**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**THE LAWS OF THE BERAKHOT**

**Rav David Brofsky**

***Birkot Ha-Mitzvot* - combined**

**Purpose of *Birkot Ha-Mitzvot***

What is the role, purpose, or function of the blessing said before performing a *mitzva*? An analysis of the laws governing this blessing, especially the timing and placement of this blessing, may shed light on this question.

The Talmud (*Pesachim* 7b) teaches:

All blessings should be said *over le-asiyatan* [upon the performance of the *mitzva*] … except for the blessing over *tevila* (ritual immersion).

What does “*over le-asiyatan*” refer to and why should it be said specifically then? Seemingly, these questions may be related to a far more fundamental question: Why do we say a blessing before fulfilling a *mitzva* at all?

One might view the *birkat ha-mitzva* as a type of preparation for the *mitzva*. This idea is articulated in different ways.

The Ritva (*Pesachim* 7b, s.v. *kol ha-mitzvot*) explains:

The reason why the Rabbis said that one should say the blessing upon performing the *mitzva* is in order that the person should sanctify himself before [the *mitzva*] through the blessing, and reveal and announce that he is doing [the *mitzva*] because God commanded him.

The Ritva explains that the blessing said before performing a *mitzva* is meant to help the person prepare for the *mitzva*, almost like the more recent custom of saying “*heneni mukhan u-mezuman le-kayem*”.

Others suggest that the blessing said before performing a *mitzva* is similar to the blessings said before eating food. The Rambam (*Hilkhot Berakhot* 1:3) writes:

Just as we recite blessings for benefit which we derive from the world, we should also recite blessings for each *mitzva* before we fulfill it.

The Talmud (*Berakhot* 35a) teaches that one may not benefit from this world without first saying a blessing. R. Soloveitchik, based upon this passage from the Rambam, suggested that one similarly may not be permitted to perform a *mitzva* without first saying the appropriate blessing. This notion is based on a larger philosophical principle related to whether man may turn to and engage God without first asking “permission.” Although this idea is beyond the scope of this *shiur*, in brief, R. Soloveitchik asserts that without first acknowledging and thanking God by saying a blessing, one may not even perform a *mitzva*.

Alternatively, one might suggest that the *birkat ha-mitzva* is not a preparation for the *mitzva*, but rather an expression of praise, a type of *birkat ha-shevach* that we say upon fulfilling a *mitzva*. It is possible that the Ritva, in the continuation of the passage cited above, alludes to this. He writes:

In addition, the blessings are part of one’s service of the soul, and it is appropriate that the “service of God” should precede the “service of the body.”

This debate may affect the proper time in which one should say this blessing. The Talmud’s phrase, “*over le-asiyatan*,” can be translated as “before” or “upon” fulfilling the *mitzva*. If the blessing serves as preparation for the *mitzva*, it would seem that it should only be recited before it is performed.

### An interesting ramification of this debate may be whether the blessing may be said after performing the *mitzva*. The Or Zaru’a (*Hilkhot Keriat Shema* 1:25) rules that if one does not say the blessing before performing the *mitzva*, it may be said afterwards. The Rambam (*Hilkhot Berakhot* 11:5) disagrees.

Apparently, the Rambam, who compares the *birkot ha-mitzvot* to the *birkot ha-nehenin*, views the *birkat ha-mitzva* as a “*matir*,” something that permits one to fulfill the *mitzva*, or possibly as a preparatory act before the *mitzva* (like the Ritva), and he therefore rules that the blessing is no longer valid or necessary after the *mitzva* has been completed. In contrast, the Or Zaru’a must view the blessing as a *birkat ha-shevach*, a blessing of praise, which may be said shortly after fulfilling the *mitzva* as well. The *halakha* is in accordance with the Rambam.

Interestingly, the Yerushalmi (*Berakhot* 9:3) cites a view that maintains that the blessing should be say “*be-sha’at asiyatan*,” during the performance of the *mitzva*. This is especially relevant for *mitzvot* that are fulfilled over a period of time. Similarly, the Ra’avia (*Hilkhot Lulav* 691) writes:

All blessings should be said upon the performance [of the *mitzva*]. My father and teacher R. Yitzchak ben R. Mordekhai explained, while quoting our teach the Riva, that the phrase “*over*” does not come to exclude one who says the blessing while performing the *mitzva*, as long as the *mitzva* is fulfilled over a period of time.

Although the Ra’avia implies that reciting the blessing in this manner is *be-dia’vad*, not the ideal manner, the Ba’al Ha-Maor (cited by the Abudraham) rules that one should say the blessing specifically during, and not before, its performance.

Apparently, the Ba’al Ha-Ma’or offers third approach. The blessing does not prepare one for the *mitzva*, nor does it praise God for the *mitzva*; rather, the blessing in meant to integrate into the performance of the *mitzva* itself. In other words, while the actual performance of the *mitzva* is usually physical, the blessing adds a personal, spiritual element to the *mitzva* itself. This idea may be rooted in the Talmud (*Berakhot* 15a), which, according to the Tosafot Rosh, implies that had *birkot ha-mitzvot* been *mi-de’oraita*, failing to recite the blessing would even have prevented one from fulfilling his obligation.

The Talmud mentions one exception to the rule of “*over le-asiyatan*” – *tevila*. The *Rishonim* offer different explanations of this exception. Some *Rishonim* (Rif, *Pesachim* 3b-4a; Rambam, *Hilkhot* *Berakhot* 11:7; Rosh, *Pesachim* 1:10) explain that the *gemara* refers only to the immersion of a convert. Tosafot(*Pesachim* 7b, s.v. *al ha-tevila*), for example, explain:

Rabbeinu Chananel, in the name of the Gaon, [explains that the Talmud refers only to] the immersion of a convert, who is not fit before the immersion [to say the blessing]… But [in the case of] other immersions, including that of a *ba’al keri*, one may say the blessing before immersing.

It is not clear whether this view maintains that a convert should not say the blessing before immersion for technical reasons, as he is not yet Jewish, or whether the Tosafot maintain that fundamentally there should be no blessing over the conversion of a non-Jew; this blessing only appears to be a *birkat ha-mitzva*, while in essence it is really a *birkat ha-shevach*, a blessing of praise said immediately after witnessing the beautiful sight of a non-Jew accepting upon himself the yoke of Heaven.

Other *Rishonim* understand “*tevila*” in a broader sense. Tosafot (ibid. and *Berakhot* 51a, s.v. *me-ikara*), for example, explain that just as the blessing of a convert was established after the immersion, so too all other immersions, including even the *netilat yadayim* before the meal, precede the blessing.

Interestingly, Tosafot (*Pesachim*, ibid.) suggest another approach as well. Since the drying of the hands (*niguv* *yadayim*) is also considered to be a significant part of the *mitzva*, one who says the blessing after washing but before drying his hands is still considered to have said the blessing “*over le-asiyatan*.”

Although the Talmud only mentions one exception to the rule of *over le-asiyatan*, the *Rishonim* discuss other *mitzvot* upon which the blessing is said after the performance of the *mitzva*.

For example, the *Rishonim* discuss the proper time for reciting the blessing upon taking the *arba minim*. Some *Rishonim* (see Rambam, *Hilkhot* *Lulav* 7:6) write that one recites the blessing and then picks up the bundle of the *arba minim* from the table. However, many *Rishonim* offer other concerns. For example, the Talmud (see *Sukka* 42a; see also *Pesachim* 7b) teaches that “when one lifts [the *arba minim*], he has fulfilled the *mitzva*.” Thus, saying the blessing after picking up the *arba minim* may be too late!

Tosafot (*Pesachim* 7b, s.v. *la-tzeit*; see also Tosafot, *Sukka* 29a, *s.v. over*) offer a number of possibilities. First, Tosafot suggest that one should take the *lulav* upside down, as one does not fulfill his obligation until he holds the four species in the manner in which they grow (*ke-derekh gedilatan*). He can thus hold the four species but still say the blessing, as he has not yet fulfilled his obligation. Alternatively, upon taking all four species, one should simply have in mind not to fulfill the obligation until after the blessing. Both of these suggestions accord with the language of the Talmud, which states that one should say the blessing before the *mitzva* is performed.

Tosafot (ibid., s.v. *be-idana*; see also Rosh, *Sukka* 3:33 and Ran *Sukka* 20b, s.v. *mi-deparkhinan*) then suggest that although one has already fulfilled the *mitzva* as soon as he lifts the *arba* *minim*, since one has not “completely finished the *mitzva*,” as the shaking of the *lulav* (*nanu’a*) is part of the *mitzva*, one may still recite the blessing.

R. Yoel Sirkis (1561-1640) asks a fascinating question in his commentary to the Tur (Bayit Chadash 521). He observes that the suggestion of taking the *arba minim* in an abnormal manner, such as turning over the *etrog* before the blessing, seems problematic, as when one takes even one of the *minim* properly, he has partially fulfilled the *mitzva*. The blessing should therefore no longer be considered to have been recited “*over le-asiyatan*,” before performing the *mitzva*! The Bach suggests that even though one may take all four *minim* separately, the *mitzva* is retroactively only fulfilled after taking all four *minim*. There is no inherent value in taking each species alone.

Practically, the Shulchan Arukh (521:5) rules that one should recite the blessing before taking the *etrog* or while holding the *etrog* upside down. The Gra (521:5) writes that it may be preferable to take all four species in a normal manner and to have in mind not to fulfill the *mitzva* until after the blessing. (*Sefer Arba’at* *Ha-Minim* *Ha-Shalem*, p. 352, relates that this was the practice of the Chazon Ish.) Nevertheless, it is customary to recite the blessing when holding all four *minim* but while the *etrog* is upside down.

We find a similar discussion regarding the lighting of the *nerot* *Shabbat*. Some *Rishonim* maintain that by saying the blessing of “*le-hadlik ner shel Shabbat*,” the person has accepted Shabbat and may therefore no longer light the fire. The Shulchan Arukh (268:5) rules that women should say the blessing before they light the candles, but the Rema adds:

One should say the blessing after the lighting, and in order that it should be considered to be *over le-asiyato*, he should not benefit from it until after the blessing, and one puts her hand over her eyes during the time of lighting.

**“*Al*” or “*Le*”**

There are two different formulas of *birkot ha-mitzvot*. Some are phrased: “*asher kideshanu be-mitzvotav vetzivanu* ***al***…” (“Who has sanctified us with His commandments, and commanded us **regarding**…”); others are formulated in the infinitive: “*asher kideshanu be-mitzvotav vetzivanu* ***le*** …” (“Who has sanctified us with His commandments, and commanded us **to**…”). The Talmud (*Pesachim* 7a-7b) cites a debate regarding the proper text of the blessing recited before *bedikat chametz*, the search for *chametz* that is performed on the night of the 14th of Nissan, the night before Pesach:

R. Yehuda said: One who searches [for *chametz*] must say the blessing. What blessing does he pronounce? R. Pappi said in Rava's name: “[Who has commanded us] to remove leaven” (*le-va’er chametz*). R. Papa said in Rava's name: “[Who has commanded us] regarding the removal of leaven” (*al bi’ur chametz*).

The *gemara* first suggests that the two sides in this debate disagree as to whether the formulation of “*al*” (“regarding”) implies past or future tense. However, the Talmud then suggests that there may be another difference; when one performs a *mitzva* that he is personally obligated to fulfill, such as when a father is performing the circumcision of his own son, the proper formula is in the infinitive (“*la-mul*”), while when performing the *mitzva* for another person, the formula is “regarding” (“*al ha-mila*”).

The Talmud then observes that when taking the *lulav*, a *mitzva* that one is personally obligated to perform, the formula is “regarding the taking of the *lulav*” (and not “to take the *lulav*”). The *gemara* explains that “there it is different, because in the [very] moment that he lifts it up, his duty is fulfilled.” As we discusses last week, this statement is very difficult to understand, as if one fulfills the *mitzva* immediately upon lifting the *lulav*, he should not recite the *berakha*;one is not supposed to say a blessing after the *mitzva* has been performed. Some (Tosafot, *Pesachim* 7b, s.v. *be-idana*) explain that the *mitzva* of taking the *lulav* actually lasts throughout the course of the lifting and the shaking (*na’anu’im*) of the *lulav*.

The Talmud concludes that the proper blessing upon searching for *chametz* is “*al bi’ur chametz*,” but it does not further explore this question, and the *Rishonim* are therefore left to suggest different patterns for when different formulas are employed.

Interestingly, Tosafot (s.v. *ve-hilkhata*) report that the Ri “did not find a reason for all of the blessings.” Other *Rishonim*, however, suggest different rules and parameters, some of which reflect their understandings of different *mitzvot*.

**Different Theories Concerning *Al* and *Le***

Some *Rishonim* (Riva, cited by the Rosh, *Pesachim* 1:10, and the Ramban, *Pesachim* 7b, s.v. *de-amrinan*) suggest a general rule based on the exceptions mentioned by the *gemara*. They explain that the standard formula for a *birkat ha-mitzva* is in the infinitive, “*le*,” unless the *mitzva* can be fulfilled through an agent (*shaliach*), such as *mila* (circumcision) and *bi’ur chametz*, in which case the “*al*” formula is used. Furthermore, if the blessing may be said after the performance of the *mitzva*, such as in the case of *lulav* (as mentioned by the *gemara*), *tevila*, and *netilat yadayim*, the blessing is also not phrased in the infinitive.

The Rosh (1:10) cites Rabbeinu Tam, who offers a different approach:

And regarding that which they distinguished between “*al*” and “*lamed*” [“*le*”], Rabbeinu Tam offered a reason. [He explained that for] all *mitzvot* that are performed immediately, it is appropriate to say “*al*” upon them, such as “*al mikra megilla*,” “*al ha-tevila*,” “*al netilat yadayim*,” “*al* *hafrashat teruma*,” “*al akhilat matza*,” and “*al akhilat maror*.” However, “*le-haniach tefillin*,” “*le-hitatef ba-tzitzit*,” and “*lei-shev ba-sukka*” are continuous. Therefore, the language [even] implies that one is “adorned with *tefillin*” and “enveloped by the *tallit*” and “sitting in the *sukka*” to eat and dwell the entire day.

This principle compels Rabbeinu Tam to explain other *mitzvot* whose blessing is phrased in the infinitive. For example, regarding the Chanuka lights, upon which one recites, “*le-hadlik ner shel Chanuka*,” Rabbeinu Tam explains: “And in lighting the Chanuka lights there is a continuity, as it says (*Shabbat* 21b): ‘The *mitzva* lasts from sunset until there are no more people in the market.’” Similarly, regarding *shofar*, upon which, according to Rabbeinu Tam, one says, “*le-shmo’a* *kol* *shofar*,” he explains, “There is a continuity [even] during the interruptions between the sounds, as the primary fulfillment of the *mitzva* is during the recitation of the [*Mussaf*] blessings.” Finally, regarding *Hallel*, upon which one says, “*li-kro et ha-Hallel*” (or “*li-gmor et ha-hallel*”), he explains, “In the recitation of *Hallel* one interrupts, and the congregation answers.”

In addition to defining certain *mitzvot* as “continuous,” Rabbeinu Tam adds another rule: “For any *mitzva* that is not always obligatory, it is not appropriate to say ‘*al*.’” Therefore, he explains:

[Since] the prophets instituted that “Israel should recite [*Hallel*] at every important epoch and at every misfortune (may it not come upon them) and when they are redeemed they recite [in gratitude] for their redemption” (*Pesachim* 117a), therefore the formula *li-kro et ha-Hallel* is fitting, as it is not a constant obligation (*eina chova tamid*).

The Rambam (*Hilkhot Berakhot* 11:11-15) suggests a different approach:

Whoever performs a *mitzva* for his own sake, whether it is an obligation incumbent upon him or not, should recite a blessing, [praising God “who sanctified us with Your commandments and commanded us] to perform (*le*)…” In contrast, if he performs a *mitzva* on behalf of another person, the form of the blessing is [“who sanctified us... and commanded us] regarding the performance of (*al*)…” What is implied? Before donning *tefillin*, one recites the blessing “to put on *tefillin*;” before wrapping oneself in *tzitzit*, one recites the blessing “to wrap...;” before sitting in the *sukka*, one recites the blessing “to sit in the *sukka*.” Similarly, one recites the blessings “to kindle the Sabbath light” and “to complete the *Hallel*.” Similarly, if one affixes a *mezuza* on one's own house, one should recite the blessing “to affix a *mezuza*;” if one erects a guardrail on one's roof, one should recite the blessing “to erect a guardrail.” Should one separate *teruma* for oneself, one should recite the blessing “to separate [*teruma*].” Should one circumcise one's own son, one should recite the blessing “to circumcise [one's] son.” Should one slaughter one's Paschal sacrifice or festive sacrifice, one recites the blessing “to slaughter...”

If, however, one affixes a *mezuza* for others, one should recite the blessing “regarding the affixing of a *mezuza*.” Should one construct a guardrail for others, one should recite the blessing “regarding the building of a guardrail.” Should one separate *teruma* for others, one should recite the blessing “regarding the separation of *teruma*.” Should one circumcise a colleague's son, one should recite the blessing “regarding the circumcision.” The same applies in all similar situations.

The Rambam explains that there is no permanent and established formula; whether one uses “*le*” or “*al*” depends on whether or not a person is performing the *mitzva* for himself or for another person.

The Rambam qualifies this view:

When one takes the *lulav*, one should recite the blessing “regarding the taking of the *lulav*.” [This form is used] because a person fulfills his obligation when he picks [the *lulav*] up. If one recites the blessing before taking the *lulav*, one should recite the blessing “to take the *lulav*,” as one recites the blessing “to sit in the *sukka*.” From this, one derives the principle that a person who recites a blessing after performing [a *mitzva*] blesses “regarding...” [the *mitzva*'s] performance.

With regard to the washing of hands and ritual slaughter, since they are of a voluntary nature, even if a person slaughters on his own behalf, he should recite the blessings “concerning slaughter,” “concerning the covering of the blood,” and “concerning the washing of hands.”

The Rambam explains that when performing a *mitzva* which is not necessarily imperative, such as *shechita* or *netilat yadayim*, one also says “*al*.” Furthermore, when one says a blessing after having already started the *mitzva*, one says “*al*.” He insists that once one has decided to rid oneself of *chametz*, the *mitzva* has begun; therefore, before formally beginning the search, the appropriately blessing is “*al bi’ur chametz*.”

Finally, the Shiltei Giborim cites R. Yishayahi Di Trani (known as the Rid), who writes that one may choose to use either formula, “*al*” or “*le*,” unless one is performing the *mitzva* for another person, in which case one cannot use the infinitive and must say “*al*.”

This question regarding whether a blessing should be formulated as “*al*” or “*le*” not only raises interesting theories about the text of the blessings, but also leads to fascinating discussions regards the nature of certain *mitzvot*.

**Mitzvot Aseh Sheha-Zeman Gerama**

The mishna (Kiddushin 1:7) teaches that women are exempt from time-bound mitzvot, known as *mitzvot aseh sheha-zeman gerama*.

Every positive precept dependent upon a set time, men are obligated to observe but women are exempt. But those positive precepts not dependent upon a set time, both men and women are obliged to observe. All negative precepts, whether or not they are dependent upon a set time, are obligatory upon both men and women.

The Talmud (*Kiddushin* 34a) teaches that this exemption is derived from *tefillin*.

From where do we derive that women are exempt from positive precepts dependent upon a set time? It is derived from the *mitzva* of *tefillin*; just as women are exempt from wearing *tefillin*, so too they are exempt from all positive precepts dependent upon a set time.

The gemara (ibid.), and the *Rishonim* (see, for example, Abudraham Sha’ar 3, Birkat Ha-Mitzvot, R. Shimshon Raphael Hirsch Va-Yikra 23:43, Mishpetei Uziel 4 Inyanin Kelali’im 4, Iggerot Moshe Orach Chaim 4:49, et. al.) discuss this exemption, and its rational.

The Rambam, at the end of his list of positive precepts (Sefer Ha-Mitzvot), lists eight commandments from which women are exempt, due to them being time bound commandments: *keri’at shema*, *tefillin* (head), *tefillin* (arm), *tzitzit*, *sefirat ha-omer*, *sukka*, *lulav*, and *shofar*. He also lists *mitzvot* from which women are exempt despite that they are not time bound, and time bound mitzvot, both Biblical (Kiddush on Shabbat, fasting of Yom Kippur, Matza on Pesach, Simchat He-Regel, Hakhel, Korban Pesach) and Rabbinic (Nerot Chanuka, Keri’at Ha-Megilla, *arba kosot* on Pesach, Hallel on the evening of Pesach).

The Talmud (Rosh Ha-Shana 33a; see also Sifra Parshata 2) cites a debate between R. Yosi and R. Shimon regarding whether women may fulfill time-bound *mitzvot*. They argue with regard to the *mitzva* of *teki’at shofar* and “*semikha*” (placing one’s hands on the sacrificial animal). The discussion revolves around whether or not “*nashim somkhot reshut*” (placing the hands by women [on a sacrifice] is optional).

Seemingly, we must first ask why R. Yehuda does not permit women to blow the *shofar* on Rosh Ha-Shana, or place their hands on a sacrifice in the Temple, and how one views a *mitzva* performed by a woman. Rashi (s.v. *ha-nashim*) explains according to R. Yehuda, if a woman fulfills a time bound *mitzva* from which she is exempt, she violates the Biblical prohibition of *bal tosef* (adding on to the mitzvot). The commentators, including the Maharsha (ibid.) disagree with this understanding. Others (Ran 9b s.v. *garsinan*; see also Tosafot Eiruvin 96a s.v. *mikhal*) explains that R. Yehuda is only strict regarding certain *mitzvot*, such as *teki’at shofar* and *semikha*. These *Rishonim* may disagree as to when a *mitzva* is performed by a woman, she is considered to have “fulfilled” the *mitzva*, or not.

Even according to R. Yosi, who permits women to fulfill these *mitzvot*, one may question whether the fulfillment (*kiyum*) is the same as the fulfillment of a man. The ramifications of this question are beyond the scope of this *shiur*.

**Blessing before a Time Bound Commandment**

Some *Rishonim* maintain that women should not say the *birkat ha-mitzvot* before performing a time bound *mitzva*. Of these *Rishonim*, some imply that women do not say the blessing as there is no actual fulfillment of the *mitzva* (see, for example, Rambam Hilkhot Tzitzit 3:9 and Hilkhot Ma’aseh Ha-Korbanot 3:5). Others imply that the problem may be technical; a woman cannot say the text of the blessing, “*asher kideshanu be-mitzvotav vetzivanu al*…” (“Who has sanctified us with His commandments, and commanded us regarding…”, as they were not actually commanded to fulfill the *mitzva* (Hagahot Maimoniot ibid., 40; see also Rosh Kiddushin 1:49 and Ran Rosh Ha-Shana 9b s.v. *u-le’inyan*).

Other *Rishonim* disagree and insist that women may say a blessing before fulfilling a time bound commandment (Rabbenu Tam, as cited by Rosh Kiddushin 1:49 and Tosafot Rosh Ha-Shana 33. s.v. *ha*). They clearly maintain that the phrase “*asher kideshanu*” should be understood as referring to all of the Jewish people, as a whole).

Interestingly, the Shibolei Ha-Leket (Seder Rosh Ha-shana 295) cites R. Yishaya, who rules that although women may fulfill time bound commandments, they must do so without saying a blessing, as if they were to say a blessing, that may demonstrate that they are performing the *mitzva* because they believe they are obligated, which may be a violation of *bal tosef* (adding on to the Torah). This may be rooted in an interested passage in the Rambam. The Rambam (Hilkhot Mamrim 2:9) writes that one who establishes a rabbinic enactment but claims it is of Biblical origin, violates *bal tosef*. In other words, blurring the lines between a Biblical and Rabbinic *mitzva* may be viewed as a form of *bal tosef*.

**The Halakha**

The Rema (OC 589:6) records that it is customary for women say to the blessing before fulfilling time bound *mitzvot*. This is indeed the practice of Ashkenzic women.

Within the Sephardic community, there are different rulings. On the one hand, the Shulchan Arukh (ibid.) rules that “although women are permitted to blow [the shofar] … they do not say the blessing.” On the other hand, R. Chaim Yosef David Azulai (1724 –1806), known as the Chida, in his Birkei Yose (OV 654:2; see also Kaf Ha-Chaim 589:23) records that the custom of some Sephardic women, in the land of Israel, was to say the blessing before fulfilling time bound *mitzvot*. In more recent years, other authorities (Mishpetei Uziel CM kelalim 4 and Tzitz Eliezer 9:2) affirmed that the custom of some Sephardic women is to say the blessing. R. Ovadia Yosef, in numerous response (see, for example, Yabi’a Omer OC 1:40) insists that Sephardic women should not say *birkot ha-mitzvot*, in accordance with the view of the Shulchan Arukh. He even rules that Sephardic women should not say the Bikot Keriat Shema, and the blessings said before and after Pesukei De-Zimra (Yabi’a Omer OC 3:6); others disagree (see Kaf Ha-Chaim 70:1).

**The Halakhic Status of *Minhagim***

Does one say a *berakha* before performing a “*minhag*” (custom)? Before we address this question, we must first relate to the halakhic status of *minhagim*.

There are many types of “*minhagim*.” Some *minhagim* refer to a custom to refrain from certain practices or behaviors, at times to avoid violating a prohibition (see *Pesachim* 50b) and at times for other reasons (such as *kitniyot*, *cherem* *de-Rabbeinu Gershom*, etc.). At times, the term “*minhag*” may simply refer to the common practice regarding a specific halakhic, or even non-halakhic, question. The term may refer to the practices and customs of a given geographical area regarding prayers and other ritual matters. The term “*minhag*” may also refer to new practices instituted by the prophets, *Chazal*, or more recent Rabbinic or communal leadership. Examples include taking (and hitting) the *arava* on Hoshana Rabba (*Sukka* 44a), *Yom Tov Sheni* (*Beitza* 4b), and reciting *Hallel* on Rosh Chodesh (*Ta’anit* 28b).

The *Rishonim* debate the status of certain customs, as well as the obligation to observe them. The Rambam (*Hilkhot Mamrim* 1:1-2) writes:

The members of the Supreme *Sanhedrin* in Jerusalem are the essence of the Oral Law. They are the pillars of instruction from which statutes and judgments issue forth for the entire Jewish People. Concerning them, the Torah commands: "You shall do according to the laws which they shall instruct you” (*Devarim* 17:11). This is a positive commandment…

Any person who does not carry out their directives transgresses a negative commandment, as [the verse] continues: "Do not deviate from any of the statements they relate to you, neither right nor left."

We are obligated to heed their words whether they are learned them from the Oral Tradition, i.e., the Oral Law, derived on the basis of their own knowledge through one of the attributes of Biblical exegesis and it appeared to them that this is the correct interpretation of the matter, or instituted the matter as a safeguard for the Torah, as was necessary at a specific time. These are the decrees, edicts, and customs instituted by the Sages. It is a positive commandment to heed the court with regard to each of these three matters. A person who transgresses any of these types of directives transgresses a negative commandment.

This is derived from the continuation of the above verse in the following manner: "According to the laws which they shall instruct you" - this refers to the edicts, decrees, and customs which they instruct people at large to observe to strengthen the faith and perfect the world…

The Rambam implies that one who does not observe certain customs violates a biblical commandment. The Ramban, however, disagrees in his comments to the first “*shoresh*” of the Rambam’s *Sefer Ha-Mitzvot*. The *Acharonim* discuss this debate at great length.

**Blessing over a Custom**

The Talmud (*Sukka* 44a) discusses the practice of taking and hitting the *arava* branch on the seventh day of Sukkot, known as Hoshana Rabba. The *gemara* cites a debate regarding the origin of this practice.

It was stated: R. Yochanan and R. Yehoshua b. Levi differ. One holds that the rite of the willow-branch is a “*yesod nevi’im*” (an enactment of the prophets) and the other holds that the willow-branch is a “*minhag nevi’im*" (a custom of the prophets). It can be concluded that it was R. Yochanan who said that it is a “*yesod nevi’im*," since R. Abbahu stated in the name of R. Yochanan: The rite of the willow-branch is a “*yesod nevi’im*." This is conclusive….

Further on (ibid. 44b) the Talmud relates:

Aibu related: I was once standing in the presence of R. Elazar b. Tzadok when a man brought a willow-branch before him, and he took it and shook it over and over again without reciting any blessing, for he was of the opinion that it was merely a usage of the prophets.

The Talmud concludes that since the practice of taking the *arava* on Hoshana Rabba is a “*minhag nevi’im*,” a custom from the prophets, no blessing is recited.

The *Rishonim* debate whether one should derive from this passage that a blessing is never said before performing a *minhag*. For example, Rambam (*Hilkhot Berakhot* 11:16) writes:

[A blessing is not recited over] all practices that are customs. [This applies] even to a custom established by the prophets – for example, taking the willow branches on the seventh day of Sukkot. Needless to say, a blessing is not recited over customs established by the Sages – such as reading *Hallel* on Rosh Chodesh and on the intermediate days of Pesach.

The Rambam refers to the ancient custom of reciting *Hallel* on Rosh Chodesh, as recorded by the Talmud (*Ta’anit* 28b):

Rav once came to Babylonia and he noticed that they recited the *Hallel* on Rosh Chodesh. At first, he thought of stopping them, but when he saw that they omitted parts of it he remarked: It is clearly evident that it is an old ancestral custom with them.

The Rambam rules that since the recitation of *Hallel* on Rosh Chodesh is merely a custom, one does not say a *birkat ha-mitzva* before its recitation (see also *Hilkhot Chanuka* 3:7).

Why should one not say a blessing upon performing a custom, such as taking the *arava* or saying *Hallel* on Rosh Chodesh? There are a number of possible explanations.

Some (see, for example, Rashi, *Sukka* 44a) explain that since one does not violate the Biblical prohibition of “*lo tasur*” if he fails to perform the action, he cannot say the formula “*ve-tzivanu*” (“[regarding which] we have been commanded”). This somewhat technical explanation assumes that the Biblical prohibition of “*lo tasur*” does not include Rabbinic customs. According to the Rambam cited above, however, we may need to search for a different explanation.

R. Yitzchak Ze’ev Soloveitchik (1886 – 1959), R. Yosef Dov Soloveitchik’s uncle, known as the Griz, offers a different explanation:

According to the Rambam, the reason that one does not say a blessing over a custom is not because one cannot say “*ve-tzivanu*” (as we have been commanded), as in truth, according to the Rambam, the status of custom is akin to all Rabbinic enactments … Rather, the reason [we do not] say the blessing over a custom relates to their legal title, as they are not considered to be *mitzvot*, and one only says blessings over *mitzvot*… Blessings were only instituted for *mitzvot*, and these have a different status, that of a custom, and not a *mitzva*… even though their levels of obligation are identical.

The Griz maintains that while the prohibition of *la tasur* applies equally to both enactments and customs, including the ones under discussion, the is a still a fundamental difference between an enactment, which was endowed with the qualities of a *mitzva*, and a custom, which the Rabbis embraced but which remains precisely that – a custom.

Interestingly, the Griz’s nephew, R. Yosef Dov Soloveitchik (1903 – 1993), disagrees. He explains that according to the Rambam in *Hilkhot Mamrim*, one only violates “*lo tasur*” if he rejects Rabbinic enactments and customs. In that sense, there is no difference between a *takana* (enactment) and a *minhag* (custom). However, regarding their actual obligation, there is certainly a difference. At times, the Rabbis enacted a *takana* or *mitzva*, a full obligation, upon which they instituted a blessing. A *minhag*, however, refers to situation in which the Rabbis accepted an established custom and recognized it as obligatory, but its level and status is still lower than that of a *takana*. It therefore is not worthy of a blessing.

According to the Rambam, he explains, one only says a blessing over an obligation (*chiyuv*). This, of course, is similar to the Rambam’s view regarding time-bound *mitzvot* (*Hilkhot Tzitzit* 3:9), regarding which he rules that women do not say a blessing before performing a *mitzva* from which they are exempt.

Interestingly, R. Soloveitchik suggests that this may not be the proper understanding of the Rambam. Indeed, the Rambam may actually agree with the explanation of Rashi, cited above. The Rambam (*Hilkhot Mamrim* 1:1) implies that “*lo tasur*” only applies to those customs instituted as a “safeguard for the Torah.” Therefore, it would not apply to the custom of taking the *arava* on Hoshana Rabba. If so, the Rambam may agree with Rashi that one cannot say a blessing over a custom, as the formula “*ve-tzivanu*” cannot be said.

Other *Rishonim* disagree and maintain that one may say a blessing over a custom, such as *Hallel* on Rosh Chodesh. This is the view of Rabbeinu Tam in numerous places (*Sukka* 44b, s.v. *kan*; *Arakhin* 10a, s.v. *shemona asar*; *Berakhot* 14a, s.v. *yamim*; *Ta’anit* 28b, s.v. *amar*). He explains that while taking the *arava* is viewed as “*tiltul*” (picking up, taking), saying *Hallel* on Rosh Chodesh is a more significant act.

What is the reason behind, and the significance of saying *Hallel* on Rosh Chodesh? Tosafot (*Sukka* 44b) explains that *Hallel* on Rosh Chodesh “is no worse than reading from the Torah.” In other words, as R. Soloveitchik explains (ibid.), Rabbeinu Tam maintains that one says a blessing over a “*kiyum ha-mitzva,*” the fulfillment of a *mitzva*, and not necessarily over an obligation (*chiyuv*). Therefore, as we learned last week, he also believes that women should say the *birkot ha-mitzva* before fulfilling a time-bound *mitzva*, from which they are exempt. In this case, reading *Hallel* is a fulfillment of the *mitzva* of “*keri’at kitvei kodesh,*” similar to *keri’at ha-Torah*, and therefore one may say a blessing. The Ra’avad (ibid.) agrees but explains that one says a blessing before saying *Hallel* because it is an act of “*shevach ve-hoda’ah*,” praise and thanksgiving. Others view saying Hallel on Rosh Chodesh as a type of, or remembrance of *Kiddush Ha-Chodesh*, a sanctification of the new moon (*Shita Mekibetzet*, Berakhot 14a, *Me’iri* Ta’anit 28b).

Interestingly, the Shulchan Arukh (OC 422) cites two opinions. He first cites a view that an individual does not say a blessing over *Hallel* on Rosh Chodesh, but a *tzibbur* does. He then cites the Rambam, who maintains that even a community does not say the blessing. The Rema records that the custom in Ashkenaz is that even individuals say *Hallel* on Rosh Chodesh with a blessing.

The *Rishonim* discuss whether one says a blessing when saying *Hallel* on *Chol Ha-Mo’ed* Pesach. The Kesef Mishna (*Hilkhot Berakhot* 11:16) cites the Ramban, who maintains that one should say the blessing when reciting *Hallel* on *Chol Ha-Mo’ed* Pesach, but not on Rosh Chodesh. The Ramban apparently maintained that saying Hallel on *Chol Ha-Mo’ed* is a fulfillment, a *kiyum*, of the *mitzva* of *simchat ha-chag*. This is consistent with the Ramban’s view cited elsewhere (end of *shoresh* 1 of *Sefer Ha-Mtizvot*), according to which *Hallel* on the festival is *mi-de’oraita* due to the *simchat ha-chag*.

The Ra’avad maintains that while saying *Hallel* on Rosh Chodesh is a fulfillment of the *mitzva* of *Kiddush Ha-Chodesh*, one should not say the blessing on Rosh Chodesh. He subsequently records that it is customary to say the blessing on both Rosh Chodesh and *Chol Ha-Moed* as an expression of *shevach* and *hoda’ah*, noting the sanctity of the day.

It is customary in Ashkenazic communities to say the blessing on both Rosh Chodesh and *Chol Ha-Mo’ed*.

This debate regarding whether one says a blessing over a *minhag* appears in other contexts as well. For example, the Talmud (*Pesachim* 53b) relates that it is customary (not obligatory) to light candles for Yom Kippur. The Rosh (*Yoma* 8:27) rules that one should say a blessing, like on Shabbat, as one lights for “*shalom bayit*.” The Mordekhai (*Pesachim* 609) disagrees and rules that one should only say the blessing when Yom Kippur occurs on Shabbat.

Similarly, some *Rishonim* (see *Rivash* 111) rule that a blessing is said before lighting Chanuka lights in the *beit kenesset*, as it is customary to light in the synagogue.

Interestingly, while the Shulchan Arukh rules that one does not say a blessing over *Hallel* on Rosh Chodesh, he writes that one says a blessing before lighting on Yom Kippur (610:2) and on Chanuka in the synagogue (671:7). The *Acharonim* (see, for example, Chakham Tzvi 88; Sha’arei Teshuva, ibid. 10) note this apparent contradiction in the Shulchan Arukh and offer numerous suggestions (not always compelling) to reconcile this contradiction.

One might suggest, as we noted above, that the Shulchan Arukh does not categorically reject saying a blessing over a custom. Rather, he maintains that one may only say a blessing before a proper “*kiyum,*” fulfillment of a *mitzva*. Although *Hallel* on Rosh Chodesh and *Chol Ha-Mo’ed* is merely an additional prayer, lighting candles on Yom Kippur – a fulfillment of *shalom bayit* – and in a *beit kenesset* on Chanuka – a fulfillment of *pirusmei nissa* – are considered to be significant enough acts relating to the nature of the day, and are deserving of a blessing.

***Hefsek* Before Performing the *Mitzva***

The notion of “interruptions” applies to all types of blessings, including *birkot he-nehenin* and various *birkot ha-shevach*. At times, an interruption may invalidate the blessing and a person must repeat the blessing before performing or continuing to perform a *mitzva*. We will discuss various situations in which one might be required to repeat the *birkat ha-mitzva*.

The Talmud mentions a “*hefsek*,” an interruption due to which one might be required to repeat the blessing, appears in two separate contexts.

In one place (*Berakhot* 40a) the Talmud discusses one who speaks in between saying a blessing and eating food:

Rav said: [If the host says to his guests,] “Take, the blessing has been said; take, the blessing has been said,” he [the host] need not say the blessing [again]. If he said [between the blessing and the eating], “Bring salt, bring relish,” he must say the blessing [again]. R. Yochanan, however, said that even if he said, “Bring salt, bring relish,” the blessing need not be repeated.

The Talmud assumes that if one interrupted for no reason, one must say the blessing again. If, however, one’s interruption relates to the meal, the blessing is not repeated. Accordingly, the Shulchan Arukh (167:6) rules:

One should eat immediately and not speak between the *berakha* and eating. If he spoke, he must repeat the blessing, unless he spoke regarding that which he said the blessing. For example, if he said the blessing over the bread and before he ate he said, “Bring the salt or relish, give the food to this person, give the food to the animal, etc.,” one need not repeat the blessing.

Thus, if one interrupts after saying the blessing and asks for salt or asks his guest to wash his hands, one need not repeat the blessing. The Rema adds that preferably, one should not interrupt at all.

In another place (*Menachot* 35a; see also *Chullin* 86b – 87a), the Talmud discusses speaking in between different parts of a *mitzva*:

R. Chisda said: If a man spoke between the putting on the [hand-] *tefilla* and the [head-] *tefilla*, he must make another blessing.

The *gemara* refers to one who says the blessing before putting on the *tefillin shel* *yad* (hand-*tefillin*), put on the *tefillin*, and then spoke before donning the *tefillin* *shel rosh* (head-*tefillin*), who needs to say another blessing. (Incidentally, the *Rishonim* debate whether one generally says one blessing, “*le-haniach tefillin*,” over the *tefillin shel yad*, and a different blessing, *al* *mitzvat tefillin*, over the *tefillin shel* *rosh*, and if he interrupts, he must say both blessings before continuing [Tosafot, *Menachot* 36a, s.v. *lo*], or if one generally recites only one blessing before the *tefillin shel yad* over both *tefillin*, unless he interrupts, in which case he says “*al mitzvat tefillin*” before donning the *tefillin* *shel rosh*.)

The *Rishonim* (see, for example, Rashi and Tosafot, *Menachot* 36a) understand that these two passages relate the same, universal principle: if one speaks between the blessing and its action, one must repeat the blessing. The *Rishonim* debate whether responding to *Kaddish* and *Kedusha* also constitutes an interruption (see Rosh, *Hilkhot Tefillin* 15; Mordekhai, *Menachot*, *Halakhot* *Ketanot*; Teshuvot Ha-Rashba 5:13; Shulchan Arukh 25:9-10).

Although the Talmud only mentions speaking (*sicha*) as a form of *hefsek* (interruption), the *Rishonim* and *Acharonim* discussion whether there are other possible interruptions. For example, the *Acharonim* (see Shulchan Arukh 8:13; Magen Avraham, ibid. 17; Taz, ibid. 11; and Be’ur Ha-Gra, ibid. 25) debate whether the blessing one says at home over the *tallit katan* may cover wearing the *tallit* *gadol* as well after walking to synagogue. In other words, does walking from one place to another constitute a *hefsek* between the blessing and the performance of the *mitzva*? Similarly, the Magen Avraham (ibid. 14) notes that a long pause (*hefsek gadol*) would also cause one to repeat the blessing, although he does not define what constitutes a long pause.

***Hefsek* in the Middle of a *Mitzva* – *Bedikat Chametz***

The sources mentioned above relate to interrupting between the blessing and the *ma’aseh ha-mitzva*. The *Rishonim* discuss whether one who interrupts in the middle of a *mitzva* must repeat the blessing. Generally, speaking during the performance of a *mitzva* is permitted, such as while wearing *tzitzit* or *tefillin* or while sitting in a *sukka*, and even when it is prohibited, such as during the recitation of *Hallel* (see *Berakhot* 14a), the reading of the *Megilla*, or during the blowing of the *shofar*, it is not viewed as a “*hefsek.*” Therefore, a new blessing is not required.

There may be exceptions to this rule, which may depend more upon the definition of the *mitzva* than the rules of interruptions. For example, the *Rishonim* discuss whether or not one may talk during *bedikat chametz* (search for *chametz*) after one has already said the blessing and started the search. The Rosh (*Pesachim* 1:6) cites three opinions. According to the first view (R. Hai Gaon), one should not speak during the search, but if he does, he does not need to repeat the blessing. According to the second opinion (R. Sa’adia Gaon), one who speaks during the search must repeat the blessing. According to the third view, that of the Rosh himself, one may talk during the search, but he should try not to engage in idle chatter so that he will focus in the *mitzva*. Although the Shulchan Arukh (432:1) rules in accordance with the third opinion, that of the Rosh, the Taz (ibid. 3) accepts the second view and explains that unlike the case of *sukka*, “as long as he has not finished, it is considered to be the beginning of the *mitzva*.”

Although intriguing, this debate reveals more about the *mitzva* of *bedikat* *chametz* than the laws of interruptions. According to the Taz, one has apparently not fulfilled the *mitzva* until the search for *chametz* is complete, while according to others (see Arukh Ha-Shulchan 432:3) the *mitzva* is fulfilled during the entire search. One might argue that one who is distracted from the search for an extended period of time must repeat the blessing, but that is not due to the laws of *hefsek*; we will return to that question next week.

***Hefsek* in the Middle of a *Mitzva* – Concluding a *Mitzva* (*Gemar Ha-Mitzva*)**

At times, an interruption may constitute a “conclusion” of the *mitzva*, and the one who wishes to continue fulfilling the *mitzva* must say another blessing. This may depend upon the nature of the specific *mitzva* at hand.

For example, some maintain that an action may constitute an interruption, even if one still intends to continue fulfilling the *mitzva*. The Talmud (*Sukka* 46a) relates:

R. Mari the son of Shmuel’s daughter remarked: I noticed that Rava … [would rise] early, he would go to the bathroom, emerge, and wash his hands, put on his *tefillin*, and recite the blessing, and when he had to attend to his needs a second time, he would go to the bathroom, emerge, wash his hands, put on his *tefillin*, and recite the blessing again.

The Beit Yosef (OC 8:14; see Shulchan Arukh 8:14) derives from this passages that even though Rava clearly had in mind to put his *tefillin* on again, the act of removing them constituted an interruption, which required him to say another blessing when he put his *tefillin* on again. Similarly, he discusses whether one who removes his *tallit*, even though he intends to put it back on, should say the blessing again when he does so. Other *Acharonim* (Darkhei Moshe, ibid., and Bayit Chadash, ibid.; see Rema, ibid.) disagree and explain that according to Rava, entering a bathroom constitutes a *hefsek*, as one is not permitted to enter a bathroom while wearing *tefillin*. However, one who interrupts a *mitzva* – for example, if he removes his *tallit* with the intention of putting it on again immediately – does not say another blessing.

Interestingly, the *Rishonim* (Talmidei Rabbeinu Yona, 6a s.v. *ve-amar*; Nemukei Yosef, *Hilkhot Tzitzit* 12) also discuss whether one whose *tallit* falls off must say the blessing before putting it back on. They apparently disagree as to whether this too constitutes an interruption. The Shulchan Arukh (8:15) rules that if ones *tallit* falls off completely, he should repeat the blessing. The Mishna Berura (39) explains that this case is worse than the previous case, in that he did not explicitly have in mind to continue the *mitzva*. He adds (41) that according to some *Acharonim*, even if his *tallit* falls off of his shoulders but remains in his hands, he must still say the blessing again.

Although one is generally permitted to talk during the performance of a *mitzva* (see above), Rabbeinu Tam (cited by Rosh, *Chullin* 6:6; Tosafot, *Chullin* 86, s.v. *u-mekhasei* disagrees) rules that one who speak in between slaughtering animals must say another blessing. He explains that “when he interrupted and spoke in between, he completed the *mitzva* upon which he blessed and he must say another blessing.” Rabbeinu Tam limits this *chiddush* to certain *mitzvot*, those that one can complete at any moment, excluding *shofar*, *Hallel*, and *Megilla*. This discussion is continued by the *Acharonim* (see Shulchan Arukh, YD 19:5; Taz 9; Shakh 7; and in Nekudot Ha-Kesef, et. al.).

**Saying One Blessing before Repeating a *Mitzva***

Seemingly, one can question whether “*da’at*” (intention) can constitute an interruption in two different scenarios.

It seems that all would agree that if one has in mind to complete a *mitzva* and then decides to continue it, he must say another blessing. Indeed, the Rashba (*Chullin* 86b, s.v. *modeh*) writes that “a ritual slaughterer… if he turned his intention from slaughtering, he must say another blessing over the *shechita*.”

But what if one intended, when he said the blessing, to perform a certain action, and he then decides to add additional actions? In order to understand this case, we must first analyze a situation in which one performs multiple *mitzvot*.

There are certain *mitzvot* which one can perform multiple times in sequence, such as *shechita* and *mila*. The *Rishonim* discuss whether one can say one blessing before performing the same *mitzva* numerous times. The debate emerges from different understandings of a passage in the Talmud. The *mishna* (*Chullin* 86b) teaches:

If a person slaughtered a hundred wild animals (*chayot*) in one place, one covering suffices for all; if [he slaughtered] a hundred birds (*ofot*) in one place, one covering suffices for all; if [he slaughtered] a wild animal and a bird in one place, one covering suffices for both. R. Yehuda says: If he slaughtered a wild animal, he should cover up its blood and then slaughter the bird [and cover it up also].

The *mishna* discusses the laws of *kisuy ha-dam*, the covering of the blood required after slaughtering wild animals (*chayot*) or bird (*ofot*). The *mishna* teaches that according to the Rabbis, one covering of the blood suffices for numerous animals and different species, while according to R. Yehuda, each species should have its own *kisuy ha-dam*. The *gemara* adds that despite this ruling, R. Yehuda maintains that with regard to the blessing, he has only to say one blessing.

We will not discuss R. Yehuda’s view in this context, but most *Rishonim* explain that this statement reveals that even according to the Rabbis, the *shochet* says one blessing before slaughtering many animals. However, some *Rishonim* disagree. For example, the Ittur (Sha’ar 3, *Hilkhot Mila*) explains that if one slaughters two animals in one action, he says only one blessing. If, however, one slaughters numerous animals in multiple actions, one must say a blessing before each and every *shechita*. The Ittur believes that a blessing can only be said over one *mitzva*.

How are we to understand the opinion of most *Rishonim*, who maintain that one may say one blessing before fulfilling a *mitzva* multiple times? We must look at the laws of interruptions for some guidance.

As we mentioned above, one who has in mind to complete a *mitzva* must say another blessing if he decides to continue to fulfill the *mitzva*. The Rosh (*Chullin* 6:6) raises another, less obvious issue:

Is a case in which he only had the intention to slaughter one bird, and after he slaughtered it they brought him another bird, he must say a blessing over the *shechita*, just as a servant must say a blessing over each and every piece of bread.

Why does the Rosh maintain that the *shochet* must say another blessing in this case?

Seemingly, we can offer a number of suggestions, which may help us to understand how one may recite one blessing before fulfilling a *mitzva* multiple times.

On the one hand, we may understand that he views each and every *shechita* as a separate *mitzva*, worthy of a blessing. Only when the *shochet* has numerous *shechitot* in mind can the blessing cover each *shechita*. Alternatively, the numerous *shechitot* may be viewed as one unit, upon which one says one blessing. The Rosh may believe that at times, such as when another bird is brought to the *shochet*, it is considered to be a different unit, and the original blessing therefore does not suffice. How should we define a unit? Either the *shochet’s* intention when he said the blessing defines the “unit” of this *mitzva* or the unit remains undefined, and only after the *shochet* turns his intention away from the slaughtering does he need to say another blessing.

We may find a practical difference between these understandings in the Tur (YD 19), who cites the *Sefer Mitzvot Katan* (Semak):

The *Sefer Mitzvot Katan* writes that if when they brought him more animals, he still has other animals before him upon which he already said the blessing, he does not need to say another blessing on the new animals.

The Tur disagrees:

It does not seem reasonable to distinguish. Rather, upon any animal that was not before him when he said the blessing he must say a *berakha*, unless he had in mind [when he said the blessing] for all [animals] which will be brought before him.

It seems that the Semak and the Tur disagree regarding our question. According to the Tur, his attention at the time of the blessing defines the unit upon which the blessing falls, whereas according to the Semak, all animals are part of the “unit,” and a new blessing is only required if the *shochet* turned his attention away from the *mitzva*.

Interestingly, the definition of a “unit” may differ from *mitzva* to *mitzva*. In one place (YD 19:6), the Rema rules that if one brings a *shochet* similar animals to those that he is currently slaughtering, he does not need to say another blessing. But if one brings him different animals, he must say a blessing. Elsewhere, regarding the laws of *brit* *mila* (YD 265:5), he rules that whenever another child is brought to the *mohel* who was not present when he said the blessing, he must say another *berakha*. The *Acharonim* (see Shakh 265:15) note the apparent contradiction.

Apparently, the Rema maintains that one should apply different standards and definition to *shechita* and *mila*. Regarding *shechita*, he views all (similar) animals as one “unit” upon which one may say one blessing. In contrast, the Rema must believe that multiple babies cannot be defined as a “unit,” and therefore only babies present when the blessing is said are covered by the *berakha*.

Similarly, while the Shulchan Arukh (19:6) rules in accordance with the Semak that if additional animals are brought to the *shochet* while he is slaughtering he does not need to say another blessing, elsewhere (OC 8) he rules that if one is brought a second *tallit* that he did not have in mind to wear when he said the blessing, he must say another blessing. Apparently, the Shulchan Arukh views multiple *shechitot* as one unit, while *tzitzit* are viewed as individual *mitzvot*, which one must have in mind when saying the blessing.