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From the Chabura
By: Adam Friedmann

New Topic!

Biblical *Berachot* Part I - The Majority View

The idea that we should routinely bless G-d is not obvious. In fact, it's not even clear what it means to bless G-d. (We will discuss that at length in the coming weeks.) How do we know that we should be doing this? The universal view is that Torah commands us to say at least some *berachot*, though there's a debate about how many. The mitzva to say berachot both informs us that this is a desirable thing to do, and provides a model for the many rabbinic berachot that Chazal created.

Where does the Torah tell us to say berachot? The most obvious example is *Birkat Hamazon*. In *Devarim* (10:6-18) *Bnei Yisrael* are told that Hashem will bring them to wonderful land that will be replete with all of their and produce abundant food. *Bnei Yisrael* are instructed to bless Hashem when they have eaten and been satisfied to show gratitude for the great land He has given them. This is the classic source of a biblical beracha. But there is one other source that many of the Rishonim point to.

The basis for the second beracha is in the Gemara (*Berachot* 21a, Koren translation and elucidation):

Rav Yehuda said: From where is the mitzva by Torah law to recite Grace after Meals, derived? As it is stated: "And you shall eat and be satisfied and bless the Lord your G-d" (*Devarim* 8:10). And from where is the mitzva by Torah law to recite the blessing over the Torah before it is read, derived? As it is stated: "When I proclaim the Lord's name, give glory to our G-d" (*Devarim* 32:3).

The Gemara understands the second verse to mean that before proclaiming G-d's name by learning Torah, one must first give glory to G-d by saying a beracha. The Gemara seems to indicate that this beracha is biblically required. However, perhaps this is merely an *asmachta*, a rabbinic mitzva which is correlated by Chazal to a scriptural source? *Peri Chadash* (*Orach Chaim* 47:1) argues that this is precluded by the continuation of the Gemara. The Gemara notes that *Birkat Hamazon* happens *after* eating while *Birkat Hatorah* happens *before* learning. It attempts to use each of these berachot to derive a corresponding beracha in the other case (i.e., before eating and after learning) by means of a *fortiori* (*kal vachomer*) arguments. Everyone agrees that *Birkat Hamazon* is biblical. Given this, it becomes very difficult to make sense of the Gemara if one starts from the assumption that *Birkat Hatorah* is rabbinic (see the *Peri Chadash* who presents this argument in detail).

Following the straightforward reading, this is Gemara viewed by many authorities as the source for a second biblical beracha (*Mitzvot Aseh Leda'at Haramban* 15, *Rashba* commentary to *Berachot* 48b, *Sefer Hachinuch*, 430, *Peri Chadash*, *Orach Chaim* 47:1).

The Ramban (*ibid.*,) describes the mitzva as follows:

We are obligated to give praise to His great name every time we read the Torah, for the great goodness that He has done for us by giving us His Torah in which we are informed about the acts which are desirable to Him through which we inherit the world to come.

The conclusion of a majority of Rishonim is that there are two biblical berachot, after eating bread, and before learning Torah. Both of these berachot seem to be about showing gratitude. This raises a philosophical question. Why should one beracha come before partaking of something and the other afterwards? *Sefer Hachinuch* (*ibid.*,) explains that berachot must be recited at the moment when one most naturally feels benefits gained. For food, which is a physical benefit, this happens only after eating. For Torah, which is intellectual-spiritual, one can already understand the great benefit it imparts even before starting to learn.

There's another question as well. Both biblical berachot are teaching us to express gratitude to G-d for what He gives us. In this case, why do we need to be told about this twice? Wouldn't one example be enough? Perhaps we can apply the same divide between physical and spiritual benefits here as well. If the Torah had only taught us about *Birkat Hamazon*, we might have viewed berachot as a kind of corrective. We have a tendency to disassociate physical sustenance from G-d. Therefore we need to specifically make a beracha after eating food, to intentionally tie that benefit with G-d's love and generosity. The Torah teaches us that we are just as likely to get caught up selfishly in our pursuit of intellectual and spiritual perfection and disconnect those things from G-d as well.

Conversely, if the Torah had only taught us about *Birkat Hatorah*, we might have thought that berachot are reserved for the "ultimate" benefits of the intellect and the spirit. We may have considered it inappropriate to invoke G-d's name in a beracha over something material like food. The Torah teaches us that we must show gratitude for *all* the things G-d gives us, from the loftiest to the most minute.

What we've looked at this week is the majority view about biblical berachot. Next week we will look at the Rambam's minority view which has distinct sources and, possibly, a distinct philosophical framework.

Mishnah: A Philosophy of Life

By: Dovid Campbell

Horayot 1:1 — The Sacred Burden of Religious Autonomy

The opening Mishnah of tractate *Horayot* presents a striking tension at the heart of Jewish law. What happens when the highest rabbinic court, the Sanhedrin, rules in error, permitting the Jewish people to transgress a Torah commandment? If an ordinary individual follows their mistaken ruling, the Mishnah states, he is exempt from liability. After all, his action is not self-directed; it is tethered to the authority of the court. The responsibility rests on the judges, who must bring the special communal offering prescribed for such cases.

But the Mishnah introduces a crucial distinction. If one of the judges himself, or even a qualified student, recognizes that the ruling is wrong yet nonetheless acts upon it, he is liable. The guiding principle emerges: “One who associates his action with himself is liable; one who associates his action with the court is exempt.”

This is more than a technical rule of sacrificial law. It is a profound statement about the nature of responsibility. Authority has weight in Judaism, but authority does not dissolve the obligation of conscience and knowledge. If you are capable of halakhic reasoning and recognize an error, you cannot hide behind the cloak of the court. The Mishnah affirms that divine justice does not honor blind obedience when it contradicts genuine understanding.

The commentary of Bartenura sharpens this point further. At first glance, one might think that a judge or student who knowingly follows the court’s error is acting willfully, and therefore should not bring a sacrifice at all—since sacrifices atone only for unintentional sins. Yet the Talmud rules otherwise: he is still considered a *shogeg*, an inadvertent sinner. Why? Because he believed there was a positive duty to obey the court, even when he knew they had erred. In other words, his mistake lay in thinking that loyalty to rabbinic authority overrides his own responsibility to the truth of Torah.

That subtle but powerful clarification underlines the Mishnah’s philosophy: respect for rabbinic authority is central, but it is not absolute. A person of learning is charged to bear the burden of his knowledge. To surrender that responsibility in the name of obedience is itself a form of error. The Torah demands integrity, not mere conformity.

In an age when religious life is often caricatured as unquestioning allegiance to authority, this Mishnah offers a striking counterpoint. It teaches that personal responsibility and intellectual honesty are indispensable values within halakhic Judaism. The greatest court may rule, and the community may follow in good faith, but the individual who knows better is not permitted to outsource his conscience.

Horayot 1:1 thus sets an enduring standard: blind faith is not the Jewish way. Respect for authority must always be coupled with responsibility for one’s own understanding. The covenant between God and Israel calls not only for obedience, but for discernment—and for the courage to act upon it.

Sforno on the Parsha By: Nochum Spiegel

Hangman

Our *parsha's* over seventy *mitzvot* dictate proper behaviour and procedure in a host of areas covering the full gamut of *Torah* law. Through these man will be elevated and maintain *Hashem's* presence in his midst. However even when he fails and sin and death reign, the *Torah* teaches a unique commandment which according to Sforno emphasizes the innate grandeur of man.

“If a man has committed a sin worthy of death, and he is put to death, and you hang him on a tree; his body shall not remain all night on the tree, but you shall surely bury him the same day, for a hanging person is an insult and degradation of *Elokim*” (Devarim 21:22-23). Many commentators (see *Rashi*) understand *Elokim* as referring to *Hashem*, Sforno however takes a different approach. He explains (21:23) that in addition to being a direct reference to G-d, *Elohim* has a broader meaning of referring to an entity which is separated from the physical. These can be *Malachim* or in our specific context a reference to the comprehending, intelligent soul of man which is described at creation as *tzelem Elokim* (see Sforno to *Bereishit* 1:1, 1:27). When a corpse is hung and not given over to burial, this is a disgrace to the human soul whose existence continues on beyond the body.

It is not clear if Sforno means that the soul is in proximity to the dead body and actually suffers pain due to the events. Perhaps another Sforno commentary (*Bereishit* 9:5,6) regarding death can add clarification.

After the flood *Noach* is instructed regarding the consequences of murder “One who spills the blood of man, by man his blood shall be spilled; for *b'tzelem Elokim*, He made man” (*Bereishit* 9:6). One who kills an animal does not receive this form of justice. Man is precious, having been made in the form of an *Elokim*. He possesses a spiritual force which is removed from the physical. With this soul/intellectual power he can develop himself beyond the base tendencies which he shares with the rest of the animal kingdom. He can study to discover the path of *Hashem* and live a life striving to emulate G-d's ways, securing for himself an eternal existence. When the physical component of man, the vehicle which aids in this process of spiritual development is cut down in cold blood by another, it is fitting that its loss should be avenged.

Returning to our *parsha*; when a body is left unburied this is an affront to *Elokim*, the unique human soul. The medium used to achieve spiritual elevation should be accorded dignity under all circumstances, even when dealing with one who committed a sin deserving of death. Lack of concern in this matter by those who serve justice represents a belittling of the potential inherent in every man. *Hashem's* desire is for all men to use their physical and spiritual tools to draw close to Him.