachic system, a deep investigation into all the Tannaitic materials, the various Midrashic collections, and the Tannaitic strata of both the Talmud Jerusalemi and the Talmud Babli would be necessary. The purpose of this investigation is to pinpoint what the early halachic sources of the Tannaitic period--the Mishnah and the Tosefta--contain which has bearing on the subject under discussion.

NOTES TO INTRODUCTION

- (1) Jeremy Taylor, quoted from his The Rule and Exercises of Holy Living, London, 1686, in the article "Prayer" (Christian, Theological) in Hastings' Encyclopedia of Religion and Ethics; Volume X, page 171.
- (2) "Prayer" (Christian, Theological) in Hastings' Encyclopedia of Religion and Ethics, Volume X, page 171, by C. F. D'Arcy.
- (3) H. R. Rabinowitz, "Tefillah B'Tsibbur" (Ha-Doar, Volume XXXVI, No. 2) New York, November 11, 1955, page 27.

CHAPTER ONE

THE HALACHIC SYSTEM

The first question to which our attention is turned is that of the place of Torah in the Tannaitic Period.

More particularly, do the Mishnah and Tosefta indicate that the concept of Torah--as the gift of God to Israel, by whose laws Israel is to fashion its life, -- has been by-passed? Or, on the contrary, does the evidence indicate that the meaning of "Torah" was greatly expanded by the rabbis to encompass many categories of halacah, which could be explained as derivations of that revelation on Mt. Sinai, and therefore, strongly binding on the life of the people?

As examination of the sources in the Mishnah and the Tosefta shows that an organized system of categories having relative authority enabled the rabbis to broaden the concept of Torah.

Such terms as Torah, mitzvah, divre sofrim, halacah, halacah l'Moshe mi Sinai, B'emet amru, and sh'vut evidence a system of legal interpretation and derivation which would seem to give the tradition an all-encompassing quality.⁽¹⁾ The present chapter will survey Torah in terms of its rabbinic development in Tannaitic times.

A. Torah Extended into a Halachic System

The primary authority for the legal tradition is God Who gave the Divine Instruction (Torah) to Moses

on Mt. Sinai.⁽²⁾ The acceptance of the Divine nature of the Torah is the cornerstone upon which the tradition rests. To deny that God revealed the Torah to Moses was to forfeit one's portion in the World-to-Come.⁽³⁾

The Mishnah reacts to the importance of God's giving the Law to Israel by emphasizing that because He wanted to grant merit to Israel He multiplied for them the Law and the commandments.⁽⁴⁾

Since the Torah was given to Moses, a line of transmission would have to be accounted for to lend authority to the later expansion of it. The line of transmission, according to the Mishnaic tradition, was from Moses to Joshua, to the elders, to the Prophets, to the men of the Great Synagogue, to the Zugoth, and to their respective schools.⁽⁵⁾ Following the destruction of the Temple, when the sages gathered at Yavneh, they looked to the opinions of the Schools of Hillel and Shammai (the last pair of Zugoth)⁽⁶⁾ as the authorities from whom to begin organizing the expanded law.⁽⁷⁾

The study and application of the Torah was the foundation of the development of Tannaitic legislation. Biblical texts were used to give authority to a particular law, where its origin did not stem from the Torah itself, or else the Mishnah (or Tosefta) expanded on a particular Biblical legislation.⁽⁸⁾

Especially do these sources elaborate where a Biblical law is unspecific. For example, Exodus 20.10

prescribes that no manner of work may be performed on the Sabbath, but what constitutes classes of work is not detailed. The Mishnah Shabbat 7.2 lists these classes of work as "forty save one".⁽⁹⁾ In such cases the authority for expressing the limitation (or detailing) of a given law was attributed to the Sofrim.⁽¹⁰⁾ It became important whether a given ruling was directly attributable to Scripture, or was a limitation attributed to the Scribes, as to the strictness or leniency applied to the law. Thus in the laws regarding levirate marriage: A childless brother's widow who was exempt from performing levirate marriage because of the forbidden degrees (enumerated in the Torah), did not have to perform Halitzah; but one who was exempt by rule of the Scribes-- a secondary limitation of forbidden degrees-- was required to perform Halitzah.⁽¹¹⁾

The traditions attributed to the Scribes were less stringent and less binding than those that could be directly attributed to the Torah. For this reason, R. Meir laid down the principle that the words of the Torah do not need support; whereas, the words of the Scribes do need support.⁽¹²⁾ Also, in matters of uncleanness the principle was established that everything (dealing with cleanliness) that has its principle in the Torah and its limit is derived from the Scribes, where doubt is involved, it is unclean.⁽¹³⁾

Yet, rulings attributed to the Scribes were of very strong force and had binding authority. Thus we

find in Kelim 13.7 if a pitch-fork, winnowing-fan, rake, or hair comb lost one its teeth and another of metal was made for it, they become susceptible to uncleanness, but normally such flat utensils of wood are not subject to uncleanness; (14) R. Joshua attributes the above ruling to the Scribes and adds that he cannot contradict them.

The law concerning the prohibition against the planting of diverse kinds outside of Israel is attributed to a derivation of the Scribes. (15)

A more serious offense was involved if a judge gave wrong decisions in matters relating to the ruling of the Scribes than to matters expressed in the Torah. (16) Thus the rabbis strengthened the authority of rulings of the Scribes in accordance with R. Meir's principle. (17)

Along side of the rulings of the Scribes in strength of authority were statements that could be labeled "halacah given to Moses from Mt. Sinai." Three such statements are recorded in the Mishnah. In Mishnah Peah 2.8 the ruling is stated that if a man sowed his field in two kinds of wheat and made them up into one threshing floor, he grants one Seah; but if two threshing floors, he must grant two Seahs. The source for this law is Nahum, the Scribe, who traces the tradition from R. Meir through his father to the Zugoth, who he purports received it from the Prophets as a Halacah given to Moses from Sinai. Similarly, Rabbi Joshua traces tradition through R. Johanan b. Zaccai and his teacher's teacher as a Halacah of Moses from Sinai.

that Elijah will come not to change the Law, but to make an end to injustice.⁽¹⁸⁾ R. Eliezer traces a tradition similarly to show that Ammon and Moab should give Poor-man's Tithe in the Seventh Year.⁽¹⁹⁾

The law regarding the planting of Orlah-fruit outside the Land of Israel is also halacah, which the commentator Bertinoro indicates is halacah to Moses from Sinai.⁽²⁰⁾

Similarly classed as strong tradition on virtually the same level are passages in which the formula "rightly have they said" (*shayin lehalak*) appears.⁽²¹⁾

An additional basis of authority upon which rabbinic regulations rested was that of custom or "minhag". The principle that established practice often becomes binding is manifest in Mishnah Pesachim 4.1: "where the custom is to work until midday on the day before Passover, they may do so; where the custom is not to do work, they may not work. If a man went from a place where they do so to a place where they do not, or from a place where they do not to a place where they do, to him is applied the more stringent use of the place which he has left and the more stringent use of the place to which he has come; but let no man behave differently (from local use) lest it lead to conflict." Similarly custom dictates in the following matters: the selling of small cattle to gentiles, eating roast flesh on the nights of Passover, kindling the lamp on the night of the Day of Atonement, working on the Ninth of Ab,⁽²²⁾ in making of halts in the

funeral procession on the Eve of Passover, ⁽²³⁾ in regard to the mourners following after the bier, ⁽²⁴⁾ asking the welfare of mourners on the Saboath, ⁽²⁵⁾ in the matter of revoking the act of bethrothal, ⁽²⁶⁾ in regard to work in connecti n with what is attached to the ground ⁽²⁷⁾ and in the manner of reciting the Hallel. ⁽²⁸⁾

In all of these cases, no specific Biblical law stands as authority. Yet, by attributing a ruling as either from the ruling of the Scribes, halacah given to Moses from Sinai, the result of custom, or under the formula 'Rightly have they said....' the Torah was extended to encompass many more details of life than could have been encompassed by its original legislation.

Another category of legal regulations derived their authority from the concept of Sh'vut--rules which establish the Sabbath limits. Examples of Sh'vut are the prohibitions against climbing trees, riding a beast, swimming on water, clapping the hands, slapping the thighs, and stamping the feet. ⁽²⁹⁾ These regulations are more lenient than those equated with Torah, for whatever relaxing of Sabbath restrictions allowed, by the Sages is a matter of permitting "what is already thine, for what they have permitted thee is only that which they have withheld by virtue of the Sabbath rest." ⁽³⁰⁾ The principle governing any regulation states that if it is derived from the Torah, stringency applies; but, if it is from the Scribes (i.e. rabbinic), leniency governs its observance. ⁽³¹⁾

The greatest impetus to the expansion of the tradition, however, lay in the activity of the academies. As an outgrowth of the discussions of the schools of scholars that arose after the last Zugoth, Hillel, and Shammai, principles relating to the evolution of the Law were developed. The rules involving the decision of any discussion recorded in the Mishnah are expressed in Masseketh Eduyoth. (32) A given halacah is established by majority opinion. (33) The question is raised, if this be so, why is the opinion of the individual recorded? The answer is given that if a court approves the opinion of any individual, it may rely upon him since a court cannot annul the opinion of another court unless it exceeds it both in wisdom and number. (34) Although it is considered in the Mishnah that an individual opinion might become that of the majority (and thus the halacah, if the later court is larger in number and wisdom), the understanding is that this was not the main reason for its being included. Thus the Tosefta asserts that the halacah is always according to the majority, and the only reason for an individual opinion being mentioned, is so that it may be nullified. (35) The Mishnah itself confirms this view, responding to R. Judah's question: "If so (i.e., if it is nullified) why do they record the opinion of the individual against that of the majority when it does not prevail?" Similar to the reply recorded in the Tosefta, (36) the Mishnah answers: "That if one shall say, 'I have received such a tradition' another may

answer, Thou didst hear it as the opinion of such-a-one." (37)

In case there was a deadlock between two sages, then the principle of stringent ruling, in regard to matters of Torah, and of lenient ruling, in regard to rabbinic rulings, was followed. (38)

The expounders of the Mishnaic law, however, were constantly aware that the strength of any ruling lay in how directly it could be shown to be rooted in the Torah itself. Thus, the comparison is made between the foundations of laws dealing with releasing of vows, the Sabbath, Festal offerings and Sacrilege on the one hand, and cases dealing with property, the Temple Service, rules of cleanliness, and the forbidden degrees on the other. (39)

Concerning the former group, the assertion is made that they have little Scriptural foundation, and may be compared to "mountains hanging by a hair," while the latter are characterized as "the essentials of the Law" because they have plentiful foundation in Scripture. Yet the Tosefta adds a significant statement by Rabbi Joshua. (40) To the allegation that the first group of regulations have little Scriptural basis on which to rely he says:

לשון אדם נעשה בלשון אדם / לשון אדם נעשה בלשון אדם / לשון אדם נעשה בלשון אדם (לשון אדם)

"Our tongs are made with the help of tongs; who made the first tongs? Therefore the first tongs must have been a 'natural object'; that is, despite the apparent distance of the derived rabbinic legislation from its Scriptural roots, it is logically derived, and the final source is

a 'natural object', i. e., has primal Scriptural authority.

From this fundamental point of view, it is readily understood how the principles of hermeneutics developed. (41) It is not within the scope of this study to canvass these principles employed in developing and expanding the application of Torah. Yet it is significant that the seven principles of Hillel, basic tools in expanding Scripture, are already established in the Mishnah and the Tosefta. (42)

The close relationship between Biblical and Rabbinic legislation and the use of hermeneutic principles to establish a general rule is well demonstrated in Mishnah Pesachim 6.2 and its parallel passage in Tosefta Pesachim 4.2. Thus in the former discussion as to what acts pertaining to the Passover-offering override the Sabbath, Rabbi Eliezer said: (43) **"is not that the inference?** (principle of kal'v'homer)....if slaughtering which comes within the category of (Biblical) work, overrides the Sabbath, may not those things override the Sabbath which come (only) within the category of Sabbath rest?" (Sh'vut---see page 12). R. Joshua said to him: "A Festival-day affords proof, for on it they have permitted acts which come within the category of work and have forbidden acts which come within the category of Sabbath rest." R. Eliezer said to him: "What is this, Joshua! How can a voluntary act be any proof concerning an obligatory act?" R. Akiba answered and said: "S.rinkling affords proof for it is obligatory, it comes within the category of Sabbath rest, yet it cannot override the Sabbath. Wonder not that

these also although they are obligatory and come within the category of Sabbath rest, do not override the Sabbath." R. Eliezer said to him: "Thereon, too, do I base my inference; if slaughtering, which comes within the category of work, overrides the Sabbath, should not sprinkling override the Sabbath in that it comes within the category of Sabbath rest?" R. Akiba said to him: "No, on the contrary...if sprinkling which comes only within the category of Sabbath rest does not override the Sabbath, does it not follow that slaughtering, which comes under the category of work, cannot override the Sabbath?" R. Eliezer said to him: "Akiba, wouldst thou uproot what is written in the Law, 'between the evenings in its appointed time,' (Numbers 9.3)--whether this be a weekday or a Sabbath?" He answered: Rabbi, bring me an 'appointed time' (קריבן) for these acts equal to the 'appointed time' for slaughtering (the Passover-offering) ! [It says 'b'moedo' (in its appointed time) in regard to Pesach and it says 'b'moedo' in regard to the daily offering. Just as the daily offering about which it says in its appointed season, overrides the Sabbath, also Pesach about which it says 'in its appointed season' should override the Sabbath.⁽⁴⁴⁾ (Principle of Gezerah Shawa)] R. Akiba laid down a general rule: 'Whatsoever work (arising from the Passover-offering) can be done on the day before the Sabbath, cannot override the Sabbath. Slaughtering which cannot be done on the day before the Sabbath, overrides the Sabbath.'⁽⁴⁵⁾

Here is a rabbinical discussion as to what acts pertaining to the Passover-offering override the Sabbath.

By applying the hermeneutic principle of kal v'homer, Rabbi Eliezer attempts to give a basis for certain rabbinically derived practices to override the Sabbath. R. Akiba's refutation comes from proving that Eliezer's application of the kal v'homer is faulty, and more than that he applies the principle of Gezera Shawa to give weight to his argument. Having established his case, he then is able to establish the general rule which we find at the end of our Mishnah.

It is evident, therefore, that the application of the law from the pristine Torah received by Moses to the minutiae found in the time of the Mishnah and Tosefta was broadened into an authoritative legal code by the rabbis. Further evidence of this is found in the statement: to disclose meanings not according to halacah, despite knowledge of the law and good works meant to forfeit one's portion in the World-to-Come.⁽⁴⁶⁾ Thus the halacah encompassed the totality of Jewish life in the Tannaitic Period, although the prevailing conditions were quite different from those of Moses' generation.

B. Limitations of Obligations Under the Halachic System

The Mishnah and Tosefta set down regulations which indicate in part when one comes under obligation to fulfill the mitzvot. In the Mishnah there is the statement that although one is fit for studying Scripture and

Mishnah at the ages of five and ten respectively, it is at the age thirteen that he is first eligible for the commandments. (47) Children, therefore, are not caused to fast on the Day of Atonement, but a year or two before they become of age they are prepared so that they may become versed in the commandments. (48)

Similarly, in Sanhedrin 8.1, the question is asked: "When can one be condemned as a stubborn and rebellious son?" The answer given is: "From the time that he can produce two hairs until he grows a beard--the lower one-- (this is the age of puberty, about thirteen years) a minor is exempt since he has not yet come within the scope of the commandments."

Further, the principle is laid down that all the obligations of a father towards his son enjoined in the law are incumbent on men but not on women, and all the obligations of a son towards his father enjoined in the Law are incumbent on both men and women. The observance of all positive ordinances that depend upon the time of the year is incumbent upon men but not on women, and the observances that do not depend on the time of the year are incumbent both upon men and on women. The observance of all the negative ordinances, whether they depend on the time of year or not, is incumbent upon men and on women, excepting the ordinances: Thou shalt not mar (the corners of thy beard) and Ye shall not round (the corners of your head) and thou shalt not become

unclean because of the dead.⁽⁴⁹⁾ (The categories expressing these principles are detailed in Tosefta Kiddushin 1.10.)

Finally, Tosefta Hagigah 1.3 states that a girl who produces two hairs (reaches puberty) is obligated in all the mitzvot in the Torah, or she performs Halitzah, or can be subject to levirate marriage; and so a boy that produces two hairs is obligated in all the mitzvot of the Torah, he may fill an elder's place, is qualified to be an agent of the people, to go before the ark, and to raise his hands in the priestly benedictions in the Temple.

Thus, at the age of thirteen (with the limitations upon women stated above) both boys and girls take on the adult responsibilities of the mitzvah system.

C. The Joy of the Law

The primary meaning of Mishnah is "teaching" (by repetition.).⁽⁵⁰⁾ It is evident, therefore, that aside from prescribing the many rules which govern the Jew's life, the rabbis of the Mishnah and Tosefta were greatly concerned with teaching a love for, and joy in performing the various mitzvot.⁽⁵¹⁾

In Tosefta Peah 3.8, the following incident is related: "Once a Hasid who forgot an omer in his field said to his son: 'Go and sacrifice for me a bullock for a burnt-offering and a bullock for a peace-offering.' He said to him: 'Father, why do you prefer to rejoice in this commandment more than all the commandments that

are in the Torah?' He said to him: 'All the commandments that are in the Torah God gave to us for our own understanding. This is not for our understanding, for were we to do it intentionally before God, we would not have fulfilled this commandment. (52) For behold it says: 'When you harvest your harvest, and the forgotten part of the homer of the field,...' (Deuteronomy 24.19). Scripture affixed a blessing for it. Is it not a kal v'homer? What if a man did not intend to merit and merited; it is accounted unto him as if he merited, the one who intended to merit and merited how much the more so! In like manner, 'If one of the common people sins by error....' (Leviticus 5.17-18), this is a kal v'homer. Just as in the case of one who did not intend to sin and sins, it is accounted as if he sinned, how much the more so for one who intended to sin and sinned!"

The rabbis constantly stressed the importance of performing each mitzvah regardless of how minor it might seem. Thus, they declared: "Every one who performs one mitzvah, shall fare well, and his days will be lengthened, and he shall inherit the land (of Israel), and every one who does one transgression, evil shall befall him and his life will be shortened, and he shall not inherit the land. And concerning this one Scripture says: 'One sinner destroys much good.' (Ecclesiastes 9.18); by this one sin which he sinned, the one destroys much good. A man should always see himself half innocent and half guilty.

He does one mitzvah, happy is he that he has overbalanced himself in the scale of merit. If he does one transgression, woe to him that he has overbalanced himself on the scale of culpability." (53)

Of the same spirit are the exhortations found in Mishnah Aboth. For thus said Ben Azzai: "Run to fulfill the lightest duty even as the weightiest, and flee from transgression; for one duty draws another duty in its train, and one transgression draws another transgression in its train; for the reward of a duty is a duty (*וְיִצְטָק*) and the reward of a transgression is a transgression." (54) Similarly the words attributed to Rabbi Judah Ha-Nasi: "Be heedful of a light precept as of a weighty one, for thou knowest not the recompense of reward of each precept; and reckon the loss through a precept against its reward, and the reward from transgression against its loss." (55) In another passage, the image of man before the seat of judgment is inferred, such that he who performs one precept gets for himself one advocate, but he that commits one transgression gets for himself one accuser. (56)

This same concern for the performance of the light duties is evidenced in Mishnah Hullin 12.5, which states that a man may not take the dam and her young even for the sake of cleansing the leper. "If then of so light a precept, concerning what is worth but an issar, the Law has said that 't may be well with thee and that thou mayest prolong thy days, how much more for the weightier

precepts of the Law." To which the Tosefta adds: "There is no mitzvah in the Torah in which its reward is not at its side and resurrection of the dead written about it..." (57)

In some cases certain types of practices received special endorsement from the rabbis. To emphasize their importance, the term "are weighed equal to all the commandments in the Torah" (*אקולין כנגד כל המצוות לקהורה*) is used. Thus it is stated in Tosefta Peah 4.19: "Charity (*צדקה*) and acts of lovingkindness (*למנוח חסדים*) are weighed against all the commandments that are in the Torah. But charity is for the living and acts of lovingkindness for the living and the dead. Charity is for the poor, acts of lovingkindness for the poor and the rich. Charity is in property, acts of lovingkindness with body and property."

To stress the importance of the Land of Israel, the rabbis exhort that "a person should live in the Land of Israel and even in a city in which most of the people are Gentiles, and not outside of the Land, and even if in a city that is all full of Jews. This teaches that dwelling in the Land of Israel is weighed as equal to all the commandments of the Torah, and every one who is buried in the Land is as if buried under the altar." (58)

The prohibition against circumcision issued by Antiochus Epiphanes and later by the Roman Emperor Hadrian in 132 C.E. led to the exaltation of circumcision by the Jews which elevated it as foremost among the commandments. (59) Once more the rabbis show their love for each commandment by

elevating circumcision in equating its performance to that of all the other commandments: "Great is circumcision whereby the covenant was made thirteen times." R. Jose says: "Great is circumcision which overrides even the rigor of the Sabbath." R. Joshua b. Korcha says: "Great is circumcision which even for the sake of Moses, the righteous, was not suspended so much as an hour." R. Nehemia says: "Great is circumcision which overrides the laws of leprosy-signs." Rabbi says: "Great is circumcision, for despite all the religious duties which Abraham, our father, fulfilled, he was not called 'perfect' until he was circumcised, as it is written, 'Walk before me and be thou perfect.' (Genesis 17.1) After another fashion (it is said) "Great is circumcision; but for it the Holy One, blessed be He, had not created His world, as it is written, thus saith the Lord, 'but for my covenant day and night, I had not set forth the ordinances of heaven and earth.' (Jeremiah 33.25). (60) And the Tosefta adds: "Great is circumcision for it is weighed against all the acts of creation that are in the Torah." As it says: "Behold the blood of the covenant which the Lord made with you..." (Exodus 24.8) (61) Thus Israel regarded the religious duties as a gift of God as a sign of His love for His people, as the following Mishnah passage indicates: R. Hananiah B. Akashya says: "The Holy One, blessed be He, was minded to grant merit to Israel; therefore hath he multiplied for them the Law

and commandments, as it is written: 'It pleased the Lord for his righteousness' sake to magnify the Law and make it honorable.' (Isaiah 42.21) (62) Therefore, the joy one expressed in fulfilling the commandments, was Israel's reciprocal expression of love for God."

NOTES TO CHAPTER I

1. Each of these discussed below
2. Aboth 1.1
3. Sanhedrin 10.1
4. Makkoth 3.16
5. **A**both 1.1
6. Last pair of Zugoth ; Aboth 1.12
7. Tos. Eduyoth 1.1
8. See Baba Metzia 2.10; Ketuboth 4.3; Shebuoth 2.4
9. Aboth Malaca. Cf. Mishnah Shabbat 7.2
10. Tos. Mikvaoth 5.4
11. Yebamoth 2.3; see also Mikvaoth 6.7
12. Tos. Yebamoth 2.4
13. Tos. Mikvaoth 5.4
14. Kelim 15.1
15. Orlah 3.9
16. Sanhedrin 11.3
17. See above Tos. Yebamoth 2.4
18. Eduyoth 8.7
19. Yadaim 4.3
20. See Bertinoro to Orlah 3.9
21. Kilaim 2.2 (Bertinoro also cites Terumah 2.1; Shabbat 1.3; 10.4 Nazir 7.3) See also Tos. Berakoth 5.17
22. Pesahim 4.3; 4.5
23. Tos. Pesahim 2.14
24. Tos. Pesahim 2.16

25. Ibid.
26. Ibid.
27. Tos. Pesahim 2.18
28. Sukkah 3.11
29. Betzah 5.2
30. Eruvin 10.15
31. Tos. Eduyoth 1.5
32. Eduyoth 1.5; 1.6
33. Eduyoth 1.5
34. Ibid.
35. Tos. Eduyoth 1.4
36. Ibid.
37. Eduyoth 1.6
38. Tos. Eduyoth 1.5
39. Hagigah 1.8
40. Tos. Hagigah 1.9
41. Cf. M. Mielziner: Introduction to the Talmud. p. 117ff.
on hermeneutic principles
42. The Seven principles of Hillel are mentioned in
Tos. Sanhedrin 7.11
43. **Pesahim** 6.2
44. Bracketed section from Tos. Pesahim 4.2
45. Return to Mishnah Pesahim 6.2
46. Aboth 3.12
47. Aboth 5.21
48. Yoma 8.4; Tos. Yoma 5.2
49. Kiddushin 1.7
50. Cf. the definition of "mishneh" in Marcus Jastrow:
Dictionary of Talmud Babli, p. 857
51. For fuller discussion of this theme cf. S. Schechter:
Aspects of Rabbinic Theology, Chapter XI, p. 148 ff.

52. Cf. Saul Lieberman Tosefta Ki-fshuta, Part One, p. 170; note to Tosefta Peah 3.8: It would have been plain tsedakah (צדקה) and not the commandment of shikha (שחיה).
53. Tos. Kiddushin 1.13
54. Aboth 4.2
55. Aboth 2.1
56. Aboth 4.11
57. Tos. Hullin 10.16
58. Tos. Avodah Zarah 4.3
59. See discussion in George Foot Moore: Judaism Vol.II, pp. 18-20
60. Nedarim 3.11
61. Tos. Nedarim 2.6
62. Makkoth 3.16

CHAPTER TWO

THE BENEDICTIONS

In the preceding chapter, it was established that the Torah rather than being by-passed or weakened, was greatly strengthened by the addition of rabbinically-derived principles of interpretation.

The next task is to discover the types of prayers extant in our sources and to categorize them.

The categories of Abudraham in his Hilcoth Berakoth⁽¹⁾ form a practical guide for classifying the kinds of prayers found in the Mishnah and Tosefta. He divides the types of blessings into four categories: (1) Bircoth Mitzvah--such as precede the performance of religious duties; (2) Bircoth Ha-Nehenin--such as are offered for enjoyment; (3) Bircoth Hoda'ah--such as are offered on special occasions of thanksgiving and praise and (4) Bircoth Teffilah--such as are comprised in the daily prayer. The purpose of the present chapter will be to characterize and delineate the Tannaitic prayers according to these categories.

A. Bircoth Mitzvah

The principle that any religious duty (מִצְוָה) must be preceded by the pronouncement of the proper benediction is set down in the Tosefta: "He who performs any commandment must say a benediction."⁽²⁾ The formula "Blessed be He who has sanctified us by His commandments and commanded

us....." introduces each benediction of this class. Thus when one enters a sukkah to dwell in it he says: "Blessed be He who sanctified us by His commandments and commanded us to dwell in the sukkah."⁽³⁾ When he takes up the lulab he says, "Blessed be He who sanctified us by His commandments and commanded us concerning the taking up of the lulab."⁽⁴⁾ When he makes tsitsith for himself he says, "Blessed be He who sanctified us by His commandments and commanded us to wrap oneself in tsitsith."⁽⁵⁾ Likewise at the time of putting on the tefillin, he says, "Blessed is He who hast sanctified us by His commandments and commanded us to lay tefillin."⁽⁶⁾

He who kills an animal for food says, "..... Who hast sanctified us by His commandments and commanded us concerning slaughter."⁽⁷⁾ Likewise the one who covers the blood.⁽⁸⁾

The one who performs the ceremony of circumcision needs a benediction for himself. He says, ".....Who sanctified us by His commandments, and commanded us concerning circumcision."⁽⁹⁾ The father of the boy needs a benediction for himself: "Blessed be He who sanctified us by His commandments and commanded us to make him enter into the covenant of Abraham our father."⁽¹⁰⁾ The mohel adds the following benediction: "He who sanctified the beloved from the womb set a statute in his flesh; his offspring did He seal with the sign of the holy covenant. Therefore, in reward for this did the living God, our Portion and our Rock, give commandment to deliver the beloved of our race for the sake of His

covenant which He set in our flesh. Blessed be He who maketh the covenant."(11)

He who makes a journey to separate Contributions and Tithes says: "Blessed be He who sanctified us to separate Contributions and Tithes."(12)

In the case of ten persons who are performing ten religious duties, each single person says a benediction for himself. If all of them are performing one religious duty, he says the benediction for them all. A single person who performs ten religious duties says a benediction over each one of them. If he is performing one religious duty, the whole day, he says the benediction only once. If he leaves off and then goes on performing it he says one over each time.(13)

The principle involved in the recitation of Bircoth Mitzvah is that the recitation of such a blessing should be directly followed by the act.(14) The reason for this is that the validity of the act does not depend upon the blessing, but upon the performance itself.(15)

Further evidence of the importance of reciting a benediction upon the fulfillment of a commandment was derived by the rabbis from Deuteronomy 26.13: "Then shalt thou say before the Lord thy God: 'I have put away the hallowed things out of my house, and also have given them unto the Levite, and unto the stranger, to the fatherless, and to the widow, according to all thy commandments neither have I forgotten (them).' Thus in regard to the Second Tithe: According to all Thy commandment

which Thou hast commanded me; thus if he granted Second Tithe before First Tithe he may not make the Avowal; I have not transgressed any of Thy commandments---I have not given from what is unplucked, or from what is unplucked instead of from what is plucked, or from new produce instead of from old, or from old produce instead of from new; neither have I forgotten--I have not forgotten to bless Thee or make mention of Thy name over it. (16)

The Tosefta adds: "All who are busied with the commandments open their mouths in prayer before God, as it says: 'And you shall decree a thing, and it shall be established for you!' (Job 22.28)" (17)

Certain categories of persons were excluded from performing certain mitzvot because they were unable to recite the Birkoth Mitzvah which is required to accompany the act. For so the Tosefta states: "Why did they say that a mute may not give his Terumah? Because he cannot bless. Why did they say that a man who has a flux may not give his Terumah? Because he cannot bless. Why do they say that a naked person may not give his Terumah? Because he is not able to bless. But he covers himself with fodder and straw or anything and then blesses." (18)

The basis for the development of Birkoth Mitzvah is Deuteronomy 17.11, "Thou shalt not turn aside from the sentence which they shall declare unto thee." (19)

Birkoth Mitzvah are only said over a positive commandment (*mitzvah*) with the following exceptions: It is not said over a commandment not solely dependent

upon the doer: (Example: gifts to the poor), nor in the case of a commandment which comes through a transgression (Example: return of theft), nor over a commandment which involves the giving of something not belonging to the giver (Example: the presents of the priesthood), nor at a time of disgrace or degradation (Example: the Hallel is not said on Rosh Hashanah because it is the time of judgement.)⁽²⁰⁾

B. Bircoth Ha-Nehenin

A second class of berakoth are the Bircoth Ha-Nehenin:-- the blessings said for enjoyments. The prescription for these blessings is found in Tosefta Berakoth 4.1: "Let no man taste anything until he pronounces a benediction, for it is said: "The earth is the Lord's and the fulness thereof, the world and they that dwell therein." (Psalm 24.1) He that getteth enjoyment out of this world without a benediction, behold, he has defrauded (the Lord), to such a degree that at last all the commands are loosed for him. Let not a man make use of his face, his hands, and his feet, save for the honour of his Maker, for it is said: "The Lord hath made everything for his own purpose." (Proverbs 16.4) Parenthetically a homiletical explanation for the Bircoth Ha-Nehenin is given by R. Levi in Talmud Babli, Berakoth 35a: To God belongs the earth and its fulness, according to Psalm 24.1, but when consecrated by a benediction it becomes man's privilege to enjoy it. ⁽²¹⁾

Three chapters in the Mishnah and the Tosefta are concerned with Bircoth Ha-Nehenin, especially with the Bircath Ha-Mazon--the blessings following the meal, sanction, for which is taken directly from the Torah: 'And thou shalt eat and be full, and thou shalt bless' (Deuteronomy 8.10), this is the benediction in the invitation (/IN3).⁽²²⁾ From here the Tosefta presents the foundations for the blessings before the meal: "Whence do we learn that just as thou blessest Him after it, so thou blessest Him before it? It is expressly said: 'which he gave thee: that is, from the time He is giving it thee.'" ⁽²³⁾

An important principle is that the benediction be appropriate to the thing enjoyed. Thus, Mishnah Berakoth 6.2 states: "If over the fruits of trees he said the benediction, '....who createst the fruit of the ground,' he has fulfilled his obligation; but if over the fruits of the earth he said, '....who created the fruit of the tree! he has not fulfilled his obligation. If over them all he said, ...'by whose word all things exist,' he has fulfilled his obligation."

If one has many kinds of food before him, he may bless over whichever one he chooses,⁽²⁴⁾ but where there is a principal food with an accompaniment, a blessing is only necessary over the principal food, such as in the case where salted relish is brought with bread; the benediction is said over the salted relish and the bread is let go free.⁽²⁵⁾ In the Tosefta the additional comment is made

by Rabban Simeon ben Gamaliel: "Pieces of bread are a great sign to guests. So long as the guests see the pieces they know that something more is coming after them; when they see a whole loaf and beans they know that nothing else comes after them."⁽²⁶⁾

Although the proper benediction is desired for each object of enjoyment, it is enough for one to say over a piece of bread: "Blessed be He who created this piece of bread, how beautiful it is!--this is its benediction. If he has seen figs, and has said, "Blessed be He who has created these figs; how beautiful they are" this is their benediction."⁽²⁷⁾

The blessings over what grows from the earth are fourfold. Over the fruit of trees, one says 'who createst the fruit of the tree', except for wine, for which one says 'who createst the fruit of the vine'. Over the fruit of the earth one says, 'who createst the fruit of the ground,' except for bread, for which one says, 'who brings forth bread from the earth.'⁽²⁸⁾

For anything else that does not grow from the earth, the blessing is 'by whose word all things exist.'⁽²⁹⁾

The Bircath Ha-Mazon, grace after the meal, is fully expounded in the Mishnah and Tosefta. If three eat together they must say the common grace.⁽³⁰⁾ Although women, slaves and children are not invited to recite the Bircath Ha-Mazon, they are under obligation to do so.⁽³¹⁾ They are not able to fulfill the obligation on behalf of the majority, yet a woman may say the benediction for her husband, a son for his father, and a slave for

his master. (32) An Olive's bulk of food is the minimum one must eat in order for the Bircath Ha-Mazon to be required. (33) All are under obligation to say the Bircath Ha-Mazon: priests, Levites, and Israelites, proselytes and slaves, freedmen, priests of illegitimate birth, Nethinim and bastards, man-made eunuchs, and eunuchs by birth, and those crushed in their privy parts. These can also set the majority free from their obligation: persons of uncertain or double sex are under obligation, but cannot set the majority free from their obligation. (34)

The invitation (*1/103*) is worded "let us bless" when three are present, and "Let us bless our God for the food we have eaten" when ten or more are present. It is all the same whether there be ten or ten myriads. This is the prescription for the Bircath Ha-Mazon although the Mishnah shows a difference in view between Jose the Galilean and Akiba. (35)

Three who have eaten together are not allowed to separate. So also with four or five. Six may separate into two groups of three and so until ten. But not ten until there be twenty. (36) In the case of twenty persons they are divided into two groups provided that none among them previously separated himself from the invitation. (37)

C. Bircoth Ha-Hoda'ah

Closely akin to the Bircoth Ha-Nehenin are the Bircoth Ha-Hoda'ah, the blessings of thanksgiving. These include

expressions of praise and thanksgiving on various occasions enumerated in the main, in the last chapter of both the Mishnah and Tosefta:

He who sees a place where miracles were wrought for Israel says: "Blessed be He who wrought miracles for our fathers in this place." (38) In the case of a place where idolatry was uprooted, he says: "Blessed be He who uprooted idolatry from our land." (39)

He that sees a gathering of men says: "Blessed be He who is wise in all these mysteries, for none of their countenances is alike, nor their knowledge alike." (40) The attitude of gratefulness and humility which one should have is expressed by Ben Zoma; when he saw a gathering in the Temple area, he said: "Blessed be He who created all these to serve me. How much did Adam toil, and tasted not one mouthful, until he had ploughed, and sowed, and reaped, and harvested, and threshed, and winnowed, and sifted, and ground, and bolted, and kneaded, and baked, and after that he ate! But I arise at dawn and I find all these things already done for me. How much did Adam toil and clothed himself with not a single garment until he had shorn, and cleansed, and beaten, and dyed, and spun, and weaved, and sewed, and after that he clothed himself! But I arise at dawn and find all these things already done for me. How many tradesmen are anxious and rise early! But I arise at dawn and find these already done for me. And so Ben Zoma used to say: "What does a good guest say? Remember the landlord for good! How

many kinds of wine hath he brought before us! How many kinds of portions of meat hath he brought before us! How many kinds of fine bread hath he brought before us! All that he did, he did only for my sake.⁽⁴¹⁾ But what does an evil guest say? Well what have I eaten of his? One bit of bread have I eaten of his; one portion of meat have I eaten of his; one cup have I drunk of his; all that he did, he did only for the sake of his wife and his children. And so it says: 'Remember that thou magnify His work whereof men have sung.' (Job 36.24)⁽⁴²⁾

At shooting stars and earthquakes and at lightnings , and at thunder and winds one says: "Blessed be He whose power filleth the world." At mountains and hills, at seas and rivers, and at deserts, he says: "Blessed be the Maker of the works of Creation." At rains, and at good tidings he says: "Blessed be the Good and the Doer of Good." And at ill reports he says: "Blessed be He who judgeth in truth."⁽⁴³⁾

He who sees a negro, or a man with red spots or one with white spots or a humpback or a dwarf says: "Blessed be He who makes creatures different." For one who has lost a limb, or a lame man, or a blind man, or one afflicted with boils, he says, "Blessed be He that judgeth in truth,"⁽⁴⁴⁾

If a man built a new house, or bought new tools, he says: "Blessed be He who has granted us life, has established us, and brought us to this time."⁽⁴⁵⁾ This is a celebrated blessing prescribed for use on the enjoyment of a new possession or pleasure for the first time.⁽⁴⁶⁾

If one sees beautiful persons or beautiful trees he says, "Blessed be He who has beautiful creatures thus in His world." (47)

He that sees the rainbow in the cloud says: "Blessed be He who is faithful in His covenant, remembering the covenant." (48)

If one walks in a burial ground, one says: "Blessed be He who is faithful in His work, restoring the dead to life." He who sees the sun and the moon, and the stars, and the planets says, "Blessed be He who maketh the things of Creation." (49)

"A man is under obligation to say a benediction for evil just as he does for good. For it is said: 'And thou shalt love the Lord thy God with all thy heart with all thy soul and with all thy might.' With all thy heart:-- with thy two natures, with thy good nature and thy evil inclination. And with all thy soul:-- even if He take away thy soul. And with all thy might:--with all thy wealth. Another explanation is: With all thy might-- with every measure that He measures out to thee, in all do thou give thanks exceedingly." (50)

D. Bircoth Tefillah

The final category of berakoth is the Bircoth Tefillah, the blessings connected with the daily worship.

In particular the Tefillah is the eighteen benedictions

which are to be recited every day.⁽⁵¹⁾ The eighteen benedictions which make up the Tefillah and the recitation of the Shema and its benedictions comprise the core of the daily worship service. A tradition states that they correspond to the eighteen times God's name is mentioned in Psalm 29.⁽⁵²⁾ Five of the nine chapters of Mishnah Berakoth and three of the seven chapters of the Tosefta Berakoth deal with the Shema and the **Tefillah**; the principles laid down in the Mishnah and the Tosefta form the foundation of Jewish liturgy. As the next chapter will deal with their content and function, the present discussion will simply characterize the Shema and the Tefillah.

The Mishnah and Tosefta begin with a discussion as to the limits of the time in the evening when the Shema may be recited; the commandment of recitation evening and morning is set down in Deuteronomy 6.7.⁽⁵³⁾ The conclusion is that although the evening Shema may theoretically be recited until the dawn, the sages decreed that the deadline is midnight in order to keep man far from transgression.⁽⁵⁴⁾ The morning Shema may be recited from the time that one can distinguish between blue and white (the colors of the threads of the tsitsith),⁽⁵⁵⁾ but its legal recitation is at the moment that the sun shines out, so that a man may join the Geullah (the final benediction accompanying the morning Shema) to the Tefillah (which immediately follows).⁽⁵⁶⁾

In the morning two benedictions are said before the Shema and one after; and in the evening two benedictions

are said before and two after, one long and the other short. Where the long is prescribed the short is not permissible; where the short is prescribed the long is not permissible. Where it is prescribed to seal a benediction it is not permissible not to seal; and where it is prescribed not to seal, it is not permissible to seal. (57) The benedictions which are said in the short form are: the benediction over fruits, over religious duties, the Bircath Ha-Zimun, and the second benediction at the recitation of the Shema. The benedictions said in the long form are the benediction at the Fasts, the benedictions on Rosh Hashanah and Yom Kippur. (58)

The blessings ~~in~~ which one does not seal with "blessed" are the blessing over fruits, over religious duties, the Bircath Ha-Zimun, and the second benediction of the Bircath Ha-Mazon. (59) All blessings begin with "Blessed" except the benediction joined to the recitation of the Shema (*שְׁמַיָּהוּ שְׁמַיָּהוּ שְׁמַיָּהוּ*) and the benediction joined to another benediction. (60)

One has fulfilled his obligation if he recited the Shema, but not loud enough for his ears to hear. (61) Women, slaves and minors are exempt from reciting the Shema and from wearing phylacteries, but they are not exempt from saying the Tefillah, from the law of the Mezuzah or from the Bircath Ha-Mazon. (62)

Just as the Torah fixed a time for the Shema, so the sages fixed a time for the Tefillah. (63) The morning prayer (Tefillah) could be said until midday,

the afternoon prayer until evening, the evening prayer has no fixed law, and the additional prayers (שְׁמוֹנֶה עָשָׂר) may be said the whole day; (64) because the burnt offerings for morning, afternoon and evening were offered until these times. (65)

The Tefillah may be said either with the local congregation or without them. (66) If his prayer is fluent in his mouth, one should say the eighteen benedictions, but if not, the substance of the eighteen. (67) The order of the Tefillah at the time of the Mishnah and the Tosefta is much as is found today. References are made specifically to the Avoth, G'vuroth, and Kedushat-Ha-Shem, Honen Ha-Da'ath, Goel, Rofay, Bircath Ha-Shanim, Zaddikim (perushim), David, Jerusalem, Shomea Tefillah, Avodah, Hoda'ah and Bircath Ha-Cohanim. (68) In addition the changes on minor festivals, festivals and the Sabbath are mentioned. Concerning them are the following regulations regarding the Tefillah:

In every festival in which there is no additional service (שְׁמוֹנֶה עָשָׂר), as for example, Chanuka and Purim, at the morning and the afternoon service, one prays the Eighteen, and says an abstract corresponding to the needs of the occasion. And in every festival in which there is an additional service, as for example, the beginning of the month, and the ordinary days in a festival, at the morning and the afternoon service, he prays the Eighteen, and says the sanctification of the day in the benediction about the Temple service (שְׁמוֹנֶה עָשָׂר).

And in the additional services he prays seven benedictions and says the sanctification of the day in the middle. (69) In the case of a Sabbath which falls on the first day of the month, or on the ordinary day of the festival, at morning and afternoon prayer, one prays seven prayers, and says an abstract corresponding to the needs of the occasion in the Temple worship benediction. (70) On Sabbath, festival, and the Day of Atonement one prays seven prayers and says the sanctification of the day in the middle. (71) When Rosh Hashanah falls on the Sabbath, one prays nine benedictions; when a festival falls on the Sabbath, he prays seven with the sanctification of the day in the middle. And he seals with "Blessed be Thou that sanctifiest the Sabbath, Israel and the seasons." (72)

The order of the benedictions on Rosh Hashanah was established as follows: the Fathers, Power and Hallowing of the Name; the Sovereignty verses (שׁוֹמֵר הַיּוֹם) are combined with the Hallowing of the Day, and the shofar is sounded; then the Remembrance verses (זִכְרוֹן) are sounded followed by the shofar; then the Shofar verses (שׁוֹפָר), and then the Temple Service, Thanksgiving, and the Benedictions of the Priests are recited. (73)

On fast days twenty-four benedictions were recited, the eighteen of normal daily use and six more inserted between Go'el and Ro-fay. (74) The prayers like the commandments pervaded every part of the Jew's life. Israel blessed God before the performance of the commandments, for the enjoyments of life, on specific occasions when thanksgiving was due, and in a daily discipline of fixed worship three times a day.

NOTES TO CHAPTER II

1. See Kaufman Kohler, "Benedictions". Jewish Encyclopedia, Vol. III, page 10.
2. Tos. Berakoth 7.9
3. Ibid.
4. Tos. Berakoth 7.10
5. Ibid.
6. Ibid.
7. Tos. Berakoth 7.11
8. Ibid. Also Tos. Hullin 6.9
9. Tos. Berakoth 7.12
10. Ibid.
11. Tos. Berakoth 7.13
12. Tos. Berakoth 7.14
13. Tos. Berakoth 7.15
14. Tos. Berakoth 7.14
15. See Adolpho Schwarz, Tosefta commentary Mesian Arveh under sign (נאפ) on page 55, note to Tos. Berakoth 9.5 (In Zuckermendel edition Tos. Berakoth 7.14) The principle cited is evident also on the basis of Tos. Megillah 2.5: "If he blesses before and not after, or after and not before, or neither blesses before or after, he has fulfilled his obligation (to read the Megillah)."
16. Ma'aser Sheni 5.11
17. Tos. Ma'aser Sheni 5.24
18. Tos. Terumoth 3.1,2
19. Cf. article "Bircoth Ha-Mitzvoth" in Encyclopedia Talmudit, Volume 4, Column 520ff.
20. Ibid. Column 522
21. See Israel Abrahams, Annotated Edition of the Authorized Daily Prayer Book, (Singer) p. cexl

22. Tos. Berakoth 7.1
23. Ibid.
24. Berakoth 6.4
25. Berakoth 6.7
26. Tos. Berakoth 4.14
27. Tos. Berakoth 4.4; 4.5, R. Judah, contrary to R. Meir maintains that everyone who changes the formula which the majority formed in a benediction has not fulfilled his obligation, which indicates that there was dissent to this principle.
28. Berakoth 6.1
29. Berakoth 6.3
30. Berakoth 7.1
31. Cf. Berakoth 3.3
32. Tos. Berakoth 5.17
33. Berakoth 7.2; Sukkah 2.5
34. Tos. Berakoth 5.14
35. See Mishnah Berakoth 7.3 for full text. Talmud Babli, Berakoth 49b-50a, naturally at a much later time, discusses these differences and rules in favor of R. Akiba.
36. Berakoth 7.4
37. Tos. Berakoth 5.19
38. Berakoth 9.1 Bertinoro elaborates: "the fords of the Red Sea, the streams of Arnon, the fords of the Jordan and the stone on which Moses sat when he made war with Amalek, and the like."
39. Berakoth 9.1
40. Tos. Berakoth 7.2
41. See Sanhedrin 4.5, end: "for My sake was the world created".
42. Tos. Berakoth 7.2
43. Berakoth 9.1
44. Tos. Berakoth 7.3

(Notes to Chapter II cont'd)

45. Berakoth 9.3
46. See Israel Abrahams, op.cit. P. ccxix.
47. Tos. Berakoth 7.4
48. Tos. Berakoth 7.5
49. Tos. Berakoth 7.6
50. Berakoth 9.5 ; The Biblical reference in Deut. 6.5
51. Berakoth 4.3
52. Tos. Berakoth 3.25
53. "And thou shalt speak of them when thou liest down and when thou risest up."
54. Berakoth 1.1
55. Berakoth 1.2
56. Tos. Berakoth 1.2
57. Berakoth 1.4
58. Tos. Berakoth 1.6
59. Tos. Berakoth 1.7
60. Tos. Berakoth 1.8
61. Berakoth 2.3
62. Berakoth 3.3
63. Tos. Berakoth 3.1
64. Berakoth 4.1
65. Tos. Berakoth 3.1
66. Berakoth 4.7
67. Berakoth 4.3
68. See Rosh Hashanah 4.5 ; Berakoth 4.4; 5.2; Tos. Berakoth 3.7; 3.25; Tos. Yoma 4.16, Tos. Ta'anith 1.1
69. Tos. Berakoth 3.10

(Notes to Chapter II cont'd)

70. Tos. Berakoth 3.11
71. Tos. Berakoth 3.12
72. Tos. Berakoth 3.13
73. Rosh Hashanah 4.5
74. Tos. Ta'anith 1.9; See Mishnah Ta'anith 2.4

The Jewish people of that time as a time was fixed for the worship of the Lord, so were three fixed periods for the Tefillah prescribed by the rabbis. (1) Three times daily the Jew would come to the synagogue and recite the eighteen benedictions. The normal form (פסוק) of a benediction was "Blessed be Thou, O Lord our God, King of the Universe...." the opening (ברכו), then the body of the prayer itself, followed by "caron atto adonoy" and a summary of the idea of the prayer known as the "seal" (סוף) (2)

Every blessing begins with "blessed" (ברוך) except the benediction which is joined to the Shema (פסוק אלהים), also a benediction which is joined to another does not begin with "blessed". (3) Similarly, all blessings have a "seal" except the blessings over commandments, the invitation to the grace after meals, the blessing over fruit and the like, however these are very short: likewise, the last benediction of the grace after meals (פסוק אלהים) has no seal. The other benedictions in the grace are very short. The Talmud, that one is particularly careful to say the

The word, with which one is to begin the prayer.

CHAPTER THREE

THE STRUCTURE AND FUNCTION OF THE BENEDICTIONS

The present chapter will attempt to describe the function of the benedictions and their component parts, based upon their structure and content.

The Tosefta tells us that just as a time was fixed for the saying of the Shema, so were three fixed periods for the Tefillah prescribed by the rabbis. (1) Three times daily the Jew would come to the synagogue and recite the eighteen benedictions. The normal form (*שמונה עשרה*) of a benediction was "Blessed be Thou, O Lord Our God, King of the Universe....." the opening (*ברוך אתה יהוה*), then the body of the prayer itself, followed by "baruch atto adonoy" and a summary of the idea of the prayer known as the "seal" (*וְיִשְׁמַח בְּךָ יְיָ אֱלֹהֵינוּ*) (2)

Every blessing begins with "blessed" (*ברוך*) except the benediction which is joined to the Shema (*שְׁמַח בְּךָ יְיָ אֱלֹהֵינוּ*), also a benediction which is joined to another does not begin with "blessed". (3) Similarly, all blessings have a "seal" except the blessings over commandments, the invitation to the grace after meals, the blessing over fruit and the like, because these are very short; likewise the last benediction of the grace after meals (*וְיִשְׁמַח בְּךָ יְיָ אֱלֹהֵינוּ*) because, while the other benedictions in the grace are regarded as from the Torah, that one is rabbinically sanctioned only. (4)

The mood with which one was to approach his prayers

is expressed in the words of Rabbi Simeon in Mishnah Aboth 2.13: Be heedful in the reciting of the Shema and in the Tefillah, and when thou prayest make not thy prayer fixed, but a plea for mercies and supplications before God." (5) A similar caution is made by R. Eliezer: "He that maketh his prayer fixed, his prayer is not true supplication." (6)

The entire mood of the order of worship of the Shema is that of glorification, affirmation, and dedication.

Seven benedictions surround the Shema, three in the morning and four in the evening. (7) These seven correspond to Psalm 119.164--"Seven times daily do I praise Thee because of Thy righteous ordinances."

The leader calls upon those congregated in the synagogue to "bless the Lord, who is to be blessed", and they respond, "Blessed be the Lord to whom all praise is due for ever and ever." (8) In the morning the praise of God is continued with a eulogy of the Creator of light and darkness, Maker of peace and Creator of all things."He is the Lord of wonders, who in His goodness reneweth the creation everyday continually; as it is said, '(O give thanks) to Him that maketh the great lights, for His lovingkindness endureth forever.'" The "seal" summarized the glorification of God as Creator of the luminaries.

The second blessing of praise expresses appreciation for the love which God has bestowed upon Israel by giving her "statutes of life"; in it, Israel appeals to

God to "enlighten our eyes in Thy Torah, and let our hearts cleave to Thy commandments, and unify our hearts to love and revere Thy name." It affirms Israel's consciousness that God has "chosen us from ~~all~~ peoples and tongues.....that we might in love give thanks unto Thee and proclaim Thy unity." The seal: "blessed art Thou, O Lord, who hast chosen Thy people Israel in love" reveals reciprocal expression of love on Israel's part.

The Shema itself which follows is the high point of Israel's dedication to God. The meaning of this dedication will be discussed more fully in the fifth chapter.

The benediction concluding the Shema in the morning, known as the Ge'ullah, restates Israel's affirmation of loyalty and its recognition that God "has been the help of our fathers from of old, a Shield and Saviour to their children after them in every generation." It traces the deliverance from Egypt and presents an appeal for present redemption, concluding with praise of God for his past saving acts.

The evening benedictions surrounding the Shema express the same general themes: God as Creator; (א'ל קדוש ברוך הוא) and Controller of the universe; God as having manifest everlasting love on Israel by giving her the Torah in which "we will meditate day and night;" God as redeemer, and the fourth evening benediction, God as Guardian of His people--who watches over them at night and protects them from their adversaries. The final "seal" summarizes

Israel's confidence, born out of its declared loyalty as expressed in the Shema, that God; "guardest thy people Israel for ever."

These seven blessings, the essential characteristic of which, is praise, serve to heighten the consciousness and confidence of the Jew in his relationship to God.

Immediately following the Geullah benediction of the Shema came the eighteen benedictions of the Tefillah.

The Jew began by bowing before God and expressing his recognition and praise of the Lord, first, as God of the patriarchs and then as God of history. So he would bow down as he said "Baruch"--praised art Thou, O Lord", expressing his recognition that God is the Source and Fountain of blessings; In words of praise he would adore Him, extolling God's great love for the patriarchs and His care for their children's children. Then, he would bow again as he "sealed" the blessing with a single thought--summary of its content; "Blessed art Thou, O Lord, Shield of Abraham." (9)

Supplication before God would continue with the second benediction. (This and the remaining seventeen did not be in with "Baruch", nor was there to be any bowing down, except in the "Modeem").⁽¹⁰⁾ God is here praised as the God of Creation whose powers are manifest in the sustenance of the world, and who will use His powers to revive the dead. The "seal" summarizes in praise of God, "who revivest the dead."

As the first benediction was to offer praise to the

God of history and the second to the God of the creational powers, the third was built about the praise to God of the heavenly theophany as proclaimed in Isaiah 6.3: "Holy, holy, holy, is the Lord of Hosts, the whole earth is full of His glory;" and that of Ezekiel 3.12: "Blessed is the glory of the Lord from His place." The climax of the first three benedictions of the Tefillah is reached in the praise of God as Holy Ruler whose greatness "we will declare unto all generations", and whose Name the Jew commits himself to sanctify in the world. The summary of praise is contained in the "seal"--"Blessed art Thou O Lord, the holy God."

Having humbled himself in praise before the Lord, the Jew turned to petition God for individual well-being and then the well-being of all the restored nation. In each case he declared his consciousness of God's nature and will, and thus brought his request in line with that Nature. Thus, he says; " You, O God, favor man with knowledge and teach man understanding. Graciously give of Yourself knowledge, understanding and wisdom." And then conscious that he has made a petition, he once again expresses his adoration of God through a "seal" of praise to Him as "gracious Giver of knowledge."

Similarly in praying that God restore the people to the Torah and to worship in complete repentance, he praises God as desirous of repentance. God's nature is to pardon and forgive, and so he petitions for forgiveness and seals with words of praise to God as "gracious and

abundant Forgiver."

He cries unto God to redeem Israel from its affliction "for Thy Name's sake". From this benediction the relationship between the first three benedictions of praise and the benedictions of petition becomes clear. He argues (in effect): "In praising Your name, God, and declaring your Holiness, we are championing You before the people of the world. Not for ourselves do we ask You to look upon our affliction and save us, but for the sake of Thy great Name, for who will proclaim You as God of history, creation and of holiness?" Once again he seals his petition in supplication and praise of Him as "Redeemer of Israel".

A similar logic lies behind the petition for healing, the form of which is taken from Jeremiah 17.14: "Heal us.. for Thou art our praise--i.e. in You do we glory; therefore, because we know You are a faithful and merciful Physician, we call upon You." And again the seal praising God as Healer of the sick of His people Israel, indicates humility on the part of the petitioner.

Mention of the blessings of rain was made in the second benediction of praise. In the ninth benediction, the actual petition for rain in its due season is made. (12) As he has acknowledged that God is the Supreme Power in creation, so now he petitions God to give from His goodness and to bless the year.

The next six benedictions may be classified as national in character. They appeal to God as special

protector of Israel, and envision the the restoration of the Davidic monarchy in Jerusalem as an act of God's salvation. (13) God is praised as a God of justice who "humblest the arrogant" (14) and who in contrast, is "the Stay and Trust of the righteous". (15)

The final petition is a supplication that God accept the prayers because it is His nature to do so; and because He is King, He is beseeched not to "turn us away empty for Thou hearkenest in mercy to the prayer of Thy people Israel." (16)

The last three Benedictions of the Tefillah are grouped as prayers of Thanksgiving. They go back to Temple days and conclude the cycle of praise, petition and thanksgiving which are the components of the Tefillah, (17) The first of these, the "Avodah", referred first to the sacrificial offerings presented on the altar of the Temple. Later, after the Temple was destroyed, it came to express the hope for a restored sanctuary where offerings might be again brought. That a prayer of thanksgiving was linked to the sacrificial service is indicated in Mishnah Tamid 7.3: "When they reached a break in the singing they blew the trumpets and the people prostrated themselves; at every break there was a blowing of the trumpet and at every blowing of the trumpet a prostration. This was the rite of the daily whole-offering in the "Avodah" of the House of our God. May it be His will that it shall be built up again, speedily, in our days. Amen." In prostrating themselves, the people would show their

adoration and thanksgiving to God for accepting their offering. Thus the term "Modeem" signifies not only the offering of Thanksgiving but at the same time also the form of prostration in adoration of God.⁽¹⁸⁾ It marks the humble outpouring of the heart of the Jew in gratitude for the benefits, mercies, and wonders which God has performed. As such it is an affirmation of loyalty to God as it recognizes the "loyalty" of God toward Israel.

The final benediction is tied to the Hod'aah as the Blessing of the Priests followed the sacrificial service in the Temple.⁽¹⁹⁾ Its contents parallel that of the priestly benediction (Numbers 6.24-26), but no longer is the priest called upon as intermediary for the daily worship. As God has given Israel the Torah of Life, it calls upon Him to grant Israel peace. The seal of the benediction expressed the confidence that as Israel ascribes blessedness to God, so her love will be answered with blessings of peace.

From the foregoing analysis it becomes evident that prayer served to strengthen the bond between Israel and God. In its expressions of praise and thanksgiving, Israel proclaimed her love and loyalty for God. In its petitions Israel made requests based upon its consciousness of God's Nature, therefore giving strong argument for their fulfillment. But always, the petition is tempered with a sense of humility in recognition of God's Kingship, which in the last analysis is the foundation of the entire relationship.

NOTES TO CHAPTER III

1. Tos. Berakoth 3.1
2. See Israel Abrahams, op. cit. Amidah, page lv ff.
3. Tos. Berakoth 1.8
4. Tos. Berakoth 1.7 See commentary Minhat Bikkurim to this verse in Isaac Alfasi: Hilcoth Rav Alfasi, Tosefta supplement.
5. Bertinoro explains "Keva" (כָּפֵּה) here as one who has a fixed obligation and wonders when he can throw it off: or as one who has a fixed verse to read and merely reads it without supplication. (Bertinoro to Aboth 2.13)
6. Berakoth 4.4
7. Berakoth 1.4 For the content of these benedictions see Joseph Hertz, Authorized Daily Prayerbook, p. 108 ff.
8. Berakoth 7.3
9. For the practice of bowing at "baruch" in this benediction and in the "modeem" below, see Tos. Berakoth 1.9
10. See preceding page and Tos. Berakoth 1.8,9
11. See Tos. Berakoth 1.9
12. Berakoth 5.2, Tos. Berakoth 3.9
13. Israel Abrahams, op. cit. p. 43 (Benedictions 14 and 15)
15. Bircath Ha-Tsaddikim, linked together with Bircath Ha-Minim. See Tos. Berakoth 3.25
14. Bircath Ha-Minim
16. Bircath Shomea Tefillah
17. Rosh Hashanah 4.5
18. See Kaufman Kohler, "Origin and Composition of the Eighteen Benedictions" in Hebrew Union College Annual, Volume I, pp. 406-7. See also Tos. Berakoth 1.9
19. Tamid 7.2

CHAPTER IV

THE PRIVATE WORSHIP RITES: SEDER, KIDDUSH, HABDALAH

Aside from the specific functions of prayers described in the preceding chapter, already developed in the time of the Mishnah and the Tosefta was the private worship service which fulfilled a commemorative and cognitive function. In particular was this manifest in the private worship services in the home--the Seder, the Kiddush and the Haddalah.

A. The Seder

The basis for the Seder is found in Mishnah Pesachim 10.5, a passage which is also contained in the Haggadah itself: "... In every generation a man must so regard himself as if he came forth himself out of Egypt, for it is written: "And thou shalt tell thy son in that day saying, ' It is because of that which the Lord did for me when I came forth out of Egypt.' (Exodus 13.8) Therefore are we bound to give thanks, to praise, to glorify, to honor, to exalt, to extol, and to bless him who wrought all these wonders for our fathers and for us.... He brought us out from bondage to freedom, from sorrow to gladness, and from mourning to a Festival-day, and from darkness to great light, and from servitude to redemption; so let us say before Him the Hallelujah."

The practice of the Seder rite dates from the Mishnaic period when the Second Temple still stood. It began with

the slaughtering of the Passover-offering, in the following manner: The Passover-offering was slaughtered in three groups, for it is written, "And the whole assembly of the congregation of Israel shall slaughter it (Exodus 12.6) assembly, congregation, and Israel. When the first group entered in and the Temple Court was filled, the gates of The Temple Court were closed. A sustained, a quavering, and again a sustained blast (on the shofar) were blown. The priests stood in rows and in their hands were basins of silver and basins of gold. In one row all the basins were of silver and in another row all the basins were of gold. They were not mixed up together.⁽¹⁾ An Israelite slaughtered his own offering, and the priest caught the blood which was passed along and dashed against the altar.⁽²⁾ As the rite was performed with the first group, so was it performed with the second and third while the Levites sang the Hallel.⁽³⁾ After the sacrificial portions were burned, they waited until nightfall and then went out and roasted their Passover-offerings.⁽⁴⁾

The Seder service then commenced in the home. One could not eat until after nightfall and no less than four cups of wine had to be drunk, even by the poorest.⁽⁵⁾

A controversy as to the order of the benedictions over the wine and the day between the School of Shammai and the School of Hillel is mentioned in the Mishnah, and fully discussed in the Tosefta with the decision falling in behalf of the School of Hillel: "After they have mixed him his first cup," the School of Shammai say, "He says

the benediction first over the day and then the benediction over the wine". And the School of Hillel say: "He says the benediction first over the wine and then the benediction over the day." (6) The School of Shammai contends that it is the day which causes the wine to be brought; the day is already sanctified and as yet no wine has come. And the School of Hillel says that the benediction over the wine is first said because the wine causes the sanctification to be said. (7) Another explanation is that the blessing over wine is constant and frequent while the blessing over the day is not, and on the principle that that which is constant and frequent takes precedence over that which is not so, the halacah is according to the School of Hillel. (8)

When food is brought, it is eaten with seasoned lettuce until one comes to the breaking of bread; then they bring before him unleavened bread, lettuce and haroseth. In the days of the Temple they used to bring the body of the Passover-offering. (9)

The second cup of wine is then brought and the son asks the father the three ⁽¹⁰⁾ (now four) questions "and according to the understanding of the son the father instructs him." He begins with the disgrace and ends with the glory; and he expounds from "A wandering Aramean was my father! until he finished the whole section". (Deuteronomy 26.5 ff.) ⁽¹¹⁾

It was then required to explain the Pesach (Passover) Matzoh (Unleavened bread) and Moro: (bitter herbs):

Passover--because God passed over the houses of our fathers in Egypt; Unleavened bread--because our fathers were redeemed from Egypt; 'bitter herbs'--because the Egyptians embittered the lives of our fathers in Egypt."⁽¹²⁾

Following these explanations the Hallel was recited until the end of Psalm 114: "To a flint-stone into a spring well"⁽¹³⁾ A significant controversy regarding the Geullah benediction which follows the Hallel is recorded between Rabbi Tarfon and Rabbi Akiba: The former states the benediction as: 'He that redeemed us and redeemed our fathers from Egypt and brought us to this night to eat therein unleavened bread and bitter herbs', with no concluding benediction, while Rabbi Akiba adds: 'Therefore, O Lord our God and the God of our fathers, bring us in peace to other set feasts and festivals which are coming to meet us, while we rejoice in the building up of Thy city and are joyful in Thy worship; and may we eat there of the sacrifices and of the Passover-offerings whose blood has reached with acceptance the wall of Thy altar, and let us praise Thee for our redemption and for the ransoming of our soul. Blessed art Thou, O Lord, who hast redeemed Israel!' The reasoning involved is explained by Bertinoro that what Rabbi Tarfon says is a blessing of **thanksgiving** and does not require "sealing" while Rabbi Akiba's version includes words of petition and favor-seeking and does require the concluding benediction.⁽¹⁴⁾

Following the meal the third cup of wine is mixed

and the grace after the meal is recited. Over the fourth cup the Hallel is completed and the blessing over song is said. (15)

City dwellers who have no one who can read the Hallel, go to the synagogue and recite the first part (Psalms 113 and 114); they go and eat and drink and return until they finish the Hallel and if they cannot do so, they finish all of it, they do not subtract or add to the Hallel. (16)

The Seder meal could last until midnight unless all those present fell asleep at the table prior to that time. In any event the Pesach could not be eaten after midnight. (17)

B. The Kiddush

The discussion contained above (pp.57-58) between the Schools of Hillel and Shammai on the order of the benedictions over the wine and the day is a repetition of the same discussion in Berakoth and indicates the nature of the Kiddush recited in the home. The presence of wine on the table gives honor to the meal. (18) But the recitation of the benediction of the day over wine "sanctifies" the day. Thus, on Sabbath and festival nights the sanctification of the day is said over the wine-cup and mention of the holiness of the day is made in the Bircath Ha-Mazon, the grace after the meal. (19)

There is reported a variant to this in a statement by Rabbi Eleazer bar Zadok who states that his father prayed a prayer sanctifying the Sabbath in the Tefillah on Sabbath eves, and then over the cup of wine would simply say, "...who did sanctify the Sabbath day" without adding the "seal." (20) The reasoning here was that the prayer in the synagogue was the principal act of sanctifying the day, and so no seal was necessary when reciting the blessing of the day over the wine

at home. However, from the preceding statements this was apparently not the dominant practice.

If only one cup of wine is present, the sanctification of the day takes precedence over both the honoring of the day and the night.⁽²¹⁾ The meal at which this blessing is said is the Sabbath eve or festival eve meal which ushers in the day.⁽²²⁾ On the day of the Sabbath or festival, the first day of the month, and weekdays of festivals, the practice was to mention the holiness of the day in the grace after meals, but no sanctification of the day was made over the wine.⁽²³⁾

C. Habdalah

The service marking the separation of the holy from the profane known as the "Habdalah" exemplifies another cognitive function of prayer. There is evidence that the Habdalah was originally said in the synagogue, and that the Habdalah's presence as a home ceremony was developed later. The Mishnah mentions that the Habdalah is said in the fourth benediction of the Tefillah,⁽²⁴⁾ to which the Tosefta adds, "If he has not said the Habdalah at 'Thou that graciously givest knowledge', he says it over the cup."⁽²⁵⁾

The Mishnah and the Tosefta report two different traditions regarding the order of the benedictions prior

to the Habbalah at the meal marking the outgoing of the Sabbath. According to the Mishnaic tradition the School of Shammai maintained that the order of benedictions should be over the lamp, the food, the spices and Habbalah in that order, while the School of Hillel posited the order as lamp, spices, the food and the Habbalah. (26) While the Tosefta indicates a tradition in the name of Rabbi Judah that the School of Shammai and the School of Hillel had no dispute about the benediction after the meal, that it is pronounced at the beginning, or over the Habbalah that it is pronounced at the end. About what did they dispute? About the lamp and about the spices. For the School of Shammai say: over the lamp and then over the spices, and the School of Hillel say spices, and after that the lamp. He who enters his house at the end of the Sabbath says the benediction over the wine, over the lamp, over the spices and says the Habbalah. (27)

And if he has only one cup he reserves it for after the meal, and strings them together (in a benediction) after it; and one says the Habbalah at the end of the Sabbath, and at the end of a festival, and at the end of the Day of Atonement, and at the end of a Sabbath for a festival, and the end of a festival for the ordinary day of the feast. He who is accustomed says many Habbaloth and he who is not accustomed says one or two. (28)

Whenever the shofar is blown no Habbalah prayer is recited and where the Habbalah prayer is recited no shofar is sounded. Thus, if a Festival-day falls on a

Friday the shofar is blown and the Habdalah prayer is not recited; but if on the day after the Sabbath the Habdalah prayer is recited and no shofar is blown. (29) How do they recite the Habdalah prayer? They say, "Blessed art thou that makest distinction between one holy season and another holy season." (30)

From the above, and the nature of the controversies involved, it is evident that the differences in order revolve about the significance of each--the School of Shammai maintaining that since the enjoyment of light is more constant than that of spices, it should come first, while the School of Hillel argues that the spices, associated with Sabbath should **precede** the light, which commemorates the first act of Creation, celebrated on the eve of the first day each week. (31)

The Seder, Kiddush, and Habdalah commemorate three central themes in Jewish life; The remembrance of the great deliverance from Egypt, which is to be told to the sons of each generation, the recognition of the sanctification of the Sabbath, (and festivals) by reciting the benedictions of the day over wine, and the separation of the holy from the profane, or as in the case of a Sabbath followed directly by a festival, the holy from the less holy. The place of this type of worship service in the over-all scheme of prayer will be discussed in the concluding chapter.

NOTES TO CHAPTER IV

1. Pesahim 5.5
2. Pesahim 5.6
3. Pesahim 5.7
4. Pesahim 5.10
5. Pesahim 10.1
6. Pesahim 10.2
7. Tos. Pesahim 10.2
8. Tos. Pesahim 10.3
9. Pesahim 10.3
10. "Why is this night different from other nights? For on other nights we eat seasoned food once, but this night twice; on other nights we eat leavened or unleavened bread, but on this night all is unleavened; on other nights we eat flesh roast, stewed, or smoked, but this night all is roast."
11. Pesahim 10.4
12. Pesahim 10.5
13. Pesahim 10.6
14. See Bertinoro to this passage
15. Pesahim 10.7
16. Tos. Pesahim 10.8
17. Pesahim 10.8, 9
18. See Saul Lieberman's commentary to Tos. Berakoth 3.8 in Tosefta Kifshuta, p.35 ff
19. Tos. Berakoth 3.8
20. Tos. Berakoth 3.7
21. Tos. Berakoth 3.8
22. See A. Lukyn Williams, Tractate Berakoth, p.66 note 2.
23. Tos. Berakoth 3.8
24. Berakoth 5.2

NOTES TO CHAPTER IV (cont'd)

25. Tos. Berakoth 3.9
26. Berakoth 8.5
27. Tos. Berakoth 6.6 Lieberman explains that the Talmud Jerusalmi reverses the order; i.e. Beit Hillel says "light, then spices; "Beit Shammai "spices, then light", and since the Talmud Babli accepted the halacah as "spices and then lights" the Tosefta tradition was reversed as it is found. See Saul Lieberman, op. cit. p. 96, note to line 74 ff.
28. Tos. Berakoth 6.6
29. See Bertinoro to Hullin 1.7 Bertinoro explains the principle involved as follows: when one goes from stringent to less stringent Habdalah may be said, but not when the reverse is true.
30. Hullin 1.7
31. See Saul Lieberman, op. cit. p. 96-commentary to Tos. Berakoth 6.6 (Tos. Berakoth 5.30 in his edition)

CHAPTER V

KAVANAH IN RELATION TO THE MITZVOH AND IN RELATION TO PRAYER

The previous chapters of this study have dealt with the relationship of the Jew to God as expressed in the system of religious duties and as indicated by the character and function of prayer in its various forms. Still remaining is a focal question: Granted that the performance of the religious duties and the proper expression of prayer provide the way of life which expresses God's relationship to Israel, then: Are the religious acts themselves sufficient, or is the attitude of the Jew toward the performance of each religious duty a pivotal factor? And finally, if attitude plays a central part, what is the relationship of proper attitude in regard to prayer and proper attitude in regard to the mitzvoh? In short, the problem of Kavanah or attention-intention⁽¹⁾ is the main consideration of the present chapter.

The most revealing material shedding light on the place of Kavanah in regard to the performance of the mitzvoh is found in related Mishnah and Tosefta passages in Berakoth. In the Mishnah there is a statement of R. Joshua ben Karcha: "Why does the Shema precede 'And it shall come to pass if ye hearken'? So that a man may accept the yoke of the Kingdom of Heaven and afterwards accept the yoke of the commandments."⁽²⁾ The declaration of the Unity of God contained in the Shema expresses the acceptance by the Jew of God's sovereign rulership.

This is clearly indicated in the following Mishnah passage: A bridegroom is exempt from reciting the Shema on the first night, and until the Sabbath is over, if he has not consummated the marriage. An incident (connected with this) occurred in the life of Rabban Gamaliel, who married and recited the Shema on the night he married. They said to him: "Didst thou not teach us that a bridegroom is exempt from reciting the Shema on the first night?" He said to them: "I will not listen to you, that I should resign the Kingdom of Heaven for a single hour."⁽³⁾ The affirmation of faith expressed in the Shema is a sine qua non for receiving the "yoke" of the mitzvah. The Tosefta adds: "He who recites the Shema must direct his attention to it. R. Achai says in the name of R. Judah: 'If he directs his attention to it in the first section although he has not directed his attention to it in the later section, he has fulfilled his obligation.'"⁽⁴⁾ Rabbi Judah the Prince maintained that the Shema could only be said in 'the Holy Language,'⁽⁵⁾ but the rabbis ruled that it could be said in any language that one understands.⁽⁶⁾

The above indicates that understanding and Kavanah--intention of the heart toward God--is the essential part of the recitation of the Shema. Only in this context does the recitation of the remaining parts of the Shema--the acceptance of the "yoke of the mitzvah"--take on meaning. This acceptance is the result of the declaration of the acceptance of the Kingdom of Heaven which occurs when one recites the first part of the Shema with Kavanah. And this principle applies to the performance of all the religious duties.

This is clearly indicated in Mishnah Menahoth: "It is said of the whole-offering of cattle, a fire-offering, an odour of sweet savour, and of the Bird-offering, a fire-offering, an odour of sweet savour, and of the Meal-offering, a fire-offering, an odour of sweet savour, to teach that it is all one whether a man offers much or little, if only he directs his mind towards Heaven."⁽⁷⁾ The objective act of the mitzvah itself has no intrinsic value--i.e. "it is all one whether one offers much or little"--what the performance of the mitzvah expresses is primary; thus--"if only he directs his mind towards Heaven."--the performance of the mitzvah with Kavanah expresses the acknowledgement of the doer of his acceptance of the yoke of the Kingdom of Heaven. Thus the sacrifice described in the above Mishnah requires Kavanah in the same sense that the recitation of the Shema requires Kavanah.

Likewise in the case of fulfillment of the commandment of blowing the shofar on Rosh Hashana or the reading of the Megillah on Purim; "If the shofar was blown in a cistern or in a cellar or in a large jar, and a man heard the sound of the shfar, he has fulfilled his obligation; but if he heard only an uncertain noise he has not fulfilled his obligation. So, too, if a man was passing behind a synagogue, or if his house was near to a synagogue, and he heard the sound of the shofar, or the reading of the Megillah, if he directed his heart he ~~was~~ fulfilled his obligation, but if he did not he has not fulfilled his obligation."⁽⁸⁾ To which the Tosefta adds: "Everything

goes according to the intention of the heart, as it is said, 'Thou wilt direct their heart, Thou wilt cause Thine ear to attend.' (Psalm 10.17) And it says: 'My son, give me thy heart and let thine eyes observe thy ways.' (Prov. 23.26)⁽⁹⁾

The proper relationship between Kavanah in regard to the mitzvoth and Kavanah in regard to prayer can best be understood when it is recognized that the blessing accompanying the performance of a mitzvah (Bircoth-Mitzvah) is not that which gives validity to the mitzvah. (See chapter II p.30) For so the Mishnah states: "He that is not dumb, but only deaf may not give his heave-offering, but if he does so, his heave-offering is valid."⁽¹⁰⁾ The Tosefta indicates the principle involved: "Why did they say that a mute may not give his Terumah? Because he cannot bless."⁽¹¹⁾ But if he gives his Terumah it is valid, indicating that the validity of the act does not depend upon the blessing. If "everything goes according to the intention of the heart," and the performance of the act with Kavanah testifies to the acceptance of the "yoke of the Kingdom of Heaven" what place does prayer have? And what does Kavanah mean in relation to it?

The statements dealing with Kavanah in regard to prayer indicate that a great deal more concentration is involved in this case than in regard to the mitzvoth. The statement: "When thou prayest, make not thy prayer fixed..."⁽¹²⁾ and "He that makes his prayers a fixed task, his prayer is no supplication,"⁽¹³⁾ indicates that positive attention to the manner and content of each prayer is most important.⁽¹⁴⁾ This distinction is evidenced by the rule that "craftsmen may recite the

Shema on the top of a tree or on top of a course of stones, which they may not do when they say the Tefillah.⁽¹⁵⁾ The reasoning involved is that Kavanah is only required for the first verse of the Shema while the Tefillah requires deeper and more prolonged attention and therefore one must go down from his laboring position.⁽¹⁶⁾

The intensity of devotion necessary for reciting the prayers is indicated by references to the piety of the Hassidim and to the early sages:

"None may stand up to say the Tefillah save in sober mood. The pious ones of old (*מ'ימינו*) used to wait an hour before they said the Tefillah, that they might direct their heart toward God. Even if a king salutes a man he may not return the greeting, and even if a snake was twisted about his heel he may not interrupt his prayer."⁽¹⁷⁾

"R. Judah said: ' When R. Akiba was praying..if a man left him on this side (of the room) he would come and find him on the other side, because of the bowings and prostrations that he used to make."⁽¹⁸⁾

"...They say concerning R. Chanina ben Dosa, that he was standing and praying and a snake bit him, and he made no pause. His disciples went and found it dead on the mouth of its hole. They said: Woe to the man whom an 'ared' has bitten, woe to the snake which bit ben Dosa."⁽¹⁹⁾

And finally: "We do not stand up to pray straightway from conversation, nor from laughter, nor from idle talk, nor from frivolity, but from learned discourse. For so

we find in the case of the prophets of old that they closed their words with words of praise and supplication. (20)

In an earlier chapter, (chapter III p.50) it was pointed out that the benedictions surrounding the Shema and the benedictions, of the Tefillah serve to heighten the consciousness and confidence of the Jew in his relationship to God. The formula of the benedictions best illustrates what function Kavanah has in regard to prayer. Every benediction embodies a shift from the second to the third person in referring to God. In the Bircoth Ha-Nehenin, such as the blessing over foods, one finds: "Praised be Thou, O Lord, our God, King of the universe, through whose word everything exists." In the Bircoth Hoda'ah such as the Bircath Ha-zman there is a similar shift. In the benedictions of the Tefillah, and those accompanying the Shema the change from "Thou" to "who hast" is characteristic. (21) The most constant form is found in the Bircoth Mitzvah: "Praised be Thou, O Lord our God, King of the universe, who hast sanctified us by Thy commandments and commanded us..."

In each of the above, the introductory formula in the second person is the declaration of the recognition of God's Kingship; the second part of the benediction which addresses God in the third person, expresses the particular quality of God's nature which evokes and sharpens one's awareness of Him. (22) In the case of Bircoth Mitzvah an additional factor is involved. Earlier it was pointed out that the performance of the Mitzvah with Kavanah attests to the acceptance of God's Kingship.

When one says an accompanying blessing, however, he declares verbally that acceptance; in addition it evokes in him the awareness of the sanctity involved in the performance of the commandment.

That the blessing serves to evoke this consciousness is also indicated in the case of one who has suffered a pollution. He must ponder the Shema in his heart, but he may say no benediction before it or after it. ⁽²³⁾ The prohibition rests upon the principle that one in a state of impurity should be subdued in performing a sanctifying act. That he may say the benediction after a meal does not contradict this rule, as the grace after meals rests upon a Biblical command. ⁽²⁴⁾

Thus, the expressed praise of God in the Birkoth Mitzvah marks the reciprocal nature of Israel's relationship to God. The Lord gave the commandments as a sign of His love for Israel; Israel in turn, expresses its love for God by reciting the proper benediction accompanying the mitzvah. ⁽²⁵⁾

One can readily understand then, the intensity of devotion with which the rabbis approached their prayers. For, through intense Kavanah in worship were they able to declare their love for God and pledge themselves anew to the fulfillment of His Law (Torah) of Life.

NOTES TO CHAPTER V

1. There is a controversy in the Babylonian Talmud, Berakoth 13a as to whether Kavanah means attention to the proper performance of the mitzvah or intention of the heart toward God. I would tend to agree with the view that endorses Kavanah as intention of the heart toward God, on the basis of Mishnah Berakoth 2.2 and Menahoth 13.11 cited below.
2. Berakoth 2.2
3. Berakoth 2.5
4. Tos. Berakoth 2.2
5. Tos. Sota 7.7
6. See Tos. Sota 7.7 and Bertinoro's commentary to Mishnah Berakoth 2.3
7. Menahoth 13.11
8. Rosh Hashanah 3.7
9. Tos. Rosh Hashanah 3.6
10. Terumoth 1.2
11. Tos. Terumoth 3.1
12. Aboth 2.13
13. Berakoth 4.4
14. See Bertinoro to Aboth 2.13, Berakoth 4.4
15. Berakoth 2.4
16. See the first page of this chapter; also Bertinoro to Berakoth 2.4
17. Berakoth 5.1 However, one could interrupt to return greetings in between the sections of the Shema. (Berakoth 2.1)
18. Tos. Berakoth 3.5
19. Tos. Berakoth 3.20
20. Tos. Berakoth 3.21
21. See the benedictions of the Shema and Tefillah in Chapter III above p. 7 ff

22. On **this** shift of person from second to third see Max Kadushin, The Rabbinic Mind, pp.268-270. It is evident that there are differences of interpretation of this shift in persons referring to God.
23. Berakoth 3.4 The same principle applies to Berakoth 3.5
24. Deuteronomy 8.10
25. Makkoth 3.16. (See end of Chapter One). Love of God is a fundamental principle of Judaism derived from Deuteronomy 6.5 "And you shall love the Lord your God with all your heart."....

CHAPTER VI

CONCLUSION

At the beginning of this study the question was posited as to whether prayer was merely an individual's reaching out to God. The Tannaitic sources indicate unequivocally that in Judaism prayer is inextricably bound up with a system of halacah. Despite the destruction of the Temple, the concept of Torah was expanded into a detailed system, encompassing the totality of Jewish life. Within the framework of halacah, the essential relationship between God and Israel was strengthened, so the Mishnah indicates: "God was minded to grant merit to Israel, therefore hath he multiplied for them the Law and commandments." (1) The Torah was the framework within which the Jew ordered his life. Therefore, prayer, too, had to find its place within the system of the "yoke of the commandments."

From this point of view, the category of benedictions known as the Bircoth Mitzvah--the blessings over the performance of commandments--find their meaning. The apparent dilemma of how a prayer may be "required" only makes sense when viewed as an outgrowth of the acceptance of the centrality of the discipline of Torah.

The Bircoth Mitzvah expresses the acknowledgement of the sanctity involved in the performance of a commandment. It is the act of the commandment, itself, which fulfills the requirements of the Covenant between God

and Israel; the declaration of praise to God over a commandment expresses the reciprocal love of God; Israel proclaims its love of God in return for the manifestation of God's love for Israel, signified by the giving of the Torah to Israel.

Israel regarded the "yoke of the mitzvot" not as a burden, but as a gift from God to be accepted joyfully. The story of the Chasid mentioned in Chapter One ⁽²⁾ illustrates the joy that one had in fulfilling the religious duties.

The Bircoth Ha-Nehenin--the blessings over enjoyments--are profound expressions of gratitude to God for sensual satisfactions, especially food and pleasant aromas. Through these benedictions Israel recognizes God's surveillance over Nature. Every enjoyment is attributed to God's goodness, and therefore before one partakes of the enjoyments of this world, he must show proper appreciation for them.

The statement that he that gets enjoyment out of this world without a benediction has defrauded the Lord ⁽³⁾ exemplifies the strong conviction that the rabbis had that everything in the world was made for God's own purpose; so that when one received benefit from it he must express his thankfulness "from the time He is giving it thee" ⁽⁴⁾ i. e. by reciting a benediction before partaking of sensual enjoyments.

There are proper formulæ for the various Bircoth Ha-Nehenin ⁽⁵⁾ yet simple exclamation of appreciation

is what is paramount in this type of benediction. The short and apparently spontaneous outburst by one who takes a piece of bread: "Blessed is He who created this piece of bread; how beautiful it is!" is a satisfactory benediction. (6)

Chief among the Bircoth Ha-Nehenin is the Bircath Ha-Mazon, the grace after meals, primary authority for which is the Torah itself. (7) This declaration of thanksgiving following the meal serves as an acknowledgement of man's conscious dependence upon God's power, for food.

An extension of the principle underlying the Bircoth Ha-Nehenin is the Bircoth Hoda'ah, the blessing of thanksgiving recited on specific occasions. The declarations of praise pronounced upon witnessing earthquakes, lightning, thunderings, and the like testify to the wonder of God's nature and universe. They serve to remind man that God's power is infinite and all-pervading in a universe far beyond man's ability to comprehend. Yet, because in His wisdom, God has chosen so exalted a place for man in the world, thanksgiving is due Him whether a phenomenon appears to be for the good of man or not, as the Mishnah states: "A man is under obligation to say a benediction for evil just as he does for good... with every measure that measures out to thee, in all do thou give thanks exceedingly." (8) The eighteen daily benedictions, the Shemone Esray both in their form and content indicate another aspect of prayer.

The first three benedictions are proclamations of

praise. In them the Jew indicates that he knows before whom he stands in prayer: The God of history, the God of creation, the God of holiness, in relation to whom Israel has a special role. Conscious of Israel's relationship to God and the world, the Jew is aware that his petitions must be justifiable in terms of that relationship. It is God's nature to bestow knowledge to grant forgiveness, to accept repentance, etc.; therefore, the Jew appeals to God to act in accordance with His nature. Further evidence that the petitions of the Shemone Esray are "justifiable" is given in the petition for redemption. In this benediction the appeal is made "for Thy Name's sake."⁽⁹⁾ Israel must be preserved so that God's Name may be proclaimed among the nations. Therefore, for His own sake, will God redeem Israel. Similarly, the petitions for national restoration are based upon Israel's memory of its historical institutions--the Davidic dynasty, the Temple, the righteous rule of the judges, etc. The closing three benedictions of thanksgiving express Israel's eagerness for the restoration of the Temple worship so that proper thanksgiving may be offered.

It is clear that the eighteen benedictions involve far more than the "expression of the need which all creeds seek to satisfy."⁽¹⁰⁾ The prayers of Israel are totally dependent upon the recognition of its relationship to God and the world. In prayer, Israel declares its allegiance to God as King. There are strong indications that the petitions are made because the Jew is

confident that it is in God's interest to fulfill them, and not merely the whims of the petitioner.

A much-enlarged study relating the content of the Tefillah to the theology of the Tannaim as indicated in our sources might shed considerable light and lend much weight to this proposition. (This has not come within the scope of the present investigation.)

The private worship services--Seder, Kiddush, and Haddalah--express another aspect of Jewish worship: commemoration and recognition. In Chapter Four describing the development of the Seder service in the Tannaitic Period, the function of the Seder was indicated: "In every generation a man must so regard himself as if he came forth out of Egypt. Therefore are we bound to give thanks, to praise, to glorify, to honor, to exalt, and to bless Him who wrought these wonders for our fathers and for us...." The elaborate service portrays the panorama of the great deliverance from Egypt so that each generation may dedicate itself anew in gratitude to God.

The Kiddush is a ceremony of recognition; for its recitation brought about an awareness of the sanctification of the Sabbath or Festival-day. The holiness of Sabbaths and festivals so recognized thus entered the home providing the setting for the proper observance of the day.

As the Kiddush created the awareness of the arrival of a "holy" day, so the Haddalah ritual was an act of cognizance of the separation between the holy and the profane (or the holy and the less holy). These forms of private worship provided the additional means of making the Jew aware of the intimacy of his

relationship to God.

Finally, we note that Kavanah or "attention-intention" in the performance of religious duties and in prayer have major connotations for the Jew. As in the recitation of the Shema, Kavanah in regard to religious duties is essential because it expresses the acceptance of the "yoke of the Kingdom of Heaven" (*דבר ה' מן ה' שם*)-- the acknowledgement of God's Kingship from whence the system of mitzvot is derived. Without Kavanah, the performance of a commandment has no significance. Prayer is the verbal declaration of love for and allegiance to God. It too, would be meaningless without Kavanah.

In the case of the Birkoth Mitzvah, the benediction evokes the consciousness of sanctity involved in the performance of the given commandment. In other benedictions, the form or "matbea" indicates that prayer is first a declaration of acceptance of God's Kingship, and secondly it evokes the feelings of love and gratitude to God in reciprocity for God's manifest love for Israel.

Admittedly, the Tosefta and Mishnah sources do not give a totally comprehensive picture of the significance of prayer in the Tannaitic Period,⁽¹¹⁾ yet they evidence the rudiments of a formal liturgy designed to heighten the consciousness of God and to express the dedication of Israel to that way of life which the Halakah prescribed.

NOTES TO CHAPTER VI

1. Makkoth 3.16 See end of Chapter I
2. Cf. Chapter One, Section C--"The Joy of the Law" p. 19 ff. above
3. Tos. Berakoth 4.1 See Chapter Two, Section B.-- "Bircoth Ha-Nehenin" p.32 ff. above
4. Tos. Berakoth 7.1
5. Berakoth 6.2 See Chapter Two, Section B, cited above, p.32
6. Tos. Berakoth 4.4 See Chapter Two, Section B, cited above. p.34
7. Deuteronomy 8.10
8. Berakoth 9.5
9. See Chapter Three p.52, above
10. See Introduction, P. 1 above
11. It might be noted that the whole discussion which would come under the heading of "Mysticism" in regard to prayer, has not been presented in this study, because it was felt that the mystic elements of prayer are not directly involved in determining the meaning of prayer as it relates to the halachic system. (For an example of mystic prayer in this period see Tos. Berakoth 7.20)

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