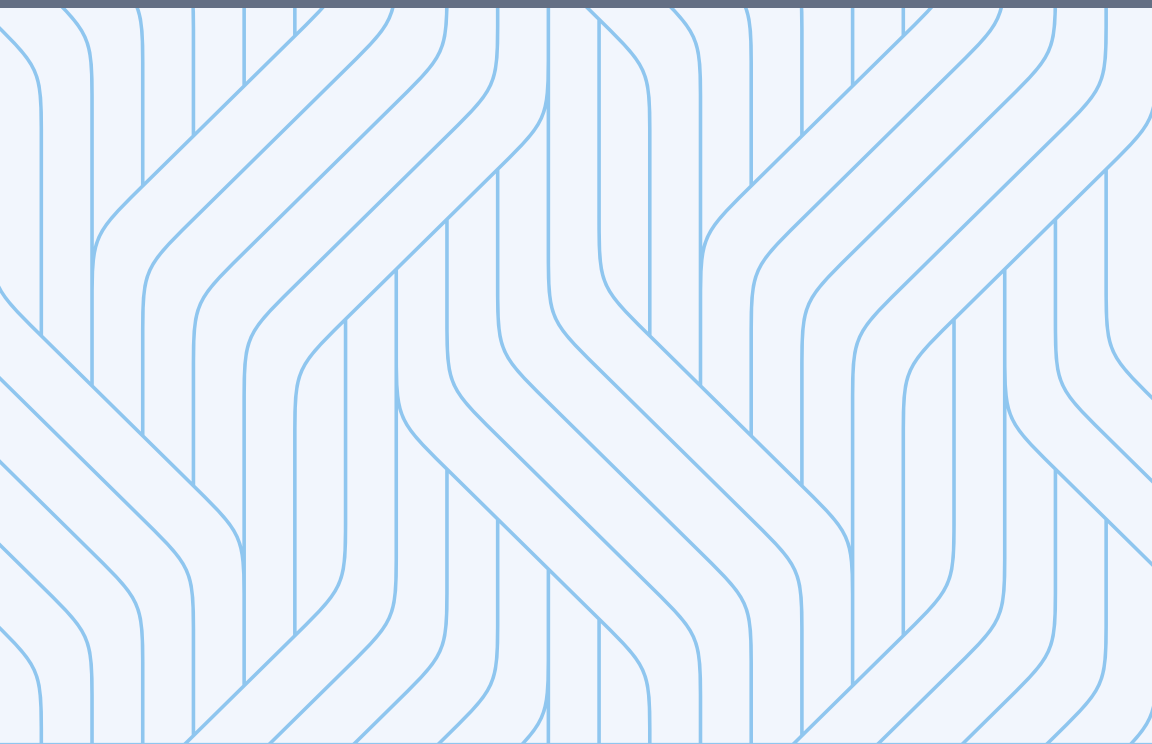


Siyum Harambam

רמב"ם לעיון

— RAMBAM IN DEPTH —

Tu B'shvat - 15th of Shvat 5786



AN IN DEPTH ANALYSIS OF A HALACHA

חיינו

CHAYENU



DAILY TORAH STUDY. DELIVERED.

CHAYENU

RAMBAM IN DEPTH

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1526 Union Street, Brooklyn, NY 11213

info@chayenu.org | www.chayenu.org

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רמב"ם לעיון

RAMBAM IN DEPTH

— *An in depth analysis of a Halacha* —

*The 45th Siyum Harambam for 3 perakim a day
and Sefer Hamitzvos*

The 15th Siyum Harambam for 1 perek a day

חיינו
CHAYENU

COMPILED AND EDITED BY CHAYENU

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FOREWORD

DAILY RAMBAM

In his introduction to Mishneh Torah, Rambam outlines his intentions for writing this book, which has become known as the *Yad Hachazakah*, or *Sefer haYad*.

I set out to compose a work that will incorporate all the conclusions from all these books [=Babylonian and Jerusalem Talmuds, Sifra, Sifrei, Tosefta, and the Halachic compositions of the Geonim] regarding the forbidden and the permitted, the impure and the pure, together with the remainder of the Torah's laws, all in clear and concise language, so that the entire Oral Law could be organized in each person's mouth without questions or objections... clear and correct statements based on the rulings that result from all these texts and commentaries, from the days of Rabbeinu Hakadosh until the present. [Such a composition will allow] for all the laws to be readily understood for a youngster or someone great in stature: the laws regarding every single commandment and all the enactments of the Sages and Prophets.

To summarize: [The purpose of this composition is] that a person will not need any other text regarding any Jewish law. Instead, this text will be a compilation of the entire Oral Law,

including Rabbinic enactments, customs, and decrees adopted from the time of Moshe, our teacher, until the completion of the Talmud.

In other words, Mishneh Torah—Rambam’s exhaustive compendium of all of the Torah’s laws, laid out in clear and concise language and arranged in a logical, methodical, and accessible manner—helps students of all caliber understand the simple laws and rulings of every area of Torah law. There is no longer a Jew who cannot learn the basic laws regarding all Torah topics since everyone is capable of learning and understanding the Mishneh Torah.

Behind this phraseology of “to be readily understood for a youngster or someone great in stature” lies the genius and simplicity of Rambam’s words. Rambam is not only for the scholar, the Rabbi, and the Rosh Yeshiva, for it was written in a way that also the youngster can understand. But it cannot be taken at face value, for behind this work, in the nuances and precision of Rambam’s pen, are gems and novel insights for the great in stature.

Understanding that every Jew can understand Rambam on a basic level and that every law of Rambam has depth to be gleaned helps us understand the Lubavitcher Rebbe’s enactment to learn Rambam daily and the contribution of this booklet you are holding in your hand.

In the year 5744, the spring of 1984, the Lubavitcher Rebbe spoke at his birthday farbrengen about “daily study of Rambam,” that every single person,¹ man, woman, and child should study daily Rambam’s Mishneh Torah or Sefer Hamitzvos. This learning, the Rebbe said, should be on a cycle, so that the learner completes the entire Mishneh Torah or Sefer Hamitzvos each year (or every three years) and then learns it over and over again—this way, learning the laws of the entire Torah.²

The Rebbe was clear that everyone was capable of joining this cycle of learning, regardless of their level of Torah knowledge. Even if a person does

1. The Rebbe said that “it is not only for Lubavitchers” (Toras Menachem 5745, vol. 4, p. 2215).

2. The Rebbe was clear that this study was in addition to all other study commitments that a person already has in Talmud (Babylonian and Jerusalem Talmud), practical law, and—each person according to their capacity—in other sections of the Torah.

not fully grasp the depth of Rambam's teachings, they will surely comprehend the literal meaning of his words.³

The Rebbe explained numerous reasons why he was making this suggestion to learn Rambam daily.⁴

1 – Adding more daily learning to one's schedule is always valuable.

2 – It will bring all Jews—from across the entire spectrum of Judaism—together in the study of Torah, where everyone is studying the same subject.⁵

3 – There is no more appropriate subject to bring Jews together than through the study of Mishneh Torah, the only compilation that encompasses all areas of Torah law, even laws pertaining to the Temple and the arrival of Moshiach.

4 – A person is obligated to study the entire gamut of Torah, and you can accomplish this through learning Rambam's Mishneh Torah.⁶

5 – Learning Jewish law is important, as it teaches the person how they must act.

3. Chayenu note: The Rebbe was speaking of a person who has a basic knowledge of the Hebrew language and the Talmudic words Rambam utilizes. The intention was that with these tools one can comprehend the Rambam in a simple manner, even if they don't appreciate the depth hidden beneath the surface. Thus, for many, having an English translation of Rambam is crucial for achieving this basic understanding of Rambam.

The Rebbe once shared another accomplishment when learning **Rambam in English**: When Rambam is studied in the language of the land, the Torah effectively penetrates the worldly realms in its purest, holiest form. Thus, the wisdom of the Torah is drawn from the loftiest supernal levels and penetrates the world in languages other than the Holy Tongue (Toras Menachem 5745, vol. 2, p. 1357-8).

4. See Likkutei Sichos vol. 27, p. 231ff. and vol. 32, p. 271ff.

5. Because of this unifying aspect of Rambam, the Rebbe encouraged everyone to bring others to learning the Daily Rambam (Toras Menachem 5744, vol. 3, p. 1961; *ibid.* 5752, vol. 2, p. 107). At another occasion the Rebbe suggested communal learning (Toras Menachem 5749, vol. 2, p. 370).

6. Shulchan Aruch Admor Hazaken, Yoreh Deah, Laws of Talmud Torah 1:4.

CHAYENU-3

The enactment entailed three different tracks:

Track 1 – *Three perakim*: By studying three chapters daily, you will complete the entire Mishneh Torah, including its introduction, list of Commandments, and detailed outline of Mishneh Torah, in just under a year.

Track 2 – *One perek*: You will study everything studied in track 1, but at the slower pace of one chapter a day. In this track, you complete the entire Mishneh Torah in under three years.

Track 3 – *Sefer Hamitzvos*: For those who find one chapter of Mishneh Torah (a book of detailed law) difficult, the Rebbe included a track of Rambam's *Sefer Hamitzvos* (Book of Commandments).

From the onset, it has been evident that the optimal track is to complete the entire Mishneh Torah each year.

My suggestion is... you should learn three chapters a day... For those of you who, for whatever reason, find it hard to learn three chapters a day, you should learn one chapter a day... How can we also include those of you who cannot learn from the *Yad Hachazakah*—young children or people who are “young” in knowledge?... I have a suggestion that will allow everyone to join the study of Rambam: Learn every day from Rambam's *Sefer Hamitzvos* (Likkutei Sichos vol. 27, p. 233-4).

The three-chapter-a-day⁷ track received the most attention from the Rebbe in his talks and naturally gained the most traction among his Chasidim. (Although the Rebbe did mention numerous times that those who can only learn one chapter a day, are not just doing the “second best” option.⁸)

[We at Chayenu recognized that many Rambam learners of the first, optimal track would benefit from having a Chayenu that is portable, has English translation, and is easy to use, and that having Chayenu with three chapters a day would propel those who were unsure if *they can* actually learn three chapters a day. We started publishing a sister publication to

7. In the Rebbe's mind, this daily learning was so important that, like Chitas, the learning of the day was to inspire the entire day. It was part of the dictum, *men darfleben mit der tzeit*—*We have to live with the times* (Toras Menachem 5746, vol. 1, p. 207; *ibid.*), and the learning of each day had a connection to that very day it was learned (*ibid.*, 5745, vol. 1, p. 248).

8. See Toras Menachem 5745, vol. 2, p. 1325-8.

the flagship Chayenu, which only includes one chapter a day and Sefer Hamitzvos, called Chayenu3, which includes the daily three chapters of Rambam.]

To learn more and to order, visit: chayenu.org/3



IN DEPTH LEARNING

The enactment presented two challenges, one technical and a second more substantive “problem.”

The technical problem was that by taking Rambam’s Mishneh Torah out of the hands of the Talmudic scholars and teachers who looked at the structure and wording of Mishneh Torah to gain insight into Rambam’s outlook on a teaching, ruling, or subject of the Talmud, and placing it in the hands of the busy layman and novice scholar, we would only be scratching the surface of Rambam’s intent, leaving behind, and more so, ignoring the depth of Rambam’s words.⁹

The more significant challenge was setting a schedule for the learning, requiring a certain amount of text to be covered daily. Isn’t it better to set aside a specific amount of time to study and learn at the pace the students

9. Another challenge presented when daily learning of Rambam was first enacted was that Rambam didn’t bring the reasoning for his rulings, and the Alter Rebbe rules in his Shulchan Aruch (Yoreh Deah, Talmud Torah, 2:1) that a person must learn Torah law with its reasons! [See also below p. 22.]

The Rebbe addressed this and explained that although there is undoubtedly a benefit in learning the laws of Torah with their reasoning, even the Alter Rebbe not only agrees, but rules, that there is also an advantage in learning the final laws as recorded by Rambam, since the learner will fulfill the ruling that a person should acquire a knowledge of all 613 commandments (Likkutei Sichos vol. 36, p. 16ff.).

need to comprehend their studies? Isn't that better than forcing the students to cover ground and possibly not having the time to understand their studies fully?¹⁰

In one of his talks, the Rebbe addressed the reason for this enactment of learning Rambam, which underscores the cruciality of this study, even if it comes at a cost.

Even though schedules learning on a cycle will lead a student to study a topic that he doesn't necessarily have an interest in, contrary to the Talmudic dictum that a person should always study a subject that his heart desires (Avoda Zarah 19a)... Since we are getting closer to the arrival of Moshiach, but he has not yet arrived, we are looking for things that might be the path to his actual arrival. One thing that came to mind that we still need to accomplish is the study of the entire Torah. Therefore, I suggested that all Jewish people, men, women, and children, should learn the whole book of Rambam, the only book that includes all the laws of all the Torah topics.¹¹

This is appropriate for every Jew since everyone admits that the time for Moshiach's coming has arrived, and everyone admits that Rambam includes the laws of all of Torah, and perhaps this is the pathway for Moshiach's arrival (Shabbos Parshas Shelach 5748).

Notwithstanding the necessity and vitality of this learning, the Rebbe addressed the challenges mentioned when introducing his enactment to study Rambam daily.

A person should contemplate when learning [Rambam] they are learning G-d's Torah, and it is not befitting (*past nit*) that they should study in an elementary manner (Likkutei Sichos vol. 27, p. 231).

10. The Rebbe found precedent for such a daily cycle in what has become known as Daf Yomi, the daily allocation of Talmud study in both the Babylonian and Jerusalem Talmuds, and the division of Tanya for daily learning by the Previous Lubavitcher Rebbe (see Likkutei Sichos vol. 27, pp. 229, 231).

11. At a different occasion, the Rebbe explained that the reason why suddenly there is frenzy (*sheturem*) concerning Rambam study, is because the world was static, almost in a comatose state, it needed something trailblazing and outrageous to wake it out of its stupor (Toras Menachem 5744, vol. 3, p. 1638).

When learning three chapters a day, it isn't easy to study all the laws in depth and with proper analysis, and the learning will sometimes be rudimentary. It is, therefore, worthwhile—for those capable of it—to learn (in addition to the three daily chapters themselves) one law or one detail from the daily study with some depth and proper analysis (*ibid.*, p. 233).

Learning a law in depth adds a certain excitement to the learning. And brings life into what can become “routine learning.”

CHAYENU: RAMBAM IN DEPTH

In order to facilitate in-depth learning, Chayenu³ shares a Daily Rambam Insight from the teachings of the Lubavitcher Rebbe, published by **Rabbi Meir Ellituv** in the **Rambam Pardes Hamelech** series.

In the Chayenu flagship publication, we include a weekly essay on a law being studied in that week's Daily Rambam. Expanding on a ruling of Rambam, we explore the ruling's source in the Talmud and discuss how Rambam understood the teaching of the Talmud. We also contrast Rambam's opinion with that of his contemporaries or share various ways to interpret Rambam's words, etc.

The essays are written in a way that quotes from the traditional commentators on the subject, with an emphasis (on trying) to include the insights of a Chabad Rebbe on the topic.

The Chabad Rebbes have written extensively on all areas of the Torah, whether it's the Alter Rebbe in his *Shulchan Aruch*, the Tzemach Tzedek in his responsa, and, of course, the Lubavitcher Rebbe in his talks. Since these teachings are not systematic, as a commentary on Rambam or the Talmud, they can often get lost to the learner. We endeavor to include sources in the footnotes where the idea being explained in the essay is expanded upon or clarified in the teachings of Chabad Rebbes. Or, even better, to build up the essay towards presenting the novel insight (“chidush”) of the Chabad Rebbe.

Note on this booklet: It contains 18 essays on the first two books of Mishneh Torah, *Sefer Hamada* and *Sefer Ahavah*.

DAILY RAMBAM THROUGHOUT THE GENERATIONS

While the Rebbe's enactment to learn Rambam's Mishneh Torah daily was introduced forty-two years ago—and has become a hallmark of dedication and commitment to the Rebbe's ideals and has also developed into an international cycle of learning the holy Rambam's rulings—this practice traces back a lot longer than that.¹²

16th Century: A letter describing life in Jerusalem in 1521 mentions, “Every evening, we learn one chapter of Rambam” (Mekoros L'Toldos HaChinuch B'Yisrael, vol. 3, p. 10).

17th Century: A letter describing life in Safed in 1603 mentions, “After evening and morning prayer, groups form and study with their teacher... [One] group studies the Rambam in a consistent manner” (Shivchei Ha'Ari, Likkutei Ha'Ari 25b).

18th Century: The Maggid of Mezritch writes to the Alter Rebbe, “In the evening, after evening prayers, you should study the holy Rambam” (Maggid Devarav L'Yaakov, addendum, p. 53).

19th Century: Rabbi Chaim Sofer, a student of the Chasam Sofer and a famous Rabbi in his own right, is reported to have gone every weekday from synagogue to the study hall donned in his Tallis and Tefillin to study Rambam's Mishneh Torah in order from beginning to end (Toldos Sofrim 17-18).

Early 20th Century: There is eyewitness testimony that the Rebbe would learn Rambam every evening after Maariv (Yimei Melech, vol. 2, p. 626).

12. As the Rebbe said, he is merely bringing back the glory of studying Rambam to the common practice of yore (*machzir atarah l'yoshnah*), as this was common practice in Sephardic communities (Toras Menachem 5744, vol. 4, p. 2675).

BENEFITS OF RAMBAM STUDY

Like learning any subject of Torah, there are many benefits, spiritual and material, that come from studying Rambam, which is part of Torah. Yet, we find some benefits specifically associated with the study of Rambam.¹³

Whoever learns Rambam daily with Maggid Mishneh's commentary will **find wondrous [insight] and answers** to their questions in Jewish law (Shaloh vol. 4, Torah Shebaal Peh, p. 21b).

A person must **learn about all 613 Commandments**. Therefore, they should learn Rambam's Yad Hachazakah, which includes an explanation of all 613 Commandments (Rabbi Meir Papirash, Or Tzadikim, Amud Hatefilah, 22:19).

A person fulfills the Talmudic dictum that, *Whoever learns two Laws every day is guaranteed a portion in the World-to-Come* (Nidda 73a) by studying two laws of Rambam each day (Rabbi Shlomo ben Shimon Duran, Sefer Harashbash, She'elos Uteshuvos, vol. 1, responsa 52).

I learned from my holy teacher [the Ba'al Shem Tov] that the study of Rambam is a segulah (spiritual remedy) for **fear of heaven**, and to **eradicate external negative forces** (Rabbi Dovber (Mezritcher Maggid) Maggid Devarav L'Yaakov, addendum, p. 105).

The daily study of Rambam among Jews is one of the things that hasten the coming of **the final redemption** (Toras Menachem, Shabbos Parshas Balak, 5748).

13. At the beginning of the sixth cycle, the Rebbe encouraged everyone to join the learning, and said: *Through an appropriate resolution [to join the Daily Rambam Study], "G-d will help you"—you will have Divine assistance to find success in your learning, including that your learning will be with peace of mind and good health, both materially and spiritually* (Toras Menachem 5759, vol. 2, p. 161).

Rambam has 83 topics of laws. The Talmud teaches that the Hebrew word for disease (*Machala*) has a numerical value of 83 because 83 forms of disease can affect the bile. This alludes to the idea that one can achieve **complete health** through the study of the 83 halachos of Rambam. This is not to say that studying Rambam only helps those sick; it can prevent sickness in the first place (Toras Menachem, Hisvaduyos 5746, vol. 2, p. 246).

Rambam organizes all the commandments within Oral Jewish Law clearly and concisely. Thereby, through its study, one fulfills the commandment to study **the entire Torah**.

Additionally, learning a Torah subject in unison with other Jews brings unity amongst all those engaged in its study. This **unity** amongst the students and in the study of the halacha itself hastens the arrival of Moshiach (Likkutei Sichos, vol. 32, p. 271ff.).

Recently, there was an additional institution of study—the study of Rambam. Although the person studying Rambam is doing so because it is an enactment of Sages, nevertheless, they are fulfilling a biblical command to study Torah. There is, however, an additional, unique, and precious quality of fulfilling **an instruction of their Rebbe** (Sefer Hasichos 5749, vol. 2, p. 412).

To a person who was struggling with **overwhelming debt**, the Rebbe wrote in short but no uncertain terms: *“Have you fulfilled your obligations regarding the study of Rambam”* (Mishneh Torah Hasholeim, Mahaduras Feldi, Chazak Publications, p. 6, fn. 6).

Rabbi Reichik asked the Rebbe for a blessing concerning a **medical issue** that his fellow was going through. The Rebbe replied: *If he needs a miracle, he should learn Rambam, since RaM-BaM is an acronym for Rabos Mofsai B’eretz Mitzraim (Shemos 11:9)—increase My wonders in the land of Egypt* (Kefar Chabad Magazine, issue 1939, p. 25).

ACKNOWLEDGMENTS

The Daily Study of Rambam was precious and dear to the Rebbe.¹⁴ The Rebbe constantly encouraged its learning, was often observed learning the Daily Rambam, and set aside time at public gatherings to discuss this Daily Study.

We hope this booklet (*teshura* – memento) in celebration of the 45th conclusion of Rambam for the *three perka'im* cycle, the conclusion of the 15th cycle for the one perek cycle,¹⁵ and the beginning of a new cycle, encourages you to take the next step in your learning of Rambam.¹⁶

The essays were written and reviewed by the **Chayenu Editors**.

We thank **Levi Drimmer** for supporting the Chayenu3 initiative in his father's memory. Chayenu3 has allowed so many more of us not just to read, but learn and understand the three chapters of Rambam. May this be in loving memory and *l'ilui nishmas* Refael Shlomo ben Klonimus Kalman Z"L.

In his love for furthering the fulfillment of the Rebbe's enactment to learn Rambam, he has also taken the expenses of preparing and publishing this booklet.

Thank you to **Rabbi Yossi Simpson**, who dedicates these essays in the weekly Chayenu in loving memory of his father, Aryeh Ze'ev ben Eliyahu A"H, and mother, Chana Basha bas Moshe Uri A"H.

May we merit the times that Rambam speaks about at the conclusion of Mishneh Torah, the time of redemption, when the entire world will be occupied with the learning of Torah.

The Chayenu Team

14. The Rebbe once told Rabbi Avraham Dov Hecht: *ich koch zich doch in Rambam*—I'm absorbed in Rambam [study] (Mishneh Torah Hasholeim, Mahaduras Feldi, Chazak Publications, p. 8, fn. 11).

15. The Rebbe encouraged proper *siyumei harambam*—celebrations for completing the cycle of Rambam (Toras Menachem 5746, vol. 2, p. 495) and that in conjunction with this celebration there should be a printing of novel insights (*chidushim*) of Rambam's teachings (ibid., p. 761).

16. In a handwritten note to Rabbi Adin Even Yisroel (Steinzaltz) the Rebbe wrote: Surely you are making a ruckus (= *mar'ish*) regarding Rambam (the conclusion [of the first cycle, and joining] the second cycle. And as much as you cause a ruckus, and more, there is no concern that maybe this is not according to Rambam's dictum that we must act in an balanced manner (*"biderech ha'emtzais"*), since we have not even reached one third or one quarter [of the noise we need to make].

מנין המצוות

שבהקדמה למשנה תורה

613 COMMANDMENTS

AS AN INTRODUCTION TO MISHNEH TORAH

THE PRECISION OF RAMBAM (REGARDING THE COMMANDMENT OF CIRCUMCISION)



לְמוֹל אֶת הַבֵּן; שְׁנֵאֶמֶר: "וּבַיּוֹם הַשְּׁמִינִי יְמוֹל
בְּשָׁר עֶרְלָתוֹ" (הַקְדָּמָה, מִצְוֹת עֲשֵׂה רטו).

In the introduction to his Sefer Hamitzvos (Book of Commandments), Rambam outlines how he had this desire to write a compendium that will include all the laws of the Torah and its details (what has become known as the Mishneh Torah or Yad Hachazakah), but to do that he needed to first establish what those Biblical Commandments were. Rambam therefore first wrote the Sefer Hamitzvos establishing the 613 Biblical Commandments, and then later, as part of the introduction of the Mishneh Torah, Rambam once again outlines the 613 commandments, in more brevity.

Concerning the commandment of circumcision, Rambam writes in his Sefer Hamitzvos:

The 215th positive commandment is that which He has commanded us to circumcise our son. This is what the Exalted G-d said in the Torah to Avraham: "Circumcise every male among you" (Bereishis 17:10; Positive Commandment 215).

In his introduction to the Mishneh Torah, Rambam switches up the source text from where this commandment is gleaned.

To circumcise a son, as it states: "On the eighth day, the flesh of his foreskin shall be circumcised" (Vayikra 12:3; Introduction, Positive Commandment ibid.).

The famous early 19th century commentator on Biblical Commandments, Rabbi Yerucham Fishel Perlo, explains that Rambam was reversing his position in his later works.

Rambam, in the short list of commandments (Positive Commandment 215), cites the verse “on the eighth day... shall be circumcised”... He thereby retracts what he wrote in the Sefer Hamitzvos, [where he derived it] from the verse “circumcise every male among you.” As it is known that the rulings in his great compilation [=the Mishneh Torah] are primary, and in many matters he retracted there what he had written earlier in the Sefer Hamitzvos (Ri Perlo, Commentary to Sefer Hamitzvos of the Rasag, Positive Commandment 31).¹

The Lubavitcher Rebbe, however, argues that Rambam is precise, without backtracking of opinions. Rather, the different sources are reflective of the different purposes that Rambam had for his Sefer Hamitzvos and his short list in the introduction to Mishneh Torah.

We are obligated to circumcise [our children] because G-d commanded Moshe at Sinai, and not because of G-d’s commandment to Avraham.² Together with this, the “core nature” (mahus) of this circumcision that we are commanded to do, is the circumcision of Avraham, we are commanded to enter into the bond that G-d had with our forefather, Avraham....³

Now we can understand the different verses cited as source text in the Sefer Hamitzvos and Mishneh Torah, but we first must understand the different purposes of these two works. The Sefer Hamitzvos is not a “halachic” work, but only an explanation of the 613 commandments, a brief description of each commandment, its source in the Written Torah, and its (general) laws in the Oral Torah. This is precisely what is happening here: since the primary Torah section about circumcision is the verses concerning

1. See Ri Perlo (loc. cit.) for particle differences in the fulfillment of this commandment between the two text sources.

2. See Rambam’s commentary to Mishnah, Chullin, conclusion of ch. 7.

3. This explains the language of Rambam in Sefer Hamitzvos cited above, that it was “said in the Torah to Avraham,” and the language of the blessings made by circumcision “that the circumcised enter into the covenant of our forefather Avraham.” See Likkutei Sichos vol. 30, p. 54ff. See also ibid. vol. 10, p. 44ff.

Avraham, from which most of its details are learned, and since it is these [verses] that the “core nature” of the commandment is articulated, namely, that it is a “covenant” between the Jewish people and G-d (the covenant of Avraham)—therefore Rambam cites there the verse “circumcise every male among you.” Thus, emphasizing that the command was to Avraham. For this expresses the very nature of the commandment of circumcision, “the covenant of our forefather Avraham.”

On the other hand, in the list of commandments at the beginning of the Yad [Hachazakah]—a halachic work—Rambam cites the verse that serves (not as a description of the nature and conceptual framework of the commandment, but rather) as the source of the “obligation” to fulfill this commandment as one of the 613 commandments that were given to Moshe at Sinai. Since “everything we refrain from or perform today, we do only because of G-d’s command through Moshe our teacher, not because G-d told it to the prophets before him” (Rambam’s commentary to Mishnah, Chullin, conclusion of ch. 7), it follows that he must bring a verse from after the giving of the Torah, which is (more likely) the source of “G-d’s command through Moshe our teacher” (Likkutei Sichos vol. 30, p. 55-57).

ספר המדע

THE BOOK OF KNOWLEDGE

BELIEF IS NOT ENOUGH



וַיִּדְעֵת דְּבַר זֶה מִצְוֹת עֲשֵׂה; שְׁנֹאמַר: "אֲנֹכִי יי"
 אֱלֹהֶיךָ" (שמות כ, ב. דברים ה, ו) (יסודי התורה א:ו).

Rambam writes that there is a commandment "to know that there is a G-d."¹

Many commentaries question the plausibility of such a commandment:²

It is a complete mistake to consider "I am G-d, your Lord" as a commandment. A "commandment," by definition, implies that there is a commander, thus, a Commandment is not possible unless we already accept that there is G-d Who is commanding. If one maintains that belief in the existence of G-d is a Commandment, then by definition he has already accepted that there is a G-d [Who is commanding these Commandments].

Abarbenel explains that Rambam agrees with this premise that one already believes in G-d before he accepts upon himself any Commandment. Nevertheless, there is still a Commandment to believe in G-d:³

After proper examination of Rambam's words, it becomes obvious that his intention is that we need to believe that G-d, Whose existence we already accepted, is the first and most perfect existence.

1. Introductory Mitzvos to Hilchos Yesodei Hatorah.

2. Rav Chasdei Crescas, cited by Abarbanel in Rosh Amana (ch. 4). Rav Chasdei therefore concludes that belief in G-d is not one of the Commandments. See also Ramban (gloss to Rambam's Sefer Hamitzvos, Commandment 1) who makes a similar argument in defense of the Baal Halachos Gedolos (BaHaG), who also does not count the belief in G-d as one of the Commandments.

3. Rosh Amana, ch. 7

Abarbenel is explaining that the Commandment is that it is not enough to believe G-d exists, rather, we must believe and understand the nature of G-d's existence, that He came before any other existence, He is the creator of all, and that He is a most perfect existence, having no deficiencies that can and are attributed to other existences.⁴

This will explain why Rambam writes only in the sixth Halacha, after explaining at length the nature of G-d's existence, that "the knowledge of this concept is a positive commandment, as stated 'I am G-d, your Lord.'" Because according to Rambam it is not enough to just accept G-d's existence, which Rambam posits already in the first Halacha, rather, one must develop a better understanding of G-d.⁵

4. See more in Derech Mitzvosecha, the Commandment of Believing in G-d.

5. See Likkutei Sichos vol. 26, p. 114ff.

TO LOVE G-D



וְהֵיכָאן הִיא הַדֶּרֶךְ לְאַהֲבָתוֹ וְיִרְאַתוֹ? בְּשָׁעָה שִׁיתְּבוּנָן הָאָדָם בְּמַעֲשָׂיו
וּבְרוּאָיו הַנִּפְלְאִים וְהַגְּדוֹלִים, וְיִרְאֶה מֶהֱן חֻמּוֹתָיו שֶׁאֵין לָהּ עֶרֶךְ וְלֹא
קֶץ - מִיָּד הוּא אוֹהֵב וּמְשַׁבֵּחַ וּמְפָאֵר וּמְתַאֲנֶה תַּאֲוָה גְּדוֹלָה לִידַע הַשֵּׁם
הַגָּדוֹל, כְּמוֹ שֶׁאָמַר דָּוִד: "צִמְאָה נַפְשִׁי לֵאלֹהִים לֵאמֹר חֵי" (יסודי התורה ב:ב).

After telling us about the commandment to love and fear G-d, Rambam continues with a question:

What is the path to attain love and fear of Him? (Yesodei Hatorah 2:2).

Rabbi Shlomo Eiger explains this unique phraseology of Rambam.

Rambam's intent is: After all, love is usually a result of attraction or some other natural draw, or to a family member. G-d, at His core, is totally concealed, how, then, can we generate a love towards an entity that is essentially not recognizable?¹ Rambam's response is "when a person contemplates..." meaning that one can surely gain some recognition of G-d by contemplating His deeds, and the more one understands the greater their love will grow (commentary to Rambam ibid., cited in the Frankel ed.).

While the conclusion here is that a person can attain a recognition and love through contemplation, one can also suggest that the commandment to love is precisely this, to contemplate.

1. In other words: A commandment that is an action one can command concerning it, since we have a choice to do the act or not, but love and fear are by nature unique to each individual, some people have love or fear towards one thing, while another person does not emote in that way. This is unique to a person's consciousness, and even if a person wants to love something he may still not arouse that love. How then can there be a commandment to love? (Devarim Nechmadim (Dinov), Rambam, loc. cit.). See also Tanya, introduction to Shaar Hayichud V'ha'emuna (*chinuch katan*).

Rambam writes (in his sefer hamitzvos) that this commandment is fulfilled through “contemplating G-d’s commandments, instructions,² and deeds, in order to grasp Him and experience the ultimate pleasure from that understanding.” In Rambam’s estimation, this is the commandment of loving [G-d], since love is a natural result of intellect... Thus, one can suggest that the commandment of loving G-d, is that we were commanded to contemplate upon His commandments and actions, and from this contemplation a love will follow (Kinas Sofrim, commentary to Positive Commandment 3).

The Lubavitcher Rebbe suggests that a careful reading of Rambam indicates what his position is on this love.

It seems that Rambam’s opinion in his Mishneh Torah is that this commandment includes (not only the feeling and emotion of love, but [the connection, i.e.,]) that “the person is bound with this love of G-d”³ through knowledge and comprehension... In Rambam’s words: “When a person contemplates His wondrous and great deeds and creations and appreciates His infinite wisdom that surpasses all comparison, he will immediately love, praise, and glorify Him, yearning with tremendous desire to know G-d’s great name.”... Thus, Rambam maintains that the commandment is to achieve a certain dveikus, attachment and connection to G-d through knowing G-d and gaining a recognition of Him (Likkutei Sichos vol. 34, p. 35).

The Rebbe explains that this is also Rambam’s intention in his Sefer Hamitzvos.

In truth this explanation is summed up in Rambam’s precise wording in his Sefer Hamitzvos, where he writes that this commandment is fulfilled through “contemplating G-d’s commandments, instructions, and deeds, in order to grasp Him and experience the

2. While Rambam in his Mishneh Torah makes no mention of contemplating G-d’s commandments, only His wondrous deeds of creation, in his Sefer Hamitzvos Rambam mentions (based on the Sifri) to contemplate G-d’s commandments etc. See further, Mizrahi to Devarim 6:6; Kinas Sofrim on Sefer Hamitzvos, Positive Commandment 3; Nimukei Mahar’i on Rambam loc. cit. (cited in the Frankel ed.); Likkutei Sichos vol. 34, p. 33ff., and sources mentioned there.

3. See Mishneh Torah, Teshuva 10:3.

ultimate pleasure from that understanding. This is the love that is expected.” Meaning: that the nature of this commandment is that one’s contemplation brings to a pleasure from this understanding, i.e., a [personal] recognition of the Creator (Likkutei Sichos ibid.).

Thus, in Rambam’s view, the commandment to love G-d means that one has to develop an inner attachment with G-d,⁴ an attachment that is based on intimate understanding of Him [to the extent possible].⁵

4. See Sefer Halkrim, discourse 3, ch. 35: Love is the union of the lover and the loved and a complete intellectual merger.

5. This explains why Rambam expands on so many details about G-d’s deeds and the nature of creation (see the Nimukei Mahar’i ibid., who questions why Rambam in his Mishneh Torah, which is a book of law, elaborates on all these details of creation), since these are not just suggested contemplations to arouse a love, but form the nature of the love, the development of a recognition of G-d (Likkutei Sichos ibid. and vol. 26, p. 117ff.).

THE EVER-PRESENT IMPORTANCE OF PROPHECY



מִיִּסּוּדֵי הַדָּת לֵידַע שֶׁהָאֵל מְנַבֵּא אֶת בְּנֵי הָאָדָם (יסודי התורה ז:א).

Besides the Biblical commandment to listen to the words of the prophet, *from amongst you, from your brothers, G-d, your G-d will establish a prophet, like myself; listen to him* (Devarim 18:15), and by extension the need to establish who a prophet is, Rambam here clarifies that the principle of prophecy includes a foundation of faith:¹

It is one of the foundations of our faith that G-d communicates by prophecy with man (Yesodei Hatorah 7:1).

Rambam is clarifying that beyond the commandment there is a fundamental principal of communication between G-d and man which a person has to be aware of. In Rambam's words:

The sixth principle is prophecy. Namely, a person should know that among the human being there is to be found individuals who are naturally endowed with highly elevated and refined character traits, and contain a great degree of perfection; their souls are perfectly fit to receive the "form of the intellect." Afterwards, that human intellect merges with the "Proactive Intellect" [=The Divine intellect] from which emanates lofty Divine emanation (Pirush Hamishnayus, Sanhedrin, Perek Chelek (ch. 10)).

In other words, one has to believe not only that G-d communicates with man, but that G-d's presence in the world is so integrated, that the Divine

1. Likkutei Sichos vol. 23, p. 91.

“mind” and the human mind is capable of merging,² to the extent that the person will have no doubt in the authenticity of the commutation.³

This “connection” between man and G-d is so foundational and so “natural” that it is “automatic.”⁴

A person who is full of all these qualities... after these preparations, the spirit of prophecy will immediately rest upon him (Yesodei Hatorah, ibid.).

It can be experienced in all places:

Although Rambam discusses at great length and with considerable detail the concept of prophecy, he makes no mention that there is a qualification that it has to happen in the Land of Israel. From a straight forward reading of his work in Mishneh Torah it seems like he did not consider location to be a consideration (Likkutei Sichos vol. 8, p. 337).

Likewise, there seems to be no limit on gender, age, social status or religion to receive prophecy in some form or another.⁵

Additionally, it can be experienced at all times, even, and especially, in our times as we near the ultimate redemption. Besides that Rambam does not make mention that there is a time that prophecy *cannot* take place (he only mentions that it departed, as in it didn’t take place), and we are left with the simple reading that if a person who is naturally endowed, capable and does the prerequisite preparation that *the spirit of prophecy will immediately rest upon him.*⁶ Rambam writes:

There is no doubt that reappearance of prophecy is a precursor to the coming of Moshiach (Iggeret Teimon, ch. 3).

Sefer Chinuch writes:

The commandment [of listening to a prophet] applies to all times that a prophet is found amongst us (Commandment 516).

2. See Likkutei Sichos vol. 20, p. 94, and fn. 34.

3. Ibid. p. 85ff; Sefer Hasichos 5751 vol. 2, p. 787ff.

4. See Moreh Nevuchim 2:32; Likkutei Sichos vol. 23, p. 87 fn. 50.

5. See Tana Dvei Eliyahu Raba ch. 9; Sefer Hama’amarim Melukat, vol. 1, p. 5; Likkutei Sichos *ibid.*, p. 85, fn. 42.

6. Likkutei Sichos vol. 2, p. 588-9; vol. 14, p. 72ff; Sefer Hasichos *ibid.*

The Chinuch makes no limitation of time, like other places where he writes that the particular commandment only applies in the times of the Temple he simply requires for prophecy to be “found amongst us.”⁷

7. Likkutei Sichos vol. 14, p. 73 fn. 29.

DO YOU REALLY WANT THE GUEST?



אָסור לָאָדָם לְהַנְהִיג עֲצָמוֹ בְּדִבְרֵי חִלְקוֹת וּפְתוּי, וְלֹא יִהְיֶה אֶחָד
בִּפְהוֹ וְאֶחָד בִּלְבָב - אֲלֵא תוֹכוֹ כָּבְרוּ, וְהַעֲנִין שְׂפִילָב הוּא הַדָּבָר
שֶׁבִפִּהוֹ. וְאָסוּר לְגַנֵּב דַּעַת הַבְּרִיּוֹת ... וְלֹא יִסְרֹהֵב בַּחֲבֵירוֹ שִׂיאֲכָל
אֲצִלוֹ וְהוּא יוֹדֵעַ שְׂאִינוֹ אוֹכֵל; וְלֹא יִרְבֶּה לוֹ בְּתַקְרִבָּת וְהוּא יוֹדֵעַ
שְׂאִינוֹ מִקְבֵּל; וְלֹא יִפְתַּח לוֹ חֲבִיּוֹת שֶׁהוּא צָרִיךְ לִפְתָּחַן לְמִכְרוֹ,
כְּדִי לִפְתּוֹתוֹ שֶׁבְּשִׁבִּיל כְּבוֹדוֹ פָּתַח, וְכֵן כָּל כַּיּוֹצֵא בּוֹ (דְּעוֹת ב:ו).

Jewish law not only prohibits stealing and deception, but also shuns creating false impressions (*g'neivas da'as*).¹ In fact, in Rambam's view, this is not only a monetary legal question, but also a question of character (thus he cites these laws in the section of laws concerning character traits).² Amongst the scenarios that fall into this prohibited category, Rambam writes the following:

One should not press his colleague to share a meal with him when he knows that his colleague will not accept the invitation, nor should he press presents upon him when he knows that his colleague will not accept them. He should not open barrels [of wine] supposedly for his colleague which he must anyway open for sale, in order to deceive him into thinking that they have been opened in his honor (De'os 2:6).

1. See Mishneh Torah, Mechirah 18:1; Ritva, Chullin 94a.

2. See commentary to Moznaim Rambam, English Translation (De'os 2:6), also citing Rambam's Commentary to Mishnah, Keilim 12:7.

This ruling is, however, not so clear cut, but first to a Talmudic narrative that contradicts this ruling and the Talmudic solution.

Ulla happened to come to the house of Rav Yehuda, [and Rav Yehuda] opened barrels of wine for him that had already been sold to a storekeeper. [Is this not prohibited? The Talmud explains:] Rav Yehuda notified [Ulla that he was not opening the barrels especially for him]. Another answer: Ulla is different [from an ordinary guest] because he was very dear to Rav Yehuda, so that even without this, [i.e., even if he had not already sold the barrels, Rav Yehuda would have] opened the barrels for him (Chullin 94a).

Asks the Kesef Mishnah:

From the Talmud [in the second resolution] it emerges that all these respectful acts [mentioned in Rambam] are permissible if done in order to show that this friend is important to him and that he cherishes him. It is totally wonderful to me why Rambam omits it (commentary to Rambam ibid.).

The Lechem Mishnah quotes the Kesef Mishnah's answer from his commentary on the Tur (Beis Yosef, on Choshen Mishpat, 228), before disagreeing with him.

The Beis Yosef writes, "I don't know why our master (the Tur) omits this ruling. Perhaps because it is so obvious [that if it is out of respect for the person himself, it is permissible]." However, it seems to me that this does not suffice [to settle this quandary]... It seems to me that Rambam and the Tur do not hold of the later resolution of the Talmud (commentary to Rambam ibid.).

It thus emerges that we have an argument if we rule summarily that we cannot act in misleading ways,³ even in respect and honor of that person (the simple reading of Rambam, and as explained by Lechem Mishnah) or in a situation where it is really in their honor, then it is permitted (Beis Yosef).

3. To clarify: It is being *misleading* that is prohibited. [In the words of the Alter Rebbe (loc. cit.: 13):] "When, however, it is logical to assume that [a friend] is not performing an act in his honor, but the person misleads himself and thinks that this is indeed his intent, it is not necessary to inform him otherwise. For example, a person met a friend on the road and [the friend mistakenly] thought that he came out specially to greet and honor him."

[Note the implication of these details on how truthful one must be in advertising, when it is misleading and when it is merely a mistaken conclusion by the consumer.]

The Alter Rebbe writes the law as reflected by the later interpretation (albeit, he mentioned this ruling in brackets).⁴

One should not entreat a colleague to dine with him, knowing that he will not accept the invitation (and had he known that he would accept the invitation, he would not have made these entreaties)... (if he would entreat him to dine with him even if he would accept the invitation, it is permitted to do so, although he knows that he will not dine with him now, nor accept the gift. For he is not deceiving him, for he truly holds him dear and genuinely desires to offer him benefit. From his side, there is no obstacle. It is only his friend who does not desire [to accept his beneficence]. Thus if [his friend] is grateful to him, it is not without cause⁵) (Shulchan Aruch Admor Hazaken, Choshen Mishpat, Ona'ah V'genivas Daas, par. 14).

4. Ed. note: What follows concerns the scenario of inviting guests, but it is true about the other scenarios as well.

5. With these concluding words, the Alter Rebbe lays out the rationale for this ruling. Earlier (in par. 12) the Alter Rebbe explains that such deception is prohibited because “creating an impression that one is doing a favor for another when [in truth] they are not doing so, causes this other person to show gratitude back toward them without foundation.” Here, says the Alter Rebbe, we have no such concern, since the person is acting in a manner which is completely out of respect and deference to their friend.

RAMBAM'S DIET



הואִיל וְהִיּוֹת הַגּוֹף בָּרִיא וְשָׁלֵם מִדֶּרֶךְ הַשֵּׁם הוּא - שֶׁהָיָה
אֵי אֶפְשָׁר שְׂיָבִין אוֹ יֵדַע דָּבָר מִיִּדְעַת הַבּוֹרָא וְהוּא חוֹלָה -
לְפִיכָךְ צָרִיךְ לְהִרְחִיק אָדָם עֵצְמוֹ מִדְּבָרִים הַמַּאֲבִדִין אֶת הַגּוֹף,
וּלְהַנְהִיג עֵצְמוֹ בְּדְבָרִים הַמְּבָרִין וְהַמְּחַלְיָמִים. (דעות ד:א).

Rambam begins chapter four of Hilchos De'os with the importance of a healthy body.

Since maintaining a healthy and sound body is among the ways of G-d—for one cannot understand or have any knowledge of the Creator, if he is ill—therefore, he must avoid that which harms the body and accustom himself to that which is healthy and helps the body become stronger.

Rambam then continues at length (chs. 4-5) describing a proper and healthy lifestyle and diet that a person should follow, and guarantees health for the one who follows this diet.¹

The primary basis for Rambam's diet is found in the many teachings of the sages in the Talmud, which also discuss health remedies and diets.² And surely after Rambam included this in his Mishneh Torah, which he himself described as a book of Jewish law,³ they get the distinction of being “a part of Torah,”⁴ and therefore are of eternal value.

1. Halacha 20.

2. Migdal Oz, beginning of De'os ch. 4. Cf. Likkutei Sichos vol. 23, p. 36 fn. 40.

3. Introduction to Mishneh Torah.

4. Likkutei Sichos ibid. p. 34ff.

However, we find that throughout the generations many of these remedies (primarily the food diet) have ceased to be helpful, and in some cases are even harmful.⁵

One explanation given is that times have changed:

In these days there is not so much risk, as we find numerous behaviors that are mentioned in the Talmud as harmful, but are no longer harmful. This is because the nature has changed, and the climates of the countries inhabited are different (Magen Avraham, Orach Chaim, 173:1).

According to this reason, while the words of the Torah are of eternal value, they are only applicable so long as the nature of people or of the world—which are mutable—doesn’t change. Or so long as the natural setting, such as climate, doesn’t change.⁶

Another explanation is offered by Maharil:

It is forbidden to attempt the many remedies of the Talmud. Since a person does not fully understand their principles and how they work, he might not succeed in administering them, which will lead the person to scoff on the words of the sages (cited in Rabbi Akiva Eiger, Yoreh Deah, 336:1).

While Maharil offers a stern warning against engaging in the medical practices mentioned in the Talmud, he offers a radically different explanation for why the Talmudic remedies don’t seem to work anymore: We don’t know how to properly prescribe and dispense these remedies.⁷

According to this reasoning, the medical remedies of the Talmud (and Rambam) are ever applicable, we just don’t know how to apply them.⁸

5. See Tosfos Moed Katan 11a, s.v. Kavra.

6. See Likkutei Sichos *ibid.* p. 34-35 and footnotes; Rambam, Steinzaltz edition, Mada/Ahava p. 721.

7. In fact, Maharil concludes that one exclusion to this prohibition is the Talmudic remedy to removing a bone that one is choking on, since it has been tested and works.

[Editor’s note: This Halacha is cited by Rabbi Akiva Eiger at the beginning of Yoreh Deah, ch. 336, the chapter discussing medical treatment, and the permission and commandment given to the doctor by the Torah that he heal the sick. It would seem that his primary insinuation with this comment is that one must follow the suggestion of their primary care physician.]

8. See Likkutei Sichos *ibid.* for an explanation on why the ceasing of the ability to prescribe and apply these medical remedies does not contradict the principle of faith that the Torah is not changeable.

When it comes to Rambam's medical advice he himself cautions that it does not apply to everyone:

All of these beneficial habits which we have stated apply only to a healthy man. In contrast, a sick person, or one who has a single organ which is not healthy, or one who has followed a harmful way of life for many years, each of these must choose different patterns of behavior in accordance with his particular illness as it is explained in the medical literature (4:21).

RAMBAM: LAWS WITHOUT REASONS



וְחִיב לְשַׁלֵּשׁ אֶת זְמַן לְמִידָתוֹ: שְׁלִישׁ בַּתּוֹרָה שֶׁבִּכְתָּב, וְשְׁלִישׁ בַּתּוֹרָה שֶׁבְּעַל פֶּה, וְשְׁלִישׁ יָבִין וְיִשְׁכִּיל אַחֲרִית דְּבָר מֵרֵאשִׁיתוֹ, וְיוֹצִיא דְּבָר מִדְּבָר וְיִדְמָה דְּבָר לְדְּבָר; וְיָבִין בַּמִּדּוֹת שֶׁהַתּוֹרָה נִדְרָשֶׁת בָּהֶן עַד שֶׁיֵּדַע הֵיֶאֱרָה הוּא עֶקֶר הַמִּדּוֹת, וְהֵיֶאֱרָה יוֹצִיא הָאָסוּר וְהַמְּתָר וְכִיּוֹצֵא בָּהֶן מִדְּבָרִים שֶׁלֹּא מִפִּי הַשְּׁמוּעָה - וְעַנֵּן זֶה הוּא הַנִּקְרָא 'גִּמְרָא'.

כִּיצַד? הֲיָה בַּעַל אֲמָנוּת וְהִיא עוֹסֵק בַּמִּלְאכָתוֹ שָׁלֹשׁ שָׁעוֹת בַּיּוֹם וּבַתּוֹרָה תִּשַּׁע, אוֹתָן הַתִּשַּׁע קוֹרָא בְּשַׁלֵּשׁ מֵהֶן - בַּתּוֹרָה שֶׁבִּכְתָּב, וּבְשַׁלֵּשׁ - בַּתּוֹרָה שֶׁבְּעַל פֶּה, וּבְשַׁלֵּשׁ אַחֲרוֹת - מִתְבּוֹנֵן בְּדַעְתּוֹ לְהָבִין דְּבָר מִדְּבָר (תלמוד תורה א"א-יב).

Rambam writes concerning the obligation to study Torah:

A person is obligated to divide his study time in three: one third should be devoted to the Written Law; one third to the Oral Law; and one third to understanding and conceptualizing the ultimate derivation of a concept from its roots, inferring one concept from another and comparing concepts [Gemara]... How is the above expressed? A person who is a craftsman may spend three hours each day involved in his work, and [devote] nine hours to Torah study: In those nine hours, he should spend three reading the Written Law; three, the Oral Law; and three, meditating with his intellect to derive one concept from another (Talmud Torah 1:11-12).

The source of this teaching is in the Talmud:

A person should always divide his years: One third should be devoted to the Written Law; one third to the Mishnah; and one third to the Talmud (Kiddushin 30a).¹

Rambam clearly explains that the term *Talmud* implies the “understanding and conceptualizing the ultimate derivation of a concept from its roots, inferring one concept from another and comparing concepts, understanding [the Torah] based on the principles of Biblical exegesis.”

Rashi, however, offers another explanation:

Talmud—The rationale of the Mishnah, the reasoning behind the ambiguity of the Mishnah, and resolving the contradictions within the Mishnah.

While Rashi stresses the need for understanding and reasoning for every law, Rambam just demands understanding one case law from another case law, or knowing the original sources of the law.

The Alter Rebbe, Rabbi Shneur Zalman of Liadi explains that Rambam’s explanation of what the Talmud means when it obligates a third of one’s learning to the learning of Talmud is consistent with his methodology in Rabbinics and authorship:

Rambam’s explanation is aligned with his methodology. He authored his Mishneh Torah without offering any reasoning for his Halachic decisions. He composed his Mishneh Torah for one to instruct on Jewish law from it alone [without any in-depth knowledge of Talmud and Jewish law], as he wrote in his introduction (to the Mishneh Torah): “A person needs no other composition out there... Just read the written law and this book [of Mishneh Torah, to know Jewish law]” (Shulchan Aruch Admor haZaken, Yoreh Deah, Talmud Torah 2:1, Kuntres Acharon 1).

1. Rabbi Zev Dov Slonim (original editor of the *Sefer Chitas*) suggests that when studying Chitas one fulfills his daily obligation of each of these studies.

When learning Chumash, one is studying the *Written Law*.

When learning Rashi one is studying *Mishnah*. This is based on the Alter Rebbe’s application of *Mishnah* to include the Talmudic explanation of the written Torah, and Rashi’s explanation is based on the teachings of the Talmudic sages.

When learning Tanya, one is studying *Talmud*. Rambam writes (1:12): The matters referred to as *Parades* are considered part of the *Gemara* (Likut Al Dvar Chitas VeChashivusom, found in Chitas).

The problem is not only that a person may not fully understand the source of Rambam's opinion, but also that he may not understand Rambam's words themselves.

Rabbeinu Asher, known by his acronym Rosh, writes in his responsa:

Whoever instructs Jewish law from the words of Rambam [alone] is mistaking. He thinks he understands but does not understand it fully (Responsa 31:9, as cited in Shulchan Aruch *ibid.*).

The Alter Rebbe concludes:

For this reason, it is prohibited to instruct Jewish law [from Mishneh Torah], even regarding a case that the person is confident that he fully understood the words of Rambam in his composition, for maybe he is in fact mistaking (Shulchan Aruch *ibid.*).

While one cannot necessarily rule on Jewish law from studying the Rambam, one nevertheless is definitely studying Jewish law and becoming familiar with the Jewish law of all 613 Commandments of the Torah.²

2. Cf. Likkutei Sichos vol. 36, p. 16ff.

FREE TUITION?



מוֹשִׁיבֵין מְלַמְדֵי תִינוּקוֹת בְּכָל מְדִינָה וּמְדִינָה וּבְכָל פֶּלֶךְ וּפְלֶךְ
וּבְכָל עִיר וְעִיר. וְכָל עִיר שֶׁאֵין בָּהּ תִינוּקוֹת שֶׁל בֵּית רַבָּן -
מַחְרִימִין אֶת אֲנָשֵׁי הָעִיר עַד שֶׁמוֹשִׁיבֵין מְלַמְדֵי תִינוּקוֹת.
וְאִם לֹא הוֹשִׁיבוּ - מַחְרִימִין אֶת הָעִיר, שֶׁאֵין הָעוֹלָם מְתָקִים
אֶלָּא בַּהֶבֶל פִּיהֶם שֶׁל תִינוּקוֹת שֶׁל בֵּית רַבָּן (תלמוד תורה ב:א).

The Gemara (Bava Basra 21a) elaborates on how (Rabbi) Yehoshua Ben Gamla preserved the Torah amongst the Jewish people, by setting up a network of schools for all children, even from the age of six or seven. This enactment is codified by Rambam in his assertive language when ruling about the need for schooling.

We place teachers of small children in each and every land, in each and every region, and in each and every village. If a village does not have children who study Torah, the city's populace is placed under a ban of ostracism until they employ teachers for the children (Talmud Torah 2:1).

To be sure, this enactment wasn't just that there should be a school system, but that the tuition be covered by town or city tax.¹

For this was the main ordinance of the Sages: to appoint teachers of children in each and every city, both large and small, and to impose the payment of the teachers' wages for all the children of the city—whether they are children of the rich or poor—upon the entire community of the city as a whole, each person according to his financial ability, and even one who has no children [has to pay

1. See Rashi, s.v. lo mamtinan, Bava Basra 21a; Yad Ramah ibid.

this “education tax,”] just like all other communal taxes that are assessed according to a person’s wealth (Shulchan Aruch Admor Hazaken, Yoreh Deah, Talmud Torah 1:3, based on Rabbeinu Yerucham in his Sefer Yirei’im (29:3)).

Because of this enactment, the Alter Rebbe comes to the following conclusion:

For a person who cannot afford [tuition], there is a Rabbinic enactment that the community is obligated² to pay on his behalf. The poor may force the rich to pay for the education of their children from the communal fund, and even the rich may force one another to pay their children’s teachers from this communal fund, to which even those who have no children contribute (Shulchan Aruch Admor Hazaken ibid.).

There is, however, limitation on this enactment, which may explain why the community doesn’t pay for tuition in our times.

However, they may only be forced to [1-] hire one teacher for every twenty-five children, as was done in the days [of the original enactment], and [2-] he shall teach them Scripture alone, the entire Tanach numerous times, as was done in the times [of the original enactment], for Scripture can be taught adequately by one teacher for twenty-five children. But if those “who cannot afford it” wish to have their children taught Mishnah and Gemara — which cannot be taught sufficiently by one teacher, or even two, for twenty-five children — they must pay the additional cost themselves (ibid.).

There are thus two conclusions here: 1 – A teacher is hired for every 25 children, thus, if there are less than this amount of children in a class, communal funds are not paid for such a classroom. 2 – Tuition must be paid out of pocket for Mishnah and Gemara, communal funds are only allocated for teachers of Scripture (including reading and basic explanations of the words of Scripture).

It is possible that the reason that nowadays it is not customary to pay (for teachers) from the communal fund is because communal

2. See Kuntres Acharon 3 to Shulchan Aruch Admor Hazaken loc. cit., where he establishes that this is not merely a good suggestion for the benefit of the town, but an halachic obligation, and that this is not just true for small cities, where the cost per capita for tuition is higher, but also for larger cities.

funds are only for one teacher for every twenty-five children, and most poor people can afford this minimal amount for their own children's tuition (except in small towns, as Rabbeinu Yerucham writes). Furthermore, it is possible that the custom follows the opinion of Tosfos³ and their followers, that for fewer than twenty-five children the community cannot be compelled. And it is also possible that since compulsion applies only regarding the teaching of Scripture, whereas the poor specifically desire that their children also learn Mishnah and Gemara, as is the custom nowadays" (Kuntres Acharon 3 to Shulchan Aruch Admor Hazaken, ibid.).

The Alter Rebbe makes one more observation, that a communal tuition is just for children under 13.

However, once the child turns thirteen, one can no longer force [the community], since Rambam, the Tur, and the Shulchan Aruch explain that the reason [for these extreme measures is]: "since the world exists only by virtue of the breath coming from the mouths of children who study Torah (Talmud Torah ibid.) [and this dictum applies to only children under Bar Mitzvah] (Kuntres Acharon ibid.).

3. S.v. sach, Bava Basra ibid. See also, Shulchan Aruch, Yoreh Deah, 245:15. Cf. Pischei Teshuva, Shulchan Aruch loc. cit.

THE EXTENT OF IDOLATRY



בִּימֵי אָנוּשׁ טָעוּ בְּנֵי הָאָדָם טְעוֹת גָּדוֹל וְנִבְעָרָה עֲצַת חֲכָמֵי אוֹתוֹ
הַדּוֹר; וְאָנוּשׁ עֲצָמוֹ מִן הַטּוֹעִים הָיָה. וְזוֹ הִיטָה טְעוּתָם... (עבודה זרה א:א).

At its core, Idolatry-which is prohibited-seems simple: the acceptance and worship of false gods, namely, any entity other than the One G-d Himself.

You shall not have the gods of others in My presence (Shemos 20:3).

While this might seem, at first glance, as a commandment relegated to the sphere of action, do not serve idolatry, Rambam makes clear through a lengthy explanation on “the theory of idolatry,” in the opening laws of Hilchot Avoda Zara,¹ that the crux of the prohibition of idolatry is in one’s mind, it begins with erroneous ideas and concepts.²

In the words of Rambam:

The Torah warns us about this, saying [Deuteronomy 4:19]: “Lest you lift your eyes heavenward and see the sun, the moon, and the stars... [and bow down and worship them], the entities which G-d apportioned to all the nations.” This implies that you might inquire with “the eye of the heart” and it might appear to you that these entities control the world... (Avoda Zara 2:1).³

However, idolatry doesn’t begin or end with this extreme belief of believing in a god other than G-d Himself; it expands downwards, or in other

1. 1:1-3.

2. See Likkutei Sichos vol. 20, p. 17ff.

3. See Halacha 2, where Rambam writes that even reading books about idolatry is therefore prohibited.

words, the erroneous belief can be a bit more benign and yet be (to a certain extent) idolatry.

During the times of Enosh, mankind made a great mistake... Their mistake was as follows: They said G-d created stars and spheres with which to control the world. He placed them on high and treated them with honor, making them servants who minister before Him. Accordingly, it is fitting to praise and glorify them and to treat them with honor (Rambam, Avoda Zara 1:1).

In this scenario, the people acknowledged G-d's presence,⁴ but they also erroneously believed in a "power" outside of G-d that they "need" to glorify.⁵ This is not idolatry in the true sense, but is accepting a composite of 'G-d and...', called "shituf."⁶ This is also idolatry that a Jew is prohibited from believing in.⁷

Furthermore, the extent of Avoda Zara continues to the less extreme, the Sages teach that there are numerous traits⁸ or actions⁹ that are comparable to Avoda Zara; furthermore, any transgression of a sin can be compared to Avoda Zara.¹⁰

Chasidic thought takes this a step further, explaining that one has to appreciate that everything they have comes from G-d Himself and not from any other source, not from his occupation or high IQ:

In a more abstract sense, the worship of false divinities entails attaching importance to the material entities that receive influence

4. Cf. Derashos HaRan (Derash 9), where he maintains that they believed that G-d intentionally removed Himself from the running of the world, since He is too glorious to be interested in the lowly world.

5. For more clarity on the precise nature of the "mistake," according to Rambam's view, see Likkutei Sichos vol. 38, p. 58; Tzofnat Pa'aneach Avoda Zara 1:1.

6. See Sefer Hama'amarim Melukat vol. 1, p. 52ff., for a lengthy discussion on the difference between *Avoda Zara* and *Shituf*.

7. See Sefer Hama'amarim *ibid.*, fn. B'Orach Chaim, for a Halachic discussion if non-Jews are also prohibited from such a belief. For a discussion of Rambam's opinion, see Teshuvos Me'il Tzedaka, responsa 22; Likkutei Sichos vol. 20, p. 16 fn. 44.

8. E.g., anger (See Zohar I, 27b; III, 179a; Rambam, Hilchot De'ot 2:3). For a lengthy explanation see Tanya, Iggeret Hakodesh, 25. See Sotah 4b regarding arrogance.

9. E.g., Praying while intoxicated (Berachos 31b).

10. See Shnei Luchot Habrit, beg. Parashat Yitro; Zohar II, 276a; Tanya, Likkutei Amarim ch. 20-23. Cf. Moreh Nevuchim vol. 3, ch. 28 onwards where Rambam explains an overwhelmingly large number of commandments being associated with idolatrous practices.

from the sun, the moon, the stars and the constellations, and considering them as the source for one's livelihood...

Such a person will concentrate his thoughts and his feelings on his material concerns and will be worried about earning a livelihood. For this reason, he will carry out his commercial affairs in a crafty manner, thinking that this will bring him profit, forgetting that it is G-d, blessed be He, who grants him "the power to prosper." If he loses money, heaven forbid, he will not take notice that it was G-d who caused this to happen in reciprocation for his [unworthy] conduct. Instead, he will assume that his loss resulted from his own business errors and were he to have taken another course of action, he would have profited. With this approach, he considers his business efforts in the material world as fundamentally important and devotes his thoughts to them, constantly employing different crafty tactics. Day in and day out, his mind and his thought are concerned only with his business. And these thoughts disturb and distract him in the midst of prayer and prevent him from [involving himself] in Torah study and avodah. [In an abstract sense,] this is the worship of false divinities (V'Yadaata Moscow, Sefer Hama'amarim 5657, p. 58).¹¹

The ultimate definition of the prohibition of Avoda Zara is the awareness that there is absolutely nothing outside of G-d, and that every single breath one takes and every experience one has comes from G-d.¹²

11. Cf. Sefer Hama'amarim 5657 p. 55ff.; Kuntres U'Ma'ayan, discourse 23.

12. See Derech Mitzvosecha, 62a, where it is explained similarly in the positive, that the truest understanding of G-d's unity (according to the teachings of the Baal Shem Tov) is that there is absolutely nothing outside of G-d, and every creation is part of His Oneness.

THE COMMANDMENT OF REPENTANCE



כָּל הַמִּצְוֹת שֶׁבִּתְּוָה בֵּין עֲשֵׂה בֵּין לֹא תַעֲשֶׂה, אִם עָבַר
אָדָם עַל אַחַת מֵהֶן בֵּין בְּזִדּוֹן בֵּין בְּשִׁגְגָה - כְּשִׁיעֲשֵׂה תְּשׁוּבָה
וְיָשׁוּב מִחֻטְאוֹ, חַיִּב לְהִתְוַדּוֹת לִפְנֵי הָאֵל בְּרוּךְ הוּא, שְׁנֹאמַר:
"אִישׁ אִוֹ אֲשֶׁה כִּי יַעֲשֶׂה וְגו'" וְהִתְוַדּוֹ אֶת חַטָּאתָם אֲשֶׁר עָשׂוּ"
- זֶה וְדוּי דְּבָרִים. וְדוּי זֶה - מִצְוַת עֲשֵׂה. (תְּשׁוּבָה א:א).

Teshuvah, or repentance,¹ is comprised of two elements, the remorse itself² and the verbal confession called 'vidui.'

Two general approaches are found in understanding which element is, according to Rambam, the primary element of the Biblical Commandment related to Teshuvah,³ and which is an essential but secondary accessory.⁴

According to the Minchas Chinuch, the Commandment is the confession:

It appears to me that the Commandment is not to do teshuvah, but verbal confession (vidui). It is a scriptural decree that if one regrets their sin, they must verbally confess their sins (Commandment 364).

1. A more accurate translation is 'returning.' See Likkutei Sichos vol. 2, p. 409.

2. Which is as Rambam explained: "What constitutes Teshuvah? That a sinner should abandon his sins and remove them from his thoughts, resolving in his heart, never to commit them again" (Teshuvah 2:2).

3. For a discussion on the blessing for the commandment of Teshuvah, see Beis Yitzchak (Shmelkish), Even Haezer, Tzelo'os Habayis 2:7.

4. See Likkutei Sichos vol. 39, p. 177-8 for a discussion on the Alter Rebbe, Rabbi Shneur Zalman's opinion in his Iggeret Hateshuvah.

According to the Minchas Chinuch, Teshuvah is a personal decision in one's heart, a feeling of remorse for their transgression,⁵ and once someone makes this decision, they now become obligated, by biblical command, to verbally confess.⁶

In his lengthy discussion he cites two proofs for this approach.

1. Rambam's words here in his Mishneh Torah:

*If a person transgresses any of the mitzvot of the Torah, whether a positive command or a negative command—whether willingly or inadvertently—**when he repents**, and returns from his sin, **he must confess** before G-d, blessed be He... This confession is a positive command (Teshuvah 1:1).*

2. Rambam's description in his Sefer Hamitzvos:

The 73rd mitzvah is that we are commanded to verbally acknowledge the sins we have committed before G-d (exalted be He), when we come to do teshuvah (to repent).

There is a second approach to this Commandment, articulated by Mabit (Rabbi Moshe Ben Yosef Trani):

Teshuvah and verbal confession are a single commandment, for there is no authentic verbal confession without prior teshuvah... the verbal confession is the conclusion of teshuvah (Kiryas Sefer on Mishneh Torah, Teshuvah ch. 1).

According to Mabit, there is a commandment to have remorse and do teshuvah for one's sins, and the execution of this remorse is the person's verbal confession of the sin.

This approach also finds grounding in the words of Rambam.

1. In his opening to each of the laws, Rambam cites the Biblical Commandments that are significant for the set of laws. In this case Rambam writes:

5. The Minchas Chinuch continues to discuss at length whether there is and what is the significance of atonement and forgiveness if there is no verbal confession.

6. The Minchas Chinuch compares this Commandment to that of divorce; there is no commandment to get divorced, but if one decides to divorce, there is a Commandment on the process, namely, that it should be done with a written *get*.

One mitzvah; that a sinner should repent from his sin before G-d and confess.

2. Rambam's description of teshuvah:

*What constitutes teshuvah? That a sinner should abandon his sins and remove them from his thoughts, resolving in his heart, never to commit them again.... He must verbally confess and state these matters **which he resolved in his heart** (Teshuvah 2:2).*

According to this approach, the verbal confession is a mere articulation of the person's inner remorse, and it is this heartfelt remorse which formulates this commandment.⁷

This approach leads for an ironic conclusion on the concept of Teshuvah, that one is, so to speak, forced (i.e., commanded) to have remorse and feel bad for the commandments that he has transgressed. Nonetheless, it is obvious that even though there is a commandment, remorse only works if it is authentic.⁸

7. See Likkutei Sichos vol. 38, p. 18 *ff.*, where this approach is elaborated upon. See there also for an explanation of why in his Sefer Hamitzvos Rambam seems to imply that the Commandment is the verbal confession. Cf. Beis Yitzchak *ibid.*

8. See Beis yitzchak *ibid.*; cf. Likkutei Sichos *ibid.*

THE 13 PRINCIPLES OF FAITH



חֲמִשָּׁה הֵן הַנִּקְרָאִים 'מִיָּנִים': הָאוֹמֵר שֶׁאֵין שָׁם אֱלֹהִים וְאֵין לְעוֹלָם
מְנַהִיג; וְהָאוֹמֵר שֶׁיֵּשׁ שָׁם מְנַהִיג אֲבָל הֵם שְׁנַיִם אוֹ יוֹתֵר; וְהָאוֹמֵר שֶׁיֵּשׁ
שָׁם רַבּוֹן אֶחָד אֲבָל שֶׁהוּא גּוֹף וּבִעַל תְּמוּנָה; וְכֵן הָאוֹמֵר שֶׁאֵינוּ לְבַדּוֹ
הָרָאוּשׁוֹן וְצוּר לְכָל; וְכֵן הָעוֹבֵד כּוֹכָב אוֹ מַזָּל, וְזוּלָתוֹ, כְּדִי לִהְיוֹת מַלְיָץ
בֵּינוּ וּבֵין רַבּוֹן הָעוֹלָמִים. כָּל אֶחָד מִחֲמִשָּׁת אֱלֹהִים הוּא מֵיִן (תשובה ג:ז).

In his laws of Teshuvah (3:6-8) Rambam restates his 13 principles of faith as part of his halachic work, in which these principles take on the framework of Halacha.¹

These 13 principles, like every other area of Torah, have been contested and debated ever since their formulation.² And like every other area of Torah, these principles follow the pattern of halachic methodology and consensus, to arrive at a final accepted belief.³

For example, Rambam writes regarding Moshiach:⁴

In the future, the Messianic king will arise... Anyone who does not believe in him or does not await his coming, denies not only the statements of the other prophets, but those of the Torah and Moses, our teacher (Laws of Kings, 11:1).

1. See Toras Menachem, Hadranim Al Harambam V'Shas, p. 47; Likkutei Sichos vol. 34, p. 115 fn. 16.

2. Amongst the earlier work is the Magen Avos (Rabbi Shimon ben Tzemach of Duran, c. 1361-1441); Or Hashem (Rabbi Chasdai Crescas, 1340-1410); Sefer Ha-ikarim (Rabbi Yosef Albo, 1380-1444) and Rosh Amanah (Rabbi Don Yitzchak Abarbanel, 1437-1508).

3. See Chasam Sofer, responsa, Yoreh Deah 356; Likkutei Sichos vol. 35, p. 29, fn. 57.

4. While the principle concerning the coming of Moshiach is not mentioned in the laws of Teshuvah (see sources in previous note), Rambam does mention it in his Commentary to the Mishnah, Sanhedrin, introduction to chapter 11, where he enumerates the 13 principles of faith.

However, this relegates the Talmudic Sage Hillel as a heretic.

Hillel says: There is no Moshiach for the Jewish people (Sanhedrin 99a).

The resolution for this was offered by the Chasam Sofer:

A person who suggests that there is no Moshiach, even arguing that he maintains the opinion of Hillel, is a heretic who denies in the Torah. Since we follow the opinion of the majority, and the many Sages of Israel rejected Hillel's opinion, no one may maintain such an opinion (responsa, Yoreh Deah 356).⁵

Hillel declared his position before there was a consensus, now, after the closing of the Talmud and the universal acceptance of this belief, one who doesn't believe in the coming of Moshiach is most certainly a heretic.

Another example for this is from an earlier principle concerning the corporeality of G-d.

Rambam writes:

Five individuals are described as heretics (minim)... one who accepts that there is one Master [of the world], but maintains that He has a body or form.

Ra'avad, in his gloss, counters:

Why did he call such a person a heretic (min), when there are people greater and better than he who follow this opinion, according to what they found written in Scripture?

If one would follow the logic, by Rambam's description, these great people would be considered heretics, which is unfathomable according to Ra'avad.

The resolution to this is obvious, Ra'avad is speaking of people who lived before there was any arrival on a consensus. Now, after Rambam formulated this principle, explained his rationale, and the many works of the Jewish sages that explain the truth of this position, and all the verses that

5. The Chasam Sofer himself rejects the notion that believing in Moshiach is a principle of faith, and by just rejecting this "principle" one is a heretic, rather, he makes this distinction regarding the laws of a heretic who denies the Torah, including the belief of the Torah that there will be a King Moshiach. Cf. talk by the Lubavitcher Rebbe on Acharon Shel Pesach 5722 (Sichos Kodosh 5722, p. 379).

led to the original error were properly explained, if one still holds on to this misguided belief, he is a heretic.⁶

A similar, albeit more subtle, position can be posited about similar ideas of faith.

After the revelation of the inner, mystical teachings of Torah, and a deeper understanding of the oneness of G-d was explained (based on the teachings of the Zohar), namely, that not only is G-d the only ruler over everything, but His oneness is expressed in that there is absolutely no existence outside of Him, if one chooses not to learn these explanations and by default doesn't believe in them, his belief in G-d is blemished, and one can even say that there is a small element of heresy on his part (Likkutei Sichos vol. 35, p. 29).⁷

6. Likkutei Sichos vol. 35, p. 29. Cf. Likkutei Sichos vol. 15, p. 79; Iggeret Hakodesh vol. 22, p. 33.

7. See sources that are mentioned in fn. 54*.

The Lubavitcher Rebbe concludes with imploring every Jew to fulfill his obligation and learn the works of Pnimiyus Hatorah that are being revealed (from generation to generation) that explore these topics of faith.

ספר אהבה

THE BOOK OF LOVE

KRIAS SHEMA



פְּעָמִים בְּכָל יוֹם קוֹרְאִין קְרִיאַת שְׁמַע, בְּעָרֵב וּבִבְקָר; שְׁנֵאמַר:
 “וּבְשִׁכְבְּךָ וּבִקְוֹמְךָ” (דברים 1, 1) - בְּשַׁעַה שֶׁדָּרָךְ בְּנֵי אָדָם שׁוֹכְבִּין וְזֹהוּ
 לֵילָה, וּבְשַׁעַה שֶׁדָּרָךְ בְּנֵי אָדָם עוֹמְדִין וְזֹהוּ יוֹם (קריאת שמע א:א).

The commandment to recite the three paragraphs of Krias Shema is subject to much debate. The obligation to recite it daily is axiomatic, the question is whether it's a biblical or rabbinical commandment. We find numerous opinions regarding this matter.

Rav Yehuda said in the name of Shmuel: One who is uncertain whether he recited Shema or whether he did not recite it does not recite it again... What is the reason for this? The obligation to recite Shema is only by rabbinic law (Berachos 21a).

While there are early Halachic authorities that rule in accordance with Rav Yehuda that it is rabbinic in nature, the predominant opinion and the final halachic consensus,¹ is that it is a biblical Commandment. To quote Rif:

The law does not follow the view of Rav Yehuda in the name of Shmuel that krias Shema is rabbinic, rather, the consensus is that krias Shema is a biblical Commandment (ibid.).

This, however, does not settle the debate. The Krias Shema consists of three paragraphs (selected from the Torah), *Shema* (Devarim 6:4) and *V'ahavta* (*ibid.* v. 5-9), *V'Haya Im Shomoah* (*ibid.* 11:13-21), and *Vayomer* (Bamidbar 15:37-41), and the Halachists discuss which of these verses constitute the biblical command.

The minimalist opinion is stated by Rashba:

1. See Shulchan Aruch, Orach Chaim ch. 58 and 67, and Shulchan Aruch Admor Hazaken, *ibid.*

Only the first verse of Shema is biblical, the remaining reading is rabbinic (Rashba, responsa, 1:320; Berachos ibid.).²

Rabbeinu Yona is more inclusive:

Only the first paragraph (of Shema and V'ahavta) is biblical (Rabbeinu Yona, Berachos 9a, s.v. Lememra).³

A third opinion, adopted by the Pri Chadash:

The third and truest opinion is that the biblical Commandment of krias Shema consists of the first two paragraphs (Orach Chaim 67:1).⁴

A simple reading of the Rambam, however, leads to a fourth and most inclusive opinion:

We are obligated to recite the Shema twice daily—in the evening and in the morning—as it states: “when you lie down and when you rise”... And what is it that one recites? These three passages: “Shema, V’Haya Im Shomoah, and Vayomer... Reading these three sections in this order constitutes the recitation of the Shema (1:1-3).

Rabbi Moshe Trani (Mabit) sheds some light on this discussion through a subtle distinction between *fulfilling* an obligation and *fulfillment* of an obligation:

One only needs to recite the first verse of Shema to fulfill his biblical obligation of Shema, nevertheless, one is fulfilling a biblical commandment while reciting all three of these paragraphs. Compare this to Torah study, where one fulfills his obligation through studying one chapter of Torah in the morning and one in the evening, however, if he learns more than this minimal amount he surely is still fulfilling a biblical command of Torah study (Kiryas Sefer, Krias Shema, ch. 1).

As part of Rambam's description of this commandment, he writes:

The commandment of tzitzit is not obligatory at night.

2. Cf. Magen Avraham, Orach Chaim 67:1.

3. Cf. Shaagas Aryeh, ch. 2, where he accepts this opinion, and reads this opinion into Rambam as well.

4. See Pri Chadash, who reads this opinion into Rambam as well.

Nevertheless, we recite the section describing it at night because it contains mention of the exodus from Egypt. We are commanded to mention the exodus both during the day and at night... Reading these three sections in this order constitutes the recitation of the Shema (1:3).

Accordingly, one must conclude that this single commandment of Krias Shema that one must recite twice daily contains three distinct concepts (which a person must be cognizant of), Divine unity, the obligations of the biblical commandments and the exodus of Egypt mentioned in the third paragraph. And all three together.⁵

A further result of this viewpoint is the obvious conclusion of the debate about whether we will mention the exodus of Egypt in messianic times, since Krias Shema will continue to be recited in messianic times, according to all opinions, and Krias Shema is only fulfilled by reciting all three paragraphs, the exodus will surely be mentioned.⁶

5. See talk delivered by the Lubavitcher Rebbe, 11 Nissan 5744 (Toras Menachem, Hisvadiyos 5744 vol. 3 p. 1239ff.). The Rebbe explains there that this explains why we don't find in the list of 613 commandments, the commandment to recall the exodus daily, since it is a detail in the commandment of krias Shema. (cf. Minchas Chinuch, commandment 21.)

6. See talk delivered by the Lubavitcher Rebbe, last day of Pesach 5744 (Toras Menachem Hisvadiyos 5744 vol. 3 p. 1302ff.).

HEARTFELT PRAYER



כִּיצַד הִיא הַכּוֹנֶנָה? שְׂיִפְנָה אֶת לְבוּ מְכַל הַמַּחֲשָׁבוֹת, וְיִרְאֶה עֲצָמוֹ
 כְּאֵלוֹ הוּא עוֹמֵד לִפְנֵי הַשְׂכִּינָה. לְפִיכָךְ צָרִיךְ לִישֵׁב מֵעַט קֹדֶם
 הַתְּפִלָּה כְּדִי לְכוֹן אֶת לְבוֹ; וְאַחֵר כֵּךְ יִתְפַּלֵּל בְּנַחַת וּבִתְחֻנוּנִים.
 וְלֹא יַעֲשֶׂה תְּפִלָּתוֹ כְּמִי שֶׁהִיא נוֹשֵׂא מַשְׁאוֹי וּמַשְׁלִיכוֹ וְהוֹלֵךְ לוֹ;
 לְפִיכָךְ צָרִיךְ לִישֵׁב מֵעַט אַחֵר הַתְּפִלָּה וְאַחֵר כֵּךְ יִפְטֹר. חֲסִידִים
 הָרַאשׁוֹנִים הָיוּ שׁוֹהֵינ׳ שְׁעָה אַחַת קֹדֶם תְּפִלָּה וְשְׁעָה אַחַת
 לְאַחֵר תְּפִלָּה וּמֵאַרְיֵכִין בְּתְּפִלָּה שְׁעָה (תְּפִלָּה וּבִרְכַּת כְּהֻנִּים ד: טז).

Prayer (Davening) is called a service of the heart.¹ It is not merely words of a liturgy that are read, but a time of connection² and bonding between man and G-d.³ The words of Prayer reflect the inner silent thought of the mind.⁴ To properly enter this state of being and frame of mind it takes mindfulness (*Kavana*).

Rambam mentions two types of *Kavana*, one before Prayer, to get “in the mood,” and a second during Prayer, as the person is saying the words.

What is meant by proper intention? One should clear his mind from all worldly thoughts and envision himself standing before the Divine Presence. Therefore, one must sit for a short while before praying in order to focus his attention... The pious men of the

1. Taanis 2a; Rambam, Laws of Prayer 1:1; Sefer Hamitzvos (Rambam), Positive Commandment 5.

2. See Likkutei Sichos, vol. 2, p. 410 for a precise translation of the Hebrew word *tefillah* (Prayer).

3. See Tanya, Iggeret Hakodesh, ch. 24.

4. See Likkutei Sichos, vol. 38, p. 20.

previous generations would wait an hour before praying and an hour after praying. They would also extend their prayers for an hour (Laws of Prayer 4:16).

This is how this law is explained in the Shulchan Aruch, the Code of Law:⁵

The pious men of the previous generations would wait literally an hour of 60 minutes [in focused attention before praying], but for the common person, a small designation of time,⁶ the time it takes to walk 8 tefachim [hand-breadths], suffices (Shulchan Aruch Admor Hazaken 93:1).

“One should stand in Prayer only out of earnestness,” i.e., submissiveness that stems from the fear of G-d. One should not stand [in prayer] in a state of frivolity, lightheadedness, or idle chatter, nor out of anger, but only out of the joy that is associated with a mitzvah (ibid. 93:2).

Before praying a person should contemplate the greatness of G-d, blessed be He, and the lowliness of man, and remove [all thoughts of] human pleasure from his heart (ibid. 98:1).

This all is a description of how one prepares for prayer.⁷ How does one pray? Rambam describes this as follows:

[One must sit a short while before praying in order to focus his attention] and then pray in a pleasant and supplicatory fashion (Laws of Prayer, ibid.).

To cite the Shulchan Aruch:

When praying, a person should concentrate on the meaning of the words (Pirush Hamilos) that he utters with his lips...A person should picture himself as if G-d is standing before him. He should awaken his concentration and remove all disturbing thoughts,

5. Note: While we quote from the Shulchan Aruch of the Alter Rebbe, Rabbi Shneur Zalman of Liadi, many of these laws have earlier sources.

6. See Kesef Mishnah, Laws of Prayer 4:16, where he explains Rambam's words, “one must sit a short while.”

7. This explains the practice of studying Chasidus before prayer, since it is a study that inspires a proper appreciation of G-d's greatness and presence and fosters an understanding of the shortcomings of the human nature.

[Editor's note: Many have the custom to study the daily Tanya before prayer.]

until his thoughts and concentration are purely focused on his prayer.

He should consider that if he was speaking to a king of flesh and blood, he would present his words with precision and perfect concentration so that he would not falter; how much more should he concentrate when praying to the King of kings, the Holy One, blessed be He (Shulchan Aruch ibid.).

Some people follow the custom of praying from a [prayer] book to increase their concentration. [With regard to such matters,] everything depends on what one feels within himself (ibid. 93:1).

That mindfulness is imperative can be understood from the blanket statement by Rambam about praying without intention.

Any prayer that is not recited with proper intention is not prayer (ibid. 4:15).

Rabbi Chaim Halevi of Brisk explains this Rambam in his unique manner:

There are two types of Kavana (concentration), one is concentration on the words he is saying; the second, is a mindfulness that he is standing before G-d and praying to Him... This later mindfulness is not [a superimposed detail of prayer, i.e., having] intent on what he is saying, rather, it is what characterizes prayer. If a man does not see himself standing in front of G-d, he is not praying, he is merely saying words (Chidushei Rabbeinu Chaim Halevi al Harambam, Prayers 4:1).⁸

One can argue further that one must be mindful that he is beseeching the king and making a request, otherwise it is not prayer.⁹ But what is undisputable is the importance of heartfelt devotion and understanding the significance of the time called Prayer.

8. For further discussion on this topic see Likkutei Sichos, vol. 9, p. 223; vol. 14, p. 223; vol. 22, p. 118 fn. 36.

9. See Likkutei Sichos, vol. 22, p. 117 ff.

PUBLIC TORAH READING



מֹשֶׁה רָבִינוּ תָקַן לָהֶם לִישְׂרָאֵל שֶׁיְהוּ קוֹרִין בַּתּוֹרָה בְּרַבִּים
בַּשַּׁבָּת וּבַיּוֹם וּבַחֲמִישִׁי בַשַּׁחֲרִית - כְּדִי שֶׁלֹא יֵשְׁהוּ שְׁלֹשָׁה
יָמִים בְּלֹא שְׁמִיעַת תּוֹרָה (תפילה וברכת כהנים יב:א).

The Torah is read in the presence of a minyan many times throughout the year.¹ Not a week goes by that we don't read it at least three times, on Monday, Thursday and Shabbos.

Rambam writes that it was Moshe Rabbienu who already enacted the public Torah reading:

Moshe Rabbeinu ordained that the Jews should read the Torah publicly on Shabbos and on Monday and Thursday mornings, so the [people] would never have three days pass without hearing the Torah (Laws of Prayer and Priestly Blessings 12:1).

Rambam's source is a teaching in the Talmud:

It was taught: "they traveled three days in the wilderness and found no water" (Shemos 15:22). Those who expound the meaning of verses explained: Water means nothing other than Torah, as it states, "Ho, everyone who is thirsty, come for water" (Yeshayahu 55:1). Because the Jews went three days without Torah they became weary. Therefore, the prophets among them² arose and instituted for them that they should read from the

1. The Orchos Chaim (Rabbi Aaron Hakohen of Lunil) writes: The Torah is read on 248 days of the year, corresponding to the 248 limbs of a body and the 248 Positive Commandments, each and every limb of the man declaring, 'utilize me to fulfill a Commandment' (*Hilchos Sheini Vachamishi*, par. 13).

2. The Kesef Mishnah explains: "Moshe was the greatest of the prophets of those times, and surely all the other prophets of the generation to the opinion of Moshe, therefore Rambam attributes the enactment to Moshe." Cf. Ben Yehoyoda Bava Kama 82a; Toras Chaim (Shor), *ibid*.

Torah on Shabbos, break on Sunday, read again on Monday, break on Tuesday and Wednesday, read again on Thursday, and break on Friday. This way three days won't pass without hearing the Torah (Bava Kama 82a).

The three days are significant since acting three times in a certain manner has the power to “establish a narrative,”³ therefore the prophets did not want three days to go by with a dearth of Torah study.

The Torah is an antidote to the Evil inclination. The Talmud teaches (Sukkah 52a) that the Evil inclination takes “control” of a person in three stages, first he is a traveler, then a guest and then he takes ownership. In order that the Evil inclination should not reach the third stage, that of ownership, which would make it extremely difficult to remove him, the prophets enacted that there should never be a third day without Torah reading (Ben Yehoyoda, Bava Kama 82a).⁴

The prophets clearly understood the need of spiritual nourishment that would energize the Jewish people without a break of three days, but why Monday and Thursday, and not Tuesday or Friday? Tosfos raises this question, and answers:

The Midrash teaches that Moshe Rabbeinu went up the mountain to receive the second tablets on a Thursday, and then descended 40 days later on a Monday. Therefore, we commemorate this with the weekly readings on Monday and Thursday (S.v. Kedei).

Rabbi Chaim Yosef Azulai (the Chida) expounds further:

The reading on Monday carries with it the spiritual energy of the previous Shabbos, and the reading on Thursday brings out the spiritual energy of the coming Shabbos [thus the spiritual energy of Shabbos is manifested the entire week] (Mar'is Ha'ayin, Bava Kama, ibid.).

The reading of the Torah does not merely reflect the days that Moshe went up on the mountain (as Tosfos explained), it actually is meant to be seen as a reenactment of the giving of the Torah at Sinai.

When the Torah scrolls are taken from the Ark, the congregation

3. See Yevamos 64b.

4. Cf. Maharsha and Torah Chaim, ibid.

should stand in awe, trepidation, reverence and in a quiver, and focus their minds as if they are actually standing at Mount Sinai to receive the Torah... One may not talk during the reading, but must listen to every word as if he were receiving the Torah at Sinai... The one reading the Torah should focus himself on the words he is reading, knowing that he is a messenger of G-d and representing Him, to bring His words to the Jewish people (Zohar II 206a).⁵

Not only is it important to hear the Torah reading without an interruption of three days, but we must also not interrupt our own learning with a break of three days, especially the learning of Chasidus, the mystical soul of the Torah.

It is known the teaching of the Sages that three days should not pass without Torah [reading]. This must also be the conduct regarding the study of Chasidus, the baseline is that three days not pass without its study (Igros Kodesh, vol. 5, p. 286).

5. Cf. Pesikta D'Rabbi Kahana, Par. 12.

RABBEINU TAM'S TEFILLIN



כִּיצַד סְדוּר הַפְּרָשִׁיּוֹת בַּתְּפִלָּה שֶׁל רֹאשׁ? מִכַּנִּיס פְּרָשָׁה אַחֲרוֹנָה
שֶׁהִיא "וְהָיָה אִם שָׁמַעַ" בְּבֵית רֹאשׁוֹן, שֶׁהוּא עַל יְמִין הַמִּנִּיחַ. ו"שָׁמַע"
סְמוּכָה לָהּ. [וְ] "וְהָיָה כִּי יִבְאֶרְךָ" בְּבֵית שְׁלִישִׁי סְמוּכָה לְשָׁמַע. ו"קִדַּשׁ
לִי" בְּבֵית רְבִיעִי, שֶׁהוּא לְשִׁמְאֵל הַמִּנִּיחַ תְּפִלִּין (תְּפִלִּין מְזוּזָה וּסְפֶר תּוֹרָה ג:ה).

Tefillin boxes contain four passages (Parshiyot) of the Torah, the four passages (in the order that they appear in the Torah) are, *Kadesh Li—Sanctify unto Me* (Shemos 13:1-10), *V'haya Ki Yeviacha—And it will be, when he brings you* (ibid., v. 11-16), *Shema Yisroel—Listen, O Israel* (Devarim 6:4-9), *V'haya im Shomo'ah—And if you will listen* (ibid., 11:13-21).

The order of these passages is enshrined in debate, but to understand the dispute, let's begin with the Talmud:

The Sages taught: How does one arrange the four passages? "Sanctify unto Me", "And it will be when He brings you," are placed on the right; "Listen, O Israel", "And if you will listen," are placed on the left.

[The Gemara asks:] But isn't it taught in a baraita that they are arranged in the reverse? Abaye said that it is not difficult: Here [in the first teaching] it refers to the right of the reader, whereas there [in the second teaching] it refers to the right of the one who is donning the Tefillin. The reader reads the passages in their order (Menachos 34b).

Rashi explains:

The reader reads the passages in their order as they appear in the Torah. The passage that comes first in the Torah will be read first [by a person standing opposite the person wearing the Tefillin

and reading the four passages from right to left], and the later passages of the Torah will be read later (s.v. V'Hakoreh).

Rashi's grandson, Rabbeinu (Yaakov) Tam, understood the first teaching of the Talmud slightly differently:

"Sanctify unto Me", "And it will be when He brings you," begin on the right of the reader; and beginning from the far left of the reader's view is "Listen, O Israel," and then "And if you will listen" (Tos., s.v., V'Hakoreh).¹

The commonly accepted opinion is that of Rashi (which is also the opinion of Rambam²), with the pious donning a second pair of Tefillin, which reflects the opinion of Rabbeinu Tam.³

There is, however, a simple question: How is there a debate about a commandment so common as Tefillin, surely they could have checked the Tefillin of earlier generations and seen how they were placed?

One answer given is that this argument stems from the original commandment at the giving of the Torah:

Originally, it was thought that this argument is like any other argument, where one opinion is accepted as the one that is practiced and the other opinion is not accepted into the realm of Halacha. However, the Arizal transmitted a teaching from Eliyahu [the prophet] that both opinions [regarding Tefillin, contain Divine] truth and both should be donned. From the days of Moshe Rabbeinu until the times of the Geonim, both pairs were donned (Ben Ish Chai (Rabbi Yosef Chaim of Bagdad), Vayeira, par. 21).⁴

Regarding a dispute between Torah sages, there is a principle that both opinions of the dispute are the words of G-d and they both have a place in Torah (Eiruvin 13b). It is only the Halachic application that is being

1. Rabbeinu Tam strains the words *"the reader reads the passages in their order"* to mean that the reader will (inevitably) read the passages as they are presented in the Tefillin.

2. Laws of Tefillin 3:5.

3. Shulchan Aruch, Orach Chaim, ch. 34.

There are two other opinions regarding the placement of the passages, the opinion of Raavad (in his gloss to Rambam *ibid.*) and Shmishla Raba (cited by the Rosh on Menachos *ibid.*). These two opinions have not been commonly practiced, due to their supreme and exalted spiritual state, but have nevertheless been donned by the extremely pious. See Likkutei Sichos, vol. 2, p. 507-8. Cf. Hayom Yom, entry for 19 Av.

4. Cf. Toras Menachem 5742, vol. 4, p. 1931; Likkutei Sichos, vol. 26, p. 187.

debated, how is one to actually perform the given commandment. When it comes to Tefillin, Rashi and Rabbeinu Tam might have argued which of the pairs is the accepted “common practice,” but both pairs represent a spiritual truth and energy that can be attained by anyone who dons them, thus they are both acceptable.

Since putting on Tefillin requires a clean body and clear mind, there are many customs regarding if and when someone should add this second pair of Tefillin of Rabbeinu Tam, which Kabalistically is considered of greater mystical significance.⁵

5. For a full discussion, see sources in Likkutei Sichos, vol. 2 and 26 *ibid.*, and commentary on Shulchan Aruch, *ibid.*

TZITZIS



אף על פי שאין אדם מחיב לקנות לו טלית ולהתעטף בה כדי שיעשה בה ציצית; אין ראוי לאדם חסיד שיפטור עצמו ממצוה זו. אלא לעולם ישתדל להיות עטוף בכסות המחיבת בציצית כדי שיקים מצוה זו. ובשעת התפלה צריך להזהר ביותר; גנאי גדול הוא לתלמידי חכמים שיתפללו והם אינם עטופים.

לעולם יהא אדם זהיר במצות ציצית. שהרי הכתוב שקלה ותלה בה כל המצות כלן; שנאמר: "וראיתם אותו וזכרתם את כל מצות יי" (במדבר טו, לט) (ציצית גיא-יב).

The word Tzitzis has two biblical connotations, strings and vision.

They are called tzitzis (ציצית) on account of the strings hanging on them, as in "and he took me by the locks of my head" – ויקחני (Yechezkel 8:3). Another explanation: They are called tzitzis (ציצית) on account of the commandment stated regarding them "you shall see them" (v. 39), for we find ציץ used in the sense of "seeing" as in "looking in from the casements" – מציץ מן החרכים – (Shir Hashirim 2:9; Rashi Bamidbar 15:38).

The Lubavitcher Rebbe suggests that these two possible definitions for the commandment, pave the way for two different understandings of the commandment.

The verse commanding tzitzis states, "They shall be for you as tzitzis, so that you see them and thereby remember all of G-d's commandments" (Bamidbar 15:39). The condition of "seeing" can be understood in two ways, 1 – the seeing is inherent to the fulfillment of the commandment, and if the tzitzis cannot be seen,

the commandment is not fulfilled; 2 – the seeing is an additional component to the actual commandment, the commandment being to wear the tzitzis, and a “benefit” that comes out of this is that the wearer recalls all the commandments.

These two understandings are dependent on the definition of tzitzis; if it has the connotation of vision and is related to the words “you shall see them,” then presumably the commandment entails the ability to see it, otherwise the commandment is not being fulfilled. If, however, tzitzis means strings, then the commandment is the wearing of the strings, and the seeing of the strings is an additional component (Likkutei Sichos, vol. 33, p. 99).¹

These two understandings of the commandment,² explains the Lubavitcher Rebbe, are the respective opinions of Rambam and the Tur (=halachic code authored by Rabbeinu Yaakov son of the Rosh).

The primary source for this conclusion is in the precision of phraseology in their citing of the law that one should be able to see their tzitzis:

[A person] should always try to be wrapped in a garment that requires tzitzis so that he will fulfill this mitzvah (Rambam, Laws of Tzitzis 3:11).

A person should always be careful regarding the mitzvah of tzitzis, because the Torah considered it equal to all the mitzvot and considered them all as dependent on it, as implied by Numbers 15:39: “And you shall see them and remember all the mitzvot of G-d” (Rambam, Laws of Tzitzis 3:12).

Even though a person is not obligated to purchase a tallit of four corners, so that he be obligated in the commandment of tzitzis... nevertheless, it is prudent that every person be careful and diligent

1. See also Maskil Ledavid on Rashi ibid., where he explains why Rashi cited two explanations to the word tzitzis.

2. A practical distinction between both views is in a case where one cannot actually see the tzitzis (e.g., it is totally covered by an additional garment), according to the first understanding he has not fulfilled the commandment, while according to the second understanding he has fulfilled the commandment, he just did not gain the additional benefit that comes with seeing the tzitzis.

Note: We are referring here to the Talis Gadol worn during morning prayer. The Talis Katan, worn throughout the day, involves a different discussion; see Likkutei Sichos, ibid., p. 95ff. for a full discussion on the many opinions.

about this commandment of tzitzis by wearing a garment with tzitzis the entire day, since the primary purpose of this commandment is the reminder of the other commandments [=through seeing the tzitzis], which is needed at every moment (Tur, Orach Chaim, beginning of ch. 24).

Rambam, at the end of his discussion of the commandment of tzitzis, writes about the importance of tzitzis and how a person should ensure that he is practicing this commandment, and then in a separate law (which demonstrates that they are not intertwined), he writes how this will bring to the benefit of remembering the other commandments. The Tur, on the other hand, intertwines the ideas in one run-on sentence, writing clearly that the remembering brought about by seeing the tzitzis is the “definition” of the commandment.³

Another proof that the Rambam maintains the independence of the condition of seeing the tzitzis from the actual commandment of wearing the tzitzis is from his definition of the word tzitzis, in the beginning of his laws of tzitzis.

The tassel that is made on the fringes of a garment from the same fabric as the garment is called tzitzis because it resembles the locks of the head, as Ezekiel 8:3 relates, “And he took me by the locks of my head” (Laws of Tzitzis 1:1).

Thus, Rambam chooses the explanation of the word tzitzis, related to strings and not related to seeing, which is consistent with the opinion that the seeing of the tzitzis is not an indispensable part of performing this commandment and is rather an additional component to the commandment.⁴

3. Likkutei Sichos, *ibid.*, p. 100.

4. *Ibid.*, fn. 47.

BLESSINGS AFTER THE MEAL



סֵדֶר בְּרַכַּת הַמְּזֹזֶן כֵּן הִיא: רִאשׁוֹנָה בְּרַכַּת הַזֵּן. שְׁנִיָּה בְּרַכַּת
הָאָרֶץ. שְׁלִישִׁית בּוֹנֵה יְרוּשָׁלַיִם. רְבִיעִית הַטּוֹב וְהַמְּטִיב. בְּרַכָּה
רִאשׁוֹנָה מִשֶּׁה רִבִּינוּ תִקְנָה. שְׁנִיָּה תִקֵּן יְהוֹשֻׁעַ. שְׁלִישִׁית תִּקֵּן
דָּוִד וְשְׁלֹמֹה בָּנוּ. רְבִיעִית חֲכָמֵי מְשֻׁנָּה תִקְנֶנָּה (ברכות ב:א).

To bless G-d after a filling meal is a Biblical command:

*It is a positive mitzvah of Scriptural origin to bless G-d after eating satisfying food, as it states: “When you have eaten and are satisfied, you shall bless G-d, your Lord” (Deuteronomy 8:10; Rambam’s Laws of Blessings 1:1).*¹

Rambam clarifies the structure of this blessing:

*This is the order of the blessings of the grace after meals: The first blessing thanks G-d for providing our sustenance; the second blessing thanks G-d for granting us the Land of Israel; the third blessing praises G-d as “the builder of Jerusalem”; and the fourth blessing praises G-d as “He Who is good and does good.” The first blessing was instituted by Moshe, our teacher; the second blessing by Yehoshua; the third by King Dovid and his son, Shlomo; and the fourth by the Sages of the Mishnah (Laws of Blessings 2:1).*²

This is based on a teaching in the Talmud:

Rav Nachman said: Moshe instituted for Israel the blessing of “providing our sustenance” when the manna descended for them.

1. See also Sefer Hamitzvos, Positive Commandment 19.

2. Rambam also indicates (some of) the wording in the later Halachos of this chapter.

Yehoshua instituted the blessing of “the land” when they entered the Land of Israel. Dovid and Shlomo instituted [the blessings] “the builder of Jerusalem.” Dovid instituted “...on Israel Your people and on Jerusalem Your city...,” and Shlomo instituted “...on the great and Holy Temple...” [The blessing] “He Who is good and does good,” was instituted [by the sages] at Yavne in reference to the slain [Jews] of Beitar (Berachos 48b).

This all begs the question: which blessings form the biblical commandment, if the majority of them were enacted at a later time?³

The Kesef Mishnah quotes the following from Ramban:

The Torah did not provide precise wording for this blessing; all it commanded was that we make a blessing after we eat, according to our understanding... the Sages then came and produced a complete and precise structure for this blessing... We ourselves added that Jerusalem should speedily be rebuilt. The concept [of the blessing] was introduced by Dovid and Shlomo, but the actual language is dictated by time (Gloss to Rambam’s 1st principle (Shoroshim) in his Sefer Hamitzvos).

Tosfos, on the other hand, says, without reservation, that all the blessings are biblical (see Berochos 16a, s.v. Vechosem).

This view seems to be consistent with the simple reading of the Talmud.⁴

The Sages taught: From where do we know that the blessing after meals is biblical? For it states: “When you have eaten and are satisfied, you shall bless G-d, your Lord, for the good land that He has given you”—this refers to the blessings of “providing our sustenance” ... “the land” ... “the builder of Jerusalem” (Berachos ibid.).

Tosfos, however, does not expand on the viability of this view.⁵ How can this biblical commandment contain blessings that were enacted at a later time?

3. Just the falling of the Manna and the blessing over that would have transpired before the giving of the Torah.

4. Cited by The Alter Rebbe in His Shulchan Aruch [Harav], Orach Chaim, 187:1.

5. The Kesef Mishnah and Lechem Mishnah (Laws of Blessings 2:2) debate Rambam’s view of this.

The Rashba asks this question and writes:

According to Scriptural Law, one may recite these blessings using any wording he desires, Moshe, Yehoshua, Dovid, and Shlomo, each in his time, standardized the wording for each of these blessings (Berachos ibid.).⁶

So, while according to Ramban, the Torah just insisted on a blessing of any sort, and the Sages inspired the entire concept, structure and wording, according to Tosfos and Rashba, the concepts and structure are biblical, and the particular wording is biblical.⁷

6. Cf. Beis Yosef, Orach Chaim, ch. 187.

7. See Shulchan Aruch Harav, ibid. See also Rabbeinu Manoach on Rambam.

SAFEK BERACHOS



גַּר שֶׁמַּל קֶדֶם שְׁנִתְגִּיר וְקָטָן שֶׁנּוֹלַד כְּשֶׁהוּא מְהוּל - כְּשֶׁמִּטִּיפִין
מִמֶּנּוּ דָם בְּרִית אֵינָן צְרִיכִין בְּרָכָה. וְכֵן אֲנִדְרוּגִינוֹס אֵין
מְבָרְכִין עַל מִלָּתּוֹ, מִפְּנֵי שֶׁהוּא אֵינוֹ זָכָר וְדָאִי (מִילָה ג:ו.).

There is a general principle that says *Safek Berachos Lehakel*, if a person is unsure if he is obligated or has already said a specific blessing, he doesn't have to recite the blessing.¹

This principle is reflected in Rambam's ruling concerning a doubtful circumcision:

A blessing is not recited over the circumcision of an androgynous, because he is not definitely categorized as a male (Laws of Milah 3:6).

Raavad argues that this principle is limited to doubts concerning non-Biblical commandments; however, biblical commandments always demand a blessing, even when there is doubt.

If an androgynous is a doubtful situation, a blessing would nevertheless be said. Since we are speaking here of a doubt concerning a biblical commandment, in which case a blessing is said (Gloss to Rambam ibid.).²

Rambam's view needs further clarification since he seems to imply elsewhere that we don't follow this principle in all cases.

1. See also Rambam, Laws of Blessings 11:16. The reason for this is that a person should not mention G-d's name in vain, which can be considered a transgression of the prohibition of mentioning G-d's name in vain. For a discussion if not saying a blessing in the case of doubt is a Biblical consideration or just a rabbinic one, see Tzemach Tzedek, Orach Chaim, responsa 3.

2. This argument is articulated in other places in Rambam, e.g., Laws of Tzitzis 3:9, Laws of Sukkah 6:13.

One who is unsure whether or not he recited the Shema should recite it with the blessings before and after it (Laws of Krias Shema 2:13).

This law begs for clarity, as Rashba asks:

Rambam maintains that if a person is unsure if he made a blessing, even concerning a commandment that is biblical, or even if a person is unsure if he is obligated in the commandment that requires a blessing, in all cases he does not recite the blessing, why then here does he need to recite the blessings before and after (he should just be obligated to say the Shema prayer) (Responsa 320, quoted in Kesef Mishnah ibid.).

Rashba suggests the following:

Perhaps Rambam maintains that the Rabbis originally instituted the blessings of Krias Shema in such a manner that whenever the Shema is said to fulfill the commandment (even if this is because he is unsure if he already fulfilled his obligation), he is to say these blessings (ibid.).³

Another answer was suggested by the Derisha:

These are not comparable cases. In one place (namely, the case of circumcision), there is a doubt whether the person is even obligated by the commandment; in such a case, the person should not make a blessing. Here, by Krias Shema, there is no question on the person's obligation for the commandment; there is only a question on his fulfillment, in which case, since he is not clearly sure that he has fulfilled this obligation he must now recite the Krias Shema (again) with its blessings (Gloss on Tur, Orach Chaim, ch. 67⁴).

Based on the above, one can explain the argument between Rambam and Raavad in two ways.⁵

According to the Rashba that Krias Shema is an outlier, Rambam maintains that in general, a blessing is independent from the commandment

3. This reason is cited by Magen Avraham, Orach Chaim, ch. 67, and the Alter Rebbe in Orach Chaim, ibid. Cf. Tzemach Tzedek, ibid.

4. See also Kneses Hagedolah cited by the Pri Chadash and Pri Megadim to Orach Chaim, ibid.; Tzemach Tzedek, ibid.

5. See Imrei Tzvi (Gruzman), ch. 2.

upon which it is being made, and has its own set of laws that demand that it not be recited in the case of doubt. Raavad, however, is of the opinion that a blessing is a subcategory of the commandment it is being made on, and if that is a biblical commandment, then the blessings take on the same rules, in which case one has to be stringent and make a blessing again.

According to the Derisha, we come to the same conclusion but slightly differently; if the person is undoubtedly included in a commandment and only the fulfillment is in doubt, then his blessing is a subcategory of the commandment and must be recited when the commandment is being fulfilled, even in the case of doubt. If, however, the very obligation is in doubt, then the commandment cannot “draw” with it the obligation for a blessing.

לעילוי נשמת
החסיד התמים
ר' רפאל שלמה ע"ה
ב"ר קלונימוס קלמן ז"ל



נפטר בשם טוב
י"א אייר ה'תשפ"ב
ת' נ' צ' ב' ה'