

The Requirement of Birkhot Ha-Torah: Whence and Wherefore?

One of the central issues confronting us with respect to *Birkhot Ha-Torah* concerns the source of our obligation to recite the blessings.¹⁵² There is no question that the specific formulation of the text of *Birkhot Ha-Torah* – like the text of all *berakhot*¹⁵³ – is of rabbinic rather than biblical origin. Yet it hardly follows from this that the very requirement itself for a *berakhah* upon Torah is likewise only rabbinic. The particular text of *Birkat Ha-Mazon*, after all, is the work of several human authors (see *Berakhot* 48b), but the obligation to bless God upon satiation is clearly a *mitzvah min ha-Torah*.¹⁵⁴ Thus, the question persists: was it the *Rabbanan* who instituted the requirement to recite *Birkhot Ha-Torah*, as it was for the vast majority of *berakhot*, or are these blessings, like *Birkat Ha-Mazon*, mandated by the Torah itself?¹⁵⁵

The Ramban's position on this question is unequivocal. In his catalogue of *mitzvot* that he believes the Rambam erroneously omitted from the list of 613 in the latter's *Sefer Ha-Mitzvot*, the Ramban includes a *mitzvah de-oraita* to recite a blessing upon Torah:

Mitzvah 15, that we are commanded to express our gratitude to His Blessed Name anytime we read the Torah, for the magnificent kindness He has done for us in bestowing His Torah upon us and in informing us of the actions that He desires [from us] through which we can inherit life in the World to Come. And just as we are commanded [on a biblical level] to recite a blessing after we eat, so too with respect to this.

As proof that this blessing is ordained by the Torah itself, the Ramban points to a *gemara* in *Berakhot* (21a) which, after deriving the *chiyuv* (obligation) of *Birkat Ha-Mazon* from the verse “*ve-akhalta ve-savata u-veirakhta*” (*Devarim* 8:10) turns to the blessing upon Torah:

And from where in the Torah [do we derive the requirement] for an antecedent blessing upon Torah? As it says, “When I read *Hashem's* name, ascribe greatness to our Lord.”¹⁵⁶

In addition to this seemingly explicit statement, the Ramban further argues that the ensuing discussion in the *gemara* clearly reinforces his conclusion. The *gemara* proceeds to entertain the possibility that not only does *akhilat mazon* (eating food) necessitate a subsequent blessing, it requires an antecedent *berakhah* as well; and the biblical source for this proposed *chiyuv* is a deductive argument based upon the requirement for a *berakhah lefaneha* (preceding blessing) upon Torah. Although the *gemara* immediately challenges the cogency of the extrapolation from Torah to *mazon*, it appears to concede the premise that in theory the obligation of *Birkhot Ha-Torah* could serve as precedent

¹⁵². Our practice to recite multiple blessings is based upon the *gemara* in *Berakhot* (11b), which codifies each of the formulations coined by different *Amora'im*.

¹⁵³. See *Berakhot* 33a, and Rambam, *Hilkhot Berakhot* 1:5. *Yedei Eliyahu* (*Hilkhot -Keriyat Shema* 1:7) discusses whether the ascription to *Anshei Keneset Ha-Gedolah* extends to *berakhot* like *Birkhot Ha-Torah* whose text is the subject of dispute in the Talmud.

¹⁵⁴. See, for instance, *Sefer Ha-Mitzvot Le-Ha-Rambam*, positive commandment no. 19. See also *Berakhot* 40b, that *post factum* one discharges the biblical obligation with a more basic formulation. Other examples of this general phenomenon abound. For a relatively comprehensive list, see the Ramban's critique of the Rambam's first principle in *Hasagot Le-Sefer Ha-Mitzvot*.

¹⁵⁵. Aside from its intrinsic significance, this question has practical ramifications. For instance, must one recite *Birkhot Ha-Torah* if he is uncertain whether he had already done so earlier? See *Sha'agat Aryeh* (*Responsa*, nos. 24 and 25), and *Mishnah Berurah* (47:1).

¹⁵⁶. For two different interpretations of how *Chazal* understood this verse to imply an obligation of *Birkhot Ha-Torah*, see Rashi (*Berakhot* 21a, s.v. *ki*) on the one hand, and *Sha'agat Aryeh* (no. 24), on the other.

for a biblically-required blessing – something which only makes sense, obviously, if it itself is required by the Torah. Hence, concludes the Ramban, “what emerges from all this [i.e., the discussion in the *gemara*] is that there is a biblical commandment to recite a blessing upon Torah.”

What requires clarification, of course, is the position of the Rambam. On the one hand, the omission of *Birkhot Ha-Torah* from his list of *mitzvot de-oraita* presumably indicates that he considers this *chiyuv* to be rabbinic in origin, consistent with the vast majority of blessings. Yet, as the Ramban argued, that seems to fly in the face of the *gemara* in *-Berakhot*. Many *Acharonim* contend that the Rambam indeed -considered *Birkhot Ha-Torah* a rabbinic obligation. As for the *gemara*, the *Megillat Esther* (ad loc.) proffers that the Rambam understood the *derashah* as a mere *asmakhta*, a homiletic association of rabbinic law with -scriptural verse. This interpretation fails to account though for the *gemara*'s discussion of an antecedent *Birkat Ha-Mazon*, which – as the Ramban -emphasized – clearly indicated that the *derashah* was intended as a bona fide biblical derivation. Noting this, other *-Acharonim* – including *Sha'agat Aryeh* (no. 24) and *Dvar Avraham* (vol. 1 no. 16) – propose instead that the Rambam rejected the *gemara* in *Berakhot* in favor of other sources which can be understood, *al derekh ha-pilpul*, to imply that the obligation is only rabbinic.

Perhaps, however, we can consider an alternative approach to the Rambam. In accordance with the *gemara* in *Berakhot*, we can suggest that the Rambam too accepts that the obligation to recite *Birkhot Ha-Torah* is biblical. Where he differs from the Ramban is whether to classify this requirement as an independent *mitzvah* in and of itself. According to the Rambam, the instruction to recite a blessing upon Torah is not a separate, additional commandment, but rather a codicil to the *mitzvah* of *talmud Torah*, of studying Torah. One of the provisions of the *mitzvah* to learn Torah is that prior to engaging with Torah a blessing should be recited upon it. Inasmuch as this is simply a component of *mitzvot talmud Torah*, there is no cause for the Rambam to list *Birkhot Ha-Torah* as one of the 613 *mitzvot*.¹⁵⁷

However, this suggestion requires explanation. Presumably, the command to learn Torah requires just that: the study and dissemination of Torah. How then is the requirement for *Birkhot Ha-Torah* subsumed under the *mitzvah* of *talmud Torah*? In addressing this question, our point of departure is an enigmatic *gemara* in *Bava Metzi'a* (85a) which relates to the destruction of the first Jewish commonwealth:

What [is the meaning] of that which is written (*Yirmiyahu* 9:11): “Who is the wise man, that he can understand this, and to whom has *Hashem* spoken, that he may declare it: For what reason is the land perished, [parched like the desert with none passing through it]?” [The verse here indicates that] this matter [i.e., the reason the land perished] was discussed by wise men, who had no answer; it was discussed by prophets, who had no answer; until *Hashem* Himself answered, as it is written (*Yirmiyahu* 9:12): “And *Hashem* said: Because they forsook my Torah which I set before them.” R. Yehuda said in the name of Rav: [This means] that they did not recite the blessing upon Torah first [i.e., before study (Rashi, s.v. *she-lo*)].

Upon reading this passage, two questions naturally spring to mind. First, what motivated Rav to interpret “they forsook my Torah” to imply that they merely omitted *Birkhot Ha-Torah*? Second, can it really be that the annihilation of the commonwealth was warranted because of a failure to comply with a *chiyuv berakhah*? Addressing the first issue, the Ran (*Nedarim* 81a, s.v. *davar*) explains in the name of Rabbenu Yonah that had *Keneset Yisrael* abandoned Torah and its study completely – as the simple meaning of the phrase might have suggested – there would have been little mystery as to what prompted their downfall. How then could sages and prophets have failed to identify the cause for Divine retribution? “Rather,” concludes the Ran (ibid.), “it must be that they were engaged in constant Torah study; and thus sages and prophets were baffled ‘for what reason is the land perished.’” The *Chakhamim* and *Nevi'im* reasoned that so long as God's voice continued to be heard via the study of His Torah, the basic spiritual and moral character of the nation was assured. “*Mitokh she-hayu mitaskin bah, ha-ma'or she-bah hayah machziran le-mutav*” – “As a result of their engaging with [Torah], its illuminating light would set them aright” (*Eikhah Rabbah, petichta* 2). Hence, they were confounded by the calamity that had befallen *Keneset Yisrael*.¹⁵⁸

The mystery was resolved, however, when God Himself explained that the widespread involvement with Torah was only superficial. People were indeed studying the texts of Torah, but they had little exposure to the *ma'or she-bah*. The ennobling force of *talmud Torah* is a function of its character as a personal encounter, at once both humbling and exalting, with *Notein Ha-Torah*. That experience very much depends, however, upon the subjective awareness and attitude of the *lomeid*, the learner. One who regards Torah as merely the Jewish version of the *Corpus Juris Civilis*

¹⁵⁷. The Ramban in his concluding remark actually anticipates this defense of the Rambam, though he summarily rejects it. (Our elaboration of this approach will implicitly address the Ramban's argument against it.) I subsequently found that both the Mabit (*Kiryat Sefer, Hilkhot Tefillah* chapter 12) and the *Arukh Ha-Shulchan* (O.C. 47:2) explicitly subscribe to the basic notion that the Rambam included the requirement of *Birkhot Ha-Torah* as a component of *mitzvot talmud Torah*.

¹⁵⁸. See the following footnote for what precisely they were struggling to understand.

may read God's written word but he is unlikely to hear His magisterial voice. With respect to this fault – and here we find an implicit answer to the second question – the nation's neglect of *Birkhot Ha-Torah* was so revealing. Had they appreciated the singular import of Torah – the awesome responsibility it imposes, the wondrous opportunity it represents – those who studied it would have felt compelled to express that sentiment through the *berakhah*. “By not reciting the blessing, they made manifest that they did not consider the Torah a gift of particular significance to them” (Rashi, *Bava Metzi'a* 85b, s.v. *she-lo*). Absent the proper appreciation of Torah, their study assumed an entirely different character. Hence it could not and did not serve as a bulwark against moral and spiritual collapse – nor, therefore, against Divinely ordained catastrophe.¹⁵⁹

What we find illustrated here is that *talmud Torah sans Birkhot Ha-Torah* is not the same as *talmud Torah* with the preceding blessings. The recitation of *Birkhot Ha-Torah* reflects – perhaps it even serves to stimulate – our perception of *talmud Torah* as both sacred duty and sublime privilege; and that perception affects the character of the *talmud Torah* itself. It therefore makes sense that the requirement of *Birkhot Ha-Torah*, according to our interpretation of the Rambam, is included under the rubric of *mitzvat talmud Torah*.¹⁶⁰ The commandment to learn Torah, after all, demands not simply the study of Torah as an academic exercise, but the experience of Torah as an exhilarating encounter:

For it was taught in a *baraita* (*Devarim* 4:8): “And you shall make [Torah] known to your sons and grandsons”; and immediately following this it is written (*Devarim* 4:9), “The day that you stood before *Hashem* your Lord at Chorev.” [The juxtaposition teaches us that] just as there, [we stood before *Hashem* at Sinai] in awe and in fear, with trembling and with shuddering, so too here [Torah should be studied and taught] in awe and in fear, with trembling and with shuddering.

That Sinaitic experience, suffused not just with reverential awe but with loving affection – “May he kiss me with kisses from his mouth” – [this refers to] words of Torah, which were given with a kiss” (*Yalkut Shimoni, Shir Ha-Shirim, Remez* 981) – that is the essence of the charge “and you shall meditate upon it day and night” (*Yehoshua* 1:8). Fulfilling that mandate therefore requires not just *talmud Torah*, but *talmud Torah* with a *berakhah*.¹⁶¹ Beckoned to enter the portals of Torah and tantalized by what awaits us there, we cannot but turn to Him “who has chosen us among all the nations and given us His Torah” with beatific praise and boundless gratitude.

¹⁵⁹. Many note an apparent discrepancy between what is implied by the *Gemara* here, that the neglect of *Birkhot Ha-Torah* was the reason “the land is perished,” and the assertion of the *Gemara* in *Yoma* 9b (based upon biblical verses) that the First Temple was destroyed because of the prevalence of the gravest of sins – *avodah zarah* (idol worship), *gilui arayot* (forbidden relations), and *shefikhut damim* (bloodshed). The contradiction can be resolved by maintaining that the proximate cause for the destruction was indeed those grave sins, but that the verse in *Yirmiyahu* was asking something else. According to Maharal, for instance, the prophet was seeking to identify the *underlying* cause of the nation's travails (see the introduction to *Tiferet Yisrael*). Why, in other words, had the nation fallen to such spiritual and moral lows? Alternatively, R. Yosef Ya'avetz (in the prelude to *Or Ha-Chaim*) and the *Taz* (*O.C.* 47:1) understand that *Yirmiyahu* was asking why the nation's study of -Torah had not shielded them from such harsh and decisive judgment. This basic -interpretation fits nicely with the *midrash* in *Eikhah Rabbah* referenced above, that until “they forsook my Torah,” *Hashem* did not see fit to devastate the nation -inasmuch as its spiritual character could and would have been restored through Torah study. The elaboration of “*she-lo beirku ba-Torah techilah*” that we have presented here is consistent with both of these approaches.

¹⁶⁰. None of this is meant to imply that the Rambam interpreted the *gemara* in *Bava Metzi'a* the way we have explicated it. In fact it is apparent from a *teshuvah* of the Rambam (cited in *Shitah Mekubetzet, Bava Metzi'a* 85b) that he understood that *gemara* very differently. The point, rather, is that this interpretation illustrates an independently valid truth which helps explain the position of the Rambam as we have construed it.

¹⁶¹. It should be noted that this theory, that the *chiyuv* of *Birkhot Ha-Torah* is a component of *mitzvat talmud Torah*, does not necessarily imply that without the *berakhah* one does not fulfill the commandment to study Torah at all. See Rambam, *Sefer Ha-Mitzvot*, principle 11.