

RAV SCHACHTER ON TEFILLAH

Insights and Commentary
Based on the Shiurim of
Rav Hershel Schachter

Adapted by
Dr. Allan Weissman

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הרה צבי שטר
ראש ישיבה וראש כולל
ישיבת רבינו יצחק אלחנן

מכתב דרכיה

צדק חלוקה שקנה גטע
בז' י' קי"ח ה' אב תש"נ
אנחנו זכנו אהמחו קמילתן זמבוס
שכר הוציאן מ' הבשילת, על המצב
ואל התקדמה של פסח אבטל התקדי
אטולת כי חיקת ל מה ששער
משל ל השקט מנינו סצב התורה
ויקראת פול סצב נצט אנחא,
אזרחת מ ל הפול פול
מתחילה אצ סוף אמאל נבינסת
משל החקט. איה' שימלן אן
סצב זה חן קצות התחמוש אהמחו
ממנו. כי נאלא צולק מלפ הצנינע
אינן משלי אלא צצרו ששמה
חיקתן התחילת ל.

צדי שטר



לזכרון עולם בהיכל ה'
לזכר ולעילוי נשמת אבינו
ר' חיים ב"ר סעדיה ז"ל
למשפחת והב

R' Chaim Vahav z"l

איש תם וישר
שמוח היה בחלקו והתרחק מן הכבוד
עסק בחסד בהצנע לכת
ישר במדותיו והליכותיו עם הבריות
זכה להעמיד משפחה מפוארת
עלתה נשמתו העדינה השמימה
מתוך עסקו בתפלה וצדקה
ביום ח' טבת תשע"ז
ת.נ.צ.ב.ה.

*May the Torah learning from this sefer
be an everlasting zechus for his neshamah*

*Dr. and Mrs. Yigal and Donna Vahav
Chicago, Illinois*

*In Memory of
our Beloved Mothers*

לזכר ולעילוי נשמת

מרת שושנה רייזעל בוכען

ב"ר חיים מרדכי ע"ה

Shoshana Buchen a"h

נפטרה י"ח חשוון תשע"ט

She will be sorely missed by all

לזכר ולעילוי נשמת

מרת נחמה קלצל

בת הרב צבי הירש ע"ה

Nechama (Norma) Kletzel a"h

נפטרה כ"ט תשרי תשמ"ט

May her memory be a blessing forever

*May the Torah learning from this sefer
be an everlasting zechus for their neshamos*

Yitzzy and Yaffy Buchen

Passaic, N.J.

In Memory of

נחמן יונה בן שמעון ז"ל
Norman Moskowitz z"l

נפטר י"ג אב תשע"ט

Man of Integrity and Drive ☞ Generous Giver ☞ Faithful to Hashem ☞ Lover of his Fellow Man ☞ Gifted Businessman ☞ Great Kibbitzer ☞ Devoted Husband ☞ Treasured Father ☞ Beloved Grandfather and Great-Grandfather ☞ Soulmate to his Brother ☞ Loyal Friend and Congregant ☞ Passionate about Life ☞ Radiated Joy ☞ Leaves a Vibrant Legacy to All

And in Memory of

דינה בת דוד אריה ע"ה
Agnes Dina Moskowitz a"h

נפטרה כ"ה שבט תשע"ז

Woman of Grace and Dignity ☞ Generous of Heart and Steadfast in Faith ☞ Treasured Wife ☞ Devoted Daughter ☞ Mother of Unparalleled Love ☞ Grandmother of Boundless Giving ☞ Soulmate to her Sister ☞ Friend to So Many ☞ An Inspiration to All

May their memory be a blessing forever

*May the Torah learning from this sefer
be an everlasting zechus for their neshamos*

Allan and Susan Weissman



In Memory of

הרב משה נתן ב"ר יחזקאל ז"ל
Marcel Weisman z"l

נפטר ג' טבת תשע"ט

Descendant of the Family of the Yismach Moshe ז"ל Kava Itim LaTorah ז"ל Learned Daf Yomi BeZrizus ז"ל Mokir Rabbanan ז"ל Musmach of Yeshivas Tomchei Tmimim Lubavitch of Montreal ז"ל Devoted Son, Brother, Husband, Father, Grandfather, and Great-Grandfather ז"ל Holocaust Survivor ז"ל Eagerly Anticipated the Coming of Mashiach ז"ל Faithfully Served the Community as President of Young Israel of Hillcrest ז"ל Provided Expert Legal Counsel to Many ז"ל

And in Memory of

יהודה גרשון בן יוסף ז"ל
Leo Honigwachs z"l

Man of Courage ז"ל Gentle of Spirit ז"ל Holocaust Survivor ז"ל Faith Builder ז"ל Lover of All Jews ז"ל G-d Fearing and Pious ז"ל Brave of Spirit ז"l Humblest of Men ז"l Longed for the Holy Land ז"l Learned of Mind ז"l Pillar of his Shul ז"l Patriarch of his Family ז"l

They will be sorely missed by all

יהי זכרם ברוך

*May the Torah learning from this sefer
be an everlasting zechus for their neshamos*

Allan and Susan Weissman



In Memory of our Beloved Parents
לזכר ולעילוי נשמות

ר' יחזקאל בן ר' מאיר זוייסמאן ז"ל
ורעיתו מרת חיה בת ר' שמואל הלוי ע"ה

ר' שמחה בן ר' יהודה לייביש דערעס ז"ל
ורעיתו מרת מרים טויבא בת ר' אברהם משה ע"ה

Joseph and Sonia Weissman

In Memory of our Beloved Grandparents
לזכר ולעילוי נשמות

ר' שמעון בן ר' אברהם משה מאשקאוויטש ז"ל
ורעיתו מרת חיה בת ר' בנימין ע"ה

ר' דוד אריה בן ר' יעקב אשר צוויבל ז"ל
ורעיתו מרת שרה פייגע בת ר' יהודה הכהן ע"ה

Allan and Susan Weissman

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Praised be the Omnipresent, praised be He. Praised be He who has given the Torah to His people *Yisrael*, praised be He.

I am grateful to Rav Hershel Schachter *shlit"á* for allowing me the privilege of adapting a selection of his *shiurim* into writing. His influence as a *marbitz Torah* and as a role model for thousands of young men, as well as an equal number of *balabatim* around the globe and hundreds of *rabbonim* serving the Jewish community throughout the world, is incalculable. He has humbly served in this capacity for me and my family for over thirty years, as he has for a multitude of *talmidim*, and there are no words to express the appreciation that we all feel.

I wish Rebbi, together with his Rebbetzin, many more years filled with *berachah* and *hatzlachah*, good health and happiness, and much deserved *nachas* from their beautiful children and grandchildren, as well as from the scores of *talmidim* and *talmidei talmidim* whose lives they have so enriched.

Everything I have ever accomplished was made possible due to the continued efforts of my dear, devoted parents, Mr. and Mrs. Joseph and Sonia Weissman of Hillcrest, N.Y. It was they who inculcated in me the recognition of the obligation to serve *Hashem* in learning and in deed, and it was they who enabled me to learn in Rav Schachter's *shiur* for

four years as a young adult. May my parents be blessed with many more years together filled with good health, happiness, and continued *nachas* from their children, grandchildren, and great-grandchildren.

I am fortunate to have enjoyed a warm relationship with a second set of parents as well, my dear, devoted in-laws, Mr. and Mrs. Norman and Dina Moskowitz z"l of Forest Hills, N.Y. They have always expressed their pride in my accomplishments, and this work is no exception. The untimely passing of my dear mother-in-law, דינה בת דוד אריה ע"ה, and, more recently, of my dear father-in-law, נחמן יונה בן שמעון ז"ל, as well as of their brother-in-law, יהודה גרשון בן יוסף, Mr. Leo Honigwachs z"l, leaves a void that will never be filled.

I am extremely honored that our *mechutanim*, Dr. and Mrs. Yigal and Donna Yahav of Chicago, Illinois, have graciously sponsored the production of this *sefer* in the memory of Dr. Yahav's dear father, ר' חיים ב"ר סעדיה ז"ל, R' Chaim Vahav. His most important goal was to transmit to his children and grandchildren the priceless ancient heritage that he received as a member of the venerable Teimani community. R' Chaim was sincerely devoted to *tefillah*, an expert in *halachah*, and a skilled *sofer* who penned more than twenty *sifrei Torah*. His sterling character, genuine humility, and quiet acts of kindness are his legacy. We are all beneficiaries of the glorious *mishpachah* that he established. Our grandson bears his illustrious name. זכותו תגן עליו.

Our dear friends and neighbors, Mr. and Mrs. Yitzy and Yaffy Buchen, have also graciously sponsored the production of this *sefer* in memory of their beloved mothers, Rebbetzin Shoshana Buchen, מרת שושנה רייזעל ב"ר חיים מרדכי ע"ה, and Mrs. Nechama (Norma) Kletzel, מרת נחמה בת הרב צבי הירש ע"ה.

May the Torah that is learned and taught from this *sefer* be an everlasting *zechus* for the *neshamos* memorialized.

Translations of passages from the *Gemara* in this volume are based on the Schottenstein Edition Talmud Bavli, and I am very grateful to Artscroll/Mesorah Publications.

I am, once again, extremely grateful to Rav Schachter *shlit"á* for graciously reviewing and commenting on the entire manuscript.

I am also very grateful to several *talmidim* in Rav Schachter's *shiur*, including Mordechai Djavaheri, Yoni Rabinovitch, and Moishy Rothman, for the use of their notes and for assisting me in locating many of the *mar'eh mekomos*.

I express my great appreciation to Rabbi Dovid Feinberg for his patience and skill in overseeing all aspects of the book, from the manuscript stage until the final product, which made the journey a most smooth process. I thank him along with his talented staff:

A great debt of gratitude is due to Rabbi Michael Zylberman, who has brought his prodigious talents to bear on the editing of the manuscript. Working with him to significantly improve the original manuscript has been an absolute delight. In addition, I am very thankful to Mrs. Meira Mintz, whose considerable literary talents further enhanced the quality of the *sefer*. Mrs. Hadassah Feinberg was proficient in her proofreading, which is much appreciated. I also extend my thanks to Rabbi Robert Shur, who produced a magnificent cover design.

It gives me great pleasure to be able to express my heartfelt appreciation to my dear wife, Chaya (Susan) שְׁתַּחֲי, who continues to encourage me, and to shower me and our whole family with kindness and goodness. She is a gift from Above. She has selflessly enabled me to devote almost all of my free time and energy to concentrate on this project, and she has an equal share in the fruits of **our** labor.

My wife and I continue to thank *Hashem* for all of the wonderful *berachos* He has bestowed upon us.

We are so appreciative to be able to enjoy the recent engagement and forthcoming marriage *bez"H* of our dear daughter, Rachel, to her wonderful *chosson*, Sammy, son of Rabbi Eli and Mrs. Gina Levy-Kadi of Flatbush, N.Y. May the young couple be *zocheh* to grow in *yiras shamayim* and *ahavas haTorah* together, with an abundance of *berachah* and *hatzlachah* for many happy and healthy years. May we, together with our dear *mechutanim*, merit to enjoy much *nachas* from them as they build their *בית נאמן ונכון בישראל*.

We are filled with added joy over the continued growth and maturity of our married children: Simcha and Omrit, and their sons, Mordechai Gavriel, Eitan Gershon, and Adir Zev; Shimon and Adina; Daniel and Hindi, and their son, Chaim Aharon; and Maor and Sara. May their families be blessed with an abundance of *berachah* and *hatzlachah*, both in the realms of *ruchniyus* and *gashmiyus*, for many happy and healthy years.

We offer a *tefillah* to the *Ribbono Shel Olam* that we also share in the future accomplishments of each of our other beloved children - Bracha, Miri, Dovid, and Chezky - as they similarly grow in *yiras shamayim* and *ahavas haTorah*. May they enjoy much *berachah* and *hatzlachah* in all that they do for many happy and healthy years, and may we merit to derive much *nachas* from them.

INTRODUCTION

We are extremely gratified that the first three *sefarim* in this series – *Rav Schachter on the Parsha*, *Rav Schachter on the Moadim*, and *Rav Schachter on the Haggadah* – have been so warmly received by the *olam haTorah*. Many people have expressed that they study the *sefarim* on a regular basis and that they find the *limmud* a thoroughly enjoyable experience. It is therefore with a great sense of enthusiasm that we present *Rav Schachter on Tefillah*. We are very pleased to have been able to include in the *sefer* a section of halachic essays penned over the years by Rav Schachter himself. These have been re-edited and expertly prepared by Rabbi Michael Zylberman.

Rav Schachter *shlit"á* brings with him to every *shiur* a rich and weighty *masorah*, based especially on the Torah he personally learned from his great *Rebbi Muvhak*, HaGaon HaAdir Maran Rav Yosef Dov HaLevi Soloveitchik *zt"l*. Many of the topics discussed in this *sefer* were presented by the Rav in the famous, yearly *yahrtzeit derashos* that he held on the *yahrtzeit* of his father, Rav Moshe *zt"l*, which were later published in *Shiurim LeZecher Abba Mari Z"l*. In fact, the theme of "*Tefillas HaTzibbur*" that the Rav introduced was the topic of the very first *shiur* that he delivered on American soil, in the presence of his father, upon his arrival from Europe. Of course, the principles that the Rav taught Rav Schachter in his earlier years have been supplemented, over time, by the commentaries and interpretations of the great *Acharonim* of the last several centuries.

It would be a gross understatement to say that Rebbi feels that the time allotted to *tefillah* is an important part of one's day. He regularly quotes the *Gemara* in *Berachos* (6b) that interprets the *passuk*, כרום זלות לבני אדם - "[a generation] when baseness is exalted among the sons of men" (*Tehillim* 12:9). The *Gemara* teaches that *tefillah* is among דברים שעומדים ברומו של עולם ובני אדם - מזלזלין בהן - "things that stand at the pinnacle of the world, but which people treat lightly." The *Gemara* thus criticizes the lack of sufficient care with which people *daven*. *Tefillah* is a very serious matter.

Along these lines, Rebbi repeatedly urges his *talmidim* to not only come on time to *davening*, but to come early: "If you are not in *shul* before the *davening* starts to ready yourself, you are late." He bemoans the fact that we learn at an early age how to abridge the *Pesukei D'Zimra*. Regarding the length of time in which one should recite the *Shemoneh Esrei*, Rebbi often comments, "I'm not so *frum*; it's just that I have nine children to *daven* for!" Every child needs different things for their development and success in life, and those needs are constantly changing, almost daily. Shouldn't the length of one's *tefillah* vary accordingly?

It is our hope that through learning this *sefer*, when one engages in his own *tefillah*, he will have the opportunity to contemplate some of the very same *kavanos* that occupy Rebbi's mind as he himself *davens*. Rebbi, with his tremendous depth of Torah knowledge and insight, and through his engaging *shiurim* throughout the year, opens for us the vistas of the *yam haTalmud*, and with this *sefer*, he presents the *avodah* of *tefillah* before us as a dynamic composition of *halachah* and *hashkafah*.

Part of the intent of this endeavor is to spread the influence of Rav Schachter's sweet words to those who have not yet tasted them. Of course, all are encouraged to personally attend any of Rav Schachter's countless public *shiurim*, or at least to listen to the thousands available online. Although the written

word cannot completely convey the experiential aspect of the oral delivery, this volume, along with the three earlier *sefarim*, can serve to introduce the Torah of our Rebbi to those who have not yet experienced it. It is our hope that the *sefer* will provide new opportunities to enrich and inspire the *davening*, *shmiras hamitzvos*, *yiras shamayim*, and Torah learning of as many people as possible.

Despite the fact that this *sefer* represents but a small fraction of the Torah that Rebbi transmits over the course of even one year, after learning this *sefer*, one should come away with an accurate representation of the *hashkafah* and the *lomdus* for which Rebbi is so well-known. Whenever possible, bracketed cross-references are provided to selections in Rebbi's six *sefarim* (*Eretz HaTzvi*, *B'Ikvei HaTzon*, *Ginas Egoz*, *Nefesh HaRav*, *MiPninei HaRav*, and *Divrei HaRav*), as well as *Rav Schachter on the Parsha*, *Rav Schachter on the Moadim*, *Rav Schachter on the Haggadah*, and other articles, to afford the reader an opportunity for a fuller analysis of a given topic.

Given the length of the essays in the *sefer*, the essays have been divided into shorter sections that may be studied individually to make it easier for the reader. In general, each section represents a self-contained unit of Torah thought.

It goes without saying that any lack of accuracy or clarity in any of these pages is the sole responsibility of the one who adapted the oral *shiurim* to the written form.

Allan Weissman
Kislev 5780

THE ESSENCE OF *TEFILLAH*

I. *Mitzvas Tefillah*

There is a well-known *machlokes* between the *Rambam* and the *Ramban* as to whether the daily *tefillah* obligation is *mid'oraisa* or only *miderabbanan*.

In his *Sefer HaMitzvos*, the *Rambam* begins listing the *taryag mitzvos* in descending order of importance, starting with belief in the existence of *Hashem* and the unity of *Hashem*, followed by *ahavas Hashem* and *yir'as Hashem*. As the fifth *mitzvas asei*, the *Rambam* counts the *d'oraisa* obligation upon every Jew to *daven* once a day, each and every day.

[When the Torah is not explicit about how frequently one must perform a positive *mitzvah*, the default assumption is that one must fulfill it once a day every day. It is likely that the *Rambam* learned this rule from the *Gemara* in *Rosh Hashanah* (28b), which describes the *mitzvah* of *Birkas Kohanim* in this way. Once a *Kohen* has *duched* on any given day during *Shacharis*, he is not obligated *min haTorah* to *duchen* a second time during *Mussaf*. In addition, if he *duched* for one *tzibbur*, he may decline to bless another *tzibbur* later that day (*Kehilos Yaakov, Berachos, siman 15*).]

The *Gemara* in *Ta'anis* (2a) derives the *mitzvah* of *tefillah* from the *passuk*, *לאהבה את ד' אלקיכם ולעבדו בכל לבבכם* – “to love *Hashem*, your G-d, and to serve Him with all your heart” (*Devarim* 10:12): *איזו היא עבודה שהיא בלב הוי אומר זו תפילה* [of *Hashem*] is performed in the heart? You must say that this is a reference to prayer.” Although the *Gemara* in *Berachos* (21a)

classifies *tefillah* as a *mitzvah derabbanan*, the *Rambam* understands that this refers to the obligation to *daven* at specific times – such as *Shacharis*, *Mincha*, and *Ma'ariv* – and to the particular *nusach* of *tefillah* that we recite. The basic obligation to *daven*, however, is *mid'oraisa*.

The *Ramban* (*Hasagos L'Sefer HaMitzvos, mitzvas asei 5*) disagrees and maintains that the obligation to *daven* daily is *miderabbanan*. Rav Soloveitchik noted that the *Ramban* speaks of what he calls an “*inyan hatefillah*,” that out of *Hashem's* kindness towards us, He hears and answers whenever we call to Him. Thus, even the *Ramban* agrees that there certainly is a *kiyum* (fulfillment) *d'oraisa* if one *davens*, although there is no *chiyuv* (obligation) *d'oraisa* to *daven* every day.

One of the *ikarei ha'emunah* (Principles of Faith) is that all the words of the *Nevi'im* are true. There have been philosophers who claimed that it is inconceivable that finite Man can communicate with an infinite G-d. Yet, we believe that communication between *Hashem* and the *Nevi'im* has taken place in the past and will take place again in the future. Furthermore, we believe that such contact exists in both directions. *Hashem* communicates with human beings through *nevu'ah*, and we are able to speak to Him during *tefillah*. Thus, the Rav explained, the “*inyan hatefillah*” is really a part of the *ikar* of *nevu'ah*.

The concept of having a *kiyum mitzvah* even in situations in which a *chiyuv* is not present was a common theme in many of the Rav's *shiurim*. The obligation of *kri'as haTorah*, for example, is merely rabbinic in nature. Nevertheless, performing *talmud Torah b'tzibbur* in the form of *kri'as haTorah* certainly accomplishes a *kiyum d'oraisa*.

Some claim that the very concept of a *kiyum d'oraisa* without a *chiyuv d'oraisa* is an impossibility and that the term *mitzvas hareshus* is an oxymoron; a commandment cannot be optional. However, the famous comment of the Vilna Gaon (*Ma'aseh Rav, siman 185*) on the *passuk*, *שבעת ימים תאכל מצות* – “[For] seven

days you shall eat *matzos*" (*Shemos* 13:6), supports this idea. The Gr"א contends that this *passuk* posits a *mitzvah d'oraisa* to eat *matzah* on all seven days of Pesach. Thus, the *Gemara* that states, *בראשון חובה מכאן ואילך רשות* – "on the first [night of Pesach], it is compulsory; from then on, it is merely a *reshus*" (*Pesachim* 91b; also see *Pesachim* 120a) does not mean that eating *matzah* is elective, but rather that it is a *mitzvas reshus*.

The *Netziv* (*Ha'amek Davar, Vayikra* 27:32) seems to embrace this notion as well, claiming that although *ma'aser beheimah* may be eaten by its owner, it would be a *mitzvah kiyumis* to give the animal to a *Kohen*. Of course, the *Netziv* served as the *Rosh Yeshiva* of the Volozhin Yeshiva established by Rav Chaim Volozhiner, the principal *talmid* of the Gaon. [See *MiPninei HaRav*, 2001 ed., pp. 9-10.]

Along these lines, the Rav emphasized on many occasions that in our religion we do not have any ceremonies, only *mitzvos*; the notion of ceremonial customs was taken from the Church. Every *minhag Yisrael* must be a *kiyum* of one *mitzvah* or another. The introduction of new *minhagim* as mere ceremonies, devoid of a halachic fulfillment of a *mitzvah*, is improper and has no meaning or significance. [See *Nefesh HaRav*, 1994 ed., pp. 24-26, 95.]

II. *Eis Tzarah*

The *Ramban's* opinion that the obligation to *daven* is rabbinic in nature pertains to the daily *chiyuv tefillah*. He agrees, however, that there does exist a *d'oraisa* obligation to *daven* during an *eis tzarah* (difficult time). In the context of the *mitzvah* of the *chatzotzros*, the *passuk* describes the *mitzvah* to beseech *Hashem* and to cry out to Him through *tefillah* over any impending calamity:

וכי תבואו מלחמה בארצכם על הצר הצורך אתכם והרעותם בחצוצרות
ונוזרתם לפני ד' אלוקיכם ונושעתם מאויביכם.

When you go to wage war in your Land against an enemy who oppresses you, you shall sound short blasts of the trumpets,

and you shall be recalled before *Hashem*, your G-d, and you shall be saved from your foes. (*Bamidbar* 10:9)

According to the *Ramban*, the act of *davening* in an *eis tzarah* is not counted as a *mitzvah* of *tefillah* per se, but is rather subsumed under the general *mitzvah* of *emunah* (*Igros Moshe, Orach Chaim* 2:25). If one believes in the existence of *Hashem* and His Omnipotence, it is only natural to ask Him to take care of him when he faces a catastrophic situation, in the same way as one would ask a loving parent.

Rav Soloveitchik was fond of explaining that the *Rambam* essentially agrees that the obligation to *daven* only applies in an *eis tzarah*. The root of the *machlokes* lies in how one views the human condition. The *Rambam* believes that a person must recognize that his situation is always precarious. Even if he is healthy at present, any person can be diagnosed with a serious illness tomorrow; even if he is wealthy today, he can suffer immediate financial ruin. Since every person's situation is so fragile, one is obligated to *daven* at all times for *Hashem* to protect him from catastrophe. In the *Rambam's* view, Man constantly faces "an enemy who oppresses you." Thus, the *mitzvah* of *tefillah* is *mid'oraisa* each and every day, since every day is an *eis tzarah*.

The *Ramban*, on the other hand, maintains that not every person is able to come to this realization every day, especially at a time that he is not faced with adversity. Only when one finds himself in an actual *eis tzarah* does an obligation of *tefillah mid'oraisa* exist.

Thus, it emerges that according to both opinions, *chiyuv tefillah* is based on the presence of *eis tzarah*. Indeed, when Shlomo HaMelech offers his beautiful *tefillah* upon the dedication of the First *Beis HaMikdash*, also termed the "*Beis Tefillah*" (*Yeshayah* 56:7), he emphasizes:

כל תפילה כל תחינה אשר תהיה לכל האדם לכל עמך ישראל אשר ידעון איש
נגע לבבו ופרש כפיו אל הבית הזה.

For any prayer and any supplication that any person of Your entire people Israel may have, each man knowing the affliction of his heart, he shall spread out his hands [in prayer] toward this Temple. (*Melachim I* 8:38)

Shlomo requests of *Hashem* that He accept our *tefillas* and lists many needs that generate a *chiyuv tefillah*:

If a man should wrong his fellow ... If your people are defeated by an enemy ... If the heavens are restrained and there be no rain ... If there be a famine in the land, if there be a pestilence, if there be windblast or withering or locust or grasshopper, if [Israel's] enemy oppresses it in the land of their cities, any plague, any disease ... When Your people goes to war against its enemy, along the course on which You shall send them ... When they sin against You, for there is no man who never sins, and You become angry with them, and You deliver them to an enemy, and their captors take them captive to the enemy's land, faraway or nearby. (*Melachim I* 8:31-46)

The common denominator of Shlomo's descriptions may be summarized in one word – *tzarah*. [See *MiPinei HaRav*, 2001 ed., pp. 310-311, 297-298.]

III. *Bakashas Tzerachim*

As we have seen, *tefillah* only applies when a person is lacking something, when he has difficulties and needs. One who has no needs has no reason to *daven*. This is, in fact, one explanation of the curse of the *nachash*.

The *Gemara* in *Yoma* (75a) teaches that even when *Hashem* curses a sinner, He implants an element of good in the decree. For its role in the *cheit* of Adam HaRishon, which caused Man to die and return to dust, *Hashem* cursed the primordial *nachash* that it should eat dust as punishment. Nevertheless, as the *Gemara* describes, “when it ascends to the roof, its food is with it; when it descends below, its food is with it.” This leads to an obvious question: Why is the curse of the *nachash* considered a punishment at all? Its sustenance is nearby wherever it goes!

One answer is quoted in the name of Rav Yitzchak Vurker (*Shem MiShmuel, Parshas Shemos 5676, s.v. v'nir'ah*), who explained that all created beings have a connection to *Hashem* through their reaching out to Him in *tefillah* to supply their sustenance. As the *passuk* describes, הכפירים שואגים לטרף ולבקש - מקל אכלם - "The young lions roar after their prey and to seek their food from G-d" (*Tehillim 104:21*). *Hashem* constantly responds to their requests and showers them with kindness.

The punishment of the *nachash* was that it was given its food wherever it is, so that it has no further connection with *Hashem*. Since dust is always readily available to the *nachash* and it never lacks sustenance, it has no right to *daven*. In essence, *Hashem* said to the *nachash*, "I have given you your *parnassah*. Don't bother Me and don't pray to Me." The curse, then, is the *nachash's* inability to *daven*, its constant state of disconnection.

It is good for us that we lack certain things, so that we have a right to *daven*. People yearn for a relationship with *HaKadosh Baruch Hu*; if they are wanting, they can turn to *Hashem* in *tefillah* to satisfy their needs.

Of course, there are times when a person does not know which needs to *daven* for, since he is not aware of what would benefit him. He may pray passionately to be admitted into a certain graduate school, or to be offered a particular job, or that a certain woman should agree to marry him, and he fails to realize that these requests are not in his best interest. Rav Soloveitchik pointed out that to address this difficulty, we conclude the middle part of the *Shemoneh Esrei*, the section of *bakashas tzerachim*, with the phrase, וקבל ברחמים וברצון את תפילתנו - "and accept, with compassion and favor, our prayer." We ask that *Hashem* accept only those parts of our *tefillah* that He alone knows are truly for our benefit and that He dismiss those requests that are to our detriment.

The Rav added two personal examples of misplaced *tefillas* that he offered. He said that one could not imagine how many

tefillos he offered when he was in Berlin that he should not have to come to America and that he should be able to remain in Europe with all the *tzaddikim* and *talmidei chachamim*. He was fortunate that *Hashem* did not accept those *tefillos* and that he was saved from the Holocaust. Again, after Rabbi Dr. Bernard Revel passed away, the Rav prayed intensely that he be the next president of Yeshiva College, a bid he lost to Rabbi Dr. Samuel Belkin. Years later, however, he thanked *Hashem* for not answering his prayers so that he could invest all his time and energy into learning Torah and delivering *shiurim*. [See *MiPninei HaRav*, 2001 ed., p. 36.]

Bakashas tzerachim is the essence of our *tefillah*. The man-made religions of *avodah zarah* visualize G-d as a human being who enjoys flattery and praise, and their prayers therefore consist only of praise of their deity. The Jewish People, on the other hand, realize that *Hashem* does not need our praise, nor our thanks. Furthermore, we realize that even when we do offer *shevach* and *hodayah*, our words are wholly inadequate.

It is our practice to begin our *tefillos* with praise of *Hashem* because *derech erez* dictates that we recite *shevach* before *bakashas tzerachim*. We learn this from the statement of Rebbi Simla'i, לעולם יסדר אדם שבחו של הקדוש ברוך הוא ואחר כך יתפלל, "A person should always arrange praise of the Holy One, Blessed is He, and afterwards he should pray" (*Berachos* 32a, *Avodah Zara* 7b). Similarly, it is proper to conclude our *tefillos* with thanksgiving to *Hashem* for the good that He has bestowed.

The *Rambam* (*Hilchos Tefillah* 1:2) seems to define the requirement of *tefillah* on a level of *d'oraisa* as being composed of these three units in sequence – *shevach*, *bakashah*, and *hodayah*. Indeed, the *Shemoneh Esrei* itself follows this format. The first three *berachos* of *Shemoneh Esrei* consist only of praise of *Hashem*, the succeeding *berachos* contain our requests for Divine assistance, and in the final three *berachos* we offer thanksgiving to *Hashem*.

Nevertheless, the first and last sections of the *Shemoneh Esrei* are ancillary in nature. The essence of the *Shemoneh Esrei* is the middle section of *bakashas tzerachim*, in which we ask *Hashem* to take care of all of our needs; the rest is merely the prologue and the epilogue.

On Shabbos and Yom Tov, we omit the weekday middle section because we may not offer *techinos* (supplications). This *issur* is based on the *passuk*, ודבר דבר – “and speaking words” (*Yeshayah* 58:13), from which the *Gemara* in *Shabbos* (113b) derives that one’s speech on the Shabbos should not be like his speech on weekdays. Yet, there must still be a section of *bakashos* in the *Amidah* for it to qualify as *tefillah*. Therefore, we replace the *bakashos* for physical needs mentioned in the weekday *Shemoneh Esrei* with spiritual *bakashos*. The concluding paragraph of the middle *berachah* of the *Amidah*, ... רצה במנוחתנו קדשנו במצותיך ותן חלקנו בתורתך – “May You be pleased with our rest; sanctify us with Your commandments and grant our share in Your Torah ...” is the *bakashas tzerachim* on Shabbos and Yom Tov, and this request regarding our *ruchniyus* needs constitutes the substance of the *tefillah* (*Igros Moshe, Orach Chaim* 4:63:2).

Rav Soloveitchik pointed out that the same is true in the *Mussaf Amidah* of Rosh Hashanah, in which the middle *berachos* of *Malchuyos*, *Zichronos*, and *Shofaros* form the essence of the *tefillah*. The structure of each of these three *berachos* includes an opening paragraph, which spells out an *ikar ha’-emunah* (Principle of Faith) that we subscribe to. We declare in *Malchuyos* that *Hashem* is the sole Power in the world, in *Zichronos* that there is *hashgachah pratis* (Divine Providence) with an exact system of reward and punishment, and in *Shofaros* that there was a Divine Revelation at the giving of the Torah, at which time *Hashem* communicated with Man. Following each statement of *emunah* in the opening paragraph, we demonstrate the truth of these ideas through the

citation of three *pessukim* from Torah, *Nevi'im*, and *Kesuvim*, respectively.

Then, in each of the concluding paragraphs, we offer our *bakashah* regarding that particular article of faith. We request in *Malchuyos*, מלוך על כל העולם כולו בכבודך – “Reign over the entire universe in Your glory,” in *Zichronos*, we request, זכרנו בזכרון טוב לפניך – “Remember us with a favorable remembrance before You,” and in *Shofaros*, תקע בשופר גדול לחרותנו – “Sound the great *shofar* for our freedom.” The concluding paragraphs containing our request for the fulfillment of these concepts are the essence of *Malchuyos*, *Zichronos*, and *Shofaros*, for they are the *bakashas tzerachim* part of the *tefillah*. [See Rav Schachter on the *Moadim*, *Mussaf Amidah* of Rosh Hashanah, sections IV-V.]

The *Mishnah* in *Berachos* (28b) recommends that one should always include *tachanunim* (personal requests) regarding particular *tzerachim* in his *Shemoneh Esrei*: העושה תפילתו קבע אין תפילתו – תחנונים – “One who makes his *tefillah* fixed [without introducing a new request (*Berachos* 29b)] – his *tefillah* is not a supplication.” It is not proper for one to only follow the standard text that appears in the *siddur*. In fact, the *Gemara* (16b-17a) records the personal *techinot* that various *Tanna'im* and *Ammora'im* appended to their *Shemoneh Esrei*, one of which is the *techinah* of *Elokai Netzor* that we have adopted in our *tefillos*.

The basis of the concept of reciting personal *tachanunim* is the notion that each person is unique, reflecting the fact that we were created בצלם אלקים (in the image of G-d). As the *Gemara* in *Berachos* (58a) tells us, within any group of people, “their minds are not similar to each other, just as their faces are not similar to each other.” There are needs that all people share, such as success in Torah learning, *geulah*, and *refuah*, and that is why we *daven* using a standard text. However, each person also has personal needs that express his distinctiveness, his private

dreams and ambitions, and this is the basis of the institution of *tachanunim* after the *Shemoneh Esrei*.

IV. *Tzorech Gavo'ah*

Aside from the purpose of *tefillah* as a means of presenting our *bakashas tzerachim* before *Hashem*, *Chazal* introduced a second role of *tefillah*. The *Gemara* in *Yevamos* (64a) tells us that many of our *Avos* and *Imahos* were *akurim* (unable to bear children). In explaining this strange circumstance, the *Gemara* states: מפני שהקדוש ברוך הוא מתאוה לתפילתן של צדיקים – “Because the Holy One, Blessed is He, craves the prayers of the righteous.” We do not understand what it means for *Hashem* to have desires or how our *tefillas* can somehow meet a certain “need” of the *Ribbono shel Olam*. Nevertheless, it is clear that *Hashem* “wants” people to *daven*.

The *Gemara* in *Berachos* (6b) interprets the *passuk*, כרום זלות – לבני אדם – “[a generation] when baseness is exalted among the sons of men” (*Tehillim* 12:9) along these lines. *Tefillah* is among דברים שעומדים ברומו של עולם ובני אדם מזלזלין בהן – “things that stand at the pinnacle of the world, but which people treat lightly.” *Tefillah* is very serious, as it addresses a *tzorech gavo'ah*, a “need” of *Hashem*. The *Gemara* thus bemoans the fact that people are not sufficiently careful when they *daven*.

The idea of the necessity of prayer also appears in the *Gemara* in *Chullin* (60b), which comments on the *passuk*:

וְכָל שִׂיחַ הַשָּׂדֶה טָרָם יִהְיֶה בָאָרֶץ וְכָל עֵשֶׂב הַשָּׂדֶה טָרָם יִצְמַח כִּי לֹא הִמְטִיר ד' אֱלֹקִים עַל הָאָרֶץ וְאָדָם אֵין לַעֲבוֹד אֶת הָאֲדָמָה.

Now no tree of the field was yet on the earth, and no herb of the field had yet sprouted, for *Hashem* G-d had not sent rain upon the earth and there was no man to work the soil (*Bereishis* 2:5).

The *Gemara* teaches that the various types of vegetation did not emerge on the third day of creation, but rather remained at the surface of the ground in anticipation of the rain that would

enable them to sprout. *Hashem* did not send rain, however, because Adam had not yet been created and therefore had not yet *davened* for it.

Chazal seem to have understood the word *שיח* as related to *שיחה*, an allusion to *tefillah* (*Berachos* 26b), and thereby explain an incongruity in the *passuk*. The first phrase, *וכל שיח השדה*, implies that there was no tree of the field as yet, while the next phrase, *וכל עשב השדה* *טרם יצמח*, implies that the herbs of the field were present, but remained under the ground. The explanation is that *שיח* refers to *tefillah*. Thus, the *passuk* means that there had not been any *tefillah* offered on behalf of the growth of vegetation as yet. The herbs of the field were present, but they were waiting for Adam's *tefillah* for rain in order to emerge. [See *Nefesh HaRav*, 1994 ed., pp. 271-272.]

Chazal further interpret the words *לעבוד את האדמה*, literally "to work the soil," as "to *daven* on behalf of the soil," also a reference to *tefillah*, the *עבודה שבלב* – "service of the heart" (*Ta'anis* 2a). When Adam *davened*, the rain fell and the trees and vegetation sprouted. Again, the *Gemara* concludes: "This comes to teach that *HaKadosh Baruch Hu* craves the prayers of the righteous." This is how *Hashem* established the world; He wants people to *daven* for their needs.

The *Nesivos* (*Nachalas Ya'akov*, *Emes L'Ya'akov*, *Berachos* 6b, s.v. *amar Rabbi Chelbo*) elaborates on the relationship between *tefillah* and *ratzon Hashem*. He cites medieval Jewish philosophers (see *Rav Meir Ibn Aldabi*, *Shevilei Emunah*, *nesiv* 1) who questioned how *tefillah* can accomplish any change in one's situation. If one deserves good, he should receive it without asking for it; if he does not deserve it, asking for it should not help! *Hashem* and His *ratzon* never change.

The answer they proposed is that *davening* clarifies in one's mind that *Hashem* is the ruler and that everything is in His control. This humbles the person and brings him to *teshuvah*. *Tefillah* therefore does not change the *ratzon Hashem*, but rather

brings a person closer to *Hashem*, and this causes *Hashem* to bestow goodness upon him. `

The *Nesivos* strongly disagrees with this approach. He contends that *tefillah* certainly does work in the realm of *ratzon Hashem*. We cannot understand how we are able to find favor before *Hashem* through *tefillah*, just as we do not know how *teshuvah* transforms *middas hadin* into *middas harachamim*. We cannot comprehend *Hashem's* essence, nor His *ratzon*. Nevertheless, it is one of the rules and regulations that *Hashem* established when He created the world that *tefillah* causes *ritzui* (acceptance). One must *daven*, and only then can he receive *Hashem's* beneficence.

In fact, *davening* is at the very essence of what characterizes mankind. The third of the four *avos nezikin* (principle categories of damages) is *מבעה* (*Bava Kamma* 2a), which, according to one opinion in the *Gemara* (3b), refers to *adam* (a man who inflicts damage). This interpretation of the term *מבעה* is derived from the *passuk*, אמר שומר אתא בוקר וגם לילה אם תבעיון בעיני שובו אתיו – “Says the watchman: Morning is coming, but also night; if you desire it, request, repent, and come” (*Yeshayah* 21:12). *Rashi* explains that the *Navi* speaks metaphorically of the coming *geulah*: “*Hashem* [the watchman] proclaims to the Jewish People: ‘Morning [*geulah*] is at hand for the righteous, but the night will continue for the wicked. If you wish to return in *teshuvah* and seek forgiveness, *daven*.’” Thus, the definition of a human being used in the *Mishnah* is that he is a “*davener*.” As *Rebbi Yochanan* states in the *Gemara* in *Berachos* (21a): ולואי שיתפלל אדם – “Would that a person *daven* all day long!”

V. A Brief *Bakashah*

The *Magen Avraham* (*Orach Chaim* 106:2) attempts to justify what was the common practice of women, who refrained from *davening* a full *tefillah* on a regular basis and sufficed with a short *bakashah* that they recited upon waking in the morning.

He writes that despite the fact that women are obligated in the *mitzvah* of *tefillah* (*Mishnah Berachos* 20b), any text that one recites once each day satisfies the requirement, at least on a *d'oraisa* level.

Rav Soloveitchik recounted that Rav Chaim felt that the *Magen Avraham's* opinion was very questionable. The simple understanding of the *Mishnah* in *Berachos* is that women are obligated to recite the *Shemoneh Esrei* in the specific *nusach* that the *Chachamim* instituted, and not merely to recite *Modeh Ani*.

Furthermore, as mentioned above, the *Rambam* implies that *tefillah d'oraisa* must include the three elements of *shevach*, *bakashas tzerachim*, and *hodayah*. The brief statement of *Modeh Ani* contains only *hodayah*. The small *bakashah* that the *Magen Avraham* refers to would also not suffice, since the *mitzvah* of *tefillah d'oraisa* requires the prescribed order of *shevach* and *bakashah* followed by *hodayah*. [See *Nefesh HaRav*, 1994 ed., p. 103.]

THE *HETTER* TO *DAVEN*

I. Composition of *Tefillos*

The premise of the entire *sefer Avudraham* is that the *Anshei Knesses HaGedolah* (Men of the Great Assembly) instituted the *nusach* of *tefillos* and *berachos* based on language found in *Tanach*. They did not create terms and expressions on their own. The *Avudraham* thus aims to provide the source in *Tanach* for all of the phrases that we recite in our *tefillos*.

The *Anshei Knesses HaGedolah* did not write the *tefillos* de novo because it is essentially impossible for a human being to compose a *nusach hatefillah*. In fact, the whole enterprise of *tefillah* – whereby a lowly man of flesh and blood stands before *Hashem*, the King of Kings, to make requests regarding his miniscule and insignificant needs – seemingly reflects great audacity.

Rav Soloveitchik (Rayonos al HaTefillah) explained that our *hetter* to *daven* is based on the fact that תפילות אבות תקנום – “the prayers were instituted by the Patriarchs” (*Berachos* 26b). In other words, we see throughout *Tanach* that our forefathers prayed – Avraham, Yitzchak, and Yaakov *davened*, and so did Moshe Rabbeinu, Dovid, Shlomo, and Ezra. The term אבות refers to all of these *tzaddikim*, not only the *Avos*. Even though we do not understand the basis of the *hetter*, we see that there is a precedent that demonstrates that *davening* is permissible. Since these *tzaddikim* were also *Nevi'im*, it is clear that they

understood through their *ru'ach hakodesh* that it is permissible to *daven*.

This element of *ru'ach hakodesh* is critical. In its discussion of the formulation of the eighteen *berachos* of the *Shemoneh Esrei* in a specific order, the *Gemara* (*Megillah* 17b) teaches that the *Anshei Knesses HaGedolah* was a group of one hundred and twenty *zekeinim*, *וְבֵהֶם כַּמָּה נְבִיאִים* – “among whom were many prophets.” Rav Soloveitchik, based on a comment of Rav Chaim Volozhiner (*Nefesh HaChaim*, *sha'ar* 2, *perek* 13), suggested that the phrase *וְבֵהֶם כַּמָּה נְבִיאִים* conveys the idea that a certain degree of *ru'ach hakodesh* is necessary to compose a *nusach* of *tefillah*. A *tefillah* that addresses the continuing needs of the Jewish People throughout history and that consists exclusively of appropriate arrangements of *shevach* and *bakashah* could not have been drafted without *nevu'ah*.

It is for this reason that the *Anshei Knesses HaGedolah* utilized the language of *Tanach*, which was written entirely with *ru'ach hakodesh*, to compose the *tefillos*. Based on this consideration, the Rav felt that invocations composed by contemporary rabbis in honor of certain events are senseless. He remarked that we no longer have individuals who know how to differentiate between acceptable and unacceptable forms of *tefillos* or *kinos*.

The Halachah clearly appreciates the significance of the *nusach* instituted through *ru'ach hakodesh*. The *halachah* is that one who forgets to recite the phrase *וְתַן טַל וּמָטָר* in the *Shemoneh Esrei* in the wintertime is obligated to *daven* again. This seems quite surprising. Like the Yiddish expression, “This is such a big thing, like ‘*tal u'mattar*’ in a tiny *siddur*,” the request for dew and rain appears to be rather trivial. How can this omission invalidate one’s entire *tefillah* and require him to *daven* again?

The answer is that the phenomenon of *tefillah* is not rational to begin with. *Tefillah* is rooted in *nevu'ah* and was composed with *ru'ach hakodesh*; we only have permission to *daven* using the pattern and text that the “*avos*” established for us.

Therefore, one who deviates, even slightly, from that *nusach* never had permission to *daven* in such a manner. For this reason, his *davening* is not a bona fide *tefillah*, and he does not discharge his obligation. [See *MiPninei HaRav*, 2001 ed., pp. 127-128.]

II. *Mussaf* of Rosh Hashanah

Precedent in *Tanach* serves as a critical element not only in the *nusach hatefillah*, but also in the structure of *tefillah*.

There is a *machlokes* among the *Tanna'im* regarding the proper order for the *Mussaf Amidah* of Rosh Hashanah (*Rosh Hashanah* 32a). All the *Tanna'im* work with the premise that the *Amidah* must consist of nine *berachos*. The difficulty is that there are ten themes that must be included in the *Amidah* – the usual first three and last three *berachos* of every *Amidah*, the *berachos* of *Malchuyos*, *Zichronos*, and *Shofaros* unique to Rosh Hashanah, and an additional *berachah* to describe the *kedushas hayom*, paralleling the middle *berachah* in the *Amidah* of every Shabbos and Yom Tov.

The *Tanna'im* therefore dispute which two themes must be combined so that the sum total will be nine *berachos*. Rabbi Yochanan ben Nuri combines *Malchuyos* with the third *berachah*, since it concludes with the related idea of *HaMelech HaKadosh*. Rabban Shimon ben Gamliel holds that the *berachah* of *kedushas hayom* should be combined with *Zichronos* as the middle (fifth) *berachah*. We follow the opinion of Rabbi Akiva, combining *Malchuyos* with *kedushas hayom* as the fourth *berachah*.

Rav Soloveitchik pointed out that the *Gemara* never explains why it assumed it was necessary to combine two of the *berachos*. Why did *Chazal* not simply institute an *Amidah* with ten *berachos* for the ten different themes mentioned in the *Amidah* of Rosh Hashanah?

There is a related *machlokes* between *Beis Shammai* and *Beis Hillel* regarding the *Amidah* of Yom Tov that falls on Shabbos. *Beis Shammai* holds that we recite an eight-*berachah* *Amidah*,

consisting of the usual first three and last three *berachos* of every *Amidah* as well as **two** middle *berachos* – one for the *kedushas hayom* of Shabbos and another for the *kedushas hayom* of Yom Tov. We, of course, follow *Beis Hillel*, combining the theme of *kedushas hayom* of Shabbos with that of Yom Tov into one middle *berachah* and concluding, *מקדש השבת וישראל והזמנים*, thereby reciting a seven-*berachah* *Amidah* (*Beitzah* 17a). Even though it is not acceptable to conclude a *berachah* with two themes, this case is an exception to the rule (*Berachos* 49a), because the *Amidah* must consist of seven *berachos*, not eight.

The Rav explained, based on the *Gemara* in *Berachos* (28b-29a), that the *Anshei Knesses HaGedolah* required a precedent in *Tanach* to give them the right to institute a *tefillah* with a particular number of units. This was the case for the weekday eighteen-*berachah* *Shemoneh Esrei*, the later addition of its nineteenth *berachah*, the twenty-four-*berachah* *Amidah* of a *ta'anis tzibbur* (by the *shli'ach tzibbur*), as well as the seven-*berachah* *Amidah* of Shabbos and Yom Tov. That is why *Beis Hillel* insisted on reciting a seven-*berachah* *Amidah* even when Yom Tov falls on Shabbos – there is no source for an eight-*berachah* *Amidah* in *Tanach*.

With respect to the *Mussaf* of Rosh Hashanah, the *Gemara* cites the *tefillah* of Chanah as the source for a nine-*berachah* *Amidah*, as she mentioned the name of *Hashem* nine times in her *tefillah*. *Chazal* understood from this *tefillah* that it is possible to compose an *Amidah* with nine units. Because there was a precedent for a nine-*berachah* *Amidah*, but not for one with ten *berachos*, the *Tanna'im* worked with the assumption that they needed to fit the necessary ten Rosh Hashanah themes into nine *berachos*. Thus, they debated which two themes should be combined together into one *berachah*.

The notion of utilizing *pessukim* as the basis for *tefillos* is also why *Chazal* instituted the recitation of a tenth *passuk* in the *Mussaf* of Rosh Hashanah, as part of the concluding paragraphs

of *Malchuyos*, *Zichronos*, and *Shofaros*. In those paragraphs, we ask *Hashem* to reveal His Kingship, to remember us favorably, and to bring about our redemption. We enhance our *tefillah* by quoting a *passuk* that describes *Hashem's* promise to do those things, since it demonstrates the appropriateness of our request. We thus beseech *Hashem* to fulfill the particular *bakashah* of that *berachah*, as He Himself promised us in the *Chumash* that He will carry out these things in the future. [See *Rav Schachter on the Moadim, Rosh Hashanah: Mussaf Amidah*, sections IV-V.]

III. Omeid Lifnei HaMelech

The *Gemara* in *Yoma* (19b) expounds the *passuk* in the first *parsha* of the *Shema*, **וְדַבַּרְתָּ בָּם** – “and you shall speak of them [the words of the *Shema*]” (*Devarim* 6:7). *Chazal* understand that the word **בָּם** implies an exclusion and comes to teach, **בָּם וְלֹא בַתְּפִלָּה** – “[You shall speak] of them, but not *tefillah*.”

Rashi, citing the *She'iltos*, interprets this *derashah* to mean that one should enunciate the words of the *Shema* loud enough for them to be heard (*Berachos* 15a-15b), but one should say the words of *tefillah* silently. However, the other *Rishonim* do not explain the *derashah* in this way. *Tosfos* (s.v. *bam*; *Berachos* 13a, s.v. *ub'emtza*) understands that the *derashah* permits extending a greeting (to someone he fears) or returning a greeting (of an esteemed person) during *Shema*, but places a restriction on these interruptions during *Shemoneh Esrei*. According to *Tosfos*, one should indeed voice the words of the *Shemoneh Esrei* loud enough to hear them. This was the practice of *Rav Soloveitchik* as well (see *Orach Chaim* 101:2; *Magen Avraham* 101:3).

In fact, the *Rav* argued that it is possible that the *Shemoneh Esrei* is treated more stringently than the *Shema* with regard to an inaudible recitation. In the context of *tefillah*, it is necessary for one to be considered as **עומד לפני המלך** – standing before the King, and if one *davens* in an inaudible fashion, he may not be viewed as **עומד לפני המלך**.

In defining the state of עומד לפני המלך, the Rav pointed out that a careful reading of the *Rambam* (*Hilchos Tefillah* 5:4) implies that one's intent should not be that the *Shechinah* stands in front of him where he is *davening*. Rather, עומד לפני המלך means that one should view himself as if he is standing in *shamayim* in front of *Hashem*!

Because he is standing before the King, if one who is reciting the *Shemoneh Esrei* paused the amount of time it takes to complete the entire *Shemoneh Esrei*, from beginning to end, he must start the *Shemoneh Esrei* again. According to Rav Hai Gaon (cited by *Talmidei Rabbeinu Yonah*, *Berachos*, 14a in *dapei haRif*, s.v. *v'kasav*), this *din* of *shehiyah* (pausing) applies only to the *Shemoneh Esrei*. With regard to other *mitzvos*, since one is not considered to be עומד לפני המלך, he may continue from the point where he left off.

The principle of עומד לפני המלך also explains why one may not interrupt the *Shemoneh Esrei* to return a greeting. How could one who is standing in front of *Hashem* interrupt to converse with a human being?

The Rav noted another *halachah* that is rooted in one's status of עומד לפני המלך. If one erred and did not recite *Ya'aleh V'Yavo* in the *Shemoneh Esrei* of Rosh Chodesh, he must return to the *berachah* of *Retzei*. If he completed the *Shemoneh Esrei* and then remembered his omission, he must return to the beginning of the *Shemoneh Esrei*. Yet, if he did not yet start taking three steps back at the conclusion of the *Shemoneh Esrei*, he only returns to *Retzei* (*Berachos* 29b). Even though he finished the entire *nusach hatefillah*, since he is still in the state of עומד לפני המלך until he steps back, his *Shemoneh Esrei* has not yet concluded. [See *Nefesh HaRav*, 1994 ed., pp. 107-108.]

The Rav proceeded to explain the ruling of the *Mechaber* (*Orach Chaim* 123:5) that the *chazzan* need not take three steps back after he concludes the *Chazaras HaShatz*. An individual who completes his *Shemoneh Esrei* is still considered to be עומד לפני המלך until he steps back, even though he has finished

the entire *nusach hatefillah*. Stepping back is the sign of the termination of the state of *עומד לפני המלך*. However, the *chazzan* – who is not reciting a personal *Shemoneh Esrei*, but rather a *Shemoneh Esrei* on behalf of the *tzibbur* – was appointed as their *shali'ach* only for the purpose of reciting *Chazaras HaShatz*. Once *Chazaras HaShatz* is complete, his *shlichus* is automatically terminated and he is no longer considered to be *עומד לפני המלך*. Therefore, the *Mechaber* writes that he need not take three steps back at that point.

[Nevertheless, the general practice of the Rav was to take three steps back even after his recitation of *Chazaras HaShatz*, following reciting *יהיו לרצון* out loud. He felt that only on a day when we recite *Kaddish Tiskabel* immediately after the conclusion of *Chazaras HaShatz*, without the interruption of *Tachanun*, should the *chazzan* rely on the three steps he takes at the end of the *Kaddish* (see *Mishnah Berurah* 123:18).] [See *Nefesh HaRav*, 1994 ed., pp. 129-130.]

IV. The Requirement of a *Matir*

The *derashah* of *ולא בתפילה במ ודברת במ* may be interpreted in yet another way. The *Netziv* (*Ha'amek She'elah* 143:5) notes the *Bahag's* text of the *derashah*: *ולא בתפילה, אלא בתפילה בלחש*. In other words, although one is permitted to recite *kri'as Shema* as many times a day as he wishes, the same is not true for *tefillah*. One is only permitted to *daven* for his personal needs if he includes the request in the context of a bona fide *tefillah*.

Of course, the actual text of the *Shemoneh Esrei* was composed by the *Anshei Knesses HaGedolah*, and therefore the above *derashah d'oraisa* cannot posit a requirement to present one's personal requests only in the context of a *Shemoneh Esrei*. The *Netziv* seemingly refers merely to the general structure of *tefillah* on a *d'oraisa* level – *shevach*, *bakashah*, *hodayah*. The *Rambam* (*Hilchos Tefillah* 1:2) appears to define *tefillah d'oraisa* as being composed of these three units in sequence. Thus, the

derashah teaches that one may not make personal *bakashos* without adhering to this format. One must introduce his *tefillah* with words of *shevach*, then state his *bakashos*, and conclude with *hodayah*.

[Of note, the *Netziv* mentions that in a dangerous situation, it is permitted to recite the *tefillah ketzarah* (short prayer) mentioned in the *Gemara* in *Berachos* (29b), even though it consists only of *bakashah*. In addition, it would seem that the recitation of *Tehillim*, on behalf of a *choleh* for example, is excluded from this prohibition. The limitation of *בם ולא בתפילה* does not apply to sections of *Tanach*, even when they are recited as a form of *tefillah*.]

Rav Soloveitchik elaborated on the lesson of the *derashah* by noting the fundamental question mentioned above: Why is it appropriate to beseech *Hashem*, the *Melech Malchei HaMelachim*, for all of the trivial needs of flesh and blood? Would we do so before an earthly king?

In order to address this concern, explained the Rav, engaging in *tefillah* always requires a license, a *matir* that sanctions one's *לפני המלך עמידה*. Absent a *matir*, it is forbidden to stand before *Hashem* and trouble Him with our individual requests. The *matir* to beseech *Hashem* regarding one's personal needs is to include them within the standard *nusach* of the *Shemoneh Esrei*. To do otherwise – to state one's personal requests outside the context of authentic *tefillah* – is forbidden based on the *derashah* of *בם ולא בתפילה*. [See below, "*Chiddush Davar*," p. 113, regarding *chiddush davar* (introducing a new request) as the *matir* to *daven* a *tefillas nedavah*.] [See *Nefesh HaRav*, 1994 ed., pp. 107-108.]

Rav Soloveitchik noted that the idea of a *matir* for *tefillah* is also the basis of another *halachah*. According to Rebbi Yochanan, any *berachah* that lacks mention of *malchus* – *Hashem's* sovereignty – is not a valid *berachah* (*Berachos* 40b). A *berachah* requires the phrase *מלך העולם*, a statement that *Hashem* is the

King of the universe. *Tosfos* (s.v. *amar*) comments that in a series of *berachos*, only the first *berachah* must include *malchus*. Accordingly, *Tosfos* is troubled by the first *berachah* of the *Shemoneh Esrei*, which lacks the phrase מלך העולם.

The Rav suggested that when *davening Shemoneh Esrei*, we must omit a reference to *Hashem* as King of the Universe, since such mention would cancel our right to approach such a lofty Being and offer any prayer. The only way to recite our *bakashos* is to conceive of *Hashem* as a fatherly figure who is interested in attending to all of our needs. [See *MiPninei HaRav*, 2001 ed., p. 34.]

The *Gemara* in *Berachos* (26b) teaches that when one recites a *tefillas tashlumin* (a compensatory prayer) to make up for accidentally missing a particular *tefillah*, the *tefillah* he is currently obligated in must precede the *tefillas tashlumin*. The need for a *matir* for *tefillah* may explain this mandatory order of *tefillas* as well.

A *tefillah* that is recited in its proper time frame always has a built-in *matir* – namely, the fact that one is obligated to recite it. Just as one is permitted to include his personal requests in the context of the standard *nusach* of the *Shemoneh Esrei*, one's recitation of a *tefillah* that he is currently obligated in serves as the *matir* for his subsequent *tefillas tashlumin*. [See *MiPninei HaRav*, 2001 ed., p. 40-41.]

V. Recitation of *Shevach*

Rav Soloveitchik (*Shiurim L'Zecher Abba Mari Z"l* II, 5745 ed., pp. 19, 43-48, 69-72) often elaborated on the concept of the need for a *matir* for *tefillah* by highlighting a related dilemma that we face whenever we recite words of *shevach* in particular. When we declare the praises of *Hashem*, in contrast to when we request that He fill our needs, we run an added risk of improperly minimizing *Hashem's* praise. Instead of praising Him, we may end up degrading Him with our inappropriate words of *shevach*.

For this reason, the *Gemara* in *Megillah* (18a) teaches that once the *berachos* of the *Shemoneh Esrei* were instituted, מכאן ואילך – “Henceforth, it is forbidden to relate the praise of *HaKadosh Baruch Hu*.” The *Gemara* learns this from the *passuk*, ישמיע כל תהילתו – “Who can express the mighty acts of *Hashem*; [who] can declare all of His praise?” (*Tehillim* 106:2). This is also the message of the *passuk*, לך דומיה תהילה – “Silence is Your praise” (*Tehillim* 65:2). Since no one is capable of relating all the praises of *Hashem*, one should not offer *shevach* other than that which was established by the *Chachamim*.

Given the concern of uttering improper praise of *Hashem*, what is the propriety of reciting the *divrei shevach* found in *Pesukei D’Zimra*? Rav Soloveitchik suggested that it was for this reason that the *Anshei Knesses HaGedolah* established the *berachah* of *Baruch She’amar* – to serve as a *matir* to permit the recitation of the *shevach* that follows. In *Baruch She’amar*, we declare, ובשירי דוד עבדיך נהללך – “and through the songs of Dovid Your servant we shall laud You.” We explain that we do not seek to invent new forms of praise; rather, we rely on Dovid Ha-Melech, who authored the *perakim* of *Tehillim* that we intend to recite word for word.

Based on this idea, the Rav also explained the reason for the omission of *Mizmor Shir Chanukas HaBayis* in the *nusach haftefillah* of some communities, as well as in the *nusach haGr”a*. It may be that it is forbidden to recite *shevach* from *Tehillim* before the *matir* of *Baruch She’amar* has taken effect.

The Rav noted that the *Rambam* (*Hilchos Tefillah* 7:13) records a *minhag* to recite *Az Yashir* after the *berachah* of *Yishtabach*. What could account for the recitation of *Az Yashir* specifically after *Yishtabach*, and not in the middle of *Pesukei D’Zimra*?

The Rav explained that in *Baruch She’amar*, which was instituted as a *matir* for the recitation of *Pesukei D’Zimra*, we mention that we will praise *Hashem* specifically with *pessukim*

of *Tehillim* penned by Dovid HaMelech, ובשירי דוד עבדיך נהללך. After all, Dovid HaMelech is described as the נעים זמירות ישראל – “the pleasing composer of the songs of Israel” (*Shmuel II* 23:1). *Az Yashir*, which was not written by Dovid HaMelech, does not belong in the middle of *Pesukei D’Zimra*, and therefore it would constitute a *hefsek*. [See *Nefesh HaRav*, 1994 ed., pp. 110-111.]

Rav Soloveitchik suggested further that we recite *Ashrei* before the *Shemoneh Esrei* of *Shacharis* and *Mincha* because it also serves as a special *matir* for *tefillah* and *divrei shevach*. He specifically noted the *passuk*, דור לדור ישבח מעשיך – “Generation to generation will praise Your deeds,” in which we indicate that we are making use of an ancient tradition of praising *Hashem*. The *shevach* is not our own innovation. We are merely following in the footsteps of our ancestors. [See below, “*Ashrei*,” p. 167.]

This is also the role of the *passuk*, אלקי אבי וארומננו – “the G-d of my father, and I will exalt Him” (*Shemos* 15:2), which *Bnei Yisrael* declared as an introduction to *shiras haYam*. We have the right to recite *shirah* because this practice did not begin with us; rather, it is a longstanding, accepted practice from the days of our holy ancestors. [See *Nefesh HaRav*, 1994 ed., pp. 108-109.]

Rav Soloveitchik added that the phrase at the beginning of the *Shemoneh Esrei*, אלקינו ואלקי אבותינו, is reminiscent of the above *passuk* in *Az Yashir*. With this phrase, we similarly apologize for “bothering” the *Melech Malchei HaMelachim* with our relatively insignificant needs. We introduce the *Shemoneh Esrei* by identifying ourselves as descendants of Avraham, Yitzchak, and Ya’akov, implying that we are able to *daven* because *Hashem* forged a special relationship with our forefathers, who have already established *tefillah* as a legitimate form of worship.

[The Rav elaborated on the phrase אלקינו ואלקי אבותינו, pointing out that it denotes a dual relationship with *Hashem* – He is both our G-d and the G-d of our forefathers. The *passuk* in

Az *Yashir* likewise contains both elements: זה קלי ואנוהו אלקי אבי – “This is my G-d and I will beautify Him, the G-d of my father, and I will exalt Him.” As *Rashi* comments, לא אני – “I am not the source of the sanctity.” I was not the first to discover *Hashem*; my forefathers discovered *Hashem* generations ago. However, I do not merely follow my ancestors. I have discovered *Hashem* on my own. I too make a *bris* with *Hashem*. *Hashem* is אלקינו and אלקי אבותינו. We have a special relationship with *Hashem* because we have accepted Him upon ourselves, but we also have inherited an enduring relationship that continues for us since the days of our forefathers.] [See *Nefesh HaRav*, 1994 ed., p. 282.]

VI. *Berachah L'Vatalah*

The above analysis may be relevant to the understanding of the halachic concept of *berachah l'vatalah*.

When a doubt arises as to the need to recite a particular *berachah*, we maintain that ספק ברכות להקל – we rule leniently in a case of doubt. One explanation of this principle is that it is based on the concern of possibly reciting a *berachah l'vatalah*, which is a violation of מוציא שם שמים לבטלה – uttering the Name of *Hashem* in vain.

Accordingly, some *Acharonim* (see *Pnei Yehoshua*, *Berachos* 12a, s.v. *b'Tosfos*; *Derech Pikudecha*, *mitzvas lo sa'aseh* 30, *chelek hadibbur*, os 3) suggest that in a situation of *safek berachah*, if one is uncertain if he recited a *berachah* or not, he should recite that *berachah* in a language other than Hebrew. This way, he discharges his obligation, as one can do so with a *berachah* recited in another language (*Berachos* 40b), yet he would not violate מוציא שם שמים לבטלה since the *shem Hashem* is not recited in Hebrew.

Rav Soloveitchik argued, however, that the *issur* of reciting a *berachah l'vatalah* is not necessarily due to the concern of מוציא שם שמים לבטלה. Since in every *berachah* one expresses *shevach* to

Hashem, reciting a *berachah* cannot be labeled as uttering the Name of *Hashem* in vain, even if one was not obligated to recite that *berachah*. Instead, the *issur* of *berachah l'vatalah* may be rooted in the consideration we mentioned above – אסור לספר – בשבחו של הקדוש ברוך הוא. We are not entitled to praise *Hashem* on our own. Indeed, since one may discharge his obligation with a *berachah* recited in another language, such a recitation has the status of a “*berachah*,” and since it is a situation of *safek*, it may possibly be a *berachah l'vatalah*. [See *Teshuvos Rabbi Akiva Eiger* (*siman* 25), who maintains that one violates the *issur* of *berachah l'vatalah* in any language.]

For this reason, the Rav was stringent with regard to the musical rendition of *Shehecheyanu* by *chazzanim*, even if they substitute the *shem Hashem* with the words “*Hashem Elokeinu*.” Even though the *chazzanim* do not violate מוציא שם שמים לבטלה, since they use the words *Hashem Elokeinu*, the Rav felt that they still violate the *issur* of *berachah l'vatalah*. Their rendition may have the status of a *berachah*, since it is possible that one may discharge his obligation of reciting a *berachah* using *Hashem Elokeinu*, in the same way that one may recite a *berachah* in translation. If so, the *chazzanim* are relating praise of *HaKadosh Baruch Hu* in the form of a *berachah* without the purpose of discharging any obligation, and this may be included in אסור לספר – בשבחו של הקדוש ברוך הוא. [See *Nefesh HaRav*, 1994 ed., pp. 109-110.]

VII. *Pesukei D'Zimra* as a *Matir*

In the context of explaining how the structure of our *tefillah* reflects the need for a *matir*, the Rav cited the *derashah* of Rabbi Simla'i: לעולם יסדר אדם שבחו של מקום ואחר כך יתפלל – “A person should always arrange praise of the Omnipresent, and afterwards he should pray” (*Avodah Zara* 7b, *Berachos* 32a). The Rav understood the institution of *Pesukei D'Zimra* as the recitation of words of *shevach* that in turn serve as a *matir* for the subsequent *tefillah*.

According to this understanding of the role of *Pesukei D'Zimra*, even Sefaradi women, who generally refrain from reciting *birchos kri'as Shema*, as they do not recite *berachos* over *mitzvos asei shehazman grama* (time-bound positive *mitzvos*), should recite *Pesukei D'Zimra* with its *berachos*. The *shevach* contained therein represents the proper way to introduce one's *tefillah*, and it is therefore subsumed under a woman's obligation of *tefillah* (*Mishnah Berurah* 70:2, based on *Hagahos Rebbe Akiva Eiger* 52:1).

After we engage in the *shevach* contained in *Pesukei D'Zimra*, we once again praise *Hashem* with the *birchos kri'as Shema*. Next, we commence *Shemoneh Esrei* with three *berachos* that exclusively offer *shevach* to *Hashem*. The recitation of these different forms of *shevach* serves as a *matir* for the recitation of the middle *berachos*, which contain our *bakashas tzerachim*. It is the middle section of the *Shemoneh Esrei* that is the essence of the *tefillah* (see above, "*Bakashas Tzerachim*," p. 5).

The *Gemara* in *Shabbos* (118b) quotes the statement of *Rebbi Yosi* regarding the recitation of *Pesukei D'Zimra*: *יהא חלקי מגומר* – "May my portion be among those who complete the *Hallel* [in *Pesukei D'Zimra*] every day." It seems from this statement that the recitation of *Pesukei D'Zimra* was not universal (see *Tosfos, Bechoros* 2b, s.v. *shema*).

In other words, although the *Anshei Knesses HaGedolah* instituted the *berachos* of *Pesukei D'Zimra*, the *takanah* was not to **require** their recitation, but merely to provide the text of these **optional** *berachos*, if *Pesukei D'Zimra* were to be recited. In this sense, the *berachos* of *Pesukei D'Zimra* are similar to *Yehalelucha* following *Hallel* and *HaRav Es Riveinu* after *kri'as haMegillah*, which are dependent on *minhag hamakom* (the local custom).

The reason that the recitation of *Pesukei D'Zimra* with its *berachos* was instituted as merely an optional practice is that we already fulfill the requirement of *לעולם יסדר אדם שבחו של מקום* by introducing our *bakashas tzerachim* with the

three *berachos* of *shevach* in the *Shemoneh Esrei* itself. Saying *Pesukei D'Zimra* with its *berachos* is an additional fulfillment of this principle, but it is not obligatory.

VIII. *Shir HaMa'alos*

A related discussion centers around the recitation of *Shir HaMa'alos* (*Tehillim*, *perek* 130) after *Yishtabach* during the *Aseres Yemei Teshuvah*. The *Magen Avraham* (*Orach Chaim* 54:2) cites this *minhag* of the *Ari z"l*, which seems to be based on the institution of *ikuv hatefillah*, a medieval practice in which the *tefillah* in the *Beis HaKnesses* would be delayed so that one could voice a complaint publicly. Here too, attaining *kaparah* is so important that we may prevent the *chazzan* from proceeding with the *davening*. We must voice our case "against" *Hashem* so that He will forgive the sins of His nation.

The *Magen Avraham* questions the propriety of this *minhag*, however, since adding a *perek* of *Tehillim* should constitute a *hefsek* (interruption) in the *davening*. Indeed, the *Rishonim* (*Hagahos Maimoniyos*, *Hilchos Tefillah* 7:70) cite a statement of the *Yerushalmi* (which does not appear in our versions) that one who speaks between *Yishtabach* and the subsequent *berachah* of *Yotzer Ohr* has committed an *aveirah* and that he returns on its account from the battlefield (*Sotah* 44b).

In fact, Rav Soloveitchik suggested that the concern for *hefsek* between *Yishtabach* and *Yotzer Ohr* may explain an apparent discrepancy in the *Rambam*. In the *Nusach HaKaddish* in *Seder Tefillos Kol HaShanah* (at the end of *Sefer Ahavah*), the *Rambam* mentions the *tzibbur's* response of *amen* to each of the appropriate phrases of *Kaddish*. However, in *Hilchos Tefillah* (9:1), in the context of the *shli'ach tzibbur's* recitation of *Kaddish* before *Barchu*, the *Rambam* omits most of these responses, citing only the response of *אמן יהא שמיה רבא* and the *amen* at the end of *Kaddish*.

The Rav suggested that since one may not interrupt between *Yishtabach* and *Yotzer Ohr*, the *tzibbur* should respond during *Kaddish* only when mandatory. They should omit the additional responses that are merely based on *minhag*. The implication is that in *Ma'ariv* as well, during the *Kaddish* between *Hashkiveinu* and the *Shemoneh Esrei*, one should not interrupt with responses that are based on *minhag*, but should instead only say the two responses that are mandatory. [See *Nefesh HaRav*, 1994 ed., p. 115.]

The reason that a *hefsek* is not permitted between *Yishtabach* and *Yotzer Ohr*, even though it is not in the midst of a *berachah*, is that, as mentioned, *Pesukei D'Zimra* is intended to fulfill the requirement of לעולם יסדר אדם שבחו של מקום ואחר כך יתפלל. In order for the *shevach* to serve as an introduction to the *tefillah*, we must avoid separating between *Pesukei D'Zimra* and the subsequent *Shemoneh Esrei*. This is similarly why we are *so-meich geulah l'tefillah*, connecting the *berachah* of *Ga'al Yisrael* to the *Shemoneh Esrei*, since we may not interrupt between the *shevach* of *birchos kri'as Shema* and the subsequent *tefillah*.

Given the need to avoid a *hefsek* between *Yishtabach* and *Yotzer Ohr*, reciting *Shir HaMa'alos* after *Yishtabach* may be problematic.

The *Dagul MeiRevavah*, however, defends the recitation of *Shir HaMa'alos* based on the *minhag* recorded by the *Rambam* (*Hilchos Tefillah* 7:13) to recite *Az Yashir* after the *berachah* of *Yishtabach*. Apparently, inserting additions to *Pesukei D'Zimra*, such as *Az Yashir*, is not considered a *hefsek* between *Yishtabach* and *Yotzer Ohr*, and the same should be true for *Shir HaMa'alos*.

The *Emek Berachah* (p. 7) explains how the *Magen Avraham* would respond to this argument. Since *Pesukei D'Zimra* constitutes the arrangement of לעולם יסדר אדם שבחו של מקום prior to *tefillah*, *perakim* that consist of *shirah* and *shevach* may be considered a continuation of *Pesukei D'Zimra*, and thus not a *hefsek*, even after *Yishtabach* has been recited. This is true with regard to *Az Yashir*, which is certainly *diorei shevach*; the proof is that our

minhag is to recite *Az Yashir* within *Pesukei D'Zimra* itself. *Shir HaMa'alos*, in contrast, consists of *techinos* (supplications) and *bakashos*, and it therefore does not belong among the *shevach* in *Pesukei D'Zimra*. That is why the *Magen Avraham* objected to the recitation of *Shir HaMa'alos* on the grounds that it would be a *hefsek*.

In order to uphold the *minhag* of the *Ari z"l* while at the same time heeding the *Magen Avraham's* objection, Rav Soloveitchik's practice in his *Beis Medrash* was to recite *Shir HaMa'alos* **before** *Yishtabach*. [The Rav originally recited *Shir HaMa'alos* before *Yishtabach* on Shabbos and Yom Tov as well. In later years, however, he changed the placement of *Shir HaMa'alos* from just before *Yishtabach* to just before *Nishmas* (see below, "*Nishmas Kol Chai*," p. 168)].

However, according to the *Emek Berachah's* explanation, one could argue that placing *Shir HaMa'alos* before *Yishtabach* should pose a **greater** problem of *hefsek* in the middle of *Pesukei D'Zimra*, since *Pesukei D'Zimra* is meant to contain only words of *shevach*. Indeed, the practice of Rav Moshe Feinstein in *Mesivta Tiferes Yerushalayim* was to say *Shir HaMa'alos* after *Chazaras HaShatz* of *Shacharis*. [See *Nefesh HaRav*, 1994 ed., p. 203.]

IX. Abridging *Pesukei D'Zimra*

If one arrives late to shul, he must abridge *Pesukei D'Zimra* in order to join the *tzibbur* at *Barchu*, which is the beginning of *tefillah b'tzibbur* (see below, "*The Role of Kaddish*," p. 84). This applies even if one is able to *daven* at a quicker pace than the *tzibbur*, and thereby recite more of *Pesukei D'Zimra* and still start the *Shemoneh Esrei* with the *tzibbur*.

There are different opinions as to the minimum amount of *Pesukei D'Zimra* that one must recite, resulting in a prescribed order of importance of the various *perakim* of *Pesukei D'Zimra*. Our *psak* (*Orach Chaim* 52:1) follows the view of the *Geonim* that *Ashrei* is the primary *shevach* in *Pesukei D'Zimra*, and it alone

is minimally sufficient to serve as a *Pesukei D'Zimra*. Indeed, the *Gemara* in *Berachos* (4b) singles out *perek* 145 of *Tehillim*, תהלה לדוד (what we commonly refer to as *Ashrei*), and speaks about the significance of reciting it three times every day.

Commenting on Rabbi Yosi's statement, *הוא חלקי מגומרי הלל*, *בכל יום*, *Rashi* (*Shabbos* 118b, s.v. *Pesukei D'Zimra*) notes that this is fulfilled by reciting the *perakim* of *Tehillim* 148 and 150 (two of the five "*Hallelukahs*"), since they contain multiple expressions of praises of *Hashem* that begin with *הללו*. Therefore, one who has already finished *Ashrei* and has more time before *Yishtabach* should recite these *perakim* as well. Others maintain that the phrase *גומרי הלל* indicates that all of the *perakim* that begin with the word *הללוקה* (*perakim* 145-150) are of primary importance, and it is therefore proper to complete these *perakim* if time allows.

The *Magen Avraham* (52:1) cites the *Sma"g*, who holds that *VaYevarech Dovid* (until *תפארתך לשם ומהללים*) is a necessary component of *Pesukei D'Zimra*. Therefore, if one has more time, he should say *VaYevarech Dovid* after finishing the *Hallelukahs*, since it is apparently included in the *שיירי דוד עבדיך* that we mention in *Baruch She'amar*. Rav Soloveitchik added that if one has more time, saying the beginning of *Hodu* until *אל תרעו* is preferred to other sections. Although our statement of *ובשירי דוד עבדיך נהללך* implies that the primary praise that we recite in *Pesukei D'Zimra* is that which is found in *sefer Tehillim*, the *pessukim* from *Divrei HaYamim* cited in *Hodu* are almost identical to the beginning of *perek* 105 in *Tehillim*. [See *MiPninei HaRav*, 2001 ed., p.26.]

The first two sections of *Hodu* are significant because in *Mishkan Shiloh*, the *Levi'im* sang these *pessukim* during the *nisuch hayayin* (wine libation) that followed the twice-daily *Korban Tamid* – the first section for the *tamid shel shachar* and the second for the *tamid shel bein ha'arbayim*. Once the *Beis Ha-Mikdash* was built, the *Levi'im* sang the daily *shir shel yom*, but in *Mishkan Shiloh*, before Dovid HaMelech composed *Tehillim*,

they used the *pessukim* of *Hodu* (*Seder Olam Rabba*, perek 14). Therefore, it is appropriate to recite *Hodu* in *Pesukei D'Zimra*, especially if one has recited the *parsha* of *Korban Tamid* before *Pesukei D'Zimra* as a partial fulfillment of the offering of the *tamid shel shachar*.

Although *Chazal* tell us that one must recite *Hallel* in order (*Megillah* 17a), since the *Gemara* never mentions this requirement with respect to *Pesukei D'Zimra*, one may say it out of order. Therefore, if one is unsure how much of *Pesukei D'Zimra* he will be able to recite before the *chazzan* reaches *Yishtabach*, he may say the most essential *perakim* first and then add the less essential ones as time permits (*Igros Moshe*, *Orach Chaim* 2:16).

The *Shulchan Aruch* (52:1) cites the opinion of *Rabbeinu Yonah*, who maintains that even if one would have to omit the entire *Pesukei D'Zimra* in order to begin *Barchu* with the *tzibbur*, he should do so. After *Shemoneh Esrei*, he should recite the *Pesukei D'Zimra* that he skipped. The *Mishnah Berurah* (52:6), however, cites the *Mishkenos Ya'akov* (*Orach Chaim* 67), who disagrees with the *psak* of the *Shulchan Aruch*, arguing that since *Baruch She'amar* and *Yishtabach* were instituted by the *Anshei Knesses HaGedolah*, *Pesukei D'Zimra* may not be omitted entirely, even at the expense of *tefillah b'tzibbur*.

The *Mishkenos Ya'akov* explains that the question of whether one may omit the entire *Pesukei D'Zimra* relates to the status of *Pesukei D'Zimra* after one has already concluded *Shemoneh Esrei*.

Rabbeinu Yonah notes that aside from the role of *Pesukei D'Zimra* as the arrangement of *של מקום שבחו* prior to *tefillah*, the *Gemara* cited above refers to *Pesukei D'Zimra* as a form of *Hallel*. Therefore, if it was omitted earlier, it may be recited after *Shemoneh Esrei*, with *Baruch She'amar* and *Yishtabach*, just as the *Hallel HaMitzri* that we recite on *Yom Tov* may be recited the entire day. The *Ge'onim* disagree, maintaining that there is

no reason to recite *Pesukei D'Zimra* after *Shemoneh Esrei*. They view the function of *Pesukei D'Zimra* as being solely for the purpose of arranging *שבחו של מקום* before *tefillah*, and not as an independent fulfillment of *Hallel*. We follow the *Ramban's* compromise position (*Teshuvos HaRashba HaMeyuchasos LeHaRamban, siman 198*), that if one failed to recite *Pesukei D'Zimra* before *Shemoneh Esrei*, he should satisfy both opinions – he recites *Pesukei D'Zimra* after *Shemoneh Esrei*, but without the *berachos* of *Baruch She'amar* and *Yishtabach* (*Eishel Avraham 52:1*).

The *Mishkenos Ya'akov* explains that *Rabbeinu Yonah* endorses skipping the entire *Pesukei D'Zimra* for the sake of *tefillah b'tzibbur* since, in his opinion, one does not forfeit *Pesukei D'Zimra* by doing so. One may recite *Pesukei D'Zimra* even after *Shemoneh Esrei*, with the *berachos* of *Baruch She'amar* and *Yishtabach*. However, given that we follow the *psak* of the *Ramban* and we do not recite the *berachos* of *Pesukei D'Zimra* after *Shemoneh Esrei*, the *Mishkenos Ya'akov* argues that one ought **not** skip the entire *Pesukei D'Zimra* for the sake of *tefillah b'tzibbur*.

It seems, however, that many authorities, including *Rav Soloveitchik*, did not accept the *psak* of the *Mishkenos Ya'akov* (see below, p. 86). They maintained the ruling of the *Shulchan Aruch* that one should skip the entire *Pesukei D'Zimra* in order to begin *Barchu* with the *tzibbur*. [See *Nefesh Harav*, 1994 ed., pp. 116-117.]

MITZVAS TEFILLIN

I. The Berachos Over Tefillin

Rashi (*Menachos* 36a, s.v. *lo sach*) and the Rambam (*Hilchos Tefillin* 4:4-6) maintain that one should recite a single *berachah*, אשר קדשנו במצותיו וצונו להניח תפילין, over both the *tefillin shel yad* and the *tefillin shel rosh*. It should be recited *over la'asiyasan*, before beginning to don the *tefillin shel yad*. However, if one interrupts between donning the *shel yad* and *shel rosh*, he makes a second *berachah*, על מצות תפילין, over the *shel rosh*.

Rabbeinu Tam (*Tosfos*, *Berachos* 60b, s.v. *asher kideshanu*; *Menachos* 36a, s.v. *lo sach*), however, finds it difficult to accept that Chazal composed the *berachah* of על מצות תפילין only for one who acted improperly. In fact, the *Gemara* in *Sotah* (44b) cites a *Beraisah* that teaches that one who speaks between donning the *shel yad* and *shel rosh*, thereby causing himself to recite a *berachah she'einah tzrichah* (an unnecessary *berachah*), has committed an *aveirah* (*Tosfos Menachos* 36a, s.v. *sach*). He is included among those who should leave the battlefield under the category of מי האיש הירא ורך הלבב – “Who is the man who is frightened and faint of heart” (*Devarim* 20:8), which, according to one Tannaitic opinion, refers to one who is fearful on account of his *aveiros*, including *aveiros derabbanan*.

Accordingly, *Rabbeinu Tam* maintains that we always recite two *berachos* over *tefillin* – להניח תפילין – over the *shel yad* and then a separate *berachah* of על מצות תפילין before donning the *shel rosh*.

If there is an interruption before donning the *shel rosh*, one recites these two *berachos* over the *tefillin shel rosh* alone. He repeats להניח תפילין, which he previously recited over the *shel yad*, and then adds על מצות תפילין.

It does not seem that this *machlokes* is dependent on the question of whether *tefillin shel rosh* and *tefillin shel yad* represent two parts of one *mitzvah* (*Tosfos, Menachos 36a, s.v. sach; Bahag, cited by Ramban, Hasagos L'Sefer HaMitzvos, shoresh 11*), or two independent *mitzvos* (*Ramban, Sefer HaMitzvos, mitzvos asei 12 and 13*). The *Tosefta* in *Berachos* (6:19) clearly states that if one separates both *terumah* and *ma'aser* from produce, he recites one *berachah*, despite the fact that these are clearly distinct *mitzvos*. *Tefillin shel rosh* and *tefillin shel yad* should be no different. Even if we assume that they constitute two different *mitzvos*, one *berachah* should suffice for both, since we perform them in succession without interruption (*Bei'ur HaGr"a, Orach Chaim 25:5*).

The basis of the *machlokes* revolves around a different point – the question of the number of *berachos* recited over the *shel rosh*. According to *Rashi* and the *Rambam*, we recite one *berachah* over the *mitzvah* of *tefillin shel rosh*, whereas *Rabbeinu Tam* maintains that the *tefillin shel rosh* requires the recitation of **two** *berachos*. Both the *berachah* of להניח תפילין recited before donning the *shel yad* and the *berachah* of על מצות תפילין recited before donning the *shel rosh* relate to the *shel rosh*, as long as one does not speak between them. If one were to speak in the interim, or if one were to don only the *shel rosh*, he would make **both** *berachos* over the single *mitzvah* of the *shel rosh*.

Although the *Rama* (*Orach Chaim 25:5*) rules in accordance with the view of *Rabbeinu Tam*, he recommends that after reciting the *berachah* over the *shel rosh* and donning the *shel rosh*, one should recite the phrase, ברוך שם כבוד מלכותו לעולם ועד. This is based on the *Yerushalmi*, cited by *Tosfos* (*Berachos 39a, s.v. batzar*), which states that whenever one has said a *berachah l'vatalah*, he should recite this phrase to prevent the violation of מוציא מוציא – uttering the Name of *Hashem* in vain. This is

done out of respect for the opinion of *Rashi* and the *Rambam*, who maintain that the *berachah* of על מצות תפילין is uncalled for, despite the fact that our *psak* follows *Rabbeinu Tam*.

II. Two *Berachos* Over One *Mitzvah*

There is an obvious difficulty with the view of *Rabbeinu Tam*. Why does a single *mitzvah* require the recitation of two different *berachos*? The *Rishonim* similarly wonder why we recite two *berachos* over the *mitzvah* of *bris milah* (see *Tosfos Rid*, *Shabbos* 137b, s.v. *hamevareich*); the *mohel* recites the *berachah* of על המילה and the father of the baby recites להכניסו בבריתו של אברהם אבינו – “to bring him into the covenant of Avraham, our forefather” (*Shabbos* 137b).

Rabbeinu Tam apparently understood the *passuk* commanding the *mitzvah* of *tefillin*, והיו לטטפות בין עיניך – “Bind them as a sign upon your arm and let them be ornaments between your eyes” (*Devarim* 6:8), as though וקשרתם applies to both halves of the *passuk*. There is a commandment to “bind” the *tefillin shel yad* to the arm and the *tefillin shel rosh* to the head, and there is a further commandment that the *tefillin shel rosh* “be ornaments” on the head. Thus, there are two parts to the *mitzvah* of *tefillin shel rosh*, והיו וקשרתם. One recites the *berachah* of להניח תפילין when he fulfills the *mitzvah* of וקשרתם upon binding both the *shel yad* and the *shel rosh*. But there is an additional *mitzvah* of והיו that applies only to the *shel rosh*, and one recites על מצות תפילין over this *mitzvah*.

In elaborating on the nature of the *berachah* over this additional *mitzvah* of “*havayas hatefillin*,” Rav Soloveitchik (see *Shiurim L’Zecher Abba Mari Z”l* I, 5743 ed., pp. 161-163) coined an expression to describe a new category of *birkas hamitzvah* that was instituted in certain cases – a ***berachah on a chalos*** (change in status).

Usually, when a person performs a *ma’aseh mitzvah*, he discharges his obligation, but there is no perceptible change in the individual himself. The *birkas hamitzvah* that accompanies

the *mitzvah* was instituted over the *ma'aseh hamitzvah*. However, there are certain *mitzvos* in which there is a change in status created in the individual who performs them. This change remains with him long after the act has been completed, and one recites a *birkas hamitzvah* over this *chalos*.

III. *Berachah* on a *Chalos*

We may utilize this analysis to help us understand the nature of *Birkas Eirusin*.

The *Rosh* (*Kesubos* 1:12) maintains that there is no *birkas hamitzvah* over *kiddushin* because there is no independent *mitzvah* of marriage. In his view, getting married is merely a *hechsher mitzvah*, a preparation for the *mitzvah* of *piryah v'riyayah* (procreation).

As proof to his position, the *Rosh* cites the *nusach* of the *berachah*, הארוסות ואסר לנו את הארוסות – “Who commanded us regarding forbidden unions and Who forbade betrothed women to us.” He notes that the *Chachamim* never enacted a *birkas hamitzvah* when one engages in a permitted activity and thereby avoids violation of an *aveirah*. For example, one who shaves with an electric shaver and abstains from using a razor does not recite the *berachah* of אשר קדשנו במצותי וצונו שלא לגלח בתער. Why, then, in the context of the *Birkas Eirusin*, do we recite a *berachah* over that which is *assur*?

It must be, the *Rosh* concludes, that *Birkas Eirusin* is, in fact, not a *birkas hamitzvah* at all, but rather a *birkas shevach v'hodayah* over the institution of Jewish marriage, which differs from that of non-Jews. The phrase הארוסות ואסר לנו את הארוסות highlights the special nature of this type of *ishus*. [For example, non-Jews do not have the two-step process of *eirusin* and *nisu'in* that Jews have. Furthermore, certain *arayos* (forbidden relationships) that are based on *ishus* (marriage), such as *achos ishto* (the sister of one's wife) or the wives of certain relatives, do not apply to non-Jews (*Chiddushei HaRamban*, *Yevamos* 98a).]

In contrast to the *Rosh*, the *Rambam* (*Hilchos Ishus* 1:1-2; *Sefer HaMitzvos, mitzvas aseï* 213) believes that there is an independent *mitzvoah* to get married, aside from the *mitzvoah* of *piryah v'rivyah*. [Along these lines, the *Ohr Zarua* (*Hilchos Kri'as Shema, siman* 25) writes that before one effects *kiddushin* through *kessef* or *shtar*, he recites the *berachah* of אשר קדשנו במצותיו וצונו על קידושי אשה.] Accordingly, the *Rambam* (*Hilchos Ishus* 3:23) maintains that *Birkas Eirusin* is a *birkas hamitzvah* recited before one performs the *mitzvoah* of *kiddushin*, just as we usually recite all other *birkas hamitzvah* over *la'asiyasan* (immediately preceding the performance of the *mitzvoah*).

Rabbeinu Tam agrees with the *Rambam* regarding the nature of *Birkas Eirusin*, but he differs with the *Rambam* with regard to the timing of the *berachah* vis-à-vis the *kiddushin*. According to *Rabbeinu Tam* (*Tosfos, Pesachim* 7a, s.v. *b'leva'eir*; see *Shabbos* 137b, s.v. *avi haben*), just as we recite the *berachah* of וצונו על אברהם אבינו של אברהם בבריתו **after** a *bris milah* is performed, so too we should recite *Birkas Eirusin* **after** the performance of the *kiddushin*.

Rav Soloveitchik explained the opinion of *Rabbeinu Tam* based on the idea that it is a *berachah* on a *chalos*. *Birkas Eirusin* was instituted over the *chalos ishus*. Through the act of *kiddushin*, an unmarried woman's halachic status changes to that of an *eishes ish*, and we recite the *berachah* over the *chalos ishus* specifically **after** the change in status has occurred.

For this reason, anyone present may recite the *Birkas Eirusin*, not only the *chosson* (or *kallah*) who actually perform the *mitzvah*, since the *chalos* is relevant to all of Klal Yisrael. This is also why we mention וצונו על העריות ואסר לנו את הארוסות in the *berachah*, a point that bothered the *Rosh*; the goal is to elaborate on the nature of the *chalos ishus* over which the *berachah* was instituted.

As noted above, *Rabbeinu Tam* equates *Birkas Eirusin* with the *berachah* of להניסו recited over a *bris milah*, and this case is

indeed comparable in that the *ma'aseh hamitzvah* leads to a change in status. The *berachah* of על המילה was instituted over the *ma'aseh hamitzvah* of *bris milah*, and we recite that *berachah* over *la'asiyasan*. But in addition to the *ma'aseh hamitzvah*, there is a *chalos* that the *ma'aseh* produces; *milah* removes the *shem arel* from the baby, who is no longer prohibited from eating *terumah* and *korbanos*, or from performing *avodah* in the *Beis HaMikdash*. That is why we recite two *berachos* over the *mitzvah* of *bris milah*. The additional *berachah* of להכניסו is on the *chalos* that the *milah* accomplishes – the *milah* completes one's *kedushas Yisrael* (see *Aruch HaShulchan, Yoreh De'ah* 265:8).

According to *Rabbeinu Tam*, since להכניסו was instituted over the *chalos shem ben bris* that has been produced, we recite it **after** the *milah*, once the *milah* has created this change of status in the baby. Accordingly, the *berachah* may be recited by someone other than the *mohel*, since the *chalos shem ben bris* is relevant to all of *Klal Yisrael*. However, since the *mohel* alone performs the *ma'aseh hamitzvah* of *milah*, only he may recite על המילה.

IV. Other *Berachos* on a *Chalos*

The Rav extended the notion of *birkas hamitzvah* on a *chalos* to other cases as well.

For example, with regard to the *tevilah* necessary to remove *tumah*, *Rabbeinu Tam* (*Tosfos, Yoma* 8a, s.v. *d'kulei alma*) rules that *tevilah bizmanah* (at the first opportunity) is not a *mitzvah*. One explanation of this *psak* is that the particular time of *tevilah* is not mandated and the *tevilah* itself is not required. The *passuk*, ורחץ במים את כל בשרו – “and he shall immerse his entire flesh in the water” (*Vayikra* 15:16), merely gives a *tamei* individual the opportunity to be *tovel* to remove his *tumah*; it does not require him to do so.

Why, then, does a person who is *tamei* recite the *berachah* of על הטבילה when he immerses in a *mikveh*? Perhaps this *berachah* falls under the category of the second type of *birkas hamitzvah*.

It is not a *berachah* over any *ma'aseh hamitzvah*, but over the *chalos taharah* that comes about through the *ma'aseh hatevilah*.

Similarly, the *Rambam* (*Hilchos Eiruvin* 6:24) maintains that one recites a *berachah* when he places an *eiruv techumin*. The *Ra'avad* notes that the institution of *eiruvei techumin* is merely a leniency that the *Chachamim* introduced to allow a person to travel more than two-thousand *amos* from his place of residence on Shabbos. How can one recite the phrase *אשר קדשנו במצותיו וצונו* – “Who has sanctified us with His *mitzvos* and has **commanded** us” – over a leniency? Again, the *Rambam* may hold that the *berachah* pertains to the *chalos* of the *hetter* that the *eiruv* creates, and not to the act of placing the *eiruv*, which is not a *ma'aseh mitzvah* at all.

Another example relates to *shechitah*. The *Ra'avad* (*Hasagos L'Minyan HaMitzvos, mitzvos asei* 146) questions the *Rambam's* inclusion of *shechitah* as a *mitzvas asei* among the *taryag mitzvos*, as there is certainly no *mitzvah* to perform *shechitah* if one is not interested in consuming meat. The Rav explained that the *Rambam* agrees with the *Ra'avad* that there is only an *issur asei* of *shechitah* (also called a *לאו הבא מכלל עשה*) – that is, a prohibition to eat meat that has not undergone *shechitah* – but not a *kiyum asei*, a positive *mitzvah* to perform *shechitah*. The reason that the *Rambam* includes *shechitah* among the *taryag mitzvos* is that the *Rambam* counts “*parshiyos*” (topics) in the list of *taryag mitzvos*, such as *geirushin* (divorce) and *tum'as neveilah* (*tum'ah* that emanates from a dead animal that did not undergo *shechitah*), even if they do not describe *mitzvos* that a person is obligated to perform. Here too, it is the “*parsha*” of *shechitah* that the *Rambam* counts – the fact that *shechitah* functions as a *matir* to remove the *issurim* of *eiver min hachai* and *neveilah*. [See *MiPninei HaRav*, 2001 ed., pp. 323-324; *Ginas Egoz*, p. 10.]

However, even assuming that *shechitah* is counted among the *taryag mitzvos*, the institution of a *birkas hamitzvah* over *shechitah* requires clarification, given that there is no *kiyum asei* to

perform *shechitah*. We may suggest that the *berachah* was instituted not over a *ma'aseh hamitzvah*, but over the *chalos ha-shechitah* that is produced in the animal through *shechitah*.

Accordingly, we understand the comment of the *Taz* (*Yoreh Dei'ah* 1:17), that since the prohibition on the meat and its *hetter* through *shechitah* relates to all Jews, it is not necessary for the *shochet* himself to recite the *berachah*. Whenever a *birkas hamitzvah* was instituted over a *chalos*, anyone who is affected by the *chalos* may recite the *berachah*, as we saw with regard to the *berachos* of להכניסו and *Birkas Eirusin*.

We find a further illustration of this idea in the *berachah* over *netilas yadayim*. The *Ramban* (*Hasagos L'Sefer HaMitzvos, shoresh rishon, s.v. va'ani*) compares this *berachah* to the *berachah* over *shechitah*, in that there is no obligation for a person to wash his hands and eat bread. The *Ramban* writes that *netilas yadayim* is a "hetter and a *hechsher* of the *issur* [to eat bread with unwashed hands]," and *Chazal* established a *birkas hamitzvah* using the term וצונו over this type of "mitzvah" as well.

V. *Tevilas HaGer*

Rav Soloveitchik recounted that on one occasion he participated in the *geirus* of a child, and during the *tevilah* he began to consider when the *beis din* should recite the associated *birkas hamitzvah*. According to *Tosfos'* understanding of the *Gemara* in *Pesachim* (7b, s.v. *al hatevillah*), although we usually recite *birchos hamitzvos* over *la'asiyasan*, the *Chachamim* established a different practice for *tevilas ha'ger*. Since a candidate for *geirus* is ineligible to recite the phrase אשר קדשנו במצוותי וצונו prior to his becoming Jewish, when he completes his *tevilah*, he recites the *berachah* **after** the *tevilah*. In the case of the *geirus* of a baby, however, the *beis din* recites the *berachah*, and this consideration therefore does not apply. Thus, the *Ra'avad* (*Ba'alei HaNefesh*, end of *Sha'ar HaTevilah*) writes that the *beis din* should recite the *berachah* over *la'asiyasan*, before the child's *tevilah*.

[Based on a comment of the *Bnei Yissaschar* (*Derech Pikudecha, mitzvas asef 2, chelek hadibbur*, 31-32), the common practice of many *batei dinim* is not to recite a *berachah* over the *geirus* of a child at all. Since a *ger katan* is able to renounce his earlier conversion when he turns *bar mitzvah* (*Kesubos* 11a), the *geirus* may be considered a *safek mitzvah*, and we should apply the principle of *ספק ברכות להקל* (a doubt in the realm of laws of *berachos* is decided leniently).]

The Rav proceeded to analyze the nature of the general rule of *over la'asiyasan* and the exception of *tevilas hager*. In particular, he noted that according to the *Rambam*, the *halachah* of *over la'asiyasan* is *l'ikuva* (indispensable); the *Rambam* (*Hilchos Berachos* 11:6) rules that once a *mitzvah* act has been fully completed, one may no longer recite a *birkas hamitzvah* over it.

Rav Soloveitchik suggested an explanation of the *Rambam's* view based on the *Rambam's* language in *Hilchos Berachos* (1:2-3). There, the *Rambam* writes that one is obligated *miderabbanan* to recite a *berachah* prior to consuming any food and that one who derives benefit from food without first reciting a *berachah* has committed an act of *me'ilah* (the unauthorized use of *Beis HaMikdash* property). The *Rambam* continues: **וכשם שמברכין על ונטעם** – “Just as we recite a *berachah* over deriving benefit [from food], so too we recite a *berachah* over each and every *mitzvah* and afterwards perform it.” What was the *Rambam* trying to convey by comparing *birchos hanehenin* and *birchos hamitzvos*, given that these are very different categories of *berachos*?

Rav Soloveitchik suggested that the *Rambam's* comparison sheds light on the nature of *birchos hamitzvah* in general. Just as it is clear that in the case of *birchos hanehenin*, the *Chachamim* instituted a prohibition to eat food without a *berachah* (*Berachos* 35a), such that the *berachah* serves as a *matir* of that *issur*, the same is true with regard to *birchos hamitzvos*. The *Chachamim* introduced an *issur* to fulfill *mitzvos* without first reciting a

berachah, and the *berachah* serves as a *matir* for the performance of the *mitzvah* (see Rav Yosef Engel, *Lekach Tov*, klal 11, p. 56).

[This explanation is also clearly implied by the *Gemara* in *Berachos* (51a), which initially compares reciting a *birkas hanehenin* after one has already finished eating to the *birkas hamitzvah* over *tevilas ha'ger*, which is recited after *tevilah* (see *Shach*, *Yoreh Dei'ah* 19:3).]

We therefore understand why we must recite *birchos hamitvos* over *la'asiyasan* and why this *halachah* is *l'ikvua* according to the *Rambam*. One may not recite a *birkas hanehenin* after finishing eating, since one cannot effect a retroactive *hetter* over that which he has already eaten *b'issur*. The same applies to a *birkas hamitzvah*; one who has completed performing a *mitzvah* has already violated the *issur derabbanan* to fulfill a *mitzvah* without first reciting a *berachah*.

The point that requires further clarification is the exceptional case of *tevilas ha'ger*. If the purpose of the institution of *birkas hamitzvah* is to serve as a *matir* for a person to perform a *mitzvah*, how could the *Chachamim* establish a *berachah* over *tevilas ha'ger* **after** the *tevilah*? If the *ger* is unable to recite the *berachah* over *la'asiyasan*, the *Chachamim* should not have introduced any *berachah* over the *mitzvah* at all!

This question led Rav Soloveitchik to conclude that at times, the *Chachamim* instituted a *birkas hamitzvah* not in connection with a *ma'aseh hamitzvah*, but rather in connection with a *chalos* that is brought about through the *mitzvah*. Through the *tevilah* (as part of the *ma'aseh geirus*), a *kedushas Yisrael* is created in the *ger*. When the *Chachamim* initially instituted a *berachah* over *tevilas ha'ger*, it was not formulated as a *matir* of a *ma'aseh mitzvah*, as in the case of other *birchos hamitzvah*. Firstly, a *ger* prior to his *geirus* is unable to recite such a *berachah*. Furthermore, there is no obligation for a non-Jew to convert. Only **after** he undergoes the *geirus* process are we able to look back and declare that the *ger* fulfilled a *mitzvah* by performing the various *ma'asei geirus* and converting.

Instead, the *Chachamim* introduced this *berachah* over the *chalos hageirus* that takes effect in the *ger*. Accordingly, we can understand why the *berachah* need not be recited *over la'asi-yasan*, but may be recited after the performance of the *mitzvah*, after the *ger* has been *tovel* and the *kedushas Yisrael* has been created.

Rav Soloveitchik analyzed the appropriate timing of the *birkas hatevilah* for *tevilas ger katan* under the auspices of a *beis din* in light of this conclusion.

In such a situation, when the *ger* is not the one reciting the *berachah*, the reason of the *Gemara* – that a *ger* is unfit to recite *אשר קדשנו במצוותיו וצונו* prior to his *tevilah* – does not apply. The members of the *beis din* are able to recite this text even before they immerse the child, as they already possess *kedushas Yisrael*. Nevertheless, the Rav argued that the *beis din* should still recite the *berachah* **after** the *tevilah*, because the *birkas hatevilah* for *geirus* may have initially been established specifically over the *chalos hageirus*. Accordingly, the *Chachamim* may have instituted that this *birkas hamitzvah* be recited specifically **after** the *geirus* has taken effect, even in a situation of *tevilas ger katan*. [See *Eretz HaTzvi*, pp. 28-32.]

VI. The Effect of Tefillin

Rav Soloveitchik suggested that this distinction between a *berachah* on a *mitzvah* and a *berachah* on a *chalos* explains *Rabbeinu Tam's* position regarding the recitation of two *berachos*, *על מצות תפילין* and *להניח תפילין*, over the *tefillin shel rosh*. In addition to the *ma'aseh hamitzvah* of *hanachas tefillin* (donning the *tefillin*), the *tefillin* create a unique *chalos kedushah* in the person who wears them. In this sense, the *mitzvah* of *tefillin* is similar to that of *milah*. This may be what *Rabbeinu Tam* refers to when he describes the uniqueness of the *shel rosh*: "It is the completion and principal part of the *mitzvah*, as it consists of four *batim* and a *shin*."

In explaining the effect produced by the *mitzvah* of *tefillin*, the Rav referred to the words of the *Rambam* at the end of *Hilchos Tefillin* (4:25), describing the change that a person undergoes when he wears *tefillin*: He becomes humble, G-d fearing, and uninterested in wasteful pursuits or evil thoughts. Instead, his mind is occupied with words of *emes* and *tzedek*. Therefore, the *Rambam* concludes, one should endeavor to have the *tefillin* upon him for the entire day. In other words, wearing *tefillin* transforms a person in a manner not found with other *mitzvos*. *Tefillin* cause a *kiddush hagavra*, elevating the person and causing him to be a more refined individual.

Furthermore, the *Rambam* implies that had the *mitzvah* of *tefillin* been limited to a *ma'aseh mitzvah* of *hanachah*, one would fully discharge his obligation through a single act, as in the case of most other *mitzvos*. The reason that the complete fulfillment of the *mitzvah* entails wearing the *tefillin* constantly is that there is a second aspect to the *mitzvah*. A person who is crowned with *tefillin* possesses a deeper *kedushah* and an elevated status, and the *mitzvah* therefore applies on a constant basis.

Thus, the *berachah* of *להניח תפילין* relates to the *ma'aseh hanachah* of both the *shel yad* and the *shel rosh* (if there was no interruption between them). However, *על מצות תפילין* is on *havayas hatefillin* – that is, the *chalos kedushah* that rests on one who dons the *tefillin shel rosh*.

It is possible that according to *Rabbeinu Tam*, just as we recite *להכניסו* and *Birkas Eirusin* specifically **after** the *mitzvah* has been performed, the same should be true for *על מצות תפילין*. However, since our practice is to recite *Birkas Eirusin* prior to the *kiddushin*, we also recite *על מצות תפילין* *over la'asiyasan*, before donning the *shel rosh*.

It appears that according to *Rabbeinu Tam*, the change in character caused by the *tefillin* is created specifically by the *tefillin shel rosh*. This is rooted in the *passuk*, *וראו כל עמי הארץ* – “Then all the peoples of the earth

will see that the Name of *Hashem* is proclaimed over you, and they will fear [*Hashem* because of] you" (*Devarim* 28:10), which Rebbi Eli'ezer HaGadol applies specifically to the *tefillin shel rosh* (*Menachos* 35b).

This also explains the *Rosh's* practice of juxtaposing the recitation of the *birkas hashachar*, עוטר ישראל בתפארה – "Who crowns Israel with splendor," and the donning of the *shel rosh* (*Tur, Orach Chaim* 25:3). When one fulfills the *mitzvah* of *tefillin shel rosh* in particular, he achieves a distinctive *chalos kedushah*.

The uniqueness of *tefillin shel rosh* is also evident from the *Gemara* in *Rosh Hashanah* (17a) that speaks of *resha'im* who deserve a special punishment in *Gehinnom* because they are classified as פושעי ישראל בגופן – "sinners of Israel with their body." As representative of this category of *aveirah*, the *Gemara* mentions קרקפתא דלא מנה תפילין – "a head that did not wear *tefillin*."

VII. Precedence in *Mitzvos*

The capacity of *tefillin* to produce a change in the persona of the person who wears them may shed light on the question of which *mitzvah* one should perform first – *tzitzis* or *tefillin*.

On the one hand, the *mitzvah* of *tzitzis* should be considered *tadir* (more frequent), since it is fulfilled seven days a week, in contrast to *tefillin*, which are worn only six days a week. Thus, we should apply the principle, כל התדיר מחבירו קודם את חבירו – "Whatever is more frequent than another precedes the other" (*Mishnah Zevachim* 10:1). However, *tefillin* are considered *mekudash* (containing more sanctity), since *tefillin* are *tashmishei kedushah* (sanctified objects), while *tzitzis* is merely in the category of *tashmishei mitzvah* (objects used in the performance of a *mitzvah*). Accordingly, the precedence should be dictated by the principle, כל המקודש מחבירו קודם את חבירו – "Whatever

is more sacred than another precedes the other" (*Mishnah Zevachim* 10:2).

The *Gemara* in *Zevachim* (90b) ponders which of the two criteria – frequency or sacredness – prevails when they conflict with each other, but it does not resolve the question. Consequently, the *Rambam* (*Hilchos Temidin U'Mussafin* 9:2) rules that one may give precedence to whichever he wishes. With regard to *tzitzis* and *tefillin*, however, the *Shulchan Aruch* (*Orach Chaim* 25:1) rules that there is a prescribed order of precedence – one should don his *tallis* before his *tefillin*. To explain this *halachah*, the *Mechaber* introduces an entirely new consideration: מעלין בקודש – we ascend in matters of sanctity. In other words, since *tefillin* has the status of *tashmischei kedushah*, one should first perform the *mitzvah* of *tzitzis* and then ascend in *kedushah* by performing the *mitzvah* of *tefillin*.

The *Sha'agas Aryeh* (*siman* 28) and the *Dagul MeiRevavah* (25:1) are very troubled by the application of מעלין בקודש, according to which the *mitzvah* of *tefillin* follows *tzitzis* because *tefillin* has greater *kedushah*. This seems to be a direct contradiction to the *Mishnah's* principle of כל המקודש מחבירו קודם את חבירו, that we first perform the *mitzvah* that possesses the higher level of *kedushah*. When do we apply the rule of מעלין בקודש, and when do we apply the rule of כל המקודש מחבירו קודם את חבירו?

The answer to this question may be rooted in the unique ability of *tefillin* to transform the person who wears them (see *Bei'ur Halachah* 25:1, s.v. *shema'alim bakodesh*; *Yad Efrayim* 25:1). *Tzitzis* and *tefillin* are both *mitzvos* that one performs with his body, but donning the *tefillin* has the distinction of having an effect on a person. Since he will attain a higher level of *kedushah* through the *mitzvah* of *tefillin*, we adopt the principle of מעלין בקודש; we have him perform the *mitzvah* of *tzitzis* first and then ascend in *kedushah* through the *mitzvah* of *tefillin*. However, with regard to other *mitzvos*, which do not enhance

the one who performs them, one should perform the more important *mitzvah* first. With regard to other *mitzvos*, we follow the principle of **כל המקודש מחבירו קודם את חבירו**.

KEDUSHAS BEIS HAKNESSES

I. Mikdash Me'at

The *Gemara* in *Yoma* (52b) recounts that towards the end of the period of the First *Beis HaMikdash*, Yoshiyahu HaMelech hid the *luchos* in a special vault beneath the Temple Mount, constructed for this purpose by Shlomo HaMelech. The *Gemara* (53b-54a) cites a dispute among the *Tanna'im* as to whether the *luchos* remained in this location during the period of the Second *Beis HaMikdash* or if they were removed and taken to Bavel. Interestingly, the *Rambam* (*Hilchos Beis HaBechirah* 4:1) takes a stand on this *machlokes*, ruling in accordance with the first opinion.

Rav Soloveitchik noted that the very fact that the *Rambam* renders a ruling regarding this *machlokes* indicates that he viewed it not merely as a historical issue, but as one with halachic significance. The *machlokes* revolves around the question of whether it is possible to have a *Beis HaMikdash* without the presence of the *luchos*. The accepted opinion maintains that in order for the *Beis HaMikdash* to be invested with *kedushah*, it must function as a *Mishkan Ha'Edus*, housing the *luchos* that are referred to as *luchos ha'edus*. As such, the Second *Beis HaMikdash*, by definition, must have housed the *luchos*, albeit in an underground vault.

This idea is in line with the *Ramban's* view (introduction to *Parshas Terumah*) that the main purpose of the *Mishkan* and the *Beis HaMikdash* was to serve as a continuation of the *hashra'as haShechinah* (Divine Presence) that was revealed at *Ma'amad*

Har Sinai. *Bnei Yisrael* received the *luchos ha'edus* at Har Sinai, and the *Mishkan Ha'Edus* served as a Sanctuary to house those *luchos*.

The designation of the *Mishkan* as the home of the *luchos* has implications for our modern-day *shuls* as well.

The *Ramban*, quoted by the *Ran* in his commentary to *Maseches Megillah* (8a in *dapei haRif*, s.v. *uman d'shari*), claims that *kedushas beis haknesses* is similar to the status of *tashmischei mitzvah* (objects used in the performance of a *mitzvah*). A *sukkah* or *esrog* is considered *huktzah lemitzvaso* (set aside for the performance of its *mitzvah*) during the duration of *Sukkos*, when it may be used for a *mitzvah*. A *beis haknesses* enjoys this same status because it enables a more enhanced performance of the *mitzvah* of *tefillah*. According to this approach, on a *d'oraisa* level, once a *beis haknesses* falls into disuse and will no longer be used for *mitzvah* performance, it does not retain its *kedushah*. [The restrictions on its sale and the use of the resulting funds for purposes of greater *kedushah* are all rabbinic.]

This is a novel approach, as one could have argued that the term "*tashmischei mitzvah*" includes only those items absolutely **necessary** for the performance of a *mitzvah*, and not a *beis haknesses*, which merely enables the performance of a *mitzvah* in an enhanced fashion. Indeed, the *Ran* disagrees with the *Ramban* and maintains that the *kedushah* of a *beis haknesses* is similar to that of the *Beis HaMikdash*, which has a status similar to that of *tashmischei kedushah*. This is based on the *passuk* referring to a time when *Bnei Yisrael* will be in *galus*: וְאֵהְיֶה לָהֶם לְמִקְדָּשׁ מֵעַט – "Yet I will be for them a miniature sanctuary" (*Yechezkel* 11:16). The *Gemara* in *Megillah* (29a) explains that this is a reference to the *בתי כנסיות ובתי מדרשות שבבבל*, which the *Navi* promises will be available to *Klal Yisrael* even in *galus*.

While the *Ran* writes that this interpretation is only an *asmachta* (a Scriptural allusion to a rabbinic *mitzvah*), the *Sefer Yere'im* (*siman* 394) maintains that *kedushas beis haknesses* is

d'oraisa in origin. The *Chayei Adam* (17:6) rules that we should follow the opinion of the *Yere'im* that a *beis haknesses* possesses a *kedushah d'oraisa*, and we should therefore abstain from non-*mitzvah* functions within a *beis haknesses* even in a situation of *safek*, since *safek d'oraisa lechumra* (we rule stringently in cases of doubt regarding Biblical law).

Rav Soloveitchik (and *Sdei Chemed*, vol. 1, *Ma'areches HaBeis*, 43) pointed out that the *Rambam* (*Minyan HaMitzvos* found in the beginning of the *Mishnah Torah*) seems to share the opinion of the *Yere'im*. In the listing of *Lo Sa'aseh* 65, לא תעשון כן לד' אלקיכם – “You shall not do this [cause destruction] to *Hashem*, your G-d” (*Devarim* 12:4), the *Rambam* writes that it is forbidden to remove a stone from the *mizbe'ach* or from *batei kneissiyos* or *batei medrashos*. The *beis haknesses* seems to be included in the description of this *lo sa'aseh* on a *d'oraisa* level.

We can therefore well understand why the *Rambam* (*Hilchos Tefillah* 11:2) writes, in discussing the *dinim* of *kedushas beis haknesses*, that there should be a designated *aron kodesh* in which to house the *sefer Torah*, seemingly a mandatory requirement. This makes sense if *kedushas beis haknesses* is subsumed under the same *d'oraisa* category of *kedushas haMikdash*, as *kedushas haMikdash* stems from the presence of the *aron*, which housed the *luchos*. The Rav continued that even if a room is regularly used for the purpose of *tefillah*, it would not attain the status of *beis haknesses* as a *Mikdash Me'at* if it does not have an *aron kodesh* to house a *sefer Torah*. [See Rav Schachter on the *Parsha*, *Parshas Chayei Sarah*.]

Tosfos (*Nazir* 23b, s.v. *uvechol*), like the *Rambam*, implies that *kedushas beis haknesses* stems from the *Torah SheBichsav*, the presence of a *sefer Torah* inside the *aron kodesh*. Interestingly, *Tosfos* suggests that *kedushas beis hamedrash* emanates from the study of *Torah SheBe'al Peh* there. It is noteworthy that the *Gemara* in *Megillah* (27a) records a dispute as to which possesses a higher level of *kedushah*, a *beis haknesses* or a *beis hamedrash*, and the final ruling assumes that a *beis hamedrash*

possesses greater *kedushah*. Perhaps *Tosfos* understands that this is a function of the greater importance assigned to *Torah SheBe'al Peh* over *Torah SheBichsav*, and not to the greater importance of Torah study in a *beis hamedrash* as opposed to *tefillah* in a *beis haknesses*.

In what sense is a *beis haknesses* classified as a *Mikdash Me'at*? Rav Soloveitchik (*Shiurim L'Zecher Abba Mari Z"l I*, 1983 ed., pp. 65-68) pointed out that the stricter *din* of *mora* (reverence), forbidding even the wearing of shoes, applies to the *Beis HaMikdash*, in contrast to the requirement of *kavod* (respect) that applies to a *beis haknesses*. In defining the nature of this difference, Rav Soloveitchik cited the *Gemara* in *Berachos* (63a), which states that one may not use a *beis haknesses* as a shortcut, just as this activity would not be tolerated in ביתו – one's own house. A *beis haknesses* must be treated with the same degree of respect as one's own home.

The Rav felt that just as it was common practice at the time for one to remove his galoshes before entering his house, entering a *beis haknesses* wearing galoshes would be a violation of *kevod beis haknesses*. Similarly, since most people would not permit a guest in their home to pace back and forth, but would rather insist that he stay in one place, it would be disrespectful to pace during the *tefillah* in a *beis haknesses*. Commenting on the inappropriateness of pacing in the *Beis Medrash* of the Volozhin Yeshiva, Rav Chaim Soloveitchik cited the *Mishnah* in *Avos* (5:5) that lists עומדים צפופים ומשתחיים רווחים – “[the people] stood crowded together, yet prostrated themselves with ample space” among the miracles that occurred in the *Beis HaMikdash*. He pointed out that the first part of the phrase was also a *nes*. *Hashem* saw to it that people would be unable to pace, and thereby degrade, the *Beis HaMikdash*. [See *MiPinei HaRav*, 2001 ed., p. 45.]

The *Gemara* is conveying that a *beis haknesses* is **our** house, to which *Hashem* comes to visit. In contrast, the *Beis HaMikdash* is termed *Beis Hashem*, where we come to visit with Him. In both

locations, Man has a “rendezvous” with *Hashem*; the difference between the two locations is whether Man is the visitor or the one being visited.

The Rav proceeded to draw a similar distinction between Shabbos and Yom Tov. The *Shulchan Aruch* (*Orach Chayim* 529:1), based on the *Yerushalmi* (*Kiddushin* 1:4), rules that while one may not wear weekday clothing on either Shabbos or Yom Tov, Yom Tov clothing should be superior to Shabbos clothing. The Rav explained that on Yom Tov there is an obligation of *simchah*, as we are to appear *lifnei Hashem* (in front of *Hashem*) in **His** home, the *Beis HaMikdash*, to fulfill the *mitzvah* of *aliyah l'regel*. When visiting the King in His royal palace, a most splendid manner of dress is mandated. On Shabbos, when we greet the *Shechinah*, which comes to visit us in **our** home, we require less regal clothing. [The Rav noted that the *minhag* in Europe was that everyone stood for *Lechah Dodi*; it was treated as a *davar sheb'kedushah* because the *tzibbur* then greets the *Shechinah*.] [See *Rav Schachter on the Parsha, Parshas Terumah*.]

II. Binyan Beis HaKnesses

The *Sdei Chemed* (vol. 1, *Ma'areches HaBeis*, 44), citing many *Acharonim*, writes that the *mitzvah* of *binyan Beis HaMikdash*, based on the *passuk*, *ויעשו לי מקדש* – “They shall make a Sanctuary for Me” (*Shemos* 25:8), also includes the *mitzvah* of *binyan beis haknesses*. Therefore, residents of a city may force each other to contribute towards the building of a *shul*. This is not only because we view the members of a community as partners, who must contribute to communal needs for the benefit of the partnership. [See *Ginas Egoz*, pp. 182-183.] The residents must contribute also based on the principle of *kefiyah al hamitvos* – coercion for *mitzvah* observance (*Kesubos* 86a). Thus, even if there is an existing building used for *tefillah*, and the project therefore does not necessarily qualify as a communal need, community members may still be forced to contribute.

The *Tzemach Tzeddek* (*siman* 94) discusses the case of a *tzibbur* that grew in size due to the influx of new residents. He writes that if the current *beis haknesses* is not large enough to contain the entire *tzibbur*, the new residents may force the original ones to share equally in the cost of expanding the existing *shul*. Again, it is debatable whether the original residents would be obligated to contribute by virtue of the expansion being a communal need. Nevertheless, they are obligated to contribute because of the *mitzvah* to build a suitable *beis haknesses* that will contain the entire *tzibbur*, since one *tzibbur* should not divide into two smaller ones.

Along these lines, Rav Dovid'l Novardoker (*Galya Masechta, chelek drush*, p. 23b) suggests that just as it is one of the *taryag mitzvos* to celebrate the dedication of a *Mishkan* or *Beis HaMikdash* when its construction is completed (see *Ramban*, commentary to *Bamidbar* 7:13-17 and *Hasagos LeSefer HaMitzvos, shoresh shlishi*, s.v. *aval*), there is a similar *mitzvah* that applies to a *beis haknesses*, since it has the status of *Mikdash Me'at*. At the *chanukas beis haknesses*, perhaps the *rav* should deliver a *derashah* on the topic of *Korban Todah*, as these *korbanos* were offered when a *Beis HaMikdash* was dedicated. [Perhaps it is for this reason that the Novominsker Rebbe spoke about the topic of *Korban Todah* at the dedication of the Breuer's *beis hamedrash* in Washington Heights.]

III. Structure of the *Beis HaKnesses*

Since a *beis haknesses* is classified as a *Mikdash Me'at*, there are many details related to its structure that are patterned after the structure of the *Beis HaMikdash*.

A *beis haknesses* should be built with its entrance placed opposite the *aron kodesh* (*Orach Chaim* 150:5). This is patterned after the structure of the *heichal* in the *Mishkan* where the entrance was on the eastern side, opposite the *kodesh ha-kodashim*, which was towards the west (*Tosefta, Megillah*

3:14). Rav Soloveitchik added that the *minhag* to turn towards the back of the *shul* during the recitation of *Bo'i V'shalom* in *Lechah Dodi* is based on the assumption that the entrance to the *shul* is at the back wall, as if we are greeting a distinguished individual entering through the doors to the *shul*. If the entrance to a *beis haknesses* is along the side of the *shul*, the *tzibbur* should turn towards the entrance, not towards the back of the *shul*.

Rashi's opinion (*Berachos* 6b, s.v. *achorei*) is that a person must face the *aron kodesh* when he *davens* in a *beis haknesses*, just as one would face the *aron* in the *Beis HaMikdash*. In fact, *Rashi* maintains that if one is outside the *shul*, behind the *aron*, he should face the *aron* when he *davens*, even though he will thus be facing towards the west while the *tzibbur* is facing east, towards Eretz Yisrael.

[*Tosfos* (6a, s.v. *achorei*) disagrees and holds that even in this situation, one should *daven* facing Eretz Yisrael. At times, it is necessary to construct a *shul* with the *aron* along the northern wall, for example. Whether one should then *daven* northward, towards the *aron*, or eastward, towards Eretz Yisrael, would seem to depend on this *machlokes* between *Rashi* and *Tosfos*. The *Mishnah Berurah* (*Bei'ur Halachah* 150:5, s.v. *shehu baru'ach*) is unsure of the *psak* in this case (see *Meishiv Davar* 1:10).]

The *aron kodesh* should, of course, be situated along the eastern wall of the *shul*, such that those *davening* towards it face Eretz Yisrael. When the *Rambam* describes the *mitzvas asef* to *daven* every day at the beginning of *Hilchos Tefillah* (1:1-3), he writes that from the days of Moshe Rabbeinu until the days of Ezra, each person recited his own *nusach hatefillah* and would *daven* facing the *Beis HaMikdash*. The *Rambam* continues that later, Ezra and his *beis din* established the standard *nusach* of the *Shemoneh Esrei* that we recite today, which is only rabbinic in nature. Rav Soloveitchik understood from the simple reading of the *Rambam* that the elements listed before Ezra's institution, including *davening* towards the *Beis HaMikdash*, are

requirements on the level of *d'oraisa*. [See *MiPninei HaRav*, 2001 ed., p. 47.]

Rav Soloveitchik maintained that there should be only one *aron kodesh* in a *beis haknesses*, just as there was only one *aron* in the *Beis HaMikdash*. In this context, the Rav suggested the possibility that the *aron kodesh* should not be recessed within the eastern wall of the *shul*, since in the *Beis HaMikdash*, the *aron* was inside the area of the *heichal* itself.

The *Chasam Sofer* (*Orach Chaim* 28) writes that the *bimah*, from which we read the Torah, should be placed in the middle of the *shul*. In the *Beis HaMikdash*, the *mizbei'ach* for the offering of *ketores* was situated in the middle of the *heichal*, and this position should be duplicated in the *Mikdash Me'at*. The *Netziv* (*Meishiv Davar* 1:15), however, understands that the *bimah* in the *shul* corresponds to the outer *mizbei'ach* in the *Azarah*, used for the offering of *korbanos*. That is why we do *hakafos* with the *daled minim* on Sukkos around the *bimah*, just as was done around the *mizbei'ach* in the *Azarah*.

Similarly, the *Maharam Shick* (*Orach Chaim* 77) emphasizes the requirement of a *mechitzah* in a *beis haknesses* to separate between the men's section and the women's section. In the *Beis HaMikdash* as well, the *Azarah* was reserved for men, while the *ezras nashim* was reserved for women.

Some authorities maintain that a *beis haknesses* must be built in a rectangular shape, similar to that of the *Azarah* in the *Beis HaMikdash*, and not in a circular or triangular shape. Although the *Noda B'Yehudah* (*Tinyana*, *Orach Chaim* 18) does not prohibit building a *shul* in a different manner, he wonders why a community would wish to introduce a change from our ancient *minhagim* regarding the building of a *beis haknesses*. The *Imrei Yosher* (*chelek* 2, 178-2) also writes that we must be exceedingly careful not make any innovations in the structure of a *Mikdash Me'at*, such as constructing a *chuppah* in front of the *aron kodesh*, as any structural change was similarly prohibited in the *Beis HaMikdash* itself (*Chullin* 83b).

IV. *Hanhagos Beis HaKnesses*

The comparison between a *beis haknesses* and the *Beis HaMikdash* expresses itself in a number of practices as well.

The *Rama* (*Orach Chaim* 153:21) rules that it is rabbinically forbidden to make use of *esnan zonah* (a harlot's hire) or *mechir kelev* (the exchange for a dog) in a *beis haknesses*.

Rebbi Akiva Eiger (*Hagahos, Orach Chaim* 150:1) cites a comment of Rav Dovid Aramah on the *Rambam* (*Hilchos Avodah Zarah* 6:9), that just as it is forbidden to plant a tree in the *Azarah*, it is prohibited *miderabbanan* to do so near a *beis haknesses*. However, Rav Soloveitchik recounted that when Rav Chaim was appointed as the Rav in Brisk, he followed the earlier rulings of the *Netziv* (*Meishiv Davar* 2:14) and the *Binyan Tziyon* (*siman* 9) and permitted the planting of trees in the courtyard of the *beis haknesses*, reasoning that the courtyard does not have the status of *Har HaBayis* (the Temple Mount). The *Netziv* argues further that according to Rav Dovid Aramah, it would also be forbidden to construct a *beis haknesses*, or even its benches, out of wood, as the *issur* in the *Azarah* applies to any wooden construction, not only to planting a tree (see *Ra'avad, Hilchos Avodah Zarah* 6:10, based on *Yerushalmi*). [See *Nefesh HaRav*, 1994 ed., p. 144.]

The *Mechaber* (*Orach Chaim* 151:12) questions whether one may use the upper story of a building above a *beis haknesses* for general purposes. The *Bei'ur HaGr"a* explains that the question revolves around whether *kedushas beis haknesses* should be compared to that of the *Azarah*, where גגין ועליות לא נתקדשו – “The rooftops and the upper stories were not consecrated” (*Pesachim* 85b), or to the *heichal*, where the upper story was consecrated.

Interestingly, the *Sha'arei Teshuvah* (16) cites a *teshuvah* of the *Rambam* (*Pe'eir HaDor* 74), who differentiates between the area on the second floor above the *aron kodesh* and the area above the rest of the *shul*. Only the *aron kodesh* corresponds to the *heichal*, the upper stories of which were consecrated and may

not be used, whereas the *shul* itself only corresponds to the *Azarah*.

The *Bei'ur HaGr"a* (*Orach Chaim* 660:1) writes that the custom to circle the *bimah* with the *daled minim* on Sukkos is based on the correspondence between the *mizbei'ach*, which was encircled in the *Beis HaMikdash* on Sukkos, and the *bimah*, particularly when the *sefer Torah* is placed there.

The *Meiri* (*Sukkah* 44a) cites the *minhag* to beat the *aravah* on Hoshana Rabba on the *duchan* or the doors of the *aron kodesh*. The Rav recounted that since Rav Chaim assumed that the *bimah* in a *beis haknesses* is likened to the *mizbei'ach* in the *Beis HaMikdash*, his practice was to follow the *Rambam's* description of the *mitzvah* in the *Beis HaMikdash* (*Hilchos Lulav* 7:21-22). He would therefore first position the *aravah* upright on the ground beside the *bimah*, and then take it and beat it.

The common practice is to recite *Birkas HaGomel* after *kri'as haTorah* (*Tosfos Berachos* 54b, s.v. *v'eima*). In discussing the need to place the *bimah* in the middle of the *shul*, the *Netziv* (*Meishiv Davar* 1:15) makes reference to the idea that in the absence of the *Beis HaMikdash*, אין שיור רק התורה הזאת - "There is nothing left except this Torah" (*piyyut Z'chor Bris*). Therefore, he explains, the *bimah* at the time the *sefer Torah* is placed on it serves as a vestige of the *mizbei'ach*. Since the recitation of *Birkas HaGomel* parallels the offering of a *Korban Todah* on the *mizbei'ach*, the *berachah* should be recited in this setting - at the *bimah* following *kri'as haTorah*.

V. The *Ezras Nashim*

Rav Soloveitchik related that, in his recollection, when he grew up in Lithuania the women did not practice *hishtachava'ah* during their recitation of the Yom Kippur *avodah*. He witnessed this practice for the first time in Berlin, at which time he gave consideration as to the possible reason for the custom he had observed previously. This was a common theme in many of his

shiurim – explaining how a particular *minhag* was not merely a ceremonial act, but a fulfillment of a halachic norm. [See *Nefesh Harav*, 1994 ed., pp. 24-26.]

We learn from the *passuk*, *כי שם ד' אקרא הבו גודל לאלקינו* – “When I call out the Name of *Hashem*, ascribe greatness to our G-d” (*Devarim* 32:3), that when the *Kohen Gadol* pronounces the *Shem HaMeforash*, those present should praise *Hashem*. There are two forms of praise to be offered on that occasion – prostration and the declaration of *ברוך שם כבוד מלכותו לעולם ועד* – “Blessed is the Name of His glorious kingdom for all eternity.”

Tosfos (*Sotah* 40b, s.v. *vechol*) cites the *Yerushalmi*, which teaches that it was the “*kerovim*” (near ones) who did *hishtachava’ah*, while the “*rechokim*” (those at a distance) would proclaim *ברוך שם*. [*Tosfos* explains that the *kerovim* actually did *hishtachava’ah* as well as proclaim *ברוך שם*.] However, it is unclear exactly how to differentiate between the locations of the two groups. Rav Yeshayah Berlin (*Nimukei HaGri”v* in the *siddur Otzar HaTefillos*) writes that the *kerovim* were those who could hear the *Shem HaMeforash* emanate from the *Kohen Gadol*, at which point they prostrated themselves. The *rechokim*, those who could not hear the *Shem HaMeforash*, would proclaim *ברוך שם* when they saw the *hishtachava’ah* of the *kerovim*.

Rav Soloveitchik, however, noted that the implication of the language in the *machzor*, *בעזרה העומדים* (*Mishnah Yoma* 6:2), is that the *kerovim* were those **inside** the *Azarah*, while *rechokim* refers to those **outside** the *Azarah*. The reason for this differentiation is that we derive *hishtachava’ah* from the *passuk* about *bikkurim*, *ד' אלקיך* – “and you shall prostrate yourself **before Hashem, your G-d**” (*Devarim* 26:10). It is cited in the name of the Vilna Gaon (*Aderes Eliyahu, Parshas Ki Savo*) that this is not a *mitzvah* specifically related to the bringing of *bikkurim*, but is actually a general rule. Just as a farmer who enters the *Azarah* to offer his *bikkurim* performs *hishtachava’ah* before he exits, so too, any *Kohen* who enters the *Azarah* to engage in any *avodah* must do so (see *Mishnayos*

Tamid, *perakim* 6-7). The language of the *passuk* implies that *hishtachava'ah* is only a *kiyum mitzvah* when performed **inside** the *Azarah*, not outside.

The Rav concluded that women did not participate in the *hishtachava'ah* in the *Beis HaMikdash*, because they were located in the *ezras nashim*, not in the *Azarah*. As seen from the *Yerushalmi*, there is only a fulfillment of *hishtachava'ah* when performed in the *Azarah*, and the *ezras nashim* was not endowed with the same *kedushah* as the *Azarah*. [The reason the *ezras nashim* was sanctified with only the *kedushah* of the *Har HaBayis*, and not with that of the *Azarah*, was to allow the women the leniency of being able to sit in that location, because "sitting is not permitted in the *Azarah* except for kings of the Davidic dynasty" (*Yoma* 25a).]

This explains the *minhag* that the Rav was familiar with. The *hishtachava'ah* that we engage in during our recitation of the Yom Kippur *avodah* is done as a *zecher leMikdash*, as a remembrance of that which was done in the *Beis HaMikdash*. There would not be any reason for women to do *hishtachava'ah* nowadays as a *zecher leMikdash* during their recitation of the Yom Kippur *avodah*, as even during the time of the *Beis HaMikdash*, women were in the category of *rechokim* because of their placement outside of the *Azarah*; they would not engage in *hishtachava'ah*. It is not plausible to make a *zecher leMikdash* by having women do *hishtachava'ah* in the *ezras nashim*, something that they did not engage in during the time of the *Beis HaMikdash* itself. [See *Nefesh HaRav*, 1994 ed., pp. 214-215.]

The *Acharonim* (*HaElef Lecha Shlomo*, *Orach Chaim* 76; *Orchos Chaim*, Spinka, *Orach Chaim* 152:5) discuss the propriety of converting what had previously been part of the men's section of a *shul* into part of the women's section. As we have seen, the *ezras nashim* in a *beis haknesses* corresponds to the *ezras nashim* of the *Beis HaMikdash*, which was sanctified with the level of *kedushah* of the *Har HaBayis*, while the men's section corresponds to the *Azarah*, which possessed a higher level of *kedushah*. Thus,

converting the main area of a *beis haknesses* into an *ezras nashim* may be a violation of the principle, מעלין בקודש ולא מורידין – “We ascend in matters of sanctity but do not descend” (*Megillah* 21b).

It once happened that the dimensions of the different sections of a newly built *beis haknesses* were apportioned incorrectly, such that the *ezras nashim* was smaller than necessary while the men’s section was larger than necessary. The *shailah* arose as to whether it would be permitted to remove a part of the men’s section and convert it to *ezras nashim*. Rav Soloveitchik’s ruling, based on earlier *Acharonim*, was to first cordon off that part of the men’s section that they wished to change, so that it would not be used for *tefillah* for a few weeks. Then that area could be sold to a private individual, resulting in a removal of its *kedushah*. Finally, the members of the *shul* could buy it back from that individual, this time sanctifying it with only *kedushas ezras nashim*. [See *MiPninei HaRav*, 2001 ed., p. 46.]

VI. *Tzni’us* in the *Beis HaKnesses*

In recent years, a practice has emerged in a number of communities, in which married women who are generally not careful to cover their hair do observe the *halachah* to cover their hair when they come to *shul* to *daven*.

Although their general lack of observance of this *halachah* is certainly not proper, the fact that these women do cover their hair when they come to *shul* has a significant source in Halachah. The *Gemara* in *Yoma* (47a) records that a certain woman named Kimchis had seven sons, all of whom served as *Kohen Gadol*. When she was asked as to what she attributed her meriting such illustrious sons, Kimchis replied, “In all my days, the beams of my house did not see the braids of my hair.” The *Gemara* implies that adherence to *middas hatzni’us* (the trait of modesty) is associated with *hashra’as haShechinah* (Divine Presence).

This idea is also implicit in a comment of *Rashi*. On the *passuk*, *לפני האוהל* – “and you shall fold the sixth curtain over the front of the Tent” (*Shemos* 26:9), *Rashi* writes that half of the width of the sixth curtain hung over the front of the *Mishkan*, “like a modest bride who is covered with a veil over her face.” Perhaps *Rashi* is alluding to the idea that as a result of practicing the trait of *tzni’us*, *Bnei Yisrael* merited the *giluy Shechinah* (Divine Revelation) in the *Mishkan*. This is, in fact, the meaning of the *passuk* stated in reference to the Jewish *machaneh*, *ולא יראה בך ערות דבר ושב מאחריך* – “so that He will not see a shameful thing among you and turn away from behind you” (*Devarim* 23:15). A lack of *tzni’us* causes removal of the *Shechinah*.

Rashi further mentions the notion that *pritzus* (licentiousness) leads to the *Shechinah* leaving *Klal Yisrael*. We see this in the context of the *דבר בלעם* – “the word of Bil’am” (*Bamidbar* 31:16), a reference to the advice Bil’am gave the Midianites to set up a marketplace for the Jews that would be staffed by harlots. Bil’am explained that “the G-d of these [Jews] hates promiscuity,” and that the only way they could overcome them is by enticing the Jewish men to sin (*Sanhedrin* 106a).

If we keep in mind that a *beis haknesses* is a *Mikdash Me’at*, we can understand the purpose of a more stringent attitude towards the guidelines of *tzni’us* in a *shul* than outside of one. The additional care to observe the *middas hatzni’us* will lead to a greater amount of *hashra’as haShechinah*, and that is the entire function of a *beis haknesses*.

A new practice has recently originated in a number of Orthodox *shuls* to organize separate *hakafos* for women, or women’s “*minyanim*” for *kri’as haTorah* or *kri’as haMegillah*. Among the women who participate in these groups, there are many who are learned and devout; they are acting *lesheim Shamayim* and are motivated by a desire to draw closer to *Hashem* through a more active role in the performance of these *mitzvos*. It is therefore unfortunate that they do not realize that these

practices are against the Torah's *hashkafah* of the trait of *tzni'us*. We should be more careful with regard to *middas hatzni'us* in a *beis haknesses*, since *tzni'us* brings about *hashra'as haShechinah*, and that is the primary objective of *davening* in a *Mikdash Me'at*.

[See *Rav Schachter on the Parsha*, pp. 258-262.]

[See *Eretz HaTzvi*, pp. 88-99.]

YOM VALAYLAH

I. Performing *Mitzvos* Before *Haneitz Hachamah*

The *Mishnah* in *Megillah* (20a) lists certain *mitzvos* that must be done during the daytime, including reading the *Megillah*, performing a *bris milah*, immersing in a *mikveh* (on the seventh day of the purification of a *zav*, *zavah*, and *tamei meis*), and sprinkling the *mei chattas* (waters of purification) on a *tamei meis*.

It is acceptable to perform these *mitzvos* after *alos hashachar* (when the first ray of dawn appears), as *alos* is the beginning of the halachic day. The *Gemara* (20b) derives this from the *passuk* stated in reference to the construction of the wall around Yerushalayim at the time of the Second *Beis HaMikdash*, ואנחנו ... עושים במלאכה וחצים מחזיקים ברמחים מעלות השחר עד צאת הכוכבים - "Then we did the work, with half of them holding spears, from the **first ray of dawn** until the stars came out. We spent the night on watch, and the **day** at work" (*Nechemyah* 4:15-16). Nevertheless, the *Mishnah* teaches that one should preferably perform the daytime *mitzvos* after *haneitz hachamah* (also referred to as *zerichah*, sunrise).

[The *mitzvoah* of *tefillah* seems to be an exception to this rule. Since the *zeman* of *Shacharis* corresponds to the *zeman* of the morning *Korban Tamid* that was always offered before *haneitz*, one can *daven* at this time even *lechatchilah* (*Pri Yitzchak* 1:2).]

The simple explanation of the *Mishnah* is that the preferred time of *haneitz hachamah* is a *gezeirah derabbanan*. The *Chachamim* established *haneitz* as the proper time to perform these *mitzvos* because of the difficulty of ascertaining the exact moment of *alos*,

since it is still dark at that time. If people were allowed to perform the *mitzvos* just after *alos*, they might mistakenly do so before the *zeman* of *alos*, and thus not fulfill their obligations (*Rashi*, s.v. *v'chulan*).

Based on this explanation of the *Mishnah*, the *Aderes* (Rav Eliyahu Dovid Rabinowitz-Teomim, then *Av Beis Din* of Mir, cited in *Sdei Chemed*, vol. 2, *Ma'areches HaLamed* 141:11) suggested that nowadays, the *gezeirah* of the *Mishnah* may no longer apply. The common use of clocks in all *shuls* allows us to avoid mistakenly performing the *mitzvos* before *alos*. Therefore, he maintained that since in his time there was a great need for many people to share a small number of *esrogim*, it should be permitted, even *l'chatchilah* (optimally), to take the *lulav* and *esrog* prior to *haneitz*.

The novel ruling of the *Aderes* was not accepted by the other *poskim*. The *Sdei Chemed* and Rav Tzvi Pesach Frank (*Mikra'ei Kodesh*, *Sukkos* 2, pp. 97-99) disagreed, arguing that the *gezeirah* is a *davar sheb'minyan* (a law passed by vote at an assembly of *Chachamim*). Therefore, even if the reason for the *gezeirah* no longer applies, another *minyan* (vote at an assembly) is required to repeal it (see *Beitzah* 5b).

In contrast to this understanding of the *Mishnah*, Rav Solo-veitchik espoused the view of the *Sefer Chareidim* (commentary on the *Yerushalmi*, *Berachos* 3b-4a; also see *Levush*, *Orach Chaim* 652:1, and Rav Yitzchak Hutner, *Sefer HaZikaron Pachad Yitzchak*, p. 134), which maintains that the preference given to performing a *mitzvah* after *haneitz hachamah* is a *l'chatchilah d'oraisa*.

This also seems to be the opinion of the *Ra'avyah* (cited by the *Mordechai*, *Megillah*, *siman* 801). The *Ra'avyah* claims that the *din* of the *Mishnah* does not apply to a *mitzvah* such as *tzitzis*, about which the Torah never specifies that it must be performed during the time of *yom*. Instead, the Torah states: וראיתם אותו – “that you may see it” (*Bamidbar* 15:39), implying that its performance depends merely on one’s ability to see the *tzitzis*. Therefore, the *Ra'avyah* writes, one can fulfill the *mitzvah l'chatchilah* after *alos*.

The *Ra'avyah* could have offered a simple explanation for the exclusion of *tzitzis* from the *din* of the *Mishnah*. The *Chachamim* could not institute a *gezeirah* with regard to *tzitzis*, since it must be possible to perform this *mitzvah* before *haneitz*; one must wrap himself in a *tallis* before reciting *kri'as Shema* and *Shemoneh Esrei*, and according to the practice of the *vasikin*, these are recited at *haneitz*. The fact that the *Ra'avyah* instead bases his conclusion on the absence of the term “*yom*” in the *passuk* regarding *tzitzis* implies that the general requirement to perform daytime *mitzvos* after *haneitz* is a *l'chatchilah d'oraisa*. [See *Eretz HaTzvi*, pp. 138-139.]

There are numerous practical applications of the *l'chatchilah* requirement to perform daytime *mitzvos* after *haneitz*. For example, a *zavah* (or a colloquial *niddah*) should perform two *bedikos* (examinations) each day of her *zayin nekiyim* (seven clean days), once in the morning and once at the end of the day (*Yoreh De'ah* 196:4). *L'chatchilah*, the morning *bedikah* should be done after *haneitz*.

A further example is the *avel's* donning of *tefillin*. An *avel* may not don *tefillin* until part of the second day of *shiv'ah* has elapsed, in keeping with the principle that *מקצת היום ככולו* – part of a day is like the whole day. Since *l'chatchilah* this principle operates only after *haneitz*, *Shacharis* in the house of the *avel* should be scheduled to begin after *haneitz* to allow the *avel* to don his *tefillin* before the arrival of *panim chadashos* – new arrivals, who have not comforted the *avel* yet (*Yoreh De'ah* 388:1; *Mishnah Berurah* 38:19-20).

II. Two *Dinim* of *Yom*

Rav Soloveitchik (*Shiurim L'Zecher Abba Mari Z"l* I, 5743 ed., pp. 34-38, 107-111) was fond of presenting an explanation of the *Mishnah* based on the premise that there are two *dinim* of *yom*. There is a *din* of *yom* that begins with *haneitz hachamah* and ends with *shki'ah* (sunset). At times, however, a second definition of *yom* is used, whereby *yom* begins with *alos hashachar* and

continues until *tzeis hakochavim* (the emergence of three stars). The *Mishnah* thus describes a *l'chatchilah d'oraisa* – when one performs a daytime *mitzvah*, he should do so during a part of the day that has a full *din* of *yom*. He should perform the *mitzvah* after *haneitz hachamah*, and not merely after *alos*, when there is only a partial *din* of *yom*.

The Rav noted that there are two distinct *parshiyos* in the Torah that deal with the characterization of *yom* and *laylah*. The first contains the *passuk*, קרא יום ולחושך קרא לילה – “G-d called to the light: ‘Day,’ and to the darkness He called: ‘Night’” (*Bereishis* 1:5). This *passuk* appears regarding the first day of creation, even before the sun and the moon were created. Obviously, then, this definition of *yom* and *laylah* depends on the presence of light or darkness. Accordingly, from *alos hashachar*, when some light of day can be perceived, it is already *yom*. Similarly, after *shki'ah*, since there is some remaining light, it is still considered *yom* until *tzeis hakochavim* (see discussion below regarding the period of *bein hashmashos*).

There is, however, a second *parsha*, according to which the classification of *yom* and *laylah* depends on the shining of the sun – namely, sunrise and sunset. This is the *passuk* describing the fourth day of creation, ויאמר א' יהי מאורות ברקיע השמים להבדיל בין היום ובין הלילה והיו לאותות ולמועדים ולימים ושנים – “G-d said, ‘Let there be luminaries in the firmament of the heaven to separate between the day and the night; and they shall serve as signs, and for festivals, and for days and years’” (*Bereishis* 1:14). According to this definition, the *din* of *yom* only begins at *haneitz*, and immediately after *shki'ah*, it is already *laylah*.

III. Calculating *Sha'os Zemaniyos*

The notion that the complete status of *yom* begins only at *haneitz* and concludes with *shki'ah* forms the basis of the opinion of the Vilna Gaon with regard to the calculation of the *sha'os zemaniyos*, the halachic “hours” of a day. This is relevant, for example, for determining the conclusion of *zeman kri'as*

Shema (the end of the third hour of the day) and *zeman tefillah* (the end of the fourth hour of the day). The Gaon (*Bei'ur HaGr"a, Orach Chaim* 459:2, 261:2) maintains that the period of *yom* extends from *haneitz hachamah* until *shki'ah*, and dividing that span of time by twelve yields the length of a halachic "hour." The *Magen Avraham* (58:1), in contrast, calculates the halachic day from *alos hashachar* until *tzeis hakochavim*.

The Rav explained that the source of the *Gr"a's* opinion is a ruling of the *Rambam* (*Hilchos Korban Pesach* 5:9) in defining the term *derech rechokah* (a long distance). The *Rambam* writes that one who is at a distance of fifteen *mil* or more from Yerushalayim **as of sunrise** on the fourteenth of Nissan is considered to be *b'derech rechokah*. He is not able to bring the *Korban Pesach*, even if he were to arrive (through alternate means of travel) in the *Beis HaMikdash* in time to offer it before *shki'ah*, and he must offer the *Pesach Sheini*. Why should *derech rechokah* depend on one's location at the time of *haneitz hachamah* and not *alos hashachar*, if the *din* of *yom* begins at *alos*? The *Rambam* clearly maintains that although *yom* generally begins at *alos*, for the purpose of establishing the *zemani hayom*, we use a definition of *yom* that begins at *haneitz*.

The Rav similarly maintained that we calculate *chatzos laylah* (midnight), in the context of the time limit for eating the *afikoman*, using the endpoints of *shki'ah* and *haneitz*. [This is unlike the view quoted in the name of Rav Shlomo Zalman Auerbach, to calculate *chatzos* as the midpoint between *shki'ah* and *alos* (see *Halichos Shlomo, Mo'adei HaShanah, Nissan-Av* 9:44)]. [See *MiPninei HaRav*, 2001 ed., p. 31.]

According to the *Gr"a*, even though the day begins with *alos hashachar* when it comes to the performance of all daytime *mitzvos*, there is a second *din* of *yom* that is utilized for the calculation of *zemani hayom*, and that does not begin until *haneitz hachamah*.

In truth, this dichotomy exists within the view of the *Magen Avraham* as well. The period of time between *shki'ah* and *tzeis* is

termed *bein hashmashos* (the twilight period) which is considered to be a *safek yom safek laylah*, questionably part of the day and questionably part of the night. The *Ritva* in *Yoma* (47b, s.v. *amar*) contends that a state of doubt exists concerning the *bein hashmashos* period because it is a mixture of **both** day and night. In other words, it is not that *bein hashmashos* is a *safek* in practical terms, because we are unable to identify the exact cutoff between *yom* and *laylah*. Rather, every minute of *bein hashmashos* possesses aspects of *yom* and aspects of *laylah*. *Bein hashmashos* simultaneously has a *din* of *yom* and a *din* of *laylah*, and since such a state represents a *tarti d'sasri* (an internal contradiction), the Halachah treats this time period **as if** it were a *safek*. [See *Ginas Egoz*, p. 32; *Rav Schachter on the Haggadah*, pp. 103-107.] This *safek* is relevant to the proper fulfillment of daytime *mitzvos*, which must be performed before *shki'ah* to assure they are performed during the day.

Nevertheless, regarding the "hours" of the day, the *Magen Avraham* calculates the halachic day from *alos hashachar* until *tzeis hakochavim*. Thus, even though *bein hashmashos* has a status of *safek yom safek laylah* with regard to daytime *mitzvos*, when calculating *zemani hayom*, it is considered definite *yom* until *tzeis hakochavim*.

The Rav noted that we may understand a comment of the *Ra'avad* (*Pesachim*, 1a in *dapei haRif*) based on this analysis. The *Ra'avad* writes that when *Tanna'im* use the term אור to refer to the night, instead of the usual word ליל, they imply that the *halachah* discussed does not require *tzeis hakochavim*; *shki'ah* is a sufficient stage of nighttime. אור refers to a time of night that is not yet totally dark, but rather still contains some daylight.

Thus, when the *Mishnah* states: אור לארבעה עשר בודקין את החמץ – לאור הנו – "On the night of the fourteenth [of Nissan] we search for the *chametz* by the light of a candle" (*Pesachim* 2a), it indicates that the *mitzvah* of *bedikas chametz* should be performed immediately after *shki'ah*. The *Mishnah* uses the term אור since according to the classification of *yom* and *laylah*

that depends on the presence of light or darkness, it is still *yom* after *shki'ah*. Nevertheless, this is an acceptable time to perform the *mitzvah* of *bedikas chametz*, since according to the other system, in which *yom* depends on the shining of the sun, it is already *laylah* after *shki'ah*.

IV. The Definition of *Yom* for *Taharos*

The *Ra'avad's* comment regarding the implication of אור could alternatively be explained as a leniency afforded to the *mitzvah* of *bedikas chametz*, since it is a *mitzvah derabbanan*. We treat *bein hashmashos* as a *safek yom safek laylah*, and it therefore may be an acceptable time for a *mitzvah derabbanan* given the principle of *safek derabbanan lekula* (we rule leniently in cases of doubt regarding Rabbinic law).

It is noteworthy, however, that the *Ra'avad* provides another example of the *Tanna'im's* use of the term אור in the realm of a *din d'oraisa*:

המפלת אור לשמונים ואחד בית שמאי פוטרין מקרבן ובית הלל מחייבים.

If a woman miscarries on the eve of the eighty-first day [after she gave birth to a girl], Beis Shammai exempt her from having to bring a [second] *korban*, whereas Beis Hillel obligate her. (*Mishnah, Kerisos 7b*)

After a woman gives birth to a girl, she is automatically *tamei* for fourteen days. She then immerses in a *mikveh* and is *tahor* for the next sixty-six days. The period of her days of *taharah*, referred to as the *melos* period, lasts until a total of eighty days have passed, after which she must bring certain *korbanos*. The *Gemara* derives that if she conceived again and miscarried during this period, the set of *korbanos yoledes* that she brings for the first birth suffices for the subsequent miscarriage as well. However, if she miscarries after the start of the eighty-first day, she must bring a second set of *korbanos*. The *Mishnah* discusses the *halachah* if she miscarries during the night between the eightieth day and the eighty-first day.

In this context, the *Ra'avad* maintains that the *melos* that extends until the end of the eightieth day concludes immediately upon *shki'ah*, as indicated by the *Mishnah's* use of the word אור. We do not consider the period of *bein hashmashos*, after *shki'ah*, as a *safek yom safek laylah*. Rather, with regard to the *halachos* of the *yoledes*, we calculate the day from *haneitz hachamah* until *shki'ah*. If a miscarriage occurs after *shki'ah*, it is considered to have occurred **after** the conclusion of the *melos* of the first birth, and it would require its own set of *korbanos yoledes*. Apparently, these *dinim* of *yoledes* are not governed by the definition of *yom* and *laylah* that is dependent on daylight and darkness, but on the definition that is dependent on sunrise and sunset.

The Rav suggested that just for a *yoledes*, the *zeman* of *yom* for a *zav* and *zavah* also extends from *haneitz hachamah* until *shki'ah*.

The *Gemara* in *Niddah* (67b) teaches that on a level of *d'oraisa*, a *zavah* may be *toveles* once she counts even a part of the seventh day of her *shiv'ah nekiyim* (seven clean days), without waiting for nightfall. The *Chachamim*, however, prohibited her from doing this, שמה תראה ותסתור. We are concerned that perhaps she will experience a *re'iyas dam* before nightfall, and thus her *shiv'ah nekiyim* would be compromised, and her *tevilah* would be ineffective. Were she to have cohabited that day following her *tevilah*, it would be considered a violation of an *issur kares*.

The *Rama* (*Yoreh De'ah* 197:3) rules that in the case of a *kallah* being *toveles* before her *chupah*, since there is no cause for concern that she will engage in marital relations before nightfall, we permit *tevilah* during the daytime. Rebbi Akiva Eiger comments, based on the *Mishnah* in *Megillah* cited above, that in this situation, *l'chatchilah* the *kallah* should be *toveles* after *haneitz*. [*Bedi'eved*, the *tevilah* is acceptable if performed before *haneitz*, as long as it was done after *alos*.]

In this context, Rebbi Akiva Eiger notes an unusual comment of the *Tur*, who writes that a *zavah* may be *toveles* during

the seventh day of her *shiv'ah nekiyim* after *haneitz*. The *Tur*'s comment is clearly referring only to a *d'oraisa* level, since *miderabbanan* we forbid a *zavah* from being *toveles* during the daytime. We would therefore have expected that the *Tur* write that the *tevilah* may be done beginning at *alos*, not *haneitz*. The *Tur* seems to imply that he subscribes to the understanding of the *Ra'avad*. He understands the time of *haneitz* to be a *l'chat-chilah d'oraisa*, and not merely a *gezeirah derabbanan*. Even on a *d'oraisa* level, a *zavah* should be *toveles* after *haneitz*, during the part of the day that has a full *din* of *yom*.

VI. The Definition of *Yom* for *Kodshim*

It seems that we use this definition of *yom* and *laylah* in the realm of *kodshim* as well. Based on the *passuk*, ביום הקריבו את זבחו, יאכל – “his *korban* must be eaten on the day he offered it” (*Vayikra* 7:16), the *Gemara* in *Zevachim* (56a) derives that one must offer the *dam* of a *korban* on the day of its *shechitah*. Thus, דם נפסל בשקיעת החמה – “the blood [of a *korban*] becomes disqualified at sunset.”

The well-known opinion of Rabbeinu Tam (*Tosfos*, *Zevachim* 56a, s.v. *minayin*) is that we consider it to be definite *yom* after *shki'ah* for the length of time it takes to travel three-and-a-quarter mil. *Bein hashmashos* begins only at that time, and then lasts for the amount of time it takes to travel three-quarters of a mil, at which point it is *tzeis hakochovim*. In line with this, one should conclude that *dam* of a *korban* may be sprinkled on the *mizbei'ach* well after *shki'ah*. Yet, *Tosfos* explains that Rabbeinu Tam agrees, based on the *Gemara*'s derivation, that *avodas hadam* concludes with *shki'ah*. Here too, *yom* ends at sunset.

There is a practical *halachah* that emerges from this explanation of Rabbeinu Tam. The *zeman* of *tefillas Mincha* corresponds to the *zeman* of the offering of the afternoon *Korban Tamid*. Rabbeinu Yonah (*Talmidei Rabbeinu Yonah*, *Berachos*, 18a in *dapei haRif*, s.v. *tefillas haMincha*) writes that since the *Tamid* could

not be offered after *shki'ah*, as its *dam* would become *pasul* at that time, one must similarly *daven Mincha* before *shki'ah*. This is the case even according to Rabbeinu Tam, who holds that it is still definite *yom* well after *shki'ah*.

Rav Soloveitchik was very careful to *daven Mincha* before *shki'ah*, citing this comment of Rabbeinu Yonah. [The Rav added that despite the *Rama's* lenient ruling (*Orach Chaim* 233:1), that one may *daven Mincha* during *bein hashmoshos* in a *bedi'eved* situation, this would not apply on *erev Shabbos*, as *tosefes Shabbos* begins automatically once *bein hashmoshos* arrives, and one may not *daven* a weekday *tefillah* on *Shabbos*.] [See *Nefesh HaRav*, 1994 ed., p. 152.]

A difficulty that remains with this interpretation is how the *Korban Tamid* could be offered every morning before *haneitz* (*Mishnah, Tamid* 3:2). The *Ramban* (*Milchamos, Berachos*, 2b in *dapei haRif*) – assuming like *Rashi* that the *din* in the *Mishnah* in *Megillah* denotes a *gezeirah derabbanan*, and not a *l'chatchilah d'oraisa* – explains why the *Chachamim* did not extend the *gezeirah* to the offering of the *Korban Tamid*. There is a particular *mitzvah* to offer this *korban* בְּבֹקֶר – “in the morning” (*Bamidbar* 28:4), as early in the day as possible, and the *Chachamim* would not institute a *gezeirah* against something that the Torah expressly mandated (see *Taz, Orach Chaim* 588:5 and *Yoreh De'ah* 117:1).

However, if the full *din* of *yom* – on a level of *d'oraisa* – begins at *haneitz*, one would have expected that *avodas hakorbanos* should begin at *haneitz*, and not at *alos*, in the same way that *yom* ends with *shki'ah*, not *tzeis*, with regard to the disqualification of *dam*. [See *Mesorah*, no. 3, pp. 5-7.]

TEFILLAH B'TZIBBUR

I. *Tefillah* in a *Beis HaKnesses*

The *Gemara* in *Berachos* (6a) teaches that it is proper to *daven* in a *beis haknesses*, even if one is *davening b'yechidus* (as an individual): אין תפילה של אדם נשמעת אלא בבית הכנסת - "A person's prayer is heard only [if he recites it] in a *shul*." Similarly, the *Yerushalmi* (*Berachos* 5:1) interprets the *passuk*, דרשו ד' בהמצאו - "Seek Hashem where He can be found" (*Yeshayah* 55:6), as a reference to the potency of *tefillah* in *batei keneisiyos* and *batei medrashos*, where *Hashem* is "found." Thus, one stands a better chance of having his prayers answered if he *davens* in a *beis haknesses*.

In *Shacharis*, we recite *perek* 145 of *Tehillim*, תהלה לדוד, in *Pesukei D'Zimra*, before *Shemoneh Esrei*, and again after *Shemoneh Esrei*, in accordance with the practice of the *chassidim harishonim*, who would tarry in *shul* for one hour both before and after their *davening* (*Berachos* 32b). The *Gemara* presents the *passuk*, אשרי יושבי ביתך עוד יהללך סלה - "Praiseworthy are the dwellers in Your house; continually they will praise You" (*Tehillim* 84:5), as the basis of this practice, and that is why we append it to the beginning of *תהלה לדוד* (*Tosfos*, s.v. *kodem*). Indeed, the proper practice is for a person to arrive early to *shul*, not to arrive when *davening* begins; coming on time is really considered coming late.

Rav Soloveitchik made note of a nuance in the language of the *passuk* that conveys this point. The *passuk* does not use the

phrase אשרי היושבים בביתך – “praiseworthy are **those who dwell** in Your house,” which connotes people who merely happen to be present in the *beis haknesses* at the time that the *tefillah* takes place, but rather אשרי יושבי ביתך – “praiseworthy are **the dwellers** in Your house.” In the context of determining which people are considered inhabitants of an *ir hanidachas*, the *Gemara* in *Sanhedrin* (112a) understands that the term יושבי העיר (*Devarim* 13:16) implies that one must reside in the city with some permanence. Thus, the phrase אשרי יושבי ביתך refers to those people who are considered “tenants” of the *beis haknesses*. Even though a person does not actually reside in the *beis haknesses*, he may be considered a “tenant” if he feels that the *beis haknesses* is his rightful “*makom*.”

[Of note, Rav Soloveitchik was careful to sit while he recited *Ashrei* in *Mincha*, in accordance with the implication of the *Rambam* (*Hilchos Tefillah* 9:8) that being seated is necessary in order for the congregants to be combined together and thereby establish themselves as a *tzibbur*. In addition, the Rav maintained that even a *yachid* should sit when he recites *Ashrei* in *Mincha*, since he thereby accentuates the *amidah* (standing) that is required for *Shemoneh Esrei*.] [See *Nefesh HaRav*, 1994 ed., pp. 151-152; *MiPinei HaRav*, 2001 ed., p. 61.]

The Rav suggested that Dovid HaMelech composed *perek* 84 of *Tehillim*, the *perek* that contains אשרי יושבי ביתך, to be recited by *olei regalim* upon their departure from the *Beis HaMikdash* and *Yerushalayim* after *Yom Tov* concluded. Recognizing that every person has a particular place that is his true *makom*, where he feels content and at ease, the *perek* speaks about how much the soul of a Jew yearns to be in a *makom* of *kedushah*, as Dovid HaMelech declares, מה ידירות משכנותיך – “How beloved are Your dwelling places!” (84:2). The *perek* continues, observing that גם צפור מצאה בית – “Even the bird finds its home” (84:4); a bird only sits on its eggs in its nest, where it feels comfortable.

In this context, Dovid HaMelech states, אשרי יושבי ביתך (84:5), that the *Beis HaMikdash* is the location that we view as our true *makom*, where we feel at home. The *olei regalim* would much prefer to remain in the *Beis HaMikdash*, but it is necessary for them to return to their homes because of practical considerations. This is the thrust of the next phrase as well – עוד יהללוק סלה. We wish to praise *Hashem* in the *Beis HaMikdash* **continually**.

Perek 144 in Tehillim conveys a similar idea, but in relation to the *beis hamedrash*. Dovid HaMelech was a *talmid chacham* endowed with *ru'ach hakodesh*, who longed to remain in the *beis hamedrash*, his real home. The *perek* includes Dovid HaMelech's request for success in battle, which he was forced to engage in instead of occupying himself with *limmud haTorah* (*Berachos 3b*). His *tefillah*, הפוצה את דוד עבדו מחרב רעה – “He, Who releases Dovid, His servant, from the evil sword” (144:10), includes the hope that he remain a *ben-beis hamedrash* and not become a man of the sword.

The *perek* continues, אשרי העם שככה לו אשרי העם שד' אלקיו – “Praiseworthy is the people for whom this is so; praiseworthy is the people whose G-d is *Hashem*” (144:15), another line that we add to the beginning of תהלה לדוד. This *passuk* expresses the praise of *Bnei Yisrael*, who remain connected to the *beis hamedrash* even after they are forced to leave. This *perek* thus applies to a *talmid* whose time has come to graduate and take leave of the *yeshiva*, but who wishes he could stay in the *beis hamedrash* forever (see *Berachos 17a*).

We now understand the practice of reciting the *pessukim* אשרי יושבי ביתך and אשרי העם שככה לו before תהלה לדוד. These *pessukim* teach us an important lesson – that one should view the *beis haknesses* as his permanent abode. Their message is that when one *davens*, he must forget about the passage of time; his *tefillah* should not be limited by time. The *Mishnah* in *Avos* (2:18), אל תעש תפילתך קבע, – “do not make your prayer set,”

should also be understood in this way, exhorting us to *daven* without any time restriction.

Accordingly, the *Gemara* in *Berachos* (8a) teaches: לעולם יכנס אדם שיעור שני פתחים בבית הכנסת ואחר כך יתפלל – “A person should enter a distance [equal to the width] of two doors into a *beis haknesses*, and subsequently pray.” In other words, one should not sit next to the door, giving the appearance that he is positioning himself in order to exit quickly. It is not proper for a person to remove his *tefillin* or fold his *tallis* while he recites *Aleinu*, or to *daven* in such a way that he leaves the *beis haknesses* immediately upon the conclusion of *davening*. By hurrying to leave *shul*, he demonstrates that he is a mere visitor there, the complete opposite of the practice of the *chassidim harishonim*. [See *MiPninei HaRav*, 2001 ed., pp. 73-75.]

The *Gemara* in *Berachos* (62b) teaches: הנכנס לבית הכנסת להתפלל מותר לעשותו קפנדריא – “If one enters a *beis haknesses* to pray, he is permitted to use it as a shortcut [when he leaves].” Interestingly, there is a variant *girsa*, which the *Rif* (45a in *dapei haRif*) and the *Rosh* (*Megillah* 4:9) adopt, that replaces the word מותר in the standard text with the word מציה. Accordingly, one who enters a *beis haknesses* for *tefillah* through one door **must** leave through the opposite door. By lingering in the *shul* after *davening* as he finds a different door to exit, and by deliberately passing through the *shul*, he shows that he is at home in the *beis haknesses*.

It is widely recognized that the most prominent location in which to sit in a *beis haknesses* is along the “*mizrach* wall.” This is not due to its close proximity to the *aron kodesh*, however. Instead, it is based on the *din* that a *beis haknesses* should be built with its entrance placed opposite the *aron kodesh* (*Orach Chaim* 150:5). The *Tosefta* in *Megillah* (3:14) teaches that the structure of a *beis haknesses* is patterned after that of the *Mishkan* (and the *Beis Hamikdash*) where the entrance to the *heichal* was on the eastern side, opposite the *kodesh hakodashim* which was towards the west (see above, pp. 54-55). Thus, the

“*mizrach wall*” in a *beis haknesses* is the location that is farthest from the entrance, and one who *davens* there is more permanent in terms of his dwelling in the *beis haknesses*. [See *Nefesh HaRav*, 1994 ed., pp. 144-145.]

II. The Nature of *Tefillah B'Tzibbur*

Rebbi Akiva Eiger (*Gilyon HaShas, Berachos 6a*) cites *Tosfos (Avodah Zarah 4b, s.v. keivan)*, who has an alternate *girsa* of the *Gemara* in *Berachos (6a)* cited earlier: אין תפילה של אדם נשמעת אלא עם הציבור – “A person’s prayer is heard only [if he recites it] with the *tzibbur*.” Likewise, the *Gemara* in *Berachos (8a)* expounds the *passuk*, הן קל כביר ולא ימאס – “Behold, G-d is mighty and does not despise” (*Iyov 36:5*), to teach that אין הקב”ה מואס – “The Holy One, Blessed is He, does not despise the prayers of the *tzibbur*.”

The *Gemara* in *Berachos (8a)* cites a statement of Reish Lakish that further emphasizes the importance of *tefillah betzibbur*: “Anyone who has a *beis haknesses* in his city but does not enter there to *daven* is called a שכן רע – an evil neighbor.” Rav Soloveitchik was troubled by the language שכן רע. It would seem that the one who does not attend *shul* should simply be called a *rasha*; what is the implication of the term שכן רע?

The Rav said that he finally understood this *Gemara* upon once attending a concert of the Boston Symphony Orchestra. He noticed how the violinist exerted himself so strenuously throughout the concert, while the cymbal player merely crashed his instruments three times the entire evening. He wondered whether the two musicians were paid equally or if the violinist received a higher salary, since his job was so much more difficult. After the concert, some people approached the cymbalist and asked him this question, to which he responded emphatically that everyone receives the same salary. The musician explained that without his three cymbal crashes, the whole concert would be a total failure. A concert requires the

perfect blend of each of the various instruments; every sound is critical in the symphony.

The complete fulfillment of *tefillah b'tzibbur* requires the blending together of all of the *tefillos* of each and every member of the *tzibbur*. If we are missing the *tefillah* of one person, the *tefillah b'tzibbur* of all the others is lacking. That is why the one who is absent from *shul* is called a **שכן רע**. He fails to join with his neighbors in perfecting the wholeness of **their** *tefillos*, just as the entire concert would be incomplete without the three crashes of the cymbalist. [See *Divrei HaRav*, 2010 ed., pp. 148-149.]

The *Zohar* (*Parshas Vayechi*, 234a) writes that when a *yachid davens*, his *tefillah* will enter in front of *Hashem* only if it is offered with "strong force." First, *Hashem* will examine the *tefillah*, as well as the righteousness of the one who offered it. When a *tzibbur davens*, however, the *tefillah* always enters in front of *Hashem*, without attention to the sins of those who offered it.

We can illustrate the difference between *tefillah b'tzibbur* and *tefillah b'yechidus* by comparing them to one who discovers that he purchased a rotten apple. If someone bought a bushel of apples and he finds one rotten apple amongst the others, he cannot expect a refund. However, if he bought only one apple and that apple is rotten, he is entitled to a refund. Similarly, someone with few merits who *davens* with the *tzibbur* stands a much better chance of having his *tefillos* accepted, since he is included with the *tefillah* of the whole *tzibbur* that *Hashem* listens to. One who *davens b'yechidus*, however, must rely on his own merits in order for *Hashem* to answer his prayers.

In a similar vein, the *Gemara* in *Sotah* (33a) teaches that because *mal'achim* do not understand Aramaic, they do not pay attention to a person who requests his needs in that language, and they will not assist him in presenting his *tefillos* to *Hashem*. The *Gemara* explains, however, that this limitation only applies to an individual *davening b'yechidus*, who requires the assistance of *mal'achim*. With regard to *tefillah b'tzibbur*, *Hashem*

accepts the *tefillos* directly, without the agency of *mal'achim*, and a *tzibbur* can therefore *daven* in any language.

Notwithstanding these benefits, Rav Aryeh Leib Pomeranchik (*Emek Berachah, Birchos Kri'as Shema* 1) maintains that *tefillah b'tzibbur* is not an obligatory *mitzvah*, but instead something one is well-advised to do to improve the efficacy of his *tefillos*. The entire purpose of *tefillah* is to have one's requests answered by *Hashem*, and one stands a greater chance of having his prayers accepted when he *davens* with a *minyán*.

As proof, Rav Pomeranchik cites the *Gemara* in *Berachos* (7b) that tells us that Rav Nachman did not have ten men assemble for him so that he could *daven* with a *minyán*, explaining that it was too troublesome to do so. If *tefillah b'tzibbur* were an absolute *chiyuv*, this would not be a valid excuse, as one must exert himself to perform *mitzvos* even if it entails great effort. That is similarly why the *Gemara* places limitations on the maximum amount of time one must spend to *daven tefillah b'tzibbur* (*Pesachim* 46a). [Of note, Rav Moshe Feinstein (*Igros Moshe, Orach Chaim* 2:27) disagrees and maintains that *tefillah b'tzibbur* is a definite *chiyuv*, and not merely an enhancement of *tefillah*.]

Based on his approach, the *Emek Berachah* resolves a question with regard to one who finds himself in the middle of *birchos kri'as Shema* of *Ma'ariv* when the *tzibbur* is about to begin *Shemoneh Esrei*.

Since one may interrupt *birchos kri'as Shema* in order to respond to *Kaddish*, *Kedushah*, or *Barchu* (*Orach Chaim* 66:3), the same should apply (at least between paragraphs) when faced with the concurrent performance of any transitory *mitzvah*. Accordingly, since *tefillah b'tzibbur* takes precedence over *semichas geulah l'tefillah* in *Ma'ariv* (*Orach Chaim* 236:3), it would seem that one should interrupt *birchos kri'as Shema* in order to begin *Shemoneh Esrei* with the *tzibbur*. However, since *tefillah b'tzibbur* is simply a recommended practice in order to enable his *tefillos* to be accepted, but is not a *chiyuv mitzvah* per se, the

Emek Berachah concludes that there would be no grounds to permit interrupting *birchos kri'as Shema* for the sake of *tefillah b'tzibbur*. Using the same argument, reciting *Shema* at the time of *vasikin*, just prior to *haneitz hachamah* (sunrise), would also take precedence over *tefillah b'tzibbur*.

The *Mishnah Berurah* (233:11) cites the *Magen Avraham*, who permits *davening* both *Mincha* and *Ma'ariv* between *plag hamincha* and *shki'ah* if that is the only possibility of *davening b'tzibbur*. Even though this is a *tarti d'sasri* (two practices that contradict each other), as it relies both on the opinion of *Rebbi Yehudah* that one may *daven Ma'ariv* after *plag* and the opinion of the *Chachamim* that one may *daven Mincha* after *plag* on the very same day, it is preferable to *daven* at this time for the sake of gaining *tefillah b'tzibbur*.

However, *Rav Moshe Feinstein* (*Igros Moshe, Orach Chaim* 2:60) rules that the benefit of *davening b'tzibbur* applies only to a *tefillah* that is otherwise properly performed. In that case, *tefillah b'tzibbur* is an appropriate enhancement of the *tefillah*. If a *minyán* for *Mincha* and *Ma'ariv* is only available between *plag hamincha* and *shki'ah*, it is preferable to *daven* one of those *tefillos b'yechidus* at the more correct time. In light of the analysis of the *Emek Berachah*, it would seem that this is the best approach.

III. *Mikra'ei Kodesh*

It is possible that *tefillah b'tzibbur* on *Shabbos* and *Yom Tov* would be an exception to the *Emek Berachah's* principle. The *Ramban* (commentary on *Vayikra* 23:2) explains that the phrase *קודש מקראי* written with regard to *Shabbos* and *Yom Tov* is related to the expression *קרואי העדה* – “the ones summoned by the congregation” (*Bamidbar* 1:16). Thus, the term indicates that *Shabbos* and *Yom Tov* are days of “holy assemblage,” on which there is an obligation for everyone to gather in the *beis haknesses* to publicly sanctify the day through *tefillah b'tzibbur* and *talmud Torah b'tzibbur*. The *Ramban* maintains that the

obligation of *tefillah* on a daily basis is only *miderabbanan*, but on Shabbos and Yom Tov, *tefillah* is elevated to the status of a *mitzvah d'oraisa*. Likewise, although *kri'as haTorah* is usually a *takanah derabbanan*, on Shabbos and Yom Tov it is a *din d'oraisa* as a form of *talmud Torah b'tzibbur* (see *Ritva, Megillah 17b, s.v. ha d'amrinan; Bach, Orach Chaim 685:1*).

The *Beis Yosef* (*Orach Chaim 487:1*) writes that it appears that the *Chachamim* who composed the *nusach hatefillah* held like the *Ramban*, as they incorporated the expression *מקראי קודש* into the Yom Tov *Shemoneh Esrei*. If *מקראי קודש* meant merely that the day is sanctified with regard to an *issur melachah*, there would be no reason to include this phrase in the *nusach hatefillah*. Rather, this phrase is appropriately placed in the *Shemoneh Esrei* because *מקראי קודש* refers to the special *mitzvah d'oraisa* of *tefillah b'tzibbur* on the day of Yom Tov.

The *Pri Megadim* (*Orach Chaim, Mishbetzos Zahav 490:2*) notes that with respect to *dinim d'oraisa*, we do not rely on the *chazakah d'Rava* that one who has reached the age of maturity, the age of thirteen years, has reached the stage of physical maturity as well (*Niddah 48b*). Therefore, we should not rely on this *chazakah* with regard to *tefillah b'tzibbur* on Shavuos, since *tefillah b'tzibbur* on Yom Tov is a *mitzvah d'oraisa*. Thus, if, after staying up on Shavuos night, the *Shacharis minyan* consists of boys who just recently reached the age of *bar mitzvah*, the *Pri Megadim* asserts that one should be careful to assemble ten adults for the *minyan*.

IV. *Minhag Tov*

The *Gemara* in *Berachos* (6b) teaches that if one is accustomed to attending a *beis haknesses* regularly, *Hashem* inquires about his absence when he is not present. If his absence was due to the fact that he was occupied with a *mitzvah* matter, it is justified. However, if he pursued an elective matter instead of *davening* in the *beis haknesses*, he will not succeed in his endeavor.

The *Netziv* (*Meishiv Davar* 2:48, 2:73, 4:6) offers an interpretation of this *Gemara* along the lines of the analysis of the *Emek Berachah*. He explains that strictly speaking, there is no obligation to engage in *tefillah b'tzibbur*. Rather, *davening* with a *minyan* is a *middas chassidus* (a pious trait) because it is an enhancement of one's *tefillah*, enabling it to be heard directly by *Hashem*. It is considered a *minhag tov*, a commendable practice.

In general, a *neder* must be enunciated verbally in order to be binding (*Shavuos* 26b). The exception to this rule is a *neder* regarding *hekdesh*, based on the *passuk*, וכל נדיב לב עולות – “and all those with generous hearts [brought] burnt-offerings” (*Divrei HaYamim* II 29:31), which implies that such a *neder* takes effect through *machshavah* (intent) alone. The *Rosh* (*Ta'anis* 1:13) quotes the opinion of Rabbeinu Tam (*Tosfos*, *Shavuos* 34a, s.v. *mis'anin*) that if one accepts a *ta'anis* upon himself *b'machshavah*, it would be binding. One explanation of the Rabbeinu Tam's opinion is that the capacity of *machshavah* to create a *neder* is not limited to *nidrei ta'anis*; all *nidrei mitzvah*, in fact, take effect *mid'oraisa* through *machshavah* alone. [See *B'Ikvei HaTzon*, p. 82.]

The *Gemara* in *Nedarim* (15a, 81b) teaches that *miderabbanan*, we extend the efficacy of an unarticulated *neder* to a *minhag tov* as well. Therefore, if an individual performs a *minhag tov* one time with the intention of continuing to do so in the future, or if he does so three times without any particular intention regarding the future, it is considered on a rabbinic level as if he actually took a *neder* to carry out that custom in the future. The *minhag* is thus binding *miderabbanan* as a *neder*, even though he never accepted it upon himself verbally (*Yoreh De'ah* 214:1).

Accordingly, one who is in the habit of *davening b'tzibbur* has established this practice for himself as a *minhag tov*, and since the *minhag* is binding, the *Gemara* says that forgoing his custom in favor of an optional endeavor is subject to punishment. However, explains the *Netziv*, although the practice of *davening b'tzibbur* is ordinarily laudable, one must abstain from following a *minhag* when it comes into conflict

with a bona fide *din*. In such a situation, the *din* takes precedence. Therefore, if the *minhag* to *daven b'tzibbur* comes into conflict with a *mitzvah*, one is obligated to violate the custom and fulfill the *mitzvah*, and the *Gemara* thus states that his absence from the *minyan* is excusable.

Another application of this principle relates to the *minhag* to abstain from shaving during *Sefiras HaOmer*. It is very questionable whether one should refrain from shaving before Shabbos in observance of this *minhag*, as preparation for Shabbos is a fulfillment of the *mitzvah* of *kevod Shabbos*. One who recites a *berachah* over a dairy product and then realizes before eating the food that he has not yet waited the requisite six hours after eating meat is faced with a similar conflict. Since the practice of waiting six hours is based on a *minhag* (*Rama, Yoreh De'ah* 89:1), if more than one hour has already elapsed since his meat meal, he should taste the food to avoid violating the prohibition of *berachah l'vatalah* (see *Shu"t Rabbeinu Yosef MiSlutzk, siman* 19).

Indeed, it is critical to know whether a particular practice is prohibited due to its status as a Torah violation, a rabbinic violation, the violation of a *minhag*, or merely a lack of *middas chassidus*. This hierarchy becomes especially significant in situations of conflict, when avoiding one violation may come at the expense of other competing considerations. [See *Rav Schachter on the Parsha, Parshas Mikeitz*.]

V. The Role of *Kaddish*

Our *nusach hatefillah* places the recitation of *Kaddish* before *birchos kri'as Shema* in *Shacharis* and before the *Shemoneh Esrei* of *Mussaf, Mincha, and Ma'ariv*. It would seem that the *Kaddish* in these cases functions as a *Kaddish HaMaschil*, to begin the next unit of *tefillah*.

Rav Soloveitchik explained that a *Kaddish HaMaschil* serves to create the *tzibbur* for *tefillah*. Although one is permitted to recite *birchos kri'as Shema* and *Shemoneh Esrei* even *b'yechidus*,

there is certainly an added *kiyum* when these are recited *b'tzibbur*. One could question, however, whether the mere fact that ten men happen to be reciting *birchos kri'as Shema* or *Shemoneh Esrei* at the same time is sufficient to combine them into a *tzibbur*, since even an individual may recite *birchos kri'as Shema* and *Shemoneh Esrei*. Thus, one would expect that there be some mechanism that serves to join ten individuals together so that they are considered a *tzibbur*.

The recitation of *Kaddish*, since it requires the presence of a *minyan*, is able to accomplish this *tziruf*. This is the basis of our practice to introduce our *tefillos* with a *Kaddish HaMaschil* – to be *metzaref* individual people and thereby form a *tzibbur*. Similarly, we recite *Barchu* in *Shacharis* and *Ma'ariv* in order to create a *tzibbur* for *birchos kri'as Shema*.

This understanding of the role of the *Kaddish* before the *Amidah* has a number of practical ramifications.

For example, some *poskim* view the *Kaddish* that we recite between *U'Venucho Yomar* and the *Mussaf Amidah* on Shabbos and Yom Tov as the conclusion of the *pessukim* that preceded it – a *Kaddish HaGomer*. Accordingly, the *chazan's* rendition of *Hineni* on Rosh Hashanah and Yom Kippur constitutes a *hefsek* between these *pessukim* and the *Kaddish*. The *chazan* should therefore repeat softly a minimum of three *pessukim* before reciting the *Kaddish* aloud before the *Amidah* (*Mateh Efraim* 590:38).

If, however, we view the *Kaddish* as an introduction to the *Amidah* – a *Kaddish HaMaschil* – there is no reason to juxtapose the *Kaddish* to that which precedes it, and a *derashah* delivered before the *Kaddish* therefore does not pose a *hefsek* (*Maharam Shick, Orach Chaim* 126). Similarly, regarding Rosh Chodesh, when we remove our *tefillin* prior to the *Mussaf Amidah*, the *Eliyahu Rabba* rules that since the *Kaddish* is connected to the subsequent *Amidah*, one should remove his *tefillin* after *Uva LeTziyon*, and not between *Kaddish* and *Mussaf* (see *Mishnah Berurah* 25:59, unlike the view cited by the Munkatcher Rebbe in *Os Chaim VeShalom* 25:19).

Along these lines, Rav Soloveitchik noted that the language of the *Rambam* (*Hilchos Tefillah* 9:1) strongly implies that *tefillah b'tzibbur* in *Shacharis* begins with the *Kaddish* before *Barchu*:

סדר תפילות הציבור כך הוא: בשחר כל העם יושבים ושליח ציבור יורד לפני
התיבה ועומד באמצע העם ומתחיל ואומר קדיש וכל העם עונים אמן יהא
שמייה רבא מברך...

The order of the *tefillah* of the *tzibbur* is as follows: In the morning, the people are seated, and the *shli'ach tzibbur* descends before the *aron kodesh* and stands among the people, and he begins and recites *Kaddish*, and all the people respond, "Amen, yehei shmei rabbah mevarach..."

For this reason, the *Rama* (*Orach Chaim* 54:3) writes that one should not interrupt between the *Kaddish* and *Barchu*. This is also why the *Shulchan Aruch* (*Orach Chaim* 52:1) rules, in the name of Rabbeinu Yonah, that if one comes late to *shul* and the *tzibbur* has already started the first *berachah* of *birchos kri'as Shema*, he should skip *Pesukei D'Zimra* and join the *tzibbur*. Rav Soloveitchik pointed out that even if, on Shabbos, one is able to recite *Pesukei D'Zimra* while the *chazan* sings *Keil Adon*, he should not do so, but should instead start the *berachah* of *Yotzer Ohr* with the *tzibbur*. *Tefillah b'tzibbur* is not limited to *davening Shemoneh Esrei* with the *tzibbur*; rather, it includes *davening* along with the *tzibbur* starting with the *Kaddish* before *Barchu*.

[The *Mishnah Berurah* (52:6), citing the *Mishkenos Yaakov* (*Orach Chaim* 67), questions this ruling (see above, pp. 32-33). However, it seems from Rav Soloveitchik's presentation, based on the *Rambam*, that he did not agree with the position of the *Mishkenos Yaakov*.] [See *Nefesh Harav*, 1994 ed., pp. 115-117.]

BIRCHOS KRI'AS SHEMA

I. *Cheftza shel Kri'as Shema*

The *Mishnah* in *Berachos* (9b) discusses the status of one who wishes to recite *Shema* after the end of *zeman kri'as Shema* (the third hour of the day): הקורא מכאן ואילך לא הפסיד כאדם הקורא בתורה – “One who recites the *Shema* from that point on does not lose, but [is rewarded] as one who reads from the Torah.” The *Talmidei Rabbeinu Yonah* (*Berachos* 5a in *dapei haRif*, s.v. *lo hifsid*) question what the *Mishnah* seeks to teach us. Is it not obvious that one who recites *Shema* at any time is considered as one who reads from the Torah?

The *Talmidei Rabbeinu Yonah* quote Rebbi Shlomo min Ha-Har, who explains that the *Mishnah* discusses the recitation of *Shema* from memory. Although it is generally prohibited to recite *pessukim* of *Torah SheBichsav* in this manner (*Gittin* 60b), that prohibition does not apply to the *pessukim* of *Shema*. An exemption is granted to one who recites any *parsha* that the Torah designated as a *mitzvas kri'ah*, since it is self-understood that it is permitted to recite such a *parsha ba'al peh*. For this reason, one may recite the *parshiyos* of *Korbanos* and *Birkas Kohanim* from memory as well.

The *Mishnah* that discusses a case of reciting the *Shema* after *zeman kri'as Shema* goes one step further. Once a *parsha* is exempt from the prohibition of reciting *Torah SheBichsav ba'al peh* and it is permissible to recite it from memory in order to fulfill its *mitzvas kri'ah*, it remains permitted even when one does not fulfill a *mitzvah* through its recitation. Since one is

permitted to recite the *Shema* from memory for the purpose of fulfilling the *mitzvah* of *kri'as Shema*, he may do so even **after** *zeman kri'as Shema*, when the recitation no longer fulfills the *mitzvah* of *kri'as Shema*.

In other words, the *parshiyos* of *Shema* retain their special status of "*cheftza shel kri'as Shema*" even after the *zeman kri'as Shema* has come to a close. That is what the *Mishnah* means by the phrase *קאדם הקורא בתורה*. Just as one who reads any *parsha* in the Torah at any time fulfills a *mitzvah* of *talmud Torah*, one who recites *Shema* after the *zeman* has similarly read the "*Shema*," even though he has not discharged his obligation of *kri'as Shema*. Therefore, one may recite the *parsha* of *Shema* from memory at any time of the day.

The *Gemara* (*Berachos* 10b) then presents a further manifestation of the enduring quality of the *cheftza shel kri'as Shema*, citing the ruling of a *Beraisai* that even if one recites the *Shema* too late to fulfill his obligation, he nonetheless may recite its *berachos* along with it. Rav Chisda thus interprets the words of the *Mishnah*, *הקורא מכאן ואילך לא הפסיד*, as teaching that one does not lose the privilege of pronouncing the *birchos kri'as Shema* – *לא הפסיד הברכות*.

At first glance, this interpretation is difficult, since the *Mishnah's* phrase, *הקורא מכאן ואילך לא הפסיד קאדם הקורא בתורה*, clearly refers to the recitation of the *parshiyos* of *kri'as Shema*, and not to the *berachos* of *Shema*. How does Rav Chisda see from the *Mishnah* that if one recites *kri'as Shema* after the *zeman*, he does not lose the *berachos*? We can gain an understanding of Rav Chisda's *halachah* of *לא הפסיד הברכות*, as well as how it is based on the *Mishnah's* statement, through an analysis of *birchos kri'as Shema*.

II. *Kri'as Shema im Birchoseha*

The Rav noted that the *Rambam* (*Hilchos Kri'as Shema* 2:13) makes an unusual statement regarding the *berachos* of *kri'as*

Shema. Since *kri'as Shema* is a *mitzvah d'oraisa*, the *Rambam* rules that if one is in doubt as to whether he recited *Shema*, he must recite it again. The *Rambam* adds that in this case one should also recite the *berachos*: חוזר וקורא ומברך לפניו ולאחריה – “He repeats the *Shema* and recites the *berachos* [of *kri'as Shema*] before it and after it.”

This is surprising, as the *Rambam* – in contrast to the *Ra'avad* – does not rule this way in the context of other *birchos hamitzvah*. When one performs a *mitzvah misafek* (out of doubt), such as when he is unsure if he already fulfilled it, the *Rambam* holds that he should not recite a *birkas hamitzvah* (*Hilchos Milah* 3:6; *Hilchos Sukkah* 6:13; *Hilchos Tzitzis* 3:9). As far as the *mitzvah d'oraisa* is concerned, we rule ספק דאורייתא לחומרא – we act stringently with regard to a doubt in the case of a *din d'oraisa*. However, regarding the *birkas hamitzvah* associated with the *mitzvah*, which is merely a rabbinic enhancement of the *mitzvah*, we follow the rule of ספק דרבנן לקולא – we are lenient regarding a doubt about a *din derabbanan*. Why should the *berachos* associated with *kri'as Shema* be different?

The *Kesef Mishnah* cites the *Rashba* (*Teshuvos* 1:320), who explains that according to the *Rambam*, the *takanah derabbanan* of *birchos kri'as Shema* is different than that of other *birchos hamitzvah*.

In general, the *mitzvah derabbanan* to recite a *berachah* prior to performing a *mitzvah* is essentially unrelated to that *mitzvah*. If one performs a *mitzvah* without first reciting a *birkas hamitzvah*, the fulfillment of the *mitzvah* itself is complete; he has simply failed to fulfill the *mitzvah derabbanan* to recite a *birkas hamitzvah*. Therefore, if there is a *safek* regarding whether one has already performed a *mitzvah*, although he must repeat the *mitzvah*, he does not recite the *berachah*. The *safek* regarding the *berachah* is distinct from the *safek* regarding the *mitzvah*.

However, in the context of *birchos kri'as Shema*, the *takanah derabbanan* was formulated differently. The correct way to fulfill the *mitzvah* of *kri'as Shema* is to recite *Shema* together with the *berachos* before it and after it. If one were to recite *kri'as Shema*

without *birchos kri'as Shema*, the *kri'as Shema* itself would be incomplete, at least on a *derabbanan* level. Thus, *kri'as Shema* and its *berachos* are not two separate *kiyumim*. Rather, on a level of *derabbanan*, there is one *kiyum* – to recite קריאת שמע עם ברכותיה *kri'as Shema* within the framework of the *birchos kri'as Shema*.

Therefore, if one is unsure whether he recited *kri'as Shema*, we are not dealing with **two** *sefeikos* – one regarding the *kri'as Shema* itself and another regarding the *berachos*. Rather, there is only **one** *safek* – whether or not he recited *kri'as Shema*. That is why, according to the *Rambam*, a *safek* regarding *kri'as Shema* obligates a person to recite *kri'as Shema* **with** its *berachos*. The *berachos* together with the *kri'as Shema* constitute a single *kiyum*, and the entire *kiyum* is governed by the rule of ספק דאורייתא לחומרא.

Rav Soloveitchik used this understanding of the relationship between *birchos kri'as Shema* and *kri'as Shema* to explain an apparent contradiction in the *Rambam*. The *Rambam* (*Hilchos Berachos* 1:5) writes, וכל המשנה ממטבע שטבעו חכמים בברכות אינו אלא טועה – “anyone who changes the *nusach* that the *Chachamim* instituted for a particular *berachah* acts improperly,” implying that such a person nevertheless does discharge his obligation. In contrast, with regard to *birchos kri'as Shema*, the *Rambam* (*Hilchos Kri'as Shema* 1:7) writes, כל המשנה ממטבע שטבעו חכמים בברכות הרי זה טועה וחוזר ומברך כמטבע – “anyone who changes the *nusach* that the *Chachamim* instituted for a particular *berachah* is mistaken, and he must repeat the *berachah* with the correct *nusach*.” The different wording of the *Rambam* in *Hilchos Kri'as Shema* implies that in that context, one who changes the *nusach* does not fulfill his obligation.

The Rav suggested that since the institution of *birchos kri'as Shema* was to combine the *berachos* with the *kri'as Shema* into one *kiyum*, there are more stringent specifications involved in their recitation than with regard to other *berachos*. In the context of *kri'as Shema*, there is a requirement of ככתבה – that the *parshiyos* be read as they appear in the Torah or in the form of a literal translation of the *parshiyos*. Accordingly, the *birchos*

kri'as Shema have a similar requirement – that they be recited *כנוסחתה*, without deviating from their established text.

This discussion may also be relevant to the obligation of women to recite *birchos kri'as Shema*.

On the one hand, the *chiyuv* of *birchos kri'as Shema* may be part of the *chiyuv tefillah*. Such an understanding of the nature of *birchos kri'as Shema* seems to emerge from *Rashi's* comment regarding the common practice in his time to *daven Ma'ariv*, including *birchos kri'as Shema*, immediately after *shki'ah*. *Rashi* (*Berachos* 2a, s.v. *ad*) explains that, in fact, the people did **not** fulfill the *mitzvah* of *kri'as Shema* during *Ma'ariv* according to this practice. They would only fulfill the *mitzvah* at the time of *kri'as Shema al hamitah*, when they would recite the first *parsha* of *Shema* after *tzeis hakochavim*. According to *Rashi*, rather than being an enhancement of *kri'as Shema*, *birchos kri'as Shema* are a component of *tefillah*, and therefore their *zeman* is not the *zeman* of *Shema*, but the *zeman* of *tefillah*. Once the *zeman tefillas Ma'ariv* arrives and the *chiyuv tefillah* begins, the *chiyuv* of *birchos kri'as Shema* begins as well. Since women are clearly obligated in *tefillah* (*Berachos* 20b), they are similarly obligated in *birchos kri'as Shema*.

However, as we have seen, according to the *Rashba's* explanation of the *Rambam*, there is a single *kiyum* of reciting *קריאת שמע עם ברכותיה*. Thus, the nature of reciting *birchos kri'as Shema* is to fulfill the *takanah* of *kri'as Shema al seder haberachos*, not as a *chelek* of the *chiyuv tefillah*. That is why *Tosfos* (*Berachos* 2a, s.v. *mei'eimasai*) challenges *Rashi's* opinion, noting that one cannot fulfill the *mitzvah* of *kri'as Shema* (at least *miderabbanan*) by reciting the first *parsha* of *Shema al hamitah*, since he lacks the attendant *birchos kri'as Shema*. It follows from these opinions that just as women are exempt from the *mitzvah* of *kri'as Shema* (*Berachos* 20a), they are similarly exempt from saying *birchos kri'as Shema* (see *Mishnah Berurah* 70:2). [In fact, Rav Ovadia Yosef maintains that in accordance with the opinion of the *Rambam* (*Hilchos Tzitzis* 3:9) and the *Mechaber* (*Orach Chaim* 589:6)

that women may not recite *birchos hamitzvah* over time-bound positive *mitzvos*, Sefaradi women may not recite *birchos kri'as Shema* (*Yabi'a Omer, chelek 2, Orach Chaim 6:9-10*.)]

III. Zeman Kri'as Shema

A further manifestation of the *takanah* of *קריאת שמע עם ברכותיה* relates to *zeman kri'as Shema*. If there is only one *minyán* available and it will reach *kri'as Shema* after the *zeman*, the *Mishnah Berurah* advises one to say *kri'as Shema* earlier and to repeat *Shema* with its *berachos* with the *minyán*. However, Rav Solo-veitchik, in the name of Rav Chaim, held that such a practice is only acceptable *bedi'eved* (see also *Pri Yitzchak 1:1*, by Rav Yitzchak (Blazer) Peterburger). *Lechatchilah* (optimally), the *takanah derabbanan* was to recite *kri'as Shema al seder haberachos*, and it is preferable to *daven b'yechidus* and fulfill this *takanah* in the correct *zeman* than to *daven* with a *minyán* and fulfill *kri'as Shema* in an incomplete fashion.

[This consideration may apply more generally to other *mitzvos* as well. For example, the Vilna Gaon and Rav Chaim Volozhiner (*Kesser Rosh, os 94*) were opposed to the singing of the Shabbos *zemer Tzur MiShelo* for a similar reason. *Tzur MiShelo* is an abridged form of the themes included in *Birkas HaMazon* – offering thanks for the food one ate, for Eretz Yisrael, and for Yerushalayim and the *Beis HaMikdash* – and one who sings it fulfills his *d'oraisa* obligation of *Birkas HaMazon*. The *takanah derabbanan*, however, was that the proper way to fulfill the *mitzvah d'oraisa* is to recite the *nusach* that the *Chachamim* established. In fact, reciting *Shir HaMa'alos* before *bentching* may pose a problem as well, since one makes mention of *churban haBayis* not in the context of the *Birkas HaMazon* which contains this idea.

Similarly, although the *d'oraisa* obligation of *Kiddush* may be fulfilled through reciting the *Amidah* on *leil Shabbos* (*Magen Avraham, Orach Chaim, 271:1*), *miderabbanan*, the *Chachamim*

required *Kiddush al hakos*, over a cup of wine, and *b'makom se'udah*, that *Kiddush* be recited in the location of the *se'udah* (*Pesachim* 101a). Therefore, the *Chasam Sofer* (*Hagahos*) recommends that when one recites the *Amidah* in *shul*, he should have in mind **not** to be *yotzei* the *mitzvah* of *Kiddush*, so that he will be able to fulfill the *mitzvah d'oraisa* later together with the rabbinic requirements of *al hakos* and *b'makom se'udah*.]

It is noteworthy that the Rav distinguished between *kri'as Shema* in *Shacharis* and *kri'as Shema* in *Ma'ariv* in this regard. He would often *daven Ma'ariv* a few minutes after *shki'ah* and repeat *kri'as Shema* after *tzeis*. He reasoned that in *Shacharis*, when the *zeman* for *kri'as Shema* and for *tefillah* begin at the same time, the *takanah* is to recite the *birchos kri'as Shema* within the *zeman kri'as Shema*. However, in *Ma'ariv*, the *zeman tefillah* begins earlier (at *plag hamincha* or at *shki'ah*) than the *zeman kri'as Shema* (*tzeis hakochavim*). Since one should recite the *birchos kri'as Shema* before *Shemoneh Esrei* in order to connect *geulah l'tefillah*, the *Chachamim* obviously permitted a person to recite the *birchos kri'as Shema* before *tzeis* as part of *tefillas Ma'ariv*, even *l'chatchilah*. [See *MiPineit HaRav*, 2001 ed., pp. 61-62; *Nefesh HaRav*, 1994 ed., p.114.]

[Interestingly, it seems from the *Mishnah* in *Berachos* (22b) that if one is able to recite *kri'as Shema* before *haneitz hachamah* (sunrise), at the time of *vasikin*, even without its *berachos*, he should do so. *Kri'as Shema k'vasikin* seems to be an enhancement on a level of *d'oraisa* (see *Ramban*, *Milchamos*, *Berachos*, 2a-2b in *dapei haRif*), and therefore this *l'chatchilah* practice takes precedence over the *takanah derabbanan* of *kri'as Shema al seder haberachos*.]

IV. Themes of *Birchos Kri'as Shema*

Rav Soloveitchik explained that the *takanah* to recite *kri'as Shema al seder haberachos* also explains the correspondence that exists between the *berachos* and the *Shema*. The *Chachamim* enacted *berachos* that serve to enhance the themes of the *parshiyos* of

Shema, and when one recites both of these components, he achieves a single *kiyum* of ברכותיה עם שמוע עם ברכותיה.

The Rav described how each of the three *birchos kri'as Shema* elaborates upon the theme contained in each of the respective *parshiyos* of *Shema*.

The subject of the first *parsha*, in which we are *mekabel ol malchus Shamayim*, is *yichud Hashem*, the unity of G-d. We elaborate on this idea in the first *birkas kri'as Shema* in *Shacharis*, in which we declare that *Hashem* is יוצר אור ובורא חושך – “forms light and creates darkness,” and in *Ma'ariv* when we describe Him as the One who is גולל אור מפני חושך וחושך מפני אור – “removes light from before darkness and darkness from before light.” In order to refute the argument of heretics that there exist two distinct gods, one who created light and another who created darkness, we are careful to mention מידת יום בלילה – “the characteristic of day by night and the characteristic of night by day” (*Berachos* 11b; see *Talmidei Rabbeinu Yonah*, *Berachos*, 5b in *dapei haRif*, s.v. *middas laylah bayom*).

We continue with the phrase, כי הוא לבדו פועל גבורות עושה חדשות – “For He **alone** effects mighty deeds, makes new things, is Master of wars...” *Yichud Hashem* includes not only our belief in monotheism – that there exists only one G-d – but also that *Hashem* is in full control of everything in the world. In this context, the Rav complained that people often compromise on their values, acting as though they believe that influential people are in control of a given situation. Such a practice is in violation of our belief in *yichud Hashem*! One should rely solely on *Hashem*, Who is in full control. [See *Divrei HaRav*, 2010 ed., *Chet'o Hakaveid Shel Doreinu*, pp. 84-90.]

The second *parsha* of *Shema* discusses *kabbalas ol mitzvos* and *limmud haTorah*, and these concepts are expressed more fully in the *berachos* of *Ahavah Rabbah* and *Ahavas Olam*. Indeed, it is for this reason that these *berachos* can substitute for *Birchos HaTorah* if necessary (*Berachos* 11b). Furthermore, in *Shacharis*, we add

the *tefillah*, והביאנו לשלום מארבע כנפות הארץ ותוליכנו קוממיות לארצנו – “Bring us in peacefulness from the four corners of the earth and lead us with upright pride to our land.” The *berachah* contains this request because it corresponds to the *passuk* in the second *parsha*, וּבַדְתֶּם מְהֵרָה מֵעַל הָאָרֶץ הַטּוֹבָה אֲשֶׁר ד' נֹתֵן לָכֶם – “and you will be swiftly banished from the goodly Land that Hashem gives you.”

The primary theme of the third *parsha* of *Shema* is *yeti'as Mitzrayim*, and this parallels *Emes V'Yatziv* and *Emes V'Emunah*, which conclude with גַּאֵל יִשְׂרָאֵל – “Who redeemed Israel.” The *Yerushalmi* (*Berachos* 1:6) adds that one should enhance our *zechiras yetzi'as Mitzrayim* by also mentioning the specific events of *makkas bechoros* and *kri'as Yam Suf*, and that is why we describe these events in the third *berachah* of *kri'as Shema*. [See *B'Ikvei HaTzon*, p. 21.]

V. Lo Hifsid HaBerachos

The opinion of Rav Amram Gaon (cited by *Talmidei Rabbeinu Yonah*, *Berachos*, 1a in *dapei haRif*, s.v. *ela*) is that if one davens *Ma'ariv* in *shul* before nightfall and must therefore repeat *kri'as Shema* after *tzeis hakochavim*, he should recite a *birkas hamitzvah*, אשר קדשנו במצותיו וצונו לקרוא קריאת שמע, prior to *kri'as Shema*. Nevertheless, Rav Amram Gaon agrees that there is no institution of *birkas hamitzvah* over the *mitzvah* of *kri'as Shema* when we recite it during *Ma'ariv* when we *daven* after *tzeis*.

Rav Soloveitchik offered an explanation to clarify this opinion based on the concept of ברכותיה עם שמע עם (see *Nesivos*, *Ma'aseh Nissim*, *Pesichah*, s.v. *uma*).

We usually recite a *birkas hamitzvah* before we fulfill a *mitzvah*, whether it is a *mitzvah min haTorah* or a *mitzvah mide-rabbanan*, but there are exceptions. There is a *mitzvah* to recite *Birkas HaMazon* after one eats a meal, and there is a *mitzvah* to recite *Kiddush* at the onset of Shabbos. Yet, we do not recite a *birkas hamitzvah* before these *mitzvos*, just as we do not recite

a *birkas hamitzvah* prior to our recitation of *birchos hanehenin*, although it is a *mitzvah derabbanan* to recite them. The explanation apparently is that whenever we fulfill the *mitzvah* itself in the form of a *berachah*, the *Chachamim* did not find it necessary to formulate an additional *birkas hamitzvah* in advance of that *berachah*.

Furthermore, the Rav continued, if we fulfill a *mitzvah* within the **framework** of *berachos*, even if not through the actual *nusach* of a *berachah*, the *Chachamim* did not enact a *birkas hamitzvah*. The *Netziv* (*Ha'amek She'eilah*, *Bamidbar*, *She'ilta* 125:11) and *Keren Orah* (*Sotah* 39a, s.v. *v'lo nasasi*) similarly write that since the *Chachamim* made a *takanah* that the *Kohanim* should *duchen* in the middle of *Chazaras HaShatz*, in the middle of a series of *berachos*, there is no requirement of *birkas hamitzvah* for *Birkas Kohanim*.

This is why Rav Amram Gaon requires a *birkas hamitzvah* only when one repeats *kri'as Shema* after *tzeis hakochavim*, but not when one recites *Shema* during *Ma'ariv* after *tzeis*. The *takanas Chachamim* is to recite *kri'as Shema* within the series of *berachos* of *Ma'ariv*, and a *mitzvah* performed *al seder haberachos* does not require a *birkas hamitzvah*. Only the subsequent repetition of *kri'as Shema*, recited without accompanying *berachos*, requires a *birkas hamitzvah*, just like all other *mitzvos*. [See *Rav Schachter on the Haggadah*, מגיד – ברכת המצוה.]

Given this background, we can return to Rav Chisda's *halachah*, הקורא מכאן ואילך לא הפסיד הברכות, and understand how it is based on the *Mishnah's* statement, לא הפסיד כאדם הקורא בתורה.

If one failed to recite the *Shema* in its proper time and now wishes to recite the *berachos* (and *Shemoneh Esrei*) after *zeman kri'as Shema* has concluded, it would be improper to recite these *berachos* alone without *Shema*. The *takanah derabbanan* to recite *עם ברכותיה* requires that the *berachos* be recited in conjunction with *Shema*.

However, Rav Chisda maintains that it is appropriate to recite the *berachos* **with** the *parshiyos* of *Shema* (before *Shemoneh*

Esrei) after *zeman kri'as Shema*. Rav Chisda derives this from the *halachah* in the *Mishnah* that even if one recites *kri'as Shema* at a time at which he cannot discharge his obligation, it is considered *כאדם הקורא בתורה*. Rav Chisda understands this phrase to mean that the *parshiyos* of *Shema* always retain their special status as a *cheftza shel kri'as Shema*. As we saw above, this is the reason *Rabbeinu Yonah* permits the recitation of these *parshiyos* from memory, even after *zeman kri'as Shema* has concluded.

If the recitation of *Shema* after *zeman kri'as Shema* were considered merely a form of *talmud Torah*, and not a recitation of a *cheftza shel kri'as Shema*, we would not be permitted to recite the *berachos*. There is no significance to saying the *birchos kri'as Shema* independently – without reciting *kri'as Shema*. However, since the *parshiyos* of *Shema* do remain a *cheftza shel kri'as Shema*, if one were to recite the *berachos* along with *Shema*, even after the *zeman*, it is considered that he recited *קריאת שמע עם ברכותיה*. There is a *kiyum* of *birchos kri'as Shema* when he recites a *cheftza shel kri'as Shema*, even though he has not fulfilled *mitzvos kri'as Shema*. This is how Rav Chisda deduced from the *Mishnah* that it is permitted to recite the *birchos kri'as Shema* at this time – לא הפסיד הברכות.

This explains why the *Rashba* mentioned above cites Rav Chisda's *din* – that one may say the *birchos kri'as Shema* even if he recites *kri'as Shema* after the *zeman* – as proof to his explanation of the *Rambam's* ruling – that whenever one repeats *kri'as Shema misafek*, he recites the *birchos kri'as Shema* as well. Both of these *halachos* are manifestations of the *takanah* of *קריאת שמע עם ברכותיה*. [See *Eretz HaTzoi*, pp. 23-28; *Mesorah*, vol. 1, pp. 5-9.]

[Rav Soloveitchik expressed a similar idea with regard to the **writing** of certain *parshiyos* in the Torah. The *Ritva* (*Teshuvos, siman 142*) suggests that each of the four *parshiyos* that are placed in the *tefillin* may retain the requirement that they be written *kesidran* (in sequence), even when they appear in a *sefer Torah*. The requirement of *kesidran* is not usually associated with the writing of a *sefer Torah*, but it may be

necessary for these *parshiyos* in particular because they have the status of *parshiyos shel tefillin*, and *kesidran* is required for *tefillin* (and *mezuzos*). These *parshiyos* retain their status as *parshiyos shel tefillin* even when they are not being used for the *mitzva* of *tefillin*, but are instead found in a *sefer Torah*. The Rav compared this to the *Gemara* in *Eiruvin* (13a) that teaches that *kankantom* may not be placed in the ink used for the writing of *Parshas Sotah* in a *sefer Torah*. When these *pessukim* are written in a *Megillas Sotah* and used in the administration of *Sotah* water, they must be written in a manner that allows for their erasure. *Kankantom* may not be placed in the ink, as it renders the ink indelible. Since these *pessukim* have a unique status due to their use in *Megillas Sotah*, they carry this condition even when they are written in a *sefer Torah*.] [See *B'Ikvei HaTzon*, p. 8.]

KRI'AS SHEMA AND ZECHIRAS YETZI'AS MITZRAYIM

I. Kri'as Shema DeRabbanan

The *Gemara* in *Berachos* (21a) presents a *machlokes Amora'im* regarding whether the daily *mitzvah* of *kri'as Shema* is *mid'oraisa* or *miderabbanan*. Although there is a *passuk* in the first *parsha* of *Shema* that clearly speaks of a *d'oraisa* obligation, ... *ודברת בם* *ובשכבך ובקומך* – “And you shall speak of [these matters] ... when you retire and when you arise” (*Devarim* 6:7), the *Gemara* explains that according to the view that *kri'as Shema* is *miderabbanan*, *ההוא בדברי תורה כתיב* – “that [*passuk*] is written with regard to words of Torah [in general].”

The *Talmidei Rabbeinu Yonah* (*Berachos*, 12b in *dapei haRif*, s.v. *Gemara*, cited by the *Sha'agas Aryeh*, *siman* 1) further explain that based on the *passuk*, both opinions must agree that there is a *mitzvah d'oraisa* to recite a section of **Torah** once in the evening and once in the morning. The *machlokes* is whether there is an obligation to recite the specific *parsha* of *Shema*.

In other words, if not for the *passuk*, *ודברת בם ... ובשכבך* *ובקומך*, we would have assumed that the *mitzvah* of *talmud Torah* may be fulfilled through the study of Torah once a day every day. The general rule regarding the performance of any *mitzvah* that the Torah commands, but is unclear as to its frequency, is that it must be fulfilled once a day, each and every

day (*Kehilos Yaakov, Berachos, siman 15*). A common example is *tefillah*, a once daily *d'oraisa* obligation according to the *Rambam (Hilchos Tefillah 1:1-3)*.

According to the opinion that *kri'as Shema* is *miderabannan*, this *passuk* modifies the obligation of *talmud Torah*, so that one must learn Torah each day **and** each night. This is, in fact, how one *Tanna* understands the *passuk* in *Yehoshua (1:8)*, והגית בו יומם ולילה – “You should contemplate [the Torah] day and night” (*Menachos 99b*).

However, the opinion that *kri'as Shema* is *mid'oraisa* holds that there is an obligation to recite the *parsha* of *Shema* in particular each day and each night. The nature of the *mitzvah* described in the *passuk*, ובשכבך ובקומך ... ודברת בם, is not one of *talmud Torah*. Instead, the *mitzvah* is to be *mekabel ol malchus Shamayim* every day and every night.

Rebbi Akiva Eiger (*Tosfos Rebbi Akiva Eiger, Mishnayos Berachos 1:1*) points out that *Tosfos* maintains that *kri'as Shema* is *miderabannan* (see *Tosfos, Berachos 2a*, s.v. *mei'eimasai*; *Berachos 21a*, s.v. *hachi*; *Sotah 32b*, s.v. *v'Rebbi*; *Menachos 43b*, s.v. *v'eizu*). This is evident from the justification suggested by *Tosfos* for the common practice at that time to *daven Ma'ariv* before *tzeis hakochavim*. *Tosfos* explains that the people relied on the opinion of Rebbi Yehudah that the time for *Ma'ariv* begins with *plag haminchah*, an hour and a quarter before *shki'ah* (*Mishnah Berachos 4:1*).

We can understand this leniency with regard to the *Shemoneh Esrei* of *Ma'ariv*, the recitation of which is *miderabannan*, based on the principle of ספק דרבנן לקולא (we rule leniently in cases of doubt regarding Rabbinic law). In other words, since Rebbi Yehudah's opinion is compelling, even though we generally rule like the majority opinion of the *Rabbanan*, here, we consider it as if both sides of the *machlokes* are equally acceptable. Thus, since the proper time for *tefillah* is a Rabbinic issue, we rule leniently, following the rule of ספק דרבנן לקולא.

However, if *kri'as Shema* were *mid'oraisa*, we could not rely on the opinion of Rebbi Yehudah; we would have to follow the stringent opinion of the *Rabbanan* and recite *Shema* after *tzeis*. Since *Tosfos* rules that we may follow Rebbi Yehudah's lenient view both with regard to the *Shemoneh Esrei* as well as with regard to *kri'as Shema*, *Tosfos* must hold that *kri'as Shema* is *miderabbanan*. [The assumption is that one who recites *Shema* before *tzeis* will engage in some form of *talmud Torah* in the evening, and thereby fulfill the *mitzvah d'oraisa* of ... ודברת בם ובשכבך ובקומך in its proper time frame.]

II. *Kri'as Shema D'oraisa*

The *Rambam* (*Hilchos Kri'as Shema* 2:13) disagrees and rules that if a doubt arises as to whether one recited *kri'as Shema* or not, he must repeat it, because *kri'as Shema* is a *mitzvah d'oraisa*.

Assuming that *kri'as Shema* is a *mitzvah d'oraisa*, which portion of it must be recited *mid'oraisa*? There seem to be four opinions on this matter.

The *Ramban* (*Milchamos, Rosh Hashanah* 7a-7b in *dapei haRif*) holds that reciting the first *passuk*, *Shema Yisrael*, is *mid'oraisa*. For this reason, *kavanah* is critical for the first *passuk* (*Berachos* 13b), since we hold that *mitzvos tzrichos kavanah* – the fulfillment of *mitzvos* requires intent – with regard to a *mitzvah d'oraisa*.

[The *Ramban's* position is somewhat difficult, as he seems to conflate two different meanings of "*kavanah*." The *Gemara* that discusses the need for *kavanah* in *kri'as Shema* refers to an **understanding** of the translation of the words of the *kabbalas ol malchus Shamayim*. In contrast, the discussion of *mitzvos tzrichos kavanah* (*Rosh Hashanah* 28b) refers to a different type of *kavanah*, consisting of a mere **intent to discharge one's obligation**. Indeed, Rav Chaim Brisker (*Chiddushei Rabbeinu Chaim HaLevi al HaRambam, Hilchos Tefillah* 4:1) distinguishes between these two types of *kavanah*. In the context of the *kavanah* necessary for *Shemoneh Esrei*, Rav Chaim argues that we require the former

type of *kavanah*, which he terms *peirush hadevarim*, only for the first *berachah* of *Shemoneh Esrei*. The second, more basic *kavanah*, that one is standing *lifnei Hashem* (in front of *Hashem*), is necessary for the entire *Shemoneh Esrei*.]

The second opinion is that of *Rashi*, who maintains that the *d'oraisa* obligation of *kri'as Shema* involves recitation of the entire first *parsha*. As noted above, in the time of *Rashi* and the *Ba'alei HaTosfos*, the common practice was to *daven Ma'ariv* immediately after *shki'ah*, and *Tosfos* questions how they properly fulfilled the *mitzvah* of *kri'as Shema* at that time of day. *Rashi* (*Berachos* 2a, s.v. *ad*) explains that, in fact, they did **not** fulfill the *mitzvah* of *kri'as Shema* during *Ma'ariv*. The *mitzvah* would be fulfilled at the time of *kri'as Shema al hamitah*, at which time they would repeat the first *parsha* of *Shema*.

Tosfos (*Berachos* 2a, s.v. *mei'eimasai*), however, argues that reciting the first *parsha* alone is insufficient for the fulfillment of the *mitzvah*. *Tosfos* apparently does not distinguish between the first two *parshiyos* of *Shema*. Since the second *parsha* includes the *passuk*, *ובשכבך ובקומך ... לדבר בם* – “to discuss [these words] ... when you retire and when you arise” (*Devarim* 11:19), this *parsha* is included in *kri'as Shema* on a level of *d'oraisa* as well (unlike *Rebbi Akiva Eiger's* understanding of *Tosfos* cited earlier). This line of reasoning gives rise to the opinion favored by the *Pri Chadash* (*Orach Chaim* 67), that one must recite the first **two** *parshiyos* in order to fulfill the *mitzvah d'oraisa* (see *Tosfos, Berachos* 13b, s.v. *asher*).

According to both *Rashi* and *Tosfos*, it would seem that reciting the *parsha* of *Vayomer* is a fulfillment of a different *mitzvah*, one that is unrelated to the *mitzvah* of *kri'as Shema* – namely, *zechiras yetzi'as Mitzrayim*. We learn the *mitzvah* to mention *yetzi'as Mitzrayim* every day and night from the *passuk*, *למען תזכור את יום צאתך מארץ מצרים כל ימי חיך*, – “so that you will remember the day of your departure from the land of Egypt all the days of your life” (*Devarim* 16:3).

Therefore, it is noteworthy that when the *Rambam* (*Hilchos Kri'as Shema* 1:3) describes the *mitzvah* of *kri'as Shema*, he writes, וקריאת שלש פרשיות אלו על סדר זה היא הנקראת קריאת שמע – “the recitation of these three *parshiyos* in order is what is called *kri'as Shema*,” implying that we recite the *parsha* of *Vayomer* as well for the sake of fulfilling the *mitzvah* of *kri'as Shema*. Indeed, the *Pri Megadim* (*Pesichah HaKolleles, Hilchos Kri'as Shema*) understands that according to the *Rambam*, the *d'oraisa* requirement of *kri'as Shema* includes all **three** *parshiyos*.

Why should *Vayomer* be part of the *mitzvah* of *kri'as Shema*? After all, there is no directive similar to *ובשכבך ובקומך ... ובירת בם* in this *parsha*. An additional question that the *Acharonim* are troubled by is the *Rambam's* omission of the *mitzvah* of *zechiras yetzi'as Mitzrayim* from his list of *taryag mitzvos* in the *Sefer HaMitzvos* (see *Tzlach, Berachos* 12b, s.v. *v'amnam*).

III. *Zechiras Yetzi'as Mitzrayim*

One possible answer to the second question is that the *Rambam's* omission is a function of the principle that the *Rambam* outlines in the second *shoresh* of *Sefer HaMitzvos* – that he does not include *mitzvos* derived by means of *derashos* of the *Torah SheBe'al Peh* in the *minyán hamitzvos* (see *Minchas Chinuch, mitzvah* 21). These *mitzvos* cannot be included in the fixed count of *taryag mitzvos*, since they are subject to change. They are based on the derivations of the *Chachamim* throughout the generations, as they continue to apply the *מידות שהתורה נדרשת בהם* (exegetical principles through which the *Torah* is expounded) to the *Torah SheBichsav*.

The *mitzvah* of *zechiras yetzi'as Mitzrayim* is not explicit in the *Torah*, but is rather derived from *Torah SheBe'al Peh's* secondary level of interpretation of the *passuk*, למען תזכור את יום צאתך מארץ מצרים כל ימי חיך. The simple *pshat* of this *passuk* is that we should observe *Pesach* once a year, and by doing so we will remember

yeti'as Mitzrayim all year long. The *Tanna'im* had a tradition of the *Torah SheBe'al Peh*, however, that there is an additional level of interpretation of the word **תזכור**. Not only does it mean we should remember *yeti'as Mitzrayim*, but also that we should **mention** *yeti'as Mitzrayim*, as if the *passuk* read **למען תזכור**. Thus, the *Torah* instructs us to speak about *yeti'as Mitzrayim*, and this *passuk* serves as the source of the daily *mitzvah* of *zechiras yeti'as Mitzrayim* (*Berachos* 12b). The fact that this *mitzvah* is exegetically derived may explain why the *Rambam* does not count it in his *Sefer HaMitzvos*.

Rav Soloveitchik (*Shiurim L'Zecher Abba Mari Z"l I*, 5743 ed., pp. 1-10) was fond of offering two other explanations in the name of Rav Chaim, the first of which was transmitted by other members of the Soloveitchik family as well.

There is a *machlokes Tanna'im* regarding whether the *ribuy* (inclusionary phrase) of **כל ימי חיך** – “all the days of your life” includes nights or includes the days of *Mashiach* in the obligation of *zechiras yeti'as Mitzrayim* (*Berachos* 12b). The *Rambam* rules in accordance with the opinion of Rebbi Elazar ben Azaryah, who accepts Ben Zoma's *derashah* that *zechiras yeti'as Mitzrayim* is required every night as well as every day. Accordingly, in his view, the *mitzvah* will **not** continue during the times of *Mashiach*.

As such, *zechiras yeti'as Mitzrayim* is not classified as a “*mitzvah*,” because a *mitzvah*, by definition, refers to a command that is everlasting (see opening *Rashi* to *Parshas Tzav*; *Chiddushei Rabbeinu HaGri"z mipi HaShemu'ah al HaTorah, Parshas Pekudei*). *Zechiras yeti'as Mitzrayim* is, instead, considered a *hora'as sha'ah* (temporary ruling), and one of the *Rambam's* guiding principles to determine inclusion in *taryag mitzvos* (*Sefer HaMitzvos, shorash shlishi*) is that a command that is not applicable for all time is not included. This is the case even if it is a *hora'as sha'ah* like *zechiras yeti'as Mitzrayim*, which has been applicable for thousands of years.

IV. *Kabbalas Ol Malchus Shamayim*

Rav Soloveitchik published a second answer in the name of his grandfather, which is not known from other sources. Rav Chaim explained that the reason the *Rambam* does not count *zechiras yetzi'as Mitzrayim* as an independent *mitzvah* is that he holds that *zechiras yetzi'as Mitzrayim* joins with *kri'as Shema* to form one *mitzvah*.

As we noted above, according to the *Rambam*, *kri'as Shema* is a *mitzvah d'oraisa*, and that means that one must recite the *parsha* of *Shema* in particular. This sheds light on the nature of the *mitzvah* as well. Rather than being related to *talmud Torah*, the *mitzvah* is that one must be *mekabel ol malchus Shamayim* on himself. What does being *mekabel ol malchus Shamayim* entail?

The first of the *Aseres HaDibros* states: אנכי ד' אלקיך אשר – “I am Hashem, your G-d, Who has taken you out of the land of Egypt, from the house of slavery” (*Shemos* 20:2). The *Ibn Ezra* writes that Rav Yehudah HaLevi asked him why the *passuk* does not instead state: “I am Hashem, your G-d, Who made heaven and earth.” The *Ibn Ezra* answered that the creation of heaven and earth is not something that we witnessed, whereas *yeti'as Mitzrayim* is something that we know for a fact because we lived through it. Even if someone is not a *chacham* who is able to believe in *Hashem* through his understanding of nature, he knows that *Hashem* is our G-d because the Jewish People experienced *yeti'as Mitzrayim* firsthand. We have a historical tradition from our ancestors regarding the events of *yeti'as Mitzrayim*, and this historical record has been passed down to us through the generations.

Accordingly, the *mitzvah* of *kabbalas ol malchus Shamayim* is to accept *Hashem's* Kingship **based on** what the Jewish People witnessed at the time of *yeti'as Mitzrayim*. *Yetzi'as Mitzrayim* verifies the truth of our acceptance that אנכי ד' אלקיך ד' אחד; the *zechirah* supports our *kabbalas ol malchus Shamayim*. Thus,

although *zechiras yetzi'as Mitzrayim* is a *mitzvah d'oraisa*, the *Rambam* does not count it as one of the *taryag mitzvos*, because it is included in the *mitzvah* of *kri'as Shema*. The *mitzvah* is to be *mekabel ol malchus Shamayim* **through** *zechiras yetzi'as Mitzrayim*.

This also explains the *Rambam's* opinion, as presented by the *Pri Megadim*, that all **three** *parshiyos* of *kri'as Shema* are *mid'oraisa*. Even though the phrase *ובשכבך ובקומך* does not appear in the third *parsha* of *Shema*, as it does in the first two, there is an obligation to recite the third *parsha* that contains the *passuk*, *אני ד' אלקיכם אשר הוצאתי אתכם מארץ מצרים*, since this statement is a part of one's *kabbalas ol malchus Shamayim*. As the *Brisker Rav* (*Chiddushei HaGri"z MiPi HaShmu'ah al haTorah, siman 147*) puts it, the whole purpose of *yeti'as Mitzrayim* was to reach the *kabbalas ol malchus Shamayim* expressed in the conclusion of this *passuk*: *להיות לכם לאלקים* – “to be a G-d unto you.” That is why we mention *yeti'as Mitzrayim* in *kri'as Shema*; in our act of *zechiras yetzi'as Mitzrayim*, there is a *kabbalas ol malchus Shamayim*.

Rav Soloveitchik further explained that this forms the basis of another *halachah* – that the time frame within which one must fulfill the *mitzvah* of *zechiras yetzi'as Mitzrayim* is identical to the *zeman* of *kri'as Shema* (see *Rashi, Berachos 13b, s.v. bizmanah*). The *Sha'agas Aryeh* (*siman 10*) questions why this should be the case, concluding that one may fulfill *zechiras yetzi'as Mitzrayim* any time during the day and that it is merely *l'chatchilah* (optimal) *miderabbanan* to do so in the *zeman kri'as Shema*. However, according to *Rav Chaim*, recitation of the third *parsha* of *Shema* as a fulfillment of *zechiras yetzi'as Mitzrayim* is not an independent *mitzvah*, but is rather a part of the *mitzvah* of *kri'as Shema* itself, and it is therefore subject to the same time frame limitations as *kri'as Shema* on a *d'oraisa* level.

SEMICHAS GEULAH L'TEFILLAH

I. *Semichas Geulah L'Tefillah* in *Ma'ariv*

The *Gemara* in *Berachos* (4b) records a *machlokes* as to whether the *halachah* of *semichas geulah l'tefillah* – juxtaposing the *berachah* of *Ga'al Yisrael* to the *Shemoneh Esrei* – applies only to *Shacharis* or to *Ma'ariv* as well.

Rebbi Yehoshua ben Levi argues that there is no need for *semichas geulah l'tefillah* in *Ma'ariv*, as the *geulah* from *Mitzrayim* took place during the daytime.

When Moshe's *nevuah* regarding *makkas bechoros* came to fruition at *chatzos*, Pharaoh – himself a *bechor* and afraid for his life – freed the Jewish People. The *Midrash* (*Yalkut Shimoni, Tehillin, siman 872*) says that Pharaoh then announced as an official governmental declaration that *Bnei Yisrael* were no longer *avadim* to him, but rather *avadim* to *HaKadosh Baruch Hu*. At that time, *Bnei Yisrael* declared, הללו עבדי ד', implying that they were no longer *avadim* to Pharaoh. In fact, the Torah states, כי לי בני ישראל עבדים – “For *Bnei Yisrael* are servants to Me” (*Vayikra* 25:55), as a consequence of the proclamation by Pharaoh.

Despite Pharaoh's announcement, however, *Bnei Yisrael* could leave only in the morning due to the command stated regarding eating the *Korban Pesach*: ואתם לא תצאו איש מפתח ביתו – “and as for you, no man shall leave the entrance of his house until morning” (*Shemos* 12:22). Since the complete *geulah* occurred in the morning when *Bnei Yisrael* actually left *Mitzrayim*, Rebbi Yehoshua ben Levi maintains that there is no

need for *semichas geulah l'tefillah* in *Ma'ariv*, and the *Ma'ariv Shemoneh Esrei* should therefore be recited before *birchos kri'as Shema*.

Rebbi Yochanan disagrees, however, and maintains that *semichas geulah l'tefillah* does apply to *Ma'ariv*. Since Pharaoh consented to *Bnei Yisrael's* departure during the night (*Berachos* 9a), the night marks the onset of the *geulah*. The *Gemara* cites the teaching of Rebbi Yochanan: איזהו בן העולם הבא זה הסומך גאולה: לתפילה של ערבית – “Who is worthy of the World to Come? One who joins [the *berachah* of] *Ga'al Yisrael* to the *Shemoneh Esrei* of *Ma'ariv*.”

We accept the view of Rebbi Yochanan, requiring *semichas geulah l'tefillah* in *Ma'ariv*, just as in *Shacharis*, due to the partial *geulah* that occurred at night. Nevertheless, there is a difference between *semichas geulah l'tefillah* in the two *tefillas*.

If one comes late to *shul* and the *tzibbur* is starting the *Shemoneh Esrei* of *Ma'ariv*, he should forego *semichas geulah l'tefillah* and begin *Shemoneh Esrei* with the congregation in order to fulfill *tefillah b'tzibbur*; he should only recite *birchos kri'as Shema* after *Shemoneh Esrei*. In other words, in *Ma'ariv*, *tefillah b'tzibbur* takes precedence over *semichas geulah l'tefillah* (*Orach Chaim* 236:3). However, if the same situation occurs during *Shacharis*, we insist on *semichas geulah l'tefillah*, even at the expense of *tefillah b'tzibbur*. If someone comes to *shul* just in time for *Shemoneh Esrei* of *Shacharis*, he may not begin *Shemoneh Esrei* with the *tzibbur*; he must first recite *birchos kri'as Shema* and only afterwards *Shemoneh Esrei* (*Orach Chaim* 111:3).

II. *Kaddish HaMafsik* in *Ma'ariv*

Ma'ariv and *Shacharis* also differ in terms of the placement of a *Chatzi Kaddish* between *birchos kri'as Shema* and *Shemoneh Esrei*. *Tosfos* (*Berachos* 4b, s.v. *d'amar*) cites an explanation from the *Seder* of Rav Amram Gaon as to the purpose of the *Chatzi Kaddish* in *Ma'ariv* – to demonstrate that *Ma'ariv* is a *reshus*

(elective). The recitation of the *Kaddish* indicates that we do not link *geulah* to *tefillah* in *Ma'ariv* the same way we do in *Shacharis*. [Tosfos further notes that the recitation of *Baruch Hashem L'Olam* in *Ma'ariv* was similarly instituted to express the noncompulsory nature of *Ma'ariv*.]

To better explain the role of the *Chatzi Kaddish* in *Ma'ariv*, Rav Soloveitchik (see *Shiurim L'Zecher Abba Mari Z"l* II, 5745 ed., pp. 52-54) noted the *machlokes Ammora'im* regarding whether *מפטר עולה למנין שבעה* – whether the *aliyah* of *maftir* counts towards the requisite number of seven *aliyos* on Shabbos (*Megillah* 23a). Tosfos (s.v. *keivan*) cites the practice of Rabbeinu Meshulam, according to which the first seven *olim* complete the *leining* of the *parshas hashavua*, while the *maftir* repeats the last few *pessukim* of the *parsha*. Tosfos explains that this practice began after the *chasimas haTalmud*, when the recitation of a *Chatzi Kaddish* was instituted between the seventh *aliyah* and the *maftir* in order to demonstrate that *maftir* is not counted as one of the seven prescribed *aliyos*.

Rav Soloveitchik explained that the nature of the *Kaddish* recited before *maftir* is different than the other forms of *Kaddish* we are familiar with – *Kaddish HaMaschil* and *Kaddish HaGomer* (see above, “The Role of *Kaddish*,” p. 84). This type of *Kaddish*, which was established only in the post-Talmudic period, serves as a *Kaddish HaMafsik*, meant to separate between one unit of *kri'as haTorah* or *davening* and the next. Since *maftir* is not reckoned as one of the seven *aliyos*, it is not considered a continuation of the previous series of *aliyos*. Thus, there are in fact two distinct units of *kri'as haTorah*, and the *Kaddish HaMafsik* before *maftir* demonstrates this distinction. Similarly, we recite *Chatzi Kaddish* on Monday and Thursday after *kri'as haTorah* before *Ashrei*, the next section of the *tefillah*.

Likewise, on a day when we *lein* from three *sifrei Torah*, we recite *Kaddish* after *leining* from the second *sefer*, after we place the third *sefer* on the *shulchan* next to the second *sefer* (*Mishnah Berurah* 147:27). We recite the *Kaddish* at this point, and not

after *leining* from the first *sefer*, because the *Kaddish* separates between the *parshas hashavua* and the *chovas hayom*, on the one hand, and the additional *leining* of *maftir*, on the other. For example, on Shabbos Rosh Chodesh Adar, when we also *lein Parshas Shekalim*, we recite a *Kaddish* to separate between the regular *parsha* together with the *chovas hayom* of Rosh Chodesh and the additional *maftir* of *Parshas Shekalim*.

We have a similar situation at the conclusion of *Pesukei D'Zimra*, when we recite *Chatzi Kaddish* before *Barchu*. The function of *Pesukei D'Zimra* is to fulfill Rebbi Simla'i's teaching, לְעוֹלָם יְסוּדֵר אָדָם שְׁבַחוּ שֶׁל הַקְּדוּשׁ בְּרוּךְ הוּא וְאַחֵר כִּי יִתְפַּלֵּל – “A person should always arrange praise of the Holy One, Blessed is He, and only afterwards he should pray” (*Berachos* 32a; see *Rif, Berachos*, 23a in *dapei haRif*). The *Kaddish HaMafsik* before *Barchu* separates between this unit of *tefillah* and the subsequent unit of *kri'as Shema ubirchoseha*. A practical ramification of this *Kaddish* serving as a *Kaddish HaMafsik* – and not only as a *Kaddish HaMaschil* intended to establish a *minyán* prior to the section of *kri'as Shema ubirchoseha* – is that the *minyán* must gather during the *Pesukei D'Zimra* itself, and not only just prior to the recitation of the *Kaddish*.

One might have thought that there should be a similar *Chatzi Kaddish* in *Shacharis* between *kri'as Shema ubirchoseha* and the next unit, the recitation of *Shemoneh Esrei*. However, a *Kaddish HaMafsik* was not instituted at this point, due to the *halachah* of *semichas geulah l'tefillah*. The requirement to connect the *berachah* of *Ga'al Yisrael* to the *Shemoneh Esrei* indicates that *Ga'al Yisrael* is enhanced by reciting *Shemoneh Esrei* immediately thereafter. Therefore, the unit of *kri'as Shema ubirchoseha* is, in fact, not completed until **after** *Shemoneh Esrei*. The institution of a *Chatzi Kaddish* as a *Kaddish HaMafsik* was therefore unnecessary.

We may now return to Rav Amram Gaon's assertion that the purpose of the *Chatzi Kaddish* in *Ma'ariv* is to demonstrate that *Ma'ariv* is a *reshus*. This point is the subject of a *machlokes*

Tanna'im (Berachos 27b). If we were to *pasken* that *Ma'ariv* is a *chovah* (compulsory), like *kri'as Shema ubirchoseha*, we would require *semichas geulah l'tefillah* in *Ma'ariv* the same way we do in *Shacharis*. We would not consider *birchos kri'as Shema* and *Shemoneh Esrei* as two distinct entities, and there would be no need for a *Kaddish HaMafsik*.

However, since the accepted opinion is that *Ma'ariv* is a *reshus*, the unit of *birchos kri'as Shema*, which is a *chovah*, and the unit of *Shemoneh Esrei*, which is merely a *reshus*, form two distinct entities. A *Chatzi Kaddish* is therefore necessary upon the completion of the first unit, before proceeding to the second one. The *Chatzi Kaddish* serves as a *Kaddish HaMafsik*, separating between these two components of *tefillah*, just like the *Kaddish* between the first seven *aliyos* and *maftir* and the *Kaddish* between *Pesukei D'Zimra* and *Barchu*. [See *Nefesh HaRav*, 1994 ed., pp. 117-118.]

III. *Shavyei K'Chovah*

Many *Rishonim* quote the comment of the *Bahag* that one who has accepted upon himself to *daven Ma'ariv* converts his *Ma'ariv* into a *chovah* (see *Tosfos*, *Yoma* 87b, s.v. *v'ha'amar*). The *Rif* (*Berachos*, 19a in *dapei haRif*) expands on this idea and writes, *כחובה לשוייה עלמא נהוג והאידינא* – “Nowadays, the common practice is to consider *Ma'ariv* as a *tefillas chovah*.” [The *Mishnah Berurah* (106:4) notes that women never accepted this practice upon themselves, and they continue to be exempt from *davening Ma'ariv*.]

Nevertheless, this practice should not impact upon our earlier discussion regarding the *Kaddish HaMafsik* in *Ma'ariv*. This is evident from Rav Chaim's explanation of a ruling of the *Rambam* (*Chiddushei Rabbeinu Chaim HaLevi al HaRambam*).

The *Rambam* (*Hilchos Tefillah* 10:6) discusses the case of one who is in the middle of reciting *Shemoneh Esrei* when he realizes that he has already *davened* that particular *tefillah*. The

Rambam rules that he must stop *davening Shemoneh Esrei* immediately, even in the middle of a *berachah*. However, if he is reciting the *Ma'ariv Shemoneh Esrei*, the *halachah* is different. In that case, he continues to *daven*, because even the beginning of his *Shemoneh Esrei* was not considered to be a *chovah*. The *Ra'avad* objects to this ruling.

The *Kesef Mishnah* understands that the *machlokes Rambam* and *Ra'avad* revolves around the status of *Ma'ariv* nowadays as a *chovah* or as a *reshus*. Elaborating on this interpretation, Rav Chaim explains that if a *tefillah* is a *chovah*, one must stop immediately upon realizing that he already *davened*, because the initial *kavanah* of a person reciting *Shemoneh Esrei* establishes the nature of that *tefillah*. If a person were to continue *davening* the *Shemoneh Esrei* of *Shacharis* or *Mincha* after realizing that he had already *davened*, the first part of the *Shemoneh Esrei*, which he *davened* thinking that he was still obligated, would have the status of *chovah*, while the second part, which he would recite as a voluntary *tefillah*, would have the status of *nedavah*. These two forms of *tefillah* are different in their essence, and they cannot be merged into one *Shemoneh Esrei*. Since one may not recite half of a *Shemoneh Esrei*, as each one of the *berachos* is critical, he is obligated to stop *davening* even in the middle of a *berachah*. [See *Eretz HaTzvi*, pp. 5-6.]

The *Ra'avad* extends this reasoning to the case of *Ma'ariv* as well. The *Ra'avad* holds that when one *davens Ma'ariv* nowadays, his *tefillah* is considered a *chovah*, and he must therefore stop in the middle of the *Shemoneh Esrei* once he realizes that he already *davened*, just as he would in *Shacharis* or *Mincha*.

The *Rambam*, however, maintains that *Ma'ariv* has the status of *reshus*, even nowadays when we routinely *daven Ma'ariv*. In other words, according to the *Rambam*, even though we have accepted *Ma'ariv* as a *chovah*, this acceptance has an effect only on our personal obligation to recite the *tefillah*, the *chovas hagavra*. In its essence, however, the *cheftza* of the *tefillah* of

Ma'ariv retains the status of *reshus*. The acceptance of *Ma'ariv* as an obligation means that *Klal Yisrael* has obligated itself to offer a *tefillas nedavah* (a voluntary *Shemoneh Esrei*) every night, but it is not a *tefillas chovah*, since it was not originally enacted as such. This is evident from the *Rambam's* ruling (*Hilchos Tefillah* 3:7) that one may recite *Ma'ariv* before *shki'ah* because “*tefillas Arvis reshus*” – presumably, even for one who is in the practice of reciting *Ma'ariv* regularly.

According to the *Rambam*, the *Shemoneh Esrei* of *Ma'ariv*, which began as a *nedavah*, can be concluded as a *nedavah*, even after one realizes that he has already *davened*. The beginning of the *Shemoneh Esrei* can blend together with the remainder of the *Shemoneh Esrei* into one *tefillah*.

That is also why we recite a *Kaddish HaMafsik* between *birchos kri'as Shema* and *Shemoneh Esrei* in *Ma'ariv*, separating between that which is *chovah* and that which is considered *reshus* even nowadays.

[In the *Hasagos HaRa'avad* on the *Rif* (*Berachos*, 13a in the *dapei haRif*), the *Ra'avad* clarifies his objection to the *Rambam's* ruling. He writes that the *halachah* that one who realizes that he has already *davened* stops in the middle of the *Shemoneh Esrei* means only that he **may** stop; if he desires, however, he may conclude the *tefillah* as a *tefillas nedavah*. Thus, unlike the *Kesef Mishnah's* interpretation, the *Ra'avad* actually disagrees with the *Rambam* with regard to *Shacharis* and *Mincha*, not *Ma'ariv*. The crux of the *Ra'avad's* objection is that, in his view, a *Shemoneh Esrei* that began with the intention that it would be a *tefillas chovah* **can** be converted into a *tefillas nedavah* (see *Rav Chaim's* second explanation of the *Ra'avad's* view).]

IV. *Chiddush Davar*

Rav Soloveitchik (see *Shiurim L'Zecher Abba Mari Z"l* II, 5745 ed., pp. 44-46) offered an additional interpretation of *Rav Amram Gaon's* statement that relates to the concept of *chiddush davar*.

The *Gemara* in *Berachos* (21a) discusses the case of one who is uncertain if he *davened* a particular *Shemoneh Esrei*. The *Gemara* cites a *machlokes Ammora'im* as to whether he must repeat *Shemoneh Esrei*. We accept the opinion of Rabbi Yochanan that he should certainly *daven* again: ולואי שיתפלל אדם כל היום כולו – “Would that a person *daven* all day long!”

Most *Rishonim* explain that Rabbi Yochanan’s *psak* is based on the notion of *tefillas nedavah*. Since one routinely has the option to *daven* a voluntary *tefillah*, if one is unsure if he *davened*, it is permissible, and therefore required, to recite what might be an unnecessary *Shemoneh Esrei*, and doing so is not a violation of *berachah l’vatalah*. [The *Poskim* write that nowadays, due to our inadequate concentration during *Shemoneh Esrei* in general, we shy away from offering *tefillos nedavah*.]

The *Rosh* (*Berachos* 3:15) quotes Rav Hai Gaon, who maintains that there is a restriction to the offering of a *tefillas nedavah*. One may recite a voluntary *Shemoneh Esrei* only if he is able לחדש בה דבר – “to add something new to it.” In other words, one is permitted to offer a *tefillas nedavah* only if a new *tzorech* (need) arises, and one wishes to make a request related to that *tzorech* in an additional *Shemoneh Esrei*.

Chazal always recommend *chiddush davar* in one’s *Shemoneh Esrei*. As the *Mishnah* in *Berachos* (28b) states, העושה תפילתו קבע, אין תפילתו תחנונים – “If one makes his *tefillah* fixed, his *tefillah* is not [genuine] supplication.” One of the explanations offered by the *Gemara* (29b) is that this refers to a person who is unable to introduce a new request into his *tefillah*. It is not proper to offer *tefillos* in such a way that the text of one’s *Shemoneh Esrei* is always as it appears in the *siddur*, or that one’s present *Shemoneh Esrei* is exactly the same as his previous one. However, in the case of *tefillas nedavah*, *chiddush davar* is an absolute requirement.

Nevertheless, the *Rosh* and *Tosfos* (*Berachos* 21a, s.v. *v’Rebbi Yochanan*) maintain that Rav Hai Gaon’s requirement of *chiddush davar* does not apply in the *Gemara*’s case of one who

is unsure if he *davened*. The very fact that by *davening* he will have absolved himself from his *safek* serves as the *chiddush davar*. In the words of the *Rishonim*, אין לך חידוש גדול מזה – “There is no greater innovation than this!”

As we saw earlier according to the *Rambam*, the fact that *Ma'ariv* retains the status of *reshus* means that the *Shemoneh Esrei* of *Ma'ariv* is a *tefillas nedavah*. As such, *chiddush davar* should be necessary for every *tefillas Ma'ariv*!

The Rav suggested that *chiddush davar* does not necessarily require an addition to the text of the *tefillah*. Perhaps the *Chatzi Kaddish* recited before *Shemoneh Esrei* can serve this function, specifically because it is a *Kaddish HaMafsik*. Thus, an alternate understanding of Rav Amram Gaon's statement regarding the *Chatzi Kaddish* in *Ma'ariv* is that the *Chatzi Kaddish* fills the role of *chiddush davar*, since it demonstrates that *Ma'ariv* is a *reshus*.

V. *Semichas Geulah l'Tefillas Mussaf*

Rav Moshe Soloveitchik was once delayed in coming to *shul* on Shabbos, and he was ready to begin his *Shacharis Amidah* at the same time that the *tzibbur* was beginning their *Mussaf Amidah*. He was unsure whether he should proceed with the *Shacharis Amidah* or the *Mussaf Amidah*.

Rav Moshe decided to *daven* the *Mussaf Amidah* with the *tzibbur* to fulfill *tefillah b'tzibbur*, reasoning that by doing so, he would also discharge his obligation of *semichas geulah l'tefillah*. He maintained that it is not necessary to join *Ga'al Yisrael* to the *Shacharis Amidah* per se. Rather, *davening* any *Amidah* immediately after *Ga'al Yisrael* suffices for *semichas geulah l'tefillah*. That is how we fulfill *semichas geulah l'tefillah* in *Ma'ariv* as well.

When Rav Moshe later discussed his question with his father, Rav Chaim agreed to his position regarding *semichas geulah l'tefillah*. Rav Chaim only added that it would seem that even if he were to have recited his *Shacharis Amidah* while the

tzibbur recited their *Mussaf Amidah*, he would have fulfilled *tefillah b'tzibbur*. To be considered *tefillah b'tzibbur*, it is not necessary for the entire *tzibbur* to recite the very same *Amidah* (see *Magen Avraham, Orach Chaim* 90:17; *Be'er Yitzchak, Orach Chaim* 20:2).

The Rav, Rav Moshe's son, pointed out that while Rav Chaim's assertion may be correct with regard to *tefillah b'tzibbur*, it may not apply in connection with the *halachah* of *tefillas ha-tzibbur* (see below, "Tefillas HaTzibbur," p. 129). When the *shli'ach tzibbur* repeats the *Mussaf Amidah* out loud, his *tefillah* may not relate to one who, as of yet, has recited only his *Shacharis Amidah*. [See *Nefesh HaRav*, 1994 ed., pp. 119-120.]

VI. Geulah Arichta

The *Gemara* in *Berachos* (4b, 9b) explains why the *berachah* of *Hashkiveinu* does not constitute an interruption between *Ga'al Yisrael* and the *Ma'ariv Shemoneh Esrei*, given the requirement of *semichas geulah l'tefillah* in *Ma'ariv*. The *Gemara* states, כיון דתקינו רבנן השכיבנו כגאולה אריכתא דמיא – "Since the Rabbis instituted that the *berachah* of *Hashkiveinu* [be recited after the *berachah* of *Ga'al Yisrael*], it is like one long *berachah* of *geulah*."

Some *Rishonim* contend that the reason that *Hashkiveinu* does not constitute an interruption between *Ga'al Yisrael* and *Shemoneh Esrei* is simply because there is a *takanas Chachamim* to recite this *berachah*. The disqualification of *hefsek* at this juncture is based on the *halachah* of *semichas geulah l'tefillah* that the *Chachamim* introduced, and whatever those same *Chachamim* instituted is by definition not considered a *hefsek*. [The same reasoning applies with regard to the final four *berachos* of *Yaknehaz* (*Kiddush, Ner, Havdalah, Shehecheyanu*), recited when Yom Tov falls on *Motza'ei Shabbos*. These *berachos* do not constitute an interruption between *Borei Pri HaGafen* and the drinking of the wine, because the *takanas Chachamim* was to recite *Kiddush* and *Havdalah* in this sequence.]

The *Talmidei Rabbeinu Yonah* (*Berachos*, 2b in *dapei haRif*, s.v. *v'af al gav*) relate the background behind the *berachah* of *Hashkiveinu* that we recite in *Ma'ariv*. When *Hashem* passed through *Mitzrayim* to strike the Egyptians with *makkas bechoros*, the Jews were fearful of being affected by the *makkah* as well, and they *davened* that *Hashem* keep his word and “not permit the destroyer to enter [their] homes to smite” (*Shemos* 12:23). This is the way of righteous people; they are always concerned that *aveiros* that they committed may cause them to lose the protection they have been promised (see *Berachos* 4a). The *berachah* of *Hashkiveinu*, in which we *daven* that *Hashem* save us from danger and “safeguard our going and coming,” was established to commemorate that *tefillah* in *Mitzrayim*.

Given the *berachah's* historical context, *Rabbeinu Yonah* interprets the *Gemara* quite literally. Since the source of *Hashkiveinu* relates to an event that occurred at the time of the *geulah* from *Mitzrayim*, the *berachah* is considered an **integral part** of the *berachah* of *geulah*. In effect, *Hashkiveinu* is part of *Ga'al Yisrael*, and it therefore does not constitute a *hefsek* (interruption) between this *berachah* and the *Shemoneh Esrei*.

Rabbeinu Yonah's understanding of the nature of *Hashkiveinu* sheds light on the *Gemara* in *Berachos* (9a) discussing the case of one (in a pressing circumstance) who fulfills his evening *Shema* obligation by reciting it close to *haneitz hachamah*. The *Gemara* proceeds to add a qualification: Since this is not a time when people generally go to sleep, the *berachah* of *Hashkiveinu*, which deals with laying down to sleep, should not be recited.

The *Ritz Gi'as* (quoted by the *Rosh*, *Berachos* 1:9) interprets the *Gemara* to mean that only the first phrase of the *berachah*, **השכינונו ד' אלקינו לשלום** – “Lay us down to sleep, *Hashem* our G-d, in peace,” is omitted. It is not possible to omit the entire *berachah*, as two *berachos* must always be recited after the evening *kri'as Shema*. Thus, the *Ritz Gi'as* seems to agree with the approach of *Rabbeinu Yonah*, that *Hashkiveinu* is an integral

part of *geulah*. Since *Hashkiveinu* is an extension of the *berachah* of *Ga'al Yisrael*, it must always be recited along with it.

The *Rosh*, cited by the *Mishnah Berurah* (*Orach Chaim* 235:32), disagrees with this view. He rules that one omits the entire *berachah* of *Hashkiveinu* when he recites *kri'as Shema* before day-break. The *Koheles Yaakov* (*Berachos* 9a, by Rav Yaakov of Karlin) explains that according to this opinion, *Hashkiveinu* is **not** intrinsically related to *kri'as Shema* and *geulah*. Rather, it was instituted as a separate *takanah*, to *daven* for protection during the night.

The *machlokes* between *Rabbeinu Yonah* and the *Rosh* would have an additional practical ramification if a doubt were to arise as to whether one recited *kri'as Shema*. In that case, the *Rambam* (*Hilchos Kri'as Shema* 2:13) rules that "he repeats the *Shema* and recites the *birchos kri'as Shema* before and after it." Rav Soloveitchik, based on *Teshuvos HaRashba* (1:320), explained that *kri'as Shema* and its *berachos* are not two separate *kiyumim*. Rather, the *takanah derabbanan* is for one to fulfill the single *kiyum* of *ברכותיה עם שמע*, *kri'as Shema* within the framework of the *birchos kri'as Shema*. In other words, *miderabbanan*, the correct way to fulfill the *mitzvah* of *kri'as Shema* is to recite *Shema* together with the *berachos* before and after it. Therefore, a doubt regarding *Shema* obligates one to repeat its *berachos* as well (see above, "*Kri'as Shema im Birchoseha*," p. 88).

If such a doubt were to arise regarding the *kri'as Shema* of *Ma'ariv*, should one repeat *Hashkiveinu* along with the other *birchos kri'as Shema*?

According to the *Rosh*, although *kri'as Shema* and its *berachos* must be repeated, *Hashkiveinu* should not be repeated, as *Hashkiveinu* was instituted as a separate *berachah*; it was not included in the series of *birchos kri'as Shema*. Therefore, we would apply the principle of *ספק ברכות להקל* (doubtful cases in the context of *berachos* are decided leniently) with regard to *Hashkiveinu*. *Rabbeinu Yonah* and *Ritz Gi'as*, in contrast, view *Hashkiveinu* as an integral part of the *berachah* of *Ga'al Yisrael*.

Accordingly, the *din* of *Hashkiveinu* is the same as that of the other *birchos kri'as Shema*, and it would be repeated in a case of *safek*.

VII. *Tefillah Arichta*

We may extend the above analysis to the *pessukim* recited at the beginning and end of *Shemoneh Esrei*, *ד' שפתי תפתח* and *יהיו לרצון* *אמרי פי*. In fact, the *Gemara* in *Berachos* (4b) cited above compares the recitation of the *berachah* of *Hashkiveinu* to that of these *pessukim*, stating that they are *כתפילה אריכתא דמיה* – “like one long *tefillah* [*Amidah*].” Therefore, the same question can be raised: Do these *pessukim* serve merely as a prologue and epilogue to the *Shemoneh Esrei*, or should we take the words of the *Gemara* literally, such that they constitute an integral part of the *Shemoneh Esrei*?

The *Mechaber* (*Orach Chaim* 122:1) rules that one may respond to *devarim shebikedushah* (*Kaddish*, *Kedushah*, and *Barchu*) only after reciting *יהיו לרצון*. This implies that *יהיו לרצון* is an intrinsic part of the *Shemoneh Esrei*; it is necessary to recite this *passuk* in order to complete the *Shemoneh Esrei*.

The *Rama*, however, records two different *minhagim*, reflecting two opinions in the *Rishonim* (see *Rashba*, *Berachos* 17a). According to the first *minhag*, like the view of the *Mechaber*, *יהיו לרצון* should be recited immediately following the *Shemoneh Esrei* (after *עמו ישראל בשלום*), before the *tachanunim* in *Elokai Netzor*, because *יהיו לרצון* is the conclusion of the *Shemoneh Esrei*.

However, the second *minhag* quoted (and accepted) by the *Rama* maintains that *יהיו לרצון* should be said only after the *tachanunim* that are added after *Shemoneh Esrei*. This opinion counts *יהיו לרצון* among the *tachanunim* that one says **after** the conclusion of the *Shemoneh Esrei*, maintaining that *יהיו לרצון* is not intrinsic to the *Shemoneh Esrei*.

The *Magen Avraham* (122:1) writes that we should satisfy both opinions and recite *יהיו לרצון* two times, immediately after

בשלום and also following the *tachanunim* in *Elokai Netzor*.

Similarly, the *Mishnah Berurah* (*Bei'ur Halachah* 111:2, s.v. *chozer*) raises the question of whether one who failed to recite the *passuk* שפתי תפתח ד' discharges his obligation of *Shemoneh Esrei*. If שפתי תפתח ד' merely serves as an introduction, the *Shemoneh Esrei* is complete without it. Otherwise, omitting שפתי תפתח ד' may be tantamount to neglecting to mention an essential part of the *Shemoneh Esrei*.

The status of these *pessukim* relates to the need for their repetition in the *Chazaras HaShatz* as well. The *Shulchan Aruch* (*Orach Chaim* 123:6) maintains that the *chazan* should recite שפתי תפתח ד' in the *Chazaras HaShatz*, and the *Bei'ur HaGr"a* cites the *Gemara* above, כתפילה אריכתא דמיה, as the source of this *halachah*. Interestingly, although שפתי תפתח ד' and יהיו לרצון are mentioned together in the statement of Rebbi Yochanan in the *Gemara* in *Berachos*, the *Rama* does not equate them, commenting that the *chazan* does not repeat יהיו לרצון at the conclusion of *Chazaras HaShatz*. However, the *Magen Avraham* (123:14) quotes the *Shelah*, who holds that the *chazan* should recite יהיו לרצון as well, and this is the recommendation cited in *Bei'ur HaGr"a*.

Presumably, if these *pessukim* have been incorporated into the *Shemoneh Esrei* and *Chazaras HaShatz*, they should be recited out loud by the *chazan*. The *Magen Avraham* (111:4) quotes the Ari z"l's ruling that שפתי תפתח ד' should be recited quietly, but it is unclear if this quotation is accurate, especially as the *passuk* was recited out loud in the *beis haknesses* of the Ari z"l (see *Si'ach Yitzchak*, *Chagigah*, *Kuntres Tefillas Kol Peh* 111:2, by Rav Yitzchak Yaakov Nunes Vais, who writes that he had not located this statement in the writings of the Ari z"l; *Ohr Samei'ach*, *Hilchos Tefillah* 10:16). Rav Soloveitchik insisted that שפתי תפתח ד' and יהיו לרצון should be recited out loud by the *chazan*. [Of note, the *passuk* of ד' אקרא is not mentioned in the *Gemara*, and need not be recited out loud.] [See *Nefesh HaRav*, 1994 ed., 1994 ed., p. 126.]

This discussion is relevant to the placement of the *viduy* section in the Yom Kippur *Amidah*. The *Gemara* in *Yoma* (87b) teaches that an individual recites the *viduy* on Yom Kippur אחר תפילתו – after his *tefillah*. The *Ra'avan* (s.v. *umid'ka'amar*) concludes from this phrase that *viduy* is not part of the *Amidah*, but rather is recited **after** the conclusion of the *Amidah*. He therefore permits interrupting the *viduy* in order to respond to *devarim shebikedushah*.

The *Acharonim* (see *Mateh Efrayim*, *Elef LaMateh* 607:5) discuss whether יהיו לרצון should be said before *viduy*. This issue may revolve around the same question that we raised earlier – whether יהיו לרצון is an integral part of the *Amidah* or is recited as part of the *tachanunim* that **follow** the *Amidah*. If the conclusion of the *Amidah* is the *berachah* המברך את עמו ישראל בשלום, then *viduy* should follow immediately, before יהיו לרצון. However, if the *nusach* of the *Amidah* concludes with the *passuk* יהיו לרצון, then we must first conclude the entire *Amidah* and only then begin to recite *viduy*. [See *B'Ikvei HaTzon*, pp. 18-21.]

TEFILLAS HATZIBBUR

I. *Shomei'a K'oneh*

In general, one may discharge his obligation to recite a *berachah* through listening to someone else's recitation, via the mechanism of *shomei'a k'oneh* – hearing from others is equivalent to speaking oneself (*Sukkah* 38b). This principle enables a listener to discharge his obligation of reciting *Kiddush* and *Havdalah*, sounding the *shofar*, and reading the *Megillah*.

However, the *Ran* (*Rosh Hashanah*, 11b in *dapei haRif*, s.v. *yachid*), citing the *Yerushalmi* (*Berachos* 3:3), writes that there are three cases in which we do not allow a person to rely on *shomei'a k'oneh* – *kri'as Shema*, *tefillah*, and *berachos* on food (both the *birkas hanehenin* recited before eating and the *Birkas HaMazon* afterwards).

The *Chachamim* insisted that in these areas, one may not rely on merely listening to another person's recitation. They felt that the nature of *kabbalas ol malchus Shamayim* should logically require one to actively accept *Hashem's* Kingship upon himself. Similarly, since every person needs Divine assistance regarding the adversities he personally experiences and to provide for his individual needs, he must *daven* to *Hashem* himself. Likewise, just as one cannot have another person eat his meal for him, *derech erez* dictates that he himself should thank *Hashem* for the nourishment He provides.

This is in line with the comment of the Vilna Gaon (*Shenos Eliyahu*, *Berachos* 1:1, s.v. *korin*; see also *Ritva*, *Megillah* 2a,

s.v. *Megillah nikreis*), who notes the plural usage of קורין in the first *Mishnah* in *Berachos*: מאימתי קורין את שמע בערבין – “From when may we [fulfill the obligation to] recite the *Shema* in the evenings?” Notably, a subsequent *Mishnah* (*Berachos* 11a) uses the singular form, בשחר מברך שתיים לפנייה – “In the morning, one recites two [*berachos*] before [the *Shema*].”

The *Gr"i* suggests that the reason for the discrepancy is that each person is required to recite *kri'as Shema* for himself; he may not rely on another person's recitation. This is the implication of the plural form. In contrast, when discussing the *berachos* of *kri'as Shema*, the singular form is used, as the institution of *shomei'a k'oneh* allows for many people to be *yotzei* through the single *berachah* of the *mevareich*.

II. *Berachah B'Chaburah*

If one may not rely on *shomei'a k'oneh* for the *birkas hanehenin* recited before eating, how are we to understand the common practice of one person reciting *HaMotzi* on behalf of others at the beginning of a *se'udah*?

Rav Soloveitchik (*Shiurim L'Zecher Abba Mari Z"l II*, 5745 ed., p. 102) suggested that we can explain this practice based on a *Mishnah* in *Berachos* (42a): היו יושבין כל אחד מברך לעצמו. הסיבו. – “If they were sitting [together and eating], each one recites the *berachah* for himself. But if they reclined [together to eat], one recites the *berachah* for all of them.” In other words, when a group of people eats together with *heseibah* (in a reclining position), it is considered a *kevius se'udah* (a formal meal), and in this setting, one may recite a *berachah* on behalf of others.

The Rav explained that *shomei'a k'oneh* is **not** the mechanism through which one may recite *HaMotzi* for others. Rather, it is a different *halachah* – when a group eats a meal *b'kevius*, its members may offer a *berachah b'chaburah*. As such, the *Chachamim* taught that an entire group that eats together, even though it consists of many people, may offer a single *HaMotzi*.

[The Rav coined the term “*b’chaburah*” in relation to *HaMotzi* and *Birkas HaMazon*, to differentiate it from the term “*b’tzibbur*,” which refers specifically to a group of ten adult males (see below, “*Tefillas HaTzibbur*,” p. 129).]

Tosfos (s.v. *heseibu*) comments that nowadays, we no longer have the practice to eat with *heseibah* like in the times of the *Mishnah*. Therefore, the *Mishnah*’s distinction between reclining and sitting no longer applies. Instead, eating a meal together while seated at a table serves as our equivalent of *heseibah* and is considered *kevius se’udah*. Indeed, if some of the members of the group are not seated at the table when the *mevareich* recites *HaMotzi*, they would not meet their obligation by merely listening to the *berachah* and responding *amen*, as the mechanism of *shomei’ah k’oneh* is not operative in this context.

This understanding of the process of *Birkas HaMotzi b’chaburah* sheds light on a striking ruling of the *Rama* (*Orach Chaim* 167:6). If one talks between his recitation of a *berachah rishonah* and his eating of the first bite of food on which the *berachah* was recited, it is considered a *hefsek* (interruption) and the *berachah* is disqualified, requiring him to repeat it. The *din* of *hefsek* does not apply, of course, once he has swallowed one bite of food to which the *berachah* relates. The *Rama* maintains that in a situation in which one person recites *HaMotzi* on behalf of a whole group, if one of the listeners speaks between the *berachah* and his eating, he does not need to recite another *HaMotzi* before eating bread, as long as he spoke after the *mevareich* began to eat. (See *Mishnah Berurah* 167:43, who notes that most of the *Acharonim* disagree with this ruling.)

Clearly, if the obligation of *Birkas HaMotzi* were discharged through the principle of *shomei’a ke’oneh*, and we were to consider it as though each of the listeners recited his own *HaMotzi*, the one who spoke before eating would have to repeat *HaMotzi* for himself. The only way to understand the *Rama* is to view the *Birkas HaMotzi* as being fulfilled *b’chaburah*. All of the

people seated at the table join together to constitute one *chaburah*, and the *achilah* of the entire *chaburah* is thus considered one *achilah*. Accordingly, the *chaburah* has only one *chiyuv berachah*. Therefore, the *Rama* takes the position that once the *mevareich* has eaten, the *berachah* has taken effect, since the *berachah* related to the food that he ate; the talking of the listener after the *mevareich* ate is not considered a *hefsek* between the *berachah* and the eating of the food.

III. *Birkas HaMazon B'Zimun*

Rav Soloveitchik (*Shiurim L'Zecher Abba Mari Z"l II*, 5745 ed., pp. 87-92) offered a similar explanation with regard to the institution of *Birkas HaMazon b'zimun*. The comment of *Tosfos* cited above explains that *kevius se'udah* unites various people at a meal together for *Birkas HaMazon*, just as it does with regard to *Birkas HaMotzi*. This is the meaning of the *Mishnah* in *Berachos* (45a): שלשה שאכלו כאחת חייבין לזמן – “Three people who ate [bread] **together** are required to join in *zimun*.”

Originally, when *zimun* was performed, the *mezamein* would recite *Birkas HaMazon* out loud on behalf of the others, who would discharge their obligation by listening to his recitation and answering *amen*. The Rav was of the opinion that *zimun* creates a different form of *Birkas HaMazon*; the nature of *Birkas HaMazon* with a *zimun* is different on a level of *d'oraisa* than when an individual *bentches* privately. It is not that each member of the *chaburah* is considered to have recited his own *Birkas HaMazon* through *shomei'a ke'oneh*. Rather, *zimun* represents one collective *Birkas HaMazon* that the *chaburah* offers together. Indeed, if the group of three did not eat together *b'kevius* as a *chaburah*, one may not discharge his obligation by merely listening to another's recitation of *Birkas HaMazon*. [The *Mishnah Berurah* (*Sha'ar HaTziyun* 199:19) disagrees, however, and points out that according to most *poskim*, the institution of *zimun* is only *miderabbanan*.]

Therefore, the Rav stressed the need for the *mezamein* to recite the entire *Birkas HaMazon* out loud (see *Mishnah Berurah* 183:28, 193:17). Nowadays, due to our difficulty concentrating for an extended period of time, our practice is that each person quietly recites *Birkas HaMazon* himself (*Orach Chaim* 183:7). If it were the case that when a *zimun* is performed, the listeners fulfill their obligation through *shomei'a ke'oneh*, now that each participant recites his own *Birkas HaMazon*, there would be no reason for the *mezamein* to *bentch* out loud. However, since the principle behind *zimun* is that the entire *chaburah* together offers one *Birkas HaMazon*, and this is accomplished through the *mezamein's* recitation, the *mezamein* should recite the entire text of *Birkas HaMazon* out loud, even nowadays.

Although *Birkas HaMazon b'zimun* operates through the mechanism of *berachah b'chaburah*, there is a situation in which *shomei'a k'oneh* does apply to *Birkas HaMazon*.

The *Gemara* in *Berachos* (45b) teaches that when only two people ate together, it is preferable for each of them to recite *Birkas HaMazon* individually. The common bond of eating *b'chaburah* is formed only when three or more adults have eaten together, making them subject to the *din* of *zimun*.

[*Tosfos* (*Berachos* 45a, s.v. *im ratzu*; *Chullin* 106b, s.v. *ushma minah*) explains why even two people create a *tziruf* (combination) for *HaMotzi* before a *se'udah*, while a *chaburah* for *Birkas HaMazon b'zimun* requires at least three people. Before the meal, when the participants are in the process of joining together to share a *se'udah*, their mindset is to combine to form a *tziruf*, and this can be accomplished even by two people. After the meal, however, when the group is ready to disband, a *kevius* is created only through a stronger *tziruf* consisting of at least three people.]

The *Gemara* goes on to state that although it is preferable for two people who ate together to recite *Birkas HaMazon* individually, if one of the two is a *sofer* (scholar) and the other is

a *bur* (unlearned person) who is not capable of reciting *Birkas HaMazon* on his own, when the *sofer* recites the *Birkas HaMazon*, the *bur* may fulfill his obligation by listening to the *sofer's* recitation.

This is not a case of *Birkas HaMazon b'chaburah*, as a minimum of three is necessary to create a *chaburah* for *zimun*. Rather, the *Gemara* here is describing a situation in which *shomei'a ke'oneh* may be used to enable the *bur* to fulfill his obligation. The reason for this leniency, explains the *Mishnah Berurah* (*Sha'ar HaTziyun* 167:56), is that the rule of the *Yerushalmi* disallowing *shomei'a ke'oneh* for *kri'as Shema*, *tefillah*, and *berachos* over food is merely a *din derabbanan*. On a level of *d'oraisa*, *shomei'a ke'oneh* does work in these cases as well. Therefore, in a *sha'as hadchak* (pressing circumstance), to enable a *bur* who cannot *bentch* on his own to fulfill his obligation of *Birkas HaMazon* when a *zimun* may not be formed, we revert back to the primary *din d'oraisa* and permit the use of *shomei'a ke'oneh*. The same leniency would apply to a person who is not physically able to recite *kri'as Shema* or *Shemoneh Esrei*.

Along these lines, there is a *machlokes haposkim* whether we rely on the *din d'oraisa* in a *bedi'eved* case, when one had **already** relied on the *mevareich's* recitation of *HaMotzi* or *Birkas HaMazon*, even though they were not eating together *b'kevius*. Most equate this situation with the case of the *sofer* and *bur*, based on the principle *שעת הדחק כדיעבד דמי*, and rule that *bedi'eved* we do accept *shomei'a ke'oneh* even with regard to *berachos* over eating (see *Orach Chaim* 167:13; *Mishnah Berurah* 65 quoting the *Gr"a*). [See *Eretz HaTzoi*, pp. 35-36.]

IV. *Aniyas Amen*

Rav Soloveitchik (*Shiurim L'Zecher Abba Mari Z"l* II, 5745 ed., pp. 94-95; see Rav Leib Malin, *Chiddushei Rebbi Aryeh Leib* 1:5) elaborated on the notion of *Birkas HaMazon b'chaburah* in reference to the need for *aniyas amen*. He noted that the

Rambam (*Hilchos Berachos* 1:11) rules that one may discharge his obligation to recite a *berachah* by listening to another person's recitation, even if he does not respond *amen*. As noted above, this is the *halachah* of *shomei'a ke'oneh*, whereby listening alone is like reciting. The *Rambam* continues that preferably one should respond *amen*, since one who responds *amen* is considered like the *mevareich* himself, "like one who expressed [the *berachah*] with his own mouth" (*Shavuos* 29b).

It is noteworthy that in two other contexts, the *Rambam* repeats this *halachah* that one should respond *amen* when he listens to another person's *berachah* – *kevias se'udah* for *Birkas HaMotzi* (and the *berachah* on wine) at the start of the meal (*Hilchos Berachos* 1:12) and *Birkas HaMazon b'zimun* afterwards (*Hilchos Berachos* 5:2-3), and *Chazaras HaShatz* (*Hilchos Tefillah* 8:9). One gets the impression that *aniyas amen* is essential to discharging one's obligation particularly in these settings. Why should these cases be different than other *berachos*, where responding *amen* is not mandatory and we apply *shomei'a ke'oneh* when one merely listens to the entire *berachah*?

The Rav further noted that in connection with the *berachos* and *kelalos* proclaimed at Har Gerizim and Har Eival, the *passuk* states, *וענו כל העם ואמרו אמן* – "And the entire people shall speak up and say, 'Amen'" (*Devarim* 27:15). Here too, we may ask: Why was it necessary for *Bnei Yisrael* to respond *amen* to each of the *berachos* and *kelalos*?

The answer is that the *berachos* and *kelalos* of Har Gerizim and Har Eival were proclaimed not to the Jews as individuals, but to the *tzibbur* as a whole. With regard to something that relates to the *tzibbur*, the *tzibbur's* involvement is required, and this can be accomplished only through an actual response, not through mere listening.

When a *chaburah* shares a meal in a formal fashion, the *chaburah* is analogous to the *tzibbur* at Har Gerizim and Har Eival. As we discussed above, the ability of the *mevareich* to

discharge another person's obligation in *HaMotzi* and *Birkas HaMazon* is not based on the mechanism of *shomei'a k'oneh*. Rather, it is based on the idea that all of the people in the *chaburah* together offer a collective *HaMotzi* and *Birkas HaMazon*, a *berachah b'chaburah*. This requires the participation of the listeners, and that is why they must respond *amen*.

V. Tefillas HaTzibbur

The case of *Chazaras HaShatz* is similar to that of *Birkas HaMazon b'chaburah*. Rav Soloveitchik explained that *Chazaras HaShatz* is not merely a repetition of the silent *Shemoneh Esrei* with the additional element of *Kedushah*. It is true that the motivation behind the institution of *Chazaras HaShatz* was to enable an *eino baki* (unlearned individual), who could not *daven* on his own, to fulfill his obligation of reciting *Shemoneh Esrei*. However, once instituted, the *takanas Chachamim* of *Chazaras HaShatz* represents the notion of *tefillas hatzibbur*.

When one listens to the *chazan's* recitation of *Chazaras HaShatz*, he is included in the *tefillas hatzibbur*. However, as we saw with regard to *Birkas HaMazon b'chaburah*, this is not accomplished through the mechanism of *shomei'a k'oneh*. It is a different *halachah* – a *tefillas hatzibbur* – and this necessitates involvement of the *tzibbur* that is listening to the *Chazaras HaShatz*. That is why *Chazaras HaShatz* requires *aniyas amen* – as a form of audience participation in order for each person to be considered part of the *tzibbur*, just as was the case at Har Gerizim and Har Eival.

Rav Soloveitchik was particularly careful regarding the requirement of *aniyas amen* in the context of the *Mussaf Amidah* of Rosh Hashanah. The *Mishnah* in *Rosh Hashanah* (32a) records the *halachah* that we are supposed to blow the *shofar al seder haberachos*, within the order of the *berachos* of the *Mussaf Amidah* – after *Malchuyos*, after *Zichronos*, and after *Shofaros*. The Rav would often caution the members of his *minyán* on Rosh

Hashanah to wait to hear the final syllable of the last word of each *berachah* of *Chazaras HaShatz* from the *chazan*, and only then to answer *amen*. A correct response of *amen* to the *berachos* of *Chazaras HaShatz* is necessary for the fulfillment of *tefillas hatzibbur*, which is in turn necessary for the *mitzoah* of *teki'os al seder haberachos*. This is especially relevant on the *Yomim Nora'im*, when the tune is such that the pronunciation of the final word of each *berachah* is traditionally elongated. [See *MiPninei HaRav*, 2001 ed., pp. 127, 128-129.]

The Rav thus described two different concepts in Halachah – *tefillah b'tzibbur* and *tefillas hatzibbur*. *Tefillah b'tzibbur* is when each individual recites his own silent *Shemoneh Esrei* at the same time as the other members of a *minyán* of ten men. However, *tefillas hatzibbur* is when the *chazan* serves as the messenger of the *tzibbur* to offer **one tefillah** on behalf of the entire *tzibbur* as a whole. In this way, the *chazan* is comparable to the *Kohen* offering a *korban tzibbur* in the *Beis HaMikdash* – one *korban* on behalf of the entire *tzibbur*. [This was the topic of the very first *shiur* that the Rav delivered in Yeshiva – in the presence of his father, Rav Moshe – upon his arrival from Europe.]

Indeed, the *Shiltei HaGibborim* (*Rosh Hashanah*, 12a in *dapei haRif*, quoting the *Ria"z* in the name of his grandfather, the *Tosfos Ri"d*) writes that the *shli'ach tzibbur* is able to discharge the *tefillah* obligation of the *am sheb'sados* (people in the fields), who are unable to attend the *tefillah* in the *shul*, because of this relationship between *tefillah* and the *Korban Tamid*. This is not the case with regard to other obligations, such as *tekias shofar* and *kri'as haMegillah*; those require the people's presence, as they would have to hear the *shofar* and the *Megillah* in order to discharge their obligation via the vehicle of *shomei'a k'oneh*.

The Rav's understanding of *tefillas hatzibbur* in turn influenced his conceptualization of how the *chazzan* is able to serve as the *shli'ach tzibbur*.

A number of sources appear to indicate that the *chazan* functions as the *shli'ach tzibbur* through the legal instrument of *shlichus* (agency). The *Mishnah* in *Berachos* (34b) teaches that if one makes an error in the middle of his silent *Shemoneh Esrei*, it is considered a bad sign for him, but if it was a *shli'ach tzibbur* who erred, it is a bad sign for those who sent him to represent them, since *שלוחו של אדם כמותו* – “a person’s agent is like himself.” Likewise, the *Rama* (*Orach Chaim* 581:1) rules that a *chazan* must be pleasing to the *tzibbur*, and if a *chazan* forces himself on the *tzibbur* without their approval, the *tzibbur* should not respond *amen* to his *berachos*. As a source for this *halachah*, the *Bei'ur HaGr"i* cites the *Mishnah* in *Terumos* (1:1) that teaches that if one separates *terumah* from another’s produce without permission, his designation is ineffective. This is because a *shli'ach* must act with the *meshalei'ach*’s knowledge and consent: *מה אתם לדעתכם אף שלוחכם לדעתכם* (*Bava Metzia* 22a).

Rav Soloveitchik argued, however, that it cannot be that a *chazan* serves as *shli'ach tzibbur* through *shlichus*. The *Mishnah* must be using the term *shli'ach* merely as an analogy. If we were to apply the rule of *שלוחו של אדם כמותו* to *Chazaras HaShatz*, we would consider this *tefillah* as though it were recited by each and every member of the *tzibbur* – but that is not our goal in reciting *Chazaras HaShatz*. We do not want each person to *daven* a personal *Shemoneh Esrei* again; that would be a repetition of the silent *Shemoneh Esrei* that they already recited. Rather, our desire in *Chazaras HaShatz* is for the entire *tzibbur* to offer **one** *tefillah* on behalf of all the congregants.

Based on this understanding of *Chazaras HaShatz* as serving as a *tefillas hatzibbur*, Rav Soloveitchik’s practice was to remain standing with his feet together during its recitation, as one does for the silent *Shemoneh Esrei*. Additionally, the Rav insisted that the entire text of the *Shemoneh Esrei* of the *tzibbur* should be audible, including the *pessukim* *ד' שפתי תפתח*

and יהיו לרצון, which are considered *tefillah arichta* – “like one long *tefillah* [*Amidah*]” (*Berachos* 4b).

Likewise, the *Elokeinu Veilokei Avoseinu* recited prior to *Birkas Kohanim* and the *Berachah Mei'ein Sheva* (including *Magen Avos*) recited on *leil Shabbos* must be said out loud. If the *tzibbur* sings along with the *chazan*, such that the *chazan's* voice cannot be heard as he recites part of *Chazaras HaShatz*, he must repeat that section aloud for the *tzibbur*. Only that which the *shli'ach tzibbur* recites out loud and which an additional nine people who are listening attentively hear is considered part of the *tefillas hatzibbur*. [See *MiPinei HaRav*, 2001 ed., pp. 126-127.]

The Rav also noted that the *tzibbur* must be careful to hear the entire *Modim* from the *shli'ach tzibbur*, even though they must themselves recite *Modim DeRabbanan*. In a parallel case, the *Gemara* in *Sotah* (40a) cites the opinion of some *Ammora'im* that one should recite certain *pessukim* when the *Kohanim duchen*, based on the assumption that one is able to both be attentive to the *berachah* of the *Kohanim* as well as to recite the *pessukim* at the same time. However, the *Tur* (*Orach Chaim* 128:26) rules that it is improper to recite the *pessukim* during *duchening*, since it is difficult to both listen and speak at the same time.

Rav Soloveitchik argued that even if the *shli'ach tzibbur* recites the entire *Modim* out loud, it is difficult for the *tzibbur* to be attentive to his recitation while they are occupied with saying *Modim Derabbanan*. Therefore, the Rav had the practice of having the *shli'ach tzibbur* pause after beginning his recitation of *Modim*, allowing the *tzibbur* to complete *Modim Derabbanan*, and only then resume his recitation of *Chazaras HaShatz*. The disadvantage of this practice is that then one's final bowing at the conclusion of *Modim Derabbanan* does not coincide with the *shli'ach tzibbur's* (see *Beis Yosef*, *Orach Chaim* 127:1). [See *Nefesh HaRav*, 1994 ed., pp. 125-126, 128-129.]

VI. *Amiras Kedushah*

Tosfos (*Sukkah* 38b, s.v. *shama*) discusses whether one who is in the middle of his silent *Shemoneh Esrei* when the *chazan* reaches *Kaddish* or *Kedushah* should pause and listen to the *chazan's* recitation. On the surface, the *machlokes* seems to center around the question of whether *shomei'a k'oneh* constitutes a *hefsek* in the middle of *Shemoneh Esrei*. If *shomei'a k'oneh* is not an interruption of the *Shemoneh Esrei*, the listener may fulfill his *mitzvah* to respond to *Kaddish* and *Kedushah* through *shomei'a k'oneh*.

However, according to Rav Soloveitchik's understanding of the *Rambam* – that *aniyas amen* is required for *Chazaras HaShatz* – we are led to the conclusion that *shomei'a k'oneh* is simply not effective for *Kaddish* and *Kedushah*. With regard to obligations of the *tzibbur*, such as *devarim shebikedushah*, we require the active participation of each member of the *tzibbur*. The only way to be *yotzei Kaddish* and *Kedushah* is by personally responding to the *chazan*, not by merely listening to his recitation.

Rav Soloveitchik's approach to *tefillas hatzibbur* affected his view of the proper way to recite a "*Hoicha Kedushah*." The *Rama* (*Orach Chaim* 124:2) writes that in a pressing circumstance, when there is not enough time for the *shli'ach tzibbur* to repeat the entire *Shemoneh Esrei* before the *zeman tefillah* ends, the *shli'ach tzibbur* may begin reciting *Shemoneh Esrei* out loud, then recite *Kedushah* in its regular place until *הקל הקדוש*, and then complete the remainder of his *Shemoneh Esrei* silently. The *Rama* maintains that the members of the *tzibbur* should *daven* quietly word-for-word along with the *shli'ach tzibbur* until after the words *הקל הקדוש*.

The *Mishnah Berurah* (124:8) comments that if there is ample time, the members of the *tzibbur* should begin their *Shemoneh Esrei* only after the *shli'ach tzibbur* reaches *הקל הקדוש*. However, the Rav understood (not like the *Mishnah Berurah*) that the rationale behind the *Rama's* ruling is that the recitation of

Kedushah should take place in the middle of one's *Shemoneh Esrei*. *Kedushah* need not necessarily be recited in the middle of *Chazaras HaShatz*, but it must be recited as an integral part of the *berachah* of *Kedushas HaShem*, which is, in turn, an integral part of *Shemoneh Esrei*.

Under ordinary circumstances, since *Chazaras HaShatz* is a *tefillas hatzibbur* that relates to every person in the *minyán*, *Kedushah* is being recited in the middle of their collective *Shemoneh Esrei*. However, when only a "Hoicha *Kedushah*" is recited, in order to include the *Kedushah* in the middle of one's *Shemoneh Esrei*, each person must start *davening* word-for-word along with the *shli'ach tzibbur*. This was the practice of Rav Soloveitchik (also found in *Kaf HaChaim* 124:10).

The *Mishnah Berurah* (124:9) adds that if the *tzibbur* follows the *Rama's* recommendation to *daven* along with the *shli'ach tzibbur* in the case of a "Hoicha *Kedushah*," after *Kedushah*, they should recite the *nusach* of *לדור ודור נגיד גדלך*, instead of *אתה קדוש*. The *nusach* of *לדור ודור* (in *nusach Ashkenaz*) is not specific to the *tefillah* of a *shli'ach tzibbur*. Rather, the *nusach* was established in order to join the *Kedushah* with the *berachah* of *Kedushas HaShem*. Since the *Kedushah* concludes with the phrase *לדור ודור הללוקה*, we immediately continue with *לדור ודור*, so that there is a seamless transition from *Kedushah* to the *berachah*. The *Kedushah* then does not appear as an independent insertion into the *Shemoneh Esrei*, but rather as an integral part of the *berachah* of *Kedushas HaShem*. The same practice of reciting *לדור ודור* should therefore be followed in a situation of "Hoicha *Kedushah*" as well, in order to incorporate the *Kedushah* into the *berachah*. [See *Nefesh HaRav*, 1994 ed., pp. 126-127.]

VII. *Shomei'a K'Oneh B'Chatzi Berachah*

Another application of the concepts of *Birkas HaMazon b'chaburah* and *tefillas hatzibbur* relates to the issue of whether *shomei'a k'oneh* is effective on a part of a *berachah*.

The *Gemara* in *Berachos* (20b) raises the question of whether a woman's obligation to recite *Birkas HaMazon* is *mid'oraisa* like that of a man, since it is a *mitzvas ase* that is not bound by time, or only *miderabbanan*. *Rashi* (s.v. *o derabbanan*) explains why it might be reasoned that *Birkas HaMazon* is not incumbent upon women *mid'oraisa*. The *passuk* that serves as the source for *Birkas HaMazon* specifically states that one must express thanks for Eretz Yisrael during *Birkas HaMazon*, 'וְאָכַלְתָּ וְשָׂבַעְתָּ וּבֵרַכְתָּ אֶת ד' – "And you shall eat, be satisfied and bless Hashem, your G-d, for the good Land that He gave you" (*Devarim* 8:10), and women did not receive portions in the Land. *Tosfos* (s.v. *nashim*) understands that the possible exclusion of women is based on the need to mention *bris v'Torah* – *bris milah* and *talmud Torah* – in the second *berachah* of *Birkas HaMazon*, since women do not share in these *mitzvos*.

The *Gemara* presents a practical ramification of the status of the obligation. If a woman's obligation to recite *Birkas HaMazon* is *mid'oraisa*, she may recite it on behalf of a man and discharge his obligation. However, if her obligation is merely rabbinic, since her obligation is on a lower level than that of the man on whose behalf she is reciting *Birkas HaMazon*, she cannot discharge his obligation through her recitation. One may be *motzi* another person through *shomei'a k'oneh* only if the one reciting is obligated to the same extent as the person listening. [Although we generally do not permit *shomei'a k'oneh* for *Birkas HaMazon*, as mentioned above, in the case of *sofer u'bur*, when a man cannot recite his own *Birkas HaMazon*, it is permitted.]

Rebbi Akiva Eiger (*Drush V'Chiddush, Berachos* 20b) notes that even according to the opinion that women are obligated in *Birkas HaMazon mid'oraisa*, they are certainly not obligated in the components of *bris v'Torah*. Therefore, when the *Gemara* says that according to this opinion, a woman may discharge a man's obligation in *Birkas HaMazon* by reciting it for him, the *Gemara* refers only to the balance of *Birkas HaMazon*. The

man would still need to recite *bris v'Torah* on his own, since he cannot be *yotzei* these elements through *shomei'a k'oneh* by listening to a woman, who is not obligated in *bris v'Torah*. It emerges from Rabbi Akiva Eiger's comment that the assumption of the *Gemara* is that *shomei'a k'oneh* may be effective with regard to one segment of a *berachah*.

Rabbi Akiva Eiger (*Teshuvos, siman 7*) discusses another example of *shomei'a k'oneh* on a *chatzi berachah* with regard to a woman who does not understand the Hebrew text of *Kiddush*. The *Mishnah Berurah* (193:5) recommends that since, under these circumstances, *shomei'a k'oneh* may not be effective (as we will discuss below), she should recite the *Kiddush* quietly, along with the *mekadesh*. Rabbi Akiva Eiger is troubled by the possibility that her *Kiddush* may be considered a *berachah l'vatalah*, and he therefore suggests that she should only recite the middle phrases of *Kiddush* that she does not understand. As for the opening and closing *berachos* of *Kiddush*, which she does understand, she should listen to the recitation of the *mekadesh*. Again, he assumes that *shomei'a k'oneh* can function on a *chatzi berachah*, the balance of which may be recited by the woman herself.

The *Acharonim* (*Chazon Ish, Orach Chaim 29:6*; *Steipler Gaon, Kehillos Yaakov, siman 11*) are bothered by an apparent contradiction. At times, we do seem to require the *mevareich* to recite an entire *berachah* for the listener, implying that *shomei'a k'oneh* is **not** effective on a *chatzi berachah*. For example, *Tosfos* (*Berachos 46a, s.v. ul'man d'amar*) quotes the *Rif's* explanation of the *Gemara* about a group of people who wish to recite *Birkas HaMazon* together. When a number of people eat together and none of them is capable of reciting the entire *Birkas HaMazon* on behalf of the group, they may divide the *bentching* between three or four people, but not more. In other words, each participant must recite an entire *berachah*; a single *berachah* may not be further divided between two people.

Similarly, the *Mishnah* in *Berachos* (34a) speaks of a case in which a *shli'ach tzibbur* who started reciting *Chazaras HaShatz* is unable to continue. [In the time of the *Mishnah*, there was no *hetter* to commit the *siddur* to writing, as it is considered part of *Torah SheBe'al Peh*. Since a *shli'ach tzibbur* would have to recite *Chazaras HaShatz* from memory, he might at times find it difficult to conclude his recitation.] The *Mishnah* teaches that a substitute *shli'ach tzibbur* who is asked to take over should do so without any delay, and he should begin "from the beginning of the *berachah* in which the [first *shli'ach tzibbur*] erred." Apparently, the substitute may not start in the middle of the *berachah*, because *shomei'a k'oneh* is not effective on only part of a *berachah*.

Rav Soloveitchik (*Shiurim L'Zecher Abba Mari Z"l* II, 5745 ed., p. 94; also found in *Birkas Rosh*, *Berachos* 20b) resolved this contradiction by noting the two cases in which we insist that the *mevareich* recite a full *berachah* – *Birkas HaMazon b'chaburah* and *Chazaras HaShatz*.

When we use the medium of *shomei'a k'oneh*, such as in *Kiddush*, the recitation of even a part of a *berachah* relates to the listener. Likewise, we apply *shomei'a k'oneh* to segments of *berachos* for the *Birkas HaMazon* of a *sofer u'bur*. However, as we saw above, *Birkas HaMazon b'chaburah* and *tefillas hatzibbur* do not involve *shomei'a k'oneh*. These institutions are likewise unique in that they operate only in units of complete *berachos*. One person must recite each *berachah* of the *chaburah* or each *berachah* of the *tzibbur*, in its totality, on behalf of the group.

The distinction between the mechanism of *shomei'a k'oneh* and that of *Birkas HaMazon b'chaburah* or *tefillas hatzibbur* is also relevant when the listener does not understand the Hebrew text that is recited. *Rashi*, cited by the *Rosh* (*Berachos* 7:6), proves from the *Mishnah* in *Megillah* (17a) that *shomei'a k'oneh* is still valid in this situation. The *Mishnah* teaches that a foreigner

who heard the *Megillah* read in Hebrew fulfills his obligation, even if he does not understand Hebrew.

The *Shulchan Aruch* (*Orach Chaim* 193:1), however, rules like *Tosfos* (*Berachos* 45b, s.v. *sha'ani*), who rejects *Rashi's* proof on the grounds that *kri'as haMegillah* is an exception to the rule, since it is read for the purpose of *pirsumei nisa* (publicizing the miracle). *Tosfos* maintains that the term *shomei'a k'oneh* implies that the listener must both hear and understand the text being recited.

Nevertheless, the *Mishnah Berurah* (*Bei'ur Halachah* 193:1, s.v. *eino yotzei*) quotes the *Birkas Avraham*, who writes that when *Birkas HaMazon* is recited *b'chaburah*, the listeners may discharge their obligation even if they do not understand the Hebrew text. The *Birkas Avraham* (cited by the *Mishnah Berurah* 61:40) comments similarly with regard to *Chazaras HaShatz*. These opinions maintain that since in *zimun* and *Chazaras HaShatz*, the listeners are not *yotzei* through *shomei'a k'oneh*, the whole *chaburah* or *tzibbur* may effectively offer one *Birkas HaMazon* or *tefillah* together, even in the absence of the comprehension of the listeners. [See *Eretz HaTzvi*, pp. 47-49.]

VIII. *Birkas Kohanim*

The Torah describes the first *Birkas Kohanim*:

וַיִּשָּׂא אַהֲרֹן אֶת יָדָיו אֶל הָעָם וַיְבָרֶכֶם וַיֵּרֵד מֵעֲשׂוֹת הַחֹטָאֵת וְהָעוֹלָה וְהַשְּׁלָמִים.

Aharon raised his hands toward the people and blessed them; then he descended from having performed the sin-offering, the *olah*-offering, and the peace-offering (*Vayikra* 9:22).

The *Gemara* in *Sotah* (38a) derives from this *passuk* that this *mitzvah*, colloquially referred to as "*duchening*," takes place at the conclusion of the offering of the *korbanos tzibbur*. For this reason, Rav Yaakov Emden (*Mor U'Ketzi'ah*) writes that nowadays, the *mitzvah* of *duchening* must be only rabbinic in

nature, given the lack of a *Beis HaMikdash* in which to offer *korbanos*.

The *Mishnah Berurah* (in a footnote to *Orach Chaim* 128:44) cites this opinion, but explains based on multiple sources in the *Gemara* and *Midrash* that *duchening* remains a *mitzvah d'oraisa* even nowadays. Similarly, the *Keren Orah* on the abovementioned *Gemara* in *Sotah* – quoting the explanation of his older brother, the *Mishkenos Ya'akov* (*Orach Chaim, Teshuvah* 90) – explains that *duchening* remains a *mitzvah d'oraisa* even nowadays, despite our inability to offer actual *korbanos tzibbur*.

Rav Soloveitchik expanded upon this view based on his analysis of the *berachah* of *Retzei* in the *Shemoneh Esrei*.

Retzei immediately follows *Shema Koleinu*, in which we ask that *Hashem* accept our prayers, וקבל ברחמים וברצון את תפלתנו – “and accept, with compassion and favor, our prayer.” What, then, do we add by our request in the beginning of the very next *berachah*, רצה ד' אלקינו בעמך ישראל ובתפלתם, – “Be favorable, *Hashem*, our G-d, toward Your people *Yisrael* and their prayer,” which seems to be a restatement of our previous request?

Rav Soloveitchik noted that the *berachah* of *Retzei* was recited by the *Kohanim* in the *Beis HaMikdash* after the sprinkling of the blood of the *Korban Tamid*, to request that the *korban* would be accepted with favor (*Mishnah Tamid* 5:1). Indeed, the term “*ritzui*” is a technical term that, in the vast majority of its usage in *Tanach*, appears in connection with *korbanos*. ונרצה לו לכפר עליו – “and it shall become acceptable for him, to atone for him” (*Vayikra* 1:4), and, פגול הוא לא ירצה – “[If it shall be eaten on the third day,] it is rejected; it shall not be accepted” (19:7) are examples of this usage.

The *Ba'al HaTanya* (*Iggeres HaTeshuvah, perek* 2) explains that the *passuk*, הכזה יהיה צום אבחרהו ... הלזה תקרא צום ויום רצון לד' – “Can such be the fast I choose ... Do you call this a fast and a **day of favor** to *Hashem*?” (*Yeshayah* 58:5), uses the term “*ritzui*” in relation to a *ta'anis* because a fast day shares this element

with the offering of *korbanos*. This is in line with the *tefillah* that Rav Sheshes added to the conclusion of his *Shemoneh Esrei* when he observed a *ta'anis*: "May it be Your will to consider my fat and blood that have been decreased as if I had offered them before You on the *mizbe'ach*, and **favor me**" (*Berachos* 17a).

Thus, the innovation of *Retzei* is that in this *berachah* we add the request that *Hashem* consider our *tefillos* **as if we had brought a *korban***. It is not only that our *tefillos* correspond to the *korbanos*; the *tefillos* themselves are considered to **be *korbanos***. The element that serves to convert the *tefillah* into a *korban* is the *berachah* of *Retzei*. That is why the *Gemara* in *Berachos* (22b) applies the *passuk* stated in reference to a disqualified *korban*, *זבח רשעים תועבה* - "The offering of the wicked is an abomination" (*Mishlei* 21:27), to a *tefillah* recited in the presence of excrement.

Rav Soloveitchik explained that when one recites *Retzei* in his private *Shemoneh Esrei*, his *tefillah* is accepted by *Hashem* as if he had brought a *korban yachid* of the individual. But when a *shli'ach tzibbur* recites *Retzei*, since the *Chazaras HaShatz* represents a *tefillas hatzibbur*, his *tefillah* is now converted into a ***korban tzibbur*** of the community. The *chazan* is comparable to the *Kohen* offering a *korban tzibbur* in the *Beis HaMikdash*.

Rav Shlomo HaKohen (*Av Beis Din* of Vilna in the late 1800s and the *magi'ah* of the Vilna Shas) adds that this is the intent of the *tefillah*, *ותערב לפניך עתירתנו כעולה וכקרבן* - "May our entreaty become pleasing before You as an *olah*-offering and as a sacrifice," which we recite just prior to *Birkas Kohanim* on *Yomim Tovim*. Absent *korbanos tzibbur*, we are unable to engage in *Birkas Kohanim*. This is really the theme of the beginning of the *berachah* of *Retzei* as well; we again emphasize it in *ותערב* because the transformation of our *tefillos* into *korbanos* is indispensable to *Birkas Kohanim* (*Binyan Shlomo, Tikunim VeHosafos, siman* 1).

Based on this, we also understand the requirement for the *Kohen* to ascend towards the *duchan* (platform) specifically during the recitation of *Retzei* (*Sotah* 38b), since it is this *berachah* that establishes the *Chazaras HaShatz* as a *korban tzibbur*, which in turn makes it possible for the *Kohen* to *duchen*.

Thus, when the *shli'ach tzibbur* recites *Retzei* in *Chazaras HaShatz*, the communal *tefillas hatzibbur* is transformed into a *korban tzibbur*. This occurs on the level of *d'oraisa*, allowing for *Birkas Kohanim* to be *d'oraisa* as well, even nowadays. *Birkas Kohanim* is, in fact, taking place at the conclusion of *korbanos tzibbur*, as described in the *passuk*.

The *Mishkenos Ya'akov* adds that although the obligation of *tefillah* on a daily basis may be only rabbinic in nature (according to the *Ramban*), if it is a *tefillah* with *Chazaras HaShatz* that will lead up to *duchening*, that *tefillah* attains the status of a *d'oraisa*, similar to *Birkas Kohanim* itself. [See *Nefesh HaRav*, 1994 ed., pp. 121-122.]

HAZKARAS MEI'EIN HAME'ORA

I. Omission of *Ya'aleh V'Yavo*

Based on the *passuk*, ברוך ד' יום יום - "Blessed is Hashem day [by] day" (*Tehillim* 68:20), the *Gemara* in *Berachos* (40a) teaches: ברוך יום יום תן לו מעין ברכותיו של יום - "On every single day, give Him [praise] that reflects its particular blessings." *Rashi* explains that on Shabbos, one should recite a special *berachah* that reflects the nature of Shabbos, and on Yom Tov one should recite a special *berachah* that reflects the nature of Yom Tov.

For this reason, the *Gemara* in Shabbos (24a) explains that on Rosh Chodesh and Chol HaMo'ed, there is an obligation of *hazkaras mei'ein hame'ora* - making mention of the day's unique status. Therefore, on these days, we insert *Ya'aleh V'Yavo* in the *berachah* of *Retzei* in *Shemoneh Esrei*. The *Gemara* adds that one who forgets to recite *Ya'aleh V'Yavo*, and has thus failed to praise Hashem for that day's particular quality, must rectify his omission by repeating the *Shemoneh Esrei*.

However, the *Gemara* in *Berachos* (30b) notes an exception: With regard to a "tzibbur," if one makes a similar error, we do not insist that he repeat the *Shemoneh Esrei*. *Rashi* (s.v. *b'tzibbur*), quoting the *Bahag*, explains that the *Gemara* refers to a *shli'ach tzibbur*. If the *shli'ach tzibbur* forgot *Ya'aleh V'Yavo* in *Chazaras HaShatz* of *Shacharis*, he should not repeat the *Shemoneh Esrei*, because this would constitute a *tircha d'tzibbura* (public inconvenience). We may rely on the fact that he will mention that the day is Rosh Chodesh when he *davens* the *Mussaf Chazaras HaShatz*.

In a similar vein, the *Magen Avraham* (*Orach Chaim* 126:3), in the name of the *Rama MiPano*, rules that an individual who omitted *Ya'aleh V'Yavo* in *Shacharis* on Rosh Chodesh need not repeat *Shemoneh Esrei* if he has already *davened Mussaf* before realizing his error. The *bedi'eved* situation of an individual should not be treated more stringently than the *l'chatchilah* case of the *shli'ach tzibbur*, who may rely on the mentioning of Rosh Chodesh in the upcoming *Mussaf Amidah*.

II. Repetition as a *Tefillas Nedavah*

Rav Soloveitchik quoted Rav Chaim, who understood based on this *Gemara* that if one forgets *Ya'aleh V'Yavo* on Rosh Chodesh or Chol HaMo'ed, his repetition of *Shemoneh Esrei* is **not** in order to fulfill his obligation to recite a valid *Shemoneh Esrei*. If a *Shemoneh Esrei* without *Ya'aleh V'Yavo* were deemed truly invalid, the leniency to rely on the *Mussaf Amidah* to avoid *tircha d'tzibbura* would not be possible. Rather, argued Rav Chaim, one has already fulfilled his requirement of *Shemoneh Esrei*, even in the absence of *Ya'aleh V'Yavo*. The reason he repeats the *Shemoneh Esrei* is in order to fulfill a different obligation – that of *hazkaras mei'ein hame'ora*, to recognize the day as Rosh Chodesh or Chol HaMo'ed.

Thus, Rav Chaim explained, when one forgets *Ya'aleh V'Yavo* and repeats the *Shemoneh Esrei*, it is really a rabbinic **dispensation**, allowing him to *daven* again to enable him to fulfill his obligation of *hazkaras mei'ein hame'ora*. In other words, the *Chachamim* declared that repeating the *Shemoneh Esrei* for *hazkaras mei'ein hame'ora* does not constitute a violation of the *issur* of *berachah l'vatalah*. This rabbinic allowance, in turn, results in an obligation to repeat the *Shemoneh Esrei* to fulfill *hazkaras mei'ein hame'ora*.

The obligation of *hazkaras mei'ein hame'ora* applies within each one of the day's various time frames: at night (in *Ma'ariv*), in the morning (in *Shacharis*), and in the afternoon (in *Mincha*).

Optimally, one should discharge the obligation of *hazkaras mei'ein hame'ora* of the morning *zeman* in his *Shacharis Shemoneh Esrei*. Therefore, if he forgot *Ya'aleh V'Yavo* in *Shacharis*, he must repeat the *Shemoneh Esrei*.

However, due to the consideration of *tircha d'tzibbura*, a *shli'ach tzibbur* who forgot *Ya'aleh V'Yavo* may rely on his future mentioning of Rosh Chodesh in the *Mussaf Amidah*, as long as he will recite it in the *zeman Shacharis*, before *chatzos* (see *Rosh, Berachos* 4:23). Similarly, an individual who has already *davened Mussaf* in the *zeman Shacharis* has thereby discharged his obligation of *hazkaras mei'ein hame'ora* in this *zeman tefillah*. He therefore has nothing to gain by repeating *Shacharis*, since the *Shemoneh Esrei* that he recited earlier was valid, even though it lacked *Ya'aleh V'Yavo*.

This leads to a question, however. As mentioned, if one forgets *Ya'aleh V'Yavo* in *Shacharis*, he repeats the *Shemoneh Esrei* in order to fulfill his obligation of *hazkaras mei'ein hame'ora*. But once he *davens Mussaf*, he will have fulfilled *hazkaras mei'ein hame'ora* in the *zeman Shacharis* through this *Amidah*. Therefore, retroactively, the second *Shacharis Shemoneh Esrei* that he *davened* was unnecessary, as it did not fulfill any obligation! He fulfilled his *chiyuv tefillah* with his first *Shacharis Shemoneh Esrei*, and he fulfilled *hazkaras mei'ein hame'ora* with *Mussaf*. Why, then, is the recitation of the second *Shacharis Shemoneh Esrei* permitted and not deemed a violation of the *issur* of *berachah l'vatalah*?

To answer this question, Rav Soloveitchik suggested in the name of Rav Chaim that the second *Shemoneh Esrei* is considered a *tefillas nedavah* (voluntary prayer). Such a *tefillah* may be offered when a particular need arises (*Berachos* 21a, see *Rosh* 3:15), and fulfilling one's obligation of *hazkaras mei'ein hame'ora* by *davening* again is considered an appropriate need.

Accordingly, Rav Chaim argued that nowadays – when, due to our inadequate concentration during *Shemoneh Esrei*, we

do not recommend offering *tefillos nedavah* – it is preferable for an individual who forgot *Ya'aleh V'Yavo* in *Shacharis* to act in accordance with the practice of the *shli'ach tzibbur*. He should mention Rosh Chodesh in the *Mussaf Amidah* (during the morning-*tefillah* timeframe), rather than rely on the dispensation to offer a *tefillas nedavah* and repeat his *Shacharis Shemoneh Esrei*. The same applies when Rosh Chodesh falls on Shabbos, since a *tefillas nedavah* may not be offered on Shabbos (*Orach Chaim* 107:1).

In this case, the *halachah* has not changed; the Torah is a representation of *Elokus* (G-dliness), and *Hashem* Himself, of course, never changes. Rather, the required action of the one who forgot *Ya'aleh V'Yavo* has changed because the **circumstances** have changed, as the offering of a *tefillas nedavah* is generally no longer recommended.

It is noteworthy that after the *Mechaber* (*Orach Chaim* 126:3) cites the *halachah* that a *shli'ach tzibbur* who forgot *Ya'aleh V'Yavo* may rely on the *Mussaf Chazaras HaShatz*, the *Rama* discusses a similar situation that may occur on Shabbos or Yom Tov. If the *shli'ach tzibbur* mistakenly recited a weekday *Shemoneh Esrei* as *Chazaras HaShatz* instead of the appropriate Shabbos or Yom Tov *Amidah*, some maintain that in this case as well, he may rely on the upcoming *Mussaf Chazaras HaShatz*, which will make mention of the special status of the day.

According to the above analysis of Rav Chaim, however, there is room to distinguish between these cases. The leniency to rely on the *Mussaf Chazaras HaShatz* applies uniquely to an omission of *Ya'aleh V'Yavo* in *Shacharis*, when only the *chovas hazkaras mei'ein hame'ora* is deficient but one does discharge his *chovas tefillah*. In contrast, a weekday *Shemoneh Esrei* on Shabbos or Yom Tov is an incorrect *nusach hatefillah*; thus, the *chovas tefillah* itself has not been fulfilled. Mentioning Shabbos or Yom Tov in *Mussaf* cannot compensate for an invalid *Shacharis Shemoneh Esrei*, and therefore the *shli'ach tzibbur*

would have to repeat the *Chazaras HaShatz* in this situation (see *Mishnah Berurah* 126:15).

III. *Ya'aleh V'Yavo* in *Mincha*

We find a related discussion with regard to one who realizes at night that he forgot to recite *Ya'aleh V'Yavo* in *Mincha* on Rosh Chodesh afternoon. The *Shulchan Aruch* (*Orach Chaim* 108:11) rules that since there is a *machlokes Rishonim* (see *Tosfos*, *Berachos* 26b, s.v. *ta'ah*) regarding whether he would benefit from *davening* a second *Shemoneh Esrei* in *Ma'ariv*, given that *Ya'aleh V'Yavo* will no longer be recited, he should *daven* a second *Shemoneh Esrei* as a *tefillas nedavah*.

It is said in the name of Rav Chaim that the basis of the *machlokes* revolves around the nature of the *halachah* that one who omits *Ya'aleh V'Yavo* must repeat the *Shemoneh Esrei*. If the omission of *Ya'aleh V'Yavo* causes the *Shemoneh Esrei* to be invalid, one who forgot *Ya'aleh V'Yavo* in *Mincha* on Rosh Chodesh must *daven* a *tefillas tashlumin* (a compensatory prayer) in *Ma'ariv* to fulfill his *chiyuv tefillah* of *Mincha*. However, if the *Shemoneh Esrei* is valid despite the absence of *Ya'aleh V'Yavo*, and the reason he repeats the *Shemoneh Esrei* is to fulfill his obligation of *hazkaras mei'ein hame'ora*, לא ירויה כלום - "he will not gain anything" by *davening* an additional *Shemoneh Esrei* at night, as *Rabbeinu Yehudah* (quoted in *Tosfos*) contends. One cannot compensate for his deficiency once the *zeman Mincha* has concluded. As noted above, based on the *Gemara* in *Berachos* about a *shli'ach tzibbur* who omits *Ya'aleh V'Yavo*, Rav Chaim favored the latter understanding of the nature of this *halachah*.

Based on this analysis, the same ruling should apply to one who forgot *Ya'aleh V'Yavo* in *Mincha* on Rosh Chodesh when the following night is also Rosh Chodesh. The *Mishnah Berurah* (108:34) writes that the consensus of the *Acharonim* is that in this case, both sides of the *machlokes Rishonim* would agree that

he must *daven* a second *Shemoneh Esrei* in *Ma'ariv*, since he will gain an additional *hazkaras mei'ein hame'ora* in the *Ya'aleh V'Yavo* of this *Shemoneh Esrei*. However, we may argue that the *machlokes Rishonim* applies to this situation as well. According to Rav Chaim's interpretation, the *chiyuv tefillas Mincha* has been discharged with the *Shemoneh Esrei* recited earlier, and the deficient *hazkaras mei'ein hame'ora* of the *zeman Mincha* cannot be corrected by reciting *Ya'aleh V'Yavo* in a second *Shemoneh Esrei* in the *zeman Ma'ariv*. Thus, in this case as well, one will not gain by *davening* an additional *Shemoneh Esrei* at night (*Binyan Ari'el*, cited in *Sha'ar HaTziyun* 108:54; *Pischei Teshuvah, Orach Chaim* 108:11).

IV. *Ya'aleh V'Yavo* in *Ma'ariv*

Rav Soloveitchik expanded on the words of his grandfather in analyzing the statement of Rav in the *Gemara* in *Berachos* (30b): "If one erred and did not mention Rosh Chodesh [in *Ya'aleh V'Yavo*] in *Ma'ariv*, we do not make him repeat, לפי שאין בית דין מקדשין את החודש אלא ביום – because *beis din* sanctifies the new month only by day."

In the days of Rav, they practiced *kiddush hachodesh al pi hare'iyah* (sanctification of the new moon by the sighting of witnesses), through which the declaration of *beis din* that the day is Rosh Chodesh converts the entire day, starting with nightfall on the preceding night, into Rosh Chodesh. We are able to be *mekadesh* retroactively because we treat the entire day as one unit. Therefore, the *Gemara* teaches that if it is possible that *beis din* may declare a particular day as Rosh Chodesh Tishrei (if witnesses arrive and testify), one must abstain from *melachah* for that entire day, lest it retroactively be declared Rosh Hashanah (*Rosh Hashanah* 30b). This is the reason that we recite *Ya'aleh V'Yavo* in *Ma'ariv* of Rosh Chodesh as well; the night will have the status of Rosh Chodesh once *beis din* is *mekadesh* the *chodesh* on the subsequent day.

Given this background, we do not readily understand why the rule of *אין מקדשין את החודש בלילה* plays a role in distinguishing between *Ma'ariv* and the next day's *tefillos*. Although it is true that *beis din* is not *mekadesh* the *chodesh* at night, once they declare Rosh Chodesh in the daytime, the previous night has the same status of Rosh Chodesh as the day. Furthermore, why should Rav's *din* be relevant nowadays, when we know in advance that the day is Rosh Chodesh according to the *lu'ach*? In order to answer these questions, we must examine the nature of *kiddush hachodesh bizman hazeh*.

V. Kiddush HaChodesh BiZman HaZeh

According to the *Rambam* (*Sefer HaMitzvos, Mitzvos Aseh 153; Hilchos Kiddush Hachodesh 5:1-2*), when the *Beis Din HaGadol* (High Court) was in existence, *kiddush hachodesh* and *ibbur hashanah* (intercalation of the year) had to be carried out under its auspices. The *Ramban* (*Hasagos to Sefer HaMitzvos, Mitzvos Aseh 153*) disagrees, claiming that while it would be improper for an ad hoc group of three judges to determine the *kevi'as halu'ach* (establishment of the calendar) on behalf of the Jewish Nation without the authorization of the *Sanhedrin*, its determination would, post facto, be legally binding. The *Ramban* argues that this must be the case, because we know that *kiddush hachodesh* was performed until the days of Abaye and Rava by their counterparts in Eretz Yisrael, even though the *Beis Din HaGadol* had ceased to exist many years earlier.

Even the *Ramban*, who maintains that *kiddush hachodesh* may be effected even without the *Beis Din HaGadol*, requires that the members of the *beis din* have authentic *semichah*, as part of a direct chain back to Moshe Rabbeinu. If so, how is it that we sanctify the months nowadays, when the chain of *semichah* has been broken? The *Ramban* explains that Hillel HaSheini, realizing that the chain of *semichah* would be broken, was

mekadesh all of the *chodashim* in advance until the time that *semichah* will be reinstated with the coming of *Mashiach*.

Regarding this point as well, the *Rambam* (*Sefer HaMitzvos* and *Hilchos Kiddush Hachodesh* 5:2,13) disagrees and assumes that nowadays, the Jews living in Eretz Yisrael are responsible to be *mekadesh* the *chodesh*. Those Jews – even if they constitute a small fraction of the world Jewish population – are the ones who are classified as “*Klal Yisrael*,” and it is the body of *Klal Yisrael* that is assigned the role of being *mekadesh* the *chodashim* (*Avnei Nezer, Orach Chaim* 314:4). The *Rambam* claims that there is a *Halachah LeMoshe MiSinai* that in the absence of the *Beis Din HaGadol*, the *mitzvah* is incumbent upon the body of *Klal Yisrael*.

The *Ramban* questions this assertion, arguing that such a *Halachah LeMoshe MiSinai* is not mentioned anywhere in the Talmud. To this, the *Brisker Rav* (*Kuntres MeiChiddushei Maran Ri"z HaLevi al Inyanei Kiddush Hachodesh Yoma VeSukkah, Hilchos Kiddush HaChodesh* 5:1) responds that this is in fact the meaning of the *Gemara's* reference to the סוד העיבור, “the secret of intercalation” (*Rosh Hashanah* 20b, as explained by *Rabbeinu Chananel* in the name of the *Ge'onim*) – that *Klal Yisrael* has the ability to sanctify the months in place of the *Sanhedrin*.

VI. The Role of *Klal Yisrael*

Rav Soloveitchik explained in his first *yahtzeit derashah* (*Shiurim L'Zecher Abba Mari Z"l I*, 1983 ed., pp. 129-134, 137-139; *Kovetz Chiddushei Torah*, pp. 52-56) that the *Beis Din HaGadol* functioned in two primary capacities – as the final arbiter of halachic matters and as the representative of *Klal Yisrael*. The *Rambam's* requirement that the *Sanhedrin* oversee *kiddush hachodesh* is **not** a manifestation of its role as the Supreme Court of the Jewish People, responsible for rendering the final legal decision on halachic matters. *Kiddush hachodesh* does not necessarily involve a complicated *psak halachah* that requires the greatest

legal minds of the Jewish Nation. Rather, in performing *kiddush hachodesh*, the *Beis Din HaGadol* serves to represent *Klal Yisrael*. In this sense, the *Sanhedrin* fills a role akin to that of the Congress in the United States.

This is how the *Gemara* in *Berachos* (49a) interprets the conclusion of the middle *berachah* of the Yom Tov *Amidah*, מקדש ישראל – “Who sanctifies [*Bnei*] *Yisrael* who, in turn, sanctify the *Yomim Tovim*.” We do not recite מקדש בית דין הגדול והזמנים, because, in fact, it is *Klal Yisrael* that is responsible to be *mekadesh* the *Yomim Tovim*. The *Beis Din* performs this function acting on behalf of *Klal Yisrael*. The *Tosefta* (*Sanhedrin* 2:6) echoes this idea by stating that the *Beis Din HaGadol* may effect *ibbur hashanah* (and, presumably, *kiddush hachodesh* as well) only on the condition that the majority of the *tzibbur* accepts it upon themselves, since they are the real *me’abrim* and *mekadshim*.

Since the responsibility of *kevi’as halu’ach* ultimately rests upon *Klal Yisrael* as a whole, when there is a *Beis Din HaGadol*, it performs this task as the representative of *Klal Yisrael*. Accordingly, we understand the *Rambam’s* position that when the *Beis Din HaGadol* ceases to exist, the responsibility of *kevi’as halu’ach* reverts back to *Klal Yisrael*. [See *Eretz HaTzvi*, p. 231; *Rav Schachter on the Moadim, Sha’uos*, section V.]

Rav Soloveitchik elaborated on the mechanism through which *Klal Yisrael* is *mekadesh* the *chodesh*. He explained that when its members observe the *dinim* associated with Rosh Chodesh, their *nihug* (practice) demonstrates that the day is Rosh Chodesh and sanctifies it as such.

How is this accomplished? The recitation of *birkas hachodesh* prior to Rosh Chodesh and half-*Hallel* on Rosh Chodesh are merely *minhagim* (see *Ta’anis* 28b). Furthermore, there is no obligation of *se’udah* on Rosh Chodesh, although there is an *issur ta’anis*; it is only a *middas chassidus* to partake of a *se’udas Rosh Chodesh* (*Mishnah Berurah* 419:1). Instead, the primary observance of the day as Rosh Chodesh by *Klal Yisrael* is through recitation of *Ya’aleh V’Yavo* and *Mussaf*; that is what

makes the day into Rosh Chodesh. Thus, aside from *hazkaras mei'ein hame'ora* as a fulfillment of the dictum *בכל יום ויום תן לו* *מעין ברכותיו של יום*, mentioning the day's unique *kedushas hayom* is actually *mekadesh* the day as Rosh Chodesh.

It is this function of *Klal Yisrael* that is the basis of the requirement to repeat the *Shemoneh Esrei* if one neglected to recite *Ya'aleh V'Yavo*. As Rav Chaim explained, one fulfills his *chiyuv tefillah* even without *Ya'aleh V'Yavo*. Likewise, the *chiyuv hazkaras mei'ein hame'ora*, *יום מעין ברכותיו של יום*, *בכל יום ויום תן לו מעין ברכותיו של יום*, does not obligate a person to repeat *Shemoneh Esrei bedi'eved* (after he has already *davened*). Instead, one repeats the *Shemoneh Esrei* if he forgot *Ya'aleh V'Yavo* in order to fulfill the *chiyuv hazkaras kedushas hayom* – to participate with the *tzibbur* as they are *kovei'a* (establish) the day as Rosh Chodesh.

This *nihug hatzibbur* was necessary even in a generation in which they were *mekadesh* the *chodesh al pi hare'iyah*. By adding *Ya'aleh V'Yavo* in the *Shemoneh Esrei*, the members of the *tzibbur* demonstrate that they acquiesce to the *kiddush* of *beis din*, for, as we saw in the *Tosefta*, the *tzibbur's* *haskamah* is indispensable. Rather than being insignificant now that the day of Rosh Chodesh is set according to the *lu'ach*, the *nihug hatzibbur* is even more important nowadays, since according to the *Rambam*, the *tzibbur* substitutes for the *Sanhedrin* and performs the entire *mitzvah* of *kiddush hachodesh*.

VII. Kiddush HaChodesh BaLaylah

Given this background, we can understand the difference between omitting *Ya'aleh V'Yavo* in *Ma'ariv* and in one of the other *tefillos*.

As mentioned, the *Gemara* taught that the absence of a requirement to repeat the *Ma'ariv Shemoneh Esrei* is a result of *beis din's* inability to be *mekadesh* the *chodesh* at night. At first glance, the *halachah* of *בלילה את החודש בלילה* seems to be

identical with the more general rule that *beis din* may not sit to adjudicate any case at night (*Sanhedrin* 32a), as *kiddush hachodesh* requires an act of *beis din*. Rav Soloveitchik noted, however, that the *Gemara* in *Rosh Hashanah* (25b) teaches that there is a significant difference between *kiddush hachodesh* and other judicial procedures with regard to the disqualification of nighttime. In the case of *dinei momonos* (monetary litigations), if a *beis din* began the proceedings during the day, they may conclude them at night, but for *kiddush hachodesh*, even if the interrogation of the witnesses commenced during the day, the *beis din* must perform the *kiddush hachodesh* before nightfall.

Furthermore, the *Gemara* finds it necessary to cite a *passuk* specific to Rosh Chodesh as the source for the *din* that *beis din* may not be *mekadesh* the *chodesh* at night: כִּי חוֹק לְיִשְׂרָאֵל הוּא מִשְׁפֵּט לֹא לֵאמֹר יֵעָקֵב – “Because it is a statute for Israel, a judgment [day] for the G-d of Yaakov” (*Tehillim* 81:5). The *Gemara* understands the *passuk* to teach that just as judgment must be conducted by day, the proclamation of Rosh Chodesh must also be performed by day.

On this basis, Rav Soloveitchik explained the *halachah* of לילה בלילה את החודש אין מקדשין differently. The Rav suggested that this is a separate *halachah* unique to Rosh Chodesh, independent of *beis din*'s role in the pronouncement of the day as Rosh Chodesh. In other words, even if *beis din* were not involved in *kiddush hachodesh*, the *din* of לילה בלילה את החודש אין מקדשין demands that we cannot be *kovei'a* Rosh Chodesh at night. This point is relevant to *kiddush hachodesh bizman hazeh*, when we lack a *Beis Din HaGadol* and *Klal Yisrael* makes the day into Rosh Chodesh through its *nihug*.

As we discussed above, it is the *chiyuv hazkaras kedushas hayom*, the need to be *kovei'a* the day as Rosh Chodesh, that necessitates the repetition of the *Shemoneh Esrei* in *Shacharis* and *Mincha*. However, in *Ma'ariv*, although *l'chatchilah* one should recite *Ya'aleh V'Yavo*, since the night will become Rosh

Chodesh retroactively once Rosh Chodesh is declared on the following day, *bedi'eved* (after he has already *davened*), it is not necessary to repeat the *Shemoneh Esrei*.

The principle of *אין מקדשין את החודש בלילה* means that there is no *kevi'us Rosh Chodesh* at night, and this implies that either method through which we create *kedushas Rosh Chodesh* – *kiddush beis din* in earlier times or *nihug hatzibbur* nowadays – simply cannot take effect at night. Thus, the *nihug* of reciting *Ya'aleh V'Yavo*, whose primary purpose is *kevi'us Rosh Chodesh*, is not indispensable in *Ma'ariv*.

Continuing this line of reasoning, Rav Soloveitchik challenged a *psak* of Rav Abele Pasveler z"l, the Av Beis Din of Vilna. If one erroneously recites *הקל הקדוש* instead of *המלך הקדוש* during the *Aseres Yemei Teshuvah*, he must repeat the *Amidah*. However, the *Chayei Adam* (24:10) cites an original *psak* of Rav Abele, who argued that if one were to make this error on the night of Rosh Hashanah, he would not repeat the *Amidah*, just as one who fails to mention Rosh Chodesh in *Ya'aleh V'Yavo* in *Ma'ariv* need not repeat the *Shemoneh Esrei*, since *אין מקדשין את החודש בלילה*.

On the basis of his understanding of the *halachah* regarding the omission of *Ya'aleh V'Yavo* in *Ma'ariv*, the Rav differentiated between the two cases. Reciting *הקל הקדוש* instead of *המלך הקדוש* is considered an incorrect *nusach hatefillah*, similar to reciting the weekday *Shemoneh Esrei* instead of the Rosh Hashanah *Amidah*. In these cases, one would certainly not be *yotzei*, since he has not recited the correct *nusach hatefillah*.

We cannot compare this case to the omission of *Ya'aleh V'Yavo*, where one is *yotzei* his *chovas tefillah*, even on the **day** of Rosh Chodesh. He repeats the *Shacharis* or *Mincha Shemoneh Esrei* to fulfill the *chovas hazkaras kedushas hayom* – to participate in the *nihug* of *Klal Yisrael* who are *kovei'a*, and are thereby *mekadesh*, the day of Rosh Chodesh. Since the *ma'aseh kevi'us Rosh Chodesh* takes place specifically during the day, and not on *leil Rosh Chodesh*, there are no grounds to require the repetition

of *Shemoneh Esrei* in order to recite *Ya'aleh V'Yavo*. However, the Rav argued, we cannot extend this leniency to an omission of המלך הקדוש, where even the *chovas hatefillah* has not been satisfied.

VIII. *Retzei* and *Ya'aleh V'Yavo* in *Birkas HaMazon*

Rav Soloveitchik offered a similar explanation regarding the addition of *Retzei* and *Ya'aleh V'Yavo* in *Birkas HaMazon*.

The *Gemara* in *Berachos* (49b) provides a guideline regarding the omission of *Ya'aleh V'Yavo* in *Birkas HaMazon*: One must repeat *Birkas HaMazon* if there was an obligation to partake of a meal consisting of bread at that time. Thus, on Rosh Chodesh or Chol HaMoed, when no such obligation exists, *Birkas HaMazon* is not repeated; on Shabbos and Yom Tov, when there is a requirement to have a *se'udah* with bread, *Birkas HaMazon* is repeated.

Even with regard to Shabbos, *Tosfos* (s.v. *i ba'i*) questions whether one would have to repeat *Birkas HaMazon* if he omits *Retzei* following *se'udah shlishis*, as there are opinions among the *Rishonim* that one can discharge his obligation of eating this meal with non-bread items. *Tosfos* adds that if one were to have a fourth *se'udah* on Shabbos, he would likewise not repeat *Birkas HaMazon* if he omitted *Retzei*, because he was not obligated to eat that meal.

Rav Soloveitchik (*Shiurim L'Zecher Abba Mari Z"l II*, 1985 ed., pp. 110-117) developed the following explanation based on the *Gemara's* rule.

As explained above in the context of omission of *Ya'aleh V'Yavo* in *Shemoneh Esrei*, repetition is **not** necessary in order to fulfill one's obligation of *Shemoneh Esrei* per se. Here too, the obligation to mention the unique character of the day of Shabbos or Yom Tov in the *Birkas HaMazon* by adding *Retzei* or *Ya'aleh V'Yavo* is **not** in order to discharge one's obligation of

Birkas HaMazon. One fulfills the obligation of *Birkas HaMazon* even if he omitted *Retzei* or *Ya'aleh V'Yavo*.

The reason one must repeat *Birkas HaMazon* on Shabbos and Yom Tov if he forgot *Retzei* or *Ya'aleh V'Yavo* must be in order to fulfill a different requirement – in order to fulfill one's obligation of *se'udas Shabbos* or *se'udas Yom Tov*. Even if one has eaten a meal, if he failed to mention the unique character of the day of Shabbos or Yom Tov in the *Birkas HaMazon*, he has not appropriately labeled the meal as a *se'udas Shabbos* or *se'udas Yom Tov*. This is the purpose of the insertion of *Retzei* and *Ya'aleh V'Yavo* in the *Birkas HaMazon*. We mention the *kedushas hayom* following the meal in order to be *kovei'a* the *se'udah* as a *se'udas Shabbos* or *se'udas Yom Tov*.

Thus, if one omitted *Retzei* or *Ya'aleh V'Yavo*, he has the option of eating another meal to fulfill his obligation of *se'udah*. However, the *Chachamim* were lenient and permitted him to repeat *Birkas HaMazon* and mention the day's particular *kedushas hayom*, to now establish his meal as a *se'udas Shabbos* or *se'udas Yom Tov*. He will thereby fulfill his obligation of *se'udah*; his obligation of *Birkas HaMazon* was fulfilled earlier, in his first recitation. That is why if there is no obligation of *se'udah* on a given day or at a given meal, and there is thus no need to be *kovei'a* the *se'udah* in this manner, *Birkas HaMazon* need not be repeated.

The Rav explained that this understanding forms the basis of the *halachah* (*Orach Chaim* 188:9) that if three people formed a *zimun* and then all three omitted *Retzei* in their *Birkas HaMazon*, when they repeat *Birkas HaMazon*, they should do so as individuals, without repeating the introductory *zimun*. The reason for this *halachah* is the principle *אין זימון למפרע* – “there is no *zimun* retroactively” (*Berachos* 45b), a rule that the *Gemara* applies to a case in which three people who ate together recited *Birkas HaMazon*, but neglected to recite the *zimun* beforehand.

Apparently, even though the members of the *chaburah* omitted *Retzei*, they have already fulfilled their obligation of *Birkas HaMazon*. Since they are repeating *Birkas HaMazon* only in order to fulfill their *se'udas Shabbos* obligation, there is no need to repeat the *zimun*. *Zimun* is only appropriate prior to a group's fulfillment of its obligation of *Birkas HaMazon* – not in this case, in which the repetition of *Birkas HaMazon* is only necessary to establish the meal as a *se'udas Shabbos*.

This background also provides us with the basis to understand the *halachah* of *Kiddush b'makom se'udah*, the requirement to recite *Kiddush* in the location of the *se'udah* (*Pesachim* 101a).

It is the opinion of the Vilna Gaon (*Ma'aseh Rav, siman* 122) that even the Shabbos day *Kiddush* must be recited immediately prior to eating a full *se'udah* with bread. This is in contrast to the widespread custom, which appears to rely on the position of the *Ge'onim* cited in the *Shulchan Aruch* (*Orach Chaim* 273:5), permitting the recitation of *Kiddush* in connection with *Mezonos* food or additional wine.

Rav Soloveitchik explained that the opinion of the *Gr"a* is based on the premise that the purpose of *Kiddush* is in order to be *kovei'a* the *se'udah* as a *se'udas Shabbos*. This is accomplished in two ways – by reciting *Kiddush* at the onset of the meal and by mentioning Shabbos in *Retzei* in *Birkas HaMazon* following the meal. Since the *se'udas Shabbos* certainly requires the eating of bread (*Berachos* 49b), one must recite *Kiddush* just prior to one's eating of bread, at which point he will fulfill his *mitzvah* of *se'udas Shabbos*. [See *Rav Schachter on the Moadim, Shabbos: Kiddush B'makom Se'udah*, sections II-III; *Eretz HaTzvi*, pp. 43-47.]

HE'AROS B'NUSACH HASIDDUR

I. *Lifnei Hashem*

The *passuk* describes that in the aftermath of Kayin's crime, 'ויצא קין מלפני ד' - "And Kayin left the presence of Hashem" (*Bereishis* 4:16). In fact, Kayin himself predicted this punishment when he said, ומפניך אסתר - "I will be hidden from Your presence" (4:14). Where could Kayin go, such that he would not be in Hashem's presence?

The *Ramban* explains that Kayin's punishment was that he would no longer be granted permission to *daven* or to offer *korbanos*. A person is obviously always within Hashem's view. The special status of standing *lifnei Hashem* is reserved for one who *davens* or offers *korbanos*, and in that sense, Kayin never again stood before Hashem.

This state is the very essence of *tefillah*. One must realize that he stands *lifnei Hashem* when he *davens*.

Along these lines, Rav Chaim Soloveitchik (*Chiddushei Rabbeinu Chaim HaLevi al HaRambam, Hilchos Tefillah* 4:1) discusses a contradiction in the *Rambam* with regard to the need for *kavanah* (concentration) during the *Shemoneh Esrei*. In *Hilchos Tefillah* (4:15), the *Rambam* writes that "any *tefillah* that is without *kavanah* is not *tefillah*. If one *davened* without *kavanah*, he must *daven* again with *kavanah*." This seems to imply that *kavanah* is critical during the entire *Shemoneh Esrei*. However, later (10:1), the *Rambam* maintains that if one had *kavanah* for the first *berachah* of *Shemoneh Esrei*, he has discharged his

obligation; *kavanah* is not necessary during the remainder of the *Shemoneh Esrei*.

To resolve the contradiction, Rav Chaim distinguishes between two types of *kavanah*. The first he terms *peirush hadevarim*, understanding the translation of the words, whereas the second involves the awareness that one is standing *lifnei Hashem* in *tefillah*.

The *Rambam* in 10:1 refers to one who is cognizant of the fact that he is *davening*, but does not know the *peirush hadevarim*. This *kavanah* requirement is particular to the *mitzvah* of *tefillah*, and it is essential only for the first *berachah* of *Shemoneh Esrei*. In contrast, argues Rav Chaim, the realization that one is standing *lifnei Hashem* is not merely a requirement under the heading of *kavanah*; rather, it is part and parcel of the very **act** of *tefillah*. If one *davens* and does not view himself as standing in prayer before *Hashem*, his *davening* falls under the legal category of *misasek* (an accidental act), and it is not considered a *ma'aseh tefillah*. Thus, this *kavanah* is indispensable throughout the entire *Shemoneh Esrei*, since *davening* as a *misasek* is like not *davening* at all. It is as if one skipped those words that he recited without *kavanah*. The special status of *lifnei Hashem* is the essence of *tefillah*.

This concept underlies a number of our practices during *tefillah*.

The *Gemara* in *Yoma* (53b) teaches that upon concluding *Shemoneh Esrei* one should take three steps backward. The idea behind this practice is that one must leave the *makom kadosh* where he stood in prayer and re-enter the *makom chol* (*Beis Yosef*, *Orach Chaim* 123:3, quoting *Shibbolei HaLeket*). Similarly, before *Shemoneh Esrei*, we take three steps forward (*Rama*, *Orach Chaim* 95:1), since we must exit the mundane realm of this world in order to stand *lifnei Hashem*.

The *Shulchan Aruch* (*Orach Chaim* 123:4) writes that taking more than three steps backward after *Shemoneh Esrei* is an act of haughtiness, as if he was so close to *Hashem* during *Shemoneh*

Esrei that he requires more steps to return to this world. *Hashem* is not so distant from us that we should require more than three steps to approach Him, and no one is so close to Him during *davening* that he needs more than three steps to return to this world.

Rashi (*Berachos* 2a, s.v. *ad sof ha'ashmura*) notes that it was the practice in his time to recite the *Shema* in *shul* as part of *Ma'ariv*, even though they *davened* before *zeman kri'as Shema* (*tzeis hakochavim*). In explaining the purpose of reciting *Shema* at this time, even though it did not fulfill the Biblical obligation, *Rashi* cites the *Yerushalmi* (*Berachos* 1:1), which states that we recite *Shema* in order to stand in *tefillah* after having been occupied with words of Torah. For the same reason, we recite the *pessukim* of *Tehillim* known as *Ashrei* prior to the *Mincha Shemoneh Esrei* (*Tosfos*, *Berachos* 31a, s.v. *Rabbanan*).

In explaining the idea that words of Torah serve as a prelude to *tefillah*, Rav Soloveitchik observed that the *Beis HaMikdash* is not only the place for the offering of *korbanos*; it is also the central location for acceptance of *tefillah*. The *Beis HaMikdash* is thus termed "*Beis Tefillah*": **כי ביתי בית תפילה יקרא לכל העמים** - "for My House will be called a House of Prayer for all the peoples" (*Yeshayah* 56:7). Indeed, when Shlomo Ha-Melech offered his beautiful *tefillah* upon the dedication of the First *Beis HaMikdash*, he made no mention of the offering of *korbanos*, but instead emphasized: **והתפללו והתחננו אליך בבית הזה** - "And [Your people] shall pray and supplicate to You in this House" (*Melachim* I 8:33).

Even when one finds himself at a distant location, he should face the *Beis HaMikdash* when *davening*. In this way, the *tefillah* is directed towards the *Beis HaMikdash* and gains acceptance, as Shlomo Ha-Melech continued: **והתפללו אליך דרך ארצם אשר נתתה** - "And they shall pray to You by way of their Land that You gave to their forefathers, and [by way of] the city that You have chosen, and [by way of] the House that I built for Your Name" (8:48).

The reason the *Beis HaMikdash* is considered the *Beis Tefillah* is that there is *hashra'as haShechinah* (Divine Presence) in the *Beis HaMikdash*, and, as discussed, *tefillah* is synonymous with being in a state of *lifnei Hashem*.

Chazal teach that "since the day that the *Beis HaMikdash* was destroyed, *HaKadosh Baruch Hu* has nothing in His world but the four *amos* of Halachah" (*Berachos* 8a). This means that nowadays, the *Shechinah* dwells only in a place in which people learn Torah. Therefore, one who recites *Shemoneh Esrei* after being occupied with words of Torah is similar to one who *davens* in the *Beis HaMikdash*. He has enhanced his state of *lifnei Hashem* as he stands in *tefillah*. [See *MiPinei HaRav*, 2001 ed., p. 34.]

II. יודעי שמך

In the *nusach* of *Birkas HaTorah* (cited in *Berachos* 11b), we ask that we, our offspring, and the offspring of all of *Klal Yisrael* may be *יודעי שמך ולומדי תורתך לשמה* – "those who know Your Name and study Your Torah for its own sake."

Many ask why *Chazal* inserted the concept of *yedi'as Hashem* (knowledge of *Hashem*), a *mitzvah* seemingly unrelated to that of *limmud haTorah*, into the text of *Birkas HaTorah*. We can appreciate the answer to this question if we understand the nature of *talmud Torah* and the essence of the Torah itself.

The *passuk* in *Shmuel I* (24:14) states, *כאשר יאמר משל הקדמוני* – "As the Ancient Proverb says, 'Wickedness emanates from the wicked.'" *Rashi* (*Shemos* 21:13) explains that the phrase *משל הקדמוני* is a reference to the Torah, which is the "proverb" of *Hashem*, the "Ancient One."

Thus, the meaning of the *passuk* in *Shmuel* is that the **Torah** taught us the lesson that "wickedness emanates from the wicked" when it stated, in reference to one who committed manslaughter unintentionally, *והאלקים אנה לידו* – "And G-d brought it [the manslaughter] to his hand" (*Shemos* 21:13). This *passuk* shows that it was decreed *min haShamayim* that the

tragedy should come about through his hand because he is a wicked person, and that is why he deserves *galus* for his actions.

The *Chofetz Chaim* (*Shem Olam* 1:12) explains that משל הקדמוני not only means that the Torah is the Divine *mashal* authored by *Hashem*, but that it is actually a *mashal of Hashem*. The *Chofetz Chaim* likens the Torah to a photograph of the king. Even if one has never actually seen the king himself, he is able to identify the king when he meets him based on the photograph.

The Torah includes many positive and negative *mitzvos*, and, of course, we must be careful to fulfill in practice all the *mitzvos* of the Torah and be careful not to violate any of its *issurim*. However, this collection of *mitzvos* is not really the essence of the Torah; they are ancillary in nature. The essence of the Torah is to give a presentation of what *Elokus* (G-dliness) is – a description of *HaKadosh Baruch Hu*.

An exact definition of *Elokus* could not be given to us, because the intrinsic nature of *Hashem* is too esoteric and abstract for us to comprehend: כִּי לֹא יִרְאֵנִי הָאָדָם וְחַי – “For no human can see Me and live” (*Shemos* 33:20). As Rav Yosef Albo (*Sefer Halkarim, ma’amar 2, perek 30*) wrote, אֵילֹךְ יִדְעֵתִי הֵייתִי – “If I would know Him [i.e. what *Elokus* is], I would be Him.” Yet, in the Torah, *Hashem* gave us a “*mashal* of a *mashal* of a *mashal*” of a representation and image of what *Elokus* is about, so that we may at least begin to understand *Elokus* itself.

Hashem simplified *Elokus* by explaining it to us through the practical *mitzvos* of the Torah. In a similar way, one might present the abstract concepts of atomic energy to children using different colored balls to represent the interaction of protons, neutrons, and electrons. Those models do not accurately depict the actual workings of atomic particles, but serve as a *mashal* for the uninformed to facilitate a basic understanding of these concepts.

The *Rambam* lists as the ninth of the *ikarei ha’emunah* (Principles of Faith), “That this Torah will not be exchanged.”

The *dinim* of the Torah are immutable. Indeed, it is this *ikar* that differentiates the Orthodox from the non-Orthodox, who believe that the *dinim* of the Torah are subject to revision. In accordance with this *ikar*, even if a recognized *navi* were to call for a permanent change in a *din* of the Torah, he would be branded a *navi hasheker* and would receive the death penalty.

Rav Soloveitchik explained that the reason for this obstinate insistence on the immutability of the Torah is that the Torah represents a description of *Elokus*, an illustration of *Hashem* Himself. Thus, this *ikar* is a direct outgrowth of the *passuk*, **כִּי אֲנִי ד' לֹא שִׁנִּיתִי** – “For I, *Hashem*, have not changed” (*Malachi* 3:6). Change is relevant only to created beings, not to the Creator Himself. Since the Torah is the Wisdom of *Hashem*, and He and His Wisdom are One, the *dinim* of the Torah, the description of *Elokus*, are also not subject to change.

In a similar vein, the *Ramban* (*Hakdamah* to his commentary on the Torah) cites from the *Zohar* that the Torah is referred to as **שְׁמוֹתַי שֶׁל הַקַּב"ה** – “the names of *Hashem*,” containing within it the personality and characteristics of *Hashem* Himself. Indeed, the *Gemara* in *Berachos* (21a) derives that we must recite *Birkas HaTorah* before *limmud haTorah* from the *passuk*, **כִּי שֵׁם ד' אֶקְרָא ה' בָּרְכֵנוּ גוֹדֵל לְאֱלֹקֵינוּ** – “When I call out the **Name** of *Hashem*, ascribe greatness to our G-d” (*Devarim* 32:3). Rav Chaim Volozhiner (*Nefesh HaChayim* 4:19) and the *Maharsha* (*Chiddushei Aggados*) explain that the derivation is based on the notion that the entire Torah is **שְׁמוֹתַי שֶׁל הַקַּב"ה**. Thus, the meaning of the *passuk* is that when one **learns Torah**, he must ascribe greatness to *Hashem* by reciting a *berachah* beforehand.

Now we can well understand the *nusach* of the *berachah* in which we *daven* that we become **יודעי שמך**. *Chazal* wanted to emphasize that one who learns Torah gains a better understanding of the concept of *Elokus* and comes to “know” *Hashem* Himself to a greater extent. [See *Ginas Egoz, Pesichah*, pp. 2-3; *Eretz HaTzvi, Pesichah*, p. 1; *Rav Schachter on the Parsha, Parshas Metzora*.]

III. *Korbanos*

The *Mishnah* in *Berachos* (9b) discusses the case of one who recites *Shema* after the end of the *zman kri'as Shema* (the third hour of the day): הקורא מכאן ואילך לא הפסיד כאדם הקורא בתורה – “One who recites [the *Shema*] from that point on does not lose, but [is rewarded] as one who reads from the Torah.” The *Talmidei Rabbeinu Yonah* (*Berachos*, 5a in *dapei haRif*, s.v. *lo hifsid*) question what the *Mishnah* seeks to teach us. Is it not obvious that one who recites *Shema* at any time is considered as one who reads from the Torah?

The *Talmidei Rabbeinu Yonah* quote Rebbi Shlomo min Ha-Har, who explains that the *Mishnah* is discussing the recitation of *Shema* from memory. Although it is generally prohibited to recite *pesukim* of Torah *SheBichsav* in this manner (*Gittin* 60b), that prohibition does not apply to the *pesukim* of the *Shema*. An exemption is granted to one who recites any *parsha* that the Torah designated as a *mitzvas kri'ah* (a *mitzva* of recitation), since it is self-understood that it is permitted to recite such a *parsha ba'al peh*. [See above, “*Cheftza shel Kri'as Shema*,” p. 87.]

The *Talmidei Rabbeinu Yonah* explain that for this reason, we may recite the *parsha* of *Korbanos* from memory each day as well, as this recitation is also obligatory. We learn this from the *Gemara* in *Megillah* (31b), which interprets the dialogue between Avraham and *Hashem* on the occasion of the *bris bein habesarim* (*Bereishis* 15:8-9):

ויאמר ד' אלקים במה אדע כי אירשנה. אמר אברהם לפני הקב"ה רבש"ע שמא חס ושלום ישראל חוטאים לפניך ואתה עושה להם כדור המבול וכדור הפלגה. אמר לו לאו. אמר לפניו רבש"ע במה אדע. אמר לו קחה לי עגלה משולשת ועז משולשת ואיל משולש ותור וגזל. אמר לפניו רבש"ע תינח בזמן שבית המקדש קיים בזמן שאין בית המקדש קיים מה תהא עליהם. אמר לו כבר תקנתי להם סדר קרבנות כל זמן שקוראין בהן מעלה אני עליהן כאילו מקריבין לפני קרבן ומוחל אני על כל עוונותיהם.

And he said, “*Hashem*, G-d. Whereby shall I know that I am to inherit [Eretz Yisrael]?” Avraham said before the Holy One, Blessed is He: “Master of the Universe! Perhaps, Heaven forbid, Israel will sin before You, and You will do to them as to

the generation of the *mabul* and the generation of the Dispersion." [Hashem] said, "No!" [Avraham] said before Him, "Master of the Universe! Whereby shall I know?" [Hashem] said to him: "Bring Me three calves, three goats, three rams, a turtledove, and a young dove." [Avraham] said before Him, "Master of the Universe! That is fine for the times when the *Beis HaMikdash* will be in existence, but in the times when the *Beis HaMikdash* will not be in existence, what will be with them?" [Hashem] said to him: "I have already established for them the [Scriptural] section of *korbanos*. Whenever they read from them, I will consider it as if they were bringing a *korban* before Me, and I will forgive them for all their sins."

The *Gemara* explains that *Hashem* told Avraham that his descendants would have a right to Eretz Yisrael because of the *korbanos* that he was about to offer and because of the *korbanos* that his descendants would later offer in the *Beis HaMikdash*. Furthermore, in the absence of the *Beis HaMikdash*, *Hashem* assured Avraham that the Jewish People could compensate through the daily recitation of the *sefer hakorbanos*.

Rav Yerucham Gorelick pointed out that this interpretation is reflected in *Targum Unkelos* on the *pessukim* of the *bris bein habesarim*. The *Targum* translates "וגוזל" as בר יונה, the only species of fowl (aside from turtledoves) acceptable as a bird-*korban*, implying that the *bris* ensuring Jewish control of Eretz Yisrael was sealed only in the merit of *korbanos*.

Thus, the *Talmidei Rabbeinu Yonah* consider the daily recitation of the *parsha* of *korbanos* a *mitzvah d'oraisa*, since it was something that *Hashem* Himself mandated. It is possible that this requirement also includes the *Torah SheBe'al Peh* section of *Korbanos*, or at least the *Mishnah* in *Perek Eizehu Mekoman* (*Zevachim* 5:4) that describes the proper way to offer a *Korban Olah*, such as the *Korban Tamid*.

Of note, the *Gemara* in *Shabbos* (118b) implies that the recitation of *Pesukei D'Zimra* is categorized merely as a *middas chassidus*, and is not even a rabbinic obligation. Thus, despite the fact that many today are more careful to recite *Pesukei D'Zimra*, it

is proper that one be more careful to recite the *seder hakorbanos* daily. The *Mishnah Berurah* (*Bei'ur Halachah* 48:1, s.v. *nashim*), quoting the *Beis Yosef* (47:14), rules that even women are obligated to recite the *seder hakorbanos*. [See *B'Ikvei HaTzon*, p. 213.]

IV. *Korban Tamid*

The *Rambam* (*Sefer HaMitzvos, mitzvas asei* 39) and *Ramban* (end of *Hashmatos Mitzvos Lo Sa'aseh*, s.v. *v'ata*) disagree as to whether to count the *mitzvah* to offer the *Korban Tamid* twice daily, once in the morning and once in the afternoon, as two independent *mitzvos* or as a single *mitzvah* among the *taryag mitzvos*. [They have a similar *machlokes* with regard to the *mitzvos* of *kri'as Shema* in the morning and evening (*mitzvas asei* 10) and the offering of the *ketores* in the morning and afternoon (*mitzvas asei* 28).]

The *Ramban* argues cogently that since the time period in which one must perform the morning-*tamid* is different than the time period in which one must perform the afternoon-*tamid*, each *korban* is clearly distinct from the other. The *mitzvah* of offering the two *temidim* should therefore be counted twice. What is the rationale behind the *Rambam's* view to count the two *korbanos* only once?

Rav Soloveitchik explained the *Rambam's* opinion based on a nuance in the language of the *Gemara* in *Berachos* (26a), which discusses the institution of *tefillas tashlumin*, a compensatory *tefillah* to make up for erroneously missing a particular *tefillah*.

The *Gemara* inquires whether a person who erred and did not recite *Mincha* may recite an extra *Shemoneh Esrei* at *Ma'ariv* to compensate for his omission. The *Gemara* considers whether there is a difference between this case and one in which one erred and did not recite *Ma'ariv*, in which case he *davens* twice at *Shacharis*. In the latter case, the evening and morning *tefillas* are both recited on the same halachic day, and *tashlumin* is therefore possible. However, if one missed *Mincha*, perhaps he

may not compensate for it by reciting an extra *tefillah* in the evening. After all, *tefillah* is in place of *korbanos*, and the rule is: עבר יומו בטל קרבנו – “once the day [of a *korban*] has passed, its *korban* is void.” [The *Gemara* concludes that since *tefillah* is ultimately a request for *rachamim*, the *Chachamim* allowed us to make up for a missed *Mincha* in the evening, despite the fact that no *korban* can be compensated for on the next day.]

The *Acharonim* (see *Pnei Yehoshua*, *Rashash*, *Leshon HaZahav*) are troubled by the language of the *Gemara*, עבר יומו בטל קרבנו. The *halachah* is that even עבר זמנו בטל קרבנו; if the morning *Korban Tamid* is missed, it cannot be brought in the afternoon. Thus, if we were to truly equate the *halachos* of *tefillah* with those of *korbanos*, there should be no possibility of compensating for a missed *tefillah*, even on the same day!

Rav Soloveitchik suggested that the *Gemara* works out well according to the *Rambam*. Even though, as the *Ramban* argued, the time period of the *kiyum hamitzvah* of the afternoon-*tamid* is distinct from the time period of the *kiyum hamitzvah* of the morning-*tamid*, nevertheless, the *Rambam* maintains that the time period of the *chiyuv mitzvah* is the same for both *korbanos*. In other words, a single obligation is generated every morning to offer **two** *temidim*, one in the morning and one in the afternoon.

We should not be surprised to find that there can exist a *chiyuv mitzvah* in the morning to offer the *Korban Tamid* later in the afternoon, despite the fact that the afternoon *korban* may not be brought in the morning. The Rav pointed out that we find a similar phenomenon regarding the three *mitzvos* that *Klal Yisrael* was commanded to perform upon their entrance into Eretz Yisrael – to appoint a king, to eradicate the offspring of Amalek, and to build the *Beis HaMikdash* (*Sanhedrin* 20b).

The *Gemara* proves that this series of *mitzvos* must be accomplished in this specific sequence, beginning with the *mitzvah* to establish a Jewish government in Eretz Yisrael. Thus, the obligation of the latter two *mitzvos*, the eradication of Amalek

and the building of the *Beis HaMikdash*, began immediately upon entry into the Land, even though it was not possible to fulfill those *mitzvos* until a Jewish government was first established. This is another circumstance in which a *chiyuv mitzvoah* begins, although its *kiyum* must be delayed until a subsequent time.

The *Rambam* understands the two daily *Korbanos Temidim*, as well as the *mitzvos* of *kri'as Shema* and *ketores*, using this paradigm. There is one daily *chiyuv* to perform these two *mitzvos*, and the *Rambam* therefore counts them only once. For this reason, with regard to the *Korban Tamid*, aside from the general principle of *עבר זמנו בטל קרבנו*, there is an additional rule – *עבר יומו בטל קרבנו* – since the two *korbanos* are related to each other by means of the **day** their *chiyuv* begins. The *Gemara* considers the possibility that this second rule may be carried over to the *halachos* of *tefillah*, with the result that the ability to recite a *tefillas tashlumin* might be restricted to *tefillos* of the same day, excluding those of two different days. [See *Eretz HaTzvi*, pp. 82-83.]

V. *Ashrei*

Rav Soloveitchik explained the logical progression of the *pessukim* of *perek* 145 of *Tehillim*, commonly referred to as *Ashrei* after its first *passuk*.

The introductory *pessukim* advance the idea that we have a continuous obligation to praise *Hashem*. We recite: *ארוממך אלוקי... המלך ואברכה שמך לעולם ועד. בכל יום אברכך.* – “I will exalt You, my G-d the King, and I will bless Your Name **forever and ever**. **Every day** I will bless You...” This is followed by our realization that although it would be correct to engage in constant *shevach* of *Hashem*, it is impossible for humans to do so: *גדול ד' ומהולל מאוד* – “*Hashem* is great and exceedingly lauded,” and therefore we are unable to appropriately praise *Hashem*.

What gives us the right to recite any *shirah*, if we know from the outset that it will be inappropriate? We continue by stating

that the basis of our *hetter* is the fact that we are merely continuing the ancient practice of our ancestors: דור לדור ישבח מעשיך – “Each generation will praise Your deeds to the next.” If they recited *shirah*, we too are permitted to do so. By means of this justification, we proceed: הדר כבוד הודך ודברי נפלאותיך אשיחה – “The splendid glory of Your power and Your wondrous deeds I shall discuss.”

The *Gemara* in *Berachos* (4b) points out that one of the special features of this *perek* is that the first letters of its *pessukim* follow the order of the *alef beis*. This represents the idea that even when a person utilizes all of his abilities to praise *Hashem*, “from *alef* to *tav*,” he is still unable to satisfy even part of his obligation. The end result is that Man is wearied after expending his maximal effort, while, at the same time, he realizes that he has not completed the process.

The Rav explained that this is the intent of the *minhag* taught in the *Mishnah* in *Sukkah* (38a) to repeat the closing *pessukim* of *Hallel*. We thereby demonstrate that we feel obligated to endlessly recite one *shirah* after another, but that we cannot because of our exhaustion. This is similarly why we repeat the last *passuk* of the principal part of *Pesukei D’Zimra*, כל הנשמה תהלל קה, and the last *passuk* of *Az Yashir*, ד’ ימלוך לעולם ועד. When a person realizes that he cannot complete the necessary *shevach*, he resigns himself to attempt to fulfill the balance of his obligation passively, in the spirit of the *passuk*, לך דומיה תהילה – “Silence is Your praise” (*Tehillim* 65:2). [See *Divrei HaRav*, 2010 ed., pp. 144.]

VI. *Nishmas Kol Chai*

The *Mishnah* (*Pesachim* 117b) states that at the conclusion of *Hallel* on the night of the *seder*, we should recite *Birkas HaShir*. The *Gemara* (118a) records a *machlokes* as to the identity of this *berachah*. One opinion is that this refers to the *berachah* of *Yehalelucha*, the *berachah* with which *Hallel* is always concluded. The second opinion is that *Nishmas Kol Chai* is the *Birkas HaShir* that

concludes the *Hallel* at the *seder*. It is one long *berachah* that begins with *Nishmas Kol Chai* and concludes with *Yishtabach*.

Accordingly, the *Chayei Adam* (19:6) quotes in the name of the Vilna Gaon (also in *Sha'ar HaKollel* 20:3) that although one who comes late to *shul* on a weekday may abridge the *Pesukei D'Zimra* by reciting only *Baruch She'amar*, *Ashrei*, and *Yishtabach*, this may not be done on Shabbos and Yom Tov. On these days, one must say *Baruch She'amar*, *Ashrei*, and *Nishmas Kol Chai* through *Yishtabach*, because the *berachah* of *Yishtabach* on Shabbos and Yom Tov begins with *Nishmas Kol Chai*.

This may be the reason for Rav Soloveitchik's practice on Shabbos and Yom Tov to remain standing from *Vayevarech David* through *Nishmas Kol Chai* until after *Barchu*, since our *minhag* is to stand for *Yishtabach*. [See *MiPninei HaRav*, 2001 ed., p. 66.]

Indeed, the common practice to have the *shli'ach tzibbur* for *Shacharis* on Shabbos and Yom Tov begin at *Shochein Ad* is quite puzzling, as *Shochein Ad* is really the middle of the *berachah*. In some communities, the *chazan* begins from *Nishmas Kol Chai*, which is in fact the beginning of the *berachah* that the *Mishnah* calls *Birkas HaShir* (see Rav Moshe Leib Sassover *zt"l*, *Chiddushei HaRama"l*, 5770 ed., *chelek* 3, p. 269).

[Rav Aharon Leib Shteinman reported that Rav Chaim Soloveitchik's practice was to omit *Nishmas* routinely. He was concerned that through the mentioning of *yeti'as Mitzrayim* in *Nishmas* he would fulfill his obligation of *zechiras yeti'as Mitzrayim*, instead of doing so in *Parshas Tzitzis* of *kri'as Shema*, in accordance with the *takanas Chazal* (*E'eleh B'Tamar MiToras Beis Brisk*, p. 17).]

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Nusach Ashkenaz includes the following phrase in the *berachah* of *Nishmas*: התשבחות המהולל ברוב – “[G-d] Who is extolled through most of the praises.” This *nusach* is in line with a statement of Rebbi Yochanan, cited in the *Gemara* in *Berachos* (59b),

that discusses the proper *berachah* to recite over rain. Rebbi Yochanan suggests a *nusach* that is an abbreviated form of the *Nishmas tefillah*, concluding with the phrase, ברוך אתה ד' - "Blessed are You, Hashem, with most thanksgivings."

The *Gemara* immediately asks, "'Most thanksgivings,' and not 'all thanksgivings'?" Rather, answers Rava, one should say, הקל ההודאות - "the G-d of thanksgivings." Rav Papa continues that since there is a *machlokes* as to how to conclude the *berachah*, we should say both endings: רוב ההודאות והקל ההודאות - "most thanksgivings and G-d of thanksgivings." But the *Gemara* never resolves Rava's question. Do we not owe Hashem **all** thanks?

Rav Soloveitchik suggested the following explanation of the phraseology רוב ההודאות. The *Chovos HaLevavos* (*Pesichah* to *Sha'ar Avodas HaElokim*) discusses how *hakaras hatov* is a pillar of our *hashkafah* and that it serves as a basis of all of our *avodas Hashem*. That is why there are so many *mitzvos* that are related to the theme of thanksgiving - to strengthen our awareness of the need for *hakaras hatov*.

In truth, one could advance an argument from a purely logical point of view that would justify abstaining from *hakaras hatov*. For example, workers might argue that they have no need to express gratitude to their employer for paying their wages, since the employer profits significantly from the work that they did for him. Similarly, the recipient of a gift need not thank his benefactor, since if the benefactor had not benefitted from him, he would not have given him the gift. Likewise, although a wife performs many acts of kindness for her husband, she gains from the fact that he supports her, so why should he thank her? In short, one really does not need to thank anyone but Hashem, since no one really performed any *chessed* for him; anyone who benefits him is merely recompensing a reciprocal act!

The *Gemara* in *Bava Kamma* (92b) dispels this mistaken notion by quoting the popular adage: חמרא למריה טיבותא לשקייה - "The

wine is the master's, but the appreciation goes to the one who poured it." *Rashi* comments that even though the king owns the wine, those who drink the wine at the palace thank the wine steward, not the king. *Hakaras hatov* is really owed to the one who paid for the wine, and not to the waiter, but the accepted practice is to thank the waiter. There is an important reason for this – if we do not thank the one who directly benefits us, we will eventually be ungrateful to the master as well.

Likewise, if, based on the calculation described earlier, we are not grateful to people who are kind to us, we will come to be ungrateful for all of the goodness that *Hashem* does for us as well. Therefore, we must be careful to thank *Hashem* and recognize His beneficence, but only for **most** of the favors He does for us, not for all of them. We must reserve feelings of thanksgiving for human beings, for the **few** favors they do for us. Rav Papa therefore maintains that we should use both endings of the *berachah*, רוב ההודאות and הקל ההודאות. In truth, *hakaras hatov* is relevant only towards *HaKadosh Baruch Hu*. However, out of a consideration of חמרא למריה טיבותא לשקייה, it is necessary to limit somewhat our expression of *hakaras hatov* to *Hashem* and to leave some *hakaras hatov* for people. [See *Nefesh HaRav*, 1994 ed., pp. 111-112.]

VII. *Yishtabach*

In the *berachah* of *Baruch She'amar* we state: ובשירי דוד עבדך – “and through the psalms of Dovid Your servant we shall laud You ... and praise You.” We begin *Pesukei D'Zimra* with the intention of praising *Hashem* properly. Rav Soloveitchik (*Shiurim L'Zecher Abba Mari Z"l II*, 5745 ed., p. 21) contrasted this with the way we conclude *Pesukei D'Zimra* (on Shabbos and Yom Tov) – we recognize that אילו פינו מלא – “Were our mouth as full of song as the sea ... we still could not thank You sufficiently ... and bless Your Name.”

Thus, after reciting one *shevach* after another, we have come to the realization that it is, in fact, impossible for us to adequately praise *Hashem*. Now that we recognize that we are unable to praise *Hashem* properly, we say, *ישתבח שמך לעד מלכנו* – “May Your Name be praised forever.” [Notably, in *Nusach Sefard*, the *berachah* begins with *ובכן* – “And therefore.”] Noting the shift in voice from the active *ונשבַּחךְ* to the passive *ישתבח*, the Rav explained that here we ask that *Hashem’s* Name shall be praised **on its own**, not through our efforts, as we had initially planned when we began *Pesukei D’Zimra*. In the end, the praise of *Hashem* stems from His very essence. [See *Nefesh HaRav*, 1994 ed., pp. 112-113.]

VIII. *Amidah* and *Atifah* for *Devarim SheBiKedushah*

The *Shulchan Aruch* (*Yoreh De’ah* 282:1) rules that one must accord great honor to a *sefer Torah*, never turning his back on it, unless the *sefer Torah* is placed at an elevated location, ten *tefachim* above him. The *Taz* (282:1) comments that *rabbonim* who address the *tzibbur* with their backs to the *aron kodesh* are not in violation of the *din*, since the *sifrei Torah* in the *aron kodesh* are considered to be in an independent *reshus* (domain), as the *aron kodesh* is at least ten *tefachim* high and four *tefachim* wide.

The prevalent *minhag* is that whenever we open the *aron kodesh* to recite *piyyutim* on the *Yomim Nora’im*, the *tzibbur* stands. According to the *Taz*, this does not seem to be based on the requirement of *kevod sefer Torah*, as the *sifrei Torah* resting in the *aron kodesh* are located in a different *reshus* even when the *aron kodesh* is open (*Sha’arei Chaim* 10:19, notes on *Sha’arei Efrayim*). Furthermore, strictly speaking, even when a *sefer Torah* is removed from the *aron kodesh*, it is unnecessary to stand in its presence when it is stationary; one must stand only when it is being moved (*Yoreh De’ah* 282:2).

Instead, Rav Soloveitchik suggested that the *minhag* to stand is a result of the nature of the *piyyutim* that are recited when the

aron kodesh is opened. These *piyyutim*, such as *An'im Zemiros* and *L'Keil Orech Din*, may have the status of *devarim sheb'kedushah* (matters of sanctity), like *Kaddish* and *Barchu*, and *amidah* is therefore required. For the purpose of requiring *amidah*, a *davar sheb'kedushah* is defined as any *shevach* of *HaKadosh Baruch Hu* that the *tzibbur* offers which is not in the form of a *berachah* or a *passuk*.

A *shevach* that appears in the form of a *passuk*, however, is not a *davar sheb'kedushah* with regard to *amidah*. The Rav explained that the source of this idea is the ruling of Beis Hillel: *כל אדם קורא כדרכו* – “each person recites [the *Shema*] according to his preferred manner” (*Mishnah Berachos* 10b). Thus, one may recite *kri'as Shema* while standing, sitting, lying down, or walking. Beis Hillel derive this *halachah* from the *passuk* in reference to *kri'as Shema*, *ובלכתך בדרך* – “while you walk on the way” (*Devarim* 6:7), and on this basis, they disagree with Beis Shammai who maintain that the words, *ובשכבך ובקומך* – “when you retire and when you arise,” specify that one must assume the reclining position for the evening *Shema* and the standing position for the daytime *Shema*.

The *derashah* of Beis Hillel encompasses the recitation of any *shevach* that is in the form of a *passuk*. Thus, even though the *passuk* may have the status of *davar sheb'kedushah*, it does not require *amidah*. This is why it is permitted to sit during *kri'as haTorah*. Despite the fact that *kri'as haTorah* is clearly a *davar sheb'kedushah*, as evidenced from the requirement of a *minyán* (*Mishnah Megillah* 23b), the *derashah* of *כל אדם קורא כדרכו* teaches that *amidah* is not required.

Thus, the *minhag* of the *Maharam MiRotenberg* (cited by the *Rama, Orach Chaim* 146:4) to stand during *kri'as haTorah* was merely a personal *middas chassidus*, not something that he *paskened* for the general public. Accordingly, it is not appropriate to observe this *chumrah* in a *shul* in which the Rav does not stand, as that would be an affront to his *kavod*, and perhaps it is not appropriate even where the custom of the

tzibbur is to sit (see *Bava Kamma* 81b; *Igros Moshe, Orach Chaim* 4:22; *Dvar Yehoshua, chelek* 2, 15:10-12, by Dayan Ehrenberg).

The *Taz* (146:1) and *Magen Avraham* (146:6) comment that the *tzibbur* must stand during the *Barchu* and the *birchos haTorah* recited during *kri'as haTorah*, since these recitations are *devarim shebikedushah*. The *Mishnah Berurah* (146:18), however, differentiates between the two, requiring *amidah* only during *Barchu*. Rav Soloveitchik pointed out that one could further argue that the *tzibbur* need not stand even for the recitation of *Barchu*. The *kri'ah* itself, as a *davar sheb'kedushah*, would have required *amidah* had it not been excluded by the *passuk* ובלכתך בדרך. Since *Barchu* is connected with *kri'as haTorah*, it may share this exemption, despite its status as a *davar sheb'kedushah*.

Our practice of standing during the recitation of *Kedushah*, despite the fact that קדוש קדוש קדוש and ממוקמו ד' ברוך כבוד are *pessukim*, is due to the fact that in the context of *Kedushah*, these phrases are not recited as *pessukim*, but rather as a form of *shiras hamal'achim*. This is also the reason we may recite these phrases in *Kedushah* at all, even though they are incomplete *pessukim*. Although it is generally forbidden to divide one *passuk* into two (*Megillah* 22a), when the recitation is as a *shirah* or a *tefillah* (as in the *yud gimmel middos shel rachamim* – thirteen Divine Attributes of Mercy), it is permitted to recite a fragment of a *passuk*. Similarly, even though these phrases appear as *pessukim* in *Tanach*, since here they are not being recited as such, they do have the status of *davar sheb'kedushah*, like *Kaddish* and *Barchu*, and require *amidah*. [See *Nefesh HaRav*, 1994 ed., pp. 162-164, 124, 209.]

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The above analysis is relevant to the practice of *atifah* (covering of one's head) as well. The *Shulchan Aruch (Choshen Mishpat* 8:2) rules that *dayanim* who sit to adjudicate a *din Torah* are required to perform *atifah*. This is done out of respect for

the *Shechinah* that is present at the time, in accordance with the *passuk*, אלקים נצב בעדת קל – “G-d stands in the Divine assembly” (*Tehillim* 82:1). The *Pischei Teshuvah* (8:4) quotes the *Shelah*, who comments that the *dayanim* should satisfy the requirement of *atifah* by wearing a hat, as is commonly done in the *beis ha-knesses* for *tefillah*.

The *Gemara* does not say explicitly which parts of the *davening* should be recited with *atifah*. The *Gemara* in *Berachos* (51a) does mention, however, that when one recites *Birkas HaMazon* with a *zimun*, the *kos shel berachah* requires *atifah*. The *minhag* therefore developed that when one participates in a *davar sheb'kedushah*, which is more stringent than *zimun* since it requires the presence of a *minyán*, *atifah* should certainly be done. Just as the recitation of a *davar sheb'kedushah* requires *amidah*, it also requires *atifah* as an added form of preparation. Likewise, the *minhag* is to recite *Shemoneh Esrei* with *atifah*, based on the *passuk*, תפילה לעני כי יעטוף ולפני ד' ישפוך שיחו – “A prayer of the afflicted man when he wraps himself and pours forth his supplications before Hashem” (*Tehillim* 102:1).

With regard to *kri'as Shema*, however, we may suggest that *atifah* is not necessary. We saw earlier that the *passuk* ובלכתך בדרך teaches that *amidah* for *kri'as Shema* is not required; rather, כל אדם קורא כדרכו. In fact, one is not permitted to deliberately assume a particular position when he recites *kri'as Shema* according to *Beis Hillel*. A *davar sheb'kedushah* is usually accompanied by both *amidah* and *atifah*; if *amidah* is not required for *kri'as Shema*, a similar exclusion should apply to *atifah*. This exception would likewise apply to *kri'as haTorah*, just as we equated *kri'as haTorah* with *kri'as Shema* earlier with regard to *amidah*.

Along these lines, the *Taz* (*Orach Chaim* 8:3) quotes a *Midrash* (*Vayikra Rabbah* 27:6) describing how *HaKadosh Baruch Hu* said to *Bnei Yisrael* that He does not burden the Jewish People with reciting *Shema* while standing on their feet and with their heads uncovered, as would typically befit the reading of the

edict of the king. Rather, the *Shema* is to be recited בשבתך בביתך ובביתך בדרך – “while you sit in your home and while you walk on the way.” Thus, *kri’as Shema* may be recited sitting or standing, with or without *atifah*.

In fact, the practice of Rav Chaim Soloveitchik was to wear his *tallis* with *atifah* for *Kaddish* and *Barchu*, then to remove the *atifah* from atop his head for *kri’as Shema*, and then to perform *atifah* again for *Shemoneh Esrei*. He was careful to specifically remove the *atifah* during *kri’as Shema* as a fulfillment of the *din* of כל אדם קורא כדרכו. [See *Nefesh HaRav*, 1994 ed., pp. 104-105.]

IX. *Kri’as Shema*

In the *koseres* (heading) to *Hilchos Kri’as Shema*, the *Rambam* writes that there is a single *mitzvas asei* to recite *kri’as Shema* twice every day, each morning and each evening. The *Ramban* (end of *Hashmatos Mitzvos Lo Sa’aseh*, s.v. *v’ata*) disagrees and counts the two recitations of *kri’as Shema* as two independent *mitzvos*, since the time period in which one may be fulfilled is different than that of the other.

Rav Soloveitchik explained the *Rambam’s* view based on the *passuk* that the *Rambam* cites at the beginning of *Sefer Ahavah*, the second of the fourteen *sefarim* that comprise the *Yad HaChazakah*, in which the *Rambam* placed the *halachos* of *kri’as Shema* and *tefillah*. The *passuk* mentioned as an introduction to each of the *sefarim* serves to define the nature of the *sefer*, to characterize its motif and theme. For *Sefer Ahavah*, the *Rambam* chose the *passuk*, מה אהבתי תורתך כל היום היא שיחתי – “O how I love Your Torah! **All day long** it is my conversation” (*Tehillim* 119:97), implying that *ahavah* is something that must be expressed constantly and must extend throughout the day.

When one recites *kri’as Shema* twice a day, in the morning and in the evening, it is considered as if he recited it **the entire day**, and it therefore is a single *mitzvah* according to the *Rambam*. The same is true with regard to *tefillah*. By *davening*

three times each day, it is as if one *davened* the entire day. This is, in fact, the optimal form of *tefillah*, as the *Gemara* states: ולואי שיתפלל אדם כל היום כולו – “Would that a person *daven* all day long!” (*Berachos* 21a).

The *mitzvah* of *talmud Torah* shares this element of constancy as well. The *Gemara* in *Menachos* (99b) equates the frequency of the obligation of *talmud Torah*, referred to in the *passuk*, והגית בו יומם ולילה – “you should contemplate it day and night” (*Yehoshua* 1:8), to the *halachah* that the *lechem hapanim* must remain on the *shulchan*, לחם פנים לפני תמיד – “show-bread before Me, always” (*Shemos* 25:30).

The *Gemara* in *Megillah* (24a), commenting on the *din* in the *Mishnah* that the minimum amount one must read during *kri'as haTorah* is three *pessukim*, explains that this number corresponds to the three components of *Torah SheBichsav*: *Torah*, *Nevi'im*, and *Kesuvim*. Rav Soloveitchik suggested that we may understand the *Gemara* in light of the continuous nature of the *mitzvah* of *talmud Torah*.

As *Tosfos* (*Berachos* 11b, s.v. *shek'var*) points out, one does not recite *Birchos HaTorah* anew when one resumes learning Torah after interrupting his study. *Tosfos* explains that since one is obligated to learn Torah constantly, he never diverts his attention from it; it is as if he studies the entire day without interruption. That is similarly why after completing *V'Zos HaBerachah* on Simchas Torah, we immediately begin *Parshas Bereishis* – to show that we never finish learning Torah.

When we begin *kri'as haTorah*, a *mitzvah* of *talmud Torah b'tzibbur*, since the *mitzvah* has no boundary or endpoint, the *tzibbur* should really be obligated to continue learning the entire Torah, including all of *Nevi'im* and *Kesuvim*. Obviously, it is not possible for the *tzibbur* to remain in *shul* for the entire day and night and continue the *kri'ah*. Thus, the *Chachamim* instituted a *takanah* not to *lein* fewer than three *pessukim* – corresponding to *Torah*, *Nevi'im*, and *Kesuvim* – in order to

demonstrate that our true desire is to fulfill our obligation and to complete the entire *Tanach*.

As we saw earlier, the *passuk* that the *Rambam* appended to the title of *Sefer Ahavah* suggests that *ahavas Hashem* requires constancy. Thus, we may suggest that the continuous nature of the obligation of *talmud Torah* stems from its connection to *ahavas Hashem*.

The *Rambam*, in his discussion of the *mitzvah* of *ahavas Hashem* (*Sefer HaMitzvos, mitzvos asei 3*), cites a comment of the *Sifrei* regarding the juxtaposition of two *pessukim* that contain seemingly unrelated themes: והיו הדברים האלה ... ואלקיך ד' אלהיך ... ואהבת את ד' אלקיך ... – “You shall love *Hashem*, your G-d ... And these matters that I command you today shall be upon your heart” (*Devarim* 6:5). *Chazal* teach us that since one will come to recognize *Hashem* through *limmud haTorah*, the way for one to achieve a relationship of love with *Hashem* is to place the words of the Torah upon his heart.

Just as one must have knowledge of the personality and characteristics of someone in order to love him, one must possess knowledge of Torah in order to bring himself to love *Hashem*. This is because one is exposed to His personality through the medium of His Torah, which, in its essence, is a description of *Elokus*. The Rav stressed that the goal of the *mitzvah* of *talmud Torah* is for one to encounter the *Shechinah*. When a person delves into the Torah, he merits a private audience with the Giver of the Torah, and by means of the Torah, he reaches a state of *ahavas Hashem*. [See *Divrei HaRav*, 2010 ed., pp. 145-147; *Rav Schachter on the Parsha, Parshas Metzora*.]

X. *Baruch Shem*

The *Mechaber* (*Orach Chaim* 5:1) writes that when one mentions *Hashem's* Name in a *berachah*, he should have in mind both the pronunciation of the Name, אדוני – that *Hashem* is the הכל אדון,

the Master of All – and its written form, יקוק – that *Hashem* is היה הוה ויהיה, was, is, and will always be in existence. The *Bei'ur HaGr" a* comments that strictly speaking, it is only necessary for one to intend this double *kavanah* during the first *passuk* of *kri'as Shema*, since the meaning of the written form of *Hashem's* Name is part of *kabbalas ol malchus Shamayim*.

Rav Soloveitchik explained that the additional *kavanah* required during *kri'as Shema* explains the role of the phrase, ברוך שם כבוד מלכותו לעולם ועד – “Blessed is the Name of His glorious kingdom for all eternity,” which we recite immediately after the first *passuk* of *Shema*. The *Gemara* in *Yoma* (37a) derives from the *passuk*, כי שם ד' אקרא הבו גודל לאלקינו – “When I call out the Name of *Hashem*, accord greatness to our G-d” (*Devarim* 32:3), that when the *Kohen Gadol* pronounces the *Shem HaMeforash*, those present should respond by offering a special praise of *Hashem* and declare, ברוך שם כבוד מלכותו לעולם ועד. When one recites the first *passuk* of *Shema* and concentrates on the concept of היה הוה ויהיה, it is considered as if he actually pronounced the *Shem HaMeforash* that corresponds to this concept. He therefore must praise *Hashem* by declaring, ברוך שם כבוד מלכותו לעולם ועד.

The notion that ברוך שם serves as a praise in response to the *Shem HaMeforash* emerges from a comment of the *Targum Yerushalmi*, which is based on a well-known *Gemara* in *Pesachim* (56a). The *Gemara* provides the historical background for our practice to say ברוך שם כבוד מלכותו לעולם ועד after the first *passuk* of *Shema*. The *Gemara* interprets the *passuk*, האספו ואגידה לכם את – “Gather together and I shall tell you what will befall you in the End of Days” (*Bereishis* 49:1), as a reference to Yaakov Avinu's desire to reveal to his sons the date of the Messianic redemption. However, the *Shechinah* departed from him and he was unable to do so. Yaakov feared that perhaps this was caused by a disqualification among his children, whereupon his children declared the first *passuk* of *Shema*,

reassuring Yaakov that they too believed in only one deity. At that point Yaakov exclaimed, *ברוך שם כבוד מלכותו לעולם ועד*.

The *Targum Yerushalmi* on this *passuk* translates Yaakov's response as: *יהא שמיה רבא מברך לעלמי עלמין* – "May His great Name be blessed forever and ever." We recite this phrase in *Kaddish* as a praise of *Hashem's* Name (see *Tosfos, Berachos 3a*, s.v. *v'onin*), implying that *ברוך שם* also serves as a praise of the *Shem HaMeforash* in the first *passuk* of *Shema*.

The *Magen Avraham (Orach Chaim 61:11)* cites the *Levush*, who maintains that one does not discharge his obligation to recite *kri'as Shema* if he fails to say *ברוך שם* along with its proper intent. The explanation of this view seems to be related to the comment of the *Gr"a* mentioned above; if one recites *Shema* and does not intend *היה הוה ויהיה* when he says *יקוק* in the first *passuk*, he does not fulfill his obligation of *kri'as Shema*.

In other words, according to the *Gr"a, kabbalas ol malchus Shamayim* is incomplete without the explanation of *יקוק*. Since *ברוך שם* is a response to the concept of *היה הוה ויהיה* in the *Shem Hashem*, reciting *ברוך שם* demonstrates that one had this *kavanah* in mind when he said *יקוק*. The *Levush* holds that one must make this *kavanah* manifest in his actions as well. [See *MiPinei HaRav*, 2001 ed., pp. 29-30.]

XI. ד' אלקיכם אמת

The *Gemara* in *Yoma* (19b) expounds the *passuk* in the first *parsha* of *Shema*, *ודברת בם* – "and you shall speak of them [the words of the *Shema*]" (*Devarim 6:7*). *Chazal* understand that the word *בם* implies an exclusion, and that it comes to teach, *בם ולא בתפילה* – "[You shall speak] during the *Shema*, but not during *tefillah*." *Tosfos* (s.v. *bam; Berachos 13a*, s.v. *ub'emtza*) understands that the *derashah* permits extending a greeting to someone one fears or returning a greeting of an esteemed person during *Shema*, but places a restriction on these in-

terruptions during *Shemoneh Esrei*. The *Hasagos HaRamach al HaRambam* (*Hilchos Kri'as Shema* 2:16-17) comments that these restrictions extend also to the first *passuk* and the last *passuk* of *Shema* – between *Hashem Elokeichem* and *Emes* – since both *pessukim* involve *kabbalas ol malchus Shamayim*.

The defining quality of *Elokim* is *emes*. The *Gemara* in *Yoma* (69b) says that a note was once sent down from Heaven, on which was written: אמת – “Truth.” The *Chachamim* thus inferred that the seal of *HaKadosh Baruch Hu* is *emes*. As a result, among all the various *middos* of *Elokim* that *Hashem* implanted within us by creating us *b'tzelem Elokim* (in the image of G-d), the main characteristic is that of *emes*.

Since *emes* is considered the primary *middah* of *Hashem*, the phrase *Hashem Elokeichem emes* has the same status as the first *passuk* of *Shema*. Both are considered critical for one's *kabbalas ol malchus Shamayim*, and any interruption during their recitation is therefore prohibited.

The *Iyun Tefillah* (*Siddur Otzar HaTefillos*, s.v. *emes v'yatziv*) explains that the sixteen descriptions from *emes* through *v'yafeh* correspond to the sixteen *pessukim* that comprise the first two *parshiyos* of *kri'as Shema*, *Shema* and *V'Hayah Im Shamo'a*. We recite these sixteen phrases as an approbation of the themes mentioned in those *pessukim*. Thus, the word “*emes*” confirms the first *passuk* of *Shema*, which speaks of *yichud Hashem* (the oneness of *Hashem*), “*v'yatziv*” confirms *Baruch Shem*, and so on. Since the seal of *HaKadosh Baruch Hu* is *emes*, we use this term in particular, proclaiming that it is *emes* that *Hashem* is *echad*. [The *Iyun Tefillah* writes that when “the great Rav Pinchas z”l” told this interpretation to the Vilna Gaon, he praised it.]

This comment accords with the ruling of the *Ramach* not to interrupt between *Hashem Elokeichem* and *emes*. This phrase corresponds to the first *passuk* of *Shema*, and it therefore shares the same stringency with regard to *hefsek*. [See *B'Ikvei HaTzon*, p. 87.]

XII. משיב הרוח ומוריד הגשם

Any *shevach* that Man offers to *Hashem* reflects Man's limited perspective, and those praises are therefore always inadequate. As the *Gemara* in *Berachos* (33b) expresses it, one who adds additional praises on his own, beyond those arranged in the *Shemoneh Esrei*, "is analogous to a king of flesh and blood who had thousands and thousands of golden dinars, and people praise him by saying that he had dinars of silver. Is it not a disgrace for him?" We run this risk when we recite the *berachah* of *Gevuros*, which describes the greatness of *Hashem*. That is why we must be careful to use only those descriptions of *Hashem* that appear in *Tanach*, as they were derived with Divine inspiration.

Furthermore, when one describes the greatness of *Hashem*, he may do so only in accordance with his current perception of *Hashem's* attributes. We see this from the *Gemara* in *Yoma* (69b), which describes how the text that we have for the *berachah* of *Gevuros* changed in different historical periods.

At first, Moshe Rabbeinu's *tefillah* (*Devarim* 10:17) included הקל הגדול הגבור והנורא – "the great, powerful, and awesome G-d," and this paradigm was used for generations afterwards whenever people *davened*. At the time of the *churban*, however, when Yirmiyah HaNavi witnessed the officers of Nevuchadnetzar entering the *Beis HaMikdash* and celebrating with reckless abandon, he asked, איה נוראותיו – "Where are [the displays of] His awesomeness?" Yirmiyah therefore omitted the attribute נורא (see *Yirmiyah* 32:18). When Daniel saw strangers enslaving the Jewish Nation during the seventy years of *galus Bavel*, he asked, איה גבורותיו – "Where are [the displays of] His power?" He therefore did not say גבור in his *tefillah* (*Daniel* 9:4).

The *Gemara* records that the *Anshei Knesses HaGedolah* "restored the crown [of *Hashem's* glory] to its original [luster]" by reinstating the full complement of praises uttered by Moshe.

They explained that, in fact, these descriptions of *Hashem* are still apparent. It is a magnificent display of strength that *Hashem* restrains His will and does not punish the wicked who subjugate His people. Likewise, His awesomeness can be perceived from the survival of the Jewish People among the seventy nations of the world.

The *Gemara* concludes by asking how Yirmiyah and Daniel could abolish the earlier institution of Moshe and omit one of the attributes he stated in his *tefillah*. The *Gemara* answers that because they knew that *Hashem* is truthful, they would not speak falsehood to Him. In other words, Yirmiyah and Daniel were correct in emending the text of their *tefillah*. We see from the *Gemara* that *Hashem* is not interested in flattery; the praises of *Hashem* that one offers must correspond to reality.

We can also glean this idea from the *Gemara's* discussion of the *berachah* דיין האמת. The *Mishnah* in *Berachos* (54a) teaches: ברוך על הרעה כשם שמברך על הטובה - "A person is obligated to bless [*Hashem*] for the bad just as he blesses [*Hashem*] for the good." The *Gemara* (60b) is bothered by the *Mishnah's* use of the term כשם. The fact is that calamities call for a **different** *berachah* than favorable occurrences, as the *Mishnah* notes previously; on good tidings, one says ברוך הטוב והמטיב - "Blessed [are You] ... Who is good and does good," whereas on bad news, one says ברוך דיין האמת - "Blessed [are You] ... the true Judge."

The *Gemara* explains that the *Mishnah* is teaching us not that one should recite the **same** *berachah*, but rather that one should recite the *berachah* in the same **manner** - with joy. The attitude that one should have in confronting his difficulties is that כל דעביד רחמנא לטב עביד - "Whatever the Merciful One does, He does for the best." Therefore, even in the face of what appears to us as a terrible tragedy, one should declare with a sense of *emunah* that it is really for his benefit in some way.

But another question now presents itself: If one is supposed to believe that a negative event is really for the good, why do

we not recite **ברוך הטוב והמטיב**? Why should one recite a different *berachah* over bad news than over good tidings? We see from this *Gemara* that even though one is urged to accept a misfortune with joy, the text of his *berachah* must correspond to his current perception of the situation; one may not recite a *berachah* simply out of a sense of *emunah*.

The mentioning of **משיב הרוח ומוריד הגשם** is a further example of the need for *shevach* to correlate with one's present experience. The *Mishnah* in *Ta'anis* (2a) cites a *machlokes Tanna'im* between Rabbi Eliezer, who maintains that we begin to mention the Powers of Rain (**משיב הרוח ומוריד הגשם**) on the first day of Sukkos, and Rabbi Yehoshua, who holds that we begin on the last day of Sukkos. The *Gemara* (2b) explains that according to Rabbi Eliezer, although one should not **request** rain (by reciting *v'sein tal u'matar*) during Sukkos, since rain at that time is a sign of curse, one should **mention** rain (in **משיב הרוח ומוריד הגשם**) during Sukkos. He argues that just as one mentions *techiyas hameisim* (the resurrection of the dead) in the *Shemoneh Esrei* all year round, one who wishes to mention rain all year round may do so.

Our *psak*, however, follows the opinion of Rabbi Yehoshua, that not only should we not **request** rain during Sukkos, but it is improper to even **mention** the Powers of Rain before its appropriate time. In other words, we may only recite **משיב הרוח ומוריד הגשם** as a description of *Hashem's* attributes during the season when we actually witness rainfall. Even though we certainly believe that *Hashem* will send rain once the winter season arrives, since this quality is not manifest during the dry season in Eretz Yisrael, one may not include this *shevach* in one's *tefillah* during that time. [See *B'Ikvei HaTzon*, pp. 224-225.]

The *Shulchan Aruch* (*Orach Chaim* 114:2), based on the *Yerushalmi*, rules that if an individual *davens Mussaf* on Shemini Atzeres before the *tzibbur* began reciting **משיב הרוח ומוריד הגשם** in their *Mussaf*, he may not recite these words. Interestingly, the *Shulchan Aruch* does not mention such a limitation with

regard to *v'sein tal u'matar* (see *Mishnah Berurah* 117:3). When one *davens Ma'ariv* on December 4th (in *chutz la'Aretz*), one may insert *v'sein tal u'matar* even if the *tzibbur* has not yet *davened*.

Rav Soloveitchik suggested that this halachic difference between the two additions to the *Shemoneh Esrei* relates to their very nature. *V'sein tal u'matar* is a **request** for rain, and whenever a person has a legitimate need, he has a right to mention it in the middle section of the *Shemoneh Esrei*, which is reserved for *bakashas tzerachim*. However, *משיב הרוח ומוריד הגשם* is not a request; it is part of the arrangement of *shevach* that comprises the first three *berachos* of the *Shemoneh Esrei*. This praise of *Hashem* – that He provides rain – is considered a description of one of the attributes of *Hashem*, and the *Yerushalmi* contends that the strength of the *tzibbur* is required in order to change a *nusach* that portrays the qualities of *Hashem*. The *hachrazah* (announcement) of the *gabbai*, serving as a *shli'ach tzibbur*, before *Mussaf* on *Shemini Atzeres* can achieve this adjustment as well, but this is not something that an individual may undertake on his own. [See *MiPninei HaRav*, 2001 ed., p. 35.]

XIII. *Shemoneh Esrei Berachos*

The *Gemara* in *Berachos* (28b) tells us that when the *beis din* of Rabban Gamliel decided to establish *Birkas HaMinim* as an additional *berachah* of the *Shemoneh Esrei* that deals with punishing *apikorsim* and *resha'im*, they asked Shmuel HaKatan, one of the later *Tanna'im*, to compose the *berachah*.

It is noteworthy that the *Mishnah* in *Avos* (4:19) states that Shmuel HaKatan taught: *בנפול אויבך אל תשמח* – “When your enemy falls, be not glad” (*Mishlei* 24:17). What does the *Mishnah* seek to convey in recording that Shmuel HaKatan would say this dictum? This statement is simply a quotation of a *passuk*! In teaching that the *Tanna* would quote this *passuk*, the *Mishnah* means that he was extremely careful about observing its lesson. In other words, Shmuel HaKatan was a living

example of never harboring *sinah* or taking *nekamah* against his enemies.

Rav Soloveitchik commented in the name of Rav Kook in his *siddur*, *Olas Re'iyah*, that in order for one to compose a *tefillah* to the *Ribbono Shel Olam* that He should punish the wicked, one must be a person completely free of personal animosity towards those individuals. He must be someone who would not derive any pleasure from the punishment of those *resha'im*. The *Tanna'im* chose Shmuel HaKatan as the one to compose the *nusach* precisely because he was the embodiment of *אל תשמח בגפול אויבך*. [See *B'Ikvei HaTzon*, p. 27.]

The fact that the *Birkas HaMinim* was a later addition is the *Talmud Bavli's* explanation for why the weekday *Amidah* is known as the "*Shemoneh Esrei*" despite its consisting of nineteen *berachos*. However, it is difficult to argue that the nineteenth *berachah* is *V'Lamalshinim*, as that *berachah* was incorporated into the *Shemoneh Esrei* many years ago, during the time of the *Tanna'im*. Why, then, do we continue to refer to the *Amidah* as *Shemoneh Esrei* even today?

Interestingly, the *Tosfos Ri"d* (*Ta'anis* 13b), based on the *Talmud Yerushalmi*, suggests an alternate reason for this phenomenon that relates to the *berachos* of *V'LiYerushalayim Ircha* and *Es Tzemach Dovid Avdecha*.

Yerushalayim has a double status in Halachah, and the *berachah* of *V'LiYerushalayim Ircha* reflects both of the qualities that make the city unique.

In *Lechah Dodi*, we describe Yerushalayim as *מקדש מלך* – the **Sanctuary** of the King. In other words, Yerushalayim is endowed with a lower level of *kedushas Beis HaMikdash*. Accordingly, in *V'LiYerushalayim Ircha*, we ask: *ותשכון בתוכה כאשר דברת* – "and may You rest within it, as You have spoken," that the *Shechinah*, the source of *kedushas haMikdash*, should dwell in Yerushalayim.

This aspect of Yerushalayim is what allows for the consumption of *ma'aser sheini* and *kodshim kallim* (less-sanctified

korbanos, such as a *korban shelamim*) in the entire city. As the *passuk* states: ואכלת לפני ד' אלקיך במקום אשר יבחר לשכן שמו שם מעשר – “And you shall eat before *Hashem*, your G-d, in the place that He will choose to rest His Name there – the tithe of your grain, your wine, and your oil, and the firstborn of your cattle and your flocks” (*Devarim* 14:23). The phrase לפני ד' refers to a place that is sanctified with *kedushas Beis HaMikdash* – namely, Yerushalayim – as the *Beis HaMikdash* itself is considered the *Beis Hashem* (see above, pp. 52-53).

Rav Yaakov Ettlinger (*Bikurei Ya'akov* 658:1) discusses a practical application of this idea in reference to the *arba'ah minim* on Sukkos. As a fulfillment of the *passuk*, ושמתם לפני ד' – “and you shall rejoice before *Hashem*, your G-d, for a seven-day period” (*Vayikra* 23:40), there may be a specific *mitzvah* to take the *arba'ah minim* inside the *Ir Ha'Atika*. [See *B'lkvei HaTzon*, p. 107.]

In addition to possessing a partial *kedushas Beis HaMikdash*, Yerushalayim is the official capital of Eretz Yisrael, and it is therefore also called עיר מלוכה, the **Royal City**. This is its status *al pi din*, regardless of whether the United Nations recognizes it as such. In fact, all of Eretz Yisrael is considered the פלטין של מלך, the royal palace (*Rabbeinu Bechayei*, *Devarim* 32:43). The uniqueness of Yerushalayim, however, is that it is the only city referred to as קרית מלך רב – “the city of the great King” (*Tehillim* 48:3) – and as כסא ד' – “the throne of *Hashem*” (*Yirmiyah* 3:17). Thus, Yerushalayim has been established as the capital city of the kingdom of *Hashem* in Eretz Yisrael.

This second aspect of the uniqueness of Yerushalayim, its status as the seat of the Jewish government, is the basis for the *Yerushalmi* (*Berachos* 2:4, 4:3, citing a *Tosefta*, *Berachos* 3:25) that the *Tosfos Ri"d* quotes, which states that one has the option of reciting the two *berachos* of *V'LiYerushalayim Ircha* and *Es Tzemach Dovid Avdecha* together or separately. Apparently, the *berachah* requesting the rebuilding of Yerushalayim and the

berachah requesting the re-establishment of *malchus Beis Dovid* are interconnected.

The *Rambam* (*Hilchos Melachim* 1:10) rules that only a king of *malchus Beis Dovid* has the right to use Yerushalayim as his capital and establish his government offices there. This *halachah* is based on the combination of two premises. First, this *halachah* reflects the fact that *malchus Beis Dovid* has a special halachic status. *Hashem* authorizes only a king of the *malchus hanivocheres* (chosen monarchy) to serve as the human representative of the kingdom of *Hashem* in His land (see *Chiddushei Maran Ri"z HaLevi al haTorah, Parshas Shoftim*). In addition, as mentioned, Yerushalayim has been declared the official capital of the Jewish government in Eretz Yisrael. The official capital is reserved for the official government of Eretz Yisrael, and that is the *malchus Beis Dovid* in particular.

These principles are reflected in the *berachah* of *Boneh Yerushalayim* in *Birkas HaMazon*. The *Gemara* in *Berachos* (48b) teaches that we are required to include thanks regarding *malchus Beis Dovid* within this *berachah* of thanks for Yerushalayim: "Whoever did not say 'the kingdom of the House of Dovid' in the *berachah* of *Boneh Yerushalayim* has not discharged his obligation." This may be a requirement even on a level of *d'oraisa* (*Bei'ur Halachah, Orach Chaim* 187:4). The establishment of the *malchus hanivocheres* is necessary for Yerushalayim to be considered complete, in a state of *binyan*.

The *Tosfos Ri"d* writes that the custom in Eretz Yisrael was to combine the two themes of *binyan Yerushalayim* and *malchus Beis Dovid* into a single *berachah* in the *Shemoneh Esrei*. In fact, these two *berachos* were merged into one in many communities in *chutz la'Aretz* until the Middle Ages. For this reason, the *krovetz* of Purim contains a *piyyut* for every *berachah* of *Shemoneh Esrei* except *Es Tzemach Dovid Avdecha*; the *paytan* simply did not have it as a separate *berachah*. Even according to our *nusach*, in which it is a separate *berachah*, we continue to include the phrase, *וּכְסָא דְדָוִד מְהֵרָה לְתוֹכָהּ תִּכְנֵן* – "and may You

speedily establish the throne of Dovid within it," in *V'LiYerushalayim Ircha*, because the concept of *malchus Beis Dovid* is integral to the complete building of Yerushalayim as the עיר המלוכה.

Thus, explains the *Tosfos Ri" d*, before Shmuel HaKatan composed the *berachah* of *V'Lamalshinim*, the *Amidah* consisted of **seventeen** *berachos*. After establishing *Birkas HaMinim* as an additional *berachah*, it became "*Shemoneh Esrei*," since the common practice was to recite *V'LiYerushalayim Ircha* and *Es Tzemach Dovid Avdecha* in combination. We continue to refer to it this way, even though our custom is to divide these two *berachos* and thus recite a total of nineteen *berachos*. [See *B'Ikvei HaTzon*, p. 221-222; *Rav Schachter on the Moadim, Yom Yerushalayim*, sections II-IV.]

XIV. *Chazaras HaShatz*

Rav Soloveitchik noted the contrast between two episodes in which Moshe *davened* before Hashem. In *Parshas Va'eschanan*, Hashem said, רב לך אל תוסף דבר אלי עוד בדבר הזה – "It is too much for you! Do not continue to speak to Me further about this matter" (*Devarim* 3:26). Hashem forbade Moshe from continuing to *daven*. In *Parshas Ki Sisa*, however, we read, ויחל משה את פני ד' – אלקיו – "Moshe pleaded before Hashem, his G-d" (*Shemos* 32:11), which *Chazal* interpret to mean that Moshe stood in prayer before Hashem, not relenting until he successfully implored Him to forgive *Bnei Yisrael* for the *cheit ha'egel* (*Berachos* 32a). The *Gemara* compares Moshe's persistence before Hashem to a person who seizes his friend by his garment and says, "I shall not release You until You forgive and pardon them!"

The difference between the two cases is that in *Va'eschanan*, Moshe was *davening* for himself, as a poor man standing at the door requesting a donation. Indeed, *Rashi* comments that the very word ואתחנן – "I implored [*Hashem*]" (*Devarim* 3:23) implies that Moshe was asking for something unearned, a *matnas chinam* (free gift). In contrast, when Moshe *davened* in *Ki Sisa*, it was on behalf of the *tzibbur*, and *HaKadosh Baruch Hu* has

sealed a *bris* (covenant) with *Klal Yisrael*. A *bris*, by definition, implies a partnership, and it contains reciprocal obligations. Moshe was therefore justified in demanding forgiveness for *Klal Yisrael*, whose continuity is guaranteed by means of the *bris*. [See *Nefesh HaRav*, 1994 ed., pp. 312-313.]

The Rav continued that we can apply the same distinction to the recitation of the various forms of *Shemoneh Esrei*. The silent *Shemoneh Esrei* is recited by an individual, who, even if he is righteous, has no right to **demand** anything from *Ha-Kadosh Baruch Hu*. *Hashem* owes him nothing. The *bris* that *Klal Yisrael* has with *Hashem* was sealed with the *tzibbur*, not with individuals. Therefore, the individual must supplicate in a low voice.

A very different situation exists for a *shli'ach tzibbur* reciting *Chazaras HaShatz* on behalf of the *tzibbur*. There is an obligation that *Hashem* has towards the *tzibbur* due to the *bris*. The *shli'ach tzibbur* may therefore **demand** of *Hashem* that He fulfill His obligation as a "partner," and that is why he may *daven* in a loud voice. The *tefillas hayachid* is patterned after *וַאֲתַחֲנֶנּוּ*, but the *Chazaras HaShatz* follows the precedent of *וַיַּחַל*.

Rashi (*Shemos* 17:10), citing the *Mechilta*, writes that the *passuk*, *וַיַּחֲזִק מֹשֶׁה אַהֲרֹן וְחֹר וְעֹלֵי רֹאשׁ הַגְּבֵעָה*, – "and Moshe, Aharon, and Chur ascended to the top of the hill," serves as the source for the *halachah* that on a *ta'anis tzibbur* and on *leil Yom Kippur*, three men must stand before the *aron kodesh* – one as the *chazan* and two on either side of him (see *Orach Chaim* 566:7, 619:4). It seems that the basis of this practice is the notion that a *tzibbur* is permitted to assert that *Hashem* intervene on its behalf according to the rules of justice. We therefore convene a three-man *beis din* for the *tzibbur*, to adjudicate the *tzibbur's* claim that *Hashem* meet its needs.

Using this idea, Rav Soloveitchik explained the *Gemara* in *Berachos* (34b) that tells of an instance in which Rabban Gamliel's son fell ill, and Rabban Gamliel sent two *talmidei chachamim* to Rabbi Chanina ben Dosa requesting that he seek

Divine mercy for him. The Rav interpreted that Rabban Gamliel maintained that since he was the *nasi*, always involved in communal affairs, even his private matters should be deemed needs of the *tzibbur*; he was therefore permitted to make demands of *Hashem* to fulfill his needs. He sent two *talmidei chachamim* to join Rebbi Chanina in organizing a *beis din* in order to seek mercy for his son.

Rebbi Chanina disagreed and held that the matter was considered the needs of an individual. The *Gemara* relates that when he saw the *talmidei chachamim* approaching, he instead went up alone to the attic to *daven*, with the result that his *tefillah* for Rabban Gamliel's son was effective.

The *Gemara* continues with another incident concerning Rebbi Chanina. When Rebbi Yochanan ben Zakai's son fell ill, he too asked Rebbi Chanina to *daven* that his son might live. Rebbi Chanina lay his head between his knees and sought Divine mercy for him, and he lived, whereupon Rebbi Yochanan said about himself, "Had ben Zakai placed his head between his knees all day long, they would not have paid any attention to him in the Heavenly court." His wife said to him, "Is Chanina then greater than you?" He answered her, "No; rather, he is like a servant before the king, while I am like an officer before the king."

Rebbi Yochanan ben Zakai meant that when he *davened*, because of his position as *nasi*, his requests always took on some of the character of a demand, similar to when an officer petitions the king. However, as mentioned, the appropriate form of *tefillah* for any individual who makes a request is the way that Rebbi Chanina *davened* - like a servant pleading before the king, as a poor man hoping for a donation.

The Rav concluded by noting the position in which Rebbi Chanina *davened*, laying his head between his knees. This is the idea behind *nefillas apayim* (putting down one's face) that we perform when reciting *Tachanun*, as we attempt to duplicate the form of *tefillah* of Rebbi Chanina. For this reason, the

Rambam (*Hilchos Tefillah* 5:13) rules that *nefillas apayim* must be done specifically in the sitting position (though this is not the ruling of the *Mishnah Berurah* 131:10). It is necessary for a *yachid* to present himself in a posture that suggests submission, as a servant requests a *matnas chinam*. [See *MiPrineiv HaRav*, 2001 ed., pp. 37-39.]

XV. ברוך הוא וברוך שמו

In the context of the *halachos* governing *Chazaras HaShatz*, the *Mechaber* (*Orach Chaim* 124:5) writes that one should respond ברוך הוא וברוך שמו to the mention of Hashem's Name in any *berachah* that one hears. However, the *sefer Ma'aseh Rav* (*siman* 43) records that the Vilna Gaon did not respond ברוך הוא וברוך שמו. The reason given is that if the *chazan* does not pause until the listeners conclude their response of ברוך הוא וברוך שמו, they forfeit *Chazaras HaShatz*, since they do not hear the end of the *berachah* (see *Mishnah Berurah* 124:22; *Sha'ar HaTziyun* 124:24). *Tosefes Ma'aseh Rav* (*os* 14) mentions an additional concern – that responding ברוך הוא וברוך שמו constitutes a *hefsek* in the middle of the *berachah*, as the *amen* must relate to the entire *berachah*, from beginning to end.

Rav Soloveitchik offered a more fundamental reason not to respond ברוך הוא וברוך שמו. Based on a comment of the *Zohar* (*Tikunei Zohar* 121b), לית מחשבה תפיסא ביה כלל – “intellect cannot grasp [Hashem] at all,” Rav Chaim Volozhiner (*Nefesh HaChaim* 2:4; see *hagahah* 1:16) explains that whenever we praise *HaKadosh Baruch Hu*, the *shevach* merely relates to the *middos* of Hashem, but not to the essence of Hashem. Therefore, we sanctify only Hashem's **Name**, as we thereby limit ourselves to praising His actions and the manner in which He reveals Himself to us. We say, for example, in *Hallel*, יהי הללו את שם ד', יהי – “Praise the Name of Hashem! Blessed be the Name of Hashem, from this time and forever,” in *Kedushah*, נקדש את שמך בעולם – “We shall sanctify Your Name in

this world," and in *Kaddish*, ויתגדל ויתקדש שמייה רבא - "May His great Name grow exalted and sanctified."

We may direct our praise to His Name - not to His Being, which we cannot comprehend. Accordingly, it is improper to recite ברוך הוא וברוך שמו. One who praises *Hashem* in this way states clearly that he blesses not only the Name of *Hashem*, but also *Hashem* Himself, and this is inappropriate. [See *Nefesh HaRav*, 1994 ed., pp. 127-128.]

XVI. *Modim DeRabbanan*

The *Rishonim* discuss whether we classify the *berachah Borei Nefashos* as a *berachah aruchah* (long *berachah*) or as a *berachah ketzarah* (short *berachah*). If it is a *berachah aruchah*, it concludes with the phrase, ברוך אתה ד' חי העולמים - "Blessed is He, the Life of the worlds," but if it is a *berachah ketzarah*, it contains ברוך אתה ד' only at the beginning of the *berachah* and it has no concluding *berachah*.

The common *minhag* follows the compromise of the *Rabbeinu Yonah* - we conclude ברוך חי העולמים, without mentioning *Hashem's* Name in the concluding phrase (*Orach Chaim* 207:1). It is reported that when *Rav Moshe Feinstein zt"l* heard someone recite *Borei Nefashos*, he would answer *amen* immediately after the words נפש כל חי, and not after the final words ברוך חי העולמים. As evidenced by the omission of *Hashem's* Name in the concluding phrase, we assume that *Borei Nefashos* is a *berachah ketzarah* that has no concluding *berachah*. Thus, the *berachah* really ends with the words נפש כל חי.

Rav Moshe had a similar approach with regard to *Modim DeRabbanan*. In this case as well, the *Rishonim* debate whether this paragraph should conclude using the language of a *berachah*, ברוך אתה ד' קל ההודאות. The *Beis Yosef* (*Orach Chaim* 127:1) writes, based on the *Rabbeinu Yonah's* suggestion regarding *Borei Nefashos*, that we should conclude ברוך קל ההודאות, leaving out the Name of *Hashem*.

The *Gemara* in *Berachos* (34b; see *Rashba*, s.v. *Rava kara*) teaches that the *tzibbur* should bow both at the beginning and end of *Modim DeRabbanan*, just as in the *berachah* of *Modim* in the silent *Shemoneh Esrei*. At the end of *Modim DeRabbanan*, Rav Moshe's practice was to bow as he said the words על שאנחנו מודים לך. Since, strictly speaking, *Modim DeRabbanan* has no concluding *berachah*, bowing during the phrase ברוך קל ההודאות would not be considered bowing at the end of the paragraph, as this phrase is not really part of *Modim DeRabbanan*.

The *Shulchan Aruch* (*Orach Chaim* 123:2) rules that after one concludes his *Shemoneh Esrei*, he should take three steps back and remain at that spot until the *shli'ach tzibbur* reaches *Kedushah*, and then return to his original location. After the *Ma'ariv Shemoneh Esrei*, Rav Soloveitchik would wait until the *shli'ach tzibbur* concluded the final line of *Kaddish Tiskabeil*, עושה שלום במרומי. [This was the Rav's practice even on *leil Yom Kippur*, when *Kaddish Tiskabeil* is not recited until much later, after *selichos*.]

Rav Moshe, however, would wait only until after the recitation of the *amen* following ליעילא מן כל ברכתא before taking three steps forward. Perhaps he did so because the main portion of *Kaddish* concludes with this *amen*; it is merely a *minhag* to recite the remainder of *Kaddish* (תתקבל, יהא שלמא רבא, עושה שלום). In this sense, Rav Moshe's practice was consistent with his answering of *amen* after the principal part of *Borei Nefashos* and his bowing at the end of the principal part of *Modim DeRabbanan*. [See *B'Ikvei HaTzon*, pp. 79-80.]

XVII. *Tachanun*

The *Gemara* in *Bava Metzia* (59b) stresses the special efficacy of reciting *Tachanun* immediately after the *Shemoneh Esrei*. The *Gemara* recounts that from the time that Rabban Gamliel placed Rebbi Eliezer, his brother-in-law, in *cherem*, the wife of Rebbi Eliezer made a point of interrupting Rebbi Eliezer after he

completed his *Shemoneh Esrei*, thus preventing him from reciting *Tachanun* immediately. She feared that if Rebbi Eliezer were to recite *Tachanun*, her brother, Rabban Gamliel, would be harmed. On one occasion, she failed to interrupt him, and on that day, since Rebbi Eliezer's *tefillos* were fully accepted, Rabban Gamliel died.

Our *psak* is that *Tachanun* is not a *chovah*, as implied by the *Rambam* (*Hilchos Tefillah* 5:13-14), but is rather a *reshus* (*Tur, Orach Chaim* 131, citing Rav Natruna'i Gaon). This is evident from our practice of omitting *Tachanun* even on days that are not *Yomim Tovim*, such as Tu B'Shvat and Lag B'Omer. Nevertheless, as seen from the above *Gemara*, the immediate recitation of *Tachanun* after *Shemoneh Esrei* greatly enhances the *davening* and assists in the acceptance of one's *tefillah*. [The *Gemara* in *Megillah* (22b) indicates that merely moving from one location to another between *Shemoneh Esrei* and *Tachanun* does not constitute a *hefsek*.]

Rav Soloveitchik commented that the main point of *Tachanun* is the manner in which it is recited - with *nefillas apayim* (putting down one's face), casting ourselves down in submissive supplication. It is necessary for one to "bury his face in the ground" during *Tachanun* as a partial act of *hishtachava'ah* (prostration). The Rav would bend over in such a way that his face was parallel to the ground, and he commented that the practice of a certain modern rabbi, to sit in a swivel chair and tilt backwards while merely covering his face with his arm, was an incorrect manner in which to recite *Tachanun*. [Unlike the practice cited by the *Rama* (*Orach Chaim* 131:2; see *Taz* 131:5), the Rav would do *nefillas apayim* even when there was no *sefer Torah* present.]

Perhaps the act of *nefillas apayim* when reciting *Tachanun* expresses an important element of our supplications. After reciting the *Shemoneh Esrei* in the standing position, followed by *nefillas apayim*, followed again by the subsequent portion of *Tachanun* recited in the sitting position, we have *davened* in

every possible posture. We beg of *Hashem* to help, for we are at a loss as to what else we can do to enable our *tefillos* to be accepted. Thus, we declare: *ואנחנו לא נדע מה נעשה כי עליך עינינו* – “We know not what to do, but our eyes are upon You,” as we rise to stand again (after the first three words of this sentence). [See *Nefesh HaRav*, 1994 ed., pp. 134-135.]

The *Shulchan Aruch* (*Orach Chaim* 559:4) rules that we do not recite *Tachanun* on Tish’ah B’Av, since this day is referred to as a *mo’ed*. Rav Soloveitchik suggested an additional reason for the omission of *Tachanun* based on the *Gemara* in *Bava Metzia* cited above, from which we saw that when we recite *Tachanun* immediately after *Shemoneh Esrei*, our *tefillos* are more readily accepted.

On Tish’ah B’Av, we have the *minhag* to omit the phrase, *ותקבל צלותהון ובעותהון* – “May the prayers and supplications be accepted,” from the *Kaddish* after *Shacharis*, since the *Gemara* in *Berachos* (32b) teaches, “From the time that the *Beis HaMikdash* was destroyed, the heavenly gates of prayer were locked.” The *Gemara’s* source is the *passuk* in reference to the *churban*, *גם כי אזעק ואשוע שתם תפילתי* – “Though I would cry out and plead, He shut out my prayer” (*Eichah* 3:8). Perhaps we refrain from reciting *Tachanun* on this day to demonstrate that our *tefillos* are not answered to the same extent as they would be if there was a *Beis HaMikdash*. [See *Nefesh HaRav*, 1994 ed., p. 200.]

XVIII. *Mi Shebeirach*

The *Gemara* in *Rosh Hashanah* (16b) states that there are three things that cause one’s *aveiros* to be recalled by the Heavenly court. One of these is *iyun tefillah*, which, as *Tosfos* explains, is when a person exerts himself to *daven* with *kavanah* and then expects that he will be answered favorably.

Due to this concern, Rav Soloveitchik would insist that upon reciting a *Mi Shebeirach*, either for a *choleh* or for one receiving an *aliyah*, the *gabbai* should not use language such as,

בעבורם - "because the entire congregation is *davening* on their behalf," or, בעבור שפלוני מברך אותם - "because so-and-so blesses them." The Rav felt that these statements fall under the category of *iyun tefillah*.

Rather, the *Mi Shebeirach* should be connected to giving *tzedakah*, בעבורם נודר צדקה בעבורם - "because so-and-so vows to contribute to *tzedakah* on their behalf." This is consistent with the *Gemara* in *Rosh Hashanah* (4a) that speaks approvingly of one who pledges money to *tzedakah* in order to gain merit for his son's recovery from illness (see Rav Yosef Eliyahu Henkin, *Gevuros Eliyahu, Orach Chaim* 40:3).

Rav Soloveitchik was also careful to have the *gabbai* avoid the phrase בעבור שיעלה לכבוד המקום לכבוד התורה - "because he has come up [to the Torah] in honor of the Omnipresent, in honor of the Torah." It is improper for one to demand a *berachah* for the sake of fulfilling *mitzvos*, as this is included in the *issur* of 'לא תנסו את ד' - "You shall not test Hashem" (*Devarim* 6:16). The *Gemara* in *Ta'anis* (9a) explains that separating *ma'aser* is the only exception to the general prohibition against testing Hashem. [See *Nefesh HaRav*, 1994 ed., p. 143.]

XIX. שמרה זאת לעולם

The purpose of reciting the *passuk*, ד' ... שמרה זאת לעולם ליצר - "Hashem ... may You preserve this forever as the realization of the thoughts in Your people's heart, and may You direct their heart to You" (*Divrei HaYamim I* 29:18), in *U'va L'Tziyon* can be understood from its original context.

Dovid HaMelech had appointed Shlomo as his successor, charging him to build the *Beis HaMikdash*. Dovid had drawn up detailed plans for the building and administration of the *Beis HaMikdash*, which had come to him through Divine inspiration, and now he had given those plans to Shlomo. The nation had contributed wholeheartedly and rejoiced in their donations.

Thus, Dovid blessed *Hashem* in the presence of the entire congregation, offering this *tefillah*. In it, he asked that just as there was so much excitement about the imminent construction of the *Beis HaMikdash*, the people should maintain this state of enthusiasm and retain this nobility of purpose.

We offer a similar *tefillah*, since, after reciting *Shemoneh Esrei*, we too find ourselves on a spiritual high. We therefore ask that *Hashem* help us remain permanently in this fervent state, even as we conclude our *davening*, leave the *shul*, and involve ourselves in mundane affairs.

XX. *Aleinu*

The *Mechaber* (*Orach Chaim* 25:13) writes that the common practice is not to remove the *tefillin* until after the *Kedushah* in *Uva L'Tziyon*. The *Rama*, however, cites an opinion that the *tefillin* should not be removed until after the *Kaddish* that follows *Aleinu*, and he writes that this is the preferred practice.

The *Mishnah Berurah* (56) comments that this opinion is the result of a misprint; most *Acharonim* maintain that it is sufficient for one to wear the *tefillin* until after *Kaddish Tiskabeil* following *Uva L'Tziyon*. *Kaddish Tiskabeil* is the conclusion of *tefillah b'tzibbur*, and the requirement is that one wear the *tefillin* until the conclusion of *tefillah*.

In contrast, the *Rama's* view is that *Aleinu*, and not *Kaddish Tiskabeil*, represents the conclusion of *tefillah*. That is why the *Rama* also maintains (*Orach Chaim* 132:2) that a *Kaddish* should always be recited after *Aleinu*, even if there is no *aveil* present, as the *tefillah* should always close with the recitation of *Kaddish*. [It was Rav Soloveitchik's practice to follow this opinion of the *Rama*.] Since this *Kaddish* is not said as a *Kaddish Yasom*, but as the final part of *tefillah*, one should keep his *tefillin* on until this point.

The opinion of the *Acharonim* cited in the *Mishnah Berurah*, however, is that the *Kaddish* following *Aleinu* is merely a

Kaddish Yasom and that it may be omitted in the absence of an *aveil*. These *Acharonim* view the recitation of *Aleinu* not as the conclusion of *tefillah*, but instead as providing a *hetter yetzi'ah* – permission to exit – from the *beis haknesses*. We can thus understand the *minhag* cited in the *Mishnah Berurah* (132:7) that if a *tzibbur davens Ma'ariv* soon after *Mincha*, they do not recite *Aleinu* after *Mincha*. Since the *tzibbur* remains in *shul* after *Mincha* to *daven Ma'ariv*, there is no need for a *hetter yetzi'ah*. Similarly, we understand why there is no *Aleinu* after *Shacharis* on *Shabbos* and *Yom Tov*, or after *Mussaf* and *Mincha* on *Yom Kippur*, as the *tzibbur* is not yet exiting the *beis haknesses*.

It would seem that this explanation of the nature of *Aleinu* as a *hetter yetzi'ah* correlates with *nusach Sefard*, which recites the *Shir shel Yom* before *Aleinu*. *Aleinu* is the final *tefillah* recited, and thus serves as a *hetter yetzi'ah*. *Minhag Ashkenaz* recites the *Shir shel Yom* after *Aleinu*; we must thus explain that *Aleinu* serves as the conclusion of *tefillah*, like the view of the *Rama*, and not as a *hetter yetzi'ah* from the *beis haknesses*. [See *Nefesh HaRav*, 1994 ed., pp. 146-147.]

There appears to be a third explanation of the *minhag* to recite *Aleinu* as well. In the *sefer Tzeror HaChaim* (5726 ed., p. 18), *Rabbeinu Chaim bar Shmuel*, a *talmid* of the *Rashba*, writes that the practice in France was to recite *Aleinu* only after *Shacharis* and *Ma'ariv*. In this view, *Aleinu* serves as a review of the concept of *yichud Hashem* that we expressed in *kri'as Shema*, and it therefore need not be recited after *Mincha*.

XXI. *Barchu Basra*

The *minhag* in many communities is to recite an additional *Barchu* after the conclusion of the *davening* on behalf of those who came late to *shul* and missed the *chazan's Barchu*. This was not the practice in *Brisk*, and *Rav Soloveitchik* provided the reason for this.

The *Mishnah* in *Megillah* (23b) enumerates various obligations that may be performed only in the presence of a *minyan*, listing among them: פחות מעשרה ... אין פורסין על שמע – “We may not divide the *Shema* ... with fewer than ten men.” *Rashi* explains the *Mishnah*’s case: If ten people who had already *davened* individually subsequently gather together, one of them may recite aloud *Kaddish*, *Barchu*, and *Birkas HaMe’oros* (the first of the two *berachos* said before the *Shema*). Since they were not able to recite *Kaddish* and *Barchu* when they *davened* individually, they may recite it now that a *minyan* has gathered. The *Tanna* describes this as “dividing the *Shema*” because only one of the two *birchos kri’as Shema* is recited.

The *Kesef Mishnah* (*Hilchos Tefillah* 8:5) maintains that an individual may recite the *Kedushah* contained in *Birkas HaMe’oros* (קדוש קדוש קדוש ... ברוך כבוד). Accordingly, the *Kesef Mishnah* explains that this *berachah* is repeated with the *minyan* only in order to give validity to the recitation of *Barchu*. If the *chazan* declares, ברכו את ד’ המבורך – “Bless Hashem, the Blessed One!” and the *tzibbur* does not respond with a *berachah*, it seems as though they do not desire to bless Hashem as per the *chazan*’s direction. Therefore, the *tzibbur* that was present for *Barchu* must now recite *Birkas HaMe’oros*.

The Rav pointed out that it seems clear from this explanation that it is not proper to declare *Barchu* at the end of *davening* and then to immediately exit the *shul*. [See *Nefesh HaRav*, 1994 ed., p. 148.]

XXII. Adon Olam

The *Mechaber* (*Orach Chaim* 139:11) writes that one should hold onto the *sefer Torah* while reciting the *berachos* upon receiving an *aliyah*. The *Rama* comments that this practice is based on the *pessukim*, חזק ואמץ ... לא ימוש ספר התורה הזה מפיו – “This Book of

the Torah shall not depart from your mouth ... Be strong and courageous" (*Yehoshua* 1:8-9). The *Rama* writes that the *minhag* to declare "*Chazak*" upon completion of a *sefer* of *Chumash* during *kri'as haTorah* is based on the same idea.

The *Gemara* in *Berachos* (32b) quotes a statement of Rebbi Chamma beRebbi Chanina that if a person sees that he has *davened* but has not been answered, he should go back and *daven* again. In fact, the *Gemara* lists four activities that require this type of *chizuk* (strengthening): *limmud haTorah*, the practice of good deeds, *tefillah*, and pursuing a livelihood. With regard to *tefillah*, the *Gemara* derives this from the *passuk*, קוה אל ד' חזק, ויאמץ לבך וקוה אל ד' - "Hope to *Hashem*, strengthen yourself and He will give you courage, and hope to *Hashem*" (*Tehillim* 27:14). *Rashi* explains that the *passuk* teaches that one should repeat his *tefillah* over again and hope to *Hashem* that it will be accepted.

Accordingly, Rav Soloveitchik suggested that the *chizuk* referred to in the *Gemara* connotes the element of repetition, the constant renewal of one's efforts in these areas. It seems that this is why, when we conclude a *masechta*, we reinforce our *limmud haTorah* by immediately beginning the next *masechta*. Similarly, after we finish *Sefer Bereishis* on Shabbos morning, we *lein* from *Sefer Shemos* at *Mincha*, and, on Simchas Torah, we immediately follow the completion of one cycle of *kri'as haTorah* with the beginning of the next cycle.

The notion of providing *chizuk* for *tefillah* is relevant to the recitation of the *piyyut Adon Olam*. The *minhag* in many communities is to begin *Shacharis* with *Adon Olam*. Some explain that this practice is related to the *halachah* cited by the *Mechaber* (*Orach Chaim* 5:1) that when one recites a *berachah* and mentions *Hashem's* Name, he should have in mind both the pronunciation of the Name, אדוני - that *Hashem* is the אדון הכל, Master of All - in addition to its written form, יקוק - which connotes that *Hashem* is היה הוה ויהיה, was, is, and will always

be in existence. [The *Bei'ur HaGr"a* comments that strictly speaking, it is only necessary for one to intend this dual meaning during the first *passuk* of *kri'as Shema* (see above, "*Baruch Shem*," p. 178).]

In *Adon Olam*, we elaborate on these concepts, that *Hashem* is the *הכל* *אדון* *היה* and is *היה* *הוה* *ויהיה*. In this way, the *piyyut* serves as a declaration, in advance, that whenever we mention *Hashem's* Name throughout the *davening*, it is with the understanding that we include *kavanah* for both of these themes, even if we do not have this express intention at the time.

The Rav suggested that the source of the common *minhag* to conclude the *davening* on Shabbos and Tom Tov with *Adon Olam* is the idea that *tefillah* requires *chizuk*. *Shacharis* begins with *Adon Olam*, and after we finish the *davening*, we recite *Adon Olam* again as if to demonstrate that we are prepared to repeat the *davening* from the beginning another time. This may similarly explain our practice of concluding *Shacharis* with *U'Va L'eTziyon*, which includes *Kedushah D'Sidra*, and the *minhag* of *Nusach Sefard* to complete *Ma'ariv* with *Barchu*.

It should be noted that the same is not true regarding *Yigdal*. The Ari z"l was adamant that *Yigdal* should not be recited at all, though his reasoning is unclear. Rav Dovid Cohen (*Mas'as Kapai, chelek 2*, pp. 8-10) suggests that this may have been on account of its being authored by Immanuel HaRomi, who is mentioned disapprovingly by name in the *Shulchan Aruch* (*Orach Chaim* 307:16) as a composer of romantic poetry.

Rav Soloveitchik was opposed to reciting *Yigdal* because it contains a summary of the *ikarei emunah* (Principles of Faith), which is similar to the Catechism that the Catholics introduced at the conclusion of their prayer service. Therefore, the Rav felt that it would be a form of the *issur* of *chukas akum* – that we are not permitted to introduce practices into our religion, even *lesheim Shamayim*, if they are adopted from other religions. [See *Nefesh HaRav*, 1994 ed., pp. 164-165, 231.]

XXIII. *Atah Chonantanu*

Rashi (*Shemos* 34:3) cites the *Midrash Tanchuma* that teaches that the first *luchos* were affected by *ayin hara* (the evil eye) because they were given with fanfare, great sounds, and publicity, resulting in their being smashed. In contrast, at the time of the giving of the second *luchos*, *Hashem* told Moshe that they would be given in a private, modest fashion, and that for this reason they would endure.

We may ask a very basic question. Why did *Hashem* give the first *luchos* in a public fashion? He certainly understood from the outset that the possibility existed that *ayin hara* would negatively impact them! Rav Soloveitchik explained that there was a significant benefit gained from the overt, conspicuous manner in which the first *luchos* were given.

In *Atah Chonantanu* and in *Havdalah*, we mention a number of different types of *havdalos* (separations): בין קודש לחול בין אור – “between the sacred and the secular, between light and darkness, between Israel and the nations.” [The *havdalah* of יום השביעי לששת ימי המעשה is a specific form of the more general *havdalah* of בין קודש לחול.]

There is, of course, a great difference between the *havdalah* of בין אור לחושך and that of בין קודש לחול. The *havdalah* of בין אור לחושך is blatant. Everyone is able to recognize this separation; even the animals and plants instinctively sense the distinction between light and dark. The *havdalah* of בין קודש לחול, by contrast, is hidden; not everyone is able to distinguish between the sacred and the secular.

The *Midrash* (*Yalkut Shimoni, Bereishis* 99) relates that Avraham Avinu saw a cloud hovering over Har HaMoriyah and recognized it as signifying *Hashem's* presence. He therefore understood that this was the place where he should offer his son as a *korban*. Avraham then asked Yitzchak if he perceived the same thing, and Yitzchak answered in the affirmative. When Avraham realized, upon questioning the servants who

accompanied him, that they could not see what he saw, he told them, שבו לכם פה עם החמור – “Stay here by yourselves with the donkey” (*Bereishis* 22:5). This statement connotes a similarity between the halachic status of servants and that of a donkey – עם הדומה לחמור, namely, that a Jewish man cannot perform the legal act of *kiddushin* with a *shifchah Cana’anis* (*Kiddushin* 68a).

Rav Yitzchak Yaakov Reines (*Nod Shel Dema’os, sha’ar* 4, 4:3), the prominent Lithuanian Mizrachi leader, noted that *Chazal* here seek to highlight the difference between Avraham and Yitzchak, who had the spiritual insight to discern the *kedushah* of Har HaMoriyah, and the servants, who could not. Indeed, the *havdalah* of בין קודש לחול is not appreciated or revealed to everyone.

The Rav continued, questioning the nature of the *havdalah* that exists בין ישראל לעמים. Did *HaKadosh Baruch Hu* intend for this *havdalah* to be recognized by everyone, or is it similar to the hidden *havdalah* of בין קודש לחול? Certainly, there have been many Jews over time who were very observant of the *mitzvos* in the privacy of their homes, behind closed doors, but who could not be identified as Jews when they walked in the streets. Is this *Hashem’s* desire?

We may glean the answer to this question from the public spectacle of the first *luchos*. The *Midrash* (*Yalkut Shimoni, Shoftim* 48) describes how the earth shook and how the kings in their palaces were filled with trepidation at the time of *Ma’amad Har Sinai*, fearing that *Hashem* was destroying the world with another *mabbul*. Bil’am explained to them that this was not the case; instead, *Hashem* was giving the Torah to His people.

It seems that the motivation behind the public display of *Mattan Torah* was so that the chosenness of *Klal Yisrael* would be a distinction that is clearly manifest, a revealed *havdalah*. Everyone should be able to easily recognize – that person is a Jew. The importance of this message was worth the negative outcome that resulted from giving the *luchos* publicly, even

though this was the cause of their demise (see Rav Meir Shapiro of Lublin, *Imrei Da'as*, *Shemos* 32:19).

The necessity for *bechiras Yisrael* to be clear and obvious also answers a well-known question regarding our practice to recite a series of three *berachos* every day: , שלא עשני גוי, שלא עשני עבד, שלא עשני אשה – “for not having made me a gentile, for not having made me a slave, for not having made me a woman” (*Orach Chaim* 46:4). The *Taz* (46:4) cites the question that many ask: Why are these *berachos* framed in a negative form and not in a positive fashion, such as שעשני ישראל?

The reason for the unusual form of at least the first *berachah* in the series is that it relates to the *bechirah* of *Klal Yisrael*. *Bechirah* signifies a unique distinction, the fact that *Klal Yisrael* is singled out from the other nations. In order to highlight this aspect of the *havdalah* בין ישראל לעמים, the *Chachamim* specifically instituted the *nusach* of the *berachah* in a way that emphasizes this *bechirah*, by distinguishing a Jew from a non-Jew. [See *MiPninei HaRav*, 2001 ed., p. 322.]

In a *derashah* in 1958 in honor of Yom Ha'atzma'ut, Rav Soloveitchik recounted how the Jews of Eastern Europe could be differentiated from non-Jews by means of their dress, their beards and *peiyyos*, and their general deportment. In the nineteenth-century, though, a significant shift occurred in Jewish life. The *Haskalah* (Jewish Enlightenment movement) promulgated the slogan, “Be a Jew in your tent, and a human being in the street,” seeking to transform *bechiras Yisrael* into a concealed *havdalah*.

In the context of the *havdalah* בין ישראל לעמים, the Rav emphasized the supreme benefit that the Jewish People derived from *hakamas haMedinah*. After 1948, the nature of our distinction began to return to the way that *Hashem* originally intended. All the nations recognize a Jew wherever he is, and they know that his primary allegiance is to the Jewish *Medinah*. *Bechiras Yisrael* has returned to a state of a revealed *bechirah*. [See *MiPninei HaRav*, 2001 ed., pp. 300-302.]

TEFILLAS SHALOSH REGALIM

I. אלקינו ואלקי אבותינו רצה במנוחתנו

In *Ya'aleh V'Yavo*, which we recite on Rosh Chodesh and Yom Tov, we ask that our remembrance be considered before *Hashem*. This is based on the concept of *zikaron* (remembrance) described in the *passuk*:

וביום שמחתכם ובמועדיכם ובראשי חדשיכם ותקעתם בחצוצרות על עולותיכם ועל זבחי שלמיכם והיו לכם לזכרון לפני אלקיכם אני ד' אלקיכם.

On a day of your gladness, and on your Festivals, and on your New Moons, you shall sound the trumpets over your *olah*-offerings and over your *shelamim*-offerings; and they shall be a **remembrance** for you before your G-d; I am *Hashem*, your G-d. (*Bamidbar* 10:10)

The *Rama* (*Orach Chaim* 487:3) writes that when Yom Tov falls on Shabbos, we must mention the day of Shabbos along with Yom Tov in *Ya'aleh V'Yavo* in the *Amidah*. His source is the *Maharil*, based on the *minhag* of the *Ba'alei HaTosfos*. The *Mishnah Berurah* (487:15), however, writes that we no longer follow the *minhag* of the *Ba'alei HaTosfos*.

The *Levush* questions the *minhag* cited by the *Rama* based on the fact that the *tefillah* of *Ya'aleh V'Yavo* is rooted in the above *passuk*, and the *passuk* only mentions Rosh Chodesh and Yom Tov, not Shabbos. On Shabbos we do not sound the *chatzotzros*, and there should therefore be no concept of *zikaron* in relation to Shabbos. Indeed, it is for this reason that we do not recite *Ya'aleh V'Yavo* on a regular Shabbos. Thus, even when Yom Tov falls on Shabbos, the concept of *zikaron* is not at all related

to Shabbos, and it would be out of place to mention Shabbos in *Ya'aleh V'Yavo*.

We may suggest that the *Ba'alei HaTosfos* maintained that when Yom Tov falls on Shabbos, the two *kedushos* blend together to form a new *kedushas hayom*. It is not that there are two unrelated *kedushos* present on this day, with one *kedushah* superimposed onto the other. The two *kedushos* do not remain separate and distinct. Rather, a new type of *kedushas hayom* is formed, which is a **single** fused *kedushah* of **Shabbos-Yom Tov**. The element of *zikaron* is associated not only with *kedushas Yom Tov*, but also with the combined *kedushas Shabbos-Yom Tov*. Therefore, since there is *zikaron* even in regard to the Shabbos aspect of the day, it is appropriate to mention Shabbos in the *tefillah* of *Ya'aleh V'Yavo*. [See *Nefesh HaRav*, 1994 ed., p. 183.]

There is a *machlokes* between Beis Shammai and Beis Hillel that may be relevant to this question. Beis Shammai is of the opinion that when Yom Tov falls on Shabbos, eight *berachos* should be recited in the *Amidah*. There are two middle *berachos*, one concluding *מקדש השבת* and the other *מקדש ישראל והזמנים*. We, of course, follow Beis Hillel's view that we recite just one middle *berachah*, combining the two themes into one *berachah* and concluding the *berachah* as Rebbi did, *מקדש השבת וישראל והזמנים* (*Beitzah* 17a).

It is clear that according to the opinion of Beis Shammai, when Yom Tov falls on Shabbos, there are two distinct *kedushos hayom* that exist on that day. There is a separate *kedushas Shabbos* and a separate *kedushas Yom Tov*. Therefore, in the *Amidah*, two separate middle *berachos* dedicated to the theme of *kedushas hayom* are necessary. The two themes cannot be combined into one *berachah*, because doing so would be a violation of the rule, *אין חותמין בשתיים* - "We may not conclude [one *berachah*] with two distinct [themes]." The *Gemara* explains that this rule is an example of the more general principle, *אין עושין מצוות חבילות חבילות* - "We do not perform *mitzvos* in bundles" (*Berachos* 49a).

However, the rationale behind the opinion that we follow – that of Beis Hillel and Rebbi – is not as clear.

It is possible that Beis Hillel holds essentially like Beis Shammai, that there are two distinct *kedushos hayom* on this day, and, in theory, two separate *berachos* should have been recited. We refrain from doing so because of an unrelated consideration – the necessity to have an *Amidah* that conforms to a precedent in *Tanach*. The *Gemara* in *Berachos* (28b-29a) teaches that when the *Anshei Knesses HaGedolah* (Men of the Great Assembly) composed the *Amidah*, it needed to be patterned after a source in *Tanach* that contained that precise number of units. A precedent was found that corresponds to a seven-*berachah* *Amidah*, but none to justify an eight-*berachah* *Amidah*. Therefore, it was necessary for Beis Hillel to combine the two *berachos* over the two separate *kedushos hayom* into a single *berachah*. [See above, “*Mussaf* of Rosh Hashanah,” p. 16.]

An alternative understanding of Beis Hillel is that they disagree fundamentally with Beis Shammai. According to Beis Hillel, when Yom Tov falls on Shabbos, there are not two distinct *kedushos hayom*. Rather, the two *kedushos* blend together to constitute one singular *kedushah* reflecting the character of both days. It is for this reason that we recite only one *berachah* on the new single *kedushas hayom*. This approach is in line with the *nusach* of *Ya’aleh V’Yavo* used by the *Ba’alei HaTosfos*.

Rav Soloveitchik noted that the above two approaches are reflected in the difference between two *nuscha’os* of the middle *berachah* of the *Amidah* when Yom Tov falls on Shabbos.

On a regular Shabbos, the final paragraph of the middle *berachah* of the *Amidah*, the *berachah* of *kedushas hayom*, begins with *אלקינו ואלקי אבותינו רצה במנוחתנו*. On Yom Tov, this paragraph begins with *והשיאנו ד’ אלקינו*. When Yom Tov and Shabbos coincide, the more common *nusach* inserts the request, *אלקינו ואלקי אבותינו רצה במנוחתנו*, into the middle of the paragraph, to reflect the Shabbos quality of the day’s

kedushas hayom. However, the *nusach haGr" a* omits the words ואלקי אבותינו ואלקי אבותינו and adds only the phrase רצה במנוחתנו. [In his *siddur*, Rav Yaakov Emden recorded the *minhag* in Hamburg, which includes ואלקי אבותינו ואלקי אבותינו even when Yom Tov falls on a weekday. This text was later adopted in the Birnbaum *Machzor*.]

The Rav explained that when Yom Tov falls on Shabbos, one view is that the two *kedushos* remain distinct. It would have been appropriate to recite two separate *berachos* of *kedushas hayom*, if not for the extraneous consideration of the lack of Scriptural precedent. We seek to highlight this dichotomy by dividing the *berachah* into two parts. This is reflected in the more common *nusach*, in which the phrase וְהִשְׁיֵאנוּ ד' אלקינו introduces the theme of *kedushas Yom Tov*, whereas the phrase ואלקי אבותינו ואלקי אבותינו serves to introduce the distinct theme of *kedushas Shabbos*.

However, as we have seen, we may understand the situation very differently – that the two aspects of the day blend together to create a single *kedushas hayom*. If so, only one middle *berachah* is appropriate, not two. This perspective is reflected in the *nusach* of the *Gr" a*. The phrase רצה במנוחתנו must be added as a request specifically related to Shabbos, but ואלקי אבותינו ואלקי אבותינו should not be said, so that the *berachah* over *kedushas hayom* remains a single entity. [See *MiPninei HaRav*, 2001 ed., pp. 86-88; *Rav Schachter on the Moadim*, pp. 75-83.]

II. אתה בחרתנו ... ושמך הגדול והקדוש עלינו קראת

HaKadosh Baruch Hu singled out *Klal Yisrael* as the *Am HaNivchar* (Chosen Nation) on the occasion of *yetzi'as Mitzrayim*. What is the meaning of the idea that we are the *Am HaNivchar*?

Many people assume that this concept is akin to how parents sometimes treat their youngest child as the favorite. While the parents act strictly with the older children, the youngest child goes unpunished despite his poor behavior.

Many mistakenly think that this is the meaning of *Am Ha-Nivchar* – that the Jewish People get preferential treatment, the license to do *aveiros* without repercussion.

This is not at all what *Am HaNivchar* means. Rather, it means that *HaKadosh Baruch Hu* chose *Klal Yisrael* for a specific mission that others were not assigned. The fact that the nations of the world were given the seven Noachide laws while *Klal Yisrael* was given *taryag mitzvos* is representative of a fundamental difference in their respective roles. The *Navi* refers to *Klal Yisrael* as, *עם זו יצרתי לי תהלתי יספרו* – “This people that I fashioned for Myself that they might declare My praise” (*Yeshayah* 43:21). This means that *HaKadosh Baruch Hu* charged the Jewish People with the obligation to publicize His G-dliness, to advertise His *malchus* to the whole world. *Klal Yisrael* represents *HaKadosh Baruch Hu*.

This idea is further reflected in a famous expression based on the *Zohar* (see *Parshas Acharei* 73a; *Parshas Emor* 93b): *קודשא בריך הוא אורייתא וישראל חד הוא* – “*HaKadosh Baruch Hu*, the Torah, and the Jewish People are one.” *HaKadosh Baruch Hu* and *Klal Yisrael* are one unit, just as a husband and wife constitute one unit. Indeed, *Shir HaShirim* likens the relationship between *HaKadosh Baruch Hu* and *Klal Yisrael* to a marriage, as if *HaKadosh Baruch Hu* is the *chosson* and *Klal Yisrael* is the *kallah*.

The *Gemara* in *Sanhedrin* (28b) teaches that *ba'al k'ishto* (a husband is like his wife) and *ishah keba'alah* (a wife is like her husband). The principle that a husband and wife form a single unit with regard to kinship is the reason that a man is disqualified from testifying about his stepson's wife. The stepfather is considered like his wife, who is the daughter-in-law's actual mother-in-law, and he therefore may not testify concerning her.

In a similar vein, the *Ra'avad* (cited by the *Rosh*, *Makkos* 1:13-14) comments that the reason a husband and wife are not fit to testify for each other is not merely because they are *kerovim* (relatives). Rather, it is because each is considered a

ba'al davar (principal party) with regard to the other, and such a person cannot be classified as a witness at all. [See *Eretz HaTzvi*, p. 202.]

Similarly, *HaKadosh Baruch Hu* and *Yisrael*, the Husband and wife, are considered one unit. This is evident in a number of *pessukim*. Commenting on the *passuk*, *וּבְרֹב גְאוּנְךָ תַהְרוֹס קִמְיךָ* – “In your abundant grandeur You shatter Your opponents” (*Shemos* 15:7), *Rashi* explains, “And who are those who rise up against [*Hashem*]? Those who rise up against *Yisrael*.” Similarly, the phrase, *וַיִּוְסוּ מִשְׂנְאִיךָ מִפְּנֵיךָ* – “and let those who hate You flee from before You” (*Bamidbar* 10:35) is a reference to those who hate *Bnei Yisrael*, “for whoever hates *Yisrael* hates the One Who spoke and brought the world into being” (*Rashi*). Since *Klal Yisrael* is one entity with *HaKadosh Baruch Hu*, whoever is an enemy of the Jewish People is considered by definition an enemy of *HaKadosh Baruch Hu*.

This relationship is further evident in the text of our *tefillos*. We say in the Yom Tov *Amidah*, *וּשְׂמַךְ הַגְּדוֹל וְהַקְּדוֹשׁ עָלֵינוּ קִרְאתָ* – “and You proclaimed Your great and holy Name upon us.” *HaKadosh Baruch Hu* calls the Jewish People “*Am Hashem*.” Complementing this, on the *Yomim Nora'im*, we declare in our *davening*, *וּשְׁמֵנוּ קִרְאתָ בְּשִׁמְךָ* – “and our name You have included in Your Name.” *Hashem* is called “*Elokei Yisrael*,” incorporating our name into His.

When a couple gets married, one spouse usually takes on the family name of the other because they want to demonstrate that a change has occurred in their personas. Through marriage, they have been transformed into different people; their *neshamos* have synthesized. They want to show that their relationship is one of *ba'al k'ishto* and *ishah keba'alah*.

Likewise, in the marriage between *Klal Yisrael* and *HaKadosh Baruch Hu*, each one took on the other's name. The wife, *Klal Yisrael*, is called *Am Hashem*, by the “family name” of the Husband, and the Husband adopted the “family name” of the wife, *Elokei Yisrael*. [See *B'Ikvei HaTzon*, pp. 275-276.]

III. וחגי נדבה

In *Vatodi'einu*, which we recite in the *Ma'ariv Amidah* when Yom Tov falls on *motzo'ei Shabbos*, we state: ותנחילנו זמני ששון ומועדי קודש וחגי נדבה – “You have given us an inheritance of seasons of joy, appointed Festivals of holiness, and free-willed *chagim*.” The meaning of the last phrase, וחגי נדבה, is very unclear, as the term does not appear elsewhere.

The *Gemara* in *Berachos* (33b) calls the beautiful text of *Vatodi'einu* “a ‘pearl’ that Rav and *Shmuel* composed for us in Bavel.” The description of the *tefillah* as being coined in Bavel leads the *Maharsha* (*Chiddushei Aggados*) to suggest that וחגי נדבה should be translated “and the voluntary holidays,” explaining that it alludes to *Yom Tov sheini shel galuyos*, the second days of Yom Tov observed in *chutz la'Aretz*. These are considered voluntary in the sense that they were introduced by the *Chachamim* and adopted by the Jewish People willingly, and that *Hashem* did not mandate their observance in the Torah.

Rav Soloveitchik disagreed with this interpretation because the word חג does not mean “holiday,” but in fact refers to the *Korban Chagigah* that is offered by every Jewish male on each Yom Tov. For example, the *Gemara* in several places understands the *passuk*, וחגותם אותו חג לד' שבעת ימים בשנה (Vayikra 23:41), to mean – “You shall celebrate it **by offering the *chagigah*** to *Hashem* for a seven-day period in the year” (*Chagigah* 9a, *Chagigah* 10b, *Beitzah* 19a, *Pesachim* 70b).

Therefore, the Rav explained that the term וחגי נדבה alludes to the *Mishnah* in *Chagigah* (8b) that derives the guidelines for purchasing the Yom Tov *korbanos* from the *passuk*, איש כמתנת ידו – “Everyone according to what he can give, according to the blessing that *Hashem*, your G-d, gives you” (*Devarim* 16:17).

Most *mitzvoos* must be fulfilled in the same fashion regardless of who performs them. For example, both the Vilna Gaon and an average person are obligated to consume the same *kazayis* of

matzah on *leil haseder*. However, with regard to the Yom Tov *korbanos*, there may be great variability. Many people may partner together and bring one *Korban Olah* and one *Korban Shelamim* to fulfill their obligations of *olos re'iyah* and *shalmei chagigah* respectively. Nevertheless, if one can afford to do so, he should preferably bring many *Korbanos Olah* and many *Korbanos Shelamim*, provided that he has a sufficient number of dependents to consume the meat of the *shelamim* within the prescribed time. In a sense, these additional *korbanos* are considered voluntary, and this is what is denoted by the term *והגיי נדבה*.

IV. זכר ליציאת מצרים

We readily understand why we mention *yeti'as Mitzrayim* in the *nusach* of the *Amidah* on the *Shalosh Regalim*, since these *Yomim Tovim* relate directly to that *geulah* and its consequent historical events. It is less apparent why we do so on Rosh Hashanah and Yom Kippur as well, as these days do not correspond to the *geulah* from Mitzrayim. Some explain the connection between Rosh Hashanah and *yeti'as Mitzrayim* based on our tradition (*Rosh Hashanah* 11b) that the slave labor in Mitzrayim ceased on Rosh Hashanah (*Shibbalei HaLeket, siman* 286). The relevance of *yeti'as Mitzrayim* to Yom Kippur, however, remains unclear.

Rav Soloveitchik therefore proposed a different reason for mentioning *yeti'as Mitzrayim* in the *Amidah*. We received the *mitzvah* of *kiddush hachodesh* specifically on the occasion of *yeti'as Mitzrayim*: *החודש הזה לכם ראש חדשים* – “This month shall be for you the beginning of the months” (*Shemos* 12:2). Through this *mitzvah*, *Klal Yisrael* was given the ability to sanctify time – in this case, the day of Rosh Chodesh. The ability to be *mekadesh zeman* is therefore associated with the concept of *geulah* (redemption).

In a similar way, this *parsha* serves as the precedent for incorporating the concept of *geulah* into the Jewish calendar. The

Ramban, in his commentary on this *passuk*, cites the *Yerushalmi* (*Rosh Hashanah* 1:2), which teaches that שמות חדשים עלו עמנו מבבל – “the names of the months came up with us from Bavel.” Just as Nissan is reckoned as the first month of the calendar year as a remembrance of our redemption from the Egyptian bondage, which occurred in that month, so too, we recall the second redemption, from *galus* Bavel, through the current use of the Babylonian names of the months. That is why we have adopted these names in the Jewish calendar. [See *B’Ikvei HaTzon*, pp. 11-12.]

The *Sha’arei Ephrayim* (10:36) uses this idea to explain why we offer the following request in *Birkas HaChodesh*:

מי שעשה נסים לאבותינו וגאל אותם מעבדות לחירות הוא יגאל אותנו בקרוב ויקבץ נדחינו מארבע כנפות הארץ.

He Who performed miracles for our forefathers and redeemed them from slavery to freedom, may He redeem us soon and gather in our dispersed from the four corners of the earth.

The *mitzvah* of *kevi’as halu’ach* (establishment of the calendar), comprised of *kiddush hachodesh* and *ibbur hashanah* (intercalation of the year), is predicated on the ability of *Klal Yisrael* to be *mekadesh zeman*. This *mitzvah* was given to *Klal Yisrael* in association with its *geulah* from *Mitzrayim*, and it is therefore appropriate to *daven* for the final *geulah* every time we publicize the day of *Rosh Chodesh*.

This is how Rav Soloveitchik explained the mention of *yetzi’as Mitzrayim* in the *Yom Tov Amidah*. He thought that it was not primarily due to the historical significance of *yetzi’as Mitzrayim*. Instead, he understood the inclusion of this phrase in light of the Ramban’s comment. *Kiddush hazeman* is rooted in *yetzi’as Mitzrayim*, and this connection must always be stated when expressing the *kedushas hayom* of *Yom Tov*. This also explains why we include the phrase *זכר ליציאת מצרים* in the *Amidah* on *Rosh Hashanah* and *Yom Kippur*, even though these *Yomim Tovim* are not historically related to the *geulah* from *Mitzrayim*. [See *Ginas Egoz*, pp. 23-25; *Rav Schachter on the Moadim, Shabbos: Kiddush and Havdalah*, section IV.]

V. והשיאנו ד' אלקינו ... ואמרת לברכנו

In the Yom Tov *Amidah*, we request, “Bestow upon us, *Hashem*, our G-d, the blessing of Your appointed Festivals ... as You desired and promised to bless us.” Where do we find such a guarantee in *Tanach*?

The Brisker Rav (*Haggadah Shel Pesach MiBeis Levi*, 5743 ed., p. 272) explains that the source of this idea is the *passuk*, והיית אך שמח – “and you shall be completely joyous” (*Devarim* 16:15). The *Torah SheBe'al Peh* presents an additional level of interpretation that takes this *passuk* as a positive command to include the final night of Yom Tov, *leil Shemini Atzeres*, in the *mitzvah* of *simchah* of the previous seven days (*Sukkah* 48a). Nevertheless, as *Rashi* comments, the *peshuto shel mikra*, the plain interpretation of the *passuk*, is understood as a *havtachah* (promise) and a *berachah* that *Hashem* bestows upon the Jewish People that they will enjoy the celebration of Yom Tov.

VI. מי שברך

Once during *kri'as haTorah* on Yom Tov the *gabbai* in the Brisker Rav's *minyán* concluded a *Mi Shebeirach* incorrectly, omitting the words ויזכה לעלות לרגל. He quickly corrected himself and added the words, ויזכה לעלות לרגל ונאמר אמן at the end of the *Mi Shebeirach*. At that point, the Brisker Rav insisted that the *gabbai* repeat the last phrase and say, ויזכה לעלות לרגל עם כל ישראל אחיו – “and may he be privileged to ascend [to Yerushalayim] for the pilgrimage, **together with all Yisrael, his brethren**” (*Pninei Rabbeinu HaGri*”z, 5769 ed., p. 43).

Rav Velvele explained that these words were included in the *Mi Shebeirach* based on the *Gemara* in *Chagigah* (4a), which teaches that one who gathers dog's excrement, one who smelts copper, and one who tans leather is exempt from the *mitzvah* of *re'iyah* (appearing in the *Azarah* during the *Yomim Tovim*). The *Gemara* derives this from the *passuk*, יראה כל זכורך – “[Three

times during the year] **all** your males shall appear [before the Lord, Hashem]" (*Shemos* 23:17), which excludes these workers, who are not fit to ascend together with all the other Jewish people due to their repulsive odor.

Therefore, in the *Mi Shebeirach* on Yom Tov, we give a *berachah* to the *oleh laTorah* that he merit the opportunity to be *oleh regel* עם כל ישראל אחיו, since joining the masses and ascending to Yerushalayim, along with זכור, is a necessary condition for one to be obligated in the *mitzvah*.

VII. יזכור

There is a widespread *minhag* that those whose parents are alive, and who therefore do not recite *Yizkor*, leave the *shul* before the recitation of *Yizkor*. Rav Soloveitchik offered the following halachic explanation of this practice (see also *Tzitz Eliezer*, *chelek* 12, 39:7-8).

The *Gemara* in *Berachos* (19a) discusses the obligations of *kri'as Shema* and *Shemoneh Esrei* as they apply to those who are present when eulogies are being delivered at a funeral. The *Gemara* considers both those who are occupied with listening to the *hesped* as well as the *onen*, one who has lost a close relative and is prohibited from fulfilling positive *mitzvos* prior to the *kevurah*. When the time to recite *Shema* arrives, if the deceased is not present the listeners may recite the *Shema* while the *onen* sits quietly. However, when they stand to recite *Shemoneh Esrei*, the *onen* stands and engages in *tzidduk hadin* (acknowledging the righteousness of Hashem's judgement).

The reason for the *Gemara's* distinction is unclear. Why does the *onen* not perform *tzidduk hadin* when the group recites *Shema* as well?

Rav Soloveitchik suggested that this *halachah* is based on a related *Mishnah* in *Berachos* (20b) that addresses how a *ba'al ker*i should conduct himself with regard to *kri'as Shema*, given the *takanas Ezra* that a *ba'al ker*i must refrain from articulating

words of Torah. The *Mishnah* teaches that when the time arrives to recite *Shema*, the *ba'al keri* should contemplate the words of *Shema* in his heart rather than say them aloud.

The *Gemara* proceeds to question what is gained by having the *ba'al keri* recite the *Shema* mentally, according to the opinion that *הרהור לאו כדיבור דמי* – “thought is not legally equivalent to speech” and one cannot fulfill his obligation in this manner. The *Gemara* answers that although the *ba'al keri* does not fulfill his obligation through contemplation, he is nevertheless required to recite *Shema* in his thoughts, “so that it not be the case that everyone is busy reciting [the *Shema*] and he sits idle.” He should occupy himself with the same thing that the rest of the *tzibbur* is involved with and at least contemplate the text of *Shema*.

On the basis of this consideration, the Rav continued, even though the *onen* is not permitted to *daven*, since he is permitted to be *matzdik* the *din* on himself, he should do so while the others recite *Shemoneh Esrei*. Since *mid'oraisa*, there is no requirement to recite an established text of *tefillah*, the *onen* accomplishes at least a partial fulfillment of a *mitzvah* that is similar to *tefillah* by being *matzdik* the *din* on himself. Therefore, he is not considered to be sitting idly.

The *parshiyos* of *kri'as Shema*, however, must be read *kichsavah*, as they appear in the Torah. Thus, there is no reason for him to be *matzdik* the *din* while the others recite *Shema*, since *tzidduk hadin* will not afford him any fulfillment of the *mitzvah* of *kri'as Shema*. As the *onen* may not read from the Torah, he is unable to avoid sitting idly even though everyone is busy reciting the *Shema*. [See *MiPinei HaRav*, 2001 ed., p. 103.]

The Rav concluded that the *Gemara's* concern with regard to the *ba'al keri* and the *onen* applies to the recitation of *Yizkor* as well. If those whose parents are alive were to remain in the *shul* and not recite *Yizkor* while the others recited *Yizkor*, it would be a violation of the notion, “everyone is busy reciting and they sit idle.” One must avoid remaining silent in *shul* while the rest of the *tzibbur* *davens*.

Rav Soloveitchik himself often encountered a similar predicament when, after his wife passed away, he lived with his daughter and son-in-law in Boston. To avoid *davening* after the *shki'ah*, his practice was to *daven Mincha* early on Friday afternoon. If he was later present when the *tzibbur davened Shemoneh Esrei*, he would exit the *shul*, since he felt it was not permissible to stay and not *daven* along with the others. [See *Nefesh HaRav*, 1994 ed., p. 153.]

VIII. מַפְנֵי הַטְּאִינוֹ

In the Yom Tov *Mussaf Amidah*, we recount our current inability to appear in the *Beis HaMikdash* and to offer the *korbanos* of Yom Tov. There are two *girsá'os* of the phrase that presents the reason we cannot offer *korbanos*: מַפְנֵי הַיָּד שֶׁנִּשְׁתַּלַּח בַּמִּקְדָּשׁ – “because of the hand that **was** dispatched against Your Sanctuary,” or מַפְנֵי הַיָּד הַשְּׁלוּחָה בַּמִּקְדָּשׁ – “because of the hand that **is** dispatched against Your Sanctuary.” Rav Tzvi Hirsch Ferber (*Siach Tzvi, Mussaf Rosh Chodesh*) quotes an earlier interpretation of the different *girsá'os* based on a well-known *machlokes* between the *Rambam* and the *Ra'avad*.

Rav Ferber explains that the past tense used in the expression מַפְנֵי הַיָּד שֶׁנִּשְׁתַּלַּח בַּמִּקְדָּשׁ refers to the destruction of the *Batei Mikdash* that occurred years ago at the hands of our enemies. In contrast, הַשְּׁלוּחָה בַּמִּקְדָּשׁ, stated in present tense, implies that our inability to offer *korbanos* is due to the **current** hand that is stretched out over the *Beis HaMikdash*.

In *Mishnayos Eduyos* (8:6), Rabbi Yehoshua reports that he has a tradition that מַקְרִיבִין אֵף עַל פִּי שְׂאֵן בֵּית – “we may offer *korbanos* [at the *Beis HaMikdash* site] even though there is no [Sanctuary] building.” The reason given is that: קְדוּשָׁה רִאשׁוֹנָה קִידְשָׁה לְשַׁעֲתָה – “The original sanctification [of Yerushalayim and the *Beis HaMikdash*] sanctified these areas for that time and sanctified them for all future time.” The *Rambam* and the *Ra'avad* (*Hilchos Beis HaBechirah* 6:14-16) disagree as to whether we rule in accordance with the opinion of Rabbi Yehoshua.

According to the *Rambam*, when Shlomo HaMelech built the First *Beis HaMikdash*, he endowed the *makom haMikdash* with **everlasting kedushah**. Although we rule that the first sanctification of Eretz Yisrael, established by Yehoshua, was nullified by the conquering Babylonian armies, the *Rambam* maintains, basing himself on the *passuk*, **והשימותי את מקדשיכם** – “I will make your Sanctuaries desolate” (*Vayikra* 26:31), that the location of the *Beis HaMikdash* is different. Its *kedushah* is due to the presence of the *Shechinah*, and that can never be nullified. Therefore, the *nusach* of **השלוחה במקדשך** should be used. The implication of this *nusach* is that if the Jewish People were to gain permission to rebuild the *mizbei'ach* and offer *korbanos* on it, we would be permitted to do so at the present time.

The *Ra'avad*, however, believes that since we know that the *kedushah* of the Third *Beis HaMikdash* will surpass that of the previous ones, the *kedushah* of the first two *Batei Mikdash* must have been nullified. Thus, a new *kiddush* will be required for the Third *Beis HaMikdash*, and that *kiddush* will endow that *Beis HaMikdash* with a greater *kedushah* than was present in the previous *Batei Mikdash*. Interestingly, the *Me'iri* (*Shavuos* 16a) writes of a common practice in his generation, relying upon the view of the *Ra'avad*, to enter the *makom haMikdash*. Even though we are all *tamei meis*, they assumed that **לא קידשה לעתיד לבא** and that there is no prohibition to enter that area in a state of *tum'ah*.

From this perspective, the *nusach* of **שונתלחה במקדשך** seems more appropriate; according to the *Ra'avad's* view that the *kedushas makom haMikdash* has been nullified, even if we were to be granted permission to rebuild the *mizbei'ach*, we would not be permitted to offer *korbanos* at this time.

Some maintain that in such a *machlokes* between the *Rambam* and the *Ra'avad*, only the *Rambam's* opinion should be considered. Since the *Rambam* was the only one to codify halachic rulings on the *dinim* pertaining to the *Beis HaMikdash*, he should

be regarded as the *Mara D'Asra* of the *makom haMikdash*. Likewise, the *Mishnah Berurah* (561:5) quotes the *Magen Avraham*, who, following the ruling of the *Rambam*, writes that one who currently enters the *makom haMikdash* violates a *kares* prohibition, since we are all *tamei meis*.

It would seem that the *nusach* מַפְנֵי הַיָּד הַשְּׁלוּחָה בַּמִּקְדָּשׁ is the more inclusive one and that it may be used to satisfy both opinions. As mentioned, according to the *Rambam's* view, were it not for the "hand that is currently dispatched against Your Sanctuary," we would be in the position to offer *korbanos* now. This *nusach* can also be understood according to the *Ra'avad* as well. The *Ra'avad* maintains that we will have to be *mekadesh* the Third *Beis HaMikdash* anew, and this process will be possible only after the removal of the current foreign presence from the *makom haMikdash*. [See *Rav Schachter on the Parsha, Parshas Bechukosai*.]

IX. תְּמִידִים כְּסֹדֶר וּמוֹסָפִים כְּהִלְכָתָם

In the *Mussaf Amidah*, we express our desire for the rebuilt *Beis HaMikdash*: "There we will perform before You our obligatory *korbanos*, the *tamid*-offerings according to their order and the *mussaf*-offerings according to their law." Rav Shlomo HaKohen of Vilna (*Binyan Shlomo* 1:1) quotes a fascinating explanation of this *tefillah* in the name of his older brother, Rav Betzalel HaKohen.

Rav Betzalel notes that when we mention the *Korban Tamid*, we speak of the **order** of the *korbanos*, whereas when we mention the *Korban Mussaf*, we point out that we will observe the **laws** of the *korbanos*.

The reason for this distinction is that when it comes to the *Korban Tamid*, the offering of the *korbanos* in the *Beis HaMikdash* corresponds to the *seder avodah* as it is described in the *Chumash*. Therefore, the *nusach* of תְּמִידִים כְּסֹדֶר is appropriate. However, with regard to the *Korbanos Mussaf* of Rosh Chodesh and the *Yomim Tovim*, the *halachah* of the *Torah SheBe'al Peh*

stands in contrast to that which is written in the *Chumash*. Although the *Korbanos Olah* are listed in the *Chumash* before the *Korban Chatas*, the actual *avodah* does not follow the order of the *pessukim*. Instead, the offering of the *korbanos* was in accordance with the *binyan av* (general principle) taught in the *Gemara* in *Zevachim* (90a) – that *Korbanos Chatas* precede the *Korbanos Olah* that accompany them. Therefore, the *nusach* of **כהלכתם ומוספים** was instituted to highlight the fact that when we offer these *korbanos*, we follow “their law” – namely, the tradition of the *Torah SheBe’al Peh*.

X. בנה ביתך כבתחילה וכוונן מקדשך על מכונו

The *minhag* in many communities in Europe was to sing *Lechah Dodi* on Shabbos Chazon to the tune of *Eli Tziyon*. Some authorities, including the Chazon Ish, were opposed to this practice, arguing that one may not engage in a public display of *aveilus* on Shabbos (see *Pe’eir HaDor* 4:195, regarding the recitation of the *haftorah* of Shabbos Chazon to the *niggun* of *Megillas Eichah*).

Rav Soloveitchik, however, noted that in Brisk, in the *Chazaras HaShatz* of *Mussaf* on Yom Tov, the *chazan* recited the phrase, **בנה ביתך כבתחילה וכוונן מקדשך על מכונו** – “Rebuild Your House as it was at first, and establish Your Sanctuary on its site,” to a *niggun* similar to that of *Eili Tziyon*. Amid sentiments of *aveilus*, we pour out our hearts over the absence of the *Beis HaMikdash* and beseech *HaKadosh Baruch Hu* for its return. If it is not considered a contradiction to *simchas Yom Tov* to sing a *niggun* of *aveilus*, it is certainly permissible on Shabbos as well. [See *Nefesh HaRav*, 1994 ed., p. 197.]

XI. והשב ישראל לנויהם

In this section of the *Amidah*, we offer a *tefillah* that *Hashem* rebuild the *Beis HaMikdash* and reinstate the offering of the

korbanos of the Yom Tov. What is the relevance of the phrase, “And restore Israel to their dwellings,” to this request?

It is quoted in the name of the Brisker Rav (*Haggadah Shel Pesach MiBeis Levi*, 5743 ed., p. 272) that this phrase relates to the obligation of *aliyah l’regel*. The *Gemara* in *Pesachim* (8b) learns from the *passuk*, פני אלקיך שלש פעמים בשנה ולא יחמוד איש את ארצו בעלותך לראות את פני – “No man will covet your land when you go up to appear before *Hashem*, your G-d, three times a year” (*Shemos* 34:24), that one who does not own land in Eretz Yisrael is not obligated in *aliyah l’regel*. [*Tosfos* (*Pesachim* 3b, s.v. *mei’alyah*) goes even further, suggesting that such a person is exempt from bringing the *Korban Pesach* as well.] In point of fact, we know that many Jews would come from *chutz la’Aretz* to Yerushalayim for *aliyah l’regel* during the time of the Second *Beis HaMikdash*, even though they were not obligated to do so.

Therefore, after והשב ישראל לנויהם, the *Amidah* immediately continues, ושם נעלה ונראה ונשתחוה לפניך בשלש פעמי רגלינו – “And there we will **ascend and appear** and prostrate ourselves before you, during our three pilgrimage seasons.” We *daven* that *Hashem* should give us the opportunity to fulfill the *mitzvah* of *aliyah l’regel*, but not merely as *einam metzuvim v’osim* who perform the *mitzvah* voluntarily. Let the Jewish People return to live in Eretz Yisrael, so that they will be obligated to fulfill the *mitzvah*.

XII. ושם נעלה ונראה ונשתחוה לפניך

After *davening* for the rebuilding of the *Beis HaMikdash* and for our return to Eretz Yisrael to fulfill the *mitzvah* of *aliyah l’regel*, we continue: “And there we will ascend and appear and prostrate ourselves before You during our three pilgrimage seasons.” This *tefillah* is puzzling. Where is it mentioned that when one is *oleh regel*, he must be *mishtachaveh*? One must merely appear in the *Azarah* and offer *korbanos*, the *olas re’iyah* and *shalmei chagigah*.

We may pose a similar question on the *Gemara* in *Yoma* (21a) that also expresses this association: בשעה שישראל עולין לרגל עומדין - צופין ומשתחוים רווחים [to the *Beis HaMikdash*] on pilgrimage, they stood crowded together, yet prostrated themselves with ample space."

The Brisker Rav (*Haggadah Shel Pesach MiBeis Levi*, 5743 ed., p. 272; *Chiddushei Rabbeinu HaGri"z HaLevi*, *Yoma* 21a) suggests an answer based on a comment of the Vilna Gaon. One who studies *Mishnayos Tamid* (*perakim* 6-7) will observe the repetition of a refrain that is mentioned after the completion of the *avodah* of each *Kohen* who participates in the offering of the *Korban Tamid*: והשתחוה ויצא - "and he prostrated himself and exited." It is quoted in the name of the Vilna Gaon (*Aderes Eliyahu*, *Parshas Ki Savo*) that the source of this practice is a *passuk* referring to the bringing of *bikkurim*, והשתחוית לפני ד' - אלקיך - "and you shall prostrate yourself before Hashem, your G-d" (*Devarim* 26:10).

The *Gr"a* explains that *hishtachava'ah* is not a *mitzvah* specifically related to the bringing of *bikkurim*, but is actually a general rule; whenever one enters the *Beis HaMikdash*, he requires *hishtachava'ah* before exiting. This includes a farmer who enters to offer *bikkurim*, a *Kohen* who enters to perform *avodah*, and one who appears in the *Azarah* for the *mitzvah* of *re'iyah*.

The Brisker Rav points out that this idea is implied by the *Rambam's* placement of the *halachah* of *hishtachava'ah* as well. The *Rambam* does not list *hishtachava'ah* in *Hilchos Bikkurim* (3:14) among the requirements of the *mitzvah* of *bikkurim*, but instead as a general *halachah* of *avodah* in *Hilchos Temidin U'Mussafin* (see 3:7, 6:7).

Based on this, Rav Velvele explains, we can understand the *passuk* in the account of *Akeidas Yitzchak*, ואני והנער נלכה עד כה ונשתחוה - "I and the lad will go yonder, and we will prostrate ourselves" (*Bereishis* 22:5). Avraham and Yitzchak were required to perform *hishtachava'ah* upon visiting the *makom haMikdash*.

The *passuk* regarding *bikkurim* also indicates that *hishtachava'ah* is only a *kiyum mitzvah* when performed **inside** the *Aarah*, לפני ד' אלקיך, and not in any other location. Thus, as we recite, ושם נעלה ונראה ונשתחוה לפניך, we express our hope to once again perform this *mitzvah* in the *Azarah* when we are *oleh regel*. [See *Rav Schachter on the Moadim, Yom Kippur: Avodah*, section V.]

KRI'AS HATORAH AND MA'AMAD HAR SINAI

I. *Barchu Es Hashem HaMevorach*

Rav Soloveitchik related that his uncle, Rav Velvele, the Brisker Rav, once arrived late to *shul* for *Mincha* on Shabbos afternoon. The *Kohen* had already recited *Barchu*, but had not yet said the *berachah* of *Asher Bachar Banu*, and the *ba'al kri'ah* had not yet begun the *leining*. The Brisker Rav sighed and remarked that he would not be *yotzei* the *mitzvah* of *kri'as haTorah*. He would need to go to another *shul* to hear *kri'as haTorah* from the beginning, with the introductory *Barchu*.

The Rav (*Ish HaHalachah, U'Vikashtem MiSham*, pp. 227-228; *And From There You Shall Seek*, pp. 139-140) clarified his uncle's position by explaining that *kri'as haTorah* does not only function as a communal *limmud haTorah*.

[The purpose of *Kri'as haTorah* is] also to arrange an encounter with G-d, as experienced by our ancestors at Mount Sinai. Every act of reading from the Torah is a new giving of the Torah, a revival of the wondrous stand at the foot of the flaming mountain. The reading of the Torah is a "staging" of the giving of the Torah and a renewal of the awesome, sublime experience. The revelational experience is re-enacted whenever the Torah scroll is removed from the ark [for reading in the synagogue].

Thus, the *kri'ah* contains an element of *giluy Shechinah* (Divine Revelation), and whenever Man senses the presence of

HaKadosh Baruch Hu, he is obligated to sanctify His Name and praise Him. Therefore, the *oleh laTorah* must begin with 'ברכו את ד' המבורך before reciting *Birkas HaTorah*.

Indeed, our *kri'ah* is patterned after the public *kri'as haTorah* described in *Sefer Nechemyah*, which took place on the first Rosh Hashanah after the walls of Yerushalayim were rebuilt by the Jews returning from *galus Bavel*. The Rav noted that when Ezra HaSofer commenced the *kri'ah*, he first recited a *davar sheb'kedushah*:

ויפתח עזרא הספר לעיני כל העם ... ויברך עזרא את ד' האלוקים הגדול ויענו כל העם אמן אמן במועל ידיהם ויקדו וישתחוו לד'.

Ezra opened the scroll before the eyes of all the people ... and Ezra blessed *Hashem*, the great G-d, and all the people answered, 'Amen! Amen!' with their hands upraised; then they bowed and prostrated themselves before *Hashem*" (*Nechemyah* 8:5-6).

The *chumrah* of the *Maharam MiRotenberg* to stand during *kri'as haTorah* is also based on this principle. In general, we sit while learning Torah (*Megillah* 21a); if *kri'as haTorah* were solely an educational activity, there would be no need to stand. Standing is a function of the *giluy Shechinah* at the time of the *kri'ah*. [See *Nefesh HaRav*, 1994 ed., pp. 135-136; *Shiurim LeZecher Aba Mari Z"l II*, 5745 ed., pp. 210-213.]

Likewise, the *sefer Shulchan HaKri'ah* (*Yalkut David* 7:1), based on the *Zohar* (*Parshas Vayakhel*, 206a) and *Kisvei HaAri z"l*, explains that just as the Torah was given from the top of a mountain, we should read the Torah from an elevated *bimah*. The listeners should be in a lower position, as *Bnei Yisrael* were positioned at the foot of the mountain, with the *ba'al kri'ah*, acting as a *shali'ach* of *Hashem*, above. The *oleh* represents *Bnei Yisrael*, since he accepts the Torah, and the *gabbai* takes the place of Moshe Rabbeinu, the intermediary between *Hashem* and *Bnei Yisrael*. [In a *Beis HaMidrash*, since the entire room is used for *limmud haTorah* and is therefore considered like the top of the mountain, an elevated platform for the *bimah* is not necessary.]

II. *Kri'as Aseres HaDibros*

We also see the centrality of the Har Sinai experience to the *mitzvah* of *kri'as haTorah* from the way we *lein* the *Aseres HaDibros*.

The *Gemara* in *Berachos* (12a) cites the *Mishnah* in *Tamid* (5:1) that teaches that the *Kohanim* in the *Beis HaMikdash* would recite the *Aseres HaDibros* along with the morning *Shema*. The *Gemara* comments that the *Chachamim* wished to institute such a practice even outside the *Beis HaMikdash*, but they refrained from doing so because of the arguments of the *minim* (heretics). The *Chachamim* feared that they would claim that the fact that the only text recited along with the *Shema* is the *Aseres HaDibros*, which were heard by the Jewish People directly from *Hashem* at Har Sinai, proves that the rest of the Torah is not of Divine origin.

The *Rambam* writes (*Teshuvos HaRambam*, Y. Blau ed., 263) that on the basis of this *Gemara*, people should not stand during the *kri'ah* of *Aseres HaDibros*. This practice would have a negative impact on people's *emunah*, since they would come to think that this portion possesses superiority over the rest of the Torah.

Given the *Rambam's* strong opposition to this practice, it is quite surprising that the common *minhag* is indeed to stand for the *kri'ah* of *Aseres HaDibros*. How can we explain this?

Rav Soloveitchik suggested that we can validate our *minhag* in light of our usage of a special version of *trop* (cantillation notes), the *ta'am elyon* ("higher" *trop*), when we *lein* the *Aseres HaDibros*. The principal difference between this *trop* and the standard *ta'am tachton* ("lower" *trop*) is that *ta'am tachton* divides the *kri'ah* into individual *pessukim*, as does the *trop* of the rest of the Torah. In contrast, the *ta'am elyon* does not divide the *kri'ah* into *pessukim*, but rather into *dibros*.

Thus, the *ta'am elyon* combines multiple *pessukim* comprising the fourth *dibrah*, ... השבת לקדשו – "זכור את יום השבת לקדשו" – "Mention the Shabbos day to sanctify it..." (*Shemos* 20:8), as if they were all a single

passuk. Conversely, the single *passuk*, לא תרצה לא תנאף לא תגנב – “You shall not kill; you shall not commit adultery; you shall not steal; you shall not bear false witness against your fellow” (*Shemos* 20:13), is divided by *ta’am elyon* into four separate units, since it constitutes four distinct *dibros*.

The *Gemara* (*Megillah* 22a) teaches the rule, כל פסוקא דלא – “any *passuk* that Moshe did not divide, we may not divide.” The *passuk* is the unit of *Torah SheBichsav*, and we fulfill *kri’as haTorah*, as a form of *talmud Torah SheBichsav b’tzibbur*, as a *kri’ah* of *pessukim*. We therefore generally *lein* according to the *ta’am tachton*, treating each *passuk* as a separate unit. In fact, in keeping with this principle, Rav Chaim did not permit the *leining* of the *Aseres HaDibros* using the *ta’am elyon*. [See *Nefesh HaRav*, 1994 ed., p. 141.]

However, it is evident from the common *minhag* to *lein* *Aseres HaDibros* using *ta’am elyon* that in this context, we emphasize a different aspect of *kri’ah* – a fulfillment of *kri’as dibros*. Through this practice, the *kri’ah*, to an even greater extent than *kri’as haTorah* in general, becomes a re-enactment of *Ma’amad Har Sinai*. We recreate the communication of the *Aseres HaDibros* between *Hashem* and the Jewish People, which took place *dibur* by *dibur*.

Many communities use the *ta’am tachton* when *leining* the *Aseres HaDibros* in *Parshas Yisro* and *Parshas Va’eschanan*. This *kri’ah* serves as a form of *talmud Torah b’tzibbur*, like the *kri’ah* of any *parshas hashavou’a* that constitutes a *kri’ah* of *pessukim*. They reserve the *ta’am elyon* for *kri’as Aseres HaDibros* on *Shavuos*, since that *kri’ah* in particular, in addition to being a *kri’ah* of *talmud Torah*, serves as a *zecher* to *Mattan Torah*.

We can now justify our *minhag* to stand for the *kri’ah* of the *Aseres HaDibros*. The *Rambam*, who was so opposed to standing for the *kri’ah*, never mentions the *minhag* of *ta’am elyon*. It seems that he *leined* using *ta’am tachton*, the same *trop* used for the rest of the *Torah*. That is why he was so troubled by standing for

this *kri'ah*, since doing so gives the impression that these *pessukim* are superior to the rest of the Torah. However, since our *leining* with *ta'am elyon* is not a *kri'ah* of *pessukim* of Torah *SheBichsav*, but rather a *kri'ah* of *dibros* performed as a re-enactment of *Ma'amad Har Sinai*, our standing does not assign any special importance to the *Aseres HaDibros*. Instead, we are most appropriately re-enacting the standing of *Bnei Yisrael* at the foot of Har Sinai. [See *Mesorah*, no. 1, pp. 17-18.]

III. הזי"ו ל"ך

The notion of the institution of a *kri'ah* comprised of units other than *pessukim* is evident in the *kri'as haTorah* of *Parshas Ha'azinu* as well. The *Gemara* in *Rosh Hashanah* (31a) states that the *shirah* of *Ha'azinu* should be divided into *aliyos*, just as it was divided into weekly portions in the *Beis HaMikdash* for the *Levi'im's shirah* that accompanied the *Shabbos Korban Mussaf*. The acronym denoting the beginning of these *aliyos* is ל"ך הזי"ו, which stands for the following *pessukim*: האזינו, זכור, ירכיבהו, וירא, כי אשא (Orach Chaim 428:5).

Although the *Rama* rules that this division is only necessary for the *kri'ah* on *Shabbos* morning, and not for the preceding *Shabbos Mincha*, Monday, and Thursday *kri'os*, Rav Soloveitchik (like the *Sheyarei Knesses HaGedolah*) was careful to adhere to these *hafsakos* in all of the *kri'os*. He mentioned that this was the practice in the Lubavitch town of Khaslavitch where he grew up. The Rav explained that the requirement to divide the *aliyos* in this fashion may well be Biblical in nature.

As mentioned above, the *Gemara* in *Megillah* (22a) teaches the rule, כל פסוקא דלא פסקיה משה אנו לא פסקינן – “any *passuk* that Moshe did not divide, we may not divide.” Yet, *Acharonim* (*Turei Even*, *Rosh Hashanah* 31a) point out that the *Gemara* in *Berachos* (12b) seems to apply this principle quite differently. The *Gemara* describes that the *Chachamim* wished to establish the *parsha* of *Balak* as part of *kri'as Shema* because it contains the

passuk, קל מוציאם ממצרים – “G-d brought them out of Mitzrayim” (*Bamidbar* 23:22). However, they did not include the *parsha* due to its length, as having to recite it in its entirety would impose a significant burden on the *tzibbur*.

The *Gemara* then asks why the *Chachamim* could not simply institute that only one of the *parsha's pessukim* be included in the *Shema*, as that would not be burdensome. The *Gemara* answers that this would violate the principle, כל פרשה דלא פסקה משה רבינו – “any *parsha* [of the Torah] that Moshe Rabbeinu did not divide, we may not divide.” Here, the *Gemara* invokes the restriction against dividing a passage of Torah and applies it even to a *parsha*, not merely to a *passuk*.

Why is the *Gemara* bothered by the recitation of only part of a *parsha*? After all, it is accepted practice to break up *aliyos* in the middle of a *parsha* during *kri'as haTorah*, as the *Levi'im* themselves did in *Shiras Ha'azinu*, provided it is not within three *pessukim* of the beginning or end of the *parsha* (*Magen Avraham, Orach Chaim*, beginning of *siman* 282).

Rav Soloveitchik explained that the basis of the *halachah* taught in both *Gemaras* is that *kri'as Torah SheBichsav* must be performed *kichsavah* – precisely as it is written in the Torah. If one *leins* only part of a *passuk*, he has not performed a *kri'ah kichsavah*. In fact, the Rav added, if one were to *lein* two *pessukim* together without pausing, as if they were a single *passuk*, that too would be a violation of כל פסוקא דלא פסקיה משה אגן לא פסקינן.

This *halachah* applies to *kri'as haTorah* when the *takanah* was to *lein* in units of *pessukim*, as evidenced by the requirement of a minimum of three *pessukim* per *aliyah* and a minimum of ten *pessukim* for each *kri'ah*. However, the Rav continued, the subject of the *Gemara* in *Berachos* is a *kri'ah* to fulfill the *mitzvah* of *zechiras yetzi'as Mitzrayim*. This is not an independent *mitzvah*, but is instead a *chelek* of the *mitzvah* of *kri'as Shema* (see above, pp. 105-106), and it is therefore logical to argue that here

the critical unit of *kri'ah* is different than for *kri'as haTorah*. Since the *mitzvah* of *kri'as Shema* according to some *Rishonim* entails reciting the first *parsha* of *Shema*, and according to others the first two *parshiyos*, the unit of *kri'ah* for *zechiras yetzi'as Mitzrayim* is a *parsha*.

In other words, in order to fulfill the *mitzvah* of *zechiras yetzi'as Mitzrayim*, one must recite not merely *pessukim* that mention *yeti'as Mitzrayim*, but a complete *parsha* that relates to *yeti'as Mitzrayim*. That is why the *Gemara* in *Berachos* invokes the rule of *כל פרשה דלא פסקה משה רבינו לא פסקין*. If one were to recite less than a complete *parsha* for the sake of *zechiras yetzi'as Mitzrayim*, it would be considered a *kri'ah shelo kichsavah*.

The Rav concluded that there may be an *issur d'oraisa* to disregard the *hafsakos* represented by *הזי"ו ל"ך*. The *kri'ah* of *Shiras Ha'azinu* is an exception to the rule that generally applies to *kri'as haTorah*. Since this *parsha* is written as a *shirah*, the *halachah* of *kri'ah kichsavah* demands that one pause at the appropriate points in order to read the "poem" in units of *shirah*, not as individual *pessukim*. If one were to pause at the incorrect place, it would not be deemed a *kri'ah kichsavah*, and such *kri'ah* would not be permitted.

Along these lines, *kichsavah* also governs the *kri'ah* of *Shiras HaYam* and prohibits us from breaking up the *shirah* into more than one *aliyah* (*Avudraham, Seder HaParshiyos V'HaHaftaros; Sha'arei Efrayim* 7:25). In addition, the *Magen Avraham (Orach Chaim* 428:8, citing the *Tzror HaMor*) notes that we must read together the forty-two *masa'os* (journeys) of *Bnei Yisrael* in the *Midbar*, as recorded in *Parshas Masei*, disregarding the erroneous stop for *sheini* indicated in standard editions of the *Chumash*. Rav Soloveitchik was careful not to break up the *masa'os* even on Monday and Thursday mornings and at *Shabbos Mincha*. [See *Nefesh HaRav*, 1994 ed., pp. 140-141; *Shiurei HaGri"d HaLevi Soloveitchik zt"l al Inyanei Tzitzis, Inyanei Tefillin, V'Hilchos Kri'as HaTorah*, pp. 170-171.]

IV. *Yud Gimmel Middos*

As mentioned, Rav Soloveitchik explained that the basis of the *halachah*, כל פסוקא דלא פסקיה משה אנן לא פסקינן, is that *kri'as Torah SheBichsav* must be performed *kichsavah*. Thus, the prohibition would not apply if one were to recite the *passuk* in a different context. For example, the *Gemara* may cite part of a *passuk*, and we may similarly quote a portion of a *passuk* in the context of a *shiur*, since this is for the purpose of learning *Torah SheBe'al Peh*, and not as a form of *kri'as Torah SheBichsav*.

The *Sha'arei Efrayim* (10:5) writes that on Yom Tov, when we recite the *yud gimmel middos harachamim* (thirteen Divine Attributes of Mercy) when we take out the *sefer Torah*, some have the practice to begin softly from the beginning of the *passuk*, ויעבור ד' על פניו ויקרא, – “*Hashem* passed before him and proclaimed” (*Shemos* 34:6), before saying aloud ד' ד'. This way, one avoids the prohibition of saying only a fragment of a *passuk* (*Pischei She'arim* 10:9, notes on *Sha'arei Efrayim*).

When we recite the *yud gimmel middos*, we are permitted to pause after the word ויקרא – “and Who Cleanses” (*Shemos* 34:7), the last of the *middos*, even though it is in the middle of a *passuk*. This is because we recite these words as a *techinah u'bakashah* (supplication and request), not as *kri'as pessukim* (see *Magen Avraham, Orach Chaim*, beginning of *siman* 282). The same should be true with regard to the beginning of the *yud gimmel middos*; there should be no reason to recite the preceding words of the *passuk*.

One might suggest a different reason for beginning with ויעבור. *Tosfos* (*Rosh Hashanah* 17b, s.v. *sh'losh*) presents two opinions as to whether the *yud gimmel middos* begin with ד' ד', or whether we should punctuate the *passuk* as: ויעבור ד' על פניו, ויקרא ד': ד' קל רחום וחנון... – “*Hashem* passed before him, and *Hashem* proclaimed: ‘*Hashem*, G-d, Compassionate and Gracious...’” According to the latter view, the first ד' is not the beginning of the listing of the *yud gimmel middos*. If this is

the case, if one were to recite ...ד' ד' קל רחום וחנן..., the first mention of Hashem's Name would constitute a violation of *motzi shem Shamayim l'vatalah* (mentioning Hashem's Name in vain). Perhaps this is the reason for the recommendation to start from *ויעבור* each time we recite the *yud gimmel middos*, to avoid involving ourselves in this *machlokes*.

V. *Birchos HaTorah*

Rav Soloveitchik noted that when the *Rambam* (*Hilchos Tefillah* 12:5) presents the order of the *berachos* before and after an *aliyah*, he includes the *tzibbur's* answering *amen* to the *berachah* preceding the *aliyah*, but he fails to mention the answering of *amen* after the *berachah* following the *aliyah*. This seems to indicate that the *berachah* preceding *kri'as haTorah* functions as an integral part of *kri'as haTorah*, and not merely as a generic *birkas hamitzvah*.

The Rav explained that the *berachah* before an *aliyah* is a *davar sheb'kedushah* like the *Barchu* that precedes it. As such, it is classified as a *birkas hatzibbur* that requires the *tzibbur's* participation, who must demonstrate their acceptance of the *berachah* by answering *amen*. [See above, "Aniyas Amen," p. 127, for a similar explanation with regard to the answering of *amen* to *Chazaras HaShatz* and to *Birkas HaMazon b'chaburah*.] In contrast, the concluding *berachah* is merely a *birkas hayachid* of *shevach* and *hodayah*, and a response of *amen* is not intrinsic to the *berachah*.

Rav Soloveitchik elaborated on the difference between the *berachah* prior to an *aliyah* and the *berachah* subsequent to an *aliyah*, in explaining the opinion of the *Mordechai* regarding the proper course of action upon discovering a mistake in the *sefer Torah* during the *kri'ah*. The *Mordechai* (*Megillah* 793-794) rules that in such a case, the *oleh* should recite the concluding *berachah* over the *pasul sefer*, provided that the *ba'al korei* has

already *leined* at least three *pessukim*. If not, the *ba'al korei* should *lein* three *pessukim* from this *sefer* (even though this is considered an oral recitation), and then the *oleh* should recite the concluding *berachah*. Only then should they take out a new *sefer Torah* for the rest of *kri'as haTorah*.

Although the *Mechaber* (*Orach Chaim* 143:4) disagrees and rules that the *kri'ah* may continue only in the new *sefer*, and no *berachah* should be recited over the *pasul sefer*, the *Rama* adopts a compromise position. If the *ba'al kri'ah* has already *leined* three *pessukim* in the *pasul sefer*, the *oleh* should recite the concluding *berachah* before they take out a new *sefer* for the rest of the *kri'ah*, as the *Mordechai* ruled. If the *ba'al kri'ah* has not yet *leined* three *pessukim*, however, the *oleh* should not recite the concluding *berachah* over the *pasul sefer*, and they should resume the *kri'ah* from the new *sefer*.

The difficulty is that if the *Mordechai* allows for the recitation of the concluding *berachah* (and even for *kri'ah* of *pessukim*) from the *pasul sefer*, this would seem to indicate that he holds that one can be *yotzei kri'as haTorah* with a *pasul sefer* (see below). If so, why does he require a new *sefer* for the subsequent *aliyos*?

The basis for the *Mordechai's* opinion is the principle of *שעת הדחק כדיעבד דמי* – in a pressing circumstance, we allow *l'chatchilah* (prior to the act), what would ordinarily be acceptable only *bedi'eved* (subsequent to the act). This principle can be seen from the *halachah* that it is permissible to use a bread shovel that had previously been used for non-kosher food, as long as it was not within the last twenty-four hours (*Yoreh De'ah* 108:3, based on *Tosfos, Avodah Zarah* 66b, s.v. *Rava*). Since bread is a staple food, and there is no option to have the non-Jewish baker use a kosher shovel, we permit use of the bread shovel *l'chatchilah*, even though absent such urgency, this would be acceptable only *bedi'eved*.

Since taking out a new *sefer Torah* to *lein* from would necessitate a new *Birkas HaTorah* beforehand, and that *berachah*

might be a *berachah she'einah tzrichah* (an unnecessary *berachah*), this situation is considered a *שעת הדחק*. Therefore, just as the *Shulchan Aruch* allows one to rely on that which was *leined* before the mistake was discovered, not requiring that it be *leined* again, the *Mordechai* permits the *oleh* to recite the concluding *berachah* at this point. Going forward, however, when there is no pressing need to use the *pasul sefer Torah*, we follow the opinion that only a kosher *sefer Torah* is acceptable.

Rav Soloveitchik made an additional suggestion, that the *Mordechai's* position may reflect the difference between the two *berachos* recited by an *oleh laTorah*. As mentioned above, the concluding *berachah* is a *birkas hayachid* of *shevach v'hodayah*. This *berachah* may be recited over a *pasul sefer* as well, since if only a minor section is improperly written, it is a valid form of *Torah SheBichsav* and still retains the status of "sefer" (see *Megillah* 18b, in reference to *Megillas Ester*). However, the preceding *berachah* is considered a *birkas hatzibbur*, and it therefore requires a **complete** *sefer Torah*.

VI. *Sefer Torah* as *Sefer HaBris*

As mentioned, there is a *machlokes* as to whether one may fulfill *kri'as haTorah* with a *pasul sefer Torah*. The *Rambam* writes in his *Teshuvos* (Y. Blau ed., 294; *Pe'eir Hador* 9), cited in *Beis Yosef* (*Orach Chaim* 143:4), that it is permissible to *lein* from a *pasul sefer Torah*, and even to *lein ba'al peh* (orally). In fact, it was common throughout the communities of Sfarad to use a *pasul sefer Torah* for *kri'as haTorah*, as well as to recite the *birchos haTorah* over it.

This is not the accepted opinion. In fact, the *Rambam* himself in *Yad HaChazakah* (*Hilchos Sefer Torah* 10:1) requires a kosher *sefer Torah* for *kri'as haTorah*. The *Kesef Mishnah*, quoting the *Teshuvos HaRashba*, explains that the *Rambam* must have retracted the earlier position he presented in his *Teshuvah*. Only a

complete *sefer Torah* is acceptable, since it alone has the heightened status of “*Sefer HaBris*,” as we will explain.

[When a *psul* is found in a *sefer Torah* on Shabbos and a new *sefer* is taken out, the *Mishnah Berurah* (143:16) recommends *leining* seven *aliyos* in the second *sefer*, if there are enough *pessukim* in the *sedrah* from the place the mistake was found until the end. (This should not be done for *Parshas Ha’azinu*, which, as discussed earlier, must be divided according to *הזיו לך*.) Rav Soloveitchik felt that if the *tzibbur* acquiesces, it would be preferable to go back to the beginning of the *sedrah* and to call up seven *aliyos*. It is better to avoid relying on the lenient opinion in the above *machlokes*.] [See *Nefesh HaRav*, 1994 ed., p. 142.]

The *Gemara* in *Gittin* (60a) teaches a *halachah* in reference to *kri’as haTorah* – that *chumashim*, handwritten scrolls containing only one of the *Chamishah Chumshei Torah*, are unacceptable for public use, out of respect for the *tzibbur*. It is degrading to the *tzibbur* to give the impression that it lacks sufficient means to afford a complete *sefer Torah* (*Sha’ar HaTziyun* 143:6).

Since *kri’as haTorah* is technically valid from a *chumash*, the *Rama* (*Orach Chaim* 143:4) rules that if a *Torah* scroll has some deficiencies but contains one *chumash* that is error free, the *kri’ah* may be performed from that *chumash* if it contains the appropriate *sedrah*. In other words, *leining* from a *chumash* would be considered a valid *kri’ah* *מתוך הכתב* – from a written format, in contrast to an oral one. The only reason to forbid using a *chumash* is the implied lack of *kevod hatzibbur*; since in this case the *chumash* is part of a complete scroll, *leining* from it is not a slight to the *tzibbur* (*Magen Avraham* 143:9).

However, many *Acharonim* question the ruling of the *Rama* (see *Bei’ur Halachah*, s.v. *yeish lehakeil*). Apparently, they hold that using a *chumash* is unacceptable not only because of *kevod tzibbur*, but due to a more fundamental consideration. Learning from a *chumash* is indeed considered *מתוך הכתב*, and for that reason, it is permitted for an individual to use it for *Torah* study,

since it is not included in the general prohibition of reciting *pessukim* of *Torah SheBichsav* from memory (*Gittin* 60b). Nevertheless, in order to be suitable for *kri'as haTorah b'tzibbur*, more than מתוך הכתב is required. The *sefer* must have the status of a *sefer Torah*, which requires a complete set of all the *Chamishah Chumshei Torah*. Just as an individual *chumash* that is missing one letter loses its status as a "sefer" and learning from it is not considered מתוך הכתב, a *sefer Torah* that is similarly lacking, even if the missing letter is in one of the *chumashim* that is not being leined from, loses its *kedushas* "sefer Torah."

The explanation of this *halachah* seems to be based on the description of the *sefer Torah* as a *Sefer HaBris*: ויקח ספר הברית – "He [Moshe] took the Book of the Covenant and read it in the hearing of the people" (*Shemos* 24:7). The *kabbalas haTorah* on the occasion of *Ma'amad Har Sinai* was a *krisas bris*, and it therefore required a *Sefer HaBris*. The *sefer Torah* was the *Sefer HaBris*, the contract representing the sealing of the covenant between *Hashem* and *Klal Yisrael*. That *krisas bris* at Har Sinai was a communal one, a *kabbalas haTorah* of the entire *tzibbur*. Therefore, when the *Chachamim* enacted *kri'as haTorah b'tzibbur*, which, as we saw above, they patterned after *Ma'amad Har Sinai* – they stipulated that only a "Sefer HaBris" is acceptable for use.

In describing the completion of the writing of the *sefer Torah*, the *passuk* states:

ויהי ככלות משה לכתוב את דברי התורה הזאת על ספר עד תמם ויצו משה את הלויים ... לקוח את ספר התורה הזה ושמתם אותו מצד ארון ברית ד' אלקיכם ויהיה שם בך לעד.

And it was that when Moshe finished writing the words of this Torah onto a book, **until their conclusion**, Moshe commanded the *Levi'im* ... "Take this book of the Torah and place it at the side of the *aron* of the Covenant of *Hashem*, your G-d, and it shall be there for you as **a witness**." (*Devarim* 31:24-26)

The implication of the *passuk* is that only a **complete** *sefer Torah* attains the status of "eid," a witness. Only then is it representa-

tive of the contract sealed at Har Sinai. [At the time of *Ma'amad Har Sinai*, the *sefer* that Moshe read before the Jewish People was called a *Sefer HaBris* because it consisted of all that was written until that point. Once the writing down of the Torah was finished, only a complete *sefer Torah* is defined as a *Sefer HaBris*.]

In this context, the Rav pointed out the way in which the *Rambam*, at the conclusion of *Hilchos Sefer Torah* (10:11), portrays the significance of a *sefer Torah*: כל מי שיושב לפני ספר תורה ישב בכבוד ראש באימה ופחד שהוא העד הנאמן לכל באי עולם שנאמר תורה ישב בכבוד ראש באימה ופחד שהוא העד הנאמן לכל באי עולם שנאמר – “Anyone who sits before a *sefer Torah* should sit with a serious demeanor, in fear and dread, since **it is the trusted witness for all the world**, as it says, ‘and it shall be there for you as a witness.’” As noted, this *passuk* specifies that only a complete *sefer Torah*, in contrast to a *chumash*, is classified as an *eid*. Therefore, it seems from the *Rambam* that the obligation of *kevod sefer Torah* stems from the status of the *sefer* as an *eid*. Accordingly, one may not be obligated to stand before a *nach* or a *chumash*, but rather only before a complete *sefer Torah*.

Thus, despite the fact that a *chumash* is acceptable for private Torah learning, it is unacceptable for *kri'as haTorah b'tzibbur*; it does not have the status of *Sefer HaBris*. Similarly, when a mistake in the *sefer Torah* is discovered during the *kri'ah*, our practice is to take out a second *sefer* to conclude the *kri'ah*. The *kri'as haTorah b'tzibbur* requires a *sefer* that has the distinction of being an *eid*.

When we hear *kri'as haTorah b'tzibbur*, we should bear in mind that just as *Bnei Yisrael* listened to Moshe read the *Sefer HaBris* on the occasion of *Ma'amad Har Sinai*, we too are listening to a *Sefer HaBris*. As we re-enact *Ma'amad Har Sinai*, we should appreciate the significance of the *giluy Shechinah* that we experience, as manifested by the recitation of *devarim shebikedushah*, and the use

of a complete *sefer Torah* that functions as the עֵד נֶאֱמָן לְכָל בְּאֵי עוֹלָם.
[See *B'lkvei HaTzon*, p. 136; *Shiurei HaGri"d HaLevi Soloveitchik zt"l al Inyanei Tzitzis, Inyanei Tefillin, V'Hilchos Kri'as HaTorah*, pp. 193-194; *Rav Schachter on the Moadim, Purim: Aschalta D'Geulah*, section VIII.]

THE NATURE OF KRI'AS HATORAH

I. The *Chiyuv* of *Kri'as HaTorah*

There were occasions when Rav Soloveitchik would travel to New York from Boston on a Monday morning and was unable to hear *kri'as haTorah* before he left. After he finished delivering his *shiur*, he would ask whether there was anyone else who had not heard *kri'as haTorah* that morning, and he would make a *minyán* for *Mincha* that included that day's *kri'as haTorah*.

[Just as on a *ta'anis tzibbur*, the *minyán* would recite *Ashrei*, followed by *chatzi Kaddish*, and then *kri'as haTorah*. After returning the *sefer Torah* to the *aron kodesh* after *kri'as haTorah*, they would recite another *chatzi Kaddish* and continue with *Shemoneh Esrei*. In later years, they would sometimes *lein* after *shiur* without *davening Mincha*. In that case, the Rav instructed the *minyán* to recite *Kaddish Tiskabel* (without *Tiskabeil*) after *kri'as haTorah*, based on a comment in *Sefer HaPardes* (*Peirush Tefillos L'Rabbeinu Shlomo*), that *Kaddish* must always follow *kri'as haTorah*. In general, we recite only *chatzi Kaddish* after *kri'as haTorah* (as a *Kaddish HaMafsik*, see above, p. 109), since we rely on the *Kaddish Tiskabel* recited after *U'va L'Tziyon*. In this case, however, when there is *kri'as haTorah* without *davening*, *Kaddish Tiskabel* should be recited immediately after *leining*.]

The Rav's practice of fulfilling *kri'as haTorah* later in the day was based on the position of his grandfather, Rav Chaim Brisker, that *kri'as haTorah* is not a *chovas hatzibbur* – an obligation that devolves only on the *tzibbur* but does not obligate the individual.

Instead, Rav Chaim held that *kri'as haTorah* is a *chovas hayachid* – an obligation incumbent on every individual, with the caveat that it can be fulfilled only in the presence of a *minyán* (see *Bei'ur Halachah* 146:2, s.v. *v'yeish matirim*). Accordingly, when Rav Chaim would travel by train to rabbinic conventions and was unable to hear *kri'as haTorah* in the morning, he would gather a *minyán* in the afternoon for *kri'as haTorah*.

Rav Soloveitchik recounted that once in his youth, he traveled from Pruzhan to Brisk to visit his grandfather, Rav Chaim. Before he left, his maternal grandfather, Rav Eliyahu Feinstein (Pruzchner, uncle of Rav Moshe Feinstein), showed him a comment of the *Ramban* (*Milchamos Hashem, Megillah, 3a in dapei haRif*) that seems to say explicitly that *kri'as haTorah* is only a *chovas hatzibbur*, not a *chovas hayachid* – against the view of Rav Chaim. Rav Feinstein asked him to show the *Ramban* to Rav Chaim.

The *Ramban* makes a distinction between *kri'as haTorah*, which is a *chovas hatzibbur*, and *kri'as haMegillah*, which is a *chovas hayachid* that requires the presence of a *minyán* (when fulfilled prior to Purim). That is why, the *Ramban* explains, the case of *kri'as haMegillah* (prior to Purim) is not listed along with *kri'as haTorah* in the *Mishnah in Megillah* (23b) that enumerates various obligations that require a *minyán*.

Rav Chaim examined the *Ramban* and explained his words in a different way, according to which the *Ramban* actually supported his opinion. Later, Rav Eliyahu Pruzchner remarked that Rav Chaim, “*mit zein aizenem ivre*” (with his expert *Ivris*), was able to reinterpret the simple meaning of the *Ramban*. [See *Nefesh HaRav*, 1994 ed., p. 130; *Diorei HaRav*, 2010 ed., p. 151-152.]

II. A Missed *Kri'as HaTorah*

The question of whether *kri'as haTorah* is a *chovas hatzibbur* or a *chovas hayachid* is also relevant to a situation in which a *kri'ah* on Shabbos is missed.

The *Ohr Zaru'a* (*Hilchos Shabbos, siman 45*) records an incident that occurred in Cologne, in which a *minyán* that had convened on Shabbos was unable to proceed with *kri'as haTorah* on that day because of an *ikuv hatefillah*, a medieval practice in which the *tefillah* in the *Beis HaKnesses* was delayed so that someone could voice his complaint publicly. To compensate for the missed *kri'ah*, they *leined* two *sedros* in *shul* the next Shabbos.

This *halachah* is codified by the *Rama* (*Orach Chaim 135:2*). The double *sedra* should be *leined* in the same manner that we *lein* two *sedros* that are *mechubarim*, namely *leining* half of the seven obligatory *aliyos* from each *sedrah*, with *revi'i* connecting the two *sedros*.

The *Magen Avraham* (135:4) provides certain guidelines for the compensatory *kri'ah*. If the last *sedrah* in a *Chumash* was missed, such as *Parshas Vayechi*, we do not *lein* two *sedros*, *Vayechi* and *Shemos*, since we cannot join two *sedros* from two different *Chumashim*. Likewise, if the *kri'ah* that was missed was a double-*parsha*, or if the current Shabbos has a double-*parsha*, no *tashlumin* is performed, since we never find a *kri'as haTorah* consisting of three *sedros*. Accordingly, if the *kri'ah* was missed on multiple Shabbosim, we do not *lein* more than two *sedros* – only the previous week's *sedrah* together with the *parshas hashavou'a* (*Mishnah Berurah 135:6*).

It once happened that the Chazon Ish missed *kri'as haTorah* on two successive Shabbosim due to illness. On the next Shabbos, in line with the view that *kri'as haTorah* is a *chovas hayachid*, he requested that his *minyán* *lein* the earlier *sedros* that he missed, in addition to the *parshas hashavou'a* (*Pe'eir HaDor, chelek 3, p. 33*). A similar incident is recorded in *Tosefes Ma'aseh Rav* (os 34); the Vilna Gaon once told the *ba'al kri'ah* to *lein* all four *sedros* he missed while he was imprisoned for four weeks. Apparently, the Chazon Ish and the *Gr"a* held that the reason we limit *kri'as haTorah* to a maximum of two *sedros* is *tircha*

d'tzibbura (public inconvenience). Thus, if the *tzibbur* agrees, more *sedros* may be *leined*.

Occasionally, inclement weather on Shabbos morning prevents a *minyán* from gathering. The *Sha'arei Rachamim* (7:11, notes on *Sha'arei Efrayim*) suggests that in such a situation, there is no *tashlumin* on the subsequent Shabbos. In the case of the *Ohr Zaru'a*, the *minyán* had already gathered and *davened Shacharis*. Since the *tzibbur* had already been created, they had thereby become obligated in *kri'as haTorah*. They must therefore *lein* the missed *sedrah* on the subsequent Shabbos, as they did not fulfill their obligation. However, if the *minyán* never gathered on Shabbos, given that, in his view, *kri'as haTorah* is a *chovas hatzibbur* and the *tzibbur* never formed, the *kri'ah* obligation never began. As a result, there is no need to compensate for a missed *kri'ah* by *leining* two *sedros*. Nevertheless, the common practice is to *lein* two *sedros* for *tashlumin* even in such a case.

III. *Talmud Torah B'Rabbim*

In *Hilchos Rosh Hashanah*, the *Rama* (*Orach Chaim* 581:1) writes that a *shali'ach tzibbur* must be *motzi* everyone in the *tzibbur* with his *tefillah*. If he dislikes one of the listeners and has *kavanah* not to be *motzi* him, the rest of the *tzibbur* is also not *yotzei* with his *tefillah*.

It happened once that a *ba'al kri'ah* disliked one of the members of the *shul* and informed that individual that when he *leined*, he would have specific *kavanah* not to be *motzi* him. The congregant asked Rav Moshe Soloveitchik *zt"l* if he could be *yotzei* with that *ba'al kri'ah's* *leining* or whether he needed to *daven* in another *shul* to be *yotzei kri'as haTorah*. Rav Moshe answered him that he was *yotzei*, based on the following rationale.

The *Gemara* in *Megillah* (23a) teaches that technically speaking, anyone, including a *katan*, may receive one of the seven *aliyos*. In the time of the *Mishnah* and *Gemara*, there was no

set *ba'al kri'ah*; rather, whoever received an *aliyah leined* those *pessukim* himself. This raises a difficulty, as the *Mishnah* in *Rosh Hashanah* (29a) clearly states the general rule that whoever is not himself obligated in a particular *mitzvah* cannot discharge another's obligation in that *mitzvah*. If so, how could a *katan*, who is exempt from *mitzvos*, *lein* on behalf of others and discharge their obligation of *kri'as haTorah*?

Rav Moshe explained that when a *ba'al kri'ah leins* on behalf of the *tzibbur*, those who hear the *kri'ah* do not fulfill their obligation through the mechanism of *shomei'a k'oneh* (one who listens is considered like one who speaks). In fact, that mechanism cannot possibly work, as were *shomei'a k'oneh* to be employed, it would be as if each member of the *tzibbur leined* himself. If we were to view every individual as reciting the *kri'as haTorah* on his own, the *takanah* of *kri'as haTorah* would not be fulfilled, since the *tzibbur* as a whole did not combine to perform a communal *kri'ah*.

Rather, the way that *kri'as haTorah b'tzibbur* operates is that through the *tzibbur's* listening to the *leining* of the *ba'al kri'ah*, every person participates in the *mitzvah* of *talmud Torah b'tzibbur*. Therefore, even if the *ba'al kri'ah* were to intend that his *leining* should not count for a given individual, that would have no effect, since in the end, everyone present still listened and learned Torah together. Only when we apply *shomei'a k'oneh* do we require the *kavanah* of both the speaker and the listener.

Rav Soloveitchik elaborated on this idea with the following *mashal*: "In my *shiur*," he said, "there are two *talmidim*, one of whom barely understands anything being taught, but whom I like very much, and I therefore have particular *kavanah* during the *shiur* to be *motzi* him in his *mitzvah* of *talmud Torah*. The other *talmid* understands the *shiur* very well, but since I dislike him, I have *kavanah* during the *shiur* not to be *motzi* him in his *mitzvah* of *talmud Torah*. Is it possible to suggest that the one for

whom I had *kavanah* would fulfill his *mitzvah* of *talmud Torah* despite his lack of understanding the *shiur*? And the one who understood the *shiur* would not be *yotzei* his *mitzvah* because I had *kavanah* not to be *motzi* him? Of course not!"

The fulfillment of *talmud Torah* depends solely on one's attentiveness and comprehension. Whoever pays attention and understands fulfills the *mitzvah*; the principle of *shomei'a k'oneh* is irrelevant. The same applies to *kri'as haTorah*, since it is essentially a *mitzvah* of *talmud Torah b'rabbim*. The *mitzvah* does not depend on the *kavanah* of the *ba'al kri'ah* to be *motzi* the listeners, but on their listening and understanding the words of Torah being recited. [See *Nefesh HaRav*, 1994 ed., pp. 136-137; *Shiurei HaGri"d HaLevi Soloveitchik zt"l al Inyanei Tzitzis, Inyanei Tefillin, V'Hilchos Kri'as HaTorah*, p. 156, 186.]

IV. The *Oleh* as *Melameid*

The *Shulchan Aruch* (*Orach Chaim* 141:2) rules, based on *Shu"t HaRosh* (3:12), that the *oleh* should read the words of the *aliyah* softly together with the *ba'al kri'ah* in order to avoid the potential of a *berachah l'vatalah*. The *Taz* (141:3) wonders why this is necessary. Through the mechanism of *shomei'a k'oneh* (from the *ba'al kri'ah* to the *oleh*), we consider it as if the *oleh* himself *leined*. If so, the *kri'ah* should relate to the *berachah* of the *oleh*, and the *berachah* should not be *l'vatalah* even if the *oleh* does not read the words.

Apparently, the *Rosh* holds that *shomei'a k'oneh* is not efficacious in the setting of *kri'as haTorah*. Rav Soloveitchik explained why this should be so, based on the following discussion.

Rav Betzalel HaKohen of Vilna (*Reishis Bikkurim, siman 4*) recounts that when he visited Trieste, Italy, which had the *minhag* to *duchen* every Shabbos, he was given the honor of being the single *Kohen* to recite the *Birkas Kohanim* out loud. The other *Kohanim* who ascended with him onto the *duchen* (platform) discharged their obligation by listening. Although

Rav Betzalel allows for the possibility of such a practice, the *Beis HaLevi* (*Beis HaLevi al HaTorah*, end of *Bereishis*, p. 64) opposes it, presenting an important distinction with regard to the application of *shomei'a k'oneh*.

The *Beis HaLevi* argues that *shomei'a k'oneh* only applies when one is required to perform a simple *amirah* (statement). This is not the case, however, with regard to *Birkas Kohanim*. The *Gemara* in *Sotah* (38a) derives from the *passuk*, אָמַר לָהֶם – “say to them” (*Bamidbar* 6:23), that the *Kohanim* must say the *berachah b'kol ram* – in a loud voice, as one person speaks to another. Therefore, *shomei'a k'oneh* cannot be effective for *Birkas Kohanim*, since the *tzibbur* cannot hear the “response” of the *Kohen* who merely listens to another *Kohen's berachah*. His *berachah* is no better than that of a *Kohen* who pronounced it in a whisper, who has not fulfilled the *mitzvah*.

The *Netziv* (*Meishiv Davar* 1:47) questions the *Beis HaLevi's* reasoning based on a *Mishnah* in *Bikkurim* (3:7) that seems to invoke *shomei'a k'oneh* for the recitation of *Arami Oveid Avi* by one who brings *bikkurim*, even though that recitation must also be done *b'kol ram*. It must be that when one listens to a recitation that is done *b'kol ram*, the principle of *shomei'a k'oneh* renders his “response” as if it were *b'kol ram* as well; the tone of voice of the speaker is carried over to the listener.

The *Beis HaLevi's* argument, according to the *Netziv's* understanding of it, is along the lines of a similar interpretation of the Rogatchover Gaon regarding reading the names of the *aseres Bnei Haman* during *kri'as haMegillah*. [The Rogatchover and Rav Chaim Brisker, the son of the *Beis HaLevi*, learned *bechavrusa* as young children under the *Beis HaLevi's* guidance in Slutsk. The *Beis HaLevi* had functioned as a co-Rosh *Yeshiva* in the Volozhin *Yeshiva* along with the *Netziv* until he was appointed the *Rav* of Slutsk.]

The *Kitzur Shulchan Aruch* (141:14) mentions the custom that some had for each member of the *tzibbur* to recite the names of

the ten sons of Haman for himself, and he writes that this is an improper custom. The Rogatchover (*Tzafnas Panei'ach, Hafla'ah, Hashmatos to Hilchos Geirushin 2:16*) explained that there is halachic basis for the practice – the inability of *shomei'a k'oneh* to satisfy one's obligation to read these particular words.

The *Gemara* in *Megillah* (16b) teaches that in order to demonstrate that all of the ten sons of Haman were killed and hanged at the same time, their names should be read *b'neshimah achas* (in one breath). The Rogatchover suggests, in line with the view of the *Beis HaLevi*, that *shomei'a k'oneh* applies only when one is required to perform a simple *amirah*, which thereby carries over from the speaker to the listeners. Therefore, although the technique of *shomei'a k'oneh* is effective as a means by which the members of the *tzibbur* discharge their obligation of *kri'as haMegillah*, their "recitation" would nevertheless lack the quality of *b'neshimah achas*. Through *shomei'a k'oneh*, it is considered as if each of the listeners recited the words of *aseres Bnei Haman*, but just as the tone of voice of *kol ram* cannot be accomplished by a listening *Kohen*, a listener is not considered to have read the words of the *Megillah b'neshimah achas*. Thus, the custom developed that each person reads these words for himself in one breath to fulfill the enhancement of reciting them *b'neshimah achas*.

Rav Soloveitchik, however, explained that the *Beis HaLevi* never intended to restrict the efficacy of *shomei'a k'oneh*. Instead, the *Beis HaLevi* distinguished between the concept of *kol ram* in the context of *Mikra Bikkurim* and the concept of *kol ram* in the context of *Birkas Kohanim*. This distinction will also serve to clarify the essence of the *Beis HaLevi's* argument.

In the case of *Mikra Bikkurim*, the *din* of *kol ram* is a detail within the general requirement of *amirah* that is necessary for the *asiyas hamitzvah*. It may well be that through *shomei'a k'oneh*, even the **manner** of the *amirah* is transferred to the listener, and this includes the aspect of *kol ram* in which the *Mikra Bikkurim*

was recited. Thus, it is considered as though the *shomei'a* read the *parsha* of *Mikra Bikkurim b'kol ram*.

The concept of *kol ram* in *Birkas Kohanim*, however, is not a description of the proper manner of *amirah* required of the *Kohen*. Rather, it reflects the need to create a relationship between the *mevareich* and the *misbareich*. The *Kohanim* must direct their *berachah* to the *tzibbur* that receives it, and they must connect to that *tzibbur*. That is why the *berachah* must be given פנים כנגד פנים, with the *Kohanim* and the *tzibbur* standing face to face (*Sotah* 38a). Thus, the *din* of *kol ram* in the context of *Birkas Kohanim* does not specify a particular form of *amirah*. Rather, it is a requirement that must be met in order for the *berachah* to take effect. In order for the *berachah* to rest on the *tzibbur*, the *tzibbur* must hear the *berachah*.

Based on this, the essence of the *Beis HaLevi's* argument is that *shomei'a k'oneh* applies only to something that one recites to *Hashem*, like *Kiddush* and *Havdalah*. When the *mitzva* entails speaking directly to another person, a relationship must be created between the two parties, and in such a case, *shomei'a k'oneh* cannot substitute for one's personal recitation. That is why the *Beis HaLevi* felt that *shomei'a k'oneh* cannot be applied to *Birkas Kohanim*, but this reasoning would not necessarily extend to *Mikra Bikkurim* or *aseres Bnei Haman*.

Rav Soloveitchik concluded that the opinion of the *Rosh* is based on the same reasoning advanced by the *Beis HaLevi*. Since, as discussed above, *kri'as haTorah* is essentially a *mitzva* of *talmud Torah b'rabbim*, the *takanah* of *birchos haTorah* at the time of *kri'as haTorah* was that the *berachos* should be recited by the individual who teaches the *kri'ah* to the *tzibbur* that listens to it. *Shomei'a k'oneh* (from the *ba'al kri'ah* to the *oleh*) allows us to consider the *oleh* as *leining* the Torah, but not as **teaching** the Torah. In practical terms, if the *oleh* has not had any interaction with the *tzibbur*, he has not related to them as a teacher.

Shomei'a k'oneh is not effective in *Birkas Kohanim*, since the *tzibbur* must hear a *Kohen's berachah* in order for him to be considered a **mevareich of the tzibbur**. The *Rosh* argues that the *oleh* himself must similarly read the *aliyah* (along with the *ba'al kri'ah*) in order for him to be considered a **melameid of the tzibbur**. If the *oleh* does not read the *aliyah*, he has not taught Torah to the *tzibbur*, and his *Birkas HaTorah* was a *berachah l'vatalah*. [See *Nefesh HaRav*, 1994 ed., pp. 302-303; *B'Ikvei HaTzon*, pp. 95-97; *Shiurei HaGri"d HaLevi Soloveitchik zt"l al Inyanei Tzitzis, Inyanei Tefillin, V'Hilchos Kri'as HaTorah*, p. 185-186.]

[However, according to this explanation, it is still difficult to understand why it is sufficient to read along quietly, as the *tzibbur* does not hear the *oleh* himself. Indeed, when the *Rav* would receive an *aliyah*, he would read word for word together with the *ba'al kri'ah* in a noticeably audible fashion. In his later years, when reading the entire *kri'ah* out loud was difficult for him, the *Rav* would read out loud only the first three *pesukim* of the *aliyah*.] [See *Nefesh HaRav*, 1994 ed., pp. 138-139; *MiPninei HaRav*, 2001 ed., pp. 42-43.]

V. *Aliyah* while in *Aveilus*

The *Rama* (*Yoreh De'ah* 400:1) rules that an *avel* may not receive an *aliyah* during *shiv'ah*. At first glance, this *halachah* seems surprising. Even though an *avel* may not engage in *talmud Torah*, he need not exit the *shul* on *Shabbos* during *kri'as haTorah*. Furthermore, an *avel* may review the *parsha* with *shnayim mikra v'echad targum* (*Shach*, *Yoreh De'ah* 400:4). Likewise, on *Tish'ah B'Av*, one recites *kri'as Shema* and the *parsha* of *korbanos*, since anything in the category of *seder hayom* (the order of the day) is permissible (*Orach Chaim* 554:4).

The basis for the *issur talmud Torah* is the notion that when one learns Torah, he experiences joy, as described in the *passuk*, לב פיקודי ד' ישראלים משמח - "The orders of *Hashem* are upright, gladdening the heart" (*Tehillim* 19:9). Although reciting the

seder hayom constitutes a fulfillment of *talmud Torah*, it does not engender a sense of *simchah*, due to its regularity. Thus, since *kri'as haTorah* is also in the category of *seder hayom*, why does the *avel's* *issur* of *talmud Torah* preclude him from receiving an *aliyah* during *shiv'ah*?

Rav Soloveitchik explained that there are two components to the *avel's* *issur talmud Torah* – the *avel* may not **learn** Torah and the *avel* may not **teach** Torah. In the time of the *Gemara*, the *oleh* would *lein* from the *sefer Torah* in order to teach those *pessukim* to the *tzibbur*. Even nowadays, when our practice is that a *ba'al kri'ah* *leins* on behalf of the *olim*, the *oleh's* reading along with him may be considered as if he is **teaching** his *aliyah* to the *tzibbur*, and the *oleh* is considered a *melameid Torah* of the *tzibbur*.

While it is true that there is no *issur* for the *avel* himself to learn anything that is included in *seder hayom*, there is a separate *issur* to teach **others**, and this applies even to the *seder hayom*. That is why schoolchildren must remain idle and not attend *yeshiva* on Tish'ah B'Av (*Ta'anis* 30a), even to learn unpleasant topics like *Hilchos Aveilus* (*Magen Avraham, Orach Chaim* 554:2; see *K'sav Sofer, Orach Chaim* 101). Even though the learning of *Hilchos Aveilus* will not lead to *simchah*, it is forbidden for the *melamed* to teach even this topic.

VI. *Aliyah* to a *Chosson*

The notion of viewing the *oleh* as a *melameid Torah* of the *tzibbur* may be relevant to a *chosson* during his seven days of *Sheva Berachos*. The *Rama* (*Orach Chaim* 135:1) records the *minhag* that a *chosson* should be given an *aliyah*, since it is like a *Yom Tov* for him. What is the halachic basis for this *minhag*?

The *Rambam* (*Hilchos Yom Tov* 6:18; *Hilchos Chagigah* 2:14) writes that *simchah* on *Yom Tov* requires not only that we ourselves eat, drink, and be in a joyous mood. The *Rambam* terms such enjoyment as *simchas kreiso* (joy of one's stomach),

instead of *simchas mitzvah*. Rather, on Yom Tov, there is also a *mitzvah* to provide for the poor and those who are less fortunate, to enable them to have food and drink for Yom Tov. In other words, an important part of the *mitzvah* of *simchah* is to be *mesamei'ach* **others**.

The Rav explained that herein lies the reason we give a *chosson* an *aliyah*. A *chosson* has a *mitzvah* of *simchah*. Since *talmud Torah* is a form of *simchah*, as evidenced by the restrictions to learning that apply to an *avel* and on Tish'ah B'Av, it follows that **teaching** Torah is a further fulfillment of the *mitzvah* of *simchah*. Through teaching others, one causes them to experience *simchah*. For this reason as well, the *minhag* is for the *chosson* to deliver *divrei Torah* at the *chosson's tish*. The *chosson* receives an *aliyah* in which he is *melameid Torah* to the *tzibbur* that listens to the *kri'ah*, essentially the function of every *oleh laTorah*, in order to enhance his *mitzvah* of *simchah*.

According to this explanation, it would seem that one should endeavor to be called up for an *aliyah* on every Yom Tov, not only on the *Yomim Nora'im* (as mentioned by the *Mateh Efrayim* 584:17). This way, one adds to the joy of others by teaching them Torah, and by so doing, he fulfills the *mitzvah* of *simchas Yom Tov*. [See *B'Ikvei HaTzon*, pp. 94-95.]

VII. Tziruf with the Tzibbur

In delineating the great respect that one must show for a *sefer Torah*, the *Shulchan Aruch* (*Yoreh De'ah* 282:1) rules that a person may not turn his back to a *sefer Torah*, unless the *sefer Torah* is placed at an elevated location, ten *tefachim* above him. Thus, the *Taz* (282:1) comments that a *Rav* may address the *tzibbur* with his back to the *aron kodesh*. We consider an *aron kodesh* that is ten *tefachim* high and four *tefachim* wide to constitute an independent *reshus* (domain), and it is therefore considered as if the *sifrei Torah* are in a different room.

The *Pri Megadim* (*Orach Chaim, Mishbetzos Zahav* 150:2) suggests further that even when the *sefer Torah* is resting on the *shulchan* that is on the *bimah*, it is considered to be in a separate *reshus*. Thus, those individuals sitting between the *aron kodesh* and the *shulchan* may face the *aron kodesh*, even though their backs are towards the *sefer Torah*.

The *Gemara* in *Berachos* (8a) records that Rav Sheishes would turn his back to the *sefer Torah* and learn at the time the Torah was being read, saying, "We [are occupied] with ours, and they [are occupied] with theirs." *Tosfos* (s.v. *Rav Sheishes*) is troubled by Rav Sheishes' practice in light of the *Gemara* in *Sotah* (39a) that says that once the *sefer Torah* has been opened, it is forbidden to converse, even about matters of Halacha. This is derived from the public *kri'as haTorah* described in *Sefer Nechemyah*: **וּבִפְתָחוּ עִמְדוֹ כָּל הָעָם** – "and when [Ezra] opened [the Torah scroll], all the people stood" (*Nechemyah* 8:5). The *Gemara* understands that the term "standing" signifies that the people were silent.

One of the answers that *Tosfos* (*Sotah* 39a, s.v. *keivan*) offers is that if one turns his back to a *sefer Torah* and learns in that position, he does not violate this prohibition; it is only forbidden to speak while facing the *sefer Torah*. Rav Soloveitchik explained that in order to fulfill the obligation of *kri'as haTorah*, one must be considered part of the *tzibbur* listening to the *kri'ah*, since there is no *kri'as haTorah* for an individual. This opinion in *Tosfos* holds that in order to create a *tziruf* (combination) with the *tzibbur*, a person must face the *sefer Torah* during *kri'as haTorah* along with the *tzibbur*. Anyone who turns away from the *sefer Torah* is not *metzuraf* to the *tzibbur*.

This idea is also implied by the *pessukim* describing Ezra's *kri'as haTorah*: **וְאָזְנֵי כָּל הָעָם אֵל סֵפֶר הַתּוֹרָה ... וַיִּפְתַּח עִזְרָא הַסֵּפֶר לְעֵינֵי כָּל הָעָם** – "and the ears of all the people were attentive to the Torah scroll ... Ezra opened the scroll before the eyes of all the people" (*Nechemyah* 8:3-5).

The *halachah* that one may not speak once the *sefer Torah* is opened applies only to those people who wish to be *metzuraf* to

the *tzibbur* of *kri'as haTorah*. Rav Sheishes did not need to fulfill *kri'as haTorah* at that time, either because he had already heard the *kri'ah* or because *toraso umanuso* – he was constantly engaged in learning Torah (see *Bei'ur Halachah* 146:2, s.v. *v'yeish matirim*). He therefore turned away from the *sefer Torah* to learn on his own. He was not *metzuraf* to the *tzibbur*, and thus not in violation of the *issur* to speak before an open *sefer Torah*.

The Rav felt that one should conduct himself according to this opinion in *Tosfos* and, unlike the ruling of the *Pri Megadim*, should be careful to face the *sefer Torah* for the entirety of *kri'as haTorah* to be *yotzei* the *kri'ah*. [See *Nefesh HaRav*, 1994 ed., pp. 139-140.]

VIII. Creating the *Chiyuv Kri'ah*

The *Gemara* in *Megillah* (32a) records a *machlokes Tanna'im* regarding the correct procedure for one who has been called up to read from the Torah *b'tzibbur*. Rabbi Meir's opinion is that he opens the *sefer Torah* and sees from which *passuk* he will begin to read, then rolls the scroll closed and recites the *berachah* that precedes *kri'as haTorah*. He then opens the Torah again and *leins*. The *Gemara* states that the reason that one must close the Torah before reciting the *berachah* is to ensure that people do not erroneously think that the *berachos* are written in the Torah.

Rabbi Yehudah, however, does not require the Torah to be closed while reciting the *berachah*. In his view, we are not concerned about any possible misconception, since everyone knows that the *berachos* are not written in the *sefer Torah*. Rather, the *oleh* simply opens the Torah and sees the place from which he will begin, recites the *berachah* **without** rolling it closed, and *leins*. *Tosafos* (s.v. *golelo*; *Hagahos HaBach* 2) comments that although we accept the opinion of Rabbi Yehudah that it is unnecessary to roll the Torah shut and then open it again, even this view agrees that it is preferable to close the Torah before reciting the *berachah*.

The *Rambam* (*Hilchos Tefillah* 12:5), however, cites Rabbi Yehudah's view without any mention of *Tosfos'* comment, implying

that he disagrees. Indeed, Rav Soloveitchik recounted that many *gedolim* in Europe did not follow the comment of *Tosfos*, and they would recite the *berachah* while keeping the Torah open (see *Ma'aseh Rav*, *siman* 130; *Bei'ur Halachah* 139:4, s.v. *vero'eh*). This was the Rav's practice as well. In order to address the concern that people not think that the *berachos* are written in the Torah, he would follow the recommendation of the *Rama* (*Orach Chaim* 139:4) and turn his face to the left. [The *Mishnah Berurah* (139:19) quotes other *Acharonim* who suggest that one should keep the *sefer Torah* open but close his eyes for the *berachah*.]

The reason for the practice of specifically not reciting the *Birkas HaTorah* with the *sefer Torah* closed is so that the *berachah* will not be too far removed from the *kri'ah*. In the case of a *birkas hamitzvah* as well, we require that one recite the *berachah* over *la'asiyan* (immediately prior to doing the *mitzvah*), and not over *d'over* (with delay).

Rav Soloveitchik suggested that in the context of *kri'as haTorah*, the concern of *hefsek* between the *berachah* and the *kri'ah* is not only due to the extra moment that it will take to open the *sefer Torah* and find the place again. Perhaps, what prompted the practice to recite the *berachah* while keeping the Torah open was a more significant deficiency. The Rav explained that perhaps the opening of the *sefer Torah* creates the *chiyuv* for *kri'as haTorah*, and closing the Torah removes that *chiyuv*. Therefore, Rebbi Yehudah holds that if one were to close the *sefer* and then recite the *berachah*, he would be reciting a *berachah* without any immediate *chiyuv* to *lein*. This is *over d'over* since there was a *hefsek* in halachic terms.

Accordingly, Rav Soloveitchik felt that the *ba'al kri'ah* should be careful to allow the *oleh* himself to open the *sefer Torah*, as by doing so, the *oleh* initiates his *chiyuv kri'ah*. Even in a *bedi'eved* situation, if the Rav received an *aliyah* and the *ba'al kri'ah* had already opened the *sefer*, he would close the Torah and then reopen it himself before reciting the *berachah*.

Rav Soloveitchik suggested further that this idea is the origin of the *minhag* to *lein* on the night of Simchas Torah, despite the fact that this is not mentioned in the *Gemara*. The original practice was merely to roll the *sifrei Torah* at this time, so that they would be in the right place the next morning. Later, the *minhag* developed in certain communities to *lein* from the Torah as well, since the act of opening the *sifrei Torah b'tzibbur* constitutes a *mechayev* for *kri'as haTorah*.

The *Tosfos* in *Megillah* cited above writes that even Rabbi Yehudah agrees that one should recite the *berachah* at the conclusion of an *aliyah* with the *sefer Torah* closed. So long as the *sefer Torah* remains open, the *oleh* is still obligated to continue to *lein* from it. Rolling the *sefer Torah* closed removes that obligation and enables him to recite the concluding *berachah*, which obviously may only be recited after the *chiyuv kri'ah* has ended. [See *Nefesh HaRav*, 1994 ed., pp. 137-138; *MiPninei HaRav*, 2001 ed., p. 42.]

IX. *Kri'as HaTorah* on a *Ta'anis*

The *Gemara* in *Megillah* (23a) records a *machlokes Ammora'im* as to whether *maftir oleh l'minyan shiv'ah* – whether *maftir* counts as the last of the seven *aliyos* that we *lein* on Shabbos, or whether we must call up the *maftir* as an additional *aliyah*. Rabbeinu Tam and Rabbeinu Meshulam (*Tosfos*, *Megillah* 23a, s.v. *chad*; *Ohr Zaru'a*, *Hilchos Kri'as HaTorah*, *siman* 383) disagree about which opinion to follow.

Rabbeinu Meshulam holds that *maftir* does not count towards the requisite seven *aliyos*. This is evidenced by our practice on Shabbos of calling the *maftir* up only after we have completed seven *aliyos*, and on Yom Tov and Yom Kippur after five or six *aliyos*, respectively. *Tosfos* (s.v. *keivan*) notes that the recitation of *Kaddish* was instituted between the seven *olim* and the *maftir* to demonstrate this point, that *maftir* is not among the prescribed number of *olim*. Since, according to Rabbeinu Meshulam,

there are really two distinct units of *olim* – the prescribed *olim* and the *maftir* – a *Kaddish HaMafsik* was established to separate between them (see above, p. 109). [*Tosfos* further notes that the practice of Rabbeinu Meshulam was for the seven *olim* to complete the *parsha* and for the *maftir* to repeat part of the *kri'ah* that had already been *leined* by the one called up before him.] [See *Nefesh HaRav*, 1994 ed., pp. 117-118.]

Rabbeinu Tam, however, argues that in principle, *maftir* could count as one of the requisite *aliyos*. We call up the *maftir* to a separate, additional *aliyah* on Shabbos, Yom Tov, and Yom Kippur merely to satisfy the contrary opinion, since we are permitted to have *hosafos* (additional *aliyos*) on these days. [This point is also subject to a *machlokes Rishonim*. Our *minhag* is to follow the opinion of the *Ran* (*Megillah*, 12b in *dapei haRif*, s.v. *masnisin*), against that of the Rabbeinu Tam, and not to make *hosafos* on any day other than Shabbos, with the exception of Simchas Torah (*Rama*, *Orach Chaim* 282:1). The *Ran* argues that if we were to have extra *aliyos* on Yom Tov or Yom Kippur, we would be improperly equating these days with the day of Shabbos, which has the highest level of *kedushah*.]

As proof to his view, Rabbeinu Tam points to the *haftorah* on a *ta'anis tzibbur* at *Mincha*, when the third *aliyah* serves as *maftir* as well. This seems to indicate clearly that *maftir* does **not** require an additional *aliyah*. If the *psak halachah* were like Rabbeinu Meshulam claimed – that *maftir* does not count towards the requisite number of *aliyos* – this should impact our practice on a *ta'anis* at *Mincha* as well.

Although the view of Rabbeinu Meshulam appears difficult in light of our practice on a *ta'anis*, Rav Soloveitchik suggested the following explanation of his position.

There is a *machlokes Tanna'im*, cited in the *Gemara* in *Megillah* (22b), regarding the *kri'as haTorah* of Tish'ah B'Av. The *Tanna Kamma* holds that if Tish'ah B'Av falls on a Thursday, when we would have *kri'as haTorah* anyway, we *lein* three *aliyos* and a *haftorah*. If Tish'ah B'Av falls on a Sunday or Tuesday, however,

we *lein* only one *aliyah* and a *haftorah*. Rabbi Yossi maintains that we always *lein* three *aliyos* and a *haftorah*.

How are we to understand the *Tanna Kamma's* opinion to *lein* only one *aliyah*? We never *lein* fewer than three *aliyos*!

Rav Soloveitchik explained that this opinion contends that the principal element of *kri'as haTorah* on a *ta'anis tzibbur* is not the Torah portion, but rather the *haftorah* that is read. It is this component that contains the *tochachah* (admonition) and *mussar* delivered by the *Nevi'im* in order to encourage the Jewish People to do *teshuvah*, and this is the primary objective of a *ta'anis*.

In theory, we could have sufficed with the *leining* of **only** a *haftorah*, were it not for the *halachah* that the one who reads the *haftorah* from *Navi* must first read from the Torah (*Megillah* 23a), out of respect for the Torah. According to the *Tanna Kamma*, *leining* merely a single *aliyah* from the Torah serves this function, since there really is no *chiyuv kri'ah* of Torah on this day, but rather only a *chiyuv kri'ah* of *Navi*; the only purpose of the *kri'ah* of Torah is to facilitate the *kri'ah* of the *haftorah*.

Although we rule like Rabbi Yossi and always require three *aliyos* on a *ta'anis*, the Rav suggested that Rabbi Yossi may agree in principle that there is no independent *chiyuv* to read from the Torah on a *ta'anis*. His point of contention with the *Tanna Kamma* is that even when the *kri'ah* of Torah is done in order to satisfy the *halachah* that one must precede *kri'ah* of *Navi* with *kri'ah* of Torah, we still require the *leining* of three *aliyos*.

There seems to be a practical application of this understanding of the *kri'ah*. The *kri'as haTorah*, just like the *kri'ah* of *Navi*, is among the *ta'anis*-observances on the day, along with the prohibition of eating and drinking. Therefore, we require the presence of individuals who are fasting in order to *lein*. If, however, the *takanas Chachamim* of *kri'as haTorah* on a *ta'anis* were a separate *chiyuv*, unrelated to the *chiyuv kri'ah* of *Navi*, there would be room to argue that the *chiyuv* is driven by the

“day,” not by the *ta’anis* per se, and that we should conduct the *kri’as haTorah* even in the absence of people who are fasting (*Chasam Sofer, Orach Chaim* 157).

Given this background, we can offer an explanation of Rabbeinu Meshulam’s opinion. In general, *maftir* does not count towards the required number of *aliyos*. Since there is an independent obligation of *kri’as haTorah*, aside from the obligation to read a *haftorah*, the *maftir*’s single *aliyah* cannot fulfill both obligations. However, on a *ta’anis tzibbur*, there is no independent *kri’as haTorah* obligation. There is only a requirement of *kri’as haftorah*; the *kri’as haTorah* is secondary to that requirement, essentially to enable the *maftir* to *lein* the *haftorah*. In such a case, even Rabbeinu Meshulam would agree that the *maftir* could receive one of the required *aliyos*. The single *aliyah* of *maftir* would suffice on a *ta’anis*, since it does not need to discharge two distinct *chiyuvim*.

The common practice follows the view of *Maharam ben Chaviv* (cited in *Sha’arei Teshuvah* 566:4); we *lein Vayechal*, the *kri’ah* on a *ta’anis*, only if there are six or seven individuals who are fasting in attendance. Based on the *din* of *rubo k’kulo* (the majority of an entity is considered like its entirety), we then view the entire *tzibbur* as being obligated in the *kri’ah*. However, it is possible to question this practice (see *Mishnah Berurah* 566:14).

On a typical Monday or Thursday, if six people, the *rov* of a *minyan*, have not yet heard *kri’as haTorah*, and there are an additional four people present who have already heard it, we may combine the two groups. Even the four individuals who were already *yotzei kri’as haTorah* have a *kiyum* (fulfillment) of *kri’as haTorah* when they hear the *leining* again. Therefore, based on *rubo k’kulo*, we consider the ten people as a complete *minyan* that is obligated in *kri’as haTorah*.

However, based on our conclusion above, that the *kri’ah* on a *ta’anis tzibbur* constitutes one of the *ta’anis*-driven observances of the day, like abstaining from eating and drinking, it

comes out that one who did not fast has no connection to the *kri'ah*. It is not merely that he is not *mechuyav* in the *kri'ah*. Moreover, he would not even accomplish a *kiyum* of *kri'ah* if he heard *Vayechal*, because the *ta'anis*-observance of hearing the admonition of the *Navi* can only be fulfilled in combination with the observance of fasting.

Therefore, it is possible that for *kri'as haTorah* on a *ta'anis*, it is not sufficient to have merely a *rov minyan* that is fasting. The minority that did not fast cannot combine with the *rov* to be considered a complete *minyan* that is obligated in *leining Vayechal*, since as far as they are concerned, there is no *kiyum ta'anis* at all. [See *Mesorah*, vol. 7, pp. 24-26.]

HALACHIC ESSAYS

BY RAV SCHACHTER

*HALACHOS AND MINHAGIM FOR
THE SHLI'ACH TZIBBUR AND CONGREGATION*

HALACHOS OF BIRKAS KOHANIM

LESSER KNOWN HALACHOS OF KRI'AS HATORAH

*HALACHOS AND MINHAGIM FOR THE SHLI'ACH TZIBBUR AND CONGREGATION**

Despite their undisputed nature, many *halachos* of *tefillah* are widely neglected today due to ignorance. These laws pertain to the conduct of the *chazzan* in leading the services and extend to the behavior of the *tzibbur* as well. A well-informed *chazzan* can revive these *dinim* in his congregation – quietly and without risk of conflict – with the result being a greatly enhanced synagogue experience. In this essay, we will address some lesser known *halachos*, focusing on those of special interest to the *chazzan*.

I. General *Dinim*

1. It is important that the congregation's answering of *amen* be neither too early nor too late. An *amen* pronounced before the completion of the final syllable of the last word of a *berachah* is called an *amen chatufah*, a hastily-grabbed *amen*; one pronounced too late is termed an *amen yesomah*, an orphaned *amen*, bereft of the *berachah* over which it was said. To avoid improper congregational responses, it is advisable for the *chazzan* to limit the singing

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at the very end of *berachos*, so that congregants will not say *amen* before the *berachah* is actually over.¹

2. This is especially relevant to the *Amidah* of the *Yomim Nora'im* and the *Yomim Tovim*, when the melody is very conducive to premature response. The *tzibbur* is often already answering *amen* as the *chazzan* pronounces the final syllable of **מְקַדֵּשׁ יִשְׂרָאֵל וְהַזְמִינִים**.² Likewise, in the *Kaddish*, some *chazzanim* have a tune for **וְאָמְרוּ אָמֵן** that delays the answering of *amen* too long. In such a case, the *halachah* requires that the *tzibbur* answer *amen* immediately after the *chazzan* says **דְּאִמְרִין בְּעֵלְמָא** (*Mishnah Berurah* 124:35 and 56:2).³

3. The *minhag* in Europe used to be that the *kahal* would not answer *amen* to the *Kaddish* together with the *chazzan*, but rather after the *chazzan*. The *chazzan* would instruct aloud, **וְאָמְרוּ אָמֵן**, after which the *kahal* would respond, **אָמֵן!** (*Mishnah Berurah* 56:2).

4. The *chazzan* should be careful to pronounce all of the words correctly, especially the name of *Hashem*. The correct pronunciation of G-d's name is *Ah-do-noi*, with the accent on the third syllable. It is very common today, especially among *yeshivah* students, to distort the pronunciation of the *Shem*.

5. The *Mishnah* and the *Talmud* are strongly opposed to any repetition of words in the *tefillah*. Despite a minority opinion to the contrary (*Tiferes Yisrael*, *Berachos* 5:3), it is generally assumed that repeating words is not allowed, even when it fits in with

¹ See *Shulchan Aruch*, *Orach Chaim* 124:8; *Mishnah Berurah* 124:30; *Ikarei HaDat*, *Orach Chaim* 5:33. All references to *Shulchan Aruch* in this article are from *Orach Chaim* unless otherwise noted.

² See letter written by Rav Soloveichik to Rabbi Fabian Schoenfeld, printed in *HaDarom* 53 (Elul 5754 p. 27), *Nefesh HaRav*, p. 205, and *MiPinei HaRav*, p. 40.

³ On Rosh Hashanah, if there are not at least nine people answering *amen* properly to the *berachos* of the *shli'ach tzibbur*, no one is *yotzei* the *takanas chachamim* of blowing the shofar *al seder haberachos* (*Chiddushei HaGri"z MiPi HaShemu'ah*, vol. 5).

the *niggun*. Rav Soloveitchik only allowed repeating words in *piyyutim* or *techinot* that are not an integral part of the *berachos* of *Shema* or *Shemoneh Esrei* and in which no *pesukim* are quoted. Thus, חדש! חדש! ימינו! חדש ימינו כקדם would not be allowed, whereas ולשמה קדישא, קדישא יקרא would be allowed.⁴

6. It is important for the *chazzan* to be familiar with the meaning of the *tefillot* so that he will know where to pause when breaking up a sentence. Among the more common errors made by *chazzanim* are the following:

a. ברכנו בברכה, המושלשת בתורה, הכתובה, which ought to be read, ברכנו בברכה המושלשת, בתורה הכתובה.

b. אז בקול רעש גדול, which ought to be read, רעש גדול, אז בקול.

c. אתה גיבור לעולם, ד', which should be read, 'ד', אתה גיבור לעולם ד'.

7. Even if the *chazzan* is single and would not wear a *tallis* were he to *daven* privately, nevertheless, when serving as the *shli'ach tzibbur*, it is proper for him to put on a *tallis*.⁶ If he forgot to put on the *tallis* before the start of the *davening*, he may recite the proper *berachah* and put on the *tallis* even during *Pesukei D'Zimrah*. If, however, he has already begun *Nishmas*, he should not recite the *berachah* until after *Yishtabach*, before reciting the *Kaddish*, as *Nishmas* is the beginning of the *Birkas HaShir* (see *Chayei Adam* 19:6).

8. One who wears a *tallis* only around the neck does not fulfill the *mitzvah*. A garment must serve the purpose of covering the body in order to fulfill the *mitzvah* of *tzitzis*.⁷

9. The *mitzvah* of *tzitzis* only applies when the garment belongs to the person wearing it. Thus, if the *chazzan* uses a *shul tallis*,

⁴ See *Cantorial Council of America Bulletin*, Nov. 1965.

⁵ See *Edus L'Yisrael*, p. 161, for a listing of additional places in *davening* where it is improper to pause.

⁶ See *Mishnah Berurah* 18:5 and *Sha'ar HaTziyun* 581:3; *Shulchan Aruch* 53:3.

⁷ *Shulchan Aruch* 10:11. Note also that the *Shulchan Aruch* (11:15) rules that one should always see to it that the strings of the *tallis* extend sideways from the *tallis*, as opposed to hanging down from the bottom side.

he should have in mind to acquire ownership of it for the period of time he uses it. This way, he owns the garment and can recite the *berachah* over this *mitzvah* (*Mishnah Berurah* 14:11).

10. Many have the *minhag* that the *chazzan* should wear something more than a simple *yarmulkah* on his head when reciting *Kaddish*, *Barchu*, *Chazaras HaShatz*, or any other *davar sheb'kedushah*. This *atifah* can be accomplished by either wearing the *tallis* over his head or by wearing a hat or a special higher *yarmulkah*.⁸ The same *minhag* also applies to one who gets an *aliyah* and will recite *Barchu*.

11. If the *chazzan* comes late to *shul*, he may not begin to *daven* from *Shochan Ad* (or from *HaKel* on Yom Tov) unless he has already recited *Pesukei D'Zimrah* and its opening *berachah* of *Baruch She'amar*. In order to say the closing *berachah* of *Yishtabach*, one must first recite *Baruch She'amar* and *Pesukei D'Zimrah*, consisting minimally of *Ashrei* (*Shulchan Aruch* 52:1; *Mishnah Berurah* 52:5).

According to the Vilna Gaon, on Shabbos and Yom Tov, the *berachah* of *Yishtabach* begins with *Nishmas*, and thus *Shochan Ad* or *HaKel* are really in the middle of a long *berachah*. For this reason, when Rav Moshe Leib of Sasov would serve as *chazzan*, he would go up to the *amud* at the start of *Nishmas* (*Chiddushei HaRamal*). Accordingly, if the *chazzan* happens to be late to *shul*, after reciting the *birchos haTorah* and the *birchos hashachar*, he should recite at least *Baruch She'amar*, *Ashrei*, and *Nishmas* before beginning *Shochan Ad* or *HaKel*.

12. The *Shulchan Aruch* (56:4) mentions a *minhag* that the *chazzan* should bow at four specific points in the *Kaddish*: at *אמן*, *יתגדל*, *יהא שמייה רבא*, and *ברוך הוא*. The Vilna Gaon (*Bei'ur HaGra* ad loc.), however, rules that it is improper to bow any additional *kri'os* beyond those mentioned in the *gemara*.

⁸ See *Mishnah Berurah* 91:6, 12, and 183:11; see also *Pischei Teshuvah*, *Choshen Mishpat* 8:4, in the name of the *Shelah*, and *Yechaveh Da'as* 4:1.

13. The recitation of the three paragraphs of the *Shema* is the most important part of *Shacharis*. It is thus proper that the *chazzan* not rush through this part of the *tefillah*. He should rather give everyone in the *tzibbur* an opportunity to properly pronounce every word and every syllable of the *Shema* (Rav Yosef Eliyahu Henkin, *Edus L'Yisrael*, p. 161; *Gevuros Eliyahu, Orach Chaim* 15).

14. The accepted *minhag* is that at the close of *Kri'as Shema*, the *chazzan* says aloud the three words *ד' אלקיכם אמת*, in order that the words of the *Shema* should total 248. According to the *Shulchan Aruch* (61:3), the *chazzan* should first complete the *Shema* silently up until and including the word *אמת*, and he should then repeat aloud the three words *ד' אלקיכם אמת*. This indeed is the general practice among *chazzanim*. According to the Vilna Gaon, the *chazzan* should first complete the *Shema* silently up until and including the word *אלקיכם*, and then repeat aloud the three words *ד' אלקיכם אמת* (*Mishnah Berurah* 61:8).

15. The *chazzan* should recite aloud the concluding line of each *berachah*. According to Rav Henkin, this includes *גאל ישראל*. This is for the purpose of being *motzi* those who are unable to *daven* on their own. Those members of the *tzibbur* who do *daven* on their own and who have already recited *גאל ישראל* and do not want to answer *amen* after the *chazzan's berachah* (as this would interrupt their *semichas geulah l'tefillah*) should start their *Shemoneh Esrei* right away or should make sure to conclude their *berachah* of *גאל ישראל* together with the *shli'ach tzibbur* (*Edus L'Yisrael*, p. 161; *Gevuros Eliyahu, Orach Chaim* 13:8).

16. If the *nusach* of the *shul* is *nusach Ashkenaz* and the *chazzan's* personal *minhag* happens to be to *daven* using *nusach Sefarad*, he must still follow the *nusach* of the *shul*. According to Rav Moshe Feinstein (*Igros Moshe, Orach Chaim* 2:29), this applies even to the silent *Shemoneh Esrei*. The reason that the

chazzan is required to recite the silent *Shemoneh Esrei* at all is in order for him to prepare for the *Chazaras HaShatz*, and he should therefore recite it with the same *nusach* in which he will later be saying the *tefillah* aloud.

17. The *chazzan* must keep his feet together for both the silent *Shemoneh Esrei* and the repetition of the *tefillah* aloud (*Shulchan Aruch* 95:1). The feet should not be in a V-shape, but should rather be parallel to each other and touching (Rabbeinu Yonah, *Berachos* 5a in *dapei haRif*).

18. The *gemara* states that one is required to bow at four specific places in the *Shemoneh Esrei*: at the beginning and the end of the first *berachah* (*Magen Avraham*) and at the beginning and the end of the *berachah* of *Hoda'ah*, which extends from *Modim* until *נאה להודות ולך הטוב שמך ולך נאה להודות*. It is improper to bow at additional places in the *Shemoneh Esrei* (*Shulchan Aruch* 113:3).

19. According to the *Acharonim*, the proper way to bow is different at the beginning of *Modim* than in the other three places. At the start of *Modim*, where no *baruch ata* is recited, one merely bows his head and should simply see to it to stand erect again before reciting the *Shem Hashem*. However, in the other three places, we first bend our knees when reciting *baruch*, then bend our heads when reciting *ata*, and stand erect before reciting the *Shem Hashem* (*Mishnah Berurah* 113:12).

20. At the conclusion of the silent *Shemoneh Esrei* and the *Kaddish*, the *chazzan* should step back three steps in the following manner: He should take **half** a step backwards with the **left** foot first, so that the toes of the left foot will be opposite the heel of the right foot. Then he should take a **full** step backwards with the right foot in such a way that the toes of the right foot will be slightly **behind** the heel of the left foot. Finally, he should step backwards with the left foot, so that both feet will now be standing straight, one next to the other. There are several other opinions regarding the nature of the three steps to be taken, but this is the one most widely accepted

by the *Poskim* (*Shulchan Aruch* 123:3; *Mishnah Berurah* 123:13; *Igros Moshe, Orach Chaim* 4:122).

If the *chazzan* is left-footed, there are two views among the *Poskim* as to whether the order of stepping back the three steps should be reversed (*Bei'ur Halachah*, s.v. *k'sheposeia*).

21. After the *chazzan* completes his silent *Shemoneh Esrei* and has taken three steps back, he should not begin the *Chazaras HaShatz* immediately, but should rather pause a bit (the amount of time it would take to walk four *amos*) before walking forward again to begin the repetition of the *tefillah* (*Shulchan Aruch* 123:2).

22. When taking the three steps forward before starting the *Chazaras HaShatz*, the *chazzan* should first take a half-step with the right foot, in such a way that the heel of the right foot is next to the left foot. Then he should take a full step forward with the left foot, placing the left heel slightly ahead of the toes of the right foot. Finally, he should move his right foot forward in such a way that both feet are next to one another (*Shulchan Aruch*, 95:1).

23. The *chazzan* should not begin to repeat the *Shemoneh Esrei* aloud until (a) there are nine people in the *minyan* who will be answering *amen*, and (b) the majority of the *minyan* has completed the *Shemoneh Esrei*. The common *minhag* today is that the *chazzan* does not begin *Chazaras HaShatz* until the rabbi of the *shul* has completed his *Shemoneh Esrei*.⁹

24. Before starting the *Chazaras HaShatz*, the *chazzan* must recite the *pasuk*, *ד' שפתי תפתח*. According to the *Magen Avraham* (111:4), this verse should be recited softly.¹⁰ Rav Soloveitchik preferred the opinion of other *poskim* that since this *pasuk*

⁹ See *Shulchan Aruch* 124:3-4; *Mishnah Berurah* 124:13,15. The *Mishnah Berurah* 124:19 quotes in the name of the *Shulchan Shlomo* that if the *chazzan* is afraid that there may not be nine people answering *amen* to the *Chazaras HaShatz*, he should have in mind that his *Shemoneh Esrei* should be a *tefillas nedavah*, so that it will not constitute *berachos l'vatalah*.

¹⁰ See *Bei'ur Halachah* 111, s.v. *chozer*; see *Ohr Samei'ach, Hilchos Tefillah* 10:16.

constitutes an integral part of the *Shemoneh Esrei*, the *chazzan* should recite it aloud, as he does the rest of the *Chazaras HaShatz*. [See below #38.]

25. Every word of the *Shemoneh Esrei* must be repeated aloud by the *chazzan*, including the *berachah* of *Modim*. As the *kahal* is reciting the *Modim DeRabbanan*, the *chazzan* should say aloud the entire *nusach* of the *Modim berachah* (*Mishnah Berurah* 124:41).¹¹

26. The *chazzan* must give the *tzibbur* the opportunity to answer *amen* to all of the *berachos* of the *Shemoneh Esrei*. He should not begin the next *berachah* until most of the *tzibbur* has completed answering *amen*. If there are fewer than nine people in the *tzibbur* answering *amen* properly, the *Chazaras HaShatz* may be considered *berachos l'vatalah* (*Shulchan Aruch* 124:4).¹² In congregations in which the practice is that the *tzibbur* answers *ברוך הוא וברוך שמו* after *Hashem*, the *chazzan* should pause somewhat after the *Shem* to give everyone an opportunity to hear the rest of the words of the *berachah* (*Mishnah Berurah* 124:37; *Sha'ar HaTziyun* 124:24).

27. In the recitation of the *Kedushah*, there are two common *minhagim* regarding what the *chazzan* must say aloud. Some *Poskim* write that since the responses of *קדוש קדוש קדוש* and *ברוך כבוד*, etc., constitute a *davar sheb'kedushah*, and as such require a *minyan*, the *chazzan* should recite these lines along with the *tzibbur*. He should only say aloud *אז בקול* and *ממקומך* (on Shabbos) or *ובדברי קדשך כתוב לאמר לעומתם ברוך יאמרו* (on weekdays). Other *Poskim* maintain that even if the *chazzan* were to recite *קדוש קדוש קדוש* following the *tzibbur*, he would still be considered as having recited this with a *minyan*, just as the *chazzan* is permitted to repeat *ברוך ד' המבורך לעולם ועד* aloud after

¹¹ See *Nefesh HaRav*, p. 126.

¹² See Rambam, *Hilchos Tefillah* 9:3, and *Chiddushei Rav Aryeh Leib Mallin*.

the *tzibbur*. Therefore, these *Poskim* maintain, it is advisable that the *chazzan* recite קדוש קדוש קדוש and ברוך כבוד, etc., aloud, following the *tzibbur's* recital of these lines, in order to be *motzi* all those who are unable to recite the *Kedushah* on their own. (See *Yabia Omer* vol. 6, *Orach Chaim* 16:2).

28. If the *chazzan* is unable to complete the *Chazaras HaShatz* and stops in the middle of the *berachos*, the second *chazzan* who takes over for the first one must start again from the beginning of the *berachah* that the first *chazzan* was unable to complete.¹³ If the first *chazzan* discontinued his *tefillah* somewhere in the first three *berachos* (before הקל הקדוש or המלך הקדוש) or in the last three *berachos* (from *Retzeih* until the end of the *Shemoneh Esrei*), we treat these as one unit and require the new *chazzan* to start over again from the beginning of that entire unit of three *berachos* (*Shulchan Aruch* 126:2, and *Bei'ur Halachah*, s.v. *ve'im*).

This is especially relevant on the *Yomim Nora'im*, when many *piyyutim* are recited before the *berachah* of המלך הקדוש, and it is not uncommon for the *chazzan* to be unable to continue the *tefillah*.¹⁴

29. In the event that the new *chazzan* had to start again from the beginning of the *Shemoneh Esrei*, the *piyyutim* recited by the first *chazzan* need not be repeated, but the *Kedushah* should be repeated (*Mishnah Berurah* 126:10).

30. If the second *chazzan* who takes over had been following most attentively word for word to the repetition of the *tefillah* of the first *chazzan* until the point that he had to discontinue,

¹³ Although we apply the principle of *shomei'a k'oneh* even to half a *berachah*, with respect to a *berachah* of the *tzibbur*, we require that the entire *berachah* be recited by one person (*Tosfos*, *Berachos* 46a, s.v. *ul'man*, based on the *Rif*; *Kehillas Yaakov*, *Berachos*, *siman* 11).

¹⁴ According to the *Ohr Samei'ach* (*Hilchos Tefillah* 10:2), if the *chazzan* completed the entire *Seder Avodah* on Yom Kippur and is unable to continue, the next *chazzan* may start from that point on, as the *Seder Avodah* constitutes a separate unit of the *berachah*.

then although we would still require the second *chazzan* to begin from the beginning of the *berachah* that was interrupted, we would not require the new *chazzan* to start from the very beginning of the unit of the three *berachos*, in the event that the first *chazzan* had to stop before הקל הקדוש or after *Retzei* (*Shulchan Aruch* 126:2; *Bei'ur Halachah*, s.v. *ve'im*).

31. When reciting the *Kedushah*, the proper *minhag* is that when reciting the *pesukim* of קדוש קדוש קדוש, ברוך כבוד, and ימלך, one should lift his body and his heels upward while standing on his toes (*Mishnah Berurah* 125:7).

32. When the *chazzan* recites the *Birkas Kohanim* in the *Chazaras HaShatz*, the *minhag* is that when saying 'ד' יברכך, he faces the *aron Kodesh* straight ahead, and while saying וישמרך, he faces to his right. When reciting the second *pasuk*, 'ד' יאר, he again faces the *aron* ahead, and when concluding פניו אליך ויחנך, he turns to face his left. The source of this *minhag* is in the *Zohar*, which mentions nothing regarding the third *pasuk*. According to some *Poskim*, it is improper to turn to either direction while reciting the *pasuk* of 'ד' ישא (Mishnah Berurah 127:8).¹⁵ However, the common practice, as recorded in the *Aruch HaShulchan* (127:4), is that the *chazzan* faces ahead and in both directions while reciting the three parts of the third *pasuk*: When reciting 'ד' ישא, the *chazzan* should face ahead towards the *aron*; when reciting פניו אליך, to his left; and while reciting שלום to his right again.

33. While turning to face these different directions, the *chazzan* should be careful not to bow, as one may not bow during the *Shemoneh Esrei* in more than the four places indicated by the Talmud (*She'arim HaMetzuyanim BeHalachah*, vol. 1, p. 101).

34. According to the *Shulchan Aruch* (123:6; *Mishnah Berurah* 123:21), when the *chazzan* concludes the repetition of the *Shemoneh Esrei*, he need not recite the *pasuk* of יהיו לרצון, as תתקבל צלותהון יהיו לרצון at the close of the *Kaddish* is equivalent to יהיו לרצון.

¹⁵ See *Otzar HaTefillah*, vol. 1, p. 360, in the name of Rav Yaakov Emden.

35. Likewise, according to the *Shulchan Aruch* (123:5; *Mishnah Berurah* 123:18), the *chazzan* need not step back three steps at the close of his repetition of the *Shemoneh Esrei*. He may rely on the three steps he will take at the close of the *Kaddish Tiskabel*. Therefore, on days when there is a break between the conclusion of *Shemoneh Esrei* and *Kaddish Tiskabel* for *Ashrei* and *Uva LeTziyon*, for reading the Torah, or for reciting *Hallel*, the *chazzan* should not indulge in any idle conversation during that period of time, as it is as if he had not fully completed his *Shemoneh Esrei*.¹⁶

36. According to the *Shelah* and the Vilna Gaon, however, the *chazzan* should recite יהיו לרצון at the close of the repetition of the *Shemoneh Esrei* (*Mishnah Berurah* 123:21). Following the view of the Vilna Gaon, Rav Soloveitchik maintained that since this *pasuk* constitutes an integral part of the *Shemoneh Esrei*, the *chazzan* should recite it aloud, as he does the rest of the *Chazaras HaShatz*.

37. Regarding stepping back three steps after *Chazaras HaShatz*, many follow the view of the *Radvaz*, against that of the *Shulchan Aruch*, that the *chazzan* should take three steps back as well (*Mishnah Berurah* 123:19). However, it should be noted that this only applies on weekdays, when the *Chazaras HaShatz* is not immediately followed by the *Kaddish Tiskabel*. Rav Soloveitchik noted that on Shabbos or Yom Tov, the *chazzan* should rely on his walking back at the close of the *Kaddish*, and he should not take the three steps back after *Chazaras HaShatz*.

38. At the conclusion of the *Kaddish*, after the *chazzan* has completed the line of יהא שלמא רבא, etc., he should take three steps back (as described above) and then recite עושה שלום while bowing to his left; הוא יעשה שלום עלינו while bowing to his right; and conclude ועל כל ישראל while bowing ahead (*Shulchan Aruch* 123:1; see *Mishnah Berurah* 123:3,5).

¹⁶ See *Nefesh HaRav*, p. 129.

39. When there is a minyan in *shul*, it is proper to recite the *Kedushah* of *Uva LeTziyon* together and responsively. The *chazzan* should say aloud, וקרא זה אל זה ואמר, and the *tzibbur* should say aloud, קדוש קדוש קדוש, etc. Then the *chazzan* should say aloud, ותשאני רוח...גדול, and the *kahal* should answer, ברוך, etc. (*Mishnah Berurah* 132:3). According to Rav Soloveitchik, the more correct practice is that the *chazzan* then says aloud, מאתר בית שכינתה, and the *tzibbur* answers aloud together the final *pasuk* of the *kedushah*, ד' ימלך לעולם ועד.¹⁷

II. Shabbos

40. On Friday evenings, when the *chazzan* turns around to face the back of the *shul* to recite בואי בשלום he should turn about clockwise. He should do the same when turning around again to face the *aron kodesh* to continue the *tefillah* (see *Mishnah Berurah* 128:61). This is true even for one who is left-handed (*Sha'ar HaTziyun* 128:53).

41. Despite a minority opinion to the contrary, it is generally accepted that a tuning fork may not be used on Shabbos or Yom Tov.¹⁸

42. On Friday evenings after the *tefillah*, most synagogues have the *minhag* that the *tzibbur* recites *Magen Avos* together. After they have finished, the *chazzan* must recite *Magen Avos* again aloud, as part of his *berachah achas mei'ein sheva* (*Mishnah Berurah* 268:22).

43. When the first night of Pesach occurs on a Shabbos, the entire *berachah achas mei'ein sheva* is omitted (*Shulchan Aruch* 487:1).

44. Even if the *chazzan* recites *Kiddush* in *shul* on the evenings of Shabbos and Yom Tov, he must recite the *Kiddush*

¹⁷ See *Divrei HaRav* p. 156.

¹⁸ See *Shatz B'Halachah* by Chazzan Walter (Yisrael) Orenstein, pp. 149-157.

again later when he is about to eat his *se'udah*, as the *gemara* states that אין קידוש אלא במקום סעודה (Shulchan Aruch 269).

45. The *berachah* of *Shehecheyanu* recited at the conclusion of the *Kiddush* on Yom Tov evenings, however, need not be repeated. This *berachah* is not really part of the *Kiddush*, and need not be recited at the same place as the meal (see *Eruvin* 40b). If some members of the *chazzan's* household have not yet recited *Shehecheyanu*, the *chazzan* may repeat that *berachah* for their sake when he says the *Kiddush* again at home. But if the *chazzan's* wife has already recited *Shehecheyanu* at the time of candle-lighting, as is a common *minhag*,¹⁹ and there is no one else who needs to be *yotzei Shehecheyanu*, the *chazzan* should omit that *berachah* when he repeats the *Kiddush* before eating his Yom Tov *se'udah*.²⁰

46. In order that the *berachah* of *borei peri hagafen* recited by the *chazzan* over the *Kiddush* in *shul* will not be a *berachah l'vatalah*, it is proper to give some of the wine to children to drink. The children should be under the age of *bar mitzvah*; after *bar mitzvah* age, they may not eat or drink before *Kiddush*, and the *Kiddush* recited in *shul* is not *bemakom se'udah*. The child should be asked to answer *amen* to the *chazzan's* *berachah* and to rely on his *berachah*, and not to recite his own *borei peri hagafen* (Shulchan Aruch 269).

47. If there are no young children available to drink the wine, the accepted view among the *Poskim* is that the *chazzan*

¹⁹ Many women have the practice of reciting *Shehecheyanu* at the time of *hadlakas haneiros*. Although we assume *lehalachah* that a woman may light *neiros Shabbos veYom Tov* and have in mind not to be *mekabel* Shabbos until later, she may not recite the *birkas Shehecheyanu* at the time of such a *hadlakah*. The *birkas hadlakas haneiros* may be recited before the start of *Shabbos veYom Tov*, but *birkas Shehecheyanu* must be recited on Yom Tov proper (see *Eruvin* 40b). This is especially important for women who plan to drive to *shul* for *Kol Nidrei* after *hadlakas haneiros*.

²⁰ See, however, *Teshuvos Chasam Sofer, Orach Chaim* 143.

himself should drink a full *revi'is* of wine. By drinking the quantity of a *revi'is*, he assures that the *Kiddush* is now considered *סעודה במקום קידוש*, and he has fulfilled his obligation of *Kiddush*. When he goes home later to eat his meal, he should only recite the *Kiddush* again if there are other members of his household (wife, children, or guests) who have not yet fulfilled their obligation of *Kiddush* (*Mishnah Berurah* 269:1).²¹

48. In congregations in which the practice is that the *tzibbur* sings along parts of the *Chazaras HaShatz* with the *chazzan*, it is proper for the *chazzan* to repeat those parts of the *Amidah* aloud after the *tzibbur* has completed its singing.

49. Out of respect for the *sefer Torah*, a person may not turn his back to it, unless the person and the *sefer Torah* are in two different *reshuyos* (*Shulchan Aruch*, *Yoreh De'ah* 282:1, and *Taz* 282:1). For example, the rabbi may speak from the pulpit with his back to the *sifrei Torah*, since they are in the *aron hakodesh*, which constitutes a separate *reshus* unto itself.

This is particularly important to keep in mind when the *chazzan* recites *Yekum Purkan* from the *bimah* and the one who did *hagbahah* minutes before is still sitting behind him on the *bimah* with the *sefer Torah* in his arms. The *chazzan* should not stand just in front of the *sefer Torah* with his back toward it. He should see to it that the person holding the *sefer Torah* should not sit directly behind him, but rather to either side of the *bimah*. (If that is not feasible, the *chazzan* should move to the side of the *bimah* to avoid having his back to the *sefer Torah*.)

50. *Havdalah* need not be recited *bemakom se'udah*. The *chazzan* who recited *Havdalah* in *shul* (either after *Shabbos* or after *Yom Tov*) thus need not repeat it again at home, unless he must do so for the sake of other members of his household. If, however, the only other members of his household who have not yet fulfilled

²¹ This is the case even for children who are not yet *bar mitzvah*; see *Mishnah Berurah* 269:1.

their obligation of *Havdalah* are women, it is not proper for him to repeat the *Havdalah* again just for them, as there is a dispute among the *poskim* regarding whether women are obligated to recite (or to hear) *Havdalah*. It is for this reason that the *Shulchan Aruch* recommends that a woman should avoid reciting *Havdalah* for herself, but should rather arrange to hear *Havdalah* from a man who is reciting it for himself or for other men. If the only other members of the *chazzan's* household who have not heard *Havdalah* are women, they should (a) try to hear *Havdalah* from a male neighbor or friend who has not yet been *yotzei* himself. If that is too difficult, (b) they should recite *Havdalah* themselves. If even that is too difficult, (c) the *chazzan* himself may repeat the *Havdalah* for them, since *mei'ikar hadin* we assume that women are obligated in the *mitzvah* of *Havdalah* (*Shulchan Aruch* 296:8; *Mishnah Berurah* 296:36).

51. Several *poskim* (including Rav Chaim Soloveitchik and Rav Chaim Ozer Grodzensky) allowed the use of an electric light for the *berachah* of *borei me'orei ha'eish* recited in *Havdalah*. However, the bulb must be clear, not frosted. A fluorescent light should not be used. Likewise, lights burning in the *shul* not for the purpose of illumination, but merely *lekavod be'alma* (such as the two lights in front of the *chazzan*), may not be used for the *berachah* of *borei me'orei ha'eish*.²²

III. *Yomim Tovim*

52. It is not ideal for a *Kohen* to serve as the *chazzan* for *Mussaf* on Yom Tov (when there will be *duchening*). If, however, the *chazzan* happens to be a *Kohen*, he may not walk away from the *amud* to *duchen* unless he is the only *Kohen* in the *shul* (*Mishnah Berurah* 128:85; *Shulchan Aruch* 128:20).

53. The *chazzan* should not start *Retzei* until all of the *Kohanim* who are going to *duchen* have already washed their

²² See *Yechaveh Da'as* 2:39; *Shulchan Aruch, Orach Chaim* 298:15.

hands in preparation for the *duchening* and are able to begin to walk towards the special platform from which they will recite *Birkas Kohanim* (*Mishnah Berurah* 128:28).

54. The *Rama* quotes an opinion that *chazzan* should recite the *tefillah* of *Elokeinu V'Eilokei Avoseinu* softly until he reaches the word כהנים, which he should say out loud, continuing softly with עם קדושך כאמור (*Shulchan Aruch* 128:10). However, Rav Soloveitchik thought that there is no reason to recite it quietly, and therefore the *chazzan* should recite the whole *tefillah* out loud.

55. If there is only one *Kohen* who is *duchening*, the *chazzan* should recite the entire passage of *Elokeinu V'Eilokei Avoseinu* softly; he should not call out either *Kohanim* or *Kohen* aloud (*Shulchan Aruch* 128:10).

56. At the conclusion of the *berachah* recited by the *Kohanim*, לברך את עמו ישראל באהבה, the *chazzan* should not answer *amen* along with everyone else. However, at the conclusion of each of the three *pessukim* – וישמרך and ויחנק and שלום – the *chazzan* should answer *amen* along with the *tzibbur* (*Mishnah Berurah* 128:71).

57. If the *chazzan* is a *Kohen*, someone else who is not a *Kohen* should call out, כהנים. In this situation, there is no need for the prayer of *Elokeinu V'Eilokei Avoseinu* to be recited altogether. Likewise, the reading of each word – יברכך, ד', etc. – to the *Kohanim* should be done by the other person, not by the *chazzan* if he happens to be a *Kohen*. The *chazzan* should, however, continue with *Sim Shalom* after the close of the *duchening*, even if he is a *Kohen* (*Shulchan Aruch* 128:22; *Mishnah Berurah* 128:86).²³

58. The *chazzan* (or if the *chazzan* is a *Kohen*, the other person who is standing next to him) should not rush to say aloud יברכך

²³ If no one else in the *shul* knows how to call out כהנים and יברכך, etc. word for word, we allow the *chazzan* who is himself a *Kohen* to do so.

until most of the people in the *shul* have completed answering *amen* to the *Kohanim's berachah* of לְבָרַךְ אֶת עַמּוֹ יִשְׂרָאֵל בְּאֵהָבָה. The *Kohanim* should not begin to say יְבָרַךְ until the *chazzan* has completed saying that word aloud. The *chazzan* should not rush to say aloud the next word, until the *Kohanim* have completed saying the first word, etc. (*Shulchan Aruch* 128:18).

59. At the conclusion of the *duchening*, the *Kohanim* may not turn around to face the *aron hakodesh* until the *chazzan* has begun *Sim Shalom*. The *chazzan* should keep this in mind and begin *Sim Shalom* immediately after most of the people have answered *amen* to the last *berachah* of the *duchening*, so that the *Kohanim* will not violate this law (*Shulchan Aruch* 128:15).

IV. *Yomim Nora'im*

60. When saying *Selichos*, even at night, the *chazzan* should wear a *tallis*. To avoid getting involved in the dispute regarding one who puts on a *tallis* at night, the *Poskim* recommend that the *chazzan* not wear his own *tallis*, but rather borrow that of someone else. He should also avoid putting on a *shul tallis* (Rav Zvi Pesach Frank, *Mikra'ei Kodesh, Yomim Nora'im*, p. 1).

61. When saying וִיקְרָא בְּשֵׁם ד', it is proper to pause between בְּשֵׁם and ד' (*Mishnah Berurah* 581:4).

62. Rav Chaim Volozhiner and several other *Poskim* were opposed to reciting the prayer *Machnisei Rachamim* during *Selichos*, as one may not pray to angels to serve as intermediaries on our behalf.²⁴

63. During *Aseres Yemei Teshuvah*, the prevalent *minhag* is for the *chazzan* to say in the *Kaddish*, לְעֵלָא לְעֵלָא מְכַל בְּרַכְתָּא וּשְׂרִיתָא, instead of לְעֵלָא מִן כָּל, etc., of all year long. The more correct reading is לְעֵלָא לְעֵלָא, not וּלְעֵלָא (*Matteh Efraim* 582:1).

²⁴ See *Elef HaMagen*, n. 40, to *Matteh Efraim* 581:18; *Keter Rosh*, n. 93; *Meiri, Megillah* 25a, s.v. *hamishneh*. The same objection applies to the stanza of *Borchuni LeShalom* of *Shalom Aleichem* on Friday evenings.

64. During the *Aseres Yemei Teshuvah*, the phrase עושה שלום במרומי, both at the end of the *Shemoneh Esrei* and at the end of the *Kaddish*, is altered to עושה השלום. Many *Poskim* rule that it is improper to conclude the final *berachah* of *Shemoneh Esrei* with עושה השלום. One should instead conclude, המברך את עמו ישראל בשלום, as is done all year long. If, however, the former is clearly the local custom, the *chazzan* may not alter the *minhag* (*Matteh Efraim* 582:1).

65. There is a contradiction in the *Matteh Efraim* (582:23) as to whether those who recite *LeDovid Mizmor* on the two nights of Rosh Hashanah after *Ma'ariv* should do so before or after the *Kaddish Tiskabel*. The accepted practice is to recite it prior to the *Kaddish*.

66. On the *Yomim Nora'im*, when the *chazzan* for *Shacharis* begins with *HaMelech*, the *minhag* is for him to continue with the word יושב, instead of היושב (*Matteh Efraim* 584:9; *Elef HaMagen*, n. 15).

67. According to *minhag Sefarad*, during the *Aseres Yemei Teshuvah*, *Shir HaMa'alos* is recited between *Yishtabach* and the *Kaddish* preceding *Barchu*. *Minhag Ashkenaz* does not have this custom, however, and considers the insertion of *Shir HaMa'alos* a *hefsek*.²⁵

68. Some *Poskim* point out that in the *piyyutim* for Rosh Hashanah בשופר אפתנו (of *Shacharis*) and ש-די לפתותך בם בחינן (of *Mussaf*), it is more correct to say בשופר ארצנו and to say לרצותך instead of לפתותך (*Elef HaMagen*, n. 33, to *Matteh Efraim* 582:14).

69. In many places in Europe, the *minhag* was that during the *Aseres Yemei Teshuvah*, the congregation would repeat only וכתוב לחיים טובים and בספר חיים during *Chazaras HaShatz*, but not מי כמוך or זכרנו לחיים (*Matteh Efraim* 584:10).²⁶

²⁵ *Mishnah Berurah* 54:4; *Dagul MeiRevavah*, *ibid*; *Emek Berachah* (Rav Aryeh Leib Pomeranchik), p. 7. See *Nefesh HaRav*, pp. 203-204.

²⁶ See *Nefesh HaRav*, p. 204. Rav Pinchos Mordechai Teitz provided an explanation for not repeating וזכרנו לחיים and מי כמוך. The phrase זכרנו לחיים includes the *Shem Hashem*, and reciting the line along with the *chazzan*

70. When reciting *Avinu Malkeinu* after *Shacharis* on Rosh Hashanah, one should not hit his chest with his fist when reciting *אבינו מלכנו חטאנו לפניך* (*Matteh Efraim* 584:11).

71. According to the *Matteh Efraim* (584:13), the concluding line of *Avinu Malkeinu* – *אבינו מלכנו חנינו וענינו כי אין בנו מעשים* – should not be recited aloud by the *chazzan*, but should rather be recited softly.

72. On the *Yomim Nora'im*, when the *chazzan* recites *Hineni*, it is proper for him to recite at least three *pesukim* softly before the *Kaddish*. The same applies during the year when the rabbi delivers a sermon between the returning of the *sefer Torah* and the *Kaddish* before *Mussaf* (*Matteh Efraim* 590:38).²⁷

73. One may not recite the *berachah* on the *tallis* at night. Therefore, the *atifas tallis* on *erev Yom Kippur* must take place before sunset. Likewise, the *chazzan* should try to complete at least the first recital of *Kol Nidrei* before sunset (*Shulchan Aruch* 18:1; *Matteh Efraim* 619:11).

74. It is necessary to have two people stand next to the *chazzan* (one to his right and the other to his left) on *Yom Kippur* during *Kol Nidrei* and during *Neilah*.²⁸ Rav Soloveitchik reinstated the *minhag* recorded in *Shulchan Aruch* that this be done for all the *tefillos* of *Yom Kippur*.²⁹

75. If the rabbi plans to speak on *Kol Nidrei* night, he should do so before *Barchu*, not between the *Amidah* of *Ma'ariv* and the start of *Selichos*.

might thus possibly constitute a violation of *motzi shem shamayim l'vatalah*. (See Rama, *Orach Chaim* 188:7). Because of this Rama, many are careful to say “*Hashem*” while singing *zemiros* on Shabbos, instead of pronouncing the *Shem*. (See, however, *Bei'ur Halachah* there, s.v. *v'ein*.) Regarding *מי כמוך*, since the line contains only praise of G-d and no *bakashah*, there is no special need for the *tzibbur* to repeat this line along with the *chazzan* in *Chazaras HaShatz*.

²⁷ See *Nefesh HaRav*, pp. 115-117.

²⁸ *Shulchan Aruch* 619:4, *Matteh Efraim* 623:3 and *Elef LaMateh*, n. 2.

²⁹ See *Nefesh HaRav*, pp. 117, 211.

76. Some *Poskim* advise that when starting the *Selichah* of *Ya'aleh* on the night of Yom Kippur, one should begin with *ואלקי אבותינו ואלקינו*, as is the practice for all *Selichos* that do not begin with a *Shem*.³⁰

77. Care should always be taken that the silent *Amidah* of *Mussaf* on Shabbos or Yom Tov begin before the earliest time for *Minchah*, which is one half hour after midday. This is especially important to bear in mind on Yom Kippur, when we *daven* all day long and people may not be as mindful about the *zemanim*. If that time has already past, the *chazzan* should still see to it that the silent *Amidah* of *Mussaf* begin before the end of the seventh hour. If need be, on the *Yomim Nora'im*, the *Hineni* prayer should be omitted to help meet these deadlines (*Shulchan Aruch* 620:1; *Mishnah Berurah* 620:2).

78. The *Seder HaAvodah* recited during *Mussaf* on Yom Kippur should be said slowly and carefully, and the *tzibbur* should synchronize their recitation with that of the *chazzan*. The proper practice is that the entire *Seder HaAvodah* be said aloud by the *chazzan*.³¹

79. On Yom Kippur, the common *minhag* is that the *chazzan* kneels on the floor three (or four) times during the recital of the *Avodah* (at *והכהנים*) during *Mussaf*. According to the *Aruch*

³⁰ *Aderes*, quoted by Rav Yechiel Michel Tikutzinski in his *luach*. See, however, *Dvar Yehoshua* (Ehrenberg), vol. 3, p. 203, who is strongly opposed to this suggestion. In most communities, *Selichos* are not recited during the *Chazaras HaShatz* of *Shacharis*, *Mussaf*, and *Minchah* on Yom Kippur. According to the *Aruch HaShulchan* (*Orach Chaim* 620:1), this is highly improper. Rav Soloveitchik urged that *Selichos* be reinstated into those *tefillos* as well.

³¹ See *Tosfos Yom Tov*, *Yoma* 6:2 and *Rashash*, *Yoma* 66a. The *Seder HaAvodah* of *nusach Sefarad* appears in our *machzorim* in a corrected form, as amended by Rav Yosef Karo in *Beis Yosef*, *Orach Chaim* 621. The *nusach Ashkenaz* version contains several glaring errors, as pointed out by *Chayei Adam* (*Nishmas Adam*, n. 2, to *Chayei Adam* 144:33). These emendations should be written down in the *machzor* before Yom Kippur, so that the correct text may be recited.

HaShulchan (621:4) and several other *Poskim*, the more correct practice is that the *chazzan* does not kneel for וּאֲנַחְנוּ כּוֹרְעִים of *Aleinu*, neither on Rosh Hashanah nor on Yom Kippur.

80. It is improper for the *chazzan* to walk (or to hop) back from the *amud*, during *Chazaras HaShatz*, in order to kneel for וְהִכְהִנִּים. The proper practice is that he should stand well away from the *amud* and have a small *shtender* in front of him to hold his *machzor*. Then, at the point of the kneeling at וְהִכְהִנִּים, someone should remove the *shtender* (*Shulchan Aruch* 621:4; *Mishnah Berurah* 621:16).

81. The Vilna Gaon points out that the proper way to kneel during the *Avodah* is not merely by placing one's knees on the floor and lowering one's head forward somewhat. Rather, one should be completely prostrated on the floor, lying flat from head to toe.³²

82. *ברוך שם*, etc., should be recited while in this prostrated position. Only after completing ועַד לְעוֹלָם should one stand up again to the normal erect position (*Rashash, Yoma*).

The *chazzan* must be careful not to move from his original place of *tefillah* while doing these *kri'os* or while getting up again (*Chiddushei HaGri"z al HaTorah*, p. 48).

83. When the *chazzan* recites the *Seder HaAvodah* and reaches the *Vidui* of the *Kohen Gadol* (חֲטָאוּ עוֹן פִּשְׁעוֹ and חֲטָאוּ עֵיטֵי פִּשְׁעֵי), etc.), it is proper for him to beat his chest with his right hand, just as is the practice while reciting אֲשַׁמְנוּ, etc. (*Matteh Efraim* 621:16).

84. The accepted *minhag* is that during the recital of *Vidui*, one should be bent over somewhat, similar to one who is reciting *Modim*. This also applies to the recital of the *viduyim* of the *Kohen Gadol* (*Mishnah Berurah* 607:10).

85. During *Chazaras HaShatz* of *Ne'ilah*, as long as it is before *tzeis hakochavim*, the *chazzan* may still say, הַיּוֹם יִפְנֶה and

³² *Ma'aseh Rav HeChadash* [1980], p. 20. See *Nefesh HaRav*, p. 213.

השמש יבא ויפנה. After *tzeis*, however, the *nusach* should be changed to past tense: השמש בא ופנה, היום פנה (Matteh Efraim 623:7).

V. Sukkos

86. Some *Poskim* rule that when holding the *lulav* and *esrog* on Sukkos, one should be careful not to hold both in the same hand. They should be held in two hands, and the hands should be touching each other. This practice should be observed even during the recitation of *Hallel* and *Hoshanos* (*Elef HaMagen* 660:5 and *Kuntres Acharon* 660:5).³³

87. During *Hallel*, the *chazzan* should wave his *lulav* in all six directions (a) during the recital of הודו לד' and יאמר נא ישראל, (b) when reciting הושיעה נא ד' הושיעה נא twice, and (c) at the end of *Hallel*, when הודו is repeated.³⁴

To the *chazzan's* recitation of יאמר, הודו, יאמר, and יאמרו, the *tzibbur* responds each time with הודו. Each of the four times the *tzibbur* answers הודו, they should wave their *lulavim* in all six directions. The *chazzan* should pause sufficiently between his reciting of יאמרו, יאמר, הודו, and יאמרו to allow enough time for the *tzibbur* to answer הודו and do the *na'anu'im* properly (*Mishnah Berurah* 651:41).³⁵

³³ The Brisker Rav was especially careful about this and would have someone walk backwards in front of the *chazzan* during *Hoshanos*, holding the *siddur* up for the *chazzan* to see, so that the *chazzan* would be able to hold the *lulav* and *esrog* in two hands without any difficulty. See *Nefesh HaRav*, p. 218.

³⁴ When הודו is repeated again at the very end of *Hallel*, both the *chazzan* and the *tzibbur* should shake the *lulav* and *esrog* both times (*Shulchan Aruch* 651:8).

³⁵ Because the *tzibbur* may not be sufficiently attentive when the *chazzan* recites the line of יאמר and both יאמרו lines, the *minhag* is that the *tzibbur* recites these three *pesukim* softly along with the *chazzan* at the same time that he recites them out loud.

88. According to *minhag Ashkenaz*, the proper way to do the *na'anu'im* is as follows: While reciting the word הוּדוּ, one should wave the *lulav* to the east; the *Shem* should then be recited without any waving of the *lulav*; כִּי – to the south; טוֹב – to the west; כִּי – north; לַעוֹלָם – up; and חֲסָדוֹ – down.

When reciting אֲנֵנּוּ, one should wave the *lulav* to the east and the south; when reciting the *Shem* – no waving of the *lulav*; הוֹשִׁיעָה – to the west and the north; נֹא – up and down.

According to *minhag Ari*, followed by *Chassidim*, the *na'anu'im* done to the six directions are differently arranged: south, north, east, up, down, and west. (See *Shulchan Aruch* 651:10; *Mishnah Berurah* 651:37; *Ba'eir Heitev* 651:20.)

89. When waving the *lulav* down, one should be careful not to turn the *lulav* upside down, but rather to lower one's hands towards the ground, keeping the *lulav* and *esrog* in an upright position the whole time (*Mishnah Berurah* 651:46).³⁶

VI. Chanukah

90. It used to be common in many synagogues that on Chanukah the men's club or the sisterhood would have a gathering, and the *chazzan* would be called upon to light the Chanukah menorah with the *berachos*. According to Rav Soloveitchik and several other contemporary *Poskim*, it is improper to recite *berachos* on the lighting of the Chanukah menorah except (a) when one lights at his home and is fulfilling the *mitzvah* or (b) when one lights in the *shul* between the *tefillos* of *Minchah* and *Ma'ariv*.³⁷

³⁶ When *Hodu* is repeated again at the very end of *Hallel*, both the *chazzan* and the *tzibbur* should shake the *lulav* and *esrog* both times (*Shulchan Aruch* 651:8).

³⁷ See Rav Aaron Felder, *Mo'adei Yeshurun*, vol. 1, p. 18, who quotes the same in the name of Rav Moshe Feinstein. See also *Minchas Yitzchak* (6:65) who shares the same opinion. See *Nefesh HaRav*, pp. 222-224.

91. Even reciting the *berachos* without properly pronouncing the *Shem*, instead saying *Hashem* and *Elokeinu*, is not allowed according to many *Poskim* (Rav Soloveitchik, based on *Teshuvos Rebbi Akiva Eiger* 25).³⁸

92. The *chazzan* who lit the Chanukah menorah in *shul* must light again at home. No one is *yotzei* with the lighting in the *shul*, as the *takanah* was to have the lighting done at one's home. However, the *Shehecheyanu* recited the first night by the *chazzan* need not be repeated later when he lights at home (similar to the *Shehecheyanu* of *Kiddush* on Yom Tov), unless there are members of his household for whom he must repeat this *berachah*. Some *Poskim* maintain that the same holds true for the *berachah* of *SheAsah Nissim* as well; the *chazzan* who has already recited that *berachah* in *shul* should not repeat it again at home unless there are others in his household who still need to be *yotzei* that *berachah* (*Sha'arei Teshuvah* 671:11).

VII. Weddings

93. At a wedding, it is forbidden for the *chazzan* to sing any *pesukim* of love from *Shir HaShirim*.³⁹

³⁸ The same is true regarding any *berachah* recited at a time that it is not called for; such a *berachah* would constitute a *berachah l'vatalah*, even if *Hashem* and *Elokeinu* are substituted. See *Nefesh HaRav*, p. 160, regarding *zemiros*.

³⁹ Rav Soloveitchik, based on *Sanhedrin* 101a. See also *Igros Moshe* (*Yoreh Deah* 2:142). According to Rashi's interpretation of the *gemara*, one may not sing **any** verse from *Tanach* with any tune other than the proper *trop*.

HALACHOS OF BIRKAS KOHANIM*

The *Bei'ur Halachah* (introduction to 128) quotes the *Sefer Charedim* (*Aseh* 4:18), who writes that the obligation of *Birkas Kohanim* falls not only upon the *Kohen*, but on every Jew; there is a *mitzvoah* to receive the *berachah* as well.

I. When is *Birkas Kohanim* Recited

Outside of Eretz Yisrael, *Kohanim duchen* only on Yom Tov. The *Rama* (128:44) explains that people are usually tired or worried, such that they cannot properly concentrate, and therefore lack the requisite intent. Since *Kohanim* must recite the *berachah* בְּאֵהָבָה, the *minhag* developed to say *Birkas Kohanim* only on limited occasions.

When Yom Tov falls on Shabbos, the more proper *minhag* is to *duchen* (*Igros Moshe*, *Orach Chaim* 3:18; see also *siddur* of Rav Yaakov Emden, p. 257, *os* 2, and the story cited in *Nefesh HaRav*, p. 132).

The *Gemara* in *Rosh Hashana* (28b) states that according to Torah law, *Kohanim* are only obligated to *duchen* once a day. The Rabbis, however, required that the *berachah* should be said during each occasion of *tefillah*. Consequently, in German communities the custom is to *duchen* during *Shacharis* and *Mussaf*.

* This article is a combination of two articles that originally appeared in *Chavrusa* (September 1980, January 1989). It is presented here in a slightly expanded form.

Similarly, in Eretz Yisrael, where the *berachah* is said daily, *Kohanim duchen* during both *Shacharis* and *Mussaf*. Since the second *duchening* is required *miderabbanan*, the *Kohanim* should recite the *berachah* before *duchening* in *Mussaf* as well.

We do not *duchen* during *Minchah*, because of the ruling that a *Kohen* may not perform service in the *Beis HaMikdash* if he has drunk a *revi'is* of wine. The *Gemara* (*Ta'anis* 27a) applies this to *Birkas Kohanim* as well. Since people usually eat before *Minchah*, we do not permit the *Kohen* to *duchen*, because he might drink wine or alcohol to accompany his meal. Even on a fast day, when this is not a concern, we make no exceptions.

Should we recite *Birkas Kohanim* during *Neilah*? Since all Jews are fasting on *Yom Kippur*, we need have no fear that the *Kohanim* have drunk any wine. The *Sha'agas Aryeh* (*Gevuros Ari*, *Ta'anis* 26a, s.v. *mihu b'Yerushalmi*) quotes the *Talmud Yerushalmi* (*Ta'anis* 4:1), which states that *Birkas Kohanim* may not be performed at night, since most of the *Beis HaMikdash* service was conducted during the day. Most *Rishonim* therefore agree that *duchening* is not said during *Neilah*, since night-fall has arrived by the time we are ready to recite the *berachah*. The *Magen Avraham* (623:3), however, quotes the *Maharil* (*Hilchos Tefillas Shacharis D'Yom Kippur* 10), who states that the Frankfurt *minhag* was to say *Birkas Kohanim* during *Neilah*.

Is a *Kohen* permitted to *duchen* in one place and then go elsewhere, perhaps to another *shul* that has no *Kohanim* and recite the *berachah* over *Birkas Kohanim* the second time as well? Since, according to Torah law the *Kohen* need only say the *berachah* once a day, some *poskim* (*Magen Avraham* 128:3; *Chiddushei Rebbi Akiva Eiger* 345; and the *Levush*) maintain that one may not say the *berachah* over *Birkas Kohanim* again at a second *shul*. The *Meiri* (*Megillah* 27, s.v. *harbeh*), however, quotes an opinion that a *Kohen* may recite the *berachah* twice in one day. The proof is from the *Gemara* in *Megilla* (27) that recounts different aspects of *middas chassidus*. One *Tanna* said

that he merited long life because he always said a *berachah* before *Birkas Kohanim*. The Meiri explains this to mean that although the *Kohen* had said the *Birkas Kohanim* once and was no longer obligated to *duchen* again, he nevertheless recited the *berachah* before *duchening* a second time, and therefore merited long life (see *Mishnah Berurah* 128:106.)

II. Exclusions from *Birkas Kohanim*

According to *Rabbeinu Tam*, *duchening* is a *mid'oraisa* requirement only when there are two or more *Kohanim* (*Tosfos, Menachos* 44a, s.v. *kol Kohen*). It is therefore always recommended to try to have at least two *Kohanim* for *duchening*, although we do *duchen* even when only one *Kohen* is present.

Rav Soloveitchik ruled that even a *Kohen* who is not *shomer Shabbos* should be encouraged to *duchen*. (This is not the position of the *Mishnah Berurah* 128:134. See also *Igros Moshe, Orach Chaim* 1:33, which appears to be in line with Rav Soloveitchik's position. For further elaboration, see *Mesorah*, vol. 2, p. 58, and *Nefesh HaRav*, p. 131.)

However, any *Kohen* who violates the special "*issurei Kehunah*" may not *duchen*. This includes a *Kohen* who goes to cemeteries or is married to a *giyores*, *gerushah*, etc., or a *Kohen* who is intermarried (*Shulchan Aruch, Orach Chaim* 128:40-41).

A *Kohen* who murdered someone, even unintentionally, may not *duchen* (*Shulchan Aruch, Orach Chaim* 128:35). According to Rav Soloveitchik, even a *Kohen* who killed someone *bemakom mitzvah* may not *duchen*. Rav Ovadiah Yosef published a *teshuvah* opposing this view (*Yechaveh Da'as* 2:14). The view that he cites from the *Zohar*, however, appears to be in accordance with the ruling of Rav Soloveitchik (see *Nefesh HaRav*, p. 132).

There is an accepted *minhag* that a *Kohen* does not *duchen* during the twelve months of *aveilus* (see *Rama, Orach Chaim* 128:43).

If, however, the *aveil* is the only *Kohen* in *shul*, most *poskim* agree that he should forgo the *minhag* and *duchen*. Even if there is one other *Kohen*, he should join him for the *berachah*, since two *Kohanim* is the minimum number required to fulfill the obligation *mid'oraisa* according to *Rabbeinu Tam* (*Mishna Berura* 128:159).

Rav Soloveitchik reported, however, that his grandfather, Rav Chaim Brisker, held like the *Mechaber*, that an *aveil* should *duchen* during the twelve months of *aveilus* (*Nefesh HaRav*, pp. 131-132).

III. Covering the Hands and Face

When the *Kohanim* recited the *berachah* in the *Beis HaMikdash*, the *Shechinah* appeared on their hands (*Chagigah* 16a; see *Rashi* and *Tosfos*, ad loc.). It was thus customary in the *Beis HaMikdash* not to look at the *Kohen*. Although this does not apply in our time, the *Kohanim* still cover themselves nowadays.

As noted above, some *halachos* of *Birkas Kohanim* are based on the *halachos* relevant to *Kohanim* during the *avodah* in the *Beis HaMikdash*. Some of these *halachos* do not apply to *Birkas Kohanim* nowadays, however. For example, a *Kohen* does not have to wear the *bigdei kehunah* during *duchening*, nor is a *ba'al mum* disqualified, although these laws were operative during the *Beis HaMikdash*. However, if a *Kohen* has a handicap in a conspicuous place, such as his face or hands, such that it might distract the community, the *Gemara* (*Megilla* 24b) says that he should not recite the *berachah*. The *Mechaber* (*Orach Chaim* 128:31) insists that since the practice now is for the *Kohen* to cover his face with a *tallis*, no one with a handicap is prevented from *duchening*.

The *halachah* requires that *Birkas Kohanim* be recited פנים כנגד פנים - the *tzibbur* must face the *Kohanim*. This condition is probably *me'akev* (*Har Tzvi*, *Orach Chaim* 1:62). In their concern

not to look at the hands of the *Kohanim*, some people turn away and do not face the *Kohanim*, but Rav Yaakov Emden writes in his commentary to the *siddur* (p. 257, os 17) that this is not proper (see also *Nefesh HaRav*, p. 132). If the *Kohanim* cover their hands with their *taleisim*, there is nothing at all to be concerned about, since their hands cannot be seen (*Shulchan Aruch, Orach Chaim* 128:31). Even if the *Kohanim* do not cover their hands, the *tzibbur* should nevertheless be careful to face the *Kohanim* (see *Nefesh HaRav*, p. 133).

IV. *Netilas Yadayim* Before *Birkas Kohanim*

The *Gemara* (*Sotah* 39a) requires that before the *Kohanim* recite the *berachos*, the hands of the *Kohanim* must be washed up to the wrists (see *Shulchan Aruch, Orach Chaim* 128:6). Usually, the *Kohanim* do not recite the *berachah* of *Al Netilas Yadaimim* at this time, because according to some *poskim*, there is no need to wash now, as they can rely on the *netilas yadayim* of the morning (*Shulchan Aruch, Orach Chaim* 128:7). Although we are *machmir* to require another *netilah* immediately preceding the *duchening* (see *Magen Avraham*, end of 128:9, who writes that one should not delay more than the time it takes to walk 22 *amos*), no *berachah* is recited, due to the principle of *safek berachos lehakel*.

If, however, the *Kohanim* only washed in the morning until the knuckles, according to many *poskim*, the *berachah* of *Al Netilas Yadayim* should be recited again when washing before *duchening* (see *Dagul MeiRevavah* ad loc.). Likewise, according to these *poskim*, if the *Kohanim* know that they have not kept their hands clean since the *netilas yadayim* of the morning, they should recite the *berachah* upon washing before *duchening*, unless they have already washed their hands with a cup after having dirtied them (see *Aruch HaShulchan* 128:14).

The *netilas yadayim* before *duchening* should be performed in the same manner in which one washes for bread (*Mishnah*

Berurah 128:24). Therefore, it is not proper to use a cup with a spout and pour through the spout (see *Mishnah Berurah* 159:24), as is done in many *shuls*.

The *minhag* is that a *Levi* pours the water on the *Kohen's* hands (*Shulchan Aruch, Orach Chaim* 128:6; see, however, *Nefesh HaRav*, p. 132). If there is no *Levi* above *bar mitzvah* present, a *bechor* should pour the water (*Mishnah Berurah* 128:22). If there is no *bechor* present, some say it is best that the *Kohen* wash his own hands, while others say that the *shammash* should pour the water (*ibid.* and *Orchos Chaim* [Spinka] *ad loc.*).

It is proper for the *Levi* who pours the water to wash his own hands beforehand, if he was not careful not to get them dirty since his morning washing (see *Rama* *ibid.*). According to the *Matteh Ephraim*, this should be done even on Yom Kippur, but only up to the knuckles (based on *Rama, Orach Chaim* 128:17).

V. Tefillos During *Birkas Kohanim*

The *Gemara* (*Sotah* 39a) states that while the *Kohanim* are pronouncing the words of the *berachos*, it is improper to speak and not pay attention. Therefore, the *tzibbur* should not say the *pesukim* printed in the *siddur*, but should rather merely have these *pesukim* in mind (*Shulchan Aruch, Orach Chaim* 128:26; *Mishnah Berurah* 103).

The *Mishnah Berurah* was opposed to the common practice that the *Kohanim* pause considerably towards the end of each of the three *pesukim*, just before they pronounce the concluding word, to give everyone a chance to recite the *tefillah* of *Ribbono Shel Olam*. The *Mishnah Berurah* points out that this constitutes *שהה כדי לגמר את כולה* – pausing for the amount of time it would take to complete the entire unit (in this case the *Birkas Kohanim*), which is never allowed *lechatchilah* (*Mishnah Berurah* 65:4; *Bei'ur Halachah* 124:45, s.v. *ubesha'ah*). If, however, the *Kohanim* are pausing anyway in the middle of the *berachah*, the recitation of

Ribbono Shel Olam by the *tzibbur* does not complicate matters, provided that that *tefillah* is completed by the time the *Kohanim* resume reciting the conclusion of the *berachah*.

The *Mishnah Berurah* (130:4-5) recommends that the *Ribbono Shel Olam* passage be recited all three times. The first time, one should conclude the passage with ותשמרני; the second time, ותחנני; and the third time, ותרצני.

VI. Other Halachos of Birkas Kohanim

For the purpose of *duchening*, it is proper to have an elevated platform for the *Kohanim* to stand on. It is generally accepted, however, that the absence of such a platform is not *me'akev* (*Yechaveh Da'as* 2:13, in the footnote).

The *Gemara* (*Sotah* 28a) states that *Kohanim* only *duchen* when they receive a request from the community to do so. We fulfill this requirement by having the *chazzan* or someone else call out loud, "Kohanim." Some *poskim* (*Mishnah Berurah* and *Shaar HaTziyun*) insist that someone from the congregation must call out each word of the *berachah*. Others maintain that our custom of the *chazzan* chanting each word is merely a means of prompting the *Kohen* in order that he not make a mistake, rather than fulfillment of the need to formally invite the *Kohen*.

As noted above, according to *Rabbeinu Tam*, *duchening* is a *mid'oraisa* requirement only when two or more *Kohanim* are present. If there is only one *Kohen* present, we *duchen* nonetheless, but the *chazzan* should not call out either "Kohanim" or "Kohen" (*Sotah* 38a; *Shulchan Aruch, Orach Chaim* 128:10; see *Nefesh HaRav*, p. 133).

According to Rav Tzvi Pesach Frank, it is improper for the *Kohanim* to respond "*beruchim tehiyu*" when greeted by the *tzibbur* with "*yeyasher kochachem*," as this may constitute a violation of *bal tosif* (*Har Tzvi, Orach Chaim* 1:62).

LESSER KNOWN HALACHOS OF KRI'AS HATORAH*

I. *Hotza'ah* and *Hachnasah*

It is preferable to remove the *sefer Torah* from the *aron hakodesh* before the congregation recites *Berich Shemeih* (*Igros Moshe, Orach Chaim* 4:70:9).

On *Yomim Tovim*, when we recite G-d's Thirteen Attributes of Mercy, the *yud-gimel Middos HaRachamim*, it is proper to begin softly each time from the beginning of the verse, 'ויעבר ד' על פניו ויקרא (Shemos 34:6), before saying aloud, 'ד' ד'. This way one avoids the prohibition of saying only a fragment of a verse (כל פסוקא דלא פסקיה משה אנן לא פסקינן – *Megillah* 22a; see *Sha'arei Efraim* 10:5 and *Pischei She'arim*, n. 9, ad loc.).¹

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¹ One might perhaps suggest an additional reason for beginning with *VaYa'avor*. *Tosfos* (*Rosh Hashanah* 17b, s.v. *shelash*) present two views as to whether the thirteen Divine attributes begin with 'ד' ד' or whether we should punctuate the *pasuk* as *VaYa'avor Hashem al ponov, vayikra Hashem* (and G-d declared): *Hashem kel rachum vechanun* etc. According to the latter opinion, the first *Hashem* is not the beginning of the listing of

At the time of *hotza'ah*, we recite the verse, ויהי בנסע (Bamidbar 10:35), and during *hachnasah* we recite, ובנחה יאמר (Bamidbar 10:36). The *Chumash* records these *pesukim* in reference to the traveling of the *aron hakodesh* in the wilderness. Accordingly, Rav Chaim Volozhiner prescribes that during *hagbahah*, after saying, וזאת התורה ... לפני בני ישראל, we should recite the verse, על פי ד' יחנו ... על פי ד' ביד משה (Bamidbar 9:23), which also deals with that same topic (*Sha'arei Rachamim* 10:15, on the bottom of *Sha'arei Efraim*).

II. Prior to Reading the Torah

It is not permissible to roll the *sefer* to the proper place in a manner that will keep the *tzibbur* waiting. The *gaba'im* must *shtel* (find the place in) the *sefer* in advance of *kri'as haTorah* (*Yoma* 70a).²

One may not *shtel* the *sefer* on the first day of Yom Tov for the second day, or on Shabbos for Yom Tov. Regarding preparing the *sefer* on Yom Tov for *leining* on Shabbos, there are three opinions. Some forbid it even if one has made an *eruv tavshilin*; others only allow it in the event that an *eruv tavshilin* was made; and Rebbi Akiva Eiger, whose view is generally accepted, permits it even if one has not made an *eruv tavshilin* (*Sha'arei Teshuvah*, *Orach Chaim* 667, and *Chidushei Rebbi Akiva Eiger* there).

the thirteen Divine attributes, and if one were to recite *Hashem Hashem* etc., the first mention of G-d's name would constitute a violation of mentioning G-d's name in vain. Perhaps it is for this reason that some *poskim* recommend starting from *VaYa'avur* – to avoid getting involved in this controversy.

² If, due to error, the *sefer Torah* removed from the *aron hakodesh* was not the one that was prepared for that day's reading, the proper practice is that the *tzibbur* be *mochel* on its *kavod* and have the *sefer* rolled to the proper place, rather than return it to the *aron* and remove the *sefer* that was rolled to the proper place. See *Igros Moshe*, *Orach Chaim* 2:37.

Out of respect for the *sefer Torah*, one may not touch the *klaf* with his bare hands. When the parchment must be handled, the common practice is that one holds it with a *tallis* separating his hands from the *klaf* (*Megillah* 32a; *Mishnah Berurah* 147:2). This prohibition also applies to *Nevi'im* and *Kesuvim* when they are written on *klaf*. Regarding *Nach*, however, unlike Torah, if one has properly washed *netilas yadayim* beforehand (without a *berachah*), he may hold the *klaf* with his bare hands.

This is especially relevant on Purim. *Megillos* generally have no wooden handles, and one must wash his hands in advance to be allowed to handle the *klaf* (*Shulchan Aruch, Orach Chaim* 147:1; *Mishnah Berurah* 147:4).

As an additional sign of respect, one may not turn his back to the *sefer Torah* unless it is in a different room, or at least a different *reshus* (domain). The *aron hakodesh* constitutes a separate domain in this regard, since it is at least 4x4 *tefachim* and ten *tefachim* tall (*Taz and Aruch HaShulchan, Yoreh De'ah* 282:1; *Sha'arei Chaim*, notes on *Sha'arei Efraim* 10:19). There is a dispute among the *poskim* as to whether a table of the above dimensions constitutes a separate domain and, consequently, whether one may turn his back to the *shulchan* when the Torah is resting upon it (see *Pri Megadim, Mishbetzos Zahav, Orach Chaim* 150:2; *Pardes Mordechai* [Williger], p. 134).

Some opinions go so far as to say that a person with his back to the *sefer Torah* cannot fulfill his obligation of participating in *kri'as haTorah* when the Torah is read (Rav Soloveitchik based on *Tosfos, Sotah* 39a, s.v. *kivan*; see *Nefesh HaRav*, pp. 139-140).

According to Rav Moshe Feinstein (*Igros Moshe, Orach Chaim* 4:22), it is not permissible for one to stand for the *kri'ah* in a *shul* where the custom is to sit. Other *poskim* dispute this point (*Dvar Yehoshua* [Ehrenberg], vol. 2, end of os 15).

III. The *Kohen Aliyah*

When there is no *Kohen* present, there is no need to call a *Levi* first (*Gittin* 59b; Rashi ad loc., s.v. *nispardah hachavilah*; Rama, *Orach Chaim* 135:6.) One opinion even forbids calling a *Levi* in this case. (Rav Soloveitchik insisted on following this opinion. See *Nefesh HaRav*, p. 130.)

Our custom is to never, under normal circumstances, give a *Kohen* or a *Levi* any *aliyah* after the first two, except for *acharon* or *maftir*. On Simchas Torah or when a great need arises, we allow the *Kohen* or the *Levi* to receive an *aliyah* after the basic number of required *aliyos* has been completed (five on Yom Tov or seven on Shabbos). When the need is even greater, we would allow the *Kohen* to receive the fourth *aliyah*. It is, however, important to make sure that each time a *Kohen* gets an *aliyah*, he is followed by a *Levi* and a *Yisrael* (except of course, when the *Kohen* is called for *acharon* or *maftir*) (see Rama, *Orach Chaim* 135:10; *Mishnah Berurah* 135:36-37).

Opinions differ as to whether it is possible to call a *Yisrael* instead of a *Kohen* when a *Kohen* is present. Some authorities categorically forbid such a procedure, even when no *Levi* is present and the *Kohen* involved will receive two *aliyos* (*Shu"t Maharam Shick*, *Orach Chaim* 61). Rav Moshe Feinstein permits the *Kohen* to forgo his *aliyah* under certain circumstances (*Igros Moshe*, *Orach Chaim* 2:34, 3:20).³

On a Biblical level, the *Kohen* may indeed forgo the privilege of receiving the first *aliyah*. The Sages of the Mishnah, however, instituted a rabbinic edict insisting that the *Kohen* always accept his *aliyah*, lest he defer to some people and not to others, causing discord among members of the *shul*. According to the Talmud

³ See, however, *Mishnah Berurah* 135:9, quoting *Pri Megadim* and *Aruch Hashulchan* 135:10, who assume that nowadays the *minhag* is to never allow the *Kohen* to forgo the first *aliyah*.

(*Gittin* 59b), this edict was only enacted with respect to Shabbos and Yom Tov, when *shul* attendance, and hence potential friction, was greatest. The edict never applied to weekdays, and the *Kohen* retained his right to defer. *Tosfos* (s.v. *aval*), however, comment that in their day, weekday *minyanim* were as well-attended as those of Shabbos and Yom Tov, and therefore a *Kohen* should not be permitted to defer even during the week.

In our own day, unfortunately, we have regressed to the situation at the time of the *Gemara*; our *minyanim* are significantly smaller during the week than on Shabbos. Consequently, the *Igros Moshe* rules that the *Kohen* may once again forgo his *aliyah*, provided that three conditions are met: a) The *Kohen* must be sincerely willing to relinquish his *aliyah*, as opposed to merely having the *gabbai* call out a perfunctory “*bemechilas haKohen*”; b) The *Kohen* should step out of *shul* until after the beginning of the *berachos*; and c) This should be done only on weekdays – never on Shabbos or Yom Tov.⁴

Even according to those who never permit the *Kohen* to be *mochel*, there are two exceptions: On a public fast day, if the *Kohen* is not fasting, and therefore cannot be given an *aliyah* according to our custom, he is sent out of *shul* while his *aliyah* is assigned to a non-*Kohen*. Likewise, if the *Kohen* is in the middle of *Shema* or *Shemoneh Esrei* and may not accept an *aliyah*, a non-*Kohen* may be called up, even without sending out the *Kohen* (*Rama, Orach Chaim* 135:5; *Mishnah Berurah* 135:18).

IV. Calling to the Torah – How and How Many

It is improper to call, “*Ya’amod Kohen*,” or, “*Ya’amod chamishi*.” The correct way to call the *oleh* is by mentioning his name:

⁴ See *Edus L’Yisrael*, by Rav Yosef Eliyahu Henkin, p. 164, who offers a suggestion regarding why they were not so careful about the *Kohen aliyah* in many communities. This was reprinted in the recently published *Shu”t Gevuros Eliyahu, Orach Chaim*, p. 84.

"*Ya'amod Ploni ben Ploni*" (*Shu"t Avnei Nezer, Choshen Mishpat* 103; see also *Sha'arei Rachamim* 19 and *Sha'arei Chaim* 20 to *Sha'arei Efraim* 1:26).⁵ In some communities, however, an exception is made regarding *shevi'i*, when the *gabbai* simply calls out, "*Ya'amod shevi'i*." (See *Mishnah Berurah* 141:21, who notes that some communities do not call up the *maftir* by name.)

The common practice is to allow *hosafos* (additional *aliyos*) only on Shabbos, but not on Yom Kippur or other festivals (with the exception of Simchas Torah). Even when Yom Kippur falls on Shabbos, we do not allow *hosafos* (*Rama, Orach Chaim* 282:1; *Mishnah Berurah* 282:6). When other *Yomim Tovim* occur on Shabbos, we allow *hosafos*, but there are communities in which the practice is not to allow *hosafos* even then (*Mishnah Berurah*, *ibid.*).⁶ Some recommend that no *hosafos* be allowed when we read two *sedras* (Rav Soloveitchik in the name of his father, Rav Moshe Soloveichik; see *Nefesh HaRav*, p. 139).

Some authorities rule that today, when the practice is to have one *ba'al kri'ah* reading on behalf of all the *olim*, it is no longer permissible to add *hosafos*. This view is not generally accepted. However, in some communities there were rabbinic enactments (*takkanos*) not to allow more than three *hosafos*, so that the total of all the *aliyos* (aside from *maftir*) would not exceed ten (see *Binyan Shlomo* 1:20 by the Vilna Dayan; *Edus L'Yisrael*, p. 164. See also *Sha'arei Chaim*, n. 11 to *Sha'arei Efraim*, ch. 7).

⁵ See also *Sha'arei Rachamim* 21, who writes that several *poskim* were very insistent on not calling one up to the Torah with the title *Moreinu* unless the *oleh* was actually one who taught Torah publicly; see *MiPninei HaRav*, p. 43.

⁶ Rav Soloveitchik noted that the *minhag* of many communities in Lithuania was to not allow any *hosafos* even when Yom Tov occurred on a Shabbos. The rationale behind this apparently is that a Yom-Tov'dik *leining* does not lend itself to *hosafos*, while a Shabbos'dik *leining* does lend itself to *hosafos*. Therefore, on Simchas Torah, when the *kri'ah* consists of *Parshas VeZos HaBerachah* rather than a Yom-Tov'dik *kri'ah*, we do allow *hosafos*. See *Shiurei HaRav: Kri'as Hatorah* (TorahWeb), p. 139.

V. *Dinim* of the *Oleh*

It is forbidden to refuse an *aliyah*. Likewise, one may not refuse the honors of *hotza'ah*, *hachnasah*, *hagbahah*, and *gelilah* (*Berachos* 55a, quoted by *Mishnah Berurah* 139:1).⁷

The *Mechaber* (*Orach Chaim* 141:7) rules that one who is called to the Torah should approach and ascend the *bimah* using the shortest route from his seat. If both possible routes are approximately equidistant, the *oleh* should ascend from the right side. The Vilna Gaon (141:14), however, disagrees, prescribing the use of the right side in all instances.⁸

It was a widespread custom in Europe that both the *oleh* and the *ba'al kri'ah* would practice *atifah*, i.e. they would wear a special head covering. Such *atifah* can be accomplished by wearing the *tallis* over one's head or by wearing a hat or a special higher *yarmulkeh* (see *Mishnah Berurah* 91:6, 12 and 183:11; *Yechaveh Da'as* 4:1).⁹

⁷ Rav Soloveitchik related that his grandfather, Rav Chaim Brisker, was of the opinion that one holding a *sefer Torah* may not give it away to someone else, unless that other person needs it and asks for it. On Simchas Torah evening, Rav Chaim, as rabbi of the town, would be honored with the first *hakafah*. At the end of the *hakafah*, he would not volunteer on his own to give away the Torah he was holding to someone else, and the *balabatim* did not have the nerve to ask him for his *sefer* for the next *hakafah*. It thus often occurred that Rav Chaim would be holding the *sefer* he was given for the first *hakafah* until the end of all the *hakafos*; see *Nefesh HaRav*, p. 222.

See *Igros Moshe*, *Orach Chaim* 1:38, who writes that it is improper to have a special chair upon which to put the *sefer* after completing the *gelilah*. At the end of that *teshuvah*, however, he writes that according to some commentaries, this practice existed in the days of the Talmud.

⁸ The *Gra* writes that taking the shortest route has no source anywhere in the *Tosefta* or in the Talmud. See also *Birkas Eliyahu* (commentary on *Bei'ur HaGra*), who quotes that the *Chasam Sofer* had the same practice as the *Gra*.

⁹ See also *Sha'arei Efraim* 3:18, who writes that one should perform *atifah* with a *tallis* even for Shabbos *Mincha*.

The *Tanna'im* (Megillah 32a) were concerned that when the *olim* recite the *berachos* before their *aliyos*, the listeners might mistakenly think that the *berachos* were actually written in the *sefer Torah*. For this reason, according to *Tosfos* (s.v. *golelo*), the *oleh* should open the *sefer* to see where his *aliyah* will begin and then close it before reciting the opening *berachah* (see *Mishnah Berurah* 139:17; *Bei'ur Halachah* 139, s.v. *v'roeh*).¹⁰ Other authorities maintain that the *oleh* should not close the *sefer Torah* before reciting the preceding *bracha*. Instead, to demonstrate that he is not reading from the *sefer*, some recommend that he close his eyes or turn slightly to his left (see *Rama, Orach Chaim* 139:4; *Mishnah Berurah* 139:19).¹¹ No such debate exists with regard to the *berachah* after the *aliyah*; it is agreed that the *oleh* must close the *sefer Torah*, and only then may he recite the concluding *berachah* (*Tosfos, ibid.*).

Although there is an opinion that forbids holding on to even the wooden handles (*atzei chaim*) of a *sefer Torah* with bare hands (*Magen Avraham*, introductory note to *Orach Chaim* 147), this view has not been accepted by the *poskim*. If one chooses to personally adopt the stringent view and hold the *atzei chaim* only with a *tallis*, he may do so only in an inconspicuous fashion (*Mishnah Berurah* 147:2, quoting from *Shu"t Noda Be-Yehudah, Orach Chaim* 8).

In Talmudic times, one who received an *aliyah* would have to read his own section of the *kri'ah*. Today, in order not to embarrass those who cannot *lein* properly, we have instituted the practice of having a *ba'al kri'ah* who reads the portion on behalf of all those who get *aliyos*. It is proper, however, for each *oleh* to read softly along with the *ba'al kri'ah* from the *sefer Torah*.

¹⁰ Rav Soloveitchik's practice was not to close the *sefer* while reciting the *berachah* before the *aliyah*. He recalled that many great rabbis in Europe had this practice as well.

¹¹ The *Mishnah Berurah* prefers closing one's eyes to turning away from the *sefer*.

Nevertheless, one who is blind or otherwise unable to read along with the *ba'al kri'ah* may still be called to the Torah (*Tosfos, Megillah 21b, s.v. Tanna*). The *Mishnah Berurah* (139:13 and *Sha'ar HaTziyun 139:66*) stipulates, however, that such a person should not be called to *Parshas Zachor* or *Parshas Parah*.¹²

Some are of the opinion that the only time we permit the individual getting an *aliyah* to read his section nowadays is for the *Tochechah*, when the *ba'al kri'ah* himself takes the *aliyah*, without being called up by name.¹³

It is improper to follow the custom of some communities, in which no one recited the *berachos* on the *aliyah* of the *Tochechah*. The *ba'al kri'ah* should recite the appropriate *berachos* before and after reading the section of the *Tochechah* (*Igros Moshe, Orach Chaim 2:35*).

¹² Regarding the *oleh's* reading along with the *ba'al kri'ah*, see *Shulchan Aruch, Orach Chaim 141:2*, who writes that it is preferable that he read in a whisper, such that even he should not be able to hear himself read. However, if he were to read loud enough that he should be able to hear himself read, this would also be acceptable; see *Mishnah Berurah 141:13*.

¹³ Rav Soloveitchik was opposed to the common practice of having a Bar-Mitzvah boy read the entire *sedrah* including his own *aliyah*. He felt that this constituted a violation of the *minhag* not to allow anyone to *lein* his own *aliyah*. It seems from the *Rama* (*Orach Chaim 139:3*) that this was not the *minhag* in his times. The *Shulchan Aruch* (*Even Ha'Ezer 34:1*) records a similar *minhag* to not allow any *chossan* to recite *Birkas Eirusin* for himself, in order not to embarrass the *chasanim* who were not able to recite the *berachos* on their own. This is why the rabbi recites the *berachos* for all couples. Nevertheless, if the rabbi is single, when he gets married, the *poskim* allow him to recite *Birkas Eirusin* for himself. The situation of the *ba'al kri'ah* receiving an *aliyah* and reading for himself seems parallel to the rabbi reciting *Birkas Eirusin* at his own wedding.

See *Rama, Orach Chaim 139:3*, who writes that we do not call up the *ba'al kri'ah* by name, since he is standing there already. According to this custom of the *Rama*, when a Bar-Mitzvah boy is reading the *sedrah* and is honored with *maftir*, we do not "call him up" by name; rather, he merely recites the *berachos* over his *aliyah*. Regarding the *Tochechah*, see *Magen Avraham, Orach Chaim 428:8*.

Many *poskim* rule that one who receives the last *aliyah* in a *sefer* should not say, “*chazak chazak*” along with the congregation, for this would constitute a *hefsek* between the reading and the *berachah* following it (see *Shulchan HaKri'ah, Orach Chaim*, end of 139; *Mishneh Halachos* 7:22).¹⁴

VI. *Dinim* for the *Ba'al Kri'ah*

Many *ba'alei kri'ah* pause briefly after the *oleh* has recited the *berachah*, before beginning to read. They then say *amen* aloud and proceed with the *kri'ah*. This practice is improper, because one must respond with *amen* immediately following the conclusion of the *berachah* to which it relates. We refer to an *amen* recited before the conclusion of the last syllable of its *berachah* as an *amen chatufah* – a hastily grabbed *amen* – and one recited only after a pause following its *berachah* as an *amen yesomah* – an orphaned *amen*, bereft of the *berachah* over which it was recited (*Shulchan Aruch, Orach Chaim* 124:8).

The *ba'al kri'ah* must regulate his reading according to the various subdivisions of the Torah's text. Only by doing so does he fulfill the requirement of reading the Torah *kechsavah*, precisely as it is written. This requirement includes the following *dinim*.

The *ba'al kri'ah* may not pause in the middle of a verse, reading it as if it were two verses. Likewise, he may not read two verses together, without pausing, as if they were a single verse (*Megillah* 22a).¹⁵

¹⁴ The *Luach* printed by Kollel Chabad of Jerusalem records the Lubavitcher *minhag* that allows the *oleh* to recite “*chazak chazak*” along with the *tzibbur*, presuming that it does not constitute a *hefsek*.

¹⁵ Rav Soloveitchik explained that reading two *pesukim* together as if they were one would be a violation of the same principle; see *Nefesh HaRav*, p. 141.

He must pause between reading two *parshiyos* (paragraphs) in the Torah even longer than between two verses, and the pause for a *pesuchah* (an open space in the Torah that extends until the end of the line) must be longer than that of a *setumah* (an enclosed space of nine letters length within a line).¹⁶

Kechsavah applies as well to certain poetic sections of the *Chumash*. The Talmud (*Rosh Hashana* 31a) states that the *shirah* of *Ha'azinu* should be broken up into *aliyos*, just as it was divided into weekly portions for the song of the *Levi'im* in the *Beis HaMikdash*. While the acronym denoting the beginning of these *aliyos* is acknowledged to be *HaZIV LaCH*, views differ as to exactly which verses the acronym refers. The *Mishnah Berurah* (428:5 and *Sha'ar HaTziyun* 428:7) advises that Ashkenazim and Sephardim should each follow their own separate customs and not be misled by *chumashim* used in Ashkenazic *shuls* that were printed with the *aliyos* according to the Sephardic *minhag*.¹⁷ The *Rama* (*Orach Chaim* 428:5) rules that these stops govern only the Shabbos morning reading, while other *poskim* feel that we must adhere to them on Monday, Thursday, and Shabbos *Minchah* as well (see *Pri Chadash* and *Shiyarei Knesses Hagedolah*, ad loc.).¹⁸

Along these lines, *kechsavah* also governs the reading of *Shiras HaYam* and prohibits us from breaking up the *shirah* into

¹⁶ See *Mekor Chaim* (by the author of *Chavas Ya'ir*), *Orach Chaim* 61:14, concerning pausing slightly at an *esnachta* in the middle of a *pasuk*. See also *Shulchan HaKri'ah*, *Orach Chaim* 141:8, regarding the same point.

¹⁷ See *Shu"t Dvar Avraham* 1:36, who has an amazing original opinion regarding this *halachah* that does not seem to follow the understanding of the nature of this *halachah* as we have presented it. Our understanding is based on the *shiurim* of Rav Soloveitchik.

¹⁸ Rav Soloveitchik did not follow the view of the *Rama*, based on his understanding of the nature of this *halachah*. He held that if the *Shiras Ha'azinu* is broken up improperly, this would constitute a *kri'ah shelo kechsavah*; see *Nefesh HaRav*, pp. 140-141.

more than one *aliyah* (*Abudraham*; see *Sha'arei Efraim* 7:25 and *Sha'arei Rachamim* 7:27; *Ta'anugei Yisrael* 1:37).

In addition, the forty-two "*masa'os*" (journeys) of the Jews in the wilderness, as recorded in *Parshas Masei*, must be read together, according to the *Magen Avraham* (*Orach Chaim* 428:8), disregarding the erroneous stop for *sheni* recorded in most *chumashim*.¹⁹ Some are careful not to break up the *masa'os* even on Monday and Thursday mornings and at Shabbos *Minchah*.²⁰

The *ba'al kri'ah* must be careful to read every word from inside the *sefer*, and not recite any part of the *kri'ah* from memory. Even when there is a *kri u'chsiv* and we do not read the word as it is written, the *ba'al kri'ah* must still read from the *sefer*. Only when the word to be read is not written in the text at all (*kri v'lo kesiv*) or when the *masorah* substitutes an entirely different pronunciation may the *ba'al kri'ah* recite a word by heart (*Igros Moshe, Orach Chaim* 4:24).

It is preferable for the entire *kri'ah* to be read properly, with the correct pronunciation of each word and the correct tune for each *trop*. In fact, the Rambam maintains that even for a slight error in *trop*, the *ba'al kri'ah* must repeat the reading. The accepted ruling is, however, is that one need repeat the reading only for an error in pronunciation that alters the meaning of the word (Rav Soloveitchik in name of his grandfather, Rav Chaim Soloveichik, based on Rambam, *Hilchos Tefillah* 12:6; *Shulchan Aruch, Orach Chaim* 142:1; *Mishnah Berurah* 142:4).

If the *ba'al kri'ah* made a mistake in the middle of a verse, there are three opinions as to whether he must reread the entire verse

¹⁹ In the name of *Tzror Hamor*, quoted by *Mishneh Berurah* 428:21; see *Shaarei Rachamim* to *Sha'arei Efraim* 7:26. See comment of *Rashash* to *Menachos* 30a regarding the exact calculation of the forty-two sojourns. When we read *Parshas Masei* alone, the first *aliyah* should end where the printed *chumashim* say *sheni*. The second *aliyah* can then end after *Bamidbar* 33:53.

²⁰ According to *Hayom Yom*, the *minhag* of Lubavitch is to be careful about this point even on Monday and Thursday mornings. This was also the practice of Rav Soloveitchik; see *Nefesh HaRav*, p. 141.

correctly from the beginning, only reread from the corrected word on, or begin to read from the beginning of the phrase in which he made the mistake. The third view, that of the *Ba'al Ha-Tanya*, is the most commonly followed (see *Tosfos Anshei Shem, Berachos 2:3*).

Therefore, whenever there is a doubt as to how to properly read part of a verse – as, for example, in *Parshas Zachor: timcheh es zecher Amalek* or *zeicher Amalek (Devarim 25:19)*; in *Megillas Esther: Ve'ish lo amad bifneihem* or *lifneihem (9:2)*, *laharog ule'abed* or *velaharog ule'abed (8:11)* – the common practice is that the *ba'al kri'ah* reads that phrase over again, with its variant reading, without necessarily reading the entire verse twice (Rav Soloveitchik).

There is a common misconception that in the event that the *ba'al kri'ah* made an error and has already read G-d's name in the verse, he should first complete the reading of the verse and then reread it correctly. The *poskim* write explicitly that such an approach is highly illogical. Rather, the *ba'al kri'ah* should stop immediately upon realizing his mistake and reread the verse correctly, starting from the phrase containing the error (*Chayei Adam*; see *Sha'arei Rachamim* to *Sha'arei Efraim 3:18*).

Optimally, it is not proper to divide the *sedrah* among several *ba'alei kri'ah*, with each reading only a part (*Sha'arei Efraim 3:6*). This regulation is even more important with regard to the reading of the *Megillah*. Some opinions maintain that listeners do not fulfill their obligation even *bedi'eved* if they hear the *Megillah* read by more than one person (*Magen Avraham 692:2*; see *Sha'arei Teshuvah 692:2* and *Mishnah Berurah 692:2*).

When the *ba'al kri'ah* himself is honored with an *aliyah*, the *gabbai* does not call, “*Ya'amod Ploni ben Ploni*.” He merely recites the *Mi Shebeirach* following the *aliyah* just completed, whereupon the *ba'al kri'ah* continues with *Borchu*.²¹

²¹ See above, n. 14.

It is customary to read the *Tochechah* softly. Nonetheless, the *ba'al kri'ah* should be careful to read loudly enough to ensure that every person in *shul* hears every word (*Pri Chadash* 428:7).

According to Rav Moshe Feinstein (*Igros Moshe, Orach Chaim* 3:19), it is improper for the *ba'al kri'ah* to keep a *chumash* next to him to refer to, even though he will read afterwards from the *sefer Torah*.

The *ba'al kri'ah* should not touch the Torah text with the tip of his pointer, even for the purpose of keeping the place, lest he contribute to the wear and tear and eventual fading of the letters. For the same reason, the *oleh* should not touch the actual words with his *tallis* before beginning his *aliyah* (*Sha'arei Rachamim* 4:4; *Edus L'Yisrael*, p. 159).

VII. *Kaddish*

Some are of the opinion that the *Kaddish* recited after *kri'as haTorah* does not “belong” to the *ba'al kri'ah*. Anyone who is a *chiyuv* (one who is obligated to say *Kaddish* that day) may insist on reciting this *Kaddish*.²² Rav Soloveitchik disagreed with these authorities (see *MiPninei HaRav*, p. 45, in the name of Rabbi Yitzchok Cohen).

The *Kaddish* following *kri'as haTorah* should be recited immediately after the final *berachah* of the last *oleh*, without any interruption. If the *oleh* wishes to recite *Birkas HaGomel*, he should do so following the *Kaddish* (Rav Soloveitchik, as cited in *Divrei HaRav*, p. 152).

²² The *Matteh Efrayim* (*Dinei Kaddish* 3:1) rules that if an *avel* receives *shlishi* during the week or the last *aliyah* on Shabbos, he is entitled to recite the *chatzi Kaddish* following *kri'as haTorah*. He also quotes (*Elef HaMagen*, n. 3) some authorities who hold that the *avel* may recite that *Kaddish* even if he did not receive an *aliyah*, as the *Kaddish* after *kri'as haTorah* need not be recited by the *ba'al kri'ah*.

At *Minchah* on Shabbos afternoon, when the *Kaddish* following the reading is not recited until right before the *Amidah*, some *poskim* rule that it is not proper to say any additional chapters of *Tehillim* (such as *Mizmor Shir LeYom HaShabbos* or *Hallelukah Odeh Hashem BeChol Levav*) during *gelilah*, for this would constitute a *hefsek* (see *Pischei She'arim, Sha'arei Efraim* 10:46; *Sha'arei Rachamim*, end of note 57).

There is a minority opinion among the *poskim* that the *Kaddish* after *U'Venuchoh Yomar* and before *Mussaf* is not the introduction to the *Mussaf tefillah*, but rather the conclusion of the verses that preceded it. Therefore, when the *chazzan* chants the *Hineni* prayer, or if the rabbi delivers a sermon before *Mussaf*, the *chazzan* should repeat softly a minimum of three verses before reciting the *Kaddish* aloud (See *Shu"t Maharam Shick, Orach Chaim* 126; *Mishnah Berurah* 25:59; *Os Chaim VeShalom* 25:59 by the Munkatcher Rebbe; *Matteh Efraim* 591:38).

VIII. *Mi Shebeirach*

While one recites a *Mi Shebeirach*, it is proper to cover the *sefer Torah* with a special cover, or *mentileh*. The *mentileh* should not be placed over the *sefer* until after the *oleh* has completed the *berachah* following his *aliyah* (see *Orach Chaim* 139:5; *Sha'arei Efraim* 421).

When one recites a *Mi Shebeirach*, it is improper to say, "*ba'avur shePloni mevarech osam.*" Instead, one should pledge a gift to charity and insert, "*ba'avur shePloni noder tzedakah ba'avuram*" (*Edus L'Yisrael*, p. 164, reprinted in *Shu"t Gevuros Eliyahu, Orach Chaim*, p. 84).²³

²³ Rav Soloveitchik was also very adamant about this; see *Nefesh HaRav*, p. 143.

XI. *Dinim* of *Hagbahah* and *Gelilah*

The one who lifts the *sefer Torah* for *hagbahah* should open it wide enough to show the congregation at least three columns. He should first show the open *sefer Torah* to those on his right and then to those on his left (*Shulchan Aruch, Orach Chaim* 134:2; *Maseches Soferim* 14:14, quoted by *Sha'arei Efraim* 10:13).

The one honored with rolling up the Torah (the *golel*) should arrange to have the connecting stitch showing in the center. It is a common practice that one set the *Bereishis* side of the Torah above the *Devarim* side (*Sha'arei Efraim* 10:17).

He should bind the Torah with its special belt (or *gartel*) on the upper half of the *sefer*. In doing so, he should **not** start the tying between the *magbiah* and the Torah, pulling the *gartel* and the Torah towards himself to complete the tying on his side. This might cause the Torah to slip and fall, G-d forbid. Instead, he should begin on his side, extending the *gartel* around the Torah and always pulling towards the *magbiah*, ultimately completing the tying between the *magbiah* and the *sefer* (*Sha'arei Chaim* 10:21; *Rama, Orach Chaim* 147:4).²⁴

On Shabbos or Yom Tov, it is not proper to make a bow that will last for more than twenty-four hours. In the event that this *sefer* will not be used again within the next twenty-four hours, the *golel* should wind the *gartel* around several times, and then tuck it in so that it will hold together without any knot or bow (see *Sha'arei Rachamim* 18 and *Sha'arei Chaim* 22 to *Sha'arei Efraim* ch. 10).

X. More Than One *Sedrah*

When the *kri'ah* consists of two *sedras*, the common practice is to read half of the basic seven obligatory *aliyos* from each *sedrah*,

²⁴ See *Mishnah Berurah* 147:17, who explains why this is not commonly practiced today.

with *revi'i* connecting the two *sedros*. This rule may be overlooked when there is a need to include more than three-and-a-half *aliyos* in the first *sedrah* (*Rama, Orach Chaim* 282:1; *Mishnah Berurah* 282:6; see *Sha'arei Rachamim* 7:21).

If the majority of the *minyán* missed *kri'as haTorah* one Shabbos, they should read both *sedros* in *shul* the next Shabbos, in the same manner as they would read two *sedras* that are *mechubarim* (*Rama, Orach Chaim* 135:2; see *Pischei She'arim* 7:10 and *Shiurei HaRav* (TorahWeb), pp. 141-143).

XI. More Than One *Sefer*

On a day when we read from two *sifrei Torah*, the second Torah should be placed on the *shulchan* next to the first before the *Kaddish* is recited (*Mishnah Berurah* 147:27). On a day when we read from three *sifrei Torah*, we recite the *Kaddish* after reading from the second. The third *sefer* should be placed on the *shulchan* next to the second *sefer* before reciting the *Kaddish*. It is generally assumed that the first *sefer* need not be returned to the *shulchan* before the *Kaddish* (*ibid.*).

XII. The *Haftarah*

In the event that the *haftarah* is not read from a parchment (*klaf*), some authorities maintain that one can only fulfill his obligation by reading along with the *ba'al maftir*. According to these *poskim*, if nine people have not recited the *haftarah* along with the *ba'al maftir*, the *mitzvah* of *kri'as hahaftarah* has not been fulfilled (*Sha'arei Chaim* 9:11; see also *Nefesh HaRav*, p. 161).

XIII. Lesser Known Pronunciations and Practices

1. In *Shiras HaYam*, the *ba'al kri'ah* should pause between *במים* and *אדירים* (*Shemos* 15:10) (*Mishnah Berurah* 51:17). Additionally, the *ba'al kri'ah* should use the special tune for

Shiras HaYam for the first occurrence of the phrase והמים להם (Shemos 14:22), but not the second (14:29).²⁵

2. In *Parshas Ki Sisa*, the *ba'al kri'ah* should pause between ויקרא בשם and אדני (Shemos 34:5) (*Mishnah Berurah* 58:4). He should also be careful to pause between ונקא and לא ינקא in the thirteen Attributes of Mercy (Shemos 34:7) (see *Nefesh HaRav*, p. 290).

3. In *Parshas Beha'aloscha*, the *aliyah* of *chamishi* should conclude at והיית לנו לעינים (*Bamidbar* 10:31), and not, as is printed in the *chumashim*, at בנסעם מן המחנה (10:34).²⁶

4. In *Shiras Ha'azinu*, the correct pronunciation is *Elo'ah*, rather than *Elohah* (*Devarim* 32:17).²⁷

5. In the *haftarah* of *Parshas Lech Lecha*, according to the *Radak*, the correct pronunciation is *vekoyei Hashem yachalifu koach* (*Yeshaya* 4:31).

6. In the *haftarah* of *Shabbos Rosh Chodesh*, the correct reading is *miziz kevodah* (*Yeshaya* 66:11) (see *Minchas Shai*).

7. When *Rosh Chodesh Av* occurs on *Shabbos*, most authorities rule that we read *Shimu*, the second of the three *haftaros* of *puranusa*. Some communities nevertheless have the custom of reciting the *haftarah* of *HaShamayim Kisi*, as on any other *Shabbos Rosh Chodesh* (see *Rama*, *Dagul MeiRe'ovah*, *Gra*, and *Mishnah Berurah* to *Orach Chaim* 425:1).²⁸

²⁵ Rav Mendy Gopin in the name of Rav Soloveitchik. The *Ba'al HaTurim* notes that in the second instance, the word *chomah* is missing a *vav*. This is a reference to the *cheima*, the anger, of *Hakadosh Baruch Hu*, which was aroused by the presence of *pesel Michah* at *Yam Suf* (see *Sanhedrin* 103b). Because of this negative reference, it is inappropriate to use the special tune.

²⁶ This is in the *minhag* in Belz (*Luach Temidim Kesidram*). The *Rama* (138:2) writes that every *aliyah* should begin and conclude with a positive matter. The stop in the printed *chumashim* corresponds to the *puranus*, the negative matter, referenced in *Shabbos* 116a.

²⁷ The same applies to the pronunciation of the same word in *Hallel* (*Tehillim* 114:7) and in *Nishmas*.

²⁸ *Sha'arei Efraim* (9:22) records that the *minhag* was like the *Rama* to recite *HaShamayim Kisi*. See also *Ta'anugei Yisrael* (5741), no. 44.

8. According to many customs, the *haftarah* of Shabbos Shuvah consists of verses from three prophets: *Hoshea*, *Michah*, and *Yoel*. The *gemara* stipulates however, that one must arrange such various verses in the order in which they appear in *Tanach*: *Hoshea* first, then *Yoel*, and finally *Michah* (*Sha'arei Efraim* 9:28).²⁹

9. In the *haftarah* of the first day of Shavuot, the two names of *Hashem* are read *Elokim Adon-ai* (*Chavakuk* 3:19).³⁰

10. The paragraph of *berachos* following the *haftarah* that ends *אמת וצדק* is not the end of the *berachah*, and the congregation should not answer *amen*. The reason *ne'eman* is written as a separate paragraph is that the *minhag* used to be for the congregation to say this part along with the *ba'al maftir* until the words *לא ישוב ריקם* (*Tosfos, Pesachim* 104b, s.v. *chutz*; see *Mipnei HaRav*, p. 85).

11. According to Rav Soloveitchik, one should pause between *לא ישוב ריקם* and *מדברין אהור*.³¹

²⁹ See, however, *Sha'arei Chaim* n, 9, where he explains the widespread practice to recite the *pesukim* out of order. See *Igros Moshe, Orach Chaim* 1:174, who writes that there is no need to conclude the *haftarah* with *pesukim* from both *Yoel* and *Michah*. In the event that the *haftarah* is read from a *klaf*, one should read from *Hoshea* and conclude with *Yoel*; if the *haftarah* is read from a printed *chumash*, one should read from *Hoshea* and conclude with *Michah*.

Regarding the closing two *pesukim* of the *haftarah* of Parshas *Mishpatim*, see the note by Rav David Feinstein in *LeTorah VeHora'ah*, vol. 3, p. 20, in the name of his father, Rav Moshe Feinstein. The last two *pesukim* of *Yirmiyah* ch. 35 should be substituted in place of the last two *pesukim* of ch. 33, so that the reading will not be out of order.

³⁰ Care should be taken to pronounce G-d's name properly: *Ah-do-noi* is the correct pronunciation, as opposed to *Ahdi-noi* or other common distortions. See Aaron Sorasky, *Geonei Polin HaAcharonim* (5743), p. 265.

³¹ The meaning of the phrase *midvarecha achor* is "Your words of the past." See note at the end of *Torah Temimah chumashim* regarding this phrase; see *Nefesh HaRav*, pp. 161-162.

12. According to the *Ba'al HaTanya* (*Sha'ar HaKolel* 25:3), the word ורחמן should be deleted from the concluding line, with the amended version reading: כי קל מלך נאמן אתה.³²

³² This was the practice of Rav Soloveitchik as well; see *Nefesh HaRav*, p. 162. Rav Soloveitchik also recited in the *berachah* of *Racheim*, תושיע ותשמה, במהרה בימינו.

