



ORACH CHAIM

Foundations of Prayer



SUMMARIES



ORACH CHAIM

Summaries





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LESSON #1

The Fundamentals of Davening, The Halachic Importance of Time, The Transition of Night to Day, and the Morning Hours

Introduction

Calculating the hours of the day is a topic that holds much significance in halacha since many *halachos* are based on it. It is a complicated topic based on complex mathematical and astronomical calculations. The precise times vary based on seasons and geographical location in relation to the sun. In recent years multiple books which delve into this topic have been written. In this course we will not be focusing on the technical calculations but rather the practical side of the topic, as it relates to *halacha lema'aseh*, by bringing in various discussions from the Gemara and different *poskim*.

In this lesson we will be discussing the parts of the day which relate to the topics of the night changing into day and the morning hours. First we will be focusing on a general understanding of the times for dawn and sunrise. Then we will learn about the times we can begin wearing *tzitzis* and *tefillin* and saying Krias Shema. These topics are covered in *Orach Chaim siman 18, siman 30 se'ifim 1-2, and siman 58*. Then we will learn the latest times for Krias Shema and its brachos, also covered in *siman 58*. We will end the lesson by learning the earliest and latest times for davening, covered in *siman 89, se'if 1*.

At What Point Does Night Change Into to Day?

Mitzvos Done At Day

The *mishnah* in maseches Megillah¹ lists a number of *mitzvos* that should be done specifically during the day, rather than at night. For example, reading Megillah and performing a *bris milah*. The *mishnah* explains that the time to perform these *mitzvos* begins at sunrise (*netz hachamah*). However, *b'dieved*, if the mitzvah was performed at dawn, (*alos hashachar*) the obligation was fulfilled.

"We do not read the Megillah, perform a bris, or immerse in the mikvah, and... until sunrise. And if they were performed after dawn, they are valid."

In practical terms the Gemara explains that a day begins at sunrise and ends at nightfall and brings proof from Sefer Nechemiah²: "And we are busy with labor... from sunrise until nightfall... and the night may be for us a guard and the day is for labor." The explanation given for this is that the time designated for labor (*alos hashachar* until *tzeis hakochavim*) defines the day; as it says, "and the day is labor." Therefore, if a person performs a daytime mitzvah at dawn, he has still fulfilled his obligation. However, the Gemara does not explain why *l'chatchila* the mitzvah should be performed only after sunrise.

Rashi³ explains that being that most people are unaware of the time of dawn, to avoid mistakes, the Chachamim established that we must wait until sunrise. Consistently, the Rosh⁴ explains that we should not perform daytime mitzvos during the time between dawn and sunrise since it is still dark outside.

Defining the Time of Netz Hachamah

Sunrise begins when the sun begins to rise in the sky and the first rays of sun can be clearly identified.⁵

1 דף כ א.

2 ד טו-טז.

3 על המשנה הנ"ל

4 מסכת ברכות פרק א סימן ט.

5 ראה סימן נח סעיף א ברמ"א ובביאור הלכה ד"ה כמו שיעור.

The *poskim* debated how to identify the start of sunrise. One opinion held that sunrise begins once the sun is visible over the highest point of that place. The *Talmud Yerushalmi*⁶ explains that sunrise begins when rays of light begin to shine at the peaks of the mountains. Another opinion holds that sunrise is determined following astronomical calculation and viewing the entire horizon as a flat surface, ignoring the mountains which block the visibility of the sun.

In practice, the disparity between these two methods of calculation only affects those who are accustomed to *davening tefillas vasikin* and in practice the more accepted opinion is that sunrise begins once the sun is visible. (Nevertheless, in most places, the time difference between these two methods of calculation is between 2-4 minutes. Additionally, the Acharonim already wrote that those who *daven vasikin* do not need to be scrupulous about beginning Shemoneh Esrei at the exact moment of dawn, beginning around the time of dawn is sufficient, the intention is what matters most.⁷)

Basing sunrise on the sun's visibility is only relevant to *mitzvos* directly affected by sunrise, like *davening vasikin*. However, when it comes to determining the seasonal hours⁸ and other times of the day, such as the time for Krias Shema, which according to Shulchan Aruch Harav and the Gra are three seasonal hours after sunrise, the astronomical calculation of sunrise should be followed.

Defining the Time of Alos Hashachar

Dawn is when the sky begins to slightly lighten in color due to the rays of sun which are just beginning to shine. However, the sun is still below the horizon.⁹

This start time is thus hard to determine. Therefore, the time difference between dawn and sunrise is used instead, as will be explained below.

In the Gemara, *maseches Pesachim*¹⁰, a *beraisa* is brought which states that the time between dawn and sunrise is the amount of time it would take to walk 4 *mil* (about 4 km. / 2.5 miles), and according to Rabi Yochanan in the Gemara, 5 *mil*.

There are 3 main opinions regarding how long it takes to walk a *mil* (based on various ways of understanding the Gemara):

-
- | | |
|--|----|
| ברכות פ"א ה"ב | 6 |
| ראה לדוגמא כף החיים סימן נח ס"ק י. | 7 |
| שעה זמנית היא 1/12 משעות היום, בין אם היום ארוך מהלילה ובין אם קצר מהלילה. הפוסקים נחלקו האם היום לענין זה הוא מהזריחה עד השקיעה או מעלות השחר עד צאת הכוכבים, כפי שנלמד בהמשך השיעור. | 8 |
| ראה פירוש המשנה לרמב"ם ברכות א א. וראה שו"ע הרב סימן פט סעיף א: "שהוא אור הנוצץ מהחמה במזרח". ובמשנ"ב סימן פט ס"ק ב: "מה שמתחיל השחר להבריק במקצתו מעט מעט". | 9 |
| דף צג ב - צד א. | 10 |

1. 18 min
2. 22.5 min
3. 24 min

The method followed by most *poskim* is that dawn occurs 72 minutes prior to sunrise. This follows the opinion that it takes 18 minutes to walk a *mil* ($4 \text{ mil} \times 18 \text{ min}$).¹¹ This method of calculation is followed by Sephardim and a large portion of Ashkenazim as well.

Another calculation method is that dawn occurs 90 minutes prior to sunrise, following the opinion that it takes 22.5 minutes to walk a *mil*. This opinion is followed by the Ashkenazim in Yerushalayim.¹²

A third opinion states that dawn occurs 120 minutes prior to sunrise by following the opinions of 5 *mil* multiplied by 24 minutes per *mil*. According to Rabi Avraham Chaim Naeh¹³ this method should be followed to be stricter; however most Acharonim did not follow it.

In the Shulchan Aruch Harav we find reference to all these opinions: 72 minutes, 90 minutes, and 96 minutes ($4 \text{ mil} \times 24 \text{ minutes}$).¹⁴

Misheyakir

Introduction

An additional defining point of the morning determined by the Chachamim is *misheyakir es chaveiro*. This occurs when there is enough light to recognize a person who is standing at a distance of 4 *amos*. The *poskim* associated this point in time with a different point in time established by Chazal, "from when one can recognize the difference between light blue and white."

¹¹ בשו"ע (אור"ח סימן תנט סעיף ב, יורה דעה סימן סט סעיף ו) וברמ"א (אורח חיים סימן רסא סעיף א) נפסק ששיעור הילוך מיל הוא 18 דקות. ועל פי זה כתבו הרבה אחרונים שעלות השחר הוא 72 דקות לפני הזריחה. כך לדוגמא במגן אברהם (סימן פט ס"ק ב), בפרי מגדים (סימן שלא אשל אברהם ס"ק ב), במשנ"ב (סימן נח סעיף א ביאור הלכה ד"ה כמו) ובעוד רבים.

¹² על פי לוח ארץ ישראל של הרב יחיאל מיכל טיקוצ'ינסקי. וכך שיטת הגר"א והחתם סופר ועוד.

¹³ ספר שערי ציון סימן לו. ובקובץ יגדיל תורה גיליון כג מובא ויכוח ארוך בענין זה בין הרי"מ טיקוצ'ינסקי ובין הגר"ח נאה.

¹⁴ הגר"ז התייחס לנושא זה בכמה מקומות שונים בשו"ע ובסידורו, ובעצמו הביא שיטות שונות, ולכן רבו ההבנות מה היא שיטתו הלכה למעשה בענין.

Further on we will learn how, *l'chatchila*, the time to begin *davening* Shemoneh Esrei is from sunrise. Prior to Shemoneh Esrei a person must put on *tzitzis*, lay *tefillin*, and say Krias Shema. Therefore, the Chachamim set a time after dawn but before sunrise when a person can begin doing all those things, and that is known as *misheyakir*.

The Time

Given the nature of this point in time, it is impossible to give it an exact time, especially nowadays when we have light even at night and do not rely on the morning light to allow us to see. There are various opinions regarding the time span of *misheyakir*, all ranging between 50 minutes to an hour before sunrise and on the calendars this time is known as “the time for *tzitzis* and *tefillin*.”

The Time of *tzitzis* (Siman 18)

Chazal derived from the passuk¹⁵ “and you should see it” that *tzitzis* is specifically a mitzvah for daytime, and not for night. However, opinions differ as to whether this mitzvah is performed based on the time of day or the type of clothing being worn. According to the Rambam the time of day is the determining factor. Therefore, all types of clothes worn at night do not require *tzitzis* and all types of clothes worn during the day do. But according to the Rosh the determining factor is the type of clothing being worn. Therefore, night time attire (pajamas), even if worn during the day, do not require *tzitzis* and daytime clothes, even if worn at night, do require *tzitzis*.¹⁶

Since when encountering a doubt regarding making a bracha we take the lenient approach, the *psak halacha* is that we only make a bracha on a daytime garment worn during the day.¹⁷

Nevertheless, we cannot wear a night time garment (that has 4 corners) during the day without *tzitzis* (due to the Rambam’s opinion). And, we cannot wear a daytime garment (with 4 corners) at night without *tzitzis* (due to the Rosh’s opinion).¹⁸

15 במדבר טו לט.

16 שו"ע סעיף א.

17 רמ"א שם.

18 משנ"ב.

From what time is one permitted to make a bracha on his *tzitzis*? From the moment he is able to differentiate between the blue and white strings of his *tzitzis*¹⁹ (the time of *misheyakir* mentioned above.)

There is an opinion that holds that if one must put on his *tzitzis* or *tallis* at dawn (which is before *misheyakir*) he should make the bracha on it.²⁰

However, most opinions hold that if one needs to wear his *tzitzis* or *tallis* before the time of *misheyakir* he should wait for the time of *misheyakir* to make the bracha and then touch the strings of his *tzitzis* and make the bracha. However, *l'chatchila* one should avoid putting on the *tzitzis* until the time of *misheyakir* so he is able to say the bracha as he puts it on.²¹

B'dieved, if one mistakenly said the bracha even before dawn, he should not repeat the bracha. The reason being that according to the Rosh a daytime garment worn at night requires *tzitzis* and the bracha can be made at night. And always in *halacha*, when there is a doubt regarding making a bracha we take the lenient approach.²²

The Time for Tefillin (siman 30)

Min HaTorah, donning *tefillin* is allowed also at night. However, the Chachamim forbid this for fear of someone forgetting that they are wearing them and sleeping in them.²³

The time to start putting on *tefillin* is *misheyakir*.²⁴

A person who was unable to or accidentally forgot to put on *tefillin*, and it is already past nightfall, missed his chance and cannot make it up by putting them on at night even if he relies on the fact that the Torah permits donning *tefillin* at night. The reason is that after *shkiah* it is already a new day and with it a new obligation to put on *tefillin*. In a case when it is not yet nightfall according to Rabbeinu Tam (which we will learn in the next class), he should put on *tefillin* without a bracha.²⁵

19 שו"ע סעיף ג.

20 רמ"א.

21 כך עולה מהשו"ע וכן מהמשנ"ב (ס"ק י'), כף החיים (ס"ק כ'), אגרות משה חלק ב סימן ז, ועוד.

22 משנ"ב.

23 שו"ע סעיף ב ואחרונים.

24 שו"ע סעיף א

25 ראה פסקי תשובות אות ב.

One who forgot to put on *tefillin* the entire day, and it is past *shkiah* but not yet nightfall, according to the *Mishnah Berurah*²⁶ should put on *tefillin* without a bracha. However, according to many Acharonim, he should make a bracha.²⁷

The Earliest Time for Krias Shema (siman 58)

The earliest time for the Krias Shema of Shacharis and its brachos is *misheyakir*.²⁸

It is a *mitzvah min hamuvchar* to begin saying Krias Shema a bit prior to sunrise (a custom followed by those who love mitzvos)²⁹. This enables you to conclude Shema precisely at sunrise and begin Shemoneh Esrei as the sun rises (as it says³⁰ “they will see You with the sun”). Someone who implements this in his life is promised tremendous reward.³¹

If one missed saying Krias Shema before sunrise he should hurry to do so as soon as possible,³² (since mitzvos should be done with alacrity).

B'dieved, if one read Krias Shema at dawn, he fulfilled his obligation³³ (since, according to the Torah the day begins at dawn). The same applies to Birchos Krias Shema (this is a novelty because of the bracha of Yotzer Ohr).³⁴

The Rama writes that if one read Krias Shema at dawn without the Brachos of Krias Shema he should repeat it at the correct time with the brachos.³⁵

26 סעיף ה ביאור הלכה ד"ה ויש.

27 ראה פסקי תשובות שם, וראה יביע אומר חלק ז אור"ח סימן ז.

28 שו"ע ומשנ"ב סעיף א.

29 רש"י על הגמרא בברכות דף ט ב.

30 תהלים עב ה.

31 שו"ע שם.

32 שו"ע סעיף ב.

33 שו"ע סעיף ד. המשנ"ב (ס"ק יט) כתב שזהו דווקא באקראי, כגון פעם בחודש, אבל אם רגיל לעשות כן – אפילו בדיעבד לא יצא, אלא אם כן הוא בשעת הדחק שאין לו ברירה.

34 ביאור הלכה ד"ה בלא ברכות.

35 סעיף ד.

Calculating Seasonal Hours

The Latest Time for Krias Shema (Siman 58)

The *mishnah* in *maseches Brachos*³⁶ says that according to Tanna Kama, the latest time for Krias Shema is sunrise. The reason is that most people are accustomed to rising then and it is therefore what the Torah refers to when it says “*uvekumecha*.” However, according to Rabi Yehoshua, the latest time for Krias Shema is at the end of the third hour of the day since it is the custom of kings to awaken at that hour. The halacha follows Rabi Yehoshua.³⁷

The *psak halacha*³⁸ is that the latest time for *Krias Shema* is at the end of the third hour of the day, which is a quarter of the day.

How seasonal hours are calculated

Seasonal hours are hours whose length changes based on seasons and the length of daylight hours. The calculation is made by taking all the daytime hours and dividing them by 12. Before the invention of fixed clocks the entire world used seasonal hours to tell time and for that reason Chazal used them for rendering decisions. Nowadays, most *poskim* agree that seasonal hours should be continued to be used when determining halachic times.

There was, however, a disparity among the *poskim* in how to calculate these seasonal hours. One opinion states that daytime begins at dawn and ends at nightfall. This opinion is followed by the *Magen Avraham* when establishing the latest time for Krias Shema. On calendars, the third seasonal hour from dawn is noted as *Sof Zman* Krias Shema according to the *Magen Avraham*.³⁹ (This time for an hour is reached by dividing the daytime hours from dawn to nightfall by 12).

A different opinion states that daytime lasts for as long as the sun is visible, which is from sunrise to sunset.

Those who hold this opinion argue that if daytime would be from dawn to nightfall then during the seasons when night and day are equal in length (spring and fall) daytime

36 דף ט ב.

37 גמרא דף י ב.

38 שו"ע סעיף א.

39 סימן נח ס"ק א. וראה גם מג"א בסימן רלג ס"ק ג ובסימן תמג ס"ק ג.

would still be longer than the night. But if daytime is based on the visibility of the sun, the average of all daytime hours throughout the year would equal the total of nighttime hours.

This method is followed by the Gra⁴⁰ and the Shulchan Aruch Harav⁴¹ in his siddur and is noted in the calendars as *Sof Zman Krias Shema according to the Gra and Ba'al haTanya*. It is still the end of the third seasonal hour of the day, however each hour is shorter since daytime is calculated from sunrise to sunset, not dawn to nightfall.

The Latest Time for Birchos Krias Shema

In the Gemara⁴² it says that the time for Birchos Krias Shema is longer than that of Shema but it does not say how much longer.

The Rambam⁴³ wrote that the time for saying Birchos Krias Shema is the entire day. But the *psak halacha* of the Shulchan Aruch and the Acharonim follows the opinion of the Rosh who said the latest time for Birchos Krias Shema is the end of the fourth hour of the day, one hour after Krias Shema (the same time given for davening, which we will discuss below).

In the words of the Shulchan Aruch:⁴⁴ "Even though the time (for Krias Shema) extends to the end of the third hour of the day, if the third hour of the day passed he should say Birchos *Krias Shema* up until the end of the fourth hour of the day which is a third of the day, but the reward is not the same as one who read it on time. And if the fourth hour has already passed, he may read it without the brachos the entire day."

*Yalkut Yosef*⁴⁵ concurs that Birchos Krias Shema cannot be read past the fourth hour of the day, and one who reads them later is saying a bracha *levatala*. (However, in such a situation one should follow the method of the Gra and Ba'al Hatanya for calculating the seasonal hours. Meaning, *l'chatchila*, Birchos Krias Shema should be read until the fourth hour from dawn. But, *b'dieved*, one has until the fourth hour from sunrise. However, once that hour has passed he should not make the bracha.)

Nevertheless, the *Mishna Berurah*⁴⁶ states that some opinions hold that one can say Birchos Krias Shema until *chatzos* (the same as davening, which will be discussed below)

40 ביאור הגר"א סימן תנט ס"ק ב.

41 הלכות ק"ש ד"ה זמן ק"ש, בניגוד לשו"ע סימן נח סעיף ג ששם פסק כמגן אברהם.

42 ברכות דף י ב.

43 הלכות קריאת שמע פ"א הי"ג.

44 סימן נה סעיף ו

45 ביאור הלכה ד"ה קוראה.

46 ביאור הלכה ד"ה קוראה.

and he wrote that a person whose circumstances prevented him from saying the brachos by the fourth hour has until *chatzos*.

The Shulchan Aruch Harav⁴⁷ writes that once the fourth hour of the day passes a person should not say the brachos. He added in parentheses that there are opinions which hold that one can make the brachos all day but the majority opinions follow the first opinion.

The Time for Davening Shacharis

The Earliest Time (*siman 89 se'if 1*)

In the Gemara, *maseches Brachos*,⁴⁸ it says that those *davening vasikin* would finish saying Shema with the sunrise and begin Shemoneh Esrei immediately after.

It is brought down from the Rishonim that *l'hatchila*, the earliest time to begin *davening* Shacharis is at sunrise, but *b'dieved*, if one began at dawn he fulfilled his obligation. This is because Shacharis was established to commemorate the *Korban Tamid* of the morning. The Gemara derived the latest time for Shacharis from the latest time to offer up the *korban*. Hence, the earliest this *korban* could be offered is also the earliest we can *daven* and the earliest it could be offered was, *b'dieved*, dawn.

The Shulchan Aruch writes: “The time for *davening* Shacharis begins at sunrise, as it says, they will fear You with the sun. And if he began at dawn, and the east was lit up,⁴⁹ he fulfilled his obligation.”

The Latest Time (*siman 89, se'if 1*)

In the Mishnah, *maseches Brachos*⁵⁰ it says that, according to the Chachamim, Shacharis cannot be said past *chatzos* but according to Rabi Yehudah it cannot be said past a quarter of the day (the fourth seasonal hour of the day).

47 סעיף י

48 דף כו א.

49 לשון זו “והאיר פני המזרח” מקורה בראש ובטור (ולא נזכרה בשאר הראשונים). ובאחרונים האריכו לדון האם זוהי נקודת זמן נוספת שמתרחשת לאחר עלות השחר או שזהו עלות השחר. ראה בביאור הלכה, וראה פסקי תשובות אות ג-ד, ואכמ”ל.

50 דף כו א.

The Gemara⁵¹ explained that the Chachamim held that the *Korban Tamid* could be offered up until *chatzos* yet Rabi Yehudah held only until the fourth hour of the day. This is the source of their disagreement regarding the latest time for Shacharis. And the halacha follows Rabi Yehudah.⁵²

The Rif and Rambam write that if one davened past the fourth hour but before *chatzos* he receives credit for *davening* but not for *davening* on time. The *Beis Yosef* explained that even though the halacha follows Rabi Yehudah, *b'dieved*, if one did not *daven* (even deliberately) before the fourth hour, he has until *chatzos* according to the Chachamim.

And this is the *psak* in the Shulchan Aruch: “The time for *davening* extends through the fourth hour, which is a third of the day. And if accidentally (or intentionally) he davened until *chatzos* he doesn’t get credit for *davening* on time but he does get credit for davening.”

The *Mishnah Berurah* wrote that since some opinions disagree with the Shulchan Aruch and forbid one who missed the fourth hour intentionally from davening, if one finds himself in such a circumstance it is better that his *davening* should be voluntary.

But the Shulchan Aruch Harav⁵³ writes that even if for no reason he missed the fourth hour, even intentionally, he is permitted to *daven* until *chatzos* (and he did not mention that his *davening* should be voluntary).

After *chatzos* it is forbidden to *daven* Shacharis for the most basic reason that it is already time for Minchah. (Even though in practice Minchah isn’t said until a half hour past *chatzos*, that is only because most people do not know the accurate times. In reality the time for Minchah begins immediately after *chatzos*.)⁵⁴

51 דף כו ב.

52 כך נפסק בגמרא בדף כז א.

53 סעיף ב.

54 רמ"א, שו"ע הרב סעיף ב, משנ"ב ס"ק ז. המשנ"ב הוסיף שיש מי שמיקל להתפלל בחצי שעה אחר חצות, ואין הלכה כדבריו, אך על כל פנים בדיעבד אם התפלל בחצי שעה זו יצא ואינו צריך להתפלל שנית.



LESSON #2

The Fundamentals of Davening, The Halachic Importance of Time, The Transition of Day to Night

Introduction

During this lesson we will discuss the times which connect to our question of when does night transition into day? We will begin with the famous debate between the Geonim and Rabbeinu Tam regarding sunset and twilight (*bein hashmashos*) and the conclusive halachic decision of when Shabbos begins – *Orach Chaim Siman 261*. Then we will discuss when Shabbos ends, *Siman 293 se'if 2*. Followed by the times for davening Mincha and Maariv during the week and Erev Shabbos, *Siman 233 se'if 1* and *Siman 267 se'if 2*. And lastly, the time for Krias Shema of Maariv - *Siman 235*.

In Halacha, What Point Ends the Day and Starts the Night?

Introduction

We know that there are 3 different times regarding the transition of day to night. *Shkiah* – sunset – once the sun is no longer visible, *bein hashmashos* – twilight – the time when the sky is painted red and it's unclear whether it is considered night or day, and *tzeis hakochavim* - nightfall. The Rishonim were conflicted regarding when *bein hashmashos* started. Does it begin as soon as the sun is no longer visible, or later on? The source of this argument comes from a *sugya* in *maseches Shabbos* and a *Braisa* in *maseches Pesachim*, as will be explained below.

A seeming contradiction in Sugyos

In the Gemara of *maseches Shabbos* the *Tanaim* disagreed regarding the time of *bein hashmashos*, yet the final decision follows Rabi Yehudah. However the Amoraim disagreed about what Rabi Yehudah said:

One explanation (Raba quoting Rabi Yehudah, in the name of Shmuel) states that according to Rabi Yehudah *bein hashmashos* begins at sunset and continues for the length of time it would take to walk $\frac{3}{4}$ of a *mil*. (In the previous lesson we discussed that the generally accepted time that it takes to walk a *mil* is 18 min. Therefore, $\frac{3}{4}$ of a *mil* is equivalent to 13.5 minutes.)

The other opinion (Rabi Yosef quoting Rabi Yehudah, in the name of Shmuel) states that according to Rabi Yehudah *bein hashmashos* begins slightly after sunset. In accordance with this, the duration of *bein hashmashos* is the length of time it takes to walk $\frac{2}{3}$ of a *mil* (about 12 minutes according to the opinion above).

The Rishonim decided to follow Raba, the stricter opinion, regarding when Shabbos begins (since with actions forbidden *min hatorah* we take the stricter approach). Therefore, immediately at sunset on Friday afternoon all *melacha* is forbidden. Due to this, we find that the *sugya* in *maseches Shabbos* states that *bein hashmashos* lasts for $\frac{3}{4}$ of a *mil*.

However, the Gemara in *maseches Pesachim* brings a *beraisa* in the name of Rabi Yehudah which states that the length of time between sunset and nightfall is equivalent to the length of time it would take to walk 4 *mil* (about 72 minutes following the opinion above).

2 Rulings From the Rishonim

Rabbeinu Tam explained that the sunset mentioned in maseches Pesachim refers to the start of sunset (once the sun is no longer visible and begins to set) and the sunset discussed in the *sugya* of *maseches Shabbos* refers to the end of sunset. In his words: *Bein hashmashos* (questionable whether it is day or night) begins only at the end of sunset (when the light begins to diminish completely) and extends until nightfall (when 3 medium stars are visible) and this lasts 3/4 of a *mil* (in accordance with the *sugya* of *maseches Shabbos*). Sunset, from start to finish, is still considered daytime and that lasts for the amount of time it takes to walk 3.25 *mil* (about 58.5 minutes). Thus altogether, from the start of sunset (when the sun begins to disappear) until nightfall is the time distance of 4 *mil* (in accordance with maseches Pesachim). Meaning, the 58.5 minutes from the beginning to the end of sunset in addition to the 13.5 minutes from the end of sunset to nightfall adds up to 72 minutes and that is the total length of time from the start of sunset to nightfall. Most of this time is still considered day, only the last 13.5 minutes before nightfall is questionably night. This opinion is followed by the Ramban, Ran, and Rosh.

However, according to the Geonim and some of the Rishonim, *bein hashmashos* begins immediately after sunset begins (when the sun is no longer visible) and it lasts for 3/4 of a *mil* (about 13.5 min) as stated in *maseches Shabbos*. Immediately after that 3 medium-sized stars emerge and it is assuredly night. Regarding that stated in maseches Pesachim, that between sunset and nightfall is 4 *mil*, this is referring to all the stars emerging at night and it has no connection to Shabbos or any other halachic matter pertaining to night. (Meaning, what is mentioned there is brought for the sake of a discussion not halacha, since halachically, 3 stars are sufficient to render it nightfall.)

The Psak of the Acharonim (Siman 261 se'if 2)

The Shulchan Aruch and Rama held according to Rabbeinu Tam, that sunset begins once the sun is no longer visible, the length of 3.25 *mil* at that time is still considered day. Only after this does *bein hashmashos* begin and lasts for 3/4 of a *mil*, at the conclusion of which it is immediately night.

But the Shulchan Aruch Harav and the Gra held according to the Geonim, that *bein hashmashos* begins immediately when the sun is no longer visible. And referring to this time, the Mishna Berura wrote that one should be very careful not to do any *melacha* after sunset even for the sake of a mitzvah (and more than that, we should take from the mundane and add to the holy, as will be stated below.)

In practice, all communities follow the opinion of the Geonim. Regarding the end of Shabbos, this opinion, despite it being the more lenient approach (since Shabbos ends

earlier) is still commonly accepted except by individuals who take upon themselves to follow Rabbeinu Tam for Motzei Shabbos. However, one should refrain from doing any *melacha* until 3 stars in close proximity to one another are visible (as we will learn later on), and that happens about 33 minutes (sometimes more, depending on the time of year) after sunset. Regarding what it says in the Gemara based on the explanation of the Geonim, that nightfall occurs about 13.5 minutes after sunset, it can be understood to only apply to Bavel.

The Law of Adding on to Shabbos

The Source of the Din

In the Gemara, maseches Yoma, a *beraisa* is brought down which explains the following passuk about Yom Kippur: “It is a complete day of rest for you, and you should afflict yourselves on the 9th of the month in the evening, from evening to evening you should rest on your rest day.” According to the *beraisa* there is a seeming contradiction in the passuk. It says “the 9th of the month”, and this implies that we should begin the fast while it is still daytime. However, it also says “in the evening”, and this implies that the fast begins after sunset. The Breisa explains that the fast itself begins at night; however, on our own accord, we are to take it on early and begin while it is still daytime. In the words of the *beraisa*: “from here we learn that we are supposed to take from the mundane and add to the holy.” And this applies to the end of Yom Kippur as well. As it says “from evening to evening.” And not only for Yom Kippur, but for Shabbos as well, based on the words “you should rest.” And also for Yomim Tovim, for the passuk says “on your rest days.” We learn from here that with any day referred to as “rest”, we should take from the mundane and add to the holy. (This is the end of the quote from the *beraisa*.)

Regarding this, both the Rif and Rosh wrote that for any day categorized as rest, whether it is Yom Kippur, Shabbos, or Yomim Tovim, we must add to it before and after. However, the portion which renders a person liable for kares is only the actual day, not the additional hours (based on that *sugya*).¹

The Rishonim wrote that this additional time must be before *bein hashmashos*. We learn this from the fact that *bein hashmashos* is a *safek* and if one transgresses a *melacha*

¹ אמנם הרמב"ם הזכיר דין תוספת מחול על קודש רק לעניין עינוי ביום הכפורים ולא לעניין שביתה ממלאכה. המגיד משנה הבין שהרמב"ם פוסק כשיטה אחרת בסוגיא שם הדורשת את הפסוק הנ"ל בעניין אחר, ולכן לשיטתו אין דין של תוספת בשביתה ממלאכה (אפילו ביום כיפור, אלא רק בעינוי אכילה ושתייה). המגיד משנה הוסיף שדעת רוב הראשונים כר"ף ורא"ש.

during that time he is required to bring up a Korban Asham Talui. Therefore, there is no need for an additional passuk commanding us specifically about bein hashmashos.

Regarding the amount of time added, it is written that any amount is sufficient. Nevertheless, quoting from a different place in the Gemara, the Rosh states that any amount is not sufficient. In his words: “the specific amount of added time is not clearly written in the Gemara, therefore, in practice, we must stop working a little before bein hashmashos.”²

The Shulchan Aruch and the Acharonim (Siman 261 se'if 2)

The Shulchan Aruch says: “There are those who say that we must take from the mundane and add to the holy. And the time which can be added begins with sunset, when the sun is no longer visible and ends with bein hashmashos (in accordance with the ruling of Rabbeinu Tam that from the beginning of sunset to bein hashmashos is definitely daytime). And this time, 3.25 *mil*, can be added in its entirety or partially, so long as he is definitely adding from the mundane to the holy. And bein hashmashos extends for the length of time it takes to walk 3/4 of a *mil*, 1,500 amos in length (about 750 meters / .46 miles).”²

The Mishna Berura writes that according to the Geonim, who differ from Rabbeinu Tam, (and we generally follow their ruling), one should stop doing melacha a little before sunset. And this positive mitzvah from the Torah to add onto Shabbos is fulfilled by verbalizing that one is taking on Shabbos. The *minhag* for women is that they take on Shabbos by lighting candles.

It is permitted to take on Shabbos from Plag haMincha

One is permitted to take on Shabbos starting at Plag haMincha.³ (But if he took upon Shabbos prior to Plag haMincha, it is not considered.)

Plag haMincha is about 1.25 hours prior to sunset,⁴ in seasonal hours.⁵

2 השו"ע הביא דין זה בשם "יש אומרים" מפני שהרמב"ם חולק (כמובא בהערה הקודמת), אך למעשה נראה מהשו"ע כאן וביותר בדין הוצאת שבת (סימן רצג סעיף ב) שדעתו לפסוק להלכה כשיטת יש אומרים. וכן נקטו רוב האחרונים.

3 רמ"א סימן רסא סעיף ב על פי התוספות.

4 זמן מנחה קטנה הוא שתיים וחצי זמניות לפני הלילה, ופלג המנחה הוא חצי מזה והיינו שעה ורבע.

5 בשיעור הקודם למדנו את המחלוקת האם מחשבים שעות זמניות מעלות השחר עד צאת הכוכבים, או מנץ החמה עד השקיעה. שו"ע הרב (בסידורו) פסק כאפשרות השניה, ולפי זה אדם שקיבל על עצמו שבת שעה ורבע לפני השקיעה (בשעות זמניות) קבלתו וצריך לפרוש ממלאכה. וכן הכריע המשנ"ב שכיון שיש דעות בין הפוסקים אם מדובר על שעה ורבע לפני השקיעה או לפני צאת הכוכבים - הרי שאדם שקיבל על עצמו שבת שעה ורבע לפני השקיעה צריך להחמיר שלא לעשות מלאכה.

A person who took on Shabbos early, in a place where everyone takes on Shabbos early, is permitted to ask a goy to light a candle or do any melacha.⁶ And if he solely took on Shabbos early in a place where most people do not, he is permitted to ask Jew (who hasn't yet taken on Shabbos) to do a melacha for him.⁷

Shabbos Ending at the Sight of 3 Consecutive Small Stars

The Source of the Halacha

The Gemara in maseches Shabbos⁸ explains that according to Rabi Yehudah, bein hashmashos lasts for the walking distance of 3/4 of a *mil* (about 1,500 amos) after sunset.⁹ However, Rabi Yossi is of the opinion that that time is still considered day. Bein Hashmashos only begins at the end of that time and lasts for a blink of an eye. The Gemara's decision was to be strict regarding Shabbos and follow Rabi Yehudah and be strict regarding Terumah and follow Rabi Yosi. (A kohen who was impure and went to mikvah is obligated to wait until evening of that day to eat the terumah, and he must wait until the bein hashmashos of Rabi Yosi.)

Both Rashi and Tosfos wrote that regarding the end of Shabbos we should follow Rabi Yosi's opinion since it is the stricter approach. (The Gemara meant that we should follow Rabi Yehudah regarding accepting Shabbos.)

The Rosh proved that the bein hashmashos of Rabi Yosi could not possibly last for the walking distance of 50 amos, it had to be less. In light of this the Rosh writes that at the conclusion of Shabbos a person should wait the walking distance of 1,549 amos. This combines both the 1,500 amos of Rabi Yehudah and the 49 amos, the maximum amount possible according to Rabi Yosi.

Further on in the *sugya*, a *beraisa* is quoted that states: "one star – day, two – bein hashmashos, three – night. Says Rabi Yosi: not large stars which are also visible during the day, and not small stars which are only visible at night, but medium size stars." From here we learn that the definitive sign that it is night are 3 medium-sized stars.

6 רמ"א שם סעיף א.

7 שו"ע סימן רסג סעיף יז.

8 דף לד ב – לה א.

9 כך הסביר רבה את שיטת רבי יהודה כפי שלמדנו לעיל.

Rabbeinu Yona wrote that because not everyone is capable of differentiating between medium and large stars (which are not proof of night), one should wait until 3 small stars are seen to do any melacha. This will eliminate any doubt.

In quoting the Talmud Yerushalmi, the Ran writes that it is best to wait for 3 consecutive stars, and not scattered ones, due to the obligation of adding to the holy from the mundane.

The Psak Halacha (Siman 293 se'if 2)

The Shulchan Aruch says: “A person should wait to see 3 small consecutive stars before he does any melacha. And on a cloudy evening he should wait until he is sure beyond a shadow of a doubt.”

The Mishna Berura writes that a person who saw 3 small scattered stars and then waited a bit is permitted to do melacha since 3 small stars are a definite proof of nighttime. And the addition of holy from mundane can be any amount (there is no specified amount).

The Time for Davening Mincha and Maariv

The Earliest Time for Mincha – the Source

Davening Mincha was established to commemorate the Korban Tamid brought in the afternoon.¹⁰ *Min haTorah*, the earliest time allowed to offer up the Korban Tamid was the 6th and a half seasonal hour of the day; this is a half hour past midday. The definition of “*bein ha'arbaim*” is the time when the sun has begun to tilt westward. In practice the Korban Tamid was offered up at the 9th and a half hour of the day, 2.5 hours before nightfall.¹¹ The reason behind this practice was to provide ample time for individuals to offer up their korbanos since an individual korban could not be offered up after *bein ha'arbaim*.

Nevertheless, there were occasions when the Korban Tamid was sacrificed earlier. Specifically, if Erev Pesach fell out on Erev Shabbos the Korban Tamid was offered up

10. מסכת ברכות דף כו ב.

11. שוחטים אותו בשמונה ומחצה ומקריבים בתשע ומחצה (שהיו שוהים שעה אחת בעשייתו).

at the earliest possible time, the 6th and a half hour of the day.¹² This was done to allow time to sacrifice and roast the Korban Pesach before Shabbos.¹³

The Earliest Time for Mincha – The Psak Halacha (Siman 233 se'if 1)

Based on the above, both the Rambam and Shulchan Aruch write that the main time for Mincha begins at the 9th and a half hour of the day, following with the custom of the Korban Tamid and this is known as *Mincha Ketana*. However, if one davened after the 6th and a half hour of the day, he did fulfill his obligation and that is known as *Mincha Gedola*.

The Mishna Berura writes that some Rishonim were more lenient and said that *l'chatchila* one is permitted to *daven* Mincha Gedola. Furthermore, in a situation where one would like to eat or travel, or he currently has a minyan yet at Mincha Ketana he won't have a minyan, all opinions agree that *l'chatchila* he should *daven* Mincha Gedola.

The Mishna Berura continues to say that according to the Shulchan Aruch, and some Acharonim, if one davened Mincha during the half hour past *chatzos*, even *b'dieved* he didn't fulfill his obligation. However, other Acharonim disagree and say that *b'dieved* he did fulfill his obligation and should not repeat Mincha.

The Latest Time For Mincha and Earliest Time For Maariv – the Halachic Source

The *Mishna*, in *maseches* Brachos,¹⁴ states that according to the Chachamim, the latest time for *davening* Mincha is evening, but Rabi Yehudah says *Plag haMincha*.

It is brought in the Gemara that on Shabbos Rav would *daven* Maariv while it was still light out since he held like Rabi Yehudah, that from *Plag haMincha* one can *daven* Maariv even though it is still light out. (Rabi Yehudah does indeed agree that Krias Shema of Maariv must be said after nightfall, yet Maariv, namely Birchos Krias Shema and Shemoneh Esrei can be said from *Plag haMincha* and onward.)

12 שוחטים בשש ומחצה ומקריבים בשבע ומחצה.

13 מסכת פסחים דף נח א

14 דף כו ב.

The conclusion reached in the Gemara does not follow either opinion. Rather, those who wish to follow the Chachamim are allowed, and those who wish to follow Rabi Yehudah are allowed to do so.

The *Mishna*, in *maseches Brachos* page 26 *amud* 1: “Mincha can be said until the evening, Rabi Yehudah says until *Plag haMincha*.”

The Latest Time For Mincha and Earliest Time For Maariv – The Psak Halacha (Siman 233 se'if 1)

In practice, the Shulchan Aruch writes that according to the Chachamim, Mincha concludes and Maariv commences in the evening. Yet according to Rabi Yehudah that time is *Plag haMincha*. Individuals can decide which opinion they follow; however they should be consistent in sticking to that method.

This means that a person must decide if he sees the time between *Plag haMincha* and sunset as a time for Mincha, like the Chachamim, or Maariv, like Rabi Yehudah. Whichever way he decides he must stick to it consistently and not waver back and forth between both opinions. However, *b'dieved* if one wavered between both opinions, he did fulfill his obligation. During *sha'as hadchak*, since that time as a whole is *b'dieved*, one is permitted to waver between both opinions, even *l'chatchila*. This is because there is an opinion amongst the Rishonim that a person does not have to stick to one opinion consistently, and during *sha'as hadchak* that opinion can be relied upon.¹⁵

The Mishna Berura writes that one is certainly prohibited from *davening* Mincha and Maariv after *Plag haMincha* but before sunset; that would be a contradiction. (Doing so would be simultaneously following the opinions of both the Chachamim and Rabi Yehudah.)

However, the Chachamim did permit an exception. A community that has already davened Mincha, and postponing Maariv to after nightfall would result in everyone going home and not returning to *daven* with a minyan. In such a case, the Chachamim permitted Mincha and Maariv to both be said after *Plag haMincha* but before sunset.¹⁶

15 עד כאן מהשו"ע עם הסבר של המשנ"ב.

16 מג"א ס"ק ז, משנ"ב ס"ק יא.

The above is more lenient on Erev Shabbos than during the week (Siman 267, se'if 2)

Earlier we learned about the mitzvah of adding to the holy from the mundane, and this includes accepting Shabbos early. The Shulchan Aruch writes that on Erev Shabbos we begin *davening* Maariv earlier than the rest of the week to allow Kabbalas Shabbos to be said earlier as well. From *Plag haMincha* one is allowed to light candles, *daven* Maariv and even make kiddush and eat the meal, all before nightfall.

The Acharonim¹⁷ wrote that one who is accustomed to waiting until after nightfall to *daven* Maariv is allowed to change his *minhag* on Erev Shabbos and *daven* while it is still daytime. However, on that day specifically he should be careful to *daven* Mincha before Plag haMincha so that his actions are not contradictory.

According to the Derech haChaim, when speaking about an entire congregation, they are allowed to be more lenient and *daven* Mincha and Maariv between Plag haMincha and sunset to enable them to take on Shabbos early. However, the Mishna Berura disagreed and permitted this only if Maariv is said during bein hashmashos, since it is questionably night. Even then, only during *sha'as hadchak*, and after nightfall, Krias Shema should be repeated.

The Earliest Time for Krias Shema of Maariv (Siman 235 se'if 1)

Krias Shema at night can be said once 3 small stars are visible. This is sourced in the first Mishna of Shas: "From when can the Shema of the evening be read? From when the kohanim go in to eat their terumah." The Gemara explains this to mean nightfall. Above we brought the sources from the Gemara, maseches Shabbos, and the Rishonim which state the need for 3 small stars. However, for Krias Shema the stars are not required to be consecutive. (In contrast to Motzei Shabbos when 3 small consecutive stars are necessary, as we learned above.)

If one is *davening* Maariv with a minyan while it is still light outside, a person should say Shema and its brachos with them (so that the bracha for *geulah* is attached to Shemoneh Esrei and so that he davens with a minyan). Later, once it is already nightfall, he should repeat Shema without the brachos.

17 מג"א ס"ק א, שו"ע הרב סעיף ב, משנ"ב ס"ק ג.

The Latest Time for Krias Shema of Maariv (Siman 235 se'ifim 3-4)

The above Mishna continues by saying that according to Rabi Eliezer, Krias Shema of Maariv can be said until the end of the first watch (one third of the night); according to the Chachamim until midnight, and according to Rabban Gamliel, until dawn.

The Mishna clarifies that the Chachamim did agree that one is permitted to say Shema throughout the night. In the Torah the passuk says “when you lie down” which means, as long as people are sleeping. However, the Chachamim set *chatzos* as the cutoff time to distance people from performing an *aveira*. The Gemara further explained that the Chachamim were trying to avoid a situation where a person would come home from work and say that he’ll first eat, drink, and sleep a little and then say Krias Shema. But once he falls asleep, he accidentally sleeps throughout the entire night and misses Krias Shema.

In practice, the halacha is that *l'chatchila* a person should say Krias Shema immediately after nightfall (since mitzvos should be done with alacrity) but one does have until midnight. Yet, if midnight passed but he still said it by dawn, he fulfilled his obligation.¹⁸

However, one who reads Krias Shema after dawn even if it is before sunrise, does not fulfill his obligation. Except if he was forced, for instance he was drunk or sick. In a general sense that time is still “when you go to sleep” since there are a few people still sleeping at that hour.¹⁹

Somebody who is unavoidably saying Krias Shema of Maariv after dawn should also say the brachos before Krias Shema, and the bracha of *emes v'emunah* after. However, he should omit the bracha of *Hashkiveinu* since it is not customarily when people go to sleep. Neither should he *daven* *Shemoneh Esrei* since Maariv was designated for the night and past dawn it has begun to be daytime.²⁰

18 שו"ע סעיף ג.

19 שו"ע סעיף ד.

20 שו"ע רמ"א ומשנ"ב שם.



LESSON #3

A Person Fit for Davening

Introduction

This lesson will revolve mainly around the question of who is obligated in saying Krias Shema and davening. Included in this will be the argument of the Rishonim of whether *davening* is an obligation from the Torah or Chachamim. Most of this topic is covered in *Siman* 70 and 106.

Later we will discuss what is an acceptable state to be in while davening. Regarding the cleanliness and purity of the body, the state of one's clothes, and one's clarity of mind and intentions. The cleanliness of the body is covered in *Siman* 92 (also *Siman* 38 se'if 2, *Siman* 78 se'if 1, *Siman* 80 se'if 1, *Siman* 103 se'if 1). We will discuss the other 3 topics in the next lesson.

Is Davening Daily a Commandment from the Torah or Chachamim?

According to the Rambam it is a mitzvah min hatorah to daven daily

It says in the Torah “I command you today to love Hashem your G-d and serve Him with your entire heart.” Chazal expound on this in the Gemara, “What is the service of the heart? This is prayer.”

The Rambam learns that the passuk in Torah which says “serve Hashem your G-d” is a positive command to *daven* every day. This is done in 3 steps. To begin with one praises Hashem, then one asks for his needs, and ends with thanking Hashem for His kindness. Doing this once a day fulfills one’s obligation of *davening* according to the Torah.

The Rambam adds that from the time of Moshe Rabbeinu until Ezra haSofer with the Anshei Knesses Hagedola, every person would *daven* according to their capabilities. Some for a short time, others for longer, but everyone fulfilled their obligation since the Torah does not specify a time or length.

According to the Ramban it is a mitzvah miDerabanan to daven every day

The Ramban is of the opinion that *davening* is not *min hatorah*. The pesukim quoted by the Rambam are merely a reference to davening. The Anshei Knesses Hagedola were the ones to establish *davening* every day. According to the Ramban, the mitzvah of *davening* to Hashem applies only at a time of need. Just as we learned regarding the mitzvah of trumpets. As it says “and if you go to war in your land against an enemy that oppresses you, you should blow into your trumpets and you will be remembered before Hashem your G-d, and then you will be saved from your enemies.”¹

We find that all opinions agree that it is an obligation from the Torah for a person to turn to Hashem and *daven* during a time of need. Therefore, one who is suffering or whose friend is suffering is obligated, *min hatorah*, to insert a personal prayer about their troubles.

A woman's obligation of davening

The Mishna in maseches Brachos² says that women are exempt from Krias Shema but are obligated in davening.

It is clear that women are exempt from Krias Shema, a positive time-bound mitzvah, (“when you wake up and when you go to sleep”) because they are exempt from all positive time-bound mitzvos. However, there is a disparity between the opinions of the Rambam and Ramban regarding what women are obligated to daven. This disagreement stems from their disagreement about whether *davening* in general is from the Torah or from the Chachamim.

According to the Rambam, *davening* is *min hatorah* and not time-bound since a person can fulfill it at any point throughout the day. Women are therefore obligated in *davening* in the same way that they are obligated in any positive mitzvah that is not time-bound. The Rambam includes women when he writes that to fulfill the obligation of davening, a person needs to say a praise, a request, and express gratitude to Hashem once a day. And seemingly, we don't find that the Chachamim obligated women to do more than that.

However, based on the Gemara,³ the Ramban explains that women are obligated in *davening* because they are beseeching Hashem for mercy and the Chachamim included women in the obligation of davening. According to the Ramban the mitzvah to *daven* every day comes from the Chachamim and was implemented by the Anshei Knesses haGedola. The obligation is that one should say Shemoneh Esrei twice a day, Shacharis and Mincha (there are different opinions whether women are obligated in Maariv as well or only permitted). When the Mishna says that women are obligated in the mitzvah of davening, it is referring to this. And even though women are exempt from time-bound mitzvos (such as Hallel and blessing the new moon), and *davening* falls under that category, nevertheless, the Chachamim obligated women because, as mentioned above, it is beseeching Hashem's mercy.

The psak of the Acharonim (Siman 106 se'if 1)

The Shulchan Aruch writes that even though women are exempt from saying Krias Shema, they are obligated in *davening* since it is not a time-bound mitzvah. Following the opinion of the Rambam, that *davening* daily is an obligation *min hatorah* and not time-bound, women are obligated in it as well, but nothing more.

2 פרק ג משנה ג.

3 ברכות דף כ ב.

Based on this the Magen Avraham writes that most women had the custom of not *davening* Shemoneh Esrei of Shacharis and Mincha on a regular basis since saying a praise, request, and gratitude daily was sufficient to fulfill their obligation. (And this was done with morning brachos, *birchas hamazon*, or in their own words.)

The Shulchan Aruch Harav⁴ and the Mishna Berura quote the Shulchan Aruch and Magen Avraham, yet add that mainly the halacha does follow the Ramban's opinion, that *davening* is *derabanan* which obligates women in *davening* Shacharis and Mincha to the same degree as men. It is therefore important that women are taught to *daven* Shemoneh Esrei. (It is also proper for them to say the first passuk of Shema, thus accepting the yoke of heaven, and the bracha of emes v'yatziv, to mention *geulah* consecutively after davening.)⁵ Regarding Maariv though, which *min hadin* is optional yet was accepted as an obligation by all Yidden, it only pertains to men, for women did not take it upon themselves. And generally speaking, most women do not *daven* Maariv.

Nowadays,⁶ it is accepted that women who are raising children can rely on the opinion of the Shulchan Aruch and Magen Avraham, that it is sufficient to do a short *davening* of praise, request, and gratitude once a day.

Additional Halachos Regarding who is Obligated in the Mitzvos of Krias Shema and Davening

The halachos of women saying Krias Shema and its Brachos (Siman 70 se'if 1)

As we learned above, women are exempt from the mitzvah of Krias Shema since it is a positive time-bound mitzvah. The Shulchan Aruch agrees but adds that it is proper to teach them to accept upon themselves the yoke of heaven, which the Rama explains to mean that they should read at least the passuk of "Shema Yisroel."

The Shulchan Aruch and Magen Avraham wrote that women are exempt from saying Birchos Krias Shema however they are obligated in remembering Yetzias Mitzrayim (since it is a positive, non-time-bound mitzvah). Women should therefore say the bracha of emes v'yatziv, the *tefillah* established to fulfill the obligation of remembering Yetzias

4 סעיף ב.

5 כפי שיובא לקמן מהשו"ע והאחרונים.

6 הליכות שלמה פ"ב הערה ה', יביע אומר ח"ו אור"ח סי' יז ועוד.

Mitzrayim. Being that they are obligated to *daven* Shemoneh Esrei, they also mention *geulah* consecutively after davening. And if they would like to, they are permitted to say Birchos Krias Shema and Pesukei Dezimra including the brachos of Baruch Sheamar and Yishtabach..

The Mishna Berura added to what the Magen Avraham said above. There are some Acharonim who disagree about the mitzvah of remembering Yetzias Mitzraim and say that it is a time-bound mitzvah. Therefore, women are not obligated *min hatorah*. However, they are obligated *miderabonon*.

There are many letters where he writes that according to many Acharonim women are exempt from the bracha of Emes V'yatziv.

All of the above refers solely to obligations. However, if on her own accord a woman would like to daven, all Ashkenazic rabbonim agree that she is allowed to recite all the brachos.

In *Sha'los Uteshuvas* of Yabia Omer⁷, the author writes that according to Sefardim who follow the Shulchan Aruch, women should not say Birchos Krias Shema, Baruch Sheamar, and Yishtabach with Hashem's name. (This is sourced in the psak of the Rambam and Shulchan Aruch which states that women are forbidden from saying brachos on positive time-bound mitzvos. And even though there are those who hold that Birchos Krias Shema and Pesukei D'zimra are brachos of praise and therefore not time-bound, nevertheless, when in doubt about whether one should make a bracha we follow the lenient opinion.)⁸

The laws of Krias Shema and its Brachos regarding minors (Siman 70 se'if 2)

In the above Mishna it is brought that minors are exempt from the mitzvah of Krias Shema. Rabbeinu Tam explains that this refers to children under the age of chinuch. Upon reaching the age of chinuch, anywhere between the ages of 6-10, every child according to his capabilities, a father is obligated to educate him in saying Krias Shema just like he is obligated in teaching him about all other mitzvos. This means the child should say Birchos Krias Shema and at the right time.

Rashi disagrees and says that minors are exempt from this mitzvah. Since they are usually around their fathers during the time of Krias Shema, in the morning and evening, fathers are not obligated in educating minors in this mitzvah.

7 ח"ב אור"ח סי' ו, ח"ג אור"ח סי' ו. וראה גם ילקוט יוסף סימן נא סעיף לג וסימן ע סעיף א.

8 יש להעיר שפסיקה זו אינה מחייבת את כל נשות עדות המזרח, וכל אחת תעשה כרבותיה, ואפילו לגבי ברכת המצות ממש כמו ברכה על שופר או לולב יש שכתבו שאשה ספרדית שנוהגת לברך יש לה על מה לסמוך.

In practice the Shulchan Aruch writes that it is best to follow the opinion of Rabbeinu Tam. The Mishna Berura explains that even though Rashi is right, it is nevertheless better to follow the opinion of Rabbeinu Tam.

The laws of Davening regarding minors (Siman 106 se'if 1)

The Mishna above also mentions that minors are obligated in davening. On this basis, both the Tur and Shulchan Aruch write that children who have reached the age of chinuch should be taught to *daven* Shemoneh Esrei. The Acharonim wrote that a child should be taught to *daven* stage by stage, in accordance with his development, until he learns to *daven* 3 *tefillos* a day. However, a child should not be forbidden from eating before *davening* (or hearing kiddush on Shabbos).

The laws of Krias Shema and its Brachos regarding those involved in community affairs (Siman 70 se'if 4)

The Rambam⁹ and Shulchan Aruch derived from the Talmud Yerushalmi¹⁰ that if a person is preoccupied with the needs of the community during the time of Krias Shema, he should not stop. Rather, he should finish what he is doing, and afterwards, if there is still time, recite Krias Shema. This was based on the well-known rule that when a person is involved in a mitzvah he should not stop to perform another mitzvah.

The Mishna Berura explains that this is referring to someone who is occupied with a matter that only he can perform. Unless he is sure that the community will not suffer any damages or loss, he should not stop for Krias Shema. Furthermore, even if he began what he is doing after the time for Krias Shema began, he should not stop.¹¹

The Mishna Berura adds that it applies even if he is occupied only with saving a friend from a monetary loss, and even if he will receive compensation for his work.

Nowadays however, it is rare to find that an individual is preoccupied to such an extent that he doesn't even stop for personal needs, such as food or drink. We know that the halacha that an individual involved in doing a mitzvah shouldn't stop for another mitzvah is only relevant if the person wouldn't stop for personal needs either. Therefore, those

9 הלכות קריאת שמע פ"ב ה"ה.

10 ברכות פ"ה ה"א.

11 אלא שאם יעבור זמן תפילה יצטרך להתפלל תפילת תשלומין בתפילה הקרובה. מה שאין כן במקרה שהתחיל בצרכי ציבור לפני שהגיע זמן תפילה שמן הדין אינו מחוייב בתפילת תשלומין (כיון שהיה פטור בזמן החיוב), ובכל אופן נכון שישלים על ידי תנאי שאם הוא פטור מתשלומין תפילתו נדבה.

people involved in the welfare of the community, such as a gabbai tzedakah, a community service worker, or a doctor, are still obligated in the mitzvah of Krias Shema and davening. Unless, the matter at hand is so crucial and they are completely preoccupied to the extent that they won't even stop for personal needs, and there is no one who can fill in for them while they go daven, then they are exempt. However, they are permitted to compromise on *davening* with a minyan, and *daven* alone instead. (Later we will discuss the obligation of *davening* with a minyan.)

The Cleanliness of the Body During Davening

One who needs the bathroom should not daven – the source of the din

In the Gemara¹² Chazal said one should not *daven* while needing the bathroom, and if a person does, his *davening* is an abomination. This was based on the passuk in sefer Amos:¹³ “prepare to be before Hashem your G-d, Israel” and the passuk in Koheles¹⁴ “watch your legs when you go to the house of Hashem.” The explanation is that one should avoid needing the bathroom while davening.

We find 2 reasons given by the Rishonim. The first is that needing the bathroom can disturb one's concentration. And the second is that it is disrespectful to stand in front of Hashem and *daven* while one's body is filled with waste.

The Gemara tells of two levels of needing the bathroom. The first is that one would not be able to contain himself for the amount of time it would take to walk a parsah, about 72 minutes.¹⁵ The second is that a person would be able to contain himself for more than 72 minutes.

One who needs the bathroom should not daven – the psak halacha (Siman 92 se'if 1)

The Shulchan Aruch writes that an individual who davens while needing the bathroom to such an extent that he could not have contained himself for more than 72 minutes, his *davening* is an abomination and he must *daven* again.

12 ברכות דף כג א.

13 ד יב.

14 ד יז.

15 על פי השיטה המרכזית בשיעור מהלך מיל הסוכרת שהוא 18 דקות, ופרסה היא 4 מיל.

According to the Magen Avraham and Shulchan Aruch Harav, the Shulchan Aruch is referring to someone who needed the bathroom for excrement. However, if a person only needed to urinate, even to the extent that he couldn't have contained it for 72 minutes, he fulfilled his obligation *b'dieved*, yet he did transgress the halacha.

There are other Acharonim who disagree and say that even if he only needed to urinate, if he could not have waited 72 minutes, his *davening* is an abomination and must be repeated. The Mishna Berura writes that we don't possess the authority to render a final decision in this argument, therefore there isn't an obligation to *daven* again but it would be proper to do so voluntarily.

If a person who has a slight need for the bathroom and is sure he could contain himself for at least 72 minutes, it is better that he relieve himself even if he falls behind the minyan. If he does not, he fulfilled his obligation *b'dieved* (even if goes to the bathroom immediately after davening). In a situation where while the person goes to the bathroom the time for *davening* will pass, he is allowed to *daven* if he is sure that he could contain himself for about 72 minutes.¹⁶

Estimating how long one is capable of containing himself depends on each individual. If a person was mistaken and thought at the start of *davening* that he could contain himself, but in the end could not, his *davening* is still valid, because he began *davening* thinking that he could.¹⁷

The halacha of needing the bathroom while involved in all other holy matters

Just as one cannot *daven* while needing the bathroom, one is not allowed to learn Torah or say Krias Shema and its brachos, since all matters of holiness are forbidden while the body is compromised.¹⁸ However, *davening* is different since it is considered to be standing in front of the King. For this reason, one who davens in such a state causes his *tefillos* to be an abomination (if he can't contain himself for 72 minutes). However, regarding all other matters of holiness, such as saying Krias Shema, if said while needing the bathroom to the extent that one would not have been able to contain himself for 72 minutes, *b'dieved*, he fulfilled his obligation.

A person who does not need the bathroom to the extent of being incapable of containing himself for more than 72 minutes, most of the Acharonim agree that he may say brachos or learn Torah l'chatchila. Others disagree and say that it is preferable that he go to use

16 שו"ע ומשנ"ב.

17 משנ"ב (בביאור הלכה).

18 רמ"א.

the bathroom before. (However, if it would require effort to use the bathroom, he is not obligated to do so.)

If while teaching a Torah class in public an individual needs the bathroom to the extent that he cannot contain himself for 72 minutes, he is allowed to finish his class without going to the bathroom. The reason for this is that not embarrassing people, a prohibition from the Torah, takes precedence over not performing abominable acts, a prohibition from the Chachamim.¹⁹

One who needs the bathroom in the middle of Krias Shema or davening (Siman 92 se'if 2)

Regarding a person who increasingly feels the need to use the bathroom while he is in the middle of davening, the halacha depends on how badly he needs it and the stage of *davening* which he is at.²⁰

1. If he is capable of containing himself for 72 minutes he should finish davening.
2. If he clearly cannot contain himself for 72 minutes, but he is not holding himself back from having an accident, he should finish the section which he is at and use the bathroom before continuing to the next part. Therefore, if he needed the bathroom during Pesukei Dezimra he should go after Yishtabach. And if he needed the bathroom while in the middle of Shema, he should stop at the end of the bracha or paragraph which he is at.
3. If he is stopping himself from having an accident he is now performing an abominable act. Therefore, if he is in the middle of Pesukei Dezimra or Shema, when stopping isn't as severe, he should immediately relieve himself. But if he is in the middle of Shemoneh Esrei, where taking a break is severe, he should finish davening. Only if he is in a state where he absolutely cannot contain himself should go to the bathroom. (This should be done without stopping to speak and he should immediately afterwards continue from where he left off. However, if the amount of time passed was enough for him to have already finished davening, from beginning to end, he should start again from the beginning.)

Washing Hands Prior to Davening (Siman 92 se'if 4-5)

In the Gemara²¹ it says in preparation for *davening* one is required to wash his hands. This is sourced in the passuk²² "I will wash my hands in purity, and circle around Your altar

19 משנ"ב.

20 החילוקים דלקמן על פי מגן אברהם שו"ע הרב ומשנ"ב.

21 מסכת ברכות דף טו א.

22 תהלים כו ו.

G-d." The Gemara continues to say that regarding Krias Shema one does not specifically need water, any substance that will clean the hands, such as dirt, would suffice. For *davening* though, one does need to be stringent to clean his hands with water and is required to travel up to one *mil* (about .55 miles/ 900 meters) in search of water. And if he is traveling and the closest water is at his destination, he is required to travel at least a *parsah* (4 *mil*) for the water.

In practice there are different opinions about what to do if a person knows for certain that his hands are dirty or if he isn't sure.

Someone who knows for certain that his hands are dirty, either because he used the bathroom or touched areas on his body that are normally covered and therefore sweaty, according to all opinions must wash his hands before davening. (This includes Mincha, Maariv, and Shacharis but only if his hands became dirty since washing his hands in the morning.) *L'chatchila* he should wash his entire hand using a utensil, but if he doesn't have a utensil, he may simply wash his hands in water. We do not make a bracha after this washing since it is only to remove dirt. (In contrast to Shacharis when we actually do make a bracha since we are a new creation after sleeping.)²³

If he does not have water near him, he is obligated to travel as far as 900 meters (.55 miles) in search of water. However, if while looking for water he will miss *davening* on time or *davening* with the minyan, he should simply wipe his hands on a surface to remove the dirt, and daven.

The Rishonim had different opinions whether someone who doesn't remember if he touched a sweaty area on his body is or isn't obligated in washing his hands. The concluding halacha is that if he has water near him he should wash his hands, and if he doesn't, he can rely on the opinion that he isn't required to wash his hands (yet it is better that he wipes them on his clothes).

A person who used the bathroom and washed his hands at home and was then careful that his hands not touch any covered part of his body on his way to shul does not need to wash his hands before davening. Neither does a person who washed his hands before learning and was then careful that his hands not touch a covered part of his body while learning.

23 לדעת חלק מהראשונים מברכים גם על נטילה שלפני התפילה. אבל למעשה נפסק להלכה שאין מברכים.

A person with uncontrollable flatulence (Siman 38 se'if 2 Siman 89 se'if 1)

It is explained in the Shulchan Aruch and by the Acharonim based on the *Sha'los Uteshuvos* of the Rosh that if a person is in a state where they know that unavoidably they will pass gas during davening, it is better to wait, even past the time of davening, than to *daven* in a dirty body. This is because during Shemoneh Esrei one is standing in front of a King and it would be a great insult to pass gas during that time. And the same applies with putting on *tefillin* since it also requires a clean body.

A person with a medical condition that causes him to have diarrhea or pass gas uncontrollably every once in a while, should say morning brachos and Birchos Hatorah then wrap himself in his *tallis* without laying *tefillin* and say Pesukei Dezimra. He should not say the brachos of Baruch Sheamar and Yishtabach though (since they are praises of Hashem which are said before Shemoneh Esrei, and he will not be saying Shemoneh Esrei). He should conclude with Krias Shema and its brachos.

If he thinks that he is capable of containing himself during Krias Shema and Shemoneh Esrei he should put on his *tefillin* for the bracha of “*habocheh beamo yisroel beahava*” and take them off immediately after Shemoneh Esrei. And if he won't be able to contain himself for that long he should only wear them during Krias Shema.

If a person, while wearing *tefillin*, feels that they are going to pass gas, they should remove the *tefillin*, at least *tefillin shel rosh*.²⁴

If a person passes gas in the middle of Shemoneh Esrei, he should wait until the smell passes and then continue.²⁵

A person with urinary incontinence or who uses a catheter (Siman 78 se'if 1)

In the Gemara²⁶ Chazal say that if a person accidentally urinates while *davening* he should pause until he is finished urinating and then continue.

The halacha for Krias Shema is that one should continue *davening* after he has stopped urinating even though his legs and undergarments are covered in urine.²⁷ But if the outer

24 משנ"ב סימן קג ס"ק ג וס"ק ט.

25 שו"ע סימן קג סעיף א על פי גמרא במסכת ברכות דף כד ב.

26 ברכות כב ב.

27 שו"ע.

garments are wet as well, for Krias Shema and all holy activities, a person should change or cover them with another garment. However, if this occurs while one is *davening* Shemoneh Esrei, he should finish *davening* in his dirty garments since the prohibition is more specifically against *davening* in front of urine, not this.²⁸

We find in the *Sha'los Uteshuvos* of the Rama²⁹ that a person with urinary incontinence, who is seemingly incapable of ever davening, is permitted to wrap the *ervah* in a cloth, this way the outer garments remain clean. This provides him with the ability to go into shul and daven. He should only pause his *davening* while he urinates, and continue once he stops.

Based on the above, the *poskim* nowadays ruled that a person who uses a catheter may put on *tefillin* and say Krias Shema and Shemoneh Esrei if his outer garments are clean and there isn't a bad smell. And if he is able to feel when he urinates and it happens during davening, he should stop and continue *davening* once he stops.³⁰

28 משנ"ב.

29 סימן צח. הובא באחרונים בסימן פ.

30 ראה לדוגמא אגרות משה אור"ח חלק א סימן כז, ציץ אליעזר חלק ח סימן א, הלכה ברורה סימן עח סעיף ב.



LESSON #4

The Fundamentals of Davening ***– A Person Fit for Davening –*** ***Continuation***

Introduction

In the previous lesson we focused on the physical cleanliness of a person and if he is fit for davening. In this class we will focus on if one is worthy regarding the purity of the body (*Tevilas Ezra*) – *Siman* 88, the appropriate garb for davening – *Siman* 91, and the clarity of mind and intentions – *Simanim* 93, 96, 98, 99.

Tevilas Ezra

Ezra's takanah of going to mikvah after having seminal emission

The Gemara, in maseches Baba Kama, lists 10 takanos instituted by Ezra. One is that a person who had a seminal emission must go to the mikvah. The Gemara explains that *min hatorah* this tumah simply prohibits an individual from eating terumah and kodshim. He is, however, permitted to do all other holy activities though, such as learning Torah, just as with other impurities. However, Ezra established that such a person should not learn Torah (or daven) until he goes to the mikvah.

The reason behind this takanah wasn't for tumah and tahara. Rather it was so that talmidei chachamim do not overly engage in marital relations with their wives, thus becoming distracted from studying Torah. Therefore, specifically the tumah from seminal emission is singled out and requires one to go to mikvah for it.

The Gemara in maseches Brachos states that a person who had a seminal emission is pure after 9 kav of water has been washed over him. Ezra's takanah however states that one must toivel in 40 Seah. There are several methods of explaining how to reconcile both opinions, the main approach being that a person who had marital relations must toivel in 40 Seah while a person who had an accidental seminal emission may simply wash himself in 9 kav of water.

The nullification of the takanah

The Gemara states that Rabi Yehudah ben Baseira held that someone who had a seminal emission is permitted to learn Torah since Torah cannot accept tumah and the world held like him.

We understand from the words of the Gemara and the Rishonim¹ that Ezra's takanah was nullified since it did spread to all of Bnei Yisroel and most people did not have the spiritual stamina to follow it. (Additionally, since the Chachamim did not force the Yidden to follow the takanah, it naturally dissipated.)

The Rishonim were divided on whether it was nullified for learning Torah only or also davening. Some wrote that for *davening* it was not nullified, others held that washing in 9 kav of water was sufficient, and others held that it was entirely nullified for *davening* as well.

1 ראה לדוגמא רמב"ם הלכות תפילה ד ה.

The Psak Halacha (Siman 88 se'if 1)

In practice the Shulchan Aruch follows the most lenient opinion and states that the *takanah* was abolished altogether. This was done to prevent people from not learning Torah, not davening, or not engaging in marital relations. Therefore, anyone who had a seminal emission does not need to engage in any sort of purification, and this is the commonly accepted opinion.

The Mishna Berura write that one who is stringent and goes to the mikvah will be bestowed with brachos on the condition that mikvah doesn't cause him to miss *zman Krias Shema* and davening. Moreover, if one would miss *davening* with a minyan because of mikvah he should not go. (Others however wrote that it is preferable to go to mikvah and *daven* alone in a state of purity rather than with a minyan but in a state of impurity. However he should try to hear kaddish, kedusha, and borchu.)²

The Mishnah Brura added that *anshei maseh* are careful with *tevilas Ezra* and *toivel* in 40 seah, specifically *sheuvin*, however, directly from the ground and not with a *kli*.³ And if that is difficult they should bathe in 9 kav of water. This is equivalent to a constant flow of 18 liters of water (under strenuous circumstances 12.5 liters) on every part of the body while the person is standing upright and his hands loosely placed against his heart. (Many *poskim* nowadays wrote that standing under the shower for 3 minutes accounts for 9 kav even though there is no utensil or physical labor involved.)

Some opinions state that because we live in a time where we have easy access to heated mikvaos, anyone who takes his commitment to Torah seriously should be careful with *Tevilas Ezra*.⁴

We find that Chazal ruled that one should not shower after a *tevila mideoraisa*. The Rishonim debated whether this applies to a *tevila* for the sake of purification as well or only for *tevilah meideraisa* for *isur* and *heter* (such as *niddah*). There are people who don't shower at all after mikvah, even *tevilas Ezra*. However, in terms of halacha one is

2 שו"ת תשובות והנהגות ח"א סי' קט, מנחת יצחק ח"ד סי' סא, קנין תורה ח"ז סי' ד, ועוד.

3 וכן שלא יהיו המים זוחלים, שכן פסול זוחלים ופסול כלי הוא מדאורייתא, ואילו מים שאובים כשרים מן התורה, ולכן כשרים גם לטבילת בעל קרי ולטבילה של תוספת טהרה. אכן אמבטיה שיש בה נקב ברוחב של כשפופרת הנוד (שאפשר לסובב שתי אצבעות בתוך הנקב, והיינו קוטר של קרוב ל-4 ס"מ) וקבועה לקרקע, כפי שמצוי באמבטיות בזמננו – כשירה לטבילת עזרא אם היא גדולה ואפשר למלא בה 333 ליטר מים. וכן בריכת שחיה כשירה לטבילת עזרא, שאפילו שיש בה פילטר לסינון המים אין זה בגדר זוחלין, ואף אם אין הקפדה על איטום מוחלט – זחילה שאינה ניכרת בהדיא אינה פוסלת. ובשו"ת מנחת יצחק ח"ג סי' סד כתב שמדברי השל"ה מוכח שלתשובה צריך מקוה כשירה ולא מים שאובים, ולכן נכון לכתחילה לתקן מקוה של מים כשרים שאינם שאובים לטבילת אנשים.

4 ראה לדוגמא שו"ת תשובות והנהגות ח"ד סי' פט, שבט הלוי ח"ה סי' טו, דברי יציב אור"ח סי' נה. וראה באגרות קודש ח"ח עמוד קנג שהזהירות בטבילת עזרא שייכת ביותר ומשפיעה ביותר על אופן הטבילה ומדריגתה, ולדברי הכל התפילה מקובלת יותר עם הטבילה.

permitted to and some opinions are even lenient about showering after toiveling for a niddah.⁵

The Appropriate Garb for Davening

Introduction

The Gemara in maseches Shabbos⁶ says that before *davening* a person should put on a belt. The source for this is the passuk: “prepare before approaching your G-d, Yisroel” which Rashi explains to mean “being beautiful in front of him.” The Gemara continues to say that in light of this passuk, Raba bar Rav Huna would put on special socks before davening. (Furthermore, in maseches Brachos it tells of Rabi Yehudah who would adorn himself before *davening* since it says “bow down to Hashem in majestic holiness.”)

From here we learn that part of preparing for *davening* includes putting on nice clothes. Just as when a person meets an important individual they dress nicely, how much more so when one is standing in front of the King of Kings.

Covering the heart during davening (Siman 91 se'if 1)

A person who has no clothes must at least wear short pants and an undershirt in order to daven.⁷ Even though after Krias Shema and brachos *b'dieved* it is sufficient to only cover the *ervah*,⁸ nevertheless since *davening* is like standing before a King, one must at least cover his *ervah* and heart (referring to the upper body⁹).

All of this is only *b'dieved*. L'hatchila, a person should be wearing respectable clothing so that the respect towards heaven is not any less than the respect towards a human being. The specific details depends on the individual customs of every place as will be explained below.

5 ראה קיצור שו"ע סי' קסב סעי' ט. וראה ציץ אליעזר ח"א סי' סד ואגרות משה יו"ד ח"ב סי' צו שהקלו לאשה איסטגניטית. וראה יביע אומר יו"ד ח"ח סי' יט שהתיר בכל ענין לפוסקים כשו"ע.

6 דף י א.

7 שו"ע על פי הגמרא במסכת ברכות דף כד ב.

8 שו"ע סימן עד סעיף ו על פי הגמרא שם.

9 משנ"ב.

Belt/ Gartel (Siman 91 se'if 2)

It was mentioned above in the Gemara that a person should wear a belt while davening. Some Rishonim held that the purpose of the belt is to separate between one's heart and *ervah*, so that the heart does not see the *ervah*. According to this opinion, nowadays, because we wear underpants and pants, we do not need to also put on a belt for davening. However, other Rishonim held that the purpose of the belt was in honor of *davening* and therefore, even if the heart is separated from the *ervah*, one needs to put on a belt.

Based on the passuk that one should prepare when approaching Hashem, the Shulchan Aruch follows the 2nd opinion and says that one should wear a belt while *davening* Shemoneh Esrei even if the heart is separated from the *ervah*. (However, for all other parts of *davening* and Krias Shema one does not need a belt; a separation between the heart and *ervah* is sufficient.)

Some opinions hold that the Gemara obligates only those who wear a belt throughout the entire day to also wear it while davening. However, a person who does not usually wear a belt does not have the obligation. This is the psak of the Magen Avraham and Shulchan Aruch Harav.¹⁰ The Mishna Berura agrees, but added that it is *midas chassidus* not to rely on this opinion and wear a belt during *davening* whether or not one wears it throughout the day.

It seems that the belt referred to in Mishna Berura as *midas hachasidus*, which the Shulchan Aruch mentions, is not the typical belt worn throughout the day. This additional belt is not worn by most people. A few Acharonim explain that the Mishna Berura refers to a belt which was worn on top of a long shirt, similar to a robe worn nowadays. This belt was worn when going somewhere important, to complete the outfit, and was therefore required for *davening* as well. Nowadays, however, clothes are sewn to fit our bodies precisely and a belt is not required to complete the outfit. Hence it is considered a garment which needs to be worn in preparation of approaching Hashem.

However, it is the *minhag* of chassidim to put on a special belt, a gartel, in preparation for davening.¹¹ Another reason given is that it is the custom of strong men to gear up when preparing for a difficult task. (Like the passuk says “gird your loins like a man”¹² and “and

10 סעיף ב.

11 ראה בפסקי תשובות הערה 8 שראוי שהגארטל יהיה נאה ומשובח ולא דק ביותר כחוט בעלמא, שהרי חגירת הגארטל צריכה להיות באופן של נוי לבגד כדי לקיים בזה מצות “הכון”, ולאפוקי מהנהגים כשאין בנמצא גארטל שכורכים סביב המותניים צעיף או חבל וכיו”ב שאינם מתאימים לבגד, וזהו היפך הכוונה, שהרי אין הדרך לעמוד כך בפני גדולים.

12 איוב לד.

you shall gird your loins.")¹³. In the same way, a person prepares and strengthens himself before davening, a task which requires renewed strength every day.¹⁴

Head Covering (Siman 91 se'ifim 3-5)

In the Gemara, maseches Shabbos,¹⁵ Rav Huna is praised for not walking more than 4 amos bareheaded.

The Rishonim explain that Rav Huna's behavior was *midas hachassidus*. *Min hadin* though, one is only prohibited from saying Hashem's name or walking into a shul bareheaded.

The practice accepted among Bnei Yisroel is to wear a yarmulka throughout the entire day.¹⁶ Regarding specifically the time of davening, the Shulchan Aruch writes: "It is forbidden to mention Hashem's name while bareheaded (*min hadin*) yet others maintain that one should protest against those who enter a shul bareheaded." Accordingly, the Shulchan Aruch writes that one should not *daven* while bareheaded out of respect that he is standing before a King.

We learn that a person who is *davening* must cover his head for 3 reasons. Because he is saying Hashem's name, he is entering a shul, and it is disrespectful to stand in front of Hashem with an uncovered head.

The Shulchan Aruch also explains that merely placing one's hand over the head is not considered a head covering since the head and hand are part of one body and the body can't cover itself. However, another person's hand would be considered a head covering. (Additionally, rolling down one's sleeve and using the covered arm would be considered a head covering as well.)¹⁷

A person who is accustomed to wearing a hat on top of his yarmulka at events, when walking in the street, or when meeting someone of importance, is required to wear his hat while *davening* as well.¹⁸

13 ירמיהו א.

14 כמובא בברכות דף לב ב "ארבעה צריכין חזוק ואלו הן: תורה, ומעשים טובים, תפילה ודרך ארץ." ובזוהר אמרו "שעת צלותא שעת קרבא."

15 דף קיח ב.

16 שו"ע סימן סע"ף ו.

17 משנ"ב.

18 משנ"ב.

Additional details regarding the appropriate garb for Davening (Siman 91 se'if 5)

In places where it is accepted to wear shoes while standing in front of an important person, one is required to wear shoes while *davening* as well.¹⁹

Hats and jackets should be worn while *davening* by communities who dress in such a manner while walking in the street or when going to an event. Yet communities who don't have such a custom, even when standing in front of an important person, are not required to do so. The same applies to wearing sandals even without socks.

A person who customarily wears a hat and jacket yet finds himself in a situation where he doesn't have them, and getting them would result in missing the minyan, should *daven* without them. This is because the mitzvah of *davening* with a minyan takes precedence over the hiddur of dressing respectfully while davening.²⁰

But, if he is wearing dirty clothes or short pants, such as designated work clothes, and he would not wear such clothes in the street, it is better that he change his clothes rather than *daven* with a minyan, for such clothes are insulting to wear while davening. (An additional reason is so that one's thoughts don't wander to him thinking his friends are judging him while davening.)

A person who works with his hands and wears work clothes all day, which in his eyes are not considered gross, is allowed to *daven* in them since changing for *davening* would be difficult. Nevertheless, it is considered a hiddur mitzvah to change.

A person cannot *daven* while wearing pajamas.²¹ (An exception is made for a sick person since they would dress that way in front of a respectable person.)

One should not *daven* while wearing a raincoat, boots, or gloves since one would not stand in front of a respectable person dressed in such a manner.²² During the very cold seasons there is room to be lenient in this regard. Additionally, in a place where wearing boots are acceptable, wearing them for *davening* is allowed as well.

Some opinions permit those who live on kibbutzim to wear short pants if they would do so even when important individuals come to visit. However, the *chazzan* is obligated to cover his legs until below his knees since short pants are considered ragged which is inappropriate for a *chazzan*.

19 שו"ע.

20 אבני ישפיה א ז.

21 משנ"ב.

22 משנ"ב.

Clarity of Mind and Concentration

Preparing for Davening (Siman 93)

Chazal say²³ “one should not *daven* in a state of sadness or laziness, not out of laughter, amidst conversation, or frivolity, and neither out of idle talk, but rather out of happiness for doing a mitzvah.”

They further said “a person shouldn’t stand to *daven* following learning a din or dvar halacha, but rather, following learning a conclusive halacha.”²⁴

The Tur and Rama explained that a halacha carries with it the happiness of fulfilling a mitzvah since Hashem’s commandments bring joy to a person’s heart. This is the source for chassidim and G-d-fearing men instituting a Torah shiur in preparation for davening. And what could be greater than studying chassidus, a subject about knowing Hashem, which helps create the state of mind required for davening?²⁵

It is good to give tzedakah before davening,²⁶ thus enabling one to approach *davening* while filled with the joy of performing a mitzvah. Tzedakah also bestows Hashem’s mercy upon a person in the same measure that it is bestowed upon the poor. And the source for this is, “I will perceive Your face through righteousness.”²⁷ (Some have the custom to give tzedakah when reaching the passuk, “And wealth and honor are before You, and You rule over all.”)²⁸

Preventing Disturbances While Davening (Siman 96)

Chazal say,²⁹ and it is a halacha in Shulchan Aruch³⁰ as well, that during *davening* one should not hold *tefillin*, a sefer, a bowl, a knife, money, or food.

23 מסכת ברכות דף לא א, והובא להלכה בשו"ע סעיף ב.

24 בגמרא שם והובא להלכה בשו"ע סעיף ג.

25 ראה רמב"ם הלכות תשובה פ"י ה"ו: "על פי הדעה תהיה האהבה... לפיכך צריך האדם לייחד עצמו להבין ולהשכיל בחכמות ותכונות המודיעים לו את קונו."

26 שו"ע סימן צב סעיף י על פי בבא בתרא דף י א.

27 תהלים יז טו.

28 משנ"ב.

29 ברכות דף כג ב.

30 סעיף א.

Rashi explains that while one is holding any of these objects his attention is diverted to making sure they don't fall, which is what the Shulchan Aruch says. Therefore, the basic halacha according to the Acharonim is that objects that one is not afraid of dropping can be held during davening.

However, others hold that the objects mentioned in the Gemara are merely examples. Nothing should be held in one's hands while he is *davening* since one wouldn't hold an object while standing in front of a respectable person. This, according to the Acharonim is *mitzvah min hamuvchar*.

One should remove any objects around his neck, such as a bag or camera. Additionally, one's phone should be on silent so that the ringtone does not distract.³¹

A siddur may be held since it is used for davening.³²

If one's siddur falls while davening, preventing him from concentrating properly, he is permitted to bend down and pick it up at the conclusion of the bracha he is in the midst of.³³

Conflicting opinions arise about whether an important item which could be stolen may be held. The halacha follows that if it cannot be put away or watched over by someone, it is better to hold it since otherwise one's thoughts will be distracted with worry over losing the item during the entire *davening*.

Prior to *davening* one should remove any mucus or dirt that can cause discomfort and distraction.³⁴

Davening With Intention and Concentration (Siman 98)

Chazal say³⁵ "one who is *davening* must concentrate his heart on heaven. Aba Shaul said: "prepare their hearts, your ears should listen." The Shulchan Aruch says "one who is *davening* must concentrate his heart on the meaning of the words which he is saying. He should think about the Shechina that is right in front of him, and he should remove all distracting thoughts until only thoughts worthy for *davening* remain. He should imagine that he is speaking before a physical king of flesh and blood and therefore every word

31 פסקי תשובות.

32 שו"ע סעיף ב. במשנ"ב בתחילת סימן צג הביא שהאר"י ז"ל היה מקפיד להתפלל מתוך סידור כדי לכוין כנדרש. עוד יש להעיר שבבית הכנסת ובמקום שיש בו סידורים, אין ראוי להשתמש במכשיר הנייד כסידור, כדי שלא יסיח את דעתו, וכדי שלא ייראה כמי שמסתכל בהודעות בזמן התפילה.

33 משנ"ב. עוד כתב שאם התחיל להתפלל תפילת עמידה ללא סידור והתבלבל בתפילתו - מותר ללכת למקום שמוכן בו סידור וליטלו משם.

34 שו"ע סימן צב סעיף ג.

35 ברכות דף לא א.

should be said carefully without stumbling. How much more so before the King of all Kings, Hashem, Who sees all our thoughts.”

The Gemara in maseches Eiruvim,³⁶ says in the name of Rav that a person incapable of concentrating on *davening* should not daven. The Gemara brings examples of Amoraim who wouldn't *daven* at a time when they could not concentrate because of anger or intensity, after a long journey, or when there was a sharp smell in the air.

The psak halacha³⁷ is that nowadays one is allowed and obligated to *daven* even at a time or place where his mind is unsettled, since nowadays, even when attempting to concentrate on davening, we aren't as focused as we should be. (Nevertheless, if one is capable, it is preferable that he moves somewhere where he can concentrate better or wait a bit to refocus, so long as the time for *davening* won't pass.)³⁸

Being Drunk (Siman 99)

The Gemara in maseches Eiruvim³⁹, says that a person who is drunk should not *daven* since he is incapable of speaking in front of a king, and even if he davens *b'dieved*, it is considered an abomination. However, a person who is only tipsy, who can speak in front of a king, shouldn't *daven* either, yet *b'dieved* if he davened, he fulfilled his obligation.

A drunk who accidentally began davening, should immediately stop since his *tefillas* are an abomination. After he sobers up, even if while drunk he finished davening, he should repeat davening. If the time for *davening* already passed he should make it up with the following *tefillah* (as is the halacha if someone accidentally missed davening).

The Chachamim said⁴⁰ that one who drinks a *revi'is* of wine is considered tipsy but walking a *mil* (close to a kilometer) causes him to become sober. Nowadays, though, we are not able to discern this state properly. Therefore the general rule is that all the while a person feels confused by the wine, he is considered tipsy. Only after his mind clears is he allowed to daven.⁴¹

The Rama writes that since wines nowadays are not as strong, one who drank a *revi'is* or more should still daven, specifically with a siddur which helps a person remain focused. (Even more so that nowadays people's concentration during *davening* has deteriorated.)

36 דף סה א.

37 שו"ע סעיף ב על פי ראשונים.

38 משנ"ב.

39 דף סד א.

40 עירובין דף סד ב.

41 על פי שו"ע סעיף ג ואחרונים.

In practice, the Acharonim write that a person should rely on the Rama if it is nearing the end time for *davening* (and some were lenient and added if he will miss the minyan as well, specifically on Purim and the like). All this applies only to someone who is tipsy, regarding a drunk however, his *davening* is an abomination as stated above.

The *poskim* have different opinions regarding Krias Shema and its brachos. In practice, the halacha follows that someone who is tipsy, *l'chatchila* should wait until he is sober (especially if he is drunk). However, if the time for Krias Shema will pass, the tipsy person should say Krias Shema and its brachos while a drunk person should only say Krias Shema.⁴²

All other brachos, such as Birchos Hanehenin and the like, a tipsy person may say *l'chatchila*. Some opinions hold that also a drunk person may say them *l'chatchila* (unless he reached the state of Lot where he is completely drunk that he has no idea what is happening to him, in which case he is exempt from all mitzvos.)⁴³

42. על פי רמ"א סעיף א ואחרונים.

43. כך כתב הרמ"א בסעיף א, וכן כתב שו"ע הרב (סימן קפה סעיף ה) משום שלשאר ברכות די בכוונה כל שהיא אף על פי שהיא משובשת. אמנם הפרי מגדים והגר"א כתבו שלכתחילה לא יברך.



LESSON #5

The proper place to stand during davening

I n t r o d u c t i o n

In this lesson and the following one, we will deal with the proper location to *daven*. In the current lesson, we will address the halachos pertaining to Shemoneh Esrei, from Orach Chayim, *siman* 90. In the following lesson, we will deal with the halachos pertaining to reciting any utterance of holiness, which should not be said before something filthy or repugnant, or uncovered private body areas.

Prayer in a high location

The chachomim forbade reciting Shemoneh Esrei from a high location

The Gemara in maseches Brachos states that one should not stand at a high location and pray, but rather, should stand at a low location, as the passuk states: "From the depths I call to You Hashem." The Gemara quotes a *beraisa* which states that one should not stand on a chair or a stool during *davening*, and also not on a high location, for there is nothing high before Hashem. But rather, the prayer must be with humility and submission, like a pauper asking for charity.

"And Rabi Yosi the son of Rabi Chanina said in the name of Rabi Eliezer the son of Yaakov: One should not stand on a high location and pray, but rather, in a low location and pray, as the passuk states: "From the depths I call to You Hashem." We have also learned a *beraisa* like this: One should not stand on a chair and not on a stool, and not on a high location, but rather, at a low spot and pray, for there is nothing high before Hashem, as the passuk states: "From the depths I call to You Hashem," and the passuk states: "A prayer for the pauper, when he wraps himself." Talmud Bavli, maseches Brachos, 10b

It is explained in the *Rishonim* that a high location means somewhere 3 *tefochim* tall (about 24 centimeters), but less than 3 *tefochim* is considered part of the ground. And the fact that the *beraisa* differentiates between a chair and stool and a tall location, is to teach us that we should not stand on a chair or stool and the like, for prayer, even if they are less than 3 *tefochim*. For being that he is worried about falling off, he will not have the proper intention in his prayers. And with regard to a spot which is 3 *tefochim* high, one should not stand on it even if it is part of the ground (such as a small mound), and he is not afraid to fall — because it is a haughty attitude which is not appropriate for prayer.

This is also the ruling of halacha — that someone praying should not stand on a bed, chair or bench, even if they are not 3 *tefochim* tall, and not on a location which is 2 *tefochim* tall.

However, there are *Acharonim* who hold that it is permitted to stand on a bed or chair, and the like, which are less than 3 *tefochim* tall. And in the Alter Rebbe's Shulchan Aruch, he writes that one should not stand on pillows and blankets, even if they are less than 3 *tefochim* tall, because it has an egotistical appearance. But it is permitted to stand on other items, other than these, if they are less than 3 *tefochim* tall. (It seems that if the standing causes him to not have proper concentration, all agree that one should not stand there, for a person must prepare himself to have proper intention.)

Cases when they permit standing on a high spot for davening

If someone is old or ill, they permitted them to *daven* in whichever way is more comfortable for them.

They permitted a *chazzan* to stand on a high location if it is needed so that the congregation will hear him properly. (However, some write that this *heter* only applies with regard to the problem of haughtiness, but if it is a shaky surface, on which he will not be able to have proper concentration, there is no *heter*.)

If there is a spot higher than 3 *tefochim*, which includes 4 by 4 *amos* (about 2 by 2 meters) — it is permitted to recite Shemoneh Esrei there, for we do not assess this location in comparison to others, but rather, it is considered its own spot (and is therefore not considered “tall”). Therefore, if there are two levels in a *shul*, and the higher one has 4 by 4 *amos*, it is permitted to recite Shemoneh Esrei there.

Even if the spot does not incorporate 4 by 4 *amos*, but is surrounded by partitions — it is like its own location, and it is permitted to recite Shemoneh Esrei there.

In which home it is permitted to daven

One should pray in an open area

“Rav Kahana said: I consider one who prays in a valley to be insolent.” [Rashi: In a valley — when he is in a modest location, the fear of the King befalls him, and his heart breaks.] (Berachos, 34b)

Chazal say in the Gemara that one who prays in an open area, such as a valley or a field and the like, is called insolent. But rather, one must pray in a closed and modest area, for through this, he feels the fear of the King, and his heart breaks. This is brought as halacha.

An area surrounded with partitions is like a modest area, even though it is not roofed. (Based on this, it is permitted to *daven* in the Kosel plaza as a matter of course, because it is surrounded by walls on 3 sides.

People who are traveling may *daven* in the field, and if it is possible, they should *daven* amongst the trees, which is considered a bit of a modest area.

Some permit *davening* in an open area when there are 10 *mispa'elim*, because with a congregation, the fear of the King is felt even in the field.

One should not daven behind a shul

Chazal say in the Gemara, and it is brought as halacha, that one should not *daven* “behind a *shul*,” unless he turns his head toward the *shul*.

“Rav Huna said: Anyone who *davens* behind a *shul* is called a *rasha*, as the passuk states: “The evil walk around.” Abaye says: This was not said unless he does not turn his face toward the *shul*. But if he turns his face to the *shul*, there is no issue” (Brachos, 6b).

The *Rishonim* differ as to whether this is speaking of a person who is standing outside the *shul*, close to the back wall, or someone who is standing near the front wall of the *shul*. The Mechaber writes that it is proper to be stringent and follow both opinions, and if so, the halachic result is as follows:

As a matter of course, it is certainly most fitting to *daven* inside a *shul*, as we will learn further on, but if this is not a possibility, such as if it is taken by another *minyan* — it is permitted to *daven* near the back wall of the *shul*, as long as one’s face is toward the *shul* and Yerushalayim. But near the front wall of the *shul*, it is always forbidden to *daven*, for if he will face Yerushalayim, his back will be to the *shul*, in a disrespectful fashion; and if he will face the *shul*, his back will be toward Yerushalayim.

Davening in a house with windows

Chazal say in the Gemara, and it is brought as halacha, that *davening* should take place in a home with windows. Some explain the reason to be because even though someone praying needs to only look downward, still, if his concentration will become ruined during *davening*, he can look at the sky, and through this, re-attain his concentration. Based on this, the shades must be open in the direction toward which they are praying. This is also brought in Shulchan Aruch.

And some interpret that the advantage of having windows is that through it, light enters the room, which calms the mind of the one praying. (Based on this, if someone is in a location where there are no windows, they should at least endeavor that the spot should be brightened.)

There are those who are scrupulous to install 12 windows in *shuls* (the windows are made high up, so that the sky can be seen through it, and not so the street can be seen, which may distract from the concentration in prayer).

The mitzvah to daven in a shul

Chazal said in the Gemara that a person's prayers are heard more when uttered in a *shul*, and they connect this to the passuk, "To hear the song and the prayer" — in the place of song, that is where prayer should be said. They also said that Hashem is found in the *shul*, as the passuk states: "Hashem stands amongst His congregation."

The Tur interprets that the Gemara is speaking of prayer in a *shul* with a *minyan*. But the Beis Yosef interprets that even when someone lost out on *davening* with a *minyan*, it is a mitzvah for him to *daven* in a *shul*, which is an established and unique place for holiness, and there, the prayer is more accepted.

This is also the ruling in Shulchan Aruch — that a person should try to *daven* in *shul* with the congregation (meaning that if there is a *minyan* in a home, it is still better to *daven* with a *minyan* in *shul*), and if he missed the *davening* in *shul*, it is a mitzvah for him to *daven* alone in the *shul*.

Which shul is it better to daven in?

If there is a *shul* which has few people and a *shul* with many people, it is a mitzvah to *daven* in the *shul* which has a large congregation. However, if the smaller *minyan* is in the *shul* and the larger *minyan* is in another location, the advantage of *davening* in *shul* outweighs the advantage of *davening* with a large congregation. (But this does not outweigh the advantage of *davening* with a *minyan*, for it is better to *daven* with a *minyan* than to *daven* at home alone).

A permanent *beis medrash* is more holy than a *shul*, as Chazal say that Hashem loves "the gates noted with halachos" more than *shuls*. And from the day that the Beis Hamikdash was destroyed, Hashem does not have but the 4 *amos* of halacha. And therefore, it is better to *daven* there than in a *shul*. (Even if there is a larger crowd in the *shul*.)

If many people speak in one *shul* during *davening*, and they do not speak in another *shul*, it is better to *daven* in the *shul* where they guard the honor of the prayer to a greater extent, and where thereby, more focus is possible.

If there is a *shul* where the person personally is more successful with his intention, even though other *shuls* have the other advantages, such as if it is a *beis medrash* or a larger crowd, it is better for him to *daven* in this *shul*, because intention during prayer is more important than all advantages.

The proper location for prayer inside the shul, or inside the home

Establishing a permanent location for oneself inside the shul

Chazal say in the Gemara that if someone establishes a place for himself in *shul*, the G-d of Avraham helps him, and he is considered to be one of the students of Avraham Avinu, since Avraham Avinu established a place for his *davening*, as the passuk states: “And Avraham awoke early to the place where he stood before Hashem,” and standing means prayer, as the passuk states: “And Pinchas stood and he prayed.”

The Rosh explains this to mean that he needs to establish a *shul* in which he *davens*, and also inside the *shul*, he should designate a permanent place (“*makom kavua*”) where he *davens*, and he should not change his place unless there is a need for this. And this is also the ruling in Shulchan Aruch.

It is explained in the Acharonim that the entire radius of 4 *amos* (about 2 meters) is considered one spot, and therefore, when sitting on benches which were moved a bit forward or backward, and are sometimes crowded with more people, there is no need to ascertain that one is sitting precisely in his usual spot. It is also brought from the Acharonim that the main importance for having a set place is for the prayer of Shemoneh Esrei.

It sometimes happens that guests sit down on the set spot of one of the steady congregants, and then, if there is no worry that the guest will be offended, he can be asked to move over a seat. But if there is a concern that he will be offended, it is better to sit in another spot than risk the chance of embarrassing someone (and the best is that the *gabo'im* should greet the guests and arrange places for them).

It is also explained in the Acharonim that the advantage of *davening* with a *minyan* is more important than sitting in one set spot. And therefore, if it happens that a *minyan* has not gathered near his set location, he should go and *daven* somewhere else. And likewise, in a case when children who are playing have gathered near his spot and are disturbing his concentration, it is better for him to move over to another spot.

If one needs to *daven* Shacharis in one area, and Mincha and Ma'ariv somewhere else — if he established a spot for Shacharis, and another spot for Mincha and Ma'ariv, it is considered that he is establishing a spot for his *davening*. And also, if he needs to establish his *davening* spot in one *shul* for Shabbos, and in another *shul* for the weekday, it is also considered that he has an established *davening* spot.

One should also establish a spot in his home for when he *davens* there, so that members of his household do not disturb him.

To enter the shul to the measurement of two doorways

We find 3 interpretations in Chazal for these words

1. One should not pray near the door of the *shul*, because this shows that the prayer is a burden to him, and that he wants to exit the *shul* immediately after the *davening*. But rather, he must enter the *shul* at least to the amount of the width of two small doors, which is 8 *tefochim*, about 64 centimeters (each small door is 4 *tefochim* wide). Based on this interpretation, if he has a set seat near the entryway, it is permitted to sit there, because this is his permanent seat, and he is not showing with this that he wants to get the *davening* over with.

2. Similar to the first interpretation — but the reason not to sit near the doorway is because he will look outside, and will not be able to focus, and based on this, if the door is not open to the outside, it is permitted.

3. The measurement of “two doorways” is not one of place, but of time — that the one entering the *shul* should not immediately begin to *daven*, but rather, should wait a bit until his mind becomes settled. The necessary waiting is a few seconds — the time it takes to walk through two doorways.

As halacha, the Mechaber writes that it is proper to be cautious regarding all of these opinions, meaning that it is proper to not sit within 8 *tefochim* near the doorway, unless it is a *makom kavua*, and also if the door is not open to the public domain. And it is also proper to wait a few seconds before beginning to *daven*.

In Talmud Yerushalmi, this saying of Chazal is brought in different wording. There, it states that the *shul* should be entered until within the two doors, as the passuk states: “praised is the one who listens to Me — to studiously arrive at My doors.” In light of this, the *Acharonim* write that it is the custom to create an entryway on the way into the *shul*, so that the congregants will enter through two sets of doors, similar to the courtyard before the Heichal, in the Beis Hamikdash. And as is understood, it is not appropriate to *daven* in the entryway.

That there shouldn't be something blocking between the one praying and the wall

Chazal say in the Gemara that there shouldn't be anything between the one praying and the wall, as the passuk states: "And Chizkiyahu turned his face toward the wall, and he prayed to Hashem." This is also brought as halacha.

The Acharonim write that this halacha is a description of the most preferred manner to perform the mitzvah. But if it is not possible to easily *daven* without an interruption between oneself and the wall, one should not prevent themselves from *davening* with a *minyán* because of this, because there is no prohibition in this, when one needs to do so, because of the lack of space. But still, one should close their eyes or *daven* from a *siddur*, so as not to ruin his level of focus because of what is before him.

What is considered an interruption? Something permanent, such as bookshelves and the benches of the *shul* are not considered an interruption. The same applies to furniture which is used for prayer, such as tables and *shtenders*. They are not considered a *chatzitza*. The same applies to something small, which does not encompass the width of 4 *amos* and the height of 10 *tefochim* — some say that it is not considered a *chatzitza* (even if it is not permanent).

Even one person standing in front of oneself is not considered a *chatzitza*. However, there are Rishonim who write that one should not *daven* opposite them, so they will not disturb his concentraion from the *davening*. As halacha, the Mechaber takes their opinion into account, and writes that it is not proper to *daven* in front of pictures, and if it happened that he began his *davening* opposite an illustrated garment or wall, he should close his eyes.

The Acharonim write that pictures should not be drawn on the walls of the *shul* which people face. But it is permitted above human height, for at that spot, there is no worry that they will look there during the *davening*.

It is forbidden to daven opposite a mirror

It is forbidden to *daven* in front of a mirror, for someone who *davens* before it looks like he is bowing to his image, and therefore, even if he closes his eyes, he may not *daven* before it.

If filth took shape in the midst of Shemoneh Esrei

In the coming lesson, we will learn that during Krias Shema and other matters of holiness, one should distance from filth and excrement, urine and a bad odor, and the sight of usually covered body parts. The same halacha applies to Shemoneh Esrei.

What should someone do if a child urinated near him in *shul*, in the midst of his Shemoneh Esrei? The Mechaber writes that he should stop *davening* until water is brought to be poured onto the urine. Or, he should move locations, and walk 4 *amos* in front of him, or to his sides, and finish his *davening* there; or, leave the *shul* and finish his *davening* there. The Rema writes that the option to stop *davening* is not a good one, but rather, he should move locations and conclude his *davening* there.

In any event, he should certainly not interrupt with speech in the midst of Shemoneh Esrei (interrupting with speech is worse than interrupting with moving), unless it is excrement, and not just urine — in which case, there is a need to warn the other congregants about the excrement, and he may interrupt with speech to tell them this. The reason for the difference is because the prohibition against prayer near urine is *miderabonon*, and the prohibition against excrement is *min hatorah*; and it is permitted for someone to transgress a lighter prohibition, in order to save others from transgressing a *min hatorah* prohibition of *davening* near excrement. In any event, if he has something with which to cover up the excrement, and afterward, there is no bad smell coming from it — he should cover it and not interrupt his *davening* (meaning that he should also not move his location if he can cover it without moving).



LESSON #6

The proper place for uttering words of holiness

Introduction

In the previous lesson, we dealt with the halachos regarding the proper location for Shemoneh Esrei. In this lesson, we will deal with the halachos concerning the utterance of any holy words — that they should not be said before any usually covered part of the body — from *siman* 75; and also that they should not be uttered in the presence of excrement and urine, or any other foul-smelling or repugnant material.

The prohibition against uttering words of holiness near usually covered parts of the body

The source of the halacha

The Torah tells us: “For Hashem, your G-d, walks amongst your camp, to save you, and to give your enemies before you. And your camp shall be holy, and no immoral aspect should be seen amongst you, which will cause Him to return from amongst you.”

From here, the *chachomim* derive that in any location where Hashem “walks amongst us,” meaning, when we are involved in Krias Shema, or prayer, or words of Torah, our camp must be holy, that nothing immoral should be seen amongst us. Meaning, that nothing usually covered, “*ervah*,” should be seen facing a person reading or *davening*, as far as his eyes can see. Because the primary “camp” of a person is against his face. And this camp must be holy, so that nothing immoral is seen. And this prohibition is *min hatorah*.

This prohibition is only with regard to speech, as the passuk states: “עֲרוֹת דְּבַר — matter/words of immorality.” But it is permitted to think about holy matters before usually-covered parts of the body.

It is forbidden to utter words of holiness before usually covered parts of the body, even that of a non-Jew

It is forbidden to read Krias Shema and other words of holiness before the private areas of a human. This includes that of a non-Jew, about whom the passuk states that “their flesh is like that of donkeys,” and one could think that it is just like the flesh of an animal — it is still forbidden.

But the private areas of animals are not part of “*ervah*,” with regard to this matter, and it is permitted to utter words of holiness before them.

A disagreement between poskim with regard to the private areas of a child

According to the Rambam, it is forbidden to say words of holiness before the *ervah* of a male or female child. This is also the ruling in Shulchan Aruch (it is explained in Beis Yosef that he would fulfill his obligation *b'dieved*).

However, according to the Rosh, it is permitted to utter words of holiness in the presence of usually covered body parts of a child, as long as they have not yet reached an age of technical fitness for intercourse, which is under the age of 9. The same applies to a female child, and in that case, the age is under 3 years old. This is also the ruling of the Rema.

See-through covering is not effective with regard to covering private areas

The Gemara teaches that if excrement is covered by glass, or another see-through covering, through which the excrement is visible — it is permitted to read Krias Shema before it, because with regard to excrement, the Torah requires a covering, and a see-through covering is considered a covering. But if the private areas are covered with see-through material, it is forbidden to read Krias Shema before it, for with regard to private areas, the Torah stresses the idea of vision, that it should not be seen (“and something immoral should not be seen”), and therefore, a see-through covering is not effective.

This is also the ruling of halacha — that even if the *ervah* is in another house, and he can see it through the clear window, and the like — it is forbidden to read Krias Shema or utter other words of holiness there; and even *b'dieved*, he must go back and read it again. However, he may close his eyes and read.

Disagreement between the poskim about whether turning one's face away or closing one's eyes is effective

According to the Mechaber, it is permitted to speak words of holiness when there is *ervah* before him, if he turns his face the other way (even without changing the direction of his body), or if he closes his eyes, or he does not see the *ervah* for other reasons. And even if it is within 4 *amos* — for the Torah associates the matter with vision, and as long as he does not see it, it is permitted.

But the Shulchan Aruch Harav and the Mishna Berura rule that one must change the direction of the body, in a manner that the *ervah* should not be before him, but rather, to his side or behind him, unless there is a glass window or the like, which separates between him and the *ervah*, in which case, it is enough to close the eyes or move his face away, and the like — because there is a certain degree of separation which covers the *ervah*, even if he does not see it.

An uncovered tefach usually covered is considered ervah, with regard to women

Chazal have taught in the Gemara: “A *tefach* in a woman is *ervah*,” and they explained that the practical implication is not with regard to the prohibition of gazing at a woman, for any gazing for pleasure is forbidden. But rather, the practical implication is with regard to the reading of Krias Shema and other matters of holiness — that they should not be said before an uncovered *tefach* of a woman — even if she is his wife.

This is also the ruling of halacha, regarding an uncovered *tefach* of a woman, in a spot which she usually covers, even if she is his wife — it is forbidden to read Krias Shema facing it, or other matters of holiness; because it can bring the gazing man to an arousal, and it is therefore considered *ervah*.

The idea that a *tefach* of a woman is an *ervah* is *miderabonon*, and about this, the Alter Rebbe and Mishna Berura write that if he cannot change the direction of his body, he can be lenient with regard to this, through moving his face away or closing his eyes (as opposed to literal *ervah*, where the Alter Rebbe and Mishna Berura are stringent, and say that moving only the face or closing the eyes is not effective).

According to the Mishna Berura, the leg area below the knee of a woman is not considered *ervah*. But many Acharonim disagree with him.

The Acharonim differ as to whether a person who reads Krias Shema against an uncovered *tefach* of a woman needs to reread it. Some hold that he needs to read it again, as in the case when he read before actual *ervah*. And some say that *b'dieved*, he fulfills his obligation, and does not need to read again, because the halacha that an uncovered *tefach* of a woman is *miderabonon*. Practically, the Mishna Berura concludes that if he did not intend to look, we can be lenient and not obligate him to return and read; and even if it is a woman who is not his wife (and it is certainly so with regard to brachos, that he should not return and recite another bracha, for we are lenient with regard to doubt regarding brachos).

An uncovered tefach of a small girl

According to the Mishna Berura, even an uncovered *tefach* of a small girl, from the age of 3 and up, is considered *ervah* with regard to reciting words of holiness. And if it is one's daughter — it is permitted until the age of 11, and above that age, it is forbidden. (But before actual *ervah*, it is forbidden, even if it is a child under 3 years of age, and even if it is one's daughter.)

However, some Acharonim write that because the halacha of an uncovered *tefach* is associated with arousal, it is permitted to say words of holiness in front of an uncovered *tefach* of a small girl, as long as it does not cause excitement.

Whether it is permitted for a woman to utter words of holiness against an uncovered tefach of another woman

The Rema understands from the words of the Rosh that the halacha of an uncovered *tefach* of a woman is even with regard to another woman. However, most Acharonim conclude in accordance with the opinion of the Rashba — that this halacha is only for men and to avoid arousal. And some explain that the Rema agrees with this.

The hair of a woman is ervah

Chazal say in the Gemara that “the hair of woman is *ervah*, as the passuk states: “your hair is like a herd of sheep.”

This is also the ruling of halacha, that it is forbidden to read Krias Shema and utter words of holiness before the hair of a married woman, who usually covers it, even if it is his wife, and even if it is inside the house.

The obligation for a married woman to cover her hair is *min hatorah* (they derive this from the passuk, “and he shall uncover the hair of the woman”), but the prohibition against saying words of holiness before the hair of a married woman, even when she is not his wife, is *miderabonon*. And therefore, with regard to *b’dieved*, if he said words of holiness before the uncovered hair, the halacha is like above, with regard to an uncovered *tefach* — that he does not go back.

Some write that being in recent generations, many women unfortunately do not cover their hair, uncovered hair does not cause much arousal, and in difficult circumstances, it is permitted to utter words of holiness before it. (This reasoning is only with regard to hair — the halacha of which is more lenient than that of the other covered areas, for we find that unmarried women do not need to cover it.)

The singing voice of women is ervah

Chazal say in the Gemara: “The singing voice of a woman is *ervah*, as the passuk states, “For your singing voice is sweet and your looks are nice.”

And this is also the ruling of halacha, that one should avoid hearing the sound of a woman's singing while saying Krias Shema and other matters of holiness, and this includes the sound of his wife's singing.

The *Acharonim* of our generation have elaborated with regard to hearing the sound of a woman's singing over the radio, whether it is forbidden; and with regard to saying words of holiness, if he knows that this singing is not sweet to him and his thoughts are on other matters and he has no other place, he may recite words of holiness there.

Cleanliness of the place of excrement and bad odors

The source of the halacha

The Torah tells us: "And you shall have a shovel..."

From here, the *chachomim* derive that in any location where Hashem "walks among us," meaning, when we are involved in holy matters — the camp must be holy, that there should not be any uncovered excrement there.

This prohibition applies both to speech and thought — it is forbidden to think about Torah where there is excrement or other filth.

The amount one should distance from excrement (siman 79)

Anything found within 4 *amos* (about 2 meters) of a person is considered his "camp." Therefore, if there is human excrement within one's 4 *amos*, even if no smell from it reaches him, he may not utter any words of holiness. And if the excrement is facing him, as long as he sees it (even if further than 4 *amos*), it is forbidden to recite words of holiness. And if its smell is spreading, he must distance himself 4 *amos* from where the smell ends, for if the bad smell of the excrement will reach his 4 *amos*, his camp will not be holy. And even with regard to a person who doesn't smell it — he too must distance himself 4 *amos* from where the smell ends for someone who has that ability.



LESSON #7

The Fundamentals of Davening - The Structure of Davening

Introduction

In the next 2 lessons we will be learning the structure of the different parts of davening. In this lesson we will go over the *Birchos Hashachar* (Siman 46 *se'ifim* 1-4 & 8), *Birchos Hatorah* (Siman 47 mainly *se'ifim* 1 & 11), *Korbanos* (Siman 48 & 50), and *Pesukei Dezimra* (Simanim 51-52).

Shacharis davening comprises four stages and according to the Arizal corresponds to the four worlds in ascending order, *Asia*, *Yetzira*, *Briah*, and *Atzilus*. The stages are: *Birchos Hashachar* and *Korbanos*, *Pesukei Dezimra*, *Krias Shema* and its *Brachos*, and *Shemoneh Esrei*. In this lesson we will delve into the first two stages.

As a result of *galus*, when *Bnei Yisroel* were spread throughout the world, different communities developed their own *nuschaos* for davening. Since *Krias Shema* and *Shemoneh Esrei* were implemented by the *Anshei Kneses Hagedolah* and are the core *tefillos*, the differences are quite minor. As the communities became more far flung and the bitterness of *galus* was increasingly felt, additional *tefillos* were added, and it is those that make up the main differences between *nuschaos*.

The differences between the *Korbanos* (*Parshas Hatamid* and *Eizehu Mekoman*) and *Pesukei Dezimra*, both established during the times of the Gemara and Geonim, are slight as well, and this is because the majority of the Jewish world lived in either *Eretz Yisroel* or *Bavel*.

The major differences are with the *tefillos* added during the times of the Rishonim, at both the beginning and end of davening. At this time the Jewish communities were spread throughout the world and what the *Sefardim* added to their davening wasn't necessarily accepted by the *Ashkenazim* and vice versa.

As the Arizal famously said regarding these differences, "There are 12 heavenly gates corresponding to every *shevet* and the *tefillos* of that *shevet* are carried up through that gate. Therefore, each person should continue davening with the *nusach* of his ancestors."

Birchos Hashachar

Implementing Birchos Hashachar and the time for saying them

The Gemara in *maseches Brachos* says that upon waking up in the morning, a person should say the paragraph of "*Elokai Neshama*." Upon hearing the rooster crow he should say the bracha of "*hanosen lasechvi bina*." And once he rises and spreads out his limbs he should say the bracha of "*matir asurim*" and so forth with all the brachos.

Based on the Gemara it seems that when we experience these actions for the first time every morning, we should make the bracha on them. Nevertheless, since the times of the Geonim common practice became to say the brachos consecutively (either at home or in shul) and not upon experiencing them for the first time each morning.

There are a few reasons given for this custom: 1. These brachos were placed in the siddur to acknowledge the brachos bestowed upon the world at large and not for the individual's experiences every morning. 2. Some opinions say that from a *halachic* standpoint it would have been preferable to say each bracha at the time of experiencing the enjoyment for the first time each morning. However, in order that the brachos be said with pure hands, the

Geonim preferred to say them in the order of occurrence but at shul.¹ 3. An additional explanation given for doing it in such a way is to provide the many *amei ha'aretz* who don't know how to make a bracha with the opportunity to say amen; thus they are *yotzeh* in the brachos as well.

A person who isn't obligated in certain brachos

According to the Rambam, Birchos Hashachar were implemented to thank Hashem for personal enjoyments experienced individually. Therefore, if a person didn't experience something, such as hearing a rooster crow, he wouldn't make the bracha of "*hanosen lasechvi bina*." The Shulchan Aruch holds according to the Rambam and writes that a person who didn't experience certain enjoyments should omit Hashem's name when saying the bracha.²

But the Rama disagrees and holds according to the opinions that the brachos are said on behalf of the world at large. Therefore, even a person who didn't experience a certain enjoyment makes the bracha on it. In practice, even the *Sefardim* hold according to the Rama.³

A person who was awake all night

Some opinions state that a person who was awake all night should omit the brachos of "*Elokai Neshama*" and "*Hamaavir Sheina*." The reason being that these are written specifically in singular form, which proves that they are intended to show gratitude by the individual and not to acknowledge a universal bracha. However, some *Acharonim* disagreed and to solve this dilemma the *Mishnah Brura* writes that an individual in such a situation should respond *amen* to someone else's brachos.

According to the Shulchan Aruch Harav⁴ a person who was awake the entire night should say "*Hamaavir Sheina*" (since it is said on behalf of the world at large) but he should omit "*Elokai Neshama*." However, in *Igeres Hakodesh*⁵ private instructions were

1 בניגוד לזמן הגמרא שהקפידו על ניקיון ידיהם גם ללא נטילה, ואכן בגמרא ברכת נטילת ידיים מופיעה בסוף ברכות השחר.

2 סעיף ח.

3 על פי דברי האריז"ל שכתב שכל הברכות נתקנו על סדר העולם, והובא להלכה באחרוני הספרדים.

4 סעיף ז ובסידור.

5 חלק ג עמוד ד. הובא בשולחן מנחם חלק א סימן ו. עיין שם. לגבי ברכת על נטילת ידיים מובא שם לברך לאחר שעשה צרכיו.

given to a person to say “*Elokai Neshama*.” This *minhag* is also followed by *Sefardim* based on the Arizal.

Three Additional Brachos

The Gemara in *maseches Menachos*⁶ says that it is incumbent upon a person to say three specific brachos every single day: “*shelo asani goy*,” “*shelo asaniaved*,” and “*shelo asani isha*.” In Shulchan Aruch this is brought down as the halacha.⁷

The Beis Yosef explained that these brachos are said because of the obligation of *mitzvos*. A non-Jew has no obligation to fulfill any *mitzvos*, therefore “*shelo asani goy*” is said. Then the bracha of “*shelo asaniaved*” is said because an *eved kenani* is on a higher level than a non-Jew since he is obligated in the non-time-bound *mitzvos* but he is lower than a woman since he is suspected of stealing, has no obligation towards his parents, and is prohibited from marrying a Jewish girl. Lastly, the bracha of “*shelo asani isha*” is said since women are not obligated in time-bound *mitzvos*.

The Bach explains that the brachos are said specifically in the negative because if the bracha would be “*sheasani yisroel*” it would include the bracha for freemen and males. Then a person would be unable to say separately the brachos of “*sheasani ben chorin*” and “*sheasani ish*.” Yet the purpose of Birchos Hashachar is to give a person the opportunity to express gratitude to Hashem for the specific brachos in his life.

The Takanah of 100 Brachos a day

The Gemara in *maseches Brachos*⁸ says that a person is obligated to say 100 brachos a day. The basis of this is the passuk: “And now Yisroel, what does Hashem ask of you?” Rashi comments that Chazal say, instead of reading the word as “Mah - what”, it should be read as “Meah - one hundred.” And the Shulchan Aruch brings this down as the halacha.⁹

Dovid Hamelech implemented saying 100 brachos a day to stop a plague that would kill 100 people every day. To reach this number the Chachamim created Birchos Hashachar.

The Acharonim write that a person who says Birchos Hashachar, all the brachos in the weekday davening, and eats 2 meals of bread a day, reaches at least 100 brachos. (On Shabbos and Yom Tov when a person might not reach 100 he should complete the quota

6 דף מג ב.

7 סעיף ד.

8 שם.

9 סעיף ג.

by making brachos on fruit and spices. If he is unable to, he should answer *amen* to the communal brachos made on the Torah and haftorah.)

Birchos Hatorah (Siman 47)

The obligation to say *Birchos Hatorah* every day

Every morning, prior to learning Torah or reading any pesukim, a person needs to say the brachos of *Birchas Hatorah*. For this reason *Birchas Hatorah* is said together with *Birchos Hashachar*. Some opinions say that the need for saying the bracha daily stems from the fact that while a person sleeps his attention is diverted from learning and therefore must be renewed every day. Other opinions disagree and say that just like a person says *Birchos Hashachar* everyday, he needs to say *Birchas Hatorah* every day.

The different reasons for saying the bracha only raise an issue when a person slept for a significant amount of time during the day or didn't sleep at all at night. Based on the opinion that we say the bracha because sleeping diverts our attention, it seems that a person who slept during the day would need to say the bracha again and a person who didn't sleep all night shouldn't say the bracha at all.

However, according to the second opinion, that it is not due to sleeping, a person who napped during the day doesn't need to repeat the bracha and a person who didn't sleep all night is still obligated to make the bracha. Most Acharonim follow this opinion as the halacha.¹⁰

According to many *poskim*, *Birchas Hatorah* is a positive mitzva from the Torah, like *birkas hamazon*, and not *miderabanan*, like all other brachos.¹¹

¹⁰ בשו"ע סעיף יא הביא שתי שיטות בנוגע לשינת קבע ביום, וכתב שנהגו כשיטה שאין מברכים לאחר שינת קבע ביום. ובשו"ע הרב (סעיף ז ובסידורו) כתב שכך עיקר להלכה שאין לברך לאחר שינת קבע ביום, ומאידך יש לברך בכל בוקר אפילו אם היה ער כל הלילה. וכן דעת ערוך השולחן (סעיף כג), בן איש חי (שנה א וזאת הברכה סעיף ג), שו"ת יחווה דעת (ח"ג סימן לג), ועוד. אמנם המשנ"ב כתב לגבי שינת קבע ביום שהרבה פוסקים כתבו כשיטה הסוברת שיש לברך, והסומך על דבריהם ומברך לא הפסיד. ולגבי אדם שהיה ער כל הלילה כתב המשנ"ב שספק ברכות להקל ואין לברך, אך ישתדל לצאת ידי חובה בשמיעה מאדם אחר שמברך או בברכת אהבת עולם (שאם מכוין לצאת בה ידי חובה ולומד מיד אחר התפילה נחשב כברכות התורה).

¹¹ לשיטת הסוברים שברכת התורה מדאורייתא – אדם שמסופק אם בירך – חוזר ומברך, אך מברך רק ברכת "אשר בחר בנו" שהיא המעולה שבברכות (ברכות דף יא ב) ויוצא בה ידי חובה מן התורה. למעשה, המשנ"ב הכריע שאדם המסופק אם בירך – יבקש מאחר שיוציאנו, או שיכוין בברכת אהבת עולם וילמד מיד לאחר התפילה, ואם נזכר בספיקו רק לאחר התפילה – יש להקל ולסמוך על ברכת אהבת עולם אפילו שלא למד לאחר התפילה. ובשו"ת יביע אומר (חלק ח אורח חיים סימן ה אות ג) כתב שהעיקר כדעת הסוברים שגם בברכות התורה אומרים ספק ברכות להקל.

Saying *Birchos Hatorah* cautiously and happily

A person should be very focused while saying this bracha¹² since Chazal write¹³ that the reason for losing *Eretz Yisroel* was because the bracha wasn't made first. This means they didn't value learning Torah and engage in it *lishmah* and therefore didn't make the bracha before learning it.

“Therefore, every person should be careful to make something of Hashem and every day it should be important to say the bracha happily with more pleasure than any other pleasurable thing in the world, which proves that he engages in learning *torah lishmah*. This will cause him to merit the effects of learning it *lishmah* which is that it won't "leave your mouth or that of your descendants.”¹⁴

Korbanos (Siman 48 & 50)

The Virtue of saying *Korbanos*

In the Gemara¹⁵ Chazal discuss how Avraham Avinu feared that if the Jewish people sin Hashem would do to them what He did to *dor hamabul* and *dor haflaga*. Hashem therefore promised that that would never happen and guaranteed His promise with *korbanos* which are offered up as an atonement. Avraham Avinu then asked about the time when the *Beis Hamikdash* is not around. And Hashem answered, “I already established for them a *seder korbanos*. When they are read I consider them as if they are real *korbanos* and forgive them for all their sins.”

Chazal added that saying *Korban Chatas* is considered as though the korban was sacrificed; the same applies to a *Korban Asham* and all other *korbanos*.

Parshas Hatamid and Ketores (Siman 48)

It is the *minhag* among everyone to say *Parshas Hatamid* every morning before davening. This was not directly enacted by Chachamim, however because it is based on the Gemara

12 שו"ע סעיף א.

13 מסכת נדרים דף פא א.

14 שו"ע הרב סעיף א.

15 תענית דף כז ב. מגילה דף לא ב.

(brought above), and because *Shacharis* corresponds to the *Korban Tamid* it was accepted among all the Jewish People.

It is also proper to say *Parshas Haketores* everyday, since it was brought everyday in the *Beis Hamikdash* and the *Sefer HaZohar* greatly praises a person who does that.

Eizehu Mekoman (Siman 50):

The Shulchan Aruch¹⁶ writes: “After *Parshas Hatamid*, *Eizehu Mekoman* and *Braisa D’Rabi Eliezer* were instituted so that every person will merit to learn *Mikrah* (*Parshas Hatamid*), *Mishnah* (*Perek Eizehu Mekoman*), and *Gemara* (*Braisa D’Rabi Eliezer*). *Braisa D’Rabi Eliezer* is in place of *Gemara* since a *Midrash* is like *Gemara*.”

This *minhag* can be sourced to the times of the *Geonim* since it appears in the siddur of Rav Amram Gaon. This *Mishnah* was specifically chosen since there are no debates surrounding it and it is clearly *Moshe miSinai*. *Braisa D’Rabi Eliezer* is next since it is a *Midrash Halacha* on *Sefer Vayikra*, the *Sefer Korbanos*.¹⁷ Saying this paragraph specifically counts as bringing all the *korbanos* since they are all mentioned there.¹⁸

Additional paragraphs in Korbanos

It is the *minhag* to say the *Parshas Ha’Akeida* daily to mention the *mesiras nefesh* of Avraham Avinu. Afterwards it is the *minhag* to say *Divrei Hisorerus* and finish off with “*baruch hamekadesh shemo barabim*” (some nuschaos finish off with *b’shem umalchus*, based on the Talmud Yerushalmi, the source of this bracha.)

Some *nuschaos* add *Parshas Hakiyor* and *Trumas Hadeshen* which were part of the daily service in the *Beis Hamikdash*. Some add “*abei hava mesader seder hamaaracha*” which is a summary of the service in the *Beis Hamikdash*. There are many other additional paragraphs, each *nusach* according to its *minhag*.

Birchos Hashachar and Korbanos corresponding to the world of Asiya

According to the Arizal, *Birchos Hashachar* through *Korbanos* (until “*Baruch Sheamar*”) are parallel to the world of *Asiya*. In the world of *Asiya*, action stemming from *bitul* and

16 סעיף א.

17 משנ"ב.

18 ראה שו"ע הרב סימן א סעיף ט.

kabalas ol is the most important. This is understood by recognizing the deeper dimension of these *tefillos*. *Modeh ani* and *Birchos Hashachar* are expressions of gratitude coming from *bitul*. Additionally, the idea of *korbanos* is to sacrifice one's *nefesh habehamis* with a fire that comes from Above.

Pesukei Dezimra

The source and reason for the takanah

The Gemara brings a quote from Chazal:¹⁹ "A person should always praise Hashem and then daven." Translated into action, the proper way to *daven* is by beginning with praising Hashem and afterwards requesting personal needs. The Gemara learns this from Moshe Rabbeinu who, before asking Hashem to enter Eretz Yisroel, ("Please let me pass and see the good land"²⁰) he praised Hashem ("You showed Your servant Your greatness and Your strong Hand for who is like G-d in heaven and earth who can do like Your actions and Your might."²¹)

Based on this, the *minhag* amongst all of the Jewish people is to begin *davening* with *Pesukei Dezimra* which begins with *Baruch Sheamar* and ends with *Yishtabach*.

The Gemara says:²² "Says Rabi Yosi: May my portion be among those who complete Hallel every day." The Gemara then asks how this can be reconciled with the statement that anyone who says Hallel daily is cursed and a blasphemer? Hallel is a special *tefillah* which the Chachamim instituted to be said on special occasions such as Yom Tov and Rosh Chodesh and a person who says Hallel daily mocks and scorns the *takanah* of the Chachamim. And the Gemara reconciles this by explaining that Rabi Yosi wasn't referring to the Hallel said on special occasions but rather to all the Hallelukahs said during *davening* (from "*Tehilah L'Dovid*" to "*Kol Haneshama Tehallel Kah*," the last five perakim of *Tehillim*.)²³

From the words of the Gemara it seems that during the times of the Tannaim saying *Pesukei D'zimra* was considered *midas hachasidim* that was praised by the chachamim.

19 ברכות דף לב א.

20 דברים ג כה.

21 שם כד.

22 שבת דף קיח ב.

23 כך פירשו רי"ף רמב"ם רא"ש וטור, שכוונת רבי יוסי לששה פרקים אחרונים של ספר תהלים (פרקים קמה-קנ). אמנם רש"י שם פירש שהכוונה לשני המזמורים הפותחים ב"הללויה הללו" (פרקים קמח, קנ).

However, over the course of time the *minhag* progressed and it became an obligation for everyone to begin *davening* with *Pesukei Dezimra*.

In the words of the Rambam:²⁴ “And the Chachamim praised those who read the song of praise from *Tehillim* every day, from *Tehilah L’Dovid* through the end of the *sefer*. Aside from the pesukim that were instituted before and after this, they also instituted a bracha before these songs of praise that is *Baruch Sheamar* and a bracha after, which is *Yishtabach*. Afterwards a person makes the bracha on Krias Shema and makes the bracha for it.”

The Bracha of Baruch Sheamar

The brachos of *Baruch Sheamar* and *Yishtabach* are first found in the siddur of Rav Amram Gaon, not the Gemara, and some have concluded that these brachos were instituted during the times of the *Geonim*. However, the Magen Avraham²⁵ writes that the Anshei Knesses Hagedolah (who lived at the end of the period of the *Nevi'im* and beginning of the *Tannaim*) found the bracha written on a note that fell from heaven. The *tefillah* of *Baruch Sheamar* is made up of 87 letters and is hinted as to being the first *tefillah* in the passuk “His head is of fine gold.” Fine gold in Hebrew is *paz* whose gematria is equivalent to 87. The Shulchan Aruch Harav²⁶, Mishnah Brura²⁷, and others agreed with this opinion.

The accepted halachic opinion is that the brachos of *Baruch Sheamar* and *Yishtabach* comprise *Pesukei Dezimra* and are to be said in preparation for davening. For this reason, a person who needs to make up *Pesukei Dezimra* after *davening* or a person who is unable to *daven* and can only say *Pesukei Dezimra* (for reasons such as having uncontrollable flatulence) should leave out the brachos of *Baruch Sheamar* and *Yishtabach*.²⁸

What are Pesukei Dezimra

The most important song of praise is “*Tehilah L’Dovid*.” Chazal²⁹ said that whoever says it three times a day is guaranteed *Olam Haba*. The praises of Hashem are written according to the alef beis and included among them is the passuk of “*Poseach es yadecha*.”

24 הלכות תפילה ז יב.

25 סימן נא ס"ק א.

26 שם סעיף ב.

27 שם ס"ק א.

28 שו"ע סימן נב סעיף א ומשנ"ב שם ס"ק ח. שו"ע הרב סימן פ סעיף ב.

29 ברכות דף ד ב.

This passuk specifically must be said with great concentration, so much so that if it isn't, it must be repeated again with concentration.³⁰ Nowadays it has become the *minhag* to add the passuk of "Ashrei" before beginning "Tehilah L'Dovid."

Together with "Tehilah L'Dovid," an additional five praises were included which all begin and end with the word "Halleluka" (until the end of *Tehillim*). These six praises are the main chunk of *Pesukei Dezimra* and it was about them that Rabi Yosi said "May my portion be among those who complete Hallel every day" (as brought above).³¹

A person who came to shul late and will miss *davening Shemoneh Esrei* with the minyan if he says all of *Pesukei Dezimra* should only say *Baruch Sheamar, Yishtabach, Mizmor L'Dovid*, and the two *Hallelukas* that begin with *Hallelukah Hellelu* (*Kapitalach* 148 and 150).³² If he is even shorter on time he should skip 148 as well, and if he is even shorter on time he should skip 150.³³

The Mishnah Brura states that there are some *Anshei Maaseh* who would rather miss *Shemoneh Esrei* with the minyan than skip any part of *Pesukei Dezimra*. This is because according to kabbalah skipping paragraphs in *davening* causes the pipes to be flipped. The Mishnah Brura states that it is better to skip.³⁴ Nevertheless, *minhag Chabad* follows with *Anshei Maaseh*.³⁵

During the time period of the Savoraim (between the Amoraim and Geonim) their *minhag* was to say "Hodu L'Hashem Kiru Bishmo..." from Divrei Hayamim. This song was sung by Dovid Hamelech when he brought the Aron back to the Mishkan from the Plishtim and from then on it was sung every day in front of the Aron. In *Nusach Ashkenaz* "Hodu" is said after *Baruch Sheamar* so that all the songs of praise will be included in the brachos of *Pesukei Dezimra*. However in *Nusach Sefard* and *Edos Hamizrach* "Hodu" is said before *Baruch Sheamar* since during the time of the Beis Hamikdash it was said while the *Korban Tamid*³⁶ was being brought up and is therefore considered a continuation of *Korban Tamid*. (This concurs with the Arizal who says that *Hodu*, as well as the additional praises said on Shabbos and Yom Tov, connect to the world of *Asiya* but *Pesukei Dezimra* starting with *Baruch Sheamar* begins the correspondence to the World of *Yetzirah*.)

30 שו"ע סימן נא סעיף ז. ובמשנ"ב שם מובא שאם נזכר שלא כיון לאחר שכבר סיים את המזמור או שכבר אמר מזמורים אחרים - יאמר מפסוק "פותח את ידך" עד סוף המזמור, ויכול לומר זאת גם לאחר התפילה.

31 שו"ע הרב סימן נא סעיף א.

32 ראה לעיל הערה 27 שלדעת רש"י מה שאמר רבי יוסי "יהא חלקי עם גומרי הלל בכל יום" מתייחס לשני מזמורים אלו, ולכן יש להם עדיפות על שאר מזמורי "הללויה".

33 שו"ע ורמ"א סימן נב סעיף א.

34 ואם אין לו זמן לומר אפילו ברוך שאמר תהלה לדוד וישתבח - הכריע המשנ"ב (ס"ק ו) שעדיף להתפלל שמונה עשרה ביחידות ולא לדלג. ובשו"ע כתב שעדיף להתפלל שמונה עשרה עם הציבור אפילו אם לצורך כך יצטרך להתחיל התפילה מיוצר אור ולדלג לגמרי על פסוקי דזמרה (ולאחר התפילה יאמר פסוקי דזמרה ללא ברוך שאמר וישתבח).

35 אגרות קודש חלק יח עמוד פא. תורת מנחם ח"ב עמוד 134. שולחן מנחם ח"א סימן עא.

36 חצי מפסוקי "הודו" היו אומרים בזמן תמיד של שחר, וחצי מפסוקי "הודו" בזמן תמיד של בין הערביים (בית יוסף סימן נ).

Later on, during the period of the Geonim, more *tefillos* were added to *Pesukei Dezimra*, such as “*Vayevarech Dovid*” (from Divrei Hayamim and Nechemia) and “*Shiras Hayam*.” These additional *tefillos* connect to *Pesukei Dezimra* because the Chachamim took the 15 expressions of praise mentioned in *Yishtabach* (“*shir, shevach, hallel v’zimra...*”) from “*Shiras Hayam*” and the “*Vayevarech Dovid*.”³⁷

“*Mizmor L’soda*” was instituted as well and Chazal³⁸ say that in the future all other songs of praise will be nullified with the exception of this one and it should therefore be sung rather than said.³⁹ (On Shabbos and Yom Tov “*mizmor shir l’yom haShabbos*” is said instead. Since it corresponds to the *Korban Todah* which was *chametz*, the *Ashkenazi minhag* is to omit it on *Erev Pesach* and *Chol Hamoed Pesach*. It is also omitted on *Erev Yom Kippur* since it wasn’t sacrificed on fast days either.⁴⁰ However, the *Sefardi minhag* is to say it on those days since they hold that its main purpose is for praising Hashem and not commemorating the *Korban Todah*.)⁴¹

Pesukei Dezimra corresponding to the world of Yetzirah

As noted above, according to the Arizal, the second part of davening, from *Baruch Sheamar* until *Yishtabach*, corresponds to the world of *Yetzirah*. This stage of *davening* depicts the wonders of nature which Hashem created and it concentrates on how Hashem created it all through His speech (“*Baruch Sheamar V’haya Haolam*”). It concentrates on the details of creation such as the stars, about which it says “*Mah Gadlu Maasecha Hashem*” and the earth, about which it says “*Mah Rabu Maasecha Hashem*.” It all culminates with “*V’Atah Mechayeh Es Kulam*” which expresses that Hashem is the Source of every creation at every single moment. A deeper understanding of this line is that it shouldn’t be read as “*mechayeh*” but rather “*mehaveh*.” At every moment every being is brought into existence from nothing, solely through Hashem’s speech. (If G-d forbid, Hashem’s words would pause, for even a moment, our entire existence would cease to exist, just as the existence of the figures on the screen exist as long as the projector is on.)

This stage of *davening* awakens a person's emotions since it depicts the wonders of the universe and allows a person to marvel as he envisions them. (Such a wonder is natural and does not require special talents). This emotional dimension corresponds to the world of *Yetzirah* in *Seder Hishtalshilus* as is explained in *Chassidus*.

37 שו"ע הרב סימן נא סעיף א.

38 ויקרא רבה ט ז.

39 שו"ע סימן נא סעיף ט.

40 רמ"א שם.

41 בית יוסף שם.



LESSON #8

The Fundamentals of Davening ***- The Structure of Davening -*** ***Continued***

Introduction

In the previous lesson, we discussed the structure of *davening* until the end of Pesukei Dezimra. In this lesson, we will discuss the structure of Krias Shema and its brachos, the Shemoneh Esrei, and the additions at the end of *davening*.

Krias Shema and its brachos

The mitzvah of Krias Shema

The third stage of *davening* is Krias Shema and its brachos. Krias Shema is, as is well-known, a positive mitzvah *min hatorah*, and includes three paragraphs: The paragraph of Shema which is *kabolas ol Malchus Shamayim* (acceptance of the yoke of the Kingship of Heaven), the paragraph of Vehaya Im Shamo'a which is *kabolas ol mitzvos* (acceptance of the yoke of keeping mitzvos), and the paragraph of Vayomer which includes the commandment to remember the mitzvos through the mitzvah of *tzitzis* as well as remembering the Exodus from Egypt. (The *poskim* differ regarding what exactly is included in the Torah commandment – some say only the verse of Shema Yisrael is *min hatorah*, others say the entire first paragraph, while others say the second paragraph too).

Concentrating during the first verse (Siman 60 se'if 5, Siman 63 se'if 4)

In the verse of Shema Yisroel, which is the main part of acceptance of the yoke of the Kingship of Heaven – the intention of the heart prevents (one from fulfilling his obligation), meaning that he must have intention for every word he says and accept upon himself the yoke of the Kingship of Heaven. *B'dieved*, even if someone did not have intent for the exact meaning of each word in the passuk, but rather had general intention for the meaning of the words which are acceptance of the yoke of the Kingship of Heaven – he fulfilled his obligation. However, if he was distracted and did not even have intent regarding the general meaning of the words which are acceptance of the yoke of the Kingship of Heaven – he has not fulfilled his obligation and must go back and read it with intention (but should not go back immediately after finishing the passuk, but rather wait a little and then say the passuk again, so that it not appear as if he is someone who says Shema twice because he believes, Heaven forbid, in two authorities).

Mitzvos Require Intent (Siman 60 Se'if 4)

The Amoraim and Rishonim have different opinions regarding whether mitzvos require intent. According to the opinion of those who hold that mitzvos do not require [intent], someone who performs a mitzvah without the intent that he is now fulfilling the Creator's command and that he wishes to fulfill his obligation – has fulfilled his obligation. However, according to the opinion of those who hold that mitzvos require intent – he has not

fulfilled his obligation until he intends to fulfill the mitzvah with this act. And it is ruled as halacha in the Shulchan Aruch, that mitzvos require intent.

It should be noted that there are two types of intent. We spoke above about the intent in the passuk of Shema Yisroel, which is the intention of the heart for the content and meaning of the words. However, regarding the law of mitzvos requiring intent we are speaking of general intent, that with the action that I am now doing, I am fulfilling the mitzvah and fulfilling my obligation. It therefore follows that during Krias Shema, attention must be paid to two intents: 1. That with this action we are fulfilling Hashem's mitzvah (just like all the mitzvos which require intent). 2. To pay attention to the meaning of the words and to acceptance of the yoke of the Kingship of Heaven.

Someone who comes to shul on Rosh Hashanah to hear the shofar – has fulfilled his obligation even though at the time of the *tekios* he did not have the intent to fulfill his obligation but simply heard it, since he follows his original thought that he was coming to shul to fulfill his obligation. Likewise, someone who came to shul and donned *tefillin* and read Krias Shema during the *davening* – has fulfilled his obligation for these mitzvos *b'dieved* even though he did not explicitly intend while doing them, since if we ask him why he recited Krias Shema or why he donned *tefillin*, he will answer that they are mitzvos. If so, we find that he had “dormant” intention which helps *b'dieved*.

However, someone who does not know that the primary reason for reading the Vayomer paragraph is to fulfill the mitzvah of remembering the Exodus from Egypt – has not fulfilled his obligation, since if we ask him why he read Vayomer, he will not answer that it is to remember the Exodus, meaning he did not have even “dormant” intention.

Birchos Krias Shema (simanim 59-60)

The mishnah in maseches Brachos states that the Chachamim enacted saying three brachos with Krias Shema, two before and one after it.

“In the morning, he makes two brachos before [Shema] and one after it. In the evening, he makes two brachos before [Shema] and two after it – one long and one short. In a place where they said to say a long [bracha], one is not permitted to say a short [one]; where they said to say a

short [bracha], one is not permitted to say a long [one]; if they said to end [with *Baruch Ata Hashem...*], one is not permitted not to; if they said not to end [with *Baruch Ata Hashem...*] – one is not permitted to end [in this way].” (Mishna, maseches Brachos 11a)

The first bracha (Yotzer Hame'oros) opens with *Baruch Ata Hashem*, and ends with *Baruch Ata Hashem*. However, the second and third brachos do not open with *Baruch Ata Hashem*, since it is a bracha immediately following the other one (which was enacted

after another bracha as a sequence of blessings), (unless we are talking about short brachos like the Birchos Hashachar, which aside from beginning with Baruch Ata Hashem, do not contain a bracha, which is not the case with long brachos, like Ahavas Olam or Emes Veyatziv, which through the ending *Baruch Ata Hashem* result in a bracha.

L'chatchila, one needs to recite the Birchos Krias Shema and Krias Shema in the order as ordained by the Sages. However, *b'dieved*, one who says Krias Shema or one of its brachos by itself – has fulfilled his obligation in what he said, since the brachos do not prevent [fulfillment of] one another and do not prevent [the fulfillment of the obligation to say] Krias Shema. (All the more so if one made a mistake regarding the order of the brachos, such as one who said Ahavas Olam before Yotzer Hame'oros has fulfilled his obligation *b'dieved*) – (unlike Shemoneh Esrei where not saying all the brachos in their correct order one after the other, prevents [the fulfillment of the obligation] even *b'dieved*.)

Chatzi Kaddish and Barchu before Birchos Krias Shema (siman 57)

After the bracha of Yishtabach, the *chazzan* recites Chatzi Kaddish so as to end Pesukei Dezimra (which corresponds to the *Olam Hayetzirah* [the World of Formation]) in holiness, and continues onto the next stage of Krias Shema and its brachos (corresponding to *Olam Habriah* [the World of Creation]).

After Kaddish, the *chazzan* says Barchu, and the congregation answers “*Baruch Hashem hamevorach l'olam va'ed*”, and then the *chazzan* too repeats this phrase after the congregation. [The Sages] ordained to say Barchu as an opening to the Birchos Krias Shema, as with this declaration, the *chazzan* calls on those praying to say Birchos Krias Shema.

Answering Barchu is considered answering a *davar shebikedusha* like Kaddish. The usual *minhag* among *Eidos Hamizrach* is that one does not need to stand for Kaddish and Barchu, unless one was already standing. And the usual *minhag* among Ashkenazim is to stand, although regarding Barchu where answering it is short, many Ashkenazim have the custom that if they heard Barchu while still sitting down, they do not stand up but just rise a little from their chair while answering.

Krias Shema and its brachos correspond to the Olam Habriah

According to the Kabbalah of the Arizal, the third stage of the *tefillah* corresponds to the *Olam Habria*, since the Birchos Krias Shema describe the enthusiasm of the angels and the *Seraphim* and the *Chayos Hakodesh*, which are generally found in the *Olam Habria*. This exploration of the *Maaseh Merkava* requires in-depth study using a person's

intellectual capacities, which within a person's soul are parallel to the *Olam Habriah*, as explained in the study of Chassidus.

Exploration of the bracha of Yotzer Ohr is intended to arouse the animal-like soul rooted in the *Chayos Hakodesh* and the face of the ox in the *Merkava*, and then we reach the bracha of Ahavas Olam, which discusses the greatness of the souls of Yisroel and Hakadosh Baruch Hu's love towards them more than all the *Seraphim* on High, and then an even holier level with Krias Shema itself, where a person reaches the level of "*bittul b'metzi'us*" (that Hashem is One and there is none beside Him). This level belongs to *Olam Habria* (as opposed to the level of *bittul hayesh* which belongs to the *Olam Hayetzira*, as explained in Chassidus).

The continuum of the tefillah, from Baruch She'amar to Shemoneh Esrei

Introduction

In general, a person needs to be careful not to interrupt by speaking, from when he begins Baruch She'amar until the end of Shemoneh Esrei. During Pesukei Dezimra itself, there should be no interruption by speaking, since he makes a bracha both before and afterwards. The halachos of interrupting in the middle of Pesukei Dezimra when necessary or to answer *devorim shebikedusha* will be taught in the next lesson. Likewise, during Krias Shema and its brachos, there should be no interruption between the sections, and even more so in the middle of the section or bracha, and we will discuss this too in the next lesson.

We will discuss here an interruption between the stages of *tefillah*, meaning between Yishtabach and Yotzer Ohr, and between *geulah* and Shemoneh Esrei, as below.

Between Yishtabach and Yotzer Ohr (siman 54 se'if 3)

Chazal say in the Yerushalmi, that someone who relates [something] between Yishtabach and Yotzer Ohr – has sinned, and he returns from the battlefield for that. And thus is brought as halacha in the Shulchan Aruch. Meaning, one of the reasons for which a soldier returns home and does not go out to battle is “a man who is fearful and has a soft heart,” and some *Tanna'im* explain this as meaning a person who is fearful of his sins, and they said about this that even speaking between Yishtabach and *Yotzer* is considered a sin for this matter.

The reason that there must be no interruption by speaking between Yishtabach and *Yotzer* is because Pesukei Dezimra is preparation for prayer.

Indeed, in practice, an interruption between Yishtabach and *Yotzer* is less stringent than one in the middle of Pesukei Dezimra, since between Baruch She'amar and Yishtabach, one should not speak even for the purposes of a mitzvah, but between Yishtabach and *Yotzer*, it is brought in the Shulchan Aruch and the Rema, that there are those who permit speaking for the purpose of a mitzvah (such as in a case when the gabbai must make an urgent announcement to the congregation, connected with communal needs or giving tzedakah or another mitzvah, and this announcement cannot be delayed until after the *tefillah* – it emerges from the Acharonim that he can make the announcement between Yishtabach and Kaddish, after which the *chazzan* says several *pesukim* and Kaddish, and then continues the usual order. However, between Kaddish and Barchu it is considered like being “between the sections” of Birchos Krias Shema, and it is forbidden to interrupt for the purposes of a mitzvah, and all the more so after Barchu, which is already considered like the middle of the section, since Barchu is connected to Birchos Krias Shema as we learned above, and is already considered to be like the beginning of the brachos.)

If they reached the end of Pesukei Dezimra and they still do not have a minyan – they should stop after Yishtabach and wait for a minyan (meanwhile they can learn Torah, but it is better *l'chatchila* to only learn studying and in thought, without saying anything aloud). The *chazzan* should wait before Yishtabach, so that when ten arrive he can say Yishtabach followed by Chatzi Kaddish.

Joining geulah to Tefillah [the Shemoneh Esrei]

The sources from Chazal

Chazal say in the Gemara, that someone who connects *geulah* (redemption) to the Shemoneh Esrei is a *ben olam haba*, and they said further that he is not harmed the entire day.

In the Yerushalmi, they learned the halacha of joining *geulah* to the Shemoneh Esrei from the proximity of the two verses, “May the expressions of my mouth... Hashem, my Rock and Redeemer” (redemption) and “May Hashem answer you on the day of distress” (prayer).

They say further in the Yerushalmi, that someone who does not join *geulah* to *tefillah* is like someone who loves the king who comes and knocks on the king’s door, and when the king goes out to him he sees he has gone, and so king also goes. But a person must create closeness between him and Hakadosh Baruch Hu with praises and exaltation about the Exodus from Egypt and all that contained in Krias Shema and its brachos, and while that closeness exists, to *daven* Shemoneh Esrei and ask for his needs.

“These are three [cases in which one must] do things immediately: One must juxtapose [the ritual of] laying of hands [on an animal] to slaughtering it; One must juxtapose washing one’s hands with the bracha; One must juxtapose [the recitation of] *geulah* to *tefillah*. Immediately slaughtering after the laying of hands (Vayikra 1: 4-5) “He shall lay his hand. . . then he shall slaughter.” Immediately after washing *netilas yodayim*, saying the bracha (Tehillim 134: 2) “Raise your hands in

holiness and bless Hashem.” Immediately after *geulah*, *tefillah* (Tehillim 19:15) “May the expressions of my mouth....” What does it say after that? (Tehillim 20:2) “May Hashem answer you on the day of distress.” Rabi Ami said, “anyone who does not join *geulah* to *tefillah*, what is he like? To a person who loves the king, who came and knocked on the king’s door. He went out to see what he wanted, and found he had gone. So he went too.” [Yerushalmi, maseches Brachos 1:1]

The halacha (siman 66 se’ifim 8-9; siman 111)

And thus is brought as halacha in the Shulchan Aruch, that even though Krias Shema and its brachos is a mitzvah by itself and *tefillah* (Shemoneh Esrei) is a mitzvah by itself – the bracha of *Ga’al Yisroel* must be joined to Shemoneh Esrei and there should be no interruption whatsoever even to answer a *davar shebikedusha* such as Kaddish or *Kedusha*. But rather he should wait at *Shirah Chadashah* to answer with the congregation and continue afterwards (meaning an interruption between *Ga’al Yisroel* and Shemoneh Esrei is more severe than making an interruption in the middle of the *Emes Veyatziv* bracha).

Regarding an interruption between *geulah* and Shemoneh Esrei to answer “Amen” after the *chazzan’s* *Ga’al Yisroel* bracha, the Shulchan Aruch decided in line with the Zohar that it is forbidden to answer Amen.

However, the Tur and the Rema hold that Amen after *Ga’al Yisroel* is not considered an interruption and it is permitted to answer it. And so determined the Shulchan Aruch Harav. Although the Shulchan Aruch Harav and the Mishna Berura write that it is better

to say the words “*Baruch Ata Hashem Ga'al Yisroel*” together with the *chazzan*, and thus he can avoid the difference of opinion and not answer Amen, since a person does not answer Amen to his own bracha (there are *chazzanim* who end *Ga'al Yisroel* silently, so as to avoid the difference of opinion).

This *machlokes* is only regarding the Amen after the bracha of *Ga'al Yisroel*, since as it belongs to this bracha some say it does not constitute an interruption, but regarding the other Amens, everyone agrees not to answer them between *geulah* and Shemoneh Esrei. Even when someone just waits more than “*k'dei dibbur*”, meaning he is silent for the time it takes to say the words “*shalom alecha rabi*” – this should not be done between *geulah* and Shemoneh Esrei, but rather immediately following *Ga'al Yisroel* he should begin “*Hashem sefasai tifsach*.”

It is brought in the Gemara that the verse “*Hashem sefasai tifsach*” which the Chachamim ordained to say at the beginning of Shemoneh Esrei is considered part of it, and therefore does not constitute an interruption between *geulah* and *tefillah*. And it is brought thus in the *Tur* and Shulchan Aruch, and they wrote that someone should not say any other passuk between *geulah* and *tefillah* since it constitutes an interruption.

It is also brought in the Shulchan Aruch that joining *geulah* to *tefillah* is more important than *davening* with a minyan, and therefore someone who arrived when the congregation is beginning Shemoneh Esrei should not *daven* with them (which is not the case for Ma'ariv, where the Shulchan Aruch writes that *davening* with a minyan is more important than joining *geulah* to *tefillah*).

Joining Geulah to Tefillah on Shabbos (siman 111 se'if 1)

It was brought above that they learned in the Yerushalmi joining *geulah* to *tefillah* from the proximity of the *pesukim* “Hashem, my Rock and Redeemer” and “May Hashem answer you on the day of distress.” In light of the above, there are Rishonim who wrote that the need to join *geulah* to *tefillah* is only on a weekday or *yomtov*, unlike Shabbos which is not a “day of distress” and therefore there is no need to join *geulah* to *tefillah* on it.

The Rema brings this opinion, and explains that *yomtov* is like a weekday in this context, since Yomim Tovim are days of judgment (for on Pesach we are judged about the produce, on Shavuot about the fruits of the tree, and on Sukkot about water, and all the more so on Rosh Hashana and Yom Kippur). In practice, the Rema ruled that it is better to be stringent and connect *geulah* to *tefillah* on Shabbos too, unless there is a need to interrupt. And the Mishna Berura explained that the intention of the Rema is to say that it is permissible to answer “*Amen, yehei Shemei Rabba*” and *Kedusha* and *Barchu* between *geulah* and the Shabbos silent prayer.

All of this is according to the Rama's opinion. However, the Beis Yosef writes that joining *geulah* to *tefillah* and joining these *pesukim* is only as a *remez* (hint) and sign, but the

main reason for joining *geulah* to *tefillah* is because we need to come close to Hakadosh Baruch Hu with praises etc. and then immediately begin the Shemoneh Esrei (as brought above), and for this there is no difference between Shabbos and the Yomim Tovim. And it emerges thus from the Shulchan Aruch, which did not mention any difference between Shabbos and other days regarding the halacha of joining *geulah* to *tefillah*.

Indeed, the *Yalkut Yosef* wrote that in practice the Sephardim who rule like the Shulchan Aruch should behave according to the above Mishna Berura that it is permissible on Shabbos to answer “*Amen, yehei Shemei Rabba*” and *Kedusha* and *Barchu* between *geulah* and the Shabbos silent prayer.

Shemoneh Esrei

There are many halachos connected to Shemoneh Esrei. We discussed some in earlier lessons, and we will continue in coming lessons. At this point we are only discussing a few *halachos* connected with the structure of the *davening*.

Adding personal requests in the first three and last three brachos (siman 112)

The language of the Shemoneh Esrei was enacted by 120 Sages, including several prophets, who set the brachos for Shemoneh Esrei in their order, and relied on the source for the content of the brachos and their order according to the *pesukim*.

“A *baraisa*: Shimon HaFakuli arranged the Shemoneh Esrei, the Eighteen Blessings before Rabban Gamliel, according to the order, in Yavneh. Rabi Yochanan said, and some say that it was taught in a *baraisa*: A hundred and twenty Elders, and among them several prophets, established the

eighteen blessings of the Shemoneh Esrei in their fixed order. The Sages taught in a *baraisa*: From where is it derived that one says the blessing of the Avos (Patriarchs)? As it says “Ascribe to Hashem, mighty ones.” [Talmud Bavli, maseches Megillah 17b]

It is well-known that the Shemoneh Esrei is comprised of praise, requests, and thanks – like a servant who comes before the king in a way that is divided into three stages, and therefore Chazal say in the Gemara that during the first three brachos and last three brachos it is forbidden for a person to request his needs.

“Rav Yehuda said: One must never request his own needs in the first three or in the last three [blessings]; rather, only during

the middle blessings. As Rabi Hanina said: During the first [three blessings], he is like a servant who arranges praise before his

master; during the middle [blessings], he is like a servant who requests a reward from his master; during the final [three blessings], he is like a servant who already

received a reward from his master and is taking his leave and departing." [Talmud Bavli, maseches Brachos 34a]

There are Rishonim who understood from the Gemara in Brachos that during praise and thanks, no requests at all should be added, even communal requests.

But according to most of the Rishonim, it is permissible to add communal requests, since such requests emphasize the greatness of the Creator, who is needed by everyone. And the halacha is thus determined in the Shulchan Aruch, and in this way we have the custom to add "*zochreinu lechayim*" (remember us for life) during the Aseres Yemei Teshuvah in the first bracha.

Supplications at the end of the Shemoneh Esrei (siman 122)

Various prayers and supplications which the Amora'im were accustomed to say at the end of Shemoneh Esrei are brought in maseches Brachos, and the version accepted throughout Israel is the *tefillah* of Mar brei d'Ravina, *Elokai Netzor*, and every person can add additional supplications as he wishes.

It is also brought in maseches Brachos that a person should say the passuk, "*Yihyu L'ratzon imrei fi...* (May the expressions of my mouth find favor)" at the end of the brachos.

The Rashba explained that the passuk of Yihyu L'ratzon is the end of Shemoneh Esrei itself, and the custom to add supplications after the brachos is only after he has said "Yihyu L'ratzon" and a person should not interrupt to answer Kaddish, *Kedusha*, and Barchu before Yihyu L'ratzon.

Thus is determined in the Shulchan Aruch, that it is not correct to say supplications before Yihyu L'ratzon, and a person should not interrupt to answer Kaddish, *Kedusha*, and Barchu before Yihyu L'ratzon.

While it is true that the Rema wrote like the other position among the Rishonim, that a person can say supplications before Yihyu L'ratzon, and that they can answer to Kaddish, *Kedusha*, and Barchu before Yihyu L'ratzon (and the advantage is that the passuk Yihyu L'ratzon also applies to the supplications and ends the entire *tefillah*).

The *minhag* which has spread to say Yihyu L'ratzon twice, both at the end of the brachos and also after the supplications, has evolved from this disagreement, and thus a person satisfies all opinions.

The Three Steps at the end of the Shemoneh Esrei (siman 123)

The Shulchan Aruch writes according to the Gemara in maseches Yuma, that at the end of Shemoneh Esrei a person should bow and take three steps backwards while bowing, and first uproot his left leg, and after having taken three steps, while still bowing, he should turn his fact to his left (which is the right of the Shechinah) and say “*Oseh shalom bimromav*” (He Who makes peace in His upper places), and then to his right and say “*Hu ya’aseh shalom alenu*” (May He make peace over us), and then bow forwards before Him as a servant who is taking leave of his master and say “*ve’al kol Yisroel v’imru Amen*” (and over all Israel, and say Amen).

Someone who takes more than three steps, displays arrogance, since it is as if he honors Hakadosh Baruch Hu more than other people. The minimum size of the steps is a heel besides the toes (since any less is not considered a step), and *l’chatchila* one should not take bigger steps (since it appears as if he is hurrying to run away from the King).

It is brought in maseches Yuma there, that after the three steps, he should stand there and not go back to his place. Since if he returns to his place he is similar to a student who takes leave of his teacher and takes steps backwards and immediately returns, with the end proving that even in the beginning he did not step backwards to take leave of him, and in the Gemara they compare him to a dog who returns to its vomit.

“Rabi Alexandri said in the name of Rabi Yehoshua ben Levi: One who prays must take three steps backward upon concluding his prayer and then recite: Peace. Rav Mordechai said to him: Since he has taken three steps backward, he	should stand there and not return to his place. This is analogous to a student who takes leave of his teacher. If he returns immediately, he is similar to a dog who returns to its vomit.” [Talmud Bavli, maseches Yuma 53b]
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For how long must he stand there? Some say until the *chazzan* reaches *Kedusha* (for then it appears as if he is returning to answer *Kedusha* and he is not like a dog who returns to its vomit) and some say until the *chazzan* begins the repetition of the Shemoneh Esrei (when it appears as if he returns because he wishes to concentrate on the repetition of the Shemoneh Esrei). And in practice, the Shulchan Aruch writes that he should stand there until *Kedusha*, and at least until the beginning of the repetition of the Shemoneh Esrei.

The Rema wrote that it is enough for the *chazzan* to remain there until [the time taken to] walk four *amos*, and then he can return to his place and begin the repetition of the Shemoneh Esrei. Similarly, a person who davens alone, it is enough that he remains for this time (although several Acharonim wrote that someone who davens alone should *l’chatchila* stand for the time it takes for the *chazzan* to reach *Kedusha*, or at least the time it takes to begin the repetition of the Shemoneh Esrei).

There is a position among the Rishonim (Rabbenu Manoach) according to which the *minhag* to take three steps at the end of the Shemoneh Esrei essentially includes six steps – three steps backwards and three to return to his place. The Acharonim mentioned this position, and wrote that someone who wishes to do so is permitted (meaning it is not the halacha), but in any event someone who does so must certainly first wait in his place for the time noted above.

This position is the basis of the *minhag* which many people follow today to return with three steps forward immediately after taking three steps backwards, and according to everything written above it is clear that it is an erroneous *minhag* and is like a dog returning to its vomit.

The Shemoneh Esrei corresponding to the Olam Ha'atzilus

The fourth stage of *tefillah*, the Shemoneh Esrei, corresponds, according to the Kabbalah of the Arizal, to the *Olam Ha'atzilus*. During Shemoneh Esrei, the person *davening* reaches the level of a servant nullifying himself when standing before his master, like in the *Olam Ha'atzilus* where there is no being or separate reality, but only the revelation of the powers of the Creator.

The most common word in the Shemoneh Esrei is “Ata” said in second person to the Creator (You). Similarly all the brachos in Shemoneh Esrei are in second person, since the theme of the *tefillah* is “Know before Who you stand,” and this is the general intent required during Shemoneh Esrei, that I am now standing before the Creator who is present before me. For this reason too, Shemoneh Esrei is secret and whispered, hiding the identity of the person standing nullified before his Creator.

The person standing nullified before his Creator does not dare request his physical needs, and therefore we say “Hashem, open my lips etc.,” meaning open my mouth so that I am able to ask for my physical needs from the aspect of the Creator’s interest. It is specifically at this occasion of nullification, when the person stands before the Creator Himself (the Essence of Hashem), that he mentions his physical needs, since they are the conditions needed for fulfilling his mission of creating a place for the Essence of the Creator to live in the lower, material world.

Additions after the Shemoneh Esrei (siman 132)

The additions following the Shemoneh Esrei are a *minhag* which began during the period of the Geonim, and continued to take form in various versions during the time of the Rishonim. We will discuss Nefilas Apayim (Tachanun) in a different lesson. After Nefilas Apayim, we say Ashrei again, in line with that which Chazal said that anyone who says “Tehillah L'Dovid” three times every day is promised that he is a *ben olam haba*.

And we say Kedusha D'sidra, so that everyone will merit learning some *pesukim* from the Prophets and their translation into Aramaic every day so that all the nation, who knew Aramaic, would understand their meaning.

Chazal said in the Gemara that after the Churban the world exists because of *Amen*, *yehei Shemei Rabba* and Kedusha D'sidra. And therefore the Shulchan Aruch writes that a person needs to be careful to say Kedusha D'sidra with intent. The Shulchan Aruch also writes that it is forbidden for someone to leave shul before Kedusha D'sidra.

The Rema also mentioned the other additions which we are accustomed to add: *Shir Shel Yom*, *Pitum Haketores*, and *Aleinu L'Shabeiach*. According to the Kabbalah of the Arizal, after Shemoneh Esrei we descend in the order of the worlds – *Tachanun* still corresponds to *Olam Ha'Atzilus*, during Ashrei and Kedusha D'sidra we lower the effect of the *tefillah* to *Olam Ha'Briah*, afterwards during Shir Shel Yom to the *Olam Ha'Yetzirah*, and during Pitum Haketores to *Olam Ha'Asiah*. When moving between each world, we stop and say Kaddish.



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