

HILKHOT T'FILLAH 1:05-06 - 3 DAILY T'FILLOT: SOURCES AND CONSIDERATIONS

by Rabbi Yitzchak Etshalom

5. Similarly, they [the court of Ezra, circa 450 BCE] established that the number of T'fillot should correspond to the number of [public] offerings - two T'fillot each day corresponding to the two *T'midin* (regular offerings); and on each day when there is a **Korban Musaf** (additional offering), they established a third prayer corresponding to the additional offering. The T'fillah which corresponds to the morning Tamid is called **T'fillah shel Shachar** ("morning T'fillah"). The T'fillah which corresponds to the afternoon Tamid is called **T'fillat haMinchah**. The T'fillah which corresponds to the Korban Musaf is called **T'fillat haMusafin**.

6. Similarly, they established that a person should say one T'fillah at night since the limbs of the afternoon Tamid are devoured all night, as it says: **hi ha'olah** ("which is the burnt offering")... (Vayyikra [Leviticus] 6:2 - see there), as it says: "Evening, morning and noon I cry out in distress, and he hears my voice." (T'hilim [Psalms] 55:17). T'fillat 'Arvit (the evening T'fillah) is not obligatory like Shacharit and Minchah. Nevertheless, all of Yisra'el everywhere **nahagu** (practiced) to recite 'Arvit and they accepted it upon themselves as an obligatory T'fillah.

I

THE SUGYOT: AVOT OR T'MIDIM?

THE BAVLI: BERAKHOT 26B

The Gemara (BT Berakhot 26b) presents the following dispute about the source of the 3 daily T'fillot:

R. Yossi b. Hanina says: **T'fillot Avot Tiknum** (The T'fillot were established by the Patriarchs);
R. Yehoshua b. Levi says: **T'fillot k'Neged T'midim Tiknum** (The T'fillot were established in correspondence to the daily **T'midim** - regular burnt offerings).

We have a B'raita that supports R. Yossi b. Hanina and we have a B'raita that supports R. Yehoshua b. Levi:

The B'raita which supports R. Yossi b. Hanina:

1. Avraham established the morning T'fillah, as it says: "[Avraham] woke up early [to go] to the place where he had **'Amad** (stood)" (B'resheet [Genesis] 19:27) - and **'Amidah** (standing) implies T'fillah, as it says: "**va'ya'Amod Pinchas** (and Pinchas stood) and prayed" (T'hilim [Psalms] 106:30);
2. Yitzchak established the afternoon T'fillah, as it says: "Yitzchak went out **laSua'ch** (to meditate) in the field at dusk" (Beresheet 24:63), and **Sichah** implies T'fillah, as it says: "A T'fillah of an afflicted man. When he is faint and pours out his lament before YHVH" (T'hilim 102:1);
3. Ya'akov established the evening T'fillah, as it says: "**Vayyipha' bamakom** (When he [Ya'akov] reached a certain place, he stopped for the night" (B'resheet 28:11), and **P'gia'h** implies T'fillah, as it says: "So do not pray for this people nor offer any plea or petition for them; **al tipha' bi** (do not plead with me)..." (Yirmiyah [Jeremiah] 7:16)

The B'raita which supports R. Yehoshua b. Levi:

led. note: this B'raita is found in Tosefta B'rakhot 3:1 and is an expansion of the Mishnah at 4:1 - for your convenience, here is a summary of that Mishnah:

4. T'fillat Shacharit (morning T'fillah) is said until midday; R. Yehudah says: until four hours (1/3 of the day).
5. T'fillat haMincha (afternoon T'fillah) is said until evening; R. Yehudah says: until **p'lag haMinchah** (1.25 hours before evening);
6. T'fillat ha'Erev (evening T'fillah) has no set time;
T'fillat haMusafin (the additional T'fillah said on Shabbat, Holidays and Rosh Chodesh) is said all day; R. Yehudah says: until seven hours;]
7. Why did they say that T'fillat Shacharit is said until midday? Because the morning Tamid may be brought until midday; R. Yehudah says: until four hours, because the morning Tamid may be brought until four hours.
8. And why did they say that T'fillat haMinchah is said until evening? Because the Tamid brought "between the evens" is brought until evening; R. Yehudah says: until **p'lag haMinchah**, because the Tamid brought "between the evens" is brought until **p'lag haMinchah**.
9. And why did they say that T'fillat ha'Erev has no set time? Because the limbs and fats (of the Tamid brought "between the evens") which were not yet devoured burn all night.
10. And why did they say that T'fillat haMusafin is said all day? Because the "extra" offering is brought all day; R. Yehudah says: until seven hours, because the "extra"

offering is brought until seven hours...

*...Doesn't this [latter B'raita] constitutes a refutation of R. Yossi b. Hanina? R. Yossi b. Hanina would respond: I still maintain that the Patriarchs established the [3 daily] T'fillot, and the Rabbis "attached" them to the [daily] offerings; for if you don't answer in this manner, how will R. Yossi b. Hanina explain Musaf? [lit. "according to R. Yossi b. Hanina, who established Musaf?]; rather, the Patriarchs established the [3 daily] T'fillot, and the Rabbis "attached" them to the [daily] offerings.
[this concludes the sugya in BT Berakhot]*

II

THE YERUSHALMI: BERAKHOT 4:1

In the parallel sugya in the Yerushalmi, there is a significantly different presentation of the positions:

*R. Yehoshua b. Levi says: **T'fillot me'Avot Lamdum** - the T'fillot were learned from the Patriarchs...the Rabbis (his colleagues) say: **T'fillot miT'midim Gamru** - the T'fillot were learned from the **T'midim**:*

- 1. T'fillat haShachar (the morning T'fillah) from the Tamid shel Shachar - "The one lamb you shall offer in the morning..." (Bamidbar [Numbers] 28: 4).*
- 2. T'fillat haMinchah from the **Tamid shel Bein ha'Arba'im** (Tamid brought "between the evens") - "...and the second lamb you shall offer between the evens" (ibid).*
- 3. Regarding T'fillat ha'Erev - they didn't find any offering with which to associate it, so they taught it **s'tam** (without reference to the T'midim) - as we learned: "T'fillat ha'Erev has no set time" (M. Berakhot 4:1)...R. Tanhuma said: Indeed it was established corresponding to the devouring of limbs and fats that would be devoured on the altar all night.*

III

MIDR'SHEI AGGADAH

A: B'RESHEET RABBAH 68:9

After recording the tradition of the Patriarchal association with the T'fillot in the name of R.

Yehoshua b. Levi (!), the following is quoted in the name of R. Sh'mu'el b. Nahman:

"Corresponding to the three times that the day changes; at night a person should pray...in the morning he should say...at the time of Minchah he should say..."

A third opinion is then cited, in the name of the Rabbis (the colleagues of R. Yehoshua b. Levi and R. Sh'mu'el b. Nahman): The T'fillot were established in correspondence to the T'midim. The Rabbis note that there is no corresponding offering for the evening T'fillah (for which reason they say that it has no set time), R. Tanhuma responds that the limbs and fats were being devoured atop the altar [at night].

B: MIDRASH T'HILLIM 55:2

Commenting on the verse "Evening, morning and noon I cry out in distress, and he hears my voice" (ibid v. 17), the Midrash notes (in the name of R. Sh'mu'el) that "from here we learn that a person should say three T'fillot each day. Who established them? The Avot established them..." The Midrash goes on to cite - anonymously - the Avraham-Shacharit, Yitzchak-Minchah, Ya'akov-'Arvit tradition. The Midrash concludes: "Said David [the author of this chapter of T'hilim], since the Avot established them, I will also - 'Evening, morning and afternoon I cry out in distress' ".

C: TANHUMA MIKETZ #9

The Midrash here approaches the T'fillot of the Avot from a different perspective: "Teach us, master (R. Tanhuma), how many T'fillot is a person obligated to say each day? Thus taught our Rabbis: A person is not allowed to say more than [the] three T'fillot which were established by the Avot. Avraham established Shacharit...[as before, Yitzchak-Minchah and Ya'akov-'Arvit]; even in the case of Daniel, it says: 'Three times a day he would bow at the knee..' (Daniel 6:11) - without defining at what time. Came David and explained: 'Evening, morning and afternoon I cry out in distress, and he hears my voice' - therefore, a person is not allowed to say more than [the] three T'fillot in a day."

IV

ANALYZING THE PRIMARY SOURCES: AVOT

So far, we have seen five Rabbinic sources which associate the T'fillot with the Avot and/or (in some cases) with the T'midim. Before attempting to explain the connections and exegeses, let's analyze the various perspectives presented by these sources.

First of all, there is a subtle yet significant difference between the presentation of the

*Yerushalmi and the Bavli (besides the attribution of R. Yehoshua b. Levi's position in the one to R. Yossi b. Hanina in the second; and the Rabbis' position to R. Yehoshua b. Levi in the other). Whereas the terminology in the Bavli is **Avot Tiknum** (ordained) - indicating that the Avot were the original enactors of that legislation; the Yerushalmi says **me'Avot Gamrum** - they learned them from the Avot. In other words, whereas the Bavli sees the debate as historic in nature (when and by whom each T'fillah was legislated), the Yerushalmi understands that both sides agree when - and by whom - the T'fillot were ordained. The point of contention is solely one of source - what was the precedent which motivated the Rabbis to establish three daily T'fillot?*

This difference is greater than it may seem on the surface.

One way of understanding the debate as recorded in the Bavli is the connectiveness between the three T'fillot. The position that the Avot ordained the T'fillot maintains that each T'fillah is a unique and separate experience, disassociated from the other T'fillot of the day.

On the other hand, the position that the Rabbis ordained the T'fillot based on the T'midim holds that the structure of daily T'fillot is unified. Keep in mind that the Torah does not separately command us to bring the morning Tamid and the Tamid "between the evens". The Torah explicitly states:

*"And you shall say to them, This is the offering by fire that you shall offer to YHVH: two male lambs a year old without blemish, daily, as a regular offering. One lamb you shall offer in the morning, and the other lamb you shall offer at twilight"
(Bamidbar 28:3-4)*

(see Rambam's introductory paragraph to Hilkhot T'midin uMusafin, where he reckons the two daily T'midin as one Mitzvah).

Whereas this underlying dispute is rather unavoidable in the reading of the Bavli - since, according to a strict reading of the Bavli, the "Avot-position" holds that each of the three T'fillot was established and ordained at a different point in time and by a different person - it is not at all necessary in the reading of the Yerushalmi. We can easily posit that all positions (in the Yerushalmi) maintain that the daily structure of T'fillot is unified - and that when the Rabbis came to establish this interdependent structure, they looked to one of two models - Avot or T'midim.

The Midrashim present some novel and intriguing perspectives.

The first one cited (B'eresheet Rabbah) introduces a third approach. Instead of viewing the trinary structure of T'fillah as based in some precedent, R. Sh'mu'el b. Nahman sees them as inherent in the condition of humanity. Each time of day represents a new need which must be

reflected in a new turning to God.

The second one seems to echo this theme (is R. Sh'mu'el of Midrash T'hillim the same as R. Sh'mu'el b. Nahman of B'resheet Rabbah?). The Davidic verse "Evening, morning and noon..." reflects a basic human need to call out to God at these three times. However, this Midrash synthesizes this approach with the "Avot" perspective. We can understand this Midrash in two ways: Either we would, in any case, say T'fillah at each of these points of the day (and the verse in T'hillim reflects a basic human need), in which case we are looking to the first ones to establish a formulaic reaction to this need. We might alternatively understand that this need was first recognized by the Avot and they established T'fillot at each of these times in response. In other words, without their formulation, we would have no way of responding to this thrice-daily need. This second understanding seems to be supported by the end of the Midrash:

"Said David [the author of this chapter of T'hillim], since the Avot established them, I will also - 'Evening, morning and afternoon I cry out in distress' ".

The third Midrash takes us into a whole different direction. Instead of "justifying" the thrice-daily T'fillah structure, the Tanhuma is establishing a "limit" of three T'fillot a day (this opinion is challenged by R. Yohanan later on in the paragraph). The innovation of the Avot isn't viewed here solely as a historic precedent or justification - but as a limiting structure. We will discuss more of the "limits" of T'fillah later on in this Chapter (Halakhah 9).

If we combine all of the primary sources, we have the following understanding of the establishment of the T'fillot by the Avot:

The Avot each established a T'fillah at a given time of day which either reflects or formalizes a basic human need - that structure is both obligatory and limiting in nature - and became the precedent upon which David called out to God at these three times a day.

V

T'MIDIM

We have examined, in some detail, the various "Avot" positions. What of the "T'midim" perspective?

As noted earlier, the Yerushalmi and Bavli have a slightly different approach to the origins of the enactment of T'fillah - but that difference is almost negligible in regards to "T'midim". Either version has the Rabbis establishing the thrice-daily T'fillot based upon the T'midim structure. There is, however, one glaring difference which reflects a different approach. In the

*Bavli, it is taken as a given that each of the T'fillot was established in correspondence to the daily offerings - and 'Arvit is, as R. Tanhuma says (in the Yerushalmi and B'resheet Rabbah), correspondent with the burning of fats and limbs. The first position in the Yerushalmi, however, is radically different: "...they didn't find any offering with which to associate it, so they taught it *s'tam*". In other words, it was a given that there would be three T'fillot - and the attempt was to find an offering with which to align each.*

It seems that there are two possible ways of understanding the T'midim-T'fillah connection:

A) In any case, we are going to say three T'fillot... [There are two possible reasons for this:

- 14. It is a basic human need to call out to God at these three times of day; or*
- 15. Based upon the model which the Avot set for us, even though their T'fillah never constituted an enactment or obligation, we want to say T'fillah at these three times.]*

...and, where possible, we will associate these (at least time-wise) with the T'midim [the first position in the Yerushalmi and B'resheet Rabbah].

We want to associate these with the T'midim because they are the basic daily Avodah in the Beit haMikdash and, as we pointed out in the introductory shiur, the notion of T'fillah is Mikdash-oriented.

B) We are only saying the first two T'fillot based upon the T'midim model. Once we have these two we want to have a third T'fillah at night - for either of the two reasons above,. For that purpose, we identify an Avodah associated with the T'midim that took place at night. [R. Tanhuma and the Bavli]

VI

AVOT, NEVERTHELESS

A few notes about the "Avot" perspective - and the positions that challenge it.

One of the difficulties of the "Avot" position is that we don't seem to find any of these T'fillot as a more than a one time event. In addition, the Halakhic position that 'Arvit is non-obligatory seems to support the "T'midim" position - how can the "Avot" position be reconciled with it?

*One other point - the Gemara in Yoma (28b) mentions **Tz'luta d'Avraham**(Avraham's T'fillah)*

- in reference to Minchah!

A closer look at the prooftexts will clarify all three problems.

[There is no doubt that the Avot called out to God in T'fillah (of some form). That they did this at various times of the day, when the need arose, is not at all difficult to read into Sefer B'resheet. See, for instance, Ya'akov's T'fillah before meeting Esav - which was [almost assuredly] not said at night (B'resheet 32:9-12). Claiming that Avraham would say a midday T'fillah (see Yoma ibid) is not a surprising position.]

Avraham:

"[Avraham] woke up early [to go] to the place where he had '**Amad**'. That this *Amidah* means T'fillah is not only supported by the prooftext from T'hilim - it is also inherent in the end of that self-same verse: "in front of God". A close look at the verse indicates that this was not at all a "one-time" T'fillah - he was returning (for T'fillah) - to the place where he has already stood in T'fillah (when he beseeched God not to destroy the cities of S'dom). In other words, he had a set place for T'fillah and a set time to say it there. (Also note that the "getting up early" theme appears in three places in the Avraham narrative, indicating a habit: 19:27, 21:14, 22:3).

Yitzchak:

"Yitzchak went out **laSua'ch** (to meditate?) in the field at dusk". Again, this is not a one-time event. Besides the fact that, unlike the case of Avraham, there was no momentous occurrence going on that called for a special act of T'fillah at the time, a look at the verse in context will reveal a "fixed" nature to this T'fillah. In the preceding verse, Yitzchak is described as "coming from his [regular] visit to B'er Lahai Ro'i" - why was he going there? Some of the Rishonim explain that since Hagar had had a heavenly visitation at B'er Lahai Ro'i (16:7-14), Yitzchak went there on a regular basis to meditate and say T'fillah - it was a holy place.

Ya'akov:

In this case, the T'fillah was certainly a "one-time" event - for Ya'akov was travelling and would not return to this spot for 20 years. Although this was not a "fixed" T'fillah (which would reconcile the "Avot" position with 'Arvit not being obligatory), the very act of T'fillah here was a novelty. As we see regarding the T'midim, Avodah is basically a daytime event - the very act of T'fillah at night is a

new act which could be considered a Takkanah (enactment) in its very existence. That this Takkanah was eventually rejected as binding may be understood as reflective of the one-time nature of the event.

[Clearly, the more conventional position is that we align Avot with 'Arvit being obligatory and T'midim with 'Arvit being voluntary - and that seems to be the ruling of Rambam in our Halakhah].

now, to the questions:

- Q1: Why did the court want to associate the number of T'fillot with the daily offerings?

JHJoseph Harrar (harrar@pratique.fr):

Ezra and his court wanted to draw a parallel between the Beit haMikdash (Temple) and the Korbanot (sacrifices) which were offered in it and the Synagogue and T'fillot we say in it. A T'fillah is similar to a Korban, so there should be as many T'fillot as there are Korbanot.

YE Yitz Etshalom (rebyitz@torah.org):

See shiur above.

- Q2: Why is the afternoon T'fillah called Minchah - which means "gift"?

JH: The name of T'fillat Minchah is connected with the time of the day we daven it : **b'et m'nuchat hashemesh**, when the sun rests (sets). It is Yitzchak Avinu who instituted T'fillat Minchah, based on B'resheet [Genesis] 24:63 : "Yitzchak went out to the fields to meditate as the evening was coming" [led. note: see shiur above for a further treatment of this verse and the attendant exegesis].

YE: The Arukh haShulchan makes a novel suggestion: Since (according to Rambam), the Toraic obligation of T'fillah is once daily - once we have said Shacharit, we have fulfilled our obligation. Therefore, the next T'fillah we say is a "gift" (voluntary) - hence, "Minchah". This could be challenged, considering that we often (Shabbat, Festivals, Rosh Chodesh) say an additional T'fillah (Musaf) between the two - but the name would be given based on the usual practice.

- Q3: If they "established" (tiknu) an evening T'fillah - why isn't it obligatory?

JH: T'fillat 'Arvit (the evening T'fillah) wasn't obligatory because there was no korban offered in the evening. It is a **r'shut** (optional, not obligatory).

YE: Establishment here may mean "bringing it into existence" rather than "ordaining that it be done."

- Q4: What is the implication of the proof-text from Vayyikra?

JH: ...**Zot Torat ha'Olah, hi ha'Olah 'al mok'da 'al hamizbe'ach kol halayla 'ad haboker ve-esh hamizbe'ach tukad bo.** (Vayikra [Leviticus] 6:3), "this is the law of the 'olah-offering [that stays] on the flame, on the mizbe'ach, all night until the morning, and the fire of the mizbe'ach shall be kept aflame on it."

There is no korban offering in the evening, but the 'olah offering burned all night until the morning. It is from this that the 'Arvit Tefillah was instituted.

YE: True, but why does Rambam only cite those two words? I believe that he is commenting on these extra two words: **hi ha'olah** - "which is the burnt offering" - that this identification of the offering with the limbs burnt afterwards is what gives that "all-night" burning the semi-status of a Korban. That explains why this seemingly non-Korbanic activity would be worthy of having a corresponding T'fillah. (Otherwise, we could ask why the T'rumat haDeshen, cleaning off the altar in the early morning, shouldn't have a correspondent T'fillah.)

- Q5: What is the implication of the proof-text from T'hilim?

JH: **'Erev vaVoker v'Tzahorayim asi'cha ve-eheme, vayishma' koli.** (Tehillim [Psalms] 55:18), "Evening, morning and noon I cry out in distress, and he hears my voice."

These are the three times of day when we say Tefillah, corresponding to the changes in the position of the sun: in the evening it disappears, in the morning it appears and at noon, it is at his highest position in the sky (Radak). From it we see that there is a 'Arvit Tefillah.

YE: It may also be putting a "human" spin on the thrice-daily system, indicating that (as alluded to by Joseph H. above) there are three "points" in the day where our perspective shifts and we are emotionally charged with a new T'fillah-oriented impetus. This may be an additional justification for the evening T'fillah in spite of there being no corresponding Korban Tamid.

- Q6: Now that all Jews nahagu to say 'Arvit, what is its status Halakhically - obligatory or voluntary?

JH: First **nahagu** (got the custom) then **kib'lu 'alehem** (took upon themselves). Seems to me it is obligatory.

YE: It may be obligatory - within the framework of Hilkhoh N'darim (Laws of Vows) rather than Hilkhoh T'fillah. See also Tosafot at Berakhot 26a s.v. Ta'ah.