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**TALMUDIC METHODOLOGY**

**By Rav Moshe Taragin**

**Shiur #11: The Nature of a *Birkhat* *Ha-Mitzva***

*Berakhot* can generally be divided into three distinct categories: *birkhot ha-nehenin*, *birkhot* *ha-shevach*, and *birkhot ha-mitzva*. A *birkhat ha-nehenin* is recited upon an item that delivers physical pleasure, and a *birkhat ha-shevach* is recited upon an experience that triggers an opportunity to praise God. The o essence of a *birkhat ha-mitzva*, however, is less obvious. What aspect of the mitzva experience is targeted by a *birkhat ha-mitzva*?

An interesting *machloket* between the Rambam and Ra’avad may help us determine the target of a *birkhat ha-mitzva*. In *Hilkhot Sukka* (6:2), the Rambam rules that a *berakha* is recited upon performing the *mitzva* of *sukka* only when one sits, and not simply when he enters. Even though the performance of the *mitzva* has commenced upon entry, the *berakha* is delayed until sitting begins. Evidently, the fulfillment of a *mitzva* does not generate a *chiyuv* to recite a *berakha* until an action, a *ma’aseh mitzva*, is executed. By contrast, the Ra’avad claims that a *berakha* is recited immediately upon entry, presumably once the actual *kiyum* *ha-mitzva* commences.

Essentially the Rambam and the Ra’avad debate whether a *birkhat ha-mitzva* is recited upon a *kiyum ha-mitzva* (which begins immediately) or only upon a *ma’aseh mitzva* (which in the case of *sukka* only occurs later, when the person actually sits in the *sukka*). According to the Rambam, a *kiyum* *ha-mitzva* is too abstract to warrant a *berakha*; only a physical action is concrete enough to anchor a *birkhat ha-mitzva*.

The reverse case would involve reciting a *berakha* after the action has been completed but while the *kiyum ha-mitzva* is still enduring. As is well known, a *birkhat ha-mitzva* must be recited **prior** to the *mitzva*, a principle known as “*over* *le-asiyatan.*” Does the *over* *le-asiyatan* requirement disqualify a *berakha* recitation after the *mitzva* has begun, requiring it to be exclusively prior to the *mitzva*? Or does this principle merely eliminate post facto *berakha* recitation, after the *mitzva* has completely concluded? Many *mitzvot* culminate and terminate immediately (such as the *mitzva* of *lulav*), thus rendering this question irrelevant; if the *berakha* is not recited immediately, the *mitzva* will pass and no *berakha* may be recited. However, some *mitzvot* – such as *tefillin* and *tzizit* – extend over a duration of time after the physical act has concluded. Must the *berakha* be recited before donning *tefillin* and *tzizit*, or may it be recited as long as the person still wears the *tefillin* and *tzizit*? This is an interesting debate cited by the Yerushalmi (*Berakhot*, ch. 9) and discussed by the Rivam and the Ra’avya (*siman* 691).

Presumably, the debate also surrounds the question of whether the *berakha* targets the act of the *mitzva* or the *kiyum ha-mitzva*. If the *berakha* targets the act, it must be recited before the act; if it targets the *kiyum ha-mitzva*, it can be recited as long as the *mitzva* is still enduring and unfolding – namely, as long as the *tefillin* or *tzizit* are still upon the person’s body.

This question as to whether the *berakha* targets an action or a *kiyum* is implicit in many of the comments of the *Rishonim* regarding the reason for the rule of *over* *le-asiyatan*. The Rivam and Ra’avya debate whether *over* *le-asiyatan* demands a **prior** recitation of a *berakha* or merely disqualifies a post facto recitation. However, they do not address the fundamental issue: Why shouldn’t a *berakha* be recited **after** the conclusion of the *mitzva*?

Both the Ramban (*Emunah U-Bitachon*, ch. 7) as well as the aforementioned Ra’avya compare a *birkhat ha-mitzva* to a *birkhat ha-nehenin*. This is an odd association, as a *birkhat ha-nehenin* is typically viewed as a *matir*, a halakhic activity that authorizes the use of something previously forbidden (such as *shechita*, which removes the incumbent prohibition upon meat and allows its consumption as kosher food). All food is the Divine province, and a *berakha* authorizes human utility. How is a *birkhat ha-mitzva* comparable to this experience of authorization?

R. Soloveitchik claimed that a *birkhat ha-mitzva* authorizes us to perform an act of a *mitzva*. Not only are foodstuffs forbidden for human use prior to an authorizing *berakha*, but even ritual/*mitzva* activities are Divine province and cannot be performed without prior authorization through a *berakha*. This is an extremely provocative concept, but it is indeed implicit in the comments of the *Rishonim* stated above. Viewed this way, the *berakha* is recited upon the **act** of the *mitzva* and authorizes the performance of that act.

The Ritva (*Pesachim* 7b) claims that the *berakha* assists us in generating the proper mindset / *kavana*, for a more profound performance of the *mitzva*. Although a person can generate proper *kavana* without a *berakha*, undoubtedly the *berakha* enables a more focused mind-frame for performing the *mitzva*.

Although this function of the *berakha* is very different from the previous suggestion, they share one commonality – the *berakha* targets the action, the *ma’aseh mitzva*. According to R. Soloveitchik, the *berakha* authorizes the performance, whereas according to the Ritva, the *berakha* contributes to a mindset that enriches the performance of the act of the *mitzva*.

By contrast, the Rosh (*Berakhot* 9:23) claims that a *birkhat ha-mitzva* is a *birkhat ha-shevach*, praising God for the experience of fulfilling His will. The Rosh compares it to a classic *birkhat ha-shevach*, which is normally recited **after** an experience (such as hearing thunder). Although a *birkhat ha-mitzva* is similar to a *birkhat ha-shevach*, it is recited **before** the *mitzva*, in order to praise HKB”H for the opportunity to fulfill His commandments.

This view of *birkhot ha-mitzva* implies that the *berakha* is targeting the *kiyum ha-mitzva*, the fulfillment of the *mitzva*, and not the *ma’aseh mitzva*.

It is possible that these two different models of *birkhot ha-mitzva* pertain to different scenarios. The Ramban (*Pesachim* 7a) suggests that the conjugation of a *birkhat ha-mitzva* would differ based on whether the *mitzva* can be performed by others on one’s behalf. Most *mitzvot* are considered *mitzvot* *she-bigufo*; they cannot be performed by an agent, but must be performed personally. A few *mitzvot* (most notably *mila* and *bedikat chametz*) can be delegated to an agent, however. According to the Rambam, the former category of *mitzvot* generate a *berakha* beginning with the letter “*lamed*” to highlight the personal nature of the *mitzva*. The latter category, in contrast, generates a *berakha* with the term “*al*,” indicating a less direct *mitzva*.

These differing conjugations of the *berakha* may reflect different “targets” of the *berakha*. Personal *mitzvot* that cannot be delegated to others generate a *berakha* upon the action, which is personal and non-exportable. This *berakha* upon the *ma’aseh mitzva* is conjugated with a “*lamed*,” which reflects an action. By contrast, *mitzvot* that can theoretically be executed by agents generate a *berakha* upon the *kiyum* and not the action, since the **action** per se is not incumbent upon the *berakha* reciter. Since its *berakha* targets the *kiyum* *ha*-*mitzva*, it is conjugated with the phrase “*al*,” which is more abstract and can address the fulfillment of the *mitzva* rather than the action of the *mitzva*.