YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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***TEHILLIM* (SERIES II)**

**Rav Elchanan Samet**

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This week’s shiurim are dedicated in memory of

Rebbetzin Ruth Schonfeld z”l

by Melinda Menucha Robeson

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**Shiur #25: Psalm 82 – (Continuation)**

**“How Long Will You Judge Unjustly…**

**All the Foundations of the Earth Are Shaken” (2,5)**

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| 1 A psalm of Asaf. |
| I God stands in the congregation of God; He judges among the judges. | IV 5. They know not, nor do they understand;They walk on in darkness:All the foundations of the earth are shaken. |
| II 2. How long will You judge unjustly, and respect the persons of the wicked? (Sela.) | V 6. I had said, You are angels,All of you sons of the most High. |
| III 3. Judge the cause of the poor and fatherless:Vindicate the afflicted and needy.4. Deliver the poor and destitute:Rescue them out of the hand of the wicked. | VI 7. Nevertheless, you shall die like a man, and fall like one of the princes. |
| VII 8. Arise, O God, judge the earth:For You possess all the nations. |

### VII. THe difference between a prophecy of rebuke and a psalm of contemplation

The main content of our psalm lies in the words of rebuke that the poet directs at the judges who judge unjustly. This connects it to similar orations of prophetic reproach that are prevalent in the books of the oratory prophets ("the Latter Prophets"). In his reproach of the unjust judges, the author of our psalm seems to function like those prophets, who direct their words of rebuke against leaders and judges who pervert justice and discriminate against the weak in society.[[1]](#footnote-1)

Here, for example, is Yeshayahu's rebuke (*Yeshayahu* 1:17):

Learn to do well**; seek judgment,** relieve the oppressed,

**Judge the fatherless, plead for the widow.**

This brings to mind a similar appeal to judges in our psalm: **"Judge** the cause of the poor and **the fatherless."**

In the continuation of that same reproach, we read:

21: How is the faithful city become a harlot!

It was full of judgment; righteousness lodged in it; but now murderers…

23: Your princes are rebellious, and companions of thieves:

Every one loves bribes, and follows after rewards:

They judge not the fatherless neither does the cause of the widow reach them.

This behavior on the part of the princes and the judges will bring upon them the following punishment:

24: Therefore, says the Master, the Lord of hosts, the mighty One of Israel,

Ah, I will ease Me of My adversaries, and avenge Me of My enemies.

25: And I will turn My hand against You,

And purge away Your dross as with lye, and take away all the base alloy.

In the continuation of that same prophecy, we find the following vision of repair:

26: And I will restore your judgments as at the first, and your counsellors as at the beginning:

Afterwards you shall be called, the City of Righteousness, a faithful city.

27: Zion shall be redeemed with judgment, and those that return to her with righteousness.

 We see, then, that the same subject is being discussed in these two literary genres – in our psalm and in the prophecy of Yeshaya. Does the fact that we are dealing with a psalm in the book of *Tehillim*necessitate an essential difference between the psalm and the prophecy? If so, what is this difference?

 We will mention three main differences between our psalm and the prophecy that we cited, and draw a general conclusion regarding the relationship between the objective of our psalm and the objective of the prophecy.

1) **Who are the addressees –** Yeshayahu directs his reproach to the leaders and judges of Jerusalem[[2]](#footnote-2) who were active at the time of his prophecy. It stands to reason that his prophecy was actually delivered to the people of Jerusalem. In contrast, the author of our psalm appeals to the judges of all the nations ("Judge **the earth;** for You possess **all the nations"**).[[3]](#footnote-3) His words are not connected to a particular place or a particular time, or even to particular people. It is plausible, then, that the author of our psalm, as opposed to the prophet, did not even deliver his words before an audience.

**2. The "threat" against the unjust judges** – In his prophecy, Yeshayahuassigns a punishment that will come from God in a direct action taken against the unjust judges (verses 24-25). In our psalm, however, there is no discussion whatsoever of a punishment to be meted out against such judges! Nevertheless, the consequences of their actions are discussed. Stanza IV discusses the consequences with respect to the earth: "All the foundations of the earth are shaken."[[4]](#footnote-4) Stanza VI discusses the consequences with respect to the status and fate of the judges themselves: "Nevertheless, you shall die like a man and fall like one of the princes." In these two verses, we are dealing not with a punishment or a direct action on the part of God, but rather with a necessary natural consequence of the unjust judgments that they issue.

**3. The "repair" for the future** – In the prophecy of Yeshaya, the repair will come after the punishment: "And I will restore your judges as at first… Zion shall be redeemed with judgment." Jerusalem will return to its former state: "the city of righteousness, a faithful city." This will be accomplished through righteous judges, who will once again act within it with good judgment and righteousness. In our psalm, the repair lies in God's rising up to judge the earth **in place of** the human judges who became corrupt. This is not "natural" redemption, but rather an appeal to actualize a future vision for the End of Days, according to which God will reveal Himself in the world as a judge for all the nations.[[5]](#footnote-5)

 The truth is that all three of these differences stem from the fundamental difference between a prophecy and a psalm in the book of *Tehilim*.

 Let us begin our discussion with the first difference noted above, relating to the different addressees in the prophecy and in the psalm: A prophecy is a historical, political act, which aspires to change a given social reality in a specific time and place. The prophet's appeal to his addressees is a concrete appeal with a practical objective.

 This is not the case in our psalm. The psalmist's universal appeal to all the judges of the nations and countries in every generation and in every place cannot be a real appeal. This is a **literary appeal.**

For what purpose, then, does the psalmist sound his words, if not to achieve some improvement in the reality before him?

 The answer is that our psalm is not a quasi-prophetic oration of rebuke, as we assumed at the beginning of this section, but rather **a psalm of contemplation.** It is intended to express the psalmist's position, according to which the judicial system in human society has failed in its purpose. The failure is not only that of the judges themselves, but of human society as a whole, which has not succeeded in establishing a judicial system that operates with justice and integrity. The mission that God cast upon mankind with respect to the running of society has not been fulfilled, and therefore "the mandate must be restored" to God.

 If this is the psalmist's position, why does he open the psalm with a rebuke that seems to be based on a hope for change?

 The psalmist does not formulate his moral-contemplative position in a direct manner, but rather fashions it in a literary-dramatic manner, as an oration of rebuke in the first half, which fails in the second half: "They know not, nor do they understand; they walk on in darkness." This reproach is not directed at any concrete audience, and it does not reflect any real hope on the part of the psalmist for change. The "hope" in the first half comes only to be implicitly denied in the second half, and it is brought only to serve the argument of despair that arises from the psalm as a whole.

 Based on this understanding of the psalm as a psalm of contemplation, we can also understand the other two differences between it and the prophecy. Since the author of our psalm is not acting as a messenger of God to a particular audience in order to change their ways, he does not threaten his literary "addressees" with punishment. But he describes his bitter disappointment with the people themselves, whose human smallness has become exposed ("Nevertheless, you shall die like a man"), and he foresees the serious consequences of the judges' failure with respect to the continued existence of the world ("All the foundations of the earth are shaken").

 Since the psalmist has no "prophetic plan of action" as is found in the mouth of Yeshaya, he cannot console his readers in the way that the prophet can console his listeners – with the fact that following the purifying punishment, God will restore the righteous judges to their places. In the absence of a punishment decreed by Divine prophecy, there is also no redemption promised by God.

 Our psalmist conducts a "universal soul-searching" regarding the existence of judicial justice in human society. He is deeply disappointed by the human judges, and he is concerned about the consequences of their failure on human society, and perhaps even on the land itself. He no longer believes in man and in his power to change his ways, and his only hope is that God will appear to judge all the nations, who are His inheritance in the world.

### Appendix 1: "The psalm that the Levites would recite in the Temple"

**1. Why was our psalm chosen as the psalm to be recited in the Temple on the third day of the week?**

Our psalm is mentioned in several sources as "the psalm that the Levites would recite in the Temple" on the third day of the week, while a priest would pour the wine that accompanied the daily offering on the altar.[[6]](#footnote-6) At the end of tractate *Tamid* in the Mishna, there is a list of the psalms that the Levites would recite in the Temple on each day of the week at that time:[[7]](#footnote-7)

The following are the psalms that the Levites would recite in the Temple:

On the first day they would say: "The earth is the Lord's and the fullness thereof, the world and they that dwell there" (*Tehillim* 24).

On the second day they would say: "Great is the Lord and highly to be praised in the city of our God, His holy mount" (*Tehillim* 48).

On the third day they would say: "God stands in the congregation of God, in the midst of the judges he judges" (*Tehillim* 82).

On the fourth day they would say: "O Lord, You God to whom vengeance belongs, You God to whom vengeance belongs, shine forth" (*Tehillim* 94).

On the fifth day they would say: "Sing aloud unto God our strength, shout unto the God of Yaakov" (*Tehillim* 81).

On the sixth day they would say: "The Lord reigns, He is clothed in majesty, the Lord is clothed, He has girded Himself with strength" (*Tehillim* 96).

On Shabbat they would say: "A psalm, a song for the Shabbat day" (*Tehillim* 92); a psalm, a song for the time to come, for the day that will be all Shabbat and rest for everlasting life.[[8]](#footnote-8) (*Tamid* 33b)

 The *gemara* in *Rosh Hashana* (31a) cites a *baraita* in which R. Yehuda in the name of R. Akiva lists the very same psalms, but also offers the **reason** that each of them is recited. The reasons draw connections between the beginning of each psalm and that which was created during the week of Creation on the day that that psalm is recited. The reasons are formulated in poetic language that frequently requires explanation:[[9]](#footnote-9)

On the first day [of the week] what [psalm] did they [the Levites] say? [The one commencing] "The earth is the Lord's and the fullness thereof," because He took possession and gave possession and was [sole] ruler in His universe.

On the second day what did they say? [The one commencing] "Great is the Lord and highly to be praised," because He divided His works and reigned over them like a king.

On the third day they said, "God stands in the congregation of God," because He revealed the earth in His wisdom and established the world for His congregation.

On the fourth day they said, "O Lord, You God, to whom vengeance belongs," because He created the sun and the moon and will one day punish those who serve them.

On the fifth day they said, "Sing aloud to the God of our strength," because He created fishes and birds to praise His name.

On the sixth day they said, "The Lord reigns, He is clothed in majesty," because He completed His work and reigned over His creatures.

On the seventh day they said, "A psalm, a song for the Shabbat day,"

for the day which will be all Shabbat.[[10]](#footnote-10)

In this framework we will only explain that which concerns our psalm, the reason that the Levites would recite Psalm 82 over the daily offering brought on the third day of the week:

On the third day they said, "God stands in the congregation of God," because He revealed the earth in His wisdom and established the world for His congregation.[[11]](#footnote-11)

 This clearly alludes to what was done on the third day of Creation:

*Bereishit* 1:9: And God said, “Let the waters under the heaven be gathered in one place, and let the dry land appear;” and it was so.

10: And God called the dry land Earth…

 With this action, the Creator "revealed the earth in His wisdom and established the world." But who is "His congregation," for whom He established this world?[[12]](#footnote-12) It stands to reason that it is that same "congregation of God" among whom God stands, in the opening verse of our psalm.

 This is what the Rambam writes in his Commentary to the Mishna (end of tractate *Tamid*):

They already gave reasons in the *gemara* in *Rosh Hashana* as to why these psalms were chosen for these days. They said that… On the third day, on which the earth was revealed, **where there would be judgment and judges,** they would recite: "God stands in the congregation of God."

R. Ovadya Mi-Bartenura explains the Mishna in *Tamid* in the same vein:

On the third day – "God stands in the congregation of God" – for on that day dry land appeared on which **the judges** stand to carry out judgment.

 We see that both the Rambam and the Bartenura explain that God's "congregation" in the *baraita* is the congregation of judges mentioned at the beginning of our psalm, in accordance with the plain meaning of the psalm.

 The only problem is that the connection between the creation of dry land on the third day of the week and the judges in our psalm is still not clear. Surely everything that takes place in our world takes place on the dry land that was created on the third day! Almost any psalm that would have been chosen in which human actions are discussed could have been connected in similar fashion to the creation of dry land on the third day of Creation!

 The answer to this question brings us back to section II of our study, to the discussion about the second half of verse 5, "All the foundations of the earth are shaken," and R. Yitzchak Arama's explanation that the verse means to say: "This is the opposite of what they said: 'Every judge who judges with complete fairness… it is as if he has become a partner to the Holy One, blessed is He, in the creation' (*Shabbat* 10a)."[[13]](#footnote-13)

Thus, even the *baraita* brought in tractate *Rosh Hashana* in the name of R. Akiva to explain the connection between the act of creation on the third day of the week and our psalm shares the view that the existence of the world created during the week of Creation depends on just human judgment being carried out in that world. Therefore, "He revealed the earth in His wisdom and established the world for His congregation" – for the judges who are "the congregation of God," who, when they perform just judgment, are partners in the creation of the earth on the third day of the week and in the continuation of its existence, but when they judge unjustly – "all the foundations of the earth are shaken."

### 2. the custom of reciting the "psalm of the Day" at the end of the morning service

What is the origin of and reason for the custom prevalent today in all Jewish communities to recite at the end of the morning service the daily psalm that the Levites would recite in the Temple?

The reason for this custom is certainly to make a "remembrance of the Temple." Strong ties connect our liturgy to the sacrificial service in the Talmud. According to R. Yehoshua ben Levi, "[the Sages] instituted the prayers to replace the daily sacrifices" (*Berakhot* 26b), and the *gemara* there supports his view with a *baraita* that connects the times of the prayers to the times of the various sacrifices. The *Musaf* prayer, recited on the days on which a *Musaf* offering was sacrificed, by its very nature was instituted to replace this sacrifice.[[14]](#footnote-14)

In later generations, additional passages were added to the liturgy that explicitly mention the sacrificial service in the Temple: the recitation of "*Korbanot*" before *Pesukei De-Zimra* in the morning service and before the afternoon service; the recitation of "*Pitum Ha-Ketoret*" in different places in the liturgy according to the different customs; and the recitation of various psalms at the end of the morning service as "the psalm of the day" that the Levites would recite over the daily offering.

These customs were most certainly established in the spirit of the Aggada brought in *Ta'anit* 27b: "This holds true while the Temple remains in being, but when the Temple will no longer be what will become of them? [God] replied: I have already long ago provided for them in the Torah the order of sacrifices, and whenever they read it I will deem it as if they had offered them before me and I will grant them pardon for all their iniquities."

When did this custom of reciting psalms as "the psalm of the day" become prevalent, and which sources attest to its existence?

In the *Yerushalmi* (*Ta'anit* 4:5), R. Yochanan and Resh Lakish disagree: "R. Yochanan said: The daily psalms are recited without the libations. R. Shimon ben Lakish said: The daily psalms are not recited without the libations." Resh Lakish's reasoning is clarified in *Arakhin* (11a) through the opinion brought there that "psalms are only recited over wine" – that is to say, the Levites only recited the daily psalms in the Temple over the wine libation of the daily offering.

The disagreement between R. Yochanan and Resh Lakish relates to a custom that was observed in the Temple, and deals with the possibility that the Levites would recite the daily psalm even without the wine libation of the daily offering. But it raises the question whether according to Resh Lakish in the *Yerushalmi* there is reason to recite the psalm that the Levites would recite in the Temple, without the daily offering, without the wine libation, and without the Temple at all.[[15]](#footnote-15)

Tractate *Soferim* (eighth century), at the beginning of chap. 18, briefly mentions the passage in the *Yerushalmi*, but it brings the view of R. Yochanan and his proof that "the daily psalms are recited without the libations." From this it concludes:

Therefore, the people are accustomed to recite the psalms at their appointed times, as we learned there (at the end of *Tamid*): "The following are the psalms that the Levites would recite in the Temple… On the first day they would say… On the second day they would say…."

Here it copies the list of psalms as it is brought at the end of tractate *Tamid*, and then concludes:

For anyone who recites a verse at its [appointed] time, Scriptures attributes to him as if he built a new altar and sacrificed an offering upon it.

 Tractate *Soferim* is thus the earliest source for the customary practice of "reciting psalms at their appointed times" – that is, of reciting every day the appropriate psalm that the Levites would recite in the Temple. According to tractate *Soferim*, the recitation of these psalms substitutes for the sacrifices, and one who recites them is accredited "as if he built a new altar and sacrificed an offering upon it" – that very daily-offering over which the psalm was recited during the time that the Temple stood.

 The next source that concerns us is *Seder Rav Amram Gaon* (ninth century). In "*Seder Nefilat Apayim U-Kedusha Ke-Sidra,*"[[16]](#footnote-16) it is stated that after the prayer leader concludes the *Kaddish* that is recited after *Kedusha Ke-Sidra* (*"U-Va Le-Tziyon*"), a series of passages is recited:

It is customary to say as follows: 1) *Mi ke-Elokeinu mi ka-Adoneinu*…; 2) *Pitum Ha-Ketoret*…; and one recites: 3) "The psalm that the Levites would recite in the Temple": On the first day… [here the list found at the end of tractate *Tamid*]; and one says: 4) "R. Elazar said in the name of R. Chanina: Torah scholars increase peace in the world… peace on Israel."[[17]](#footnote-17)

 This passage describes a practice that is different from the one under discussion in this appendix. The custom described in *Seder Rav Amram* is to include a recitation of **the Mishna at the end of tractate *Tamid*,** after the recitation of *Ein ke-Elokeinu* and *Pitum ha-Ketoret* (*Keritut* 6a), and to conclude with the *baraita* that closes tractate *Berakhot* (64a): "R. Elazar said…," together with the verses brought there. The goal of this combination of passages is, as suggested by the *Acharonim*, to conclude the prayer service with words of Torah, and particularly with words from the Oral Law.[[18]](#footnote-18)

 However, the custom that we are discussing is to recite **a psalm of *Tehillim*** every day, that psalm that the Levites would have recited in the Temple on that day of the week. Both practices fill the role of "remembrance of the Temple," as both of them mention the songs of the Levites that accompanied the daily offering, but the custom documented in *Seder Rav Amram* **merely describes** the historical recitation of the Levites, whereas our custom actually **reenacts** it. This difference between the two customs has three expressions. First of all, the custom of *Seder Rav Amram* involves the recitation of a Mishna, whereas our custom involves the recitation of a passage from the Bible. Second, the custom of *Seder Rav Amram* is fixed, noting every day all of the daily psalms, whereas our custom varies with the day of the week; each day a different psalm is recited. Third, the custom of *Seder Rav Amram* mentions each psalm briefly (making do with the first verse of each psalm[[19]](#footnote-19)), whereas our custom is to recite each psalm in its entirety.

 The custom described in *Seder Rav Amram* was not incorporated as is in the *siddurim* compiled in medieval France and Germany, or in our *siddurim*. In *Machzor Vitri*, the entire section beginning with the *piyyut of Ein Ke-Elokeinu* was adopted only on Shabbat,[[20]](#footnote-20) but on weekdays no part of this section is recited.[[21]](#footnote-21) In our *siddurim*, this section was adopted even on weekdays, but without the *mishna* in tractate *Tamid*, "the psalm that the Levites would say." Only on Shabbat was the *mishna* in *Tamid* included in many Ashkenazi *siddurim* (but not all of them), as it is found in *Seder Rav Amram* in the weekday liturgy.[[22]](#footnote-22)

 The words of *Seder Rav Amram* are cited in full in the *Tur*, 133,[[23]](#footnote-23) and in abridged form in the Rema, *Shulchan Arukh* 132:2.[[24]](#footnote-24)

 We return to the question: When did the custom spread **to reenact the recitation of the daily psalm as it was practiced in the Temple,** and recite on each day of the week the psalm that the Levites would recite on that day in the Temple?

 Let us go back to the earliest source that we have presented, the only witness to the existence of such a practice, in tractate *Soferim* from the eighth century:

Therefore the people are accustomed to recite the psalms at their appointed times, as we learned there (at the end of *Tamid*): "The following are the psalms that the Levites would recite in the Temple… On the first day they would say… On the second day they would say…."

 Three points relating to this testimony should be noted:

* We are not dealing here with an enactment, but rather: "Therefore **the people are accustomed** to recite the psalms at their appointed times."
* It does not say here where in the liturgy these psalms were recited.
* Tractate *Soferim* appears to relate positively to this practice.

After this, we do not encounter this custom in any document known to us for more than four hundred years! As for *Seder Rav Amram Gaon*, we have already seen that the custom described there is not the same as the custom we are discussing. But there is no trace of this practice also in the rest of the early *siddurim* from the east (*Siddur Rav Saadya Gaon*) and from the west (the early Ashkenazi *siddurim*, the *siddurim* of the disciples of Rashi, the *siddur* of R. Shelomo ben R. Natan of Sijilmasa).[[25]](#footnote-25)

 However, in the second half of the twelfth century, an allusion to the existence of this custom appears in the *siddur* of the Rambam found as an appendix to the book of *Ahava*:

**Some people follow the custom** of reciting the psalm that the Levites would recite in the Temple **on that day of the week** after these supplicatory prayers [that are recited after the morning prayers].

The words of the Rambam are clear: We are not dealing with the daily recitation of the *mishna* at the end of tractate *Tamid*, but rather with "the recitation of a psalm" that varies according to the day of the week, as is our custom. However, in contrast to the recitation of the supplicatory prayers that precede it, about which the Rambam writes, "it is our custom" and "the people have accepted the custom," regarding the practice concerning the daily psalm, he writes, **"some people** follow the custom" – which indicates that the practice had not yet spread among all of Israel.[[26]](#footnote-26)

 Our custom is not mentioned in the *siddurim* that were compiled after the Rambam,[[27]](#footnote-27) nor is it mentioned in the *Shulchan Arukh*. This silence was noted by R. Yaakov Verdiger in his *siddur*, *Tzeluta De-Avraham*:[[28]](#footnote-28)

The daily psalm – **this custom is not found at all** in the early *machzorim*, nor is it mentioned by the *Rishonim*, except for the Rambam in his arrangement of the prayer service. It would appear that the custom to recite it spread in recent generation following the Kabbalists.[[29]](#footnote-29)

 In his notes, the author records the relatively late sources for our custom.[[30]](#footnote-30)

 We see, then, that our custom to recite the daily psalm draws on an early custom going back twelve hundred years, which was observed by some people in the first half of the Geonic period. This practice did not gain widespread observance, nor was it mentioned in the halakhic literature for hundreds of years. Only in the last four hundred years did it gain widespread acceptance in all Jewish communities, under the influence of Lurianic Kabbala, and only then was it included in all of the liturgical rites.

(Translated by David Strauss)

1. Here is a partial list: *Yeshayahu* 1:17, 21-27; 5:23; *Amos* 5:12; *Mikha* 5:9-12. [↑](#footnote-ref-1)
2. Jerusalem is not explicitly mentioned in this prophecy, but several of its designations do appear in it: faithful city (21, 26); city of righteousness (26); Zion (27). [↑](#footnote-ref-2)
3. For the universal meaning of our psalm, see our comments about the psalm's conclusion at the end of section V. Note 15 there refers to the view of the medieval commentators who did not understand it that way. [↑](#footnote-ref-3)
4. As for the interpretation of this consequence, see our discussion in section II above. [↑](#footnote-ref-4)
5. See our comments in the first part of section V. [↑](#footnote-ref-5)
6. A description of the precise time and way that the Levites recited the psalms appears in two places in the Mishna: *Arakhin* 2:3-6 and *Tamid* 7:3. [↑](#footnote-ref-6)
7. This list is marked as *mishna* 4 at the end of chapter 7, the last chapter of tractate *Tamid*, but it is clearly not part of the original Mishna, but rather a later addition. This is indicated by the concluding line of *mishna* 3, which precedes it: "This was the order of the regular daily sacrifice for the service of the house of our God. May it be God's will that it be built speedily in our days, Amen." Another indication is that in MS Cambridge there is an extended addition, which also explains the selection of these psalms. This was noted by Ch. Albeck in his commentary to the Mishna, at the end of his introduction to tractate *Tamid* (p. 292). [↑](#footnote-ref-7)
8. The Levitical recitation of psalms over the sacrifice of the daily offering is already described in I *Divrei Ha-Yamim* 16:4-42. The psalms brought there (the first part of Psalm 105 until verse 15, and Psalm 96, both of them with changes) are not the same as those mentioned at the end of tractate *Tamid.* However, the list at the end of tractate *Tamid* reflects the practice that prevailed at least from the beginning of the last third of the Second Temple period, as we find in the Septuagint on *Tehillim* (which is dated to the Hasmonean period) in the headings to Psalms 24, 48, 94, and 93, the words (respectively): "for the first day," "for the second day," for the fourth day," "for the eve of Shabbat." See addenda of Ch. Albeck to tractate *Tamid*, p. 430. [↑](#footnote-ref-8)
9. A parallel to this *baraita* in a different style is found in *Avot De-Rabbi Natan* A – chapter 1 (ed. Shechter, p. 5). In the addition to the list at the end of the *mishna* of tractate *Tamid* in MS Cambridge (see note 7), we also find explanations, some of which are the same, while others are different. [↑](#footnote-ref-9)
10. The seventh psalm is explicitly connected to Shabbat in its heading. [↑](#footnote-ref-10)
11. In *Avot De-Rabbi Natan* (see note 10), it says parallel to this reason: "He created the sea and the dry land, and the land was folded over to its place, and a place was made for His congregation." [↑](#footnote-ref-11)
12. Taken out of context, one might have thought that the reference is to the congregation of Israel, God's people. Indeed, Rabbeinu Chananel understands the *baraita* as referring to Israel: "And He prepared it for His congregation who received His judgments, as it is written: 'If I have not appointed My covenant with day and night, the ordinaces of heaven and earth' (*Yirmeyahu* 33:25) – that is to say, were it not for Israel, who received My covenant to meditate upon it day and night, I would not have made heaven and earth." If so, there is a certain similarity between the words of the *baraita* and that which is stated in the song of *Ha'azinu* (*Devarim* 32:8): "When the most High divided to the nations their inheritance, when He separated the sons of Adam, He set the bounds of the people, according to the number of the children of Israel." In note 15 to the first part of our study, we saw that some commentators understand "the congregation of God" in our psalm as referring to Israel. But it is difficult to explain the *baraita* in this manner, because all the other explanations in this *baraita* are universal. And furthermore, we already said that our psalm as well is universal, and does not deal with the people of Israel; "the congregation of God" means the congregation of judges among whom stands God. [↑](#footnote-ref-12)
13. R. Yisrael Lifschitz offers a similar answer in his *Tiferet Yisrael* commentary to the Mishna (tractate *Tamid*): "Because on this day it is stated: 'Let the waters be gathered.' And He prepared the dry land upon which people would stand together with the judges who ensure man's standing on the earth, that they should not swallow each other up like the fish in the water, without law or judgment." In other words, the separation between water and dry land distinguishes man's existence from that of the fish, and his different existence depends on justice and judges. [↑](#footnote-ref-13)
14. Even according to R. Yose ben R. Chanina, who maintains (*Berakhot* 26b) that "the prayers were instituted by the Patriarchs," "the Rabbis found a basis for them in the offerings. For if you do not assume this, who… instituted the *Musaf* prayer?" [↑](#footnote-ref-14)
15. The answer to this question might be in the affirmative. We recite the psalm only as a remembrance of the Temple, and not as the Levites in the Temple, and therefore Resh Lakish might agree that this is a fitting practice. [↑](#footnote-ref-15)
16. Goldschmidt ed., pp. 39-40. [↑](#footnote-ref-16)
17. In the continuation it says: "And similarly in the evening, after completing the evening service, it is customary to recite *Pitum Ha-Ketoret*, but not the psalms. What is the reason? For one says these things as a remembrance of the Temple. Why then do we say *Pitum Ha-Ketoret* in the morning and in the evening, and the psalm only in the morning? Because this *mitzva* [the incense] was performed in the morning and in the evening, whereas this *mitzva* [the psalm] was performed only in the morning."

These words are included verbatim in the *Tur* and the *Shulchan Arukh*, *Orach Chayim* 133 (and also briefly in the words of the Rema in the *Shulchan Arukh* 132:2). The *Acharonim* raised two questions: First of all, the incense was not burned at night, and so there is no reason to recite *Pitum Ha-Ketoret* after the evening service, but rather before or after the *Mincha* service (which is the common practice). Second, it is clear from various passages in the *gemara* that the same psalm that the Levites recited over the wine libation that accompanied the daily offering in the morning was also recited over the wine libation that accompanied the daily offering in the evening. Various answers were proposed for these questions. [↑](#footnote-ref-17)
18. The two main passages that were chosen in this framework of Torah study – the *baraita* of *Pitum Ha-Ketoret* (*Keritot* 6a) and the *mishna* at the end of tractate *Soferim* (which also appears to be a *baraita*) – deal with the Temple service, and also have an element of "remembrance of the Temple," as is explicitly stated in the continuation of *Seder Rav Amram* (see the citation in the previous note). [↑](#footnote-ref-18)
19. Goldschmidt, however, notes that in MS British Museum (marked in his edition with the letter *mem*), which is a Spanish *siddur* from the 14th-15th centuries that incorporates passages from *Seder Rav Amram*, the entire text of all the psalms is brought. It is unreasonable to assume that the intention is that the reader must recite all seven psalms each day of the week. Rather, it is likely that this manuscript reflects the custom that we are discussing to recite on each day the entire psalm of that day, but that this is not the original custom referred to by *Seder Rav Amram.* [↑](#footnote-ref-19)
20. Horowitz ed., Nuremburg 5683, pp. 176-177. It is interesting to note that in *Machzor Vitri*, the *mishna* at the end of tractate *Tamid* is replaced by the *baraita* in *Rosh Hashana* 31a that includes the reasons for the selection of each of the psalms. [↑](#footnote-ref-20)
21. The reason for this might be not to hinder the congregation at the end of the service from going out to work, a reason that does not apply on Shabbat. [↑](#footnote-ref-21)
22. I have not found an adequate explanation for the distinction made in Ashkenazi *siddurim* between Shabbat and weekdays. Perhaps the explanation brought in the previous note applies here as well. [↑](#footnote-ref-22)
23. It should be noted that in the *siddur* of R. David Abudraham, a younger contemporary of the *Tur* who was greatly influenced by the *Tur*, we find a different practice (ed. Jerusalem, 5723, pp. 123-124): "It is customary to recite each day of the week the psalm that the Levites would recite in the Temple…," and here appears a citation of the *baraita* in *Rosh Hashana* 31a, and at the end he writes: "And he recites *Kaddish*… and all the people leave in peace." In the continuation he writes that in some places it is customary to add various passages at the end of the service, one of them being *Ein Ke-Elokeinu*, followed by *Pitum Ha-Ketoret*. It is possible that he is referring to the recitation of an entire psalm that varies according to the day of the week, as is our practice, but it is more likely that he is referring to the recitation of the *baraita* itself each day of the week. See what we wrote above, note 20. [↑](#footnote-ref-23)
24. The *Magen Avraham*, no. 4, distinguishes between the words of the *Tur* and those of the Rema, arguing that the *Tur* (= *Seder Rav Amram*) has in mind reciting the *mishna* in tractate *Tamid*, whereas the Rema means "that we say the psalm [itself] and not the *mishna*." The *Mishna Berura* (no. 15) summarizes his comment. Upon closer examination, we see that this is not correct; the Rema merely abridged the words of the *Tur*. It would appear that the *Magen Avraham*, in whose time the practice had already spread to recite the "daily psalm" – an entire psalm that varied according to the day of the week – tried to attribute this custom to the Rema, and thus avoid the situation that the common practice according to our *siddurim* does not accord with the words of the Rema. In truth, however, there is no trace of our custom in the *Shulchan Arukh* – not in the words of R. Yosef Karo nor in the words of the Rema. See also below. [↑](#footnote-ref-24)
25. In most of these *siddurim,* there is no mention of reciting the *mishna* at the end of tractate *Tamid* as part of the prayer service. [↑](#footnote-ref-25)
26. It stands to reason that the testimony offered by tractate *Soferim*, "the people are accustomed," should be understood as referring to only a minority of the people. This explains its vigorous encouragement of the practice, and also the absence of any mention of the practice in all of the *siddurim* until that of the Rambam. [↑](#footnote-ref-26)
27. As for the *siddur* of the Abudraham, see note 23 above. [↑](#footnote-ref-27)
28. Part I, p. 391ff. The publication date and place are missing from the book's title page. [↑](#footnote-ref-28)
29. At the end of this passage, in the section, "*Emek Berakha*," he writes: "See *Tur*, *Orach Chayim*, end of sec. 133, which implies that in Spain it was customary to recite the psalm in the morning." The *Tur*, however, writes: "And in Spain it is customary every day after *Kaddish* to recite Psalm 86, and afterwards *Kaddish*… And on every occasion, the psalm is changed in accordance with the day, e.g., *Borkhi nafshi* on Rosh Chodesh… And this is a good practice." His source is *Sefer Ha-Manhig* (77). We are not dealing here with the "daily psalm" as is our practice, but rather with a fixed psalm for all the days of the year (*Tehilim* 86), which is replaced with a different psalm on special occasions. [↑](#footnote-ref-29)
30. "The *Kitzur Shelah* brings in the name of the book *Zikhron Tziyon*, that he saw the *siddur* of the Arizal, in which it was explicitly written to recite the psalms in full, prefaced by the sentence: 'Today is the first day of the week.' The *Seder Ha-Yom* also brings it as the fixed custom, apparently following the Kabbala of the Arizal." In the continuation he brings additional testimony from the writings of other Kabbalists that it was the Ari who admonished to recite each of the daily psalms on its day, but in a *siddur* from 5320 and in *Siddur Shela*, the psalms themselves do not yet appear. [↑](#footnote-ref-30)