YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TALMUDIC METHODOLOGY**

**By Rav Moshe Taragin**

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**Shiur #20: The Source of *Berakha Rishona***

A [previous *shiur*](http://vbm-torah.org/archive/metho/berakhot/09birchat%20hanehenin.rtf) in this series addressed the nature of *birkhot* *ha-nehenin*, and in particular the *berakha* recited upon food prior to ingestion. Should this *berakha* be viewed as a classic *birkhat* *ha-shevach*, an opportunity to praise *Ha-Kadosh Barukh Hu* upon enjoying the “fruits” of his world? Or (and possibly in addition) does the *berakha* act as a legal *matir*? Typically, ACTIONS can eliminate states of *issur* and confer permissibility. For example, the ACT of *shechita* cancels the *issur* of *eiver* *min* *ha-chai* and induces permissibility to eat the meat. Can *birkhot* *ha-nehenin* be viewed in this light? Are foodstuffs considered prohibited to eat prior to the recital of a *berakha*? The food – like all other material – is owned by Hashem, and only be reciting a *berakha* is it permissible to take for ourselves..

This *shiur* will address a related question – the source of *birkhot* *ha-nehenin* and the language that *Chazal* employ to describe the *halakha*. Can we deduce from these sources or syntaxes that a *berakha* *rishona* can indeed be viewed as a *matir*?

The initial attempt of the *gemara* in *Berakhot* (35a) to provide a source for *berakha rishona* surrounds a *pasuk* which is unrelated to the notion of *matir*. The sourcedescribes the procedure regarding the fruit harvest of the fourth year (known as *neta revai*). Unlike the fruits of the first three years, which are forbidden as *orla*, the fruits of the fourth year can be eaten according to the rules of *ma'aser* *sheni*. The Torah describes this process as "*Kodesh* *hilulim* *la-Hashem*," eaten along with praising Hashem. R. Akiva suggests that this precedent – praising Hashem while eating – serves as a model for a different form of EATING and PRAISING - namely a *berakha rishona*. Clearly, R. Akiva suggests viewing a *berakha rishona* as a *shevach*, not a legal authorization or *matir*.

However, the *gemara* questions and ultimately rejects R. Akiva's suggestion, primarily because this *pasuk* could only serve as precedent for produce (about which the laws of *revai* apply), but not fish, poultry, and other foods. Recognizing the inefficacy and limitations of this *pasuk* as a source, the *gemara* declares, “*Elah* [contrary to the previous logic, which suggested a Biblical source], it is *sevara*” – logic dictates the recital of a *berakha* *rishona* because a person cannot receive benefit from this world without a *berakha*.

This final formulation raises two questions. First, is a *halakha* derived from logic considered a *de-oraita* requirement or *de-rabbanan*. This question has major implications in terms of situation of *safek.* The Pnei Yehoshua raises this issue and cites parallel examples, a very famous one being the laws of *ha-motzi* *mei-chavero alav ha-raya*, which may either be based on a *pasuk* or derived from halakhic logic.

For our purposes, the more important question concerns the *gemara*’s final retort. Is the *gemara* completely REJECTING the original *pasuk*-based logic, which rendered *berakha rishona* a *shevach*? If so, it is likely that the *berakha* is now cast as a *matir*. Indeed, the final syntax, "a person is forbidden from benefitting FROM THIS WORLD without a *berakha*,” makes the *berakha* appear to be a *matir*. Moreover, very often, the word "*elah*" is employed to indicate a complete rejection of previously stated logic in favor of a different model. In this context, the term may indeed reflect a complete rejection of *berakha rishona* as *shevach* in favor of a *matir* model for *berakha* *rishona*.

Alternatively, the *gemara* may not be completely rejecting the *shevach* model. The concluding statement does not explicitly identify the *matir* component and the "*elah*" may just be rejecting the prospect of deriving *berakha rishona* from a *PASUK*. Perhaps *berakha rishona* remains *SHEVACH,* but instead of being deduced from a *pasuk* is inferred from halakhic logic.

This question must also be gauged based on the ensuing statements in the *gemara*. Subsequently, the *gemara* cites a *beraita* that also describes a prohibition to benefit from this world without reciting a *berakha*. However, it adds that benefitting without a *berakha* constitutes *me’ila*, abusing *hekdesh* items for deviant purposes. Associating *berakha rishona* with *hekdesh* MAY draw *berakha rishona* closer to the world of *matir*; just as *hekdesh* is legally forbidden for use until its *matir* (*shechita* or *pidyon*) occurs, food is similarly forbidden until its *matir* (a *berakha*) is recited. However, this association may be more general in nature; just as abusing *hekdesh/me’ila* is forbidden and entails an insult to *hekdesh*, so is omitting a requisite *shevach* inappropriate and insulting.

The ensuing *gemara* (the third syntax) appears to ratchet up the "*matir*" language by citing Shmuel, who claims that benefitting from food without a *berakha* is akin to benefitting (illegally) from *hekdesh* based on the *pasuk*, “*La-hashem ha-aretz u-melo’ah*,” which describes the complete and sweeping ownership of *Ha-Kadosh Barukh Hu*. Not only does Shmuel speak of *mei'la*, he also cites a *pasuk* that alludes to Hashem’s ownership. This may bring us closer to defining a *berakha rishona* as a *matir*.

In fact, the next stage of the *gemara* cites R. Levi, who, like Shmuel, cites the verse of “*La-Hashem ha-aretz u-melo’ah*,” but with a different angle. He cites the apparent contradiction between that verse and another verse, “*Ha-shamayim shamayim la-Hashem ve-ha-aretz natan li-vnei adam*.” The second verse asserts a more limited ownership to *Ha-Kadosh Barukh Hu* while awarding terrestrial ownership to man. R. Levi resolves this "contradiction" by claiming that prior to a *berakha*, *Ha-Kadosh Barukh Hu* owns everything; after the recital of a *berakha*, man owns the earth (presumably a reference to earth-based food). This approach does not merely allude to *me’ila*-like repercussions to eating without a *berakha* or to the general ownership of *Ha-Kadosh Barukh Hu*. Instead, it traces that ownership and the manner in which the *berakha* affects *Ha-Kadosh Barukh Hu*’s “hold” upon the world. He programmed a dynamic whereby prior to reciting a *berakha*, “*La-Hashem ha-aretz u-melo’ah*,” and after a *berakaha*, “*ve-ha-aretz natan li-vnei adam*.” This language of R. Levi is the most compelling language regarding the role of *berakha rishona* as a *matir*.

A final formulation offered by the *gemara* in the name of R. Chanina bar Pappa may also convincingly attest to the role of *berakha rishona* as *matir*. He claims that whoever receives benefit from this world without a *berakha* is considered a thief. The apparent reading of this statement suggests that the *berakha* authorizes intake of benefit; without that authorization, the person has stolen benefit from *Ha-Kadosh Barukh Hu* – implying the role of *berakha* as a *matir*.

Rashi, however, declines this proof and reinterprets the *gemara* in a manner that avoids viewing *berakha rishona* as a *matir*. He writes that without reciting a *berakha*, the person has stolen THE *BERAKHA* which he should have offered *Ha-Kadosh Barukh Hu*. There may be theological factors forcing Rashi away from explaining that a person has actually stolen the food by not reciting a *berakha*, for if indeed *Ha-Kadosh Barukh Hu* maintains ownership and is omnipresent, how can a person actually STEAL from Him? The model of *mei’la* is more relevant, since that crime entails diverting items from intended use, but theft may not be applicable regarding *Ha-Kadosh Barukh Hu*. Either way, Rashi’s interpretation does not cast the *berakha* as *matir*, even within R. Chanina’s very dramatic language of theft. *Berakha rishona* is merely a mitzva to praise *Ha-Kadosh Barukh Hu* upon the event of eating; by omitting that *berakha* and mitzva, a person has “deprived” *Ha-Kadosh Barukh Hu* of the praise He” deserves.”

Interestingly, Rashi is consistent in rejecting the *matir* identity of a *berakha* *rishona*. In his comments to *Berakhot* (17b), he exempts an *onen* (someone who has yet to bury a deceased relative) from the obligation of *berakha rishona*. If indeed a *berakha* were a *matir* and food were forbidden without a *berakha*, an *onen* would still be obligated in *berakha rishona*, since he cannot violate any *issur* – including the prohibition of eating without a *berakha*. Rashi appears to ignore the *matir* element, instead merely viewing the *berakha* as a mitzva to offer *shevach*. Hence, an *onen* is excused from this mitzva, as he is from other *mitzvot*.

The Bavli’s sources and syntax are extremely vague and invite multiple interpretations. However, the Yerushalmi’s language is far more clear in viewing *berakha rishona* as a *matir*. Initially, the Yerushalmi cites the verse of “*La-Hashem ha-aretz u-melo’ah*” as attesting to *Ha-Kadosh Barukh Hu*'s ownership and the role of a *berakha* in enabling benefit. However, unlike the Bavli, which is discreet about the MANNER In which a *berakha* enables lawful benefit, the Yerushalmi actually articulates that a *berakha* is “*matir lo*,” thereby directly assigning the *matir* status to a *berakha rishona*. To be sure, the language of the Yerushalmi is a bit awkward, as it writes that a person cannot benefit until “*she-yatiru* *lo kol ha-mitzvot*” (literally, he authorizes for himself *mitzvot*). Regardless of the overall meaning of the phrase, however, the Yerushalmi’s intent to define *berakha rishona* as a *matir* seems clear.

Furthermore, the continuation of the Yerushalmi compares the world to a vineyard owned by another. Based on this setup, the Yerushalmi asks “What is the method for redeeming/acquiring fruit from this vineyard? It replies that the method of redemption is a *berakha.*” This is in many ways the most graphic image establishing *berakha* as a *matir*. By equating it DIRECTLY with *pidyon*, the Yerushalmi seems consistent in its view of *berakha rishona* as *matir*.