

Relics for the Present:  
Contemporary Reflections on the Talmud  
*Berakhot I*



Pardes | פּרְדֵּי  
Institute of Jewish Studies



Levi Cooper

RELIQS  
FOR THE  
PRESENT

CONTEMPORARY REFLECTIONS  
ON THE TALMUD

*Berakhot I*

Maggid Books

*Relics for the Present:  
Contemporary Reflections on the Talmud*

*Berakhot 1*

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*We dedicate this book to our teacher and guide*

*Rabbi Zalman I. Posner*

*Rabbi emeritus of  
Sherith Israel Synagogue, Nashville, Tennessee,  
whose open heart and astute mind brought  
the fullness of Judaism to so many.*

*Libby and Moshe Werthan*

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CONTENTS

Preface..... xi

**BERAKHOT: CHAPTER ONE**

Why begin with Shema?..... 3  
Day or night: When do we start? ..... 6  
Greeting with peace ..... 9  
Roar and coo ..... 12  
War as a solution, diversion or catalyst ..... 15  
Admitting that we don't know ..... 18  
Ideal leaders ..... 21  
Meriting miracles ..... 24  
Rules of prayer ..... 27  
The shield of Torah ..... 30  
The Sinai potential ..... 33  
Things worth crying for ..... 36  
Be nice ..... 39  
Does God keep mitzvot? ..... 42  
Space for prayer ..... 44  
Running to the beit midrash ..... 47  
Forget-me-not ..... 50  
The magic of Minḥa ..... 52  
Teaching by example ..... 55  
Who can give a blessing?..... 58  
Chances to encounter the Almighty ..... 61  
Sacred space ..... 63

## Contents

<i>Doorways to prayer</i> .....	66
<i>Opportunities for starting afresh</i> .....	69
<i>Gates of halakha</i> .....	72
<i>Communal learning</i> .....	75
<i>Torah coursing through our veins</i> .....	78
<i>Plundering Egypt</i> .....	80
<i>I just can't wait to be king</i> .....	83
<i>Bearing the children of redemption</i> .....	86
<i>Book of Remedies</i> .....	89
<i>Hillel's Hasidic court</i> .....	92
<i>Abundant and everlasting love</i> .....	95
<i>Divine teacher of Torah</i> .....	98
<i>Sweet Torah study</i> .....	101
<i>The core of our people</i> .....	104
<i>Halakha and aggada: Inseparable sisters</i> .....	107
<i>The price of passion</i> .....	110
<i>Whom can we ask for help?</i> .....	113
<i>What's in a name?</i> .....	115

### **BERAKHOT: CHAPTER TWO**

<i>Where will you go for community?</i> .....	121
<i>To sleep, perchance to dream</i> .....	124
<i>Seeking Truth</i> .....	127
<i>Audible prayer</i> .....	130
<i>Immersion in the mikveh of our heritage</i> .....	133
<i>Broadminded activism</i> .....	136
<i>Success in tough economic times</i> .....	139
<i>Class differences</i> .....	142
<i>Who knows four?</i> .....	145
<i>Hand motions during prayer</i> .....	147
<i>Heralding the onset of a new month</i> .....	151
<i>Dust in the wind</i> .....	158
<i>Adding a personal prayer</i> .....	160
<i>Nachas for God</i> .....	163
<i>See your world in your life</i> .....	166

**BERAKHOT: CHAPTER THREE**

<i>Tiresome review</i> . . . . .	173
<i>What do the dead know?</i> . . . . .	176
<i>Last-minute preparations</i> . . . . .	179
<i>Public funds</i> . . . . .	182
<i>Reading far-fetched tales</i> . . . . .	185
<i>Human dignity as a legal consideration</i> . . . . .	188
<i>Extraordinary first steps</i> . . . . .	191
<i>Rules and exceptions</i> . . . . .	194
<i>For pity's sake</i> . . . . .	197
<i>Learning never ends</i> . . . . .	200
<i>Holy congregations</i> . . . . .	203
<i>Power of the people</i> . . . . .	206
<i>Worth paying the price</i> . . . . .	209

**BERAKHOT: CHAPTER FOUR**

<i>Sacrifices of the heart</i> . . . . .	215
<i>Paths in prayer</i> . . . . .	217
<i>Power to create obligations</i> . . . . .	220
<i>Preservation and innovation</i> . . . . .	223
<i>Adding benches to the beit midrash</i> . . . . .	226
<i>Minding other people's business</i> . . . . .	229
<i>Prayers for learning</i> . . . . .	232
<i>Set texts for prayer</i> . . . . .	234
<i>If you can be good, do not be called bad</i> . . . . .	243
<i>A conscious approach to prayer</i> . . . . .	246

**BERAKHOT: CHAPTER FIVE**

<i>A heavy head in prayer</i> . . . . .	251
<i>Tempering enjoyment</i> . . . . .	254
<i>Saying goodbye</i> . . . . .	257
<i>Windows for prayer</i> . . . . .	259
<i>Quest for balance</i> . . . . .	262
<i>Potency of Shabbat</i> . . . . .	265
<i>Filing claims against the Almighty</i> . . . . .	268

# Contents

<i>Grabbing God by the lapels</i> .....	271
<i>The power of tears</i> .....	274
<i>Types of encouragement</i> .....	277
<i>Fine-tuning our prayers</i> .....	280
<i>Slithering prayers</i> .....	283
<i>Close encounters with an arod</i> .....	285
<i>Compassion for fools</i> .....	288
<i>Revenge</i> .....	292
<i>Lessons learned</i> .....	295
<i>Heavy metal in prayer</i> .....	298
<i>Refusing to lead</i> .....	300
<i>How much time should it take to pray?</i> .....	303
<i>Whom you marry</i> .....	306
<i>Where penitents stand</i> .....	309
<i>Unique contributions</i> .....	311
<i>Sources cited</i> .....	315
<i>About the author</i> .....	321



**A**RELIC IS AN object surviving from an earlier time, carefully and conscientiously preserved, esteemed and venerated. It is a hallowed object of historical interest, of sentimental value, of unquestionable worth. The Talmud is such a relic.

This work explores the world of the sages, seeking relevance in the timeless texts of the Talmud. Each section analyses a passage from *Berakhot*, the first tractate of Talmud, chapters one to five, presenting the commentators' insights, searching for meaning and hoping to provide inspiration for our generation.

I began this project in 2005 at the beginning of the twelfth *Daf Yomi* cycle. *Daf Yomi* is a programme in which participants study a folio – two sides of a page – of Talmud each day. Those who maintain this pace complete the entire Talmud in seven and a half years.

The initial impetus for this project was provided by Amanda Borschel-Dan, then of *The Jerusalem Post*, who believed that there should be a weekly column on Talmud in Israel's oldest and largest English daily newspaper. Amanda had studied at the Pardes Institute of Jewish Studies in Jerusalem and had participated in my Talmud class.

Most of this work was written in the National Library of Israel, where readers like me are fortunate to be offered every assistance by the librarians. Joel Wolowelsky, a close family friend, has offered valued encouragement. I have benefited greatly from the editorial input of Yehudah Ber Zirkind, Yocheved Engelberg Cohen, Suzi Brozman and Nechama Unterman.

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## Preface

division of Koren Publishers Jerusalem. Since 1998, I have had the pleasure and the privilege to teach at Pardes. Matthew Miller and the whole Koren team have been professional and gracious.

Each passage in this book was first read and vetted by my wife, Sarah. Without her support – and the patience of our children Itai, Yedidya, Choni, Neta, Aviya and Adi – these reflections would never have seen light. Our parents and grandparents have also provided encouragement for all my endeavours.

I am happy to express my sincere gratitude to all those who have a portion in this work. I am humbled by the faith you have shown in me; I aspire to live up to it.

The release of the book coincides with the beginning of the thirteenth *Daf Yomi* cycle, and will offer a further opportunity for the English reader to connect to this global event.

The goal of the book is to make classic Jewish texts accessible, to contemplate the wisdom they impart and to consider the inspiration they provide for our times. My hope is that this work will provide a window into the wealth, depth and contemporary significance of the Talmud.

With gratitude to God,  
Levi Cooper  
Zur Hadassa

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B. = *Talmud Bavli*, Babylonian Talmud

M. = *Mishna*

T. = *Tosefta*, addition to the *Mishna*

Y. = *Talmud Yerushalmi*, Jerusalem Talmud, Palestinian Talmud or  
Talmud of the Land of Israel

A full list of cited sources can be found at the back of the volume.

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BERAKHOT  
CHAPTER ONE

## Why begin with *Shema*?

**S**HEMA, THE CENTREPIECE of the morning and evening prayers, is composed of a number of verses from the Torah. It consists of three paragraphs, opening with the famous verse: *Hear O Israel, the Lord our God, the Lord is one* (Deuteronomy 6:4). *Shema* focuses on our relationship with God, the tradition, the commandments and the Land of Israel.

Why does the record of the Oral Law begin with a discussion pertaining to *Shema*? *Shema* is not the first prayer recited in the morning, nor can it truly be classified as consisting of *berakhot* (blessings), the title of the first tractate. Furthermore, *Tractate Berakhot* begins the first order of Mishna – *Zera'im* (Seeds), which deals with agricultural laws; it is hardly obvious that *Shema* should be included in this section, much less form its opening discussion.

Rabbi Yehezkel Landau (1713–1793), better known by the title of his responsa, *Noda BiYehuda*, offers a number of explanations for the placement of the discussion of *Shema*. Originally from Poland and later serving in the rabbinate in Prague, Rabbi Landau answered questions from all over Europe. In addition to his responsa, he also authored an important supplement to the *Shulḥan Arukh* entitled *Dagul MeRevava*. He published his novellae on the Talmud under the title *Tziyun LeNefesh Haya*, more commonly known by the acronym *Tzlah*. It is at the beginning of this work that Rabbi Landau tackles our question.

He begins by quoting Maimonides (1138–1204), who suggests that since *Shema* is recited twice daily, this frequency justifies its place of pride. Rabbi Landau notes that if this were indeed the criterion, then

the *Amida* prayer, which is recited thrice daily, would be a better candidate to open the Talmud.

A second possibility focuses on the order of the prayers. Perhaps *Shema* is discussed first since in both the morning and evening prayers it precedes the *Amida*. This approach falters, in light of the minority opinion that *Shema* precedes the *Amida* only in the morning prayer, while in the evening prayer the *Amida* precedes *Shema*. Granted, this opinion is not the halakhic norm and, in practice, *Shema* always precedes the *Amida*, yet Rabbi Landau is working with the understanding that an explanation that takes into account all opinions, even those that are not normative – that is, opinions that are not considered to be a required standard of behaviour – is to be preferred.

Indeed, the search for a universally acceptable explanation is a classic talmudic approach to problem solving.

Rabbi Landau further suggests that a parallel between the first Mishna and the first commandment at Sinai may be another reason for beginning with *Shema*. Before giving the Torah to the Jewish people, God presented His credentials – *I am the Lord your God Who took you out of Egypt* (Exodus 20:2). Therefore, at the outset of the human record of the Oral Torah, we begin by discussing *Shema*, thereby acknowledging that God is indeed the ruler.

A further explanation focuses on the legal status of the commandment to recite *Shema*. It is of Torah origin, and hence appropriately precedes the discussion of the *Amida*, which is an obligation of rabbinic origin. However, this explanation cannot be accepted by all, since according to one sage, the reading of *Shema* is of rabbinic origin as well.

The Torah origins of *Shema* lead Rabbi Landau to entertain an explanation that focuses on belief, since the bifurcation of the Written Law and the Oral Law may lead some to consider a dualistic God. To negate this perception, the Mishna opens with *Shema* – a statement of God's unity. *Shema* thus forms a bridge between the Oral and Written Laws, indicating that both corpora have one common origin.

Perhaps a slight variation on this theme could be suggested. Over the generations, the veracity of the Oral Law and the authority of its mediators have been questioned. Some have doubted the sages and the traditions they have imparted, while affirming the weight of the Written

Law. Accordingly, the Mishna opens by discussing *Shema*, a passage from the Written Law, thus highlighting the tight bond between the oral and written traditions.

Focusing on the content of *Shema* leads to other possible approaches. The first paragraph of *Shema* includes the injunction to propagate the tradition through education and learning: *And you will teach them to your children, and you will talk of them* (Deuteronomy 6:7). Rabbi Landau suggests that this passage elevates the relative importance of the Oral Law, a tradition passed down from generation to generation.

Perhaps the most satisfying approach suggested by Rabbi Landau considers the place of *Shema* in Jewish practice and collective memory. *Shema* is traditionally a statement of faith, to the extent that in many synagogues its first verse is proclaimed at the conclusion of the heartfelt Yom Kippur services. Over the generations, Jewish martyrs have followed the example set by Rabbi Akiva and recited *Shema* with their last breath.

In the first verse of *Shema* we proclaim the unity of God, and when reciting this verse we accept upon ourselves the kingdom of heaven. From a halakhic perspective, reciting this verse without meditating on its meaning renders the recitation invalid.

Asserting our relationship with God may be seen as a prerequisite for discussing the many issues raised in the corpus of the Oral Law. Before thanking God for granting us abundance, before humbly placing our requests before God, before plumbing the depths and details of our rituals and before exploring the Divine in our civil code, this special relationship between the Jewish people and God must be affirmed.

## Day or night: When do we start?

**T**RACTATE BERAKHOT OPENS with a discussion of the earliest and latest times for the recital of the evening *Shema* (*M. Berakhot* 1:1). The Talmud immediately questions the context of this statement, wondering why the sages did not begin with the time for the morning *Shema*, which is read earlier in the day (*B. Berakhot* 2a).

The Talmud explains the order by citing two biblical verses. The first passage of *Shema* speaks of an obligation to teach one's children and to speak of Torah *when you lie down and when you arise* (Deuteronomy 6:7). Thus the evening *Shema* recited before retiring should precede the morning *Shema* which is read upon waking.

The Talmud goes on to cite a verse which supports the general approach of Jewish law that night precedes day. At the end of each day in the biblical description of creation, the phrase *and it was evening and it was morning* is used to signal the end of the day's work. Here too, evening precedes morning, thus validating the discussion of the evening *Shema* first.

The night-before-day rule applies in a different context as well. The Torah tells us that it is forbidden to slaughter an animal and its offspring on the same day (Leviticus 22:28). The same term – *yom ehad*, one day – is used in this context as well as in the creation story. Thus our sages conclude that the day follows the night for calculating the twenty-four-hour period during which an animal and its offspring cannot be slaughtered together (*M. Hullin* 5:5).

In Jewish tradition, each twenty-four-hour period begins at sunset; hence the morning is really the middle of the day. Shabbat begins in the evening, as do all the festivals. This curious order can be considered a defining feature of the Jewish calendar, and one that sets it apart from non-Jewish calendars.

However, it is not so clear-cut that the night precedes the day in

Jewish tradition. The very same biblical verse quoted by the Talmud – *and it was evening and it was morning* – is read very differently by one of the medieval biblical commentators. The Frenchman Rabbi Shmuel ben Meir (c. 1085–1158), known as Rashbam, followed in the footsteps of his illustrious grandfather, Rashi (1040–1105), authoring biblical and talmudic commentaries. Rashbam’s commentary on the Pentateuch is exceptional for its succinct style and its bold devotion to the literal meaning of the text. As such, Rashbam makes no attempt to align his comments with normative law. On a few occasions, his words blatantly contradict halakha, though he viewed Jewish law as authoritative.

Noticing that the biblical verse avoids using the term *laila* (night), Rashbam suggests that the passage should be read *and the day set and it was dawn*. Thus dawn concludes the day, and the new day begins at sunrise.

Rashbam never suggests that this interpretation should affect Jewish law. Nevertheless, in an unrelated halakhic realm – the Temple service – the day preceded the night. Sacrificial leftovers from the day’s service were burned on the altar in the evening and no new sacrifices were offered. When sacrifices were to be eaten on the day they were offered, they could be consumed through the entire night, but not the following morning (see Leviticus 7:15).

Thus when the sages are faced with someone who forgot to pray *Minḥa* (the afternoon prayer), they question whether the supplicant could make up this lost prayer by reciting the evening prayer twice (*B. Berakhot* 26a–b). Given that the prayers are modelled on the Temple service, then, perhaps, once evening has arrived and the previous day has passed, the prayer can no longer be offered, just as sacrifices in the Temple were not offered at night. Alternatively, perhaps the afternoon prayer may be recited in the evening, since the remainders of offerings were allowed to be burned on the altar even at night.

The Talmud also offers an alternative model for the three daily prayers. It records an opinion that the three daily services date back to our forefathers: Abraham established *Shaharit*, Isaac introduced *Minḥa*, and *Ma’ariv* was the innovation of Jacob. Significantly, it was Abraham, our first forefather, who established the first prayer – that is, the morning *Shaharit* – and not the evening prayer.



Indeed, other biblical verses also support the position that the day precedes the night. When Moses sat in judgment, he received people *from the morning until the evening* (Exodus 18:13–14). In the curses delineated at the end of the Torah, we are told that the situation will be so dire that *in the morning you will say “when will evening come?” and in the evening you will say “when will morning come?”* (Deuteronomy 28:67). In both these passages the day precedes the night.

Thus we see that Jewish tradition offers two paradigms for the order of the day. The normative approach is that the night precedes the day, and this view permeates Jewish life. Another approach exists which maintains that each calendar day begins in the morning. This view was reserved for the Temple.

Why did our tradition not adopt the Temple model as the normative practice? This system would certainly fit our lifestyle – each morning we wake up to a new day. Why was the night-precedes-day paradigm preferred? We can suggest that our forebears sought to establish when we begin our day. Does the day begin with our gulping down a quick breakfast and racing off to earn a livelihood? When there is a holiday, does the day start with oversleeping? Or perhaps the day should begin with coming home to the family and sitting around the Shabbat table?

By adopting the night-before-day system, our sages convey a message about priorities. True, we must work to support ourselves and our families, but employment is merely a means, not an end. Our day really begins when we arrive home from work, when we sit down and enjoy a festive atmosphere with loved ones. Thus the day starts in the evening, in the home, together with the family.

## Greeting with peace

**I**N JEWISH LIFE, there is a time for all things: *A season is set for every-thing, a time for every experience under heaven* (Ecclesiastes 3:1). Thus, the discussion of *Shema* opens by delineating the appropriate time for its recitation. Tangentially, the Talmud includes the story of Rabbi Yose, who was travelling on the road when the appointed time for prayers arrived (*B. Berakhot* 3a).

Intending to pray, Rabbi Yose entered a ruined building in the Jerusalem area. While he was praying, Elijah the prophet came and waited by the doorway, perhaps even guarding the entrance. When Rabbi Yose concluded his prayers, Elijah approached him and said: “*Shalom alekha rabbi* – peace unto you, my teacher.” Rabbi Yose responded: “*Shalom alekha rabbi umori* – peace unto you, my teacher and my master.”

After the initial greetings, Elijah berated Rabbi Yose: “My son, why did you enter this ruin, thus endangering yourself?”

Rabbi Yose responded, perhaps with an innocent look on his face: “To pray.”

Indeed, it is considered preferable to pray indoors rather than outdoors. Yet Elijah was not placated, since Rabbi Yose endangered himself by entering such a ruin. Elijah asked: “Why did you not pray on the road?” Or, perhaps, in a more accusatory tone: “You should have prayed on the road!”

“I feared that I would be interrupted by passersby,” responded Rabbi Yose, justifying himself not on the grounds of a preference for the indoors, but rather on the grounds of finding a quiet place for solitude.

Still not mollified, Elijah continued: “You should have prayed an abridged prayer,” thus minimising the chances of interruption from passersby.

At this point, Rabbi Yose interrupted the tale of his discussion with Elijah, and declared that from this short exchange he learned three

things: “I learned that one should not enter a ruin, I learned that one may pray on the road and I learned that one who prays on the road should pray an abridged prayer.”

Indeed, chance encounters at times can leave lasting impressions. It may be only a short conversation, a few words exchanged; yet much can be learned from such interactions. Rabbi Yose certainly felt that his encounter with Elijah the prophet left him with three important halakhic lessons.

Rabbi Yaakov Reischer (1661–1733), author of the three-volume *Responsa Shevut Yaakov*, points out that a fourth lesson can also be derived from this conversation. Rabbi Reischer, born and raised in Prague, served in the rabbinate in a number of communities in Europe – Rzeszów, Anspach, Worms and Metz. He also authored a commentary entitled *Iyun Yaakov* on the aggada, the non-normative sections of the Talmud. On this passage, Rabbi Reischer notes that Elijah did not interrupt Rabbi Yose’s prayers even though he believed that Rabbi Yose should not have been praying in such a manner. Rabbi Reischer points out that this shows the importance of not interrupting another’s prayers. Rabbi Reischer concludes that the reason Rabbi Yose did not say that he learned four lessons from this discussion is that undoubtedly, he was already aware of this law. Therefore he did not list it as a lesson learned from his brief interaction with Elijah.

I would like to suggest a further lesson that can be gleaned from this exchange.

Rabbi Yose was one of the important contributors to the Mishna. He was a student of his father Ḥalafta and of the great Rabbi Akiva, and was known for his mildness of manner and moderation in halakha. A tanner by trade, Rabbi Yose lived in Tzippori in the Galilee. Normative practice often follows Rabbi Yose’s opinion because of the logic with which he approached halakhic questions. Among his students was the famed Rabbi Yehuda the Prince, compiler of the Mishna.

Despite Rabbi Yose’s illustrious biography, surely Elijah the prophet would be considered his superior. It is somewhat surprising, therefore, that Elijah opened the discussion by addressing Rabbi Yose with a title of respect: “Peace unto you, my teacher.” This is especially

interesting since Elijah did not approve of Rabbi Yose's actions and was about to scold him.

To be sure, Rabbi Yose returned the greeting appropriately: "Peace unto you, my teacher and my master." And indeed, further on in the story, Elijah called Rabbi Yose "my son." These titles, though, do not mitigate the oddity of the great Elijah the prophet approaching Rabbi Yose and calling him "my teacher."

We might suggest that herein lies a fifth lesson that can be derived from the story. Despite Elijah's greatness and mythic status, he did not deem it beneath him to approach Rabbi Yose and address him respectfully. Different achievements in society or different roles in the community should not lead us to the mistaken belief that any party is undeserving of respect.

This is reminiscent of a passage later on in this tractate (*B. Berakhot* 17a). The Talmud records favourite teachings of various sages. One of the teachings that Abbaye was known for was: "One should increase peace with his siblings, with his relatives, with every person and even with a gentile in the market." Supplementing Abbaye's instruction, the Talmud relates a tradition about Rabban Yoḥanan ben Zakkai: "No one ever greeted him first, not even a gentile in the marketplace."

Elsewhere in rabbinic literature, *shalom* (peace) is listed as one of the names of God. For the Almighty loves peace, pursues peace and greets all with peace (*Derekh Eretz Zuta, Perak HaShalom*, 5). Furthermore, God greets those who are more distant from Him before He greets those who are closer to Him (*Bemidbar Rabba* 8:4; *Midrash Shmuel* 28:6).

What is the significance of being *makdim shalom*, being the first to greet the other with peace? A greeting is an invitation. Though it requires little investment, it is also too easily ignored. It is a starting point for a relationship, or at the very least, indicates a respect for the other.

Delusions of grandeur or inflated self-perception should not cloud our vision. Every person should be treated with the respect that is due to him or her as a human being.