

HILKHOS T'FILLAH - HEADER

by Rabbi Yitzchak Etshalom

INTRODUCTION: The Halakhot of T'fillah and Birkat Kohanim, comprising two Mitzvot Aseh. One, to serve God every day via T'fillah. The second - that the Kohanim should bless Yisroel every day. The explanation of these two Mitzvot is in these chapters...

AVODAH SHEBALEV AND DAILY T'FILLAH

Yitzchak Etshalom

I.

As indicated in the introductory shiur to Hilkhos T'fillah, Rambam considers daily T'fillah to be a Mitzvah d'rayta (a Mitzvah from the Torah). In his critique on Sefer haMitzvot (Mitzvat Aseh #5), Ramban raises several challenges to this approach. The goal of this shiur is to respond to Ramban's challenges - and to clarify Rambam's position on the Torahic obligation of daily T'fillah. Along the way, we will discuss an associated sugya [Talmudic selection] and justify it in light of Rambam's position.

T'FILLAH D'RABANAN One of Ramban's critiques is based on several statements in the Gemara that identify T'fillah as d'Rabanan - of rabbinic stature. We will review two of these sources and attempt to defend Rambam's position against the apparent challenges arising from these texts.

II.

THE FIRST SOURCE: SUKKAH 38A

The first explicit source which states that T'fillah is d'Rabanan is the Gemara in Sukkah (38a). The Mishnah (ibid) states that if someone was travelling (during Sukkot) without a Lulav (= the 4 species), when he comes home, he should take the Lulav on his table. (This seems to mean that if he sat down to eat and realized that he hadn't taken the Lulav yet, he should interrupt his meal to do so).

The Gemara challenges this ruling, citing the Mishnah in Shabbat (1:2) which states that if he began a meal, he need not interrupt it for T'fillah. The Gemara provides several answers: Rav Safra explains that the Mishnah in Shabbat refers to a situation where there is enough time left (after finishing the meal) to say T'fillah; whereas in our case, he is eating at the end of the day and will miss the time for Lulav if he doesn't interrupt. Rava claims that this response (and the question) is unnecessary - "ha d'orayta, ha d'rabanan" - whereas the one (Lulav) is d'Orayta, the other (T'fillah) is d'Rabanan.

The Gemara later justifies the question by identifying the Lulav case with one of the latter days of Sukkot. [Taking the Lulav on the first day of Sukkot is a Mitzvah from the Torah everywhere - (see Vayyikra [Leviticus] 23:40), but only a Mitzvah before God, i.e. in the Mikdash, for the entire seven days of Sukkot. After the destruction of the Beit haMikdash, and as a commemoration of the time when it stood, R. Yohanan b. Zakai ordained that we take the Lulav all seven days everywhere. (M. Sukkah 3:12)] Since the Mishnah is addressing a situation where the person is coming from a trip - this must be during the intermediary days of Sukkot, when travel is permissible. In that case, taking the Lulav is surely only Rabbinically mandated, and therefore is on a par with T'fillah - thus creating the conflict. (Rav Safra's answer is maintained in the end.)

In any case, the Gemara here clearly states that this one (referring to T'fillah) is d'Rabanan (*ha d'rabanan*). How can Rambam maintain his approach - that T'fillah is d'Orayta - against this statement?

From the context of the Mishnah in Shabbat, it is clear that the meal under discussion is a late-afternoon repast. In other words, the person has already said T'fillah once that day (in the morning). Since Rambam maintains that one T'fillah a day is the Torahic obligation, any remaining T'fillot are certainly d'Rabanan.

There is additional indication that the meal in question is taking place after the participants have said [at least] one T'fillah that day. We find that eating before saying T'fillah (the first T'fillah of the day) is prohibited, based on the verse: *Lo Tokh'lu al haDam* - You shall not eat anything with its blood. (Vayyikra 19:26) - (see Berakhot 10b - we will discuss this in greater detail later at T'fillah 6:4). This prohibition may be torahic in source; even if it is not fully d'Orayta, rather a Rabbinic law which is appended to the verse (*as makh'ta*), it still makes it clear that if someone has not yet prayed that day, they are not allowed to be eating a meal in any case. Certainly they would have to interrupt a meal for T'fillah; hence, the Mishnah in Shabbat must be referring to a meal in which those partaking have already said one T'fillah that day.

(Parenthetically, if this is an actual Torahic prohibition, rather than an *as'makh'ta*, it assumes T'fillah from the Torah - and thus proves Rambam's position; we will leave this for our later discussion, focussed around this particular Halakhah).

III.

THE SECOND SOURCE: BERAKHOT 21A

The Mishnah (Berakhot 3:4-5) establish the rule that a *ba'al kerī* (one who has had a seminal emission) may not say T'fillah - but does think about/meditate on the words of K'riat Sh'ma while the rest of the community is reciting them. The Gemara (Berakhot 20b-21a) indicates that even if *hirhur lav k'dibur dami* - meditating on something is not reckoned as saying it's, there is still a value in the ba'al kerī meditating on the words of K'riat Sh'ma. By doing this, he is joining the community in the matter in which they are engaged (and not separating himself from them). The Gemara then asks: If

this is the case, why does the ba'al keri not say T'fillah (evidently even silently i.e. without moving his lips) along with the community? The Gemara (ultimately) responds: K'riat Sh'ma is d'Orayta, whereas T'fillah is d'Rabanan (see the various readings of the text in Rashi and Tosafot there). Here we cannot save Rambam's approach as we did before - a ba'al keri is (typically) a case of first thing in the morning - and this T'fillah should, according to Rambam's thinking, be considered d'Orayta. How can we defend Rambam's approach here?

As mentioned, the sugya there is not concerned chiefly with which obligations still apply to the ba'al keri, as much as which words, currently being recited by the community, should also be said by the ba'al keri who is with them. (See the bottom of 20b - see also Otzar haG'eonim, Berakhot p. 50, where a related ruling is cited. The case concerns someone who enters a Beit K'nesset after having completed T'fillah and finds that the community is reciting Ashrei - and the ruling is that he should say it along with them; the basis for this ruling is the Gemara at the bottom of 20b). The words of K'riat Sh'ma are, indeed, directly from the Torah - which is certainly not the case regarding the words of T'fillah.

This response could be challenged on internal grounds, as follows: The Gemara notes that, according to the Mishnah (3:4), a ba'al keri does say Birkat haMazon - and the Gemara explains that the reason is that Birkat haMazon, unlike T'fillah, is d'Orayta. However, it seems that the words of Birkat haMazon are not d'Orayta; so how do we distinguish between Birkat haMazon and T'fillah?

The distinction still may hold, once we clarify the nature of the obligation of Birkat haMazon vs. that of T'fillah. Whereas, even according to Rambam, the Torah only obligates us to praise God, request and thank Him - but there are no specific themes which must be stated. In other words, all of the themes mentioned in T'fillah are created by the Rabbis. T'fillah, in theme and content is fully d'Rabanan.

On the other hand, Birkat haMazon carries a demand for specific themes, as follows:

When you have eaten your fill, you shall bless the LORD your God for the good land that He has given you. (Devarim [Deuteronomy] 8:10) These words are the explicit source for the commandment of Birkat haMazon - blessing God after eating a meal. There are several blessings in the Birkat haMazon:

- (1) *HaZan* - praise for God, who sustains the world;
- (2) *Birkat Ha'Aretz* - thanks to God for everything, focussing on the Land of Israel;
- (3) *Boneh Yerushalayim* - petition to protect and rebuild Jerusalem;
- (4) *HaTov vехаMeitiv* - general praise and thanks for God.

In addition, when three or more men eat together, the Birkat haMazon is prefaced by the invitation known as *Zimun*. The Gemara (Berakhot 48b) expounds:

When you have eaten your fill, you shall bless - *Birkat haZimun*;

"the LORD your God" - *Birkat haZan*;

"for the...land" - *Birkat haAretz*;

"...the good (land)..." - *Boneh Yerushalayim*;

"that He has given you" - *HaTov vехаMeitiv*.

It seems clear that all five of these blessings are sourced in the Torah. Although differing opinions are presented regarding *HaTov vехаMeitiv* and *Zimun*, the basic formula of the first three blessings is, according to all opinions - d'Orayta. Even though the text of each B'rakhah were composed at different times throughout history, the basic (as the Gemara there indicates) there basic theme is grounded in the Torah.

Hence: To recite the words of T'fillah along with the community does not represent, in any way, a joining with them in stating themes or words which are d'Orayta - and therefore the ba'al keri does not join them. On the other hand, reciting Birkat haMazon implies not only fulfilling a Mitzvah from the Torah, but also themes and texts which are (at least) grounded in the Torah.

IV.

R. YEHUDA AND THE MONTHLY T'FILLAH

Ramban's second challenge to Rambam comes from the Gemara in Rosh Hashana (35a):

R. Elazar said: A person should always prepare(review) his T'fillah and then say it. R. Aba said: R. Elazar's rule is reasonable regarding the blessings of (the T'fillah of) Rosh haShanah and Yom haKippurim and of *p'rakim* (infrequent occasions); however, not regarding [T'fillot of] the whole year. Is this really so? After all, Rav Yehudah would review his T'fillah before saying it! [the case of] Rav Yehudah is different, since he would only say T'fillah every thirty days - it is considered like *p'rakim*.

Here we see that Rav Yehudah did not say T'fillah every day - how can Rambam's theory be defended here?

One simple response would be to posit a dispute about the obligation of T'fillah - that Rav Yehudah (in the minority) holds that T'fillah is totally a rabbinic obligation (like Ramban's later approach) and that his opinion is rejected. This would work - except that we find no mention of such a dispute anywhere in the Gemara or related texts.

A more intriguing response will take us back to Rambam's introductory formula: "...to serve God every day via T'fillah." Note that Rambam does not define the Mitzvah as pure T'fillah - nor does he simply state that there is a Mitzvah to worship God (every day); he combines the two in this unusual formula. What is the implication of Rambam's phrasing here?

V.

AVODAT HASHEM - ONLY T'FILLAH?

Rambam clearly holds that the primary obligation from the Torah is worship - *Avodah*. We will go one step further - since the Torah obligates us to worship YHVH your God with all of your hearts* (Devarim 10:12), the implicit focus of this Mitzvah is Avodah shebaLev. However, what does that phrase mean? If it directly means T'fillah (as a simple reading of the Gemara in Ta'anit and the Sifri would lead us to believe), then the Mitzvah should be directly one of T'fillah - and Rambam should have worded it so. By integrating Avodah into his primary formula, he is inviting us to entertain a more complex understanding of the Mitzvah in question.

What is the intent of the Gemara's *drashah* (exegesis) in Ta'anit? Let's go back to the text and see: *Eizehu Avodah shebaLev? Hevey Omer: Zu T'fillah* (what is "worship of the heart"? - I would say T'fillah). What is bothering the Rabbis about the verse from Devarim?

Avodah (within a theocentrically focussed context) is conventionally understood to refer to (animal or grain) offerings. (In addition to work related to the construction of the Mishkan - see Bamidbar [Numbers] Ch. 4) See the various references in Bamidbar Ch. 18. Therefore, we are surprised when we encounter a demand for Avodah - to be done with our hearts, rather than with our hands.

We could either interpret this positivistically - i.e. identify a particular action which is "heart-worship" that the Torah is commanding; or we might interpret it exclusivistically - that the Torah commands us to worship God (also) in a method (any method?) which is non-physical. In other words, do we understand the *lev* ("heart") component to be pointing to a particular mode of worship - or just to any worship which is not external?

There are several modes of worship which are theo-focussed, yet not external-physical. Primarily, of course, we think of T'fillah - we are worshipping God, through communion with Him - yet there is no external act which exemplifies T'fillah. Put even more sharply - no visible change has taken place on any item external to the worshipper (unlike Avodah in the Mishkan where either the Mishkan has become more constructed or a particular offering has reached the altar, been eaten, been disposed of properly etc.).

There is another worship-action which is similarly internal - one which is thought of less intuitively than T'fillah. The Sifri (R'eh #33, commenting on the verse in Devarim 10:12 - *...v'oto ta'avodu...* - "...you shall worship Him...") states: *v'oto ta'avodu - b'torato ivduhu...* "worship Him through His Torah". Talmud Torah - the study of Torah, may be considered a form of Avodah. If so, it will certainly be considered Avodah shebaLev - since it has no externally visible impact. By offering several types of heart-worship (the Sifri also suggests T'fillah - not as another opinion, in dispute with Talmud Torah, but as another option), the Sifri follows the exclusivistic understanding of *Avodah shebaLev* - the Torah is commanding us to engage in one of several non-physical modes of worship.

Now - can any participation in Talmud Torah be considered Avodah? Not necessarily - the Gemara

in Hagigah, commenting on the verse (Malakhi 3:18) "Then once more you shall see the difference between the righteous and the wicked, between one who serves God (*Koved Elohim*) and one who does not serve Him.", makes the following observation: "Isn't the righteous the same as one who serves God and the wicked the same as one who does not serve Him? Rather, one who serves God and one who does not serve Him are both righteous - yet, the one who reviews his study one hundred times is not the same as one who reviews it one hundred and one times. The Gemara here draws a sharp line, identifying some (very serious) levels of Torah study with righteousness - yet falling short of "worship". However we understand the distinction between one who reviews one hundred and one times, and whatever the value of that extra review might be (if we understand it literally), one thing is clear: There are some experiences of study which are considered "Avodat Hashem" - and some which fall short of that.

There is a class of students/scholars identified in the Gemara (e.g. Shabbat 11a) known as *mi shetorato um'nato* - someone whose Torah is his vocation. This is not a reference to professional educators or students - rather to those who are whole-heartedly committed to study in a (literally) full-time sense. This category shows up in MT, significantly, in the context of T'fillah.

In Hilkhot T'fillah 6:8, Rambam distinguishes between 'regular' people, who must interrupt their study for T'fillah - and those who are *toratam um'natam* who do not interrupt. Rambam explains that the Mitzvah of Talmud Torah is greater than the Mitzvah of T'fillah, which is why they do not interrupt their study for T'fillah. This explanation is, however, a bit confusing. If Talmud Torah is greater, why does anyone engaged in study have to interrupt for T'fillah? Why should this equation only apply to those who are in the category of *toratam um'natam*?

If we posit a qualitative difference between the Talmud Torah of the 'elite' group - and define it in the terms presented in Hagigah, we can understand Rambam's ruling. Indeed, Talmud Torah may be greater - but every person has to participate in God's worship. However, if someone is already engaged in another (greater) form of Avodah (i.e. Talmud Torah), then the concern for his involvement with Avodah is assuaged. In other words, not every form of study is considered Avodah; however, one that takes precedence over T'fillah.

Now we can understand Rambam's wording at the beginning of the Halakhah. The Mitzvah (as commanded in the Torah) is "heart-worship", i.e. worship of God through internal (cognitive and emotional) means. The basic method - which is accessible to everyone - is T'fillah. Therefore, Rambam defines it as "worshipping God via T'fillah"; however, if someone, like Rav Yehudah, is studying in a mode which is considered *Avodat Hashem*, then not only is he exempt from T'fillah, his Avodah may even be considered more praiseworthy. (As to why Rav Yehudah did say T'fillah once a month...that is a topic for another shiur. Ideas?)

VI. DAILY WORSHIP

Ramban's third challenge is the 'daily' component in Rambam's formula. Granted that the Torah is commanding us to worship God through T'fillah, where, in any of the cited verses, is there an indication that this Mitzvah is to be performed daily? (see Mr. Harrar's insightful comments below).

Parenthetically, all Mitzvot of commission have some time-orientation for their fulfillment. There are Mitzvot that are constant (e.g. Talmud Torah), Mitzvot which are situational (e.g. building a parapet around a roof IF you live in such a home that requires one) and Mitzvot which are time-oriented (e.g. K'riat Sh'ma at rising and sleeping time). Once we respond to Ramban's challenge and identify a source/rationale for declaring "Avodah via T'fillah" as a daily Mitzvah - how is this defined? Is it something to be accomplished once a day - or is there some other way to understand it?

Note that Rambam does not define this Mitzvah (in his introductory formula) as *pa'am b'yom* - once a day; rather *b'khol yom* - every day. This language lends to an understanding that the Mitzvah is every day - i.e. all the time. Although the stance which is required is constant Avodat Hashem; the points of reference are once - or several times - a day. There are many models for this distinction in Halakhah. One example which is handy comes from Hilkhoh Shabbat. There is a Mitzvah in the Torah to remember the day of Shabbat (Shemot [Exodus] 20:8); this Mitzvah seems to be an ongoing one. Yet, we only perform the action of this Mitzvah once a week (Friday night Kiddush - see MT Shabbat 29:1 and Ramban on Shemot ibid.). Although the cognitive awareness of Shabbat should be constant, the action which expresses this awareness is done weekly. (See Ramban ibid who maintains that our reckoning the days of the week from - or to - Shabbat is a daily fulfillment of this Mitzvah; however, the point is still valid. Even if we only fulfill it daily, it is still not done on a 24-hour basis.)

Now, the question is why the point-of-action of the Mitzvah of Avodah is once a day. Here we have several options. First of all, it may be patterned after the model of Avodah - the Mikdash. The Mikdash is only open for Avodah during the day; i.e. each night is a Halakhic interruption of Avodah - and each dawn brings a new day of Avodah. If - as is evident from many Halakhoh and as we will see in later shiurim - T'fillah is patterned after Avodat haMikdash, we can understand the once-a-day parameter.

We could also make a textual association with the sections of Devarim which warn us against forgetting God. The context there (see, for instance, Devarim 5:10-15) is one related to work - you will build, create, conquer etc. and, amidst the success, forget God. If one of the goals of Avodat Hashem is to maintain the relationship with God in the most intimate and dependent level (and, indeed, that may be its chief *raison d'être*) then the necessity for daily Avodah/T'fillah is obvious. This would also explain the prohibitions against eating and working before T'fillah - each day of living, working, enjoying etc. must be guided by the experience of T'fillah.

VII.

R. ELAZAR, R. YOHANAN B. ZAKAI AND SAFEK T'FILLAH

There is one problem left (actually there are quite a few, but one which we will address) inherent in

Rambam's approach to T'fillah.

In B'rakhot 21a, the Gemara cites several opinions about what to do in case of *safek* regarding parts of the daily worship. What if someone was not sure if he had already said K'riat Sh'ma - does he repeat it or not?

Regarding T'fillah, we find the following two opinions:

R. Elazar said: If he was in doubt as to whether or not he read K'riat Sh'ma, he should reread it; however, if he was in doubt as to whether or not he said T'fillah, he does not go back and say T'fillah. R. Yohanan b. Zakai said: Ideally a person should say T'fillah all day.

The conventional way to understand R. Elazar is that he holds that K'riat Sh'ma is d'Orayta and that T'fillah is d'Rabanan. Following the general rule of *Safek d'Orayta l'Humra, Safek d'Rabanan l'Kula* - a doubt regarding a Torah law is dealt with stringently, a doubt regarding a Rabbinic law is dealt with leniently, he rules accordingly.

However, we will be surprised to find that Rambam rules like R. Elazar (except in some cases - which may mean that he isn't ruling against R. Yohanan b. Zakai but limiting the application of his statement - more on this later on). In MT T'fillah 10:6, Rambam rules that someone who is in doubt as to whether or not he said T'fillah does not repeat it. Why does Rambam apply the rule of Safek l'Kula to a Mitzvah which is (according to him) d'Orayta.

I'd like to suggest two answers:

As I suggested above (in the analysis of the sugya in Sukkah 38a), we assume that the person is not in doubt about all his T'fillot that day; since he will certainly have said T'fillah at least once, that fulfills the Torah level of obligation; anything more is merely d'Rabanan and is dealt with leniently. However, if this is the case, why doesn't Rambam qualify the ruling and apply it only in a case where the person has already (certainly) said T'fillah once that day?

The second answer cuts more to the nature of T'fillah and demands that we understand it as inherently different than other Mitzvot which are d'Orayta. For instance, if I am unsure if I shook the Lulav on the first day of Sukkot (a Torah obligation), I can pick up the Lulav again and shake it, thinking just in case I didn't do it the first time, I'll do it again. I'm also thinking if I did it before, this act is meaningless. Regarding B'rakhot, we cannot apply this thinking - we wouldn't want them to be meaningless - so we would say the following: If I didn't say Birkat haMazon (the blessing after a meal - also a Torah obligation) before, then this is the Birkat haMazon of which I am obligated. And if I did say it before, then I am thanking God again. - surely not a bad thing to do, especially when required by Halakhah. However, we cannot apply the same thinking to T'fillah - as Avodah. Just as is the case in the Beit haMikdash, we never do Avodah just in case; Avodat Hashem requires whole-hearted focus and meaning. It is possible for Rambam to maintain that T'fillah is a Mitzvah d'Orayta - and yet, something we do not do in a case of doubt - only as full-intentioned worship. *L'ahavah et Hashem

Eloheikhem ul'Ovdo b'Khol L'vav'khem* - "Loving YHVH your God and worshipping Him with ALL OF YOUR HEARTS".

now, to the questions:

Q1: Why does Rambam combine Hilkhot T'fillah with Hilkhot Birkat Kohanim (the Kohanic Blessing; see Bamidbar 6:22-27)?

JH (Joseph Harrar):

Bamidbar 6:22-27 This is what we call Birkat Kohanim. During the days of the Beit Hamikdash, the Kohanim used to say it in the morning and at dusk with their offerings. They practiced the nessiat-kappayim while saying it. After the Hurban [destruction], the Birkat Kohanim was joined to the Tefilla and is a part of it (during the hazara of the Sh'mone Essre). It is why Rambam combines Hilkhot Tefilla with Hilkhot Birkat Kohanim.

YE (Yitz Etshalom):

In addition to Joseph's reason, T'fillah is a Mikdash-oriented Avodah (see the shiur on Sefirat ha'Omer) and, as such, is directly connected with Birkat Kohanim - which is, of course, an extension of Birkat Kohanim in the Mikdash. As Joseph points out, Birkat Kohanim is integrated into T'fillah (and is theoretically performed at each daytime T'fillah - but more on that later).

Q2: Why does Rambam use the phrase *la'Avod et Hashem...biT'fillah* (to serve God via T'fillah)? Why not *la'vod et Hashem* (to serve God) or *l'hitpalel* (to say T'fillah)?

JH: Because it is said: ul'ovdo b'khol l'vav'khem (Devarim 11:13) and Avoda she-balev is Tefilla.

YE: See the shiur above.

Q3: What is Rambam's source for this Mitzvah (Avodah biT'fillah) being a daily obligation?

JH: "vela'amod baboker baboker lehodote ul'hallel l'A. vekhen la'areb" (I Divre Hayamime 23:30). "va'avad'tem et A. Eloheikhem uverakh et lach'm'kha ve'et meimekha..." (Shemot 23:25). lechem umayim, (bread and water) are daily needs. So the Tefilla by which a person asks for its needs should be daily.

YE: See the shiur above.

Q4: How can Rambam reckon T'fillah as a Mitzvah from the Torah - when the Talmud states several times that T'fillah is d'Rabanan?

JH: He reckons it as a mitzvat Ôasse because it is said: ÔvaÔabadtem et A. Eloheikhem (Shemot 23:25) and the Oral Law teaches that ÔAvoda is Tefilla from ÔulÔovdo bÔkhol lÔvavÔkhem (Devarim 11:13). Because ÔAvoda she-baleb is Tefilla.

YE: Yes, but that doesn't answer the direct question: What about the statements in the Gemara that

indicate that T'fillah is d'Rabanan? See the shiur above.