

PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING PROJECT

Orach Chaim - Shiur 13

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The Blessings for Torah

Simon 46:9

9. 15) One should not read verses from the Scriptures prior to reciting the (daily) blessing for Torah even if he recites them by way of supplication. Some say that it is of no concern since he is only reciting them by way of supplication. It is proper to follow the first opinion.

Rama: However the custom is like (8) the latter reasoning since during the days that "Selichos" are recited we recite the Selichos prayers (first) and afterwards we recite the blessing for Torah together with the order of the remaining blessings. Similarly, each day upon entering the Beis Haknesses (lit. house of gathering i.e. synagogue) we say many pesukim (Torah verses) and afterwards we say a blessing for the Torah. The custom is to recite the Birchos haTorah immediately after Asher Yotzar and one may not deviate (from this). It's proper to say in the morning time after She'ma Yisrael the verse Baruch Sheim Kevod Malchusso Le'olam Voh'ed, (9) 16) since sometimes krias She'ma with its blessings are delayed and subsequently they are not said in the proper time and (by saying She'ma now) he is fulfilling his obligation.

Two Customs for Birchos HaTorah

S I M O N 4 6 : 9

The **Magein Avraham**¹ explains that there are two distinct customs pertaining to *Birchos haTorah* (the blessings for the Torah).

- One custom is to recite the blessings for the Torah right after saying *Asher yotzar* and *Elokaye neshama*.
- The other custom is to delay saying these *brochos* until after reciting all the *Birchos hashachar* and some of the *tefilos* that were mentioned in the previous shiur.

At that point, right before reciting the verses of the Torah for the daily sacrifice (*korban HaTamid*) the *Birchos haTorah* are said. The **Magein Avraham** explains that according to the first custom one may not recite Torah verses before the *Birchos haTorah* even when

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saying them as a form of prayer and not for learning purposes. According to the latter, however, when one reads from the Torah not in the way of study, it's not necessary to recite the *Birchos haTorah* first. Therefore right before the reading of the Torah portion on the daily sacrificial offering, it becomes absolutely necessary to recite the *Birchos haTorah*, since at that point one's learning and not praying. Similarly the custom mentioned by the **Rama**, to recite the blessings before the *Selichos* prayers, is according to the former custom of not reciting Torah verses at all unless saying the *Birchos haTorah* first, even when said by way of prayer.

**The
 Magein Avraham's
 Custom**

The **Magein Avraham** himself follows the custom of the **Rama** and recites the *Birchos haTorah*, before all the *Birchos hashachar*. Accordingly, during the days of *Selichos*, the *Birchos haTorah* would not be said out loud by the *Chazzan*, as was usually the custom to say them along with the *Birchos hashachar*, since everyone had said them already. Therefore it is advisable to find someone who has not yet said them to lead the prayers so not to deviate from the custom of saying all the *brochos* of the morning order out loud for the congregation.

The **Levushei Serad** writes in his annotation to this **Magein Avraham**, that we are discussing finding a person who didn't say the *Birchos haTorah* beforehand either because he:

- has not said *Selichos* along with the congregation yet, or
- because he forgot to say it

is afforded the honor of leading the congregation in prayer so that the *Birchos haTorah* may be said as usual.

The **Levushei Serad** seems to understand that this consideration overrides the custom of giving this honor to the leader of the *Selichos* prayer. What's difficult with this understanding is that as long as one of the congregants has not yet said the *Birchos haTorah*, it would be fine for the regular *Chazzan* to recite them for the sake of that individual who did not say them yet, just as the **Mishna Berura**² quoted from the **Pri Megadim** with regard to repeating *Al netilas yadayim* in the synagogue.

**Saying Some
 Tefilos Early**

As for saying *krias She'ma* before davening along with *Baruch sheim kevod etc.* the **Magein Avraham** comments that one should have in mind **not** to fulfill the *mitzvah* at present, since he is not saying it along with the *brochos* of *krias She'ma* at this point. However, he shouldn't deviate from the custom of saying *Baruch sheim kevod etc.* since this will not

² Simon 6:10

affect his reading of *She'ma* and it will not be considered fulfilling the *mitzvah* prematurely, since he has in mind at present not to fulfill his obligation. The first paragraph of *She'ma* should however, **not** be recited since this is not part of the custom, even though the **Maharshal**³ was accustomed to saying the entire first paragraph (*Ve'obavta eis Hashem etc.*).

The **Abudraham** also places the *Birchos haTorah* after all the *Birchos hashachar* and just before the reading of the *korban tamid* and the rest of the *korbanos* (sacrifices) that we read each morning prior to saying the *Pesukei de'zimrah* (the prayers leading up to the *Birchos krias She'ma and She'moneh esrey*). He doesn't have any *pesukim* (verses) in his order of prayer up until that point. He does point out that when waking up early in the pre-dawn hours to learn, he must recite the *Birchos haTorah* beforehand. He should also refrain from saying the *parsha* of *tamid* and of the other sacrifices, since *korbanos* are not brought at night, and we consider that saying the *korbanos* is as if we were bringing a real sacrifice.

Tur The **Tur** mentions that there are other *pesukim* that we say before the *Birchos haTorah*, if we leave *Birchos haTorah* to be said only after the *Birchos hashachar*. Therefore, rather than relying on this *beter* (allowance), the **Tur** decides to recite the *Birchos haTorah* earlier, after the *brochos* of *Asher yotzar and Elokeye neshama*.

Atta Hu Ah'd She'lo Nivra Ha'Olam V'atta Hu Mi'shenivra Ha'Olam (You are the One and Only before the world was created and You were the One and Only after the world was created.)

The **Bach** comments that this *tefila* is said right after *She'ma Yisrael Hashem Elokeinu Hashem Echad*. It's understood to be a follow-up on the theme of *Echad* (One and Only). It means that just as *Hashem* was the only One before the creation of the world, so too after its creation, He was still the only One until the second day of Creation when *Hashem* created the *mal'achim* (angels). The **Bach** goes on to say that some newer editions of the *siddur* (prayer book) changed the word *mi'she'nivra* (from time of creation) to *she'bo'roh'so* (that You created). However he is still not satisfied with the change. He doesn't elaborate on this point. He states that one should not deviate from the text of the *Ashkenaz siddurim* and also it's more befitting to say it in the passive form.

³ Rav Shlomo Luria zt"l, author of *Chochmas Shlomo, Yam Shel Shlomo, Tesuvos Maharshal*

Baruch atta Hashem mekadeish ess shimcha bo'rabbim: (Blessed are You Hashem Who Sanctifies Your Name Amongst the Masses)

Tur The Tur quotes the *Yerushalmi* (Jerusalem Talmud)⁴ that this *tefila* closes with, *Baruch atta Hashem mekadeish ess shimcha bo'rabbim*. He then asks: Why doesn't this *tefila* begin with *Baruch atta Hashem*?

Beis Yosef The **Beis Yosef** answers in the name of **Tosefos** in *Berachos*⁵ as well as in the last chapter of *Pesachim*⁶ that since this is a *Birchos Hodo'ah*, it doesn't require an opening *Baruch atta Hashem*.

We see from Tosefos that although the *tefila* of *Atta hu ah'd she'lo nivra ha'olam* does not begin with *Baruch atta Hashem*, it ends off with a closing *Baruch atta Hashem*. However the **Rambam** in the order of the daily prayers doesn't end this *tefila* with *Baruch atta Hashem*.

Why Doesn't a Birchas Hodo'ah Need to Open with Baruch atta Hashem?

Tosefos explains that since this *brocha* is praise to *Hashem* it doesn't require the usual formal opening of *Baruch atta Hashem*. The **Shibolei Haleket**⁷ explains that a blessing that is primarily praise to *Hashem* doesn't require an opening of *Baruch atta Hashem* since it is considered as if it contains this opening by praising *Hashem* throughout the blessing. It therefore really contains in it *sheim u'malchus* (the Name and the Kingship). He compares this to the *Modim de'Rabbanan* that we say during the *Chazoras hashatz* (the *chazzan's* repetition of the *shemon'eh esrey*). He elaborates on this by pointing out that the *tefila* of *Modim de'Rabbanan* is of greater importance⁸ than *Kaddish* or *kedusba* and yet it has no formal *Baruch atta Hashem* in it, even in it's closing. The reason is because by saying *Modim anachnu loch* (we thank You; *Hashem*) etc. it is considered having said *sheim u'malchus* and therefore it does not require anything more than that. However, upon examining the choice of words that Tosefos uses, it appears he is disagreeing with the **Shibolei Haleket's**

⁴ This is not in our version of the Jerusalem Talmud. However, it's quoted in the *Yalkut* on *parshas V'o'eschanan remez* 836.

⁵ Daf 46, d"h *kol*

⁶ Daf 104b, d"b *chutzi*

⁷ Simon 2

⁸ He proves this with the following logic: The rule is that if one starts *shemon'eh esrey* later than everyone else, he must make sure to finish his *shemon'eh esrey* before the *shatz* reaches *Modim* so that he can say the *Modim de'Rabbanan* along with the congregation. However for *Kaddish* or *kedusba* this isn't necessary.

reasoning. Tosefos says that since *Elokaye neshama* is only praise to *Hashem*, it doesn't require an opening *Baruch atta Hashem*, implying that it has a different format than other blessings that require it's opening to have *Baruch atta Hashem*.

Bach The **Bach** says exactly the same as the **Beis Yosef**, except that he adds the following:

*“The **Rambam** most likely did not end with a Baruch atta Hashem at the closing since this blessing isn't mentioned in our Talmud (the Babylonian Talmud). As we learned earlier, we do not compose any blessings on our own. Rather, it should be said without the mention of the name of Hashem. Such I have observed is the custom of scrupulous individuals. Nevertheless, one need not tell others to refrain from saying this blessing that is found in the editions of our siddurim (prayer books).”*

Taz The **Taz**⁹ explains: the closing of this blessing means, that just as *Hashem* sanctifies His Name amongst the masses, so too we must make an effort to create a *kiddush Hashem* (a sanctification of *Hashem's* Name) in all that we do. By following the Torah and the *mitzvos* scrupulously, we inevitably sanctify G-d's Name, whereby mankind will be compelled to recognize that *Hashem's Torah* is the one and only truth.

The **Taz** continues that the source of this blessing is in Tosefos (as noted earlier by the **Beis Yosef** and **Bach**). He adds that the **Beis Yosef** commented earlier in this *Simon* that in case of need, this blessing might be counted towards the requirement of the one hundred daily blessings, which we are supposed to recite every day (see shiur 7). It's obvious then, that this *tefila* has a formal closing of *Baruch atta Hashem* etc..

The Taz asks: The **Taz** now asks: How can we say this *tefila* with a closing *brocha*, since it's not mentioned anywhere in the (Babylonian) Talmud¹⁰?

⁹ S”k 9

¹⁰ Although it's mentioned in the *Yerushalmi* (Jerusalem Talmud) the *Halacha* (Jewish law) generally follows the *Bavli* (Babylonian Talmud)

The Pri Megadim asks

The **Pri Megadim**¹¹ asks: The **Taz** should ask a much better question. The *Gemora* in *Berachos*¹² says that a *brocha* must have in its format the Name of *Hashem* and a mention of *Hashem's* kingship (*sheim u'malchus*¹³) in order for it to be valid. If so, how can we recite this as a blessing since it's not formulated properly?

The **Pri Megadim** explains: Perhaps we can answer this the same way the **Beis Yosef** explains the blessing of *Elokaye neshama* in *Simon 214*. He says there, that since the context of *Elokaye neshama* has a strong reference to *Hashem's* dominion over the entire universe; it is considered as if it has a direct reference to *sheim u'malchus* (the Name and kingship). Similarly here too we have a reference to *Hashem's* dominion in the *tefila* of *Atta hu ab'd she'lo nivra ha'olam etc.* which takes the place of the required mention of *malchus* (His kingship). In accordance with this explanation it would fit better if we followed the newer version of *Atta hu ab'd she'lo bo'roh'so ha'olam*, which directly mentions that **Hashem** created the world. Nonetheless, this is not reason enough to change the way we are accustomed to saying *nivra* (was created – passive form) instead of *bo'roh'so* (You created – active form).

The Taz Concludes

The reason to recite this blessing with the Name (*Hashem*) is based on a *minhag* (custom). As explained in a previous shiur, we allow for newly formulated *brochos* when a custom is formally introduced by the *Chachamim* (Torah scholars).

The Custom of the *Gra* and of the *Maharil*¹⁴

We recite the following blessings in the morning:

- *Al netilas yadayim, Asher yotzar and Elokaye neshama*
- *Birchos hashachar*
- *Birchos haTorah*

¹¹ Mishbetzos Zahav *os 9*

¹² Daf 40b

¹³ *Baruch atta Hashem* (= *sheim*- the Name) Elokeinu Melech Ha'olam (= *malchus* – kingship)

¹⁴ Quoted by *Beis Yosef*

The order of these blessings varies according to different opinions. The general rule one should keep in mind is that invariably a blessing begins with *Baruch atta Hashem* unless it is recited immediately after a blessing that had that opening (i.e. the *brochos* of the *She'moneh esrey*). This is known as *Brocha basemucha le'chaverta* (a blessing that follows another blessing).

The **Gra**¹⁵ and the **Maharil** both are of the opinion that the *Birchos haTorah* are recited only after saying the entire *Birchos hashachar*. The Gra writes a compendium of the sources for saying *Birchos haTorah* at this point (after the *Birchos hashachar* and before *Parshas HaTamid*).

In order to understand the Gra, we must preface that this seems to imply that *Elokaye neshama* is part of the *Birchos hashachar* and therefore should not be interrupted with the *Birchos haTorah*¹⁶. He quotes from the **Tur** that since he's concerned with reading *pesukim* before *Birchos haTorah*, therefore *Elokaye neshama* is said after *Asher yotzar* followed by the *Birchos haTorah* and then the *Birchos hashachar*. The **Rama** in his *sefer Darchei Moshe* comments on this that *Elokaye neshama* should be left to be said after the *Birchos haTorah* since it doesn't need to be juxtaposed with another *brocha*. This is also his ruling in this *Halacha* (46:9).

- **Rabbeinu Yonah** in his *Sefer Hayir'ab* says to recite *Elokaye neshama* right after *Asher yotzar* to make it a *Brocha basemucha le'chaverta* and then recite the *Birchos hashachar* leaving the *Birchos haTorah* for later.
- All the early *sefarim* and also the later ones say it in this order.
- **Tosefos** in *Berachos*¹⁷, comments that although *Elokaye neshama* is just praise to *Hashem* and it doesn't need to be juxtaposed to *Asher yotzar*, nevertheless it is recited right after *Asher yotzar*. Tosefos then goes on to mention that the *Birchos haTorah* are mentioned only at the end by the Torah portion of the *korban HaTamid*.

¹⁵ Se'if 9 *Ve'nobagu*

¹⁶ This point can be seen from the **Gemora Berachos 60b** as well as from the **Mechaber 46:1** that have *Elokaye neshama* together with the rest of the *birchos hashachar*.

¹⁷ Daf 46a, d"h *kol*

- The **Rosh**¹⁸ says that if someone wakes up to learn before *davening*, he should say the *Birchos haTorah* then, but he should not repeat the *Birchos haTorah* again before saying the *parsha* of *korban tamid* (Torah portion about the daily sacrificial lamb). This implies that generally the *Birchos haTorah* were recited right before the *parsha* of *korban tamid*, which is after the *Birchos hashachar*.
- The **Rosh** in his Responsa¹⁹ says clearly that they are said after the *Birchos hashachar*.
- The **Rambam**²⁰, the **Abudraham**, and all the early *sefarim* and *siddurim* say the same as the **Rosh**. Also, that which the **Tur** is concerned about saying *pesukim* before *Birchos haTorah* isn't a concern since those *pesukim* are said by way of supplication and not prayer. Even according to the first opinion mentioned by the **Mechaber** that one shouldn't recite any *pesukim* before *Birchos haTorah*, the *Birchos haTorah* were said before saying the *tefila* of *Le'olam yehei oh'dom yerei shomayim etc.* since there are verses mentioned there. But it still was recited after the *Birchos hashachar* and before reciting any other *pesukim*.
- The **Geonim** mention that one should say *Elokaye neshama* right after *Asher yotzar* and then immediately follow it with *Birchos hashachar* and then *Birchos haTorah*, which is all not like the **Tur**.

In Conclusion:

According to the above-mentioned custom of the **Gra** and the **Maharil**, a couple of ideas come to mind.

- The *parsha* of *Akeidas Yitzchak*, which our *siddurim* place before the *korbanos*, cannot be said according to the custom of the **Gra** until after the *parsha* of the *tamid*.
- In many *siddurim* it says to recite the *pasuk*: ***Raishis chochma yiras Hashem seichel tov etc.*** right after saying *Mode ani* in the morning. Aside from having to wait to say this until after washing one's hands, one should wait to say this after *Birchos haTorah*. However, according to the opinion of the **Gra**, which is like the second

¹⁸ Perek 1:13

¹⁹ Klal 4 *simon* 1

²⁰ Perek 7 *Hilchos Tefila*

opinion of the **Mechaber**, since this is said in a way of prayer it would be permitted to say it even before *Birchos haTorah*.

- The *pesukim* that are said upon entering the synagogue, such as *Va'ani be'rov Chasdecha ob'voh beisecha etc.* should not be said according to the first opinion unless one has already recited the *Birchos haTorah*²¹. However, according to the **Gra** and the **Maharil**, it may be said by way of supplication.

²¹ *Kaf Hachaim* 46:57

Review Questions

1. Can someone say *pesukim* (verses from the Scriptures) before *Birchos haTorah*?
2. Which Torah portions are said before *davening* and require *Birchos haTorah* according to all opinions? (2)
3. Which custom of *Birchos haTorah* for *pesukim* does the **Magein Avraham** follow?
4. Give an example when someone is afforded the honor of being the *Chazzan* for NOT doing something.
5. What does the **Magein Avraham** recommend for the *She'ma* before *davening*? (In regard to saying *Baruch Sheim* etc. and the paragraph of *Ve'ohanta*)
6. Why does the **Tur** decide to say *Birchos haTorah* before *Birchos hashachar*?
7. In regard to which *brocha* does the **Rama** (*Darhei Moshe*) disagree with the **Tur**?
8. Why does the blessing of *Atta Hu*, etc. not need an opening *Baruch Atta Hashem*?
9. Explain the difference between the **Shibolei Haleket's** explanation of this and that of Tosefos.
10. Why doesn't the *tefila* of *Atta Hu* etc. require *Sheim u'Malchus*?
11. According to the **Gra** and **Maharil** where are the *Birchos haTorah* placed?

Answers to Questions

1. There are two opinions on this. One opinion is that it may not be said. Another opinion is that it may be said by way of supplication.
2. Akeidah, Parshas HaTamid. (Other verses as well.)
3. The **Magein Avraham** follows the opinion that it may be said by way of supplication.
4. If saying *Selichos*, when everyone said *Birchos haTorah* beforehand, then someone who forgot to say it, would be the *Chazzan* so that he can recite them for the congregation as was usually their custom.
5. Say *She'ma* and *Baruch sheim kevod* etc. , but not *Ve'ohavta*, when not having in mind to fulfill the obligation of *krias She'ma*.
6. The **Tur** was concerned about the *pesukim* said before *Birchos haTorah*.
7. The **Rama** says to put *Elokaye neshama* after the *Birchos haTorah* not after *Asher yotzar*.
8. Since it is a *Birchos Hodo'ab* (praise).
9. According to the *Shibolei Haleket* a *Birchos Hodo'ab* is considered as if it mentions *sheim u'malchus*. According to *Tosefos* it doesn't require *sheim u'malchus*.
10. Since it implies *Hashem's* kingship.
11. They are placed after all the *Birchos hashachar*, *She'ma*, and *Atta hu etc.*, right before *Parshas HaTamid*.