

The Command of God:

The meaning and Application of Blessings that State

"Who Has Sanctified Us By Your Commandment and Commanded Us To . . ."

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The issue discussed here is the notion of ברכת מצוה, the blessing made upon doing a mitzvah (*commandment*). Particularly, we will discuss its application to actions that are not explicitly commanded in the Torah.

BLESSINGS ON RABBINIC COMMANDMENTS

Babylonian Talmud Shabbat 23a תלמוד בבלי מסכת שבת דף כג עמוד א

אמר רב חייא בר אשי אמר רב: המדליק נר של חנוכה צריך לברך. מאי מברך? מברך אשר קדשנו במצותיו וצונו להדליק נר של חנוכה והיכן צונו? רב אויא אמר: +דברים יז+ מלא תסור. רב נחמיה אמר: (דברים יז:א) שאל אביך ויגדך וזקניך ויאמרו לך. (דברים לב:ז)

Rabbi Chiyah bar Ashi said in the name of Rav: "One who lights the candle of Chanukah must bless." . . . What does he bless? "Who sanctified us by your commandment and commanded us to kindle the candle of Chanukah." Where did [God] command us (to light the Channukah candle)? Rav Aviya said: from the verse "do not stray." (Deut 17:11). Rabbi Nechemiah said: "Ask your father and he will tell you, your elders and they will command you."

דברים פרק יז פסוק יא Deuteronomy 17:11

עלפי התורה אשר יורוה ועל המשפט אשר יאמרו להתעשה לא תסור מן הדבר אשר יגידו לך ימין ושמאל:

According to the Torah which they (the priest or judge) instruct you, you shall do. Do not stray from that which they tell you right or left.

דברים פרק לב פסוק ז Deuteronomy 32:7

זכר ימות עולם בינו שנות דור ודור שאל אביך ויגדך וזקניך ויאמרו לך:

Remember the days of old, understand the years of each generation. Ask your father and he will tell you, your elders and they will command you.

NB: A good philological translation of the word ויאמרו indicates a sense of "command" not just "say."

BLESSINGS ON MINHAG

Babylonian Talmud Sukkah 44a תלמוד בבלי מסכת סוכה דף מד עמוד א

רבי יוחנן ורבי יהושע בן לוי, חד אמר: ערבה יסוד נביאים, וחד אמר: מנהג נביאים.

Rabbi Yochanan and Rabbi Joshua ben Levi [disagreed]: One said that aravah (willow) is an enactment (lit. foundation) of the prophets, whereas one said it is custom (*minhag*) of the prophets.

Rashi Sukkah 44a (selection) רשיי מסכת סוכה דף מד עמוד א

מנהג - הנהיגו את העם, ולא תקנו להם, ונפקא מינה דלא בעיא ברכה, דליכא למימר וצונו, דאפילו בכלל לא תסור ליתא.

Custom - The prophets directed, but did not legislate (taking them), and the practical difference is that they don't need a blessing, since you can't say "and commanded us," since this doesn't even fall within the rule of "do not stray."

Babylonian Talmud Sukkah 44b תלמוד בבלי מסכת סוכה דף מד עמוד ב

אמר אייבו: הוה קאימנא קמיה דרבי אלעזר בר צדוק, ואייתי ההוא גברא ערבה קמיה, שקיל, חביט חביט ולא בריך. קסבר: מנהג נביאים הוא. אייבו וחזקיה בני ברתייה דרב אייתו ערבה לקמיה דרב, חביט חביט ולא בריך, קא סבר: מנהג נביאים הוא.

Aibu said: I once was before Rabbi Elazar bar Tzadok, and a person brought willows before him. He took, [them] repeatedly (trans. per Jastrow dictionary), and did not bless. He thought: It is custom of the prophets. Aibu and Chezekiah the son of Rav's daughter brought willows before Rav. He shook [them] repeatedly and did not bless. He thought: It is custom of the prophets.

Rashi Sukkah 44b (selection) רשיי מסכת סוכה דף מד עמוד ב

מנהג נביאים היא - . . . ולא יסוד נביאים, הלכך אינה צריכה ברכה.

It is custom of the prophets - . . . and not an enactment of the prophets, therefore it does not need a blessing.

Rabbenu Channanel Sukkah 44b (selection) רבינו חננאל סוכה מד עמוד ב

ואסיקנא . . . [צריכה חיבוא ואינה צריכה ברכה, כרב דקסבר מנהג נביאים היא . . .

And we conclude . . . that it needs shaking, but does not need a blessing, like Rav who thought it is custom of the prophets.

Geonic Responsa (Rav Sherirah Gaon) תשובות הגאונים - שערי תשובה סימן שז

וששאלתם מה הפרש בין יסוד נביאים למנהג נביאים יסוד נביאים יש בו חיזוק על מנהג נביאים כי ביסודם אותו שמוהו יסוד לבנות עליו המצוה . . . מנהג נביאים אינו כן כי אפשר שהנהיגו העם לעשות כן מפני תיקון ואם תאמר ערבה יסוד נביאים הוא ופרשתם שהיא מצוה למה לא נברך עליה כשהיא בעצמה נשוב ונאמר כי לא כל המצוות אנו חייבי לברך עליה יש מהם שחייב לברך ויש מהם שאינו חייב לברך וערבה יסוד נביאים שישדוהו לכל ישראל לעשות כן. רב שרירא ז"ל:

And that which you asked, what is the difference between an prophetic enactment and custom of the prophets, a prophetic enactment has more strength than prophetic custom, because when they enacted it they made it a foundation to build the mitzvah on . . . but the custom of the prophets is not like that, because it is possible that they instructed (hinhig) the nation to do thus because of legislation. And if you say willow is a prophetic enactment, and you have explained them as a mitzvah, why don't we bless on it when it is on its own (i.e. not in a Lulav bundle), we will respond and say that not all mitzvas are we obligated to bless on. There are some we are obligated to bless on, and those that we are not obligated to bless on. And willow is an enactment of the prophets which they enacted for all of Israel to do thus. Rabbi Sherariah of blessed memory.

תשובות הגאונים - שערי תשובה סימן רב Geonic Responsa R. Sigdayah

רב סיגדיה ז"ל

כל אחד ואחד טובל בערב יום הכפורים ובעלייתו מלטבול מברך על הטבילה. והרב ר' יצחק בן גיאת ז"ל טבילה זו כיון שאינה מתקנו' חכמים הראשונים לא בת ברכה היא לא מחייב לברכה קודם טבילה כי ההיא דאמר' כל המצות כולן מברך עליהן עובר לעשייתן חוץ מן הטבילה ואוקמוה רשואתא בטבילת גר דאכתי גברא לא חזי אבל שאר חייבי טבילות מעיקרא מברכי ואזלי הילכך טובל אדם כמנהג חכמים ואינו מברך דאין מברכין על המנהג מדאמרין לענין ערבה חביט חביט ולא בריך קסבר מנהג נביאים היא אלמא המנהג אין מברכי' עליו

Rabbi Sigdiyah.

Everyone immerses (in the mikvah) on Yom Kippur eve, and on coming up from immersing blesses, "[blessed are you . . . commanded us] regarding immersion."

But Rabbi Yitzchak ibn Gi'at, of blessed memory [said] this immersion, since it is not from the enactments of the original sages, does not get a blessing, and does not require a blessing before it - as we say that all mitzvot require a blessing before doing them except for immersion, and the heads (of the academies, i.e. ge'onim) related this to the immersion of the convert, since "he is still not a fitting person," but all others who are required to immerse bless before and go (immerse). Therefore, a person immerses per the *minhag* of the sages, but does not bless, because we do not bless on a *minhag*, as we said regarding the willow: "[He] shook [them] repeatedly, and did not bless, for the thought it is a *minhag* of the prophets," which demonstrates that we do not bless on a *minhag*.

הלכות רי"ץ גיאת הלכות יום הכפורים עמוד פא 81 Laws of Ritz Gia'at, Laws of Yom Kippur p. 81
. . . מדאמר לענין ערבה חביט חביט ולא בריך קסבר מנהג נביאים הוא אלמא המנהג אין מברכין עליו שאין מברכין אלא על המצות דהכי מברכין אשר קדשנו במצותיו וצונו . . .

As is said regarding willows, "[He] shook [them] repeatedly, and did not bless, for the thought it is a *minhag* of the prophets," which demonstrates that we do not bless on a *minhag* - because we only bless on mitzvas, and how could we bless "who sanctified us with his commandments and commanded us . . ."

חידושי מהאירי Meiri

ולא מנהג דרך תקנה לכל והוא נהקרא יסוד נביאים, שא"כ היינו מברכים עליה כיו"ט שני והלל של ר"ח, אלא מנהג שנהגו כן והעם רואים ועושים כמותם מאליהם והלכך אינה טעונה ברכה
[Willow is] not a practice by way of legislation which is called an "enactment of the prophets," for if so (if it were legislated), we would bless on it like [we bless] for the second day of Yom Tov and Hallel for the new month, rather, [it is] a practice that [the prophets] practiced, and the people saw and did like them of their [the people's] own accord, and therefore it does not require a blessing.

NB: Meiri knows that they are making a blessing on Hallel at the new moon, and therefore presumes that Hallel on that day was legislated. We will examine the status of Hallel more completely below.

HALLEL

When is Hallel an Obligation? What about Rosh Chodesh?

תלמוד בבלי מסכת ערכין דף י עמוד א - עמוד ב Babylonian Talmud Arachin 10a-b
דאמר רבי יוחנן משום רבי שמעון בן יהוּצדק, שמונה עשר ימים שהיחיד גומר בהן את ההלל: שמונה ימי החג, ושמונה ימי חנוכה, ויום טוב הראשון של פסח, ויום טוב (הראשון) של עצרת;
For Rabbi Yochanan said in the name of Rabbi Shimon ben Yehotsadak: There are 18 days that an individual completes (perhaps better: reads) the Hallel on: 8 days of The Holiday (i.e. Sukkot), 8 days of Chanukah, the first Yom Tov of Passover, and (the first) Yom Tov of Atzeret (i.e. Shavuot).

ובגולה עשרים ואחד: תשעה ימי החג, ושמונה ימי חנוכה, ושני ימים טובים של פסח, ושני ימים טובים של עצרת.

And in the diaspora 21 (days): 9 days of The Holdiay (sukkot), 8 days of Chanukah, two Yom Tavs of Passover, and two Yom Tavs of Atzeret.

מאי שנה בחג דאמרי' כל יומא, ומאי שנה בפסח דלא אמרינן (י): כל יומא? דחג חלוקין בקרבנותיהן, דפסח אין חלוקין בקרבנותיהן.
What is the difference between The Holdiay, that we say [Hallel] every day, Passover that we don't say [Hallel] (10b) every day? Holiday is has different sacrifices [for each day], while Passover does not have different sacrifices.

שבת דחלוקה בקרבנותיה לימא! לא איקרי מועד.
Shabbat, which has a different sacrifice (i.e. than other holidays) say [Hallel]! It is not called "moed" (a holiday).

ראש חודש דאיברי מועד לימא! לא איקדיש בעשיית מלאכה . . .
Rosh Chodesh (the new month), which is called "moed," say [Hallel]! It is not sanctified with [a prohibition] of work. . . .

ראש השנה ויום הכיפורים דאיברו מועד ואיקדוש בעשיית מלאכה לימא! משום דר' אבהו, דאמר רבי אבהו, אמרו מלאכי השרת לפני הקב"ה: רבש"ע, מפני מה אין ישראל אומרים שירה לפניך בר"ה וביום הכפורים? אמר להן: אפשר, מלך יושב על כסא הדין וספרי חיים וספרי מתים פתוחין לפניו וישראל אומרים שירה לפני?

Rosh Hashannah and Yom Kippur that are called "moed" and sanctified with [a prohibition] of work, say [halleh!]. [We do not say it] because of [the reason given by] Rabbi Abahu. For Rabbi Abahu said: The ministering angels said before the Holy One: Master of the Universe, why doesn't Israel say song before you on Rosh Hashannah and Yom Kippur. [God] said to them: Is it possible that the King sits on the throne of judgement with the books of life and the books of death opened before him and Israel would say song before me?

והא חנוכה דלא הכי ולא הכי וקאמר! משום ניסא.
But Channukah doesn't have thus (i.e. does not have sacrifices or a prohibition of work) and it is said! Because [it has a] miracle.

פורים דאיכא ניסא לימא! אמר רבי יצחק: לפי שאין אומרים שירה על נס שבחוצה לארץ.
Purim, which has a miracle, say [Hallel]! Rabbi Yitschak said: Because we don't say song on a miracle that [happened] outside the land [of Israel].

מתקיף לה רב נחמן בר יצחק: והרי יציאת מצרים דנס שבחוצה לארץ הוא, ואמרינן הלל! כדתניא: עד שלא נכנסו ישראל לארץ - הוכשרו כל הארצות לומר שירה, משנכנסו לארץ - לא הוכשרו כל ארצות לומר שירה.

Rav Nachman bar Yitschak demurred (on this point): But leaving Egypt which is a miracle outside the land, and we say Hallel. As it is taught: Until Israel entered the land - the whole world was fitting to say song [if a miracle happened in it], from when they entered [Israel] - the wole world was not fit to say song.

רב נחמן אמר: קרייתה זו היא הלילא.

Rav Nachman bar Yitschak said: Reading it (the Megillah) is its Hallel.

רבה אמר: בשלמא התם, הללו עבדי ה' - ולא עבדי פרעה, הכא הללו עבדי ה' - ולא עבדי אחשוורוש? אכתי עבדי אחשוורוש אגן.
Rava said: It is settling there [on Passover] to say "Sing servants of God" - [meaning those who are] not servants of Pharaoh. Here [on Purim] "Sing servants of God" - [would mean those who are] not servants of Achashverosh. But we are servants of Achashverosh.

ולר"נ דאמר: קרייתיה זו היא הלילא, התניא: משכנסו לארץ - לא הוכשרו כל ארצות לומר שירה! כיון שגלו חזרו להיתירן הראשון.
And for Rav Nachman, who said: Reading it is the Hallel, but it is taught: from when they entered [Israel] - the whole world was not fit to say song. [Rav Nachman would argue] since they were exiled, they returned to their original permission (i.e. to say Hallel based on a miracle outside of Israel).

תלמוד בבלי מסכת תענית דף כח עמוד ב Babylonian Talmud Ta'anit 28b

וליתני נמי באחד בניסן . . . ! - אמר רבא: זאת אומרת הלילא דבריש ירחא לאו דאורייתא. דאמר רבי יוחנן משום רבי שמעון בן יהוצדק: שמונה עשר יום . . . רב איקלע לבבל, חזינהו דקא קרו הלילא בריש ירחא. סבר לאפסוקינהו. כיון דחזא דקא מדלגי דלוגי, אמר שמע מינה מנהג אבותיהם בידיהם. תנא: יחיד לא יתחיל, ואם התחיל - גומר.

Let the Mishnah also teach the first of Nissan . . . Said Rava: This demonstrates that Hallel on Rosh Chodesh is not from the Torah. For Rabbi Yochanan said in the name of Rabbi Shimon ben Yehotsadak 18 days . . . Rav went to Babylonian (from Israel), he saw that they read Hallel on Rosh Chodesh. He thought to stop them. Since he saw that they skipped, he said "learn from this that they have the *minhag* of their fathers in their hands." It was taught: an individual should not start, but if he started - he finishes.

Notes: This Talmud recognizes the differing status of Hallel on Rosh Chodesh - it is not mentioned as one of the days that "an individual" says the Hallel (note the last days of Passover are left out as well). We are told that Rav was unfamiliar with the practice of saying Hallel on Rosh Chodesh, but let it slide as he reasoned that it was a "*minhag*" of this peoples' ancestors. Finally, the Talmud reports a teaching that an "individual" does not start saying the Hallel, but should continue to do so if the individual started. It is not at all clear what situation this speaks to. **NB: In a recent conversation with my teacher Hakham Isaac Sassoon recently, Hakham**

Sassoon indicated the best explanation is that this refers to Hallel said over a miracle. NCG 6/29/14

סדר רב עמרם גאון סדר פסח ד"ה וכן אמר ת The Order of Rav Amram Ga'on, Passover section
וכן אמר מרנא ורבנא משה ריש מתיבתא, יחיד אחר מזונו בלילי פסחים חייב לגמור את ההלל . . . ולחתום, שכך שנינו . . . רביעי גומר עליו את ההלל, ואומר עליו ברכת השיר. אילו אמרנו אומר עליו את ההלל, הייתי אומר כהלל של ראש חדש, עכשיו ששנינו גומר, יחיד חייב לגמור ולחתום אחריו.

So too our master and teacher, Moshe, the head of the Academy said: An individual, after finishing his food on Passover evening is obligated to finish the Hallel . . . and to seal (with a blessing at the end, for thus we learned (in the Mishnah) . . . [they mix the] fourth [cup and upon it he] "finishes the Hallel . . ." had we said "he says on in the Hallel," I would have said it is like the Hallel of Rosh Chodesh, but now that we read "finishes," an individual must finish Hallel and seal (i.e. say the ending blessing) after it.

Notes: This piece says that an individual finishes the Hallel with blessings during the Passover Seder. Rav Amram compares this to Rosh chodesh practice. It seems to indicate that on Rosh Chodesh an individual would not say the Hallel (or at the very least not finish it with a blessing).

סדר רב עמרם גאון סדר ראש חדש ד"ה ובצבור לאחר **The Order of Rav Amram Ga'on, Rosh Chodes section.**

ובצבור לאחר שמסיים שליח צבור העובר לפני התיבה סדר התפלה, מברך ברוך אתה ה' אלהינו מלך העולם אשר קדשנו במצותיו וצונו לקרוא את ההלל. וקורין הלל בדילוג.
And in public, after the public messenger who goes before the ark (i.e. the chazan) finishes the order of the prayer, he blesses "blessed are you Lord our God, Sovereign of the Universe, who sanctified us by your commandments and commanded us to read the Hallel," and we read the Hallel with skips.

Notes: Rav Amram, in giving the order of Rosh Chodesh prayers, says "in public" the Hallel is done. This is further indication that he believed that Hallel was not said on Rosh Chodesh by an individual. Note that he does prescribe a blessing for Hallel on Rosh Chodesh.

סדר רב עמרם גאון סדר חנוכה ד"ה ובחנוכה מתפלל **The Order of Rav Amram Ga'on Chanukah Section**

וקורין את ההלל, ומברכין ברוך אתה ה' אלהינו מלך העולם אשר קדשנו במצותיו וצונו לגמור את ההלל.
And we read Hallel, and bless "blessed are you Lord our God, Sovereign of the Universe, who sanctified us by your commandments and commanded us to complete the Hallel."

Note: Rav Amram tells us that Hallel is done on Chanukah. He does not say anything about an individual, probably indicating that the individual says Hallel as well. Also note that Rav Amram has the blessing as "to finish the Hallel" on days where a full hallel is said. This will be the case for all the other examples we see.

סדר רב עמרם גאון סדר חנוכה ד"ה וכך אמר
וכך אמר שר שלום גאון המתפלל ביחיד באלו עשרים ואחד יום שהיחיד גומר בהן את ההלל, חייב לברך ולגמור בהם את ההלל, ולקרוא את כל ולחתום אחריו וכך מנהג בשתי ישיבות.
And so wrote Master Sar Shalom Gaon: One who prays individually on these 21 days that an individual finishes the Hallel, must bless, and must finish on them the Hallel, and to read its entirety, and to seal after it (i.e. say the closing blessing). And thus is the practice in the two Yeshivoth (i.e. Sura and Pumbedita, the two major academies in Babylonia).

ספר הלכות גדולות סימן טו - הלכות לולב עמוד רט Halachot Gedolot, Laws of Lulav

ויחיד דקאמרינן וגומר בהן את ההלל, לאו יחיד ממש קאמרינן, אלא כל היכא דלא כניפין כולהון ישראל יחיד קארי להון, . . . דאי ס"ד יחיד ממש אבל ציבור יש להם ימים שאומרים בהם, והא (תענית כח ב) כדאיקלע רב לבבל בריש ירחא ואשכח ציבורא דקארו הלילא, אמאי קפיד האי ציבורא הוא, אלא לאו ש"מ אפילו מאה ואפילו כמה אלפי, כל אימת דלא כניפין כולהון ישראל יחיד קארי להון. השתא דאמרת הכי, רב דקפיד דאמר הני יחיד נינהו, וכד שמעינן דקא מדלגין, שבקינן, ואמר מנהג אבותיהם בידיהם. [פסק] שמעת מינה, יחיד דמצלי לחודיה דלאו בי עשרה ביומא דקארו ביה ציבורא הלילא ולא גמרי כגון ראש חודש וחולו של מועד, קארי הלל ומברך תחילה וסוף כי בי עשרה, דהא לא קרינן ציבור אלא לכולהון ישראל.

And the "individual," that we say finishes the Hallel, does not literally mean an individual, rather, as long as the entirety of Israel isn't assembled, it is called an individual . . . for if you think that it refers literally to an individual, but a congregation has other days where they say Hallel, we see (in Ta'anit 28b), when Rav went to Bavel on Rosh Chodesh and found the congregation saying Hallel, why was he concerned - they were a congregation. Rather, shall we not learn from this that even 100 and even 1000 [people], whenever they all of Israel is not assembled, they are called an individual. Now that we have said such, Rav was concerned since these [people saying Hallel] were [considered as] an individual, and when he heard them skipping, he left them alone, and said "they have the *minhag* of their fathers in their hands" Learn from this that the individual who prays alone, without 10, on a day that the congregation reads, but does not complete Hallel, like Rosh Chodesh and Chol Hamo'ed, [the individual] reads Hallel. And blesses in the beginning and end just as with 10 [people], because we don't call it a congregation except with all Israel [present]. Halachot Gedolot also assumes that one says a blessing on Hallel on Rosh Chodesh.

Notes: Halachot Gedolot says that there is no difference in practice between an individual and a congregation. The "individual" referred to in the Talud means any group of less than the entire Jewish people. Therefore, an individual should say Hallel on Rosh Chodesh and the last days of Passover (he also has a blessing for this Hallel). Does he not have the final line of the Talmud in Ta'anit that says "an individual should not start?" Does he disagree or understand that statement differently? **Note: As per note on page 5, he likely reads it as a reference to Hallel said on a miracle.**

הלכות רי"ץ גיא'ת הלכות הלל עמוד קסו - קטו Laws of Ritz Gia'at, Laws of Hallel p166-167.

וכן היחיד לאחר תפלתו מברך לגמור, וקורא כדרכו עד סוף הסדר ומברך לאחריו במקום שנהגו. ובראשי חדשים ובשאר ימי הפסח מברכין וקורין לקרא את ההלל, וקורין ומדלגין . . . ומברכין לאחריו במקום שנהגו. והני מילי בצבור אבל יחיד לא, וכדאמרן לקמן. רב איקלע לבבל שמעינהו דקא קרו הלל בראש חדש איקפד כיוון דחזינהו דהו קמדלגי ואזלי אמר ש"מ מנהג אבותיהם בידיהם. תנא יחיד לא יתחיל ואם התחיל גומר, פירוש בשאר ימי הפסח עוסק דכולי עלמא קורין ומדלגין אבל בראשי חדשים מנהג (קטו) הוא לקרות ולדלג.

So too an individual after his prayer blesses "to complete [the Hallel]," and reads it in his normal manner until the end of the order, and blesses after it in places that they practice [to make a blessing after Hallel].

And on Rosh Chodesh and the remaining days of Passover, we bless "to read the Hallel," and read it and skip . . . and blesses after it in places that they practice [to make a blessing after Hallel]. This is in public, but not an individual. As is said later "Rav went to Bavel . . . It was taught: An individual should not begin, and if he began, he finishes." Explanation: It refers to the remaining days of Passover, when everyone reads and skips. But on Rosh Chodesh, it is a *minhag* to read and skip.

Notes: (1) Ibn Gi'at says that a congregation makes a blessing and says Hallel with skips on Rosh Chodesh and the last days of Passover (**NB:** This is the same Ibn Gi'at who objected to saying a blessing on going to the mikvah before Rosh Chodesh, since that was only a "*minhag*"). (2) The balance of this paragraph is not entirely clear. A commentary by Yitzchak Yarnan explains that the final teaching of the Talmud in Ta'anit could not refer to Rosh Chodesh, because that would imply that a congregation is obligated to do Hallel on Rosh chodesh (since the statement says only that an individual should not), which would be impossible, because then Rav would not have complained about this group of people saying Hallel. Therefore Ibn Gi'at concludes that the ruling refers to the last days of Passover, telling us that despite the fact that saying Hallel with the community on the last days of Passover was a universal practice, it still was not proper for an individual to say Hallel. If this is Ibn Gi'at's intention, the logic seems faulty. First, we do not necessarily know that Rav had the statement "an individual should not start," so he may still object to this group saying Hallel even if this teaching "clearly" that they should. Second, it is not at all clear that saying "an individual shouldn't begin" means that a congregation should say Hallel.

ואמר מר רב שר שלום ואית דאמרי רב נטרונאי מאן דמצלי ביחיד באלו כ"א יום שהיחיד גומר בהם את ההלל חייב לברך לגמור את ההלל ולקרות כולו ולחתום אחריו, וכן מנהג בשתי ישיבות, וזה שחקקתם לפנינו בהלכות קטועות לא יחיד ממש אלא אפילו צבור נקראו יחידים לא שמענו מעולם לא בכתב ולא בע"פ ולא תעשו כך שאין מנהג אלא כמו שפרשנו לכם ולא תטעו ההלכות.

And Master Rav Sar Shalom, or some say Rav Natronai Gaon said: one who prays on his own on these 21 days that an individual finishes the Hallel, must bless "to finish the Hallel," and read it and seal after it, and thus is the practice in both [Babylonian] academies, and that which you hewn out to us in mutilated halacha, that it doesn't mean an actual individual, but even a congregation is called "individual," we haven't heard such a thing ever, not in writing nor orally, and do not do thus - for there is no practice other than what we described to you, and do not err in Halacha.

Notes: Ibn Gi'at quotes Rav Sar Shalom (or perhaps Natronai Gaon) as saying that individuals should read the Hallel on the days that the Talmud says that individuals should say the Hallel. As becomes more clear in the next paragraph, it seems that some people took Halachot Gedolot's argument that the "individual" means even any group of people who are less than the entirety of all Jews in the world to mean that you need at least a minyan to say Hallel.

ונשאל מרב האיי מצינו בהלכות אדונינו מר רב יהודאי ז"ל יחיד דקאמר וכולי, ומסתבר לן מדבריו שהיחיד ממש אינו גומר ומצינו לגאונים אחרים דיחיד ממש חייב לגמור בכ"א יום אבל בראשי חדשים וכולי ימי הפסח אין לו רשות כלל. והשיב לא כמו שכתבתם מרב יהודאי גאון וזה אשר מפורש בדבריו כי כל יחיד ויחיד ממש בימים שאין גומרין בהם את ההלל קורא ומברך לפניו ולאחריו לא ללמד כי היחיד אינו גומר בימים שגומרין בהם את ההלל וכ"ש שיחיד שאינו ברבים גומר ומברך לפניו ולאחריו ובא להדחות דברי מי שאומר אין רשות ליחיד לקרות כלל כאשר אמרתם שמצאתם לגאונים, וזה שאמרו י"ח ימים יחיד גומר בהן את ההלל . . . לא תימא שהיחיד בלבד אינו גומר אלא אפילו צבור נמי אין גומרין אלא בימים הללו, שאם לא תאמר כך רב כד איקלע לבבל . . . אמאי קפיד הא צבור נינהו . . . ואשר אמרו שאין רשות ליחיד לקרות כל עיקר בימים שאין גומרין בהן את ההלל לא כך מנהגנו ולא כך אנו עושין אלא קורין כל ימי קריאתו . . .

And it was asked of Rabbi Hai: We found in the halachot of our master Rav Yehuday, that "the individual that is referred to," etc. and it seems to us from his words that the literal individual does not complete the Hallel, but we found other Geonim [saying] that a literal individual is obligated to complete [Hallel] on 21 days, but on Rosh Chodeshes and all the days of Passover,

he has no permission at all.. And he [Hai] responded: It is not like you wrote from Rabbi Yehudai Gaon, and that which is clear from his words is that each and every individual on the days that we don't complete [Hallel] reads and blesses before and after, [this] is not to teach you that the individual does not complete [Hallel] on the days that we complete the Hallel, [rather] all the more so that an individual that is not in public completes the Hallel and blesses before and after, Rather [Rav Yehuday] intended to reject the words of those who say that an individual may not read [Hallel] at all, as you had said you found in the geonim. And that which we said "there are 18 days that an individual completes the Hallel on them" . . . don't say that it is only the individual who does not complete [the Hallel on other days], rather even the congregation only completes the Hallel on those days, for if you say otherwise, Rav when he went to Bavel . . . why did he worry [that they were reading Hallel], they were a congregation . . . and what they said that an individual may not read at all on the days that we don't finish Hallel, this is not our practice, rather [individuals] read on all days of its reading. . . .

Notes: Ibn Gi'at reports an opinion of Hai Gaon. Hai Gaon is responding to some people who misunderstood Rav Yehudai Gaon's opinion that "individual" means anyone less than the entire congregation of Israel. They had understood this to mean that "individual" means a community of less than the entirety of Israel, and therefore concluded that individuals outside of a minyan should not say Hallel. Instead, Hai Gaon explains that Yeudai Gaon meant to demonstrate that individuals and groups were on equal footing, and that when there is indication that an "individual" does not complete Hallel on Rosh Chodesh, this also means that a congregation does not complete the Hallel on Rosh Chodesh. Both the congregation and the individual can say the Hallel with skips on Rosh Chodesh.

ונשאל מרב האיי לבסוף יחיד בראש חודש מהו לקרות ההלל, דאשכחן בהלכות מרב יהודאי גאון וכו' ואשכחן למר רב נטרונאי גאון דאמר אבל בראשי חדשים וכו' והשיב מנהג שלנו כדמר רב נטרונאי דגמר בהדיא יחיד לא יתחיל ואם התחיל גומר, ש"מ שלא יתחיל לכתחלה אבל אם התחיל גומר כדתניא וברכת חתימה לא יברך שאינו חייב בה ואם יש שנהג כמר רב יהודאי לא ישנו דעקר שמעתא אבותיהם בידיהם.

And it was asked of Rav Hai, in the end, what is the rule regarding an individual reading Hallel on Rosh Chodesh, since we find in the Halachot from Rav Yehudai etc., and we find according to Master Rav Natronai Gaon who said "but on Rosh Chodesh," etc. And he responded: Our practice is according to Rav Natronai, since we learend explicitly "It was taught: an individual should not start, but if he started - he finishes," learn from "does not start," *ab initio*, but if he started - he finishes, as is taught, but he (the individual) should not make the sealing blessing (i.e. the blessing after Hallel), since he is not obligated in it. But if there are those who practice according to Rav Hai, then should not change, since they have the teaching of their ancestors in their hands.

והא ודאי תשובה תריצא היא ועליה יש לסמוך, וימים שגומרין בהם את ההלל צבור קורין [עמוד קע] ומברכין אבל יחיד אינו קורא כלל ואם שכח ובירך לפניו קורא ומשלים שלא להוציא שם שמים לבטלה, אבל ברכה אחרונה לא יברך דלאו בר קריאה הוא. ולא תקשי לך ההיא דאמר רבא ימים שהיחיד גומר את ההלל בין פרק לפרק פוסק, באמצע הפרק אינו פוסק, אבל ימים שאין היחיד גומר בהם את ההלל אפילו באמצע הפרק פוסק, דאלמא יחיד קורא בין בימים שגומרים בין בימים שאין גומרים, דאיכא לאקמינהו בשקורא בצבור והוצרך לפסוק, אי נמי בשוכח ומתחיל והם הכי... דרב בר שבא איקלע לבי רבינא וימים שאין היחיד גומר בהן את ההלל הוה ולא פסק לה בהדי צבורא הוי קרי

And this, indeed is the correct answer, and on this we can rely. And on the days that we finish the Hallel [this should probably read "days that we do not finish the Hallel," the congregation reads and blesses, but an individual doesn't read at all, and blessed before it, he reads and goes through, so as not to have usedd God's name in vain, but the final blessing he should not bless, since he is not required to read [the Hallel,] and it should not be difficult that which Rava (Berachot 14a) said that "On the days that the individual completes the Hallel, one may interrupt between chapters (to greet an important person), in the middle of a chapter one may not interrupt, but on days that an individual does not complete the Hallel even in the middle of hte paragraph one may interrupt, which [might be taken to] indicate that an individual reads [Hallel] both on the days that we complete the [Hallel] and on days that we do not complete [Hallel], because we can understand this [as applyint to] when he reads in public and needs to interrupt, or alternatively when he forgets and begins [Hallel] (despite being an individual), and this is ____ (several letters missing) of Rav bar Shabba who went to Ravina on the days that an individual does not finish the Hallel, and he didn't stop for him," [Ravina] was reading [Hallel] with a congregation.

האי גאון אספמיא צד 174, אוצר הגאונים ברכות יד. תשובות סימן עה Hay Gaon
 ושדרו ממתנתא דיחיד יחיד ממש דאמר רבא (ברכות יד.) ימים שהיחיד גומר בהן את ההלל בין פרק לפרק פוסק באמצע הפרק אינו פוסק . . . איני והא רב בר שבא איקלע לגבי רבינא בימים שהיחיד גומר בהן את ההלל ולא פסק ליה שאני רב בר שבא דלא חשיב ליה רבינא. אלמא יחיד ממש וכו'.

And they sent from the academy that the "individual" is literally an individual, for Rava states (Berachot 14a) "On the days that the individual completes the Hallel, one may interrupt between chapters (to greet an important person), in the middle of a chapter one may not interrupt. . . . [and the Talmud challenges] "Is this the case? But Rav bar Shabba went to Ravina on the days that an individual finishes the Hallel, and he didn't stop for him," [to which the Talmud responded] "Rav bar Shabba is different, since he wasn't important to Ravina." This demonstrates that it is literally an individual.

Notes: (1) Here it is opined that it must be that the literal individual does say Hallel, as an issue of the permissibility of interruption during the Hallel is probed by asking about the behavior of Ravina, an individual. I am not certain why we can't presume that Ravina was praying with a Minyan. (Note Ibn Giat, quoted below, speculates that this refers to a situation where Ravina was saying Hallel with a group) (2) The text of Berachot 14a as printed in the Vilna edition says that the incident with Ravina occurred on a day that we do not complete the Hallel. The Munich manuscript of the Talmud says it was a day that an individual finishes the Hallel (see *Dikdukei Soferim*). Ibn Giat on Hallel has it that it was not a day that the individual completes Hallel.

תשובות רב נטרונאי גאון - ברודי (אופק) אורח חיים סימן קיט Rav Natronai Gaon

ואמר רב נטרונאי יחיד בראש (השנה) [חדש] אין לו רשות לומר הלל, לא לגמור ולא לקרות, שכך פרשו ראשונים: יחיד דאמר ר' יוחנן בשם ר' שמעון (תענית כח ע"ב, ערכין י סע"א) צבור הוא, שכיון שבטלו הקרבנות צבור ויחיד שוין בהלל, וכשם שהצבור גומרין בהן את ההלל, כך כל יחיד ויחיד גומר. אבל בראשי חדשים ובששת ימי הפסח, צבור קורא ומברך לקרות ומדלגין, ויחיד פטור מלקרות ומלברך. וזה שאמרו חכמים (תענית שם) יחיד לא יתחיל ואם התחיל גומר, כך פירושו: יחיד שטעה וברך לקראת את ההלל ונזכר שפטור, קורא עד אלהי ארוממך הודו ליי' כי טוב (תה' קיח, כח - כט) ושותק, כדי שלא יוציא שם שמים לבטלה, דהוה ליה אם התחיל גומר, אבל אסור לומר יהללך יי' ולחתום בברכה, וכן למדנו (רז"ל) [מרבותינו] וכך אנו נוהגין. And Rav Natronai Gaon said: an individual on Rosh Chodesh is not permitted to say Hallel, neither to complete it nor to read it. For thus the first Rabbis explained: The individual referenced by Rabbi Yochanan in the name of Rabbi Shimon is a congregation, that since the sacrifices were stopped, the individual and the congregation are equal in Hallel. And just as a congregation completes the Hallel, an individual completes the Hallel. But on Rosh Chodesh and the six days of Passover, a congregation reads the Hallel and blesses "to read," and skips, and the individual is exempt from reading and blessing. And that which the sages said, "an individual should not start, but if he started - he finishes," this is its explanation: An individual who made a mistake and blessed "to read the Hallel," and remembered that he is exempt, he reads up to "*E-lohay arommemeka*," and is silent, so that he not bring out God's name in vane, this is "if he started - he finishes," but he is forbidden to say "*yehalleucha*" and to seal with a blessing, and so we learned from our teachers, and this is how we practice.

Notes: Rav Natronai Gaon explains that when the Talmud refers to "individuals" finishing the Hallel, the use of this term was to let us know that even an individual finishes the Hallel on these days. Rav Natronai indicates that a congregation on Rosh Chodesh and the last days of Passover reads Hallel with a blessing of "To read the Hallel," and reads Hallel with skips. When the Talmud says that "an individual should not start," this means that the individual should not be reading the Hallel on these days. When it says "but if he started - he finishes," this means that if he has already said the blessing, he should finish reading the Hallel (with skips). However, he should not say the final blessing (thus ending his Hallel with "*ki le'olam chasdo*."

Note: At this point we will leave the excurses on the issue of individuals saying Hallel. For the record, Shulchan Aruch (422:2) rules that an individual should not say a blessing on Hallel on Rosh Chodesh (we shall see below that Karo does not necessarily approve of a congregation saying a blessing on Hallel on Rosh Chodesh). Rabbi Isserless indicates that practice in his area was for an individual to say a blessing, but that it is best to be with a minyan so to get out of this problem.

רבינו חננאל תענית כח : (דפוס מכון לב שמה) Rabbenu Channanel Ta'anit 28b

תנא יחיד ל יתחיל בברכה בזמן שקורין בהן . . . ואם טעה ובירך אשר קדשנו במצותיו וציונו לקרות והתחיל, לגמור . . . וקיימא לן הכי דאין חובה.

It was taught: an individual should not start with a blessing in times where we read [the Hallel] . . . and if he erred and said "who has sanctified us by his commandments and commanded us to read, and he started, he should finish . . . and thus it is established for us (as halacha), since there is no obligation.

Notes: Above, on Sukkah 44b, Rabbenu Channanel had agreed that because shaking the willow is a custom, we do not make a blessing. Below, we will see that Rabbenu Channanel (on Pesachim 7b) explains that a convert does not say the blessing on dipping in the mikvah (ritual bath), because the non Jew can't say "who has sanctified . . . and commanded," since the non Jew is not subject to these commandments. Here, again, it seems that Rabbenu Channanel is saying that an individual should not say a blessing on Hallel on Rosh Chodesh, because there is no obligation. Though Rabbenu Channanel does not say so explicitly, he seems to be indicating that a congregation would say a blessing on Hallel. This is particularly evident from the fact that he says "if he erred and said "who has sanctified us by his commandments and commanded us to read," which thus far we have seen is language generally used for a blessing on Hallel on Rosh Chodesh. The fact that Rif (below), who often follows Rabbenu Channanel's rulings, seems to hold that a congregation says a blessing on Hallel on Rosh Chodesh is further indication that Rabbenu Channanel had a blessing. It would seem that Rabbenu Channanel does think there is some form of obligation for saying Hallel in a congregation on Rosh Chodesh. HOWEVER, one could argue that Rabbenu Channanel means there is no obligation for Hallel at all on Rosh Chodesh, and that neither an individual nor a community should say a blessing. This would Require Rabbenu Channanel to follow one of the less literal understandings of the word "individual," and also would not explain his choice of words "commanded us to read."

Rabbi Yitschak Alfasi (Rif) on Tractate Shabbat, p. 11b in Rif. רי"ף מסכת שבת דף יא עמוד ב. אבל הלל דרי"ח לאו דאורייתא אלא מנהגא הוא ומשום הכי לא גמרינן ביה הלילא אלא מדלגי דלוגי דאמרינן רב איקלע לבבל חזא דקא קרו הלל בר"ח סבר לאפסוקינהו כיון דשמעינהו דמדלגי ואזלי אמר ש"מ מנהג אבותיהם בידיהם תנא יחיד לא יתחיל ואם התחיל גומר הילכך אי בעי יחיד למיקרי הלל בראש חדש קרי ליה בלא ברכה ומדלג דלוגי :

However, Hallel of Rosh Chodesh is not derived from the Torah, but rather is a *minhag*, and therefore we do not finish the Hallel on it, rather we skip, as is said Rav went to Babylonian (from Israel), he saw that they read Hallel on Rosh Chodesh. He thought to stop them. Since he he heard that they skipped, he said "learn from this that they have the *minhag* of their fathers in their hands." It was taught: an individual should not start, but if he started - he finishes. Therefore, if an individual cares to read Hallel on Rosh Chodesh, he reads it without a blessing and skips.

Notes: Rif indicates that an individual who chooses to say Hallel on Rosh Chodesh should not say a blessing. This likely indicates that he feels that a congregation who says Hallel on Rosh Chodesh should say a blessing.

Should One Say a Blessing on Hallel on Rosh Chodesh?

Thus far, we have seen at least 4 opinions (R. Amram, R. Natronai, Halachot Gedolot, Ibn Gi'at) who presume that a blessing of "to read the Hallel" is said on Rosh Chodesh, and presumably on the last days of Passover as well. They take this for granted, and don't seem to have reason to care to argue this point out. The earliest references to a problem with this practice (at least the earliest references to which I am aware) come from Rashi (though he does not mention it in his commentary on Talmud) and Maimonides.

מחזור ויטרי סימן רכז Machzor Vitry Section 227

נהגו העם לברך בראש חדש לקרוא את ההלל. אבל רבינו תנח נפשו בצרור החיים. לא מברך עליו: והא לך תשובתו: ששאלתם על היחיד הקורא את ההלל בימים שאינם מי"ח של תורה אם חובה על הציבור לברך יברך גם היחיד: אבל אני איני מברך עליו לא עם הציבור ולא ביחיד. לפי שאינו אלא מנהג. ואין מנהג צריך ברכה. . . לפיכך איני מברך עליו אשר קדשנו במצותיו וציונו. אבל אני מברך עליו ברוך אתה יי אלהינו מ"ה המהולל בפי עמו משובח ומפואר בשירי דוד עבדך ברוך אתה יי מהולל בתשבחות. ולאחריו יהללך כדרכה: ולא שמעתי יותר כי לא דקדקתי מרבתי: שלמה ב' יצחק: וראיתי ר' שלא קרא הלל דראש חדש עם הציבור וקרא בפני עצמו מיושב בשעת קריית ספר תורה . . .

The people have practices to bless on Rosh Chodesh "to read the Hallel." But our teacher, may his soul rest in the bonds of life, did not bless on it. And this is his responsum: You asked regarding the individual who reads the Hallel on the days that are not amongst the 18 days of torah[*s* requirement of saying Hallel], if it is an obligation on the congregation to bless, should the individual bless as well? But I do not bless on it neither with a congregation nor individually. Because it is but a *minhag*, and a *minhag* does not need a blessing. As we said in Sukkah chapter "Lulav" (the fourth chapter, sukkah 44b). . . . Therefore I do not bless on it "who has sanctified us by his commandments and commanded us." But I do bless on it "Blessed are You *Ad-onay* our God, sovereign of the universe, who is praised by the words of his nation, exalted and hallowed with the songs of David your servant. Blessed are you *Ad-onay*, hallowed with exaltation. And afterwards: "*yehallelucha*" in its normal manner (i.e. the regular closing blessing). I did not hear more, for I did not go into it with detail with my teacher. Shelomo ben Rav Yitzchak. And I saw my teacher who would not read Hallel on Rosh Chodesh with the congregation, and he read it on his own seated at the time of the reading of the Torah.

Notes: (1) Vitry continues with Rabbenu Tam's response to Rashi. We will see that response from some Tosafot below. (2) Rashi takes Hallel as a Torah obligation. Maimonides (below) disagrees. That question is beyond the scope of this compilation.

Maimonides Laws of Megillah and Channukah 3:7 רמב"ם הלכות מגילה וחנוכה פרק ג הלכה ז . . . אבל בראשי חדשים קריאת ההלל מנהג ואינה מצוה, ומנהג זה בצבור לפיכך קוראין בדילוג, ואין מברכין עליו שאין מברכין על המנהג ויחיד לא יקרא כלל, ואם התחיל ישלים ויקרא בדילוג כדרך שקוראין הצבור, וכן בשאר ימי הפסח קוראין בדילוג כראשי חדשים.

But on Rosh Chodeshes, reading the Hallel is a *minhag* and not a *mitzvah*, and this *minhag* is in the congregation (i.e. not the individual), therefore we read with skips, and we do not bless on it, because we don't bless on a *minhag*, and an individual should not read at all. And if he began, he should complete and read with skips just as the public reads. And so too on the remaining days of Passover we read with skips as on Rosh Chodeshes.

תלמוד בבלי מסכת ברכות דף יד עמוד א Babylonian Talmud Berachot 14a

בעא מיניה אחי תנא דבי רבי חייא מרבי חייא: בהלל ובמגילה מהו שיפסיק? אמרינן קל וחומר: קריאת שמע דאורייתא פוסק - הלל דרבנן מבעיא, או דלמא פרסומי ניסא עדיף? אמר ליה: פוסק ואין בכך כלום. אמר רבה: ימים שהיחיד גומר בהן את ההלל - בין פרק לפרק פוסק, באמצע הפרק אינו פוסק; וימים שאין היחיד גומר בהן את ההלל - אפילו באמצע הפרק פוסק. איני? והא רב בר שבא איקלע לגביה דרבינא, וימים שאין היחיד גומר את ההלל הוה, ולא פסיק ליה! שאני רב בר שבא דלא חשיב עליה דרבינא.

Achi the Tanan (i.e. one who memorized teachings) of the school of Rabbi Chiyya asked Rabbi Chiyya: In Hallel and Megilla, what is the ruling [regarding whether or not one is permitted] to interrupt? Do we say *a fortiori*: Reading the Shema is from the Torah and one may interrupt (to greet someone of significant stature), is Hallel which is a rabbinic mitzvah a question? Or do we perhaps say that publicizing the miracle is more important? He said to him: He may interrupt, and there is no matter. Rabbah said: On days where an individual completes the Hallel, between the chapters he may interrupt (as is the case for Shema), in the middle of the chapters he does not interrupt. But Rav bar Shabba went to Ravina on the days that an individual does not finish the Hallel, and he didn't stop for him! Rav bar Shabba is different, since he wasn't important to Ravina.

Notes: This piece of Talmud is where the Talmud discusses when one is allowed to interrupt their recitation of the *Shema* and its surrounding blessings in order to greet someone. Achi asks if there is a similar rule regarding interrupting the Hallel. The story of Rav bar Shabba shows that Ravina did not interrupt his Hallel in order to greet Rav bar Shabba. The Talmud as printed in Vilna says that this occurred on one of the days that the "half Hallel" is said. If this is the case, one would be hard pressed to explain why such an interruption would not be permitted if there were no blessing said on Hallel. However, some (few) versions of this piece of Talmud say that this story happened on a full Hallel day (e.g. Munich manuscript). Dikdukei Soferim indicates that it appears that most or all of the Medieval rabbis had the story as it is printed in our Talmud.

תוספות מסכת ברכות דף יד עמוד א Tosafot Berachot 14a

ימים שהיחיד גומר בהם את ההלל - לאו דוקא יחיד אלא אפילו צבור קורא יחיד . . . דודאי קי"ל דימים שאין יחיד גומר את ההלל אין חובה לאמרו כלל אפילו בדילוג דהכי משמע בערכין (פ"ב ד' י: ד. . .) [פריך ר"ה וי"כ נמי לימא משמע דבשאר ימים טובים כמו בראשי חדשים פשיטא ליה דאין לומר . . . וכן משמע בפרק בתרא דתענית (ד' כח:)] רב איקלע לבבל חזנהו דהוה קא קרו בר"ח סבר לאפסוקינהו. פירוש שהיה סובר שהיו גומרים אותו כיון דחזא דקא מדלגי דלוגי אמר ש"מ מנהג אבותיהם בידיהם אלמא דימים דאין גומרין בהן הלל אין חובה לאמרו ומה שאנו אומרין אותו היינו משום מנהג.

The days that an individual finishes he Hallel - Not specifically an individual, rather even in a congregation an individual reads . . . for indeed it is established for us that the days that an individual does not finish the Hallel, there is no obligation to say it at all, even with skips, for thus it implies in Arachin (10b) in that . . . it asks "Rosh Hashannah and Yom Kippur say [Halleh!]," which implies that on the remaining holidays like Rosh Chodeshes it is apparent that we don't say [Hallel]. And this is also implied by the last chapter of Ta'anit (28b) Rav went to Babylonian (from Israel), he saw that they read Hallel on Rosh Chodesh. He thought to stop them., meaning that he thought they were completing it (the Hallel), "Since he saw that they skipped, he said "learn from this that they have the *minhag* of their fathers in their hands," demonstrating that on the days where we don't complete Hallel, there is no obligation to say it, and what we say is because of a *minhag*.

וכתוב במחזור ויטרי כיון שאינו אלא מנהג בעלמא לא מברכינן עליה כדאמר פרק לולב וערבה (סוכה ד' מד): ...
And it is written in *Machzor Vitri* that since it is only a *minhag*, we do not bless on it, as we said in Chapter "Lulav and Aravah" (Sukkah 44b). . . .

ומיהו אומר ר"ת דאינו ראה דאטלטול ודאי לא מברכינן אבל על מצוה פשיטא דמברכינן דהא חזינן כל יו"ט שני אינו אלא מנהגא ומברכינן

However, Rabbenu Tam says that this is no proof, for regarding shaking, of course we do not bless, but on a *mitzvah*, it is clear that we bless, for we have seen on every second day of Yom Tov, it is but a *minhag* and we bless.

The Status of the Second Day of Yom Tov

תלמוד בבלי מסכת ביצה דף ד עמוד ב **Babylonian Talmud Betsah 4b**

דתנן: בראשונה היו משיאין משואות, משקלקלו הכותים התקינו שיהו שלוחין יוצאין. ואילו בטלו כותים עבדין חד יומא, והיכא דמטו שלוחין עבדין חד יומא. - והשתא דידיעין בקביעא דירחא מאי טעמא עבדין תרי יומי? - משום דשלחו מתם: הזהרו במנהג אבותיכם בידיכם, זמנין דגזרו שמדא ואתי לאקלקולי.

As is taught (Mishnah Rosh Hashannah 2:2, BT 22b): "Originally, they used to light flames. When the Samaritans disrupted, they established that messengers should go out." And if the samaritans would be eliminated, we would do one day. And now that we know by way of a set month, why do we do two days? Since they sent from there (the Court in Jerusalem): "Be careful with the *minhag* of your ancestors which is in your hands. There [may be] times of repressive decrees, and it will be disarranged."

Tosafot understands this piece as indicating that the second day of Yom Tov is kept as a *minhag*. Maimonides report of this issue may indicate a different understanding:

רמב"ם הלכות קידוש החודש פרק ה הלכה ה **Maimonides Laws of Sanctification of the Month 5:5**

בזמן הזה שאין שם סנהדרין ובית דין של ארץ ישראל קובעין על חשבון זה, היה מן הדין שיהיו בכל המקומות עושין יום טוב אחד בלבד אפילו המקומות הרחוקות שבחוצה לארץ כמו בני ארץ ישראל, שהכל על חשבון אחד סומכין וקובעין, אבל תקנת חכמים היא שיהיה במנהג אבותיהם שבידיהם.

Nowadays, when we have no Sanhedrin, and the court of Israel set a calculation, it would be logical in all places to do one day only, even in the palces that were far, outside the land, just as those in the land of Israel. For all rely and are established in one calculation. But it is a legislation of the sages that they should be careful with the *minhag* of their ancestors which is in your hands.

רמב"ם הלכות יום טוב פרק א הלכה כא **Maimonides Laws of Yom Tov 1:21**

זה שאנו עושין בחוצה לארץ כל יום טוב מאלו שני ימים מנהג הוא, ויום טוב שני מדברי סופרים הוא ומדברים נתחדשו בגלות, ואין עושין בני ארץ ישראל שני ימים טובים אלא בראש השנה בלבד, ובהלכות קידוש החדש מספר זה נבאר עיקר מנהג זה ומאי זה טעם עושין ראש השנה שני ימים בכל מקום.

That which we do outside the land [of Israel], each Yom Tov two days, is a *minhag*. And the second day of Yom Tov is rabbinic law, and it is one of the things that was innovated in the diaspora . . .

והכא נמי משמע דמברכין דאי לא מברכין מאי הפסקה שייך בה

Moreover, it is also implied that we bless, for if we don't bless, how is (the prohibition against) interruption applicable to it.

Notes: Tosafot argues there that if a blessing were not being said on Hallel on Rosh Chodesh, how could the Talmud have any concern that one should not interrupt this Hallel. Is it possible that there was simply a concern that if we allow interruption in this Hallel, one might errantly interrupt during the full Hallel? Is it possible that someone might find it improper for one to interrupt series of praises of God in order to greet someone (a similar suggestion is made in a different context by Ra"n's comment on the Ri'f Berachot 7b in Ri"f's pagination, s.v. "Behallel.")? Plus, if we take Rabbah at his word that there is less a concern for interrupting the Hallel on Rosh Chodesh, might this indicate that a blessing was not being said?

ועוד ראייה דמברכין על מנהגא מהא דרב על לבי כנישתא וכו' ואם לא ברכו בתחלה אמאי לא הרגיש רב דהוה מנהגא עד שדלגו אלא בוודאי ברכו מפני שמברכים בטוב על מנהגא ובשביל כן לא הרגיש עד הדלוג

There is further proof that we bless on a *minhag*, from that regarding "Rav went to the synagogue, etc." - for if they had not blessed in the beginning [of their reciting Hallel], why didn't Rav realize [that what they were doing was a] *minhag* until they skipped? Rather, indeed they blessed, since we fittingly bless on *minhags*, and therefore he did not realize [that what they were doing was a *minhag*] until the skip.

Notes: Tosafot takes for granted that the congregation that Rav saw must have said a blessing on Hallel, or he would have realized that they were doing Hallel only out of a sense of custom. The history of blessings is an interesting study in its own right. However, it is quite possible that at Rav's time it was not assumed that one would say a blessing before performing each *mitzvah*. So, it is possible that even people who felt commanded to say Hallel might not have said a blessing.

וא"ת אמאי לא אסיק אדעתיה אם ברכו לקרות או לגמור וי"ל דבכך אין לחוש שבטוב יכול לברך לגמור אפי' כשהוא מדלג או איפכא ומה שמברכין כך על הדלוג לקרות וכשהן גומרין לגמור כדי שלא יטעו ומשום הכי לא היה יכול להבין מתוך הברכה עד הדלוג . . .

And should you say, why didn't it occur to him whether they had blessed "to read the Hallel" or "to finish the Hallel," oen can say that there is no reason to worry about that, because [one] can fittingly bless "to finish" even when he skips, or vice versa, and that which we bless thusly on the skip "to read," and when we finish [we bles] "to finish" is so that we don't err, and therefore he couldn't understand from the blessing [that the did not feel obligated] until the skip. . . .

The final argument of Tosafot, which concerns women saying blessings on commandments that they are not required to fulfill is covered below in the section titled "Blessings by the uncommanded." Since their position on this matter is not universally accepted, the use of that matter to prove their opinion about saying a blessing on a minhag is not convincing.

שולחן ערוך אורח חיים סימן תכב סעיף ב 222:2 Shulchan Aruch Orach Chayim

Note: The italics represents the comments of Rabbi Moshe Iserless, the Ashkenazi voice of the Shulchan Aruch.

וקורים הלל בדילוג, בין יחיד בין צבור. וי"א שהצבור מברכין עליו בתחלה לקרוא את ההלל, (ואם בירך לגמור א"צ לחזור) (מרדכי פרק במה מדליקין ושבולי לקט); ולבסוף, יהללוך. והיחיד אין מברך עליו. ויש אומרים שאף הצבור אין מברך עליו לא בתחלה ולא בסוף, וזה דעת הרמב"ם וכן נוהגין בכל א"י וסביבותיה. הגה: ויש אומרים דגם יחיד מברך עליו (טור בשם הרא"ש ור"ת). וכן נוהגין במדינות אלו. ומ"מ יזהר אדם לקרות בצבור כדי לברך עליו עם הצבור. וי"א דכשיחיד קורא אומר לשנים שיאמרו עמו ראשי פרקים דאז הוי כרבים (מרדכי פ' במה מדליקין אגור בשם שוחר טוב). ונהגו כן בהודו ולא באנא.

And we read the Hallel with skips, whether an individual or a congregation. But some say that the congregation blesses on it in the beginning "To read the Hallel," *But if he blessed "to finish the Hallel," he need not go back (i.e. make a new blessing).* and at the end we say *Yehallelucha* (i.e. the closing blessing of Hallel. And the individual (praying on one's own) does not bless at all. But some say that even the congregation does not bless on it, whether in the beginning or in the end, and this is the opinion of Maimonides, and this is the practice in all of the land of Israel and its surroundings. *Note: Some say that an individual may also bless on it. And that is how we practice in these lands. Nonetheless, a person should be careful to read [Hallel] in a congregation so as to bless with the congregation. But some say that when an individual reads, he should ask two people to say the beginnings of the paragraphs, and then they will be like a congregation. And they (the people in the area) have practiced thusly for hodu, but not for anna.*

BLESSINGS BY THE UNCOMMANDED

תלמוד בבלי מסכת פסחים דף ז עמוד ב Babylonian Talmud Pesachim 7b

דכולי עלמא מיהא, מעיקרא בעינן לברוכי . . . בי רב אמרי: חוץ מן הטבילה ושופר. בשלמא טבילה - דאכתי גברא לא חזי, אלא שופר מאי טעמא? וכי תימא: משום דילמא מיקלקלא תקיעה. אי הכי - אפילו שחיטה ומילה נמי! - אלא אמר רב חסדא: חוץ מן הטבילה בלבד איתמר. תניא נמי הכי: טבל ועלה, בעלייתו אומר: ברוך אשר קדשנו במצותיו וצונו על הטבילה.

Everyone, nonetheless, [agrees] that one must bless initially (i.e. before doing the *mitzvah*). . . . In the academy of Rav they say: Except for immersion (in a *mikvah*) and shofar. It is well [to say thus about] immersion - for the person is still not fit, but what is the reason for shofar? And should you say "lest the blasts be incorrect," if so - even slaughtering and circumcision also [should have their blessings made after the act]. Rather, said Rav Chisda: Except for immersion only (i.e. all other blessings are done before the *mitzvah*). It is also taught thusly: When he immerses and comes up, upon his coming up (i.e. coming above water,) he says "[Blessed are you . . .] who sanctified us with his commandments and commanded us regarding immersion."

Note: Here, the Talmud informs us that all blessings are done before the *mitzvah* is performed, except for immersion in a *mikvah*. The Talmud explains that before going to the *mikvah*, a person is not "fit" to say the blessing. The reason and application of this rule are not clear, as demonstrated by the following commentaries:

רשיי מסכת פסחים דף ז עמוד ב 7b Rashi on Pesachin

דאכתי גברא לא חזי - כגון טבילת בעלי קרי, דקיימא לן בברכות (כ, ב) שאסור בדברי תורה ובברכה, דעזרא תיקן טבילה לבעלי קריין לדברי תורה, ומשום ההוא טבילה תקון בכל הטבילות ברכתן לבסוף.

For the person is still not fit - For instance a *ba'al kerī* (one who has come into contact with semen), as is established for us in [Babylonian Talmud] Berachot (20b), that [the *ba'al kerī*] is forbidden from [reciting] words of Torah and blessing, since Ezra legislated immersion for the *ba'al kerī* in order [to be able to use] words of Torah, and because of this immersion, it is legislated for all immersions [that] their blessing is afterwards.

Notes: Rashi argues that there was a specific case where one could not say the blessing before going to the *mikvah*, and that because of this specific case the rabbis established as a general rule that the blessing for immersion in the *mikvah* is done after the immersion. The technical term for this logic is לא פלוג (*lo pelug*), meaning "no distinction," i.e. that sometimes the Rabbis will not make a distinction between certain cases, in order to avoid potential confusion.

תוספות מסכת פסחים דף ז עמוד ב 7b Tosafot Pesachim

על הטבילה - אומר ר"י בשם הגאון דוקא בטבילת גר דלא חזי קודם טבילה דלא מצי למימר וצונו דאכתי נכרי הוא אבל שאר חייבי טבילה כגון בעל קרי וכיוצא בו מותר לברך כדאמרינן בפי' מי שמתו (ד' כב.). נהוג עלמא כתלתא סבי כרי יהודה בבעל קרי שיכול להתפלל ולברך וללמוד קודם טבילה אעפ"כ אומר ר"י דאין לגעור בנשים שמברכות אחר הטבילה כיון דאיכא טבילת גר דלא מצי לברך לא חילקו וכן בנטילת ידים לא חילקו בין נטילה של אחר בית הכסא דלא מצי לברך קודם מיהו בנטילה יש טעם אחר לברך אחר נטילה קודם ניגוב כדאמרינן (סוטה ד' ד:): האוכל לחם בלא ניגוב ידים כאילו אוכל לחם טמא

Regarding immersion - Rabbenu Channanel said in the name of the Ga'on (likely Hai Gaon) that [this rule refers] specifically to the immersion of a convert, who is not fit before the immersion, for s/he does not find [reason] to say "and commanded us," since s/he still is a non-Jew (and thus not commanded to follow Jewish law). But others required to immerse, like the *ba'al kerī* who is permitted to pray, bless, and learn [Torah] as we said in chapter "he whose dead" (BT Berachot 22b), "the world has practiced like the three elders: Like Rabbi Judah regarding *ba'al kerī* that can pray, bless, and learn [Torah] prior to immersion . . ." Even so, Rabbi Yitschak says that we do not rebuke women who bless after immersion because there is the immersion of the convert who cannot bless, they (the Rabbis) did not distinguish. And so too in washing hands, they did not distinguish between. And so too with hand washing, they did not distinguish between washing after using the bathroom, where it is not appropriate to bless before (washing the hands). However, with washing the hands there is another reason to bless after washing the hands wiping (i.e. drying). As it says (BT Sotah 4:4), "One who eats bread without wiping the hands it is as if s/he eats impure bread.

וי"מ דבכל טבילות קאמר דגברא לא חזי דקודם שירד למים אינו צריך לברך דילמא משום ביעתותא דמיא מימנע ולא טביל ואחר שירוד אז הוא ערום ואסור לברך משום דלבו רואה את הערוה.

And some explain [the Talmud as referring to] all immersions, because a person is not fit, because before he goes down to the water, he needs not bless, [because] perhaps because of the coldness of the water, s/he will refrain and not immerse, and after he goes down [to the water] then he is naked and may not bless since his heart sees his nakedness.

Notes: (1) Rabbenu Channanel's opinion on this matter is not entirely clear in his commentary on Talmud Pesachim. It is made clear in his commentary on BT Berachot 51a s.v. "הא דטבל ועלה." (2) I am aware of no rabbinic source that says that one needs to wash one's hands when coming out of the bathroom before making a blessing. Several Geonim indicate this rule, while others disagree. Are we better off cleaning our hands free, or immediately saying a blessing when a blessing is appropriate (e.g. the blessing after going to the bathroom)? (3) Of significance for us is Rabbenu Channanel's presumption that one who is not obligated to perform a *mitzvah* cannot make a blessing on performing that *mitzvah*.

תוספות מסכת ברכות ד"ה ימים שהיחיד דף יד עמוד א 14a Tosafot Berachot

. . . ויש שרוצין לומר דיחיד האומר הלל בימים שאין גומרין שאין לו לברך ומיהו השר מקוצי היה אומר דכיון שרצה לחייב עצמו מברך ואין זה ברכה לבטלה מידי דהוה אלולב ואתפילין דהני נשי מברכות אע"ג שאינן חייבות . . .

And some want to say that an individual who says Hallel on the days that we do not complete [the Hallel], that one should not bless. However, the Sar miCoucy would say that since one wants to obligate himself, he blesses, and it is not a vain blessing, just as with lulav and tefillin that women bless (on performing the ritual), even though they are not obligated.,

Note: Tosafot sites the argument of Sar Mikutzi, that since women can say a blessing on a time-bound ritual which they are not obligated to perform, a person can say a blessing on a Hallel for which there is no individual obligation (at least when praying on one's own, though we saw above that the obligation of the congregation to say Hallel on "half hallel" days is less than clear). Elsewhere, Tosafot gives us some of their basis for saying that women may make such blessings. As background for that discussion, we must be familiar with a statement of Rabbi Joseph, found most completely in Bava Kamma 87a:

תלמוד בבלי מסכת בבא קמא דף פז עמוד א 87a Babylonian Talmud Bava Kama

אמר רב יוסף, מריש הוה אמינא: מאן דאמר הלכה כר' יהודה, דאמר: סומא פטור מן המצות, קא עבדינא יומא טבא לרבנן, מ"ט? דלא מפקדינא וקא עבדינא מצות, והשתא דשמעית להא דר' חנינא, דאמר ר' חנינא: גדול המצווה ועושה ממי שאינו מצווה ועושה, מאן דאמר לי אין הלכה כרבי יהודה, עבדינא יומא טבא לרבנן, מ"ט? דכי מפקדינא אית לי אגרא טפי.

Rabbi Joseph (who was blind) said: At first, were one to say to me "the halacha follows Rabbi Judah," who said that a blind person is exempt from commandments, I would make a holiday (i.e. party) for the Rabbis. Why? Because I was not commanded, but I did the *mitzvot*. But now that I've heard that [statement] of Rabbi Chaninah, for Rabbi Chaninah said "the one who is commanded and does [the mitzvot] is better than the one who is not commanded and does [the mitzvot]," if one told me that the halacha does not follow Rabbi Judah, I would make a holiday for the Rabbis.

תוספות מסכת עירובין דף צו עמוד א

דילמא סבר לה כר' יוסי דאמר נשים סומכות רשות - מכאן אר"ת דמותר לנשים לברך על כל מצות עשה שהזמן גרמא אע"ג דפטורות כמו מיכל בת שאול שהיתה מסתמא גם מברכת . . . ועוד הביא ראיה מהא דאמר רב יוסף בפרק החובל (ב"ק דף פז.) מעיקרא מאן דאמר לי הלכה כרבי יהודה עבידנא יומא טבא לרבנן דלא מפקדנא ועבידנא כו' ואם במקום שפטור ועושה אסור לברך אם כן אמאי קאמר דהוה

Perhaps he thought like Rabbi Jose - From here (a piece in the Talmud that says that Michal, the Daughter of King Saul wore tefillin and the Rabbis didn't stop her), Rabbenu Tam says that women make a blessing on all time bound *mitzvot*, even through they are exempt, just as Michal the Daughter of Saul who presumably also blessed [upon putting on Tefillin]. . . . And he further brought proof from that of Rabbi Yosef in Chapter Hachovel (Bava Kama 87a), "originally, had one told me that the Halacha follows Rabbi Judah (who said that those who were blind were exempt from time bound commandments)

Notes: Tosafot presumes that Michal said a blessing on wearing tefillin, or at least that the person who reported that she wore tefillin would have mentioned that she did so without a blessing. I find it just as likely to say that the report did not need to mention that she didn't say a blessing.

רמב"ם הלכות ציצית פרק ג הלכה ט 3:9 Maimonides Laws of Tsitsit

נשים ועבדים וקטנים פטורין מן הציצית מן התורה, ומדברי סופרים שכל קטן שיודע להתעטף חייב בציצית כדי לחנכו במצות, ונשים ועבדי שרצו להתעטף בציצית מתעטפים בלא ברכה, וכן שאר מצות עשה שהנשים פטורות מהן אם רצו לעשות אותן בלא ברכה אין ממחין בידן . . .

Women, slaves, and children are exempt from *tsitsit* according to the Torah. But [the rule] from the rabbis is that any child who knows how to wrap (in *tsitsit*) is obligated in *tsitsit* so as to teach him the *mitzvot*. And women and slaves who want to wrap in *tsitsit* do so without a blessing. And so too all positive *mitzvot* from which women are exempt, if they want to do them without a blessing we do not stop them.

Note: *Hagahot Maimoniot*, a commentary on Maimonides, comments that Rashi agrees with Maimonides' ruling.

טור אורח חיים סימן יז 17 Tur Orach Chayim

סומא חייב בציצית ונשים ועבדים פטורים וטומטום ואנדרוגינוס חייבין מספק וכתב הרמב"ם ז"ל יתעטפו בלא ברכה והוא הולך לשיטתו שפירש שנשים אין יכולות לברך בדבר שהן פטורות אבל ר"ת כתב שיכולות לברך אף על פי שהן פטורות ויותר טוב שלא יברכו קטן היודע להתעטף אביו צריך ליקח לו ציצית לחנכו:

A blind person is obligated to wear *tsitsit*, but women and slaves are exempt. One of questionable gender or a hermaphrodite are obligated by way of doubt (i.e. since *tsitsit* is a Torah commandment, we will have these people wear *tsitsit* although they may not really be obligated). Maimonides, of blessed memory, wrote they may wrap (i.e. wear *tsitsit*) without a blessing. And he goes in accordance to his own opinion, for he explained that women cannot make a blessing on that which they are not obligated [to do]. But Rabbenu Tam wrote that they may bless, even though they are exempt. But it is better that they don't bless. A minor who knows how to wrap, his father needs to buy *tsitsit* (for the son) to teach him.

Note: It is probably worth adding here is Laws of Blessings 1:15 in which Maimonides writes, "כל המברך ברכה שאינה צריכה", *Anyone who blesses a blessing that is not necessary has raised the name of the of heaven in vain and is as one who has made a vain oath.*" (cf BT Berakhot 33a) Of course this begs the question what constitutes an "unnecessary" blessing. - NCG 3/31/14

Bet Yosef Orach Chayim 17 **בית יוסף אורח חיים סימן יז אות א - ב ד"ה סומא חייב**
וכתב הרמב"ם יתעטפו בלא ברכה. . . . וכתבו שם הגהות (אות מ) שכן דעת רש"י:

Maimonides, of blessed memory, wrote they may wrap without a blessing - . . . it is written there in "Hagahot [Maimoniot]" that this is also the view of Rashi.

אבל רבינו תם כתב שיכולות לברך אע"פ שהן פטורות . . . והר"ן . . . הסכים לדברי רבינו תם דמברכות דהא נוטלות עליהם שכר מדאמר רבי יוסי בר' חנינא (קידושין לא.) גדול המצווה ועושה ממי שאינו מצווה ועושה ומדקאמר גדול אלמא מי שאינו מצווה ועושה נמי יש לו שכר הילכך. . . . ולענין הלכה נקטינן כהרמב"ם ז"ל דספק ברכות להקל:

But Rabbenu Tam wrote that they may bless, even though they are exempt - And Ra"n agreed with the view of Rabbenu Tam that they bless, because they get reward [for doing a *mitzvah* that they are otherwise not obligated to do], since Rabbi Jose bar Chaninah said (Kiddushin 31a) "the one who is commanded and does [the mitzvot] is better than the one who is not commanded and does [the mitzvot]," and since it says "greater," it implies that the one who is not commanded and does [the mitzvot] also has a reward. . . . and for halachic purposes we will follow Maimonides, of blessed memory, for [we resolve] doubts regarding blessings leniently (i.e. towards not saying a blessing if it might be in vein).

כתב האגור (סי' כז) בשם מהר"י מולין (תשובות מהרי"ל החדשות סי' זה) דנשים הלוברשות ציצית שטות הוא ומיחזי כיוהרא ואחת היתה בשכונתנו שהיתה לוברשת עכ"ל:

The Agur wrote in the name of Mahar"i Moellin that women who wear tsitsit it is nonsense, and appears haughty, but there was one who wore [tsitsit] in our village. End of quote.

Note: There were, and still remain, some rabbis who objected to women doing certain *mitzvot*. As we have seen above, there is good reason to reject these opinions. I am at a loss for a good explanation as to why doing a *mitzvah* that one is permitted to do "appears haughty."

Shulchan Aruch Orach Chayim 17:2 **שולחן ערוך אורח חיים סימן יז סעיף ב**

Note: The italics represents the comments of Rabbi Moshe Iserless, the Ashkenazi voice of the Shulchan Aruch.

נשים ועבדים פטורים, מפני שהיא מצות עשה שהזמן גרמא. הגה: ומ"מ אם רוצים לעטפו ולברך עליו הרשות בידו כמו בשאר מצות עשה שהזמן גרמא (תוס' והרא"ש והר"ן פ"ב דר"ה ופ"ק דקדושין), אך מחזי כיוהרא, ולכן אין להן ללבוש ציצית. . . . טומטום ואדרוגינוס, חייבין מספק, ויתעטפו בלא ברכה. . . . (הגה: ולפי מה שנהגו נשים לברך במצות עשה שהזמן גרמא, [ג] גם הם יברכו.) (דברי עצמו).

Women and slaves are exempt (from wearing tsitsit), since it is a positive time bound mitzvah.

Note: nevertheless if they want to wrap in it and bless on it, the permission is in his hands, like all other positive time bound mitzvot, however, it appears haughty and therefore they (females) don't have permission to wear tsitsit . . . One of questionable gender or a hermaphrodite are obligated by way of doubt, and should wrap without a blessing. . . . Note: Due to what we wrote, that women bless on positive time bound mitzvot, they (the hermaphrodite or one of questionable gender) should also bless.

Notes: As mentions above (on his commentary, the Bet Yosef), Rabbi Karo errs on the side of caution, ruling that women should not say blessings on positive time bound mitzvot such as talit. Rabbi Isserless sides with the opinion that they may say such blessings. Given that logic, he rules that hte person of questionable gender status can say a blessing on time bound mitzvot as well.

I posted the following relevant comment to the Facebook Group “UTJ - Union for Traditional Judaism” (<https://www.facebook.com/groups/43642532993/>) on 2/23/17.

During our discussion of the OU pronouncement concerning ordination of women, Rabbi (Ya’akov) Jeffrey Siegel understood me, I think correctly in context, that where it comes to something that is technically halakhically permissible but has not been put into practice, k’vod hab’riyot can be a countervailing argument against the concern for maintaining minhag, which seemed to be the primary concern of the authors of the OU teshuvah.

I did want to mention that while this is one way k’vod hab’riyot might be factored into halakhic decision making, I am sure there are others. At the time, I didn’t have any other examples I wanted to throw out there. However, one example of how I might weigh k’vod hab’riyot (or at least a closely related concept) in making a halakhic decision recently came to me as I was studying another subject.

There is a longstanding Ashkenaz/Sephard divide on whether a person (usually a woman) may make a blessing on doing a mitzvah which she is not obligated to do (I put together some sources on this a long time ago – see <http://www.e-ark.net/rabbi/birkatm.pdf> starting at page 17). I have always been ambivalent about this halakhic point. I am generally a Sephardi trapped in an Ashkenazi’s body, and I tend to follow a Sephardic view in halakhah. This includes my being very careful about avoiding potential berakahah levatalah, including avoiding reciting berakhot that were not instituted by ה"ר and where the propriety of the berakahah is in question (safek berakhot lehakel). On the other hand, there is, to my knowledge no Talmudic source that states that a berakhah cannot be made by one who does a mitzvah voluntarily. The argument that it is inaccurate for an exempt person to say “... asher kid’shanu b’mitzvotav” (who has sanctified us by Your commandments) is less than iron-clad, because the word kid’shanu (commanded US) is plural, and while the individual may not be obligated, the entire people were sanctified by the giving of the commandment (especially in light of the fact that exempt persons receive reward for mitzvot they do, see e.g. Beth Yoseph on page 21 of my compendium). The Talmudic source that forbids saying a berakhah on a minhag (discussed further in my compendium referenced above), is also not dispositive as to an exempt person saying a blessing, because where something is a minhag God did not command anyone to do the act.

On these logical arguments I am left fairly ambivalent as to which side I am on. In this situation, and recognizing that ruling that women may not make a berakhah on performing certain mitzvot would be genuinely hurtful to many women, I think there is room to err on the side of permission. In this regard, I would mention BT Chagiga 16b where providing “nachat ruach l’nashim” (emotional comfort/pleasure to women) is given as a reason why women were permitted to smikhah (laying hands on a sacrificial animal). Although the permission to recite a berakhah might be more difficult than the permission to do smikhah, at the very least this demonstrates that nachat ruach l’nashim is a valid halakhic consideration.

I should note that I am not necessarily saying that considerations like k’vod hab’riyot are only admissible as “tie-breakers.” Rather, I think they are one factor to be weighed among many (a vote, not a veto).

Rabbi Jeffrey Siegel, I believe you disagree with me regarding permitting women to say such berakhot (and as you can tell I am still on the fence), but would you agree that methodologically this is a reasonable application of k’vod hab’riyot (or a related concept) as a factor in halakhic decision making?

Biography Of Sources

Much of the information in this biography comes from the Bar Ilan Responsa CD-ROM and from Encyclopedia Judaica.

Agur: Jacob ben Judah Landau, 15th century scholar, born in Germany, later lived in Italy.

Amram (ben Sheshna) Gaon: Gaon of Sura, died 875. The dates of his service as Gaon are not clear, but it seems he held that post by 858. His *Seder* (Order), AKA *Siddur* is the oldest extant order of Jewish prayers.

Bet Yosef: See Karo, Joseph.

Channanel (ben Chushiel), Rabbenu. D. Qairuwan (North Africa) 1057. Author of an early halachic code following the order of the Babylonian Talmud.

Halachot Gedolot: One of the earliest compendia of halachic decisions written in the 9th century by R. Shimon Kayyara in Babylonia based on the Halachot Pesukot of R. Yehudai Ga'on and on Sheiltot De-Rav Achai.

Hagahot Maimoniot: Late 13th/early 14th century commentary on Maimonides' Mishneh Torah giving rulings of German and French scholars. Written by Meir Ha-Kohen, a student of Rabbi Meir of Rothenberg.

Hai Gaon: There are three Geonim known as Hai. Most often, references to Hain Gaon refer to Hai ben Sherira (939–1038), *gaon* of Pumbedita, 998-1038, son of Sherira Gaon, though they could also refer to Hai ben Nahshon, gaon of Sura from 885–896, or Hai Bar Rav David Gaon, gaon of the Pumbedita academy from 890 to 898.

Isserless, Joseph: 16th Century Polish scholar. Authored a commentary on Tur and glosses on the Shulchan Aruch with many Ashkenazi opinions on the matters discussed therein.

Karo, Joseph: B. 1488, Spain or possibly Portugal. Grew up largely in Turkey, and left to Safed, Israel in 1536 where he died in 1575. Karo's halachic *magnum opus* was the Bet Yosef, a commentary on Tur (see XXX) which provides Talmudic sources and references to later rabbinic discussions on each halachic issue addressed by Tur, as well as certain other issues. Karo also wrote a brief compendium of his halachic opinions (based on his Bet Yosef), which is known as the Shulchan Aruch. Karo also wrote a commentary on Maimonides Mishneh Torah (known as the Kesef Mishnah), as well as responsa.

Mahzor Vitry: Liturgical and halachic composition of Simcha ben Samuel of Vitry, a student/colleague of Rash"i.

Mahar"i Moellin: Jacob ben Moses Moellin (ca. 1360-1472). AKA "MaHarRi"L" (Morenu ha-Rav Jacob ha-Levi) Leading talmudist of his generation, and head of the Jewish communities

of Germany, Austria, and Bohemia.

Maimonides: Rabbi Moses (AKA Moses ben Maimon, or by his acronym RaMBa"m) (1135-1204). Rabbi and philosopher. Authored a commentary on the Mishnah (a compilation of rabbinic teachings from the late 2nd century), a code of Jewish law known as the Mishneh Torah, and famed philosophical work, "The Guide to the Perplexed."

Meiri: Menachem Meiri, France 1249-1316. Author of halachic works as well as a major commentary on the Babylonian Talmud.

Mishneh Torah: See Maimonides.

Natronai Gaon: There are two Geonim whose name was Natronai. Natronai bar Nehemiah (AKA Rav Yenuka), Gaon of Pumbedita, 719–730 and Natronai bar Hilai, , Gaon of Sura from 853 to 858. The references found in this compilation are from Natronai bar Hilai as far as I know.

Rabbenu Tam: Jacob ben Meir Tam. France 1100-1171. Prolific member of the school of Tosafot.

Ra"n: Nissim ben Reuben Gerondi. (1310-ca. 1375) Spanish scholar.

Rash"i: Rashi, Rabbi Solomon Yitzchaki (Rabbi Solomon ben Isaac) b. Troyes, France 1040, d. Worms in 1105. Author of commentary on Bible and Talmud.

RIF: Rabbi Isaac Alfasi, b. 1013 Algeria, died Spain 1103. Studied in Kairouan, Egypt. According to my teacher Rabbi Levy, he likely was heavily influenced by Rabbenu Chananel, but may never have studied under him. Wrote an halachic code following the order of the Babylonian Talmud, in much the same style as Rabbenu Channanel. Maimonides was a student of Rif's student, and thus Maimonides often follows the opinion of Rif.

Sar miCoucy: Samson ben Samoson of Coucy. 13th century French scholar of the tosafistic school.

Sar Shalom Gaon: Gaon of Sura, 838-848.

Shulchan Aruch: See Karo, Joseph and Isserless, Joseph.

Sherirah Gaon, Rav : 906-1006. Gaon (head) of the Pumbedita academy 968-98. Father of Rabbi Hai Gaon.

Sigdayah, R. ???

Tosafot: Composite commentary on the Talmud by scholars in 12th-14th century Germany and France. Started by the students of Rashi, though they often disagree with his understandings.

Tur: Halachic work of Rabbi Jacob ben Asher (ca. 1270-1340). Tur is a code of law, broken into four sections, Orach Chayim (daily ritual law), Yoreh De'ah (ritual laws such as kashruth, family purity and mourning), Even Ha'ezer (marriage and divorce), and Choshen Mishpat (civil and criminal law). This codification system eventually is adopted by Rabbi Joseph Karo in the Shulchan Aruch.

Yehudaim Gaon: Yehudai ben Nahman, Gaon of the academy of Sura c. 757–61, though he was educated in Pumbedita.

Yitzchak ben R. Yehuda ibn Ghayyat, Rabbi b. 1038 in Lucena, Spain. d. Cordoba, Spain, in 1089.