

HILKHOT T'FILLAH 1:02 PART II - THE THREEFOLD STRUCTURE OF T'FILLAH: PRAISE, REQUEST AND THANKS

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I.

In the first chapter of Hilkhoh T'fillah, Halakhah 2, Rambam outlines the basic structure of T'fillah on its d'orayta [mandated by Torah] level:

"...tell the praise of haKadosh Barukh Hu (the Holy One, Who is Blessed), then ask for his needs which he needs by requesting and pleading and then give praise and thanks to God for the good which He has granted him..."

Simply put, Rambam maintains that the basic structure of T'fillah, thematically and sequentially, is mandated by the Torah. Even though the *Anshei K'nesset haG'dolah* (Members of the Great Assembly) formulated the specific liturgy of T'fillah (as Rambam relates later on), the Torah does direct that T'fillah should begin with praise of God, continue with our requesting of God those things which we need - and end with thanks to God for everything He has given us. In other words, not only does the Torah mandate that every T'fillah include these three components - it also mandates that the order of "praise --> request --> thanks" be preserved. What is Rambam's source and/or reasoning for this position? Where does the Torah mandate this sequence of T'fillah? [note that R. Abraham de Botton (Lechem Mishneh), commenting on our Halakhah, asks this question and leaves it unanswered; he cites the work of R. Moshe di Trani (Kiryat Sefer), who is similarly confounded.]

II.

CRITERIA FOR CLASSIFYING A LAW AS D'ORAYTA

A law may be considered "d'orayta" for one of a few reasons:

A) If the Torah explicitly mandates it (e.g. offering the morning and afternoon *Tamid* lamb - cf. Bamidbar (Numbers) 28:4); this will clearly not answer our question, since the Torah certainly doesn't explicitly mandate the "sections" of T'fillah.

B) If it is inferred by legitimate hermeneutic methods from the Torah - e.g. the obligation for women to recite Kiddush on Friday night is mandated by the Torah (BT Berakhot 20b) by virtue of the *Shamor* & *Zakhor* ("Observe" & "Remember") connection (compare Sh'mot [Exodus] 20:8 with

Devarim [Deuteronomy] 5:12) - to wit, "anyone who is obligated to "observe" (i.e. abstain from "work" on Shabbat) is obligated to "remember" (recite Kiddush); [parenthetically, this particular mode of "d'orayta" is subject to some interesting research. See, for instance, MT Ishut 1:2 and the commentaries ad loc.]. Since we find no such exegesis in Rabbinic literature as it applies to the "three-tiered" structure of T'fillah, we cannot respond in this manner.

C) If it is a *Halakhah l'Moshe miSinai* - i.e. a received oral tradition - e.g. the d'orayta level of obstacle in ritual ablution (*hatzitzah bit'vilah*), according to Rashi, is a Halakhah l'Moshe miSinai (Eruvin 4b, Rashi s.v. d'var torah); if Rambam intends to tell us that the three-fold structure of T'fillah is "tradition" - what is his source and why does he not say so explicitly? (See, e.g. MT T'fillin 3:1).

D) If it is clear and reasonable - what is referred to as *S'vara* - (e.g. the opinion that the Torah-mandated form of acquisition is with money - see BT Bava Metziah' 47b and Nemukey Yosef's comments there). The archeptical example of this (perhaps) is the Gemara in Sanhedrin (74a) which infers the (d'orayta) law that a person must avoid murder even at the cost of his own life from *S'vara* - (Undoubtedly, this is a somewhat "tricky" area and the notion of S'vara must be rigorously clarified and defined. Rabbi Eliezer Berkovitz's work "Not In Heaven" is a wonderful contribution to the study of this issue). This is a direction worth pursuing - if we can demonstrate that the sequence of "praise-request-thanks" is, indeed, reasonable, then we might have a source. This may be the implication of the Gemara in Berakhot (34a) in the name of R. Haninah:

"The first (B'rakhot, he) is similar to a servant who is praising his master, the middle (B'rakhot) is similar to a servant asking for a gift from his master and the last (B'rakhot) is similar to a servant who received a gift from his master and is about to depart."

III.

DICTATES AND MODELS

The four methods described above share one characteristic: They are all oriented towards dictates. The Torah tells us what to do, or we legitimately infer what the Torah is telling us to do, or we have a tradition to that effect - or such behavior is reasonable. There is another avenue open to us - from another part of Torah literature.

Although we could categorize the Torah text into many different styles (e.g. poetry, commands, history, metaphors etc.), a simple binary division is commands and narratives. Every part of the Torah that is not directing us to action ("legalistic literature") may be loosely considered narrative. This includes the Song at the Sea (Sh'mot [Exodus] 15), the Balaam narrative (Bamidbar [Numbers] 22-24), the Creation story and the narrative about Moshe's farewell speech (throughout the book of Devarim).

Although we generally infer ethical and metaphysical lessons from these sections of Torah (hence the imbalance of Aggadic literature commenting on these verses - as opposed to the legalistic

verses which are heavy in Halakhic comments), there are occasions where these narratives serve as legitimate Halakhic sources.

There is, then, a fifth possibility for sourcing a law in the Torah: If it is behavior which is modelled and/or sanctioned by the Torah. Even though that behavior might never be directed by Scripture, if it was exemplified by our ancestors and the Torah "adopts" it by praising it - or merely by including it in the narrative - this may be a source for Torah law.

One example of this is the Gemara in Ta'anit 28a, which may be identifying the afternoon T'fillah as a d'orayta obligation - Rashi (s.v. halalu) explains that since our father Yitzchak established Minchah (see BT Berakhot 26b), it is considered d'orayta. (See, however, Tosafot and other Rishonim ad loc. for dissenting approaches to the text there.)

Another example might be the Gemara in Berakhot (33b). The Gemara states that we are not allowed to describe God in adjectival terms in our prayer. (*Who can speak of the might of God, who can sing all His praises* [T'hilim (Psalms) 106:2] - "Who may speak of the might of God? Only one who can sing ALL of his praises - BT M'gillah 18a)

Indeed, the only permit we have for saying *ha'El haGadol haGibbor v'haNora* - "the Great, Powerful and Awesome God" is because Moshe Rabbenu himself describes God that way (Devarim [Deuteronomy] 10:17) - and because the Men of the Great Assembly [who are credited with the earliest formulation of our liturgical text] adopted it (Nehemiah 9:32). In other words, the behavior of Moshe Rabbenu mandates a permit for that which is otherwise unacceptable.

However, these two examples are not enough for us. The first is subject to serious debate and even Rashi's comment (in Ta'anit) is somewhat unclear. The second is insufficient for our needs since it only allows us to "copy" Torah text into our prayers - but it doesn't mandate specific behavior by virtue of it being modelled in the narrative. In other words, Moshe's use of this description of God shows us that this description is "usable" - or, if you will, "correct" - but it doesn't show us that we are obligated to do the same, just that we may.

IV.

A STRONGER EXAMPLE: *EIN M'ARVIN SIMCHAH B'SIMCHAH*

The Mishnah (Mo'ed Katan 1:7) rules that we may not marry during a holiday - even during the middle days (Hol haMo'ed). The Gemara (8b) explains the reason: *l'fi she'ein m'arvin simchah b'simchah* - "because we do not 'mix' one *simchah* (rejoicing) with another one". We are commanded by the Torah to rejoice during the three pilgrimage holidays (Pesach, Shavu'ot and Sukkot - see Devarim 16:1-17); therefore, if we hold a wedding - which is a chief cause of simchah - during that time, it will cause a "mixing" of the two causes for rejoicing (thus diluting each).

One of the sources which the Gemara cites for the rule of *Ein m'arvin...* is the story of Shlomo's dedication of the Beit haMikdash. He held a seven-day feast before Sukkot (see Melakhim [Kings] I

8:65) - which leads us to believe that he did not want to interfere with the simchah of Sukkot by having it coincide with the simchah of the dedication of the Beit haMikdash. This source alone should be sufficient proof of our thesis, that completely d'orayta laws may be inferred from narrative - but one could argue that Shlomo was following an earlier, unwritten dictate. In other words, Shlomo's actions are not the source for the law, just an indication that such behavior was already the law - and then we have to find a source for it. (This would allow us to categorize the law of *ein m'arvin...* as Halakhah l'Moshe miSinai - but this is left unstated in the Gemara.)

The Yerushalmi (Mo'ed Kattan 1:7), provides an interesting alternative source for the Halakhah of *ein m'arvin...*. In the story of Ya'akov's marriages, he originally intended to wed Rachel. His father-in-law, Lavan, tricked him into marrying Leah first. When Ya'akov demanded Rachel's hand in addition, Lavan said *Male' Sh'vua' Zot* - "complete this week" and then you can marry Rachel. The reason for this seven-day waiting period was to allow Leah to have her seven days of bridal rejoicing and not to have her sister's wedding interrupt her own celebration. Here we have a Halakhah which is rooted in behavior recorded in the Biblical narrative.

This is, by the way, the source cited by Rambam (MT Ishut 10:14) - as opposed to the one provided by the Bavli. As pointed out by Tosafot (K'tubot 47a s.v. d'Masar), this law is a clear-cut d'orayta restriction...even though its source is from Biblical narrative. [see Orach Hayyim's comments on Beresheet 31:43]

V.

ZIMUN - MOSHE'S CALL AND RESPONSE

Perhaps the strongest example is found in the laws of Birkat haMazon (Grace after Meals). The Gemara (BT Berakhot 48b) seems to regard Zimun - the introductory formula to Birkat haMazon - as a d'orayta obligation, sourced in part of the key verse obligating us to thank God after a meal (Devarim 8:10). When defining the parameters of Zimun, the Mishnah (Berakhot 7:1) rules that three who have eaten together are obligated to recite Zimun. The Gemara (BT Berakhot 45a) cites, as a source for the minimum of three people, the verse in Devarim 32:3 - "When I call out the name of YHVH, you (plural) give greatness to our God". Moshe (the individual) addressed (at least) two people (in reality, he addressed the entire B'nai Yisra'el - but the grammar gives us at least two people besides the speaker), who were called to respond to his invitation to bless God. To wit, we learn a Halakhah of how to communally bless God from how Moshe did so. Even though the basic Mitzvah (Birkat haMazon) is mandated as a directive (in legalistic form), the form is directed by narrative.

VI.

MOSHE AS THE MODEL OF PRAYER

When Moshe set out to bless the B'nai Yisra'el before his death (Devarim 33), he begins by praising God (v. 2), he continues by asking God's blessing for (almost) each tribe, and concludes with more

praise for God (v 26 ff.) The Sifri (Devarim #343) notes this pattern and associates it with Shlomo's formula in his great prayer at the dedication of the Beit haMikdash (Melakhim I 8) as well as David's format in one section of T'hilim (Psalms). The P'ri Megadim (introduction to Hilkhhot T'fillah) sees this Sifri as the source for Rambam's Halakhah.

However, the simplest and most obvious model is Moshe's personal prayer towards the end of his life. In Devarim 3:24-25, Moshe tells of his prayer to God, beseeching for another chance to see the Land which he could not enter. He begins by praising God's greatness, then moves on to his own request. Although we do not hear of the end of his prayer, we can infer from his formula in v'Zot haBrakhah that he concluded with some form of praise.

The thesis is, then, that the sequence of "praise, request, thanks" is indeed d'orayta - and it is learned from Moshe's T'fillah. Just as we learned the form of Zimun - and acceptable descriptions of God in prayer from narratives about Moshe, we may learn the proper format for T'fillah from him.

There is, however, one problem with this thesis. We find several instances (Bamidbar 12, Shemot 32) where Moshe prays to God without the prefatory praise. How can we answer this?

One simple solution is to distinguish between two types of T'fillah. The one, which is the model for our Halakhah, is formalistic T'fillah, where the goal is to achieve some level of connection with God and to serve Him. That sort of T'fillah is deliberate and follows a structure - albeit loose - which is appropriate within the man-God relationship. It reflects a sophisticated, mature and conscious approach to God.

The other T'fillah is "spontaneous" - turning to God in a near-state of panic when trouble is imminent. In such a case, we do not "lay out" our T'fillah in the proper order - rather, we cry out and plead, cutting straight to the request. Two sterling examples of this are Moshe's intercession on behalf of his afflicted sister (Bamidbar 12) and his attempt to forestall God's anger at the Jewish people in reaction to the golden calf (Shemot 32). In these cases, "proper" T'fillah was not called for - rather a cry for help, unsophisticated and pure. Although we serve God daily with formalistic T'fillah - Avodat Hashem - modelled by Moshe's T'fillah for his own future, we also turn to Him in times of trouble in a simple and direct cry for help, also modelled by our teacher Moshe, when pleading for others - but that's a shiur in and of itself.