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Tefila

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Tefilah

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1. In the Talmud, Rabi Yosi B’Rabi Chanina says the daily prayers (Tefilos) were instituted by our Avos, Avraham, Yitzchak, and Ya’akov. A Baraisa is cited to support his view. The source for Shacharis is a verse in Parshas VaYeira that states “And Avraham arose early in the morning to the place where he had stood (Amad) before HaShem.” Amad or Amidah refers to prayer. The source for Minchah is a verse in Parashas Chayei Sarah that states “And Yitzchak went out to meditate (LaSuach) in the field toward evening.” LaSuach or Sichah refers to prayer. The source for Ma’ariv is a verse in Parashas Toledos that states “And he [Ya’akov] encountered the place and slept there.” P’ge’ah or Tifga refers to prayers. However, Rabi Yehoshua Ben Levi says the daily prayers were instituted corresponding to the daily Tamid offerings. A second Baraisa is cited to support his view. The morning prayers are recited until noon (or four hours into the day) because that is when the Tamid Shel Shachar is permitted to be offered. The afternoon prayers are recited until evening because that is when the Tamid Shel Bain HaArbayim is permitted to be offered. The evening prayers do not have a fixed time for recital because smoldering A’varim U’F’darim that were not burnt prior to the evening could be offered the entire night. Musaf may be recited the entire day (or until seven hours into the day) because that is when the Musaf is permitted to be offered.

The Gemara relates a fascinating Baraisa arising from the question on the status of the Ma’ariv Tefilah. Rabi Yehoshua told a student it was R’sheus, but later Raban Gamliel of Yavneh told that same student it was a Chiyuv. When the matter was discussed in the Bais Midrash, Raban Gamliel took Rabi Yehoshua to task. (Doros HaRishonim explains Raban Gamliel, the Nasi of the Mesivta, was dealing with the aftermath of the Churban, R”L, when over a million Jews perished. He was taking stringent measures to ensure unity in the Bais Din.) The Chachamim protested on behalf of Rabi Yehoshua’s honor, Raban Gamliel was temporarily deposed, and the office was offered to Rabi Elazar Ben Azaryah who was only 18 at the time. Rabi Elazar accepted the position after consulting with his wife, and his beard grew white overnight, creating a sagely appearance when lecturing in the Mesivta.

When the matter was eventually resolved, Raban Gamliel was reinstated to lecture three weeks, and Rabi Elazar would lecture one week. Although Raban Gamliel eventually appeased Rabi Yehoshua, in terms of Halachah L’Ma’aseh the Gemara does not say that Raban Gamliel changed his view. A careful reading of the Gemara indicates Raban Gamliel sought to appease him because the majority voted with Rabi Yehoshua on an unrelated legal matter.

2. The Rambam in Hilchos Melachim states Adam was given six commandments, and a seventh was given to Noach. The matter continued thusly until Avraham Avinu, who was commanded Milah and instituted morning prayers. Yitzchak Avinu was commanded to separate tithes and instituted the afternoon service. Ya’akov Avinu added the prohibition of eating the Gid HaNasheh and instituted the evening prayers. Because these prayers are pre-Sinaic, they are D’Rabanon.
Rabeinu repeats it.\textsuperscript{33,34} There is no repetition, however, regarding \textit{Shacharis} which was given to \textit{Avraham Avinu}. This same pattern follows the details regarding the \textit{Mitzvos} of the other \textit{Avos} and the \textit{Tefilos} they instituted. Thus, the \textit{Rambam} rules according to \textit{Rabi Yosi B’Rabi Chanina} that the \textit{Tefilos} were instituted by the \textit{Avos}.\textsuperscript{35}

However, the \textit{Eyan Mishpat} on the Daf\textsuperscript{36} does not endorse \textit{Rabi Yosi}’s view. Instead, the view of \textit{Rabi Yehoshua Ben Levi} is enumerated by pointing to the \textit{Rambam} in \textit{Hilchos Tefilah}, where it states “\textit{Tefilos} correspond to the… offerings.”\textsuperscript{37} There is a \textit{Tefilah} that corresponds to the morning (\textit{Shel Shachar}) and the afternoon (\textit{HaMinchah}). Similarly, on days where there is an additional offering there is a \textit{Tefilah} corresponding to it (\textit{HaMusafin}). The \textit{Tefilah} corresponding to the night (\textit{Arvis}) is based on the initial offering in the afternoon, and there is \textit{R’sheus} to offer it anytime that it remains burning through the night.\textsuperscript{38}

The apparent \textit{Stirah} in the \textit{Rambam} is discussed at length by the \textit{Kesef Mishnah}\textsuperscript{39} and the \textit{Lechem Mishnah}.\textsuperscript{40} The \textit{Halichos Yehudah}\textsuperscript{41} wonders at their discussion, quickly dispatching the apparent contradiction. The \textit{Gemara} asks rhetorically if the second \textit{Baraisa} “refutes \textit{Rabi Yosi}.”\textsuperscript{42} \textit{Rabi Yosi} can reply that the \textit{Avos} established the prayers, but later the \textit{Anshei Knessess HaGedolah} associated them with their respective sacrifice.\textsuperscript{43,44} The \textit{Rambam}’s position remains in accordance with \textit{Rabi Yosi}’s view, but because it is amenable to both \textit{Baraisios} there is no contradiction.\textsuperscript{45}

3. Regarding the \textit{Gemara}’s suggestion of \textit{Rabi Yosi}’s possible reply to the attempted refutation, various commentators\textsuperscript{46} note that in any case the first \textit{Baraisa} supports him. Therefore, in an effort to buttress the \textit{Hava A’minah}\textsuperscript{37} they explain the first \textit{Baraisa} to mean that the \textit{Tefilos} of the \textit{Avos} were personal and not an institution for everyone, leaving no support for \textit{Rabi Yosi} even from the first \textit{Baraisa}. This is a difficult explanation, because the \textit{Gemara} says explicitly, “A \textit{Baraisa} was taught in accordance with \textit{Rabi Yosi}.”\textsuperscript{48}

The question arises why the \textit{Gemara} did not suggest \textit{Rabi Yosi} agrees only with the fourth part of the second \textit{Baraisa} (\textit{Musaf} is based on the \textit{Korbanos})? He could disagree with the first three parts and continue to hold \textit{Shacharis}, \textit{Minchah}, and \textit{Ma’ariv} are due to the \textit{Avos}. There is no rule requiring an \textit{Amora} to teach all parts of a \textit{Baraisa}.

For example, consider the case of the ox that becomes noxious (\textit{Mu’ad}) while in the possession of the borrower, and that ox gores again after being returned to its owner. A \textit{Baraisa}’s ruling regarding the owner paying half damages and the borrower being exempt from liability does not fully comport with either of the disputants on this matter. \textit{Rabi Yochanan} proposes, therefore, “to break [apart the \textit{Baraisa} because clearly] the one who taught this [\textit{clause}] did not teach that [\textit{clause}].”\textsuperscript{49,50} \textit{V’Tzorich Eyan}.

In the \textit{Hemshech}, the \textit{Gemara} questioned the position of \textit{Rabi Yosi}, but not \textit{Rabi Yehoshua}.\textsuperscript{51} Why is the latter’s opinion praesumptio iuris et de iure? \textit{V’Tzorich Eyan}. If the answer is because despite being younger than \textit{Rabi Yehudah HaNasi}’s disciple \textit{Rabi Chanina},\textsuperscript{52} the \textit{Rambam}\textsuperscript{53} lists \textit{Rabi Yehoshua} as one of the 128 \textit{Tana’im} enumerated in the \textit{Mishnah}, it would raise a different question. \textit{Rabi Yosi} was a third generation \textit{Amora}, having received \textit{S’micha} from the venerable \textit{Rabi Yochanan} who was a first generation \textit{Amora}. How could \textit{Rabi Yosi} dispute the authority of \textit{Rabi Yehoshua} if the latter is a \textit{Tana}?\textsuperscript{54}

The \textit{Rambam} places \textit{Rabi Yehoshua} among a subset of 37 of these \textit{Tana’im} who are not cited due to their \textit{Mishnaic} authority. They are mentioned in the \textit{Mishnah} because they were present at a \textit{Ma’aseh Sh’haya}, or are being cited for an extra-legal exposition. They lived during a transition period. Some are considered to both a \textit{Tana} and an \textit{Amora} (such as \textit{Rav Chiya}, \textit{Rav}, and \textit{Rav Yehoshua}).
R’ Oshaya, and Rabi Chanina, and the most junior to be Amora’im. Rabi Yehoshua was a young man during this transition, and is properly classified as a first generation Amora for Halachic purposes. Therefore, Rabi Yosi need not conform to his view.

4. Important implications in Halachah depend on the source of Tefilos. Some examples:

a. Rav Huna Bar Yehudah notes Minchah can be made up, if inadvertently or unavoidably missed, by reciting it after the ensuing Ma’ariv prayer. (It cannot be made up if deliberately skipped.) This follows if Tefilah is based on the Avos, who prayed to invoke mercy from G-d “who hears prayer.” However, if Tefilah is based on the Korbanos, sunset is the line of demarcation between one day and the next, and an offering for one day may not be made for another day.

b. It is taught in a Baraisa that there were only three Avos, not four. According to the Gemara, this is the reason Rabi Yosi must also agree that Musaf is based on the Korbanos. Thus, if it was inadvertently or unavoidably missed, Musaf cannot be made up in the evening according to both opinions, because one day’s Korban cannot be offered the next day.

If the day is not over, but the time for Minchah has arrived, should the person recite Minchah or Musaf first? The Rabanon taught in a Baraisa that Minchah has the higher priority due to the principle that it is the more frequent Mitzvah. Rabi Yehudah counters that Musaf should be recited first because it has a set time, and once the time has elapsed Musaf cannot be made up. (Rashi explains Rabi Yehudah holds with the parenthetical opinion in the 2nd Baraisa that Musaf may only be recited until the 7th hour.) Rabi Yochanan says the final ruling is Minchah is recited first.

No explanation is given for the final ruling, but perhaps it is because the primary opinion in the 2nd Baraisa is Musaf may be recited the entire day (i.e., even after the 7th hour). Perhaps it is in accordance with the Rambam’s statement that “a Mitzvah is more endearing when fulfilled at its proper time,” and thus it is better to at least recite Minchah in its proper time.

The Magen Avraham presumes the context of this Sugia pertains to when there is sufficient time to pray both Minchah and Musaf. However, if there is only sufficient time to pray one Tefilah he rules Musaf has priority. Once sunset arrives Musaf can no longer be recited, because one day’s Korban cannot be offered the next day. Minchah, however, may be made up after the ensuing Ma’ariv.

This brings up the interesting question of how Minchah, which under these circumstances will be deliberately skipped, can be made up? A possible resolution is found in the Yerushalmi regarding Tzarchei Tzibur and in the Talmud Bavli regarding the person whose sole occupation is the study or teaching of Torah and interrupts it for no other reason. In these cases the person is not required to interrupt the performance of their Mitzvah to recite the Tefilos, and the Halachah follows accordingly.

Thus, it is possible that the person has the obligation to recite Musaf, and is occupied is so doing, leaving Minchah to be recited after the evening’s Ma’ariv prayer is not considered a willful omission that cannot be made up. The Shulchan Aruch HaRav does not consider missing the Sh’monah Esrei due to being preoccupied with averting a financial loss, intoxicated, or engrossed in business to be a brazen or wanton omission. If an omitted Sh’monah Esrei can be compensated in those circumstances, then how much more so a person should be able to compensate for a missed Sh’monah Esrei due to praying Musaf, despite the fact that person brought about the situation to begin with.
c. The Tana'im differ, as noted above, regarding Ma’ariv. Raban Gamliel says it is obligatory, but Rabi Yehoshua says it is elective. The Amora'im follow suit, 81 as Abaye says it is required, but Rava 82 says it is elective. The Rishonim and the Acharonim rule according to Rabi Yehoshua and Rava.

Even though Ma’ariv is elective there is a stringency supporting its recital. After all, as noted in three places by Tosafos 83 it was instituted by Ya’akov Avinu according to the view that the Tefilos are due to the Avos. If the source of Tefilah is from the Korbanos there is less stringency regarding reciting Ma’ariv, because the Korbanos are required to be offered during the day. 84 Although it is permitted to offer any of the limbs or fats that remained into the night, as mentioned above the Rambam rules that “a Mitzvah is more endearing when fulfilled at its proper time,” 85 meaning initially it is preferred that the entire afternoon sacrifice is offered while it is yet day. Nevertheless, the Rambam in Hilchos Tefilah notes that even though Ma’ariv is but a custom “all Yisrael… have accepted [it] as being obligatory.” 86

d. Rabi Yirmeyah states a person who didn’t pray with Kavanah6 must repeat the Tefilah. 88 (According to the Shulchan Aruch, 89 the same applies to the requirement that the Tefilah be recited “B’Lashon Tachanunim” – in a pleading voice.) In contradistinction, the Rambam rules that an offering without Kavanah does not need to be repeated. 91,92,93 Thus, in the absence of Kavanah, if Tefilah is based on the Avos it must be repeated, but if based on the Korbanos it does not have to be repeated.

e. The Rema 94 rules that a person who committed inadvertent or unintended (B’Shogaig) manslaughter and has since become a Ba’al Teshuva is permitted to be the Shaliach Tzibur. This poses no problem if Tefilah is based on the Avos.

However, there may be a problem if Tefilah is based on the Korbanos. Rabi Yochanan 95 states, “Any Cohain who has killed a person may not raise his hands” [i.e., is invalidated from performing Bircas HaCohanim]. The Rambam rules “A Cohain who killed someone, even if he does Teshuvah, should never raise his hands [to perform the Bircas HaCohanim].” Tosafos 97 invalidate this person from performing any service relating to the Mitzbayach or the Korbanos. The Shulchan Aruch includes in this prohibition the person who commits manslaughter B’Shogaig. 98 If Tefilah is based on the Korbanos it would not be permitted to descend 99 before the Amud and serve as the Shaliach Tzibur, even if that person is a Ba’al Teshuva.

The Shulchan Aruch Harav 100 eliminates this issue from contention. He rules according to Abaye that the credential necessary to descend before the Amud is being worthy (Hagune), 101,102 defined as having been honorable even as an adolescent (Pirkos Na’eh). 103 Only a person who habitually is unworthy or whose act is B’Mazid is not classified as being Pirko Na’eh. 104 If the person did Teshuvah 105 after an isolated Aveirah B’Shogaig, he retains the status of Pirko Na’eh and may serve as the Shaliach Tzibur.

f. If prayer is based on the Avos, then a person must fix 106 a place 107 (Makom Kavuah) 108 for Tefilah. Rabi Chelbo said in the name of Rav Huna prayer in a fixed place 109 acquires the aid of G-d. The Gemara asks where it is learned that Tefilah must be in a fixed place? The answer is the Pasuk in Parashas Vayeiros that states, “And Avraham arose early in the morning to the place (Makom) where he had stood.”

The Shulchan Aruch 110 and according to the Tosefes B’rachah 111 the majority of Poskim rule that not only must the person attend the same Shul, but even the place within the Shul where the person prays must be fixed. 112 The person is not permitted to pray one Tefilah at one area and another Tefilah at a different area. The Magen Avraham 113 defines a fixed place to be anywhere within Daled Amos. (Communal prayer 114 also requires a fixed place. For example, if the Minyan
spans a second Halachic space, the Rambam\textsuperscript{115} rules if the smaller room containing nine members of the Minyan opens adjacent to the larger room containing the Shaliach Tzibur there is no quorum, and hence no communal prayer.)\textsuperscript{116}

The Shutchan Aruch HaRav\textsuperscript{117} states there is a fixed place for the Korbanos. There are designated areas for the Korbanos (i.e., place for slaughtering) and related activities (i.e., place for sprinkling, burning, eating). However, they are not restricted to the same Daled Amos, and in some cases may even take place outside of the Bais HaMikdash.\textsuperscript{118,119}

For example, the place for the Kadshei Kadashim is north of the Mizbayach, as is the Par v’Sair Shel Yom HaKipurim. The sprinkling is between the staves of the Ark toward the curtain and on the golden Mizbayach, with the remainder poured over the western base of the Mizbayach. The place for the Parim HaNisrafim U’S’irim HaNisrafim is on the north side of the Mizbayach, but is burnt in the place of the ashes outside of Yerushalayim.

The Chatos HaTzibur V’HaYachid and Zivchei Shalmei Tzibur V’Ashamos are at the north, but may be prepared in any fashion and eaten anywhere within the courtyard by male Cohanim during the day and at night until mid-night. HaOlah is offered on the north side, its sprinkling is on the southwestern and northeastern corners where it is then spread to all four corners, and is totally consumed by fire. HaTodah V’eil Nazir are offered anywhere in the courtyard, and are prepared in any fashion and eaten by anyone anywhere in Yerushalayim. The Sh’lamim are offered anywhere in the courtyard, and are prepared in any fashion and eaten by anyone anywhere in Yerushalayim over two days and one night. HaB’Chor V’HaMa’aseir V’HaPesach are offered anywhere in the courtyard; differ in the manner of how they are prepared, when they may be eaten, and who may eat them; but may be eaten anywhere in Yerushalayim.

Thus, if Tefilah is based on Korbanos, there should be no fixed location within Daled Amos as to where it must be recited.

The Talmud\textsuperscript{120} relates that when a person would leave Rabi Akiva in the place where he began the prayers that person would find him in another place at the conclusion of his prayers. However, the Gemara explains that this behavior only occurred when Rabi Akiva was praying as an individual,\textsuperscript{121} not when he was part of the Minyan. Some M’forshim opine that this behavior occurred because his Kavanah was so intense he was unaware of his movements. An opposing opinion is his movements were deliberate. The Ba’al Shem Tov\textsuperscript{122} states this behavior is akin to a person thrashing about to prevent drowning.

The resolution regarding Rabi Akiva’s behavior is given by Tosafois.\textsuperscript{123} Rabi Akiva did not move from one spot to another while praying the Amidah, but only during Tachanune, or during other parts of the service (e.g., P’sukei D’Zimrah). Tosafois note that the Halachah only prohibits moving during the Amidah, following Rabi Yosi’s view that the Tefilos are based on the Avos and must be recited in a fixed place.

The Mishnah\textsuperscript{124} states, and so rules the Rambam,\textsuperscript{125} that if a person is walking in a dangerous location when the time for Tefilah arrives the Amidah prayer can be shortened,\textsuperscript{126} and may be recited even while walking on the road. This does not follow from Rabi Yosi’s position that the Tefilos are based on the Avos and require a fixed place.

The explanation for the Rambam’s leniency is the primacy of Pikuach Nefesh\textsuperscript{127}. Similarly, the Shutchan Aruch HaRav rules regarding the situation where a snake is wound around one’s heal that the person should of course move in order to dislodge it, “for in no situation do we find walking is considered an interruption while doing a Mitzvah.”\textsuperscript{128,129} The
Sh’monah Esrei is recited while standing out of respect for being before the King [of Kings], but in the presence of danger it is permitted to move.

The Mishnah states that if a person is riding a donkey when the time for Tefilah arrives the person must dismount, because the Tefilah should be recited while standing. However, if by dismounting the person will be distracted due to contemplating on the loss in travel time, because the donkey might wander and get lost, or some such reason, the Tefilah may be recited while sitting on the donkey.

It is not necessary to stop the donkey. If one has the equestrian skill, as a substitute for the person taking three steps backward upon commencing the Sh’monah Esrei, the Halachah is the person should direct the donkey he is riding on to retreat three steps! The person should face Yerushalayim, but if that is dangerous, have Yerushalayim in mind. If that is not possible, it is permitted to wait until the person reaches the nearest inn (or similar) in order to say the Tefilah while standing. Although the Talmud stresses the importance of not moving one’s feet while saying the Sh’monah Esrei it is permitted to be lenient when the situation warrants.

There is an alternative to reciting the Sh’monah Esrei while traveling, as mentioned above. It is the Talmudically sanctioned paraphrase of seven blessings known as HaShe’elah (The Request). None of the leniencies apply if one opts to recite this prayer, meaning the person must remain standing and in a fixed spot throughout the prayer.

There is an even more abbreviated version, the Tefilah K’tzara, which the person may recite while traveling in the vicinity of wild beasts: “The needs of Your people Yisrael are many and their understanding is limited. May it be Your Will, HaShem Elokeinu, to give each person what is sufficient for livelihood and to each body what is necessary to meet its needs.”

In any case, the Shulchan Aruch HaRav rules that if it was necessary for the person to recite the Sh’monah Esrei while walking or sitting when traveling the Sh’monah Esrei should be repeated as a Toras N’dava, a free-will offering, if there is time available when reaching the destination. This is not necessary, however, if the person recited HaShe’elah, which fully discharges the obligation. If the person recited the Tefilah K’tzara while traveling and has arrived prior to the expiration of the time for Tefilah, the entire Sh’monah Esrei must be recited because the obligation was not properly discharged.

Despite the potential implications in law based on the source of the Tefilos discussed in this section, the Tzemach Tzedek rejects the notion that Rabi Yosi B’Rabi Chanina and Rabi Yehoshua Ben Levi present opposing views. Instead, the purpose of the Gemara, and subsequent scholarly deliberation by the Geonim, Rishonim, and Acharonim, is to consider both views in determining the Halachos of prayer.

The role of dueling Barasios is emphasized in a Talmudic anecdote regarding Rami Bar Chama and Rav Yitzchak B’rei D’Rav Yehudah. The latter transferred to the lecture series of Rav Sheishes. Rami asked him, tongue in cheek, if he thought that by transferring he would assume “the scent” of Rav Sheishes, meaning he would acquire more prestige.

Rav Yitzchak replied he was motivated by a different purpose. Rami would answer questions based on his own S’vorah, so if Rav Yitzchak challenged his logic by citing a Baraisa, Rami would reply, “If it was taught, it was taught,” meaning the Baraisa overrules his logic. However, Rav Sheishes would answer questions based on a Baraisa, so if Rav Yitzchak challenged it with an orthogonal Baraisa, Rav Sheishes would reply “If it was taught, it was taught,” meaning one Baraisa does not overrule another Baraisa.

Rabi Yosi and Rabi Yehoshua are both supported by Baraisios. The preservation of their opinions in the Talmud is designed to ensure consideration of both views in determining the
Halachos of prayer. This also explains why Rabi Yosi’s view is redacted first, even though he is two generations after Rabi Yehoshua. Because neither Baraisa is more authoritative, the Gemara is free to present them in historical order: first the prayers of the Avos, and second the order of the Korbanos.

5. The Rosh\textsuperscript{149} was asked what should be done if a congregation only has sufficient funds to hire either a Rabbi or a Shaliach Tzibur. If the Rabbi is “Muvhak V’Gadol B’Torah V’Baki B’Hora’ah V’Dinim\textsuperscript{150} the Rosh rules there is no doubt the Rabbi’s position has priority, because Talmud Torah has primacy. Otherwise, the Shaliach Tzibur has priority because he discharges the obligation of the congregants.\textsuperscript{151}

What is the nature of the primacy enjoyed by Talmud Torah? The Rambam\textsuperscript{152} rules that it is a Mitzvah D’Oraisa that a man \textsuperscript{153} teach his son Torah, based on the verse, “And you shall teach them to your sons.”\textsuperscript{154} The Rambam extends this ruling to the Chacham, who is required to teach students. Thus, the Rosh’s ruling that hiring a Rabbi with these qualifications takes precedence over the Shaliach Tzibur is because the Tefilos, according to both Rabi Yosi and Rabi Yehoshua, are D’Rabonon. However, this raises an apparent question\textsuperscript{155} on the Rambam, who clearly holds that B’Ikar HaDin, Tefilah is a Mitzvah D’Oraisa,\textsuperscript{156} as will now be discussed.

6. In a classical debate,\textsuperscript{157} the Rambam and Ramban\textsuperscript{158} consider whether B’Ikar HaDin Tefilah is D’Oraisa or D’Rabonon. The Rambam holds it is a Mitzvah D’Oraisa, and the Ramban holds it is a Mitzvah D’Rabonon. The Shulchan Aruch\textsuperscript{159} and Shulchan Aruch HaRav\textsuperscript{160} are among those who agree with the Rambam. The Magen Avraham\textsuperscript{161} and Mishnah Berurah\textsuperscript{162} are among those who agree with the Ramban.\textsuperscript{163}

The Rambam clarifies that “the number\textsuperscript{164} of Tefilos is not D’Oraisa, the arrangement of the Tefilos is not D’Oraisa, and fixed times for Tefilos are not D’Oraisa.”\textsuperscript{165} Nevertheless, it is a Mitzvah Aseh D’Oraisa to pray to G-d,\textsuperscript{166} discharged each day by saying “Ribon HaOlaimim\textsuperscript{167} Tein Li\textsuperscript{168} Na\textsuperscript{169} Cahch V’Cahch\textsuperscript{170},” according to one’s personal needs and requests.\textsuperscript{171} The Rambam derives this from “V’Avad tem Es HaShem Elokeichem.”\textsuperscript{172} According to HaShmuah\textsuperscript{173} (tradition), and explicitly in the Talmud,\textsuperscript{174} Avad’em refers to Tefilah. However, “what” one asks, “how” one asks, “when” one asks, etc., as designated by the Tefilos are all D’Rabonon; it is only the asking per se that is D’Oraisa.

The Rambam demurs, depicting the association of Avad’em to Tefilah as an Asmachta B’Alma.\textsuperscript{175} According to the Ramban,\textsuperscript{176} it is only a Mitzvah D’Oraisa to pray to G-d in times of Tzar, R”L. A person who is in trouble, BE”H, must cry out to HaShem for help and salvation. However, B’Ikar HaDin, Tefilos are D’Rabonon as noted in the Talmud in many places.

For example, the Ramban cites a law regarding the Ba’al Keri\textsuperscript{177} and the recitation of the Sh’ma, Bircas HaMazon, and Tefilos. After the Shakla V’Taria in the Talmud, the Maskana is the Ba’al Keri recites the first two because they are D’Oraisa, but not the Tefilos because they are D’Rabonon.\textsuperscript{178} Similarly, the Ramban\textsuperscript{179} cites a law regarding a traveler whose Lulav is at home. If he has subsequently returned home, began a meal, and then remembers about the Lulav, he must interrupt the meal to perform the Mitzvah. This is in contrast with a similar situation pertaining to a person who has begun a meal, realized the time for Minchah has arrived, but the ruling\textsuperscript{180} is the person is not required to interrupt the meal. The difference between the two cases according to Rava is taking the Lulav is D’Oraisa,\textsuperscript{181} but Tefilah is D’Rabonon.\textsuperscript{182}
7. The *Halichos Yehudah* cites a potential resolution of the debate between the *Rambam* and the *Ramban* by a commentator on the *Kuzari*. When the *Rambam* says *Tefilah is D’Oraisa* he is referring to communal prayer, whereas when the *Ramban* says *Tefilah is D’Rabonon* he is referring to individual prayer. Note that the examples cited by the *Ramban* are indeed restricted to the *Yachid* (i.e., *Ba’al Keri, Lulav*). Thus, there is no disagreement between them.

The *Halichos Yehudah* rejects this explanation. The *Rambam* states explicitly “It is a positive *Mitzvah* to pray,” followed by “women and slaves are obligated to pray because it is not a time-oriented *Mitzvah*.” Prayer of the *Tzibur* does not apply to “Nashim V’Avadim,” and thus, the *Rambam* cannot be differentiating between it and prayer of the *Yachid* – both are *D’Oraisa*.

The *Rambam* rules “Men, women, and servants may bring all these types of sacrifices,” even in a communal group, and “women and slaves are obligated to *Tefilah*, which at first glance appears to contradict the *Halichos Yehudah*’s explanation. However, the *Rambam* further rules that women and servants may not perform *S’michah* (placing the hands on the animal), and even if a group of men bring a shared offering, they must do the *S’michah* individually, one after the other. This supports the notion that prayer of the *Tzibur* do not pertain to *Nashim V’Avadim*, and even though it is prayer of the *Yachid*, it is *D’Oraisa*.

8. A classical resolution of the *Machalokes* between the *Rambam* and the *Ramban* is that the former is referring to fulfillment of the *Mitzvah*, whereas the latter is referring to only discharging the obligation of the *Mitzvah*. Asking G-d when one is in need discharges an obligation; the addition of the *Nusach*, set times, quorum requirements, etc., fulfill the *Mitzvah*. The continuation of discharging that obligation via the *Nusachos*, fixed times, etc., elevates those details to the level of a *D’Oraisa*. This is consistent with *Tefilas Minchah*, because the *Rambam* views the afternoon *Olos* to be a continuation of the same *Mitzvah* of the *Olos* of *Shacharis*. According to the *Ramban*, however, the continuation and their details are separate, and hence, are *D’Rabonon*. Following this view, the *Ramban* also rules the *T’midin* of *Shacharis* and *Minchah* are separate *Mitzvos*.

Another classical resolution is to differentiate between *Mitzvos* that are required versus voluntary. For example, there is no requirement to live in a house, apartment, or similar dwelling. However, if one chooses to do so it is a *D’Oraisa* requirement to affix a *Mezzuzah* to the doorposts of the house. There is no requirement to eat meat. However, if one chooses to do so, it is *D’Oraisa* requirement that the animal must be *Tahor*. There is no requirement to wear a four cornered garment. However, if one chooses to do so, there is a *D’Oraisa* requirement that it must have *Ttzitzis* attached. Thus, the resolution is fulfilling the *Mitzvah* of prayer via the *Tefilos* are voluntary, but if one chooses to do so, then its requirements are *D’Oraisa*.

9. *Rabi Yochanan* says that it is taught in a *Baraisa* that the text of the *Sh’monah Esrei* was established and composed by the 120 Elders, the *Anshei K’nessess HaGedolah*, which *Rabi Yirmeyah* notes included over 80 *N’ve’im*. Yet, the *Gemara* also states it was *Shimon HaPakuli* (the flax merchant) who arranged the order of the *Sh’monah Esrei*.

What did *Shimon HaPakuli* arrange if the *Sh’monah Esrei* was previously composed by the *Anshei K’nessess HaGedolah*? The *Gemara* answers “they had forgotten” and [he] arranged them again.” Despite the chaos of the *Churban*, *R”L*, is it really possible that the *Tefilos*
could be forgotten? Actually, the Gemara is specific and states Shimon HaPakuli “Hisdir” ordered individual blessings of the Sh’monah Esrei, but he did not establish or compose them.

Is it possible that the order of the individual blessings in the Tefilah could be forgotten? Actually, between the statement that Shimon HaPakuli ordered the Tefilos and the statement that they were forgotten, the Gemara gives a lengthy series of proof-texts that dictate the order of the individual blessings in the Tefilah. Shimon HaPakuli’s contribution was to rediscover the proof-texts.

The Gemara concludes with the ruling that the blessings of the Sh’monah Esrei must be recited in sequence or it must be repeated. Furthermore, because that order is now fixed, it is not permissible to add additional blessings. How, then, does it happen that the Sh’monah Esrei, the 18 blessings of Tefilah, actually number 19? Raban Gamliel asked the Chachamim, “Does anyone know how to establish and compose a blessing to guard against the Tz’dukim (heretics)?” Sh’muel HaKatan arose and did so.

This is not a contradiction, because Rabi Elazar explains the prohibition against adding additional blessings does not apply to a person who is capable of declaring all of G-d’s praise. The last person with this qualification was Sh’muel HaKatan, a venerable Sage upon whom the Sh’chinah was perceived, and who was known to reveal prophecy.

Because the sequence is now fixed, how can this be reconciled with the Mishnah wherein Rabi Elazar says fixed prayers are not a real supplication? What is genuine about reading a script to G-d that was written by others millennia ago? Rabah and Rav Yosef say that the Tefilah is not genuine unless the person says something new or innovative. The reconciliation is the Halachah that a person is permitted to add blessings or personal supplications in the Tefilah after the 19th blessing and prior to the concluding material of the Sh’monah Esrei.

10. In the Talmud, Rava asks Rabah Bar Mari a question regarding the importance of breakfast. The response, pertaining to bread and water, was made analogous to the verse “And you shall serve HaShem your G-d, and He will bless your bread and your water.” The first clause of this verse refers to reciting the Sh’mah and Tefilah. The juxtaposition of prayer with meals supports Rabi Yosi’s view. There are three daily meals, corresponding to the three daily Tefilos. However, many people have the habit of eating a late night snack. Is there a prayer service corresponding to it?

Beginning at midnight, Ramchal explains that G-d’s Aura and Will emanates, and spiritual goodness begins revoking the authority that evil exerts in the night. Due to the auspiciousness of this moment, Dovid HaMelech says “At midnight I arise to give thanks to You,” and the Talmud adds it is an auspicious time for Divine Grace. Ramchal states that because he is not on the same level as the Avos his midnight service known as Tikun Chatzos is not obligatory. The liturgy associated with this prayer does not include the Amidah, and people may augment Dovid HaMelech’s words “in accordance with their understanding.”

Subsequent to the Churban, R’T, its recital was said by Chasidim who mourned for the Bais HaMikdash. The Ba’al HaTanya (and Shulchan Aruch HaRav) states “whoever cannot do so nightly should at least do so once a week, prior to Shabbos.” The Mishnah Berurah, citing the Ari Z”L, notes that many who do not do so during the year nevertheless have the custom to say Tikun Chatzos during the 3 Weeks (period of mourning for the 1st and 2nd Temples, observed between the 17th of Tammuz through the 9th of Av). The Zohar frowns on the person who forgoes an opportunity to recite Tikun Chatzos.
11. The Anshei K’nessess HaGedolah redacted the text of the benedictions of the Sh’monah Esrei in the form of “Baruch Atah HaShem,”\(^{240}\) which requires explanation. The Kuzari\(^ {241}\) describes the revelation observed by the Avos as compared with the B’nai Yisrael based on the verses “I am HaShem. I revealed Myself to Avraham, to Yitzchak, and to Ya’akov as Kel Shagai,”\(^ {242}\) but My name HaShem I did not make known to them.”\(^ {243}\) Overt miracles such as the plagues, parting of the sea, and manna were not required by the Avos. The Talmud\(^ {244}\) also differentiates between the Avos and Moshe Rabeinu, where the former never felt compelled to ask G-d’s highest name (the Tetragrammaton) as did the latter.\(^ {245}\)

At first glance, the verse cited above is not understood. Indeed, in many places the Torah invokes the name HaShem, not only to Avraham,\(^ {246}\) but even earlier while he was called Avram,\(^ {247}\) to Sarah while she was called Sari,\(^ {248}\) and even to Hagar!\(^ {249}\) The explanation for Sarah is given by Rashi,\(^ {250}\) who explains that Avraham’s level of prophecy was secondary to that of his wife, and thus there is no contradiction that she received a higher revelation.\(^ {251}\) The explanation for Hagar is that her revelation was with a Mal’ach HaShem,\(^ {253}\) which of course is a much lower level of revelation.

The verse states HaShem came to Avram in a vision.\(^ {254,255}\) This is unlike Moshe Rabeinu’s direct revelation of HaShem. Moreover, the verse states, “And appeared HaShem to Avram and said to him, ‘I am Kel Shagai,’”\(^ {256}\) which explicitly states the appearance of HaShem to Avraham was perceived via the name Kel Shagai. Therefore, it follows that the proof-text pertaining to Shacharis (“stood before HaShem”)\(^ {257}\) refers to the name Who heard his Tefilah, not the name to Whom Avraham addressed his Tefilah. The same applies to Yitzchak\(^ {258}\) and Ya’akov,\(^ {259}\) and thus, the Torah does not repeat the name Who heard their Tefilah nor need to state the name to Whom they addressed their Tefilah.

Subsequent to the revelation received by Moshe Rabeinu (and then the B’nai Yisrael), the Anshei K’nessess HaGedolah were able to redact the uniform text of the Sh’monah Esrei in the form of “Baruch Atah HaShem”\(^ {260}\) in the Tefilos of Avraham, Yitzchak, and Ya’akov.

12. In the Galus between the Bayis Rishon and Shaini, Yisrael cried before Yirmeyahu HaNavi asking how would G-d hear and accept their prayers? He replied that the Korban, in and of itself, was necessary but insufficient when the Holy Temple was yet standing.\(^ {261}\) To understand Yirmeyahu HaNavi’s reply, consider the 40th chapter of T’hilim.\(^ {262}\) It is a Mitzvah to offer the Korbanos when the Holy Temple is established, but what need has G-d of sacrifices? Surely it is a device through which we should lend our ear to the Torah, and to fulfill its Mitzvos. Thus says Rabi Elazar,\(^ {263}\) “Tefilah”\(^ {264}\) is greater than the Korbanos, as it states, “What need have I of your many sacrifices?”\(^ {265}\) Indeed, the Halachah\(^ {266}\) is Tefilah takes the place of the Korbanos, as the verse says, “We will render our lips in place of bullocks” (Hoshea 14:3). This is because Tefilah is Zivug with the Sh’chinah.\(^ {267}\)

A Korban offered without Kavanah, not L’Shem Sh’mayim, discharges the obligation,\(^ {268}\) but does not fulfill the precept.\(^ {269}\) That is why Yirmeyahu HaNavi\(^ {270}\) says neither to the Avos, nor on the day we were brought out of Egypt, did G-d speak about offerings or sacrifices. Instead we were charged to obey G-d’s voice. Just as G-d listened to and fulfilled the prayers of the Avos long before the Bais HaMikdash was established, so too, G-d listens to and fulfills our prayers even in the absence of the ability to offer the Korbanos. The Prophet assures us that as long as the light is called day and the dark is called night, “I will be their G-d and they will be My people.”\(^ {271}\)
13. The Rambam\textsuperscript{272} rules that at Y’mos HaMoshiach the Sifrei N’veim and K’suvim of the Tanach and the temporal Halachos they represent will be nullified, because only the Chumash and its Halachos, and the M’gilas Esther,\textsuperscript{274} are eternal. The explanation is that BiZman HaZeh, the former serve to buttress the latter, but at Y’mos HaMoshiach direct revelation of HaShem’s Ratzon will make them unnecessary.\textsuperscript{275}

Forty\textsuperscript{276} years after the inauguration of Y’mos HaMoshiach, at T’chias HaMeisim, the Talmud\textsuperscript{277} projects that even the Mitzvos in the form they are expressed in the Chumash won’t be necessary.\textsuperscript{278} The reason is that the relationship of the Commander and His commanded as two (apparent) separate entities will change to a relationship of complete unity, as the Midrash\textsuperscript{279} notes that even the fig tree will proclaim “today is Shabbos!” The Mitzvos’ Halachos, however, are eternal. Halachah is the Ratzon HaElyon that is embodied in the Torah which preexisted the world.\textsuperscript{281} G-d teaches Halachah every day in the Bais Din Shel Ma’alah,\textsuperscript{282} and Halachah will continue in aeternum after T’chias HaMeisim.

Now, Halachah generally follows the leniencies of Hillel. Then, at Y’mos HaMoshiach, Halachah will generally follow the stringencies of Shammai.\textsuperscript{283} Ultimately, at T’chias HaMeisim, both views will prevail\textsuperscript{284} as the Talmud\textsuperscript{285} states, “Eilu V’Eilu Divrei Elokim Chaiyim” – “These and those are the words of the Living G-d.”

This will impact\textsuperscript{286} Tefilah, as the Midrash\textsuperscript{287} states “All Tefilos will be nullified (Batel) L’Asid L’Avo,\textsuperscript{288} but its thanksgiving (Hoda’ah) will not be negated.” The Halachos of Tefilah are among those that will change L’Asid L’Avo.\textsuperscript{289} For example, today we pray the Sh’monah Esrei audibly, but at T’chias HaMeisim, we will pray the Sh’monah Esrei B’Kol Rahm, with a loud voice, as it is written, “They cried out in a great voice to HaShem Elokeichem.”\textsuperscript{290}

The Talmud\textsuperscript{291} states a person who prays the Sh’monah Esrei audibly “has little faith,” whereas a person who does so loudly “is likened to false prophets.”\textsuperscript{293} Tzava’as HaRivash notes that the novice initially may need to pray out loud (and from a Siddur\textsuperscript{295}) to maintain Kavanah, but ultimately the D’veikus desired from prayer is ideal when it is completely inaudible, as noted in the Zohar.\textsuperscript{296}

In terms of practical Halachah, while praying alone a person should try to pray without sound\textsuperscript{297} unless it is difficult to maintain Kavanah, in which case the person may whisper.\textsuperscript{298} While praying with the Tzibur, however, the Din is a person’s voice must be audible, but controlled.\textsuperscript{299} The Rambam\textsuperscript{300} explains the words may be articulated only to the extent that it is audible to that person, and the Shulchan Aruch HaRav\textsuperscript{301} adds it should not be audible to anyone standing more than Daled Amos away.\textsuperscript{302}

The reason the Tefilos are recited silently according to the Talmud\textsuperscript{303} is to ensure the transgressor is not embarrassed. (The Shaliach Tzibur repeats the Sh’monah Esrei aloud to permit congregants to fulfill the Mitzvah of Tefilah by saying “Ahmain”\textsuperscript{304} to each of the blessings.)\textsuperscript{305}

This Halachah will change L’Asid L’Avo.\textsuperscript{306} Chasidus\textsuperscript{307} explains, similar to the analogy of the Commander and His commanded mentioned above, that the relationship of G-d and the Jewish people is akin to the Chasan V’Kalahl. The Chasan is the Mashpia (Zachar) and the Kalah is the M’kabel (N’keivah). Thus, at the Chupah the Chasan announces ‘Harei At M’Kudeshes Li,’ but the Kalah remains silent. However, L’Asid L’Avo, this relationship will change, because not only will the Kalah find her voice, but it will be elevated to an even greater level than the Chasan’s as she becomes his Ateres Ba’alah,\textsuperscript{308} the crown which is set above the Chasan.
So too, the Sh’monah Esrei is silent, but L’Asid L’Avo it will be recited B’Kol Rahm. The Zohar, states “A voice was heard B’Rama... [this] alludes to L’Asid L’Avo.” At that time, the silent voice (Kol written defectively) of prayer will have its missing Vav joined to it in order to raise it B’Kol Rahm.

The Ramban states the “purpose for raising our voices in Tefilos, the Kavanah of the Bais K’nessess [prayer], and the Z’cheus of prayer of the Tzibur is specifically that there should be a place where people assemble and express thanks to G-d.” The Ramban is specific in referring to (a) raising the voice in Tefilah with regard to (b) Hoda’ah to G-d. This is because L’Asid L’Avo the embarrassment of confessing will no longer exist and beseeching G-d for one’s needs will no longer be necessary, leaving Hoda’ah as the sole purpose of the Tefilos.

This is why our most elevated Hoda’ah is recited just prior to the Kedushah in the Sh’monah Esrei. We say “Baruch Atah HaShem M’Chiavey HaMeisim,” and then join with the Malachim in saying Kadosh, Kadosh, Kadosh.

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1 B’rachos 26b; see Tanchuma to Parshas Miketz, Midrash Rabah to T’hilim 55:2.
2 The Talmud M’gilah 17b-18a notes the actual text of the prayers, and their order, were composed by the Anshei K’nesses HaGedolah. See Shulchan Aruch HaRav Orach Chaiyum 112.
3 According to the Zohar (1:69,70) and the Ari Zal (Sefer HaLikutim to Parashos VaYigash), Adam HaRishon’s Nefesh was reincarnated into Avraham.
4 Adam’s Ruach was reincarnated into Yitzchak (Ari Zal, Sefer HaLikutim to Parashos VaYigash). According to the Ari Zal (Sefer HaLikutim to Parashos VaYeira), Yitzchak Avinu and Elihu ben B’rachel HaBuzi (Eyob 32:2), one of the three comforters of Eyov, are one and the same.
5 Adam’s Neshamah was reincarnated into Yaakov (Ari Zal, Sefer HaLikutim to Parashos VaYigash). The Tikunei Zohar (2) states this only occurred when Yaakov descended into Egypt.
6 Ohr HaChaiyim (Rabbi Chayim ben Moshe ibn Attar, 1696 C.E. – July 7, 1743) to B’rachos 22:3 offers the anticipatory tautology that Avraham arose early in accordance with VaYikra 7:38 that sacrifices may only be offered in the day. (See also Talmud Z’vachim 98a, M’gilah 20b, and the Rambam Hilchos Ma’aseh HaKorbanos 4:1.)
7 B’rachos 19:27.
8 See T’hilim 106:30
9 In the Talmud Yoma 28b, Rabi Safra calls the afternoon prayer Tz’losei D’Avraham. The M’suros HaShas explains, however, that in general the Tefilos are called the service of Avraham because he was the innovator of Tefilos. Rashi’s comment associates the service discussed on the Daf with Tefilas HaErev. The subsequent discussion on the Daf, however, pertains to when Minchah should be recited, beginning with the proposition that it should be prayed at the earliest possible moment (the first shadow), which was the custom of Avraham.
10 B’rachos 24:63
11 Based on T’hilim 102:1. See Rashi to B’rachos 24:63. Furthermore, Likutei Moharan (AdM’R Rav Nachman of Breslov, April 4, 1772 C. E. – October 16, 1810 C. E., the Rebbe of Breslov) B 11, based on the Talmud B’rachos 26b, states Sichah is etymologically related to Si’ach (grass, B’rachos 2:5). Hence, there is an advantage in praying in the meadows outside the city (Sichos HaRan, compiled by Rabbi Nisan Sternharz (1780 C. E. – 1845 C. E.) of Nemerov, p. 227).
12 Or “entreated”
13 B’rachos 28:11
14 Yirmeyahu 7:16
15 BaMidbar 28:4
16 Rabi Yosi, in the Yerushalmi B’rachos 44b, states Minchah is not associated with the Tamid Shel Bain HaArbayim. Instead, it is associated with the Keteres (see Talmud Bavli K’reisos 6b).
17 Sacrifices are only permitted to be initiated during the day (Rambam Hilchos Ma’aseh HaKorbanos 4:1.5).
18 This follows the view of the Rambam Hilchos Tefilah 1:6, Tur Shulchan Aruch Orach Chaiyum 235. See Talmud T’rumah 14a.
19 B’rachos 27b. See also Yerushalmi B’rachos 47a. In the Bavli, Raban Gamliel asks if anyone in the Sanhedrin holds differently than him (that Ma’ariv is compulsory) and Rabi Yehoshua says no. In the Yerushalmi, Raban Gamliel asks him directly (if Ma’ariv is elective) and Rabi Yehoshua replies no.
20 He was the Av Bais Din, Talmud Bava Kama 74b.
21 Rabbi Shimon Ben Yochai (Rashbi, 80 C. E. – 160 C. E.). He was a disciple of Rabbi Akiva, and author of the Zohar.
22 He was the Nasi, Talmud Bava Kama 75b
24 Yerushalmi B’rachos 47b states he was 16 at that time. The Girsa of Rash Sirilto, however, agrees with 18 as noted in the Bavli B’rachos 27b. Among other opinions, the Ran (Rabeinu Nisim HaGaon ben Reuven, 1320 C. E. – 1380 C. E.) to the Bavli has the age at 17, and in Seder HaHagadah, Abudraham (Rav David ben Yosef ben David, 14th Century C. E.) has it at 13.
25 Neir Mitzvah on the Daf, based on the Rambam’s commentary on the Mishnayos of Yevamos, says the Girsa of three weeks is more accurate than two weeks, as apparently there are alternative Talmudic manuscripts that say Raban Gamliel was reinstated to teach two weeks to Rabbi Elazar’s one week. The Igeres of HaRav Sh’ira Gaon is based on a Girsa that states it was two weeks, as is the Ra’avad’s (Ibn Daud, Rabbi Avraham ben David of Posquières, 1125? C. E. - November 27, 1198 C. E.) Sefer HaKabalah Chapter 3.

The Talmud B’rachos 27b cites Rabbi Elazar’s virtues as (a) wise (to answer questions), (b) wealthy (to deal with Caesar, and (c) ancestry (10th generation descendent from Gamliel himself with the realization that the reason wasn’t because his Torah knowledge was inferior to Rabbi Elazar, but because of his ancestry (i.e., he was a descendent of Geirim).
26 He was also appointed Av Bais Din (Yerushalmi B’rachos 47b).
27 In fact, he went to every Talmud Chacham who had treated harshly, in order to appease them (Yerushalmi B’rachos 47b).
28 Talmud B’rachos 28a
29 Yehudah, a Geir from Ammon, wanted a ruling on the permissibility of him marrying a Jewish woman. Raban Gamliel had said no, but Rabbi Yehoshua had said yes. The matter was put to a vote during this time period, and the majority ruled with Rabbi Yehoshua. Raban Gamliel took that as a heavenly sign that he should recapitulate regarding Rabbi Yehoshua’s standing in the Mesivta.
30 Rabbi Moshe ben Maimon (March 30, 1135 C. E. – December 13, 1204 C. E.)
31 9:1
32 The same applies to commandments that are post-Sinai. The majority view is the category of Halachah L’Moshe M’Sinai is D’Oraisa.
33 To Mishnah Chulin 7:6
34 VaYikra 12:3
35 Similarly, tithes are repeated (Ma’aser Rishon, Sh’mos, 23:19; Ma’aser B’heimos, VaYikra, 27:32; Ma’aser Shanai, D’varim, 14:22; Ma’aser Ant, D’varim, 26:12). Whereas Rabbi Yehudah presumes Gid HaNasheh became prohibited with the B’nai Ya’akov, the Tana Kama in the Mishnah (to Talmud Chulin 100b) explains that the Gid HaNasheh is a Mitzvah due to the repetition when G-d instructs Moshe Rabeinu to add the final clause to B’rachis 32:33, “Therefore the children of Yisrael do not eat the Gid HaNasheh…to this day.” See the Rambam Hilchos Ma’achalos Asurim 15:17, Rambam Sefer HaMitzvos #N183, Sefer HaChinuch #3, S’mag #N139. Also see Talmud Pesachim 22a,b. Note that the Rambam states Ya’akov “added” the prohibition of Gid HaNasheh, unlike circumcision and tithes which were “commanded.”
36 To Talmud B’rachos 26b, note 6
37 1:5,6
38 VaYikra 6:2, T’hillim 55:17
39 Rabbi Yosef ben Ephraiyim Caro (1488 C. E. –1575 C. E.), who is also the M’chaber of the Shulchan Aruch.
40 To Rambam Hilchos Tefillah 6:5. The author is Rabbi Avraham ben Moshe di Boton (1545 C. E. – 1588 C. E.)
41 Rabbi Yehuda Leib HaKohain Kagan (1965 C. E., New York), Av Bais Din and Rosh Mesifta of Antwerp, 1:86
42 Talmud B’rachos 26b
43 Thus, both Baraisos are acceptable to Rabbi Yosi. However, Rabbi Yehoshua’s view does not comport with the first Baraisa.
The Gemara contends Rabi Yosi must also associate the Tefilos with the Korbanos, for if not, who instituted Musaf? The Gemara does not consider the possibility that Rabi Yosi can reject the 2nd Baraisa with regard to Shacharis, Mincha, and Ma'ariv, but accept it with regard to Musaf.

This explanation, however, cannot resolve the apparent contradiction regarding the Rambam’s position on Musaf, or why the Even Mishpat did not endorse Rabi Yosi’s view with a citation from the Rambam.

Another possibility: The Bavli states in the name of Rabi Yose that the Avos “Tiknum” (the Tefilos were instituted by them), whereas the Yerushalmi states in the name of Rabi Yehoshua that “Mei Avos L’madum.” In other words, the Tefilos were taught from the practice of the Avos, but they were not instituted by them.

An alternative answer: The Yerushalmi B’rachos 43a holds it is Rabi Yehoshua’s view that the Tefilos are from the Avos! Thus, there is no reason for the Talmud Bavli to question him. However, the Girsa of the Yerushalmi printed with the Rash Sirilo’s commentary is indeed aligned with the version of the Bavli.

Furthermore, this episode appears to contradict the Talmud Kesuvos 17a that states the Rabanan do not confer S’michah “Lo Min Sarmisin V’Lo Min Sarmitin,” which Rashi explains “to those who are only half or third scholars.” However, this is no contradiction, because Rabi Yochanan had not posed a substantive question regarding a certain Halachah (that, according to Rabi Yehoshua Ben Korcha, two Eidim don’t have to witness a deed simultaneously in order to testify about it). Instead, he had asked if anyone knew if there had yet been a majority vote by the Rabanan on this Halachah. Therefore, both the conjecture and the contradiction are dismissed.

The ensuing discussion is restricted to the two opinions in the Talmud B’rachos 26b. The Yerushalmi B’rachos 43a contains a third opinion. The first view is that of Rabi Sh’muel bar Nachmani. (Rabi Yosi’s view is given in the name of Rabi Yehoshua ben Levi as the second opinion, and Rabi Yehoshua ben Levi’s view is given in the name of the Rabanan as the third opinion.) The Tefillos were instituted in accordance with the changes that occur during the day: (1) thanking G-d for allowing us to witness darkness changing into light (Shacharis), (2) asking G-d Who made us to see light in the East should also deem that we have merit to see light in the West (Mincha), and (3) asking it be G-d’s Will Who previously permitted us to witness darkness giving way to light allow us to enter into a new period of darkness and emerge from it again to see light (Ma’ariv). Although the Be’ur Halachah (Rabbi Yisrael Meir Kagan, 1838 C. E. – 1933) Orach Chayim 1 Paskens (as a Yachid) it is obligatory to recite the text of these three B’rachos as recorded verbatim in the Yerushalmi, which has never been an accepted Minhag, even the Be’ur Halachah places these blessings outside the Tefillos proper. Hence there does not appear to be any support for calling upon this view, as being a source of the Tefillos, to impact the Halachic Nafka Minos discussed in this section.

Rambam Hilchos Tefilah 3:8-11 discusses the procedure for making up for inadvertent or unavoidably missed Tefillos, as does the Shulchan Aruch HaRav Orach Chayim in the entire section 108.

Talmud B’rachos 26a. See Rambam Hilchos Tefilah 3:8; Shulchan Aruch HaRav Orach Chayim 89:2; 108:11.
11b, one must be actively involved in the initial situation when there is only time to do one. However, see 3:2. The initial position of Rabi Chiya in the name of Rabi Yochanan in the Yerushalmi 44a is that if there is only time to pray one service Minchah takes precedence. The matter becomes clarified from the ensuing discussion of Rabi Z'extra in the name of Rabi Yochanan, and Rabi Nisan bar Tovi in the name of Rabi Yochanan, which the Gemara explains that the context under discussion is during Minchah Gedolah, in which case Musaf is indeed recited first. If Minchah Ketanah has not yet occurred, then Minchah is recited first. However, the Shulchan Aruch Orach Chaiyim 286:4 rules according to the view in the Talmud Bavli that Minchah is recited first even if the context is during Minchah Gedolah.

Rabi Yitzchak says a Sh'monah Esrei that is deliberately skipped cannot be made up, Talmud B'raoch 26a. Mishnah B'raochos 5:1; Yerushalmi B'raochos10b in the name of Rabi Yochanan in the name of Rabi Shimon ben Yochai. See Likutei Sichos of the Lubavitcher Rebbe 20:248.

Shabbos 11a regarding Rabi Shimon ben Yochai.

Rabi Yochanan notes, however, that those who are not solely occupied with Torah study interrupt their learning for Tefilah (Yerushalmi B'raochos 11a), and so rules the Shulchan Aruch HaRav Orach Chaiyim 106:4. Moreover, certain Mitzvos are interrupted for Tefilah according to Rabi Chanina ben Akavya (the Tana Basra in Yerushalmi B'raochos 11a), who holds Tefilah is D'Oraisa. Hence, according to his view writing Torah scrolls, Tefilin, and Mezuzos are interrupted when the time for Tefilah arrives. (Note that Rabi Chanina’s view is reversed in Talmud Bavli Succah 26a. The Magen Avraham 38:9 resolves the apparent contradiction with the explanation that the Sugia in the Yerushalmi pertains to a situation when there is time to do both; whereas in the Bavli the Sugia pertains to a situation when there is only time to do one. However, see Bais Yosef to the Tur Shulchan Aruch Orach Chaiyim 38:8.)

The Yerushalmi B'raochos 11a suggests, based on the example of Rabi Shimon ben Yochai, that the primary factor is not that the Torah study is continuous. Instead, it is because the study is conducted at the loftiest level that would overrule its interruption. Furthermore, based on the exegesis of Bais Shamai to D'vrim 6:7 and 11:19 on Daf 11b, one must be actively involved in the initial Mitzvah, not just mentally preparing for it, in order to overrule its interruption to perform the next Mitzvah. This is similar to the ruling of Bais Shamai in the Talmud B’raochos 11a. A person who is actively engaged in a preoccupying Mitzvah (e.g., marrying a B'sulah) does not interrupt to perform another Mitzvah (e.g., recite the Sh'ma).

See, e.g., Shulchan Aruch HaRav Orach Chaiyim 93:4; 106:4; 108:11, and if involved in urgent communal needs, one need not interrupt even to recite the Sh'ma. See further Talmud B’raochos 11a.
necessary in this situation. This is because it would create a new responsibility that the person actively remembers.

repeat the

precise

cease conversing with others (Tefilah).

This does bring up the issue, when there are certain phrases that seasonally must be inserted or one must repeat the prayer. However, if at least the first blessing was recited with Kavanah, it need not be repeated. Contrast this leniency with 4:15, which seems to imply all of the benedictions must be repeated if the person listens attentively to its repetition by the Shaliach Tzibor and answers Ahmen to all of the benedictions.

Rambam in Hilchos Tefilah 4:15 states Tefilah without Kavanah is not prayer, and in 10:1 states a person who does Tefilah without Kavanah must repeat the prayer. However, if at least the first blessing was recited with Kavanah, it need not be repeated. Contrast this leniency with 4:15, which seems to imply all of the Tefilah must be said with Kavanah or it is not counted as Tefilah. V’Tzorich Eyan. In any case, the Rambam notes in earlier generations a person might take up to three days to compose himself to obtain proper Kavanah (although in our generation we do not follow this view because it is unlikely the level of Kavanah will be improved with time). The Rambam 4:16 notes the Chasidim of prior generations would prepare for Tefilah an hour before the Minyan would commence, during which time they would cease conversing with others (Pirush Al HaMishnah to B’rachos 5:1).

Even some of the greatest Chachamim admitted to lapses in Kavanah. For example, Shmuel said he once realized during Tefilah he was counting birds, Rabi Bun bar Chiya once realized he was counting rows (of stones), and Rabi Matanyahu was thankful for at least autonomically bowing on occasion when the Modim was recited (Yerushalmi B’rachos 26a). With no intent to portray myself as being greater than these Sages by outdoing them in this regard, I must admit to sometimes becoming suddenly aware of being at a certain place in the Tefilah and wondering how I got there, or for that matter even if I said P’sukei D’Zimra prior to it?

(There are M’forshim who explain this account differently. It cannot be said that the Chachamim were daydreaming during Tefilah. Instead, they were so engrossed in their study on Halachic matters in order to make a precise P’sak Din on complex issues related to those subjects (e.g., birds, rows) that their thoughts carried over into their Tefilah.)

This does bring up the issue, when there are certain phrases that seasonally must be inserted or one must repeat the Tefilah, if there is a Halachic difference between ‘forgetting’ if one said the insert vs. having finished the Tefilah and not ‘actively remembering’ in general what one said, much less if the insert was said. Without marshalling the sources here, the majority opinion appears to require repeating the Tefilah, but I do not agree it is necessary in this situation. This is because it would create a new responsibility that the person actively remembers.
the entire day that the insert was recited, as opposed to the lesser standard applied to a person who was cognitively aware of having recited the Tefilah and clearly recalls having omitted (or ‘forgot to say’) the insert, V’Tzorich Eyan.

94 To Shulchan Aruch Orach Chaiyim 53:5, 128:35. The author is Rabbi Moshe ben Isserlis (or Yisrael) (1520 C. E.–May 11, 1572 C. E.). The Magen David (to 128:35) states that the proof text “Your hands are full of blood” (Yeshiyahu 1:15) suggests Teshuvah will not ameliorate this status. The Rema and many Poskim rule leniently.

95 B’rachos 32
96 Raising the two hands alludes to the ten S’pheros (Divine Emanations) and ten Commandments, Sefer HaBahir 1:124.
97 To Yevamos 7a (d. h. Sh’ne’emar), to Sanhedrin 35b (d. h. Sh’ne’emar). See Shulchan Aruch HaRav Orach Chaiyim 128:50. Teshuvah helps even if the Cohain became, R’L, apostatized (ibid: 128:51). Other Aveiros do not invalidate the Cohain even if he has yet to do Teshuvah.

98 Hilchos N’se’as Capayim. The Be’ur HaTiv (s’k 59) to the Shulchan Aruch 128:35 states that accidental (B’O’nis) manslaughter does not invalidate the Cohain from raising the hands. The difference is B’shoagia can connote a lack of caring. However, this difference does not comport with the Rambam’s proof text.

99 There are various other reasons why one would be prohibited, at least in theory, from descending before the Amud to lead the services (e.g., due to their dialect as noted in Yerushalmi B’rachos 24b).

100 53:4
101 Tur Shulchan Aruch and Shulchan Aruch Orach Chaiyim 53:4, although the examples given do not include Pirko Na’eh.

102 12:8. See Talmud Ta’anis 16a,b where a qualification of the Shaliach Tzibur for a public fast day, due to the lack of rain (or possibly to avert other evil decrees), is Pirko Na eh. The leniency pertaining to occasional indiscretions followed by Teshuvah mentioned in the body of the text may not apply to these special Tefilos.

103 Talmud Ta’anis 16b
104 55:6
105 See Shulchan Aruch HaRav Orach Chaiyim 128:50
106 Rambam Hilchos Tefilah 5:6, Shulchan Aruch HaRav Orach Chaiyim 90:18
107 Rabi Yosi B’Rabi Chanina says it is prohibited to pray on high place, as it is taught in a Baraisa, “A person should not stand on a chair, stool, or other high place and pray” (Talmud B’rachos 10b; see also Yerushalmi B’rachos 23a in the name of Rabi Idi in the name of Rabi Shimon in the name of Rabi Yochanan). The Gemara explains the reason is it makes the person appear to be haughty, and so rules the Tur Shulchan Aruch Orach Chaiyim 90. The Shulchan Aruch HaRav Orach Chaiyim 90:1 explains the reason is due to the verse “From the depths I call to you, G-d” (T’hilim 130:1).

The Rambam Hilchos Tefilah 5:7 and the Shulchan Aruch HaRav Orach Chaiyim 90:2 define high as three Tefachim. (The Mishnah Berurah Hilchos Tefilah 90:1 rules one may not pray on a chair, stool, etc., even if it is less than three Tefachim.) The Bais Yosef to the Tur 90 cites many Rishonim who set the limit at 10 Tefachim, because anything higher will cause the person to concentrate on not falling instead of on the prayers. If fear of falling is the Ikar HaDin the P’risha to the Tur 90 recalls the objects listed in the Baraisa are such common places that no one is fearful of falling from them. He suggests the Ikar HaDin is because they separate the person from the ground, and the person was required to be on the ground when offering the Korbanos. Although this follows from Rabi Yehoshua’s view, is does not comport with Rabi Yosi’s view.

The Rambam 5:7, Tur 90, and Shulchan Aruch HaRav Orach Chaiyim 90:2 qualify their ruling to exclude a space that is Daled Amos squared, because it is its own space and hence is not considered elevated. The Rambam 5:7, Tur 90, and Shulchan Aruch HaRav Orach Chaiyim 90:1 add it is not permitted to pray in bed, although this ruling does not pertain to the ill. The latter adds that if it is possible to stand in bed, the ill should do so while praying.

The Shulchan Aruch HaRav Orach Chaiyim 90:1 permits the Shaliach Tzibur to stand on a chair, bench, etc., in order to make the Tefilah audible to the congregation. The Mishnah Berurah Orach Chaiyim 90:1 permits the congregant to pray on a chair, stool, or bed if the purpose is to hear the Shaliach Tzibur. He indicates that an Acharon (identified by the Sh’ar HaTzion as the P’ri Megadim) prohibits praying while standing on these objects even for this purpose if the person has a fear of heights.

The Rambam Hilchos Tefilah 5:8 and Shulchan Aruch HaRav Orach Chaiyim 90:3, based on the Talmud B’rachos 16a (and Yerushalmi B’rachos 26b), rule that workers who are in an olive or fig tree need not dismount to pray. The rationale is that these types of trees have many branches, the workers feel comfortable up in them, and the
time to dismount would be at the cost of the employer. However, for trees with few branches, or with regard to the employer, it is necessary to dismount and pray on the ground.

A common Synagogue gaff in etiquette arises based on misunderstanding the definition of Makom Kavuah. It is defined as Daled Amos (Shulchan Aruch HaRav Orach Chayim 90:18). Therefore, if a person arrives at Shul and finds another (presumably a Shul member) in his seat, there is no justification for demanding that person vacate if the neighboring seat is available or there is room to stand close by. In the case of a guest, certainly there should not even be a request to vacate.

Rabbi Aba states in the name of Rabi Chiya (Yerushalmi B’rachos 50b) that it is necessary to fix the ‘place’ of prayer (referring to the Synagogue), and Rabi Tanchum bar Chanina said that this not only refers to a specific Bais Knesses, but to a fixed place specifically within the Synagogue.

However, a rite of mourning is to move to a different Makom Kavuah for the duration of reciting Kadish. The Shulchan Aruch (393:2) rules the change in seating is only for the second week of mourning, but the Rema extends the custom to the first thirty days, and if mourning for a parent, to twelve months. Although the Rema writes there is no Scriptural basis for this custom, the Talmud Rosh HaShanah 16b notes that changing one’s Makom thwarts evil decrees. Although the Makom should be fixed, after a monumental loss such as the passing of a family member, drastic counter measures could be appropriate.

Shailos U’T’shuvos Maharav Shik (Rabbi Moshe Shik, 1807–1879) to Shulchan Aruch Yorah De’ah 369 cites authorities who say it is not necessary for the mourner to move to a Makom outside the original Daled Amos (i.e., simply exchange seats with a neighbor), V’Tzorich Eyan. The Sephardic custom is only to change seats for the weekday Tefilos (Shulchan Aruch, Loc. cit. 4), but the Ashkenazic custom is to change seats also on Shabbos (Rema, Igros Moshe to Yorah De’ah 257).

The Lubavitcher Rebbe (Lukutei Sichos 24) explains the unresolved debate on the basis of the relative merits of quantity versus quality in prayer, meaning as a practical matter the Poskim HaRishonim favored quantity. Thus, the Rambam, for example, extols the virtue of prayer with a Minyan (8:4) in the Synagogue, to the extent that he rules “Communal prayer is always heard” (Hitchos Tefilah 8:1), and based on Hoshea 6:3 states “it is a Mitzvah to run to the Synagogue” (8:1). The Shulchan Aruch HaRav Orach Chayim 90:17 states that even though prayer with a Minyan is D’Rabonon, it is greater than a positive Mitzvah D’Oraisa because through it HaShem’s name is sanctified publically (which itself is a Mitzvah D’Oraisa; see M’serias Nefesh by the Rambam Sefer HaMitzvos #9, Sefer HaChinuch #296).

Prayers are meticulously scrutinized when a person prays alone, but when a person prays as part of a Minyan the prayers elevate despite an individual’s personal foibles. This following is a personal anecdote that illustrates this point. In 1971, I was making my first trip to visit Israel, traveling as a member of an orthodox Jewish youth group. For various reasons our El Al flight was not available. Instead, we took Alitalia Airlines, necessitating a brief visit to Milan, Italy. In a group of like-minded loud, rambunctious teen-agers we deplaned and were escorted with our luggage to the customs area. There was a small man, a large man, and a small woman behind a gate. The woman, the traveler, was waiting patiently while the small man, wearing a colorful shiny inspector’s uniform with many ribbons and large buttons, was in the middle of a painstaking process of emptying her suitcase, carefully stacking its contents to the side as he checked each item. The burley larger man, well armed and looking quite important, stood to the side with his arms folded across his chest. Hearing the approaching onslaught of our rumble, the inspector looked up and caught site of the herd of 40 teenagers descending upon his station. He sighed, and standing to the side after opening the gate motioned with his hand that the group should pass through the check...
and the majority of the Chaiyim rise up when it comes time to recite the Shaliach Tzibur and the Shaliach Tzibur is not conducted in a tag-team manner, etc.)

110 B’rachos 31a.
111 However, Avraham Avinu was praying as an individual when he fixed the place.
112 The Yerushalmi B’rachos 28b notes that if a person was walking when the time comes to recite the Sh’mah the person should stand still. Chareidim explain it is hard to concentrate at the level necessary for the Sh’mah while one is walking. B’diavad, the Mishnah Berurah Orach Chaiyim 63:9 rules the obligation of reciting the Sh’mah prayer is discharged even while walking. (However, the Halachah follows Bais Hillel, that not only one need not lie down or rise up when it comes time to recite the Sh’mah, but the Ma’asah Sh’haya with Rabi Tarfon (Mishnah Brachos 1:2) and Rabi Elazar Ben Azariah in the ensuing Gemara (11b) specifically prohibits doing so.)

113 To Talmud B’rachos 28b.
114 Similarly, the person should stand if on a ship or a wagon if possible (Rambam Hilchos Tefilah 5:2, Shulchan Aruch HaRav Orach Chaiyim 94:6) or an airplane. The Rambam Hilchos Tefilah 5:1 rules a person should be careful to stand, but notes it is not absolutely necessary and may be dispensed with if circumstances do not permit it.

115 Similarly, the Talmud B’rachos 23b (see also Yerushalmi B’rachos 26b) notes one should not have a Torah scroll, Tefilos, a knife, a plate of food, or bread in one’s hand while praying, because the person will be distracted by focusing on not losing the item. Chareidim to the Yerushalmi says this restriction applies even to a coin of little value (i.e., a Peruta). (Rabi Yasa and Rabi Yose Bar Avunin, in the Yerushalmi 27a, permit holding money if it is bundled (e.g., in a cloth or in a purse), because only loose coins are distracting.)

116 Indeed, the Rambam Hilchos Tefilah 5:2 rules that even if there is another person available to hold the donkey the person should not dismount. Instead, the person should remain sitting on it and pray, in order that the person’s mind remains focused on the prayer.

117 Tosafos (d.h. Halachah C’Rebbe) to Talmud B’rachos 30a.
118 Shulchan Aruch HaRav Orach Chaiyim 94:6.
119 I M’lachim 8:29-48, D’neil 6:11, Il Divrei HaYamim 6:21, Tosefta to B’rachos 3:8, Rambam Hilchos Tefilah 5:1 (face the Bais HaMikdash); Shulchan Aruch HaRav Orach Chaiyim 94:1.
Rav Sherira Gaon, translated and annotated his 475 C.E, or as explicitly indicated by the V’Tzorich Eyan matters (Talmud Sanhedrin Igeres HaRav Sh’rira Gaon HaMikdash prayer obligation perform The answer may be 1866 C.E.), the third primary work is the standard commentary found in the back section of the E. – 1103).

160 106:2. So too see his Igres Kodesh I:33.

161 To

162 106:2. However, the Kitzur Shulchan Aruch I 21:10, in discussing repeating the Sh’monah Esrei when a person cannot remember if it was recited, states “At present, Tefillos are not recited as gift-offerings.”

163 And so rules the Mishnah Berurah Orach Chaiyim 107:2. However, the Kitzur Shulchan Aruch I 21:10, in discussing repeating the Sh’monah Esrei when a person cannot remember if it was recited, states “At present, Tefillos are not recited as gift-offerings.”

164 Similarly, the Rambam Hilchos Tefilah 10:6 permits a person who is in doubt if the Sh’monah Esrei was recited to pray the Amidah with the proviso that it is said as a voluntary prayer.

165 The Shulchan Aruch 53:24 and Shulchan Aruch HaRav Orach Chaiyim 53:31 delete “V’Dinim.” The Igeres HaRav Sh’rira Gaon Chapter 2 implies that Hora’ah refers to the Mishnaic Chacham who ruled on ritual matters (Talmud Sanhedrin 5a; Midrash Bamidbar Rabbah 10), whereas the Av Bais Din ruled on matters of mundane law. If the Rosh’s description is to be abridged because ritual matters are primarily operant with the Bais HaMikdash, it would seem more appropriate for the Poskim to preserve “V’Dinim” in favor of “B’Hora’ah.” V’Tzorich Eyan.

Moreover, as Doros HaRishonim 5:589-593 states, individual Hora’ah ceased in favor of the authority of the Talmud at the time of its redaction with Ravina (II) Bar Rav Huna (student of Rav Ashi) prior to his Petirah in 475 C.E, or as explicitly indicated by the Igeres (Chapter 11) with Rabi Yosi when the Talmud was sealed prior to his Petirah in 514 C.E., the beginning of the ninety to hundred year period of the Rabeinu Savoraim.

(See further the discussion on the meaning of Hora’ah in Rabbi N. D. Rabinowich, 1988, The Igeres of Rav Sherira Gaon, translated and annotated, p. 12, 79).

166 The Shaliach Tzibbur fulfills the obligation of public prayer on behalf of the community, Shulchan Aruch HaRav Orach Chaiyim 53:31.

167 Hilchos Talmud Torah 1:1, Sefer HaMitzvos P#11; Sefer HaChinuch #419.

168 But not a woman.

169 D’varim 11:19

170 The question, therefore, is both the Rabbi who teaches and the Shaliach Tzibbur who discharges the communal prayer obligation perform Mitzvos D’Oraisa, so how is it possible choose between them according to the Rambam? The answer may be Talmud Torah K’neged Kulom (Mishnah Peah 1:1), and hence, the Rabbi has priority.

171 See Sefer HaChinuch #233.

172 Moses ben Nachman Girondi (1194 C.E. – 1270 C.E.)

173 Orach Chaiyim 106:1

174 106:2. So too see his Igres Kodesh 1:33.

from the 10b in the name of individual prayers for health, wealth, and children are recited in the daily 38a.

C. E. – March 21, 1920 C. E., the fifth Kippur constitute HaShana 179

A person’s needs are determined between 170 (d) The 171 (c) in a manner that is fitting for a servant to address the Master. These are the three essential elements that 172 (a) Recognizing G-d, 173 (b) beseeching for one’s needs, 174 (b) differentiates between an individual who may recite multiple Tefilos, and the Tzibur who may not, because there is no N’davah of the Tzibur (see also Shulchan Aruch HaRav Orach Chayim 107:4). Following the same principle, the Rambam states the Musaf prayer may not be recited by an individual multiple times, and he brings the Geonim who rule the same with regard to Shabbos and Yom Tov (see also Shulchan Aruch HaRav Orach Chayim 107:1).

Hilchos Tefilah 1:1

This follows the view of Rabi Ba in Yerushalmi B’rachos 10b. (a) Recognizing G-d, (b) beseeching for one’s needs, (c) in a manner that is fitting for a servant to address the Master. These are the three essential elements that constitute Tefilah (e.g., Rambam Hilchos Tefilah 1:4). (d) The Ohr HaChayim to D’varim 3:23, based on Esther Rabah 7:24, adds a fourth element to Tefilah, which is specificity in one’s request. The magnitude of “what” is being requested is of no concern. The Tzemach Tzedek in Derech Mitzvosecha Sharash Mitzvos HaTefilah 1 provides the analogy that the servant appeals to the King’s Chesed for all requests, whether the servant perceives the King will receive the matter as being important or trivial.

A person’s needs are determined between Rosh HaShanah (D’varim 11:12, Talmud Rosh HaShanah 8a) and Yom Kippur (T’hilim 81:5, Talmud Beitzah 16a, Asarah Ma’amoros Chikur Din 2:1,26). However, Rabi Yose states (Talmud Rosh HaShanah 16b) “Man is judged every day,” and Rabi Nasan amends the statement to read “hourly.” Moreover, Rabi Yaiva prayed for food even as it was placed on the table before him (II Zohar 62b). The reconciliation, according to Kuntres Uma’ayon 18:1, 20:1 (ADM”R Sholom Dov Ber Schneersohn, October 24, 1860 C. E. – March 21, 1920 C. E., the fifth Rebbe of Lubavitch) is that benevolence exists in a concealed manner as stated on Rosh HaShana, is revealed on Yom Kippur on a subliminal plane, is generally sealed at Ne’ila, is internalized on Sukkos and Sh’mini Atzeres (and according to Chassidus, in rare cases on Chanukah), and implemented in practicality each day. It is in this manner that, in addition to the prayers of the Sh’monah Esrei which are Yerushalayim-centric, individual prayers for health, wealth, and children are recited in the daily Tefilos.

Sh’mos 23:25

Rambam Hilchos Tefilah 1:1

Ta anis 2a to D’varim (11:12)

Indeed, “I [would like it] explain[ed] to me [by the Karite] from whence [comes] the obligation of Tefilah to Kel from the Torah?”, Sefer HaKuzari 3:35.

HaSagos Sefer HaMitvos #5P

Talmud B’rachos 20b – 21a. See also Yerushalmi Mishnah B’rachos 3 Halachah 4 and ensuing Talmud B’rachos 38a.

Talmud B’rachos 21a

Talmud Sukkah 38a

Talmud Shabbos 9b; Shulchan Aruch HaRav Orach Chayim 58:1, 70:5, 89:6, 271:9. See Yerushalmi B’rachos 10b in the name of Rabi Acha. In the Yerushalmi B’rachos 31b, Rav Shmuel bar Rav Yitzchak interrupted his meal. Rabi M’yasha reminded him that Rabi Yehudah HaNasi says it is unnecessary, and furthermore, reminded him Chizkiyah taught in a Braisa that a person who performs an exempt act is a “Hedoyt – simpleton.” The Maskana,
however, is that there is a contrary opinion that permits a person to accept stringencies upon himself if he so chooses.

181 On the first day of the Yom Tov
182 Similarly, if a person has already gone to bed and realized he hasn’t prayed Ma‘ariv, the Yerushalmi B’rachos 47a says in the name of the academy of Rabi Yanai that it is not required for that person arise from bed and do so. (However, Rabi Z’eira said that if he did that he would get nightmares, and hence it is implied that for that reason alone one should arise from bed and recite the Ma‘ariv prayer.)

183 P. 95

184 The commentator is not named, presumably because the Halichos Yehudah will say the explanation is erroneous. The standard commentaries are the Kol Yehudah and the Otzar Nechmad. Although HaChavar discusses the virtues of prayer by the Tzibur over the Yachid, and these two commentators discuss the concept, I did not find the indicated discussion of the Ramban’s examples in the words of those two commentaries.

185 Ma’amor 3:19. The author is Rabbi Yehuda HaLevi (1075/1086 C. E. – 1140/1141 C. E.).
186 The Rambam Hilchos Tefilah 8:1 states Tefilos HaTzivor are always heard by G-d. See the discussion between Rav Yitzchak and Rav Nachman in Talmud B’rachos 7b-8a.

187 Hilchos Tefilah 1:1
188 And those who are in this category. And so it states in the Yerushalmi B’rachos Mishnah 3 Halachah 3 and ensuing Yerushalmi B’rachos 37a that women are obligated in Tefilah. See Talmud B’rachos 20b. According to Chareidim, the Chachamim included women because they pray for the same reason as the Avos, which is for Divine Mercy, following the view of Rabi Yosi.

189 This refers to an Eved C’nani, and includes those who are in this category. See Yerushalmi B’rachos 37a.
190 Hilchos Tefilah 1:2
191 Hilchos Ma’aseh HaKorbanos 3:2
192 Ibid 3:1
193 Hilchos Tefilah 1:2; 6:10. See Talmud B’rachos 20a,b.
194 For this reason, among others, women are excluded from serving as the Shaliach Tzibur.
195 Hilchos Ma’aseh HaKorbanos 3:9; meaning communal aspects of Tefilah cannot be derived from this ruling. However, this is not conclusive, because 3:12 indicates the sacrifices bring atonement even without Semichah.
196 Rambam Hilchos T’midim U’Musafim 1:1, based on BaMidbar 28:3. See Sefer HaMitzvos #9, Sefer HaChinuch #401.
197 ‘D’varim 6:9, 11:20
198 Sh’mos 11, D’varim 17
199 ‘D’varim 22:12
200 M’gilah 17b. The same is taught in an unnamed Baraisa in Talmud B’rachos 28b.
201 This includes the preamble “HaShem S’vas’eye” (T’hilim 51:17; see Talmud B’rachos 4b, Rambam Hilchos Tefilah 2:9) and the postscript “Y’he L’Ratzon” (Pirkei Avos 5:20; see Talmud B’rachos 9b, Rambam Hilchos Tefilah 2:9).

202 The Rambam Hilchos Tefilah 1:4 states that after the Churban, R”L, by N’vu’chahdnetzer, the Jewish people began to mix mundane languages (e.g., Greek, Latin) of their adopted countries with Lashon HaKodesh (Nechemiah 13:24). As a result, the person’s vocabulary was limited when reciting the Sh’monah Esrei. Ezra and the Anshei K’nessess HaGedolah then standardized the words and their order.

The Shulchan Aruch HaRav Orach Chayim 101:5 rules that a knowledgeable person may pray in a mundane language when praying with a Minyan if that language is better understood, but when praying alone the person who is capable of so doing must pray in Lashon HaKodesh.

However, an individual who can only read Hebrew phonetically but does not understand Pirush HaMilos should pray in the language he or she understands both when praying privately or in a Minyan. The Lubavitcher Rebbe (Likutai Sichos, Chai Elul, 1982) notes that we live in a generation where many Jews’ mother tongue is a mundane language. Nevertheless, Jews should not wait to learn Lashon HaKodesh in order to express our anticipation and yearning for the redemption by Moshiach Tzidkeinu. Instead, we must express our most fervent prayers for redemption now, in whichever language that is available to us. This was true in previous generations where it was less frequent that the Jew’s mother tongue was a mundane language, as expressed in Sichos HaRan, p. 229. Obviously, a person in this situation should take steps to learn Lashon HaKodesh.

In any case, Sichos HaRan states perfect prayer comes from Pirush HaMilos (p. 75), although there are many Sifrei Kodesh which explain higher Kavanos in Tefilah. See further Midrash T’hilim 108:1; Rambam in
Hilchos Tefilah 1:2-4, Yesodei HaTorah 7:4; Chovos HaLevavos Sha’ar Ahavas HaShem 1 (77a); Sh’nei Luchos HaBris Inyanei Tefilah 2:216; and regarding the importance of informal prayer see Sefer Chasidim p. 588, 785.

Yerushalmi B’rachos 25a.

M’gilah 18a

Moreover, as a contemporary of Shimon HaPakuli how could Rabi Yochanan attribute the Tefilos to the Anshei K’nnesses HaGedolah?

Regarding other ‘forgotten’ Halachos that were re-established by the Anshei K’nnesses HaGedolah, see, e.g., Talmud M’gilah 5a, 18a; Talmud Trumah 16a, Talmud Yoma 80a.

Or, Sh’chachum V’Chazahr V’Sidrum, Talmud M’gilah 18a.

An alternative explanation is that there were various acceptable Nusachos regarding the order of the Tefilah, and Shimon HaPakuli standardized and hence finalized the Nusach.

Talmud M’gilah 17a, b; Yerushalmi B’rachos 25a in the name of Rav Acha in the name of Rabi Yehoshua ben Levi. See Rambam Hilchos Tefilah 2:2.

Although it would appear the prohibition of adding to the Sh’monah Esrei should preclude introductory clauses, the Kedushas Levi to Parashos V’eschanan (p. 244) states “Adona-i S’fasai” (T’hilim 51:17) was established by the Anshei K’nnesses HaGedolah as a preamble to the Tefilah. This question arose because in the times of the Tana’im the preamble was unnecessary. However, it is concluded on Talmud B’rachos 9b that neither the preamble nor postscript (see footnote <201>) is considered an interruption or separate addendum, but rather they are integral parts of the Tefilah.

Talmud M’gilah 18a, Talmud B’rachos 25a

It is not permissible to add additional adjectives. Talmud B’rachos 33b, Shulchan Aruch HaRav Orach Chayim 51:6, 113:8. The reason is because it appears that in so doing the person has fully described G-d’s praises, which of course is impossible (T’hilim 106:2). The adjectives that are used were so ordained by Moshe Rabeinu (D’varim 10:17) and the Anshei K’nnesses HaGedolah (Shulchan Aruch HaRav Orach Chayim 89:1).

Although it is not permitted to add personal requests until after the first three blessings (Talmud B’rachos 34a, Shulchan Aruch Orach Chayim 112:1, Matei Ephraim (Rabbi Ephraim Zalman Margolis, December 19, 1762 C. E. – August 24, 1828 C. E.) 581:57) it is permissible to add private requests that match the theme of the specific B’racha of the intermediate blessings after its formal text is concluded. For example, after “Rofeh Cholei Ahmo Yisrael” the person may add a prayer for one who is sick (and it is not necessary to mention the person’s name (Bamidbar 12:13, Shulchan Aruch HaRav Orach Chayim 119:3), or after “Shomeia’ah Tefilah” the person may add a request for personal needs (Shulchan Aruch HaRav Orach Chayim 117:1. This benediction is particularly powerful, as the Midrash Rabah B’rashis 49:8 notes in the name of Rabi Tanchuma that in its original formation of 18 blessings, ‘Shomeia’ah’ was positioned 15th to correspond with the 15 times the Divine Name appears in T’hilim 29.). The additional prayer should be phrased in the singular, in order to make it apparent that the person is not adding to the formal text ordained by the Anshei K’nnesses HaGedolah (Shulchan Aruch HaRav Orach Chayim 119:1). See further footnotes <201, 210>.

According to Seder HaDoros (Rabbi Avraham Maskileison, 1788 C. E. – 1848 C. E.), this refers to the grandson of Hillel HaZaken. According to Doros HaRishonim this refers to Rabon Gamliel of Yavneh.

Talmud B’rachos 28b

See Rambam Hilchos Tefilah 2:1

Talmud M’gilah 18a

Talmud Sanhedrin 11a. He lived just after latter prophets, Chagai, Z’chariah, and Malachi. He would have been a Navi except his generation was not worthy of prophets. An incident is related on this Daf where it was known that he merited the Sh’chinah to rest on him. He did ‘ prophesy,’ however, on the day of his death, that Raban Shimon Ben Gamliel HaNasi and Rabi Yishmael Cohain Gadol would die by sword (at the hands of the Romans), unlike the other horrible means in which the other Ten Martyrs (see Yom Kippur Machzor) would die. HaKatan was a double entendre. He was humble and he was almost comparable to another by the same name – Sh’mu-el HaNavi.

To Talmud B’rachos 28b

Shulchan Aruch Orach Chayim 112:1, 122:1, 2

The Shulchan Aruch HaRav 122:1 (also see Sidur Tehilas HaShem Tefilas Chol) notes that there is a Takana Chachamim not to interrupt after the final blessing of the Sh’monah Esrei and the passage “Y’he L’Ratzon” (Pirkei Avos 5:20). Personal blessings and supplications may also be inserted after that passage, and then the remaining liturgy concluding the Sh’monah Esrei is recited. See also the Mishnah Berurah Orach Chayim 607:16.
The Talmud B’rachos 16b – 17a gives examples from the Sages. Of course, reciting them word-for-word would defeat the purpose to go beyond fixed Tefilos.

Bava Kama 92b, Bava Metzia 107b
Sh’mos 23:25
Even in Talmudical times common folks ate three meals per day. The Chachamim in those times, however, ate only two meals per day (see, e.g., Talmud Chulin 105a).

Sh’mos 23:25
224 Bava Kama 92b, Bava Metzia 107b
225 Even in Talmudical times common folks ate three meals per day. The Chachamim in those times, however, ate only two meals per day (see, e.g., Talmud Chulin 105a).

Talmud B’rachos 4:3 states explicitly, in the name of Raban Gamliel, that the person must say the Sh’monah Esrei every day.

Tehilim 55:18 and Daniel 6:11 note that at a minimum prayer occurs at three different times a day, but not successively (e.g., all three in the morning). See Ye’ushalmi B’rachos 15a.

Midrash Shir HaShirim Rabbah 4:22 states there were as many female prophetesses as there were male prophets. See Midrash Sh’mos Rabbah 1:1, Midrash VaYikra Rabbah 29:9, Tanchuma to Sh’mos 1, Rashi to B’rashis 21:2. In addition to Sarah Emanu, the Tanach mentions six other prophetesses: Miriam, D’vraah, Chanah, Abigayil, Hulda, and Ester HaMalka. (See also Talmud M’gilah 14a, Seder Olam Rabah 21.) According to tradition, on occasion they exceeded the level of prophecy of male prophets who lived during their lifetimes.

E.g., B’rashis 16:7
The Ari Zal (Sefer HaLikutim to Parashos VaYeishev) states that Chazon (vision) always means C’Mashel (allegory).

B’rashis 17:1, and there is no objection raised by Avraham regarding the Name through which he had received previous revelation.

B’rashis 19:27.
B’rashis 24:63
B’rashis 28:11

Liturgy of the Siddur.
The subject of this discussion is the concept of the era of the "Torah study of the Rabbi" (Talmud Nidah 13b). The discussion centers on the revelation of the light of the Torah during this era and how it relates to the concept of the "Korban." The text explores the differing views on the nature of this revelation and the criteria for disqualification of individuals to bring a new "Korban." The discussion also touches on the role of "Tzedakah" and the obligation of study in this era, as alluded to in "Y'mos HaMoshiach" (1380 C.E.) to Rabbi Dov Ber, Ashkenazi, 16th Century, C.E. (Rabbi Dov Ber, Ashkenazi, 16th Century, C.E.) and its implications. The text references various sources, including the Talmud, the Midrash, and various rabbinic authorities, to support its arguments. The final paragraph of the text mentions the "Torah study of the Rabbi" as a pivotal concept in the study of the Torah and its ramifications for the individual and the community.
The Korbanos may also be impacted, depending on the resolution of the Machalokes mentioned by the Chida (Rabi Chaim Yosef Dovid ben Yitzchak Z’rachia Azulai, 1724 – 1807), a student of the Ohr HaChayim. The Ari Z”l (cited by the Chida, Rabbi Chayim Yosef David ben Yitzchak Zerachia Azulai, 1724 C. E. – March 21, 1807 C. E.) in P’nei David to VaYikra apparently holds that arising at T’chias HaMeisim will not have to bring obligatory Korbanos that were missed, but the Talmud Yoma 80a (also cited by the Chida) implies Chatos will be required. (Yoma 80a pertains to Rabi Elazar’s statement that a person who eats Cheilev must write down the Shiur consumed because perhaps a future Bios Din will change the minimum requirement that necessitates bringing a Chatos. The phrase ‘Yahvo Bais Din Acheir’ implies the future Sanhedrin established with the Bayis Sh’lishi, but it is not clear if this is a reference to Y’mos HaMoShiach or T’chias HaMeisim.)

Nevertheless, the Rambam in Hilchos Bais HaB’chirah 6:16 makes it clear the Mikdash and Yerushalayim are consecrated eternally (L’Asid L’Avo) and will never be nullified. He gives the reason that their Kedushah is due to the Sh’chinah, and the Sh’chinah is never B’tailah. See Divrei HaYamim II:7:15, Talmud M’gilah 28a.

Rabah VaYikra 9:7; see also Yalkut Shimon 854 to T’hillim.

This refers to T’chias HaMeisim according to the majority view (e.g., HaRav Sa’adia Gaon in Emunos V’Deos 6:4; 47; 49; Ra’avad to the Rambam Hilchos Teshuvah 8:8; Kesef Mishnah 8:2; Ramban Sha’ar HaG’mul; Sh’loh Rabbi Yesha’yahu HaLevi Horowitz, 1558 C. E. – 1628 C. E.). However, the Rambam Hilchos Teshuvah 8:8 holds a minority view that L’Asid L’Avo refers to Gan Eden. As the wife of On Ben Peles said (Talmud Sanhedrin 109b), “My Nafka Lach Me’na? E Mar Rabah Ahnt Talmida V’E Mar Rabah Ahnt Talmida!” “What difference does it make to you? If one master prevails you will be his disciple; if the other master prevails you will be his disciple!”

Nevertheless, this essay follows the majority view.

Regarding the statement in the Talmud (B’rachos 34b) that the only difference that will occur Y’mos HaMoshiach is freedom from servitude at the hands of foreign rule, the Zohar I:139a applies this description only to the inaugural moments of Y’mos HaMoshiach. Similarly, the Zohar III:125a states and Lekutei Amarim Igeres HaKodesh 26 explains that this Talmudic description is directed toward the novice, not those who are initiated in the esoteric wisdom.

Nechemiah 9:4

B’rachos 24b

The reason is because the person mistakenly believes that G-d ‘who is way up there’ lacks the ability to hear a whisper ‘way down here.’ However, the Yerushalmi B’rachos 43a notes Ravi Abba bar Zavda prayed out loud. The continuation indicates Rabi Yonah prayed silently in Shul, but aloud at home to teach the text of the prayers to his family. Perhaps Ravi Abba was doing the same for members of his Shul.

Because they were praying to false deities there was no response, and thus they resorted to hollering in order to awaken the false deity to respond.

Tsava as HaRivash explains that for some lofty souls praying out loud increases their Kavanah, and thus, certain Chassidic groups are known for their exuberance in prayer, although this does not apply to the Sh’monah Esrei. However, it is better for the novice to pray to a Siddur (p. 219). See also Sefer Baal Shem Tov to Noach. p. 45.

Visualizing the letters of Lashon HaKodesh increases Kavanah. Regarding communal prayer, the Sh’loh 255 advises the Yiras Shamayim, novice or otherwise, follow along with the Shalliach Tzibor in a Siddur.

I:209b, 210a. This even follows the minority view of Rabi Yose in the Yerushalmi B’rachos 23b who requires one to audibly hear the Sh’ma to fulfill the obligation.

This pertains to the Tefilos. In contradistinction, Nechemia proclaims, “They cried out in a great voice” (9:4; similarly Yonah 3:8). This pertains to a time of Tzar, R’L, or on Rosh HaShanah and Yom Kippur (e.g., Bais Yosef Orach Chayim 101; Mogan David (Radva’z) #9). See Kuntrs U’may’ayon 11:1, 2.

Shulchan Aruch HaRav Orach Chayim 101:3. If that is not sufficient, he should go home and pray aloud (101:3).

Hilchos Tefilah 5:9. The Shulchan Aruch HaRav Orach Chayim 101:2, based on the Yerushalmi B’rachos 2:4, phrases it that a person should not “pray solely from the heart.”

Orach Chayim 101:2. Rosh HaShanah and Yom Kippur are exceptions, because a person should pray aloud even in a Minyan due to the complexity of the prayers, and in order to heighten Kavanah. The Shulchan Aruch HaRav Orach Chayim 101:3 explains in our generation we have printed Machzorim, and hence, the loud voices will not discomfituate fellow congregants.

This is how it was possible that Chanan bar Ba knew that Rav would straighten up from bending the knees at ‘Baruch’ and bowing at ‘Atah’ prior to reciting G-d’s name (Yerushalmi B’rachos 43a). The process of bending the knees and bowing is discussed by the Magen Avraham Orach Chayim 113:4, who traces the practice to the Zohar.
Talmud Sotah 32b, based on the Korbanos. The Chatas (only brought by a transgressor) and the Olah are slaughtered in the same place, which precludes others from knowing the nature of the Korban. The Gemara notes the blood of the Chatas is above the red line and the Olah is below, but that information is only known to the Cohen, not the general public. The gender (Chatas is female and Olah is male) is not a clue because a sheep’s genitalia are hidden. Although a female goat does not have a tail for this purpose, the Gemara is unconcerned because the person could have brought a sheep. (The transgressor has no choice in bringing a goat in the case of Avodah Zorah, because the Torah does not protect the shame of an idolater from others.)

In the Talmud Sanhedrin 111a, Rabi Chanina says Ahmain is an acronym for Keil Melech Ne’emahn. A Tana taught in the name of Rabi Meir that a child earns Olam HaBa upon the first utterance of Ahmain (110b). See also Midrash Rabah D’vorim 7:1. For a comprehensive anthology pertaining to the Ahmain response, see V’emru Ahmain by HaRav Yehoshua Alter Wildman (“And Let Us Say Amen,” translated by Rabbi Charles Wengrov, 1979, NY: Feldheim).

Rambam Hilchos Tefilah 8:4, 8:9; Shulchan Aruch HaRav Orach Chaiyim 124:1. Regarding the impact of saying “Ahmain” and “Baruch Hu U’Varuch Sh’mo” during the repetition of the Sh’monah Esrei, see Talmud Shabbos 119b.

For a thorough discussion of this topic, see Sefer Y’mos HaMoshiach by HaRav Avraham Yitzchack Baruch Gerlitzky (1931 C. E), 2005, p. 156-161.

Likutei Torah Shir HaShirim 48:2, Torah Ohr VaYigash 45:2, Likutei Sichos of the Lubavitcher Rebbe 35 VaYigash 1:6 and note 40.

Mishlei 12:4

E.g., Sh’muel I:1:13
to B’rashis 13:16

B’rchos 10b. As Ramchal writes in Da’as T’venos, “Ultimately, freedom of choice will be removed because there will no longer be evil in the world.”

“Blessed are You, HaShem, Who revives the dead,” liturgy of the Sh’monah Esrei.

Yesha’ahu 6:3, which is a reference to the three dominions (Sefer HaBahir II:126) expressed as Heaven, Earth, and time; or past, present, and future. The designations in Sefer Yetzirah are Sepher (book), Sephar (number), and Sipur (telling); or universe (space), year (time), and soul (spirit).